

KEYNOTE ADDRESS AT THE SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW AND SCHOOL OF MEDICINE SYMPOSIUM: THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING: PROCEDURAL JUSTICE, POLICING, AND PUBLIC HEALTH

Ronald L. Davis*

Good morning, everyone. So, I have a couple of questions. First, as a 30-year veteran of law enforcement, I do not know if I should be offended or feel at home, but when I came in I saw a whole bunch of doughnuts. I did have one, so thank you very much. It brought back some memories. Let me thank Sean for that very wonderful introduction.¹ I am not worthy

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1. Sean Smoot, Director and Chief Counsel of the Police Benevolent & Protective Labor Committee of Illinois, provided the following introduction of Mr. Davis:

Thank you, Dean Fountaine and thank you very much, Dean Dorsey. I'm going to introduce a very good friend of mine who is our plenary speaker this morning, Ron Davis, who is the director of the Office of Community Oriented Policing Services of the United States Department of Justice [COPS]. I've known Ron since about 2007. We've worked together at the executive session of the Kennedy School of Harvard University and Ron published a paper as part of that executive session about police role in the reentry.

I mention that because I think it's a good example of the diversity of Ron's career and background. He had an illustrious career at the Oakland Police Department and rose through the ranks at Oakland and then ultimately became the chief of police at East Palo Alto, California, where he became very well known nationally as an innovator not only in the area of reentry but also in the area of crime suppression and citizens who have significant drug problems. East Palo Alto is a very challenged community and Ron really rose to that challenge. And that should have been a good indication, and I think it was, to a lot of people, that Ron was going to be the right person in the right place at the right time. And many people have said that now since he has become the director of the COPS Office and certainly in this unique time in history for law enforcement, I would echo those words that he is the right man in the right place at the right time.

Ron has focused in his tenure as the COPS director not only at running the office very efficiently but also being a champion for obtaining federal funds to provide innovations for state and local law enforcement agencies and not just putting officers on the street, which is an important part of what the COPS Office does, but really pushing out best practices and practices in law enforcement that are based on science and evidence in a way that has been very helpful to the profession. I can tell you that when a situation blows up across the country, and there have been many situations blow up over the past 24 months, Ron and his staff very quietly, but very quickly, usually the first people on the scene to help, and to offer the support of the Department

of that, but I appreciate it anyway and I will pay him later. You know, it is truly amazing to think about the changes that have occurred in policing since I met Sean at the Harvard Executive Sessions in 2007. I think my purpose here today is to give you the background on the Task Force report and give you a few stories about the work that the Task Force has done and why it is important to us. And I would tell you Sean, I spent close to thirty years in Oakland, a beautiful city, a very diverse city, a city with some significant challenges, and then eight years, close to nine years, as a chief in East Palo Alto, a much smaller city, but extremely diverse and very challenging. And it was those experiences working in diverse communities, challenged communities, communities with public health challenges as we just heard, that helped shape my thoughts about policing and where we need to go.

And I will say that in that twenty-eight-plus years, as I sit here and look, it is really clear to me that things have really, really changed. So although we are in a period where there are a lot of challenges, I think before we face the challenges, we should pause for a quick second and take a look at the successes.

When I came on as a cop in 1985 I remember sitting in a police car, thinking, “This is the most high tech thing I have ever seen.” It had a big old TV screen in it, called a mobile digital terminal; anyone who has been here for over twenty years knows what I am talking about. And it was cool that you could actually run a license plate. If you were lucky, you got assigned this really high tech thing called a pager, and it would basically buzz and give you a couple of numbers, and to get one you had to do a credit check. Interesting for that. Now I look at my thirteen-year-old daughter and she has more technology than I could ever imagine; she can monitor the global economy, she is monitoring things I wish she would not monitor, but nonetheless we have advanced greatly.

When I look at my academy class and I look at the diversity of the class, it looks different than when I was a chief and the last class that I saw. When I look at the tactics that we are using to fight crime and policing, we are advancing tremendously so we know we have made progress in the last twenty or thirty years. We know that community policing has advanced and we should pause a moment and accept and acknowledge that. But if we

of Justice. And best of all, as I learned this morning, he is an SIU alumni, and so I welcome my fellow Saluki, Mr. Ron Davis.

