



Organized for Change

The Activist's Guide
to Police Reform

PolicyLink





PolicyLink is a national nonprofit research, communications, capacity building, and advocacy organization, dedicated to advancing policies to achieve economic and social equity based on the wisdom, voice, and experience of local constituencies.



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The Activist's Guide to Police Reform

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Preface

The list of cities that have experienced high-profile police incidents and public protests is long. Among the cities on that list: Benton Harbor, Michigan; Cincinnati, Ohio; Miami, Florida; New York, New York; and Oakland and Los Angeles, California. Variations on the circumstances that have ignited outrage in these cities are repeated in communities of color where policing is done *to* community residents, not *with* them. When communities attempt to move beyond protest to proposals for change and policies with real impact, they face an array of issues, choices, and challenges.

Amid charges of racial profiling, police brutality, and questionable stop-and-frisk practices, many people of color are struggling to find strategies for engaging the police in approaches to community well-being and security that are respectful of everyone's rights and needs. Activists of color remind us that the police are pledged to serve and protect, but not at the expense of individual civil liberties.

Finding solutions to bridge the divisions between police and communities of color requires true engagement of those communities. PolicyLink has seen examples of this engagement at work and incorporated them as a basis for the strategies recommended in this manual. Such engagement is rooted in the knowledge that residents' voices must be heard and must be central to planning, proposing, and implementing efforts concerning their communities.

In earlier work PolicyLink—in partnership with the Advancement Project—conducted national research on promising practices. We found a range of practices—that we call community-centered policing practices—that are opening up police departments to traditionally underrepresented and underserved communities; engaging communities as partners in solving neighborhood problems; and making police departments more accountable to the communities they serve.

This research formed the core of our comprehensive 2001 report, *Community-Centered Policing: A Force for Change*, which highlighted over 80 practices in more than 50 cities and served as a resource for local communities seeking to improve community-police relations and to achieve greater police accountability. Advocates and community leaders praised the report, finding the information invaluable in their efforts to achieve community-centered policing reform.

When a broad coalition of groups in Cincinnati heard about *A Force for Change*, it invited PolicyLink to convene a discussion on the potential application of the report's findings in the aftermath of a 2001 police incident there. Questions heard during the convening included, "How were these reforms developed?" and "How were they implemented?" To help communities institute reforms such as those described in the report, we had to answer those key questions. In our search to answer those and other related questions, *Organized for Change: The Activist's Guide to Police Reform* emerged.

This document reflects a comprehensive search of manuals, guides, and online web resources covering a variety of social justice issues. We talked with advocates who represent police reform efforts and other community issues about best practices, strategies, and tools that have worked for them. We also convened a panel of community-based practitioners as well as groups representing national and regional perspectives on policing issues to get their feedback on the content and the presentation of the material.

In analyzing advocacy tools and strategies drawn from the research, *Organized for Change* uses the lens of community-centered policing and police reform efforts to demonstrate how those tools and strategies play out in real-world settings.

We hope this manual will contribute to the field of community-centered policing and add momentum to evolving efforts in communities and cities to improve police practices.

PolicyLink is grateful to the Charles Stewart Mott Foundation, without whose generous funding, this manual would not have been possible.

Judith Bell has provided exceptional leadership to this project. We thank Maya Harris West for her outstanding work and dedication. We also thank others who contributed. Harry Snyder helped us conceptualize the manual and worked with us on the chapter about the potential for administrative petitioning for police reform. Jim Shultz was generous with his time and advice. Amina Luqman provided interview, research, and writing assistance. Jennifer Saslaw was helpful in our search for web resources. And we were fortunate to draw on the experience and insights of advocates across the country who participated in telephone interviews, as well as roundtable participants Dr. Marcos Contreras, Monique Dixon, John Floyd, Rev. Bob Hailey, Penda Hair, Van Jones, Lupita Ledesma, Kim McGillicuddy, Michael McBride, Rafael Miranda, Dr. Vincent Ramos, Adrienne Ratner, Juan Sanchez, and Rev. Harriet Walden. Finally, thanks go to Paulette ("PJ") Robinson for her editorial assistance and to Paulette Traverso and Patrick Santana at TraversoSantana Design for the layout and design.



ANGELA GLOVER BLACKWELL
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Introduction

Fundamentally, police reform advocacy aims to redefine the relationship of police departments to the communities they serve—a relationship defined over decades of interaction and laden with all the complexities of race and class. This is no small feat. Advocates usually face a well-funded, politically connected opposition. Progress takes persistence and change takes time. Advocacy efforts typically focus on changing specific policies and practices that are incremental steps toward the much larger goal.

For all the challenges that exist, advocates in cities across the nation have achieved great successes in securing improved police policies and practices and in moving their police departments closer to a vision of community-centered policing. Some advocates have been doing this work for years; others have only recently begun. All have relied on one or more of the advocacy strategies discussed in this manual as a vehicle for change. Examples of their accomplishments and many lessons learned are described in this manual.

Organized for Change is divided into five main sections:

Seizing the Moment: Urgent, Unified Community Response recognizes that police reform advocacy often arises in the context of crisis—a high-profile instance of police misconduct that focuses public attention for a moment in time on the need for positive change within the police department. The chapter provides tips for resolving the circumstances at hand, while leveraging the situation to advance a broader advocacy agenda.

Getting Specific: Know Your Police Department starts from the premise that an effective strategy for change requires a firm understanding of what you currently have in place so that you can develop a roadmap from where you are starting to where you want to go. The chapter provides a range of topics and policies to consider.

Getting People Together and Making Your Case groups together four advocacy strategies: organizing and coalition building; conducting research; working with the media; and harnessing the power of the Internet. Each of these strategies is about building support for your advocacy agenda. More often than not, one—if not all—of these strategies is invoked in any police reform advocacy effort, regardless of the forum in which change is pursued.

Getting What You Want and Changing the Rules describes the four traditional forums in which advocates pursue their agendas for change: the courts, the legislature, the ballot, and administrative agencies. Sometimes these strategies are used in isolation; other times in combination or succession. This section concludes with a reminder to think outside the box and includes examples of tools and tactics that go beyond the traditional steps discussed in the preceding chapters.

Getting Started: Tips to Consider in Moving an Agenda provides several nuts-and-bolts issues to consider as you launch your advocacy effort—and get organized for change.



Seizing the Moment: Urgent, Unified Community Response

Most of this manual discusses proactive planning and strategic decision making in moving a police reform advocacy agenda. However, history has shown that often an incident occurs unexpectedly—though, predictably—and community members must spring into action within a matter of hours or days. Whether it’s a high-profile or not-widely-known beating, shooting, or roundup, in these moments, the key is turning crises into opportunities.

Focus on accomplishing two goals:

- ⦿ **Resolving the circumstances at hand; and**
- ⦿ **Leveraging the situation to advance your broader advocacy agenda.**

Consider the following steps toward achieving those goals:

- 1 Take care of the victim and the family**
- 2 Call for an investigation**
- 3 Get the facts**
- 4 Convene and coordinate all stakeholders**
- 5 Decide on your demands**
- 6 Work with the media**
- 7 Stay on the case—keep it in the news**
- 8 Don’t wait for the next time**

1 Taking care of the victim and the family

Police abuse is traumatic; put the victim and his or her family first. Provide support and space for healing. Take your cues from them on how to proceed: Respect their wishes to be left alone; rally around them if they are seeking support, trying to make sense of what has happened, or wanting to place the incident in the larger context of the community.

Highlight avenues for redress. Urge the victim and his or her family to consult an attorney immediately to get advice on their legal options and to ensure that they do not miss any deadlines for filing a lawsuit. Let them know about the processes and locations for filing a citizen’s complaint through the police department or citizen oversight agency.

2 Calling for an investigation

Events will unfold quickly, and you should attempt to keep pace, if not one step ahead. At the same time, you need time to gather the facts, figure out your demands, and decide how you will handle the media. Publicly call for an investigation. This allows you to immediately step forward without

hastily committing yourself to any version of events. It is also likely to generate a news story to keep the incident in the public's eyes while you get better prepared.

Be clear about whom you are asking to undertake an investigation. The police department? District attorney? State attorney general? U.S. Attorney?

3 Getting the facts

Get your facts together before you take a position. If you take a public position and the situation does not turn out the way you thought it was, you will lose credibility and appear to be someone simply looking for headlines. But, remember: try to keep pace. The initial news story will likely be based on the police report, which may or may not be accurate or complete. You need to get the facts as soon as possible; if the incident happened a week ago and you still have not commented on it, the police report will stand in the public's mind as the uncontested facts.

Learn everything you can about the incident. Gather as much accurate, complete, and detailed information as possible. What happened? When? Were there any witnesses? What did they see or hear? Who was involved? When did officers arrive on the scene? How many? Which officers? What is the officers' version of events? The police department's? What have the media reported? Who is quoted? What steps will the police department take?

Attempt to obtain relevant documentation. Can you secure a copy of the police report? 9-1-1 tapes? Coroner's inquest? Photographs or film footage from news reports? Reports of any past complaints against the involved police officers? This may be another opportunity to make a public statement to keep the story alive. Alert the media to the official records you have requested and whether or not you have received a response.

4 Convening and coordinating all stakeholders

During this time, you should also pull together the various stakeholders. This could include the victim and his or her family (depending upon their interest in being engaged in a broader effort), neighborhood residents, community leaders, clergy, civil rights advocates, youth organizations, and others who are already involved in this incident or have traditionally become involved in such incidents.

Build as organized and unified an effort as possible. There's power in numbers and, ideally, you will stand behind a shared list of demands.

Designate spokespersons and an organizer. Who will present public officials and the media with your demands? Who will coordinate your efforts and keep everyone informed?

5 Deciding on your demands

There are two levels of responses and, sometimes, two levels of demands. There is the victim and his or her family and the response of the community. Determine what outcome the victim and his or her family are hoping to achieve. Sometimes the victim and his or her family simply want to move on; to follow through on their lawsuit and be left alone to heal. Other times, they want to see concrete change that will make it less likely that the same incident will happen to someone else. That often translates into wanting the officer suspended, disciplined, or fired.

At the heart of communities' outrage is a desire for positive change. Getting rid of "bad apples" is beneficial for both the community and the police department, but do not stop there. What institutional policy or practice—or the lack thereof—is related to this incident? What else can you demand? Improved pepper spray guidelines? An early-warning system that could have detected the problem before a tragedy? What's on your "to do" list for the police department that you can attach to this situation? If you do not know what to demand, call someone who might—a local civil rights attorney who has handled police misconduct cases or an advocacy organization that does police accountability work such as the American Civil Liberties Union (ACLU).

Renew earlier demands. If you called for an investigation, has it begun? If you requested official documentation, have you received it?

6 Working with the media

Set the stage. What is the image you want to project? Often, the best-case scenario is the victim or his or her family being willing to come forward so that the incident is humanized and not dismissed as police accountability advocates simply taking on the police—yet again. However, that's not always possible. In the alternative, who is your most credible spokesperson?

Set the record straight. Is your version of the facts different than the police report or what has been reported in the news? Are there witnesses who contradict those accounts? What are the unanswered questions? Always provide accurate and reliable information. Never overstate or invent the facts. Give the media your list of demands; it makes good news copy.

Guard against distractions. Too often, the tables are turned on the victim. The story shifts to the victim's criminal record—for example, in New York, it was Patrick Dorismond's juvenile offense; in Los Angeles, Rodney King's drug use; in Cincinnati, Timothy Thomas' traffic citations and outstanding warrants. It's a classic "blame the victim" story, with the undercurrent being that the victim either deserved what happened or brought it on him/herself. Reframe the conversation. Shift the focus of the story—whether it's to the officer's history of behavior, the department's lack of accountability, or elected officials' inaction. Police misconduct is wrong, regardless of whether the victim has a criminal record or not. That's the only relevant story.

7 Staying on the case—keeping it in the news

Persistence and public scrutiny pay off (sometimes); without it, you do not stand a chance. Decision-makers respond to public pressure, most often exerted through consistent public action and media coverage. Keep the story in the news and engage in public actions.

8 Don't wait for the next time

Unfortunately, it *will* happen again.

Do not allow the next time to be a repeat of the last time: caught off guard, not knowing what to demand, and scrambling for direction. Take full advantage of the media spotlight even when things are moving fast. Achieving change in policing is tough, slow, and incremental; there's no time for missed opportunities.

Many of the successes described later in this manual were achieved as a result of advocates' ability to seize the window of opportunity that opened following a high-profile incident. They captured that moment of intense scrutiny and used it as a vehicle for moving an advocacy agenda long in the making. Once you address the current crisis, use this manual to help you develop a long-term agenda and strategy for change.

Learn more about your police department (see page 7). Develop a vision for what you want it to be and how you want it to relate to your community. Identify the model policies and practices that will get you there (see page 32). Reconvene the people you pulled together during the last incident and consider whether the time is right to move a piece of legislation (see page 74), to attempt placing citizen oversight on the ballot (see page 83), or to persuade the U.S. Department of Justice to launch an investigation for a "pattern and practice" lawsuit (see page 111). Brush up on your media skills (see page 43), build a broader base of support (see page 13), and find ways to keep people informed and engaged in the meantime (see page 23).

Turn *this* crisis into an opportunity!



Getting Specific: Know Your Police Department

Why know?

Police departments vary from city to city—in size, structure, mission, policies, relationship to community. The political context also differs from place to place—from acknowledgment of problems and receptivity to change to the political will to do something about it. In developing a strategy for change, it helps to have some sense of what you are starting with—to know where you are so you can map an effective strategy to get where you want to go.

It's worth knowing, for example: What is currently in place? What does the police department think and say it is doing? With what resources? Who is an advocate for change within the institution? Who has the authority to make change? On the inside? On the outside? Again, with what resources? Whom should you approach first? Can you get change without jumping through a lot of bureaucratic hoops? Will it take an extended fight? Given all that, what strategies make the most sense—Organizing because the institution is susceptible to public pressure? Litigation because it won't change unless it is forced to? Legislation because you have allies in elected office?

What to know?

Police departments can be complicated webs of bureaucracy, particularly when they are not forthcoming with information such as how they are set up, how they function, and how resources are allocated. Nonetheless, some aspects to consider learning more about include:

- 1 Internal and external structure**
- 2 Budget**
- 3 Policies and practices**
- 4 Personnel**
- 5 History and political context**

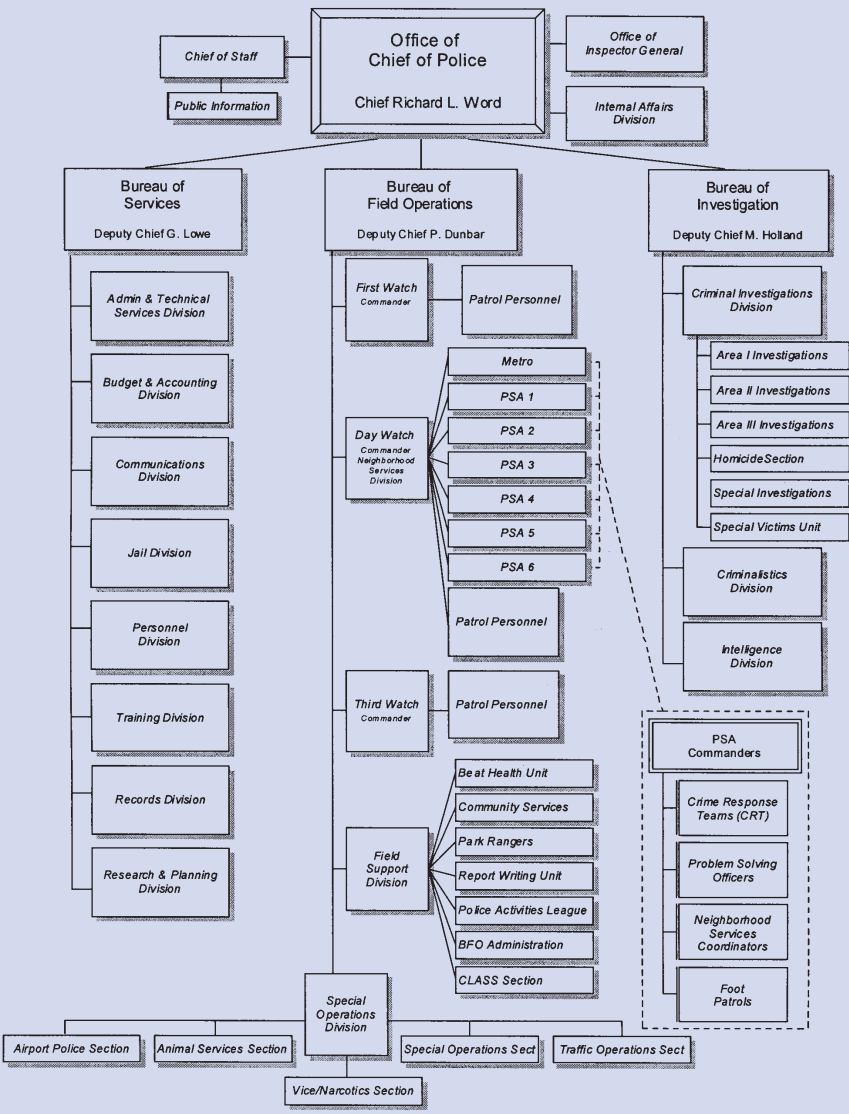


Taking Action!

1 Internal and external structure

Find out the structure of your police department

The Oakland Police Department has an organizational chart on its website that illustrates the various divisions within the department and how they fit within the chain of command (www.oaklandpolice.com/geninfo/giassets%20/OrgChart.pdf):



⊙ How is the police department organized? What are the various divisions? Specialized units? Programs?

⊙ What are the lines of authority? Responsibility? Accountability? Who answers to whom?

⊙ How are decisions made and by whom? About hiring? Training? Promotion? Discipline? Community-policing efforts? Officer assignment? Who's the ultimate decision-maker?

⊙ Whom does the police chief answer to? What other city agencies have some relationship to the police department? What is that relationship—Funding? Oversight? Legal counsel?

2 Budget

- ⊙ **What is the department's total budget?** How is it allocated among divisions and different activities? What are the services, programs, and activities funded by those resources?
- ⊙ **What are the current budget priorities?** What should be bolstered?
- ⊙ **Where do the resources come from?** The city? State? Federal government? Private sector? Grants?
- ⊙ **How many officers are budgeted?** How many are allocated to different divisions and activities?

See how resources are allocated

The City of San Diego posts the entire city budget on its website (www.sannet.gov/budget/index.shtml), including resources allocated to the police department (www.sannet.gov/budget/annual/volume3/pdf/v3police.pdf). Following is an excerpt from the San Diego Police Department 2004 budget:

Department Staffing

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 FINAL
GENERAL FUND			
Police			
Area Station Operations	1,570.00	1,580.00	1,570.00
Criminal Intelligence	23.00	23.00	23.00
Department Management	25.06	25.06	24.06
Family Protection	47.00	47.00	45.00
Narcotics Investigations	67.00	67.00	65.00
Neighborhood Policing	17.00	17.00	17.00
Proactive Investigations	118.00	120.00	116.00
Professional Standards & Training	49.00	48.00	44.00
Reactive Investigations	110.00	110.00	107.00
Resource Management	157.75	161.75	158.00
Special Enforcement	72.00	72.00	72.00
Technical Services	347.00	352.00	346.00
Traffic	162.00	163.00	162.00
Total	2,764.81	2,785.81	2,749.06

Department Expenditures

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 FINAL
GENERAL FUND			
Police			
Area Station Operations	\$ 132,743,571	\$ 145,300,895	\$ 155,921,463
Criminal Intelligence	\$ 2,051,986	\$ 2,226,900	\$ 2,396,385
Department Management	\$ 4,085,613	\$ 3,030,309	\$ 2,951,957
Family Protection	\$ 5,988,209	\$ 4,117,668	\$ 4,249,825
Narcotics Investigations	\$ 7,756,665	\$ 5,918,306	\$ 6,258,938
Neighborhood Policing	\$ 2,167,204	\$ 1,663,436	\$ 1,776,676
Proactive Investigations	\$ 10,450,150	\$ 10,188,171	\$ 10,561,852
Professional Standards & Training	\$ 8,524,567	\$ 5,897,828	\$ 6,039,399
Reactive Investigations	\$ 11,089,597	\$ 9,436,536	\$ 10,001,217
Resource Management	\$ 28,881,485	\$ 25,375,377	\$ 24,256,301
Special Enforcement	\$ 8,379,941	\$ 7,747,724	\$ 8,236,202
Technical Services	\$ 25,014,196	\$ 24,696,653	\$ 24,331,361
Traffic	\$ 11,921,617	\$ 15,448,832	\$ 15,155,140
Total	\$ 259,054,799	\$ 261,048,635	\$ 272,136,716



Taking Action!

Police accountability advocates advise you to pay particular attention to:

A. Police shootings

You need to know about police firearm discharges, which refer to the number of times a police weapon has been fired. This information is more complete than statistics on the number of persons shot and wounded or killed. (However, information on the race of persons shot and wounded or killed is important.) Particularly important are data on repeat shooters, which can tell you whether some officers fire their weapons at a suspiciously high rate.

With this information, you can evaluate the use of deadly force in your department. You can also evaluate the long-term trends in shootings. Are shootings increasing or decreasing? Has there been a recent upsurge? How does the department compare with other departments—are officers shooting at a significantly higher rate in your department than elsewhere?

B. Use of physical force

You need to know how frequently police officers in your city use physical force in the day-to-day course of their encounters with citizens. Do officers try to refrain from using such force against citizens, or do they quickly and casually resort to force?

In its report on the Los Angeles Police Department in the aftermath of the March 1991 beating of Rodney King, the Christopher Commission confirmed a long-held suspicion: A small number of officers were involved in an extraordinarily high percentage of use-of-force incidents. Patterns in the use of physical force reveal a lot about the “culture” of a particular police department.

C. Official policies

You need to know what your local police department’s formal, written policies are on how officers are supposed to behave in particular situations. How does the department treat domestic violence complaints? What is the policy on how officers are supposed to deal with homeless people? Does the department use canine patrols and, if so, under what circumstances? In examining official policies, you need to evaluate them in comparison to recommended standards.

D. Lawsuits

You need to know how many lawsuits citizens have filed against your local police department. The number of lawsuits filed against a police department can be very revealing about patterns of conduct. You’ll want to know what the charges were, the number of officers involved, whether certain officers are named repeatedly in suits, what was the outcome, and, in the case of successful suits, how much the city paid in damages.

E. Minority employment

You’ll need to know how many African Americans, Latinos, Asians, other minorities, and women are employed by your police department and their distribution throughout the department’s ranks. This information is useful in assessing the “culture” of your local police department—is it internally diverse, fair, and equitable? It also suggests how much value the department places on the “human relations” aspects of its work, and how responsive it is to community concerns.

Edited excerpt from *Fighting Police Abuse: A Community Action Manual*,
www.aclu.org/library/fighting_police_abuse.html.

3 Policies and practices

- ⊙ **What are the department's published policies and procedures?** What is the protocol for dealing with citizen complaints? Injuries to persons in police custody? Stop-and-frisk encounters? For dealing with mentally disabled persons? Discipline? Officer-involved shootings? Other uses of force?
- ⊙ **How does the department operate?** Are the published policies and procedures followed in practice?
- ⊙ **Is the department effective?** Responsive? In what ways? Where? To whom?

Several police departments publish their policies and procedures on their websites: Denver Police Department *Operations Manual*, available at www.denvergov.org/Police/template311677.asp; Seattle Police Department *Policy and Procedure Manual*, available at www.cityofseattle.net/police/Publications/SPD%20Manualv1_1.pdf; and Minneapolis Police Department *Policy & Procedure Manual*, available at www.ci.minneapolis.mn.us/mpdpolicy.

4 Personnel

- ⊙ **Who is in the department?** How many are new officers? Senior officers? What's the demographic breakdown? What are the officers' reputations within the department? On the street?
- ⊙ **What are the job descriptions for various positions?** What are the expectations? Areas of responsibility? Accountability? Influence? Discretion?
- ⊙ **How are officers recruited?** Hired? Trained? How and where are officers deployed?
- ⊙ **What is the role of the police union?** Influence? Are there any officer associations? Any potential allies on the inside?

5 History and political context

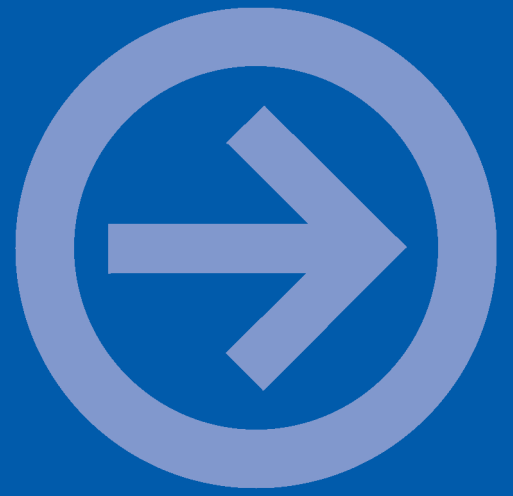
- ⊙ **What's the history of the department?** Major events? Periods of progress? Controversial incidents? Past litigation? Kinds of complaints? What's the track record of the current police chief? Earlier chiefs?
- ⊙ **How has the department handled problems, challenges, controversy in the past?**
- ⊙ **What are the politics of the situation?** What are various elected officials' opinions about the department? Ability to influence? Willingness to challenge? Who has been a leader? Follower? Obstacle?

Where to find out.

Figure out what information you can get on your own informally and with relative ease; then step up the pressure to get the rest.

- ⊙ **See what's available on the Internet or at your local library.** What's on the police department's website? What's been published in the newspapers?
- ⊙ **Call the police department and ask for the information.** Follow it up with a written request.
- ⊙ **Get the information from someone else who has it**—the civil service commission, a member of the city council public safety committee, the citizen complaint review board, a local civil rights or police misconduct attorney, a police accountability organization.
- ⊙ **Submit a Freedom of Information Act (FOIA) request** (see page 37). Most of the information you will want is public information, so you're legally entitled to it, even though some police departments will treat it as internal, confidential information.

For more on finding information, see page 32.



Getting People Together
and Making Your Case





Organizing and Coalition Building: Increasing Your Strength

What is organizing?

Organizing is bringing people—and in the case of coalition building, organizations—together to develop a collective vision for their community and achieve a common goal; to win a battle that is more likely to be won if many stand up together instead of just a few. Progress does not spontaneously occur; it happens because people organize for change.

You can organize to have impact in many different ways—from educating the public so people know their rights and are more likely to exercise and protect them to influencing elections through increasing voter registration and participation. The focus of this section is organizing to exert public pressure on a decision-maker to take the actions that you want—whether it’s getting an elected official to introduce new laws, a police chief to change policies and practices or adopt community-centered policing, a district attorney to bring an indictment, or an attorney general to launch an investigation.

It’s worth noting that there are many different styles of organizing. Volumes have been written on the topic. In this section, we attempt to capture the consistent themes, considerations, and challenges that cross these different styles.

Why use it?

Organizing builds power. Bringing large numbers of people to the table allows you to leverage the kind of influence that other people may obtain with campaign contributions or their position within the system. It alerts decision-makers to the political consequences of their actions. It reminds elected officials that you can impact how long they stay in office. It adds strength and credibility to your demands. The media are more likely to take notice when you can draw a crowd and when diverse voices are raised.

It gives you staying power. To achieve and maintain police reform requires sustained vigilance. Few organizations have the staff and resources to accomplish this alone. Organizing identifies and develops the leaders and the movement you need over the long haul to sustain progress on police reform.

It produces real improvement in people’s lives. Part of this is the tangible change achieved. Another part is the fact that organizing builds community through collective problem-solving and instills in people a sense of their own power and capacity to effect change.

When to use it.

Almost always—alone or in combination with other strategies. Police departments do not usually respond to external calls for change without significant public pressure. Organizing helps to exert such pressure, especially when combined with media scrutiny. Most strategies rely on organizing for effectiveness—lobbying for legislation, pushing an administrative petition, winning a ballot initiative. Litigation can also benefit from being backed by mobilized communities, particularly when it comes to monitoring implementation of settlement agreements.

ACORN members organize for change in cities across the country

Orlando, FL

(December 2003): ACORN members joined with other community leaders—American Muslim Alliance, Latino Leadership, a state senator, and other organizations—to announce a campaign to stop racial profiling in central Florida.

Harrisburg, PA

(October 2003): ACORN members organize a “March Against Violence” to demand increased police protection and better street lighting.

Prince George’s County, MD

(July 2003): ACORN members demonstrate to demand increased police patrols in Landover Hills. Police officials designate the neighborhood one of the county’s “hot spots” and provide for increased police patrols.

San Diego, CA

(July 2003): ACORN members hold a news conference and then send a delegation to meet with the city manager and city councilmembers to demand that any successful candidate for police chief be supportive of immigrant rights and committed to fostering good relations with the Latino community.

Lake Charles, LA

(March 2003): After a police cadet rides his motorcycle through an all-black high school marching band during Mardi Gras, ACORN members meet with the police chief to demand that the officer be disciplined and required to participate in racial sensitivity training and that an ACORN diversity trainer be permitted to evaluate the police department’s diversity training program.

Brooklyn, NY

(September 2002): ACORN members turn out for public precinct meetings and present a plan for adding police patrols; convince police representatives to begin attending ACORN meetings in one area; and win 15 new police patrols in areas that need them most.

Miami, FL

(August 2002): ACORN members and allied organizations organize to persuade the city to establish a civilian review board with subpoena power. Actions include holding several community, town hall, and city and county meetings, as well as a street-blocking action.

Washington, DC

(March 2002): ACORN members hold a public meeting in the Northeast neighborhood of Deanwood to urge their city councilmember to work to improve police patrolling of the area, including increased foot and bike patrols.


Albuquerque, NM

(July 2001): ACORN members march into a police station and demand data on response times in their neighborhoods. At a subsequent meeting with the police chief, he agrees to provide the data and investigate complaints of slow response to calls from low-income and crime-ridden areas.

Minneapolis, MN

(May 2001): ACORN members meet with Minneapolis police and the mayor to demand community policing; beat cops in high-crime areas; an end to racial profiling; and greater efficiency from the Civilian Review Board.

Edited excerpts from <http://www.acorn.org>.



Points to Consider in Moving Forward

- 1 Do you have sufficient resources and capacity?
- 2 How will you engage young people and immigrants?
- 3 Keys to success
- 4 Red flags
- 5 What else do you need to know?

1 Do you have sufficient resources and capacity?

A number of different costs and capacities can come into play with organizing, such as:

- ⊙ **Organizers** Who will take lead responsibility for coordinating the effort? Recruit others? Convene meetings? Manage conflicts? Follow up on next steps?
- ⊙ **Staff** Who can share the load so that the lead organizer is not overwhelmed and volunteers are not overtaxed?
- ⊙ **Volunteers** What's your track record for recruiting volunteers?
- ⊙ **Research** Who can help research the problem and possible solutions to inform concrete demands?
- ⊙ **Materials** Do you have basic supplies? Access to photocopying for reproducing flyers and other written materials?
- ⊙ **Attorneys** If you plan to engage in public protests or civil disobedience, do you know any attorneys who will provide pro bono assistance?
- ⊙ **Time** This is the biggest expense in an organizing effort—and there never seems to be enough of it for all the work that needs to be done!

To further assess your organizing capacity, scan Shel Trapp's "Task and Skill Check List" in *Basics of Organizing: You Can't Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html.

2 How will you engage young people and immigrants?

We have to do more to engage youth—who likely have the most consistent and often the most negative interaction with police—in police reform efforts. They have tremendous energy and

wisdom and, when engaged, quickly emerge at the forefront of this work. In many instances, youth involvement has drawn in adults—parents, grandparents, clergy, and teachers who become involved out of moral responsibility for and a duty to protect young people who are standing up to police misconduct.

Immigrants are another constituency frequently overlooked in police-reform organizing efforts. Yet they have a lot to offer—and a lot to lose. Their inclusion offers great potential for building broad-based coalitions and ensuring that policing in a post-9/11 world does not compromise the civil rights and civil liberties of any community.

3 Keys to success

A good organizer. You want someone leading the effort who is strategic, is disciplined, can maintain focus while handling a range of assignments and responsibilities, knows his or her own strengths and weaknesses, and, most importantly, has the ability to make genuine connections that can win people's trust and respect, secure their involvement, and empower them to participate effectively and take leadership in the effort.

Always scouting and developing leadership. Police reform is challenging, long-term work that requires sustained leadership. At the same time, people come and go. You need a systematic plan for identifying and nurturing new and ongoing leadership. Ask yourself: Will other people follow this person? Will s/he take suggestions and directions from others? Will s/he assume responsibility? For more on identifying and developing leadership, see “Identifying Leaders” and “Leadership Development” in *Basics of Organizing: You Can't Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html, and *Leadership for Policy Change*, a PolicyLink report, available at www.policylink.org/pdfs/LeadershipForPolicyChange.pdf.

4 Red flags

Working with vulnerable populations and potentially volatile situations. Special considerations come into play when you are organizing with youth, undocumented immigrants, and individuals with open court cases or criminal records, as well as organizing for direct action where people may get arrested. How will you advise people of their risks? Take adequate precautions for their protection? More on this later in point 6, *Choosing tools and tactics*, in the next section.

Mobilizing communities of color to challenge leadership of color. Communities of color are sometimes hesitant to proceed or less willing to be publicly critical when the target of the organizing effort is a police chief or mayor of color. This presents a difficult choice for community leaders

who fear losing hard-earned gains or feel that the current situation is likely better than the alternative. There's no easy answer to this dilemma. While inadequate policing is inadequate no matter who is in charge, you have to acknowledge the complexities of race and reconcile some community members' inclination to “protect their own” or refusal to “air their dirty laundry in public.” It may require you to consider different tactics or simply move forward without everyone you had hoped to have on your side.

5 What else do you need to know?

There's a wealth of detailed information about organizing, including books such as *Organizing for Social Change* by The Midwest Academy, available at www.midwestacademy.com; numerous “how to” organizing manuals are also available online. Start with The Ruckus Society resources page at <http://ruckus.org/resources/index.html>, where you will find a number of manuals, tools, and links to other sites. Two publications by Shel Trapp that offer helpful overviews and tips are: *Basics of Organizing: You Can't Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html, and *Dynamics of Organizing*, available at www.tenant.net/Organize/orgdyn.html. For concrete steps you can take in the police context, see *Fighting Police Abuse: A Community Action Manual*, available at www.aclu.org/library/fighting_police_abuse.html, and *First Steps: Community Action Plan for Police Reform*, www.advancementproject.org/upp.html. You can also call an organizing network in your area such as ACORN (www.acorn.org) or look into training workshops for organizers such as The Midwest Academy (www.midwestacademy.com); Center for Third World Organizing (CTWO) (www.ctwo.org); Highlander Research and Education Center (www.highlandercenter.org/about.asp); and the National Training and Information Center (www.ntic-us.org).

Real World case study

Recruit people directly or indirectly connected to the issue

A tragic event in May 1992 spurred collaborative action within Boston's African-American clergy. Violence broke out among gang members attending a funeral for a youth murdered in a drive-by shooting. The shootout and multiple stabbing in the Morning Star Baptist Church threw the service and the congregation into chaos.

The brazenness of this attack, taking place within a church sanctuary, inspired many of Boston's black clergy to take action. They realized that they could not effectively serve their community by remaining within their churches and ignoring the situation on the street. Instead, youth and others in the surrounding troubled neighborhoods needed to become extensions of the church congregations.

This incident led to the founding of the Boston Ten-Point Coalition (<http://bostontenpt.users2.50meps.com/index.html>), an ecumenical group of Christian clergy and lay leaders who worked with community members, service providers, and law enforcement to develop new approaches to curbing youth violence, balancing enforcement with prevention and intervention initiatives.

Edited excerpt from *Should We Have Faith in the Churches? The Ten-Point Coalition's Effect on Boston's Youth Violence* by Jenny Berrien and Christopher Winship, available at www.wjh.harvard.edu/soc/faculty/winship/winship1.pdf.

Making Plans and Taking Action

- 1 Recruit individuals
- 2 Build a coalition of organizations
- 3 Get organized
- 4 Conduct a power analysis
- 5 Identify targets
- 6 Choose tools and tactics
- 7 Keep people engaged and motivated
- 8 Negotiate and secure your demands
- 9 Celebrate victories and analyze actions

1 Recruiting individuals

Anyone connected—directly or indirectly—with the issue of policing is a potential recruit for an organizing campaign. You usually begin with people who are already working on the issue and those who have a direct personal stake—individuals who have experienced police abuse or their family and friends; people who live in a neighborhood with strained police relations or are disproportionately impacted by crime; young people who have frequent interaction with police on the street or on school campuses. Also consider other members of the community who may support your effort: civil rights attorneys who have represented clients in police misconduct cases; clergy whose congregation members have experienced police abuse; and community service providers.

You can conduct outreach in many ways:

- ⊙ **Visit organizations and community groups** where people come together. Ask a member of the organization or group whom you personally know, or whom someone else involved in your effort personally knows, to make an introduction.
- ⊙ **Knock on doors.** It's very time consuming, but door-knocking is a great way to make one-on-one contact with people. For "how to" tips on going door to door, see "Door-Knocking" in *Basics of Organizing: You Can't Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html.
- ⊙ **Establish a hotline.** During the statewide campaign to pass racial-profiling data collection legislation in California, advocates established a toll-free number for people to report incidents of racial profiling. The hotline became a tool for identifying participants for the newly-established Racial Justice Coalition, spokespeople to address the media and decision-makers, and potential plaintiffs for lawsuits.



