# Consult Police Counterplan

### Text

#### The United States Federal Government should enter a binding consultation with the National Association of Police Organizations on the implementation of <<Insert action of the affirmative>>

### 1nc

#### Binding and honest consultation solves the affirmative while ensuring binding enforcement-creates compromise while guaranteeing compliance

Bies 17

Katherine J. Bies is a J.D. Candidate, Stanford Law School, “LET THE SUNSHINE IN: ILLUMINATING THE POWERFUL ROLE POLICE UNIONS PLAY IN SHIELDING OFFICER MISCONDUCT”, Published by Stanford May 2017, [https://law.stanford.edu/wp-content/uploads/2017/05/SLPR-Vol.-28-1-Bies.pdf)//LED](https://law.stanford.edu/wp-content/uploads/2017/05/SLPR-Vol.-28-1-Bies.pdf%29//LED)

A recent collaborative effort in San Francisco demonstrates these models of participatory democracy at work. In May, the police union voted unanimously to support a set of rules for using and implementing body cameras among its officers.256 Body camera policies were initiated by acting S.F. Police Chief Toney Chaplin in response to public pressure.257 Chaplin’s predecessor was the subject of repeated calls for resignation after multiple officer-involved shootings and release of racist text messages exchanged by S.F. police officers.258 These policies were developed by a working group that included the union, the public defender’s office, the San Francisco Bar Association, and other police force alliances such as the Officers for Justice. Although these groups often diverged on when officers should be allowed to view footage, eventually these groups agreed on a compromise. The San Francisco Police Officers Association agreed to a policy that requires officers to provide an initial statement of an incident involving in-custody deaths and officer-involved shootings before viewing the footage. Initially, union officials had fought to allow officers to view the videos before issuing any statement. The union president stated that the ACLU, the Office of Citizen Complaints, the public defender’s office, and the San Francisco Bar Association all wanted a “state-of mind statement” prior to viewing the video.259 However, discussions between the police union, police department management, and other groups eventually encouraged the police union to agree to body camera proposals.260 In future efforts to make police disciplinary records public, activist organizations could similarly encourage police department management to brainstorm disciplinary record disclosure policies and include police unions in this conversation. But as the body camera anecdote illustrates, even getting police unions to the bargaining table to discuss potential reform will take public pressure and progressive leadership. Although the San Francisco police union was willing to make compromises to allow body cameras, police unions may be even less likely to make compromises regarding disciplinary files. Despite these reservations, this anecdote demonstrates an additional avenue to promote progressive criminal justice reform: political collective bargaining. Here, police management entered into negotiations about implementing topdown reforms with police unions and other organizations bent on progressive reform. Rather than forcing rank-and-file officers to enact change through court orders, reforms implemented via participatory democracy may meet less resistance by directly negotiating progressive reforms with the police union itself and harnessing rank-and-file officers as agents of reform. 261 This anecdote also demonstrates the synthesis of management-controlled initiatives with the development of identity-based organizations. The combination of these participatory democracy models allows rank-and-file officers to voice their private interests, but also collaborate with other organizations and individuals that might be more aligned with the public interest. However, unions may not always see eye-to-eye with identity-based organizations like Officers for Justice.262 Most importantly, this story illustrates that progressive management and leadership is essential in order for reforms initiated by police departments to be successful. As Sklansky writes, “good supervision can do much of what the criminal procedure revolution tried, with only limited success, to accomplish with rules: make the day-to-day work of policing less arbitrary, more accountable, and more enlightened.”263 Similarly, one criminologist believed that the “key ingredient” in the Oakland Peer Review Panel—a project designed to address issues of excessive force in the 1970s—was an “enlightened Chief of Police.”264 Currently, some leaders are signing onto progressive reforms. Although many police officers opposed the sunshine bill, San Francisco Sheriff Michael Hennessey and Chief Ronald Davis of the East Palo Alto Police Department both wrote letters in support.265 These two police departments, with the support of their progressive management, could pioneer negotiations with police unions to disclose disciplinary records. If successful, these departments could become examples of and advocates for broader reform.26

