

The BJA Executive Session on

Police Leadership

2013

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The principals are supported in their work by a team that includes project co-directors Darrel W. Stephens and Bill Geller, project strategist Nancy McKeon, and BJA Senior Policy Advisor Steve Edwards.

Five Police Departments Building Trust and Collaboration

Innovations in Policing Clinic
Yale Law School
High Point, North Carolina

Full Case

by
Trevor Stutz



Full Case

Trust and Collaboration in High Point, North Carolina

Trevor Stutz - In collaboration with members of Yale Law School's Innovations in Policing Clinic

Introduction

In the mid-1990s High Point, N.C. was plagued by high violent crime rates common to many American cities at the time. From 1997 to 2010, violent crimes fell from 1,646 to 582 per 100,000 people, vastly outstripping the decrease experienced across the nation.¹ The police have achieved this result through a strategy of “focused deterrence.” Focused deterrence, as defined by criminologist David Kennedy, is a crime reduction strategy that addresses particular problems “by putting identified offenders on notice that their community wants them to stop, that help is available and that particular criminal actions will

¹ These numbers reflect the most recent available data. HPPD, High Point Indexed Violent Crime: Per 100,000 (on file with author). “Violent Crime” includes murder, rape, robbery and assault, the same categories labeled as “violent” by the FBI’s Uniform Crime Reports. According to HPPD’s internal data, High Point experienced reductions in overall violent crime per 100,000 from 1997 to 2010 of 64.6% when factoring in the contemporaneous population growth, including absolute reductions in: murders from 20 to 4 (85.1% decrease per 100,000 persons), rape from 50 to 31 (53.8% decrease per 100,000 persons), robbery from 457 to 208 (66.1% decrease per 100,000 persons), and assault from 724 to 352 (63.8% decrease per 100,000 persons). The decreases are somewhat less significant when calculating based on the FBI’s Uniform Crime Reporting data on High Point, which reported lower baseline numbers for 1997 and only captures the drop through 2009 (while High Point’s internal numbers reflect a continued notable drop from 2009 to 2010). Though the reductions continue to outstrip North Carolina and national declines. See Federal Bureau of Investigation, Uniform Crime Reporting Statistics, UCR Data Online, available: <http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm> and <http://www.ucrdatatool.gov/Search/Crime/Local/RunCrimeTrendsInOneVar.cfm>.

According to the UCR, High Point experienced an absolute decrease in violent crime from 949 violent crimes in 1997 to 678 in 2009 (a 47.7% decrease per 100,000 residents), including decreases in murder from 12 to 3 (81.6% decrease per 100,000 residents), rape from 38 to 33 (36.5% decrease per 100,000 residents), robbery from 348 to 273 (42.6% decrease per 100,000 residents), and assault from 551 to 369 (51.0% decrease per 100,000 residents). As noted, these numbers still outpace the decline in violent crime in North Carolina and nationally. In 1997, North Carolina reported per 100,000 residents: 607 violent crimes including 8.3 murders, 31.6 rapes, 172.6 robberies, 394.5 assaults; and by 2009 those numbers had declined to 404.3 total (33.4% decrease), 5.3 murders (36.1% decrease), 24.6 rapes (22.2% decrease), 126.1 robberies (26.9% decrease) and 248.4 assaults (26.9% decrease). The national data shows 1997 levels per 100,000 residents: 611 violent crimes including 6.8 murders, 35.9 rapes, 186.2 robberies, 382.1 assaults; and by 2009 those numbers had declined to 429.4 total (29.7% decrease), 5.0 murders (26.5% decrease), 28.7 rapes (20.1% decrease), 133.0 robberies (28.6% decrease), and 262.8 assaults (31.2% decrease).

The few HPPD detractors with whom the author spoke pointed out that violent crime has fallen across the United States during this time period and thus no credit could be given to HPPD in reducing crime. While this paper is not a controlled study on crime rates, this claim would require a more thorough analysis comparing High Point to similarly situated cities. The author also directs readers to evaluations of similar focused deterrence strategies, each of which has found statistically significant reductions in the violent or drug crime targeted. See Nicholas Corsaro, Rod K. Brunson, & Edmund F. McGarrell, *Problem-Oriented Policing and Open-Air Drug Markets: Examining the Rockford Pulling Levers Deterrence Strategy*, Crime & Delinquency 1 (Oct. 2009); Nicholas Corsaro & Edmund F. McGarrell, *Testing a Promising Homicide Reduction Strategy: Re-assessing the Impact of the Indianapolis “Pulling Levers” Intervention*, 5 J. Exp. Criminology 63 (2009); Nicholas Corsaro, Rod K. Brunson, and Edmund F. McGarrell, *Evaluating a Policing Strategy Intended to Disrupt an Illicit Street-Level Drug Market*, 34 Evaluation Rev. 513 (2010).

bring heightened law enforcement attention.”² Having both police and community members articulate the message clearly, credibly, and directly to those most likely to commit violent crimes acts as a powerful deterrent. Focused deterrence is meant to replace broad drug sweeps and other policing strategies that catch multitudes of low-level offenders and can appear arbitrary and discriminatory to residents of the neighborhoods targeted by such tactics. Focused deterrence instead deters crime in the first place. Focused deterrence is also intended to increase direct police-community-offender communication to promote police transparency, credibility, and legitimacy. The community-police collaboration thus restores responsibility and power to communities to police themselves.

Since 1998 High Point Community Against Violence (HPCAV) has worked hand-in-hand with the High Point Police Department (HPPD) with an intense focus on reducing violent crime. The strength of the partnership is unique and has resulted in significant benefits for both the department and the communities it serves. HPPD has used focused deterrence to target several distinct types of criminal activity: beginning with repeat violent offenders in 1997; open-air drug markets in 2004; youth gangs in 2008; and domestic violence in 2012.³ HPPD has selected each intervention based on its identification of which activities are leading to violent crime.⁴

High Point’s initial use of focused deterrence to target repeat violent offenders grew directly out of Boston’s 1996 Operation Ceasefire, which “combined problem-oriented policing with collaboration between law enforcement organizations and community stakeholders.”⁵ In large part thanks to David Kennedy, Ceasefire became a national model for reducing gang violence. High Point enlisted Kennedy’s assistance and adopted elements of the model that included face-to-face meetings with police, community members, and offenders. It was credibly communicated to certain repeat violent offenders that they would receive special attention from law enforcement, that the community needed the violence to stop, and that social services were available for those who wanted them. Beginning in 2004, High Point further developed the focused deterrence concept to shut down five open-air drug markets. What would become known as the “High Point model” or “Drug Market Intervention Initiative” added what Kennedy calls “the unprecedented—and initially terrifying—element of truth-telling about racial conflict.”⁶

² David Kennedy, *Drugs, Race and Common Ground: Reflections on the High Point Intervention*, 262 National Institute of Justice Journal 12, 12 (2009).

³ While High Point has become best known for the “Drug Market Intervention” (DMI) strategy piloted there in 2004, the department and community members with whom the author spoke attribute the sustained drop in violent crime across High Point not just to the five overt drug markets targeted by DMIs, but to the 14 years of ongoing community-police collaboration and the focused deterrence thinking that HPPD leaders have increasingly incorporated into department organization.

⁴ HPPD’s crime analyst, Dr. Lee Hunt, is primarily responsible for identifying what is “driving” violent crime. While Dr. Hunt has developed models for HPPD to detect real-time spikes in particular categories and geographies of crime, he also claims that smaller departments without sophisticated technology can identify problem areas producing violent crime through routine analysis of the various pieces of information captured by police departments.

⁵ David Kennedy, *Drugs, Race and Common Ground: Reflections on the High Point Intervention*, 262 National Institute of Justice Journal 12, 13 (2009).

⁶ *Id.* at 12.

What sets High Point apart from other cities that have implemented focused deterrence strategies is at least three-fold: (1) HPPD has been pursuing focused deterrence for more than 14 years across three chiefs of police; (2) HPPD has had a very active community partner, HPCAV; and (3) HPPD has engaged in frank dialogue about racial conflict.

Key leaders produced HPPD's sustained shift toward focused deterrence and its ongoing relationship with HPCAV. Recently-retired Chief Jim Fealy (and former Chief Louis Quijas), along with a handful of colleagues, implemented fundamental changes in policing strategy and community relations. Similarly on the community side, a handful of long-time community leaders (including Gretta Bush, Jim Summey, and Bobby Davis) have steered HPCAV for more than a decade. Despite notable successes in reducing crime and repairing tensions between police and certain community leaders, particularly in low-income African-American neighborhoods, both HPCAV and the focused deterrence model remain fragile – likely to disappear without the “right” leaders in key positions. HPPD recently transitioned from Jim Fealy to Chief Marty Sumner,⁷ who has had a long relationship with HPCAV and understands and believes in furthering the focused deterrence strategy.⁸

However, sustainability remains a constant challenge. It is unclear who would step into the breach were some of the key HPCAV leaders to leave.⁹ Moreover, the majority of HPPD line officers are unconvinced by the focused deterrence model¹⁰ and without their buy-in, it is unclear if the focused deterrence strategy is replacing or simply being layered on top of *unfocused* policing – the daily policing tactics that have led to fractious community-police relationships in the past.¹¹ The overall success of the strategy and collaboration as well as the challenges the High Point model faces in changing mindsets and building stability are instructive.#

⁷ Marty Sumner is referred to throughout as “Deputy Chief” because that was the title he held through December 2011, when the bulk of case study interviews were conducted.

⁸ See Pat Kimbrough, *Police Expect Smooth Transition After Chief Fealy Retires*, THE HIGH POINT ENTERPRISE, Jan. 4, 2012, available at http://hpe.com/view/full_story/16948124/article-Police-expect-smooth-transition-after-Chief-Fealy-retires; see also Interview with Deputy Chief Marty Sumner, December 6, 2011, High Point, N.C.

⁹ Interview with Gretta Bush, December 4, 2011.

¹⁰ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011, High Point, N.C.

¹¹ This observation is based on several factors: little data supports the notion that citizens perceive the police differently today than several years ago; interviews with High Point City Councilmen Michael Pugh and Foster Douglas (December 5, 2011) indicated that residents in their districts have a negative view of police; and the author's ride along experience in a low-income African-American neighborhood revealed both residents' anger towards police practices in their neighborhood and police mistrust of African-American residents.

High Point before Focused Deterrence

High Point, a city of 104,000,¹² is known for manufacturing furniture. It is the smallest city in the Piedmont Triad, which includes Winston-Salem and Greensboro. The population is 54% White, 33% African-American and 8.5% Hispanic/Latino.¹³ The median income per household is \$43,594, just below the North Carolina average,¹⁴ and \$8,000 below the national average.¹⁵ Nearly a fifth of the residents — 19.2% — live below the federal poverty line, compared to 15.5% of North Carolinians¹⁶ and 13.8% of all Americans.¹⁷ Residents described High Point as particularly hard hit by the steady decline in manufacturing jobs over the past several decades. Downtown, there is a small retail strip that quickly transitions into a series of lower-income, predominantly African-American neighborhoods. There are a smattering of old industrial areas, some mixed race areas, and a handful of horizontal housing projects very near the central strip. There are only a handful of buildings more than three or four stories tall in the city. The West End neighborhood, the site of the first Drug Market Intervention (DMI), is racially diverse, low-income, and close to the downtown section of the city; the sites of the other DMIs have tended to be predominantly low-income African-American communities, including a public housing complex.

