

**The Criminal Justice Conversations Podcast with David Onek**

**Episode #20: Bernard Melekian, Director, Community Oriented Policing Services (COPS) Office, U.S. Department of Justice (December 14, 2010)**

**Listen at [www.law.berkeley.edu/cjconversations](http://www.law.berkeley.edu/cjconversations)**

DAVID ONEK: Welcome to the Criminal Justice Conversations podcast, a coproduction of the Berkeley Center for Criminal Justice and the Berkeley School of Journalism. I'm your host David Onek. The podcast, recorded in the Berkeley School of Journalism studios, features in depth interviews with a wide range of criminal justice leaders: law enforcement officials, policy makers, advocates, service providers, academics, and others. The podcast gets behind the sound bites that far too often dominate the public dialogue about criminal justice to have detailed nuanced conversations about criminal justice policy.

Today's guest is Bernard Melekian, director of the office of Community Oriented Policing Services or COPS in the US Department of Justice. Melekian was appointed by Attorney General Eric Holder in October 2009 after more than 13 years as the police chief of Pasadena, California. During his time as

Pasadena chief, Melekian also served a term as president of the California Police Chiefs Association. He previously served in the Santa Monica Police Department for 23 years, where he was awarded a Medal of Valor in 1978 and a Medal of Courage in 1980. Melekian holds a bachelor's degree in American History and a master's degree in Public Administration from California State University at Northridge and is currently a doctoral candidate in public policy at the University of Southern California. And he joins us from a Washington, DC studio this morning. Barney Melekian, welcome to the program.

BERNARD MELEKIAN: Thank you, David. A pleasure to be here.

ONEK: Barney, let's start with a basic question. What does the COPS office do?

MELEKIAN: Well, I think the short version is we advance public safety through community policing. In point of fact the COPS office is an arm of the Justice Department that provides support to local law enforcement agencies. Both directly in the form of hiring and community policing development grants and indirectly through training and technical assistance, including a wide array of publications, training documents, and convening

discussion groups on various issues of import.

ONEK: You came to Washington last year after a long career in California in the Pasadena and Santa Monica police departments. I talked to some of your colleagues at the Justice Department in preparing for this interview and Assistant Attorney General Laurie Robinson, a prior guest on this show, noted what a huge benefit it has been to have a local law enforcement voice like yours in the department. Can you give an example of an experience from your California years that informed a recent decision you made at COPS?

MELEKIAN: Yes, I can. One of the things we're focused on, the entire administration is focused on, is this idea of outcomes versus outputs. So for example, I think the COPS office, while it has been known over the years for providing funding for hiring officers, I think one of the questions that I've been able to bring to the table because of my perspective is to ask what is it are these officers accomplishing?

How is it that we can best assist local agencies who are struggling across the country? The fact of the matter is we want to maximize the input of the federal grants and I think that the

experience in local law enforcement has sort of, has helped me to shape the discussion.

ONEK: How so, Barney?

MELEKIAN: Well, I think, I think quite frankly the tendency from sort of the centralized viewpoint if you will of the COPS office or of the Justice Department is very often in the theoretical. The issue of where that money goes and what it does when it gets there is not something that if you haven't spent time in a local law enforcement agency that you may have a clear picture of. So for example, as I said, the economy has been hitting these agencies across the country. I mean I could go on at some length about the struggles that police departments and sheriffs departments across the country are having and the reality is that the COPS office is not going to fix that.

What we are going to be able to do is bring funding, focused funding, to bear on solving local community problems. And I think helping chiefs and sheriffs with that discussion and translating those needs into the funding mechanism is a part of what I do.

ONEK: I want to get to questions about the fiscal crisis in a minute, but first I'd just like to ask what has surprised you most since you came to Washington?