#### Solves the aff better-Unions ensure non-compliance now

Cohen Et Al 6/8/20

Marshall Cohen is a CNN producer, Sara Murray is a political correspondent, David Shortell is a Crime and Justice Producer, Katelyn Polantz is a Reporter, Crime and Justice, Mark Morales is a CNN reporter, “Police unions dig in as calls for reform grow” Publishe by CNN Politics, https://www.cnn.com/2020/06/08/politics/police-union-reform-protests/index.html)//LED

Washington (CNN)A crowd of police officers in Philadelphia gathered outside their local union headquarters on Monday to show their support for one of their own -- a staff inspector facing assault charges after allegedly beating a college student at an anti-racism protest last week. Like all criminal defendants, Philadelphia Police Staff Inspector Joseph Bologna is innocent until proven guilty. But it seemed like the crowd of more than 100 applauding officers already made up their minds, despite viral footage of Bologna hitting the student in the back of the head with a metal baton, sending him to the hospital. Following the rally, the union that represents Bologna issued a statement, saying it "will not stand-by and watch Inspector Bologna get railroaded." As public opinion shifts on issues of police violence and racial discrimination, and cities begin to rethink their approach to law enforcement, powerful police unions across the country are digging in, and preparing for a once-in-a-generation showdown over policing. The flashpoint has been seemingly brewing for years and has flared in intensity with each high-profile police killing involving an African American. Elected officials, facing more pressure than ever after last month's police killing of George Floyd in Minneapolis, are pledging to take action. "Let me be clear, we're going after the police union," Minneapolis Mayor Jacob Frey said Monday on ABC's Good Morning America, after members of the city council said they wanted to go even further and dismantle the local police department to pursue other models of policing. MORE FROM CNN POLITICS The hidden history of the secret presidential bunker VIDEO: Martial law: Here's what can and can't happen in the US Fact check: Five false or misleading claims Trump and his allies make about the response to the protests But that might be easier said than done. Police unions in the US wield significant power and enjoy higher membership rates than many other unions, which have declined in recent years. Government officials and labor experts also tell CNN that police union contracts often make it tougher to remove officers that have been flagged for misconduct -- a key roadblock to reform. "They've become far too powerful. They form political action committees. They donate to district attorneys' race or state attorneys' race, state senators and representatives and so forth," Charles Ramsey, a former DC police chief and former Philadelphia police commissioner, said Sunday on CNN. "And then we wonder why you can't get anything done." For the first time, police unions will need to grapple with a skeptical public that doesn't automatically support law enforcement. New polls indicate that most Americans now acknowledge that African Americans are more likely to be mistreated or even killed by police. "This is big," legendary GOP pollster Frank Luntz tweeted on Monday about a dramatic shift in how Americans are viewing police violence. After Eric Garner died in police custody in 2014, 33% of Americans said they believed police were more likely to use excessive force against African Americans. That figure now stands at 57%, according to a poll from last week. In response to the public sentiment over the past two weeks, Jim Pasco, executive director of the national Fraternal Order of Police, the largest law enforcement union in the country, told CNN that his organization is willing to sit down with "anybody, anytime who wants to have a fact-based discussion" on public and police safety, and that these discussions were ongoing. 'Corrosive' police culture For years, lawmakers from both parties passed police-friendly laws and empowered police unions in their cities. But in this moment, there could be limited opening for bipartisanship. "We need reform in the area of the police unions to make sure that the chief can actually have disciplinary control over the force," said Minnesota Attorney General Keith Ellison, who is personally handling the prosecution of the four police officers involved in Floyd's death. House Democrats unveiled a sweeping proposal on Monday to address racial disparities in policing. The bill would establish a national registry for police misconduct, among other things. It's not clear that any Republicans will support that bill, but some are breaking from President Donald Trump's hardline stance toward the protests, which he has focused on more than Floyd's killing. Utah Sen. Mitt Romney marched in a Black Lives Matter protest over the weekend in Washington, DC. And the Texas Public Policy Foundation, a conservative think tank, released a report last year that said many police unions "run counter to the best practices of professional law enforcement standards" and are more concerned with sustaining the union than with promoting public safety. Ronal Serpas, the former police chief in New Orleans and Nashville, said unions nationwide have successfully negotiated for control over disciplinary processes, creating a "corrosive" culture where problematic officers know their union will protect them from consequences. "To change police culture, we have to change the way contracts are handled," said Serpas, who oversaw police reforms in New Orleans after years of corruption and after Hurricane Katrina. Decades of collective bargaining has resulted in police forces where department chiefs have little control, and the unions have set the terms for internal investigations. Even if an officer is formally punished, nuances in the contract often help officers prevail on appeal, Serpas said. For instance, some police union agreements have outlined how long police leadership must wait to investigate an incident, how they can ask the police officers questions and what they can ask, and how quickly the department must complete an investigation. Taken together, it puts the disciplinary power in the hands of the unions, which are set up to protect police officers' jobs. Sometimes, police officers of color face discrimination within their own departments, and police unions have been complicit in allowing these inequalities to fester and survive, experts tell CNN. As local governments look to pass new reforms, they'll