From 1985 to 1994, High Point experienced a dramatic doubling in the violent crime rate.¹⁸ The crime increase was particularly felt in low-income neighborhoods. By the mid-1990s, multiple small neighborhood associations began meeting to discuss the increase, outraged by the climbing violence in the city. Reverend Jim Summey, who moved to High Point in 1992 to pastor a small Baptist church in the West End neighborhood, was shocked by the open drug dealing and prostitution that spilled into his church parking lot.¹⁹ Rev. Summey called the police repeatedly, but they would show up hours later and have little impact.²⁰ He started West End Ministries with other ministers to confront the violence, but to no avail.²¹ It would be a decade before the drug market became the subject of intense police and community focus.

Relations between neighborhoods like the West End and the police were bad. Rev. Summey was frustrated by the lack of police responsiveness and he found the Chief's door shut to him.²² Residents would occasionally hold a candlelight vigil whenever there

¹² U.S. Census Bureau, 2010 U.S. Census, State & County QuickFacts, High Point, North Carolina, available: <http://quickfacts.census.gov/qfd/states/37/3731400.html>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ U.S. Census Bureau, 2010 U.S. Census, State & County QuickFacts, United States of America, available at: <http://quickfacts.census.gov/qfd/states/00000.html>.

¹⁶ Census QuickFacts, High Point, North Carolina, *supra* note 8.

¹⁷ Census QuickFacts, United States of America, *supra* note 11.

¹⁸ Federal Bureau of Investigation, Uniform Crime Reporting Statistics, UCR Data Online, available: <http://www.ucrdatatool.gov/Search/Crime/Local/RunCrimeTrendsInOneVar.cfm> (showing the per 100,000 resident rates of violent crime climbing from 735.9 in 1985 to a high of 1,433.6 in 1994). The North Carolina and national rates increased only moderately over the same time, while some other regional cities experienced dramatic increases on par with High Point, e.g. Durham. *Id.*

¹⁹ Interview with Jim Summey, December 6, 2011; Phone interview with Jim Summey, October 21, 2011.

²⁰ *Id.*

²¹ *Id.*

²² Interview with Jim Summey, December 6, 2011.

was another murder, and a black-on-black crime group had started meeting in addition to the ongoing neighborhood association discussions.²³ Yet there was no sustained dialogue between the police and these community groups, and advocates like Rev. Summey had little traction.²⁴

Then “Five Points” happened. The Five Points incident involved the accidental shooting death of a young man who was sitting innocently on a parked car after a big high school football game.²⁵ This high-profile murder of an innocent boy galvanized the community. Louis F. Quijas, who was appointed Chief of HPPD in 1997, began convening regular meetings with the community after Five Points. The black-on-black crime group came to the table, including Gretta Bush – a middle-aged African-American woman who runs the local recreation center and therefore knows community youth – who had been badgering the police to meet for some time.²⁶ A representative from the regional hospital – tired of seeing shooting victims and armed with data – came to the table. The Chief himself came to the table. He brought in people from the probation department. Other government agencies (Family Services, Disability Support Services) and neighborhood associations and victims’ advocates came to the table too. One mantra within the group was “silence is violence” – the lack of communication among the community groups and the police could not continue – and in the wake of Five Points and the revealing statistics, the group resolved to do something.²⁷

When Gretta Bush and the black-on-black crime group first approached Chief Quijas and asked, “what are you going to do about the violence?” Chief Quijas replied in kind, “and what are *you* going to do?”²⁸ The expanded group began meeting every month and the hospital provided a nonthreatening facilitator. The group had no money but didn’t need any. Their concern brought them to the table and there was enough blame to go around. The community members blamed the police for failing to make them safe and the police blamed the community for tolerating violence and crime from their own children. Through discussions and disagreements the group found common ground: everyone

²³ Interview with Gretta Bush, December 5, 2011.

²⁴ *Id.*; Interview with Jim Summey, December 6, 2011.

²⁵ It’s not entirely clear why this shooting death incident spurred a greater reaction than previous murders. Gretta Bush indicated (interview December 5, 2011) that this shooting was different because the victim was widely seen as a mere “innocent” bystander, rather than someone who was otherwise involved in crime or stigmatized. The shooting also happened after “the big game” in High Point, a large public event to which the broader city paid close attention. Thus, the victim was higher profile and more sympathetic. Moreover, many residents had been frustrated by the string of murders in recent years, such that Five Points was a catalyst for pre-existing energy.

²⁶ Different interview subjects had different memories of how the original group that became HPCAV was formed. For instance Gretta Bush (interview December 5, 2011) remembers that the black-on-black crime group had been attempting unsuccessfully to dialogue with the police for some time. According to Captain Larry Casterline (phone interview, November 14, 2011), an African-American assistant chief of police had been meeting with the black-on-black crime group previously. In either case, it is clear that some time after Five Points, Chief Quijas took a more active stance toward engaging with various community groups and more centralized meeting began occurring.

²⁷ Interview with Gretta Bush, December 5, 2011, High Point, N.C.; Phone Interview with Gretta Bush, October 22, 2011.

²⁸ *Id.*

agreed that the violence needed to end. If the group could focus on that singular goal and work together, then they might get somewhere.²⁹

Reflecting on the early gatherings of what would become HPCAV, Assistant U.S. Attorney (AUSA) Rob Lang recalls “powerful meetings.”³⁰ The group discussed social services in addition to violence. They were task oriented and organized. There were minutes taken, to-do lists created, and methodical reviews of what they had accomplished each month. “It’s provided a forum for people who never had access to county and city government and certainly not to the police department” in which people could air their grievances, argue, and sometimes even walk out, said Lang.³¹ Finally, during the early meetings, a local pastor got up and said “we can agree to disagree, and I’m glad we’ve finally found a place to do that, but we all agree people shooting each other is a problem.”³² While incidents of police misconduct continued to occur, the existence of the regular meeting served as a space in which to air grievances that the police listened and responded to; and a united goal allowed the group to plow forward despite bumps in the road.³³

Around the same time, a few members of HPPD went to Winston-Salem to hear David Kennedy talk about Operation Ceasefire, which had been successful at cutting the homicide rate in Boston a few years earlier. Then-Lieutenant Larry Casterline and another officer returned from meeting with Kennedy and said they wanted to try Ceasefire in High Point.³⁴ Gretta Bush and a handful of other community members met with Kennedy and also said “yes, we want to try this.”³⁵

High Point Community Against Violence

HPCAV grew out of the monthly meetings that began in 1997. The group didn’t incorporate as a formal 501(c)(3) nonprofit until 2004 and didn’t hire a paid Executive Director or have a regular office space until 2009.³⁶ Yet HPCAV has held regular monthly meetings with the police and multiple stakeholders for 14 years.³⁷ HPCAV is governed by a board of 17 directors that is chaired by Gretta Bush.³⁸ Gretta and almost all of the other members of the board have been involved in HPCAV since the beginning: Bobby Davis is a retired African-American police officer; Robert Martin is a white probation officer who has been responsible for coordinating the probation department’s monitoring and support of offenders targeted by focused deterrence; Chet Hodgin is a long-time victim rights advocate; and newly appointed Chief Marty Sumner has been attending meetings

²⁹ *Id.*; Phone Interview with Assistant U.S. Attorney Robert Lang, November 8, 2011.

³⁰ Phone interview with Robert Lang, November 8, 2011.

³¹ *Id.*

³² *Id.*

³³ *Id.*; Interview with Jim Summey, December 7, 2011.

³⁴ Interview with Detective Marc Kun, December 6, 2011.

³⁵ Interview with Gretta Bush, December 5, 2011.

³⁶ Phone interview with Gretta Bush, October 22, 2011.

³⁷ *Id.*

³⁸ HIGH POINT COMMUNITY AGAINST VIOLENCE, BOARD AND STAFF, <http://hpcav.com/about/board-and-staff/> (last accessed Apr. 5, 2012).

for years. There are also local pastors and a diverse variety of participants from the public health to business arenas.³⁹

HPCAV serves as an umbrella organization for a group of 60 or so disparate neighborhood associations, churches, social service providers, and other nonprofits that have a stake in crime reduction.⁴⁰ Each organization has signed a “commitment letter” (committing it to a degree of participation with HPCAV) and HPCAV will sometimes call on these organizations to recruit volunteers. When a violent crime happens, these volunteers will go door-to-door with the police to inform neighbors of the incident, to let the neighborhood know that they and the police are aware of the crime, and to solicit information.⁴¹ One of HPCAV’s goals is to keep residents well informed about crime and police activity and to show the neighborhood that both community members and the police are paying attention. HPCAV members will show up at court hearings to voice their opinions.⁴² They will go door-to-door with fliers when an offender who committed a violent act in that neighborhood has been prosecuted successfully.⁴³ HPCAV also talks to juvenile offenders’ parents in court and in their homes. HPCAV representatives confront parents with hard truths about the path their children are on and the potential consequences of their children’s actions, offering services to point the youth in a new direction.⁴⁴ At the primary face-to-face meetings between offenders, police, and community members (referred to as “Call Ins” discussed *infra*), HPCAV members serve as the community voice. HPCAV also acts to coordinate social services and seek jobs for offenders in tandem with and apart from the probation department.⁴⁵

HPCAV doesn’t “represent” a single community, but its leaders have credibility with the poor African-American neighborhoods that have often been the subject of DMIs and other focused deterrence interventions. Gretta Bush has built relationships with the young men coming through the recreation center over some 30 years. She knows many of their mothers and even grandmothers. She makes herself available 24 hours a day to coordinate social services or simply to act as a critical point of contact for offenders.⁴⁶ Some of the other HPCAV members have joined HPCAV specifically because of their roles in communities targeted by DMIs. In 2004, Chief Fealy reached out to Rev. Summey, who had been organizing against crime and providing social services in West End since 1992.⁴⁷ Rev. Summey organized several public meetings and worked with HPCAV and HPPD to close the drug market in his neighborhood in 2004, and since 2009 has been the Executive Director of HPCAV. Chief Fealy similarly reached out to Reverend Sherman Mason, an African-American Baptist pastor, before implementing a DMI in the African-American neighborhood of East Central.⁴⁸ In each of these cases, local leaders have come

³⁹ Phone interview with Gretta Bush, October 22, 2011; HPCAV Board Meeting, December 7, 2011.

⁴⁰ Phone interview with Gretta Bush, October 22, 2011.

⁴¹ *Id.*

⁴² Interview with Chief Jim Fealy, October 6, 2011.

⁴³ Interview with Detective Marc Kun, Detective Rick Johnson and Dr. Lee Hunt, December 6, 2011.

⁴⁴ Interview with Jim Summey, December 6, 2011, High Point, N.C.

⁴⁵ *Id.*; Interview with Gretta Bush, December 5, 2011, High Point, N.C.

⁴⁶ Interview with Gretta Bush, December 5, 2011, High Point, N.C.; Phone Interview with Gretta Bush, October 22, 2011.

⁴⁷ *Id.*; Phone interview with Jim Summey, October 21, 2011.

⁴⁸ Phone Interview with Sherman Mason, October 12, 2011.

to associate with and represent HPCAV. In this way HPCAV has remained flexible and open to bringing in new local leaders.⁴⁹

However, much of the trust between the HPPD and HPCAV depends on the deep personal relationships that Gretta Bush, Rev. Summey, and Bobby Davis have cultivated with HPPD leaders like Jim Fealy and Marty Sumner. These close relationships have matured over several years of collaboration with a common goal of reducing violence.⁵⁰ The HPCAV leaders have put in untold hours, without compensation, and served as invaluable resources to HPPD in executing focused deterrence strategies. As a result, Rev. Summey participates in HPPD command staff meetings while Jim Fealy or Marty Sumner attend every HPCAV board meeting and monthly general meeting.⁵¹ If Gretta Bush or Rev. Summey were to leave HPCAV, it is an open question whether other community members would be able to fill their demanding roles and whether their replacements would be able to gain the trust of stakeholders within the police and the broader coalition. HPPD leaders indicated that HPPD would work to keep HPCAV strong in the wake of a leadership transition,⁵² but HPCAV leaders were less sanguine about their organization's ability to remain vibrant without them.⁵³

The Problem Focused Deterrence Seeks to Address

Focused deterrence in High Point is explicitly concentrated on one thing: reducing violent crime. But the mechanism for reducing crime is geared to alter the fundamental relationship between the police department and the community. The principle behind focused deterrence acknowledges that it is both impossible and counterproductive to attempt to police all crime categories alike and to stop, interrogate and arrest large swaths of people in a given neighborhood. Rather than targeting the easiest arrests, focused deterrence allocates police resources towards narrowly tailored interventions against a discrete group of offenders. Yet this approach was not always the norm in High Point.

