



PROGRAM FOR PUBLIC CONSULTATION
SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND

AMERICANS ON POLICE REFORM

A National Survey of Registered Voters

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OVERVIEW

For decades now, there have been periodic efforts to reform police practices and laws regarding the use of force, especially deadly force, by law enforcement officers.

The recent deaths of George Floyd and Breonna Taylor and other incidents of law enforcement officers using deadly force have stimulated protest and demands for policing reforms.

The U.S. House of Representatives recently passed the **George Floyd Justice in Policing Act (H.R. 7120)**, sponsored by Rep. Karen Bass (D-CA), The **JUSTICE Act (S. 3985)**, sponsored by Sen. Tim Scott (R-SC), failed to get cloture in the U.S. Senate, meaning the measure could not proceed for debate or a vote. .

The provisions in these two bills continue to the basis for ongoing debates over police reform, including:

- when police officers should use deadly force;
- what types of force police officers should be able to use, such as chokeholds;
- the use of no-knock warrants;
- the standards by which officers are held accountable for their use of excessive force;
- whether racial bias among police is a problem to be addressed; and
- how much regulation there should be of military equipment transferred to the police.

Both bills address these issues, to different extents. The most significant difference between the House bill and the Senate bill is how mandatory the proposed reforms are. The House bill would require that police departments and local governments implement new policies or be denied access to federal funding for police departments. The Senate bill would offer police departments new funding for training and data collection, and only in a few cases requires that police departments adopt new policies. The House bill also includes provisions to change the standards by which officers are criminally convicted and held civilly liable, which the Senate bill does not.

To bring the American people a voice at the table of the current debate on this legislation, the Program for Public Consultation (PPC) has conducted an in-depth on-line survey of over 3,000 registered voters with a probability-based sample provided by Nielsen Scarborough.

Unlike standard polls that rely on respondents' existing impressions and information, PPC took respondents through a process called a 'policymaking simulation' that seeks to put respondents in the shoes of a policymaker. Respondents:

- are given a briefing on policy options under consideration
- evaluate strongly stated arguments both for and against each option
- make their final recommendation.

The content of the process is thoroughly reviewed by experts across the spectrum of opinion on the policy options to ensure that the briefing is accurate and balanced and that the arguments are the strongest ones being made by proponents and opponents.

SURVEY DESIGN

Ten proposals were selected for the survey, all of which were drawn from the two most prominent pieces of current Congressional legislation that address police reform:

- **George Floyd Justice in Policing Act (H.R. 7120)**, sponsored by Rep. Karen Bass (D-CA); and
- **JUSTICE Act (S. 3985)**, sponsored by Sen. Tim Scott (R-SC).

The reforms used in the survey are primarily drawn from the House bill. This is because the reforms in the House bill are more definitive policies, while those in the Senate bill are more optional on the part of police departments or call for research on the issue. The House bill also has several proposals related to criminal and civil cases against officers, such as amending qualified immunity and requiring independent prosecutors, which the Senate bill does not address.

The proposals fall under five general categories:

- General policies regarding use of force
- Specific policies regarding use of force
- Increasing accountability of law enforcement officers
- Implicit racial bias training
- Police access to military equipment

Before respondents evaluated the proposals, they were introduced to the topic of police use of excessive force, and the effort in Congress to reform policing practices and laws that hold police accountable, as follows:

As you probably know there is much discussion these days about police and other law enforcement officers using force, especially deadly force against Black Americans. There have been incidents in which officers used force in ways that many people found excessive.

A number of proposals have been put forward in Congress to establish new rules for the use of force, especially deadly force, by law enforcement officers. There are also proposals to make officers more personally accountable for the way they use force and seek to counter possible racial bias in law enforcement.

They were also informed that the federal government cannot directly change state and local policing policies or laws, and so what the legislation does is make these reforms a prerequisite for police departments to receive federal funding.

For each proposal, respondents were presented background information relevant to understanding the nature and controversy of the proposal. They evaluated arguments for and against the proposal, rating them on a 4-point scale from “very convincing” to “very unconvincing”. Only then were they asked whether they favor or oppose the proposal.

They also rated each proposal's acceptability on a 0-10 scale, with 0 being "not at all acceptable," 10 being "very acceptable", and 5 being "just tolerable".

The entire text of the survey was reviewed by experts, including ones who favor and who oppose the proposed reforms, to ensure that the briefings were accurate and balanced, and that the arguments presented were the strongest ones being made. The reviewers included two former police chiefs. Changes were made in response to their feedback.

FIELDING OF SURVEY

The survey was fielded July 2-9, 2020 online with a national sample of 3,226 registered voters provided by Nielsen Scarborough from its larger sample, which is recruited by telephone and mail from a random sample of households. There is a margin of error of +/- 1.7%. Questions that were presented to three quarters of the sample had a margin of error of +/- 2.0%.

Responses were weighted by age, income, gender, education, race and geographic region. Benchmarks for weights were obtained from the US Census' Current Populations Survey of Registered Voters. The sample was also weighted by partisan affiliation.

KEY FINDINGS

GENERAL POLICIES REGARDING USE OF FORCE

DE-ESCALATION AND USE OF FORCE AS A LAST RESORT

Seven in ten favored requiring that all officers be trained in de-escalation techniques and alternatives to the use of deadly force, requiring that such techniques be exhausted before an officer uses deadly force, and making officers criminally liable if they fail to do so. Nine in ten Democrats supported the proposal. Among Republicans, just under half favored it, but two thirds found it at least tolerable.

DUTY TO INTERVENE

Eight in ten support requiring police departments to make it a duty for officers to intervene when another officer is using excessive force and to provide training for when and how to do so, including seven in ten Republicans and over nine in ten Democrats.

SPECIFIC POLICIES REGARDING USE OF FORCE

BAN ON CHOKEHOLDS AND OTHER NECK RESTRAINTS

Prohibiting the use of chokeholds and other neck restraints that prevent breathing or restrict the flow of oxygen or blood to the brain is favored by nearly three quarters, including a clear majority of Republicans and nine in ten Democrats.

BAN ON NO-KNOCK WARRANTS

Sixty-five percent favored prohibiting the use of no-knock warrants in drug cases, in which officers are allowed to break into houses without warning, including eight in ten Democrats. Just under half of Republicans favored the proposal, but six in ten found it at least tolerable.

INCREASING ACCOUNTABILITY OF LAW ENFORCEMENT OFFICERS

AMENDING QUALIFIED IMMUNITY

Sixty-three percent support amending qualified immunity, no longer allowing officers to be granted immunity solely on the basis that they believed their actions were lawful or that there have not been previous cases in which other officers were held liable for the same conduct in very similar circumstances. This was supported by more than eight in ten Democrats. Among Republicans, just four in ten favored it, but six in ten found it at least tolerable.

NATIONAL REGISTRY OF POLICE MISCONDUCT

An overwhelming bipartisan majority favored creating a national registry of police misconduct that would be available to law enforcement agencies and the public, and requiring police departments to submit to the registry all records of officer misconduct. Over seven in ten Republicans, as well as over nine in ten Democrats, were in favor.

INDEPENDENT PROSECUTORS

A large majority favored offering federal funds to states to enable them to always hire an independent prosecutor in cases against an officer who used deadly force, including a bare majority of Republicans and an overwhelming majority of Democrats.

BODY CAMERAS

An overwhelming bipartisan majority endorsed requiring all police officers to wear body cameras, and to turn them on whenever they are on a call or interacting with a suspect. This was the most widely supported proposal.

IMPLICIT RACIAL BIAS

Seven in ten favor requiring all police officers to receive training to counter implicit racial bias, including a modest majority of Republicans and nine in ten Democrats.

POLICE ACCESS TO MILITARY EQUIPMENT

Nearly two thirds favor requiring police departments to get their local government's approval for any requests for surplus military equipment, and prohibiting requests for high-capacity automatic weapons, grenade launchers, weaponized drones, among other equipment. This includes over eight in ten Democrats. Less than half of Republicans are in favor, but a modest majority find the proposal at least tolerable.

FINDINGS

GENERAL POLICIES REGARDING USE OF FORCE

DE-ESCALATION AND USE OF FORCE AS A LAST RESORT

Seven in ten favored requiring that all officers be trained in de-escalation techniques and alternatives to the use of deadly force, requiring that such techniques be exhausted before an officer uses deadly force, and making officers criminally liable if they fail to do so. Nine in ten Democrats supported the proposal. Among Republicans, just under half favored it, but two thirds found it at least tolerable.

Respondents were introduced to a proposal, from H.R. 7120, requiring that officers be trained in the use of alternative tactics and de-escalation techniques, and only use deadly force as a last resort. (S.3985 would only provide funding to police departments for training in alternative tactics and de-escalation techniques.)

Respondents were told the proposal has three parts. The first part includes the new training that officers would be required to receive, and was presented as follows:

1. All officers would receive training in tactics and techniques that are alternative to the use of deadly force including:

- *Creating physical distance between the officer and the suspect*
- *Putting something between themselves and the suspect to make physical assault less likely*
- *Requesting other resources, such as more police officers or social workers who could help solve the problem*

Officers would also have to be trained in what are called de-escalation techniques. The idea is to resolve the issue, restore order, get cooperation without having to resort to force. Some of these de-escalation techniques include:

- *Talking with the suspect in a way that calms or defuses the situation*
- *Avoiding escalating the situation by threatening or provoking the suspect*
- *Waiting out the suspect*

The second part includes the requirement that deadly force be used only as a last resort, after alternative tactics and de-escalation techniques are exhausted:

2. Officers would only be justified in using deadly force as a last resort, after reasonable alternatives have been exhausted, and when it would not create substantial risk of injury to a third person.

These policies are already in place in many police departments. This legislation would require that it be official policy for all departments that receive Federal funding.

The third part includes a change in standards for criminal liability when an officer uses deadly force:

This legislation would also affect criminal cases when an officer uses deadly force and is charged with manslaughter or murder. Currently, on the federal level and in most states, the judge or jury need only determine whether the officer believed that their use of deadly force was reasonable in that situation to protect themselves or others, and if so, the officer would not be convicted.

3. Under this proposal, the judge or jury would also have to determine:

- whether the officer had exhausted other alternative tactics and/or de-escalation techniques in order to solve the problem before resorting to deadly force*
- whether the officer acted with gross negligence in a way that contributed to the need for deadly force*

These would be taken into account in assessing whether the officer is guilty.

Respondents evaluated two pairs of arguments for and against the proposal. All arguments were found convincing by a majority of respondents, but the pro arguments did better in both cases.

There were partisan differences. Majorities of Republicans found both pro and con arguments convincing--though the con arguments did better--indicating ambivalence about the issue. Majorities of Democrats only found the pro arguments convincing.

The first pro argument used the example of Tamir Rice – the 12 year old boy shot and killed by police who mistook his toy gun for a real one – to underscore the consequences of not using alternative tactics before employing deadly force. This was found convincing by 73% overall, including a majority of Republicans (55%) and nine in ten Democrats.

