

May 31, 2018

G. T. Bynum, Mayor
City of Tulsa
175 East 2nd Street, Suite 690
Tulsa, Oklahoma 74103

David Patrick, Chair, City Council
City of Tulsa
175 East 2nd Street, 4th floor
Tulsa, Oklahoma 74103

RE: Policing Reform Efforts in the City of Tulsa

Dear Mayor Bynum and Councilor Chairman Patrick:

The NAACP Legal Defense and Educational Fund, Inc. and the undersigned Tulsa civil right attorneys, religious leaders, elected officials, law enforcement officials, and community activists write in response to the recently released *Tulsa Equality Indicators Annual Report 2018*, which found that in the City of Tulsa's (City) justice system, Black residents are arrested over twice as often as White residents, and Blacks are five times as likely to be victims of officer use of force than all other racial and ethnic groups.¹ These disturbing findings are well-known to residents and City officials, as previous research, litigation, and news reports have documented racial disparities in the practices of the Tulsa Police Department (TPD) for decades.² Indeed, in the aftermath of the police-involved shooting death of Terence Crutcher, last year, City officials formed and served as members of the Tulsa Commission on Community Policing (the Commission), which released seventy-seven (77) recommendations for improving policing practices in Tulsa.

We are dismayed, however, that there are very few recommendations that will address the City's well-documented and long history of racially-biased policing, and **none** that will hold TPD officers accountable if they fail to comply with the proposed policies, trainings and data collection outlined in the *Findings and Recommendations of the Tulsa Commission on Community Policing* report.³ Therefore, we request that you: 1) immediately adopt the policy recommendations outlined below; and 2) within the next sixty (60) days, hold public hearings to investigate the recent findings in the *Tulsa Equality Indicators* report and solicit more information and recommendations from the public about TPD's use-of-force and arrest practices.

¹ City of Tulsa, et al, *Tulsa Equality Indicators*, Annual Report 2018, 24-26 (Apr. 4, 2018), <https://www.tulsaei.org/blog/2018/04/tulsa-releases-first-annual-equality-indicators-report/>.

² See, Ziva Branstetter, *Groups renew request for city probe of police*, Tulsa World, May 5, 2001 (describing a photo two white Tulsa police officers holding a handcuffed arrestee around the neck with the words "say cheese" under the photo), http://www.tulsaworld.com/archives/groups-renew-request-for-city-probe-of-police/article_10cac80e-7a06-5506-bd7b-00c825bd7e90.html; See also, Ian Ayres, *Supplemental Report on Racial Disparities of the Tulsa Police Dep't*, Tr. Doc. 318, *Johnson v. City of Tulsa*, Civil No. 94-CV-00039-TCK-FHM (N.D. OK July 2, 2001) (finding racial disparities in arrests and use-of-force by Tulsa police officers).

³ City of Tulsa, *Findings and Recommendations of the Tulsa Commission on Community Policing*, Executive Summary, Mar. 10, 2017, <https://www.cityoftulsa.org/media/3298/community-policing-commission-executive-summary.pdf>.

The Tulsa Commission wisely considered recommendations from the *Final Report of the President's Task Force on 21st Century Policing*. Members of former President Obama's Task Force held listening sessions in cities across the country to collect information from police executives, civil rights advocates, activists and researchers about promising practices for building trust between law enforcement agencies and the communities they serve.⁴ The Task Force noted that in 2015, the public's confidence in law enforcement was declining in communities of color.⁵ This lack of trust was due in part to highly-publicized police killings of unarmed men, women and children of color and the lack of accountability for these killings both criminally and administratively.⁶ The Task Force's recommendations and action items provide a road map of steps that law enforcement agencies should take to fulfill the six pillars detailed in the report: building trust and legitimacy; policy and oversight; technology and social media; community policing and crime reduction; training and education; and officer wellness and safety.

Recognizing that for valid reasons, Black residents of the City also lack confidence in law enforcement, Tulsa Commission members appropriately adopted the pillars and several recommendations from the Task Force report. However, according to the Tulsa Commission report's appendix,⁷ commissioners considered but did **not** approve any of the measurable actions steps that could result in greater police accountability, including in the areas of use of force and arrests. So, following the instruction of the great abolitionist Frederick Douglass who stated "[p]ower concedes nothing without a demand...[i]t never did, and it never will,"⁸ we demand City officials immediately adopt and carry out promptly the following policies and action items:

1. **Revise TPD policies and training to emphasize de-escalation and alternatives to arrests in TPD's policies and training where appropriate.**⁹ TPD's use-of-force policy does not require officers to use de-escalation tactics to avoid the use of force. The Tulsa Commission report states that the TPD should continue scenario-based training, including instruction on de-escalation, but the department does not appear to have a de-escalation policy. Additionally, while the Tulsa Commission report recommends implementing "least harm" resolutions, such as warnings and citations, in lieu of arrest for minor infractions, Commissioners did not specify what type of minor infractions are eligible for these resolutions. This information should be captured in a departmental policy.

