



Research Memo: Police Unions and the Obstacles They Pose

Community Resource Hub for Safety and Accountability

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Executive Summary

This memo provides brief background information on the history of police unions in the United States and their role in relation to the policing profession. The memo also highlights the obstacles that police unions and their contracts create for accountability, reform efforts, and campaigns that challenge police union power in order to overcome those obstacles. Finally, this memo provides specific recommendations for research, organizing, and policy developments when challenging police union power.

The goal of this memo is to illuminate the power of police unions and the protections afforded by their contracts; in 14 states these protections are supported—in addition to or in the absence of union contracts—by legislation called the Law Enforcement Officers Bills of Rights (LEOBR) or the Police Officers Bills of Rights (POBR). Often there is confusion, upset, frustration, and anger about the inability of community members and elected officials to hold police officers accountable for misconduct and the inability to create lasting reform within police departments—

difficulties often due to the police unions' power derived from their contracts and/or from the LEOBR/POBR.

This memo gathers examples of how police union power plays out across the United States and highlights model practices for effectively challenging police union power. This information will support community organizers and coalition builders who work with various stakeholders and allies including community members, community leaders, academics, legal professionals, data analysts, and others. Organizers and advocates can influence city leaders and policymakers to leverage their positions of authority to challenge police union power and the obstacles created by that power.

Police unions were originally created to advocate for police officers and for safer working conditions and better working hours. Police unions also provided financial support to officers in need.¹ Law enforcement workers in the United States are represented by various police unions, which include the Fraternal Order of Police, Police Benevolent Associations, Patrol Officer's Unions, the National Association of Police Organizations, and identity-based unions and associations such as the National Organization of Black Law Enforcement Executives, Gay Officers Action League, the International Association of Women Police, and others.

The hierarchical structure of police departments often create distance between rank-and-file workers and management, which helps police unions to recruit membership. The union provides rank-and-file workers with a collective voice in their demands for both better salaries and working conditions.² However, many police departments also have an arbitrary enforcement of policy and rules. Some rank-and-file officers have noted that disciplinary action for rule breaking or misconduct is only taken based on an officer's status within the department and their relationships with superiors, whether they had ever criticized management or brought grievances to management, or whether the media finds out about cases of misconduct.³ The police union can take advantage of the arbitrary nature of enforcement and discipline to offer rank-and-file

¹ Fraternal Order of Police, "A History of the Fraternal Order of Police," *Fraternal Order of Police*. (n.d.), <https://fop.net/CmsPage.aspx?id=13>

² Catherine L. Fisk and L. Song Richardson, "Police unions," *George Washington Law Review*, 85, no.3 (July 2017): 712–799.

³ Fisk and Richardson, "Police unions."

officers protection from management’s actions if they join the union. In addition, some states provide protections from investigation and prosecution for rule-breaking or misconduct through the LEOBR/POBR. These laws provide further protections; critics have called the LEOBR/POBR an additional layer of due process rights that ends up making it more difficult—and in some cases impossible—to hold officers accountable for misconduct because those rights cannot be violated in any way.⁴

Police unions and the LEOBR/POBR pose major obstacles to police reform, specifically in regard to accountability, transparency, and community safety. Efforts made by community organizers and coalitions of academics, researchers, lawyers, city leaders, and others are often defeated by union contract negotiations. Stipulations included in contracts may be contradictory to the reform being sought, causing delays in implementing reform, and often resulting in lawsuits between police unions and city government. Police unions have used financial tactics and/or fearmongering to turn the public away from calls for reform. In some cases, police unions have used their influence on local politics to replace law enforcement officials working on reform within their departments with those who are more closely aligned with union interests.

Despite these obstacles, there are still opportunities for success in challenging police unions. By detailing the successes and lessons learned by organizers and activists, as well as a review of police union history and power, this memo offers suggestions for advocates working to limit such power and gain greater ground towards reform. Our recommendations include suggestions for research questions needed by organizers and advocates, organizing strategies used by various groups, and strategies for influencing policy that organizers and advocates can take up in their efforts to contribute to police reform and accountability.

Key Recommendations

Challenging police unions and protections included in police contracts and those of the LEOBR/POBR is a difficult task. Key recommendations for further work fall into two

⁴ Eli Hager, “Blue shield: Did you know police have their own Bill of Rights?” *The Marshall Project*, April 27, 2015.

categories: data gathering and analysis that can shape and support policy recommendations and documentation of current efforts that help organizers and advocates develop successful campaigns and influence policy development. These resources could be developed into a toolkit that can be shared among organizers and advocates who wish to challenge the power of police unions to impede transparency, accountability, and reform.

Research questions

- What are the pros/cons between community control versus civilian oversight?
- What are the roles of lawyers and law students in challenging police unions? What assistance can they provide via litigation, labor law reforms, research, and public records/Freedom of Information Act requests?
- What is the role of arbitration in disciplinary actions and how does it impede accountability? What can be done to stop the re-hiring of police officers found guilty of misconduct?
- What is the relationship between collective bargaining agreements and internal disciplinary procedures?
- What is the role, if any, of identity-based police unions in the collective bargaining process?

Organizing strategies

- *Build the right coalition.* Coalition building is important, especially in progressive cities where there may already be organization that support police reform. Coalitions should include a variety of stakeholders and strategically target budget sessions and contract negotiations between city government and police unions.
- *Focus on education and civic engagement.* Organizers should pursue ballot initiatives and public education to win those initiatives.
- *Use litigation strategically.* Organizers can use post-conviction litigation to challenge police union contracts.

Context

A basic understanding of the development of police unions, the history of hierarchical structures within police departments, and an understanding of the role of police unions in connection to this hierarchy is key to building effective reform campaigns.

It is also important to understand the nature and history of different types of police unions that exist throughout the country. Most police unions are not typically associated with the rest of organized labor in the US and they may or may not be certified as the exclusive representatives of police officers.⁵ Some police unions developed out of local benevolent associations, protective leagues, federations, lodges, or international police associations.

