Good afternoon, everyone.

Thank you so much for joining us here today.

My name is Sharmila Murthy.

I'm a professor here at the Law School and also director of Faculty Research and Scholarship.

And I'm actually welcoming you, on behalf of the deans of all three schools here at Suffolk, Dean Perlman, Dean Zeng, Dean Sparks, who were motivated by recent events in the news, in particular, the killing of Tyre Nichols.

I think the deans thought, why is this happening in our country and what can we at Suffolk Law do to promote dialogue and conversation around these important issues?

So without further ado, I'm going to introduce our five panelists who are from across the University.

We have Professor Karen Blum, Professor Brenda Bond-Fortier, Professor Lucius Couloute, Professor Frank Cooper, and Professor Carlos Monteiro.

I should say, we are still claiming Professor Cooper as our own even though he was formally at the Law School and is now at the University of Las Vegas in Nevada, and is now visiting at Boston University.

But without further ado, I'm gonna turn it over to the panelists to start.

The format is actually going to be a moderated conversation among themselves.

And so I hope we have room, by the way, up in the first row, I invite folks that are looking for seats to come up to the front row just from the sides.

I promise you won't disturb us.

Thank you so much.

Thank you, Sharmila.

Welcome, everybody.

It is so fantastic to see everybody here.

And I'm also echoing Sharmila's sentiments of thanking the deans for bringing us all together.

This is long overdue in terms of having faculty get-together from across the University.

And I'm so happy to see some of my students and so many others and colleagues here.

As Sharmila had mentioned, we're going to have a sort of a facilitated conversation.

And so I am lucky enough to start us off and just wanted to sort of extend sort of the motivation for bringing us together.

Recent events around the murder of Tyre Nichols has certainly sort of prompted or reminded us of a sense of urgency, but also there are so many other things that have been going on around policing in the United States.
and many other places around the world
that we really wanted to bring this,
the conversation about brutality,
about accountability, transparency,
and so many other things that affect our lives every day.
So I'm lucky enough to sort of set us off
and ask Carlos if he would maybe,
not Carlos, sorry,
Lucius, to start us off and talk a little bit about
some of the more recent examples
and the context that helps us
sort of situate this conversation today.
So I'll let Lucius take it from here.
- Thank you.
All right, can y'all hear me?
All right, awesome.
So, yes, appreciate you all for being here.
I think it's really important to be in conversation
in community with folks around sometimes
really difficult but important issues, right?
And so, you know, I'm gonna sort of jump right into things.
So every year,
roughly a thousand people are killed
by on-duty police officers in the United States,
so this averages out to, you know,
a little more than three a day, all right?
And a disproportionate number of whom are Black.
And you know, as you can see,
it seems like, you know, every month,
every week, almost every other day
it seems like we're getting a new report,
a new account of an officer killing
often an unarmed Black individual, right?
And so,
for me,
it's important to recognize that, you know,
the numbers kind of bear out this sentiment or this feeling
that we're constantly being barraged
with these sort of reports, right?
And so, Black folks are killed
at almost three times the rate
at which white folks are killed by the police, all right?
And if we focus squarely
on the killing of unarmed individuals,
we can see that, you know,
where Black folks make up 13 to 14% of the general public,
about 32% of all unarmed folks who are killed by the police
are Black, all right?
So for me, this sparks the question like,
what causes these issues, right?
What's the impetus for these disparities?
And I think there are a range of causes, right?
And I think our panel's gonna speak
to some of the specifics,
organizational practices, police training,
legal frameworks, those sorts of things.
What I like to discuss is sort of what I see as
at least one of the foundational causes of inequality
with respect to police killings,
and that is the systemic and historical devaluation
of Black life, right?
The reproduction of long-standing myths
around inherent Black criminality, right?
And so simply put, in the United States,
Black people have always been constructed as the problem.
You know, you think about after slavery,
you had politicians and landowners and sheriffs
who conspired together to create practices and policies
that criminalized and incarcerated Black folks
for simply being poor in most cases,
vagrancy laws, those sorts of things,
which then allowed them to re-enslave them
through systems of conduct leasing
as authorized by the 13th Amendment.
You had, at the time, so-called social scientists, right?
Some of my folks who looked at those prison
and jail numbers and said,
aha, this is evidence of inherent Black criminality, right?
For decades, you had systems of widespread racialized terror
in the form of lynchings, right,
which were used to send a message that Black folks
who were accused of even the most minor crimes
deserve to be put to death.
As we proceed to the Civil Rights Era,
you see how protesters were constructed
as sort of the criminal element by the media and politicians
in our communities.
And during the '80s and '90s,
you had the federal government instituting a war on drugs,
which was really, I would argue, a war on people,
Black people in particular,
who were constructed at the time
and in many ways are still constructed as thugs,
as welfare queens, right?
And so Black people again as the problem.
Even today, we know that
from mountains of social psychological research,
that Black folks are viewed as less friendly,
less intelligent,
and more threatening than their white peers.
If we focus on research examining police bias in particular,
research using computer simulations, for example,
we find that officers shoot targets more quickly
if they are Black and decide not to shoot more quickly
if the individuals presented in front of them are white.
And officers also tend to make more mistakes
when Black unarmed targets are presented in front of them.
So, you know, we could spend an entire class,
and some of my students here know that we often do spend entire semesters talking about the criminalization of Black folks and how that leads to mass incarceration. But I think, you know, just to summarize the reason that so many Black folks like Tyre Nichols died disproportionately at the hands of police officers, at least from a social historical perspective, is grounded in sometimes explicit, but often implicit perceptions of Black life as less valuable, as dangerous, as inherently threatening, right? And so with that, I want to kind of shift gears a little bit.

So now that we sort of at least have a cursory understanding of the sort of the criminalization of Blackness over time, I want to kind of shift gears and allow Professor Monteiro to talk about some of the specifics, some of the contemporary specifics around police training, for example, that may have contributed to sort of the patterns that I presented earlier.

- Thank you, Professor Couloute.

