

SUBJECT TO DEBATE

A NEWSLETTER OF THE POLICE EXECUTIVE RESEARCH FORUM



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Local Chiefs and Sheriffs Explore Immigration Issues At PERF Meeting in North Carolina

LOCAL POLICE AND SHERIFFS' DEPARTMENTS ARE continuing to struggle with the immigration issue, according to participants at a regional meeting convened by PERF on January 14 at Research Triangle Park, N.C. Current federal policies on immigration leave a great deal of uncertainty about how the issue should be handled at the local level, so police chiefs and sheriffs are developing their own individualized approaches to the question of how large a role local law enforcement should take in enforcing laws against residents who are in the United States illegally.

With support from the Carnegie Corporation of New York, PERF has been holding meetings with local law enforcement agencies across the country to explore immigration-related issues. Last year, PERF conducted case studies in Phoenix and Mesa, Arizona; New Haven, Conn.; Minneapolis; Montgomery County, Md.; and Prince William County, Va. The meeting in Raleigh-Durham is the first in a new series of five conferences to be held across the country.

Three major points emerged from the discussions in Raleigh-Durham:

Increasing and maintaining trust: Many participants said that they are working to ensure that the immigration issue does not damage the trust that police try to develop with all members of their communities, including immigrant communities. Some immigrants are reluctant to notify police when they are victims of crime, because

they are afraid that any contacts with the police might result in a family member's immigration status being investigated, said Raleigh Chief Harry Dolan, who hosted the meeting. Durham Chief Jose Lopez added that some criminals are aware of this fear, so they specifically target victims who they believe are undocumented immigrants.

For police leaders, this issue is complicated by the fact that immigrant communities are constantly changing; a number of participants in Raleigh-Durham noted that there have been dramatic increases in their Latino populations in recent years. In addition, immigrants sometimes are not aware of the differences between federal and local law enforcement agencies, so they believe that calling their local police is the same as calling federal immigration authorities.

Lack of identification: Illegal immigrants' inability to obtain legal driver's licenses or other identification causes problems for them and for police, officials noted. For police, it is unsettling to make a traffic stop or other contact with a person who has no identification card, because the officers have no way of knowing whom they are dealing with, and whether the person is harmless or may pose a threat. For undocumented persons, lack of an ID makes it impossible to do things like open a bank account, which results in a greater likelihood that they will carry large amounts of cash and become a target of robberies and other crimes.

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Commissioner Charles Ramsey Elected President of PERF

PERF's general members have elected Philadelphia Police Commissioner Chuck Ramsey as President of the PERF Board. His term will end on June 30, 2011.

On behalf of all PERF members, we congratulate Commissioner Ramsey and look forward to a very productive term for PERF under his leadership.



The News Media Are Catching Up With What We Have Been Saying

OVER THE LAST COUPLE WEEKS, YOU MAY HAVE noticed a lot of news media stories about the remarkable progress in the fight against crime. Police departments have been releasing their crime statistics for 2009, and in most cities the results are very good. And many of the stories have noted that reduced crime rates have become a long-term trend over the last 20 years.

I decided it was high time that local police got some credit for achieving these enormous reductions in crime, that no one should be left to think that crime rates simply drop 50 percent or more by chance.

So I had the bright idea of writing an op-ed explaining the fundamental changes that have occurred in the field of policing, and why today's police departments have a much greater impact on crime rates than they did a generation ago.

One little problem with my plan: Major newspapers were writing their own stories and editorials that essentially said what we were saying.

- On January 7, *USA Today* said that one of the more credible explanations for these 20-year crime reductions is "that law enforcement officials at all levels of government have been effectively employing community policing, rapid response teams, and new technologies."
- January 2, the *Washington Post*: "We're inclined to credit policies that put more brave and dedicated cops on the street, with better technology and smarter tactics."
- January 9, *Chicago Tribune*: "These latest [crime] figures are powerful evidence that new laws, better enforcement, and innovative strategies can work.... Police started to flood neighborhoods with cops after one or two gang shootings.

That disrupted revenge murders. Police also reorganized to focus on broader investigations aimed at arresting the people who cause the most violence. Federal agents and prosecutors helped by targeting repeat gun offenders.... Let's not forget an indispensable part of this solution: residents. Fed up with violence in their neighborhoods, community policing aides took to the streets, spiral notebooks in hand, noting shabby buildings, broken street lights, even the color of gang members' shoelaces. They staged anti-violence marches and identified troublemakers."

