

Racial Disparities in Policing



**An Advisory Memorandum of the
Oklahoma Advisory Committee to the
U.S. Commission on Civil Rights**

June 2021

Advisory Memorandum

To: The U.S. Commission on Civil Rights

From: The Oklahoma Advisory Committee to the U.S. Commission on Civil Rights

Date: June 2021

Subject: Racial Disparities in Policing

The Oklahoma Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) convened a series of online public meetings to hear testimony regarding racial disparities in policing in November and December of 2020.

The following advisory memorandum results from the testimony provided during the online panels, as well as related testimony submitted to the Committee in writing during the relevant period of public comment. It begins with a brief background of the issue to be considered by the Committee. It then identifies primary findings as they emerged from the testimony. Finally, the Committee conveys their recommendations for addressing related civil rights concerns. This memo is intended to focus specifically on racial disparities in policing practices. While other important topics may have surfaced throughout the Committee's inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion. This memo and the recommendations included within it were adopted unanimously by the Committee on May 25, 2021.

Oklahoma Advisory Committee to the U.S. Commission on Civil Rights

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Background

In 1981, the Commission issued a seminal report on police practices in America, *Who is Guarding the Guardians?* Twenty years later the Commission issued a follow-up report, *Revisiting Who is Guarding the Guardians?* Both reports raised troubling concerns about insular police practices that undermine equal protection under the law.

Now, forty years after the Commission's first report on police practices, a number of public incidents involving police conduct have returned such concerns to the forefront of national conversation. The Black Lives Matter movement was founded in 2013 in response to the acquittal of George Zimmerman for the death of Trayvon Martin.¹ The movement has increasingly gained national attention since its founding through organizing and demonstrations against racial inequality, particularly police use of force against Black people. High profile incidents of deadly force by police include the deaths of Michael Brown in Ferguson, MO, Tamir Rice in Cleveland, OH, Walter Scott in North Charleston, SC, Sandra Bland, in Prairie View, TX, and many others.

In June 2020, protests against police use of force, particularly force against Black victims, became one of the largest protest movements in U.S. history, with about 15 million to 26 million people in the United States participating in demonstrations.² These protests started in response to the killings of Ahmaud Arbery, George Floyd, and Breonna Taylor. The movement calls for widespread police reform and accountability for allegedly race-motivated violence against people of color, as well as calling for broader race equity in the U.S.³ On June 6, 2020 an estimated half a million people participated in public protests in nearly 550 places across the United States. As of July 3, 2020, there had been an estimated 4,700 demonstrations in all 50 states.⁴

Federal Response

The U.S. Constitution and various federal laws protect citizens from law enforcement discrimination and misconduct in the administration of justice, including:

- The Fourth Amendment⁵ to the U.S. Constitution protects citizens' rights to be free from "unreasonable searches and seizures."

¹ Black Lives Matter website. *Herstory*. Found at: <https://blacklivesmatter.com/herstory/>

² Larry Buchanan, Quoc Trung Bui and Jugal K. Patel. "Black Lives Matter May Be the Largest Movement in U.S. History." *The New York Times*. July 3, 2020. Found at: <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>; *Civis Analytics*. "Public Opinion Data on Black Lives Matter Police Reform." Combined crosstabs: weeks of June 12 & 19, 2020. Found at: https://www.civisanalytics.com/wp-content/uploads/2020/06/Public_Opinion_Data_BLM_CombinedCrosstabs_ALL.pdf

³ Ibid.

⁴ Larry Buchanan, Quoc Trung Bui and Jugal K. Patel. "Black Lives Matter May Be the Largest Movement in U.S. History." *The New York Times*. July 3, 2020. Found at: <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>

⁵ U.S. Const. amend. IV.

- The Fifth Amendment⁶ and the Fourteenth Amendment⁷ to the U.S. Constitution mandate that no one shall be “deprived of life, liberty, or property without due process of the law.” Additionally, the Equal Protection Clause of the Fourteenth Amendment ensures that no state shall deny to any person “the equal protection of the laws.”
- The Eighth Amendment⁸ to the U.S. Constitution forbids “cruel and unusual punishments.”
- Section 1983 of Title 42 of the United States Code⁹ makes money damages available to those whose constitutional rights have been deprived by a person acting under color of state law.
- The Civil Rights Act of 1964¹⁰ prohibits discrimination based on race, color, religion, sex, or national origin.
- Section 242 of Title 18 of United States Code¹¹ makes it a crime for a person under the “color of any law” to willfully deprive a person of a right or privilege protected by the constitution or laws of the United States.

In response to the widespread protests in 2014 fueled by racial tensions and the death of Michael Brown at the hands of police in Ferguson, Missouri, President Obama signed an executive order creating The Task Force on 21st Century Policing. The goal of the task force was to improve police practices and strengthen relationships between law enforcement officers and the communities they serve.¹² In May of 2015, the President’s Task Force on 21st Century Policing released their final report and identified 6 “pillars” that would foster better police and community relations.¹³

Consent Decrees are a federal oversight tool employed by the Department of Justice (DOJ) to address unconstitutional policing practices. These decrees fall under the 1994 Law Enforcement Misconduct Act that was passed in response to the civil unrest following the beating of Rodney King at the hands of the Los Angeles police.¹⁴ Consent decrees have been used in response to recent high profile police violence incidents and in response to allegations of racial

⁶ U.S. Const. amend. V.

⁷ U.S. Const. amend. XIV.

⁸ U.S. Const. amend. VIII.

⁹ 42 U.S.C. § 42, Sec 1983.

¹⁰ Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241.

¹¹ 18 U.S.C. § 242.

¹² Exec. Order of President Barack Obama. *Establishment of the President's Task Force on 21st Century Policing*. December 14, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/12/18/executive-order-establishment-presidents-task-force-21st-century-policin>.

¹³ President’s Task Force on 21st Century Policing. *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. May 2015. Found at: https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

¹⁴Law Enforcement Misconduct Statute 42 U.S.C. § 1414.

discrimination by police departments. During the Obama administration fourteen consent decrees focused on policing were enforced by the Department of Justice.¹⁵

By contrast, President Trump took a different approach to addressing police force misconduct. Under his administration, the DOJ did not enter any consent decrees. On March 31, 2017 then Attorney General Jeff Sessions issued a memorandum stating it is not the responsibility of the federal government to manage non-federal law enforcement agencies.¹⁶ This memo was intended to limit the involvement of the federal government in investigating allegations of police misconduct or disparate impact and empowered local and state authorities to utilize local control and local accountability measures. Another memorandum issued by Attorney General Sessions in November 2018 specifically addressed the use of consent decrees by the DOJ and curtailed their use and enforcement.¹⁷

