

00:06 (whooshing transition effect)
00:08 - Good afternoon, everyone.
00:10 Thank you so much for joining us here today.
00:13 My name is Sharmila Murthy.
00:15 I'm a professor here at the Law School
00:17 and also director of Faculty Research and Scholarship.
00:21 And I'm actually welcoming you,
00:22 on behalf of the deans of all three schools here at Suffolk,
00:27 Dean Perlman, Dean Zeng, Dean Sparks,
00:31 who were motivated by recent events in the news,
00:34 in particular, the killing of Tyre Nichols.
00:38 I think the deans thought,
00:40 why is this happening in our country
00:43 and what can we at Suffolk Law do to promote dialogue
00:49 and conversation around these important issues?
00:52 So without further ado,
00:54 I'm going to introduce our five panelists
00:57 who are from across the University.
01:00 We have Professor Karen Blum, Professor Brenda Bond-Fortier,
01:06 Professor Lucius Couloute, Professor Frank Cooper,
01:09 and Professor Carlos Monteiro.
01:12 I should say, we are still claiming Professor Cooper
01:14 as our own even though he was formally at the Law School
01:18 and is now at the University of Las Vegas in Nevada,
01:23 and is now visiting at Boston University.
01:27 But without further ado,
01:27 I'm gonna turn it over to the panelists to start.
01:30 The format is actually going to be a moderated conversation
01:33 among themselves.
01:35 And so I hope we have room, by the way, up in the first row,
01:38 I invite folks that are looking for seats
01:40 to come up to the front row just from the sides.
01:43 I promise you won't disturb us.
01:44 Thank you so much.
01:46 - Thank you, Sharmila.
01:48 Welcome, everybody.
01:49 It is so fantastic to see everybody here.
01:52 And I'm also echoing Sharmila's sentiments
01:56 of thanking the deans for bringing us all together.
01:58 This is long overdue in terms of having faculty get-together
02:03 from across the University.
02:05 And I'm so happy to see some of my students
02:07 and so many others and colleagues here.
02:09 As Sharmila had mentioned,
02:11 we're going to have a sort of a facilitated conversation.
02:14 And so I am lucky enough to start us off
02:18 and just wanted to sort of extend sort of the motivation
02:23 for bringing us together.
02:25 Recent events around the murder of Tyre Nichols
02:28 has certainly sort of prompted or reminded us
02:31 of a sense of urgency,
02:33 but also there are so many other things
02:35 that have been going on around policing in the United States

02:38 and many other places around the world
02:40 that we really wanted to bring this,
02:42 the conversation about brutality,
02:44 about accountability, transparency,
02:46 and so many other things that affect our lives every day.
02:49 So I'm lucky enough to sort of set us off
02:52 and ask Carlos if he would maybe,
02:55 not Carlos, sorry,
02:57 Lucius, to start us off and talk a little bit about
03:00 some of the more recent examples
03:02 and the context that helps us
03:03 sort of situate this conversation today.
03:06 So I'll let Lucius take it from here.
03:08 - Thank you.
03:09 All right, can y'all hear me?
03:11 All right, awesome.
03:12 So, yes, appreciate you all for being here.
03:15 I think it's really important to be in conversation
03:17 in community with folks around sometimes
03:20 really difficult but important issues, right?
03:24 And so, you know, I'm gonna sort of jump right into things.
03:28 So every year,
03:31 roughly a thousand people are killed
03:34 by on-duty police officers in the United States,
03:38 so this averages out to, you know,
03:40 a little more than three a day, all right?
03:44 And a disproportionate number of whom are Black.
03:47 And you know, as you can see,
03:49 it seems like, you know, every month,
03:52 every week, almost every other day
03:54 it seems like we're getting a new report,
03:57 a new account of an officer killing
04:00 often an unarmed Black individual, right?
04:04 And so,
04:06 for me,
04:09 I think it's important to recognize that, you know,
04:10 the numbers kind of bear out this sentiment or this feeling
04:14 that we're constantly being barraged
04:16 with these sort of reports, right?
04:18 And so, Black folks are killed
04:20 at almost three times the rate
04:23 at which white folks are killed by the police, all right?
04:29 And if we focus squarely
04:30 on the killing of unarmed individuals,
04:33 we can see that, you know,
04:35 where Black folks make up 13 to 14% of the general public,
04:40 about 32% of all unarmed folks who are killed by the police
04:44 are Black, all right?
04:46 So for me, this sparks the question like,
04:50 what causes these issues, right?
04:53 What's the impetus for these disparities?
04:56 And I think there are a range of causes, right?
04:58 And I think our panel's gonna speak
05:00 to some of the specifics,

05:02 organizational practices, police training,
05:04 legal frameworks, those sorts of things.
05:09 What I like to discuss is sort of what I see as
05:11 at least one of the foundational causes of inequality
05:17 with respect to police killings,
05:19 and that is the systemic and historical devaluation
05:23 of Black life, right?
05:26 The reproduction of long-standing myths
05:28 around inherent Black criminality, right?
05:37 And so simply put, in the United States,
05:40 Black people have always been constructed as the problem.
05:47 You know, you think about after slavery,
05:50 you had politicians and landowners and sheriffs
05:52 who conspired together to create practices and policies
05:58 that criminalized and incarcerated Black folks
06:01 for simply being poor in most cases,
06:03 vagrancy laws, those sorts of things,
06:06 which then allowed them to re-enslave them
06:09 through systems of conduct leasing
06:11 as authorized by the 13th Amendment.
06:14 You had, at the time, so-called social scientists, right?
06:18 Some of my folks who looked at those prison
06:21 and jail numbers and said,
06:22 aha, this is evidence of inherent Black criminality, right?
06:29 For decades, you had systems of widespread racialized terror
06:34 in the form of lynchings, right,
06:37 which were used to send a message that Black folks
06:39 who were accused of even the most minor crimes
06:42 deserve to be put to death.
06:46 As we proceed to the Civil Rights Era,
06:47 you see how protesters were constructed
06:51 as sort of the criminal element by the media and politicians
06:55 in our communities.
06:56 And during the '80s and '90s,
06:57 you had the federal government instituting a war on drugs,
07:01 which was really, I would argue, a war on people,
07:04 Black people in particular,
07:07 who were constructed at the time
07:09 and in many ways are still constructed as thugs,
07:12 as welfare queens, right?
07:16 And so Black people again as the problem.
07:21 Even today, we know that
07:23 from mountains of social psychological research,
07:26 that Black folks are viewed as less friendly,
07:29 less intelligent,
07:30 and more threatening than their white peers.
07:33 If we focus on research examining police bias in particular,
07:38 research using computer simulations, for example,
07:42 we find that officers shoot targets more quickly
07:44 if they are Black and decide not to shoot more quickly
07:48 if the individuals presented in front of them are white.
07:52 And officers also tend to make more mistakes
07:54 when Black unarmed targets are presented in front of them.
07:58 So, you know, we could spend an entire class,

08:03 and some of my students here know
08:04 that we often do spend entire semesters
08:07 talking about the criminalization of Black folks
08:11 and how that leads to mass incarceration.
08:14 But I think, you know, just to summarize the reason
08:16 that so many Black folks like Tyre Nichols died
08:19 disproportionately at the hands of police officers,
08:22 at least from a social historical perspective,
08:25 is grounded in sometimes explicit,
08:28 but often implicit perceptions of Black life
08:32 as less valuable, as dangerous,
08:35 as inherently threatening, right?
08:38 And so with that,
08:40 I want to kind of shift gears a little bit.
08:42 So now that we sort of at least have a cursory understanding
08:47 of the sort of the criminalization of Blackness over time,
08:50 I want to kind of shift gears and allow Professor Monteiro
08:53 to talk about some of the specifics,
08:54 some of the contemporary specifics
08:56 around police training, for example,
08:58 that may have contributed to sort of the patterns
09:01 that I presented earlier.
09:03 - Thank you, Professor Couloute.
09:04 So not necessarily just sticking with training, right?
09:08 But it's really quite difficult
09:10 to sort of pinpoint one answer
09:12 and lay the blame squarely on policing, right?
09:15 So I wanted to talk more specifically
09:18 about the lead up to policing today,
09:19 or how do we get here today, right?
09:21 And so for that, you really have to consider
09:24 the changes in policy,
09:25 particularly those with sort of nationwide reach
09:28 that have extended or broad and lasting consequences.
09:32 For example, when you look at the US prison population boom,
09:36 you can't really sort of connect that,
09:39 sort of a correlated increase in crime, right?
09:41 No, you really have to look at
09:42 sort of a lot of the changes in policy initiatives
09:47 that are brought on by the war on drugs,
09:48 the war on poverty, the war on crime, right,
09:52 you look at truth and sentencing policies,
09:54 habitual offender policies, mandatory minimums,
09:58 so all of that led to sort of that increase.
10:00 And so with regard to policing,
10:01 we can review the changes in policy
10:04 that shifted policing from sort of the traditional beat cop
10:07 that's sort of walking in the community.
10:10 And that's the typical era of policing that we're sort of,
10:13 we left, right?
10:14 We've professionalized policing where today,
10:18 it will be very difficult to sort of describe
10:20 the policing model as community policing,
10:22 which is technically the era that we are currently in