The first con argument emphasized how police put their lives on the line daily, often making split-second decisions, and that imposing new limits on them will put their lives at risk and embolden criminals. Six in ten found this convincing, including 86% of Republicans. Just 37% of Democrats agreed.

De-Escalation & Use of Force as Last Resort ARGUMENT IN FAVOR

Every year around a thousand civilians--many of them unarmed--die from police shootings. Too many officers are quick to use deadly force, especially against Black Americans. Under existing law, when an officer kills a citizen--even an unarmed one--all they have to do is say that they **believed** that they were at risk of being severely injured or killed. In the case of Tamir Rice--a 12-year-old boy--he had a toy gun and the officers drove up to him and, without warning, shot him. If they believed the gun was real, they should have kept their distance and, from a protected position, told him to put down the "gun." We need to require that officers learn and use better tactics when they are sent to calls involving possible weapons. They should only use deadly force as a last resort and should be held accountable if they wrongly injure or kill people.

Group	Very Convincing	Somewhat Convincing	Total
National	42	31	73
Republicans	20	35	55
Democrats	64	25	89
Independents	39	34	72
CONGRESSIONAL DISTRICTS			
Very Red	32	36	68
Very Blue	55	25	81

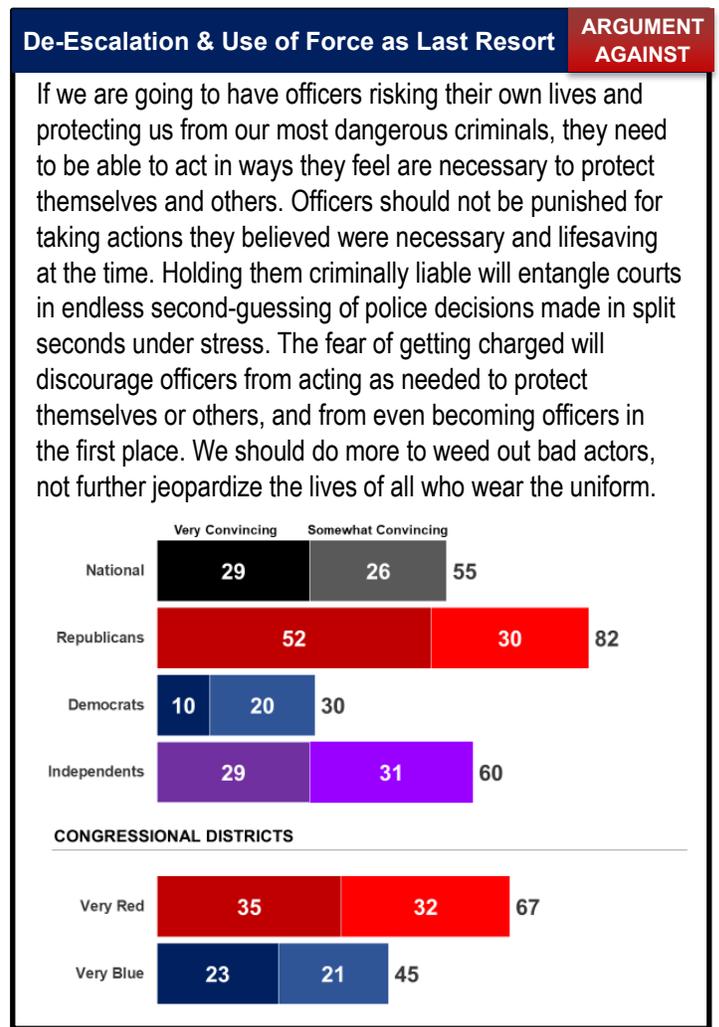
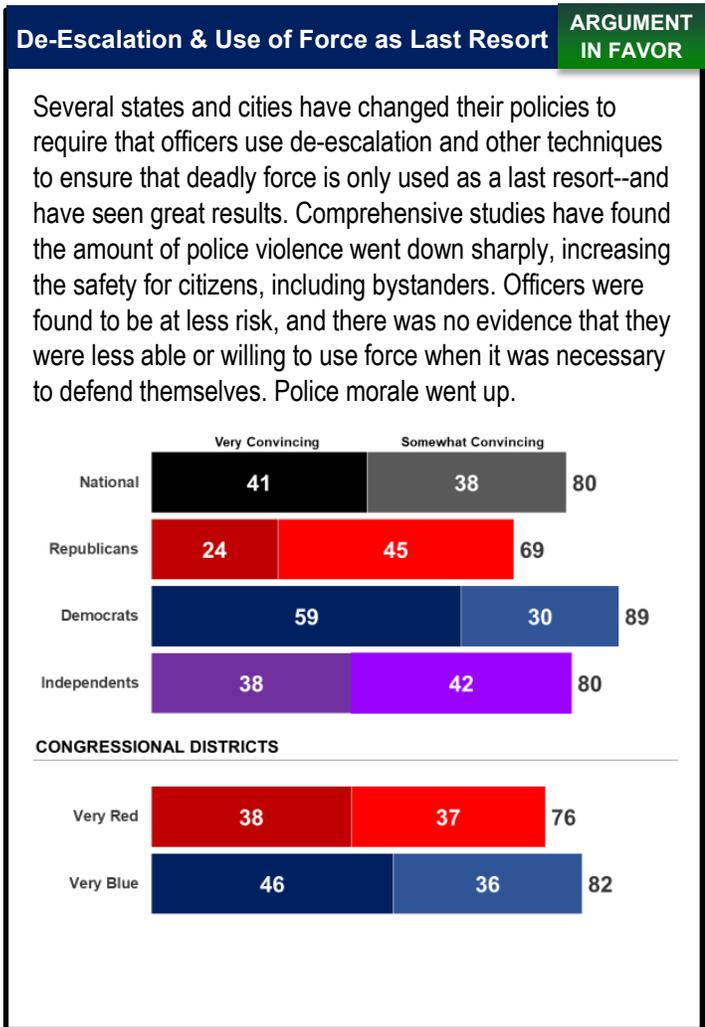
De-Escalation & Use of Force as Last Resort ARGUMENT AGAINST

Police officers put their lives on the line every day to protect us all. On average, about 150 officers die in the line of duty each year; many more are wounded or assaulted. They often deal with dangerous situations and violent criminals who attack them or members of the public. This requires split-second decision making. Officers are trained to first try to talk down a person and get their cooperation. But requiring them to do it can result in the officer hesitating and getting harmed or killed. If we put these limits on the officers, this will put their lives at even greater risk, which will make it harder to recruit new officers. Current officers may seek to avoid these dangerous situations that they are called to, which will weaken the effectiveness of the police in general. Furthermore, if criminals assume that officers have to be so cautious and timid, this will embolden the criminals to not comply with an officers' commands and to even resist arrest.

Group	Very Convincing	Somewhat Convincing	Total
National	32	29	61
Republicans	54	32	86
Democrats	12	25	37
Independents	33	29	62
CONGRESSIONAL DISTRICTS			
Very Red	41	30	71
Very Blue	27	25	52

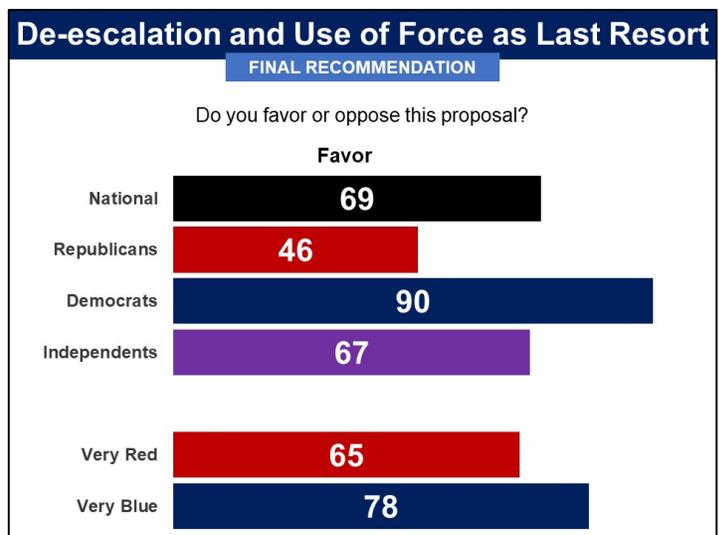
The second pro argument cited the effectiveness of this policy when it has been implemented in some states. A large bipartisan majority of eight in ten found this convincing, including seven in ten Republicans and nine in ten Democrats.

The second con argument struck against the new criminal liability standards, claiming they would entangle courts, and discourage officers from taking necessary actions to protect themselves and others. A modest majority of 55% found this convincing. There was, again, a fifty point gap between Republicans (82%) and Democrats (30%).



Asked for their final recommendation, 69% favored the proposal, including 90% of Democrats and 67% of independents. Less than half of Republicans (46%) favored the proposal, with 53% opposed.

Respondents also rated the acceptability of the proposal on a 0-10 scale, with 0 being very unacceptable, 10 being very acceptable and 5 being “just tolerable.” It was found at least tolerable (5-10) by eight in ten, including nearly all Democrats (94%). Though less than half of Republicans favored the proposal, 64% found it at least tolerable—consistent with their ambivalent response to the pro and con arguments.



DUTY TO INTERVENE

Eight in ten support requiring police departments to make it a duty for officers to intervene when another officer is using excessive force and to provide training for when and how to do so, including seven in ten Republicans and over nine in ten Democrats.

A proposal in H.R. 7120 would require police departments to adopt a policy of intervention when a fellow officer is using excessive force. (S. 3985 would offer funding to train officers in such intervention but would not require police departments to adopt such a policy.)

