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Discovering a Pathway to Reestablishing Policing by Consent in the United States

Abstract

Policing in the 21st century faces issues with leadership and accountability within officer ranks. Police organizations increasingly resemble paramilitary organizations, from their hierarchy to their eagerness to use force. Investigations into the conduct of the Minneapolis, Chicago, and Ferguson police departments uncover widespread, paternal issues of abuse from police officers. The abuse includes paternal excessive force, discrimination, and even the social media targeting of community members of color. Solutions proposed from President Obama's Task Force on 21st Century Policing, combined with a proposition to espouse Sir Robert Peel's Principles of community policing, offer a pathway toward regaining the public's trust and enabling policing by consent.

Keywords

Guardian, Leadership, Accountability, Discrimination, Force, Community

Discovering a Pathway to Reestablishing Policing by Consent in the United States

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Abstract

Policing in the 21st century faces issues with leadership and accountability within officer ranks. Police organizations increasingly resemble paramilitary organizations, from their hierarchy to their eagerness to use force. Investigations into the conduct of the Minneapolis, Chicago, and Ferguson police departments uncover widespread, paternal issues of abuse from police officers. The abuse includes paternal excessive force, discrimination, and even the social media targeting of community members of color. Solutions proposed from President Obama's Task Force on 21st Century Policing, combined with a proposition to espouse Sir Robert Peel's Principles of community policing, offer a pathway toward regaining the public's trust and enabling policing by consent.

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Discovering a Pathway to Reestablishing Policing by Consent in the United States

When Plato was afforded the luxury of pondering great societal issues in Greece, he conjured up the image of an ideal guardian. This figure, he envisioned, would be gentle in administering justice to those in his community, as a member of his community. When Sir Robert Peel created the London Metropolitan Police in 1829, he wanted his new “Bobbies” to be a professional, merit-based, non-militaristic force to gain the public’s trust and acceptance. He was concerned about the use of force when other alternatives existed; he was concerned about the ramifications of police without consent; and he was concerned with the constant appreciation for individual liberties in a democracy. Policing in the United States has drifted away from the idea of the community-oriented officer. Police today look, act, and behave in an increasingly militaristic fashion. This, combined with a lack of accountability, has caused the public to lose trust in their police. As it stands, leadership within police departments currently fails to address these issues in any meaningful way. To mend strained relationships between police and society, departments must address a lack of trust, accountability, and the militarization of their departments, and ensure that department leadership is able to effectively steer their departments toward a path that once again embodies the police officer as a community-oriented guardian.

Identifying and Addressing Issues with Leadership in MPD with a SARA Model Approach

When the Minnesota Department of Human Rights investigated the Minnesota Police Department (MPD) following the death of George Floyd, they uncovered widespread issues within the department. When analyzing their report, it is important to identify why so many abuses occurred, which caused the abuse to be paternal rather than perpetuated individually.

The Problem

In April 2022, the Minnesota Department of Human Rights published findings that showed serious issues with the Minneapolis Police Department (MPD). In June 2020, in response to the nation viewing the knee of Derek Chauvin rest on the neck of George Floyd for ten minutes, the Department of Human Rights opened their investigation into MPD. During the two-year investigation, they found evidence of race discrimination, connected to excessive force, traffic stops, citations, and aggressive behavior; the investigation concluded that both the city of Minneapolis and the MPD commit these acts in a way that constitutes a “pattern or practice of race discrimination in violation of the Minnesota Human Rights Act” (Minnesota Department of Human Rights, Pg. 5).

Analysis

The point of focus for this analysis will be why the behavior constitutes a pattern. It is typical for departments to explain away isolated instances of misconduct with a bad apple excuse; the findings from the Minnesota Department of Human Rights have removed that reasoning as an option.

Forces

When using force, MPD officers were quicker to use higher levels of force on black and indigenous people than white people, where the response is more likely to involve de-escalation tactics. With more serious uses of physical force, such as neck restraints, black people were twice.

