

POLICE UNIONS AND THE REFORM MOVEMENT

The Battle for the Future of America's Police



Ron DeLord and Ron York

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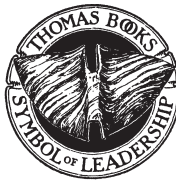
By

RON DELORD

and

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(With Ten Other Contributors)



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*For Jerry Clancy, Jimmy Willborn, Chris McGill, Douglas Ward, Sr.,
Celestino Oliveira, Randy Dunn, Ruben Cisneros, Jim Wiggins, Richard
“Dick” Boyd, Gilbert “Gil” Gallegos, and the thousands of past and present
police union leaders who sacrificed their time and devoted their lives to
improving the living and working conditions of law enforcement officers. Law
enforcement officers and their unions are standing on the
foundations you laid.*

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FOREWORD

I just finished the last page of this remarkable book *Police Unions and the Reform Movement: The Battle for the Future of America's Police*. I can say without hesitation it's a must read, not just for law enforcement professionals and their union leaders but also for the millions of Americans who support the police and are struggling mightily to understand the rage and divisiveness that is tearing them and their police officers apart. This book is nothing short of a monumental effort by longtime police union leader and author Ron DeLord and a distinguished group of his colleagues, to explore the unprecedented problems facing law enforcement, their unions, and our communities.

It's an unusual book for our times – rational, respectful, and thoughtful with its underlying message that for our democracy to get back on track, we need to reach out and listen to those with different views than our own. The focus is on the big issues of the day – the ones that are tearing apart the law enforcement profession, the citizens they serve, and indeed the very fabric of our society.

This is the fourth book from Ron and his fellow police union leaders. Their mission with this one is simple – educate officers about how to survive in what's become a very hostile environment and help them and others understand where that rage is coming from.

The authors take an unflinching look at problems facing the police. But what's remarkable is that their critical look is focused not just on the “activists” but also on the ways law enforcement and the police unions screwed up by not taking the violence that erupted after the killing of George Floyd seriously.

The exploration of the complicated role the media plays covering the police, politicians, and voters is particularly interesting especially after a critical incident where the politicians have to find someone to blame (never themselves) when the public gets upset. That person is frequently the cop on the street which can reinforce the public's negative attitude toward law enforcement. The antidote, the authors point out, is that police unions need to get out of their silos and develop coalitions and relationships with community groups and activists who they may perceive as their enemies.

There's a lot of discussion about how the public is usually ahead of politicians in pushing for social change. Once the politicians feel enough public pressure, they react by passing laws to get reelected and placate the public. What the police unions did not understand was the growing concern among a large segment of the population, especially in the country's large cities, that something needed to be done to improve policing. This demand for reform had the attention of the media, elected officials, and the community.

Police Unions and the Reform Movement: The Battle for the Future of America's Police is a cautionary tale and a call to action. Police union leaders did not take the reform movement seriously and ignored the reform activists who were busy building a coalition of like-minded people all around the United States. Almost every community organization was invited to participate except the police. And while the activists lost the "defund" argument, they are now full speed ahead attacking police unions in general and the officers' contracts making it urgent that the police unions get their message out to the voters.

One of the most unusual things about this book is that the authors – all successful police union leaders from the United States and Australia – are willing to honestly explore mistakes they made and come up with ideas about out how best to correct them. There is even a discussion about the long-standing inequities in our criminal justice system and the problems with police unions being such fierce deniers of these realities.

The authors believe that police unions made four serious mistakes when dealing with "reform" efforts. First, unions still have not accepted this is a political game they have to play. Being above the fray and refusing to work with reform advocates and liberal politicians despite the fact that this coalition could help them is going to end badly. Second, the police thinking they understand what the public thinks. Too many are delusional – believing everyone "loves" them. Some police unions are reluctant to hire a political consulting firm to find out what the public actually thinks. Third, again, refusing to play the political game. They like to send out messages about Blue Lives Matter and themselves. The messaging has to change – focus on the voter and what they want. Fourth, the worst one – unions are afraid to go outside their comfort zone and speak to the left-leaning voters. The authors advise the cops to stop being shy and get out there and educate the voters about the issues.

