

Accountability for Bad Apples

Police Reforms to Restore Faith in Institutions

SCP REPORT NO. 3-21 | MARCH 2021

social capital project

A project of the Joint Economic Committee – Republicans

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Institutions—the organizations and formalized relationships we create to jointly accomplish mutually valued objectives—are a vital source of social capital. They strengthen communities, encourage social support, and establish our way of life. Unfortunately, as documented in the Social Capital Project’s flagship report, *What We Do Together*, Americans’ confidence in these institutions has declined dramatically over the past 50 years.¹ We are less confident in federal and state government, mass media, banks, newspapers, organized religion, public schools, organized labor, big business, and the medical system. Averaging across seven different institutions, Gallup reports that the share of Americans reporting “a great deal” or “quite a lot” of confidence in them fell from 44 percent in 1973 to 27 percent in 2018.²

Declining confidence in institutions is one of the most important indicators of the deterioration of associational life in America. When we lack faith in the organizations we have formed together to achieve our ends, we are correspondingly less likely to attempt to do things together. We are less inclined to cooperate with those institutions or to feel a part of something bigger than ourselves.

As suggested by Yuval Levin, a key reason for eroding confidence in institutions is that there is too little accountability for people operating within them, who have become too removed from the roles they are supposed to serve.³

Law enforcement provides an immediately relevant example. In 2004, 64 percent of Americans indicated to Gallup that they had “a great deal” or “quite a lot” of confidence in the police. Yet in June of last year, the figure stood at 48 percent.⁴ The diminished standing of police is part of the more general decline in the standing of institutions. Police officers, by and large, serve the public admirably, keeping Americans safe and doing so professionally. There is, however, a long history of breaches of the public trust by officers who did not live up to their calling. From the abuse that led to the riots in Watts and numerous other cities in the 1960s, to the beating of Rodney King by Los Angeles police and the unrest that followed their 1992 acquittal, to George Floyd’s death at the hands of law enforcement last year, police misconduct continues to be a public flashpoint.

The widely publicized deaths of Floyd, Taylor, and several other Black Americans over the past few years have weakened trust, sparked outrage, and led to widespread demands for increased police accountability across the nation. These also have led to peaceful protests, violent riots, and increased attacks on law enforcement. A 2018 survey from the Pew Research Center revealed that 61 percent of people believe that police officers act unethically some or most of the time, and 45 percent do not think that police officers face serious consequences for unethical behavior.⁵

Confidence in law enforcement officers is especially low among racial minorities. While 72 percent of White Americans believe that police officers treat racial and ethnic groups equally at least some of the time, only half of Hispanics and one third of Black Americans believe the same. Similarly, a 2016 survey from the Cato

Institute found that Black Americans (73 percent) and Hispanics (54 percent) are far more likely than Whites (35 percent) to believe that police are too quick to use lethal force. Black Americans are also twice as likely as White Americans to know someone physically abused by police and to say that police tactics are generally too harsh.⁶

These racial disparities in perception reflect real differences in treatment given the same circumstances.⁷ As would be expected if diminished faith in institutions leads people to withdraw from them, groups with low confidence in the police are less likely to cooperate with them. For example, Emily Ekins of the Cato Institute reports that Black Americans are much less likely than Whites to say they definitely would report a crime.⁸ Obviously, this is no recipe for improving community safety.

This mistrust in law enforcement on the part of Black and non-Black Americans has led to “defund the police” movements across the nation. Their proposals range from reforming police departments and focusing on community policing to calls for reducing police funding and allocating more dollars for social or job services. The most radical of these proposals call for the elimination of police departments altogether and has led to the demonization of police officers across the country.

America is facing a crisis of conscience. Completely abolishing police, however, would be an extreme response that would make our nation and communities less safe. First, exposure to violence is associated with a host of negative outcomes, including poor mental and physical health, problematic behaviors, poor academic performance and educational attainment, and even poor cognitive development.⁹ Police help to reduce violence and prevent these outcomes. According to academic research on police hiring grants in 2009, cities that experienced a 3.2 percent increase in police saw a 3.5 percent reduction in crime.¹⁰

Second, a small number of officers make up the majority of complaints of wrongdoing. One study of eight cities assessing complaints filed from 2004 to 2008 found that 14 percent of police officers accounted for essentially all complaints alleging improper use of force, and just four percent accounted for half the complaints.¹¹

Indeed, some experts have suggested that one reason murders, shootings, and gun violence were up last year is that “violent criminals have been emboldened by the sidelining of police,” due to “blowback” in the wake of Floyd’s death.¹² Yet, Americans undoubtedly fare better when crime is reduced, both individually and collectively. As demonstrated in *The Geography of Social Capital in America*, violent crime rates at the county level are strongly negatively correlated with social capital.¹³ This reflects the inability to maintain social order, meaning that crime has negative ramifications for community wellbeing.