Respondents were presented the proposal as follows:

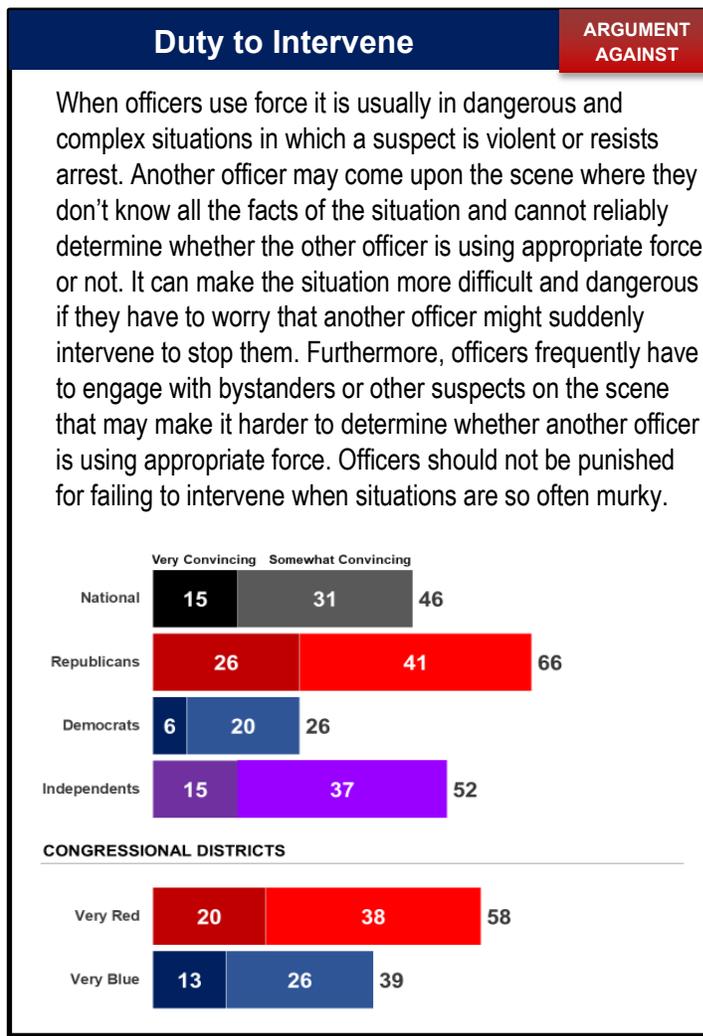
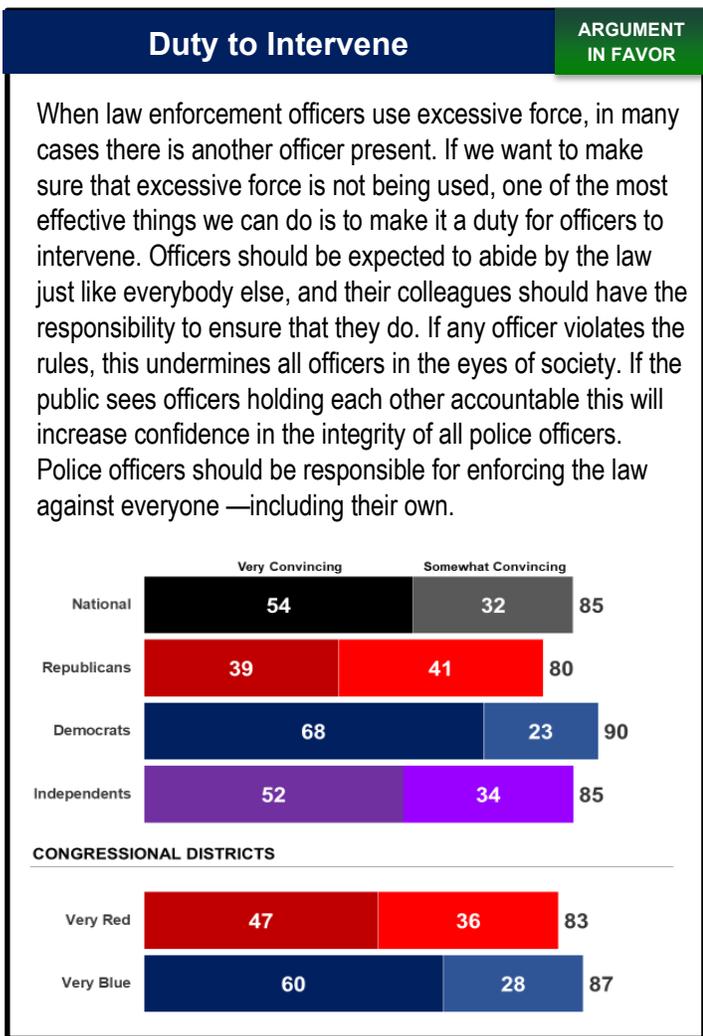
Another important debate is whether, in the event that one officer is using excessive force, other officers should be expected to intervene to try to stop them. Many police departments already have such a requirement and provide training on when and how to intervene.

Here is a proposal currently being considered in Congress:

- *Require police departments to adopt a policy that makes it a duty for officers to intervene when they perceive another officer is using excessive force*
- *Provide officers with training for when and how to intervene*

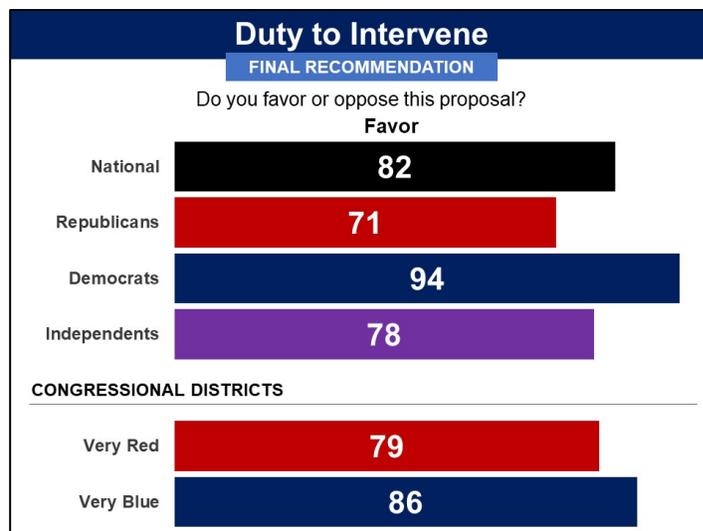
They evaluated arguments for and against the proposal. The pro argument was found convincing by 85%, including eight in ten Republicans and nine in ten Democrats.

The con argument was found convincing by just 46%. Two thirds of Republicans found it convincing, but just a quarter of Democrats agreed.



Asked for their final recommendation, an overwhelming majority of 82% favored it, including 71% of Republicans, 78% of Independents, and nearly all Democrats (94%).

On a 0-10 scale, a very large and bipartisan majority of 78% found the proposal acceptable (6-10), including 68% of Republicans and 90% of Democrats.



SPECIFIC POLICIES REGARDING USE OF FORCE

BAN ON CHOKEHOLDS AND OTHER NECK RESTRAINTS

Prohibiting the use of chokeholds and other neck restraints that prevent breathing or restrict the flow of oxygen or blood to the brain is favored by nearly three quarters, including a clear majority of Republicans and nine in ten Democrats.

Respondents were presented a proposal to require states to prohibit the use of chokeholds and other neck restraints that is in H.R. 7120. (S. 3985 would prohibit chokeholds except in situations that are life threatening to the officer.)

Respondents were introduced to the proposal as follows:

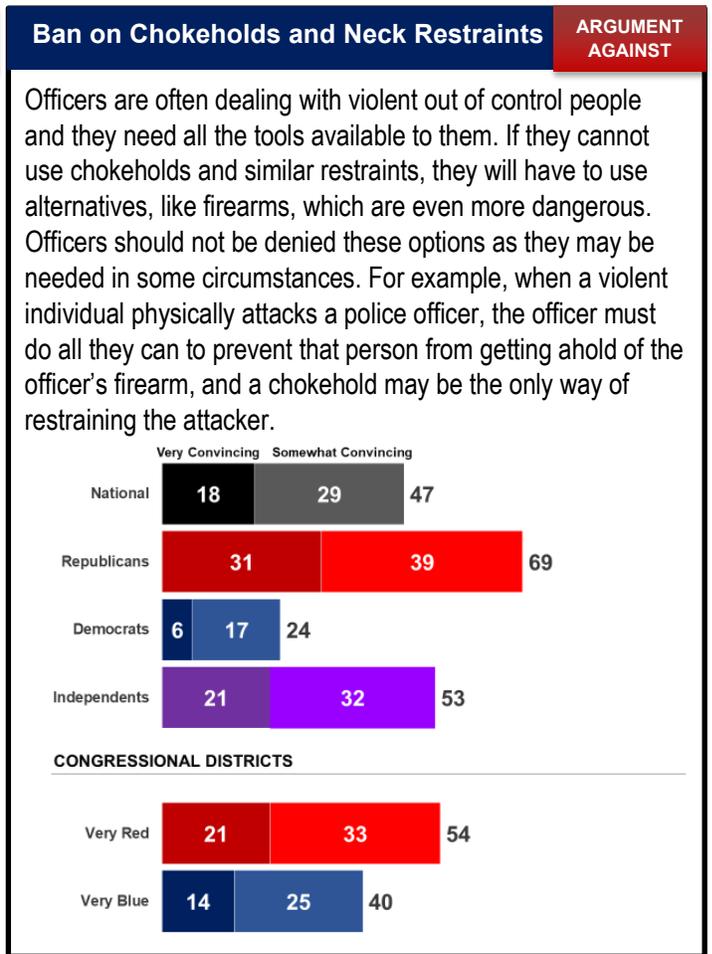
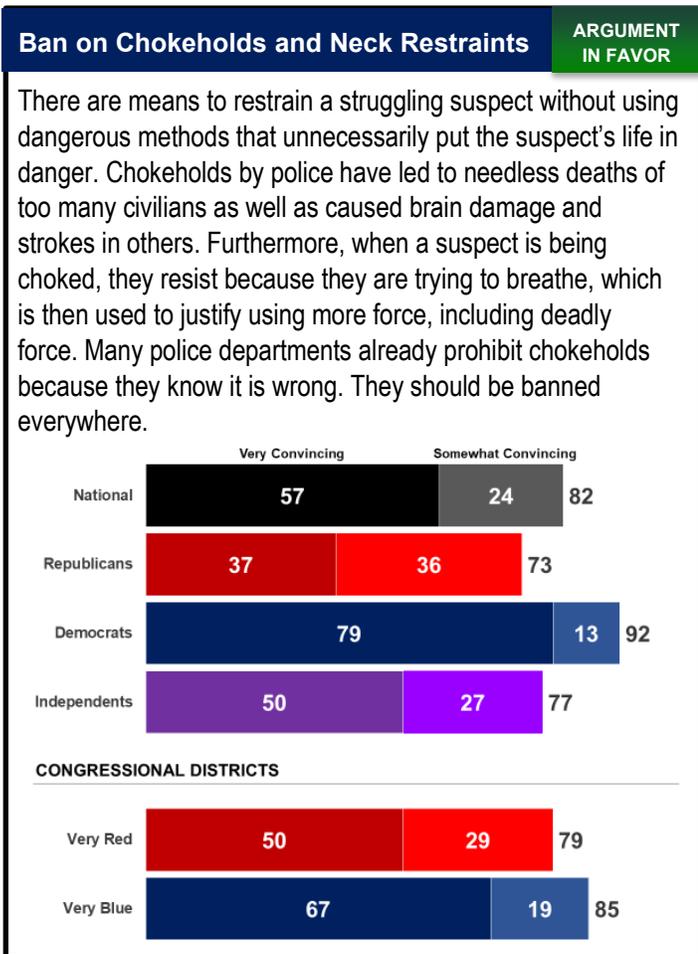
As you may know there is much controversy about officers using chokeholds and other restraints that block the flow of blood or oxygen to the brain. These methods were the causes of the deaths of Eric Garner and George Floyd.