Profiling

When examining rates of traffic stops when race is identifiable (during daylight hours), traffic stops amongst people of color, black or indigenous, rise. This is attributed to officers

being able to identify the skin color of the people in the car. They found that officers were often unaware they were engaging in racial profiling, even when they admitted to approaching situations through a lens of racial profiling. During traffic stops, black people are more likely to experience a vehicle search, with almost 80% of vehicle searches being done on vehicles belonging to black drivers from 2017 to 2020 (Minnesota Department of Human Rights, Pg. 28). When all other factors are controlled for, race becomes the standout reason as to why black drivers are searched at a rate that is double their white counterparts.

During traffic stops, black drivers are more likely to be detained longer, receive citations, have force used against them, and be arrested—even for the same violations as white people. The use of citations against the black community is so impactful that it has been labeled the “black tax (Minnesota Department of Human Rights, Pg. 33). In a particularly concerning trend, members of the MPD use social media, in a covert, targeted manner, to collect information about black community members in Minneapolis. They did not engage in similar practices to collect data on white extremist groups. With this issue, it becomes clear that the MPD lacks proper oversight and leadership. When looking at social media use, there were no proper audits being done, no accountability, and no oversight. This is also apparent in language. Officers were found to routinely use aggressive, racist, sexist stereotypical language to describe minority community members. The use of this language was perpetuated by officers and their supervisors alike. Since MPD has had policies against using this language since the early 1990s, there is little accountability from leadership.

The Problem of Leadership

When evaluating training and leadership, the investigation found few standards that were acceptable for training new police officers. Officers were selected to be trainers or academy

teachers based on their perceived skills, without formal training. Through MPD's academy, a strict, militarized mindset is taught to new recruits, where following orders is an absolute (Minnesota Department of Human Rights). The warrior mentality taught to officers has led to them being unwilling to speak out when they witness abuses of force or discretion, despite having an obligation to intervene—regardless of rank. This lack of training extends to supervisors, who receive little additional formal training. They lack the ability to assess, train, supervise, or review officer reports and activities. This has led to an inability for supervisors—officers direct contacts in the chain of command—to effectively review their subordinate's conduct.

As the investigation moves up the chain of command, senior officials in the MPD fail to hold the supervisors below them accountable. This creates a ripple effect of incompetence. The report found that MPD officers would seek advice by following the chain of command appropriately and be met with incompetence. The failures to deescalate, the misuses of force, the abusive language, and the frequent usages of these have been allowed to become paternal because of the absence of proper leadership.

Responding to the Problem of Poor Leadership

In response to the finding of a pattern or practice of race discrimination, the investigators recommended a series of changes to training, accountability, and leadership, under the supervision of a judge through a consent decree. The orders necessitated. Investigations of officer misconduct must be conducted in a thorough and responsive manner, rather than through back-channels without community engagement.

One of the more productive recommendations came without an order. The proposition was for MPD officials to immediately begin correcting the errors in their organization. This

included correcting officer misconduct, through warnings, instructions, and evaluations by supervisors. When new officers exit the militarized academy, their field training officers, and other supervisors can “coach” them on how to ensure discriminatory and biased policing techniques are not allowed to fester (Minnesota Department of Human Rights, Pg. 72).

The issue of leadership extends to the highest rungs of the MPD administrative staff. Training must not only be improved for officers, but supervisors as well. The recommendations in response to inadequate supervisor training include implementation of complete and thorough training for supervisors. This training is intended to allow supervisors to properly advise their officers on proper critical thinking, discretion, and respect for civil rights. Supervisors will also improve their ability to be transparent and communicative with the public, who have had ample reason to distrust the police for decades.

Assessing MPD’s Changes Today

In a surprisingly thorough analysis into crime in Minneapolis today, Rob Kuznia authored for CNN, *Once nicknamed ‘Murderapolis,’ the city that Became the Center of the ‘Defund the Police’ Movement is Grappling with Heightened Violent Crime*. Kuznia (2022) discusses how the city’s murder rate has increased, as well as crime in general: talking with residents there have been spikes in crime, drug dealers acting with impunity, and rises in juvenile delinquency. In addition to resident testimony, the MPD has seen a decline in officers from a force numbering 900, to only 560 as of August 2022.

