

ANNE COUGHLIN: Good evening, everyone. My name is Anne Coughlin, and I'm a Professor of Law at the University of Virginia School of Law. I am pleased to welcome you to the second conversation in our series exploring the difficult issues arising from the killing of George Floyd by police in Minneapolis last May.

The series is being sponsored by UVA's Frank Batten School of Public Policy and Leadership, the University of Virginia Law Center for Criminal Justice, and the University of Virginia Police Department. Our focus in this conversation is on policing in the wake of the killing of George Floyd and the trial of the first officer who's been charged in his death. And as you can tell from reading our flyer, we are hoping to explore to ask, in part, the question of whether the killing of George Floyd will turn out to be an inflection point in policing, some of important turning point, if you will.

And then of course, like all turning points or inflection points, we need to be concerned about the direction in which change will occur. The issues that we're going to discuss this evening are difficult and painful. And we urge all of you to be sure that you're taking care of yourselves and of each other at this time.

The killing of George Floyd was painful when it occurred. It's very difficult to revisit the events of that day and its aftermath. And as I'm sure most of you know the pain and the exhaustion that folks have been feeling. These have been exacerbated by very recent events in Minnesota on Sunday evening. An unarmed African-American man was shot and killed by a police officer in a town very close to Minneapolis.

From what we've heard today, the officer who shot this young man is going to be charged with a count of second degree manslaughter. So they're moving quite quickly in the direction of seeking some kind of justice in the criminal system. And of course, we will need to be following the policing events that take place, the call for policing reforms.

But all of this is just to say that we are intensely grateful to have the opportunity to speak with the magnificent guests who are with us, who will be talking to us about policing, and helping us to make sense of the killing of George Floyd and of so many others whose names we must remember. At this point, I'm awfully pleased to turn the microphone, if you will, over to Brian Williams.

Professor Williams is a Professor of Public Policy at the Batten School. He is an expert in all issues related to public safety, including policing. And as I turn the mic over to him, I really want to pause and give Professor Williams a great word of thanks for his role in conceiving and creating this series. It seems to him, and I think he's exactly right, that it's important for us to have organized conversations about these issues in this community of learners. So now, Professor Williams will introduce the panelists and the themes of the panel more specifically.

BRIAN WILLIAMS: Thank you so very much, Anne. Good evening to everyone. And thanks for joining. I am, indeed, humbled by this opportunity to assist in and co-moderating the second of four part series on navigating the trial of Derek Chauvin for the murder of George Floyd. We're at an inflection point, and we want to probe the law and policing.

As the subtitle suggests we're, now at this inflection point, a moment in time when significant change can occur. It's a turning point that only lends itself in going in one of two directions, either a positive one or negative one. Things cannot and must not stay the same.

To help navigate our journey and facilitate our understanding, we're extremely fortunate to have assembled a panel of experts who can speak to pertinent topics at this crucial intersection of past and present, the law and policing. I'm pleased to introduce to some and present to others, the following panelists. The expertise allows us to appreciate the past, its impact on the present, but most importantly, provide insights on where do we go from here and how best to get there.

In alphabetical order, we have DeAnza Cook. DeAnza began her doctoral studies at Harvard University as a presidential scholar after graduating from the University of Virginia in 2017. She is a Harvard Mellon Urban Initiative Doctoral Fellow as well as an affiliate with the Harvard Kennedy School program in criminal justice.

At Harvard College, she serves as a teaching fellow and course development fellow for the history department and history and literature program. DeAnza's forthcoming dissertation traces the rise of proactive community-oriented and problem-oriented policing in greater Boston and beyond. And her project examines the role of the police, police partners, and African-Americans in revamping police business and police community relations at the dawn of the 21st century. In addition to her doctoral work, DeAnza is a civil rights and constitutional policing course administrator and history instructor for law enforcement officers, here in the state of Virginia.

Next, we have Gary Corder. Gary is the academic director in the education and training section for the Baltimore Police Department. He is a professor emeritus at Eastern Kentucky University and Kutztown University. He's the past editor of the *American Journal of Police* and *Police Quarterly* and past president of the Academy of Criminal Justice Sciences. Early in his career, he was a police officer as well as a police chief in the state of Maryland. He obtained his PhD from Michigan State University.

Next, we have Shannon Dion. Shannon was appointed by Governor Ralph Northam as the director of the Virginia Department of Criminal Justice Services in January of 2018. She is the agency's first Asian-American director. She is a survivor with lived personal and professional experiences that gives her a well-rounded perspective on the criminal justice system.

She is a former prosecutor who worked for the city of Richmond and the Office of the Attorney General and also served as the department's Director of Policy and Legislative Affairs. Shannon has handled cases across the spectrum, has worked with victims, witnesses, law enforcement, probation officers, defense attorneys, judges, and communities, to seek justice outcomes for everyone impacted by crime. She's a very proud graduate of the University of Virginia and obtained her law degree from the University of Richmond School of Law.

Next, we have Rachel Harmon. Rachel is a professor and directs the Center for Criminal Justice at the University of Virginia Law School. She writes, teaches, and advises public officials and nonprofits about policing, criminal justice, and civil rights. Her new case book, *The Law of the Police* is the first book to explore the wide array of legal rules that regulate police interactions with the public.