10:24 when you're looking at sort of the historical shifts
10:27 in policing that we have.
10:29 And the efforts to sort of professionalize policing however,
10:33 it coincided very much so with sort of the war on drugs
10:37 that created sort of the situation that we have today,
10:40 created sort of the policing model that we have today.
10:43 So we're not gonna be able to, like Lucius said,
10:45 we're not gonna be able to get into all the issues today,
10:48 but take for example, police militarization, right?
10:51 We know that that's something that's quite common
10:53 in many precincts across the country.
10:56 So even without going into the effects
10:58 of police militarization,
10:59 which is extensive and far-reaching,
11:03 the policing model that we do have today
11:05 across many of the communities,
11:08 really sort of creates sort of a barrier
11:09 between the community and police.
11:12 And we know that, right?
11:13 When officers are pulled from the beat,
11:16 they're put into cruisers, right,
11:17 there's the disconnect that we have there.
11:19 And in that disconnect, unfortunately,
11:22 when you're looking at policing in certain communities,
11:25 particularly in sort of less affluent communities,
11:27 you know, when police are called,
11:29 they're usually responding to a call with sirens blaring.
11:33 Maybe they're showing up
11:34 only to sort of to remove a member of the community,
11:37 to arrest a member of the community.
11:39 And these are typically high stress situations,
11:42 both for the community members
11:43 and also for the police officers that are involved, right?
11:45 We know that to be the case.
11:47 They're traumatic situations.
11:48 And I'm not here to sort of dictate police operation, right?
11:51 I don't think any of us are sort of here to do that.
11:53 But by now we've all seen sort of the double standard
11:56 that does exist,
11:57 depending on where you live in the communities, right?
11:59 We know that with regard to policing.
12:01 My interest in policing comes directly
12:03 from my upbringing here in the city of Boston.
12:05 I grew up in Dorchester.
12:07 I am a Roxbury resident now.
12:09 And I can tell you,
12:10 if you're looking at the different communities,
12:12 West Roxbury is a whole lot different than Roxbury,
12:14 we know that to be the case,
12:16 and they're treated differently in every sense of the word.
12:18 If you really wanna go into the specifics,
12:22 Roxbury residents, for the most part,
12:23 are not getting the benefit of the doubt
12:26 that is offered to sort of other more affluent communities

12:29 especially when it comes to interacting with police.
12:31 We do know that to be the case as well.
12:34 And that does have a lot to do
12:35 with what Professor Couloute talked about, right?
12:37 It does have a lot to do with race
12:38 and sort of the criminalization of race,
12:40 certainly criminalization of Black youth, right?
12:42 Residents in my neighborhood,
12:44 in my community, and in other urban communities,
12:47 they're aware of the challenges that they're facing,
12:50 and they're aware that it does take
12:51 sort of this collective effort
12:52 to sort of deal with a lot of those,
12:54 a lot of those challenges.
12:55 And that collective effort,
12:56 particularly when you're talking about public safety,
12:58 it does involve sort of a collaboration,
13:00 a cooperation with the police.
13:02 Unfortunately, we know that that's not happening
13:05 in many of our urban communities, right?
13:07 We're not seeing that sort of collaboration.
13:09 Police departments across the country,
13:11 even in our own sort of BPD,
13:13 they've attempted to sort of improve
13:15 community policing relationships.
13:17 One particular idea that gained quite a bit of headway
13:19 and some traction here and across the country
13:22 was this idea of sort of trying to make
13:24 the makeup of the police departments
13:26 reflect the communities that they serve, right?
13:29 And, you know, I see value in that,
13:31 and that's value that's actually backed by research.
13:33 Our own researchers here, myself and Professor Gebo,
13:36 we actually did a study recently,
13:38 we published that article recently,
13:40 where we examined youth perceptions of neighborhood safety
13:44 and from the perspective of native-born and immigrant youth.
13:48 And what we found was that,
13:50 these youth were sort of they found,
13:52 they found officers to be capable guardians,
13:54 particularly when they had positive interactions
13:57 with the police officers,
13:58 if they knew or were familiar with the police officers,
14:00 that's something that was helpful.
14:03 For Memphis, with the force that
14:04 it was sort of representative of sort of its community,
14:08 this did not work out, right?
14:09 We know that unfortunately it didn't really work out.
14:12 So there's more to that that I wanted to get into,
14:14 but I wanted to sort of pinpoint one particular area
14:17 that we don't often talk about, right?
14:19 It's an area that,
14:22 it's a bit of a secret, I say, I would say, right?
14:23 So yes, policing culture is important,

14:26 but you have to sort of look at some of the policies
14:29 that have led to that.
14:30 And one particular area that has led to that
14:32 was sort of the evisceration of 4th Amendment Rights
14:37 offered to sort of residents, right?
14:38 And so I wanted to sort of bring that up to Professor Cooper
14:43 and ask him specifically about some of the legal protections
14:45 that have sort of faded away,
14:47 and that have led to sort of policing
14:49 and the policing interactions that we have today.
14:52 - Thank you so much.
14:53 Appreciate it, Professor Monteiro.
14:54 And it's great to be back at Suffolk.
14:58 I'm going to talk, hopefully,
15:00 I'm gonna talk about the PowerPoints
15:01 that are not showing up on your screen.
15:04 So what should I do?
15:08 - There you go.
15:08 - Thank you so much.
15:11 All right so,
15:13 I'm gonna talk about a little bit of the legal context.
15:15 How police officers got to be so empowered
15:18 that it became natural
15:20 that we have racially disproportionate police violence.
15:25 So first thing was a case from 1968, Terry versus Ohio.
15:30 And in a nutshell, that case is said that,
15:33 there was a question of should we limit seizure and search
15:40 to only cases where there's probable cause?
15:44 And probable cause is the term that's used
15:46 in the US Constitution.
15:48 But the court said, well, actually,
15:52 in some cases you can have a stop or a frisk,
15:56 which is a variation on a search and seizure
15:59 based on mere reasonable suspicion.
16:03 What's important about that is that the court utilized
16:07 an approach known as the balancing test,
16:09 where the court says,
16:11 let's look at the law enforcement interests at stake
16:13 and let's look at the privacy interests at stake.
16:16 And if the law enforcement interests
16:17 outweigh the privacy interests,
16:19 then law enforcement can do this thing.
16:26 So then, in 1973, a really important piece of dicta,
16:32 which means it was unnecessary for the court to say,
16:35 but they said it anyways.
16:37 And in the case, the court was considering,
16:40 can the police automatically do a full search of a person
16:44 anytime they're making an arrest?
16:47 And the court said yes.
16:48 And then at the end of the opinion,
16:51 without any citation to support it, the court said,
16:54 the fact that the officer does not have the state of mind,
16:57 which is hypothecated by the reasons for the rule,
17:01 that's okay, as long as the circumstances,

17:05 viewed objectively, justify that action.
17:09 So now we've moved from some exceeding
17:13 or expanding of the powers of police officers
17:16 so that they can do things
17:17 that they used to not be able to do.
17:18 And now we've got a statement
17:20 that when we let them use those powers,
17:23 we still just think about not what's in their head,
17:26 but whatever they say they saw.
17:29 So objectively, it means what would a reasonable person
17:33 have thought was the situation.
17:41 All right, so then Graham versus Connor,
17:43 this is the key case that decides whether police officers
17:47 can be held responsible for excessive force.
17:51 And in a nutshell,
17:53 the Graham versus Connor opinion was about an incident
17:57 where a police officer followed a diabetic
18:00 who was rushing to get sugar
18:02 and got some teammates and threw the diabetic
18:06 through the hood of a car.
18:08 And the question was,
18:10 was this excessive force when he, you know,
18:15 had broken limbs and other injuries?
18:21 What's important about that case is that,
18:24 again, this reasonableness balancing test comes up.
18:29 So the question is,
18:31 or the rule in Graham is that,
18:33 the court must, when it's considering excessive force,
18:37 consider whether the law enforcement
18:39 was a reasonable action,
18:41 the law enforcement action was a reasonable action,
18:43 but then they put a thumb on the scale, they say,
18:46 you have to consider the severity of the crime,
18:49 you have to consider whether the suspect
18:50 was an immediate threat,
18:52 and you have to consider whether they were resisting
18:55 or evading arrest.
18:57 So that brings us to the bottom part of the screen here.
19:03 This is key.
19:04 When a court considers a police officer's actions,
19:08 it must ignore any actual bad motivations
19:13 that the officer has.
19:16 And that becomes important
19:17 when we get to the case that creates
19:19 the right to racial profile, Whren versus United States.
19:23 In a nutshell there,
19:25 some young Black men were in a fancy new car,
19:28 so undercover vice officers decided to pull them over,
19:33 even though that was against police department regulations
19:36 in the situation.
19:37 And what did the court say?
19:39 The court said, look, we have to ask if a police officer
19:43 who has probable cause to do a traffic stop
19:48 should be able to do that traffic stop

19:51 when no reasonable officer would do that stop.
19:55 And they said, yes.
19:57 If an officer has probable cause,
19:59 we presume that they are reasonable.
20:03 And the reasoning among other things,
20:05 was a reference to that dicta,
20:07 unnecessary language from Robinson.
20:10 They said that,
20:12 the fact that there was the statement in Robinson
20:16 forecloses the possibility of considering
20:19 a police officer's bias,
20:20 and that Whren case is considered the case
20:22 that allows police to racial profile.
20:25 So I'm going to stop there and pass it on to Professor Blum
20:28 to talk about qualified immunity.
20:33 - Well, thank you Frank, and thank you all for coming.
20:37 This is an important conversation to have.
20:39 And I assume if I just go down
20:42 that I'm gonna get to my slides here, yeah.
20:45 I'm not gonna go through all the legal jargon,
20:47 but I'll tell you the qualified immunity is,
20:50 depending upon which side of the aisle you're sitting on,
20:53 not here in this room, of course, but in life,
20:56 it can either be the poison pill that will kill
21:00 any sort of attempted reform
21:03 at getting rid of qualified immunity,
21:05 or it will be viewed as the silver bullet.
21:07 In other words, you know,
21:09 qualified immunity is the thing that's,
21:13 is the thing that we have to get rid of in order to survive
21:17 these sort of police accountability kinds of incidents,
21:21 and getting rid of qualified immunity
21:24 will solve all our problems.
21:25 I don't think either view is correct.
21:30 I think there is a middle ground.
21:32 And I think that, you know,
21:33 you really have to understand and listen
21:36 when people talk about qualified immunity.
21:38 And one of the problems I've seen,
21:40 I've given testimony at, you know,
21:42 legislative hearings on the state level,
21:43 on the federal level, others have done the same,
21:47 and no matter what you say,
21:49 and no matter what you come in with,
21:51 people seem to leave with the same views they had
21:54 when they came in the room,
21:56 which is not the point of having
21:57 some kind of an informed discussion.
22:00 So, you know, but what is qualified immunity?
22:05 Frank gave the example of, you know,
22:07 you just need probable cause to pull somebody over.
22:11 Well, actually,
22:12 if an officer has what's called arguable probable cause,
22:16 you don't have to worry about having probable cause.

