

#43 (WALTER KATZ)

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Jerry Ratcliffe:

The Reducing Crime podcast features conversations with influential thinkers in the police service and leading crime and policing researchers. Walter Katz is vice president of criminal justice for Arnold Ventures.

In a wide-ranging chat, we talk about civilian oversight models, crisis response, responsibilities, civilian policy makers, controversial police shootings, and accountability around police use of force.

I'm Jerry Ratcliffe, and welcome to Reducing Crime.

Walter Katz is the vice president of criminal justice for Arnold Ventures, a major philanthropic organization focused on improving American society in four areas: public finance, education, health, and criminal justice. Prior to joining Arnold Ventures, Walter was a public defender in Southern California before being appointed in 2017 as deputy chief of staff for public safety in the administration of Chicago Mayor, Rahm Emanuel.

With his extensive background and interests in policing, crisis response, police accountability, and oversight, it's probably no surprise he's also been the independent police auditor for San Jose, California, and served as deputy inspector general for the County of Los Angeles Office of Inspector General, involved with oversight to the Los Angeles County Sheriff's department. Walter received his law degree from the McGeorge School of Law at the University of the Pacific and his undergraduate degree from the University of Nevada, Reno. In the chat you are about to listen to, we discuss the work of public defenders, civilian oversight models, the role of civilian policy makers, police use of force, and controversial police shootings, and hey, we even touch on redlining at the end.

We caught up at the American Society of Criminology conference in Chicago, which as you'll hear, is the town he was born in. It was actually great to meet in person, you know in that 15-minute respite before the next variant of the coronavirus shut things down again. As you join us, I was just talking about a recent National Institute of Justice research grant I've been awarded to explore whether social workers are more effective at encouraging people towards treatment and shelter than police officers.

Jerry Ratcliffe:

Will a social worker be more effective because I think there are pros and cons to both of these approaches, but it also is that change of where policing or where public safety or community safety is really going.

Walter Katz:

Well, it's going, but I think it's going without necessarily a lot of research behind it. There are certain models of alternative response systems, which are getting a lot of momentum with policy makers, but they don't have a lot of evaluations or robust research to fall back on as say, this particular intervention will be effective, be it a co-responder model or an alternative responder model.

Jerry Ratcliffe:

I'm kind of fascinated that you are interested in research because everybody else seems to be just interested in advocacy or they have an opinion and they just want everybody to know what their opinion is. How did you end up here? Because I mean, you went to law school and then became a public defender, didn't you?

Walter Katz:

Yeah. I mean, that was my path. I went to law school, became a public defender in Southern California first, a couple of years in San Diego and then up to LA County, their alternative or alternate public defender's office.

Jerry Ratcliffe:

What's an alternate public defender's office?

Walter Katz:

So LA County has enough conflict cases. So, they have a second office to take conflicts. Dual defendant cases, multiple defendant cases, or the public defender has some other sort of conflict of interest, for example, the new client had been a witness against another client in the prior case.

Jerry Ratcliffe:

Right. Did you always want to do it or you kind of, you are in middle of law school thinking, I'm going to do real estate law and make a fortune.

Walter Katz:

So that was early '90s when I was in law school. 1991, a recession hit and I didn't go to Bolt or Stanford. I went to a second-tier school.

Jerry Ratcliffe:

Proud of them.

Walter Katz:

Proud of them. That's right. And job interviews dried up with private law firms. And I started putting applications in both for prosecutors' offices for defense offices. It's the same semester I was starting to take criminal procedure though.

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Walter Katz:

So I'm reading all these fourth amendment cases with all of these dissents by Justices Marshall and Brennan, and I'm siding with them all the time. Finally, I came to that point saying, I'm not quite sure if I'm right as a prosecutor if I'm disagreeing with all this fourth amendment jurisprudence. So I just ended up as a public defender and really liking it.

Jerry Ratcliffe:

Well, at least you got a job because otherwise in Southern California, isn't everybody unemployed a struggling actor?

Walter Katz:

In LA. So it seems, right?

Jerry Ratcliffe:

You didn't go for a few auditions, did you?

Walter Katz:

Not me. Never made it to the entertainment industry. But being a trial lawyer is sort of being a performer.

Jerry Ratcliffe:

You're definitely on show.

Walter Katz:

On show in that it's 75 or so jury trials, a lot of homicide cases. It's so much easier representing somebody when the evidence against them is really strong. What is really hard is when you have a client who you think is actually innocent and their life depends upon what you're doing. That case didn't turn out well for my client and he got life in prison for murder. And that really knocked me off my feet for a bit.

