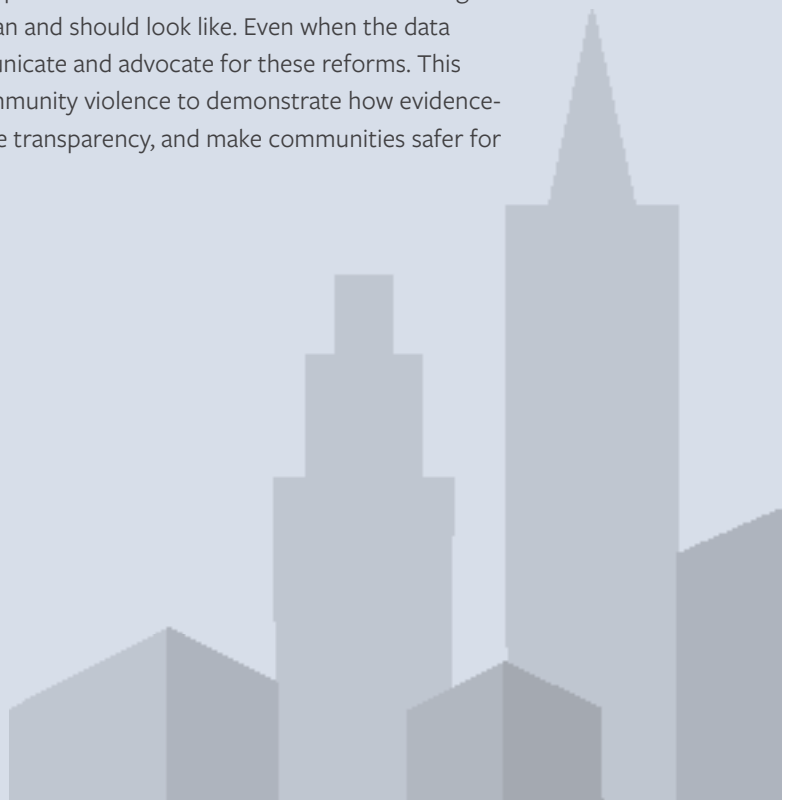




POLICING REFORM: CUTTING THROUGH THE CONFUSION

WINTER 2022 POLICY MEETING
MARCH 16 - 17, WASHINGTON, DC

In the nearly two years since George Floyd's murder at the hands of Minneapolis police, mayors have been inundated with calls for reform. But juxtaposed with a national narrative of increasing crime, it can be challenging to know what reform can and should look like. Even when the data clearly supports action, it can be difficult to communicate and advocate for these reforms. This session will dig into the data around police and community violence to demonstrate how evidence-based reforms can help cities reduce costs, increase transparency, and make communities safer for everyone.



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Cities That Reduced Arrests For Minor Offenses Also Saw Fewer Police Shootings

And crime in those cities wasn't worse.

By Samuel Sinyangwe

Graphics by Elena Mejía

Filed under Police Shootings

Published Jul. 26, 2021

IRA L. BLACK / CORBIS VIA GETTY IMAGES



In response to nationwide protests last summer over the murder of George Floyd by police, many cities and states have tried to change their approach to policing. One such strategy is to make fewer arrests for low-level offenses in an effort to reduce the number of potentially violent encounters between the police and the public. Virginia, for instance, banned police from pulling people over for exclusively [minor traffic violations](#) earlier this year. Meanwhile,

Oregon [decriminalized drug possession](#). Louisiana restricted police from [making arrests for certain misdemeanors](#), asking police to instead issue summons. And cities like San Francisco and Portland, Oregon, began [sending clinicians instead of police](#) to help people suffering from a mental health crisis.

These efforts are all part of a shift that has been [underway in America's largest cities](#) for a number of years now. But despite the effect these changes have had in reducing violent encounters with the police, these efforts have still [experienced significant backlash](#), particularly from some in law enforcement who have blamed rising murder rates on [police "pulling back" and being "defunded."](#) This criticism has intensified as murder rates [have risen](#), even though most cities' police budgets [weren't cut by much in 2021](#) and [murders still ticked up](#) in cities that *increased* their police budgets.

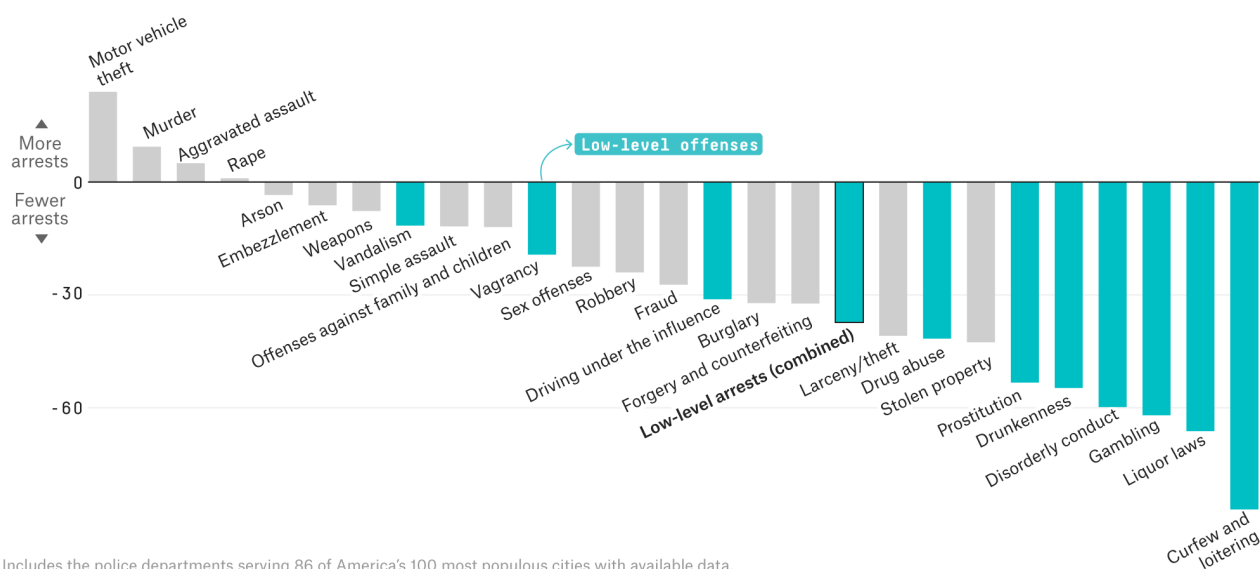
I'm a data scientist and founder of the [Police Scorecard](#), a research group that analyzes policing data to better understand how to end police violence. We are still waiting for the federal

government to publish arrests data for 2020 and 2021, but what we do know from previous years is that low-level arrests are in decline, and that appears to have helped reduce the number of shootings by police — not made violent crime worse.

Data from the [FBI Uniform Crime Report](#) shows arrest rates have generally been declining since the 1990s, when crime rates were much higher than they are now. These declines have been accelerated, in more recent years, by changes in policing in America's largest cities. For example, police departments serving 86 of America's [100 most populous cities](#) reported 30 percent fewer total arrests in 2019 than they did in 2013.¹ This decline was particularly pronounced among low-level offenses, or offenses not involving crimes against people, sex offenses, weapons offenses or serious property and financial crimes. In America's largest cities, arrests for low-level offenses declined during this period by 38 percent, with arrests for disorderly conduct, curfew and loitering violations, gambling, prostitution, drunkenness and liquor law violations all falling by more than 50 percent — the largest reductions of any offenses reported. It wasn't just changes in policing that reduced low level arrests — [policy changes enacted by city councils, local prosecutor's offices and state legislatures](#) likely contributed to these declines as well.

Big cities have made fewer arrests for low-level offenses

Percent change in arrests in America's largest cities from 2013 to 2019, by type of offense



Includes the police departments serving 86 of America's 100 most populous cities with available data.

FiveThirtyEight

SOURCE: FBI UNIFORM CRIME REPORT

While national data hasn't been published for 2020 yet, [preliminary data](#) suggests arrests in big cities declined even further beginning with the lockdowns in March and April 2020.

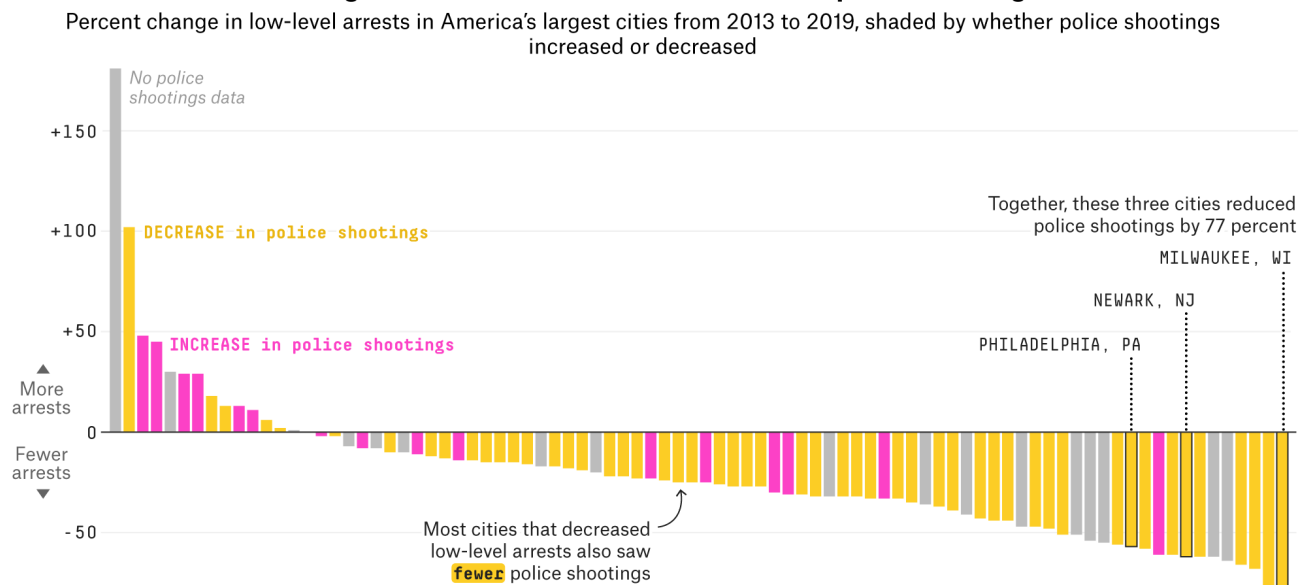
There has been, in other words, a shift away from “broken windows” policing, or the debunked idea that aggressive policing of minor crimes deters more serious crimes. But what has this shift meant for crime more generally and for reports of police violence?

Only 27 percent of the nation’s law enforcement agencies report data on police shootings to the FBI’s National Use-of-Force Data Collection program, and no agency-level data from this program has been made public. But the data that *is* available suggests that in cities where there were reductions in low-level arrests, there were also reductions in police shootings.

Searching open data portals, internal affairs publications and media databases, I obtained data on fatal and nonfatal police shootings from 2013 to 2019 in 86 of America’s 100 largest cities.² These cities reported a decline from 749 police shootings in 2013 to 464 shootings in 2019, a 38 percent decrease over this period.

And cities that cut low-level arrests by 50 percent or more, such as Milwaukee, Philadelphia and Newark, New Jersey, also saw some of the larger reductions in police shootings. There were 57 percent fewer police shootings in these jurisdictions in 2019 than there were in 2013. Notably, police shootings actually *increased* in some cities that made more low-level arrests, like Jacksonville, Florida, and Louisville, Kentucky.

Most big cities reduced low-level arrests — and police shootings



Includes the police departments serving 86 of America’s 100 most populous cities that had available data.

FiveThirtyEight

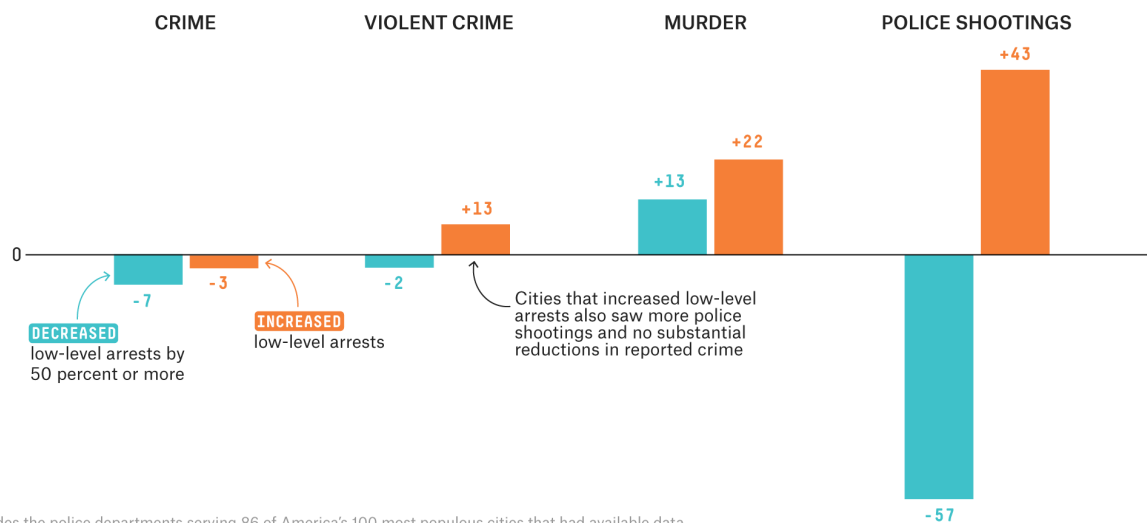
SOURCE: FBI UNIFORM CRIME REPORT, POLICE DEPARTMENT REPORTS

To be sure, reducing low-level arrests isn’t the only reform that might have contributed to fewer police shootings. In this time period, the U.S. Department of Justice also initiated

reforms in 12 major cities through [consent decrees](#), [MOAs](#) or the [Collaborative Reform Initiative](#),³ with cities that underwent these reforms, like Newark and Baltimore, making far larger reductions in low-level arrests *and* police shootings. These cities would have been more likely to implement policies intended to prevent unlawful, excessive or unconstitutional arrests, as well as new use-of-force policies restricting the amount of force used by police. But it wasn't just police shootings that decreased. Reported crime fell in jurisdictions that cut low-level arrests; in fact, it fell by just as much as those cities that made more low-level arrests. Consistent with [recent research](#), cities that reduced low-level arrests did not experience an uptick in violent crime — or murder, specifically — compared to other cities during this period. Moreover, cities that made fewer arrests for low-level offenses did not see a substantial reduction in violent crime arrests, suggesting a more lenient approach to low-level offenses has not resulted in police being less responsive to serious public safety threats.