So not necessarily just sticking with training, right? But it's really quite difficult to sort of pinpoint one answer and lay the blame squarely on policing, right? So I wanted to talk more specifically about the lead up to policing today, or how do we get here today, right? And so for that, you really have to consider the changes in policy, particularly those with sort of nationwide reach that have extended or broad and lasting consequences. For example, when you look at the US prison population boom, you can't really sort of connect that, sort of a correlated increase in crime, right? No, you really have to look at a lot of the changes in policy initiatives that are brought on by the war on drugs, the war on poverty, the war on crime, right, you look at truth and sentencing policies, habitual offender policies, mandatory minimums, so all of that led to sort of that increase. And so with regard to policing, we can review the changes in policy that shifted policing from sort of the traditional beat cop that's sort of walking in the community. And that's the typical era of policing that we're sort of, we left, right? We've professionalized policing where today, it will be very difficult to sort of describe the policing model as community policing, which is technically the era that we are currently in
when you're looking at sort of the historical shifts in policing that we have. And the efforts to sort of professionalize policing however, it coincided very much so with sort of the war on drugs that created sort of the situation that we have today, created sort of the policing model that we have today. So we're not gonna be able to, like Lucius said, we're not gonna be able to get into all the issues today, but take for example, police militarization, right? We know that that's something that's quite common in many precincts across the country. So even without going into the effects of police militarization, which is extensive and far-reaching, the policing model that we do have today across many of the communities, really sort of creates sort of a barrier between the community and police. And we know that, right? When officers are pulled from the beat, they're put into cruisers, right, there's the disconnect that we have there. And in that disconnect, unfortunately, when you're looking at policing in certain communities, particularly in sort of less affluent communities, you know, when police are called, they're usually responding to a call with sirens blaring. Maybe they're showing up only to sort of to remove a member of the community, to arrest a member of the community. And these are typically high stress situations, both for the community members and also for the police officers that are involved, right? We know that to be the case. They're traumatic situations. And I'm not here to sort of dictate police operation, right? I don't think any of us are sort of here to do that. But by now we've all seen sort of the double standard that does exist, depending on where you live in the communities, right? We know that with regard to policing. My interest in policing comes directly from my upbringing here in the city of Boston. I grew up in Dorchester. I am a Roxbury resident now. And I can tell you, if you're looking at the different communities, West Roxbury is a whole lot different than Roxbury, we know that to be the case, and they're treated differently in every sense of the word. If you really wanna go into the specifics, Roxbury residents, for the most part, are not getting the benefit of the doubt that is offered to sort of other more affluent communities
especially when it comes to interacting with police. We do know that to be the case as well. And that does have a lot to do with what Professor Couloute talked about, right? It does have a lot to do with race and sort of the criminalization of race, certainly criminalization of Black youth, right? Residents in my neighborhood, in my community, and in other urban communities, they're aware of the challenges that they're facing, and they're aware that it does take sort of this collective effort to sort of deal with a lot of those, a lot of those challenges. And that collective effort, particularly when you're talking about public safety, it does involve sort of a collaboration, a cooperation with the police. Unfortunately, we know that that's not happening in many of our urban communities, right? We're not seeing that sort of collaboration. Police departments across the country, even in our own sort of BPD, they've attempted to sort of improve community policing relationships. One particular idea that gained quite a bit of headway and some traction here and across the country was this idea of sort of trying to make the makeup of the police departments reflect the communities that they serve, right? And, you know, I see value in that, and that's value that's actually backed by research. Our own researchers here, myself and Professor Gebo, we actually did a study recently, where we examined youth perceptions of neighborhood safety and from the perspective of native-born and immigrant youth. And what we found was that, these youth were sort of they found, they found officers to be capable guardians, particularly when they had positive interactions with the police officers, if they knew or were familiar with the police officers, that's something that was helpful. For Memphis, with the force that was sort of representative of sort of its community, this did not work out, right? We know that unfortunately it didn't really work out. So there's more to that that I wanted to get into, but I wanted to sort of pinpoint one particular area that we don't often talk about, right? It's an area that, it's a bit of a secret, I say, I would say, right? So yes, policing culture is important,
but you have to sort of look at some of the policies that have led to that. And one particular area that has led to that was sort of the evisceration of 4th Amendment Rights offered to sort of residents, right? And so I wanted to sort of bring that up to Professor Cooper and ask him specifically about some of the legal protections that have sort of faded away, and that have led to sort of policing and the policing interactions that we have today.

- Thank you so much. Appreciate it, Professor Monteiro. And it's great to be back at Suffolk. I'm going to talk, hopefully, I'm gonna talk about the PowerPoints that are not showing up on your screen.

So what should I do?

- There you go. All right so, I'm gonna talk about a little bit of the legal context. How police officers got to be so empowered that it became natural that we have racially disproportionate police violence. So first thing was a case from 1968, Terry versus Ohio. And in a nutshell, that case is said that, there was a question of should we limit seizure and search to only cases where there's probable cause? And probable cause is the term that's used in the US Constitution. But the court said, well, actually, can the police automatically do a full search of a person anytime they're making an arrest? And the court said yes.

And then at the end of the opinion, without any citation to support it, the court said, the fact that the officer does not have the state of mind, which is hypothesized by the reasons for the rule, that's okay, as long as the circumstances,
viewed objectively, justify that action.

So now we've moved from some exceeding or expanding of the powers of police officers so that they can do things that they used to not be able to do.

And now we've got a statement that when we let them use those powers, we still just think about not what's in their head, but whatever they say they saw.

So objectively, it means what would a reasonable person have thought was the situation.

All right, so then Graham versus Connor, this is the key case that decides whether police officers can be held responsible for excessive force.

And in a nutshell, the Graham versus Connor opinion was about an incident where a police officer followed a diabetic who was rushing to get sugar and got some teammates and threw the diabetic through the hood of a car.

And the question was, was this excessive force when he, you know, had broken limbs and other injuries?

What's important about that case is that, again, this reasonableness balancing test comes up.

So the question is, or the rule in Graham is that, the court must, when it's considering excessive force, consider whether the law enforcement action was a reasonable action, but then they put a thumb on the scale, they say, you have to consider the severity of the crime, you have to consider whether the suspect was an immediate threat, and you have to consider whether they were resisting or evading arrest.

So that brings us to the bottom part of the screen here. This is key.

When a court considers a police officer's actions, it must ignore any actual bad motivations that the officer has.

And that becomes important when we get to the case that creates the right to racial profile, Whren versus United States.

In a nutshell there, some young Black men were in a fancy new car, so undercover vice officers decided to pull them over, even though that was against police department regulations in the situation.

And what did the court say? The court said, look, we have to ask if a police officer who has probable cause to do a traffic stop should be able to do that traffic stop
when no reasonable officer would do that stop.
And they said, yes.
If an officer has probable cause,
we presume that they are reasonable.
And the reasoning among other things,
was a reference to that dicta,
unnecessary language from Robinson.
They said that,
the fact that there was the statement in Robinson
forecloses the possibility of considering
a police officer's bias,
and that Whren case is considered the case
that allows police to racial profile.
So I'm going to stop there and pass it on to Professor Blum
to talk about qualified immunity.
Well, thank you Frank, and thank you all for coming.
This is an important conversation to have.
And I assume if I just go down
that I'm gonna get to my slides here, yeah.
I'm not gonna go through all the legal jargon,
but I'll tell you the qualified immunity is,
depending upon which side of the aisle you're sitting on,
not here in this room, of course, but in life,
which is the poison pill that will kill
any sort of attempted reform
at getting rid of qualified immunity,
or it will be viewed as the silver bullet.
In other words, you know,
qualified immunity is the thing that's,
is the thing that we have to get rid of in order to survive
these sort of police accountability kinds of incidents,
and getting rid of qualified immunity
will solve all our problems.
I don't think either view is correct.
I think there is a middle ground.
And I think that, you know,
you really have to understand and listen
when people talk about qualified immunity.
And one of the problems I've seen,
I've given testimony at, you know,
legislative hearings on the state level,
on the federal level, others have done the same,
and no matter what you say,
and no matter what you come in with,
people seem to leave with the same views they had
when they came in the room,
which is not the point of having
some kind of an informed discussion.
So, you know, but what is qualified immunity?
Frank gave the example of, you know,
just need probable cause to pull somebody over.
Well, actually,
if an officer has what's called arguable probable cause,
This is the sort of dreamland that you get into when you're talking about qualified immunity. A police officer can violate your constitutional rights. Court can hold that a police officer has indeed violated your Fourth Amendment rights by using excessive force. But if the law was not so clearly established at the time of that incident, that every reasonable officer would've understood that engaging in this particular conduct violated that constitutional right, then there's going to be qualified immunity. The Supreme Court has made this standard so impenetrable by plaintiffs in these civil rights cases, that in fact it's become almost an absolute immunity.