- Last but not least, my favorite: On January 5, the *Minneapolis Star Tribune* summarized what I wanted to say in one tight paragraph: "Our view is that smarter, more proactive police tactics have contributed most to crime's decline. Reforms begun in New York in the 1980s are now routine nationwide. Officers stop known criminals for minor offenses, and guns are often confiscated. Computerized maps predict crime hot spots, and officers are dispatched to flood those zones. Gunfire detectors and cameras help patrol high-crime areas. Closer police-community partnerships have been forged in many cities. Police administrators are held accountable for lower crime numbers."

So as I shopped around my op-ed to various newspapers' editorial boards, I kept receiving the same message: "Thanks, but we'll pass. It's too similar to what we said in our own editorial."

For the record, below is an abridged version of my op-ed. If you'd like, please feel free to crib from it when you're talking to your local reporters, so I won't feel like my efforts were a complete waste of time!

When you look at the history of homicides over the past 20 years, the results are staggering. To mention a few examples, homicides in New York City have dropped well below 500 per year, compared to more than 2,200 in 1990. In Chicago, which had more than 900 murders a year in the 1990s, that number has been cut in half. Minneapolis recorded 19 murders last year—one-fifth of its record of 97 killings in 1995. In Washington, D.C., there were 140 homicides in 2009, compared to 479 in 1991. And in Philadelphia, there were 87 fewer homicides in 2009 than just two years before—a 22-percent reduction.

We have seen a sea change in how the police define their mission. There was a time when the conventional thinking

was that no matter what the police did, it made no difference, and police were not held accountable for increases in crime. That started to change in 1982 when George L. Kelling and James Q. Wilson wrote an article that appeared in *The Atlantic*, called "Broken Windows." Their idea, that broken windows

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Chuck Wexler,
PERF Executive Director
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Law enforcement cooperation: Local police and sheriffs' departments in North and South Carolina generally are working well together, with similar policies and high levels of cooperation. PERF Director of Homeland Security Jerry Murphy, who is directing the PERF/Carnegie immigration project, noted that this is in stark contrast to the situation in Arizona, where Maricopa County Sheriff Joe Arpaio has squared off with local police agencies on the immigration issue.

PERF has developed the following principles for local police and sheriffs' departments to consider. These points of consensus, developed through PERF's previous work in Phoenix on the immigration issue, are being explored in the new series of regional meetings:

1. Officers should be prohibited from arresting or detaining persons for the sole purpose of investigating their immigration status.
2. Officers should make arrests of persons who violate the criminal laws of their jurisdictions without regard to the immigration status of the alleged perpetrator or the victim.
3. Local police must uphold the Constitutional and civil rights of persons regardless of their immigration status.
4. Local police must protect crime victims regardless of their immigration status, and should encourage all victims and witnesses to report crimes, regardless of their immigration status.
5. Local police should engage immigrant communities in dialogue about department policies and programs.
6. Local police agencies should educate their communities about their role in immigration

enforcement, especially the authorities and responsibilities of local police and federal law enforcement.

7. Local police should develop comprehensive written policies and procedures regarding handling of undocumented immigrants.
8. Local police agencies should monitor and enforce racial profiling violations by employees.
9. Local police agencies should evaluate the effectiveness of participation in programs such as 287(g), Secure Communities and state or local initiatives to ensure that the program meets the agency's specified goals for participation. 



ABOVE: A number of officials spoke at a press conference held in connection with the meeting, including Raleigh Chief Harry Dolan, Chapel Hill Chief Brian Curran, and Durham Chief Jose Lopez.



The National Minimum Drinking Age of 21: Is It A Success or a Failure?

IN 1984, PRESIDENT REAGAN SIGNED INTO LAW the National Minimum Drinking Age Act, which strongly encouraged the states to set their minimum drinking age at 21, or else risk losing federal transportation funds. By 1988, all 50 states had set 21 as the minimum drinking age.

In this issue of *Subject to Debate*, we present two views about whether this law has been a success in terms of reducing alcohol-related deaths, particularly among young people.

