THE BROOKINGS INSTITUTION

FALK AUDITORIUM

BLACK LIVES MATTER:
RACE, STATE VIOLENCE, AND REPRESENTATION IN THE UNITED STATES

Washington, D.C.

Tuesday, June 19, 2018

PARTICIPANTS:

VANESSA WILLIAMSON, Moderator
Fellow, Governance Studies
The Brookings Institution

CHIRAAG BAINS
Director of Legal Strategies
Demos

RASHAWN RAY
Associate Professor
University of Maryland

NICOL TURNER-LEE
Fellow, Governance Studies
The Brookings Institution

* * * * *

P R O C E E D I N G S

MS. WILLIAMSON: I want to thank you all for coming. I especially want to thank the American Political Science Association for joining us in this event and for featuring our study about Black Lives Matter in their journal, Perspectives on Politics.

So we're here today to talk about Black Lives Matter, about the historical and contemporary links between repression and representation. We have a great panel, and I'm really excited to get to as quickly as possible, but I'll start by framing this discussion with a little bit of background about the Black Lives Matter movement.

So though the movement is now closely associated with opposition to police brutality, the phrase Black Lives Matter originated in the opposition in the response to the July 2013 acquittal of a civilian who had shot an unarmed teenager, Trayvon Martin.

Over the following months and years, Black Lives Matter activists played a central role in organizing protests to draw your attention to the deaths of black people at the hands of police, to broader issues of police violence and over-policing, and to other persistent racial disparities and economic, social, and political power.

Street protests in particular became a common strategy of the Black Lives Matter movement after another unarmed teenager, Michael Brown, was shot by a police officer in Ferguson, Missouri.

In our study, we identified over 780 public Black Lives Matter protests that occurred just in the year after Michael Brown's death. These protests were held in 223 localities in 44 states.

In our study we demonstrate a connection between Black Lives Matter protests and police behavior. Specifically we find that Black Lives Matter protests are

more common where the police have killed more black people.

Let me stop actually here and provide some statistics on the frequency with which people are killed by the police in the United States. Almost a thousand people are killed by police in this country every year and about 1 in 20 of those people are unarmed. A disproportionate percentage, about a quarter, of the people killed by police are black and people -- and black people are more likely to have been unarmed when they were killed by police.

So to reiterate our finding with those numbers in mind, Black Lives Matter protests were more common in places where police have killed more black people. This is true in fact even when you take a count of many of the other factors, you might think what influenced the frequency of protests, for instance, the size of the local population, the size of local black population, the democratic vote share, the number of college students in a town.

We think there's a real correlation between the strength of the Black Lives Matter movement and the history of local police violence against black people.

Now, this can seem really obvious, but actually it isn't, because often interactions with the criminal justice system reduce political participation.

For instance, when neighborhoods experience more frequent uses of force by police, you see a reduction in the frequency in which people in that neighborhood call 311. Being stopped by the police, even if you're not arrested, reduces your likelihood of voting in the next election.

So what we're seeing at the locality level, the communities are responding forcefully and politically to police violence is different from what we see at the individual level where interaction with the criminal justice system reduces political engagement.

On the one hand the community level finding, I think has a reassuring element to it. Because if you want to reform criminal justice, you need to have political mobilization. But at the same time, I think that there's a counter-side that's actually troubling.

Because those who participate in protests are not typically of the communities that are likely to be over-policed, the people most directly impacted by the are carceral state. So there are voices that we are still not hearing, even when we find mobilization in communities that face police violence.

So I want to be clear about the findings in the paper that we can't prove a direct causal link between deaths at the hands of police and the frequency of Black Lives Matter protests.

In fact it may well be that other aspects of police behavior are the real spur that drives protests. You could easily imagine that excessive use of force more broadly is motivating protests. You might think that exploitive use of fees and fines, which is a common thing in low income communities to fund local localities, or even that under-policing is provoking protests.

Because communities that typically experience over-policing often experience under-policing. So on the one hand, there's excessive use of force in the community. On the other hand, crimes don't get solved. So there are sort -- they're twin forms of state failure -- that crimes are not addressed and that the local community faces state repression.

So in responding to police violence, Black Lives Matter is part of a very long tradition. One of the galvanizing issues in the long campaign for civil rights was protection against state-sanctioned violence. Antilynching campaigns made out some of the very earliest work of the NAACP.

So Black Lives Matter movement should certainly have understood in this long context sort of the latest iteration of that history, a kind of modern counterpart to the campaigns of Ida B. Wells.

That's why I think it's appropriate that we're having this panel on June 19, Juneteenth. Juneteenth for those who are maybe not familiar originated in 1865 in Galveston, Texas, celebrating the announcement of emancipation.

Civil War buffs among you will realize that the Emancipation Proclamation had happened two years earlier, but it took two years and the arrival of the Union Army for local-enslaved people to be informed that they were free.

So Juneteenth reminds us that the reaction to the news of emancipation was not just celebration. Even after the war was over, Southern states resisted the end of slavery and responded by creating laws against crimes of poverty, like vagrancy that shoveled thousands of poor people, and especially poor black people, into a new system of forced labor. Convict leasing it was called, which made up a critical component of the Jim Crow system and it was intended to strip black people of the political and economic gains that had just been made at the start of Reconstruction.

So it's no coincidence that underrepresented communities are over-policed. The origins of over-policing in this country lie in widespread resistance to the extension of equal representation. Juneteenth is a celebration of one victory in a century's long battle as James Baldwin put it to achieve our country.

It is appropriate on Juneteenth then I think to think about we might do as Americans to increase the freedom that we could celebrate.

As the power of the carceral state has expanded in this country, not only in our cities but our borders, I think this conversation could not be more timely.

With that, I would like to invite up to the stage my fellow panelists, three

experts ready to talk about Black Lives Matter, its impact, and how we might think about police reform in America.

First of all, Mr. Chiraag Bains is the director of Legal Strategies at Demos, a policy organization that seeks to reinvest power in citizens to create an inclusive and truly participatory democracy.

Prior to joining Demos, he served in the Civil Right Division of the Department of Justice where he co-wrote the DOJ's investigation of the police department and sued the city of Ferguson, Missouri, over unconstitutional policing and court practices.

Dr. Rashawn Ray is a professor of sociology at the University of Maryland. His research focuses on the mechanisms that create and perpetuate racial and social equality, paying extra attention to how activism efforts and social policy can work to reduce racial and social disparities.

Dr. Ray is a frequent publisher in journals such as Ethnic and Racial Studies and the Journal of Contemporary Ethnography.

Finally, Dr. Nicol Turner-Lee is a Fellow at Governance Studies at the Brookings Institution working the Center for Technology Innovation.

At Brookings Dr. Turner-Lee's research focuses on policy that creates more equitable access to technology. She frequently works at the Center of Race, Wealth, and Technology within the context of civic engagement and criminal justice.

Welcome.

So, I want to start with you, Chiraag. I want to talk to you about your very interesting work in the Department of Justice. So working in the Civil Rights Division of the Justice Department, you saw firsthand how efforts to increase police accountability unfolded.

So can you tell us a little bit about what you saw in the Obama administration DOJ and then maybe talk a little bit about how things might have changed?

MR. BAINS: Sure. Thank you for having me on this panel. I'm excited to be here and really excited to hear what questions the audience has.

When I was in the Justice Department I had two roles that had to do with police accountability, my first was I was a line prosecutor in the unit of the Civil Rights Division that investigated and prosecuted police officers for criminal acts of excessive force. Typically that looked like assaults, sometimes they involved deadly force, sexual assaults in some cases, and other crimes.

So there's a body of criminal accountability that I think the public often looks for, especially in these very high profile cases of shootings or uses of deadly force.

So I worked that for about four years and that -- there's a specific statute that is actually a Reconstruction era statute that lays out what the elements are in order to bring federal charges against law enforcement officer for violating someone's constitutional rights.

You have to prove a Fourth Amendment violation, typically excessive force, you have to prove that it was done under color of law, meaning using or abusing the authority given to that individual by the state or the federal government; and you have to prove that it was willful, and that the highest level of intent in federal law, it's actually quite difficult to prove those cases.

Then you have to overcome jury nullifications, skepticism of jurors, build the evidentiary case often by using other police officers who sometimes don't want to tell the truth about what they saw the first time around, and so I worked those cases. Then I moved into a different role where I was helping to supervise a body of investigations of

police departments.

In the Ferguson case I was actually acting in a line level role, a member of the team that went down, spent weeks in Ferguson, met with community members, met with more than half the police department, looked through all their arrest records and force records over a five-year period.

