Discord among Americans on the nature of policing has law enforcement officials, community leaders and lawmakers searching for solutions.

BY RICH WILLIAMS

With a booming voice befitting his life’s work as a pastor, the late South Carolina Senator Clementa Pinckney (D) invoked the biblical story of doubting Thomas during a speech last spring in support of police body cameras. The senator reminded his colleagues that Thomas had to see and feel Jesus’ wounds for himself before he would believe he had risen from the dead.

Pinckney was moved to speak after Walter Scott—an unarmed black man—was unjustly shot and killed by police. A bystander captured the encounter on his cellphone, removing any doubt about how Scott had died. Pinckney’s point was that without the hard evidence a video can provide, the debate surrounding Scott’s death would have been mired in people’s entrenched points of view and preconceived ideas based on their life experiences and personal biases.

For example, a dedicated officer may not believe a colleague with years of honorable service would ever be capable of losing control and shooting an unarmed person. Likewise, a young black man who has experienced unjust interactions with police, may have no problem believing that every officer is capable of taking an unprovoked and deadly action even in nonviolent situations.

These divergent perspectives illustrate how challenging it can be for Americans to find common ground on policing issues. The discord has grown in the last year as officer-involved deaths have sparked protests from Baltimore to Oakland, raising many questions that beg for answers.

In search of solutions, state, federal and local lawmakers are gathering information, listening to community leaders and reviewing police practices as they consider reforms. Through their nationwide efforts, two common goals have emerged: first, to increase transparency, trust and accountability in law enforcement; and second, to ensure that police practices are fair both to officers and to the public.
community leaders who took to the streets to keep the calm.” The protests, rooted in discontent over Gray’s death, resonated with Pugh. “By no means do we condone violence, but what happened does shine a light on the need for productive ways to share frustration and for improved economic development opportunities in long-neglected areas of Baltimore.”

Pugh is co-chair of a legislative work group that is trying to determine why there’s so much distrust of police officers in some communities. “I know that the police officers I come in personal contact with are there because they want to protect and serve, so where does that breakdown occur?” Pugh believes much can be discovered by listening. “Our last task force meeting was an opportunity for the community to speak out. We listened for four hours to concerns from those who have lost children in police confrontations, from community groups, advocates and community members in general.”

As Pew’s group convened in May, the U.S. Department of Justice announced it would open an investigation into possible constitutional violations by Baltimore police officers, focusing on their use of force, any patterns or practices of discriminatory policing, and the department’s record of stops, searches and arrests.

**A National Concern**

The Department of Justice has conducted many similar investigations in recent years, including in Cleveland, Seattle and Ferguson, Missouri, following concerns of police misconduct.

The investigations in some cases have uncovered troublesome practices the Justice Department has addressed by requiring specific reforms.

The department’s investigation of Cleveland police in 2014, for example, identified a pattern of excessive use of force along with widespread deficiencies in accountability, training, equipment, policies and community engagement. The investigation drew the attention of state leaders to concerns over law enforcement.

“This is the most serious issue I’ve been a part of in my entire life,” says Ohio Senator Cliff Hite (R), who was a member of the state’s Task Force on Community-Police Relations. “It’s bigger than I ever thought. Until we went around the state, I didn’t realize the differences were so stark. ... It’s going to take time to heal some of these wounds.”

Hite also serves on the Collaborative Community-Police Advisory Board, which has been charged with developing first-in-the-nation minimum standards for the proper use of force, including deadly force.

“What we need to do as elected officials is to develop parameters for community-policing relationships and provide guidance for those relationships to function,” he says.

### Dangerous Duty

In 2014, 48,315 police officers were assaulted, and 96 were killed in the line of duty, according to the FBI. Of the officers killed, 45 died accidentally. The other 51 died responding to the situations listed below.

- Drug-related matter: 1
- Handling people with mental illnesses: 3
- Arrest situations: 3
- Tactical situations: 4
- Investigative activity: 5
- Investigation suspicious persons: 6
- Ambush situations: 8
- Traffic pursuits/stops: 10
- Disturbance calls: 11

*Source: FBI data from 2014.*

### The President’s Task Force on 21st Century Policing

The President’s Task Force on 21st Century Policing, created at the end of 2014, released its final recommendations in May. They include numerous action-item suggestions built upon the six “pillars” of community policing summarized below.

**Trust and Legitimacy.** Law enforcement agencies should embrace a guardian—rather than a warrior—mindset, establish a culture of transparency and accountability, and create a diverse workforce.

**Policy and Oversight.** Police policies must reflect community values; contain clear and comprehensive rules on the use of force and equipment, and include performance measures.