My favorite part of the book? The comments on politicians. The authors write, "Trust any politician and you're are risking peril." So, share or give this book to everyone you think needs to read it – but especially politicians and voters – the people who have your future in their hands. There's a lot to learn from the thoughtful analysis and creative solutions to some of the most serious problems our nation has ever faced. *Police Unions and the Reform Movement: The Battle for the Future of America's Police* had a big goal and the authors reached it. We are all grateful for their efforts.

CYNTHIA BROWN

Founder and Publisher of American Police Beat (1993–2015)

Co-Founder of the Harvard Law School

Police Union Leadership Seminar (1996–2019)

PREFACE

The authors' previous book, *Law Enforcement, Unions and the Future* (Charles C Thomas, Publisher, 2017), primarily focused on the disparity between employees in the private and public sector that created an atmosphere of "benefits envy," in particular, the growing demands to reduce public employee pensions. As organized labor shrunk to 6.1% of private sector workforce, the wage and benefit gap between private and public workers was growing. After the book's publication, pension reform was knocked from the headlines by a seismic change to policing in this country.

The authors had cautioned police unions to step up and embrace the concept of reform, and to be aware of the growing reform movement. Very few officers or police union leaders took the reform movement seriously. In their minds, the calls for reform were only coming from far left activists in a few socialist-controlled cities on the West Coast. Little did they know that almost overnight the law enforcement profession, police unions, and officers nationwide would be facing their greatest challenge.

Death of George Floyd Was the Tipping Point

The Black Lives Matter (BLM) organization was formed on social media in July 2013 with the hashtag #BlackLivesMatter after the acquittal of George Zimmerman in the death of Trayvon Martin on February 26, 2012. BLM increased its media footprint during protests over the deaths of two African-American men, Eric Garner in New York City on July 17, 2014, and Michael Brown in Ferguson, Missouri, on August 9, 2014. While these protests received national media coverage, officers, police unions, and the public did not have reform on their radar.

So, what changed the public and media focus to demanding historic reforms, including defunding or abolishing the police department? Author Malcolm Gladwell defines a tipping point as "that magic moment when an idea, trend, or social behavior crosses a threshold, tips, and spreads like

wildfire.”¹ On May 25, 2020, a tipping point was reached over the death of African-American George Floyd during his arrest by Minneapolis police officers. Just like other tipping points – women’s right to vote, civil rights, Me Too, Gay marriage, abortion rights, and the legal use of marijuana – the death George Floyd created a national furor demanding sweeping reforms of policing and the criminal justice system. In the political feeding frenzy to enact reforms, some were effective, but the overwhelming majority of reforms were political window dressing.

Why This Book Is so Critical to Police Unions?

The authors take a different approach in this book than in the three previous police labor books published by Charles C Thomas in 1997, 2008, and 2017. While this book is presented from the labor side and is primarily directed to police union leaders, the authors believe that we must also educate police management and officers about the challenges ahead. We have to rethink how each is going to survive in this growingly hostile environment. Officers and their unions are being body slammed every day by politicians, community activists, and the media. The tone of the attacks has become personal and angry. The impact of this hostility on policing has resulted in difficulty finding qualified candidates, officers retiring in record numbers, officers leaving the profession, and officers seeking law enforcement jobs in more police-friendly communities.

The police profession has reached the proverbial point of no return. The post-George Floyd era has arrived, and it cannot be wished away. Pining for the good old days of policing will not bring it back. Now is the time for police unions to step up and accept certain realities.

No Time Left to Ponder, Delay, Debate, or Fight Every Reform

In 2020 and 2021, activists placed multiple reform measures on the ballot with astonishing success. Each reform measure promised the public that they would gain a better police officer if they voted in support of the reform. Despite opposition from police unions, and at times the chief or sheriff, reform activists soundly trounced almost all opponents. Law enforcement agencies and police unions are tradition bound, and like a glacier, they are slow moving and resistant to change. If there is one message that has to penetrate to officers and police unions – there will be reforms whether you like it or not.

¹ Gladwell, Malcolm. *The Tipping Point: How Little Things Can Make a Big Difference* (Little Brown, 2000).

