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## FULL STOP AHEAD

*Floyd and the virus upend policing. Some cops react poorly.*



*For Police Issues by Julius (Jay) Wachtel.* Rebelling against shots was once consigned to society’s fringes. No longer. Two months ago, as municipalities across the U.S. struggled with their vaccination *refuseniks* Southern California’s progressives stepped to the plate. On July 27th. [Mayor Eric Garcetti and City Council President Nury Martinez announced](#) that Los Angeles city employees would be required to “either submit proof of [COVID-19] vaccination or a weekly negative test.” [An ordinance to that effect](#) was enacted in August. Approved on a 13-0 council vote, it requires that city employees be fully vaccinated by October 19 “unless approved for an exemption...as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs.” Exempted employees, however, will be required to submit to weekly testing.

San Diego soon followed [with a similar law](#). Its deadline for employees to get vaccinated or exempt is November 2.

Well, that’s as it should be. Vaccination has long been an integral part of a “[social contract](#)” which calls on citizens to give up certain freedoms in exchange for the benefits they accrue from society and the state. So job done, right? Not exactly. You see, it seems that in both Los Angeles and San Diego an aversion to (literally) roll up one’s sleeves “[infected](#)” [a goodly number of emergency responders](#). As of the first week of September, 53 percent of Los Angeles’ police officers and 41 percent of its firefighters [reportedly lacked their full complement of shots](#). And many remain ill-disposed to get poked. [Insider data](#) obtained by KNX-1070 radio reveals that over 3,000 LAPD employees – about one out of every four in a force of 9,000 officers and 3,000 civilians – intend to seek exemptions.

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LAPD empl	Fully vaccd	Partly vaccd	Not vaccd	Unk	Wants relig exempt	Wants medical exempt
12315	6377	164	1918	3856	2651	368

What's more, some aren't just asking. With assistance from [a legal nonprofit](#) that peddles the notion that vaccination mandates "are unreasonable and impede on the religious rights of individuals," [six LAPD employees](#) filed a [Federal lawsuit](#) that seeks to block the ordinance. Calling it an "overbroad and unwarranted intrusion into the confidential medical conditions of Plaintiffs and thousands of employees," they argue it violates "fundamental Constitutional rights to bodily integrity, including, especially, to be free from unconsented to or coerced medical treatment."

Coercion seems the key concern. According to the plaintiffs, the vaccines' emergency-use approval affords individuals the choice "to accept or refuse administration." But the ordinance makes full vaccination "a condition of employment." So police employees really have no choice. To keep their jobs they must either submit to poking or, should they gain an exemption, endure "onerous" and "intrusive" weekly testing. Several plaintiffs revealed that they've had COVID, thus acquired a natural immunity that's supposedly better than what vaccination offers. Yet the ordinance ignores this advantage. It's also alleged that the city failed to outline a detailed process and allot "a reasonable time" to prepare and submit requests for exemption.

Ditto San Diego. [In an online rant](#), a cop urged his colleagues to "stand up for our God given freedoms" and reject the mandate. Nearly half of San Diego's 2,000 police officers [remain unvaccinated](#). Ninety percent who responded to a union survey oppose mandatory shots, and sixty-five percent indicated they would consider resigning if vaccination was required.

L.A.'s powerful officer union, the Los Angeles Police Protective League, seems to support officer vaccination. However, it worries that enforcing the ordinance would lead to even more cops leaving and could have a "debilitating and catastrophic impact" on public safety. Instead of shots, [it suggests that weekly testing](#) would create "an appropriate balance" between personal rights and public health. Same-o, same-o in San Diego, whose police union has drawn a "line in the sand against mandatory vaccinations." But its president, Jack Schaeffer, says that the alternative of weekly testing is fine. So far both cities seem to be sticking with their deadlines. So we'll see.

To avoid such battles other communities [have considered fully exempting](#) the police. After [warnings from the police union](#) that a mandate would "exacerbate an already

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dangerous staffing crisis,” [Portland moved to exempt](#) officers from a regulation requiring that city workers get poked. Cincinnati, which is supposedly “struggling to retain and attract enough police officers,” [is leaning towards the substitute](#) of weekly testing. Struggles between cities and their cops are also underway in San Jose, New York City and Chicago, whose police union leader [likened mandatory vaccination to the Holocaust](#). (He apologized.)