The creation of police unions in the late 19th and early 20th centuries came as a response to poor pay and working conditions, much like the motivation behind other labor unions at the time. Support for police unionization among legislators, the general public, and law enforcement workers grew in the late 1960s as a response to the Civil Rights Movement's focus on police brutality and racism, as well as federal court decisions that limited police investigatory and arrest powers. Scholars note that "police unions used similar tactics to civil rights groups" at the time, "asserting rights in the face of perceived discriminatory treatment" through organizing protests, strikes, and work slowdowns and lobbying local and state governments to support their cause.⁶ In the 1970s, police unions began organizing as interest groups and providing donations to favorable political candidates and legislative campaigns that worked in their favor.⁷

The Fraternal Order of Police (FOP) is a key organization among police unions; currently the largest professional police organization in the country, the FOP has 2,200 local lodges and over 330,000 members. The FOP began in 1915 and adopted the term "Fraternal Order" to avoid being linked to the anti-union sentiments of the time. The FOP aimed to represent and protect officers and influence local government decision-making around police issues.⁸ In addition to city and statewide Police Benevolent Associations or Patrol Officer's Associations—common

⁵ Fisk and Richardson, "Police unions."

⁶ Katherine J. Bies, "Let the sunshine in: Illuminating the powerful role police unions play in shielding officer misconduct," *Stanford Law & Policy Review*. 28 (May 2017) p. 123.

⁷ Bies, "Let the sunshine in."

⁸ Fraternal Order of Police, "A History of the Fraternal Order of Police."

names for law enforcement labor unions—there are also various identity-based police organizations that may have close relationships to their civilian counterparts. Groups organized around identities such as race, ethnicity, gender, and sexuality include the National Organization of Black Law Enforcement Executives (NOBLE), Gay Officers Action League (GOAL), the International Association of Women Police (IAWP), the Middle Eastern Law Enforcement Officers Association (MELOA), and more. These latter groups do not have the legal right to bargain collectively on behalf of their members but can still play an informal role in representing their members within the department and to the public.⁹

The formation of this hierarchy and the strict adherence to rule structure in police departments came as a response to the police corruption of the mid-20th century, when professionalization of the police aimed to reduce political influence and improve efficiency.¹⁰ The chain of command in a police department mirrors the chain of command in the military. At the top level, the police commissioner and police chiefs are responsible for official policymaking, and usually have “very little personal contact with the rank-and-file” officers of the department.¹¹ At the middle level are captains, lieutenants, sergeants, and other equivalent positions. Sergeants are the lowest level of middle management, are the direct supervisors of the rank-and-file officers and are often closely aligned with those workers. At the lowest level and making up the largest portion of the department are the rank-and-file officers. Many of these officers will remain at this level for their entire career and at this level will lack the ability to inform department hierarchy and participate in decision-making.

Management in the police department “seeks to maintain a high level of internal discipline and strict rank-and-file obedience to rules and policies.”¹² However, the discretionary nature of policing often means that policies and rules within the department are not consistently enforced, which leads to perceived arbitrary application of discipline and discrimination against certain officers. Police unions were formed in part because of this perceived arbitrary nature of discipline within the department and the negative consequences of the strict top-down nature of

⁹ Fisk and Richardson, “Police unions.”

¹⁰ Fisk and Richardson, “Police unions.”

¹¹ Fisk and Richardson, “Police unions.” p. 722.

¹² Fisk and Richardson, “Police unions,” p. 13.

police management, which often leads to miscommunication, misunderstanding, resentment, and defensiveness. Unions initially engaged in bargaining and enforcement efforts to protect officers from discipline, to fight for compensation, and to ensure compliance with rules, among other issues.¹³

Disciplinary actions taken within the police department, which rank-and-file workers can perceive as arbitrary and unfair, underscore the police unions' purpose for existing. The following examples demonstrate the ways in which the police union can provide protection to or validate the concerns of these rank-and-file workers.

In 2001, rank-and-file officers in Los Angeles brought concerns to the police union that the chief of the Los Angeles Police Department (LAPD) had been using officer rank and relationship with superiors in the department to make disciplinary decisions, protecting command staff and punishing whistleblowers and minority officers. The police union, believing the department should not investigate itself, called for independent investigation within the LAPD. The investigation found that, with the exception of the Chief of Police, all members of the LAPD were dissatisfied with the disciplinary system.¹⁴ In 2016, a Department of Justice (DOJ) report noted that the Baltimore Police Department (BPD) failed to apply discipline consistently; rank-and-file officers expressed concerns about discipline only being imposed if an incident is leaked to the press or if the officer is not in good standing with superiors, not based on the magnitude of the misconduct.¹⁵

This pattern of documented arbitrary discipline is used by police unions to convince the rank-and-file officers not to trust management with their best interests and that management is “out to get them,” and they should therefore join the union for protection from the arbitrary application of disciplinary action. When it comes to police department management's support for adopting reforms that promote accountability and transparency, the police union's recruiting methods that involve emphasize distrust in management can weaken support for reforms that promote

¹³ Fisk and Richardson, “Police unions.”

¹⁴ Fisk and Richardson, “Police unions.”

¹⁵ Fisk and Richardson, “Police unions,” p. 716; United States Department of Justice Civil Rights Division, Investigation of the Baltimore City Police Department, 3 (2016).

accountability and transparency among rank-and-file police officers.¹⁶ Through their affiliation with police unions, rank-and-file officers often “resist change and/or direction from police [management] that they perceive to be not fair, just, legal or in their best interests.”¹⁷

Most police unions are not typically associated with the rest of organized labor in the US and they may or may not be certified as the exclusive representatives of police officers. During investigations into officer misconduct, police officers can be represented by the police union, be represented by attorneys that specialize in law enforcement defense, and can also receive assistance through the Law Enforcement Legal Defense Fund (LELDF).¹⁸

Extensive rules and regulations stemming from the professionalization of police and their enforcement by management means that police unions defend the rank-and-file by negotiating their own set of rules and regulations to protect officers from real or perceived arbitrary exercises of power. These rules and protections mean that though officers can be disciplined according to department procedure, they can avoid that discipline “through the intervention of a union or by invoking a statutory of contractual job protection” afforded by police union contracts.¹⁹ To additionally protect rank-and-file officers, police unions exercised political power by lobbying legislators to create protections that led to the creation of state Law Enforcement Officer’s Bill of Rights (LEOBR) or Police Officers Bills of Rights (POBR) throughout the country. The purpose of these policies is to “protect officer autonomy, effectiveness, and safety by opposing constitutional criminal procedure restrictions on police conduct and by blocking civilian oversight of police discipline.”²⁰

The LEOBR or POBR may exist as a state statute in the absence of or in addition to specific local police union contracts. Concerns about the rights of law enforcement officers, and the subsequent creation of the LEOBR/POBR in certain states, arose from the Civil Rights movement of the 1960s when advocates’ demands called for increased investigation,

¹⁶ Fisk and Richardson, “Police unions.”

