

POLICING 2020

The current protests across the nation—in the aftermath of the killings of George Floyd and Breonna Taylor and Tony McDade—are just the latest signs of racism and the all-too-apparent crisis in policing in America. But it would be a mistake to solely focus on policing as an institution, and then to contemplate the reforms to the profession that could be made. We've made that mistake before.

Eric Garner. Michael Brown. Laquan McDonald. Sandra Bland. Jessica Williams. These police killings six years ago sparked protests across the country and birthed the Black Lives Matter movement. President Obama created the President's Task Force on 21st Century Policing. Attorney General Eric Holder's Department of Justice investigated police departments, criticized local use of force guidelines, and brought pattern and practice lawsuits to force cities into consent decrees. And police departments across the country started wearing body cameras, holding implicit bias training, and talking about restoring trust between the police and the community.

Six years later, however, not enough has changed. Now, in the wake of the most recent police killings, people are protesting again. And police chiefs and mayors and leaders of the Democratic Party are, again, making statements about racial justice, holding police officers accountable, and the need for police reform.

These perceived solutions were doomed to fail six years ago and they are doomed to fail now. That's because the crisis within policing—the lawlessness and lack of democratic accountability, the excessive force, and the white supremacy—is a symptom of a broader crisis in our democracy. Democratic accountability is under attack, public institutions are eroding from neglect, the president himself routinely flouts the rule of law, and white supremacists openly protest and fight against racial equality even in the most progressive cities in our country.

The solutions we need right now both to protect our safety and to rescue our democracy are ones that meet the scale of the problem. To respond to George Floyd's killing, or Breonna Taylor's killing, we must replace the questions about how to reform policing with questions about what role policing should play in a broader vision for safety and justice in America.

The deaths of George Floyd and Breonna Taylor and Tony McDade come at a point where a global pandemic has precipitated the highest unemployment levels since the Great Depression, left tens of millions of Americans unable to pay rent or their mortgage, and exposed how a lack of universal health care jeopardizes public health and safety—not only of the uninsured, but all of us—as a virus spreads through communities. More people have died in New York City alone from the coronavirus since April than all of the people in the state of New York who died by homicide in the past two decades combined. As with the policing crisis and so many problems in our country, even this virus has punished Black and brown communities more harshly.

This is a time when we need to ask ourselves what public safety means and whether our laws and our budgets reflect those priorities. Any clear-eyed assessment will produce a resounding no in response.

So, today, as we begin to ask ourselves what solutions are available to change our country to prevent another death like the police killings of George Floyd and Breonna Taylor and Tony McDade, we need to think beyond reforming policing. Instead, our solutions must change the ways our communities work, by shrinking the police footprint in our country—and by investing the savings in areas that truly will make us safer. Here are some specific ideas to start with, but these are just a few among many:

- ▶ **Fix Local Budgets.** Policing budgets have ballooned so much that in many cities across the country policing gobbles up 40% or more of the city budget. Even small changes in police budgets can mean large changes for other departments. For example, in many cities, a 5% cut in police budgets would allow cities to double their spending on social services or public health. Due to the coronavirus pandemic, unemployment levels are higher than at any point since the Great Depression, hundreds of thousands of people are at risk of losing their homes, and frontline workers do not have the equipment they need to do their jobs and protect themselves. Now more than ever, local governments are reconsidering how to best invest in the services that will make communities safe and healthy instead of funding police departments at the expense of these other vital functions.

- ▶ **Get The Right Experts Responding To The Right Problems.**
 - **Shift most first-responder responsibilities away from traditional law enforcement agencies.** Most problems arising from substance use disorders, mental health diagnoses, and poverty require medical professionals and social workers—not criminal enforcement or armed officers. Law enforcement officers are not trained and equipped to be experts in responding to mental health crises. Sending armed law enforcement to respond to a mental health crisis is as problematic as sending a social worker to respond to a burglary in progress.