⁴ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, U.S. Office of Community Oriented Policing Services, May 2015, <https://ric-zai-inc.com/Publications/cops-p311-pub.pdf>. (Hereinafter *President's Task Force Report*).

⁵ *Id.* at 9.

⁶ Jeffrey Jones, *In U.S., Confidence in Police Lowest in 22 Years*, GALLUP, June 19, 2015, <http://news.gallup.com/poll/183704/confidence-police-lowest-years.aspx>.

⁷ See, Tulsa Commission on Community Policing, *Appendix*, <https://www.cityoftulsa.org/media/3299/community-policing-commission-appendix.pdf>.

⁸ On August 3, 1857, Frederick Douglass delivered a "West India Emancipation" speech at Canandaigua, New York, on the twenty-third anniversary of the event. Most of the address was a history of British efforts toward emancipation, as well as a reminder of the crucial role of the West Indian slaves in that own freedom struggle. See, <http://www.blackpast.org/1857-frederick-douglass-if-there-no-struggle-there-no-progress>

⁹ *President's Task Force Report*, *supra* note 4, at 20.

2. **Require external and independent investigations of police use-of-force incidents resulting in death or injury and in-custody deaths.**¹⁰ On May 2, 2018, the Tulsa Fraternal Order of Police hosted a Tulsa District Attorney debate that featured all four of the major district attorney candidates. One of the questions posed to all of the candidates was whether they believe TPD should investigate their own alleged misconduct.¹¹ Regardless of what the eventual new district attorney decides, if the City truly values improving community trust and faith in TPD, then the City should follow the lead of the Sand Springs, Oklahoma Police Department by adopting a policy and practice of routinely referring certain incidents, such as the shooting or attempted shooting of a person by a law enforcement officer, to an independent agency for investigation. Sand Springs has a Memorandum of Understanding with the Oklahoma State Bureau of Investigation to conduct investigations of certain incidents.¹²
3. **Create use-of-force policies that state clearly what information will be released relating to incidents.**¹³
4. **Establish a Serious Incident Review Board comprising of sworn staff and community members who will review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency.**¹⁴ The Board should identify and recommend any administrative, supervisory, training, tactical, or policy issues that need to be addressed. According to the TPD's use-of-force policy, a Deadly Force Review Board, comprising only TPD officers, reviews deadly force incidents referred to it by the police chief.¹⁵ TPD should diversify the composition of the Board and require it to review all serious incidents.
5. **Partner with the International Association of Directors of Law Enforcement Standards and Training to contribute to its National Decertification Index that collects information about officers who have had their licenses or certifications revoked.**¹⁶ This will allow law enforcement agencies to identify problem officers before they are hired. It appears that the Oklahoma Council on Law Enforcement Education and Training has submitted the names of decertified officers to the National Decertification Index in the past.¹⁷ But, it is unclear whether TPD notifies this agency of its decertified officers. We urge TPD to do so.

¹⁰ *Id.* at 21.

¹¹ See, Dylan Goforth, *Tulsa County DA debate turns to questions over last summer's Betty Shelby trial*, *The Frontier*, May 2, 2018, <https://www.readfrontier.org/stories/tulsa-county-da-debate-turns-to-questions-over-last-summer-betty-shelby-trial/>.

¹² Sand Springs Police Department, *Memorandum of Understanding between Oklahoma State Bureau of Investigation and Sand Springs Police Department*, Oct. 10, 2016.

¹³ *President's Task Force Report*, *supra* note 4, at 22.

¹⁴ *Id.*

¹⁵ Tulsa Police Department, *Use of Force Procedure 31-101A*, Aug. 28, 2014, https://www.tulsapolice.org/media/161292/public_policy_manual121217.pdf.

¹⁶ *President's Task Force Report*, *supra* note 4, at 29.