Here is a proposal currently being considered in Congress:

- *Require states to prohibit the use of chokeholds and other restraints that prevent breathing or block the flow of blood or oxygen to the brain*

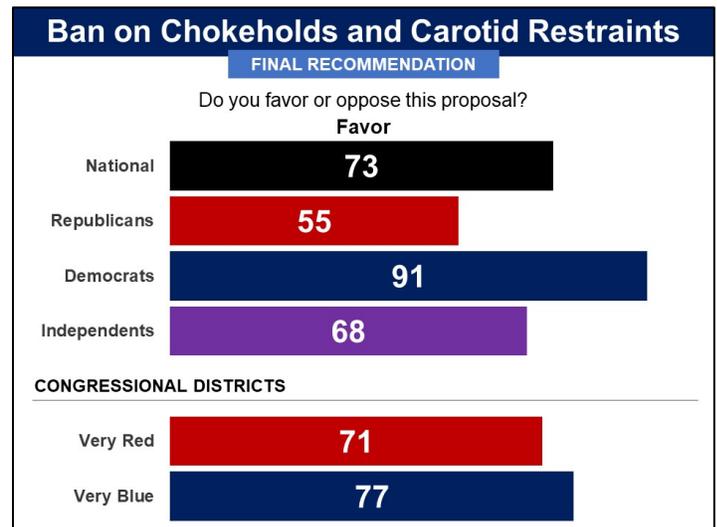
Arguments for and against this proposal were then evaluated. The pro argument was found convincing by eight in ten, including nearly three quarters of Republicans and over nine in ten Democrats.

The con argument was found convincing by less than half (47%), but was very polarized along partisan lines, with less than one quarter of Democrats (24%), but nearly seven in ten Republicans finding it convincing.



Asked for their final recommendation, 73% favored it, including 55% of Republicans, 68% of Independents and nine in ten Democrats.

On a 0-10 scale, a large and bipartisan majority of 69% found the proposal acceptable (6-10), including 52% of Republicans and 87% of Democrats.



BAN ON NO-KNOCK WARRANTS

Sixty-five percent favored prohibiting the use of no-knock warrants in drug cases, in which officers are allowed to break into houses without warning, including eight in ten Democrats. Just under half of Republicans favored the proposal, but six in ten found it at least tolerable.

A proposal to prohibit the use of no-knock warrants for use in drug investigations, which are currently used to break into a suspect's house without warning, is in H.R. 7120. (S. 3985 does not prohibit no-knock warrants, but would require that police departments submit data on all no-knock warrants that are undertaken.)

Before being presented the proposal, respondents were informed about the nature and rationale of no-knock warrants:

One method that has come under scrutiny is the use of no-knock warrants for drug cases. Another method that has come under scrutiny is the use of no-knock warrants for drug cases.

Warrants are provided by judges and allow the police to enter and search a home. "No-knock warrants" allow police to not knock on the door but to break into a suspect's home. Such warrants allow the police not to announce that they are law enforcement officers before they enter, and not to wear uniforms or insignia that identify them.

A rationale for such no-knock warrants is that it allows officers to break into the home of someone suspected of dealing drugs. The idea is that the suspect will not have time to get guns that they can use against the officer or eliminate the evidence, for example, by flushing the drugs down a toilet.

The controversy surrounding no-knock warrants was then explained, as well as the proposal for prohibiting them:

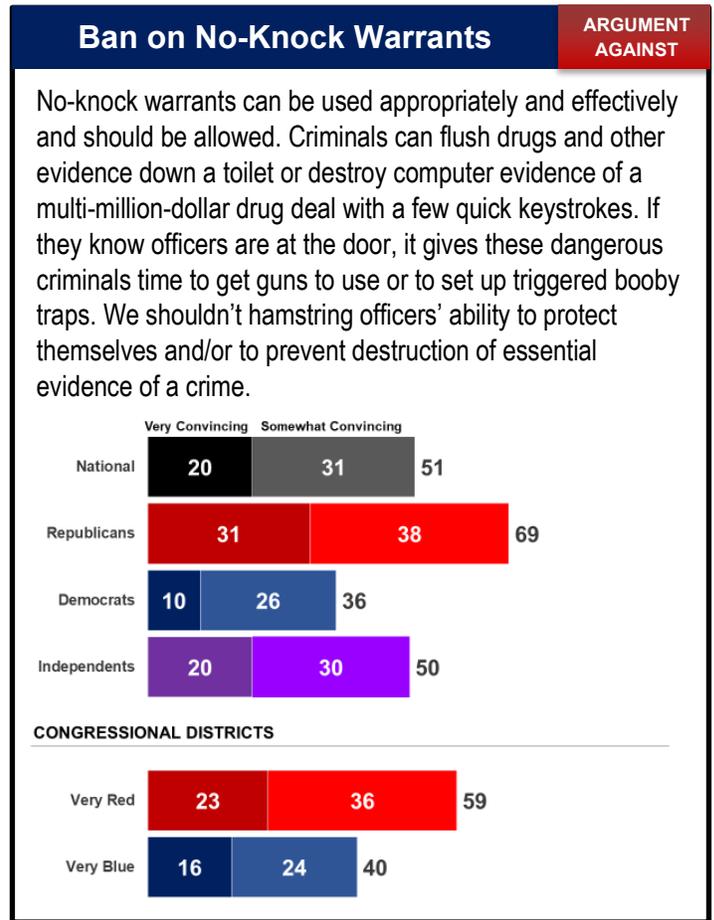
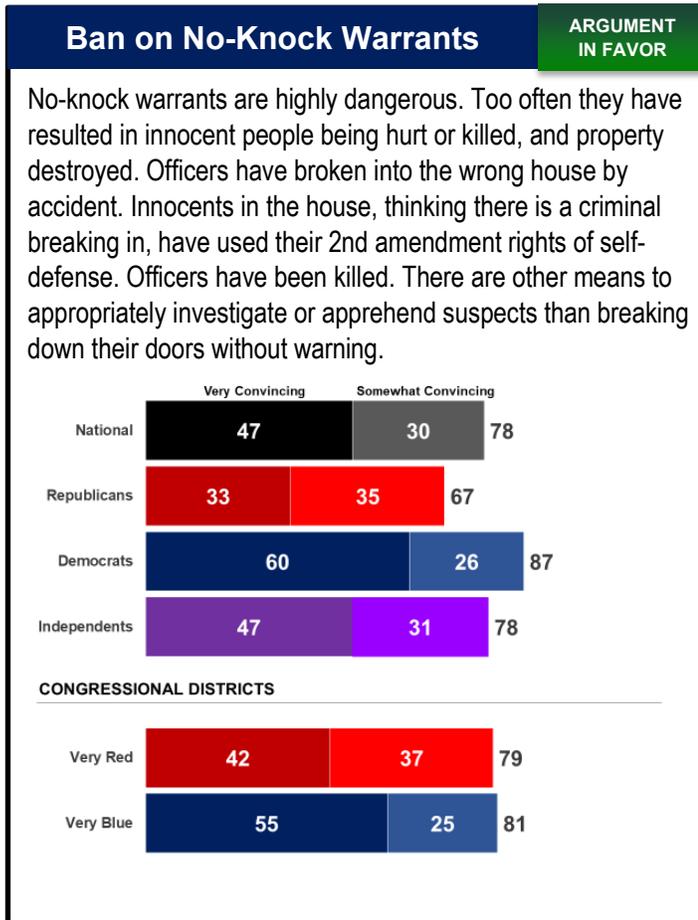
Such no-knock warrants have become controversial because there have been a number of cases in which the police went to the wrong address and broke in. In the high-profile case of Breonna Taylor, she and her partner thought criminals were breaking-in, a violent exchange ensued, and Breonna Taylor was killed by an officer.

Here is a proposal currently being considered in Congress:

- *Require local and state governments to ban the use of no-knock warrants for drug cases.*

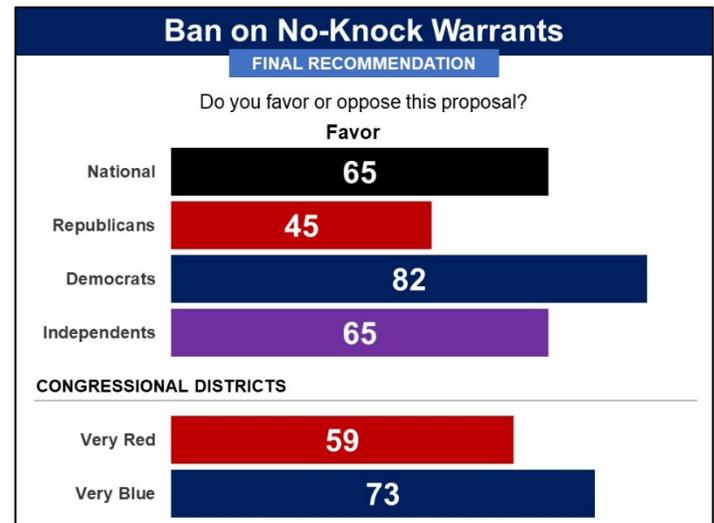
Arguments for and against were then evaluated. As with the other pairs of arguments, the argument in favor did substantially better, with majorities of Republicans finding both convincing, but a majority of Democrats finding only the con argument convincing.

The pro argument was found convincing by over three quarters, including 67% of Republicans and 87% of Democrats. The con argument was found convincing by a bare majority of 51%, including seven in ten Republicans (69%), but less than four in ten Democrats.



Asked for their final recommendation, a majority of 65% favored it, including 82% of Democrats and 65% of Independents. Less than half of Republicans—45%—favored it (53% opposed).

However, on the 0-10 scale, 58% of Republicans found the proposal at least tolerable (5-10) as did 88% of Democrats.



INCREASING ACCOUNTABILITY OF LAW ENFORCEMENT OFFICERS

AMENDING QUALIFIED IMMUNITY

Sixty-three percent support amending qualified immunity, no longer allowing officers to be granted immunity solely on the basis that they believed their actions were lawful or that there have not been previous cases in which other officers were held liable for the same conduct in very similar circumstances. This was supported by more than eight in ten Democrats. Among Republicans, just four in ten favored it, but six in ten found it at least tolerable.

Respondents evaluated a proposal in H.R. 7120 to amend what is called “qualified immunity” for police officers charged in civil lawsuits with using excessive force.

Respondents were first briefed on civil cases against police officers, how “qualified immunity” currently works and the related controversy:

So far, we have been talking mostly about cases when a law enforcement officer’s use of force results in them being charged with a crime within the criminal justice system. We will now look at cases where an officer is charged in a civil case.

As you may know, civilians can sue law enforcement officers (as well as other government officials) if they violate their legal rights. An officer can violate a person’s rights by using excessive force, such as hitting or shooting them when that was not necessary. Also, if an officer unnecessarily kills a civilian, their family can sue the officer.

