

#26 (HANS MENOS)

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Jerry Ratcliffe:

This is Jerry Ratcliffe with Reducing Crime, a podcast featuring influential thinkers in the police service, and leading crime and policing researchers. Hans Menos is the executive director of the city of Philadelphia's Police Advisory Commission. We have a timely talk about police oversight, use of force, and accountability. Welcome to another episode of Reducing Crime, and another theme tune from a classic cop show. Well, in that case, classic seems a tad generous. The theme from the last episode, Episode 25, was The Streets of San Francisco. The theme from this episode opened a show that ran in the 1980s for five seasons, but I'm not sure that's necessarily a mark of quality. Keeping Up with the Kardashians now has 18 seasons.

Jerry Ratcliffe:

Anyway, did this month's theme ring any bells? Speaking of ringing bells, classic segue, for this month's episode I had the pleasure of sitting down and chatting with Hans Menos in Independence Square in the heart of Philadelphia. Independence Square is a stone's throw from Independence Hall and the Liberty Bell, and the site where the Declaration of Independence was first read aloud in public. Hans is the executive director of Philadelphia's Police Advisory Commission, tasked with enhancing the relationship between the police and the community. They provide recommendations on how to improve policing in the city by analyzing the policies, practices, and customs of the Philadelphia Police Department.

Jerry Ratcliffe:

Hans has an extensive background in social work, having been the program director for a domestic violence awareness project, working with domestically-violent men, a director of youth services in Brooklyn, and a senior director of the Safe Horizon Crime Victim Assistance Program in New York. He came to Philadelphia's Police Advisory Commission in 2017. He has a BA in political science, is a master of social work, and is working towards his Ph.D. We had a socially-distant chat on a couple of park benches and talked about the challenges of police oversight, Black Lives Matter, use of force, and different ways to move police accountability forward.

Jerry Ratcliffe:

The one thing that I was wanting to ask you about is how to pronounce your name.

Hans Menos:

Hans.

Jerry Ratcliffe:

Hans?

Hans Menos:

Yeah.

Jerry Ratcliffe:

And the last name?

Hans Menos:

Menos.

Jerry Ratcliffe:

Menos?

Hans Menos:

Yeah. Yeah. I mean, it's funny because my dad's name is Hans Menos, so I'm not the first one. There's two of us, and many of the people who want to come after me on Twitter have actually come after my dad, so just a note on that one. But I always make the joke that my dad is one of nine, and he's the last one, so they just ran out of names, but my family's from Haiti. It's actually a fairly common Haitian name. I actually know a few other Haitians named Hans.

Jerry Ratcliffe:

The first time I met you, saw your name, I was kind of half expecting a little German guy, not a tall, annoyingly good-looking Hispanic bloke.

Hans Menos:

Well, it's funny. This is the conversation I've had so many times, how many interviews I've gone to, where people expect a Nordic guy to come out because Menos can be easily considered Greek, and so folks generally have decided that some version of a Greek or Nordic man is going to be at their office, so I surprise everybody when I show up for job interviews or whatever else is happening. What's funny, I don't have a son. I have two daughters, but I've always said if we have a third and it's a boy, I would name it Hans.

Jerry Ratcliffe:

There we go.

Hans Menos:

Yeah. So, I like the name.

Jerry Ratcliffe:

So, you're like number two. You're going to set the standard and then see. You know?

Hans Menos:

Yeah. I wonder if my wife will go for it. So far, she's supportive. We'll see what happens.

Jerry Ratcliffe:

Now, you started doing social work, didn't you? You were a forensic social worker. I just can't imagine what it was like, because you were working with domestically-violent men. I can't imagine what that was like.

Hans Menos:

So, I started off working with victims of domestic violence, and what you'd find in those settings is how many folks had either gone back to their abuser or had a lot of repeat offenses and felt like what they were really wanting was not to leave this person, but was to make them better, to solve this problem, so to speak, of their day-to-day violence. So, I got it in my head, as an idealist that I tend to be-

Jerry Ratcliffe:

We all are like that when we're young, right?

Hans Menos:

Right, right. But this is a thing I could do. I could do this, and as a male social worker, I was uniquely positioned to do it. I went to some trainings on it and I bought a bunch of books, and I was like, all right, I'm going to do this.

Jerry Ratcliffe:

Those books will never get you anywhere.

Hans Menos:

No, no. To be honest, they didn't.

Jerry Ratcliffe:

As somebody who's written a couple of books, that's just warming to my heart. Thanks, mate.

Hans Menos:

I mean, honestly, it's because they all kind of acknowledged that there's a healthy percentage of people that this is not going to work for them, and that we're talking about, in many cases, folks who are master manipulators. So, if you are talking to them, and I know this firsthand, I can't tell you how many people who have beat their wife to a pulp that have cried in my office and made you want to really hug them, only to really do it again.

Jerry Ratcliffe:

That must be amazingly frustrating.

Hans Menos:

It was frustrating on so many levels, and I think if I'm being honest, some of the frustrating part in retrospect is my own contribution to it, and that is offering this idea that this person has changed, can change, or worse, that what they've done to their spouse should be separated from their relationship with their children. All right? I made that argument on more than one occasion, that this guy's great with his kids. His kids love him. Why are we commingling the two issues? That was incorrect in many ways, and sensitive in many others, and probably in a smaller number, okay to say, but in retrospect, that's probably one of my bigger regrets in terms of that time in my career work. Yeah.

Jerry Ratcliffe:

But it must have given you some real insights, because I'm guessing some of these people came to you, at least initially, through policing.

Hans Menos:

Well, right. Honestly, the bigger influence on police for me was my juvenile justice work. I worked in diversion and juvenile justice for about three or four years, and when I was working with those young people, I was dealing with a group of people in Brownsville, Brooklyn, in East New York, Brooklyn, and Coney Island, Brooklyn. So, these are kind of, in Philadelphia context, East Kensington, North Philly-type neighborhoods.