That body of work is done under a 1994 statute that gives the Justice Department the power to investigate law enforcement agencies for a pattern or practice of misconduct.

So the first body of work was individual accountability and criminal accountability, and the second body of work that I'm talking about is civil liabilities, not criminal, and where you're looking for a pattern, you're looking to change the way that a police department operates. That was a major body of work in the Obama administration.

The law passed in '94. It was actually included in the 1994 omnibus crime bill, which by and large had a very punitive approach to criminal justice, billions of dollars for prisons, expansion of the federal death penalty, expansion of three strikes provisions and other (inaudible) provisions, but there was slipped into there a bill -- well, I don't know if it was slipped in, that is saying Congress didn't know what it was doing.

But often people didn't realize that was part of the same act. So there was a provision in there that came out of the post Rodney King verdict uprising or riots, call it what you will depending on your perspective, and that gave the Justice Department the power to look at these cases from a holistic systemic perspective.

That body of work started in the Clinton administration, continued and then took a sharp downturn in the Bush administrations, and then essentially we had to rebuild that in the Obama administration.

Did 25 investigations over the course of the Obama administration,

entered into more than 15 consent decrees, which are binding court agreements, and I'd be happy to go into detail about that if folks are interested in what that looks like.

We are in a very different position today. I was in the Obama administration. This was a major priority during the administration. This administration has made a priority of very publicly making a show of and, in fact, pulling back from the work.

Our current Attorney General has a narrative that there are a few bad apples in policing, and so actually the criminal accountability work has continued. I have former colleagues who are still there doing work on the criminal side, but the pattern or practice work has scaled back dramatically.

Just a quick data points, couple weeks into the job, the Justice Department tried -- to a couple weeks into Jeff Sessions' job, the Justice Department tried to back out of a consent decree that had already been entered with the city of Baltimore where the Justice Department found a series of constitutional violations.

The Justice Department did in fact pretty much drop the case in Chicago where we published findings of a pattern of excessive force and complete lack of accountability within the department.

So there's been no federal follow-up to that case and the state has had to pick that up, the state of Illinois, the Attorney General has played a role.

You're not seeing new investigations being started under this administration, that's because this Attorney General disputes the notion that there is systemic misconduct in law enforcement and challenges the notion that the federal government has a role to play in exercising some kind of supervision, even when it just comes to ensuring constitutional rights over-police agencies.

MS. WILLIAMSON: I think this question of sort of individual

accountability and structural accountability is such an important one that I really want to unpack.

Rashawn, your work really speaks to this in a way. So you have sort of connecting the nitty-gritty of what can you -- given police department or for a given police officer what could be changed framed in this much larger question of how do we think about protecting constitutional rights at a national level.

So can you tell me a little bit about what I think is one of the coolest new projects I've heard of recently, so you guys are using virtual reality and working with police?

MR. RAY: Yes. So what we're doing -- so I'm the executive director of what we call LASSR, it's the Lab for Applied Social Science Research at the University of Maryland.

What we've been doing, some of the students are here who have been working on this project with us as well as other colleagues at the university.

What we've done is we've built virtual reality simulations, essentially what we call human interaction simulations that allow for police officers to go into a virtual world and actually mimic what they experience in real life.

We focus on two types of scenes -- suspicious person scenes and pull over scenes. We go out actually into local communities, say in Prince George's County and other parts of Maryland, and we actually film these scenarios.

We paired up with computer scientists, so it's really a computer science and social science collaboration. They're on the technology side, we're obviously on the substantive empirical and theoretical side.

What we've done is we've developed about 90 different scenarios and these different scenarios essentially allow us to experimentally and objectively actually

measure police decision making. This becomes extremely useful for police departments. As an example, we know that police officers -- I mean, I think they have arguably the most dangerous job in the United States. Of course statistically we could talk about that, but just knowing what they go through every day, even beyond the stats, is something that a lot of us wouldn't do.

With that being said, they're under a lot of stress. They also work a lot of hours. So you could imagine someone where sleep or lack of sleep might impact them. We know living in this area for example, you might spend two to three hours a day in your vehicle. Could you imagine going to work for 12 hours, having to go home, being called back after four hours to go into another eight-hour shift, going home for two hours, coming back for a 12 and then someone says something to you and you haven't had coffee, you're probably very short tempered.

We can actually measure this. So we can measure lack of sleep, we can measure stress levels. So what we've essentially done is we've been able to scale up physiologic outcomes. What this means is we can measure heart rate, we can measure stress and speech, we can measure reaction time.

So just to give you an idea, we have lab rooms in our Group Processes Lab and in our Department of Sociology. What happens is, we have these different lab rooms. Officer will go in, put on the gear, the headset, the earphones, and they're hearing police banter, they're responding to a particular call, they put on a heart rate monitor, and they might face someone who say is in an urban space but who might actually be very irate or they might actually have some mental health condition, like they might be Autistic.

We can imagine that being able to try to decipher a person who's Autistic versus a person who is just aggravated might be something that's very difficult to do.

Part of the state mandate for the state of Maryland, for example, is officers getting trained in dealing with individuals who have Autism.

Simply because you can deal with people who have Autism after you know they have Autism doesn't mean you know how to deal with them before you actually can determine that they have Autism.

The other thing we're able to do is we measure urban and suburban spaces. We measure the race of the person who they encounter. We measure whether or not they have an accent potentially. So we can imagine someone getting pulled over and all of a sudden how an accent might elicit a certain amount of stress from a police officer.

All of these different data points might impact decision making among police officers. We can actually measure this.

Then what we do is we overlay that information with police officer's demographics. We don't get their names, we don't get their badge numbers, we don't want any of that information, but what we can do is get their demographic outcomes.

We can get how many years of experience they have, how much sleep they've had, how far they drive to work, whether or not they have military experience, whether or not -- what their level of education is.

All of these factors that may play a role, we put them into these statistical models that we like to play around with. Then all of a sudden, they tell us a lot about behavior.

I can tell you some of the things that we found. First is that civilians perform much worse than police officers. So in other words, even though police officers have issues that we already know that you addressed and that we can talk about, most of us have published on and work on, but compared to the general public they do much

better.

The other thing we know is that police officers vary. It's not necessarily about the race of the officer, per se, which is something that people get confused on. Instead we think it's a lot about whether or not police officers live or are from the neighborhood where they're policing.

Now, of course, that ends up mapping onto race in some ways, depending on the neighborhood where you're in. So if we take D.C., if a person is say in Ward 7 and 8 and they happen to be an African-American police officer and they're from D.C., then the high likelihood they're familiar with the space. But that doesn't necessarily mean their race in and of itself is explaining their behavior.

So I mean, of course, I could talk about this forever, but I think the point is that it's really an objective way of doing this. What we've been doing is working with police departments.

We developed a program to bring them in, to go through this training, to give recommendations back to police departments. So in response to the type of work you've been doing obviously, when departments get decent decrees or they're trying to get ahead of decent decrees, they might ask us to come in and actually provide some type of service.

MS. WILLIAMSON: So we've been talking a little bit about the -- looking at the things from the police side, from the official side. I also want to bring in Nicol to talk more about the movement side of this and sort of two things in particular.

So if you think about to have the kind of reforms that maybe your work points to go in place more broadly, you need to build political power, you need to build that mobilization.

I mentioned in my (inaudible) the connection throughout the history of the

civil rights movement, particularly on the issue of state-sanctioned violence. At the same time, and, Nicol, I think your work really speaks to this, can you talk a little bit about how the Black Lives Matter movement developed and its connections and some of the tensions maybe with previous generations and activists?

MS. TURNER-LEE: So thank you, Vanessa, for having me on being on this esteem panel.

Let me start by saying this: Black Lives Matter is personal to me, it's personal. I have a 15-year-old son who is very much the age of Trayvon Martin back in 2013 who was wearing a hoody, just like the hoody I bought my son, and was shot by a civilian who mistook him for living in that complex. That was one person.

Then there was Michael Brown, who was shot from the back in Ferguson, Missouri; there was Michael Scott who was shot from the back in Charleston, South Carolina; there was Sandra Bland who was shot in Texas, who made an illegal U-turn.

There was Philando Castile who was sitting in his car; there was Erica Gardner who could not breathe, there was Jordan Dunn who played music; Korryn Gaines in Baltimore.

I'm just going to say all the names, just so we can get the context of why we're all sitting here. Stephen Clark, who was found in his grandfather's backyard; Tamir Rice, who was carrying a toy gun, they have names and that's why Black Lives Matter.

