

**NEW
ERA
OF
PUBLIC
SAFETY**

AN ADVOCACY TOOLKIT FOR FAIR, SAFE,
AND EFFECTIVE COMMUNITY POLICING

New Era of Public Safety: An Advocacy Toolkit for Fair, Safe, and Effective Community Policing
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New Era of Public Safety: An Advocacy Toolkit for Fair, Safe, and Effective Community Policing is an initiative of the Policing Campaign at the Leadership Conference Education Fund, the education and research arm of The Leadership Conference on Civil and Human Rights and was supported by the Google Foundation.

The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. Through advocacy and outreach to targeted constituencies, The Leadership Conference works toward the goal of a more open and just society – an America as good as its ideals.

The Leadership Conference is a 501 (c)(4) organization that engages in legislative advocacy. It was founded in 1950 and has coordinated national lobbying efforts on behalf of every major civil rights law since 1957.

The Leadership Education Fund is a 501 (c)(3) organization that builds public will for laws and policies that promote and protect civil and human rights of every person in the United States. The issues The Education Fund works on have deep roots in its organizational history and across the communities it represents.

Access the toolkit online at <https://policing.civilrights.org/toolkit> and the best practices report, *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, at <https://policing.civilrights.org/report/>.



III. STRUCTURE OF POLICE

DEPARTMENTS, PRESSURE POINTS,

AND OPPORTUNITIES FOR ACTION

Over the past 50 years, several federal, state, and local investigations have looked into individual cases of police violence and systemic patterns of discrimination and the use of force by police officers.

Additionally, the U.S. Department of Justice (DOJ) has investigated police departments across the country for patterns or practices of civil rights violations and has entered into court-ordered agreements (“consent decrees”) outlining the changes departments must make to comply with the U.S. Constitution and best practices. Implementation of reforms can be overseen by independent monitors, who (1) ensure that departments are changing their practices and (2) report to the courts on the departments’ progress. Some DOJ settlements are out-of-court agreements intended to reform unconstitutional practices.

In 2014, responding to the police killings of Michael Brown and Eric Garner, and subsequent widespread protests, President Barack Obama convened the President’s Task Force on 21st Century Policing, which issued a report containing over 100 recommendations for police reform.⁵⁹ In response to recommendations that police departments collect and publicize data, the Obama administration launched the Police Open Data initiative to promote the use of data to increase transparency and build community trust. Since then, dozens of departments have made available information about stops, searches, and uses of force through the initiative.⁶⁰

Legislators and policymakers have responded with several measures to reduce discriminatory policing practices, limit the use of force, and increase police department accountability, including:

- Collecting data on stops, searches, and uses of force
- Banning profiling and discriminatory policing
- Creating laws and policies that regulate searches and use of force
- Creating laws that prevent officers charged with sexually assaulting someone in their custody from asserting a defense of consent.

Conversely, state and federal legislators have also passed several measures to limit police officers’ accountability. More than a dozen states have passed a Law Enforcement Officers’ Bill of Rights that limits and sets conditions for investigations into police officers’ misconduct and discipline, including limiting the public release of information. More recently, several states and the federal government have considered or passed “Blue Lives Matter” bills that increase penalties for individuals accused of assaulting or threatening police officers.⁶¹

It is important to understand the structures of police departments in order to identify pressure points and opportunities for reform action.

The Federal Government

The three branches of the federal government are responsible for ensuring that policing meets constitutional standards:

The Judicial Branch (Courts):

- District courts handle civil and criminal trials within the federal court system.
- Circuit courts take appeals from the federal district courts.
- The U.S. Supreme Court is the highest court in the American judicial system. It interprets how the U.S. Constitution applies to law enforcement.

The Legislative Branch (Congress):

- Members of the U.S. Congress (the U.S. Senate and House of Representatives) introduce and pass legislation regulating law enforcement agencies.
- Members of the U.S. Congress place conditions or priorities on federal funding for state and local law enforcement agencies.

The Executive Branch (President):

- The president serves as the chief executive and is responsible for executing and enforcing laws set by Congress.
- The U.S. Department of Justice (DOJ):
 - Investigates and sues police departments in court for systemic constitutional violations and to reform policies and practices.
 - Prosecutes government actors, including police officers, for criminal conduct.⁶²
 - Issues regulations or policies for federal law enforcement agencies, such as the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (Border Patrol).
 - Places conditions or priorities on federal funding for state and local law enforcement agencies.