Taking Action!

Tips from activists and ministers for reaching out to clergy

- ⊙ Get the church involved early—it's an important affiliation. Most people have some religious connection; the church bestows an aura of moral authority on the effort; and the opposition is less likely to challenge the credibility of religious leaders.
- ⊙ Choose the best person to initiate the contact. Sometimes it is better to have a congregation member—not an outside advocate—to get his or her pastor involved. Send a person of integrity, ethics, and morality to speak with the pastor. It is better to go in person, if possible.
- ⊙ If the minister is concerned about how your effort will impact his or her relationship with city officials, find something s/he can do to support your effort that is within his or her comfort zone. Do not be put off if s/he is unwilling to show up at a protest or news conference.
- ⊙ Recognize that most ministers are protective of their congregations.
- ⊙ Once you have recruited the support of one religious leader, ask if s/he will help you recruit others.
- ⊙ Reach out to seminarians and religious leaders who are seminary-trained. Many seminaries now include a social justice component and require internships. These individuals have been groomed to participate in this work.

- ⊙ **Distribute flyers.** Stand outside grocery stores, shopping malls, post offices, bus and subway stops, or any other venue community members frequent. Hand out straightforward materials that present the issue in a compelling manner that people can relate to on a practical and an emotional level—enough to want to do something about it.
- ⊙ **Host house meetings.** People who are already part of the effort can invite friends and neighbors to a meeting at their home to talk about the issue, encourage them to join the effort, and maybe even take some action on the spot such as writing a letter to the mayor or going out to knock on doors to recruit others.
- ⊙ **Look inside the police department.** Retired or existing police officers have often aided police reform efforts by helping advocates to understand what it would take to win support for their issue inside and outside the department. Retired officers are usually more willing to play a front-line role; officers inside the department may want to play a behind-the-scenes role if they are concerned about a backlash in the department for “breaking ranks.” It is useful to know the roles of the local police union and police officer associations and whether they will tend to be supportive or opposed to your efforts.

2 Building a coalition of organizations

Coalition building takes the organizing concept from individuals to organizations. There are upsides and downsides to going this route: A broad-based coalition can add tremendous power to your effort; decision-makers notice when organizations representing multiple constituencies they care about and need are unified behind a shared list of demands. It allows you to pool resources, skills, experience, contacts, strategies, and ideas for solutions; rarely does any one organization have everything in-house to conduct a successful organizing campaign. It can also give decision-makers an added incentive to negotiate because they will be meeting the demands of a number of constituencies at once.

On the other hand, coalitions are time consuming to build and maintain. Coalition decision making can be slow and cumbersome, especially if the organizational representatives who attend meetings are unable to make decisions on behalf of the organization. There's always a risk that members will get frustrated and leave the group or be “picked off” by your opponents to weaken your strength.

On balance, in the police reform context, it's usually worth the added effort for the long haul—and sometimes necessary even in the short run. Many of the advocacy efforts described throughout this manual involve coalitions of varying sizes and ranges of constituencies.

In creating coalitions, consider:

- ⊙ **Whom will you recruit to join the coalition?** Think broadly and diversely and beyond the “usual suspects”—organizations representing constituencies impacted by the issue; think tanks or other experts who can lend credibility to your demands; groups with large memberships that can be mobilized; organizations with media or lobbying experience and contacts; progressive police associations; groups you have never worked with before or who were on the opposite side of another issue.

In seeking passage of the Traffic Stops Statistics Study Act in Congress, national civil rights organizations such as the NAACP, ACLU, and the National Council of La Raza joined forces with the Hispanic American Police Command Officers Association and the National Organization of Black Law Enforcement Executives.
- ⊙ **What structure will you adopt?** Coalitions can be structured with a range of formality or informality. Some are multi-issue, adopt a name, seek joint funding, and set up committees; others are more ad hoc or may comprise only a list of organizations on letterhead. Avoid more structure than you need to get the job done.
- ⊙ **How will the coalition communicate?** Regular meetings? E-mail? With what frequency?
- ⊙ **How will it make decisions?** Have a decision-making process that everyone agrees to at the outset; it will help to avoid later misunderstandings and conflicts. Put important decisions in writing.
- ⊙ **How will the coalition handle conflict?** Tension and conflict are inherent in coalition work. Individual organizations have their own agendas, boards, and funders to report to, and constituencies to whom they are accountable. Issues can arise over targets and tactics, who is doing what work, and who is getting credit. Do not ignore these issues when they arise; manage them quickly and constructively and keep people’s eyes on the prize.
- ⊙ **How long will the coalition last?** Coalitions can be comprised of long-term partners—organizations that share your long-term vision and are in it for the long haul—as well as short-term allies—organizations that are with you on the issue you have identified as your short-term objective, but may not be on the next step of the journey. Most coalitions end after the short-term objective has been achieved, though they may resurrect in whole or in part when another issue or incident emerges.

An unprecedented coalition in Texas

Advocates who worked on the Tulia bills in the Texas legislature (see page 76) credit the strength of their coalition as a key factor in their success. (The bills were introduced after ten percent of the town’s black population was jailed based on the testimony of a single undercover drug agent). The NAACP, MALDEF, ACLU, and LULAC had not historically worked together in Texas (nor, as the advocates noted, in many other states either). In one particularly gratifying demonstration of their power, advocates recall: When their bills were stalled in the calendaring committee, the executive directors of each organization showed up together unannounced at the legislature, dropping the jaws of legislators who could not believe their eyes. Among the elements that allowed the coalition to function effectively:

- ⊙ **Trust** Coalition members accomplished a high level of trust in one another. Trust came from their commitment to the coalition and, most importantly, their faith in the vision.
- ⊙ **Confidence** Each member was confident enough in his or her own role that s/he could put aside ego. This included acknowledging their individual limitations, allowing others to represent their interests on occasion, and being willing to share attention and credit.
- ⊙ **Flexibility** At first the coalition met regularly, which became unfeasible as the legislative session heated up. They met in person to discuss key decisions (operating on a consensus basis) and deputized one coalition member to make lesser decisions on the spot.
- ⊙ **Focus** They knew that if any one of their organizations behaved as if the bills were not a priority, the effort would be dead on arrival.

3 Getting organized

In addition to all the outward activity of your organizing effort, there should also be systematic, strategic, internal preparation and planning.

What are you organizing toward? What is your long-term vision for policing in your community? Short-term goals? Make sure you choose something early on that is tangible, practical, and winnable in the short term that everyone can relate to and wants to be a part of achieving. How will you define interim and ultimate victories?

For more on identifying problems and potential policy solutions, choosing issues, and developing an advocacy strategy, see pages 29-31, 77, and 124. See also “Identifying Issues” in *Basics of Organizing: You Can’t Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html. For more on defining victories, see “Building Power and Victories” in *Dynamics of Organizing*, www.tenant.net/Organize/orgdyn.html.

How often will you meet? Will there be set periodic meetings or will they be called as needed? Who will have the power to call a meeting and make decisions about how you will meet and about meeting logistics? Will meetings be in person? By phone? When will e-mail or a listserv suffice? Where will meetings be held? Is the location convenient and accessible for all involved constituencies? Is it in a familiar and comfortable environment?

Who will do advance planning for meetings so they are focused and move the effort forward? Who will craft the agenda? Who will facilitate the discussion at the meeting to make sure you start and end on time, stay (or at least quickly get back) on track, make space for everyone to participate, reach decisions on action items, come up with concrete next steps? Who will take notes? Assign tasks? Hold people accountable?

For tips on crafting agendas, setting goals, and conducting different types of meetings, see “Leadership Meeting,” “Public Meeting,” “Staff Meetings,” and “Organizational Retreats” in *Basics of Organizing: You Can’t Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html.

4 Conducting a power analysis

Many individuals and institutions exercise influence in local communities—whether community based, governmental, or in the private sector. Analyze who holds power—both formal and informal—in the community, as well as your own power to achieve your goals. Understanding the formal power structure tells you who is officially in charge, while the informal power structure lets you know the underlying political reality of how things actually get done.

What is the power structure in your community? Who has real power? Perceived power? Behind-the-scenes power or, as some would say, the “power behind the throne”?

How is power exercised in the community related to policing issues? Through the mayor? City council? Business community? Police union? District attorney’s office? Clergy? Service providers? Particular neighborhood groups? Appointments to the police commission or citizen oversight board?

Who has the power to give you what you want? How does that person relate to—or get influenced by—others in the power structure in your community?

Who holds power in the community to organize an effective opposition? What is the existing organized opposition? Unorganized potential you can tap?

What will it take to build sufficient power to win the change you seek? Who needs to be involved? How can you get them involved? Through organizing? Coalition building? Networking?

For more on conducting a power analysis, see “Power Analysis” in *Dynamics of Organizing*, available at www.tenant.net/Organize/orgdyn.html; “Conduct a power analysis” in the Center for Community Change’s *How—and why—to influence Public Policy: An Action Guide for Community Organizations*, www.communitychange.org/publications/pubpolicy.htm; and “Power and Organizing,” available at www.grassrootspolicy.org/power.html.

5 Identifying targets

Identify the individual(s) toward whom your actions will be directed. Targets are usually individuals, not organizations, because organizations do not make decisions; people do. Handle this tactic with care. Be careful not to personalize your attacks; these can backfire.

Who are your primary targets? These are the people who have the power to give you what you want; to make the changes you are calling for.

Who are your secondary targets? Secondary targets are the people who can influence your primary target to come your way. The media are often an important secondary target, particularly when your primary target is a public official.

What can you learn about your targets before you take action? How have they behaved in the past? To whom do they respond? What communities and organizations are they connected to professionally or politically? What will move them?

6 Choosing tools and tactics

Decide what actions you will take to influence your targets. Different actions may be appropriate, depending upon the stage of your organizing effort, the

responsiveness of your target, the interests and comfort levels of your partners and allies, and your collective power to carry out different activities.

Protesting for police accountability

Over the course of 15 weekdays in March 1999, thousands of demonstrators blocked the entrance to One Police Plaza—headquarters of the New York Police Department (NYPD)—to protest the police shooting of Amadou Diallo, the West African immigrant killed in a hail of 41 shots. Community leaders were outraged at the failure of public officials to hold the officers accountable and vowed to stage daily protests until appropriate action was taken. Protest organizers including the Rev. Al Sharpton intended for the acts of civil disobedience to provoke arrests. In one instance a week into the demonstrations, officers seemingly declined to arrest any more protestors on the steps of the police department; the crowd moved inside to ratchet it up a notch. While some were arrested, others stood outside chanting, “No justice, no peace,” and carrying signs: “I’m Afraid of the NYPD,” “Arrest Giuliani,” “Oppose Police Brutality.” The protests were well-thought-out and planned in advance, with community leaders and celebrities volunteering to subject themselves to arrest and attorneys standing by to immediately post bail. Many participants were arrested on charges of disorderly conduct or trespassing and held in custody for several hours, though most cases were later dismissed. The protests came to an end when the officers were indicted for murder.

San Francisco advocates organized a number of actions from mid-1998 to early 1999 after the officer-involved shooting death of 17-year-old Sheila Deto. They mobilized supporters to attend a police commission meeting to demand that an officer be removed from the investigation because of bias; the officer had earlier suggested that Deto was not an “innocent victim” because she was in the company of felons engaged in drug activity at the time of her death. They called on protestors to bombard the district attorney (DA) with phone calls, complaining about his failure to prosecute the officers. They staged a rally to mark the three-month anniversary of Deto’s death and to denounce the DA for continued inaction. They held a candlelight vigil with about 100 supporters and then marched over to the DA’s home for a peaceful demonstration. They organized a 30-person sit-in outside the DA’s office, calling on him to drop charges filed against Deto’s companion who was charged with her murder. Officers said the young man drove toward officers, causing them to fire their weapons in self-defense; the DA said the young man’s recklessness led to Deto’s death. The DA cleared the officers of any criminal wrongdoing; the young man was convicted of manslaughter and sentenced to seven years in prison. The city later settled a lawsuit with Deto’s family for one-half million dollars after a judge refused to dismiss the case, citing witnesses who contradicted the officers’ account of events. Advocates stayed on the case, organizing dozens of supporters in 2000 to attend a police commission hearing to oppose the promotion of the officer who shot Deto. Though he was ultimately promoted, the advocates remained steadfast and, over five years after Deto’s 1998 death, the police commission decided in December 2003 to keep alive internal misconduct charges against the officers, which include excessive force and misrepresenting the truth, and carry the possible penalty of termination. Advocates jumped to their feet and cheered wildly when the commission announced its decision, with one advocate stating: “Maybe there will finally be some justice for Sheila Deto.”

Pick an action you believe has some chance of success. Think through the implications of your actions for both short- and long-term goals.

Ideally, your first major action is one in which all can participate; otherwise, you may lose members of your group. Choose a range of tactics so that everyone can continue to participate in the effort and feel that his or her contribution is worthwhile. Some people may be willing to picket a legislator’s house or be arrested at a sit-in; others will prefer attending a town hall meeting or writing a letter.

Consider: Will the public accept the tactic? Will it dramatize and build the issue? Will it throw your target off balance? Will it personalize your target? Will it feel worthwhile? Will it get you closer to meaningful discussions to reach your goal? Will it get you to the bargaining table? These and other issues are discussed at length in “Strategy and Tactics” in *Dynamics of Organizing*, www.tenant.net/Organize/orgdyn.html.

Among the many actions you might choose: stage a prayer vigil; host a town hall meeting; organize a rally; schedule a face-to-face meeting; engage in direct action.



Taking Action!

A word about direct action

People define “direct action” differently. Some limit the term to civil disobedience; others extend it to marches, rallies, and other protest activities. Whatever your definition, direct action is a tactic most often used when less confrontational actions have failed to produce results; decision-makers refuse to meet, concede any ground, or are otherwise unresponsive. Direct action seeks to turn up the heat and make the tenor more confrontational. Sometimes direct action moves the battle to turf that will throw the targets off balance—their home, church, or another place that blurs the line between where they work and who they are. The more the type of direct action and its location focuses on one individual’s personal life, the more responses can be potentially charged. Sometimes personal direct actions can elicit unintended sympathetic responses for the target from other public officials or the media. These issues should be discussed and weighed before reaching final decisions about a direct action.

Whenever you engage in direct action, there’s a chance that someone can be arrested—indeed, some actions are intended to result in arrests. It’s important that you and other participants are prepared. This includes knowing the protest laws in your city; designating certain people to be in charge; securing “on call” attorneys; advising participants, especially young people, undocumented immigrants, and people with open court cases or criminal records of the potential consequences; and having contingency plans.

A lot has been written about engaging in direct action. For more information, see, for example, The Ruckus Society’s Nonviolent Direct Action resources page at <http://ruckus.org/resources/nvda>, which has a number of resources, many of which are online; “Organizing a Demonstration” in *Basics of Organizing: You Can’t Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html; and ACT UP’s civil disobedience training materials, available at www.actupny.org/documents/CDdocuments/CDindex.html. On planning a media strategy for direct action, review the “Checklist for Effective Direct Action Media” in *The Ruckus Society Media Manual*, available at <http://ruckus.org/resources/manuals/media/documents//RuckusMediaManual.pdf>.

7 Keeping people engaged and motivated

These are among the most challenging issues for police reform work: maintaining continuity, momentum, and participation when the battle is long, victories are few and slow in coming, and your opponents are formidable. You have to be deliberate about keeping people engaged and building support over time.

Immediately connect people to action—no matter how small the action—and find ways for everyone to participate. Nothing is worse than being inspired to stand up for something you believe in and then feeling like there’s nothing for you to do.

Encourage people’s investment in the process and progress of the effort. Find ways to share leadership among participants. Make sure that credit is shared. Include training opportunities and leadership development in the organizing effort. Take opportunities to build a sense of community by breaking bread together on occasion and making the work fun.

Keep people inspired. Include songs, chants, speeches, or prayers in various actions. Cast the issues and activities in the larger civil rights context in which police advocacy takes place.

Walk the careful balance between keeping people passionate—sometimes angry—enough to stay involved and guarding against the frustration and disenchantment that nothing ever seems to change.

Develop a plan for activism between incidents. Police reform advocacy is often sporadic; interest and activity peak in the immediate aftermath of an incident, followed by a lull or complete absence of activity once public scrutiny subsides. Use this time to organize testimonials, collect additional stories, search for innovative solutions, secure new endorsements, and send periodic updates or news clippings to participants.

Never stop recruiting; continuously build your organizing effort. Police advocacy is taxing work. People will need respite or may leave the effort and need to be replaced.

8 Negotiating and securing your demands

You rarely—if ever—get everything you demand. Have a plan for how and to what extent you will negotiate with decision-makers.

Know exactly what you want, your order of priorities, and where you draw your bottom line.

Never be afraid to walk away if you have not been offered anything meaningful.

Other pointers include: Always negotiate from an ongoing position of power. Only negotiate with those with the power to make decisions and implement change. Negotiate the specifics. Prepare carefully for negotiations. Assign a chief negotiator and support roles. Make sure every agreement has an ongoing mechanism for oversight and follow-up. Confirm agreements in writing. Keep your constituency informed. These tips are discussed in greater detail under “Negotiation” in *Basics of Organizing: You Can’t Build a Machine Without Nuts and Bolts*, available at www.tenant.net/Organize/orgbas.html.

9 Celebrating victories and analyzing actions

It’s not enough to simply win; people must feel like winners. Big and little wins should be celebrated. Each successful step matters.

Take the time to celebrate the work you did and the people who helped you do it.

Issue news releases announcing the importance of the progress you achieved.

Analyze your efforts so that you can build on your achievements and integrate lessons learned into future efforts. What is the progress you made toward achieving your short- and long-term goals? Were the goals you set achievable? Was the timetable realistic? Who joined your effort? Who did not that you thought would? Next time, how will you secure their participation? What did your opponents do that was unexpected? Could you have been better prepared? What did you do well? What could be improved next time? How did you fare with the media? How were you and your demands portrayed? Did you choose the best targets? Best tactics?



Research: Taking Action with Information

What is research?

In the context of advocacy, research is the information you gather or develop to fuel and further your advocacy efforts—to prove there’s a problem, convince decision-makers of the best solution, poke holes in the arguments of the opposition, or otherwise make your case and build support. It can be information you compile from existing resources, such as newspaper articles, published reports, and government documents. Or, it can be new research that you undertake to get specific information you need that isn’t available.

Research is often the part of advocacy that people shy away from. It can be time-consuming and can seem tedious and intimidating—the notion of collecting data, number-crunching, reading dense reports, having to talk to experts with specialized knowledge, and so on. But, it doesn’t have to be. In fact, reliable, defensible research that can help your cause in a variety of ways is within your reach—either through your own efforts or by using the best of others’ work. There is a lot of available information that’s easily accessible and understandable.

It’s also important to recognize that there are different kinds of research. Some research is conducted independently by professional researchers or academics. Research can also be community-driven, such as anecdotes learned through interviews, data collected through community surveys, and model policies gathered from other places. Both types of research can have power in moving an advocacy agenda.

A lot of what you need is already out there compiled by someone else—articles on use of force, reports on racial profiling, books on community policing, data on police shootings, police department operations manuals, and so on. You just have to find it. You may need to conduct some research on your own—stories of people’s experiences with the police, community-driven policy solutions, model policies from other places. You may also be able to work in partnership with researchers in academic or research institutions. Sometimes, you have to be creative and piece it together.

Why use it?

Knowledge is power. When you’ve done your homework on an issue, you can put substance behind your position, frame the conversation, paint the portrait of reality, anticipate and respond to the arguments in opposition, recognize and seize opportunities to move your agenda, and know when and just how much to compromise without undermining your original goals.

Advocacy is about making change. Information provides direction. Good information can tell you what exactly needs to be changed, the best way to accomplish the change, and whom to hold accountable for making the change.

Facts and data bolster credibility. The media are more likely to pay attention, legislators are more inclined to listen, and allies more eager to invest their resources when your effort is backed up with powerful information. Rhetoric alone will not move advocacy to impact.

When to use it.

Every time you embark on an advocacy effort. The research may be as simple as conducting an Internet search of the local paper for every article describing an incident of police misconduct over the past five years to demonstrate a persistent problem. Or, it may be as in-depth as obtaining copies of all citizen complaints filed in the past three years to enter into a mapping program to know what types of complaints are being generated in what parts of the city. Either way, without undertaking at least some basic research about your issue and the context, you’re flying blind.



Research is invaluable throughout an advocacy effort. Use it to:


- ⦿ Frame the debate before someone else does
- ⦿ Highlight the nature and magnitude of the problem that needs to be addressed
- ⦿ Learn the history of the problem and the reasons why it still persists
- ⦿ Tell the stories of the people most impacted by the problem
- ⦿ Gather and document compelling facts and data
- ⦿ Know your opponents and their likely arguments
- ⦿ Identify experts and others knowledgeable about your issue
- ⦿ Find out how other cities have addressed similar problems
- ⦿ Develop and put forward effective solutions
- ⦿ Evaluate alternative proposed solutions
- ⦿ Locate organizations working on similar issues or with impacted constituencies
- ⦿ Move individuals and organizations to join your effort
- ⦿ Conduct public education to garner broad public support
- ⦿ Inform media strategy and message
- ⦿ Persuade decision-makers to agree with your position
- ⦿ Negotiate a compromise that you can still consider a win

In 1993, Officer James Moss—an outspoken critic of the Columbus (OH) Police Department (CPD) and president of Police Officers for Equal Rights, the black police officers’ association—felt he was being retaliated against for his public complaints about the department. He began requesting police records to document his unfair treatment. The department refused. He claimed they were public records. The department still refused. So, he took his case to the courts, where the Ohio Supreme Court ruled in his favor, agreeing that the records were subject to disclosure under open records laws. With his victory in the court, Moss requested the records of every police officer in the department. Over the next year, the CPD brought piles and piles of documents into a 9x12 room for Moss to sort through. He initially wanted to find information that would show how black officers were treated compared to white officers. But, as he culled through the records, he became disturbed by what appeared to be numerous incidents of police abuse. He expanded his inquiry.

Moss set out to get more information. He started reaching out to the community to find and interview Columbus residents with complaints of police abuse. He hired a stenographer and made video- and audio-tapes to document the stories of hundreds of people over a two-year period. In 1995, he compiled what he’d learned through his research to date and took it to the U.S. Department of Justice (DOJ) in Washington, DC, hoping it would come to Columbus and get the CPD to change. DOJ expressed some interest, but wanted more information.

Moss went back to Columbus to gather more data. He sent weekly faxes and certified mailings to the DOJ. He tried to put the material together in a way that connected the facts to police policies and the law. If he found a questionable police shooting, for example, he cross-referenced it to the police policy and constitutional standard he thought was violated. He also developed a form letter for residents to sign if they felt that the CPD had a history—a “pattern and practice”—of violating people’s rights. He stood at busy downtown bus stops to talk to people as they made their way to work, resulting in thousands of signed letters (which the DOJ later said it would treat as individual complaints). To increase public awareness of the problem, he went on local radio shows and reached out to the black newspapers to publish the information he uncovered about the CPD along with people’s personal stories.

At the end of the day, Moss compiled enough facts and figures to paint a compelling picture of policing in Columbus. Ultimately, DOJ began its own investigation and filed a lawsuit against the CPD for a “pattern and practice” of violating the civil rights of Columbus residents. For more on the lawsuit, see pages 38, 107-108, and 112.



Points to Consider in Moving Forward

- 1 How much research do you need to do?
- 2 Do you have sufficient resources and capacity?
- 3 How much will it cost?
- 4 Keys to success
- 5 Red flags

1 How much research do you need to do?

You need to do enough research to be sure you have an accurate sense of the problem; a concrete, doable solution in mind that will actually make a difference; and sufficient grasp of the context and parameters for success to know which compromises to make or not make—when, for example, changing the “and” to an “or” in your proposed policy will weaken it to the extent that it’s not worth accepting.

At the same time, be careful not to fall into doing research for research’s sake. On many topics, there’s more information out there than you could ever review. Figure out what you need to know before you seek to publicly advance your agenda, and then what you need to learn along the way to have sufficient depth as the debate gets heated and you are forced to defend your position or evaluate a compromise.

2 Do you have sufficient resources and capacity?

This really comes down to who will do the research? To answer that question, you should first answer: What are you trying to accomplish?

Are you trying to track down and compile already existing information, such as policies in other places that you might be able to push for in your own community, current developments in use-of-force training, how much was spent in the last year in court judgments and settlements related to police conduct, or laws relevant to the change you’re pushing for? In this case, will you need a persistent, resourceful person with analytical skills and enough time to spend surfing the Internet, making calls, tracking down leads, conducting informal phone interviews, and the like. For research that requires more specific technical expertise, identify the depth of needed experience and try contacting a professor at a local university, public policy graduate students, law students, the local Bar Association’s pro bono panel, or a nearby policy or research organization for assistance.

Are you putting together information to persuade a particular audience or decision-maker? What will they consider credible? In many public policy discussions, “scientific” or “methodologically sound” or “statistically valid” research conducted by a reputable academic, a think tank like the Brookings Institution, Rand Corporation, or some other

independent, outside organization carries the greatest credibility. It may prove most effective to have an outside organization develop and report the results of research or a community survey. Having professionals present this type of research, along with compelling stories and anecdotal evidence delivered by those most affected can create a winning combination for moving an advocacy agenda. More on surveys later in *Conducting polling and community surveys*, page 38.

Bringing in an outside researcher does not mean you don't need any internal capacity. You would still want sufficient internal capacity to supervise the research project, someone on staff who's comfortable speaking up and pushing back with questions and concerns about the methodology, conclusions, and overall direction of the research. Someone who is confident enough to say to a researcher, "If I don't understand it, my audience won't," and who will not be intimidated even if the researcher acts as if it's all very straightforward and non negotiable. This really is an instance where "there's no stupid question."

3 How much will it cost?

That depends on what kind of research and how much of it you need to do. These days, you can get a lot of information free on the Internet—published reports, news stories, poll results. And you would be surprised how generous some people are with their time if you just pick up the phone and call—experts, academics, and other advocates.

But, you can incur costs for some types of information. For example:

- ⊙ To access some online databases, you'll have to pay a registration fee.
- ⊙ Some newspapers charge a fee for archived stories online (usually \$1–\$3 per article), not unlike libraries for archived stories in their files.
- ⊙ You may incur per-page copying fees for government records sought under the Freedom of Information Act (FOIA); to make sure these fees don't exceed your budget, ask about copying fees in your FOIA request or set a limit on how much you're willing to spend.
- ⊙ Copies of court records can cost as little as 10 cents per page or as much as a dollar.
- ⊙ Published reports can range from \$5 to \$25 depending on the length.
- ⊙ Focus groups range in price, but on average cost about \$5,000 each.
- ⊙ Professional polling and surveys can cost \$25,000 or more.

4 Keys to success

Don't recreate the wheel. It will save you a lot of time. More often than not, someone somewhere has already done some work on the issue you are working on. Track down what is already out there, assess its credibility, and tailor the information to your circumstances.

Pick up the phone and ask. Sometimes you can get what you are looking for—a report, a public document, an expert interpretation—by simply asking for it. Other times, you will need to make a written request, maybe pay a fee, or jump through other hoops. But, try the straightforward, simple way first. And, with public documents, keep a record of the times you called and with whom you spoke so you have a record of requests that you can later reference in a letter, if necessary.

Be persistent and don't give up. People get busy and may not return your call right away. Bureaucracies have many layers and processes; you may be redirected again and again. Stick with it and keep pursuing new avenues.

5 Red flags

Never compromise the facts. Verify your facts; try to get at least two independent, unrelated sources; and rely on official, public records whenever possible. Your credibility depends on it.

Don't take anything you find at face value. Read everything with a critical eye. Who wrote it? What do you know about them? What institution are they affiliated with? Whose interests do they represent? How are they funded? What groups do they work with? Is their analysis based on rhetoric, or facts and data? Scrutinize the data. What data are included? What are missing? How do they affect the analysis? Do they add up? What's the source of the data?

Make clear up front who owns the research. If you contract with an outside researcher, can it publish its own report without your permission or put its own spin on the polling data? Try to include in your research contract a provision that you control release of the information, though that isn't always possible. If, for example, you're unable to get a pollster to agree that it cannot release your data if you're not happy with the results, you have to weigh the risk of undertaking the polling.



Where do I start?

With all the sources of information out there and the challenges of getting some types of information, research can be frustrating and intimidating. But, it's not that hard if you're willing to spend some time, be persistent, and keep digging. There's no magic formula or set way of doing this. You can start anywhere you want—wherever seems easiest, comes to mind first, feels most comfortable. You could start by doing some groundwork to get a better handle on the problem. Let's say, you're concerned about excessive use of force.

Maybe you'd start by surfing the Internet or head to the library for articles and reports on police use of force.

Then, call some experts whose names appeared in the publications you read or advocates who've worked on use-of-force issues in other places to clarify things you've read, give you insights about your circumstances, and find out what other information you should get, whom else you should talk to, ideas about possible solutions. Maybe you'd also put a query out on one of the police accountability listservs.

With this background information, you might have a better sense of what policies and documents to request from your local police department so you can compare what happened to what the official policies say officers should be doing. Then determine whether existing policies are adequate but just not enforced, or they're inadequate and should be revised.

To get ideas for how to revise the policies, maybe you'd go back to the experts and advocates. Or, maybe you'd look at some of the recent settlements of police lawsuits that changed use-of-force policies to see how they worded the new policies. Then demand that new policies be adopted consistent with the policies being adopted in other places—either as-is or strengthened or modified to fit your local circumstances.

▶ Deciding What Information You Need

Once you decide on an advocacy strategy or set of strategies, you will want to get information about the process—the structure and timeline of your legislative process (see page 71), the rules and targets for filing an administrative petition (see page 95), the requirements for running a ballot initiative (see page 83), and so on. If you're planning to file a lawsuit, there's legal research to be done, though your attorneys will take care of that (see page 105).

But, before you even get to that point—settling on any particular strategy—you will want to know as much as you can about your issue and the context in which it is occurring to mount an effective advocacy effort. You should:

- 1 Know your police department
- 2 Understand the problem
- 3 Come up with potential solutions
- 4 Size up public opinion and the political context
- 5 Identify likely allies and opposition
- 6 Take note of resources that bolster your position

1 Knowing your police department

A little research about your police department will go a long way in supporting your advocacy effort. It will help you identify the source of the problem, know who has the authority to do something about it, consider various internal solutions, and understand how different parts of the department might perceive the situation. For more on this topic, see *Getting Specific: Know Your Police Department*, page 7.

Who's in the department? How is it organized? What's the size of the department? Who's the ultimate decision-maker? What's the line of authority? Who heads the police union? Are there any officer associations? Any potential allies on the inside?

What's the history of the department? Major events? Periods of progress? Controversial incidents? Past litigation? Kinds of complaints? What's the track record of the current police chief?

How does it operate? What are the published policies and procedures? What kinds of programs? Specialized units? How and where are officers deployed? Is the department effective? Responsive? In what ways? Where? To whom? Current staffing and budget levels?

2 Understanding the nature and extent of the problem

You cannot fix the problem until you know what it is. That means more than just identifying the specific issue—whether it’s excessive use of force, lack of police services, racial profiling, or some other issue. You should learn as much as you can about the issue, including the history behind it, its pervasiveness, and why it continues.

What is the problem? How many people does it affect? Who? Where? In what way? How often? What kinds of incidents? Who isn’t impacted by the problem? Are there related problems you should pay attention to?

What’s the history of the problem? How long has it been a problem? What have people said or tried to do about it in the past?

Why is it happening? Bad or nonexistent policy? Individual officers? Lack of attention or resources? Multiple causes?

3 Coming up with potential solutions

In brainstorming potential solutions, be creative, keep your mind open, reach out to others, and prioritize the possibilities in order of their strengths in addressing the problem and also the likelihood that they can be achieved.

What do you think are potential solutions? What changes are likely to solve the problem? What do other people think? People impacted by the problem? Experts in the issue? Other stakeholders?

How have other cities addressed similar problems? What was effective? What wasn’t? How are those cities or their police departments similar to or different from yours?

What would it take to implement various solutions? How easy is it to implement? How much will it cost? Where will the money come from to pay for it? How will you monitor implementation? What are the arguments for and against various proposals?

4 Sizing up public opinion and the political context

Policing and public safety are issues that impact everyone and are usually highly politicized. Having a sense of the public and political climate will help you anticipate how much support—and opposition—you will get and help you choose the most effective strategies and solutions.

What does the public at large think about the problem? Does it know the problem exists? Who cares? Who doesn’t? What will the public think about various solutions?

What are the politics of the situation? Who's interested in the issue? What's their perspective? Who's invested in it? Why? Who stands to gain or lose—politically or financially—from ignoring the problem? What are the politics of particular solutions?

What does all this mean for your advocacy effort? Can you get momentum around your issue? Will you be fighting a steep uphill battle? Is the timing right? Are there specific indicators for success or failure?

5 Identifying allies and the opposition

Achieving police reform usually isn't easy. You want to go into it with a clear sense of who the players are, who is likely to be on your side—the more the better and across a broad cross-section of the community, and who is likely to mount an opposition. Knowing how key players will line up around the issue will help you assess what you can realistically accomplish and the best way of going about it.

Who are potential partners and allies? Who else is working on the issue now or has in the past? Who works with the constituencies impacted by the issue? In the neighborhoods most affected? Are they effective? Well-organized? Do they have the capacity to be involved in this effort? Resources?

Who are your likely opponents? Are they effective? Aggressive? How organized is the opposition? Are they well-funded? Who are their allies and supporters? Are they well-connected?

What will you need to explain to convince people to join your effort? What will your opponents say? How will you respond?

6 Taking note of resources that can bolster your position

As you delve into your research, keep your eye out for information and individuals that you can come back to and incorporate in making your case.

Did you come across any persuasive facts that illustrate the problem? Figures that help to quantify the problem or demonstrate the effectiveness of particular solutions?

Did you hear any compelling anecdotes about the impact of the problem? Who are the faces you can put on the problem?

Who are considered the experts on this issue? Locally? Nationally? What names repeatedly come up in conversations, newspaper articles, and published reports on the topic?




Taking Action!

Always break down the data, ask questions, and consider alternative explanations

Take crime statistics, for example. An increase in the crime rate is often used to justify a particular—oftentimes aggressive—policing tactic; a decrease, to demonstrate success in crime fighting. Ask, what crimes are up? Where? Policing policies should be based on real problems and trends, not public perception. Zero-tolerance policies against youth were widely adopted across the nation, even after youth crime was on the decline.

Your police department publishes new data about the diversity of its officers, now standing at 30 percent. What's the breakdown by race and gender? How many are bilingual and in which languages? Some departments have included white women in their count of diversity. Certainly gender diversity is important in policing, but some groups have mistakenly understood this percentage to represent the number of people of color hired by the department.

The local newspaper reports that complaints of police misconduct are down 50 percent, with a quote from the police chief: "Complaints are down, public satisfaction is up and we've significantly improved our relationship with the residents of this city." Are all complaints down or only certain types, such as rudeness? Is the number accurate? Studies have shown many, possibly most, incidents of police misconduct go unreported. Some people are afraid to file a complaint against the police. What else could explain the decline? Sometimes, people don't bother to file a complaint because they don't have confidence in the process; they've heard they can't win from other people who've filed complaints to no avail. If your community's experience is different, how can you document this? What will be seen as credible and persuasive data?



Getting the Information You Need

Most of what you want is already out there compiled by someone else—articles on use of force, reports on racial profiling, books on community policing, data on police shootings, police department operations manuals, and so on. You just have to find it. You may need to compile some of it on your own—stories of people's experiences with the police, community-driven policy solutions, model policies from other places. Sometimes, you have to be creative and piece it together.

Either way, there are lots of different sources and tools for getting information. You can:

- 1 Use the Internet
- 2 Contact individuals and organizations
- 3 Access public records and proceedings
- 4 Conduct polling and surveys
- 5 Review already completed research

1 Using the Internet

If you have access to the Internet, get online first before you head to the library. These days, you can find lots of information on the Internet—old and new. Though, for some dated materials, you may still need to search the library's stacks or microfiche, go to a bookstore, or call a publisher.

When surfing the Internet or combing the library's card catalogue, keep an eye out for:

- ⊙ **Reports and articles.** These can come from a variety of resources ranging from academic sources like criminal justice and law review journals to policy organizations, government agencies, conference proceedings, and civil rights organizations. For example, in 1998, Human Rights Watch studied policing in several major cities and compiled an extensive report with policy recommendations, called *Shielded from Justice: Police Brutality and Accountability in the United States*, which is available on the Internet at www.hrw.org/reports/98/police/. PolicyLink, in partnership with the Advancement Project, published a report in 2001 on promising police practices across the country, *Community-Centered Policing: A Force for Change*, available at www.policylink.org/publications.html. The U.S. Commission on Civil Rights issued a report in November 2000, *Revisiting Who Is Guarding the Guardians: A Report on Police Practices and Civil Rights in America*, available at www.usccr.gov/pubs/guard/main.htm, which is an updated version of its original 1981 report based on hearings held across the country on community-police relations (the older version is also worth reviewing, despite being dated, for an overview of the range of issues to consider). The U.S. Department of

Justice has several reports on policing, including the March 2001 citizen oversight guide, *Citizen Review of Police: Approaches & Implementation*, available at www.ncjrs.org/pdffiles1/nij/184430.pdf, and the January 2001 report, *Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies*, available at www.ojp.gov/lawenforcement/policeintegrity/. These are just a few examples of the wealth of reports available. Just remember, always read anything you find with a critical eye.