If that person wins the civil court case, then they will receive money as compensation.

However, in fact, it is very rare that an officer is held liable. This is because there are laws and court rulings that provide officers what is called “qualified immunity.”

This immunity is very controversial because there have been some cases in which an officer wounded or killed an unarmed civilian in a way that was widely perceived as unlawful, unjust, or unnecessary, but was not held liable as a result of this immunity.

They were then introduced to the proposal for amending qualified immunity.

We are now going to ask you to evaluate a proposal to make it more possible that officers would be held liable for using excessive force by modifying the rules for qualified immunity.

*Currently, when an officer is sued for excessive use of force, they can be granted immunity if they say they were acting in **good faith**—not out of anger or racial hostility—and **believed** their actions were lawful, irrespective of how most others may view it. In many cases, a judge or jury has accepted this as a basis for dismissing the case.*

The first part of a proposal currently being considered in Congress would no longer allow officers to be granted immunity solely on the basis that the officer says they were acting in good faith and believed their actions were lawful.

This would mean that the judge or jury must determine whether the officer's conduct was in fact lawful, irrespective of what the officer believed.

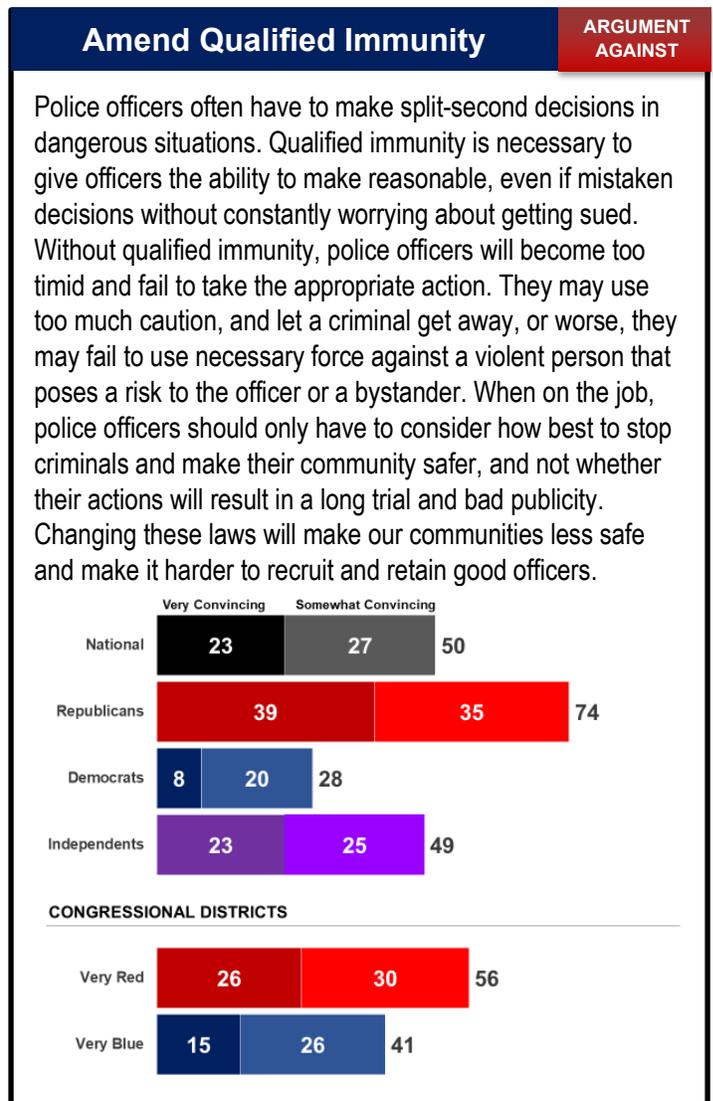
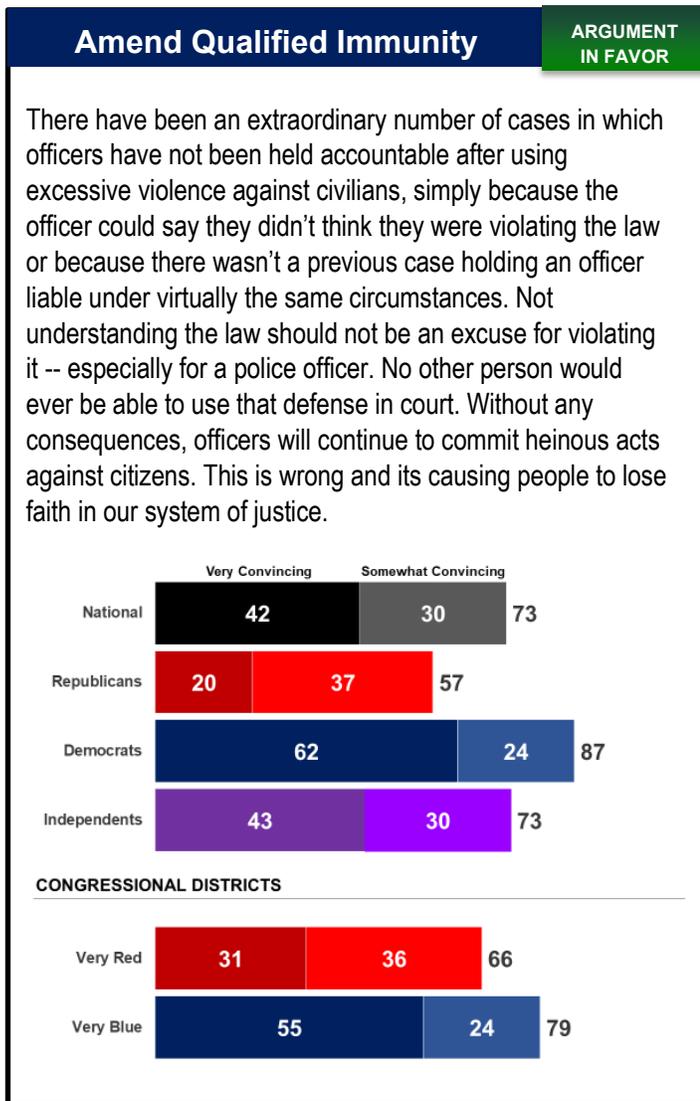
*In addition, when an officer is sued for excessive use of force, they can be granted immunity if there have not been **previous cases** in which officers were held liable for the same conduct in very similar circumstances. In many cases a judge or jury has accepted this as a basis for dismissing the case.*

The second part of the proposal would no longer allow officers to be granted immunity solely on the basis that there have not been previous cases in which other officers were held liable for the same conduct in very similar circumstances.

This would make it more likely that the case will move forward, and that a judge or jury assesses whether the officer's use of force was unlawful – whether or not there has been a similar case with similar circumstances.

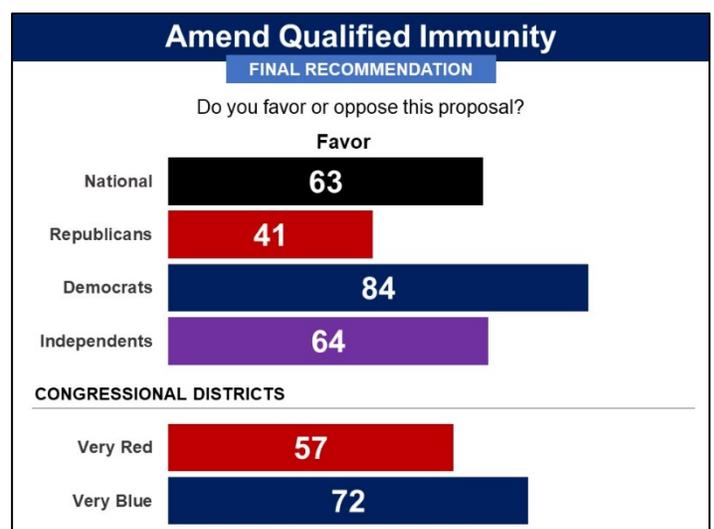
The argument in favor was found convincing by a large bipartisan majority of 73%, including 57% of Republicans and 87% of Democrats.

The con argument did much worse, with half finding it convincing, including a large majority of Republicans (74%), but just three in ten Democrats.



Finally, when asked for their recommendation, 63% favored the proposal, including over eight in ten Democrats and 64% of Independents. Just four in ten Republicans favored it (58% opposed).

However, on the 0-10 scale, 56% of Republicans found the proposal at least tolerable (5-10), as did 88% of Democrats.



NATIONAL REGISTRY OF POLICE MISCONDUCT

An overwhelming bipartisan majority favored creating a national registry of police misconduct that would be available to law enforcement agencies and the public, and requiring police departments to submit to the registry all records of officer misconduct. Over seven in ten Republicans, as well as over nine in ten Democrats, were in favor.

Respondents evaluate a proposal from H.R. 7120 to create a national registry of police misconduct available to all police departments and the public. (A proposal in S. 3985 would require that police department make their records of misconduct available to other police departments, but would not establish a national registry nor make information available to the public.)

Respondents were first informed of the controversy around the lack of access to police misconduct records:

Currently, when a law enforcement officer has gotten multiple complaints for unlawful and/or abusive behavior or has been fired from a department for such behavior, they may go to another city or state and apply for a new position. The new city or state may not have access to information about this past behavior and their previous department is not required to and is often prevented from revealing such information to a new potential employer.