(Applause)

MS. TURNER-LEE: That's why it's personal to me. So I say all that to say the movement in and of itself developed by three women at that was really about how do you actually take this violence that we were seeing that was showing this repressive state.

I mean, black people have died before. Chicago it was experiencing murders every day, but black-on-black crime did not have the attention until we saw Trayvon Martin be killed in Florida.

What does that mean for movement building, I mean, it started -- it wasn't until 2014 that we actually saw Ferguson have a hashtag called Black Lives Matter. In my background I do technology, but I study social movements. My dissertation was on social movement theory.

Part of what we were actually seeing in the Black Lives Matter movement was this confrontational revisiting of the fact that this was not acceptable anymore. The tools that were available to the BLM movement was different from the civil rights movement.

You didn't have a charismatic leadership approach, you didn't need Dr. King, because it was evident that people were dying. Why, because we all carry what, cell phones.

Back in the days in the '60s, the 1954 United Church of Christ had to sue southern television stations, how many of y'all know what I'm talking about, just because they were not showing the civil rights movement in the south.

Today that does not happen. You can open up your phone, you can record, you can post it. Unfortunately it does not lead to an indictment. That's what we're actually seeing and I think we'll talk more about that as well.

But the Black Lives Matter movement, which is a multigenerational, multiracial movement was really a clear response in protest to what we were seeing. You could not open your eyes every day, go on social media and take a blind eye to this.

So I think the courage of the three women who actually started it really spoke to the fact that there was a resurgence of black political etiology that was really

speaking to the humanity of life.

That's something, particularly for myself who is post civil rights was really important. It was really keen as a person who sat in the middle post King but before Black Lives Matter, so I'm actually considered old, somewhere in there I'm old.

What you actually saw was the sort of translation of what does that mean toward civil rights etiology and protest etiology.

Civil rights movement was different. Civil rights movement really started with coming out of Reconstruction. Emmett Till launched the moderate rights movement. The death of that young man who went to visit his family in the south from Chicago whistling at a white woman who just a year ago retracted or statement, whose body was dismembered and found at the bottom of a pond whose mother said I want an open casket so that Americans can see the racial injustice.

They didn't have cell phones back then. They had a funeral line with Mahalia Jackson singing where people could actually see that body. This is personal to me. I took my son to the museum to see the coffin of Emmett Till and then I'm reminded of Trayvon Martin and other people who are dying today.

With all that being said, the civil rights movement was about how do we have a response, an organized collective response to this type of brutality against black lives.

The difference is it was rooted in racial reconciliation. Civil rights movement came out of black church. The etiology around that with Dr. King was a charismatic approach to how do we heal America of the wounds of white supremacy.

In many respects, that's why the open casket of Emmett Till and the approach to lynching was as pervasive, because people needed to reconcile America's privilege hurts and wounds to be able to move forward.

What Black Lives Matter said is we don't need a leader. We just need a whole lot of decentralized leadership that are willing to come to the streets.

If you go back and trace many of the movements, it started with hashtag. We're going to meet in Ferguson, we're going to meet at this time in New York City, we're going to meet here at this time, and that actually created a ground (inaudible) of what replaced the type of technology used in the '60s.

People actually printed flyers to pass out to actually initiate the boycotts in Thelma. People used the phone tree to call to say you had to be some place. Centralized leadership mapped out the strategy for where people were going to be.

If you ever hear from John Lewis, he tells a very deliberate story about where people were to show up prior to the major marches that happened in civil rights movement. We don't get a lot of that with the Black Lives Matter movement.

So as a result of that, I think is -- to sort of come on to your question, Vanessa, a lot of resentment actually happened between traditional civil rights leaders.

In Ferguson if you all remember, Jessie Jackson was in a car and was told to get out of the city. Reverend Sharpton of National Action Network tried to do a press conference and they kicked him out, because they said we don't need that type of leadership.

That type of fragmentation I think in what we actually saw between these generational differences created I think some of the question marks that we see today.

In addition to that, I would also say it did not make the civil rights movement perfect. There was a lot of misogyny, a lot of homophobic attitudes that actually existed in civil rights movement. The same type of repel that we actually see for those of you who want a civil rights history that we also see with the civil rights legacy folks and Black Lives Matter movement.

It happened with the Black Panther party. Stokely Carmichael was not always welcome in terms of his tactics to go fronton with white supremacy, wasn't going to happen at that time.

Black Lives Matter actually reincarnated I think a lot of that spirited energy to get things done and they did just like the civil rights movement.

So I think as we go forward, the word I like to use is this difference of what is perceived as respectability politics compared to grassroots organizing and that different way in translation of messaging, Black Lives Matter being more toward humanity, the civil rights movement and black power being more toward the embodiment and encasing of black people's ability to have levels of freedom. In many ways, both of those liberation movements were very much the same with just different actors.

I think that's where as we go forward with this conversation, particularly with the backdrop -- because one of the things, and I'll just say this, in terms of differences too, civil rights movement culminated in a series of marches and protest activities to get to the Civil Rights Act, and to eventually get to the Voting Rights Act and still fighting for the Voter Rights Act if I may add.

But it took a series of concerted efforts, collective mobilization to actually create policy. It took a long time. King didn't even live to see what happened in terms of his legacy.

Whereas what I think is very interesting as research in sociologist, Black Lives Matter was actually able to do things in a very short period of time given the ground swell of its ability to attract more people through the visibility and high profiling of social media and other tactics.

MS. WILLIAMSON: Rashawn, maybe you would like to follow up a little bit talking about the social media aspect of this. I know you've done some work on it.

MR. RAY: Yeah. So one of the things that we've done is we analyzed at Twitter data. So after Michael Brown was killed, you're seeing all this stuff on the news, you're seeing everything going on. We were thinking what can we do and what can we talk about now.

As we know oftentimes historians and even social science -- broader social science, sociology, political sciences, we typically have to do things with social movements decades after.

Social media allows us to study the now, allows us to document the now. And we paired up with some humanists, some English professors, who were simply archiving Twitter data. We have very different ways of exploring this.

We collected over 30 million Tweets about Ferguson from the time Michael Brown was killed -- actually we went back about ten days before until one year after his death. There were a few things that came out of that.

The first thing, as we just heard, Black Lives Matter wasn't super popular at the time Michael Brown was killed. By November of 2014 when the non-indictment of Darren Wilson occurred, that was when Black Lives Matter really exploded.

What we seen in November after he wasn't indicted was one of the days in American history with the most protests around the United States. Of course it -- then the women's march came, but it was still within this short period of time as Americans kind of grappling with the social norms, with this culture about what we stand for moving forward, so that was the first thing.

The second thing was that even though there weren't necessarily leaders attached, people were coalescing around certain people. So you had a person like DeRay Mckesson who came from Minneapolis, was an educator, came to St. Louis, had a marginal number of followers that in the academic space people would say that's good,

but more broadly not so much.

But within like a few months later, all of a sudden it just boomed and it was because he was chronicling what was happening on the ground. So the second thing we realized is that social media allows people to chronicle their own experience.

It allows people to circumvent traditional ways of telling stories, to circumvent traditional media. So we don't have to wait for what's happening.

I remember, just as an aside, we were collecting this data and what was happening at the Mother Emanuel Church, which was just the mark recently of kind of the anniversary of that horrific event is that I found out on Twitter what was happening. It was hours later after mainstream media really picked up on it, so that was the second thing we found.

The next thing we found is that there are what we call anti-thesis or kind of counter-narratives to the mainstream. For Black Lives Matter, the counter-narrative is what's called TCOT are.

Just by a show of hands, raise your hands if you've heard of TCOT. Yeah, that's typically what happens, not the people who know them -- we really would like a couple people in this room. Let me tell you why you need to know about TCOT.

So one of the things we could do with these Twitter data, we archive them, we analyze them, we can look at what hashtags are most popular over a period of time. Not only was Black Lives Matter popular and became popular, it was only less popular than the names Mike Brown and Michael Brown but TCOT was also popular. It stands for Top Conservatives on Twitter. We analyzed four main time periods in our data -- when Michael Brown was killed, when Darren Wilson wasn't indicted for killing him, when the Department of Justice report came out showing the egregious forms of discrimination against black motorists and black individuals in Ferguson.

Then one year after Michael Brown's death, TCOT was more popular than Black Lives Matter in two of those four time periods. Only two of you raised your hand.

Now, TCOT takes credit for starting the Tea Party, so now of course we don't hear a lot about the Tea Party, but that's because it's ingrained in the Republican Party.