MELEKIAN: That's an interesting question. I think there's a lot of things that have surprised me and almost all of those surprises are positive. I think, like a lot of people who are not experienced in Washington ways, I probably came with sort of a stereotypical picture in my head of what I was going to encounter in terms of dealing with the federal bureaucracy. And the fact of the matter is that I have not. I don't know that I have both at the career level and the political appointment level, the people in the Justice Department are just incredibly focused on making the communities of this country safer. And that level of commitment, quite frankly, I didn't necessarily expect it.

ONEK: OK, let's turn to the fiscal crisis. It's really impossible to talk about policing today without talking about the fiscal reality many police departments are facing. You and I were in a meeting in Sacramento with California police chiefs a few months ago and this was certainly the number one topic of discussion. As you know, in most police departments, about

90% of the budget goes to personnel. So it is very hard to make significant budget cuts without layoffs, which we are seeing all over the country.

Here in the Bay Area, Oakland laid off 80 officers this past summer. In the past few weeks in New Jersey, Newark laid off 167 officers and Camden just laid off half of its force, 180 officers. Is policing in America fundamentally going to have to change due to these limited resources?

MELEKIAN: I absolutely think that five year, ten years out the delivery of law enforcement services in this country will look profoundly different. The layoffs that you mentioned have been replicated in cities and counties across the country.

Pontiac, Michigan, a city of 66,000 people is preparing to close down its police department. The delivery of services is going to change in ways that I think there are some things that we don't even know that they're things yet. But there is going to be a fundamental shift.

I think the use of, for example, a difference in patrol service delivery model, a redefining of the roll of what patrol officers

are supposed to do. An increased role for community volunteers are just a few of the examples that I think are going to sweep across the profession over the next few years.

ONEK: Can you give a few other examples of what you think is going to have to change given that the staffing levels that police departments have enjoyed in recent years are gone, perhaps never to come back to those levels?

MELEKIAN: Well, I'm not sure that they ever will come back because I think one of the harsh realities of city and county budgets and I can't remember if you mentioned it, but I was the acting city manager in Pasadena for nine months in 2008. And one of the things that I was struck with was the significant percentage of the general fund budget that public safety expenses make up. And law enforcement is a big part of that.

Those, I think, as the economy recovers and it will recover, but as it recovers I think city managers and county administrators are going to be very reluctant to allow their general funds to move in the direction of 40, 50, 60%. So having said that, the changing nature of services and what agencies respond to and probably more importantly how they do it is going to have to be

examined very closely.

I think, for example, the issue of response to alarms. In most agencies responding to a burglar alarm takes up somewhere between 12 and 15% of the total number of radio calls, with a 99% false rate. I think that has to be looked at. The, as I said earlier, the involvement of a greater number of civilians and citizen volunteers, and incorporating those volunteers into your agency as a force multiplier is going to be a critical part. I think anything that looks at what is the role of the department and what services should they be bringing to the communities they serve and how can that be done is what's going to need to be examined.

ONEK: And we've had chiefs on this program, we've had a number of chiefs, but in particular thinking of Anthony Batts in Oakland facing the budget crisis. George Gascon in San Francisco is thinking of innovative ways of using civilians. And so this is a discussion that will continue. What role can the COPS office play in helping these local chiefs?

Obviously historically COPS has given out a lot of grants to hire officers, but the demand far exceeded the supply in the

last rounds of funding. So how do you decide which departments get the funding, number one? And number two, what is COPS doing to help above and beyond providing funding for officers?

MELEKIAN: Let me take the second part of your question first. Above and beyond the direct funding for the hiring, probably the second most important role that we play is in the area of convening. Of bringing together chiefs and sheriffs and executives from around the country to have, to share best practices, to have discussions about how to deliver services. For example, I have a meeting later this afternoon, a planning meeting, to bring together a group of chiefs including Oakland and Camden and Newark and Pontiac in January to sort of share how each of those agencies has dealt with the dramatic cuts that you describe. That, in turn, will be sort of encapsulated into a report that'll be sent out to the field.

ONEK: Well, that's got to be incredibly helpful for those chiefs to be able to talk to their peers who are going through the same very difficult processes that they're going through and to share innovative ideas about how they're dealing with it.