We're talking about civil litigation, not talking about criminal liability. We're talking about plaintiffs bringing civil actions to recover damages for injuries that they've suffered as a result of constitutional violations of their rights. And what has happened in since 1982, essentially, the Supreme Court has made up this doctrine. It's not in the statute that people are using to enforce their constitutional rights, which is Section 1983, if you're law students, or I know some of you were in my Police Misconduct course during intersession, you would recognize that, but Section 1983 is a federal statute that allows persons whose constitutional rights have been violated by state actors to sue and be compensated. There's nothing in this very short statute that even mentions any kind of immunity, but the court has made this doctrine up and strengthened it over the last 40 years so that has now become, you know, in the view of police officers, this is what's protecting them from bankruptcy, they will tell you, and in the view of plaintiffs, it's what's keeping police from being held accountable and what's keeping plaintiffs from getting compensated for constitutional injuries.

So, you know, adding sort of layer on top of layer to this problem, the Supreme Court has told us, first of all, what counts as clearly established law, where do you look? They've suggested that maybe circuit court opinions, which every circuit in the country thinks count, don't count, they have suggested that maybe it's only Supreme Court opinions that can clearly establish the law. The second thing they've done is they've said,
you don't even have to tell somebody
if their constitutional rights have been violated.
The courts can just skip to the second question and say,
well, doesn't matter,
we're not gonna answer that question,
that's a tough question.
But the law was not clearly established at the time,
so qualified immunity.
This gives you a brief overview.
Since 1982, the Supreme Court has confronted
qualified immunity in over 30 cases.
Plaintiffs have won three times, all right?
That gives you some idea.
Since 2020,
the Supreme Court has denied cert by my count
in over 44 cases,
which indicates there's no interest in, you know,
going forward with this in resolving
or in eliminating or modifying the doctrine.
I'll leave some of this other stuff on what states have done
for our discussion towards the end.
But qualified immunity, I'll just end with saying,
killing it will not solve all our problems,
but keeping it is not necessary to protect police.
Frank has given you the standard
that protects police already.
If your conduct is reasonable,
you won't have violated the constitution.
So now, I'm going to Brenda.
And Brenda's gonna start us off
with a conversation about why there's so much resistance
and problems with suggesting police reform.
- Thank you very much, Karen.
As if there aren't already many obvious challenges,
I'm going to add to this conversation
by sort of talking a little bit about police organizations
and why it's so difficult to reform them.
We'll continue, I think,
on some of the themes that others have brought up.
But I wanna tell you a little bit about
police organizations.
Some of you may know about police organizations
and how they are structured and how they can help us,
how that structure can help us understand
the challenges of change.
So I'm a Business School faculty member,
but I have for 30 years worked with police organizations.
I started my career working in a police organization
that was undergoing some significant change.
So I wanna share with you some of the experiences
and observations and also my research,
locally and nationally,
police organizations are structured, and some of the challenges. Now, despite all of the calls for change and reform, as some of our colleagues have suggested, it's very complicated to try to change police organizations because it's multi-dimensional. We need law, we need legislative changes. Here in Massachusetts, over the last several years, there have been some successes, but a lot of delays in police reform, and many of those take a very long time to implement. So even though we are sort of in this time of accountability and transparency, changing and reforming police organizations is very challenging.