need to rewrite many of these policies and claw back some of the powers they've ceded to the police unions, Serpas explained. "The unions are doing what they are supposed to be doing -- finding ways to protect their employees," Serpas said. "They'll go as far as the local government will let them go." Taking action in New York New York, home to the largest police department in the country, has sprung into action. Answering a question Monday from CNN's Mark Morales on police unions and reform, New York Gov. Andrew Cuomo said that "every union argues the interest of their employees, their workforce," and that he will "listen to all voices," including the unions, as he pushes reforms. Lawmakers in New York are moving forward this week with a series of measures to address police misconduct. This includes repealing a state law commonly known as 50-A, which prevents the public from seeing disciplinary records for officers, including those who kill civilians. Activists have said this law has made it harder to hold abusive police officers accountable, while police unions have said that this change could jeopardize the privacy of individual officers. Cuomo cast those concerns aside Monday, saying the bill includes ample privacy protections. "All its doing is reversing an exemption on police records, so now a police officer is like a schoolteacher," Cuomo said. "It's just parity and equality with every other public employee." The legislation is being taken up by the Democrat-controlled state legislature, along with other bills that would establish a new office under the New York attorney general to investigate police misconduct, and also would require officers to turn on their body cameras in specific situations. The spotlight in this state isn't only on efforts by the New York Police Department to enforce curfews and maintain order in New York City. Last week, two officers from the Buffalo Police Department were charged with assault after allegedly shoving an elderly man at a protest. After the officers were suspended, all 57 members of the police force's emergency response team resigned from that team. The local union said they quit in solidarity with the two officers, though some officers told local news outlets that the union's public statements weren't accurate. "The Buffalo police union is on the wrong side of history, they are wrong in this situation, they have been a barrier to further police reform in the city of Buffalo and that barrier that the police union presents needs to be addressed," Buffalo Mayor Byron Brown said Saturday on CNN. Unions flex their muscle While union membership has declined nationally, membership among law enforcement remains high. Those membership dues can be funneled toward litigation, support for political candidates or lobbying on legislation that can impact police forces. Police unions also say they work to secure better pay and benefits for officers, and that they have a duty to defend their members. "Police unions have a tremendous amount of influence," said Jonathan Smith, executive director of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and a former Justice Department official who worked on police issues. "There's a lot of police officers in this country and the dues accumulate a large war chest that can be used to enhance their political agenda." Local officials have also benefited from endorsements and donations from police unions, making it less politically palatable for some officials to try to take on police unions or cases involving individual officers. In an interview with the New York Times, one Minneapolis city councilman even recently compared the local police union to a "protection racket" that slows down services in areas with unfriendly officials. A spokesman for the Minneapolis Police Department declined to comment on the accusation to the Times. To flex their political muscle, police unions have used aggressive and at-times threatening rhetoric to attack elected officials who were trying to rein in their local police departments. The head of a St. Louis police union said last year that the city's chief prosecutor, an African American woman, should be removed "by force or by choice" because she was supposedly sowing distrust of law enforcement. And after an attempted assassination of NYPD officers in February, a major police union in New York City said its members were "declaring war" on liberal-leaning Mayor Bill de Blasio because they blame him for creating a dangerous climate for police officers. In 2016, the Fraternal Order of Police threw its support behind then-candidate Trump. The organization counts more than 300,000 members nationwide. In an interview with the Washington Post last year, Pascos said, "I would say at least 80% of our membership nationwide is solidly supportive of President Trump." Across the country, the actual work of a police union can be much more mundane than it appears in this moment, when tensions are high after a spate of high-profile incidents. Like other labor unions, police unions will advocate for better benefits and workplace conditions for their members, through collective bargaining. When officers face issues, ranging from citizens' complaints to criminal charges, the police union will often provide legal representation. Brian Luciano, the president of the Police Benevolent Association in Virginia Beach, Virginia, said police officers facing accusations of misconduct can often become victims of political considerations and a public rush to judgment. Police unions will step in to make sure that officers in trouble get the same consideration as a civilian under arrest, Luciano said. "Municipalities don't always have the officers' best interest at heart. They will do what's expedient for them for their political purposes," Luciano said. "We see our role as protecting the rights of the accused. And in some cases, the accused is the police officer." As the political winds change, police unions are set to face more scrutiny than ever. Some union leaders, like Edward Mullins, president of the Sergeants Benevolent Association in New York City, say that politicians are changing their views about policing for political expediency. "The elected officials who are now anti-police almost all of them have taken money from police unions," Mullins said. "They were all pro-law enforcement until they realized November is coming up. Now because the narrative is anti-police and they are becoming anti-cop, you really have to question that. If you're trying to make changes now, why did it take riots to get you to do something that should have been done a long time ago?"

