

NATIONAL ORGANIZATION OF BLACK LAW
ENFORCEMENT EXECUTIVES (NOBLE)

REPORT OF THE
**REIMAGINING PUBLIC
SAFETY TASK FORCE**



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I. INTRODUCTION

NOBLE has been at the forefront of promoting police accountability since the organization's inception in 1976. NOBLE's mission is to ensure equity in the administration of justice and in the provision of public service to all communities, and to serve as the conscience of law enforcement agencies and personnel by being committed to justice by action. Law enforcement agencies and their leaders have a responsibility to ensure that justice is administered fairly in all communities. NOBLE joins the nation (and the world) in condemning the policing tactics, actions, and inactions that led to the death of Mr. George Floyd. We are also alarmed by and mourn with the nation the horrific killings of Breonna Taylor, Ahmad Aubrey and Rashard Brooks. These names represent just a few in a much longer list of tragedies impacting communities of color. We offer our heartfelt condolences and prayers to these families and to our grieving nation. The senseless death of George Floyd has gained unprecedented attention around the globe, and people from every walk of life are collectively demanding that justice be fair, transparent, and equal.

In the wake of this renewed focus on justice in policing, NOBLE proclaims the time is now for our country to reimagine public safety. With more than 3,800 law enforcement leaders, mostly minority, NOBLE's membership offers a unique perspective on justice in policing. NOBLE's members are not only committed to serving as peace officers and protecting the communities we raised our hands to serve, but also in teaching our young people and adults how to positively navigate police encounters. Likewise, these first responders encounter the same injustices as their community constituents such as racial profiling before being sworn to serve, while serving as undercover officers, and while off duty. NOBLE's membership can unequivocally attest to the perpetual existence of discriminatory practices that remain a haunting reality for people of color throughout our nation. Indeed, in order to reimagine public safety, we must collectively acknowledge, as a country, that systemic racism is real.

NOBLE recognizes that most law enforcement agencies are filled with committed, fair, and honest men and women who

put on their police uniform everyday with the sole intent of keeping everyone safe. But the police are not perfect, and we recognize the need to take steps to improve service, build trust in our communities, and increase operational transparency. The overreliance on police has only exacerbated any shortcomings prevalent within police departments. Police officers are expected to address homelessness, domestic violence and a myriad of other public safety issues, even if it is not explicitly law enforcement related. Due to this overreliance on the police, communities have defunded other social services better suited to address certain public safety issues, such as a person experiencing a mental health crisis. Now we have an opportunity to truly consider what public safety means, and how best to invest in our communities to ensure public safety for all. As members of law enforcement, we are proud to serve the communities we are sworn to protect and aspire to do so with transparency and accountability, with the trust and confidence of the communities we serve, and to be guardians, not warriors, in our communities.



To evaluate and help address the need for justice in policing, NOBLE's National President, Lynda R. Williams, formed NOBLE's Reimagining Public Safety Task Force (the "Task Force") and charged it with (1) creating a racial equity roadmap to the future of law enforcement and (2) recommending strategic funding decisions as a tool to begin a reimagined public safety system for us all. This mandate challenged the Task Force to develop a framework to work with community organizations on how to reduce the footprint of law enforcement in public safety, but to do so in a strategic way that does not reduce public safety.



Lynda R. Williams,

NOBLE National President



Dr. Cedric L. Alexander,

Co-Chair, Past NOBLE National President



Clarence E. Cox, III,

Co-Chair, Past NOBLE National President

The Task Force is co-chaired by Dr. Cedric L. Alexander and Clarence E. Cox, III. The complete list of Task Force members is included below:

- Dr. Cedric L. Alexander – Co-Chair, Past NOBLE National President
- Clarence E. Cox, III – Co-Chair, Past NOBLE National President
- Carmen Best – Retired Chief of Police, Seattle Police Department
- Garry L. McFadden – Sheriff, Mecklenburg County, NC
- Leon Newsome, III – Deputy Director, United States Secret Service

II. ACKNOWLEDGMENTS

The Task Force would like to acknowledge Ron Davis, NOBLE Legislative Committee Chair, Dwayne Crawford, NOBLE Executive Director, Keenon M. James, NOBLE Deputy Director,

and Deidra Montgomery, NOBLE Project Coordinator for their endless support throughout the Task Force's evaluation process, including convening the presenters for the Task Force's listening sessions and gathering the relevant resources relating to reimagining public safety.

The Task Force would especially like to thank Sindy Benavides, CEO, League of United Latin American Citizens (LULAC); Dr. Lorenzo Boyd, University of New Haven; Melanie L. Campbell, President, CEO, National Coalition on Black Civic Participation; Barry Friedman, The Policing Project (NYU); Dr. Jack Glaser, U.C. Berkeley; Keenan Keller, House Judiciary Committee Senior Counsel; Carlton T. Mayers, II, Esq., Founder, Mayers Strategic Solutions, LLC; Vanessa McCullers, Executive Director, Mothers of Black Boys United (MOBB United); DeRay McKesson, Civil Rights Activist, Co-Founder of Campaign Zero; Professor Tracey Meares, Yale Law School; Hans Menos, Center for Policing Equity; Marc Morial, President, CEO, National Urban League; McKinley Price, Mayor, Newport News, Va., President, African American Mayors Association (AAMA); and Breon Wells, President, Founder, The Daniel Initiative, for their invaluable and thought-provoking input regarding how to advance public safety for all during the Task Force's three listening sessions.

Gibson, Dunn & Crutcher LLP, with the help of many of its lawyers, contributed throughout this process. We are grateful for the work they did to bring this project to fruition. We especially want to thank Gibson, Dunn & Crutcher LLP Partner Marcellus McRae, Counsel Roscoe Jones, and Associate Tiaunia Henry who worked with the Task Force throughout the review, evaluation, and report drafting process and managed the team of lawyers assisting the Task Force. The Task Force also thanks Gibson, Dunn & Crutcher LLP Partner Jesse Sharf and Associates Brooke Wallace, Tarana Riddick, Glenn Chappell, and Alisa Balderas for their assistance reviewing and analyzing resources concerning reimagining public safety in the report drafting process.



III. EXECUTIVE SUMMARY

In communities across this country, civilians, government officials, and members of law enforcement have been calling for justice and greater transparency and accountability for law enforcement in response to the police killings of Black men and women for some time now. In 2020, those calls reached a fever pitch in response to the release of video footage of the extra-judicial killing of George Floyd at the hands of a Minneapolis police officer. Millions of Americans and their allies around the world protested for justice in response to Mr. Floyd's murder. In response, government officials and members of law enforcement have committed to reevaluating policing in their communities to ensure it offers safety and security for all members of the community in a fair and just manner.

In line with NOBLE's mission "to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to justice in action,"¹ NOBLE National President Lynda R. Williams formed this Task Force to develop a roadmap to reimagine public safety by reducing the footprint of law enforcement in a strategic manner that does not jeopardize the safety and security of the members of the community.

With its charge in mind, the Task Force convened three listening sessions between November 2020 and January 2021. These listening sessions featured a diverse group of thought leaders on issues of public safety from various backgrounds including academia, government, community organizing, civil rights activism, and consulting. Thereafter, the Task Force reviewed and analyzed the presentations and exchanges during the three listening sessions, submissions and reference materials provided by the presenters as well as additional relevant resources concerning reimagining public safety and substantive policy issues raised by the presenters. The recommendations in Sections VI and VII of this report are the result of this process.

In Section VI, the Task Force offers Recommendations to All Stakeholders in General for the Process to Reimagine Public Safety. These process recommendations are designed to assist communities in their fact-finding process to identify what public safety means, what issues and concerns the community has regarding public safety, what the role of law enforcement should be in public safety, what other services impacting public safety are required and who should offer those services, and how to fund both law enforcement and other service providers to ensure all the public safety needs of the community are met. The recommendations in Section VI are as follows:

Recommendations to All Stakeholders in General for the Process to Reimagine Public Safety

- Focus on the needs of citizens, especially those in subjugated groups;
- Acknowledge past harms of disinvestment, lack of education, etc.;
- Review and analyze data to identify categories of community issues concerning public safety that need to be addressed including surveying the community to get firsthand knowledge of these issues;

¹ National Organization of Black Law Enforcement Executives, About Us, available at <https://noblenational.org/about-us/>.



- Advocate for community-oriented policing; and
- Partner with police to reimagine public safety.

Section VII enumerates the Task Force’s Recommendations to All Stakeholders in General for Substantively Reimagining Public Safety. The substantive recommendations include changes to both policy and practice with the purpose of aligning members of law enforcement with their roles as sworn guardians of the members of the community. The recommendations in Section VII are as follows:

Recommendations to All Stakeholders in General for Substantively Reimagining Public Safety

- Prioritize advocacy efforts for key federal, state, and local policy changes such as ending racial profiling and revisiting qualified immunity;
- Advocate for mandatory minimum standards in use of deadly force policies and review all use-of-force incidents;
- Comprehensive retraining of officers focused on

frequent, hands-on training;

- Citizen review and oversight;
- School resource officers should receive special training and certification;
- Police departments should: (i) reconsider the need for use of military-grade equipment; (ii) disclose the possession of such equipment; and (iii) properly train police officers using military-grade equipment and hold them accountable for misconduct; and
- Police culture should be adjusted to reflect a guardian rather than warrior mentality.

As there is no one-size-fits-all formula for reimagining public safety, the Task Force offers the recommendations in Sections VI and VII as a starting point for communities to consider as they set out to reimagine public safety in their community. Of course, each community should take into consideration the unique needs and issues of its members and adjust any of the Task Force’s recommendations to address its particular needs and issues.



IV. METHODOLOGY

The NOBLE Task Force on Reimagining Public Safety convened three listening sessions between November 2020 and January 2021, which gathered diverse thought leaders on issues of public safety from various backgrounds including academia, government, community organizing, civil rights activism, and consulting.

A. Listening Sessions (November 2020 to January 2021)

During the three listening sessions, NOBLE's Task Force asked each presenter to offer remarks on his or her perspective regarding how to reimagine public safety, police services, and related policies. After each presenter provided an initial response to the prompt, the Task Force invited participants in each listening session to ask questions and/or provide comments. This resulted in robust conversation among the listening session participants. Additionally, the Task Force asked each presenter to provide written submissions of their views on reimagining public safety or other relevant reference materials.

