

Police Reform Task Force Meeting Minutes

July 6, 2020

Attendance: Dr. Quintin Bullock (co-chair); Joy LeViere; Nathaniel Yap; Patricia Leftwich; Alex Fisher; William Lamar; Dr. David Harris; Sylvia Fields; Sharon Werner; Tim Stevens; Shatara Murphy; Richard Garland; Valerie McDonald Reynolds (co-chair); Dr. Angela Reynolds; Monica Ruiz; Dr. Bobbi Watt Geer; Roy Austin; Brandi Fisher; Amanda Green-Hawkins; Tony Beltran; Camille Redman

The Police Reform Task Force meeting was held via Zoom Video Conference and viewed on YouTube TV

Meeting Introductory Discussion [0:33-24:10]:

- Make sure to complete the survey which asks which three committees you would like to be on
- Draft number three of the Task Force scope of work is completed, this is what everyone will be working off of until further notice
- We can take data we already have access to, in addition to programs that other cities implemented, to expedite the process and utilize processes that were proven successful
- The baseline will be established next week after we hear from the PBP and Public Safety officers
- The foundation of our work shouldn't be coming from conversations with police. We need informed decisions and recommendations, and the only way to accomplish this is through understanding the perspectives provided by different sides
- The Task Force can add to the wheel of police reform, we don't necessarily have to create a new one
- It's our responsibility to tell the PBP what they can do, what is acceptable
- Concerns that police have been responding differently to various crowds, for example, different approaches to handling President Trump rallies compared to BLM protestors

Speaker Roy Austin Presentation [24:10-1:04:08]:

- Introduced by Task Force Member Sharon Werner
- Mr. Austin has spent his 25-year career working criminal justice and police reform issues

- He has held multiple positions at the Department of Justice, supervised expanded use of Consent Decrees
- Worked on President Obama's Task Force on 21st Century Policing
- Police Violence in America: Obvious Problem – Obvious Solutions [Taken from Roy Austin's PowerPoint presentation]
 - We have pursued police reform before, we know how to solve the issue
 - 1991—Rodney King
 - First large viewing of police brutality in America, although it's been occurring for centuries
 - Pittsburgh Consent Degree
 - January 1997 – Civil Rights Division approximately 5-page findings later
 - April 1997 – City signs 83 paragraph Consent Decree - first ever
 - Covered – Use of Force; False Arrests; Improper Searches and Seizures; Failure to Investigate Complaints; Failure to Discipline Officers; Failure to Supervise Officers; and Use of Racial Epithets against African Americans
 - Chief Robert McNeilly (Chief from 1996-2006)
 - Leadership matters, and the Chief made sure that this Consent Decree succeeded
 - September 2002 – Consent Decree terminated; with ongoing monitoring of backlog of investigations of civilian complaints through 2005
 - Did it work?
 - Early warning system data on use of force, stop and seizures; and improved training
 - Homicides dropped during this period
 - No de-policing
 - Had a positive effect the reduction of African Americans being arrested
 - New Orleans Police Department
 - Between 1993 and 1996, more than 50 officers arrested
 - Vast majority of officers weren't prosecuted

- Investigation in the police department was shut down
- Instead of seeking a consent decree, DOJ agreed to allow the NOPD to try and fix itself
- Danzinger Bridge
 - August 2005 – Hurricane Katrina hits Louisiana
 - September 2005 – NOPD officers report hearing gunfire on Danzinger Bridge
 - Officers claim that they were in a gunfight with civilians
 - 2 civilians killed; 4 civilians seriously hurt
 - July 2010 – 6 NOPD officers indicted by DOJ for opening fire on an unarmed family and shooting one man in the back as he tried to run away for obstruction of justice – planted a gun, fabricated witnesses, and falsified reports
- 2010
 - DOJ open investigation into the NOPD
 - Findings Letter is 158-pages
 - Top to bottom review of every aspect of the police department
 - Of the 27 instances between January 2009 and May 2010 in which NOPD officers intentionally discharged their firearms at people, all 27 of the subjects were African American
- New Orleans Consent Decree
 - July 2012
 - 490 Paragraphs
 - Areas that must be addressed:
 - Policies; training; use of lethal force; SWAT Teams; Use of Force Investigation; Stops, Searches, Arrests; Bias-Free Policing – Race
 - Is it working?
 - Officer involved shooting of people fell from 9/year in 2012 to 0 in 2018
 - Vehicle pursuits from 64 in 2014 to 32 in 2018