Accountable to:

- Voters and members of the public
- The U.S. Constitution
- Party leadership

Pressure points:

- The president
- U.S. attorney general
- Members of the U.S. Congress
- The U.S. Department of Justice Civil Rights Division
- The U.S. Department of Justice Bureau of Justice Assistance

State Governments

- Have primary responsibility for policing and safety.
 - Are responsible for protecting the rights guaranteed by state constitutions.
 - Pass laws setting general standards for law enforcement agencies including certification of police officers; stops, searches, and uses of force; and investigations of officer misconduct.
 - Can mandate or incentivize policy change through conditions on state funding.
 - Can require that police departments collect data and establish task forces to oversee compliance with legislative standards.
 - Pass criminal laws, including laws criminalizing officer misconduct.
 - Fund and oversee state police departments.
 - Through state attorney generals, can independently investigate officer misconduct and intervene in local law enforcement issues that violate state constitutions.
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Accountable to:

- Voters and members of the public
- State and federal constitutions
- Party leadership

Pressure points:

- Governors
- State attorney generals
- State legislators
- State budget offices
- State law enforcement oversight and licensing agencies

Local Governments

- In most cities and towns, mayors appoint and oversee the heads of police departments, (i.e., chiefs of police).
- At the county level, and particularly in rural and unincorporated areas, police departments are typically run by elected law enforcement officials (i.e., sheriffs)

Chief of police

- Appointed by the mayor
- Serves as the chief administrative officer
- Jurisdiction over a municipal (city or town) police department

Sheriff

- Elected by community members
- Appoints deputies
- Oversees the county jail
- Jurisdiction over county (unincorporated areas outside of municipal jurisdiction) police department

- **City, town, or county legislatures have authorities including:**
 - Regulate policing in ways that do not conflict with state laws and do not infringe on the mayor's or police chief's powers.
 - Control the budget and other resources allocated to the police department, including approving purchases of large items and equipment.
 - Mandate data collection and reporting and conduct oversight hearings regarding a law enforcement agency's activity.
 - Create and fund police department oversight mechanisms, such as short-term commissions and task forces, or permanent offices, such as an inspector general, independent monitor, or civilian oversight board.
 - Empower existing city officials, like an ombudsperson or public advocate, to monitor the police department's activities and receive complaints.

Accountable to:

- Voters and members of the public
- City and county charters and ordinances
- The mayor or city manager (if applicable)
- (The leader of the local legislature council president or speaker)
- Party leadership

Pressure points:

- The mayor
- City managers (if applicable)
- County executives
- Agency heads
- The sheriff
- Local legislators
 - City council
 - Board of supervisors
- Independent oversight bodies

Law Enforcement Agencies

- The sheriff, police chief (sometimes called the commissioner or superintendent of police):
 - Creates and enforces departmental policies.
 - Typically determines disciplinary action and accountability for violations of policies.
 - Sets operational and enforcement priorities.
- Commanders are law enforcement officials who are responsible for a particular geographical area or department and set priorities for that area or department.
- Supervisors, such as sergeants, oversee individual officers in their day-to-day activities.

Accountable to:

- The mayor
- Local legislators
- State and federal constitutions
- City and county charters and ordinances
- Departmental policies
- Independent oversight bodies
- Members of the public

Pressure points:

- The police chief
- Sheriff

District Attorney's Office

The District Attorney (DA) is responsible for prosecuting state and local criminal offenses. The DA can:

- Prosecute or decline to prosecute criminal conduct by officers.