The following individuals presented during the Task Force's listening sessions:

Listening Session I (November 19, 2020)

- Barry Friedman, The Policing Project (New York University)
- Dr. Jack Glaser, University of California, Berkeley
- Professor Tracey Meares, Yale Law School
- Dr. Lorenzo Boyd, University of New Haven (NOBLE member)
- Hans Menos, Center for Policing Equity

Listening Session II (January 27, 2021)

- Marc Morial, President, CEO, National Urban League
- Sindy Benavides, CEO, League of United Latin American Citizens (LULAC)
- McKinley Price, Mayor, Newport News, Va., President, African American Mayors Association (AAMA)
- Melanie L. Campbell, President, CEO, National Coalition on Black Civic Participation
- Keenan Keller, House Judiciary Committee Senior Counsel

Listening Session III (January 28, 2021)

- DeRay McKesson, Civil Rights Activist, Co-Founder of Campaign Zero
- Vanessa McCullers, Executive Director, Mothers of Black Boys United (MOBB United)
- Breon Wells, President, Founder, The Daniel Initiative
- Carlton T. Mayers, II, Esq., Founder, Mayers Strategic Solutions, LLC



B. Review and Analysis (January 2021 to February 2021)

The Task Force's listening sessions identified several common themes regarding both the process for reimagining public safety and the need for substantive policy change to ensure public safety. During the review and analysis phase, the Task Force reviewed the presentations and exchanges during the three listening sessions, submissions and reference materials provided by the presenters as well as additional relevant resources concerning reimagining public safety and substantive policy issues raised by the presenters.

C. Recommendation and Report (February 2021 to March 2021)

The Task Force's recommendations enumerated in this report attempt to reflect the input from the listening sessions and the salient information garnered from the additional resources submitted by the presenters and identified independently by the Task Force concerning public safety and substantive policy issues. Additionally, Task Force members provided input regarding both the recommendations concerning how to reimagine public safety and the substantive policy changes that may be necessary to achieve public safety based on their individual experience as law enforcement executives.



V. OVERVIEW

The NOBLE Task Force developed the recommendations that follow with the charge of NOBLE's President in mind; namely, (1) creating a racial equity roadmap for the future of law enforcement and (2) considering strategic funding decisions as a tool to begin to reimagine public safety for all. To that end, the Task Force developed two categories of recommendations. The first is designed to address how to reimagine public safety, and is covered in Section VI, which sets forth the Task Force's Recommendations to All Stakeholders in General for the Process to Reimagine Public Safety. The second set of recommendations addresses substantive policy changes and mechanisms for limiting the role of police and ensuring transparency and accountability of police officers to advance public safety for all, and are set forth in Section VII, which provides Recommendations to All Stakeholders in General for Substantively Reimagining Public Safety.

Of course, there is no one-size-fits-all model for reimagining public safety. Accordingly, the Task Force's recommendations may not address each and every nuanced issue that may be present in a particular jurisdiction or police department and does not purport to have developed a fool-proof

process for reimagining public safety, but provides some recommendations that may be helpful to those jurisdictions and police departments based on the results of its listening sessions and review of additional resources regarding reimagining public safety and policy reform.

VI. RECOMMENDATIONS TO ALL STAKEHOLDERS IN GENERAL FOR THE PROCESS TO REIMAGINE PUBLIC SAFETY

In order to reimagine the role of the police in a particular jurisdiction, the community and its leaders must share an accurate narrative of the needs of the community and its members, and how the members of its police department (the police cannot be fairly characterized as a monolith) have been meeting, or trying to meet, those needs.

This fact-finding process should begin with the establishment of a formal process to guide this work, with an essential goal of obtaining input from all relevant stakeholders.² This formal body could be a special committee of the city council, a blue-ribbon commission or task force, certain delegated community groups, or a hybrid model.³ It will be critical that its members

are recognized and respected by the community as thought leaders who represent all aspects of the community. At the same time, they must be humble in their representation, remembering that one can never be certain we understand the truth about others or their situation.

² The Policing Project at NYU Law, *How to Rethink the Policing Function* (Aug. 18, 2020), available at <https://www.policingproject.org/news-main/2020/8/18/9737s3513v715la9srkvkfomxr5jg5> (last visited Feb. 22, 2021) (hereinafter "Policing Project").

³ *Id.*



A. Focus on the needs of citizens, especially those in subjugated groups

From the origins of the American police to present day, citizens have been policed but have had little influence over the nature of that policing. For reform to lead to just and equitable guardianship of public safety, the needs of the community, as defined by the members of the community, must be centered. Reform cannot be dictated by law enforcement alone. Instead, government officials and police departments must collaborate with their communities, particularly with those who have been most harmed by policing, as they create a new path forward.

To create a better future, we must first reckon with the past. American police departments have a shared history. They trace their origins back to the slave patrols of the Antebellum South, whose purpose was to recapture enslaved Black Americans who had escaped from bondage.⁴ While policing has evolved over the years, the primary target of policing—Black Americans—has remained the same. In the South, slave patrols became militias that were meant to enforce Black Codes, laws that restricted the newly won freedom of the formerly enslaved during Reconstruction.⁵ From the end of Reconstruction to the end of the Civil Rights Movement in the late 1960s, police became the enforcers of the draconian Jim Crow laws imposed on Black Americans.⁶ Immediately thereafter, police departments again were called on to enforce the criminalization of Black people as part of the war on drugs.⁷ The ongoing war on drugs heavily contributed to the modern mass incarceration crisis.⁸ Black Americans currently constitute 40% of the prison population, despite being only 13% of the nation's population as a whole.⁹ Throughout

history, Black Americans have also been subjected to a level of violence at the hands of police that is unique in both magnitude and severity. For example, in 2020, Black people accounted for 23% of those fatally shot by police officers, again despite being only 13% of the population.¹⁰ The criminalization and brutalization of Black people has been central to American policing, both past and present. As police departments work toward reform, they must confront and address this history; otherwise, reforms will fail to make a meaningful difference.

Other minority groups have also experienced over-policing and undue police violence compared to white Americans. As a nation, our concept of public safety has meant the safety of white citizens, regardless of the damage it inflicts upon people of color. Ensuring that local police departments are the guardians of public safety for the entire community, not just white individuals, begins with listening to the members of the community who have experienced the most harm. Departments must confer with those in the neighborhoods who have had the highest degree of negative police interaction. When doing so, police departments should be mindful that the loudest voices are not always the most representative and should consult with a large swath of community members. Who those people are will differ from place to place, but it is where the work must begin. The exact nature of this engagement will likewise differ between departments, but the core of this work should be collaborative with the community in order to elicit what citizens actually need and to enact policies that achieve those goals.

4 Victor E. Kappeler, *A Brief History of Slavery and the Origins of American Policing*, E. Ky. U. Police Studies, Jan. 7, 2014, available at <https://plsonline.eku.edu/insidelook/brief-history-slavery-and-origins-american-policing>.

5 Connie Hassett-Walker, *How You Start is How You Finish? The Slave Patrol and Jim Crow Origins of Policing*, Jan. 12, 2021, Am. Bar Ass'n Human Rights, available at https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/how-you-start-is-how-you-finish/; Michael A. Robinson, *Black Bodies on the Ground: Policing Disparities in the African American Community—An Analysis of Newsprint From January 1, 2015, Through December 31, 2015*, 48 J. Black Studies 551, 556 (2017).

6 Robinson, *supra* note 5, at 557; Gary Stewart, *Black Codes and Broken Windows: The Legacy of Racial Hegemony in Anti-Gang Civil Injunctions*, 107 Yale L. J. 2249, 2261-63 (1998).

7 Hannah LF Cooper, *War on Drugs Policing and Police Brutality*, 50 Substance Use & Misuse 1188, 1189 (2015).

8 Steven B. Duke, *Mass Imprisonment, Crime Rates, and the Drug War: A Penological and Humanitarian Disgrace*, 9 Conn. Pub. Int. L. J. 17, 23-31 (2009).

9 Wendy Sawyer and Peter Wagner, *Mass Incarceration: The Whole Pie 2020, Prison Policy Initiative*, Mar. 24, 2020, available at <https://www.prisonpolicy.org/reports/pie2020.html>.

10 Statista, *Number of people shot to death by police in the United States from 2017-2021*, by race, available at <https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/>.



B. Acknowledge past harms of disinvestment, lack of education, etc.

As police departments work toward reform, they must consider the past harms experienced by members of their community, not just from the police department but from the government at large. Communities of color across the nation have experienced decades of disinvestment, including crumbling infrastructure, poor investment in schools, limited employment opportunities, and lack of public health resources. These

These listening sessions will only be meaningful, however, if police and local government officials are receptive to criticism of their actions. Such criticism cannot be ignored or met only with defensiveness or dismissal. Accepting and reflecting on the criticism is essential both to real understanding of the harm and to building trust by ensuring members of the community are truly heard. Police and local government will not be able to adequately address these harms if they do not understand them. True understanding will not come from one listening session alone. This must be an ongoing process requiring

The Task Force supports listening sessions wherein citizens, with a particular emphasis on those that have been the most negatively impacted, share the harms they have experienced and areas where government has failed to meet their needs. This includes areas where the police have failed to protect the public safety.

same communities are often the ones that have been over-policed. The harms of over-policing and disinvestment are intertwined and effective reform requires acknowledgement and correction of both. To resolve these issues, mayors, city managers, and other local officials, as well as the police, must work with the community to set new policy.

continued collaboration with the people, the contours of which must be tailored to fit the community.

C. Review and analyze data to identify categories of community issues concerning public safety that need to be addressed, including surveying the community to get firsthand knowledge of these issues

The Task Force supports listening sessions wherein citizens, with a particular emphasis on those that have been the most negatively impacted, share the harms they have experienced and areas where government has failed to meet their needs. This includes areas where the police have failed to protect the public safety. For example, excessive force from police officers leads to decreased community trust, which can endanger public safety. Mr. Mayers referenced one study that found that Black members of a community were less likely to call 911 following the highly publicized police shooting of a Black person.¹¹ This decrease in 911 calls lasted for at least one year after the shooting.¹²

Additionally, data, research, and analyses should be leveraged, and private or academic partnerships may help with this effort. As is the case in much of the current data available for analysis in the public safety sphere, special attention must be made to ensure that the voices of all of our neighbors are heard and taken into consideration.¹³ For example, the Center for Policing Equity's COMPSTAT for Justice Program includes an "initial analytic phase" called the "Needs Assessment" which "involves reviewing a variety of police and community data and policing practices" in order to inform the community partners' reimagining of public safety.¹⁴

11 Matthew Desmond, Andrew V. Papachristos, and David S. Kirk, *Police Violence and Citizen Crime Reporting in the Black Community*, American Sociological Association 2016, Vol. 81(5) 857-876, available at <https://www.asanet.org/sites/default/files/attach/journals/oct16asrfeature.pdf>.

12 *Id.*

13 John Jay College of Criminal Justice and NOBLE, Future of Public Safety, available at <https://www.jjay.cuny.edu/future-public-safety>.

14 Center for Policing Equity, What We Do, COMPSTAT for Justice, <https://policingequity.org/what-we-do/compstat-for-justice> (Feb. 22, 2021).



