



Jewish Community Relations Council Police Reform Policy

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Enshrined in the fundamental text of our Jewish heritage, the Torah, is a recognition of the role of both those who adjudicate the law (*shoftim*) and those who enforce it (*shotrim*) in the structures of a society based on law and civility (Deut. 16:18). The term, *shoftim*, refers to judges and the term, *shotrim*, in modern Hebrew, refers to police. The biblical commentator Rashi, writing in the 11th century, noted when judges (*shoftim*) rendered a legal decision, it was the police (*shotrim*) who were charged with enforcing that law even by using physical force. (Midrash Tanchuma, Shoftim 2:17). However, throughout the literature of our sages, attention has been given to the conduct, the decency and the character of both institutions. Both judges and police are expected to comport themselves in keeping with the highest standards of Jewish law and ethical teaching. Further, in the Torah (Ex. 12:49, Lev. 24:22, and others) we find instruction that the law should be applied equally and fairly to all, regardless of social status or origins.

As Americans and citizens of the Greater Washington Area, we expect the same when it comes to those whose role it is to preserve and protect a just society for all its members. We expect them to conduct themselves in keeping with the law they are charged to uphold while adhering to the highest standards of decency, accountability and responsibility to which we aspire for our civic society. As the 20th century sage, Rabbi Hayyim David HaLevi writes “the job of the police officer is not restricted to carrying a baton and a belt and to the punishment of criminals, rather they are the leaders of the generation.” (D’var HaMishpat Hilcot Sanhedrin Section 7). In effect, those who enforce the law should be exemplars of that law, as well as of the qualities of justice, fairness and decency that are its foundation.

It is in this spirit, as citizens of our community and informed by the wisdom of Jewish teaching, that we enter this contemporary conversation about the responsibilities and conduct of those entrusted with this important role in our society. We are also mindful of the historical experience of our own people, who in different times and places, have been subject to abuse and persecution at the hands of “police”. This memory makes us particularly sensitive to injustices visited upon others. It encourages us to insist that no individual should have their person or their rights violated in the name of the law. Our Jewish community looks upon those entrusted to enforce the law with both great respect and high expectation in keeping with the observation that “police officers must be of the highest ethical order, so that they themselves will serve as good examples of following the law.” (Ibid.)

The statement and recommendations of the Jewish Community Relations Council of Greater Washington (JCRC) reflect these priorities, rooted in both Jewish values and American ideals. We hope they will contribute to building a community in which justice and safety apply equally to all.

Introduction

JCRC adopted in 2017 its current policy on criminal justice reform, a policy we reaffirm. We start this policy paper on police reform by acknowledging the trust that the Jewish community

places in the police to protect us against anti-Semitic incidents, which, as noted by the Anti-Defamation League, have risen to record levels in the past two reporting years (2017-2018).¹ Our continued positive relations with law enforcement are essential for our continued safety and we thank the men and women of law enforcement for their service to the Jewish community as well as the overall community, and for their frequent and remarkable displays of heroism and courage, such as what we witnessed in connection with the recent bombing in Nashville. We make these recommendations in the spirit of improving police-community relations, rather than in any way attempting to punish public safety officials.

But the substantial number of high-profile deaths in recent years of members of the Black community at the hands of police, the impact of those incidents on Jews of color in our own community, and the many ensuing public conversations about the systemic societal racism manifested in police misconduct have highlighted the need for us to expand upon the limited portion of our existing policy dealing with policing and public safety. JCRC is proposing that policy makers give serious consideration to a set of policies endorsed by JCRC that we believe will lead to closer and mutually beneficial relationships between our community, minority communities and local public safety institutions.

We also see and appreciate anxieties that people of color in our local community and elsewhere face every day in their interactions with police, as they are more likely to be stopped, arrested and killed by police². We recognize the devastating impact of systemic racism in America. Systemic racism inevitably seeps into police behavior, both in terms of internalized bias, racism that impacts the criminal justice system and police policies and procedures that have a disparate racial impact on persons of color. Conversations about police reform must be rooted in this knowledge and confront these difficult truths in order to reform American policing to justly protect and serve all Americans.

These are serious problems that are not simple and demand solutions. And they require our community's attention. The JCRC commits itself to pursuing legislative and policy outcomes that both meet the urgency of the moment and are the product of sober thought about the complicated nature of the police-community relationship.

Fundamentally, JCRC believes that policing and public safety policy should be reformed through systemic change. While improvement in police training is but one aspect, it alone is not sufficient. Policing and other public safety policies must change in substantial ways.

We reject broad calls for “defunding” the police. But we also believe that some public monies now devoted to police services might be better reallocated to mental health and other social services. Social service agencies are better equipped to handle many domestic and health crisis situations that now prompt a police response. Current policies often place police in situations where reliance on other first responders would be more appropriate. We believe that funding for mental health, crisis intervention and other personnel should be increased, and local governments should carefully examine how money should be reallocated from all sources, if necessary.

¹ Anti-Defamation League, Audit of Anti-Semitic Incidents: Year in Review, 2018

² US News and World Report, “Deaths from Police Harm Disproportionately Affect People of Color”, 6/3/2020

JCRC further believes that government must hold officers more accountable for their actions. Over many years, some local governments and the courts have granted over-broad exemptions from liability for misconduct. In this regard, JCRC calls for a re-examination of the judicial doctrine of “qualified immunity” and strongly urges policy makers to assess whether such immunity should be eliminated or substantially modified.

