

# SUBJECT TO DEBATE

A NEWSLETTER OF THE POLICE EXECUTIVE RESEARCH FORUM



PERF Debates the ACLU  
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## PERF Annual Meeting Panelists Discuss the Economy and the Future of Policing

ONE HIGHLIGHT OF PERF'S 2011 ANNUAL Meeting, held April 28–30 in Seattle, was a plenary session titled "The Prolonged Impact of the Economic Crisis: Are We Pricing Ourselves Out of the Market?" The session brought together four experts to discuss the economic downturn, which PERF surveys have found to be one of the most difficult issues for American police departments since 2008. The panelists were:

- **Leonard A. Matarese**, Director of Research and Public Safety Programs at the International City/County Management Association, a Washington, D.C.-based organization that fosters professionalism in local government management. Mr. Matarese previously served in a number of public safety positions in five states, including police officer, deputy sheriff, police chief, director of public safety, and city manager.
- **Gary Delagnes**, President of the San Francisco Police Officers Association.
- **William Lansdowne**, Chief of Police in San Diego and PERF Treasurer.
- **Charles Ramsey**, Commissioner of Police in Philadelphia and PERF President.

Following is a sampling of comments made at the session:

### LEONARD MATARESE: The Current Model of Policing Is Not Sustainable

As everyone in this room knows, city councils, mayors, and city managers are taking an in-depth look at the way that police, fire, and EMS agencies work, in a way that they have never done before. But I would suggest that even the kind of scrutiny that most of you are going through now misses the point.

My sense is that the historic model of delivering public safety services is not sustainable. We are operating under a labor-intensive model that hasn't changed significantly in 30, 40, or 50 years. When I first became a police officer 43 years ago, police officers were paid a relatively low amount of money, we worked 5½ days a week, and we liked the job. The system is very labor-intensive; you all know that the bulk of our costs in any public safety agency are personnel costs. But because police salaries were low back then, the system worked.



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PERF is grateful to the sponsors of our 2011 Annual Meeting:  
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# Tom Streicher and Scott Thomson Receive PERF Awards

RETIRED CINCINNATI POLICE CHIEF TOM STREICHER was presented with PERF's 2011 Leadership Award, and Camden, NJ Chief Scott Thomson received the Gary P. Hayes Memorial Award, at PERF's Annual Meeting in Seattle on April 29.

The Leadership Award is PERF's highest honor, recognizing individuals who have made outstanding contributions to the field of law enforcement on a national level. The Hayes Award, named for PERF's first executive director, is presented annually to "up and coming" law enforcement professionals whose record of leadership and commitment to better policing embody the ideals to which Gary Hayes was committed.

Chief Streicher began his career with the Cincinnati Police Department 40 years ago and rose through every rank, culminating in his appointment as chief in 1999. At the time he took office, the Police Department had been the subject of many critical reports, some dating to the 1960s. Chief Streicher began to implement reforms, and the city entered into agreements with civil rights and civil liberties groups, the police union, and the U.S. Justice Department which established goals for community policing and bias-free policing. The reforms, which took five years to implement, were focused on police accountability and use of force issues.

In 2007, the Justice Department sent a letter to Chief Streicher congratulating him for the successful completion of the agreement, saying, "This accomplishment demonstrates a commitment to Constitutional policing and fairness for all those who reside in or travel through Cincinnati. We hope that the Cincinnati

Police Department will continue to serve as an example for law enforcement agencies across the nation." Chief Streicher also received high marks from the Cincinnati NAACP for improving the entire relationship between the police and minority communities.

Chief Thomson was chosen to receive the Gary Hayes Award based on his innovative measures to manage the effects of budget cuts in his department. On January 18, 168 of the city's officers were laid off—nearly half the department's force. Chief Thomson's response was to create new ways of operating: He used a quarter-million dollars in asset forfeiture funds to lease 15,000 square feet of office space in Camden, where he was able to house county, state, and federal law enforcement officials who are working in partnership with Camden police. Thomson also is aggressively using technology to help offset the dramatic reduction in officers. The police have license-plate-reader cameras, gunshot detection sensors, and GPS devices on police vehicles that help commanders direct a fast response to serious crimes. The combination of these technologies is helping to reengineer how the Camden Police Department prevents and responds to crime, and even to predict when and where crimes will occur. Chief Thomson has had to prioritize police response to all non-emergency calls. So he has changed rules so that officers no longer respond to certain types of minor traffic accidents or minor offenses. Officers focus on serious crime while still doing problem-solving policing.

PERF congratulates Chief Streicher and Chief Thomson and thanks them for their contributions to the field of policing. 