Jerry Ratcliffe:

Economically challenging.

Hans Menos:

Yes, yes. Underserved, so to speak.

Jerry Ratcliffe:

Yeah.

Hans Menos:

These are kids who, yes, their schools are failing, and yeah, the social services weren't there, but also, the police that they had in their neighborhood they did not trust, and they had real problems with. This is the height of stop-and-frisk also in New York City, and so that's really when I first started saying to myself, as a kid from the burbs, there's a much different issue with policing here in the city that I'm working in, and I need to think about this. As someone who wants to think about macro practice, how do we help our young people from getting involved in the system?

Jerry Ratcliffe:

I think you've missed your chance to get an ice cream.

Hans Menos:

Yeah. Well, probably. So, I remember at this time, Raise the Age was kind of a conversation in New York. So, in New York, the age of criminal responsibility was 16 at the time, and so what we were hearing kind of anecdotally was that the kids on Long Island, when they were arrested for a petty theft or an iPhone theft, something like that, the police would look at them and say, "Well, I'm going to bring you home. Because I arrested you, you're going to go to adult court," and then we'd hear the same thing happening in Brooklyn, but the cop would say, "Those are the rules," but I remember thinking this is how I experienced policing as a kid growing up in the burbs in New Jersey. I often had police officers, not that I got in a lot of trouble, but when I did interact with a police officer, they were more likely to tell me to go home, follow me home, and make sure that they dealt with it in that way. So, I almost assumed well into my adult life, and probably through my graduate degree, that this is how police acted.

Jerry Ratcliffe:

So, juvenile justice and social work at a really interesting time, I know we're going to get into talking about the Police Advisory Commission, but I'm really interested in your insights right now as to is this a time... Are we able to shift so much of the police work that people are talking about over to the social work side? I mean, in places like Seattle, they're talking about cutting the police department's budget by 50%, and I worry that we can cut the police budgets instantly, but how long will it take these other social services to ramp up, and do they really want to do this?

Hans Menos:

That part is an amazing question. I don't really think that we're ready for just a defund and refund, so we can't just defund one area and expect the other area to pick it up. I also don't know if it's fully solving the problem that we think it's solving. I think the primary problem it solves, certainly, is that whoever we send won't have a deadly weapon on them. So, if it's just stopping the use of deadly force against folks that it's unnecessary, maybe we'll solve that problem. All right? However, as a social worker who worked in juvenile justice, who worked in victim services, and who worked in the family court system, overall, those are incredibly racist system on their own rite.

Jerry Ratcliffe:

Really?

Hans Menos:

Yeah. I mean, juvenile justice, it's no secret the problems that go on there. Child welfare, the removal's just as bad in terms of racial dynamics, in terms of the numbers and the racism that exists there as any police action, like police stops, anything else. I mean, they trend in the same ways. When we talk about police shootings and how they've gone down and how police actions have gone down over the last few years, the same was true with child welfare removals, because they had to work really hard to understand that we're too likely to remove a child from a black family than from a white family.

Jerry Ratcliffe:

Do you think they were getting the same level of scrutiny that policing gets?

Hans Menos:

I'll put it to you this way. As a parent, if you were to ask me what would be worse, assuming I lived through a really harmful police interaction, a shooting or whatever, or you take my kids away from me for a week, I'd say, "Give me the police interaction," 10 times out of 10. So, it's worse in many ways, except for the deaths. I'm not trying to minimize those deaths, but the impact that a frontline social worker can have on someone's life, on a child's life, on a family's life, is immeasurable. It's just not as acute, and there's probably, if it's being done right, more oversight on that person in terms of their decision making, but that doesn't mean that we've made good decisions in child welfare.

Hans Menos:

So, if we take these same frontline folks and make them in charge of some of these other interactions, I don't know that we're going to get much better decision making. That doesn't mean we shouldn't try it. That doesn't mean that there's not a real validity to this, and I don't want this to read as saying, "Let's keep police the way it is." I think we do need to reconsider things, but I think to your point, if we're going to do this, it's not just simply our defunding and then adding and shifting that money to another area. We have to prepare these folks. We have to make sure that they're aware of what they're doing, really train them, really assess them, that we haven't done with policing.

Jerry Ratcliffe:

I think more the part that I think concerned me was the people who went into social work and necessarily geared up for that frontline holy shit moment as you're knocking on the door and you have no idea what's at the other side of the door, and secondly, if they are, you'll cut the police budget this year, but I think it's going to take years to get people recruited and trained and equipped and out there and experienced, and I just worry about the learning curve for the first year or two, when we may make these massive changes, and we're probably not going to do a decent job of evaluating whether we really do, because people have bought into them. They've bought into this as the ideology, and when you bind to the ideology, you don't necessarily want it evaluated.

Hans Menos:

I think you're right, and I think that what we're going to be looking at if we don't do it correctly is this situation where police lose the funding, but maintain all those same responsibilities.

Jerry Ratcliffe:

Yeah.

Hans Menos:

That would be a real nightmare scenario, if we had police officers with 20% less resources, but all the same responsibilities that they can barely handle now, so I think that's correct, and to your point, I don't know if a social worker right now is prepared to be up, not get up, but already be up at 2:00 a.m. to respond in January to a person who's been shot in the street, and their family is being really upset, or a mentally-ill person is having an episode, but isn't violent. I don't know. I don't know how that works in practice, and again, I wonder about the frontline staff. Are we recruiting from a much different pool of folks than the folks [inaudible 00:12:33] now? I don't think so.

Jerry Ratcliffe:

Yeah. Are we recruiting the same type of people that people seem concerned with now?

Hans Menos:

Right.

