

An Urgent Call to End Over-Policing of Black Communities and Transform Public Safety in Tulsa.

# “WE ARE NOT LESSER”\*



JUSTICE IN  
PUBLIC SAFETY  
PROJECT

**LDF**  
DEFEND EDUCATE EMPOWER

\*Statement of Tulsa student read by their teacher during June 19, 2019 listening session on racial bias in Tulsa police practices.

## ABOUT THE NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.

The NAACP Legal Defense and Educational Fund, Inc. (LDF) is the first and premier civil rights law firm focused on fighting for racial justice in the United States. Founded in 1940 under the leadership of Thurgood Marshall, LDF's mission has always been transformative — to achieve racial justice, equality, and an inclusive society. Today, LDF continues to promote racial equity in education, voting, housing, education, and the justice system. LDF has been a separate organization from the NAACP since 1957.

LDF's work to address police violence and misconduct dates back to its inception. Among LDF's most notable cases was Thurgood Marshall's defense of Black men who were brutally beaten by police in an effort to force confessions to crimes they did not commit in Groveland, Florida.<sup>1</sup> The LDF team's tenacious efforts in the *Groveland* case are captured in the 2013 Pulitzer Prize-winning book, *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America*. In subsequent decades LDF litigated cases challenging unconstitutional conduct by law enforcement officers against peaceful civil rights protesters, and against unarmed Black residents of communities in the south, and has challenged racial discrimination in hiring in police departments. LDF litigated *Tennessee v. Garner*,<sup>2</sup> a seminal case that held, for the first time, that police officers cannot shoot "fleeing felons" who do not pose a threat to officers or members of the public.

In 2015, LDF's Thurgood Marshall Institute launched a Policing Reform Campaign in the aftermath of the police killings of Eric Garner, Michael Brown, Walter Scott, and Freddie Gray and subsequent public demands for police accountability for violent unconstitutional conduct. After five years of working side-by-side with grassroots groups and civil rights lawyers across the country, the Campaign is now a permanent project of LDF—renamed the Justice in Public Safety Project ("JPP").

The JPP uses litigation, policy advocacy, research, community organizing, and strategic communications to: (1) ensure accountability for police brutality and misconduct through community oversight and changes to laws and policies; (2) promote policing and public safety practices that eliminate the pernicious influence of racial and other biases; and (3) support a new paradigm of public safety that ends police violence and drastically reduces the presence of armed law enforcement in communities of color.

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\* Statement of Tulsa student read by their teacher during June 19, 2019 listening session on racial bias in Tulsa police practices.

**COVER IMAGE:** People raise their hands at a rally before a “National Prayer and Call For Justice” march in Tulsa, Okla., Tuesday, Sept. 27, 2016. The march was in response to the police shooting of Terence Crutcher. (AP Photo/Sue Ogrocki)

## EXECUTIVE SUMMARY

# EXECUTIVE SUMMARY

Tulsa, Oklahoma's long history of racial bias and violence against its Black residents reaches back to the 1921 Greenwood Massacre, which decimated the thriving Black community of Greenwood and resulted in the killing of up to 300 Black Tulsans. It has been estimated that more than 8,000 residents were rendered homeless, and nearly 40 square blocks of Greenwood were razed by "vigilantes . . . [who were] deputized or [acting] under color of law."<sup>3</sup> A full accounting of the events, institutions, and individuals that contributed to the massacre continues to this day, with forensic studies, litigation, and community conversations.

The Greenwood Massacre lives powerfully in the historic memory of Black Tulsans. Today that memory undergirds an active and determined effort to confront racial discrimination

and disparities that undermine the full citizenship and dignity of Black communities in the city. The killing of Terence Crutcher by a white Tulsa police officer in 2016, and other law enforcement shootings of Black Tulsans, taking place in the context of a nationwide conversation about police violence, prompted Tulsa leaders and the NAACP Legal Defense and Educational Fund, Inc. (LDF) to host a public meeting to investigate, understand and address racial disparities in the Tulsa Police Department's (TPD) law enforcement activity.

This Report summarizes the information and testimony shared in that and later public meetings. The session convened by community leaders was held in March 2019. Members of the Tulsa City Council convened additional meetings from June to September 2019. The latter

meetings focused on the findings of the Tulsa Equality Indicators' Annual Reports for 2018 and 2019. The reports documented alarming racial disparities in key areas of law enforcement activity in the city. According to these annual reports, TPD's own data show that its officers:

- Arrest Black youth **three times more** than white youth;
- Arrest Black adults **two times more** than white adults; and
- Use force against Black adults **three times more** than Latinx adults,<sup>4</sup> while white adults are half as likely to have force used against them when compared to Black adults.<sup>5</sup>

The testimony of residents at the public meetings further illustrated

TPD ARRESTS  
BLACK YOUTH

3X

MORE THAN  
WHITE YOUTH

TPD ARRESTS  
BLACK ADULTS

2X

MORE THAN  
WHITE ADULTS

TPD USES FORCE  
AGAINST BLACK ADULTS

3X

MORE THAN  
LATINX ADULTS



Photo by Win McNamee/Getty Images

the harm that Black youth and adults experienced in their encounters with TPD officers, as well as the harm caused to their families as a result of TPD encounters.<sup>6</sup>

Over a year has passed since the last public meeting in the city regarding racial disparities in policing. Tulsa officials released the third Equality Indicators Annual report in 2020, which revealed that inequalities in the city remain. Specifically, the overall Justice equality score, which covers policing practices, fell from 35.33 in 2018 to 33.89 in 2019, and to 31.56 in 2020.<sup>7</sup>

In an effort to move Tulsa city leaders towards action to address these ongoing disparities, “We are Not Lesser” presents specific recommendations that the Mayor, City Council, and TPD should adopt and implement to achieve a more equitable Tulsa.

As the city of Tulsa plans activities to commemorate the 100<sup>th</sup> anniversary of this country’s worst race massacre, it must also commit to addressing the reality of contemporary racial discrimination and inequality in Tulsa. Any effort by the city of Tulsa to honestly confront past racial injustice must include a willingness to acknowledge and address the contemporary manifestations of historical discrimination and a clear commitment to implementing measures that can result in change.

In Tulsa, such an effort must include the adoption of transformative public safety policies and strategies to ensure Tulsans are safe in their communities regardless of their race, ethnicity or national origin. **Tulsans deserve nothing less.**

## THE RECOMMENDATIONS INCLUDE:

- 1 **Acknowledging the history of racial discrimination** in Tulsa and committing to addressing it—particularly in policing services.
- 2 **Reducing the city’s reliance on police services** by investing in community-based programs and services.
- 3 **Decreasing racial disparities in arrests** by repealing laws that criminalize quality of life offenses.
- 4 **Improving transparency into officers’ actions** by collecting and routinely publishing data regarding officers’ enforcement activity.
- 5 **Reducing police interactions with youth** to prevent their involvement in the criminal justice system.
- 6 **Adopting and implementing mechanisms to hold officers accountable** for misconduct, especially violations of use of force law, policies, and training.

## INTRODUCTION

# INTRODUCTION

Members of the Tulsa community have long been advocating to address deeply disturbing incidents of recurring police violence, particularly against Black Tulsans. These incidents of police brutality, and evidence of racial disparities in the TPD's arrests and uses of force, have inspired a sustained movement committed to addressing these inequities in Tulsa's public safety system.

### Incidents of Fatal Police Violence Against Black Tulsans

In 2015, a white volunteer reserve deputy sheriff of the Tulsa County

Sheriff's Office shot and killed **Eric Harris**, an unarmed Black man in Tulsa, when the deputy mistook his own gun for a taser.<sup>8</sup> After the deputy shot Mr. Harris, other deputies held him down with their knees on his head. Video footage shows Mr. Harris stating he was losing his breath, and a deputy responding, "fuck your breath."<sup>9</sup> The reserve deputy who shot Mr. Harris was later convicted of manslaughter and served less than half of his four-year sentence.<sup>10</sup>

On September 16, 2016, a TPD officer shot and killed **Terence Crutcher**, an unarmed 40-year-old Black man and father of four children,

who was an active member of his church and sang in the choir. The officer responsible for shooting Mr. Crutcher was charged with manslaughter, but acquitted. One of the jurors involved in the officer's trial publicly stated that all 12 jurors submitted a letter to the Chief of TPD expressing their belief that the officer should not serve as a police officer again.<sup>11</sup> The officer resigned from the TPD, but later served as a deputy with the Rogers County Sheriff's Department.<sup>12</sup>

**Joshua Harvey**, an unarmed 25-year-old Black man had been previously diagnosed with bipolar



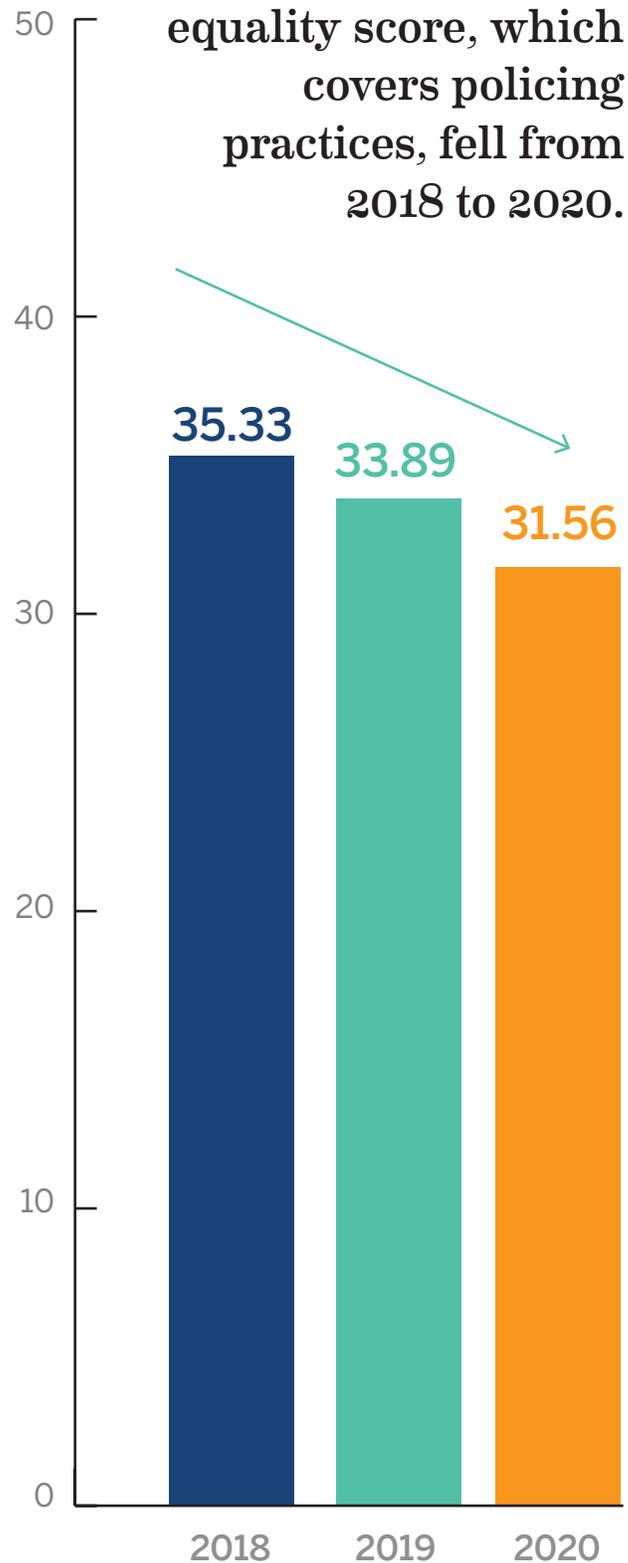
and paranoid schizophrenia disorder; he was a son, brother, and father of a 4-year-old son.<sup>13</sup> In 2018, TPD received multiple calls about a Black man screaming in the street and taking off his clothes,<sup>14</sup> indicating that Mr. Harvey was likely in crisis. Body camera footage reveals that when officers confronted Mr. Harvey, they understood that he was not in a clear mental state.<sup>15</sup> Instead of deescalating the situation, the officers surrounded Mr. Harvey and attempted to forcibly arrest him.<sup>16</sup> The encounter ended with officers deploying a taser on Mr. Harvey 27 times in three minutes and forcibly restraining him on his stomach for over 13 minutes.<sup>17</sup> Mr. Harvey succumbed to the injuries sustained by the officers' use of excessive force three days later.<sup>18</sup>

### **Formation of the Tulsa Commission on Community Policing and Community Response**

City officials responded to these and similar incidents of law enforcement violence and racially-biased policing by forming a Tulsa Commission on Community Policing in 2017. The Commission released 77 recommendations for building trust and integrity between TPD and the community it serves and advancing community policing strategies in Tulsa, among other things.<sup>19</sup> Tulsans noted, however, that Commission members — predominately City Council members and TPD officials — were not diverse, lacked community representation and people impacted by law enforcement, and represented the narrow experience of those connected to law enforcement. Additionally, the Commission meetings were inaccessible,<sup>20</sup> and the recommendations did not include procedures for holding officers accountable for failing to comply with the recommended policies and practices.<sup>21</sup>

Consequently, the families of victims of police violence, along with clergy, Black elected officials, activists, and advocates, organized to demand action from Tulsa's government officials to address and prevent law enforcement killings and misconduct against Black and Latinx Tulsans. From 2016-2019, community leaders such as Dr. Tiffany Crutcher, founded the Terence Crutcher Foundation to fight for justice in honor of Mr. Crutcher's memory, the United League for Social Action (TULSA),<sup>22</sup> founded in 2015, convened a multiracial group of Tulsans to analyze data and demonstrate racial disparities in policing, and the Demanding a JUSTulsa campaign advocated for unbiased, transformative, and accountable policing and public safety strategies in Tulsa.<sup>23</sup>

**The overall Justice equality score, which covers policing practices, fell from 2018 to 2020.**



## COMMUNITY DEMANDS SPURRED THE 2019 CITY COUNCIL SPECIAL MEETINGS ON RACIAL DISPARITIES IN POLICING

City officials signaled a willingness to begin identifying and acknowledging racial inequities in the delivery of public services by agreeing to publish annual Tulsa Equality Indicators reports.<sup>24</sup> Since 2018, these reports, developed by the Community Service Council and the City University of New York Institute for State and Local Governance in partnership with Tulsa city officials, designed a methodology to evaluate equality in the city's provision of public services.<sup>25</sup> The reports assess inequalities in economic opportunities, education, housing, public health, transportation and public works services, political empowerment, and the justice system.<sup>26</sup>

In its inaugural Tulsa Equality Indicators report,<sup>27</sup> the city's overall equality score was 38.9 out of 100, and the scores in the Justice category were worse, with youth arrests

receiving a score of 33/100 and use of force receiving a score of 20/100.<sup>28</sup> The report found that TPD arrested Black youth three times more than it arrested white youth, and Black adults were more than twice as likely to be arrested as white adults.<sup>29</sup> The report found that white people were "half as likely to experience officer use of force as Black[]" people.<sup>30</sup>

Following the release of the 2018 report, on May 31, 2018, the 98th anniversary of the 1921 Greenwood Massacre, LDF and 50 Tulsa civil rights attorneys, religious leaders, elected and law enforcement officials, and community activists sent a letter to the Mayor and City Council demanding the city hold public meetings to investigate the findings of racial disparities, solicit more information and recommendations from the public about TPD's use of force and arrest practices, and immediately address the disparities.<sup>31</sup>

Nearly a year later, when the Mayor and City Council failed to commit to holding public meetings, Tulsa community-based organizations, clergy and LDF organized their own public hearing on racial disparities in policing on March 7, 2019.<sup>32</sup> Hundreds attended to share their experiences with TPD, and community leaders discussed methods to address racial inequity in Tulsa.<sup>33</sup> Notably, Mayor Bynum refused to attend the public hearing and implied that it was a "PR stunt[]" by trial lawyers suing the city.<sup>34</sup>

Days later, on March 13, 2019, the City Council voted unanimously to hold special public meetings to better understand the findings of the 2018 and the then-impending 2019 Equality Indicators reports,<sup>35</sup> listen to how racially-biased policing practices have affected community members, and learn how to address racial disparities in police arrests, use of force, and TPD hiring practices.<sup>36</sup>



**ABOVE:** Tulsa City Councilwoman Vanessa Hall-Harper at March 7, 2019, community-led hearing on racial disparities in Tulsa policing practices. *Photo courtesy of Tulsa World*

Following the City Council's decision, the Demanding a JUSTulsa campaign issued demands for the City Council to: hold large, open meetings that would be live streamed, recorded, and accepted into the public record; allow members of the public to comment during the meetings; require that at least five City Councilors attend each meeting; and allow community members to recommend experts to testify.<sup>37</sup>

The City Council met many of these demands,<sup>38</sup> and identified five goals for the meetings:<sup>39</sup>

1. **Building trust** between the residents of Tulsa and law enforcement.
2. **Improving transparency** in city government especially as it pertains to justice.
3. **Providing an opportunity** for community stakeholders to share their expertise and insight as to why the numbers exist as reported and make recommendations to improve outcomes.
4. **Ensuring that everyone** knows the same statistical data and information, how it is reported and collected.
5. **Adopting policy changes** that will improve outcomes for Tulsans.

