



The Ferguson Effect Reinterpreted

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Most people recognize that the United States is experiencing a social change that has the possibility to be interpreted by future historians as transformational. A substantial component of this change has affected the law enforcement community in an unpredictable manner. In fact, this societal shift has not only affected the manner in which law enforcement conducts its daily business with the community, but also impacted the expectations that communities have regarding the services they receive from their respective police departments.

Although there have been multiple incidents that can be linked with this change, the one that probably most thoroughly captures the essence of this transformational era is the shooting of Michael Brown by a police officer in the city of Ferguson, Missouri, on August 9, 2014. Despite many people never having heard of Ferguson before this incident, the riots and public outcry for justice quickly made Ferguson a household name.

In the law enforcement community, the Ferguson incident became a cause for concern as many law enforcement professionals began to ask difficult questions about their role with their community members in light of these shooting incidents.

While some law enforcement professionals became defensive of what they perceived to be an unfair and a biased regard for their profession, others were alarmed at the mere possibility that this incident could be replicated in their own communities. Although the debate directly surrounding Michael Brown's death has subsided, the incident left a rift between communities and law enforcement. The phrase "Ferguson Effect" was first coined by St. Louis Metropolitan Police Chief Sam Dotson in 2014, when explaining climbing crime rates, to describe the duality of officers performing fewer preemptive strikes on criminals and the criminal element simultaneously feeling more empowered by the environment.⁽¹⁾ It is also relevant to note that while the term references the Ferguson incident, several other high-profile police use-of-force incidents (e.g., Eric Garner, Tamir Rice, Walter Scott, and Samuel Dubose) occurred in the months before and after the shooting of Michael Brown that contributed to this potential "effect." As police resources have been diverted to the management of civil unrest and related preparedness training, an enhanced focus on de-escalation and use-of-force training has surfaced, and a

reduction in officer self-initiated activity—with simultaneous increases in crime—has taken place in many jurisdictions. As a result, the Ferguson Effect has continued to garner attention and maintain relevance with law enforcement officials and criminologists alike. Former FBI director, James Comey, stated that he believed less aggressive policing was driving an alarming spike in murders in many cities and that a "viral video effect"—officers' wariness of confronting suspects for fear of ending up on a video—"could well be at the heart" of a spike in violent crime in some cities. Comey first raised the idea that a "chill wind" had deterred aggressive policing, telling reporters,

There's a perception that police are less likely to do the marginal additional policing that suppresses crime—the getting out of your car at 2 in the morning and saying to a group of guys, "Hey, what are you doing here?" Conversely, some criminologists and others believe the Ferguson Effect results from a lack of public trust that causes less community members to call the police even when a situation warrants it.



As University of Missouri-St. Louis criminologist Richard Rosenfeld stated, *When the perceived legitimacy of the police is in decline, community members take matters into their own hands, because they perceive that the police are simply not going to provide the kind of protection the community desires.*

(3) With violent crime generally trending up over the last two years in an environment of increased racial tensions, it appears there might be merit in the concept of a Ferguson Effect in law enforcement, at least within the United States. Although it is difficult to find objective data substantiating a Ferguson Effect, early trends and after effects suggest its existence. The authors suggest that there are two schools of thought regarding the origins of the Ferguson Effect:

1. Officers are less inclined to engage in proactive policing due to fear of negative publicity, scrutiny, lack of support, or public condemnation, while the criminal element feels empowered and has become more brazen.

2. The public's trust in law enforcement has waned, thus

causing them to be less likely to report crimes and ask for police assistance while being more likely to take matters into their own hands. Anecdotal evidence suggests that a blend of the two has taken place: officers, many times, seem to have become more reluctant to proactively engage in self-initiated activity, while the public's trust has also decreased in some communities. However, fully understanding the various dynamics involved requires a closer examination of all the aspects. These relevant aspects for law enforcement include failure to direct the narrative, generalization of police officers, leadership, use of force, and building equity prior to a crisis. Although not included in this list, it's important to also acknowledge the reality that police oversight, accountability, and community engagement serve as important components in the continuing efforts to professionalize law enforcement.

