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Good afternoon to the members of the task force, and thank you for having me. My name is Max Markham and I am the Vice President of Policy and Community Engagement at the Center for Policing Equity (CPE), a leading research and action organization focused on equity in policing which uses science to identify and reduce the causes of racial disparities in police interactions and advocates for large-scale and meaningful change in public safety. I join you today on behalf of CPE in order to discuss the history of anti-Black racism in policing and to address the ways that reimagining public safety and investing in Black communities can serve as a positive step towards needed reconciliation and healing in this country.

CPE's Mission and Background

The Center for Policing Equity maintains the National Science Foundation-funded National Justice Database, which we understand to be the largest collection of police behavioral data in the world. Our work focuses on combining police behavioral data, psychological survey data, and data from the United States Census to estimate racial disparities in police outcomes such as stops and use of force, and additionally the portion of those disparities for which law enforcement is responsible and can do something about. We use the National Justice Database in turn to support the Justice Navigator, an interactive tool containing targeted analyses of police data and a range of community, policy and data resources to help drive change in public safety.

With the recognition that communities should be architects of their own solutions, my team at CPE ensures that our work centers community voices and perspectives throughout our products, analyses and policy recommendations. Our goal is to capture the community sentiment regarding public safety and their experiences, expectations and needs. The community engagement team conducts detailed interviews with community members as part of a comprehensive qualitative data collection effort that informs policy recommendations to police and local government partners. My team also ensures that communities can easily access and understand our organization's analytic reports, such as Justice Navigator assessments, ensuring they are accessible, transparent and informed by key community stakeholders. Likewise, our public safety redesign work in cities such as Berkeley, Ithaca and St. Louis seeks to empower communities to express their needs directly, crafting redesign recommendations and policy changes.

Evolution of Policing in the United States

The first policing organizations in the United States originated in the early 1700s as slave patrols, or vigilante-style groups of White men who enforced the practice of slavery. Selected by and compensated by local governments, they used systemic surveillance, terror, and violence to capture and return people who had fled slavery and to deter organized uprising. In the following century, formal municipal police departments began in major cities such as New York and Chicago. These early departments lacked training or standards, were frequently corrupt, and focused on controlling disorder along with crime. In the early 1900s, police departments were restructured and their goals redefined to more closely resemble the police departments we see today. At this time, technology made it easier for members of the public to contact the police directly, which had the effect of distancing officers from the communities they worked in.

Though policing evolved significantly, the roots of racism in policing were not eradicated by the 20th century. After the Civil War, police departments throughout the South enforced oppressive Reconstruction-era Black Codes dictating how and where newly freed people could work, travel, and even live. In the 20th century, predominantly White, male police officers in the South enforced Jim Crow laws, ignored lynchings, and used violence in response to Civil Rights-era protests. In the 1980s and 1990s, an increased focus on targeting minor crimes through foot patrol and the War on Drugs resulted in an increased number of officers on the streets, especially in non-White communities. Likewise, sweeping penalization measures such as the Violent Crime Control and Law Enforcement Act of 1994 set the stage for mass incarceration and disparities in sentencing which remain persistent sources of inequity today.¹ And after the 9/11 terrorist attacks, there was an increase in local police budgets, militarization tactics, and surveillance authority in Black, Brown, and Muslim communities. Because of these policing tactics as well as other changes to the criminal justice system, there was a four-fold increase in the number of people incarcerated in prison between 1980 and 2009.²

Today, there are more than 1.1 million people employed as police across approximately 18,000 law enforcement agencies nationwide.³ However, while local police agencies in cities have officers patrolling streets and are tasked with maintaining order and enforcing the law, serious crime is typically not a large driver of community calls for service or of police activity.⁴ One analysis of police departments' work found that 4% of officer time was spent on serious crime.⁵ And, depending on what resources exist in communities, police are often tasked with a wide

¹ Udi Ofer, *How the 1994 Crime Bill Fed the Mass Incarceration Crisis*. American Civil Liberties Union (Jun. 4, 2019). <https://www.aclu.org/blog/smart-justice/mass-incarceration/how-1994-crime-bill-fed-mass-incarceration-crisis>

² Criminal Justice Facts, The Sentencing Project. <https://www.sentencingproject.org/criminal-justice-facts/>.

³ Duren Banks, Joshua Hendrix, Matthew Hickman & Tracey Kyckelhahn, *National Sources of Law Enforcement Employment Data*, U.S. Department of Justice: Office of Justice Programs (Oct. 4, 2016). <https://bjs.ojp.gov/content/pub/pdf/nsleed.pdf>

⁴ Cynthia Lum, Christopher S. Koper & Xiaoyun Wu, *Can We Really Defund the Police? A Nine-Agency Study of Police Response to Calls for Service*, Police Quarterly (Jul 22, 2021).

⁵ Jeff Asher & Ben Horwitz, *How Do the Police Actually Spend Their Time*, The New York Times (Jun. 19, 2021). <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>

range of other duties—from addressing mental health crises to responding to weather emergencies.

