



Accountable Policing

Policies to Advance the Personal Safety of Black Boys and Young Men

ROBERT O. MOTLEY JR., ALYSSA FINNER, MARAH WALKER, AND SEAN JOE

Introduction

The policies and practices that perpetuate the continual, unjust murder of Black males by the nation’s law-enforcement professionals have gone unchanged for far too long. While this pattern is most dangerous for Black men (Ross, 2015), the consequences of this system reach communities far and wide. HomeGrown StL is issuing this Brief Report to provide local, state, and federal policymakers with concrete, evidence-based policy recommendations for building an equitable, transparent, and accountable public-safety approach that will serve and protect all U.S. residents, not just a select few. Our review of local, state, and federal law-enforcement policies demonstrates that, although a handful have been implemented to reduce police violence, evidence-based solu-

tions have been neglected in favor of ineffective approaches or of complete inaction. It is time for policymakers, especially leaders in the St. Louis region, to acknowledge their responsibility for putting an end to this abhorrent injustice.

Background

The killing of George Floyd by Minneapolis police officer and trainer Derek Chauvin has ignited worldwide protest and growing concern over the killings of unarmed Black people, particularly males. In many of these cases, the police seem to take life with impunity. Police officers have an entrusted professional role to serve and safeguard the well-being of all citizens. However, unchecked police violence toward Black males appears to be the acceptable cost for

Progress is no longer sufficient—we need real change, and we need it now

—Dr. Sean Joe, PhD,
Benjamin E. Youngdahl
Professor of Social
Development



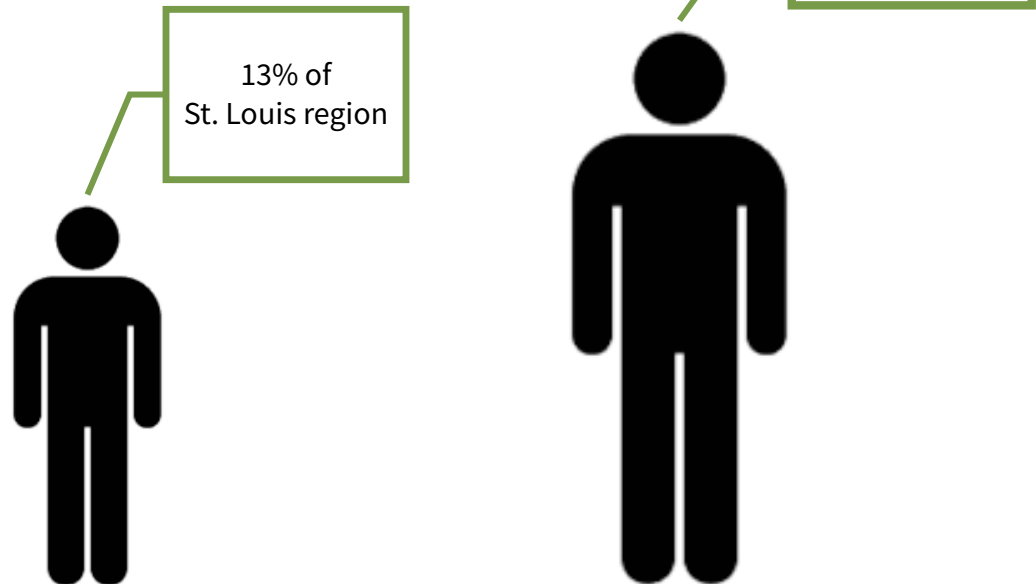
Black boys and young men are among the most vulnerable in America’s social economic structure.

The Race and Opportunity Lab examines race, opportunity, and social mobility with an emphasis on informing policies, interventions, and intra-professional practice.

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76.9%

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Source: Data from Mapping Police Violence (2020).

law-and-order politics, which has little regard for the personal safety of Black males—rule of law achieved by any means necessary. The tragic deaths of George Floyd, Tamir Rice, and other Black boys and young men highlight the dehumanizing and systemic anti-Black racism embedded in police culture and practices that denied these citizens their constitutional rights to due process.

