

SUBJECT TO DEBATE

A NEWSLETTER OF THE POLICE EXECUTIVE RESEARCH FORUM



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PERF 2014 Annual Meeting
Wednesday–Friday, May 28–30
San Francisco

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Thanks to PERF Members for a Productive 2013, And Here's What We're Planning for 2014

By Chuck Ramsey, PERF President
and Chuck Wexler, PERF Executive Director

2013 WAS A BIG YEAR FOR THE POLICE EXECUTIVE Research Forum. In this issue of *Subject to Debate*, we summarize the results of some of the projects we completed in 2013, and offer a glimpse of our agenda for 2014.

First, we want to express our gratitude to all PERF members. Everything PERF does is based on our members' generous contributions of their time and expertise. You travel to our meetings and share your experiences as the front-line leaders who are grappling with the tough issues in policing. You work with PERF when we make site visits to study your programs. You take time to complete the surveys we send you several times a year to gather information about particular issues. And you give us a phone call or send us an email when you hear of something that we need to know about.

So thanks to all of you who help make PERF the leading national source of informa-



PERF Executive Director Chuck Wexler

tion about the critical issues in policing.

We'd also like to thank the governmental and private-sector organizations that fund PERF projects. For many years, the different branches of the Department of Justice, the Department of Homeland Security, and other government agencies have supported PERF projects.

And most of what PERF does every year would not be possible without support from private organizations, including the Motorola Solutions Foundation, the Joyce Founda-

tion, Carnegie Corporation of New York, the Ford Foundation, the MacArthur Foundation, Target, Verizon Wireless, Deloitte, Vigilant Solutions, and Versaterm. We are immensely grateful to all of our supporters.

On the following pages, we will discuss some of what we did in 2013, and some of what we're planning for coming months. 



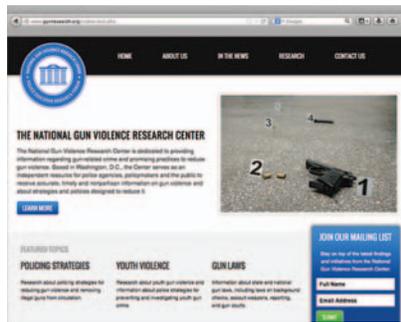
PERF President and Philadelphia
Commissioner of Police Chuck Ramsey

What PERF Has in the Works for 2014

FOLLOWING ARE BRIEF SUMMARIES OF A FEW OF the projects that PERF will be working on in the next few months:

Gun Violence Research Center: PERF and the Joyce Foundation will soon launch the National Gun Violence Research Center (NCVRC). The center will be dedicated to disseminating information to police, policymakers, and the public about gun-related crime and strategies for reducing gun violence.

NCVRC has been gathering research studies about gun violence in several major topic areas: the costs of gun violence; gun laws; illicit gun activity; national research; policing strategies; and youth violence. All of these materials will be made available through an NCVRC website. The Center's website also will have an "In the News" section to provide the latest articles about gun violence from print and broadcast news organizations.



Boston Marathon bombing study: As part of a project being supported by the COPS Office, PERF will conduct a study of the police response to the Boston Marathon bombing on April 15, 2013. The study will focus on lessons that police agencies nationwide can take from the handling of the Marathon bombing incident. PERF will be on site in Boston in April to observe the role of the police in managing the 2014 Boston Marathon.

"Active Shooter" report: In February 2014 PERF is planning to release its next Critical Issues in Policing report, about the response of police agencies to "active shooter" events. PERF held a Summit on this topic in 2013 and has conducted research on the changes in police policies and practices that began in 1999 following the Columbine, Colorado High School shootings.

One key issue is what should be done when the first officer arrives at the scene and can hear the sound of gunfire or other indications that the shooter is still active. Should policies encourage

or even require a lone officer to respond, in order to stop the killing? Or should the officer wait until several more officers have arrived and can respond together?