**RIGHT: PERF President Charles Ramsey presents the Leadership Award to Retired Chief Tom Streicher.**



**LEFT: Camden, NJ Chief Scott Thomson accepts the Gary Hayes Award from PERF Board Members Edward Flynn, Charles Ramsey, William Lansdowne, Charlie Deane, and Tim Dolan.**

# Police Chiefs Debate ACLU Leaders At PERF Annual Meeting

PERF'S ANNUAL MEETING IN SEATTLE INCLUDED a lively debate between two leading police executives and two officials of the American Civil Liberties Union. The panelists were:

- **Peter Bibring**, Staff Attorney at the ACLU of Southern California,
- **Terry Gainer**, Sergeant-at-Arms, United States Senate; former head of the U.S. Capitol Police and the Illinois State Police,
- **Michael German**, Legislative Policy Counsel, ACLU, Washington, DC, and
- **John Timoney**, former Miami Police Chief, Philadelphia Police Commissioner, and New York First Deputy Police Commissioner.

PERF Executive Director Chuck Wexler launched the discussion by noting that on a variety of issues—“stop and frisk” policies, use of force, surveillance cameras, DNA testing, Electronic Control Weapons, and others—the ACLU often challenges local police agencies and in some cases takes them to court. This can create a sense of frustration on the part of police executives.

However, Wexler acknowledged that the police and the ACLU are not polar opposites. Many police chiefs proudly speak of their role as defenders of citizens' civil rights and civil liberties, including their First Amendment right to protest publicly. And as for the ACLU, Wexler's introduction of Mr. German noted that before joining the ACLU staff in Washington, he had a 16-year career in federal law enforcement, including time as an undercover agent with the FBI infiltrating violent neo-Nazi groups, and as an instructor at the FBI National Academy.

The debate touched on many civil liberties and policing issues. Following are several excerpts that provide a sampling of the discussion:

## ACLU STAFF ATTORNEY PETER BIBRING: ACLU's Focus on Police Issues Is Simply a Function of Our Mission

I'd like to first say a few words about the ACLU's mission, because when I talk to police officers, sometimes it seems that they do not fully understand our mission. The ACLU's mission is to enforce the Constitution's Bill of Rights as well as civil rights stat-



LEFT: ACLU Staff Attorney Peter Bibring. RIGHT: U.S. Senate Sergeant-at-Arms Terry Gainer.



utes. Those laws bind only government. So the ACLU doesn't sue corporations; we don't sue individuals.

Furthermore, as you know, the vast bulk of local government is law enforcement. And that's where the people living in American cities have most of their interactions with government. So the fact that the ACLU seems to have a penchant for litigating police issues is a function of what our mission is.

We are not in the business of trying to stop police officers from doing their job. What we believe we are doing is helping police officers follow the Constitution.

Another point is that the ACLU is what is called in the legal field an “impact” organization. There are a lot of attorneys who sue individual police officers. That is not what we do. We look for

cases where we think there is a broader issue—a management issue, or an issue of policies that are out of date. Our office in Los Angeles has 10,000 “intakes” a year; 10,000 people call us asking for some kind of legal help. But we only file about 15 to 20 cases a year, so you can see that we only take the few cases that involve larger issues.

The last thing I'd like to say is about this idea that the ACLU is all about suing government. We certainly do file lawsuits, because the courts are the final arbiters of what the law is. But we're not only about suing. There are many instances in which we reach

out to law enforcement or other agencies when we believe there's a problem. We talk about policies or incidents and try to come to some resolution prior to filing a lawsuit.

## U.S. SENATE SERGEANT-AT-ARMS TERRY GAINER: Policing Is Very Much Tied to the Bill of Rights

I have a couple perspectives I'd like to mention. First, police are some of the biggest rule-followers in the world. So in a way it's strange that we aren't always perceived as being on the same track as the ACLU in terms of following the Bill of Rights and the rules of this country.

Another perspective: Peter mentioned that the ACLU in LA gets about 10,000 inquiries a year and files lawsuits in about 15 or 20 cases. I dare say that the police in the county of Los Angeles probably receive a *million* calls for assistance in a year, and they *all* have to be handled. I think that scale is an interesting one.

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As a police chief, you're always looking at the strategic issues and whether you have systemic problems. But as for those million calls coming in, each one of our officers is out there on a day-to-day basis, making some pretty quick judgment calls on these complicated, difficult issues.

I think that some of the key issues that we in law enforcement are facing are intelligence gathering, data-mining, and privacy issues. Up in the Capitol, as you would expect, after the shooting of Congresswoman Giffords in Tucson, we looked to see if we had failed to "connect dots." And the news media were pretty quick to point out that the alleged shooter had been rejected from enlisting in the military, had come to the attention of people at his college for disturbing behavior, and so on. So I sat down with the director of the Secret Service to discuss what they were doing with their protectees, and to see if we could leverage what we were doing with what they and others were doing. And we were talking about the strengths and weaknesses of data mining.