Cities that made fewer low-level arrests did not experience a bigger uptick in crime

Percent change in reported crimes and police shootings in America's largest cities that saw at least a 50 percent reduction in low-level arrests from 2013 to 2019, compared to cities that increased low-level arrests during the same period



Includes the police departments serving 86 of America's 100 most populous cities that had available data.

FiveThirtyEight

SOURCE: FBI UNIFORM CRIME REPORT, POLICE DEPARTMENT REPORTS

There is still substantial room for improvement, though. Despite the changes that have taken place, low-level arrests still made up 55 percent of all arrests reported in the nation's largest cities, and 69 percent of all arrests nationwide, in 2019. In other words, there are still plenty of opportunities for cities to make fewer low-level arrests, which could help police shootings fall even further without compromising public safety. But unfortunately, [the politics](#) surrounding the increase in murder and violent crime in some of America's cities could make it harder to pass these types of reforms, even though they've so far seemed effective.

Samuel Sinyangwe is a data scientist, policy analyst and co-founder of [Campaign Zero](#). [@samswey](#)

POLICE SCORECARD:KEY FINDINGS

WE EVALUATED POLICING IN AMERICA. HERE'S WHAT WE FOUND.

Nationwide protests have shifted public opinion in support of systemic change. But while public opinion is changing, the police have continued to kill people at similar rates this year as they did last year. In a nation with thousands of law enforcement agencies, each with different issues and outcomes, changing policing outcomes on a nationwide scale requires sustained organizing and advocacy efforts in *every jurisdiction*. To do this, **communities need the tools to effectively monitor police behavior and hold cities and counties accountable to producing measurable change.**

To obtain and publish this information, we submitted public records requests to local police departments and combined the data obtained from these departments with federal databases tracking crime, arrests, financial and personnel records from thousands of municipal and county governments. This represents one of the largest-scale examinations of policing outcomes in the United States - including every municipal police department and county sheriff's department in the country. **Here are initial findings from our analysis:**

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- FINDINGS

1. Police continue to hide substantial amounts of data from the public
2. Policing differs substantially depending where you live
3. Police are making fewer arrests for low level offenses
4. As arrests decline, racial disparities persist
5. Black communities are more heavily policed
6. Some police departments show a clear pattern of using more force than other departments
7. Few departments regularly rule against officers in misconduct investigations
8. 80% of jurisdictions increased police funding from 2013-2018

C A M P A I G N Z E R O

A **comprehensive package** of urgent policy solutions - informed by data, research and human rights principles - can change the way police serve our communities.

Integrating recommendations from [communities](#), [research organizations](#) and the **President's Task Force on 21st Century Policing**, these policies aim to protect and preserve life.

END BROKEN WINDOW POLICING

A decades-long focus on policing minor crimes and activities - a practice called [Broken Windows policing](#) - has led to the criminalization and over-policing of communities of color and excessive force in otherwise harmless situations. Nationwide, only [5%](#) of all arrests made in 2018 involved alleged violent crimes and only [4%](#) of what police spend their time doing overall involves enforcing violent crime. Meanwhile, the vast majority of arrests are for low-level, non-violent activities in encounters that often escalate to deadly force. For example, in 2014, police killed at least **287 people** who were involved in minor offenses and harmless activities like sleeping in parks, possessing drugs, looking "suspicious" or having a mental health crisis. These activities are often symptoms of underlying issues of drug addiction, homelessness, and mental illness which should be treated by healthcare professionals and social workers rather than the police.

POLICY SOLUTIONS

End Policing of Minor "Broken Windows" Offenses

The following activities do not threaten public safety and are often used to police black communities. Decriminalize these activities or de-prioritize their enforcement:

- Consumption of Alcohol on Streets
- Marijuana Possession
- Disorderly Conduct
- Trespassing
- Loitering
- Disturbing the Peace (including Loud Music)
- Spitting
- Jaywalking
- Bicycling on the Sidewalk
- Prostitution

(Example: [Respect State Marijuana Laws Act of 2015](#))

End Profiling and "Stop-and-Frisk"

Establish enforceable protections against profiling to prevent police from intervening in civilian lives for no reason other than the "suspicion" of their blackness or other aspects of their identity. This should include:

- immigration status, age, housing status, sexual orientation, gender, gender identity, disability, HIV status, race, religion and national origin as protected groups
- the right for people to seek court orders to stop police departments from profiling
- bans on both intentional profiling and practices that have a disparate impact on protected groups
- ban stops for "furtive" movements such as a reaching for waistband or acting nervous
- ban stops for being in a high-crime area
- ban stops for matching a generalized description of a suspect (i.e. black male ages 15-25)
- require officers to establish objective justification for making a stop and to report every stop including location, race, gender, whether force was used and whether a firearm was found.
- end the use of predictive policing technology, which uses systematically biased data to [enhance police profiling](#) of black people and communities
- prohibit police departments from using resources to investigate, interrogate, detain, detect, report, or arrest persons for immigration enforcement purposes.
- prohibit police departments from transferring an individual to federal immigration authorities for purposes of immigration enforcement.
- prohibit officers from being placed under the supervision of federal agencies or deputized as special federal officers or special federal deputies.

(Examples: [End Racial Profiling Act of 2015](#); [NYC Community Safety Act](#); [NYC Stop-and-Frisk Reforms](#); [California Senate Bill 54](#))

Establish Alternative Approaches to Mental Health Crises

Mental health crises should not be excuses for heavy-handed police interventions and are best handled by mental health professionals. Establish and fund Mental Health Response Teams to respond to crisis situations. These approaches have been proven to reduce police use of force in these situations by nearly [40 percent](#) and should include:

- establish a team of mental health professionals, social workers and/or crisis counselors to send as first responders to calls involving mental health crises, such as the [CAHOOTS model](#) implemented in Eugene, OR.
- involvement of this multidisciplinary team in planning, implementation and response to crises

(Example: [CRISES Act](#) in California)

COMMUNITY OVERSIGHT

Police [usually](#) investigate and decide what, if any, consequences their fellow officers should face in cases of police misconduct. Under this system, fewer than [1 in every 12 complaints](#) of police misconduct nationwide results in some kind of disciplinary action against the officer(s) responsible. Communities need an urgent way to ensure police officers are held accountable for police violence.

POLICY SOLUTIONS

Establish effective civilian oversight structures

Establish an all-civilian oversight structure with discipline power that includes a Police Commission and Civilian Complaints Office with the following powers:

The Police Commission should:

- determine policy for the police department based on community input and expertise
- share policy and policy changes in publicly accessible formats
- discipline and dismiss police officers
- hold public disciplinary hearings
- select the candidates for Police Chief, to be hired by the Mayor
- evaluate and fire the Police Chief, if needed
- receive full-time, competitive salaries for all members
- receive regular training on policing and civil rights
- not have current, former or family of police officers as members
- select its members from candidates offered by community organizations

The Civilian Complaints Office should:

- receive, investigate and resolve all civilian complaints against police in 120 days
- establish [multiple in-person and online ways](#) to submit, view and discuss complaints
- [be immediately notified](#) and required to send an investigator to the scene of a police shooting or in-custody death
- be allowed to interrogate officers less than 48 hours after an incident where deadly force is used
- access crime scenes, subpoena witnesses and files with penalties for non-compliance
- make disciplinary and policy recommendations to the Police Chief
- compel the Police Chief to explain why he/she has not followed a recommendation
- have the Police Commission decide cases where the Police Chief does not follow recommendations
- issue [public quarterly reports](#) analyzing complaints, demographics of complainants, status and findings of investigations and actions taken as a result
- be housed in a separate location from the police department
- be funded at an amount no less than 5% of the total police department budget
- have at least 1 investigator for every 70 police officers or 4 investigators at all times, whichever is greater
- have its Director selected from candidates offered by community organizations
- not have current, former or family of police officers on staff, including the Director

(Ex: San Francisco Charter Policies on [Police Commission](#) and [Office of Citizen Complaints](#))

Remove barriers to reporting police misconduct

For all stops by a police officer, require officers to give civilians their name, badge number, reason for the stop and a card with instructions for filing a complaint to the civilian oversight structure.

LIMIT USE OF FORCE

Police should have the skills and cultural competence to protect and serve our communities without killing people - just as police do in England, Germany, Japan and other developed countries. In 2014, police killed at least **253** unarmed people and **91** people who were stopped for mere traffic violations. The following policy solutions can restrict the police from using excessive force in everyday interactions with civilians.

POLICY SOLUTIONS

Establish standards and reporting of police use of deadly force

A. Authorize deadly force **only** when there is an **imminent** threat to an officer's life or the life of another person and such force is strictly unavoidable to protect life as required under International Law. Deadly force should only be authorized after all other reasonable alternatives have been exhausted. (Ex: [International Deadly Force Standard](#); [Tennessee Deadly Force Law](#))

B. Require that an officer's tactical conduct and decisions leading up to using deadly force be considered in judgements of whether such force was necessary. (Ex: [LAPD Use of Force Policy](#))

C. Require officers give a verbal warning, when possible, before using deadly force and give people a reasonable amount of time to comply with the warning ([Ex: Las Vegas Metro PD Policy](#))

D. Require reporting of police killings and serious injuries of civilians (Ex: [The PRIDE Act](#); [Colorado law](#); [CA DOJ OpenJustice database](#))

E. Require the names of both the officer(s) involved and victim(s) to be released within 72 hours of a deadly force incident (Ex: [Philadelphia PD Policy](#))

Revise and strengthen local [police department use of force policies](#)

Revised police use of force policies should protect human life and rights. Policies should include guidance on reporting, investigation, discipline, and accountability and increase transparency by making the policies available online. This use of force policy should require officers to:

- restrict officers from using deadly force unless all reasonable alternatives have been exhausted (Ex: [Philadelphia PD Policy](#))

- use minimum amount of force to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance (Ex: [Seattle PD Policy](#))
- utilize de-escalation tactics (verbalization; creating distance, time and space; tactical repositioning, etc.) whenever possible instead of using force (Ex: [Seattle PD Policy](#))
- carry a less-lethal weapon (Ex: [Seattle PD Policy](#))
- ban using force on a person for talking back or as punishment for running away (Ex: [Cleveland PD Policy](#))
- ban [chokeholds](#), strangleholds (i.e. carotid restraints), hog-tying and transporting people face down in a vehicle (Ex: [NYPD Policy](#))
- intervene to stop other officers who are using excessive force and report them to a supervisor (Ex: [Las Vegas Metro PD Policy](#))
- have first aid kits and immediately render medical assistance to anyone in police custody who is injured or who complains of an injury (Ex: [New Baltimore PD Policy](#))

End traffic-related police killings and dangerous high-speed police chases

Prohibit police officers from:

- shooting at moving vehicles (Ex: [Denver PD Policy](#))
- moving in front of moving vehicles (Ex: [Denver PD Policy](#))
- high-speed chases of people who have not and are not about to commit a violent felony (Ex: [Milwaukee PD Policy](#))

Monitor how police use force and proactively hold officers accountable for excessive force

A. Report all uses of force to a database with information on related injuries and demographics of the victims. (Ex: [Seattle PD Policy](#); [Indianapolis Metropolitan PD reporting website](#))

B. Establish an early intervention system to correct officers who use excessive force. *These systems have been shown to reduce the average number of complaints against officers in a police department by more than 50%.* This system should:

- report officers who receive two or more complaints in the past month
- report officers who have two or more use of force incidents or complaints in the past quarter
- require officers to attend re-training and be monitored by an immediate supervisor after their first quarterly report and terminate an officer following multiple reports

C. Require police departments to notify the state when an officer is found to have willfully violated department policy or the law, committed official misconduct, or resigned while under investigation for these offenses. Maintain this information in a database accessible to the public (Ex: [Illinois Law](#)) and prohibit these officers from serving as police officers, teachers or other governmental employees (Ex: [Connecticut Law](#)).

POLICE USE OF FORCE PROJECT

Campaign Zero reviewed police department use of force policies in **the 100 largest U.S. cities**. **More restrictive use of force policies** are associated with **fewer police-involved killings**. Learn more at [UseofForceProject.org](https://useofforceproject.org).