Over a year after the last Tulsa City Council public meeting was held, this report seeks to assist the City Council with advancing goals three and five by summarizing the testimony and related information presented at the Tulsa Equality Indicator meetings and urging city leaders to adopt specific recommendations to realize transformative and nondiscriminatory public safety strategies.

“  
**This report seeks to assist the City Council with advancing goals three and five.**”

## TESTIMONY

# “RACIAL[LY]- BIASED POLICING IS THE REALITY...”

In the data out there now, ... if you're in south Tulsa and you're white and you're stopped, it will take a few minutes. You may get a ticket; you may get a warning. In north Tulsa, statistically, that stop will take twice as long. And it takes twice as long because you're going to get asked some questions. Is this really your car? Where are you going? Where have you been? That's right. And so, at the end of the day, that doesn't happen to folks on the other side of town... I will tell you that this is on the Mayor and the Police Chief and the City Council. **This is fixable.**<sup>40</sup>

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*Drew Diamond  
Former Police Chief  
Tulsa Police Department*

# PERSONAL TESTIMONIES ILLUSTRATE, AND RESEARCH EXPLAINS, THE RACIAL DISPARITIES FOUND IN THE TULSA EQUALITY INDICATORS REPORTS.

While the Tulsa Equality Indicators reports provided statistical data revealing disparities in law enforcement activity towards Black Tulsans, the testimony provided at public meetings about the reports illustrated the data by uncovering racial bias that community members experienced in their interactions with TPD officers. City Councilors and members of the public were able to hear about these experiences during the following nine subject-area specific public meetings:<sup>41</sup>

**June 19 and 22, 2019:** Public comment listening sessions.

**June 26, 2019:** Equality Indicators special meeting on racial and gender disparities in police arrests of youth.

**July 10, 2019:** Public comment listening session.

**July 17, 2019:** Equality Indicators special meeting on racial disparities in police use of force.

**August 7, 2019:** Public comment listening session.

**August 14, 2019:** Equality Indicators special meeting on minority and gender underrepresentation in the police department and current practices to improve recruitment and retention of minority officers.

**September 11, 2019:** Public comment listening session.

**September 25, 2019:** Equality Indicators special meeting on racial and gender disparities in police arrests of adults.

## Racial Disparities in Youth Arrests Indicate TPD is Disproportionately Criminalizing Tulsa's Black Youth

Expert panelist and Director of Innovative Data & Research at the Community Service Council of Greater Tulsa Melanie Poulter, is a researcher for the Tulsa Equality Indicators reports. She testified regarding problematic national and local trends in the involvement of Black youth in the criminal legal system. Ms. Poulter testified that data demonstrates, across the United States, that although most youthful behavior, including unlawful behavior, is similar across races:

*"...Black youth are more likely to be stopped for discretionary reasons, three times more likely to be searched, twice as likely to be arrested after a search even with lower contraband hit rates, more likely to have their cases referred to court, more likely to have their case heard as opposed to being diverted, less likely to receive probation, more likely to be convicted, sentenced to longer terms, and be transferred to adult facilities."<sup>42</sup>*

Similarly, Ms. Poulter testified that both the 2018 and 2019 Equality Indicators reports found racial disparities in youth arrests in Tulsa. Indeed, in 2020, the Equality Indicators report found that TPD officers continue to arrest Black youth three times more than white youth,<sup>43</sup> similar to the pattern in 2019 and 2018.<sup>44</sup> As former Tulsa police detective, Dave Walker admitted during a City Council special meeting, "[t]he numbers . . . should be alarming for everybody."<sup>45</sup>

During the City Council's public comment listening sessions and special meeting on youth arrests, many Tulsans shared the negative experiences that Black youth have had with TPD officers. Two mothers spoke about a vehicle stop by TPD officers involving their teenaged daughters and their friends in June 2019, in front of one of their homes.<sup>46</sup> The mothers reported that their girls were initially approached by a TPD officer who told them he was searching for a vehicle of four Black male suspects.<sup>47</sup> The four girls did not fit the suspect description. Yet, according

## JUSTICE TOPIC & INDICATOR SCORES

2018 RATE OF  
BLACK YOUTH ARRESTS

3.153

MORE THAN WHITE YOUTH

2019 RATE OF  
BLACK YOUTH ARRESTS

3.327

MORE THAN WHITE YOUTH

SOURCE: EQUALITY INDICATORS 2019 REPORT

to the mothers, officers driving four TPD police cruisers and one "police truck" were involved in detaining the four girls, and officers asked the girls questions including, "Whose car is this?" and "Where are you coming from?"<sup>48</sup> One mother who spoke about her daughter's fear during this experience, expressed her distress over TPD officers' stop and questioning of her daughter, when she clearly did not fit the description of the suspects.<sup>49</sup>

Another young Black community member described multiple incidents of harassment by TPD officers that he, his siblings, and family experienced when they were young, during the course of a lawsuit his father filed against TPD alleging unlawful and unconstitutional conduct. He shared that in one instance his "house was raided in the middle of the night only to find that [the TPD officers] came to the wrong house. We were having a kid's sleepover when the raid happened, so we were all asleep in the front room."<sup>50</sup> The officers damaged the family's home by breaking their front door in the course of the raid and terrified the children involved.

Another Tulsan, a former teacher, spoke about her experience helping one of her Black students after he was wrongfully accused of a felony and arrested.<sup>51</sup> She described the great cost of getting him an attorney, bailing him out of jail, and attempting to expunge his record. She expressed the frustration she felt on behalf of her students, stating, "I'm tired of going to school every day and promising futures for kids that I can't guarantee outside of the schoolhouse."<sup>52</sup>

A native Tulsan of Indigenous descent described the stark difference in how youth of color and white or white-passing youth are treated, and spoke about her own experience with the criminal legal system as a youth.<sup>53</sup> She stated that she, a white-passing girl, and her Black and Latinx friends who were each 17 years old were arrested for shoplifting. She was charged with grand larceny and ultimately received 100 hours of community service, six months of probation, and required to write an apology letter whereas her friends “did not fare the same way.”<sup>54</sup> Officers told the girls that their “lives were over. That ... [they] would never get past this incident, and that ... [they] would never go to college.”<sup>55</sup> She spoke about “the need to provide consistent experiences for all interactions with police.” She urged the City Council to adopt mechanisms for “citizen input and review [of police actions].”<sup>56</sup>

During the special meeting on youth arrests, Gregory Robinson, Director of Family and Community Engagement of the Met Cares Foundation, discussed “Building Wakanda,”<sup>57</sup> a community summit hosted in May 2019 to address officers’ treatment of youth and problematic policing practices in north Tulsa. Summit participants, including 300 Tulsa community members, made 20 specific policy recommendations to Tulsa’s Mayor, City Council, TPD, and other decision-makers including increasing police transparency and accountability, and implementing a parent and student advisory board to address issues of juvenile arrest and incarceration.<sup>58</sup>

### Potential Racial Bias Reflected in Comments of Tulsa Decisionmaker is Concerning

Unfortunately, statements by a city official at the hearings regarding Equality Indicators reports underscored Black and Latinx Tulsans’ assertions that TPD’s disparate interaction with youth of color may result from racial bias.<sup>59</sup> Councilor and Tulsa Community Foundation CEO Phil Lakin, attributed his success in life to his parents, implying that Black and Latinx youth are not well parented.<sup>60</sup> Specifically, in his opening statement Councilor Lakin commented, “we probably were raised very differently in the way that we look up or look down to authority. So I was raised in a military family, I was raised to respect people who wear uniforms.”<sup>61</sup> This view oversimplifies the reality of youth interactions with law enforcement and fails to recognize that if Black and Latinx youths do not “look up

“

**I’m tired of going to school every single day and promising futures that I can’t guarantee outside of school.”**

*Teacher in Tulsa*

to” law enforcement, the root cause may be disparate treatment they experience by law enforcement officers, and due to how TPD policies impact youth of color.

Studies of officer conduct confirm the testimony of Tulsa residents with regard to the disparate approach of many officers in how they address non-white residents. A study by Dr. Jennifer Eberhardt, Professor of Psychology at Stanford University, an expert witness at the special meeting on use of force, of body worn camera footage from the Oakland Police Department’s officers found that “officers speak with consistently less respect toward black versus white community members, even after controlling for race of the officer, the severity of the infraction, the location of the stop, and the outcome of the stop.”<sup>62</sup> The difference in outcomes for Tulsa’s Black youth in police interactions may be attributable to the differences in officers’ behavior rather than the behavior of Black youth.

Tulsa’s youth recognized these stereotypes at work. One Tulsa educator relayed her students’ frustration of not being seen and not being heard, sharing one student’s plea, “we need you to understand that we are not lesser ... that we are not gangbangers or junkies. We are strong and motivated and worthy.”<sup>63</sup>

TPD arrests more than twice as many Black people as white people, giving Tulsa a score of:

40/100

TULSA EQUALITY INDICATOR

SOURCE: EQUALITY INDICATORS 2019 REPORT

Underlying the statements made by Councilor Lakin lies a dangerous and flawed assumption that there are racial disparities in arrests of youth because Black youth misbehave more than their peers. Beliefs like this, whether implicit or explicit, contribute to law enforcement officers' increased scrutiny of Black youth.

### National Research Shows Bias Against Black Youth Who Are Incorrectly Viewed As More Culpable and Blameworthy Than Their Peers

Research demonstrates that “children may not be given the privilege of innocence equally across race.”<sup>64</sup> While Black youth are often viewed as more culpable than their white peers, misbehavior of youth, including drug use, are not different across racial lines.<sup>65</sup> Yet, Black youth are perceived as less “innocen[t]... more culpable for their actions.”<sup>66</sup> “Black boys can be misperceived as older than they actually are and prematurely perceived as responsible for their actions during a developmental period where their peers receive the beneficial assumption of childlike innocence.”<sup>67</sup> Similarly, “adults view Black girls as less innocent and more adult-like than their white peers.”<sup>68</sup> More broadly, Black youth are “perceived [] as more similar to adults in blameworthiness” than other youth.<sup>69</sup> “Black children may be perceived as innocent only until deemed suspicious.”<sup>70</sup>

The consideration and understanding of these research findings will be critical to changing public safety policies and practices so that Black youth in Tulsa have an opportunity to grow and thrive; an opportunity to which all youth in Tulsa are entitled. Tulsa leaders must recognize that the heightened scrutiny and adultification of Black youth are each forms of bias that result in higher rates of youth arrest.<sup>71</sup>

### TPD Disproportionately Arrests Black Adults Often for Low-Level or Quality-of-Life Offenses

#### TPD Disproportionately arrests Black Tulsans for Low-Level Offenses and Tulsa Residents Described Problematic Stops and Searches in Their Testimony

The Tulsa Equality Indicators reports found that TPD arrests more than twice as many Black adults when compared to white adults, earning an equality score of 40 out of 100.<sup>72</sup> During her testimony at a special meeting, Panelist Poulter pointed out that in all but one Tulsa zip code, TPD arrested Black adults more than the percentage of the Black population of that zip code.<sup>73</sup> Panelist Mana Tahaie, Equity Consultant, explained further, “when we conflate the arrest rate with the crime rate, we condemn communities that are profiled to a continuous cycle of over-policing. Reinforcement bias from fishing in the same pond can result in very skewed data that looks an awful lot like some people are simply more criminal.”<sup>74</sup>

Not only does TPD disproportionately arrest Black adults, many arrests are for low-level, non-violent crimes. For example, according to testimony from panelist TPD Deputy Chief Jonathan Brooks, of the arrests that TPD officers made in 2018, the two most common arrests were for warrants and narcotics.<sup>75</sup> Additionally, Deputy Chief Brooks noted, nearly half of all TPD arrests in 2018 were for warrants (half of which, data shows, are for traffic offenses), representing the largest category of TPD arrests.<sup>76</sup> He went on to say that TPD arrests in 2018 for disorderly conduct, narcotics, and larceny were also large.<sup>77</sup> And at the same meeting, panelist Poulter added that while Black Tulsans account for just 14% of the population, they comprise 41% of TPD arrests for traffic offenses, 38% of TPD arrests for disorderly conduct, 46% of TPD arrests

for arrest warrants, and 40% of TPD arrests and criminal citations for narcotics.<sup>78</sup> A 2019 report by the Human Rights Watch also found that Black people in Tulsa were disproportionately arrested.<sup>79</sup>

The harm caused by TPD's practice of arresting Black and Latinx Tulsans for low-level offenses is compounded by the use by county and municipal courts of legislatively enacted court fines, fees, and costs.<sup>80</sup> Recent research has noted that "[o]ver the course of twenty years, the violent and property crime rates in Oklahoma dropped 37.2 percent and 39.8 percent respectively."<sup>81</sup> At the same time, "the rate of jail admissions rose 71.1 percent and Oklahoma prisons have doubled their populations, from 12,078 in 1994 to 28,093 in 2014."<sup>82</sup> TPD's aggressive arrest practices for low-level offenses, including warrants for traffic offenses and unpaid fines and fees are contributing to Oklahoma's extraordinary rate of incarceration—one of the highest, incarceration rates in the United States and world.<sup>83</sup> And these arrests have disproportionately impacted Black Tulsans.

TPD also arrests far more women than the national average. Tulsa's Equality Indicators reports evaluated the ratio of arrests of women in Tulsa to the U.S. average.<sup>84</sup> In 2018, the arrest rate per 1,000 women in the United States was 14.8, while in Tulsa it was 30.5.<sup>85</sup> In 2019, Tulsa's arrest rate for women (26.5) was still nearly two times the national average (15.4).<sup>86</sup> This trend continued in 2020 as Tulsa's arrest rate for women (29.1) and over two times the national average (14.0).<sup>87</sup>

In addition to these disturbing data regarding TPD's arrests, testimony from community members who spoke at the City Council's public comment sessions and special meeting raises serious concerns about the behavior of TPD officers. Tulsans described in numerous incidents being stopped and searched by TPD officers and reported officers' behavior was problematic and disrespectful.

For example, a Black woman relayed her encounter with a TPD officer as she was driving home during an ice storm with her children in the backseat of her vehicle.<sup>88</sup> A TPD officer stopped her and told her that she was driving

## Over-Policing of Black Tulsans by the Tulsa Police Department (TPD)

**14%**

**Black Tulsans account for just 14% of the population**

**41%**

of TPD arrests for  
traffic offenses are of  
Black Tulsans

**38%**

of TPD arrests for  
disorderly conduct are  
of Black Tulsans

## “... fear of police and experience of mistreatment by police are facts of life in their communities.”

slightly outside of her lane. Rather than understanding how the weather might have contributed to her driving, she testified the TPD officer asked if she was on drugs. She told him, “Well officer, I’ve never even been high. I don’t drink.”<sup>89</sup> Even so, the officer proceeded to “test” her in front of her children, and “found nothing.”<sup>90</sup> The woman testified that the officer failed to behave with “sensitivity” or apologize.<sup>91</sup>

Another Black woman, a manager at the Tulsa City-County Health Department described her experience with TPD officers as they raided her home one early morning.<sup>92</sup> She testified that at 6:00 A.M. on a weekday, TPD officers knocked on her front door demanding to search her home because they “believe[d] that this was a drug house.”<sup>93</sup> She asked for time to get dressed because she was still in her nightgown.<sup>94</sup> TPD officers refused and handcuffed her.<sup>95</sup> She asked to read the search warrant and noticed that the address on the search warrant was not the address of her home.<sup>96</sup> She alerted TPD officers of their mistake, but they ignored her and proceeded to tear her home apart, overturning mattresses.<sup>97</sup> TPD officers placed her and her husband in the bathroom and interrogated them for one to two hours.<sup>98</sup> TPD officers reportedly asked them, “How can you afford a house like this? This is a drug house!”<sup>99</sup> She stated they also accused her husband of being a member of the Bloods gang because he drove a red truck.<sup>100</sup> TPD officers eventually left, leaving the home “totally destroyed” and for her to put back together.<sup>101</sup> TPD officers terrorized this couple and destroyed their home. However, the woman and her family decided not to file a lawsuit fearing that TPD officers might retaliate.<sup>102</sup>

Another Black Tulsan described his experience with TPD officers, stating that he had:

*“... been harassed several times. Once I was going to the schoolhouse to pick up the kids and a police officer told me that my taillight came on three seconds late. So, he had me step out of the car and put me in the back. Had my kids step out [of] the car and put us in the back. And he said ‘you got any drugs, just let us know. You not gonna get in trouble for it.’ And I’m like ‘you pulled me over for a traffic violation. Like, why are you talking about drugs?’ And he was like ‘don’t worry about it.’ So he had us in the back detained while two more officers was checking and searching for drugs.”<sup>103</sup>*

After the officers completed the search and found nothing, “they let us go.”<sup>104</sup>

He also shared that he and his cousin were stopped at least three separate times by TPD officers and ordered to exit their vehicle while officers searched their vehicle for drugs. When asked why their vehicle was being searched, TPD officers replied, “we are just doing our daily routine.” He expressed frustration about the lack of accountability and stated that he did not want “to be one of those people who gets shot” for trying to defend himself.<sup>105</sup>

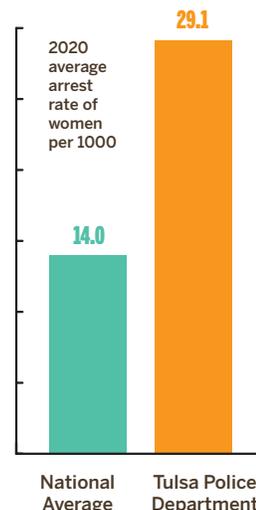
The testimony of community members and TPD’s data reflect what Black Tulsans have known and said for many years. As Tulsa’s Black leaders have previously reported, “fear of police and experience of mistreatment by police are facts of life in their communities.”<sup>106</sup> Tulsa must commit to rectifying the harm caused by TPD’s aggressive policing of Tulsa’s Black residents.