Police organizations are primarily supervised or overseen by local municipalities. In the United States, there are over 18,000 police agencies that are run differently. And yes, each of them is directed by their legal mandates in their own states, and also informed by many of the unions that exist in the workforce. So the challenges are that you need multi-level change in order to actually shift the way that officers behave on the street. From some of the research that I have done, and locally here in Massachusetts and elsewhere, it will take approximately 10 years to actually reform a very small police organization. And in the time of that, you need to change, as we sort of talked about briefly earlier, you need to change how officers are recruited, what kind of officers are we looking for, what does our community want, what does our community need, how do we even know what our community wants, and what our community needs? So from the very beginning of recruitment of personnel who work in that organization, and then into their training, reform requires that we think very thoughtfully and we use community priorities as a way to think about who comes into our organization. So even when you then get into the police organization, there are structures where you have police officers who work on the street, police officers who may be supervised, you have people who work inside the organization, people who work on the street, all of those individuals and the work that they do is sort of dictated by law, policy, contracts, union contracts, local policy,
state policy, and otherwise.
So changing police organizations
really is both complex and long-term,
because we need to think about
what is it that officers do every single day?
What do those individuals who work in police office,
police departments do every single day?
How do we think about policies?
How do we change policies as we move into these new eras?
Carlos had talked about being in a community policing era.
As we move into a new era,
I don't know what the current era is called,
but how do those policies and practices look
and do they conflict with the old way
that we used to do the work?
reforming police organizations has to happen
both at the local level,
but then also at state and national levels as well.
Other types of things that we need to be thinking about
in terms of the challenges
have to do with sort of the practices of police,
the culture of police organizations
that are also reinforced by policy,
reinforced by supervision.
So in addition to thinking about what happens
inside organizations,
we also have to find ways to engage the community
and find out how do we know from the community
what it is the community wants,
and then how do we support the department and the community
in meeting those needs, right?
And historically,
agencies have not been resourced in that way,
and so all of the systems that need to be in place
in order to make the connections between community wants
and what the police department is doing
have not been aligned.
So that's just a sort of sampling of how complicated it is.
And obviously, my colleagues have sort of offered up
some other aspects of this.
We're gonna bring,
I think we're gonna bring Carlos back into this discussion
to talk a little bit more about challenges.
- Yeah, one of the,
so going back to Memphis, right?
Memphis is a,
that's why we're here, right?
And in Memphis, the idea was again to try to make the force
look like the community a little bit.
And we saw the incident, the Tyre murder I should say,
we saw that the officers involved
were all officers of color.
And so that was, it's perplexing.
I mean, some folks who were confused by that.
And I want to sort of point to culture a little bit and this idea of how when you do become a police officer, this idea of blue trumping black, right? You become blue, right? You're no longer black. And you know, I have friends that are officers and they tell me that when they respond to calls, and these are officers who are also Black, and they respond to calls, they hear, you know, residents nearby sort of chirping or making comments or you know, sort of suggesting, sort of, no, I'm not gonna use the words, right, but they're no longer black, right, that they're blue. And really sort of, you know, you have to look at sort of the culture, the police culture, right? So you can change the color of the offices, right? But you really have to also change the culture. And the culture is going to be difficult to sort of change, because once you, you know, police, law enforcement organizations are great at sort of indoctrinating their recruits into that culture, right, and that culture requires loyalty, it requires sort of that blue wall of silence that we hear about. And that blue wall of silence demands loyalty to your colleagues, right? And so we never really hear, you know, about sort of officers reporting on other officers when they transgress, right? We don't hear that often. So unless sort of the action or the misconduct is egregious and obvious and sort of viral, right, we typically don't hear about a lot of this. And I'll say that, if you, in a lot of these cases, right, and again, not the national ones that garnered national attention, a lot of these cases, police are actually doing what they're trained to do, which is difficult for me to hear, because I know and reasonable people will look at it and say that well, that's wrong, right? But they're doing, they're following that rule book. And for me, that rule book has to change and that culture has to change, right? That procedure and, you know, the system we have today where the prosecutors and the police are sort of, they have to work together, that offers, you know, they can always hide behind, you know, the department policy. We hear that again.
They didn't violate department policy.
I think, you know, I'm not gonna,
I don't recall the incident in Cambridge,
but I think that was an incident as well that, you know,
and again, I remember other stories where, you know,
countless stories where maybe a relative
will call a police officer for help in dealing with the,
you know, another relative who's struggling
with the mental illness,
and the police officer shows up and unfortunately, right,
maybe they shouldn't show up,
maybe we should turn to alternative response mechanisms,
but they show up and they're not able to deal with it.
And you hear that term non-compliant
and the police officers have sort of following that training
of sort of, well, they're not listening to me.
Well, they're not listening to you
because they're suffering or they're having an episode
and that's why they're not listening to you.
And so you're turning to sort of, you know,
your procedures which require force that may be deadly
and often is deadly.
So again, you know, so culture is important,
but I'll turn to Professor Blum to see
some of the other difficulties in terms of reform.
- Stand up so I can see everybody.
Yeah, so one of the things that struck me
that people were kind of surprised when they saw all,
you know, five Black officers that were involved
in the Tyre Nichols' killing.
But, you know, I went back to my office,
I don't know,
and I taught a police misconduct litigation course back in,
I don't know what year in the '70s and the '80s,
you know, before police misconduct was kind of a thing.
And, you know, so I went into my office that I have here
and I keep some, you know,
'cause I don't throw anything out,
I went through my files and I said, you know,
this has been around for a long time.
So I pulled out,
these are just three,
I mean, out of a file and on, you know,
the color of suspicion,
These are all articles in the '90s
about racial profiling and how Black officers do it
just as white officers do it.
And to what Carlos was saying,
the black and blue line is really black and blue,
and officers are on the blue side of the line most times.
So this is not a new problem.
in some sense I have become very discouraged because this has been around for so long. Now, of course, we have the videos, right? And so that's helping a lot. It's helping both, the officers and citizens, because, you know, the officer isn't always misbehaving and sometimes that's shown clearly on the video as well. But having these videos, you think about, you know, Derek Chauvin, you think about what happened to Tyre Nichols, if you didn't have somebody recording that, it would've come down as a totally different story. You saw what the police report said. So somehow that culture does have to be changed. And I'm afraid frankly, of what's happening now, because a lot of people don't wanna go into policing. It's, you know, it's not a good place to be at the moment and for many reasons. And if the departments lower their standards, so that basically if you're a warm body, you're gonna get hired, we're just gonna be in, you know, a worse position than we're in now. So we really do need to do something. But we've been saying this for a long time and I'm very discouraged about what's going on on the national level in terms of change. There are some handful of states that are doing something that's more productive and we'll see what happens with that. But, you know, if you think Massachusetts is kind of this liberal place where we're doing everything right, we're not. And we've got a lot of work to do here. We were one of the last states to adopt this POST Commission that the legislature put in place after George Floyd, one of the last states to do it. And we still have a civil rights state statute that is totally, totally dysfunctional and inoperable and not helpful to plaintiffs. I can talk about that more later.

Okay. Where do I go from here? Ah, go ahead. Yeah, I mean, so, you know, I think you two have really hit on some really key points about, you know, this discussion around, you know, the officers were Black, right? Does that change our analysis? Does that change how we understand what happened in this specific case? And I think, you know,
folks on this panel are experts at sort of thinking about internal police sort of cultures. I would also point out that like even Black folks are not immune to broader biases, right, to broader racialized ideas around whose life is valuable and whose life is not valuable, right?

So I think it's really important to recognize that like none of us can really escape. We have to do like intentional work to escape those sort of racialized ideas about value and about deservingness and about worth, right?

And also I think it's important to note that like, racism doesn't just operate on the individual level, right? It operates through practices and policies. And so you could have the most amazing officers, right?

But if they're constrained by internal organizational policies and laws that dictate, and cultures that dictate what they should do, and if those sort of cultures and policies and practices lead to unequal, racialized outcomes, then an amazing individual officer is severely limited in what they can do if they're working and operating within a larger racist system, right?

And so I think it's important to note that as well. And, I don't know, if you want to kind of jump in here.

- Yeah, thank you.

So I'll just say that, everybody said a lot of the important things about why these Black cops would do this. I wanna point to two of the aspects of the culture that are problematic. The first aspect of the culture that's problematic is the idea that their sort of racial bias is built into how we police. Police departments use now algorithms, but they used to just use their common sense to say that they need to police certain neighborhoods, the Black and brown neighborhoods, more than they police other neighborhoods. So that's the first thing is that racial bias is part of the culture.

The second thing that's part of the culture is punishing disrespect, right? So when you see somebody not comply, i.e. get kicked and try and run away, then you can see police officers whether they're white, green, purple, it doesn't matter, they're gonna act blue, and that's to punish the disrespect.

So those two aspects of the culture are really important. And I think now we can turn from the sort of criticism to what can be done.

So I would ask Professor Monteiro...
if he has some ideas about what we might do.

- I think we're supposed to be, okay, so I think the, so this summer, I actually sat in and I actually sat in, I do work with correctional officers and correctional officer wellbeing.

And so we're following a group of recruits sort of right from the academy.

So 10-week academy, I sat in and I watched them sort of go through that academy.

In the academy, for the most part, again, you have to think about as a researcher sitting in, it may change how the academy is run, right?

We know that there's a hidden curriculum, you know.

And so we're following a group of recruits sort of right from the academy.

In the academy, for the most part, again, you have to think about as a researcher sitting in, it may change how the academy is run, right?

We know that there's a hidden curriculum, you know.

And the reason that we look at policing is because one, that literature is fairly new, that type of research is fairly new.

But there are similarities between the two, right?

So we do see that with the police officers as well.

In terms of what can be done,

unfortunately, a lot had to happen for us to act, right?

Professor Blum talked about that.

We saw that take place in here, in Boston, right in front of us here where,

and that's actually what sort of pushed Governor Baker to actually sign that law in, you know,

to sign that bill and make it into an act, right?

Because it was,

when the videos with the BPD officers came out

showcasing some of the language that they used

and the sort of the treatments with the protesters,

that caused, that sort of nudged the Governor to actually sign,

after some amendments to the actual bill.

But just between,

I was looking at sort of the different legislative, pieces of legislations that came out,

between May 2020 and May 2022,

there are over 4,000 bills and reform proposals asking for police reform across the country, right?

And that was again, in the aftermath,

or in the wake of the murders of George Floyd, Ahmaud Arbery, Breonna Taylor.

And so we saw that.