Jerry Ratcliffe:

What's it like to defend somebody when the evidence against them is really strong?

Walter Katz:

You're fulfilling your obligation under the constitution to zealously represent somebody knowing that in doing so, you're assuring that his or her constitutional rights are being protected.

Jerry Ratcliffe:

Have you ever had cases where the evidence was really strong and you kind of knew they did it, but they got off?

Walter Katz:

I've been asked that before by other folks and up to 75 cases I did, I think I have one which was a kidnapped for robbery case where I'm pretty sure I had a very clever client who got away with one. But for him, there will be another day. For

somebody who is innocent, and they're wrongfully convicted and they're sentenced to life in prison, there's not another day.

Jerry Ratcliffe:

Right. So you were doing the public defender work?

Walter Katz:

Yeah.

Jerry Ratcliffe:

What was next for you after that?

Walter Katz:

So I was getting burned up.

Jerry Ratcliffe:

Understandably.

Walter Katz:

As the kind of public defender, like many of us who I lived my cases, and it wasn't good for my emotional or my physical health.

Jerry Ratcliffe:

I spoke a while back to former Philadelphia police commissioner, Charles Ramsey.

Walter Katz:

I know what you're going to say.

Jerry Ratcliffe:

He was saying the same thing. He was saying that the stress, the pressure of just the criminal justice system of policing, he couldn't bury another police officer who'd been killed on duty and he-

Walter Katz:

I've heard Chuck say the same thing, it was one funeral is too many.

Jerry Ratcliffe:

This whole system is exhausting for everybody working in it.

Walter Katz:

It is not only exhausting, I think that the emotional trauma which men and women who are in this line of work, especially those who are out in the street who see the trauma firsthand is completely underappreciated. And the secondary trauma that people in the courtroom go through. I think it's completely not understood. I mean, now I look back at it and saying, how inured was I that I didn't even get pause to spending my lunch break leafing through autopsy photos.

Jerry Ratcliffe:

With a sandwich in the other hand.

Walter Katz:

Literally. Early in my career in LA County, a lawyer really was kind of a mentor for me, said to me, every lawyer has a fixed number of trials in them, you just don't know what the number is, but you will when you get there. And I could tell I hit that stage. I did not want to be that lawyer who drops dead of a heart attack during a cross examination.

Jerry Ratcliffe:

Well, at the very least it would be inconvenient for everybody.

Walter Katz:

They'd have to declare a mistrial. Maybe they wouldn't. I'd have to come back the next day. And at the same time, I was getting really interested in police misconduct work. In 1999, I think that's the right year, LAPD found themselves deep in a scandal, the Rampart crash scandal involving their anti-gnat team in the Rampart district. So my office put a team together and our job was to go through all the cases which the Rampart crash team had been involved in. So that really got me interested in the deep misconduct work. And so a few years later, this opportunity opened up with this office which had oversight over to LA County Sheriff's Department called the Office of Independent Review. And we provided oversight at the Sheriff's Department.

Jerry Ratcliffe:

Did that model work? Because there are so many different models of oversight taking place, not just here in the United States, but around the world. Are there some models that seem to work better than others?

Walter Katz:

I've been involved in a lot of the different models. So where I was with LA County and OIR, what was unique about that office is that we had attorney-client privilege with the Sheriff's department.

Jerry Ratcliffe:

So you're kind of almost like a Venn diagram, slightly overlapping enough to be able to access their paperwork.

Walter Katz:

Yeah. And so the upside was we had access. The downside was, is that because of attorney-client privilege, we couldn't disclose everything. Eventually, they decided to dissolve that office and then created a new inspector general. I joined that inspector general's office. Now, several years later, they are still in a challenge of how do you have adequate oversight over a Sheriff's department, and Sheriff's departments and municipal police departments are these two separate animals. They're structured differently. They're often in a state constitution. They tend to be more conservative. They have their own independent power.

Jerry Ratcliffe:

I don't think enough people appreciate that under the surface, there are significant differences between municipal police departments in the cities and Sheriff's offices. They are like a completely different animal.

Walter Katz:

And you see that firsthand in LA County where I was in the criminal courts building where famously, OJ Simpson got tried.

Jerry Ratcliffe:

Most innocent man in America.