- ③ **Newspapers and magazine articles.** Scan your local newspaper, the ethnic media, and maybe a few national papers such as the *New York Times* (www.nytimes.com), the *Washington Post* (www.washingtonpost.com), the *Chicago Tribune* (www.chicagotribune.com), *USA Today* (www.usatoday.com), and the *Los Angeles Times* (www.latimes.com), for stories about policing in your city, new developments in other places, names of experts and organizations frequently quoted. Get a sense of how your issue and your police department are portrayed in mainstream and ethnic press.
- ③ **Books.** For just about every topic you can think of related to policing, someone has written a book. For example, on racial profiling, there's *Profiles in Injustice: Why Racial Profiling Cannot Work* by David Harris (published by The New Press in 2002, ISBN#1-56584-696-6); on citizen oversight, Sam Walker's book, *Police Accountability: The Role of Citizen Oversight* (published by Wadsworth in 2001, ISBN#0-534-58158-7).
- ③ **Websites of national and local civil rights advocacy organizations.** For example, nationally, you might start with websites such as the police practices section of the American Civil Liberties Union (ACLU) website (www.aclu.org/PolicePractices/PolicePracticesMain.cfm) and the criminal justice section of the Leadership Conference on Civil Rights (LCCR) website (www.civilrights.org/issues/cj). When scanning their information, look for any publications and advocacy materials mentioned or posted on their websites. For example, the ACLU developed a police reform manual with lots of tips for doing this work, *Fighting Police Abuse: A Community Action Manual* (you can download it at www.aclu.org/library/fighting_police_abuse.html). At the local level, look at the websites of some of the ACLU local affiliates (you can find the local affiliates on the national website at www.aclu.org by scrolling down to "In the States").
- ③ **Websites of national and local police accountability organizations and experts.** For example, there's the National Association for Civilian Oversight of Law Enforcement (NACOLE) (www.nacole.org). At the local level, take a look at websites for organizations such as CopWatch (see, e.g., Portland Copwatch at www.portlandcopwatch.org) and PoliceWatch (see, e.g., Bay Area PoliceWatch at www.ellabakercenter.org/pages/police.html). In terms of experts, David Harris, a racial profiling expert, and Sam Walker, a citizen oversight

expert, both have informative websites at www.profilesinjustice.com/index.html and <http://policeaccountability.org>, respectively.

- ⊙ **Websites of police associations and organizations.** There's a wide range of thought, some progressive and others more conservative. Find out their varied perspectives on the issues. Some examples include the National Black Police Association (NBPA) (www.blackpolice.org), National Organization of Black Law Enforcement Executives (NOBLE) (www.noblenatl.org), National Latino Peace Officers' Association (www.nlpoa.com), National Center for Women in Policing (NCWP) (www.womenandpolicing.org/default.asp), Fraternal Order of Police (FOP) (www.grandlodgefop.org), Police Foundation (www.policefoundation.org), Police Executive Research Forum (PERF) (www.policeforum.org), International Association of Chiefs of Police (IACP) (www.theiacp.org), and the Community Policing Consortium (www.communitypolicing.org).
- ⊙ **Websites of citizen oversight agencies.** You can locate local agencies by visiting the NACOLE website (www.nacole.org) and clicking on "U.S. Oversight Agencies." Many of the local agencies have websites where they publish reports about complaint statistics and policy recommendations to improve policing. The information can be helpful in thinking about the possibilities for reform even if it's not about your local police department.
- ⊙ **Campaigns in other states focused on an issue you're concerned about.** It's a good way to find advocates with experience who can advise you about lessons learned from their own efforts. For example, the Portland Police Accountability Campaign (www.policeaccountabilitycampaign.org) led a ballot initiative to strengthen citizen oversight, and the ACLU of Northern California led a "Driving While Black or Brown" (DWB) campaign to mandate collection of racial profiling data (www.aclunc.org/dwb/dwbreport.pdf).
- ⊙ **Listservs.** Internet-based discussion groups are a place to keep up with developments in policing and also to post requests for information or ideas related to the issue you're working on. NACOLE has a moderated listserv you can join at www.nacole.org by clicking on "NACOLE Update Mailing List." And there are others.
- ⊙ **Police policies and other records.** For suggestions on specific records to request, see "What You Really Need to Know, And Why" in *Fighting Police Abuse: A Community Action Manual* at www.aclu.org/library/fighting_police_abuse.html. Some police departments put their operations manual online, such as the Madison Police Department at www.ci.madison.wi.us/police/poldept.html (MPD Policy & Regulations). If you can't get the information from the Internet or by simply asking for it, you can file a Freedom of Information Act request to require disclosure. See point 3, *Accessing public records and proceedings*, later in this section.

- ⊙ **Polling and survey data.** Looking at old data can give you a sense of trends in public opinion on your issue, and new data that are favorable to your position can strengthen your arguments and increase the persuasiveness of your proposed solution. Also, if you know what's been asked before, you could ask some of the same questions again—you might be able to make a point such as “In 1990, 65 percent of the public felt that African Americans were treated unfairly by the police. A decade later, the problem has only gotten worse.” More on this later in point 4, *Conducting polling and community surveys*.
- ⊙ **Court cases and consent decrees (lawsuit settlements).** Searching for past lawsuits against your police department and any settlement agreements can help you learn about past problems and frequently sued officers. Consent decrees from other places can give you ideas for policy reforms you may want to pursue for your police department. Just remember that consent decrees are a negotiated settlement. Start with what you'd ideally want, expecting that you may have to compromise to the consent decree position. (For links to several recent consent decrees online, see page III). LEXIS-NEXIS (www.lexisnexis.com) and Westlaw (web2.westlaw.com/signon/default.wl) have online searchable legal databases, but you have to pay to access them unless you can gain free access at your local library, or get an attorney, law professor, or law student to help you for free. If you can't find what you're looking for on the Internet, you could try your county law library, a local attorney with experience in police misconduct litigation, or the local Bar Association.

2 Contacting individuals and organizations

One-on-one conversations with people who have knowledge about, personal experience with, or influence over your issue are invaluable to deepen your understanding, collect anecdotes about the impacts, and brainstorm about possible solutions. Consider talking to:

- ⊙ **Other advocates.** Get in touch with local and national advocates working on police accountability, civil rights, human rights, and other related issues. This could include organizations such as a local CopWatch or PoliceWatch, the national office of the ACLU or any one of its local affiliates, the Leadership Conference on Civil Rights (LCCR), Advancement Project, Human Rights Watch, or Amnesty International. They may have information about the issue you are working on or be able to direct you to others who can help. In addition to tapping into their knowledge and experience, you may be able to get their support.
- ⊙ **Experts.** One way to identify the experts on your issue is to take note of the names repeatedly mentioned or quoted in your Internet research—advocacy organization publications, academic journals, national newspaper articles, authors of books. Another is to ask some of the national advocacy

Internet search engines

To locate documents and other information on the Internet, there are many search engines to choose from—Yahoo, Google, Lycos, HotBot, AltaVista, to name a few.

Each has its own strengths and weaknesses. Google (www.google.com) is a popular one for this type of research. For more tips on conducting Internet searches, visit the Internet Public Library at <http://ipl.si.umich.edu/div/websearching>.

Taking Action!

Interview insights

- ⊙ Prepare a list of questions in advance—some open-ended that allow for discussion, and others geared toward specific information you'd like to get.
- ⊙ Make a list of any documents, reports, or other materials you'd like to request.
- ⊙ Find out whether the person is comfortable being tape recorded and, if not, take detailed notes.
- ⊙ Listen for good quotes and capture them accurately.
- ⊙ Ask whether the person is willing to be publicly quoted—if yes, ask how s/he wants to be identified; if not, ask whether you can use her or his quotes without disclosing the source's identity.
- ⊙ Scrupulously honor any promises of confidentiality.
- ⊙ Ask for names and contact information of other people you should talk to.

organizations working on police issues whom they consider to be “go to” people.

- ⊙ **Progressive police officers.** Seek potential allies inside the police department. Are there any officers or officer associations that have been vocal on issues such as diversity in the department, racial profiling, community policing, or otherwise expressed concern about community-police relations? They may be willing to assist you in acquiring additional information about the problem, identifying documents you should request, and considering different perspectives about possible solutions. If they are concerned about anonymity, offer to talk “off-the-record” and scrupulously honor the confidentiality.
- ⊙ **Community members.** Conversations with people— young and old and of different races and ethnicities—who are impacted by the problem or who live in the neighborhoods most in need of improved police services are critical to understanding the nature and extent of the problem. They can bring real-life experiences into the discussion, help make your arguments more compelling, and offer meaningful solutions. Keep an eye out for stories you may want to highlight later and potential spokespeople for news conferences, media interviews, hearings, and rallies.
- ⊙ **Local attorneys.** Talk to local civil rights, police misconduct, and ACLU attorneys about past problems, lawsuits, and settlement agreements involving the police department. This can help you put the current issues in an historical context and consider what has and hasn't worked in the past to come up with effective solutions.
- ⊙ **Public officials and their staff.** Find out where your elected and appointed local, state, and federal officials stand on the issues you're concerned about. This could be a member of the police commission, the city manager, your city council representative, the chair of the council's public safety committee, the mayor (who often appoints the police chief), the State Attorney General (who usually has some role or influence in the oversight of local law enforcement), the chair of the public safety committee in your state legislature, or your representative in the state legislature or Congress. And always get to know their staff—most elected officials rely heavily on the advice and instincts of their staff members.

3 Accessing public records and proceedings

Gather any official government materials—documents, reports, policies, transcripts of proceedings, videotapes, data—relevant to the issue you're working on. Being able to point to official records bolsters your arguments and your credibility with allies, the broader public, elected officials, and the media.



Taking Action!

Using the FOIA

A Dallas-area citizen used the Freedom of Information Act to obtain videotapes that showed a police officer apparently spraying pepper gas at a woman in a holding cell; after a local TV station aired the segments, the officer was suspended.

Excerpt from The Center for Public Integrity, *Citizen Muckraking: How to Investigate and Right Wrongs in Your Community*, 65 (2000).

A lot of government documents are available online; start there. If you can't find what you're looking for, call the agency and request the materials. If you still have no luck getting what you need, you can file an official request—commonly referred to as a “FOIA” or Freedom of Information Act request—that the government must respond to by law. The government's response may be that it will give you what you asked for or it refuses based on some exception. Denials can be appealed to the agency and, if you lose, in the courts.

There's a federal FOIA law for access to U.S. government information; every state has an equivalent law that covers access to state and local records, as well as government meetings. You can look up the open records and open meeting laws (“sunshine” laws) in your state in *Tapping Officials' Secrets* published by The Reporters Committee for Freedom of the Press, which is available at www.rcfp.org/tapping/index.cgi.

You can find lots of “how to” information on the Internet about using FOIA at the federal, state, and local levels. Two resources with step-by-step instructions, sample letters, and much more are: The Freedom of Information Clearinghouse web page at www.citizen.org/litigation/free_info and the publication *Using the Freedom of Information Act: a Step-by-Step Guide* at www.aclu.org/library/foia.html.

A few pointers to keep in mind:

- ⦿ **Look at the sample letters** in the links mentioned above to make sure you're including the right information in your letter and making a specific-enough request.
- ⦿ **Make sure you're sending your request** to the right agency and to the right person in the agency. If you're not sure, call and ask before you send your letter.
- ⦿ **If cost is an issue**, ask for a fee waiver or reduced fees for search and copying charges.
- ⦿ **If you want copies of electronic records**, videotapes, audiotapes—something other than paper documentation—be clear about that in your request.
- ⦿ **Not all state FOIA laws are written or implemented the same as the federal FOIA**—different legislatures place different priorities on public access to information; some require agencies to maintain a list of the documents under their control to help the public identify the right agency and the right documents, others don't; some process requests quicker than others; some impose copying fees of a few cents per page, others a few dollars. Be clear about the laws in your state so you know your rights and what to expect.
- ⦿ **What agencies are covered by the “sunshine” laws?** It could be that meetings being conducted in closed session should be open. What kinds of meetings can legally be



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FOIA request and appeal DENIED! Now what?

Organize and publicize. If the police department or another agency withholds information that you're entitled to, you can turn up the heat by focusing the media and public attention on the refusal to comply with open records laws, maybe issue a news release, write an op-ed article, or send an action alert to allies requesting letters, faxes, and phone calls.

Take legal action. When all else fails, you may want to consider filing a lawsuit to force the agency to disclose the information or open up meetings you're entitled to participate in. It's been done before:

In March 1995, Police Officers for Equal Rights (POER), the black police officers' association in Columbus, Ohio, filed a lawsuit alleging that the City of Columbus wrongfully withheld various public records, including police personnel and Internal Affairs Bureau investigative records concerning supervision and discipline of police officers. POER also alleged that the Columbus Police Department (CPD) was about to destroy the records under its recently-adopted records retention policy. The case was decided a month later in an expedited hearing. In response to the CPD's claim that the records were not public, the court responded: "The Division of Police is just plain wrong!" The court ultimately ordered the CPD to turn over the records and pay POER's attorneys' fees.

In May 1996, three Wisconsin newspapers filed a lawsuit under open records laws against the Madison Police Department (MPD) for failing to fully disclose requested records about complaints against police officers and the disposition of those complaints. MPD had disclosed some records and withheld others. To bolster their claim, the newspapers submitted affidavits from retired police chiefs in other jurisdictions stating that similar records are public in other places and the release of such records had not resulted in any negative consequences to the police department. A year-and-a-half later, the court ordered disclosure of the records, stating: "Release to the public of records of internal complaints, minus any identifying information such as officer names and addresses and complainants' identities will serve to both deter and educate other officers and to instill public trust and confidence in the Department."

In November 1998, People United for a Better Oakland (PUEBLO) and the ACLU of Northern California sued the City of Oakland, claiming the city was violating the Brown Act (the state's open meetings law) and the City of Oakland's Sunshine Ordinance by holding closed-door meetings related to the Citizens' Police Review Board (CPRB). The city argued the discussions were part of labor negotiations with the Oakland Police Officers Association such that they could be held in private. The case settled two years later, in November 2000, with a consent decree requiring the City Council to discuss CPRB matters in open session.

conducted behind closed doors? What constitutes a "meeting"? If two members of the five-member police commission are discussing a police misconduct complaint on next week's agenda, does that count? Is public comment at the meeting required? How much time is each speaker supposed to get? Are meeting minutes public? Videotapes? Photographs? Tape recordings? Can you videotape meetings? How much and what kind of notice is the public supposed to receive of upcoming meetings?

4 Conducting polling and community surveys

Polling and community surveys are valuable tools for gauging public opinion and experience. They allow you to take the responses of a subset or sample of the public and make some broader representation or generalization—what's happening with some frequency in certain parts of the city or to certain people, what one cross-section of the community thinks or has experienced compared to another, how the community at large views particular problems or solutions. Maybe it's that 60 percent of adults in Neighborhood X give the police department high marks, compared to only 25 percent of youth. Or, 75 percent of the residents in City Y think the new loitering ordinance designed to target panhandlers is bad public policy and want it repealed. They are also a way of producing original information on your issue to help you make the case that a problem is pervasive or a solution is widely supported.

The difference between the two? Some people use "poll" and "community survey" interchangeably to refer to one thing—conducting a scientific, statistically valid survey of the public. In other words, following the technical rules of research; using a random, representative sample; and adhering to precise methodologies.

Here, "poll" refers to the scientific, statistically valid-type survey. Most people hire an outside organization, professional pollster, or local researcher to do this type of canvass. Contrary to what many people think, you can also do a statistically valid poll in-house—with a lot of time, effort, and resources.

"Community surveys" don't follow the technical rules of research, they are less formal, usually given to fewer people, and tend to cost less money. The questions are developed by a community organization and administered by volunteers at community gatherings, in front of the neighborhood grocery store, or anywhere else you are likely to find the people whose opinion and insights you seek. Sometimes people ask a local university professor who has done surveys in the past to review their questions to make sure they are not leading, biased, or otherwise phrased in a way that makes it easier for people to discount the survey results.

Both polls and community surveys can have power in moving an advocacy agenda—you don't need statistical significance to provide insights into what is happening in the community or paint a compelling picture of a problem. As between the two, it's worth noting the following:

⊙ **Getting information to guide your advocacy effort.**

Since a poll is statistically significant, it can give you reliable information that can inform your strategic decisions, such as whom to target for support, how to frame your issue so it resonates broadly, what messages to use in the media and mailings, which solutions to push for because they are most popular. It can also tell you what NOT to do—when you don't have the support you thought you would have for your issue such that you shouldn't go forward, when you are moving public opinion in the wrong direction, and so on. Though you will not get that level of strategic direction from community surveys, they can help you find out how people view or have experienced a problem, pick up stories and spokespeople, and determine what kinds of solutions are favored so you can tell the police chief or your council representative, for example, that 75 percent of the community organizations and 90 percent of the business owners in Neighborhood Y oppose the transfer of and failure to replace their community policing officer.

⊙ **Getting publicity.** Polls are a fairly straightforward pitch to reporters, although you should be prepared to defend your research. Take a look at the National Council on Public Polls' "20 Questions A Journalist Should Ask About Poll Results" at www.ncpp.org/qajsa.htm for a heads-up on the kinds of questions they might ask. Community surveys can also get you free news coverage, but they are a harder sell unless you can find a good "hook." In your news release and conversations with reporters, make sure you don't overstate what you've got and you inoculate up front against the "it's not statistically valid" argument. Say up front that it is not a representative sample, lay out the procedure you used to develop the survey and get the responses, and then make your point: "It's still shocking—and certainly should at least raise someone's eyebrows—that in our survey of 100 high school students about their interaction with police, 80 percent of the students said they are afraid of the police."

⊙ **Influencing decision-makers.** If you're trying to influence a particular decision-maker, first try to find out what s/he would consider credible. Some people will consider anything done by an organization that's invested in the issue to be biased. The most persuasive results would be those compiled by an objective third party, such as a policy organization, a professional pollster, or a university researcher. Also, for better or worse, some people will pay attention only to "scientific," "methodologically sound," "statistically valid" research, in which case you would want to go with a poll over



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For a "how to" guide on doing your own statistically valid poll and analyzing other people's polls, pick up a copy of Celinda C. Lake's book, *Public Opinion Polling: A Handbook for Public Interest and Citizen Advocacy Groups* (ISBN# 0-933280-32-7).

A couple of resources online: The American Association for Public Opinion Research (www.aapor.org) has a discussion of *Best Practices for Survey and Public Opinion Research* in the "Survey Methods" section of its website, and the American Statistical Association has a series of brief brochures you can download at www.amstat.org/sections/srms/what_survey.html, including *What Is a Survey*, *How to Plan a Survey*, and *What is a Margin of Error*.

a community survey. Otherwise, both polls and community surveys have the potential to be persuasive with public officials, although community surveys are more likely to have the desired effect if they have garnered media attention.

Beyond polling and community surveys, be creative about other ways to gather data to strengthen your position. For example, you could:

- ◎ **Ask 25 people to go to the police department** and inquire about filing a complaint. They could report back to you, for example, how long it took to receive assistance, how helpful the officer behind the desk was, whether they got enough information to know what to do next, whether they'd feel



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Some paths to polling and survey data on policing

Check out what's been done at the national level. For the past few years, The Harris Poll® has surveyed the nation's attitudes toward police.

You can get the results online at www.harrisinteractive.com/harris_poll/index.asp?PID=24 (1999 poll); www.harrisinteractive.com/harris_poll/index.asp?PID=76 (2000 poll); www.harrisinteractive.com/harris_poll/index.asp?PID=290 (2002 poll); and www.harrisinteractive.com/news/allnewsbydate.asp?NewsID=434 (2002 news release). The Pew Research Center (www.people-press.org) and The Roper Center (www.ropercenter.uconn.edu) also have survey banks if you want to see what other national data might be out there on policing.

Look in your local newspaper. Local newspapers and television news stations often commission polls. In September 2001, in the aftermath of massive public protests sparked by the high profile shooting of an African-American man on the heels of several earlier shootings, the *Cincinnati Enquirer* commissioned a poll about race relations and local attitudes toward the Cincinnati police. You can view the news story at www.enquirer.com/editions/2001/09/03/loc_respect_at_core_of.html, where you can also download a copy of the poll results and full survey. Do a quick search to see what your local news has done and also what it might be willing to do.

Leverage opportunities in local government. Some cities—through the office of the mayor, the city manager, or some other city official—periodically survey residents about city services, including the police. They may ask only a question or two such that it won't yield the depth of information you want. But, it's worth trying to get the results they have. Or, maybe you could convince them to add a couple of new questions that would be useful to both your effort and their assessment of the city's quality of life.

Find out the police department's interest in service and satisfaction. A number of police departments now do public satisfaction surveys. The surveys done in Lincoln, Nebraska; Lansing, Michigan; and Madison, Wisconsin are described on pages 119–122 of *Community-Centered Policing: A Force for Change*, available at www.policylink.org/publications.html. The NYPD's survey, done in collaboration with the Vera Institute of Justice, is described at www.vera.org/project/project1_1.asp?section_id=2&project_id=8. The department is supposed to “use the information to hold commanders accountable for respectful treatment and good service just as they are for cutting crime.” In Oakland, California, a grassroots police accountability organization—PUEBLO—is working with the police department, the city attorney's office, and the city council to collaboratively undertake a poll. At a minimum, find out what your department may already be doing; then consider pitching a collaboration.

Develop one of your own. Chicago Alliance for Neighborhood Safety convened a group of advocates and academics to develop a high school survey to gather information about youth interactions with Chicago police officers. The Minneapolis Civilian Police Review Authority hired Sam Walker (an expert on citizen oversight of police and a professor at the University of Omaha) to help it design a quality of service survey administered to complainants and police officers to solicit feedback about their experience with the complaint process. Try to spark interest in a local university: The LBJ School of Public Affairs at the University of Texas conducted a citywide survey on ethnic and race relations in Austin, which provided valuable data on community-police relations and public support for a citizen's review board. In their efforts to lobby the city council, advocates frequently cited survey data showing that 87 percent of Austinites favored citizen oversight (www.aclutx.org/projects/police/fact4.pdf).

comfortable filing a complaint if they had reason to do so, how they'd rate the process overall. Though it wouldn't be a scientific study, the results could point to the need for some decision-maker to probe deeper into the process or particular types of changes—maybe bilingual officers at the complaint desk, a simpler complaint form, or a rule that allows for filing anonymous complaints.

- © **Solicit information on your website.** United People for Social, Economic, and Racial Justice (UPSERJ), a Long Island, New York, coalition, is collecting police misconduct data on its website at www.upserj.org/police.html. Its goal is to gather enough information about incidents of police misconduct and the way those incidents were handled to support its advocacy efforts to establish a civilian complaint review board.

5 Reviewing already completed research

In addition to polls and surveys of various kinds, a multitude of different types of research studies have been completed on police practices and police reforms. For instance, comparative statistical analyses of the outcomes of different police practices have been completed, as well as analyses of budgets and resource allocation, in individual cities and comparatively. Evaluations of reform programs of all kinds and in-depth studies of the culture of how police departments operate and under what circumstances change occurs, whether it be about race, community relations, or other items, are also available. Some of these studies are available on the Internet; others require using search engines available through many large libraries to locate and obtain copies. Many of these studies are well-written and understandable. Interpreting these studies can glean useful data and conclusions to guide your efforts. Sometimes a consultation with a friendly researcher can aid and augment your analysis and understanding of the conclusions and potential uses of completed studies.



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Be creative!

An investigation by the Office of the City Auditor in Kansas City found that in sixteen test visits citizens were allowed to take the complaint form with them in only seven instances. And in several instances testers were given misinformation about how to file complaints. ... In 1997 and 1998, meanwhile, *NBC Dateline*, working with the Police Complaints Center, sent an African-American male with a concealed video camera into thirty New York City precinct stations to ask for a complaint form. He received disrespectful treatment and was not given the form in about half of the precinct stations. ... The ACLU placed phone calls to police officials in both Los Angeles and Oakland to determine whether police officers respond promptly and politely to citizen inquiries and provide accurate information. Both police departments failed these tests.

Excerpt from Samuel Walker,
*Police Accountability: The Role
of Citizen Oversight* (2001)
at pages 127-128.

Using the Information You've Gathered

Once you've gathered your facts and figures, quotes and personal stories, expert opinions, and research reports and studies, there's a lot you can do with this information. You could:

- ⊙ **Frame the debate.** Before you did your research, public discourse may have focused on youth violence and law-and-order strategies. You've since learned that violence prevention strategies adopted in other places have been more successful in reducing youth violence than aggressive policing tactics. Turn the conversation around with workable solutions that focus on building, not incarcerating, community!
- ⊙ **Put together an action plan.** Summarize the facts, compile your policy recommendations, and put forward a proposal for positive change. Take a look at the police reform action plans produced by an interfaith coalition in New York City and Latino activists in Memphis, Tennessee, with the assistance of the Advancement Project, a racial justice organization in Washington, DC. You can download a copy of Fuerza Latina Unida's report, *A Plan of Action for a Safer Memphis Community: Latinos, The Community and Police Relations* (March 2003) at www.flumemphis.org. It's also available from the Advancement Project website at www.advancementproject.org/upp.html, where you can also download the Faith-Based Coalition for Neighborhood-Police Partnerships/New York City Religious Coalition Against Police Brutality plan, *Neighborhood-Police Partnerships: A Proposal for New York City* (December 2002).
- ⊙ **Write a report.** Cite other sources when you can. And, use your best quotes from interviews. You don't want your voice to be heard too much—a variety of voices shows you did your homework, gets the media and public officials' attention, and more effectively moves your agenda. If it's a long report, prepare an executive summary that journalists, public officials, policymakers and their staff members can read quickly. For more on writing policy reports, order a copy of *The Big Idea: a step-by-step guide to creating effective policy reports* (2002) from the Center for an Urban Future at <https://secure12.cfxhosting.com/nycfutureorg/content/bigidea/index.cfm>.
- ⊙ **Create visuals.** Whether it's a video, photographs, or charts, visuals capture people's imagination. Besides, different people digest information in different ways. If they can see it or hear it, they'll usually remember it. With numbers in particular, charts, graphs, or tables make the information more accessible.
- ⊙ **Write some case studies.** There's nothing more powerful than knowing how a problem impacts real people's lives. A compelling story can captivate your audience. Read some of the personal stories about racial profiling in California in *The California DWB Report: A Report from the Highways, Trenches and Halls of Power In California* (2002) at www.aclunc.org/dwb/dwbreport.pdf.
- ⊙ **Use information to organize.** What information did you find that would get people excited about your issue? Make them outraged about the situation? Urge them to action?
- ⊙ **Educate the public.** You want the broader public to know what you know, so it is on your side and talking to other people about the problem. Public awareness will benefit your organizing and coalition building, and it will help you get the ear of your elected officials. You also want people to know their rights. Once you've learned about proper police procedure and protecting people's rights, educate others!
- ⊙ **Develop fact sheets and talking points.** You don't want to overwhelm people with all the information you have at one time. But, you can get key people up to speed with a one- to two-page fact sheet and a few bulleted points about the main messages.
- ⊙ **Draft a news release or hold a news conference.** Did you uncover something particularly compelling or controversial that might grab the media's attention? Make sure you pick your most persuasive spokespeople to quote in the release and speak at the news conference. More on this at pages 52 and 58.
- ⊙ **Take your research to a hearing.** What did you find that might be persuasive to your public officials? Relevant to something being discussed at a public meeting or voted upon? Likely to get news coverage during the public comment portion of a meeting while the media are there covering another agenda item?
- ⊙ **Start a newsletter.** As you begin to gather information, you could include bits and pieces in a newsletter to get people's attention and, in subsequent newsletters, keep them engaged as you uncover more information and the story unfolds.
- ⊙ **Put your results in a proposal.** What have you found through your research that might interest a foundation in some part of your strategy? Maybe it would fund the publication of your action plan or report, provide media training, or support public education.



Media Advocacy: Spreading the Word and Building Public Will

What is media advocacy?

Media advocacy is the proactive, strategic use of media—in combination with other strategies—to advance your advocacy goals. In other words, instead of sitting back, waiting for something to happen that attracts media interest (such as a high profile officer-involved shooting), and then reacting, media advocacy involves viewing the media as a tool that can be effectively used to create an environment for change. More and more advocates are recognizing and harnessing the power of the media in moving an advocacy agenda.

Why use it?

Police reform isn't easy to achieve. Often, success depends upon broader public support for change and sustained pressure on public officials to act. Through the media, you can frame the issue, increase public awareness, shape public opinion, and create public pressure.

When to use it.

After you've come up with a plan. Strategic media efforts are most effective. More on this later in *Planning a Media Strategy*, page 47.

Start thinking about media from the very beginning. How can you use the media to get traction on the research in your upcoming report? Tell the stories of the plaintiffs in the litigation you plan to file? Let legislators know the people who elected them to office care about your issue? Persuade the public to vote “yes” or “no” on the ballot initiative that just qualified? There are any number of media opportunities throughout an advocacy campaign—the key is staying focused on ways to maximize media every step of the way.

Real World case study

For two years, Bay Area PoliceWatch in San Francisco, California, organized to seek justice in the aftermath of the death of Aaron Williams. In the course of its campaign, it became clear to advocates that they needed to reframe the story being told in the media about that case to ultimately achieve their goal. The following is a summary (in some places, direct excerpts) of the account contained in “Lessons from a Killing: Changing news coverage of police brutality in San Francisco,” an article by Van Jones that appeared in the May/June 1998 edition of *Extra!*, a publication of Fairness and Accuracy in Reporting (FAIR) available at www.fair.org.

In the fall of 1996, the San Francisco Police Review Commission held hearings on the death of Aaron Williams, an African-American man suspected of a \$50 pet-store burglary who died in police custody. According to witnesses and police sources, a team of police led by Officer Marc Andaya repeatedly kicked Williams in the head and emptied three canisters of pepper spray into his face. Despite the fact that Williams was having difficulty breathing, the police finally hog-tied, gagged, and left him unattended in the back of a police van, where he died.

The police commission ruled that no excessive force was used and failed to take any action against the officers involved. Advocates believed the commission could get away with such a ruling because of biased media coverage leading up to the initial hearings on the case. The coverage made it look like Williams hadn't been beaten to death, but died because of a strange new malady, “sudden in-custody death syndrome.” News reports focused on the background and alleged misdeeds of the victim: his alleged drug problem and the fact that he was a parolee. There was no mention of Andaya's record, which included 37 prior complaints of police brutality, five lawsuits alleging racism and abuse, and another death of an unarmed man of color.

After losing the initial hearings, PoliceWatch brought in We Interrupt This Message, a media activist organization. The advocates were asked what the initial media message and organizing goal had been.

The initial media message was “the San Francisco police department is out of control.” But, not even progressive press wanted to cover the story with that message. The problem was that people had to be completely critical of the SFPD to agree with the advocates.

Another problem was that they'd defined their goal as justice for Williams and his family. That was too vague. The media activists asked them what justice would look like. And when they said justice would be the police commission firing Andaya, they were told: “say that.”

The advocates now had to focus on the strategic media challenges ahead:


- ⊙ Rehumanizing Aaron Williams. Williams had been demonized in the press. They needed people who heard about the case through the media to see him as something other than a drug-addicted parolee who happened to die.
- ⊙ Shifting the focus from Williams to Andaya. A key to changing public opinion would be reframing the story from the background and history of Williams, the victim, to the past misdeeds of Andaya, the perpetrator.
- ⊙ Establishing institutional accountability for what had happened. They needed to put a name and a face on who was responsible for what happened to Williams to get redress.

The advocates came up with a way of letting people know Andaya was a bad apple from the beginning. They began referring to him as the “Bay Area's Mark Fuhrman.” Since the police commission was appointed by the mayor, the advocates sharpened their target by saying that “the mayor's police commission is protecting the Bay Area's Mark Fuhrman.”

They integrated their media strategy into their organizing campaign. Since their primary tactic was to stop “business as usual” at the police commission, they packed commission meetings with hundreds of people and got the media there to broadcast it all. This ratcheted up the pressure on the police commission and the mayor to do something about the problem.

In a four-week period, the advocates got nearly two hours of television coverage. The story went from being buried to being on the front page for several weeks. And they dramatically shifted the media coverage. Both major San Francisco newspapers—the *San Francisco Chronicle* and the *Examiner*—editorialized against the police commission for refusing to fire Andaya. The coverage went from focusing on Williams' background to Andaya's record and the institutional factors that allow police misconduct to occur.

The advocates ultimately succeeded in achieving their goals. The police commission collapsed—by the time the campaign was over, all three commissioners who had originally sided with Andaya were removed or quit because of the tidal wave of media and community attention. And as a result of unprecedented community pressure, Andaya was fired.



Points to Consider in Moving Forward

- 1 Do you have sufficient resources and capacity?
- 2 How much will it cost?
- 3 How long will it take?
- 4 Keys to success
- 5 Red flags
- 6 What else do you need to know?

1 Do you have sufficient resources and capacity?

Implementing a media strategy takes time. You need people who can reach out to the media to pitch stories, follow up on media advisories and news releases you've sent out, plan news conferences and media events, develop messages and materials, and serve as spokespeople. You also need creative people with good writing skills, unless you plan to hire professional media consultants.

2 How much will it cost?

You can implement a media strategy with little money or a lot. Tailor your strategy to the financial resources you have available. Start by developing a budget. Consider:

- ⦿ **Do you want to hire a professional public relations (PR) firm** or consultant who has experience working with the media and media contacts? The SPIN Project offers some tips for assessing the need for and working with PR consultants, available at www.spinproject.org/resources/pr_consultants/index.html. Or do you have sufficient skills and experience within your organization you can draw upon?
- ⦿ **Are you planning to develop your own media list**, or do you want to purchase a media database? More on this later in *Generating media lists*, page 49.
- ⦿ **Do you plan to do paid media advertising**, such as newspaper ads, radio announcements, or TV commercials? Advertising costs vary from place to place (a full-page advertisement in the *New York Times* is more costly than the *Detroit Free Press*) and medium to medium (radio is usually less expensive than TV).
- ⦿ **Are you planning to stage a major news conference or media event** that requires resources, such as renting audio/visual aids, printing a banner, or producing materials?

3 How long will it take?

Allocate some up-front time for planning your media strategy—this can take days or weeks. More on this next in *Planning a Media Strategy*. Once you have a plan, recognize that media coverage is not easy to get, so you may not be successful right away. Be creative. Be persistent. Follow up. And don't give up. More on this later in *Seeking and Securing Media Coverage*, page 51.

4 Keys to success

Integrate your media strategy with the rest of your advocacy effort. Media is just one strategy among many for achieving your advocacy goals. It is most effective when it is combined with and complementary of other advocacy strategies, such as organizing, lobbying, or litigation.

5 Red flags

Media can be a powerful vehicle for getting your message out, but recognize that you can't control the media. Sometimes you will get coverage exactly as you'd hoped; other times you will be misquoted, disappointed, frustrated, even angry about the coverage you received. Don't get discouraged or give up. Stick with it and figure out ways to be more successful the next time around.

6 What else do you need to know?

This chapter outlines the basic components of media advocacy. You can obtain more comprehensive resources from advocacy and media organizations or download them from the Internet. For example, the SPIN Project has an online media toolkit you can view on its website (www.spinproject.org), where you can also order a copy of its activist-friendly media guide, *Spin Works! A Media Guidebook for the Rest of Us*. The Benton Foundation also has an online toolkit, available at www.benton.org/publibrary/toolkits/stratcommtool.html. Other online resources include *Now Hear This: The Nine Laws of Successful Advocacy Communications* by Fenton Communications, available at www.fenton.com/resources/nht_report.asp, and *How to tell and sell your story: A Guide to Media for Community Groups and Other Nonprofits*, published by the Center for Community Change, available at www.communitychange.org/publications/CCCNews18.pdf.

You may also want to look into ways to use the Internet to augment your media efforts. Start with the SPIN Project's discussion of *Media Tools on the Net*, available at www.spinproject.org/resources/internet_pr/tools.php3.

▶ Planning a Media Strategy

Don't just rush out and try to get media attention about your issue. Take a step back and develop a plan that will help you use media strategically and effectively to advance your advocacy effort. Frequently, advocates simply react to undesirable media coverage or the complete lack of coverage without thinking proactively about how to educate and engage the media to frame an issue in a way that helps you accomplish your advocacy goals. Before you start doing media outreach:

- 1 Set goals
- 2 Identify audience
- 3 Develop key messages
- 4 Prepare talking points
- 5 Generate a media list
- 6 Identify and prepare key spokespeople

1 Setting media goals

Start by articulating your goals. You need to be clear about where you want to go so that you develop the best plan to get you there.

What do you want to accomplish? What is your ultimate advocacy goal? What are your media goals: Raise public awareness? Move people to take some action? Put pressure on public officials or other decision-makers? Hold decision-makers accountable for votes or steps taken?

Be realistic. Evaluate the strength of your goals. Is your issue timely? Practical? Achievable? How will you measure success?

2 Identifying your audience

After you've determined your goals, your plan should clearly identify the audience(s) you need to reach to achieve your goals. You may have more than one target audience. But identifying each one up front is key; otherwise, you'll end up wasting resources on a media strategy that may not be effective for reaching your targeted audience(s).

Whom do you need to reach? Influence? Move to act? Particular elected officials? Communities of color? Youth?