22:18 This is the sort of dreamland that you get into
22:22 when you're talking about qualified immunity.
22:25 A police officer can violate your constitutional rights.
22:29 Court can hold that a police officer
22:31 has indeed violated your Fourth Amendment rights
22:33 by using excessive force.
22:36 But if the law was not so clearly established
22:40 at the time of that incident,
22:43 that every, every reasonable officer would've understood
22:48 that engaging in this particular conduct
22:51 violated that constitutional right,
22:54 then there's going to be qualified immunity.
22:57 The Supreme Court has made this standard so impenetrable
23:01 by plaintiffs in these civil rights cases,
23:05 that in fact it's become almost an absolute immunity.
23:09 We're talking about civil litigation,
23:11 we're not talking about criminal liability.
23:13 We're talking about plaintiffs bringing civil actions
23:16 to recover damages for injuries that they've suffered
23:20 as a result of constitutional violations of their rights.
23:25 And what has happened in since 1982,
23:29 essentially, the Supreme Court has made up this doctrine.
23:34 It's not in the statute that people are using
23:37 to enforce their constitutional rights,
23:39 which is Section 1983, if you're law students,
23:42 or I know some of you were in my Police Misconduct course
23:45 during intersession, you would recognize that,
23:48 but Section 1983 is a federal statute
23:51 that allows persons whose constitutional rights
23:55 have been violated by state actors
23:58 to sue and be compensated.
24:01 There's nothing in this very short statute
24:03 that even mentions any kind of immunity,
24:06 but the court has made this doctrine up
24:10 and strengthened it over the last 40 years
24:14 so that has now become, you know,
24:18 in the view of police officers,
24:20 this is what's protecting them from bankruptcy,
24:22 they will tell you,
24:23 and in the view of plaintiffs,
24:25 it's what's keeping police from being held accountable
24:29 and what's keeping plaintiffs from getting compensated
24:32 for constitutional injuries.
24:36 So, you know,
24:38 adding sort of layer on top of layer to this problem,
24:43 the Supreme Court has told us, first of all,
24:47 what counts as clearly established law, where do you look?
24:51 They've suggested that maybe circuit court opinions,
24:55 which every circuit in the country thinks count,
24:58 don't count,
25:00 they have suggested
25:01 that maybe it's only Supreme Court opinions
25:03 that can clearly establish the law.
25:06 The second thing they've done is they've said,

25:08 you don't even have to tell somebody
25:10 if their constitutional rights have been violated.
25:13 The courts can just skip to the second question and say,
25:17 well, doesn't matter,
25:18 we're not gonna answer that question,
25:19 that's a tough question.
25:21 But the law was not clearly established at the time,
25:23 so qualified immunity.
25:26 This gives you a brief overview.
25:29 Since 1982, the Supreme Court has confronted
25:31 qualified immunity in over 30 cases.
25:34 Plaintiffs have won three times, all right?
25:36 That gives you some idea.
25:39 Since 2020,
25:41 George Floyd,
25:43 the Supreme Court has denied cert by my count
25:46 in over 44 cases,
25:48 which indicates there's no interest in, you know,
25:52 going forward with this in resolving
25:55 or in eliminating or modifying the doctrine.
25:58 I'll leave some of this other stuff on what states have done
26:02 for our discussion towards the end.
26:04 But qualified immunity, I'll just end with saying,
26:09 killing it will not solve all our problems,
26:12 but keeping it is not necessary to protect police.
26:16 Frank has given you the standard
26:18 that protects police already.
26:20 If your conduct is reasonable,
26:22 you won't have violated the constitution.
26:25 So now, I'm going to Brenda.
26:27 And Brenda's gonna start us off
26:28 with a conversation about why there's so much resistance
26:32 and problems with suggesting police reform.
26:37 - Thank you very much, Karen.
26:38 As if there aren't already many obvious challenges,
26:44 I'm going to add to this conversation
26:46 by sort of talking a little bit about police organizations
26:49 and why it's so difficult to reform them.
26:52 We'll continue, I think,
26:53 on some of the themes that others have brought up.
26:56 But I wanna tell you a little bit about
26:58 police organizations.
27:00 Some of you may know about police organizations
27:04 and how they are structured and how they can help us,
27:08 how that structure can help us understand
27:10 the challenges of change.
27:12 So I'm a Business School faculty member,
27:15 but I have for 30 years worked with police organizations.
27:19 I started my career working in a police organization
27:22 that was undergoing some significant change.
27:24 So I wanna share with you some of the experiences
27:29 and observations and also my research,
27:32 locally and nationally,
27:34 around how organizations,

27:36 police organizations are structured,
27:38 and some of the challenges.
27:39 Now, despite all of the calls for change and reform,
27:43 as some of our colleagues have suggested,
27:47 it's very complicated to try to change police organizations
27:50 because it's multi-dimensional.
27:52 We need law, we need legislative changes.
27:55 Here in Massachusetts, over the last several years,
27:57 there have been some successes,
27:59 but a lot of delays in police reform,
28:03 and many of those take a very long time to implement.
28:07 So even though we are sort of in this time of accountability
28:11 and transparency,
28:14 changing and reforming police organizations
28:17 is very challenging.
28:19 Police organizations are primarily supervised
28:25 or overseen by local municipalities.
28:29 In the United States, there are over 18,000 police,
28:32 different police agencies that are run differently.
28:35 And yes, each of them is directed by their legal mandates
28:38 in their own states,
28:40 and also informed by many of the unions that exist
28:45 in the workforce.
28:47 So the challenges are that you need multi-level change
28:51 in order to actually shift the way that officers behave
28:55 on the street.
28:57 From some of the research that I have done,
28:59 and locally here in Massachusetts and elsewhere,
29:03 it will take approximately 10 years
29:05 to actually reform a very small police organization.
29:09 And in the time of that, you need to change,
29:12 as we sort of talked about briefly earlier,
29:15 you need to change how officers are recruited,
29:19 what kind of officers are we looking for,
29:20 what does our community want,
29:22 what does our community need,
29:24 how do we even know what our community wants,
29:26 and what our community needs?
29:28 So from the very beginning of recruitment of personnel
29:34 who work in that organization,
29:36 and then into their training,
29:38 and then their onboarding into the organization,
29:43 reform requires that we think very thoughtfully
29:47 and we use community priorities
29:49 as a way to think about who comes into our organization.
29:53 So even when you then get into the police organization,
29:56 there are structures where you have police officers
29:58 who work on the street,
30:00 police officers who may be supervised,
30:02 you have people who work inside the organization,
30:04 people who work on the street,
30:05 all of those individuals and the work that they do
30:09 is sort of dictated by law, policy, contracts,
30:13 union contracts, local policy,

30:15 state policy, and otherwise.
30:18 So changing police organizations
30:20 really is both complex and long-term,
30:24 because we need to think about
30:25 what is it that officers do every single day?
30:28 What do those individuals who work in police office,
30:30 police departments do every single day?
30:33 How do we think about policies?
30:35 How do we change policies as we move into these new eras?
30:39 Carlos had talked about being in a community policing era.
30:43 As we move into a new era,
30:46 I don't know what the current era is called,
30:50 but how do those policies and practices look
30:55 and do they conflict with the old way
30:58 that we used to do the work?
31:00 So, reforming police organizations has to happen
31:05 both at the local level,
31:07 but then also at state and national levels as well.
31:10 Other types of things that we need to be thinking about
31:13 in terms of the challenges
31:14 have to do with sort of the practices of police,
31:18 the culture of police organizations
31:21 that are also reinforced by policy,
31:24 reinforced by supervision.
31:27 So in addition to thinking about what happens
31:31 inside organizations,
31:32 we also have to find ways to engage the community
31:36 and find out how do we know from the community
31:40 what it is the community wants,
31:41 and then how do we support the department and the community
31:45 in meeting those needs, right?
31:48 And historically,
31:50 agencies have not been resourced in that way,
31:53 and so all of the systems that need to be in place
31:56 in order to make the connections between community wants
32:00 and what the police department is doing
32:02 have not been aligned.
32:03 So that's just a sort of sampling of how complicated it is.
32:08 And obviously, my colleagues have sort of offered up
32:11 some other aspects of this.
32:14 We're gonna bring,
32:15 I think we're gonna bring Carlos back into this discussion
32:19 to talk a little bit more about challenges.
32:21 - Yeah, one of the,
32:24 so going back to Memphis, right?
32:25 Memphis is a,
32:26 that's why we're here, right?
32:29 And in Memphis, the idea was again to try to make the force
32:33 look like the community a little bit.
32:35 And we saw the incident, the Tyre murder I should say,
32:39 we saw that the officers involved
32:40 were all officers of color.
32:42 And so that was, it's perplexing.
32:44 I mean, some folks who were confused by that.

32:46 And I want to sort of point to culture a little bit
32:50 and this idea of how when you do become a police officer,
32:54 this idea of blue trumping black, right?
32:57 You become blue, right?
32:58 You're no longer black.
32:59 And you know, I have friends that are officers
33:01 and they tell me that when they respond to calls,
33:04 and these are officers who are also Black,
33:06 and they respond to calls, they hear, you know,
33:08 residents nearby sort of chirping or making comments
33:12 or you know, sort of suggesting,
33:13 sort of, no, I'm not gonna use the words, right,
33:15 but they're no longer black, right,
33:18 that they're blue.
33:19 And really sort of, you know,
33:20 you have to look at sort of the culture,
33:23 the police culture, right?
33:24 So you can change the color of the offices, right?
33:27 But you really have to also change the culture.
33:30 And the culture is going to be difficult to sort of change,
33:33 because once you, you know,
33:35 police, law enforcement organizations
33:37 are great at sort of indoctrinating their recruits
33:40 into that culture, right,
33:41 and that culture requires loyalty,
33:43 it requires sort of that blue wall of silence
33:45 that we hear about.
33:46 And that blue wall of silence demands loyalty
33:48 to your colleagues, right?
33:49 And so we never really hear, you know,
33:52 about sort of officers reporting on other officers
33:55 when they transgress, right?
33:56 We don't hear that often.
33:58 So unless sort of the action or the misconduct is egregious
34:02 and obvious and sort of viral, right,
34:04 we typically don't hear about a lot of this.
34:09 And I'll say that, if you,
34:11 in a lot of these cases, right,
34:13 and again, not the national ones
34:15 that garnered national attention,
34:17 a lot of these cases,
34:18 police are actually doing what they're trained to do,
34:20 which is difficult for me to hear,
34:22 because I know and reasonable people will look at it
34:25 and say that well, that's wrong, right?
34:27 But they're doing, they're following that rule book.
34:29 And for me, that rule book has to change
34:31 and that culture has to change, right?
34:33 That procedure and, you know, the system we have today
34:36 where the prosecutors and the police are sort of,
34:38 they have to work together,
34:40 that offers, you know, they can always hide behind,
34:42 you know, the department policy.
34:44 We hear that again.

