

DURHAM BEYOND POLICING COALITION

PROPOSAL FOR A COMMUNITY-LED SAFETY AND WELLNESS TASK FORCE

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INTRODUCTION: WHAT DOES PUBLIC SAFETY FEEL LIKE?

Cities and counties represent a local social contract to pool collective resources for the public good. We create cities like Durham based on a principle that we can live safer, more joyful lives by relying on the collective rather than the individual. Public safety thus entails an ongoing commitment to sustaining community through relationship building and accountability, not by severing people's ties to community and disposing of them. Our public resources are best used in the service of bolstering the integrity of communities, rather than undermining them.

Durham Beyond Policing is a coalition of many organizations and community members invested in re-envisioning public safety. We see that current punitive models of public safety are steeped in violent dehumanization and captivity, neither of which is effective for preventing community harm or promoting accountability.

Durham Beyond Policing initially came together to oppose the 2016 plan by the Durham City Council to devote \$71M to building a new police headquarters. We re-convened this spring around the Durham Police Department's (DPD) request for a funding allocation to hire 72 new police officers over the course of three years (and Durham County's parallel misallocation of 59% of our county budget to the jail and law enforcement rather than health, schools, and libraries).

"Public safety" conjures vivid imagery for us. An abundance of resources. An end to vast inequality and power imbalances. Freedom to live our lives. Demilitarization. Our communities participating in collective decision making. How we are with each other when the music is playing and after it stops. Children growing into adults without harm. An ability to express joy without fear of being hindered. Building relationships. Communities resolving our own problems with all the support we need. Assessing our needs and meeting each other where we're at. Sharing resources. Nourishment. Feeling at ease. Celebrating each other.

When we surveyed Durham residents in 2016 and 2017 about how they would spend the \$71M allocated to build the new DPD headquarters to keep their communities safe, they said they wanted affordable housing, healthcare access, good jobs, and better public transportation. They wanted to address structural problems.

We believe that achieving community safety requires structural solutions. The amount of money required to hire and equip these many new police officers and sheriff's deputies represents a sum of public money that has never been directly devoted to creating and maintaining the resources that keep people secure—education, housing, food, healthcare, employment, and city design.¹

¹ Benita Tsao and Rachel A. Davis, "Community Safety by Design: Preventing Violence through Land Use," *Prevention Institute for The California Endowment*, September 2015, <https://www.preventioninstitute.org/publications/community-safety-design>.

We wholeheartedly agree with Durham Mayor Steve Schewel, who wrote in an email to us in 2016, “the key to ending crime is decent housing, a good education for every child, an end to hunger in America, and a good job for everyone that wants one, and an end to gun violence.” We also agree with several statements by current city council members about the role of police in perpetuating racial disparities, and with the necessity of developing alternatives to current policing practices, which have cost thousands of people their freedom and resulted in many lives taken from our communities (See Appendix A).

In Durham, our community is working towards a time when we are beyond policing, when everyone has a good job and excellent health care and a safe, warm, affordable place to live.

Further, we support the city council's unanimous April 2018 policy statement ending military-style police training, which stated, “We recognize and share the deep concern about militarization of police forces around the country. We know that racial profiling and its subsequent harms to communities of color have plagued policing in our nation and in our own community. In Durham, our community is working towards a time when we are beyond policing, when everyone has a good job and excellent health care and a safe, warm, affordable place to live.” (See Appendix C).

To these ends, we request from the City of Durham the formation of a **Community-Led Safety and Wellness Task Force** to develop viable structural alternatives to policing and incarceration as public safety.

We applaud elements of this year's proposed City Budget that already point towards advancement of our shared goals: the Equitable Engagement plan, the Equity and Inclusion Office, the Participatory Budgeting program, affordable housing, economic development, as well as a push towards eliminating harmful landfill waste through a citywide composting program. We hope to see increased funds are allocated toward the Eviction Diversion Program, Durham Expunction And Restoration Program (DEAR), Welcome Home Program, and a **minimum hourly wage of \$15 for all city workers** in the revised 2019-2020 budget.

Relatedly, we applaud the Durham County manager's proposals for the 2019 - 2020 budget to expand the Public Health department to add two Cradle to Career and Adverse Childhood Experiences (ACEs) related coordinators that will support a “more holistic approach that supports families and children from birth to career.” These coordinators will help our county “move from awareness to action as Durham strives to become a trauma-informed community.” The County budget proposal also suggests adding one Racial Equity Coordinator to the Public Health department to advance racial equity work among County staff. In regards to mental health, the County Manager is recommending adding to the Criminal Justice Resource Center staff “two, part-time weekend positions to improve mental health coverage” at the jail and it recommends converting a currently grant-funded position that handles psychiatric care at the jail into a full time-county funded position.²

WE NEED CITY AND COUNTY FUNDS TO SUPPORT A COMMUNITY-LED SAFETY AND WELLNESS TASK FORCE

Our central proposal for fiscal year 2019-2020 is the creation of a Community-Led Safety and Wellness Task Force, empowered to research and propose viable, cost-effective, long-term solutions to violence and harm.

We request \$200,000 from the City of Durham to support the first year of the Task Force, which would cover the expenses of achieving the three objectives listed below, along with compensating Task Force members for their labor through a monthly stipend.

The Task Force would be composed of a diverse cross-section of seven to fifteen Durham residents, *excluding law enforcement officers, and including those active in social and economic justice organizations and/or directly impacted by systemic violence.*

In the first year, the Community-Led Safety and Wellness Task Force would have three primary objectives:

1. **Research and raise the profile of existing Durham-based community-led safety and wellness initiatives** (such as BYP100 Durham Chapter's She Safe We Safe de-escalation skills workshops).

Learn from people in neighborhoods and organizations that are using methods grounded in an anti-oppression framework to solve their problems (conflict transformation, popular education, community accountability, collective care, transformative justice, and other forms of violence prevention or intervention). Find efforts that have tracked success over time and explore how to bring to scale with additional funding and support.

2. **Research local community-led safety and wellness initiatives in other cities**, particularly in Southern cities, and explore which models might be most relevant for Durham.

For example, where are pilots for trauma-informed first responder teams that do not include police? What does it look like when the shell of an old jail is converted into a wellness center? What are the costs? What have been the outcomes?

- 3. Work with city and county staff to research, map, and promote existing Durham City and County-supported initiatives** (such as the Eviction Diversion Program partnership with Legal Aid, Duke Law, Department of Social Services, and the courts) that have been most effective in decriminalizing poverty and race.

Explore how to reorient our budget towards the longevity of programs that successfully support our neighborhoods in achieving greater equity, stability, and peace.

This resident-driven, city and county staff-supported task force would listen within neighborhoods and across the City of Durham to derive and present recommendations to Durham City Council and Durham County Commissioners about policies, practices and programs that could generate long-term solutions to safety and wellness concerns.

Durham City Council would appoint the members of the Task Force. A review committee comprised of leadership from local social and economic justice organizations would help recruit applicants and evaluate the pool based on racial, age, immigration status/ nationality, and economic class diversity as well as geographic diversity across neighborhoods.

TASK FORCE

We envision a task force that is reflective of the Durham community with an intent to center the voices of traditionally marginalized people (intergenerational, multi-racial, inter-abled, LGBTQIA, and across the economic spectrum). The review committee would evaluate individual applicants on criteria such as:

- » Experience and ongoing involvement in **social and economic justice organizations related to community-led safety and wellness models**
- » Experience and ongoing involvement in **crisis intervention, CPR, and other health emergencies, and de-escalation skills** (for example, people who have worked in mental health, ending domestic violence, etc.)
- » **Visionary and pragmatic solutions about community safety**
- » **Commitment to racial, economic, environmental, and social justice**
- » **Years lived in Durham**

We envision an iterative learning process with ongoing evaluation, returning to council annually to share reflections on improving the effectiveness of the task force. The Community-Led Safety Task Force would host an annual educational workshop and public forum, and members of the public would be welcome to bring ideas and proposals to Task Force meetings. Community-Led Safety and Wellness Task Force members would serve three year terms, with a two-term limit.

Requests to City of Durham staff members:

- » City of Durham staff would provide details to the Community-Led Safety and Wellness Task Force regarding the cost to Durham residents for a three year plan to hire 72 new police officers.
- » City staff would provide research support to the Community-Led Safety and Wellness Taskforce to explore other creative, effective community-led safety efforts that have been piloted in similar cities, particularly across the Southern US.
- » Because community members directly impacted by violence as well as community organizers, advocates, researchers, and social workers would find it difficult to take time away from work, family, and other responsibilities, the City and County would need to provide stipends to Community-Led Safety and Wellness Taskforce members. City and county staff would help identify and source funding for stipends to Task Force members as soon as possible.

Oftentimes opportunities like serving on a city task force are inaccessible to poor people, people of color, and directly impacted community members due to lack of resources, time, and support. We hope that Durham's leadership will work with the community to challenge and transform the ways in which this trend impacts the healing, visioning and self-determination of frontline community members by removing the typical barriers and providing the Community-Led Safety and Wellness Task Force with a stipend to cover the costs of labor, transportation, and child care.

We are calling for a re-allocation of Durham City and County resources away from the policing and incarceration that is harming our communities and toward publicly affirming community-rooted solutions to violence by creating the Community-Led Safety and Wellness Task Force, funding a roadmap to change.

WHAT ARE WE RESPONDING TO?

THE DURHAM POLICE DEPARTMENT REQUEST

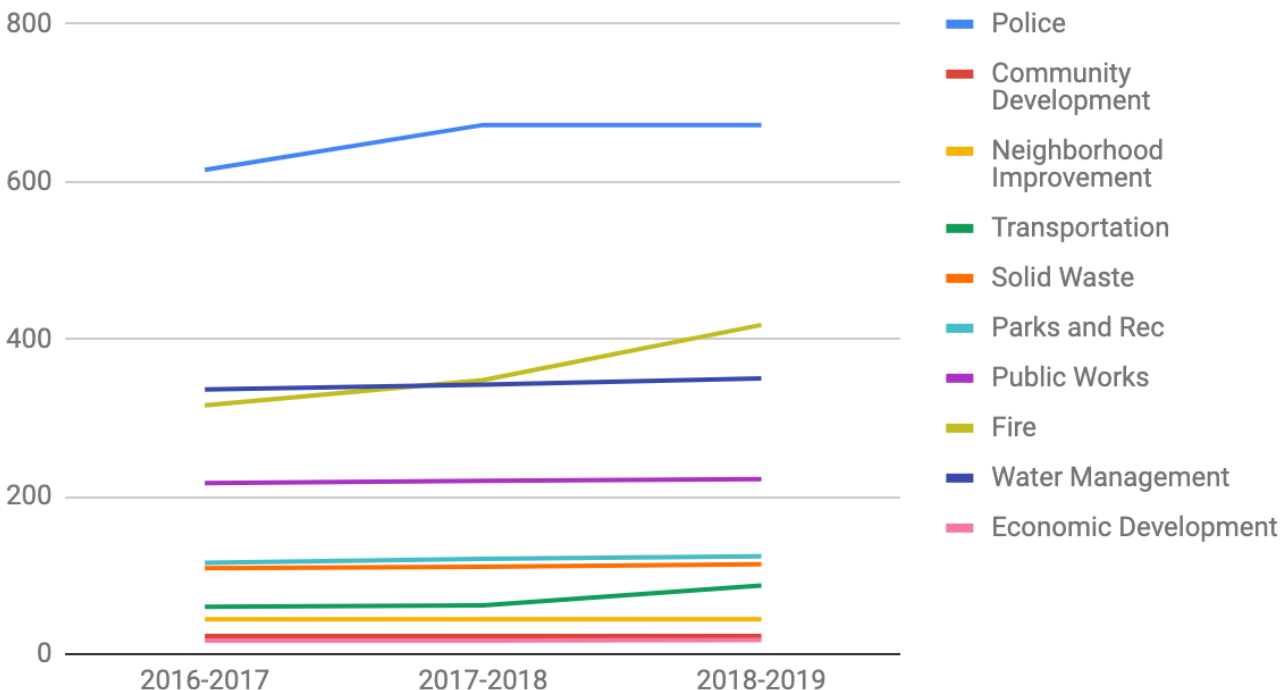
This request comes before you because the draft budget for the City of Durham for 2019-20 contained a request from the DPD for 72 additional full time (FTE) officers over three years, with the first year's cost given as \$1,729,573 for an initial 25 new officers. This three-year intent is reflected in a note in the Police Department section of the 2019-2020 budget: "These 72 would be phased in over a period of three years, with 25 being requested in FY20. The Implementation is planned to occur in FY20 as a pilot program in District 4 utilizing 18 of the 25 officers," although in the actual budget the actual cost of 18 new officers is not given.³

The police represent 60% of the Public Safety budget, which itself represents half of the General Fund for the City of Durham.

The addition of even 18 new police officers, along with other funding increases, brings the total DPD budget for 2019-2020 to over \$68M, an increase of 4.4% from last year's funding. The police represent 60% of the Public Safety budget, which itself represents half of the General Fund for the City of Durham. What does this say about our priorities? As a starting point for our imagination, what would happen if we flipped that 60:40 ratio?

For reference, the Community Development budget, which includes funding for everything from eviction diversion to affordable housing to housing for those experiencing homelessness, is proposed to receive just \$18.9M. The Public Transit budget, which covers the GoDurham and ACCESS mass transport systems, is only \$30M. The graph on the following page illustrates the disparate human resources allocated for the police relative to many other essential public services, including community development and public works.

Full Time Employees for Certain City Departments, 2017 - 2019



SOURCE: City of Durham 2018-2019 Budget, which has numbers going back to 2017, pg 98
<https://durhamnc.gov/DocumentCenter/View/22131/FY-2018-19-Adopted-Budget>

Meanwhile, Durham part-time city workers are still waiting for the hard-won historic municipal living wage to reach them. Part-time workers are expected to serve the city with immense flexibility for last-minute scheduling, and the least they deserve is to be included in our city's standard of a \$15/ hour minimum with an expansion of their hours so they don't have to juggle three jobs to support their households. Further, full time workers are being overworked. Hiring more police while forcing water and sewer workers to be on call every third week, doing routine work in the middle of the night, is totally unacceptable.

This inequitable allocation of resources comes despite numerous and persistent calls from various community organizations and individual residents to the City Council to expand the city's vision of public safety far beyond policing and towards supporting public systems that keep people alive, housed, fed and gainfully employed. If the city budget is a

moral document, as City Councilor Mark Anthony Middleton noted at the May 20th City Budget Presentation, and with which we agree, then the 2019-2020 Durham City Budget needs to fulfill the city's stated values of racial equity and economic justice line by line.

We object to hiring of any new law enforcement officers for the coming three years, as we explain below. Even a reduced number of new police officers would not meet our community's needs for safety. We assert, rather, that we need to expand the definition of what constitutes safety before we allocate more funds.

Additionally, we have not been able to find sufficient rationale or transparency for why this money is being requested (why, for example, District 4 as the first pilot site?). The chief rationale for this increase in police officers in the slides from City Council budget retreat cites the International Association

of Chiefs of Police (IACP) Report from 2016.⁴ The 2016 IACP report was commissioned in 2014 when former Police Chief Jose Lopez requested an increase in the police force. The most recent budget notes reference an IACP Report from 2018, but we have not yet been able to locate it online or in response to request. Given that this 2018 document is part of the rationale for the police expansion request, it should be available to Durham residents for transparency.