Throughout the 1990s, the police and mostly African-American low-income neighborhoods frequently opposed one another. As Captain Larry Casterline describes of joining the HPPD:

I thought I'd be helping people, but when I got here it was an 'us versus them' mentality with the community. The community thought I was almost as bad as the drug dealers. They *do* want the same thing we want, they just don't like seeing everyone being shaken down and going to jail.⁵⁴

As David Kennedy noted in writing about High Point, in these neighborhoods, while community members would mourn when a young man caught a stray bullet, they didn't

⁴⁹ Gretta Bush discussed this strategy of incorporating local leaders. Interview with Gretta Bush, December 6, 2011.

⁵⁰ Phone Interview with Robert Lang, November 8, 2011.

⁵¹ Interview with Jim Fealy, December 6, 2011.

⁵² *Id.*

⁵³ Interview with Gretta Bush, December 5, 2011; Interview with Jim Summey, December 6, 2011.

⁵⁴ Phone interview with Captain Larry Casterline, November 14, 2011.

like seeing their kids caught up in drug sweeps either.⁵⁵

Charles' Story

When Charles was a teenager he got involved with drug selling in the neighborhood. He caught a few charges. Nothing really happened. He then caught some charges for simple assault and for assault on a police officer, at which point his court cases were consolidated. He had 10 charges pending for over two years by the time he was 18 years old. There were continuances. Two of the charges were dropped and eight remained pending. By late 2008, HPPD's data analysis red flagged Charles as someone who was individually, or as part of a group, driving violence in the neighborhood. They tightened their case on him and made sure they had video taped evidence. Then they invited him to a "Call In."

According to Charles, there were "a lot of serious-looking people" at the Call In. There were community members who told Charles to stop wrecking the community and that it was affecting their lives. This was actually news to Charles. "I didn't know that what we were doing was really that much of a problem – we didn't realize there were other people living around there really, just figured it was us." The police, prosecutors, and federal agents also issued an ultimatum: all of the crime ends or we're expediting these charges and seeking the maximum sentence; you're special to us now and we're focused on you. They showed Charles the concrete evidence they had against him. "It made me realize I was busted."

For the last three years, Charles has been on the straight and narrow. He got the message. "You just got to change the way you act. That's basically what they're asking. Because they want the community to be better for the up and coming children, the older people who can't defend themselves, or just the average person who don't want to get hit by a stray bullet. I mean, they just want to change the community. They don't want to change you, they don't want to make you no punk or nothing, they just want to make you a human being, with a heart." And other guys in the neighborhood got the message. "Everybody was basically scared. Even if you isn't on the call in, the people who weren't called in have seen that paper with everyone's name on it. So they're like 'if they can get him – I know they can get me.'" Life isn't easy for Charles, he needs a job he says, but he still has his freedom and HPCAV is helping him find work.

Source: Interview with Charles, December 7, 2011, High Point, N.C. Charles is a young man who has been working with HPCAV. His last name is omitted here to preserve his anonymity. The quotations marks represent direct quotations, while the rest of the story is paraphrased from the interview.

⁵⁵ See DAVID M. KENNEDY, *DETERRENCE AND CRIME PREVENTION: RECONSIDERING THE PROSPECT OF SANCTION*, 149 (Routledge 2009) ("Law enforcement needed to understand that its commitment to enforcement, even when it did not solve the problem, did unintended damage to communities and was seen by the community through the lens of a powerful historic and racial narrative that painted contemporary law enforcement as oppressive and often couched drug enforcement as a deliberate means to that end.")

In critiquing the community's behavior, Kennedy observed that members of these neighborhoods too often failed to convey a public message to the (primarily) young offenders to condemn their behavior. He argued that, to many, including law enforcement, the neighborhood's "silence about drug and violence issues was read by both outsiders and street offenders as tolerance, support, disinterest, or some combinations thereof."⁵⁶ The community needed to understand "that no community could flourish without setting clear standards about right and wrong, and that neither law enforcement nor anybody else could set and enforce those standards from the outside."⁵⁷

Typically, offenders don't receive a clear message. Policing and prosecution can seem random, arbitrary and ultimately unfair. Punishment is often disconnected from a serious crime, coming months or years after the initial incident. Young offenders can slowly build a record of drug dealing and assaults without facing prosecution for years as their cases wind through overcrowded courts. The message seems to be "no one really takes these things seriously," and young men build longer rap sheets without any meaningful intervention. Simultaneously, enforcement can be so broad – frisking, arresting, and charging such a large cross-section of the neighborhood – that many neighborhood residents resent the arbitrary police intrusion and the norm for a young black man is to be frequently arrested. The courts struggle to handle the caseloads. Community members stop calling the police and don't help with investigations or prosecutions. The cycle of mistrust and violence continues.

⁵⁶ *Id.* at 150.

⁵⁷ *Id.*

Do harsh penalties deter crime?

Answer: Only when they're applied with fairness and notice. Focused deterrence relies on the threat of harsh penalties for offenders who are driving violence in the community and refuse to heed the deterrence message. Yet this is a break from normal procedure. As Federal Defense Attorney Louis Allen notes, most of his clients don't foresee the high penalties they face in the federal system because no one ever warned them in a credible manner.

They don't connect the cause and effect because enforcement often seems arbitrary. Normally, offenders get bounced around the state court system, catching suspended sentences and going in and out of prison for years. Then one day, an offender's case goes federal and "I tell him 'you're facing a fifteen year mandatory minimum sentence.' The offender asks 'so how much time am I really facing?' 15 years. 'But how much of that will I have to serve?' 15 years. 'But what's the plea bargain going to be?' 15 years. And many of them will start to cry."

The deterrent effect of the penalty is entirely lost and, without communicating the consequence to the next offender, it's lost again.

Source: Phone Interview with Federal Defense Attorney Louis Allen, December 5, 2011. The quotation marks represent direct quotations, and the rest of the story is paraphrased from the interview.

Using Focused Deterrence to Respond

Focused Deterrence

David Kennedy calls focused deterrence a C+ idea (one that is simple) that works to reduce violent crime. The principles are straightforward: figure out what is driving violent crime, identify the key players, focus resources on conveying the message to those players that the violence must stop, and offer both social services as well as a credible threat of prosecution.⁵⁸ Beyond the pure logic of this model, focused deterrence requires another element to make it sustainable and truly effective: community collaboration. Only the local community can act as a moral voice, sending a consistent message that the violence must stop. The law enforcement-community collaboration leads to the re-assertion of community control of the neighborhoods where crime has flourished, as well as increased legitimacy of law enforcement and the criminal justice system.⁵⁹ Moreover, focused deterrence represents greater transparency – law enforcement declares publicly what it will do and why it is targeting a given set of offenders. This transparency curbs the perception that police are discriminating against a given neighborhood.

⁵⁸ See generally DAVID M. KENNEDY, *DON'T SHOOT: ONE MAN, A STREET FELLOWSHIP, AND THE END OF VIOLENCE IN INNER-CITY AMERICA* (2011). Kennedy discusses the evolution of focused deterrence from Operation Ceasefire through the Drug Market Interventions in High Point and beyond.

⁵⁹ Natalie Kroovand Hipple & Edmund F. McGarrel, Bureau of Justice Assistance, *Drug Market Initiative Implementation Guide and Lessons Learned* (April 2011).

Focused deterrence explained by . . .

Deputy Chief Marty Sumner: Police often have trouble recognizing focused deterrence as an effective tool. Yet they use it all the time. “When you go to a noise violation, what’s the first thing you do? Ask whose house it is to identify who’s responsible. Then what? You tell that person to knock off the noise or you’ll be back in thirty minutes – you’re making a credible threat that you intend to follow through on. That’s focused deterrence.”

Rev. Jim Summey: “If I get a cut on my left hand, I cleanse it well. I put Neosporin on it. Then I check it periodically to make sure it’s healed. Then if I get a cut on my right hand, I do the same thing. But I need to focus on it. I don’t smear Neosporin on my whole body or bandage my whole body.” That would be wasteful and counterproductive.

Assistant District Attorney, Guilford County, Walter Jones: Focused deterrence is preventative. There was a murder in High Point, there was a guy threatening to retaliate, so we sat him down, showed him the charges we already had against him and warned him that if anyone retaliated, we’d bring the charges we already had against him. There was no retaliation.

Sources: Interview with Deputy Chief Marty Sumner, December 6, 2011, High Point, N.C. Interview with Jim Summey, December 6, 2011, High Point, N.C.

Phone Interview with Assistant District Attorney Walter Jones, October 31, 2011. The quotation marks represent direct quotes. The rest of the stories are paraphrased from the interviews.

Implementing “Ceasefire” for Repeat Violent Offenders

Overview - After David Kennedy had met with Larry Casterline and other police leaders as well as with Gretta Bush and HPCAV members, High Point was ready to move forward with focused deterrence. The partnership, known as the “Violent Crimes Task Force” (VCTF), included HPPD, the District Attorney’s (DA) office, the U.S. Attorney’s Office, probation, parole, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the community group, which had taken the name High Point Community Against Violence.⁶⁰ The U.S. Attorney’s Office for the Middle District of North Carolina had already been working with David Kennedy to replicate the Ceasefire model and had the power to bring other federal agencies to the table.⁶¹ HPPD was able to bring probation and parole to the table, and HPCAV brought the community along.

⁶⁰ DAVID KENNEDY, DON’T SHOOT, at 105. The U.S. Attorney’s Office was on board under the auspices of the Strategic Approaches to Community Safety Initiative (SACSI), which then-Attorney General Janet Reno and National Institute of Justice Director, Jeremy Travis had backed to try and replicate the success of Boston’s Ceasefire. *Id.* at 94.

⁶¹ Phone Interview with Assistant U.S. Attorney Robert Lang, Nov. 8, 2011.

First, HPPD reviewed its violent crime data and incident reports and determined that a handful of repeat violent offenders were driving the lion's share of violent crime.⁶² HPPD would target these individuals and, together with HPCAV members and other law enforcement agencies, convey their focused deterrence message. Of the worst offenders, some had outstanding serious charges pending, and almost all of them were on probation for previous violent crimes.⁶³ At 3 a.m. HPPD, federal officers, and probation officers swept up the 12 offenders who, because of their pending violent charges, weren't eligible to receive a second chance through the focused deterrence program. The remaining two dozen or so offenders were then "called in" to receive the message: we're watching you, you're destroying the community, the community loves you, but it demands that you stop, and if you don't stop we're swiftly bringing the full force of the government against you.⁶⁴

The same process has been repeated for more than 900 offenders, about 12 every three months, for the last fourteen years.⁶⁵ HPPD identifies the offenders, most of whom have been recently released from prison and whom HPPD believes pose the greatest threat to the community based on a combination of factors: prior record, group or gang affiliation, and recent behavior.⁶⁶ The offenders are then notified that they are required to attend a "Call In," usually in lieu of a mandatory meeting with their respective probation officers. The Call In is meant to be a transformative moment, in which offenders can choose one of two paths: embrace the community and refrain from violence or directly enter a long mandatory prison sentence – or worse, end up dead.⁶⁷

*The Call In*⁶⁸ - The Call In has evolved over time, but the central components remain the same. Offenders (in this case about a dozen) arrive at a place of civic importance – the police station or city hall, for example. They are seated in the first row or two of chairs. Their families and other "influentials" are invited to attend. These people, other members of the community, and their probation officers sit in the audience behind the offenders.