### Expert Panelists and National Research Provide Insights on the Biases Towards Black Adults Likely Underlying the Racial Disparities in Tulsa’s Policing Practices

For almost 60 years, social psychologists have documented the false and consequential association of Blackness with criminality.<sup>107</sup> While the causes of this association are beyond the scope of this report,<sup>108</sup> the “automatic stereotyping process” operates such that “the mere presence of a person can lead one to think about

# TPD ALSO ARRESTS FAR MORE WOMEN THAN THE NATIONAL AVERAGE.

SOURCE: TULSA EQUALITY INDICATORS (2020)



the concepts with which that person’s social group has become associated.”<sup>109</sup> “The mere presence of a Black man, for instance, can trigger thoughts that he is violent and criminal.”<sup>110</sup>

Further, as found in a study by panelist Dr. Eberhardt, “[n]ot only are Blacks thought of as criminal, but also crime is thought of as Black.”<sup>111</sup> Dr. Eberhardt’s research found that in comparison to white faces, “Black faces triggered a form of racialized seeing that facilitated the processing of crime-relevant objects, regardless of individual differences in racial attitudes.”<sup>112</sup> She noted that

“mere exposure to Black faces facilitated the detection of crime-relevant objects” such as weapons while “mere exposure to White faces inhibited the detection of crime relevant objects.”<sup>113</sup>

Law enforcement officers were not exempt from having this bias: when officers who participated in the study were primed with a Black face, they also associated it with crime-relevant objects, and crime with a Black face.<sup>114</sup> “When officers were given no information other than a face and when they were explicitly directed to make judgments of criminality... Black faces looked more criminal to police



People listen to speakers during a Juneteenth rally on June 19, 2020, in Tulsa, Oklahoma. Photo by BRENDAN SMIALOWSKI/AFP via Getty Images

officers; the more Black, the more criminal.”<sup>115</sup> As Dr. Eberhardt demonstrated through her rigorous study, “[t]hese results provide additional evidence that police officers associate Blacks with the specific concept of crime.”<sup>116</sup>

The effect of this is that “police officers may face elevated levels of danger in the presence of White armed suspects in comparison with Black armed suspects” because “if police officers have a delayed response to White suspects with guns or knives, these officers may be more likely to get hurt, shot, or killed when confronting White armed suspects in comparison with Black armed suspects.”<sup>117</sup> And for Black people, even when they are innocent, they “may easily become the targets of intense visual surveillance by both police officers and the lay public.”<sup>118</sup> This research posits that racial profiling “may be rooted in more fundamental perceptual processes than previously recognized.”<sup>119</sup>

The study also suggests that Black people “may be most vulnerable to false identifications in real criminal lineups” because “when officers were tested on their memory for the target faces, they were more likely to

falsely identify a face that was more stereotypically Black than the target when they were primed with crime than when not primed with crime.”<sup>120</sup>

To mitigate the effects of this bias on officers’ decision-making, Dr. Eberhardt recommended TPD refocus its stop practices to become “intelligence-led.”<sup>121</sup> Dr. Eberhardt explained that requiring officers to think about whether a stop was intelligence-led “caused [officers] to slow down and changed their mindset about making the stop” and made officers consider “is this a high priority stop?” and “how many of my other stops have actually been intel-led?”<sup>122</sup> Dr. Eberhardt testified that in Oakland, the introduction and implementation of this policy led stops to drop from 32,000 in 2017 to 19,000 in 2018 and stops among Black people “dropped by about 43% with no increase in crime.”<sup>123</sup> This change in policy permitted the Oakland Police Department to begin a period of introspection and grappling with how bias affected its decision-making processes.<sup>124</sup> TPD must implement similar practices that manage bias, mitigate its effects, and prevent it from infecting officers’ judgments in law enforcement decisions.

## Exploration of Alternatives to Arrests

Instead of arresting Tulsans, TPD must explore alternatives in all but the most serious and violent offenses.<sup>125</sup> Panelist Robin Engel, professor at the University of Cincinnati, shared that in Hamilton County, Ohio jail space became limited, which forced the police to work with the community and begin “thinking about the use of arrest as a limited commodity: How do we want to use that tool?”<sup>126</sup> The Hamilton County police recognized that “it’s not a matter of *can* we arrest, it’s *should* we arrest.”<sup>127</sup> As a result, according to Engel, police made fewer arrests without an increase in crime; Engel urged TPD to similarly rethink its use of arrest as a tool for public safety.<sup>128</sup>

Similarly, a report from the Vera Institute of Justice advises that “police should use arrest sparingly, intentionally, and transparently” and treat it as a limited commodity.<sup>129</sup> Tulsa city officials must identify, promote, and invest in alternatives to enforcement that do not involve the criminal legal system and create structural incentives for police to use alternatives.<sup>130</sup> Throughout the public meeting, panelists Aisha McWeay, Executive Director of Still She Rises Tulsa, Mana Tahaie, and Robin Engel outlined important considerations for rethinking the role of an arrest including: the purpose and goal of an arrest; whether those goals are met by an arrest; how an arrest affects people and communities directly, indirectly, intentionally, and unintentionally; and the seriousness of the violation and its proportionality to the consequences of an arrest. McWeay urged that violations of quality of life and minor offenses such as public intoxication, curfew, disorderly conduct, vagrancy, trespass, contempt of court,

and public disorder be addressed without resorting to criminalization.<sup>131</sup>

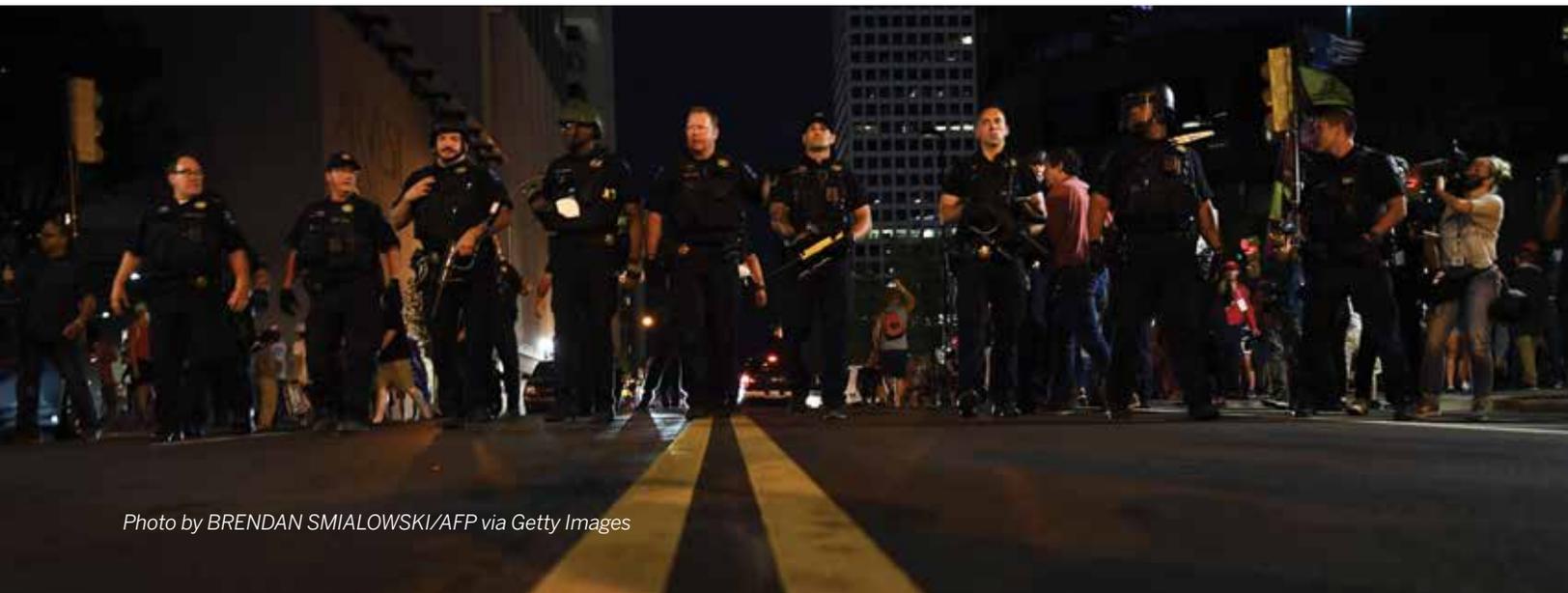
These alternatives to arrest must also be held to standards of equity and fairness. Panelists shared that the meeting that the department recently opened a sobering center as an alternative to arrest for intoxicated individuals picked up by police.<sup>132</sup> However, between April and July 2019, TPD’s referral rate of Black Tulsans to the sobering center was half the referral rate of other Tulsans.<sup>133</sup> Black Tulsans must have equal access to alternatives to arrest.

## TPD Uses Force More Frequently on Black Tulsans

### TPD Officers Use Force More Frequently on Black Tulsans, and These Incidents Cause Trauma for Families and Communities

The Tulsa Equality Indicators reports evaluated disparities in uses of force by officers during arrest.<sup>134</sup> While Black people constituted only 15% of the city of Tulsa’s total population, in 2019, they comprised 37% of people against whom TPD officers used force.<sup>135</sup> The 2018 Tulsa Equality Indicators report found that white people were “half as likely to experience officer use of force as Black” people.<sup>136</sup> The 2020 Equality Indicators report gave TPD a use of force score of 16 out of 100, a score even lower than its 2018 score of 20 out of 100.<sup>137</sup>

TPD officers have used excessive force against persons who were experiencing a crisis or who had a disability. In 2009, Jerard Drew, an unarmed Black man experiencing a mental health crisis was restrained, beaten, pepper-sprayed, handcuffed, and laid face down





Tributes to George Floyd are laid at the base of a Black Wall Street mural, also called the Greenwood District, June 18, 2020 in Tulsa, Oklahoma.

Photo by Win McNamee/Getty Images

as TPD officers tried to take him into custody.<sup>138</sup> He lost consciousness and was pronounced dead at a hospital.<sup>139</sup> His family filed a lawsuit against the City of Tulsa.<sup>140</sup>

In addition, Roma Snowball Presley, the mother of Joshua Wayne Harvey, testified at the March 7, 2019 community-led public meeting on racial disparities in policing about losing her son after his 2018 encounter with TPD officers and its effect on her. Presley stated, “[l]osing my son was the hardest thing I’ve ever had to face, and I’m still facing it to this day.”<sup>141</sup> She testified that she:

*“watched as [TPD] Officers Douglas and Harris violated Tulsa Police Department Procedures 31-101E, by tasing Joshua with two tasers simultaneously. [She] watched as the officer tased [her] son, no less than twenty-seven times in less than three minutes.”<sup>142</sup>*

Indeed, TPD’s policy on the use of a taser, 31-101E, states “[o]fficers shall not simultaneously deploy [a taser] on one individual...”<sup>143</sup>

Presley urged city leaders to question the institutional failures that contributed to her son’s death.<sup>144</sup> She asked:

*“Why was my son chased by the police when he had done nothing wrong? Why was he approached by, no less than four officers, who surrounded him, knowing he was not in a stable mindset? Why did they treat him like a wild animal instead of a human being he was? Why did they joke around while my son pled for his life? Why is a Black man, who was doing no harm to anybody, pose such a threat to warrant the police intervention? Why is a Black man’s life less important to Tulsa Police than the bank’s front door? Why is a Black man’s life less important to Tulsa Police than any officer’s comfort? Why is a Black man’s life something to laugh about? Why would you laugh about it; what is funny? He’s dying. He’s dead. He’s gone. There’s no more Joshua. The police killed him. Twenty-seven times they tased my child. Twenty-seven times.”<sup>145</sup>*

Likewise, during the March 2019 community-led public meeting Dr. Tiffany Crutcher spoke to her experiences of losing her brother, Terence Crutcher, stating:

*“It’s been 902 days since my twin brother was gunned down by a police officer here in Tulsa, Oklahoma; right up the street, several hundred feet away. It’s been 902 days, or a little less and every night I’ve had that visual of Terence in my head. Every night before I lay my head on the pillow, I’ve seen that visual of Terence lying on the ground with blood coming out of his head ...It’s been 902 days since no one has been held accountable and we’ve been fighting week after week after week after week trying to get this city to value Black lives.”<sup>146</sup>*

The next week, on March 13, 2019, when the City Council was considering whether to hold meetings to address the Equality Indicators reports’ findings, Dr. Crutcher displayed her brother’s possessions from the scene of this killing, telling Tulsa’s City Council and Mayor:



“Black Lives Matter” is painted on a road during a Juneteenth celebration in this aerial photograph taken in the Greenwood District of Tulsa, Oklahoma, on Friday, June 19, 2020. Photo by Doug Barrett/Bloomberg via Getty Images

“  
**Why is a Black man’s life less important to Tulsa Police than the bank’s front door? Why is a Black man’s life less important to Tulsa Police than any officer’s comfort?”**

*Roma Snowball Presley,  
mother of Joshua Wayne Harvey  
who was killed by TPD officers  
in 2018*

“ It’s been 902 days since no one has been held accountable and we’ve been fighting week after week after week after week trying to get this city to value Black lives.”

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*Dr. Tiffany Crutcher  
Twin sister of Terence Crutcher*



Tiffany Crutcher speaking. Photo by Michael B. Thomas/Getty Images

*“We asked for one simple thing. For you all to figure out why. Why this happened to my twin brother. And all I heard was we don’t want to be cussed at. We don’t want to be antagonized. We don’t want to bash the police. But every day I look at this. My brother’s bloody clothes. His shoes. His necklace. His socks. His prosthetic eye. And you’re concerned about being antagonized? Phil Lakin, you said stay neutral? You gotta pick a side; a neutral car goes nowhere. Mayor Bynum, you said [the public meeting on March 7, 2019] was simply a PR stunt. Do you think my brother being slaughtered by a killer cop is a PR stunt? Do you think my parents coming up here every single week is a PR stunt? Joshua Barre’s family, Joshua Harvey’s family? You think that’s a PR stunt? The fact that I would fly back and forth every single month to fight for police reform? You think that’s a PR stunt? I was shocked when I heard you say that. I was shocked when I heard you say that.”*

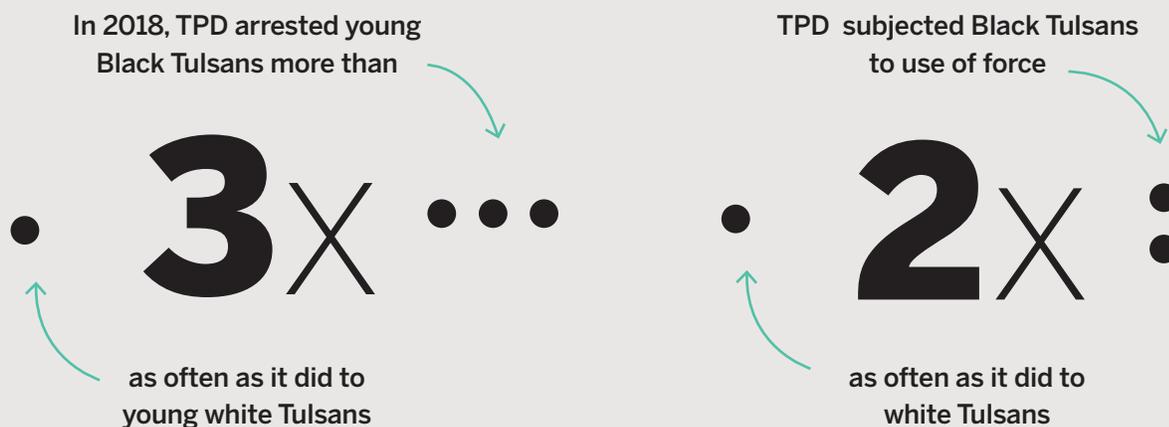
*“All we want to do is to sit down and have a conversation with the people who we pay to serve and protect us. That’s all we want to do. But you want to protect them. And this is what we get. This is what my niece, and my nephews, and my parents get. This is all we have left, his prosthetic eye. This is all we have and you think this is a PR stunt? And we’re coming up here week after week asking for common sense police reform. That’s all we want. We invited you out on Thursday to show you how to do it. It was very respectable. Everybody from different sections of this city [were] there. And you didn’t come. And we let the people speak — we let the citizens of Tulsa share their hearts and you want to block that out. You want to silence us. You want to put it in another section. It reminds me of the ‘colored only’ section. That’s what it reminds me of. We should be allowed to share our voices and our stories with you all. This is all I have... We are hurting, we are suffering, Mayor Bynum.”<sup>147</sup>*

Unfortunately despite this impassioned and eloquent plea months later, some city officials demonstrated that they failed to recognize the gravity of TPD officers’ uses of force, and its impact on victims of police violence, and their families. During the August 14, 2019, special meeting on use of force, Councilor Connie Dodson used part of her limited questioning period to jokingly ask TPD Major Ryan Perkins whether officers allow prospective officers to “tase each other” during training.<sup>148</sup> Major Perkins laughed and responded that only instructors tase candidates.<sup>149</sup> Councilor Dodson laughed, “Maybe you should add that, because tasing each other, for some of them, might be a draw.”<sup>150</sup> This jovial exchange was jarring and disrespectful. It undermines the gravity of the experiences shared by Black Tulsans and belittles the pain of family members who have seen their loved ones injured or killed as a result of TPD officers’ use of excessive force.