Sean Smoot, Director and Chief Counsel of the Police Benevolent & Protective Labor Committee of Illinois, Member, President’s Task Force on 21st Century Policing, Introduction of Ron Davis at the Southern Illinois University School of Law and School of Medicine Symposium: The President’s Task Force on 21st Century Policing: Procedural Justice, Policing, and Public Health (Nov. 12, 2015).

are going to be true and honest with each other, then we also have to acknowledge that we left a lot of people behind.

And we should acknowledge that, in many cases, the very tactics that led us to this significant crime reduction have had the collateral damage of destroying neighborhoods, whether intended or not. Mass incarceration, contrary to popular belief, does exist, is not justified, and we need to find better alternatives. We should acknowledge that the idea that we can arrest our way out of crime does not exist, that we need to solve problems.

It was interesting to hear the doctor talk about public health and my partner in crime at the Department of Justice wrote a quick note to me that crime is a disease. It reminded me, since the doctor opened up that venue, that that is exactly what we should look at. That violence is a disease—that it spreads very similarly to a disease—and how we respond to it should be like the medical field responds. I love the concept of “do no harm first.” Imagine if that worked the same for law enforcement. Do no harm first. That should drive us before we think about our tactics, our strategies, and things we are going to do.

So if you look at where we are at right now, we are at this very defining moment. We are in a moment I have never seen in history or in my thirty-year history. But with all the crises going on, all the challenges that we are facing, it provides one of the most unique opportunities I have seen in thirty years. And you know what they say about crisis—I do not want to do the quote, because twenty people will tell me they are responsible for the quote, so I give up—but with any crisis there is an opportunity. Opportunity is usually a very small window of opportunity, which is open for a very short period of time. And if we do not go through that window together in that short period of time, that window closes and what opens up instead is a very large door of past mistakes, which means we go right back to doing the same things we did ten years ago, twenty years ago, and you know what they say about repeating the same activity and expect to get the results—that would make us pretty much insane.

So we need to take advantage of this idea of this window of opportunity and we need to focus on it. We have this defining moment. We actually have what I would call a new era in policing. Not a moment, not an effect, not a specific point in time, we are entering a new era in policing in which communities are making very clear that they want law enforcement to be involved even further, and this is the most intriguing part to me, that law enforcement is making very clear that we need to evolve and adjust. This is not a “we versus them.” Everyone is accepting and acknowledging that we need to move forward, we need to build trust, we need to build relationships to advance so we can do this together.

This civil rights movement of this generation does not have to be a skirmish line between police and activists. It should be that a line does not

exist because police and activists should be walking side-by-side, hand in hand, trying to get rid of this system that we know has bad outcomes. Because even when you have great cops, if the systems are bad, you are still going to have terrible outcomes, despite their best efforts. So we have an opportunity, we have that moment.

Following Ferguson, I think the President recognized that and really thought this was an opportunity, amid the challenges and the discourse and the crisis, to do something about it. And so in December of 2014, the President announced that he would create this Task Force. Now the challenge for the President was to find eleven crazy people that agreed to serve on this. And you met one of them, Sean, so you know how that went. He was very successful. He picked eleven people, eleven amazing people, to serve on this Task Force. Now, my office and my amazing staff was tasked with providing administrative support and an executive director and that is a fancy way of saying I had a front seat to history, to watch these eleven people do the things we need to do as a country. What was amazing was the eleven diverse people. It was scary at first because I was thinking, “Oh, my goodness. I don’t know how these guys and ladies are going to come together and build consensus about what time to go to lunch, let alone recommendations for the President of the United States of America.”

You have some of them here today. You have Tracy Meares; you have Brian Stevenson; you have Sean Smoot. We had academics, we had civil rights attorneys—I remember one civil rights attorney announced herself by simply saying, “Hey, my name is Connie Rice and I sue police departments for a living.” We had people that came fresh off the demonstration lines in Ferguson and New York. Brittany Packnett and Jose Lopez were young in a relative sense and full of fire and energy and wanted to man a change, and really get ready for, I do not want to say a battle, but for a struggle. We had thirty-five-year police chiefs that have more stripes than you can imagine, and all these eleven diverse individuals came together. We had academics who write extremely long articles, like Tracy Meares, who spent her life doing research that we know makes a difference to the field. So you had this diverse group come together. And what was interesting when the final product was done is that these eleven people came to consensus on all 60 recommendations.