Most immediately, neither the 2019-20 Budget nor any of the Durham City Council's public or online presentations give specific figures for the actual costs of this DPD proposal to the city's taxpayers – not for the three years of the ramp-up, or for continuing costs in the city budget thereafter. The only figure given-- \$1,729,573 in the initial Durham Police Department proposal to City Council-- is just for the first year and while it would seem to cover the costs of hiring 18 new FTE officers for the pilot program at the new recruits salary (\$37,029)⁵, it offers neither a line itemed accounting of all of the costs for the first year nor an accounting of other costs (incentives, equipment) that would be required to hire and retain a total of 72 new FTE officers. Surely, the Durham City Council should require much clearer rationale from the Police Department for the allocation of 72 additional police officers and the attendant increase in city budgets.

After considerable study, we have found the rationale for DPD's budget request is incomplete and outdated, and we object to the premise that more officers will make the people of Durham safer. This proposal offers what we feel is a more holistic approach to some of the same issues and opportunities.

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⁴ IACP, "Durham, NC Police Department Operations and Management Study," September 2016, <https://durhamnc.gov/DocumentCenter/View/12548/IACP-Report?bidId=>.

⁵ "Police Recruit," City of Durham, https://agency.governmentjobs.com/durhamnc/job_bulletin.cfm?jobID=2227164&sharedWindow=0

THE CONTEXT OF MASS INCARCERATION

We are fundamentally concerned that any new police officers hired by the DPD will step into a position inflected by our city's (and our country's) history of mass incarceration and racial violence. The US incarcerated population (prisons and jails) increased from approximately 500,000 in 1980 to 2.3 million people in 2019.⁶ This surge in prisoners, from predominantly Black and Brown communities, has given the United States the highest rate of incarceration in the world,⁷ and higher rates of Black incarceration than those in South Africa at the height of apartheid.⁸

Today's mass incarceration cuts deeply into neighborhoods and families all across Durham. The police officers tasked to "protect and defend" citizens are the police officers who arrest our siblings, parents, children, and neighbors into a prison system that has expanded far beyond any rationale of community or personal safety. Cell phone videos have documented the deaths of African Americans at the hands of police all across the United States for the most mundane of acts, seldom crimes: selling cigarettes; stopping at a traffic light; driving with a broken brake light; playing in a park – such everyday actions have become points of execution.

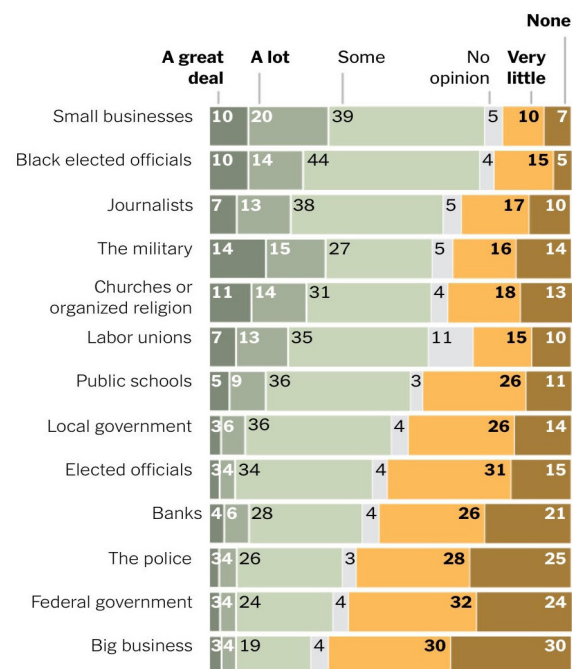
These death scenes are emblazoned in the public conscience and create a legitimate fear of police officers. Cases of corruption are emerging where mobile phone documentation by victims murdered by the police was withheld from the public. These police killings have inspired the movement "beyond policing" and have compelled us to insist on developing alternatives to armed police in order to create genuine safety and wellbeing in Durham neighborhoods.

The surge in mass incarceration developed alongside slashes in the social safety net and transfers of public

income into budgets of prisons and police. Cuts in social services and public welfare exacerbated the conditions that create crime, as did white flight out of cities that decimated urban budgets⁹ and prepared the way for gentrification of inner cities whose dollar value had plummeted. With constant missteps away from justice, confidence in law enforcement continues to erode. The recently released Black Census Project finds that the Police is one of the lowest ranking institutions among Black residents across the country.¹⁰

Trusted, or Not, by the Black Community

Question: "How much confidence do you have in each of these institutions, groups or organizations?" Ranked by most to least positive overall by percentage of respondents.



By The New York Times | Source: Black Census Project; figures do not add up to 100 percent because about 10 percent did not respond to each item listed here.

6 Wendy Sawyer and Peter Wagner, "Mass Incarceration: The Whole Pie 2019," *Prison Policy Initiative*, March 19, 2019, <https://www.prisonpolicy.org/reports/pie2019.html>.

7 "New Prison and Jail Population Figures Released by U.S. Department of Justice," *The Sentencing Project*, April 25, 2019, <https://www.sentencingproject.org/news/new-prison-jail-population-figures-released-u-s-department-justice/>.

8 Peter Wagner, "Crime and Incarceration around the World," *The Prison Index: Taking the Pulse of the Crime Control Industry* Prison Policy Initiative, 2013, <https://www.prisonpolicy.org/prisonindex/toc.html>

9 Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New Press, 2010).

10 Alicia Garza, "Dear Candidates: Here is what Black People Want," *The New York Times*, May 28, 2019. <https://www.nytimes.com/2019/05/28/opinion/black-census-alicia-garza.html>; The Black Census Project. <https://blackfutureslab.org/black-census-project-2/>

That this initial pilot project concentrates 18 new officers in District 4 alone raises the risk of invasive surveillance, abuse, and violence by police, none of which will lower the current crime rates in the District. Only understanding and directly addressing the factors underlying crime rates will meaningfully improve community safety. We who reside in District 4 are also curious about how the prospects of gentrification have impacted the request for increased policing as the best solution, as occurs in gentrifying cities across the US.

The 2016 IACP report failed to mention any of the officer-involved deaths between 2010 and 2016: Derrick Walker (2013); Jose Ocampo (2013); La’Vante Biggs (2015); Jesus Huerta (2014); or other incidents like Carlos Riley, Jr (2012); Stephanie Nickerson (2012); and James Hill (2014), none of which have resulted in substantial accountability of the officers responsible (See below for fuller descriptions of these tragedies.)

Critically, many police calls that end in officer-involved shootings are in response to community members experiencing some form of mental health crisis. The presence of police officers and especially armed police, is an inappropriate response to such incidents, as we witnessed most tragically with the DPD officer killing of La’Vante Biggs. We were stunned to learn that during the encounter with Mr. Biggs, only one person with training for the DPD’s existing Crisis Intervention Team (CIT) was on the scene, and DPD’s tactical unit trained for non-lethal force took nearly an hour to arrive, after other police forces failed to de-escalate and killed him.¹¹ The CIT Training is 40 hours long, much shorter than the training in most of the models we describe below.

Many in our community are unaware that the CIT exists, much less how to directly seek its assistance. Its deadly ineffectiveness in Mr. Biggs’s case is indicative of the disinvestment in and general failure

to take seriously viable alternatives to calling the police, particularly for expertise that is directly relevant to a person’s life or death. While we are aware of the Durham County-supported Durham Recovery Response Center and its mobile unit, such services are similarly obscured by emphasis on calling the police or sheriff’s deputies whenever a crisis or conflict arises. We have outlined below two exemplary models of mobile crisis units that could be replicated in Durham.

Durham voters have responded to the acknowledged crisis of mass incarceration and police violence by electing our current City Council, a new Sheriff, a new District Attorney, and three new Judges, all of whom have committed to reforming our criminal justice system of policing and incarceration. **We have spoken with our votes.** Our proposal invites our City Council to take action in line with these voter sentiments and with County Officials’ new initiatives. Should the Durham City Council at this moment choose to increase the Durham police force instead of investing resources into our social safety net, they would undercut the historic move that many people in the City of Durham are making away from mass incarceration and the policing that enforces it to establish processes by which a more equitable system of justice can emerge.

We understand that policing has a hold on our collective imagination and it takes time to establish the legitimacy of alternatives. **In order to do so, the City Council must publicly affirm community-rooted solutions to violence and harm by allocating the resources necessary to make those solutions possible.** This proposal seeks to hold the Council accountable not only for promises made during past election campaigns,¹² but also for the collective safety and well-being of all of its constituents.

¹¹ “According to public records, it appears that 23 officers were on the scene, most of whom were self-dispatched, and only one of whom had Crisis Intervention Training. This was the hostage negotiator, who arrived 20 minutes after the phone call and after multiple officers had already arrived. Also, the DPD has a tactical unit that is trained to use non-lethal weapons. The DPD admits that this tactical unit was en route and had not arrived by the time La’Vante was killed, approximately 50 minutes after his mother called 911.” Excerpt from the “Official Statement from the family of La’Vante Biggs,” Facebook, April 17, 2016, <https://www.facebook.com/DURHAM.FADE/posts/1796019923959577/>.

¹² See Appendix A.

CRIMINALLY UNLIVABLE CONTEXTS

The United States is one of 13 countries where Maternal Mortality and Morbidity rates (MMR) and Severe Maternal Mortality (SMM), which are defined as instances where pregnant women experience life threatening complications or death due to pregnancy, are on the rise. There are 14 deaths for every 100,000 births in the US and 100 life threatening complications for every mother that dies in childbirth. These statistics disproportionately affect Black women and children, who are 3-4 times more likely to experience life threatening pregnancy complications than white mothers of lower socioeconomic status.¹³

Midsize to large urban cities with large populations are often the most dangerous for Black people who want to have children and start families. They often do not provide the necessary public health and community resources that allow individuals to make autonomous decisions that lead to healthy children and families, ultimately further contributing to a cycle of poverty and unwellness. Maternal Mortality and Morbidity rates (MMR) and similar metrics for maternal and child health outcomes demonstrate government's investment (or lack thereof) in communities because they are directly linked to lack of neighborhood amenities, racism and health care provider bias, overpolicing and state violence, housing and environmental health disparities, and lack of social resources.* East Coast cities like Washington D.C and New York show these trends, but it is particularly severe in Southern states including Mississippi and Georgia (which has the highest MMR in the US).

Durham and other cities throughout North Carolina are not excluded from this reality. According to America's Health Rankings North Carolina's MMR increased 31% since 2016.¹⁴ As of 2010, although

minorities make up 41% of births in Durham, they account for approximately 57% of all infant deaths and babies with low birthweight. Over half of infant deaths in Durham between 2005 and 2009 happened in Black and African American families.¹⁵

Cities with a high Maternal Mortality and Morbidity rate (MMR) often go on to lack support for families and young people as they move through life. This manifests in various areas of life for young people. In every major American city, Black and Brown adolescents and teens are more likely to attend underfunded public schools that lack resources and support, ultimately contributing to the achievement gap¹⁶. Black youth are 50% more likely than white youth to live in food deserts and have less access to fresh foods, while Latinx youth are a third more likely¹⁷. In every state, Black girls are more than twice as likely to be suspended and enter the school to prison pipeline than white girls, although there is no evidence of more severe or frequent misbehavior¹⁸. Additionally, young Black men are 21 times more likely to be shot and killed by police than their white counterparts.¹⁹ These statistics paint a picture of the many detrimental gaps in systemic accountability to communities of color, as well as a lack of collaboration in creating safe and equitable communities that allow people to thrive from birth into adulthood. These facts are both "alarming" and "suspicious" but unfortunately our unjust living conditions are not recognized as criminal.

13 Black Mama's Matter Alliance, "A Toolkit for Advancing the Human Right to Safe and Respectful Maternal Health Care," 17-20, *Center for Reproductive Rights*, <https://reproductiverights.org>

14 "Maternal Mortality: Health of Women and Children," https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/maternal_mortality/state/NC.

15 "City of Durham Human Relations Commission Report on Structural Racism in Durham," June 5, 2018, <https://durhamnc.gov/Document-Center/View/23426/HRC-Structural-Racism-in-Durham-Report---June-2018>.

16 Janie Boschma and Ronald Brownstein, "The Concentration of Poverty in American Schools," *The Atlantic*, February 29, 2016, <https://www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/>

17 Charlene Baker, Aderson Francois, Effat Hussain, "Unshared Bounty: How Structural Racism Contributes to the Creation and Persistence of Food Deserts," *New York Law School Racial Justice Project*, June 2012, <https://www.racialjusticeproject.com/wp-content/uploads/sites/30/2012/06/NYLS-Food-Deserts-Report.pdf>

18 Lauren Camera, "Black Girls Are Twice as Likely to Be Suspended, In Every State," *US News*, May 9, 2017, <https://www.usnews.com/news/education-news/articles/2017-05-09/black-girls-are-twice-as-likely-to-be-suspended-in-every-state>.

19 Nikole Hannah-Jones, "Taking Freedom: Yes, Black America Fears the Police. Here's Why," *Pacific Standard*, May 8, 2018, <https://psmag.com/social-justice/why-black-america-fears-the-police>.

WE KNOW FROM EXPERIENCE AND RESEARCH THAT MORE POLICE DO NOT MAKE DURHAM SAFER

Not only is there inadequate justification for this request for 72 new officers, the only available document cited to justify this change, the IACP Report from 2016, reveals serious limitations in Durham's approach to policing with no indication whether these problematic concerns have been effectively addressed since 2014.

DOCUMENTATION OF RACISM IN DURHAM POLICE DEPARTMENT

As the 2016 IACP Report acknowledges, the DPD does not have a good reputation with many of Durham's residents. The IACP report recommends that the police face a problem of "perceived" racism that can be addressed with better public relations. We believe that racial bias in policing is a structural problem that will continue to persist in our police department. As City Council member Don Moffitt remarked of the 2016 assessment, "To describe the issue as 'perceptions' alone is to gloss over the issue."²⁰

We reached out to the City Council about getting access to the 2018 update to the IACP Report that was cited in support of the DPD budget increase. We were informed by Mayor Schewel (who passed on our request) that it was "a follow up to the 2016 report that was for the use of the department, apparently, and not shared with council, to my knowledge. It is not uncommon for departments to have studies commissioned that are not shared with council, though in light of our current police staffing discussion, it would have been good to have seen this one."²¹ We think that the public should have access to the 2018 Report that the DPD itself cited if we are to properly assess the Department's request for more funds and more officers. This is not an attack on Chief Davis, but a question of information that our elected representatives should have and of transparency that City Council members should uphold. As a body of our elected representatives the City Council has oversight of the City's police department. In the absence of access to the 2018 Report, we use the 2016 IACP Report and the information it makes available.

²⁰ Lauren Horsch, "The Durham City Council Paid \$90K for a Study That Found No Racism," *INDYWeek*, October 12, 2016, <https://indyweek.com/news/durham/durham-city-council-paid-90k-study-found-institutional-racism-police-department/>.

²¹ Email May 29, 2019 at 12:32pm to Mab Segrest.