Jerry Ratcliffe:

Yeah.

Hans Menos:

Yeah.

Jerry Ratcliffe:

I think you raise a good point. Who wants to be up at 2:00 in the morning doing this kind of stuff?

Hans Menos:

Yeah.

Jerry Ratcliffe:

So, it'll end up being that's the time when you need it, but you'll end up having police being the backup most of the time, but you've taken away the police funding for that, but you're actually still asking them to go out, to turn up to at least 50% of these incidents.

Hans Menos:

I think that's exactly correct. So, I appreciate the theoretical ideas about defunding the police. I just wonder about the practicality of doing some of it, and I think that it's doable, but to your point, it may actually end up being that we can't defund unless we've gotten it right, because what do we do for that two-year ratcheting-up period?

Jerry Ratcliffe:

Well, you've also got... You've worked in social work. The sheer frustration at the lack of resources, I think the cops would be fine in some cases, probably not fine, but grudgingly accept taking on the role of dealing with people with mental health problems if you could provide the resources. I mean, I was just reading the newspaper. A county on the eastern shore of Maryland just built a new mental health facility, and they can take hundreds of outpatients a year, but secure beds, they have 16, and that facility costs \$30 million.

Hans Menos:

Wow.

Jerry Ratcliffe:

Now, you scale that up to Philadelphia, to what was actually required, because if we don't do that, these people that we're going to hire for this position are going to run into the same frustrations the cops have, which is, "I'm stuck with this person. I've got nowhere to take them."

Hans Menos:

Yeah. That's exactly right, and then the structural issues that are facing us go far beyond just who the first responder is, and I think that is something that we've missed as a country, and certainly as a city for quite some time now. What are we doing in order to actually support the folks of the frontline? Again, I'm all for police accountability, and I do think the police might be the wrong group to respond to some of these.

Jerry Ratcliffe:

I think many police would agree with you as well.

Hans Menos:

Yeah. I think that's where we have some synergy, but how would the police response look if they did have the right resources surrounding them?

Jerry Ratcliffe:

Are you finding that a lot of the things that you're looking into in your role, as the executive director of the Philadelphia Police Advisory Commission... I mean, tell me a little bit about just what that entails. What do you actually do?

Hans Menos:

Yeah. At the PAC, the Police Advisory Commission, we focus on the policy, the practice, and the custom of the Philadelphia Police Department, so we operate in many ways, and it's similar to some of the IG models of oversight around the country, which is that we are focusing on policy and practice issues. Customs are really just the more informal policies, informal practice issues. So, what we're looking to do is understand what policies and practices affect the relationship between the police and the community, how can they be improved, how do they exist, and where are they working better, or where do they exist, but they don't exist around the country.

Jerry Ratcliffe:

When you look around the country... There we go. If anybody was wondering if we were outside Independence Hall, that's 3:00, everybody, 3:00.

Hans Menos:

Is that what happens?

Jerry Ratcliffe:

Outside Independence Hall.

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Hans Menos:

I got to blame the producer for not knowing that was going to happen.

Jerry Ratcliffe:

That was really shit timing on my part. At least it's not 12:00, right?

Hans Menos:

This is true.

Jerry Ratcliffe:

So, when you look around the country, are you finding that the problem is policies, or because people are just not following the policies?

Hans Menos:

Yeah, I think it's a hybrid. Right?

Jerry Ratcliffe:

Right.

Hans Menos:

In some cases, we'll look at a policy or a practice, and it's great in writing or very good in writing, and then you look at the implementation, how it's being tracked, or if it's being measured or not, and you realize that's the problem, the implementation and the measurement, and not necessarily what's written down. We did an eviction policy here. So, evictions in Philadelphia, as you know, are a big problem. The issue was that the police policy and directive was great on this, but most police officers, when you asked them, including supervisors, because I got involved in a bunch of these, would say, "No, no, no. That's the Sheriff's Department. We don't get involved in those." They were just completely incorrect. So, that's a good example of where policy is good, but the practice was not.

Jerry Ratcliffe:

Is that a training issue? Is that a culture issue? How do you fix that?

Hans Menos:

Yeah. It's a complicated one. I do think that we rely on our supervisors to catch these issues, so our corporals, our lieutenants, our sergeants should be the folks who catch it. So, it's really a problem for me. It's a separate problem than a patrol officer not getting it, when a supervisor kind of cosigns this work. So, I think on some level, it's too much for a patrol officer to get, but a supervisor, we're expecting them to know more, and moreover, we're expecting that they are willing to do something simple like look it up, and I've asked a few folks in realtime, acute situations, "Could you look this up before you've kind of put the rubber stamp on this?" I've gotten a bunch of yeses, but I've gotten far too many nos to that. I know what I'm supposed to do here, and it's not what you're describing. So, it's the foundation.

Jerry Ratcliffe:

There's a sergeant just trying to bullshit through.

Hans Menos:

Right, right. Listen, we all do it. We all do it in our-

Jerry Ratcliffe:

We've all done it a few times.

Hans Menos:

Right, right. We've all done it.

Jerry Ratcliffe:

I actually think you would... You're actually one of these kind of switched-on people who've got your act together. I've bullshitted my way through half my life.

Hans Menos:

Oh, no, no. Trust me. Famously, I've bullshitted through quite a bit of things, and if you do it with enough confidence-

Jerry Ratcliffe:

It helps, doesn't it? Yeah.

Hans Menos:

... you sound like you know what you're doing. You can go on. If no one's checking, which in this case for these poor sergeants, I was, you can get away with it.

Jerry Ratcliffe:

The PAC also gets involved in some of the more high-profile incidents that happen in the city that are-

Hans Menos:

We do.

Jerry Ratcliffe:

... the things that I'm sure as soon as the commissioner picks up his or her phone, goes, "Oh, shit."