Anti-Black Racism in California

In California, like many other states, redlining and discriminatory mortgage and lending practices deprived Black Americans of access to neighborhood capital, healthcare, social services and quality education systems driven by the belief that Black people would bring crime and undesirable activity into neighborhoods. The legacy of these racist housing and economic policies has resulted in stark racial disparities in wealth, home ownership, health and education outcomes that are visible in many California communities.⁶ These same communities who have felt the historic impact of disinvestment also tend to be the most heavily policed and overly subject to punitive criminal policies, in turn spurring a cycle of distrust of government and lack of participation in public fora and other more traditional methods for soliciting feedback and improving the status quo.⁷ Thus, the unique needs of these communities are frequently under-recorded and the power and strength of these communities goes underutilized.

The American public, and Black Americans in particular, has very low trust in police. Nearly 50% of Black Americans have little to no confidence that local police treat Black and White Americans equally.⁸ Black people are disproportionately more likely to be stopped by police, more likely to have police use force against them, and are more likely to be killed by police (especially when unarmed). The increased risk of police violence to Black people can lead to individual and collective trauma.

Likewise in California, anti-Black racism is a root cause of mistrust between law enforcement agencies and the communities that they are sworn to protect and serve. A routine traffic stop of two Black teenage brothers in the neighborhood of Watts, Los Angeles in 1965 erupted into a fight between the community and police and led to 34 deaths and thousands of injuries and arrests. The Watts Riots drew attention to the fact that the White police force patrolling the neighborhood was not representative of the community it served, in addition to the brutal tactics of the militarized Los Angeles Police Department (LAPD). Less than thirty years later, the culture of brutality and racism was brought to the forefront of the public eye after the acquittal of four officers caught on videotape brutally beating Rodney King in the course of an arrest. Technological advances and the highly public nature of police use of force incidents over the past decade have once again called increased attention to the dangerous implications of biased

⁶ Matthew Green, *How Government Redlining Maps Pushed Segregation in California Cities*, KQED (Apr. 27, 2016). <https://www.kqed.org/lowdown/18486/redlining>

⁷ Betsy Pearl, *NeighborhoodStat: Strengthening Public Safety Through Community Empowerment*, Center for American Progress (Oct. 2, 2019). <https://www.americanprogress.org/article/neighborhoodstat-strengthening-public-safety-community-empowerment/>

⁸ Laura Santhanam, *Two-thirds of black Americans don't trust the police to treat them equally. Most white Americans do*, PBS (Jun. 5, 2020). <https://www.pbs.org/newshour/politics/two-thirds-of-black-americans-dont-trust-the-police-to-treat-them-equally-most-white-americans-do>

policing for Black Americans' safety. The 2009 execution of an unarmed Oscar Grant by a Bay Area Rapid Transit Officer in Oakland, California, led to uprisings in the Bay Area and served as an important precursor to the movement in defense of Black lives and wellbeing.

Anti-Black Bias in Policing

To understand how situational factors create risk of inequitable policing, it is important to first understand how deeply ingrained cultural stereotypes influence people's perceptions and behavior. Due to these stereotypes, people automatically associate Black people with criminality, aggressiveness, and danger.⁹ People perceive a neighborhood's crime problem to be worse when more Black people (particularly young Black men) live in it, even after accounting for differences in actual crime rates.¹⁰ And people also view Black children as older and less innocent than White children of the same age.¹¹ This concept, known as adultification and anger bias, can lead to Black children's emotional expressions to be misperceived as angry or aggressive, and increases the likelihood that Black children will be subject to harsher treatment by law enforcement and in schools.¹²

These stereotypes have consequences for encounters between police and members of the public. Stereotypes can lead people to interpret the same facial expressions or behaviors as more hostile or threatening when looking at a Black person as compared to a White person and can affect how people perceive another person's speed and motion.¹³ Racial bias can also influence how accurately and quickly people identify the presence of weapons, making people more likely to shoot unarmed Black people than unarmed White people in simulations, especially when they are new to the shooting task.

However, police departments can play an integral role in reimagining public safety and shifting the narrative away from overly punitive or deadly measures leading to disinvestment in Black communities. When departments understand factors that increase the risk of disparate policing, they can take steps to address them. Setting and enforcing clear, unambiguous expectations of officer behavior is one important way for departments to promote equity. Creating clear norms of expected behavior can make officers more likely to treat people fairly. Officers working under more restricted use of force policies, for example, have been shown to use force less readily than

⁹ Devine, P.G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, 56(1), 5-18; Eberhardt, J.L. et al (2004). Seeing Black: Race, Crime and Visual Processing. *Journal of Personality and Social Psychology*, 87(6), 876-893.

¹⁰ Quillian, L. and Pager, D. (2001). Black Neighbors, Higher Crime? The Role of Racial Stereotypes in Evaluations of Neighborhood Crime. *American Journal of Sociology*, 107(3), 717-767.

¹¹ Goff, P.A. et al (2014). The Essence of Innocence: Consequences of Dehumanizing Black Children. *Journal of Personality and Social Psychology*, 106(4), 526-545.

