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## Contemporary Injustice for Migrant Adults, Families, and Unaccompanied Children Entering Illegally Through the U.S.-Mexico Border

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### Abstract

To date, U.S. guidelines and enforcement practices have been ineffective in discouraging or stopping illegal immigration, especially at the southern border. According to U.S. Customs and Border Protection (CBP), since 2009, yearly totals for apprehensions at the southern border have hovered between 300,000 and 500,000. However, from July 2018 to June 2019 the number of apprehensions rose drastically to 851,508 (CBP, 2019). Currently, individuals caught illegally entering or residing in the U.S. are more likely to be arrested, detained in a facility, entered into the justice system, and deported to their home country; these practices also include children—some who crossed the border in family units and others who came unaccompanied by an adult. When this happens, children in family units are often separated from their parents and housed in immigration detention centers, which are

### TABLE OF CONTENTS

Contemporary Injustice for Migrant Adults, Families, and Unaccompanied Children Entering Illegally Through the U.S.-Mexico Border	1
ACJS 2021 Conference Information	14
After All These Years of Funded Research, How Has Policing Become/Remained So Terribly Broken	16
Informed Participants or Informed Researchers? Toward an Accessible Methodology When Interviewing Populations With Disabilities	26
Assessing Complaints Against Police Officers Equipped With Wearable Video Systems	32
Teaching 9/11 in the Age of Pandemic and Protest	39
Adaptions to Police Academy Facilities/Dormitories in a Post-Covid-19 Environment	44
ACJS Executive Board	49



commonly not appropriate for adults and are even less suitable for children to stay in for long periods of time (United States Government Accountability Office [USGAO], 2018). Based on this information, criminal justice and national security professionals have an unprecedented opportunity to be of service to the government and the public by contributing their knowledge and expertise to help address this ongoing humanitarian crisis.

### **Introduction**

For decades, Central American migrant adults and children have arrived at the United States-Mexico border (referred to as the U.S. southern border) fleeing their home countries (Rosenblum & Ball, 2016). The most common approaches of legal entry into the United States (U.S.) are traveling with a visa, as a refugee, as a person seeking asylum, or by a presidential proclamation granting a legal status (USA.gov, 2019). Despite the fact that there is a high chance that immigrants will be denied, many still attempt legal entry at the U.S. southern border, and others proceed to enter illegally with the goal of figuring out their next steps once they have crossed into the U.S. (Rosenblum & Ball, 2016; Ryo, 2019). The uncertainty of a safe journey or legal access afterward has not stopped the thousands who seek entry, and consequently, migrant adults and children are put through an immigration and deportation process that has been labeled “a real-life humanitarian & security catastrophe” by former

Department of Homeland Security (DHS) Secretary Kristjen Nielsen (Nielsen, 2019).

### **Attention and Outcry About Conditions at Immigration Detention Facilities**

In recent years, CBP officers have apprehended and detained as many as 4,000 immigrants each day as they crossed the southern border illegally (Sands, 2019). Previously, national and international media outlets were provided limited access to detention facilities, and those few who were granted tours were prevented from digitally recording any of their observations, so that they only shared images provided by the U.S. government or recollections from what they witnessed and noted (Waldow & Kohlman, 2020). In June of 2018, public concern escalated as official government photos were released that showed the conditions inside the immigration detention facilities (Cullinane, 2018; Zhou, 2018). In order to see for themselves what was happening, 25 members of the U.S. Congress visited facilities in Texas near the border; they described exhausted children lying on cement floors with thin silver, foil-like blankets and with no activities for engagement (Warikoo, 2018). A year later when the Congressional Hispanic Caucus returned to Texas to further examine conditions within facilities, Congresswoman Madeleine Dean tweeted that “the conditions are far worse than we ever could have imagined” and Congresswoman Alexandria Ocasio-Cortez tweeted “This has been horrifying so far. It is hard to understate [*sic*] the



enormity of the problem” (Dean, 2019; Moore, Wagner, & DeBonis, 2019; Ocasio-Cortez, 2019).

In response to the heightened attention in the news media, an increasing number of U.S. citizens, as well as justice and humanitarian advocates from around the world, became outraged by the experiences of migrant adults, but even more so for migrant children, who were traumatized or died due to their mistreatment after being apprehended. Multiple tragedies that resulted from the deleterious conditions of confinement and lack of medical treatment have been highlighted in reports by media outlets: in December 2018 a 7-year-old girl died after going into shock and an 8-year-old boy died after suffering from Influenza B that led to sepsis; in May 2019 a 16-year-old boy died after being quarantined for having a fever and a 2-year-old boy died from pneumonia (Alvarez & Sands, 2019; Boyette, 2019; Gunia, 2019; Moore et al., 2019a). Overall, the reports of these incidents demonstrate the deadly consequences of inhumane treatment and unsanitary conditions for those housed in immigration detention facilities.

### **Recent Changes to U.S. Practices and Policy**

#### **Reforms Related to Immigration**

Several shifts in administrative practices and federal policy changes over the past few years have led to these tragedies and have led scholars to coin terms such as the “immigration detention complex,” “crimmigration,” and “immcarceration” to reflect the substantive overlap between the civil

deportation process and the criminal justice system (Coutin, 2011; Gomez Cervantes et al., 2017; Kalhan, 2010). In April 2018, former U.S. Attorney General (A.G.) Jeff Sessions created a “Zero Tolerance” memo to prohibit and further criminalize both attempted illegal entry and illegal entry into the United States by an immigrant (United States Department of Justice [DOJ], 2018). This memo declared that those caught crossing the border illegally would certainly be arrested, criminally charged, and then placed in immigration detention centers. Additionally, the memo from A.G. Sessions authorized the Department of Homeland Security (DHS) and Office of Refugee Resettlement (ORR) to treat individuals under 18 years old as “unaccompanied alien children” (Gonzalez, 2018). The result has been that children in family units were treated as unaccompanied children without access to their parents or legal guardians (USGAO, 2018).

Once migrant adults—with or without children—make the decision to journey to the U.S., they often go without any set plans, any understanding of the journey’s dangers, or any perspective on the legality of their actions (Ryo, 2019; Women’s Refugee Commission, 2012). Upon being detained, parents and guardians are at risk of not being informed about where their children are being taken or about their children’s welfare (Roth et al., 2018; Schochet, 2018). For instance, children as young as 4 months have been separated from



their parents—and detained even after the parent has been deported—and for some parents, the hope for reunification is completely lost when the separation becomes permanent as their child is adopted in the U.S. against their wishes or sometimes without their knowledge (Dickerson, 2019a; Monico & Mendez-Sandoval, 2019). Sadly, these instances of parental separation do not capture the assortment of reproductive injustices suffered by those in detention, including the mistreatment of pregnant individuals, which has led to miscarriages, as well as the denial of abortions for minors (Messing et al., 2020).

Later in June of 2018, President Donald Trump signed Executive Order 13841, titled “Affording Congress an Opportunity to Address Family Separation,” directing DHS to maintain custody but also to reunite members of immigrant families during any criminal proceedings for improper entry or immigration hearings (Executive Order No. 13,841, 2018). However, DHS and HHS never fully stopped families from being separated, and despite not having prior notice of the announcement in order to prepare for an increase at ORR facilities, they proceeded to keep children in custody who were often unsupervised and caring for each other due to limited services and resources (Jordan & Dickerson, 2019; USGAO, 2018).

By the end of 2018, DHS still did not have a reliable system to indicate the number of children and parents being separated at the border (Hackman,

2019; USGAO, 2018). At that time, the U.S. Department of Health (DOH) and ORR reported that there were more than 11,000 children in ORR shelters, including about 2,000 who had been separated from their parents (Robertson, 2019). A year later, in 2019, the administration added 1,500 children to their count of migrant children separated from parents or family unit, totaling almost 5,500 since 2017 (Aguilera, 2019). Even in 2020, the practice of separating children and their parents is still in effect (Ainsley, 2020). To make matters worse, thousands of children who were separated before A.G. Sessions’s memo in 2018 have not been accounted for or reunited with their families (Jordan, 2019a). Overall, the administration was ill prepared to handle the influx of unaccompanied children, regardless of whether they were separated from their family unit or originally traveled alone (Silva, 2020).

### **The Immigration Process and Collateral Consequences for Migrant Children**

These changes to practice and policy reforms have shifted how individuals who are caught illegally entering the U.S. at the southern border are treated—or mistreated. First, DHS starts the processing of a migrant child in federal custody by evaluating his or her eligibility for “voluntary return” to the home country (USGAO, 2018). If a child is ineligible or refuses, then DHS issues a notice to appear in court and informs the DOJ Executive Office to further review the child’s



immigration status. While awaiting the DOJ's review, ORR places the child in a detention center (Ryo, 2019). At this point, the detention center staff work to identify potential sponsors (who previously knew the child and accept fiscal responsibility) or foster care parents (who are vetted and receive government assistance for the child's financial needs) who can take temporary custody of the child, which is most likely to occur for younger kids and least likely to occur for teenagers (Cepla, 2019; Gamboa, 2019). As the DOJ's review process comes to a conclusion, the child is eventually ordered to appear at an immigration court hearing to determine whether he or she will be sent home or granted immigration relief to stay in the U.S. (USGAO, 2018).

The reality is that the steps of the detention and deportation processes are a mystery to most migrant adults, and especially to children (Campus & Cantor, 2017; Wise & Petras, 2018). However, their lack of clarity did not change the limited rights that migrants are confronted with upon entering the U.S. illegally, being caught, and being detained (Coutin, 2011). The detention centers where they are housed awaiting their review are in depraved conditions without necessary supplies, such as toothbrushes, soap, or a change of clothes (Dickerson, 2019b; Goodkind, 2019; Hopkins, 2019). Some facilities were so overpopulated that they were even housing adults and children clustered together underneath highway overpasses;

other facilities housed individuals in cold holding cells surrounded by chain-link fences (Flores, 2019; London, 2019; Owen, 2019). Due to these conditions, there have been reports of not only the children's deteriorating health, but also of countless other horrific and tragic incidents, which have led some to debate whether the facilities are really operating as concentration camps (Hopkins, 2019; Holmes, 2019; Sales, 2019).