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#### Consultation creates a powerful enforcement mechanism that reigns in Unions and generates progressive change, Aff can’t solve for Union non-compliance

Bies 17

Katherine J. Bies is a J.D. Candidate, Stanford Law School, “LET THE SUNSHINE IN: ILLUMINATING THE POWERFUL ROLE POLICE UNIONS PLAY IN SHIELDING OFFICER MISCONDUCT”, Published by Stanford May 2017, [https://law.stanford.edu/wp-content/uploads/2017/05/SLPR-Vol.-28-1-Bies.pdf)//LED](https://law.stanford.edu/wp-content/uploads/2017/05/SLPR-Vol.-28-1-Bies.pdf%29//LED)

Ironically enough, participatory democracy may be both the cause and the solution to the inability to pass progressive criminal justice reform. Although participatory democracy was rejected after police unions blocked more progressive reforms in the 1970s, Professor David Sklansky has recently encouraged reassessing the value of the participation of the rank-and-file in reform efforts. 248 Professor Sklansky’s various models of participatory democracy provide helpful insight. 249 One model implements management-controlled initiatives, which are top-down reform proposals that encourage police department management to work routinely and collaboratively with line-level employees to implement these reforms.250 By bringing together both high-level management and rank-and-file officers, this model encourages reform efforts that seek to improve practices through collective learning and line-level expertise.251 It also provides some control over the policy decisions of rank-and-file officers. Traditionally, police chiefs and other high-level officers are more likely than police unions to respond to public concerns about officer misconduct.252 Thus, in the context of officer disciplinary record reforms, top-down proposals may better promote democratic values of transparency and accountability than grassroots proposals.

