

**8/31/23** Last year a Ninth Circuit panel ruled that qualified immunity, which bars lawsuits against officers unless they violate “clearly established law”, didn't apply to the circumstances of a 2018 shooting by LAPD officer Edward Agdeppa. So the family of the deceased, Albert Ramon Dorsey, was free to sue. But another Ninth Circuit panel has just ruled the opposite - that the doctrine indeed applies. So unless the full Circuit or Supreme Court find otherwise, officer Agdeppa is protected from being sued. (See 12/31/22 update)

**6/9/23** As the George Floyd saga recedes in time, police find they have a stronger voice in shaping the rules that affect their practices. Two proposed California laws that cops bitterly contested - one that bars using canines “unless there’s a threat of imminent death or serious bodily injury”, and another that prohibits asking for “consent searches” during traffic stops - were removed from the hopper. And a proposed ban on minor traffic stops would now allow them if officers have two or more reasons.

**5/19/23** By a vote of 13-1, L.A.’s City Council approved its progressive new Mayor’s budget, which includes funds to hire 1,000 new officers. It really means about 400 new cops, as 600 are expected to quit or retire. Karen Bass called her plans, which also increased funding for mental health teams, drug treatment facilities and homeless housing, a “bold new” approach that will improve neighborhood safety.

**5/10/23** LAPD data shows a sharp increase in traffic fatalities during the past two years. But even as some experts demand a more aggressive response to the traffic-related violence that besets low-income neighborhoods, Los Angeles is developing a plan to shift most traffic enforcement to unarmed civilians. That, along with reducing street width and installing bike lanes, would supposedly make streets safer and greatly reduce friction between police and communities of color.

**4/19/23** As a Representative, Karen Bass was the main House sponsor of the [George Floyd Justice in Policing Act](#), which sought to combat police misconduct. Now, as Los Angeles’ new Mayor, she is on a mission to increase the size of LAPD, which presently has 9,103 officers, to at least 9,500. Given the agency’s struggle to recruit cops, that goal, which is still 500 under its pre-pandemic numbers, seems a reach. “I know that that is ambitious,” she acknowledged. “But I think it needs to happen.”

**4/6/23** Reacting to the early-morning stabbing death of a tech executive in a tony part of San Francisco, Twitter’s Elon Musk asked D.A. Brooke Jenkins, whether she is “taking stronger action to incarcerate repeat violent offenders” than former progressive D.A. Chesa Boudin, who was recalled last year. D.A. Jenkins, a law-and-order type, assured that “we do not tolerate these horrific acts of violence in San Francisco.” And

while violent crime in the city is somewhat down, homicide keeps rising.

**2/9/23** A *New York Times* opinion piece explores how the \$300 million that Congress allocated for non-police ways to reduce violence is working out. Traffic enforcement by cameras alone can't quickly stop dangerous drivers, and phony license plates are a problem; mental-health alternatives such as Cahoots only handle what they're dispatched to, and that's a limited number of calls; given widespread gun possession, local "violence interrupters" aren't always useful. Non-crime specific community approaches such as summer jobs, job training, housing and health supports may offer better, long-term benefits.

**12/31/22** LAPD Chief Michel Moore ruled that officer Edward Agdeppa was justified when he shot and killed Albert Ramon Dorsey as he and another officer struggled to handcuff the large, powerful man after he went berserk in a public gym four years ago. But the Police Commission [had unanimously disagreed](#). Their view was just seconded in a 2-1 split decision by a Ninth Circuit panel that allows a lawsuit filed by Dorsey's family to go forward. According to the majority, "discrepancies" in the officers' accounts and their failure to warn Dorsey suggest that the officers may have "violated clearly established law" and are thus unprotected by qualified immunity. (See 8/31/23 update)

**12/3/22** Must the use of lethal force by police be in fact "necessary," or can officers continue to rely on [Graham v. Connor's](#) "reasonableness" standard? According to the ACLU, which just prevailed in a lawsuit against Pomona police, California's 2019 incorporation of "necessary" into its [Penal Code's use-of-force section](#) makes the State's posture more demanding. So Pomona's agreed to retrain its cops. But the statute kept its "from the perspective of a reasonable officer" and "totality of the circumstances" language, so practitioner-related organizations insist that *Graham*, in fact, still rules.