What's the best way to reach them? Ultimately, you need to select among different media tools based on what's likely to be most effective in reaching your target audience. If you are trying to reach youth to gather stories of racial profiling to highlight in your advocacy work, to identify potential victims for a lawsuit, or to bring young people into your organizing efforts, you may decide to seek interviews on local radio stations targeting that demographic to get the word out

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What are you trying to accomplish?

Ultimate advocacy goal:

Increase number of minority police officers.

Strategic goal: Expand recruitment process and hiring criteria.

Media goal: Highlight incidents that demonstrate the need for a more diverse police force to raise public awareness of the problem and pressure public officials to adopt your solution.

Measures of success: Op-ed and two letters to the editor published about recent incidents involving unnecessary officer-involved shootings due to language barriers. An editorial endorsement in the same newspaper. Legislation passed by the city council increasing funding for police department recruitment efforts targeted to minority communities.



41 shots.

That was one of the key messages in the organizing efforts sparked by the 1999 death of Amadou Diallo, the unarmed West African man who died in a hail of gunfire—41 shots—from four NYPD officers. It became sound bite, tagline, and mantra of the campaign. It was chanted by protestors, emphasized by key spokespeople, featured in paid media advertising, and included in media headlines. It was even picked up by singer and musician Bruce Springsteen, who wrote and performed (though never released) *American Skin (41 Shots)*, a song about Diallo's tragic death.

The message was effective in its simplicity. Those two words invoked images, raised questions, and elicited emotions. Why did officers shoot him 41 times? Isn't that excessive? What kind of training do officers get? What kinds of guns do they use? Would they have shot so many times—or even drawn their guns—if it was an affluent, white man from Westchester instead of a working-class, African-American man from the Bronx?

about your work (as opposed to writing an opinion piece for the local newspaper, which may be a more effective tool for reaching elected officials or the larger public). More on media tools later in *Seeking and Securing Media Coverage*, page 51.

3 Developing key messages

Different audiences respond to different messages. The next step in planning your media strategy is to figure out the best message for your audience(s).

Frame your issue in two or three main messages

targeted to your audience. Too many messages will confuse your audience and, at the end of the day, you will not end up clearly delivering any one of them. Your message should not just be a restatement of your goal. It should make your case in a way that gets your target audience to do what you want it to do so that you ultimately accomplish your goals.

Be clear, concise, and compelling—and stay away from jargon and rhetoric. Your message should inspire interest from your target audience (and the media), evoke emotion, and appeal to its sense of right and wrong and its political self-interest (again, the reaction you want to elicit from your target audience is based on what you want it to do). Draft short “sound bites”—catchy one-liners, attention-getting statements, quotable quotes—that capture your issue, will stick with your audience, reporters can use, and messengers can remember.

Compile stories and statistics that will make your message more credible, powerful, and persuasive, and that ground your message in the facts. During the Driving While Black or Brown (DWB) campaign against racial profiling, advocates often included stop-and-search data in their message to show how law-abiding citizens were being targeted by the police simply because of their race (appeal to people's sense of fairness) and starkly convey the extent and urgency of the problem (evoke emotion and action). The statistics were frequently repeated: African-American and Latino motorists are twice as likely, in some places three times as likely, to be stopped and searched by police; yet, police are no more likely to find evidence of criminal activity.

Test your message with other people before you get completely invested in it. Sometimes you are too close to an issue to effectively evaluate your message. What you believe to be most compelling about the problem you are trying to address may not move other people. You can test your message in a formal focus group (see page 91), or you can do it informally. Try it out with your friends, family, people you work with—anyone you know who is part of your target audience—to see if the message is clear, attracts interest, resonates, and motivates people to act.

A blue circular graphic with a white starburst shape inside, containing the text "Taking Action!" in white.

Taking Action!

4 Preparing talking points

It's helpful to draft a few key talking points to help you and other spokespeople stay focused on the issues you want to convey to the media and to stay on message.

Tailor your talking points to your audience(s).

Be clear and succinct in each point. Don't try to make too many points at once; otherwise, your message will get lost.

Use data, anecdotes, and examples to illustrate your point(s).

Practice making your points so that you are comfortable delivering the message without your notes. But have them nearby to review before you speak and glance at in case you miss a key point.

5 Generating media lists

Put together a list of local media contacts—newspaper, radio, television, magazine, newsletter, and Internet—that cover police issues, your neighborhood, and related issues and constituencies. Your list might include, for example, the reporters who write about race issues, youth, and the broader criminal justice system, in addition to the person who covers the police. Also add reporters you have talked to in the past. Having a list prepared in advance will allow you to quickly and comprehensively identify reporters, columnists, editors, producers, and talk-show hosts to call or e-mail when you are ready to pitch a story.

Don't "recreate the wheel." Find out if any of your local partners and allies has prepared a media list it is willing to share. If you have the resources, purchase a media database from a commercial vendor as well.

If you are developing your own list, scan the local paper to find names of reporters covering your issue and find out whether your local library has any published media directories you can review.

Think broadly. Include ethnic and online media on your list. The SPIN Project website has some ethnic media resources to help you identify local outlets (www.spinproject.org/resources/speaking/media.html). Online media such as *AlterNet* (www.alternet.org) will sometimes cover high-profile incidents, such as the Abner Louima incident in New York City (www.alternet.org/story.html?StoryID=12566), the Donovan Jackson beating in Inglewood (www.alternet.org/story.html?StoryID=13600), and the Sheila Deto shooting in San Francisco (www.alternet.org/story.html?StoryID=49). Ask around and search the Internet for local online news sources that are widely read by your target audiences and that may be inclined to cover your issue.

Stay on message. Write a few key talking points.

Message: Our Community—Our Police demands changes in police practices in Urban Center Police Department after a rise in incidents of police misconduct.

Target audiences: Residents of Urban Center, Mayor Hall and other key elected officials, The Urban Center Police Department (UCPD).

Talking points: Over the past six months, there has been an alarming rise in the number of questionable "stop and frisk" searches by UCPD officers and allegations of physical abuse of detained youth. Thirty-five citizen complaints have been filed to date—three times as many as this time last year.

In the latest incident, Stewart Lee—an honor student—was stopped by police while walking home from school. He was detained and beaten so severely that he was hospitalized for five weeks. He is still recovering from his injuries and unable to return to school.

Our Community—Our Police Coalition calls on Mayor Hall to:

- ⊙ Order the immediate suspension of officers involved in the Stewart Lee incident;
- ⊙ Name a special prosecutor to independently investigate complaints of police misconduct filed against UCPD officers in the past six months; and
- ⊙ Appoint a civilian task force to examine UCPD "stop and frisk" policies and make recommendations for change.



Real World case study

Include community radio and TV stations on your list

During the events surrounding the Amadou Diallo tragedy in New York City, public access cable station Manhattan Neighborhood Network (www.mnn.org) provided consistent uncensored programming—dialogue and debate—from a community perspective on the tragedy. Many of the stories highlighted on the network gained wider attention that led to expanded coverage by larger media outlets.

Brainstorming potential spokespeople

Let's say you have a situation where young Latino men are being approached on the street by local police to participate in line-ups and being offered a small compensation in return for their participation. When the parents of these minors find out about this practice, they are outraged that they were neither notified nor asked for their consent. On several occasions, youth who have participated have been picked out of the line-up and detained for several hours. You decide to hold a news conference to inform the broader community about this shocking practice.

Spokespeople might include:

- ⊙ Parents of young men mistakenly detained.
- ⊙ Respected faith and community leaders or local elected official.
- ⊙ Civil rights lawyer to speak about any violation of rights.
- ⊙ Community social worker or local psychologist to speak to the impact on the self-esteem and future outlook of young people targeted for these line-ups.



Taking Action!

Look locally. Include local community radio stations and cable access channels. It is not uncommon for stories to be picked up from these outlets and then run by larger media outlets.

Be creative. Include neighborhood, organization, and employee newsletters on your list.

Include all contact information—full name, mailing address, phone and fax numbers, e-mail address—and make a note of each reporter's preferred method of contact.

Periodically update your lists. Reporters come and go, so stay current on who is covering your issues. And add new reporters to your list who have called you for an interview.

For more information on media lists, visit the SPIN project website at www.spinproject.org/resources/medialists/mainframe.php3.

6 Identifying and preparing key spokespeople

Identify the best people to deliver your message to the media, keeping in mind your target audience. Who will be most credible, influential, and persuasive? Make sure to provide your spokespeople with talking points so they are prepared and stay on message.

Display the diversity of your allies and range of constituencies impacted by the issue.

Put a face on the problem. Reporters are more likely to cover your issue if there's a human interest angle.

Media experience is a plus, but not necessary. And whether experienced or not, some media training, role plays, and practice interview questions are always helpful in getting prepared.

Even if you are not a designated spokesperson, become familiar with the issues and key message points. A reporter on a deadline may call you to verify information for a story when none of your spokespeople is available—if you are unprepared, you will have missed the opportunity to represent your point of view.



Seeking and Securing Media Coverage

You have a plan. Now, it is time to implement it by engaging the media.

- 1 **Build relationships with the media**
- 2 **Issue media advisories and news releases**
- 3 **Write letters to the editor and opinion pieces**
- 4 **Visit editorial boards**
- 5 **Participate in TV and radio interviews**
- 6 **Stage a news conference or media event.**
- 7 **Use paid media**
- 8 **Monitor and evaluate your media efforts**

1 Building relationships with the media

Make an effort to get to know the reporters who write about your issues, even when you're not trying to pitch a story; it can make a significant difference later when you are trying to get your issue covered. Also, when reporters are covering a story, they tend to reach out first to the people they know.

Write a note or send an e-mail to a reporter about an article s/he wrote that you found particularly interesting, informative, or useful.

Serve as a resource. Reporters will keep coming back to people who have provided them with insightful, accurate information and good leads to other sources.

Take the time to educate reporters about your issues.

Host a media briefing with an individual or a group of reporters; send over new reports about major developments in their areas of interest; prepare clear and succinct background materials.

Be accessible. Resources that are easily available and quickly return calls under tight deadlines are invaluable to reporters. It's worth repeating: Always return your phone calls—the sooner, the better.

Look for opportunities to connect your issue with the stories they are reporting. If a reporter does a story about city budget cuts, including the police department, use it as an opportunity to reach out to the reporter about cost-saving measures such as an early-warning system to detect and correct inappropriate officer behavior before it results in a six-figure payout to settle a civilian lawsuit.

Respect and be sensitive to reporters' time constraints.

Ask whether you are calling at a good time and avoid calling just before a deadline.

Be patient and persistent. Do not write off reporters just because they did not quote you or frame the issue exactly the way you wanted. Stay in touch and try again; you may have better success the second—or third—time around.

2 Issuing media advisories and news releases

A media advisory is a brief, one-page announcement about an event you want the media to cover. It is generally issued a few days in advance of the event to alert reporters as to the logistics (where, when) and what they can expect (who, what, why). Include a brief description of any photo opportunities or visuals in your media advisory—it will increase your chances of getting covered. Always include your contact information.

A news release (also called a “press” release) is the most frequently used tool for getting media attention. It contains your framing of the issue you want people to pay attention to and the actions you think should be taken. Although it is formatted differently and usually contains more information than an advisory, your news release should also give the “who, what, where, when, why” of your issue or event. Be sure to review it for accuracy and completeness before releasing it. *Again:* Always include your contact information.

There are several resources online with tips and samples for writing effective media advisories and news releases. Take a look at the “Create a Better Press Release” section of the Community Media Workshop website at www.newstips.org/interior.php?main_id=141§ion=PR+Tips&topic=, including a Guided Press Release Creator, which will allow you to construct your news release online. Another resource is the “How to write a good press release” chapter in *How to tell and sell your story: A Guide to Media for Community Groups and Other Nonprofits*, published by the Center for Community Change, available at www.communitychange.org/publications/CCCNews18.pdf.



Taking Action!

A few tips to keep in mind about news releases:

- ⦿ **Put your most compelling information up front.** Otherwise, you're not likely to grab a reporter's attention. Reporters receive scores of releases daily and hardly glance at most of them. Make yours an attention-getter.
- ⦿ **Find a news “hook” to make your release newsworthy.** The SPIN Project website has a list of possible hooks, such as putting a new spin on an old story, including a celebrity in your news conference, showing the human interest. The Center for Community Change media guide queries: Is it timely? Is there a conflict? Is it visual? Look at CCC's chapter on “What's news??” at www.communitychange.org/publications/CCCNews18.pdf and visit www.spinproject.org/resources/news_hooks/index.html for more ideas.
- ⦿ **Write a catchy heading for your release that captures your “hook” and lets the media know what your release is about.**
- ⦿ **Include a couple of quotes from key spokespeople.** Just remember that reporters may want to talk to people quoted in the release, so make sure they are available, prepared, and aware of what was said in any publicly distributed quotes.
- ⦿ **Keep it short, preferably one page and not more than two.** If you really need to include additional information, attach a background fact sheet to your release.
- ⦿ **Make sure you have clearly identified the contacts for reporters to follow up with,** along with phone numbers where you will be available all day on the day you issued the release.
- ⦿ **Distribute your release widely and do follow-up calls** to make sure it was received and gauge reporters' interest.



SAMPLE MEDIA ADVISORY

Our Community – Our Police Coalition

225 ABC Street
Urban Center, USA
(555) 222-3333

FOR IMMEDIATE RELEASE

May 31, 2003

Contact: Joseph Smith
Our Community – Our Police Coalition
(555) 222-3333, jsmr@oc-op.org

**Hundreds of Residents to Protest Recent Police Beating;
Community Coalition Organizes March
on Local Precinct to Demand Investigation**

WHAT: Mass community protest demanding investigation of police practices after rise in police misconduct incidents in Urban Center.

WHERE: On the front steps of Urban Center Police Department, 465 West XYZ Street.

WHY: Over the past several months, incidents have skyrocketed involving questionable “stop and frisk” practices and inappropriate detention of young men of color. In at least three incidents, youth were physically abused while in custody. In the latest incident, an honor student, Stewart Lee, was severely beaten and hospitalized for several weeks for injuries sustained while detained by police.

WHEN: Wednesday, June 4, 2003, 12:00 p.m.

WHO: Our Community – Our Police (OC–OP), a coalition of community residents and religious leaders, was formed two years ago after the shooting death of an unarmed African-American teenager. OC–OP is committed to improving community-police relations in Urban Center by advocating for innovative police policy reform.

SPEAKERS: Margie Lee, mother of abuse victim Stewart Lee
Rev. Hobart Phillips, pastor, Community House of Worship
Rep. Mary Richards (D-Urban Center-East)
Rep. Sam Sandula (R-Urban Center-West)
Maribel Vega, president, Our Community – Our Police Coalition



SAMPLE NEWS RELEASE

(This is an actual release issued by LULAC, also available at www.lulac.org/Issues/Releases/Gypsum.html)

**LULAC Demands Justice
for Wrongfully Charged Mexicans in Dallas;
Racial Profiling Resulted in Many Unjust Deportations**

Contact: Scott Gunderson Rosa, (202) 833-6130; Adrian Rodriguez, (972) 517-5275

FOR IMMEDIATE RELEASE: FEBRUARY 1, 2002

Washington, DC—The League of United Latin American Citizens (LULAC) today demands that justice be served on behalf of at least 39 people, mostly Mexican nationals, who were wrongfully convicted of charges involving cocaine. Many of the cases have already resulted in deportation against the defendants, who have now been proven innocent due to fake evidence used against them by the Dallas Police Department. “This is absolutely intolerable,” said Rick Dovalina, LULAC National President. “This is one of the worst cases of racial profiling I have ever seen.”

LULAC has written a letter to the Department of Justice, asking that it thoroughly investigate the practices and anti-narcotic policies of the Dallas Police Department. The two officers involved, Senior Cpl. Mark Delapaz and Officer Eddie Herrera, have been on administrative leave since January 15, 2002, after it was discovered that the cocaine in evidence was mostly finely ground gypsum, a main ingredient of sheetrock. The FBI is investigating the cases to determine criminal activity, including civil rights violations.

“These officers have altered the lives of many people and their families, and they should pay for their own crimes,” added Dovalina. “Strong disciplinary action should be taken if any criminal activity or civil rights violations are found by the police department. It is obvious the actions of this narcotic squad victimized poor Hispanic immigrants with limited English skills, many without the benefit of proper legal counsel.”

North Texas LULAC, including District III Director Adrian Rodriguez, is actively involved in the case and is in contact with the FBI officials in charge of the investigation. “It is apparent this is a travesty of justice in the annals of law enforcement,” he said.

The League of United Latin American Citizens (LULAC) is the oldest and largest Latino civil rights organization in the United States. LULAC advances the economic condition, educational attainment, political influence, health, and civil rights of Hispanic Americans through community-based programs operating at more than 700 LULAC councils nationwide.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS
2000 L Street, NW, Suite 610; Washington, DC 20036
(202) 833-6130 FAX (202) 833-6135

3 Writing letters to the editor and opinion pieces

Letters to the editor and opinion pieces—often called op-eds because they are generally published opposite the editorial page of a newspaper—are great ways to get your message out to a wide audience in your own words. There is a lot of competition to get letters and opinions published, but a few tips can enhance the odds that yours will be chosen.

Always check the newspaper’s guidelines for submission—they vary from paper to paper. You can usually find this information on its website or you can call the newspaper directly. Find out the maximum word limit (generally less than 200 words for letters and 800 words or less for op-eds), methods and deadlines for submission, and other relevant information.

Do not cloud your message with too many points. Good letters usually emphasize one key point; op-eds no more than three. Each point should be clear, compelling, and persuasive.

Be sure to provide your contact information in case the newspaper wants to follow up.

Letters to the editor that reference recent stories or editorials usually have a better chance of publication.

Ask your allies to write letters as well. The more letters submitted, the more likely any one will be published.

Make timely submissions. These days, letters should be submitted within 24 to 48 hours after a story appeared.

Follow instructions, usually published on the newspaper’s website, to know how to correspond about an op-ed submission. Make sure it was received and to ask if more information is needed.

Scan your local newspaper for examples of letters to the editor and op-eds that have been published. Review the types of letters and op-eds that are accepted for a sense of the kinds of authors and styles that each newspaper prefers. For example, some newspapers such as the *Los Angeles Times* only publish letters from individuals, while others like letters from those with titles and organizational affiliations. Another resource is Montgomery Kersell’s website www.opinion-pages.org, which provides links to the opinion and editorial pages of over 600 publications. For additional writing tips online, read “How to write an effective ‘op-ed’” and “Writing effective letters-to-the-editor” in *How to tell and sell your story: A Guide to Media for Community Groups and Other Nonprofits*, published by the Center for Community Change, available at www.communitychange.org/publications/CCCNews18.pdf.



Real World
case study

Following are some of the letters to the editor that appeared in the *San Francisco Chronicle* in response to articles and editorials about the Aaron Williams case described earlier in this chapter.

Editor—We are appalled to learn that Marc Andaya was hired by the San Francisco Police Department despite a known history of police brutality as an Oakland police officer.

For 30 years, from the inception of Citizens Alert in 1965, we have protested the excessive use of force by police officers. We remember one particular officer about whom Citizens Alert had the most complaints. Like Andaya, he had a reputation as an active officer who made hundreds of arrests. The number of citizen complaints about his behavior didn't count; the number of arrests he made did count. Instead of being terminated, he was promoted and honored.

Chief Tony Ribera says Andaya and other officers who were involved in the arrest of Aaron Williams should not be judged prematurely. "Prior conduct does not come into consideration during the guilt or innocence phase. It does come into consideration during the disciplinary phase."

We contend Andaya should have been judged on his prior record of violence in the "pre-employment phase." His hiring is a demonstration of the "police mentality" which citizens have long protested.

Editor—The use of excessive force among police to apprehend and stabilize their subjects has been an ongoing problem for years. What I don't understand is, why hasn't our police force been trained to deal with those whose behavior is violent?

Once they incapacitate their subject, the officers must restrain their emotions and do the job they are paid for. If they are accused of using improper conduct to restrain their subject, then the department must be held responsible until the evidence of the investigation is conclusive.

If the officer, or officers, in question are found guilty of using excessive force, then it is the responsibility of our judicial system to proclaim the proper sentencing. There are laws protecting citizens against the use of such force in any altercation, and those same laws should be applied to our officers. We have a "three strikes and you're out policy" on crime, and the same should be applied toward officers who have been suspended for the use of excessive force.

The senseless death of Aaron Williams is bringing home the problems we face as citizens whose rights are being violated by a system that is grossly mismanaged.

Editor—I am appalled at the San Francisco Police Commission's failure to discipline the only officer charged with excessive force in the death of Aaron Williams. The fact that only one officer was charged with using excessive force is a problem in itself. I would like to speak about this in a larger context. And I want to make it clear that I am a white person and that I am speaking to other white people.

I am extremely concerned that there are an increasing number of cases occurring across the country where people of color (specifically men in the cases I have heard of recently) are dying while in the custody of white police officers. In the few cases where the white officers are brought up on charges, they are acquitted by juries of white people: When the jurors are interviewed afterward, they say they do not think race had anything to do with the acquittal—the police were just doing their job after all.

Let me tell you this as clearly as I can—race did have something to do with it. The actions and reactions of the police and the men who died had everything to do with their race, their experiences in the world dealing with each other, and the racism and oppression that affects us all. I call on white people to stop the denial. I call on white people to change our racist attitudes and behaviors.

Officer Andaya's attorney, Jim Collins, was reported to have said in response to the commission's findings, "We won and we are happy." I am sickened by this statement. We have won nothing and another man has died. I call on white people to lend their voices to Mr. Williams' family and community to bring an end to these deaths and to hold accountable those people who are responsible.

4 Visiting editorial boards

Try to meet with your local newspaper editorial board—the editors of the newspaper who express its point of view through editorials. Why? It's an opportunity to educate and persuade them about your issue, serve as a resource, correct errors and assumptions in prior coverage, and seek the paper's endorsement of your position. Editorials carry significant influence with the broader public and policymakers who have the ability to act on your issue. Be aware that you will be under the spotlight; be prepared to defend your position.

Send a letter to the attention of the newspaper's editor requesting a meeting and stating the issue you want to discuss. Include any additional materials—facts, data, reports—about your issue.

Select up to three or four spokespeople to attend the meeting. They should be knowledgeable about the issue and message. Give each person a specific role in the meeting, such as providing introductions of participants and an overview of the issue; sharing a personal experience that demonstrates the extent of the problem; being the “expert” on the technical aspects of the issue and proposed solution.

Do your homework. Know how the newspaper has covered your issue in the past and any positions it has taken. Review past editorials. Make sure to read the newspaper during the week leading up to your meeting so you don't miss something recently published on your issue. Be aware that reporters who cover your issue may also participate in the editorial board meeting along with the editors.

Prepare for the meeting. Anticipate the questions you are likely to be asked and think through the responses you will give. Compile some additional materials you want to leave with them to supplement the information provided during the meeting.

Make your case. During the meeting, you are usually provided with time up front (about 5–10 minutes) to present your point of view. Use it wisely. State your main points first. Editors may interrupt you to ask questions; stay focused so you can return to your next point once you have answered the question. If there are any questions you cannot answer, offer to follow up with a response after the meeting.

Wait a few days after the meeting to see if the newspaper prints a favorable editorial or a reporter writes a story covering your issue. If nothing happens, call the editor to find out whether the paper is planning to take a position. If the newspaper does not intend to write anything (or if it takes a position against your issue), ask the editor if s/he will consider an op-ed so that both sides are represented. If they are willing to consider an op-ed, you have 5–10 days to submit it. You can also submit a letter to the editor.

5 Participating in TV and radio interviews

You may be invited to appear on a television or radio show to discuss your issue, but more likely than not you will have to make these opportunities happen.

Determine the shows you would like to appear on and call or write the producer to request an interview.

Clearly state what your issue is and why their viewers or listeners would be interested in what you have to say.

Have your talking points ready and your facts, data, and research at hand. Think of at least one personal story to share.

Practice questions you will likely be asked and your answers.

Do your homework. Research the format and audience of the show. Find out how long the interview will be, whether it will be live or taped, and if there is a call-in component. Know how your issue or similar issues have been covered in the past. Listen to or watch a segment of the show during the week prior to your interview.

Request a copy of your interview. You may have to pay a fee, but it's good to have a copy to help you critique your interview and improve your skills, as well as to have historical documentation of your advocacy campaign. The more often you give interviews, the better you will become.

6 Staging a news conference or media event.

News conferences (also called “press” conferences) can be an effective way of attracting media attention to your issue. However, they can also be time consuming and costly to plan and fall short of your desired outcomes. News conferences are most successful when you have something “newsworthy” to share—announcement of new initiatives, incidents, high-profile or nontraditional endorsers, important milestones. You can also stage a media event—a rally, town hall meeting, speak-out, public protest.

Find a good location (in terms of convenience and your message) and plan to have visuals (such as signs, banners, and provocative images), if possible—you are more likely to generate interest if it is a good photo opportunity.

Scheduling matters. Given reporters' typical work flow, the best time to schedule a press conference is usually before noon on a Tuesday, Wednesday, or Thursday.

Send out your media advisory a few days in advance and your news release the day of the event. Follow up with phone calls to encourage and confirm attendance. For more on this, see the earlier discussion on *Issuing media advisories and news releases*, page 52.

Taking Action!

Interview Do's and Don'ts

DO:

- ⦿ Practice with colleagues before giving interviews.
- ⦿ Arrive on time.
- ⦿ Check your appearance before appearing on camera.
- ⦿ Watch your body language (gestures, mannerisms).
- ⦿ Maintain good posture at all times. Don't slouch or lean. Stay comfortably still and minimize movement.
- ⦿ Stay on message. Stick to your two to three key points.
- ⦿ Restate key points often.
- ⦿ Make your point and move on. Don't ramble.
- ⦿ Listen carefully for an opportunity to include a quote you'd like to see in the final story.
- ⦿ Be honest about not having an answer to a question. Promise to supply it after the interview.
- ⦿ Rephrase questions to allow you to answer in a way that is consistent with the message you want to deliver.
- ⦿ Relax, be yourself, and remember that in most instances you know far more than the reporter about your issue.
- ⦿ Recognize that you're "on" even after the interview is over—your microphone may still be on and cameras still rolling. Wait for a signal that the interview is complete.
- ⦿ Send a thank-you note to the reporter and send periodic updates.

DON'T:

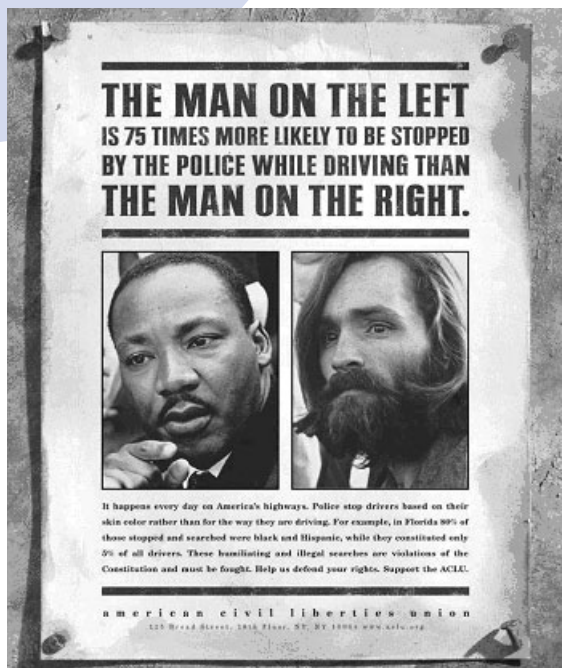
- ⦿ Assume the reporter knows the subject.
- ⦿ Use jargon.
- ⦿ Ever, ever tell a lie or stretch the truth.
- ⦿ Provide incorrect data or exaggerate. Stay with the facts.
- ⦿ Be afraid to repeat. You want your message to be remembered.
- ⦿ Try to cover too many subjects in one session or ramble on and on.
- ⦿ Become defensive or get drawn into an argument with a reporter. Take a deep breath before answering tough questions.
- ⦿ Use sarcasm with a reporter.
- ⦿ Ever stonewall a reporter or say "no comment."
- ⦿ Forget to supply information you have promised to deliver, or promise something you cannot deliver.
- ⦿ Respond to hypothetical questions.
- ⦿ Think you can go "off the record" with a reporter.
- ⦿ Be afraid to say you need to check more facts and get back to them.
- ⦿ Wear flashy jewelry: It can distract focus from your message.
- ⦿ Wear white on television. It fades into the background.
- ⦿ Drink carbonated liquids just before an interview.
- ⦿ Chew gum during an interview.

Real World case study

Paid Media:

In 2000, the American Civil Liberties Union ran the following full-page advertisement in the *New York Times Magazine* to increase public awareness of the problem of racial profiling. The text below the images of Martin Luther King, Jr. and notorious serial killer, Charles Manson, reads: "It happens every day on America's highways. Police stop drivers based on their skin color rather than for the way they are driving. For example, in Florida, 80% of those stopped and searched were black and Hispanic, while they constituted only 5% of all drivers. These humiliating and illegal searches are violations of the Constitution and must be fought. Help us defend your rights. Support the ACLU."

Public service announcement courtesy of DeVito/Verdi



Line up your speakers, preferably no more than four.

They should be knowledgeable about the issue and message. Give each person a specific role, such as providing introductions of participants and an overview of the issue; sharing a personal experience that demonstrates the extent of the problem; being the expert on the technical aspects of the issue and proposed solution. Give each speaker no more than three to five minutes so that you leave enough time for reporters to ask questions.

At the news conference, have extra copies of your news release on hand and background materials to distribute to reporters who show up to cover the story. Have general biographical information on speakers and their organizations, if appropriate.

For more information on planning a news conference or media event, visit the "Photo Ops & Media Events" section of the SPIN Project website at www.spinproject.org/resources/photo_ops/events.html.

7 Using paid media

Paid media advertising in major newspapers, television, and radio is expensive. But, if you have the resources; have a compelling, provocative message; and have reached a stage in your advocacy effort where increasing your visibility will advance your issue, paid media is a sure-fire way of getting coverage and building support among your audience. Sometimes there are smaller, but strategic, local newspapers that will target a specific audience effectively and provide a much cheaper alternative to the major local newspaper.

8 Monitoring and evaluating your media efforts

Once you have begun implementing your media plan, continually monitor whether your strategies are effective and achieving your goals. It's not uncommon to change a plan or spokespeople along the way if your messages or messengers are not having the desired impact with your target audience.

After you have executed all pieces of the plan, evaluate your success. Track media coverage your issue obtained. Save all clippings, tapes, editorials, and letters to the editors.



Internet Advocacy: Rallying Support

What is Internet advocacy?

Internet advocacy is the use of online tools to move your advocacy agenda—whether it’s conducting research, communicating with supporters and allies, mobilizing action, getting your message out, creating a forum for discussion, doing fundraising, garnering media attention, or educating the public.

All of these activities can be accomplished through two basic Internet tools: e-mail and a website. The key is knowing when and how to use these tools—individually or in combination—most effectively to achieve your goals. E-mail is an amazing communication and outreach device that has even more power when it’s backed by a website that provides additional information and opportunities for people to get involved.

This chapter focuses on using the Internet for public education, discussion and action. For information about how the Internet can support your research efforts, see page 32.

Why use it?

It’s fast. You can use e-mail to send information to hundreds—even thousands—of supporters with the touch of a button, and they can forward it to everyone they know in an instant. You can use it for last-minute reminders to attend an important hearing or to move people to action quickly in the aftermath of an incident. You can use it to impact policymakers’ decisions.

It’s inexpensive. There may be instances when you need to spend the time and money copying flyers, stuffing envelopes, and mailing materials. But, you can also post to your website information that people can read online or download and print on their own. These days, getting online—the costs of acquiring the hardware, software, and website space—is more affordable than a few years ago, particularly if you are a nonprofit and can get the technology donated. More on this in *How much will it cost?* on page 62.

When to use it.

You can use the Internet at anytime and at any point in an advocacy effort. Use it to:

- ⊙ Stay in touch with your supporters and keep them informed
- ⊙ Announce new publications or other accomplishments
- ⊙ Communicate with advocates in other cities
- ⊙ Conduct online conversations with coalition members
- ⊙ Recruit volunteers or get people to take immediate action
- ⊙ Coordinate traditional grassroots organizing activities
- ⊙ Distribute press releases or submit op-eds and letters to the editor
- ⊙ Mobilize supporters to push policymakers during last-minute negotiations or voting



Real World

case study

Citizens Against Police Brutality

Consider the experience of Citizens Against Police Brutality, a grassroots human rights group in Montreal, Canada. [T]hey learned of plans by a Swiss group to stage an International Day Against Police Violence, and decided to help by doing online outreach to other human rights activists. [T]hey sent out an e-mail alert announcing a global demonstration against police violence, and offering to coordinate an information exchange between grassroots groups who wanted to organize events in their own communities. Over the next few months, the Montreal activists compiled an e-mail list of more than 40 participating organizations and activists from around the world.

The results: The International Day Against Police Violence...saw rallies, demonstrations, seminars, fundraisers, and concerts...on six of the seven continents, sparked in large part by e-mail from a single desktop in Montreal.

By using e-mail on a global scale, the Montreal group was able to involve people in a dozen nations and gather follow-up reports on events, without the high cost of using telephones or faxes. Even more remarkable: The activist who did most of the group's outreach...had first gone online just two weeks before the effort began, and she didn't use anything beyond basic e-mail. Nor did she need to.

Excerpt from Audrie Krause, *The Online Activist: Tools for Organizing in Cyberspace*, www.mojones.com/hellraiser_central/features/krause1.html (April 28, 1997).

Points to Consider in Moving Forward

- 1 How much will it cost?
- 2 Do you have sufficient resources and capacity?
- 3 Are your supporters online?
- 4 Keys to success
- 5 Red flags
- 6 What else do you need to know?

1 How much will it cost?

You will need access to a computer with Internet service, an e-mail account, and space to host your website. Computer costs vary widely. But, as a nonprofit, you may be able to get one donated. If you acquire your own computer, you will need to sign up with an Internet Service Provider (ISP) to get connected to the Internet. You may also be able to access a computer with Internet service at little to no cost at a local library or Community Technology Center (CTC). For a CTC near you, check the "Member Directory" at www.ctcnet.org, or enter your Zip code in the "get connected!" box at www.digitaldivide.network.org. Once you have Internet access, you can get a free e-mail account online. Sometimes you're provided with free e-mail accounts and website space when you sign up with an ISP.

For more information on getting equipment and software donated, free e-mail accounts, an ISP, technology funding, websites and more, take a look at "Getting Started on the Internet" at www.idealists.org/getting-started.html. Other helpful resources: "Find donated and discounted products!" section of the TechSoup website at www.techsoup.org, and the "Tech Tips for Activists" section of the Organizers' Collaborative website at www.organizenow.net.

2 Do you have sufficient resources and capacity?

Before you build a large base of supporters online, you should consider what capacity you have to follow through on the volume of potential responses. Who will promptly respond to e-mail replies, website queries, and requests for additional information? Who will have time to add new supporters to the e-mail database and delete people who have asked to be removed from the list? Once you have created your website, who will maintain and update it? You can consult TechSoup, a technology website just for nonprofits, at www.techsoup.org for information about technology resources and technical assistance, as well as getting donations and discounts.

3 Are your supporters online?

Although many more people are online these days, a lot of people still do not have access to the Internet. In fact, there's a good chance that most of the people you need to reach are not online. Encourage key supporters to get online if they are not. For others, you will need a traditional outreach plan to make sure they are engaged—mail flyers, host meetings, knock on doors, make phone calls.

Don't rely on the Internet as your sole source of communication and outreach. The personal touch still matters, whether people are online or not. If your only contact is through e-mail, eventually, some people will just hit "delete."

4 Keys to success

Seize the benefits of the Internet, but recognize its limitations. The Internet is a supplement to, not a substitute for, traditional advocacy strategies, such as grassroots organizing and coalition building, one-on-one lobbying, and picking up the phone to call a reporter. It can help you support, coordinate, leverage, and follow-up on these activities, but it does not replace them.

5 Red flags

IRS rules for nonprofits (see discussion on page 125) also apply to Internet advocacy. For an overview of the rules of cyberspace, order a copy of *E-Advocacy for Nonprofits: The Laws of Lobbying and Election Related Activity on the Net* from the Alliance for Justice at www.allianceforjustice.org/nonprofit/research_publications.

6 What else do you need to know?


This chapter outlines the basics. You can find lots more information online. Two resources to help you think about using the Internet most strategically are *The Virtual Activist 2.0* by NetAction (<http://netaction.org/training/>) and the *Online Organizers Manual* by TechRocks (www.techrocks.org/manual.html).



Taking
Action!

View the Internet as a supplement—it's not a substitute for one-on-one contact.

- ⦿ If you are trying to recruit volunteers, you will have more success by conducting outreach in person—attend community meetings, knock on doors, visit local churches. Then, send an e-mail to follow up with people who signed up and let them know how they can plug into your efforts.
- ⦿ If you are trying to get people out to an event, you can send an e-mail action alert a week or two in advance; back it up with a phone call a day or two before the event to remind people to attend.