Shortly after I made a public announcement of what we were going to do, I got a letter from the ACLU. They had some reasonable questions they want answered, and we'll sit down with them and do that next week. But they were also objecting in general to the concept of us "fishing around." I hope we can have a useful discussion of how they can do their job and we can do our job. Our job, like theirs, is very much tied to the Bill of Rights.

#### **ACLU LEGISLATIVE POLICY COUNSEL MICHAEL GERMAN: New Information Technology Complicates Task of Oversight**

Years ago, government files consisted of paper files stuffed in a warehouse, and they were very hard to access. But today, information can be retained, searched, and disseminated very quickly and inexpensively. Information about a motorist, gathered during a police stop in Seattle, can quickly find its way into federal databases at the FBI, DHS, or even the intelligence community.

So we have grave concerns about how the federal government is encouraging state and local law enforcement to provide data. We are interested in whether there are sufficient guidelines and oversight of that activity, including public oversight of what is going on.

History has shown that once you untether intelligence-gathering from a criminal nexus, that's when problems start happening. It sort of opens the door to all kinds of police misconduct, and also affects First Amendment activity. You have advocacy groups

out there who are challenging the political and social status quo, and often it's easy for law enforcement to see a challenge to the political order as a challenge to national security. And you find people being spied on, not because they're doing anything wrong, but because of their political views or their activism.

We started tracking this and documented surveillance or obstruction of First Amendment-protected activity in 33 states. So this isn't a local issue. It becomes a national issue when you have the federal government encouraging state and local law enforcement to provide information through programs like Joint Terrorism Task Forces or fusion centers or Suspicious Activity Reporting programs. They all have the same issues of (1) watering down the definition of what is suspicious and (2) providing for the dissemination of information quite broadly.

And because most of this activity is conducted under great secrecy and many times doesn't result in any charges, it's impossible for the people who are being victimized by improper spying to know about the activity or challenge it as it's happening. There aren't really oversight mechanisms that can control this activity.

Our concerns are on three sides of it. First, collection—what's being collected, and who it's being collected from. Second, analysis, which is one of the bigger problems we're seeing now. There's so much bad analysis that's being put out there. And third, dissemination. We have a lot of situations where it's not just federal law

enforcement working with state and local law enforcement, but also a lot of other government agencies and private contractors, and sometimes even the military is involved. So it's hard for us to find out where the information can go.

#### **FORMER CHIEF JOHN TIMONEY: ACLU Lawsuits Can Be Problematic, Diverting Police from their Work**

There was a story in the papers yesterday in Chicago about a settlement in which the city paid a Quaker organization \$12,500 to settle a lawsuit. The case dated back to 2002, when the police allegedly put an undercover officer in a meeting of people who were organizing protests of the TransAtlantic Business Dialogue, regarding economic talks between the U.S. and the European Union. The settlement was based on an agreement that the City of Chicago had with the ACLU and other groups going back to the 1970s. Other cities have similar agreements, these so-called "domestic spying" agreements.

At the time these agreements were signed, they seemed OK; they settled an issue. But it came at a cost. These agreements have had a chilling effect on police departments, which are now behind



LEFT: ACLU Legislative Policy Counsel Michael German. RIGHT: Former Chief John Timoney.

the curve in terms of legitimate intelligence-gathering.

I was chief in Miami in 2003 when we had the Free Trade Area of the Americas meeting. We knew that people would be coming to Miami to protest, but we were forbidden from gathering information about these groups and their intentions. And even though we abided by those restrictions, we still ended up being sued by the ACLU and the AFL-CIO for Constitutional violations. I must have spent hundreds of hours in depositions over the last eight years, along with senior staff people.

And finally, two weeks ago, a federal appeals court rejected appeals by the groups that had tried to sue the Miami Police Department over its response to the trade protesters. The appeals court upheld the district court judge who dismissed some of the claims and ruled for the police on others.

So I think that these lawsuits by the ACLU any time you have a big event are sometimes a knee-jerk reaction, and they are problematic. They cause a lot of damage in terms of taking police away from their official duties.

Another issue: the stop and frisk policies in New York. We've all read the stories about how this has had a divisive impact around the nation. It seems that the ACLU is shocked by the numbers of stop-and-frisks. It's around 600,000 a year.

But if you look at the size of that city and its police force and do just a little math, you get a different perspective. The NYPD has 34,000 cops, but let's assume that 10,000 are not involved in day-to-day enforcement. So you have 24,000 officers whose work may involve stop and frisks. And let's assume that with 6 weeks of vacation and 2 weeks of training, they work 44 weeks a year. Now if you divide the 600,000 stop and frisks by the 24,000 people, who are only working 44 weeks a year, it turns out that on average, a New York City officer stops one person about every two weeks.