For Massachusetts, it wasn't easy,

and it certainly took a long time, we know that.

We have, you know, for Massachusetts,
we have what's known as the Massachusetts Peace Officer Standards and Training, which is known as the POST Commission. And, you know, initially when we were actually sort of talking about this, I asked if that was a model for the rest of the country. And I'll turn to Professor Blum to sort of, again, to talk a little bit more about, is it a model or, you know, are we the best? Are there other cities or areas that are doing it better? I know that when we're looking at Finland and Norway, for example, our typical training for police officers are about 10, I'm sorry, six months, right? I believe in Norway and Finland, it's a three-year program, right? A three-year sort of training. And one thing that we haven't talked a lot about is that the profession is dangerous, right? The profession, you know, officer wellbeing, suicide rates, suicidality is something that's not discussed often. And even in this bill that was passed, I was looking at it more closely, they only put in a two-hour training, upside down, they only put in a two-hour training for suicide prevention and wellbeing for the officers, and that's an annual training, right? And that's not enough either for the officers, right? So there's a lot that can be done. So I'll turn to Professor Blum to talk about some of the reform. - Well, I already indicated that Massachusetts is not what I'd call a leader in police reform. The issue of qualified immunity was before this commission that eventually proposed the Police Reform Act that we do have with the POST Commission. And after, you know, a year or more or whatever of discussion and debate, and that's one of the hearings I testified before, they decided to put the issue of qualified immunity to a commission for study. And the commission then studied it for five months. And then the commission said, well, we think the best thing to do is wait another two years to see how the POST Commission Act, you know, works once it's in operation, and we'll wait another two years. In other words, it's just kind of, you know, kicking the can down the road constantly. The one big thing that Massachusetts could do, and this is outside of the qualified immunity
and federal law area,
is improve our own Mass Civil Rights Act,
which now requires,
if a police officer comes up
and just shoots you in the back,
you can't bring a claim under our Mass Civil Rights Act
to recover damages under that state statute,
because there were no threats, intimidation or coercion.
That language is a killer, frankly,
for plaintiffs under Massachusetts law.
And so one of the recommendations
that the commission did make,
although most thought it was outside of its purview
or, you know, what it was supposed to be looking at,
32 is to get rid of that language.
That would go a long way
for helping plaintiffs in Massachusetts,
but that's just a recommendation.
I do wanna, before I sit down,
I'll give a shout out to the fact that
there are some good police officers
and one of them is in the room, a former student of mine.
And when I taught this course over so many years,
I had a number of law students who were police officers.
They were the best students in the class.
And they were more outraged by most of the stuff we read
than the other students.
So I wanna say thank you to Shaun Santos for being here
with his lovely wife and dean, Ann Santos.
Shaun also carried, I know at his wife's command,
this big box of books up.
I have these old, they're not that old,
my police misconduct treatise
that I do with Michael Avery who was also on this faculty,
and Jennifer Laurin and David Rudovsky,
they sell for some crazy ridiculous price
from the publisher.
But anyway, I have them from last year.
There's a box of them over there.
So any of the students who would like one
or interested in that,
after the session, feel free to take one.
And thank you, Shaun, for bringing those books up.
Always the best student.
All right, thank you.
- Thank you, Shaun, for being here.
Shaun and I worked together a thousand years ago too.
I do want to,
I wanna sort of add another sort of very complicated aspect
to this conversation.
When people are in trouble or they need help,
they mostly call 911, because it is the only number to call.
Until recently, when we had 311,
and now we have 988 as a number that folks can call for help.

We have as a society sort of moved in this direction where we have programmed people to call 911. And the only people who work 24 hours a day, seven days a week, and will respond to that are police.

So I wanna recognize that and use, plagiarize a good friend of mine who said, if not them, then who?

Who shows up when the crisis is happening? And there are a lot of, there are a lot of reasons why people call 911.

I'm not an expert at 911, but my friend and colleague, Professor Jessica Gillooly, from the Sociology and Criminal Justice Department who is here, is an expert.

But I've been working with Jessica in various cities across the country over the last couple of years trying to understand why people are calling 911 and what happens.

And so part of the conundrum that we find ourselves in is that cities, communities have not staffed up other resources in order to respond to the mental health crisis call, the suicide call, the youth in crisis sort of type of call or some other type of call.

And so I think as we are talking about police reform and all the things that we can do to fix the police, I think we also have to sort of expand the way we think about this and say, what are the kinds of things that the community calls the police for?

And of those things, should others really be staffed up to support that, right?

So, you know, I'm sure those who work in police agencies or do this for a living will say that sometimes they are called to show up to a place where maybe they're not equipped or they don't have the training or the experience, but they are the ones to show up.

So I think I would like to also recognize that, sort of municipal leaders, state leaders, others, have a role in thinking about what the future of safety is, right?

In addition to defining what is safety and how do we ensure safety, how do we think about placing people and their expertise in the right place to serve the needs of the community, whatever those needs are?