A 2016 RTI International study found that between 2010 and 2015, black male drivers were pulled over by the police at much higher rates than white male drivers, particularly during the daytime, when the race of the driver was easier to identify.²² UNC Professor Frank Baumgartner conducted two studies, a 2012 study that looked at traffic stops across the state; and a 2014 study from data between 2003 and 2013 that examined 250,000 traffic stops in Durham. In this study Baumgartner found African Americans three times more likely to be stopped than whites. Attorney Scott Holmes and his North Carolina Central University law students found that 90 percent of those arrested by the DPD for resisting an officer are African American. Of the 195 people charged with resisting a misdemeanor, only twenty were white. Such findings suggest that more police officers do not necessarily reflect more safety for many of Durham's African-American and Latinx people.²³

In 2014 after almost two years of community education and engagement led by grassroots organizations and community members from the Fostering Alternatives to Drug Enforcement (FADE) coalition, Durham's Human Relations Commission (HRC) concluded that "racial bias and profiling (are) present in the Durham Police Department practices." As a result of their findings the HRC offered nearly thirty recommendations that they hoped would begin to address these community concerns. These findings and recommendations were supported by several organizations, including the ACLU of North Carolina; Action NC; Durham Committee on the Affairs of Black People, Durham Congregations in Action; Durham Congregations, Associations & Neighborhoods (CAN); Durham NAACP; Durham People's Alliance; George H. White Bar Association; NC Public Defenders' Committee on Racial Equity; Southern Coalition for Social Justice (SCSJ); and Southerners On New Ground (SONG).

While the action items put forth by FADE and HRC were instrumental in decreasing the overall number of stops and searches, they have not yet fundamentally altered the racial disparities in those cases. More up-to-date information from Durham's

HRC reinforces observations from FADE and from the 2016 IACP report.

For example, according to the Durham Human Relations Commission in 2019²⁴:

"In 2017, 78% of the 87 people charged with only misdemeanor or drug paraphernalia possession were black. While 34 of those were citations, DPD ordered or issued a warrant for arrest for at least 36 individuals (Source: 2017 Durham Police Department Misdemeanor Marijuana Report). The total of those charged with low-level marijuana were lower than in previous years, but the racial disparities persist even though marijuana use is the same across races.

In 2016, vehicle equipment and regulatory stops accounted for 29% of the approximately 14,700 traffic stops that year. This marked a decrease from 39% of over 32,000 stops in 2010. (Source: Durham Police Department Traffic Stop Trend Analysis). **Yet with the overall decrease, racial disparities persisted. Data shows vehicle equipment and regulatory stops account for 38% of all black drivers stopped, compared to 25% of white drivers.** (Source: FADE Presentation to the Durham Human Relations Commission, April 2018). These stops lead to concerns about continuing racial disparities. **In 2016, for example, black drivers who were stopped were searched at a rate 3.38 times that of white drivers.** (Source: Durham Police Department Traffic Stop Trend Analysis). At the HRC's Immigration Forum in 2018, we received community input that de-prioritizing vehicle equipment and regulatory stops would help reduce the risks facing our immigrant community as well. (Source: June 16 report from HRC Immigration Forum)."

Further, Open Data Policing, a database of traffic stops compiled by the Southern Coalition for Social Justice, demonstrated that racial disparities in police

²² Travis Taniguchi, Josh Hendrix, Brian Aagaard, Kevin Strom, Alison Levin-Rector, and Stephanie Zimmer, "Exploring racial disproportionality in traffic stops conducted by the Durham Police Department," *RTI International*, March 2016, <https://www.rti.org/sites/default/files/resources/rti-publication-file-7e8d77e1-2bc7-4cc9-b3e0-24ee04aed501.pdf>.

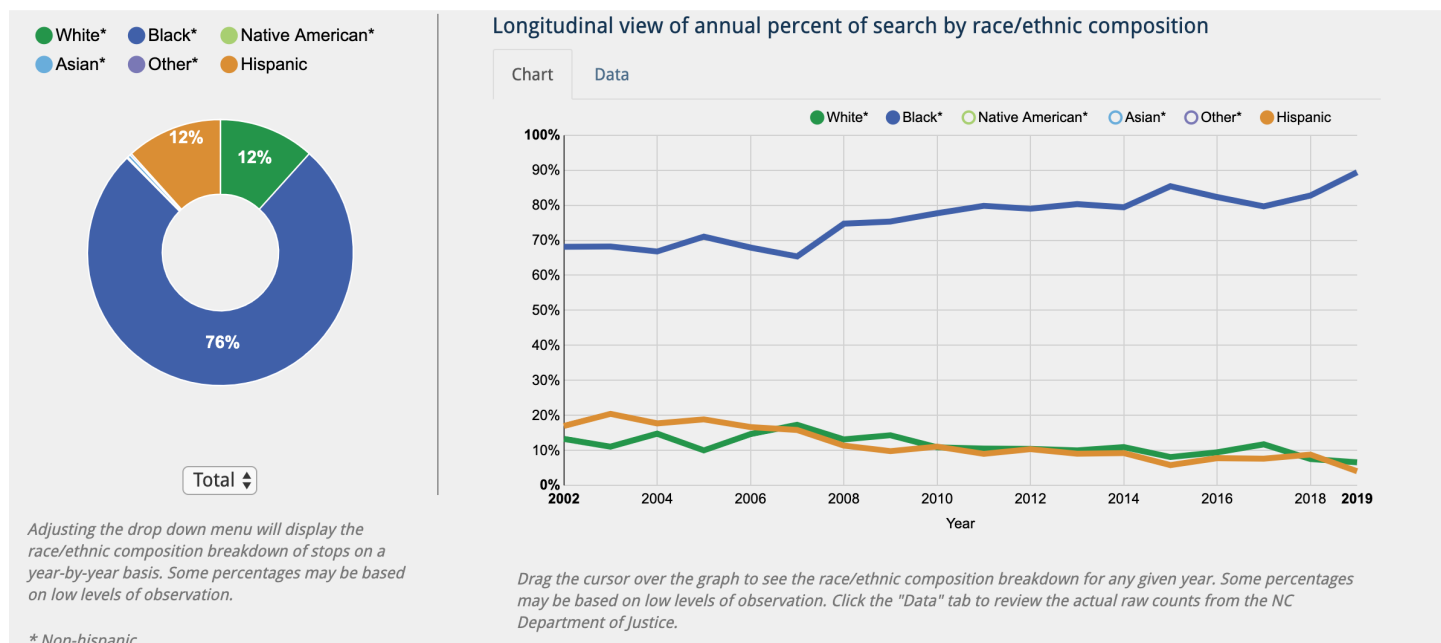
²³ Lauren Horsch, "The Durham City Council Paid \$90K for a Study."

²⁴ Durham Human Relations Commission Response to FADE Recommendations, January 8, 2019.

searches of drivers have actually *increased* under current Durham Police Chief CJ Davis; whereas 80% of police searches were of Black drivers under former Chief Lopez in 2016, now 90% of police searches during traffic stops are of Black drivers.²⁵

from 2010 to 2016 failed to mention the following acts of violence committed by DPD against Durham residents. The omission was glaring enough to bring to mind a note on methodology from W.E.B. DuBois's 'The Souls of White Folks': "In its attention to justify the treatment of black folk it has repeatedly suppressed evidence, misquoted authority, distorted fact and deliberately lied."

The 2016 IACP Report evaluating the actions and public perception of the Durham Police Department



SOURCE: Open Data Policing

LET US REMEMBER AND HONOR

Derek Walker (26), lovingly known as “Mr. Mortician,” for his work at the Hanes Funeral Home, was killed by the Durham Police after 45 minutes of his threats of suicide. Derek had driven to the middle of CCB plaza, where he was visibly distraught after losing custody of his son and threatening to shoot himself. During this time his loved ones were trying to reach him there at the CCB plaza and through phone calls to the police. Neither were allowed. Perhaps under the pressure of the business day ending at 5pm and giving preference to protecting the economic activity of downtown, DPD officers shot and killed Derek in the middle of downtown Durham. Derek Walker was a Black male, and no officer was charged for his death.²⁶

Jose Ocampo (33), who lived just off of Driver Street, was killed by the Durham Police on a Saturday morning in the front yard of his house, while his friends and roommates watched. The police had been called to help resolve an altercation between the neighbors that morning. When they arrived, Jose was holding a knife but not pointed at the officers, and was in the process of putting it back in his pocket. Officer Ronald Mbuthia shot him four times - in the head, chest, abdomen and back of his left wrist. Jose’s brother and family traveled to Durham from Arizona, and couldn’t understand why he had been treated “*como un perro*”, like a dog. Jose Ocampo was a Latino male, and no officers were charged for his death. By the time of La’Vante Biggs’s death two years later in 2015, Officer Mbuthia had been promoted to Corporal.²⁷

La’Vante Biggs (21), who lived just off Angier Street, was killed by the Durham Police on a Saturday morning in the front yard of his house. La’Vante had just returned from one night in the Durham County jail, and his mom was coming to help bring him home. When she arrived, he was suicidal, and so she called 911 for help. He was holding a non-lethal BB gun to his head making suicidal threats. Soon,

a total of 23 police officers arrived and several police had their own guns pointed at La’Vante from several directions while trying to convince him to put the BB gun down. La’Vante complied and put the BB gun down at his feet three times. The last time he put it down for about three minutes. As stated by La’Vante’s mother, Shanika Biggs, “La’Vante gave the police three chances to save his life, but they did not.”

Soon 23 officers arrived on the scene, most were self-dispatched, and only one had Crisis Intervention Training. This was the hostage negotiator, who arrived 20 minutes after the phone call and after multiple officers had already arrived. Just about 50 minutes after their arrival, *the Durham Police Department fired 12 shots at La’Vante, 5 of which hit him*. Former District Attorney Roger Echols never bothered to investigate which officer fired which shot, including the fatal one. The DPD has a tactical unit that is trained to use non-lethal weapons, and the DPD admits that the non-lethal tactical unit was en route and had not arrived by the time La’Vante was killed. La’Vante Biggs was a Black male, and no officer has been charged for his death.²⁸

Jesus “Chuy” Huerta (17), died from a gunshot while in the back of a Durham Police car. Chuy’s mom had called the Durham Police worried about her son’s mental health and wellbeing after he left the house that evening. When the Durham Police found him, they charged him with trespassing, handcuffed him, put in the back of the police car, and took him down to the police station. According to the family’s attorney, given Chuy’s mental state at the time, he should have been taken to the hospital, not the police station. It was there in the parking lot of the police station, at 6am, that Chuy died from a gunshot in the backseat while handcuffed. Despite having in-car cameras in the police vehicle, cameras were apparently not on at the time. Chuy is not alive to tell his side of the story. The arresting officer was

26 John Tucker, “The brief life of Derek Walker,” *Indy Week*, September 25, 2013, <https://indyweek.com/news/durham/brief-life-derek-walker/>.

27 “NCCU Law Clinic Represents Family of Man Fatally Shot by Durham Officers,” *NC Central University*, <http://www.nccu.edu/news/index.cfm?ID=857B0DA3-0881-171E-044E52A67493037B>; Jorge Valencia, “Durham DA: Officer Who Shot Stabbing Suspect Not Criminally Liable,” *WUNC*, February 7, 2014, <https://www.wunc.org/post/durham-da-officer-who-shot-stabbing-suspect-not-criminally-liable>

28 David Hundall, “There Are Lots of Unanswered Questions about La’Vante Biggs’s Apparent Suicide-by-Cop,” *Indy Week*, April 20, 2016, <https://indyweek.com/news/lots-unanswered-questions-la-vante-biggs-s-apparent-suicide-by-cop/>; FADE, “Official statement from the family of La’Vante Biggs,” Facebook, April 17, 2016, <https://www.facebook.com/DURHAM.FADE/posts/1796019923959577/>.

disciplined for 5 days for failure to properly search Chuy before putting him in the car. Chuy Huerta was a Latino male and no officer has been charged for his death.²⁹

Carlos Riley Jr. was pulled over in a traffic stop on a Tuesday morning after dropping his girlfriend off at work. Despite Carlos complying with Officer Kelly Stewart's demands, nevertheless, Officer Stewart ended up inside of Carlos's two-door vehicle. *Officer Stewart then shot himself in the leg with his own gun.* But instead, Carlos was charged and prosecuted not only by Durham DA Roger Echols, but also by federal prosecutors a charge stemming from the incident - possession of a firearm. As a result of the federal charge, for which Carlos entered a plea deal, he is currently serving 10 years in federal prison.³⁰

Despite this 10 year sentence and despite public calls to drop the remaining charges, former DA Echols pressed forward with charges related to Officer Stewart's shot in the leg. After a two week trial, a jury found Carlos not guilty on all charges. Furthermore, after trial, Carlos's attorney revealed evidence -- a report within the Durham Police Department -- explicitly noting "*1 shot fired by officer.*" Carlos Riley, Jr. is a Black male, no officer has been charged for this misconduct, and in fact Officer Stewart remained on the force. In February 2019, Officer Stewart was arrested on a DWI and placed on administrative leave.³¹

The incident had such a profound impact on the entire Riley family, and this story can be viewed here in this 11-minute documentary produced by his sister, Destini. **The film is, "I, Destini" - please watch it:** <https://www.nytimes.com/video/opinion/100000004564756/i-destini.html>

Stephanie Nickerson's face was beaten black and blue by Durham Police officer Brian Schnee, who was responding to a noise complaint at her friend's apartment. When Stephanie exercised her constitutional right to deny the officer entry into the apartment because he did not have a warrant, he responded by throwing her down and punching her repeatedly in the face and dragging her by her hair. Stephanie is a Navy veteran and a young Black woman. Before leaving the DPD charged her with resisting arrest. Due to community support for Stephanie and outcry over the Durham police actions, the District Attorney dismissed the charges against Stephanie. The Durham Police's own investigation concluded the officer had acted with excessive force. The officer was not fired or terminated, but voluntarily resigned. A few years later, the City of Durham reached a \$50,000 settlement with Ms. Nickerson for the officer's wrongful actions.³²

We drew these examples only from the period studied in the 2016 IACP report that was offered as the basis for the police proposal to expand the Durham police force. See Appendix B for stories of Durham residents killed by police from 2016 to today.

29 "Durham police officer suspended over Jesus Huerta's suicide," *ABC11*, June 23, 2014, <https://abc11.com/news/officer-suspended-over-teens-suicide/134589/>

30 Mark Joseph Stern, "'1 Shot Fired by Officer,' *Slate*, August 19, 2015, <https://slate.com/news-and-politics/2015/08/cop-shot-himself-and-blamed-a-black-driver-police-officer-kelly-stewart-and-carlos-antonio-riley-in-north-carolina.html>.

31 "Two Durham officers charged with DWI," *WITN*, February 23, 2019, <https://www.witn.com/content/news/Two-Durham-officers-charged-with-DWI-506271631.html>.

32 "Navy vet's lawsuit one of several against Durham police," *CBS17*, April 13, 2017, <https://www.cbs17.com/news/navy-vets-lawsuit-one-of-several-against-durham-police/1080690107>

WHERE IS THE COMMUNITY IN COMMUNITY POLICING?

Over and over, we have heard “Community Policing” presented as the answer to all community concerns about policing. Not only has the Durham Police Department failed to implement community policing, but also community policing as a method does not account for the reality that for many community members, the presence of police officers does not make us feel safe.