If you told your average citizen that his local cops were stopping someone once every two weeks, he'd say, "It's not enough! They should be working harder!"

The ACLU will make the case about the racially disparate impact, that there are so many more African-Americans and Latinos being stopped than white people. But I think the only logical basis you can use to evaluate this is personal crimes in which the victim saw the perpetrator. If you go by these crimes of robbery and aggravated assault and rape, and you look at the race and ethnicity of the persons whom the victims described as the perpetrators, and overlay that with the stop-and-frisks, they almost match perfectly. So the question I have for the ACLU is, "What's the right number? What's the right racial mix? Tell us that, so we can

go fix whatever you think is broken." Because they have us in a conundrum, and I don't know how we can get out of it.

**Wexler:** Peter, homicides in New York City have absolutely plummeted, to less than 500 per year, compared to more than 2,200 killings in 1990. And African-Americans are at higher risk of being victimized. So if stop and frisks result in fewer people getting murdered, doesn't that make it worthwhile?

**Peter Bibring:** I would resist drawing a straight line between New York's stop and frisk strategies and reductions in crime. Crimes have been reduced across the country.

I'd also say that before I would bring a lawsuit over stop and frisk, I would talk to people in the community and ask whether there's a problem with the stops that are going on. When I go to community meetings, sometimes people are angry about being stopped unnecessarily by cops. In other communities in LA, they are not angry about this.

**Michael German:** The hit rate is about 10 percent in New York, meaning that 10 percent of the stops result in arrest or other law enforcement action. So 90 percent of the people being stopped are not found to be involved in any criminal activity. So what's the harm, right? It's five or 10 minutes of your time. Except that the NYPD was keeping all the personal data collected in an intelligence database. So that intelligence database was disproportionately being filled with information about particular communities within New York City, rather than



**LEFT: Richmond, CA Chief Chris Magnus discussed crime reductions in areas of his city that have surveillance cameras at "hot spot" locations. RIGHT: Detroit Chief Ralph Godbee said that to ensure Constitutional policing, chiefs not only need to develop good policies, but also must develop auditing and inspection systems "to ensure our people are following our policies and doing things the right way."**



the community at large.

**John Timoney:** By the way, that's one of the things I didn't agree with. I don't think you should keep a central database. On January 1st of the year, they should delete the information.

But here's the other reality of policing. When I became police commissioner in Philadelphia in 1998, there was a huge crime rate, and we went to a lot of community meetings night after night. And what struck me most was that residents, especially in African-American communities, were complaining that the cops were doing nothing. They'd say, "We keep calling, but the police just drive by; they don't even get out of the car." So they assumed that the cops were being paid off or were just lazy.

So if police stop people on the basis of color, that's bad news. But by the same token, if you're running a police department, you need to get your cops to work, and part of the work is going out and looking for people making moving violations or people out there selling drugs or doing other criminal activity, and getting out and confronting them. That's what we're getting paid for. 🏛️



## Police Retirees Can Find a New Way to Serve: Helping to Develop Effective Police Forces Abroad

By James Speros,  
San Francisco Police Department, retired

THIS COLUMN IS FOR POLICE CHIEFS AND OTHER law enforcement executives who are approaching retirement or have recently retired and may be wondering, “What should I do with the rest of my life?”

I faced that question in 2004, and today I feel fortunate that I found a way to start another phase of my life, in which I worked to help nascent democracies on the other side of the world develop honest and trustworthy police agencies.

Since 2004, this course has taken me to three countries: Iraq, Afghanistan, and Tajikistan. It was not easy work, and it involved living in some dangerous environments. But this work gave me a strong sense of accomplishment because the task is so important: promoting modern concepts of policing in nations where the people have long histories of being abused by their own police. And it certainly was an adventure going to parts of the world that previously I had only seen in movies or read about in stories by Kipling.

I worked through a company called DynCorp International ([www.dyn-intl.com](http://www.dyn-intl.com)), a 60-year-old firm that describes its mission as providing services to foreign governments “in support of U.S. national security and foreign policy objectives.” DynCorp acknowledges that often this means “working in remote, dangerous and austere environments”—which I can confirm is true. There are many other organizations that offer similar opportunities for retired police executives to do this type of work. Most of them

work with the U.S. State Department’s International Narcotics and Law Enforcement program, located in our embassies.

There are risks when you go into countries that are at war with themselves. But I found that the greatest challenges stem from living in countries that are totally different from the West in their culture, their economic capacity, their concepts of civil society, their ability to solve problems, their perceptions of the police and government, and their ways of thinking.

My first assignments were in Iraq and Afghanistan. In both cases I went through a week-long pre-deployment selection process and training course at DynCorp headquarters in Virginia. I was evaluated not only by DynCorp leaders but also by U.S. State Department advisors. Candidates went through a regimen of team-building exercises, cultural awareness orientation, psychological evaluation, and physical agility assessments.