[Visit UseofForceProject.org to Learn More](https://useofforceproject.org)

MODEL USE OF FORCE POLICY

We have developed this **model use of force policy** based on our review and analysis of effective use of force policies across the nation. The policy includes evidence-informed restrictions on police use of force that are designed to significantly reduce police violence in communities. It should be adopted by police chiefs and local elected officials without delay.

INDEPENDENT INVESTIGATIONS AND PROSECUTIONS

Local prosecutors rely on local police departments to gather the evidence and testimony they need to successfully prosecute criminals. This makes it hard for them to investigate and prosecute the same police officers in cases of police violence. These cases should not rely on the police to investigate themselves and should not be prosecuted by someone who has an incentive to protect the police officers involved.

POLICY SOLUTIONS

Lower the standard of proof for Department of Justice civil rights investigations of police officers

Allow federal prosecutors to successfully prosecute police officers for misconduct by passing legislation to eliminate the requirement that an officer must "willfully" deprive another's rights in order to [violate Section 242](#).

Use federal funds to encourage independent investigations and prosecutions

Pass legislation such as the [Police Training and Independent Review Act of 2015](#) or use of existing federal funds to encourage external, independent investigations and prosecution of police killings (see Action Items 2.2.2 and 2.2.3 of the President's [Task Force Report](#)).

Establish a permanent Special Prosecutor's Office at the State level for cases of police violence

The Special Prosecutor's Office should be:

- required and authorized to prosecute all cases of where police kill or seriously injure a civilian, in-custody deaths and cases where a civilian alleges criminal misconduct against a police officer
- equipped with an office and resources to conduct thorough investigations

- required to have its Chief Prosecutor chosen from a list of candidates offered by community organizations

Require independent investigations of all cases where police kill or seriously injure civilians

The independent investigators should be:

- required and authorized to prosecute all cases of where police kill or seriously injure a civilian, in-custody deaths and cases where a civilian alleges criminal misconduct against a police officer
- required to investigate all cases where police kill chosen at random from a list of the largest ten agencies in the state
- required to report their findings to the public

COMMUNITY REPRESENTATION

While white men represent less than one third of the U.S. population, they comprise about [two thirds](#) of U.S. police officers. First responders should reflect and be responsive to the cultural, racial and gender diversity of the communities they are supposed to serve.

POLICY SOLUTIONS

Increase the number of civilian first responders who reflect the communities they serve

 While racial and gender diversity within law enforcement has [increased](#) nationwide and many police departments have implemented “community policing” models, [recent research](#) suggests these approaches are not effective at reducing police violence. As such, we caution cities against emphasizing these strategies as solutions. Rather, cities should prioritize shifting resources to instead hire more civilian first responders, conflict de-escalators, and violence interruptors from underrepresented communities.

Use community feedback to inform police department policies and practices

Require a regular survey (Ex: [Milwaukee survey](#)) to be fielded to the community to gauge their experiences and perceptions of the police and use this information to inform:

- police department policies and practices
- police officer evaluations and discipline

BODY CAMS/FILM THE POLICE

While they are not a cure-all, body cameras and cell phone video have illuminated cases of police violence and have shown to be important tools for holding officers accountable. Nearly [every case](#) where a police officer was charged with a crime for killing a civilian in 2015 relied on video evidence showing the officer's actions.

POLICY SOLUTIONS

Body cameras

 Due to a range of research studies finding no evidence that body cameras reduce police use of force, we caution cities *against* adopting new body camera programs. Places that have already implemented body cameras should ensure they are governed by the following policies reinforcing accountability:

- require officers with body cams to record all law enforcement interactions and prevent officers from having discretion to turn the cameras off
- notify subjects that they have the option to remain anonymous and stop recording/storing footage if they choose this option
- allow civilians to review footage of themselves or their relatives and request this be released to the public and stored for at least two years
- require body and dash cam footage to be stored externally and ensure district attorneys and civilian oversight structures have direct access to the footage
- require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption (Ex: [Illinois House Bill 4355](#))
- include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.
- consider whether cameras or mandated footage are tampered with or unavailable as a negative evidentiary factor in administrative and criminal proceedings
- prevent officers from reviewing footage of an incident before completing initial reports, statements or interviews about an incident
- prohibit footage from being used in tandem with facial recognition software, as fillers in photo arrays, or to create a database or pool of mugshots. (Ex: [Baltimore PD Body Cam Policy](#))
- update privacy laws to protect civilians from having video or audio recordings released publicly that do not contain potential evidence in a use-of-force incident, misconduct incident, discharge of a weapon or death.

(Ex: [ACLU Model Policy](#))

The Right to Record Police

Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices. (Ex: [Colorado Law](#))

TRAINING

The current training regime for police officers fails to effectively teach them how to interact with our communities in a way that protects and preserves life. For example, police recruits spend [58 hours](#) learning how to shoot firearms and only 8 hours learning how to de-escalate

situations. An intensive training regime is needed to help police officers learn the behaviors and skills to interact appropriately with communities.

POLICY SOLUTIONS

Invest in Rigorous and Sustained Training

⚠ The existing research literature is inconclusive on the effectiveness of training at reducing police violence. While some trainings - like [procedural justice training](#) - have some research support, other trainings like [implicit bias](#) and [mental health training](#) have not been found to be effective. As such, we caution cities against emphasizing more training as a solution. Rather, existing training programs should be replaced with programs that de-emphasize firearms and use of force and that empower communities to design and implement new training paradigms for first responders including, but not limited to, the following topics:

- Procedural justice
- Relationship-based policing
- Crisis intervention, mediation, and conflict resolution
- Appropriate engagement with youth
- Appropriate engagement with LGBTQ, transgender and gender nonconforming individuals
- Appropriate engagement with individuals who are english language learners
- Appropriate engagement with individuals from different religious affiliations
- Appropriate engagement with individuals who are differently abled
- De-escalation and minimizing the use of force

Intentionally consider 'unconscious' or 'implicit' racial bias

Require current and prospective police officers to undergo mandatory anti-bias testing, including [testing for bias in shoot/don't shoot decision-making](#), and develop a clear policy for considering an officer's level of bias in:

- law enforcement certification
- the hiring process
- performance evaluations
- decisions about where officers are deployed

END FOR-PROFIT POLICING

Police should be working to keep people safe, not contributing to a system that profits from stopping, searching, ticketing, arresting and incarcerating people.

POLICY SOLUTIONS

End police department quotas for tickets and arrests

Ban police departments from using ticket or arrest quotas to evaluate the performance of police officers

(Ex: [Illinois law](#))

Limit fines and fees for low-income people

Pass policies requiring local governments to:

- ban issuing fines or arrest warrants for civilians who fail to appear in court for a traffic citation (Ex: [Ferguson Policy](#))
- ban generating more than 10% of total municipal revenue from fines and fees (Ex: [Missouri law](#))
- allow judges discretion to waive fines and fees for low-income people or initiate payment plans (Ex: [Pennsylvania law](#))
- prohibit courts from ordering individuals on parole or probation to pay supervision fees and other correctional fees

Prevent police from taking the money or property of innocent people

Prohibit police from:

- seizing property of civilians (i.e. civil forfeiture) unless they are convicted of a crime and the state establishes by clear and convincing evidence that the property is subject to forfeiture
- keeping any property that has legally been forfeited (instead, this property should go to a general fund)
- participating in the federal [Equitable Sharing program](#) that allows police to engage in civil asset forfeiture

(Ex: [New Mexico law](#))

Require police departments to bear the cost of misconduct

- Require the cost of misconduct settlements to be paid out of the police department budget instead of the City's general fund
- Restrict police departments from receiving more money from the general fund when they go over-budget on lawsuit payments

DEMILITARIZATION

The events in Ferguson have introduced the nation to the ways that local police departments can misuse military weaponry to intimidate and repress communities. In 2014, militarized SWAT teams killed at least **38** people and studies show that more militarized police departments are [significantly more likely](#) to kill civilians. The following policies limit police departments from obtaining or using these weapons on our streets.

POLICY SOLUTIONS

End the Federal Government's 1033 Program Providing Military Weaponry to Local Police Departments

End the supply of federal military weaponry to local police departments under the 1033 program. (Ex: [Stop Militarizing Law Enforcement Act](#))

Establish Local Restrictions to Prevent Police Departments from Purchasing or Using Military Weaponry

Restrict police departments from:

- using federal grant money to purchase military equipment (Ex: [Montana law](#))
- deploying armored vehicles, weaponized aircraft, drones, Stingray surveillance equipment, camouflage uniforms, and grenade launchers
- using SWAT teams unless there is an emergency situation or imminent threat to life and high-ranking officers have given approval (Ex: [Cincinnati PD Policy](#))
- conducting no-knock raids (Ex: [Oregon law](#) bans all no-knock raids)
- accessing federal grant money or purchasing military equipment if the department has been recently found to demonstrate a "pattern or practice" of discriminatory policing
- in addition to these restrictions, wherever possible agencies should seek to return to the federal government the military equipment that has already been received (Ex: [San Jose](#))

FAIR POLICE CONTRACTS

Police unions have used their influence to establish [unfair protections](#) for police officers in their contracts with local, state and federal government and in statewide Law Enforcement Officers' Bills of Rights. These provisions create one set of rules for police and another for civilians, and make it difficult for Police Chiefs or civilian oversight structures to punish police officers who are unfit to serve. Learn more about how police union contracts help officers avoid accountability [here](#).

POLICY SOLUTIONS

Remove barriers to effective misconduct investigations and civilian oversight

Remove contract provisions, local policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that:

- allow officers to wait 48 hours or more before being interrogated after an incident
- prevent investigators from pursuing other cases of misconduct revealed during an investigation
- prevent an officer's name or picture from being released to the public
- prohibit civilians from having the power to discipline, subpoena or interrogate police officers
- state that the Police Chief has the sole authority to discipline police officers
- enable officers to appeal a disciplinary decision to a hearing board of other police officers
- enable officers to use the contract grievance process to have an outside arbitrator reverse disciplinary decisions and reinstate officers who have committed misconduct

- prevent an officer from being investigated for an incident that happened 100 or more days prior
- allow an officer to choose not to take a lie detector test without being punished, require the civilian who is accusing that officer of misconduct to pass a lie detector first, or prevent the officer's test results from being considered as evidence of misconduct

Keep officers' disciplinary history accessible to police departments and the public

Remove contract provisions, local and state policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that allow police officers to:

- expunge or destroy records of past misconduct (both sustained and unsustained) from their disciplinary file
- prevent their disciplinary records from being released to the public via a Freedom of Information Act (FOIA) request

Ensure financial accountability for officers and police departments that kill or seriously injure civilians

Remove contract provisions, local policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that:

- require officers to be given paid administrative leave or paid desk-duty during an investigation following a police shooting or other use of deadly force
- prevent officers from receiving unpaid suspensions as discipline for misconduct or allow officers to use vacation or discretionary time to pay themselves while on suspension
- allow officers to receive paid leave or paid desk-duty after being charged with a felony offense

DC Council recently passed legislation that **bans the inclusion of “all matters pertaining to the discipline of law enforcement officers” in their police union contract**. This policy banning police union contracts from including language that impacts the investigation and discipline of law enforcement is a model that other cities and states should adopt. Police accountability should be **non-negotiable**

Campaign Zero reviewed the police union contracts in nearly **600 U.S. cities**. **84% of police union contracts** imposed at least one **barrier to holding police accountable**. Learn more at Nixthe6.org.

A Roadmap for Exploring New Models of Funding Public Safety



- 1** What services might replace law enforcement to reduce their footprint on communities?

- 1.1** Conduct a rigorous analysis of public safety service demand.
 - 1.2** Evaluate officer-initiated activity.



- 2** How can departments reduce their footprint on communities?

- 2.1** Map inefficiencies in police activity.



- 3** What communities need more resources and what mechanisms can deliver them?

- 3.1** Target investments to communities that are overburdened by crime or policing.



- 4** How can we measure the response to change?

- 4.1** Seek community input.



- 5** How can we prevent violence and create safer communities with a smaller law enforcement footprint?

- 5.1** Use and invest in community resources.
 - 5.2** Implement focused basic income programs.



With the help of AH Datalytics, a consulting firm focused on bringing 21st century analytics to the organizations serving the public good, CPE has identified the following steps to structure the conversation on reallocating public safety resources.

Nationwide demonstrations against police violence have created unprecedented conversations around the allocation of public safety resources in American cities. As communities chart paths towards new models of public safety, many communities and government decision-makers are asking questions about how to do so without risking violence, aggravating racial disparities, or producing other unintended consequences that do not serve communities calling for change.

This document is intended as an easy to digest first step for those interested in exploring what investing in vulnerable communities might look like. It will not be a perfect fit in every city. It is not exhaustive. But the principles outlined here can be a jumping-off point for conversations about how to reimagine public safety. These steps allow communities to assess what resources—police or otherwise—are required to fill community needs while identifying neighborhoods most in need of additional investment. While the document suggests steps to map current public safety spending, it must be communities that decide what path forward to take.

Importantly, it will require time to expand existing community-based services and identify the need for new ones. These assessments and rollout processes will also require a diverse skill set to implement successfully. Still, budgets are moral documents and these steps can be taken to structure the conversation on allocating public safety resources. Each step can be undertaken serially or simultaneously and responds to a specific question about how a new allocation might proceed.