Now partly it was because the facilitator that we used was outstanding. I am not talking about me, I am talking about Jim Copple at Strategic Applications International (SAI), who we used to facilitate, so he probably had more stories than I do of the great work that was being done. But they went through these recommendations and built consensus. I have watched them agree; I have watched them disagree; I watched them debate and agree to disagree, but also watched them change each other. I watched a young civil rights activist wondering if every police was the enemy,

starting to laugh and joke and have lunch with and talk to a forty-five-year police veteran. I watched a forty-five-year police veteran, a police chief, change his views about young people, about demonstrations, about the movement, and I watched a police union person—who Sean basically signed up for things, and I still do not know how he pulled this one off, on things like independent review and investigation—open up to the concept that maybe we like to fight against tradition because it is out of our comfort zone.

I watched these individuals come together, form a consensus around the issues of the day. And so there are a couple of things that came out of that Task Force that I think we should learn from. One is that when you bring people to your inner circle, they should be as diverse of perspective as the President is. You do not surround yourself with people who agree with you; that makes life too easy. You surround yourself with those who disagree, those who have varying oppositions and positions and those you can learn from. Two, you build a process that allows them to debate and to argue and to discuss. The other thing that we did for the Task Force, which was great, was let the members decide, instead of going into some quiet room and coming up with some solutions, to instead have a series of public listening sessions so that we could hear from the field. And so we had seven listening sessions around the country, listening to hundreds of witnesses and oral testimonies and written submissions. We heard from police officers, union leaders, executives, community leaders, social media leaders, every profession you can think of came and testified so that the Task Force could make some informed decisions.

As a result, the product you have in front of you is not just the product of eleven amazing individuals; it is the product of a nation. It is the product of a field where people are contributing, where they are giving their views, where we had a lot of information to look forward to. And I can tell you that once this product was done, and the team will tell you, when we gave it to the President, he was very clear what he wanted. He said, “Not only did I want this Task Force put together, but I need a report on my desk in ninety days.” Right? So these listening sessions, these hundred witnesses, and all this work we talked about was done in ninety days; so the Task Force members, in addition to teaching and litigating and running police departments, had ninety days to put together the report that is in front of you, and you can imagine how amazing of a task that was. But once it was done, the President looked at the members of the Task Force and immediately said, “This is great work, but now how do we make this document come alive?” How do we now entice the field to implement it to make sure this does not sit on a desk, does not gather dust, and is not just another report that just withers away? I think it is convenings like this that will assure that it does not. As you look at the report, you hear more about

the substance of the report, the topics of it, they are relevant today, they matter today, and they provide us the most unique opportunity I think that we have seen the last three decades.

If you look at where we are at right now, I would challenge any law enforcement leader in the room, any community leader, any academic, to really take personal responsibility to advance the work of the Task Force. Take a look where your department is now, where this field is now, and where we need to go, because the small window of opportunity is closing.

Now it is interesting to me that many people are reading this at this moment to be something negative. I have heard recently on television that someone said that I am going to get myself in trouble, but I have to address it. That somehow the racial divide is greater than it was ten years ago or eight years ago. I think what this moment has provided is the opportunity to say that the racial divide is not great. I think what is happening is that the conscious of a nation has been awakened. That for many communities, this racial divide was alive and well; people knew it, they felt it, they could not put their finger on it, or more importantly, in many cases, could not get others to acknowledge or to validate it because people minimized it and dismissed it. Social media and videotapes brought to life that you could no longer ignore certain segments of our community. It has brought to life that some of their challenges are not just made up, that they are real. It also brings to life that the overwhelming majority of police officers are doing a tremendous job. So we know that there is a balancing act and we now have this opportunity.