Walter Katz:

And not convicted. Tried and not convicted. And so those cases were LAPD cases. And so that's really where I cut my teeth. And then for a couple of years, I was assigned to a courthouse up in the Antelope Valley doing defense work up here in this LA exurb, much more conservative where the main agency was to LA County Sheriff's department and I saw a completely different style of policing. 18,000 departments.

About half of them have 10 or fewer officers. If you want to bring about reform and change to policing, scaling that, replicating that is extraordinarily difficult. How do we improve police accountability? How do we think about structural barriers to accountability and transparency? When we started thinking about that last year after George Floyd, we said 18,000 departments, but there's 50 state legislators.

Jerry Ratcliffe:

Fill in after your LA work.

Walter Katz:

So 2015, I was appointed by the San Jose city council to be their independent police auditor. There is yet another oversight model, the auditor model. Then at some point that year, the city council of Chicago reached out to me because they were in the middle of their crisis with Laquan McDonald and they were trying to figure out what should our civilian oversight look like?

Jerry Ratcliffe:

It's not insignificant for a city like Chicago?

Walter Katz:

No. The interesting thing with Chicago is that they've tried civilian oversight now for many decades. The Chicago Police Board came about in 1961. Every single time there was a major scandal or controversy, the tendency was, we need to either do it differently or add more oversight. Chicago and Seattle are two cities with more oversight agencies than any others. I mean, Seattle has the OPA, the inspector general, and a community commission. Chicago has the inspector general, it has the civilian office of police accountability, and there's a police board which adjudicates cases, and now the city council has just created a civilian commission.

Jerry Ratcliffe:

I mean, it sounds disorganized and chaotic.

Walter Katz:

If each entity has a different piece though, it theoretically could work. If you, for example, in Chicago have COPA or OPA in Seattle and they investigate the complaints, and then you have a police board, which is their final adjudicator for serious complaint cases, and you have an inspector general who takes on more of the systemic challenges and identifies systemic issues, you've now covered both the micro and the macro issues, which probably one agency cannot do as well by itself because they're very different types of skills and goals that you're looking at.

Jerry Ratcliffe:

Just listening to all of this and then I think about the lack of oversight in just about every other branch of the criminal justice system. There's pretty much no oversight for prosecutors. There's no oversight for judges. All the focus is on frontline policing and then the rest of the system just seems to get a pass.

Walter Katz:

Yeah, you have things like judicial councils, I guess you have the court of appeals, et cetera. But because policing is so visible, it is the most frequent interaction for many people between the state and themselves.

Jerry Ratcliffe:

Completely. They could be driving past people who work in other parts of government, but they wouldn't recognize it. It's not like we paint their cars a different color and put lights on them.

Walter Katz:

Correct. And so it's an ongoing challenge. Human nature tends to be driven by anecdote in narrative rather than, for example, statistics. So we tend to focus on the awful and not necessarily take that step back and look at the broader context.

Jerry Ratcliffe:

Did you get a chance to do that in Chicago?

Walter Katz:

In Chicago, that was such an incredibly satisfying two years. I was in the mayor's office for 25 months.

Jerry Ratcliffe:

It's such a relief to speak to somebody who enjoyed their job for a while.

Walter Katz:

It was exhausting. I got out of the blue phone call from somebody in administration. We're a few weeks away from the department of justice's pattern and practice investigation report going public. We're pretty sure they're going to be asking for a consent decree. Would you be interested in joining the mayor's team to lead the public safety effort, including the work on the consent decree and police reform?

Jerry Ratcliffe:

I mean, you grew up on the West Coast.

Walter Katz:

Born in Chicago, grew up basically on the West Coast

Jerry Ratcliffe:

On the West Coast. So did it feel like coming home or did it feel like coming to an alien land?

Walter Katz:

It felt like coming to something completely new. Chicago is so different than California. For somebody who is "a police reformer", I saw that as an extraordinary opportunity.

Jerry Ratcliffe:

Do you see yourself as a police reformer?

Walter Katz:

I do.

Jerry Ratcliffe:

I think a lot of us do, but we just see different paces and areas of focus in terms of that reform. But I think there's always a need to keep improving and moving forward here.

Walter Katz:

Exactly. And I think some people can have differences as to how deep and systemic they think the problem may be. I label myself to be a pragmatic idealist where I have these ideals, but I'm relatively pragmatic in how we get there.

Going back to the mayor's office, for somebody who comes from the background I have, a former public defender who is passionate about better, more accountable, and more transparent policing, it's something I could not pass up. Mayor Rahm Emanuel made a conscious choice to bring in a "police reformer" to be on the City's side of the consent decree negotiation. I felt wow. That is such an awesome responsibility, including responsibility to the people in the City of Chicago, who are the communities that are most impacted by violence and most impacted by the phenomenon of over policing and under policing.