Accountable to:

- Voters and members of the public
- State and federal constitutions
- City and county charters and ordinances

Pressure points:

- District Attorney

Independent Oversight Bodies

Oversight bodies include:

- Commissions and task forces: These are established by the mayor or local legislature, typically for a limited period of time, and have a narrow mandate to investigate a particular issue (such as profiling or use of force) or department practices more broadly. These bodies can recommend changes to policing but have no power to ensure implementation.
- Independent oversight offices and agencies: These may be established by mayors or local legislatures as a permanent office that can:
 - Independently investigate individual complaints and recommend discipline.
 - Review the results of internal police department investigations of individual complaints and recommend discipline.
 - Review department policies and practices and recommend changes.
 - Review investigation procedures, analyze patterns of complaints and discipline, and investigate.⁶³

Accountable to:

- Appointing body (mayor or local legislature)
- Local legislature for funds expended
- Complainants
- Police department
- Members of the public

Pressure points:

- Head of the agency
- Board members (if applicable)
- Head of investigations
- Director of policy (if applicable)

Police Unions

Police unions advocate for and represent their members in:

- Negotiating union contracts, including provisions on discipline and accountability.
- Protecting officer rights.
- Offering services and benefits to member officers (*i.e.*, life insurance, disability benefits, counseling services, legal representation).

Accountable to:

- Union members

Pressure points:

- Union president and officers

Opportunities for Action

Sometimes, events create opportunities to pressure different decision-makers in the system. These include:

The appointment of a new head of a law enforcement agency

Whenever a new police chief is being selected, community members have the opportunity to educate the mayor and advocate for candidates who have a particular vision or approach to policing, relevant experience, and a strong track record.

Budget season

Every year, state and local legislators approve budgets, including budgets for law enforcement. This creates an important opportunity to advocate for changes to the structure, function, and resources of a police department and against allocation of funds to buy military equipment.

Critical incidents

Individual incidents of excessive or lethal force, or of other officer misconduct, are important opportunities to pressure officials to make necessary changes to policing policies and practices, as well as to increase accountability and oversight.

Release of data

If the police department regularly releases information about stops, searches, and arrests, it can create opportunities to call for changes to the department's practices and priorities based on what the data show.

