

An Essay on Policing Transformation: A Response to the Work of the Council on Policing Reform and Race

Connie Rice, Esq.

Introduction

Thank you for considering my evolving take on our approach to the policing crisis, which I have shared in various Council sessions. While invited to be a council member, I felt I could make a greater contribution as an advisor. My work as a civil rights advocate and often an adversary to traditional policing models gives me a unique perspective on policing reform. This essay explains my reasons for questioning our approach; suggests goals for our report; and recommends context for analysis.

Caveats: My language is intentionally blunt and may seem political, ideological, and radical. I'm not an expert in American policing, but I am an obsessive observer and experienced activist in criminal justice and policing reform. I AM an expert in American racism, racial inequality, race discrimination law, and American slavery's continuing impact on society.

Safety is the first of all civil rights, and safety can't happen without good policing. Focusing on improvements in traditional policing may both miss the mark and this moment in history, so we must move beyond reform and focus on transformation.

Focusing on Separate Area Improvements

Responding to today's policing crisis with improvements for separate aspects of policing misses the profound and rejected conclusions and recommendations of the Kerner Commission. The Kerner Commission studied police-triggered civil rebellions that erupted in big cities in the 1960s and drew conclusions that apply to the 1,949 police-sparked race riots in segregated midsize cities and small towns across America from 1968-1972.

The Kerner Commission concluded that the cataclysmic big city race riots were caused by Black rebellion against White racism, entrenched poverty, repressive and violent policing, and exclusion from the various institutions of government and business. These actions contributed to systematic entrenchment of anti-Black racism into government and other key institutions, and the systemic injustice contributed to segregated deprivation of ghettos and subjugation of Black people.

The Kerner Commission was a 911 call to clear 400 years of racist kindling fueling megafires of inner-city upheaval, but White America cancelled the call. For the next 60 years, starting with Lyndon Johnson's war on crime, America chose, instead, to gather more kindling. In 2020, the murder of George Floyd by police led 26 million Americans to march in protest against the same engines of racial abuse.

Additional Report Goals To Consider

The Council's report can do several useful things, in addition to identifying critical path improvements in traditional, inner-city law enforcement practice:

- Revive the Kerner Commission’s larger society framework for diagnosing policing’s pathology.
- Place today’s policing crisis in the context of a national reckoning on race in which White Americans are choosing between chaos and community, deciding whether to share power in a multi-racial democracy or end the democracy altogether.
- Explain why past police reforms did not have the capacity to end policing’s friction with poor Black communities.
- Describe the advancements, improvements, and positive changes in policing that have been achieved in the past 50 years.
- Distinguish legitimate, investigation-based, intelligence-based, inner-city crime fighting against violent, dangerous, and predatory offenders and gangs from the 70 percent of inner-city policing that involves repressive suppression-containment tactics that former Police Chief Charlie Beck describes as “search and destroy” policing. Examples of this approach include:
 - warrantless, investigation-free, preemptive, stop-and-frisks of thousands of inner-city residents for no crimes, or for nonviolent infractions;
 - branding youth into gang databases without due process or proof of gang activity; and finally,
 - mass incarcerating individuals at a 50 percent rate in high-crime neighborhoods for mostly nonviolent offenses.
- Set an agenda for reform and transformation with examples of successful community policing reforms and transformative “whole of government” partnership between policing and holistic safety systems.
- Define “The New Jim Crow” reform agenda that addresses Michelle Alexander’s critique of the system that includes “search and destroy” policing; legal standards that uphold egregious police misconduct; and a criminal justice system that is racially adverse and delivers mass incarceration.

I recommend interviewing transformative police chiefs of all races; transformative military leaders; a subset of Black and women police leaders; and experts who run top policing innovation centers at different universities.

Here’s my current take on the overall state of play:

2023 Context for the State of American Policing

Black people are outraged and losing hope as abusive police stops and police killings of unarmed Black people continue. They despair that police violence will never change, or that militarized policing and mass incarceration cannot protect or serve poor Black neighborhoods. Consequently, the legitimacy, viability, and existence of policing as it’s done in most of those communities is under fire.

Black communities are correct: inner-city policing and law enforcement’s treatment of Black people is broken and fails to provide basic safety, humane treatment, or effective crime control through constitutional, proportionate, racially unbiased, and respectful law enforcement. For many Black people

the primary purpose of police is to enforce an unjust racial order and system of mass incarceration that deserves to be called “The New Jim Crow.”