¹⁷ Julio L. Lima, “Power, trust, police unions, and police managers: A quantitative research study,” PhD dissertation, Capella University, 2015, p. 1.

¹⁸ Fisk and Richardson, “Police unions.”

¹⁹ Fisk and Richardson, “Police unions,” p. 713.

²⁰ Fisk and Richardson, “Police unions,” p. 737.

accountability, and oversight of the police.²¹ The rising trend of review boards in the early 1970s paved the way for modern organizations like the National Association for Citizen Oversight of Law Enforcement (NACOLE), yet at the same time spurred animosity among police who viewed this oversight as an imposition on officers' rights.²² Florida and Maryland were the first states to officially adopt a LEOBR in 1974, with other states soon to follow.²³

Not all cities have police union contracts; in some states, the statutory LEOBR/POBR makes up for this absence by its application to law enforcement officers throughout the state, though the definition and scope of each LEOBR/POBR can vary.²⁴ Currently, 14 states have adopted a LEOBR²⁵ and many of those adoptions were a direct response to calls for police accountability with tools such as civilian review boards.²⁶ These 14 states have a LEOBR/POBR that covers investigations and interrogations for officer misconduct, such as in Illinois where the LEOBR provides protections for officers' violations of the criminal code, and in Rhode Island where the LEOBR protections apply to interrogations of officers for non-criminal matters.²⁷ Other states may have statutes that have due process protections that look similar to a LEOBR but are only for limited applications, such as for hearings on misconduct, as is the case in Alabama.²⁸ In some states, the LEOBR/POBR only covers rank-and-file workers, while in other states the LEOBR/POBR may also include superior officers in LEOBR/POBR coverage as well as corrections officers in the prison setting.²⁹

Some states may have a redundancy of due process protections for law enforcement—they have local-level police union contract provisions as well as statutory protections through the

²¹ Kevin M. Keenan and Samuel Walker, "An impediment to police accountability? An analysis of statutory Law Enforcement Officers' Bills of Rights," *Boston University Public Interest Law Journal*, 14, no. 2 (2005): 185–244.

²² Keenan and Walker, "An impediment to police accountability?"

²³ Keenan and Walker, "An impediment to police accountability?"

²⁴ Abdul Rad, "Police institutions and police abuse: Evidence from the US," Master's Thesis, University of Oxford, 2018.

²⁵ The 14 states include California, Delaware, Florida, Illinois, Louisiana, Kentucky, Maryland, Minnesota, Nevada, New Mexico, Rhode Island, Virginia, West Virginia, and Wisconsin; Keenan and Walker, "An impediment to police accountability?"

²⁶ Bies, "Let the sunshine in."

²⁷ Keenan and Walker, "An impediment to police accountability?"

²⁸ Keenan and Walker, "An impediment to police accountability?"

²⁹ Keenan and Walker, "An impediment to police accountability?"

LEOBR/POBR. Such cases present an additional obstacle in that any manipulation or elimination of a police union contract can be hindered by the safety net function of the state-level LEOBR/POBR, which will take the place of the police union contract if the LEOBR/POBR has been left unchallenged.³⁰ Ultimately, the scope and function of LEOBR/POBR may vary state-by-state due to perceived gaps in due process protections in certain contexts, the political climate of each state that favors such statutory protections, and the role and function of preexisting police unions and their contracts within that state, or lack thereof.

Members of Police Benevolent Associations (PBAs) and the FOP argue that the LEOBR and POBR are necessary because “rank-and-file police officers are sometimes subjected to abusive and improper procedures” by internal affairs and prosecutors during investigations³¹. The LEOBR and POBR provide police officers with privileges such as the inability to be interviewed immediately following an incident of misconduct or deadly force, special access to evidence and accuser/complainant information to formulate a defense, and in some cases make it easier to dismiss charges against an officer due to minute administrative errors such as failure to record information.³² The LEOBR/POBR also push back on police chiefs investigating misconduct and the unions’ concerns around due process rights for officers. As a result, some experts conclude that LEOBR/POBR created a “special layer of due process” for police officers that strengthened the rights they have as citizens and also provided additional protections for being a police officer, rights not given to civilians. The extra layer of rights provided by the LEOBR/POBR and how they impede accountability are explained in the following section.³³

Obstacles to Accountability

Union contracts and LEOBR or POBR have created layers of protections for police officers and have made it difficult for communities—including other law enforcement personnel—to hold

³⁰ Fisk and Richardson, “Police unions,” p. 750.

³¹ Eli Hager, “Blue shield: Did you know police have their own Bill of Rights?” *The Marshall Project*, April 27, 2015.

³² Reade Levinson, “Across the U.S., police contracts shield officers from scrutiny and discipline.” *Reuters Investigates*, January 27, 2017.

³³ Hager, “Blue shield.”

officers accountable for misconduct. Unions, such as the FOP, argue that these protections “are necessary to protect officers from unfounded citizen complaints” and punishments that stem from anti-police rhetoric.³⁴

Over the last four decades, in closed-door negotiations with police unions, cities across the country have bargained away their ability to hold officers accountable. Cities avoided paying for increased salary demands in exchange for giving unions control over police management.

Police unions and the conditions of LEOBR/POBR operate similarly with regard to investigating claims of misconduct against officers. Though the LEOBR/POBR do not technically apply to a criminal investigation, many criminal investigations into the conduct of officers do not start until after the internal investigation has already begun, which can in turn impact the outcome of the criminal investigation.³⁵ According to Mike Riggs,³⁶ the process of a police misconduct investigation under LEOBR/POBR follows a consistent pattern:

- A complaint is filed against the officer by a member of the public or by a fellow officer;
- The police department reviews the complaint and determines whether to investigate or not; and
- If the police department chooses to investigate, the department must notify the officer and his union.
- The officer usually gets a 10 day “cooling off” period in which they do not give a statement; the officer is also allowed to know who the complainant is and what the complaint entails before ever being interrogated; and
- The officer can only be interrogated by one person while a union member is present; this interrogation must be at a “reasonable hour” and for a “reasonable period of time.”
- The officer cannot be threatened with disciplinary action during this process; if this occurs, anything said after that threat cannot be used against the officer.

³⁴ Fisk and Richardson, “Police unions,” p. 754.

³⁵ Radley Balko, “Louisiana cop accused of beating handcuffed woman back on the job,” *Reason*, September 9, 2009.

³⁶ Mike Riggs, “Why firing a bad cop is damn near impossible,” *Reason*, October 19, 2012.