MELEKIAN: And that's exactly the motivation for having this

gathering.

With respect to the hiring, and you accurately pointed out that demand far outstripped supply. In 2009 we were about to fund 14% of the agencies that applied. And last year, this current year, we were able to fund 8%. That compares to funding over 90% back in the 1990s and it's not because of a lack of available funds, it's because of the demand.

The fact of the matter is that we have to explain and have had to explain to chiefs and sheriffs and mayors that COPS funding was never intended to serve strictly as a hiring mechanism.

It was always intended to advance public safety. It was always intended to advance community policing as an operating philosophy. And now we've got an opportunity because we are not funding in 90% range to take a look at what criteria we're using.

So, for example, this as we go into 2011, there's going to be the application process will really be focused on identifying community policing practices, both that the agency has employed in the past and what they propose to employ going forward. The agencies will be challenged to identify what community problems

they're looking at dealing with. And how do they propose to deal with it and how will the presence of those officers help.

One of the most significant changes, I think, is an emphasis on multiagency priorities. Meaning that while one agency may apply for a certain number of officers, those officers are employed in some kind of a task force or outreach that benefits multiple communities dealing with the same problem. Then we feel like that we've maximized the impact of federal dollars.

ONEK: Now you talked about the convenings you've had and you've had a few recently. One recent one on "procedural justice" and "values-based policing." And I wanted to ask you a little bit about that "values-based policing" is something you've talked about throughout your career and changing the question for officers that they ask themselves from 'Can I do this?' to 'Should I do this?' Can you elaborate on that?

MELEKIAN: Yes. You know one of the things that has struck me over my career and particularly, you know, as I advanced in experience, if you will, is a recognition of the difference that officers and deputies make in the lives of people that they come into contact with. And very often when you look at the flash

points between the police and the community and whether that's over issues of race and ethnicity, whether it's over issues of economics, it generally comes down to a sense of the community feeling disconnected from the officers that it serves.

And as I sort of studied that phenomenon, I know from experience that 99.9% of the police officers who go to work every day are sincerely motivated to making lives better for the people they come in contact with. And yet very often that doesn't register. That's not perceived on the other end of this. And in studying the phenomenon, what became apparent is that internally I think that law enforcement administrative processes don't always mirror what it is that, don't mirror the values that we would ask officers to bring to the field.

So, for example, we ask officers to make problem solving kind of decisions to make life better for people, to ask to think in three dimensions, if you will, rather than two. And I can give some specific examples if you like. But the fact of the matter is then when those same officers go into their police department, do their administrative processes, do their internal affairs processes, treat them in the same way.

And the whole concept of procedural justice and of values based discipline and values-based policing says you know what? Our job is to go out and do the right thing and not think in the two dimensions of the law and policy. That, you know, in very broad terms is the focus of what those two terms are about.

ONEK: Sure. Speaking about procedural justice a little more and the work of Tom Tyler, I know that you recently had a roundtable that COPS and I think the National Institute of Justice cosponsored where Tyler and others spoke. What are the challenges in bringing these ideas, this research that really shows that the way to get people to obey the law, the way to get people to work collaboratively with the police department is very simply if people will do that if they feel that law enforcement decisions are made fairly? And if they feel that they are personally treated fairly and respectfully, how do you take that kind of philosophy and start from a federal level and start to try to operationalize it down to the local level?

MELEKIAN: I think, I mean I think you framed the challenge perfectly, particularly from the federal level. And I think the answer is several-fold. One is that we continue to sponsor the discussion and bring the concepts to the field and challenge

people to think about them.

I think in some ways the economic challenges that we were discussing earlier present an opportunity. As we talk about shifting the service delivery, we also have an opportunity to sort of shift the focus of how police interact with their community because they are going to become more dependent on those communities for support and assistance.