Impacts of that system can be devastating. Every day, for example, young Black men living in Watts housing projects face a 45 percent risk of going to jail and an 80 percent chance they will be stopped by police. They have a 55 percent lifetime risk of imprisonment. As Los Angeles Police Department (LAPD) Deputy Chief Dennis Kato told The Los Angeles Times in 2019, “We look for Black men under 30, and if they look like gang members, we preemptively stop and question them.”

Twenty-six million Americans marched to protest the police murder of George Floyd, but a significant number also protested this kind of preemptive suppression; a draconian criminal justice system and mass incarceration policies; and destructive wars on drugs and gangs that left poor neighborhoods with more of both.

There are also outstanding police officers and progressive police chiefs who work to reverse the racism, cynicism, and callous dehumanization of urban policing. They strive to help traumatized residents living in abandoned, segregated ghettos. They risk their lives and retaliation from warrior cops to protect, not hunt, residents of Black neighborhoods. They serve the code of truth, not the code of silence. They uphold the Constitution, not the blue wall of impunity. They counter anti-Black bias with respect and empathy. They resist funneling kids into gang databases and help divert them from gangs and the prison pipeline. They remove violent predators from gang-ravaged neighborhoods without “search and destroy” tactics. They earn trust where gladiator cops earn enmity.

Even police veterans who don’t see themselves as progressive or reformers, just cops trying to survive and do the job as best they can, note the Catch-22 of inner-city policing. A former LAPD gang unit sergeant with 30 years on the job told me, “‘Shock and awe’ temporarily stops crime but, done too often, it permanently destroys trust.”

A retired LAPD commander with 34 years on the force agreed and says it’s a setup for failure:

“We have been forced into paramilitary [policing] to keep control. Ultimately, it causes you to lose control because there is no community trust [...] It is a paradox—we are pushed into it, but if there are no resources to get out of it, then it becomes our downfall.”

To make conditions worse for all cops, national policy encourages and emphasizes all the practices and policies the Kerner Commission called “kindling,” then politicians dump responsibility for the fallout onto police – homelessness, poverty, racial inequality, gangs, and deinstitutionalization of the mentally ill. They funnel billions for suppression and weapons of war rather than equip cops with services and experts to address problems.

“War requires enemies,” notes former LAPD Chief Charlie Beck. “You can’t declare war without creating a soldier mentality, and once you [demonize] people, you risk becoming a demon yourself.”

Bill Bratton described the ethos of LAPD’s 50 years of Thin Blue Line containment suppression as open warfare with the Black community. “The idea was to keep the Blacks down in South L.A., just keep them from coming out and bothering the rest of us [...] They were oppressive, they were brutal, they were racist.”

Policing today is in crisis. And much older problems, like high suicide rates and post-traumatic stress disorder (PTSD) levels, show that many officers also suffer under what Lyndon Johnson called “conditions that breed despair and violence,” conditions the McCone Commission said cause a “spiral of despair,” and that the Kerner Commission said required a Marshall Plan for inner cities.

The Key Kerner Commission Findings

The Kerner Commission concluded that to stop the destructive cycle of police-triggered race rebellions, three things had to end: White America’s anti-Black racism; extreme poverty and lack of opportunity; and repressive and dehumanizing policing.

Conditions Have Only Worsened!

The spiral of despair is now a vortex of post-pandemic deprivation. The virulence of anti-Black racism in 2020 inspired an international movement to make Black lives matter. Examples exist of less alienating community policing, but they are a drop in a sea of racially fraught warrior enforcement.

Without massive investment to end ghetto deprivation and continued repressive policing, the Kerner Commission predicted an accelerated national division into two separate and unequal societies, “polarization of the American community and, ultimately, destruction of democratic values.”

We know from the Kerner Commission and similar analyses what has to be done to address these issues, but we refuse to do it, even after 55 years of Commission recommendations; 80 years of protests and lawsuits challenging police abuse; decades of legislation and court decisions correcting policing policies; 30 years of big-city police reform; 20 years of progressive police chiefs; scores of centers and foundations dedicated to improving policing; and 25 years of community policing.

The Question is Why?

We need engaged scholars in different disciplines who have written extensively on these topics to inform our policy and practice.