They were then introduced to the proposal:

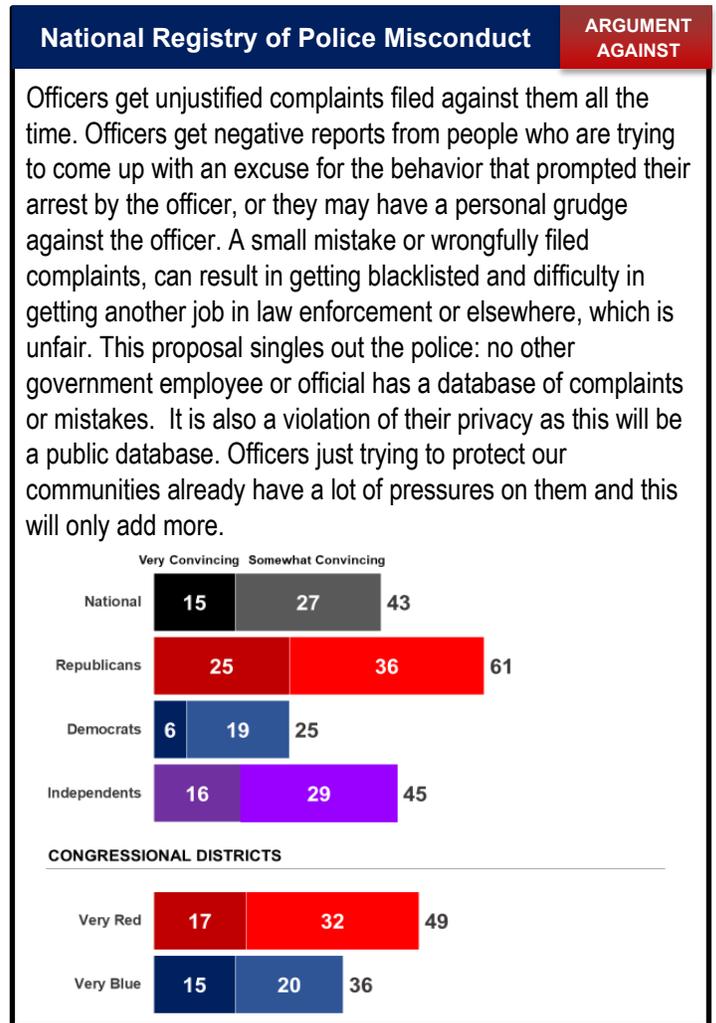
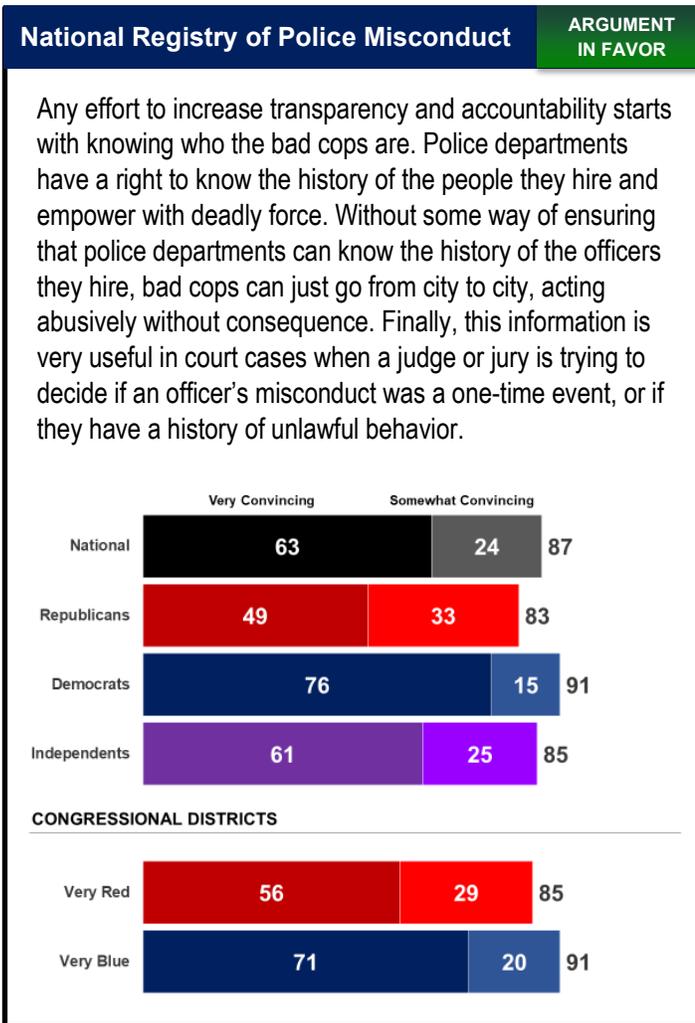
Create a national database of police misconduct and require all law enforcement agencies to submit information about officer misconduct. This information would include:

- *complaints filed by civilians against a law enforcement officer*
- *disciplinary action taken against an officer such as a suspension, and the reason for it*
- *firing of an officer and the reason for it*
- *lawsuits against an officer, and their outcome*

This database would be available to all law enforcement agencies as well as other government agencies and the public.

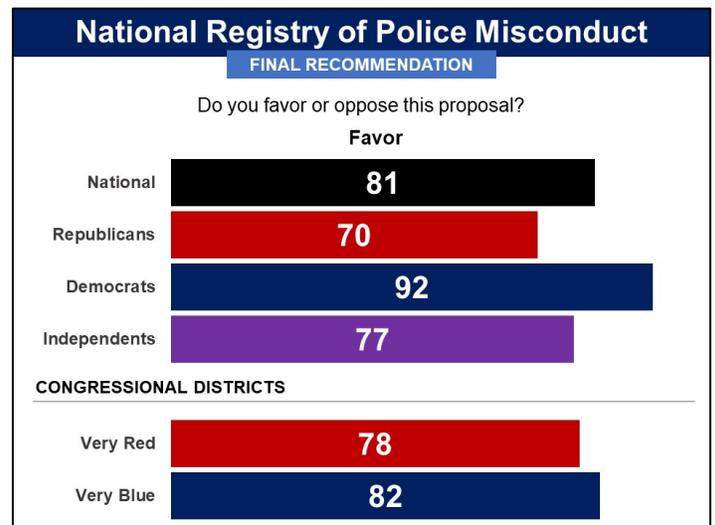
Respondents evaluated arguments for and against the proposal. The pro argument was found convincing by an overwhelming and bipartisan majority of 87%, including 83% of Republicans and 91% of Democrats.

The con argument was found convincing by just 43%, including a majority of Republicans (61%), but just a quarter of Democrats.



Asked for their final recommendation, a very large bipartisan majority of 81% favored it, including 70% of Republicans, 77% of Independents and 92% of Democrats.

On the 0-10 scale, 76% gave it an acceptable (6-10) rating including 65% of Republicans and 88% of Democrats.



INDEPENDENT PROSECUTORS

A large majority favored offering federal funds to states to enable them to always hire an independent prosecutor in cases against an officer who used deadly force, including a bare majority of Republicans and an overwhelming majority of Democrats.

Respondents were introduced to a proposal in H.R. 7120 that encourages states to use independent prosecutors in cases involving police use of deadly force.

Respondents were first informed of the concerns around the independence of prosecutors in cases against police officers:

When there is a criminal case against a law enforcement officer for using deadly force, in most cases the prosecutor is someone, who regularly works closely with the officer's department. Some people have a concern that these prosecutors have a conflict of interest. Such prosecutors rely on the cooperation and testimony of law enforcement officers of the agency when working to convict criminals.

They were then introduced to the idea of having an independent prosecutor.

To overcome a potential conflict of interest, a state can hire an independent prosecutor. An independent prosecutor is a person who does not regularly work with the law enforcement agency that employs the officer being investigated or charged.

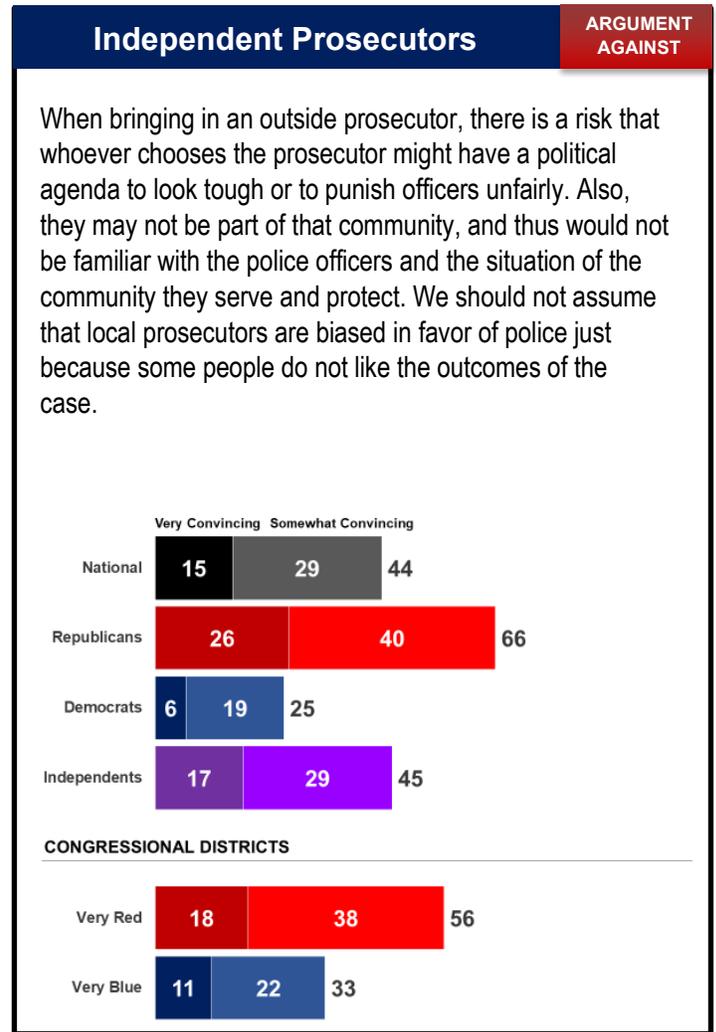
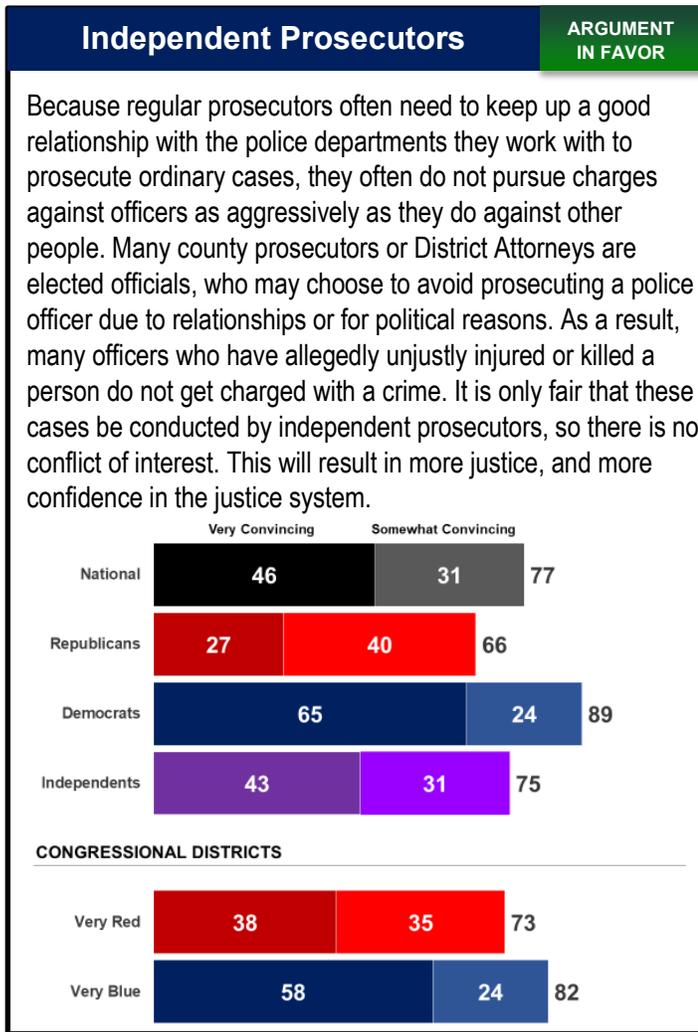
They were then introduced to the proposal:

Here is a proposal currently being considered in Congress:

- *Offer states federal funding to hire an independent prosecutor when investigating or charging a law enforcement officer for using deadly force.*
- *To receive this funding, the state must first put in place a policy requiring the use of an independent prosecutor in all such cases.*

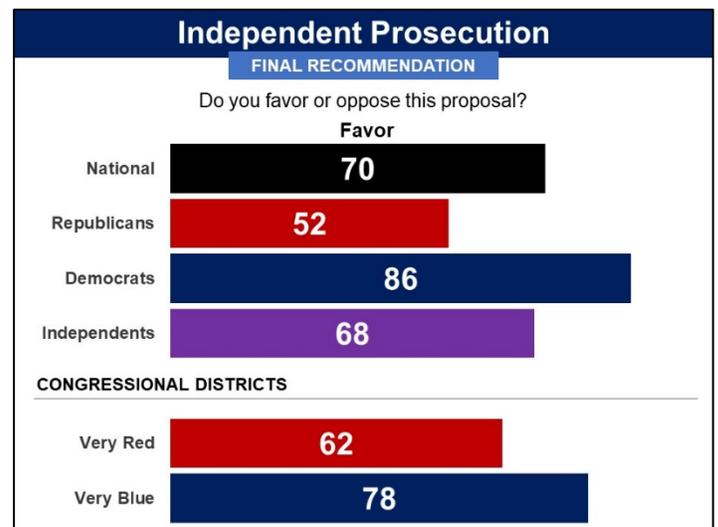
Arguments for and against the proposal were evaluated. Once again, the pro did substantially better than the con, with a majority of only Republicans finding the con convincing. The pro argument was found convincing by over three quarters, including 66% of Republicans and 89% of Democrats.

The con argument was found convincing by less than half (44%), including just a quarter of Democrats, but two thirds of Republicans.



Asked for their final recommendation, a bipartisan majority of seven in ten favored the proposal, including 86% of Democrats, 68% of Independents and a bare majority of Republicans (52%).

On the 0-10 scale, a more robust 66% of Republicans found the proposal at least tolerable (5-10) as did 92% of Democrats.



BODY CAMERAS

An overwhelming bipartisan majority endorsed requiring all police officers to wear body cameras, and to turn them on whenever they are on a call or interacting with a suspect. This was the most widely supported proposal.

Respondents were introduced to the proposal in S.3985 requiring that all police officers use body cameras, and activate them whenever they are responding to a police call or interacting with a suspect. (H.R. 7120 would require all officers to wear body cameras, but would leave it to local and state departments to determine when they are required to be used.)

The proposal was presented as follows:

A key idea for making law enforcement officers more accountable for their actions is to increase the use of body cameras. It also helps with training, supervision, and documentation.

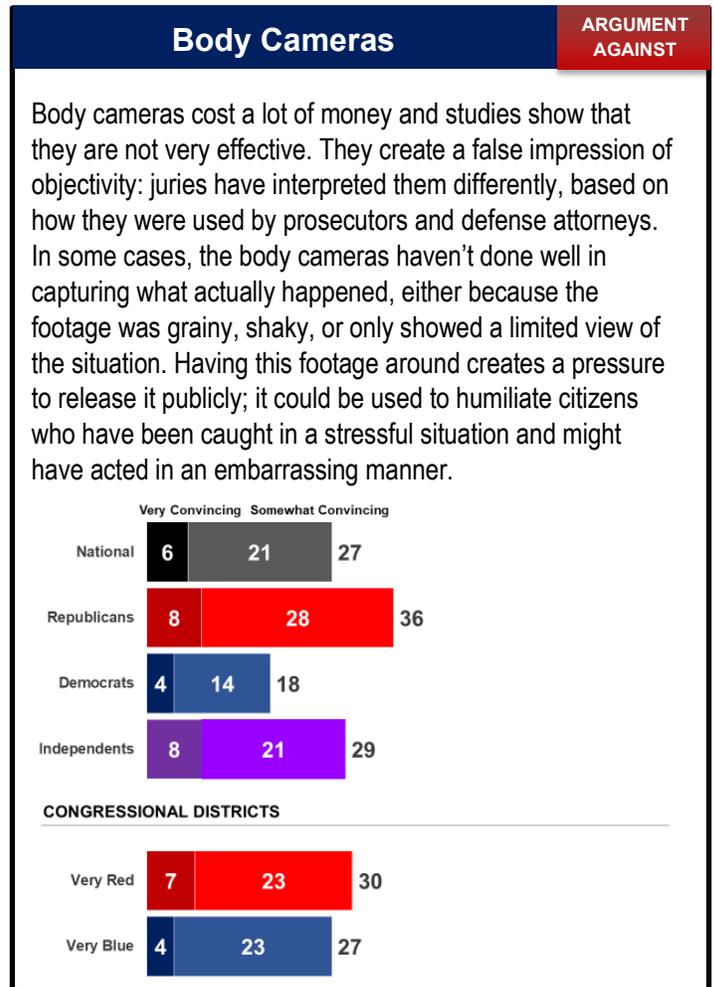
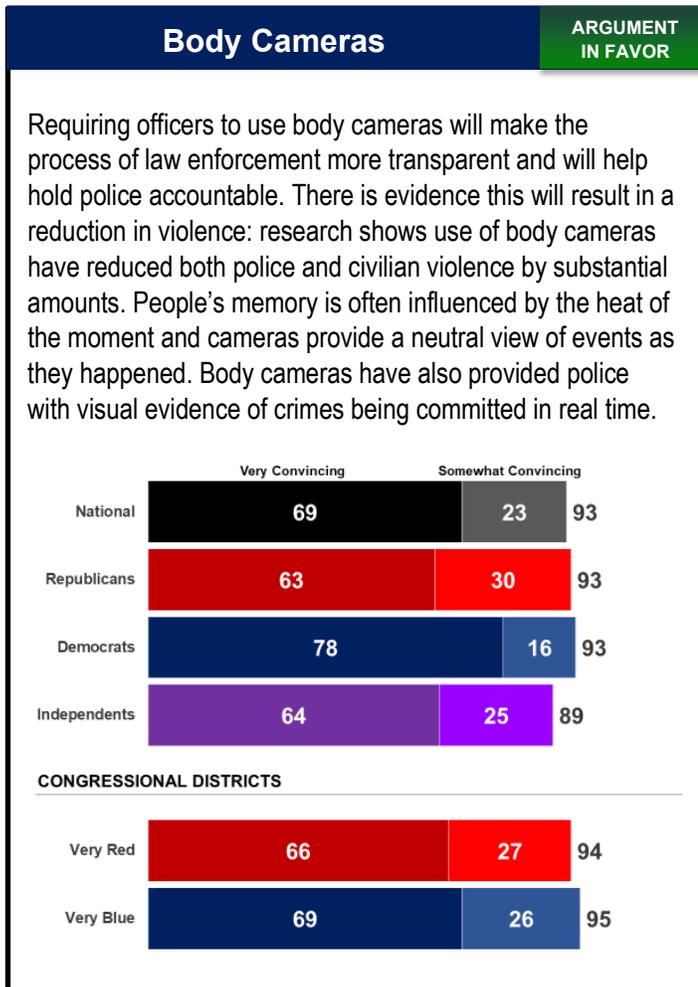
Currently, about half of all police departments do not have body cameras, and among those that do, not all of them require that they always be used.

Here is a proposal currently being considered in Congress:

- *Require all police departments to have body cameras, to have their law enforcement officers wear them, and turn them on whenever they are responding to a police call or interacting with a suspect. Failure to do so would result in disciplinary action.*

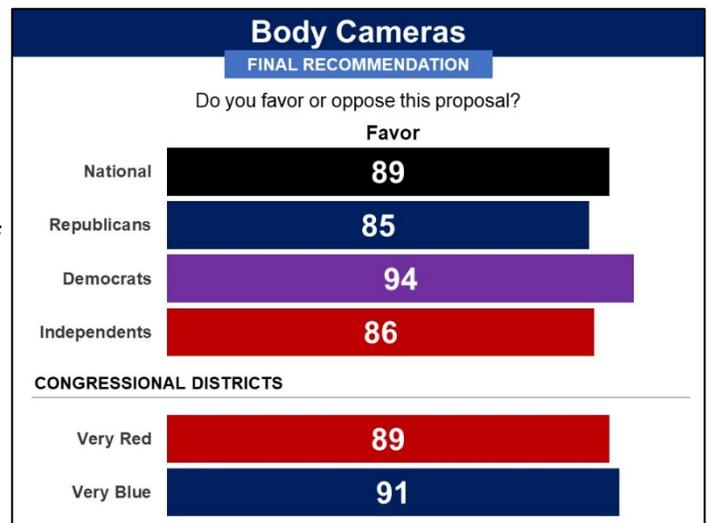
In evaluating the pro and con arguments the pro argument was found extraordinarily more convincing than the con argument. The pro argument was found convincing by nearly all respondents (93%), with no partisan differences.

The con argument was found convincing by just a quarter, including just 36% of Republicans and only 18% of Democrats.



This proposal was the most popular and the most bipartisan of all tested in this study, with 89% in favor, including 85% of Republicans, 86% of Independents and 94% of Democrats.

On the 0-10 scale a very large bipartisan majority of 84% found it acceptable (6-10), including 80% of Republicans and 89% of Democrats.



IMPLICIT RACIAL BIAS

Seven in ten favor requiring all police officers to receive training to counter implicit racial bias, including a modest majority of Republicans and nine in ten Democrats. Requiring that all police officers receive training to address implicit bias – the unconscious attitudes about a group(s) of people that affects behavior – is in H.R. 7120.

Respondents were first presented information about racial disparities in police use of force:

As you may know, studies have found that, even in similar situations, officers use excessive force against minorities more than they do against white civilians. Black people are more than two times as likely to be shot and killed by officers than white people and are more likely to be unarmed when it happens.

The nature of implicit racial bias, and its consequences, was explained:

Based on numerous studies, there is evidence that the problem here is not primarily that most officers have conscious negative attitudes toward minorities. Rather there is evidence that many officers – like most people – have what is called an “implicit bias.” This is an unconscious negative attitude toward certain types of people that leads one to interpret their behavior in a more threatening way. This could, for example, lead an officer to be more likely to assume that someone from a particular race poses a danger and is getting ready to act violently against the officer, leading the officer to use deadly force preemptively.

Because the criminal justice system is supposed to treat every person equally, there is concern that implicit bias is resulting in minorities, especially Black Americans, being treated unfairly.