When gathering data on community public safety issues, 911 call volume can be analyzed to understand the demand for services.¹⁵ How many of these calls require a police response, or is a different service better equipped to respond? What type and volume of resources would your jurisdiction need to adequately meet this demand? What are the most in-demand services aside from policing?

Just as we must obtain a more accurate understanding of the community’s needs, we must also understand how the police are presently attempting to meet those needs.¹⁶ What do the 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 law enforcement to address social issues? Which other government agencies are involved in responding to the community’s identified needs, and what is their role? What other resources may be leveraged to this end, including private non-profit organizations? For example, Professor Tracey Meares noted that the lack of access to clean water in Flint, Michigan is a public safety issue, especially during the current coronavirus pandemic when access to clean water to maintain personal hygiene is vital, but such a health and public safety issue cannot be appropriately and adequately addressed by law enforcement, highlighting the need for collaboration among stakeholders to address the communities’ public safety concerns.

D. Advocate for community-oriented policing

The calls to effect social change and defund the police are the result of a series of inter-related problems, including police strategies of the last 40 years which have a tendency to call in armed law enforcement to deal with any problem—whether it



be homelessness, drugs or mental illness.¹⁷ However, police are trained primarily in two areas: how to enforce the law and how to use force.¹⁸ Because police officers are often not trained to address the problems not directly related to law enforcement, they also may be unable to provide solutions, and end up “squandering societal resources and leaving social needs that led to the call unmet.”¹⁹ Far too often, this also leads to inappropriate use of force.²⁰ Specifically, because a disproportionate number of calls come from communities of color, in which under-resourced residents rely on 911 for a variety of problems simply because they do not have access to alternative resources, these communities bear the costs of the negative outcomes.²¹

A comprehensive approach is required to address the issues at the heart of the defund-the-police movement, and community-oriented policing is one critical element. Effective community policing necessitates robust community engagement and empowerment that allows communities to determine how they are policed. Citizens, who pay officers’ salaries and best understand the needs of their communities, should be given meaningful review and oversight of all aspects of law

15 The Policing Project at NYU Law, Transforming First Response, available at <https://www.policingproject.org/transforming-first-response> (hereinafter “Transforming First Response”).

16 Policing Project, *supra* note 2, at 2.

17 Barry Friedman, *Amid Calls to ‘Defund,’ How to Rethink Policing*, WALL ST. J. (2020), available at <https://www.wsj.com/articles/amid-calls-to-defund-how-to-rethink-policing-11592020861>.

18 *Transforming First Response*, *supra* note 15.

19 *Id.*

20 *Id.*

21 *Id.*



enforcement, including use of force, disciplinary actions, and recruitment. This creates accountability on the part of police officers, addresses the power disparity between police and the communities they are sworn to protect, and ultimately allows police departments to build a sustainable relationship with community stakeholders. As recommended by Mr. Mayers, coordination between (1) law enforcement, (2) government officials, (3) the community, and (4) the media can increase public safety and ensure transparency and accountability.

Once jurisdictions understand the needs of their individual communities based on the fact-gathering efforts outlined in Sections VI.A-C, agencies can consider what additional resources are needed, and how much funding is or is not

with this divest/invest strategy, he cautioned that communities need time to build the alternatives to police response, such as hiring and training social workers and mental health professionals. For example, the residents of Seattle ultimately voted to reduce the Seattle Police Department's budget by 20% and not 50% when they realized they did not have a plan to replace many of the services the police would no longer be providing.²³ The goal should be to search for a path that limits the role of policing without risking public safety.

With a goal of enhancing public safety, community stakeholders should advocate for robust social resources, including mental health and social services, equity in housing, welfare, healthcare, and social benefits. These resources

Based on the results of the fact-finding analysis, communities can reallocate resources to provide communities access to public safety resources, including policing, physical and mental health, and a clean community, with allocation of funds depending on community need.

needed to provide these new resources. Based on the results of the fact-finding analysis, communities can reallocate resources to provide communities access to public safety resources, including policing, physical and mental health, and a clean community, with allocation of funds depending on community need. This holistic approach to public safety recognizes the need for robust resources, but also that the distinct roles of resource providers should not be conflated. Law enforcement, government officials, and community members can work together to reimagine public safety responses to community needs,²² enact budgets that reflect community values, and overall reduce the footprint of law enforcement in the community.

However, the availability of the needed alternative resources should be considered before communities opt to significantly minimize the police footprint. While Mr. McKesson agrees

must reflect the wide-ranging and ever-changing needs of the community. Ms. Benavides stated that in response to the pandemic, many Latinos are seeking resources around food insecurity and that whole families are self-evicting because they do not want to end up in court out of fear of immigration enforcement. Provision of such social services may also simultaneously increase public safety. For example, studies indicate that providing access to substance abuse assistance can reduce violence and property crimes, thereby increasing public safety and reducing the need for law enforcement response.²⁴ Unfortunately, police officers are often called to handle mental health crises and, given the fact that they often lack training in this area, these calls may end in violence. Because a wide variety of public safety threats are common in American communities, communities must be equipped with an equally wide range of resources to address them.

²² Policing Project, *supra* note 2.

²³ Erica C. Barnett, *City's Recession-Era Budget Includes Modest Cuts to Police, Promises of Future Investments in Community Safety*, South Seattle Emerald (Nov. 23, 2020), available at <https://southseattleemerald.com/2020/11/23/citys-recession-era-budget-includes-modest-cuts-to-police-promises-of-future-investments-in-community-safety/>.

²⁴ Samuel R. Bondurant, Jason M. Lindo and Isaac D. Swensen, *Substance Abuse Treatment Centers and Local Crime*, National Bureau of Economic Research, Working Paper 22610 (Sept. 2016), available at <https://www.nber.org/papers/w22610>.



Community-oriented policing also requires an assessment of the specific needs of minority communities and the proper dissemination of relevant information to those communities. History has demonstrated that the shortfalls of our system's over-reliance on police for community needs has disproportionately fallen on minority communities, and has resulted in overwhelming police violence on these communities.²⁵ In the end, it is these communities who urgently need access to additional resources and the footprint of law enforcement in their communities minimized. Additionally, immigrant communities have developed deep fears of law enforcement because some local law enforcement agencies have supported U.S. Immigration and Customs Enforcement ("ICE") through the 287(g) and Secure Communities programs, which allows certain state and local law enforcement agencies to engage in federal immigration activities. Regardless of whether a police department has a 287(g) agreement, fear impedes the ability for immigrant communities to develop meaningful relationships with law enforcement. Law enforcement agencies should correct any misperception that 287(g) and Secure Communities programs are implemented in their jurisdictions. Given that 1 in 3 Latino children and children in other communities of color reside in homes without Internet access,²⁶ it is also recommended that leaders meet with the community where they are rather than utilizing very structural and status quo methods of communication.

E. Partner with the police to reimagine public safety

Successful implementation of a new vision of public safety depends on a partnership between various stakeholders in the community and law enforcement. As Dr. Boyd observed, successful systemic reform can only be achieved with police buy-in. This, in turn, occurs when police are actively engaged in the process, and stakeholders listen to and account for

police perspectives. Police officers perform work of utmost importance to society, balance a host of responsibilities, and constantly make decisions in difficult situations. Thus, just as it is crucial for police to understand the perspectives of the community members they are sworn to protect and serve, it is essential for stakeholders to understand the perspectives of the public servants with whom they are working.

Police involvement in the process can take many forms. For example, Dr. Glaser recommended that police be included in listening sessions with government officials, community leaders, and activists. In developing department-specific policy recommendations, stakeholders can ask police for on-the-ground insights into what their day-to-day work actually looks like and where they devote most of their time. During the creation of a reimagined training program, police can give guidance on where their current training falls short, and where they need more and better skills training. And as part of the broader task of defining the role of police in society, police can share their perspectives on their core competencies and where other specialists need to be utilized. The key is to make coordination with police ongoing and multifaceted, so that reimagining public safety is a process done in cooperation *with* police, not one to be imposed *on* police. Stakeholders must strive to make reform a collaborative, not adversarial, effort.



²⁵ *Transforming First Response*, *supra* note 15.

²⁶ Andrew Ujifusa, *1 in 3 American Indian, Black, and Latino Children Fall Into Digital Divide*, EducationWeek (July 22, 2020), available at <https://www.edweek.org/education/1-in-3-american-indian-black-and-latino-children-fall-into-digital-divide-study-says/2020/07>.

VII. RECOMMENDATIONS TO ALL STAKEHOLDERS IN GENERAL FOR SUBSTANTIVELY REIMAGINING PUBLIC SAFETY

A. Prioritize advocacy efforts for key federal, state, and local policy changes such as ending racial profiling and revisiting qualified immunity

Now is the time to press for real changes in the relationship between the police and all our community members, as the present circumstances do not appear to be life-affirming for anyone involved. Statistics reveal that three people lose their lives to a police officer's use of force almost every day in the United States.²⁷ Black Americans are twice as likely to die at the hands of the police as are white Americans.²⁸ At the same time, police investigations continue to yield fewer and fewer charges for the most serious crimes against life, depriving victims of justice, families of closure, and communities of safer streets.²⁹ Moreover, it would appear the current state of policing could offer better support to officers themselves. A record number of police died by suicide in 2019.³⁰ The risk of suicide among police officers is 54 percent greater than among American workers in general.³¹ In short, it is clear that there is room for significant improvement in the system of policing in this country today.

Thus, we recommend immediate and significant effort be devoted to advocating for federal policy changes. NOBLE endorses the George Floyd Justice in Policing Act of 2020, which touches on many of the important changes NOBLE has advanced to improve the system of policing in this country today, and calls for additional changes via executive action. Such changes include the following:

- **Create a national police misconduct registry, as the Justice in Policing Act of 2020 proposes,³² covering all federal, state, tribal, and local law enforcement officers.³³** In addition to the data tracked by the National Police Misconduct Registry proposed by the Justice in Policing Act of 2020 (e.g., complaints and/or disciplinary records regarding use of force and/or racial profiling), this registry should also include officers who have been credibly accused of any of the following: sexual assault or harassment,³⁴ domestic violence,³⁵ assault and harassment, criminal offenses against minors or elders, violation of 18 U.S.C. § 242 (deprivation of rights under color of law), racial or

27 *Fatal Force*, Wash. Post (Feb. 18, 2021), <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>.

28 *Id.* (finding that Black Americans are killed by police at twice the rate of white Americans).

29 Barry Friedman, *Amid Calls to 'Defund,' How to Rethink Policing*, Wall St. J. (June 13, 2020), <https://www.wsj.com/articles/amid-calls-to-defund-how-to-rethink-policing-11592020861> (“[T]he national rate for bringing charges in murder cases has sunk to 59.4%, its lowest since the FBI began tracking the figure.”); *Clearance Rates: Uniform Crime Report for Homicides: 1965-2019* (Murder Accountability Proj. 2020), murderdata.org/p/blog-page.html.