My guess is that their answers will involve, *inter alia*, or political will; White America’s belief that its safety requires Thin Blue Line suppression of poor Blacks; White America’s backlash against systemic remedies that promote justice; White America’s refusal to confront anti-Black racism or structural systems that perpetuate racial inequality; vested monetary interests in the criminal justice industrial complex; a paramilitary policing culture too entrenched to change; politicians’ addiction to power built on White fear of Black crime and violence; and short-term politicians who see no reward in the long-term, comprehensive solutions required by complex problems.

There’s also the sense that it’s “too hard,” which results in reflexive rejection of things that seem too big to solve. My best guess is that political will is both the key inquiry and obstacle, but just noting it needs to be confronted is important.

Conclusion on State of Play

White America has the policing it wants for reasons that are 400 years old. Informed- and evidence-based policing is required if we are to truly reimagine policing.

Why Inner-City Policing Is Broken

There remains an inadequate diagnosis of why policing is broken, and it is well beyond the “bad apples” often offered by defenders of current policing.

Police culture didn’t view former Minneapolis police officer Derek Chauvin or LAPD’s Mark Fuhrman as bad. Moreover, many officers involved in bad shootings and bad stops aren’t rogues, but average officers executing suppression policies, tactics, and strategies the community dislikes. “Bad apples” are extreme symptoms that obscure a deeper, systemic problem that goes beyond flawed tactics and videos of bad police encounters.

Policing is broken, but not because of deficiencies in training, hiring, supervision, tactics, use of force, discipline, accountability, early-warning systems, national standards, or other areas that consent decrees and reports on policing routinely address. If transformation of policing is the goal, improving metrics for policing that the Black public rejects will miss the mark. Current training, policies, and legal standards ratify tactics the Black community detests and exonerate needless stops and killings they deplore.

Those 26 million protesters weren’t marching for better “stop and frisk” training or more accountable mass incarceration.

To the Black community, what the law and police practice deem reasonable and necessary is inherently unreasonable and needless. I’m not talking about the 20 percent of policing that involves gun battles with bank robbers, suspects of violent or predatory crime, serious crime by gangs, or other situations where lethal force may be required.

To most Black people, it is inherently unreasonable and enraging for police to kill anyone who is unarmed and poses no immediate threat. Use of force over loose cigarettes, broken tail lights, dangling air fresheners, missing car tags, expired license plates, a former boyfriend’s crimes, a marijuana blunt, misdemeanor warrants, dozing in a car, walking home with Skittles, playing in a park, failure to pay fines, jogging in a White neighborhood, tinted windows, fleeing from police, or passing a possibly counterfeit \$20 dollar bill should never be tolerated. Black people are clear that these preemptive, pre-textual tactics are oppressive, disproportionate, and racist.

The murder conviction of Derek Chauvin won’t end police killings of the unarmed; abusive stops; hyper-escalation of force; or legal exonerations of egregious police conduct. Indeed, just a month after Chauvin murdered Floyd, Dallas police officers killed a hog-tied man by kneeling on his neck and back for more than 14 minutes. They received qualified immunity. In the second week of Chauvin’s trial, Virginia police attacked a compliant Army lieutenant in uniform over car tags. Minnesota police killed Daunte Wright, possibly mistakenly, over a misdemeanor warrant. Just 40 minutes after the Chauvin verdict, Columbus police shot and killed 16-year-old Mah’Kia Bryant during a front-yard fight.

Corrupt Mandates to Enforce an Unjust Order and Execute a Toxic Mission

The fountainhead of today’s broken policing is society’s mandate that police enforce a corrupt social, economic, political, and racial order that descends directly from slavery.

“The corruption of American policing goes back to 1619, when America’s first police enforced order on slave ships.” *William J. Bratton, September 2020*

The first police enforced the racial and economic order of slavery. Thereafter, police enforced the socio-racial and economic order of Jim Crow segregation and co-led the Klan’s White terrorism in the post-Reconstruction era. The gravity waves of that order still shape American law enforcement and yield the Thin Blue Line policing we see today. The protection, service, and safety that policing delivers to suburbia on the good side of that blue line aren’t the same goals for ghettos.

This doesn’t mean today’s police are slave patrols or overseers who harbor that era’s vicious level of anti-Black racism. Nor does it mean good officers don’t strive against dangerous conditions to help Black neighborhoods, or that officers who carry out the wars on gangs and drugs don’t do so with the best of intentions.