The testimony shared by victims of police violence and their families illustrates what researchers have reported for some time—use of force by police officers impacts not only the individuals against whom force is used, but also their families and the health of entire communities.<sup>151</sup>

### **The Role of Bias in Officers’ Uses of Force Must Be Considered**

Because TPD disproportionately uses force against Black Tulsans, it is important to consider the role that bias may play in officers’ decision-making. “Research demonstrates that [implicit racial biases] can cause individuals to interpret identical facial expressions as more hostile on [B]lack faces than on white faces, and to perceive identical ambiguous behaviors as more aggressive when engaged in by [B]lacks as opposed to whites.”<sup>152</sup> In addition, “implicit biases explain the tendency to unconsciously associate [B]lacks with danger and criminality.”<sup>153</sup> A related but separate phenomenon known as, “implicit dehumanization” creates a further “tendency to unconsciously associate [B]lacks with beasts, particularly apes.”<sup>154</sup> “Disturbingly, in two recent studies, [researchers] found that implicit dehumanization not only facilitates hegemonic racial violence, but also helps people feel more comfortable with it.”<sup>155</sup> In an article explaining the studies, researchers stated:



*“In the one study, [researchers] examined the effects of implicit dehumanization on police use of force by comparing officers’ actual use of force history against juveniles with their implicit dehumanization score. What they found was that officers who held the association more strongly were also more likely to have used force on the street against [B]lack as opposed to white youth. Importantly, this finding was not influenced by an officer’s explicit racial bias.*

*“In another study, [researchers] had participants watch a video of a brutal police beating of a suspect and asked them to rate whether or not the use of force was justified... Subjects who held the association more strongly were more likely to find the beating of a [B]lack suspect more acceptable than the use of identical force against a white suspect.”<sup>156</sup>*

Consider the statement made by an officer in the helicopter above Terence Crutcher moments before Crutcher was shot and killed, remarking that Mr. Crutcher “looks like a bad dude...”<sup>157</sup> How an officer could perceive from such a distance a person who has shown no intent to harm anyone to be “a bad dude,” raises questions about the basis on which the officer made the statement. It

suggests that biases about Black people may have played a role. Dr. Eberhardt wrote about her review of the video footage showing the killing of Terence Crutcher, noting that, despite the statement of the officer in the helicopter, what she saw was “Crutcher placing his hands on the roof of his car and leaning toward it. Then suddenly his body slumps toward the ground,”<sup>158</sup> as he is shot. After Mr. Crutcher is fatally shot, “[a] clutch of officers surrounds and comforts Shelby” while Mr. Crutcher lies “untended on the pavement, bleeding to death.”<sup>159</sup> The officers’ decision to comfort Officer Shelby while Mr. Crutcher lay bleeding to death may also reflect implicit dehumanization.

In considering whether to use force, officers must often make split-second decisions. As Dr. Eberhardt warns, it is precisely in those moments, when bias impacts decision making.<sup>160</sup> Dr. Eberhardt stated, “when we feel stressed, when we feel threatened, when we feel depleted, we are more likely to act on our biases.”<sup>161</sup> Further, Dr. Eberhardt also warned that failures to hold officers accountable can exacerbate officers’ likelihood of acting on their own biases.<sup>162</sup> She explained, “[w]hen we’re not held accountable or when we don’t hold ourselves accountable, we’re more likely to act on bias.”<sup>163</sup> The consequences of failing to manage bias are dire. She added that “when left unchecked, implicit bias can be just as harmful as old-fashioned racism even though it is not intended. It can upend lives. It can reduce [people’s] life outcomes. It can lead them to live their lives in fear.”<sup>164</sup>

## TPD's Failure to Embrace the Need for Change

Another impediment is TPD's resistance to acknowledging a need for change. Rather than acknowledge and commit to ending the disparities in officers' uses of force, TPD downplays its disparity in using force, including by enlisting the University of Texas San Antonio to develop a study of its own. Unsurprisingly, the study pointed to data "slippage," "weaknesses in the TPD processes for documenting force-related incidents," "surprisingly high" rates of canine use of force, and the fact that "TPD is probably not capturing as much as 50 percent of force used by police."<sup>165</sup> Unlike the Equality Indicators reports, the analysis uses arrest totals, as opposed to total population as a denominator, to eliminate race as a statistical predictor in use of force. By doing so, it excludes contacts with the police that do not result in arrest — which, according to the University of Texas at San Antonio's findings, account for at least 24% of incidents studied.<sup>166</sup> Additionally, it fails to account for Tulsa's disparities in arrests whereby TPD disproportionately arrests Black Tulsans, including for minor, non-violent, and quality of life offenses.<sup>167</sup>

The Tulsa Equality Indicators reports intentionally use the general population as the denominator for its use of force ratio rather than the number of arrestees.<sup>168</sup> As panelist Poulter explained during the July 17, 2019 City Council special meeting, the team chose to measure use of force based on population data rather than number of people arrested or contacted by police because police use of force "is a public health issue. It impacts

the social, emotional and physical well-being of whole communities."<sup>169</sup> The testimony of Tulsans who have lost family members to TPD officers' excessive use of force illustrates this truth. Ms. Presley stated, in speaking about her son's tragic death:

*"Give us a remedy for the problem of racists in policing in Tulsa. Please help us ensure that no more Black men and women will die unnecessarily, and that no more Black families fall apart as a result of this problem the city presently refuses to fix. We demand answers. We demand transparency. We demand accountability. We demand justice."<sup>170</sup>*

As panelist Tahaie pointed out, in order for TPD to change, it "has to want to change, there has to be a vision for how it wants to look in the future, there has to be an accurate reckoning of what it looks like now, there has to be expectations set for change," and the City has "to hold people accountable for those expectations..."<sup>171</sup> Indeed, as the 2020 Tulsa Equality Indicators report recognized, "Systemic racism and implicit bias throughout the entire criminal justice system have been found to significantly contribute to these disproportionate levels."<sup>172</sup> Black and Latinx Tulsans have rung the alarm bells for decades about TPD's racially disparate policing, as confirmed by the Tulsa Equality Indicators reports.

TPD must commit to adopting concrete policies and practices to prevent the use of unnecessary force. It must

**"WE DEMAND JUSTICE."**

*—Roma Snowball Presley  
mother of Joshua Wayne Harvey  
who was killed by TPD officers  
in 2018*

document all force and prohibit the use of force except when necessary and proportional, after all other reasonable alternatives have been exhausted. Additionally, TPD must hold officers accountable if they use excessive force.

**Data and Information show Tulsa Officials and TPD Need A System of Public Safety that Protects All Tulsans, Invests in Infrastructure for People in Crisis and Responds to Impacted Community Members' Demands**

Throughout the special meetings, leaders and residents alike expressed a shared goal of ensuring the safety of all Tulsans. However, creating safety requires investing adequate resources to ensure all people, including those with disabilities, can meet their basic needs and access education, employment, healthcare, food, and housing. The data show that Tulsa has failed to make that investment. Today the poverty rate of Black residents of Tulsa is nearly three times the rate of white residents.<sup>173</sup> Black Tulsans who live in north Tulsa must travel greater distances to get healthy, fresh produce from a grocery store.<sup>174</sup> North Tulsa zip code 74106 has the highest percentage of both Black residents and people living below the poverty line. The average lifespan of residents of north Tulsa is 70 years old, as compared with south Tulsa zip codes 74133 and 74137, which have the lowest percentages of Black residents, and where residents live an average of 11 years longer.<sup>175</sup>

Additionally, more than 17% of Tulsa's total operating budget for 2020 was allocated to TPD alone – nearly \$122 million out of a \$713 million budget.<sup>176</sup> In contrast, the City allocated only 1.5% of its budget to the public transit system, or \$10.8 million.<sup>177</sup> Likewise, emergency and medical services—crucial to serving the community's health needs—received 1% of funds, or \$7.7 million.<sup>178</sup> This disparity is not for a lack of funding - indeed, when the City decided to hire 175 additional police officers, it raised its tax rate to expand the force.<sup>179</sup>

Tulsa city officials must intentionally and purposefully invest in the areas where it is most needed, including access to food, medicine, affordable housing, and community-based responses to people with behavioral health or other disabilities or in crisis.<sup>180</sup> In 2016, Tulsa was ranked eleventh in the nation for the highest rate of evictions.<sup>181</sup> Tulsa's eviction crisis may have been made worse by the COVID-19 pandemic.<sup>182</sup> Tulsa must invest in housing for low-income families and people with disabilities or in crisis.<sup>183</sup>

Six months after the killing of Terence Crutcher, on March 10, 2017, expert panelists before the Tulsa Commission on Community Policing recommended that TPD should adopt specific public safety and community policing practices.<sup>184</sup> Panelist Tahaie explained that community policing meant neighbors have an actual relationship with their officers.<sup>185</sup> Panelist McWeay cautioned that solutions that are not community-informed are rudderless:

**\$122M**

More than **17%** of Tulsa's total operating budget for 2020 was allocated to **TPD alone**

**\$7.7M**

Only **1%** of the budget was allocated to emergency and medical services **for all of Tulsa**

*"... people have different issues and encumbrances and barriers for why they are not appearing in court and why this might be a challenge for them ... I don't think we can... come up with a programmatic solution that is tailored towards the community without getting some real feedback from people who have faced these challenges and who can give us the direct impact on a day to day basis of what this looks like."<sup>186</sup>*

She further stated the City should ask the "people who are tied in this system ... what do you need and what should it look like in order to service you and assist you and help you?"<sup>187</sup>

TPD must ensure its priorities and practices are aligned with the community's values.<sup>188</sup>

### **TPD Personnel Are Not Diverse**

The Equality Indicators reports found racial and gender inequity in the employment rates of TPD officers. The city's 2020 report found TPD had a score of 20 out of 100 in racial equality in employment, an improvement from 18 in 2018 and 30 out of 100 in gender equality in employment, down from 32 in 2018.<sup>189</sup> These poor scores are no surprise as TPD has had to address race discrimination claims by its officers.<sup>190</sup>

Panelist Poulter urged TPD to diversify its personnel based on recommendations in the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing, which recommended that "law enforcement agencies should strive to create a workforce that encompasses a broad range of diversity."<sup>191</sup> Poulter added,

*"... research shows that a diverse work force that reflects its community benefits everyone. When community members feel that law enforcement understand them and can relate to them because they actually represent them, police-community relations improved overall and trust in law enforcement grows. Increased diversity can inspire law enforcement agencies to be more open to reform, more willing to initiate cultural and systemic change, and more responsive to residents' needs."<sup>192</sup>*

## TPD DIVERSITY SCORES, 2018 + 2020

### RACE 2018

18/100

### RACE 2020

20/100

### GENDER 2018

32/100

### GENDER 2020

30/100

Other expert panelists weighed in on how TPD can become more diverse and inclusive. As panelist Sandra Quince, Senior Vice President of Global Diversity & Inclusion at Bank of America, stated, “diversity and inclusion has to be integrated into everything that you do.”<sup>193</sup> For example, “panel interviews are important, and it needs to be a diverse panel.”<sup>194</sup> Additionally, Quince recommended that TPD implement review committees that can “look across all promotions to make sure that those promotions are diverse in nature and that you’re promoting at a rate at or above your current employment rate or your representation.”<sup>195</sup> Quince further added, “ethnically diverse talent requires sponsorship and mentorship... if they come into an organization and they are not sponsored, they will not be successful or as successful.”<sup>196</sup> Panelist Lynn L. Jones, a retired TPD major, echoed that sponsorships are “really important, and especially for women.”<sup>197</sup>

TPD Deputy Chief Dalgleish and Major Ryan Perkins shared that TPD designated a recruiter for individuals from the Latinx community, after an inquiry from the Department of Justice raising concerns about language barriers at TPD, recognizing the need to diversify its force.<sup>198</sup> Additionally, Major Perkins shared that TPD recruits Black candidates from colleges, universities, and military bases.<sup>199</sup>

Importantly, as identified by panelist Quince, “diversity and inclusion starts from the top. So, that message has to start with your... police chief... and then there has to be some accountability.”<sup>200</sup> As panelist Quince offered, a leader is inclusive when they:<sup>201</sup>

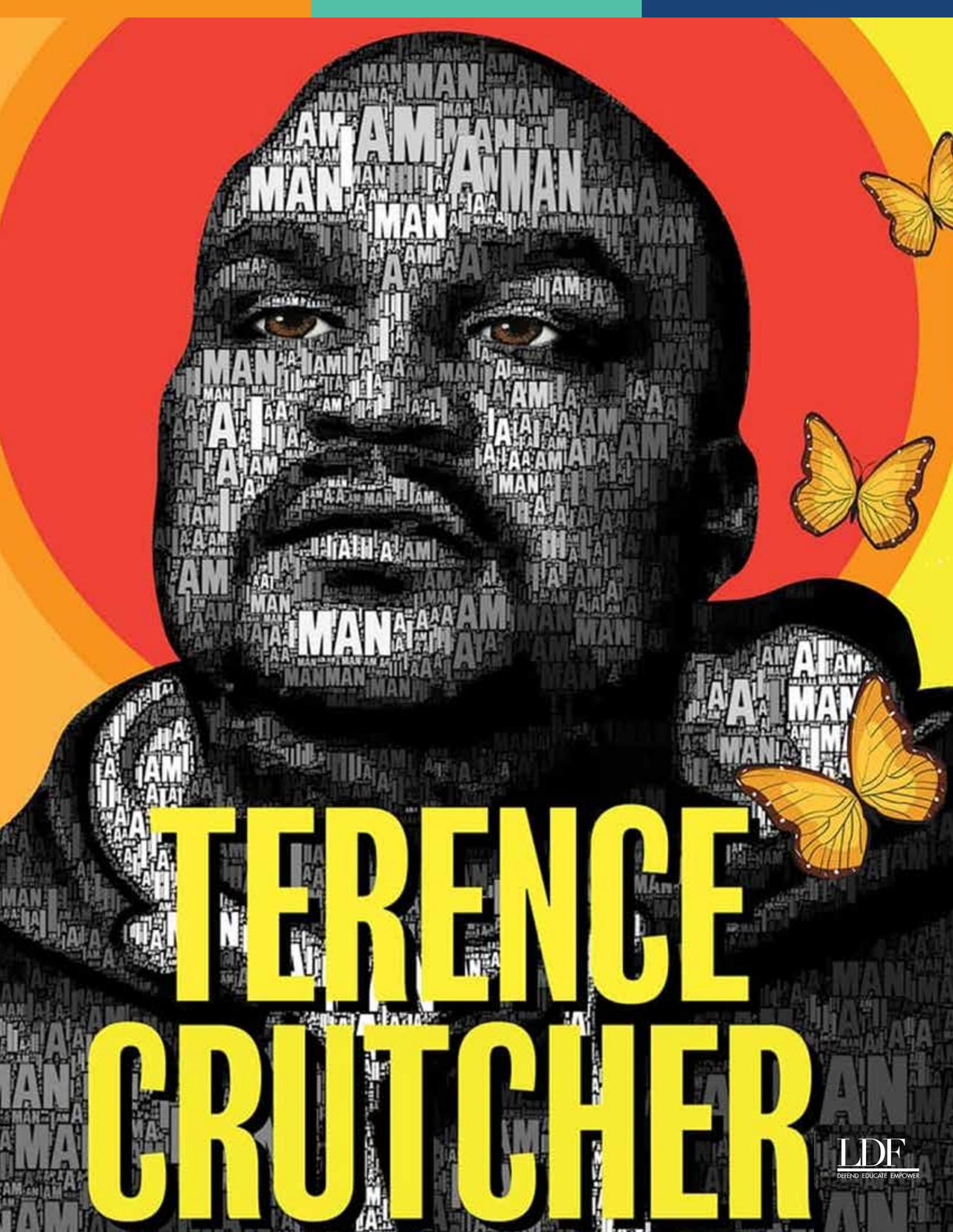
- **Are trustworthy** and build a culture of values and respect;
- **Are transparent** and value open dialogue and others’ perspectives;
- **Invest in** enabling people of diverse backgrounds to succeed; and
- **Are purposeful** in creating a fair and collaborative environment.