30 Luke Barr, *Record Number of U.S. Police Officers Died By Suicide in 2019*, *Advocacy Group Says*, ABC News (Jan. 2, 2020), <https://abcnews.go.com/Politics/record-number-us-police-officers-died-suicide-2019/story?id=68031484>.

31 Police Executive Research Forum, *An Occupational Risk: What Every Police Agency Should Do to Prevent Suicide Among Its Officers* 3-4 (Oct. 2019), <https://www.policeforum.org/assets/PreventOfficerSuicide.pdf>.

32 George Floyd Justice in Policing Act of 2020, H.R. 7120, 116th Cong. § 201 et seq. (2020).

33 This is similar to the International Association of Directors of Law Enforcement Standards and Training's National Decertification Index. *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 105th Cong. 6-7 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE); *Police Use of Force and Community Relations: Hearing before the S. Comm. on the Judiciary*, 105th Cong. 2 (2020) (statement of Cerelyn J. Davis, Nat'l Pres., NOBLE, Chief of Police, Durham Police Dept.); *10 Point Justice Plan, Written Testimony and Recommendations of the National Urban League and its CEO, Marc Morial, to the President's Task Force on 21st Century Policing* 6-7 (Nat'l Urban League June 2020), available at <https://nul.org/sites/default/files/2020-06/10%20Point%20Justice%20Plan%20Formatted.pdf> (hereinafter “10 Point Justice Plan”).

34 Police sexual violence is the second-most reported form of police misconduct, after excessive force, according to a 2010 Cato Institute Study. Dara E. Purvis and Melissa Blanco, *Police Sexual Violence: Policy Brutality, #MeToo, and Masculinities*, Cal. L. Rev., Oct. 2020, at 3, <https://www.californialawreview.org/print/police-sexual-violence/>. According to Purvis and Blanco, “One six-year study conducted between 2009 and 2014 revealed that nearly one thousand police officers nationwide lost their licenses as a result of sexual violence allegations.” *Id.* Another recent investigation based on a “national review of media reports and court records over a 10-year period, concluded that an officer is accused of an act of sexual misconduct at least every five days.” Andrea J. Ritchie, *How Some Cops Use the Badge to Commit Sex Crimes*, The Washington Post (Jan. 12, 2018), https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-ef3-11e7-b390-a36dc3fa2842_story.html. Because of the power differential between officer and victim, these incidents are almost certainly underreported. Purvis and Blanco, *supra*, at 3. Moreover, “one study found that in 41 percent of cases, officers charged with sexual violence had been previous[ly] accused of sexual misconduct—between 2 and 21 prior allegations—but had remained on the force.” Ritchie, *supra*.

35 “Two studies have found that at least 40 percent of police officer families experience domestic violence, in contrast to 10 percent of families in the general population.” Conor Friedersdorf, *Police Have a Much Bigger Domestic-Abuse Problem Than the NFL Does*, Atlantic (Sept. 19, 2014), <https://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girl-friends/380329/> (citing the National Center for Women and Policing). However, there are no comprehensive data on officer-involved domestic violence, which has hampered any concerted effort to directly address this problem. See Rafaqat Cheema, *Black and Blue Bloods: Protecting Police Officer Families from Domestic Violence*, Family Ct. Rev., 54(e): 487-500, 2016.



sexual discrimination,³⁶ membership in hate groups,³⁷ perjury, falsifying a police report, planting or destroying evidence. NOBLE proposes that officers be included as part of the misconduct registry when found to be in violation of registry criteria or have their law enforcement licenses suspended or revoked. It is imperative that we rid our law enforcement agencies of individuals who act in a manner that is, at the very least, unbecoming of a peace officer. In addition, NOBLE recommends that law enforcement agencies require any officers to immediately report any observed misconduct of the above to their supervisor.³⁸

- **Mandate federal collection of statistics on certain practices that have been historically associated with disparate treatment of civilians by the police along racial, sexual, or intersectional lines.**³⁹ In addition to the data encompassed under the Justice in Policing Act of 2020 (e.g., traffic violation stops, pedestrian stops, frisk and body searches, deadly force),⁴⁰ law enforcement agencies should be required to track and report incidents of use of less-than-deadly force,⁴¹ credible accusations of officer-involved sexual assault or harassment,⁴² domestic violence, assault and harassment, criminal offenses against minors or elders, violations of 18 U.S.C. § 242 (deprivation of rights under color of law), racial or sexual discrimination,

and hate-group membership. Analyses of this data will “empower police departments and communities to collaborate on next steps and strategies to reduce racial [and sexual] disparities.”⁴³

- **Require the national accreditation of police departments as a condition for receiving federal funds or being able to seize forfeited assets.**⁴⁴ NOBLE endorses the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) as the official police accreditation body for the nation.⁴⁵ CALEA’s Accreditation Programs will improve the delivery of public safety services, primarily by maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives, and recognizing professional excellence.
- **Revisit qualified immunity at the state and local level, as the George Floyd Justice In Policing Act does with respect to federal law.**⁴⁶ This judge-made doctrine “prevents police from being held legally accountable when they break the law.”⁴⁷ Widespread indemnification will ensure that municipalities rather than officers bear the primary burden of increased liability, putting pressure to reform on actors who most influence officers.⁴⁸ In addition, revisiting qualified immunity may force courts that now sometimes avoid constitutional questions to

36 E.g., Michael German, *Hidden in Plain Sight: Racism, White Supremacy, and Far-Right Militancy in Law Enforcement* (Brennan Ctr. For Justice 2020), <https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>; Zack Beauchamp, *What the Police Really Believe: Inside the Distinctive, Largely Unknown Ideology of American Policing – and How It Justifies Racist Violence*, Vox (Jul. 7, 2020), <https://www.vox.com/policy-and-politics/2020/7/7/21293259/police-racism-violence-ideology-george-floyd>. For example, since 2001, hundreds of Black Capitol Police Officers have sued the department for racial discrimination. Joshua Kaplan and Joaquin Sapien, *‘No One Took Us Seriously’: Black Cops Warned About Racist Capitol Police Officers for Years*, ProPublica (Jan. 14, 2021), <https://www.propublica.org/article/no-one-took-us-seriously-black-cops-warned-about-racist-capitol-police-officers-for-years>.

37 See German, *supra* note 36; *infra* Section VII.G.

38 *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 115th Cong. 6 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE).

39 Specifically, NOBLE endorses the COMPSTAT for Justice Program. *COMPSTAT for Justice* (Ctr. for Policing Equity 2021), <https://policingequity.org/what-we-do/compstat-for-justice>.

40 H.R. 7120, 116th Cong. § 118(c).

41 Phillip Atiba Goff et al., Ctr. For Policing Equity, *Reimagining Public Safety: Prevent Harm and Lead with the Truth 7* (2019), https://policingequity.org/images/pdfs-doc/reports/re-imagining_public_safety_final_11.26.19.pdf.

42 NOBLE recognizes that the George Floyd Justice in Policing Act of 2020 conditions the receipt of funding by State and local law enforcement under the COPS grant program on the annual reporting of the number of reports made to law enforcement of persons engaging in a sexual act while acting under color of law. H.R. 7120, 116th Cong. §403 (c) (2020).

43 *Id.*

44 *Police Use of Force and Community Relations: Hearing before the S. Comm. on the Judiciary*, 115th Cong. 2 (2020) (statement of Cerelyn J. Davis, Nat’l Pres., NOBLE, Chief of Police, Durham Police Dept.); Barry Friedman et al., *Changing the Law to Change Policing: First Steps 3* (2020), <https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5ee14bcd7489b64e5d-1c5bc1/1591823310572/Change+to+Change+FINAL.pdf>. NOBLE appreciates that the George Floyd Justice in Policing Act of 2020 would require the Attorney General of the United States to perform an initial analysis of existing accreditation standards and methodology and encourage the development of national standards for the accreditation of law enforcement. H.R. 7120, 116th Cong. §113 (2020).

45 *10 Point Justice Plan*, *supra* note 33, at 7-8.

46 H.R. 7120 § 102 (2020).

47 *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 115th Cong. 7 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE).

48 Friedman et al., *supra* note 44, at 1.



reach decisions that clearly establish the constitutional standards governing policing.⁴⁹

- **Advocate to end racial and religious profiling at the state and local level, as the End Racial and Religious Profiling Act of 2020 does with respect to federal law.**⁵⁰ Racial profiling involves the unwarranted screening of certain groups of people, assumed by the police and other law enforcement agents to be predisposed to criminal behavior.⁵¹ Multiple studies have proven that racial profiling does not prevent crime.⁵²
- **Require immediate intervention by state and local law enforcement officers where another officer is applying excessive force against a civilian,⁵³ as the George Floyd Justice In Policing Act of 2020 does for federal law enforcement officers.**⁵⁴
- **Banning the use of chokeholds and carotid holds by state and local law enforcement.** Specifically, all maneuvers that restrict the flow of blood or oxygen to the brain, including neck holds, chokeholds, and similar excessive force, should be prohibited.⁵⁵ NOBLE urges the Senate to pass the Eric Garner Excessive Use of Force Prevention Act, which amends 18 U.S.C. § 242 to designate the use of chokeholds as a federal civil rights violation.⁵⁶
- **Modify the use-of-force standard applied at the state and local level from the standard of “reasonableness” to “necessary,” as the Police Exercising Absolute Care With Everyone Act of 2020 does at the federal**

level.⁵⁷ Use of force by police against civilians should be “necessary,” not simply “reasonable,” in order to underscore law enforcement’s obligation to “protect and serve” all members of the community.⁵⁸

- **Enact legislation at the federal, state and local level that requires police officers to receive adequate training and establishes accountability and transparency mechanisms for officers using military equipment.**
- **Enact the Federal Police Camera and Accountability Act, which requires federal law enforcement officers to wear body-worn cameras.**⁵⁹ Advocate for state and local law enforcement to acquire and implement the use of body-worn cameras. NOBLE further endorses the Community Policing Initiative Body-Worn Camera Partnership Program, which would provide a 50 percent match to states/localities that purchase body-worn cameras and requisite storage.⁶⁰ In addition, in order for body-worn cameras to act as an accountability mechanism, NOBLE advocates in favor of a sound policy for their use and release of the video to the public after critical incidents.⁶¹

In addition to the policies addressed above, NOBLE supports and will continue to advocate for executive action to end the over-criminalization and heavy-handed enforcement of minor offenses, which disproportionately affect minority communities, while recommitting our criminal justice system to holding the perpetrators of violent crime to account. Such

49 *Id.*

50 H.R. 7120, 116th Cong. §§ 301-351 (2020).

51 *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 115th Cong. 6 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE); *10 Point Justice Plan*, *supra* note 33, at 9.