**11/1/22** The Associated Press released an in-depth survey of post-Floyd policing reforms - and of resistance to reforms - in four States: Washington, Mississippi, Nevada and Virginia. Outcomes seem consistent with each State's "progressive" bent. But even in liberal Washington, pushback forced some readjustment. Use of force had been banned except when there was probable cause to arrest. But the law was changed to once again allow officers to use of force to prevent flight from investigative stops.

**10/24/22** Public reaction to the George Floyd episode led to a "mass exodus" of officers, stripping Minneapolis P.D. of one-third of its cops. Along with that came the pandemic and a surge in murders, aggravated assaults and carjackings. [Citizens recently successfully sued the city](#) for not meeting the minimum police staffing requirements imposed by the City charter. But recruitment has posed a severe challenge; there have

been only 57 applicants this year compared with 292 in 2019.

**10/12/22** On October 11, the Supreme Court summarily refused, without comment, to revisit the doctrine of qualified immunity, which shields police officers from lawsuits unless a persons's "clearly established" rights had been violated. (*Gordon, Nita v. Bierenga, Keith*, no. 21-1540.) [Reuters article](#)

**9/26/22** As midterms approach and political campaigns ramp up, crime is taking center stage. Concerns that the "defund" movement and less aggressive law enforcement have contributed to the spike in crime and violence have placed the "Blues" in an awkward position. So even progressive candidates like Wisconsin U.S. Senate candidate Mandela Barnes are finding it necessary to reassure voters that, indeed, they really *do* support the police.

**7/20/22** In Boston, complaints that police used excessive force against participants in the 2020 George Floyd protests led the City Council to pass a law that strictly regulates when "tear gas, pepper spray, rubber bullets and beanbag rounds" can be used. According to the police union, which is suing to overturn the law, its limits and complexities amount to a "no use" policy and place both citizens and cops at risk.

**7/12/22** Montgomery County, Maryland's most populous, adjoins Washington, D.C. During the past year nonfatal shootings increased 75 percent. Police chief Marcus Jones attributes it to the disruptions brought on by COVID and the availability of "ghost guns." Seizing them, says a retired assistant chief, requires that offices "reengage" in doing traffic stops. In the past the practice was admittedly taken too far, but he'd welcome stops for legitimate reasons such as "running a red light, talking on a cellphone."

**6/20/22** Washington, D.C.'s 2021 murder count, 227, was the highest since 2003. With a city beset by violence - in January, a candidate for the City Council "was carjacked at gunpoint" - Mayor Muriel Bowser's reelection campaign is focused on adding more cops. But Council members who intend to challenge her pooh-pooh it. "During the height of the crack epidemic, D.C. had 5,000-plus police officers, and it never decreased any crime" said one.

**6/8/22** Maryland's Police Accountability Act (click [here](#)), which incorporates citizen panels into the police disciplinary process, will take effect in July. But Prince George's County is still quarreling over the details. Although eleven citizens have been vetted to serve on its Police Accountability Board, residents complain they were excluded from the selection process. And the power the nominees would actually yield is considered insufficient.

[Elected in 2019 on a campaign](#) to reform policing, stop the war on drugs and limit incarceration, Chesa Boudin, San Francisco's progressive D.A., has been recalled. Amidst a seemingly endless wave of crime and disorder, sixty percent of those casting ballots favored removing the former public defender from office. Three liberal members of the school board had been recalled months earlier.

[5/25/22](#) President Biden signed an [executive order](#) that implements key ingredients of the George Floyd Act into Federal law enforcement operations. Federal agencies will be required to maintain a national database of misconduct. Their officers must use body-worn cameras and are forbidden from applying "chokeholds" and carotid restraints except when lethal force is authorized. No-knock Federal entries are restricted to situations where a violent response is feared. Federal officers must limit the use of force ([see updated DOJ policy](#)) and promptly intervene should colleagues misbehave.

