



**PROGRAM FOR PUBLIC CONSULTATION**  
SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND

# Americans on Police Reform

A NATIONAL SURVEY OF REGISTERED VOTERS

**JULY 2020**

# Methodology

**Fielded by:** Nielsen-Scarborough

**Method:** Administered online to a probability-based sample selected from a larger panel recruited by telephone and mail

**Fielding Dates:** July 2-9, 2020

**Sample Size:** 3,226 registered voters

**Margin of Error:** +/- 1.7% (three-quarters sample: +/- 2.0%)

# Proposals with Bipartisan Support

Proposals with **overwhelming bipartisan majority support**:

- **Requiring all officers to wear body cameras**, and to turn them on when they are on a call or interacting with a suspect, was the most popular reform with an overwhelming 89% favoring it (Republicans 85%, Democrats 94%)
- **Making it a duty for officers to intervene** in cases where another officer is using excessive force was favored by 82% overall (Republicans 71%, Democrats 94%).
- **Creating a national registry of police misconduct** available to all police departments and the public was favored by a substantial majority of 81% (Republicans 70%, Democrats 92%).

Proposals with **large majority support**, including a clear majority of Republicans:

- **Prohibiting chokeholds and other neck restraints** was favored by 73% (Republicans 55%, Democrats 91%).
- **Requiring officers to receive training to address implicit racial bias**, was favored by 72% (Republicans 53%, Democrats 89%).
- **Requiring states to use independent prosecutors** in cases involving police use of deadly force, if those states accept federal money to hire independent prosecutors in such cases, was favored by 70% (Republicans 52%, Democrats 86%).

# Proposals from George Floyd Justice in Policing Act (H.R. 7120)

- Require all officers be trained in **de-escalation techniques** and **alternatives to the use of deadly force**, requiring that such techniques be exhausted before an officer uses deadly force, and making officers criminally liable if they fail to do so.
- Require police departments to **make it a duty for officers to intervene** when another officer is using excessive force and to provide training for when and how to do so.
- **Prohibit the use of chokeholds** and other neck restraints that prevent breathing or restrict the flow of oxygen or blood to the brain.
- **Prohibit the use of no-knock** warrants in drug cases, in which officers are allowed to break into houses without warning.

# Proposals from George Floyd Justice in Policing Act (continued)

- Amend **qualified immunity**, by no longer allowing officers to be granted immunity solely on the basis that they believed their actions were lawful or that there have not been previous cases in which other officers were held liable for the same conduct in very similar circumstances.
- Create a **national registry of police misconduct** that would be available to law enforcement agencies and the public, and requiring police departments to submit to the registry all records of officer misconduct.
- Offer federal funds to states to enable them to always hire an **independent prosecutor** in cases against an officer who used deadly force.
- Require all police officers to receive training to **counter implicit racial bias**.
- Regulate and restrict police departments' certain kinds of **surplus military equipment**.

# Proposals from JUSTICE Act (S. 3985)

- Require all officers to wear **body cameras**, and to turn them on when they are on a call or interacting with a suspect

Several of the proposals in the Senate bill overlap with those in the House bill, but overall the Senate proposals do not go as far as those in the House, and rely more on the voluntary cooperation of police departments and states:

- Provide funding to police departments for **training in alternative tactics and de-escalation techniques.**
- Offer funding to train officers in a “**duty to intervene**”
- **Prohibit chokeholds** except in situations that are life threatening to the officer
- Require that police departments submit data on all **no-knock warrants** that are undertaken
- Require that police department **make their records of misconduct available** to other police departments

# De-escalation and Use of Force as Last Resort

## PROPOSAL

**A three-part proposal that seeks to reduce officers' use of deadly force is currently being considered in Congress:**

### PART 1

All officers would receive training in tactics and techniques that are alternative to the use of deadly force including:

- Creating physical distance between the officer and the suspect
- Putting something between themselves and the suspect to make physical assault less likely
- Requesting other resources, such as more police officers or social workers who could help solve the problem

Officers would also have to be trained in what are called de-escalation techniques. The idea is to resolve the issue, restore order, get cooperation without having to resort to force. Some of these de-escalation techniques include:

- Talking with the suspect in a way that calms or defuses the situation
- Avoiding escalating the situation by threatening or provoking the suspect
- Waiting out the suspect

# De-escalation and Use of Force as Last Resort

## PROPOSAL

### PART 2

Officers would only be justified in using deadly force as a last resort, after reasonable alternatives have been exhausted, and when it would not create substantial risk of injury to a third person.

These policies are already in place in many police departments. This legislation would require that it be official policy for all departments that receive Federal funding.

This legislation would also affect criminal cases when an officer uses deadly force and is charged with manslaughter or murder. Currently, on the federal level and in most states, the judge or jury need only determine whether the officer **believed** that their use of deadly force was reasonable in that situation to protect themselves or others, and if so, the officer would not be convicted.

### PART 3

The judge or jury would also have to determine:

- whether the officer had exhausted other alternative tactics and/or de-escalation techniques in order to solve the problem before resorting to deadly force
- whether the officer acted with gross negligence in a way that contributed to the need for deadly force

These would be taken into account in assessing whether the officer is guilty.