### **Acts of Protest and Protection by Advocates and Allies**

In response to the mistreatment in detention centers, some of those advocating for the rights of children have taken legal recourse and many of these situations are being challenged in the U.S. courts (Jordan, 2019b; Jordan & Dickerson, 2019; Lal, 2017; Sacchetti, 2019). Also, ORR received more than 4,500 allegations of sexual abuse and sexual harassment between 2015 and 2018 (Gonzales, 2019). Of those complaints, 1,300 were serious enough to refer to the U.S. Federal Bureau of Investigations (FBI; Gonzales, 2019). These allegations exemplified the need for more oversight and protection for those in DHS custody. As a result, in February 2019, the U.S. House of Representatives had the Commander of the HHS, Jonathan White, testify before them to address the reports of thousands of immigrant children being sexually assaulted while under DHS care (Gonzales, 2019).



In addition to legal and political challenges to the mistreatment of migrant adults and children, some individuals and groups have boldly challenged the status quo, and some have suffered consequences themselves: Lawyers have called out the “level of inhumanity” witnessed against migrant children at a Texas facility and called border patrol officers to hospitalize sick toddlers that were being cared for by other children in detention (Attanasio, Burke, & Mendoza, 2019; Wade, 2019); Jewish protestors have demonstrated using religious songs and chants at multiple facilities around the U.S. as part of their #NeverAgainIsNow movement (Sales, 2019); twenty-five motorcyclists donated 30,000 meals to migrant adults being released from a facility in New Mexico (D’Ammassa, 2019); four women in Arizona took it upon themselves to deliver water and other supplies in order to help, and they were later “convicted of entering a national wildlife refuge without a permit and abandoning personal property or possessions” (Law, 2019). These individuals and groups exemplify care for fellow human beings without concern for nationality or citizenship status. Ideally, public concern and involvement would increase, but even more so, it is hoped that practitioners and professionals of criminal justice and national security would provide their insight and expertise to aid in the current problems with immigration enforcement and detention.

### **Parens Patriae as a Guiding Ideology for the General Public and Professionals**

Traditionally, there has been a strong sentiment among U.S. citizens about the importance of caring for children in need that should make the public want to be more aware about the treatment of migrant children who have been apprehended at the U.S. southern border (Platt, 1977; Ward, 2012). *Parens patriae*, which is Latin for “parent of the fatherland,” is the core ideology that provides the framework for the treatment of children by the government and its systems (Rendleman, 1971). Essentially, this serves as the guiding principle for how we protect children, as well as adults, who are in need of government action for their well-being and safety. Along with the United Nation’s Declaration of the Rights of Children (1959), “which defines children’s rights to protection, education, health care, shelter, and good nutrition,” *parens patriae* advances the importance of protecting childhood as a critical period for healthy social and emotional development (Perriera & Fadnes, 2019; McGillivray, 2004).

Unlike the general public who may be less informed of immigration policies and practices, criminal justice and national security professionals in the U.S. and globally have been challenged to be actively aware, concerned, critical, and publicly engaged about civil and criminal justice issues and their connection with public safety and security



policies (Petersilia, 1991; Tonry, 2010). The evidence presented suggests professionals serving in justice-related areas should do more to inform the treatment of migrant children, as well as adults. On one hand, the detention and incarceration of all children in the U.S. must continue to be examined and researched so that calls for progressive reforms (e.g., see the call to end all youth incarceration in Bernstein, 2014) can be actualized and implemented with the best knowledge available. On the other hand, this issue also extends to all populations in the U.S., and more generally into the areas of policing, courts, and corrections that are the main areas of consideration in maintaining public safety.

### **The Influence of Immigration Policies on Police, Courts, and Corrections**

While the discussion has been focused on corrections through immigration detention centers and other methods of supervision and custody, these policies and practices also are influencing policing and the courts. Local and national law enforcement agencies have increased their efforts to capture and detain those suspected of being in the U.S. illegally, seemingly under the presumption that they are dangerous and require treatment as criminals (Noferi, 2016). Reports about Immigration and Customs Enforcement (ICE) raids have already had a negative impact on the public's perception of ICE, which has left them defending their actions with statements from their leadership like "we have no

choice" (Allyn & Burrett, 2019). These raids have already been shown to have a negative impact on some local community policing efforts, especially in sanctuary cities where communities provide refuge and protest the removal of immigrants from their neighborhoods for deportation (Collingwood & O'Brien, 2019; Daly, 2017).

In addition to ICE raids, these policies have expanded the deportation of Cubans who have permanent resident status but not U.S. citizenship (Rivero, 2019). They have also led to illegal requests by CBP officers forcing individuals returning to the U.S. on international flights to show identification as they deplane and the erroneous detention of those with full U.S. citizenship status, as well as detention for brief and accidental border crossing by foreigners (Brantley, 2019; Handeyside & Diakun, 2019; Horton, 2019). For those who are seeking legal entry through a visa application, the process now includes a review of their social media history going back 5 years. Altogether, both U.S. citizens and noncitizens who are seeking to live in the U.S. are having personal and vicarious engagements with local and federal law enforcement officers that are influenced by current immigration policies and practices.

Similarly, there are issues with the experiences in courts for migrant adults and children who have been apprehended. Often they lack legal representation and are not extended the



due process rights afforded to U.S. citizens (Coutin, 2011). As already discussed, parental rights have already been compromised for at least 1,000 children who have been separated from their parents over infractions that have been as minor as traffic tickets (Aguilera, 2019). Additionally, necessary services are not provided to assist with the legal processes and hearings. For example, a lack of English language skills led to a father accidentally signing his own deportation papers, which prevented him from being reunited with his son who was in detention for over a year, and a mother who was unable to obtain legal assistance in her native language was later denied custody of her young son, who was adopted by a family in the U.S. against her will (Bojorquez, 2019; Ross & Hill, 2019). These instances represent the collateral consequences of immigration detention and highlight the expansive ripple effect created by the current immigration policies and practices.

### **Conclusion**

The number of migrant adults and children who have illegally crossed the U.S. southern border has increased over the past decade, with notable spikes in 2014, 2016, and 2018 (Robertson, 2019; Rosenblum & Ball, 2016). Despite the

inconsistency of the climb in apprehensions, the total has been twice that of 2010 for every year since 2013. Along with the increased attempts at entry, an increased number of reports have surfaced about the unsuitable housing and other conditions that have resulted in children being critically ill or dying while detained in facilities and in other residential care or home placement settings (Alvarado, et al., 2019; Alvarez & Sands, 2019; Boyette, 2019; Gonzalez, 2019; Gunia, 2019; Moore, Schmidt, & Jameel, 2019). The result has been that some strong public statements have come out—like from former DHS Secretary Nielson, when she described on Twitter what she witnessed firsthand as “a real-life humanitarian and security catastrophe” (Gutman, Flaherty, & Owen, 2019; Nielson, 2019). Taken together, these issues across police, courts, and corrections highlight the increased likelihood that migrant adults, but especially children, will require the government to act on their behalf for their safety and well-being, as intended with the ideology of *parens patriae*. Additionally, this argument extends to criminal justice and national security professionals, as well as the general public, who should get involved and invested in the process and outcomes related to immigration policies and practices.



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**After All These Years of Funded Research, How  
Has Policing Become/Remained So Terribly  
Broken?<sup>1</sup>**

**Delores Jones-Brown, J.D., Ph.D.\***

The answer to this question may lie in the competing stories about the origins of the modern police force. In the United States, some policing scholars trace its origins to the work of Sir Robert Peel in founding the Metropolitan Police of London in 1829.<sup>2</sup> Others trace the founding to the slave patrols of the South whose purpose was to control and contain the Black population, whether slave or free.<sup>3</sup> We have seen evidence that supports the latter founding story in contemporary policing practices, like the aggressive use of “stop and frisk” in New York City—a practice that stopped hundreds of thousands of innocent people of color in the professed attempt to control and contain violent crime. This policing strategy was doggedly pursued at the expense of the civil liberties of law-abiding Blacks, Latinx, and other individuals<sup>4</sup> trying to go about their everyday lives.<sup>5</sup> Their complaints were ignored until a federal court ruling, in 2013, declared the strategy unconstitutional as practiced.<sup>6</sup> The police union appealed the ruling even though members of the

NYPD testified on behalf of the plaintiffs against the policing strategy.<sup>7</sup>

Evidence that the practice was racially targeted in New York and elsewhere is found in publicly available statements from high-ranking police officials. Take, for example, this quote, which appeared in the *Chicago Tribune* on March 13, 2009 by then-Chief Russell Mills of Homer, Louisiana:

If I see three or four young black men walking down the street, I have to stop them and check their names. I want them to be afraid every time they see the police that they might get arrested. We’re not out there trying to abuse and harass people—we’re trying to protect the law-abiding citizens locked behind their doors in fear.

Or, the statements of an NYPD Deputy Inspector in the South Bronx caught on tape ordering an officer to stop “the right people” and declaring: “The problem was, what, male blacks. And I told you at roll call, and I have no problem telling you this, male blacks 14 to 20, 21.”<sup>8</sup> And, the 2013 statement of then-NYPD Commissioner Raymond Kelly in an appearance on *Nightline*, declaring that Blacks were “under-stopped.”<sup>9</sup> However, data gathered and



<sup>[4]</sup> reported by his own department<sup>10</sup> showed that Blacks were being stopped disproportionately, far in excess of their representation within violent crime statistics contained in the department's enforcement activity reports. In addition, according to department's "stop and frisk" data, in 88% of stops involving Blacks, no evidence of actual crime was found.

