

STATE ATTORNEYS GENERAL POLICE OVERSIGHT AND ACCOUNTABILITY NETWORK

Grounding Police Accountability in Community Engagement Strategies for State Attorneys General

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Introduction

Almost two decades after the beating of Rodney King by Los Angeles Police Department officers, demonstrators from around the country again poured into the streets.¹ This time, they were chanting, "I can't breathe" in response to the killing of George Floyd, an unarmed Black man who was killed by Minneapolis police officer Derek Chauvin, who placed his knee on Floyd's neck for more than nine minutes.² The cell phone footage of the killing captured by bystanders reignited a nationwide movement for police reform and exposed an urgent need for more leaders to enter the arena to address a national crisis around policing.

It was this context that propelled many state attorneys general leaders with significant, state-wide power—to increase their efforts to hold law enforcement agencies accountable for misconduct in their respective states. State attorneys general across the country have responded to demands for police accountability in different ways, including seeking legislative authority to conduct pattern or practice investigations and launching historic investigations into police departments.

The Institute for Innovation in Prosecution at John Jay College launched the State Attorneys General Police Oversight and Accountability Network to bring together attorneys general, leading experts, and key stakeholders for a series of strategic convenings in response to the urgent need for state attorneys general to play a greater role in police accountability work. The project aimed to position state attorneys general to assume leading roles in police accountability and oversight, and, in so doing, to strengthen community trust in law enforcement, increase police legitimacy, and improve public safety.

This publication stems from the IIP's network and is based on the many conversations that took place during our three convenings. The insight gleaned from these discussions with attorneys general, attorney general staff, directly impacted family members, and prominent experts in police accountability has helped to shape these guidelines.

Throughout this project and in this paper, the IIP has drawn on the broad expertise of the State Attorneys General Police Oversight and Accountability Network Advisory Board, which includes former elected and appointed state attorneys general, policing experts, former U.S. Department of Justice staff, academics, and federal monitors. The IIP is tremendously grateful for their willingness to share their insight. Their perspectives support the case for state attorneys general using a variety of strategies and approaches to improve police accountability and build community trust in law enforcement so that communities can be safer and more just. This paper, and its broader paper series, offers guidance to attorneys general and their staff on how to do just that.

At the same time, we know that this work is unfamiliar for many offices. Our nonpartisan network, which includes attorneys general with diverse political views and party affiliations, aims to bridge divides and offer guidance to all attorneys general on how they can engage in police accountability and oversight work in their communities—regardless of their entry point. Whether an office is well established in this work or just starting to think about expanding its role in police accountability, we hope that our publication series is instructive and serves as a helpful resource for all attorneys general and staff who seek more information, resources, and guidance in this space.

There can be no safety without trust in law enforcement, and building that trust requires putting in work to meaningfully engage communities.

This paper focuses on a critical theme that all our papers in this series address in some capacity: the importance of engaging communities in police oversight and accountability work. We look at examples of effective community engagement approaches. We also describe an experiential exercise in which our network participated during our June 2023 convening to model the roundtable series used in Chicago as part of its historic consent decree process. Finally, we offer top considerations for attorneys general–or any leader–in engaging community members in police accountability work.

There can be no safety without trust in law enforcement, and building that trust requires putting in work to meaningfully engage communities. This paper explores strategies attorneys general have used effectively to effectively engage communities in pursuing police accountability. We hope it inspires new approaches to centering those most impacted by harmful policing in creating effective solutions.

Core Community Engagement Principles for Attorneys General

1	Attorneys general should affirmatively prioritize directly impacted voices and demonstrate a commitment to inclusion by removing socio-economic barriers to participation in community engagement initiatives (e.g., providing food, childcare).
2	Attorneys general should emphasize that community feedback is deeply valued and will directly inform results.
3	Attorneys general should commit to protecting constituent anonymity and privacy.
4	Attorneys general should be transparent with their constituents about the design of their engagement approach and their strategic plan to incorporate community feedback into any and all policy outcomes.

5	Attorneys general should formalize the process of incorporating community input into reform agreements, and make it clear to their constituents that their voices are not only heard, but directly taken into consideration.
6	Attorneys general should engage in ongoing community engagement, recognizing that there is no formal end to engaging in meaningful dialogue with constituents, especially those most impacted by unlawful policing.
7	Lean on the IIP's State Attorneys General Network for support and guidance.



