PERF Welcomes
Three New Board Members

Three leading law enforcement executives have been elected to the PERF Board of Directors: Montgomery County, MD Police Chief Tom Manger; Camden, NJ Police Chief Scott Thomson, and Las Vegas Sheriff Doug Gillespie.

Following are brief biographies of PERF’s new Vice President, Secretary, and Member at Large.

PERF Vice President Thomas Manger
Chief of Police, Montgomery County, MD

Chief J. Thomas Manger was sworn in as Montgomery County Police Chief in January 2004. The Montgomery County Police Department has more than 1,150 sworn and 550 non-sworn members serving nearly one million residents in the Washington, D.C. metro area.

Chief Manger received a bachelor’s degree in criminal justice from the University of Maryland in 1976, and began his law enforcement career in 1977 with the Fairfax County, VA Police Department. He rose through the ranks to become Chief of Police in 1998.

As chief in Fairfax County, Manger played a key role in the Beltway Sniper investigation, a complex, multi-jurisdiction investigation involving the shootings of 14 people, 10 fatally, in the Washington, DC area over a period of three weeks in October 2002. The shootings spanned eight local jurisdictions, and the case involved more than 1,000 investigators from local and state agencies, as well as members of the FBI, ATF, U.S. Marshals Service, and other federal agencies.

In the BJA/PERF book Managing a Multi-Jurisdictional Case, Chief Manger recalled the situation he faced when he joined the multi-jurisdictional task force, after the 12th victim was shot at a Home Depot store, the first to occur in Fairfax County: “When I arrived at the Home Depot crime scene, I looked at the parking lot and saw in excess of 200 law enforcement personnel already there, and I thought, ‘This is going to be a challenge.’ ”

However, Chief Manger said the Sniper investigation was a lesson in effective cooperation on a massive scale. “While someone had to be in charge, there was leadership at every level,” he said. “People stepped up and all felt a responsibility to contribute. It was an incredible team effort.”

Chief Manger has been credited with expanding community policing programs in Fairfax and Montgomery Counties. And his commitment to the highest ethical standards and accountability has earned recognition from the community. He has received awards from the Fairfax Human Rights Commission, the NAACP, and other civil rights organizations.

PHOTOS (LEFT TO RIGHT): Thomas Manger, Chief of Police, Montgomery County, MD; J. Scott Thomson, Chief of Police, Camden, NJ; and Douglas Gillespie, Sheriff, Las Vegas Metropolitan Police Department.
FROM THE EXECUTIVE DIRECTOR

Catching Up on PERF Projects and People

I know it has been a busy summer for a lot of you, and we’ve been busy at PERF as well. I’d like to bring you up to date on some of the work we’ve been doing in recent months:

GUN RESEARCH AND CRIME

I’ll start with a rather massive project in which PERF took an in-depth look at the impact of gun crime in six North American cities: Minneapolis, Milwaukee, Austin, San Diego, Philadelphia, and Toronto. Much of what we learned was covered in the last issue of Subject to Debate1 and in a story in the New York Times2, and we continue to get inquiries about this. A few days ago, Milwaukee Mayor Tom Barrett cited our data on the economic costs of gun crime in a newspaper op-ed,3 and CBS News and the Wall Street Journal have been asking for our research for stories they are working on.

Over the summer, we saw the gun issue erupting in horrific outbursts as well as the equally tragic carnage that occurs every day. We witnessed Aurora Chief Dan Oates as he led his department’s response to the movie theater shooting in his city on July 20. The first responders in Aurora were credited with a fast response that saved lives, and one city councilman described Chief Oates’ leadership like this: “What you saw, I’ve had a chance to see for some time—the passion and how much he cares for the work in the department.”

 Barely two weeks later, there was the shooting at a Sikh temple in Oak Creek, Wisconsin. And as I write this, there’s a report of another shooting near Texas A&M University, with a local constable among the fatalities. And the worst of it is that these events are not unusual. The United States had 645 killings with at least four victims between 1976 and 2010, according to James Oates’ leadership like this: “What you saw, I’ve had a chance to see for some time—the passion and how much he cares for the work in the department.”