Transportation to both countries was either on U.S. military charter flights or civilian airlines. If you want a true adventure, the transfer from the Dubai International Airport terminal to the regional facilities that handle flights to Kabul, and the flight on

**ABOVE, LEFT: A small step in community policing in Afghanistan, as a policeman shares his lunch with a young man. ABOVE, RIGHT: District station, Kayrakum, Tajikistan**

KamAir to Kabul, surpass an “E” coupon ride in Disneyland. You will see a cross-section of Central Asian society: men in traditional garb that you see on the news, women in full burqas, tribal leaders cooking tea in the passenger waiting area, arguments at the boarding counters over not being able to bring a goat on board. If you are really lucky, you will get diverted to Iran due to a sandstorm or nearly strike a mountainside because the pilot starts his descent into Kabul too soon.

Upon arriving in Baghdad and later in Kabul, we were transferred to the secure campgrounds that were built for the policing experts who would be deployed to various parts of each country. We were assigned a Gurkha armored vehicle (similar to a Humvee) and were given the requisite equipment for officer survival in these

operating within the U.S.-led coalition in Iraq to rebuild the Iraqi police, defeat the insurgency, and create a safe and democratic Iraq. My experience in Iraq also included serving as an advisor to the Chief of the Baghdad International Airport Police.

In Afghanistan I was selected to mentor senior police leaders in the Ministry of Interior. In some cases these were regional chiefs of police who handled multiple provinces and managed 5,000 to 10,000 police officers. I also worked with the national chief of the Afghan uniformed police service as a mentor and partner. I also helped develop their staffs and their personnel policy and practices, which were sorely lacking in Afghanistan.

I experienced many frustrating moments, such as seeing overt corruption by other police and government officials. I also



environments: a level 4 bullet-resistant vest, a hard hat, a semiautomatic pistol, and an M-4 semiautomatic rifle.

Our living arrangements varied. Sometimes we had plywood huts equipped with two sets of bunk beds, a desk, and electric outlets. Other times we lived in Conex storage containers (which look like the tractor-trailers you see on the Interstate or the shipping containers on cargo ships) that were split into two complete living quarters, with a private bathroom for each occupant. Sometimes we were given lodging in local hotels within city limits. Each training center, camp, or compound is complete with its own dining facilities, barber shop, “morale, well-being, and recreation” programs, and administrative offices to facilitate mail, payroll, and vacation queries.

Everyone gets assigned to a job, either as a trainer or as an advisor to local police leaders, executive staff members, or national police leaders. In Iraq, based on my background and expertise, I was selected to mentor the leaders in charge of police-community relations and police media relations. This gave me an opportunity to teach Iraqi police about the concepts of community policing. In Iraq I also served as Bureau Commander for the civilian police administrative organization called CPATT (Civilian Police Assistance Training Team). This is the multinational advisory team

encountered personnel practices that have not existed in the West for almost a century, such as corporal punishment for failing to salute a superior officer. And I saw incompetence among staff members that had been tolerated for a decade due to the deliberate destruction of progressive infrastructure by the Taliban.

In both Iraq and Afghanistan, American advisors like me were just that—advisors and mentors—with no executive authority. We reported our observations and discussed issues based on our personal relationships with our mentees.

On the plus side, there were very satisfying moments, such as speaking with young officers and realizing that they truly understood the concept of developing public trust, and that they were striving to gain the cooperation of residents in order to reduce crime and preserve the peace in the villages they patrol. It was rewarding to see the local police understand and complete their tasks, building new processes to establish civil policing that supports the public.

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ABOVE, LEFT: Police recruits in Baghdad. ABOVE, RIGHT: James N. Speros, at the Botanical Gardens of Dushanbe in Tajikistan

However, the cost of labor has changed dramatically over the last 25 or 30 years. A couple things happened to cause this, including unionization. When I became a police officer, police were not allowed to collectively bargain. But unionization came in, and frankly, the police unions did a much better job of negotiating their initial contracts than local government did in negotiating for the management side. Many of the limitations on management in those initial contracts still exist today.

The police and fire unions actually acted like unions; they worked in the best interests of their membership, and payroll costs went up dramatically. The average cost of a police officer in 1980 was about \$17,000. Compare that with what the costs are today in your department.

The second thing that happened was that the Fair Labor Standards Act gave police officers the opportunity to make overtime pay after a certain number of hours. And the third thing was that we decided that police work was going to be a profession. We wanted to hire people with college degrees and advanced degrees, and policing went from being essentially a blue-collar job to a profession. And once we made that decision, we had to pay for the kind of people who have the training and education to make it a profession.