She also suggested conducting “bias checks” that involve prompts that assist an individual to recognize their own bias, explanations for how that bias can infect decision-making, and provides tips on mitigating that bias.<sup>202</sup> These bias checks have the potential to positively impact hiring and promoting within TPD.

Diversifying TPD’s workforce must be coupled with changes to its policing strategies and practices to eliminate the disproportionate uses of force and arrests of Black residents, particularly for low-level or non-violent crimes that Tulsans have spoken out about and that Equality Indicators reports and other data confirms. Hiring a diverse staff will not resolve the racial disparities in law enforcement activity if TPD does not change its policing strategies and practices.<sup>203</sup>

Diversity in leadership is also not a silver bullet. No example is clearer than Wendell Franklin, who, after an announcement of his appointment to become TPD’s first Black police chief, flatly denied that TPD engaged in racially biased policing, without explaining the disparities in TPD officers’ arrests and uses of force involving Black Tulsans.<sup>204</sup> A similar statement this summer by Major Travis Yates that “systemic racism in policing ‘just doesn’t exist’” and that based on research he reviewed, officers are shooting African Americans “24 percent less than we probably ought to be” is highly problematic.<sup>205</sup> While the Major claims the statement regarding the rate of shootings of African Americans was taken out of context, his refusal to acknowledge systemic racism is equally troubling. TPD leadership and officers of all races, ethnicities, and gender, must acknowledge and address racial disparities in policing services.

**“LAW ENFORCEMENT AGENCIES SHOULD STRIVE TO CREATE A WORKFORCE THAT ENCOMPASSES A BROAD RANGE OF DIVERSITY.”**



# TERENCE CRUTCHER

## RECOMMENDATIONS

# KEY REFORMS AND RECOMMENDATIONS

Last summer, Tulsans, like millions of Americans nationwide, organized and participated in mass demonstrations to protest police violence, to demand accountability for police misconduct and brutality, and to urge a rethinking of the public safety framework in America. Tulsa's protests mirrored those that took place in every one of the 50 states in the aftermath of the recent police killings of George Floyd in Minnesota, Breonna Taylor in Kentucky, Carlos Ingram-Lopez in Arizona, Tony McDade in Florida, and Rayshard Brooks in Georgia.<sup>206</sup> But as the testimony throughout the Tulsa City Council public listening sessions and special meetings demonstrates, members of Tulsa's Black and Latinx communities have long been demanding the City take action to address its long history of racially-biased policing.

It is time for the City to act by adopting the recommendations below.

### **1. The Mayor and City Council of Tulsa Must Formally Acknowledge The History of Racial Discrimination in Tulsa and Commit to Addressing It – Particularly in Public Safety Services**

#### **Make a Formal Acknowledgement and Public Commitment**

As the 100<sup>th</sup> anniversary of the Tulsa Race Massacre approaches, the City of Tulsa has arranged citywide events and garnered national attention.<sup>207</sup> The City of Tulsa must formally acknowledge the history of violence against Black Tulsans and commit to rectifying it.<sup>208</sup> Indeed, it

- 1 The Mayor and City Council of Tulsa Must Formally Acknowledge The History of Racial Discrimination in Tulsa and Commit to Addressing It – Particularly in Public Safety Services**
- 2 The City Must Reduce its Reliance on Policing and TPD must Reduce its Disproportionate Arrests of Black Tulsans**
- 3 The Mayor, City Council, and TPD Must Improve Transparency into Officers' Actions By Requiring Data Collection and Routine Reporting of Data Regarding Officers' Law Enforcement Activity**
- 4 The Mayor, City Council, and TPD Must Create a Plan to End Racial Disparities in Use of Force**
- 5 Tulsans Impacted by Over-policing Must Have Meaningful Input into What Public Safety in Tulsa Means**
- 6 TPD Must Limit its Interactions with Youth to Prevent their Involvement in the Criminal Legal System**
- 7 City Officials Must Adopt and Implement Community Oversight Mechanisms to Hold Officers Accountable for Misconduct**
- 8 Diversity of TPD Personnel is Not a Panacea**

will be impossible to address racial disparities in policing practices if there is no acknowledgment that it exists.

An acknowledgement may take several forms. For example, the Mayor could issue an executive order, or the City Council could issue a resolution recognizing the persistent racial disparities that the City's own data reveals and listing concrete steps each branch of government will take to address the problem, such as repealing ordinances that result in racial disparities in arrests of Black and Latinx Tulsans, and disparate engagement with the criminal legal system.<sup>209</sup> Without an acknowledgement of past harm and commitment to ending it, the next page in the story of Tulsa will be tainted by the same racialized violence that has defined its past.

## **2. The City Must Reduce its Reliance on Policing and TPD must Reduce its Disproportionate Arrests of Black Tulsans**

### **The Mayor and City Council Must Invest in Community-Based Services to Address Needs to which Law Enforcement Officers are Ill-Equipped to Respond**

First, there is widespread agreement that law enforcement officers are ill-equipped to respond to calls for service involving people in crisis or with mental health disabilities who are in need of medical, mental or behavioral health services.<sup>210</sup> Too often, these incidents result in unnecessarily criminalizing and using force on people with disabilities or experiencing crisis.<sup>211</sup>

Tulsa officials must implement the essential elements of an integrated crisis system, at a capacity sufficient for Tulsans needs, including: **(1)** a regional crisis call center; **(2)** crisis mobile team response; and **(3)** crisis receiving and stabilization facilities.<sup>212</sup> While pillar four of the Tulsa Commission recommendations includes proposals for mental and behavioral health professionals trained to de-escalate crises and to connect persons to community services to address health needs, it contemplates the continued involvement of police in these interactions.<sup>213</sup> We urge the Mayor and City Council to invest in programs and adopt practices that will support the mental and behavioral health needs of Tulsans without the involvement of law enforcement

personnel. Decoupling crisis response from policing is critical to decriminalizing mental and behavioral illnesses.

Second, the Mayor and City Council must invest resources in youth development and support programs, to decrease youth interactions with law enforcement.<sup>214</sup> For example, a 2017 resolution by the International Association of Chiefs of Police identified “increasing the access, affordability and quality of early education and care programs, out of school time programs... and community-based alternative programs” and encouraged public officials to invest in programs that “improve youth development and community outcomes overall.”<sup>215</sup> Investments in such programs are necessary to eliminate the unnecessary criminalization of youth.

Third, the Mayor and City Council must invest in permanent housing and provide necessary services for people who are unhoused to decrease law enforcement officers' interactions with unhoused people.<sup>216</sup> Criminalizing people who are unhoused is an ineffective and expensive policy choice that harms public safety and fails to address the underlying root cause in most cases of law enforcement's interactions with unhoused people: a lack of housing.<sup>217</sup>

### **The Mayor and City Council Must Create a System that Diverts Calls from 911 to Non-Police Resources**

Law enforcement officers should not respond to calls that do not require the presence of an armed emergency responder. According to a report published by the Vera Institute, a great majority of calls to 911 in New York City, Seattle, and Tucson, Arizona, did not involve a crime in progress.<sup>218</sup> Diverting nonemergency calls to more appropriate specialized services preserves law enforcement resources and reduces needless interactions between police and community members. For example, non-police resources should address calls that do not involve a crime such as traffic accidents and behavioral health crises. This requires the City to make a twofold commitment: train dispatchers to divert nonemergency calls accordingly, and adequately resource and equip non-law enforcement responders.<sup>219</sup>

## The City Council Must Repeal Laws That Criminalize Minor, Quality of Life Offenses

TPD's policies and practices of making arrests for low-level, non-violent offenses lead to the over-criminalization of low-income communities that are also disproportionately Black. As noted by panelist McWeay, violations of codes such as public intoxication, curfew, disorderly conduct, vagrancy, trespass, contempt of court, and public disorder must not be used to issue fines and criminalize Tulsans, creating a cycle of poverty and incarceration.<sup>220</sup>

The City should engage with local criminal law reform advocates and academics who are intimately familiar with the experiences of people impacted by TPD's disparate policing practices to evaluate TPD's arrest data. The City should then publish data on charges for which people of color were disproportionately arrested over the last five years and solicit public input on specific ordinances and policies to amend or repeal. The City Council should repeal city ordinances for quality of life and low-level non-violent offenses that have been disproportionately used to arrest Black Tulsans.<sup>221</sup>

Likewise, city officials must remedy the harms of over-criminalization by establishing an expungement program for adults and youth arrested for low-level non-violent offenses, for which TPD has disproportionately arrested Black Tulsans.<sup>222</sup> While the trauma of an arrest cannot be erased, the collateral consequences of an arrest, charge, or conviction must not continue to pose a barrier. The expungement program must actively assist those arrested, charged, or convicted of low level or quality of life offenses such as trespassing, public intoxication, and traffic infractions. Several resources and guidance from neighboring states can help the City design and streamline such a system.<sup>223</sup>

Concurrently, the City Council must pass an ordinance reforming the fines and fees structure of Tulsa's municipal court system and the collection of those fines and fees. Until such an ordinance is passed, TPD should issue a directive to officers with instructions to not arrest individuals for an outstanding warrant for failure to pay a court fine or fee.<sup>224</sup>

## TPD Must Develop Practices that Reduce or Eliminate Arrests for Low-Level, Non-Violent Offenses and Eliminate Racial Disparities in Arrests

TPD should implement practices that: **(1)** reduce officers' discretionary stops of Black Tulsans, **(2)** promote equitable treatment of Black Tulsans during stops such as in questioning, and **(3)** encourage warnings for minor or low-level nonviolent offenses such as unpaid fines and fees and traffic offenses.<sup>225</sup> TPD should require documentation about whether a stop is intelligence-led or based on specific information tying a particular individual to an actual crime, for all discretionary and proactive stops to encourage high-priority stops and decrease stops for low-level offenses.

Additionally, TPD should implement the kind of bias checks panelist Quince recommended.<sup>226</sup> These bias checks must include questions to make potential biases visible and provide techniques and methods to combat and mitigate the effects of implicit bias on officers' decision-making.

TPD must also develop a policy that requires officers to inform individuals of their rights during encounters, including an individual's right to refuse a consent search.<sup>227</sup>

**TPD must incentivize officers to resolve disputes without resorting to arrests.** Arrests often do not address the underlying dispute which led to officer involvement. TPD should encourage officers to engage in problem-solving to resolve disputes and avoid arrests, particularly for low-level offenses. TPD should reward officers, for example, through the review and promotional process, who do engage in problem-solving and successfully resolve disputes without resorting to arrests. Given the disproportionate number of arrests against Black Tulsans, and the large portion of which are for non-violent activity and which trap Tulsans into a cycle of debt through fines and fees, TPD officers should be encouraged to not make unnecessary arrests.<sup>228</sup>

**“ Without an acknowledgement of past harm and commitment to ending it, the next page in the story of Tulsa will be tainted by the same racialized violence that has defined its past. ”**

1921  
BLACK WALL STREET  
MEMORIAL



Photo by SETH HERALD/AFP via Getty Images

### **3. The Mayor, City Council, and TPD Must Improve Transparency into Officers' Actions By Requiring Data Collection and Routine Reporting of Data Regarding Officers' Law Enforcement Activity**

#### **The Mayor, City Council, and TPD Must Improve TPD's Data Collection Practices Relating to Arrests, Stops, and Searches and Routinely Report These Data**

During a City Council special meeting on the Tulsa Equality Indicators reports, Panelist Dr. Stephen Galoob, professor at the University of Tulsa College of Law, explained, “[t]he only way to determine if the police as a whole are using their discretion in the public interest is to collect and analyze much more fine grain data about the circumstances of police encounters with the public. Many other cities have protocols for collecting and analyzing such data.”<sup>229</sup> City Council should require TPD to collect the following:

1. All traffic stops including the reason for the stop, the race, ethnicity, gender, and age of the officer(s) and individual(s) involved in the stop, the specific location of the stop, the length of the stop, whether the individual(s) and/or vehicle was searched, and if so, whether consent was obtained or other basis for the search, whether any contraband was found in cases of a search, and the code for which the citation was issued.
2. All pedestrian stops including the reason for the stop, the race, ethnicity gender, and age of the officer(s) and individual(s) involved in the stop, the accurate location of the stop, the length of the stop, whether the individual(s) were searched, and if so, whether consent was obtained or other basis for the search, whether any contraband was found in cases of a search, and the code for which the citation was issued.
3. Whether individuals are being arrested repeatedly with the goal of exploring alternatives to arrest.

TPD must collect and publicly report these data in a consistent, disaggregated manner that allows for crosstab analysis by race and other variables.

#### **The Mayor, City Council, and TPD Must Improve TPD's Data Collection Practices Relating to Officers' Uses of Force and Routinely Report These Data**

TPD's response to an officer's use of force must also be transparent.<sup>230</sup> TPD must improve its data collection of force incidents. The study conducted by the University of Texas at San Antonio recognized that TPD is likely failing to capture as much as 50% of force used by police when it does not collect data on force incidents that do not result in injury. TPD must accurately record incidents of force, including when officers brandish a weapon, when force does not result in injury, and when force is used in non-arrest encounters.

TPD must also make publicly available use of force reports, documents relating to use of force investigations, and its conclusions regarding use of force incidents, particularly deadly force.

#### **TPD Must Improve its Data Collection and Reporting Practices Relating to Youth Encounters**

TPD must collect data on the origination of youth encounters, including details on whether youth were charged with a felony or misdemeanor, charged with a state or municipal offense, and arrested or given a warning. Additionally, Tulsa-area public school districts and campus police must collect data regarding their interactions, including enforcement encounters and arrests, with the communities they serve. On an annual basis, these data must be evaluated and reported to the public.



Mike Simons/Tulsa World via AP

#### **4. The Mayor, City Council, and TPD Must Create a Plan to End Racial Disparities in Use of Force**

##### **The Mayor, City Council, and TPD Must Hold its Officers Accountable for Violations of Use of Force Policies and Training and Collect and Report Accurate Data**

From 2014-2018, TPD investigated 40 deadly force incidents and determined that only one incident was conducted outside of TPD's deadly force policy.<sup>231</sup> To ensure adequate oversight of the investigation of these incidents, the City Council must pass legislation and/or the Mayor issue an executive order requiring the criminal investigations of deadly force incidents to be conducted by an external and independent entity, and publicly report the outcomes of these investigations.<sup>232</sup>

The City of Tulsa, with input from impacted community members, should identify and implement an oversight mechanism that is truly independent, thorough, rigorous, fair, and acceptable to the community to evaluate officers' uses of force and misconduct.<sup>233</sup>

##### **TPD Must Decrease the Frequency of Officers Uses of Force, Particularly Against Black Tulsans by Adopting a New Use of Force Standard**

Some states have required, and local police departments have adopted, use of force policies that go beyond what is required by the U.S. Constitution and TPD must do the same. TPD's use of force standard must require that any force used be necessary, meaning the minimum amount required to achieve a legitimate purpose, and proportional, considering the harm likely to be caused through the use of force and the benefit of any legitimate objective to be achieved.

As described by expert panelist Dr. Eberhardt, officers rely on their prior associations and implicit biases when they make split-second decisions.<sup>234</sup> To prevent this, TPD officers must be required to slow police encounters down and take the time to consider decisions. De-escalation techniques must be required.<sup>235</sup> TPD policy must require officers to exhaust all other reasonable alternative methods to avoid use of force.

TPD should eliminate its use of force continuum because the tool is overly rigid and inhibits officers from engaging in problem-solving techniques. TPD should incorporate PERF's 2016 Guiding Principles regarding use of force into its policy.<sup>236</sup>



Photo by Win McNamee/Getty Images

As recommended by panelists McWeay and Engel, TPD should create a process to invite community feedback about its use of force policy and incorporate recommendations from community members.

TPD must also change its use of force policies to include additional requirements as recommended by law enforcement leaders and experts:

1. Require reporting and documentation of all force that results in temporary pain, including control techniques that do not lead to injury.
2. Requiring documentation from officers when they have unholstered their firearm, pointed their firearm at an individual, and threatened to use their firearm against an individual, including the justification for such force;
3. Prohibit officers from shooting at individuals who are in moving vehicles; and
4. Requiring TPD officers to affirmatively intervene and to prevent or stop another officers from unnecessarily escalating an encounter or violating TPD's use of force policy.<sup>237</sup>

### **5. Tulsans Impacted by Over-Policing Must Have Meaningful Input into What Public Safety in Tulsa Means**

**The Mayor, City Council, and TPD Must Ensure that Public Safety Priorities are Guided by All Community Members, Particularly those who have been Involved in the Criminal Justice System**

The need for a new public safety framework defined by the Tulsa community, particularly communities that have been over-policed and people who have previously been impacted by TPD officers' misconduct, is clear. Community members hesitate to call TPD for assistance and fear retaliation and reprisal from TPD officers.<sup>238</sup> Tulsans have called for community oriented public safety, which necessarily involves direct input and participation from the community itself.<sup>239</sup> Some community members have described public safety as providing community members real voice and power.<sup>240</sup> Others have noted that some neighborhoods are over-policed which causes harm and distrust.<sup>241</sup>

The Mayor, City Council, and TPD have previously committed to making community policing a priority in building trust with the community.<sup>242</sup> Despite this stated commitment, there's little evidence that Tulsa's leadership sought meaningful input from Black and Latinx Tulsans on public safety.<sup>243</sup> A new public safety framework that is defined by the community must be a priority to building a Tulsa that is fair and equitable for all of its community members.<sup>244</sup> Importantly, the method of engagement must itself be defined by those who are the most marginalized within Tulsa's community. Further, this engagement must be active, iterative, and transparent because the needs of the community and their expectations of public safety will change over time.<sup>245</sup>

Additionally, as an act of transparency and commitment to accountability, TPD must take affirmative steps to ensure that its policy and procedure for filing complaints against its officers are clear and comprehensive and that the community is adequately informed of them.