- Post-interrogation procedures vary by state but most include the stipulation that no one in the officer’s department can publicly acknowledge the investigation; that if the charges are dismissed, no one can acknowledge that an investigation took place nor can they reveal the nature of the complaint.
- The officer cannot be questioned or investigated by any non-government employee; civilian review boards are often powerless in this regard.
- If the officer is suspended during the investigation, they must continue to receive full pay and benefits until the case is resolved. In most states, the charging department must pay for the officer’s legal defense.
- Any violations of the LEOBR/POBR can result in the dismissal of charges.

An investigation under the LEOBR/POBR creates several opportunities for where union actions can impede the transparency of an investigation or directly derail police accountability. There are many examples of the ways in which union power over discipline has shielded officers from accountability. Even a minor violation of the LEOBR/POBR can lead to dismissing charges against an officer. In 2007 case in Louisiana, Officer Wiley Willis was accused of beating an individual in custody on the suspicion of drunk driving. Officer Willis had turned off the video camera that was recording the interrogation and was consequently fired. However, during the internal investigation, a polygraph machine operator reportedly forgot to record the results of the polygraph questioning of the officer—a violation of Louisiana’s POBR. Because of this violation, Officer Willis was reinstated to duty and received full back pay and benefits for his period of unemployment.³⁷

Police union contracts and LEOBR or POBR also determine how complaints and allegations of misconduct are handled—or not. In Columbus, Ohio, a 2012 police brutality case that involved a college student revealed that one of the officers in the incident had previously received 40 citizen complaints, but department policy allowed all officers’ records to be destroyed every four years. When the victim refused to talk to the police about the incident, an action the victim’s attorney supported, the misconduct allegations were deemed “unfounded” and the investigation was

³⁷ Balko, “Louisiana cop accused of beating handcuffed woman back on the job.”

dropped. The union contract also included a clause forbidding any complaints deemed unfounded from being included in disciplinary records because there is no “proven allegation.” Additionally, Columbus police union contracts require complaints to be submitted in writing within 60 days of an incident; if an allegation is submitted after 60 days, officers do not need to participate in the investigation and their names are left off complaint forms. Officers in Columbus are also allowed to view all material for an investigation and can pause the process to review those materials if they are newly submitted. Individuals making complaints about officers do not get this privilege.³⁸

In Glendale, Arizona, police union contracts allow officers the opportunity to review any footage of their misconduct to refresh their memories—civilian complainants are not allowed to do this because they will, per a union representative, just tell you what they saw. Complainants in Glendale are also forbidden from submitting anonymous complaints, which the union supports as a way to prove to taxpayers that complainants are not submitting false allegations.³⁹ Tacoma, Washington has similar collective bargaining agreements as Columbus around unfounded complaints, where many are dismissed due to a lack of independent witnesses—just the civilian’s word against the officer’s word.⁴⁰ Philadelphia, Pennsylvania union contracts require written reprimands to be erased after two years, while San Antonio, Texas, and Honolulu, Hawaii both have union contracts that mandate the destruction of disciplinary records every four years.⁴¹ Baton Rouge, Louisiana allows any record of sexual misconduct or harassment committed by an officer and reported by civilians, spouses, or fellow coworkers to be removed and destroyed after five years.⁴² Las Vegas, Nevada requires a court order for access to an officer’s files, and eight cities allow officers to refuse to testify before a civilian oversight board.⁴³

Union contracts and LEOBR/POBR stipulations can also impede accountability by mandating certain periods of time before internal investigations can begin. The 2015 case of Freddie Gray’s killing by police officers in Baltimore, Maryland is one example. After the death of Freddie Gray

³⁸ Levinson, “Across the US, police contracts shield officers from scrutiny and discipline.”

³⁹ Levinson, “Across the US, police contracts shield officers from scrutiny and discipline.”

⁴⁰ Levinson, “Across the US, police contracts shield officers from scrutiny and discipline.”

⁴¹ Campaign Zero, “Police union contract project,” <https://www.checkthepolice.org/#review>

⁴² Levinson, “Across the US, police contracts shield officers from scrutiny and discipline.”

⁴³ Levinson, “Across the US, police contracts shield officers from scrutiny and discipline.”

in police custody—Gray was found unconscious with a nearly severed spinal cord in the back of a Baltimore Police Department van and died after being in a coma for seven days—the Maryland POBR prevented the internal investigation of officers for 10 days following the incident. The mayor of Baltimore even admitted the role these stipulations played in the delay of the investigation, pointing out that the “cooling off” period provided to officers is meant to give the officer time to find legal representation⁴⁴ but that critics often refer to this period as a time for officers to “get their stories straight.”⁴⁵ Additional examples are seen in Pittsburgh, Pennsylvania, where the police union contract prevents investigators from pursuing all possible complaints against an officer due to a 90-day statute of limitations on civilian complaint investigations. In Portland, Oregon, police union contracts prevent investigators from talking to officers for 48 hours after a use-of-force incident.⁴⁶

More recently, a 2019 media investigation into racist social media posts by police officers revealed that more than 300 officers working for the Philadelphia Police Department posted racist material and engaged in racist behavior on their Facebook profile pages. The FOP came out against any disciplinary action for the involved officers, claiming to protect their right to free speech. The Vice President of the FOP stated that any removal from street duty or firings of officers for those posts would be “highly irresponsible.”⁴⁷

Obstacles to Police Reform

Collective bargaining agreements, union power over working conditions, union incentives to rank-and-file officers, and union influence on local politics can all be barriers to reform.⁴⁸ The collective bargaining agreements of police union contracts of the 1960s onward and the

⁴⁴ Bies, “Let the sunshine in,” p. 17.

⁴⁵ Balko, “Louisiana cop accused of beating handcuffed woman back on the job.”

⁴⁶ Stephen Rushin, “Police union contracts.” *Duke Law Journal*, 66, no.6 (March 2017): 1191–1266.

⁴⁷ Chris Palmer, “Philly police union: Any firing over Facebook scandal would be ‘completely out of bounds.’” *The Philadelphia Inquirer*, June 20, 2019.