Jerry Ratcliffe:

Yeah. So over policing and under policing is a really interesting one. You could see yourself as a pragmatic reformer. I think naive reformers want to ignore that, but I see some of these gallop polls that say something like 80% of African Americans across the United States want the same or more policing, and they have a right to deserve better policing for sure, but they don't want no policing.

Walter Katz:

And more localized polling bears that out. Shortly after the protests in Minneapolis and as the defund policing, Logan was catching momentum, there was polling, I think the New York Times published it, of residents of North Minneapolis, which showed a really new nuanced view of a desire to be safe, feel safe, a recognition that policing helps with safety, but also really strong feelings that the policing they were getting was not meeting their needs.

There's a really interesting paper by Daniel Webster and Shawnee Bugs looking at gun crime enforcement in Baltimore, surveying of residents and most impacted communities. You see the exact same phenomenon there. They mentioned three things. One, they wanted to feel safe. Secondly, they thought the police were targeting the wrong people. And thirdly, not actually identifying and catching the people responsible for the violence.

And they're in a nutshell, is that over policing and under policing. When we think about what is it that we want, as a culture, the police to be doing and not doing, we need to have a strong body of evidence to understand what is it that police are doing well right now, what is it that we want them to be doing, what is it that we don't want them to be doing? I'm not sure if that came out right.

Jerry Ratcliffe:

As long as you go for a triple negative, we'll be fine.

Walter Katz:

Exactly. But let's, for example, look at violent crime. Clearance rights hover, depending on the jurisdiction, somewhere between 40% and 50%. What I don't see, and I'm putting a lot more focus on a lot more onus on civilian policy makers is when civilian policy makers are approving public safety budgets. And by the way, police chiefs are putting forward

public safety budgets. Are we properly rightsizing how we're assigning our workforce? We should really be asking if a city has hundreds of homicides per year and shootings, perhaps we should have more investigators assigned to the detective bureau.

Jerry Ratcliffe:

The gulf between homicide investigations in big cities in the United States and when I've seen them in other countries, there's a team of 20 or 30 detectives working on a homicide for weeks and weeks and weeks before they start downsizing the team. And in Philly, there's a team of a few folk turn up, in Baltimore, a few folk turn up and then pretty much within 48 hours, it's two offices and those two officers are carrying a dozen cases.

Walter Katz:

I think that improving of clearance rates of violent crime is probably one of the key stones to improve policing and legitimacy. And this question of how might we create a better investigator? What does that look like? And that's exactly why that experience first in California and especially in the mayor's office so shaped me and set me up then for the work I'm doing at Arnold Ventures.

Jerry Ratcliffe:

Yes. Why would you ever want to leave Chicago as we sit here in November freezing borderline hypothermia?

Walter Katz:

First snowfall, somewhere around Halloween, last snowfall, somewhere around May 1. Spring time is the worst. This kind of sort of cold, I find that annoying. So sometimes you may not even have a spring. It just kind of goes to winter to winter lights to summer. But the city is extraordinarily challenging. And so when the mayor's term came to an end in 2019, my run here came to an end as well.

Jerry Ratcliffe:

Were you seen as a political appointment?

Walter Katz:

Well, technically there are political appointments. I went to the mayor senior staff.

Jerry Ratcliffe:

The depth, especially in the federal government of political appointees, I always find incredibly counter to long-term strategic thorn planning. So an amazing way to run government here.

Walter Katz:

And that goes exactly to that challenge about how does one try innovative practices and then allow for them to be evaluated and then hopefully scaled up or replicated if a police chief may only be around for let's say three or so years. And then the next chief comes in and he or she wants to do something real very differently because of their experience.

Jerry Ratcliffe:

And often they kill the cubs and decimate anything their predecessor did so that they can be seen to be doing something new.

Walter Katz:

Exactly. And I think this goes to deeper questions, but it goes to the nature of how we think about leadership in this country. If, for example, one has a pension system where one's pension is based upon, let's say, three years of service and the average salary, and you've been on the job now for 30 years and now you're making a chief's salary. In three years, your pension will max out. Where's the incentive to leave? You can take retirement, be a consultant and do pretty well for yourself and then the next chief comes along. Or, and I go back to what is my current windmill civilian policy makers, so many city councils tend to be hands-off, very deferential to a chief until it hits the fan. And then they tend to overreact, do tenacious things like cut a chief's salary just to make a point and then they wonder why top-quality chiefs then walk away.