But it does mean that what we see today descends, in part, from that era. The people, the entrenched poverty, and appalling conditions in poor Black communities descend directly from slavery. Echoes of slave plantation policing are seen in inner-city policing’s hyper vigilant enforcement of minor infractions by Black people escalating criminalization of non-criminal Black conduct.

For the sake of communities AND police, the Thin Blue Line must end, and dehumanizing suppression-containment must change. As former LAPD Chief Charlie Beck notes, “‘Search and destroy’ doesn’t just destroy the community, it destroys you.”

Beck further amplifies this point, “If you send police into an unhealthy, traumatized, and violent neighborhood to contain and control, both police and the neighborhood will fail. Change their mission to safety and helping the community get healthy, and both will heal.”

It is important to frame today’s policing discussion in this historic context.

The Military’s Similar Crisis and Conclusion

The Council shares a mission with military leaders. Eighty years after President Truman created the President’s Committee on Equality of Treatment and Opportunity in the Armed Services and ordered the military to desegregate, today’s command faces a crisis of racism, rape culture, and infiltration by extremism.

For example, as many as 20 percent of participants in the January 6th insurrection were military veterans, which led the U.S. Department of Defense to order system-wide discussion about the unacceptability of racism and violent extremism. In subsequent interviews, current and former command and rank-and-file officers in nearly every branch of the armed services described “a deep-rooted culture of racism and discrimination that stubbornly festers, despite repeated efforts to eradicate it.”

Former Navy Commander Jeremy Butler, like the Kerner Commissioners, concluded:

“We have to talk about racism in the military because that’s the only way we’re going to fix it. But solutions to problems like this [...] only happen when deck plate sailors embrace it. [J]ust like with sexual assault and harassment, [racism] is a much bigger problem that extends outside of

the DOD to the larger society. You peel back the layers of reality, and every problem we have in the military and police come from the larger society.”

I also would note that Congress recently removed sexual assault prosecutions from the chain of command and created an outside prosecution group that is independent of the military’s endemic misogyny. That is what the parallel system of holistic partnership in policing aims to do—create a different policing culture that is protected and free from suppression enforcement norms and values.

Developing a Holistic Safety Mission by Emphasizing Effectiveness

The Kerner Commission/Original Sin frame of analysis is the only one that is historically complete, racially accurate, and comprehensive enough to reach and explain the root cause of policing’s challenges. However, many White police leaders, like many White Americans, find it threatening and/or objectionable. For this reason, it is important to focus on the narrower but equally resisted task of challenging “search and destroy” policing to advocate for holistic, safety policing.

For example, LAPD command’s resistance to the Community Safety Partnership’s (CSP) holistic safety strategy was fierce. So, to persuade them to consider change from traditional inner-city enforcement, Charlie Beck and I turned to iconic military leaders, whose team assessed L.A.’s flailing gang strategy and endorsed Chief Beck’s bid for the holistic approach.

“You have in Los Angeles what we call a sustained, incipient, parasitic insurgency, and your current policing cannot counter it. In LAPD, you have superb local police—they are some of the best I’ve ever observed—but they are applying elegantly executed tactical responses to an enduring strategic threat, and it cannot work. Your police must move ahead with what we in the military call the ‘holistic approach’ to counter the gang mentality and gang ideology. Only this approach stands a chance of providing security amidst despair.”

Command resistance turned to support and, after three years of CSP’s effective “whole of government,” holistic counter-violence operations, retired General Stan McChrystal, former Joint Special Operations Command, inspected CSP operations and quelled rank-and-file grumbling against CSP with this recommendation to continue:

“Your CSP program is the civilian version of JSOC’s comprehensive counter-terrorism strategy, a ‘whole of government’ solution to a complex, dangerous and dynamic threat that force and war cannot solve. The only difference is that yours is working a lot better than ours—you are actually transforming former insurgents, gang members, into counter-violence operators. Whatever you do, keep going on this glide path—you have the answer in your hands.”

The model of military experts who had vetoed war tactics and ratified holistic safety was a more effective approach to open the minds of warrior-oriented officers. The Kerner frame won’t persuade officers to change how they police, but it should define for the rest of society and government the core challenge and responsibility for the physics of ghetto suppression.