Before arriving at UVA, Rachel spent eight years as a prosecutor in the US Department of Justice Civil Rights Division, where she handled civil rights crimes nationwide, including crimes by police officers and other public officials. Rachel received her BS degree from MIT, two masters degrees from the London School of Economics as a Marshall Scholar, and her law degree from Yale Law School. She clerked for US court of Appeals Judge, Guido Calabresi, as well as US Supreme Court Justice, Stephen Breyer.

Last but definitely not least, Harvey Powers. Harvey is the Director of Law Enforcement Services for the Virginia Department of Criminal Justice Services. And he oversees police training and certification for Virginia law enforcement. He is a 25-year veteran of the Richmond Police Department, serving there until he retired in May of 2013.

During his last five years of his Richmond career, Harvey was director of the Richmond Police Training Academy. He has an appreciation for some of the challenges that impact relational policing. He works on the Chesterfield County Community Services Board, overseeing mental health and substance abuse services in Chesterfield County. He is also a senior national trainer with fair and impartial policing, where he trains local law enforcement on the impact of implicit bias in police decision-making.

He holds undergraduate degrees from James Madison University in both psychology and history and has done graduate work and community agency counseling and accounting. He is a graduate of the Police Executive Research Forums, Senior Management Institute for Police, as well as the Professional Executive Leadership School. We have a very distinguished panel. And for that, we are appreciative.

We have some pre-solicited questions that will be directed to the panelists to get us started. We encourage you, the audience, to use the Q&A function to post additional questions. And if you would like to designate a question to a particular panelist, please make note of that in your posting. So let's begin with our opening question.

I will open up with a question to DeAnza. DeAnza, "Faulkner said the past is never dead. It's not even past. As a police historian, you are in a position to help us identify the role that racism has played in shaping law enforcement from its origins up to its current forms. Does the history provide specific lessons that we should keep in mind when we contemplate the often violent policing of Black and Brown bodies today? Does the history contain any clues about where we should go from here?"

DEANZA COOK: Thank you so much, Brian and Anne. It is such a delight to be in conversation with all of you this afternoon. And your questions speak to a lot of important lessons that historians and activists have offered about police violence and premature death from the era of slavery to the age of mass incarceration. But there are two lessons in particular that I've learned and think are essential for understanding racism and policing as part of a long-standing tradition that has affected not just Black and Brown communities, but also queer communities, immigrant families, and Indigenous communities as well.

The first lesson I've learned is, racism in policing is rooted in power. Since the era of slavery and settler colonization, the history of American policing has been undeniably fraught with anti-Black racism, as well as analogous forms of group-based oppression. And from the 17th century onward, the expansion of African slavery, transatlantic trade, and settler warfare fundamentally shaped the powers and functions of early American policing.

We're often taught that modern police forces were created to protect and serve. But in reality, that particular slogan wasn't even adopted by police until the mid 20th century. Ultimately, if we want to understand the origins and evolution of police forces, like city guards, slave patrols, US marshals, and border patrols, we must examine the laws, court orders, and legislation that have regulated police powers and sanctioned the enforcement of white social order since the earliest days of the American Republic.

The second lesson I want to share briefly is, policing has always been a reform project. The police departments we know today were, in and of themselves, products of legal, political, and economic reforms, governed by law and consistently altered by social movements and culture, as well as public policy and global warfare. I believe that police history and African-American history can offer us some clues about where we go from here.

But first and foremost, we must contextualize the murder of George Floyd within a much longer anti-Black punitive tradition in American policing and criminal justice. This forces us to reckon with the legacy of anti-Black racism in American law enforcement as well as the habitual surveillance and incarceration of racialized individuals and communities. And in doing so, I think that we can begin to deconstruct policing philosophies, practices, and problems that still persist in our society today. Thank you.

ANNE COUGHLIN: Thank you so much, DeAnza. I think I get to ask the next question. And this question is directed to Shannon. Shannon, again, welcome. It's great to have you here. As director for the Virginia Department of Criminal Justice Services, one of your responsibilities is to establish and enforce minimum training standards for law enforcement personnel in Virginia.

Of course, before we train our officers, we have to recruit and hire them. Could you describe for us the credentials that an applicant must have in order to become a law enforcement officer in the Commonwealth? And then, next, when considering those hiring requirements, do you have thoughts about tweaks that might be necessary or desirable? For example, should we tweak the requirements for officer selection so that our hires better reflect the demographics of the communities they serve?

SHANNON DION: Thank you so much. It's my privilege to be here with you tonight. And I'd like to start my question by just going over what the statutory requirements are in Virginia for someone to become a law enforcement officer and then offer some personal thoughts on that. The law in Virginia requires, for anyone to be hired as a law enforcement officer or a jail officer, that the person is a US citizen and that the hiring agency conduct a background investigation. That includes a criminal history record check or a rap sheet, if you will.

So there's the criminal history check. But then an agency can also do a more expansive background investigation to include looking at educational transcripts, talking to neighbors, and things like that. A person is also required to have a high school diploma or the equivalent of that. They have to have a driver's license. They have to be 18 years old. They also have to have a physical examination done and also pass a drug screen.