Jerry Ratcliffe:

And I immediately think of Carmen Best in Seattle, who's absolutely excellent and very thoughtful and was absolutely the right person to help resolve some of the issues in Seattle and city councils just dropped her like a hot potato.

Walter Katz:

Yeah, because in that moment it appeared for some of the council members, apparently it was the expedient thing to do. So that experience in the mayor's office was extraordinarily challenging, but I learned so much from that experience. That when the opportunity came up at Arnold Ventures, it was that second time in my career where I had to say, how could I not say yes?

Jerry Ratcliffe:

So hoping we're still trying to build an evidence base. It feels like no department can survive and egregious shooting or a bad shooting these days because it just blows up instantly kind of everywhere. How do we find a way to still move forward?

Jerry Ratcliffe:

And the reason, I suppose, I say this is because it feels like we just reset the clock 30 years after George Floyd. And yet, if you look at some bigger police departments like New York, police involved shootings have been coming down year after year after year. It feels like that kind of level of progress just kind of got thrown out the window.

Walter Katz:

Still in the aggregate though, year in and year out, about 1000 people are killed by the police. And so you may have some agencies who appear to have brought that number down significantly such as NYPD, but still 1000 people every single year. And we only know that from non-official data.

Jerry Ratcliffe:

I know. That's preposterous, isn't it?

Walter Katz:

It's ridiculous. And so this lack of transparency feeds into the distrust.

Jerry Ratcliffe:

On that number of 1000, what is a reasonable number? I mean, if we're looking at 65 million, 75 million police community interactions in the most heavily armed population in the world, they're going to keep happening. We can't get that number down to zero. Or do you think we can? What is a reasonable number to go for?

Walter Katz:

I would ask this question. If we think back to all the controversial police shootings over the last decade, let's go back to Mike Brown in Ferguson. I can only think of one where the person who was killed by the police had a gun near them, and that was Philando Castile. So we peel away all the shootings, which maybe are about 400 per year, of people who are not armed with a firearm.

Reduce that subset. And I'll ask you this question, there's a lot of police interactions per year. There's 50,000 traffic stops per day. How many is too many fatal encounters, I ask, well, how many airline miles are flown per year? How many takeoffs and landing do airliners make every single day, every single month? How many airplane crashes by airliners will be too many? Right now we have about zero.

Jerry Ratcliffe:

So the goal is to get down to zero.

Walter Katz:

The goal is to decrease shootings of people for whom deadly force is not justified as close to zero as possible.

Jerry Ratcliffe:

Yeah. That sounds perfectly reasonable to me. I often these management people say that objectives should be SMART objectives, specific, measurable, achievable, realistic time bound and that kind of thing. And it's very difficult to get an answer. So, I mean, if you're talking about say, 400 that are probably either egregious or suspicious or lawful, but awful, a goal would be around 600 ish?

Walter Katz:

I'm just going to assume that if the person with the gun was armed and was using that firearm in a way that an officer reasonably feared for the safety of themselves or somebody else that, that would be under the law, a justified shooting. So I'm just giving a degree of deference. Questions still should be asked, but we can at least start from a place of deference there.

But we take the ones which are shootings of people who are not armed or killings of people are not armed, right? George Floyd was not shot and killed. Eric Garner was not shot and killed, right? And those non shooting fatalities are completely under counted. The serious injuries as a result of a use of force. There's not even some data, it's extraordinarily poor data.

Jerry Ratcliffe:

So if you could design the model, who would investigate these?

Walter Katz:

Well, first of all, this is-

Jerry Ratcliffe:

I mean, if you're okay talking about this because I'm kind of fascinated in this because I think this is really important for us to try and get right.

Walter Katz:

Well, first of all, I think that policing is a high-risk profession which is not regulated like one. So let's start with the word profession. Cops want to be treated like professionals.

Jerry Ratcliffe:

Yeah, it's still a job in many places, and that's the problem.

Walter Katz:

And that's the problem. If we want to treat it like a profession, let's treat it like a profession. Therefore, it should be subject to a really high degree of state regulation. How many other jobs or professions are out there where you can take somebody's life?

Jerry Ratcliffe:

Oh, intensive care nurses have to do continuing education that gets tested on a regular basis on the latest science and knowledge in their field.

Walter Katz:

Correct.