Hans Menos:

Yes.

Jerry Ratcliffe:

You've often released in-depth reports into some of the oh shit moments.

Hans Menos:

Yeah. We have, and we try and wedge it into how it affects the relationship within the police in the community, try and pull out large-scale issues. If a police does something that's incorrect, and it's a high-profile incident, I'm not terribly interested. Oh, I am interested, but I don't consider it my lane to talk about discipline of that officer, but I will kind of have a how did we get here conversation, or how do we prevent going back here conversation, to put it kind of plainly. So, we do do a bunch of those, with the exception of our GVI report.

Jerry Ratcliffe:

Which report's that?

Hans Menos:

GVI, so group violence intervention. This is a report that highlights how we're going to use what's formerly known as focused deterrence, now group violence intervention here in Philadelphia.

Jerry Ratcliffe:

It's what we've pretty much all known as focused deterrence.

Hans Menos:

Yes. It's effectively this idea that a small number of folks or actors drive violence, and that we can pull levers, and I just used the air quote mark, to get them to stop.

Jerry Ratcliffe:

It always works well [crosstalk 00:18:32]

Hans Menos:

Right. What we found, these initiatives have violated civil liberties, have led to over-policing, have led to a disconnect within the police in the community, and we felt like it's a good opportunity to provide guidance as opposed to criticize on the backend, so that's what we did here. We kind of just said, "Here are some lessons learned from across the country," because some of the civil liberties problems in the list of making problems are things that we think we should avoid.

Jerry Ratcliffe:

I think some of the problems of making these lists are they're never going to be perfect. We start to get into, essentially, crime prediction at that point, and I think some of the concerns that come with it are, look, there's a few people on this list that shouldn't be on this list, and they should always be looked at and always be improved, but I think if we're striving for perfection, we may never get there because we're dealing with human nature, is one part. The question also is, is it better than how we did it before?

Hans Menos:

Well, in many ways, it's kind of like its own de-policing argument. What they're effectively saying is that we want to identify these guys through law enforcement, but really, let social services take over the intervention. Are we funding that appropriately? I'll let you look at the budgets. I don't know that we are. We'll see what goes on with that, and also, to your point before, when someone's on the list, if it's an imperfect list, we're all okay with that. I'm okay with that, but at what point do we call it and say, "You've been on this list three months. We can't justify it anymore. Adiós, señor."

Jerry Ratcliffe:

That's a great idea in terms of transparency, which is, what do we want the rules to be? How do you get on the list, and how do you get off the list?

Hans Menos:

Right. So, that's one of our principal recommendations, is due process. If I'm on the list, can I challenge it, and who am I challenging it to, and it can't be the same people who put me on the list. It has to be another... Even if it's in the police department, at least another unit or somebody else that can say, "Okay, here's the evidence that got Hans Menos on this list that is making him be stopped more often, and when he is stopped, making him be treated differently."

Jerry Ratcliffe:

Yeah. I know you listen to Thomas Abt, and you're very familiar with his work. There is a role for focusing on... There are a few people in our community who deserve our love and attention.

Hans Menos:

Yeah. I mean, listen. We're in Philadelphia. The violence here is outrageous. I can't tell you... I can tell you. You know all about it, how bad it gets here. We have children being killed. We have retaliation shootings, and I mention retaliation shootings because those are the ones that we say we can predict and that we can prevent. We got to do something. I'm not one that says we shouldn't do any of these efforts that are evidence-based, but I think doing them smart is the best way to do them.

Jerry Ratcliffe:

You've looked at other ways to do levels of police oversight around the country. Your commission at the moment has even built into the title advisory.

Hans Menos:

Correct.

Jerry Ratcliffe:

How does that work in a city like Philadelphia?

Hans Menos:

Yeah. It really depends on what you want.

Jerry Ratcliffe:

If I go and ask the rank and file, I know what they want. I know what those guys want, and if I were to ask the commissioner's office, I know what her department probably wants. When you ask the city, they want something else. How do you deal with being pulled left, right, and center in different ways?

Hans Menos:

Well, it's funny. I think that consent decrees, not that I offer those, but consent decrees offer police chiefs a real easy way to push your forms through that they may have wanted, no one calling in the bad guy... That was the DOJ who's the bad guy. No one calling them too tough. The federal judge overseeing it was too tough.

Jerry Ratcliffe:

Well, it's funny you mention this because my last episode was with Danny Murphy-

Hans Menos:

I love Danny Murphy.

Jerry Ratcliffe:

... deputy commissioner in Baltimore, and the whole episode was about consent decrees and how the bloke looks like he's 12 years old.

Hans Menos:

Exactly right, first of all, and he's probably one of the more generous guys of his time. So, I was in a conference in New Orleans, and I said, "Hey, do you have any time?" randomly. He's like, "Well, if you come here from this time to this time..." Anyway, he made an hour-and-a-half just to kind of talk me through, and I still have learned so much from the way that they handle things, like procedural justice and body-worn cameras and how they use those, that I was actually talking about it today on a conference call, about how we are so woefully behind that as a city [inaudible 00:22:17] utilize body-worn camera footage, and how much more we can do to assess what's called lawful but awful, and to assess training issues, and to really push things forward, a lot of that comes from just my meetings and readings of what Danny Murphy has sent me. He's a great guy.

Jerry Ratcliffe:

Well, I think what they also did in New Orleans is that they've invested significantly in all the people that are required to sit and go through body-worn camera footage, to contact supervisors and say, "Hey, here are the seven things you need to sign off to say that you've looked at all this kind of stuff," and that's expensive.

Hans Menos:

It is, not more expensive than a lawsuit. All right?

Jerry Ratcliffe:

That's the answer, isn't it? Yep.