Yet doesn't the “social contract” cut both ways? Officers chronically complain about citizen non-compliance. So shouldn't the badge-carriers set the example? Problem is, vaccination mandates are coming at a time of severe disruption to the police workplace. [George Floyd's killing](#) brought on a flurry of rulemaking that sought to limit officer discretion and insure that cops got penalized for the blunders they *did* make. Consider, for example, the “[George Floyd Justice in Policing Act](#)”. Although it never made it out of the Senate, the proposed Federal law would have abolished the defense of qualified immunity, which protects officers from private lawsuits. It would have also required that jurisdictions receiving Federal law enforcement funds adopt Federal use-of-force standards and participate in a national police misconduct registry.

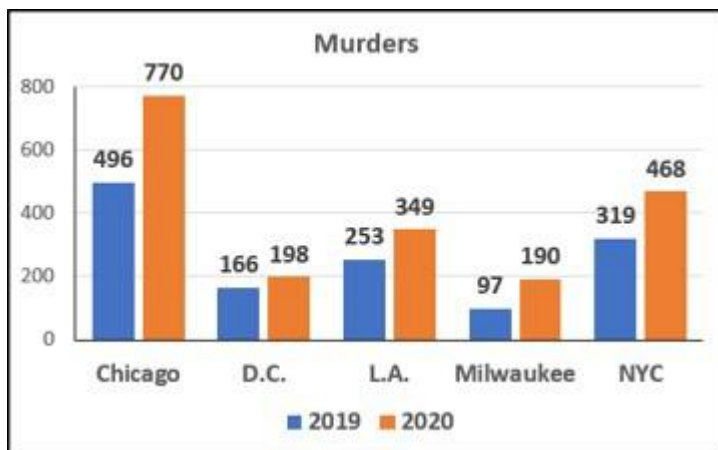
Meanwhile, [California State Senate Bill 2](#) sits on Governor Gavin Newsom's desk. If he signs it, State authorities could investigate alleged police wrongdoing anywhere in the Golden State and, should they find misconduct, revoke officers' peace officer status – meaning, put them out of a job – no prosecution necessary. According to the measure's author, a Los Angeles-area State Senator, “we've seen 150 years of police policing themselves and it doesn't work.” There have even been moves to do away with police departments altogether. Minneapolis voters will have a chance this November [to “replace” their police force](#) “with a Department of Public Safety which could include licensed peace officers (police officers) *if necessary...*” (emphasis ours).

“Replacing” cops, though, seems an incomplete remedy. What the Minneapolis initiative wouldn't “replace” is criminals. If it takes effect – and we doubt it will – and if crime keeps taking place – and we're sure it will – *someone* will still have to interact with suspects and witnesses, gather evidence and make arrests. They'll quickly discover what their badge-carrying forerunners well knew: policing doesn't come close to providing the clarity that practitioners of more peaceable occupations take for granted. Is that citizen reaching for a cell phone or a gun? Would being “nice” gain compliance or encourage flight? Essays in our “[Compliance and Force](#)” section frequently refer to the reluctance by some members of the public to voluntarily comply with officer orders and requests. Check out “[Dancing With Hooligans](#).” It's somewhat colorfully subtitled “For street cops every day's a reality show. And that reality is often unpleasant.”

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No, officers don't always behave wisely. As we've often pointed out (e.g., "[Speed Kills](#)") rushed, "split-second" decisions can easily precipitate tragic endings. Cop personalities also vary. Some officers are chronically impulsive; others seem unwilling to accept even a smidgen of risk. Still, deciding whom to stop or chase, when to use force, and, most importantly, how much and of what kind, requires that cops exercise considerable autonomy. Yet the trend is clearly to tighten that leash. Consider Chicago's [mammoth new foot-chase policy](#). Characterized as a "no-foot-chase policy" by the leader of the police union, the new rule was adopted without significant officer input. Coming in at (our count) 5,777 words, [three times the length of its predecessor](#), it forbids foot chases when, among other things, "the established reasonable articulable suspicion or probable cause is solely for a criminal offense less than a Class A misdemeanor (a sentence of less than one year of imprisonment) and the person...poses no obvious threat to the community or any person [or] has no obvious medical or mental health issues that pose a risk to their own safety."

Got it? Now implement that on the street!



Something else accompanied the pandemic and the killing of George Floyd. As rulemaking soared, [so did homicide](#). Milwaukee had [190 murders in 2020](#). That's supposedly "the most ever recorded" and nearly twice its previous year's toll. Notoriously violence-fraught Chicago [endured half-again as many murders in 2020](#) as in 2019 (there's been an appalling 558 so far in 2021.)