Community Engagement

The Role of Community in Police Accountability Efforts

Communities that are directly impacted by police misconduct are uniquely poised to shape police accountability initiatives. Community members who have witnessed and experienced police misconduct over the course of years can offer invaluable information on how local departments operate and critical insights on strategies to hold police departments accountable. Engaging with impacted communities—to hear their concerns and collaborate on solutions is therefore an indispensable element of any pursuit of police accountability. Attorneys general conducting pattern or practice investigations must foreground impacted communities in their police accountability efforts.

During the IIP's three convenings as part of this project, there was broad agreement from members of our network, including elected attorneys general, community stakeholders, and people directly impacted by police violence, that both attorneys general and the communities they serve would benefit from new strategies and tools to conduct community engagement. At our in-person convening in June of 2023, our network heard from key leaders in this space about new engagement strategies, including from the architects of the engagement process that helped to shape the Chicago Police Department Consent Decree, which was approved in 2019.³ Our network reached consensus that traditional models of community engagement—described by former Illinois Attorney General Lisa Madigan as the "two minutes at the mic" approach—are insufficient and ineffective.

Traditional engagement strategies frequently limit the potential of community-driven reform in police oversight and accountability efforts.



Members of our network made clear that the "town-hall meeting" format, often utilized by elected officials and community members alike, can inhibit meaningful engagement. Town halls, especially when held repeatedly in the same locations, often cater to a small subset of community members who are able to attend. These events may therefore be inaccessible to people with fewer socioeconomic resources and are disconnected from any forward progress or continuity of conversation. Instead, legitimate community engagement must go beyond town hall forums or sterile public comment processes.

Attorneys general should develop comprehensive strategies for their engagement efforts in order to engage in meaningful dialogue and conversation with community members so their perspectives are fully integrated into any final accountability mechanisms. This may include everything from small-group discussions between community members and high-level policymakers to structured working groups on specific aspects of police misconduct. Another effective strategy to consider is the establishment of community advisory councils to guide attorneys general internally in their police accountability work.⁴

Building Trust in Community Engagement

Thoughtful community engagement presents a unique opportunity for attorneys general to cultivate trust with the people they serve while simultaneously gathering critical data to better inform accountability initiatives and broader public safety strategies. Attorneys general should build transparent accountability and reporting mechanisms into their engagement strategies to ensure that community members will treat these approaches as worthy of their time and effort. It is also important that community engagement be presented well to community members: rather than framing engagement as a process of informing community members about an aspect of their work, attorneys general should approach community engagement as a dialogue—an authentic, ongoing conversation that is built on mutual respect.

Inclusive models of community engagement should take into account the voices of groups that may feel marginalized in a large setting—such as domestic violence or sexual assault survivors, LGBTQ+ community members, people living with disabilities, people experiencing houselessness, among others. Attorneys general should ensure that their engagement plans include targeted outreach to members of these communities–including through smaller sessions focused on specific marginalized groups. That outreach should take an expressly intersectional lens (i.e., ensuring that outreach to the LGBTQ+ community also includes outreach to organizations that support LGBTQ+ people of color).

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It is important to keep in mind that engaging community members on police misconduct issues entails asking them to share some of the most challenging and traumatic experiences of their lives. Attorneys general must assure them that their stories and ideas will not simply be recorded and filed away, but rather will serve as a keystone of reforms designed to prevent similar pain and trauma. Emphasizing this point will not only encourage participation, but serve as its own trust-building measure. Attorneys general should ultimately provide community members with a clear roadmap for how engagement translates to policy impact, from initial contacts, to solution development, to implementation.

Lessons from Minnesota

When conducting community engagement efforts, attorneys general should identify and engage neighborhoods and community groups that represent the diversity of their constituency. This strategy has been modeled successfully by the Minnesota Department of Human Rights ("MDHR")--which has the sole authority to conduct pattern or practice investigations in Minnesota– in its consent decree process in Minneapolis.