52 *10 Point Justice Plan*, *supra* note 33, at 8.

53 *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 115th Cong. 8 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE); *Police Use of Force and Community Relations: Hearing before the S. Comm. on the Judiciary*, 105th Cong. 2 (2020) (statement of Cereyn J. Davis, Nat'l Pres., NOBLE, Chief of Police, Durham Police Department).

54 H.R. 7120 § 361(a)(2) (2020). In addition, the limitation on eligibility for funds provided by section 361(c) of the Act should be expanded to condition eligibility for funds on the establishment of a clear duty of law enforcement officers to intervene in cases where another law enforcement officer is using excessive force against civilians.

55 *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 115th Cong. 6 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE).

56 H.R. 7120, 116th Cong. § 363(c)(2) (2020).

57 H.R. 7120, 116th Cong. § 364 (2020).

58 *Criminal Justice Reform: Joint Hearing of the House Courts of Justice and Public Safety Comms.* 5, Va. H. of Delegates (2020) (statement of Lynda R. Williams, Nat'l Pres., NOBLE, Deputy Assist. Dir. (Retired), U.S. Secret Serv., Prof. of Crim. Just., Mid. Tenn. St. Univ.).

59 H.R. 7120, 116th Cong. §§ 371-372 (2020).

60 *10 Point Justice Plan*, *supra* note 33, at 1.

61 Barry Friedman et al., *supra* note 44, at 5.



actions include the following:

- **Provide additional resources to states that decriminalize minor offenses, including drug possession, traffic, and quality-of-life violations.**
- **Increase local law enforcement attention and resources on the investigation of the most serious crimes against life and livelihood.** The “broken windows” policing model should be abandoned in favor of focusing attention and resources on the investigation of the most significant and severe crimes.⁶² The “broken windows” model has become synonymous with increased arrests for minor crimes in order to, so the theory goes, deter or prevent the commission of more serious crimes.⁶³ Unfortunately for the communities of color in which the model was largely implemented, it morphed into exceedingly high rates of incarceration of people of color and policies such as “stop and frisk.”⁶⁴ Questionable in its effectiveness in reducing crime, “stop and frisk” is clearly responsible for exacerbating communities’ mistrust of the police, and for increased complaints of police misconduct.⁶⁵

In its place, NOBLE recommends careful consideration of the extent to which law enforcement and community resources can be redirected toward the investigation

and prosecution of the most serious crimes, and particularly those that disproportionately affect certain members of our community.⁶⁶ By way of example, Black men are murdered at higher rates than men of all other racial and ethnic groups.⁶⁷ In Los Angeles, Black men comprise 9% of the total population, but they accounted for 37% of the murder victims in 2018.⁶⁸ At the same time, studies have shown that “homicides with White victims are significantly more likely to be ‘cleared’ by the arrest of a suspect than are homicides with minority victims.”⁶⁹

Just as we must dismantle the racist infrastructure that has led to the over-policing of minor nonviolent offenses and the incarceration of disproportionate numbers of Black men, we likewise cannot acquiesce to the idea that the lives of Black men lost to the most serious crimes are unworthy of justice. Not only does this fail to honor Black men and their valuable place within our community, it perpetuates the cycle of retaliatory extra-judicial violence, furthers the community’s distrust of the earnestness and validity of the role of the police (and specifically, its investigators) within the criminal justice system and community, and leaves the victims’ families and friends without justice or closure. This cannot be countenanced: when “the criminal

62 *10 Point Justice Plan*, *supra* note 33, at 2-3.

63 The co-creator of the “broken windows” theory of policing, George Kelling, explained in a recent op-ed his belief that his theory had been largely misapplied by local law enforcement. According to Kelling, “[B]roken windows was never intended to be a high-arrest program. Although it has been practiced as such in many cities, neither [co-creator James Q.] Wilson nor I ever conceived of it in those terms. Broken-windows policing is a highly discretionary set of activities that seeks the least intrusive means of solving a problem—whether that problem is street prostitution, drug dealing in a park, graffiti, abandoned buildings, or actions such as public drunkenness. Moreover, depending on the problem, good broken windows policing seeks partners to address it: social workers, city code enforcers, business improvement district staff, teachers, medical personnel, clergy, and others. The goal is to reduce the level of disorder in public spaces so that citizens feel safe, are able to use them, and businesses thrive. Arrest of an offender is supposed to be a last resort—not the first.” George Kelling, *Don’t Blame My ‘Broken Windows’ Theory for Poor Policing*, *Politico* (Aug. 11, 2015), <https://www.politico.com/magazine/story/2015/08/broken-windows-theory-poor-policing-ferguson-kelling-121268/>.

64 *How a Theory of Crime and Policing Was Born, and Went Terribly Wrong*, NPR (Nov. 1, 2016), <https://www.npr.org/2016/11/01/500104506/broken-windows-policing-and-the-origins-of-stop-and-frisk-and-how-it-went-wrong> (quoting Barnard Harcourt, Columbia University Law).

65 *10 Point Justice Plan*, *supra* note 33, at 3.

66 See generally Jill Leovy, *Ghettoside: A True Story of Murder in America* (2015).

67 In 2016, non-Hispanic black men were nearly 10.4 times more likely than non-Hispanic white men to die by homicide in the United States. Corrine A. Riddell, Sam Harper, and Magdalena Cerdá, *Comparison of Rates of Firearm and Nonfirearm Homicide and Suicide in Black and White Non-Hispanic Men*, by U.S. State, *Annals of Internal Medicine* (2018), <https://www.acpjournals.org/doi/10.7326/M17-2976>; see also Emily Widra, *Stark Racial Disparities in Murder Victimization Persist, Even as Overall Murder Rate Declines*, Prison Policy Initiative (2018), https://www.prison-policy.org/blog/2018/05/03/homicide_overtime/ (citing data compiled from the CDC’s National Center for Health Statistics National Vital Statistics Reports); John Hudgins, *Homicide Is a ‘Devastating Plague’ on Black Communities, and It’s Time We Stop Ignoring It*, *Baltimore Sun* (Op. Ed. Apr. 3, 2020), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0406-black-crime-20200403-lyric4nzuvbuxks6i2h6mhirtg-story.html>.

68 Lauren Whaley, *Who Are the Victims of Killings in LA?* *Crosstown* (Feb. 26, 2019), <https://xtown.la/2019/02/26/a-look-at-the-2018-murder-victims-in-los-angeles/>.

69 Jeffrey A. Fagan & Amanda Geller, *Police, Race, and the Production of Capital Homicides*, 12 *Berkeley J. of Crim. L.* 261, 266 (2018); Col. Pub. L. Research Paper No. 14-593 (2018), available at https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3513&context=faculty_scholarship; see also Wesley Lowery, Kimbriell Kelly, and Steven Rich, *Murder with Impunity: An Unequal Justice*, *The Washington Post* (July 25, 2018), https://www.washingtonpost.com/graphics/2018/investigations/black-homicides-arrests/?utm_term=.13e18417a56d&eType=Email-BlastContent&eld=c6aa9d89-8008-46c6-8c0f-aeb80ab20d3a (“In the past decade, police in 52 of the nation’s largest cities have failed to make an arrest in nearly 26,000 killings, according to a Washington Post analysis of homicide arrest data. In more than 18,600 of those cases, the victim . . . was [B]lack While police arrested someone in 63 percent of killings of [W]hite victims, they did so in just 47 percent of those with [B]lack victims.”).



justice system fails to respond vigorously to violent injury and death, homicide becomes endemic.”⁷⁰

Thus, NOBLE urges state and local governments to focus on this issue, and recommit to the notion that this loss of life will be accounted for. For example, all patrol officers should be trained and encouraged to engage on a personal level with the witnesses who may gather around the scene of a crime, and thereby create the opportunity to support the work of detectives.⁷¹

Likewise, NOBLE will continue to press the media to report on the loss of Black lives, as studies have shown that the media disproportionately covers the deaths of White victims, both in amount and complexity of coverage,⁷² further underscoring the incorrect impression that the deaths of Black members of our community cost us and our communities less than the deaths of others.

By way of further example, law enforcement plays a central and critical role in preventing gun violence.⁷³ Effective strategies for the strict enforcement of laws concerning the illegal possession, trafficking, and criminal use of firearms are vital, and need to be supported by data, research, technology, training, and best practices.

- **Implement procedural justice training for federal, state, tribal, and local law enforcement officers.**⁷⁴

Procedural justice “is grounded in the idea that people’s

perceptions of police legitimacy will be influenced more by their experience of interacting with officers than by the end result of those interactions.”⁷⁵ Just as this theory applies to the public’s experience with police, so must it apply to the police officers within the law enforcement agencies. Indeed, a recent study has demonstrated that procedural justice training reduces police use of force and complaints against officers.⁷⁶

- **Require all federal, state, tribal, and local law enforcement officers to render immediate first aid to any person experiencing a physical health crisis.**⁷⁷

In order to encourage the adoption of these policies at the state and local levels, we recommend leveraging local law enforcement’s access to asset forfeiture funds, federal funding, grants, and using bonuses.

Reforming policing on the ground requires reform and revision of the multiple layers of laws, contracts, and cultural norms that regulate local policing.⁷⁸ Key areas to be evaluated, revised, and/or renegotiated as needed include:

- Collective Bargaining Agreements
- Law Enforcement Officers’ Bill of Rights

By addressing these policy issues at the federal, state and local levels, law enforcement can shift closer to a model designed to ensure public safety for all in a transparent and just manner.

⁷⁰ Leovy, *supra* note 66, at 8.

⁷¹ See *id.* at 264-68.

⁷² Vignesh Ramachandran, *Stanford Researchers Find News Coverage in Chicago Disproportionately Devalues Black and Hispanic Lives*, Stanford News (2020), <https://news.stanford.edu/2020/09/21/homicide-victims-black-hispanic-neighborhoods-devalued/>; Beth Schwartzapel, The Marshall Project, *When Does Murder Make the News? It Depends on the Victim’s Race* (Oct. 28, 2020), <https://www.themarshallproject.org/2020/10/28/when-does-murder-make-the-news-it-depends-on-the-victim-s-race>.

⁷³ *Protecting America from Assault Weapons: Hearing before the H. Comm. on the Judiciary*, 114th Cong. 3 (2019) (statement of Dr. RaShall Brackney, Exec. Bd. Mbr., NOBLE; Chief of Police, Charlottesville Police Dept.).

⁷⁴ George Wood, Tom R. Tyler, and Andrew V. Papachristos, *Procedural Justice Training Reduces Police Use of Force and Complaints Against Officers*, 117 Proc. Nat’l Acad. Sci. 117, 118 (May 2020), <https://www.pnas.org/content/117/18/9815>.