A person can also not have any convictions of or plead guilty to or no contest or enter an Alford plea to any felony, any misdemeanor of moral turpitude, so that includes lying, cheating, or stealing, or any misdemeanor sex offense, or a domestic violence misdemeanor. Recently, the General Assembly also included language that allows local agencies, if they want, they may conduct a psychological exam of the people that they are considering hiring. And once someone is hired by the agency to become an officer, they have to go through a series of trainings before they can actually be put in a uniform and given a firearm.

And so each person has to then successfully complete Training Academy. They also then, once they passed the Academy, have to pass a state certification exam. And then after that, they go back to their agency to conduct what's known in the field as field training or on the job training. And that's usually done by the hiring agency.

So those are what the law requires for anyone to first be hired and then hit the streets as an officer. It's been suggested to our agency in the past that, if you look at the criminal justice system and that people, officers who are enforcers of the law, they're not required to have a two or four year degree. But everyone else that makes those decisions do, for example, magistrates, prosecutors, defense attorneys, and judges. They all have four year degrees and also law degrees.

Personally, I think that one of the advantages of going to college, for many people, is that they are exposed to people who are different from them, and thus, it potentially expands their perspectives and understandings of other cultures. For example, for me, I grew up in Northern Virginia. And I didn't really understand that Virginia was a Southern state until I went to UVA.

Recently, the General Assembly also, I think I might have mentioned the psychological exams. And many agencies do actually include a psychological exam as part of their hiring process, which I think is a really good thing. And while I've never been a Chief or a Sheriff, I certainly would want to know as much as possible about the people that I am entrusting to carry out and enforce the laws and to use deadly force when applicable.

So the last thing I would add is that, while the DCJS, we don't have any oversight over agencies in their hiring processes, that those are all done at the local level. But certainly, the more qualifications that we can have and we can look at that reflect what society's expectations are for officers is certainly a positive thing. And I think the last part of your question has to do with whether law enforcement agencies should reflect the communities and the makeup of the communities that they serve. And I absolutely think that is a critical key to having successful relationships between law enforcement agencies and the communities that they serve.

They certainly should look like the community and reflect their morals and expectations. And so I know that a lot of agencies in Virginia strive to do that as much as possible. And I think that as many resources and support that they can get to figure out how to do that better, is going to be very welcome.

**BRIAN
WILLIAMS:**

Thank you so very much, Shannon. And also thank you, DeAnza, for starting us off. Harvey, I'd like to ask you a question now. You have a wealth of experience with training police officers.

In addition to teaching officers how to carry out discreet tasks, training also creates a sustains police culture. Likewise, training can change that culture. After witnessing the killing of George Floyd and numerous other people of color, some communities understandably perceive that the police have lost sight of their sworn duty to protect and to serve of their obligation to value the sanctity of life, and of their duty to intervene to protect life. Can you identify ways that training can impact police culture so that it fosters policing that embodies these essential, basic, ethical kind of human rights commitments?

**HARVEY
POWERS:**

Well, thank you, Professor Williams and to the rest of the crew here for the invite. I feel a little nervous being a JMU grad around so many UVA grads. But I'll push through.

The fundamental question is, can police culture be changed through training? And the answer is clearly, yes. But there are two parts to that yes that I want to make sure we hit. Number one is that in my years involved in police training, I can tell you that whenever budgets tighten for police departments, training is the first place that seems to get cut. And it should be the last.

So one of the realities of the world is that policing has to focus on its core services, answering 911 calls, investigating crimes, and so forth. And unfortunately, whenever there is a funding lapse or resources become scarce, the training issue gets pushed to the side. So I want to make sure we're clear that there needs to be a reorganization of priorities from a holistic perspective in terms of how police serve their communities and placing training on the forefront of that instead of as an afterthought.

But beyond that, how can police training convey the importance of respecting the sanctity of life and these critical things that we believe in our common culture about the rights and responsibilities in a Democratic society? And in my years of training, it's one simple thing. And I know Shannon is going to roll their eyes when I say this, because we talk about this all the time. It's contact.

Officers who have the ability to have contact with people that are different than them in non-crisis situations understand that the people that they're policing aren't the people that are calling 911. Police only get to meet people on a daily basis after they call 911, as a general rule. And people don't call 911 to say they're having a good day.

Police officers frequently interact with people on the worst day of their life. And departments have found that making an effort to have their officers get to know people when they aren't in that crisis moment helps them understand the depth of the person instead of the stereotype that they are bumping into in random occasions. In the Richmond Police Department, we implemented a significant amount of training where new Richmond Police officers, who came from all over the country, and in fact, all over the world to be police officers in the city of Richmond, were mandated for several weeks during the course of their curriculum, to work within the homeless community, to work in the public schools, to work in public housing, to get to meet some of the people they would eventually be policing in a non-crisis situation.

And that can be fundamentally life changing to how police officers perform their duties. Culture gets changed by having the officers have contact with the people they're going to be policing, the communities they're going to serve, when those communities and those officers aren't in crisis.