Police agencies' policies vary significantly on this point. Most policies reviewed by PERF recommend that teams of officers—typically four officers—be deployed as a "contact team" to stop the shooter. But these policies often provide that smaller teams, or even lone officers who arrive first, may respond if it is unlikely that a full team of four officers can be assembled quickly.

However, a key expert who presented research findings at PERF's Summit, Prof. Pete Blair of Texas State University, recommended that officers be informed about the high risk to their own safety in making a solo response. Professor Blair's comprehensive review of 84 active shooter events from 2000 to 2010 found that when single officers have responded to an active shooter, one-third of those officers were themselves shot.

Body-worn cameras recommendations: In September, PERF held a conference in Washington regarding the growing use of small video cameras worn by police officers. In this project, supported by the Justice Department's COPS Office, PERF has promised to produce within six months a set of recommended guidelines on the use of these body-worn cameras.

The issues to be addressed by the guidelines include:

- The circumstances in which cameras should be turned on, and when the video recording can be stopped;
- Whether officers should inform people when they begin a recording;
- The special considerations for video-recording crime victims and witnesses;
- Whether officers should be allowed to buy their own cameras if they are not issued cameras by the department;
- Who is responsible for downloading recordings to a database;
- How long various types of recordings should be retained and when they should be deleted;
- Training issues;
- How to handle recordings that include officer-involved shootings;



PERF's project on the police response to active shooters, supported by the Motorola Solutions Foundation, included a conference at the historic Senate Caucus Room in Washington, D.C. This room has served as the site of many Senate hearings, including hearings on the sinking of the Titanic in 1912, the Teapot Dome Scandal in 1923, the Army-McCarthy hearings in 1954, and the Watergate investigation in 1973.



PERF's conference on body-worn cameras.

- Where video files will be stored; and
- Handling of FOIA requests for body camera video footage.

The role of local police in responding to cybercrime: As a Critical Issues in Policing project supported by the Motorola Solutions Foundation, PERF held a conference in September and is researching the role of local police and sheriffs' departments in the investigation and prevention of cybercrime. PERF will send all its members a final report on this project in the spring of 2014.

Following are some of the key points that have emerged: Cybercrime is not merely a group of several new types of crime, such as identity theft. Rather, cybercrime should also be seen as the use of computers or the Internet to facilitate almost any existing type of crime.

Some local police agencies, especially in larger cities, have begun to establish units to deal with cybercrime. But other departments believe they are somewhat "behind the curve" on the issue, in part because it is difficult even to know who has jurisdiction over a cybercrime. If a cyber-criminal lives in a jurisdiction thousands of miles away from the victim's location, and if the crime involves a bank in a third jurisdiction, which law enforcement agency is responsible for responding to a given crime?

Currently, there are no firm numbers on the extent of cybercrime, because it is extremely under-reported. Often, a victim's first call is to the bank or credit card company. The bank may reimburse the victim for any losses, or the credit card issuer may cancel the fraudulent charges against the victim's account. From the victim's point of view, the problem has been resolved, so it may never even occur to the victim to call the police.

Federal law enforcement agencies have trained thousands of local law enforcement officers in responding to cybercrime. And there is strong agreement that one way in which local police can make a big contribution is by urging victims to report

all cybercrimes to the Internet Crime Complaint Center (IC3),¹ which compiles data on cybercrime and refers complaints to federal, state, local, and international enforcement and regulatory agencies.

Civilians in policing: In a project being conducted for the National Institute of Justice, PERF is evaluating the impact of federal grants that supported the hiring of civilian employees in local law enforcement agencies.

Civilianization in U.S. police agencies has been increasing steadily for decades. Civilians now account for nearly one-third of the full-time employees in law enforcement agencies, up from 7.5 percent in the 1950s. Often, civilians have been hired to perform "support" tasks previously done by sworn officers, at a lower cost.