They didn't want to -- even though Republicans are different and I think we homogenize them and it makes sense, but Tea Party Republicans are very different than other Republicans. But because they didn't want to branch off -- like it could be argued that Trump or Bernie Sanders shouldn't have been running as a Democrat or a Republican. But because of our simplistic political system, we kind of seen that.

So they take credit for starting the Tea Party, which is formerly ingrained in the Republican Party, they take credit for revitalizing the Alt-right and they that credit for dismantling a lot of the themes that we know to be associated with Black Lives Matter.

So we actually analyzed the Tweets. Black Lives Matter had themes like whites killed -- whites taken into custody without being harmed for killing people and blacks being killed with impunity for not killing anyone. That's the theme from Black Lives Matter.

The second one was about social activism, but on the TCOT side it was about highlighting the ways that black people actually need to be vilified, actually framing Black Lives Matter as terrorists.

I can tell you one of the other things we do, we're currently analyzing this data now, but we have 120 interviews from police officers.

I would say as of now about half or around half, maybe a little over half police officers frame Black Lives Matter as a terrorist organization.

So when we think about it in that context coming from that perspective, we kind of put these things together. I think social media tells us a lot, but this is the key, key thing, final point, this is the fourth thing we learned.

TCOT people and Black Lives Matter people don't talk to each other. Less than one percent of Tweets included both of those hashtags. So in the social media space, social media reflects back to you what you give to it.

So the algorithms on Facebook, Instagram, Snapchat, whatever the new thing is now, allows people to actually just see what they already see in the mirror. It doesn't actually give them new information.

MS. WILLIAMSON: I think that's such an important point. Instead of following up on both of these points, I think for communities that have traditionally been disenfranchised, who are used to not being believed, social media, especially the video aspect of social media, has had this powerful effect of creating a record that means that maybe, one would hope, that people would believe you if they don't believe your word. I think we -- sometimes we've seen videos that are very disturbing and we've seen a lack of action on the official side.

So, Chiraag, can you talk a little bit about how that kind of information does or does not influence how police departments act or how court cases are decided? I think a lot of people are confused by that disconnect.

MR. BAINS: Yeah, the disconnect between --

MS. WILLIAMSON: Video we see, it seems like there should be -- the outcome here is obvious and then those outcomes don't seem to --

MR. BAINS: Yes. We refer to that also in terms of we're seeing the videos and cell phones and we're not seeing any indictments.

I think there's an argument that actually we saw more indictments as a

result of video. We're not seeing the level of indictments that you would expect.

SPEAKER: Is that right?

SPEAKER: We're seeing more.

MR. BAINS: Well, I think there are particular case -- 2015 saw more indictments than any year previously that they had looked at going back many years. Part of that I think was video.

If you think about the Walter Scott case that you referred to in South Carolina, the shooting in the back as he ran away from the encounter with the police officer, that was caught by an extremely brave bystander --

SPEAKER: Santana.

MR. BAINS: -- who took the video from his cell phone. Without that heroic act, we wouldn't have video evidence. There wasn't body camera footage or dash cam footage from a car or any surveillance video.

I can tell you from being a prosecutor of these kind of civil rights crimes, I would always want video and I would look for it from group canvassing around businesses. Some departments have body cams. More do now than previously did and that's also a change from what we had.

So it's not meaningless. It does in fact I think give prosecutors a tool that they didn't have before. Side note, video is subjective as well. So that was a rather clear video and helped make a very strong case. But actually in the state case where the state prosecuted the officer who shot Walter Scott, the jury hung 11 to 1.

The federal government, the office I had worked in, came in and secured a plea after some great lawyer work in the hearings leading up to the case, dismantling the defense and getting the case ready for trial.

I had cases where one person would look at it and it looked like a clear

say prison assault that an officer took somebody and jerked them to the ground and struck them when they weren't resisting.

And another perspective, somebody could say, well, you can't see what the person is doing when they're being struck, maybe they were posing a threat, and those things get litigated.

Because of jury nullification and because of the high standard in federal law and in most state laws, it's hard to secure these convictions. So you have to think about that on the front end, can I make this case, what do I need to prove this case. If a case like Walter Scott hung, then I can't take anything for granted.

So I want to say that these videos do help, but they're certainly not enough. When you see it on your phone, on your Twitter feed, you think that's an open and shut case. It just doesn't play out that way most of the time.

There are other barriers that I think we should look at as a society, so what does the law require for convicting a police officer. Just sticking on the criminal side here, because I think there's civil accountability and we can talk about that too.

On the criminal side, the statutes that exist at the state level tend to mirror what the Supreme Court says is allowed by police officers, and Supreme Court sets the constitutional floor.

They're looking at what does the Fourth Amendment say the police officer cannot do, what is excessive force, so what is reasonable or unreasonable conduct, that is the floor. That is the least the police officer has to do to constitutionally perform their duties.

State law could be higher and there could be intent requirements that are different in nature, recklessness and so forth, some states it's very hard. In Washington state, for example, it's the most challenging law to bring a criminal case under in the

country.

It has as an element that the officer accounted with malice. So you have to prove that this officer knew what they were going to do was wrong and intended to hurt the person and to violate their constitutional rights, not that it was reckless, it was a bad decision, the officer shouldn't have gotten themselves in the situation in the first place where they had to use force.

So there's been one case that's been brought in all the years that this statute has been on the books -- since it's been on the books in Washington. They're now trying to change that law.

So we can look at that, what does our law say, what are the tools at the disposal of prosecutors, and how do we make that set of tools better reflect our community values for when there should be criminal liability for officer use of force, so I think that's one reason.

Jury nullification I mentioned that a few times. Every time I walked into court in a case where I was prosecuting a police officer, it was an uphill battle. I didn't have any of the sort of extra credibility that prosecutors have when they go into court, the bonus that juries give them looking at them as their representative of the law, because the other table is a police officer and that person comes into court with (inaudible).

Often it would be the entire police department or many police representatives sitting on that side of court in the gallery, a show of support for the police officers. So what do we do about that.

That's why I think this stuff that you're talking about, Nicol, really can challenge people's notions and people start to think there are bad actors. Again, we're looking at the criminal side.

So you have to show that there was mal-intent or that there was enough

intent that it makes it criminal. I think people are starting to second guess it. We're not seeing it play out in court in very high numbers, but I think that's a function also of just how difficult it is to get convictions.

MS. TURNER-LEE: So this a really hard space that I'm in. I think you're right. There's this political -- the legal barrier and the legal burden of trying to convict a police officer in the United States. It just doesn't happen in the way that it should, even if you have the video evidence, because you do have the barriers.

But I think we need to impact that a little bit, because the same thing that we saw with Black Lives Matter, we saw with lynching. Lynching was publicized in local newspapers in the South. There was evidence of lynching and it was seen as a public display of accomplishment, but yet those folks did not -- they weren't prosecuted.

When mob lynchings happened, people knew who the person was but there was sort of this brotherhood effect of not doing that. That legacy in history has carried forward I think in all of the cases where African-Americans have been politically violated and repressed by the police, that is not new.

But when you unpack it, you have to sort of understand why is that the case. In sociology police officer unions do not hire people of color. So when you go back to community policing, the reason that you've actually seen a dismantling -- I lived in Chicago when Northwest University had an active research project on Community Area Policing When Violence was Low.

It was after the Reagan administration when all of those cuts came in that we began to see the lack of investment in local officers who could bypass the fraternal superficial relationships that were very, my brother's a police officer, my brother's a fireman, they're going to look like me.

Just go back to your local neighborhoods and see who your police

officers and firefighters are. If you spend enough time there, you'll find out they're either related or they're buddies.

That's why local elections also matter if you unpack it even further. All these cases we don't have prosecutors of color. We don't have sheriffs of color, we don't have people who make decisions -- I found it interesting in the research even you had a black mayor it really didn't matter, but at this level of prosecution, which is where I think you're staying, that matters when you're actually trying to get cases into a place of resolve.

So that's the one part of it. There's a historical part, then there's what we're actually seeing with regard to these systematic institutions where this new AG has basically said, we don't want to ruin their morale, so we're going to actually make them more militarized against these communities.

Which I think is also very interesting, because it's in line with the attacks of what it means to live while black in this country.

But I think the third thing to think about too as we sort of unpack -- and I want to go back to the internet activism piece. The Black Lives Matter movement, and I think you say it, Vanessa, very well in your paper is this attempt to shed light on the sanctity of black life, which has been missed and continues to happen.