ANNE COUGHLIN: Thanks so much, Harvey. That's absolutely fascinating. And I know that folks are going to want to follow up with you to get some more details. This next question is for Gary.

Gary, as Brian pointed out in his introduction, you are someone who literally has worn multiple hats. You've worked as a police officer, a police chief, policing scholar, professor, and advisor. And you now serve as the director for the Baltimore Police Academy. This experience-- these experiences give you insight into the whole array of intersecting objectives, agendas, and exigencies that shape contemporary policing. So in your view, what can we do to prevent the actions that killed George Floyd, the actions that so many people witnessed unfolding on a video and taking place for 9 and 1/2 minutes or so? What are the opportunities and the obstacles to make things better on the other side of now?

GARY CORDNER: Thanks so much for the question and the invitation to join everyone. I am on? I see you looking at me. Thanks. So I'm thinking about two things in relation to the questions that you posed.

What could we do to make it less likely that a police officer would do what Derek Chauvin did? And what can we do to make it more likely that other officers would intervene? So on the first issue, Chauvin's behavior. Some obvious things to consider, and some of our panelists have already mentioned them, are hiring, training, policy, supervision, and discipline.

Now, according to what we've heard out of Minneapolis, Chauvin's actions, in fact, violated his police department's training and policy. So there's a lesson there, I think, which is that training and policy aren't usually the whole solution to police problems. What about hiring? Whether he should have ever been hired in the first place, I don't know. I don't have information on that.

But it seems to me that recruiting and selecting police with more attention to empathy, emotional intelligence, social skills, those sorts of things, might make some difference. From my earlier list, that leaves supervision and discipline. Those are critical for enforcing training and policy, in other words, creating internal accountability.

In my experience, police will generally adhere to training and policy if those things make sense and then if they're really required to adhere to them. They don't want to lose their jobs any more than anybody else does. But if an agency doesn't have careful supervision and discipline, punishment for those that don't follow training and policy, then it can easily slide sideways.

Let me jump to the second issue, which we now call peer intervention. This definitely goes to culture. We would hope that other officers would have intervened to save George Floyd, but they didn't. And this wasn't what we usually call the blue code of silence. I mean, this happened out in the open. There was no hiding anything.

The other officers were apparently afraid to confront the more senior officer, or else they were just conditioned to defer to another officer in the midst of taking action. You might call it professional courtesy, I guess, in a twisted sort of way. So how do we change that? Culture change is a serious challenge.

Harvey mentioned training. The easiest way to do culture change is get rid of everybody and start over. But that's rarely an option. But what many, many police departments are doing right now all around the country, is beginning to formally teach and socialize peer intervention, and what's sometimes called active bystandership, both as a legal and moral obligation, and also making it required under agency policy.

And right now, there's a high profile national initiative underway for just this. And it's becoming very popular very quickly. And I think the whole reason for that is George Floyd. So I think that supports the idea that we're at an inflection point. And at least some of the reactions, in my view, are heading in the right direction.

**BRIAN
WILLIAMS:**

Thank you so very much, Gary. Rachel, you have the next question. First of all, congratulations on your most recent book, *The Law of the Police*. Can you explain how American legal doctrine as opposed to policing policy can help to bring about necessary policing reforms? Many folks are focused on the drama being played out in the courtroom, where Derek Chauvin is on trial. But how much of a difference does such a prosecution make in a reform movement? What else can and should the law be doing?

**RACHEL
HARMON:**

Thank you, Brian. Thanks so much for having me on this impressive panel. I think one of the ways to think about the role of law is to see the limitations of policy. So if you look at the interventions that Gary was just talking about, departments and officers don't always have the expertise or incentive to make policing better by themselves. So if you leave that to them, reform's going to happen. But it's going to be uneven at best.

The law can help. It can improve the rules for what officers and departments are allowed to do or required to do, including something like active bystandership. It can strengthen the legal remedies and other incentives to follow those rules. And then it can force data collection and transparency so communities can better govern themselves.

It's easy to focus on federal law, and there may be some movement there this year. But the real action is in the states. Many states are already revising rules on things like the use of force and tactical teams. But those efforts tend to be very reactive. So George Floyd is killed, and we ban choke holds. Breonna Taylor died, so we ban no knock warrants.

I'm hoping that states are going to start also thinking more comprehensively about limiting harms of policing, including in areas that aren't getting quite as much attention, but matter a lot to people's lives. So things like limiting misdemeanor arrests and looking for alternatives, restricting consent searches, requiring city councils to hold public hearings, and vote before a department adopts something like a new surveillance technology or a technology of force. With respect to remedies, as you pointed out, a lot of the focus right now is on expanding criminal prosecution. That's part of what got us here, the Chauvin trial.

And criminal prosecution clearly matters. It's what I spent much of my career doing. Communities see it as a true form of justice. And that's, in part, because the government's willingness to prosecute its own officer signals a commitment to the rule of law. And it shows respect for victims.

I mean, this is important enough that it's serving as a locus for activism and protest. But probably other remedies, things like civil liability, civil damages actions, and decertification of officers, are probably more important in changing what officers actually do on the street. Some states are making some progress there. Some are working to get rid of qualified immunity and state civil damages actions.