The statement by Commissioner Kelly in the *Nightline* interview is an example of classic racism—the suggestion that it is okay to treat all Blacks as if they are the same—with no need to distinguish between legitimate criminal suspects and the majority—those Blacks who do not engage in serious crime. The statements by the Homer, Louisiana chief and the NYPD deputy inspector suggest that it is okay to collectively “see”<sup>11</sup> young Black men as separate and apart from the “law-abiding” public—a specific kind of “othering” that we in the social sciences have come to call criminalization.

How did law enforcement become (remain) so comfortable publicly equating non-White identity with crime and with justifying unconstitutional practices as effective policing? I suggest that social scientific research is partially to blame—that funding that was intended to improve the role of the police as instruments of justice has been used instead to foster

a belief among law enforcement agents that they are omnipotent crime fighters and that their safety matters above all else.<sup>12</sup>

It is this defiant yet aloof sense of superiority that I saw in the face of former Minneapolis police officer Derek Chauvin as he knelt on the neck of George Floyd on May 25, 2020 and in the face of former officer Tao Thoa as he held back the civilians who wanted to help Mr. Floyd. Former NYPD Officer Daniel Pantaleo had the same look when he “took down” Eric Garner using a departmentally banned chokehold<sup>13</sup> on a city street in July 2014—a “take down” that caused Mr. Garner’s death for allegedly selling loose cigarettes. George Floyd was killed for the underlying crime of allegedly passing a counterfeit 20-dollar bill. Thanks to video recordings, we are able to see these faces in real time as they snuff out the lives of real people in situations that do not involve the split-second decision making associated with police shootings. The recorded incidents beg the question: How did the police become or remain<sup>14</sup> so uncaring about human life, disproportionately the lives of Black people?

If we accept that slave patrols are the precursor to modern day policing<sup>15</sup> and we are familiar with U.S. history, Black people were killed and maimed for

<sup>[5]</sup>



being disobedient or being runaways. Today, attempted arrests for disorderly conduct, resisting, or eluding evolve into incidents of serious physical injury or death for Black civilians, even when the underlying act alleged is a nonviolent “crime” like walking in the street (Michael Brown), selling loose cigarettes (Eric Garner), or passing a counterfeit \$20 (George Floyd). And then, there are those who die for committing no crime at all, like Atatiana Jefferson, Breonna Taylor, and Rekia Boyd.<sup>16</sup> Those who take offense at the Black Lives Matter Movement have a clear lack of awareness of how these incidents revive a historical memory that spans four centuries, when Blacks were killed with impunity for doing nothing except being Black or for stealing pigs and watermelons.

Then, there are the ambiguous cases like the death of Freddie Gray. In researching the case for a forthcoming article, even as a former prosecutor, I could not figure out, legally, why the police made contact with him at all. I was doubly baffled when the after-the-fact justification that he was in possession of an illegal knife seems to have been thoroughly debunked.<sup>17</sup> Perhaps the unsuccessful prosecution of all of the officers involved in that case helped bring us to this moment when mostly White civilians are

still protesting in Portland, Oregon some five years after the death of Freddie Gray and three months after the death of George Floyd. A contemporary explanation might also include that the current reaction is a backlash against the kind of militarized “warrior-style” policing<sup>18</sup> that came into vogue with the so-called “War on Drugs.” We saw it play out in Ferguson, Missouri and culminate in the failed prosecution of (now former) Ferguson Police Officer Darren Wilson,<sup>19</sup> once all the tear gas and tanks had cleared. How could the nation end up (still be) experiencing such prolonged and sometimes violent<sup>20</sup> protests after six decades of funded research related to criminal *justice*, policing, and police reform?

When we examine the historical record, the social scientific study of policing in the U.S. began in earnest following the civil unrest in major urban centers in the 1960s.<sup>21</sup> Then, as now, the rebellions were sparked by police behavior. Since that time, many taxpayer dollars have been devoted to reforming policing and improving police-community relations. A College of Police Science (COP) was founded in 1964.<sup>22</sup> The National Institute of Justice (NIJ) was created in 1968. An Office of Community-Oriented Policing Services was established in 1994. In fact, since the President’s Commission on Law



12

Enforcement and Administration of Justice issued its 342-page report in 1967, considerable government-funded time and attention have been dedicated to the provision of technical assistance and specialized training to federal, state, and local law enforcement agencies.<sup>23</sup> But, despite the undoubtedly trillions of dollars spent on federal assistance and social scientific research, policing continues to be plagued by two primary overlapping problems: excessive use of force and disproportionate contact with communities of color, especially Blacks, whether or not they are engaged in crime. The videotaped killings of George Floyd, Eric Garner, and Atatiana Jefferson<sup>24</sup> have given the public a front row seat to how American policing has gone or remains terribly wrong.

In my view and experience, academic research in criminology and criminal justice, with few exceptions,<sup>25</sup> has supported wrong-headed policing by focusing more on the science of crime and less on the science of justice.<sup>26</sup> The advent of “big data” and secondary analysis of existing datasets have allowed individual scholars to build careers off both the direct and indirect criminalization of the Black body and the socioeconomic spaces in which many Black people live. Often these scholars make definitive statements

13

about Blacks as a group and the spaces where they reside without ever having met any or many Black people in real life. This racial and spatial criminalization is fostered and reinforced by research that emphasizes racial disproportionality in arrests—inaccurately read as “Blacks commit the most crime,”<sup>27</sup> even when the raw numbers in official statistics tell a different story.<sup>28</sup> This is not to suggest that there isn’t real and serious crime occurring in some of these spaces—crime that is committed by people who are Black—but the offender’s race is a correlate, not a cause, of that crime. More than 30 years ago, Wolfgang documented that only a relative few repeat offenders within a birth cohort were responsible for the majority of serious crime committed by members of the group.<sup>29</sup>

Today, a disproportionate amount of academic research focuses on so-called “Black crime” while under-studying “White crime”<sup>30</sup>—not to be confused with white-collar crime, which is similarly understudied. Indeed, there is no such formal label. In research and public discourse, reference frequently is made to “Black-on-Black crime.” Such reference fails to acknowledge that the majority of all personal crime is intra-racial. Why assign a special label to intra-racial offending by Blacks, when no “White-on-



White crime” label exists? Who benefits and who is harmed by the presence and absence of such labels? Similarly, a continuous line of research insists on comparing racial rates of offending, when we know that Blacks and Whites do not live in social parity.<sup>31</sup> Such studies elevate racial identity (but only Blackness) above all other nonfixed<sup>32</sup> correlates of crime (e.g., context, psychology, social structure). In addition, criminological<sup>33</sup> studies that use “percentage Black” as a predictive variable suggest to readers that there is a direct causal connection between Black racial identity and propensity for offending, exclusive of other well-researched crime correlates. Such research legitimizes racial profiling, although it is unlawful under various provisions of constitutional and civil rights law.<sup>34</sup> Sociologist Thorsten Sellin called attention to this pernicious social scientific tendency more than 90 years ago. In 1928, he wrote,

In the case of the Negro. . . all beliefs prejudicial to him aid in intensifying the feeling of racial antipathy engendered by his color. . . . In setting the hall-mark of his color upon him, his individuality is in a sense submerged, and instead of being the

mere thief, robber or murderer, he becomes a representative of his race, which in turn is made to suffer for his sins.<sup>35</sup>

In modern-day policing, this “suffering” of the Black populace has been legitimized and facilitated by academic theories and questionable supporting “evidence” from social science research that uses aggregate data and complex quantitative methods to assess “what works.” Such data render the individuals behind the numbers invisible and promote the suffering of the many based on the behavior of the few. Information about real people becomes numbers that are manipulated through computer software. The people are rendered anonymous and non-human<sup>36</sup> in the name of science and “public safety.”<sup>37</sup> The police seem to take their cue<sup>38</sup> from this objectified treatment of Black lives in social scientific research. To compound the harm, once a popular policing theory or strategy is announced, more time is spent researching its effects on crime than on researching its impact on the people who will be subjected to the police practice the most.<sup>39</sup> With few exceptions, even less time is spent researching whether, in carrying out such strategies, the police abide by the legal rules that govern their profession. Justice system actors and



academic researchers begin to act as if, within the American legal system, the reduction of crime is the sole purpose of policing—legitimizing the notion of crime reduction at all costs and without legal limitations—a position that has become particularly salient in contemporary politics as the response to current policing protests.

Consequently, funded academic research has been used to support biased policing policies that are overtly and implicitly racist, self-fulfilling, and resistant to reform, in part because they reflect a longstanding and familiar way of defining and addressing the criminal conduct of some while ignoring or being more creative about addressing the criminal conduct of others. See, for example, the drastically different handling of the current heroin addiction “crisis” among middle-class and other Whites (also known as the “opioid crisis”) versus the handling of the crack “epidemic,” thought to have been concentrated among lower-class Blacks during the 1980s.