I like to think of it with an approach similar to the medical field, that where we are at as a nation would be like a patient who has a disease with very slow symptoms. You are sitting there and you are working every day and you do not know, but there are a few signals that maybe a trained doctor can say, "We probably should do some exams." And as we x-ray and we examine we find something very significant. Imagine if the patient came back and said, "Look, doc, I was fine until you started checking on me." Right? Well, actually you were not. I am just the one who discovered it for you. But now that we know it, we treat it; we can heal together as a nation.

So to say that we are in the worst place, I disagree. What we have is a President who has examined, who has proved, who has diagnosed a problem that already exists and now is becoming the doctor to help cure it by coming up with a Task Force, the method and the agenda that will help advance policing and criminal justice reform in this country. And so, as you look at where we are, you should always remember that. This is not new, I do not think it is something that is increasing in my personal opinion, but it is something we do that is now in front of us. We cannot ignore it. The symptoms are clear. The diagnosis is clear. But we have the ability to

cure it. We have the ability to treat it. We have the ability together to make it stronger and make it better than it was before we get started. I just hope we take advantage of that. I hope that we will come together and really, really embrace the notion that we are in it together.

I will say this, if community policing is going to advance in this country, then we have to accept a couple of notions. One, that the police and community are co-producers of public safety, that communities must accept responsibility and partner with the police community for public safety. It is not something that you can just dismiss to the police department. And if we do that, then as we face crime spikes and decreases and increases, we do it together without pointing fingers. I reject any notion right now that suggests that some cities are facing spikes in crime, that somehow our officers, outstanding men and women, are not doing their job. All evidence is to the contrary. We know they are doing their job every day, that they are putting their lives on the line every day, but we still need to know why crime is going up. We need to work together to get to the root causes, not respond to symptoms, and not respond to anecdotes, but use data and reliable information to proceed forth. So we know we have an opportunity. We also know that we need to look at policing the democratic society. And to me, this report points to one of the biggest challenges we have: what is the role of the police officer in the twenty-first century? What is the role of a police officer in a democratic society?

And I close with a thought I wish you would think about that may help guide that. When we talk about public safety, too often we measure that simply by whether crime is going up or down. And we know the problem with that is that crime is not just the purview of the police; that is why we are co-producers of public safety. As we redefine public safety in this democracy in twenty-first century policing, public safety cannot just be the absence of crime; it must include the presence of justice. And if both sides of the equation are not there, then to simply brag about reductions in crime offers little solace for the very communities that have been disenfranchised, that are disconnected, that have had collateral damage to them based on the strategy that we used; it would be very ineffective.

I close with a story from Chief Bratton of New York. When he took over NYPD for the second time, I had to go to the swearing in ceremony. He shared a story that at the time he took over, I think the NYPD was sitting on a forty or fifty-year low in homicide. And so as he started working his way around the city, he was expecting the kind of congratulatory, celebratory notion that crime was at its lowest in thirty to forty years. The community had to be happy but he did not get that response. Surveys were showing the police satisfaction rates did not go up because crime was going down and what he realized then is that how you fight crime matters as much as crime reduction itself. That the fact that

statistical crime went down did not change the perception of people in the community because they were still held very disenfranchised and thought they were victims of the strategy themselves.

So as we fight crime in the twenty-first century, we do so with this new definition that just reducing crime is insufficient. We have to do it in a way that is consistent with who we are as a nation, with our core values, and most importantly, with the bedrock principles of the Constitution. If we cannot do that, then we should not expect any celebratory high fives as a result of that. I thank you guys for coming here today, this is hopefully going to be a very productive day, but I really want you to get excited if you will, when you leave here to not just go to another seminar, another session, but to pick this book up and go out and spread the word. Go to your police department and ask them if they are implementing this. Help them, drive them; we have this opportunity. Do not let history come back. Do not let us come back five years from now and say that this was the generation that missed a moment. Let us look back five years from now, ten years from now, and say that the relationship we have with policing in this democracy is stronger than it has ever been, that the police officers are having higher job satisfaction, that violence and crime is down, that relationships are strong, and that we did it because we took advantage of the opportunity, that we did not run from a challenge, we embraced it. We did not fear public scrutiny; we required it. This is a new generation, and this is a new era, and you ought to be leaders in that new era, so thank you very much for coming.