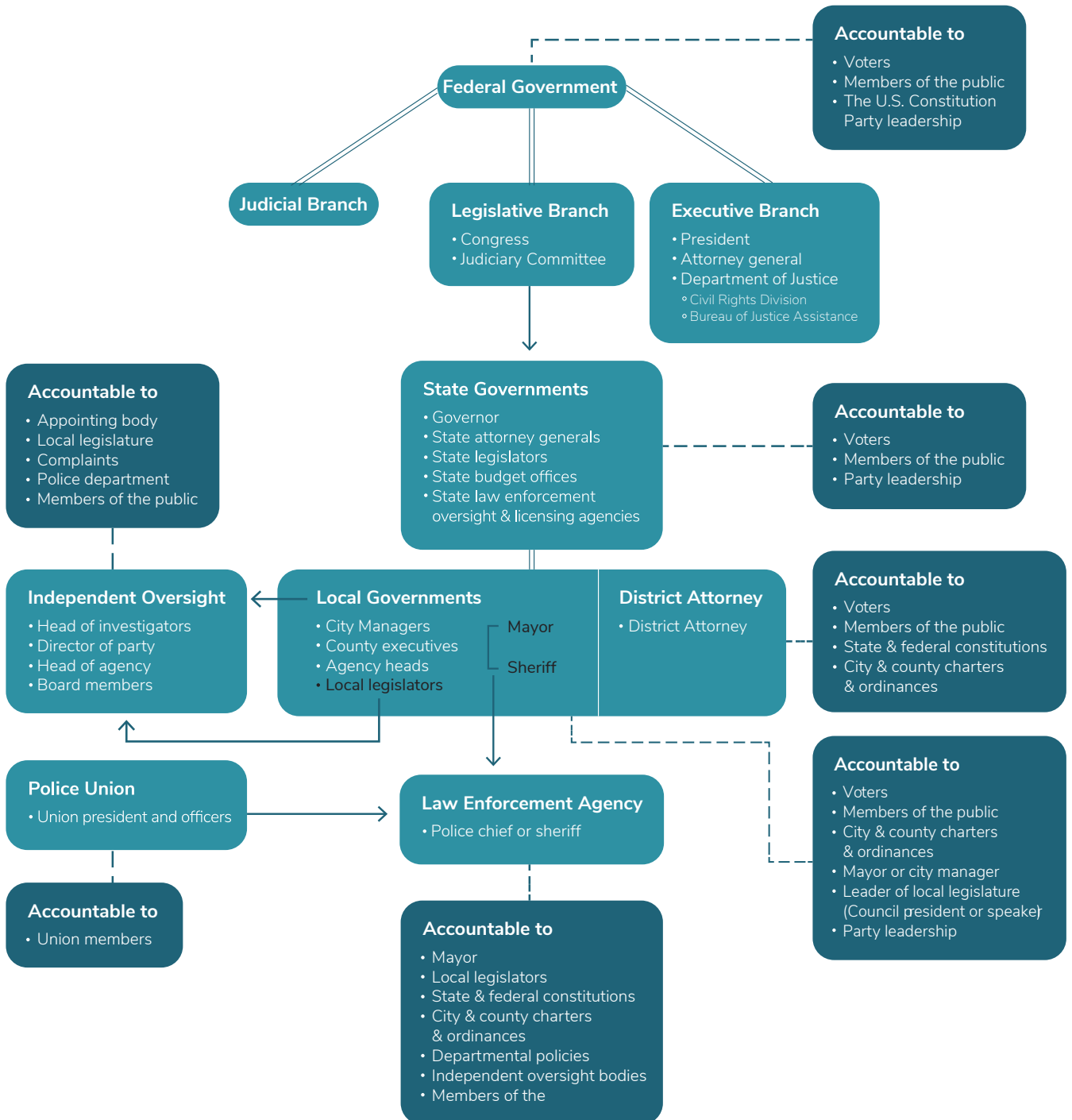
Elections

Elections for key positions, such as mayor, sheriff, and district attorney, present critical opportunities to raise issues about the impact of policing policies and to press candidates for their position on policing and public safety during public fora, one-on-one interactions, campaign rallies, in the press, and on social media.

Oversight hearings

Local legislators can call oversight hearings and ask questions of agencies they fund. Typically, the public safety committee conducts hearings about how police departments operate, but hearings can also be called on topics such as race relations, health, and safety. Hearings offer opportunities to testify about policing practices, to pressure legislators, and to ask the department specific questions.

Mechanisms of Change



Change training

Change policing practices by advocating for more or better training. This is often the first response to a policing problem.

Pros:

- + Training is an effective way to reeducate officers on department policies and practices.
- + Chiefs of police can require officers to attend training.

Cons:

- × Training can be expensive and cost money that could be invested in other services.
- × Not all trainings are equal, and outdated curricula or low-quality instructors do not improve officer performance.
- × Training alone cannot shift systemic policing practices; policies, accountability, and culture change are needed to ensure they take hold.

Change oversight

Change policing practices by advocating for the creation or expansion of police department oversight.

Pros:

- + Oversight agencies give complainants a place to voice their concerns outside of law enforcement agencies.
- + Oversight agencies strengthen community relations by fostering trust between the community and police department.
- + Oversight agencies can improve the quality of internal investigations.

Cons:

- × Oversight agencies can be difficult to implement, particularly when police unions lobby against them.
- × Some oversight agencies lack the authority to change policies and hold officers accountable.

For examples of effective oversight agencies, visit:

Denver Office of the Independent Monitor:

<https://www.denvergov.org/content/denvergov/en/office-of-the-independent-monitor.html>

Austin Police Monitor:

<http://www.austintexas.gov/department/police-monitor>

Change policy

Change policing practices by advocating for changes to departmental policies.

Pros:

- + Changing policy is easier than passing new laws. The sheriff or police chief can change a department policy with a written or verbal statement.

Cons:

- × Policies can be changed or repealed.
- × Individuals, organizations, and communities generally cannot directly enforce policies or hold police officers accountable for violating policies, though they can pressure department leaders to impose discipline and ensure accountability.

Change the law

Change policing practices by passing, repealing, or changing a law. States and cities have passed laws banning profiling, regulating the use of force, banning consent searches, regulating the purchase of military equipment, and mandating transparent police department records.

Pros:

- + Once passed, laws cannot be easily changed; another law must be passed to change or repeal it.
- + Laws create opportunities for enforcement by community members through a private right of action.
- + Laws can establish oversight through task forces, annual audits, or data reporting requirements.

Cons:

- × Enacting laws is harder than changing a policy. You need to:
 - Draft a bill
 - Find a legislator willing to introduce it
 - Persuade enough legislators to vote it out of committee
 - Persuade a majority of legislators to vote for it
 - Persuade the president, governor, or mayor to sign it
- × Legislation about policing issues can be controversial and hard to build support around, particularly when police unions lobby against it.