⁴⁸ Incentives here include protections afforded by the collective bargaining agreement (CBA), such as arbitration to challenge disciplinary actions, challenges to workload or work function changes due to reform efforts, and a sense of democratic inclusion in decision-making. See Fisk and Richardson, “Police unions;” and Aziz Z. Huq and Richard H. McAdams, “Litigating the blue wall of silence: How to challenge police privilege to delay investigation,” *University of Chicago Legal Forum*, 2016, no.6 (2016): 213–253.

stipulations of the LEOBR make it difficult to investigate and hold officers accountable for misconduct. Additionally, many of these policies make it difficult to create and utilize civilian oversight and review boards—or at least ones that have teeth and the power to implement change—a prominent reform tool. Unions often oppose any policies that do not allow for their participation in the policy design. However, while police unions do not contest department managements’ adoption of military-style policing instead of social service or community-oriented styles, they do push back against calls for reform and demand officer protection from discipline in cases where the military style of policing result in civilian injuries or deaths.⁴⁹

Consent Decrees

An often discussed solution for police misconduct are federal consent decrees; a consent decree is a court-enforceable agreement between a police department and the US Department of Justice (DOJ) to remedy the DOJ’s findings of constitutional and statutory violations without admission of guilt or liability.⁵⁰ Even though federal consent decrees can to some extent be used to pressure local police departments to adopt reform policies, there is still a possibility that police union contracts with the city may render those reforms unacceptable, as they could change working conditions and violate police union contract terms.⁵¹

For example, in response to reforms recommended to Seattle by the 2012 DOJ consent decree, two Seattle police unions filed a lawsuit against the city because those reforms called for monitoring and accountability. Union members argued that DOJ monitoring and reform provisions that included the reporting of all use of force and tracking, properly classifying, thoroughly investigating, and disciplinary action reflecting the seriousness of the underlying event would change conditions of employment that were agreed upon during the collective bargaining process with the police union. The lawsuit further asked the court to permanently block implementation of any reforms that would change police wages, hours, and working conditions.⁵²

Influence of Unions

⁴⁹ Fisk and Richardson, “Police unions.”

⁵⁰ City of Baltimore. “City of Baltimore Consent Decree,” April 17, 2017, <https://consentdecree.baltimorecity.gov/>

⁵¹ Fisk and Richardson. “Police unions.”

⁵² Fisk and Richardson. “Police unions,” p.755–766.

Police unions can impede reform efforts beyond a lawsuit on changing working conditions. After the 2012 consent decree, the Seattle Police Officers Guild (SPOG) endorsed and helped fund mayoral candidate Ed Murray. Murray won his position and quickly moved to demote the interim police chief who had been enacting numerous reforms. Murray then appointed the former SPOG Vice President as interim police chief, who immediately tried to overturn misconduct findings on numerous officers found guilty of using excessive force. Murray's actions and the results led to what was described by others as an atmosphere of fear, given how easily those who had been working in the field for years and who had been enacting reforms were ousted from their positions. The situation in Seattle sent the message that police unions can and will stifle "the voices of [police officers] who may support reform." Demoting and forcing out supporters of reform and those willing to work with the DOJ created fear, silenced progressive voices among the rank-and-file, and weakened the drive to engage in reform efforts.⁵³ Seattle is not an anomaly: in 2016, a San Francisco panel on transparency, accountability, and fairness in law enforcement found evidence of a similar suppression of rank-and-file voices of support for policing reform and seeming collusion between police department management and the police union. The police union dissuaded officers' cooperation with investigations into racist and homophobic text messages.⁵⁴ It became difficult to enact reforms there due to the union's strong influence on the department and their track record of anti-reform positions.

Civilian Oversight

Campaign Zero's Check the Police project highlights problematic police union and LEOBR policies around the country that hinder progress, reform, and safety, particularly policies that explicitly ban civilians from oversight models or greatly reduce their input in the process.⁵⁵ Many union contracts and LEOBR/POBR impose restrictions on or delay investigations and interrogations of officers accused of misconduct, as well as give those officers unfair access to information. Many also have strict statutes of limitations on handling civilian complaints and policies that erase or destroy officer misconduct records. The increasing control over contracts

⁵³ Fisk and Richardson, "Police unions," p. 757.

⁵⁴ Fisk and Richardson, "Police unions," p. 758.

⁵⁵ DeRay McKesson, Samuel Sinyangwe, Johnetta Elzie, and Brittany Packett, *Police Union Contracts and Police Bill of Rights Analysis*, Campaign Zero, June 29, 2016.

by unions in exchange for relaxing on salary increase requirements⁵⁶ have made it difficult for police chiefs to have a say in disciplinary policy and procedure, exacerbated by mandated destruction of disciplinary records within personnel files after a specific period of time.⁵⁷ Police chiefs are unable to identify any troubling patterns in an officer's behavior and thus it becomes difficult to pursue accountability or enable early-intervention programs for the officer.

In addition, the LEOBR and POBR often limit the disclosure and discussion of police office disciplinary records under the protection of officer privacy rights. The 1963 decision, *Brady v. Maryland*, addresses both confidentiality and the withholding of evidence. Brady requires the prosecution to turn over to the defense any exculpatory or impeachment material including material about key witnesses in the case, like the arresting officers. Yet police unions' contract provisions allow for the destruction of officer disciplinary files and limit sharing police misconduct records.⁵⁸

City Finance and Budgets

Police unions and LEOBR/POBR policies present major obstacles for reform; in addition, they are a financial burden on public dollars that can be otherwise used to support community-based alternatives and other public health and safety measures that do not involve law enforcement.

In 2016, Campaign Zero collected information on 81 US cities and fourteen states and reviewed their police union contracts and LEOBR clauses.⁵⁹ The analysis revealed that forty cities and three states require cities to pay costs related to police misconduct, including paid leave while under investigation and coverage of legal fees and/or settlement costs. Specific examples include Albuquerque, New Mexico, where police union contracts require the city to pay costs of misconduct settlements and legal defense costs; Corpus Christi, Texas, where the city is required to pay the full cost of legal defense for officers named in a civil lawsuit, and Washington, DC, where officers receive paid leave while under investigation for deadly force. The POBR violation case from Louisiana mentioned earlier (where the polygraph results of an officer's test were not

⁵⁶ Levinson, "Across the US, police contracts shield officers from scrutiny and discipline."

⁵⁷ Rushin, "Police union contracts."