Maximizing Council Recommendations

The Council has spent most of its time developing specific recommendations for improving traditional law enforcement. My suggestions for maximizing the usefulness of this work are:

- Make it reflect Thin Blue Line distinctions that exist between “protect and serve” safety and rapid-radio response in suburbia and wealthier/whiter and middle-class neighborhoods with militarized, suppression-containment enforcement in the most dangerous hot spots and the mass-stop, intrusion- and arrest-policing done in the rest of the inner city. In short, clarify that this crisis is about inner-city policing.
- Distinguish between formal and informal policing culture. The aspirational values and credos of formal policing often have little to do with informal street standards, values, and norms.
- Make the distinction between recommendations for reform of traditional enforcement and transformation of traditional enforcement (see discussion below).
- Identify successful programs of community policing, non-police first responder programs, and “whole of government” holistic safety strategies.

Alternatively, this group could recommend a meta-analysis of existing recommendations and identify critical must-haves for successful reform processes (the political demand for change, city directives, or consent decrees). The Council isn’t especially well-equipped to produce a detailed compendium of recommended change for multiple areas, most of which already exist in prior Commission reports and the extensive archives of policing research institutions.

Reform v. Transformation Reform

Reform recommendations focus solely on changes in policing and police conduct within a traditional crime-fighting law enforcement organization. Reform recommendations typically seek improvements in policing standards, accountability, tactics, and strategies. Guardrails and policies involve dozens of recommended improvements across multiple areas, including use-of-force investigations, discipline, data collection, control over specialized units, overt- and implicit-bias reduction, hiring, training, promotion, and many other areas of traditional policing.

Reform seeks to make traditional law enforcement and crime suppression constitutional, accountable, proportionate (less lethal), effective (in reducing crime), and less racially adverse. Successful reform yields constitutionally compliant suppression.

Under U.S. Department of Justice consent decrees, such reforms cut civil lawsuits anywhere from 23 percent to 36 percent. Consent decrees with federal monitors cut police killings of civilians by 29 percent and serious uses of force by 15 percent. Reforms have also yielded other improvements to traditional enforcement. Improving critical metrics like these is important to making traditional rapid radio-call, crime control enforcement, and violence-suppression policing constitutional and less illegitimate in poor Black communities. However, reform usually doesn’t address the larger societal, criminal justice system, or Thin Blue Line paradigm issues discussed above.

Transformation

Transformation involves a multiple stakeholder strategy that trades warrior enforcement for guardian safety. It changes community conditions and community-police hostility enough to safely execute wrap-around safety plans that holistically eliminate criminogenic conditions and dangers in a neighborhood.

It is based on principles of public health, population safety, community policing, and comprehensive violence reduction strategies. This is a trust-building, problem-solving, crime-prevention model, and not a crime-fighting, suppression-enforcement model. Guardian cops make arrests for violent, predatory, or safety-plan disruptions, but not for nonviolent crimes, status in gangs, or civil infractions.

This is an “all hands on deck” neighborhood safety initiative.

There are transformative initiatives nationwide, but the most comprehensive is LAPD’s Community Safety Partnership. Chief Beck and activists co-created the Community Safety Partnership, a holistic, problem-solving approach to safety in high crime areas. This strategy minimizes suppression and maximizes trust.

It acts through partnerships with residents, gang interventionists, local leaders, neighborhood institutions, experts, and other agencies to address root causes of trauma and violent crime. A recent UCLA evaluation found that CSP sites achieved steeper declines in violent crime than surrounding areas with far fewer arrests. The CSP model increased housing-project residents’ feelings of safety. More importantly, residents reported trusting the guardian police of CSP but not other LAPD units. In response to evaluation recommendations and the Black Lives Matter movement, LAPD Chief Michel Moore created the Community Safety Partnership Bureau in 2020.

Critical Path Issues, Decision Trees, and Roadmaps

My final thought is to consider identifying the key issues, essential questions, action agendas, and critical decisions required to answer the challenges that prompted creation of this Council and to make the process transparent.

Conclusion

The Council’s report doesn’t need to duplicate past templates but to meet this extraordinary moment in history. I recommend considering the Kerner Commission’s analysis and “whole of society” recommendations; using the origins of policing and hard-hitting words of police leaders, officers, and military leaders to describe policing’s pathology; explaining why advances in policing have been insufficient; and focusing more on identifying political barriers, points of contention, and issue agendas for reform and transformation.