⁷⁵ The Justice Collaboratory at Yale Law School, *Principles of Procedurally Just Policing* 6 (2018), https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf (laying out 41 principles of procedurally just policing).

⁷⁶ George Wood, Tom R. Tyler, and Andrew V. Papachristos, *Procedural Justice Training Reduces Police Use of Force and Complaints Against Officers*, 117 Proc. Nat’l Acad. Sci. 117, 118 (May 2020), available at <https://www.pnas.org/content/117/18/9815>.

⁷⁷ *Policing Practices and Law Enforcement Accountability: Hearing before the H. Comm. on the Judiciary*, 115th Cong. 8 (2020) (statement of Ronald L. Davis, Chair, Legis. Comm., NOBLE); *Police Use of Force and Community Relations: Hearing before the S. Comm. on the Judiciary*, 105th Cong. 2 (2020) (statement of Cerelyn J. Davis, Nat’l Pres., NOBLE, Chief of Police, Durham Police Dept.).

⁷⁸ Mayors PEACE Pact for Community Centered Policing, available at <https://www.ourmayors.org/Resources/PEACE-Pact>.



B. Advocate for mandatory minimum standards in use-of-force policies and review all use of force incidents

In the wake of the recent racial justice movement, police violence has increased—police killed more people in 2020 than in other years and there were only 18 days when police did not kill someone, according to DeRay McKesson of Campaign Zero. These killings by police disproportionately affect Black people, even though data shows that they are likely to be unarmed and nonthreatening. This data shows that even with focused attention on police conduct, outcomes are not changing. Ultimately, policy changes are necessary to address excessive use of force by police. This also requires examining the laws on the books, which police are charged to enforce.

Community stakeholders must advocate for mandatory minimum standards in use of deadly force policies, both at national and local levels. Specifically, the use-of-force standard should be changed from “reasonable” to “necessary,” because the standard of reasonableness provides too much discretion to law enforcement officers.⁷⁹ At a minimum, de-escalation tactics should be required as a prerequisite under any use-of-force policy.⁸⁰ This proposed change better protects the sanctity of human life which should be an organizational priority,⁸¹ and creates accountability toward the communities that police officers have taken an oath to protect and serve.⁸²

Similarly, community stakeholders should review police policies governing the use of deadly force to ensure that they are aligned with the guardian, not warrior, mentality of policing. This distinction is an easy concept for the community to grasp and changing that philosophy in policing will likely go a long way with community members. A key question to ask is whether the use-of-force applied, especially in the case of deadly force, aligns with the expectations of the average citizen and community. For example, police use-of-force policies governing physical restraint maneuvers should prohibit restraint maneuvers on or above the neck, such as chokeholds.⁸³ Similarly, use-of-force policies should include mandatory requirements that all officers render immediate medical aid to any person experiencing a health crisis.⁸⁴ Policies such as these aim to put the sanctity and protection of human life at the forefront of policing.

Use-of-force policies should at a minimum include a requirement that officers intervene where physical force is being inappropriately applied by fellow officers, or is no longer required.⁸⁵ Mayor Price highlighted Atlanta Mayor, Keisha Lance Bottoms’s executive order requiring officers to utilize de-escalation tactics and intervene in unauthorized uses of force.⁸⁶ Similarly, in Newport News, Virginia, officers are now required to intervene.⁸⁷ Specifically, law enforcement agencies should study and implement an Active Bystandership for Law Enforcement initiative to help police officers stop unnecessarily harmful behavior by fellow officers.⁸⁸ Active bystandership is a powerful inhibitor of excessive use of force, but can also

79 *Virginia House of Delegates Joint Hearing of the House Courts of Justice and Public Safety Committees on Criminal Justice Reform Before the Virginia House of Delegates* (2020) (statement of Lynda R. Williams, National President, National Organization of Black Law Enforcement Executives).

80 *Police Use of Force and Community Relations Before the U.S. Senate Comm. on the Judiciary* (2020) (statement of Cerelyn J. Davis, National President, National Organization of Black Law Enforcement Executives).

81 *Policing Practices and Law Enforcement Accountability Before the U.S. House Comm. on the Judiciary* (2020) (statement of Ronald L. Davis, Chair, Legislative Committee National Organization of Black Law Enforcement Executives).

82 *Virginia House of Delegates Joint Hearing of the House Courts of Justice and Public Safety Committees on Criminal Justice Reform* (Aug. 6, 2020) (statement of Lynda R. Williams, National President, National Organization of Black Law Enforcement Executives).

83 *Police Use of Force and Community Relations Before the U.S. Senate Comm. on the Judiciary* (2020) (statement of Cerelyn J. Davis, National President, National Organization of Black Law Enforcement Executives).

84 *Id.*

85 *Id.*

86 Stephen Deere, *Atlanta Mayor Bottoms Issues Orders Aimed at Police Reform*, *The Atlanta Journal-Constitution* (Aug. 5, 2020), available at <https://www.ajc.com/news/atlanta-news/atlanta-mayor-announces-covid-testing-site-for-employees-and-new-police-use-of-force-orders/JF3GR6LRDVF7NPEFVONA3BJEVM/>.

87 Josh Reyes, *Newport News Police Officers Now Have “Duty to Intervene,”* *Daily Press* (June 10, 2020), available at <https://www.dailypress.com/government/local/dp-nw-newport-news-police-intervention-policy-20200610-nknofcscerbizgvdkkpp2gpgq-story.html>.

88 *University of Minnesota, Twin Cities Review and Recommendations to Strengthen UMPD Alignment with Campus Community Expectations and Values*, CL ALEXANDER CONSULTING, LLC, January 2021, at 49.



be marketed to protect officers and their careers through mitigating discipline.⁸⁹ Further, police policies should require officers to immediately report misconduct to a supervisor;⁹⁰ however, to encourage compliance, these policies should be coupled with an anti-retaliation policy to ensure officers who intervene and/or report fellow officers do not suffer adverse consequences.

Every use-of-force incident, including escalation of force and deployment of non-lethal and lethal weapons, should be reviewed, not just internally, but in coordination with community members. As discussed below in Section VII.D, this both empowers community members and bridges the power disparity between police officers and the communities they are tasked to protect, creating meaningful accountability on the part of police officers.

C. Comprehensive retraining of officers focused on frequent, hands-on training

A key part of reimagining public safety is reinventing police training. In any profession, the training and mentorship a person receives shapes how they approach and perform their work. Training is an instrument of accountability: it sets expectations, communicates workplace culture, and demonstrates management's commitment to employee development. Retraining is all the more important when changing existing behaviors that have been conditioned and reinforced by prior training methods. For all these reasons, officer training is essential to ensuring that police are accountable to the public they are sworn to serve and protect. Stakeholders must therefore press for a fundamental shift in how officers are trained and how their supervisors coach them. Specifically, police departments must move to a comprehensive, hands-on training approach that emphasizes and properly prioritizes community interaction, de-escalation, elimination of racial profiling, countering implicit bias, and building cultural

competence. And they must ensure that command actively participates in and supports this retraining effort.

The first key element of a comprehensive retraining program is a shift in emphasis. When compared to the types of training enumerated above, officers currently receive a disproportionate amount of defensive training, which tends to orient officers toward worst-case scenarios and skew their views on the risk of danger. Dr. Boyd shared the example of New Haven, Connecticut, where officers receive approximately 86 hours of firearm training but only two hours of ethics training. Firearm training is important, but a new vision of public safety requires a greater commitment to extensive—and continual—training on improving interactions with the public and reducing the use of force. Accordingly, the Task Force recommends that police departments strive to achieve greater parity in firearms and ethics training hours in order to close the gap between the greater number of hours spent on firearms rather than ethics training.

Moreover, this training must extend far beyond classroom walls. The most effective form of training is regular, hands-on, on-the-job mentoring, because people remember instruction better in interactive settings and actively employ it when it is continually reinforced. As a result, supervisor participation is crucial. Supervisors should reinforce this training in real time by observing officers in the field and/or regularly reviewing body camera footage and discussing it with officers, just as a coach watches game film and reviews it with players. This allows positive reinforcement of effective practices and identification and correction of shortcomings. Ongoing supervisor mentoring is essential to shifting the focus of ethics training from checking a box to driving better behavior in the field.

A key component of officer retraining must be education on community members' perspectives. What is often missing from current police training is an opportunity for police to learn and understand the lived experience of those individuals with whom they are interacting. As Dr. Boyd observed, dealing

⁸⁹ Webinar: *Transforming Police Practices: Ethical Policing and Active Bystandership*, held by the ABA Legal Education Police Practices Consortium (Jan. 22, 2021).

⁹⁰ *Policing Practices and Law Enforcement Accountability Before the U.S. House Comm. on the Judiciary* (2020) (statement of Ronald L. Davis, Chair, Legislative Committee National Organization of Black Law Enforcement Executives).



productively with a community that has the perception and/or reality of unequal police treatment—not only in the present, but historically, over generations—requires nuance and acknowledgement of that pain. One way this can be achieved is to have officers *actually* interact with community members during their training. For example, Dr. Boyd shared that the police department in Cambridge, Massachusetts ends traditional training for cadets early on Fridays and provides them with a variety of assignments requiring them to engage in one-on-one interactions with members of the community, such as meeting with new students at area universities, and reporting back on their experiences and perceptions.⁹¹ These assignments are designed to allow cadets to get to know the people they will protect and serve. Such connections can only be made through officer-on-civilian interactions. Training of this type has another important benefit as well: it gives members of the community a chance to better understand the police perspective. Thus, active community-participation training builds stronger bonds between officers and the public while also training officers to consider their interactions from the viewpoint of the community members they serve.

Training should also educate officers on—and advocate for—broad use of de-escalation techniques. De-escalation tactics help reduce the need for the use of force and increase voluntary compliance by slowing down incidents in an effort to diffuse tense situations.⁹² Some police departments have embraced de-escalation training. Mayor Price shared the examples of the Atlanta, Georgia and Newport News, Virginia police departments, which are now required to utilize de-escalation tactics and intervene where other officers are engaging in unauthorized uses of force. Further, to reinforce de-escalation training and improve accountability, supervisors should evaluate officers based on their use of tactics—like de-escalation—that produce positive outcomes, rather than just on the number of arrests made or tickets issued.

It is important to note that while there is widespread interest in implicit-bias training, it is but one important step toward a *comprehensive* approach. Implicit-bias training is a good and important component of an effective police-training program, but Dr. Glaser, a social psychologist, explained that implicit bias influences behavior most strongly when a person does not have the time to override it with cognitive thought such as tense situations that often lead to the use of force. Thus, officers and the public need to reduce the likelihood that force will occur in the first place. Hands-on instruction and mentoring on cultural competency, avoidance of racial profiling, and minimization of the use of force—in addition to implicit-bias training—is therefore crucial to retraining officers.