Using Email to Energize and Mobilize Your Supporters

E-mail is a fast and an inexpensive way to communicate with a large number of people at one time, saving the time and expense of printing and postage. It can be used for one-on-one exchanges, group discussions, distributing information, and getting people involved. To make the most of this tool:

- ⦿ **Collect e-mail addresses at every opportunity.** Add an e-mail space to membership forms and sign-in sheets, include a request for e-mail addresses on your website, and create a field in your database for storing e-mail addresses. Start gathering the information now for use in the future, even if you are not ready to begin online communications.
- ⦿ **Encourage your supporters to get online,** especially those likely to respond to a call to action.
- ⦿ **When composing e-mail messages,** never leave the subject line blank; keep messages clear and concise; and always identify yourself with a signature line that includes the name of your organization, mailing address, phone and fax numbers, and e-mail and website addresses.
- ⦿ **Be discrete with group e-mail.** Make sure you always put recipient e-mail addresses in the “bcc” line instead of “to” or “cc.” Otherwise, the e-mail addresses will be visible to everyone on the list, making it possible for others to use the list for another purpose. If that happens, some people may get annoyed with you and ask to be dropped from your list.
- ⦿ **Don’t overdo it.** If your e-mails are too frequent or too long, people will not read them. Even worse, people will come to think of your e-mails as junk mail or spam, which will turn them off or away from your cause and hurt your credibility.
- ⦿ **Don’t put anything in an e-mail that you don’t want the world to know.** Since they can be forwarded on and on in an instant, you never know where your e-mails’ final destination will be, including in the hands of the opposition.

Once you've set up an email account and begun to collect email addresses, you can:

- 1 Establish a listserv
- 2 Join other listservs
- 3 Distribute newsletters
- 4 Send out action alerts
- 5 Gather signatures for a petition

1 Establishing a listserv

A “listserv” is a mass e-mail list that can be used to quickly send out information to, or facilitate an online conversation among, the people on the list. It can help you to build, engage, and activate your base. In establishing a listserv:

Choose the type of listserv based on your objectives. Do you want to initiate a dialogue? Do you want everyone on the list to have access to and use of the list?

- ⦿ **Announcement-only lists are for one-way communication;** you send out information without expecting a response or revealing the list. Recipient e-mail addresses are included in the “bcc” line, not “to” or “cc.” In your e-mail, you should let people know not to reply to the message. Otherwise, they may get discouraged when they don't receive a response from you.
- ⦿ **Moderated (and unmoderated) lists encourage discussion** among the people on the list. Moderated lists provide a screening mechanism for posts to the list; the “moderator” reviews replies and then posts those that are relevant to the list. If you decide to establish a moderated list, make sure you have someone who can carry out this function in a timely, consistent manner.
- ⦿ **Unmoderated lists are very low maintenance** in that they allow for free-flowing, unrestricted conversation. Unlike announcement-only and moderated lists, recipient e-mail addresses are included in the “to” or “cc” field so that people can reply to the whole list. Because the list is wide open, unmoderated lists run the risk that irrelevant information will be posted, which may be annoying to members on the list. So, be sure to include some guidelines to encourage appropriate use of the list.
- ⦿ **Create different categories of lists** to be more strategic and focused. By topic. By recipients' interests. By geography. By constituency.

Real World case study

Tulia, Texas

In the aftermath of the Tulia incident (where ten percent of the town's black population was jailed based on the testimony of a single undercover drug agent), Texas League of United Latin American Citizens (LULAC) employed a network of different listservs to mobilize its members across the state in support of police accountability legislation. The state office sent out e-mail action alerts and updates to each of the 21 District Directors, who, in turn, forwarded the information on to each of the Council (chapter) presidents. Each District has a minimum of three Councils; the largest District has 35. Council presidents disseminated the e-mails to their membership, ultimately reaching hundreds of LULAC members across the state. While using this new technology to the greatest extent possible, local leaders were key in mobilizing LULAC members who weren't online—which is most of the membership. For more on the Tulia lobbying effort, see page 76.

- ⊙ **If you are working on different topics**, such as establishing an early-warning system, creating a racial profiling policy, or strengthening civilian oversight, you may want to create different lists, depending on who is working on each issue.
- ⊙ **If you are trying to get people out to a protest**, to write a letter to the editor, or to testify at a city council hearing, you may want lists broken down by people's interests in volunteering for particular types of activities or willingness to take action.
- ⊙ **If you are trying to influence a local elected official**, you will need action alert lists based on where people live, since phone calls, faxes, e-mails, and petitions from people who aren't constituents are not effective.
- ⊙ **If you want to mobilize particular constituencies**, specialized lists such as youth, faith-based leaders, and seniors will help you achieve your goal.

Don't subscribe people to your lists without asking them first.

Give people an option to unsubscribe, and promptly remove them when they do.

2 Joining other listservs

There are thousands of listservs already online. By subscribing to those that are relevant to your work, you can find out what is happening in other communities, pick up promising practices and lessons learned, find out about new reports and other publications, and, depending on the type of listserv, ask questions, solicit advice, and build relationships with advocates in other places. The National Association for Civilian Oversight of Law Enforcement (NACOLE), www.nacole.org, has an active, moderated listserv that provides a national forum for exchanging information about current events and new developments in policing.

3 Distributing newsletters

E-mail newsletters are an effective way of staying in touch with your supporters, sending information and updates, and building momentum. They're cheaper than printed newsletters and easily forwarded to others for wider circulation. The Police Assessment Resource Center (PARC), www.parc.info, distributes a monthly, online newsletter, *Best Practices Review*, with the latest developments in policing across the nation. In distributing your newsletter:

- ⊙ **Be concise and consistent.** Newsletters should be short and distributed with some regularity, whether quarterly, monthly, or weekly, depending on your capacity and the phase of your advocacy effort.

- ⊙ **Make it interesting and easy to read.** Headings are helpful in allowing people to scan the newsletter and focus on the parts they are most interested in. Consider putting the content in the text of the e-mail instead of an attached document. Photos are nice, but use them sparingly—they may be difficult for some people to download when they open your e-mail.
- ⊙ **Use it to help build your base.** Include information in the newsletter about how to subscribe, so those who received it from someone else can sign up on their own.
- ⊙ **Reinforce it with your website.** Include your website address in the newsletter for those who want more information. And post the most recent newsletter, if not an archive of all old newsletters, on your website.

4 Sending out action alerts

“Action alerts” are e-mails that urge your supporters to take a specific and an immediate action, such as writing a letter, making a call, or sending an e-mail or a fax to a public official. Take a look at the ACLU national website at www.aclu.org for a sample of its alerts on policing. In sending out your action alerts:

- ⊙ **Have a clear and compelling subject line.** With all the e-mail people receive, you want to make sure they take notice when urgent action is needed.
- ⊙ **Keep the text short and focused.** Use accessible, clear language; no jargon. Ask for a specific, concrete action. If the alert is cumbersome or confusing, people will not take action.
- ⊙ **Provide sufficient information.** Include a brief background with a link to your website for more information. Give people talking points if you ask them to make phone calls or lobby.
- ⊙ **Make it easy for people to respond.** Include sample text for a letter, e-mail, or fax. Provide contact information for the decision-makers you want people to reach.
- ⊙ **Use time-saving tools.** If you want an e-mail action, use the “mail-to” function with the decision-maker’s e-mail address, such as <mailto:info@policylink.org>, so supporters can just click a highlighted link in the text of the alert. If you have a website with a fax server that always allows you to send faxes through your website, include a link to it so supporters can easily access the site.

- ⊙ **Include a deadline for action.** You want people to respond in time and stop forwarding the alert when the time for action has passed.
- ⊙ **Let people know how to contact you with questions.** Since your alert may be forwarded to people who do not know you, include your address, phone number, and a link to your website.

5 Gathering signatures for a petition.

E-mail petitions are just like paper petitions, only they are transmitted electronically. They usually include a request that you sign your name at the bottom, forward the e-mail to others, and then send the petition to a particular person once it has a certain number of signatures.

A lot of people use e-mail petitions, but they are usually not very effective because the instructions are not always clear: the petition isn't signed properly, it ends up having lots of duplicate signatures, or it bounces around in cyberspace indefinitely without ever reaching its intended target. Given all the challenges of e-mail petitions, you may want to use an old-fashioned paper petition instead.

To increase your likelihood of success:

- ⊙ **Include background information** and a link to your website for more information, a cut-off date, and a clear recipient to send the petition to once you have the requisite number of signatures.
- ⊙ **Host the petition on your website.** Instead of sending the petition out into cyberspace, send an e-mail with a link to your website, where an online petition can be signed that you can forward to the appropriate decision-maker.
- ⊙ **Consider using an action alert** instead for a more individualized response, which may have greater impact.



SAMPLE E-MAIL ACTION ALERT

From: Lucy Advocate
Sent: Monday, April 14, 2003
Subject: FairPolicing Alert – STOP RACIAL PROFILING IN BIG CITY!!

**TELL YOUR CITY COUNCIL REPRESENTATIVE TO VOTE “YES”
FOR RACIAL PROFILING DATA COLLECTION**

Racial profiling is the unfair practice where some police officers target racial minorities for traffic stops and searches based on their race or ethnicity. Racial profiling is illegal. It’s also ineffective law enforcement—because race isn’t an indicator of criminal activity.

This Thursday, April 17, 2003, the City Council will vote on whether to require all Big City police officers to collect data on the race of people singled out for traffic stops. Tell your City Council representative to vote YES! You can also point out that:

- Racial profiling is illegal and must be confronted in Big City
- Data collection will allow us to detect racial profiling and stop it in its tracks
- Other police departments across the state are already doing the right thing and collecting these data—Big City should, too!

Call to action:

1. CALL:

Councilmember Jones
(District 1) at 510/555-1234
Councilmember Smith
(District 2) at 510/555-1235
Councilmember Wilson
(District 3) at 510/555-1236

2. FAX:

Councilmember Jones
(District 1) at 510/555-2222
Councilmember Smith
(District 2) at 510/555-3333
Councilmember Wilson
(District 3) at 510/555-4444
or, use the fax on our website
by clicking [here](#)

3. E-MAIL:

Councilmember Jones
(District 1) at jones@city.gov
Councilmember Smith
(District 2) at smith@city.gov
Councilmember Wilson
(District 3) at wilson@city.gov

If you’re not sure which District you live in, click [here](#). For talking points or a sample fax, click [here](#).

Deadline: 12:00 p.m. on Thursday, April 17, 2003. If your City Council representative doesn’t hear from you before the Council meeting, your opinion won’t count!

For more information on racial profiling and data collection, go to:
www.profilesininjustice.com and www.aclunc.org/dwb/dwbreport.pdf

Please forward this e-mail to everyone you know who lives in Big City.

Lucy Advocate
FairPolicing
2000 Main Street
Big City, CA 94607
Phone: 510/555-2333
Fax: 510/555-2334
E-mail: lucy@fairpolicing.org
Visit our website at www.fairpolicing.org

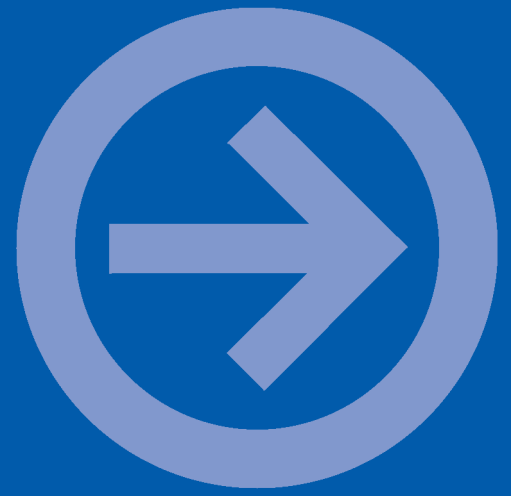
Using Your Website to Inform and Enlist Supporters

Websites can serve multiple functions: provide background information about your organization and issues; create a venue for recruiting volunteers, facilitating action, or soliciting contributions; connect and convene people in cyberspace; and much more. Make sure your website gives people enough information to get them up to speed on the issue, gain an understanding of what you are trying to accomplish, and quickly figure out how they can participate or otherwise support your effort. Consider including sections such as:

- ⊙ **Home.** The first page of your website with links to the other sections.
- ⊙ **About Us.** Background information about the mission and work of your organization.
- ⊙ **Press Room.** Links to news releases, newspaper articles, op-ed articles, and other media-related information.
- ⊙ **Publications.** Downloadable reports, newsletters, pamphlets, and any other material you have produced.
- ⊙ **Take Action Now.** Fax, e-mail, phone call, petition, or other action alerts. Sample letters. Downloadable talking points and flyers.
- ⊙ **Contact Us.** Address, phone and fax numbers, an “info” e-mail link or links to individual staff members.
- ⊙ **Support Us.** Sign up to volunteer, make a donation, or join the action alert list.
- ⊙ **Subscribe.** Sign up to receive notice of new publications, newsletters, or action alerts.
- ⊙ **Resources.** Links to coalition members, other organizations working on similar issues, or reports on relevant topics.
- ⊙ **Search.** Search the website by key words or topics.
- ⊙ **Join the Conversation.** Discussion forums and bulletin boards.

And finally:

- ⊙ **Announce the launch or redesign of your website.** Send an e-mail out to your listserv and to other appropriate listservs.
- ⊙ **Publicize your website as often as possible.** Put your website address on all communications—brochures, newsletters, action alerts, press releases, flyers, publications. Include it on your letterhead, business cards, and the signature line of your e-mails.
- ⊙ **Ask coalition members or other organizations** working on similar issues to include a link to your website on theirs.
- ⊙ **Don't go overboard.** Build a quality website, but don't include so many “bells and whistles” that your site is confusing, visually distracting, or so large that potential supporters—who may not have the same level of technology—cannot load the site.
- ⊙ **Keep it fresh.** People expect to see new content when they come back to a website—it's the nature of the Internet. If someone visits your website three or four times over a few months and nothing has changed, it's possible s/he will not return for another visit.



Getting What You Want
and Changing the Rules



Lobbying and Legislation: Enacting Better Laws

What is lobbying?

Lobbying is taking action to influence legislative decisions at the local, state, or federal level—whether it is directed toward elected officials on the city council, in the state legislature, or in Congress, or toward the public to get it to express its point of view on specific legislation to elected officials. Lobbying can take many forms, including proposing, endorsing, or opposing legislation; meeting with lawmakers to urge their support; developing materials for allies and constituents; and providing testimony for or against pending legislation.

Why use it?

Because it yields results. Legislation gives policy and procedure the weight of law. If the law is not followed, you have an enforcement mechanism in the courts to seek compliance. In 2000, the Rhode Island Legislature passed legislation mandating racial profiling data collection. However, two police departments—the Providence and Woonsocket police departments—refused to comply with the law. Local advocates sued the departments in 2001 and 2002, respectively. In one case, the judge ordered the police department to comply and required independent monitoring (at the city’s expense) to ensure ongoing compliance. In the other case, seeking to avoid a lengthy and costly court battle, the department took corrective actions to come into compliance with the law.

Win or lose, you usually gain something valuable. In 2001 at the local level and 2002 at the state level, advocates in Prince George’s County, Maryland, sought changes in the Law Enforcement Officers Bill of Rights. Although the bills did not pass, advocates felt their efforts were still worthwhile because they have since been able to mobilize community groups around the state to fight police misconduct and lobby for legislative change. They also made progress in educating legislators about the need for greater oversight of police departments. Similarly, in Utah, California, and other states where state legislation mandating racial-profiling data collection failed, public and political support at the local level became the catalyst for some police departments to begin collecting data voluntarily.

When to use it.

Offensively. Propose legislation because change is needed, the time is right, and you have public support behind you.

Defensively. Mobilize to defeat legislation that will harm your constituency and progress on your issues.

Protectively. Opponents will often try to diminish your gains in one forum by resorting to another forum. In 2001, Miami voters passed a ballot initiative establishing citizen oversight of the police department, leaving implementation details to the city commission to resolve. The Fraternal Order of Police lobbied aggressively for three months to limit the new oversight body’s investigative and subpoena powers and otherwise weaken the initiative structure. Advocates stayed on the case and lobbied hard to maintain a meaningful structure, ultimately prevailing on seven out of eight of their implementation demands (you can review their list at www.acluf.org/body_ciprelease2-13-02.html).



Real World case study

Lobbying for (and against) legislation at the local, state, and national levels

Advocates have used lobbying to:

- ⊙ Require police officers to wear visible identification in Seattle.
- ⊙ Oppose legislation authorizing local law enforcement to enforce federal immigration laws in Colorado.
- ⊙ Seek access to records of officer misconduct in Austin.
- ⊙ Secure statewide mandates to collect data on racial profiling in Connecticut, North Carolina, and Rhode Island, to name a few.
- ⊙ Push federal legislation for greater police accountability through bills such as the Traffic Stops Statistics Study Act, the End Racial Profiling Act, and the Law Enforcement Trust and Integrity Act.

Points to Consider in Moving Forward

- 1 What is the legislative process in your city or state?
- 2 Do you have sufficient resources and capacity?
- 3 Is this the right time?
- 4 Do you want to hire a professional lobbyist?
- 5 Red flags
- 6 What else do you need to know?

1 What is the legislative process in your city or state?

Before you launch into the legislative process, you should know how it works. How do ordinances and bills get drafted and introduced? What committees, if any, do they have to clear? When is public testimony permitted? How and where does the budget process fit in? When and where do ordinances and bills get signed into law? City council rules are different than those of the state legislature, which are different than those of the federal government—although they usually have similar components. In addition to the technical procedures, you should try to learn the politics and potential pitfalls of each phase of the legislative process. At what point might your sponsor trade your ordinance or bill for another one with a higher priority? When should you be on the lookout for amendments? Where can your ordinance or bill get stuck in limbo or die?

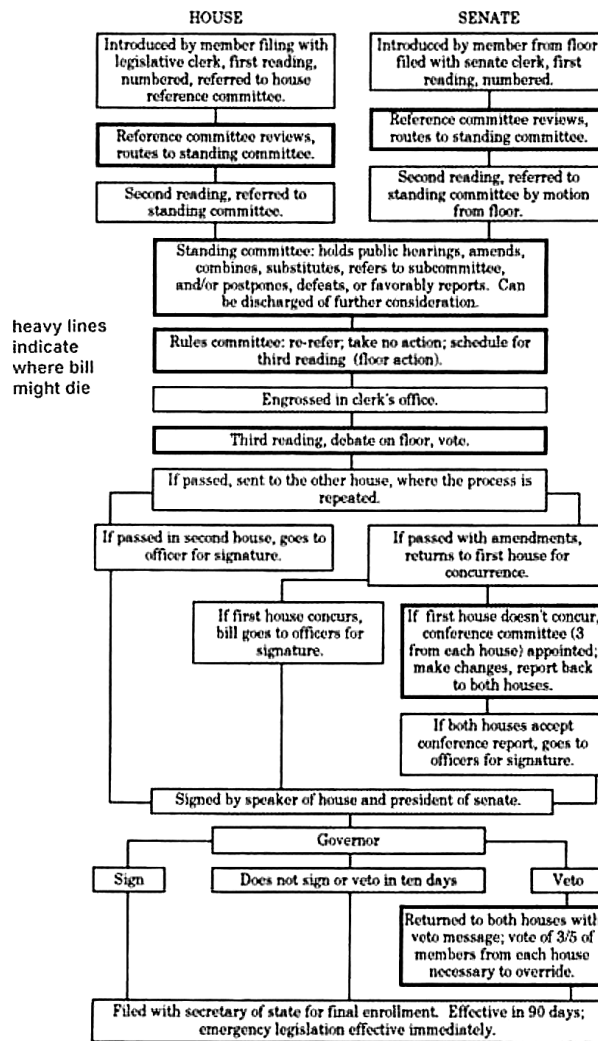
You can get some of this information on the Internet, at your local library, at government offices such as the clerk's office of the city council or state legislature, or from nonprofit organizations that support civic participation such as the League of Women Voters and Common Cause. Some of it you will need to learn from others who have lobbying experience or, as is often the case, learn as you go. Try to find out as much as you can on the front end so that you can anticipate challenges and develop a plan for addressing them.

In California, you can find most of what you need to know about the state legislative and budget processes on the Internet, including resources such as the website of the Office of the Chief Clerk of the California State Assembly at www.assembly.ca.gov/clerk/BILLSLEGISLATURE/LEGPROCESS.HTM; *Dollars and Democracy: An Advocate's Guide to the California State Budget Process* from the California Budget Project, available at www.cbp.org/order.htm; *The Legislative Process: A Citizen's Guide to Participation* and *The Budget Process: A Citizen's Guide to Participation* by the League of Women Voters of California Education Fund, available at <http://ca.lwv.org/lwvc/edfund/govtinfo/state.html>).

For information on the legislative process in Congress, see *How Congress Works: A Handbook on Congressional Organization and the Legislative Process* by Marlowe & Company, available at www.netlobby.com/resources.htm.

The League of Women Voters of Ohio Education Fund provides the following flowchart of the Ohio state legislative process, along with information about how a bill becomes a law, in *Know Your Ohio Government*, available at www.lwvcincinnati.org/Bill_To_Law_OH.ssi.

HOW A BILL BECOMES A LAW IN OHIO



Advocates often seek legislation after incidents that highlight the need for fundamental change

- ⊙ In response to nationally-publicized, aggressive police action against protestors at the 1999 World Trade Organization meeting in Seattle, advocates successfully lobbied the Seattle City Council to adopt legislation requiring officers to wear visible identification on their outermost garments and orally identify themselves when asked by residents. The inability to identify officers during the protest made it virtually impossible to hold individual officers accountable for their conduct.
- ⊙ After ten percent of the town's black population was jailed based on the testimony of a single undercover drug agent, advocates in Tulia, Texas, and across the state introduced a series of bills in the Texas state legislature in 2001 requiring, among other things, corroboration of officer testimony. See page 76.
- ⊙ Washington, DC, advocates successfully lobbied the city council for legislation in 1998 establishing a new, stronger citizen oversight agency (the earlier, ineffective agency was abolished in 1995). At the time, the Metropolitan Police Department was under great public scrutiny amid allegations of mismanagement, lost evidence, inadequate training and discipline, questionable police shootings, and police brutality.
- ⊙ Bills establishing early warning-system mandates, whistleblower protections, and more accessible citizen complaint processes were introduced into the California Legislature by the Speaker of the Assembly following the widely-aired videotaped beating of a 16-year-old in Inglewood, California, in 2002.

2 Do you have sufficient resources and capacity?

The level of resources you need depends upon the role you intend to play. Will you be leading the charge or supporting another organization that's taking the lead? If this is your first time trying to move legislation, you may want to have another organization (if one exists) lead the drive for the bill from beginning to end, but play a close supporting role so you can gain the experience needed to take the lead the next time around. If you are taking the lead, do you have dedicated staff to keep the ordinance or bill moving forward, partners and allies informed and engaged, legislative sponsors supported and prepared? Many organizations use existing staff or dedicated volunteers to lobby—people who already have knowledge and experience or whom they train. Some groups hire full- or part-time staff or consultants to increase their lobbying capacity. Who will join your efforts? What resources will they bring? What constituencies and how many constituents can they mobilize?

3 Is this the right time?

If you are lobbying defensively—opposing bad legislation—there usually is no right time. You have to make the choice whether to enter the fray. Consider: Is there another organization that can take the lead? How central is this issue to your work? How harmful? Can you galvanize the resources and public support you need to build meaningful opposition?

If you are thinking about proactively seeking legislation, consider not only your resources and capacity to move legislation, but also: What level of public support can you count on? How much political will is already present and how much can you build? You need to have some sense that public opinion is with you. If you have little to no public support, it's not likely that you can successfully create political and public will in one legislative session. That's why advocates often seek legislation in the immediate aftermath of a high-profile incident that demonstrates the need for fundamental change.

4 Do you want to hire a professional lobbyist?

You do not need a professional lobbyist to pass legislation; anyone can lobby. However, organizations sometimes hire a lobbyist because they lack the in-house capacity or they want to leverage the lobbyist's contacts and get advice on strategy and tactics. If you are considering hiring a lobbyist, make sure you find out his or her reputation and any conflicting interests s/he may have. Treat the lobbyist like a consultant: stay in the driver's seat, be clear about what you are trying to achieve, and make sure s/he keeps you informed. Also find out whether another advocacy organization with a similar mission already has a lobbyist on staff with whom you could work to support or oppose legislation.

Be aware that police often have well-funded and very influential professional lobbyists to push bills they want (often annually) and oppose those they do not like. For example, at the state level in Texas, there's the Combined Law Enforcement Associations of Texas (www.cleat.org) and, in California, the California Organization of Police and Sheriffs (COPS) (www.cops.cc). At the national level, there's the National Association of Police Organizations (NAPO) (www.napo.org).

5 Red flags

Pay attention to pending legislation introduced by others that you may want to support or oppose. You may find that another organization is already moving needed legislation that you can weigh-in on or harmful legislation that you need to stop in its tracks. You can get a lot of information about police legislative agendas on the Internet by visiting the websites of advocacy organizations such as the ACLU (<http://aclu.org/PolicePractices/PolicePracticesMain.cfm>) and the Leadership Conference on Civil Rights (www.civilrights.org/issues/cj/) or police organizations such as NAPO (www.napo.org/legislative-update), COPS (www.cops.cc/legislative.html), and CLEAT (www.cleat.org/news/2003/090103a.html).

Exercise caution with compromise. In lobbying for legislation, compromise is a given—the way an ordinance or a bill begins is hardly ever the way it ends. You should start with a version that leaves room for you to give up something and end with a version that achieves something meaningful despite your concessions. Decide with your coalition your bottom line. Sometimes it's out of your control and the result is unsatisfactory. In such case, you have to decide whether to organize in opposition to the ordinance or bill you once advocated for if it is still moving through the legislature. At the end of the day, some advocates initially seeking mandatory racial-profiling data collection wound up with voluntary collection and training.

Be mindful of funding. What resources are required to implement your legislation? Where will they come from? How will you ensure you get them and maintain them year after year? Identify and advocate for resources, but don't lose heart if they are not immediately apparent—anything can happen if you have built the public and political will for change.

Show me the money!

Consider how much money you need and where it will come from to ensure implementation of your proposed legislation:

- ⦿ Racial-profiling data collection legislation was defeated in the Montana Legislature when the governor's budget office (a few minutes before the public hearing on it) estimated that the bill would cost Montana law enforcement over \$225,000 over two years. The first fiscal note estimated a cost of \$5,000. Worthy of note: Between the first and second estimates, local police officers testified that the bill would require new staff and expensive technology and legislators received calls from their local police chiefs concerned about increased costs.
- ⦿ When Washington, DC, advocates achieved strong legislation in 1998 establishing a new citizen oversight agency, their principal concern was ensuring adequate funding so that the new agency could manage the complaint caseload (the consistent backlog in the earlier agency led to its demise in 1995). They lobbied aggressively and effectively for a \$1 million budget, which they vigilantly advocate for each year.

A blue circular graphic with a globe icon in the background. The text "Real World" is written in a large, white, sans-serif font, and "case study" is written in a smaller, white, sans-serif font below it.

Real World case study

6 What else do you need to know?

Be absolutely clear about your lobbying limits. Nonprofits can lobby elected officials and the public, as long as it is not a significant part of the work that they do. Make sure you understand the rules before you engage in any lobbying so that you do not exceed your limits and you comply with any reporting, disclosure, and documentation requirements. That way, you can lobby to the fullest extent permitted by law without crossing any lines, including ones that could cost you your nonprofit status. A number of publications and organizations provide detailed information on nonprofit lobbying. A recommended place to start is the Alliance for Justice. Visit its website at www.allianceforjustice.org/nonprofit/index.html or call 202/822-6070.

Learn more about lobbying generally. There are numerous resources on the Internet and at your local library to walk you through the legislative process and provide sample letters and testimony as well as additional tips and tactics. For starters, take a look at *Learning to Lobby: Steps to successful legislative advocacy*, available on the PolicyLink website at www.policylink.org/publications.html; *The Nonprofit Lobbying Guide*, available on Charity Lobbying in the Public Interest's website at www.clpi.org/toc.html; and *How—and why—to influence Public Policy: An Action Guide for Community Organizations*, www.communitychange.org/publications/pubpolicy.htm.

In 1999, ten percent of the African-American population in the town of Tulia, Texas, was arrested on drug charges brought as a result of the testimony of a single undercover officer. It was later discovered that the officer had a history of questionable conduct. Local advocates first brought litigation (see *Litigation* chapter, page 112), but soon realized that the community outrage and media spotlight could be seized upon for broader reform. Advocates analyzed what went

wrong procedurally in the Tulia case and what changes should be made to avoid such a situation in the future. Ultimately, advocates recognized that the Tulia incident was an example of much of what is wrong with the criminal defense system in Texas—from whom police target for investigation to the indigent defense system, prosecutorial and judicial discretion, and jury selection. They decided to pursue three issues in the legislature in 2001: limiting judicial power from excluding evidence that might exonerate a defendant; disclosure of police officers' disciplinary records; and corroboration of police officers' testimony in criminal prosecutions. During the course of the legislative process, the third bill mandating corroboration was expanded to include confidential informants as a result of a similar incident that occurred in Hearne County involving convictions based on the testimony of a single informant.

The chair of the House committee—a representative with a strong interest in criminal justice issues—agreed to sponsor the bills. The coalition also recruited an unlikely Senate sponsor: a first-year senator whose main issue of interest was health (see *Assessing the political landscape*, page 78). With sponsors in both houses, advocates were able to move their bills simultaneously through both legislative chambers. It also gave advocates two playing fields—there would be two versions of the bill such that advocates could pursue whichever version came out stronger and, if the bill failed in one house, it could still move forward in the other—and required the opposition to work twice as hard.

Advocates worked with an existing coalition—the Texas Criminal Justice Coalition—and also formed an unprecedented coalition in Texas of MALDEF, ACLU, LULAC, and the NAACP (see *Organizing and Coalition Building* chapter, page 19). They wrote letters to legislators, held news conferences, and mobilized hundreds of Tulia residents who traveled the 20-hour round trip to the state capital to participate in a lobby day, visit with legislators, and testify in support of the bills. Advocates felt the community members were the most persuasive spokespeople; it was difficult for legislators to turn their backs on their stories. Coalition and community members were kept apprised of developments in the legislature and upcoming events through both e-mail and regular mail (see *Internet Advocacy* chapter, page 65), as well as through local organizations and local chapters of the NAACP and LULAC. This connection was critical to keeping community members engaged.

Advocates reached out for support across the political spectrum. Through lobbying conducted by ministers who quoted scripture in the Bible about witness corroboration, they were able to gain the support of conservative legislators, based on principle, who may not otherwise have supported their cause.

The police lobby proved a well-funded and well-organized opposition. However, the principal opposition came from prosecutors who vigorously fought the limitation on one of their key tools in obtaining convictions—the testimony of police officers and confidential informants.

Advocates succeeded in passing two of the three bills. The corroboration bill succeeded as a result of a compromise: the legislation would cover confidential informants, but not peace officers. Advocates felt the outcome was a success, even with the compromise: The legislation would be a significant improvement to the criminal defense system, which otherwise allowed individuals to be convicted based on the uncorroborated testimony of confidential informants. There was little chance the legislation would pass without a compromise; a win—even a scaled-back version—would go a long way in empowering the community and mobilizing support for future actions (notably, many community members are now involved in enforcing the racial profiling laws that were also recently passed in Texas). Advocates could attempt to go back to the legislature the next session to strengthen the legislation (in fact, advocates recently introduced another bill requiring corroboration of officer testimony, gaining renewed momentum as a result of the Dallas “sheetrock” scandal, in which it was discovered that one-half of all cocaine seizures in 2001 were actually ground sheetrock, not drugs; see, e.g., www.aclutx.org/projects/police/legislature/undercovercorroboration.htm). The willingness to compromise gave supportive legislators the ability to stand up and say to their colleagues that the police, LULAC, the ACLU, NAACP, and others have come together and agreed, paving the way for other legislators to join in passing the legislation and short-circuiting the usual three sessions to pass legislation in Texas—a win in the first session was a huge lobbying success.



Laying the Foundation for Your Legislative Agenda

- 1 Identify an issue
- 2 Galvanize partners and allies
- 3 Assess the political landscape
- 4 Size up the opposition
- 5 Prepare materials and spokespeople

1 Identifying an issue

Anyone can propose legislation. In fact, legislators often introduce ordinances and bills as a result of problems brought to their attention by individuals and organizations in the community.

In choosing an issue, consider:

- © **Is it immediate, specific, and realizable?** Could your members be hurt or helped by what's proposed? Do your members have direct experience with this issue? Could your organization and its work be hurt or helped? Can you make a difference if you get involved? Can you make new friends? Can it help build your organization in other ways? Can you stay out of this fight and keep your credibility? What messages can you communicate? These and other issues are explored in "How to choose issues" in the Center for Community Change's manual, *How—and why—to influence Public Policy: An Action Guide for Community Organizations*, www.communitychange.org/publications/pubpolicy.htm.
- © **What are the facts?** Politics? Who is affected by the problem? How? Can you come up with realistic and achievable solutions? What real-life stories can you tell?

2 Galvanizing partners and allies

Lobbying strength is usually demonstrated by the number and range of people who stand with you. The broader your public support, the more likely legislators will pay attention and hesitate to side with the opposition.

Build a broad-based coalition. Seek racial, ethnic, geographic, and organizational diversity, as well as a range of skills, resources, and contacts. For more on organizing and coalition building, see page I3.

Reach out to law enforcement and other nontraditional allies. In seeking passage of the Traffic Stops Statistics Study Act in Congress, national civil rights organizations such as the

NAACP, ACLU, and the National Council of La Raza joined forces with the Hispanic American Police Command Officers Association and the National Organization of Black Law Enforcement Executives.

Develop a legislative network. Your coalition partners can lay the foundation for building a broader legislative network of organizations and individuals who can be moved to action when needed—to make phone calls, write letters, attend protests. Be sure to keep the larger network informed, engaged, updated, and prepared to take action quickly. For more on legislative networks, see “Developing Grassroots Action Through a Legislative Network” in *The Nonprofit Lobbying Guide*, available on Charity Lobbying in the Public Interest’s website at www.clpi.org/toc.html.

Brainstorm about supporters who will not necessarily join your effort, but who will stand up to support or oppose legislation you are working on. For example, when the Houston Police Officers Union was advancing bills in the legislature that would remove certain disciplinary records from police personnel files, open-records supporters such as the local newspaper association in addition to police accountability advocates opposed the bill.

3 Assessing the political landscape

Gather intelligence about where different legislators are likely to stand on your issue. You should never go into the legislative process uninformed. Besides, you never know—you may find out that officials you assumed would be with you are not and officials you would not have thought to approach are in your camp.

What issues are various legislators interested in?

How have they voted in the past? Whom do they usually listen to, if not you? Other electeds? Clergy? Business? Other constituents? What do their constituents care most about? Who are their major contributors? You can get some of this information from legislators’ websites and newsletters. Websites such as Project Vote Smart (www.vote-smart.org) also contain useful information.

Where do various legislators fit into the scheme of things?

Are they with you? Undecided? Staunchly opposed? Some legislators will already be with you; some you will never win over; and most will likely be somewhere in the middle. It’s the ones in the middle that you usually need to focus on most. Remember: You do not need to win everyone over—most times, you only need 50 percent plus one.

Do not hastily rule out any possibility. With the Tulia bills (see page 76), one of the co-sponsors was a legislator who was not previously involved in criminal justice issues and who did not sit on any relevant committees. She and her staff were moved by video footage that told the Tulia story. Advocates went to her because they knew, as a person, she was likely to take a stand for legislation simply because she believed in it and felt it was the right thing to do regardless of its chances of passage (as opposed to some of the advocates’ usual legislative allies who would not touch the legislation with a ten-foot pole because they thought it would not pass).

4 Sizing up the opposition

It is always worth assessing what you are likely to be met with on the other side.

Who are your likely opponents? Are they effective? Aggressive? How well-organized are they? Funded? Who are their allies and supporters? Are they well-connected? Are they big political contributors? Often—but not always—it’s the police union that strenuously opposes externally initiated change. Sometimes opposition will emerge from other quarters as well. In the legislative fight over the Tulia bills, police unions opposed the legislation, but prosecutors were the ones who levied the strongest opposition; they traveled from all over Texas to lobby against the bills in the capital.

What are the opposition’s arguments likely to be?

How will you counter them?

Consider meeting with the opposition. You may gain valuable information about their position or find grounds for compromise at a later date.



Taking Action!

Targeting Legislators

The Democracy Center divides legislators into five basic categories, each requiring its own strategy:

- 1. Champions** All issues need a group of lawmakers dedicated to being tireless, committed advocates for your cause. What they can do for you is make the case to their colleagues, help develop a strong “inside” strategy, and be visible public spokespeople. What they need is good information and visible support outside City Hall or the Capitol.
- 2. Allies** Another group of legislators will be on your side but can be pushed to do more—to speak up in party caucuses or on the floor.
- 3. Fence Sitters** Some legislators will be uncommitted on the issues, potentially able to vote either way. These are your key targets; your lobbying strategy is about putting together the right mix of “inside” persuasion and “outside” pressure to sway them your way.
- 4. Mellow Opponents** Another group of legislators will be clear votes against you, but who are not inclined to be active on the issue. With these legislators, what’s key is to keep them from becoming more active, lobbying them enough to give them pause but not enough to anger them.
- 5. Hard-Core Opponents** Finally, there are those lawmakers who are leading your opposition. What is important here is to isolate them; to highlight the extremes of their positions, rhetoric, and alliances; and to give other lawmakers pause about joining with them.

Edited excerpt from The Democracy Center, *Lobbying—the Basics*, www.democracyctr.org/resources/lobbying.html (1997).

5 Preparing materials and spokespeople

Although sometimes you may have to “wing” it, long-term success in the legislature depends upon being prepared.