Black boys and young men, particularly those residing in urban communities, are primary recipients of dehumanizing policing. The rates at which they are subject to police use of nonfatal and fatal force are disproportionately higher than those of their White male counterparts (Fryer, 2016; Green et al., 2000; Langton & Durose, 2013; Mapping Police Violence, 2020; The Guardian, 2018; The Washington Post, 2018). Although Black males account for roughly 6% of the U.S. population (White males make up 30%; U.S. Census Bureau, 2018), they are three to four times more likely to experience police threat or use of force and two to three times more likely to be unarmed and killed by police (Hyland, Langton, & Davis, 2015; Langton & Durose, 2013; The Guardian, 2018; The Washington Post, 2018). Here in the St. Louis region (the City of St. Louis and St. Louis County), Black males account for 13.2% of the population (U.S. Census Bureau,

2018) but 76.9% of all individuals killed by police from 2013 through 2019. In comparison, White males comprised 9.6% of police killings in that period (Mapping Police Violence, 2020).

The strain of living in a society that dehumanizes and criminalizes you from birth, and has no regard for your personal safety, can be emotionally taxing. It puts Black males at risk for a host of negative physical, emotional, and psychological outcomes. Prior research has documented associations between exposure to police use of force and stress and worry (Gomez, 2016), trauma and anxiety symptoms (DeVylder et al., 2018; Geller, Fagan, Tyler, & Link, 2014; Lipscomb et al., 2019; Smith Lee & Robinson, 2019; Tynes et al., 2019), an increase in the number of self-reported poor mental health days (Bor, Venkataramani, Williams, & Tsai, 2018), depression (English et al., 2017), and negative emotional responses (Motley, Chen, Johnson, & Joe, 2020).

Society also bears the cost of police misconduct. The failure of the current policing institution to hold officers accountable for the excessive use of force has led to police mistrust and trauma due to the deaths of so many Black boys and young men. Each year, approximately 1,000 people are killed by police officers (Chan, 2019). However, the officers are very rarely held lawfully accountable for the people they kill on duty. According

99%

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to Mapping Police Violence (2020), 99% of police who killed people while on duty between 2013 and 2019 were never charged with a crime. Of the 104 officers arrested and charged for on-duty killings between 2005 and 2018, only about 30% were ever convicted (Chan, 2019). This means that, of the officers responsible for the roughly 13,000 police killings between 2005 and 2018, only about 0.002% were ever convicted of a crime.

Contributing to the lack of accountability and corrosive police culture is the subjective legal terminology of “reasonable fear.” Under that standard, officers are authorized to deploy lethal force if they experience reasonable fear. If prosecuted for using lethal force inappropriately, officers often face the lesser charge of manslaughter, rather than murder (Hogue, 2020).

Additionally, cities often pay out large sums in police misconduct cases, regardless of whether there is a conviction. The economic burden of these cases is substantial. Between 2010 and 2014, the total cost accrued for these types of payouts in the 10 U.S. cities with the largest police departments—including New York City, Baltimore, and Los Angeles—was more than \$1.62 billion (Elinson & Frosch, 2015).

Policy Solutions for Accountable Policing

To address these stark inequities in American policing, President Barack Obama established the Task Force on 21st Century Policing, which he

charged with identifying best policing practices and recommending reforms to promote effective crime reduction while simultaneously establishing systems of accountability, transparency, and public trust. The task force identified six actions necessary to accomplish these objectives:

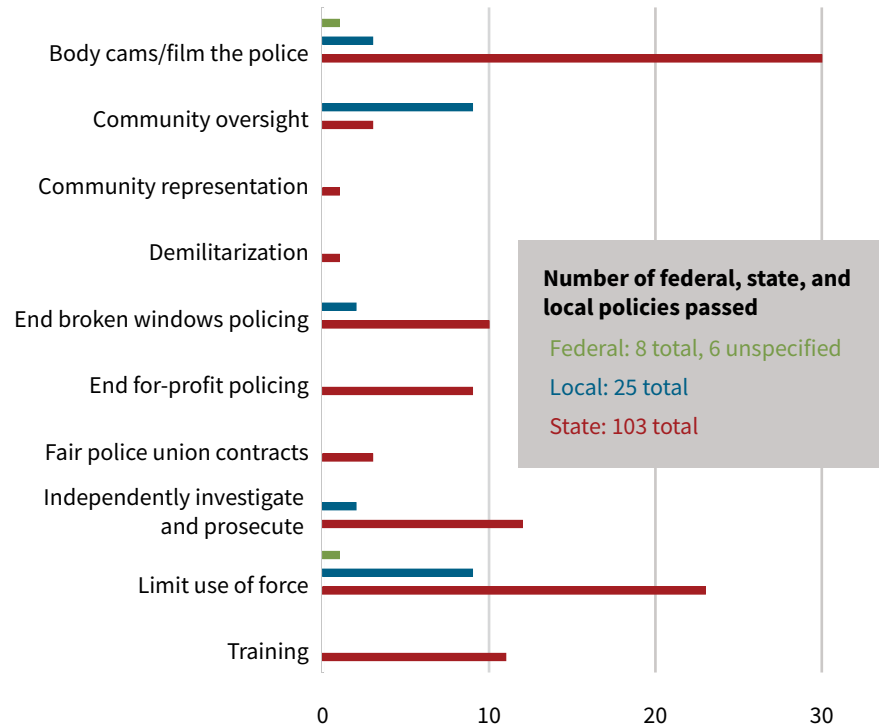
1. Establishing a police culture that is accountable and trustworthy, and that treats individuals with dignity and respect
2. Creating police department policies that reflect the values of the communities they serve
3. Building transparency and creating systems for internal accountability and effective data analysis
4. Building relationships with neighborhood residents that will facilitate collaborative efforts aimed at identifying problems and implementing solutions to produce meaningful results
5. Establishing partnerships with academic institutions to develop rigorous training practices, evaluation, and curricula grounded in evidence-based practices
6. Developing a task force to study mental health issues unique to officers and recommend tailored treatments. (President’s Task Force, 2015)

The actions identified by President Obama’s Task Force on 21st Century Policing represent a subset of the comprehensive legislation needed

“The law cannot make a man love me, but it can restrain him from lynching me, and I think that’s pretty important also.”

—Dr. Martin Luther King Jr.,
speech given at
Southern Methodist
University,
March 17, 1966

Figure 1. Proposed Federal, State, and Local Policy Changes



at local, state, and federal levels to build a justice system that is procedurally just and transparent and that respects the rights of all U.S. residents. The following sections review these needs, as well as recommendations from scholars, advocates, and policymakers. We offer details on how they can be implemented to ensure the personal safety of Black boys and men in St. Louis and beyond.

Federal

Evidence-based reforms can foster accountable police cultures and conduct consistent with a system of public safety that protects everyone equally, but federal legislators must use the powers they have been afforded to enact the necessary measures.

Although federal civil and criminal statutes have been implemented to protect civilians from police misconduct, their reach is impeded by insufficient specificity, standardization, and enforcement. For instance, the federal “pattern or practice” statute allows only the attorney general to sue municipalities whose police departments have displayed a pattern of excessive use of force (Crime Control and Law Enforcement, 34 U.S.C. § 12611 (2018)). Expanding this statute to allow for private lawsuits by individuals can increase police accountability (Congressional Research Service, 2020).

Municipal police department policies often include a use-of-force continuum or matrix that prescribes the type and amount of force to be used in response to civilian behaviors, with the amount of force corresponding to the level of threat or danger posed by the civilian. The United States does not currently have a standardized example of a use-of-force matrix, and the lack of one produces discrepancies in when and how use of force is justified across departments (McKesson et al., 2016; President’s Task Force, 2015; Thompson, 2015). A universally accepted matrix should be established. Consistent with the NAACP’s prescription, it should identify at least six clearly defined levels of force (such as mere presence, verbalization, firm grips, pain compliance, impact techniques, and lethal force). Adopting such a matrix can increase consistency in the grounds for investigations (McKesson et al., 2016; President’s Task Force, 2015).

Further, while Congress has not exercised its legislative power to standardize policing policies, lawmakers can encourage state and local policy reform by (a) requiring the Department of Justice (DOJ) to develop model policies and best practices for use of force, training, investigations, prosecution, data collection, and accreditation; and (b) conditioning federal funding to state and local governments on adoption and effective implementation of policies and practices set forth by

58 hours

On average, police recruits spend **58 hours learning how to shoot** and only **8 hours learning to de-escalate** potentially violent situations (Police Executive Research Forum, 2015).