[5/7/22](#) John Creuzot, Dallas County's progressively-minded D.A., came to office [promising to reform the system](#). Reaching back to the George Floyd protests that rocked Dallas during the summer of 2020, he has obtained indictments charging two Dallas and one Garland officer with felonies for using impact projectiles that seriously injured several unarmed protesters who allegedly posed no threat. Dallas' police chief bemoaned the effects of the indictment on his force, while Garland's openly disputed the charges.

[4/7/22](#) On Feb. 2 Minneapolis SWAT officer Mark Hanneman entered a residence while executing a no-knock search warrant on a St. Paul murder case. Amir Locke, a 22-year old Black youth who had been sleeping on the couch, suddenly woke up. Locke allegedly pointed a gun he had in the officer's direction, and the officer shot him dead. Locke was not a suspect in the murder. On April 6 local and State prosecutors announced that viewed "from the perspective of a reasonable police officer," there was insufficient evidence to charge the officer with a crime.

[3/29/22](#) DOJ's 2023 fiscal year budget calls for billions in new spending to enhance Federal and local law enforcement efforts. But civil rights aren't being ignored. It's requesting more than \$200 million to combat hate crimes, and another \$25 million to provide "mediation and conciliation services to communities impacted by conflict." And to help insure that Federal agents comply with the rules, over \$100 million has been set aside to insure that each has a body camera, just like a local cop.

[3/11/22](#) Congressional police reform measures seem dead in the water. With only lukewarm support from the "Blues" and staunch opposition from the "Reds," standalone bills (such as the Floyd Act) failed to garner sufficient support. And provisions that would have required State and local agencies to adopt certain rules (i.e., no more

chokeholds or drug-related “no-knock” warrants) or forego Federal funding didn’t make it into the omnibus spending bill that the House just passed. But there’s always next year!

**3/7/22** On March 1st, Rep. Ilhan Omar (D-MN) introduced the “Amir Locke End Deadly No-Knock Warrants Act.” It would ban Federal no-knock warrants in drug cases. They could otherwise be issued only when their need is supported by “clear and convincing evidence” that giving notice “would substantially endanger the life or safety of the law enforcement officer or other persons.” Federal law enforcement funds could only go to State and local law enforcement agencies with equivalent policies (see 4/7/22 update.)

**2/7/22** Disenchantment with Chesa Boudin, San Francisco’s progressive D.A. picked up steam. After one of the D.A.’s investigators publicly complained that she felt pressured to ignore evidence favorable to an accused cop, [police chief William Scott announced](#) he will cease coordinating inquiries into police shootings and uses of force with Boudin’s office. And an elderly Vietnamese-American resident who was violently attacked [sued the D.A. in Federal Court](#) for reducing his assailant’s charges to a misdemeanor and no jail time.

**2/5/22** Spurred by “harsh criticism” from the mayor and police commissioner and a wave of violence that’s taken the lives of two NYPD officers, Manhattan’s newly-elected progressive D.A., Alvin Bragg, retreated from several controversial edicts intended to make imprisonment [“a last resort.”](#) In a letter to his staff, Bragg emphasized the need to go after “people walking the streets with guns,” vowed to prosecute anyone “who harms or attempts to harm a police officer,” and rescinded instructions to downgrade armed robberies to misdemeanors if the victim was unlikely to be harmed.

**2/4/22** New York City’s struggle against violence prompted a visit from President Biden and his Attorney General, Merrick Garland. Promising its new Mayor, former police captain Eric Adams, that the Feds would not “abandon our streets,” the President and his A.G. announced enhanced Federal efforts to stem the flow of firearms to criminals. Among these is a national “ghost gun” program and an emphasis on preventing illegal gun sales. Mayor Adams also called for enhanced ATF funding. [DOJ release](#)

**2/3/22** With the proposed *Floyd Act* stalled, President Biden is working on a Presidential executive order that covers some of its ground. A leaked version retains language that tightens the use of lethal force by Federal agents substantially beyond *Graham*. But it removes a proviso that local police cannot receive Federal dollars unless they adopt like rules. Instead, funds would be allotted to police “in a manner that furthers the policy goals” of the order. While civil rights groups favor the

language, the FOP finds it unacceptable, as implementing it could lead to “second-guessing” cops after the fact.