The key is therefore to increase accountability for bad apples while preserving the benefits that police on the whole provide to American communities.

Accomplishing this goal would require a multitude of policy changes: reforming police unions, changing state and national laws that unreasonably shield police from liability, and removing the perverse incentives currently in place that encourage bad behavior.

THE HARM CAUSED BY POLICE UNIONS

Police unions shield bad apples from accountability by leveraging their power to protect the small minority of officers who have betrayed the public trust. All unions are intended to protect their members, but in so doing, they create costs for members and non-members alike. To the extent that they protect their own members from losing employment and grant special protections—without regard to work output, skill, and job performance, based solely on union membership—unions can be said to make society and the economy less innovative and efficient. Where this occurs, it makes private-sector union members less accountable employers, and employers less accountable to consumers.¹⁴

In the case of public-sector unions (like police unions), the same dynamic has potential to make union members less accountable to the government entities they serve, which in turn are rendered less accountable to the taxpayers who pay their salaries. Public-sector unions accumulate power as a consequence of the monopolistic nature of government services, but also due to the relationship between public-sector unions and the public officials they help elect. This relationship can produce a serious ethical issue, as union members often have the opportunity to vote for and otherwise support the very politicians who are in charge of their contract negotiations.¹⁵ Unions consistently rank among the most politically active organizations in both local and national elections, often using the money collected from union dues to fight against policies that could otherwise improve government efficiency, but might jeopardize the job security of some union members.¹⁶

Police unions provide officers protections that prevent accountability. Derek Chauvin – the Minneapolis police officer who killed George Floyd – had previously faced at least 18 complaints of misconduct without facing any serious discipline.¹⁷ From 2012 to 2020, only 12 Minneapolis officers faced discipline out of 2,600 misconduct complaints. Shockingly, the most serious of those 12 disciplinary actions was a 40-hour suspension.¹⁸ Quite predictably, some portion of all complaints filed against police officers will ultimately be deemed meritless. Significantly, however, the protections offered by police unions extend far beyond those necessary to shield officers from frivolous or unfounded complaints.¹⁹

In Parkland, Florida, Sergeant Brian Miller was rehired with full back-pay two years after being fired for neglect of duty for failing to intervene in the Douglas High School shooting and *waiting 10 minutes before he even radioed for help*.²⁰ Similarly, police unions came to the defense of New York Police Department

officer Daniel Pantaleo after he killed Eric Garner with a chokehold, which had been banned by the department for over 20 years.²¹

A 2017 investigation from the *Washington Post* also found that 45 percent of officers fired for misconduct in Washington, D.C. were rehired on appeal, as were 62 percent of officers fired in Philadelphia and 70 percent of officers fired in San Antonio.²² Based on a review of 36 police departments, the study concludes that just under one quarter of all officers fired for misconduct are rehired, often by arbitrators, on appeal.²³

Furthermore, an examination of police prosecutions from 2009 to 2010 found that, out of 8,300 credible reports filed against 11,000 officers, only 3,283 resulted in criminal charges. Only about 1,000 of those officers were convicted, and only 36 percent of those convicted were eventually incarcerated. Among the officers accused of either excessive force or killing a civilian, only 7 percent were charged with a crime. Comparing conviction rates of law enforcement to the general public, the study found that, overall, officers face conviction rates and incarceration rates half that of the overall population.²⁴

Collective bargaining plays a significant role in shielding police officers from the consequences of their misconduct, exacerbating mistrust in the police. In a review of 178 police union contracts, Stephen Rushin found that 88 percent included at least one provision acting as a barrier to disciplinary action. These provisions “limit officer interrogations after alleged wrongdoing, mandate the destruction of officer disciplinary records, ban civilian oversight of police misconduct, prevent anonymous civilian complaints, indemnify officers in civil lawsuits, or require arbitration in cases of disciplinary action.” For instance, contracts may enforce mandatory waiting periods before an investigation may occur, require that officers see the evidence against them before being interrogated, prohibit interrogation if too much time has elapsed after an incident, and limit the consideration of disciplinary records in future employment actions.²⁵