So we went from low labor costs to the current situation with high labor costs, but the model of high labor *usage* never changed. In my view, if we want to keep professional, highly-paid police officers, we have to change that labor-intensive model.

What that means is more civilianization, a change in what we see as police responsibilities, and moving away from many of the things that we traditionally sent police officers out to do. For example, Mesa is using civilians to do criminal investigations.

The way we deliver police services in this country borders on the absurd. We have 18,500 police departments in the United States. That is not sustainable. We cannot continue to operate this way; we have to start thinking about contracting for services and consolidating and merging police departments. Look at the UK—they have 43 police departments. Canada has about one-tenth of our population and they have 160 police departments.

One more thing: we should look at doing things with a different mix of employees. So instead of having police departments made up almost entirely of police officers at a high salary—which they deserve—we need to look at the model that other professions have adopted, like the medical profession. Thirty years ago, when you went into a doctor's office, the doctor did everything—took your blood pressure, took your temperature, talked to you to get your medical history, etc. That's no longer the case. Today they have lower-paid people doing most of the things that the M.D. used to do. We need to think about that model in policing.

If we stay on our current path, we will end up with fewer officers on the street, because we simply cannot afford to pay for the model that we have adopted over the last several decades.

### **GARY DELAGNES: Wall Street—Not Police Officers— Brought the Economic Crisis**

I agree that things have to change, but I think that the problem is overstated. I just got back from a meeting at Harvard University, where I heard economists saying that the debt in most major cities is manageable.

***Chuck Wexler:** You don't think there's a crisis?*

**Mr. Delagnes:** Oh there's a crisis, but it wasn't brought on by the blue-collar workers of America. It was caused by the Wall Street meltdown, and we are left holding the bag. We've gone



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**SHOWN BELOW (RIGHT TO LEFT): Leonard A. Matarese, ICMA Director of Research and Public Safety Programs; San Diego Police Chief William Lansdowne; Philadelphia Police Commissioner Charles Ramsey; and Gary Delagnes, President of the San Francisco Police Officers Association**



from being the heroes of 9/11 to the bums of 2011.

Having said that, I think that to some extent we are a victim of our own success. On some of these pension plans, we have overplayed our hand. I think in California that the 90-percent pension at the age of 50 was a mistake. I don't think that the public in these economic times is willing to accept the idea that anybody can retire at the age of 50 with a 90-percent pension. And I think we played fast and loose negotiating contracts that allow overtime to be considered for purposes of retirement. These are things that I think need resetting. So what I'm trying to do in my city is take a logical look at the situation and say, "OK, we need to make some changes."

We are in the process of negotiating a new tier system for officers who come in, but of course that does nothing to relieve the short-term debt. So my officers are most likely going to be paying 12 or 14 percent of their retirement contribution. Will it completely correct the problem? No. But over the next five years or so, as the clouds clear and the economy returns to a healthy state, the corrections that we're making, in conjunction with a healthy economy, will address the problem of pensions.

I am concerned about 401(k) plans taking the place of traditional police pensions, because policing has become a more transient profession, where people can jump from department to department. Officers will take their 401(k) and move over to a department that pays more. Traditional pensions are what we need to get the buy-in for a longer period of time.

Health care is a bigger problem, because the economy will not affect health care. Health care is a runaway train.

But having said all that, I think the most important point we must remember is the policing is a profession of the heart. We are in a profession of problem solving, a profession of dispute resolution. To do this job effectively, you have to pay your officers. If you don't pay them, you're not going to get the qualified people you want.

**Wexler:** *In many departments, budget cuts are a question of give-backs vs. layoffs. Does this pit veteran officers against the newly hired officers?*

**Delagnes:** I believe that that's the strategy. Departments are putting a gun to the union's head and saying, "If you don't give up X,Y, and Z, we're going to lay off 100 cops." But I've said many times that I won't negotiate with a gun to my head. I will sit down and recognize that if there's a problem, we should fix it. But I will not be threatened.

### **SAN DIEGO POLICE BILL LANSDOWNE: Unions Need to Step Up to the Plate, But Police Officers Should Not Be Blamed**

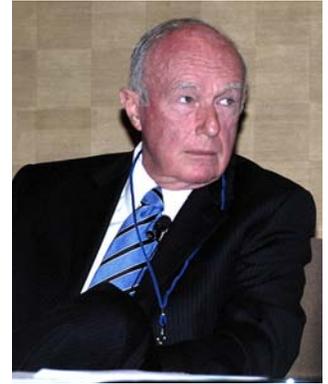
In San Diego we've been dealing with budget issues for 5 years. Let me build a format for the discussion here, because I think we're getting off on the wrong track.

I don't think this is a mathematical problem, I think it's a political problem. We say, "What's a police officer worth, and are we pricing ourselves out of the business?" So let's look at what police officers do.