1. What services might replace law enforcement to reduce their footprint on communities?

1.1 Conduct a rigorous analysis of public safety service demand.

In order to reduce police responsibilities, it will be helpful to catalog them. Cities collect enormous amounts of data on public safety services rendered to the community. The most prominent data source is 911 Calls for Service, but public safety services are also delivered through 211, 311, and 411 programs. Analyzing these data with sufficient technical and subject matter expertise can provide an initial understanding of the service demand from communities. These analyses can be combined with an assessment of public safety agency budgets to enhance planning for allocating resources to other organizations that may be able to fulfill the required services.

1.2 Evaluate officer-initiated activity.

In addition to calls for service, officers make self-initiated contacts. Analyzing the location, time, and type of these interactions is crucial to understanding how police act proactively. Completing these two steps can provide a map of what services police are asked to perform by the community, and what services they perform proactively. With this information, communities can make more informed decisions on where they want to invest their resources to maximize public safety.



2. How can departments reduce their footprint on communities?

2.1 Map inefficiencies in police activity.

The first step in fixing a problem is measuring its scope. Mapping officer activity to reports of crime will provide insight into where crime and enforcement geographically diverge. These analyses can identify the types of police contacts that are least aligned with public safety needs and the areas that receive the heaviest dose of those contacts—a first step towards reducing them.



3. What communities need more resources and what mechanisms can deliver them?

3.1 Target investments to communities that are overburdened by crime or policing.

Identifying which communities are burdened by crime—or policing—provides a first look at which communities may require greater investment. Neighborhoods with either high crime rates or high rates of police contact that are untethered to crime

might be considered ripe for an influx of resources. Policymakers can create a stronger social safety net in these neighborhoods by delivering more social services to residents, including cash subsidies, hospitals, mental health treatment centers, and substance abuse facilities. Policymakers can also invest in and provide credit to local businesses, such as grocery stores, that enhance community wellbeing.



4. How can we measure the response to change?

4.1 Seek community input.

The best way to tell how people feel is to ask them. Surveys of community members can help quantify what services they want, trust, and need. Create spaces for conversations with community members to obtain their input on public safety services and policy.



5. How can we prevent violence and create safer communities with a smaller law enforcement footprint?

5.1 Use and invest in community resources.

Community-led violence interrupters like [LIFE Camp](#) in New York and community-led crisis intervention teams like the Crisis Assistance Helping Out on the Streets ([CAHOOTS](#)) program started in Eugene, Oregon show promise as low-cost, community-centered, and non-violent alternatives to police responses to violence. Similarly, a [Community Navigator](#) model like the one in Minneapolis allows trained city employees (instead of police) to respond to victims of crime, homelessness, or other concerns where there is not an immediate threat of violence. Similar community-centered response models exist across the country and the globe. While there are not deep literatures on each of these programs individually, there is evidence that combinations of these programs are underappreciated [causes of reduced crime](#) over the past several decades.

5.2. Implement focused basic income programs.

Community-level risk factors for violence include decreased economic opportunity, poverty, poor housing conditions, poor community mental health, and lack of access to services. Targeted cash subsidies can mitigate these risk factors. Basic income programs like the SEED program in Stockton, California have shown promise in improving participants' financial stability, employment, and mental health and wellbeing, which may help to reduce violence and crime in communities.

What skills will be needed to undertake these assessments?

Communities that want to consider new resource allocations to public safety need to be able to combine data analytics, community organizing, and strategic alignment of resources. Local leadership may possess all of these skills as well as the ability to translate quantitative results between communities and city officials. It will not be uncommon, however, for local leaders to rely at least partially on outside experts. When using outside experts, two conditions must be met for success: They must be responsive to the needs of the most vulnerable communities and they must enjoy wide public legitimacy. What follows are the list of skills we estimate are necessary to be successful with any of the above assessments.

Data capturing and cleaning

Those charting a new path towards investing in public safety must identify and capture relevant data in a machine-readable format. Data must be of sufficient quality to support rigorous data cleaning. Investment in IT systems or data analytic support may be needed to bring disparate data systems together.

Advanced data analysis

Rigorous analytic capabilities must be brought to bear to compare services needed by the community with services provided by the police.

Local political knowledge

An awareness of local political context is essential for implementing any change. Relevant government and community stakeholders must engage, current resource allocation must be clear, and the impact of reallocating resources must be considered. For efforts at something so new in the U.S. to succeed, close coordination between stakeholders is required.

Strong translation skills are fundamental

All of the correct analyses and recommendations will fail if they cannot be translated effectively to stakeholders. This means coordinating efforts must be led by a core team that can speak the cultural languages of city government, public safety, vulnerable communities, and science. Attempting this lift without a central coordinator that both holds legitimacy with these communities and has the power to translate between them is a recipe for inefficiency at best. Failure at worst.

Thanks to AH Datalytics for help in preparing this roadmap. If you would like to learn more about AH Datalytics, click [here](#).

HOW TO RETHINK THE POLICING FUNCTION

THE POLICING PROJECT AT NYU LAW

Since the police killing of George Floyd in May 2020, the concept of “defunding” the police—redirecting funds away from police departments and towards other government agencies—has gained significant traction in various jurisdictions across the country.

Police have become society’s de facto responders for a host of social problems—from homelessness and substance misuse to mental health crises, among others—for which they are both unprepared and ill-qualified to respond to. On this point, many police and activists agree. The frequent mismatch of problem and solution fails to address the underlying issues and contributes to many negative, avoidable outcomes like overcriminalization, racial inequity, and police violence.

The current movement provides a much-needed opportunity to reimagine what the police response could and should be, as well as the appropriate role of other government agencies in meeting communities’ public safety needs.

Pursuing this sort of transformation is necessary but complicated—there is no one-size-fits-all

solution across jurisdictions. States and municipalities differ in terms of underlying social issues and needs, baseline resources as well as social service quality and infrastructure, budget outlooks in the midst of COVID-19, state laws and funding formulas, the terms of police union contracts, the presence or absence of a consent decree, and now, varying responses to the calls for police reform.

Despite the complexity of rethinking the police function, there is a sense of urgency and a desire to move quickly. What follows are guiding principles and initial concrete steps for your jurisdiction to begin the process of reimagining what the police response should be and how to achieve public safety through decreased enforcement methods and increased social interventions.

Regardless of what you are focusing on or where you are in the process, **you should have meaningful community participation**, especially from communities most affected by policing.

Part 1: Fact-finding

First, establish a formal process to help you understand the needs of your jurisdiction and how you're meeting them, and identify all the relevant stakeholders who should be represented in any effort at transformation:

1. Establish a formal process to guide the work.

What follows will take resources, expertise, and input from many stakeholders. Establishing a body to oversee this process will be a necessary, and helpful, first step. This formal body could be a special committee of city council, a blue-ribbon commission or task force, certain delegated community groups, or a hybrid model.

2. Understand the needs of your jurisdiction.

What social problems are prevalent? Remember, while current government spending is helpful insight, it's only part of the story. There is no better way to understand your community's needs and priorities than to ask community members.

3. Understand the police role and impact. What do police spend their time doing? What role do police play in addressing (or attempting to address) community public safety needs? What are the downstream impacts of using enforcement to address social issues? Consider conducting a data-driven analysis to inform reform discussions. Partnering with a local academic organization can be helpful.

4. Understand demand for services. What does 911 call volume look like? How many of those calls require a police response, or a different response? What type and volume of resources would your jurisdiction adequately need to meet this demand? What are the most in-demand services aside from policing? Again, academic partnerships can be helpful here.

5. Understand the comprehensive response in your jurisdiction. Which other government agencies (if any) are involved in responding to public safety

needs, and what is their role? What other resources are leveraged, including private organizations? Partnering with community leaders can help you understand how their stakeholders' needs are met (or not) across government agencies and organizations.

Part 2: Reimagining

Next, work with community members, police, other government agencies, and local service providers to review the police role, understand available resources (including untapped funding or organizations), and reimagine the public safety response to meet your community's needs more fully and appropriately.

1. Imagine the ideal state and what it takes to achieve it. Engage with community members and leaders, police and other government agency officials, and municipal leadership to review information from Part 1, focusing on the police role and downstream impacts. Identify responses that would be a better way of addressing community needs, including through social services and other non-enforcement interventions, with the goal of addressing underlying social problems and minimizing negative impacts.

2. Identify resources and funding gaps. How are police departments and other relevant government organizations currently funded? This should include an examination of local budgets, state and federal allocations, police foundations, other sources of funds for your police agency, as well as for other relevant government organizations that will play a larger role in the reimagined response. How must they be funded to achieve the reimagined response? Are there additional external funding sources (e.g., grants, public/private partnerships) that may be leveraged?

3. Use the formal body to inform proposals.

Using this information and ongoing dialogue with stakeholders, have the formal body propose solutions in light of your jurisdiction's needs and current and prospective resources. Ensure that community members and leaders are represented and meaningfully integrated in the reimagining process.

Part 3: Refining and Prioritizing

If your jurisdiction decides to proceed, this work will take time. The goal is to have an impact and be effective; everyone involved will need to understand thoroughly the facts, what options are available, obstacles to change, and how these efforts can have the most impact.

1. Identify potential legal issues and other factors.

What are the legal constraints on the change you want to achieve? It could be union contracts, or the municipal charter, or a consent decree your jurisdiction is under. Are there additional obligations that contribute to funding levels for policing agencies or municipal expenditures on policing, such as a consent decree, investigations, pensions, liability for misconduct, providing security for large events, or providing public safety on public transit?

2. Review agency funding sources. In addition to local appropriations, does your police agency receive philanthropic dollars to support its activities? Does your agency run programs and activities through federal or other grants? Does your jurisdiction use fines and fees from police activities to fund the police or other municipal responsibilities? This may present a conflict of interest in your reform efforts; be sure to examine it.

3. Prioritize reforms and create a plan. You likely will identify many opportunities for change. How can you have the most impact? What do you have the greatest ability to change and what is feasible?

What will require coalition building or changes at other levels of government? Based on the exercises above and insights from the formal body established in **Part 2**, identify the highest impact policy areas for short, medium, and long-term reform based on the projected magnitude of impact.

4. Develop metrics for success. Work with community members, advocates, police officials, and other relevant stakeholders to identify quantitative and qualitative outcomes and goals for how things could look different and align these with your proposed policy changes.

About the Policing Project

The Policing Project at New York University's School of Law is an independent nonprofit research and public policy organization focused on ensuring just and effective policing through democratic accountability.

The Policing Project works across a host of issues—from use of force and racial profiling, to facial recognition, to reimagining public safety—in close collaboration with stakeholders who typically find themselves at odds. We bring a new approach to these fraught areas—one grounded in democratic values and designed to promote transparency, racial justice, and equitable treatment for all.

Visit PolicingProject.org for more.

<https://www.npr.org/2020/09/19/914170214/police-settlements-how-the-cost-of-misconduct-impacts-cities-and-taxpayers>

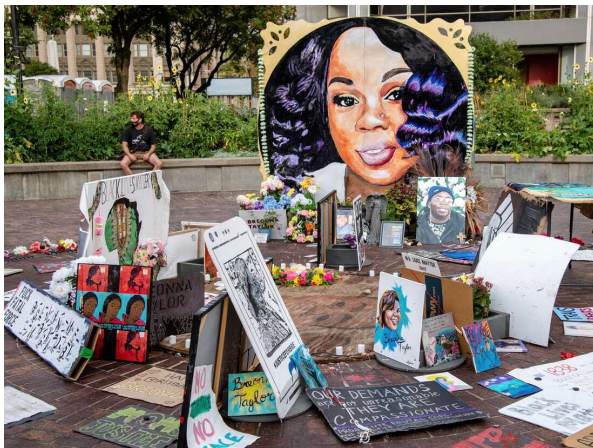
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Police Settlements: How The Cost Of Misconduct Impacts Cities And Taxpayers

September 19, 2020 7:00 AM ET

[CHERYL CORLEY](#)



A memorial for Breonna Taylor is seen during the Good Trouble Tuesday march for Breonna Taylor on Tuesday, Aug. 25 in Louisville, Ky.

Amy Harris/Amy Harris/Invision/AP

For months, protests over the police involved killing of Breonna Taylor in Kentucky, George Floyd in Minnesota and others around the country reinvigorated an intense debate over policing. Then when Greg Fischer, mayor of Louisville, Ky., recently announced the city would pay \$12 million to Taylor's family and institute a number of police reforms, that highlighted an aspect less discussed — the financial impact of police misconduct on cities and taxpayers.

Cities can face hundreds of lawsuits every year charging, among other things, that police used excessive or deadly force or made a false arrest. Many times the details of settlements are hidden behind confidentiality agreements. UCLA Law Prof. Joanna Schwartz studies how jurisdictions budget and pay for police legal expenses. [She says problems of police violence](#) are not limited to large cities and although payouts can total in the millions, more often they are in the thousands of dollars range.

"The number of cases filed and the number of dollars paid to resolve cases depends very much where in the country you live," Schwartz says.

As an example, she points to her study of the judgments and police misconduct — related lawsuits filed over a two-year period in Houston and Philadelphia, cities that have police departments of similar size and histories. Schwartz says although Houston police officers killed more people and were disciplined more often than Philadelphia police, plaintiffs in Philadelphia filed 10 times more lawsuits and were awarded 100 times more than those in Houston.

"I don't think the difference has to do with the severity of the harm," Schwartz says. "It has a lot to do with other issues including the judges, the juries, the kinds of claims that can be brought and the number of attorneys who are experienced and willing to to bring civil rights cases."

