

# Police reform without accountability will fail

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The murder of George Floyd has spawned ongoing multi-racial demonstrations throughout the United States. We are at an “enough is enough” inflection point in our expressions of outrage at the widespread, discriminatory, and unconstitutional use of excessive force by police officers during the course of stopping and arresting individuals whom they “suspect” of engaging, or have engaged, in criminal activities.

Unfortunately, police “suspicions” are too often distorted by conscious or unconscious racial biases. Of course, we are most enraged by the unjustified and disproportional number of unarmed African Americans who have been killed by police officers.

Research has consistently documented unjustified racial disparities throughout every stage of the criminal justice system, disproportionalities that are driven by systemic or structural racism. Most dramatically, these disparities have culminated in the mass incarceration of people of color.

The practice of systematically targeting and profiling Black men and women by the police has compelled parents of African American children to have “the talk” with their children about the risks of potential harm at the hands of the police.

We submit that the central rallying call of protesters — no justice, no peace — should be extended to read “no justice without accountability.” Without concrete mandates to maximize accountability, little will change and no amount of training or recruitment strategies will provide true justice.

Moreover, without accountability, systemic racism, and the disparities it creates will flourish and the warrior culture and us-them mentality will be reinforced through peer pressure and kept hidden by the blue wall of silence.

Accountability must be enforced at three fundamental levels: (a) identification of police misconduct and patterns of discriminatory enforcement practices, (b) investigations of allegations of wrongdoing, and (c) the imposition of appropriate sanctions, or in the case of criminal behavior, prosecutions.

To ensure equity and avert discriminatory practices, internal police enforcement policies must conform to local, state, and federal laws and to constitutional civil rights standards. Police policies and practices, therefore, should be regularly reviewed to identify and root out any instances of nonconformity.

Furthermore, community residents should be encouraged to identify and report suspected police misconduct through observations and recordings. The assessment and investigation of such reports are generally vested in Citizen Complaint Review Boards (CCRBs). Nevertheless, if citizens believe that their reports are not adequately investigated, they will increasingly forgo the reporting of policy misconduct, thus rendering the CCRBs useless. Innovative CCRBs are now being established and structured to enhance their independence, effectiveness, and legitimacy.

In addition, verified complaints of police misconduct should be entered into a centralized database so that repeat offenders can be identified and appropriately sanctioned. Furthermore, such datasets should be used by all police departments to identify repeat offenders who subsequently apply for work in another police jurisdiction. Data also need to be collected to identify and take steps to remedy patterns of discriminatory behavior within each jurisdiction.

Investigations of citizen complaints of police misconduct are rarely affirmed and even more rarely sanctioned. For example, analyses of citizen complaints of police misconduct in Chicago from 1998 to 2020 revealed that a mere two percent were

formally sustained and only three percent of allegations resulted in any form of disciplinary action. As recommended above, structural changes in the investigatory processes are required to fix our broken investigatory systems.

Moreover, efforts to enhance accountability for bad behavior must be complemented by a system of incentives for “good” behavior, e.g., peaceful resolutions in dangerous situations, interventions to stop abuse by peers, and leadership practices that dictate that abuse of power will not be tolerated.

Pressures from public demonstrations, bolstered by the research and well-informed advocacy efforts, must be sustained to enact the accountability processes described herein. Indeed, promising legislative and regulatory changes have recently been enacted and others are in the legislative pipeline. The Stop and Frisk program initiated by the New York City police department has been ruled unconstitutional on the basis of discriminatory enforcement.

Substantial racial disparities in arrests of Blacks for marijuana possession, despite similar rates of consumption between Blacks and Whites, have been largely eliminated by state laws that decriminalize marijuana use and possession. Finally, we applaud the courage of the Atlanta District Attorney in investigating and charging the police officers involved in the murder of Rayshard Brooks. That he allegedly secured the cooperation of one officer to testify against another, represents one of the rare cracks in the blue wall of silence.

Support for measures to enhance accountability for police misconduct is at its zenith. Now is the time to embrace widescale change that can be sustained for years to come.

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