I think challenging a review of administrative processes and taking a sort of outside the legalistic box look at decisions that officers make. Very often, you know, if you look at an integration of values and policy, there are two areas that become very challenging for police chiefs and sheriffs. One is when the officer's action may have been technically outside of policy, but it was the right thing to do. And even bigger challenge, and very often one that the public simply does not understand, is when the officer's actions were in policy or perfectly legal, but everybody agrees that they were absolutely the wrong thing to do.

ONEK: And that gets back to the questions that you've been asking. It's not can I do this, but should I do this?

MELEKIAN: Exactly. And what Professor Tyler talks about in his initial research was really about the interaction between police and the community, which was that his studies found that people cared less about the outcome than they did about they were treated during the interaction. So, for example, if they got stopped for a ticket by an officer, whether or not they actually got the ticket had less to do with how they feel about the officer and about the police than how they were treated.

Values-based discipline, values-based policing takes it one step further and says that if those, the actions that you want the officers to take in the field have to be mirrored inside the police station. I think that distinction and that focus is going to become more critical in the years ahead.

ONEK: Let's turn now to a very interesting program in Milwaukee, the Milwaukee Homicide Review Process. You recently announced a partnership with the Milwaukee police department to replicate this innovative program, which is a unique strategy for using problem solving approaches to not only solve current homicides, but also to prevent future homicides. An evaluation of the Milwaukee program showed that police districts where the

program had been implemented experienced a 52% decrease in the monthly count of homicides compared to just a 9% decrease in the control police districts. Can you tell us more about what this process is and what the COPS office is doing to bring it to more localities?

MELEKIAN: Well, at this point I think it was a program actually modeled or originally came out of Chicago and the focus was an interesting one. It shifted away from the suspects to sort of an analysis of victimology. And about you could intervene in the lives of young people, particularly those young people who were seen as being significantly at risk for becoming a victim of homicide.

The Milwaukee programs shows, I think, some significant promise and what we want to do is work with NIJ, and this is one of the, when we talk about best practices, one of the things that the office tries to do is to figure out what it is that works about a particular program that would be portable. There may be some aspects, and I can't answer this part of the question yet, there may be aspects of what Milwaukee has accomplished that are particularly unique to that jurisdiction. But there are maybe pieces that, like the victimology analysis, that

is easily portable to other urban areas. So we're looking at that and that's where our publications and in some cases our community policing development funding, which is where I believe the Milwaukee funding came from through our community policing development arm. Hopefully will help us identify those characteristics that can go on to other cities.

ONEK: Another innovative new program at COPS is the teaching police department initiative. Can you tell us about that initiative?

MELEKIAN: That's a program out of Providence, Rhode Island and that's one of the most exciting things to come down the road in a while, I think. It's based on, it's a training model that is based on medical best practices. And it's a partnership between the Providence Police Department, Roger Williams University, and I think John Jay College as well.

And the idea is to look at various aspects of training and instead of using the kind of straight student teacher model, uses a more sort of a more Socratic based method. One example, for example, a doctor who has a significant case will very often be required to present the facts of that case to a group

of doctors and to answer questions and probing inquiry on the part of his colleagues with the idea that all of these people are going to contribute to that doctor's ability to treat his patient.

One of the aspects of the teaching police department is to say well, why can't we do something very similar in homicide investigations? And suggests that a homicide detective might stand up in front of a group of other homicide detectives and have this sort of group discussion, but as a standardized training piece through Roger Williams to touch supervisors and mid-managers with the ideas of procedural justice and values based policing and those things. And the idea is that they will then go back to their agencies with a very different focus.

I think and I've been aware of this program before I came to the COPS office or before I was aware of the idea, and I think in terms of law enforcement training it may be one of the most revolutionary things that has been undertaken in quite some time.

ONEK: You have a master's degree and are currently a PhD candidate. How has your own academic career influenced your

thinking on this initiative?

MELEKIAN: Well, my doctoral, my master's was in public administration and my doctoral work is in public policy with a specific focus on the implementation of values based discipline systems. I think all of this, you know my experience as well as, my law enforcement experience as well as my academic experience, has really come together to say that the role that police officers play in our society, in determining the truth or falsity of the Constitution, in determining people's faith or lack of same in their government, is absolutely critical.