At the IIP's June 2023 convening as part of our State Attorneys General Police Oversight & Accountability Network, MDHR Commissioner Rebecca Lucero and Deputy Commissioner Irina Vaynerman presented to our network on the challenges they faced, the strategies they adopted, and their ultimately successful creation of a consent decree. They explained that in 2022, the MDHR partnered with the Minnesota Justice Research Center ("MNJRC") to conduct comprehensive community engagement efforts to identify community members' recommendations for what the consent decree should address. The MNJRC drew on the expertise of many community-based partners, including locally-operated law firms, graduate students, and policy experts. MNJRC prioritized its outreach to people of color, especially Black and Indigenous community members, and those with direct criminal legal experience. They also opened the opportunity for engagement to the full Minneapolis community, including others who are negatively affected by race-based policing.

To recruit participating community members, the MNJRC deployed a "two-pronged approach," prioritizing contact with critical participants, largely Black and brown people with direct contact with the criminal legal system, while also facilitating broader, geographically representative public participation.⁵ This strategy culminated in fifteen community engagement sessions across the city, which included eighteen community groups, and testimony from hundreds of community members.⁶ The MNJRC was able to prioritize engagement with the communities bearing the brunt of overpolicing and police violence, while still gathering broad data about the policing landscape in Minnesota. The partnership that the MDHR forged with the MNJRC serves as a model for how attorneys general can collaborate with community-based organizations in

their own jurisdictions.



Lessons from Chicago

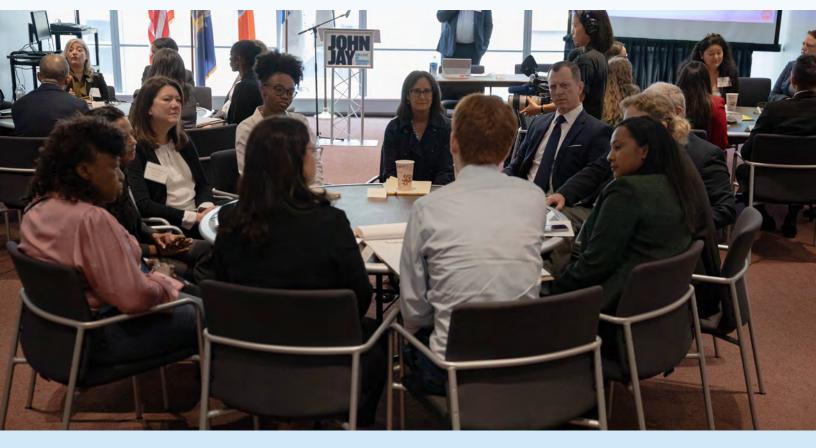
As discussed in our separate publications on remedies, following the federal government's refusal to seek a consent decree against despite a Department of Justice report finding racially discriminatory policing practices and widespread use of excessive force by the Chicago Police Department,⁷ Attorney General Lisa Madigan filed a federal lawsuit against the City of Chicago, resulting in a comprehensive consent decree and the appointment of a federal monitor.⁸ The consent agreement requires officers to log every time they draw their weapon, to report use of force data every month, to improve officer accountability procedures, and many other significant requirements.⁹ The consent decree remains in effect today.¹⁰

Throughout the consent decree process, Attorney General Madigan prioritized community engagement. She oversaw the engagement of community members through many community roundtables held throughout the city, which resulted in more than 6,000 comments that directly impacted the drafting of the consent decree.¹¹ This was an important model for how attorneys general can effectively engage communities in their police accountability work.

The IIP's June 2023 convening included an experiential exercise designed by Dr. Joseph Hoereth, Director of the Institute for Policy and Civic Engagement at the University of Illinois Chicago. Dr. Hoereth and his team designed and implemented the innovative community engagement strategy used in the Chicago Police Department Consent Decree.

During the convening, Dr. Hoereth recreated a version of the Chicago model to allow members of our network to both personally experience its benefits and learn how to recreate it themselves in their communities. For over an hour, participants in our convening, including state attorneys general and their staff, people directly impacted by police violence, academics, advocates, and policy experts, engaged in small, structured roundtable conversation about policing issues.

To model the sessions held as part of the community engagement process in Chicago, participants at the convening were seated at round tables in small groups, where moderators presented them with a series of specific questions about ways that prosecutors can more effectively pursue accountability for police officers who violate the law.



