

# Community Collaboration and Costs Across Departments: Evidence from a Vice Division and Proposal for Future Data Collection

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*Prompt: How would you measure—and quantify—the effect that proactive enforcement has on community trust?*

## ***Introduction***

Law enforcement has, like most other lines of endeavor, become increasingly specialized. This specialization has resulted in greater expertise and tacit knowledge of how to best execute a variety of specific tasks, but often comes at the cost of cooperation towards broader goals. A modern police force is typically divided into smaller units (e.g. roadway patrol, vice, narcotics, homicide, gang units, human trafficking task forces, etc.). The result of this specialization is that police officers are, in many ways, better at their jobs, as individuals, than they have ever been. With the development of these smaller units, however, comes narrower points of view and fewer interactions across departments, let alone agencies. Given rising needs and limited resources, specialized units will find themselves competing over constrained resources. With budgetary competition comes the need for justification, and more often than not with that justification comes the need for defined “turf”. It takes only a few iterations of this budgetary competition for a police department to look less like a unified organization and more like a series of competing fiefdoms. This division of interests is only made more salient when placed in the context of growing community and political pressure on law enforcement.

While an individual unit is concerned with justifying its budget, the agency is being pressured to be ever-present in the community and proactive in their approach to policing. There are considerable benefits that can be generated from proactive policing and community trust, but those benefits are spread across an entire agency, while the costs are borne by the individual officers and unit making those efforts, often at the expense of their own, budget-justifying record. Modern policing is suffering from a classic public goods problem- everyone would benefit, but no one is willing or able to bear the burden on their own.

As an example, enforcement that is perceived to be omnipresent can provide a sense of protection, as well as general and specific deterrence, both of which generate sufficient benefits in the community (e.g. more foot traffic for brick and mortar businesses, safer environments for children to play outside, etc.). However, assigning officers to proactively patrol will be unlikely to create a sizable increase in arrest counts, lead to large scale “busts” or seizure of illegal property, or close high profile cases. What it will do is increase their interactions with the community. Some citizens will view increased

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interactions with law enforcement through a positive lens, but others might not. In fact, as noted in Persico (2002) and Harcourt (2004), certain populations might correctly be concerned about the effect that proactive enforcement might have on their civil liberties.<sup>3</sup> While the positive interactions will benefit the entire department and community, the negative interactions will disproportionately come at the expense of the individual officer and their unit. The officers building the shared good of community trust share in only a fraction of the benefit, while bearing all of the cost.

If we are to address this failure to pursue optimal policing strategies as a unified agency, we first need to identify the costs being incurred and the benefits foregone. This invites a formalization of the problem being solved and calculus that must be undertaken by law enforcement in determining the optimal levels of proactive and reactive enforcement, as well as general and specialized resources. Only after the problem has been formally addressed can a careful undertaking of a cost-benefit analysis be productive. A quantitative, scientific "Cost-Benefit Analysis" brings with it the opportunity to stand above the silos across agencies, departments, branches, and divisions, and identify how the actions of officers are impacting their fellow officer's efforts to enforce the law and maintain the peace.

For example, a homicide detective looking for witnesses to step forward may work tirelessly to reassure a citizen that they are a potential ally in an investigation, not a suspect to be interrogated or implicated (and, in turn, bear undue legal or reputational costs). But if that citizen has experienced dozens of interactions whose only potential outcome was a job- or reputation-threatening arrest for a petty offense, then they are far less likely to ever voluntarily engage with an officer. For instance, traffic officers must cope with the implicit accusation that they are a tool for raising revenue rather than the fostering of safe roads (Makowsky and Stratmann, 2009, 2011). Similarly, vice officers must convince a sex worker that they are there to protect them from malevolent pimps and johns, and not just put them in a holding cell for the night. A citizen leaving McDonald's at 11pm should feel safer when they see an officer on night patrol, not worry that being out late marks them as a person of interest in future investigations.

At the root of each of the examples presented above is the level of trust that the community has in specialized enforcement officers. Attention to the officer behavior has seen a marked rise in recent years. The simple n-gram presented in Figure 1 below examines the discussions pertaining to 'police brutality' and 'police misconduct' in books written in English since 1900. Although police brutality initially peaked in the early 1970's, both terms are steadily increasing in recent years. The relationship between officers and the American public may be more adversarial now than at any moment since Prohibition, if not the entirety of our nation's history. Moreover, the image of the local officer is shaped by television and film, the news media, and personal interactions with officers. While no single department can control the media bombarding citizens with images of militarized police in camouflage fatigues carrying assault rifles, they can

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<sup>3</sup> As noted in DeAngelo and Owens (2016), the unequal application of the law could also be due to reasons beyond race, such as an officer's experience.

specifically influence the day-to-day interactions that the local community has with their officers, and its impact on community (mis)trust in law enforcement.