Presenting a critique of the national Age 21 law is John M. McCardell, Jr., former president of Middlebury College and president of Choose Responsibility, a nonprofit organization that was founded “to stimulate informed and dispassionate public discussion about the presence of alcohol in American culture and to consider

policies that will effectively empower young adults age 18 to 20 to make mature decisions about the place of alcohol in their own lives.” (Choose Responsibility does not receive any funding from the alcohol beverage industry or organizations affiliated with it.)

Endorsing the Age 21 law is James C. Fell, senior program director with the Pacific Institute for Research and Evaluation in Calverton, Md. With support from the National Institute on Alcohol Abuse and Alcoholism and the Robert Wood Johnson Foundation, Mr. Fell recently completed research assessing the status and enforcement of state minimum drinking age laws and determined the relationship of those laws to teenage traffic deaths. Mr. Fell formerly worked at the National Highway Traffic Safety Administration.

Setting Drinking Age at 21 Has Not Stopped The Vast Majority of Young People from Drinking

By John M. McCardell, Jr.

Let me begin by stating the obvious. I do not condone underage drinking, I am against drunken driving, and perhaps the less obvious, I am a mere historian. I am, however, also a parent, a former college president, and someone who has spent a good bit of time considering the presence of alcohol in the lives of young people.

According to the National Institute on Alcohol Abuse and Alcoholism, of the 5,000 lives lost each year to alcohol by those under the age of 21, the great majority are lost off the roadways. The principal problem, in 2010, involving alcohol and young people is **not** drunken driving; it is clandestine, goal-oriented, life-threatening binge drinking that takes place, more often than not, behind closed doors and in remote locations, sites that make enforcement of underage drinking laws frustratingly difficult.

Do these numbers lead us to conclude that what we have been doing to deal with the reality of alcohol's presence in the lives of young people is working or not working? Ought we to be celebrating the incalculable number of lives saved by enlightened practices and tough laws, or should we be despairing over the unacceptably high number of lives lost?

The answer does not lie at the end of a finger pointing at someone else. Nor is it apt to be found in the mirror. Building more jail cells is probably not the answer either. It is least likely of all to be discovered in windy pronouncements by so-called experts with social engineering agendas.



John M. McCardell, Jr.

ALCOHOL USE BY TEENS IS WIDESPREAD, AND IT IS DONE IN A SOCIAL, NOT CRIMINAL, CONTEXT

But before we praise or condemn, we need to understand. Research has determined that approximately 75 percent of high school seniors, two-thirds of high school sophomores, and 40 percent of eighth graders have consumed alcohol. “Widespread” is the word chosen to describe the use of alcohol by those age 13–18.

For many years the focus of alcohol education has been to prevent any use among the underage, on the well-founded belief that the later one begins to drink, the less likely one is to encounter serious, long-term problems of alcohol abuse. The data allow us to determine how successful this approach has been.

But it's not just about use; it's also about setting. A 1998 study of West Coast youths discovered that “alcohol use and misuse were more strongly associated with social activities such as dating and partying than with delinquent and related behaviors such as theft, burglary, and running away from home. The opposite was true of hard-drug, cannabis, and cigarette use.”

This is not an insignificant finding, and the study suggests a provocative possibility: “If efforts to reduce the ill effects of teen alcohol use are to be successful, they must take into account its key characteristics—its prevalence and its social context.”

We may reject this advice, but we need to hear it clearly. Alcohol use by young people is connected with social, not antisocial, activity. We are not required to condone, or defend, or excuse such activity, but if we are to address its problematic aspects with any degree of effectiveness, we must think of it as something more than merely criminal.

Where might that thinking lead us? The report suggests a direction: “Attempts to control teen alcohol consumption should

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Repealing the Drinking Age of 21 Would Be a Grave Mistake

By James C. Fell

Critics of the National Uniform Drinking Age 21 Act use many different arguments for its repeal. Here I will counter three of them: (1) Europeans let their kids drink from an early age, yet they do not have any more alcohol-related problems than we do; (2) Anyone old enough to join or be drafted into the military is old enough to drink; (3) Drinking should be regulated by the states, not the federal government.

Each of these arguments has a fundamental flaw.