On June 16, 2020 President Trump signed an executive order aimed at guiding police reforms in response to the weeks of nationwide unrest over police killings of unarmed Black people.¹⁸ The order would create federal incentives through the DOJ for local police departments to meet higher standards for the use of force and de-escalation training.¹⁹ The Order bans the use of controversial chokeholds, except if an officer's life is at risk; incentivizes police departments to hire experts in mental health, addiction, and homelessness; and encourages better information sharing to track officers with "credible abuses."²⁰

In March 2021, the U.S. House of Representatives passed the George Floyd Justice in Policing Act.²¹ The sweeping legislation was first introduced in February 2021 in the wake of nationwide protests but stalled in the Senate.²² The bill would ban chokeholds and "qualified immunity" for law enforcement and create national standards for policing in a bid to bolster accountability.²³ There has been no further action taken by the Senate as of April 2021. A coalition of attorneys

¹⁵ Ed Pilkington. "Trump's scrapping of Obama-era reforms hinders police reform." *The Guardian*. June 7, 2020. Found at: <https://www.theguardian.com/us-news/2020/jun/07/police-consent-decrees-trump-administration-oversight>

¹⁶ Attorney General Jeff Sessions. Memorandum for Heads of Department Components and United States Attorneys. *Supporting Federal, State, Local and Tribal Law Enforcement*. March 31, 2017. Found at: <https://www.justice.gov/opa/press-release/file/954916/download>

¹⁷ Attorney General Jeff Sessions. Memorandum for Heads of Civil Litigating Components United States Attorneys. *Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities*. November 7, 2018. Found at: <https://www.justice.gov/opa/press-release/file/1109681/download>

¹⁸ Exec. Order of President Donald J. Trump. *Executive Order on Safe Policing for Safe Communities*. June 16, 2020, <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>

¹⁹ *Id.*

²⁰ *Id.*; Caitlin Oprysko. "Trump signs executive order incentivizing police reforms." *Politico*. June 16, 2020. Found at: <https://www.politico.com/news/2020/06/16/trump-signs-police-reform-executive-order-322524>;

²¹ George Floyd Justice in Policing Act of 2021, H.R. 1280, 117th Congress (2021), <https://www.congress.gov/bill/117th-congress/house-bill/1280>.

²² Will Weissert and Padmananda Rama. "With Biden's backing, Dems revive bill to overhaul policing." *AP News*. March 3, 2021. Found at: <https://apnews.com/article/breonna-taylor-joe-biden-race-and-ethnicity-police-legislation-57796a64d9dd71b35aa48ac217249ccc>

²³ H.R. 1280, 117th Cong. (2021).

general released letter urging the Senate to consider and pass the bill.²⁴ The bill would grant state attorneys general clear statutory authority to investigate patterns or practices of unconstitutional policing.²⁵

Oklahoma History & Response

Oklahoma has a long and complicated history of racial tensions and police authority. The most notable, which has recently seen renewed national attention, is the 1921 Tulsa Race Massacre. On May 31st and June 1st, 1921, more than one thousand homes and businesses in the thriving Black community of Greenwood were destroyed by a White mob.²⁶ Estimates of the deaths because of the massacre range from fifty to three hundred.²⁷

Tulsa police officers deputized members of the lynch mob, all white men, and, according to an eyewitness, instructed them to "get a gun and get a n-----."²⁸ In that capacity, deputies did not stem the violence but added to it, often through overt illegal acts. Public officials provided firearms and ammunition to individuals, again all of them white.²⁹ It was the first time airplanes were used to bomb American soil.³⁰ Local units of the National Guard were mobilized, but they spent most of the night protecting a White neighborhood from a feared, but nonexistent, Black counterattack.³¹ The National Guard then participated in mass arrests of nearly all of Greenwood's residents.³² Not one of these criminal acts was ever prosecuted or punished by government at any level: municipal, county, state, or federal.³³

²⁴ Illinois Attorney General Kwame Raoul, New York Attorney General Letitia James, District of Columbia Attorney General Karl A. Racine, Hawai'i Attorney General Clare E. Connors, Maryland Attorney General Brian E. Frosh, Massachusetts Attorney General Maura Healy, Minnesota attorney General Keith Ellison, Nevada Attorney General Aaron D. Ford, New Mexico Attorney General Hector Balderas, Oregon Attorney General Ellen F. Rosenblum, and Virginia Attorney General Mark Herring. Letter to Congressional Leaders. *Re: Support for the George Floyd Justice in Policing Act of 2021*. April 7, 2021, <https://www.mass.gov/doc/letter-to-the-senate-calling-for-the-passages-of-the-george-floyd-justice-in-policing-act-of-2021/download>

²⁵ H.R. 1280, 117th Cong. § 104 (2021).

²⁶ Oklahoma Historical Society. "Tulsa Race Massacre." Found at: <https://www.okhistory.org/publications/enc/entry.php?entry=TU013>

²⁷ Ibid.

²⁸ Ibid.

²⁹ Tulsa Historical Society and Museum. "1921 Tulsa Race Massacre." Found at: <https://www.tulsaohistory.org/exhibit/1921-tulsa-race-massacre/>

³⁰ Robert Turner, testimony, *Briefing Before the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights*, Dec. 15, 2020, transcript, pp. 12 (hereafter cited as *Transcript IV*).

³¹ Oklahoma Historical Society. "Tulsa Race Massacre." Found at: <https://www.okhistory.org/publications/enc/entry.php?entry=TU013>

³² Ibid.

³³ Tulsa Historical Society and Museum. "1921 Tulsa Race Massacre." Found at: <https://www.tulsaohistory.org/exhibit/1921-tulsa-race-massacre/>; Oklahoma Historical Society. "Tulsa Race Massacre." Found at: <https://www.okhistory.org/publications/enc/entry.php?entry=TU013>

Oklahoma has the highest incarceration rate of the any state in the U.S.³⁴ and has the highest rate of police use of force incidents.³⁵ In 2018, the Human Rights Watch did an in-depth investigation of policing and racial inequality in Tulsa; they found that Black residents are 2.3 times more likely to be arrested than White residents.³⁶ The investigation also revealed that traffic stops are not only more frequent in the predominately Black and poor sections of the city, but they also last longer, with a greater likelihood of removal from the vehicle, search, questioning and arrest.³⁷

Since 2015, Oklahoma has had 165 fatal police shootings and of these shootings, 32 involved Black individuals.³⁸ This means that roughly 19 percent of fatal shootings affect Black people, while only 7.8 percent of Oklahoma’s population is Black.³⁹

One incident of deadly force that gained national attention and resulted in local protests was the death of Terence Crutcher in 2016.⁴⁰ Crutcher was fatally shot by police officer Betty Shelby when she suspected that Crutcher was reaching for a weapon, however, no weapon was found in the vehicle and dashcam footage showed Crutcher with his hands up before shots were fired.⁴¹ Shelby was charged with first-degree manslaughter but was later acquitted by a jury.⁴² After the acquittal, the family of the deceased filed a civil rights lawsuit against the Tulsa Police Department, but DOJ said there was insufficient evidence to pursue federal civil rights charges.⁴³

