



# Improving Police Accountability:

## Instituting Effective Regulation and Oversight

**The United States has nearly 700,000 law enforcement officers<sup>1</sup> employed by almost 18,000 agencies.<sup>2</sup> These officers should be reflective of and accountable to the communities they're charged with protecting and serving.**

Unfortunately, departments across the country remain tarnished by racist legacies and harmful practices. Despite efforts to reform policing, many departments are not held accountable for misconduct<sup>3</sup>; and Black, Brown, and Indigenous people continue to disproportionately suffer the harms inflicted by unaccountable policing. Our nation's policing systems can and should be improved, but structural and cultural impediments pose significant challenges to sustainable reform. State-level and local legislation can help overcome many of these challenges.

**3.49X**

*more likely that an unarmed Black man will be shot by the police than an unarmed white man.<sup>4</sup>*



**48%**

*of reviewed police union contracts mandate the removal of discipline records over time.<sup>5</sup>*

**30%**

*of residents in surveyed low-income communities believe police respect people's rights.<sup>6</sup>*



**Police should act with reverence for the lives, dignity, and rights of all persons, regardless of race, ethnicity, identity, or economic status, and they should be held responsible when they fall short of these ideals.**



## THE PROBLEMS

- **Structural barriers to accountability contribute to the use of force by officers. Each year, there are approximately 1,000 fatal shootings by police in the United States.**<sup>7</sup> An unarmed Black male is about 3.49 times more likely to be shot by the police than an unarmed white male. Purported differences in crime rates do not explain this racial discrepancy. Only recently have researchers begun to understand how structural rules influence officer conduct, and their findings suggest that weak regulations around officer behavior result in more misconduct and use of force.<sup>8</sup>
- **Collective bargaining agreements and law enforcement officer bills of rights can impede investigations into misconduct. Police union contracts often obstruct accountability by limiting officer interrogations after alleged misconduct, mandating the destruction of disciplinary records, prohibiting civilian oversight, preventing anonymous civilian complaints, and limiting the length of internal investigations.**<sup>9</sup> Similarly, provisions in law enforcement officer bills of rights hinder accountability by imposing interview waiting periods, prohibitions on the use of non-sworn investigators, and statutes of limitations on the retention and use of data on officer misconduct.<sup>10</sup>
- **There is insufficient oversight of and insight into the behavior and actions of police officers. Police officer disciplinary records are made public in just over a dozen states.**<sup>11</sup> Laws that heavily weigh in the favor of officer privacy prohibit the disclosure of disciplinary information.<sup>12</sup> Weak and inconsistent state decertification rules, including an absence of state boards like those that effectively govern other professions, allow officers with records of serious misconduct to move unhindered from one department to another.<sup>13</sup>

## OUR SOLUTIONS

- **Build the research base for accountable policing.** Sustainable reforms must begin with assessing the current state of research, identifying gaps in knowledge, and developing a set of research priorities. Only by building a body of evidence can we understand the role states can play in regulating local law enforcement and the impact of accountability-related reforms in areas such as use of force, misconduct, and racial disparities.
- **Advance policy regulating key aspects of policing.** Past efforts at police reform have fallen short in enacting lasting changes that hold police accountable. Legislators aiming to provide meaningful regulation and oversight of policing can find themselves unsure of the best way to enact important, lasting changes. The development and advancement of model legislation in use of force, officer de-certification, and data collection and transparency, along with input from a range of stakeholders, can provide effective solutions and much-needed standardization of policies.
- **Connect lawmakers and communities with information about the path to sustainable police reforms.** Publishing current statutory information and analyses will facilitate a better understanding of how state laws impact policing practices and accountability. Tracking current legislation will help measure progress. Bringing legislative champions for reform together will allow them to share best practices, model legislation, and legislative trends.



## RESOURCES

- 1 Bureau of Labor Statistics <https://www.bls.gov/oes/current/oes333051.htm>
- 2 Bureau of Justice Statistics <https://www.bjs.gov/content/pub/pdf/cslllea08.pdf>
- 3 Walker (2012) <https://scholarship.law.slu.edu/cgi/viewcontent.cgi?article=1106&context=plr>
- 4 Ross (2014) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0141854>
- 5 Rushin (2017) <https://dlj.law.duke.edu/article/police-union-contracts-rushin-vol66-iss6/>
- 6 Urban Institute analysis of surveys of residents in “high-crime low-income neighborhoods” in Birmingham, AL; Fort Worth, TX; Gary, IN; Minneapolis, MN; Pittsburgh, PA; and Stockton, CA. [https://www.urban.org/sites/default/files/publication/88476/how\\_do\\_people\\_in\\_high-crime\\_view\\_the\\_police.pdf](https://www.urban.org/sites/default/files/publication/88476/how_do_people_in_high-crime_view_the_police.pdf)
- 7 [https://www.washingtonpost.com/investigations/protests-spread-over-police-shootings-police-promised-reforms-every-year-they-still-shoot-nearly-1000-people/2020/06/08/5c204f0c-a67c-11ea-b473-04905b1af82b\\_story.html](https://www.washingtonpost.com/investigations/protests-spread-over-police-shootings-police-promised-reforms-every-year-they-still-shoot-nearly-1000-people/2020/06/08/5c204f0c-a67c-11ea-b473-04905b1af82b_story.html)
- 8 Cunningham, J., Feir, D., & Gillezeau, R. *Overview of Research on Collective Bargaining Rights and Law Enforcement Officer’s Bills of Rights.* (2020) [http://craftmediabucket.s3.amazonaws.com/uploads/LEOBR\\_Cunningham\\_12\\_3\\_20.pdf](http://craftmediabucket.s3.amazonaws.com/uploads/LEOBR_Cunningham_12_3_20.pdf)
- 9 Rushin, S. *Police Union Contracts*, *Duke Law Journal* (2017)
- 10 Keenan, K. & Walker, S., *An Impediment to Police Accountability? An Analysis of Statutory Law Enforcement Officers’ Bills of Rights*, *Boston University Public Interest Law Journal* (2005)
- 11 Bies, K., *Let the Sunshine in: Illuminating the Powerful Role Police Unions Play in Shielding Officer Misconduct* (2017).
- 12 Levine, K., *Discipline and Policing*, *Duke Law Journal* (2019)
- 13 Goldman, R. and Purro, S., *Revocation of Police Officer Certification: A Viable Remedy for Police Misconduct?* (2009)