James C. Fell

THE DRINKING AGE IN EUROPEAN COUNTRIES

The drinking age of 21 in the United States is one of the highest in the world. In Europe, for example, the minimum legal drinking ages (MLDAs) range from 14 in Switzerland to 16 in France and Italy to 18 in Ireland. European countries are often held up as examples of where liberal drinking-age laws and attitudes result in responsible styles of drinking by young people. It is assumed that alcohol is more integrated into European culture and that young people in these countries learn to drink moderately and responsibly at earlier ages within the context of the family. As a result, it is said that young Europeans learn to drink more responsibly than do young Americans.

The evidence suggests just the opposite.

Intoxication, or getting drunk, is a strong measure of problematic drinking, and is associated with a wide variety of personal and social problems. If lower drinking ages are related to more responsible drinking, young Europeans would presumably have lower rates of intoxication. The chart on the right displays the 30-day prevalence rates for self-reported intoxication for European and American adolescents aged 15–16. U.S. adolescents show a moderate rate of intoxication (18%) compared with their European peers, and one that is substantially lower than in most other countries. Only in Turkey and Cyprus are the intoxication rates of 15–16 year olds substantially lower than in the United States.

AGES OF INITIATION

“If I’m old enough to go to war, I should be old enough to drink,” is another oft-heard argument for lowering the drinking age. In truth, however, many rights have different ages of initiation. In most states, a person can obtain a hunting license at age 12 and drive at age 16. Vendors, such as car rental facilities and hotels, also have

set minimum ages for people to use their services—25 to rent a car and 21 to rent a hotel room. The minimum age for initiation is based on the specific behaviors involved and takes into account the dangers and benefits of that behavior at a given age. The military recruits 18-year-olds fresh out of high school because they are physically fit and highly trainable. This does not mean they are ready to drink.

Alcohol affects young people differently than adults. A teenager may look like an adult and even be more physically fit, but the teenager’s body is still developing. According to the American Medical Association, it actually takes less alcohol for a teenager to get drunk than it does for an adult in his or her twenties. A normal adult’s liver can safely process an estimated one ounce of 80 proof alcohol per hour, but a teenager’s liver can process only half that amount—about one-fourth of a “light” beer.

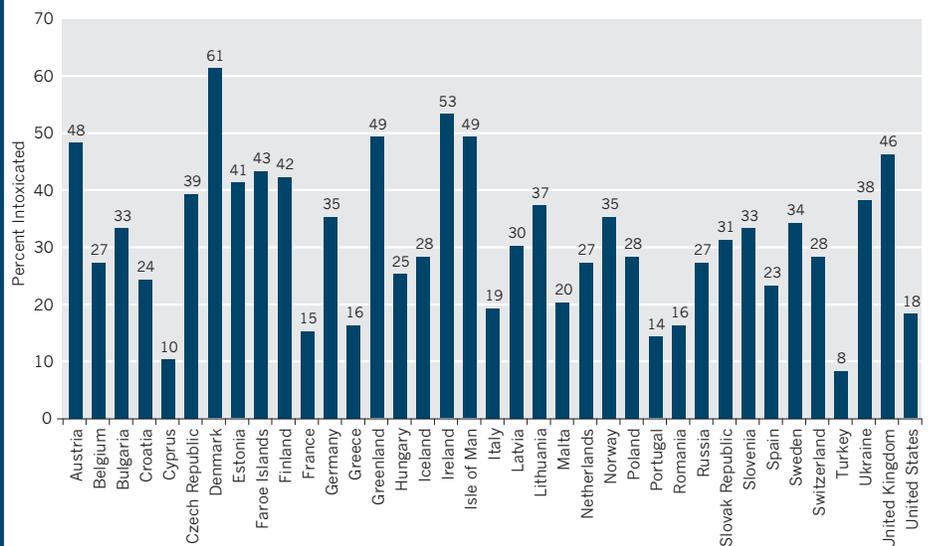
THE FEDERALISM ARGUMENT

A final argument advanced by critics of the National Uniform Drinking Age 21 Act is that the drinking age is a matter for the states to decide. The flaw in this argument is that providing for the public safety is a primary responsibility of government at all levels, including the federal government. Surveys show that 80 percent of the public supports setting the drinking age at 21 and there is little or no variation by state in these public attitudes.