#### **Consultation necessary to reverse Union operations (halt secrecy, blue flue, non-compliance.)**

Bies 17

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In the 1970s, police unions developed as well-organized interest groups with significant financial resources and political clout. 88 Police unions endorsed favorable political candidates and lobbied local and state governments for favorable legislation.89 Scholars noted that legislators welcomed police unions and their efforts as a source of “campaign funds, support, and good times.”90 As police unions matured, so did their political strategies. In 1979, the president of the San Francisco Police Officers Association emphasized that his union’s efforts were becoming more sophisticated by “hiring professional firms to do political polling and installing a computer system to track bills in the legislature.”91 In addition to hiring professional lobbyists, police unions began setting up political action committees to facilitate donations to favorable candidate and legislative campaigns.92 Through these efforts, rank-and-file officers gained a major voice in state and local government. 93 Police unions used similar tactics to civil rights groups: asserting rights in the face of perceived discriminatory treatment, organizing private interest groups, picketing, lobbying, and litigating. 94 Strikes by police officers became increasingly popular. Police officers also developed alternatives to strikes like “blue flu” epidemics, work slowdowns, and writing enormous numbers of tickets.95 Police unions used these strategies to push back on the police reform movement. Police unions were known for reactionary politics and for using racism and fear tactics as political strategies.96 Scholars concluded that these reactionary tendencies developed out of a burgeoning police subculture. In the 1960s and 70s, police sociologists described a “Policeman as Other” subculture and an “us vs. them” mentality that developed in response to what officers felt was growing criticism and calls for reform from all sides.97As developing police unions grew more isolated, they emphasized solidarity, and tolerated secrecy, officer misconduct, 98 and even hostility to the public. 99 In addition to advocating for better working conditions and compensation, police unions also developed a political agenda that was counter to democratic values of accountability and transparency. Two policy positions in particular demonstrate this anti-democratic agenda: 1) the opposition to civilian review boards and 2) the support for a Police Officer Bill of Rights in state legislatures

### They say yes

#### Union attitudes are changing, they will say yes

Almond 6/14/20

Elliot Almond is a is a reporter for the Bay Area News Group who has covered 11 Olympics, follows soccer and writes about social issues in sports such as concussions, “Major California police unions call for reforms, removal of racist officers”, Published by The Mercury News, https://www.mercurynews.com/2020/06/14/california-largest-police-unions-unveil-reform-plan-in-joint-statement/)//LED