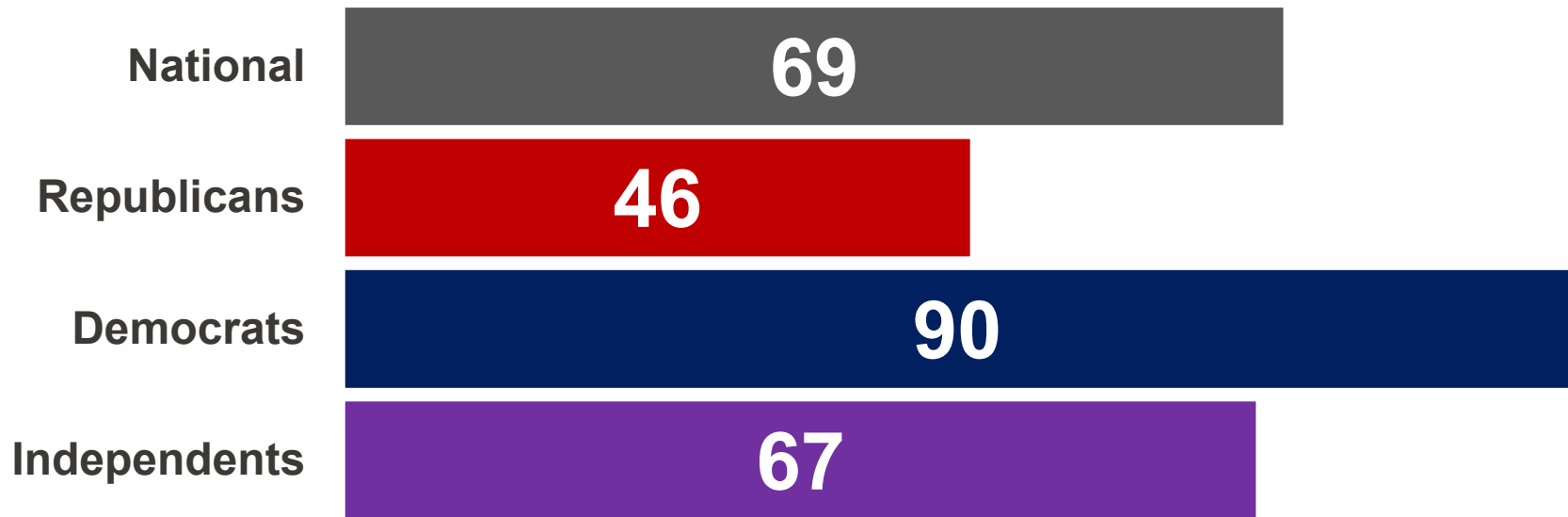


# De-escalation and Use of Force as Last Resort

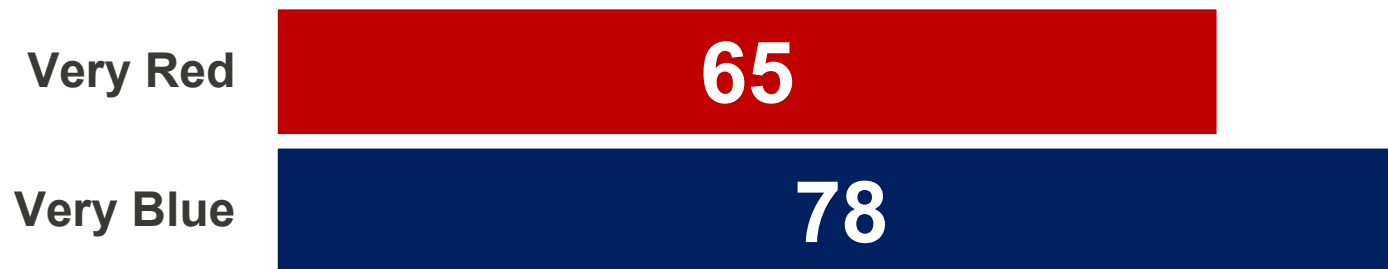
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS



# Duty to Intervene

## PROPOSAL

Another important debate is whether, in the event that one officer is using excessive force, other officers should be expected to intervene to try to stop them. Many police departments already have such a requirement and provide training on when and how to intervene.

**Here is a proposal currently being considered in Congress:**

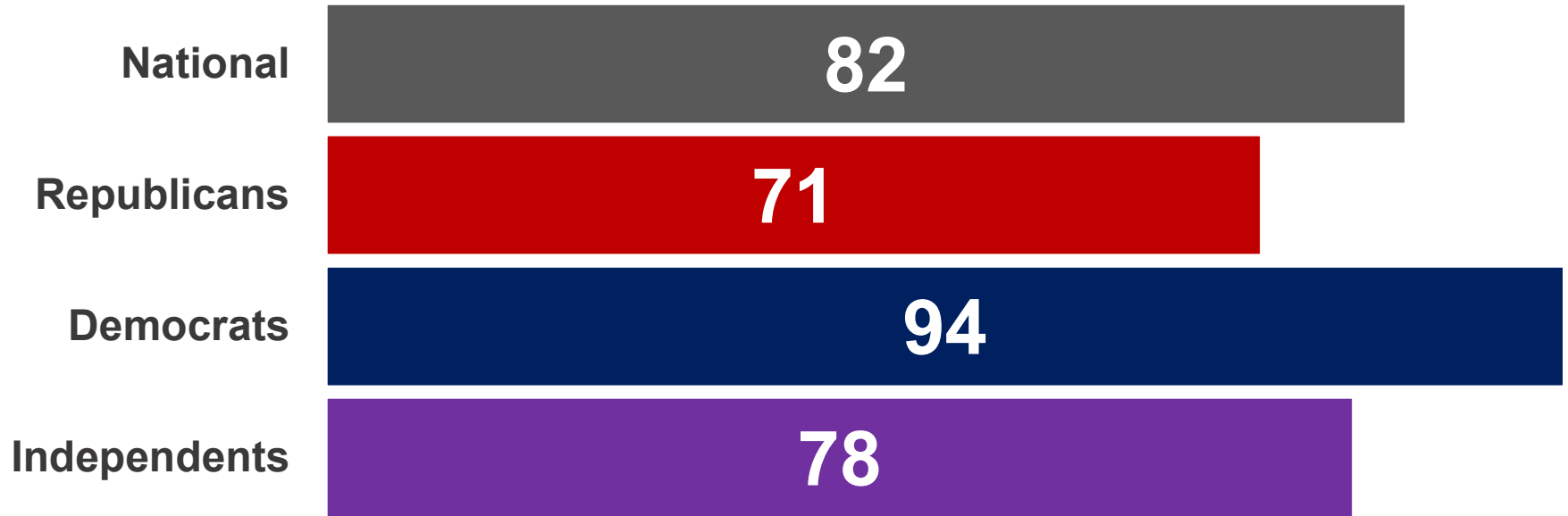
- Require police departments to adopt a policy that makes it a duty for officers to intervene when they perceive another officer is using excessive force
- Provide officers with training for when and how to intervene

# Duty to Intervene

## FINAL RECOMMENDATION

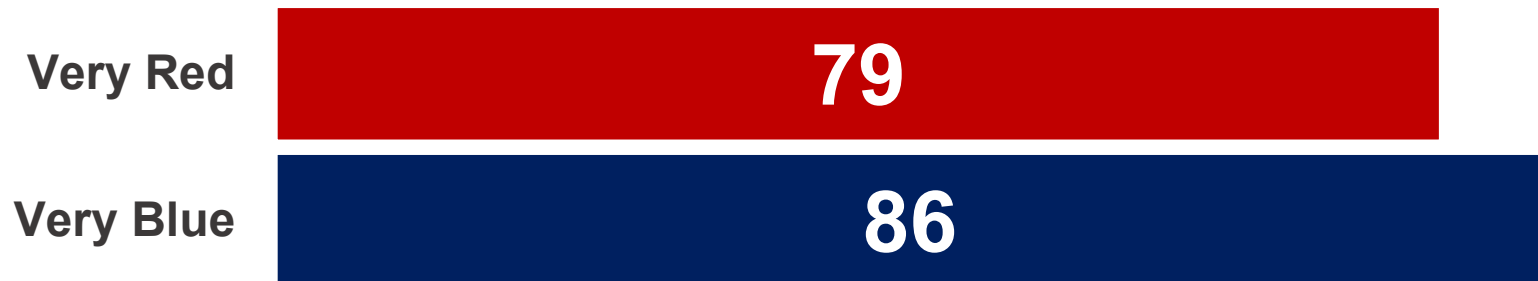
Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS

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# Ban on Chokeholds and Neck Restraints

## PROPOSAL

There is much controversy about officers using chokeholds and other restraints that block the flow of blood or oxygen to the brain. These methods were the causes of the deaths of Eric Garner and George Floyd.