In particular, the collection of policing strategies referred to as “proactive policing,” including such practices as broken windows policing, hot spots policing, predictive policing, and the aggressive use of stop-and-frisk, increased the likelihood that people

of color and low-income people, especially the young, would have contact with police.<sup>40</sup> Proactive policing also diminished the constitutional protections afforded to residents of low-income “high crime areas” and increased the likelihood that these specific community residents would accumulate arrest histories and the attendant negative collateral social consequences.<sup>41</sup> Perhaps most relevant to this moment, those strategies, as deployed, also increased the risk that these directly affected populations would be subject to police mistakes and misconduct, including the unwarranted use of fatal force. In other words, while academics were debating, through funded research, whether these policing policies and practices were reducing crime, people were being subjected to unconstitutional and unlawful treatment that included dying at the hands of the police, under circumstances that were “unnecessary and avoidable.”<sup>42</sup>

The primary use of these so-called proactive policing strategies has spanned more than three decades. For many, their purpose is not to detect crime, which is measurable through tangible evidence, but to prevent crime through deterrence, which is not precisely measurable because, as any seasoned criminologist knows, the causes of crime



and desistance are multi-faceted.<sup>43</sup> The National Academy of Sciences has noted that “predictive” policing strategies use “sophisticated computer algorithms to predict changing patterns of future crime often promising to be able to identify the exact locations where specific types of crimes are likely to occur next.”<sup>44</sup> This can only have the impact of further convincing police agencies that policing is a precise science capable of distinguishing the good guys (and gals) from the bad, while their unions defend their errors and misconduct as the cost of having an effective “blue wall” of defense against dangerous criminals. Such thinking has set us back 60 years. The Brennan Center for Justice has acknowledged that “attempts to forecast crime with algorithmic techniques could reinforce existing racial biases in the criminal justice system.” Refreshingly, one law enforcement agency, Pittsburgh, has recently announced that it will abandon this approach.<sup>45</sup>

The current challenge for those who study policing, criminal justice and criminology is to engage in research and dialogue that create the possibility of expanding and elevating a science of justice that saves Black lives (and the lives of others, including officers)

and hold police accountable to a standard of policing that is not about crime reduction or self-protection at any cost, but one which recognizes our common humanity and the value of all human life.

**Postscript:** For those who might view the closing sentence of this article as impractical and hyperbolic, please watch the video-recorded police shooting of Jacob Blake, in Kenosha, Wisconsin on Sunday, August 23, 2020 around 5 pm. Mr. Blake, an African American father of three, was shot in the back multiple times by Kenosha police while he was unarmed and in front of his children—ages 3, 5, and 8. The miracle is that at the time of this writing he was still alive. The atrocity is that those Black children can never “unsee” what happened to their father. The seeds of fear, distrust, and potential hatred of police have been planted. The work that we do as criminal justice practitioners and academic researchers must promote a world that minimizes the opportunity for these kinds of events to recur and increases the likelihood that if and when they do, the officers who are involved in such incidents will be held morally and legally accountable.



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## Endnotes

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<sup>1</sup> This article is a modified version of a presentation I gave at the National Academy of Sciences, Engineering and Medicine in Washington, DC in April of 2018 during a workshop sponsored by the Committee on Law and Justice. The workshop was titled "The Criminal Justice System and Social Exclusion: Race, Ethnicity and Gender." The workshop was convened to examine how the criminal justice system affects the fundamental status of people as members of society and to consider next steps for research, practice, and policy for the field. The Proceedings in Brief can be found at <https://www.nap.edu/read/25247/chapter/1>.

<sup>2</sup> See his often-cited nine law enforcement principles at [https://www.durham.police.uk/About-Us/Documents/Peels\\_Principles\\_Of\\_Law\\_Enforcement.pdf](https://www.durham.police.uk/About-Us/Documents/Peels_Principles_Of_Law_Enforcement.pdf), which today seem to be observed more in the breach than in compliance.

<sup>3</sup> See Williams, H., & Murphy, P. (1990). The evolving strategy of police: A minority view. *Perspectives on Policing*, 13. Washington, DC: National Institute of Justice and Harvard University.

<sup>4</sup> See, for example, the NYPD's Muslim surveillance program in the aftermath of the terrorist attacks of 9/11/2001.

<sup>5</sup> See, for example, Haldipur, J. (2019). *No place on the corner: The costs of aggressive policing*. New York: New York University Press.

<sup>6</sup> *Floyd, et al. v. City of New York, et al.* 959 F. Supp. 2d 540 (2013).

<sup>7</sup> Multiple sources see unions as a major obstacle to policing reforms. Read, for example, <https://www.wusa9.com/article/news/local/dc/police-unions-biggest-obstacle-to-true-reform/65-1275d9c0-e776-48e1-aa68-b78a7ad0ca32>

<sup>8</sup> Testimony in *Floyd v. City of New York, et al.* Read more: <http://www.dailymail.co.uk/news/article-2298873/Stop-right-people-NYPD-officer-caught-tape-ordering-search-black-males.html#ixzz5HQ7QxTDh>

<sup>9</sup> See a portion of the interview at <https://www.youtube.com/watch?v=PLOJ5d-WNIE>. Ironically, when the department's SQF data was analyzed, "fits description" was not among the top three reasons that officers gave for making stops. See p. 14 of D. Jones-Brown, B. Stoudt, B. Johnston, & K. Moran. (2013). *Stop, question and frisk policing practices in New York City: A primer* (Revised). Available at [http://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/SQF\\_Primer\\_July\\_2013.pdf](http://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/SQF_Primer_July_2013.pdf)

<sup>10</sup> This data only became publicly available after a settled lawsuit against the department demanded this level of transparency. See *Daniels v. City of New York*, 99 Civ. 1695 SDNY (2003).

<sup>11</sup> See Eberhardt, J., et al. (2004). Race, crime and visual processing. *Journal of Personality and Social Psychology*, 87(6), 876–893.

<sup>12</sup> See a discussion of the Blue Lives Matter Movement at <https://www.the-sun.com/news/992088/blue-lives-matter-racist-flag-blm-protests/>

<sup>13</sup> Though Pantaleo was not indicted by a grand jury in 2014, he was fired from the department in 2019 after a departmental trial in which the presiding judge found his behavior to be reckless and unreasonable. Retrieved from <https://www.nytimes.com/2019/08/19/nyregion/daniel-pantaleo-fired.html>

<sup>14</sup> In 1993, former NYPD officer Michael Dowd testified to an investigative body, the Mollen Commission, about how randomly and mercilessly the police would beat Black and Latinx people on the streets of New York.

<sup>15</sup> See Reichel, P. L. (1988). Southern slave patrols as a transitional police type. *American Journal of Police*, 7(2), 51–77.

<sup>16</sup> Atatiana Jefferson was killed in her home, in 2019, by a Fort Worth, Texas police officer who was supposed to be performing a "welfare check" a neighbor had called in. Breonna Taylor was killed in her bed, in 2020, by Louisville police officers executing a "no knock" warrant based on inaccurate underlying information. Rekia Boyd was killed in Chicago, in 2012, by an officer who claimed that he thought he saw someone else on a corner pull a gun.

<sup>17</sup> It has been reported that Gray's knife was, in fact, an assisted opening knife, which is legal under both Baltimore City and Maryland state law.

<sup>18</sup> See Balko, R. (2014). *The rise of the warrior cop: The militarization of America's police forces*. New York: PublicAffairs; or Stoughton, S. (2015, April 10). Law enforcement's warrior problem. *Harvard Law Review Forum*, 128(6), 225.

□



<sup>19</sup> Before joining the police department in Ferguson, Darren Wilson had been with two other local departments. The department in Jennings, Missouri was disbanded completely and it has been reported that he was only with the Shadow Lawn Police Department for two days.

<sup>20</sup> While some have focused on the violent behavior engaged in by protesters, the violent reaction to protesters by police is also a cause for concern.

<sup>21</sup> Most notably, rebellions in response to incidents of police killing Black civilians occurred in Philadelphia and New York in 1964; the Watts section of Los Angeles in 1965; Newark, NJ and Detroit in 1967; and Chicago in 1966.

<sup>22</sup> Now John Jay College of Criminal Justice, which boasts as its mission “educating for justice.”

<sup>23</sup> The Commission’s report is titled *The Challenge of Crime in a Free Society*. The third objective of the report calls for the elimination of unfairness. It states that, “to eliminate injustices so that the system of criminal justice can win the respect and cooperation of all citizens. Our society must give the police, the courts, and correctional agencies the resources and the mandate to provide fair and dignified treatment for all” (p. viii).

<sup>24</sup> Unlike the deaths of George Floyd and Eric Garner, which were both captured on private videos, the death of Atatiana Jefferson at the hands of former Fort Worth police officer Aaron Dean is captured on his own body-worn camera.

<sup>25</sup> See generally the work of Columbia University professor Jeffrey Fagan and his testimony in *Floyd v. City of New York*.

<sup>26</sup> It would be useful to know how many ACJS-accredited justice studies programs there are, in comparison to criminal justice or criminology programs.

<sup>27</sup> See Robinson, M. (2000). The construction and reinforcement of myths of race and crime. *Journal of Contemporary Criminal Justice*, 16(2), 133–156.

<sup>28</sup> Each year roughly 70% of arrestees in the UCR are White.

<sup>29</sup> Wolfgang, M., Figlio, R., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago, IL: University of Chicago Press.

<sup>30</sup> See Russell, K. (1998). *The color of crime: Racial hoaxes, white fear, black protectionism, police harassment and other macroaggressions*. New York: New York University Press, pp. 110–129.

<sup>31</sup> See Sampson, R., & Wilson, W. J. (1995). Toward a theory of race, crime and urban inequality. In J. Hagan & R. Peterson (Eds.), *Crime and inequality* (pp. 38–54). Palo Alto, CA: Stanford University Press.

<sup>32</sup> Race is fixed at birth. These other variables are subject to change if there is a political will to do so.

<sup>33</sup> Here criminological research is contrasted with criminal justice research efforts that use the “percentage Black” variable to assess racial disparities in the application of legal processes.

<sup>34</sup> Some states, like New Jersey, have also made it a criminal offense for law enforcement officers to target individuals for enforcement action based on their race.

<sup>35</sup> Sellin, T. (1928). The negro criminal: A statistical note. *The Annals of the American Academy of Political and Social Science*, 140(1), 52.

<sup>36</sup> See, for example, Goff, P., Eberhardt, J., & Jackson, M. C. (2008). Not yet human: Implicit knowledge, historical dehumanization and contemporary processes. *Journal of Personality and Social Psychology*, 94(2), 292–306.

<sup>37</sup> But only people of color, particularly Blacks, experience this collective criminalization. White mass murderers, such as Dylann Roof (church shooter, Charleston, South Carolina in 2015) and James Holmes (movie theater shooter, Aurora, Colorado in 2012) have survived their murderous rampages and been arrested “without incident.”