In a section of the 2016 IACP Report entitled, “Deteriorating Relationships Between DPD and Durham Community– Lack of Public Trust,” the IACP Report summarized:

*The common theme that emerged from interviews with a wide cross-section of members of the Durham community focused **on the poor relationship and lack of public trust between the Durham Police Department and the community.** The majority of community members said that the relationship with their police department has **deteriorated over recent years** and has negatively impacted the public’s trust in the DPD.... Members of the black community... perceive that **too many of the officers engage in disparate police practices that leadership seems to condone.** Most believe the DPD is understaffed, focuses only on criminal enforcement **and not the community as a whole, and that the DPD treats the black community with little respect.** [emphasis ours]*

A “deterioration of their once proactive relationship” has frustrated both private business owners and various community crime-watch groups.” Members of the Hispanic community regretted having few bilingual officers and an “elevated level of fear and mistrust ... based on cultural issues.”

We acknowledge that Latinx community members continue to face elevated crime rates in Durham. Yet, with continued police harassment and especially with increasing fear and mistrust garnered by ICE activity, we know that our Latinx neighbors need new forms of community safety that go beyond increasing numbers of armed officers in our neighborhoods.

We understand that Chief Davis and the City Council have made changes since 2016 that might impact these negative assessments. But we have not found them laid out clearly anywhere, which they should be, given the seriousness of the issues.

In fact, the 2016 IACP Report acknowledges how little of this type of policing has actually happened in Durham: “*Officers within the DPD know that community policing is an organizational philosophy, however, lack of available time has been a convenient and understandable excuse for patrol personnel to conduct minimal, if any, meaningful community policing work.*” The report observes, “We found no evidence of ongoing community policing training for officers following academy training. We are aware that efforts are under way to correct this.”

Though we hear strong lip service towards community policing from the City Council and Police Chief, we have seen little follow-through on the beat (supposedly because officers are constantly called into other districts). The IACP Report concluded, “*Although on the surface, the DPD embraces community policing (e.g., PTO program, evaluations, expectations), in reality, some of the actions of the command staff do not consistently convey the importance of this philosophy,*” such as attending PAC meetings.

The 2016 IACP Report also cited as an issue that many Durham **police officers do not live in the city of Durham**, much less in the beats they serve, which leaves them with insufficient knowledge and investment in our city.

Additionally, as the 2016 IACP Report makes clear, Community Policing encourages beat officers to look for **criminals** instead of **partners in safety**. Given the stated limits of how little this concept has been applied in Durham and the evidence that points to racial bias within the Department, **we do not think that adding new officers and a new District-Beat structure will facilitate community policing.**

If beat officers of the DPD value engaging with the community, they must do so far beyond issues of crime. But these officers do not look primarily for community strengths. Nor does this type of policing allow that many other factors, including fear of police, poor healthcare, poor environmental conditions in

public housing (e.g., mold, roaches, leaks), and dark streets – all create a sense of danger.³³

Finally, despite a heavy rhetorical emphasis on community policing, Durham currently has no reliable community body to which the police can be held accountable. The Civilian Police Review Board (CPRB), founded in 1998 to reduce civil lawsuits and to restore confidence in the police, has consistently failed to support community members launching complaints against the police. Despite its limited powers-- it cannot fire, discipline, or even reprimand police officers-- the CPRB only granted a total of two of 24 requests for appeal hearings from community complaints from 2011-2017. Given the numerous documented instances of police killings or violence documented in this proposal alone, the fact that the families and victims involved have so little recourse to seek police accountability further undermines the shallow conceptualization of community policing.

THE NEED FOR “CO-PRODUCING” COMMUNITY SAFETY

Given what seems to be a gap in practicing community policing in Durham thus far, the 2016 IACP Report does cite a *newer form of Community Policing* that is “Co-Produced” with community members so that it builds on strengths and broadens the definitions of safety.

There is ample evidence to suggest that there is a significant community-trust gap with respect to the DPD. Correcting this requires intentional relationship building and connection with the community... [that does not] leave out the broader scope of community involvement... without engaging the public in [police] decisions, the department has not created any community buy-in to the strategies engaged. Accordingly, in keeping with the President's [Task Force on 21st Century Policing] Report, we recommend that the DPD fully engage a co-production policing model.”³⁴

Our proposal would build up this still much-needed community structure but parallel to the DPD. If implemented, it would produce a change in the Public Safety budget lines from two to three areas:

Public Safety

Fire Department

Police Department

Community Safety and Wellness Efforts

ISSUES WITH BEAT PATROLS’ SCHEDULES AND STRUCTURES

We are not insensitive to the issues that the IACP raises about inefficient structures of time and space that increase call response time and pull 66% of officer responses into beats other than the ones to which they are assigned. The number one justification given by the DPD for the proposed increase in officers is the stated need for a change in staff patrols on the beats to provide more stable policing within a district.

The chief rationale for the request in funding for 18 new officers in 2019-2020 is to pilot a new patrol schedule in District 4 that would presumably be extended to other districts. In the 2016 IACP Report, the reorganization of the Durham Police Department’s District and Beat structures was a major recommendation in order to make police response to calls more efficient. Next year’s proposed budget provides for only one year for a “pilot” in District 4. But “pilot” implies a program that can be expanded to all the districts and the DPD’s budget notes explain a plan for 72 officers within three years. By implication, the full implementation of this proposal would add four to five times the official request (\$1.72 million x 4.5 = \$7.74 million) to the yearly budget -- funds for which the City of Durham would need a tax increase to raise, and such an increase would compete with other vital city needs.

In 2016 Durham was divided into five Districts: Districts 1-2 with 9 beats and 40 officers, Districts 3-4 with 8 beats and 36 officers, and District 5 with 2 beats and 12 officers. Ideally officers assigned to a

³³ Sarah Willets, “Durham’s Public Housing is Aging and Deteriorating. Is Partnering with Private Investors the Answer?” *Independent Weekly*, December 13, 2017, <https://indyweek.com/news/durham/durham-s-public-housing-aging-deteriorating.-partnering-private-investors-answer/>.

³⁴ IACP, 151-152.

beat remain there unless called away, so that they do not spend half their time driving and so that they get to know their beats better – the “present policy” but “not the typical case.”³⁵ The patrols in these beats have a day shift from 6am until 6pm, and the night shift 6pm until 6am – with no overlapping. However, 911 call frequency is lowest on Sundays and between 12 midnight and 6am, with highest volumes from noon until 9pm.

“Based on this analysis, there is not a proper distribution of personnel by shift, based on demand.”³⁶ There are also variations within the beats and sector. So the CFS (Calls for Service from Durham residents) are unevenly distributed within the beats (e.g., the highest at 6657 and the lowest at 492 in District 2). “When the number of personnel assigned to a district within a given shift is at the minimal staffing level (or below), officers will routinely need to respond to another beat, to ensure they meet service demands from the public.”³⁷

The 2016 IACP report found that officers responded to CFS within their assigned beats only 34% of the time. The IACP reports that these numbers “reflect a lack of proper staffing overall and ineffective staffing within the beats and/or improper beat structure (with respect to balancing call load).”³⁸ The relatively high average call time in or out of beat is about 10 minutes, because traveling out of beat and returning adds minutes, “essentially lost time.” This pattern can create a “cascading” effect, “elongating” overall response time. This pattern also undermines community policing, which assumes that an officer stays in a beat and gets to know its people and rhythms.

The 2016 IACP report gave three recommendations to improve this situation, **two of which might be accomplished without additional police.** In general, it recommended, there should be fewer districts and larger beats, and the shift schedule should be overlapping. Also, the schedule should be adjusted to allow more officers in higher demand periods, less in the hours when there are fewer calls into 911. With efficiencies in response time, the same number of officers could perhaps be able to work fewer hours – the 10.5 hours rather than 12, as

the 2016 IACP recommends. Thus, **the foremost recommendations that the 2016 IACP made was NOT to add new officers (in part given multiple demands for city funds), but to restructure beats and districts, moving to a “four-district structure with seven beats in each, moving from 36 to 28 beats.”**³⁹ This plan would “balance CFS demands against the resources available,” reducing response times and improving community policing. The IACP also recommended overlapping shift times so that there were not gaps in coverage.

As far as we can tell, this is the basic analysis and recommendation on which the 2019-2020 budget request for a pilot project in District 4 is based. According to the updates on Durham’s FY 2019-2021 Strategic Plan reporting Average Response Time to Priority 1 Calls (assessed as “close to target”) the district restructuring was put in place at the beginning of this year:

*Response time is impacted by the total calls for service for any given period in comparison to the uniform patrol personnel available to answer those calls, and the geographic distribution of patrol beats. Based on a study performed by the International Association of Chiefs of Police (IACP), patrol beats were reconfigured at the beginning of calendar year 2019. In addition, significant efforts are being made to recruit qualified police officer applicants, and supplement resources with overtime when patrol resources drop below 80 percent staffing.*⁴⁰

These statistics had already improved at the end of 2018, **without an additional 18 police officers.**

There are many variables that impact response time, including: staffing, call volume, geographic boundaries of patrol beats, and traffic/street networks. The 5:52 minute average for Jul-Sep 2018 is 18 seconds faster than the same period in 2017 (6:10 min). When statistical outliers are removed, the average goes down to 5:01 minutes, which exceeds the target.

35 IACP, 81.

36 IACP, 100.

37 IACP, 105.

38 IACP, 106.

39 IACP, 106.

40 “Average response time to all priority 1 calls,” *Creating a Safer Community Together*, <https://durham.clearpointstrategy.com/safety/average-priority-1-response-times/>

We support these efficiencies in structure of Districts and Beats and in officers' shift schedules. We think that the reduction of beats from 5 to 4 should occur before new officers requests are approved to assess the efficiency of that restructuring.

POLICE RESIDENCY OUTSIDE OF DURHAM, AND ATTRITION RATES

The final issue from the 2016 IACP Report that seems relevant is the City of Durham's difficulty in recruiting beat officers who actually live in the city (much less in their supposed community-patrolled beat).

First, the "Budget Issues for FY 2019-20" in the 2019-2020 budget proposal report: "The attrition rate through the first seven months of FY19 averaged 3.8 officers per month, which impacts the presence of law enforcement officers on the streets. New hiring and retention incentives, and a new sworn pay structure, will help to reduce the current operational vacancy rate, but the targeted rate of 0% of funded officers will be a challenge to meet for FY20."⁴¹ This high retention rate has resulted in high overtime costs to the City, with the DPD with 28 employees on the overtime list.⁴²

A related recruitment issue is hiring officers who live outside of the city limits. "The percentage of sworn officers living within the Durham city limits decreased from 39% in FY 18 to 38% in FY 19. The number of recruits living within the Durham city limits is 42% in FY19." The Accomplishments for FY 2018-19 from the DPD in the Budget Notes mention a "take-home car program for Uniform Patrol officers living within the Durham city limits," with 69 vehicles rolled out last year, targeting a total of 100 in the next year. As additional incentive, the City has added a "one-time hiring bonus to entice qualified applicants to sign with the City of Durham," and a "relocation incentive to all police officers and recruits."⁴³

We certainly understand firsthand how Durham's rising housing costs are increasingly prohibitive for Durham residents. But we also wonder-- how long-standing is this issue of the City hiring police

officers who live outside the city limits? It implies a disaffiliation with the very residents with whom police officers interact. Perhaps our need to imagine "Durham beyond policing" arises from the concern that where officers live is already "policing from beyond Durham."

Altogether, our suggestion for a Task Force to identify and enlist organized community partners as a component of Public Safety that parallels the current Police and Fire Departments. We believe that the problems cited above by the International Association of Police Chiefs are intractable and require more consistent alternatives that deserve budgetary consideration. The 2016 IACP Report on Durham has already called for the "co-production" of public safety given the inattention to "community policing" as a model. **Should the taxpayers of the City of Durham continue to spend tax dollars as incentives for hired employees of the City to live within its limits when there are actual residents (and taxpayers) who want to work district by district and beat by beat to augment existing networks and innovate new ones?**

We find that our proposal is in complete alignment with the City of Durham's new Strategic Plan to "*Creating a safer community together*" with the goal of "*build[ing] a community that allows residents to live, work, and play safely free from harm and hazards.*" Like many of the Strategic Plans Five Goals, the effort this proposal lays out would enable "*the Community to Effectively Engage With Local Government*" by being "*involved in decision making, problem solving and continuous improvement through information sharing, collaboration and partnerships.*"⁴⁴

The Strategic Plan also calls for "*Enhance[d] partnerships with businesses and community organizations to solve organizational problems and test new technologies.*" To "*Cultivate a Diverse, Engaged, and Healthy Workforce dedicated to Public Service,*" the Strategic Plan determines to "*Identify groups that the City should recruit to address inequities or align with City values (i.e., justice involved) local residents.*" As a coalition of "justice involved" local residents and our organizations, we request your support for our proposal.

41 City of Durham, *Fiscal Year 2019-2020, Preliminary Budget*, 217

42 Joe Johnson, "Durham council unruffled by overtime audit report," *News and Observer*, May 24, 2019, <https://www.newsobserver.com/news/local/article230746884.html>.

43 City of Durham, *Fiscal Year 2019-2020, Preliminary Budget*.

44 "Strategic Plan: Durham: What's Next?" *City of Durham*, <https://durhamnc.gov/DocumentCenter/View/22085/FY19-Strategic-Plan>.

EXPAND OUR IMAGINATION AND PRACTICE BEYOND POLICING

Here are the types of initiatives that the Community-Led Safety and Wellness Task Force could support or generate, looking at ideas from Durham and similar cities. Some of these projects are time-tested, others are fresh ideas that deserve funds and time to grow to scale.

MODELS ROOTED IN DURHAM

5Ds of Community De-Escalation by Byp100 Durham Chapter

BYP100 is a national member-based organization of 18-35 year old activists and organizers creating freedom and justice for all Black people. In 2013, we set out to build a world where Trayvon Martin would still be alive. We accomplish this through building a network focused on transformative leadership development, direct action organizing, advocacy, and political education using a Black queer feminist lens. Our Durham Chapter of BYP 100 is one of the most active chapters and we have a national office in Durham as well.



[She Safe, We Safe](#) is a transformative movement campaign led by BYP100 to put an end to the different forms of gender violence that Black women, girls, femmes and gender non-conforming people face everyday.

Our She Safe, We Safe work is important because:

- » Sexual abuse is the second most frequently reported form of police misconduct
- » Studies show that Black women are 3 times as likely as women of other races to be killed by an abusive partner
- » Nearly half of all Black trans people experience incarceration in their lifetime, and Black women are twice as likely to be incarcerated as white women

- » Studies have revealed that perpetrators who sexually assault Black women are consistently given shorter sentences than perpetrators who sexually assault white women
- » Society sees Black survivors of sexual violence (and other kinds of violence) as less innocent than survivors of other races
- » Black girls are 15% of girls enrolled in public school, but 37% of girls arrested at school

The goals of our [She Safe, We Safe campaign](#) are to:

- » Increase interventions to gender-based violence available to Black women, girls, gender non-conforming people, and communities that do not rely on contact with the police.
- » Reallocate funding from the police to community-determined programs that address gender-based violence in Black communities.