So I agree with Rashawn, the internet activism piece I think in the Black Lives Matter movement was very orchestrated. They use celebrity endorsements, they use media narratives, they got to news cycle before the news cycle got up, they attempted to influence public opinion where they were not just black people fighting for black lives, there were other people fighting for black lives, which I think in many respects filled some of those courtrooms opposite the police.

You actually saw local people that actually sat against the police trying to

make some type of change. But I think what is the sad and most disheartening thing about this conversation we're having today is that it doesn't matter, black lives don't matter.

I just saw on Facebook in a college campus, somebody had posted a picture where there was just -- because there's chapters of Black Lives, there's 52 chapters and they're international. Even in London, they're dealing with this level of repression.

But someone had posted on Facebook just yesterday before the panel a sign that said Black Lives Matter and someone crossed that out and said, no, White Lives Matter, then the other person came back and said, you need to get a life, stop marking up my poster is basically what the third comment was. I was waiting for the fourth comment from this panel, but I didn't see it.

But what that speaks to I think is this still state of disharmony and disunion that happens among race and the fact that we've not resolved this issue of white privilege and the effects of that.

So going back to Rashawn talking about the Alt-right, we've not really resolved Charlottesville and so we continue to see this response.

We're doing a research paper here around political polarization on social media. People still exist within their echo chambers. Whatever I believe, I'm pretty tightly held to that belief and there are data brokers that exist between my communities to make me change my mind. I think we're going to continue to actually see this type of division actually exist in states that will become unhealthy.

What we're watching now -- I'm one of those people it's Black Lives Matter yesterday, today, and tomorrow. It's immigrant reform and watching young kids snatched from their parents, which resembles the same time of polarization that we

continue to see.

There was an attempt at one time to change Black Lives Matter to All Lives Matter, but that again still sort of degrades the fact that we need to have this conversation that was placed before the current commission.

Not to say anything about your boss. I really miss him, I do, but I think under the Obama administration we began that conversation. I think today we're not doing that in a way I think to Chiraag's point, it continues to set up this question of why can't police be prosecuted, why does my video not matter, why does my voice on social media where black people over-index in the use not speak to anything, why do thousands of people taking to the streets not matter.

I think for all of us in this room that may have joined a movement at some point or followed a movement, the difference that we're seeing today is that we cannot resolve this issue until we go deep into the bowels of how we got here in the first place.

MS. WILLIAMSON: I think that's really important. I want to take one more question for the panel as a whole. I think it really follows up on what Nicol was saying.

If we're thinking about what would need to happen on these kind of changes -- on one level, we're talking about 400 years of history. There's also concrete policy changes that might be avenues. One that we sort of talked a little bit about, body camera. Rashawn, I know you've done a little bit of work on how that work or doesn't work.

From each of the panelists, I would like to hear about what your thoughts are about policy changes that might put in place that are a step on what will clearly be a very long march.

MS. TURNER-LEE: I think honestly what happened with Black Lives

Matter in terms of political processes -- the fact that the Obama administration legitimized the movement.

I remember DeRay Tweeting from inside the White House, we're sitting here with President Obama, they're listening to us, I think said something and that led to body cams. It was the quickest reform I think we actually saw there with regard to that, even though there are some states who are now pushing against having those body cams on when police are using them.

All of this actually goes back to your point, what can stop this. Your report basically says that Black Lives Matter protests happen in places where people are highly stopped and arrested.

So sociologists used to say that even though, and I'll take the statistic of drug use, even though white Americans are the highest consumers of drugs, take more drugs, the likelihood of arrest is higher -- disproportionately higher in black communities.

That's a dated fact that you have more arrests in black communities where there's lower drug use and less arrests in affluent communities where there's higher drug use. Until you actually deal with that and incarceration, the repeal of the privatization of prisons makes it profitable to continue these arrests, because there's money to be made with regard to longer sentencing.

I think you have to go back and look at sentencing reform, arrest reform to actually solve this so that you can get to what your paper actually indicates where you're not arresting people so frequently, to Rashawn's point, that one bad actor in the midst of ten arrests shoots you as a result.

I think this kind of -- it's a play of the numbers when it goes down to it. I think returning to community policing is really important. As it was mentioned, not all Black Lives Matter bad actors were white. There were some that were black, but the key

thing is if you live in the community, which was West Hogans Point at Northwestern, which is if you live in the community, you know the community, you know the kids that are walking around, you tell the kids to get off the corner, you tell them that you're going to tell their mama.

When I was growing up if you were hanging on the corner, one police officer would say I'm going to tell your mama and you would run home as fast as you could, because you knew they were going to tell your mama in church or at school or someplace else.

There is value for having local police officers know the indigenous nature of the communities in which they serve, there's value.

I think you actually have to do that along with finding ways to institute a Rooney Rule when it comes to police officers that work in communities. You cannot have 50 applicants taken a civil service test that most black police officers don't know the date, it's been a proven fact, they don't have a chance to compete in those precincts. You turn around and you have a police station that looks very different from the people that live in that neighborhood.

So I think reforming that whole process, instituting a Rooney Rule where you actually through in black candidates, all that actually works. It's a diversity issue, it's an institutional structural issue.

I think, Rashawn, your point on the psychological and physiological piece of it, it's a little bit of that, it's stress. Most of those videos that I've watched, and I'll just end there, it's always a stress -- I mean, there's some where the person is thrown to the ground immediately. Erica Gardner was thrown to the ground immediately for pedaling cigarettes.

He was a big guy. It was assumption because he was big. There was a

guy in Texas where the police officer said in an interview he was so big, that we were scared, and he wasn't carrying a gun. But Tamir Rice was a kid. What physiological response do you have to a kid holding a fake water gun? So there has to be something done.

Just like truck drivers have to take a time out if they driving too long, maybe police officers need to take a time out when their physiological state is just out the whack or they need more accountability so that more people stay alive. That's why it's personal to me.

Because after Trayvon Martin, after Black Lives Matter, I had to teach my son what to do in case a police stopped him. That was not a conversation I wanted to have at 14 years old.

MR. BAINS: I agree with a lot of that. I think it's hard to deal with this problem unlawful or just police misconduct in isolation. But we sort of do have to take that on head on, because sometimes it can feel too large. You have to change the entire criminal justice system, we have to deal with mass incarceration, and we don't really get anywhere.

So on the criminal side, I think there are some reforms that are possible. As I said, looking at language in state law and addressing that, so changing some of the language. Make it a little bit more consistent with what we think should be prosecuted. These state laws are sometimes a result of political capture in some industries, particularly police unions, having a greater influence over the process than other parts of the community. So that's one thing I would look at on the criminal side.

I'm sort of looking at that right now, involved in a project where we're looking at a variety of state statutes and seeing if there's language that could change. So I'm interested in that.

I think people shouldn't give up hope on the criminal side. I think the criminal process is important for saying, yes, black lives do matter. When people say they don't matter, as you did, Nicol, it's often because they don't see that indictment.

At the same time, I am -- and I say this as a prosecutor who personally was a prosecutor. I am skeptical of prosecutions bringing about systemic change, because then you are looking at the single bad actor and just an individual and you're not looking at what is driving the system as a whole and how do we change that.

I'm at least equally interested in how do we change those systems. Sometimes it's -- often I would say it's policy decisions that are made far above the heads of the line officers who you see in your viral videos.

So if you look at stop and frisk in New York, this wasn't this individual officer decided I'm going to stop all the black and Latino people in New York City regardless of what they are doing, that was pressure from above.

The decision made by the mayor and the top police brass that this is how we're going to bring about safety in New York City, order policing. So I think questioning broken windows policing is a major thing.

Baltimore similar thing, officers were complaining about their jobs as well. They didn't want to spend all their time clearing corners.

Officers in Ferguson didn't want to spend all their time issuing tickets and arresting people who didn't show up for a ticket for failure to keep their lawn in order, although that happened quite routinely for high grass and weeds was the charge.

Yet there was a policy choice that was made by the city finance manager, by the city manager overall, that we're going to use our criminal justice system to raise revenue for this town.

So I think we need to look a few levels up when we're pointing the finger

or when we're deciding who is it that's to blame here, or rather what needs to change is probably the more productive question.

I think there are some concrete things we can do to try to in how policing happens on day-to-day basis. So look at police policies, what do those say. So just as we're looking at state law and how it needs to change, we can look at police policy.

Police policy can be significantly more restrictive on the use of force, for example, or when stops are done, when arrests are made than state law allows.

