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Little Hoover Post Commission
Testimony of Hans Menos, Vice President of Law Enforcement Initiatives
Center for Policing Equity

Commissioners, thank you for the Opportunity to testify before the Little Hoover Commission. My name is Hans Menos and I am the Vice President of Law Enforcement Initiatives at the Center for Policing Equity. I was invited here today to discuss law enforcement training and the role of POST commissions in that training.

The Center for Policing Equity (CPE), is the largest research and action organization focused on equity in policing. CPE maintains the National Science Foundation-funded National Justice Database, which we understand is the largest collection of police behavioral data in the world. Our work focuses on combining police behavioral data with psychological survey data and data from the U.S. Census to help communities and law enforcement agencies identify contexts and conditions that create risk for biased behaviors to emerge. The goal of our work is to elevate the voices of Black, Latinx, Indigenous and other marginalized communities and to help police departments use data to hold themselves accountable not just for crime, but for the outcomes of police actions on the communities they serve

As many of you are aware, law enforcement training is simultaneously framed as the cause and solution to problems we collectively identify in policing. In any profession, foundational training and continuing education are paramount so that professionals can stay up to date with the dynamic and evolving world. This is especially true for individuals such as police officers who are given the outsized power to take away life and liberty of the people they encounter. Given this power and the subsequent abuse and misuse of this power, advocates have, for decades, demanded that chronic and acute issues be addressed by police executives and government leaders. Some examples of these problems include racism, implicit bias, de-escalation, use of force, mental health and procedural justice. In jurisdictions around the country, the solution offered by leadership and advocates is increased or new training. Often, the cost of these trainings is significant, but the efficacy and effectiveness are unknown because they are rarely measured. The result is that communities are offered a response to their concerns which may or may not actually address their demands. For police officers, this means that they may remain unprepared to meet the expectations of the communities they serve. Measuring the outcomes of training in the real world would help police departments and communities understand if they are collectively accomplishing what they aim to accomplish via training initiatives. These assessments can also help communities hold police departments accountable and ensure police departments hold themselves accountable to community expectations.

I have referenced effectiveness of training. This differs from efficacy in training which focuses on how trained officers perform in an ideal or controlled environment. Effectiveness focuses on how trained officers perform in the real world. If training does not impact real world behavior then it has not been an effective training. In order to align training with field work, assessments need to focus on effectiveness. Continued failure to do so can lead to continued harm done to communities and continued delegitimization of police. Other consequences include continued misallocation of funds which could be spent on other initiatives or on more effective training.

In practice, using data to make decisions and assess effectiveness of training starts with understanding what problems you are trying to solve. CPE regularly identifies potential problems for law enforcement in the areas of car stops, pedestrian stops, use of force and arrests. These analyses identify disparities after controlling for factors outside of the control of a law enforcement agency. To some jurisdictions, the solution to the problems identified could include training. In order to determine if training is an effective tool for an identified problem, a rigorous assessment of the same data points would be helpful in determining if the desired outcome was achieved. As usual, the use of accepted scientific methods (control groups, regression etc.) will enhance confidence in findings. For instance, if, a training on de-escalation is designed to reduce a disparity in use of force, then measuring the outcome (rate of use of force) before and after the treatment would offer some insight and including more rigorous methods such as a control group or the identification or control of confounding variables, would strengthen the findings. In order to be successful, an evaluation plan should be considered in tandem with any training plans which are considered.

Given the expense of training and the potential for inadequate training to harm communities and delegitimize law enforcement, POST commissions do have a role in the regulation of all training. POST commissions could create an accountability system which certifies and recertifies instructors, including guest instructors. Additionally, they could mandate diversity in the composition of training staff and establish re-certification requirements. POST commissions could screen all curricula and courses to ensure that they are evidence based. They could also mandate rigorous assessments on training focused on bias, racism, de-escalation, use of force minimization and procedural justice or any other training which affects the public. Further, POST commissions can establish values and standards for training and prohibit any training which does not meet those standards and values. This would include regulating dosage of training which disproportionately focuses on use of force. This would also include an explicit prohibition of the inclusion of false narratives which reinforce negative police culture and the “us vs. them” mindset. Finally, POST commissions can ensure that the values and standards they create are responsive to vulnerable communities.

At CPE we keep vulnerable communities at the center of our work. We do so because we believe supporting our community to advocate for the change they wish to see is the path to meeting their needs and reimagining public safety. We encourage other groups, such as oversight and post commissions, to include members of vulnerable communities as commission members and to center their voice and perspective in a meaningful way. This is important because the purpose of POST commissions is to protect the public from harm by government actors. Centering the perspectives of people from heavily policed communities is the most effective way to adequately represent their interests. POST commissions have far less public representation than other regulatory bodies. For example, the CA board of medicine has 8 doctors and 7 members of the public. The CA POST has 14 members. Eleven are current or retired law enforcement officers or prosecutors. Only three are non-law enforcement members of the public.

Law enforcement is at an inflection point. Training is one piece of the complex problem of public safety. If community members are going to continue to be asked to have faith in law enforcement and institutions which regulate law enforcement then they must be invited to participate in a meaningful way. Moreover, they must be offered evidence that the training solutions which they are offered are designed to meet their needs and are effective.