The Justice Department, which provided billions of dollars to local jurisdictions to support the hiring of approximately 100,000 sworn officers during the 1990s, also awarded grants for the hiring of more than 6,500 civilians in law enforcement. PERF surveyed agencies that received these grants, in order to learn about the jobs that the civilians were hired to do, whether they took positions previously held by sworn officers, how well they performed, whether they were accepted by sworn officers, and other questions.

Police labor-management issues: Attorney General Eric Holder has announced that as part of the COPS Office's Emerging Issues Series, PERF will convene a meeting of labor and management leaders to discuss issues of joint concern.

The changes in policing in Scotland: In November there was an Executive Session of PERF leaders and Sir Stephen House, Chief Constable of Police Scotland, and his top command. Policing in Scotland is undergoing massive changes, including the consolidation of Scotland's nine major police agencies into one new department. At the Executive Session, PERF leaders heard about how these changes are being implemented—especially how the police leaders engaged the local communities of Scotland to ensure that policing will continue to emphasize local priorities. In 2014 PERF will continue to discuss these issues with Scottish police leaders.

PERF's 2014 Annual Meeting: PERF will hold its Annual Meeting on May 28–30 in San Francisco. In a new development, PERF has coordinated the time and place of our Annual Meeting with meetings of the Major Cities Chiefs Association and the FBI National Executive Institute Associates. Our goal is to make it easier for PERF members to attend multiple meetings more efficiently. 

Senior Management Institute For Police

PERF's Senior Management Institute for Police (SMIP) had its strongest year ever in 2013, with 255 participants graduating in three separate sessions. SMIP for 2014 is shaping up to be another record-breaker, again in three sessions: June 1–19; June 8–26; and July 13–31. The program is held at the Charles River campus of Boston University.

SMIP is a three-week residential executive development program for up-and-coming police leaders from across the nation. Participants usually are chosen by the top leaders of their agencies.

Registration is open for the 2014 SMIP sessions. Details are available online at www.policeforum.org or by emailing Tony Narr at tnarr@policeforum.org.

1. www.ic3.gov

Highlights of PERF's 2013 Activities

FOLLOWING ARE BRIEF SUMMARIES OF SOME OF PERF's activities over the last 12 months:

Community policing in Chicago: With support from the MacArthur Foundation, PERF has been working with the Chicago Police Department to reengineer its approach to community policing. As part of that initiative, PERF and the Chicago Police Department are currently testing new strategies with pilot programs in two police districts. PERF will continue this project in 2014 by expanding the pilot programs into other districts.

Police response to sexual assaults: With support from the Justice Department's Office on Violence Against Women, PERF is providing guidance and technical assistance to police agencies regarding the police response to sexual assault.

In April, PERF hosted a national conference call with representatives from the FBI's UCR program to address questions about the expanded definition of rape which became effective on January 1, 2013.

Additionally, PERF presented information on promising practices, gender bias in policing, and the UCR definition of rape at several multi-disciplinary national conferences this past year.

PERF is working with the Women's Law Project in Philadelphia to implement and document promising practices in sexual assault investigations at police agencies across the country.

"Smart policing" projects: With support from DOJ's Bureau of Justice Assistance, PERF has been exploring several innovative policies or practices in policing, such as a local ordinance in Sacramento, Calif. that was written to prevent illegal sales of ammunition to convicted felons within the city. More broadly, the ammunition ordinance appears to have helped police get violent offenders off the streets, and possibly to have contributed to a reduction in the city's homicide rate.

Chief Villaseñor joins PERF board of directors: In early 2013, Tucson Chief of Police Roberto Villaseñor agreed to serve as PERF Treasurer, filling the term of Sacramento Police Chief Rick Braziel, who had retired.

Chief Villaseñor has been active in a number of PERF projects, especially with regard to the issue of local police agencies' role in immigration enforcement. He served with several other PERF leaders on a Department of Homeland Security Task Force that recommended reforms to the Secure Communities program. And he was among a group of 10 PERF chiefs and sheriffs who met with Attorney General Eric Holder in 2010 to express their concerns about Arizona's SB 1070 immigration law.