Hans Menos:

Yeah, and I think that oversight, and I say this kind of as my new catchphrase, it's even on our letterhead now, that oversight is public safety, and so those cops who are playing that role are providing just as much safety as a street cop who is responding to calls for service. I'm not saying it's the same level of danger, but I think that both are contributing to our safer city through their work. If we can really accept that, I think we're better off.

Jerry Ratcliffe:

Obviously, what drives a lot of this underneath is accountability. Are we doing police accountability the right way? Is there a perfect right way somewhere?

Hans Menos:

Well, I'm not sure about a perfect right way, no, but could we be doing better? Certainly. A lot of accountability really sets expectations, so it's unfair to folks to say, "Well, we're going to hold you accountable for X, Y and Z," when never being clear with the expectations. Then the backend really needs to be where I like to say is just calling balls and strikes. We effuse the personal. Oh, well, he's a very good guy, or he's a very hard worker, or he does a great service, and this is his one mistake. All of that's true, but I think that when we call a ball and a strike on a bad act, we can leave that conversation for the disciplinarian.

Hans Menos:

Who's the person who's meeting at this point? They can take all mitigation into account. But the proper investigation and the swift response is what's going to increase accountability, and it's going to make the residents of any jurisdiction have more confidence that their police force can please itself, which is something, again, that I'll point out is unique to policing. Not a lot of places get to police themselves. If they don't do it right by really providing transparent access to these investigations, then what we're forced with is folks who believe that police accountability, internal accountability is a farce. So, nationwide, what have we seen? A lot of folks are looking for external accountability. They want oversight boards to take over.

Jerry Ratcliffe:

Do you think they would actually do a better job? I mean, one of the arguments that I've heard more from overseas where some of the police departments have done more internal stuff is that if you're investigated by the cops, they know all the little tricks and the tweaks that you can do. They know the ways that you can kind of get round the system, and somebody external doesn't have that kind of level of knowledge.

Hans Menos:

I think there's a learning curve. Would that still be true 10 years after the body starts? I don't think that's the case, but my colleagues around the country that do this work, Chicago probably being chief amongst them, have a few things

that are critical, and one of those is direct access. One of the things that I suffer from and New York City suffers from right now in terms of body-worn camera is that they have to ask the entity that they're investigating for the footage and for the data.

Jerry Ratcliffe:

Oh, and they can slow roll you.

Hans Menos:

They can slow walk it. They can claim privilege. They can say, "Ongoing investigation," whatever it is, and that's even with good policy in place. If it's direct access, then it's direct access. There's no conversation about it, and there's nothing to worry about. The second is very clear powers. Again, it can't be a debate. One of the things that I suffered from recently was I told someone that I wanted to interview them, and they said that they weren't going to come to an interview.

Jerry Ratcliffe:

They just turned around and said no?

Hans Menos:

It's a lot more complicated than that, and I think we're resolving that, but the point is I have to resolve it. Unlike Internal Affairs, if they were to call a police officer and say, "We need you here by 4:00," that officer is there at 3:45.

Jerry Ratcliffe:

Hans, is there a collaboration model? Can you work in conjunction with Internal Affairs, or will it only work if you have a completely independent investigative capacity?

Hans Menos:

There are audit models that really are akin to this, and that's a model where the oversight body audits alongside for the cases that they choose, and is given a 30-day or so review period for all cases. So, if there's 1,000 cases and there's a hundred-person office, obviously they're not going to audit everyone closely, but those models exist. The challenge is that people aren't that patient, so folks want a frontline investigator to go on from the beginning, and not to pick it up at the hundred-day mark, or in worse cases, the 365-day mark, so a year in.

Jerry Ratcliffe:

Okay. So, that brings me to another way of thinking about this that I think worries some cops. If people aren't that patient, how do you avoid the Twitter mob and the rush to judgment that everyone is guilty on the first bit of video that gets uploaded to TikTok?

Hans Menos:

Some of that's easier than others. There are some, the George Floyd events-

Jerry Ratcliffe:

I don't think anybody's disputing that one.

Hans Menos:

Right. Exactly. So, we can take some of these instances and really put them away. All right? But some of my training has looked at how unreliable video can be, but I think you're correct, that folks generally want some resolution that's fairly quick, but they're willing to be patient. I don't know that what we've expected folks to do in the past is reasonable. We had a police shooting that was a year old this May. It only recently got declined as prosecuted over a year later. It begs the question for all those involved, why did it take a year? The reason why people are impatient is because of the lack of legitimacy that we've had. The Laquan McDonald shooting, why was that video buried, and why did it take so long to get that?

Jerry Ratcliffe:

Yeah.

Hans Menos:

So, this is a self-inflicted wound by governments and police departments. I think it's a bit of a tired excuse to say, "Well, people aren't going to get this." I think it's the opposite. What we need to do is if it's going to take a year, we have to, at the 30-day mark or at the whatever mark it is, explain why it's taking so long, and continuously give as much information as possible, and if that means that we are offering somebody technical jargon or something that we think they won't understand, that's fine.

Jerry Ratcliffe:

Are we resourcing this whole area well enough to be effective?

Hans Menos:

Police oversight?

Jerry Ratcliffe:

Yeah.

Hans Menos:

Oh, I think certainly not, and here in Philadelphia, I think Internal Affairs in Philadelphia, if they were to break off and be their own department, they'd be around \$21 million budget. My budget's \$540,000.

Jerry Ratcliffe:

Well, you just must be rolling in the dough, aren't you?

Hans Menos:

Right? It's a seven-person office. We went down from 11, which was the height of the size of the office. Other cities have kind of figured this out, Chicago, as I keep mentioning, but New York as well, and other jurisdictions around the country. Just tie it to the police department's budget. They come up with a percentage budget. If they defund the police, then they defund the oversight agency.

