



# ***PREVENTING POLICE VIOLENCE WITH NEW APPROACHES TO POLICING***

The senseless and brutal murders of Breonna Taylor on March 13, 2020, and George Floyd on May 25, 2020, brought millions of Americans of all backgrounds and races to the streets demanding justice and reigniting the national debate on policing, public safety, and racial justice.<sup>1</sup> While communities of color, and particularly Black Americans, have long decried racial disparities in policing and the murder of unarmed Black men and women by police officers, the recent killings of Black Americans have awoken the consciousness of the broad spectrum of Americans in ways that past injustices have not.<sup>2</sup> Brady joins the renewed calls for systemic change and racial justice.

## **BRADY'S APPROACH**

For nearly five decades, Brady has taken an evidence-based approach to gun violence prevention rooted in public health and safety. Today, that same approach leads us as we explore how to achieve effective and lasting transformative changes to policing. To that end, after spending time reading, learning, and listening to the work that [organizations](#), [coalitions](#), [activists](#), [researchers](#), and [public health and safety experts](#) have been doing for years, Brady has compiled a list of policies and programs that are essential to improving policing and establishing a safer and more just system of American policing.

For Brady, changes to policing *must include each of these four elements*:

1. **Reallocation and reassessment** of resources and authority from police to other services/organizations;
2. **Reform** of police practices;
3. Mandated **transparency**; and
4. **Accountability** and justice.

Brady makes these calls for changes to policing while remaining committed to broader gun violence prevention laws and policy, understanding that, for example, demilitarization of law enforcement via the removal of military weaponry and hardware must be complemented with the demilitarization of American communities and policy,

law, and action to reduce the gun violence epidemic.



## WHY POLICE VIOLENCE IS GUN VIOLENCE

When Dante Barry, Executive Director and Founder of Brighter Days for Justice, first stated that [police violence was gun violence](#), the assertion was not immediately embraced or understood by traditional gun violence prevention groups, including Brady.

We have since taken this call for justice to heart and come to the following conclusions:

**The mere presence of a firearm heightens tensions and exacerbates confrontations.**

This is true in any context, but it is particularly relevant within the context of police interactions, in which there is already an inherently unequal power dynamic. **Police violence is the unlawful, unnecessary, or disproportionate use of force by police.** And because police violence, in all of its forms, is facilitated by the direct use, threat, or perceived threat of firearms, not only to the victims but also bystanders with intent to intervene, **police violence is gun violence.**

The prevalence and harm of this type of gun violence are exacerbated by numerous factors, including deeply rooted [racism](#) that is omnipresent in American culture, the shocking [militarization](#) of police via weaponry and hardware coupled with insufficient [training](#) and dangerous policing tactics and policies, including for example, [warrior training](#), and extreme barriers to transparency and [accountability](#). As we work to tackle the gun violence epidemic in America, we cannot ignore police violence or its [devastating effects](#).



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## THE RACIAL INJUSTICE OF POLICING IN AMERICA

The rate of police violence in America far exceeds that in similar industrialized countries. Interactions with an American police officer are 10 times more likely to end in death than police encounters in the U.K..<sup>3</sup> While this reality affects all people living in America, people of color, especially Black and Latinx people, are much more likely to be killed by police during their lifetime than white people.<sup>4</sup> Black men are 2.8 times more likely to be the victims of deadly police force than their white counterparts.<sup>5</sup>

This number also does not account for the daily injuries and instances of harassment, abuse, and threatening behavior, otherwise known as “over-policing” suffered by Black and Latinx communities. Black and Latinx citizens are three times as likely to be searched by police when stopped<sup>6</sup> and are twice as likely to have force used or threatened whenever they’re approached by police.<sup>7</sup> A key example of this is in policies

like “stop and frisk” that are rooted in discriminatory policing. Such strategies unfairly target communities of color and make even well-intentioned attempts at policing problematic.<sup>8</sup> Overall quality of life is significantly impacted and diminished by over-policing in Black and Latinx neighborhoods. High rates of law enforcement presence in these communities does not translate into effective or equitable policing or public safety, rather it creates mistrust and fear between Black and Latinx communities and law enforcement.<sup>9</sup> The daily aggressions and systemic oppression communities of color have faced since the inception of our country are not solely a product of policing, but they are perpetuated by law enforcement practices.

## **BRADY’S APPROACH EXPLAINED**

Above all, we understand that improving policing cannot be discussed without first admitting that the American policing system has a foundation rooted in white supremacy and racist ideals which persist today.<sup>10</sup> While some of the calls for change outlined below are aimed at eliminating or eradicating these biases from the system itself, as it stands, each of the actions would be implemented into a system that is still inherently discriminatory. Similarly, we make suggestions for reform, accountability, and transparency understanding that the existing racist and biased culture in America and deeply rooted racist foundations also exist within law enforcement.<sup>11</sup> One analysis of misconduct complaints made against the Chicago Police Department found that Black and Brown officers were more likely to be subject to disciplinary inquiry and hearings, were disproportionately found guilty, and were punished more severely and more often than white officers.<sup>12</sup>

All of this must be taken into account in the adoption and implementation of any proposed changes to policing, big or small. There is no simple or quick way to extirpate racism from law enforcement or to revolutionize our broader criminal justice system, but we can and must take steps in the right direction, while acknowledging, researching, and working to dismantle these interminable barriers to equality and justice.