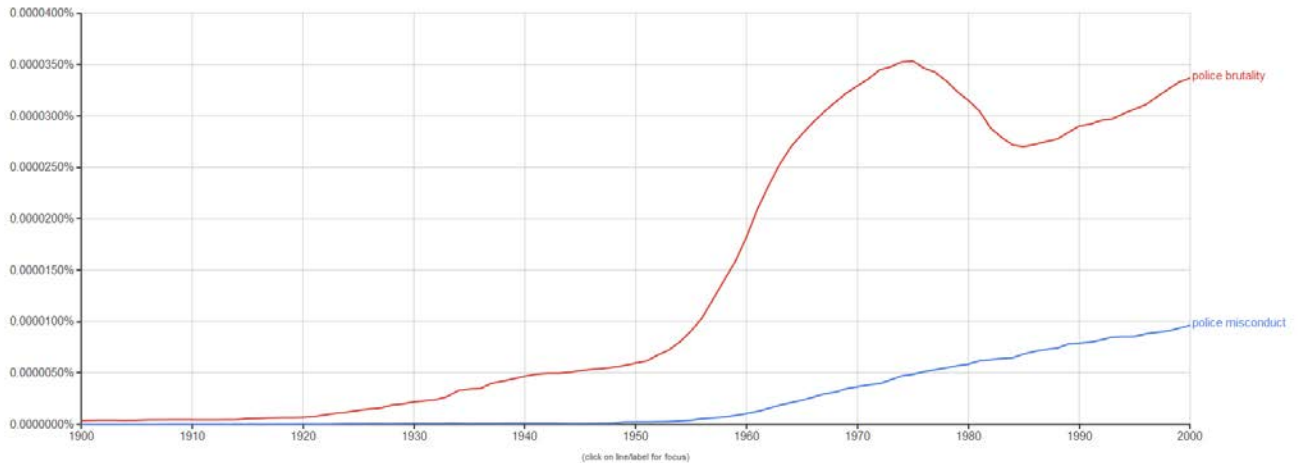


Figure 1: Google n-gram of *police brutality* and *police misconduct*

To make even a first attempt at understanding how to manage the level of trust that exists in the relationship between law enforcement and the community, a discussion of the objectives of a given enforcement agency is necessary. If law enforcement is attempting to maximize the level of trust they hold in the community, what counterbalancing dynamics are at work? Should law enforcement be maximizing arrests? Minimizing crime? A combination of both? Do we want the public to fear or trust law enforcement? When an officer interacts with a law-abiding, respectful citizen, do we want them to feel intimidated or protected? In the current environment, every citizen who interacts with an officer has to consider the nontrivial possibility that an officer can irrevocably alter their present and future. A single arrest can bankrupt a family, terminate employment, or destroy a marriage. An alarmed or threatened officer can end a life. A malevolent or capricious officer is better able to commit assault or murder and *get away with it* than perhaps any other person in our society. The degree to which this concern is realized is open for debate, but there can be little doubt that is a fear that is salient in the minds of some populations more than others. As noted in Leovy (2015), “black America has not benefited from what Max Weber called a *state monopoly on violence*—the government’s exclusive right to exercise legitimate force. A monopoly provides citizens with legal autonomy, the liberating knowledge that the government will pursue anyone who violates their personal safety.”

Setting aside the serious concerns regarding the unequal application of proactive policing, we can start by envisioning a world where law enforcement targets citizens that have broken the law. In this framework, it is well-established in the general deterrence literature that the presence of law enforcement will deter would-be criminals. However, in addition to imposing costs on would-be criminals, it is also conceivable that non-

criminals who could act as potential allies and informants to law enforcement will also be deterred if they fear that they might be wrongly implicated, arrested or convicted, or perhaps even rightly accused of petty or minor violation they weren't even necessarily aware of. On the one hand, increased law enforcement might encourage cooperation through the better production of public safety – everyone feels better when a serial killer or armed robber is taken off the streets. Alternatively, would-be informants might view *any* interaction with law enforcement as cause for anxiety and prospective harm.