34:45 They didn't violate department policy.
34:46 I think, you know, I'm not gonna,
34:48 I don't recall the incident in Cambridge,
34:50 but I think that was an incident as well that, you know,
34:53 and again, I remember other stories where, you know,
34:56 countless stories where maybe a relative
34:59 will call a police officer for help in dealing with the,
35:03 you know, another relative who's struggling
35:05 with the mental illness,
35:06 and the police officer shows up and unfortunately, right,
35:11 maybe they shouldn't show up,
35:12 maybe we should turn to alternative response mechanisms,
35:15 but they show up and they're not able to deal with it.
35:18 And you hear that term non-compliant
35:20 and the police officers have sort of following that training
35:22 of sort of, well, they're not listening to me.
35:24 Well, they're not listening to you
35:25 because they're suffering or they're having an episode
35:27 and that's why they're not listening to you.
35:28 And so you're turning to sort of, you know,
35:31 your procedures which require force that may be deadly
35:34 and often is deadly.
35:35 So again, you know, so culture is important,
35:37 but I'll turn to Professor Blum to see
35:41 some of the other difficulties in terms of reform.
35:46 - Stand up so I can see everybody.
35:49 Yeah, so one of the things that struck me
35:51 that people were kind of surprised when they saw all,
35:54 you know, five Black officers that were involved
35:56 in the Tyre Nichols' killing.
35:59 But, you know, I went back to my office,
36:02 I don't know,
36:03 I taught here for 43 years
36:06 and I taught a police misconduct litigation course back in,
36:11 I don't know what year in the '70s and the '80s,
36:14 you know, before police misconduct was kind of a thing.
36:18 And, you know, so I went into my office that I have here
36:23 and I keep some, you know,
36:25 'cause I don't throw anything out,
36:26 I went through my files and I said, you know,
36:29 this has been around for a long time.
36:31 So I pulled out,
36:33 these are just three,
36:34 I mean, out of a file and on, you know,
36:37 the color of suspicion,
36:38 this is from the New York Times in 1999, The New Republic.
36:42 These are all articles in the '90s
36:44 about racial profiling and how Black officers do it
36:49 just as white officers do it.
36:51 And to what Carlos was saying,
36:53 the black and blue line is really black and blue,
36:57 and officers are on the blue side of the line most times.
37:01 So this is not a new problem.
37:05 It kind of, you know,

37:07 in some sense I have become very discouraged
37:10 because this has been around for so long.
37:13 Now, of course, we have the videos, right?
37:15 And so that's helping a lot.
37:17 It's helping both, the officers and citizens,
37:21 because, you know, the officer isn't always misbehaving
37:24 and sometimes that's shown clearly on the video as well.
37:27 But having these videos, you think about, you know,
37:32 Derek Chauvin,
37:33 you think about what happened to Tyre Nichols,
37:35 if you didn't have somebody recording that,
37:37 it would've come down as a totally different story.
37:39 You saw what the police report said.
37:42 So somehow that culture does have to be changed.
37:46 And I'm afraid frankly, of what's happening now,
37:49 because a lot of people don't wanna go into policing.
37:55 It's, you know,
37:57 it's not a good place to be at the moment
38:01 and for many reasons.
38:02 And if the departments lower their standards,
38:07 so that basically if you're a warm body,
38:09 you're gonna get hired,
38:11 we're just gonna be in, you know,
38:13 a worse position than we're in now.
38:14 So we really do need to do something.
38:21 But we've been saying this for a long time
38:24 and I'm very discouraged about what's going on
38:26 on the national level in terms of change.
38:29 There are some handful of states
38:31 that are doing something that's more productive
38:35 and we'll see what happens with that.
38:37 But, you know, if you think Massachusetts
38:39 is kind of this liberal place
38:41 where we're doing everything right, we're not.
38:44 And we've got a lot of work to do here.
38:46 We were one of the last states to adopt this POST Commission
38:51 that the legislature put in place after George Floyd,
38:56 one of the last states to do it.
38:58 And we still have a civil rights state statute
39:01 that is totally, totally dysfunctional
39:05 and inoperable and not helpful to plaintiffs.
39:07 I can talk about that more later.
39:09 Okay.
39:11 Where do I go from here?
39:14 Ah, go ahead.
39:15 - Yeah, I mean,
39:16 so, you know,
39:18 I think you two have really hit on some really key points
39:21 about, you know, this discussion around, you know,
39:25 the officers were Black, right?
39:27 Does that change our analysis?
39:28 Does that change how we understand what happened
39:31 in this specific case?
39:34 And I think, you know,

39:36 folks on this panel are experts at sort of thinking about
39:39 internal police sort of cultures.
39:43 I would also point out that like even Black folks
39:47 are not immune to broader biases, right,
39:51 to broader racialized ideas around whose life is valuable
39:58 and whose life is not valuable, right?
40:00 So I think it's really important to recognize that
40:02 like none of us can really escape.
40:05 We have to do like intentional work
40:07 to escape those sort of racialized ideas about value
40:11 and about deservingness and about worth, right?
40:13 And also I think it's important to note that like,
40:16 racism doesn't just operate on the individual level, right?
40:19 It operates through practices and policies.
40:22 And so you could have the most amazing officers, right?
40:27 But if they're constrained
40:29 by internal organizational policies and laws that dictate,
40:34 and cultures that dictate what they should do,
40:37 and if those sort of cultures and policies and practices
40:40 lead to unequal, racialized outcomes,
40:43 then an amazing individual officer
40:46 is severely limited in what they can do
40:49 if they're working and operating
40:51 within a larger racist system, right?
40:54 And so I think it's important to note that as well.
40:58 And, I don't know, if you want to kind of jump in here.
41:01 - Yeah, thank you.
41:02 So I'll just say that,
41:05 everybody said a lot of the important things
41:07 about why these Black cops would do this.
41:10 I wanna point to two of the aspects of the culture
41:12 that are problematic.
41:14 The first aspect of the culture that's problematic
41:17 is the idea that their sort of racial bias
41:20 is built into how we police.
41:23 Police departments use now algorithms,
41:25 but they used to just use their common sense
41:28 to say that they need to police certain neighborhoods,
41:31 the Black and brown neighborhoods,
41:32 more than they police other neighborhoods.
41:34 So that's the first thing is that
41:36 racial bias is part of the culture.
41:38 The second thing that's part of the culture
41:40 is punishing disrespect, right?
41:42 So when you see somebody not comply,
41:46 i.e. get kicked and try and run away,
41:48 then you can see police officers
41:51 whether they're white, green, purple, it doesn't matter,
41:56 they're gonna act blue,
41:57 and that's to punish the disrespect.
42:00 So those two aspects of the culture are really important.
42:03 And I think now we can turn from the sort of criticism
42:07 to what can be done.
42:09 So I would ask Professor Monteiro

42:11 if he has some ideas about what we might do.
42:17 - I think we're supposed to be, okay,
42:18 so I think the, so this summer, I actually sat in,
42:23 I do work with correctional officers
42:25 and correctional officer wellbeing.
42:26 And so we're following a group of recruits
42:28 sort of right from the academy.
42:29 So 10-week academy, I sat in and I watched them
42:32 sort of go through that academy.
42:34 In the academy, for the most part,
42:36 again, you have to think about as a researcher sitting in,
42:39 it may change how the academy is run, right?
42:43 We know that there's a hidden curriculum, you know.
42:46 We know again that a lot of the training, right,
42:49 once they leave that academy,
42:51 you hear the sort of the more senior officers, right?
42:54 They'll tell you, and the research bear this out,
42:57 and it's certainly that was the case
42:59 in our research as well,
43:00 that forget what you learned in the academy, you know,
43:04 we're gonna teach you the real, the real deal.
43:06 And the reason that we look at policing is because one,
43:11 for correctional officers, that literature is fairly new,
43:13 that type of research is fairly new.
43:16 But there are similarities between the two, right?
43:18 So we do see that with the police officers as well.
43:21 In terms of what can be done,
43:23 unfortunately, a lot had to happen for us to act, right?
43:26 Professor Blum talked about that.
43:28 We saw that take place in here, in Boston,
43:32 right in front of on here where,
43:34 and that's actually what sort of pushed Governor Baker
43:37 to actually sign that law in, you know,
43:40 to sign that bill and make it into an act, right?
43:43 Because it was,
43:44 when the videos with the BPD officers came out
43:47 showcasing some of the language that they used
43:49 and the sort of the treatments with the protesters,
43:55 that caused, that sort of nudged the Governor
43:58 to actually sign,
43:59 after some amendments to the actual bill.
44:02 But just between,
44:02 I was looking at sort of the different legislative,
44:05 pieces of legislations that came out,
44:07 between May 2020 and May 2022,
44:09 there are over 4,000 bills and reform proposals
44:13 asking for police reform across the country, right?
44:16 And that was again, in the aftermath,
44:18 or in the wake of the murders of George Floyd,
44:20 Ahmaud Arbery, Breonna Taylor.
44:23 And so we saw that.
44:24 For Massachusetts, it wasn't easy,
44:25 and it certainly took a long time, we know that.
44:28 We have, you know, for Massachusetts,