President Obama's gun violence reduction plan: Following the fatal shooting of 20 young schoolchildren and six adults at the Sandy Hook Elementary School in Newtown, Connecticut in December 2012, President Obama and Vice President Biden held a series of meetings to develop a comprehensive plan to reduce gun violence.

Several PERF members participated in this effort, including Philadelphia Police Commissioner Chuck Ramsey, Minneapolis Police Chief Janeé Harteau, Hennepin County, MN Sheriff Richard Stanek, University of Minnesota Police Chief Gregory Hestness, and PERF Executive Director Chuck Wexler.

On January 16, President Obama released a 15-page plan that cited PERF research and offered specific proposals. In some cases, the President was able to take actions on his own authority, but major elements required Congressional action.

PERF asked our police chiefs and sheriffs to share their views about four key pieces of the President's plan, and we found nearly universal support (96–97 percent) for legislation to require background checks for all gun sales, and establishing a new federal crime of gun trafficking and straw purchasing. And two-thirds of the PERF police chiefs and sheriffs who responded also endorsed legislation to limit ammunition magazines to 10 rounds, and to reinstate and strengthen the expired ban on assault weapons.

In April, the Senate took up these measures, and even though there was majority support for some of the proposals in the Senate and much higher levels of support among the American people, none of the four provisions won passage, because of Senate rules requiring 60 out of 100 votes to overcome a filibuster.

However, a number of state legislatures in 2013 approved stricter gun regulations of the types supported by most PERF members.

Veto of potentially disastrous Missouri law narrowly upheld: In May, Missouri approved an absurd law attempting to nullify all federal guns laws within the state. The Missouri law would have allowed state and local police to arrest FBI or ATF agents involved in federal enforcement activities. Gov. Jay Nixon vetoed the measure, but in September the legislature appeared ready to override the veto.

Two PERF members, Kansas City, MO Chief Darryl Forte and St. Louis Chief Sam Dotson, along with PERF Executive Director Chuck Wexler, wrote an op-ed for the Kansas City Star and the St. Louis Post-Dispatch denouncing the law.²

"The prospect of Missouri officials trying to arrest federal agents is unimaginable, but that is what House Bill 435 would allow," the op-ed stated. "This legislation is offensive due to the



2. <http://www.kansascity.com/2013/09/05/4459888/missouri-gun-law-would-handcuff.html>



Press briefing in Jericho: Chief Terry Gainer, U.S. Senate Sergeant at Arms; Philadelphia Police Commissioner Chuck Ramsey; Jordanian Public Security Director General Tawfiq Tawalbeh; Palestinian Civil Police Major General Hazem Atallah; Israeli Commissioner of Police Yohanan Danino; Boston Police Commissioner Ed Davis.

disrespect it shows to federal law enforcement agents. Our partnerships with federal officials are a key part of our strategies for reducing gun violence.”

Several days later, the Missouri House of Representatives voted 109 to 49 to override the veto, and the state Senate followed suit with a 22-to-12 vote. Fortunately, the Senate action was one vote short of the two-thirds majority needed to override a veto, so the law did not take effect.

Middle East: In 2012 and 2013, a number of PERF members and Executive Director Chuck Wexler helped to launch an unprecedented effort to bring together the top Israeli, Palestinian, and Jordanian police officials for a series of meetings to discuss issues of joint concern. The meetings were similar to one-day conferences that PERF convenes in the United States on various issues. But on a deeper level, the Middle East meetings were also about forging day-to-day relationships among police officials who had never met each other before, in order to help lay the groundwork for peace efforts.

In August 2013, the Israeli, Palestinian, and Jordanian police leaders, along with PERF leaders, held a joint press conference in Jericho to “go public” with the initiative, explain their reasons for participating, and discuss the progress they had made on several policing issues.