Despite the strong public support for MLDA-21, it is likely that if Congress had not adopted 21 as the national drinking age, the drinking ages would still vary considerably from state to state. If the federal law is repealed, there will again be wide variability in the drinking age in each state. Highways cross state borders and most are built with federal funds, so it >> continued on page 6

Prevalence of Intoxication in the Past 30 Days: United States and Europe

Sources: 2003 ESPAD Survey and 2003 Monitoring the Future Survey



focus less on ... any use and more on prevention of misuse.” Perhaps the problem is not mainly one of enforcement, but rather a law that is out of step with the social and cultural reality of the lives young people lead, not simply in this country but in most of the rest of the world. And perhaps our time as a community of parents, teachers, and law enforcement might be better spent educating than prohibiting. We tried prohibition in the 1920s; we have been trying it since 1984; the results speak for themselves.

In February 2009, Boulder, Colorado Police Chief Mark Beckner appeared on a segment of CBS’ *60 Minutes* to discuss the effects of Legal Age 21 with Lesley Stahl. When asked about his efforts to enforce the law in a college town like Boulder, Chief Beckner said, “We do enforce it. But what we’re seeing is that it’s not being effective. We would find a party where we knew there was underage drinking, we would seal the house and surround the house with officers. And we would write up every single underage person coming out of that house. We wrote hundreds and hundreds of tickets those years. All we did was push it further underground.”

Prohibition does not work. The law says “if you are under 21, you may not drink.” The vast majority of those at whom the law is directed are continuing to drink. How much more such “success” can we stand?

Education can work. Alcohol education that addresses harm-reduction rather than abstinence, that targets the drinker and not the drink, and that begins well before high school just may, over time, make it as “uncool” to binge-drink in secretive settings as it is now to drink and drive.

is very much the federal government’s business to ensure that we do not return to the “blood borders” for young people that were created by different drinking ages in different states.

If the minimum drinking age is lowered to 18, the result will be greater availability of alcohol not only to 18–20 year olds but also to those younger than 18. Studies have shown that lowering the drinking age to 18 also increases alcohol-related crashes for 15- to 17-year-olds. The earlier young people start to drink, the greater the odds that they will be injured while under the influence, have a motor vehicle crash after drinking, or get into a fight after drinking. Youths who start drinking at age 18 also have a greater chance of becoming alcohol-dependent than those who start drinking at 21.

The federal government should act when it can appreciably improve the health and safety of its citizens. By creating an incentive for states to adopt MLDA-21 laws, the federal government has clearly done that. MLDA 21 laws save approximately 900 lives each year in reductions in traffic fatalities involving young drivers. When the lives and well-being of so many young people are at stake, it is appropriate for the federal government to step in and protect the public. States are still free to set their drinking age lower than 21 if they are willing to accept the increase in deaths and give up federal highway funding. The National Uniform Drinking Age 21 Act has been a balanced, effective, and popular tool in helping to combat the many problems associated with youth drinking. Repealing it would be a grave mistake.

We will never be able to eliminate all reckless drinking, nor will we ever eliminate all alcohol-related fatalities. But if we prepare young people to make responsible decisions about alcohol, acknowledging certain basic facts about when, where, and why consumption is occurring, we may save a life and perhaps many lives.

Counterpoint

By James C. Fell

The principal problem with young people and alcohol **is** still drinking and driving. According to the National Highway Traffic Safety Administration, over 1,300 drivers under age 21 who were involved in fatal crashes in 2008 were drinking alcohol. Alcohol-related traffic deaths are still by far the leading cause of youthful deaths related to alcohol, even though these deaths have been cut by 60 percent because of the minimum drinking age 21 law. The drinking age 21 law saved an estimated 714 lives in 2008. So it is still working. If the drinking age is lowered to 18, these youthful alcohol-related traffic deaths will increase dramatically. That is a historical fact.

Enforcement of the minimum drinking age 21 can and does work. Alcohol consumption, and especially binge drinking, have declined substantially for youths of all ages under 21 since the federal 21 law went into effect. According to the National Survey of Drug Use and Health, only about 6 percent of youths aged 12–14, 28 percent of youths aged 15–17 and 51 percent of youth aged 18–20 drank any alcohol in the past 30 days.

Education about dangerous binge drinking and alcohol problems should begin well before high school. I agree with that. We also need education and peer pressure to make binge drinking socially unacceptable. But education alone has not worked to reduce this problem. Education, along with enforcement of the law, does work. There is no reason why we can’t have increased and improved education about harmful binge drinking and still keep the drinking age at 21. 