⁵⁸ Bies, "Let the sunshine in," p. 113, 145

⁵⁹ Campaign Zero, "Police Union contract project," and McKesson, Sinyangwe, Elzie, and Packett, *Police Union Contracts and Police Bill of Rights Analysis*.

recorded) is one example of the way in which the power of police unions or protections provided by the POBR impact city finances. The minor violation of the POBR allowed the officer to be reinstated to duty and the city was ordered to give the officer back pay and benefits for the period of unemployment during the investigation. In addition, the city had to pay a settlement with the victim of the officer's brutality.⁶⁰

In 2017, the New York Police Department, represented by the largest police union in the city, was able to settle a tentative five-year contract that included salary increases and an additional 24,000 body cameras—a cost of approximately \$1.9 billion to taxpayers.⁶¹ More recently, the mayor of Los Angeles passed a city budget allocating \$165.5 million for police overtime, to the praise of the police union.⁶² This budget increase included the addition of a new jail to assist in public safety, though organizers were able to rally against this decision and instead win the addition of a new mental health treatment center.⁶³ Nonetheless, these costs come on top of 19.4 percent of the city's general fund that is already allocated to pensions and retiree healthcare for police and fire personnel.⁶⁴

Challenging and Limiting Police Union Power

Police unions amass large, multimillion-dollar internal budgets from union dues and use this money to influence city government by donating to certain political candidates that will support their interests, as discussed earlier in the example of the Seattle Police Officers Guild endorsing and funding Seattle mayor Ed Murray.⁶⁵ Unions also use this large internal budget to fund campaigns against reforms like oversight, accountability, and transparency is highlighted.

⁶⁰ Balko, "Louisiana cop accused of beating handcuffed woman back on the job."

⁶¹ Kate Hamaji, Kumar Rao, Marbre Stahly-Butts, Jane Bonsu, Charlene Carruthers, Roselyn Berry, and Denzel McCampbell, *Freedom to Thrive: Reimagining Safety & Security in Our Communities*, (New York and Oakland: Center for Popular Democracy, Law for Black Lives, and BYP100, 2018).

⁶² Dakota Smith, "Garcetti's budget would spend more money on street repairs and homelessness," *Los Angeles Times*, April 18, 2019.

⁶³ JusticeLA, "We made history. But the fight isn't over," *Justice LANow*, February 18, 2019.

⁶⁴ Smith, "Garcetti's budget would spend more money on street repairs and homelessness."

⁶⁵ Fisk and Richardson, "Police unions."

Addressing police union power over contract negotiations and their subsequent control over discipline, accountability, and reform can be a daunting task. Even with community excitement and support for reforms in Seattle from the 2012 consent decrees, maintaining the reforms has been an uphill battle. Declared in compliance with requirements in early 2018, the city of Seattle is again under scrutiny for their passage of a controversial contract with the police union in November 2018 that may violate the DOJ recommendations.⁶⁶ Despite opposition from numerous groups, including the American Civil Liberties Union of Washington and the Seattle Community Police Commission, the city agreed to a contract that will increase officer wages, raise the burden of proof for firing an officer—making it more difficult to terminate officers for misconduct—and allow officers to more easily appeal disciplinary decisions against them.⁶⁷ This agreement between Seattle and the police union moved to review by a federal judge to determine whether it aligns with the reforms mandated by the 2012 DOJ report. As of May 2019, the judge has found that Seattle is partially out of compliance due to changes in accountability measures stemming from the new contract, but the consent decree requirements are set to expire at the end of 2020.⁶⁸

In addition to Seattle consent decree case, an example of this difficulty is also seen in San Antonio, Texas. In early 2014 San Antonio City Manager Sheryl Sculley, backed by the city council, challenged the police union contract on its policy of destroying disciplinary records. This was, in part, a response to a previous case where an officer raped a woman while she was handcuffed in the back of his vehicle—an officer who had prior sexual misconduct complaints and other disciplinary issues. Sculley also wanted to make the citizen complaint process more accessible and bar officers from using their vacation time as a substitution for suspension for discipline. In response, the police union launched a \$1 million campaign against Sculley, with billboards and advertisements blaming her for increased crime rates, linking the increase to the fact that she did not hire more officers, highlighting her six-figure salary, while calling for her

⁶⁶ Miletich, Steve, “Seattle police union official: Reforms deterred officers from seeking out crime, hindered recruitment, retention,” *Seattle Times*, March 5, 2019.

⁶⁷ Lester Black, “Seattle City Council approves controversial police union contract,” *The Stranger*, November 13, 2018.

⁶⁸ Hana Kim, “Federal judge says Seattle Police partially out of compliance of consent decree, but praises department for progress,” *Q13 Fox*, May 15, 2019.

removal from city council. Two years of negotiating led to a cap on salaries and benefits but none of Sculley’s reforms made it into the final contract. This union power is prevalent across the US, where many police unions use “political might to cement contracts that often provide a shield of protection...and erect barriers to residents complaining of abuse.”⁶⁹

Austin Justice Coalition and Police Union Power

The work of the Austin Justice Coalition (AJC) is an important example for reformists and activists working to combat police union power.⁷⁰ In Austin, city council and police union negotiations have traditionally taken place behind closed doors. In their efforts for greater accountability, members of the AJC did not just demand a seat at the negotiating table, they brought their own chairs and they showed up, repeatedly. Recognizing that policies around discipline, transparency, accountability, and opportunities for civilian oversight were tightly woven into the police union contract, and as a result of years of failing to bring about their desired reforms of these policies through mass protests and retroactive lawsuits, AJC decided to target “one of the most problematic police union contracts in the country.” They hope to be an example to cities around the country.⁷¹

Like many other cities, the Austin police contract limited civilian oversight, did not maintain disciplinary records, and kept important internal affairs information secret. Activists had observed a link between these accountability and transparency inefficiencies with the over-policing of Black communities within Austin, Texas—where Black people made up only eight percent of the population, but 26 percent of police stops and 31 percent of officer-involved

⁶⁹ Levinson, “Across the US, police contracts shield officers from scrutiny and discipline.”

⁷⁰ The Austin Justice Coalition (AJC) is a community organization that focuses on improving the quality of life for people who are Black, Brown, and poor. Since 2015, AJC has served as a catalyst for positive change towards economic and racial equity for Austin’s people of color by developing, organizing, and providing robust programs and events. AJC’s big four areas of advocacy are education, policing, civic engagement, and community building. For more information about AJC, go to: <https://austinjustice.org/>

⁷¹ Sukyi McMahon and Chas Moore, “To reform the police, target their union contract,” *New York Times*, April 8, 2019.

shootings. Driven by the murder of David Joseph by police in 2016⁷² and the brutalization of Breiaon King during a traffic stop in 2015,⁷³ the AJC solidified their goal to target the police union contract, something notoriously hard to influence as civilians.⁷⁴ Organizers with the AJC noted in their justification for their campaign that decades of lawsuits and protests had not yet provided the results that they desired for police accountability and justice for victims of police harm.⁷⁵ As a result, organizers agreed to an innovative approach through targeting the police contract.