**Here is a proposal currently being considered in Congress:**

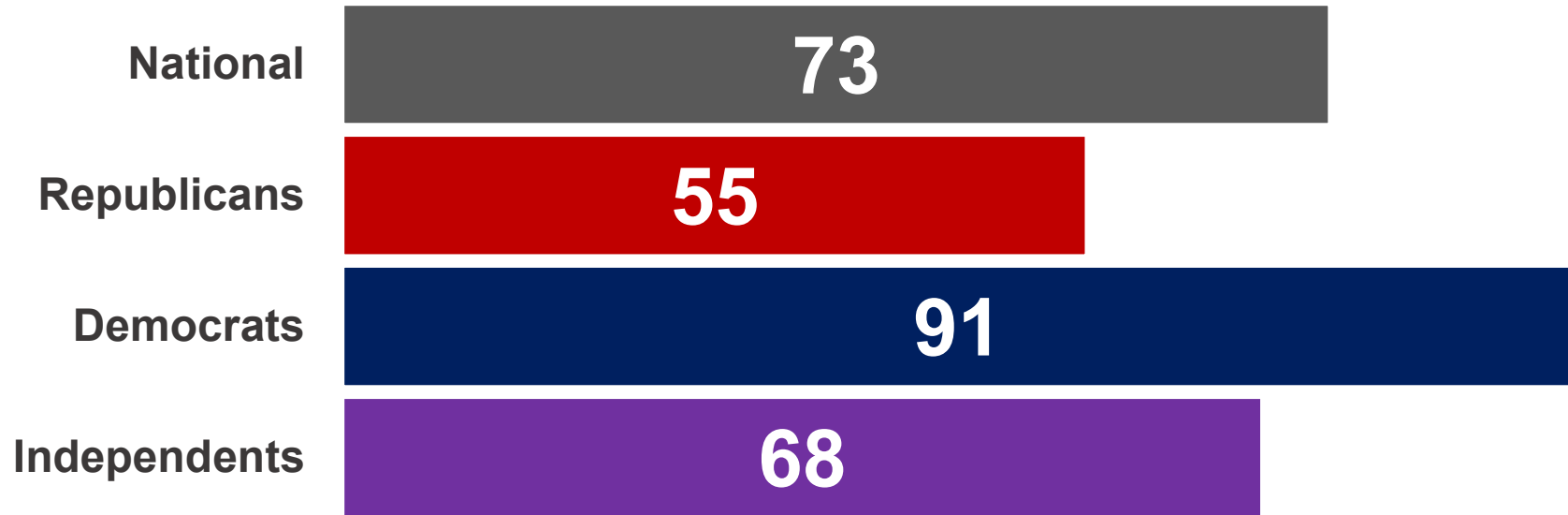
Require states to prohibit the use of chokeholds and other restraints that prevent breathing or block the flow of blood or oxygen to the brain.

# Ban on Chokeholds and Neck Restraints

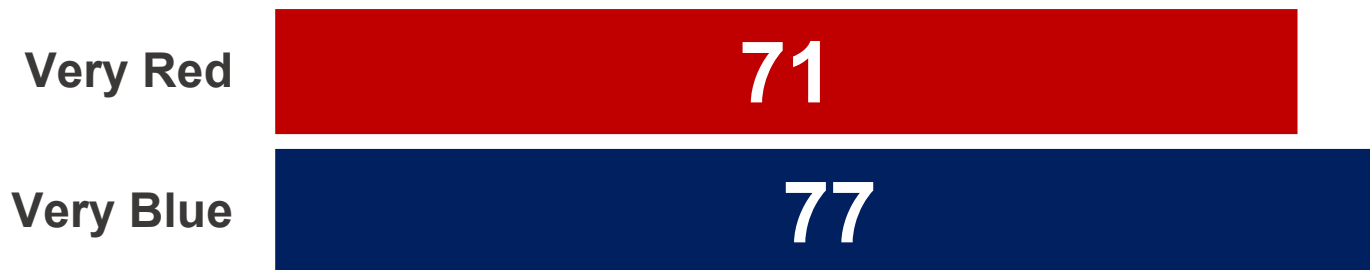
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS



# Ban on No-Knock Warrants

## PROPOSAL

Warrants are provided by judges and allow the police to enter and search a home. “No-knock warrants” allow police to not knock on the door but to break into a suspect’s home. Such warrants allow the police not to announce that they are law enforcement officers before they enter, and not to wear uniforms or insignia that identify them.

A rationale for such no-knock warrants is that it allows officers to break into the home of someone suspected of dealing drugs. The idea is that the suspect will not have time to get guns that they can use against the officer or eliminate the evidence, for example, by flushing the drugs down a toilet.

Such no-knock warrants have become controversial because there have been a number of cases in which the police went to the wrong address and broke in. In the high-profile case of Breonna Taylor, she and her partner thought criminals were breaking-in, a violent exchange ensued, and Breonna Taylor was killed by an officer.

**Here is a proposal currently being considered in Congress:**

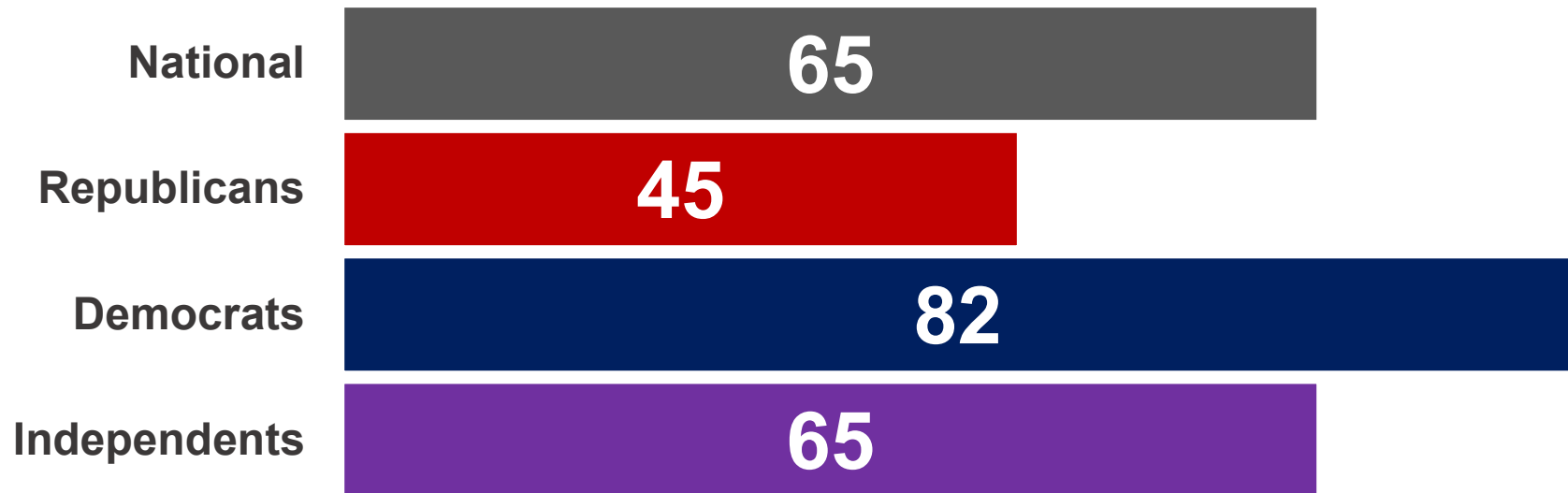
Require local and state governments to ban the use of no-knock warrants for drug cases.