**1/13/22** Reformist pressures recently led Chicago to create a “Community Commission for Public Safety and Accountability” to oversee the police. Ostensibly its powers include selecting the police commissioner and recommending and approving substantial changes to police practices. (For the official text click [here](#).) [Activists seem eager to move along](#). But a clash between the measure’s extensive provisions and the Mayor’s vision of the Commission’s authority have become evident.

**1/10/22** Just appointed as NYPD Commissioner, Keechant Sewell, former chief of detectives in Nassau County, issued a department-wide e-mail sharply criticizing D.A. Alvin Bragg’s decision to avoid seeking jail time for lesser crimes. Commissioner Sewell wrote that the new chief prosecutor’s relaxed approach threatened “your safety as police officers, the safety of the public and justice for the victims.”

**1/6/22** Alvin Bragg, Manhattan’s new, progressive District Attorney, is forbidding his staff from filing charges for low-level misdemeanors such as fare avoidance, prostitution and resisting arrest unless a felony was also committed. A promoter of alternatives to incarceration such as community service and restorative justice, Bragg leans on his experiences growing up as a Black youth in violent Harlem. Police, though, fear that his approach will embolden evildoers and encourage lawbreaking.

**12/18/21** Jose Garza, Travis County’s (Austin, TX) new, progressive D.A., promised voters he would go after rogue cops. Since his swearing-in last January, five officers, two deputies, a sheriff, and a prosecutor have been indicted on charges from evidence tampering to murder. But members of his own staff, along with police and outsiders, complain that the quest for reform set back the fight against crime and led to the highest murder total in decades. It’s also led to a thinning of police ranks, with 100 officers leaving.

**12/13/21** D.C. police chief Robert J. Contee has argued against a law that would require special permission from a judge to charge a juvenile as an adult, no matter the crime. Now he’s objecting to [a proposed bill](#) that prohibits consent searches of persons under 18 and makes their custodial statements inadmissible if they haven’t first received “a reasonable opportunity to confer with an attorney.” Proponents argue that police now take advantage of juveniles’ lesser sophistication about such things.

**12/7/21** In the Illinois Governor’s race, one political party (the “Reds”) is citing the sharp increase in violent crime as proof that the “Blues,” led by Governor J.B. Pritzker, have ignored the real threat to life and limb that voters face. But the “Blues” complain that the “Reds” are “racializing” things to appeal to suburban Whites. Pritzker may have



become more vulnerable because earlier this year he signed a progressively-minded criminal justice bill that, among other things, [ends cash bail in 2023](#).

**[11/22/21](#)** The recent slaying of an international student, and the robbery “at gunpoint” of a university worker, finds one of the nation’s premier places of learning, the University of Chicago, at the mercy of the violence and gunplay that besets its surroundings. Officials and campus staff want a larger police presence, outside and within. Chicago’s police chief agrees. “Having a large presence will not only add to safety but also the perception of being safe.” But others disagree. “The proof is literally in the existence of University of Chicago and the fact that it can sit inside one of the most terrorized neighborhoods when it comes to gun violence and think that epidemic shouldn’t touch their campus.”

**[11/11/21](#)** Nearly two years into his term, San Francisco D.A. Chesa Boudin is facing recall over complaints by citizens and staff that the ex-public defender lacks the enthusiasm to fight the surge in violent crime. Even some boosters have turned. According to a disenchanted former homicide prosecutor, while Boudin “ran on a platform of being progressive and reform focused, his methodology to achieving that is simply to release individuals early or to offer very lenient plea deals.”