SAN JOSE — In what could signal a major shift in law-enforcement attitudes toward longstanding complaints about its use of violence, California’s largest police unions called Sunday for a reform agenda aimed at lessening the use of force, increasing accountability and rooting out racist police officers. In full-page ads in the Washington Post, Los Angeles Times, San Francisco Chronicle, the Mercury News and the East Bay Times, the San Jose Police Officers Association, the San Francisco Police Officers Association and the Los Angeles Police Protective League announced the national reform proposal after weeks of protests and marches against police violence, even as new deaths have happened at the hands of police. In Atlanta, police department officials announced Sunday that an officer had been fired over the fatal shooting Friday of Rayshard Brooks, 27, outside a Wendy’s restaurant, the latest flashpoint in a nationwide upheaval over police violence. Mayor Keisha Lance Bottoms announced Saturday that she had accepted the resignation of Police Chief Erika Shields; the officer who shot Brooks was fired hours later. “No words can convey our collective disgust and sorrow for the murder of George Floyd,” the unions said in the advertisement. “We have an obligation as a profession and as human beings to express our sorrow by taking action.” The plan pulls in various initiatives that some departments have individually implemented over the past several years, also recommending the creation of a national database of former police officers who were fired for gross misconduct to keep other agencies from hiring them. The unions also called for a national use-of-force standard that “emphasizes reverence for life, de-escalation, a duty to intercede, proportional responses to dangerous incidents and strong accountability,” mirrored after 2017 changes to Los Angeles Police Department policy, and public websites tracking the use of force, as done by San Jose police. But many citizens have lost faith in law enforcement, leading to calls to defund police departments or abolish the police entirely— and rapid offerings for change from police that are viewed with suspicion by some. Raj Jayadev, co-founder of Silicon Valley De-Bug, dismissed the Sunday announcement as a way to distract the public from the real issues of policing reform. “This is just the playbook of the police officers association,” he said. “I give this document zero credibility. The San Jose POA has unequivocally been disrespectful and oppositional to Black Lives Matter.” Joe Alioto Veronese, a former San Francisco police commissioner who said he often was at odds with the union when proposing reform policies, called Sunday’s announcement a glimmer of hope. But he wondered whether the hard work to create change would gain traction. “I’m just not hopeful they will care a month from now,” Alioto said in an interview. “This is too important an issue to just push aside for the next big issue.” San Jose Mayor Sam Liccardo cautioned Sunday that lasting change will not happen with simplistic solutions. “There will be plenty of detractors who will say this is not enough,” Liccardo said. “I would encourage them to roll up their sleeves with all of us to explore what needs to be done in the weeks and months ahead rather than criticize those willing to take these first steps. “I appreciate the unions’ willingness to step forward with these proposals. But of course, there will need to be more.” Paul Kelly, president of the San Jose Police Officers Association, said in an interview that union leaders are sensitive to criticism that the announcement is a face-saving tactic. “We don’t want to be the roadblock in change,” he said Sunday. “The days of unions trying to block reform and new policy are gone. We can’t continue to say the stats don’t show” a problem. “ ’You have a bad apple.’ That rhetoric has to stop.” Cindy Chavez, president of the Santa Clara County Board of Supervisors, called the advertisement an important first step. Chavez said she appreciated the approach where union leaders are saying this is the beginning of a conversation police need to have with community leaders, including its critics. “If this forces transformative conversations, not cosmetic conversations, to help us to re-imagine policing in our country the unions need to play a leadership role,” she said. “I hope the steps of these unions will prompt other unions to do the same thing.” Tony Montoya, president of the San Francisco Police Officers Association, said that the three unions want to create a system to prevent racists from becoming police officers and drumming out such cops when they are identified. “We don’t want them in our unions and in our professionals,” Montoya said. “Part of that is admitting they exist.” California is one of only five states that does not have a process for “decertifying” officers — revoking their badges permanently — after they have committed serious crimes or misconduct. A statewide investigation last year by the Bay Area News Group and multiple news media partners found that scores of officers convicted of misdemeanors later found work at different departments, including one small-town agency that hired them repeatedly. Copying from the San Francisco Police Department, the police unions are calling for an “early warning system” to identify officers that might need more training and mentoring. The three unions also called for ongoing and frequent training of police officers to build and refresh their skills to improve police and community outcomes similar to California Senate Bill 230. Kelly said police across the country must start talking honestly about the issue. He said changes will not work if they are made with police chiefs and politicians. “We still believe in the Thin Blue Line, but who we want on that line with us is our community,” he said. “That is who we serve.” “The most important component to this for me is the act of saying racism lives in our ranks,” Chavez said of the union action. “We need to do something about it.” Related Articles SJSU students, faculty petition to defund, reform campus police City of Fort Bragg to form commission on name, history San Francisco man accused of threatening to shoot family wearing Black Lives Matter shirts charged with hate crime Gun and ammunition sales soar as defund-the-police movement grows 2 California national parks will remove Robert E. Lee mentions Jayadev said the proposals are not the answer because some of them have been tried in the past but “bodies keep falling.” “That’s not what people are marching on the streets for,” he said. “They are marching for an entirely new transformation of what public safety means. This is a desperate act to distract the public.”

#### Union contracts mean they’ll negotiate, legislation in conjunction is key

Ryan 6/5/20

Jacob Ryan is part of the Kentucky Center for Investigative Reporting, “With Police Union Contract Under Negotiation, Fischer Could Push For Changes”, Published by WFPL, https://wfpl.org/with-police-union-contract-under-negotiation-fischer-could-push-for-changes/)//LED