 - **Diversify violence prevention resources by shifting dollars from police budgets to violence interruptions programs.** Public safety budgets reflect a belief that law enforcement is the primary way to reduce violence, in large part because police officers solve serious crimes like homicides. However, clearance rates for homicides are near or at all time lows in cities across the country. Communities are seeking to invest resources in a public health approach to violence prevention that stops fatal violence before it occurs and stops its spread by interrupting ongoing conflicts, working with community members at the highest risk to change behavior related to violence and community norms. Under the Cure Violence model, for example, violence is seen as a contagious problem that is transmitted through exposure that can be effectively treated and prevented using health methods.

► **Stop The Militarization Of The Police.**

- **End no knock warrants and severely limit military style raids.** No knock warrants have been shown to be dangerous and unnecessary, and communities are looking to eliminate them in order to protect both officers and the people they serve. When law enforcement uses force to enter into homes unannounced, people believe their home is being broken into and often defend themselves, leading to civilian and officer deaths. Any forced entry into a home, especially at night, is incredibly dangerous. **Related:** Here is [a model policy](#) that covers membership in, regulation, and deployment of tactical teams.
- **Restrict the flow of military equipment to local law enforcement.** Policing has changed since we started the War on Drugs; police are now armed with weapons and equipment that were designed to be used again against warring countries. Instead, law enforcement are using those weapons in their own communities. The equipment is dangerous, dehumanizing, and unnecessary for officer safety. If anything, it escalates the situation.
- **Ban the use of military equipment and tactics on protestors.** In the last few days, we have seen pictures of protestors who have lost their eyes after being shot by rubber bullets; elected officials peacefully protesting who have been tear-gassed, and grieving community members coming face to face with law enforcement in riot gear. The goal of law enforcement during times of unrest should be to allow peaceful protests, and to take any/all measures necessary to avoid a violent confrontation between the police and protestors. To achieve that goal, communities are now looking to ban all military equipment and tactics.

► **Curtail The Corrosive Power of Police Unions.**

- **Make policing contracts and the negotiations around them public and open to community comment.** Law enforcement has long used the contract process to enlarge their budgets, often behind closed doors. Instead, the process of asking for more money for law enforcement should be done openly, and the public should be aware that when money is given to law enforcement for more officers, it may mean that a mental health center or a food bank will lose funding. When the process is out in the open, it means that law enforcement will also have to justify their requests and produce data that shows that things like enlarging the police force or procuring military equipment is linked to public safety.
- **Restrict the ability of law enforcement unions to bargain collectively to undermine disciplinary procedures or effective oversight.** States may consider whether to affirmatively enact a ban on law enforcement unions ability to engage in collective bargaining for law enforcement except for issues that affect all civil servants including wages, benefits, and working conditions.

- **Pledge to refuse political donations from law enforcement unions, associations, and political action committees.** The police unions are one of the few agencies that works directly with/for elected officials yet is able to give individual campaign donations. When these same elected officials are charged with deciding the police budget, or whether to replace a police chief, or whether a police officer has lied in court, the giving of campaign donations tarnishes the relationship and causes the public to lose trust in the process. Elected officials are increasingly considering whether to refuse political donations from any law enforcement union, association, or PAC, and officials who have received donations should return it. **Related:** At least ten elected officials in New York pledged to refuse police union donations, and to return existing donations. In California, a group of District Attorneys urged the state bar to ban police union donations to elected prosecutors.

- ▶ **Empower Real, Rigorous Community Oversight Authority.** Law Enforcement should be held accountable by independent representatives from the communities their departments serve. Community oversight helps to bolster confidence in police, which in turn can increase public cooperation and make communities safer. To be effective, the oversight authority **must** have these five features: independence from law enforcement; the authority to discipline or recommend discipline that is then enforced; sufficient resources to effectively oversee the department's activities; broad subpoena power; access to specially trained non-law enforcement investigators to investigate claims against law enforcement officers. **Related:** A model ballot measure from Oakland.