I think I'm more concerned about expanding municipal liability, because as Gary's comments suggest, departments influence policing. They can make good policing. They also can make most of the problems in policing and do the most to stop those problems. So that's really where I think the liability should be focused.

Probably the area we have fallen down most is data collection and transparency. And in the absence of federal action, which is slow in coming, states should be setting their own standards. Right now, very few are. So that's an area I hope we'll see some progress on too. I look forward to the questions.

BRIAN WILLIAMS: Thank you so very much, Rachel. Anne, would you like to ask our first question from Q&A? And just a reminder, please post your questions in Q&A. And if you'd like to direct them to a particular panelist, please do so.

ANNE COUGHLIN: So thanks so much for posting questions. And we encourage people to jump on and ask their questions. This is a great opportunity to get some insight from our guests. First question goes to Shannon. Shannon, do you anticipate that law enforcement agencies would experience staffing shortfalls in the event that a two or four year college degree became a requirement?

SHANNON DION: Thank you, that's a great question. Probably the answer is yes. I think they're already facing shortfalls right now. I think as Harvey and I prepped for today, we talked about that. And I can't remember if you gave an example of agencies who tried to implement that two year degree and had significant issues with recruitment.

HARVEY POWERS: I will share simply that the Richmond Police Department implemented a program for a short period of time about 10 years ago, where they mandated a two year degree as minimum entry. And we experienced dramatic decreases in applicants to the police department, so much so that it became a threat to our ability to fully staff. So yes, it is a reality.

BRIAN WILLIAMS: Any other comments before we move to the second question from Q&A? OK. The second question, this is directed to Harvey. What training do police officers receive in policing each other in the field when carrying out his or her duties when they are contrary to what they were trained? Are officers typically afraid of Black males?

HARVEY POWERS: Thank you, sir. Two separate questions that are kind of coming at different areas. I want to address the first one, and then I'll come to the second one. The duty to intervene, I think, and Gary referred to it a little bit earlier, and the new ABLE programs is relatively a new field of police training. It's become very popular very quickly.

It's known by a lot of acronyms, because police departments love their acronyms. But it's really taken off as something that's very interesting and very important to be considered. Actually, Shannon I have been talking very recently about some of these new programs, because we are committed to, and we are pressing the information out to officers that they do have the duty to intervene. But we're not really supplying them with the method on how that's supposed to actually look in practice.

And so those trainings are very new and very impactful. And I've held a couple of meetings so far with some of the instructors on this. And this is something I think that Virginia will be pursuing much more vigorously in the coming days.

As far as typically afraid of Black males, that's a very difficult conversation to wrap your hands around. And I'm keenly aware that my perspective may be different than others at this table. But I will say simply this. One of my roles for the past six years, part time and full time, has been as an implicit bias instructor.

And I think that, looking at me, you would be surprised to hear that's one of the roles that I have filled. But I do that, speaking with officers about how their unconscious biases do impact decision-making. If you were to take the average police officer and ask them if they have any biases, just, do you have any biases, right off the top? They would adamantly and vigorously refuse to believe that they have any biases whatsoever.

But in the training that I work on, we explore the nature of how your unconscious does impact decision making. And the Black threat implicit association has been very well-documented as a societal problem. And since withdraw our police officers from our society, it must be a problem within policing as well.

Black threat implicit association is one of a number of unconscious biases that can impact policing. And of course, that's not even considering the fact that obvious biases, explicit biases, also exist and can impact decision making as well. Explicit biases are much more easy to discern. And they're much more easy to address than implicit biases. But both of these need to be addressed to make sure that it's not about who you are. It's about what you're doing, that attracts police attention.

ANNE COUGHLIN: Thanks so much, Harvey. I'm sure that I just want to mention to folks in the audience, there's been an interesting story that I noticed in the media in the last few days. It's about a police officer in Buffalo, or a former police officer in Buffalo. Her name was Cariol Horne, I believe.

And she was fired, it was maybe a dozen years ago now, for intervening. She intervened and prevented or stopped one of her police officer colleagues from doing a choke hold. And rather than being regarded as someone who had fulfilled her obligation to protect and serve, someone who should be celebrated, she was fired. So it's just quite fascinating. I take it that that could have served as an inflection point, but didn't. But now we're seeing one.

So the next question, I take it, is I'm going to just ask it to the panel generally. How does the existence and strength of police unions-- and feel free to say if this is outside of the things that you would like to talk about. But how does the existence and strength of police unions impact the ability to make changes to internal policies? Are there ways in which changes can be made without harming collective labor power, while protecting Black lives?

Gary, how about you?

**GARY
CORDNER:** Yeah, I was going to say, since you all come from a state that probably doesn't have any police unions, I figured you were going to throw that one at me. That's a tough question. I reflect back a long time ago, one of my early mentors, a guy by the name of George Berkley wrote a book. I'm now blanking on the title. This would have been in the 1960s or 70s after doing a study tour of police in Europe, and came to the conclusion that unionizing of police in America would have a progressive impact, that it would help the police come to identify more closely with working people, as opposed to just the protecting elites from every everybody else.