Since Floyd’s death, 911 call times have increased; the only calls that are often received are emergency calls—all others are placed on hold; and in some cases, MPD would not respond to non-emergency crimes at all (Kuznia, 2022). Right now, because of the reputation MPD has earned, they are unable to find warm bodies to fill the depleted ranks. The lack of police has

required citizens of Minneapolis to try and take matters into their own hands, such as by spoon feeding investigation information to the police or gathering around high-crime neighborhoods to deter criminal activity.

The rise in crime and lack of warm bodies has become endemic to the MPD. Unfortunately, many of the changes have not transpired with snow. The profession is having a challenging time finding warm bodies: the next section of this essay will identify issues that have alienated the police and the public nationally, which may be creating a larger problem for the strained MPD; solving these will reform the relationship between police and society will help mend departments such as MPD's relationship with their community and help restore the image of police into their societies.

The Issue of Trust

A History of the London Metropolitan Police and Sir Robert Peel's Principles of Law Enforcement

The issue of trust between the people and their government is part of what laid the foundation for the formulation of early police departments, including in London, where the London Metropolitan Police officers were pivotal in shaping early American police. In London, between 1750 and 1829, England was experiencing a period of rising population, in response to changes brought on by rapid urbanization from the industrial revolution (Lyman, 1964). Officials began to explore alternatives to the outdated and ineffective constable, while facing a public that was suspicious of a military-style organization being created.

When Sir Robert Peel assumed the office of the Home Secretary in 1825, he became the latest politician to tackle police reform. Part of what made his attempt successful was that it came when reform was necessary. Prosperity and a stable market economy gave way between

1823 and 1825, to failed banks, panic, poverty, and looting (Lyman, 1964). To keep any semblance of order, London had to regularly dispatch soldiers onto the streets. Peel appointed a commission, the fourth of its kind, to study policing in London. When they found rising crime rates, they recommended the Home Secretary create a police force responsible for the London Metropolitan area. He crafted a bill in 1829 to replace the outdated constables. The bill passed with immense support, in part because of the yearly riots plaguing London—public safety was becoming a concern to all. When Peel envisioned his officers, he envisioned something that did not resemble a soldier. When the police began to patrol the streets of London in September 1829, they were unarmed, dressed in blue, with top hat and only a button on their uniform to identify them as “police.”

Peel was concerned with the moral character of his new police, nicknamed “Bobbies.” He wanted hirings and promotions to be based on qualifications, character, and the merits of the person. He stressed the role of the police as one separate from the soldiers; this was taken so seriously that it took 30 years for the first plain-clothes detectives, who resembled domestic spies authorized by an authoritarian state. To emphasize the police’s role as members of the public dedicated full time to crime prevention, Peel crafted his nine *Principles of Law Enforcement*, in 1829.

In his principles, Robert Peel stresses the police’s role in their duties, and the necessity of public approval through their dedicated and impartial service of the law. In these principles, Peel outlines a pathway to maintaining the trust of the public. Without an appreciation for the need for the weary public to trust these new police, it is likely they would have failed. When police moved into the United States, the issue of trust followed, and contemporary examinations, such as President Obama’s Task Force on 21st Century Policing have attempted to address this critical

issue. It is problematic that policing since this time has gone down a path of force, aggression, and an erosion of trust.

The Contemporary Issue of Trust in Policing in the United States

In the United States, a lack of trust between the police and the public has undermined the very notion that the police are the public and the public are the police. When the Obama Administration issued their final report on *the President's Task Force in 21st Century Policing* (2015), mending eroded trust was a central focus in shaping the pillars of change recommended by the committee. In the report, there is a conversation around legitimizing police authority, which emphasizes demonstrating their trust and good intentions, treating the community with respect, and being neutral and transparent as they uphold the law—ideas that resemble Peel's ideas almost 200 years ago.

Authorities, however, and police responses in high-crime areas have eroded trust between the police and the public (USDOJ, 2015, Pg. 41). The report notes that when police aggressively target certain communities, without clear policies, training, and planning, they risk allowing cases of excessive force, profiling, and violations of civil rights to erode the already fragile trust between the police and the public. Recent court cases and findings from investigations demonstrate that concerns about the police are valid and must be addressed.