A team of young Black women, trans, and genderqueer BYP100 leaders recently facilitated a workshop at the North Star Church of the Arts in Durham on the art of de-escalation. There was high interest and the event reached capacity quickly. A multiracial, intergenerational group of participants learned about the 5 D's tool, intended to interrupt harm by focusing on survivor safety, harm-doer accountability, and communication with the community.

5 D's: Direct, Distract, Delegate, Delay, Document

- » **Direct:** Being direct means approaching the situation using clear, straightforward communication. There are many ways that we can deliver a direct message without escalating a situation. Being mindful of tone, affect, and body language can help us in delivering a direct message without coming off as aggressive or hostile.

Assess your safety first. Speak up about the harm. Be firm and clear. You can also talk to the person being harmed about what's going on. Ask "Are you okay? Should I get help? Should we get out of here?"



- » **Distract:** Distraction is a great way to intervene and stop harmful interactions. By interjecting with a distraction, we can interrupt the interaction and get the survivor out of the situation, or redirect the attention of the harasser. Take an indirect approach to de-escalate the situation. Start a conversation with the person causing the harm or find another way to draw their attention away from the person being harmed. You could ask them for directions or the time, or drop something to divert attention. You could also start a conversation with the person that is being harmed and walk them away from the situation in a casual manner. This is where you get to be creative.
- » **Delegate:** Get help from someone else. Delegating is an efficient way to elicit help from others to put a stop to the harassment or other violence. Delegating could involve getting a manager to address the situation, asking a co-worker to step in and say something, or even asking someone else to keep an eye on the situation while you call for help (when such action is necessary). Find someone in a position of authority and ask them for help. Check in with the person being harmed. You can ask: Would you like me to get the attention of the facilitator? Would you like me to make the supervisor aware of what has happened/is happening? Would you like me to call a friend or someone you trust?
- » **Delay:** A delayed response is still a response! If you see harassment and harm happening, but are not able to provide help in the moment, it is important to follow up with that person afterwards and make sure they are okay. This follow up can provide the survivor of harm with meaningful support, and is an opportunity for you to present them with their options for next steps. After the incident is over, check in with the person who was harmed. You can say: “What do you need? Can I accompany you somewhere?”
- » **Document:** Depending on the situation it can be helpful for the person being harmed to have a video of the incident. *Keep a safe distance and say the day and time. Film street signs or other landmarks that help identify the location. Always ask the person being harmed what they want to do with the footage. Never post it online or use it without their permission. Keep your attention on the person being harmed – make sure anything you do is focused on supporting them, not agitating the person who is causing the harm. Remember: the next step should always be the choice of the survivor. Our responsibility is to listen to them, offer options, and respect their decision.

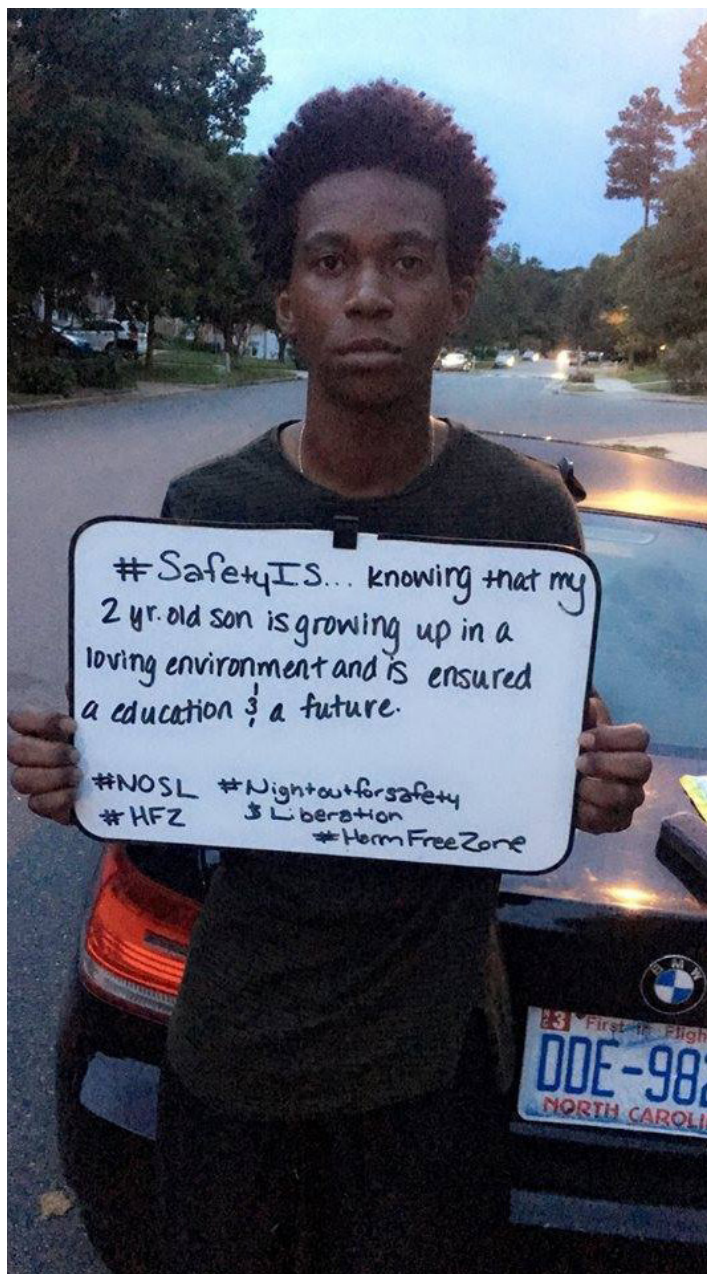
Groups of participants tested these methods by acting out the scenarios in a variety of settings-- workplace; romantic relationships; family; landlord-tenant; public altercation; instance of police harassment.



HARM FREE ZONE

SpiritHouse Inc is a Durham NC based, multigenerational Black women- led cultural organizing tribe with a rich legacy of using art, culture and media to support the empowerment and transformation of communities most impacted by racism, poverty, gender inequity, criminalization and incarceration. Since 1999, we have worked to uncover and uproot the systemic barriers that prevent our communities from gaining the resources, leverage and capacity necessary for long-term self-sufficiency. In 2008, SpiritHouse began working with other local organizations and individuals to form the Harm Free Zone Organizing Committee with an initial goal of uncovering practices that lifted up alternative models that addressed the question of what exists beyond prisons. For more than ten years, we have used a multi-faceted approach to engage well over a thousand community members in Durham and across the Southern region by partnering with over forty organizations to study and develop a shared understanding about systemic issues impacting poor white communities and communities of color (see more images in Appendix E).

The Harm Free Zone supports a community-centered vision that helps us repair the damage of racism, and the oppression of poor people of color by providing tools and trainings to strengthen and develop our capacity to prevent, confront and transform harm. When a person causes harm, the processes of community accountability allow the



person harmed, the harm doer, and the impacted community to be taken seriously. The person causing the harm can be held accountable, and the community can also hold itself accountable for its responsibility to create an alternative set of social practices, relations and institutions. Community accountability recognizing that we are answerable to each other. We must therefore see the harmdoer as:

1. inseparable from the community,
2. affected by a historical and present-day reality of oppression that influences the beliefs, character, desires, sense of self and relationships,
3. capable of acting, desiring, believing differently.
4. a mirror for and of the community,
5. holding promise for the community.

Historically in this country, we have been taught that people who committed acts that harm others must be removed from our communities through incarceration, displacement and deportations. However, many of us come from families who have been devastated by these types of banishment.

Our firsthand experiences have shown us that the existing retributive, punitive punishment system is ill-equipped to repair, heal or provide true safety for us. We have seen numerous attempts to address long term social problems and reduce crime through Community Policing or Neighborhood Watch. These types of programs, grounded in surveillance and punishment, have proven to be insufficient at preventing or transforming harm. They are generally state-defined and do not present a discourse around systemic oppression or a critical analysis that seeks to understand the conditions in which many acts of harm take place.

As a result of this limited perspective, very little community-centered visioning has been invested to create accountability systems that do not rely on jails, prisons, police, or the court system. Instead our most vulnerable communities are marginalized and kept out of the process of designing solutions that can elevate the leadership of individuals directly impacted by oppression and harm in ways that help to sustain lasting repair. We believe that a city concerned with reducing violence and harm should invest real resources into a community centered safety plan. The Harm Free Zone is committed to remembering, restoring and reinvesting in communities by amplifying the leadership of people dedicated to our collective transformation.



We understand that our safety involves more than an absence of violence and that creating empowered, accountable, self-directed communities requires providing mechanisms that support full participation of the most vulnerable people. Our transformative justice trainings pull a diverse group of community members (across age, race, gender, class and ability) where trained facilitators use a culturally rich, participatory learning process to develop inclusive, thriving communities.

Harm Free Zone participants gain a thorough understanding of the impacts that past and present laws and policies, meant to keep some people safe, while harming others, have on the economic, physical, emotional health of poor people and people of color and begin to explore the process of community accountability. Together, they develop implementable practices and community centered solutions that leave no one behind. Each participant leave the training with the knowledge and skills in prevention, intervention, reparation and transformation, that can help to reduce and prevent harm.

- » **Prevention** - the act of preventing harm within the community. Prevention ensures that basic needs are met for all community members and that information is available and accessible for all.
- » **Intervention** - the act of directly intervening when harm occurs. Intervention values all community members and emphasizes active care and compassion.
- » **Reparation** - the act of repairing harm among all community members. Reparation analyzes the root causes of harm. It enhances individual and collective investment in the well-being of the community to secure healing, trust, forgiveness and responsibility for all community members.

- » **Transformation** - the act of completely transforming individual and collective power relationships. Transformation honors and encourages individual and group imagination, critical thought, communal reliance, self-determination and democratic decision-making.

Former Harm Free Zone Transformative Justice Training participants have had this to say:

- » “The most engaging piece for me was the overall dedication to community. I always felt completely safe, yet profoundly challenged during each gathering. SpiritHouse is brilliant in the ability to deliver very difficult teaching and information in a deeply compassionate manner.”
- » “I’ve maintained a level of accountability and conviction just from my experience with HFZ. HFZ taught me how to be dedicated to people in a way that no other organization ever did.”
- » “HFZ is for anyone with a remote interest in living in a better community. HFZ asks penetrating questions that gets folks thinking differently and on a much deeper level. It’s a necessary experience for healthy community building.”
- » “HFZ becomes a platform/ foundation for a person who wants to engage community in a genuine manner that holds accountability at his/her core.”

SpiritHouse’s Harm Free Zone work was inspired by the work of national prison abolitionist organization Critical Resistance and their working framework of a Harm Free Zone.⁴⁵



⁴⁵ For more information about SpiritHouse’s work please visit our website at SpiritHouse-nc.org or email us at SpiritHousenc@gmail.com.

GOOD LOOKIN' OUT NEIGHBORHOOD PROJECT

Durham Beyond Policing has been developing an alternative to specifically counter the existing “Neighborhood Watch” programs, which inherently suggest that Black and Brown residents of color should be deemed as suspicious and watched closer than white residents. Good Lookin’ Out is a project of Durham Beyond Policing that addresses the problematic assumption that we should be “watching” our neighbors and concluding the worst behavior/scenario is occurring rather than offering help, assistance or de-escalation tactics to alleviate interpersonal conflict.

The primary objective of implementing the Good Lookin’ Out project is to provide communities with resources and an initial checklist to assess conflict, and engage in actions that avoid calling the police when other methods centering transformative/restorative justice are available.

A checklist to avoid calling the police:

- ☐ Is a hurt, harm or abuse taking place?
- ☐ Is a child involved in the conflict?
- ☐ Do I know any of the parties involved in the conflict? Is this person familiar in my neighborhood?
- ☐ Can I de-escalate this situation myself?
- ☐ Is there anyone in close proximity who can help de-escalate with this conflict with me if necessary?
- ☐ If no one is in immediate danger, am I minding my business?

Good Lookin’ Out is built on the principles of BYP100’s Spectrum of Harm assessment which differentiates hurt, harm and abuse, the 5 D’s of De-Escalation (delay, distract, document, direct, delegate) and Transformative Justice 101 trainings.

The project also transforms the idea that people of color are threatening, “causing trouble” or are not subject to experiences that put them in harm’s way. There is a recent national trend reported by Durham residents on some listservs in white neighborhoods of white people calling the cops on Black people for simply existing in their everyday lives. We’ve observed specifically in the IACP report that ‘suspicious activity’ accounted for one of the highest rates in terms of volume of public safety calls. The 2016 IACP Report listed “Suspicious Activity” as fourth in a list of Most Frequent Activities --Citizen Initiated,” with over 12,000 calls each year from 2010 to 2014, with 12, 445 or 8.57% of Citizen Initiated calls that year.⁴⁶

The instruction of Neighborhood Watch posters to ask residents to BEWARE perhaps breeds these suspicions that in some form can become racial profiling. On the other hand, the BYP100’s assessment allowed us to generate a simple checklist to help residents assess whether there are opportunities to directly intervene, either individually or with others through de-escalation tactics, or if it’s unnecessary to get involved at all.

⁴⁶ IACP, 93.

SANCTUARY BEYOND WALLS

Members of Durham's CityWell Church congregation welcomed their church brother, Samuel Oliver Bruno, into sanctuary at CityWell, so he could remain in the US with his wife, son, and his North Carolina community of many years. Summoned by a letter from US Customs and Immigration Service, Samuel showed up in good faith for what he believed to be an appointment to apply for a pathway to US citizenship. At the USCIS office he was tackled by Immigration and Customs Enforcement (ICE) agents posing as immigrants in the queue. Over 130 community members gathered and surrounded the vehicle, praying, singing, and calling for Samuel's freedom, and 28 clergy and community members allegedly linked arms in a circle around the van for over two hours before being dragged away and arrested. Mr. Oliver-Bruno's son was arrested as well. In the days that followed, thousands of phone calls flooded the offices as Samuel Oliver-Bruno was shunted from one detention facility to another. Congress members GK Butterfield (D-NC-01) and David Price (D-NC-04) sent a powerful letter to USCIS requesting deferred action from deportation for Mr. Oliver-Bruno and asked officials to use prosecutorial discretion in his case based on humanitarian conditions, but to no avail.⁴⁷ He was swiftly deported without a day in court. We grieve that Samuel Oliver-Bruno was torn from his family and Durham.

We remain proud to live in a community where neighbors will (allegedly) gather and link arms, raising voices in unison, to protect each other from state violence, trauma, and brutal family separation.



Photographs by Anna Carson-Dewitt

⁴⁷ G. K. Butterfield and David Price, "Letter to USCIS in support of Samuel Oliver-Bruno's request for deferred action," November 1, 2018, https://butterfield.house.gov/sites/butterfield.house.gov/files/wysiwyg_uploaded/Samuel%20Oliver%20Bruno.pdf.