We are the last organization in the country today that makes house calls. You dial three magic numbers, 911, and you get a professionally trained, skilled police officer who can deal with any problem. These are the people who really create the safety net and who make our democracy work.

We're seeing a vilification of our employees as if they're doing something wrong. In fact, what happened is that somebody 20 years ago negotiated a contract. We have good, hard-working, professional police officers who work hard every day to do exactly what they took an oath to do, to protect the people of the City of San Diego.

Here's a fact to give you a perspective: The San Diego Police Department is right on the Mexican border. You go across the border to Tijuana, a city that's about the same size as San Diego (we're



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both about 1.3 million), and they've got 800 homicides a year. In San Diego I've got 29.

Here's another number to consider: In the last 5 years I've had 345 officers leave the city of San Diego and go to other cities for better benefits, higher wages, and better vehicles and equipment. In that same 5-year period I've had only 35 officers come to the city of San Diego.

I can't praise our union in San Diego enough. They're sitting down at the table and helping craft the changes for the next generation of police officers. I agree that the unions need to step up to the plate. The current situation is not sustainable. A 95-percent pension at age 50? Unsustainable. We're ahead of the curve in San Diego; we've been making changes for years. We tried to go after existing pension benefits, but the courts tell us, "You can't touch them." We can change things for the new people coming into the organization, but that won't give you the savings you need overnight.

I think the politics of this issue are unfortunate, when people try to blame the existing workforce for these budget problems. The contracts that gave us these benefits were signed 20 years ago. The politicians and the officers who made those contracts are no longer here. But the officers who are here came to this department with an understanding and a belief in the promise that these benefits would be there.

I believe that a defined-benefit program ensures the longevity of the officers staying with a department. We're looking at pensions; we're going to have a referendum that would switch all city employees to a 401(k) program with one exception: the police. San Diego Mayor Jerry Sanders was formerly the chief of police in the city, and he understands that if the San Diego Police Department is the only department in the state of California with a 401(k) program, we will become nothing more than a training organization for the rest of the state. And we have the numbers that show that will occur.

### **PHILADELPHIA POLICE COMMISSIONER CHARLES RAMSEY: Police Departments Need to Do Less, But Do It Better**

I think the key is that whatever we come up with, it has to be sustainable. The unions have to be willing to reopen some of these contracts, and the city has to negotiate in good faith. In my last round of negotiations, I wasn't focused entirely on money; I don't think you can pay officers enough. But what's hurting me is the lack of operational flexibility. I need to be able to move people around and put them where I



need them, when I need them, without double-time-and-a-half and all these things that raise the cost so much and make it impossible to do.

I also think the whole model of city government has to change. We can't afford to have these bloated governments with agencies that have redundant functions. We need to ask ourselves, "What does the city government exist to do? What's our core mission? What are our core functions?"

I don't accept the notion of "doing more with less." If you can do more with less, it means you weren't doing enough to begin with.

*I think we need to do less, but do it better.*

In Philadelphia, because of union contracts we have situations where somebody's digging a hole in the street, so we've got a police car sitting there, watching them dig a hole in the street. Eventually there will be enough pressure on elected officials that they'll say, "Police no longer have to perform that function," because they just won't be able to afford it.

We need to rethink a lot of things. I'm not trying to take money out of anyone's pocket, but we've got to be reasonable. These pension issues are especially difficult. It's all well and good to talk about changing to 401(k)s for new officers, but then who will be paying into the pension system to keep it going for older members of the department? For years, cities have not paid their share into the pension system; that's why we've got a pension crisis. Department employees have paid their share into it; we've had no choice; they take it out of our paychecks. But the city has not paid its share. So now if all the new officers coming in are switched to a 401(k), who's going to keep the cash flow going into the pension system?

There are other pension issues making it even more complicated—we're all living longer, and so on. So it's going to require a lot of work by thoughtful people to sit down and figure this out, to have honest discussions and stop trying to scare one another. I would hate to see the next generation of police officers not have a pension fund. But it can't be 90 percent at 50 years old when the average lifespan now is 76 and will continue to go higher. We can't afford that sort of thing. But we can't let anyone try to make the cops the bad guys, because they aren't the bad guys.

**Gary Delagnes:** I agree with what Commissioner Ramsey said. You have cops standing around watching someone dig a ditch, and we're charging \$91 an hour. It's ludicrous if you can get a private security guard for \$25 to do the same task. I think a lot of cities are starting to realize they have to change the way they do business. I believe that you could probably cut back police departments 20 to 25 percent if you farm out these mundane tasks that should not be performed by police officers. To have one cop standing around watching another cop take four-day-old auto boosting reports, five-day-old burglary reports, graffiti reports, is ridiculous. That's not what we're paid to do. In San Francisco we have a technology unit, with cops fixing radios and cell phones. That's not what they were sworn in to do! Nothing annoys the public more than these reports about cops who are not doing a cop's job. 🏢

And just looking at the faces of young children, and seeing trust for the police in their expressions, can be a tremendous achievement.