This issue is not going away. With support from the Joyce Foundation, PERF has been conducting research on gun violence, and we will continue to build on this work in the future.

SUPREME COURT DECISION ON ARIZONA IMMIGRATION LAW

Another major event for PERF this summer was the Supreme Court decision striking down much of the SB 1070 immigration law in Arizona. As you know, for several years PERF has been telling the nation that police chiefs have significant concerns about efforts to turn local officers into de facto immigration agents. These concerns center on the idea that police departments have been working for decades to build closer relationships with all of their communities, including immigrant communities. That trust is damaged when immigrants are afraid to have any contact with the police—even to report being victimized or being a witness to a crime—because they are afraid that local police are part of the national immigration enforcement apparatus. Many police chiefs have told us that their thinking about immigration enforcement is that they wish to focus on serious crime, no matter who causes it.

When the Arizona legislature approved SB 1070 in 2010, PERF helped coordinate a meeting at DOJ headquarters in which a group of police chiefs expressed their concerns about the Arizona law to Attorney General Eric Holder. Those chiefs helped to inform Mr. Holder’s decision to challenge SB 1070 in federal court.

Thus, as the Supreme Court neared the completion of its 2011–2012 term in June, we all were watching anxiously for its decision on the case of Arizona v. U.S. PERF worked with several member chiefs in advance, planning what to say if the Supreme Court went one way or the other. Tucson Chief Roberto Villasenor, San Diego Chief Bill Lansdowne, Philadelphia Commissioner Chuck Ramsey, Boston Commissioner Ed Davis, and Prince William Chief Charlie Deane are among those who deserve credit for speaking out on this major issue. Several other chiefs and sheriffs also joined PERF and other police groups in an amicus brief filed in the case.3

When the decision was handed down, it was more nuanced than many court observers expected, striking down three of the four sections of SB 1070 that were at issue, but allowing the fourth, which was the section of greatest concern to PERF chiefs, to stand—at least for now, until a factual record can be developed about how that section of the law works in practice.

Working with the chiefs mentioned above, PERF quickly released a media statement that reflected the details of the Supreme Court’s reasoning while reiterating chiefs’ concerns about the one provision that was allowed to stand. I would like to thank David Martin, the brilliant University of Virginia Law School professor, for helping us analyze the Supreme Court ruling so we could release our statement within a few hours of the decision being handed down. I got to know Dave last year when he served with several PERF members and myself on the Task Force on Secure Communities. Dave served as deputy general counsel to DHS from 2009 to 2011, and earlier as general counsel to the Immigration and Naturalization Service, so his expertise on immigration policy is grounded in firsthand knowledge of how it is enforced. He

Chuck Wexler, PERF Executive Director
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was one of the most knowledgeable and constructive members of the Secure Communities Task Force.

Like gun violence, immigration enforcement is an issue that will continue to be critically important in policing, and PERF will maintain its focus on it in coming years. We are grateful to the Carnegie Corporation and the Ford Foundation for supporting our work.

A RECORD SUMMER FOR THE SENIOR MANAGEMENT INSTITUTE FOR POLICE

I’m pleased to announce that this summer we had a record attendance at our Senior Management Institute for Police. SMIP is one of the most important things PERF does. Tony Narr deserves tremendous credit for running SMIP, and it has become so successful—3 classes this year, with 249 graduates—that it has become a year-round job for him. SMIP is one of the best opportunities for aspiring police executives, and I find it inspiring to head up to Boston every summer and see our future leaders going through this program. More than 3,000 students have been graduated from SMIP in its 25-year history.

NEW REPORT ON DE-ESCALATION AND MINIMIZING USE OF FORCE

I also want to mention that PERF has just released a Critical Issues in Policing report, An Integrated Approach to De-Escalation and Minimizing Use of Force. This report provides information about best practices for de-escalating encounters between police and persons with mental illness, drug or alcohol addictions, conditions such as Autism, and other factors that result in erratic and unpredictable behavior. We will be mailing this to you in the next few weeks, and it is available on the PERF website.

I believe that this report will provide you with valuable information about best practices in this area. As with other Critical Issues reports, this one consists largely of quotations from the experts—PERF member chiefs who have developed good programs and who shared their wisdom at our de-escalation conference earlier this year.