¹² *Id.*

¹³ Hugenberg, K. & Bodenhausen, G.V. (2003). Facing Prejudice: Implicit Prejudice and the Perception of Facial Threat. *Psychological Science*, 14(6), 640-643; Kentrick, A.C. et al (2016). Moving while black: intergroup attitudes influence judgements of speed. *Journal of Experimental Psychology: General*, 145(2), 147-154; Duncan, B.L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping of blacks. *Journal of Personality and Social Psychology*, 87(6), 876-93.

officers working under less restrictive policies.¹⁴ Norms and rules are only clear when they are enforced and when fellow officers are following these norms and setting an example, making effective accountability mechanisms crucial. As an example of the effect of accountability, a New York Police Department requirement to document all stops appears to have limited unnecessary stops because it increased officers' perception that their decisions were under increased scrutiny and had a higher risk of sanction.¹⁵

Cultural changes to a department can also reduce situational risk of disparate behavior. Strengthening procedural justice or the fairness within departments, may help improve officers' well-being and their endorsement of democratic forms of policing.¹⁶ And organizational changes to reduce the risk of cognitive depletion might include limiting officer fatigue through schedule changes and shift length policies. Similarly, internal policies that promote de-escalation tactics can help limit how much officers experience time pressure and feel threatened during encounters with community members.

A growing body of literature suggests that diverse representation within police forces is associated with lower hate crime rates.¹⁷ Police officers reflecting the communities they patrol creates space for value alignment and can have positive implications on public safety. Centering Black communities in conversations related to public safety and past harm can lead to empowerment and solution building and may also facilitate greater trust between law enforcement and those they seek to protect.

Redesigning Public Safety to Center Community

Nationwide demonstrations against police violence have created unprecedented conversations around the allocation of public safety resources in American cities. As communities chart paths towards new models of public safety, many communities and government decision-makers are asking questions about how to do so without risking violence, aggravating racial disparities, or producing other unintended consequences that do not serve communities calling for change. Communities can and should feel empowered to assess what resources—police or otherwise—are required to fill community needs while identifying neighborhoods most in need of additional investment.

In order to reduce police footprint in communities, inefficiencies in policing should be measured and mapped. Likewise, investments can be targeted to communities that are overburdened by

¹⁴ Terrill, W. & Paoline, E.A. (2017). Police Use of Less Lethal Force: Does Administrative Policy Matter? *Justice Quarterly*, 42(2), 193-216.

¹⁵ Mummolo, J. (2018). Modern Police Tactics, Police-Citizen Interactions, and the Prospects for Reform. *The Journal of Politics*, 80(1), 1-15.

¹⁶ Trinkner, R., Tyler, T.R., & Goff, P.A. (2016). Justice from within: The relations between a procedurally just organizational climate and police organizational efficiency, endorsement of democratic policing, and officer well-being. *Psychology, Public Policy, and Law*, 22(2), 158-172.

¹⁷ Sweeney, M. M., Chenane, J. L., & Perliger, A. (2022). The role of demographic diversification of the police force in curbing hate crimes: cross-sectional and longitudinal analyses. *Police Practice and Research*, 23(3), 255-272.

crime or policing. Policymakers can create a stronger social safety net in these neighborhoods by delivering more social services to residents, including cash subsidies, hospitals, mental health treatment centers, and substance abuse facilities. Policymakers can also invest in and provide credit to local businesses, such as grocery stores, that enhance community wellbeing. Community input must be broadly sought through community surveys to help quantify the exact kinds of services needed. Policymakers should create spaces for conversations with community members to obtain their input on public safety services and policy.

In order to prevent violence and create safer communities with smaller law enforcement footprints, we must use and invest in community resources. Community-led violence intervention programs like LIFE Camp in New York¹⁸ and community-led crisis intervention teams like the Crisis Assistance Helping Out on the Streets (CAHOOTS) program started in Eugene, Oregon¹⁹ show promise as low-cost, community-centered, and non-violent alternatives to police responses to violence. Similarly, a Community Navigator model like the one in Minneapolis²⁰ allows trained city employees (instead of police) to respond to victims of crime, homelessness, or other concerns where there is not an immediate threat of violence. Similar community-centered response models exist across the country and the globe. Additionally, targeted cash subsidies can mitigate these risk factors. Basic income programs like the SEED program in Stockton, California have shown promise in improving participants' financial stability, employment, and mental health and wellbeing, which may help to reduce violence and crime in communities.

Conclusion

Only police departments that understand the factors that cause disparate outcomes can build equity. This necessary acknowledgement and path towards healing is possible through a reimagined public safety system that does not criminalize Black people and create disparate outcomes, but centers community and takes a holistic and historically informed approach to public safety. I thank you again for your time today and look forward to further discussions and collaboration with this task force.

¹⁸ <https://www.peaceisalifestyle.com/>

¹⁹ <https://whitebirdclinic.org/category/cahoots/>

²⁰ <https://www.minneapolismn.gov/government/departments/police/>