Furthermore, mandating that disciplinary action be decided through closed-door arbitration often results in reduced disciplinary penalties against officers found guilty of misconduct.²⁶ One review found that 73 percent of police union contracts allowed for decisions to be appealed to an arbitrator, 70 percent gave arbitrators extensive power to revisit previously decided cases, and over half gave officers or unions the power to select that arbitrator.²⁷

Several studies have gone further to demonstrate a causal link between these police union protections and police misconduct. Utilizing the fact that police union formation in the United States was staggered both over time and locality, researchers Rob Gillezeau, Jamein Cunningham, Donna Fair, and Alex Thomson estimate that gaining access to collective bargaining rights is predicted to increase police killings of civilians by about 60 to 70 per year.²⁸ Additional research suggests that cities with increased police protections, measured both by union contracts and state laws protecting police, are more likely to experience increased instances

of police abuse and police killings of unarmed civilians.²⁹ Finally, an examination of police misconduct in Florida before and after sheriffs' deputies were granted collective bargaining rights found that collective bargaining led to a 40 percent increase in complaints of violent incidents, which implied an increase of roughly 12 violent incidents per year across the 58 agencies examined.³⁰

A recent survey from the Cato Institute revealed that the American public is largely against these union protections. For instance, 84 percent of those surveyed opposed erasing police records of misconduct after a set period of time, and 62 percent opposed collective bargaining related to police misconduct.³¹

It stands to reason that, by reducing the cost of bad behavior for rogue police, excessive police union protections weaken the trust between communities and the officers sworn to protect them. Booker Hodges, the assistant commissioner for the Minnesota Department of Public Safety, said it best by acknowledging that “a union is required to represent an officer, but ... publicly defending an officer who has clearly violated our oath of office strains neighborhood relations and erodes trust.”³²

REFORMING POLICE UNIONS FOR GREATER OFFICER ACCOUNTABILITY

Several reforms can be made to police unions in order to establish greater accountability among police officers, which is the first step to rebuilding trust between officers and the communities they serve. First, state legislatures could limit the ability of unions to negotiate favorable conditions around disciplinary procedures that unfairly advantage their members.³³ As demonstrated through research, these union protections are positively associated with increased instances of violence.

In some cases, courts may limit police unions' abilities to negotiate on terms and conditions of employment related to employee accountability, for instance by following the example of New York. In 2006, the New York Court of Appeals ruled that “police discipline may not be a subject of collective bargaining.” Instead, the court ruled that police discipline falls under the authority of individual municipalities.³⁴

Absent court action, some suggest that Congress could take action to increase police union accountability.³⁵ While policing is and ought to be first and foremost a local issue, the federal government has become increasingly involved with policies that directly impact local police departments. Data show that federal funding to state and local governments for the “administration of justice” has soared from roughly \$570 million in 1990 to a projected \$8 billion in 2021.³⁶ This increase in funding of over 1,000 percent reflects an immense rise in federal influence over local policing.

Federal funding directly impacts local police departments in a number of ways. In 2020, the Bureau of Justice Assistance (BJA) provided state and local law enforcement agencies with \$343 million through the Community Oriented Policing Services (COPS) program, which awards grants for hiring new officers, training, and other police support functions.³⁷ Since 1994, the COPS program has provided funding to 13,000 jurisdictions, and each year thousands of police departments continue to apply.³⁸

Similarly, the BJA awards \$340 million annually on average to the states through the Edward Byrne Memorial Justice Grant (JAG) Program to support law enforcement, courts, corrections, drug treatment programs, victims assistance, and mental health programs.³⁹ Additionally, in 2019, states received \$3.1 billion in federal grants for “public order and safety.”⁴⁰

The extent of federal involvement in state and local law enforcement (through funding and otherwise) should itself be re-evaluated, given that (1) the Constitution does not delegate police powers to the federal government, but to the states, and (2) federal intrusion has a known tendency to blur lines of accountability for state and local law enforcement agencies.

While proposals exist that would condition federal grant money on accountability measures,⁴¹ ideally, states and localities should take it upon themselves to increase police accountability. For instance, they could mandate that collective bargaining agreements for police be made public and bar features of police union contracts that discourage accountability. These barriers include:⁴²

- Limits on interrogations – e.g., how soon they may occur after an incident, how long they may last, and what types of questions may be asked – and limits on internal investigations;
- Policies granting officers access to some or all evidence against them before being interrogated;
- Policies mandating that misconduct cases must be resolved through arbitration, which denies the public access to information about the officer’s misconduct and the resolution reached;
- Clauses giving unions sign-off on departmental policy changes;
- Policies mandating the elimination of officer misconduct records after a certain period of time; and
- Policies preventing prior misconduct records from being considered in future misconduct cases or from being available to new prospective employers if the officer moves to a different department.