SOUTHERNERS ON NEW GROUND: BLACK MAMA'S BAIL OUT ACTION

Over the past 3 years, Black Mama's Bail Out Action has aimed to protect our families, to intervene on the malicious money bail system that locks up our loved ones, and to contribute to the long legacy of breaking down barriers from our loved ones. Black Mama Bail Out Action is to honor and revive the traditions and legacy of our ancestors. Through honoring and reviving this tradition, we center our collective decisions and actively support our Black mothers and inevitably our foundation as a community. We know Black mothers, broadly defined, hold and nurture our communities. We also know when Black mothers are kidnapped by the criminal legal system, our communities suffer. This action highlights the crisis of money bail and pretrial detention. Money bail and pretrial detention destabilizes our families and creates long lasting ripple effects. Ending money bail means taking our people off the auction block by eliminating the structures that keeps loved ones caged. From shackling folks with electronic monitors, investing in risk assessment over community-based solutions and favoring profits over people, we must knock down all the structures that target, criminalize and cage people.

How does money bail relate to the criminal legal system?

- » Bail is another tool to capitalize on the pain of Black communities. Black people are often accused and put in cells based on discriminatory and racially biased policies and monitoring. Cash bail often keeps Black people in cells because of their inability to pay.
- » When mothers languish in jail because of money bail our families and communities suffer. The costs are devastating. Women often lose their jobs, housing or even children only to be found innocent. Some women, like Sandra Bland, have lost their lives.
- » The cost to the children Black women nurture, the partners they love and the communities they hold is incalculable.
- » As mass incarceration has taken root and the bail industry's influence has grown, more and more people are being held before trial because they can't pay bail.
- » Police, prosecutors, and judges use money as leverage to force the accused into guilty pleas.





What are we doing?

- » The week of Mother's Day, members and supporters of Southerners On New Ground locally bail out Black mothers who are sitting in cells because they cannot afford bail. This action is part of our national campaign to end money bail and pre-trial detention.
- » While not all members and supporters will be bailing out Black mothers in their local areas, they are making a collective effort to fund the participating areas and do political education about the need to end money bail.
- » Case managers identify needed resources and supports within the community and work directly with mothers and caregivers immediately following bail out to ensure they have their basic needs met, such as shelter, food and transportation.
- » Case managers and support teams also ensure that mothers have transportation to court and support for the duration of their court cases.
- » This vision is rooted in the history of Black Liberation, where our enslaved Black ancestors, used their collective resources and purchased each other's freedom before slavery was abolished. Until we abolish bail and mass incarceration, we're going to free ourselves.

Just as this proposal is coming to completion, we have received word that one of the mothers we bailed out in early May just went to court and all her cases were dismissed and she is off probation. She had been detained in Durham County Jail for 13 days before we bailed her out on a \$1500 bond.



READY THE GROUND TRAINING TEAM

Ready the Ground Training Team was formally established in 2014. Since then, Ready the Ground has trained hundreds of volunteers who serve as stewards or marshals at marches, rallies, vigils, and other progressive political gatherings. We help look out for the safety and wellbeing of demonstrators, working in pairs as part of a well coordinated team to carefully address challenging situations in cases of trouble. Ready the Ground is based in the Triangle and occasionally offers workshops in other parts of NC.

Ready the Ground marshals serve demonstrations by playing four roles:

1. **Welcoming people** as they join the event. Sometimes, collecting contact information from willing participants to keep in touch about future work.
2. **Providing good information.** Helping to make a space accessible to all by providing good information. Directing people to needed resources like medical care, water, language interpretation, and legal support). Helping participants understand the plan (and any unplanned happenings).
3. **Setting the tone** for the gathering, reflecting its purpose. Being the semi-permeable 'skin' of a gathering so that the people participating can feel a sense of their own power and voice.
4. **Intervening in cases of trouble.** We define trouble as anything that interferes with the smooth operation of our event or interferes with the clarity of our message. If it doesn't do one of those two things, we don't call it trouble.

Using our experience, best judgment, and teamwork, we intervene in cases of trouble through four steps:

1. Keeping the trouble from spreading.
2. Helping the situation shift away from being trouble (techniques include active listening, distraction, problem-solving, etc.)
3. Keeping boundaries clear. Move trouble outside our event (or back in when no longer trouble).
4. Following up.

Some of the founding members created a small pamphlet and trained a “Hospitality Committee” to welcome demonstrators from across North Carolina at a historic march calling for an end to the war on Iraq in 2006 in Fayetteville (where Fort Bragg is based) and that practice of growing social movements through a spirit of genuine care has persisted through the work of Ready the Ground Training Team.

MODELS IN OTHER CITIES

There’s a national movement to create alternatives to policing and incarceration and to re-define the scope of public safety in ways that actually address the root of community challenges (e.g., violence, poverty, lack of housing, inadequate healthcare, etc). We believe developing these alternatives are critical to realizing the vision of a Durham that keeps us all safe by meeting the needs of community members and providing care and resources that address the root causes of conflict, violence, and crisis. This is an opportunity for Durham to lead in transforming the definition of safety while our city-like most cities--is undergoing a period of resource and demographic transition and has to decide whether it will structure itself to support the vast constituencies that have always co-existed in this city or rather shrink the commonwealth to bolster homogenous, well-resourced communities.

From converting jails into wellness centers to alternative first responder units for mental health crises, to projects devoted to developing comprehensive alternatives to police in seeking healthcare and emergency preparedness, cities across the US are moving beyond policing.

FROM JAIL TO WELLNESS CENTER (Atlanta, GA)

In May 2019, Atlanta City Council passed a resolution to create a task force that will make suggestions for repurposing the Atlanta City Detention Center⁴⁸. They have decided to close the downtown Atlanta jail, ending its role of holding people for violating city ordinances or minor traffic violations and not having the funds to bail themselves out. The task force, which will include people who have been impacted by the criminal justice system, will listen to Atlanta community residents over a year and submit a proposal to Mayor Keisha Lance Bottoms for what should happen with the former jail.

Women on the Rise, housed in Atlanta’s Racial Justice Action Center, is a membership-based organization of women impacted by the criminal justice system that received a \$150,000 grant to help with the design process of the jail’s transformation, according to the resolution. Women on the Rise had been in ongoing discussion with Mayor Bottoms about repurposing the jail. **They envision the jail becoming a wellness and freedom center that would provide residents with a one-stop shop for employment, healthcare, and child care assistance.**

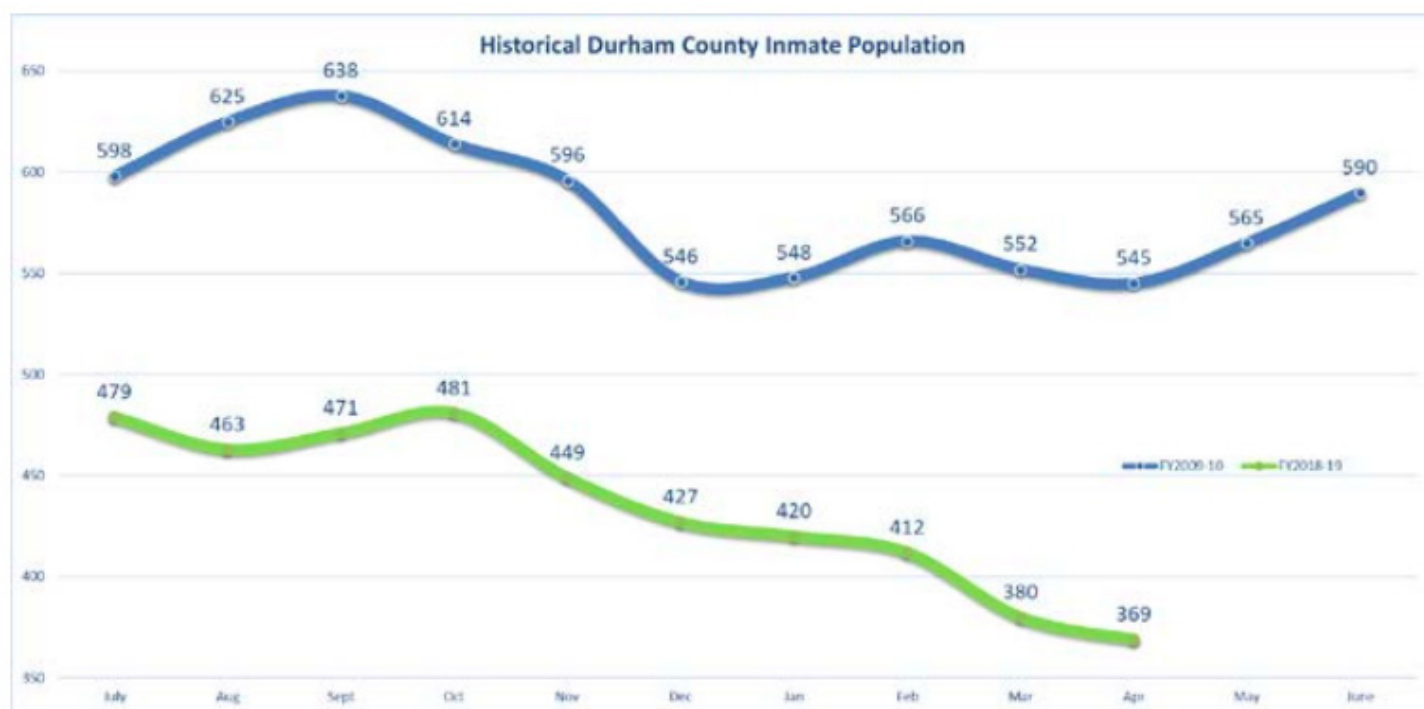
⁴⁸ Raisa Habersham, ‘Atlanta city jail to close, task force will decide its future,’ The Atlanta Journal-Constitution, May 21, 2019, <https://www.ajc.com/news/local/task-force-will-decide-how-repurpose-atlanta-jail-approved/pWhQAm4QMA1ae3UclGSqPJ/>

They say: “As Women on the Rise, we assert that public safety is created by strong, interdependent communities, and empowered women and families, *not* by prisons and police. We honor our lived experience, reclaim our inherent power, cultivate a passion for justice, and engage in bold, collective action to transform our communities and the institutions that affect our families and our lives. We are working to reduce the number of women behind bars and to stop the criminalization of our communities.”⁴⁹

During Mayor Bottoms’ tenure, she also signed an executive order prohibiting the city’s jail accept ICE detentions in response to President Trump’s family separation policies, and Atlanta’s City Council has eliminated the cash bond requirement for certain arrestees who would otherwise remain in jail because they can’t afford bail.

The Atlanta Journal-Constitution writes: “The city has operated a detention center since the 1950s. In 1995, the city opened the existing location — a \$56 million facility with 1,300 beds. The jail’s population has steadily declined but maintained 360 employees and an operating budget of \$33 million in the fiscal year 2018. At a town hall earlier this year, Bottoms said the jail now houses an average of 70 inmates.”

Durham’s jail, too, is experiencing a population decline. This graph is from the Durham County proposed budget 2019-2020, showing that the average daily population of the Durham County Jail has fallen from 598 in 2009 to 369 by April 2019. How could this centerpiece of the downtown skyline better serve Durham’s residents, if someday it were not for caging us?



Source: Durham County Manager’s Recommended 2019-2020 budget, <https://www.dconc.gov/home/showdocument?id=27985>

OAKLAND POWER PROJECTS (Oakland, CA)

The Oakland chapter of Critical Resistance, an international movement to end the prison industrial complex, launched **Oakland Power Projects (OPP)** in 2015 to “end the use of imprisonment, policing, and surveillance as a response to social, economic, and political problems.” OPP engages community members in three part process (interviewing, listening and finding, and launching a power project) to amplify or create practices that effectively respond to harm or crisis without relying on the police. One of the power projects is the **Anti-Policing Healthworkers Cohort**, a range of healthcare workers from EMTs to nurses to acupuncturists who run a community education workshop entitled “Know Your Options,” highlighting existing resources to directly address healthcare issues from opioid overdoses to mental health crises, and empowering community members to know how to intervene in such incidences without calling the police. Additionally, OPP produces an Anti-Policing Health Toolkit based on the “Know Your Options” workshops.⁵⁰ We envision the Community-Led Safety and Wellness Task Force performing a similar function to OPP, by supporting and incubating viable alternatives to policing across Durham.

CAHOOTS (Eugene, OR)

One of the oldest examples of community-led alternatives to policing is **CAHOOTS (Crisis Assistance Helping Out On The Streets)**, local to Eugene, Oregon, founded in 1989.⁵¹ CAHOOTS is a mobile crisis intervention unit that addresses the community challenges cited above through dispatching services around substance addiction, housing crisis/ homelessness, first aid and non-emergency medical services, transportation services, suicide prevention, de-escalation intervention, mental wellness, and interpersonal conflict resolution. The mobile unit is connected to the **White Bird Clinic**, a comprehensive health services facility focused on providing quality and affordable medical, mental health, and dental care.

CAHOOTS field team members are certified EMT-B or higher, with specialized training in Crisis Intervention. They are also required to complete 500 hours of field training and up to 20 classroom hours. **This 500 hours is considerably more than the 40 hours of training required of officers in the current CIT program.** The 40 hours also falls far short of the one to two years of classwork and fieldwork required of students who receive a Masters in Social Work. The CAHOOTS model offers community respondents who are thoroughly trained to meet the complex demands of cities such as Durham. Adopting the CAHOOTS model would also take the pressure off of police officers to respond to crises of mental health for which social workers are highly trained.

All of the services provided to the community are free of charge, confidential and voluntary. CAHOOTS responds to over 22,000 requests annually, which accounts for nearly 20% of the public safety call volume for the metropolitan area. As of December 2018, CAHOOTS responded to 17% of the 96,000 police calls made from the public within that year.

Based on the CAHOOTS model, public safety calls can be integrated into existing non-emergency dispatch services. The unit typically responds to “low-priority” calls.

The annual operating budget for the CAHOOTS program **supporting 40 staff members, who run 24/7 in some areas is \$1.5 million dollars. Staff members earn \$18/hr, plus benefits**, which is significantly less than the cost of hiring additional police officers.

⁵⁰ Oakland Power Projects. <https://oaklandpowerprojects.org/>

⁵¹ “Crisis Assistance Helping Out On The Streets,” *White Bird Clinic*, <https://whitebirdclinic.org/cahoots/>

Unlike the CAHOOTS model, which in recent years has developed a partnership with local police, our proposal advocates for zero collaboration between the police and community crisis intervention units, as interactions with the police can often escalate already dire situations. We believe having a healthcare provider onsite without punitive authority is the best model for ensuring the safety of all parties. The CAHOOTS program proves that long-term strategies for policing alternatives are viable, sustainable and effective.⁵²

PROJECT RESPOND (Multnomah County, OR)

In the Portland-Multnomah County region, the mobile mental health crisis service called **Project Respond** can also serve as a model for our efforts in Durham. Grown out of a street outreach team established in 1993 and contracted into a 24/7 mobile crisis team in 2001, Project Respond is a collaboration between Multnomah County law enforcement and Cascadia Behavioral Health Center to respond exclusively to mental health crisis events.⁵³ The program is made up of a mobile unit available to reach individuals and families in the moment of crisis, as well as teams to follow up after an event has taken place.