# Ban on No-Knock Warrants

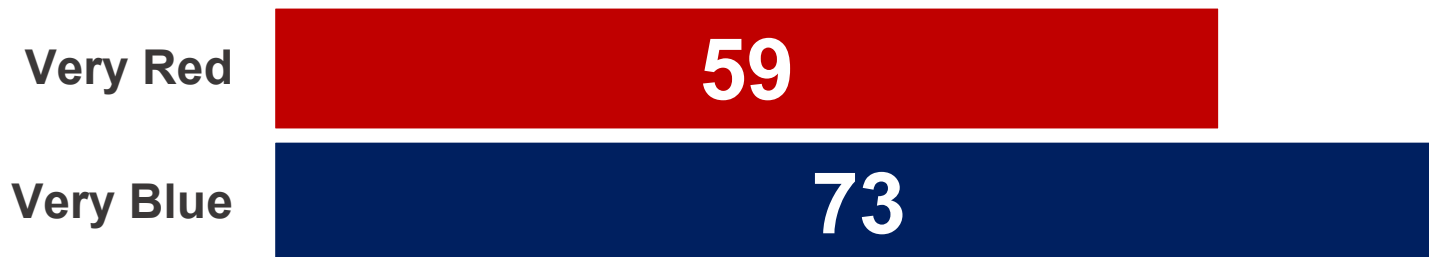
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS



# Amend Qualified Immunity

## BRIEFING

Civilians can sue law enforcement officers (as well as other government officials) if they violate their legal rights. An officer can violate a person's rights by using excessive force, such as hitting or shooting them when that was not necessary. Also, if an officer unnecessarily kills a civilian, their family can sue the officer. If that person wins the civil court case, then they will receive money as compensation.

However, in fact, **it is very rare that an officer is held liable**. This is because there are laws and court rulings that provide officers what is called "qualified immunity."

This immunity is very controversial because there have been some cases in which an officer wounded or killed an unarmed civilian in a way that was widely perceived as unlawful, unjust, or unnecessary, but was not held liable as a result of this immunity.

We are now going to ask you to evaluate a proposal to make it more possible that officers would be held liable for using excessive force by modifying the rules for qualified immunity.



# Amend Qualified Immunity

## PROPOSAL

Currently, when an officer is sued for excessive use of force, they can be granted immunity if they say they were **acting in good faith** – not out of anger or racial hostility – and **believed their actions were lawful**, irrespective of how most others may view it. In many cases, a judge or jury has accepted this as a basis for dismissing the case.

The **first part of a proposal** currently being considered in Congress would **no longer allow officers to be granted immunity solely on the basis that the officer says they were acting in good faith** and believed their actions were lawful. This would mean that the judge or jury must determine whether the officer's conduct was, in fact, lawful, irrespective of what the officer believed.

In addition, when an officer is sued for excessive use of force, they can be granted immunity if there **have not been previous cases in which officers were held liable for the same conduct in very similar circumstances**. In many cases, a judge or jury has accepted this as a basis for dismissing the case.

The **second part of a proposal** would **no longer allow officers to be granted immunity solely on the basis that there have not been previous cases in which other officers were held liable for the same conduct** in very similar circumstances.

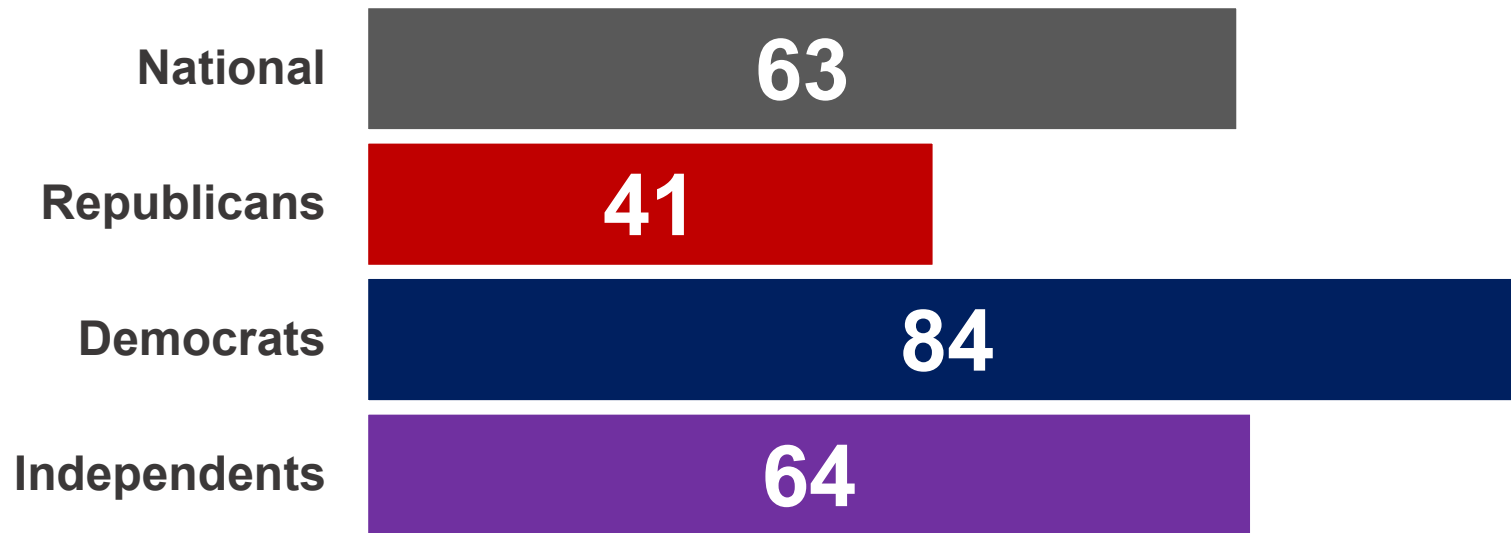
This would make it more likely that the case will move forward, and that a judge or jury assesses whether the officer's use of force was unlawful – whether or not there has been a similar case with similar circumstances.