⁶² This review process happens largely independently of the community. HPPD does use the information gathered from community members to help understand given offenders situations, but no one has ever indicated that the community weighs in on which offenders are selected as "repeat violent offenders." See Interview with Deputy Chief Marty Sumner, December 7, 2011, High Point, N.C. (HPCAV Board Meeting).

⁶³ Interview with Robert Martin, December 7, 2011, High Point, N.C.

⁶⁴ *Id.*

⁶⁵ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011, High Point, N.C.

⁶⁶ Interview with Deputy Chief Marty Sumner, December 7, 2011, High Point, N.C. (HPCAV Board Meeting). Every three months there may be approximately 50 offenders who HPPD are reviewing to see who to call in. When 12 are called in, the other 38 are still likely to be reviewed periodically to see if they should be called in at the next call in, especially if they're showing poor progress, according to their probation officer.

⁶⁷ Interview with Jim Summey, December 6, 2011, High Point, N.C.; High Point Repeat Violent Offender Call In, December 6, 2011, High Point, N.C.

⁶⁸ High Point Repeat Violent Offender Call In, December 6, 2011, High Point, N.C. The Call In recited here took place on December 6, 2011 at High Point's City Hall; though all of the repeat violent offender Call Ins follow a similar script.

First, representatives of community organizations, particularly HPCAV, stand at the front of the room and introduce themselves in a few words, concluding with “and we stand against violence.” Then Bobby Davis, Gretta Bush, and Rev. Jim Summey each convey the community’s message: you’re hurting the community, you must stop. We love you and we’ve called you in here tonight because we know you’re capable of changing and we want to offer you help to do so. Stay here after the meeting and meet with us; help is available. We can’t promise you a job, but we promise to be honest and to tell you what we *can* do, and to *do* everything we *can*. But if you don’t change, then we’ll stand with law enforcement to prosecute you, because this is about making the community safe for everyone. It all takes less than ten minutes.⁶⁹

Second, an imposing procession of uniformed law enforcement officers file into the room and sit behind placards identifying their agencies: Drug Enforcement Administration, ATF, FBI, High Point Police Chief, High Point Police Deputy Chief, U.S. Attorney, District Attorney, Greensboro PD, Durham PD, Winston-Salem PD. HPPD Chief Jim Fealy begins. Each member of law enforcement conveys his slight twist on the same message to the offenders: you are now “special” to us and we’re focused on you. We, too, believe you can change, or we wouldn’t have brought you in here tonight. But if you don’t change, it won’t be like the old days of winding court calendars and light plea bargains, we will take your cases federal and seek the maximum penalty – and we are warning you now and telling you exactly what we will do. We are coordinated across jurisdictions and there is nowhere for you to run – you cannot beat us, Fealy says.⁷⁰

Third, the police chaplain shows a picture of a young man who had been called in but chose the path of violence. He returned to his old group of friends and broke into a home. As they fled, one of his friends mistook him for the homeowner and shot him dead. A video is shown of previously called-in men. One offender’s young child grows up fatherless because his dad chose to return to crime and was murdered. Another offender speaks from federal prison where he’s serving 25 years because he chose to pick up a gun. One man applied for 60 jobs and is now working construction, living a stable life. The message: you choose – prison, death, or freedom. The choice is yours.⁷¹

Fourth, the AUSA, Rob Lang, closes. Rob is passionate and compelling and speaks for almost 15 minutes. He reemphasizes that law enforcement has overwhelming power that it can focus against these offenders. “I am here representing the U.S. Attorney who is appointed by the President.” We print money, we have airplanes, we will track you anywhere and if you reoffend then I’ll seek the highest mandatory federal penalties. Rob also emphasizes redemption: “find your faith now, not in prison.” Write the letter to your mother now, about how you realize the error of your ways, not from prison. Listen to the community; accept their help.⁷²

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.* While the heavy-handed tone of the law enforcement officers might sound counter-intuitive for building community trust and collaboration, the idea is that law enforcement is giving the offenders fair notice and communicating an honest message. If the offenders reoffend they will in fact be prosecuted and therefore it does no one any favors to hedge on this message. Moreover, the community members in the

After the Call In has officially ended, the HPCAV members and probation officers meet with the offenders, who fill out a sheet of paper listing their resource needs: job, education, drug treatment, etc. The offenders give this sheet to HPCAV and their probation officers. One or two probation officers are responsible for almost all of the called-in offenders in High Point. They spend a substantial amount of time on these offenders, meeting with them at least weekly and sometimes much more often.⁷³ HPCAV will follow up with anyone who hasn't explicitly said "don't call me," attempting to connect the offenders to the social services they request.⁷⁴ HPCAV's primary role is simply to maintain regular contact – the majority of offenders will not actually seek access to social services.⁷⁵

Short-run Outcome - In 1998, High Point experienced 17 murders. Between November of 1998, when High Point had its first repeat violent offender Call In and July 1999, there were no murders in High Point.⁷⁶ The city ended the year with five.⁷⁷ Between 2000 and 2008, the number of murders never rose above 13.⁷⁸ Most recently, in 2009 there were three and in 2010 there were four.⁷⁹

Evolving “Ceasefire” to create the Drug Market Intervention Initiative (“DMI”)

In 2003, Chief Jim Fealy took over for Chief Quijas. Open-air drug markets had become an increasing problem in several low-income neighborhoods and Chief Fealy had a decision to make: should he continue the focused deterrence strategy utilized for violent offenders under Chief Quijas, or should he scrap it and look for another way to address the drug markets?⁸⁰ Chief Fealy chose to adopt focused deterrence principles to address overt drug markets, and the process High Point developed has since become a model that several jurisdictions across the country have implemented, with varying degrees of success.⁸¹ The Bureau of Justice Assistance describes the model as follows:

room are at least equally concerned with violence as with the well-being of the offenders.-might be helpful to put this in the text.

⁷³ Interview with Probation Officer Robert Martin, December 7, 2011, High Point, N.C.

⁷⁴ *Id.*; Interview with Gretta Bush, December 7, 2011, High Point, N.C.; Interview with Jim Summey, December 7, 2011, High Point, N.C.

⁷⁵ Interview with Jim Summey, December 6, 2011, High Point, N.C.

⁷⁶ National Institute of Justice, Veronica Coleman, Walter C. Holton, Jr., Kristine Olson, Stephen C. Robinson, and Judith Stewart, *Using Knowledge and Teamwork to Reduce Crime*, NIJ Journal (October 1999) at 22.

⁷⁷ High Point Indexed Violent Crime Per 100,000.

⁷⁸ *Id.*

⁷⁹ *Id.* As noted *supra* note 2, this is not intended to be a detailed comparison of crime rates.

⁸⁰ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

⁸¹ See Phone Interview with Assistant U.S. Attorney Robert Lang, November 8, 2011. Lang is responsible for the U.S. Attorney's role in these interventions in several jurisdictions in the Middle District of North Carolina. He noted that some jurisdictions implement the principles successfully while others fall apart. Chief Fealy indicated that the first stumbling block for many jurisdictions is establishing a meaningful community partner. Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

DMI is a strategic problem-solving initiative aimed at permanently closing down open-air drug markets. The strategy targets individual drug markets using focused deterrence with transformational elements. The most violent offenders are targeted and prosecuted as examples. The strategy then targets low-level offenders and stages an intervention with families and community leaders. Law enforcement mobilizes community residents, leaders, and family members of low-level drug dealers to voice their intolerance for this criminal behavior and to create opportunity and support for the offenders. Offenders are given the option to straighten up or face lengthy prison sentences and are provided assistance in locating employment, housing, transportation, health care, and access to other social services.⁸²

[DMI] is built on the “pulling levers” concept of directly communicating a deterrence message to the small group of offenders driving the problem. The DMI maximizes the power of the deterrence message by actually building undercover cases against the target population and using the aggressive prosecution of violent offenders as examples to increase the credibility of the threat of prosecution. This is a dramatic departure of traditional drug enforcement whereby dealers often operate in relative anonymity and where the odds of imprisonment per sale of cocaine are estimated as low as one for every 15,000 sales.⁸³

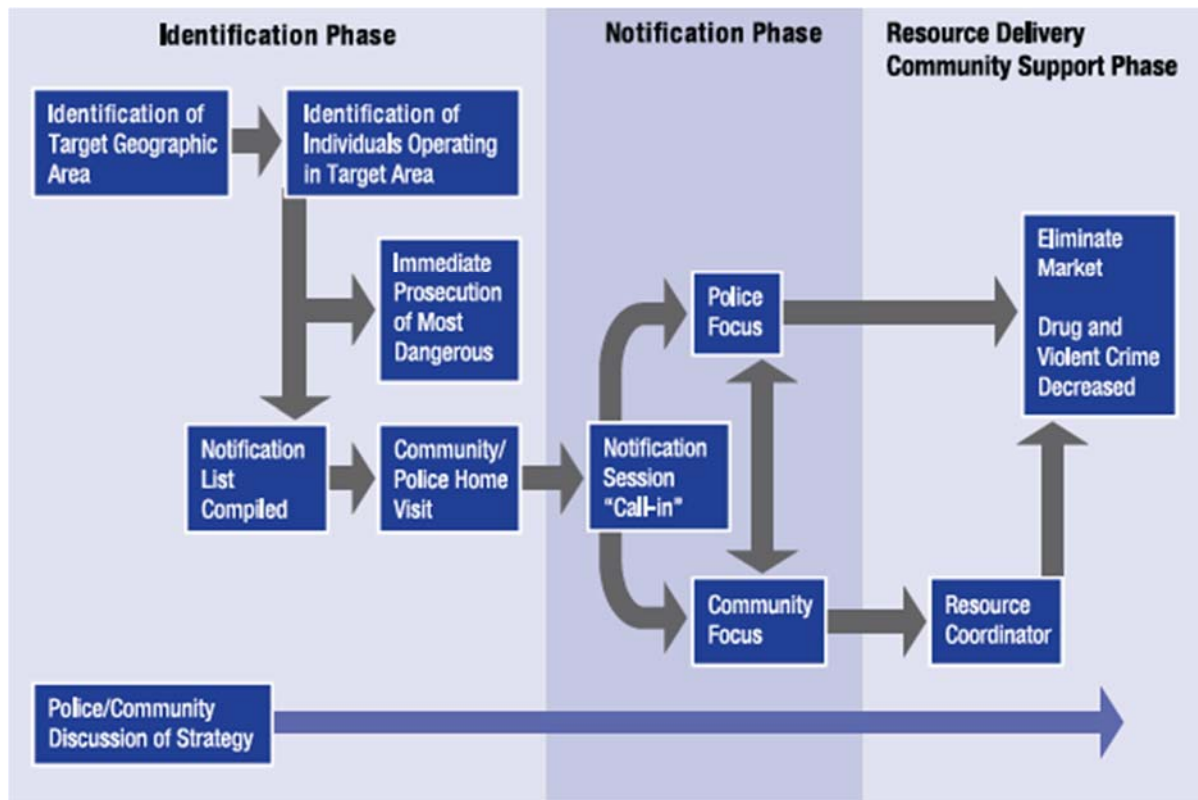
DMI also presented the department with an opportunity to engage with neighborhood communities where the drug markets were flourishing – an engagement that stretched beyond the collaboration with HPCAV at that time. In the attempt to permanently knock out an entire market, the police needed the community to call for service if they saw someone dealing on the street. They needed the community to be the moral voice in communicating to their sons and grandsons: you are hurting us and you must stop. They needed the community to believe in them and to feel empowered to speak up. As subsequent experience has shown, if there isn’t community collaboration, then the focused deterrence strategy is much more likely to fall apart.⁸⁴

⁸² BUREAU OF JUSTICE STATISTICS, DEPARTMENT OF JUSTICE, DRUG MARKET INTERVENTION PROGRAM, <http://www.ojp.usdoj.gov/BJA/topics/DMII.pdf>. (last visited, Apr. 5, 2012).