44:30 we have what's known as the Massachusetts
44:33 Peace Officer Standards and Training,
44:36 which is known as the POST Commission.
44:39 And, you know,
44:40 initially when we were actually sort of talking about this,
44:43 I asked if that was a model for the rest of the country.
44:48 And I'll turn to Professor Blum to sort of, again,
44:51 to talk a little bit more about,
44:52 is it a model or, you know, are we the best?
44:55 Are there other cities or areas that are doing it better?
44:58 I know that when we're looking at
44:59 Finland and Norway, for example,
45:01 you know, their trainings,
45:03 our typical training for police officers are about 10,
45:05 I'm sorry, six months, right?
45:08 I believe in Norway and Finland,
45:10 it's a three-year program, right?
45:12 A three-year sort of training.
45:14 And one thing that we haven't talked a lot about is that
45:17 the profession is dangerous, right?
45:19 The profession, you know,
45:21 officer wellbeing, suicide rates,
45:23 suicidality is something that's not discussed often.
45:26 And even in this bill that was passed,
45:28 I was looking at it more closely,
45:30 they only put in a two-hour training, upside down,
45:33 they only put in a two-hour training for suicide prevention
45:37 and wellbeing for the officers,
45:39 and that's an annual training, right?
45:41 And that's not enough either for the officers, right?
45:43 So there's a lot that can be done.
45:44 So I'll turn to Professor Blum
45:46 to talk about some of the reform.
45:50 - Well, I already indicated that Massachusetts
45:52 is not what I'd call a leader in police reform.
45:56 The issue of qualified immunity was before this commission
46:01 that eventually proposed the Police Reform Act
46:04 that we do have with the POST Commission.
46:07 And after, you know,
46:09 a year or more or whatever of discussion and debate,
46:13 and that's one of the hearings I testified before,
46:17 they decided to put the issue of qualified immunity
46:19 to a commission for study.
46:22 And the commission then studied it for five months.
46:25 And then the commission said,
46:26 well, we think the best thing to do
46:28 is wait another two years
46:29 to see how the POST Commission Act, you know,
46:35 works once it's in operation,
46:36 and we'll wait another two years.
46:39 In other words, it's just kind of, you know,
46:41 kicking the can down the road constantly.
46:45 The one big thing that Massachusetts could do,
46:49 and this is outside of the qualified immunity

46:51 and federal law area,
46:53 is improve our own Mass Civil Rights Act,
46:57 which now requires,
46:59 if a police officer comes up
47:01 and just shoots you in the back,
47:04 you can't bring a claim under our Mass Civil Rights Act
47:08 to recover damages under that state statute,
47:12 because there were no threats, intimidation or coercion.
47:15 That language is a killer, frankly,
47:18 for plaintiffs under Massachusetts law.
47:22 And so one of the recommendations
47:24 that the commission did make,
47:25 although most thought it was outside of its purview
47:29 or, you know, what it was supposed to be looking at,
47:32 is to get rid of that language.
47:34 That would go a long way
47:36 for helping plaintiffs in Massachusetts,
47:38 but that's just a recommendation.
47:41 I do wanna, before I sit down,
47:42 I'll give a shout out to the fact that
47:45 there are some good police officers
47:47 and one of them is in the room, a former student of mine.
47:50 And when I taught this course over so many years,
47:54 I had a number of law students who were police officers.
47:58 They were the best students in the class.
48:00 And they were more outraged by most of the stuff we read
48:04 than the other students.
48:06 So I wanna say thank you to Shaun Santos for being here
48:11 with his lovely wife and dean, Ann Santos.
48:15 Shaun also carried, I know at his wife's command,
48:19 this big box of books up.
48:21 I have these old, they're not that old,
48:23 they're like one-year old,
48:24 my police misconduct treatise
48:26 that I do with Michael Avery who was also on this faculty,
48:29 and Jennifer Laurin and David Rudovsky,
48:32 they sell for some crazy ridiculous price
48:35 from the publisher.
48:37 But anyway, I have them from last year.
48:39 There's a box of them over there.
48:40 So any of the students who would like one
48:43 or interested in that,
48:44 after the session, feel free to take one.
48:47 And thank you, Shaun, for bringing those books up.
48:51 Always the best student.
48:53 All right, thank you.
48:59 - Thank you, Shaun, for being here.
49:01 Shaun and I worked together a thousand years ago too.
49:05 I do want to,
49:07 I wanna sort of add another sort of very complicated aspect
49:12 to this conversation.
49:15 When people are in trouble or they need help,
49:20 they mostly call 911, because it is the only number to call.
49:25 Until recently, when we had 311,

49:28 and now we have 988 as a number
49:31 that folks can call for help.
49:36 We have as a society sort of moved in this direction
49:40 where we have programmed people to call 911.
49:43 And the only people who work 24 hours a day,
49:46 seven days a week, and will respond to that are police.
49:50 So I wanna recognize that and use,
49:55 plagiarize a good friend of mine who said,
49:58 if not them, then who?
50:01 Who shows up when the crisis is happening?
50:05 And there are a lot of,
50:08 there are a lot of reasons why people call 911.
50:12 I'm not an expert at 911, but my friend and colleague,
50:15 Professor Jessica Gillooly,
50:17 from the Sociology and Criminal Justice Department
50:19 who is here, is an expert.
50:21 But I've been working with Jessica
50:23 in various cities across the country
50:25 over the last couple of years trying to understand
50:28 why people are calling 911 and what happens.
50:31 And so part of the conundrum
50:33 that we find ourselves in is that cities,
50:37 communities have not staffed up other resources
50:42 in order to respond to the mental health crisis call,
50:44 the suicide call,
50:46 the youth in crisis sort of type of call
50:51 or some other type of call.
50:54 And so I think as we are talking about police reform
50:58 and all the things that we can do to fix the police,
51:01 I think we also have to sort of expand
51:04 the way we think about this and say,
51:05 what are the kinds of things
51:06 that the community calls the police for?
51:08 And of those things, should others really be staffed up
51:14 to support that, right?
51:15 So, you know, I'm sure those who work in police agencies
51:19 or do this for a living will say
51:21 that sometimes they are called to show up to a place
51:25 where maybe they're not equipped
51:26 or they don't have the training or the experience,
51:28 but they are the ones to show up.
51:31 So I think I would like to also recognize that,
51:35 sort of municipal leaders, state leaders, others,
51:39 have a role in thinking about
51:40 what the future of safety is, right?
51:44 In addition to defining what is safety
51:46 and how do we ensure safety,
51:49 how do we think about placing people
51:53 and their expertise in the right place
51:55 to serve the needs of the community,
51:58 whatever those needs are?
52:00 And as much as I feel like we need to do a lot
52:03 to improve policing and accountability and support,
52:06 I also think that it's not,

52:08 the challenges that we face
52:09 are not solely on the shoulders of the police.
52:14 I'm gonna ask Frank to maybe jump in
52:16 and talk a little bit about others in the field
52:20 beyond municipalities or providers
52:23 who can also be part of this conversation.
52:25 - So, thank you, Professor Bond-Fortier.
52:27 So we've made an executive decision to move to Q and A
52:30 so that we can hear from you, I think.
52:33 Is that right?
52:35 All right, go ahead.
52:37 That's what I have to say.
52:42 - Do we wanna start with go ahead, open it up for one.
52:45 Okay, great.
52:46 So yeah, I mean, so we'll transition into a Q and A.
52:48 I just wanted to note that like often when we get into,
52:52 when we have these community conversations,
52:54 the question often becomes, you know,
52:56 what can I do as a community member
52:59 to ensure the safety of my community,
53:01 to ensure that we don't have,
53:03 you know, the statistics that I showed earlier, right?
53:07 And I just want to briefly note that
53:09 there are some really important things
53:09 that I think that we can all do, right?
53:13 Number one, we're having these conversations here,
53:14 so like really, you know, bravo to you all for showing up.
53:17 But I think, you know, in terms of taking action,
53:20 there are countless sort of community organizations, right,
53:24 across Massachusetts, Boston,
53:26 folks from around the country.
53:29 In your own communities there are likely,
53:30 you know, the local ACLU chapter.
53:32 Here in Massachusetts, you might have folks like, you know,
53:35 Families for Justice as Healing
53:36 or Black and Pink Massachusetts.
53:39 There are a number of organizations
53:40 that are working on these issues,
53:43 that are working on campaigns to reduce police violence,
53:45 so on and so forth.
53:46 And if you're interested in getting involved,
53:49 I think the organizational route
53:50 is a really important way to go.
53:53 Secondly, because my mind doesn't really work
53:56 at the national political level,
54:00 I really think that local politics is super important
54:03 when we're talking about police organizations, right?
54:06 And so making sure that you are in tune
54:09 with the folks who represent you,
54:11 but beyond that, being intentional about
54:13 the law-making process as well, right?
54:15 So any one of us can testify in favor
54:19 or in opposition of bills, right?
54:21 In front of legislators,

54:22 in front of those committees, right?
54:24 And so often by joining with community organizations,
54:27 learning about that process of like,
54:29 how do we introduce a bill?
54:30 How do we craft a bill with lawmakers?
54:32 How do we testify?
54:34 You really gain that expertise
54:35 and you get to share your voice, right?
54:36 So I think it's really important to use the resources,
54:40 the organizational resources that we have
54:42 to kind of, you know, tell the folks in power
54:45 what we want in our communities, right?
54:47 And so I'll leave it there
54:48 and I guess we can sort of open this up to a Q and A.
54:54 - Yes, Sonia?
54:55 - [Audience Number 1] Hi.
54:56 Hi, everyone.
54:57 Thank you, I think for this very timely conversation.
55:00 So a question that I have,
55:01 and I'm just curious to know what your thoughts are.
55:04 All of us witnessed the urgency
55:06 in which the police were charged in the Tyre Nichols case.
55:13 And I was just curious to know what your thoughts were
55:16 in terms of, does that set precedent for the speed
55:19 in which other police departments around the country
55:23 will also seek to charge, indict,
55:27 fire their own respective police
55:32 and those associated with crimes?
55:34 'Cause we know that there's been,
55:37 a myriad of them, right, as you told,
55:39 Breonna Taylor and so forth,
55:40 but we just noticed that in this case in particular,
55:44 and I don't know if it's because they were all of color
55:46 or not,
55:47 but it does lend itself to make you think that
55:50 it was because they were all of color
55:52 that they were used as an example.
55:55 And so I just wanted to know what your thoughts were around,
55:58 do you think this is indicative of what will happen
56:01 in other situations?
56:03 Because now all of us are watching
56:05 to say that it can be done.
56:07 So I'm just curious about your thoughts.
56:08 Thank you.
56:11 - Can I offer my own opinion?
56:12 I don't know.
56:14 What I can say is that,
56:15 there have been police leaders and new municipal leaders
56:19 holding their officers accountable for decades.
56:21 And I think that,
56:23 that as we shift into maybe more of an accountability
56:27 way of thinking about things, there is this recognition.
56:30 And as somebody had said earlier,
56:33 good police officers do not want bad police officers around.