Findings of Police Misconduct in the United States.

In the case of *Floyd v., the City of New York* (2013), the United States District Court in New York found that the New York Police Department (NYPD) was responsible for discriminatory and violation of the Equal Protection Clause of the Fourteenth Amendment. The court additionally found evidence that blacks and Hispanics were more likely to be stopped, arrested, and have force used against them than white people. Floyd's experiences are not

unique, and investigations into large police departments, such as in Ferguson, Missouri, confirm Floyd's experiences exist in a more widespread, paternal fashion. Between 2012 and 2014, African Americans—who make up 67% of Ferguson—comprised over 90% of arrests and citations (USDOJ, 2015, Pg. 4). Similarly, in New York, African Americans are more likely to experience higher levels of force and enforcement during stops than their white counterparts. In cases where canines were used on suspects, the recipients were always African American. The findings of the DOJ explain that FPD engages in routine First and Fourth amendment violations, in a way which disproportionately affect the African American population in Ferguson. The DOJ's report further identifies how damaging this has been for the trust between FPD and the community in Ferguson. The DOJ found that after years of the discriminatory law enforcement practices, African American communities are not a part of the community law enforcement protects and intimidate them by threatening force, which leads to situations escalating situations (USDOJ, 2015). Even in situations where the officers were acting lawfully, they acted in a way inappropriate with effective police discretion, such as arresting a victim of domestic violence for an unrelated offense. The DOJ found these findings to indicate that these practices have caused the FPD to lose legitimacy in the eyes of the public, leading to less compliance with officers, less cooperation during investigations, and less trust.

If the police were serving as public servants, they would strive for enhanced accountability, increased transparency, and community-oriented approaches to policing. To create trust, the police must serve the public. When they fail to do this, as they have, they must be held accountable. This creates a second critical issue facing police in society: a lack of accountability for police misconduct.

The Issue of Accountability

In 1953, O.W. Wilson authored a paper on his mentor, named and titled *August Vollmer*, which detailed his life and accomplishments. In 1898, 69 years after Robert Peel created the London Metropolitan Police, a young Vollmer fought to take the city of Manilla for the Americans in the Spanish American War. When he got out of the service, he found that he would never be returning to the life of business he left for the army. In 1905, there were issues in the small town becoming increasingly problematic, and Vollmer's friends encouraged him to file to become a Marshall. He won the appointment and planned to serve one term. After becoming the city's first police chief, he proceeded to serve until 1932 (Wilson, 1953). During his time as chief, Vollmer applied innovative, creative solutions to fighting crime. It was Vollmer who first began to professionalize the police. He believed that the career of law enforcement should be like the profession of lawyer or doctor: it should involve education and training. There are ethical obligations that doctor and lawyers must follow. If they perform their duties in a grossly negligent manner, they may be found guilty of malpractice. With the professionalization of police did not come effective systems of accountability. As this next section will suggest, a failure to hold police accountable is a failure to achieve an effective, community-oriented police force.

The Police Cannot Police Themselves

In the DOJ's *Investigation of the Chicago Police Department* (2017), it was found that there was a lack of an accountability system. Hundreds of lethal force encounters, misconduct reports, and complaints were reviewed: the report found that in almost fifty percent of reports of police misconduct, there is no investigation at all. When instances were reviewed, interviews with officers and witnesses were delayed; on the occasion, interviews did occur, they were done

with a bias toward the officer. In the even less frequent instance where an officer is found to have engaged in misconduct, it is unlikely that the discipline they receive will be consistent or substantial. Older cases of police misconduct and anonymous calls to report misconduct are rarely investigated. The DOJ concludes that, based on their investigation, CPD interviews are always inadequate, rampant with bias, where the officer's account is always favored. This includes complaints, instances of force, and instances of deadly force. Alarming, during police shootings, CPD officers can converse with one another, with supervisors, with members of a supporting police union, and members of the public before they speak to investigators. This allows the details to be changed and reviewed before any interview may take place. One case put this failure to investigate into the spotlight, after CPD officers shot, and tried to cover up the shooting, of Laquan McDonald in 2014. In this instance, officers tried to construct a narrative that they had shot McDonald because he had a knife—testimony that clearly falsified given bodycam testimony (USDOJ, 2017, Pg. 19). The officers involved worked hard to construct a coherent narrative of what happened before they could be interviewed.