### **1. REALLOCATION AND REASSESSMENT**

As an increased focus in our national discourse includes a discussion to [defund the police](#), we at Brady understand that these calls are focused on a necessary reallocation and reassessment of funding and authority away from law enforcement. While the reforms, transparency, and accountability outlined below are important components in transforming policing in America and creating safer communities, they alone are not enough. Currently, \$115 billion is spent annually on policing in the United States and yet, the majority of situations for which police are called on could likely be more effectively handled by other public safety or social service professionals, without armed police intervention.<sup>13</sup> Law enforcement is often not best situated to address medical, substance misuse, psychological, and social problems, or the systemic racism that often

causes them. Furthermore, the addition of firearms, and the authority to use them, into these situations can unnecessarily lead to violence and death.<sup>14</sup>

As part of a broad reassessment of the situations where law enforcement is called, there must also be a refocus of the role law enforcement plays in reducing and preventing violence. What we know is that over-policing doesn't work to reduce serious crime. As professor David Kennedy wrote, this results in "Being over-policed for the small stuff, and under-policed for the important stuff, alienates the community, undercuts cooperation and fuels private violence: which itself often then drives even more intrusive policing, more alienation, lower clearance rates, and still more violence."<sup>15</sup>

If the goal is to reduce crime, a refocus in policing should account for the reality that a number of historical approaches to criminal justice have contributed to cycles of violence rather than having interrupted them. For example, too often law enforcement is singularly focused on incarcerating individuals who pull the trigger of a firearm, but ignores other contributors to that gun violence, including the gun companies that routinely supply the criminal gun market. Despite the best efforts of its workforce, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is unable to provide meaningful oversight of the gun industry. The ATF is chronically underfunded and constrained by acts of Congress that were designed by gun lobby-backed politicians. According to ATF data from 2000, about 5% of gun dealers sell about 90% of crime guns, and gun manufacturers and distributors routinely supply those dealers.<sup>16</sup> Many of these sales are straw purchases or sales to gun traffickers that are detectable and preventable, but these actors put profits over people, and bloodshed results. Even though these businesses have the greatest opportunity to stem the flow of guns to criminals, they rarely face any investigation, much less punishment, when they facilitate gun trafficking, **because law enforcement focuses exclusively on straw buyers and trigger-pullers.**

There must be a commitment to reallocating and refocusing resources and authority away from law enforcement, as follows:

- Narrow the scope of police duties to ensure they are responding only to situations that require a law enforcement presence and fund first responder programs that can dispatch social workers, trained peer professionals, and mental health services for non-violent emergencies.
- Reallocate police funding into local violence intervention programs and community-focused organizations that have effectively worked to decrease rates of violence and homicides by addressing their underlying causes<sup>17</sup> as well as community-based programs that specifically provide counseling services, relocation services, curriculum-based and employment trainings, and employment and cultural opportunities for the most underserved and at-risk communities.

- Refocus policing’s role towards more effective upstream suppliers of the criminal gun market, including vigorously enforcing state laws and providing information to, and working with, federal authorities like the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for federal law violations.

## 2. REFORMS IN POLICE PRACTICES

Reforming policing will require numerous and varied changes that include, but are not limited to, improving hiring and training practices and establishing clear standards for what is proper policing, what constitutes misconduct, and appropriate and inappropriate uses of force, and policing tactics and tools. These policies will lay a framework for better, safer policing. However, it should be noted that they will only result in meaningful change when coupled with increased mandated transparency and systems of accountability. At a minimum, effective policy and legislation aimed at reforming police practices will implement these basic elements:

- Amend or clarify federal and state laws to allow lethal force only as a last resort and only when necessary to prevent death or serious bodily injury.
- Enact restrictions or bans on the use of certain policing tactics and tools, including excessive force, dangerous pressure holds, such as chokeholds and carotid holds, “No-Knock” warrants, ticket and arrest quotas, certain pretextual stops, and the use of [tear gas and rubber and wooden bullets](#) on protestors or demonstrators.
- Mandate and provide sufficient funding for body cameras.
- Improve recruiting processes by requiring extensive background investigations, including criminal and personal history, and mandated psychological evaluations for all applicants to ensure that those trusted with the responsibility of being police officers are not bringing pre-existing biases to work.
- Better prepare and equip recruits by creating a baseline curriculum for training with a significant increase in training time.
- Mandate annual psychological evaluations for all officers and require additional evaluations for all officers involved in use of force incidents to ensure that officers are equipped to handle the mental strain that goes hand-in-hand with being responsible for public safety. Because good mental and psychological health of officers is key to safer policing, this must be coupled with systems that ensure accessible counseling, mental health care, and peer support for law enforcement officers, including, where feasible, embedded mental health professionals.
- End so-called “[warrior training](#)” and all similar training regimes that program law enforcement to view their role as a combatant defeating enemies instead of a protector.