Project Respond employs 53 staff members (not including on-call staff) to act as clinicians and supervisors serving on the crisis response and follow-up teams.⁵⁴

Clinicians use a variety of interventions when aiding persons in the midst of a mental health crisis, all of which are collaborative and attempt to provide the individual with options that do not impede on their personal freedom. Interventions by clinicians include speaking with the person(s) affected, doing an on-site assessment of needs, creating a safety plan, and ultimately aiding with identifying and connecting to follow-up services, including peer wellness support. Clinicians also liaison with the Multnomah Public Library system and publicly-funded shelters in the area to support individuals experiencing mental health crisis in those particular environments.

Project Respond is a publicly funded service costing the county around \$3.5 million a year. Last year, Project Respond fielded 2,410 calls for intervention, 629 of which were referred by law enforcement.⁵⁵ Of those calls, a staggering 25 percent was in reference to individuals experiencing homelessness, a figure that reveals the systemic economic roots of mental unwellness.⁵⁶ With economic precarity and mental health crisis so closely intertwined, it is no wonder that increased criminalization by police and punishment will not put an end to mental health issues in our communities. **Rather, programs like Project Respond take these moments of need and map out plans and services in the aftermath of an event to create more long-term solutions.**

52 Christine Hill, "Local Crisis Unit in Cahoots with More Police Agencies," *The Register-Guard*, December 14, 2018, <https://www.registerguard.com/news/20181214/local-crisis-unit-in-cahoots-with-more-police-agencies>. See more information about CAHOOTS at https://www.communityaccess.org/storage/images/Miscellaneous/Community_Feedback_Forum_2019/3_Crisis_Assistance_Helping_Out_on_the_Streets_CAHOOTS_presentation.pdf.

53 Ericka Cruz Guevarra and Conrad Wilson, "The Safety Net Is Broken: How Police Became Mental Health First Responders," *OPB*, January 28, 2019, <https://www.opb.org/news/article/mental-health-first-responders-police-or-egon/>; Emily Green, "If not 911, this is who responds to Portland street homelessness," *Street Roots News*, March 15, 2019, <https://news.streetroots.org/2019/03/15/if-not-911-who-responds-portland-street-homelessness>

54-55 Ibid

Like its state counterpart, Project Respond also partners closely with the police in Multnomah County as well as in Gresham and Portland.⁵⁷ The crisis team typically arrives with a police escort or shows up on site after police have done an initial assessment.⁵⁸ **Again, our proposed model does not seek this close link between mental health professionals and law enforcement,** but instead, an established team of clinicians to provide the safest, most effective outcomes for impacted individuals.

Project Respond also utilizes an extensive network of contacts and institutions that lie outside of the police where they may receive referrals for mental health crisis events. Our model should strive to develop a detailed and robust system of referrals in order to have a greater impact and sever the reliance on law enforcement as the “gatekeepers” and judges of who receives support and safety.

PORTLAND STREET MEDICINE (Portland, OR)

Portland Street Medicine is a mobile, all volunteer team which responds to non life threatening issues impacting people experiencing homelessness. Teams are comprised of a licensed independent medical provider, a registered nurse, and a social worker, and can deliver first aid, and administer one-time prescriptions for non-controlled substances. **Portland Street Medicine has 25 clinicians, 4 non-clinicians and 6 administrative volunteers with a projected budget of \$150,000 for 2019.** Though they are not funded by city government, we could envision the City of Durham providing funding support to pilot this kind of service, particularly for those experiencing homelessness in our city.⁵⁹

CHIERS (Portland, OR)

Central City Concern Hooper Inebriate Emergency Response Service (CHIERS) & Sobering Station is a mobile service that has since 1971 provided recovery care for community members who are severely inebriated or experiencing extreme reactions to drugs. CHIERS transports people to sobering station where they can recover, and then refers them to treatment services as needed. **The City of Portland supports 100% of the CHIERS program at \$1.7M annually for 27 employees,** and admitted over 3,000 people to its Sobering Station in 2018. Rather than calling the police in instances of severe inebriation or incapacitation, we believe in developing an alternative service that provides non-punitive, non judgmental support for community members.⁶⁰

CHAT (Portland, OR)

Finally, the **Portland Fire and Rescue Community Health Assessment Team (CHAT)** is one of the newest additions to the mobile crisis services in the city, created in 2016 to reduce calls to 911 by identifying high utilizers to help mitigate their reasons for calling the emergency line.⁶¹ **The City of Portland supports 100% of CHAT’s program at \$155,500 in 2018.** CHAT cut the 911 call volume of high utilizers by 50% in two years, and is looking to scale up its model to match the resources of CAHOOTS in neighboring Eugene, OR. We envision a service like CHAT could take care of most, if not all, of the citizen assist calls to 911 in Durham.⁶²

⁵⁷ “Crisis Respond,” *Cascadia Whole Health Care*, <https://www.cascadiabhc.org/services/crisis-intervention/>

⁵⁸ Ericka Cruz Guevarra and Conrad Wilson, “The Safety Net Is Broken.”

⁵⁹ Portland Street Medicine. <https://www.portlandstreetmedicine.org/>

⁶⁰ “Sobering Station/CHIERS.” Central City Concern. <https://www.centralcityconcern.org/services/health-recovery/sobering-station-chiers/>

⁶¹ Green, “If not 911, this is who responds to Portland street homelessness,” *Street Roots News*, March 15, 2019 <https://news.streetroots.org/2019/03/15/if-not-911-who-responds-portland-street-homelessness>

⁶² Emily Green. “A better system for street response: Where do we go from here?” March 15, 2019 <https://news.streetroots.org/2019/03/15/better-system-street-response-where-do-we-go-here>

WHO WE ARE AND WHY OUR VOICES MATTER

Even as we write this proposal, one of us is on the way to the detention center with his mama to pick up his brother. The expertise we drew on to forge this proposal is born of lived experience-- surviving and working to transform a system that has never kept us safe from harm.

Durham Beyond Policing is a grassroots coalition to divest from policing and prisons and reinvest municipal resources into supporting the health and wellbeing of Black & Brown communities, benefiting all community members in Durham, NC. Some of the organizations represented at our table include BYP 100 Durham chapter; SONG (Southerners On New Ground) Durham chapter; Jewish Voice for Peace Triangle chapter; Communities in Partnership (C.I.P); All Of Us Or None Durham chapter; Sanctuary Beyond Walls; SpiritHouse and Harm Free Zone; Triangle Showing Up for Racial Justice (TSURJ); and UE 150 Durham City Workers Union.

Our coalition has existed and grown since 2016 when we came together to give voice to the broad swath of community members opposed to building a new police headquarters with \$70 million of our tax dollars. As we listened to Durham residents, Durham Beyond Policing coalition gathered over 500 signatures on a petition opposing the new police headquarters. We held a town hall forum, a rally, weekly pickets alongside Durham city workers for several months, and canvassed areas in East Durham, NC Central University, and the Bus Station to pass along our petition and gather stories about incidents between residents and the police.



CONCLUSION

Thank you to our Mayor, City Council, County Commissioners, and Staff of the City of Durham and Durham County for your commitment to listening to Durham residents and using your best judgment to establish just and equitable policies, practices, and structures.

We trust you will fulfill our request that no public funds be used to hire new police officers over the next three years. We hope you will honor the need for a Community-Led Safety and Wellness Task Force to serve Durham's future.

With love for our city,

All Of Us Or None - Durham chapter

BYP 100 Durham Chapter

Communities in Partnership (C.I.P)

Jewish Voice for Peace - Triangle chapter

Sanctuary Beyond Walls

SONG Southerners On New Ground- Durham chapter

SpiritHouse

Harm Free Zone

UE 150 Durham City Workers Union

Showing Up for Racial Justice (SURJ)- Triangle chapter

And other members of the Durham Beyond

Policing Coalition

**Warning, in music-words
devout and large,
that we are each other's
harvest:
we are each other's
business:
we are each other's
magnitude and bond.**

—Gwendolyn Brooks, from 'Paul Robeson'

This document was shaped, co-authored, and reviewed by a volunteer team of Durham resident members of the above organizations, particularly Danielle Purifoy, Mab Segrest, AJ Williams, Quisha Mallette, Aaron Jamal, Andréa "Muffin" Hudson, Sandra Korn, Mariah Monsanto, Beau Cromartie, Diane Standaert, Devohn Phillips, Kyla Hartsfield, D'atra "Dee Dee" Jackson, Chanelle Croxton, Nia Wilson, Marcella Camara, Courtney Sebring, Serena Sebring, Sarah Vukelich, Steph Hopkins, Aman Aberra, Jazmynne Williams, Luke Cruz, Cole Parke, Felicia Arriaga, José Romero, Quran Karriem, Loan Tran, Cole Parke, Ashley Canady, and Manju Rajendran.

This document was designed by Rebekah Miel / Miel Design Studio.

APPENDICES

APPENDIX A: COMMITMENTS FROM ELECTED OFFICIALS ABOUT POLICING

Steve Schewel (see page 19): https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/930/attachments/original/1501939202/170805_schewel-mayor-questionnaire.pdf?1501939202

16. Should the city allocate more, less, or about the same money to policing? Please explain your answer. If your answer is less, would you allocate more money to other services to improve public safety?

"I strongly support Chief C.J. Davis' reforms and her emphasis on community outreach, racial equity and de-escalation. ... So at the same time that we need to be adequately funding our police department, we need to be steadily increasing funding for those programs which reduce violence in other ways."

DeDreana Freeman (see page 12): <https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/930/attachments/original/1501939639/2017-freeman-ward1-questionnaire.pdf?1501939639>

16. Should the city allocate more, less, or about the same money to policing? Please explain your answer. If your answer is less, would you allocate more money to other services to improve public safety?

"Our City is in a unique position to learn from years marked by the tragic loss of life caused by police shootings and missteps of previous leadership. Our new Police Chief understands the voice of Durham. It is important to have a well trained police force that reflects community policing strategies and engages residents with a racial equity lens. In particular, we must create more 'Harm Free Zones'. While these forms of policing may cost more in the short term, long term costs should decrease or at least remain the same with inflationary adjustments."

Mark-Anthony Middleton (see pages 16-17): <https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/930/attachments/original/1501943489/2017-middleton-ward2-questionnaire.pdf?1501943489>

16. Should the city allocate more, less, or about the same money to policing? Please explain your answer. If your answer is less, would you allocate more money to other services to improve public safety?

"Finally, I believe that a budgetary "Front End Initiative" that commits to spending no less than a fixed percentage of any public safety budget on the types of things that many in our community believe lessens the likelihood of contact with law enforcement and the criminal justice system should be adopted."

Vernetta Alston (see page 9): <https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/930/attachments/original/1501944037/2017-alston-ward3-questionnaire.pdf?1501944037>

16. Should the city allocate more, less, or about the same money to policing? Please explain your answer. If your answer is less, would you allocate more money to other services to improve public safety?

"The City should allocate less money to policing. The issue is less about the amount than it is about what we invest in and how we spend the money that matters. We should allocate money to securing jobs, vital health services, accessibility, youth engagement, educational and empowerment opportunities.

Ultimately, investing in our people rather than our policing efforts; which only entrench racism and create trauma, mental illness, collateral consequences for those involved in the criminal justice system, loss of economic and educational opportunity, shattered families, and resources, wasted on efforts that create more problems than they solve."

Charlie Reece (see page 7):

https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/394/attachments/original/1439921700/Reece_PA-PAC_Questionnaire_2015.pdf?1439921700

15. Is there a trust problem between the people of Durham and the police department? Are you satisfied with the department's responses to issues of use of force, racial profiling, searches, and communication with the public?

The recent report from the US Department of Justice confirmed that a wide gulf continues to separate the people of Durham and our police department. There is no question that Durham Police Department continues to struggle with the problem of public trust...

The racial disparities in consent searches during DPD traffic stops that were identified by the FADE Coalition last year only added to a growing sense of concern by the people of Durham that the DPD is headed in the wrong direction.

Jillian Johnson (see page 8): https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/394/attachments/original/1439919409/Johnson_PA-PAC_Questionnaire-2015.pdf?1439919409

15. Is there a trust problem between the people of Durham and the police department? Are you satisfied with the department's responses to issues of use of force, racial profiling, searches, and communication with the public?

"In any interaction between law enforcement and the public, there is inherently an imbalance of power. Law enforcement agents are authorized to carry deadly weapons and use force against civilians, and as such are wielding a powerful authority over us. I believe that any trust issues between residents and police result from this fundamental structural inequality...

I am concerned, however, with recent statistics that show that black people, especially black men, are still being stopped and searched in Durham at much higher rates than white people. I am also concerned that while consent searches have gone down since

the department implemented a written consent for search policy, "probable cause" searches have gone up, indicating that officers are bypassing consent altogether and finding probable cause where perhaps none exists. The city council needs to continue close oversight of the police department with regard to this policy and seek input from community members who have direct experience with the effects of this policy change."

Javiera Caballero (see page 7):

https://d3n8a8pro7vhmx.cloudfront.net/durhampa/pages/2402/attachments/original/1514754438/Caballero-PA_PAC_2018_council_questionnaire.pdf?1514754438

16. Should the city allocate more, less, or about the same money to policing? Please explain your answer. If your answer is less, would you allocate more money to other services to improve public safety?

"This issue needs to be approached carefully and not with blanket black and white positions. I would like to ensure our police officers are paid fairly and potentially better than comparable police departments to incentivize highly qualified officers to be recruited here, or to retain them after they finish their training in Durham. I know police officers received raises in the last budget cycle, and their pay is now more in line with other communities in NC, but we will have to see if this increase helps retain competent police officers. I also believe professional development around bias training, de-escalation training and other community policing strategies needs to be a priority, and well-funded. If funding needs to be increased for that to be achieved, then yes, I would allocate more but otherwise *I would make other budgetary needs a bigger priority and allocate less funds to policing*. Public safety is important, but we must balance this with other budgetary needs." [emphasis added]

APPENDIX B: STORIES OF DURHAM RESIDENTS KILLED BY LOCAL LAW ENFORCEMENT SINCE 2016

Let us remember and honor:

Kenneth Bailey, Jr, lovingly known as “Simba,” was shot and killed by two members of the Durham Police Department's Selective Enforcement Team at about 2:00 in the afternoon. His body was still laying in the yard between two houses of the Bluefield community as the school bus dropped off kids from high school that day. Kenny, who was wearing an electronic surveillance device on his ankle, had missed his curfew the night before (Valentine's Day, 2017). Rather than call his family to confirm his whereabouts, the SWAT team was sent to find him- in unmarked cars, and plain-clothed officers in tactical vests. The officers burst into the house where he was sitting, with their guns already drawn. When Kenny began running out of fear, three officers chased after him. Two officers, Officer Allen D'Meza and Officer Thomas Greathouse, shot him twice from behind-- once in the lower right leg which brought him to his knees, and then while he was pleading for his life while down on his knees, shot him again in the back. Corporal John Lloyd was also present. Kenny was a 24-year old Black male, father of two sons, and no officers have been charged in the death of Kenny Bailey.