Prepare your key arguments and messages. You have to both make your case and appeal to legislators’ self-interest since they usually have their own agenda and the interests of their constituents. Know the opposition’s arguments and how you will refute them.

Educate your partners and allies on the legislative process, lobbying, and your key arguments and messages.

Prepare materials for partners and allies, legislative supporters, and the media—fact sheets, frequently asked questions (FAQs), sample letters along with legislators’ contact information, talking points.

Support your sponsors. Keep them interested, engaged, and committed. Offer to do as much of the work for them as possible—prepare them for hearings, find co-sponsors, draft documents. Equip your sponsors and their staff with the tools they need to effectively move your legislation forward.

Lobbying Your Legislators

Once you have laid the foundation for your legislative efforts and have the lay of the land, your goal is to convince legislators to side with your position. You can employ a range of tools and tactics. Some activities occur inside the halls of legislature, such as proposing legislation or amendments, meeting with legislators and their staff, and testifying at hearings; other activities are initiated outside the legislature to build public pressure on legislators to come your way, such as meeting with legislators in their districts, letter writing, public protests, and media work. Always coordinate your inside and outside activities to make sure you are consistent and achieve maximum effect.

- 1 Write letters, send faxes and e-mails, and phone legislators
- 2 Meet with legislators
- 3 Testify at hearings
- 4 Stage public protests or other public actions
- 5 Develop media
- 6 Stay on the case

1 Writing letters, sending faxes and e-mails, and phoning legislators

Letters are definitely worth the time. Legislators recognize that each letter they receive represents several additional constituents who feel the same way but have not taken the time to write. That's why, in addition to submitting your own letter, you should get your partners and allies to submit letters as well.

Be clear and concise. Keep your letter to one page, at most two, and address only one issue per letter, if possible. Clearly identify the bill you are writing about and the position you are urging (vote “yes” or “no”). Make two or three of your strongest arguments for or against the proposed legislation. Remember: Legislators receive many letters on many different issues; if you want any chance of grabbing their attention, your letter should be easy to read and understand.

Identify yourself and your constituency. Say something about who you are and whom you represent—you want the legislator to understand that you are someone s/he should listen to. Give an example of a personal story—preferably from the legislator's own district—that shows how the bill impacts real people and that the problem is not an isolated incident. Legislators hear about what's good and bad policy all the time; real-life experiences capture their attention.

Avoid using form letters whenever possible and avoid them altogether if you cannot deliver extraordinary volume. Personal, individually signed letters are far more effective. When you are soliciting letters from partners and allies, provide a sample with a request that they use it as a guide in writing a letter in their own words.

You can view a letter sent by the ACLU of Florida to the Miami-Dade County Board of Commissioners urging the board to adopt an ordinance limiting local police involvement in enforcing immigration laws (including proposed ordinance language) at www.aclu.org/Files/OpenFile.cfm?id=10370.

While letters tend to be most effective, you can also fax, phone, and e-mail your legislators. Usually, you use e-mails, faxes, and phone calls right before a bill is coming up for a vote to remind legislators of the importance of their vote to you. If you are planning to organize a fax, phone, or e-mail tree, provide partners and allies with the contact information for their representative because the most effective contacts are those that come from legislators' own constituents. For more on e-mail advocacy, see page 64.

2 Meeting with legislators

Face-to-face contact with legislators is key to humanizing the problem, demonstrating commitment to solving it, and developing relationships for the long term.

Organize a small, diverse group of participants, perhaps three to five people. Make sure at least some participants reside in the legislator's district.

Select your best spokespeople and message. Advocates in Tulia, Texas, needed support for their bills from some of the more conservative legislators, whom they knew would be difficult to reach, based on traditional political views. With Texas being a Bible Belt state, they decided that the best messengers for these legislators were ministers from Tulia and surrounding areas. In lobbying the legislators, ministers cited scripture from the Bible requiring corroboration of witnesses. The strategy worked: Some of those legislators joined their cause, even invoking the Bible during debate on the legislation.

Decide ahead of time how you will conduct the meeting. Who will introduce the participants? Lead the meeting? Close the meeting? What materials will you leave with the legislator at the end of the meeting?

Get to know legislators' staff. Legislators often rely heavily on the advice of key staff members. It is important to establish a good relationship with these staff members, make sure they have adequate information about your legislation, and try to learn from them any concerns you may need to address to move your legislation forward. Often, they are your main point of contact if a legislator tends to be unavailable or inaccessible.

For more tips on meeting with legislators, such as scheduling, preparing for, conducting, and following up after the meeting, see *Tips on Meeting with Your Elected Officials*, available at <http://archive.aclu.org/action/lobby.html> and *Six Practical Tips on How to Lobby Your Legislator or Elected Official in Lobbying—the Basics*, available at www.democracyctr.org/resources/lobbying.html.

3 Testifying at hearings

This is not one of those times when you can “wing” it! Always be prepared before you give testimony on pending legislation.

Get a rough vote count before you attend the hearing and try to find out about outstanding issues and concerns. Having this information will help you choose the best witnesses, know what points you need to emphasize in your testimony, and consider amendments you may need to offer or agree to.

Choose credible and effective witnesses. Assemble a combination of people impacted by the legislation, experts, and individuals and organizations representing legislators' constituents.

Write your testimony in advance so that it is clear, concise, and persuasive. Include personal stories whenever possible to show how the issue affects real people. Prepare a summary of your testimony for distribution at the hearing to legislators, the media, and other attendees. Anticipate questions legislators might pose and how you will respond.

Pack the legislative chambers with supporters—and call the media. Wear buttons, T-shirts, or other identifying items to show legislators and the media the strength of your support.

Equip your legislative allies with tough questions for your opponents and supportive statements they can make on your behalf. Discuss in advance amendments that may be offered and the bottom line for any compromise.

You can view Larry Frankel's *Testimony on Racial Profiling Presented by the American Civil Liberties Union of Pennsylvania to the House Judiciary Committee's Subcommittee on Crimes and Corrections* at www.aclu.org/RacialEquality/RacialEquality.cfm?ID=8795&c=133 or Laura Murphy's *Testimony of Laura Murphy, Director, Washington National Office of the American Civil Liberties Union at the Congressional Black Caucus Hearing on Police Abuse* at www.aclu.org/PolicePractices/PolicePractices.cfm?ID=5042&c=117. For more tips on preparing hearing testimony, see *Rules for Effective Congressional Testimony in How Congress Works: A Handbook on Congressional Organization and the Legislative Process* by Marlowe & Company, available at www.netlobby.com/hcw.htm.

4 Staging public protests or other public actions

Consider organizing an action that energizes and mobilizes large numbers of supporters and captures legislators'—and media—attention.

Public protests can sometimes turn up the heat on lawmakers to vote your way or at least think twice about siding with the opposition.

Lobby Day is an opportunity to mobilize large numbers of people to meet with multiple legislators on one day to show your legislative power and gain media attention. The day usually begins with lobbying skills training and a teach-in on your issues, followed perhaps by a rally and news interviews, a couple of hours of meetings with legislators, and an end-of-day debrief session. Sometimes supporters wear buttons, hats, or t-shirts to emphasize their presence and position.

5 Developing media

Elected officials care about their public image. They want to be portrayed favorably in the news. Develop a media strategy around your legislation that includes news conferences, letters to the editor, opinion editorials, or other media strategies that put your issue in the public domain, maintain public scrutiny throughout the legislative process, and provide a vehicle for keeping pressure on elected officials, turning up the heat on those who are against you, and applauding those who stick with you. For more tips on developing the media, see page 43.

6 Staying on the case

Lobbying campaigns rarely come to a definitive end.

If your proposed legislation is defeated, there's frequently another opportunity to reintroduce it. It happens all the time: Look at federal legislation such as the End Racial Profiling Act and the Law Enforcement Trust and Integrity Act and state legislation such as the Tulia bills.

If you win, do not become complacent. Monitor implementation and make sure your legislation is fully funded. Look out for opposition attempts to undo or diminish your victory by trying to repeal your legislation or filing litigation to overturn it.



Ballot Initiatives: Creating New Laws

What is a ballot initiative?

A ballot initiative is a process that allows everyday citizens to make new laws by casting their vote in the ballot box. The flip side of an initiative—a referendum—gives citizens the power to overturn laws they don't like. Today, the majority of states and hundreds of cities have an initiative process.

Why use it?

It's a way of achieving policy changes through the ballot that you cannot accomplish through other means, such as lobbying and legislation. More and more people resort to the ballot when there's broad public support, but no political will, to make change.

When to use it.

When there's no other way. Ballot initiatives are a lot of work; they are costly, time-consuming, and difficult to pass. You need a compelling and an easily understood issue with broad, sustained public support. Initiatives can take several months of planning and activities from the time you come up with an idea to the date votes are cast in the ballot box. You should first consider alternative strategies that can be used to achieve the same goal: organizing protests, testifying at hearings, mounting a media campaign, lobbying elected officials to pass legislation, increasing public awareness, and the like.

In the policing context, ballot initiatives have most often been used to establish citizen oversight of police departments—in Portland (OR), Pittsburgh, San Francisco, San Diego, Miami, and Key West (FL), to name a few. They have also been used for other purposes. In Denver, a ballot initiative was used to create a new rank in the police department. In San Francisco, an initiative created a separate line item in the police department budget for judgments and settlements of police misconduct cases so taxpayers can easily identify the magnitude of police misconduct-related costs.

Sometimes, you have no choice but to engage in a ballot initiative campaign. Even if you do not resort to the ballot, your opponents may. When that happens, you are put in the position of either doing nothing, entering the fray by mounting a “no” campaign to defeat the initiative, or possibly putting an alternative initiative on the same ballot.

This happened in Oakland when the city council voted to put an initiative on the ballot to raise “violence prevention” funds. Several community organizations felt the initiative would, at best, inappropriately allocate the funds and, at worst, do more harm than good—over 95 percent of the funding would be used to hire 100 more police officers (in the midst of a trial charging several police officers with serious misconduct); less than 5 percent would be used for violence prevention programs. Since it was too late to put an alternative initiative on the ballot—the city council's initiative was placed on the ballot on the very last day to qualify—the community organizations launched a “no” campaign. Despite their efforts, voters passed the initiative 53–47 percent.

Portland advocates were thrust into launching a “yes” campaign to protect a win they had already achieved through the city council. In a 3–2 vote, the Portland City Council passed an ordinance establishing citizen oversight of police. Hoping to override the ordinance, the Portland Police Association led a successful petition drive to put the issue on the ballot. The advocates ultimately prevailed, though, with voters adopting citizen oversight by a narrow margin.



In the November 2002 general election, Key West (FL) voters overwhelmingly passed an initiative to establish citizen oversight of police. Earlier that year, five officers were arrested or resigned amid charges ranging from police brutality to falsification of arrest records. Despite critics' skepticism that they would accomplish their goal, the recently formed Committee for a Citizen's Review Board succeeded in collecting the 1,332 signatures—ten percent of Key West's 13,320 registered voters—needed to put the initiative on the ballot. The committee first presented the initiative to the city commission, which had two options: ● pass it into law without any changes; or ● put it on the ballot for voters to decide. The initiative went to the ballot, with Key West residents voting 61 percent "yes" and 39 percent "no" to the ballot question:

AMENDMENT TO THE KEY WEST CITY CHARTER CREATING A CITIZEN'S POLICE REVIEW BOARD (CRB) Charter Amendment: Shall an independent CRB with subpoena power be created and adequately funded/staffed to review/ investigate complaints involving police officers, even if other inquiries are underway, and forward findings/recommendations to city management, the State Attorney, other law enforcement agencies and/or Grand Juries? Four members shall be City Commission appointees, nominated by community organizations; three additional members shall be selected by the original four members from applications from the general public.

Points to Consider in Moving Forward

- 1 Is there an initiative process in your city or state?
- 2 Do you have public support?
- 3 Can you get on the ballot?
- 4 How much will it cost?
- 5 Do you have sufficient resources and capacity?
- 6 Do you know any attorneys?
- 7 Do you have enough lead time?
- 8 Is this the right time?
- 9 Is it worth it?
- 10 Red flags
- 11 What else do you need to know?

1 Is there an initiative process in your city or state?

The first thing you need to know is whether this strategy is even available to you. The Initiative & Referendum Institute, www.iandrinstitute.org, is a good starting place to find out what, if any, initiative processes exist in your state. You can also contact your local city clerk's office, local department of ethics, elections commission, or similar agency for information. Before you call, check to see whether the agency has a website with the information online; many do.

2 Do you have public support?

You should consider putting an initiative on the ballot *only* if you have *significant* public support for your issue—usually confirmed through polling. Initiatives are not about shifting public opinion to your side; they are about leveraging public opinion that is already on your side. Do not assume that you can win on the ballot just because you can get enough signatures or votes of elected officials to get on the ballot. You want to go in with at least 65 to 70 percent of the public behind you to have a chance of maintaining 51 percent by Election Day—once your opponents' "no" campaign kicks in, you will inevitably lose some support.

3 Can you get on the ballot?

There are different ways to get on the ballot, and the rules are different for different places. Generally speaking, an initiative can be placed on the ballot by an elected body, such as a city council, or by gathering enough signatures of registered voters. This raises two questions: Is there sufficient political will to get it placed on

the ballot by your elected officials? If not, can you collect enough signatures to put it on the ballot yourself?

On the first question, find out how many elected officials you need to get your initiative on the ballot. Then, set up individual meetings to find out how many of them will be with you and how many against if the initiative were to come up for a vote.

As to the second question, the number of signatures you will need is generally a percentage—somewhere between five and ten percent—of registered voters in the state or locality in which you’re trying to qualify the initiative. The number may also depend on whether you are trying to enact a new law or trying to amend your city charter or state constitution. And, you should assume you will need to collect an additional 30 to 40 percent above and beyond the minimum number of signatures required: A lot of signatures will get disqualified because they are duplicates, have the wrong address, or come from people who are not registered to vote. So, depending on what you are trying to accomplish, you could need a few hundred, a few thousand, or more than a million signatures to qualify for the ballot.

If your option is gathering signatures, consider a lesson learned from a signature drive in Portland, Oregon: Get computers and the database of official voter records. In gathering signatures for a 2002 initiative to strengthen citizen oversight, Portland advocates purchased a copy of the registered voter list from the County Database of Voters. As signatures were gathered, they were verified against the database to make sure signers were registered voters and their information matched official county records. This substantially lowered the number of invalid signatures. In hindsight, advocates said they should have also used the database to check for duplicates to reduce the number of signatures disqualified on that ground.

4 How much will it cost?

The cost of running an initiative campaign will vary widely from place to place. It also depends on the venue. Local initiatives usually cost less than statewide initiatives since the universe of voters you need to reach and persuade is much smaller.

Initiatives have been won—and lost—with just a few thousand dollars; others have cost millions. Portland advocates attempted ballot initiatives to strengthen citizen oversight in 1999 and 2002, spending approximately \$20,000 and \$40,000, respectively. In both instances, they fell short of the number of signatures required to qualify for the ballot; the second time by only 250 signatures.

You do not necessarily have to match your opponents dollar-for-dollar. In winning the ballot initiative that first established citizen oversight in Portland in 1982, advocates were significantly outspent by the opposition, with the police union reportedly contributing \$70,000 to the “no” campaign while the “yes” campaign spent less than \$12,000. You do need enough money to run an effective campaign, however.



Political support to get on the ballot

Political support for civilian oversight was strong enough on the San Francisco Board of Supervisors to get a majority of them to vote for placing initiatives on the ballot in 1982, 1987, and again in 1995. Not so in Miami-Dade County, Florida. In June 2002, the county commission voted 8-4 against putting civilian oversight on the ballot—which meant local advocates would have to either gather enough signatures to put it on the ballot themselves or pursue other strategies to achieve their goal.

Questions to Consider

Some questions to consider in estimating your costs

- ⊙ Are you going to hire paid signature-gatherers? If you contract with a professional firm to gather your signatures, you can expect to pay from 40 to 70 cents per signature.
- ⊙ What are your overhead costs? Will you need to rent new office space or can you run the campaign out of the office of one of the participating organizations? Will you need to travel, do phone banking, hire additional staff? Will you hire a consultant to help with campaign strategy and advertising, or do it all with in-house expertise? More on this in *Putting together a campaign structure*, page 92.
- ⊙ Will you do a professional poll? A full-scale poll could cost \$25,000 or more, and some campaigns conduct two. Will you convene any focus groups? They can cost another \$5,000 each. More on this in *Conducting polling and convening focus groups*, page 91.
- ⊙ How much and what kind of paid media will you need to do? Television? Radio? Newspaper? To pass (or defeat) a statewide initiative, you usually need to do at least some television advertising to reach enough voters.
- ⊙ How many pieces of literature will you print and distribute? By mail? At events? Will you print lawn or window signs urging people to vote for your initiative?
- ⊙ Do you anticipate any legal challenges that require the services of an attorney? A challenge to the initiative title? The ballot statement? Once the initiative is passed? More on this in *Do you know any attorneys?* in the column to the right.

5 Do you have sufficient resources and capacity?

Can your organization put aside other work to lead a campaign? If not, do you have sufficient staff to take this on and keep your other work going? What is your fundraising base and what can you realistically build? Have you ever worked on an initiative before? Do you know anyone else who has who is willing to serve as a resource? Can you recruit the volunteers you will need? Can you pull together a broad range of allies? How strong is your opposition likely to be? Can you counter it? More on this later in *Putting Together a Winning Campaign*, page 89.

6 Do you know any attorneys?

You don't need an attorney to run an initiative campaign, but having one around can help. In the middle of the campaign, you may need to bring or defend a legal challenge, such as a claim that the initiative title or ballot statement is misleading. If the initiative passes, opponents will often go to court to try to block its implementation. Having an attorney involved at the outset who is aware of the plan and the players can help you navigate these legal processes should they arise.

7 Do you have enough lead time?

Most initiative campaigns begin at least a year ahead of time. There's a lot to do and plan for: Process deadlines such as drafting and submitting initiative language and ballot pamphlet statements; gathering signatures; potentially challenging your opponents' or defending your own ballot statements. Campaign building such as bringing together and communicating with a broad-based coalition; preparing campaign materials; developing and implementing a media strategy; securing endorsements; making voter contact; recruiting volunteers; raising money. And all of this before Election Day.

It can be done—and perhaps worth trying—in less time. You could imagine a sudden window of opportunity in the aftermath of a high-profile incident of police misconduct, a swell of public opinion in your favor, and media spotlight on your issue. But, even then, you would want some lead time to pull it all together. The best strategy may be to be ready for an initiative—lay the foundation, know what you would push for, whom you will work with, have a plan—and then seize the opportunity when all the pieces can come together.

8 Is this the right time?

You can never be 100 percent sure that you have picked the right election to run your initiative. But, you should evaluate the political context and try to predict as best you can—timing is important. Do you know what else will be on the ballot? Something favorable or detrimental to your issue? Will it have lots of resources behind it that you can benefit from or be hindered by? Will it divert your allies from being able to support your effort? Who is likely to go to the polls? Is it a primary or a general election? An off-year or a special election?

Despite your best efforts, know that it can all change by Election Day. That's another reason why it is so important to begin with significant public support. Public opinion and the political winds can dramatically shift in the year or so it can take you to conceive, launch, and wage an initiative campaign.

9 Is it worth it?

Many initiatives fail to qualify for the ballot for any number of reasons, such as falling short of the required number of legally valid signatures. Of those that do qualify, less than half win. Initiatives can bring significant, long-sought-after change that you cannot otherwise get. On the other hand, they also take a lot of time, energy, and resources with an uncertain outcome. Will a loss set your issue farther back than what you would gain if you win? Will it be viewed as a vote of “no confidence” that will make it more difficult to seek reforms in the future, through the ballot or otherwise? Are there other goals that make it worthwhile, such as building community capacity and forging new alliances for other, future work? Before you go forward with a “yes” or “no” campaign, you should weigh the pros and cons, what it will take, and your prospects of winning to decide whether it's worth the effort.

Citizen oversight advocates gained the momentum needed to win ballot initiatives following events that shone a spotlight on the need for reform:

KEY WEST (FL): Investigation by State Attorney's Office made public; allegations against five officers for battery, falsifying charges, falsifying arrest affidavits...all just months before the election.

MIAMI: Federal indictment of 13 officers charged with planting weapons and lying about shootings. Five questionable shootings in the preceding two years. City payouts in excess of \$5 million for police misconduct lawsuits in the preceding five years.

PORTLAND (OR): Police officers accused of dumping dead opossums on door step of African-American restaurant. Investigation finds police misconduct in 59 cases where criminal defendants convicted; misconduct in another 35 pending cases causes dismissal of cases before trial.

SAN FRANCISCO: Three successful initiatives, all with catalyzing events. 1982: Overly-aggressive police response to two major public events. Report showing 300 citizen complaints filed in 1980, not one sustained by Internal Affairs; 3 percent sustained in 1981; 1 percent in 1982. 1987: controversial killing, allegations of evidence shredded during investigation. 1995: highly-publicized, controversial killing.

10 Red flags

Nonprofits can engage in initiative activities. But, the IRS rules for nonprofit lobbying (see page 125) still apply. Because an initiative is considered direct lobbying, note that the higher direct lobbying limits are applicable. For an overview of what you can and cannot do in an initiative campaign, order a copy of *Seize the Initiative* from the Alliance for Justice at www.allianceforjustice.org/research_publications/publications/index.html, or call 202/822-6070. Some state lobbying laws also require reporting and accounting for time and expenses.

11 What else do you need to know?

This chapter outlines the basics. Given the level of commitment you will make if you undertake an initiative, you should take some time to learn more about the process and pitfalls. For a more detailed “how to” manual, order a copy of *The Initiative Cookbook: Recipes & Stories from California’s Ballot Wars* by Jim Shultz at www.democracyctr.org/resources/cookbook.html. You should also take a look at the Initiative & Referendum Institute website at www.iandrinstitute.org, and *The Initiative Process in America: An Overview of How it Works Around the Country*, testimony by the President of the Initiative & Referendum Institute before the California State Legislature, at www.cainitiative.org/pdf/initiative_process_iri.pdf.



Putting Together a Winning Campaign

No two campaigns are exactly alike, but usually you need to:

- 1 Know the rules
- 2 Draft a simple, straightforward initiative
- 3 Raise money
- 4 Conduct polling and focus groups
- 5 Build a broad-based coalition
- 6 Put together a campaign structure
- 7 Recruit and mobilize volunteers
- 8 Use effective messages and messengers
- 9 Make the most of the media

1 Knowing the rules

Research the relevant laws, rules, and regulations before you get going.

Look into any local or state laws that may impact the change you are trying to make. Is it an issue governed by the city charter or state constitution? If you are trying to create new authority, is it legally permissible? The subpoena power contained in the Key West citizen oversight initiative was challenged on legal grounds and ultimately resolved by the city attorney. If you are trying to run an initiative at the local level, are there any relevant state laws you should consider? In California, local advocates have sought certain police records. Law enforcement has argued that the records are protected by the officers' Bill of Rights created by state legislation. To acquire the records, advocates may need to change the law at the state level either through state legislation or a statewide ballot initiative. If you are not sure, seek an opinion from an attorney sympathetic to your cause and also from your city attorney or State Attorney General.

Research the initiative process rules. What are the requirements, guidelines, and deadlines? How many signatures are needed? By when? What's the signature verification process? Format of signature petition? Are there any filing fees? How long is the ballot statement and when is it due? Can you submit a rebuttal?

Research campaign finance rules. Ask about the applicability of political campaign laws at the federal, state, and local levels. Will you form a political action committee (PAC)? Do you have to file any forms to establish your campaign? Are you subject to "disclosure" laws that require you to publicly report money raised and expenditures made during the campaign? Are you supposed to file anything



Real World case study

Charter amendment or new ordinance?

Charter (and constitutional) amendments are generally more difficult to get on the ballot than an ordinance or a statute because they require more signatures—but, they're harder for elected officials to change after they are passed. At the same time, keep in mind that you will need to do another charter amendment if you want to change your reform initiative in the future. If the issue you are trying to impact is governed by the city charter, you have no choice but to do an amendment.

Take Denver, for example, where the personnel structure of the police department is governed by the city charter. To create a new commander rank to provide more flexibility and accountability—the new rank would be an at-will position not subject to collective bargaining and report directly to the police chief—the issue had to be referred to the ballot. Supported by the Chief and opposed by the police union, voters passed the charter change by 51 percent.

All three successful San Francisco initiatives—first to establish and then twice to strengthen—citizen oversight were charter amendments.

when the campaign is over? Check with the Secretary of State's office, or you might try your city clerk's office, local department of ethics, elections commission, or similar agency for information.

2 Drafting a simple, straightforward initiative

The content of your initiative is key.

Start early. To get it right, you will need to conduct policy research, get the pulse of public opinion, do several drafts, and get input from your allies and others. This can take months that you should allow for up front.

Keep it simple. When voters are confused, they will vote “no” on an initiative. Don't cloud your initiative by trying to include too many things at once—it confuses voters and makes your initiative vulnerable to attacks from your opponents. You should be able to clearly explain your initiative in a sentence or two, so people know precisely what they are saying “yes” to.

Think about your audiences. Does your proposed initiative address the concerns of your allies? Does it appeal to a majority of voters? Does it neutralize, or at least anticipate, the opposition's arguments?

Make sure it does the job. Will the initiative, as drafted, accomplish what you need it to do? Can it survive scrutiny by the courts? Is it clear about the responsibility, timing, funding, and process for implementation? Have you compromised important pieces away? If you are trying to get your elected officials to put the initiative on the ballot, inevitably, some compromise is required.

Be strategic about the ballot pamphlet. Many localities mail an official ballot pamphlet to all registered voters before the election that contains the language of the initiative, as well as arguments for and against it. Make your argument short, straightforward, and easy to read—most people only skim the pamphlet. Have it signed by individuals and organizations that your target voters will recognize and consider credible.

3 Raising money for the campaign

Though the amount you will need will vary from place to place and campaign to campaign, you will undoubtedly have to do some fundraising to support your effort.

Nail down early, easy “seed” money. How much can your organization contribute from the start? How about other organizations in the coalition? Are there any likely individual contributors among the organizations aligned with or serving constituencies impacted by your issue?

Early money will help you get started and demonstrate campaign strength to potential donors and opponents.

Have a plan. How will you raise the money you need? Do you have a donor database? Any potential major donors? Will you do solicitation letters? Phone calls? Fundraising events?

Be realistic. Don't overestimate what you can raise; it's usually less than you think. Can you really raise the money you need to run an effective campaign? Is it likely that people who have committed to give or raise money will actually come through? What's the goal and what are the benchmarks to know you are on track? Can you put together a broad-based fundraising committee with at least some people who have a successful track record of raising money?

4 Conducting polling and focus groups

Polling and focus groups can help you assess public opinion on your issue and initiative as well as identify the messages—both for and against—that resonate with voters. You need to get a handle on these issues to know whether you have any chance of winning, where you have weak spots, and the best language to use to frame your campaign.

Test your initiative language and provisions. Do people get it? Do they agree or disagree with all or certain parts of it?

Ask hard-hitting questions. How do people react to the strongest arguments your opponents are likely to make? You want to be prepared for the worst.

Identify your “swing” voters. Some people will naturally be with you and some against. You want to know who the people are who could go either way; they are your target audience because you want to persuade them to come your way.

Try different messages. Different themes resonate with different people. You may find, for example, that most voters are not concerned about police accountability in general, but have very strong feelings about large city payouts for police misconduct cases.

Pick the most credible spokespeople. Test different names and organizations. Who are the individuals and organizations that are most persuasive to your swing voters? To your base?

Polling is worth trying to do, even if you cannot afford to hire a professional. You may be able to get a local professor to help you draft objective poll questions, and you can train volunteers to make the phone calls. For a local initiative, you can create a random sample of voters to survey by choosing the first name listed on every tenth page of your local phone book.



Make sure it does the job

The Miami citizen oversight coalition submitted one version of a ballot initiative to the city commission; the police-appointed Blue Ribbon Committee submitted another. After much discussion and testimony back and forth, a compromise was struck on two controversial issues: the new agency would have power to recommend, not impose, discipline, and it would have subpoena power, but only in consultation with the State Attorney's Office. The coalition was satisfied with this result; it was still a victory in a city where they had sought creation of a citizen oversight panel for more than 20 years.



Taking Action!

In establishing a campaign structure, consider:

- ⦿ Who will launch the effort and convene early allies?
- ⦿ Who will hire the staff? Develop the campaign plan? Make decisions about campaign strategy? Message?
- ⦿ Who will manage day-to-day campaign activities and make sure the campaign keeps moving forward?
- ⦿ Who will coordinate coalition partners and volunteers? Deal with the media? Organize field operations? Distribute materials? Focus on fundraising?

Try to get in someone else's poll. If there are other initiative campaigns or candidates running at the same time who are sympathetic to your issue, they may be willing to let you put a couple of questions in their poll.

5 Building a broad-based coalition

As in many advocacy efforts, having a broad-based coalition is invaluable in an initiative campaign—it demonstrates wide support for your initiative; it is a source for committed volunteers and donors; and it gives your effort strength and momentum. For more on coalition building, see page 13.

Involve coalition partners at the outset. If your key allies are not involved in shaping the initiative and framing the campaign, they may not feel enough of a stake to stay in it for the long haul.

Pull together a diverse mix of individuals and organizations. You want your usual and most reliable allies involved. Also bring in new, nontraditional allies who may appeal to your swing voters or mobilize a new base of volunteers. In addition to civil rights, civil liberties, and police accountability organizations, the Portland coalition included the League of Women Voters, the Portland Chapter of the American Jewish Committee, and a retired police captain and police officer. The San Francisco coalition included the Bar Association of San Francisco, Concerned Republicans for Individual Rights, the Harvey Milk Democratic Club, and Officers for Justice (the African-American police officers' association), among others.

Reach out to individuals and organizations with initiative campaign experience. When you are in the thick of it, there's nothing like having someone on your side who has been there before.

6 Putting together a campaign structure

Winning initiatives have a campaign structure that provides respected and credible leadership, inclusive yet efficient decision making, effective day-to-day management, and strategic direction from beginning to end.

Someone has to take the lead. This is an issue of both leadership and accountability. To make it work, the person or organization in this role must be respected by and credible to all stakeholders.

Make use of committees. One way to make sure people are involved, but also to streamline brainstorming and decision making is to set up committees that take responsibility for following through on different activities.

Dedicate staff to the campaign. Most campaigns have at least some staff—a campaign manager, communications

director, an organizer, a fundraiser, or someone—whose full-time jobs are working on the campaign, whether coordinating volunteers, working on media, communicating with coalition partners and supporters, organizing public events, sending out materials, or raising money. Some campaigns hire political consultants to run the entire campaign or to provide specific services such as polling, advertising, or campaign materials—either way, make sure you keep ultimate decision-making authority with the invested campaign leadership.

7 Recruiting and mobilizing volunteers

Even with hired campaign staff, you need to recruit and motivate enough volunteers to get the work done.

Figure out how many volunteers you need. Start by identifying all the tasks you will need to carry out, and go from there. Signature gathering? Phone banking? Precinct walking? Fundraising? Leafleting? Securing endorsements? Public speaking? Staffing the campaign office? Writing letters to the editor or op-eds?

Start with your core organizations. Most volunteers come from or are connected to the organizations leading the initiative. Do not assume that every organization has volunteers who can dedicate themselves to the campaign.

Make a pitch at every public event. People who show up to your events are interested in the issue. Let them know you cannot succeed without their help.

Tap into volunteer interests. Some people are willing to do anything on a campaign; others are not. Phone banking, door knocking, and signature gathering are not for everyone. Some people prefer stuffing envelopes, running errands, or distributing materials. Assign volunteers tasks they are comfortable doing—and have the time to do—and it is more likely they will keep coming back.

Keep volunteers informed and engaged. Provide volunteers with training and support so they are well-equipped and effective. Update them on the campaign's progress so they know their efforts are making a difference.

8 Using effective messages and messengers

Your campaign message and messengers are the public face of your campaign. Be strategic in how you approach both.

Frame the issue first, or your opponents will.

Create a simple, compelling one- or two-sentence explanation of your initiative.

Appeal to your target audience—perhaps tested through polling or focus groups.



Real World case study

Lessons learned from Portland citizen oversight initiatives

- ⦿ The number of volunteers needed depends on the amount of time each volunteer can put in.
- ⦿ Of the 400 volunteers who signed up with the campaign, 50 to 60 were regularly active.
- ⦿ Volunteers cannot always devote their full effort to your cause. Some volunteers are community activists who will move from one campaign to another without being able to commit for the duration.
- ⦿ Coordinating and retaining volunteers takes a lot of effort. It's important to have someone focused on it full-time.
- ⦿ As you move closer to the election, even the number of paid staff available to you will decrease. Other campaigns will also need them and may be able to pay more for their services.

Stay on message. Repeat your message at every opportunity. Don't change it unless you are doing it strategically.

For “no” campaigns, find the initiative's weak spot and keep pointing it out.

Put your most credible spokespeople out front.

Display the diversity of your allies and endorsers.

Put a face on the problem. The Miami coalition that successfully passed a citizen oversight initiative was supported by family members of two unarmed African-American men killed by police in the two years preceding the initiative. They testified about their stories before the City Commission that ultimately voted to put the initiative on the ballot.

9 Making the most of the media

The media are where most people get their information and where your message will be most widely heard and have its greatest potential impact. You should have a plan for making the most of the local and—if appropriate—national media. For more on developing the media, see page 43.

Use a combination of paid advertisements and free (“earned”) media such as op-eds, letters to the editor, and coverage of your public events.

Issue news releases to mark key milestones: the filing of ballot initiative language; submission of qualifying signatures; release of favorable poll results; announcement of newsworthy endorsers.

Invite reporters to campaign events that are likely to draw a crowd.

Educate reporters about your initiative and the need for it since they will ultimately choose the words to frame the issue and communicate your message.

Celebrating Your Accomplishments and Getting Ready for Next Steps

It's not over when it's over. Initiative campaigns do not end when the votes are counted on election night.

Win or lose, celebrate the work you did and the people who helped you do it.

Maintain the relationships you made during the campaign and look for ways to work together in the future.

Evaluate your effort, identify goals achieved, and draw out lessons learned.

Build on your successes. Use the momentum to set the stage for your next reform effort.

If your initiative passes (you win a “yes” campaign), focus on implementation and be prepared for a challenge by your opponents in the courts or the legislature.

If you defeat an initiative (you win a “no” campaign), it doesn't mean the issue will go away. Be prepared for it to resurface on the ballot or in another venue such as the legislature.

If your initiative does not pass (you lose a “yes” campaign), think of ways you may still be able to achieve your goal, whether through the ballot, legislation, litigation, or some other strategy.

If you failed to defeat an initiative (you lose a “no” campaign), you could consider going to the courthouse or the legislature to try to block its implementation or amend the law.



Administrative Petitioning: Making Stronger Rules

What is an administrative petition?

With police reform, the typical pathway is to pursue litigation or legislation if you have a legal claim or the political will to make new law: These deliver meaningful results and an avenue for enforcement. If neither potential exists or if you want to try something different first, an administrative petition offers an opportunity to get your issue into an official forum; to develop a tool to mobilize people; to create a “hook” for capturing media attention; and to persuasively articulate a compelling problem, concrete solutions, and agency responsibility—as well as public support—for change.

It’s more than just a letter followed by pages and pages of signatures, which is what commonly comes to mind when you hear the word “petition.” An administrative petition is a well-researched, well-documented factual record and roadmap for solving a problem. For a sample administrative petition, see pages I02-I04.

The federal government and all 50 states—through their constitutions or laws—provide a public right to petition public agencies. More on this later in *When to use it* (below) and *Is there an administrative petitioning law in your state?* (page 97).

You can use an administrative petition to:

- ◎ **Get an agency to change its own policies and practices**—whether it’s getting the police department to make domestic violence a higher priority or the citizen oversight board to be more accessible.
- ◎ **Get an agency that has authority over the police department to mandate or otherwise leverage its power to effect change** within the department—whether it’s getting the U.S. Department of Justice to launch an investigation and demand policy reforms or the city council to withhold funding until policy changes are implemented.

Why use it?

An administrative petition places your issue in an official forum without resorting to litigation or lobbying for new legislation—options that may be unavailable or unattainable and that typically require more time and resources.

It can lay the groundwork for future action. You can often strengthen your position with decision-makers in other forums—such as judges and elected officials—when you can demonstrate that you first tried to work through the agency itself to address a well-documented problem accompanied by feasible solutions and broad public support for change.

It can help you move an agenda when you have allies on the inside—when the police chief, the mayor, or the Justice Department recognizes that a problem exists but wants some political “cover” or showing of significant public pressure to be willing to do something about it.

The bottom line: It’s a strategy that should be considered as another option.

When to use it.

Changing police practices is challenging work, to say the least. Sometimes it occurs through a cooperative, collaborative process. But, more often than not, police reform is strongly resisted and results only

through mandates. Given that context, you will increase your likelihood of success with an administrative petition if you:

- ⊙ **Proceed under a statutory right to petition** that requires an agency response, as opposed to proceeding under a constitutional right where no response is required. Without a legal requirement to respond, you are not likely to get very far. More on this later in *Is there an administrative petitioning law in your state?*, page 97.
- ⊙ **Involve attorneys in the process.** Attorneys are not required to move an administrative petition, but they are advisable in this context so that it's clear to everyone involved that you mean business, you are not going away, and you may be prepared to take legal action in the courts if necessary.
- ⊙ **Build, mobilize, and maintain significant community support.** Without sustained public pressure, the agency is less likely to take you seriously and feel compelled to respond.
- ⊙ **Raise issues that are compelling enough to get the media to pay attention**—repeated egregious incidents, payouts of extraordinary sums of money for settlements, real people with real life experiences to share. A media spotlight on the petition—combined with broad community support—turns up the heat for the agency to take action.
- ⊙ **Have some receptivity inside the agency.** Administrative petitions can often help insiders who acknowledge there's a problem and would like to see something done to move the agency to take action.