Jerry Ratcliffe:

You have to do more exams and more tests to be a cosmetologist, to do people's hair and makeup in New Jersey than you do to be a police officer.

Walter Katz:

We undervalue training, we overvalue custom and anecdote. We have special operations soldiers in the military who, if they're not out in theater, they're back at home base for six months training. Imagine you have a police force which uses a platoon system. Let's say you have three platoons and one of your three platoons is always training.

You have to make a decision about how many police officers do we need, and that is determined by what kind of work do we want them to be doing? How many more resources should be invested in investigators? It would mean having a completely different looking type of professionalized police force and maybe a fewer agencies, maybe far more serious training. Maybe we should be thinking about a three-year policing university that we see in Scandinavia.

Jerry Ratcliffe:

But somebody once said to me, people in America want everything and pay for nothing. I mean, I agree with you, but the taxpayer doesn't seem to have demonstrated any interest in actually funding this kind of stuff.

Walter Katz:

Well, we don't have a lot of use of cost benefit analysis in this country. We don't think of about return on investment when it comes to public spending. I understand that. I am though saying that, and once again I'm going to go look at civilian policy makers, that they need to step up. I saw firsthand boards of supervisors and city councils do their work.

Jerry Ratcliffe:

That must have been kind of depressing, wasn't it?

Walter Katz:

Some do it better than others. Some do risk management far better than others, some of them basically just rubber stamp whatever civil litigation settlement occurred. Don't ask enough questions. Don't ask for corrective action plans. They basically rubber stamp public safety budgets and don't understand anything which is in there. They approve or ratify collective bargaining agreements.

Jerry Ratcliffe:

This almost sounds like you are more interested in looking at the bigger picture than thinking about the different mechanisms of oversight and investigation.

Walter Katz:

I am looking at it from a systems perspective. I mean, you talked earlier about how many parts of the criminal justice system are not actually subject to any form of oversight. It is a systems issue. And it's easy just to say it's a cop's fault or it's a police chief's fault. We get what we're paying for.

Walter Katz:

And if we have civilian policy makers, if we have mayors and city councils who are not asking the right questions, but don't even know what the right questions are to ask, how should we then be disappointed at the end that we're not getting the policing that we want. Civilian policy makers have to step up and do a better job.

Jerry Ratcliffe:

When Cities starts spending those kinds of monies, are they better off with external investigation of say, police-involved shootings or internal? How do we do this well?

Walter Katz:

I've read enough transcripts and heard recordings of internal investigations of shootings, which leaves me very doubtful that that is the right approach to take.

Jerry Ratcliffe:

Okay. So it's going to have to be external. Now, how do we give them enough teeth to be able to rid policing of bad cops?

Walter Katz:

I think that's a challenge with oversight and that's a challenge with police reform, is what are the outcomes that we're trying to seek. If the outcomes are a procedural one, that we want to have more trustworthy investigations, that are more transparent, which have a more rigorous process, that is different than saying we want more cops to get prosecuted.

Those have two different end results. And I'm more interested in that first result because that first result will then hopefully get us to the right answer in any particular given shooting. Some are good, some are awful, but we need to have to right processes in place so we feel like we have a reliable system.

Jerry Ratcliffe:

But when we take something to be more public and more transparent, it ends up being more political most of the time because this is America and we make politics out of everything. And that can be often by trial by public media and in a very public situation. And it seems when we have that kind of a situation, there doesn't seem much space in policing for genuine honest mistakes anymore.

Walter Katz:

I think that if we look here in the United States at some of the independent models which are being developed, I do not think we've seen that phenomenon. If we are going to go down to path though of independent investigations of serious use of force, we have to make a commitment of properly and adequately funding those agencies, properly staffing them with really good training.

I mean, if I were, for example, to be given a blank piece of paper and say, go out and create an independent investigation office, I'm probably not going to be hiring former officers from that agency, probably not hiring former officers from elsewhere unless of a really rigorous hiring system.

But it would be looking at, for example, NCIS and the other military agencies who've been doing criminal investigations, but in a different setting to bring those skill sets into this setting. You just need to have good investigators.

And I worry about when we independent investigation systems that investigators that we have are not experienced enough and not trained well enough to do the job well. So we have to really think carefully about that. So good funding, independence, smart hiring.

Jerry Ratcliffe:

There are not many parts of public policy where you have to make split second kind of decisions and people are going to make mistakes, and I think they're going to make genuine mistakes. And then there are going to be assholes and there are going to be people who make genuine mistakes.

