

House Judiciary Committee
Subcommittee on Crime, Terrorism, and Homeland Security
Hearing on: 21st Century Law Enforcement: How Smart
Policing Targets Criminal Behavior”
November 4, 2011

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Thank you, Chairman Goodlatte, and Ranking Members Scott and Conyers, for inviting me here to address this committee. When I retired at the end of this summer, it brought to an end one hundred and four years of my family serving in law enforcement in New York, which began with my great-grandfather in 1907. I hope that by offering a few observations on crime, cops, community, and culture, that it may be of service in the national discussion of these issues. The views that I will express here are my own.

There is an exercise that I have seen a number of times in police training, that the instructor sets up by calling out a number of black and white officers from the audience, all of whom are in civilian clothes. First, the instructor asks a black officer to put his hands up against the wall and for two white officers to stand on either side of him. He then asks the audience, "What to do we have here?" The answer usually comes back, casual and quick, "An arrest," or "A stop." The instructor then reverses the positions, with a white officer against the wall, flanked by two black officers.

"Now, what do we have?"

There is usually hesitant, nervous laughter, as all are reluctant to say, "A mugging."

There is a lesson, of course, in the power and danger of stereotypes. But I'd always look around the room at that point to see the faces of the officers, black, white or Hispanic, to see whether there seemed to be any difference in the reactions. They tended to be the same across the color line, a little chastened, but not much more than that. It is a reminder to be careful not to jump to conclusions, rather than a repudiation of a lifetime of personal and professional assumptions. In my experience, in that classroom and outside of it, cops tend to think like other cops, regardless of ethnicity.

Decades of studies have borne this out, from the Kerner Commission onwards. Residents of minority communities have not reported significant differences in how they are treated by black or white police officers. In Kerner, black support for increasing the diversity of police departments was seen as a matter of economic opportunity; there was no expectation that relations would be

improved. Economics are certainly a factor in police-community interactions, with favorable opinion rising with the income scale. A more recent survey in the Journal of Criminal Justice Studies found that poorer black communities felt that black and white cops are equally bad, and a middle-class black community thought black and white cops are more-or-less equally decent. Studies of cops of different races have shown some variety in their attitudes---whites tend to have a more generalized view of people living in the “ghetto,” blacks a more nuanced one---but the correlation between attitude and behavior is weak, even inverse: black officers were more likely to use force against suspects of their own race, and faster to arrest them. In the major cities that have had majority-minority police forces for a generation---Detroit, Washington, Atlanta, Miami---police-community relations are not immune to conflict and upheaval.

The history of race and racial discord in this country has largely been irrational, and I have always been surprised to see where race mattered and where it didn't in policing. Where I worked in the South Bronx is overwhelmingly black and Hispanic, with exceedingly high rates of poverty. As a beat cop, the most inspiring and surprising revelation was seeing how so many people in the projects were happy to see me. In a middle class or suburban neighborhood, cops are notional in a sense, a kind of insurance policy that most people won't really need. In a poor neighborhood, a cop is routinely and vitally necessary. Older people, families, men and women making their way to and from work knew that they wouldn't be bothered by troublemakers when I was around. Confrontations with younger guys---mostly in groups, beginning in their teen years and going on through their twenties and beyond, if they were unemployed---were commonplace, too. But whether the interaction was grateful or hostile, race didn't seem to factor much in ordinary work days.

In my narcotics unit, which was equally mixed between white, black, and Hispanic cops, we engaged in racial profiling with enthusiasm. The arrival of white faces on our corners and streets, in our tenements and projects, almost invariably meant that they were there to buy crack and heroin. They were easy pickings. We called them “strays,” as in stray dogs, because they often came over to us when we

called them. And I'll never forget listening to a wiretap of a drug dealer complaining about the racism of a white cop who stopped him in a lobby to ask him what he was doing there. "I could see if I'm some young thug...selling drugs," he said. His indignation barely faded when he went on to say how lucky he was to have just dropped off four hundred grams of cocaine.