Tajikistan was a very different situation. This small country, bordered by China, Kazakhstan, Uzbekistan, and Afghanistan, is a strategic crossroad. It was a Soviet colony from 1926 to 1991. A brutal five-year civil war destroyed much of the country's infrastructure and resulted in political ramifications that still exist today. The police were mistrusted by the public and seen as corrupt. When the Soviet Union pulled out of Tajikistan in 1991, the country had to rely upon its own resources to create income, a stable bureaucracy, and a civil society. Unfortunately, self-motivation and thinking in new ways were not a strong part of the cultural dynamic. Police in urban areas take bribes, because many are transferred from rural areas but do not receive enough pay even to rent an apartment in the city. Most live in their station houses or cars.

The U.S. State Department and the Tajik government started a series of justice reform programs to deal with these issues, and community policing is the linchpin. I was selected to be project manager for the initial phases of creating national training and systems development with the Deputy Minister for Police and his national staff, with the goal of implementing community policing and building partnerships for the police.

The advantage in working in Tajikistan was that I lived among the public. I walked to work without guns or security; I was not issued a vest or machine gun; and I shopped in the open markets and learned the culture firsthand. And my wife was able

to move with me, so I was able to have a family life in a nation 12 time zones away from home. Working in a small organization gave me more responsibility and opportunities to help develop police services. I saw success in the trust I earned, the relationships that I developed, and the understanding that I saw among police officers and the public regarding the advantages of community policing and public partnerships.

The challenge for me was balancing my own views about what might fix a problem with the realities of my host nation's own perspectives. My vision may not be realistic to the "ground truth" of their lives. We take many of our skills and our freedoms for granted, but other nations are only starting to build the kind of civil society in which police ensure that the public has rights and access to civil institutions.

Helping to build or reconstruct policing is a challenge. We must keep in mind that the result may not look like anything we are used to seeing. The ideas of partnership and problem-solving may take on forms we could not imagine. We are guests who have been invited to help our colleagues discover their own self-worth and organize police services that reflect their own consciousness and that will be able to grow as a vital part of their civil society. We must remain aware that each culture is unique and proud. This is part of the fine line we walk. 

James Speros worked in the San Francisco Police Department and other California police agencies for more than 25 years before retiring in 2002 and launching a second career as an international police advisor and mentor. Jim can be contacted at [j.speros@att.net](mailto:j.speros@att.net).

And for more information about how to get involved in overseas programs, contact Walter Redman at the State Department at [RedmanW@state.gov](mailto:RedmanW@state.gov).

## LETTER TO THE EDITOR

# Louis Anemone: NYPD's Compstat Was Highly Charged Because a Sense of Urgency Was Needed

*To the Editor:*

I read with interest the article about Compstat in the March/April issue of *Subject to Debate*. I would like to compliment PERF for conducting this informative discussion. I was Jack Maple's co-chair in leading the discussions and questioning at the NYPD's twice-weekly Compstat meetings during Jack's tenure with the department, from January 1994 until April 1996. From April 1996 until my retirement in July 1999, I co-chaired the meetings with Ed Norris, Jack's successor as Deputy Commissioner of Operations. During this entire time frame, I encouraged the evolution of Compstat at the NYPD and personally assisted police agencies from across the United States and the world in understanding the concept and logistics of creating and refining Compstat as a valuable tool in crime prevention. Since my retirement, I have

consulted with numerous police agencies interested in creating or improving their crime prevention operations.

I would like to state for the record that our NYPD Compstat meetings were indeed highly charged. From our perspective, the very survival of New York City as a world-class financial and commercial center depended on our success in reducing violent crime and improving the overall quality of life in the City. Compstat helped us to create a sense of urgency about crime prevention that was sadly lacking in the NYPD. Nowhere was this sense of urgency more apparent than at the Compstat meetings. Rather than apologize for my conduct at those meetings, I take pride in the results that patrol precinct and investigative detective commanders achieved during my tenure at the NYPD. Compstat meetings helped to highlight the spectacular results that these commanders achieved. Unquestionably, the failures that were exposed at Compstat were more dramatic, but the successes far outweighed the disappointments.

In these discussions, let's not forget the sacrifices by the men and women of the NYPD who were allowed to showcase their courage, resourcefulness and adaptability during those exciting but very dangerous times in New York's history. Let's also remember that Compstat and the NYPD blazed the trail that other departments and agencies worldwide tread so easily today.

Louis R. Anemone  
Chief of Department, NYPD (retired)



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