Given the recent instances of police abuse and overwhelming public support for police reform, it is likely that some unions would willingly comply with these measures. Already, three major police unions in California have released their own proposals calling for national use of force standards, public websites

tracking use-of-force incidents, and a national database of former police officers' misconduct records that can be made available to future employers. They are also calling for an "early warning system" to identify at risk officers in need of additional training and mentoring, which, if enacted, could be a model for police departments across the country.⁴³ While not a perfect remedy, studies have shown that early warning systems have been effective at reducing problematic police officer behaviors in departments that have adopted them.⁴⁴

OTHER CONSIDERATIONS FOR POLICE REFORM

Unreasonable union protections are a driving factor behind the lack of police accountability, however they are not the only issue. Therefore, reforms should be considered at the local, state, and federal levels to encourage greater accountability and transparency.

Federal Reforms

As previously mentioned, the federal government provides significant support to police departments through federal grants.⁴⁵ So long as the federal government continues to have such an active role in state and local policing, some analysts argue that conditioning federal grants on accountability and transparency measures could help to change officer behavior.⁴⁶

For instance, federal funds could be conditioned on localities reporting officer misconduct statistics to the Federal Bureau of Investigation (FBI) to be incorporated into the National Use-Of-Force Database, and the federal government could establish uniform reporting requirements for these statistics.⁴⁷ The government could also condition grant money on police departments providing whistleblower protections to officers that report misconduct or mandating that officers report misconduct if they see another officer use unreasonable force.⁴⁸

Another important step could involve the establishment of a database of police officer misconduct records, like the one ordered in President Trump's Executive Order on Safe Policing for Safe Communities.⁴⁹ A database of this kind would ensure that (a) misconduct records are not lost or destroyed when officers move to different departments, and (b) new employers have access to officers' entire histories before making hiring decisions.

Aside from simply conditioning grants on accountability and transparency requirements, the level of federal support for police departments could be responsive to a set of performance metrics. These metrics could include the number of misconduct cases at a department, complaints against officers, or officer convictions for abuses.⁵⁰ It is worth considering, however, that conditioning federal support on misconduct metrics of this kind could have the indirect effect of discouraging police departments from pursuing misconduct cases at all.⁵¹

The federal government could also establish best practices for policing and police training for federal law enforcement officers, specifically regarding use of deadly force, no-knock raids, and how to appropriately interact with individuals suffering from mental health issues or addiction. These could serve as a model to states and local law enforcement agencies for how police officers should be trained.

It is worth noting that use-of-force standards have not always been effective at lessening police violence. For instance, New York City banned chokeholds in 1993, two decades before the death of Eric Garner. Similar bans have existed in Chicago, Philadelphia, and Houston for years, but have largely been ineffective.⁵²

Another consideration for increasing police accountability at the federal level is to reform qualified immunity. Normally, public officials can be held liable for civil damages if they violate an individual's civil rights in violation of 42 U.S.C. § 1983.⁵³ Qualified immunity, however, defined through the Supreme Court's interpretation of § 1983, shields public officials from civil liability if the victim cannot prove that the public official violated "clearly established law." According to the Supreme Court, law can be considered "clearly established" only if a prior court ruled on a case with identical circumstances; otherwise a "hypothetical reasonable official" would not have known that her conduct violated the individual's civil rights.⁵⁴ This type of defense, known as "qualified immunity," can be used as a defense only in civil cases, not in criminal prosecutions.

In instances of police abuse, qualified immunity has been invoked to shield officers from litigation after the killing of unarmed victims and other misconduct. For example, qualified immunity has protected a police officer who slammed a victim to the ground, breaking her collarbone, as well as an officer who released a police dog on a suspect after surrender.⁵⁵

These and other recent events have led to calls for the elimination of qualified immunity. The Supreme Court, however, has acknowledged that some type of liability protection for public officials is necessary to discourage timidity.⁵⁶ Nevertheless, more than half of Americans agree that, without some kind of protections, police officers may be too afraid of legal action to faithfully execute their responsibilities – an increasingly important consideration as violence against law enforcement officers continues to escalate.⁵⁷

Balancing the need to protect those who lay their lives on the line for our communities with the need for greater individual accountability poses a significant challenge. Congress is free to reform and codify the terms of any protection it chooses to provide by statute, including qualified immunity, and it should study the various proposals offered to improve the standard through Congressional action – including potential proposals to hold municipalities who fail to discipline officers liable for officer misconduct instead of individual officers.