The mayor of Tulsa, G.T. Bynum, appointed the Tulsa Commission on Community Policing to spearhead a police reform initiative following increased calls for reform in the wake of the death

³⁴ John Raphling, testimony, *Briefing Before the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights*, Nov. 6, 2020, transcript, pp. 3 (hereafter cited as *Transcript I*); (Steel, T4, p. 9) (ref: US Bureau of Justice August 2020)

³⁵ Frank Edwards, Michael H. Esposito, and Hedwig Lee. 2018. “Risk of Police-Involved Death by Race/Ethnicity and Place.” *United States, 2012–2018 American Journal of Public Health* 108, 1241_1248. Found at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6085013/#:~:text=Police%20were%20responsible%20for%20about%20Conclusions.>

³⁶ Brian Root. “Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma.” *Human Rights Watch*. September 11, 2019. Found at: <https://www.hrw.org/video-photos/interactive/2019/09/11/policing-poverty-and-racial-inequality-tulsa-oklahoma>

³⁷ *Ibid.*

³⁸ Fatal Force. *The Washington Post*. Last accessed July 17, 2020. Found at: <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>;

³⁹ Fatal Force. *The Washington Post*. Last accessed July 17, 2020. Found at: <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>; U.S. Census Bureau. 2010 Census.

⁴⁰ <https://www.newson6.com/story/5e3607072f69d76f62034867/tulsa-group-protests-police-shooting-of-terence-crutcher>

⁴¹ Dave Davis. “Tulsa Group Protests Police Shooting Of Terence Crutcher.” *News on 6*. September 19, 2016. Found at: <https://www.pbs.org/newshour/nation/tulsa-police-release-graphic-footage-of-fatal-shooting-of-terence-crutcher>

⁴² *Ibid.*

⁴³ “The Latest: Crutcher family ‘disappointed’ in DOJ Decision.” *AP News*. March 1, 2019. Found at: <https://apnews.com/12794021ac3a485cbd90bf2827ef128c>; Joshua Barajas. “Family of Terence Crutcher files civil lawsuit, seeking Tulsa police reform.” *PBS News*. June 16, 2017. Found at: <https://www.pbs.org/newshour/nation/family-terence-crutcher-files-civil-lawsuit-seeking-tulsa-police-reform>

of Terence Crutcher.⁴⁴ In March 2017, the Commission issued 77 recommendations, modeled after the Obama administration’s “Task Force on 21st Century Policing.”⁴⁵ The recommendations address a broad range of policing issues from building trust to oversight to officer wellness.⁴⁶

The Tulsa Police Department reports that 97 percent of the recommendations were being fully implemented on an ongoing basis as of February 2019.⁴⁷ Some organizations in the community have questioned if these recommendations will lead to real changes or improvements to the police force.⁴⁸ The United League for Social Action, a local organization dedicated to addressing racial profiling, over-policing, and police brutality, did an analysis of the 77 recommendations and found that only 25% of the claims are measurable, 22% are verifiable, 4% have an accessible policy and 3% are time-bound.⁴⁹

The Tulsa Police Department again came under public scrutiny in June 2020 for racial discrimination following the public remarks of one of its officers, Major Travis Yates, on a radio show. Yates stated that police officers were “shooting African-Americans about 24 percent less than we probably ought to be, based on the crimes being committed.”⁵⁰ The Tulsa Police Department announced that it would be investigating Yates following the remarks and both the mayor of Tulsa and a Black officers’ coalition publicly denounced his comments.⁵¹ The same week, Tulsa Police Department was also investigating the stop and arrest of two Black teenagers who were accused of jaywalking.⁵² Body camera footage shows one of the teens being forced to the ground and kicked by officers.⁵³

In July 2020, the Fraternal Order of Police (the Fraternal Order) filed a lawsuit in reaction to Norman, Oklahoma’s City Council decision to cut nearly \$1 million from the police department’s proposed budget, as the council set aside \$865,000 for other programs.⁵⁴ The budget decision was decided at a City Council meeting heavily attended by the public and which

⁴⁴ Human Rights Watch. “Policing Reform in Tulsa.” September 12, 2019. Found at: <https://www.hrw.org/news/2019/09/12/policing-reform-tulsa>

⁴⁵ City of Tulsa Website. Community Policing Dashboard. February 6, 2019. Found at: <https://www.cityoftulsa.org/government/performance-strategy-and-innovation/dashboards/community-policing>

⁴⁶ Human Rights Watch. “Policing Reform in Tulsa.” September 12, 2019. Found at: <https://www.hrw.org/news/2019/09/12/policing-reform-tulsa>

⁴⁷ City of Tulsa Website. Community Policing Dashboard. February 6, 2019. Found at: <https://www.cityoftulsa.org/government/performance-strategy-and-innovation/dashboards/community-policing>

⁴⁸ Human Rights Watch. “Policing Reform in Tulsa.” September 12, 2019. Found at: <https://www.hrw.org/news/2019/09/12/policing-reform-tulsa>

⁴⁹ The United League for Social Action (TULSA). “Future Indefinite: A Study of 79 Shoulds or 77 Claims.” November 16, 2020. Found at: <https://www.wearetulsa.org/news/2017/11/16/mh7jzyu64t9tu6lhvncj5hwcyatg07>

⁵⁰ Christine Hauser. “Tulsa Police Investigate Officer After Remarks About Race and Shootings.” *The New York Times*. June 12, 2020. Found at: <https://www.nytimes.com/2020/06/12/us/tulsa-police-major-comments.html>

⁵¹ Ibid.

⁵² Abby Phillip. “Tulsa's black residents grapple with the city's racist history and police brutality ahead of Trump's rally.” *CNN*. June 16, 2020. Found at: <https://www.cnn.com/2020/06/16/politics/tulsa-oklahoma-history-race/index.html>

⁵³ Ibid.