PERF Management Services: In 2013, PERF’s Management Services team—Craig Fraser, Tom Wilson, and Jason Cheney—completed studies for the Cleveland, OH Division of Police; the Washington, DC Metropolitan Police Department; Northeastern University; the Town of Groton, CT; Morris County, NJ; Sparks, NV; Anchorage, AK; and Las Cruces, NM.

Topics included the feasibility of consolidating police functions or police agencies; use-of-force policies; sexual assault investigations; core business practices and functions; workload and staffing analyses and projections; salaries and benefits; organizational analysis and performances measures; and overall approaches to safety and security. 

4 Major Reports Released by PERF in 2013: What PERF Research Revealed

A National Survey of Eyewitness Identification Procedures in Law Enforcement Agencies

With support from the National Institute of Justice, PERF’s Research Department conducted a detailed study of police practices with regard to eyewitness identifications.

PERF’s report was the subject of an article in USA Today.³

Following are excerpts from this report that summarize several of our major findings:

Eyewitness identification is one of the fundamental investigative practices in criminal justice. The police, prosecutors and the courts have long relied on the testimony of witnesses and

victims to identify, prosecute and convict individuals. Eyewitness testimony has been given considerable credence in the criminal justice system, perhaps because we assign significance to those who say, “I saw it with my own eyes.”

However, research on eyewitness memory over the past three decades, as well as the increasing attention to wrongfully convicted individuals, has raised questions and concerns about eyewitness memory to the point that it can no longer be given the very high level of credence that it received in the past. In fact, human memory research findings have shown that in many situations, especially those that are confrontational or traumatic, human memory can be faulty.

DNA exoneration cases have exposed eyewitness error as the >> [continued on page 6](#)



3. “Eyewitness rules ignored, wrongful convictions results.” USA Today, June 11, 2013. <http://www.usatoday.com/story/news/nation/2013/06/11/eyewitness-wrongful-convictions-exonerate-dna/2411717/>

predominant factor in wrongful convictions. Over a decade ago, this fact propelled joint action among law enforcement, legal professionals, and researchers, resulting in the 1999 publication of *Eyewitness Evidence: A Guide for Law Enforcement* by the National Institute of Justice.

The PERF survey [detailed in PERF's 2013 report] details the first comprehensive description of the state of law enforcement eyewitness identification practices across the country.

The survey shows that law enforcement agencies lack uniformity with respect to the procedures that they employ related to eyewitness identification. Most agencies have not fully implemented the recommendations in the 1999 NIJ Guide.

Some of the NIJ guidelines have been implemented in the majority of agencies, while others have been implemented at a much lower rate. For example, the majority of agencies report that they provide standardized instructions to witnesses, construct lineups with one suspect and five fillers, and document the results of eyewitness identification procedures.

On the other hand, fewer than half of the agencies have developed written policies on their eyewitness procedures; almost a third do not provide training on photo lineup procedures; and 40 percent do not provide several of the recommended instructions to witnesses viewing photo lineups.

...There has been a great deal of controversy in recent years about whether police should shift to from non-blind simultaneous procedures to blind sequential procedures. Research into that question should continue. But it is important to note that the "blind sequential" issue is only a part of a larger question, namely, how can the criminal justice system improve the reliability of eyewitness identifications, in terms of reducing false identifications of innocent persons while increasing accurate identifications of perpetrators? The field study by Wells et al in four police departments found that blind sequential procedures had a lower rate of incorrect choices of fillers (12.2 percent) when compared to blind simultaneous procedures (18.1 percent) in suspect-absent lineups. **This research indicates that even when blind sequential procedures are used, false identifications are still made in nearly one out of eight suspect-absent lineups.**

Thus, the challenge to the justice system goes far beyond the "blind sequential" issue....For law enforcement agencies, the most important steps that can be taken immediately are to adopt all of the recommendations of the 1999 NIJ Guide, which are not controversial. The PERF survey showed that a great deal of work remains to be done merely to bring law enforcement agencies up to the existing NIJ guidelines.