<sup>38</sup> However, there is little doubt that these research practices may, in many instances, simply reinforce existing beliefs about Blacks already held by officers. See, for example, Moskos, P. (2008). *Cop in the hood: My year policing Baltimore’s eastern district*. Princeton, NJ: Princeton University Press.

<sup>39</sup> See the NAS (2017) report discussed in note 3. A weakness of the report is that it largely fails to acknowledge the existing research on community impact.

<sup>40</sup> See, for example, Fratello, J., Rengifo, R., & Trone, J. (2013). *Coming of age with stop and frisk: Experiences, self-perceptions, and public safety implications*. New York: Vera Institute of Justice; Stoudt, B., Fine, M., & Fox, M. (2011). Growing up policed in the age of aggressive policing policies. *New York Law School Law Review*, 56, 1331–1370; Rios, V. (2017). *Human targets: Schools, police and the criminalization of Latino youth*. Chicago, IL: University of Chicago Press.

<sup>41</sup> See Howell, K. B. (2009). Broken lives from broken windows: The hidden costs of aggressive order maintenance policing. *NYU Rev. L. Soc. Change*, 33, 271–332.

<sup>42</sup> In October of 1996, New York Supreme Court Judge Gerald Sheindlin used these words in reference to the chokehold death of Anthony Baez by NYPD officer Francis Livoti. See the *Fatal Encounters* online dataset for details related to 2,364 officer involved deaths between 2008 and 2018. See also Jones-Brown, D. et al (forthcoming). *Hernández v. Mesa* and police liability for youth homicides before and after the death of Michael Brown. *The Criminal Law Bulletin*, 56(2).

<sup>43</sup> This is not to suggest that “nothing works” in proactive policing but to caution police agencies and academic researchers to be more mindful of the constitutional and civil rights of directly affected community members when carrying out or attempting to scientifically assess these strategies.

<sup>44</sup> See NAS (2017), highlights, at p. 2.

<sup>45</sup> See the full story at <https://www.post-gazette.com/news/crime-courts/2020/06/23/Pittsburgh-suspends-policing-police-program-algorithms-predict-predictive-hot-spots-crime-data/stories/2020062300599>





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## **Informed Participants or Informed Researchers?**

### **Toward an Accessible Methodology When Interviewing Populations with Disabilities**

Joshua Ruffin\*

This article focuses on the importance of moving toward an accessible methodology for scholars who wish to do work with people with disabilities, a population that is often excluded from research and other activities including particular housing units, jobs, or any other programs offered within the correctional setting (Brewster, 2004; Schlanger, 2017). Literature suggests that this exclusion persists in the field of criminal justice (see Dowse, Baldry, & Snoyman, 2009). This exclusion may be due to impairments that are assumed to limit one's ability to engage in major life activities (Russell & Stewart, 2004). People with disabilities have carried the label of being "vulnerable" or "hard to reach" in terms of human-subjects research (Ellard-Gray, Jeffrey, Choubak, & Crann, 2015; Good, 2001). It is possible that carrying these labels can result in limited opportunities to engage in research processes.

Compared to the general or non-institutionalized population, there are more institutionalized people with disabilities (see Bronson, Maruschak, & Berzofsky, 2015). Many studies on populations with disabilities have excluded the voices of people who are incarcerated or formerly incarcerated, and much relies on more

mainstream methods to approach this area of research. Amplifying the voices of incarcerated populations with disabilities is a valuable contribution to the field, especially because they, too, are involved in every stage of the criminal justice system. This requires great attention so that researchers are not excluding certain experiences from their analyses—experiences that may be vitally relevant to issues of importance for society and the criminal justice system.

### **Recruitment: "It Takes a Village"**

In light of the demands of academia to "publish or perish," it is possible for researchers to unconsciously utilize programs and people to collect data without making any significant contribution to the lives of the participants from whom they gather data. Thus, it is a recommendation that researchers build connections with the services and people that they anticipate needing time and expertise from, with whom they may pursue further studies. This could be done through volunteering or making a monetary or in-kind donation after the study is completed; these are actions that communicate respect for the practitioner's time or community agency's needs and are built on a model of basic reciprocity (Panfil, Miller, & Greathouse, 2017). Building this relationship will also aid in coordinators being more open to working with researchers in the future.

One popular method of recruitment is posting flyers. If visual aids are used, researchers must be



mindful when using light colors on a light background, and vice versa, which cause difficulties for disabilities that impact vision. Various resources are available on the United States Access Board's website. This site provides "how-to guides" on how to make documents accessible for people with disabilities. The United States Access Board was founded in 1973 and is an online resource for researchers and practitioners that gives guidelines and standards on how to effectively communicate with people with disabilities.

In terms of recruitment, there are other methods one may take to gauge interest, such as incentives for people's time and refreshments. In providing monetary remuneration, you as the researcher formally recognize the value of their time. This also acknowledges that they could be taking an hour of their time that could be spent making an hourly wage to help you with your research. In terms of recruitment, it is also important to offer refreshments or even lunch, especially if you are holding focus group meetings and have the meeting time scheduled during lunch hours. All of these suggestions are factors that can play into the successful recruitment of individuals and improving their comfort while they participate.

### **Obtaining Informed Consent**

When interviewing people with disabilities, a common question concerns the methods used to obtain informed consent. Ensuring the appropriate readability level will significantly aid in this

process. It is necessary to stay away from academic jargon when writing and explaining the consent form. As a safety net, some researchers may benefit from incorporating "continuous consent" throughout the study. This process ensures that each participant is willingly taking part in the research. Although it is common in interview and focus group studies to tell participants that they can refuse to answer any question or stop at any time, reminding them at various points throughout is perhaps especially relevant for individuals who may have cognitive difficulties with concentration or memory. Some researchers may prefer the use of consent scripts, which is a shorter statement of the information presented on the informed consent form.

### **Toward an Accessible Methodology**

This article serves as a call for researchers to advance the use of qualitative methodologies that are accessible to people with disabilities. Accessible methodology means structuring the various parts of the research process to cater to the needs of people with disabilities, allowing them to engage in the research just as people without disabilities. I provide the following six suggestions that will aid in this process, based on my experience in researching this population.

#### **1. Invite people with disabilities to aid in developing research questions/instruments.**

Researchers who do not have disabilities may find it important to invite people to aid in creating a



proposal that is accommodating and accessible. During the planning stages, members of the target population could help ensure accuracy in the way the research is framed, as well as the research instruments. It is always good to know that we, as researchers, are framing our studies in a way that will be the most beneficial to the populations we are studying instead of framing our studies based on assumptions we have no direct experience of. Also, this could be used as a safety net in making sure the interview questions are relevant, sensitive, and worded well. In addition to research development, the target population may also be in the best position to inform you on the best ways to recruit participants.

## **2. Utilize your interdisciplinary networks.**

Utilizing your interdisciplinary networks can aid in the advancement of new and innovative research ideas relating to populations with disabilities. Although this may seem obvious, research has shown that in the criminal justice sciences, there are significant barriers that stand in the way of this goal (Payne, 2015). It was through experience outside of the criminal justice realm that I gained valuable connections with people in the technology field—particularly, computer scientists—to research accessibility concerns for incarcerated populations. From this experience, I realized that some of the most critical issues we have in the criminal justice system may not be

addressed, simply because we are unaware of their existence.

## **3. Have a research team to aid in data collection.**

Having a research team to aid in data collection can be important as researchers juggle many tasks in the data collection process, which can include being the organizer, facilitator, recorder, note taker, transcriber, etc. To ensure that we are making our best effort in the research process, it is suggested that researchers spread the responsibility by delegating tasks to others. Doing this ensures that we are sticking to the nature of qualitative research, which is collecting rich data (Tewksbury, 2009). Having one or more people to assist you will ensure that you stay within the timeframe set for the meeting. More important, if the research team is diverse, participants may feel more like their identity or values are reflected.

## **4. Consider audio-recording preliminary procedures.**

It is common for studies to have preliminary procedures, which may require participants to fill out forms before the research begins. As mentioned, these forms can generate many questions from the participants, even after being approved as an acceptable document to give by the institutional review board. It is suggested that scholars either audio record or have fellow team members take field notes on this process so that research can be continuously improved for this population. It is



important to capture this data because someone's willingness to participate in future research could depend on their past experiences of participating. Different research with different objectives may call for new concerns that should be addressed in research methods.

### **5. Understand the intersectionality of individuals and the overlap that may call for special considerations.**

Intersectionality, a concept coined by Kimberlé Crenshaw (1989), is often utilized by scholars as an analytical framework to understand the various forms of overlapping oppression individuals experience. When researchers take people through research processes without any regard to their special needs, a message is sent that we, as researchers, do not value their participation. While working with any marginalized population, scholars must not assume that all people under one marginalized identity share the same experience. For instance, it would be incorrect to believe that everyone who shares the same disability has the same experience. It is equally important to note that having a disability or disorder is not an automatic indicator of someone's inability to participate in research or to make decisions for themselves. Neither does it mean that participants who carry these identities view themselves as unable. This is of extreme importance in ensuring accessibility as some perspectives are excluded from research due

to discriminatory thinking that indirectly strips people of their human rights.

### **6. Be inclusive.**

Recruiting participants while also encouraging them to actively participate are two separate roles of the researcher that are dependent on our ability to facilitate. At times, particularly in focus groups, it may become apparent that some people are participating in the discussion willingly, while others may be more hesitant. Incorporating techniques such as an ice-breaker activity or asking participants if they have any similar or conflicting thoughts on points made during the focus group meeting may encourage participation.

### **Conclusion**

The points covered in this article are not an exhaustive list of issues one may encounter while using qualitative methods with populations with disabilities. However, this article serves as a starting point for researchers who wish to engage in this area of work. By incorporating these changes throughout our research, we also make sure that our research, regardless of its focus, is accessible to all people. This article is important to the broader discussion of qualitative methods as we honestly never know who may or may not have a disability in our samples. The points made have been found, through my experience, to work particularly well for populations with disabilities.



