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### The Consent Decree Does Not Hamper Crime Fighting

In fact, the Negotiated Settlement Agreement, if fully adopted by the Oakland Police Department, will reduce crime.

By Samuel Walker

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Residents of Oakland have expressed concern about the costs of the federal consent decree involving the Oakland Police Department, and argued that the decree diverts scarce resources from crime fighting. The costs are indeed high in terms of dollars and officer time and effort. But is this price too high? Does the consent decree contribute to Oakland's unacceptably high crime rate? These are good questions that demand an answer.

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The reforms mandated by the federal consent decree, also referred to as the Negotiated Settlement Agreement, or the NSA, are designed to achieve constitutional policing: equal treatment of all people, an elimination of excessive force, and genuine accountability for officer conduct. Is keeping crime under control forgotten in all this? No. Police experts from around the country know that constitutional policing is a necessary element of effective crime control. For more than 25 years, the community policing movement has maintained that controlling crime and disorder requires the police to have the trust of the people they serve. The police rely on neighborhood residents to provide information as victims or witnesses to crimes, and provide valuable insights into conditions in their areas.

Trust and cooperation are lost when the police engage in unconstitutional and unprofessional conduct: when they use excessive force; are verbally abusive; stop, question, and frisk people because of their race or ethnicity; and are perceived to go unpunished for their actions. Such actions and misconduct alienate the individuals directly affected, and their stories spread among family, friends, and neighbors. A single incident of police abuse has long legs and travels far. People not only do not trust the police, but, at its worst, police misconduct also generates fear of the police. Effective crime-fighting cannot work in such an environment.

The NSA requires detailed record keeping designed to end officer misconduct. Officers are required to account for citizen contacts and uses of force (Sec. V. VI.), to explain what they did and why. Sergeants are required to review those reports carefully and take appropriate disciplinary action where an officer's performance has violated either department policy or the law (Sec. IV. D; V., VII., X.). Is all this time-consuming and expensive? Yes. Is it necessary? Absolutely. No organization, and, certainly, no police department, can function effectively if it does not know what its employees are doing and fails to correct inappropriate behavior.

The accountability requirements contribute directly to effective crime-fighting. Officers who stop, question, and search people without probable cause or on account of their race or ethnicity are wasting valuable police time. If the pretext for a stop is only the color of the person's skin, then the person stopped is not a criminal suspect.

Police officers should focus on people they know are active criminals, and they should intervene only when they have probable cause. Their time is better spent talking with people about problems in the area, developing productive relationships, and gaining useful information. With officer misconduct reduced, people will be far more willing to cooperate with them.

The NSA also includes a "span of control" requirement that sergeants supervise no more than eight officers (Sec. IV. C). This represents a long-standing national standard. A proper span of control ensures that sergeants can effectively supervise their officers, ensuring both constitutional policing and conformity with the department's crime-fighting strategies.

A crucial part of the NSA is the Personnel Assessment System (PAS). This is a form of what are known as early intervention systems (EIS), and is a computerized database of officer performance. The Oakland PAS contains data on twenty different aspects of officer performance, including uses of force, citizen complaints, internally generated complaints, and use of sick leave. Where EIS already exist in other departments, it allows supervisors to get a comprehensive overall picture of an officer's performance. Most importantly, it allows them to spot an officer with performance problems early, and to intervene with appropriate corrective action.

The intervention might involve counseling by a supervisor ("you seem to have trouble with rudeness in traffic stops"), professional counseling (e.g., for a drinking problem), or individualized retraining (on the proper use of force in an arrest). Such early intervention prevents future problems and helps officers improve their performance. An officer who is better in use-of-force incidents will be better at crime-fighting. At the simplest level, a genuine criminal will not be able to raise issues of excessive force by the arresting officer.

By contrast, unconstitutional policing imposes many costs that detract from effective crime-fighting. A citizen complaint about excessive force consumes a lot of time on the part of internal affairs investigators, the officer under investigation, command officers, and, ultimately, the chief of police. Lawsuits over abuse or discrimination, of course, are very expensive in terms of dollars and the department's public image. Reducing misconduct frees up time that can be productively directed toward fighting crime.

In short, a police department that conforms to constitutional standards will be more likely to fight crime effectively.

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