State law and actually constitutional law allows you to arrest someone for anything, failure to put the seat belt on in the Sandra Bland case. It's a Supreme Court case. You can take someone to jail for not wearing their seat belt. Even though it's not punishable by jail time, you can take them to jail for that. Supreme Court says that's okay.

Yet police can change their policy about that, they can say, no, we're not going to arrest unless it's this level of crime. Look at ways to get at bias in policing. So there's a lot of talk about implicit bias training and I think that can be fruitful, but I'm honestly a little bit skeptical of that as well.

I'm more interested in what are the rules that govern police behavior that prevent them from getting in a situation where that bias may be exercised, that bias that lives within all of us.

We could look at when consent searches are done, when do police ask for consent to search and then do a search on that basis, when do they stop someone -- when do they engage in what we call voluntary encounters with people and when do they not.

Pretextual search is another -- pretextual stop, rather, is another situation. Supreme Court says you can stop someone for a traffic violation, even though

you're really interested in just seeing if they have any drugs or committing any other kind misconduct. You don't need any level of suspicion as to the actual crime you're interested in investigating as long as you have some pretext that passes muster, including running a stoplight or not stopping at a stop sign. But that can be restricted and it has in at least one state and a number of police departments. So I think concrete policy changes like that are big.

On the training side, de-escalation training and training about how to interact with people on a mental health crisis, which is called crisis intervention training, I think is really promising. We implemented that in most of our consent decrees, especially in the post 2012 period, and that helped reduce the use of force in the Seattle and Portland police departments dramatically.

So we've seen changes through these consent decree processes by these targeted policies and they actually have become somewhat mainstream.

If you look at police professional organizations like the International Associations of Chiefs of Police or the Police Executive Research Forum, which are staffed by ex-police chiefs and people who have been in law enforcement, they're recommending these same kinds of changes. So I think there are some concrete things we can do to try to improve policing today.

MS. TURNER-LEE: If I can just -- I'm sorry. So I think you're right on that, Chiraag, but I do think that reforming police policies and procedures is not enough, because bias is real. It goes back to who is likely to be pulled over in the research that we know around racial profiling.

When I talk to my friends that are sort of in the legal space trying to come up with concrete measures and policy proposals that in many ways look very fair and equitable, because if everybody follows the procedure, you still have this undergird of

racial profiling that still makes it likely that I will be pulled over as a black woman for a seat belt violation versus somebody else, just by my physical appearance.

And then I've got to figure out how to get out of that situation. They might pass me by, but according to statistics, the attack on African-American men, they might not be so lucky.

So I mean Sandra Bland started out as a violation of seat belt, but it landed up in her death. So I think we still have to unpack the fact that these actually run very parallel to each other.

So I love what the DOJ did as far as making those consent decrees very clear, but we never unpacked what I think the current commission was trying to say, is that we've got to look at the root causes for why inequality still exists.

I just have to say that because I think it's so hard -- we want a prosecution because we want -- the prosecution is a visible sign of unwavering support of black life, that is the main reason for prosecution for most people right now.

If they can see someone get to the stage where a police officer is locked up for the senseless killing of a person who did not have a weapon on them that means a lot, because it shows a symbolic retransformation of invisibility that black people have had to be subjected to for so many years.

I just say it like that, because I think that there's always -- there's so many parts of it like you said and I think they actually have to be like an old country buffet style meal, you got to put them all on the table and you got to eat it all at the same time and you got to make sure you get full on all of them, because at the end of the day, that's the purpose is to make sure people don't die anymore under the hands of state repression.

MR. BAINS: I don't actually think you were saying anything different. I

totally agree with that, but I do have this impulse to give people something concrete.

MS. TURNER-LEE: I know. You're a lawyer. I'm a sociologist. I get it, that's why I'm not a lawyer.

MR. BAINS: There are concrete ways to address bias. I'm skeptical that an eight-hour training -- usually like a two-hour training on implicit bias is going to make police less likely to stop people because they're black.

I'm interested in what rules can we put on when stops are committed in order to prevent the bias in the first place. In fact, we probably need a truth and reconciliation process about slavery and everything between then and now to really deal with this.

We did make a couple of moves toward that in the Justice Department. We had this pilot program with six police departments where we brought in sociologists and other Ph.D.'s and law professors and some community groups as well, and racial reconciliation was one of the three prongs of addressing the breakdown and trust between a community -- or the absence of trust in the first place between a community, predominantly black communities and other people of color and police departments, and so that I think is not getting the support that it got in the previous administration under the current administration, so I don't know the current status, but there were at least some gestures toward that.

MR. RAY: So I think I'm like almost right in the middle of you two, which is good. Partly it's because obviously we've been working with police departments quite closely.

So for me it's not just about the policies, but it's also about the implementation of those policies and that's really what we're talking about here, and I have a list of them. I'm just going to run them down.

I do think body worn cameras are important, but even less about just getting body worn cameras, it's about the implementation of those body worn cameras. So studying body worn cameras in police departments, there are big differences between whether or not the camera stays on the whole time or whether or not officers control the ability to turn them on, whether or not a dispatch tells the officers to turn them on.

I actually don't think people understand and realize how many things police officers have to think about when they're going out to a call. You have something new, it takes a little while to scale it up.

We can talk about those things. For example, police officers in certain places in Maryland are going around reporting potholes to the Department of Transportation. Like do we want our police officers doing that, do we want them filling out a report about potholes.

Now grant it, I don't know about some of the streets you've been on, but some of these potholes need to be corrected. I'm not saying that, but what I am saying is I don't want my police officers necessarily focusing on those sorts of things.

The second thing -- I mean, I do agree that implicit bias training is very important to me. Obvious we do a lot of those. The way I like to frame it, because implicit bias has been framed so negatively, even though as a sociologist who specializes in social psychology, it's like the first week when I teach social psychology we talk about this. The term has been around since the 1950s, it's not anything new.

But we could call it something like human interaction training, like it instantly changes what we're talking about even though we're talking about the same thing.

Third we need to change the rules of engagement that police officers have with civilians. What that means is we need to change de-escalation, but what about

the rules of engagement.

The respect why in the Tamir Rice situation, did those officers get sanctioned, yes -- and I'll come back to that in a second about what that means and what we can do with that -- but per their kind of code of conduct and how they respond, because they rushed up on him so quickly, they then had to go to a different set of rules of engagement that they actually followed.

Now, we can have a problem with the fact that they ran up on him so quickly and of course -- I have a six and a seven year old, so I have all kinds of feelings about this kind of stuff, but the point is we have to change that.

Fourth, I think community policing matters. I think we need to have police officers living in spaces, because part of what happens is that a lot of people in this room we live around police officers, we work with police officers, we see them at church, we see them in grocery stores, we see them at our kids' school.

People who live in neighborhoods where I grew up at never see police officers unless something has happened. That is a fundamental reason about why we feel like we can personally identify with police officers.

And with that being said, there was a USA Today poll that I think highlighted things correctly, which is that, yes, 85 percent of blacks think we need to change policing and policing behavior, because there's bias there, but 50 percent of whites think the same thing.

So what that means is one out of two white people are like something's going on, I don't know what, but we need to do something about it. I think that mobile pressure, we can actually do something about it. I think that percentage is much higher than what people think.

My last three things are very specific, but I think they're very important

based on what we've seen interacting with police officers.

Fifth, we need mental health services, not just for the community, but for police officers. Part of what happens is they go through a psychological eval and it is not as strenuous as it should be. You know what, because if they actually come out and really talk about their feelings, they might not ever be able to police again. You got to think, how would you feel, you've been on the force 15 years, five years from now you're about to retire, send your kids to college, and if you tell them what you're really feeling in your head, that won't happen.

I don't know about you, but it's going to be difficult for me to necessarily express that, so we need outside entities to come into the police departments to actually do that evaluation so it doesn't hold consequences for their job.

Six, we need to change the source of who pays the burden of officer-involved shootings. Do you all know when there are big payouts like in Korryn Gaines that was like over $30 million? Do you all know who paid that, residents of the city of Baltimore. Baltimore already doesn't have any money, just being real. It's like St. Louis, they don't have any money.

Like if you rode through those neighborhoods -- like most of you probably haven't. I have. I'm from neighborhoods like that. I ride through neighborhoods like that. They don't have any money.

Imagine if we change the source of that to say police pensions. Now all of a sudden when Vanessa getting ready to do something I'm like, hey, you, that's my kid going to college, you need to rethink what you're doing. It changes how they hold each other accountable.

My final thing is very important along this accountability front. Police officers get sanctioned internally all the time. We never hear about it. We can have a

conversation about whether or not it's important.