And it doesn't seem to have quite worked out that way. And so it is a hard-- I mean, there's no question whatsoever, I don't think, in many places in America, that unions have resisted change, resisted progress, resisted reforms. Sometimes, I think almost in knee jerk fashion, if it's what the bosses wanted, then the members of the Union didn't want it. It's just typical labor management conflict.

But other times too, unions often do, the members of unions of course, often do literally reflect what they understand to be the reality of doing the job on the street. And clearly, sometimes police officers have the feeling that the bosses have, if you will, forgotten what it's like out there, and are pushing changes that are unrealistic. Unions would often say, unsafe, for them.

So I'm certainly hopeful that unions can play a positive role. But sometimes, they've really gotten in the way of needed change as well. And some of it is just plain old politics, let's face it. Police unions have, I think, grown increasingly powerful politically, very powerful in some places, locally. And then they flex their muscle in national elections, and not usually on the side of what we would probably call progress.

**ANNE
COUGHLIN:** Shannon, I think your hand might be up.

**SHANNON
DION:** Yes, thank you. So I know a little bit, enough to be dangerous, about this topic. But I would just add, in Virginia, you cannot have a state police union. However, the General Assembly last year passed a law that will allow local localities to allow local unions if they vote on it. And so they can allow their government workers to create a union.

And I know that the Virginia Association of Chiefs of Police adamantly is against unions being allowed to represent police officers in Virginia. And they lobbied against that law. They really just see it as a hindrance, so I understand, to Chiefs' and Sheriffs' ability to hire and fire as they would like to.

BRIAN Thank you so very much, Gary and Shannon.

WILLIAMS:

DEANZA COOK: May I jump in really quickly, Brian, just before we head off to the next question? Just because police unions come up, especially in my research on policing changes and desegregation in the post civil rights era. And so I think it's important to also highlight the other sorts of police groups.

For example, in my research, the African-American patrolmen associations and these minority officers groups, who aren't officially unions of course, in all places. But they are pushing for a lot of the same sorts of labor condition reforms that are often kind of overshadowed by the much larger or official unions. And they're also talking about police community reforms. And they have been since the civil rights movement, especially with Black policemen leading the charge in terms of internally pushing for change, the type of cultural change that we've been talking about as well.

BRIAN Thank you so very much for sharing that information. We are fortunate to have an outstanding panel. I have a question, a follow up to Rachel, what she mentioned. What is the impediment to data collection? Aren't arrests and prosecutions already in the public record?

RACHEL Well, arrests and prosecutions are in the public record. But that's just a small portion of what police officers are doing that are impacting people's lives. So if you think about stops, many departments collect data on stops. Many don't. If you think about uses of force, every department collects information about the use of force, but they don't define force the same way. They don't collect data the same way. And they aren't transparent in the same way.

There's no standardized format, so that you can't compare data across departments. That's true for stops as well. And so we're really in a position in which we lack basic information about what departments are doing, about the use of surveillance technologies, about what equipment departments have. There is a limited amount of national data collection that's solely voluntary and a lot that we just don't know. And it's hard to fix what you can't understand.

BRIAN Thank you.

WILLIAMS:

SHANNON I'm sorry, Professor Williams. Could I piggyback onto that? Because our agency's involved in a lot of research and looking at data. And a couple of things from the state perspective, the arrest data is certainly there. But it's where it's captured and held and the systems that have captured it are usually what we call legacy systems. So they're, like, 20 or 30 years old. And they weren't necessarily built to push out reports or be analyzed. It's really like a case management system.

So every arrest and court case in Virginia is collected by a system that the Supreme Court maintains. And they've had a lot of trouble trying to extract that data. So it would take a lot of infrastructure change to collect that. I will say, however, I think it was last year that delegatorian from the Northern Virginia area sponsored a bill that ultimately was passed that does require all law enforcement agencies in Virginia to collect data for all stops and whether that's a traffic stop or a person-to-person stop, and to report that information to the Virginia State Police.

And they tasked us with actually pulling that data and analyzing it and giving a report every year. So we just, actually this week, issued a recruitment. So if anyone is interested and coming to work for DCJS and analyzing that data, we'd love to have you join us. But yeah, so this is a good start, I think, in Virginia, to look at some of that data to see if there are any concerning trends or patterns that the communities in the state would be interested in.

ANNE COUGHLIN: Thank you, Shannon and Rachel, for your wonderful insights into that difficult question. The next question for the panel is this. Can you share with us the most effective ways for citizens to hold police departments accountable and to encourage them to invest in better practices? And I'm going to take the moderator's prerogative and ask DeAnza if she could weigh in first. Are there historical lessons about this question or the best ways for citizens to get engaged in fostering needed changes?

DEANZA COOK: Absolutely. Thanks, Anne. That's exactly the question that I'm interrogating with my dissertation work on policing in Boston in the 90s, because I'm looking at particular models. It goes by many names, operation cease fire, the Boston miracle, if you've heard about that. But it's about working with at-risk youth and gang-involved youth in the 90s. And it was considered a big success, something that President Clinton paraded around and was actually incorporated into a lot of NIJ and DOJ-funded programs in the early 21st century.