**Technology and Social Media.** Law enforcement agencies should ensure that new technology is effective, does not infringe on personal rights or privacy, be based on model policies and best practices, and increases community trust.

**Community Policing and Crime Reduction.** Law enforcement agencies should work with the community to identify problems and find solutions that produce meaningful results, and include youth in community decision making, research and problem solving.

**Training and Education.** Instructional programs should engage community members with special expertise, provide leadership training to all personnel, be effective and of high quality, and seek to build partnerships with local and national training facilities.

**Officer Wellness and Safety.** Law enforcement agencies should promote wellness at every level; adopt policies that help prevent injuries, such as wearing seat belts and bullet-proof vests; and increase data collection on officer deaths, injuries and “near misses.”
On the West Coast, the experience of the Seattle Police Department is showing that interventions into police practices can be successful in making desired changes over time. In 2012, the Justice Department reached an agreement with the city’s police to address patterns of excessive use of force and discriminatory street stops.

According to the most recent report issued by the court-imposed independent monitor, positive changes have resulted from training police officers on bias, crisis intervention and the use of force; from improved use of data; and from new policies and strong leadership from the police chief. The monitor’s next evaluation will focus on the real-world impact of Seattle’s reforms.

**Understanding Policing**

The job of a police officer is complex, dangerous and challenging. Officers perform increasingly sophisticated functions that are critical to public safety. They never know what to expect on the job, evidenced by the diverse training required by various state laws—in crisis intervention, distinguishing human trafficking from prostitution, handling those with mental illness, knowing when to use force, reducing bias and responding to domestic violence.

Although the vast majority of the annual 62.9 million police-public interactions are completed without incident, according to federal agencies, almost 50,000 officers are assaulted every year.

“The average person does not understand what goes into being a police officer,” says Illinois Representative John Anthony (R), a former law enforcement officer and deputy sheriff who worked on successful police reform legislation this year. “I wish every legislator would go on a police ride-along to see what can happen. On my last ride with the Chicago Police Department we went to multiple shots-fired calls and domestic abuse situations, and you realize there is no such thing as a routine stop or police interaction. Any moment can be dangerous.”

Anthony says that after much debate, Illinois lawmakers reached a compromise that left all sides feeling satisfied. Under the new law:

- State agencies will develop procedures for investigating police-involved deaths.
- The Racial Profiling Prevention and Data Oversight Board will keep demographic and police-action statistics on pedestrian stops.
- The Illinois Law Enforcement Training Standards Board will set guidelines for the use of body-worn cameras.
- The public will be allowed to film police activity.

“I want to make sure officers are protected, and I want to make sure the public is protected,” says Anthony. “I think with our bipartisan effort, we were able to do that.”

In Baltimore, Pugh recognizes the challenge officers face when patrolling distressed areas and regularly confronting negative activity. Steps should be taken “to give officers what they need to do their jobs well,” she says. “That doesn’t just mean equipment. It can mean psychological evaluations and rotations away from their exposure to crime.”

**Who Are They?**

- **809** People shot and killed by police this year, as of Oct. 28.
- **777** Male
- **381** White
- **199** Black
- **260** Under age 29
- **132** Hispanic
- **638** Had a deadly weapon
- **75** Unarmed
- **28** Unarmed and black


**How much confidence do you have in police officers in your community...**

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<th>Just Some/Very Little</th>
<th>A Great Deal/Fair Amount</th>
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Note: Survey conducted August 20–24, 2014. Voluntary responses of “None” and “Don’t know/Refused” not shown. Blacks and Whites include only non-Hispanics. Hispanics are of any race.

Bipartisan Solutions

In Colorado, where party control is split between chambers, Republican Senators John Cooke and Ellen Roberts and Democratic Representatives Angela Williams and Daniel Kagan succeeded in passing a bipartisan package of legislation. The co-sponsors hope the laws, known as the “Rebuilding Trust Package,” will bolster police transparency and accountability. The changes include adding reporting requirements and investigation procedures for police shootings, setting standards for and funding the use of body-worn cameras, and adding more officer training on racial bias and the use of force.

“We wanted to address the perception that some people were not getting fair and just treatment by police,” Kagan says, “especially in less affluent communities and communities of color.”

Williams, who initiated the legislature’s effort, says “after looking at the brutality concerns across the county and in Colorado, as a parent especially, I couldn’t sit back and watch it happen again. I wanted to use my voice to help protect black youth and rebuild relationships between communities and their officers.”

While developing their legislation, the co-sponsors made clear they believe the vast majority of officers are dedicated public servants who share a strong mutual respect for the public. “It was a priority for us, to ensure that the reforms were constructive and not combative with our police,” says Cooke, a former sheriff with 35 years of law enforcement experience. But he knew concerns over policing needed to be addressed, because “if law enforcement does not have the public’s trust, they can’t be effective at doing their jobs.”