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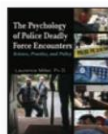
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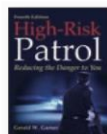
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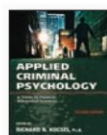
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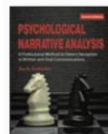


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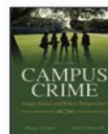


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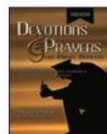
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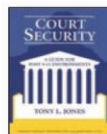


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## **Assessing Complaints Against Police Officers Equipped With Wearable Video Systems**

DeAris Vontae Hoard\*

Growing issues surrounding police use of force, procedural justice, and related de-escalation tactics continue to proliferate the use of wearable video systems (WVSs) by law enforcement agencies across the United States. Collectively, U.S. law enforcement agencies significantly increased their use of WVSs within the last decade, with nearly one-third of all agencies using them (Gaub, Choate, Todak, Katz, & White, 2016). Additionally, several U.S. states explored state legislation to facilitate the incorporation and practice of police agencies using WVSs (Ariel, 2016a). The use of WVSs by law enforcement is founded on the belief that WVSs establish enhanced “police performance, conduct, accountability, and legitimacy, in the eyes of the public” (Ariel, 2016b, p. 729). In concert, these perceived enhancements facilitate continued interest by law enforcement agencies and related stakeholders—accelerating popularity and agency buy-in.

With the implementation of WVSs by law enforcement agencies, there is an expectation that police misconduct will be deterred and there will be safer, constructive interactions between law enforcement officers and the citizens they serve. Case in point, White (2014) noted WVSs can reduce violence during police-citizen encounters. As the use of WVSs by U.S. law enforcement agencies

continues to rise, proper empirical research surrounding their effectiveness is necessary, specifically when it comes to complaints against officers. Existing research studies regarding WVSs focused on officer behavior and perceptions of the technology, community member perceptions, effects of police-community interactions, assaults against officers, and officer use of force; however, there remains a need to explore how the implementation of WVSs impacts complaints against officers, specifically the source of the complaint and the disposition of the complaint. White, Gaub, and Todak (2018) argued although positive results were presented in previous studies regarding WVSs, studies had failed to properly make note of the positive effects regarding complaints against officers. Correspondingly, Pelfrey and Keener (2016) proclaimed WVSs have not been empirically and sufficiently analyzed.

Law enforcement agencies, police managers, criminal justice practitioners, and other involved stakeholders possessing an awareness of the effectiveness and consequences of expensive technology implementation, like WVSs, is fundamental. Agencies and police managers being aware of factors such as unintended consequences can aid in the implementation of more productive and supported training practices, policies surrounding use, officer buy-in, and overall agency effectiveness. As noted by Katz, Choate, Ready, Nuño, and Kurtenback (2014), police effectiveness



in their response to crime is important, in addition to police accountability.

### **Methods**

In this study, I analyzed trends in the complaints against officers of Cruiser Police Department (pseudonym; CPD). For each received complaint, I noted the source of the complaint, or how it was initiated, and the derived disposition of the complaint following an investigation. To most adequately depict trends in the complaints against officers equipped with WVSs, an interrupted time series design was used. Through an open records request, all complaints against officers were requested for the period beginning in June 2013 and ending June 2018. This request did not take into consideration the assignment of a WVS to the officer, as the study focused on the trends of the complaints as the CPD implemented WVSs throughout the department. The CPD provided data listing 419 ( $n = 419$ ) complaints against CPD officers, containing the source and disposition of each complaint. For each of the complaints, the source of the complaint, the month of the complaint, and the disposition of the complaint after investigation was noted. The total number of complaints for each month and the number of complaints from each source for each month are illustrated using a bar and line graph, respectively (see Figures 1 and 2). Although there was not a randomized controlled trial used during the time series analysis, all complaint data were used to

assess the number of complaints, the source of each complaint, and the dispositions reached 2 years before and 2 years after complete implementation of WVSs by the CPD.

To note, CPD is one of the largest metropolitan police departments in the midwestern region, employs approximately 1,000 sworn law enforcement officers (at the time of inquiry), and provides full-service law enforcement services to between 550,000 and 630,000 citizens (U.S. Census Bureau, 2017). Therefore, the CPD stood as a suitable agency to examine regarding the trends in complaints against officers before, during, and after WVS implementation.

### **Findings and Discussion**

As stated, the purpose of this study was to analyze the trends or changes in the number of complaints over time, using the implementation of WVSs as a reference. There were 156 complaints during the preimplementation period and 177 complaints during the postimplementation period—an overall increase of approximately 13%. Complaints during the implementation period, June 2015 to June 2016, were not included in the calculations. More specifically, the number of chief-initiated complaints increased by 28% from pre- to postimplementation, and citizen-initiated complaints dropped by 15%. Interestingly, the number sustained, or those proven to be true or validated, increased by 41%.



Figure 1 provides the changes in the total number of complaints, including chief-initiated and citizen-initiated, over time, and Figure 2 provides the changes in the number of complaints by the source of the complaints.

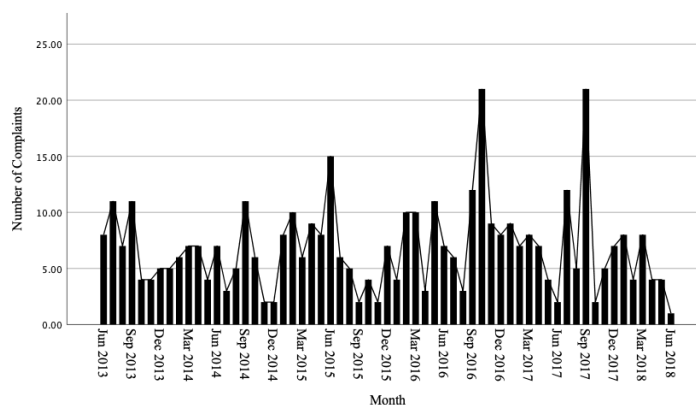


Figure 1. The changes in the total number of complaints over time.

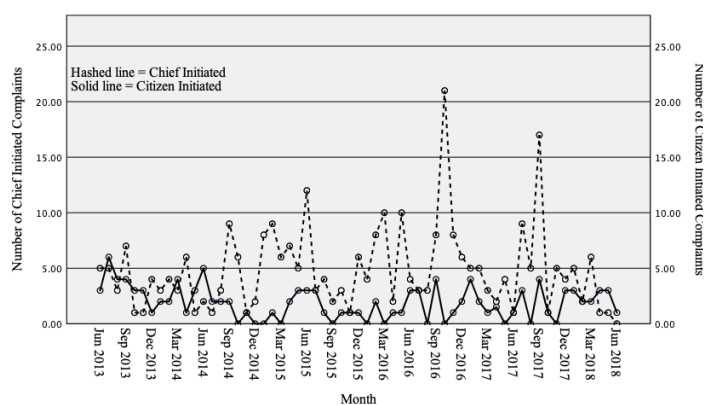


Figure 2. The changes in the number of complaints by the source of the complaint over time.

Although Figure 1 shows no unique trends or patterns in the number of complaints before, during, or after implementation, it is apparent there were substantially more complaints several months after implementation when compared to the months before implementation.

As shown in Figure 2, chief-initiated complaints remained consistently higher than citizen-initiated complaints for most months during the studied period. During the month of June 2015, the first month of WVS implementation, there was a sudden spike in the number of chief-initiated complaints and an unbroken period of little change regarding citizen-initiated complaints. Then, from July 2015 to August 2015, there was a drop in the number of citizen-initiated complaints coupled with an increase in chief-initiated complaints.

Additionally, Tables 1 and 2 illustrate the frequencies of the various complaint dispositions from the pre- and postimplementation periods, respectively. As shown in both tables, there were seven possible dispositions for each complaint initiated against an officer. For both the pre- and postimplementation periods, “sustained” complaints remained the highest. Also presented in the tables is a drop in the percentage of “exonerated” and “not sustained” complaints; these were complaints in which officers were either determined to have violated departmental policy and it was justified or there was not enough evidence to determine whether or not a violation of department policy occurred, respectively.

Table 1

*Frequencies: Complaint Disposition*  
*Preimplementation*



	Frequency	Percentage
Closed by		
Exception	15	9.6
Exonerated	28	17.9
Not Sustained	36	23.1
Open	2	1.3
Sustained	70	44.9
Unfounded	4	2.6
Unknown	1	0.6
Total	156	100.00

Table 2

*Frequencies: Complaint Disposition**Postimplementation*

	Frequency	Percentage
Closed by		
Exception	15	8.5
Exonerated	28	15.8
Not Sustained	27	15.3
Open	0	0
Sustained	99	55.9
Unfounded	8	4.5
Unknown	0	0
Total	177	100.00

In earlier WVS studies of complaints, Ariel, Farrar, and Sutherland (2015) observed an 88% drop in the number of citizen complaints against officers; Jennings, Lynch, and Fridell (2015) concluded a lower presence and occurrence of serious complaints against officers, and Ariel (2016) detected a 38% increase in the number of

complaints against officers. Also, Ariel (2016) found their control group, which did not possess a WVS, had 14% more misconduct complaints and 35% more use of force complaints, when compared to their treatment group counterparts who did possess a WVS. However, none of these studies expressly explored the source of the complaint and the related disposition of the complaint, just the mere presence of a complaint. Similarly, Grossmith et al. (2015) noted a statistically significant decrease in citizen complaints within 2 of the 10 examined boroughs in London. This research paper serves as an extension of the mentioned studies, as it examined the type of complaint, or how the complaint was initiated, and the disposition of each case.