CHANGES IN THE PERF BOARD OF DIRECTORS

I’d like to congratulate and welcome three new members of the PERF Board of Directors—Chief Tom Manger of Montgomery County, MD; Chief Scott Thompson of Camden, NJ; and Sheriff Doug Gillespie of Las Vegas. See page 1 of this issue for brief profiles of these experienced leaders.

RETIREMENTS OF LEVEL 5 LEADERS

And I want to congratulate three police chiefs who have served on PERF’s Board of Directors who have recently announced plans to retire:

- Chief Charlie Deane of Prince William County, VA is perhaps best known for leading his jurisdiction through a tough time in 2007, when a controversy raged over the county’s immigration policy. As a direct result of Charlie’s expertise, patience, and political skills, an extreme proposal was set aside in favor of a reasonable policy that has become a model for the country. Charlie is loved and respected by his officers, by chiefs around the country, and by the residents he has served for 42 years, including 24 years as chief.

- Chief Tim Dolan announced that he will end his 29-year career with the Minneapolis Police Department at the end of the year. One of my best experiences at PERF was working with a young Tim Dolan back in the 1990s, when he headed the Drug Unit. We were developing violent crime reduction strategies at a time when the New York Times was calling the city “Murderopolis.” Tim has always stood out as a leader and a good friend.

- And Chief Ellen Hanson will end her 37-year career with the Police Department in Lenexa, KS, a city of 50,000 in the Kansas City area. She was the first woman hired as a police officer in Lenexa, and she has been chief since 1991. I owe so much to Ellen, who served on the PERF Board and is a recipient of PERF’s highest honor, the Leadership Award. Ellen is a model of toughness and integrity.

In addition, congratulations and thanks go to Baltimore Police Commissioner Fred Bealefeld on his retirement, as he concludes a 31-year career in that department. Fred has generously contributed his expertise to many PERF conferences, most recently the Critical Issues meeting on improving the response to sexual assault. He also taught us a lot about dealing with gun crime, bringing the number of homicides in Baltimore below 225 in 2010—a level that hadn’t been achieved in years.

And I’d like to congratulate Chief Harry Dolan of Raleigh, NC, who recently announced plans to retire on October 1. Harry has served in Raleigh for five years, following nine years as chief in Grand Rapids, MI and six years as chief in Lumberton, NC. Harry has been a good friend to PERF, and he leaves a legacy of making every city where he served a better place to live, in part because of his leadership in developing community policing.

I am sure we will continue to draw upon the expertise of these chiefs. They may be stepping down, but they are not stepping out of the exclusive club of “Level 5 Leaders” that Jim Collins talks about in his book Good to Great.

UPCOMING PERF MEETINGS

Looking toward the future, we will be holding the PERF Town Hall Meeting in San Diego on Sunday, September 30, from 1 to 5 p.m. at the Sapphire Ballroom of the Hilton Bayfront Hotel. Chief Dan Oates will be speaking about the Aurora shooting, and Chief Rick Myers will tell us about his job as interim chief in Sanford, FL following the Trayvon Martin shooting. You can count on the Town Hall Meeting to provide lively discussion and debate on a wide range of issues, because everyone is encouraged to speak up about any matter they’d like to air with their colleagues from across the country.

Another major event on our horizon will be a Critical Issues session in October on consent decrees. This summer the Justice Department has reached agreements with Seattle and New Orleans, which will have an immediate impact on those cities as well as implications for the field of policing. Our goal with this meeting will be to capture the lessons learned and best practices in cities that have experienced the various types of interventions by the DOJ Civil Rights Division in recent years.

Finally, PERF’s 2013 Annual Meeting will be held in Milwaukee. Watch for more details about that.

Thanks again to all of our PERF members who contribute in so many ways to our work. I’m looking forward to a productive and active fall season.

July/August 2012 Subject to Debate 3
Three years ago, the National Academy of Sciences (NAS) released a report that was sharply critical of the United States’ forensic science system, concluding that with the exception of DNA evidence, “no forensic method has been rigorously shown to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source.”