Counterpoint

By John M. McCardell, Jr.

In the United States, 18 is considered the legal standard for adulthood. Eighteen-year-olds can vote, enter into legally binding contracts, marry, own property, serve on a jury, run for public office, and carry out a host of other responsibilities. In nearly all cultures, alcohol consumption is coincident with the legal age of adulthood. Legal Age 21 is out of step with this societal norm. It is thus difficult for young adults to understand why, in all instances save one, they are deemed capable of acting as adults. In reaction to the illegitimacy of this logic, young adults snub the law by drinking early and drinking heavily. The law drives the consumption of alcohol underground and embeds dangerous drinking behaviors in individuals well before they can legally drink.

In order to address this problem, a comprehensive, realistic approach to alcohol education that recognizes the maturity of those whom it intends to instruct is needed. History and an extensive body of cross-cultural research suggest that cultural attitudes toward alcohol use play a far more influential role than minimum age legislation alone. A realistic program of licensing, which has not been tried in the U.S. or abroad, could go far in making a positive impact on the culture of toxic drinking that is so prevalent among young people in the United States today.

Given that the vast majority of 18–20 year-olds continue to drink heavily despite the dictates of the law, we must ask ourselves if we are satisfied with the status quo. In this case, the federal government’s attempt to force the states into compliance has contributed to a culture of alcohol that puts more lives at risk with each passing year. The time has come to allow the states to debate this issue freely, without fear of interference from ineffective federal mandates. 

and other signs of disorder in a neighborhood can contribute to crime, prompted police to start asking themselves what they could do to fix broken-window problems and *prevent* crime, as opposed to merely investigating crimes after they occur.

Today, thousands of local police departments have adopted this thinking, and they are constantly searching for ways to prevent crime.

How can police prevent crimes from happening? The strategies began with things like Compstat and problem-oriented policing. Community policing is another major change—today's police understand that they can't do it alone, so they make tremendous efforts to reach out to their communities and work together on crime reduction.

Broken Windows policing, Compstat, problem-solving, and community policing have become almost universal in American police departments. Today, the story is the extraordinary proliferation and refinement of ideas to prevent crimes from happening. Police departments across the country are developing new solutions to local problems, and spreading the word to others when they find something that works.

Just a few examples: In Los Angeles, most homicides are gang-related, and one murder used to trigger a bloodbath of retaliatory killings. The LAPD attacked that problem by making it their business to know everything about gang rivalries. Police Chief Charlie Beck has told his detectives that when there is a gang killing, "We not only want to know who committed *this* homicide, but what we can do to prevent the *next* one."

In San Francisco, the police are focusing on the "10-percenters"—the hard-core 10 percent of criminals who commit most of the crime in the city.

In Minneapolis, the police realized that juvenile offenders were committing a large share of the city's serious crimes,

and they were simply falling through cracks in the city's juvenile justice system. So the police helped develop a comprehensive new approach that helps youths get back on track, but also stops the serious repeat offenders.

In Milwaukee, police knew that a particular gun store was selling huge numbers of guns that ended up being used to commit crimes, including the shootings of six police officers. So they staked out the store and watched for signs of "straw purchases" in which felons had other people buy guns for them. The result: 23 arrests in 15 weeks.

And Philadelphia is attacking the problem of domestic violence homicides, which have traditionally been considered very difficult to prevent. The city's new approach involves creating systems to ensure that repeated calls to the police from a certain address and other warning signs are tracked efficiently, so officers will be able to recognize the red flags of a potential domestic homicide *before* it is committed.

In city after city, police are working to figure out the "who, what, when, where, how, and why" of homicides and other violent crimes, and then they try to break up the patterns. High levels of crime are no longer seen as inevitable. Because police are able to use real-time crime information, patterns of crime that once took months or years to detect are now identified on a daily basis. The status quo is never acceptable, because unless homicides and other crimes go down to zero, there is always room for improvement. And when crime rates started moving in the wrong direction, as they did in 2005 and 2006, police redoubled their efforts and in some cases changed strategies, with a sense of urgency that was unprecedented, and they reversed the trend by 2007.

It is becoming abundantly clear that violent crime is dropping because local police, working collaboratively with their communities, have turned on its head the notion that crime is inevitable.



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