

We Demand Police Reform in Buffalo!

Local Recommendations for the City of Buffalo and Buffalo Police Department to Increase Accountability and Reduce Harm

1) Riot police must stand down.

a) We have seen that the presence of militarized police escalate protests toward violence and their presence is harmful, not helpful. Without the officers of the ERT, the protest on June 5th was peaceful, showing that we do not need riot police present at peaceful demonstrators. The presence of hundreds of police officers armed with riot gear is an unnecessary provocation of peaceful demonstrators expressing their outrage at the police murders of George Floyd and Breonna Taylor, Jose Rossy, Pito Rivera, Wardel Davis, and the recent, brutal beating of Quentin Suttles. Members of the community came together to express their pain, frustration, and trauma at having been targeted by rogue members of the Buffalo Police Department and other police departments across the country for discriminatory and violent treatment because of the color of their skin. This unnecessary show of force, including helicopters, snipers on rooftops, and lines of armor-clad police around crowds of women, men, and children must end. The use of pepper spray, tear gas and rubber bullets against peaceful demonstrations should be banned.

b) Every mobilization of police for a riot is costly for city and county government. The city and county are currently facing severe budget deficits due to loss of revenue while many people have been quarantined during the COVID-19 pandemic.

2) Fire officers with a history of brutality and killing people.

Immediately fire the officers who abused Quentin Suttles, Miles Carter, Shy'quan Bradie and Martin Gugino. Remove police officers who have killed, injured residents, or received multiple harassment complaints from the communities in which they have committed these harms. Trauma-informed policing training must be required for promotions and for officers to maintain their jobs.

3) Make officers pay for settlements with their pensions, not taxpayer dollars.

Discontinue the payment of victim settlements from taxpayer dollars and instead fund victims' settlements directly from police officer pensions. Police misconduct lawsuits cost Buffalo millions of dollars, including at least \$4.5 Million dollars this year alone. Spreading responsibility for rogue officers on all police provides an additional incentive for police to follow the laws they are charged with enforcing.

4) Create an independent external oversight body.

An independent, separate oversight body should have sole power to investigate and resolve all complaints and disciplinary actions. The Buffalo Police Advisory Board, created by the Common Council in 2018, is one existing body that could be elevated to have subpoena power and

investigative responsibilities. Common Council should immediately act by using its existing subpoena power to obtain any and all arbitration decisions involving allegations of police misconduct by employees of the Buffalo Police Department for the past 10 years, and turn those records over to the Police Advisory Board for review and recommendation.

5) Cut the police budget and invest in reforms and community supports.

Any budgetary impact of implementing the above policy changes should be funded by cuts to the police budget. In the event of a budget shortfall, the City must make cuts to the police department and not to any community programs or services. The City must prioritize funding education and other basic needs over the police.

6) Increase transparency of police policies, activities, and cameras.

a) BPD should publish all of their written policies and procedures on their website, and should track and regularly report out detailed data about complaints and how they are resolved, how often force is used in interactions, how often and what type of injuries occur, and how often lethal and non-lethal weapons are used.

b) The body camera policy does not guarantee sufficient transparency and public access to footage. Rules about when cameras must be on should be strengthened and violators must face strong penalties.

7) End biased traffic stop practices and eliminate unfair fees.

a) End unnecessary stops driven by relying on revenue from fines and fees—which incentivizes police to make arrests and issue excessive tickets. Instead, reward community policing, de-escalation and problem-solving.

b) Stop receipts should be issued for all stops and fix-it tickets should be used instead of fines. Data on all stops and all arrests should be tracked and available in a public database, including the frequency, reasons, geographic locations and demographics of those who are stopped.

8) Implement LEAD to reduce arrests driven by mental health, substance use, and poverty.

Law Enforcement Assisted Diversion allows officers to link people with services instead of the criminal justice system. Convert at least 50% of the police force into community officers over the next 5 years. Require completion of LEAD Training as a prerequisite to graduation from the police academy. Participation in LEAD and community policing should be a requirement for officer promotion.

9) Adopt Cariol’s Law to create a duty to intervene.

Pass a local law establishing a duty to intervene for police officers who witness excessive force being used by fellow officers, with protections for whistleblowers and criminal charges for failing to intervene. Pensions should be restored to officers who were fired for intervening to protect citizens.

10) Give community a seat at the bargaining table.

Union contracts control many aspects of policing in Buffalo. Contracts should require that regular performance evaluations be mandatory for officers, incentivize and incorporate community policing practices, and renew the residency requirement for new BPD officers to require that new hires be domiciled residents of the City of Buffalo and remain so for 10 years. Community members should be able to review and have input on police union contracts.

11) Update BPD Use of Force policy and codify amendments into law.

BPD policy must include bans on certain neck restraints like chokeholds and strangleholds, and strict guidelines on using all weapons including Tasers, noise devices, leg restraints, rubber bullets, and tear gas. Include more reporting requirements for when these things are used and expand duty to intervene to be stricter and include a reporting requirement. Require reporting for all use of force beyond customary handcuffing and escort techniques. Do not allow use of force for “verbal resistance,” or the use of pain/pressure holds for “active resistance” and lower. Include a mandate to verbally warn before shooting. The use of force policy should clearly list which types of physical holds, moves, and restraints are approved by the Buffalo Police Department and should ban all other forms of uses of force. The Use of Force policy should be added as law to the City Charter.

12) Get police out of schools.

Don’t renew contracts for Buffalo Police Officers to be in schools; instead, fund mental health services, social workers, art programs and restorative justice in our schools.

13) Pass resolutions in support of all the state laws proposed by the Black, Puerto Rican, Hispanic and Asian Legislative Caucus.

The Common Council should publicly support the 13 state laws proposed by the Caucus that will increase police accountability and improve police-community relations.