Because the NAS has a strong reputation as a research institution, a number of press accounts at the time said that the NAS report could be used to significant effect by defense attorneys to challenge the admissibility of many types of forensic evidence. The Innocence Project, a national organization that works to identify wrongful convictions, called the NAS report “a watershed development that could transform forensic science nationwide,” because it “shows that many forensic techniques which are relied on in courtrooms every day lack scientific support.”

There have been 297 exonerations of convicted persons based on DNA evidence, according to the Innocence Project, and unvalidated or improper forensic science played a role in approximately 50 percent of those wrongful convictions. The only factor playing a larger role was misidentification of suspects by eyewitnesses, which figured in 72 percent of the false convictions, according to the Innocence Project.

There are several types of weaknesses in criminal forensics. In some cases, such as hair testing, bite mark comparisons, and shoe print comparisons, the techniques have never undergone rigorous scientific evaluation. Other techniques, such as blood typing, are on solid ground scientifically, but the strength and importance of the evidence may be overstated in court.

The NAS panel summarized its findings regarding the failures of the forensics system as follows:

“Rigorous and mandatory certification programs for forensic scientists are currently lacking, as are strong standards and protocols for analyzing and reporting on evidence. And there is a dearth of peer-reviewed, published studies establishing the scientific bases and reliability of many forensic methods. Moreover, many forensic science labs are underfunded, understaffed, and have no effective oversight.”

Impact of NAS Report Is Muted

Shortly after the NAS report was released, PERF held a session at its 2009 Annual Meeting that explored the implications of the findings. The speaker at PERF’s meeting was Marvin E. Schechter, a New York City-based defense attorney who served on the NAS panel that produced the report. In fact, Mr. Schechter was one of the authors of the report.

At PERF’s meeting, Mr. Schechter noted that during hearings that the NAS panel held, “People kept coming in and testifying about handwriting comparison, or fingerprint comparison, or paint coatings, or odontology, or blood spatter, and they said, ‘This is the science.’ And a number of the academicians on the committee said, ‘Wait a minute. That’s not science, what you’re talking about.’ And they were right.”

Three years later, however, it does not appear that the NAS report has had the impact that was expected, in terms of rapid reforms to the nation’s criminal forensic sciences system. Various bills have been introduced in Congress to mandate standards for forensic sciences, but the legislation has made little progress toward passage.

However, several developments on this issue occurred in July.
DOJ LAUNCHES REVIEW OF HAIR TESTING CASES

On July 9, the Justice Department announced that it will conduct a review of thousands of criminal cases to determine if convicted persons were falsely convicted or deserve new trials because of flawed forensic evidence.2 The audit will include cases that involved microscopic hair examination by the FBI Laboratory. The announcement followed a series of articles in the Washington Post in which the newspaper said that “Justice Department officials had known for years that flawed forensic work might have led to the convictions of potentially innocent people but had not performed a thorough review of the cases. In addition, prosecutors did not notify defendants or their attorneys even in many cases they knew were troubled.”

The exact number of cases to be reviewed by the Justice Department is not yet known, but the FBI is beginning with more than 10,000 cases that were referred to all of its hair and fiber examiners, the Post said.

SENATE HEARING FocusES ON CONSENSUS POINTS

A week after the Justice Department announced its review of hair testing cases, the Senate Judiciary Committee held the latest in a series of hearings to discuss the status of reform efforts.3

Perhaps the largest sticking point in developing legislation to address the NAS recommendations is the report’s statement that public forensic science laboratories should be made independent of police departments and prosecutors’ offices. Likewise, any new national organization governing forensic sciences should not be located within the Justice Department, the NAS report said, because “DOJ’s principal mission is to enforce the law.” Forensic sciences should be more independent, the report said:

Forensic science serves more than just law enforcement; and when it does serve law enforcement, it must be equally available to law enforcement officers, prosecutors, and defendants in the criminal justice system. The entity that is established to govern the forensic science community cannot be principally beholden to law enforcement. The potential for conflicts of interest between the needs of law enforcement and the broader needs of forensic science are too great.4