Chicago is just one example of departments across the country who fail to thoroughly investigate instances of police misconduct. In the Minneapolis Police Department (MPD), accountability mirrors CPD in inadequacy. Complaints are rarely investigated; when they are, the investigations are incomplete. When there is accountability, it is rare and inconsistently applied. On average, it took over 420 days for any disciplinary action to be handed down in rare instances where misconduct was identified (USDOJ, 2022, Pg. 55). In Minneapolis, a robust number of agencies are listed as potential investigators of police misconduct in the MPD. These include the Office of Police Misconduct Review, MPD's own internal affairs, the city's personnel review team and Human resource team, the Minneapolis City Attorney, and teams appointed to advise

the mayor, city council, and police chief. The findings from the Minnesota Department of Human Rights indicated that the internal affairs units were spearheaded by sworn officers who failed to make the investigations independent. Civilian review boards were regarded as counterproductive and biased against officers, which created an inability for the review boards and the MPD to work together; at times, MPD would withhold documents from their civilian counterparts. Other teams, such as the Police Conduct Oversight Commission, lacked any meaningful funding.

The police are unable and unwilling to police themselves. When civilian oversight is attempted, police respond with animosity and mistrust. When the police investigate themselves, they are biased to protect their own. In collaborative investigations, agencies withhold information and work to skew investigations to favor police. During incidents, officers work to make sure their versions of stories line up. It is as if they have created a fortified, thin blue line, where they will stand up to any external accountability. If there is no accountability, there can be no trust. One reason internal accountability is so difficult is because of policing culture and a misunderstanding of the role police are supposed to play in society. Police in the United States has moved far away from the original guardian role it was intended to serve (President's Task Force, 2015). This issue has created organizations that are more in line with promoting a military style brotherhood and tradition, rather than organizations that foster trust and accountability

The Issue of the Warrior Mentality in Police and the Prioritization of Force

There is no greater deviation from the community police officer Peel imagined, than the paramilitary, armor-clad, warrior of the modern police department. A critical concern with the introduction of Bobbies in London was the fear of another occupying force on the streets (Lyman, 1964). In democracies everywhere, the role of police and society will always be a

balance between personal liberties and feelings of safety. In Obama's report, Susan Rahr from the task force questioned why police officers around the country are being trained as soldiers. The warrior mentality, the report found, was appropriate for a member of an external, occupying force, but not for a citizen-turned-guardian within a community in the United States (President's Task Force, 2015, Pg. 11 & 12). Given the increasingly militarized nature of police in American Society, this blurred line between soldier and officer is increasingly problematic.

In a new documentary from VICE News, *Inside One of America's Deadliest Police Departments* (2022), reports investigate Vallejo Police Department (VPD), and reports of some of the toxic, hyper-masculine and militarized behaviors exhibited by officers. Lawsuits from VPD show an individual, Sean Monterrosa, as he is shot in the back of the head by an officer. The officer took aim and fired with a silenced assault rifle through the front window of a police truck as Monterrosa attempted to flee a Walgreens. One officer describes a sergeant while he was on a review ride-along with the officer. The sergeant, angry that the new officer did not have his seatbelt on, drew his firearm and pointed it at his head. In a third, shocking revelation, public defenders in Vallejo expose officers for a practice known as badge bending. When officers are involved in a shooting, fellow officers will bend a corner of the officer's badge, to indicate that this officer has been killed in the line of duty. The officers claim it is to indicate that it is a way to help them cope with each other. The community sees it differently. In meetings at Vallejo City Hall, frustrated citizens claimed the practice was more in line with a militia, paramilitary organization, or gang rituals than sworn public officers. Investigations into officer shootings found that some officers became increasingly likely to use an increasingly extreme level of force, with less provocation as their careers progressed.