⁵⁴ Mindy Ragan Wood. “City officials deposed in FOP lawsuit.” *The Norman Transcript*. November 11, 2020. Found at: https://www.normantranscript.com/news/city-officials-deposed-in-fop-lawsuit/article_3ee451c2-2476-11eb-864a-9384db8cc53d.html

lasted 11 hours.⁵⁵ Norman Citizens for Racial Justice and other local organizations and individuals were calling for the city to defund and demilitarize the Norman Police Department.⁵⁶ While the cut left the department with a marginal increase to its budget, the Norman Police Department was forced to cut nine unfilled officer positions.⁵⁷ The Fraternal Order alleged that the action violated the Oklahoma Open Meetings Act when the agenda “did not refer to reallocation of police department budget or defunding the police department.”⁵⁸ A judge ruled in favor of the Fraternal Order in December 2020 and said the notice for the meeting “was deceptively worded or materially obscured the stated purpose of the meeting and is therefore a willful violation” of the Open Meetings Act.⁵⁹ On April 13, 2021 the Oklahoma Supreme Court affirmed the district court’s ruling that the Norman City Council violated the Oklahoma Open Meetings Act.⁶⁰

In June 2020, in response to the summer of 2020 protests against police brutality, the Oklahoma City Council approved the formation of a study group, including community members, to study six police reforms.⁶¹ Many of the reforms expand upon existing programs or include ideas that match long-time, ongoing conversations at the police department on how to implement new concepts.⁶² The Oklahoma City Police Department has already adopted many of the reforms that have recently been proposed on a national level, including: the establishment of a Citizen Advisory Council to strengthen police and community relations and increase police accountability; banning the use of chokeholds and strangleholds; and requiring de-escalation, warning before shooting, and exhausting all other means before shooting.⁶³

During the Committee’s investigation, there was another high-profile death at the hands of police in Oklahoma City. Police responded to calls reporting that Bennie Edwards, who was armed with a knife, was experiencing a mental health crisis.⁶⁴ Officers initially responded with both a Taser

⁵⁵ KFOR-TV and K. Querry. “Judge says Norman council’s meeting to cut police department’s budget violated law.” *KFOR News*. December 3, 2020. Found at: <https://kfor.com/news/local/judge-says-norman-councils-meeting-to-cut-police-departments-budget-violated-law/>

⁵⁶ Ibid.

⁵⁷ Mindy Ragan Wood. “City officials deposed in FOP lawsuit.” *The Norman Transcript*. November 11, 2020. Found at: https://www.normantranscript.com/news/city-officials-deposed-in-fop-lawsuit/article_3ee451c2-2476-11eb-864a-9384db8cc53d.html

⁵⁸ Mindy Ragan Wood. “FOP sues City of Norman over NDP budget, open meeting violations.” *The Norman Transcript*. July 2, 2020. Found at: https://www.normantranscript.com/news/fop-sues-city-of-norman-over-ndp-budget-open-meeting-violations/article_9c04dadc-bcae-11ea-a849-8711e62d7234.html

⁵⁹ KFOR-TV and K. Querry. “Judge says Norman council’s meeting to cut police department’s budget violated law.” *KFOR News*. December 3, 2020, <https://kfor.com/news/local/judge-says-norman-councils-meeting-to-cut-police-departments-budget-violated-law/>; *Fraternal Order of Police v. City of Norman*, No. 119296 (Sup Ct. OK Aril 13, 2021), citing Order 2, Dec. 4, 2020, <https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=487657>.

⁶⁰ *Fraternal Order of Police v. City of Norman*, No. 119296 (Sup Ct. OK Aril 13, 2021), <https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=487657>

⁶¹ Ben Felder. “This is just the start’: The push to change policing in Oklahoma City.” *The Frontier*. June 12, 2020. Found at: <https://www.readfrontier.org/stories/this-is-just-the-start-the-push-to-change-policing-in-oklahoma-city/>

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Azi Paybarah. “Manslaughter Charge for Officer Accused of Shooting Man in the Back.” *The New York Times*. February 25, 2021. Found at: <https://www.nytimes.com/2021/02/25/us/oklahoma-clifford-holman-charged-.html>

and gas, but these reportedly had little effect. Mr. Edwards charged one officer with the knife before he changed directions and began running away from officers.⁶⁵ Sergeant Holman dropped his Taser, drew his gun “and fired three shots unnecessarily at Mr. Edwards as he was running away striking him in his upper middle back, causing his death,” according to an affidavit by Bryn Carter, a homicide detective who investigated the matter.⁶⁶ Sergeant Holman was charged with first degree manslaughter and is awaiting trial.⁶⁷

Overview of Testimony

The Oklahoma Advisory Committee is composed of Oklahoma citizens who sought to explore the issue of racial disparities in policing from an open-minded and neutral posture. During a series of online panels, the Committee heard from academic experts, community advocates, state government officials, law enforcement officers, organizers, and directly impacted individuals. The agendas, minutes, and presentation slides for these panels can be found in Appendix A. In addition, the Committee invited broad participation through written testimony. Written testimony was accepted until January 15, 2021, when the official record was closed.

The Committee went to great lengths to solicit participation from stakeholders representing diverse perspectives. The Committee made many outreach attempts over several months to engage prosecutors and local government officials, soliciting their participation at the public panels, through written testimony, and/or by joining a Committee meeting. Regrettably, despite these multiple attempts by Committee members and U.S. Commission on Civil Rights staff, these stakeholders did not participate in expressing their views to the Committee. Hence, the views of these stakeholders remain largely absent from this memorandum. A full list of individuals and organizations that were invited, but were unable or unwilling to participate is attached in Appendix D. The Committee also wants to acknowledge that much of the testimony focused on the urban areas of Tulsa and Oklahoma City, but that they believe the issue to be widespread in Oklahoma and included rural perspectives wherever possible.

Findings

The section below provides findings received and reflects views of the cited panelists, not necessarily the members of the Committee. While the Committee has not independently verified each assertion, panelists were chosen to testify due to their professional experience, academic credentials, subject matter expertise, and/or firsthand experience with the topics at hand.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

1. There is a history of racist policing, both in Oklahoma and nationally, that may still have effects today.⁶⁸
 - a. The Tulsa Massacre, perpetuated by the Sheriff's deputies at the time,⁶⁹ still impacts Oklahoma's relationship with policing and race today.⁷⁰
 - b. Historically, policing was sometimes used to enforce discrimination including, Jim Crow laws, Black codes, stop and frisk, and other discriminatory norms.⁷¹
 - c. Some policing methods have not changed in the last century or adapted to changing ideas of fairness and justice. These methods might result in lingering effects of past racism in practices today.⁷²
2. There are known racial disparities in police interactions in Oklahoma, including arrest rates, incarceration, use of force, and stops and searches. Some of these disparities seem to be growing.⁷³
 - a. Stops and searches in Black neighborhoods are more frequent and last longer.⁷⁴ Several North Tulsa neighborhoods were experiencing over 200 stops per thousand residents while in White and wealthier neighborhoods it was less than 10 stops per thousand.⁷⁵
 - b. Black people in Oklahoma are significantly more likely to be arrested.⁷⁶ In Tulsa, Black people are 3 times more likely to be arrested than White people and account for 36% of arrests.⁷⁷

⁶⁸ Monroe Nichols, testimony, *Briefing Before the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights*, Dec. 8, 2020, transcript, pp. 5 (hereafter cited as *Transcript III*); Turner Testimony, *Transcript IV*, pp. 12.

⁶⁹ Nichols Testimony, *Transcript III*, pp. 22; Turner Testimony, *Transcript IV*, pp. 12.

⁷⁰ Raphling Testimony, *Transcript I*, pp. 22; Crutcher Testimony, *Transcript IV*, pp. 4.