Participants in an experiential community engagement roundtable at the IIP's June 2023 convening. Pictured, clockwise from foreground: Jill Habig (Public Rights Project), Gwen Carr (mother of Eric Garner), Emily Winograd Leonard (New York AGO), Kimberly Pendrick (Michigan AGO), Nayelle Pace (John Jay College), Lisa Madigan (former Illinois Attorney General), Scott Thomson (former Chief, Camden Police Department), Lawrence Wasden (former Idaho Attorney General, obscured), Yolanda Melville (New Jersey AGO), and Harry Breault (IIP).

Following the convening, at the request of the IIP, Dr. Hoereth and his team at UIC then conducted an analysis of the conversation in order to shed greater light on the insights and perspectives of our cohort, much as had been done with the results of the roundtables in Chicago.¹²

Two discussion questions formed the basis of two rounds of small group discussion: first, *"what has been your experience/your perspective on police oversight in your community, city, or state?"* and second, *"in what specific ways should prosecutors and our legal system work to better hold officers accountable?"* A total of 136 comments were recorded for Question 1 and 80 comments were recorded for Question 2. Each comment was reviewed and coded along the dimension being analyzed.

The UIC team reviewed the table notes from the sessions and applied a simple thematic analysis, considering three aspects of the comments recorded: the nature of the comments,¹³ any sentiments expressed by the comments,¹⁴ and topics mentioned or discussed at the tables.¹⁵ The analysis encompassed a general snapshot of what was discussed, how participants felt about the issues at hand, and the types of ideas or strategies shared regarding how prosecutors can more effectively hold police accountable. The following key takeaways emerged from the analysis:

Legislative Change: Some cohort members viewed existing legislation as a hindrance that sets too high of a legal standard to prosecuting officers or limits the range of what prosecutors can do; essentially, some participants were wondering out loud about the practical power of attorneys general within this legal context. Although most comments were not specific about the kind of new legislation needed, at least one comment made reference to recent legislation in Maryland as a positive example.¹⁶

Human Rights: Many comments focused on police misconduct as a "human rights issue," including arguments that prosecutors need to "humanize" their approach to the problem. These comments were often wedded to the notion of treating victims' families with respect through honest and frequent communication throughout the duration of their cases. **Proactive Prevention:** An important undercurrent of comments focused on taking more proactive steps to prevent, identify, and intervene in cases where officers and departments have a culture or history of misconduct. Particularly, comments that were coded as "Leadership/Culture," "Oversight and Accountability," "Training," and "Specific Police Policy or Practice" fell into this category. Some comments also mentioned the need to address the challenges presented by police unions and decertification processes.

Role of Directly Impacted Voices: The sense of the lead facilitators was that the inclusion of family members of individuals impacted by police violence greatly enhanced the dialogue by providing voices that were able to share the victims' perspectives and ideas rooted in their lived experiences.

Major Themes for Community Engagement

Ultimately, the community engagement strategies that emerged from our network—through both our roundtable experiential exercise and through our broader discussions—centered around a few major themes that should be prioritized: inclusion and privacy; transparency and public education; and making a clear commitment that community members' insights and experiences will directly shape reform outcomes. After all, community input provides enormously valuable data for attorneys general who seek to hold police accountable, and that input is only obtainable through respectful, inclusive, and deliberate engagement. Attorneys general should design their engagement strategies not only to inform their broader police accountability agenda, but to rebuild community trust at every step.

Creating Engaging Events

1	Identify community leaders in impacted areas and actively participate in outreach and relationship-building.
2	Target small community engagement events to marginalized groups, whose members may not want to share in larger settings.
3	Encourage community leaders to recommend locations in the community that can serve as safe spaces for meeting.
4	Provide childcare resources for attendees to facilitate participation.
5	Provide food from a well-known local vendor.
<u>6</u>	Identify community leaders in impacted areas and actively participate in outreach and relationship-building.
7	Target small community engagement events to marginalized groups, whose members may not want to share in larger settings.
8	Encourage community leaders to recommend locations in the community that can serve as safe spaces for meeting.
9	Provide childcare resources for attendees to facilitate participation.
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Conclusion

Attorneys general bear great responsibility for promoting police accountability and justice for their communities—and, as this paper establishes, attorneys general can make great strides in this space by engaging their communities in innovative ways. As Attorney General Lisa Madigan put it when speaking at our June 2023 convening, "If you're going to be doing work on police reform, you absolutely have to talk to people in community who have experienced over-policing—so that you understand the problems, but you also learn some of the best solutions."¹⁷ Community members are an invaluable source of direction and guidance in this space, and attorneys general have a duty to collaborate with them in pursuing justice for their communities.

