

## Police unions: part of the problem

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As we continue to protest the death of George Floyd, a searing reminder that police departments must confront racism in their ranks, we must also direct our righteous anger at police unions, which for too long have shielded officers from punishment for their brutality.

Conversations about law enforcement these days have been bleached of nuance. Most either support cops carte blanche, or completely reject law enforcement as a racist institution. This is a false dichotomy. Americans should support most police officers, who bravely risk their lives to keep society safe, while rejecting bias and brutality by bad cops.

But police unions and the contracts they bargain make it extremely difficult to discipline officers for their crimes. A 2017 [review](#) found that in Minnesota, where Floyd was killed, more than 500 current or formerly licensed peace officers have been convicted of at least one crime since 1995. Three-quarters of convicted officers have not been disciplined. The police union in Minnesota even covers legal expenses for officers guilty of drunk driving.

Derek Chauvin, who put his knee on Floyd's neck for nearly nine minutes, had been the subject of [18 prior complaints](#).

Many police departments [refuse](#) to reveal officer misconduct when it occurs, claiming protection under Marsy's Law as "crime victims." The doctrine of "qualified immunity" often shields police officers from being sued for egregious behavior. Special relationships with district attorneys mean that when they do appear in court, police officers are [rarely](#) convicted. According to data from the Cato Institute, only [36%](#) of those convicted serve prison sentences — roughly half the rate at which ordinary individuals are convicted and sentenced for similar crimes. Collective bargaining agreements between police unions and government are often the culprit. [Many](#) contain clauses that mandate the destruction of records of prior misconduct complaints. [Many](#) limit officer interrogations after alleged misconduct, limit the length of internal investigations, ban civilian oversight and protect officers in other ways. The result is obscurity and minimal accountability.

A [study](#) in Florida recently showed that unionized law enforcement officers are more likely to engage in misconduct than non-unionized officers: The rate of violent incidents at sheriffs' offices spiked 40% after a 2003 court case allowed them to unionize. A 2006 federal brief

showed that in cities with unions, the rate of force complaints was twice what it was for municipal police forces without collective bargaining agreements. Most peace officers are honest individuals fighting crime the best they can. But the small minority who do engage in brutality inflict a devastating toll on their colleagues and on the American public. Union contracts must not control disciplinary procedures for brutal officers. Perhaps you've heard of the NYPD police union officials handing "get out of jail free" cards to their friends and families to use when detained for low-level offenses. Even worse is the story of an Arizona police officer, Philip Brailsford, who killed an unarmed man in a hallway. He was rehired by the city of Mesa and is now receiving a monthly pension of \$2,569 for "PTSD." One might list thousands of similar examples.

Legislators can start to rectify this terrible situation. First, ban police unions from involvement in officer discipline, and establish community boards to force investigations of officer misconduct. Second, require private liability insurance for officers. If forced to purchase insurance on the open market, brutal officers would swiftly find themselves saddled with high premiums. This would deter abuses of power and save cities money. Third, insist on transparency. Non-redacted body camera footage must be made available to the public within a short time period. Legislators should also require reports on all use of force incidents.

Like teachers' unions and federal employees' unions, police unions are a special interest designed to protect their constituents — no matter how horrible they are. Let's set ideology aside and concentrate on reforming them.

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