⁷¹ Davis Testimony, *Transcript I*, pp. 8; Young Testimony, *Transcript III*, pp. 3; Turner Testimony, *Transcript IV*, pp. 4 & 29.

⁷² Davis Testimony, *Transcript I*, pp. 8 & 16; Crutcher Testimony, *Transcript IV*, pp. 4.

⁷³ Crutcher Testimony, *Transcript IV*, pp. 5; referencing CUNY Institute for State and Local Government, Community Service Council, City of Tulsa. Equality Indicators Annual Report 2020. Found at: https://www.csctulsa.org/wp-content/uploads/2021/03/EI-Report_Tulsa_2020.pdf

⁷⁴ Raphling Testimony, *Transcript I*, pp. 5.

⁷⁵ Raphling Testimony, *Transcript I*, pp. 5.

⁷⁶ Crutcher Testimony, *Transcript IV*, pp. 4-5; referencing CUNY Institute for State and Local Government, Community Service Council, City of Tulsa. Equality Indicators Annual Report 2020. Found at:

https://www.csctulsa.org/wp-content/uploads/2021/03/EI-Report_Tulsa_2020.pdf; Nichols Testimony, *Transcript III*, pp. 6.

⁷⁷ Raphling Testimony, *Transcript I*, pp. 5.

- c. Black people make up 38% of the use of force incidents in Oklahoma⁷⁸ and are 5 times more likely to be victims of use of force.⁷⁹
 - d. Only 8% of the population in Oklahoma is Black, but 23% of the people incarcerated in Oklahoma are Black.⁸⁰
 - e. The disparities persist with youth as well. Tulsa Police Department arrests Black youths at three times the rate of their white counterparts.⁸¹
3. Poverty, crime, and race are fundamentally connected in a way that produces consequences impacted by policing practices.
- a. Segregation of Black people and poor people, whether because of historic redlining or other reasons,⁸² leads to concentrated policing and a perception of “problem neighborhoods” with higher crime.⁸³
 - b. Many communities that see high rates of policing are also under resourced in mental health services, substance addiction treatment, education, and healthcare.⁸⁴
 - c. Residents of North Tulsa, a mostly Black community, have a life expectancy of around eleven years shorter than White neighborhoods in Tulsa.⁸⁵
 - d. Arrest rates are greatly impacted by opportunities in both education and employment.⁸⁶ In Tulsa, Black unemployment is 2.4 times higher than White employment.⁸⁷

⁷⁸ Goodwin Testimony, *Transcript III*, pp. 7.

⁷⁹ Crutcher Testimony, *Transcript IV*, pp. 4-5; referencing CUNY Institute for State and Local Government, Community Service Council, City of Tulsa. Equality Indicators Annual Report 2020. Found at: https://www.csctulsa.org/wp-content/uploads/2021/03/EI-Report_Tulsa_2020.pdf; Raphling Testimony, *Transcript I*, pp. 4.

⁸⁰ Young Testimony, *Transcript III*, pp. 3

⁸¹ Crutcher Testimony, *Transcript IV*, pp. 5; referencing CUNY Institute for State and Local Government, Community Service Council, City of Tulsa. Equality Indicators Annual Report 2020. Found at: https://www.csctulsa.org/wp-content/uploads/2021/03/EI-Report_Tulsa_2020.pdf; Nichols Testimony, *Transcript III*, pp. 6.

⁸² Raphling Testimony, *Transcript I*, pp. 21.

⁸³ Brian O'Rourke, testimony, *Briefing Before the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights*, Nov. 17, 2020, transcript, pp. 11 (hereafter cited as *Transcript II*); Raphling Testimony, *Transcript I*, pp. 21; Mangual Testimony, *Transcript I*, pp. 11.

⁸⁴ Raphling Testimony, *Transcript I*, pp. 7; Johnson Testimony, *Transcript II*, pp. 12; Steele Testimony, *Transcript IV*, pp. 9; Regalado Testimony, *Transcript II*, pp. 5; Mangual Testimony, *Transcript I*, pp. 24.

⁸⁵ Raphling Testimony, *Transcript I*, pp. 4.

⁸⁶ Regalado Testimony, *Transcript II*, pp. 5; Nichols Testimony, *Transcript III*, pp. 6; Raphling Testimony, *Transcript I*, pp. 22.

⁸⁷ Raphling Testimony, *Transcript I*, pp. 4.

- e. One third of all people in North Tulsa and one third of Black Tulsans are below the poverty line.⁸⁸ Poverty increases the rate of policing and being poor greatly increases the consequences of being in criminal justice system.⁸⁹ For example, failure to pay court costs was the third leading booking charge in Tulsa.⁹⁰
4. Police fill many roles that are not meant to be performed by police,⁹¹ including providing mental health services,⁹² responding to homelessness,⁹³ addiction and substance abuse treatment,⁹⁴ immigration enforcement,⁹⁵ and collecting court fines and fees.⁹⁶
 - a. Police officers are often tasked with responsibilities that are more appropriate for a mental health expert or case managers but are not given the proper training to perform these roles.⁹⁷
 - b. Mental health and social services are underfunded⁹⁸ and further investing in these programs may decrease crime and violence and therefore decrease the need for police.⁹⁹
 5. There is a current state of distrust and resentment between many police departments and the Black community, and a perception exists that aggressive and intimidating police practices target minority populations.
 - a. Many Black Oklahomans recounted having experiences with the police that were unfair and/or dehumanizing.¹⁰⁰ For example, only 25% of Black Tulsans reported that they were treated fairly by the police.¹⁰¹ These experiences led to common feelings of distrust, resentment, and fear toward all law enforcement.¹⁰²

⁸⁸ Raphling Testimony, *Transcript I*, pp. 4.

⁸⁹ Regalado Testimony, *Transcript II*, pp. 6; O'Rourke Testimony, *Transcript II*, pp. 11; Raphling Testimony, *Transcript I*, pp. 4 & 22.

⁹⁰ Raphling Testimony, *Transcript I*, pp. 4.

⁹¹ Davis Testimony, *Transcript I*, pp. 9; Johnson Testimony, *Transcript II*, pp. 13; Crutcher Testimony, *Transcript IV*, pp. 6.

⁹² Raphling Testimony, *Transcript I*, pp. 4; Regalado Testimony, *Transcript II*, pp. 7.

⁹³ Raphling Testimony, *Transcript I*, pp. 4.

⁹⁴ Raphling Testimony, *Transcript I*, pp. 4.

⁹⁵ Allegro Testimony, *Transcript IV*, pp. 19.

⁹⁶ Raphling Testimony, *Transcript I*, pp. 4.

⁹⁷ Steele Testimony, *Transcript IV*, pp. 10; Johnson Testimony, *Transcript II*, pp. 13. Crutcher Testimony, *Transcript IV*, pp. 6.

⁹⁸ Steele Testimony, *Transcript IV*, pp. 10; Davis Testimony, *Transcript I*, pp. 9.