A final consideration for reform would be civil asset-forfeiture laws. Currently, police may seize private property that is connected to alleged criminal activity

if an individual is suspected of a crime, regardless of whether that individual is found guilty. In fact, one study found that 80 percent of individuals subject to civil asset forfeiture were never eventually charged with a crime.⁵⁸ It is only after the suspects are found not guilty that they can attempt to retrieve their property, but it is not automatically returned to them; property owners bear the burden of establishing their innocence and retrieving their property. Furthermore, current federal law incentivizes state law enforcement agencies to seize private property and turn it over to the federal government. If they do so, states may keep as much as 80 percent of the proceeds of that forfeited property. Civil asset forfeiture laws could be amended to prevent police from seizing private property until after a suspect is convicted of a crime, and the federal government could eliminate “equitable sharing” programs with state law enforcement that provide profit incentives for the unreasonable seizing of private property.⁵⁹

State Reforms

Unions are not the sole providers of special protections for police officers; states have passed their own laws safeguarding police from the consequences of their actions. The first set of protections, called civil service laws, protect at least 80 percent of all public officials by heavily regulating their hiring and firing – a large reason why the layoff rate is so low in the public sector.⁶⁰ By making it exceedingly difficult to fire police, civil service laws are also a significant barrier to police accountability. Over time, these laws have expanded to also regulate “demotions, transfers, layoffs and recalls, discharges, training, salary administration, attendance control, safety, grievances, pay and benefit determination, and classification of positions.”⁶¹ The protections awarded from state civil service laws empower public officials to challenge any action by their employer that would substantially affect them, including possible disciplinary action. States could follow the leads of Florida, Georgia, and Texas by eliminating civil service protections for public officials.⁶²

The second set of state protections for police officers are awarded through Law Enforcement Officers’ Bills of Rights (LEOBRs). LEOBRs specifically protect officers during disciplinary investigations. For instance, laws in Maryland – the first state to pass a LEOBR law – prevent civilians from investigating police officers, limit officer interrogation procedures, and allow police officers to remove civilian complaints from their personnel files after three years. Similarly, California’s LEOBR laws bar the use of polygraphs when interrogating police officers, and Illinois prevents citizens from filing anonymous complaints against police officers.⁶³ Fourteen states currently have LEOBR laws, and as many as 11 other states are considering similar legislation.⁶⁴ Reforming LEOBR laws could be considered as another way to increase police accountability.

Furthermore, states could roll back Marsey’s law protections for police officers. These protections, originally meant to protect victims’ rights to privacy, have been interpreted by the courts to protect police officers as well. The courts’ interpretations give officers the same rights as victims, allowing them to shield

their identities after use-of-force incidents, avoid public scrutiny, and conceal their prior misconduct records or history of abuse from the public.⁶⁵ To date, 11 states have passed Marsy's law protections including California, Florida, Georgia, and Ohio.⁶⁶ Rolling back these protections would pave the way for new rules mandating that officer misconduct records be made public after an abuse of power.⁶⁷

Finally, states could consider reforming their pension systems to bar officers from receiving pensions if they are convicted on certain criminal charges, for instance killing a civilian.⁶⁸ Currently, only 15 states have policies revoking or reducing police officer pensions after they are convicted of a felony related to misconduct, even though research finds that pension forfeiture laws are positively associated with lower rates of police misconduct.⁶⁹

Local Reforms

Local reforms are perhaps the most important. Policing is a decentralized, community activity; there are more than 12,000 local police departments in the United States with more than 800,000 police officers.⁷⁰ Local leaders, including local police departments, have greater knowledge of specific issues plaguing their communities and therefore are more adept at finding solutions. Similarly, Americans care more about issues facing their own communities than problems elsewhere.⁷¹ While federal and state governments can reform current laws that provide perverse incentives for police or set guidelines for localities to follow, changing the culture of police misconduct can only be accomplished through the actions of individual officers and communities.