And as much as I feel like we need to do a lot to improve policing and accountability and support,
the challenges that we face are not solely on the shoulders of the police. I'm gonna ask Frank to maybe jump in and talk a little bit about others in the field beyond municipalities or providers who can also be part of this conversation. - So, thank you, Professor Bond-Fortier. So we've made an executive decision to move to Q and A so that we can hear from you, I think. Is that right? All right, go ahead. That's what I have to say. - Do we wanna start with go ahead, open it up for one. Okay, great. So yeah, I mean, so we'll transition into a Q and A. I just wanted to note that like often when we get into, when we have these community conversations, the question often becomes, you know, what can I do as a community member to ensure the safety of my community, to ensure that we don't have, you know, the statistics that I showed earlier, right? And I just want to briefly note that there are some really important things that I think that we can all do, right? Number one, we're having these conversations here, so like really, you know, bravo to you all for showing up. But I think, you know, in terms of taking action, there are countless sort of community organizations, right, across Massachusetts, Boston, folks from around the country. In your own communities there are likely, you know, the local ACLU chapter. Here in Massachusetts, you might have folks like, you know, Families for Justice as Healing or Black and Pink Massachusetts. There are a number of organizations that are working on these issues, that are working on campaigns to reduce police violence, so on and so forth. And if you're interested in getting involved, I think the organizational route is a really important way to go. Secondly, because my mind doesn't really work at the national political level, I really think that local politics is super important when we're talking about police organizations, right? And so making sure that you are in tune with the folks who represent you, but beyond that, being intentional about the law-making process as well, right? So any one of us can testify in favor or in opposition of bills, right? In front of legislators,
in front of those committees, right?
And so often by joining with community organizations,
learning about that process of like,
how do we introduce a bill?
How do we craft a bill with lawmakers?
How do we testify?
You really gain that expertise
and you get to share your voice, right?
So I think it's really important to use the resources,
the organizational resources that we have
to kind of, you know, tell the folks in power
what we want in our communities, right?
And so I'll leave it there
and I guess we can sort of open this up to a Q and A.
Yes, Sonia?
Hi, everyone.
Thank you, I think for this very timely conversation.
So a question that I have,
and I'm just curious to know what your thoughts are.
All of us witnessed the urgency
in which the police were charged in the Tyre Nichols case.
And I was just curious to know what your thoughts were
in terms of, does that set precedent for the speed
in which other police departments around the country
will also seek to charge, indict,
fire their own respective police
and those associated with crimes?
'Cause we know that there's been,
a myriad of them, right, as you told,
Breonna Taylor and so forth,
but we just noticed that in this case in particular,
and I don't know if it's because they were all of color
or not,
but it does lend itself to make you think that
it was because they were all of color
that they were used as an example.
And so I just wanted to know what your thoughts were around,
do you think this is indicative of what will happen
in other situations?
Because now all of us are watching
to say that it can be done.
So I'm just curious about your thoughts.
Thank you.
Can I offer my own opinion?
I don't know.
What I can say is that,
there have been police leaders and new municipal leaders
holding their officers accountable for decades.
And I think that,
that as we shift into maybe more of an accountability
way of thinking about things, there is this recognition.
And as somebody had said earlier,
good police officers do not want bad police officers around.
So I think we are gonna see a shift
and I think there's just gonna be much more public attention
to it.
So I think there's a combination
of not as much public attention to it
because things have been happening
to hold people accountable,
but I do think that there will be some shifts, generally,
in terms of making sure that we are,
that officers are held accountable.
That's just an initial reaction.
- So good police officers, and there are many of them,
don't respect their bad cops,
but they also follow the blue wall of silence.
And that's part of the reason we can't fix this problem.
- [Professor Bond-Frontier] Karen?
- Well,
there are a couple of programs that are starting
and have gotten some sort of good reviews
and this ABLE program down at Georgetown
and there's a program in New Orleans
after which ABLE was kind of scripted,
but there are programs that are intended
to build within the police culture a mindset of intervening
to prevent other officers from misbehaving.
So it's very hard for a lower level, you know,
street officer to kind of step in,
and, you know, reprimand or tell his supervisor,
hey, you know, things are getting out of hand.
But this is what this program
sort of trains these officers to do.
So that if they see in a certain situation
that someone is losing control or losing it,
and we all have the days when we lose it,
they can sort of step in,
just put a hand on a shoulder,
say the word ABLE or say the word EPIC,
these are all, you know, the acronyms for these programs,
and kind of bring things back
to a sense of normalcy somewhat.
And remind this officer that, you know,
this is gonna be bad for you,
it's gonna be bad for the person,
it's gonna be bad for all of us if this gets blown away.
So there's some of that going on.
You know, I think this is a really difficult area
of policing,
and I think we have to go back to the, you know,
who's attracted to the job,
what are we offering them,
what are they offering us,
what kind of people are we hiring,
training and so forth and so on?
And we've been going around in this circle for a long time,
but I don't see any sort of good way out of this unless we change the perception of what's expected and what's required. And the 911 is a good place sort of to start. I read a thousand cases a day and the ones that start out with a 911 call all end the same way. Now these are the, you know, the reported decisions, but it's amazing to me how this happens. So that's one sort of concrete area where I think we can do something. And having other responders, many departments are doing that now. You don't send the officer to a mental distress call by himself or herself, you send them with a mental health worker or a social worker who's unarmed and who's trained in deescalation and how to deal with people with mental issues. And so you, you know, you can work some of that out. Of course, it takes money, yeah. But, you know, I'd rather put the money there than put it into judgments or settlements to plaintiffs who end up suing the police.

So, other questions? We'll take a couple of questions and what we'll do is ask, we'll have a couple folks ask a question, then we'll let the panel respond. So Abby and then the gentleman in the back.

Hi, I'm Abby. In professional capacity, I work at the Massachusetts Office on Disability, and in that role I actually have a seat on the 911 Commission, the State 911 Commission. So I wanted to offer a resource as an alternative to calling 911. It is a brand new program, so they've had a soft launch but it's called the Massachusetts Behavioral Health Help Line. You can access it at masshelpline.com, and it is supposed to be an alternative to calling 911. Like I said, it just launched January 3rd 2023 and so there hasn't been a real campaign to have public awareness about this, but you can call them, you can text them, you can chat with them, masshelpline.com. Then I wanted to offer one comment and then one question. One comment, especially about the killing of Tyre Nichols. True diehard liberal that I am, I was listening to NPR, and they were having a story about the particular unit that was responsible for the killing.
Their unit was called the Scorpion Unit.

And again, when we're talking about recruitment and cultural challenges and cultural symbols, what does the scorpion represent?

Aggressive, poisonous, toxic, you know, and is that the people who are applying for that job. I think, so I think talking about these cultural symbols is really great.

Now my question, something that I haven't heard been talked about today.

We've heard a lot from, again, more far leaning left, more left-leaning folks, calls to abolish the police, defund the police, prison abolition and instead replace these with systems of restorative justice, and alternatives to policing.

So I'm just curious, it seems like an absolute long shot from where I'm standing, you know, and we're already dealing with these entrenched organizations and their own culture, but I do wanna see if anybody on the panel finds any of those ideas having merit, if there's any way to incorporate them into like organizational structure of the police today.

Thank you.

- Thank you very much.

You know, I think, we're gonna ask a couple questions and then we'll let the panel respond I think.

There was a gentleman in the back.

Would you mind coming up to the, thank you so much.

My name is Josh and I'm a law student.

And so on the topic of public pressure, I'm curious if anyone can speak to the advent of social media and how that's really brought these issues to the forefront.

I think Professor Blum talked about how these issues are not new, but I think that through everyone having a camera on their phone and having the ability to livestream in real-time these things that are going on, it's heightened that public demand for accountability and reform.

And so I'm just curious to learn about your thoughts on the social media component about it, thank you.

Great, thank you so much.

And why don't you, do you mind asking, if you could speak very loudly.

- [Audience Number 2] Yeah, sure.