Each interaction has costs and benefits. An arrest for petty drug possession is one less person that is likely to report a burglary in progress. An innocent citizen held overnight by police might be less likely to testify if they are later an eyewitness to a crime. Speed traps result in fewer traffic officer patrolling the restaurant district after happy hour for impaired drivers. A citizen that is intimidated or threatened by law enforcement is one fewer collaborator, and potentially one more adversary. A prostitution/escort sting can result in fewer sex workers willing to call the police when they are attacked by a john or pimp. A free society can only function when the citizenry-law enforcement relationship is collaborative. Officers are not at war with citizens - they *are* citizens.

### ***Data from Pre-existing Relationship: Texas Vice Enforcement***

We propose to create a unique data set from a research agreement already in place with one of the largest law enforcement agencies in Texas to conduct a first pass at a cost-benefit analysis. These data were made available to the researchers through a proprietary research agreement, but offer considerable insights over data that have previously been made available to the researchers. Specifically, these data contain the entire investigation file for each vice investigation from 2013-2016. Investigations include drug offenses to investigations of human trafficking rings. Importantly, investigations files include law enforcement efforts that result in arrests, as well as investigations that did not.

We divide our data along several dimensions to generate inputs and outputs to be utilized in conducting a cost-benefit analysis of drug crimes. Specifically, we divide our data between drug crimes and all other crimes handled within the vice division. We then utilize records of the number of investigations that resulted from proactive investigations as opposed to tips that were received by the agency. We will then proceed to determine how changes in the number of proactive investigations impacts a variety of measures of cooperation in other investigations.

Specifically, we will utilize the structured information from within our data as well as several unstructured pieces of information to generate measures of trust from the community. In particular, we will determine the number of instances that an officer records a witness that is not willing to provide information, stops cooperating with the authorities, or changes their story. Additionally, we will generate general measures of cooperation from the community, such as no witnesses coming forward with information. Combining this information with measures of proactive policing engagement, we will then examine the relationship between measures of cooperation and the effort put into proactive enforcement. To attempt to overcome some of the endogeneity concerns related to community-police interactions, we will make use of an agency policy change related to

sex-related investigations. Specifically, in 2014 the vice division ceased arresting prostitutes, focusing their efforts exclusively on the demand side of the sex services market.

Since the sex services and drug industries often share a relationship, we will make use of this interdependence to determine how proactive policing in both the sex services and drug markets are impacting witness cooperation in drug related investigations. Utilizing the shock to the sex services investigations, we can examine how the absence of proactive investigations of the supply side of the sex services market is impacting witness cooperation in drug and other vice-related investigations.

### ***Prospective Data to be Collected***

In addition to the work described above, we propose the creation of an entirely new set of records of police interactions with the community. We believe that any given department stands to benefit from tracking as many officer-citizen interactions as possible. Beyond just arrests and citations, a department creates its reputation, and builds relationships, with every conversation on the street, every stroll down a sidewalk, every interview with a potential witness. These can and should be tracked. A simple three-button clicker - counting conversations, evaluating them as positive, negative, or neutral, would serve to radically increase the information held by department leadership. At a finer grained level, reviews of body cam recordings of interactions and outcomes - watching game tape - could revolutionize law enforcement the same way it has revolutionized sports. A simple list of things that could be recorded or counted

- Conversations had, percent initiated
- How many times an officer touches their sidearm per conversation
- How many times an officer initiates physical contact
- Steps walked versus miles driven
- Personal business cards handed out (thus allowing for private conveyance of information)
- threats (of arrest or of a physical nature)
- insults
- promises of safety or anonymity
- geographic variety and range (i.e. area covered, local changes per shift or hour)

The outcomes, and benefits, could simultaneously be tracked in greater detail than perhaps ever before. Departments would be well served to track:

- tips received
- incidents reported
- time to interaction after incident report
- witness testimony agree per arrest
- witness victimization and safety
- plea bargain rate
- anonymous complaints about officers

Departments would also be well-served to design data to be easily integrated with non-department data from

- Hospitals and emergency rooms
- homeless and other public services
- personal bankruptcy and unemployment data

### *Summary*

It is our belief that the ability to measure the impact of police actions, arrests, and interactions with citizens is critical to allowing cost-benefit analysis to illuminate and motivate law enforcement decisions and strategies. While budgets and evaluations remain narrowly considered, the costs and benefits of officer actions are decidedly cross-department, cross-division, and cross-specialization. The creation of novel, fine-grained data about both the relationships that officers have with the communities they are policing - both as enforcers and collaborators – will prove useful to informing resource allotment, enforcement focus, and broad strategies that stand to minimize counter-productive policing and maximize public safety and security.