56:36 So I think we are gonna see a shift
56:40 and I think there's just gonna be much more public attention
56:42 to it.
56:44 So I think there's a combination
56:45 of not as much public attention to it
56:47 because things have been happening
56:49 to hold people accountable,
56:50 but I do think that there will be some shifts, generally,
56:54 in terms of making sure that we are,
56:59 that officers are held accountable.
57:02 That's just an initial reaction.
57:04 - So good police officers, and there are many of them,
57:07 don't respect their bad cops,
57:10 but they also follow the blue wall of silence.
57:14 And that's part of the reason we can't fix this problem.
57:20 - [Professor Bond-Frontier] Karen?
57:21 - Well,
57:24 there are a couple of programs that are starting
57:28 and have gotten some sort of good reviews
57:31 and this ABLE program down at Georgetown
57:36 and there's a program in New Orleans
57:38 after which ABLE was kind of scripted,
57:41 but there are programs that are intended
57:43 to build within the police culture a mindset of intervening
57:50 to prevent other officers from misbehaving.
57:52 So it's very hard for a lower level, you know,
57:55 street officer to kind of step in,
57:59 and, you know, reprimand or tell his supervisor,
58:05 hey, you know, things are getting out of hand.
58:07 But this is what this program
58:08 sort of trains these officers to do.
58:11 So that if they see in a certain situation
58:14 that someone is losing control or losing it,
58:17 and we all have the days when we lose it,
58:20 they can sort of step in,
58:22 just put a hand on a shoulder,
58:23 say the word ABLE or say the word EPIC,
58:26 these are all, you know, the acronyms for these programs,
58:29 and kind of bring things back
58:32 to a sense of normalcy somewhat.
58:35 And remind this officer that, you know,
58:37 this is gonna be bad for you,
58:39 it's gonna be bad for the person,
58:40 it's gonna be bad for all of us if this gets blown away.
58:44 So there's some of that going on.
58:47 You know, I think this is a really difficult area
58:53 of policing,
58:55 and I think we have to go back to the, you know,
58:58 who's attracted to the job,
59:01 what are we offering them,
59:03 what are they offering us,
59:04 what kind of people are we hiring,
59:05 training and so forth and so on?
59:07 And we've been going around in this circle for a long time,

59:10 but I don't see any sort of good way out of this
59:15 unless we change the perception of what's expected
59:22 and what's required.
59:23 And the 911 is a good place sort of to start.
59:26 I read a thousand cases a day
59:29 and the ones that start out with a 911 call
59:32 all end the same way.
59:34 Now these are the, you know, the reported decisions,
59:36 but it's amazing to me how this happens.
59:40 So that's one sort of concrete area
59:43 where I think we can do something.
59:45 And having other responders,
59:47 many departments are doing that now.
59:49 You don't send the officer to a mental distress call
59:53 by himself or herself,
59:55 you send them with a mental health worker or a social worker
59:58 who's unarmed and who's trained in deescalation
01:00:02 and how to deal with people with mental issues.
01:00:05 And so you, you know, you can work some of that out.
01:00:08 Of course, it takes money, yeah.
01:00:11 But, you know, I'd rather put the money there
01:00:13 than put it into judgments or settlements
01:00:16 to plaintiffs who end up suing the police.
01:00:21 - So, other questions?
01:00:22 We'll take a couple of questions and what we'll do is ask,
01:00:25 we'll have a couple folks ask a question,
01:00:27 then we'll let the panel respond.
01:00:28 So Abby and then the gentleman in the back
01:00:31 and this gentleman.
01:00:34 No.
01:00:37 - [Abby] How about now?
01:00:38 - Yeah. - [Abby] Okay, fantastic.
01:00:38 Hi, I'm Abby.
01:00:40 In professional capacity,
01:00:41 I work at the Massachusetts Office on Disability,
01:00:44 and in that role I actually have a seat
01:00:46 on the 911 Commission, the State 911 Commission.
01:00:49 So I wanted to offer a resource
01:00:53 as an alternative to calling 911.
01:00:56 It is a brand new program,
01:00:58 so they've had a soft launch but it's called
01:01:01 the Massachusetts Behavioral Health Help Line.
01:01:04 You can access it at masshelpline.com,
01:01:07 and it is supposed to be an alternative to calling 911.
01:01:10 Like I said, it just launched January 3rd 2023
01:01:15 and so there hasn't been a real campaign
01:01:17 to have public awareness about this,
01:01:20 but you can call them, you can text them,
01:01:22 you can chat with them, masshelpline.com.
01:01:26 Then I wanted to offer one comment and then one question.
01:01:31 One comment, especially about the killing of Tyre Nichols.
01:01:36 True diehard liberal that I am, I was listening to NPR,
01:01:39 and they were having a story about the particular unit
01:01:45 that was responsible for the killing.

01:01:48 Their unit was called the Scorpion Unit.
01:01:50 And again, when we're talking about recruitment
01:01:52 and cultural challenges and cultural symbols,
01:01:56 what does the scorpion represent?
01:01:57 Aggressive, poisonous, toxic, you know,
01:02:00 and is that the people who are applying for that job.
01:02:03 I think, so I think talking about these cultural symbols
01:02:05 is really great.
01:02:07 Now my question,
01:02:10 something that I haven't heard been talked about today.
01:02:15 We've heard a lot from, again,
01:02:16 more far leaning left, more left-leaning folks,
01:02:21 calls to abolish the police, defund the police,
01:02:24 prison abolition
01:02:27 and instead replace these with systems
01:02:29 of restorative justice,
01:02:31 and alternatives to policing.
01:02:34 So I'm just curious,
01:02:35 it seems like an absolute long shot from where I'm standing,
01:02:38 you know, and we're already dealing
01:02:39 with these entrenched organizations and their own culture,
01:02:42 but I do wanna see if anybody on the panel
01:02:46 finds any of those ideas having merit,
01:02:48 if there's any way to incorporate them
01:02:50 into like organizational structure of the police today.
01:02:53 Thank you.
01:02:54 - Thank you very much.
01:02:55 You know, I think, we're gonna ask a couple questions
01:02:57 and then we'll let the panel respond I think.
01:02:59 There was a gentleman in the back.
01:03:02 Would you mind coming up to the, thank you so much.
01:03:06 - [Josh] Hi, so thank you all for your time.
01:03:07 My name is Josh and I'm a law student.
01:03:10 And so on the topic of public pressure,
01:03:11 I'm curious if anyone can speak to
01:03:14 the advent of social media
01:03:16 and how that's really brought these issues to the forefront.
01:03:19 I think Professor Blum talked about how these issues
01:03:21 are not new,
01:03:22 but I think that through everyone
01:03:24 having a camera on their phone
01:03:25 and having the ability to livestream in real-time
01:03:28 these things that are going on,
01:03:30 it's heightened that public demand
01:03:32 for accountability and reform.
01:03:34 And so I'm just curious to learn about your thoughts
01:03:36 on the social media component about it, thank you.
01:03:38 - Great, thank you so much.
01:03:40 And why don't you, do you mind asking,
01:03:42 if you could speak very loudly.
01:03:44 - [Audience Number 2] Yeah, sure.
01:03:46 Professor Cooper, you mentioned,
01:03:48 they're using algorithms now to police certain communities.
01:03:51 You mentioned before that

01:03:53 there isn't like any bias in policing,
01:03:58 but do you think there are some issues
01:03:59 that come up with algorithms because they're using to input
01:04:03 to build these structures, I guess?
01:04:09 - Great question.
01:04:10 So do you wanna start us off-
01:04:13 - Sure. - Professor Cooper?
01:04:14 - So the algorithms are based on, you know, human input.
01:04:20 So they have the biases of humans
01:04:22 that can be baked into them.
01:04:24 And there's been a lot of research
01:04:26 that has shown that there are biases,
01:04:28 at least in algorithms having to do with like bail reform
01:04:31 and so forth.
01:04:32 And people are very,
01:04:33 scholars are very concerned about algorithms
01:04:35 for where we send police officers.
01:04:38 So I would definitely say there's a problem there.
01:04:41 And I think I'll hold it there for now.
01:04:45 - [Professor Bond-Frontier] Anybody else wanna comment
01:04:45 on that?
01:04:46 - I'll also just say that, I mean, algorithms,
01:04:49 the use of algorithms in our criminal justice system
01:04:52 has expanded greatly, right, over the last 20 or so years.
01:04:56 And so when you think about how algorithms are used
01:04:59 to help criminal justice decision makers,
01:05:03 filter and sort folks, right, if on the front end,
01:05:08 we're using sort of policing tactics
01:05:11 that disproportionate impacts certain communities,
01:05:13 communities of color,
01:05:15 on the backend, when we are trying to make decisions
01:05:18 about parole or even about sentencing,
01:05:20 if certain communities of color
01:05:22 are disproportionately surveilled, right,
01:05:24 and certain people are disproportionately stopped
01:05:27 and searched,
01:05:28 then you're gonna see that sort of that bias make its way
01:05:31 throughout the rest of the criminal justice system as well.
01:05:33 So, I mean, it's a huge issue, right?
01:05:35 - So one of the other questions
01:05:37 had to do with this sort of, Abby,
01:05:38 I think pose this idea of, if we were to abolish police
01:05:43 or if we needed these other systems,
01:05:45 can anybody comment on sort of like,
01:05:47 what could you imagine are the alternatives
01:05:51 that are either realistic
01:05:54 or we should be seriously thinking about?
01:05:57 - I'm biased, I will say,
01:05:59 well, I wanna dispel the notion that,
01:06:01 especially in communities of color, right,
01:06:03 and less affluent communities that
01:06:05 we don't want police officers around.
01:06:07 We do want police officers around, right?
01:06:09 And when you think about community policing,