THE CORONAVIRUS CRISIS

Crime Has Declined Overall During The Pandemic, But Shootings And Killings Are Up **Money for police could be better spent elsewhere**

High-profile cases garner the most attention. The family of Michael Brown - the unarmed Black teenager killed by a police officer in 2014, [reached a \\$1.5 million settlement](#) with Ferguson, Mo. In Chicago, the city agreed to pay the [family of LaQuan McDonald \\$5 million](#). His death was captured on video and the police officer who fatally shot him was convicted of second degree murder. In 2017, the mother of Philando Castile, a Black motorist killed by a suburban Minneapolis police officer a year earlier, [reached a \\$3 million settlement with city officials](#). The financial award for Castile's girlfriend, who live-streamed the aftermath of the shooting on Facebook, was \$800, 000.

One of the arguments in the ongoing protests over policing is that the money for police could be better spent elsewhere. The clash between protesters and police following the death of George Floyd in Minneapolis means that city and others could face a myriad of legal costs.

In Chicago, several groups work to resolve cases of people who've been wrongfully convicted. Two years ago, [a federal jury awarded \\$17 million to Jacques Rivera](#) — in what's considered one of the largest police misconduct settlements in the city's history.

"I say I was kidnapped by the Chicago police, wrongfully," says Rivera, now 55 years old. Rivera spent 21 years in prison for a murder he did not commit — framed, he says, by a now retired Chicago gang crimes detective. Rivera is one of at least 20 who have been exonerated in cases where that detective, Reynaldo Guevera, [led the investigations](#).

"They set out to wrongfully convict me for whatever reasons why, maybe it was to calm the community that they got the perpetrator or whatever it may be," Rivera says. "It's still not right because taxpayers have to pay for it. The victim's family has to relieve this all over again once they think it's closed and it's just painful for everybody."

Costs pile up, taxpayers foot bill for police misconduct

Over the past decade, Chicago has paid more than a half billion dollars for police misconduct, [according to an analysis of city law department data](#). Rivera's attorney, Locke Bowman is the head of the MacArthur Justice Center at Northwestern Law School. He says in cases where misconduct is clear, cities often continue to fight against the allegations for months – sometimes years —and that can mean a hefty price tag for taxpayers. "The decision to settle a case like that early ends up saving money for attorneys' fees and can result in a lower settlement before everybody gets dug in and the price of the case goes up," he says.

Insurance policies and city and county budgets usually pay for judgments and claims. Jurisdictions hurting for cash may borrow money and issue bonds to spread out payments. Add bank fees, plus the interest paid to investors and the costs pile up with taxpayers footing the bill for police misconduct. As COVID-19 devastates budgets nationwide, that could be a more frequent scenario.

Chicago City Council Finance Committee Chairman Scott Waguespack says the city is working to break that expensive pattern and concentrating on implementing police reforms mandated by a consent decree put in place after a white Chicago police officer, Jason Van Dyke, fatally shot LaQuan McDonald, [a 17-year-old African American](#).

"So that we're not just saying 'okay, here's another settlement. Good job negotiating' and move on. But really look at the deep seated issues within the department to start rooting out those problems," Waguespack says.

Activists argue tying police misconduct costs to police budgets could help prevent police wrongdoing. They also want police officers, especially repeat offenders, to be financially accountable. Currently so-called qualified immunity rules shield officers from those costs. That's changed in Colorado. State Representative Leslie Herod was the force between the state's decision to drop its qualified immunity provision. [A new law requires](#) officers guilty of wrongdoing to pay up to 5% of a judgement or \$25,000 - whichever is less.

"If they were found to have acted in bad faith- violating someone's rights- possibly ending in death," says Herod, "they actually have to be held personally responsible just like anyone else who violated their policies and their obligations at their workplace."

The law also allows officers to purchase liability insurance. Other jurisdictions looking to reduce police-related lawsuits may follow that hybrid model of splitting settlement costs between cities and individual officers. That's all with the hope that such an arrangement will help put a stop to police behavior that leads to settlements in the first place.

Urban Wire Crime, Justice, and SafetyRSS

The blog of the Urban Institute

April 26, 2021

Libby Doyle

Susan Nembhard

The dangers of police traffic stops have been displayed time and again, from [Rodney King in 1991](#) to [Daunte Wright earlier this month](#). Traffic stops are the [most common form of police-citizen interaction](#), but for many citizens, [they are also the most dangerous](#).

Although many people view traffic enforcement as a basic aspect of policing, this has not always been the case. Considering the dangers of traffic stops and their disproportionate impact on Black people and other people of color, the traffic safety benefits do not outweigh the potential dangers.

How traffic enforcement evolved over time

Traffic enforcement has been a responsibility of policing since the invention and wide use of automobiles and other vehicles. [Cars were seen as dangerous](#), and originally, there were no rules or regulations governing their use. Outraged over accidents and other safety concerns, civilians demanded public safety support, despite law enforcement's own lack of automobile use.

Traffic enforcement started in the 1920s with "traffic vigilantes" who regulated driving by [handing out tickets, keeping track of license plates, and following high-speed drivers](#). As police gained access to more technology, this role increasingly fell to them. Since then, police have used traffic stops to [stop, detain, and search people](#) (PDF) they believe are engaging in criminal activity.

Traffic stops are now one of the most common acts of policing. Officers engaged in traffic enforcement have the [discretion to decide whether to stop a driver](#) based on a long list of potential violations, including not using a turn signal early enough, not using headlights on a cloudy day, or having a loud exhaust. Officers have further discretion in how the stop is handled, including whether they will conduct a search of vehicle, issue a citation, arrest the driver, or let them go.

Whether an officer can initiate a search after a stop has sparked debate on drivers' civil liberties and guarantees under the Fourth Amendment, but [the Supreme Court has upheld officers' ability to conduct vehicular searches and pretextual stops](#). Pretextual stops allow officers to pull over drivers for minor traffic violations as a pretext for investigating other criminal activity. Because of the large amount of officer discretion involved, these stops have been particularly [susceptible to biased policing](#), resulting in [disproportionate harms to Black people and other people of color](#).

Traffic stops increase harm and trauma

Research on police traffic stops has consistently found widespread racial disparities, [with Black drivers more likely than white drivers to be pulled over](#) in cities across the country. These disparities are amplified when considering vehicle search rates; Black and Latine drivers are significantly more likely to be searched than white drivers. In [North Carolina](#), Black drivers were 63 percent more likely to be pulled over and 115 percent more likely to be searched during a traffic stop than white drivers, despite finding that contraband was more likely to be found on white drivers.

Although the [vast majority of traffic stops and searches do not result in an arrest](#), the highly racialized nature of these interactions erodes community trust in the police. Further, [police stops of innocent people exact a psychological toll](#), particularly for [Black Americans, who continue to experience collective trauma](#) from police violence. [Black people are murdered by police at more than twice the rate of white people](#), despite comprising 13 percent of the US population.

Laws prohibiting innocuous activities, such as [having air fresheners or other objects hanging from a rearview mirror](#), allow police an essentially unchecked ability to initiate traffic stops. Additionally, policymakers and activists have pointed to [substantial racial disparities in marijuana enforcement](#) during pretextual stops. Researchers found that in two states where marijuana has recently been legalized, [searches for Black, Latine, and White drivers all decreased](#). However, racial disparities in traffic stops persisted, despite removing marijuana as a reason to search a car.

The deeply entrenched racial disparities in traffic enforcement and the [continued killing of Black drivers](#) show that regardless of intentions, the harms of traffic stops far outweigh any potential public safety benefits. Traffic stops result in neither increased trust in the police nor increased perceptions of safety among community members, and they [often have the opposite effect](#). In some cases, traffic stops [can lead to decreases in motor vehicle crashes and fatalities](#). But they should not lead to life-threatening interactions.

Where do we go from here?

Policymakers have explored ways to reduce the frequency of stops and inform people of their rights. One such reform [that has been found to reduce search rates and crime rates](#) mandates that officers obtain

written consent to search vehicles when lacking probable cause. Following the implementation of this reform in two North Carolina cities, [consent searches dropped by 95 percent](#).

To limit police officers' ability to use pretextual stops to justify searches, [policymakers have proposed deprioritizing low-level traffic offenses](#), such as not wearing a seatbelt or having an expired vehicle registration. By reducing the number of opportunities to pull people over, [this approach](#) aims to minimize dangerous police-driver interactions and racial disparities in police exercising their discretion in stops.

Some advocates and researchers have suggested [removing police officers from traffic enforcement altogether](#), arguing the only way to eliminate risks and reduce Black trauma in traffic stops is [to shift routine traffic responsibilities away from the police](#). Automating traffic enforcement [via speed cameras or red light cameras is one option](#). But policymakers should be conscious of the implications of such policies, given [the country's racist history of surveilling Black communities](#).

To address this concern, some advocates have pushed for the adoption of [inclusive community engagement strategies](#), through which community members determine their own public safety solutions. To effectively address police violence and the legacy of anti-Black racism, policymakers could remove officers from traffic enforcement activities, listen to the people most harmed by traffic stops, and shift the power to community members to define and address their public safety concerns.

The Urban Institute has the evidence to show what it will take to create a society where everyone has a fair shot at achieving their vision of success.

The Cornell Daily Sun

April 2, 2021

Mayor Svante Myrick's '09 Police Overhaul Proposal, Explained

By John Yoon

Weeks after Mayor Svante Myrick '09 made [national headlines](#) for unveiling a sweeping proposal to replace the Ithaca Police Department with a civilian-led agency, the [city](#) and [county](#) have both approved the recommendations.

The [plan](#) includes 19 recommendations that aim to increase transparency, accountability and trust between local law enforcement and residents. But the recommendation that has gotten the most attention locally and nationally is the first — for the city to create a new department with armed workers, including previous IPD officers, and unarmed workers who will be trained to respond to different types of crises.

A new Community Justice Center composed of new staff members and city and county employees will implement these recommendations that include expanded powers for community police boards, new community transparency initiatives and attempts to diversify the department.

Since the city [released](#) the proposal in late February, the Tompkins County Legislature voted to [pass the plan](#) in a 11-2 vote on Tuesday, and the Ithaca Common Council unanimously [passed it](#) Wednesday. The resolution will now be sent to the governor and the city and county will begin to implement the recommendations.

Myrick and the city undertook the planning process after Gov. Andrew Cuomo's (D-N.Y.) [Executive Order 203](#) that required state cities and counties to develop a plan to improve law enforcement within their communities. They worked with five working groups to gather suggestions over Zoom forums, surveys and interviews — hearing from law enforcement and members of marginalized communities.



The Ithaca Common Council unanimously voted in favor of the reform plan on March 31. (John Yoon/Sun City Editor)

Sustained skepticism of the public safety review limited these focus groups, wary these police reforms will fail to achieve anything, according to the proposal on page 30. But Myrick maintains that the plan is the best option for reimagining public safety.

The Tompkins County's final resolution can be found [here](#). The Ithaca Common Council's final resolution can be found [here](#).

Here are the 19 recommendations of Myrick's original proposal, annotated with background information and additional details. The original wording of the recommendations may have changed from the wording in the draft proposal:

1. City: Replace the City of Ithaca Police Department with a Community Solutions and Public Safety Department.

Responding to months of local and national calls to “defund the police,” the draft report, on page 14, first states that those the city and county surveyed in focus groups didn't actively express this sentiment — instead, they more broadly pushed for change.

This recommendation would create a new department that includes all current IPD officers, replacing it with a civilian-led agency of both armed and unarmed workers. This structure would shrink the number of calls that armed officers are supposed to respond to.

The unarmed workers, called community solutions officers, would respond to calls that don't involve potential violence, like directing traffic after an accident or aiding a stranded motorist. However, the specifics of the job will have to be designed with input from the community, the new department, colleges and counties.

Armed public safety workers will continue the role of current police officers. A police chief will lead the armed responders, and the chief will report to the civilian head of the department. A civilian position will increase the applicant pool of candidates beyond those with a background

in law enforcement, giving the city more leeway to choose the most qualified candidate that will create a sense of public safety.

Denying calls among some constituents for police abolition, Myrick and the Common Council have clarified in the resolution that all officers will keep their jobs, contract, titles and have the same pay and benefits. City Attorney Ari Lavine confirmed Wednesday that the department name change will not impact the collective bargain agreement with the police union, the Ithaca Police Benevolent Association.

The IPBA originally expressed concerns about this recommendation because it uses the word “intend” — to keep the jobs and benefits of officers — which they said falls short of a guarantee. The language has since been revised to say “shall implement.”

The police union also alleges that the proposal is a form of union busting, as uncertainty around the department has caused the union to lose a member, with two more planning to leave the department in the coming months.

“That’s a way of busting a union, by literally making working conditions so poor that members have no other choice but to leave, decreasing the membership to a point where there’s no ability for the union to be able to sustain itself financially or otherwise,” said Thomas Condzella ’08, president of the Ithaca Police Benevolent Association.

The IPBA has backed many parts of the proposal, but said the first recommendation to create a new department feels too extreme to support. They believe the best way to have successful police reform is through the current existing foundations with the IPD. However, the IPBA maintains that they are still open to a restructured department.

“If a restructured Department that provides a broader and more enhanced public safety response, including the response of Ithaca Police Officers, is better represented by a different name, we are supportive of that, especially if it is meaningful and needed for our Community,” Condzella wrote to The Sun.

Myrick argued that creating a new department will allow the city to build a new culture of communication, transparency and accountability — starting from scratch instead of relying on how the IPD operated. According to Myrick, the 19 recommendations will allow the city to invest in community building to prevent crimes from occurring.