Jerry Ratcliffe:

But at the zeitgeist at the moment, this is important.

Hans Menos:

It's important, and I think the biggest mistake that we've seen in oversight over the years has been Newark, New Jersey, where they created a very powerful office and gave them a \$500,000 budget. That office was literally unable to even defend itself from lawsuits, and as a result no longer exists.

Jerry Ratcliffe:

So, they gave them power, but no money, no resources?

Hans Menos:

Exactly correct. All right? We can create a great office [inaudible 00:29:16] folks that think that this office is going to take over, and then not fund it appropriately, and just create more government skepticism and more of the same for the police and for the oversight agencies.

Jerry Ratcliffe:

I mean, in Philadelphia it's really difficult to get rid of bad cops, but I think this is an issue across the country. Do we need to reset the balance on accountability?

Hans Menos:

There is something to be said about the state-level issues and trying to reset those, but I don't really believe that there's nothing we can do at the state level. The reality is that investigations and the diligence that occurs on the discipline on our end has improved, and still needs to improve more to not really give the FOP, as they put it, a slam dunk or an easy case to win.

Jerry Ratcliffe:

The Fraternal Order of Police, which is the police union, are incredibly powerful in the United States. I never appreciated that until I came here, and once I started finding out how much power they wield politically, I couldn't believe it.

Hans Menos:

Without them, there's this unreasonable amount of deference to police already. Many folks already want to believe in the ideal that all police officers are these unwavering, incredible, diligent public servants that would not ever do harm.

That's just what we want to believe. So, when you add to that an agency that's principal responsibility is to really avoid discipline for their officers... I shouldn't say principal. One of their major responsibilities, yeah, it's a challenge. It's really difficult.

Jerry Ratcliffe:

It's interesting in these post-George Floyd weeks, when we're recording this now, that there's a lot of people who would normally be on the left, who would be pro-union. It seems kind of ironic that what they seem to be annoyed with is that the police union are being particularly good at being a union, which is to represent all of their workers. The tricky part is that there are a few bad cops in there that the good cops would be happy to be rid of.

Hans Menos:

I agree with that, but I also wonder. It comes to down philosophically how you believe a union should act. Is it a duty to the whole, which I believe it is, and if so, isn't there a responsibility to the majority of officers that even also do not want-

Jerry Ratcliffe:

Exactly.

Hans Menos:

... these officers on their force, or is it that they think that if that can defend the worst of us, similar to how we think about our criminal justice, then that can defend all of you.

Jerry Ratcliffe:

I think there may be something to that. I've spoken to a few cops. They're police officers, but they hate the FOP. They can't stand the fact that the FOP defends even the worst cops, but in the back of their mind, there is the reality that they're thinking, it's a long 30-year career. I've got a camera on me all the time, and what if I screw up just that once, I have a bad day? I'm otherwise a good cop. I have a bad day. The kids are having problems at school. My partner's not feeling well. I've got a bunch of things going on, trouble with the supervisor, and I just have that one moment, things go south, where I don't behave as well as I would like to have done. There is that kind of sense that, well, at least the FOP will go to bat for me on that one time in an otherwise unblemished career, when I do something bad.

Hans Menos:

Yeah, and I think that's a really, really good point. I think a lot of police officers, rightfully or wrongfully, are at this point where they believe at any moment they can make a mistake that will impoverish their family and make them lose their job. I think that's absolutely correct, and I think that's another reason why we need to be thoughtful as residents of the city about who we're calling to be fired, dismissed, and gotten rid of.

Jerry Ratcliffe:

I'm worried that we're in this situation where somebody sees a 10-second video, and then the Twitter mob gets all amped up, and they've made a judgment, and they've decided somebody's guilty. They've seen a 10-second video, and they've made that judgment, and their whole approach is, "I will not stop until this person gets fired," and I worry that as a society we've lost the capacity for understanding that sometimes there are genuine mistakes.

Hans Menos:

Yeah, and also, for just difference of opinion, frankly. I mean, I had a recent conversation with a police leader about the idea of saying Black Lives Matter and where police officers should come down on that, and what their role should be. Now, this was a person that was actually a very nice person, a good guy. He vehemently disagrees with me on the idea that police officers should affirmatively and strongly state Black Lives Matter, period. All right? He just doesn't agree with that. Now, it would be kind of wrong of me to say that even though I feel really strongly about this, that I'm absolutely right, and that there's no way he should feel this way. I mean, I might say that on Twitter, that police leaders have to rethink this, but do I have the right to say he's incorrect about this?

Jerry Ratcliffe:

It kind of feels like it speaks to a lack of tolerance for different perspectives. In a previous episode of this podcast, Phil Goff explained, pretty recently, I think, why saying all lives matter is a bit of an affront to Black Lives Matter, and he makes a really cogent point about it, with which I agree, but there is space for people to have less understanding of this, but it's maybe that some people just need to have a discussion so that they can end up in a better-informed place. Right?

Hans Menos:

I think that's correct, and so-

Jerry Ratcliffe:

But we don't have that level of nuance in society right now.

Hans Menos:

I think that right now we are expecting people to come fully-baked, and the police department's guilty of this as well, that by virtue of your rank, you are prepared to do whatever we ask you to do. So, that means for a police captain being able to not only engage with the community, but solve crime, lead troops, et cetera, and maybe you're only good at a few of those things.

Jerry Ratcliffe:

Or you're pretty mediocre at all of it because you only got the job of district captain last week.

Hans Menos:

Right. In many cases, that is the case. I think about myself, how long it took me to get around to some of these ideas that racism was systemic. I had to go through my graduate programs, see a lot of work there, and I got there. I got

there as a younger man, but it wasn't something I came out of the womb knowing. So, I prefer, and this is why I end up having these conversations with a lot of cops, to try and talk to people who are willing to have these conversations, and I fear that we can be losing some cops that we can bring around, I'm not saying indoctrinate, but losing some cops that we can bring if we just cancel them all.