⁸³ BJA, Lessons Learned, April 2011 (citations omitted).

⁸⁴ Chief Fealy, Deputy Chief Sumner, AUSA Rob Lang and others all mentioned in their interviews that a primary reason that other jurisdictions have not been able to make focused deterrence work has been a failure to engage the community in the process. Without a strong community presence at the Call In and the maintenance work performed by the community after the Call In, disorder is likely to return.

Below is a flow model of the intervention strategy:⁸⁵



In the West End where the first DMI was conducted, getting the community to buy into the strategy meant addressing the deep-seated tensions that existed between the largely African-American neighborhood and the police, especially when it came to drugs. As conversations unfolded among the community and police, it became clear that the two groups had very different perceptions of drug markets. David Kennedy outlined the different narratives through broad generalizations that he had identified after more than a decade of talking to law enforcement and minority communities about perceptions of drug markets.

[Law enforcement perceived that]:

- Drug dealers shoot each other for no good reason, and they recruit children as couriers and lookouts.
- The dealers' own families – and their own community – do not tell them to stop.
- There is no expectation that people should finish school and take entry-level jobs.
- No one cares. There is no moral backbone left in the community. Everyone is profiting.
- Nothing could be done that involved a partnership with the community because there was no real community left to partner with.

⁸⁵ David Kennedy & Sue-Lin Wong, *The High Point Drug Market Intervention Strategy*, COPS Report (2009) at 7.

Conversely, the community believed that:

- The police are part of a conspiracy to destroy the community.
- The CIA invented crack, and the government brings the drugs into the country.
- The government passed “three strikes” laws to put all our children in prison for the rest of their lives.⁸⁶

The police and minority residents needed to engage in frank conversation to surface these tensions and begin to address them. It was also important for both the community and police to understand that DMI is not primarily targeted toward ending the use and sale of drugs. Rather, DMI is about ending the violence and community disorder that are the by-products of drug *markets*.⁸⁷

⁸⁶ David Kennedy, *Drugs, Race and Common Ground: Reflections on the High Point Intervention*, NIJ Journal No. 262 (2009).

⁸⁷ *Id.*

Community groundwork for DMI in East Central neighborhood

Rev. Sherman Mason pastored a Baptist church in the mostly African-American neighborhood of East Central. Before Chief Fealy reached out, “I didn’t know the police from Adam. There had been two worlds and never the twain shall meet.” When Chief Fealy apologized, he grabbed Rev. Mason’s interest. The Chief and Deputy Chief Sumner took Rev. Mason to lunch and explained DMI and how they wanted to do it next in East Central. They held one-on-one meetings with key people in the community and explained that their previous tactics hadn’t been cutting it.

“I was trepidacious at first, but I saw the human side, the man behind the badge.” Rev. Mason held three community meetings and invited law enforcement and the neighborhood. Many people from the neighborhood came with the proverbial “rocks to throw” but “I watched them transform when Chief Fealy apologized.” The attitude became “how can we effect this change” in the neighborhood. The neighborhood appreciated the fact that the police were taking the time to explain their strategy, their intent, and to solicit neighborhood input. It conveyed that “what I have to say really matters . . . To hear someone say ‘you are needed and important’ does immeasurable good.”

The police also showed how the intervention was statistics-driven and focused on the communities with the greatest needs. This transparency dispelled fallacies about the department not protecting poor communities or just picking on them.

“I do think my parishioners in East Central saw the police differently after the community meetings and [ultimately] the DMI Call Ins. Originally many of them had a lot of fear of the police, the relationship had been so damaged – but police responsiveness changed that.” The immediate follow through of responding to calls for service after the community meetings showed that the police were being true to their word.

Source: Interview with Sherman Mason, December 7, 2011, High Point, N.C. The quotation marks represent direct quotes, while the remaining text is paraphrased from the interview.

In late 2003, HPPD’s crime analyst, Dr. Lee Hunt, identified the worst drug markets based on violent incidents, calls for service, and other indicia of concentrated crime and came up with a handful of neighborhoods that could be targeted.⁸⁸ “West End was chosen

⁸⁸ Eleazer D. Hunt, Marty Sumner, Thomas J. Scholten and James M. Frabutt, *Using GIS to Identify Drug Markets and Reduce Drug-Related Violence*, in GEOGRAPHY AND DRUG ADDICTION, Y.F. Thomas et. al, eds., 395-413 (2008). (“A four-step process was used. The first step involved identifying the data needed for analysis: 911 calls, drug arrests, field contacts, and a category of grouped crimes labeled serious, consisting of: murder, rape, robbery, aggravated assault, weapons, sex, and prostitution. Second, the relevant attributes were extracted from the records database including date and time, address, nature or offense, and XY coordinates. Third, density maps of each layer were generated. These maps were analyzed individually and in different merged combinations, such as 911 calls and field contacts. Where densities were generated, the underlying crime and arrest reports were carefully analyzed – euphemistically called “unpacking” – to

for four reasons: GIS mapping had indicated that the five-block area generated 30 to 54 crimes per acre per year, the city’s most recent drug-related homicide had been committed there, three churches had formed West End Ministries [led by Rev. Jim Summey], and a neighborhood needs assessment survey reported that 51 percent of residents thought ‘crime was a big problem.’”⁸⁹

Chief Fealy dedicated himself to forging a relationship with the community in West End. He set up meetings with West End Ministries and Rev. Summey, the local leaders who had been speaking about the drug market for nearly a decade. The Chief explained the focused deterrence strategy to them and asked for their help.⁹⁰ The churches then set up a series of open community meetings with the Chief. These were tense conversations and many people showed up prepared to rage against the police for the department’s role in destroying the community.⁹¹ After an introduction by a church leader, whenever Chief Fealy began to speak, his first words were, “I’m sorry.”

I know we’ve let you down. We haven’t protected you. What we’ve done hasn’t worked. And we’ve done bad things. We did them with the best of intentions, we were trying to do the right thing, but we’ve done harm, and I’m sorry. But you’ve let us down, too. You stopped calling, you stopped holding us to a high standard. If you’ll meet us in the middle, I give you my word we’ll never leave you again. We will not abandon you. I believe there’s a much, much better way that we can do this, and I want to share it with you, and I want to know what you think and whether you’ll work with us.⁹²

Crime Analyst Dr. Lee Hunt on leadership to say what’s usually left unsaid

Whenever police have a community forum in a minority neighborhood, the 500-pound gorilla in the room is the racial baggage and the distrust from a long history of negative interactions between the police and minority communities. Ninety-nine percent of police agencies don’t want to get in the middle of this racial dialogue, but Chief Fealy and the executive leadership have done an outstanding job of standing up and acknowledging that the department hasn’t fulfilled its commitment to these communities.

Yet this isn’t saying to the officers “we’re not doing our jobs.” It’s simply that our policing approach to the Drug War and the way we’ve been trained is to swarm a house and arrest everyone. Intuitively many officers knew that they were alienating the community by the way we were doing policing, but they needed a leader to say it out loud.

Source: Interview with Dr. Lee Hunt, December 6, 2011, High Point, N.C. The quotation marks represent direct quotes, while the remaining text is paraphrased.

determine if the incident was related to drugs. *Id.* at 398)

⁸⁹ Mary Best, *Model Police Work*, UNIV. NORTH CAROLINA-GREENSBORO RESEARCH 8, 11 (Spring 2009).

⁹⁰ Interview with Jim Summey, December 6, 2011, High Point, N.C.

⁹¹ *Id.*

⁹² DAVID KENNEDY, *DON’T SHOOT* at 170.

Chief Fealy then laid out the focused deterrence plan and explained *why* the police were focusing on West End. He showed the community members gathered at each meeting large maps indicating where crimes had been committed and the big red circle around West End. He explained that police would be especially responsive to any calls for service in the West End because the community was special now. He showed that the police were being transparent, fair, and responsive. He asked the neighborhood for its help. The same process was repeated at several community meetings and would later be repeated in the subsequent four neighborhoods where High Point would implement DMI.⁹³

Meanwhile, the narcotics investigators built rock-solid cases against the 16 drug dealers that HPPD had identified as driving the drug market in West End. In April 2004 the investigations were completed and the DA and police decided that four of the 16 would not be eligible for the Call In because of their history with violence or guns.⁹⁴ The other 12 would be called in. In late April a team of police officers, service providers and clergy visited the homes of the 12 offenders and handed their families letters signed by Chief Fealy asking them to come to the Call In on May 18, 2004 and promising that they would not be arrested there, but that drug dealing was over in West End. In early May, HPPD picked up the four offenders who failed to make the cut because their criminal histories were too violent. Then, on May 18, the Call In team of community and police assembled for the meeting – nine of the 12 offenders showed up, most of them with their families.⁹⁵

The Call In followed a similar script, but with a bigger audience of community and city employees. The DMI Call Ins are always more crowded than the repeat violent offender Call Ins because the drug markets are such an overt and public disruption to the community.⁹⁶ According to Kennedy, on May 19, the West End was “a ghost town. No dealers. No prostitutes. [The social service coordinator’s] phone rang, six o’clock in the morning, guy on the other end said, I’m a drug dealer, off to the edge of the West End, you missed me, can I sign up?”⁹⁷ As of November 2011, the West End drug market has not returned. As is inevitable, people are still buying and selling drugs, but the *overt* market and its attendant violence is gone. The strategy does not explicitly condone drug use, but the emphasis is on reducing violence and returning the streets to local residents. HPPD claims, also, that the overt drug market has not simply reemerged elsewhere. Before 2004, West End experience a homicide every year, but after the Call In there were no homicides for seven years.⁹⁸ Months before the DMI, Joyce Chavis had heard gunshots and called the police anonymously in what turned out to be a homicide. She had refused to come forward to talk with the police before the DMI. With community-police relations renewed after the DMI, she suddenly agreed to testify.⁹⁹

⁹³ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

⁹⁴ David Kennedy, “Don’t Shoot” at 172-73 [note Kennedy mistakenly says 2003 here].

⁹⁵ *Id.* at 173-74.

⁹⁶ Interview with Jim Summey, December 6, 2011.

⁹⁷ David Kennedy, Don’t Shoot at 182.

⁹⁸ David Kennedy, Don’t Shoot at 183 says 6.5 years without a homicide, shooting, or reported rape – though Detective Rick Johnson said they just had a homicide there in 2011 (Interview, December 6, 2011, High Point, N.C.).

⁹⁹ David Kennedy, Don’t Shoot at 183. *See also* Interview with Detective Rick Johnson, December 6, 2011, High Point, N.C.