“I see all our police officers themselves working so hard and going out of their way to be selfless and to be brave, and still the system and the structure setting us up for mistrust, failure and for a lot of outrage,” Myrick said in the political podcast *Pod Save America* [on March 4](#).

Some activists have remained skeptical of the plan, arguing that it does not actually solve the ingrained structural issues of policing that are deeply rooted in white supremacy — instead, they argue, it simply rebrands the department and gives it \$1 million more in funding.

The Solidarity Slate, three candidates [running](#) in 2021 on a progressive platform for Ithaca’s Common Council, have all said that they do not believe the proposal addresses the root of the issue.

“We have not talked about the core of policing. First we need a clear picture of what policing means,” Common Council candidate Phoebe Brown [said](#). “A lot of us believe policing is to protect us, and the truth of it is that it comes from policing Indigenous people and slaves, so it’s about protecting property, not people. We haven’t talked about that root first.”

In the city’s resolution, the first recommendation has evolved [into two recommendations](#):

“Create a new department, tentatively named the Department of Public Safety (DPS), which may be led by a civilian to manage various public safety functions in the City.”

“Create a task force to design the new department.”

In the passed resolution, Common Council did not give the armed unit a name, but these armed workers will qualify under New York State law as police officers. In addition, the Common Council gave the task force until Sept. 1, 2021, to submit their recommendations on how to implement the resolution to the Common Council.



The Tompkins County Legislature voted Tuesday in favor of passing the resolution on police reform. (John Yoon/Sun City Editor)

2. City & County: Evaluate existing models and implement an alternative to law enforcement response system for crisis intervention and wraparound health and human services delivery.

The first recommendation occupied most of the conversation following the plan’s February announcement — with people on both sides of police reform criticizing the departmental change. The following recommendations were not discussed in as much detail as the first recommendation.

Building on the first recommendation, the second states that both the city and the county will create a new model to address calls unrelated to crimes. According to the draft report, on page 7, from 2017 to 2020, a third of calls IPD responded to did not result in arrest.

According to the draft report, on page 31, residents who participated in focus groups did not trust police to adequately handle mental health concerns or assist people with disabilities. In response, the plan proposes unarmed, non-uniformed workers to respond to these calls.

Currently, Tompkins County’s public safety and health and human services departments provide emergency social service assistance. The proposal recommends these existing

departments serve as the responding agencies in the new model. In Ithaca, the city will utilize the new unarmed workers proposed in Recommendation 1.

While the new system would increase resources to non-uniformed agencies, it would not create substantial changes for current law enforcement resources.

3. County: Better align available resources with emergency response needs by establishing a pilot program for non-emergency calls.

The draft report suggests, on page 66, that civilian staff respond to non-emergency calls that can be handled over the phone and put a system in place to identify calls that an unarmed officer would respond to.

Non-emergency responses include car collisions with animals, processing crime tips or traffic complaints. It also includes grant management and vehicle maintenance scheduling, which would be handled by a civilian employee in the new public safety department.

4. County: Collect and evaluate the results of officer-initiated traffic stop enforcement.

Though traffic stops rarely result in fines being paid — more than half of traffic stop enforcements were dismissed in 2020 according to page 68 of the draft report — these stops are the most common way community members come in contact with the police.

This recommendation proposes an audit of traffic stops to better understand the demographics and amounts of tickets given, especially to analyze the effects on Black and brown communities. By reducing traffic stops, those who drafted the proposal hope to also free up more officer time to interact with the community or focus on work that requires a uniformed officer.

5. County & City: Identify new curriculum, redesign and implement a culturally-responsive training program that incorporates de-escalation and mental health components into a comprehensive response for law enforcement.

According to the results from the draft report, on page 35, many in the community want stronger police training. Focus group participants also emphasized, on page 32, a need for the training to be ongoing rather than a one-time experience.

According to the draft proposal, focus groups thought law enforcement did not adequately know how to deal with situations involving calls related to mental illness, disability and interacting with members of the LGBTQ+ community.



The first recommendation would create a new department that includes all current Ithaca Police Department officers, replacing it with a civilian-led agency of both armed and unarmed workers. (Boris Tsang/Sun Senior Photographer)

6. County & City: Develop a comprehensive community healing plan to address trauma in the relationship between residents and law enforcement.

Some members of the focus groups ultimately did not feel safe going to the police for help, according to page 31 of the draft report.

However, law enforcement said in the draft report, on page 33, that some members of the public are unfairly targeting them and that most of the community supports them. Still, law enforcement acknowledged in the proposal the need to build trust with the community.

The plan proposes a long-term commitment to healing — to address trauma experienced at the hands of law enforcement and to provide a space to increase trust between law enforcement officers and the community. They wrote that “leading experts in trauma-informed healing” would conduct the trainings and offer tools, but did not provide further details.

7. County & City: Standardize data entry and review existing data sets for more actionable insights and allocation of public safety resources.

The draft report claims that better access to data will allow both Ithaca and Tompkins County to reduce the law enforcement footprint and increase health and human services support.

This builds on the focus groups’ discomfort interacting with law enforcement, offering more everyday interaction with unarmed workers, who would be able to contribute to stronger feelings of community public safety.

8. County & City: Develop a real-time public safety community dashboard.

The dashboard will allow the public to view calls for service in real time — an opportunity for better community transparency in investigations, terminations and accountability of officers. It would include information on how law enforcement time is being spent and community trends.

9. County: Create a Tompkins County Public Safety Review Board.

Currently, Tompkins County does not have a Public Safety Review Board, unlike the city of Ithaca. Community police boards, like Ithaca’s, conduct internal investigations into reports of police officer misconduct and can increase police accountability.

Input from the community, individuals and focus groups all mentioned wanting more police oversight from the community.

In the county’s resolution, the wording has changed from the original proposal to only consider creating this review board: “Evaluate the Creation of a Tompkins County Public Safety Review Board,” the new recommendation reads.

Members of the county legislature expressed concerns with creating a Public Safety Review Board, referencing Recommendation 15 that states that the City of Ithaca is requesting to give more power to its Community Police Board and wants to figure out the best way to create the board first.



A new dashboard would include information on how law enforcement time is being spent and community trends. (Boris Tsang/Sun Senior Photographer)

10. County & City: Develop a comprehensive, inclusive, and innovative recruitment strategy for law enforcement and corrections officers.

The draft report does not lay out specific plans on how to improve recruitment strategies, but does recommend placing a greater emphasis on recruiting and retaining people of color to better represent and

serve the community. This recommendation addresses **one common concern** that police forces do not accurately represent the diversity of the community they serve.

According to data described on page 38 of the draft report, within the current IPD leadership, one out of the four police lieutenants is Black, and one out of nine sergeants is Hispanic. There are no people of color serving command, the chief and the two deputy chiefs. Among the 45 officers, there are two Asian police officers, six Black officers and two Hispanic officers.

11. County & City: Develop a County-wide program to promote and support holistic officer wellness.

The program will incorporate successful elements from Tompkins County's current Probation and Community Justice Department peer support program, which connects police officers together and offers peer support sessions to reduce stress. The new program will focus on physical and mental wellness by connecting officers together and providing support sessions.

12. County & City: Seek ongoing and responsive collaboration from New York State Troopers operating in Tompkins County.

New York State troopers will be encouraged to participate in the various training programs present in the recommendations.

13. County & City: Repurpose SWAT Mobile Command Vehicle to Tompkins County Department of Emergency Response and Develop Policies for Use of Mobile Command Vehicle, Centers.

The IPD SWAT team has 20 members — including 15 members from the IPD and the five from the Tompkins County Sheriff's Office. The team has been called once or twice a month to respond to threatening situations in the county.

The draft report found that the community wanted the police to be demilitarized, singling out the military grade weapons and SWAT Mobile Command Vehicle. This vehicle is used by the Critical Incident and Negotiation Team — a group of officers who conduct negotiations — to store tactical gear and as a command center by administrators and staff.

The report proposes that the SWAT Mobile Command Vehicle be rebranded to be used for emergency response and given to the Tompkins County Department of Emergency Response. But the Tompkins County Legislature voted Tuesday to take this recommendation out of their resolution. Instead, the legislature voted to conduct an analysis of how to use the SWAT vehicle if the city did not want to keep it.

On Wednesday, the city committed to keep the SWAT vehicle for now.

In the city's resolution, the wording of the recommendation has changed and now only applies to the city.

The new recommendation reads:

“Develop a joint community and IPD-TCSO task force that will review the use of Truck 99 and explore alternative or expanded functions. The resulting plan should maximize the truck's use in enhancing public safety and supporting crisis management, educate the community about the expanded role, and respect the origins and legacy and spirit of the CINT program in Ithaca.”

The city will continue to review the use of the SWAT Vehicle and will work to educate the public on what the vehicle does, while also tailoring it to best increase public safety.



Ithaca Police Department on March 22, 2020. (Boris Tsang/Sun Senior Photographer)

14. County & City: Conduct a Review of SWAT Callouts to Determine Appropriate Use of Service and Equipment.

The draft report, on page 87, calls for a committee that includes the Tompkins County Sheriff's Office, dispatch, Ithaca Police Department, city and county administration and members of the community to review the use of the SWAT team.

Concerns from the community, according to the draft report, on page 35, about the militarization of the police has led both the city and county to better define when SWAT teams are used.

SWAT Commander Jake Young said Tuesday during the [Tompkins County Legislature meeting](#) that the city and IPD are discussing many suggestions, including renaming SWAT.

15. City: Grant City of Ithaca Community Police Board More Oversight Authority.

While the Community Police Board, a board of members chosen by Common Council, can conduct internal investigations, they can only make recommendations to the police chief who can take action.

The draft report proposes, on page 88, to allow the board to conduct full internal investigations by issuing subpoenas and notices of discipline, as well as hiring external investigators. This would allow the Community Police Board to conduct more thorough investigations and provide information to the community.

16. County: Require public disclosure of District Attorney and Assigned Counsel Office Statistics on a quarterly and annual basis.

The draft report recommended, on page 89, the county district attorney and assigned counsel should increase transparency by reporting demographic, dismissal and prosecution data and statistics on a quarterly and annual basis.

With concerns of accountability from those that participated in community input present in the draft proposal, on page 35, the data would support to address those concerns..

17. County & City: Revise the Civil Service exam process to diversify law enforcement personnel.

Currently, police departments are only allowed to hire from the three highest ranking candidates from the civil service exam to become an officer. The draft report recommends New York State to instead have a pass/fail test to expand the applicant pool, especially for candidates of color.

18. County & City: Advocate for New York State to grant local civil service authorities the authority to enact “continuous recruitment” of eligible candidates for law enforcement personnel.

The draft report recommends, on page 93, that the Department of Public Safety accept examinations without an application deadline to create more opportunities for a more diverse and expanded pool of applicants.

19. County & City: Urge Governor Cuomo and/or the New York State Legislature to reform disciplinary procedures for law enforcement personnel under Civil Service Law Section 75.

The [New York State Civil Service Law Section 75](#) prolongs the disciplinary process for law enforcement. The draft report, on page 96, proposes a change of this policy so municipalities can create their own disciplinary procedures and better hold officers accountable.

ABOUT JOHN YOON

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http://www.snoho.com/html/stories_2020/07222020_everett_police_reforms.html

By NATHAN BLACKWELL, contributing writer

Published July 22, 2020

Everett Police reviewing its rulebook for officers

EVERETT — Mayor Cassie Franklin and Police Chief Dan Templeman have committed to conducting a new review of the Police Department's policies, including use of force, training, and standards as related to community expectations, in the wake of national and local calls for reforms to policing and the criminal justice system.

The fresh review began May 25, and the City Council's public safety committee was updated on the process at a July 1 meeting.

"Community involvement and public trust are both foundational to police legitimacy," which is necessary to effectively provide public safety services, Templeman said. He told the committee that this philosophy helps guide the department's approach to policing and its leadership works to ingrain such a mindset within the organization's culture. He said he wants every officer to represent the city, department and badge in a respectful way.

Templeman feels that community policing values and prioritizes the participation of residents and local stakeholders in order to build relationships, foster positive interactions and form partnerships. He said it's important to have actions that match words. The chief pointed to publicly involved measures the department has established, such as its community advisory board, officers' attendance at neighborhood meetings, mentoring youth at its outreach programs such as summer camps and involvement with the city's diversity advisory board.

"I think about being a progressive agency, that's innovative and professional," Templeman told the safety committee. This means not being afraid to look at different ways of policing and trying new ideas. As evidence of innovation, he identified the department's inclusion of embedded social workers with officers and its recent partnership with the Snohomish County Prosecutor's Office in the Law Enforcement Assisted Diversion program, which allows for discretion to divert offenders with low-level charges to social services or treatment for their underlying behavioral health or addiction issues rather than jail time.

Changes to the department's policy manual were put in place last month after review of an arrest, during which a police sergeant, while handcuffing the suspect in a domestic violence call, knelt for 14 seconds on the back of a Black man, who exclaimed multiple times "I can't breathe." That incident in Everett happened May 24, the day before George Floyd was killed by Minneapolis police, and was captured on body cameras worn by officers at the scene.

Templeman said the department later determined it was a reasonable use of force. "(The officer) performed as trained and reacted appropriately to the comments of having difficulty breathing," the chief said in an interview with the Tribune.

"Within seconds (the officers) got him on his side and then stood him up," Templeman said.