Failure to Direct the Narrative

Law enforcement officers have been throwing footballs with kids for decades! Nonetheless, as a profession, law enforcement has

historically done a terrible job of creating and directing an accurate narrative regarding the nature of policing. To better understand this obvious shortcoming, one must consider the possibility that many police officers have type A personalities and are committed to helping people and solving problems, then moving on to the next call or crisis. While this tendency allows officers to be efficient and effective, it has also had the negative side effect of not allowing for police officers to take the time to educate community members on the realities of the profession. It is a widely held belief by the public that most police officers spend the majority of their time in the enforcement mode, writing citations and making arrests, when the reality is the majority of police work revolves around problem-solving and improving the quality of life for community members. It is critical for police departments to embrace the use of social media to take control of their agencies' public images and direct the narrative of the law enforcement profession in lieu of leaving it to the media and others to tell the story.



The media inclination to cover use-of-force incidents, such as with the prolific coverage of Ferguson, has influenced the perception of the general public. However, enhanced and proactive use of social media and concerted efforts to improve relationships with media partners in order to regularly push positive outcome stories has already resulted in an improved perception for many departments.

Generalization of Police Officers

The Ferguson Effect seems to have furthered a generalization that all police departments and officers are the same regardless of agency, geographic location, past history, adherence to best practices, level of training, or departmental philosophies. As an analogy, if one goes out to eat and receives poor service or bad food then that person will remember that experience when and if they choose to return to that restaurant. If the same person goes out to eat the next week at a different restaurant, then the previous negative experience will not be relevant since it is not the same restaurant. Why is this? It's simple, of course. The two dining

experiences occurred at different restaurants and will be seen by the patron as completely separate and distinct experiences. However, in policing, this distinction does not usually exist in peoples' minds. Why not? The potential answer is relatively simple—regardless of department or location, police uniforms look very similar, so people unconsciously link officers all together. Therefore, when a high-profile event occurs in one city, the public might attribute this type of event to many other police agencies (based on similar outward appearances of officers) in terms of policies, training, expectations, levels of service, and accountability. As a result, law enforcement is often only as strong or credible as the weakest agency, which places a responsibility on every law enforcement executive to ensure that his or her agency is not only adhering to minimally acceptable standards, but also embracing and demonstrating best practices.

Leadership

A recent Pew Research Center survey, conducted by the National Police Research Platform of

almost 8,000 police officers from departments with at least 100 officers, rendered some interesting findings, which included the following from the respondents:

- 86 percent say fatal encounters between police and blacks have made policing harder
- 93 percent have become more concerned about their safety
- 76 percent have been more reluctant to use force.
- 75 percent believe interactions between police and blacks have become more tense
- 72 percent have become less willing to stop and question people who seem suspicious⁽⁴⁾

This Pew research may support the theory that a Ferguson Effect does, in fact, exist. Law enforcement leaders must understand that part of this effect is the toll that constant scrutiny of police officers takes on frontline personnel. Consider the level of frustration for the vast majority of police officers who are noble men and women and dedicate themselves to the difficult task of protecting and serving people while, at times, being verbally abused and physically attacked by some of those they serve.



It is imperative for police leaders to constantly communicate with their officers and reassure them that most people are good people who support the officers and are counting on them to remain proactive in preventing and deterring crime and apprehending offenders.

Another result from Ferguson has been officers' hesitation to use force for fear of personal or professional negative ramifications for them and their families. Leaders must be vigilant in providing the best training and equipment related to de-escalation and use-of-force options and reassure officers their actions will be supported when force is used properly. Officers must know their agency leaders will not permit political pressure, negative media attention, or inaccurate public opinion to sway their support of legitimate actions by the officers. Leaders must continuously reiterate to officers that their safety is of paramount concern and remind them that any hesitation in the proper use of force could have severe or deadly consequences.

Many long-term law enforcement executives agree that there is a direct nexus between morale and

productivity. Officers must feel empowered in order to be willing to address suspicious activity and circumstances through proactive subject stops based on reasonable suspicion or through proper consent. Leaders must understand that these actions are critical to effective crime control and that adherence to policy and best practices and communication with community leaders is imperative to maintaining public trust.

Many lessons have been learned from Ferguson regarding the importance of community and equitable policing; building relationships prior to a crisis; and how to better manage officer-involved shootings, high-profile demonstrations, and protests. Perhaps the real focus in Ferguson should have been how the officer could have been better trained and equipped; what could have been done, prior to the shooting, to have possibly avoided the use of deadly force; and what lessons can be learned regarding foundation-building through community engagement and post-incident management.