- Complaints from the public down from 669 in 2013 to 470 in 2017
 - 120 murders in 2019, lowest number of murders since 1971
 - Numbers were going down for 3 straight years
- LAPD
 - LAPD Ramparts Division/CRASH Unit
 - This unit was involved in every crime imaginable, from murder to drug dealing
 - 70 officers were implicated for misconduct
 - 8 officers convicted (3 convictions overturned) 5 officers terminated, 12 officers suspended
- LAPD Consent Decree
 - Investigated by DOJ under the Pattern and Practice investigation
 - November 2000 – City signs 187 paragraph Consent Decree
 - 2002 – William Bratton becomes Chief
 - July 2009 – Consent Decree terminated; Transition Agreement with Independent Monitors duties moved to Civil Board of Police Commissioners
 - May 2013 – Transition Agreement terminated
 - Did it work?
 - Serious use of force fell
 - No objective sign of “de-policing”
 - Serious crime down between 2004 and 2009 and recorded crime down in every police division in the city
 - Public satisfaction at 83% (71% 2 years earlier)
- 2014 – After murder of Mike Brown, President Obama sets up the Task Force on 21st Century Policing
 - 11 people from a very diverse set of backgrounds and qualifications
 - Pillar One
 - Building Trust and Legitimacy

- Pillar Two
 - Policy and Oversight
 - Pillar Three
 - Technology and Social Media
 - Pillar Four
 - Community Policing and Crime Reduction
 - Pillar Five
 - Training and Education
 - Pillar Six
 - Officer Wellness and Safety
- 2017 FOP sends President Trump a wish list of things they wanted him to accomplish for them
 - Rescind EO 13688 which imposed limits on State and local law enforcement equipment programs
 - End the Deferred Action for Childhood Arrivals
 - Deprioritize implementation of some or all the recommendations made by the President’s Task Force on 21st Century Policing
 - Reverse or amend the broad, Bush-era order banning racial profiling
- 2020
 - George Floyd murder is a culmination of the reversals of the Task Force on 21st Century Policing’s recommendations, in addition to the decade’s long degradation of policing
 - Large amounts of police sexual misconduct; lewd and racially insensitive comments on social media; recordings of police officers discussing how they frame innocent people
- Where do we go from here?
 - People are right in demanding change, there are more than a few “Bad Apples”
 - The system must change
 - Murder rate increased from 2013 to 2017, from 4.5 to 5.3 murders per 100,000 people

- We keep pouring money into policing, which clearly has not solved the present issues

Questions & Answers with Roy Austin [1:04:15-1:48:02]:

Question 1: Are there things the police do to address the problem of sexual misconduct?

- This is one of the most obvious changes we must make, there's no reason for police officers to have a sexual encounter with those they are responsible for. New Orleans has a model program to have officers intervene when they are abusing their powers

Question 2: How do you make sure there is oversight?

- The community must determine how they are policed. It's up to Pittsburgh to decide; but there have to be repercussions for police misconduct

Question 3: When you look at cities and their Consent Decrees, what prevents them from sticking? How can we prevent them from being lifted?

- Political leadership changes, and in Pittsburgh, they no longer felt the need to ensure the PBP was acting correctly in all cases. They wanted to look tough on crime, curry favor with the police union, and then a Chief was brought in who wasn't as committed to this issue. When you give humans the amount of power that police have with no accountability, this is going to happen

Question 4: Can you tell us about the Ethical Policing Program in New Orleans?

- I wasn't as involved with this program, but it provides training for officers on what they should do if they observe police misconduct. Additionally, creates a space for officers to report the misconduct. First of its kind at this level, so there is probably something even better Pittsburgh could do

Question 5: Would you review legislation from 2013 which codifies the Consent Decree?