Walter Katz:

There absolutely will be people who make mistakes. And we, as a society, have to determine what is the consequence for making such a mistake. If a nurse administers the wrong medication and a person has an adverse reaction and they die as a result, what are the consequences for that?

If an officer mistakenly identifies a cell phone as a gun and shoots and kills that person holding the cell phone and it was a genuine mistake, we have to figure out what should the consequence be for that? Again, I'm living in a hypothetical mature society which can induce some rigorous decision making.

Jerry Ratcliffe:

If only.

Walter Katz:

If only.

Jerry Ratcliffe:

Where is this magical land of which you speak, Walter?

Walter Katz:

The magical land in Walter Katz's head.

Jerry Ratcliffe:

I'd like live there please. That would be really nice.

Walter Katz:

So there's models out there. And I wrote about this several years ago about looking at the Canadian model using the special investigations unit where you have the separate unit, which does investigations and then they turn over those investigations to crime prosecution service to do the charge and decision.

Of course, the United Kingdom has a system too. But I'm not in a fairy land. I know both of those models have also had their own controversies. Look, we're going to have controversy no matter what if we're giving people the power to make life and death decisions in a culture of 400 million guns and in a culture which seems to be incapable of getting away from its racialized history and present.

Jerry Ratcliffe:

So that's brings me to one of the other areas, which I think is interesting, trying to get policing out of dealing with people with mental health problems especially, because they're disproportionately focused on the minority community because they've less access to healthcare and less access to structural benefits of society and education and all those kind of things for the history of the country.

Jerry Ratcliffe:

So it makes kind of sense in your mature rational world, it will be fine. But we are trying to pull police out of lower level say, mental health calls, disturbance type calls, and we're only going to have police going to the more serious and violent one. There's going to be an unintended consequence of that.

The rate at which police get involved in use of force is actually going to increase because they're now not going to all the lower level ones. And it's actually going to look worse because the ratio, the number of calls they go to where they have to use of force is likely to actually increase. And we are not going to deal with the racial disparity because as a country, we don't want to deal with the longer term mental and the other health issues.

Walter Katz:

Jerry, it's like you've been inside my mind. I've gone through the exact same thought exercise, that is we shrink the so-called footprint of policing.

Jerry Ratcliffe:

And we're going to make it look worse.

Walter Katz:

Well, we're going to be treating policing more like armed response teams.

Jerry Ratcliffe:

That's not going to build community relations to solve those homicides.

Walter Katz:

It all depends how well that they are trained and what they're trained in. Are they being trained in de-escalation? Look, I think we undervalue the importance of good decision making. I think when we hire officers, we should be thinking much more carefully in our hiring criteria of what do we want to see in a police officer? One thing that we want, we want to see an extraordinary high degree of decision making capability.

And if we would hire for that, then those instances, those volatile situations may have better outcomes. And that's why I go back to the special operations soldier example. If they spend a third of their time, at least, training, that's a better thing than, well, he's going to have maybe 20 hours of CPT in any given year.

Jerry Ratcliffe:

Sure, but say in a hypothetical world, you've got 100 mental health goals and 10 of them, there is going to need to be a use for use of force because some people have got really severe problems and those include violence. We can't take those down to zero. I've spent way too much time on the street to know however good some officers are, however good anybody is, there is going to be hands on with say, 10 of them.

Jerry Ratcliffe:

If we take 80% of those calls and get to another agency, now we're sending police to 20 calls of which 10 will require use of force. So now we've taken them to police used force 10% of the time to now they've used force 50% of the time.

Now, even if they reduced that by half and only used force five times, they're still now using force 25% of the time when they were using force 10% of the time. Now in a mature country, we would turn around and go, well, there's very good reasons for this. But for people who don't like the police, it feels like a setup because they're just going to hammer away the increased use of force with fewer calls.

Walter Katz:

But I think in aggregate, we're going to see less use of force, but we're going to see a higher proportion of force being used. And I'd also want see whether or not the force that is used is proportional to the resistance that is being exhibited by the person. And I think of better training and better decision making, we'll see more proportional, force used perhaps as a higher percentage of all calls being made perhaps, but fewer calls and fewer force used overall in aggregate.

Jerry Ratcliffe:

So if we include all the calls that got given to some other agency.

Walter Katz:

Correct.

Jerry Ratcliffe:

That's the alternative response model.

Walter Katz:

Right. Assuming that the evidence supports their efficacy, which I think is a call for research.

Jerry Ratcliffe:

Is this one of the areas that Arnold Ventures is getting into?