This Documentary from VICE provides a look into how social media and community action can influence police policy. There were rules and policies in place to prevent badge bending. However, this did not stop officers from doing it. Only mass public agitation upon discovering the practice was able to make the change. This will be a particularly helpful response to issues that may not be addressed easily through policy. The public ostracized any officer they noticed who bent their badge, and officers ended up doing what they could to move away from the label as a badge bender.

Vallejo's practices are an example of how police departments have begun to increasingly rely on force instead of de-escalation and dialogue. Behaviors exhibited by their officers, even those in supervisor roles, are counterproductive and dangerous to police-community relationships. Vallejo is not alone, and nor are these incidents anecdotal. For example, evidence of excessive force is problematic across police departments in more systematic reviews. In their investigation of the Ferguson Police Department (FPD), the DOJ found that officers quickly escalated, rather than de-escalated encounters with members of the public (USDOJ, 2015). Many of these instances of force are in retaliation for what an individual has said or done—something in stark contrast to the Peelian principles regarding force. When using force, based on the standard of objective reasonableness outlined in *Graham v. Connor* (1989), that was clearly unreasonable. FPD officers, upon encountering passive non-compliance, result to higher degrees of force far faster than normal, and rarely are trained or feel any incentive to deescalate (USDOJ, Pg. 10). Even when force is unreasonable, FPD supervisors conclude that is reasonable, demonstrating solidarity with their subordinates—and often engaging in excessive force themselves. The prioritization of force, a deterrent to the community, is a clear indicator of the warrior mentality held by many police.

Correcting the misuse of force and prioritizing alternatives to force are necessary changes for police departments. Within trust, accountability, and the role of the police officer, it is essential that force is used only as a last resort. It is past time that the police officer in the United States aspire to be a guardian rather than a warrior.

Addressing Force

The Precedent for Force: Objective Reasonableness

Force as a topic is a sensitive subject in democracies. Robert Peel rightly warns that when police officers use force, they do at great peril to public trust and accountability. Additionally, Peel points to the idea that force should be used, at the minimum degree necessary to achieve compliance, and only in situations where all other methods fail (Peel, 1829). Even in 1829, Peel suggests that physical force must be necessary, not simply reasonable, which contrasts with the current national precedent of objective reasonableness that was established in *Graham v. Connor* (1989). Dethrone Graham, a diabetic, had rushed into a convenience store to buy something to balance his insulin levels. Upon noticing that there was a line, he turned and quickly left the store, opting to go to a friend instead. Officers observed Graham's behavior and confronted him with the suspicion he had committed an illegal act in the store. The officer conducted a stop on the vehicle where the driver, Berry, informed the officer that Graham was a diabetic and was experiencing symptoms. When told to wait in the car, Graham got out, ran around the vehicle, and then passed out. In the confusion, officers forcefully detained Graham, slamming him into the hood of their police car and then throwing him headfirst into the backseat. Graham sustained a broken foot, cuts, scrapes, and bruises on his forehead. The court ruled that this standard of objective reasonableness is based on whether a reasonable officer, without hindsight, would have found the applied force to be reasonable given all the circumstances surrounding the incident.

Shifting the Precedent Toward Necessary

Robert Peel was right in his discussion of force to indicate using force should be used only when necessary. Recently, California SB 392 has proposed changing the standard for lethal force from objectively reasonable to necessary. In an interview with KCBS, police expert Greg Woods (2020) describes the potential effects of the bill. Prior to the bill, California was leading the nation with the highest number of officer-involved killings. SB 392's definitional change heightens the standard required to use lethal force. Officers must first use de-escalation, crisis intervention, and any non-lethal means at their disposal. Only when these interventions have failed may an officer respond with lethal force.

Mending the Relationship: Peelian Principles in Modern America

Robert Peel lived at a time when trust was necessary for the creation of the London Metropolitan Police. Peel needed to recognize that the police and the public are one of the same, that the police, like other forces in a democratic society, exist by the will of the people. When departments wish to utilize a piece of advanced military technology for policing purposes, they should first meditate on Peel's policing principles. When an officer is responding to a call for service, they must reflect on alternatives to force, and how their decisions will impact their department's relationship with the public.