The AJC led an 18-month long grassroots organizing campaign where they demanded participation in the negotiating process between the city council and the Austin Police Association, the police union representing the rank-and-file officers in contract negotiations.⁷⁶ They also demanded the inclusion of a “Better Before More” proposal— a proposal that specifically targeted the city’s plan to add \$13 million to the police budget for the hiring of more police personnel, and instead asked the city to forgo adding more officers and divert this money into bettering non-law enforcement community safety efforts⁷⁷—as a budget rider.⁷⁸ By targeting the city’s budget process to interrupt a planned raise in the police department budget, AJC organizers were able to engage a participatory budget process where AJC members and community members could have a say in how they wanted to see that money spent and what they

⁷² After responding to a disturbance call at an apartment complex, officer Geoffrey Freeman encountered the naked 17-year-old David Joseph in the street, fatally shooting him after claiming the unarmed teen charged at him. Philip Jankowski, “Austin Police: Teen killed by police officer identified as David Joseph, 17,” *Statesman*, September 4, 2016, updated September 25, 2018.

⁷³ Video footage released in 2016 showed an Austin police officer throw Breiaon King to the ground twice during a traffic stop for alleged speeding, and a second officer at the scene claiming police are wary of Black people due to their “violent tendencies.” King was unable to file a complaint a year later, due to a statute of limitations clause in the union contract. Elizabeth Findell, “Austin will pay \$425,000 to settle Breiaon King lawsuit,” *Statesman*, May 24, 2018, updated September 22, 2018 and McMahan and Moore, “To reform the police, target their union contract.”

⁷⁴ Borealis Philanthropy, “Leading with community: How the Austin Justice Coalition is winning police reform that matters,” February 12, 2019.

⁷⁵ McMahan and Moore, “To reform the police, target their union contract,” and Borealis Philanthropy, “Leading with community.”

⁷⁶ City of Austin, Agreement between the City of Austin and the Austin Police Association,” November 15, 2018, p. 6, <https://www.austintexas.gov/edims/document.cfm?id=310410>

⁷⁷ Austin City Council, *City Council Regular Meeting Transcript*, September 1, 2016, transcript of video, Austin City Council, Austin City Hall, p. 63 [5:12:40 PM].

⁷⁸ McMahan and Moore, “To reform the police, target their union contract,” and Borealis Philanthropy, “Leading with community.”

would require if the city did go through with its planned budget for the Austin Police Department.⁷⁹

The campaign strategically started during the 2016 budget session so that demands would interrupt the flow of money into the police department. AJC members attended a rare public hearing on the police contract and were able to demand their participation in subsequent weekly hearings throughout 2017, making sure to physically pack hearing rooms with community members and to take detailed notes for cross-referencing every change from previous contracts. City council members stated that AJC’s presence at the hearings helped them feel more comfortable in dialogue around reforms, rather than the usual pattern of the police union “railroad[ing] the city for exorbitant pay increases and stipends.” AJC members visited the offices of council members, city negotiators, and influential leaders around the city to garner support, while also launching a public information campaign throughout districts known for swing votes and no votes in order to mobilize citizens to show up at the hearings.⁸⁰

The Austin Police Association, the “sole and exclusive bargaining agent for all covered police officers” (i.e., rank-and-file officers) within the city⁸¹, resisted reforms and threatened that officers would “retire en masse” if the city council rejected their contract.⁸² In 2017, the city voted down the union contract and union members lost their stipends for refusing to negotiate; only about 33 officers retired after the contract refusal.⁸³ In the summer of 2018, the police union brought in a new negotiator who was willing to work with the AJC. By November, a new contract was voted in, limiting the police department to \$44 million of the \$82.5 million they originally requested. The new contract included several stipulations and reforms, including the creation of an independent oversight office that ramped up the oversight office’s accessibility, allows the oversight office to accept online and anonymous complaints, allows the oversight office to file complaints itself, and to publicize findings. The oversight office can also provide

⁷⁹ “Participatory budgeting is a democratic process in which community members decide how to spend part of a public budget.” Participatory Budgeting Project, “What is PB?”

⁸⁰ McMahan and Moore, “To reform the police, target their union contract,” and Borealis Philanthropy, “Leading with community.”

⁸¹ City of Austin, Agreement between the City of Austin and the Austin Police Association,” November 15, 2018, p. 6, <https://www.austintexas.gov/edims/document.cfm?id=310410>

⁸² McMahan and Moore, “To reform the police, target their union contract.”

⁸³ McMahan and Moore, “To reform the police, target their union contract.”

information from verified complaints for major incidents (for example, deadly force), publicize disciplinary actions taken for minor incidents, and audit footage from body and dashboard cameras. In addition, the new contract stipulated that:

- Implementation of longer investigative periods must accompany a complaint where an officer may have committed a crime;
- If the police chief disagrees with recommendations from the oversight office, the police chief must respond publicly; and
- Short suspensions cannot be auto-downgraded to confidential written reprimands after a few years.⁸⁴

AJC specifically targeted police unions and their contracts because they recognized that accountability, transparency, and oversight are often tightly integrated into union contracts and the state LEOBR in ways that prevent real reform. As AJC notes, law enforcement officers can feel empowered to act badly regardless of what the police manual says—discipline is held in the union contract, so targeting the policy manual of the police department itself is often ineffective. By demanding reforms to be placed within the union contract and pressuring the city council and the police union to respond to the community, AJC was able to inhibit the power of police unions to shield officers from accountability. This is a significant local-level intervention and an example of a participatory budget process that can interrupt cash flow to the police department in support of real police reform such as accountability, transparency, and civilian oversight, rather than an increased budget and additional hiring of officers without addressing the community’s concerns. Leaders in the AJC believe that their work can be replicated around the country with success: building community power begins with wanting change and entails a lot of coalition building among data analysts, historians, attorneys, grassroots organizers, and academics.⁸⁵

⁸⁴ McMahan and Moore, “To reform the police, target their union contract.” See also Borealis Philanthropy, “Leading with community,” and City of Austin, “Agreement between the City of Austin and the Austin Police Association.”

⁸⁵ PolicyLink, “No Justice, No Deal: Accountability through Police Contract Negotiations,” video, November 30, 2018, <https://www.policylink.org/equity-in-action/webinars/no-justice-no-deal>; Borealis Philanthropy, “Leading with community,” and Austin Justice Coalition, “Reports,” <https://austinjustice.org/reports/>

However, it is important to note that there is still needed research and analysis around how the Texas LEOBR/POBR will affect the police contract wins in Austin.