[Los Angeles](#) and [New York City](#) endured steep 2019-2020 increases as well (47 percent and 38 percent respectively). And our nation's [violence-troubled capital](#) experienced a lesser but still considerable jump of 19 percent.

Why did murder sharply increase? Some attribute it to an exit of cops. "[Elevated police turnover following the summer of George Floyd protests](#)," a recent article in *Criminology & Public Policy*, confirmed that an exit did occur. We were able to readily gather the number of sworn officers pre- and post-pandemic for Milwaukee, New York City and Los Angeles. [Data for 2019 came from the UCR](#). Since its 2020 release is not yet in, we used city-linked websites for more recent numbers. (Click [here](#) for Milwaukee's 2020 numbers, [here](#) for New York City's 2021 numbers, and [here](#) for L.A.'s 2021 numbers.) Sworn employee staffing modestly declined in each city; all were in the

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five-percent range. Milwaukee reported 1832 sworn officers in 2019 and 1738 in 2020 (-5.1%). New York City went from 36,563 in 2019 to 34,770 as of September 2021 (-4.9%). Los Angeles, which had 10,002 officers in 2019, reported 9,432 as of August 2021 (-5.7%).

Cause and effect, right?

Well, not so fast. While the “elevated turnover” article *did* mention that “fewer officers per capita have been linked to higher crime rates,” it didn’t probe further. And to complicate things, another article in the same issue, “[Crime, quarantine, and the U.S. coronavirus pandemic](#)” reported that property crimes, drug crimes, robberies and aggravated assaults went *down*. At some point, a reduction in sworn staff would likely lead to more crime, of whatever kind. But whether a relatively small decline (five percent) would precipitate a spike in murder seems questionable. After all, the ninety-five percent of cops who remain are still doing their jobs, right?

Well, not so fast. To be sure, intensively patrolling afflicted areas to discourage gunslinging and other loutish behavior had become a popular police practice. “[Geographically focused](#)” and “[hot spots](#)” have been deemed successful at preventing crime by both NIJ and independent scholars (“[Hot spots policing and crime reduction](#)”, *Journal of Experimental Criminology*, 2019). Unfortunately, when these approaches are implemented, productivity pressures and the uncertainties of the street can create an abundance of “false positives” – meaning that lots of citizens get needlessly hassled (“[Turning Cops Into Liars](#)” and “[Driven to Fail](#)”). High-crime areas are often predominantly populated by citizens of color, so they bear the brunt of these errors (“[Scapegoat I](#)” and “[Scapegoat II](#)”). Bottom line: by the end of the last decade, blowback over alleged racial profiling led police departments – New York, Chicago and Los Angeles, to mention three – to throttle back. That easing became even more pronounced after George Floyd.

Something else might also be at work. In a recent assessment, the typically “progressive” *New York Times* blamed an increase in the Big Apple’s gun violence [on a purposeful slowdown by disaffected cops](#). If so, it wouldn’t be the first time that officers have held back. Intense criticism and heightened oversight brought on by controversial shootings propelled “police slowdowns” in Baltimore, Chicago and Minneapolis during the mid-2010’s (see “[Police Slowdowns](#)”). Now consider all the negative, anti-police sentiment that followed the killing of George Floyd. All those new, complex rules. Really, one would expect cops to become at least somewhat disenchanted. Who wouldn’t?

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And let's look beyond police behavior. "[Has COVID-19 Changed Crime? Crime Rates in the United States during the Pandemic](#)," a recent article in the *American Journal of Criminal Justice*, suggests that increased stress and reduced personal mobility brought on by the virus created a "rampant opportunity for intimate partner violence, serious batteries, and homicides." So throw that in as well. Somewhat fewer, decidedly less-enthusiastic cops applying less-than-optimal strategies at a time when citizens are going bonkers. Are we closer to explaining the severity of the murder spike?

Well, back to the future! [LAPD recently brought back that "bad old" hot spots approach](#) for another go-round. Ditto, [Chicago](#) and [New York City](#). And we're happy that a proven approach is getting a second look. Applying effective strategies while assuring that targets are selected with great care is a perfect mission for those highly autonomous public servants we call "cops." As to that, we cut them no slack. While the "exchange agreement" entitles them to certain benefits – like a good salary – it doesn't give them the right to "slow down" or otherwise slough off. Police officers have awesome responsibilities. They must strive to do their best no matter how often managers and public officials change their ever-loving minds. In the end, if a cop can't do their daily best on the street, it really *is* best that they resign.