# Amend Qualified Immunity

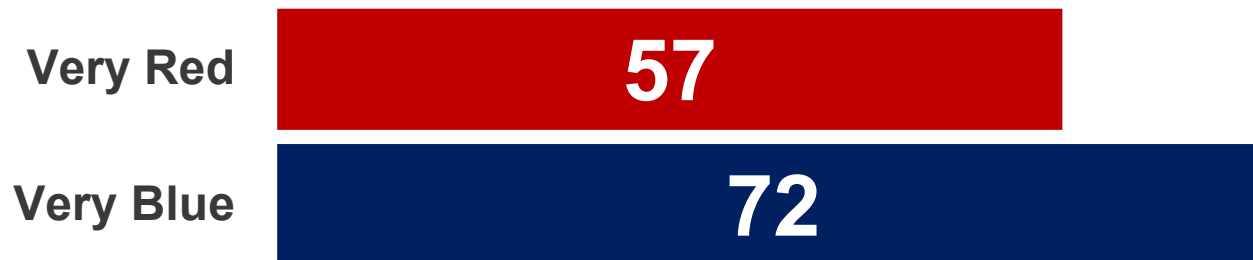
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

### Favor



## CONGRESSIONAL DISTRICTS



# National Registry of Police Misconduct

## PROPOSAL

Currently, when a law enforcement officer has received multiple complaints for unlawful and/or abusive behavior or has been fired from a department for such behavior, they may go to another city or state and apply for a new position. The new city or state may not have access to information about this past behavior and their previous department is not required to and is often prevented from revealing such information to a new potential employer.

### **Here is a proposal currently being considered in Congress:**

Create a national database of police misconduct and require all law enforcement agencies to submit information about officer misconduct. This information would include:

- complaints filed by civilians against a law enforcement officer
- disciplinary action taken against an officer such as a suspension, and the reason for it
- firing of an officer and the reason for it
- lawsuits against an officer, and their outcome

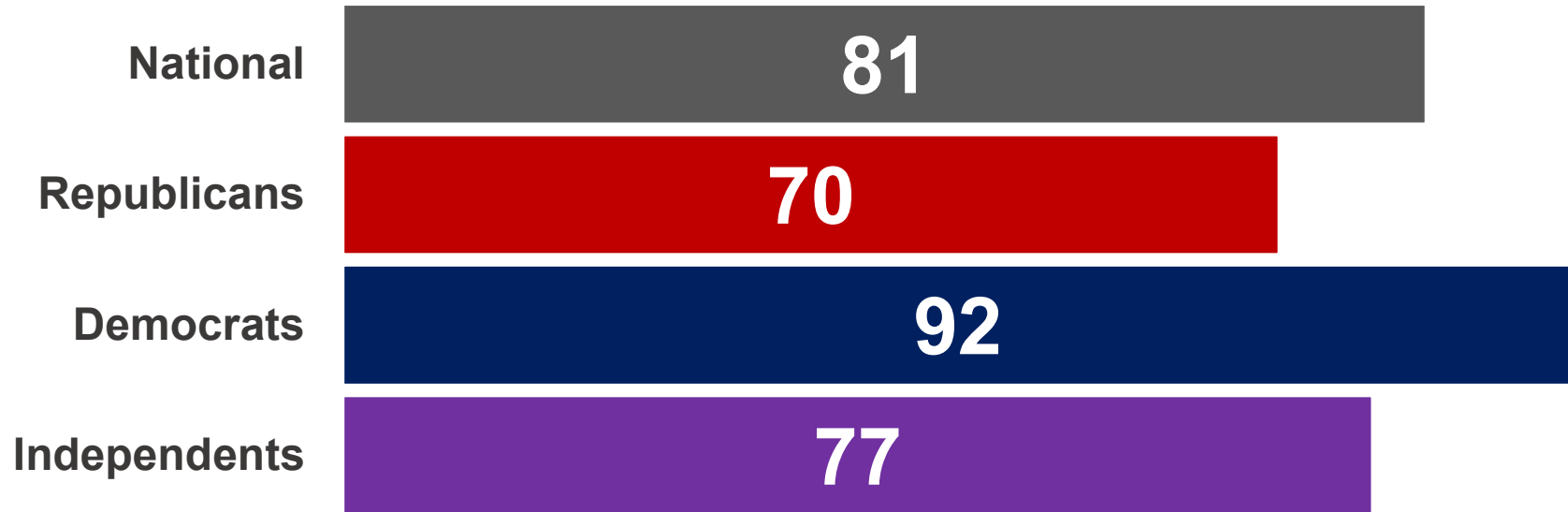
This database would be available to all law enforcement agencies as well as other government agencies and the public.

# National Registry of Police Misconduct

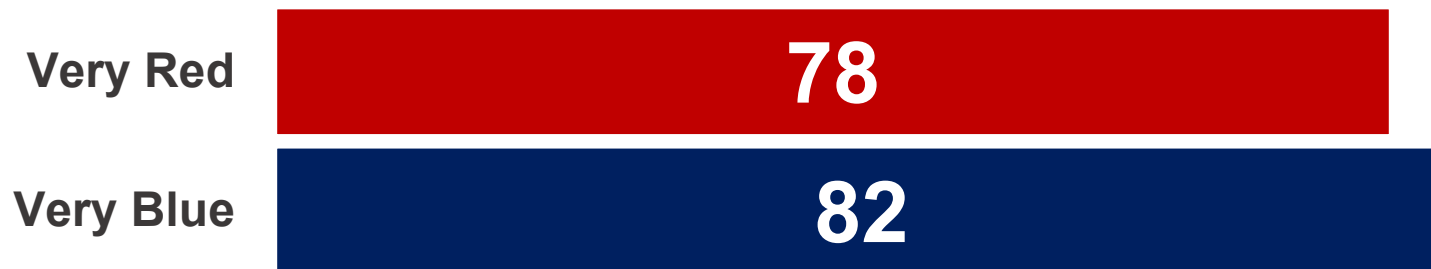
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS



# Independent Prosecutors

## PROPOSAL

When there is a criminal case against a law enforcement officer for using deadly force, in most cases the prosecutor is someone, who regularly works closely with the officer's department. Some people have a concern that these prosecutors have a conflict of interest. Such prosecutors rely on the cooperation and testimony of law enforcement officers of the agency when working to convict criminals.

To overcome a potential conflict of interest, a state can hire an independent prosecutor. An independent prosecutor is a person who does not regularly work with the law enforcement agency that employs the officer being investigated or charged.