## **6. TPD Must Limit its Interactions with Youth to Prevent their Involvement in the Criminal Legal System**

### **TPD Enforcement Encounters with Youth Must be an Extremely Rare Occurrence**

TPD must assess the causes of encounters with youth and collaborate with city officials and community organizations to develop community-based alternative solutions to the underlying issues that have led to police involvement with youth in the past.

Overwhelming evidence demonstrates that police presence in schools substantially increases the likelihood that students – especially Black, Latinx, and low-income youth – will face arrest for behaviors that are better addressed through non-punitive supports and interventions.<sup>246</sup> Thus, Tulsa's city officials should remove law enforcement from schools.

TPD should evaluate why police encounters with youth are occurring and work with impacted community members—particularly impacted youth and their families—to develop non-law enforcement alternatives to resolve underlying issues and further an overall goal to cease law enforcement encounters with youth.

When a call for service regarding a youth is initiated, every effort must be explored and made to divert the youth away from the justice system, including outreach to parent(s)/guardian(s), a school counselor, a health program, or other community-based services, before a police enforcement encounter is initiated.

## **7. City Officials Must Adopt and Implement Community Oversight Mechanisms to Hold Officers Accountable for Misconduct**

### **The Mayor and City Council Must Listen to Community Members' Demands and Develop and Implement Civilian Oversight of Law Enforcement**

Recognizing the need to both prevent and investigate unreasonable stops, seizures, arrests, excessive use of force, general police misconduct, and complaints, Tulsans have called for the establishment of an independent oversight board and a body to conduct independent investigations. During the March 7, 2019 community-led meeting, participants made it clear that a community advisory board was not enough, and recommended the creation of a civilian oversight body with clearly defined goals and outcomes, unfettered access to data, and real authority, including the power to subpoena documents.<sup>247</sup>

At the June 19, 2019 City Council meeting, a community member called for an independent monitor stating, “we must protect our youth” and “there is no greater community policing tool than an office dedicated to do just that. An office that should have subpoena power. It is imperative that we . . . give the community power to police the police. It is clear that they cannot do so themselves.”<sup>248</sup> Additionally, panelist Poulter argued for an independent monitor as a best practice for reducing use of force incidents and disparities in use of force.<sup>249</sup> Panelist Tahaie recommended that the City Council establish an independent monitor, calling for it to be transparent, community-led, and empowered with enforcement authority, citing the imperative of citizen oversight over all public institutions in a strong democracy.<sup>250</sup>

We, therefore, urge city officials to establish and fund an independent, civilian oversight body with the authority to conduct independent investigations of alleged police

misconduct, to determine whether officers violated policy and whether changes to policy are warranted, and to impose discipline. This independent oversight body must have the power to subpoena, have guaranteed funding to ensure its independence and effectiveness, and be staffed and governed by non-law enforcement civilians.

Core elements of effective civilian oversight include:

1. Independence;
2. Adequate jurisdictional authority and decision-making power;
3. Unfettered access to records;
4. Full cooperation from City officials and law enforcement;
5. Unmediated access to law enforcement executives and internal affairs staff;
6. Support of process stakeholders;
7. Adequate resources;
8. Public reporting/transparency;
9. Use of statistical pattern analysis;
10. Community outreach;
11. Community involvement; and
12. Respect for confidentiality.<sup>251</sup>

The testimonials of Tulsans, statements made by expert panelists, and studies and reports support the conclusion that independent, civilian oversight is needed in Tulsa. TPD has a well-documented history of misconduct and has consistently failed to hold its own officers accountable. Despite this, opponents of civilian oversight remain vocal in the halls of the City Council and Mayor's office. The civilian oversight body must have the power to subpoena, access data, and have true authority to hold officers accountable.<sup>252</sup>

### **TPD Must Partner with the International Association of Directors of Law Enforcement Standards and Training to Contribute to its National Decertification Index**

The TPD should provide all relevant information to the National Decertification Index which collects information

about officers who have had their licenses or certifications revoked. This partnership<sup>253</sup> 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.<sup>254</sup> But it is unclear whether TPD notifies this agency of its decertified officers. We recommend that TPD should do so.

Moreover, TPD must reference this database and other local, regional, and national databases as a part of its hiring process to eliminate candidates with a history of misconduct.

## **8. Diversity of TPD Personnel is Not a Panacea**

### **TPD Must Recruit, Retain, and Promote Officers Who are Committed to Fair and Impartial Policing Services without Increasing the Overall Number of Officers, and While the City Overall Reduces its Reliance on Policing and Invests in Other Services that Better Meet Residents' Needs**

The Obama Administration's Task Force on 21<sup>st</sup> Century Policing report offers sound advice on how to recruit and retain a diverse workforce that will engage in unbiased policing, but noting:

*"A critical factor in managing bias is seeking candidates who are likely to police in an unbiased manner. Since people are less likely to have biases against groups with which they have had positive experiences, police departments should seek candidates who have had positive interactions with people of various cultures and backgrounds."<sup>255</sup>*

TPD should develop methods to retain and promote diverse officers and intentionally support officers of color through sponsorship and mentorship programs.<sup>256</sup> TPD must ensure that officers of any background who are promoted have a demonstrated commitment to bias-free policing and do not have a record of biased policing.

## CONCLUSION

# CONCLUSION

The Mayor and City Council of Tulsa and TPD must acknowledge and commit to remedying the racial disparities in TPD's law enforcement activity. Additionally, the Mayor and City Council of Tulsa and TPD must implement proactive policies and recommendations suggested in this report to remedy the disparity and inequality experienced by Black Tulsans in encounters with the Tulsa Police Department.

Residents of Tulsa are relying on city leadership—both City Council members and the Mayor—to address

racial disparities experienced by Black and Latinx communities and affirmed by the findings of the Tulsa Equality Indicators reports — a task that is long overdue. Tulsa's city leaders must seize this opportunity to adopt transformative public safety policies and strategies to ensure all Tulsans are safe in their communities regardless of their race, ethnicity or national origin. **Tulsans deserve nothing less.**

This report is dedicated to the individuals and families in Tulsa and nationwide who have fought, and continue to fight, for justice for their loved ones during an unprecedented coronavirus pandemic. Over 500,000 people have been killed by COVID-19 in the United States over the last year, and 34% of them have been Black, although Black people comprise only 12% of the U.S. population.<sup>257</sup> In particular, we remember Leanna Crutcher, the mother of Terence Crutcher, who died due to complications from COVID-19 on January 14, 2021. Leanna Crutcher's legacy lives on and continues to inspire the fight for a more equitable public safety system in Tulsa.

# Endnotes

- 1 See *Shepherd v. Florida*, 341 U.S. 50 (1951).
- 2 471 U.S. 1 (1985).
- 3 See Kendrick Marshall, *Tulsa Race Massacre: For Years it Was Called a Riot. Not Anymore. Here's How it Changed*, TULSA WORLD (May 31, 2020), [https://tulsaworld.com/news/local/racemassacre/tulsa-race-massacre-for-years-it-was-called-a-riot-not-anymore-heres-how-it/article\\_47d28f77-2a7e-5b79-bf5f-bdfc4d6f976f.html](https://tulsaworld.com/news/local/racemassacre/tulsa-race-massacre-for-years-it-was-called-a-riot-not-anymore-heres-how-it/article_47d28f77-2a7e-5b79-bf5f-bdfc4d6f976f.html); A.G. Sulzberger, *As Survivors Dwindle, Tulsa Confronts Past*, N.Y. TIMES (June 19, 2011), <https://www.nytimes.com/2011/06/20/us/20tulsa.html>; see also Tulsa Race Riot, A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921, Oklahoma Commission to Study the Tulsa Race Riot of 1921, viii (Feb. 21, 2001), <https://www.okhistory.org/research/forms/freport.pdf>.
- 4 CUNY INST., CMTY. SERV. COUNCIL, & CITY OF TULSA, ANNUAL REP. 2019: TULSA EQUALITY INDICATORS, 31-33 (2019), [https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report\\_2019.pdf](https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report_2019.pdf) [hereinafter *2019 Equality Indicators report*].
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- 6 See *infra* pp. 9-26.
- 7 See CUNY INST., CMTY. SERV. COUNCIL, & CITY OF TULSA, ANNUAL REP. 2020: TULSA EQUALITY INDICATORS 16, 46-53 (2020), [https://www.csctulsa.org/wp-content/uploads/2021/03/EI-Report\\_Tulsa\\_2020.pdf](https://www.csctulsa.org/wp-content/uploads/2021/03/EI-Report_Tulsa_2020.pdf) [hereinafter *2020 Equality Indicators report*].
- 8 See Jenée Desmond-Harris, *Report: Sheriff's Office Falsified Training of the Volunteer Cop Who Killed Eric Harris*, VOX (Apr. 16, 2015), <https://www.vox.com/2015/4/14/8413879/eric-harris-robert-bates-reserve> (“Harris, a 44-year-old black man, was pinned down by multiple officers when Bates fatally shot him, and other officers on the scene dismissed Harris’s pleas that he couldn’t breathe by saying, ‘Fuck your breath!’ and ‘You shouldn’t have ran.’”).
- 9 See *id.*
- 10 See Associated Press, *Ex-Deputy Robert Bates Convicted in Death of Eric Harris Released From Prison*, NBC NEWS (Oct. 9, 2017), <https://www.nbcnews.com/news/us-news/ex-oklahoma-reserve-deputy-roberts-bates-released-prison-n812446>.
- 11 Dylan Goforth, *Juror: ‘We all agreed Betty Shelby should never be a patrol officer again,’* THE FRONTIER (May 18, 2017) available at <https://www.readfrontier.org/stories/juror-agreed-betty-shelby-never-patrol/#:~:text=One%20of%20the%2012%20jurors,in%20exchange%20for%20an%20interview>.
- 12 See Dylan Goforth, *‘Doing her job and doing a good one:’ Months after acquittal, Betty Shelby quietly returns to patrol duty*, THE FRONTIER (Mar. 5, 2018), <https://www.readfrontier.org/stories/job-good-one-months-acquittal-betty-shelby-quietly-returns-patrol-duty/>; Ethan Hutchins, *14-Year-Old Gathers Dozens Together for Peaceful Protest in Claremore*, ABC TULSA (June 2, 2020), <https://ktul.com/news/local/14-year-old-gathers-dozens-together-for-peaceful-protest-in-claremore> (“Cook . . . fully expects those attending to mention former Tulsa Police officer Betty Shelby’s current employment in Rogers County. . . . ‘I have to go because people like her, not just in Claremore or Rogers County are still in the force when they should not be,’ said Cook.”).
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- 49 See *id.*
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- 55 *Id.*
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- 73 See *Council Equality Indicators Initiative: Part I of Special Meeting on Adult Arrests Before the Tulsa City Council* (Sept. 25, 2019) (statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 00:07:00 – 00:07:50, <https://cityoftulsa.viebit.com/player.php?hash=NAOv558bQoLX> [hereinafter *Adult Arrests Hearing Part I*]; see also *Council Equality Indicators Initiative: Part II of Special Meeting on Adult Arrests Before the Tulsa City Council* (Sept. 25, 2019) (statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 00:54:00 – 00:55:50, explaining that incarceration rates in Oklahoma for “women are #1” in the nation), <https://cityoftulsa.viebit.com/player.php?hash=RQ9PMyC8nAwB> [hereinafter *Adult Arrests Hearing Part II*]; *Tulsa Police Department Data on Arrests & Criminal Citations July 2017 to June 2019*, Tulsa City Council, <http://www.tulsacouncil.org/media/12487/tpd-data-on-arrests-and-citations-handout-092519.pdf> (last visited on Mar. 29, 2021); *Blacks Disproportionately Charged, Arrested & Receive Criminal Citations in Tulsa*, Tulsa City Council, <http://www.tulsacouncil.org/media/12483/csc-handout-092519.pdf> (last visited on May 3, 2021).
- 74 See *Adult Arrests Hearing Part I*, supra note 73, statement of Mana Tahaie, Equity Consultant at 00:11:20 – 00:11:35; Mana Tahaie, *Reflections on Four Months of “Debate” on Race, Policing, and the Value of Black Lives*, NEW TULSA STAR (September 25, 2019), <https://newtulsastar.com/2019/10/11/reflections-on-four-months-of-debate-on-race-policing-and-the-value-of-black-lives-part-i/>.
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- 76 *Id.*
- 77 *Id.*
- 78 See *Adult Arrests Hearing Part II*, supra note 73, statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 00:16:21 – 00:17:30.
- 79 The Human Rights Watch, analyzing data from 2012-2017, found that the arrest rate for Black people in Tulsa was 2.3 times greater than that of white residents. See *Get on the Ground!*, supra note 13, at 85.
- 80 STANLEY AUGUSTIN, LAWYER’S COMMITTEE FOR CIVIL RIGHTS UNDER LAW, ENFORCING POVERTY: OKLAHOMA’S RELIANCE ON FINES & FEES 4 (2019), <https://lawyerscommittee.org/enforcing-poverty-oklahomas-reliance-on-fines-fees/>.
- 81 *Id.*
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- 84 See 2019 Equality Indicators report, supra note 4 at 31.
- 85 *Id.*
- 86 *Id.*
- 87 See 2020 Equality Indicators report, supra note 7 at 49.
- 88 See *Community Listening Session Part 2*, supra note 51, statement of Tulsa Resident at 01:07:00 – 01:10:00.

- 89 *Id.*
- 90 *Id.*
- 91 *Id.*
- 92 *Id.*, statement of Dr. Melanie Mace Tyler, Manager, Tulsa City-County Health Department at 00:08:00 - 00:18:00.”
- 93 *Id.*
- 94 *Id.*
- 95 *Id.*
- 96 *Id.*
- 97 *Id.*
- 98 *Id.*
- 99 *Id.*
- 100 *Id.*
- 101 *Id.*
- 102 *Id.*
- 103 *Id.* at 00:26:00 - 00:27:00.
- 104 *Id.*
- 105 See *Community Listening Session Part 2*, *supra* note 51, statement of Tulsa Resident at 00:26:00 – 00:30:00.
- 106 See *Get on the Ground!*, *supra* note 13, at 3, 11.
- 107 Dr. Jennifer L. Eberhardt, et al., *Seeing Black: Race, Crime, and Visual Processing*, 87 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 6, 876-93 (2004), available at <https://web.stanford.edu/~eberhard/downloads/2004-SeeingBlackRaceCrimeandVisualProcessing.pdf>. [hereinafter *Seeing Black*]; see also Brian Keith Payne, *Prejudice and Perception: The Role of Automatic and Controlled Processes in Misperceiving a Weapon*, 81 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 2, 181-92 (2001) (finding that exposure to Black faces facilitated the categorization of crime-relevant objects.), available at <http://web.missouri.edu/~segerti/capstone/PayneBias.pdf>.
- 108 See e.g., KHALIL GIBRAN MUHAMMAD, *THE CONDEMNATION OF BLACKNESS: RACE, CRIME, AND THE MAKING OF MODERN URBAN AMERICA* (2010).
- 109 See *Seeing Black*, *supra* note 107, at 876.
- 110 *Id.*
- 111 *Id.* at 883.
- 112 *Id.* at 881.
- 113 *Id.* at 881.
- 114 *Id.* at 887-88.
- 115 *Id.* at 889.
- 116 *Id.* at 889.
- 117 *Id.* at 890.
- 118 *Id.* at 890.
- 119 *Id.* at 890.
- 120 *Id.* at 887-88.
- 121 *Council Equality Indicators Initiative: Part II of Special Meeting on Use of Force Before the Tulsa City Council* (July 17, 2019) (statement of Dr. Jennifer L. Eberhardt, Social Psychologist, Stanford University at 01:01:30 – 01:07:00, <https://cityoftulsa.viebit.com/player.php?hash=tv3ohtQ9FY7y> [hereinafter *Use of Force Hearing Part II*]).
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- 123 *Id.*

124 *Id.*

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126 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Dr. Robin Engel, Professor, University of Cincinnati at 01:43:00 -01:45:00.

127 *Id.*

128 *Id.*

129 See *Gatekeepers*, *supra* note 125, at 6.

130 *Id.* at 37-50.

131 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Aisha McWeay, Executive Director, Still She Rises Tulsa at 01:14:00 – 01:16:30.