Building Focused Deterrence into the Department & Community

HPPD has built focused deterrence and community collaboration into the backbone of the department. Yet the vast majority of line officers still don't fully understand or believe in the focused deterrence model¹⁰⁰ and thus it remains unclear how the new model influences the beat officers' daily interactions with minority community members, if at all. The Chief or his deputy (now chief), Marty Sumner, attends a monthly HPCAV meeting, in which community stakeholders weigh in on policing strategies. Jim Summey, the Executive Director of HPCAV, attends almost every police command staff meeting.

Example of focused deterrence in action: the spring break robbery intervention

One example of how HPPD has built focused deterrence into its fabric was its recent response to a spike in robberies. AUSA Rob Lang described the norm: "Most [police] department who in May see data [predicting a spike in crime] say 'oh s---' and don't tell anyone because they don't want to catch hell." They then release their numbers at the end of the year, and perhaps things have flattened.

To the contrary, in High Point in April 2011 robberies spiked significantly, reflecting a trend that recurred annually around spring break. HPPD analyst Lee Hunt unpacked the numbers and found that the spike was due to a number of young men affiliated with gangs. HPPD expedited pending cases against some of them, added extra officers in hot spots, and communicated directly with the other youth, their families and the broader community that the robberies had to cease or HPPD would hold the whole gang accountable. As Hunt explains "Then we went to other gangs and called in representatives from each gang and gave them each the deterrence message: we just took out the number one gang, and we'll do same to you if anyone picks up a firearm or commits a robbery." The result was a swift drop in robberies.

Sources: Interview with Dr. Lee Hunt, December 6, 2011, High Point, N.C. Phone Interview, Assistant U.S. Attorney Robert Lang, November 8, 2011. The quotation marks represent direct quotes, while the remaining text is paraphrased from the interviews.

Wherever possible, the department focuses on explaining to neighborhoods *what* they are doing and *why* they are doing it. This means that the department makes crime data understandable for citizens and actively communicates that data in community meetings.¹⁰¹ If there's a spike in crime, they don't hide it: rather, they figure out what is driving the spike, then share the data with the HPCAV and ask for help in addressing the spike.¹⁰² Whenever there is a critical incident – a shooting or violent assault – the department responds by going door-to-door together with HPCAV, explaining, "We're aware of this, we're investigating it (or we have someone in custody), please help us." Subsequently

¹⁰⁰ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011, High Point, N.C. Captain Casterline and Chief Fealy also confirmed that less than half of the department had a strong understanding and commitment to focused deterrence.

¹⁰¹ Interview with Dr. Lee Hunt, December 6, 2011, High Point, N.C.

¹⁰² *Id.*

when an arrest is made or a conviction obtained, they re-flier the neighborhood to provide an update on their progress.¹⁰³

Captain Larry Casterline explains proactive intervention and transparency

Today looks very different from 15 years ago. It's not our job to just sit in the office and wait for crimes to get reported and process people into jail. When we think there's tension building between groups of youth, we sit down with their parents and say "we don't want to arrest your kids and put them in jail, we want to be clear with you and let you do something about it before someone gets killed."

We can pull out maps and data and show them a timeline of all the criminal activity that's gone on for three months and say "these kids are banging with your kids, you need to step up and stop it with us, we need to work together to lay down the law, witnesses to shootings need to come forward, we need to get the three kids off the street who are driving this."

Source: Phone interview with Captain Larry Casterline, November 14, 2011. The quotation marks represent direct quotes, while the remaining text is paraphrased from the interview.

In addition to formal Call Ins, when there's a violent act, HPPD and HPCAV will conduct street notifications. They go to talk to "impact players" who they know have been involved, sometimes even before charges have been brought. They go in groups that sometimes include the DA and hopefully an "influential" like the person's mother, communicating a similar message: we're watching; the violence must stop.¹⁰⁴

The department has made several cultural changes to reflect the value they place on focused deterrence and community collaboration. These changes are listed as:

- Mission statement, core values, unit priorities
- In-service training for all ranks (top down)
- Added [focused deterrence training] to mini school for new recruits
- Monthly reports changed to include deterrence activities
- Command encouraged to apply levers in real time
- Rewards, evaluations, performance measures, and promotion process tied to the work [of focused deterrence]
- Narcotics unit changed informant pay outs [to not only reflect the amount of drugs seized]
- [Violent Crimes Unit] provides list of offenders for Narcs to target
- Written directive on not using [called-in offenders as confidential informants]
- Investigative units do mini review in the morning
- Broad participation in crime review inside and outside department¹⁰⁵

¹⁰³ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011, High Point, N.C.

¹⁰⁴ *Id.*

¹⁰⁵ Deputy Chief Marty Sumner PowerPoint (on file with author).

The department has reorganized its command structure to streamline focused deterrence work. A single chain of command is now organized under the heading Major Crime Deterrence and Prevention, which is one of three chains of command (the other two are Field Operations North and South). Deputy Chief Marty Sumner led MCPD until he took over as Chief, and the chain of command includes the officers who are most committed to and knowledgeable about the strategy. By placing the proper people in leadership roles within the command structure, the strategy of focused deterrence continues to be carried out despite the fact that only a small core of the department fully understands and believes in it.

Chief Sumner on convincing officers

When I presented the idea of focused deterrence and Call Ins to my officers I knew that some of them would be thinking ‘this is kooky.’ For example, when I explained it to the narcotics unit, they had their arms crossed and were leaning back in their chairs thinking, ‘he must be crazy.’ “I said ‘right now you do crack house search warrants based on notices from the last person who called the mayor. If [focused deterrence] is successful, then you won’t have to do that and you can spend your time on higher level guys.’”

While the officers were reluctant to take the time and only focus on certain individuals, some of whom may not have been moving the most drugs (but were the key to driving violence), after they saw some success they were able to focus on bigger seizures. “I think about what’s in it for them.”

Source: Interview with Deputy Chief Marty Sumner, December 6, 2011. The quotation marks represent direct quotes, while the remaining text is paraphrased.

The lack of buy in from the officers is not due to a lack of effort on the part of the command staff. The department requires officers to report on deterrence activities and the leadership has publicized the fact that promotions depend on officers familiarizing themselves with focused deterrence strategies. Focused deterrence is included in basic training and everyone who joins MCDP is required to do background reading and receive a one-on-one training session for several hours with Captain Casterline.

These efforts notwithstanding, attitudes take time to change and the consistent turnover and movement within the department make it difficult to permanently alter the culture of the department. Several detectives who make up the core of the focused deterrence unit supervised by Captain Casterline elaborated on barriers to the cultural shift towards focused deterrence.¹⁰⁶ First, there is a recruitment challenge. The individuals who enter the police force tend to see things in black and white and are less willing to think outside the box or see grey areas.¹⁰⁷ Second, there is a cultural challenge. It is difficult for these officers to justify not pursuing an arrest or prosecution. Many initially see focused deterrence or especially the Call Ins as “hug a thug” and find it hard to stomach anything that

¹⁰⁶ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011.

¹⁰⁷ *Id.*

would violate the almost religious “sanctity” of an arrest.¹⁰⁸ Third, there is the challenge of inexperienced officers. Many young officers were not around to witness the visible successes of focused deterrence initiatives such as the closure of the West End drug market. They thus remain ambivalent towards historical data supporting focused deterrence because it is not viscerally compelling.¹⁰⁹ Fourth, there is the challenge of bureaucracy. It is typical for officers to remain in a position for only a handful of years, which decreases the likelihood that they’ll experience the payoff of establishing close community ties.¹¹⁰

Captain Casterline on convincing officers

“We’d ask officers, ‘if you could reduce violent crime by 35% by standing on your head, would you?’ Answer: ‘yes.’ ‘Well would you do something less stupid?’ It’s easier to do your job in a community where people trust and support you. It’s impossible to do your job where they don’t – where people don’t cooperate, provide information, or come forward as witnesses. The numbers themselves don’t lie.” Once an officer has participated in a Drug Market Initiative and seen the change within the community, he’s sold on it. He might go to a Call In and see people from past DMIs, there’s something contagious about it.

Source: Phone interview with Captain Larry Casterline, November 14, 2011. The quotation marks represent direct quotes, while the remaining text is paraphrased.

Rank and file officers still follow the orders of their commanding officers, but many would soon revert to a traditional model of policing if they were not required to carry out focused deterrence strategies. This mentality persists despite the fact that focused deterrence does not require any greater amount of work on their parts – it simply requires different work: building cases, engaging with community members, handing out fliers, reviewing the data.¹¹¹

Without true buy-in at the line officer level, the focused deterrence model is less likely to change the way most line officers interact with community members on a daily basis. However, there is some evidence that the focused deterrence has impacted residents’ views of the police department beyond the membership of HPCAV.¹¹² And anecdotal evidence furthers these claims. Chief Fealy recounted that an African-American neighborhood that used to throw bottles at police cruisers now hosts an annual barbecue for HPPD.¹¹³ While community members who have been involved directly with HPCAV or

¹⁰⁸ *Id.*; Interview with Chief Fealy, December 6, 2011, High Point, N.C.

¹⁰⁹ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² James M. Frabutt, Terri L. Shelton, Kristen L. Di Luca, Lynn K. Harvey & Mary K. Hefner, *A Collaborative Approach to Eliminating Street Drug Markets through Focused Deterrence* (June 2009) at 5 (“Evidence suggested that the negative norms of a community may shift toward more positive norms as an additional result of the strategy’s work, above and beyond the elimination of the overt drug markets and the corresponding violent behavior.”).

¹¹³ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

heard Chief Fealy speak at a community meeting likely have improved perceptions of the department, work remains to be done.¹¹⁴ Focused deterrence will only achieve its full effect if not layered upon the kind of tactics and interactions that first resulted in the bottle throwing.

Conclusion

Focused deterrence succeeded in reducing violent crime in High Point. From 1997 to 2010, violent crimes fell from 1,646 to 582 per 100,000 people.¹¹⁵ The relationship between HPCAV and HPPD has endured, and the department's transparency vis-à-vis HPCAV has improved its ability to gather information and predict how the community will respond to policing strategies. Despite these successes, the majority of officers have not bought into the focused deterrence strategy and there is room for further growth in how the department understands its relationship with the community.

The partnership between HPCAV and HPPD is highly integrated. In that sense, HPPD receives regular community input on its strategies. This integration has not necessarily translated into more positive interactions between beat officers and residents of minority neighborhoods, though the most thorough study to date shows that the neighborhoods involved in DMIs feel safer and have more positive attitudes towards HPPD.¹¹⁶ These studies have focused largely on the community stakeholders who have been involved in the focused deterrence strategy. One survey found that one geographically-focused Drug Market Intervention in the Daniel Brooks housing project significantly improved residents' perceptions of the police.¹¹⁷ Other preliminary studies also show increased trust between the police and community as a result of DMI collaboration, but the sample sizes were very small.¹¹⁸ Further analysis could clarify how focused deterrence has changed community relations outside of HPCAV. Further studies should focus on gauging community satisfaction with the police over time – beyond the immediate reaction to DMIs and beyond the constituents who worked with HPPD or HPCAV. Some departments have used citizen satisfaction surveys to capture this data, although it is an open question how these are best designed and administered.

¹¹⁴ During the site visit, one beat officer conducted a routine drug search in a low-income African-American neighborhood and multiple neighbors barged out of their houses to yell about the unwelcomed and persistent police harassment. One of the subjects of the stop, a middle-aged African-American man, commented that this happens all the time. Another beat officer on the scene joked that the man was certainly lying about his disability. The search for marijuana yielded nothing but an angry group of neighbors and the stares of a half-dozen small children walking home. This single experience cannot easily be generalized, but it was sufficient to illustrate that focused deterrence has not replaced street level marijuana stops and that not all low-income African-American residents have a positive view of the police and their tactics.

¹¹⁵ HPPD, High Point Indexed Violent Crime: Per 100,000, *see supra* note 2.