⁹⁹ Davis Testimony, *Transcript I*, pp. 9.

¹⁰⁰ Dickerson Testimony, *Transcript IV*, pp. 15.

¹⁰¹ Crutcher Testimony, *Transcript IV*, pp. 5; City of Tulsa & Gallup. "Building a Thriving Tulsa: 2018 Gallup-Tulsa Citivoice Index Results." 2018, at pp. 25. Found at:

https://www.cityoftulsa.org/media/9389/gallup_tulsa_citivoice_2018_final-report2.pdf

¹⁰² Raphling Testimony, *Transcript I*, pp. 5; Regalado Testimony, *Transcript II*, pp. 10; Dickerson Testimony, *Transcript IV*, pp. 15; Davis Testimony, *Transcript I*, pp. 20; Young Testimony, *Transcript III*, pp. 22; O'Rourke Testimony, *Transcript II*, pp. 11.

- b. Aggressive and intimidating policing included being pulled over for no reason, being pressured to consent to searches, and incidents of use of force.¹⁰³ Reported use of force included tasers, pepper spray, dog bites, and firearms.¹⁰⁴ But there were also high rates of unreported force like shoves, twisting handcuffs too tight, and approaching routine traffic stops with guns drawn.¹⁰⁵
 - c. The mistrust and fear of police leads to reduced cooperation and reporting of crimes to police.¹⁰⁶ For example, there has been a decrease in the number of domestic violence reports to police from the immigrant community in recent years because of Tulsa PD’s ongoing cooperation with ICE.¹⁰⁷
6. There is insufficient transparency on police practices, data, and accountability in Oklahoma.¹⁰⁸
- a. Tulsa Police Department does not collect data on race or nationality for stops and detentions or if officers conducted searches. This lack of demographic data makes monitoring disparities almost impossible.¹⁰⁹
 - b. Current policies and practices for investigating and disciplining officers based on citizens’ complaints are rarely communicated to the public in a timely and clear manner.¹¹⁰
7. Racial profiling of non-citizens and the Hispanic community is similar to disparities experienced by the Black community, but the consequences may differ.
- a. Tulsa police officers have policies that prohibit the practice of arresting, stopping, detaining, and questioning anybody based solely on the suspicion that the person is illegally in the United States.¹¹¹ Yet, non-citizens are routinely stopped and

¹⁰³ Raphling Testimony, *Transcript I*, pp. 5; Crutcher Testimony, *Transcript IV*, pp. 5; Brian Root. “Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma.” *Human Rights Watch*. September 11, 2019. Found at: <https://www.hrw.org/video-photos/interactive/2019/09/11/policing-poverty-and-racial-inequality-tulsa-oklahoma>

¹⁰⁴ Raphling Testimony, *Transcript I*, pp. 4.

¹⁰⁵ Raphling Testimony, *Transcript I*, pp. 4.

¹⁰⁶ Mangual Testimony, *Transcript I*, pp. 18; Marton Testimony, *Transcript IV*, pp. 20

¹⁰⁷ Marton Testimony, *Transcript IV*, pp. 20.

¹⁰⁸ Marton Testimony, *Transcript IV*, pp. 25.

¹⁰⁹ Raphling Testimony, *Transcript I*, pp. 5.

¹¹⁰ Johnson Testimony, *Transcript II*, pp. 18; Wicks Testimony, *Transcript II*, pp. 15 & 19; Regalado Testimony, *Transcript II*, pp. 17; Dickerson Testimony, *Transcript IV*, pp. 16.

¹¹¹ Tulsa Police Department Policies and Procedures. Procedure File No. 31-138. *Handling of Foreign Nationals*. Approved by Ronald Palmer, Chief of Police. Effective date 10/30/2007. Policy states, “The Department does not and will not engage in the practice of stopping, detaining, questioning, or arresting any person based solely on the suspicion that the individual may be illegally in the United States.” Found at: https://www.tulsapolice.org/media/167565/2021may6policy%20manual_redacted.pdf

arrested for crimes that officers usually only issue citations, if anything, such as misuse of a lane and not carrying ID as a passenger.¹¹²

- b. When non-citizens enter the criminal justice system, they face additional consequences including incarceration for low-level offenses, family and child separation, loss of home or business, and deportation.¹¹³
 - c. The current relationship between Tulsa’s prison facilities and ICE contributes to the fear immigrants’ communities have when interacting with the police¹¹⁴ and does not appear to be contributing to public safety.¹¹⁵
8. Almost all panelists agreed that there is a need for better community and police relations, but there is disagreement on how best to strengthen those relationships.
- a. Police forces are already making efforts to improve community relations including, meeting with the local chapter of the NAACP¹¹⁶ and other groups, creating citizen training academies and increasing ride-alongs,¹¹⁷ loosening grooming requirements,¹¹⁸ holding community relations panels,¹¹⁹ and teaching high school students’ classes to better understand the role of police.¹²⁰
 - b. One common method police officers adopt for improving community relations is hiring more police officers, particularly officers of color, to do more community policing.¹²¹ But law enforcement officials also mentioned it is increasingly challenging to hire new officers given the current community tension.¹²²
 - c. In contrast, most community members called for more accountability and transparency as well as better training to improve community relations.¹²³ They also did not think more police officers alone would improve community relations.¹²⁴

¹¹² Marton Testimony, *Transcript IV*, pp. 22.

¹¹³ Marton Testimony, *Transcript IV*, pp. 26.

¹¹⁴ Marton Testimony, *Transcript IV*, pp. 21; Allegro Testimony, *Transcript IV*, pp. 19.

¹¹⁵ Allegro Testimony, *Transcript IV*, pp. 19.

¹¹⁶ O'Rourke Testimony, *Transcript II*, pp. 30.

¹¹⁷ O'Rourke Testimony, *Transcript II*, pp. 4; Regalado Testimony, *Transcript II*, pp. 27.

¹¹⁸ Johnson Testimony, *Transcript II*, pp. 28.

¹¹⁹ Wicks Testimony, *Transcript II*, pp. 24.

¹²⁰ Johnson Testimony, *Transcript II*, pp. 27.

¹²¹ Raphling Testimony, *Transcript I*, pp. 7; O'Rourke Testimony, *Transcript II*, pp. 25; Regalado Testimony, *Transcript II*, pp. 26

¹²² O'Rourke Testimony, *Transcript II*, pp. 3; Regalado Testimony, *Transcript II*, pp. 5.

¹²³ Raphling Testimony, *Transcript I*, pp. 6; Davis Testimony, *Transcript I*, pp. 8. Crutcher Testimony, *Transcript IV*, pp. 27.

¹²⁴ Raphling Testimony, *Transcript I*, pp. 7.