The proposal was then presented, as follows:

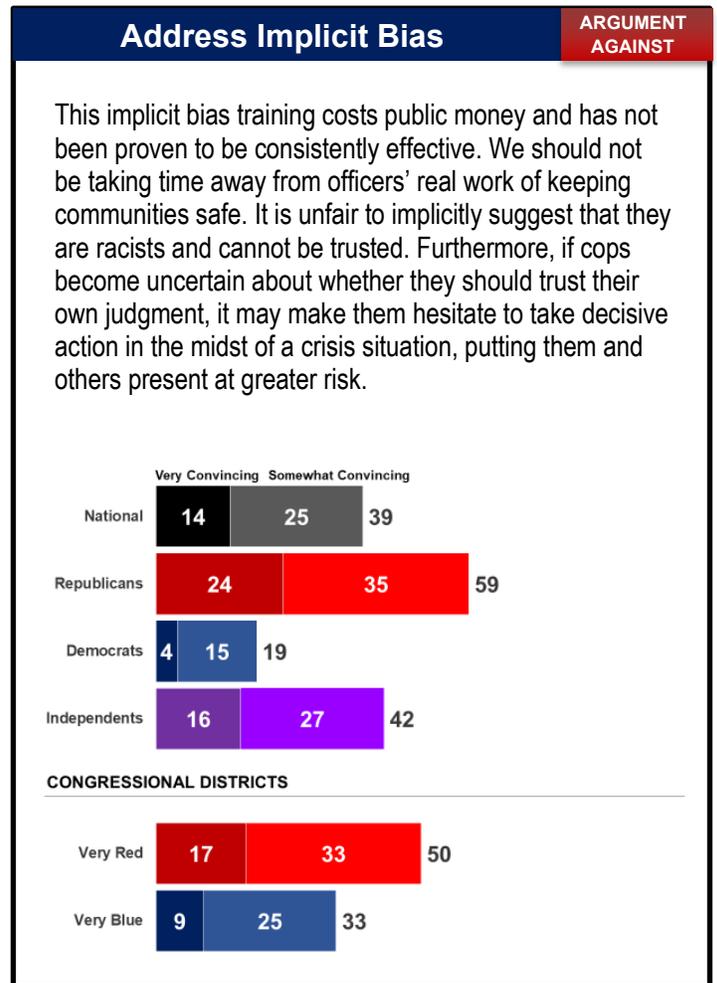
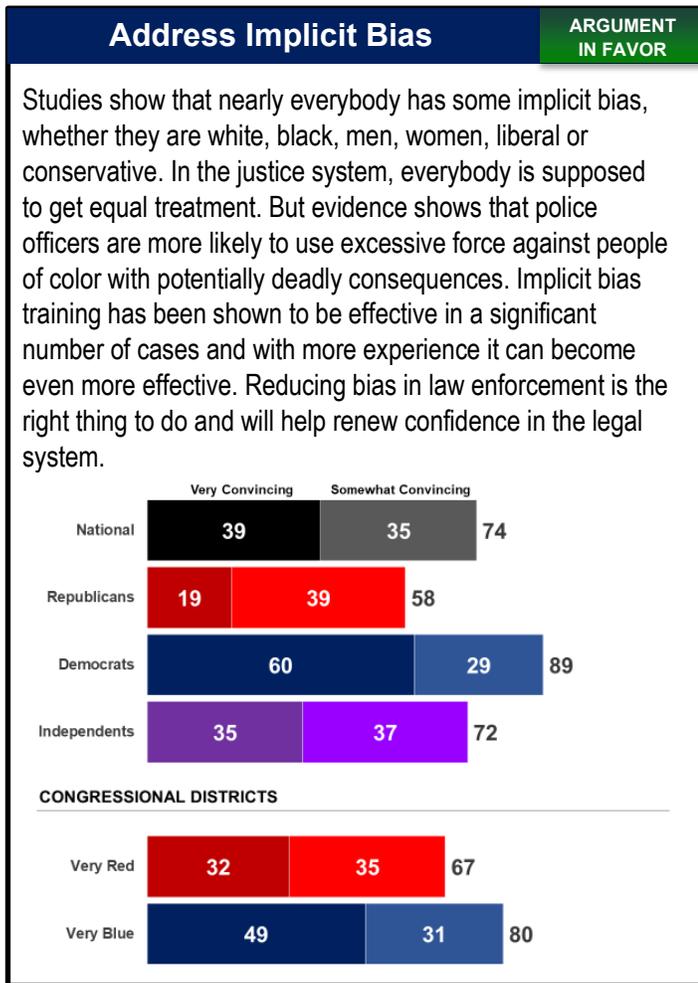
Training methods have been developed to help people understand better how implicit bias may be affecting them and to consciously work to counter its effects.

Various law enforcement agencies have used these training methods with their officers. While some studies have found the training to be effective in reducing implicit bias, others have found it to be ineffective.

Here is a current proposal being considered in Congress:

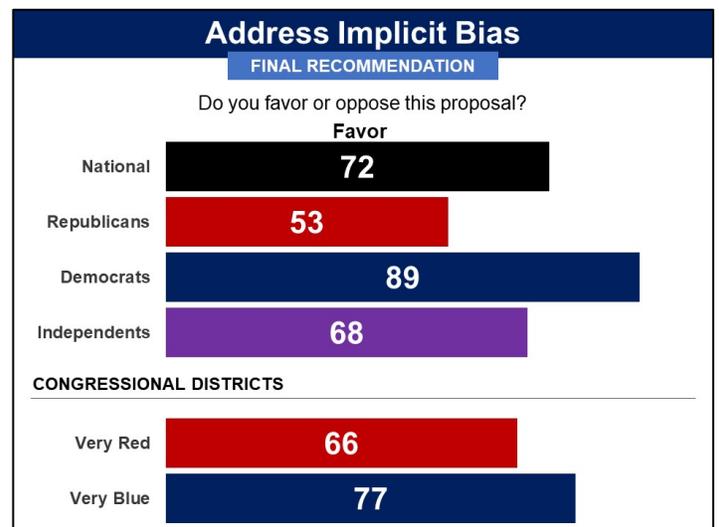
- *Require police departments to provide their officers training on implicit bias.*

Arguments for and against the proposal were evaluated. The pro argument did substantially better, with the con argument found convincing by a majority only of Republicans. The pro argument was found convincing by nearly three quarters, including 58% of Republicans and 89% of Democrats. The con argument was found convincing by under four in ten, including just one in five Democrats. A majority of Republicans found it convincing (59%).



Asked for their final recommendation, a bipartisan majority of 72% favored it, including 89% of Democrats, 68% of Independents and a more modest 53% of Republicans.

On the 0-10 scale the proposal was rated as at least tolerable (5-10) by a bipartisan eight in ten, including 94% of Democrats and 68% of Republicans.



POLICE ACCESS TO MILITARY EQUIPMENT

Nearly two thirds favor requiring police departments to get their local government's approval for any requests for surplus military equipment, and prohibiting requests for high-capacity automatic weapons, grenade launchers, weaponized drones, among other equipment. This includes over eight in ten Democrats. Less than half of Republicans are in favor, but a modest majority find the proposal at least tolerable.

Respondents were introduced to a proposal in H.R. 7120 for regulating police departments access to military equipment. Respondents were first informed about the controversy.

As you may know, there is a controversy about local law enforcement agencies receiving surplus equipment from the US military. Currently local law enforcement agencies can get such surplus equipment for only the cost of shipping them.

There are two concerns that have been expressed about this program:

- *Currently local law enforcement agencies do not have to get approval from their local government to request and get such equipment*
- *Some law enforcement agencies have acquired high powered, military-style equipment*

They were then presented the proposal that would:

- *Require that:*
 - *law enforcement agencies get approval from local government before requesting military equipment*
 - *the public be informed of the request*
 - *local governments annually report to Congress on what military equipment they have*
 - *unused equipment be returned*
- *Law enforcement agencies would not be able to request certain kinds of equipment, such as high capacity, automatic weapons; grenade launchers and explosives; armored or weaponized drones; silencers; and aircraft. Large armored vehicles, like tanks and personnel carriers, would require additional justification.*

Arguments for and against the proposal were found convincing by a majority, although the pro did better overall. The pro argument was found convincing by seven in ten, including a modest majority of Republicans (55%) and 84% of Democrats.

The con argument was found convincing by a bare majority of 52%, including three quarters of Republicans. Just three in ten Democrats agreed.

Access to Military Equipment

ARGUMENT
IN FAVOR

Police in the US already have access to some of the most sophisticated and powerful equipment to track, catch, and protect themselves from criminals. Local law enforcement should not have high-powered military equipment meant for war. This is the kind of thing that happens in authoritarian governments. When police get this kind of military equipment, some have used them very freely, even against peaceful protestors exercising their first amendment rights. There is currently no oversight of the program. Some of the equipment has gone missing, and some sheriffs have sold some of the equipment they don't need or sometimes "lent" them to friends. Transfer of military equipment should be highly limited with a high level of oversight and transparency.

Group	Very Convincing	Somewhat Convincing	Total
National	45	25	71
Republicans	24	31	55
Democrats	64	20	84
Independents	45	27	72

CONGRESSIONAL DISTRICTS

District Type	Very Convincing	Somewhat Convincing	Total
Very Red	39	31	70
Very Blue	52	23	75

Access to Military Equipment

ARGUMENT
AGAINST

Police departments know what is needed to ensure the safety of their community better than Local governments. Officers that go up against gangs, active shooters and terrorists need the most sophisticated equipment they can get. We have seen far too many incidents where police have to contend with perpetrators with high power weaponry and bombs. We can't know when and where the next active shooting incident, terrorist attack, or hostage situation will occur, and police departments have to be ready. It is wasteful for departments to have to buy the same equipment when it is available at little cost.

Group	Very Convincing	Somewhat Convincing	Total
National	23	29	52
Republicans	38	37	74
Democrats	10	22	32
Independents	23	30	53

CONGRESSIONAL DISTRICTS

District Type	Very Convincing	Somewhat Convincing	Total
Very Red	26	29	56
Very Blue	17	29	46

In the end, the proposal was favored by 64%, including 84% of Democrats and 64% of Independents. However less than half of Republicans—43%—concurred (56% opposed).

But, on the 0-10 scale, 54% of Republicans found the idea at least tolerable (5-10) as did 88% of Democrats.

Military Equipment

FINAL RECOMMENDATION

Do you favor or oppose this proposal?

Group	Favor
National	64
Republicans	43
Democrats	84
Independents	64

CONGRESSIONAL DISTRICTS

District Type	Favor
Very Red	59
Very Blue	71



PROGRAM FOR PUBLIC CONSULTATION

SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND

The **Program for Public Consultation** seeks to improve democratic governance by consulting the citizenry on key public policy issues governments face. It has developed innovative survey methods that simulate the process that policymakers go through—getting a briefing, hearing arguments, dealing with tradeoffs—before coming to their conclusion. It also uses surveys to help find common ground between conflicting parties. The Program for Public Consultation is part of the School of Public Policy at the University of Maryland.

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