Within a short time after the shooting in Ferguson, many public leaders

seemed to rush to judgment prior to having accurate information or all the facts of the incident. Furthermore, after some of the initial information spread through media and social media was later disproven, many leaders failed to publicly correct this false information. This was a leadership opportunity lost, as some of the erroneous information from Ferguson tends to live on today and has negatively affected the perception of the police profession. Post-Ferguson, a trend seems to have developed where all officer-involved shootings are categorized as improper in the public's mind until proven otherwise. To mitigate this, law enforcement leaders must provide transparency in regard to officer training and use of force, as well as accountability when force is used. They must also be proactive in providing information regarding the proportionately low numbers of uses of force when compared to overall citizen-officer contacts. Finally, leaders must be on the front lines in strengthening bonds of understanding and patience and forging genuine relationships with community leaders.



If accomplished, these relationships should allow for a “pause button” to be pressed following a high-profile incident so law enforcement leaders can gather the facts. Once accurate facts are organized in a digestible manner, they can be disseminated to community leaders in an effort toward independent reviews of circumstances specific to an incident and enhanced unity, understanding, and thoughtful dialogue.

Use of Force

Recent work by the *Washington Post* compared the number of deaths caused by police in 2015 to the number of deaths caused by police in 2016 and found them to be similar.⁽⁵⁾ This research suggested that perhaps police reforms and de-escalation training were not working, since there was no significant decrease in officer-involved deaths in the two-year comparison. It is feasible to think that enhanced training and heightened levels of adherence to best practices need more time to develop before measurable results, such as a decrease in the number of deaths, will appear. However, let's also explore another theory. Is it possible the Ferguson Effect

aspect of emboldened criminals has resulted in less hesitation to use force *against* the police? Are more people prone to challenge the police post-Ferguson? Is there an increase in incidents of enticing police to use deadly force (i.e., suicide by cop)? If so, then maybe the number of deaths caused by police in 2015 is similar to the total for 2016 because better training and improvements in policy and practices are working, but the positive changes are offset by increased violence against officers.

Recently in Grand Prairie, Texas, a vehicle pursuit ended when the driver of the suspect vehicle drove into a residential driveway and quickly exited the vehicle. As the suspect got out of his pickup truck, he immediately assumed an aggressive shooting stance toward the primary officer (K9 officer) and yelled at him that he was going to shoot him. The officer was able to immediately revert to his tactical training and awareness and quickly realized the suspect did not have a firearm in his hands. The officer de-escalated the situation and released his K9 partner, who engaged the suspect and facilitated his custodial

arrest. Upon viewing the video, it was clear the suspect was enticing the officers to shoot him, and there is a misperception in many communities that police officers resort to force in most cases. The authors would argue, instead, that most officers use deadly force less often than they legitimately could. For example, in the aforementioned scenario, the back-up officers were farther back and could not clearly see the suspect's hands. Nonetheless, instead of immediately firing their weapons to stop the perceived threat, they relied on their training, worked as a team, and used restraint when deferring to the K9 officer's judgment, since he was much closer. This incident was recorded by an in-car camera, and the video was released to the public for three reasons: (1) to illustrate the split-second decisions officers regularly face when performing their duties; (2) to provide an example of the proliferation of suicide or attempted suicide-by-cop situations; and (3) to highlight the great work of officers and better tell the profession's story, including the fact that police officers do not always use force when legally justified to do so.



Building Equity Prior to a Crisis

It is generally accepted that the Ferguson shooting was the precipitating event or release point of long-standing feelings of frustration and public perceptions that the police department was not committed to a community policing philosophy and was oppressive in its approach. Most law enforcement practitioners would probably agree that community policing and, more specifically, community engagement is a philosophy and mind-set that is critical to building public trust and creating equity, much like putting money in the bank, for a time when a controversial incident occurs. For the best outcomes, community members must view their police departments as legitimate, which is based on trust and respect. In order for law enforcement to garner optimal levels of respect as a profession, the public must know when they call 911 or contact a police officer, they will receive good service from a legitimate professional whom they can trust. The best way to attain legitimacy is through the concept of procedural justice, which is built on four elements:

1. People want an opportunity to

explain their situation to a police officer before police make decisions. 2. People react to evidence that authorities with whom they are dealing are neutral. This involves officers making decisions consistently that are not based on personal opinions and biases.

3. People are sensitive to whether they are treated with dignity and their rights are respected.

4. People focus on cues that communicate information about the intentions and character of the legal authorities with whom they are dealing (trustworthiness).