The findings of fewer citizen-initiated complaints against officers, in addition to the increase in the percentage of sustained complaints, is in line with the perceived benefits and enhancements claimed by WVS advocates. The belief is that law enforcement officers equipped with WVSs will conduct themselves in a manner that would not result in citizens complaining about them. Thus, when there is an actual citizen-initiated complaint against an officer, it would be substantiated by the WVS footage, thereby establishing a higher percentage of sustained complaints. However, the peculiar increase in the number of chief-initiated complaints against officers raises questions. What would cause a chief



of police to increase the number of complaints he or she initiates against his or her officers? What concerns would the chief of police have that would not be of concern to the general public?

### **Limitations and Conclusions**

Limitations of this study include the use of one medium-sized law enforcement agency and the lack of a true experimental design. Together, these two factors preclude speaking to correlation and generalization of results. For this paper, I exclusively present a basic analysis of the trends in the number of complaints against officers, with a focus on the source and disposition of the complaints. Clearly, this, along with the lack of experimental design, prevents me from drawing any firm conclusions regarding cause and effect.

Despite its limitations, this paper suggests the distinct need to comprehensively explore the consequences of WVS implementation, especially the unintended consequences. Although WVS proponents are focused on the perceived benefits and enhancements of the WVS, such as improved police performance, conduct, and accountability (Ariel, 2016b) and the reduction in violence during police-citizen encounters (White, 2014), there is a need for agencies who use them to establish policy

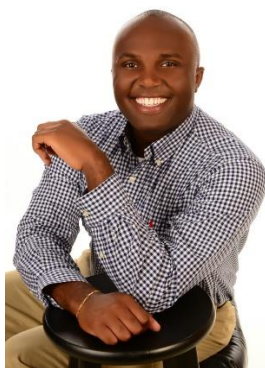
and practices that facilitate the most ideal officer buy-in, agency effectiveness, training, and overall cost-benefit.

The findings of this paper represent a need to investigate the consequences surrounding the implementation WVSs and the policies and practices concerning their use, at least for the CPD. The sustained increase in complaints against officers after the implementation of WVSs is disadvantageous and injurious to the perceived and actual benefits of the WVSs. These trends should facilitate a discussion regarding not only policy and practice, but also training and discipline. Not only should the goal be reduced violence during police-citizen encounters, as stipulated in White (2014), but there should also be an aim to advance police accountability and overall effectiveness in the execution of their duties, supported by Ariel (2016b) and Katz et al. (2014). Regarding future research, there is evidently a need to expand this type of research, especially using experimental design, on a greater scale to determine whether, in fact, these findings are consistent throughout other agencies, or whether such changes are limited to the CPD.



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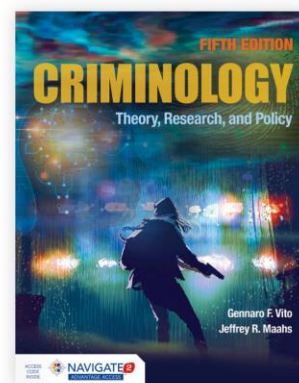
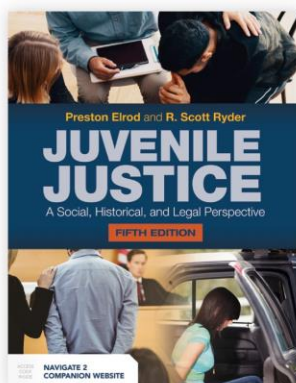
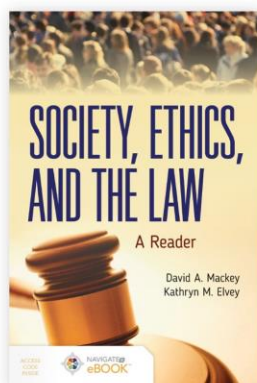


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## Teaching 9/11 in the Age of Pandemic and Protest

Jason W. Ostrowe, Ph.D.\*

It's been nearly 20 years since the terror of 9/11, and while we are in the midst of dual events of great historical rupture—pandemic and protest—it is all the more important to maintain a perspective on past events to help us better understand how we arrived here. Indeed, as criminal justice teachers, researchers, and professionals, current events are leading us in directions unforeseen just a few months ago. Because of this, I fear what was already a fading event in common consciousness—9/11—will become dwarfed by our current challenges. I sincerely hope this does not come to pass.

I wrote the following essay prior to the COVID-19 outbreak and social unrest related to police practices that engulfed the United States, with minor revisions since. The tumult of 2020 may lead many in our field to conclude that teaching and discussing 9/11 is less relevant now, but I tend to think, and hope, otherwise. Twenty years henceforth, perhaps someone will write a parallel story about the many challenges of keeping both the memory and legacy of the pandemic and social unrest alive in the classroom to a generation that may feel untouched by these dual events of historical magnitude.

9/11. How does one teach this subject? Perhaps most faculty aren't faced with such a task, it being too outside their curricula. This is certainly not the case for me. Teaching criminal justice with a

specialization in policing, I am confronted with this challenge every semester, most acutely in early fall after the humidity of August breaks, leading to those few weeks of blissful September weather that descend upon the New York area. The clear blue skies, 70-degree temperatures, and city streets buzzing with activity as the masses have made their return from summer vacation. The first Tuesday after Labor Day is the real start of the new year in New York. September in the city begins in full, and the cascade continues: parades, the U.S. Open, back to school, primary elections, San Gennaro, and the U.N. General Assembly. Tucked away in there is a date that is becoming more and more an event in our rearview mirror, relived through fuzzy TV images and tributes to ageing responders and affected family members regarding something that occurred a generation ago.

During one of my policing lectures in the early days of spring 2020, I was discussing events from the year 2000 when a student remarked in a way that only a young person would: "2000...that was like so long ago; I wasn't even born then." This prodded me to reflect on 9/11. The early 2000s don't feel that long ago from where I stand; nonetheless, I understood this student's perspective.

For me 9/11 isn't some distant historical event. I was a 26-year-old NYPD officer who was working in Manhattan at the time of the attack. I am both privileged and unfortunate for having experienced firsthand the enormity of 9/11 in its spectacular



horror. Consequently, when students become aware of my relationship to 9/11, the questions range from the merely curious, “Where were you?” to deeply personal and inquisitive, “What was it like for you seeing that?”

I cannot say that I’ve come to a conclusion on how best to address 9/11 in class, but I think I’ve come to a place where students understand its importance in the context of policing. This requires that I depersonalize it, so to speak. One cannot understand policing and public security in America in the 21st century—the emphasis on militarization, technology, and restrictions on movement—without understanding what came before. To accomplish this, I must pull a trick, replace them with me in the 9/11 equation. I do this by first introducing attributes of major terrorist attacks in the U.S. during the decades leading to 9/11, with a focus on those in New York City, of which at least five have occurred south of Canal Street—where our college is located. Next, I describe in intimate detail the events surrounding the first WTC attack in February 1993, an event that few recall and too many are unaware of. This leads to what anchors the lesson: a gut-wrenching, deeply emotive film titled *Twin Towers*, about two brothers (posthumously referred to as the “Twin Towers”), one from the NYPD the other FDNY, the former the source of documentary filmmaking prior to 9/11. This video depicts the officer and his colleagues traversing many familiar parts of the city, engaging in high-profile and

dangerous operations, executing warrants, assisting the sick and injured, the subject officer even rescuing a family trapped on a sandbar when he was a young child—uncommon heroism—with his adoring family beside him as he’s honored. The sights and sounds are so familiar to a city resident that the mind fills in the smell from images of wafting air.

I don’t need to tell you how that story ends, but when the film is over, the telltale signs of difficult to restrain emotion indicate that this has been a success. I then allow a few moments for the students, and me, to gather ourselves. And with that, the lesson on policing in the 21st century at the only institution of higher education physically damaged on 9/11 begins.

Direct emotional connection aside, I believe what matters most in teaching this significant piece of history is to convey that it wasn’t some event that occurred in some distant past. It shapes the world in which we inhabit, the places we frequent, and even the air we breathe. I am reminded of this every time I pass a police subway checkpoint, go through a metal detector, or see officers on our city streets donning military gear and carrying radiological detectors on their duty belts. All unfortunate necessities that even our students who have no direct experience with 9/11 come to understand.

So, as September begins the year anew in New York, a new semester begins. This one, however, is unlike any that has come before as we negotiate



many uncertainties and unknowns. How the dual ruptures of 2020, pandemic and protest, affect higher education, criminal justice, and our way of life is something that we will hopefully figure out, and work to heal from, together. In the meantime, I will continue to do my best to keep the relevance of

9/11 alive for today's criminal justice students since this history isn't just something that happened long ago; it makes us into who we are today, and will continue to do so, even 20 years from now.



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The ACJS International Section is seeking nominations for the 2021 **Outstanding Book Award**. The award is given to the author of a book published on any topic relating to the broad areas of international or comparative crime or justice with a formal publishing date in calendar years 2019 to 2020.

Nominations are reviewed by a committee of the International Section. We encourage nominations from publishers, colleagues and authors. Nominations from any country are welcome, but the book must also be published in English. Multiple-authored books are also eligible, but edited books are not. Nominated books for the 2021 award must be received by the committee chair, Stefan Schumann at [stefan.schumann@jku.at](mailto:stefan.schumann@jku.at) at no later than **September 15, 2020**. Copies must be made available to the members of the Book Award committee. The award will be presented at the 2021 ACJS Annual Meeting in Orlando, FL. Please take note that the Committee has the discretion to limit the number of books it can read and consider based upon time factors, so early submissions are encouraged!

The **Gerhard O.W. Mueller Award** is conferred annually on an individual who has made an outstanding contribution to the field of comparative/international criminal justice spanning the areas of scholarship, leadership, and service. The Award is offered by the Academy of Criminal Justice Sciences International Section. Nomination requires a letter of nomination and a complete CV to be sent electronically to the Mueller Award Committee chair, Yuliya Zabyelina at [Yzabyelina@jjay.cuny.edu](mailto:Yzabyelina@jjay.cuny.edu). The letter must explain why the candidate is qualified to be considered for the award. Letter-writing campaigns by multiple nominators are discouraged. The deadline for nominations is **October 1, 2020**. The award will be presented at the International Section's Annual Awards Reception during the 2021 ACJS Annual Meeting in Orlando, FL.