We are concerned that some police departments have accepted collective bargaining agreement terms that go beyond necessary due process protections for accused officers. These policies can limit the ability of supervisors to correct inappropriate behavior and may enable disciplined officers to move to other jurisdictions and repeat misconduct. In addition, government must provide increased transparency on public safety activity, through increased collection and distribution of data related to allegations of police misconduct.

JCRC also encourages policy makers to “think outside the box” in fashioning solutions to community-police relations. One such concept is “restorative justice”, that emphasizes repairing harm caused by criminal behavior through cooperative processes that allow all participants, including alleged perpetrators and victims, to meet. Restorative justice also includes a policy of “police cautioning”, which is a formal police warning used as a diversion from prosecution. Such policies may assist in reducing criminal behavior and thereby lessen burdens placed on law enforcement agencies.

Finally, JCRC believes that government should look closely at use of force policies, to make sure that force is restricted to appropriate situations and that the minimum amount of force be used to meet the needs of a given situation. There is widespread acknowledgment, including by police officials, for example, that choke holds should be banned and that de-escalation policies and techniques be promoted. Recent news reports demonstrate that police departments, such as Newark, New Jersey’s, which utilize de-escalation techniques, can still be highly effective at crime fighting.

By rethinking the nature of public safety, giving thought to the allocation of precious limited taxpayer resources, instituting better accountability and implementing improved training, JCRC believes we can maintain the core protective function of the police, alleviate some of the burdens on our police, improve community-police relations and build a more just society.

Issues to address

JCRC recognizes the complex nature of the issues surrounding policing and law enforcement. We strongly urge policy makers, including legislators and executive branch officials, to meet with and hear from diverse representatives from the community, including persons of color, and representatives of law enforcement agencies, in a good faith effort to address the issues identified below. We stand ready to work with other community organizations in seeking just and systemic changes to our current public safety policies.

In conjunction with above stated principles, JCRC believes that policy makers should address the following matters:

Mental Health/Autism Issues

- Training specifically for officers to “recognize the behavioral symptoms and characteristics of a child or adult who has autism and learn basic response techniques.”³
- Establishing more options for 911 calls and training 911 operators to direct mental health calls to social workers rather than police when possible.
- Increasing knowledge and skill training for staff/officers, including de-escalation techniques, in mental health matters.
- Engaging with community groups and advocates of those with disabilities and mental health issues.⁴
- Establishing mental health alert systems for people experiencing an emotional crisis.

School Resource Officers

- Looking closely at alternative programs to determine whether police officers are the best personnel to handle school safety issues. We believe that all stakeholders—administrators, teachers, parents and students—should be involved in discussions on what is best in terms of disciplinary policies at schools. Among the issues that must be examined are:
 - What is the proper role of the SRO and how are SROs trained to meet the defined responsibilities?
 - If SROs are replaced, how will police meet their state-mandated responsibilities to provide school security?
 - Are school personnel too dependent on SROs to handle situations that in the past were appropriately handled by school leadership?
 - Are students too often directed into the criminal justice system, when more appropriate disciplinary measures exist within the school context?
 - Is information on interactions between SROs and students collected and made available concerning race, gender and economic status, etc.?
 - Are student rights clearly defined? That is, are there clear limitations in place to ensure that police are not empowered to handle school disciplinary matters?
 - Are the tools involved in restorative justice adequately used?
 - Should government experiment with new models before make wholesale changes throughout the school system?

Accountability Issues

- Requiring that body cameras be worn by everyone on the force.
- Developing a standard “use of force” statute.
- Examining the role that collective bargaining agreements play in disciplinary actions.
- Requiring mental health screenings and assessments before hiring any officer, and mandating that officers be reevaluated periodically by a certified mental health professional.

³ [Autism Speaks: Info for Law Enforcement](#)

⁴ [Police-Mental Health Collaborations](#)

- Reexamining the role, structure, membership and effectiveness of civilian oversight boards to improve their effectiveness at curbing and penalizing police misconduct.
- Adopting policies that would require statewide and national databases of police officers disciplined or terminated for misconduct and requiring police departments to run background checks from such data bases on prospective new hires to ensure that problem officers cannot simply move among jurisdictions.
- Requiring the prompt release of body-worn camera footage after any officer-involved serious use of force, requiring release of footage from past shootings, strengthening safeguards to insure that body cameras are operative and automatically triggered during police encounters with civilians, preserving camera footage and preventing the alteration of such footage, and establishing procedures to ensure that the accuracy of crime reports is not compromised by access to body camera footage crime.
- Re-examining the scope of “qualified immunity”.

Training Matters

- Establishing standards and updating policies for law enforcement concerning sensitivity and awareness of racism.
- Training police to better deal with non-life threatening acute mental health issues.
- Training police and adopting best practices on de-escalation techniques to reduce the use of force.

Sources

[Police Contract Revisions](#)
[Rethinking Qualified Immunity](#)
[Autism Speaks](#)
[Autistic Advocacy](#)
[CSG Justice Center](#)
[JCPA](#)
[DC Council](#)
[Virginia Legislators](#)
[Maryland Police Reform](#)
[Washington Post Restorative Justice](#)
[Restorative Justice](#)

Further Reading

[NEAR Act](#)
[Police Complaints](#)
[Reducing Violence without Police](#)
[Stop and Frisk Data](#)

What Police Do