Relationship building is a key to effective community policing, and engagement with available stakeholders and community partners serves to build a foundation of trust through accountability and transparency. Perhaps the term “community policing” is antiquated, and it’s time to adopt the comprehensive mind-set in the policing profession that community policing *is* policing. If put into daily practice, community engagement can humanize police officers, as well as humanize interactions for those served by those officers. By raising professional expectations

and hiring individuals of strong character who are committed to service, police departments can build equity prior to a crisis. This equity could well result in heightened tolerance so that when officers do err (or are perceived to err), patience and dialogue are the preferred method of communication as opposed to riots and protests. identify areas for improvement of service.

Moving Forward

The reality is that race relations in the United States, particularly between many minorities and the police, are fraught, and interactions between officers and minorities in general are tense from time to time. It is imperative in the modern era of policing that law enforcement agencies effectively lead in celebrating cultural differences and diversity instead of allowing differences to drive people apart from one another. Fear of the unknown and cultural ignorance must not be allowed to dominate and perpetuate stereotypes. In order to ensure that officers have the necessary social development necessary for productive interactions,



adequate training in communication must be implemented. Improvement in policing must come through increased accountability and transparency; adoption of and adherence to best practices in the profession; thoughtful media relations and proactive use of social media; emphasis of de-escalation training and less lethal options, while retaining safety for officers; consistent leadership at all levels with a commitment to community policing; openness to independent assessments of deadly force encounters; and a commitment to officer wellness. While it is incumbent upon law enforcement professionals to improve community relationships, community members must also step up and understand that, far too often, police officers are unfairly expected to solve many societal problems and injustices that fall outside their expertise and authority. Community leaders must take responsibility and ownership in working with the police and other stakeholders toward mitigating these issues. Communities, in general, must join officers in mentoring youth and advocate that police officers are societal heroes

and media attention of a select few incidents of misconduct does not represent the vast majority of citizen and officer contacts. If an “attack” on police officers perseveres, it may lead to fewer qualified applicants in the hiring pool and create a situation where many departments are forced to employ substandard recruits or reduce services, which could result in an increase in incidents of misconduct. More police officers commit suicide each year than get shot by felons, which supports the notion that law enforcement remains one of the most difficult professions in the world. Many communities believe the criminal justice system is broken and, unfortunately, the image officers hold for the profession often differs with the image held by some community members. Police leaders must remain steadfast in supporting their officers in their professional and personal capacities, acknowledging misconduct, holding the profession accountable, and continuously scanning the environment to progress toward improvement in law enforcement. Through community partnerships and engagement and treating everyone with respect and

dignity—every interaction every day, policing can align levels of service with a high level of respect from those served. Police leaders must be committed and dedicated to further improving the profession.



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NOTES:

[1] Lindsay Toler, Lindsay “The Ferguson Effect?” St. Louis Magazine, April 9, 2015, <https://www.stlmag.com/news/the-ferguson-effect-metrolink-ridership-falls-in-last-quart>; Christine Byers, “Crime Up After Ferguson and More Police Needed, Top St. Louis Area Chiefs Say,” St. Louis Post-Dispatch, November 15, 2014, http://www.stltoday.com/news/local/crime-and-courts/crime-up-after-ferguson-and-more-police-needed-top-st/article_04d9f99f-9a9a-51be-a231-1707a57b50d6.html.

[2] Eric Lichtblau, “F.B.I. Director Says ‘Viral Video Effect’ Blunts Police Work,” New York Times, May 11, 2016, <https://www.nytimes.com/2016/05/12/us/comey-ferguson-effect-police-videos-fbi.html>.

[3] Richard Rosenfeld, “2015 Homicide Rise and the ‘Ferguson Effect,’” (presentation, Distinguished Speakers series, University of Central Florida – College of Sciences, February 22, 2017, Orlando, FL).

[4] Rich Morin et al., “Behind the Badge,” Pew Research Center, January 11, 2017, <http://www.pewsocialtrends.org/2017/01/11/behind-the-badge>.

[5] Kimbriell Kelly et al., “Fatal Shootings by Police Remain Relatively Unchanged After Two Years,” Washington Post, December 30, 2016.

[6] Craig Fischer, ed., Legitimacy and Procedural Justice: A New Element of Police Leadership (Washington, DC: Police Executive Research Forum, 2014).