The NAS recommendation that all public forensic laboratories and facilities be removed from the administrative control of law enforcement agencies or prosecutors’ offices has met with stiff opposition from law enforcement organizations.5

“There is no compelling reason, nor obvious improvement in quality, to be gained from implementing this recommendation,” an IACP official said in an article explaining that organization’s views on the NAS report.6 “Numerous political and operational obstacles quickly appear: Who would manage these ‘separate entities’ [that would assume the management of forensic labs]? How would they be funded? Given there are approximately 18,000 police departments in the United States, this recommendation appears, on its face, to create a myriad of management and political issues for state and local law enforcement agencies and would be difficult if not impossible to accomplish.”

Sen. Patrick Leahy, chairman of the Judiciary Committee, opened the July hearing by describing his efforts to bring together law enforcement officials, prosecutors, defense attorneys, forensic scientists, academics, and others in order to achieve consensus on his proposed Criminal Justice and Forensic Science Reform Act. Leahy emphasized the areas of agreement among those various groups, rather than the conflict over the issue of police department forensics labs, in his opening statement:

“The National Academy of Sciences published a report in February 2009 asserting that the field of forensic science has significant problems that urgently need to be addressed. I did not then and do not now view the Academy’s report as the final word on this issue, but rather as a starting point for a searching review of the state of forensic science in this country.

In the past several years, we have seen a continuing stream of exonerations of people convicted of serious crimes, some because of mistakes of counsel, but also some, too many, because of flawed forensic evidence. Kirk Odom, imprisoned in Washington, D.C., for 20 years for a rape he did not commit based on faulty hair analysis, is just one recent, tragic example.

Strengthening forensic science is not something that tips the scale to one side or the other in the justice system. Forensic disciplines that have been proven to be reliable and that engender total confidence will help law enforcement and prosecutors to identify and convict those guilty of serious crimes.

It is because strengthened forensic science benefits all sides of the criminal justice system that we have been able to find so many points of consensus and engage in a positive process with so many from so many different points of view. Today we will hear from a police lab commander, a state lab director, a prosecutor, and a founder of the Innocence Project. They will not agree on all of the details of how best to move forward, but I believe they will agree that action is necessary and, more to the point, will agree on many of the principles that should guide a legislative solution.

Leahy described the current state of consensus as follows:

There is widespread acknowledgement that every forensic laboratory nationwide should be accredited under recognized national standards and that every forensic practitioner should be certified in his or her field based on appropriate training, education, and ability.

Further, there is agreement that we must dedicate resources to basic foundational research into the validity of forensic disciplines and the methods they employ, and that we must agree on basic standards. We must incorporate existing structures and standards that are working, but add oversight and review to make sure that key gaps are filled.

Finally, there is a shared understanding that the forensic science community needs federal support for capacity building, training, and development of new technologies.

http://www.nap.edu/openbook.php?record_id=12589&page=17

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=19388&issue_id=112009

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1887&issue_id=92009

3. http://www.judiciary.senate.gov/hearings/hearing.cfm?id=daba530c0e84f5186d785e48941ac992
Champion Manager is a graduate of the FBI National Academy, the National Executive Institute, the Police Executive Leadership School at the University of Richmond, and the Senior Executive Institute at the University of Virginia. In 2006, he completed the John F. Kennedy School’s Program for State and Local Government at Harvard University.

PERF Secretary J. Scott Thomson
Chief of Police, Camden, NJ

Ever since Scott Thomson took over as chief of police in Camden, NJ in 2008, it has been clear that he is a leader. One of his first actions as chief was to meet with an influential group called Camden Churches Organized for People (CCOP), which had been so frustrated with what it considered a lack of response to crime by the Police Department that it called for the state Attorney General to take over the department. Working with CCOP, Thomson won passage of a new state law to strengthen restraining orders against drug dealers in Camden neighborhoods.

Later, in 2011, budget cuts in the financially strapped city of Camden resulted in the layoffs of 168 police officers—nearly half the department’s force. Chief Thomson’s response was to create new ways of operating. To mention one example, he used 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 so they could work in close partnership with Camden police officers. On a daily basis, Thomson meets with the officials of the FBI, DEA, ATF, U.S. Marshals Service, NJ State Police, the county prosecutor’s office, and others to discuss the latest crime patterns and responses.