Think about it, on your job people get sanctioned internally, it doesn't become public, but it could be argued it needs to be made public, because now all of sudden that holds people accountable, because they have internal judicial boards all the time where they're demoted, where money is taken out of their pay, where they're asked to be on desk duty.

If that became public, all of a sudden at least with certain level of accountability not with us, to them, but with police officers as individuals with each other. That's really what we need to get at.

MS. WILLIAMSON: I think this has been a great discussion. I want to open it up to the audience. I'll start over here.

MS. SIGEY: Good afternoon. Thank you so much for this discussion. My name is Julia Sigey. I'm a senior at Howard University. My question is what role if any can and do businesses play in advancing the political and legislative conversation around police brutality and police behavior?

MR. RAY: What does who play?

MS. SIGEY: Businesses.

MS. WILLIAMSON: I think this is an interesting discussion across a lot of different areas on a genuinely different subject, but I was thinking about in North Carolina there was such a strong response to the anti-transgender legislation that passed. There was a real business hit that happened there, but I don't know if something equivalent hasn't been occurring on this issue --

MS. TURNER-LEE: I would say on that, you still have the same type of structural discrimination and systemic racism that exists. You go to many of these communities where you're actually seeing this increase in shootings, police violence.

Some of these communities, not all of them as shown in Vanessa's work, they don't have black businesses. They're not owned by people. It's sort of a repressive state with businesses there.

When I go get my hair at the place it's not black people that own it, some of y'all got it, some of y'all didn't. But the key thing is they're not looking at me as a person who actually from the community, because they're not from the community either.

So you actually had the same type of dynamic that's sort of set up, which is unless you have people working and living in those communities, it kind of goes back again to police officers that went to your church.

When I was growing up, the '60s, we had black businesses. This is right after integration became more popular where people actually knew you, they knew your kids. If you stole a penny candy at that time, trust me, you didn't necessarily go to jail, but you got a slip on the wrist from that business owner who then told your mama and then you got a slap on the fanny when you got home. So there was a different dynamic that we're seeing.

I think that's an interesting question. I think again it still goes back to level of accountability that we have for police officers the same way we have for businesses.

If you were to run a Black Lives Matter parallel campaign, there's still the instances of people who are shot and killed or wrongly arrested for simple things within local businesses that are right down the street. A pawnshop has no mercy for local residents. A liquor store is not looking at you as a person who spends your income there if they don't live there.

Again, it's the same dynamic I think as the police that African-Americans have sort of been set up in, which is, who are your friends in that community, which is

why I think many of these movements have come from community activists who actually see this or activists who are in the Millennial generation that have left.

DeRay has been on this platform several times then have decided to join in on these collations to bring awareness to the issue. That's the beauty of the internet with regard to that.

MS. WILLIAMSON: Other questions, ma'am?

SPEAKER: Thank you very much. I'm (inaudible). I'm an active member of Iran-American Community. November 27, 2017, a young man by the name of Bijan Ghaisar who's a member of Iran-American Community was shot nine times, four times in the head and he was dead at the scene.

We still don't have -- by the Park Police, we as a community still don't have an answer from the police. I think the FBI is on the case. My question to you is this -- based on what I know is his car was dark, dark windows, and his license plates of the Ghaisar and he had a -- I don't think you were able to see him, so there was obviously racial profiling.

How much of the racial profiling actually exist among the police department?

MR. BAINS: I've seen the video from that. There's video footage that is public on that incident and what you see is the car stops at police and then departs, and then stops again and then departs, and then the third time it stops. As it starts to depart, an officer puts a gun right to the side of the window and starts firing. It's a pretty difficult video to watch. It's pretty distressing.

So what's happening there is there's an investigation ongoing. I'm going to go to the other side, you just shutdown. You don't share anything, because you're trying to build your investigation.

This is not what you asked for, but I'll just say as an aside, I think federal investigators need to think about when -- about sharing information a little bit more freely.

When you really need it for your investigation, you don't want it out there. For example if I had a video and it wasn't a viral video, I wouldn't put it out immediately, because I'd want to use it to try to extract truth or catch somebody in a lie and then have some leverage on them from people who are witnesses in this case, possible witness in this case, I'm trying to build my evidence, but that is not the community expectation anymore.

The community expectation is if there's video, we want to see it. We want to know what happens. We have not a lot of faith in the criminal process. We have to find our own mechanisms for bringing about accountability. So that's just something I think the state has adjusted to and the federal government needs to think about a little bit as well.

You're now seeing some police departments release videos within 24 hours or within a few days. The federal government should do what it needs to do as well investigation-wise, but then be very expeditious about turning it around.

In terms of racial profiling, that was a consistent theme of the investigations where we made findings of constitutional violations. It's a violation of the Fourteenth Amendment to intentionally engage in racial profiling, so to treat people differently because of their race.

In some cases we found that, yes, we can prove the intent. In Ferguson we found explicit emails. I had access to their emails. I remember checking late at night looking through this stuff and then finding like -- not literal, because it's not literal, but what you think of when you think of a smoking gun piece of evidence; that is, racist jokes, racist words being used between the police officers, that going up to the highest level of

police department, high people in civilian leadership.

But often it's difficult to prove intent, so that's not a constitutional violation. But there's other federal law that allows to say that there's a discriminatory impact and it's not justifiable.

The federal government has some tools there that private citizens don't have when they bring lawsuits. It's why it's so important that the federal government find this.

We found in Ferguson, for example, black motorists were more than twice as likely to be pulled over, but they were 26 percent less likely to be found with contraband, so evidence of a crime.

So either the police department is just really bad at figuring out who to stop, have extremely bad intuition about who's engaged in criminal activity, or there was intentional racial profiling -- or there's racial profiling going on. Baltimore similarly we found a series of disparities. This was like a core finding of where we found unconstitutional or unlawful conduct.

So I think it's a systemic problem. It's happening all over the United States. There's been studies going back through the early 1990s at least documenting it, and it's something we haven't addressed and have to continue to grapple with.

MR. SINGLETARY: Good afternoon. My name is Gile Singletary and I'm a second-year master's appellate policy student at the University of Michigan. My question regards institutional cultures of silence.

So many of us in this room and around the country know all the things that we're -- we're being reminded of all things that this panel was focused on today, but what about those in police departments that have addressed institutional racism?

Two names come to mind officers Michael Wood, Jr., and Joe Crystal,

who were both Baltimore Police Department officers that were fired from the force and then had hard times finding jobs in other law enforcement, given their exposure of racist institutional practices.

So what do we know about the culture of silence in police departments that we don't know already?

MR. RAY: I think that we -- I mean, obviously we've -- working with police departments we see this a lot. Retaliation is real. Retaliation isn't always just about being sanctioned internally or even losing your job. It's also about losing friends, losing social networks, losing your livelihood, and even potentially at times losing your life.

When we talk about Baltimore, there's a lot of things going on up there beyond just people losing their jobs, so your silence becomes your acceptance. So my granddad was a drill sergeant in the military, he would say that all the time.

So people get silenced, because they see what happens to other people. Part of what happens in these organizations that we don't really know, I think the way I like to think about police departments, the kind of policing, is that policing is a political organization of a paramilitary institution.

In that regard it's complex in the sense that you have a lot of people -- a lot of different actors playing a role in this. So you have elected officials, you have the police command staff, or the administration, you have the Fraternal Order of Police, you have within police departments people changing positions, and then you have these sets of individuals who are kind of like the untouchables. They become individuals who are able to do different things and kind of go rogue. I'll kind of give you an example of how this kind of stuff plays out.

So say if a person gets sanctioned but there's not -- or say there's a

criminal trial but they're found not guilty. What at times the Fraternal Order of Police representative will tell them to do is to resign. Why do they resign, because they weren't fired? They resign before they got fired. What does that mean, they can go work somewhere else. They can even sue the department for back pay.

Then all of a sudden when you have outspoken people in the department who speak up against these sort of issues, all of a sudden they get hit up on some trump charges. I mean I could tell so many stories that I'm not really supposed to talk about, so I'm not going to talk about them. But with that being said, I've seen people demoted from say captain to lieutenant, from major to captain who haven't been promoted because of these particular issues.

The thing people don't get -- and this isn't just police departments. It's fire departments as well or any type of paramilitary organization. When you get demoted, you lose pay.

So think about it, your family's used to you making a certain amount of money. You've been making this amount money for the past five years then all of a sudden you get demoted. Now all of a sudden that means those extra things that you were doing to provide for your family, you can't do.