The authors believe that the leadership challenge ahead for police unions will be to determine if they are ready for a future unlike anything they have seen in their careers. The new world ahead will require visionary union leaders who can identify paradigm shifts and pivot without freezing like a deer in the head-lights. To date, unions have had no message on reform that resonates with the public, media, or elected officials. Unions telling the public that no change is needed, and if the public approves any reform, it equates to defunding and a rising crime rate, has resulted in almost 100% of reform referendums being approved overwhelmingly despite the fear campaigns of the unions.

Police unions are democratic organizations and its leaders have a constituency that can generally be identified as conservative, tradition bound, and reluctant to any change. An old adage states, "There is never a debate over police officers being conservative, the debate is just how far right are they of Attila the Hun." The authors recognize the political tribalism that is dividing the country; however, it is critical that union leaders separate their personal political beliefs and that of the members from the role the union needs to play in improving wages, benefits, and job security. Union leaders have to motivate and educate their membership and get them to adapt to the inevitable changes the profession is facing.

It is now or never for police unions. Everyone is watching to see how union leaders will react to the multifront attacks. In the past, all a union leader had to do to be successful was to improve wages and benefits. There were few voices calling for eliminating defined benefit pensions (DBPs) and stripping unions of their contractual rights. No one was attacking the training an officer received or demanding officers be criminally charged over every use of force.

When did citizens stop coming to the aid of officers and become only interested in videoing the officer fighting for their life? Who could have dreamed just a few years ago that the heroes of 9-11 would be called welfare queens and racist murderers. Politicians at virtually every level of local, state, and federal government demanded reforms including more citizen oversight of the police.

Officers Are One Vote Away from Losing It All

As we have seen in recent years, the right to collectively bargain over wages, benefits, job security, training, and work rules is not actually a right at all – it is just a privilege granted by the public. When the public and elected officials only see unions and officers acting as obstacles to any reform, they can take these rights away, and in some states that has already happened. Activists in San Antonio placed a repeal of police collective bargaining on the ballot and it was defeated by only 1%. A billionaire in California is circulating a statewide petition to place repeal of bargaining rights for all public employees on the

ballot. Republicans in the Florida state legislature are pushing to repeal dues deduction for all liberal public employee unions but carving out an exception for conservative unions representing corrections, police, and fire employees.

The decisions union leaders make in the next few years will determine the outcome of the most dramatic social movement in the history of the United States. Unions represent officers on the street and that voice must be heard, but at the same time it is the duty and responsibility of union leaders to educate officers to the reality of what they are facing, provide a vision of what lies ahead, and accept the leadership challenge to not just tell officers what they would like to hear.

Who Gets to Decide How the Police Will Police the Community?

Are unions so blinded by their past success and entrenched in their own belief system that they cannot see that the public and elected officials are the bosses? The public through their elected officials pass laws, hire the police to enforce those laws, set the hiring standards, and fund the wages, benefits, training, and equipment. Officers can accept the public's demand for change, resign, or retire. It is that simple.

Will police unions end up on the right side of history? It is too early to tell, but the early observations are some union leaders get it and others do not. Often in history we have to have a few sacrificial lambs so the rest of the flock get the message.

A Disclaimer

The authors have made no attempt to write an academic research paper or do an in-depth study of policing, police unions, or police reform. There are plenty of scholars, and some self-proclaimed scholars, trying to validate their viewpoint. There are a number of people promoting books that there is a "war on the police," and any argument for reform is automatically a false narrative being promoted by anti-police activists. On the reform side, there are people who see law enforcement as an evil profession created from slave patrols and today only exists to keep the poor and people of color in bondage. Their argument is that less police equals less violent confrontations between police and public.

American law enforcement is complicated because it is decentralized with 18,000 agencies and more than 800,000 sworn officers. One size does not fit all, so the authors have made broad generalizations. Officers and unions especially in liberal (blue) cities, counties, or states are on the front lines of the battle over reform, and they have faced the brunt of reforms, good, bad, and petty. Officers and unions in suburbs, rural areas, and conservative (red)

communities may have a different perspective and feel less threatened by drastic reform. Officers without civil service, collective bargaining, or even an association, lodge, or union have little recourse when a reform wave hits them.