Camden also is actively using technology to help offset the reduction in staffing, including license plate readers, gunshot detection sensors, and GPS devices on police vehicles to help direct a fast response to serious crimes. And most recently, Chief Thomson is currently leading his department through a major transformation to a county-led department.

Chief Thomson received PERF’s Gary Hayes Award in 2011 in recognition of his leadership under difficult conditions. PERF President Charles Ramsey described one of the key reasons Thomson was chosen for the award: his active approach to taking on the toughest problems. “Scott really showed us what he is made of after losing half his police force,” Ramsey said. “Scott does not ‘hunker down’ and hope for the best. He has led by example, working alongside his officers and demonstrating that despite the challenges they face, there are opportunities to demonstrate that the Camden Police Department has the resolve to succeed.”

PERF Member at Large Douglas Gillespie
Sheriff, Las Vegas Metropolitan Police Department

Sheriff Doug Gillespie is originally from a small town in upstate New York. He has been a member of the Las Vegas Metropolitan Police Department since 1980. As an officer, he worked in a wide variety of assignments, including patrol, field training, SWAT, K-9, special events, and the academy. As his career advanced, he served in the Southeast Area Command, the Vice/Narcotics Bureau, and as Commander of the Central District, which includes Southeast Area Command, Downtown Area Command, and the Traffic Bureau and McCarran Airport. He was promoted to Deputy Chief in 2002 to oversee the operations of the Detention Services Division, which includes the Clark County Detention Center. Upon the election of Sheriff Bill Young in 2004, Doug Gillespie was selected to serve as the Undersheriff. Following 27 years of service, he was elected Sheriff in 2007, serving all the citizens of Clark County.

Sheriff Gillespie received a bachelor’s degree in criminal justice from the Rochester Institute of Technology. He also is a graduate of the FBI National Academy and the FBI National Executive Institute.

Among the national issues on which Sheriff Gillespie has shown leadership is the role of local law enforcement in immigration enforcement. Last year, he served on the DHS Task Force on Secure Communities (along with PERF Executive Director Chuck Wexler, Philadelphia Police Commissioner Charles Ramsey, Tucson Chief Roberto Villasenor, Dallas County Sheriff Lupe Valdez, and Harris County Sheriff Adrian Garcia). The Task Force was charged with making recommendations to ICE Director John Morton regarding the controversial Secure Communities program, which allows federal immigration officials to receive information about persons arrested by local law enforcement agencies.

“The Task Force membership reflected a wide variety of perspectives, resulting in some contentious discussions, but the panelists looked to Doug for solid expertise on how the immigration issue plays out from a law enforcement perspective, and they respected his honest, nonpartisan views,” Chuck Wexler said. “Doug helped keep the discussions on track and productive.”

Earlier this year, ICE Director Morton expressed his thanks to the Task Force and announced that he was implementing the large majority of its recommendations.

PERF welcomes Chief Manager, Chief Thomson, and Sheriff Gillespie to its Board of Directors and is grateful for their continued leadership and contributions to PERF.
PERF’s 2012 Town Hall Meeting will be held from 1:00 to 5:00 p.m. on Sunday, September 30 at the Hilton Bayfront Hotel. The Hilton Bayfront is adjacent to the San Diego Convention Center, where the IACP annual conference will be taking place.

Everyone is invited to take part in PERF’s lively, open-forum discussion of the most important issues in policing, from mass shootings and other gun violence to budget-cutting in police agencies, from recent changes in immigration policies to use of force and consent decrees.

This is your chance to raise any issue in policing—to tell your colleagues about a program in your department or an issue that is emerging in your city, or to get other chiefs’ perspectives on an issue of concern to you.

Refreshments will be served at a reception immediately following the Town Hall Meeting.

**Location:** Hilton Bayfront Hotel (photo at left)  
Sapphire Ballroom  
1 Park Boulevard  
San Diego, California 92101  
**Time:** Sunday, September 30, 2012  
1:00 to 5:00 p.m.  
(reception afterwards)
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