As a detective, the best you can hope for is that only half the people you meet wish they'd never seen you. The most routinely dispiriting part of my job was not the homicides, not even the baby autopsies. What was awful was the non-fatal shootings, most of which involved me begging young black and Hispanic men to tell me who shot them, sometimes for weeks and months at a time. I've lost count of the number, and I still can't believe the reasons for the gunfire---the gang shootings and the drug shootings made sense, compared to the shootings over dirty looks, accidental brushes on the sidewalk, rumors of insults, and brawls where no one was quite sure how they started. Quite a few of the victims were thugs, to put it bluntly, who'd made other kids bleed before and would again, as soon as they got out of the hospital. But many were not. They were kids who'd never been arrested, church-work-and-school kids with weeping church-work-and-school mothers crying at their bedsides. They couldn't tell on their idiot friends who may have helped instigate a conflict, which was frustrating; or they couldn't be seen as cooperating with the police under any circumstances, which was heartbreaking. Sometimes, there was a fear of retaliation, reasonable or not, but quite often it reflected a kind of moral position, a selective form of civil disobedience. It is a catastrophic attitude.

Gun violence in America is in effect a segregated phenomenon: African Americans comprise approximately one eighth of the population of this country, but they represent approximately half of the homicide victims and half of the perpetrators. Last year, six thousand black people were murdered in the United States, mostly men, mostly young, mostly by guns, mostly by killers who can be described exactly the same way. The casualty count is as if there were two 9/11's every year for black people. I don't know if it makes anyone feel better to point out that twenty years ago, it was almost twice as bad.

Roughly speaking, the murder rate across the US has dropped in half over the last twenty years, while in New York City, it has been reduced by three quarters. I'll leave it for the academics to argue about the reasons. But I do want to defend one particular police practice in New York which has generated a measure of controversy. "Stop, Question, and Frisk" is fairly self-explanatory, though the last part, the frisk---a patdown for a weapon outside the clothing---happens less than half the time in these encounters. The standard of proof required for these stops is a "reasonable suspicion" of criminality. Half a million of these stops can take place in a single year, and the large majority of them involve young black and Hispanic men. Various civil liberties advocates have charged that the practice is discriminatory on that basis, and it cannot be doubted that the frequency of the contacts are a source of strain between the police department and communities of color. The advocates generally hold that the stops should reflect census data as a whole, rather than perpetrator descriptions or rates of criminality. Under that presumption, age discrimination and gender discrimination are far more acute problems. A more profound misunderstanding of the practice is evident in the charges that the low rates of arrest and weapons recovery---6% and 1.3%---respectively, prove it to be a failure.

If the police stop a man who appears to be casing a house for a burglary, or looking at cars to see if they are unlocked, a crime may be prevented. If the suspect is not arrested, it's not a failure. If they stop the manager of a crack spot, or the lookouts, they don't necessarily expect to find drugs. If they stop a group of young men hanging out in the lobby of a housing project at night and have them move on without anyone wearing handcuffs at the end, it is not a failure. It is vigilance. Few people would argue that the infinitesimal number of explosives recovered at boarding gates make airport security irrelevant. It can be insulting, it can seem foolish, and it doubtless can be improved. But the fact is it changes behavior.

And I am convinced that the NYPD policy has saved lives. Guns still abound in New York, but they're not carried as they once were. A drug dealer on the corner used to have his gun in his waistband. In his daily conflicts, large and small---a customer's debt, the appearance of a rival, or a dirty look from a passerby---the

duration of the process from deciding to shoot to pulling the trigger took seconds. With the aggressive implementation of “Stop, Question, and Frisk” in the early nineties, however, the police were confronting him and his crew for drinking beer, or loitering, and they were being repeatedly checked for weapons. The dealer still had a gun, but it was kept upstairs in his apartment, or hidden on a rooftop. Now, if he wanted to shoot someone, it might be ten minutes instead of five seconds between the impulse and the act, during which time tempers can cool, and misunderstanding can be settled, and people can just walk away.

Thank you very much for your time.