132 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Dr. Robin Engel, Professor, University of Cincinnati at 01:04:00 – 01:04:45.

133 *Tulsa Sobering Center Intakes, Mental Health Association Oklahoma*, Tulsa City Council, <http://tulsacouncil.org/media/12489/arrests-by-census-tract-handout-092519.pdf> (last visited May 3, 2021).

134 See *2020 Equality Indicators report*, *supra* note 7, at 51.

135 *Tulsa Equality Indicators 2019 Annual Report, Use of Force Incidents*, Tulsa City Council (2019) <http://www.tulsacouncil.org/media/12485/csc-handout-071719.pdf>.

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140 *Id.*

141 Roma Snowball-Presley, Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing at 28, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.

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143 Use of Conducted Electrical Weapons, Procedure File No. 31-101E (May 9, 2014), Tulsa Police Dep't, Policies and Procedures 26, [https://www.tulsapolice.org/media/165446/policy%20manual082620\\_r.pdf](https://www.tulsapolice.org/media/165446/policy%20manual082620_r.pdf).

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145 *Id.*

146 Dr. Tiffany Crutcher, Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing at 98, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.

147 *Council Equality Indicators Initiative: Initiation of Council Proceedings on the City of Tulsa's Response to the Findings of the 2019 Equality Indicators on Tulsa's Criminal Justice System and Public Services Before the Tulsa City Council*, Tulsa City Council (Mar. 13, 2019) (statement of Dr. Tiffany T. Crutcher, Founder, Terence Crutcher Foundation at 01:00:00 – 01:04:40), <https://cityoftulsa.viebit.com/player.php?hash=c5MGLx6cWFkF>.

148 *Council Equality Indicators Initiative: Part I of Special Meeting on Race and Gender Disparities Before the Tulsa City Council (Aug. 14, 2019) (statement of Connie Dodson, Councilor*, Tulsa City Council at 01:06:00 – 01:06:45, <https://cityoftulsa.viebit.com/player.php?hash=oW6M5V0KJ9GU> [hereinafter *Race and Gender Disparities Hearing Part I*].

149 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statement of Ryan Perkins, Major, Tulsa Police Department at 1:06:00 – 01:06:45.

- 150 *Id.*, statement of Connie Dodson, Councilor, Tulsa City Council at 1:06:00 – 01:06:45.
- 151 See e.g., Jacob Bor, et al, *Police Killings and Their Spillover Effects on the Mental Health of Black Americans: A Population-Based, Quasi-Experimental Study*, 392 LANCET 302 (2018), <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2931130-9>.
- 152 L. Song Richardson & Phillip Atiba Goff, *Interrogating Racial Violence*, 12 OHIO ST. J. CRIM. L. 115, 121 (2014), [https://kb.osu.edu/bitstream/handle/1811/73475/OSJCL\\_V12N1\\_115.pdf](https://kb.osu.edu/bitstream/handle/1811/73475/OSJCL_V12N1_115.pdf).
- 153 *Id.*
- 154 *Id.* (citations omitted).
- 155 *Id.* at 122-23 (citations omitted).
- 156 *Id.*
- 157 Liam Stack, *Video Released in Terence Crutcher's Killing by Tulsa Police*, N.Y. TIMES (Sept. 19, 2016), <https://www.nytimes.com/2016/09/20/us/video-released-in-terence-crutchers-killing-by-tulsa-police.html>.
- 158 DR. JENNIFER EBERHARDT, BIASED, UNCOVERING THE HIDDEN PREJUDICE THAT SHAPES WHAT WE SEE, THINK, AND DO, 52 (2019).
- 159 *Id.*
- 160 *Council Equality Indicators Initiative: Part I of Special Meeting on Use of Force Before the Tulsa City Council* (July 17, 2019) (statement of Dr. Jennifer L. Eberhardt, Social Psychologist, Stanford University at 00:20:00 – 00:21:50, <https://cityoftulsa.viebit.com/player.php?hash=7Oiw9Er3H5vE> [hereinafter *Use of Force Hearing Part I*]).
- 161 See *Use of Force Hearing Part I*, *supra* note 160, statement of Dr. Jennifer L. Eberhardt, Social Psychologist, Stanford University at 00:20:00 – 00:21:50.
- 162 *Id.*
- 163 *Id.*
- 164 *Id.*
- 165 See MICHAEL SMITH, ET AL., A MULTI-METHOD INVESTIGATION OF OFFICER DECISION-MAKING AND FORCE USED OR AVOIDED IN ARREST SITUATIONS: TULSA, OKLAHOMA POLICE DEPARTMENT ADMINISTRATIVE DATA ANALYSIS REPORT, 40-43 (Dec. 2019), [https://hcap.utsa.edu/wp-content/uploads/2020/07/FINAL-Tulsa-Data-Analysis-Report-12-18-19\\_final.pdf](https://hcap.utsa.edu/wp-content/uploads/2020/07/FINAL-Tulsa-Data-Analysis-Report-12-18-19_final.pdf).
- 166 Corey Jones, Study: Tulsa Police Department needs to improve use-of-force reporting and review those policies, TULSA WORLD (Mar. 5 2020), [https://tulsaworld.com/news/local/crime-and-courts/study-tulsa-police-department-needs-to-improve-use-of-force-reporting-and-review-those-policies/article\\_44231cb9-c9bd-5634-b036-40687d5beb88.htm](https://tulsaworld.com/news/local/crime-and-courts/study-tulsa-police-department-needs-to-improve-use-of-force-reporting-and-review-those-policies/article_44231cb9-c9bd-5634-b036-40687d5beb88.htm); see 2019 *Equality Indicators report*, *supra* note 4, at 14 (“Equality Indicators calculates the rate using total population as the denominator—using arrest rates as a denominator can be misleading because it excludes contacts with police that do not result in arrest and may skew results to mirror disparities in arrest rates. Using population as the denominator more accurately reflects the overall social and public health impact of use of force on the entire community. However, because TPD chooses to calculate its use of force rates by using total number of arrests as the denominator, we are including those rates in the notes section of the indicator for reference.”).
- 167 See 2019 *Equality Indicators report*, *supra* note 4, at 30-31.
- 168 *Id.*
- 169 See *Use of Force Hearing Part I*, *supra* note 160 statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 00:07:32 – 00:07:45.
- 170 Roma Snowball Presley, Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing at 34, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.
- 171 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Mana Tahaie, Equity Consultant and Convener of Changing the Status Quo, Tulsa’s Gender Equity Movement at 02:00:00 – 02:00:55.
- 172 See 2020 *Equality Indicators Report*, *supra* note 7, at 46.
- 173 See *Get on the Ground!*, *supra* note 13, at 35 (“Data from 2017 shows that white people made up 38 percent of all people living in poverty in Tulsa; [B]lack people were 20.7 percent; Latinos, 18.2 percent; people identified as multiracial, 9.1 percent and Native Americans, almost 3.9 percent. However, the poverty rate for [B]lack people throughout the city is about 33.5 percent, while the rate for white people is just under 13 percent.”); see also World Population Review, *Tulsa, Oklahoma Population 2021* (2021), <https://worldpopulationreview.com/us-cities/tulsa-ok-population> (showing that in 2021 in Tulsa, the poverty rate for Black people is 31.74% while the poverty rate for white people is 12.51%) (last accessed May 5, 2021).
- 174 See *Get on the Ground!*, *supra* note 13, at 41.
- 175 *Id.* at 40.
- 176 CITY OF TULSA, 2019- 2020 BUDGET AND CAPITAL PLAN: EXECUTIVE SUMMARY 17 (2019), <https://www.cityoftulsa.org/media/10451/section02-executivesummary.pdf>.

- 177 *Id.*
- 178 *Id.*
- 179 FRONTIER, *City Needs 175 Police Officers, But How Will It Pay for Them?*, FRONTIER (Oct. 6, 2015), <https://www.readfrontier.org/stories/city-needs-175-police-officers-but-how-will-it-pay-for-them/> (“Engel and Corsaro on Tuesday stressed the need for more patrol officers, noting that currently 80 percent of officers’ time is spent responding to calls, leaving little or no time for pro-active policing.”).
- 180 See *Get on the Ground!*, *supra* note 13, at 210-15.
- 181 EVICTION LAB, *Top Evicting Large Cities in the United States*, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>.
- 182 Michael Overall, *Tenants and landlords agree that Oklahoma needs eviction reforms*, TULSA WORLD (Oct. 2, 2020), [https://tulsaworld.com/news/local/tenants-and-landlords-agree-that-oklahoma-needs-eviction-reforms/article\\_2f0b0cce-0404-11eb-b90a-bb478809aaee.html](https://tulsaworld.com/news/local/tenants-and-landlords-agree-that-oklahoma-needs-eviction-reforms/article_2f0b0cce-0404-11eb-b90a-bb478809aaee.html).
- 183 See *Gatekeepers*, *supra* note 125, at 26 (“Without a mental health clinic, sobering center, or fully equipped homeless shelter ready to take in the person, an officer might default to arrest, not having other available options or thinking it is the easiest way to ensure both the person and community are safe.”); Michael Overall, *“Tulsa ‘significantly short’ of the affordable housing it needs to fight homelessness, officials say,”* TULSA WORLD (April 17, 2021), (“Tulsa needs about 4,000 additional units of affordable housing to help alleviate homelessness and reduce the city’s high eviction rate...”), [https://tulsaworld.com/news/local/tulsa-significantly-short-of-the-affordable-housing-it-needs-to-fight-homelessness-officials-say/article\\_73f63460-9e16-11eb-b473-4bb444d886a7.html](https://tulsaworld.com/news/local/tulsa-significantly-short-of-the-affordable-housing-it-needs-to-fight-homelessness-officials-say/article_73f63460-9e16-11eb-b473-4bb444d886a7.html).
- 184 See *TCCP Recommendations*, *supra* note 19, at 3-10.
- 185 See Remarks of Mana Tahaie, *Meeting on Racial and Gender Disparities in Police Arrests of Adults*, published in TULSA STAR (Oct. 11, 2019), <https://newtulsastar.com/2019/10/11/reflections-on-four-months-of-debate-on-race-policing-and-the-value-of-black-lives-part-i/>.
- 186 *Id.*, statement of Aisha McWeay, Executive Director, Still She Rises Tulsa at 00:10:00 – 00:12:00.
- 187 *Id.*
- 188 Camden, New Jersey’s community policing, for example, has been widely hailed as a success. See e.g., PBS NEWS HOUR, *What Happened When Camden Started Rethinking Policing to Build Trust*, PBS NEWS HOUR (June 20, 2017, 7:24 PM EDT), <https://www.pbs.org/newshour/show/happened-camden-started-rethinking-policing-build-trust>; Steve Adubato, *Camden Revisited: A New Approach to Policing*, N.J. MONTHLY (Feb. 4, 2019), <https://njmonthly.com/articles/towns-schools/steve-adubato-only-in-nj/camden-revisited-a-new-approach-to-policing/>; Kate Zernike, *Camden Turns Around with New Police Force*, N.Y. TIMES (Aug. 31, 2014), [https://www.nytimes.com/2014/09/01/nyregion/camden-turns-around-with-new-police-force.html?\\_r=0](https://www.nytimes.com/2014/09/01/nyregion/camden-turns-around-with-new-police-force.html?_r=0).
- 189 See *2020 Equality Indicators report*, *supra* note 7, at 51.
- 190 See Order Approving Consent Decree, *Roy C. Johnson, et al. v. City of Tulsa, Oklahoma*, 94-CV-39-TCK-FHM (N.D. Okla. May 13, 2003), <https://www.clearinghouse.net/chDocs/public/EE-OK-0049-0004.pdf>.
- 191 U.S. OFF. OF CMTY. ORIENTED POLICING SERVS., FINAL REPORT OF PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING 2 (2015), [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf) [hereinafter *President’s Task Force*]. See also *Race and Gender Disparities Hearing Part I*, *supra* note 151, statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 00:07:00 – 00:08:55.
- 192 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 00:08:15 – 00:08:55.
- 193 *Id.*, statement of Sandra Quince, Senior Vice President of Global Diversity & Inclusion, Bank of America at 00:14:45 – 00:15:00.
- 194 *Id.* at 00:48:30 – 00:49:00.
- 195 *Id.* at 00:49:15 – 00:49:45.
- 196 *Id.* at 00:50:50 – 00:51:15.
- 197 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statement of Lynn L. Jones, Retired Major, Tulsa Police Department at 01:29:30 – 01:30:10. Later, Deputy Chief Dalglish acknowledged the need for sponsorships and mentorships, including by highlighting diversity on TPD’s recruitment website. *Council Equality Indicators Initiative: Part II of Special Meeting on Race and Gender Disparities Before the Tulsa City Council* (Aug. 14, 2019) (statement of Eric Dalglish, Deputy Chief, Tulsa Police Department at 00:49:00 – 00:49:40, <https://cityoftulsa.viebit.com/player.php?hash=7PJeX3OwGbmX> [hereinafter *Race and Gender Disparities Hearing Part II*]).
- 198 See *Race and Gender Disparities Hearing Part II*, *supra* note 197, statements of Eric Dalglish, Deputy Chief, Tulsa Police Department and Ryan Perkins, Major, Tulsa Police Department at 01:14:00 – 01:16:00.
- 199 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statement Ryan Perkins, Major, Tulsa Police Department at 00:45:00 – 00:45:30.

- 200 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statement of Sandra Quince, Senior Vice President of Global Diversity & Inclusion, Bank of America at 01:25:50 – 01:26:10.
- 201 *Id.* at 01:26:20 – 01:27:00.
- 202 *Id.* at 01:19:45 – 01:20:50.
- 203 See Jennifer Cobbina, *Is Hiring More Black Officers the Key to Reducing Police Violence?*, U.S. NEWS (Feb. 5, 2020), <https://www.usnews.com/news/cities/articles/2020-02-05/is-hiring-more-black-officers-the-key-to-reducing-police-violence> (“What I heard repeatedly was that hiring more officers of color wasn’t enough. The people I spoke to said issues of structural inequality in society and a problematic police culture were creating the breakdown of trust between communities and police.”).
- 204 Interview with Wendell Franklin, Chief, Tulsa Police Department, in Tulsa, Okla. (Jan. 23, 2020), <https://www.youtube.com/watch?v=xuMh1e7svpM> (statement of Wendell Franklin, Chief, Tulsa Police Department at 02:45 – 4:00).
- 205 Morgan Gstalter, *Top Tulsa police officer: ‘We’re shooting African Americans about 24 percent less than we probably ought to be,’* HILL (June 10, 2020), <https://thehill.com/homenews/state-watch/502009-top-tulsa-police-officer-were-shooting-african-americans-about-24>.
- 206 See Tim Landes, *Scenes from Sunday’s Black Lives Matter Rally and Protests*, TULSA PEOPLE (June 1, 2020), [https://www.tulsapeople.com/the-voice/scenes-from-sundays-black-lives-matter-rally-and-protests/collection\\_03e2e156-a41a-11ea-a0a5-ab6bab37ee38.html](https://www.tulsapeople.com/the-voice/scenes-from-sundays-black-lives-matter-rally-and-protests/collection_03e2e156-a41a-11ea-a0a5-ab6bab37ee38.html).
- 207 See Stephen Pingry, *Tulsa World editorial: Greenwood Rising a welcomed place to tell full story of Black Tulsa*, TULSA WORLD (Aug. 28, 2020), [https://tulsaworld.com/opinion/editorial/tulsa-world-editorial-greenwood-rising-a-welcomed-place-to-tell-full-story-of-black-tulsa/article\\_c0855a8e-e626-11ea-82fe-0bb8399ed028.html](https://tulsaworld.com/opinion/editorial/tulsa-world-editorial-greenwood-rising-a-welcomed-place-to-tell-full-story-of-black-tulsa/article_c0855a8e-e626-11ea-82fe-0bb8399ed028.html); 1921 TULSA RACE MASSACRE CENTENNIAL COMMISSION, <https://www.tulsa2021.org/calendar/2021/celebration> (last visited Mar. 30, 2021).
- 208 See *TCCP Recommendations*, *supra* note 19, at 3 (Recommendation 1.2: “Tulsa Police Department should continue to acknowledge the historical role of policing in shaping community perceptions about the work of police.”); *President’s Task Force*, *supra* note 191, at 12 (Recommendation 1.2: “Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust.”).
- 209 See *infra* p. 30.
- 210 See NATIONAL ALLIANCE ON MENTAL ILLNESS, *Divert to What? Community Services That Enhance Diversion*, 3 (2020), <https://www.nami.org/Support-Education/Publications-Reports/Public-Policy-Reports/Divert-to-What-Community-Services-that-Enhance-Diversion/DiverttoWhat.pdf> (“All treatment and services should be trauma informed, culturally competent, evidence-based, and patient centered”); *President’s Task Force*, *supra* note 191, at 44 (Recommendation 4.3: “Law enforcement agencies should engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors.”).
- 211 See MENTAL HEALTH AMERICA, *Position Statement 59: Responding To Behavioral Health Crises (Mar. 3, 2017)*, <https://www.mhanational.org/issues/position-statement-59-responding-behavioral-health-crises>.
- 212 See SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., NATIONAL GUIDELINES FOR BEHAVIORAL HEALTH CRISIS CARE: BEST PRACTICE TOOLKIT EXECUTIVE SUMMARY 3 (Feb. 24, 2020), <https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-services-executive-summary-02242020.pdf>.
- 213 See *TCCP Recommendations*, *supra* note 19, at 6 (“City of Tulsa should involve peer support counselors as part of multidisciplinary teams when appropriate, partnering with Oklahoma Mental Health Association or other entity to lead this initiative.”).
- 214 See *generally*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, POSITIVE YOUTH DEVELOPMENT (Aug. 2014), <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/positiveyouthdevelopment.pdf>.
- 215 See INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *Reducing Crime by Investing in Youth Prevention and Intervention Programs*, (Dec. 18, 2017), <https://www.theiacp.org/resources/resolution/reducing-crime-by-investing-in-youth-prevention-and-intervention-programs>.
- 216 See NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY, HOUSING NOT HANDCUFFS 2019 ENDING THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES (Dec. 2019), <https://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>.
- 217 See *id.* at 63-74.
- 218 See *Gatekeepers*, *supra* note 125, at 43 (“Review of data from two very different places—New York City and Tucson, Arizona—suggests that three out of four calls in which police respond don’t involve a crime in progress. Data from Seattle offers an even more nuanced picture.”) (citation omitted).
- 219 *Id.* at 43-44.

