

June 10, 2020
House Judiciary Committee
Testimony of Dr. Phillip Atiba Goff
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Chairman Nadler, Ranking Member Jordan, Members of the House Judiciary Committee, good morning. It is my honor to be back before this committee to provide testimony on policing practices and law enforcement accountability.

My background and training are in behavioral science. I am the Inaugural Franklin A. Thomas Professor in Policing Equity at John Jay College of Criminal Justice. I was a witness for the President's Task Force on 21st Century Policing, a member of the National Academies of Sciences committee that issued a consensus report on proactive policing, and was one of three leads on the recently concluded Department of Justice-funded National Initiative for Building Community Trust and Justice. I am likely best known in police reform circles, however, for my work as Co-Founder and CEO of the Center for Policing Equity (CPE), the largest research and action organization focused on equity in policing and my testimony today is in that capacity.

CPE maintains the National Science Foundation-funded National Justice Database, which we understand is the largest collection of police behavioral data in the world. Our work focuses on combining police behavioral data with psychological survey data and data from the U.S. Census to estimate not just racial disparities in police outcomes such as stops and use of force, but the portion of those disparities for which law enforcement are actually responsible and can do something about. The goal of our work is to provide a roadmap for law enforcement and communities towards better alignment between their shared values of equity and safety. Just as COMPSTAT provided a roadmap for measuring crime in order to reduce it, our work measures justice with the goal of promoting it.

What we have seen on the streets of the United States over the past two weeks defies description. Some have called it massive protest. Some have called it a riot. Others have called it a revolution. What I am confident is that what we have seen has been larger than the incident that sparked collective outrage and is still tearing at the fabric of our democracy. George Floyd's murder, filmed in slow motion, committed by officer Derek Chauvin and in front of three of officer Chauvin's colleagues was a tragedy deserving of righteous fury. So too were the murders of Breonna Taylor and Ahmaud Arbery that came to the nation's attention inside two weeks of the Floyd murder.

But what has spilled out onto the streets of this nation is even larger than our grief at the brutal extinction of the light of the thousand citizens per year killed by police—a number that has not changed significantly since newspapers began cataloguing those numbers in 2015. What we are

seeing on the streets of the United States is a past due notice for the unpaid debts owed to Black people for four hundred plus years. If the response to this moment is not proportional to that debt, we will continue to pay it—with interest—again and again and again.

So, before I discuss what science knows about race and policing, it is important for me to say as both a scientist of policing racial bias and a Black man, this country must make a full accounting of that debt, not only to heal the festering wounds of racial violence woven into our history of policing, but to render us a nation that is equal to its ideals. We have seen in the past several months a nation that has done big things. We've moved trillions of dollars in attempts to avert financial crisis, participated in one of the largest scale collaborative social protections in human history by simply staying home to try to save our neighbors, and demonstrated in the hundreds of thousands to demand reforms to the way we protect public safety. And we have done all of this while a deadly virus has stalked residents of this nation in numbers that exceed every other country in the world.

If we can do these things, then we can be honest about our history and what we owe to Black people.

Turning to the complex issue of police reform, I applaud the work of Chairman Nadler and Congresswoman Bass for putting forth a comprehensive proposal to rethink how we best hold law enforcement accountable to the ideal of equality. The Justice in Policing Act of 2020 contains a number of critical reforms, including banning neck restraints and creating a national registry of police misconduct. In my capacity at CPE, however, I want to spend a moment focusing on what science says about bias in policing.

What we know about race and policing is embarrassingly inadequate. The most recent National Academies of Sciences consensus committee—on which I sat—concluded that we knew shockingly little about bias in policing, and that there needed to be far more rigorous work on the topic. Still, there are some points of consensus that are worth laying out.

First, there is no doubt that Black, Native, and Latinx people have more contact with law enforcement than do White people. Measured in calls for service, stops, arrests, or use of force, marginalized communities—from stigmatized non-White groups to those struggling with poverty to those negotiating serious mental illness—experience more contact with law enforcement.¹ There is also relative agreement that where there are fewer public services (e.g., drug treatment and mental health clinics, job training programs, and even parks) law enforcement has more contacts with residents.²

¹ Davis, E. et al., [Contacts between police and the public, 2015](#), US DEPARTMENT OF JUSTICE. (October 2018).

² Weisburd, D., [Does Hot Spots Policing Inevitably Lead to Unfair and Abusive Police Practices, or Can We Maximize Both Fairness and Effectiveness in the New Proactive Policing?](#), UNIVERSITY OF CHICAGO LEGAL FORUM: Vol. 2016 , Article 16. (2016).

But with that said, we do know a bit about how race shapes contact with the police. This comes to us primarily from two methods of study: so-called “hit-rate analyses” and regression analyses.