The term “law enforcement officer” is self-descriptive; they are officers sworn to uphold the Constitution and enforce the law. There will be incidents where civilians or officers will be injured or killed. The authors are not trying to diminish the tragic impact on families of people who are injured or killed by officers, or to the families of officers injured or killed when attempting to enforce the law. We are not evaluating every critical incident to determine whether an officer acted within departmental policy or state and federal laws.

The reform debate is playing out as to whether the current justice system is weighted against the poor and people of color and in favor of the police. Strong emotions exist on both sides. The focus of the book is to educate officers and unions about the reform movement and to assist them in charting a course of action. If we offend anyone, we apologize in advance.

The authors have been representing officers and police unions for over 50 years. We can now pontificate from 30,000 feet as how we see the battle lines being drawn, how each side is promoting their positions, who is winning or losing the reform debate in the court of public opinion, and what we believe the future holds for the police reform movement, officers, police unions, and police profession. Buckle up, it will continue to be a bumpy ride.

LANGUAGE AND CONSTRUCTION

Except for the United States, most countries use the term “police” for all domestic law enforcement. In the United States, the terminology is more confusing to a person unfamiliar with our policing model. In our decentralized system, we have multiple agencies inside each municipality, county or parish, special district, and state or federal agency. The list is endless – municipal police, airport police, park police, code enforcement officers, special district police, county police, county sheriff’s deputies, county constables, state police, state troopers, state highway patrol, and federal officers both uniformed and special agents. In order to simplify the terms, the authors use police, police officer, police department, or law enforcement agency to include municipal, county, special district, state or federal law enforcement officers, and agencies. The term “police chief” or “chief” will include police chiefs, sheriffs, constables, or the head of a law enforcement agency.

The term “union” is the common denominator in the name of most labor organizations worldwide. There is no one common denominator when it comes to organizational names or affiliations for police labor organizations in the United States and most other countries. One theory is that labor unions are identified by the general public and media as representing blue collar workers. Police labor organizations overwhelmingly use the term association, guild, federation, or lodge instead of union in an effort to be identified more closely with professional organizations such as those representing airline pilots, doctors, and lawyers. A reason for this reluctance to use the term “union” is rooted in their belief that police work is a profession and not a blue collar job, trade, or craft. Since the most common international term to describe a labor organization is union, the term “police union” will be inclusive of all police and law enforcement labor organizations regardless of their name, agency, or organizational affiliation.

The authors had to take a liberal construction of local, state, and national police labor laws or the lack thereof. The nation’s 18,000 law enforcement agencies run the gamut from one-officer departments to the massive New York City Police Department. Not every agency has a union, collective bargaining, or civil service. There are vast differences even among unions with collective bargaining. Not every union with bargaining rights has an impasse procedure. In these cases, contract impasses are required to be resolved through the political process.

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POLICE UNIONS AND THE REFORM MOVEMENT

Part I

THE POLICE REFORM MOVEMENT

Chapter 1

POLICE REFORM IS A SOCIAL MOVEMENT

Every reform, however necessary, will by weak minds be carried to an excess, that itself will need reforming

– Samuel Taylor Coleridge

Policing is evolutionary and is constantly in a state of change; however, in the past any reform to policing was difficult to discern. While reform was rarely earth shattering, there have been public demands for more professional policing from the beginning of organized police forces. In each generation, the public had an expectation as to how they wanted their police to act. Except on rare occasions, the general public did not actually see how their officers were acting. Policing for the most part was out of sight and out of mind. Even when the public saw policing behaviors they did not like, they were slow to react much less demand substantive reform.

On occasions when the public outcry over police behavior caused elected officials to consider reforms, rank and file officers and unions resisted publicly and politically. This reaction should not be a surprise. All employees when faced with workplace changes tend to push back. Such is the nature of any change. Those most impacted fear the unknown.