Since then, the police department has updated its procedure for use of force that obstructs a person's breathing. The new policy requires officers to immediately reposition an individual in custody that complains of difficulties breathing, so that it is then easier for them to breathe. Officers must next assess the person and summon for medical aid.

Additionally, the department clarified its policy on the duty of officers to intervene in its use-of-force manual. Officers present who "see another officer that is using force that is clearly beyond what is objectively reasonable" must now intercede to stop the use of unreasonable force when it is safe to do so. They must report the incident to a supervisor, which is the same as previously required, Templeman said during an interview.

The national #8CantWait campaign has helped to serve as a set of guidelines to review and address changes in policing that emphasize public safety. Templeman said that many in the community have expressed an interest in the agency's policies lining up with recommendations made by the campaign.

The campaign's recommendations include banning chokeholds, strangleholds, and shooting at moving vehicles; while requiring de-escalation, the use of a force continuum-starting at a lower level and then only increasing as necessary, duty to intervene, exhausting all alternatives before shooting, warning before shooting, and comprehensive reporting.

He acknowledged they are still working on refinements, "but it's my impression and belief that we comply pretty much with all of them." Templeman said that while several changes had been made recently, many of the campaign's recommendations already existed in the department's policies.

Templeman said de-escalation is a recurring theme throughout the manual. The use of neck holds or shooting at moving vehicles are not allowed except in the most extreme circumstances. He believes transparency and accountability are important and reflected in the agency's pilot program for officer-worn body cameras, its complaint and review processes, and by being the only law enforcement agency in the county to report its use of deadly force incidents to the FBI.

Police officers in Everett are required to complete more training compared to many other local law enforcement agencies. Templeman stressed how important those efforts are because of the power and ability police have to affect people's lives. He said they are trained in areas relevant to modern policing principles that will make officers more effective in the community.

Since 2017, all staff members receive instruction to help them recognize implicit bias and mitigate its effects. Officers are also required to undergo 40 hours of training in crisis intervention and de-escalation techniques, which is the chief noted is five times the amount required by the state.

Templeman thinks these are useful for helping officers adjust and respond to having more frequent interactions with people who are in some sort of behavioral health or addiction crisis. "I think that de-escalation is an absolute critical skill that every law enforcement officer today has to be aware of and skilled in," he said.

Safety committee members expressed a desire for further discussions regarding community policing, transparency and accountability with the full city council. Council President Judy Tuohy said it needs to happen soon. The idea of a town hall forum to hear public comments was also floated.

Tuohy said later by email that one of the most frequent public comments heard so far is, "People want to know more about Law Enforcement Citizen Oversight Committees and how that might help bridge gaps when people are not happy with the police."

Templeman said in an interview he's committed to the ongoing review, being proactive and building public trust. "Certainly, for us as a police department and the city government it's time for us to listen and then take action that's consistent with what the community wants and envisions their police department to be."

The Everett Police Department's use of force policies and entire policy manual are available to view on the city's website, www.everettwa.gov, or at www.tinyurl.com/EverettPDforcemanual and www.tinyurl.com/EverettPDpolicymanual

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Everett Police Department Recruit John Dorscher tries to keep a soccer ball away from Stephanie Garzon (left) and Ashley Gutierrez-Corona during the Casino Road Futbol Academy held at Walter E. Hall Park on in June, 2017 in Everett. The program is a community outreach effort by the department. (Andy Bronson / Herald file photo)

[IN OUR VIEW](#)



Editorial: Everett police reforms a template for others

The department's response to an on-camera arrest shows the value of its recent reforms in policing.

Tuesday, June 30, 2020 1:30am

OPINION [IN OUR VIEW](#)

| **By The Herald Editorial Board**

What kept the May 24 arrest of a Black man by Everett police officers where force was used — a day before the in-custody suffocation death of George Floyd as he was held by Minneapolis police — from becoming the flash point for nationwide protests and widespread calls for police reform and defunding of departments?

In both arrests there were similarities but also significant differences, as [detailed Saturday by Herald reporter Caleb Hutton](#), following a review of video of the arrest, police reports and interviews with Everett Police Chief Dan Templeman and the suspect's attorney.

Similar to the death of Floyd, Joseph Michael Hill, 39, who was a suspect in a report of domestic violence assault, complained three times that he could not breathe after an Everett officer put a knee against the man's back. Both arrests were recorded on video; Floyd's by a young woman on a smartphone; Hills' on the body-worn cameras of two officers involved in the arrest.

The most significant difference: Floyd died after Officer Derek Chauvin placed his knee against the back of the neck of the already handcuffed Floyd for eight minutes

and 46 seconds; after Hill complied with orders to lie on the ground and place his hands behind his back, Sgt. Robert Edmonds held Hill to the ground with one knee between Hills' shoulder blades for 14 seconds as he was handcuffed, then helped to a sitting position, then to his feet.

Hill's attorney, Maxwell Mensinger, has called that 14 seconds an unnecessary and potentially deadly use of force. Templeman said Edmonds and other officers responded as they were trained.

That difference of opinion is expected, but certainly the outcome was far different in Everett than what occurred the next day in Minneapolis.

The Everett Police Department's response to the incident is notable, too, because of the steps that followed Hill's arrest.

After a review of the arrest, the department clarified its procedure manual, adding: "If the subject complains of breathing difficulty or appears to be in respiratory distress, officers will, at the earliest safe opportunity, move them to a position where it is easier to breathe, provide any necessary first aid, and request aid personnel for a medical evaluation."

The addition, the chief said, simply emphasized what officers already were trained to do; now it's down in black and white.

That willingness to promptly review and add "suspenders to the belt" in terms of policy should be kept in mind as the Everett City Council, through its public safety committee, reviews the police department's policy, training, use of force and other issues at its meeting, 5 p.m., Wednesday. The meeting will be broadcast live and can be viewed at tinyurl.com/EverettWAtv.

Shaken by Floyd's death and the protests that followed, Everett, as are other local and state governments nationwide, is making a close examination of law enforcement and criminal justice matters. And with national reforms bottled up in a divided Congress, accomplishment on reforms will be left to the local and state level.

There are two tracks here to consider during these discussions: policy and funding.

Locally and nationally, calls have been heard for a reduction of law enforcement budgets and a reallocation of funds to a range of social service programs, including youth outreach, housing assistance, mental health programs, drug treatment and economic development, among others, investments that are seen as effective in improving communities' quality of life and crime prevention.

As budgets have tightened, especially during the Great Recession, funding for many of those programs have been cut and often not yet restored, with law enforcement left as not just first responder but the only available responder.

Everett Mayor Cassie Franklin, even as the city faces lost revenue from the coronavirus pandemic's effects on the economy — on top of an existing structural budget deficit — is opposed to cutting back on the police department to reallocate funds elsewhere. Franklin and Templeman talked with The Herald Editorial Board last week.

The city's program that pairs social workers with police patrols responding to those struggling with substance abuse, homelessness and mental illness, provides an example of the funding debate. The program, for which Everett was one of the pioneers, has successfully moved people into treatment, housing or other programs rather than into jail, then back out on the streets, resulting in better outcomes that also save money.

But a police presence on those responses, Franklin said, is necessary and should remain part of law enforcement responsibilities, and that's at the recommendation of social workers and others providing that outreach.

"When case managers and social workers are the ones saying we need law enforcement there, I think the community needs to hear that," she said.

Rather than take from law enforcement to bolster social programs, the mayor said, the move should be to find the funding elsewhere for those programs.

On reforms to policy and training, other law enforcement agencies in Snohomish County should — and already have in some cases — looked to the Everett Police Department.

Along with embedding social workers with police patrols, the department also has partnered with Snohomish County Human Service's designated crisis responders, social workers who are on call 24 hours a day to assist officers, in particular calls involving mental health crises.

The department also has expanded its commitment to training. Its officers are required to complete 40 hours of training in crisis intervention and de-escalation techniques, compared to the eight hours required by the state. As well, Templeman said, the department will be a regional training center on issues related to procedural justice, with four Everett officers providing that training.

Among other steps:

The Everett Police Department also is the only agency in the county that is reporting its incidents involving use of deadly force to the Federal Bureau of Investigation.

The department, since 2017, has routinely trained officers and all department staff regarding implicit bias and cultural competency to ensure all are performing their jobs in a fair and impartial manner.

Regarding the incidence of hate crimes in the city, Templeman said those reporters now are being reviewed monthly, rather than annually. And all reports involving incidents of prejudice, whether they involve a hate crime or not, are being investigated, he said.

The pandemic has curtailed some of the community outreach the department has routinely performed, such as its soccer academy for youths, but plans to resume that when allowed.

The department also is preparing to extend its pilot program regarding body-worn cameras for officers into September as it waits to hear on a federal grant that could help make the program permanent and extend it beyond the 10 officers now using the cameras. Officers, Templeman said, have backed the use of the cameras and the department has already negotiated their continued use with the union. The program, Franklin noted, is a significant expense, but one that assures transparency and confidence in officers' actions.

Templeman is holding his department up as an example and a resource for other law enforcement agencies in the county, and others are consulting with the Everett department and participating in training.

"I'm not saying that we're the best; I'm not saying that we don't make mistakes, because we do and we will," the chief said. "And we're not going to say we're done. There's more to be done."

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Berkeley City Council Adopts Mayor Arreguin's Sweeping Police Reforms



BERKELEY CITY COUNCIL ADOPTS MAYOR ARREGUÍN'S SWEEPING POLICE REFORMS

Mayor Arreguín's initiatives end police stops for non-safety related offenses, require written consent for consent searches, preclude police from inquiring into parole and probation status in most circumstances, create an Early Intervention System to get biased officers off the street, and require the department to review social

media postings and terminate officers who post racist content

BERKELEY - Yesterday evening, the Berkeley City Council voted unanimously to adopt Mayor Jesse Arreguín's groundbreaking police reforms aimed at ending pretext stops and reducing racial disparities in policing outcomes. The move comes in the wake of the Center on Policing Equity's report which showed Black persons are 6.5 time more likely to be stopped by the Berkeley Police Department (BPD) than white persons while driving, and 4.5 times more likely to be stopped while on foot. The new policies, which range from eliminating police stops for low-level offenses not impacting public safety to requiring written consent for police searches, will allow police officers to focus resources on serious threats while reducing unnecessary police interventions experienced disproportionately by people of color.

"Biased policing has implications for community trust, and communities that are less trusting or fearful of police are less safe because they do not report crimes," said Berkeley Mayor Jesse Arreguín. "Berkeley is not immune from our nation's reckoning with systemic racism, but this community is united in its commitment to equal justice, and that makes us uniquely positioned to take on an issue that has been used to divide communities elsewhere. I'm proud of this community and I applaud our police department for rejecting the rhetoric that too often impedes reforms that serve the safety interests of the public and police alike. Too much of our city's budget is spent on policing, and many of the duties we've assigned to officers do not require a response from someone with a badge and a gun. These are modern strategies that will enhance the long-term health, safety, and equity of the Berkeley community."

Mayor Arreguín's reforms will reduce unnecessary encounters between the community and the police for items like not wearing a seatbelt or expired license tags. Such encounters are disproportionately visited on communities of color. Limiting such encounters serves to reduce disparities in policing. That, in turn, will enhance trust between police and the communities they are sworn to protect and serve. Decades of research has shown that lower levels of trust in police significantly decrease the

likelihood that people will report crimes or cooperate with the police. The move will also free up public safety resources that will enable our guardians to focus on priorities like violent crime. Even though crime is at rates not seen since the 1960s, police budgets have continued to swell rapidly to unsustainable levels. In fact, a recent report found police department budgets consume between 20 and 45 percent of discretionary funding in metropolitan areas. In Berkeley, had the City Council not taken steps to cut our police department's budget last year, the figure would have neared 50% of discretionary general funds over the next 5 years.

The reforms also include requirements that police no longer request parole or probation status and limit warrantless searches of individuals on Post Release Community Supervision (PRCS), probation, or parole. The council further voted to require written consent for consent searches.

Other reforms the council adopted include an Early Intervention System which will help identify officers who may be on a path to regular or significant misconduct. The system will use data on officer conduct ranging from minor to significant conduct (such as use of force) to assign points to an officer, with a certain number of points triggering a warning in the system. That warning will then prompt review and intervention by a supervisor or a member of the command staff. The council also voted to implement a recommendation to terminate police officers who publish racist content on their social media feeds. Such views are antithetical to the role of policing and can undermine effective prosecutions of dangerous individuals.

The Mayor's recommendations were developed in consultation with key community stakeholders along with academic experts in an effort to identify best practices and recommend policy and programmatic changes to reduce racial disparities in stops, searches, and use of force. Oversight responsibilities will be given to the Police Accountability Board, a modern police oversight body, which was approved by voters during the November election to replace the Police Review Commission established in 1973.

In addition, next month the City is launching its community process to Reimagine Public Safety, which will build on these efforts to reform Berkeley's current policing approach and build toward a new system of positive, equitable and community-centered public safety. Initiatives include the development of a Specialized Care Unit to respond to mental health calls and the creation of a Department of Transportation (BerkDOT), which will build on the efforts of the working group to reduce unnecessary police enforcement and civilianize traffic enforcement in Berkeley.

The landmark reforms were implemented during Black History Month as the country mourns the death of George Floyd and wrestles with a legacy of systemic racism. In honor of Black History Month and Mr. Floyd, last week the Berkeley City Council flew the Black Lives Matter Flag.