9. There is disagreement regarding whether there are systemic issues of racism and discrimination in law enforcement or if there are individual officers responsible for isolated incidents.
 - a. Law enforcement mostly defined racism as “intentionally violating a person’s civil rights because of the color of their skin.”¹²⁵ With this definition, most law enforcement representatives asserted that if there was any racism in policing it was only a few “bad apples.”¹²⁶
 - b. Some law enforcement acknowledged that there is systemic racism in society generally, and that might have some small impact on policing.¹²⁷
 - c. Other panelists asserted that systemic racism plainly exists in policing¹²⁸ and that only acknowledging the problem and imposing structural changes can improve racial disparities.¹²⁹

10. Many panelists agreed that accountability is needed for individual officers who are found to have violated a citizen’s rights, but there is disagreement on what accountability should look like.
 - a. Some panelists think that independent monitoring from the community, like civilian oversight boards, is needed to achieve fair and transparent accountability.¹³⁰
 - b. There is a hesitancy to admit wrongdoing or a failure of policies by police departments.¹³¹ For example, from 2012 to 2017 Tulsa Police Department had 3,364 separate non-lethal force acts.¹³² Internal review of these incidents found only two were out of policy and no discipline was imposed for either instance.¹³³

¹²⁵ Regalado Testimony, *Transcript II*, pp. 6.

¹²⁶ Regalado Testimony, *Transcript II*, pp. 5; O'Rourke Testimony, *Transcript II*, pp. 11; Johnson Testimony, *Transcript II*, pp. 12

¹²⁷ O'Rourke Testimony, *Transcript II*, pp. 11.

¹²⁸ Davis Testimony, *Transcript I*, pp. 9 & 17; Young Testimony, *Transcript III*, pp. 10 & 12; Crutcher Testimony, *Transcript IV*, pp. 4; Steele Testimony, *Transcript IV*, pp. 7-8; Turner Testimony, *Transcript IV*, pp. 12; Dickerson Testimony, *Transcript IV*, pp. 15.

¹²⁹ Raphling Testimony, *Transcript I*, pp. 22; Young Testimony, *Transcript III*, pp. 4; Nichols Testimony, *Transcript III*, pp. 19; Davis Testimony, *Transcript I*, pp. 17.

¹³⁰ O'Rourke Testimony, *Transcript II*, pp. 20; Turner Testimony, *Transcript IV*, pp. 31; Crutcher Testimony, *Transcript IV*, pp. 6.

¹³¹ Young Testimony, *Transcript III*, pp. 4 & 10.

¹³² Raphling Testimony, *Transcript I*, pp. 7; citing *Human Rights Watch*. “Get on the Ground!: Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma.” September 12, 2019. Found at:

<https://www.hrw.org/report/2019/09/12/get-ground-policing-poverty-and-racial-inequality-tulsa-oklahoma/case-study-us>

¹³³ *Ibid.*

- c. Police unions are a barrier to changing both internal department policies and laws about accountability.¹³⁴
 - d. Many police departments rely on internal whistleblowing and peer-to-peer intervention to address any officers exhibiting negative or racist behavior.¹³⁵
 - e. Even when officers are found to have committed misconduct, they are not always removed from police work. Officers can be reinstated by union deliberations,¹³⁶ move to a different department,¹³⁷ or transition to administrative positions like training other officers.¹³⁸
 - f. Officers testified in favor of body cameras and the benefits of increased accountability for both officers and citizens.¹³⁹
11. There has been an increase in advisory boards and commissions appointed to address disparities in policing in Oklahoma, but these groups have failed to accomplish meaningful change.¹⁴⁰
- a. Tulsa Commission on Community Policing made many recommendations that stated police should continue their current practices¹⁴¹ or were too vague to result in tangible policy change.¹⁴²
 - b. The Enid Department of Police Civil Service Commission was established to enforce all rules for the qualification of the officers, places, and employments in the Department of Police Service of the City of Enid, Oklahoma. The Commission is composed of five volunteer citizens and one police officer.¹⁴³
 - c. Many of these groups serve only an advisory function and lack the authority for meaningful oversight or monitoring internal decisions and investigations.¹⁴⁴

¹³⁴ Goodwin Testimony, *Transcript III*, pp. 7 & 14; Raphling Testimony, *Transcript I*, pp. 6.

¹³⁵ Regalado Testimony, *Transcript II*, pp. 6; Wicks Testimony, *Transcript II*, pp. 20; Johnson Testimony, *Transcript II*, pp. 23.

¹³⁶ Young Testimony, *Transcript III*, pp. 23.

¹³⁷ O'Rourke Testimony, *Transcript II*, pp. 16.

¹³⁸ Goodwin Testimony, *Transcript III*, pp. 10; Nichols Testimony, *Transcript III*, pp. 20.

¹³⁹ O'Rourke Testimony, *Transcript II*, pp. 21; Regalado Testimony, *Transcript II*, pp. 21.

¹⁴⁰ Young Testimony, *Transcript III*, pp. 3-4.

¹⁴¹ Raphling Testimony, *Transcript I*, pp. 6.

¹⁴² Raphling Testimony, *Transcript I*, pp. 6.

¹⁴³ City Code of Enid. PART C. AMENDMENT NO. 6. Found at:

https://codelibrary.amlegal.com/codes/enidok/latest/enid_ok/0-0-0-15872

¹⁴⁴ Raphling Testimony, *Transcript I*, pp. 6.

Recommendations

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws;¹⁴⁵ and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.¹⁴⁶ In keeping with these responsibilities, and in consideration of the oral and written testimony received on this topic, the Oklahoma Advisory Committee submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a formal request to Congress and the President to pass legislation to:
 - a. Implement a national registry to track decertified officers and officers with a history of racially motivated misconduct.
 - b. Establish a national commission on race and equity to study and implement more equitable policing practices.
2. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a formal request to the Oklahoma State Legislature and Oklahoma Governor to pass legislation to:
 - a. Implement a statewide registry to track decertified officers and officers with a history of racially motivated misconduct.
 - b. Limit the role of police unions to impact police department's policy for keeping officers accountable and revoke their ability to reinstate officers fired because of misconduct.
 - c. Regularly assess current police training standards for departments around the state and establish new training standards intended to address racial disparities.
 - d. Require training for all Oklahoma police officers on historical racism and the lingering negative systemic impacts on policing.
 - e. Collect and make publicly available data on policing practices. Publish an annual report summarizing the data, including more robust data on racial and ethnic demographics.
 - f. Allocate more funding for mental health care and increase the number of mental health care professional trained to respond to crises in the field.
 - g. Expand the Attorney General's powers to investigate and prosecute any criminal action relating to incidents involving a shooting by a peace officer that results in the death of an unarmed citizen, if in the opinion of the Attorney General a criminal prosecution is warranted.
 - h. Increase transparency by establishing a timeline for officer investigations and communicate investigation findings to the public.
 - i. Require independent investigations in all instances where deadly use of force is used by an officer.

¹⁴⁵ 45 C.F.R. § 703.2 (b).