### Here is a proposal currently being considered in Congress:

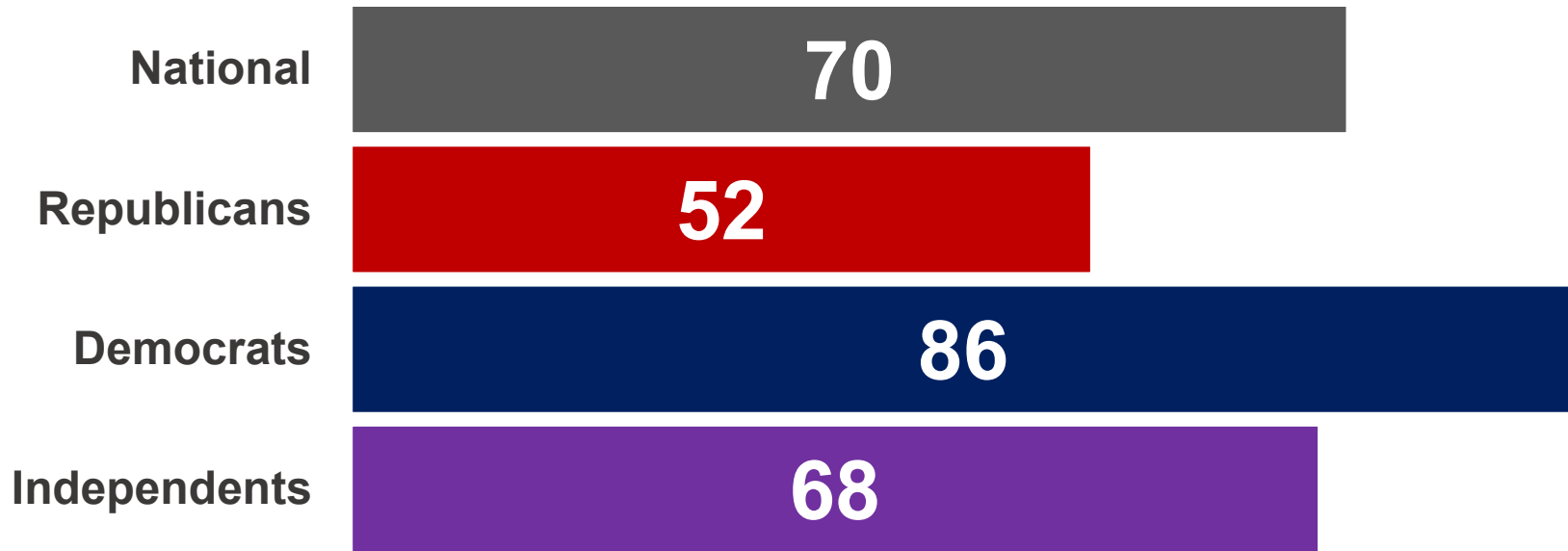
- Offer states federal funding to hire an independent prosecutor when investigating or charging a law enforcement officer for using deadly force.
- To receive this funding, the state must first put in place a policy **requiring** the use of an independent prosecutor in all such cases.

# Independent Prosecutors

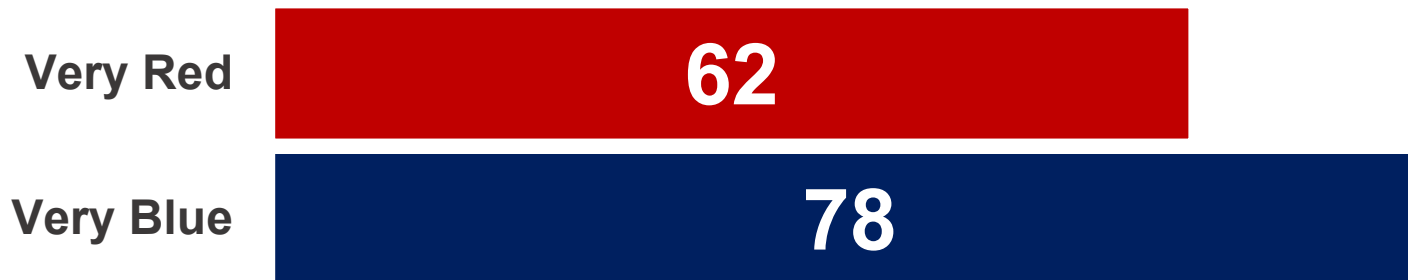
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS



# Body Cameras

## PROPOSAL

A key idea for making law enforcement officers more accountable for their actions is to increase the use of body cameras. It also helps with training, supervision, and documentation.

Currently, about half of all police departments do not have body cameras, and among those that do, not all of them require that they always be used.

**Here is a proposal currently being considered in Congress:**

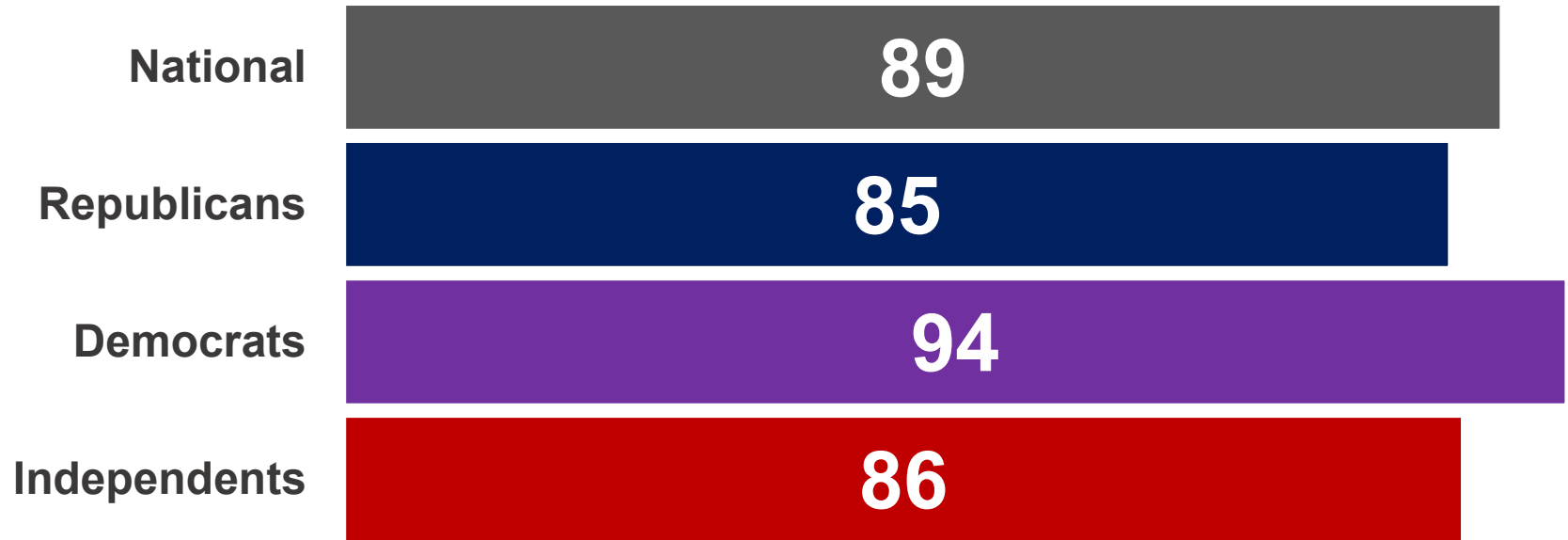
Require all police departments to have body cameras, to have their law enforcement officers wear them, and turn them on whenever they are responding to a police call or interacting with a suspect. Failure to do so would result in disciplinary action.