During a week when thousands have taken to Louisville’s streets in protest, many have pressed a demand on Louisville Mayor Greg Fischer and police leaders — fire the officers who shot and killed Breonna Taylor. But Fischer and others have pointed to due process requirements for officers — some set in state law, others in a union contract — in saying there is no quick or easy action they can take to discipline the officers without a thorough investigation. Taylor, a 26-year-old Black woman, was killed by plainclothes Louisville Metro police detectives in March, who burst into her home to serve a search warrant. Taylor’s boyfriend has said he thought the home was getting broken into when he fired a shot and struck an officer in the leg; the officers’ return shots killed Taylor. Her death sparked national outrage and was a catalyst for the recent protests that have erupted in Louisville and across the rest of the nation. But so far, city officials have said firing the officers involved in her killing isn’t an option, at least for now. “It would cost our city even more money and the end result is the same, the officer remains on the job,” Fischer said. “It would represent a lack of integrity.” Fischer said the officers are protected by the police department’s collective bargaining agreement and state laws, which require a certain process to be followed before an officer can be terminated. Violating that process, Fischer said, would lead to consequences: the officers would be reinstated and they could file a suit and perhaps be entitled to lost wages and damages. Speaking to protesters earlier this week outside his office at Metro Hall, a chorus of jeers and boos broke out as Fischer tried to explain how his hands are tied. “If I could change anything, I would,” he said. Contract Up For Negotiation, Still Fischer does have the chance to push for changes in the union contract, which is currently under negotiation. The city’s collective bargaining agreement with the River City Fraternal Order of Police expired in June 2018. It has been continuously renewed since, as the two entities work to come to an agreement, said Jean Porter, a spokesperson for the mayor. Porter did not respond to follow-up questions about what changes Fischer would support in the contract, which currently exempts officers from termination without cause. Ryan Nichols, the police union president, said everything is on the table during the negotiation process, and Fischer could certainly try to remove that provision. “But we would push back on that,” Nichols said. He said the current agreement does not include specific language that prohibits officers from being terminated while they are part of a pending investigation, though the effect is largely the same. Instead, the contract aims to give officers due process. The agreement requires the police chief to give a reason for any discipline against an officer — that reason must be backed up by evidence, and the evidence is the product of the investigative process, Nichols said. Louisville Metro Government “This is just all about due process,” Nichols said. “Arbitrarily, police officers can’t just be fired.” And the contract effectively mirrors state law. So even if the contract changes, officers would still have protection from possible termination amid a pending investigation. Changing the law requires legislation. State Rep. Charles Booker, a Democrat from Louisville, said he intends to file legislation to change the provisions that protect officers from being fired before investigations are complete. “In these type of extreme circumstances, law enforcement officers can be fired, and should be,” he said. “We don’t need any more excuses.” Lisa Gillespie | wfpl.org Fischer was asked what changes he’d support to the law during a virtual press conference Thursday, but did not directly address the question. Instead, he said he is working to establish a working group for “civilian review” and he said suggestions from that group will guide his advocacy for changes in state law. “I’ll await direction from our commission before I pursue that,” he said. These provisions are typical protections for police unions to seek out in contract negotiations, said Stephen Nasta, an adjunct professor with John Jay College of Criminal Justice. Nasta, a former inspector with the New York City Police Department, said eliminating such a key element from the contract is certainly possible, but it’s a tough ask of police representatives. “They might be willing to give up a raise or something, but I don’t know if that would work,” Nasta said. Even then, Nasta said firing an officer prior to an investigation being complete is risky because the facts of the investigation could exonerate the officer, making the city liable for financial blowback and losing officer goodwill. But in some cases, Nasta said quickly terminating an officer is the best move. For instance, the police officers in Minneapolis who killed George Floyd acted so flagrantly that “it cried out for some type of immediate attention,” he said. Those officers were fired shortly after Floyd’s death and now face criminal charges. “I would say probably 99 percent of police officers that saw that would say the mayor did the right thing by firing them,” Nasta said. In Louisville, the three officers that fired on Taylor are all on administrative leave with pay, according to a police spokesperson. All three, Jonathan Mattingly, Brett Hankison and Myles Cosgrove, are white. David James, the president of the Louisville Metro Council, said he knows some residents don’t feel good about seeing the officers continue to be paid. But, he also is waiting for more facts to be available before calling for any discipline. James, a former LMPD detective and police union president, said he suspects Fischer is privy to more details than he has released to the public. Those details, James said, could be guiding Fischer’s response to the calls to fire the officers before the investigation is complete. Nichols, the current police union president, said Fischer’s comments that seem to support firing the officers — how he doesn’t like the state law that provides officers protections and how he wishes he could change things — are out of line. “He should just say, ‘We’re going to investigate this and if they did something wrong then they will be disciplined appropriately,’” Nichols said. “Let them be fairly judged.” In most cases, officers receive the due process promised them in their contracts, which often provide exceptional protections for police, said Samuel Walker, an emeritus professor at University of Nebraska’s school of criminology and criminal justice. Walker said the due process provisions are standard in police contracts. Pushing police unions to give them up is almost like a fool’s errand, he said. “Why would you give up the protection you have and agree you can be fired immediately?” he said. Generally, Walker said police union contracts include an array of provisions that create impediments to accountability. And many deserve to be scrutinized and questioned before they are ratified. “There needs to be more sunlight on the contract negotiations,” he said. Walker pointed to the recent study of police union contracts completed by Campaign Zero, an activist-led organization that’s focused on ending police violence. The study examined 81 police contracts from across the nation and found that many contained provisions that give officers unfair advantages in investigations or limit oversight, among other issues. Of the six categories of so-called “problematic language” identified by the group, Louisville’s contract included all six. Among them is the provision that officers get 48-hour notice before they are interrogated about alleged misconduct, and that they also must receive a copy of any complaint against them before being interrogated. Prior disciplinary actions against officers are prohibited from being used as consideration for subsequent discipline after a certain amount of time elapses. Walker was surprised to hear the city’s police contract included all of the provisions highlighted by the Campaign Zero group. “That’s not good,” he said. “There’s a lot of work to be done.”