Walter Katz:

In our policing portfolio, we are focused in three areas, which is improving accountability, reducing violent crime, and re-imagining their crisis response. It's in that question of the crisis response where we're asking that question of what should police be doing? What could they be doing better?

And what should they not be doing? And if we go through that decision three of what should they not be doing, it naturally begs the question of, well, if they're not doing it, who is? Those are some of those questions that we're asking ourselves and you'll see us being pretty active in that.

Jerry Ratcliffe:

Yeah. You talked a chunk about training. That's going to increase costs. Are you running into issues with people from the defund side of the world? Because, I mean, is there any agency that's ever improved by taking money away from them?

Walter Katz:

I think that 2020 ended up being exercise in how public safety budgeting should not be done. But there's some realities though, right?

Jerry Ratcliffe:

It was certainly interesting, wasn't it?

Walter Katz:

Yeah, it was. But look, 90% plus of police budgets are personnel costs. And I think that the defund movement had this belief that if we start cutting budgets, they're going to be less police officers and that's a net good thing.

And I don't necessarily think that some of the proponents of significant decreases in police budgets thought through two important questions. First is, are we speaking for the community or are we speaking for a pretty narrow cohort, which already agrees with us? And secondly, what are the consequences if those choices are made?

Jerry Ratcliffe:

I like the research model that you are moving towards because it strikes me as a better model for incremental change. In a democracy, it's perfectly reasonable for politicians, a political system to turn around and to change and adjust the size of the police force. But again, it seems a failure to the community if you don't have the replacement in place.

Walter Katz:

Well, I agree. But the reckoning which came out of the murder of George Floyd is that it took that awful event before there could be serious conversations about race in the criminal justice system. And unfortunately since then, there has been almost this nativist backlash against any conversation about race.

A backlash against asking nuanced questions about what is it that we want to get out of our policing system. So that's turned into either you're for defund the police and all cops are bastards or you're back to blue. And there is nothing in between.

Jerry Ratcliffe:

Policing is often described as a business of first response, but it's often really the business of last resort and it doesn't feel like we're having a real conversation about, especially for minority communities, communities of color, have been failed by all the other systems, the healthcare system, the mental health support system, the education system, the sociopolitical system. And we are not addressing any of that. We're not putting the fixes in place so that we will still be having this conversation in 20 years' time.

Walter Katz:

And law professor, Monica Bell, writes about this, that with policing being the most frequent contact between members of marginalized communities and the state and they're already so detached from being treated well by government overall, that just creates this further attention which feeds upon itself.

Jerry Ratcliffe:

So police community reactions are in the bigger picture, more strategic because it could almost be seen, the troubles with them are a symptom of a much bigger issue. They can be the cause in themselves, but they're not just the cause in themselves. They are a symptom of just a bigger failing of government to support these communities for decades.

Walter Katz:

Well, let's go all the way back to the 1920s, the role of redlining.

Jerry Ratcliffe:

Oh, in Philadelphia, it was brutal.

Walter Katz:

Absolutely.

Jerry Ratcliffe:

And it's still to this day, the maps reflect the redlining that took place in Philadelphia in the 1940s.

Walter Katz:

They reflected in Philadelphia, they reflected in Minneapolis, they reflected in Los Angeles. And so now you have redline communities together. Let's take Chicago for example, where Black residents were concentrated into the south and the west sides, then you had industry leave and people who become more middle class, they left for the suburbs.

Folks are left behind who had fewer resources, far fewer economic assets, and the well-paying jobs had left. And then let's build these public housing towers, which further institutionalized their existence. Why would they not be cynical?

Jerry Ratcliffe:

Well, on this really cheery note of how well things are going, I suppose we better get back to the conference, but, Walter, I really appreciate you spending some time with me.

Walter Katz:

Yeah. I haven't done a live in person interview in more than two years and I forgot how much fun they could be.

Jerry Ratcliffe:

Oh, I thought you were about to say how painful it was going to be.

Walter Katz:

I've been through worse.

Jerry Ratcliffe:

Thanks so much.

Walter Katz:

Okay. Thank you.

Jerry Ratcliffe:

That was Episode 43 of Reducing Crime recorded at the American Society of Criminology Conference in Chicago in November, 2021. New episodes are announced on Twitter @_ReducingCrime. Instructors can also DM me for a spreadsheet of multiple-choice questions for every episode. And as always, you can find a transcript of any episode at reducingcrime.com/podcast.

Be safe and best of luck.