Upon hearing the news that no officers would be charged, his family said, “No justice has been done here... We do not believe he posed any threat to the officers when they killed him. We do not believe he was armed when he was shot. They weren't thinking he was somebody's son when they killed him.”⁶³

Frank Clark, lovingly known as “Scooter Bug,” was shot and killed by the Durham Police Department in November 2017 as the officers were engaged in “community policing,” walking around unsolicited in the McDougald Terrace Apartments. When the

officers arrived that afternoon, they were not even looking for Mr. Clark. According to the DPD's own reports, Officer Charles Barkley, driving around in an unmarked vehicle, saw a man (Mr. Clark) “whom he did not recognize, standing near a dumpster in the parking lot.” Officer Clark decided on his own and unannounced that he wanted to speak with him and moved the car in his direction. Mr. Clark -- though he had no reason to know or believe that the police were looking for him - walked away from the place he was standing. Though no crime was committed, nor believed to have been committed, Officer Barkley and the other officers began to chase Mr. Clark. The ensuing interactions resulted in his death.

Officer Charles Barkley shot Mr. Clark in the right thigh and then again in his head. Other officers present were Officer Monte Southerland, and Officer Christopher Gosshave. All three officers have a documented history of using excessive force while with the DPD. Southerland was disciplined with a suspension in March 2016 suspension and Barkley in 2014. And, all three officers were involved in a 2014 incident involving [excessive force](#) against a grandmother (and ex-police officer), son, and grandson, which included pushing the grandmother to the ground, and tasing both the son and the 15-year old grandson. None of the three family members were facing charges nor involved in the committing of any crime, but after the incident were charged by the assaulting officers with resisting arrest and disorderly conduct. Frank Clark was a 34-year old Black male, father of 4 girls, and no officer has been charged in the death of Frank Clark.⁶⁴

Ondrae Hutchinson was shot and killed by the Durham Police Department on March 30, 2019. The mother of his child called 911 seeking help with a

⁶³ For more information, see <https://indyweek.com/news/durham/kenneth-bailey-jr-s-family-wants-story-death-by-cop-told-way/>
<https://indyweek.com/news/archives/durham-da-charges-officers-involved-kenneth-bailey-s-death/>

⁶⁴ For more information, see <https://indyweek.com/news/mcdougald-terrace-residents-say-cop-killed-frank-clark-terrorized-years/>
<https://indyweek.com/news/archives/durham-police-department-clears-cops-shooting-death-frank-clark/>
<https://indyweek.com/news/durham/district-attorney-declines-prosecute-cop-killed-frank-clark-residents-mcdougald-terrace-still-doubt-official-narrative/>

domestic dispute. Ondrae was shot by Officer R.E. Jimenez, who arrived after two other officers, Officers J.W. Lanier and E.I. Masnik, had already arrived on the scene trying to de-escalate the situation using non-lethal means. Another Officer, B.L. Mouzon, was also present. All four are part of the Patrol Bureau. Ondrae's brother, Clinton, said, "He meant everything to me. He was my heart...We just want justice." Ondrae was a young Black male, and the SBI investigation into what happened is still ongoing. The officers have been placed on administrative leave, which his brother describes as, "Administrative leave. That's like a slap on the wrist. That's like, 'Hey get some rest. Get your mind right.' Meanwhile we're the ones that's suffering."

Shaun Christy was shot and killed by the Durham Police Department in August 2018. He was suicidal at the time he had arrived in the parking lot of New Hope Commons. Mr. Christy lived in Carrboro, and according to the Orange County Sheriff's department, they were very familiar with him because of his long history of domestic disputes with his wife. For most of the afternoon, the Orange County Sheriff Department had been trying to calm him down before he crossed over into Durham, arriving a New Hope Commons shopping center. The Durham Police had been called there to deliver papers to get him into a psychiatric facility. Mr. Christy began pointing a gun at his own head, and officers knew that throughout the day, he had been suicidal. Durham Police officers, both assigned to the Patrol Bureau, Cpl. B.M. Glover and Officer G.F. Paschall shot and killed Mr. Christy. Officer Glover earlier had been trained with the 40-hour Crisis Intervention Training. In October 2018, both officers had been cleared of any wrongdoing by former District Attorney Roger Echols. According to bodycam footage, it appears Mr. Christy was a white male.⁶⁵

Willard Scott was shot and killed by the NC Highway Patrol. What began as trying to pull him over for speeding ended with two gunshots to the back while

he was running away. The autopsy shows that Willard Scott was shot once in the lower back and once in the buttock. Both shots were fired by Officer Jeremy Mathis, a 20-year veteran of the Highway Patrol who was on a training ride-along with a new recruit. Willard was a 31-year old Black male, a husband, and the oldest of 3 sons deeply loved by their mother Thomasine Hinson. Willard was killed in February 2017, three before the Durham Police killed Kenneth Bailey. **No decision has yet been made by the Durham District Attorney as to whether or not to charge any officer in the death of Willard Scott.**⁶⁶ Meanwhile, Officer Mathis is back on full duty with the Highway Patrol and Willard's mom Thomasine, a fiercely dedicated advocate, passed away May 3, 2019 without knowing whether there will be any justice for her son.

In Thomasine's last statement she made about Willard before she died, she wrote, in February 2019:

The death of Willard was the destruction of my family. Willard and I shared a heart. When that bullet struck his heart it struck mine also. I was not given a second chance to repair or rebuild. Mathis's actions had a domino effect on the entire family. When he decided to be judge, jury, and executioner; he not only took my son's life he took the life out of a whole entire family. We will never be the same. His actions affected the lives of Willard's wife, mother, brothers, aunts, uncles, grandmother, and cousins. The community, neighbors, and friends were also affected. He took him away from everyone that loved him. We all have a gaping hole that will never be filled. This is what a death sentence has caused my family. The water from rain and melting snow run down the mountains and hills in streams. The streams collect together into rivers. Rivers widen as they are joined by streams along the way. Smaller rivers feed big, deep rivers, and all of that water flows down, down, down, toward the sea. But yet the sea never overflows. We continue to seek justice for our beloved Willard.

⁶⁵ For more information, see

<https://www.wral.com/durham-officers-cleared-of-wrongdoing-in-fatal-shooting-of-suicidal-man/18070923/>

<https://www.wral.com/authorities-warned-of-suicidal-man-before-fatal-officer-involved-shooting-in-durham/17757958/>

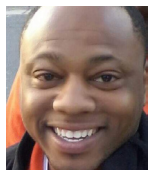
⁶⁶ For more information, see <https://www.theguardian.com/us-news/2017/jul/11/police-shooting-north-carolina-willard-scott-autopsy>

<https://abc11.com/dash-cam-video-shows-durham-mans-final-moments/3132366/>

<https://www.facebook.com/watch/?v=10155617791672033>

APPENDIX C: SOME STORIES OF PEOPLE WHO HAVE DIED IN THE DURHAM COUNTY JAIL

Between 2008 and 2018, 14 people have died in the Durham County Jail.⁶⁷ Below are some of their stories. Let us remember and honor:



Matthew McCain died in the Durham County Jail in on January 19, 2016 at the age of 29, before he had the chance to meet his baby daughter. He had been in jail since August 2015, awaiting trial on charges for which he had not been found guilty. Matthew suffered from diabetes and epilepsy. “He was not getting the medical care that he really needed,” said McCain’s girlfriend, Ashley Canady. “I feel he was honestly neglected.” At the time of Matthew’s death and still today, Durham County outsources medical care for people in the jail to a for-profit company, Correct Care Solutions (now known as Wellpath).⁶⁸ Ashley remains a dedicated community organizer, speaking up courageously against the injustices of poverty and the mass incarceration system.

Uniece “Niecey” Fennell died in the Durham County Jail on March 23, 2017 at the age of 17. At the age of 16, she was placed among the jail’s adult population, likely in violation of federal law which requires the separation of kids and adults. She was in jail awaiting trial on the charges for which she had not been found guilty. Her family could not afford the high bond that had been set. Even though the victim’s family asked that it be lowered to an amount her family could afford in order to wait for trial at home, the bond was not lowered. She was found hanging in her cell. The Durham County jail had been on notice of Niecey’s own suicidal thoughts, and for years had been aware of - but neglected - the construction of the cells which led to other people hanging themselves in a similar manner. According to the Carolina Policy Justice Center, from 1998 to 2017, 12 people committed

suicide in the Durham County Jail by hanging themselves from window bars or ventilation grates.

Her mother Julia Graves says, “She was a young lady full of life, love, and despite her current situation, optimistic and happy. She had plans for her future which included raising her deceased twin brother’s new baby, finishing school, and as usual, being a great help to her mother. Unfortunately her time here on this Earth was cut short.”

A State Bureau of Investigation report found the jail had neglected its responsibilities in several ways, such as failing to check on Niecey on the required schedule. Following a lawsuit brought by Niecey’s family, Durham County reached a settlement including, among other things:

- The removal of all identifiable suicide hazards from the Durham County Detention Facility by the end of 2019 (many hanging hazards, including those identified by a Plaintiff’s expert, have already been remedied);
- The adoption of a formal policy prioritizing beds in the Durham County Youth Home for Durham County juveniles;
- Mandatory Crisis Intervention Training for all Durham County detention officers;
- Staffing of a Licensed Clinical Social Worker who is able to consult a psychiatrist who is on call 24/7 or available to come to the facility whenever called by the LCSW;
- Notification to guardians of unemancipated juveniles when they face a life-threatening medical condition, attempt suicide, or make a threat of self-harm; and,
- A payment of \$650,000 to Fennell’s mother.⁶⁹

⁶⁷ In July 2018, WRAL reported that 13 people had died in the Durham County jail over the last decade. A few months later, in August, Jean Carolyn McGirt became the 14th people. See, <https://www.wral.com/autopsy-durham-inmate-died-of-drug-overdose/17708319/>

⁶⁸ For more information, see Amplify Voices, “No More Jails, No More Deaths,” <https://amplifyvoices.files.wordpress.com/2013/12/nomorejail-deathsfinal.pdf> <https://amplifyvoices.com/2017/01/19/one-year-later-we-remember-matthew-mccain/> <https://indyweek.com/news/100-marchers-protest-durham-county-jail/>

⁶⁹ For more information, see <https://www.southerncoalition.org/mother-niecey-fennell-speaks-critical-safety-issues-durham-detention-center/> <http://pulse.ncpolicywatch.org/2019/03/21/justice-for-niecey-durham-agrees-to-stop-housing-juveniles-adults-together-after-death-of-teen/>

James Staton Jr. died in the Durham County Jail on November 5, 2017 at the age of 40. He had been in jail since June, awaiting trial on charges for which he had not been found guilty. His family could not afford the high bond that had been set. Because the Sheriff's determined that he died of "natural causes," it is still unclear if any independent investigation was ever conducted by the State Bureau of Investigation to determine if other factors such as improper medical care or neglect contributed to his death.⁷⁰

Jean Carolyn McGirt died in the Durham County Jail on August 25, 2018, within just 24 hours of getting there, at the age of 56. She was found unresponsive in the medical unit of the jail on Saturday, and detention officers and first responders were unable to revive her, authorities said. When Durham Police arrested her for drug related charges and took her to the jail, her brother "told police when his sister was taken into custody that she needed help for her drug addiction. 'I told the officers at the scene that my sister was real sick. I didn't know particularly what was wrong with her, but they said, 'That's not our problem,' He said, 'She's a sweet and kind-hearted person. She would do anything for anybody on any given day.'" The news has since reported that "Records of a state investigation into supervision of Jean Carolyn McGirt found a lack of documented checks in that area the day of her death."⁷¹

DeShawn Devonte Evans died in the Durham County on May 27, 2018 at the age of 23. He had been in jail since October 2017, awaiting trial on charges for which he had not been found guilty. His family could not afford the high bond that had been set. According to the autopsy, he died of a drug overdose while in the jail. Of this news, his father said, "'No matter what somebody does to get in jail, [the staff's] job is to oversee that person while they're in their custody. That's their job, and somebody didn't do their job... A lot of people dropped the ball on him.'" DeShawn's fiancée said, "I want to say that he was a great father, and he will be truly missed. And he was my best friend. I love you, Dashawn." And, his grandmother, said, "He was a good grandson. There wasn't anything he wouldn't do for me. And I love him. Whatever it is [that happened in the jail], it will come out."⁷²

70 For more information, see <https://indyweek.com/news/archives/man-found-dead-durham-jail-cell-identified-james-earl-staton-jr/>

71 For more information, see <https://www.wral.com/family-of-latest-person-to-die-in-durham-jail-seeks-answers/17799819/> <https://www.new-sobserver.com/news/local/article226196920.html>

72 For more information, see <https://www.wral.com/autopsy-durham-inmate-died-of-drug-overdose/17708319/> <https://amplifyvoices.com/2018/05/29/justice-for-dashawn-evans-who-died-in-the-durham-jail/>

APPENDIX D: DURHAM CITY COUNCIL POLICY STATEMENT ON DEMILITARIZATION (WRITTEN BY MAYOR SCHEWEL AND UNANIMOUSLY APPROVED BY CITY COUNCIL IN APRIL 2018)

The Durham City Council appreciates receipt of the memo dated April 4, 2018 from Chief C.J. Davis to City Manager Tom Bonfield stating that “there has been no effort while I have served as Chief of Police to initiate or participate in any exchange to Israel, nor do I have any intention to do so.” The Durham City Council endorses this statement by Chief Davis and affirms as policy that the Durham Police Department will not engage in such exchanges.

The council opposes international exchanges with any country in which Durham officers receive military-style training since such exchanges do not support the kind of policing we want here in the City of Durham.

We recognize and share the deep concern about militarization of police forces around the country. We know that racial profiling and its subsequent harms to communities of color have plagued policing in our nation and in our own community.

In Durham, our community is working towards a time when we are beyond policing--when everyone has a good job and excellent health care and a safe, warm, affordable place to live. Until that time comes, we want policing that is founded on earning the trust of the community. We want policing that effectively reduces gun violence without any racial profiling ever. We want policing and a justice system that do not criminalize small acts such as drug possession.

We are moving in that direction in Durham. Under the strong, persistent leadership of Chief Davis and her staff, the police department is undergoing a profound cultural shift which is evident in the numbers in the annual reports we have just received for 2017.

The reporting shows that while violent crime is on a 17-year downward trend in Durham, we are also undergoing an extremely dramatic shift in the way Durham is engaging in police work. Traffic stops in recent years have dropped from 32,227 to 11,578. Searches of cars have dropped from 1,296 in 2013 to

416 in 2017. Charges for drug violations in Durham are down from 1,223 in 2015 to 673 this past year. Our new Misdemeanor Diversion Court has kept hundreds of first-time offenders free of a criminal record. Use-of-force complaints by residents are down from 33 in 2016 to 15 last year. Chief Davis' new U-Visa policy has resulted in immediate improvement for our undocumented residents who assist in solving crimes, as 35 residents received U-visa approval from the department in the first quarter of 2018, far more than ever before.

An array of new police department policies and practices are working in Durham, and - as the numbers above show with striking clarity - these reforms are today making a positive difference in the lives of thousands of people, especially in communities of color.

The council knows that we still have much progress to make. Although police searches have dropped precipitously among all groups, black motorists are still more likely to be searched than white motorists, and we need to continue efforts to ensure that the racial make-up of our police department more nearly represents Durham's diversity.

The council is deeply committed to this work, and we are grateful to Chief Davis for leading this cultural shift.

Black lives matter. We can make that phrase real in Durham by rejecting the militarization of our police force in favor of a different kind of policing, and that is what we are doing in Durham now.

**Cover photo: Members of the Durham Beyond
Policing Coalition at City Hall, March 2019**
Photo courtesy of D'atra Jackson