Reform can occur in a variety of ways. For instance, 76 percent of individuals support moving "some money currently going to police budgets into better officer training, local programs for homelessness, mental health assistance, and domestic violence."⁷² It is important to consider, however, the impact of reducing police funding on officer recruitment and retention, officer morale, and local crime to ensure that communities do not suffer from higher crime rates.

Alternatively, communities could more heavily rely on social workers, mental health experts, and other practitioners to respond to some community crises. For example, the police department in Eugene, Oregon has operated with local nonprofits for over 30 years to deploy social workers – instead of police officers – when crises call for a different type of expertise. The program has resulted in significant public safety cost savings and established worthwhile trust in the community.⁷³ This result is undoubtedly beneficial; previous Social Capital Project research has demonstrated that, as social trust within communities rises, so does self-reported happiness.⁷⁴

Ultimately, it is up to each individual police department to reform its own policies and cultures that encourage abuse of force by police and discourage police accountability. Worthwhile reforms could include improving officer

training around de-escalation and disengagement techniques, improving field training programs, instituting “duty to intervene” orders, and creating cultures where excessive use of force is not only frowned upon, but expected to be met with disciplinary action.⁷⁵ For example, the Dallas Chief of Police implemented a duty to intervene order two weeks after the killing of George Floyd, mandating that officers stop or attempt to stop other officers when they witness inappropriate use of force.⁷⁶

Additionally, some suggest that localities could create boards with significant civilian representation to review instances of deadly use of force and give them the power to compel testimony and documents.⁷⁷ While these boards may increase accountability, it is also worth considering their potential negative ramifications. For instance, if civilian review boards abuse their power, it could discourage police officers from taking actions necessary to protect their communities.

The movement toward community policing is also gaining momentum. Community policing is a different model of law enforcement based on trust. It has two components: community partnership and problem solving. Community policing requires police to develop positive relationships with the community, involve the community in crime control and prevention, and identify the community’s specific concerns as well as the most appropriate remedies for them, which do not always involve police.⁷⁸ As such, community policing strengthens both bonding social capital – the relationships between individuals in the same group, i.e. between friends, coworkers, and neighbors – and bridging social capital – the relationships between individuals in different groups, i.e. between police officers and community residents. Both bonding and bridging capital are important for rebuilding civil society. According to research, bonding capital encourages community trust while bridging capital promotes perceptions of legitimacy. In terms of policing, “those individuals living in neighborhoods with high levels of bridging capital are more likely to define police behaviors as promoting procedural justice,” while bonding capital “influences resident willingness to cooperate with the police.”⁷⁹

An often-cited example of community policing is Camden, New Jersey. Five years after shifting to a community-policing model in 2013, Camden’s murder rate fell to its lowest level since 1987. Similarly, the number of robberies, assaults, violent crimes, property crimes, and non-fatal shootings in Camden have fallen every year since. According to one officer, “when you have (community policing and transparency) as a value within your organization, the community tends to know. You can feel the difference.”⁸⁰

CONCLUSION

As public trust in institutions has fallen, civil society has suffered. One of the most apparent examples of this today is Americans' declining confidence and trust in the police. Recent instances of police abuse have led to widespread demands for action. The most recent – the killing of George Floyd – inspired peaceful protests, violent riots, and brought the nation to a turning point. Restoring trust in law enforcement requires meaningful police reform.

This paper demonstrates that controversial protections provided by police unions are a driving factor behind the lack of police accountability today. These protections shield police officers from disciplinary action and act as a barrier to investigatory due process. In fact, empirical research demonstrates a causal link between union protections and police abuse. The first step toward reform, therefore, is to increase transparency around police union policies and access to prior histories of officer misconduct, as well as to roll back unreasonable union protections shielding bad apples from discipline.

Reforming police unions, however, will not be enough. There are myriad other barriers to police accountability also in need of reform, including qualified immunity, federal policies encouraging civil asset forfeiture, and state laws that reduce accountability even further. It is the responsibility of the federal and state governments to resolve these issues.

Ultimately, the success of police reform will depend on the actions of communities. Citizens must—and do—recognize the contributions that police officers make, day-in and day-out, to keep the streets safe. But police officers have a duty to serve the communities they patrol and the residents of those communities whose tax dollars employ them. Even the most dedicated officers contribute to the erosion of community trust when they look overlook wrongs committed by bad apples or support the efforts of unions to protect them. Removing barriers to police accountability would help to prevent harmful police actions by officers who fail to live up to their duty, thus helping to increase trust in an institution largely made up of honorable men and women who serve to protect America's communities.

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ENDNOTES

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