- Improve training and oversight of active police officers by requiring annual de-escalation and meaningful anti-bias training that take into account existing societal and cultural prejudices in an attempt to reverse the “us versus them” mentality reinforced by decades of “warrior training” and cultural and organizational racism.
- Encourage or mandate intervention when misconduct occurs by establishing peer intervention programs to encourage officers to take on the role of “active bystander” or creating criminal misdemeanor liability for failing to intervene when another officer is using unlawful force.
- Demilitarize the police by suspending the transfer of military-grade firearms and equipment to state and local police and limiting federal grants to local law enforcement to buy surplus military hardware, including including assault rifles, grenade launchers, bayonets, airplanes, helicopters, camouflage/deception equipment, and mine-resistant ambush-protected vehicles.

### **3. MANDATED TRANSPARENCY**

Mechanisms for effective oversight will require robust reporting that informs and supports accountability on the part of individual officers, government actors, and communities to comply with, enforce, and amend the law as needed to ensure that the reforms have the intended outcomes. Currently, there are large gaps in available data due to the lack of compulsory reporting requirements and standardizations of how police departments collect and maintain their data. Without this basic information, it is impossible to know if and to what extent current laws are being followed, if there is accountability when they are broken, and if training or policies need to change. Moreover, this lack of transparency frequently creates a mistrust in the police as an institution and creates a shield for police that perpetuates misconduct.<sup>18</sup> Requiring that this data be both reported and publicly available and accessible is a first step on the long road to rebuilding trust between the public and police. At a minimum, we must:

- Require law enforcement to track and issue public reports on the use of force, use of lethal force, complaints, disciplinary actions, termination records, and lawsuits.
- Create a publicly accessible national database for police misconduct and use of force complaints.
- Equip all officers with body cameras and in-car cameras, mandate strict requirements for when these cameras are operated, and provide broad public access to video recordings.
- Require that state and local law enforcement agencies report when they have requested and received military equipment, including assault rifles, grenade launchers, bayonets, airplanes, helicopters, camouflage/deception equipment, and mine-resistant ambush-protected vehicles or tanks.<sup>19</sup>

## 4. ACCOUNTABILITY

For police reform to be effective, there must be mechanisms in place to ensure that police are held accountable for misconduct. This will require neutral oversight for all police and the repeal of special protections that encourage and foster misconduct. We can no longer allow a law enforcement function that too often acts with impunity, and simultaneously “over-polices” and “under-polices” in ways that undermine trust, confidence and safety in the very communities they are charged to protect. In order to start the long process of rebuilding community trust and establishing greater police accountability, Brady offers the following points:

- Eliminate qualified immunity and establish criminal penalties for officers who knowingly or recklessly deprive a person of a legal or Constitutional right.
- Change the way law enforcement intakes civilian complaints of police misconduct, so requirements like specific formats for complaints or prohibiting anonymous complaints are not designed to discourage reporting.
- Establish and fund public awareness programs making information about filing police misconduct complaints readily available and easily understood.<sup>20</sup>
- Implement zero tolerance policies for the unlawful or unnecessary use of force and serious penalties for any other incidents of violent or dangerous misconduct.
- Mandate the terminations of officers who are convicted of any violent crimes or any felonies and investigate all criminal and civil claims made against officers in their personal capacity.
- Establish an external review process that investigates patterns of misconduct, evaluates and makes recommendations to improve structural procedures, and completes a holistic review of agencies and practices every five years.
- Provide funding and a mechanism for independent prosecution of cases involving the use of deadly force.
- Reassess and renegotiate collective bargaining agreements with police unions to ensure that they facilitate, rather than serve as a barrier, to meaningful reform, mandated transparency, and accountability.
- Establish and fund external review boards with oversight, investigative, and disciplinary power to encourage community involvement, collaboration, and accountability.

## CONCLUSION



Police violence is gun violence. The lives ended by police violence are too many to name. The lives forever changed and traumatized by police violence are too many to name. The impact of police violence on generations of entire communities is incomprehensible. Like all gun violence, there is no easy solution, no simple panacea, or one piece of legislation that will break the cycle of racist policing and violence overnight and establish the essential reform, transparency, and accountability needed in communities across the country. But there are steps forward. Classifying police violence as gun violence is merely the first step that Brady needs to take to lend our voice and resources to the chorus working to end the plague of law enforcement violence. We have a lot to learn and we have a lot of work to do.

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