Motion

Item # 1, Special Meeting, February 23, 2021

“Report and Recommendations from Mayor’s Fair and Impartial Policing Working Group”

1. Accept and acknowledge the report from the Mayor’s Fair and Impartial Policing Working Group;
2. Acknowledge and appreciate the work already completed or underway by the City Manager’s Office and Police Department to implement policing reforms including:
 - Adoption and implementation of Policy 401, Fair and Impartial Policing
 - Public reporting of stop data on the BPD Open Data Portal
 - Initiation of the Center for Policing Equity study
 - Implementation of the Body Worn Camera Program
 - Early adoption of Racial and Identity Profiling Act (RIPA) data collection and reporting
 - Updates to the Use of Force Policy, Policy 300
 - Development and passage of Measure II to create a new Police Accountability Board
 - Launching of the Public Safety Reimagining process
3. Refer to the City Manager to implement the following recommendations summarized below, with quarterly progress updates to the City Council and Police Review Commission/Police Accountability Board (when established):

Implement a new evidence-based Traffic Enforcement Model

- Focusing the basis for traffic stops on safety and not just low-level offenses;
- Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects;
- Reaffirming and clarifying that the Berkeley Police Department will race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
- Minimize or de-emphasize as a lowest priority stops for low-level offenses.

Implement Procedural Justice Reforms

- Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops;
- Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback;
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole;

- Address Profiling by Proxy (PAB Policy Development, Dispatcher Training);
- Fire racist police officers identified through social media and other media screens;
- Require regular analysis of BPD stop, search, and use of force data;
- Make resources on police-civilian encounters more publicly available such as through RAHEEM.org;
- For any individual detained, BPD officers shall provide a business card with info on the commendation and complaint process with PAB and Berkeley Police Department.

Request that the City Manager report back at a Council Work Session in three months with budget estimates for implementation (to be considered along with the FY 22 budget process), information on legal and operational considerations, and a short-term action plan of recommendations which can be implemented without the hiring of a consultant, and those that will require the assistance of a consultant and additional resources.

4. Refer the following recommendations summarized below to the Reimagine Public Safety process:

- Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins
- Conduct a baseline community survey.

5. Refer the following training recommendations summarized below to the Police Review Commission, to be taken up by the Police Accountability Board when it is established, and consider the resources required to implement this expanded training:

- Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4
- Require enhanced annual implicit bias training for police
- Accelerate Crisis Intervention Team (CIT) activity
- Refer to the PRC/PAB to consider a departmental policy on requiring written consent for person searches.

6. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway:

- BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;
- Fund and implement a specialized care unit for mental health crises;
- Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.

7. Refer \$50,000 to the FY 2022 budget process for a consultant to assist the City Manager/Police Department in the implementation of these recommendations and other minor costs the Department may confer; and also refer to the FY 2022 budget process a line item for police training for the new evidence-based stop program (costs to be determined by BPD).

Newark cops, with reform, didn't fire a single shot in 2020 | Moran

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During the George Floyd protests, New York City saw plenty of violence, and Newark saw none. Across the state, Camden protests were peaceful, while violence broke out across the river in Philadelphia. These New Jersey police departments are embracing reform and de-escalation tactics.

By [Tom Moran | Star-Ledger Editorial Board](#)

Newark Police officers [did not fire a single shot](#) during the calendar year 2020, and the city didn't pay a single dime to settle police brutality cases. That's never happened, at least in the city's modern history.

At the same time, crime is dropping, and police recovered almost 500 illegal guns from the street during the year.

"This is significant," says Aqeela Sherills, head of the [Newark Community Street Team](#), a group of mostly former offenders who work to defuse violence in the city's

most violent wards. "It speaks to how reform has really taken hold in the city."

Larry Hamm, the [godfather of police protests in Newark](#) as head of the People's Organization for Progress, agreed. "Police brutality is still a problem," he says. "But it's fair to say the consent decree has had a real impact."

The reforms are the results of a [federal consent decree](#), the billy club used by the Department of Justice after a long investigation concluded in 2014 revealed the rot that had infested the department for decades. It found a rogue department that tolerated widespread brutality and racism, with no accountability, and zero training on how to de-escalate confrontations with civilians.

"You had a law enforcement agency with no training about how to enforce the law," says Peter Harvey, the former state attorney general who is overseeing the implementation of the consent decree.

When Paul Fishman, the former U.S. Attorney, began his investigation in 2011, he found the department's culture was [broken in almost every way](#). A reflexive resort to violence. Racial bias in stops and enforcement. And an internal affairs bureau so corrupted that it sustained just one complaint of police brutality over five years.

"The use of force was too high, and the reporting of it was too low," Fishman says.

This is a remarkable success story, all done at a time when serious crime in Newark has dropped by 40 percent in the last five years. Both Harvey and Fishman say the key to that

success is that Mayor Ras Baraka and Police Director Anthony Ambrose took the mission to heart.

They hired more Black and brown officers, began training programs based on best-practices, required any officer who uses force in any way to report it in detail, and for the supervisor to review it. The bad cops were suddenly outed.

Former Gov. Christie Whitman fought like a wildcat to keep the DOJ away from the State Police during the racial-profiling scandal, a defensive reaction that is more commonplace. But the DOJ came anyway, [and it succeeded](#).

Baraka [welcomed this intervention](#). He himself was a leading campaigner against police brutality before he became mayor. And Ambrose, who looks like a stereotypical old Italian beat cop, turned out to be a progressive at heart, a guy who took a knee during local demonstrations over the George Floyd murder in Minneapolis.

"I've been around a long time, and that was outright murder," Ambrose says. "Most of the officers and the rank-and-file I speak with say the same thing."

The work to reshape the department's warped culture is painstaking, and even after five years, people like Hamm worry that it could all collapse if the DOJ leaves. Even this success stories is tentative. On Jan. 1, a Newark officer [fatally shot](#) Carl Dorsey III, of South Orange, during a confrontation in the South Ward, a case that's being investigated by Attorney General Gurbir Grewal, who moved investigations of fatal police shootings out of local hands to ensure an impartial investigation.

Grewal calls Newark's progress "nothing short of remarkable" and says his own ambitious statewide police reforms drew partly on that that success, and a similar [turnaround in Camden](#). The work to fix a dysfunctional department is painstaking. A big part is community outreach, with endless public meetings between police and civilians to work out grievances, engagement of local clergy and neighborhood leaders, and relying on civilian groups to settle differences where possible, rather than police.

During the George Floyd protests, it was the Street Team that saved the day when a group of protesters besieged the city police precinct where the 1967 riots began, throwing bottles and agitating for a clash. The cops stayed inside, and Sherrills' group engaged.

"There were a bunch of folks from outside the city who were determined to create havoc," Sherrills said. "We followed them all day. We saw the kids in back throwing bottles, so folks engaged the community. Folks literally stopped them and said 'Enough of that.'"

Training is critical, too, especially on de-escalating violence. Brian O'Hara, the deputy chief overseeing training, said the old-fashioned version was to show officers how to win a confrontation, when to make the move. "It was a paramilitary kind of training, just focused on stopping the threat," he said.

Now, the model is to calm things down, engage the threatening person, while creating distance or taking cover, and buying time until reinforcements arrive, he says. Newark officers view videos presenting challenging scenarios, offer responses, then discuss it with supervisors.

“It’s not about resolving the situation as quickly as you can,” O’Hara says. “It’s about protecting the sanctity of every life.”

During the Trump administration, the DOJ [stopped intervening](#) like this in state and local departments, which should surprise no one. State and local rights, you know. And it’s mostly Black and brown people getting killed anyway.

So, count this as another blessing of the changeover to Joe Biden: Based on his history, he’s going to give a damn. Newark won’t be the last city to get this forced make-over.

Progress, of course, is always fragile, and the entire effort can be poisoned by one spectacularly unjustified shooting. Hamm notes that training doesn’t always work, and that Minneapolis police had de-escalation training before Officer Derek Chauvin snuffed the life out of George Floyd, knowing he was on film, and that his fellow officers wouldn’t think of intervening.

“He didn’t have a concern in the world,” Hamm says.

In the end, it’s not just about training and policy, but about the hearts and minds of police officers, and the relationships they have with the people they are charged to protect. In Newark over the last five years, the evidence of progress on all that is now beyond dispute.

More: [Tom Moran columns](#)

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<https://prospect.org/justice/incremental-inadequate-changes-led-chauvin-conviction-george-floyd-murder/>

The Incremental, Inadequate Changes That Nonetheless Led to the Chauvin Conviction

Minneapolis's former mayor says they weren't enough, but they were essential.

BY **BETSY HODGES**

MAY 3, 2021



Guilty: Minneapolis police officer Derek Chauvin being taken into police custody

“I would not call today’s verdict ‘justice’ ... because justice implies true restoration. But it is accountability, which is the first step towards justice.”

That was Minnesota Attorney Gen. Keith Ellison after the prosecution he headed resulted in the historic conviction of Derek Chauvin, the Minneapolis police officer who killed George Floyd.

The challenge of justice in public safety is underscored by how difficult it can be just to achieve basic accountability. Police reforms are politically hard to enact. The right thinks they go too far; the left thinks they don’t go far enough. As a result, policymakers have to spend twice the political capital to get them done. This is a big reason why policies that seem like no-brainers aren’t in place everywhere and still require such a fight in city after city.

Throughout my years as an elected official, I grappled with policing in every seat I occupied—Minneapolis city council member, committee chair, and ultimately mayor. I fought for civilian oversight, investments in community-led public safety strategies, and to end such damaging labor practices as putting law-enforcement managers and rank-and-file officers together in the same union.

Some of the changes I worked to put in place have been derided by detractors as insufficient band-aids to a systemic problem. I don’t disagree. No single reform or new policy will get us what we say we want until we shift the purpose of law enforcement in America away from the reasons it was established—

protecting the property and comfort of white people—and shift it toward a role that it should play in an enlarged vision of true community safety.

They didn't save George Floyd's life. They didn't have the intended impact on Derek Chauvin's behavior. But they did help convict Derek Chauvin for murdering George Floyd.

But individual reforms are nonetheless crucial as we build toward a more holistic vision of community safety. They create space for a new ending and an imagination for a new conversation about who we are as a people.

Some reforms also make it possible to convict police officers who murder people.

When I put body-worn cameras in my mayoral budget, something I promised to do as a candidate, it was controversial. The Police Federation excoriated them as a too-intrusive abomination. More conservative council members (a relative term in the entirely-Democrat-except-for-the-Green Minneapolis City Council) wanted to significantly truncate the ways data could be collected and used, and to limit how much we could spend on them. More left-leaning council members were afraid that supporting body-worn cameras would signal that they didn't understand that more needed to be done than a “mere” accountability tool. Activists and community members criticized them for being too intrusive into the personal lives of city residents. They contended that I saw the cameras as a panacea for all policing.

Body-worn camera footage was a crucial piece of Derek Chauvin's prosecution.

Police Chief Janeé Harteau and I pushed through other policy changes, too. On our watch, the Minneapolis Police Department Sanctity of Life Policy said *everyone* should get home safe at the end of the day—not just cops. For the first time, Chief Harteau required every officer to physically sign off on any change in the Policies and Procedures Manual. We were met with skepticism. Officers and union leadership rolled their eyes at what they saw as a watering down of law enforcement authority. Some advocates said support for these policy changes was proof of unwillingness to do something truly meaningful about police violence.

But in Derek Chauvin's case, the fact that there was hard evidence he had violated department policy—that he had signed his name to documents stating that he understood those policies—proved that he knowingly violated the Minneapolis Police Department's standards and expectations. That standard was a key element of the prosecution's case.

As mayor, my administration also funded implicit bias training, procedural justice training, crisis intervention training, and enhanced de-escalation training for police officers. Several city council members fought our efforts, saying it was too expensive and that the money should go toward hiring new officers. Other council members sided with community activists and said while the training was fine as far as it went, it didn't do enough and the investment might be better made elsewhere. Those trainings did move forward, and their timeline was accelerated after Minneapolis police officers killed Jamar Clark in 2015.

Derek Chauvin took those trainings in 2016 and 2018, and his actions last May violated what he had been taught there. This was another important piece in Attorney Gen. Ellison’s legal case, illustrating that Chauvin had been shown and taught differently from how he behaved.

One reform we tried to pass multiple times: an early intervention system that uses data to sense when an officer is struggling or likely to be involved in misconduct. The Police Federation stopped the efforts every time. I believe it could have led to the department intervening in Chauvin’s behavior long before he had his knee on George Floyd’s neck.

Reforms matter, even if they don’t solve the fundamental problem.

In the end, it was the combination of community protest, the brave testimony and video from bystanders, medical testimony, a remarkable prosecution by Attorney Gen. Ellison, testimony by Chief Medaria Arradondo and other MPD officers, and this mix of police accountability reforms—fought and criticized every step of the way by interests on the right and the left—that resulted in Derek Chauvin being convicted for his crimes.

They didn’t save George Floyd’s life. They didn’t have the intended impact on Derek Chauvin’s behavior. But they did help convict Derek Chauvin for murdering George Floyd.

As debates flow about law enforcement and reforms, I invite all who want safe communities to help create the political space for police accountability measures. They are not sufficient unto themselves to create true community safety. That work is in our hands, alongside the work for accountability. We must pursue policy victories while not mistaking them as the final achievement of our vision.

As Attorney Gen. Ellison put it that day, “And now the cause of justice is in your hands. And when I say your hands, I mean the hands of the people of the United States.”

BETSY HODGES

Betsy Hodges was mayor of Minneapolis from 2014 to 2018 and is a senior adviser for Cities United.