Jerry Ratcliffe:

Open to the slim possibility that the Twitter mob may not be right.

Hans Menos:

Right, and I think that, frankly, many folks' immediate retort would be that this is what systemic racism looks like, that we are deferential to people that shouldn't be in power, and I get that, and I don't necessary disagree, but we're talking about the people who are police right now and who are in charge right now. Then I really don't know if we're doing ourselves any favor by canceling them, bringing the next guy up, who we don't know who it is.

Jerry Ratcliffe:

Well, this happened with a few police chiefs, and you're losing a lot of experience and potential allies there.

Hans Menos:

Exactly right, and I think that at the hyper-local level we see that also.

Jerry Ratcliffe:

Atlanta, Erika Shields was the police chief in Atlanta, had very positive feedback for walking amongst people, talking to crowds post-George Floyd. Then they had a shooting for which, arguably, she wasn't responsible. She was off duty, and it was a cop out in the district. She resigned. Chris Magnus in Tucson, Arizona, who was a previous interview on this podcast, had an incident that took place in April, and he offered his resignation, which wasn't accepted by the city, but I worry how many people we're prepared to lose who are potential allies for change.

Hans Menos:

I mean, I'll add Commissioner Outlaw to that list. All right? She got here in February, which is about five months into her tenure here. There's a healthy number of people saying resign.

Jerry Ratcliffe:

Commissioner Outlaw came from Portland, Oregon, and moved to a whole different policing style, to a much larger department in the city of Philadelphia, and there were calls to resign within weeks, when it's just impossible to hold her accountable for a department she inherited.

Hans Menos:

I actually think she's great, so I'm not saying, "Oh, we're settling," but what are we really asking for, and are we sure we want what we're asking for?

Jerry Ratcliffe:

[inaudible 00:37:04] not there. You know?

Hans Menos:

Yeah.

Jerry Ratcliffe:

You may get the resignation that the Twitter mob is demanding, but what are you going to get after that?

Hans Menos:

Yes, exactly right, and that's a concern that not a lot of folks really understand. When we get a police leader that's willing to, as Commissioner Outlaw did, talk about the need for reform and talk about historical racism, that's new to Philadelphia.

Jerry Ratcliffe:

Well, the worry might be that you get rid of Commissioner Outlaw, and commissioners are often... They seem to be products of the time in which they're hired. Commissioner Outlaw was brought in at a time when improving relationships with a community was deemed important, but with violent crime rising in Philadelphia, homicides up over 20%, that we end up with a crime commissioner, which a lot of the people in this city would want, but that also then reset the clock on some other areas.

Hans Menos:

Yeah, and my bigger fear, and I know we share this, is some of these data-naïve commissioners who just take their practice wisdom and apply it to real policy, and so-

Jerry Ratcliffe:

Right, in their experience.

Hans Menos:

In their experience, and-

Jerry Ratcliffe:

Which can be disastrous.

Hans Menos:

We've both met these police leaders who say things like lowering the jail population are a direct line to high violence, without any data to support it. It's just their intuition, and that's scary if you're a police leader. It's scary for me, anyway. Yeah.

Jerry Ratcliffe:

We're coming out of COVID-19. We're coming out of the biggest protests that we've seen in a generation. We're looking at generational unemployment. I don't think anybody has any idea what the next few months are going to look like, and I think anybody who says they do doesn't know what they're talking about, and we need to be evaluating and monitoring all of this just in case we make some really bad decisions.

Hans Menos:

Well, isn't that the brilliance of police chiefs? Historically, what they've done is something that academics won't do, which is to speak confidently about what's definitely going to happen and what problems they can definitely solve.

Jerry Ratcliffe:

Yes.

Hans Menos:

All right? That's great.

Jerry Ratcliffe:

You ask any academic, and we start off with, "It depends."

Hans Menos:

Yes. All right? This is the key.

Jerry Ratcliffe:

Because we suck.

Hans Menos:

Well, no, and also because you know there's so many factors. A police chief will go... I've seen it happen. They'll go in front of city leaders or anyone and say, "You give me 50 more cops or 500 more cops, and I will solve this problem," and they say, "Okay, great. That guy's willing to solve this problem. Bring in the academic." "Well, it's going to depend on a lot of factors, and the weather's an issue, et cetera, et cetera."

Jerry Ratcliffe:

You actually sounded way more decisive there than most academics.

Hans Menos:

But that, I think... Their confidence is inspiring, but maybe incorrectly inspiring. I don't know.

Jerry Ratcliffe:

So, we're six months down the line. Philadelphia has figured out its budget. You've got everything that you've asked for, not just in terms of finances and money, but in terms of policy changes and legislation. What would the system that you put in place look like?

Hans Menos:

I think it would certainly have direct access to officer personnel records, not necessarily their health records, but certainly their discipline records. Body-worn camera footage would be a direct access issue as well. Policy review would be regular and ongoing. That would be kind of the policy arm of this office.

Jerry Ratcliffe:

So, you're getting a policy early warning system.

Hans Menos:

Yeah, the early warning system, but certainly some element of frontline investigation. That's what people want. Do I think it's the best? Probably not, but do I think it's useful? Certainly. So, some element of frontline investigation that helps people get some resolution to their complaint involving a police officer, and some other element of a special investigations. Philadelphia is one of the larger jurisdictions that doesn't categorize pointing of a firearm as a use of force. We should be doing so so we can understand how often residents of the city are having a gun pointed at them.

Jerry Ratcliffe:

Pull it out of the holster, you fill in some paperwork.