¹¹⁶ James M. Frabutt, Terri L. Shelton, Kristen L. Di Luca, Lynn K. Harvey & Mary K. Hefner, *A Collaborative Approach to Eliminating Street Drug Markets through Focused Deterrence* (June 2009) at 132-40.

¹¹⁷ Terrell A. Hayes, Kimberly James & Courtney Lambeth, *An Assessment of the Daniel Brooks Initiative, Findings From the High Point Police Department Community Feedback Survey*, April 2006 (on file).

¹¹⁸ M. Kristen Hefner, James M. Frabutt, Lynn K. Harvey, Kristen L. Di Luca, Terri L. Shelton, *Resident Perceptions of an Overt Drug Elimination Strategy*, UNC-Greensboro Center for Youth, Family and Community Partnerships (2009); James M. Frabutt, M. Kristen Hefner, Lynn K. Harvey, Kristen L. Di Luca, Terri L. Shelton, *Key Community Stakeholders in Police-Community Partnership to Eliminate Street-Drug Markets: Roles, Engagement, and Assessment of Strategy* (2009).

AUSA Rob Lang on police accountability

AUSA Lang had brought a number of federal cases based on a warrant. It turned out that an HPPD officer had falsified the warrant. Before the cases got to trial, two of the officers in the violent crimes unit disclosed their fellow officer's conduct. "They turned him in and were crying because they worked with him, but they still did it. When I found out, I, as a prosecutor, was empowered.

We had to flush a case or two, but I was proud of them [for coming forward] – people screw up and we have to deal." Had Lang tried the case and only found out about the falsification at trial, the consequences could have been far more devastating. Moreover, "mistakes help improve accountability." This incident showed that the police were willing to admit mistakes and hold themselves accountable to the community.

Source: Phone Interview, Assistant U.S. Attorney Robert Lang, November 8, 2011. The quotation marks represent direct quotes, while the remaining text is paraphrased from the interview.

There are a handful of vocal opponents of the police department, of HPCAV, and of the daily tactics police use in operating in low-income minority communities. Two High Point City Council members highlighted specific examples of recent police misconduct, including a notorious incident in which an officer responding to a 9-1-1 call was caught on tape berating the Latina woman who had placed the call. The council members were dissatisfied with Chief Fealy's decision to only suspend the officer. They also pointed to a separate instance of alleged police brutality against an innocent minority woman. These opponents characterize HPCAV as only the "elite" members of poor minority communities.¹¹⁹

The 14-year trajectory of HPPD's incorporation of focused deterrence and the development of the HPPD-HPCAV partnership provide important lessons for other departments, as detailed below. Foremost among future challenges is how to expand buy-in within the department, and how to cultivate leaders within the department and the broader community to carry on and improve upon the partnership. The gains that High Point has made in building trust and collaboration – as well as a sustained drop in crime – are still subject to reversal if a few key people within HPPD leave. Similarly, HPCAV faces the two hurdles of sustained leadership and sustained funding if it hopes to maintain or expand its role.¹²⁰

¹¹⁹ Interview with High Point City Councilmen Foster Douglas and Michael Pugh, December 5, 2011, High Point, N.C.

¹²⁰ Now that HPCAV has hired a full-time Executive Director and manages a building, its funding needs are more significant and thus raising money will be an entirely new challenge for the organization – one that is difficult for many small nonprofits.

Lessons Learned

Building Community Trust & Collaboration

- Police leaders meeting regularly with community representatives is critical to building a partnership
 - Since 1997, HPCAV has met on a monthly basis and the Chief or Deputy Chief of HPPD has attended almost every meeting, if not every meeting. AUSA Lang says this is “the single most important thing” for sustaining the relationship.¹²¹
- Decision-makers need to be in the room, not representatives who can’t make decisions¹²²
- It was important at the outset that the Chief (Qujias) sent invitations to the meetings; i.e., that it was convened by the Chief and not a subordinate¹²³
- Having a facilitator helps
 - The core HPCAV group was initially spearheaded by a local hospital that included a professional facilitator who acted as a masterful agenda setter. Similarly, neighborhood meetings at which Chief Fealy spoke were convened by local religious leaders who acted as facilitators.
- An apology from the police chief can go a long way toward building trust with minority neighborhoods
 - Chief Fealy’s apologies during community meetings were a powerful tool in changing community perceptions. “The Police apologizing is huge . . . This is not an admission of failure, the police are working hard, but perception is everything,” says Rev. Mason.¹²⁴ Chief Fealy acknowledged that the biggest barrier is tremendous personal discomfort: “it’s just damn uncomfortable, to have to stand up as only white face and tell them ‘I know we’ve done wrong, I know we’ve driven you away from us’ – it’s just hard to do.”¹²⁵ Marty Sumner noted that “even if it’s not an apology, you at least have to acknowledge what you haven’t been able to do – you have to acknowledge their loss, they’re the ones suffering, and they’re the ones afraid to go outside.”¹²⁶
- Building community relations means surfacing historical rifts
 - Chief Fealy explained: To engage the community you have to deal with the historical racial improprieties of policing and bring them to the surface. Past relationships have been transitory. Therefore you have to have discussions to either get past it or set it aside. Maybe we can get back to

¹²¹ Phone Interview, Assistant U.S. Attorney Robert Lang, November 8, 2011.

¹²² Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

¹²³ Interview with Robert Martin, December 7, 2011, High Point, N.C.

¹²⁴ Interview with Sherman Mason, December 7, 2011, High Point, N.C.

¹²⁵ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

¹²⁶ Interview with Deputy Chief Marty Sumner, December 6, 2011, High Point, N.C.

them later, but there has to be a sincere agreement between the core of law enforcement and community that we're going to collaborate on the mission to reduce violence no matter what. "It scared the s___ out of me – several times I was the only white guy in the room with people who have lots of issues with the police department. We had to discuss it."¹²⁷

- A good way to get community buy-in is to ask them to approve policies ex ante
 - Before implementing several of the focused deterrence strategies, Chief Fealy would hold a community meeting, lay out the plan and rationale for targeting a certain problem, and ask for the community's input. Seeking this input and seal of approval gives the police strategy legitimacy in the eyes of the community it is policing.
- The U.S. Attorney's Office can be important partner because of its power to convene law enforcement entities, bring money to the table, and take pressure off of local political squabbles¹²⁸

Valuing Community Trust & Collaboration

- The police cannot be the "moral voice" – the community must be the morality enforcer.
 - Focused deterrence helps spread the burden. In other jurisdictions, the initial hurdle to implementing focused deterrence is building community relationships. Collaboration has soured quickly in some places. Yet jurisdictions do not need to wait for a HPCAV, HPCAV develops as you do the work, says Chief Fealy. Today HPCAV is the entity that goes to court to speak on behalf of the community at a probation or parole hearing – they have credibility where the police department does not.¹²⁹

Changing criminal behavior requires the community, not just police

Chief Sumner says: Technical solutions and individual arrests are not sustainable – they won't change the way people behave. Only the community can reset the norms of behavior. "We can't do it without them and can't do it for them. . . the badge gives you authority, but the legitimacy comes from the community."

Source: Interview with Deputy Chief Marty Sumner, December 6, 2011, High Point, N.C.

- Police transparency generates legitimacy with the community
 - When police explain what they're doing, why they're targeting a particular community or offenders, then the community sees the strategy as fair and less arbitrary. Neighborhoods will understand why police are slower to respond or why they're frequently patrolling. This transparency is built into the focused deterrence model. Lee Hunt explains that many departments

¹²⁷ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

¹²⁸ Phone Interview, Assistant U.S. Attorney Robert Lang, November 8, 2011.

¹²⁹ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

“don’t want to release their data to the community, but they should, it’s all publicly available or FOIAable and *it is what it is.*” HPPD makes the data available to the community in an understandable way and this builds trust while improving collaboration both across agencies and with the community.¹³⁰

- Police transparency also helps counter political tampering
 - HPPD can challenge the political establishment’s preferences when it needs to by pointing to the data and explaining that their priorities are to go where the data guides them.
- Having the community relationship is important to weathering crisis
 - A huge benefit to having HPCAV has been HPCAV’s ability to support the police and distribute accurate information in the wake of a crisis. When there’s a police-involved shooting or a similarly contentious incident then HPCAV is there to support the department. They’re not outside the station.¹³¹
- When people feel supported by police, they’re more willing to assist police
 - After the West End DMI, the open-air drug market was shut down and the community felt it had its voice back. Before the DMI, a woman had anonymously called the police about gunshots that turned out to be a homicide but refused to come forward. After the DMI, she came forward and said, *I did call and I will testify.*¹³²

Sustaining Community Trust & Collaboration

- The likelihood of a sustained community-police partnership is greatly enhanced by narrowing the mission
 - HPCAV has no additional agenda – its sole focus is on reducing violence. This focus has allowed constituencies with very different backgrounds to come together as one. The mission also allows HPCAV to serve as a broad umbrella that can incorporate other autonomous organizations and neighborhood groups while not losing focus on their one collective goal. Long-time HPCAV leader and former police officer Bobby Davis says, “HPCAV’s survived because they’ve stuck to the focus of reducing violent crime.”¹³³
- Holding police officers accountable and telling the truth in the wake of police misconduct builds trust in the police
 - Chief Fealy compared his experience in Austin, TX, where the department would get defensive after making a mistake and try to convince the public it was in the right. This attitude exacerbated the rift with the community.

¹³⁰ Interview with Dr. Lee Hunt, December 6, 2011, High Point, N.C.

¹³¹ Interview with Jim Summey, December 7, 2011, High Point, N.C.

¹³² Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011.

¹³³ Interview with Bobby David, December 6, 2011, High Point, N.C.; Interview with Gretta Bush, December 5, 2011, High Point, N.C.

“Now we own up to it, admit it, tell people what we’ve done to try to prevent it in the future. People are willing to forgive us as long as we’re willing to own up to it. . . It doesn’t have to be a hit to the relationship.”¹³⁴

- Personal relationships are important
 - The core leaders spearheading focused deterrence in High Point have forged strong relationships across race and position. Chief Jim Fealy, AUSA Rob Lang, and HPCAV leaders Gretta Bush and Jim Summey have all come to know one another through years of intense work – and have a mutual stake in one another’s success. “We won’t let each other down,” says Chief Fealy. They can speak frankly and trust one another. Despite this close working relationship, neither side fears the perception from their constituents that they have been co-opted.¹³⁵
- Not putting people in prison is powerful
 - The simple act of not bringing a charge builds trust – some people at Call In will say to offenders, “do you realize how significant it is that police are not going to charge you?” This act destroys a common myth that police are only interested in locking people up.¹³⁶
- Every stage of collaboration between the police and community is a partnership building exercise
 - According to Rob Lang, the power of the collaboration is that it compels each group to work outside of their silo and build relationships and consensus.¹³⁷
- There must be an equal partnership between the police and community
 - The community leaders have to understand the dynamics of focused deterrence as well as the police do. This is important for day-to-day work and for the Call Ins. As Rev. Summey explains, “The worst thing to do is go to a Call In and say something that’s not true – offenders know baloney when they see it. They also know when someone means what they say – it’s what messes them up, when someone talks honestly and directly to them.”
- Focused deterrence isn’t just to build relationships: there has to be a carrot and stick
 - While part of the work of focused deterrence is reconciliation between the police and minority communities, the goal of the strategy is violence reduction, not simply repaired relationships. As Rev. Summey tells it, “Just because you’ve made friends with the neighbors doesn’t mean crime is going to go down. Crooks aren’t going to be your friends, they need to be confronted: otherwise they are just going to take advantage. The violent

¹³⁴ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

¹³⁵ *Id.*; Interview with Jim Summey, December 6, 2011, High Point, N.C.