- We are in a different world right now, so we should look at the most recent Consent Decree, which is in Baltimore. Then, look at the Justice in Policing Act, which is the most comprehensive police reform package I've seen. There's more that can be done at this moment in time than in 2013

Question 6: What steps should be taken to prevent a new Administration from changing these policies we are pursuing?

- The CPRB needs to have real authority, because it will outlast any political change. The day-to-day activities of police need to be looked at by the CPRB, because this is their entire objective. Policing has transformed drastically since the 90's, and policies need to be updated to address these changes. We need a body which can keep up with these changes

Question 7: How would you go about having a productive conversation with the FOP? Also, may we have a copy of your presentation?

- Yes absolutely, I will provide a copy. You have to start talking to the officers themselves, not just the leadership within the FOP. Excellent officers exist, and there are officers that want to do the right thing. They know who the problem police officers are, and they will often tell you who they are if there isn't a possibility for retribution against them. You need to provide them space to have honest conversations with you. The FOP has too much power because of their money and membership size. They deserve due process, but they don't deserve more rights than everyone else. Have them get in front of Pittsburgh and explain why they deserve more rights than everyone else, because they most likely wouldn't be able to do it

Question 8: Have you seen the community getting involved in this discussion work well?

- Many people are more worried about their own lives, but we're in a moment right now where it's easier to get them involved about fairness and equity. You have to find ways to bring the community to the table and directly engage with them. You need to go to them, make it as easy as possible. Listen to what they're saying, you have to listen to wealthy and less wealthy communities. What do they each want from their police? When you open the door for every stakeholder, the solution will be long-lasting

Question 9: Do you have examples of other cities who have unbundled successfully and lessened the burden on police?

- I use the example of Justice Reinvestment from the DOJ as one piece, in addition to examples of Crisis Intervention Training. This is an answer to the question, "how do you team up a police officer and social worker?" There, you're using fewer police resources. Most social workers will want cover, but it is a mutually beneficial arrangement between the officer and social worker. What to do with school resource officers? It's a situation to lower the footprint of police and the temperature of the environment, but some urban schools need protection. What does that look like without an armed officer serving in that capacity?

Question 10: Can you discuss about "awful but lawful" use of force policies? Is there any reason a city can't set its own use of force policies?

- I don't know the answer to that question, because officers would be prosecuted under State statutes. Pittsburgh can implement a policy that deadly force can only be utilized as a last resort by way of training. If you make it apart of discipline, an officer must immediately be removed from the force if he violates these policies. If you change the discipline system, you can terminate officers more quickly while waiting for the State to catch up. The FOP advocates for officers even if they've been disciplined, but do they advocate for officers to be hired in other areas if they've been relieved from an area? I'm not sure how much they weigh in on individual cases, but as not having a national registry of police misconduct is most certainly the work of the FOP

Additional Thoughts & Comments [1:48:02-2:06:45]:

- There should be a subcommittee to review legislation and legislative proposals that attempt to address police reforms
- Is there a target number of subcommittees for which we should serve on? [Three]
- Request to have the committee and subcommittee leaders be listed in the Google Drive directory

Closing Remarks & Next Steps [1:48:02-2:06:45]:

- Possibly get an update from State Legislators as to the status of reform bills under consideration
- Getting the faith-based community involved is crucial, we can engage them separately or fuse them with committees
- Get committees finalized so the committees can meet. Original intention was to have that finished last Thursday, but there were only 8 respondents
- Dr. Angela Reynolds volunteers to lead the unbundling committee; Dr. David Harris volunteers to lead the committee which addresses use-of-force; Dr. Bobbi Watt Geer volunteers to lead the committee which addresses police accountability
- Attempt to get questions in advance to send to the PBP so they can have the proper individuals answer the questions next week; preferably by 5PM Wednesday, July 8
- If the Department of Public Safety, the Chief of Police, or PBP can't address a question brought up, the City's Assistant Solicitor can answer many legal questions that may not be discussed next week
- Information will be provided surrounding the ACLU's work on Consent Decrees
- Look for more postings under the Google Drive folders