Peel's principles were echoed in solutions proposed by Obama's Task Force on 21st Century Policing. In their recommendations, they discuss community policing. They note that there is more to policing than what formal controls, such as police and punitive punishment may deliver. They note that effective community policing will see the growth of partnerships between police and members of the community. Scott Thomson, a police chief from New Jersey, points out that quality community policing begins with officers speaking to members of the public on

the corner of a street, and not because a crime has been committed (President's Task Force, Pg. 41). Partnerships with police must expand to include schools, community members, and a recognition of the social services a community can offer (President's Task Force, 2015). Police must recognize that zero tolerance policing risks alienating vast swaths of their communities. Law enforcement in democracies must balance the prevention of crime with the protection of individual liberties that are so cherished in a democracy. Importantly, Obama's task force recognizes the decades of research on informal controls, and how powerful communities are at stopping crime. The police, without public support, cannot hope to effectively prevent crime from occurring.

Force Recommendations

Echoing Robert Peel, Obama's Task Force notes that using force, even if it passes the current precedent, should only be used if it is necessary. In a pivot toward an ideal first espoused by Plato, it is recommended that police reassume the role of a guardian, who chooses to be gentle to those in their community. It is clear from the recommendations from Obama's Task Force that the future of policing is a future that reverts to the principles espoused by Robert Peel. Policing is about more than force and strategic tactics. Policing is about bringing communities together, enhancing civic participation, addressing problems at their roots, and fostering public relationships. Force is counterproductive to these goals. For thousands of years, from Plato to Peel, to Obama's task force, it has been recognized that using force on people in a democracy leads to the dissolvment of trust, the breakdown of relationships, and the loss of policing by consent. For this reason, an effective recommendation for force is one which combines accountability and evaluates the necessity of the force used. Officers must never be in a position where they believe using unnecessary force is acceptable. Officers must never be emboldened by

their colleagues or permitted by their supervisors to escalate, rather than deescalate. Willing oversight, as is slowly being implemented by departments such as the Los Angeles Police Department, that empowers citizen governing bodies to have real power in regulating police, is a helpful step in bridging the current divide between police and society.

Assuming Their Rightful Position as Guardians

Obama's Task Force (2015) makes it clear that departments can set as many rules as they would like; if the culture in the department is resistant to these rules, the rules will be ineffective. For this reason, the desire to change must come from the departments themselves. As mentioned in this essay, leadership must help their officers, particularly those who are new or weary, understand the totality of their duties. The first time a new officer makes an unlawful stop should be the last time it happens. Particularly without mandated, quality training, a new officer will not be an expert on the constitution. But, as Sir Robert Peel noted in 1829, officers should be always respectful—of an individual's civil liberties as they carry out their duties. The leadership in police departments needs always to respect these civil liberties as well. At this time, the public has contacted the police repeatedly, doing what they can to expand the trust and accountability they desire. It is time for police departments to step up and to their part, and assume their rightful place as gentle, just guardians, who are hesitant to use force on their natural friends.

Conclusion

The MPD's recommendations come as policing has lost the public's trust throughout the country. Sir Robert Peel (1829) envisioned an officer who policed with the consent of the public. He envisioned an officer who used force as a last resort, conscious of their being an alternative to the military. He also found that they should police in a way free from discrimination based on race. Findings from the Minneapolis Department of Human Rights (2022) indicate that police are

quick to use force, and they use it disproportionately on black or indigenous people. In the Department of Justice's (DOJ)'s, *Investigation of the Chicago Police Department* (2017), accountability is minimal and biased toward police officers. Finally, in the DOJ's *Investigation of the Ferguson Police Department* (2015), they treated their community members as a revenue stream, aggressively and disproportionately citing black residents. It is clear to see where Peel's vision has been lost. In President Obama's *Task Force on 21st Century Policing* (2015), a call is finally made to encourage police officers to adopt policies that place force as a last resort—even if legally permitted. The report finds that informal controls, where the communities play a role in getting to root-causes of crime, is more effective than policing could ever hope to be. This community partnership is only possible with trust. This trust may only be earned through transparent accountability. Militarized, hyper-masculine brotherhoods cannot be transparent. It is up to police officers, through the guiding hand of reformed leadership, to steer their departments toward a place where policing can once again take place with the consent of the people.

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