# Body Cameras

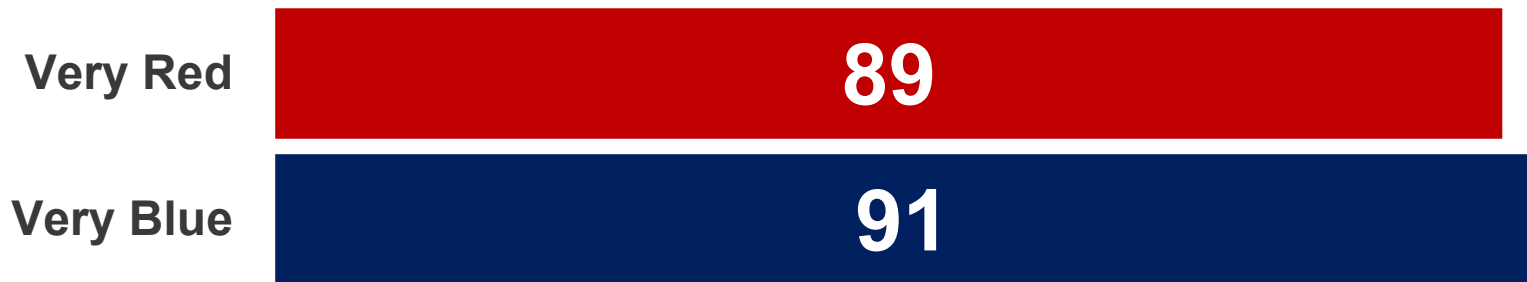
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS





# Implicit Bias Training

## PROPOSAL

**Black people are more than two times as likely to be killed by officers** than white people and are more likely to be **unarmed** when it happens.

Many officers – like most people – have what is called an “implicit bias,” or an unconscious negative attitude toward certain types of people that leads one to interpret their behavior in a more threatening way. This could lead an officer to assume that someone from a particular race poses a danger and may act violently against the officer, leading the officer to use deadly force preemptively.

Because the criminal justice system is supposed to treat every person equally, there is concern that implicit bias is resulting in minorities, especially Black Americans, being treated unfairly.

Training methods have been developed to help people understand better how implicit bias may be affecting them and to consciously work to counter its effects. Various law enforcement agencies have used these training methods with their officers.

**Here is a current proposal being considered in Congress:**

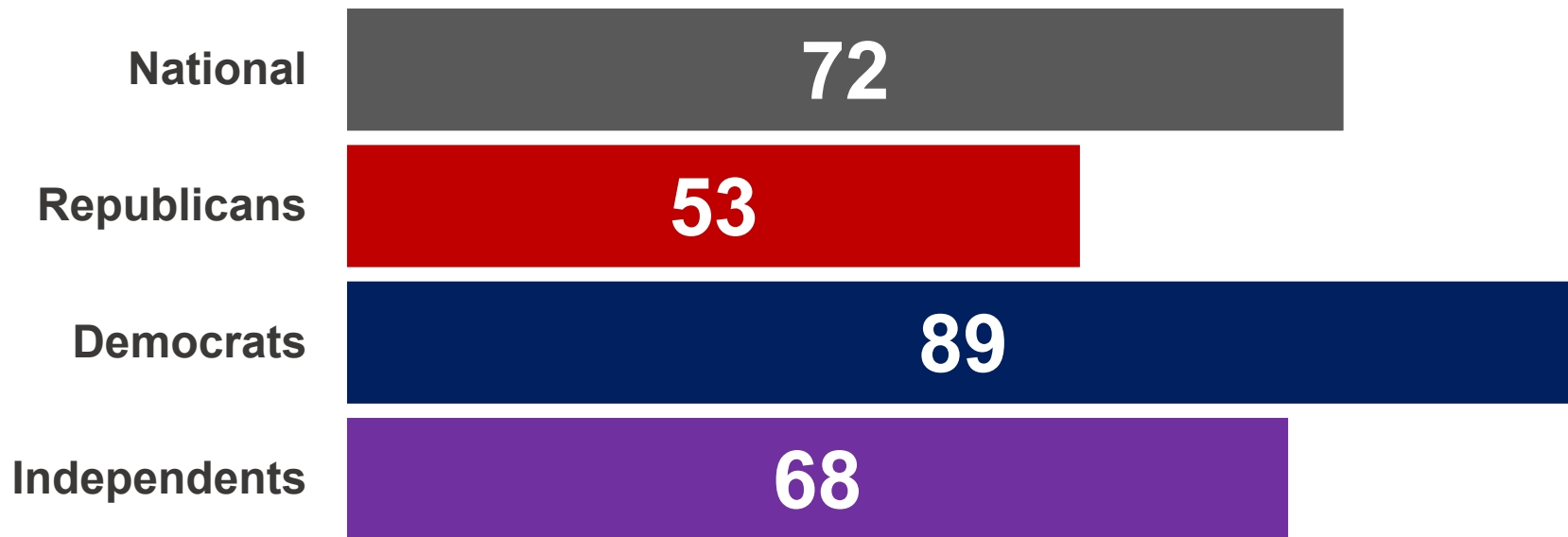
Require police departments to provide their officers training on implicit bias.

# Implicit Bias Training

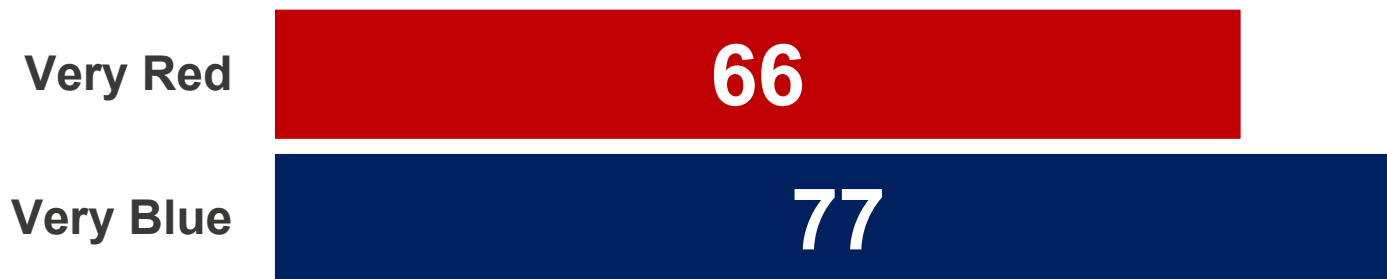
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS

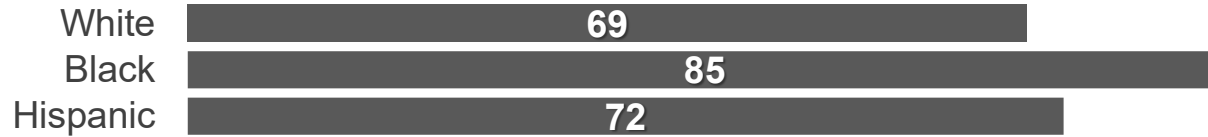


# Implicit Bias Training

BY  
DEMOGRAPHIC

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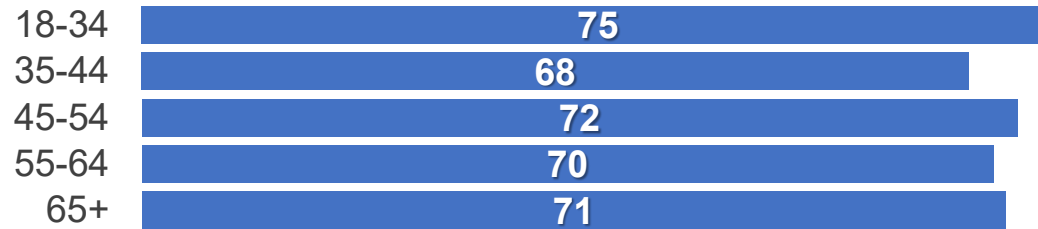
## RACE