And so at least in that particular case, there is a lot that we can learn about the sorts of relationships that are required to actually share power. So what do I mean by that? I mean not police officers in these special units that are typically tasked with dealing with the most violent and most horrific aspects of our society, cannot do it alone.

In the case of Boston, they worked with everyone from people involved in the clergy, folks in social service providers as well, in addition to private foundations, who provided funding for summer initiatives and programming for the youth in Boston. And it spanned, not just the inner city, but also the surrounding suburbs. And so I think that we have to start thinking about who's at the table, something that I know Brian talks a lot about in his work, because you really can't have community control of the police without first sharing power.

ANNE COUGHLIN: Thank you. And I'm assuming other hands-- of the panelists hands will go up. Other insights into the best ways for citizens? Rachel.

RACHEL HARMON: So one of the problems in community input into policing is that you get input from the people who show up. And one of the biggest problems in policing is that the harms of policing are often concentrated on people who are not showing up. And so we've got to develop mechanisms to make sure that the people most affected by policing, that includes people with disabilities, the youth, people who are homeless, as well as, of course, racial minorities, have a seat at the table, so that we can hear and make decisions about the policing that communities are developing with the input of the people most affected.

ANNE COUGHLIN: So I just wanted to add one little footnote to that question, if you all would allow me. And that is to ask how important you think criminal prosecutions are in encouraging police change? When we witness the killing as we did in the case of George Floyd and so many others whose names we hold dear. The communities, understandably, really want to see a criminal case brought. And there's often great disappointment when there isn't a case and/or there isn't a verdict. How important are these criminal cases in encouraging changes in policing?

RACHEL HARMON: I guess I feel like I should speak to this, because I prosecuted police officers. I think prosecutions are not a great way to drive change. But they do-- but they are important for justice. And so it's something that we have to keep in mind. The government's decisions about whether to prosecute or not, having faith in those, is incredibly important.

So that means we need independent investigations and prosecutions. And we focused a lot on independent prosecutions. But the investigations are critical as well, so getting independent officers to the scene immediately in critical incidents. And we've got to focus on non-death cases as well as death cases.

And the death cases are obviously important. But most of policing and most uses of force have an enormous impact on people's lives, even when the uses of force aren't fatal. And so we've got to think about those cases too.

You know, should we say it's important? Yes, it's important. Is it the way to drive change? I'm not sure it is, I think it's not the best way to actually reform policing.

DEANZA COOK: Hey, I'll just add quickly, too, it's very expensive way to kind of go out of these-- go at these individualized cases, when we have folks like community organizers and activists who are saying that we want resources redirected to other non-punitive, or at least non-police-oriented programs to deal with problems that we're facing. And so I think that when it's a question of resources and where balancing our time and balancing the where money is going, I think we have to think about things internally with training and within police departments, but also outside of them. I think folks are raising lots of different ways to dedicate time and energy that are far outside of criminal prosecution or the justice system entirely.

ANNE COUGHLIN: Gary, I think you have something that you'd like to add.

GARY CORDNER: Just a small note in terms of things that have the potential to push change. Baltimore happens to be under a consent decree, one of the last consent decrees under the administration before the administration. And as a result of being under a consent decree, which followed a crisis and a scandal and whatnot, it has brought resources to the table and a whole lot of federal requirements, court ordered and so forth.

And so the Baltimore Police Department is engaged in a whole lot of reform efforts that most likely would not have come to pass if there wasn't a federal judge telling us that we had to do them and people working for the federal judge making sure that we're actually doing what we say we're doing. And that consent decree won't go away until we convince the judge that we've done all the things and the hundreds and hundreds and hundreds of paragraphs in that consent decree. That's a powerful tool to effect change. To DeAnza's point, it's also very expensive, no question about that. But it is a powerful tool and one that we're likely to see more of under the current administration.

BRIAN WILLIAMS: I'd like to ask one final question. And I'm trying to combine some questions together. And if we could get a quick response, because we'd like to have closing comments from each of our panelists. The question deals with respect, especially respect across generations and across the police community divide. How can we teach police officers-- how can we teach the community to respect the uniform when it appears the uniform does not respect those who look like Black, Brown, other folks. So let's focus in on that, especially in the context of race.

DEANZA COOK: I'll just jump in really quick and say that I think, instead of teaching the community to respect the uniform, I think we have to talk about the uniform and what it means. Obviously, as a historian, I think putting things in context gives us more clarity of how the past has influenced the present that we are now and why that uniform, to some, isn't something that is respected, and for valid reasons, for reasons that are very complicated, that aren't easy or binary or simple. But I think that in order to come to that place of mutual respect and shared understanding, we have to talk about the past.

BRIAN WILLIAMS: Any others would like to add? Kind of related to that too, there was a comment about size, respecting the size or the fear of size. Any comments regarding that?

HARVEY POWERS: I would like to jump in and follow up on that first question, though, Professor Williams. I did 25 years as a police officer retiring at the rank of Captain in the city of Richmond Police Department. And it was a personal calling for me to be a police officer.

I left what looked to be a pretty successful career track to go and work in public housing in the city of Richmond as a police officer, because I felt that's where I was called to serve. And I am keenly aware of the history that's associated with the badge and the uniform. I'm keenly aware that there are many in our communities who have had incredibly negative experiences on the receiving end of police services.