Police misconduct is an issue that impacts all of us. Police officers work in close proximity, and often in close collaboration, with every community in this country, day in and day out. Their ability to promote safety flows, in large part, from the trust that their communities place in them. And wherever that trust breaks—or remains broken—deeper harm inevitably results. Restoring that trust is the shared responsibility of every criminal justice stakeholder, but very few have as critical a role to play as state attorneys general.

The goal of the IIP's State Attorney General Police Oversight & Accountability Network is to ensure that state attorneys general have the necessary information, guidance, strategies, and support to succeed in police accountability pursuits. Our network encourages state attorneys general across the country to step into the arena and embrace the unique contributions they can make in this space, regardless of how new it may be to them. We hope that this paper, and the network the IIP has built, enables improved collaboration and greater aspiration in the work of state attorneys general to ensure police accountability, safety, and justice for all communities.



Acknowledgements from the Executive Director

On behalf of the IIP, I want to thank everyone who helped make this paper and our broader publication series possible. Thank you to Arnold Ventures for providing the support for this innovative project from the very start. Thank you to Walter Katz, former Vice President of Criminal Justice at AV, for his thoughtful guidance of this project. And a deep thank you to Marc Krupanski, Director of Criminal Justice at AV, who has been our partner from the very outset and without whose wisdom and insight this project would not have succeeded.

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Thank you to the many readers and reviewers of this paper: Dr. Joseph Hoereth; Lisa Madigan; Irina Vaynerman; Marc Krupanski; and Lynne Ross. Your feedback was invaluable and we are deeply appreciative of your generosity in helping to guide not only our paper but attorneys general across the country.

Finally, thank you to the participants in our project: all the elected and appointed state attorneys general, attorney general staff, academics, law enforcement leaders, experts, and advocates who engaged so deeply on this issue. Most of all, thank you to those courageous family members who have lost loved ones to police violence for being willing to share your pain in hopes that doing so would prevent other families from experiencing loss. Your strength and perseverance will never cease to inspire us.

Despite enormous progress in many areas of policing and despite hard-fought gains in recent years, we are still a long way from preventing police violence, from addressing deep-rooted bias within many police departments, and from providing safety and accountability for all communities. This problem is all of ours. It's a problem requiring more leaders to join in the work. It's a problem in need of more collaboration on effective strategies, approaches, and solutions.

Thank you, readers, for your interest in this work-and, I hope, for being a part of those solutions.

In gratitude,

-ael Manuell

Rachel Marshall Executive Director Institute for Innovation in Prosecution at John Jay College