So anything that changes the focus of law enforcement and really helps individual officers understand the enormity of what they've been asked to do, I think we don't give line officers and line sheriffs enough credit for what they do to make life better in communities. And I think all of these kind of ideas, whether it's the education based discipline system in the Los Angeles County sheriff's department, the Milwaukee homicide program, the teaching police department in Providence, the values based discipline system in Pasadena, California, all of those are really saying the same thing. That we have to recognize that the line officers and the line deputies are truly

community leaders and not simply just agents of law enforcement.

ONEK: Now I want to turn a little bit to the history of the COPS office. It was of course created as a signature initiative during the Clinton administration and did not fare very well in the Bush years, where I think it is fair to say that many local law enforcement leaders felt ignored by the administration. The Obama administration vowed from the beginning to renew the frayed partnerships between the federal government and local law enforcement. What are you doing to show local law enforcement that the COPS office is once again open to partnering with them?

MELEKIAN: Well, I could certainly be happy to show you my travel itinerary for the last 13 months. One of the mandates from the Attorney General was to go and tell American law enforcement that the COPS office was back in the game. And we've tried to do that not just with our presence at events and conferences and meetings around the country, and not just the director, although that's been a significant part of my job. But was the entire office. With booth, with publications, with making ourselves available.

We have participated in discussions of various administration

initiatives that in some ways might be seen as outside of what has traditionally been seen at the COPS role. But we've been involved in the discussions --

ONEK: Can you give us some examples of that, Barney?

MELEKIAN: Absolutely. We've been involved in discussions with the civil rights section of the Justice Department and their work in New Orleans. We've been involved in some work about how we can advance community policing in Puerto Rico. Members of the office, including myself, have been involved in national discussions on public safety spectrum and the allocation of radio frequencies going forward.

Those are the initiatives, identifying initiatives, like the teaching police department are things that, you know, sort of stretch far beyond merely funding grants or making publications. But it is bringing both the internal expertise of the office and the external expertise of people we're able to gather from the field to bear and focus on local law enforcement problems.

ONEK: One final question on the future of the COPS office, how will the midterm elections, with Republicans taking over the

House and gaining seats in the Senate, affect the COPS office going forward?

MELEKIAN: Well, my hope is that, and I'm aware of some of the impacts that changes in administration had earlier in the decade. But I think part of that is the help. We have an obligation, I think, to make, help people understand that this really isn't just about grant making or about sort of a law enforcement jobs program. It really is about advancing public safety. And through community policing, I believe, one of the things that's going to come from the economy is a recognition that community policing is going to become more important and not less important.

The fact of the matter is that public safety and the achievement of community policing, which is really when you boil it all down, it's nothing more than building relationships and solving problems on a local, neighborhood level. That really transcends politics. It transcends political philosophies. And the I can't imagine a member of Congress not being concerned about the safety of people that live within their districts. They all are.

The question is how do we get there? And I think we have an

opportunity to make our case that community policing is the future of that, particularly in the face of what the economy is doing to local agencies.

ONEK: Barney Melekian, thanks so much for joining us.

MELEKIAN: It was my pleasure, David. Thank you for having me.

ONEK: Please tune in next week when we'll be joined by Michael Romano, Co-Founder of the Stanford Three Strikes Project. Thank you for listening to the Criminal Justice Conversations Podcast. You can find this episode of the program, and all prior episodes, on our website at [www.law.berkeley.edu/cjconversations](http://www.law.berkeley.edu/cjconversations), on NPR KALW's website, and on iTunes. You can also become a fan of Criminal Justice Conversations on Facebook, and you can follow us on Twitter on CJ Conversations. The podcast is engineered by Milt Wallace. Our editor is Nancy Lopez. And our program intern is Sheridan Bloch. I'm David Onek. Thanks for listening.