220 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Aisha McWeay, Executive Director, Still She Rises Tulsa at 01:07:00 – 01:09:10, 01:12:00 – 00:17:00, 01:28:00 – 01:31:30. See also *Youth Arrests Hearing Part II*, *supra* note 60, statement of Doris L. Fransein, Retired District J., Tulsa County at 00:19:00 – 00:20:00, explaining that rather than putting kids in “kiddy prisons,” Tulsans should invest more money in treatment.

221 Tulsa would not be alone. Baltimore City recently repealed an ordinance prohibiting children from playing in the street. See *BALT. WJZ Baltimore City Council Passes Bill Repealing Ordinance That Prohibits Kids From Playing In The Street*, *BALT. WJZ* (Feb. 25, 2020), <https://baltimore.cbslocal.com/2020/02/25/baltimore-city-council-passes-bill-repealing-ordinance-that-prohibits-kids-from-playing-in-the-street/>. Likewise, Ferguson has repealed many minor offenses including failure to appear upon arrest or summons, failure to pay fines or costs imposed for municipal violations, and failure to pay fine or cost of prosecution. See *Consent Decree, United States v. The City of Ferguson*, 4:16-cv-180-CDP, Doc. 12-2, 10 (Mar. 17, 2016), <https://www.justice.gov/opa/file/833431/download.s>

222 See ILL. JUVENILE JUSTICE COMM’N, *BURDENED FOR LIFE: THE MYTH OF JUVENILE RECORD CONFIDENTIALITY AND EXPUNGEMENT IN ILLINOIS: HOW TO FIX A BROKEN SYSTEM THAT FAILS YOUTH AND HARMS THE STATE* (2016), [https://facjj.ojp.gov/sites/g/files/xyckuh291/files/media/document//burdened\\_for\\_life\\_report.pdf](https://facjj.ojp.gov/sites/g/files/xyckuh291/files/media/document//burdened_for_life_report.pdf).

223 The Collateral Consequences Resource Center provides resources on what such an expungement system can and should look like. See *COLLATERAL CONSEQUENCES RES. CTR., MODEL LAW ON NON-CONVICTION RECORDS* (Dec. 2019), <https://ccresourcecenter.org/model-law-on-non-conviction-records/>. The Center also provides a comprehensive list of how other states and municipalities have approached record expungement. See *COLLATERAL CONSEQUENCES RES. CTR., RESTORATION OF RIGHTS PROJECT* (July 2020), <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside/>.

224 See *Get on the Ground!*, *supra* note 13, at 209 (“Under international law, governments are required to respect individuals’ right to adequate housing, food and other basic needs that are recognized as economic, social and cultural rights. States are obligated to refrain from interfering with people’s ability to access and enjoy these rights. The practical import of these rights here, is that courts should refrain from incarcerating offenders for the sole reason that they do not pay fines, court costs, and probation fees, when doing so would impair their ability to feed, clothe, house or provide healthcare for themselves and their dependents.”).

225 See e.g. *Council Equality Indicators Initiative: Part II of Special Meeting on Use of Force Before the Tulsa City Council* (July 17, 2019) (statement of Dr. Jennifer L. Eberhardt, Social Psychologist, Stanford University at 01:01:30 – 01:07:00, <https://cityoftulsa.viebit.com/player.php?hash=tv3ohtQ9FY7y> [hereinafter *Use of Force Hearing Part II*] (explaining that requiring officers to think about whether a stop was intelligence-led “caused [officers] to slow down and changed their mindset about making the stop” and made officers consider “is this a high priority stop?” and “how many of my stops have actually been intel-led?”).

226 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statement of Sandra Quince, Senior Vice President of Global Diversity & Inclusion, Bank of America at 01:19:45 - 01:20:50.

227 See *Get on the Ground!*, *supra* note 13, at 113-17; see also *Adult Arrests Hearing Part I*, *supra* note 73, statement of Aisha McWeay, Executive Director, Still She Rises Tulsa at 01:28:00 – 01:28:40, explaining that the prescribed laws must be followed by all decision makers to protect against misconduct and abuse.

228 See *Gatekeepers*, *supra* note 125 at 49-50; Met Cares Foundation, *Community’s Recommendations* (2019), <https://drive.google.com/file/d/1vjQohHsDnutMRx5N7cSgF-7F72kO8EVb/view> (“... remov[e] any practice of evaluating officers based on an amount of arrests or ticket amounts . . .”).

229 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Stephen Galoob, Professor, University of Tulsa College of Law at 00:12:00 – 00:14:40.

230 See *Youth Arrests Hearing Part II*, *supra* note 60, statement of Gregory Robinson, Director of Family and Community Engagement, Met Cares Foundation at 00:55:50 – 00:56:00, asking “where is the oversight and accountability when the policy isn’t followed or the intent of the training isn’t followed?”).

231 TULSA POLICE DEPARTMENT, *INTERNAL AFFAIRS 2018 ANNUAL REPORT*, 13 (2019) [https://www.tulsapolice.org/media/165885/IA\\_Annual\\_Report\\_2018r.pdf](https://www.tulsapolice.org/media/165885/IA_Annual_Report_2018r.pdf).

232 See Jennifer Barrios, *Montgomery first in region to require outside police probe of officer-involved deaths*, *WASH. POST* (May 7, 2019), [https://www.washingtonpost.com/local/md-politics/montgomery-first-in-region-to-require-outside-police-probe-of-officer-involved-deaths/2019/05/07/7cdadc9c-70ce-11e9-8be0-ca575670e91c\\_story.html](https://www.washingtonpost.com/local/md-politics/montgomery-first-in-region-to-require-outside-police-probe-of-officer-involved-deaths/2019/05/07/7cdadc9c-70ce-11e9-8be0-ca575670e91c_story.html); See *President’s Task Force*, *supra* note 191, at 21 (Action Item 2.2.3: “The task force encourages policies that mandate the use of external and independent prosecutors in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.”). For example, the New York Attorney General is authorized to conduct investigations of force incidents that result in a person’s death; Statement, Special Investigations and Prosecutions Unit, New York Attorney General Letitia James, <https://ag.ny.gov/SIPU>; *Press Release, Governor Cuomo Signs Executive Order Appointing NYS Attorney General as Special Prosecutor in Cases Where Law Enforcement Officers Are Involved in Deaths of Civilians, New York Governor Andrew Cuomo*, (July 8, 2015), <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-appointing-nys-attorney-general-special-prosecutor-cases>.

233 See *Use of Force Hearing Part II*, *supra* note 121, statement of Director of Innovative Research, Community Service Council of Greater Tulsa at 01:20:00 – 01:21:00.

234 See *Use of Force Hearing Part II*, *supra* note 121, statement of Dr. Jennifer L. Eberhardt, Social Psychologist, Stanford University at 00:27:00 – 00:29:40.

- 235 Federal legislation has been introduced to require federal law enforcement officers to use de-escalation techniques where it is defined as “proactive actions and approaches used by a law enforcement officer to stabilize the situation so that more time, options, and resources are available to gain a person’s voluntary compliance and reduce or eliminate the need to use force, including verbal persuasion, warnings, tactical techniques, slowing down the pace of an incident, waiting out a subject, creating distance between the officer and the threat, and requesting additional resources to resolve the incident.” See *Police Exercising Absolute Care With Everyone Act of 2019*, H.R. 4359, 116th Cong. (2019). States like California already require its law enforcement officers to employ de-escalation techniques. Cal Health & Saf Code § 1180.2(c)(4). Likewise, the Baltimore Police Department requires its officers to de-escalate encounters. See Baltimore Police Department, Policy 1107 De-escalation (Nov. 24, 2019), <https://www.powerdms.com/public/BALTIMOREMD/documents/643889>.
- 236 Police Executive Research Forum, *Critical Issues in Policing Series: Guiding Principles on Use of Force*, (March 2016), <https://www.policeforum.org/assets/guidingprinciples1.pdf> (providing general principles for use of force policies).
- 237 See Police Executive Research Forum, *Guiding Principles on Use of Force* 41-45, 48-49 (March 2016), <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>; see e.g., City of Cambridge Police Department, General Order 20-13 Duty to Intervene (June 8, 2020), <https://www.cambridgema.gov/~media/Files/policedepartment/Policies/generalorder2013dutytointervene.pdf>; Dallas Police Department, General Order 901.02 Duty to Intervene (June 4, 2020); Minneapolis Police Department, 5-301 Use of Force, III(C) Duty to Intervene, [http://www2.minneapolismn.gov/police/policy/mpdpolicy\\_5-300\\_5-300](http://www2.minneapolismn.gov/police/policy/mpdpolicy_5-300_5-300).
- 238 See *Community Listening Session Part 2*, *supra* note 51, statement of Dr. Melanie Mace Tyler, Manager, Tulsa City-County Health Department at 00:08:00 - 00:12:00.
- 239 See Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.
- 240 See *June 19, 2019, 2019 City Council Meeting*, *supra* note 46, statement of Noelle Janic, Resident, Tulsa at 01:17:30 - 01:19:35; (discussing need for subpoena power and to fund office of independent monitor); Reverend Gerald Davis, Laura Bellis, and Greg Gurganos, Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing at 26-27, 39, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.
- 241 See Remarks of Mana Tahaie, Meeting on Racial and Gender Disparities in Police Arrests of Adults, *published in Tulsa Star* (Oct. 11, 2019), <https://newtulsastar.com/2019/10/11/reflections-on-four-months-of-debate-on-race-policing-and-the-value-of-black-lives-part-i/>.
- 242 See *Youth Arrests Hearing Part I*, *supra* note 42, statement of Jeannie Cue, Councilor, Tulsa City Council at 00:35:35 - 00:36:30.
- 243 See *Youth Arrests Hearing Part I*, *supra* note 42, statement of Gregory Robinson, Director of Family and Community Engagement, Met Cares Foundation at 1:14:00-1:17:00.
- 244 See *President’s Task Force*, *supra* note 191, at 2, 16.
- 245 See Remarks of Mana Tahaie, Meeting on Racial and Gender Disparities in Police Arrests of Adults, *published in TULSA STAR* (Oct. 11, 2019), <https://newtulsastar.com/2019/10/11/reflections-on-four-months-of-debate-on-race-policing-and-the-value-of-black-lives-part-i/>; see also *Adult Arrests Hearing Part II*, *supra* note 74 statement of Dr. Robin Engel, Professor, University of Cincinnati at 01:21:00 - 01:22:00, stating “we continually get feedback from our residents about how we’re doing and that loop continues.”).
- 246 See, e.g., Tony Favro, *Discipline and civil rights in American state schools*, CITY MAYORS (Nov. 22, 2011), <http://www.citymayors.com/education/usa-school-discipline.html> and Wesley Wright, *Fear of black students, unfair treatment rampant in Denver schools, black educators say*, CHALKBEAT, (Aug. 5, 2016), <https://www.chalkbeat.org/posts/co/2016/08/05/fear-of-black-students-unfair-treatment-rampant-in-denver-schools-black-educators-say/>; Jason Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 *Washington U. L. REV.* 919 (2016), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2577333](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333); Kerrin Wolf, *Booking Students: An Analysis of School Arrests and Court Outcomes*, 9 *Northwestern J. OF LAW & SOCIAL POLICY* 1 (Fall 2013), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1109&context=njlsp> (finding that over 90% of school-based arrests in Delaware during the 2010-2011 school year were for misdemeanors); Phillip Kassel, et al., *Let’s stop arresting kids for being kids*, BOSTON GLOBE (Feb. 10, 2014), <https://www.bostonglobe.com/opinion/2014/02/10/let-stop-arresting-kids-for-being-kids/pFuP3MWcCR0T2T14rjG7IK/story.html> (finding that in Boston, Worcester, and Springfield, Massachusetts, children are most often arrested for minor offenses, with more than half of misconduct arrests in Springfield being for “disrespect”); Deanna Pan and Paul Bowers, *Criminal offense or adolescent misbehavior? ‘Disturbing schools’ blurs the line*, POST & COURIER, (Aug. 5, 2016), [https://www.postandcourier.com/archives/criminal-offense-or-adolescent-misbehavior-disturbing-schools-blurs-the-line/article\\_dc56c01c-efe1-5bbb-bb73-7d266cc72bc0.html](https://www.postandcourier.com/archives/criminal-offense-or-adolescent-misbehavior-disturbing-schools-blurs-the-line/article_dc56c01c-efe1-5bbb-bb73-7d266cc72bc0.html) (Since 2001, in South Carolina there have been more than 29,000 referrals to the juvenile justice system for “disturbing school”).

- 247 See Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing at 25-27, 39, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.
- 248 See *June 19, 2019 City Council Meeting*, *supra* note 46, statement of Noelle Janic, Resident, Tulsa at 01:17:30 – 01:19:35.
- 249 See *Use of Force Hearing Part II*, *supra* note 121, statement of Melanie Poulter, Director of Innovative Research, Community Service Council of Greater Tulsa at 01:20:00 – 01:21:00.
- 250 See *Adult Arrests Hearing Part I*, *supra* note 73, statement of Mana Tahaie, Equity Consultant and Convener of Changing the Status Quo, Tulsa’s Gender Equity Movement at 01:38:00 – 01:39:00 (stating we need “some form of transparent, community-led body that has enforcement power to ensure that our law enforcement, just like any other public institution, is in alignment with the community’s desires, values, etc.”).
- 251 JOSEPH DE ANGELIS, ET AL., NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT, ET AL., CIVILIAN OVERSIGHT OF LAW ENFORCEMENT: ASSESSING THE EVIDENCE, 9, 14 (September 2016), [https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE\\_AssessingtheEvidence\\_Final.pdf?1481727974](https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE_AssessingtheEvidence_Final.pdf?1481727974). [hereinafter *Civilian Oversight: Assessing the Evidence*]; See Udi Ofer, *Getting It Right: Building Effective Civilian Review Boards to Oversee Police*, 46 SETON HALL L. REV. 1033 (2016), <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1572&context=shlr>.
- 252 Reverend Gerald Davis, Laura Bellis, and Greg Gurganos, Transcript of Public Hearing on Tulsa Equality Indicators Report and Racial Disparities in Policing at 26-27, 39, NAACP Legal Defense and Educational Fund, Inc. & The Terence Crutcher Foundation (Mar. 7, 2019), <https://www.naacpldf.org/wp-content/uploads/Tulsa-Community-Led-Public-Hearing-Transcript.pdf>.
- 253 See *President’s Task Force*, *supra* note 191, at 29-30 (recommending that “a national register would effectively treat ‘police professionals the way states’ licensing laws treat other professionals. If anything, the need for such a system is even more important for law enforcement, as officers have the power to make arrests, perform searches, and use deadly force.”).
- 254 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 entered into the National Decertification Database”), [https://www.ok.gov/cleet/documents/CouncilAgenda\\_29Jan2014.pdf](https://www.ok.gov/cleet/documents/CouncilAgenda_29Jan2014.pdf).
- 255 See *President’s Task Force*, *supra* note 191, at 17.
- 256 See *Race and Gender Disparities Hearing Part I*, *supra* note 148, statements of Sandra Quince, Senior Vice President of Global Diversity & Inclusion, Bank of America at 01:39:00 – 01:40:30, Lynn L. Jones, Retired Major, Tulsa Police Department at 01:29:30 – 01:30:10, and Eric Dagleish, Deputy Chief, Tulsa Police Department at 00:47:00 -00:48:00, acknowledging that sponsorships and mentorships are needed in TPD.
- 257 Laurens Holmes Jr., et al. *Black-White Risk Differentials in COVID-19 (SARS-COV2) Transmission, Mortality and Case Fatality in the United States: Translational Epidemiologic Perspective and Challenges*, 17 INT J ENVIRON RES PUBLIC HEALTH. 4322 (2020). <https://doi.org/10.3390/ijerph17124322>.