Professor Cooper, you mentioned, they're using algorithms now to police certain communities.
there isn't like any bias in policing,
but do you think there are some issues
that come up with algorithms because they're using to input
to build these structures, I guess?
Great question.
So do you wanna start us off-
Sure. - Professor Cooper?
- So the algorithms are based on, you know, human input.
So they have the biases of humans
that can be baked into them.
And there's been a lot of research
that has shown that there are biases,
at least in algorithms having to do with like bail reform
and so forth.
And people are very,
scholars are very concerned about algorithms
for where we send police officers.
So I would definitely say there's a problem there.
And I think I'll hold it there for now.
- [Professor Bond-Frontier] Anybody else wanna comment
on that?
- I'll also just say that, I mean, algorithms,
the use of algorithms in our criminal justice system
has expanded greatly, right, over the last 20 or so years.
And so when you think about how algorithms are used
to help criminal justice decision makers,
filter and sort folks, right, if on the front end,
we're using sort of policing tactics
that disproportionate impacts certain communities,
communities of color,
on the backend, when we are trying to make decisions
about parole or even about sentencing,
if certain communities of color
are disproportionately surveilled, right,
and certain people are disproportionately stopped
and searched,
then you're gonna see that sort of that bias make its way
throughout the rest of the criminal justice system as well.
So, I mean, it's a huge issue, right?
- So one of the other questions
had to do with this sort of, Abby,
I think pose this idea of, if we were to abolish police
or if we needed these other systems,
can anybody comment on sort of like,
what could you imagine are the alternatives
that are either realistic
or we should be seriously thinking about?
- I'm biased, I will say,
well, I wanna dispel the notion that,
especially in communities of color, right,
and less affluent communities that
we don't want police officers around.
We do want police officers around, right?
And when you think about community policing,
you hear folks like, you know,
the police officers getting out and playing basketball,
oba:06:15 yeah, that's fine, right?
oba:06:16 But you want police officers
oba:06:17 to be part of that neighborhood in some way, right?
oba:06:20 That they know the residents, right?
oba:06:22 And knowing that residents can give them
oba:06:24 sort of like that brief moment where they can sort of say,
oba:06:27 you know, pause before taking action
oba:06:29 that could be deadly, right?
oba:06:31 Because they may be familiar with,
oba:06:33 they have more context about what's going on
oba:06:35 as opposed to just them showing up on that call,
oba:06:37 in that very sort of high stress situation.
oba:06:40 So, you know,
oba:06:42 in terms of getting rid of police,
oba:06:44 you know, again, I'm biased,
oba:06:46 I'm living in one of the communities
oba:06:47 and I want to see more of the officers in those,
oba:06:50 in the communities.
oba:06:52 - I totally agree.
oba:06:53 I mean, I, in no way, want to defund the police
oba:06:56 or get rid of the police.
oba:06:58 I want to improve the police.
oba:07:00 I wanna give them better training.
oba:07:02 I wanna give them even more money
oba:07:03 if they can get their acts together and get, you know,
oba:07:07 these problems we've been talking about somehow
oba:07:11 in better shape.
oba:07:12 And it really annoyed me
oba:07:14 when I was giving testimony before the federal committee,
oba:07:23 it was on establishing,
oba:07:25 responding out superior liability for municipalities,
oba:07:28 which we haven't gotten into today.
oba:07:30 But anyway,
oba:07:33 those who were posed getting rid of qualified immunity
oba:07:38 always tie the suggestion
oba:07:40 that we get rid of qualified immunity or somehow modify it
oba:07:43 to linking it to some kind of a plan to defund
oba:07:48 or get rid of police.
oba:07:49 And it really is not at all.
oba:07:53 You know, qualified immunity
oba:07:54 doesn't really do anything to protect police.
oba:07:56 They are indemnified.
oba:07:58 They never pay judgments out of their own pockets.
oba:08:01 They are never going to be at risk of being bankrupt.
oba:08:05 And qualified immunity is not the protection they need.
oba:08:11 They're already given that protection
oba:08:13 by the substantive law of the Fourth Amendment.
oba:08:18 So, you know,
oba:08:22 it's not some kind of a ploy or, you know,
oba:08:25 attempt to defund the police.
oba:08:27 The two are not even related.
oba:08:29 So I'll just stop there.
I'd like to make a case though, for at least redistributing most of the funds that go to police. It's certainly true that as long as we have an addiction to a gun culture, we're gonna need SWAT teams. But that's most of what we actually need the police for. If the police are needed to go into communities and play basketball with people, there are people who are better than that, at that than they are, right? They're called social workers. And so, we could redistribute a lot of funds to other tasks, as Professor Bond-Fortier said, there are a lot of tasks that the police may not even want to have on their plate, especially when it comes to mental health. And I'd also note that like, I think, there are like surveys of, you know, Black folks, white folks, and it often shows that like Black folks do want more police in their communities. But what I often think what those surveys are capturing is that Black folks want safety, right? They want quick responses to the issues that they face. And I don't know that the police always offer safety, right? And so I think it's important to recognize that, like what's actually shining through some of those surveys. And I think there is a role for folks who need to be able to take a dangerous person off the streets, but I also think there's a significant role for mental health workers and social workers and for reallocating some resources to, you know, education and anti-poverty programs and those sorts of things. I have a few, few of my friends are police officers, and when I have conversations with them like, you know, why are you having to arrest people? Well, you know, they don't know how to cope with whatever they're going through, or hypermascularity issues, or issues with poverty, right? And so I think that we should think about abolition as a way to build our society rather than just tearing certain things down, although that might have to go along with building up a new kind of society. And just to close out to I think Abby's point, that it would take a very long time and a lot to be able to build up. And I think that's the place that we're finding ourselves in is there's this real demand and push to sort of reduce the footprint of police.
and to get police out of places,
but we do not have the clinicians,
And so there's definitely that conflict there.
Carlos, and then we'll go to the last question
for the gentleman in the back.
- To go back to Terry stops
or the Terry versus Ohio case,
that really sort of started something
that we don't really pay much attention to, right?
So police officers can stop someone really with, you know,
all they need is some reasonable suspicion, all right?
So that can be anything, right,
acting funny, right, it could be.
So that creates sort of the interactions
that we really don't need, right?
If you go back in history, you know,
Tyre Nichols is one, right,
there's so many of these cases that involve this, you know,
that hide behind suspicious activity, right?
You can go to Amadou Diallo who's shot 41 times
because of the unit that you were talking about here,
these specialized units,
they're, you know, Scorpion Unit,
Gun Trace task force in Baltimore,
they've been around for a while
and they're sort of unsupervised, right?
And they depend on,
they can go into these communities
and sort of do what they want, right?
If someone seems suspicious they can, you know, ask them.
So these interactions need to stop as well, right?
You know, this idea of sort of,
oh, this person looks suspicious,
so that cannot continue.
And we don't talk more about that part.
- Some jurisdictions have actually,
some states and some localities have barred
you know, traffic stops
for minor traffic violations, you know, the tag, you know,
whatever the pretext that's usually given,
that you just don't make those kind of traffic stops.
That is pursuant to an order in Philadelphia where they,
and they found that the number of, you know,
violence incidents and police misconduct incidents
down considerably
just by eliminating those kinds of traffic stops.
And we've all seen that, you know,
that's part of the big, big picture here.
Also, the pedestrian stops as you're suggesting,
you know, so you just decriminalize
or whatever low level kind of quality of life violations.
And there's a requirement,
the police officer goes up and asks the person
to just kind of move along or stop whatever they're doing,
and then, you know, you don't issue a citation,
you do nothing if the person kind of complies.
If they start giving you a hard time,
then you can issue a citation.
But the first line of, you know, approach is not,
you know, I'm gonna arrest you
because you're selling cigarettes on the street
or I'm not, you know.
So there are these kinds of steps.
And I think, yeah, I think Terry and Whren are big problems
and sent us down a slippery slope to, you know,
many other issues.
I have to say that's one area
where Massachusetts I think is good,
because Massachusetts, our state court, our SJC,
has issued opinions that make it easier,
at least as a matter of state constitutional law,
to bring racial profiling kinds of claims
so that you don't have to go through this, you know,
kind of impossible task that you have to,
as a matter of federal law,
to make out an equal protection claim based on race.
You don't have to show the comparative groups and figures
and come up with all the statistics
and get the expert under Massachusetts law.
If you can show that a particular stop,
given the totality of the circumstances was based on race,
then that's enough to create that presumption
and the city or the state has to come back
and rebut that presumption,
and show that in fact the stop was not based on race.
So in that respect,
I think our State Supreme Judicial Court has been good.
- So would anybody wanna jump in
and talk a little bit about the role of social media
in sort of elevating
and bringing these recent sort of crises into our view?
- Well-
- Go ahead. - Go ahead. No, you.
I think it's played a significant role.
That's one of the reasons I think
that we didn't answer that question is that
it was sort of like, yeah, we agree.
I agree, at least, that that's been important.
It's changed the dynamic when you can see video
and when there's a threat
that there might be a video of misbehavior.
- Yeah.
And interestingly,
it's given rise to a whole new kind of set of cases
on the right to videotape police in public and so forth,
is a clearly established First Amendment right.