D. Citizen review and oversight

Citizen review and oversight is a necessary component in reimagining public safety and creating accountability on the part of law enforcement. In order to address the power disparity between police who are tasked to protect and serve the community and the community members themselves, the community must be empowered through civilian awareness, visibility, and engagement. Accountability on the part of law enforcement requires the creation of an environment that is inhospitable to officers who are not following the rules, both internally and externally. Internally, police departments need to identify officers who are not following the rules and subject them to disciplinary action. Equally important though, citizens should weigh in on review and oversight of law enforcement agencies, because ultimately, citizens are the most affected by their actions.

Citizen oversight of law enforcement should be available in the form of a separate body that is given a meaningful seat at the table, with the power to weigh in on all aspects of law enforcement. Ms. McCullers emphasized the importance

⁹¹ Bob Dumas, *In Cambridge, a New Approach to Training Future Police Officers*, Boston 25 News (July 11, 2019), available at <https://www.boston25news.com/news/in-cambridge-a-new-approach-to-training-future-police-officers/965906091/>.

⁹² Rosa Brooks, *Any Situation Can Turn Lethal in an Instant, and Other Lessons I Learned at the Police Academy*, L.A. Times (Feb. 21, 2021), available at <https://www.latimes.com/opinion/story/2021-02-21/police-academy-danger-violence>



of including Black moms, men and boys, who are often on the receiving end of over-policing, in these conversations. At minimum, citizens should review use-of-force incidents and police misconduct. To provide meaningful review, citizens must have access to all relevant information and evidence and need the power to subpoena records and testimony. For example, Mr. Mayers cited the collaborative agreement in Cincinnati, Ohio between community members and the police department, whereby the police chief has regular meetings with community members and community members may randomly review footage from body worn cameras with officers. Mr. Mayer explained that this collaboration has led to community empowerment.

Consistent with review of use of force and misconduct, citizens should weigh in on disciplinary actions, and be empowered to advance discipline, including when it can result in suspension or dismissal of officers. Ultimately, this creates meaningful accountability toward the citizens whom police officers are hired to serve. In Milwaukee, Wisconsin, the Fire and Police Commission is composed of civilians and they have the power to overturn the police chief's disciplinary decisions and even fire their police chief.⁹³ In fact, the Fire and Police Commission demoted its police chief last year.⁹⁴

Citizens should also be actively engaged in hiring, retention and promotion of police officers. This is particularly important for minority communities who are policed under inaccurate stereotypes that they are unsafe, which results in harmful police interactions, over-policing, and higher arrest and use-of-force rates. Minority citizens have been disenfranchised from the American dream for generations, but communities should advocate for change that values and protects the humanity of all citizens equally.⁹⁵ Representation in the form of a diverse police force and diverse officers in positions of

influence can shift not just policies, but the culture of policing as well, which is critical to a comprehensive and holistic approach to change.⁹⁶

Implementing successful citizen review and oversight requires transparency on the part of law enforcement agencies and government officials. NOBLE advocates for federal support through a national public database of police misconduct covering all police agencies in the United States.⁹⁷ Similarly, in response to the murder of George Floyd, Mayor Price helped develop the Mayors PEACE Pact for Community Centered Policing, which advocates for transparency through a website or hotline dedicated to reporting police misconduct and a joint protocol between mayors and police regarding use-of-force incidents and discipline.⁹⁸ Mechanisms such as these provide broad transparency and give all citizens an opportunity to engage in police oversight, not just those appointed to a formal oversight board.

The CAT method is a framework developed by Mr. Mayers for how communities should work to include everyone's voice in the power structure and democracy. CAT stands for Community Empowerment, Accountability, and Transparency. The CAT model advocates for community empowerment by ensuring that bodies deciding police-civilian related issues are composed of community members with at least 50% voting power. The CAT method's ultimate goal is to address the power disparity between police and citizens because, as stated by Mr. Mayers, police may kill community members but community members cannot even sue police officers or departments. As such, the CAT method places an emphasis on including those community members from neighborhoods where there are high levels of negative police interactions.

⁹³ About the Fire and Police Commission, <https://city.milwaukee.gov/fpc/About>.

⁹⁴ Corrinne Hess, *Milwaukee Police Chief Removed From Post Demoted*, Wisconsin Public Radio (Aug. 6, 2020), available at <https://www.wpr.org/milwaukee-police-chief-removed-post-demoted>.

⁹⁵ *Virginia House of Delegates Joint Hearing of the House Courts of Justice and Public Safety Committees on Criminal Justice Reform Before the Virginia House of Delegates* (2020) (statement of Lynda R. Williams, National President, National Organization of Black Law Enforcement Executives).

⁹⁶ *Id.*

⁹⁷ *Policing Practices and Law Enforcement Accountability Before the U.S. House Comm. on the Judiciary* (2020) (statement of Ronald L. Davis, Chair, Legislative Committee National Organization of Black Law Enforcement Executives).

⁹⁸ African American Mayors Association, *Mayors PEACE Pact for Community Centered Policing*, available at <https://www.ourmayors.org/Resources/PEACE-Pact>.



E. School resource officers should receive special training and certification

Stakeholders should advocate for school resource officers to receive specialized training and certification. Listening session participants shared differing perspectives on whether school resource officers should continue to work in schools. Some participants believe that police should be removed from schools and replaced with other professionals. Mr. Wells pointed to repeated instances of misconduct and harm to children—and particularly children of color—across the nation. In the week before the third listening session, a school resource officer in Kissimmee, Florida violently body slammed a 16-year-old student, knocking her unconscious,⁹⁹ and a school resource officer in Eustis, Florida was filmed tasing a 15-year-old student.¹⁰⁰ Both were female students of color. Repeated incidents like these make it impossible to provide a school environment that gives children a chance to thrive. When children are treated like criminals and prisoners in schools, society should not be surprised when student behavior emulates a prison mentality. Thus, some participants argued that funds currently used to pay for policing in schools could be much better spent on counselors, nurses, and mental-health professionals instead. Mr. Wells pointed out that many schools lack funding for on-site nurses or counselors but pay for school resource officers, who are often more expensive.

Other listening session participants argued that school resource officers play important roles in schools. They pointed out that, in addition to protecting students, teachers, and school visitors, school resource officers are critical to fostering relationships between police and the communities they serve. School resource officers are often students' first opportunity to engage with a police officer. If this interaction is positive, it can lead to better relationships between police and community in the future. Mr. Cox reflected on a number

of positive experiences from his time as a police chief of a school district. For example, his district partnered with the juvenile court system to provide services to various students that needed them, such as helping students get access to public assistance. This allowed school resource officers to play a positive, rather than solely punitive, role in students' lives. He also reported that many active cases within the police department were solved in his district because kids would go to school and share information with the school officers. This was possible because of the trust between students and officers in their schools. Examples like these show that when officers serve as mentors and conflict mediators, rather than just security guards, they can positively contribute to the learning environment and build bonds that can extend beyond the school setting into the broader community.



While there is disagreement about the proper role, if any, of permanent police presence in schools, there is clear agreement that it is imperative for officers who continue to work in schools to receive special training and certification. Special training for school resource officers is needed because the skills required to productively respond to and address student behavior are often not taught in standard police training. Dr.

⁹⁹ Meredith Deliso & Sabina Ghebremedhin, *Florida Teen Body-Slammed by School Resource Officer 'Traumatized,' Family Says*, ABC News (January 30, 2021), available at <https://abcnews.go.com/US/florida-teen-body-slammed-school-resource-officer-traumatized/story?id=75582344>.

¹⁰⁰ Stephen Ruiz, *Girl Tased by Deputy at Eustis High Will Be Charged as Juvenile*, Daily Commercial (Feb. 9, 2021), available at <https://www.dailycommercial.com/story/news/2021/02/09/eustis-student-charged-as-juvenile-tasing-incident/4454360001/>.

Alexander explained that school resource officers are required to deal with a complex web of difficult public health, family, and mental health issues. These issues cannot be addressed using the same set of tools that police use on the street, and no officer should serve in a school until they have demonstrated competency in using appropriate practices to deal with them. Arresting and physically restraining a child does not help the problem—it only exacerbates existing trauma and undermines trust. A scared kid cannot learn, but school resource officers are an opportunity for police officers to make a good impression on students. Thus, school resource officer training should involve extensive instruction on de-escalation tactics and one-on-one counseling as preferred alternatives to physical intervention and restraint. Further, officers cannot effectively work with students unless they thoroughly understand juvenile behavioral tendencies and are competent in using the right responsive techniques. Supervisors also need to train school resource officers to emphasize mentoring, not punishment: officers should leave school-discipline issues to school administrators.

Moreover, participants in the listening sessions agreed that school resource officers must do their part to eradicate the “school-to-prison pipeline,” the practice of funneling students, particularly low-income and minority students, into the criminal-justice system by criminalizing or requiring expulsion for minor violations of school rules. Thus, school resource officer training should build a culture of working with school administrators to avoid criminalization and find alternatives to harsh discipline. While serving as the police chief of a school district, Mr. Cox required officers in his school district to seek approval from their supervisor if they wanted to arrest a student, and arrests were limited to the most serious circumstances. In one instance, Mr. Cox intervened when an officer was arresting a boy for stealing food from a school cafeteria. After stopping the arrest, Mr. Cox took the boy on a walk around the school’s

track, waiting for him to talk. The boy eventually told Mr. Cox that his family was in economic crisis after his father left, and that he took the food because he would otherwise have nothing to eat that night. Rather than turning the boy over to the criminal justice system, Mr. Cox helped the boy and his mother obtain food vouchers. This left a lasting impression: to this day, he maintains a relationship with the student, who is now a grown man and college graduate.

Training for school resource officers should also focus on eliminating unequal treatment of students with regard to disciplinary decisions. By any statistical measure, discipline rates are much higher for black students.¹⁰¹ Retraining is a crucial first step in reversing this devastating statistic. A 2020 statewide survey of Virginia high school students conducted by the University of Virginia’s Curry School of Education and Human Development found that both students and staff generally had a positive view of school resource officers, but that there were some important differences across racial and ethnic groups among student respondents.¹⁰² Specifically, 75.5% of white students had a favorable opinion of school resource officers while 32.5% of Black students disagreed or strongly disagreed that school resources officers made them feel safer compared to 24.5% of white students.¹⁰³ Like *all* law enforcement personnel, school resource officers need training on cultural competency and avoiding racial profiling and implicit bias—in addition to the specialized training they need to work with students. To rebuild trust in communities treated disparately for generations, equal treatment and productive relationships must start with the earliest interactions between community members and law enforcement. For millions of young people, those first interactions are the relationships they have with school resource officers. Officers need the appropriate specialized training—and certification to demonstrate their competency—before they are entrusted to take on this critical role.

