



## The policies that could help fix policing

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June 5, 2020

George Floyd's death has reignited the long and frustrating push to reform a law enforcement system whose systemic flaws have been visible for years.

**Why it matters:** Solving these problems will require deep political, structural and cultural changes, experts and advocates say — but they also point to a handful of specific policy changes that, while not a cure, would make a difference.

**The big picture:** "We have to change this viewpoint that people have of: 'Well, there's a few bad apples, we just have to get rid of them and everything will be fine.' If that was the case, we would already be where we need to be," former Albany Police Chief Brendan Cox told Axios.

**Some activists** say the only solution is to defund and dramatically scale back police forces nationwide, [Axios' Joann Muller reports](#). Here are some of the other ideas also gaining traction:

### Allowing lawsuits

There's a growing movement, across ideological lines, to end the legal doctrine known as "qualified immunity," which makes it all but impossible to successfully sue police officers.

- "I really do think that this doctrine is the cornerstone of our culture of near-zero accountability for law enforcement," said Jay Schweikert, a policy analyst at the libertarian Cato Institute.

**Federal law allows** people to sue public officials, including police officers, for civil rights abuses. But the Supreme Court's qualified immunity doctrine shields police from the overwhelming majority of those lawsuits — even in some cases where officers killed unarmed people.

- Police who cross the line rarely face a criminal prosecution, and with civil suits functionally off the table as well, "I think law enforcement has gotten the message that they should not expect to be held to account," Schweikert said.
- Ending qualified immunity would establish that some form of consequences for excessive force are possible, and that's the gateway to making other changes stick, critics of the doctrine argue.
- "Police officers should not feel that they can operate above the law and cause harm and kill people without being held accountable," NAACP president Derrick Johnson told Axios.

### Transparency

23 states and Washington, D.C. do not publicly release disciplinary records for law enforcement officers — in some states, such as New York and California, all personnel files are confidential, according to a 2015 project by WNYC.

- There is no public register of officers who have been fired or forced to resign due to misconduct, making it easy for cops to simply go work for a different department or state.
- New York is considering changes that would make more information public. And the San Francisco district attorney announced a resolution Wednesday that would prevent the police and sheriff's department from hiring officers with a history of misconduct.

There also isn't a public database of instances where police killed someone — despite a federal law requiring such state-level data by 2016. The FBI plans to release use-of-force data this summer, however.

### Limiting the use of force

While several states have had legislation proposed that would curtail police officer's broad authority to use force, legislatures have been slow to pass these measures, the AP reported.

- This week, Wisconsin Gov. Tony Evers called on lawmakers to pass a bill that would limit law enforcement's ability to use force.
- The New Jersey governor and state attorney general also announced they will expand the state's use-of-force database and update its use-of-force policies for the first time in 20 years.
- Former President Barack Obama urged all mayors to review use-of-force policies, and commit to reporting on planned reforms during a virtual town hall Wednesday evening.
- Former Vice President Joe Biden has called for a federal ban on choke holds. Some cities and police departments also considered that idea following Eric Garner's death in 2014.

**"One of the things that that kills me, and I know this is a political issue, is that we had started to make progress,"** Cox said, referring to Obama's 21st Century Policing report. "We had made progress, and that report and those recommendations have now been buried."

**The bottom line:** "We're at a juncture," Johnson said. "We as a nation have to decide are we going to.... walk across the bridge to something new and better or are we going to stop on that bridge and turn back and go the other direction."