Administrative petitions in action

Using public assets for public health.

Consumers Union and a coalition of healthcare and groups representing different constituencies petitioned the California Department of Corporations to ensure that the public assets of a nonprofit health maintenance organization would be dedicated to healthcare charities when the nonprofit converted to a for-profit company. The petition led the Department of Corporations to regulate future healthcare company conversions and to establish two new health foundations with assets of over \$4 billion.

Recalling unsafe vehicles.

Consumers for Auto Reliability and Safety... petitioned the National Highway Traffic Safety Administration to recall Peugeot 405 cars with defective automatic restraint systems. The petition was granted, a recall notice went out to owners, and Peugeot was required to fix the defect.

Protecting patients in managed care.

Maine Consumers for Affordable Health Care petitioned the Maine Bureau of Medical Services to establish standards of access to care, complaint and grievance procedures, enrollment and disenrollment rights, and eligibility. The petition resulted in improved health-care rights.

Excerpt from Harry Snyder with Carl Oshiro and Ruth Holton, *Getting Action: How to Petition Government and Get Results*, 7 (2002).

Points to Consider in Moving Forward

- 1 Is there an administrative petitioning law in your state?
- 2 Do you know any attorneys?
- 3 Do you have sufficient resources and capacity?
- 4 How long will it take?
- 5 Do you have partners and allies who will do this with you?
- 6 Can you get media attention?
- 7 Keys to success
- 8 Red flags
- 9 What else do you need to know?

1 Is there an administrative petitioning law in your state?

Find out whether your state has a statutory right to petition that requires an agency response. Without this right, it's not worth pursuing an administrative petition: You are not likely to achieve results in the police reform context absent a legal requirement to respond.

A few states fall into this latter category, such as Indiana, Kentucky, Mississippi, Ohio, and Pennsylvania: They provide only a general right to petition. For example, Mississippi's constitution simply states: "The right of the people peaceably to assemble and petition the government on any subject shall never be impaired."

However, most states do have an administrative petitioning law that requires a response within a defined period of time, usually 30 to 90 days. Some of these laws lay out specific procedures that must be followed or specific information that must be contained in the petition, so it's important to check the law in your state and any regulations the particular public agency may have before you file a petition.

Federal law also provides a specific right to petition: The Federal Administrative Procedures Act requires every federal agency to establish a petitioning procedure that includes a mandate for the agency to respond to the petition. More likely than not, an administrative petition seeking police reform would be filed at the local level. However, it's possible that you would consider filing an administrative petition with a federal agency—perhaps with the U.S. Department of Justice seeking an investigation into the practices of your local police department.

2 Do you know any attorneys?

In most situations, you do not need an attorney to pursue an administrative petition, as long as you have an experienced,

Taking
Action!

Be sure to check the law in your state and any specific regulations the particular agency may have before you file your petition

Minnesota's petitioning law states: "Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing." (Minnesota Codes, Chapter 14.09) Wisconsin's law requires that a petition be filed by at least five individuals. And, in some places, certain agencies may be exempt from the petitioning process. Call the city attorney or county counsel's office to find out about local laws and regulations related to petitioning city and county departments.

aggressive advocate involved who can push the process forward and who is comfortable pushing back on the agency and the agency's attorneys—if necessary—during the process. In the police reform context, it is advisable to get an attorney involved at some level—whether it is to officially represent the coalition and shepherd the process forward; to serve as a resource to check in with as legal issues arise; or to emphasize the official, legal nature of the process and the demand.

3 Do you have sufficient resources and capacity?

In addition to an attorney or an aggressive advocate, you need dedicated staff who can stay on the case, keep the coalition together and informed, conduct research as the need arises, maintain public pressure on the agency, keep the media engaged, and hang in there for the long haul. Out-of-pocket expenses are minimal, but dedicated staff from beginning to end is essential. More on this next in *Launching the Administrative Petition* and *Staying on the Case and Getting a Response*.

4 How long will it take?

The up-front time it takes to research and draft the administrative petition will depend on your resources and capacity to get this part of the work done. But, once the petition is filed, the process can often be completed in three to six months, depending on how rigid or open-ended the statutory requirements are. For example, most laws require agencies to respond to the petition within 30 to 90 days, but some laws require a response only within a “reasonable” time.

5 Do you have partners and allies who will do this with you?

An administrative petition is only as strong as the power of the coalition that stands behind it. To grab the agency and the media's attention, you need a broad, strong, strategic coalition, representing a range of constituencies and capacities—from community-based organizations and service providers to policymakers and members of the clergy. The question is: Can you be a big-enough David that you can make Goliath pay attention? More on this in *Building a broad-based coalition*, page 100.

6 Can you get media attention?

You are more likely to build public support for your position and keep public pressure on the agency to act if the media shine a spotlight on the issue. You might consider: Do you have compelling stories to illustrate and humanize the problem? Do you have credible and sympathetic spokespeople to appear at news conferences and be interviewed by reporters? Can you capitalize on recent media coverage of problems in the police department?

7 Keys to success

A well-researched, well-documented, clearly-written administrative petition; a broad, strong, strategic coalition; an effective media strategy; and adequate staffing to take the process from beginning to end.

8 Red flags

An administrative petition is not a substitute for litigation or legislation, and it is only worth pursuing in the police reform context with a statutory requirement for the agency to respond.

9 What else do you need to know?

This chapter outlines the basics. You can get more detailed, step-by-step information about administrative petitioning—checklists, worksheets, a chart of state petitioning laws, and more—in *Getting Action: How to Petition Government and Get Results* by Harry Snyder with Carl Oshiro and Ruth Holton, a 2002 publication from Consumers Union, available at www.consumersunion.org/other/g-action1.htm, or by calling 415/431-6747.



Launching the Administrative Petition

Don't just rush out and try to get media attention about your issue. Take a step back and develop a plan that will help you use media strategically and effectively to advance your advocacy effort. Frequently, advocates simply react to undesirable media coverage or the complete lack of coverage without thinking proactively about how to educate and engage the media to frame an issue in a way that helps you accomplish your advocacy goals. Before you start doing media outreach:

- 1 **Research the problem and possible solutions**
- 2 **Identify target agencies**
- 3 **Build a broad-based coalition**
- 4 **Write and file your petition**
- 5 **Garner media attention**

1 Researching the problem and possible solutions

Most of the legwork in preparing a petition comes in researching the problem and coming up with various potential solutions. This is what gives the petition its substantive weight. Without time and careful attention to this part of the process, your petition will not have any more significance than an ordinary signature petition.

Define a clear problem that needs to be fixed. Is it the conduct of particular officers? Lack of protection for witnesses? Unresponsiveness to particular crimes or communities? Treatment of youth?

Thoroughly research and document the facts that illustrate the problem, including specific examples of incidents and personal stories. See pages 30-31.

Identify solutions that can fix, or at least improve, the problem. A task force to further study the issue? New policies related to stopping and searching drivers? An inquiry into the police department's hiring practices? See page 30.

In proposing and prioritizing solutions, consider the likelihood that the agency will take the actions you want. What's the chance that the department will put more officers on foot patrol? The police commission will hold hearings on community complaints about harassment of teenage residents? The Attorney General will launch an investigation into the department?

2 Identifying target agencies

Depending on your local governmental structure and the kinds of changes you are seeking, there may be only one agency, or several agencies, with authority to take action.

Identify all agencies with any influence over the police department. Who hires the police chief? Who sets the department's budget? What are the various funding streams for the department? Who sets department policy? Who regulates personnel? See pages 7 and 20-21.

Make sure you file your petition with the appropriate agencies. You don't want to wind up entangled in the bureaucracy of an agency that does not have the authority to solve your problem.

3 Building a broad-based coalition

While one or two people can certainly make a difference, many people and organizations working together for a common set of goals can make a bigger difference. Building a strong coalition will show broad community concern and demonstrate to agency officials, the media, and the public that there is a serious problem that must be addressed and consensus about practical solutions. For more on coalition building, see page 13.

Organize the largest, most diverse coalition possible and recruit nontraditional allies.

Bring coalition members in at the beginning of the process to get input into the definition of the problem and acceptable solutions. Coalition members are more likely to stay engaged if their viewpoints are reflected in the document and they are invested in the outcome.

4 Writing and filing your petition

Administrative petitions usually include: an introduction, a statement of facts about the problem, brief descriptions of the people submitting the petition, the legal authority of the agency to act, the specific actions you want the agency to take, and a conclusion. For a sample administrative petition, see pages I02-I04. In addition, you usually:

Submit sample language for new policies or procedures you want adopted.

Include exhibits that strengthen your position—declarations from individuals who have experienced or witnessed the problem, letters, newspaper articles, reports, photographs, charts, and the like.

Include your attorneys' names on the cover and print your petition on legal "pleading" paper—just as you do when you file a lawsuit in court—to emphasize that the filing of the administrative petition is a legal action.


5 Garnering media attention

Without a public spotlight on the petition, it may get buried in the bureaucracy or quietly denied.

Develop a strategic media plan. See page 47.

Issue news releases to mark key milestones: the filing of the administrative petition; announcement of new coalition members; statements or letters by public officials urging the agency to act; the passing of a deadline without agency action; the scheduling of a hearing; agreement to work out a solution.

Educate reporters about the issues in your petition, the need for agency action, and the feasibility of your proposed solutions. You may also need to educate them about what an administrative petition is, how it's different than a letter, and the legal requirement for a response.



Staying on the Case and Getting a Response

- 1 **Maintain your momentum**
- 2 **Be prepared for next steps—whether your petition is granted or denied**

1 Maintaining your momentum

After the petition is filed, don't simply wait for a response. Stay engaged, build your strength, and keep the issue alive.

Stay in contact with the agency. Find out the status of your petition and whether any opposition has been filed. Make yourself available to answer any questions.

Continue building public support. Recruit endorsements of your petition—public officials who may have influence with the agency, policymakers who recognize the problem and agree with your solutions, members of the public. Ask them to submit letters to the agency supporting your petition.

Keep the media engaged. Update the media about the status of your petition and any new developments or incidents that provide a “hook” for new media coverage.

Make the most of any public hearings. Use them as an opportunity to mobilize supporters, reach out to the media, and put forward your most persuasive and credible spokespeople.

2 Being prepared for next steps—whether your petition is granted or denied

Make sure you have a plan for how you will respond to and follow through on the agency's action—or inaction.

If the agency does not respond to your petition, turn up the heat. Increase public pressure through letter-writing, media coverage, maybe a public protest. Consider filing a lawsuit to force the agency to respond.

If your petition is granted, celebrate your victory and then get focused on monitoring the implementation. Be prepared for a challenge by your opponents in the courts or in the legislature.

If your petition is denied, take stock of what you gained and the groundwork you laid for future action. Think of other ways you can harness the substantive ideas you put forward, the strength of your coalition, the spotlight on your issue, and the public support you built to still achieve your goal—whether through the ballot, legislation, litigation, or some other strategy.



SAMPLE ADMINISTRATIVE PETITION

To provide an example of the content of administrative petitions generally, following are excerpts from an administrative petition filed in the State of New York, *For Rules and Regulations Declaring Prenatal Care A Public Health Service To Be Provided by the State and for Standards Establishing Access to Such Service By Low Income Women*:

On the cover and in the first few pages, the petition identified:

Petitioners:

Redistribute America Movement/Downtown Welfare Advocates Center, a membership organization of poor people—98% women with children—working for change in society; and individual petitioners Ebbe Brown, Saratoga Springs, New York, and Karen Thomas, Brooklyn, New York.

Respondents:

Commissioner, New York State Department of Health; Head of Maternal & Child Health, New York State Department of Health; Commissioner, New York State Department of Social Services.

Petition Prepared By:

Community Action for Legal Services.

Endorsements By Elected Officials:

Over 20 members of the New York City Council, three State Assembly members, and a Congressman, all individually listed.

Organizational Endorsements:

Over 75 organizations—health organizations, medical and nursing schools, organizations serving children and families, civil rights, faith-based, and women’s organizations—individually listed with a brief description of each organization and its constituency.

Individual Endorsements:

Several individual endorsements.

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SAMPLE ADMINISTRATIVE PETITION

Excerpts of text from each section:

Introduction

. . . Despite a slight overall decrease in the infant mortality rate statewide, the quality of care available to a pregnant woman in New York State and the likelihood of positive birth outcome still depend largely on where she lives, her economic status, and her race. A review of health districts in New York City alone shows a significantly higher infant mortality rate in poorer health districts than in more affluent areas. For example, the infant mortality rates in the Morrisania and Mott Haven health districts in the Bronx were 21.4/1000 births and 18.2/1000 births, respectively, as compared to a rate of 12.1/1000 in the Fordham, and 11.6/1000 in the Westchester health districts . . .

Infant Mortality, Low Birth Weight, and Inadequate Prenatal Care: A Statewide Crisis

During the past two decades there has been a dramatic decline in the infant mortality rate statewide, from 24.1/1000 live births to 12.5/1000 live births (Vital Statistics of New York State). Yet there still exists marked inter-regional and inter-racial disparity in infant mortality. Although the disparity is greatest in New York City, areas of poor infant health can be found in many New York counties. Poor and minority women have a higher rate of infant mortality, statewide. The infant mortality rate among non-white women was sixty percent greater than among white women. A comparison of select New York City Health Districts illustrates striking differences in the infant mortality rates between poor neighborhoods and the city's more affluent areas (See Chart I and Appendix A) . . .

Prenatal Care Makes a Difference

Recent clinical studies in New York and elsewhere demonstrate that high quality prenatal care, combined with aggressive community outreach, improved pregnancy outcome. A comprehensive approach was taken by one South Carolina health district with excellent results . . . Other community-based prenatal care services show similar results. Denver, Colorado, has an integrated and comprehensive system of city-run health care clinics . . . Similarly, Loundes County, Alabama, experienced a 50% decrease in infant mortality after the opening of a new neighborhood health center. In California, La Clinica de la Raza instituted an aggressive community outreach program . . .

The Cost Effectiveness of Prenatal Care

. . . At the current hospital clinic Medicaid reimbursement rate of \$65.00 per visit in New York City, the cost of prenatal care for each mother at an average of 9 visits is only \$590.00. The average DAILY cost of a neonatal intensive care unit is \$1,000.00 to \$1,500.00. The average hospitalization is twenty days . . .

Finally, individual health clinics prove to be cost effective when their operating expenses are compared to state savings . . .

Current Availability of Services

Before we can address the numerous conditions that hinder access to prenatal care, we must first look at the actual number of facilities physically available to pregnant women. Lack of an adequate number of facilities affects both urban and rural areas . . .

Financial Barriers to Access

Inability to pay, compounded by strict Medicaid eligibility requirements and restrictive clinic practices, are among the most important causes of lack of prenatal care. A recent study in Los Angeles County illustrates this problem . . .

Operating Policies of Clinic Facilities

Even if a pregnant woman can overcome the many financial barriers to receiving prenatal care, she must often face discouraging bureaucratic obstacles once she is accepted. A recent report by the Office of the City Council President on The Health and Hospitals Corporation, by far the largest provider of outpatient care citywide, revealed that there were often long waits to get initial appointments in many clinics and waiting time to be seen was often over two hours . . .

Lack of Public Awareness

Any approach to improving access to prenatal care statewide must not only resolve the financial and bureaucratic barriers that exist, but must answer the educational needs of pregnant women as well. They must be made aware not only of the availability and location of services, but also of the need to seek early care . . .

Inadequate Attempts to Improve Prenatal Care

In the report to the New York Legislature on the Maternal and Child Health Services Block Grant, the State Health Department

(cont.) SAMPLE ADMINISTRATIVE PETITION

stated that “In order to improve the health of our population, we must improve the health of our newborns and children.” The Department also reported that the most intensive efforts will be geared toward improving the poor health and high infant mortality rate among the high risk population. Yet despite this verbal commitment, financial constraints have frustrated the Department’s efforts:

- Funding to the Medical & Health Research Association of New York City which operates the nine Maternal and Infant Care Centers in targeted high risk areas has been cut 21% . . .
- Less than one-half of all eligible women are currently participating in WIC . . .
- The Improved Pregnancy Outcome program, a statewide effort to stress the importance of prenatal care through community education, will receive no Maternal and Child Health funds after . . .

Statutory Basis for the Petition

New York Public Health Law grants the State Department of Health the authority to “promote or provide diagnostic and therapeutic services for maternal and child health . . . and other conditions and diseases affecting the public health” (New York Public Health Law § 201(h)). The State Department of Health also has the authority to appropriate state aid to both counties and cities for the purposes of improving public health services (New York Public Health Law §605, §606) . . .

Petitioning Process

The State Department of Health *Administrative Policies and Procedures Manual* Item No. 71 addresses the Department’s rulemaking process . . .

Proposals

1. The State Department of Health should adopt regulations which recognize and regularize the classification of prenatal care as a public health service. This can be done through . . .
2. The establishment of prenatal care as a public health service should include clear standards providing for financial accessibility by low-income women, regardless of Medicaid eligibility or residents status. Prepayment should be eliminated . . .
3. The regulations should also include standards for providing adequate notice to pregnant women of financial policies. Pregnant women should be informed clearly at the time . . .
4. To ensure accessibility by low-income women, the regulations should also establish standards for implementing a community outreach program. The program should be geared toward . . .

In addition to the adoption of the above regulations, the petitioners also request that the State Department of Health and the State Department of Social Services adopt the following proposals in order to implement the proposed regulations.

1. Increased state funding for the Emergency Nutritional Assistance Program. Last year, the state supplemented the Federal WIC program by allocating . . .
2. The institution of an aggressive media outreach program to inform the public of the need and availability of prenatal services.
3. Take the administrative steps necessary to ensure that Medicaid benefits to all eligible women be continued and maintained through the pre-and post-natal period regardless of a change in the woman’s financial status. This would . . .
4. Provide additional community-based prenatal clinics in high risk areas. This would . . .
5. Increase the number of available healthcare personnel through increased reimbursement of private practitioners. Public utilization of private physicians and midwives could be . . .



Litigation: Leveraging and Maintaining Power in the Process

What is litigation?

Litigation is taking someone to court for violating the law. Simply put: it's filing a lawsuit.

Police practice cases can be filed in different forums and in varying types. Cases are litigated in both federal and state courts; they can be criminal or civil in nature; they can be filed by private parties or public entities; they can involve an individual or many people; and they can result in a range of consequences and remedies—from monetary compensation or mandated policy change to criminal penalties imposed on an officer for egregious misconduct. More on this later in *Assessing your legal options*, page 110.

This section primarily focuses on leveraging the civil (as opposed to criminal) litigation process to achieve policy reform (as opposed to monetary compensation).

Why use it?

It gives you mandated change with a “hammer.” Whether you take your case to trial and get a court order or reach a court-approved settlement before trial, litigation offers the prospect of receiving a binding remedy backed by the authority and supervision of the courts.

To get around the politics of police reform, mayors are often unwilling to direct changes in the police department and city councils are reluctant to enact ordinances for fear of being labeled soft on crime when they run for reelection. The public may be hesitant to pressure elected officials or pass initiatives at the ballot when they have been told by law enforcement that change will compromise public safety. Courts tend to be the least politically impacted forums—places you may be able to get reforms you cannot otherwise get because there's no political or public will for change.

Sometimes a progressive mayor or police chief needs political “cover.” S/he recognizes a problem exists but needs external pressure to justify making internal changes. With a lawsuit looming overhead, s/he can say: “We have no choice.”


When to use it.

You can accomplish a variety of goals with litigation. Use it to:

- ◎ **Get documents and information.** More on this in *Accessing public records and proceedings* in the *Research* chapter, page 36.
- ◎ **Get you to the negotiating table.** The threat of litigation—and the time and expense involved in a protracted legal battle—can sometimes start a dialogue that has been rejected in the past. A word of caution: don't abuse the threat of litigation. If you have no intention or capacity to follow through on it, do not raise the possibility. It hurts your credibility and your effort.
- ◎ **Get individual policies changed or sweeping reforms mandated.** Litigation has been used to challenge specific policies and practices, such as the use of choke holds or canines, as well as to secure comprehensive reforms across a range of police functions.
- ◎ **Get someone to do something s/he should be doing, but is not.** It could be complying with a law you helped to enact or a consent decree you helped to negotiate.

You can accomplish a variety of goals with litigation

- ③ **Get documents and information.** In Baltimore, Maryland, advocates successfully sued the police department in 2001 to disclose expenditures from the department's \$250,000 "secret fund." In Providence, Rhode Island, advocates sued the police department in 2000 to get complete policies regarding police use of pepper spray. Advocates in Columbus, Ohio; Madison, Wisconsin; and Oakland, California have also used litigation to get access to records and meetings (see *FOIA request and appeal DENIED! Now what?* in the *Research* chapter, page 38).
- ③ **Get to the negotiating table.** In Philadelphia, after the 39th District corruption scandal, attorneys informed the mayor of their intention to file a lawsuit unless he would agree to make changes in the police department. When the mayor expressed interest in further discussions (though he denied being motivated by the lawsuit), the attorneys agreed to hold off on filing the case for 60 days to negotiate reforms. Six months later, they reached an agreement on terms. To make the agreement enforceable, the attorneys filed their lawsuit, the city denied the allegations, and the case was settled in court—all on the same day in 1996. Similarly, following the 1998 widely-reported shooting death of 19-year-old Tyisha Miller in Riverside, California, the Riverside Police Department entered into a consent decree (court-approved settlement) with the California State Attorney General, who had earlier conducted an independent investigation and made it clear he was prepared to take legal action.
- ③ **Get specific policies changed.** Advocates in Walkill, New York, and Providence, Rhode Island, sued their local police departments in 2000 under the First Amendment to rescind "gag rules" that prevented police officers from talking to the media and others without permission from the police department. In Seattle, advocates sued the police department in 2001 to adopt better policies for handling public record requests. Michigan advocates sued the East Lansing Police Department in 1999 to challenge the department's practice of arresting, detaining, and prosecuting people who refuse to produce identification on demand.
- ③ **Get comprehensive reforms.** The U.S. Department of Justice has used its authority to investigate and litigate a "pattern and practice" of civil rights violations to secure consent decrees with wide-ranging reforms in several cities—Los Angeles, Pittsburgh, and Steubenville (OH). More on this later in *Assessing your legal options*, page 110.
- ③ **Get someone to do something s/he should be doing.** Despite legislation passed by the Rhode Island Legislature in 2000 mandating racial-profiling data collection, two police departments—the Providence and Woonsocket police departments—refused to comply with the law. Local advocates sued the departments in 2001 and 2002, respectively, resulting in a court order to comply and independent monitoring in one case and the department's taking corrective action to avoid a lengthy and costly court battle in the other.



Points to Consider in Moving Forward

- 1 How much will it cost?
- 2 How do you find an attorney?
- 3 How long will it take?
- 4 Is this the right time?
- 5 Keys to success
- 6 Red flags
- 7 What else do you need to know?

1 How much will it cost?

The most significant expense in litigation is attorney's fees. Fees can range anywhere from a few thousand dollars to hundreds of thousands, depending upon how much work is involved and how long the case lasts (attorneys usually charge an hourly rate). In addition to attorney's fees, you typically have to pay other costs such as filing fees, copies of deposition transcripts, expert witness fees, and photocopying of documents to be filed in court.

You may be able to get an attorney to take your case pro bono (for free). Contact the local and state bar associations; they sometimes have lists of attorneys who are willing to do pro bono work. Also contact organizations such as the National Lawyers Guild and the ACLU.

You may also be able to get an attorney to take your case on a contingency fee basis (meaning that s/he gets paid attorney's fees only if you win the case). Some attorneys are willing to take this risk because attorney's fees are paid to the prevailing party by law in civil rights cases. Even so, you may need some resources: Attorneys may charge you a consultation fee to review your case before they agree to take it or ask you to advance some of their costs.

2 How do you find an attorney?

As mentioned previously, contact the local and state bar associations. Ask local organizations that work on policing issues for referrals. You can also search attorney directories such as *Martindale-Hubbell* (www.martindale.com) by specialty area online or at your local library. These cases can take a lot of attorney time and resources; it's not always easy to find an attorney willing to take such a case. It can also be challenging to find an attorney with the knowledge and experience to handle such cases effectively. Be persistent.

When Columbus police officer James Moss wanted to sue the Columbus Police Department (CPD) to disclose police records (see the *Research* chapter, page 38), he went back to the law firm that represented the black police officers' association during its discrimination case decades before. When he needed assistance in documenting police conduct to persuade the U.S. Department of Justice (DOJ) to investigate the CPD (see the

Taking Action!

Should you pursue a litigation strategy?

Randy Shaw advises activist attorneys and their constituency groups to evaluate a checklist of factors before initiating a lawsuit:

- ⊙ What are the potential negative impacts of losing at the trial and/or appellate level?
- ⊙ What is the prospect of a court victory's being overturned by legislators or by voters through an initiative?
- ⊙ What is the ability to achieve a comparable result without litigation?
- ⊙ What is the capacity of a court to provide the specific relief sought?
- ⊙ What is the value of expending resources on litigation as opposed to some other strategy?
- ⊙ What is the potential that a resort to the courts will reduce participation in grassroots political action?

Edited excerpt from “Lawyers: Allies or Obstacles to Social Change?” in *The Activist’s Handbook: A Primer* by Randy Shaw.

Research chapter, page 26), he turned to a seemingly unlikely ally: an African-American attorney with the public housing authority. The firm that assisted Moss with the discrimination and public records lawsuits declined to work on building the record for a DOJ case. Moss reached out to the housing authority attorney because he seemed fair and compassionate toward residents in low-income housing and understood the issues they faced with the police department. While acknowledging that it is helpful to have an attorney who specializes in these cases, Moss felt that sometimes the ethics, compassion, and responsiveness of the attorney are what’s most important.

3 How long will it take?

It’s hard to say. Litigation can take months or years. The Cincinnati litigation that resulted in a collaborative settlement was resolved in just over a year (more on this in *Negotiating a settlement*, page 116); litigation about racial profiling in New Jersey has dragged on for several years and involved multiple cases. It usually depends on the strength of your case, the political and public pressure to settle, the resolve of the police department and elected officials, and the likelihood of appeals. One thing is certain: it takes a long time—usually longer than other strategies. That should figure into your calculation about whether to proceed with litigation.

4 Is this the right time?

People have different views about when to resort to litigation. Some say anytime you can; others say once you have tried less confrontational approaches and failed. The answer is more likely something in between that takes account of the unique mix of circumstances at hand. Do you have a stubborn, conservative police chief, police officers, and political leadership such that you have nothing to lose by suing? Do you have a progressive police chief in a collaborative atmosphere that allows you to get the same thing by negotiating that you could with litigation, only more quickly and amicably? Is progress being made that will be derailed if you file suit? Has there been a series of high-profile incidents such that you need to “strike while the iron is hot”? Do you have more to lose than to gain? If your legislation dies, you can always go back next year. If you lose litigation, you can create bad legal precedents that damage or even eliminate the prospects for future reform.

Advocates involved in negotiating the Philadelphia consent decree mentioned earlier in this section point to a number of factors that made for good timing of a lawsuit: a high-profile police corruption scandal; three reputable civil rights attorneys prepared to take the case and run with it; new and more aggressive leadership in a leading civil rights organization; a “fairly liberal” mayor who did not want to fight civil rights organizations on an issue that he would be viewed as being on the wrong side of; a court system that had been adjudicating a lot of these cases; an inviting political climate at the local and national levels; and an organized community.

5 Keys to success

Striking the right balance in the attorney-client relationship; keeping community members, the media, and the public engaged throughout the process; and, once you have a court order or an agreement, being vigilant about implementation and seeking to establish buy-in from the police chief down to the rank-and-file.

6 Red flags

Tension between organizers and attorneys: Organizers and attorneys often have different training, goals, and ideologies that can clash at various points in litigation. In some ways, it's unavoidable; but, acknowledging it up front can minimize negative impacts on the overall effort. More on this in *Reconciling litigation with other strategies*, page 113.

Maintaining confidentiality. Do not divulge confidential information provided to you during a lawsuit. Lawsuits are different in this way, and it's easy to forget, especially when talking with the media. If you are not sure what is and is not public information, ask your attorney first.

7 What else do you need to know?

Once attorneys get involved and you get into court, the process can get away from you. If you are thinking about using litigation proactively—as opposed to reactively—take some time to get your bearings before you engage attorneys and the legal process. Learn more about your police department (see *Getting Specific: Know Your Police Department*, page 7). Develop a vision for what you want it to be and how you want it to relate to your community. Then, identify the model policies and practices that will get you there (see *Research: Taking Action with Information*, page 25). This information can put you in a better position to make informed decisions about what remedies to pursue through litigation, specific provisions to include in a consent decree, and when and to what extent to compromise.

You can also reach out to individuals and organizations with experience in police reform litigation to gain more insights into the process—the National Lawyers Guild's National Police Accountability Project (www.nlg.org/npap); the Center for Constitutional Rights (www.ccr-ny.org/v2/home.asp); the National Congress for Puerto Rican Rights (www.columbia.edu/~rmg36/NCPRR.html); the ACLU (www.aclu.org); or a local PoliceWatch or CopWatch organization.



Charting Your Course

- 1 Assess your legal options
- 2 Integrate litigation with other strategies
- 3 Reconcile litigation with other strategies
- 4 Strike the right balance in the attorney-client relationship
- 5 Keep community members engaged
- 6 Negotiate a settlement
- 7 Monitor implementation

1 Assessing your legal options

You can become involved in litigation in a number of ways: you initiate it; you encourage someone else to initiate it; someone else initiates it on his or her own accord and you join that effort. In assessing your legal options, always consult with an attorney and also consider:

- ⊙ **A series of individual cases** seeking compensation for victims. This is the most common situation: an individual or his or her family files a civil action to recover damages for injuries or wrongful death. Though these cases sometimes address a specific policy and some attorneys and clients approach individual cases with the broader goal of changing the police department, in general the goal of the case is justice in the form of monetary compensation for the victim and his or her family. These cases do not usually accomplish systemic change or act as a deterrent to officers because officers are not held personally liable; they are indemnified. One way to leverage these cases is to track them over time. A series of large city payouts can help create a desire for change by the public who would rather see taxpayer dollars spent more productively. In a two-year period, New York City paid out \$70 million to settle lawsuits alleging police misconduct; Los Angeles, \$79 million in a five-year period; and Detroit, more than \$100 million over nine years.
- ⊙ **Attaching a “class action” for systemic reform** to an individual damages suit. A “class action” is a lawsuit brought by a few people on behalf of themselves and many others who are similarly situated. One advantage of a class action is that it resolves several, even hundreds, of individual cases in a single lawsuit. Another advantage is that you may be more likely to get significant policy reforms. In Cincinnati, an attorney found an existing damage action pending in the court and, with the agreement of the plaintiff, amended the complaint to make it a class action. This gave the attorney the benefit of knowing which judge would hear the case and the expediency of being part of a case already on the court’s

docket and ready to go. The downside of this approach is that sometimes issues get complicated when it comes to settlement. Those seeking damages may have an incentive to settle once the monetary award is high enough, even if it is unaccompanied by meaningful reform. This issue was avoided in the Cincinnati case because the plaintiff in the damages action agreed to defer his action until after the class-action portion of the case was completed.

- ⊙ **Bringing a separate class action.** In Philadelphia, as a result of the 39th District corruption scandal, over one hundred drug cases were reversed and the city paid out \$3.5 million to settle 42 individual damages lawsuits. After the individual cases settled, attorneys who had represented many of those individuals focused on the fact that the scandal occurred as a result of systemic problems in the department. They decided to take litigation a step further and file a class action lawsuit (which, as discussed earlier in this section, resulted in a consent decree). In Pittsburgh, attorneys filed a class action on behalf of the NAACP, Parents Against Violence, and 66 individual police misconduct victims. The class action was litigated first, resulting in a consent decree (www.usdoj.gov/crt/split/documents/pittssa.htm); then the individual damage cases went to trial.
- ⊙ **Persuading the U.S. Department of Justice (DOJ) or the state Department of Justice to investigate and litigate a “pattern and practice” case.** Congress passed a law in 1994 (42 U.S.C. § 14141) giving the U.S. Department of Justice the authority to investigate local police departments and file civil lawsuits. In some states, the state attorney general has similar authority. A Columbus (OH) police officer was successful in documenting a sufficient pattern of questionable practices to prompt DOJ to investigate further (see *Research: Taking Action with Information*, page 26). Similarly, months of community protests and national media coverage in Riverside, California, about the shooting death of Tyisha Miller resulted in both federal and state Department of Justice investigations.

The U.S. Department of Justice, State Attorneys General, and private parties have entered into a number of settlement agreements with local police departments containing broad reforms

- ⊙ Delphine Allen v. City of Oakland
www.oaklandpolice.com/agree/agreemen.pdf
- ⊙ In Re Cincinnati Policing Collaborative Agreement
www.ariagroup.com/FINAL_document.html
Collaborative Community Partnering Plan for Community Problem-Oriented Policing (Attachment A-1 to Collaborative Agreement) www.ariagroup.com/weekly_PartneringPlan.html
- ⊙ Memorandum of Agreement Between the United States Department of Justice and the City of Cincinnati, Ohio, and the Cincinnati Police Department
www.usdoj.gov/crt/split/Cincmoafinal.htm
- ⊙ Memorandum of Agreement Between the United States Department of Justice and the District of Columbia and the District of Columbia Metropolitan Police Department
www.usdoj.gov/crt/split/documents/dcmoa.htm
- ⊙ Memorandum of Agreement Between the United States Department of Justice, Montgomery County, Maryland, the Montgomery County Department of Police, and the Fraternal Order of Police, Montgomery Lodge 35, Inc.
www.usdoj.gov/crt/cor/Pubs/mcagrmt.htm
- ⊙ People of the State of California ex rel. Bill Lockyer, Attorney General of the State of California v. City of Riverside
www.ci.riverside.ca.us/rpd/AGTF/stipjdg.pdf
- ⊙ United States of America v. City of Los Angeles
www.usdoj.gov/crt/split/documents/laconsent.htm
- ⊙ United States of America v. City of Steubenville
www.usdoj.gov/crt/split/documents/steubensa.htm
- ⊙ United States of America v. City of Pittsburgh
www.usdoj.gov/crt/split/documents/pittssa.htm
- ⊙ United States of America v. State of New Jersey
www.usdoj.gov/crt/split/documents/jerseysa.htm

Additional agreements available at
www.usdoj.gov/crt/split/findsettle.htm#Settlements

- ⊙ **Urging the District Attorney or the U.S. Attorney to pursue criminal charges.** Whether seeking justice for the victim and his or her family or deterrence for other officers, advocates sometimes mount public pressure on local, state, or federal prosecutors to indict officers for criminal behavior. For a discussion of the tactics used by San Francisco advocates in the Sheila Deto case, see *Organizing and Coalition Building: Increasing Your Strength*, page 22.

2 Integrating litigation with other strategies

Do not fall into the tendency to over-rely on litigation or view it as a cure-all. Litigation has both benefits and drawbacks and is usually most effective when integrated with other strategies.

In general, litigation does not:

- ⊙ **Empower community members or promote community building.** Litigation often takes the struggle out of the community and puts it in the hands of attorneys and judges. It also forces community members to translate their experience and injury into the narrow confines of the law, which in many cases is inadequate. In other forums, community members can be the leading advocate. With litigation, they cannot be the ones to stand up in court; rather, they have to sit in the audience and watch the attorneys speak for them. If community empowerment or community building is a goal, you need to find ways to increase community engagement in litigation or look to other strategies to achieve those goals. More on this in *Keeping community members engaged*, page 115.
- ⊙ **Fundamentally change the way police and communities relate to one another.** Litigation is a tool that can help to achieve that goal, but a lot more is required to change existing power relationships, including sustained community organizing.
- ⊙ **Always work out the way you hoped it would.** In Columbus, Ohio, after conducting an investigation and spending more than a year in negotiations with the city, the U.S. Department of Justice (DOJ) reached an agreement with the City of Columbus on police reforms. However, the police union, which had not played a role in the negotiations, objected to the changes, citing 44 ways that the proposal violated its contract. The city refused to sign the agreement without union approval, causing DOJ to file a lawsuit against the city (the first of its kind because, in prior cases, the threat of litigation was sufficient to bring about an agreement). After three years in court and \$2 million in fees spent by the City of Columbus, much to advocates' surprise, DOJ did an about-face and dropped its "pattern and practice" suit.
- ⊙ **Last as long as the problems do.** Consent decrees are always time-bound, usually lasting three to five years. At the end of that period, the extent to which problems are resolved is dependent upon the quality of implementation. Sometimes the result is a completely different institution; other times it is not. Moreover, absent sustained community vigilance and pressure, there is no guarantee that changes made will continue beyond the life of the consent decree. Personnel often change and progress can erode.