RECOMMENDATIONS FOR FEDERAL ACTION

- 1 Expand the “pattern or practice” statute (34 U.S.C. § 12611 (2018)) to allow for private lawsuits by individuals.
- 2 Establish a use-of-force database with mandatory reporting and allow public release of public misconduct records, including those on deadly force, Taser use, sexual assault, and officer dishonesty.
- 3 Establish a federally mandated use-of-force continuum or matrix.
- 4 Require the DOJ to develop model policies and best practices for use of force and other aspects of policing.
- 5 Through conditions on federal funding, incentivize states and municipalities to adopt policies and practices prescribed by the DOJ, such that funding allocations depend on adoption and effective implementation.

Missouri is one of the few states that **has yet to ban use of chokeholds and strangleholds by law enforcement** (Campaign Zero, n.d.).

the DOJ (Congressional Research Service, 2020). Such policies and practices should be clear, concise, and available to the public (President’s Task Force, 2015).

In sum, this review suggests five recommendations for federal action:

1. Expand the “pattern or practice” statute (34 U.S.C. § 12611 (2018)) to allow for private lawsuits by individuals.
2. Establish a use-of-force database with mandatory reporting and allow public release of public misconduct records, including those on deadly force, Taser use, sexual assault, and officer dishonesty.
3. Establish a federally mandated use-of-force continuum or matrix.
4. Require the DOJ to develop model policies and best practices for use of force and other aspects of policing.
5. Through conditions on federal funding, incentivize states and municipalities to adopt policies and practices prescribed by the DOJ, such that funding allocations depend on adoption and effective implementation.

Missouri

Historically, Missouri has implemented policing policies that favor the safety of law enforcement over that of civilians. State legislators made an important step in the right direction in 2016 by revising the state’s use-of-force statute to align it with the U.S. Supreme Court’s ruling in *Tennessee v. Garner* (1985; Mo. Rev. Stat. § 563.046, 2016). The high court held that use of deadly force against a fleeing suspect is unconstitutional if the suspect does not pose a lethal danger to others. Despite this progress, Missouri continues to lag behind other states in implementing policies to reduce police violence and hold officers accountable (Campaign Zero, n.d.). For instance, Missouri is one of the few states that has yet to ban use of chokeholds and strangleholds by law enforcement (Campaign Zero, n.d.). Additionally, the state has neglected to address the detrimental lack of trust between civilians and law enforcement (Ferguson Commission, 2015). Missouri legislators should follow the example set by California, which recently passed a law establishing a statewide, publicly accessible database that documents use of deadly force, Taser use, sexual assaults by police, and officer

REFORMS FOR MISSOURI

- 1 Ban the use of chokeholds and strangleholds.
- 2 Establish a use-of-force database and allow public release of police misconduct records, including those on deadly force, Taser use, sexual assault, and officer dishonesty.
- 3 Mandate external and independent investigation and prosecution in cases involving excessive use of force by police.
- 4 Require that police departments bear the cost of misconduct and receive no additional funding to cover the costs of lawsuit payments.

dishonesty (Cal. A.B. 392, 2019). Such a law would increase transparency and trust between police and civilians. It also would enable more informed and responsible decisions in hiring officers (President's Task Force, 2015).

Missouri can contribute further to accountable policing by mandating independent investigation and prosecution in police use-of-force cases. For example, the state should require that investigators be external to and independent from the suspect's department; charges, if filed, should be prosecuted by someone independent from the local prosecutor's office (*Center for Poplar Democracy & Policy Link*, 2015; Campaign Zero, n.d.; President's Task Force, 2015). Finally, the state should require that police departments bear the cost of officer misconduct (Campaign Zero, n.d.).

In sum, we recommend four reforms in Missouri:

1. Ban the use of chokeholds and strangleholds.
2. Establish a use-of-force database and allow public release of police misconduct records, including those on deadly force, Taser use, sexual assault, and officer dishonesty.
3. Mandate external and independent investigation and prosecution in cases involving excessive use of force by police.
4. Require that police departments bear the cost of misconduct and receive no additional funding to cover the costs of lawsuit payments.