### AT: Perm

#### Perm doesn’t make any sense in the context of our CP. No way to consult and also implement without consultation. This either severs the text of the affirmative or links to the DA by failing to create a binding consultation

#### **Collaboration theory shows that unconditionality and honesty is key for participatory democracy**

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Katherine J. Bies is a J.D. Candidate, Stanford Law School, “LET THE SUNSHINE IN: ILLUMINATING THE POWERFUL ROLE POLICE UNIONS PLAY IN SHIELDING OFFICER MISCONDUCT”, Published by Stanford May 2017, [https://law.stanford.edu/wp-content/uploads/2017/05/SLPR-Vol.-28-1-Bies.pdf)//LED](https://law.stanford.edu/wp-content/uploads/2017/05/SLPR-Vol.-28-1-Bies.pdf%29//LED)

Community activists also called for reform within police departments as a solution to community unrest. Protests in response to officer misconduct and excessive force had become widespread. On July 16, 1964, a white officer shot and killed an African-American teenager in New York City, which inspired demonstrations and protests in Harlem.76 By 1966, forty-three cities had been the site of protests—most motivated by other instances of alleged excessive force by police officers.77 Many cities sought stronger community control over police departments such as putting the police under control of city commissioners or civilian review boards.78 Another strategy to implement reform was through “participatory democracy,” which engaged rank-and-file officers in grassroots reform efforts within police departments.79 In 1960, philosopher Arnold Kaufman invented the term “participatory democracy” to describe the importance of widespread political involvement. 80 In the 1960s, activists, embracing this theory of democracy, encouraged grassroots reform and emphasized collaborative decision-making as a method for inspiring widespread reform.81 For instance, Oakland police officers, in consultation with criminologist Hans Toch, successfully developed a Peer Review Panel that allowed rank-and-file officers to set their own reform agenda to address issues of officer misconduct and excessive force.82 Many scholars specifically emphasized the importance of participatory democracy in police departments. First, many scholars concluded that involving rank-and-file officers in police departmental decision-making would engrain democratic values such as accountability and transparency in rank-andfile officers.83 Second, scholars believed top-down reform was less effective and less expert than reform movements involving the participation of rank-andfile officers because top-down reform forfeits “the vast amount of knowledge, insight, experience, and just plain street savvy that officers acquire.”