Endnotes

- 1 History.com Editors, *LAPD Officers Beat Rodney King on Camera*, HISTORY (Mar. 4, 2020), <u>https://www.history.com/this-day-in-history/police-brutality-caught-on-video</u>.
- 2 Amy Forliti et al., *Police Chief: Kneeling on Floyd's Neck Violated Policy*, ASSOCIATED PRESS (Apr. 5, 2021, 6:59 PM), <u>https://apnews.com/article/derek-chauvin-trial-live-updates-c3e3fe08773cd2f012654e782e326f6e</u>.
- 3 Press Release, Office of the Mayor of Chicago, Att'y General Madigan, Mayor Emanuel, Chicago Police Superintendent Johnson Release Draft Consent Decree on Chicago Police Reform (July 27, 2018), <u>https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Room/Press%20Releases/2018/July/072718_DraftConsentDecreeChicagoPoliceReform.pdf</u> [hereinafter Draft Consent Decree on Chicago Police Reform].
- 4 The Power and Potential of State Attorneys General to End Police Brutality, PUBLIC RIGHTS PROJECT, 10 (Sept. 2020), <u>https://static1.squarespace.com/static/592c8640c534a5adf895986b/t/5f6bbff0e228e7</u> 38ad46e4c8/1600897009236/PRP-stateAG2020-v06.pdf.
- 5 SEE COMMUNITY ENGAGEMENT: SHAPING A CONSENT DECREE IN MINNEAPOLIS, MINN. JUST. RESEARCH CENTER, (Mar. 31, 2023), (<u>https://mn.gov/mdhr/assets/Community%20Engagement%20</u> -%20Shaping%20a%20Consent%20Decree%20in%20Mpls%20-%20MNJRC%20-%203-31-23_tcm1061-<u>571216.pdf</u> ("The MDHR employed a qualitative purposeful sampling strategy with a critical sampling approach (Creswell, 2013) targeting a local demographically representative sample, oversampling for race.").
- 6 Id. at 13.
- 7 Trump Administration to Oppose Chicago Police Reform Plan: Sessions, REUTERS, <u>https://www.reuters.com/article/us-usa-police-chicago-idUSKCN1MK03Z</u> (last updated Oct. 9, 2018).
- 8 Aamer Madhani, *Federal Judge Approves Consent Decree to Reform Chicago Police Department*, USA TODAY, <u>https://www.usatoday.com/story/news/nation/2019/01/31/chicago-police-department-consent-decree-reforms-attorney-general-lisa-madigan/2734415002</u> (last updated Jan. 31, 2019).
- 9 Id.

10 Id.

- 11 Joseph K. Hoereth & Norma E. Ramos, *Consent Decree Community Engagement*, INSTITUTE FOR POLICY AND CIVIC ENGAGEMENT (July 2018), <u>https://www.chicagopoliceconsentdecree.org/Page-Attachments/CPCD/Resources/Community/IPCE-Community-Engagement-Report_Final.pdf</u>.
- 12 Although this analysis does not directly replicate the methods used in the Chicago report, it applies a simple thematic analysis to the model discussions held during the June convening.
- 13 Most of the comments expressed a sentiment, shared an idea, offered a critique of the current system, were stating a neutral observation, raising a question, or some combination of these. Most of the comments that were coded were of a nature of a general observation or a question being posed to the table, which is not unusual. Particularly in the early stages of a dialogue, individuals may start off with comments that are "safe" or that pose a question to others. The second most common type of comment was those critical of the current system, given that focus was on a topic that is widely accepted as a challenge for prosecutors. The fact that ideas were being shared indicates that discussants moved past critiques to generating ideas for solutions.

- 14 Most of the comments expressed a neutral sentiment that was either expressly neutral or where neither a positive nor a negative tone could be discerned. In this discussion there was a fourth sentiment often expressed that is worthy of noting: expressions of empathy for those impacted by police misconduct. Many of the comments that expressed empathy for those impacted by police misconduct were also offering a recommendation for a reform or change in practice that might increase effectiveness in holding officers accountable.
- 15 That the most frequently mentioned comments were those that were offering a "Specific Action for Prosecutors or AGs to Take" is evidence of participants' robust responses to Question 2, which asked for specific ideas on how prosecutors can be more effective in prosecuting police misconduct. However, such suggestions were also offered during discussions of Question 1, indicating that participants tended to be solution-oriented in their discussions regardless of the question.
- 16 See Press Release, Md. Att'y Gen., Attorney General Brown Achieves Key Legislative Goals of First 100 Days in Office Leads Historic Expansion of Civil Rights and Other Critical Protections for Marylanders (April 11, 2023), <u>https://www.marylandattorneygeneral.gov/press/2023/041123.pdf</u> ("Attorney General Brown also commended the General Assembly's passage of other key priorities, which include giving the Office authority not only to investigate, but also to prosecute–when warranted–police-involved fatalities and serious injuries likely to result in death. Building on the General Assembly's historic 2021 police reform efforts, this new law will align the State with best practices in police accountability and increase public confidence that investigations and prosecutorial decisions are independent and transparent.").
- 17 Lisa Madigan, Comments made during Convening at Institute for Innovation in Prosecution's Convening on State Attorneys General Police Oversight Network (June 16, 2023).