The St. Louis Region

The killing of Michael Brown in 2014 demonstrated that the St. Louis region is no stranger to police violence. Black boys and young men in the region have long been aware of this fact, but it has recently been empirically confirmed. The St. Louis Equity Indicators, a project conducted by the City of St. Louis in partnership with Forward Through Ferguson, found that police use-of-force incidents occur three times as often in majority-Black neighborhoods as in majority-White neighborhoods (City of St. Louis, 2018). While the City of St. Louis and St. Louis County have addressed police violence by gradually requiring law-enforcement personnel to use body-worn cameras, research demonstrates that this approach is largely ineffective in preventing excessive use of force because of a lack of compliance (Ariel et al., 2016). Accordingly, while such requirements may be a step in the right direction, more comprehensive measures are needed. Campaign Zero's 2016 *Police Use of Force Policy Analysis* showed that eight departmental use-of-force policies were particularly impactful in reducing police killings (McKesson et al., 2016). The report noted that the St. Louis Metropolitan Police Department's use-of-force policy does not include four of these measures:

1. Requiring de-escalation before instituting use of force
2. Banning chokeholds and strangleholds
3. Requiring officers to intervene when another officer uses excessive force
4. Requiring comprehensive reporting on use-of-force incidents, including pointing a gun at a civilian. (McKesson et al., 2016)

The Campaign Zero analysis estimated that adoption of these four policies would reduce killings by the St. Louis Metropolitan Police Department by approximately 48% (McKesson et al., 2016). The lives and livelihoods of St. Louis's Black residents, particularly those of Black boys and young men, depend upon the department's adoption of these policies and the policing equity indicators identified by the city.

In line with best practices, St. Louis City and County governments have both established civilian oversight structures for their respective police departments. However, the St. Louis County Police Department's oversight body, the Board of Police Commissioners, has been criticized for its insularity and closeness with

3x

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ACCOUNTABLE POLICING IN ST. LOUIS LOOKS LIKE THIS:



Require an independent and transparent special prosecutor to investigate all misconduct claims against local police.



Create a publicly accessible registry including complaints, use-of-force (injury and death) records, disciplinary records, and termination records that are publicly accessible and can be upload to a federal repository.



Implement duty-to-intervene protection policies for officers, with measurable consequences of accountability to promote a more effective police culture.



Make use of body cameras mandatory and adopt a policy requiring their use at all times.



Adopt mobile data technology for tracking, reporting, and investigating instances in which officers point their gun or Taser.



Implement responsible, evidence-based hiring practices and department policies.



Disinvest in criminalization and invest in greater personal safety.



Implement a publicly accessible “Equity in Policing” analysis for all union contracts.



Establish as the prosecutorial standard for suspected police misconduct a finding that an officer acted with reckless disregard for someone’s life, causing that person’s death.



Establish as the civil-rights liability standard a finding that the officer violated an individual’s civil rights by acting with reckless disregard for life, causing serious injury or death.

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the Police Department. The city and county can strengthen their civilian review boards by ameliorating board structures and policies to more closely resemble the model provided by Campaign Zero (McKesson et al., 2016). This would include restructuring the boards to establish a division of powers between a Police Commission and Civilian Complaints Office. Additionally, Campaign Zero highlighted language in the city’s police union contracts, noting that it may prevent police accountability. That language restricts civilian oversight and requires the city to pay for police misconduct. Police union contracts should be amended to remove this language, improve transparency, and increase trust between civilians and law enforcement.

To improve police accountability, St. Louis policymakers must reflect the priorities of community residents. One way to do this is by investing in community healing instead of criminalization (Joe, Motley, Ivory, Finner, & Frederick, 2019). A

review of city and county budgets demonstrates that both governments significantly prioritize policing over community well-being (City of St. Louis, 2020; St. Louis County, n.d.). This is particularly apparent in the city, which has allocated 56% of the fiscal-year 2021 budget to the Public Safety Department and only 0.3% to the Health and Human Services departments. While the city’s Public Safety budget includes funding for the Fire Department, there are several opportunities to reallocate funding. For instance, the city continues to include funding for the salaries of 130 law-enforcement positions despite its inability to fill these positions for the last few years. Additionally, the city’s medium-security institution, colloquially referred to as “The Workhouse,” costs approximately \$16 million every year. The facility is notorious for its inhumane conditions and disproportionate impact on Black St. Louisans. Local advocates note that closing the workhouse would allow the city to address public safety more effectively by funding solutions



As a member of **President Barack Obama's My Brother's Keeper Alliance**, HomeGrown STL works on behalf of Black boys and young men ages 12 to 29 in St. Louis. The aim of its Healing Policy Initiative is to provide data and resources to inform local policy decisions, advocacy efforts, and the development of collective impact strategies to improve outcomes for Black boys and young men.