¹⁴⁶ 45 C.F.R. § 703.2 (c).

3. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a formal request to local police and sheriff's departments to:
 - a. Establish meaningful community oversight boards to independently monitor police misconduct complaints.
 - b. Host open forums with communities and community leaders to continue the conversation and build consensus on how to improve community and police relationships.
 - c. Prohibit hiring officers who have been decertified because of a history of misconduct.
 - d. Increase transparency by establishing a timeline for officer investigations and communicate investigation findings to the public.
 - e. Require independent investigations in all instances where deadly use of force is used by an officer.
 - f. Consider ending the 287(g)¹⁴⁷ agreements between local law enforcement agencies and Immigration and Customs Enforcement (ICE) to improve community trust in police departments.
4. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a formal request to local government and municipalities to:
 - a. Allocate more funding for mental health care and increase the number of mental health care professional trained to respond to crises in the field.
 - b. Establish meaningful community oversight boards to independently monitor police misconduct complaints.
 - c. Host open forums with communities and community leaders to continue the conversation and build consensus on how to improve community and police relationships.
 - d. Prohibit hiring officers who have been decertified because of a history of misconduct.
 - e. If law enforcement officers are working in schools, establish uniform licensing requirements to ensure that all law enforcement officers working in schools are properly trained and equipped to respond in an age appropriate manner with children. Applicable training should include strategies for recognizing and overcoming implicit bias.
 - f. Limit the role of police unions to impact police department's policy for keeping officers accountable and revoke their ability to reinstate officers fired because of misconduct.
 - g. Increase transparency by establishing a timeline for officer investigations and communicate investigation findings to the public.

¹⁴⁷ The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), to the Immigration and Nationality Act. The 287(g) Program creates partnerships with state and local law enforcement agencies to identify and remove aliens who are amenable to removal from the United States. Oklahoma has three counties with 287(g) agreements: Canadian County Sheriff's Office, Okmulgee County Criminal Justice Authority, and Tulsa County Sheriff's Office. U.S. Immigration and Customs Enforcement Website. "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act" <https://www.ice.gov/identify-and-arrest/287g> (accessed April 27, 2021).

- h. Require independent investigations in all instances where deadly use of force is used by an officer.
- 5. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a formal request to Council on Law Enforcement Education and Training (CLEET) to:
 - a. Assess current police training practices and establish new training standards intended to address racial disparities, including making improvements to use of force and de-escalation training.
 - b. Prohibit hiring former officers as trainers who have been removed from duty because they were decertified, violated policy, were fired, and/or were removed from duty because of misconduct.
 - c. Require training for all Oklahoma police officers on historical racism and the lingering negative systemic impacts on policing.

Appendix

A. Panel Agendas, Minutes, and Presentation Slides

- a. November 6, 2020 Online Panel
- b. November 17, 2020 Online Panel
- c. December 8, 2020 Online Panel
- d. December 15, 2020 Online Panel

B. Hearing Transcripts

- a. November 6, 2020 Online Panel Transcript (AKA Transcript I)
- b. November 17, 2020 Online Panel Transcript (AKA Transcript II)
- c. December 8, 2020 Online Panel Transcript (AKA Transcript III)
- d. December 15, 2020 Online Panel Transcript (AKA Transcript IV)

C. Written Testimony

D. List of Individuals and Organizations Invited, but Declined to Participate

Appendix A - Panel Agendas, Minutes, and Presentation Slides

Meeting Minutes & Presentation Slides can be accessed at:

https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L09LL1JhY2lhbCBEaXNwYXJpdGllcyBpbiBQb2xpY2luZy9BcHB1bmRpeCBB

Panel 1: Researchers Panel

Friday, November 6, 2020 at 9:00am CT

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. John Raphling, Human Rights Watch
 - b. Rafael Mangual, The Manhattan Institute
 - c. Ronald Davis, The President's Task Force on 21st Century Policing
- III. Q & A
- IV. Public Comment
- V. Adjournment

Panel 2: Law Enforcement Panel

Tuesday, November 17, 2020 at 9:00am CT

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. Chief Matthias Wicks, Tulsa Public Schools Police Department
 - b. Chief Brian O'Rourke, Enid Police Department
 - c. Sheriff Vic Regalado, Tulsa County Sheriff's Office
 - d. Sheriff-Elect Tommie Johnson, Oklahoma County Sheriff's Office
- III. Q & A
- IV. Public Comment
- V. Adjournment

Panel 3: Government Officials Panel

Tuesday, December 8, 2020 at 9:00am CT

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. Senator George Young, Oklahoma State Legislature
 - b. Representative Monroe Nichols, Oklahoma State Legislature
 - c. Representative Regina Goodwin, Oklahoma State Legislature
- III. Q & A
- IV. Public Comment
- V. Adjournment

Panel 4: Advocates Panel

Tuesday, December 15, 2020 at 9:00am CT

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. Dr. Tiffany Crutcher, Terence Crutcher Foundation
 - b. Kris Steele, Oklahomans for Criminal Justice Reform
 - c. Pastor Robert Turner, Historic Vernon Chapel A.M.E. Church
 - d. Rev. T. Sheri Dickerson, Black Lives Matter OKC
 - e. Linda Allegro, New Sanctuary Network Tulsa
 - f. Miriam H. Marton, University of Tulsa College of Law Legal Clinic
- III. Q & A
- IV. Public Comment
- V. Adjournment

Appendix B – Hearing Transcripts

November 6, 2020 Online Panel Transcript (AKA Transcript I)

November 17, 2020 Online Panel Transcript (AKA Transcript II)

December 8, 2020 Online Panel Transcript (AKA Transcript III)

December 15, 2020 Online Panel Transcript (AKA Transcript IV)

Documents found at:

https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L09LL1JhY2lhbCBEaXNwYXJpdGllcyBpbiBQb2xpY2luZy9BcHB1bmRpeCBC

Appendix C – Written Testimony

All written testimony can be found at:

https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L09LL1JhY2lhbCBEaXNwYXJpdGllcyBpbiBQb2xpY2luZy9BcHB1bmRpeCBD

Testimony submitted by:

Dr. Tiffany Crutcher

Rev. Robert Turner

Senator George Young

Appendix D - List of Individuals and Organizations Invited, but Declined to Participate

Chief Wendell Franklin, Tulsa Police Department

Chief Wade Gourley, Oklahoma Police Department

Marcus Harper, Tulsa Fraternal Order of Police, Black Officer's Coalition

Steve Kunzweiler, Tulsa District Attorney

David Prater, Oklahoma City District Attorney

Angela Marsee, District Attorneys Council

Trent Baggett, District Attorneys Council

Sara Hill, Cherokee Nation Attorney General

Mike Hunter, Oklahoma Attorney General

David Holt, Oklahoma City, OK Mayor

GT Bynum, Tulsa, OK Mayor

Breea Clark, Norman, OK Mayor