01:06:11 you hear folks like, you know,
01:06:12 the police officers getting out and playing basketball,
01:06:15 yeah, that's fine, right?
01:06:16 But you want police officers
01:06:17 to be part of that neighborhood in some way, right?
01:06:20 That they know the residents, right?
01:06:22 And knowing that residents can give them
01:06:24 sort of like that brief moment where they can sort of say,
01:06:27 you know, pause before taking action
01:06:29 that could be deadly, right?
01:06:31 Because they may be familiar with,
01:06:33 they have more context about what's going on
01:06:35 as opposed to just them showing up on that call,
01:06:37 in that very sort of high stress situation.
01:06:40 So, you know,
01:06:42 in terms of getting rid of police,
01:06:44 you know, again, I'm biased,
01:06:46 I'm living in one of the communities
01:06:47 and I want to see more of the officers in those,
01:06:50 in the communities.
01:06:52 - I totally agree.
01:06:53 I mean, I, in no way, want to defund the police
01:06:56 or get rid of the police.
01:06:58 I want to improve the police.
01:07:00 I wanna give them better training.
01:07:02 I wanna give them even more money
01:07:03 if they can get their acts together and get, you know,
01:07:07 these problems we've been talking about somehow
01:07:11 in better shape.
01:07:12 And it really annoyed me
01:07:14 when I was giving testimony before the federal committee,
01:07:23 it was on establishing,
01:07:25 responding out superior liability for municipalities,
01:07:28 which we haven't gotten into today.
01:07:30 But anyway,
01:07:33 those who were posed getting rid of qualified immunity
01:07:38 always tie the suggestion
01:07:40 that we get rid of qualified immunity or somehow modify it
01:07:43 to linking it to some kind of a plan to defund
01:07:48 or get rid of police.
01:07:49 And it really is not at all.
01:07:53 You know, qualified immunity
01:07:54 doesn't really do anything to protect police.
01:07:56 They are indemnified.
01:07:58 They never pay judgments out of their own pockets.
01:08:01 They are never going to be at risk of being bankrupt.
01:08:05 And qualified immunity is not the protection they need.
01:08:11 They're already given that protection
01:08:13 by the substantive law of the Fourth Amendment.
01:08:18 So, you know,
01:08:22 it's not some kind of a ploy or, you know,
01:08:25 attempt to defund the police.
01:08:27 The two are not even related.
01:08:29 So I'll just stop there.

01:08:31 - I'd like to make a case though,
01:08:32 for at least redistributing most of the funds
01:08:35 that go to police.
01:08:36 It's certainly true that
01:08:37 as long as we have an addiction to a gun culture,
01:08:40 we're gonna need SWAT teams.
01:08:42 But that's most of what we actually need the police for.
01:08:47 If the police are needed to go into communities
01:08:50 and play basketball with people,
01:08:51 there are people who are better than that,
01:08:54 at that than they are, right?
01:08:55 They're called social workers.
01:08:58 And so, we could redistribute a lot of funds to other tasks,
01:09:02 as Professor Bond-Fortier said,
01:09:05 there are a lot of tasks that the police
01:09:07 may not even want to have on their plate,
01:09:10 especially when it comes to mental health.
01:09:14 - And I'd also note that like, I think,
01:09:17 there are like surveys of, you know,
01:09:21 Black folks, white folks,
01:09:21 and it often shows that like Black folks
01:09:24 do want more police in their communities.
01:09:26 But what I often think what those surveys are capturing
01:09:29 is that Black folks want safety, right?
01:09:32 They want quick responses to the issues that they face.
01:09:35 And I don't know that the police always offer safety, right?
01:09:39 And so I think it's important to recognize that,
01:09:42 like what's actually shining through some of those surveys.
01:09:44 And I think there is a role for folks
01:09:46 who need to be able to take a dangerous person
01:09:48 off the streets,
01:09:49 but I also think there's a significant role
01:09:51 for mental health workers and social workers
01:09:53 and for reallocating some resources to, you know,
01:09:56 education and anti-poverty programs
01:09:58 and those sorts of things.
01:09:59 I have a few, few of my friends are police officers,
01:10:02 and when I have conversations with them like, you know,
01:10:06 why are you having to arrest people?
01:10:08 Well, you know, they don't know how to cope with
01:10:10 whatever they're going through,
01:10:12 or hypermasculinity issues,
01:10:14 or issues with poverty, right?
01:10:16 And so I think that we should think about abolition
01:10:19 as a way to build our society
01:10:20 rather than just tearing certain things down,
01:10:23 although that might have to go along
01:10:25 with building up a new kind of society.
01:10:28 - And just to close out to I think Abby's point,
01:10:31 that it would take a very long time
01:10:34 and a lot to be able to build up.
01:10:37 And I think that's the place that we're finding ourselves in
01:10:39 is there's this real demand and push
01:10:42 to sort of reduce the footprint of police

01:10:44 and to get police out of places,
01:10:45 but we do not have the clinicians,
01:10:48 we do not have the expertise.
01:10:51 And so there's definitely that conflict there.
01:10:54 Carlos, and then we'll go to the last question
01:10:55 for the gentleman in the back.
01:10:57 - To go back to Terry stops
01:10:58 or the Terry versus Ohio case,
01:11:02 that really sort of started something
01:11:04 that we don't really pay much attention to, right?
01:11:06 So police officers can stop someone really with, you know,
01:11:09 all they need is some reasonable suspicion, all right?
01:11:11 So that can be anything, right,
01:11:13 acting funny, right, it could be.
01:11:15 So that creates sort of the interactions
01:11:17 that we really don't need, right?
01:11:18 If you go back in history, you know,
01:11:20 Tyre Nichols is one, right,
01:11:21 there's so many of these cases that involve this, you know,
01:11:25 that hide behind suspicious activity, right?
01:11:27 You can go to Amadou Diallo who's shot 41 times
01:11:31 because of the unit that you were talking about here,
01:11:34 these specialized units,
01:11:35 they're, you know, Scorpion Unit,
01:11:37 Gun Trace task force in Baltimore,
01:11:39 they've been around for a while
01:11:40 and they're sort of unsupervised, right?
01:11:42 And they depend on,
01:11:44 they can go into these communities
01:11:46 and sort of do what they want, right?
01:11:48 If someone seems suspicious they can, you know, ask them.
01:11:50 So these interactions need to stop as well, right?
01:11:53 You know, this idea of sort of,
01:11:54 oh, this person looks suspicious,
01:11:56 so that cannot continue.
01:11:58 And we don't talk more about that part.
01:12:03 - Some jurisdictions have actually,
01:12:05 some states and some localities have barred
01:12:10 you know, traffic stops
01:12:12 for minor traffic violations, you know, the tag, you know,
01:12:15 whatever the pretext that's usually given,
01:12:18 that you just don't make those kind of traffic stops.
01:12:20 That is pursuant to an order in Philadelphia where they,
01:12:26 and they found that the number of, you know,
01:12:28 violence incidents and police misconduct incidents
01:12:32 went down considerably
01:12:33 just by eliminating those kinds of traffic stops.
01:12:36 And we've all seen that, you know,
01:12:37 that's part of the big, big picture here.
01:12:39 Also, the pedestrian stops as you're suggesting,
01:12:44 you know, so you just decriminalize
01:12:46 or whatever low level kind of quality of life violations.
01:12:50 And there's a requirement,
01:12:52 in some communities have this crime,

01:12:54 the police officer goes up and asks the person
01:12:56 to just kind of move along or stop whatever they're doing,
01:12:59 and then, you know, you don't issue a citation,
01:13:01 you do nothing if the person kind of complies.
01:13:03 If they start giving you a hard time,
01:13:05 then you can issue a citation.
01:13:06 But the first line of, you know, approach is not,
01:13:10 you know, I'm gonna arrest you
01:13:11 because you're selling cigarettes on the street
01:13:12 or I'm not, you know.
01:13:14 So there are these kinds of steps.
01:13:17 And I think, yeah, I think Terry and Whren are big problems
01:13:21 and sent us down a slippery slope to, you know,
01:13:24 many other issues.
01:13:27 I have to say that's one area
01:13:29 where Massachusetts I think is good,
01:13:30 because Massachusetts, our state court, our SJC,
01:13:34 has issued opinions that make it easier,
01:13:36 at least as a matter of state constitutional law,
01:13:39 to bring racial profiling kinds of claims
01:13:43 so that you don't have to go through this, you know,
01:13:46 kind of impossible task that you have to,
01:13:48 as a matter of federal law,
01:13:49 to make out an equal protection claim based on race.
01:13:53 You don't have to show the comparative groups and figures
01:13:56 and come up with all the statistics
01:13:57 and get the expert under Massachusetts law.
01:14:00 If you can show that a particular stop,
01:14:02 given the totality of the circumstances was based on race,
01:14:07 then that's enough to create that presumption
01:14:10 and the city or the state has to come back
01:14:14 and rebut that presumption,
01:14:16 and show that in fact the stop was not based on race.
01:14:18 So in that respect,
01:14:20 I think our State Supreme Judicial Court has been good.
01:14:25 - So would anybody wanna jump in
01:14:27 and talk a little bit about the role of social media
01:14:29 in sort of elevating
01:14:32 and bringing these recent sort of crises into our view?
01:14:40 - Well-
01:14:41 - Go ahead. - Go ahead. No, you.
01:14:43 - I think it's played a significant role.
01:14:45 That's one of the reasons I think
01:14:46 that we didn't answer that question is that
01:14:48 it was sort of like, yeah, we agree.
01:14:50 I agree, at least, that that's been important.
01:14:53 It's changed the dynamic when you can see video
01:14:56 and when there's a threat
01:14:58 that there might be a video of misbehavior.
01:15:02 - Yeah.
01:15:03 And interestingly,
01:15:04 it's given rise to a whole new kind of set of cases
01:15:09 on the right to videotape police in public and so forth,
01:15:14 which most jurisdictions I've held