**[11/3/21](#)** By a 56.1% to 43.8% margin, Minneapolis voters turned down a ballot measure to replace the police department with a “public safety” agency that did not necessarily include armed officers. Citizens dismayed by the killing of George Floyd but beset by a jump in violence were put off by the proposed agency’s vague shape and function. “I think we need to do some changes, maybe make some reforms, but...they’ve had a year to come up with something other than...Oh, we’re going to do this or that.”

**[11/1/21](#)** “We need the police -- there’s no other way I can say that.” Bishop Divar Kemp, a Baptist minister in Minneapolis’ violence-beset North side, is all for reform. But he opposes replacing police with an agency that offers a “comprehensive public health approach to safety,” [as the ballot measure being voted on tomorrow would do](#). Sponsored by the progressive “[Yes 4 Minneapolis](#),” it would not require the use of armed officers, and leaves it to the Mayor and City Council to decide how best to proceed.

**[10/19/21](#)** In August 2016 two Tahlequah (Okla.) officers [shot and killed an intoxicated man](#) who wielded a “claw hammer” as he refused to leave his fearful ex-wife’s residence. In November 2016 a Union City (Calif.) officer [briefly knelt on the back](#) of an angry, knife-wielding man who was forcibly subdued after he threatened his girlfriend and her children with a chainsaw. In both cases Federal appeals courts ruled that qualified immunity did *not* shield the officers from lawsuits. But on October 18, the Supreme Court held that qualified immunity applied. Decisions: [Tallequah](#) [Union City](#)

**10/11/21** Warnings by officers and police unions that doing away with “qualified immunity” would financially devastate many cops and lead massive numbers to resign have led legislators to abandon such efforts throughout the U.S. And while seven states have passed laws restricting qualified immunity since 2020, only Colorado completely bars its use. Even there, officers must be reimbursed should they lose.

**9/23/21** Facing an insurmountable struggle, Democrats gave up trying to gain passage of the Floyd Act in the Senate. According to the bill’s sponsors, their Republican opponents wrongly characterized the bill as a way to “defund” police while ignoring its true purpose, “to make our neighborhoods safer and mend the tenuous relationship between law enforcement and communities of color.”

**9/19/21** Presently awaiting Governor Gavin Newsom’s signature, [California Senate Bill 2](#) would empower the State to investigate instances of alleged police wrongdoing and revoke the peace officer licenses of officers found at fault, thus barring them from further work as a cop. According to one of the principal authors, Los Angeles-area State Senator Steven Bradford, “we’ve seen 150 years of police policing themselves and it doesn’t work.”

**9/17/21** Thanks to the Minnesota Supreme Court, Minneapolis residents will soon be voting on a proposal by to The Justices’ decision overrules [a lower court’s removal of the measure](#) from the city ballot because it seemed “so complex that voters cannot be expected to understand the meaning or essential purpose.”

**7/22/21** A new Chicago law established a paid civilian board to oversee the police. It will include a seven-member “Community Commission” appointed by the Mayor and a three-member “council” at each police district. Members will have a substantial say over police policy and the authority to dismiss the police commissioner, but only if the Mayor concurs. While the council’s Black caucus was strongly in favor, police officials and some council members are skeptical. “This...is going to make every potential police officer think about going in another direction,” said a council member who opposed the move.

**6/25/21** A “[workforce survey](#)” conducted by the Police Executive Research Forum that compared two consecutive one-year periods revealed that during the second period, April 20-March 21, police hiring fell five percent, resignations increased eighteen percent, and retirements leaped by *forty-five percent*. A [New York Times story](#) reports that officers are stressed at being “villified.” Many feel they are being asked to do too much and object to being held accountable to ever-stricter rules. And as recruitment becomes more difficult, some agencies are lowering educational and other requirements.

**5/19/21** Responding to political and interest group concerns about abusive policing, Washington State Gov. Jay Inslee signed a dozen new laws to regulate police



practices. [One new section](#) prohibits chokeholds and neck restraints. [Another](#) regulates the use of force. Among other things, it requires that officers de-escalate whenever possible and only use deadly force “when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person.” [NPR review](#)