¹³⁶ Interview with Jim Summey, December 6, 2011, High Point, N.C.

¹³⁷ Phone Interview, Assistant U.S. Attorney Robert Lang, November 8, 2011.

offender doesn't need to be treated nicely, he needs to be treated truthfully."¹³⁸

- It is important to *offer* social services, though the actual provision of services is not the overall game-changer for many
 - Many of the offenders who are called in are in dire need of employment, education or some kind of drug treatment. However, most of the offenders who are called in will not take advantage of treatment or other services that HPCAV offers. According to Rev. Summey, only 10% will really use these services. Another 30-40% will try but stop after a short while. The other 50%+ will never utilize any of the services. Yet the majority stop re-offending. What HPCAV primarily provides is contact and accountability.¹³⁹ Gretta Bush says it is as simple as having someone to call and check up on the offenders. The Call In and the offer of accountability is for some the “way out” of the criminal life they’ve been looking for. While not everyone needs or wants the service side of focused deterrence and HPCAV can’t force their hands, there is power in extending to offenders the *opportunity* to access services and empowering them to make their own conscious decisions.¹⁴⁰

- Probation is an important hook in getting offenders to attend the Call In
 - For offenders on probation (which usually all of the “repeat violent offenders” are), a Call In is another mandatory meeting with their probation officers. Without the hook of probation, Call Ins in some other jurisdictions have failed to produce nearly as many offenders.¹⁴¹

Chief Fealy on Measuring Results

“For the first 20 years of my 35 year career, I was judged on how many arrests I made, how many tickets I wrote, how many calls I handled and how many complaints I got. It didn’t matter what the crime rate was – as long as I was doing those things, I was doing a good job. I believed it and the public believed it. And it’s horses---. Instead of being judged on our effort, we need to be judged on our results. If this had been a business, we would have cratered a long time ago.”

Source: Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

Maintaining Departmental Buy-in for Community Trust & Collaboration

- Police leaders should drive the community collaboration message throughout the recruitment, training, and management of officers

¹³⁸ Interview with Jim Summey, December 6, 2011, High Point, N.C.

¹³⁹ *Id.*

¹⁴⁰ Interview with Gretta Bush, December 5, 2011, High Point, N.C.

¹⁴¹ Interview with Robert Martin, December 7, 2011, High Point, N.C.

- The HPPD officers were not adverse to working with the community, but breaking outside of the arrest-as-the-only-tool framework was difficult for them. Chief Fealy explained that it was particularly hard to convince the narcotics officers because he asked them to focus on the one-rock dealer on the corner who was causing violence and not the larger traffickers. For a Narc, how much weight you put on the table is the gold standard – and that had to change.¹⁴²
- Officers should remain in a single position for longer stretches of time to incentivize relationship building
 - Within HPPD, there is a core of a dozen leaders who believe firmly in focused deterrence. Without that core, the strategy would die. One problem is that officers are only in positions for two to three years and then rotate out or get promoted, so there is little institutional memory.¹⁴³
- Police mission should be about reducing crime & getting results
 - If the police leadership communicates that the department’s mission is to reduce violence---rather than writing a certain number of tickets or hitting a certain clearance rate---then the department will be more flexible in accepting focused deterrence. Chief Fealy explained that “the role of a police department shouldn’t be just to make arrests, the role of a police department should be to make the community safer. So unless you’re doing that, you’re not doing your job.” In High Point, HPCAV holds HPPD accountable for those results.¹⁴⁴
- Implementing focused deterrence requires having the right people in leadership roles
 - Within HPPD, the entire chain of command driving focused deterrence is made up of the core believers: from the Chief down through to the detectives. On the community side people like Gretta Bush, who runs the local recreation center and knows a huge percentage of the young men in the African-American community, and Jim Summey, who has pastored in West End for almost 20 years, are indispensable. This is a C+ idea but it requires A+ execution. Jurisdictions must be smart about who is included.
- If you have the right people in leadership, basic focused deterrence can be achieved by a committed core in the police, community, probation and prosecution arenas – though transitions of personnel could be fatal and without broader officer buy-in, the community relationship can be undermined
 - HPPD has demonstrated that focused deterrence can be implemented without buy-in from all of the line officers, so long as the mandate comes from the top. However, the lack of buy-in makes the strategy vulnerable to leadership transitions and limits the transformation of community-police relations. Deputy Chief Sumner explains, “There needs to be a few very

¹⁴² Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

¹⁴³ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011.

¹⁴⁴ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

- committed people who really get it. Identify them early and train them up very well. When you put someone in like that, don't move them around – keep them in that key position and mentor them for that role. Have him train the person who's going to replace him.”¹⁴⁵
- There are concrete things departments can do to identify community leaders: Look to see who has been calling 9-1-1; drive through the neighborhoods and see who's planting flowers and painting their houses; go to community meetings and see who everyone listens to. Ministers are still central in many communities.
 - Seeing a drug market closed is powerful evidence for focused deterrence's legitimacy
 - The DMIs drew much wider attention because of the public nature of an open-air drug market. Seeing the market shut down was concrete evidence of success.
 - Departments can implement focused deterrence without sophisticated crime analysis
 - According to Dr. Lee Hunt, departments don't need sophisticated data analysis or technical savvy to conduct focused deterrence. Agencies simply need a way to identify what drives violent crime and a strategy to monitor and track violent offenders and figure out how to target resources at them.¹⁴⁶
 - Giving officers opportunity to weigh in and to do the work they want builds police support
 - Before HPPD decided to implement DMIs, Chief Fealy spoke to all of the line officers and asked them if they were willing to try something new. After the DMIs, the beat officers in the target areas were then tasked with designing their own maintenance plans to identify the tactics they would use to carry out the focused deterrence strategy. This gave them ownership over each step in the process.¹⁴⁷
 - For some officers, a personal experience will be more important than statistical evidence
 - Chief Fealy described his own personal conversion story. As a Lieutenant in Austin, TX, Chief Fealy participated in a mass-scale sweep targeted at a drug-ridden neighborhood. He had built a relationship with an elderly African-American woman there. As many neighborhood members openly criticized police for their heavy-handed tactics and the arrests of more than one hundred of their neighbors, Fealy's friend defended the police sweep to TV reporters. Then, off camera, she confided to Fealy that the police

¹⁴⁵ Interview with Deputy Chief Marty Sumner, December 6, 2011, High Point, N.C.

¹⁴⁶ Interview with Dr. Lee Hunt, December 6, 2011, High Point, N.C.

¹⁴⁷ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

- were just as bad for the neighborhood as the drug dealers – stopping, frisking and harassing members of her own family.¹⁴⁸
- Because of the turnover in the department, many of the officers didn't experience the dramatic change in West End. Seeing the statistics is not sufficient to compel many of them to police in a manner that differs from their intuition or training. Some of the detectives see this trend as representative of who enters law enforcement – people more willing to follow rules than think outside the box.¹⁴⁹
- Police don't have to view themselves as social workers to conduct focused deterrence – it's about building trust, legitimacy, and doing "what works"
 - The traditional view of policing rejects the idea of improving community safety via a means other than arrests and law enforcement. There is a "we're not social workers" mentality. The people who choose to be policemen often see things as right and wrong without much grey area in between.¹⁵⁰
 - Chief Fealy commented that police should be results oriented. Sometimes this means bringing a hard-nosed prosecution against an offender and sometimes it does not. He is primarily concerned with effectively reducing the violent crime rate.¹⁵¹

Avoiding Mistakes

- Community: Don't promise what you can't deliver on.
 - HPCAV found that it was a big mistake to initially promise jobs to called-in offenders. When you don't deliver, you lose trust irreparably. Now HPCAV clearly distinguishes between what it can and cannot promise; and promises to do everything that *is* within their power.¹⁵²
- Police: Don't promise what you can't deliver on and you must be genuine
 - Members of poor minority communities may be skeptical of police promises and suspect they don't intend to keep them. Chief Fealy explained, "the first crack in our sincerity is going to be exploited, the community is going to see through it, will go away and we're not going to get a second chance. . . . I heard 'we've heard this s___ before' and all I could say was: yes you have, and we're doing it now in good faith. Then you need to demonstrate that commitment in small ways." In all of the DMI neighborhoods HPPD immediately made the target communities priorities for calls for service. The residents noticed.¹⁵³
- Make sure that people at the table aren't there just to pursue grant money

¹⁴⁸ *Id.*

¹⁴⁹ Interview with Detective Marc Kun, Detective Rick Johnson, and Dr. Lee Hunt, December 6, 2011.

¹⁵⁰ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

¹⁵¹ *Id.*

¹⁵² Interview with Jim Summey, December 6, 2011, High Point, N.C.

¹⁵³ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

- Jurisdictions trying to replicate the High Point model have faced the difficulty of identifying “the right” community groups with which to partner. HPCAV began with no funding and was sustained on a volunteer basis until 2009. Each person came to the table out of a firm commitment to the mission and as funding becomes available, new challenges arise in trying to sort out constituencies’ motivations. If organizers come to the table primarily for funding, then when the funding disappears, so too may the organization.¹⁵⁴
- Leadership transitions are even harder in community organizations than in police departments
 - HPCAV has been led by the same handful of people since its inception. As a largely volunteer organization, it is difficult for most people to put in so much blood and investment without remuneration. It also takes a leader who is widely respected to steer the organization.
- Police can do just as much to damage a community as the criminals
 - As summarized above, Chief Fealy’s experience in Austin, TX illustrated how members of a neighborhood targeted by frequent police attention can feel just as harassed by police presence as by the actions of drug dealers and other offenders.¹⁵⁵
- Arresting an innocent person is toxic
 - When trying to restore a working relationship with minority communities, there is little room for error and charging someone who is innocent can kill the relationship. When implementing DMIs, HPPD ensured that they had evidence on tape and that it couldn’t be repudiated.
- Politics can tear focused deterrence apart, so it is key that the political leadership is either committed or willing to stay out of the way
 - Focused deterrence requires coordination among the police, probation/parole, prosecutors, and the community. Politics can easily throw a wrench in the entire project.

Post-script and additional resources

Focused deterrence is currently being implemented across the United States. The U.S. Department of Justice picked up the DMI “High Point Model” and selected Michigan State University (MSU) to help train police departments and evaluate their implementation of focused deterrence. The Bureau of Justice Assistance has supported DMI in more than 25 jurisdictions since 2007. MSU has created a website that guides police leaders through the steps of implementing DMIs: <http://dmimsu.com>, which also provides additional resources and interviews from High Point personnel. David Kennedy, the scholar responsible for Ceasefire in Boston and the evolution of focused deterrence, published the book *Don’t Shoot* in fall 2011. *Don’t Shoot* chronicles the success of and challenges

¹⁵⁴ Phone Interview with Gretta Bush, October 22, 2011.

¹⁵⁵ Interview with Chief Jim Fealy, December 6, 2011, High Point, N.C.

faced by focused deterrence thus far. He and other police leaders who champion DMI and Ceasefire (or what they have renamed “group violence reduction strategy”) have created the National Network for Safe Communities to provide leadership in furthering the strategies’ implementation.

The Yale Law School Innovations in Policing Clinic is made up of Rebecca Buckwalter-Poza, Kyle Delbyck, Jamil Jivani (lead author for Milwaukee case study), Jeremy Kaplan-Lyman (lead author for Seattle case study), Jessica So, Trevor Stutz (lead author for High Point case study), Carolyn Van Zile (lead author for Charlotte-Mecklenburg case study), and Alyssa Work (lead author for Philadelphia case study).

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The principals on our team include John Crombach, Gail Christopher, Darrel Stephens and James Form

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