Proponents and opponents of reform have their own perceptions, opinions, narratives, and realities. For frustrated advocates of police reform, they see officers and unions resisting any reform regardless of its merit. Reform advocates honestly believe that the police have never been subjected to any meaningful reform. There are on occasion pledges by politicians to enact reform, but everyone knows that political pledges are worthless. Only the naïve fail to realize that most promises by a politician is just placating the voters.

Reform advocates believe that officers and agencies can be changed overnight by having less officers, more social workers and mental health professionals, additional police training, and criminal prosecution and termination of any officer involved in a critical incident. They believe that less police equals less police-involved shootings of citizens. That may be true, but less police also equals less police to arrest violent criminals and protect citizens from these predators.

Reform advocates see police unions as their primary obstacle. It is true that police unions have been the lone voice at times against reforms, in particular, reforms aimed at subjecting officers to political tribunals and unwarranted administrative and criminal prosecutions. In the activists' perfect world, there would be no police unions, collective bargaining contracts, civil service, or any job security.

Rank and file officers and unions believe that the demand for reform is a recent event driven by liberal media and socialist politicians to create a false narrative about the deaths of mostly African-American men by officers. If surveyed, the authors believe the majority of officers would say President Barack Obama was ground zero for the reform movement. Officers believe that if only the reform activists, left-leaning media, and socialist politicians would butt out, the police could go about policing the community as they see fit. The current system was working well in their opinion, and the only reform should be to enact harsher criminal laws, longer prison sentences, no bail or bonds for most offenders, and strict enforcement of minor offenses.

Both sides of the debate have entrenched beliefs and are talking over each other. Neither will ultimately decide the outcome. Rank and file officers and unions, and reform organizations, may have an opinion, but neither will be the final decision-maker. Only one group of people actually have the ability to make reform happen, and that audience is being ignored. In America, the voting public as a whole will determine the outcome of the reform debate because they have the power to elect and un-elect politicians.

Rise, Fall, and Sustainability of Social Movements

The Oxford University Press defines "a social movement as a sustained challenge to those in power put forth by individuals, acting in concert with others, who have been excluded from the political process or who consider themselves political outsiders." Social movements start with a mobilizing event and grow slowly seeking greater public

awareness and acceptance. Social movements can linger for decades or centuries before they come to fruition. We have seen successful social movements that won the right to vote to women, enacted federal civil rights laws, legalized gay marriage and use of marijuana, gained Me Too protections for women, and prior to the U.S. Supreme Court overturning *Roe v. Wade*, the right to an abortion. These social movements all reached a tipping point and became a part of our culture and laws.

In recent memory, the civil rights movement was probably the best known. After the Civil War and the end of slavery in 1865, one would have thought all Americans regardless of color, sex, creed, religion, or national origin would have achieved the right to be protected from discrimination. Obviously, that was not the case and the demand for equal civil rights lingered on until the media coverage of the civil rights marches during the 1960s.

In 1963, the public witnessed police in Birmingham, Alabama, arresting, beating, and using police dogs to stop a civil rights march. White America knowing that African Americans and people of color were being discrimination against is one thing, but for the first time seeing this police brutality on television shocked the public. Almost overnight, the civil rights movement reached a tipping that led to the passage of the Civil Rights Act of 1964.

The Me Too movement was another long struggle calling attention to sexual assault and harassment of primarily women and girls. According to Wikipedia, the term “Me Too” first appeared around 2006 when Tarana Burke sought to raise awareness of women who had suffered sexual abuse. The movement lay dormant for another 11 years until actress Alyssa Milano posted a tweet that went viral accusing Hollywood mogul Harvey Weinstein of sexual assault. The Me Too movement reached a tipping point when scores of celebrities were outed, and many corporate heads and other men in positions of power were forced to resign and face criminal charges.

The gay rights or gay liberation movement had a long struggle. Thousands of gay people were arrested or terminated from employment with little public sympathy and even less support from lawmakers. Slowly, the movement gained recognition as states abolished sodomy laws and in 2009, President Barack Obama signed the Matthew Shepard Act adding sexual orientation as a protected class under the federal hate-crime law. On June 26, 2015, the U.S. Supreme Court held in a 5–4 decision that the Fourteenth Amendment requires all states to grant same-sex marriages and recognize same-sex marriages granted in other states.