Recommendations

This memo has highlighted the ways in which police unions and LEOBR/POBR policies serve as impediments to creating lasting law enforcement reform. The memo has also highlighted some of the challenges and the success stories that can serve as models for advocates across the country. There remains, however, a need to further explore how police union power can be challenged, interrupted, and decreased. As the Defund movement in particular grows in popularity, pre-existing examples and lessons learned may be debunked and rendered obsolete. Organizers who aim to challenge police union power through contracts should heed the lessons learned and develop their own strategies for building on these examples to work towards wins in their cities and/or states, as each location will have its own unique environment and procedures for challenging police union power. Key recommendations for further work fall into two categories: data gathering and analysis that can shape and support policy recommendations and the documentation and sharing of current efforts that help organizers and advocates develop successful campaigns that impact policy.

A useful resource would bring together research data and analysis, a primer on developing policy, and strategies for organizers and advocates based on case studies. A “How to Challenge Your Local Police Union” toolkit would have sections on a variety of topics, such as the makeup/composition of police unions across the US or which cities have the strongest unions and/or most antagonistic to reform. The toolkit would also have a section modeled after Campaign Zero’s Police Scorecard project with a detailed catalog of union structures, union relationships with/financial donations to politicians, a history of their stances and actions around major issues (for example, deadly force, racism, islamophobia, sexual misconduct).⁸⁶ A section on getting involved in challenging unions’ influence would include organizing tips, how to file public records/FOIA requests, participatory democracy and budgeting materials, and more. The

⁸⁶ Campaign Zero, “Police Scorecard,” <https://policescorecard.org/>

Community Resource Hub plans to develop a toolkit resource that can be shared among organizers and advocates who wish to challenge the power police unions have to impede transparency, accountability, and reform.

Research: Data gathering and analysis

Future research questions to explore include, but are not limited to, the following:

- *What is the feasibility of community control over the police during this period of police union and LEOBR/POBR power?* Civilian oversight can be rendered powerless by union contracts and LEOBR. Even in cases of elimination or manipulation of the police union contract, such reforms can be further blocked if a state still has a statutory LEOBR/POBR that has not also been challenged and dismantled. Research is needed to find and evaluate a broad range of case studies reflecting the continuum of “successful” community oversight and control bodies that can serve as models for organizers and advocates in spite of these obstacles. For example, calls to look at the city of Camden, NJ as a model for police abolition, and therefore a challenge to police union power, fail to acknowledge the replacement of the original police department with increased surveillance and previous policing practices under a new label.⁸⁷
- *What are the roles of lawyers and law students in challenging police union influence?* Potential roles include litigation work, participation in coalitions of diverse stakeholders, working on labor law reforms, support in fulfilling public records/Freedom of Information Act requests, and reviews of disciplinary records and contracts.⁸⁸
- *What is the role of arbitration as a disciplinary tool and how does it impede police accountability?* Advocates need a review of the ways that the appeals process has been

⁸⁷ Brendan McQuade, “The Camden Police Department is not a model for policing in the post-George Floyd era,” *The Appeal*, June 12, 2020.

⁸⁸ For example, *Brady v. Maryland* requires the prosecution to turn over to the defense any exculpatory or impeachment material including material about key witnesses in the case, like the arresting officers. This case could be used to mandate the sharing of police misconduct records when pursuing such cases and/or challenge police unions’ contract provisions that allow for the destruction of officer disciplinary files. Coalitions would benefit greatly from including lawyers/law students to pursue initiatives around the *Brady v. Maryland* case. One drawback is that individual case-by-case challenges to union contracts via habeas corpus proceedings are not as effective as preventive policy reform for long-term changes to accountability and transparency issues that currently exist. See Bies, “Let the sunshine in,” p.113, 145.

challenged and the other strategies that has stopped violent police officers from being rehired.

- *How do police labor laws impede accountability efforts?* Research is needed to understand the relationship between collective bargaining agreements and internal disciplinary procedures.
- *What is the role of identity-based policing organizations in the union contract negotiation process?* The collective bargaining process usually excludes the voices of marginalized individuals who are most at risk of being targeted by police misconduct; many times negotiations do not even include police union members representing an identity group most likely to be targeted. Are there ways to challenge the negotiating power of a police union by also challenging identity-based police unions?

Organizing Strategies

The recent victory of the Austin Justice Coalition’s campaign to reform the police union contract provides several examples of organizing strategies to develop similar initiatives and campaigns. A key strategy is developing coalitions that crosscut the diverse stakeholders and identity-based groups that who are most vulnerable to police violence and have the most to gain from police reform. Coalitions should include a variety of stakeholders, including academics, activists, advocates, community leaders and community organizers, data analysts, funders, historians, lawyers, public school teachers and staff, and other important local players. It is also important that the coalition represent a large variety of communities—all those who are represented in the city and impacted by the issue of police violence.

Early research noted that successful coalitions target budget sessions and take up as much physical space as possible for as often as possible. Seattle organizers waged similar campaigns on police reform, and although they were not able to stop police union strongholds over contract negotiations, they were able to challenge unions and shifted the narrative and shared information across communities about how police unions impact city budgets and impede efforts to strengthen police accountability, transparency, and oversight.

Campaign strategies to influence policy

- *Pursue ballot initiatives, especially ones that may sway public support by focusing on cost to taxpayers and transparency and accountability of police and police unions.* The recent support for reforming the US system of mass incarceration is an opportunity for public education on the influence of police unions. However, it's important to recognize that ballot initiatives rely on voter participation in the face of voter suppression, gerrymandering, and potential apathy, ambivalence, or opposition among eligible voters.
- *Pursue post-conviction litigation that can challenge police union contracts based on preexisting court decisions.* Individual case-by-case challenges to union contracts via habeas corpus proceedings are not as effective as preventive policy reform for long-term changes but may be helpful in developing preventative policy.
- *Engage in participatory budgeting and political collective bargaining as methods:*
 - Participatory budgeting with community members can educate the public on ways to challenge city budget decisions.

Conclusion

Communities, community organizers, activists, and advocates must demand that city governments consider police reform. If there is resistance, follow the lead of communities across the United States: build a diverse coalition, show up in large numbers, keep showing up, build a strategy, and come informed about the problem and with possible solutions.

For more resources, news, and ways to get involved in community safety and police accountability work, [visit the Community Resource Hub's website](#)

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