But I'm also aware that there are some really good people in policing. And when the question is asked, how do we teach respect of the uniform? I don't I'm not concerned about respect of the uniform or the badge. But respect of a person needs to be taught to everybody, and that's including police officers.

And I think that it's just-- it's really, in today's climate, easy to lose sight that there are so many good cops out there that want to do the right thing by the communities they're working for. And if we can come across with real change that impacts them and communicates what the community wants, I think we'll all benefit from that.

BRIAN WILLIAMS: Thank you, Harvey. I we only have a couple of minutes left. So let's see if we can have closing comments from each of our panelists. Closing comments.

GARY CORDNER: I'll jump in first, Brian, on the theme of respect. There were a couple of surveys done in Baltimore as part of our consent decree. And one of the two main things that came out from residents of Baltimore is that they wanted police to treat them with more respect. And the other thing, the other of the two main themes, was that they wanted to have more interactions with police officers, genuine authentic interactions, where officers got to know neighborhoods and the people in neighborhoods.

SHANNON DION: I'll go next, if that's all right. I just want to do a shameless plug for the project that DCJS is responsible for. We facilitate the process by which training standards for law enforcement officers are promulgated in the state. And while we don't actually own them, we are not the one tasked with actually writing them, they are, they do, they're out there right now. I'm going to put a link in the chat room, and I would love for everyone to take some time to visit our website, look at the draft training standards that people have come up with.

There's a webinar that you can watch. And we hope to have some future ones, because those training standards belong to you. They don't just belong to the law enforcement officers or people who want to become officers. They belong to all of us in Virginia, and they should reflect your expectations and your morals.

BRIAN Who's next?

WILLIAMS:

DEANZA COOK: I can jump in really quick. Just on the larger theme of our discussion today about inflection points, I can say that as an up and coming professional historian, when we go back and try to isolate turning points in time, the best things that we find are when everyday people decide to do things differently, decide to think differently, use different languages, build different relationships. That's really what inflection points actually are. It's not always this top down or amazing transformation that comes from on high. And so I hope that folks will take that seriously and take it to heart, that we can all be a part of the sorts of inflection points that we want to see.

RACHEL HARMON: I can jump in here. With every new death, it's really easy to despair. And I feel that. But I also see lots of signs of hope. State legislatures, including in Virginia, which were largely inactive for decades on policing, are now aggressively pushing reform.

There were nearly 100 laws between when George Floyd died in the end of 2020, and things haven't slowed down this year, for sure. Journalism on policing, especially web-based journalism and long form journalism, it's more sophisticated than it's ever been. And I think the public is more sophisticated about policing. National polls indicate that a majority of Americans want policing, and they recognize its problems, and they support change. And so even though there are reasons to be hurt today, there are also reasons to be hopeful about the future.

BRIAN Harvey?

WILLIAMS:

HARVEY POWERS: I guess I'll say my peace. I appreciate this opportunity. I think this is a fascinating group of folks we have here together. I'm still proud of the service I did in this job, but I'm also keenly aware that policing does need to evolve. And it does need to change and grow from this moment we find ourselves in at time.

And I hope that it'll happen with a group of people all committed to the betterment of the profession, so that we don't end up letting go of this moment in time. I think these inflection points have come in our past history. And we've seen many of them fade away without much actually happening. And I think we have a genuine opportunity here to have things follow through, and I hope we can see that.

ANNE So--

COUGHLIN:

BRIAN Thank you.

WILLIAMS:

ANNE COUGHLIN: I'm sorry, Brian. I'm jumping in. So Brian is going to say our formal farewell. And I just wanted to add a word or two before he does. And I really thank the panelists for this discussion. You ended it on a note that, perhaps I wasn't prescient enough to see or to hope for. But I think that our objective in putting this panel together was to provide members of the audience, and I include myself, with things to focus on in the here and now.

We're in a transition moment. That's what an inflection point is. And how are we going to move from this point to that better world? And it was just really powerful for me to hear from all of you. And I'm thinking, DeAnza, about the comments that you made, about how just small gestures, we can all, in effect, contribute to the inflection point. And then to thank each and every one of the panelists for the work that you're doing.

You've decided to invest your time and lives to making this world a better one. And with that in mind, I again want to thank Professor Williams for his leadership in creating the panel, and also the dean of the Batten School, Ian Solomon, who has worked very closely in supporting and putting this together quickly at this important time. So thanks so much to all of you.

**BRIAN
WILLIAMS:**

And let me join by thanking our panelists and thanking Anne. I'm a follower, not necessarily leader. So I have been following the path of those who've really kind of pushed this forward. We're grateful to our panelists who they've served as lamps and lights that illuminate the path towards the focal topic of our next discussion, advocacy and healing.

We look forward to each of you joining us as we hear Marissa and Courtney moderate a panel discussion on advocacy and healing. Again, we will assemble a panel of experts who can address that topic. We didn't get to all of the questions, but we do appreciate all of those who submitted questions. Thanks again, stay safe, be well, and all the best to you each of you.