Although, I just came across an interesting case
the passenger in the car was not videotaping or, you know,
recording with his phone, but livestreaming the incident.
And the court, there's where qualified immunity kicked in
to protect that officer
who arrested this guy for livestreaming
because the court said, okay,
we know there's a right to videotape police,
that's been clearly established in this circuit,
but there's never been a case involving livestreaming.
And so the officer gets qualified immunity.
That's one of these crazy qualified immunity cases.
So we have time for just one or two more questions, yes?

- [Chelsea] Okay.

My name is Chelsea and I'm a first year student,
and I'm in a policy writing class currently.
And we talk a lot about like the window of opportunity,
like after tragedy and catastrophe is the best time to act.
And I think in a wide perspective,
a lot of people expected George Floyd's murder
to be a huge kickoff point for a lot of action and change
that if anything were to change
it had to be in response to that.
And I think as we continue to have these cases
and cases like the recent Tyre where it was not about race,
but it's about policing,
a lot of us are asking how,
but I'm also kind of curious about when,
if that makes sense,
if it hasn't worked before,
where do we see the window of opportunity to act?
When is this change going to be the most possible?
Thank you.

- [Audience Number 3] Is it on now?

- [Audience Number 3] Okay.

So I'm struggling to articulate this question,
but it's something that's been on my mind
even prior to this panel.
I'm taking a class right now,
and the class is kind of based around the book,
Black and White Space by Dr. Elijah Anderson.
And we talk a lot about policy change,
and, you know, social media
as a way to hold each other accountable.
But I wonder if policy
and pushing like hard change
can really change culture.
Obviously, it's a trickle down effect. If you change policy and you change the way things are legally, it's gonna trickle down and it's gonna make change over time. But does anyone see a way that we can really implement like moral understandings of why this is taking place in like youth, even older generations? I just worry that if we don't change like the real individual people, we can't really change the systems as well.

Thank you.

Anybody wanna start?

Doing two or three?

We can get one more in?

Yep, come on in and then our panel will respond.

Thanks.

- [Patrick] First off I wanna thank, thank you for coming out here. My name is Patrick, I'm a law student here and I'm a student attorney with the Suffolk Defendants Group. I know we've spent the whole time talking about policing and specific issues a little bit involved in Supreme Court and like congressional level as well, but I want to ask your opinion if you have any experience with systemic issues related to local courts. And I asked that really, 'cause recently, I was speaking to Judge Asha White out of Middlesex County, if you don't know, he's a Black judge, and he was talking a little bit about the behind the scenes systemic issues that he's experienced at the judicial level. And I was wondering if any of you guys have any experience in that role. I know it's a big broad category, but I just wanted to, I guess, if any came up like that.

- Anybody want to start us off?

Okay.

I guess I can start or do you wanna start?

Why don't you go first?

- No, I just wasn't sure about your question, whether it was you mean what's going on in the court system itself?

(Patrick faintly speaking)

Well, yeah, police work with prosecutors all the time. And so, I mean it's not just on the police, it's the prosecutors and the judges. If you have a judge who knows that a particular police officer comes in and lies all the time on the stand, why isn't that judge doing something?
If the prosecutor is, you know, afraid of offending the police because you really have to rely on the police to do the investigative work and this is part of the system, I mean this all has to get better. And, you know, I can't speak to specific instances in Massachusetts on that level, but I know it's, you know, when the Rampart Scandal happened out in California in whatever year that was, and Erwin Chemerinsky did a report and went into this whole thing about the prosecutors, the judges, that everybody had to play a part in the reform, otherwise it's not gonna work. And I think that's true probably in every state, I would imagine on the state level, yeah. So the other, if anybody wants to comment on that question or the other questions, I'll just put them out there. The first is sort of talking about the window of opportunity for change. And I think the second question was very much about this idea of change and how long it takes for change and how do we sort of really think about change more broadly about sort of things, not just policing. I'm pretty good I'm not answering the question. So this part, so I'm not sure if this answers, if you look, you know, policing has changed, right? So I went to a school, my undergrad, most of my classmates all wanted to be police officers. And I actually went to the State Trooper Academy, but it's no longer the case, right? I see that with my students, right? When I asked them about who wants to be police officers, not many raise their hands anymore, right? It's getting lower and lower. And I've been teaching, not a long time, but I've been teaching for while, I've seen that shift. So, you know, I'm not sure if people don't wanna be police officers anymore, I'm not sure if it's the standards, right, I'm not sure if folks don't want the 30-year career, but I do think we need folks, you know, more qualified folks, right, to get it more in the higher training, higher standards, more screening to get sort of the folks in there that wanna be in there, and that wanna do the right job, right? And that goes for every profession, right? My wife's a nurse and, you know, she talks about nurses that shouldn't be nurses anymore, and how they are made the qualification to be there. So I'll stop there.
Yeah, I would also add that actually, the police profession and industry has changed enormously in the last 50 years. And as may not change fast enough, but the change is significant in terms of new laws, new practices, as new technologies come in. 10 years ago, very few police agencies or police officers had body-worn cameras, and now we are moving in that direction. But one of the reasons why it takes so long is because resources, all of the things that we've talked about, culture, resources, a lot of those kinds of things. So I do think that change has happened. It definitely has not happened fast enough for a lot of people.

So, anybody else wanna add?

And I'll just say really briefly, I think, you know, we continuously push for change, right? We continuously push for the reforms that we want, that we believe that we need. And sometimes regarding like, can policy influence culture? I think that was one of the questions. I think it can.

We've seen that with like the death penalty in places where the death penalty was eliminated, you begin to see a reduction in the percentage of folks who support the death penalty. So sometimes if you can get policy in there and you see, oh listen, crime rates haven't been negatively impacted, the culture can change after that as well. And so I think I'll leave it there.

I know we're about at time.

[Professor Bond-Frontier] Thank you, and I'll turn it over to our fearless leader.

All right, first of all, please join me in a big round of applause for this amazing panel.

So I wanted to say somewhat belatedly that part of the reason why I didn't do a long, lengthy introduction because I could have gone on and on about our esteemed panelists, is that there are bios that have gone around, and so they did make their way at the end of the panel. But this was, you know, this is an incredibly important issue and I just wanna really thank our panelists for just having this candid conversation. And also thank all of you for making time. And for those of you that spoke up and asked questions, these are conversations that we need to take to the dinner table, take to the cafeteria, take to the streets,
01:24:36 take to the courtroom, and take to the policy level.
01:24:40 So thank you again.
01:24:41 Please join me in thanking our panelists.
01:24:43 (attendees applauding)