The Work Continues

Back in April, Senator Pinckney concluded his remarks to his South Carolina colleagues by driving home the importance of addressing America’s discord over policing. “As a legislature, we have a great opportunity to make sure that our proud and great law enforcement officers, and every citizen we represent, are able to at least know that they will be seen and heard, and that their rights will be protected.”

Legislative efforts this year that cross party lines and include various stakeholders can guide efforts underway in other states. But improving relations between police and local communities has no simple solution.

“We’ve got a lot of work to do,” says Hite, of Ohio, “and it’s not going to get done overnight.”

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South Carolina Senator Gerald Malloy (D) sponsored the nation’s first successful legislation to require the statewide use of body cameras by police. For him, the reasons to pursue the bill were clear. “Body cameras protect police, protect the public and protect the truth,” he says.

The Palmetto State was one of 40 to consider body-camera measures in 2015 and among the 14 to enact a law. Malloy, after watching nationwide protests over controversial deaths in police encounters, knew the debate needed to shift from the street to the statehouse. “We need to change the culture in policing. We know that civilians and officers die in these encounters, and we know that needs to change. These videos can help us do that.”

Learning the Pros and Cons

The benefits of body cameras were brought to Malloy’s attention by police chiefs already using them. “From their experience, I know citizen complaints go down, use of force goes down, and the videos provide good tools for training,” Malloy says.

Body-camera opponents are concerned about loss of privacy, abuse of public surveillance and a potential chilling effect on free expression.

In addition, police officers worry that recordings could be misused by supervisors in employment decisions and could limit their discretion, even in showing leniency for minor infractions.

To address these uncertainties, five states passed laws to study the use of body cameras. In Arizona, for example, Senator John Kavanagh (R) is co-chairing a newly created task force that includes representatives from media associations, law enforcement groups and the community. “The deeper I get into it, the more I realize how complex the issues with body cameras are.” Kavanagh wants the committee to consider the “full scope of what the relevant issues are, and then determine for which issues, if any, a statewide policy is necessary.”

At the same time, camera research is underway in several city police departments. The Laura and John Arnold Foundation, for example, has funded several studies, including a couple with the Spokane, Washington, and Tempe, Arizona, police departments. Researchers are examining the effectiveness of body cameras as training tools, their impact on judicial practices, and how they are perceived by officers and the public. The foundation also supports studies in Pittsburgh; Anaheim and Long Beach, California; and Arlington, Texas, as well as a cost-benefit analysis of body-worn camera programs. And the National Institute of Justice is supporting research on the overall impact of cameras in the police departments of Las Vegas and Los Angeles.

Privacy and Public Records

One of the big policy questions for lawmakers, researchers and justice officials alike is how open records laws should apply to police recordings. The North
Dakota Legislative Assembly took what Representative Kim Koppelman (R) calls “a commonsense approach to ensuring privacy” while honoring the state’s “tradition of open government and sunshine laws.” His bill exempts from the state’s open record law images taken with a body camera in “a private place.”

In Oklahoma, a new law considers police recordings public records, but with several exceptions for when they may be withheld, redacted or obscured temporarily. “Most everyone agreed that showing certain aspects of violence, nudity and the identity of children shouldn’t be released,” Representative George Faught (R) says. “The purpose of the cameras is to get a clear understanding of what happens in a police encounter, not to expose people to pain they or a family member suffered.” Altogether, nine bills passed this year concerning privacy issues for camera use.

**Costs Always a Factor**

The costs of buying the cameras and storing and maintaining the data they generate are a concern for supporters and opponents alike. Each camera can cost between $300 and $1,700. Data storage charges vary, depending on whether the data are housed internally or managed by an outside vendor. South Carolina’s law is contingent on the state helping localities with costs, and Malloy says $2 million has been set aside to get the ball rolling.

Despite the costs, it appears body cameras are “here to stay, and will soon be commonplace for most officers,” says Kavanagh. Even before the recent surge in their use, almost a third of all state and local law enforcement agencies used cameras, at least minimally, according to the Bureau of Justice Statistics.

“Every time there is a bad outcome between police and the public, people are going to want to know what really happened,” says Malloy. “Why not use the best technology available to reduce the uncertainty that has been dividing our country?”

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**Body Camera Laws**

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<th>State</th>
<th>Requires body-worn camera use</th>
<th>Addresses eavesdropping laws</th>
<th>Requires a study</th>
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Notes: Pennsylvania allows, but doesn’t require, some officers to wear cameras. New Jersey requires certain city police vehicles to contain cameras.

*Source: NCSL, October 2015*