So the silence is real in a sense that it doesn't just hit you in terms of your ability to do your job, it hits you in your pocket, it hits you at home. Now all of a sudden you have to go home and tell your partner, we got 7,000, 10,000 less dollars coming into our house because I chose to say something. They're looking at you like, well, be quiet, I mean, literally.

So the point is the pressures with police departments and police officers, I really don't think people get it. I just want to make this quick point about bad apples, so we hear about bad apples.

I have a very different take on bad apples. I think about bad apples this way: Say we come in the police academy the same time, say we come out of high school. You get promoted after two years and I don't. Two years after that, you get promoted again.

I still haven't got promoted, because for whatever reason I didn't do very well on the test. It doesn't mean I didn't pass the test, but there are only a certain number of positions.

Then because you got promoted, you get to go back and get an associate's degree, so now we fast forward. Say we're 28, you're making a whole lot more money than me, we've each been on the force about eight years. You're saying lieutenant, I'm still a patrol officer.

But then you come out of the police academy and I've been on this particular beat for eight years, who do you think they put her with, me. What do you think I think about people in the police, because now all of a sudden I might have you come out of the police academy, but because you have a bachelor's degree, now you're my boss.

So now all of a sudden I become a bad actor, not just because I'm just a bad person, but because the way the systemic organization is set up. It leads to me being bad and I might actually be one of these good old boys that gets protected.

So now I become untouchable, even though I'm just on the beat. But I don't have your power, I don't have your power, or your power, but there's nothing people can do about me.

This leads to people saying why should I say anything, because I don't want to lose pay, I don't want to be fired. I have my pension, I have a livelihood. This is the thing, they see this a lot.

For a lot of departments when you hit 20 years is when you get your

pension money. There are a lot of people they hit 18 -- 17, 18, 19 years and they were considered a rogue person, a person who spoke out, they get fired. You know what happens, they lose their pension.

You imagine that, you've been doing this all this time, doing what you thought you was supposed to do. So the point of me just bringing up these examples quickly is while I'm a speak up, speak out kind of person, the point is what I try to do is to understand why you would be silent. I understand it. It doesn't make it right, but I understand it.

So all of a sudden if we start blowing the whistle on these internal sanctions, though, now it gives me the ability to speak up a little bit more. That's kind of why I say these policy changes can happen, even on a local level if they don't necessarily federally can make a big difference.

SPEAKER: Can I also say to your question, this is sort of taking it beyond the police department, Colin Kaepernick doesn't have a job, because he took a knee.

The culture of silence is all over. People who are last hired will be first fired if they actually have any type of conversation, whistleblowing, particularly if you're a person of color.

Culture of silence is not just in the police department. In my work, I try to look at stuff where it's sort of related to this -- I love the expertise of the gentleman on the panel from a legal perspective, police department perspective, but I think if we're going to come up with resilient movements, we have to understand the context of how this fits in the broader perspective of what's actually happening out there.

These pockets of what we see in the police department are no different than what's happening in the NFL, no different. Those that speak up for things that are

right, were even asked by this president to leave the country.

That's a deeper battle that I think goes into these institutional structures that come out of that legacy and history that make it quite sad that people -- I would rather be bad knowing that I'll be protected by somebody, I'd rather close my eyes than to be the person that makes a change.

Change does not happen from the complacent. If Martin Luther King did that, many of us would not be -- I wouldn't be sitting up here in Brookings. So the culture of silence benefits no one if they don't actually act on it to be different.

You may lose your job, you may lose your life. Malcolm X died in his 40s, Martin Luther King died in his 40s. There's tons of leaders that died for the sacrifice of people not having to be silent. So I get it, but it's not just the police department.

SPEAKER: Hi, my name is (inaudible) and I'm a rising junior at University of Maryland, College Park, and I'm a program associate at the Ozgood Center for International Studies.

I particularly have a -- well, thank you for this panel and I particularly have a question for you, Nicol.

So during the Baltimore riots or Baltimore uprisings after Freddie Gray's death, I was actually still in high school at the time. I went to private school in Baltimore County and there was a lot of like the use of social media for that entire thing and like how things were distorted on the news and stuff like that.

What are your views on that and what are your opinions on the use of social media in that particular situation?

MS. TURNER-LEE: Yeah, I think it goes back to -- I used to always tell people there's a difference between a civil rights -- a movement -- I used to call them the moment and the movement, the hashtag moment and the movement.

I think what's interesting if you actually fast forward to today, I'm very impressed about the movement for gun reform with the Parkland kids. Not only did they actually organize via social media, the young kid actually wrote a book with his sister.

They are actually registering people to vote and tons of things that they're actually doing that's ancillary to the hashtag to move forward. I think what the hashtag did in Baltimore's case for many of us, it actually showed us in the case of Freddie Gray that there was activity going on for many people not too far from where they lived. It either peaked your interest to want to get involved or it peaked your interest to stay on the sidelines to see how this was going to pan out.

Eventually it panned out. In the case of Freddie Gray, it still remained an urban problem. You can speak more on that in terms of rogue cops. It became something that really became a locality issue as the paper actually demonstrates and it didn't become a broad stroke, the social media has peaked me interest to do more.

That's why when you look at -- and again you fast forward to Me Too, same thing that we've actually seen. Seen something that started, much like what happened to Freddie Gray, women got out, they marched, and now we're seeing systemic changes, we're seeing systemic changes in terms of organizational structure.

I'm not saying it's right or wrong, but I think there is something to be said about the ability of people to translate that hashtag into something that is meaningful for them.

There is still -- my dissertation was based on this. There's still the sense of black (inaudible) to black middle class that that is not my problem. Freddie Gray died but I don't live in that part of Baltimore, so that's not my problem, I may not be that person.

I think what has actually peaked the interest and woke up a lot of people,

and I wrote a blog about it, is all of the recent micro aggressions against people who could afford to go into Starbucks, who could rent at Airbnb, who could actually bowl, golf, all that stuff. These people have money to go in those places and now living while black is even offensive if you're middle class.

So I think again there's still this evident class and power bias that still exists within the African-American community that exists between urban and rural, that exists within families, that makes it a not-my-problem issue, which I think again goes back to the fact that we can't get through some of these policy proposals if we don't breakthrough some of that consciousness issues that we have.

MS. FOWLER: Hi, my name is Cassey Fowler. I want to thank you all for being on this panel. It's been very informative.

One word that I've been hearing thrown around a lot is community policing, and I think we haven't really defined the term because in the past broken windows policing, stop and frisk has been defined as community policing, so I'd really love a definition of the term.

There's also the question of to what extent is the community involved in that policing. In D.C., I think it was two or three years ago, we passed NEAR Act which was supposed to improve community involvement in policing and in circumventing arrests and incarceration. Of course that has not been funded yet. It is Election Day today, so go vote.

But any of your thoughts on that and the definition would be great.

MR. BAINS: I totally agree. Everybody talks about community policing. No one defines it. People don't mean the same thing. It in fact has meant repressive policing, order policing in the past and still does to many people. I think when Jeff Sessions talks about community policing, that's what he means. I agree with that.

To me community policing is when the community broadly, a representative group of the -- not just one section of the community. Like in Ferguson, the community controlled policing, but it was the one-third of the community that was white and connected to their government.

It is when the community broadly controls the priorities and practices of the police department. So it's not -- it doesn't mean that there's a midnight basketball league with police officers, it doesn't mean just that there's a community civilian review board on the back end.

It means that the community is actually having input into what is written into police policy, so that -- and also what the priorities are, so what kind of policing is going to take place.

I would like to see police run their policies by community members and get input into them before they finalize them. Go to the community even before that and ask what do you think should be in these policies on the force, we're looking at our force policy right now. We're looking at our sanctuary cities policy and we want the community's input into that.

Same thing with training, the community should have some input into what training looks like. Right now it's a black box. You don't go there, you're not sitting in on the training.

I've sat in some of these trainings and sometimes they're good, sometimes they're not. I've sometimes seen it's been shaped by community members who come in and participate in the trainings.

I do think the back-end stuff is important too. I think it goes to Nicol's point about who becomes a police officer in the first place, so what are the jobs advertised as, who are you recruiting, what are the basis for promotion, and the

community should have a role in that too.

Again, that should be open to the whole community, not just those that the police feel most comfortable with or most connected to their city council members.

MS. WILLIAMSON: I think we are hitting up against the end here, so I won't be able to take any more questions.

Any last comments?

I will say thank you to all of you for coming and thank you to our excellent panelists.

MS. TURNER-LEE: Thank you for your research, Vanessa.

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2020