101 See, e.g., Travis Riddle & Stacey Sinclair, *Racial Disparities in School-Based Disciplinary Actions are Associated with County-Level Rates of Racial Bias*, 116 Proc. Nat’l Acad. Sci. 8255, 8255 (Apr. 23, 2019), <https://www.pnas.org/content/pnas/116/17/8255.full.pdf>.

102 Aubrey Breen, *Survey: Most VA High Schoolers Agree SROs Make Them Feel Safer, Some Disagree*, University of Virginia, School of Education and Human Development (July 13, 2020), <https://education.virginia.edu/news/survey-most-va-high-schoolers-agree-sros-make-them-feel-safer-some-disagree>.

103 *Id.*



F. Police departments should: (i) reconsider the need for use of military-grade equipment; (ii) disclose the possession of such equipment; and (iii) properly train police officers using military-grade equipment and hold them accountable for misconduct

When used correctly, military-grade equipment is a vital resource to law enforcement officers. However, in recent years, the nation has seen the grave result of unchecked military-grade equipment distribution to police departments without proper training. NOBLE supports the use of military-grade equipment with proper safeguards and joins the congressional bipartisan support for enacting restrictions on the transfers of such equipment.¹⁰⁴

During the 2014 protests in Ferguson, Missouri following the death of Michael Brown, local law enforcement arrived in armored vehicles and used tear gas canisters, rubber bullets, long-range acoustic weapons, and other military-grade devices against peaceful protestors.¹⁰⁵ This inappropriate use of force led the Obama Administration to institute additional restrictions on the transfer of military-grade equipment from the Department of Defense to local police departments under the 1033 Program.¹⁰⁶ In 2017, the Trump Administration repealed these restrictions and, in the summer of 2020, the nation saw a return to this disproportionate use of force in response to peaceful protests in the wake of George Floyd's death.¹⁰⁷ During the protests, numerous police departments used this equipment to introduce violence into nonviolent situations. Most notably, on June 1, 2020, U.S. Park Police and National Guard troops used tear gas against peaceful protestors to clear a path through Lafayette Park for then-President Donald Trump to walk to St. John's Church for a photo

op.¹⁰⁸ In addition to being excessive in these circumstances, using military-grade equipment on the very communities law enforcement agencies are sworn to protect erodes community trust, which in turn makes the job of law enforcement officers less safe.

Therefore, NOBLE supports federal action and oversight regulating the distribution of these tools under the 1033 Program, including the establishment of training and accountability requirements. Key to the safe and effective use of military-grade equipment is proper training. Departments must have a meaningful, mandatory training program in place for all officers who may use or authorize the use of these tools prior to their transfer. These training programs should address the full spectrum of issues around this equipment including, but not limited to, their proper technical and situational use, constitutional policing standards, and the department's accountability framework.

Another vital component to the safe and effective use of military-grade equipment is a robust accountability mechanism. While federal oversight of the use of these tools is necessary, law enforcement agencies must also make sure that they are holding themselves accountable for how they deploy this equipment. Currently, discipline for misconduct related to military-grade weapons in local law enforcement stands in stark contrast to that doled out by the military in relation to the use of these same weapons. The military has the obvious advantage of the Uniform Code of Military Justice that can be brought to bear on those who transgress the proper use of equipment. However, local law enforcement agencies should look to the military for inspiration in their own approach to discipline in this area and should treat transgressions with similar gravity. Swift and decisive discipline in this area will also increase communities' trust in their police departments.

¹⁰⁴ In addition to numerous statements supporting restrictions by Democratic and Republican members of congress, several bills addressing this issue were introduced in 2020 with bipartisan support. See e.g., S3931 116 Cong. (2020) (introduced by Senators Paul (R-KY), Schatz (D-HI), and Van Hollen (D-MD)).

¹⁰⁵ Marisol Bello and Yamiche Alcindor, *Police in Ferguson ignite debate about military tactics*, USA Today, Aug. 14, 2014, available at <https://www.usatoday.com/story/news/nation/2014/08/14/ferguson-militarized-police/14064675/>.

¹⁰⁶ See Exec. Order No. 13688 (2015), 80 Fed. Reg. 3451 (Jan. 16, 2015).

¹⁰⁷ See Exec. Order No. 13809, 82 Fed. Reg. 41499 (Aug. 28, 2017) (rescinding Executive Order 13688 and the recommendations made pursuant thereto).

¹⁰⁸ *Peaceful Protestors Tear-Gassed To Clear Way For Trump Church Photo-Op*, NPR (June 1, 2020), available at <https://www.npr.org/2020/06/01/867532070/trumps-unannounced-church-vis-it-angers-church-officials>



Moreover, departments must demonstrate that they have solicited their local communities' views on the appropriateness of this equipment in their neighborhoods, considered that viewpoint, and ultimately informed the community of these tools they decide to acquire and the protocols for its use before obtaining any equipment through the 1033 Program. The importance of community trust with regard to this kind of equipment cannot be overstated. Full transparency is essential.

G. Police culture should be adjusted to reflect a guardian rather than warrior mentality

Many police leaders across this country have already accepted the responsibility to work toward meaningful change and to effectively build sustainable relationships with community stakeholders. A comprehensive approach is required to reimagine public safety and it must include a modification of today's police culture from a "law and order" or "warrior" mentality to a "peace and justice" or "guardian" mentality.¹⁰⁹ As members of the law enforcement community, NOBLE's members recognize that the majority of police officers demonstrate on a daily basis their commitment to the tenets of 21st Century Policing, and the safety and well-being of the communities they so courageously serve. However, the use of draconian policing systems that still suffer from structural racism and institutional deficiencies remains problematic. Under these systems, even good cops have bad outcomes, and bad and racist cops operate with impunity.

Most of the systems that determine why we police, how we police, and where we police were constructed in the 1940's, '50s and '60s to enforce Jim Crow and other discriminatory laws. In other words, our policing systems are not broken; they are doing what they were designed to do. To understand this hard truth is to acknowledge the system cannot just be reformed; it must be reconstructed. It also means that the

demand for policing reform should not require an indictment against all police. It is our hope that our brothers and sisters who wear the badge will embrace this moment and join this movement, and become part of the change that is needed.

To that end, the Task Force recommends that police departments identify and promote officers who regularly engage in community-oriented policing practices to positions of leadership. Police departments should also consider studying and implementing a Police for Tomorrow initiative, which is designed to provide emerging leaders in police departments with specialized training to ensure they engage in the "most judicious, humane, and effective policing" practices.¹¹⁰ Current leaders and those future leaders should model proper behavior and create an environment that disciplines police officers who engage in misconduct both internally and externally through civilian oversight boards and the news media, for example.

In addition to modeling proper behavior, police leaders and government officials should appropriately motivate police



¹⁰⁹ Rosa Brooks, *Any Situation Can Turn Lethal in an Instant, and Other Lessons I Learned at the Police Academy*, L.A. Times (Feb. 21, 2021), available at <https://www.latimes.com/opinion/story/2021-02-21/police-academy-danger-violence>.

¹¹⁰ Community Oriented Policing Services, U.S. Department of Justice, Police for Tomorrow, available at https://cops.usdoj.gov/html/dispatch/03-2019/police_for_tomorrow.html#:~:text=Designed%20to%20inspire%20and%20challenge,mending%20frayed%20relations%20with%20minority.

officers and modify the metrics by which police officers are evaluated. Rather than focusing on the number of tickets issued and the number of arrests made, the focus should be on de-escalation, crisis intervention, and utilizing discretion to cite and release, when appropriate. For example, Mayor McKinley Price, DDS (Newport News, Virginia) held an award ceremony for officers who de-escalated incidents, recognizing the use of these important skills that stakeholders hope other police officers will emulate.

Police departments must also ensure that they are not harboring members of hate groups. Indeed, the fact that “many officers are under investigation for aiding the rioters [that attacked the U.S. Capitol on January 6, 2021] and for participating in the coup themselves highlights the disturbing trend of white supremacist radicalization within the ranks of law enforcement and the military.”¹¹¹ Police officers and mayors across the country should answer the call of Mayor Price, President of AAMA, and Lynda R. Williams, President of NOBLE, “for law enforcement leaders and Mayors to work together to conduct audits of white supremacy and other forms of extremism within law enforcement agencies – and to take steps to curb radicalization internally. We must root out white supremacy within our police departments to have any chance of destroying this threat to our national security.”¹¹²

Additionally, those responsible for security planning in advance of and during the attack on the U.S. Capitol should be held to account, and all stakeholders should demand fair and consistent deployment of law enforcement professionals in response to like scenarios. The disparate responses to the largely peaceful Black Lives Matter protesters who were met with tear gas, forcibly removed and arrested for minor offenses en masse compared with those who overtook the Capital Police and stormed the U.S. Capitol, who were largely allowed to return to their hotels and board their flights home are unacceptable.

¹¹¹ Black Mayors and Black Law Enforcement Execs. Expose White Supremacy, AAMA (Jan. 20, 2021), available at <https://www.ourmayors.org/News/lack-Mayors-Black-Law-Enforcement-Execs.-Push-Police-Depts.-To-Root-Out-Radicalization-White-Supremacy>.

¹¹² *Id.*



VIII. CONCLUSION

As a public service organization that strives to remain at the forefront of providing solutions to law enforcement issues and concerns, there is no more pressing issue for NOBLE than the charge of this Task Force. With more than 3,800 law enforcement leaders, who are mostly minorities, the mission of this Task Force is significant on both a personal and professional level for NOBLE’s members. NOBLE’s members are mostly “black and blue.” They have experienced the very real consequences of racial profiling and systemic racism before being sworn to serve, as off-duty officers and/or while working as undercover officers. Simultaneously, as members of law enforcement, they understand the requirements and demands of fulfilling their duties as public servants.

This Task Force acknowledges that the vast majority of the law enforcement community seek to proudly serve and protect their communities in a just and fair manner every day. The hope of this Task Force is that the adoption of its recommendations regarding the process for reimagining public safety and the substantive changes to police policy and practice will correct some of the flaws in the law enforcement system and enable all police officers to enforce the law in a more just manner.

The Task Force also believes that the adoption of the recommendations in this report will help address some of the

historical issues of disinvestment in aspects of public safety other than law enforcement, such as mental and physical health services, equity in housing, hiring and training social workers, and other social benefits. What remains clear is that there is no time for delay. Too many lives have been lost, too many families are grieving, and NOBLE’s membership across the country stands ready to partner with stakeholders in their community to achieve equity in the administration of justice and ensure public safety and security for all.



IX. ADDITIONAL RESOURCES

NOBLE, Reimagining Public Safety Task Force Launch

<https://www.youtube.com/watch?v=A5jV0Jltim4>

NOBLE, The Law and Your Community

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