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2. Manuscripts must be submitted as an e-mail attachment in Word or as a .pdf or .rtf file only.
3. Submissions should be accompanied by a cover sheet which includes the author's name, department, university and location, contact information (including e-mail address), whether the author is a master's or doctoral student, and the name and e-mail of a faculty advisor who can be contacted to verify graduate student status.
4. The precise name of the degree program in which the student is enrolled, and anticipated graduation date, must also be included.

The winning paper submission will receive a monetary award of \$250 and be recognized at the meeting of the Academy of Criminal Justice Sciences in 2021 in Orlando, FL. Please send submissions electronically to the committee chair, Kim McCabe at [mccabe@lynchburg.edu](mailto:mccabe@lynchburg.edu). Please circulate this announcement to your graduate students.

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**Adaptations to Police Academy  
Facilities/Dormitories in a Post-Covid-19  
Environment**

Dr. Richard A. Ruck Jr.\*

The Covid-19 pandemic of 2020 has influenced law enforcement in ways few could have imagined just a few months ago. Police training facilities, ubiquitous across the country, suddenly found themselves facing daunting questions surrounding how the traditional format of entry-level and in-service training would be administered when health safety directives demanded social distancing practices and orders to quarantine. At the time of this writing, virtually all police training facilities, colleges, universities, and traditional formal public school settings have either suspended operations, adjusted, or in many cases shuttered their doors to students due to the COVID-19 pandemic. The immediate and persistent question in this current pandemic climate remains how to revive training and education for law enforcement professionals now and post-Covid-19.

According to “The Impact of COVID-19 on Law Enforcement Agencies (Wave 1),” a joint report between the International Association of Chiefs of Police (IACP) and the Center for Evidence-Based Crime Policy at George Mason University, “Thirty-four percent of agencies had suspended academy training without offering an alternative. Eighteen percent of responding agencies suspended in-person training and were using online

alternatives. Thirty-five percent of agencies had not suspended new police recruit academy training. Fifty-two percent of agencies were still continuing their recruitment and hiring activities.” It is important to note that the study’s authors disclosed a “high non-response rate” in terms of law enforcement academic training and instruction. Such non-response variables should create pause and diminish the urge of agency executives and administration to rely on this cursory survey for long-term policy direction and/or changes (Lum, Mauphin, & Stoltz, 2020).

Considerations surrounding the inclusion of a return to recruit/in-service residential housing options in the police training post-Covid-19 conversation should include current Centers for Disease Control and Prevention (CDC) precautions, specific state/regional medical data trends, a training needs assessment, current and forecasted training data, budgetary issues, logistics/geographic considerations, liability, agency needs, scope, best practices emerging in communal/group training trends (remote vs. face to face), overall safety, and medical input, to name just a few factors (CDC, 2020).

Police Training Facility housing/lodging typically presents a variety of options depending on the status of the attendee (police training recruit) or purpose of participant attendance (short- or long-term in-service officer training/update):

1. Onsite training facility dormitories/lodging



2. Onsite university/college dormitories/lodging
3. Offsite facility mandated/sponsored dormitories/lodging
4. Offsite subsidized officer housing (Stevens, 2020)
5. Offsite listing of approved or recommended lodging (provided by the facility)
6. Offsite lodging unofficially recommended or suggested by training or agency staff
7. Offsite lodging obtained by recruit/attendee (with no affiliation to the training facility)
8. Miscellaneous lodging/housing options with no training facility or agency affiliation such as local hotel, Airbnb, family arrangements, rooms or apartments for rent (short/long-term), group hostel, etc.

Onsite training facility dormitory rooms traditionally are structured in a congregate or shared room (utilitarian/military type) setting providing long- and short-term overnight temporary lodging for two and six persons in residence per room. Most training facilities' residential dormitory rooms typically require students/attendees in training or in-service residence to maintain their assigned room in a clean and orderly condition. Dormitory rooms are subject to inspection by facility staff at any time for purposes of safety, sanitation, and rule violations. Meal and hygiene facilities are typically included at these locations for those remaining at the training

facility for overnight accommodations (Pennsylvania State Police, 2020).

University/college on-campus housing options are, in most circumstances, traditional college dorms that house recruits/attendees outside of the traditional Fall/Spring academic semesters. These facilities may also offer meal plan options that are available for students/cadets who are attending this type of training facility environment.

Data from the most recent 2016 Bureau of Justice Statistics (BJA) publication, "State and Local Law Enforcement Training Academies," found that of survey respondents, nearly half (47%) of academies that provide basic training for new recruits were based at an educational institution analogous to a 2-year college (33%), 4-year college or university (7%), or technical school (7%). Municipal police departments operated 20% of academies, sheriffs' departments operated 10%, and state police agencies operated 6%. State Peace Officer Standards and Training (POST) agencies operated 5% of academies (U.S. Department of Justice, 2016). It should be stressed that not all training samples mentioned include residential housing facilities for overnight lodging, accommodations, and meals.

Each housing option associated with the police training facility should be assessed on individual agency need that can be rapidly adapted to long- and short-term external/internal environmental conditions (such as the Covid-19 pandemic,



hiring/recruitment surges, officer recall for large scale events, mass casualty field operation, etc.). In light of the recent Covid-19 worldwide pandemic of 2020, considerations of agency mission and training continuity should include housing options that allow for recruit/attendee social distancing, hygiene needs, laundry, medical aid, decontamination, isolation, quarantine, and sanitation without interrupting, curtailing, or delaying any in-progress or anticipated law enforcement training.

Study and examination of emerging best health data and practices, coupled with current CDC guidance, should guide law enforcement executives, command staff, political leadership, and community stakeholders involved in the decisions surrounding police training facility housing configuration and policy. Such leadership and administrative determinations will provide accommodations and modifications to the overall training environment without compromising participant/staff health and welfare. By enacting common-sense approaches, recruits and in-service attendees can achieve their respective state certification and meet agency training criteria safely without confounding delays and training backlogs. This modified training approach will acquiesce to the current pandemic conditions but will grant law enforcement agencies the dexterity to be resilient in providing a continuum of current policing services. As a result, the agency and community will be provided with well-adapted and qualified recruits poised to provide

uninterrupted law enforcement services, while allowing the refreshing of entry-level ranks and operational functions.

Agencies with classes that were currently training when the pandemic erupted took unprecedented steps to employ new strategies, such as “streaming their police academy courses in single-student classrooms, driving separate vehicles to outdoor exercises, participating in rigorous equipment training while wearing masks, and strength training with fully loaded gear bags.” The New Jersey Transit Police (2020) shared via social media that they have been taking part in “intense disinfecting regiments of vehicles, equipment, and surfaces throughout the facility.”

Specific state examples of not only reintroducing police recruits into training facility housing units during the pandemic of 2020 but also planning for electronic means of instruction include utilizing the framework of the preliminary guidance released by the Pennsylvania Department of Education and use by the Delaware State Police of alternative means of instruction.

The Pennsylvania Department of Education released preliminary guidance on June 3, 2020 that suggested approaches to reintegrating university students into dormitory housing. Many of these suggestions can overlap into the police environment and should be considered for police residential training facilities as well. Guidelines should be developed for the use and cleaning of residence



halls consistent with the CDC guidance, for example,

- Dormitory capacity should be considered, keeping in mind the health and safety of recruits and in consultation with public health officials, if possible.
- Promote social distancing and recommend recruits to wear masks or face coverings in all public or common spaces and urge recruits/attendees not to gather in large groups.
- Develop potential accommodations for those most vulnerable for not only exposure but also the contraction of COVID-19.
- Restrict visitors and those considered nonessential from entering the dormitories.
- Plan for a specific area to serve as a place to quarantine those exposed to COVID-19 or confirmed cases of COVID-19 (Pennsylvania Department of Education, 2020).

The Delaware State Police training academy concentrated their efforts on electronic means of instruction until they were prepared to reintegrate their recruits into a physical training capacity. Captain Jason Sapp, Director of Training for the Delaware State Police, initiated a return to a face-to-face recruit trooper/officer academy class on June 1, 2020, after the original start date of March 30, 2020 was halted because of the pandemic. Captain Sapp described that, “The weeks of May 11, May 18, and May 25 consisted of virtual training through an electronic platform. Course content for

those weeks were mandated training hours in courses that don’t require any accompanying written or practical examinations.” Captain Sapp shared that the evolving and unpredictable nature of the Covid-19 crisis created a moment to think outside of the box and, at the same time, “buy time” until administrative decisions could be made concerning the recruit class suddenly finding itself in training purgatory. Additionally, the Delaware State Police published a secondary set of academy rules, detailing specific staff/recruit expectations of social/physical distancing on “liberty” weekends and when off the state police academy grounds. Even with adjustments to training procedure and policy, dilemmas remain regarding how to address physical areas of instruction such as boxing, ground fighting, and the Emergency Vehicle Operation Course (EVOC). Despite modifications to the police training environment, Captain Sapp conceded that with the “ultimate goal of producing the highest caliber of Recruit possible, it is highly likely that areas of instruction like these will clearly be impacted” (J. Sapp, personal communication, May 19-20, 2020).

As a result of the worldwide Covid-19 pandemic, and the implementation of health and safety practices recommended by the CDC and state health departments, alternatives to the traditional law enforcement recruit and in-service residential housing and training environments are only limited by the creativity and ingenuity of an organization



and staff. Within the law enforcement training environment, recruit trainees and tenured officers are taught to adapt to a fluid or unfolding situation that extends beyond the training they originally received. Administrators and training facilities emerging from this deliberate pause in the training climate caused by immediate health safety concerns and challenges will adopt some of those very attributes as we cautiously maneuver toward the “new normal.”

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