01:15:16 is a clearly established First Amendment right.
01:15:18 Although, I just came across an interesting case
01:15:20 where the person being stopped,
01:15:22 the passenger in the car was not videotaping or, you know,
01:15:26 recording with his phone, but livestreaming the incident.
01:15:31 And the court, there's where qualified immunity kicked in
01:15:34 to protect that officer
01:15:35 who arrested this guy for livestreaming
01:15:37 because the court said, okay,
01:15:38 we know there's a right to videotape police,
01:15:41 that's been clearly established in this circuit,
01:15:43 but there's never been a case involving livestreaming.
01:15:47 And so the officer gets qualified immunity.
01:15:50 That's one of these crazy qualified immunity cases.
01:15:54 - [Professor Bond-Frontier] Thank you.
01:15:55 So we have time for just one or two more questions, yes?
01:15:58 - [Chelsea] Okay.
01:15:59 My name is Chelsea and I'm a first year student,
01:16:02 and I'm in a policy writing class currently.
01:16:05 And we talk a lot about like the window of opportunity,
01:16:09 like after tragedy and catastrophe is the best time to act.
01:16:14 And I think in a wide perspective,
01:16:16 a lot of people expected George Floyd's murder
01:16:20 to be a huge kickoff point for a lot of action and change
01:16:23 that if anything were to change
01:16:25 it had to be in response to that.
01:16:27 And I think as we continue to have these cases
01:16:30 and cases like the recent Tyre where it was not about race,
01:16:34 but it's about policing,
01:16:37 a lot of us are asking how,
01:16:39 but I'm also kind of curious about when,
01:16:41 if that makes sense,
01:16:43 if it hasn't worked before,
01:16:45 where do we see the window of opportunity to act?
01:16:49 When is this change going to be the most possible?
01:16:52 Thank you.
01:16:55 - One more question and then we will turn back to the panel.
01:16:58 Yes?
01:16:59 Can you come up to the mic? Thanks.
01:17:01 Oh, I'm sorry.
01:17:12 - [Audience Number 3] Is it on now?
01:17:13 - Yes. - [Audience Number 3] Okay.
01:17:13 So I'm struggling to articulate this question,
01:17:15 but it's something that's been on my mind
01:17:17 even prior to this panel.
01:17:20 I'm taking a class right now,
01:17:21 and the class is kind of based around the book,
01:17:23 Black and White Space by Dr. Elijah Anderson.
01:17:26 And we talk a lot about policy change,
01:17:30 and, you know, social media
01:17:33 as a way to hold each other accountable.
01:17:36 But I wonder if policy
01:17:40 and pushing like hard change
01:17:43 can really change culture.

01:17:47 Obviously, it's a trickle down effect.
01:17:48 If you change policy
01:17:50 and you change the way things are legally,
01:17:53 it's gonna trickle down
01:17:54 and it's gonna make change over time.
01:17:56 But does anyone see a way
01:17:58 that we can really implement like moral understandings
01:18:02 of why this is taking place in like youth,
01:18:05 you know, even older generations?
01:18:08 I just worry that
01:18:11 if we don't change like the real individual people,
01:18:14 we can't really change the systems as well.
01:18:21 - Thank you.
01:18:23 Anybody wanna start?
01:18:24 - Doing two or three?
01:18:26 - We can get one more in?
01:18:28 Yep, come on in and then our panel will respond.
01:18:32 Thanks.
01:18:33 - [Patrick] First off I wanna thank,
01:18:36 thank you for coming out here.
01:18:38 My name is Patrick, I'm a law student here
01:18:40 and I'm a student attorney
01:18:40 with the Suffolk Defendants Group.
01:18:43 I know we've spent the whole time talking about
01:18:45 policing and specific issues a little bit
01:18:48 involved in Supreme Court
01:18:50 and like congressional level as well,
01:18:52 but I want to ask your opinion if you have any experience
01:18:57 with systemic issues related to local courts.
01:18:59 And I asked that really, 'cause recently,
01:19:02 I was speaking to Judge Asha White out of Middlesex County,
01:19:07 if you don't know, he's a Black judge,
01:19:10 and he was talking a little bit about
01:19:11 the behind the scenes systemic issues
01:19:15 that he's experienced at the judicial level.
01:19:17 And I was wondering if any of you guys have any experience
01:19:20 in that role.
01:19:22 I know it's a big broad category,
01:19:24 but I just wanted to, I guess, if any came up like that.
01:19:33 - Anybody want to start us off?
01:19:36 - Okay.
01:19:40 I guess I can start or do you wanna start?
01:19:42 Why don't you go first?
01:19:43 - No, I just wasn't sure about your question,
01:19:46 whether it was you mean what's going on
01:19:49 in the court system itself?
01:19:53 (Patrick faintly speaking)
01:19:59 Well, yeah, police work with prosecutors all the time.
01:20:03 And so, I mean it's not just on the police,
01:20:06 it's the prosecutors and the judges.
01:20:08 If you have a judge who knows that
01:20:10 a particular police officer comes in
01:20:13 and lies all the time on the stand,
01:20:15 why isn't that judge doing something?

01:20:17 Or if the prosecutor is, you know,
01:20:19 afraid of offending the police
01:20:21 because you really have to rely on the police
01:20:24 to do the investigative work and this is part of the system,
01:20:28 I mean this all has to get better.
01:20:31 And, you know, I can't speak to specific instances
01:20:34 in Massachusetts on that level,
01:20:36 but I know it's, you know,
01:20:37 when the Rampart Scandal happened out in California
01:20:41 in whatever year that was,
01:20:43 and Erwin Chemerinsky did a report
01:20:45 and went into this whole thing about the prosecutors,
01:20:49 the judges, that everybody had to play a part in the reform,
01:20:52 otherwise it's not gonna work.
01:20:54 And I think that's true probably in every state,
01:20:57 I would imagine on the state level, yeah.
01:21:01 - So the other, if anybody wants to comment on that question
01:21:04 or the other questions, I'll just put them out there.
01:21:06 The first is sort of talking about
01:21:09 the window of opportunity for change.
01:21:12 And I think the second question
01:21:13 was very much about this idea of change
01:21:15 and how long it takes for change
01:21:17 and how do we sort of really think about change more broadly
01:21:21 about sort of things, not just policing.
01:21:24 - I'm pretty good I'm not answering the question.
01:21:25 So this part, so I'm not sure if this answers,
01:21:28 if you look, you know, policing has changed, right?
01:21:32 So I went to a school, my undergrad,
01:21:34 most of my classmates all wanted to be police officers.
01:21:37 And I actually went to the State Trooper Academy,
01:21:41 you know, I didn't go through with it,
01:21:42 but it's no longer the case, right?
01:21:44 I see that with my students, right?
01:21:46 When I asked them about who wants to be police officers,
01:21:48 not many raise their hands anymore, right?
01:21:50 It's getting lower and lower.
01:21:51 And I've been teaching, not a long time,
01:21:53 but I've been teaching for while, I've seen that shift.
01:21:56 So, you know, I'm not sure if people
01:21:57 don't wanna be police officers anymore,
01:21:59 I'm not sure if it's the standards, right,
01:22:01 I'm not sure if folks don't want the 30-year career,
01:22:03 but I do think we need folks, you know,
01:22:05 more qualified folks, right,
01:22:07 to get it more in the higher training, higher standards,
01:22:10 more screening to get sort of the folks in there
01:22:13 that wanna be in there,
01:22:14 and that wanna do the right job, right?
01:22:15 And that goes for every profession, right?
01:22:16 My wife's a nurse and, you know,
01:22:18 she talks about nurses that shouldn't be nurses anymore,
01:22:21 and how they are made the qualification to be there.
01:22:24 So I'll stop there.

01:22:25 - Yeah, I would also add that actually,
01:22:28 the police profession and industry has changed enormously
01:22:33 in the last 50 years.
01:22:35 And as may not change fast enough,
01:22:40 but the change is significant in terms of new laws,
01:22:44 new practices, as new technologies come in.
01:22:48 10 years ago, very few police agencies or police officers
01:22:51 had body-worn cameras,
01:22:54 and now we are moving in that direction.
01:22:56 But one of the reasons why it takes so long
01:22:59 is because resources,
01:23:01 all of the things that we've talked about,
01:23:02 culture, resources, a lot of those kinds of things.
01:23:06 So I do think that change has happened.
01:23:10 It definitely has not happened fast enough
01:23:12 for a lot of people.
01:23:13 So, anybody else wanna add?
01:23:16 - And I'll just say really briefly, I think, you know,
01:23:19 we continuously push for change, right?
01:23:20 We continuously push for the reforms that we want,
01:23:23 that we believe that we need.
01:23:25 And sometimes regarding like, can policy influence culture?
01:23:28 I think that was one of the questions.
01:23:30 I think it can.
01:23:31 We've seen that with like the death penalty in places
01:23:34 where the death penalty was eliminated,
01:23:36 you begin to see a reduction in the percentage of folks
01:23:39 who support the death penalty.
01:23:40 So sometimes if you can get policy in there and you see,
01:23:43 oh listen, crime rates haven't been negatively impacted,
01:23:46 the culture can change after that as well.
01:23:48 And so I think I'll leave it there.
01:23:50 I know we're about at time.
01:23:51 - [Professor Bond-Frontier] Thank you, and I'll turn it over
01:23:52 to our fearless leader.
01:23:56 - All right, first of all,
01:23:56 please join me in a big round of applause
01:23:58 for this amazing panel.
01:23:59 (attendees applauding)
01:24:05 So I wanted to say somewhat belatedly
01:24:06 that part of the reason why I didn't do a long,
01:24:08 lengthy introduction because I could have gone on and on
01:24:10 about our esteemed panelists,
01:24:12 is that there are bios that have gone around,
01:24:14 and so they did make their way at the end of the panel.
01:24:17 But this was, you know,
01:24:19 this is an incredibly important issue
01:24:22 and I just wanna really thank our panelists
01:24:24 for just having this candid conversation.
01:24:25 And also thank all of you for making time.
01:24:28 And for those of you that spoke up and asked questions,
01:24:30 these are conversations
01:24:32 that we need to take to the dinner table,
01:24:34 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)