Hit-rate analyses reveal the percentage of searches that return contraband such as drugs or guns. If that percentage is lower for one group than another (e.g., lower for Blacks than for Whites), the common inference is that officers are stopping too many Black people and/or have a lower threshold of suspicion for Black people. This is suggestive of bias, although it is not conclusive. These types of analyses robustly reveal lower hit-rates for Blacks compared to Whites.³

Regression analyses, specifically hierarchical step-wise regressions of the type popularized by Gelman, Fagan, and Kiss in their analyses of the NYPD stop-question-and-frisk actions, attempt to predict how much police activity (e.g. stops or use of force) one can expect based on local demographics. In other words, the data would show how many people we might expect police would stop in Neighborhood X given Neighborhood X’s poverty and crime rate. In this way, it is possible to assess whether or not crime, poverty, and other neighborhood factors are sufficient to explain racial disparities in policing outcomes (e.g., stops or use of force). This literature demonstrates that neither crime nor poverty are sufficient to explain racial disparities in use of force,⁴ and in some limited geographic areas, it is not sufficient to explain racial disparities in stops.⁵ In other words, whether arguments about “Black-on-Black crime” are made in good faith or in bad faith, the research literature is fairly clear that the phenomenon is not sufficient to explain disparities in police enforcement actions.

In sum, there is evidence of racial bias in who is contacted by police and who is the target of police force. However, it is also the case that clearly not all the disparities we see are from police policy or behavior. Unfortunately, there are some who argue that “science has proven there is a lack of bias in policing.” I want to clearly state that this conclusion is not supported by the scientific research as I have said in previous testimony before this body.

Given this understanding of bias in policing, what are we to do?

³ Goel, S. et al., *Precinct or prejudice? Understanding racial disparities in New York City’s stop and frisk policy*, THE ANNALS OF APPLIED STATISTICS, 10(1), 365–394. (2016).

⁴ Goff, P., A., Lloyd, T., Geller, A., Raphael, S., & Glaser, J. (2016). The science of justice: Race, arrests, and police use of force. Retrieved from the Center for Policing Equity website: https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf.

⁵ Gelman, A. et. al., *An analysis of the New York City Police Department’s “stop-and-frisk” policy in the context of claims of racial bias*, JOURNAL OF THE AMERICAN STATISTICAL ASSOCIATION, 102(479), 813–823. (2007).

The most recent debate is between institutional reform and defunding the police. While there is no quantitative research literature on abolishing policing, there are reasons to believe that many within Black communities are not aligned with this vision. Historical and polling research reveal that Black communities do not favor eliminating law enforcement, they mostly want less biased and deadly law enforcement.⁶ But with the mood of the nation changing so quickly, so may this attitude.

Even police agree that they are ill-equipped to perform a number of services that currently fall to them. For example, underfunding of mental health resources often leaves police departments as the only state agents left to respond to serious mental health crises. No one thinks this is ideal, but often police are all communities have. Investment in community mental health resources is a logical solution for this specific problem, allowing police to focus on crime reduction.

Still, it is important that such reinvestments in our communities are performed responsibly. For instance, if one were to cut police personnel by 50%, there is no guarantee that the department will be less biased afterwards. In many cases, union contracts specify that the last hired are the first fired, which means younger officers—often less biased and better positioned to embrace department culture changes—will be first cut. Similarly, it is often community service programs that are cut before neighborhood patrols when budget cuts befall police departments, a process that ends the very programs that communities most value from their law enforcement agencies. To the degree that a path forward involves using police budgets to invest in Black communities, the process must be led by evidence. Evidence about what programs work—both in policing and in communities. And evidence about where cities can safely receive a higher return on their investment in community empowerment.

Regardless, there is no need to wait for a decision on police budgets to invest in vulnerable communities. Wherever the country lands on police budgets, we can all agree that communities that have the resources to solve their own problems—and do not need to call the police in the first place—are safer communities that are better equipped to realize the American dream. There is no reason to avoid this obvious truth. And there is no reason not to act on it. Now.

As I previously mentioned, the Justice in Policing Act of 2020 contains the best federal police reform package of the bills I have seen before this Congress, and CPE fully supports its passage. Importantly, this legislation enjoys broad support than civil rights advocates and legislators. Many of our partners in law enforcement—the Chiefs who are experts on public safety—support its provisions—especially, the federal ban on neck restraints and the implementation of

⁶ Hinton, E., Kohler-Hausmann, J., & Weaver, V. et al., [Did Blacks Really Endorse the 1994 Crime Bill?](#), THE NEW YORK TIMES. (April 13, 2016).

a national registry of police officers who have been fired for misconduct. These reforms are long overdue, and such a common sense reform should be enacted immediately.

Specifically, a national registry of police officers who have been fired for misconduct is a reform that will increase transparency and the public's trust in law enforcement agencies. Doctors and lawyers, along with many other professions, are required to be licensed and their employment data are shared across state lines by appropriate entities. Why should a police officer who has been terminated for cause be able to move to another state or jurisdiction without undergoing an appropriate background check? The creation of a national clearinghouse with a list of those officers who have been terminated will empower state and local governments to decide what standards they want to set for officer conduct and character. Without such a registry, many law enforcement agencies simply do not have the capacity to determine whether or not an officer was fired prior to seeking employment—and many, therefore, do not. These data will only be available to law enforcement agencies, and proper due process protections will be provided for police officers.

This is a unique moment in our history, where a diverse array of groups, ranging from protestors in the streets to civil rights organizations to law enforcement associations, all recognize that policing needs to be different after this moment than before it. Let's build on that momentum and create a better framework for the manner in which our public safety institutions operate in this country.

In the coming weeks and months, I look forward to working with you, communities demanding reform, and the law enforcement leaders sworn to protect them. In this moment, we have the opportunity to provide hope. I pray we take it. Thank you for the opportunity to testify, and I look forward to answering your questions.