Hans Menos:

That's two different things, when you pull it, yes, and when you point it, yes. All right? If you're going to do it, tell me why. I would say all three, the gun pulling and pointing, and the taser pulling and pointing. I think that we should have at least a conversation about why that is, but I still think that's a role for us to play, the idea that we are bringing these things to the fore for police leaders and confronting them with a simple question. Other jurisdictions are doing this. Here's the evidence behind it. Why don't we do it?

Jerry Ratcliffe:

How would the system that you'd put in place protect those genuinely good officers that just made a mistake or had a bad day?

Hans Menos:

I think the system, as it works around the country, still protects them because these are investigations on the administrative level that still rely on the commissioner's final say. If our findings are that the officer, they made a mistake, but not a dismissal-worthy mistake, the commissioner is there, and they can dissent, and they don't have to actually discuss it with us. They'll say, "Thank you for your recommendation, but we're not firing this police officer for this reason." There's no police commissioner in the country that I'm aware of that if they think they have a case not to

fire a cop, they won't make it. So, really, what ends up happening is, as I understand it from my colleagues, that it mirrors the findings in many cases that the Internal Affairs division would have. It may be slightly different and in more confidence in the residents of the city.

Jerry Ratcliffe:

Okay. I like that way of framing it because it says, "Look, this is pretty much what Internal Affairs would've found anyway," but it allows the police department to build some external validity.

Hans Menos:

They're free to challenge it and say, "You made this determination, but your evidence was incorrect," or, "Your decision making was not sound." If they can do that, that would be good for all involved. The healthy discourse is a good discourse.

Jerry Ratcliffe:

It's been 20 years while I've been in Philadelphia, and we seem to have gone-

Hans Menos:

Wow.

Jerry Ratcliffe:

I know. I've really picked up the accent.

Hans Menos:

Yeah.

Jerry Ratcliffe:

We seem to have gone through a stage, and I don't know where we are right now, but in the past, there's always been a concern where the many good cops in Philadelphia, and in many places, have said to me, "It's sometimes difficult working with cops who have got very questionable records, and having to work alongside them." Post-George Floyd, there seems to be an urge to shift that. Have we shifted that, and not necessarily here in Philadelphia, but in other places, have we shifted that too far? Have we overcorrected, or are we in danger of doing that?

Hans Menos:

I certainly think that there is more of a call for accountability post-George Floyd and other high-profile incidences. I think that internally we can do a way better job. For the average resident of the city, the facts remain that an officer that they believe should've been held accountable wasn't, regardless of the reasons why they weren't. We fast forward to 2020, post-George Floyd, and we have police leaders, most recently here in Philadelphia, a police captain who didn't say the right words that people wanted him to say as it related to Black Lives Matter, and-

Jerry Ratcliffe:

This was at a community meeting.

Hans Menos:

Right. So, what he said was, "Yes, black lives matter, and white lives matter, and Native American lives matter, and Hispanic lives matter," and so he said all of them, so he was effectively saying all lives matter. I kind of already said this was a guy that I don't think was prepared to have this conversation, I don't think prepared at all, but what I find interesting is how many people wanted him fired for his inability to understand these things, and that, I think, is a pendulum swing that might be too far because of what it means to not understand these issues.

Jerry Ratcliffe:

Well, it was not just not understanding, but also, you run the risk then that everybody will just parrot the appropriate phrase, but not actually think about it in a critical sense about what is actually being asked.

Hans Menos:

We've seen that here in Philly. I'm talking specifically about the conversation about anti-racism. We talk about anti-racism on a regular basis. It's now part of our regular discourse. I defy most of the folks who talk about it to really define it for me. It's just become this thing that we say because it's now part of how we discuss our training around race and racism. So, I think you're correct, and there's real-life examples. Let's try and work with folks, and I think canceling all of them might be a bad way of moving forward in practice.

Jerry Ratcliffe:

Well, that's the difference, isn't it, between training and education?

Hans Menos:

Mm-hmm (affirmative). Right.

Jerry Ratcliffe:

Training would be, "Here's the five phrases that will get you out of problems in a community meeting." Education is, "Here's some of the issues that are around it. Let's start to think and discuss what this actually means for people in the community and their relationship with the police department." The second is education. It's much harder to do. The first is, "Here's a cheat sheet."

Hans Menos:

Jerry, I love that point. I'm going to steal it, if you don't mind, because-

Jerry Ratcliffe:

I rarely have a moment. You're welcome to it.

Hans Menos:

No. Yeah.

Jerry Ratcliffe:

Another one will come round when Halley's Comet's back.

Hans Menos:

There'll be no credit given to you either. But as a social worker, I had to learn about all of the atrocities of my profession, and all of the stuff that we did to the infancy of the profession that led people to believe that we were a racist, judgmental profession. I don't believe you should be able to get to a certain rank or even become a police officer without being educated about the profession that you're going into, and specifically, the uniform that you're wearing and what it might mean to people.

Jerry Ratcliffe:

There's so much here that I think is fascinating. I think this is really a dynamic area that's going to be changing a lot, not just here in Philadelphia, but also across the United States, so hopefully we'll stay in touch, and maybe have you back to see where things have gone in a year or two's time.

Hans Menos:

Oh, yeah. We'll see. I hope so. I hope that we can catch up. We'll be choosing over a new oversight board with new powers, but we'll see what happens.

Jerry Ratcliffe:

Hans, thanks very much, indeed.

Hans Menos:

Thanks, Jerry. It was a pleasure.

Jerry Ratcliffe:

That was Episode 26 of Reducing Crime, recorded in Philadelphia in July 2020. Since this episode was recorded, the Philadelphia Police Department's use-of-force policy has been amended, and now includes documenting the unholstering or pointing of a service weapon. Transcripts of every episode are available at reducingcrime.com/podcast. New episodes are announced on Twitter @_ReducingCrime.

Be safe, and best of luck.