Litigation is usually most effective when combined with:

- ⊙ **Research.** Community members are more likely to know what they want and how to get it through litigation if they have information about the status of their police department and the manner in which similar problems have been resolved in other places.
- ⊙ **Organizing.** Whether it is exerting pressure on public officials to file litigation or maintaining a public spotlight on the implementation of a consent decree, organizing can help to move litigation forward. In Riverside, California, the two-pronged community effort of sustained protests and media coverage, accompanied by constant lobbying of public officials, was successful in mounting sufficient public pressure to launch state and federal investigations into the shooting death of 19-year-old Tyisha Miller. Without such engagement, it is unlikely that public officials would have intervened.
- ⊙ **Media.** Ongoing media coverage of the precipitating incident or the litigation helps to create public pressure on public officials to intervene, settle, or otherwise take action to correct the problem that led to the incident or litigation. The filing of the complaint presents an important opportunity: Beyond issuing a news release announcing the lawsuit and perhaps hosting a news conference, make sure the complaint itself contains detailed allegations and tells the story you want told. Reporters often quote directly from the complaint in describing the lawsuit.
- ⊙ **Lobbying and legislation.** In the Tulia, Texas, case (see *Lobbying and Legislation: Enacting Better Laws*, page 76), advocates pursued legislation and litigation simultaneously. When the Tulia arrests were made, advocates began litigation. It soon became clear, however, that the incident reflected a problem that was larger

than litigation could solve and, more importantly, that there were policies that were technically right that needed to be changed to avoid an obvious wrong in the future—one of which was the need to pass a law prohibiting criminal convictions based solely on the uncorroborated testimony of an undercover officer. Advocates observed: You can win an individual lawsuit in a vacuum, but then what? You should always look for and take the case that can move forward a larger agenda. Advocates also noted that simultaneous lobbying and legislation was important, given the bleak outlook for the litigation; holding police officers liable in court is very difficult. The one downside to pursuing both is that some legislators may say, “They’re litigating. Why should we consider legislation until we know what the court is going to do?”

3 Reconciling litigation with other strategies

Attorneys usually do not want anything happening outside the courtroom to have a negative impact on what’s happening inside the courtroom—and they have their own ideas about what will and will not have such impact, based on their world view. This can create tension with organizers and community members who bring a different experience to the litigation; belong to or are otherwise invested in the impacted communities; and have broader goals than winning the case at hand—all of which can result in a different calculus and order of priorities than the attorney’s. Issues frequently arise around:

- ⊙ **Talking to the media.** Some attorneys insist that organizers and community members refrain from speaking with the media for fear that they will say something damaging to the case or draw unwanted attention during settlement negotiations. However, as part of a longer-term strategy, organizers and community members often want to maintain a public spotlight on the problem as much and for as long as possible—it helps build the political and public will for change. Moreover, if the victim, his or her family, or other community members are not out framing the story in the media, it will be framed for them—whether by the media or the police. That can result in stories that blame the victim and brush away concerns that there is a serious problem that needs to be addressed. More on this in *Seizing the Moment: Urgent, Unified Community Response*, page 5, and *Media Advocacy: Spreading the Word and Building Public Will*, page 43. Explain to your attorney the reasons why you want to pursue a media strategy and ask him or her to articulate precisely how a media strategy will harm your case.
- ⊙ **Staging protests.** Attorneys are also wary of protests and other public actions. If not outright opposing these actions, they sometimes express strong views about the tone and wording on signs and in chants. But, again, for long-term movement building, protests and other public actions are good vehicles to organize and coalesce around, including to

maintain community engagement for the duration of the lawsuit. In Cincinnati, advocates staged a boycott of local businesses concurrent with their participation in collaborative negotiations. Cincinnati officials and the mediator wanted the advocates to cease the boycott once they sat at the negotiation table; the advocates felt continuing the boycott was necessary to sustain public pressure and scrutiny until meaningful changes were implemented. When advocates refused to give up the boycott, the city refused to pay their attorneys' fees. Straddling this dual role is complicated; there's no easy answer. A first step, however, is for attorneys, organizers, and community members to acknowledge and respect the different tools each may need to achieve their desired result.

- ⊙ **Settling the case.** This typically arises when there are damages at stake in addition to systemic reform. Attorneys who take cases on a contingency basis have an incentive to settle when they feel they have negotiated a reasonable settlement amount, because the longer the case goes on, the more resources they have to expend. This may or may not conflict with systemic reform goals. The issue is further complicated when families are divided as to the appropriate course of action or have financial hardships that make a quick monetary settlement attractive. These issues should be discussed up front to avoid unnecessary tensions later.

4 Striking the right balance in the attorney-client relationship

Given the issues inherent in litigation that were just discussed—in particular (a) the fact that litigation traditionally fails to promote community empowerment and community building, (b) it is most effective when integrated with other strategies, and (c) attorneys are often wary of activity outside the courtroom—it is worth taking the time to find the “right” attorney and to define roles and expectations sooner rather than later. This is applicable whether you are initiating litigation or helping someone else such as the victim or victim's family to move litigation.

Some people resist playing a role in litigation; rather, they want the attorney to simply “get it done.” Others want to be more directly hands-on. The more involved you are, the more likely you are to build community capacity and have an outcome that reflects community needs and desires. In either case, consider:

- ⊙ **What are the qualities you want in an attorney?** A “take charge” person? Someone who tells you something after it is completed? Who signs up for a partnership? Does not make decisions for you that you can make yourself? Makes decisions that invest you with more power than him or her? Includes you in important decisions? Allows you to define what is important to you? Understands you are the client?
- ⊙ **What does the attorney bring to the table?** What do you? Do not be intimidated by the law or the lawyer—you both bring something of value to the table. How do you leverage all of the tactical expertise around the table? Is there anyone who has experience with attorneys or litigation in your group?
- ⊙ **How do you expect your attorney to interact with you?** How does s/he? What are your respective roles? Responsibilities? What is the role of organizing in litigation? Media?
- ⊙ **What are your respective goals?** Winning the case? Achieving systemic reform? Building a movement?
- ⊙ **How will decisions be made?** Does it depend upon the type of decision? The strategy?
- ⊙ **Are there any protocols you want to follow?** The attorney does not go to court without notifying you so that you can pack the courtroom with community members? The attorney is the spokesperson in court, but not necessarily outside of court? What is the group structure for the attorney to relate to? Who is the point of contact? Where will you hold meetings? At the attorney's office? In the community or other familiar surroundings?
- ⊙ **How can you be more involved in the litigation?** Researching and gathering information? Interviewing witnesses? Preparing affidavits? Attending hearings? Organizing a news conference? Spurring public action?
- ⊙ **Who speaks to the media?** The attorney? The victim and family? Community leaders? What can and cannot be shared? Who speaks (first) at the news conference breaking the story about the lawsuit? After the court hearing? When you win? Lose? Whose name is the contact on news releases?

- ⊙ **What information do you want to receive?** Copies of briefs? Dates hearings are scheduled? Discussions with the other side?
- ⊙ **At what point are you willing to settle?** Who will participate in settlement discussions? Who will speak for your side? Present proposals? Respond to questions or offers from the other side?
- ⊙ **How will you achieve mutual accountability?** Possible long-term strategies: hire attorneys on your own staff so the accountability is clear; develop and rely on a small cadre of attorneys whom you trust and with whom you share both short- and long-term goals.

5 Keeping community members engaged

The litigation process is long and dragged out; community members get tired and move on to other more pressing issues. Find ways to keep people engaged over the long haul. The longer the community stays involved, the more likely the outcomes will reflect community needs and desires.

- ⊙ **Advise people of the long, oftentimes slow,** timeline so they know what to expect.
- ⊙ **Identify activities in which community members** can directly participate: conducting research; planning meetings; being a spokesperson; attending a protest; keeping people updated about the progress of the litigation.
- ⊙ **Structure decision making as a group.** That way, when important decisions must be made, people will have to reconvene.
- ⊙ **Mark interim wins:** favorable media coverage; court motions granted; settlement offers made; new victims coming forward.
- ⊙ **Accept that you will sometimes lose people.** In Cincinnati, several people drifted away from the effort when the group decided to mediate because they disagreed with pursuing that strategy; they felt the participants gave in and gave up too much; and they wanted to fight. For those that stayed at the table for the duration, they were motivated by a feeling that the process was the last hope for change and by the prospect that they would get an enforceable order at the end of it all.

6 Negotiating a settlement

Most cases settle before trial because of the time and expense involved in fully litigating the case and the risk of losing. Since you know it's likely to happen—if you are lucky—you should be prepared.

- ⊙ **Know exactly what you want**, your order of priorities, and where you draw your bottom line. Share and reconcile that with other parties to the litigation before you enter discussions with the other side. Figure out how you will resolve disagreements among yourselves, for example, in selecting the best court-appointed monitor to oversee implementation of the agreement.
- ⊙ **How will you identify the provisions you want in the agreement?** Through your research? The attorney's? One place to look is agreements from other places. See the earlier discussion, *Assessing your legal options*, page 110. The Columbus police officer who helped attract the U.S. Department of Justice (DOJ) to Columbus came up with ideas based on his 24-year experience in law enforcement and by reviewing the earlier DOJ agreements with Steubenville and Pittsburgh. Be innovative. In Cincinnati, advocates fought to include a provision that would require African-American applicants to be considered for some of the consulting positions created by the agreement; periodic polling and community surveys to measure community perceptions over time; a shift in the policing approach from enforcement-oriented to community-oriented; and structured community engagement in the implementation process.
- ⊙ **Always include a provision for enforcing the agreement**—whether it is a court-appointed monitor, binding arbitration, a clause that allows you to go back to court if the agreement is breached. Thankfully, advocates in Philadelphia included a two-year monitoring provision that they were able to invoke when the police department was over a year late in delivering the use-of-force report mandated by the consent decree. All parties went back to court, after which the judge required monthly meetings to ensure the police department's ongoing compliance. Advocates reflect in hindsight that the agreement likely would have fallen apart without an ongoing mechanism for review by the court and a judge so active in monitoring the agreement.
- ⊙ **How will settlement negotiations be carried out?** Who will participate? Who will speak? Respond to questions or offers from the other side? How will you keep people at the table?
- ⊙ **Never be afraid to walk away** if you have not been offered anything meaningful.

Real World case study

The Cincinnati Police Community Relations Collaborative engaged thousands of residents in settling a racial profiling lawsuit

In April 2001, Cincinnati experienced days of unrest following the police shooting death of Timothy Thomas. Not long before, the Cincinnati Black United Front, the ACLU of Ohio, and Bomani Tyehimba (an African-American businessman who felt he was racially profiled by the Cincinnati police) had filed a lawsuit against the police department, alleging that the department had treated African-American residents differently than other racial groups for more than 30 years. The lawsuit was filed following the November 2000 death of an African-American man who suffocated while in police custody.

The parties to the lawsuit agreed to participate in mediation to try to resolve the case without a trial. They secured funding from several foundations, the city, the faith community, local businesses, and others to develop a collaborative process that would engage as many residents as possible in discussions about the future direction of the police department. After six months of visioning and consensus-building that included more than 3,500 responses to a questionnaire and several stakeholder meetings, residents and police officers reached agreement on a five-point platform for change that would lay the foundation for settlement negotiations. The negotiations took four months, concluding in a collaborative settlement agreement in April 2002—the one-year anniversary of the city's unrest.

Following is a chronology of the Cincinnati Police Community Relations Collaborative (an edited excerpt from *The Cincinnati Collaborative Executive Summary*, available at www.ariagroup.com/cinti.html):

Stage One:

“Cincinnati Sings” (May–July 2001)

The project began with a broad public awareness campaign and an emphasis on outreach and relationship building with the media, as well as coordination with other similar efforts. The campaign was designed to explain the technique of gathering visions from all sectors of Cincinnati for a better future for police-community relations and, more generally, race relations.

Stage Two:

“Getting Out The Voice” (June–August 2001)

Information about goals was gathered by asking the following questions:

- 1 What are your goals for future police-community relations in Cincinnati?
- 2 Why are these goals important to you?
- 3 How do you think your goals could be best achieved?

Responses were gathered through web-based online questionnaires, paper and pencil questionnaires, and interviews. Individual identities and identifiers remained absolutely confidential. The ARIA Group (a conflict resolution consulting and training firm) gathered thousands of citizen responses, which were analyzed and organized for presentation to feedback groups. Data were ultimately collected from more than 3,500 people representing all segments of the community, including: African Americans, white citizens, leaders of religious organizations and social service agencies, business leaders and foundation professionals, educators, youth, police and their families, city leadership, and other minority persons.

Stage Three:

“Shared Visions” (July–November 2001)

Representatives from each of the eight stakeholding groups participated in feedback sessions, which consisted of carefully facilitated small-group discussions regarding people’s motivations and values. Following the small sessions, each group was given a set of shared goals compiled from the analysis of all groups’ questionnaire responses. Representatives from each group then negotiated and reached agreement on their groups’ goals.

Stage Four:

Integration (November–December 2001)

After the feedback and dialogue had been completed with each stakeholding group, the ARIA Group produced a set of shared goals, as well as summaries of value statements and motivations across all the groups. Sixty selected representatives—five to ten representatives from each of the stakeholding groups—met in early December to review, prioritize, and comment on the goals. They reached agreement on a five-point platform for change:

- 1 Police officers and community members will become proactive partners in community problem-solving.
- 2 Build relationships of respect, cooperation, and trust within and between police and communities.
- 3 Improve education, oversight, monitoring, hiring practices, and accountability of the Cincinnati Police Department.
- 4 Ensure fair, equitable, and courteous treatment for all.
- 5 Create methods to establish the public’s understanding of police policies and procedures and recognition of exceptional service in an effort to foster support for the police.

Stage Five:

Negotiation (January–April 2002)

The Settlement Group, consisting of the parties to the lawsuit, intensely worked on negotiating a Collaborative Settlement Agreement. The ARIA Group facilitated these negotiations.

Stage Six:

Approval and Implementation (April–August 2002)

Once agreement was reached in the negotiations, the Settlement Group submitted the Collaborative Settlement Agreement to the Federal Court for approval. In addition, it started working with the stakeholder group representatives and coordinating with other local efforts to bring the settlement agreement back to the various stakeholders for implementation at both administrative and grassroots levels.

You can view the Collaborative Settlement Agreement and companion Community Partnering Plan at www.ariagroup.com/FINAL_document.html and www.ariagroup.com/weekly_PartneringPlan.html, respectively.

7 Monitoring implementation

Most of the time, after you secure a consent decree, everyone but the attorneys resumes his or her daily routine and addresses other pressing problems. They figure the problem is taken care of and otherwise in good hands. However, conventional wisdom is that it is easier to get the settlement agreement than it is to enforce it.

- ⊙ **Stay involved and ready to mobilize.** In Pittsburgh, advocates had to re-organize to respond to the mayor's statement in November 1999 that he would seek to end the consent decree halfway through its implementation based on the city's substantial compliance with the agreement. Advocates had filed a class-action lawsuit in 1996 and entered into a consent decree in 1997 that was due to expire in April 2002 at the earliest. Twenty community groups issued a letter to the U.S. Department of Justice opposing Pittsburgh's release from the consent decree, citing ongoing problems as documented by the court auditor. You can view a copy of their letter at www.aclu.org/PolicePractices/PolicePractices.cfm?ID=8768&c=114. Later, when DOJ and the City of Pittsburgh jointly petitioned the court to relax monitoring of the police department, the advocates returned to action, filing a friend-of-the-court brief to oppose the proposed changes. You can view a copy of their brief at <http://archive.aclu.org/features/f010902a.html>.
- ⊙ **Work to get buy-in from the police department—** from the police chief down to the rank-and-file. It is a key factor in the success of the agreement. Once the consent decree expires, you hope to have people in place who are invested in the improvements and progress made. A committed police chief and committed supervisors are instrumental in bringing the rest of the department on board. In Philadelphia, at least one advocate credits the police chief in part for the progress made under the consent decree; he observed that the chief's respect for the profession made him want to make the changes.
- ⊙ **Keep the media engaged.** The public spotlight can help people stay focused on how much has been accomplished and how much is yet to be done. Apprise the media of new milestones achieved; subsequent incidents resembling those that gave rise to the consent decree; unnecessary and inappropriate delays; court dates. You want the scrutiny of the department to continue beyond the date of the consent decree.
- ⊙ **As with some other strategies, litigation often never ends.** As discussed earlier in this section, the Rhode Island Legislature passed legislation mandating racial-profiling data collection in 2000. The Providence Police Department refused to comply with the law. Advocates sued the department in 2001, after which the judge ordered the police department to comply and required independent monitoring (at the city's expense) to ensure ongoing compliance. The court order was apparently not sufficient incentive: a year later the parties were back in court, with the court ultimately holding the police department in contempt for continued failure to comply.



None of the Above: Thinking and Acting Outside the Box

Do not confine yourself to the traditional actions and forums discussed in the preceding chapters. Create your own forum! Be innovative and explore other avenues for shining a spotlight on your issue, garnering media attention, and building public support and political will. By thinking and acting outside the box, you may be able to achieve the same or similar results you could achieve through more traditional avenues and, at a minimum, lay a stronger foundation for future efforts in one of the traditional forums. Among the countless possibilities, you might:

- 1 Establish an organization**
- 2 Leverage the election season—just be careful!**
- 3 Request a public hearing**
- 4 Involve investigative reporters**
- 5 Organize a town hall meeting**
- 6 Engage in public actions**
- 7 Maximize police contract negotiations**
- 8 Develop an issue-oriented website**
- 9 Pass resolutions**

1 Establishing an organization—or a chapter of an existing one

Being part of an institution often conveys to decision-makers staying power, organizational resources, and commitment. It can also amplify your voice and give you credibility with decision-makers because you have the weight and name of the organization behind you. Many civil rights and other advocacy organizations have a chapter structure that you can plug into, such as LULAC, NAACP, and ACLU. After the Tulia incident (see page 76), new LULAC chapters emerged and many were revitalized. Coming together around the lack of bilingual officers and 9-1-1 operators in Memphis, a new organization formed and sprang into action: Fuerza Latina Unida (www.flumemphis.org).

2 Leveraging the election season

You will find that, on the whole, politicians are more accessible and accountable during election season. Use this time as an opportunity to find out where they stand on your issues and get concessions on the record. Organize a candidate forum or an accountability session—if they refuse to come, that's a story (and an indication of their regard for you and your issue); if they actually attend, that's also a story. You can also distribute a candidate survey or show up at one of their town hall meetings or debates and ask them a question in front of the audience.

Be careful that you don't engage in any activities that are prohibited for nonprofits. You have to give all candidates equal opportunity. You can never support or oppose a political candidate or engage in



Real World case study

Get a public hearing!

- ⊙ During the 1999–2001 statewide campaign to pass data collection legislation in California, advocates secured hearings before human relations commissions to provide testimony about racial profiling.
- ⊙ A Philadelphia city councilman called for city council hearings in 2002 in response to a troubling report issued by the police department’s integrity officer about the practices of the Philadelphia Police Bureau’s Narcotics Bureau. The report found that the Bureau failed to have adequate controls against corruption and had thousands of cases dismissed annually by the courts, a key factor being the failure of some narcotics officers to appear in court.
- ⊙ In the aftermath of the 2002 videotaped beating of a 16-year-old in Inglewood, California, the Speaker of the California State Assembly held public hearings on police conduct across the state.
- ⊙ The Southern Christian Leadership Conference of Greater Los Angeles held a well-attended and widely-covered public hearing in 2002 as a result of the Inglewood incident mentioned above. The forum was intended to locate additional victims of police abuse, highlight the issue of police misconduct, and convene individuals who had filed complaints against the police department in the preceding five years.

“electioneering,” and you should avoid even the appearance that you are doing so. It’s a fine line—make sure you know the rules so that you do not cross them. A number of publications and organizations provide detailed information on the do’s and don’ts of nonprofit advocacy. A recommended place to start is the Alliance for Justice. Visit its website at www.allianceforjustice.org/nonprofit/index.html or call 202/822-6070.

3 Requesting a public hearing

Just about any elected official or governmental body has the discretion to hold a public hearing without having to go through the legislative process. Ask your congressional or state legislative representative to hold a hearing on an incident in his/her district. Approach the human relations commission or another governmental agency to hold a hearing. Also consider non public entities that can host public hearings that draw a crowd and media attention such as Amnesty International, the League of Women Voters, and other nonprofit, civil rights, and human rights organizations.

4 Involving investigative reporters

If information is being withheld under a shroud of secrecy and you suspect that something may be awry (or at least a good “scoop”), try to get a local investigative reporter interested in exposing the truth. S/he may be able to get information you cannot otherwise gain access to and any article s/he publishes will heighten public awareness of a problem and provide an objective source to bolster your agenda.

5 Organizing a town hall meeting

Town hall meetings are good mobilization tools to educate and motivate people to take some action and to collect stories and identify good spokespersons. They are also a way of creating a forum to raise the profile of your issue. If you plan in advance and ensure it will be well-attended, you can often get the local news—television and radio—to cover it. In the aftermath of the Inglewood incident, a local radio station broadcast live from one of the town hall meetings. To increase your chances of media coverage, try to get a local news anchor or radio personality to moderate the event.

6 Engaging in public actions

Public actions provide another opportunity to showcase your issue and draw public attention—from public theater such as mime, spoken word, and rap to demonstrations and sit-ins. They remind the public and decision-makers that there’s another point of view; they keep the issue alive while you are advocating for change. In Portland, Oregon, several pastors requested permission to bear public witness in front of the grand jury considering an indictment of a police officer; they hoped to ensure a fair and an open process. Their request was denied, but the media carried the story.

7 Maximizing police contract negotiations

Police contract negotiations are often a missed opportunity to highlight the need for reform and to attempt to achieve meaningful change. Advocates lobbying for policy change sometimes find that their reform agenda is in conflict with provisions in the police union’s collective bargaining agreement. It’s usually an after-the-fact discovery that puts advocates in a reactive mode or ties their hands altogether. Mark your calendar for the next round of negotiations so you can proactively lobby the city council to remove unnecessary hurdles to increased accountability and find out what’s on the table that should be rejected or can be traded for meaningful reform. But also recognize that once the police union and city officials go behind closed doors, anything can happen—no matter what was said before.

8 Developing an issue-oriented website

An Austin advocate designed a website about the Austin Police Department called the APD Hall of Shame. He posted sustained complaints that were public record on the website, along with information about incidents of officer discipline such as days off without pay, demotion, and termination. The website provoked a great deal of controversy, but he felt it served its purpose. Being a complete outsider to police advocacy at the time, he regarded it as a useful strategy to help position him as a player and to be taken seriously because he posted concrete information that highlighted disturbing patterns rather than engaging in rhetoric or speaking in generalities. The media in particular responded well: Every local television station aired a story on the website when it was first launched and the media continued to refer to it when doing a story on the police. The website became a useful tool for encouraging discussion of police accountability issues. It was later renamed the Texas Police Reform Center (<http://home.austin.tx.com/apdhallofshame>).

Make the most of police contract negotiations

- ⦿ After a series of disappointing setbacks arising out of contract negotiations between the city and the Seattle Police Officers Guild, local advocates drafted a list of recommendations to push during the next round of negotiations. You can view their list at www.acluwa.org/issues/police/Accountability.2.13.02.html.
- ⦿ The Austin experience is also instructive: Despite participating on a task force with advocacy organizations such as the NAACP and the ACLU and reaching a compromise, the Austin Police Association went behind closed doors with the city manager and negotiated a contract that failed to incorporate agreed-upon reforms related to police misconduct records and citizen oversight. After this turn of events, advocates resolved to adopt a long-term strategy and secure reforms in the next contract. They also learned that collective bargaining is no place for citizen oversight issues because, in hindsight, it’s hard to imagine police signing off on that type of reform.



Real World case study

Building support through resolutions

The New York Civil Liberties Union's use of resolutions as a campaign tactic is recounted in *Fighting Police Abuse: A Community Action Manual*, available at www.aclu.org/library/fighting_police_abuse.html:

In the wake of the Tompkins Square events, the New York Civil Liberties Union (NYCLU) spearheads "A Campaign for a Real Civilian Review Board" and organizes a coalition of civil rights organizations to back it up. The goal of the campaign is the establishment of a new, all-civilian CCRB that will be totally independent of the police department.

During 1991, the campaign calls on the city's community boards to pass resolutions in support of "a real CCRB." (The community boards are elected bodies that have advisory jurisdiction over a variety of local matters, such as zoning and land use.) Campaign spokespeople debate police department representatives before some 30 community boards throughout the city, and 19 boards pass resolutions calling for revisions of the present system. Each board that passes a resolution becomes a member of the campaign coalition...The NYCLU, after garnering this broad support, develops legislation for submission to the city council. The bill is endorsed by 14 councilmembers and is adopted.

9 Passing resolutions

You can build public support and political will by getting local entities to pass resolutions supporting your agenda. It could be getting school boards to pass resolutions related to police presence on school campuses or the city council about local police enforcement of federal immigration laws. Whatever the issue or the entity, resolutions effectively cause official governmental bodies to take a stand on what is good for the community.

SAMPLE RESOLUTION

RESOLUTION ON THE CIVILIAN COMPLAINT REVIEW BOARD OF NEW YORK CITY

Adopted by Community Board #9, Serving Hamilton Heights/Manhattanville & Morningside Heights of New York City

Whereas, many New Yorkers are concerned about the independence and effectiveness of the present Civilian Complaint Review Board; and

Whereas, with the proposed hiring of 9,600 new police officers, unfortunately, there may be a wider possibility of alleged police abuse; and

Whereas, if alleged police abuse has been charged, New Yorkers should have an effective government review agency that will render fair and full investigation and hearing of their allegations without pressure from the Police Department; now, therefore, be it

Resolved, that the new board should have investigators and board members who are civilians with no allegiances to the Police Department and should have the power to subpoena witnesses to insure cooperation from the police officers or other concerned individuals. It should hold regular public hearings and maintain procedural safeguards to protect the rights of civilians and police officers. It should have expanded jurisdiction that includes all police and peace officers employed by the city and quasi-city agencies; and in adopting this resolution we are following the lead of Community Boards #4, #11, and #12.



Getting Started: Tips to Consider in Moving an Agenda

Advocacy is an ever-evolving enterprise, often with many surprising turns. You cannot figure out everything ahead of time or anticipate every one of your opponent's moves, but following are a few tips to consider as you move forward:

- 1 Think proactively and strategically**
- 2 Be determined and innovative**
- 3 Identify and leverage a spectrum of support**
- 4 Assess what you can realistically accomplish**
- 5 Develop a strategy**
- 6 Take stock of the politics and political context**
- 7 Know what you can—and can't—do as a nonprofit**
- 8 Fund your advocacy work**
- 9 Recognize “It’s Never Over”**

1 Thinking proactively and strategically

Police reform advocates often operate in a reactive mode. It's understandable—change is difficult, it takes a long time and tremendous persistence, people move away, and there are so many other pressing issues facing the same communities and just a handful of advocates. The cycle is predictable: a high-profile incident occurs; people spring into action, with little time to develop a plan, identify comprehensive reforms, or figure out how to be most strategic; a new policy may be adopted (which may or may not be implemented); the public spotlight goes away; and a few years later a similar incident occurs.

Despite the odds, there have been some amazing successes. Imagine what might be accomplished if—on the heels of responding to a recent incident—you took a step back, assessed the groundwork that was laid, figured out how it might be harnessed and built upon in the future, determined what you're “for,” not just “against,” and developed a plan to get you there?



Taking Action!

Developing an Advocacy Strategy

Jim Shultz, author of *The Democracy Owners' Manual*, writes:

One of the most important parts of effective advocacy is having a strategy; a clear vision of where you are, where you want to go and a plausible plan of action for getting there. Five key questions can help show the way:

What is Your Objective?

What change will actually solve the problem you are concerned about, one which is also winnable? An advocacy objective needs to be compelling to get people interested in working for it. It also needs to be small enough to achieve at least part of your goal within a year or two, to keep people interested.

Who Do You Need to Move?

Who actually has the authority to give you what you want (city council, state legislature, the President)? Who else do you need to woo to your side as a way of influencing those with authority (the media, other citizen groups, etc.)?

What Do They Need to Hear?

What advocacy message will move all those people in your direction? An effective advocacy message has two parts: an appeal on the merits (this bill is important because) and an appeal to self-interest (hundreds of voters want to know how you'll vote).

Who Do They Need to Hear it From?

What messengers can you recruit who will be most persuasive? An advocacy campaign needs a mix of messengers; people who can speak from personal experience, people with recognized authority, and others who might have some special pull with the people you are targeting.

What Actions Will You Use to Make Your Point?

Finally, what will you actually mobilize people to do in order to deliver that message? The options are many. You can lobby officials politely or protest in front of their office. You can get an article in the newspaper, you could hold a town meeting. Generally, the best actions are those requiring the least effort and confrontation, but which still get the job done.

Excerpt from *Developing Advocacy Strategy*, available at www.democracyctr.org/resources/manual/curricula/doc1.htm.

2 Being determined and innovative

Change will not come easily; you are likely to be met with resistance every step of the way. Dig in your heels, brace yourself for the long haul, and cultivate the next generation of leaders because few people stay in this work more than a few years at a time.

Be flexible, creative, and willing to try something new. Don't just go with what you know. Sometimes advocates get in the habit of doing what they have always done because it's familiar, even if they are not getting the results they want. Each situation and set of circumstances are different—what worked somewhere else or in another time may not be what is needed this time. How can you put a new spin on an old problem? Recruit nontraditional allies to your side? Try a different mix of strategies?

3 Identifying and leveraging a spectrum of support

Think broadly about whom you can draw on and what roles they can fill—organizers, academics, elected officials, faith leaders, retired police officers, people who have been involved and who could become involved. Recognize that everyone potentially has a role to play, even though they will not all play the same role. Some people will show up to a protest; others, the news conference. Some will join the coalition; others will agree to submit a letter of support. Some will work behind the scenes; others will be out front. Welcome, respect, and coordinate all these roles to the extent possible, to garner maximum support.

4 Assessing what you can realistically accomplish

Inventory the resources you can bring to bear. How much time do you have to give? What is your organization willing to dedicate? How many *working* partners can you bring to the table? What new resources can you likely attract?

Choose an immediate, concrete, winnable issue that is an important step toward your ultimate goal. You are not going to solve community-police relations in one sitting. So, while fundamental change is the ultimate goal, what are the realistic and practical steps you can take to get there?

5 Developing a strategy

An advocacy strategy is the roadmap that lays out where you are; where you want to go; and the resources, tools, and tactics you will use to get there. It will help keep you focused, organize your time, mark important deadlines and interim wins, and inform you when something is not working that may require you to shift gears along the way.

6 Taking stock of the politics and political context

Police reform work is political and controversial. It's important to survey the landscape to know what you are getting into, what you are likely to be met with, and how best to navigate the waters. Who are the key players and where do they stand? Who is already working on this issue or has in the past? Who is on your side? Who is really with you and will stand by your side when the pressure is on? Who is the opposition? Is it effective? Aggressive? How well-organized and funded? Who are its allies and supporters? Is it well-connected? Is the police department vulnerable or seemingly beyond reproach? Who are the decision-makers? Who is undecided that you could possibly persuade to come your way? Is it an election year? This can cut both ways: Elected officials are often hesitant to take on police departments because they are afraid of being labeled as "soft on crime." At the same time, they sometimes need the very constituencies most impacted by policing or those represented in the coalition to get reelected. How can you leverage this political reality?

Don't confuse political with partisan—avoid playing "party" politics. If you make your issue a Republican, Democrat, Green, or other party issue, you will alienate potential supporters and marginalize your issue. Sometimes the one vote you need is on the other side of the aisle, and you will find that you have friends and foes on both sides of the aisle. Case in point: Racial-profiling data collection legislation has been signed by both Democratic and Republican governors across the country.

7 Knowing what you can—and can't do—as a nonprofit

Nonprofit organizations are often surprised at the extent to which the law allows them to play an advocacy role, most likely because people often equate "advocacy" with "lobbying." Advocacy involves more than just lobbying—it's about speaking out and making a case for something important. It can be staging a protest, submitting an op-ed article to the local newspaper, educating the public, filing a lawsuit, or any number of activities that are perfectly appropriate for nonprofits to do.

Significantly, nonprofits can lobby, too. You can lobby elected officials and the public. But it is critical that you know the rules, limitations, and disclosure and documentation requirements before you engage in any lobbying. That way, you can lobby to the fullest extent permitted by law without crossing any lines, which can result in fines or even jeopardize your nonprofit status. There are a number of publications and organizations where you can get further information on nonprofit lobbying. A recommended place to start is the Alliance for Justice. Visit its website at www.allianceforjustice.org/nonprofit/index.html or call 202/822-6070.

8 Funding your advocacy work

Be expansive in thinking about how to fund your work—both in terms of the range of possible funders and the way you frame the work you need funded. Appeal to wealthy individuals, community foundations, large public and private foundations, corporate donors, members, and constituents. Apply for government grants. How can you present your work in a manner consistent with their interests? In building or healing the community in which they are situated? Advancing race relations? Promoting civic engagement? Reducing criminal justice disparities? Human rights? Getting funding will not be easy, but it is possible.

Because of its interest in community reconciliation, the Andrus Family Fund (www.affund.org) helped fund an innovative collaborative in Cincinnati that resulted in a comprehensive settlement of a racial profiling lawsuit (see pages II6-II7). Because of its concern about the impact of the criminal justice system, the Open Society Institute (www.soros.org) has underwritten work related to promoting community policing and eradicating racial profiling. Because of its goal of increasing the use of technology, the U.S. Department of Commerce, through its Technology Opportunities Program (www.ntia.doc.gov/top), has provided grants to facilitate mapping of crime data.

9 Recognizing “It’s Never Over”

Advocacy often involves going from one strategy to another—and back again. If you win, you have to stay on top of the implementation to make sure the changes are done right. You may have to go to court for enforcement if results are not forthcoming. Your opponents may try to undo your win or diminish your gains. If you win in the legislature, they may take the issue to the ballot or the courts. And, even if you lose, there’s always another day, another strategy, and another set of circumstances with new opportunities. Through all the ups and downs, successes and setbacks, pick yourself up and keep going—advocacy is one of the most powerful forces for change.



Appendix: Interviewees

Michelle Alexander

Associate Professor, Stanford Law School
Former Director, Racial Justice Project
ACLU of Northern California
San Francisco, CA

Steve Block

Legislative Counsel, ACLU—NCA
Washington, DC

Joe Brann

President, Joseph Brann & Associates, LLC
Palos Verdes Peninsula, CA

Luke Cole

Director
Center on Race, Poverty and the Environment
San Francisco, CA

Dr. Marcos Contreras

Member, Coalition for Justice
Stockton, CA

John Crew

Former Director, Police Practices Project
ACLU of Northern California
San Francisco, CA

Monique Dixon

Staff Attorney, Advancement Project
Washington, DC

John Floyd

Member, Sacramento Racial Justice Coalition
Sacramento, CA

Al Gerhardstein

Attorney
Cincinnati, OH

Will Gonzalez

Former Executive Director
Police-Barrio Relations Project
Philadelphia, PA

Samuel Gresham

President, Columbus Urban League
Columbus, OH

Rev. Bob Hailey

Member, Coalition for Justice and
President, NAACP Stockton Chapter
Stockton, CA

Penda Hair

Co-Director, Advancement Project
Washington, DC

Dan Handelman

Portland CopWatch
Portland, OR

Will Harrell

Executive Director, ACLU of Texas
Austin, TX

Scott Henson

Police Accountability Project, ACLU of Texas
Austin, TX

Michael Hess

Deputy Director
Independent Police Review Division
Portland, OR

Van Jones

President, Ella Baker Center for Human Rights
San Francisco, CA/New York, NY

Charles Jordan

Former Portland City Councilmember
Portland, OR

Jim Keddy

Director, The Pacific Institute for Community
Organization (PICO) California Project
Sacramento, CA

Steve Kelban

Executive Director, Andrus Family Fund
New York, NY

Lupita Ledesma

Member, Fuerza Latina Unida
Memphis, TN

Rev. Damon Lynch

Senior Pastor, New Prospect Baptist Church and
President, Cincinnati Black United Front
Cincinnati, OH

Michael McBride

Youth Minister, Bible Way Christian Center
San Jose, CA

Kim McGillicuddy

Organizer, Youth Justice Coalition/Free LA
Los Angeles, CA

James McNamara

Attorney
Columbus, OH

Rafael Miranda

Member, Fuerza Latina Unida
Memphis, TN

Jerry Mondesire

President, NAACP Philadelphia Chapter
Philadelphia, PA

James Moss

Retired Police Officer, Columbus Police Department
Columbus, OH

Fred Parker

President, NAACP Columbus Chapter
Columbus, OH

Dr. Vincent Ramos

Former Executive Director, LULAC of Texas
Round Rock, TX

Adrienne Ratner

Campaign Manager and Treasurer
Portland Police Accountability Campaign
Portland, OR

Jay Rothman

President, The ARIA Group, Inc.
Yellow Springs, OH

David Rudovsky

Attorney, Kairys, Rudovsky, Epstein, Messing & Rau
Philadelphia, PA

Juan Sanchez

Member, Fuerza Latina Unida
Memphis, TN

Francis Storrs

Former Chair, Storrs Commission
Portland, OR

Ishmael Tarikh

Former Director, Bay Area PoliceWatch
San Francisco, CA

Mark Toney

Former Executive Director
Center for Third World Organizing (CTWO)
Oakland, CA

Rev. Harriet Walden

Seattle Mothers for Police Accountability
Founding Steering Committee Member
National Coalition on Police Accountability
Seattle, WA

M. Dane Waters

President, Initiative & Referendum Institute
Leesburg, VA

Landon Williams

Director, San Francisco Foundation
FAITHS Initiative
San Francisco, CA

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