Social Media and Tactical Considerations For Law Enforcement⁴

With support from the COPS Office, PERF produced a report that focused on police departments' use of social media such as Facebook, Twitter, YouTube, and Instagram for tactical purposes, such as investigating gang activities; preventing flash mob vio-

lence; managing mass demonstrations; and preventing, responding to, and investigating riots.

On the issue of riots, for example, PERF took an in-depth look at the lessons learned from two incidents: the rioting in Vancouver, BC in 2011 following the loss of a hockey championship, and the rioting in London and other parts of the UK in 2011 following the fatal shooting of a man named Mark Duggan.

One lesson was that it is important for police agencies to have pre-established channels of social media communication established before a crisis happens. Then if rioting or other disturbances begin, police can use social media immediately to disseminate their messages to young people, in media that they understand and use. Thus, social media may help to reduce the spread of the rioting.

And when large-scale rioting does occur, hundreds or thousands of participants and observers will use smartphones to make videos of the riots. These recordings may be useful to police, but it is important for police to make public appeals for the information immediately after the incident, before public interest wanes. Police also must have the capacity to handle a large flow of incoming information. And police should be prepared to review videos that rioters and witnesses post online as the rioting is happening. Important videos should be saved in case they are later removed by those who posted them.

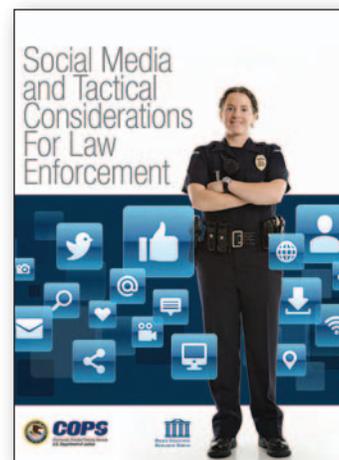
In addition, police must maintain a certain level of skepticism about such information. Photographs and videos may be cropped or edited, and sometimes videos and photos can be misleading even if they are not altered. For example, a wide-angle or telephoto lens may distort the apparent distances between objects in a photo.

Police also should be alert to the danger of vigilante campaigns against persons suspected of rioting based on video recordings or other information posted on social media. There have been incidents of persons being falsely accused of crimes and threatened or harmed based on erroneous information.

Compstat: Its Origins, Evolution and Future In Law Enforcement Agencies⁵

PERF and the Justice Department's Bureau of Justice Assistance produced this report, which provides the most up-to-date information about Compstat, the landmark performance management system that helps police to reduce crime and achieve other goals.

Compstat was invented by the New York Police Department in 1994, and has spread to most police departments across the



4. The report is available online at <http://info.publicintelligence.net/COPS-SocialMedia.pdf>

5. The report is available at <http://www.ncjrs.gov/BJAreleases/NCJ243217.html>

United States. A PERF survey conducted for this project found that 79 percent of responding police agencies were currently using Compstat, and another 6 percent had plans to launch a Compstat system.

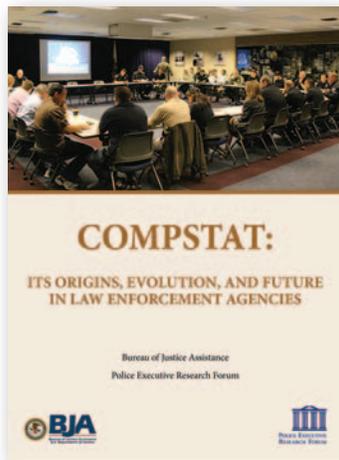
In addition to conducting our survey, PERF held a one-day conference to discuss the future of Compstat. Approximately 70 police chiefs and other leaders participated, including many of the officials who invented Compstat in New York City.

