

Police Accountability

Legislation Summary

Senate Bill 60 aims to enhance law enforcement accountability through a variety of measures including restricting use of force, requiring public reports on deadly use of force, eliminating no-knock warrants, requiring de-escalation training, changing officer certification requirements, restricting acquisition of certain military surplus equipment.

Highlights

- Trust in police is at an all time low, and surveys indicate a wide gap between Black and White people in their trust of police.
- There is some evidence that de-escalation training, restrictions on use of force, and improving documentation practices can enhance public safety, reduce officer involved fatalities, and also enhance officer safety.

Limitations

- There is a limited amount of research and data collected on many accountability efforts to assess impact on safety of civilians, officers, and impact on public trust.
- Many analyses focus on department level changes, which may depend on local factors like departmental leadership. It is unclear if state-level direction might change outcomes. Specific implementation of policies may vary, impacting outcomes.

Trust Between Communities and Law Enforcement

Trust between the police and public is crucial to maximize safety for both law enforcement officers and civilians.¹ Several highly publicized officer-involved deaths, including Michael Brown in Ferguson, Missouri in 2014, and in 2020, George Floyd in Minnesota and Breonna Taylor in Kentucky have elevated concerns around police accountability. Standard policing practices underlying these high profile incidents may have also eroded trust, such as those indicated by the U.S. Department of Justice report describing Ferguson Police Department's "unnecessarily aggressive and at times unlawful policing."² According to a 2020 Gallup poll, trust of the police in the United States is the lowest since the survey began asking the question in 1993, with 48% of respondents expressing a great deal or quite a lot of confidence in the police. The gap between White (56%) and Black (18%) responses to the same question is also the largest measured.³ Many researchers note studying racial bias in police interactions is challenging, given that while Black people are disproportionately stopped by police relative to their population proportion, controlling for other factors like income somewhat reduces the extent of bias.⁴ Lack of trust can impact people's willingness to cooperate as witnesses.⁵ Evidence from one study suggests that positive, nonenforcement interactions between the public and police improve public trust in police even among individuals not inclined to trust police.⁶ Of note, perception of police departments may reflect public communication strategies rather than performance in improving public safety.⁷

Evidence-Based Policing Practices

De-escalation Training and Procedural Justice

Policing practices and policies can impact trust as well as effectiveness of law enforcement in promoting safety for civilians and officers. A body of research from the 1970s and 1980s found that policies restricting lethal force are associated with reduced police shootings of civilians and do not negatively impact officer safety and crime levels; however, more research is needed on current policies and their implementation.⁸ SB60 includes some elements of procedural justice such as requiring police to announce themselves when making arrests (when safely possible), and requiring de-escalation training for officers. Varying levels of evidence exist for current proposed reform efforts. One strategy is building legitimacy through community policing, which incorporates partnerships with the public that can be used to address public safety and underlying issues.^{1,9} These efforts may include elements of procedural justice policing, which emphasizes officers explaining what they are doing, treating the public with respect, and de-escalation when possible. In contrast, force-based command and control emphasizes compliance through dominance. Opponents to de-escalation training express concern for officer safety or general lack of effectiveness. Researchers studying the impact of procedural justice training in the Chicago Police Department found that the one day training reduced complaints by 11 per 100 officers, and mandatory self-reported use of force reports by 7 per 100 officers.¹⁰ Other researchers point out that there is no standard definition of de-escalation training and limited data on implementation and outcomes for policing, but note that surveys on de-escalation training in other professions such as nursing and psychiatry show potential benefits with few adverse outcomes.^{11,12}

Documentation and Use of Force Policies

Along with training, documentation of police practices can increase transparency with the public and track accountability and performance. SB60 requires law enforcement agencies to publicly share use of force policies, investigate and report use of deadly force to the attorney general for an annual publication, and report on excessive force complaints. At least 15 states have created policies for investigating and reporting officer-involved deaths.¹³ Further, SB60 also codifies restrictions on lethal force to reflect Supreme Court guidance.¹³ According to the U.S Department of Justice (DOJ), 67.8% of police departments have written policies on in-custody deaths and 90.9% have policies on less than lethal force.¹⁴ Different departments may have different policies for use of force, especially in ranking chemical agents and TAZERS. A study comparing 3 agencies found that more restrictive use of force policies are associated with officers using less force. A different study also found that use of force policies reviewed at higher levels was associated with a decrease in incidents of officers assaulted or killed.¹⁵ A caveat to many studies on officer-involved fatalities is that federal databases are limited by the extent to which departments self-report and validate.^{16,17}

SB60 requires documentation for each shot fired, and it is not clear what impact this policy might have. Two studies on a related policy, requiring officers to document incidents in which they draw their firearms (one nationwide analysis, one focused on Dallas), found that this policy associates with lower rates of officer involved gun deaths of civilians.^{18,19}

Body-worn Camera Training

Although SB60 does not mandate body worn cameras for officers, the bill does require training in their use. Body-worn cameras have become increasingly adopted by police departments and their effectiveness may depend on factors such as whether cameras must be turned on by officers or if they automatically record and how they are used for supervision.¹² Body-worn cameras may also allow for further research, such as identifying discrepancies in how respectfully officers addressed civilians during traffic stops, based on race of the civilian.²⁰

Chokeholds and Neck Restraints

SB60 prohibits the use of chokeholds and defines them as deadly force. Approximately 34% of police departments in the U.S. authorize neck restraints/holds and at least 7 states regulate or prohibit neck holds.^{13,14} In several high profile officer involved-deaths including Eric Garner of New York, officers applied restraints against departmental policy, raising questions about the effectiveness of requiring police to enforce their own policies.²¹ Arguments against bans contend that holds might be safer than some other types of force, and proper training for these neck restraints can increase safety.²¹ There is limited information on how or whether bans impact officer-involved injury and death.

No-knock Warrants

SB60 would eliminate no-knock with some exceptions. Discussion on the constitutional legitimacy of no-knock warrants versus the potential police need have endured since the 1970s. An investigative report found that between 2010 and 2016, at least 31 civilians and 8 officers died during no-knock warrants.²² Currently, 3 states (FL, OR, VA) ban no knock warrants.²³

Police Acquisition of Military Equipment

Police departments are able to acquire surplus military equipment through the U.S. Department of Defense 1033 program. SB60 restricts acquisition of certain equipment. Several studies have found an association between 1033 equipment receipts and increased officer involved deaths of people.^{24,25} Another indicates that images of militarized police may impact perception of police, including a decline in people wanting police patrols in their own neighborhood.²⁶

Licensing, Certification, and Hiring

SB60 requires an annual public report on officers whose licenses are on probation, suspended, or revoked. The bill stipulates that law enforcement agencies will deny officer applications if the individual has been convicted of a felony, had certification revoked in another state, been discharged for serious misconduct or resigned prior to pending investigation of serious misconduct. A study of Arizona police departments suggests that departments with pre-hiring screening (along with other accountability efforts) are associated with lower agency misconduct.²⁷ Another study in Florida found that previously fired officers that find work in other departments were more likely to be fired again than other officers in the same department.²⁸ Officer hiring restrictions may potentially impact the ability of police departments to fill open positions.

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