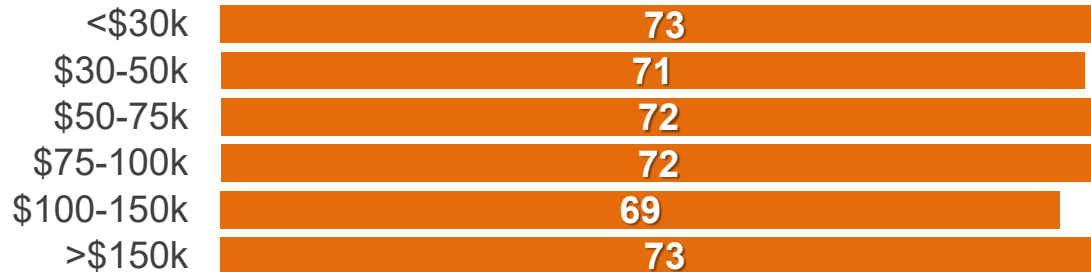
## GENDER



## AGE



## INCOME



## EDUCATION



# Military Equipment

## PROPOSAL

Currently, local law enforcement agencies can get surplus equipment from the US military for only the cost of shipping.

Two concerns have been expressed about this program:

- Local law enforcement agencies do not have to get approval from their local government to request and get such equipment
- Some law enforcement agencies have acquired high powered, military-style equipment.

**A proposal in Congress that seeks to address these concerns would:**

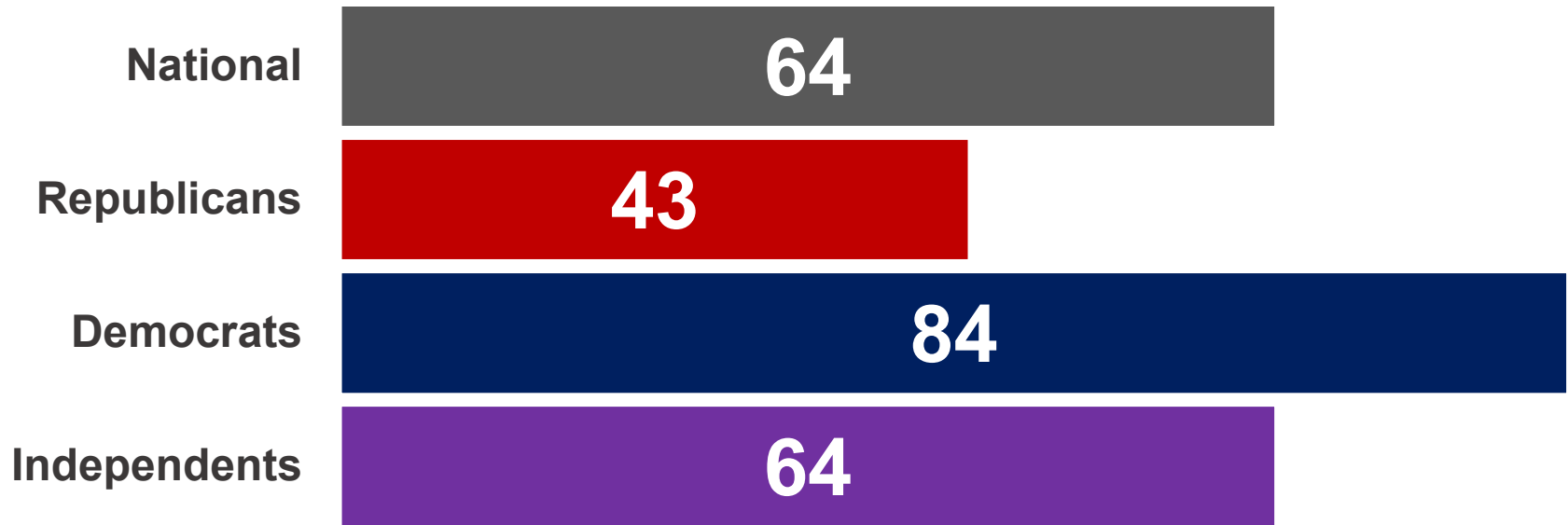
- Require that law enforcement agencies get approval from local government before requesting military equipment
- Require that the public be informed of the request
- Require that local governments annually report to Congress on what military equipment they have
- Require that unused equipment be returned
- Law enforcement agencies would not be able to request certain kinds of equipment, such as high capacity, automatic weapons; grenade launchers and explosives; armored or weaponized drones; silencers; and aircraft. Large armored vehicles, like tanks and personnel carriers, would require additional justification.

# Military Equipment

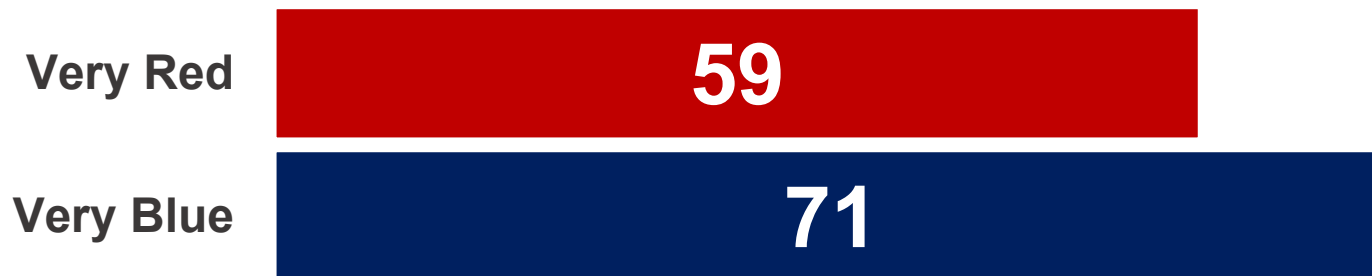
## FINAL RECOMMENDATION

Do you favor or oppose this proposal?

**Favor**



## CONGRESSIONAL DISTRICTS



# Proposals with Overwhelming Bipartisan Support

PROPOSAL

National

Democrats

Republicans

**Require use of body cameras** and to turn them on when they are on a call or interacting with a suspect

89%

94%

85%

**Duty to intervene** in cases where another officer is using excessive force

82%

94%

71%

**National registry of police misconduct** available to all police departments and the public

81%

92%

70%

# Proposals with Bipartisan Support

PROPOSAL	National	Democrats	Republicans
Prohibiting chokeholds and other neck restraints	73%	91%	55%
Requiring officers to receive training to address implicit racial bias	72%	89%	53%
Require independent prosecutors in cases involving police use of deadly force, if those states accept federal money to hire independent prosecutors in such cases	70%	86%	52%

# Proposals with Mixed Support

## PROPOSAL

National

Democrats

Republicans

De-escalation techniques, deadly force as last resort

69%

90%

46% (64%)

Prohibition on no-knock warrants in drug cases

65%

82%

45% (58%)

Regulate access to military equipment

64%

84%

43% (54%)

Amend qualified immunity

63%

84%

41% (56%)





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