Following are some of the key points in this report:

- Compstat has four core components: Timely and accurate information; rapid deployment of resources; effective tactics; and relentless follow-up.
- Compstat is more than a meeting; it is a system for achieving goals.
- Compstat can be different in each agency. In some agencies it may involve aggressive questioning of police employees who are responsible for reducing crime in certain precincts, reducing certain types of crime citywide, or achieving other goals. But Compstat does not necessarily involve embarrassing members of the department.
- Often, police chiefs say, “Compstat doesn’t mean you’ll be in trouble just because crime increases in your district. But you’ll have a problem if crime goes up and you don’t even know about it, or you aren’t working on ideas for dealing with it.”
- Compstat empowers officers, increases accountability, and rewards hard work and ingenuity.
- Compstat will continue to evolve, in part because systems for gathering data about crime keep improving. Having access to current information about crime patterns helps create a sense of urgency among officers, because they have more options for responding when the information is fresh.
- Compstat began as a system for reducing crime, but increasingly is being used to achieve other goals. In fact, some cities are spreading the principles of Compstat to other government agencies, in order to achieve goals that have nothing to do with policing.

Civil Rights Investigations of Local Police: Lessons Learned

This report, part of the Critical Issues in Policing Series supported by the Motorola Solutions Foundation, takes a close look at the investigations of local law enforcement agencies that have been conducted by the U.S. Justice Department’s Civil Rights Division since 1994. In that year, Congress passed a law giving DOJ new legal authority to investigate local police agencies that DOJ believes have unconstitutional policies or that engage in “patterns or practices” of unconstitutional conduct.



The 1994 law also gave DOJ authority to bring litigation against police departments with unconstitutional policies or practices. More than 25 police agencies have experienced some form of DOJ involvement. More often than not, police departments reach a settlement agreement or consent decree with DOJ, rather than litigating the issues in an adversarial proceeding in court.

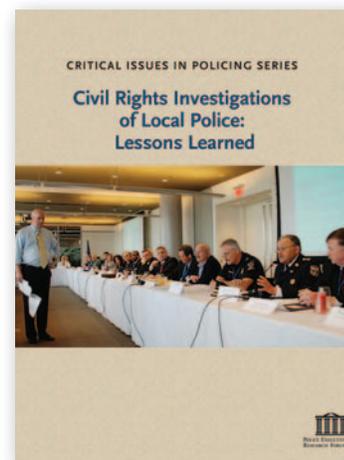
In many other cases, DOJ has conducted preliminary investigations but decided not to bring action against local or state police agencies.

In some cases, DOJ involvement with local police departments has lasted a decade or more, and the financial costs of achieving compliance with long lists of detailed reform requirements have been substantial. At the same time, some police chiefs have welcomed DOJ investigations, consent decrees, or litigation, because the DOJ pressure helped force action on reform measures that the chiefs supported, but which would have otherwise been seen as too expensive by local elected officials.

PERF conducted research on these issues and held a one-day conference in Washington, D.C. at which police leaders from across the country discussed the issues with the top officials of the DOJ unit that conducts these investigations.

Following are some of the key lessons taken from this project:

- In the early years of these investigations, the most common issues were police agencies’ use of force; Early Intervention Systems; management and supervision of officers; unlawful stops and searches; and racial or ethnic bias in policing.
- In recent years, DOJ also has focused on gender bias in the investigation of sexual assaults, and on police interactions with persons with mental illness.
- Agencies that have been through the process of a DOJ investigation said that embracing the need for reforms from the beginning can help speed the process.
- It is important to clearly define the terms of the reform measures that are being agreed upon. Any lack of specificity, or agreeing to an impractical reform plan, can result in years of delay.
- A city entering into negotiations with DOJ should consider hiring an official who has been through the process of writing and implementing a consent decree in another city.
- The choice of a court-appointed monitor is extremely important. Some cities have had good experiences with monitors, and others have not.
- In general, the three key types of reforms implemented as a result of DOJ investigations are: Adopting strong policies; ensuring that officers are trained and managed so the policies will be followed; and developing systems to quickly detect problems that may develop.





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