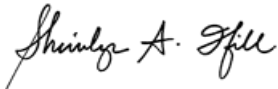
¹⁷ Council on Law Enforcement Education and Training, *Meeting Agenda*, 3, Jan. 29, 2014 (stating "names of individuals whose certification has been suspended or voluntarily surrendered since the last meeting...will be

6. **Retain a nationally recognized police department implicit bias trainer with community input.** While pleased that the City finally decided to incorporate mandatory implicit bias training for TPD officers and City executives, we were disappointed to learn that the City did not hire a national expert with a proven track record of successfully training police departments regarding implicit bias. This act has actually created more distrust because it appears the City is just engaging in a “check the box” activity, and not seriously attempting to change the racially discriminatory practices and culture of TPD. We have relationships with national experts, including researchers, who have worked with law enforcement agencies and could partner with the city’s current consultant. We are more than willing to share those names with City officials.

Finally, we demand the City Council to hold public hearings to investigate the *Tulsa Equality Indicators* report findings of racial disparities in TPD’s arrest and use-of-force practices within the next sixty (60) days. It is simply unacceptable to acknowledge racial inequities in City reports and do little to nothing to address them. A hearing will allow members of the public to share their views about these findings and offer recommendations for change.

We welcome the opportunity to discuss further the above policy reform recommendations in a meeting. Please feel free to contact Tulsa attorney Damario Solomon-Simmons at 918-587-3161, or Monique Dixon, Deputy Director of Policy and Senior Counsel at the NAACP Legal Defense Fund, at 202-682-1300 to schedule a mutually convenient time to meet.

Sincerely yours,



Sherrilyn A. Ifill*
President & Director Counsel
NAACP Legal Defense Fund, Inc.
*Admitted to the Bars of New York and Maryland



Damario Solomon-Simmons, Attorney, Of Counsel
Riggs, Abney, Neal, Orbinson, Turpen, & Lewis

Dr. Tiffany Crutcher, President
Terence Crutcher Foundation

Drew Diamond, Former Chief of Police
Tulsa Police Department

Councilwoman Vanessa Hall-Harper
City of Tulsa, District One

Rep. Regina Goodwin
Oklahoma State Representative

Ryan Kiesel, Executive Director
Oklahoma ACLU

David Blatt, Ph.D., Executive Director
Oklahoma Policy Institute

Sen. Kevin Matthews
Oklahoma State Senate

Rep. Monroe Nichols
Oklahoma State Representative

Dr. Ray Owens, Senior Pastor
Metropolitan Baptist Church

Rev. M.C. Potter, Senior Pastor
Antioch Baptist Church

Danny Williams, Former US Attorney
U.S. District Court, Northern District
of Oklahoma

Chief Egunwale Amusan
African Ancestral Society

Richard Baxter, President
Racism Stinks

Monya Brown
Community Activist

Thomas Boxley, Executive Director
The Institute for Developing
Communities

Darryl Bright, President
C.U.B.E.S., Inc.

Layla Caldwell, Pastor
United Coalition of Ministers

Mrs. Leanna Crutcher
Mother of Terence Crutcher

Rev. Joey Crutcher, Sr.,
Father of Terence Crutcher

Anthony Douglas, State President
Oklahoma State NAACP

Rev. Jamaal Dyer
Community Activist

Hailey Ferguson
Community Activist

Nehemiah Frank
Editor-In-Chief, Black Wall Street Times

Caleb Gayle
Community Activist

James (Jim) Goodwin
Oklahoma Eagle Newspaper

Pastor Scott Gordon
Senior Pastor, Calvary Baptist Church

Dr. Rodney Goss, Senior Pastor
Morning Star Baptist Church

Angela Graham, Candidate
Oklahoma House District 66

Tracy Love, President
Love & Associates

Nate Morris
Greater Tulsa Alumnus, Teach of America

David Riggs, Senior Partner
Riggs, Abney, Neal, Orbinson, Turpen,
& Lewis

Greg Robinson
Community Activist

Shea Seals
Tulsa Basketball Legend

Pastors Terry & Barbara Shannon
New Heights Christian Center

Sarah Smith-Moore
Aware Tulsa

Robin Steinberg, Executive Director
Still She Rises, LLC

Bruce Suttle
Community Activist

Robin Taylor
Community Activist

Etan Thomas, NBA Star
Author and Native Tulsan

Dr. Robert Turner, Senior Pastor
Vernon AME Church

Rhea Vaughn-Dobbin
Community Activist

Pastor Weldon Tisdale, Senior Pastor
Friendship Missionary Baptist Church

Charles Wilkes, Candidate
Tulsa City Council District 3

Bill White
Community Activist

Kandy White
Community Activist

Kristi Williams
Community Activist

Bobby Woodard, Pharm. D
Westview Medical Clinic

Dr. Runako Whittaker
Westview Pediatric Care

Rev. Gerald Davis
The United League of Social Justice-Tulsa

cc: Tulsa City Councilors