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to the inequities, such as a lack of affordable public housing, that contribute to high crime rates (ArchCity Defenders, Action St. Louis, Bail Project, & Advancement Project, 2020).

In sum, we offer 10 recommendations for reforms in the St. Louis region. These serve to hold police officers accountable for their actions and sworn duty to serve and protect. The policy recommendations would significantly enhance the personal safety of St. Louis's Black boys and young men:

1. Require an independent and transparent special prosecutor to investigate all misconduct claims against local police.
2. Create a publicly accessible registry including complaints, use-of-force (injury and death) records, disciplinary records and termination records that are publicly accessible and can be uploaded to a federal repository.
3. Implement duty-to-intervene protection policies for officers, with measurable consequences of accountability to promote a more effective police culture.
4. Make use of body cameras mandatory and adopt a policy requiring their use at all times.
5. Adopt mobile data technology for tracking, reporting, and investigating instances in which officers point their gun or Taser.
6. Implement responsible, evidence-based hiring practices and department policies.
7. Disinvest in criminalization and invest in greater personal safety.

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8. Implement a publicly accessible "Equity in Policing" analysis for all union contracts.
9. Establish as the prosecutorial standard for suspected police misconduct a finding that the officer acts with reckless disregard for someone's life, causing that person's death.
10. Establish as the civil-rights liability standard a finding that the officer violated an individual's civil rights by acting with reckless disregard for life, causing that person's serious injury or death.

What Will You Do?

In *The State of Police Reform, Forward Through Ferguson* (2019, p. 36) noted: "We need to let go of any municipal exceptionalism that tempts us to think that inequality is the problem of 'them'. This is everyone's work." Although this statement referenced the problems facing the St. Louis region, the sentiment holds true for the nation as a whole. It is time for policymakers to join together in actualizing legislation focused on police accountability and an end to police violence—the avoidable killing of Black Americans, particularly Black boys and young men, is not a partisan issue. HomeGrown StL calls upon all local, state, and federal legislators to stand up for the country's rule of law, and Black boys and young men, by implementing policies that bring accountability, transparency, and "equitable justice" to the justice system.

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Additional Resources

from Experts with the Race and Opportunity Lab

Build the village that raises the child

HomeGrown STL. (2018, March). *Build the village that raises the child* (CSD Conference Report No. 18-10). St. Louis, MO: Washington University, Center for Social Development, Race & Opportunity Lab, HomeGrown STL. <https://doi.org/10.7936/K7Z037RT>

Social mobility: The necessary focus of St. Louis investment in Black males

Joe, S., & Motley, R. O., Jr. (2019, February). *Social mobility: The necessary focus of St. Louis investment in Black males* (Race and Opportunity Lab Brief Report No. 1). St. Louis, MO: Washington University, Center for Social Development, Race and Opportunity Lab. <https://doi.org/10.7936/s7h3-ct03>

Healing policies for Black boys and young men in St. Louis: Priorities in 2019

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Black males, trauma, and mental health service use: A systematic review. *Perspectives on Social Work*

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Exposure to community-based violence on social media among Black male emerging adults involved with the criminal justice system.

Social Work Research

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Mental health and educational experiences among Black youth: A latent class analysis. *Journal of Youth and Adolescence*

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HOME GROWN STL

About HomeGrown STL

HomeGrown STL, the St. Louis's My Brother's Keeper initiative, is a university-based community science intermediary that brings together multisector providers, governmental officials, planning professionals, citizens, and private-sector partners to develop regional and local strategic plans to disrupt dehumanizing or fragmented care coordination, using life coaches to provide seven pillars of personalized care to help improve the well-being and economic upward mobility of an entire population of Black males ages 12 to 29 years in specific Saint Louis geographic areas within a generation, by the year 2040.

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About the Center for Social Development

The Center for Social Development's mission is to create and study innovations in policy and practice that enable individuals, families and communities to formulate and achieve life goals, and contribute to the economy and society. Through innovation, research and policy development, CSD makes intellectual and applied contributions in social development theory, evidence and policy.



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