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Tulsa Police Department

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“Get on the Ground!”

Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma

Summary

Isabella Shadrack (pseudonym), a schoolteacher, was leaving a friend's home in North Tulsa with her 7-year-old daughter in the car when police signaled for her to stop. She pulled her car to the side of the road, knowing she had done nothing wrong and wondering why police were stopping her. She consoled her frightened daughter, telling her everything would be fine.

An officer slowly walked up to her. More police cars pulled up, with bright lights shining on her. She became increasingly scared. Then, she heard a voice over a megaphone telling her "step out of the car with hands visible." She obeyed, then saw guns pointed at her. The officers signaled her to walk to the curb. They took her identification, still pointing guns at her. Her daughter rolled down a window and cried out, "Please don't shoot my mom!"

After a while, one officer came up and said her car visually matched one reported stolen, but she did not match the suspect. The car belonged to Shadrack and had not been reported stolen, so running the license plate, something officers easily do from their patrol cars, would have quickly confirmed it was hers. There was nothing unusual about the car to otherwise raise suspicion.

The officers eventually holstered their guns and let Shadrack leave, but she was badly shaken.

This encounter caused her to change driving habits so she could avoid going through North Tulsa, which she described as "over-policed." Though she grew up in that section of town, which has the highest concentration of black residents in the city, and has friends and family there, she now stays away as much as possible. If police are behind her, she proactively pulls over to let them pass.

Her daughter suffered extreme anxiety for about a year after the incident, hyperventilating when she would see police cars, putting her fingers in her ears and telling her mother to slow the car. Her daughter told Shadrack that she would not want to go to the police if something happened because she worried that they might think she had done something

wrong and might shoot her. Shadrack regrets that she cannot reassure her daughter that they would not harm her.

Shadrack's experience with the police, as a black person, is not unusual in North Tulsa and in other parts of the city where black people and poor people live. In fact, Shadrack's experience is not unusual for people of color throughout the country. Nor is it a new experience—the United States has a long history of unjustified police intimidation and violence, particularly directed against people of color and poor people.

Several killings of civilians by Tulsa law enforcement officers in recent years have received prominent local and national attention, especially the killings of Terence Crutcher and Joshua Barre. Crutcher, an unarmed black man, was killed by an officer on a North Tulsa street in video-taped incident. Barre was shot by both Tulsa Police and Tulsa Sheriffs who had followed him for about a mile without containing him as he walked to a store carrying two kitchen knives. These killings have sparked angry, though peaceful, protests. They have also prompted city-wide conversations about the role and conduct of police, and about inequalities in Tulsa. These conversations are part of a larger debate throughout the US about the role of police in addressing societal problems, and about how fairly police treat poor people and people of color.

Tulsa has a serious crime problem, in particular high rates of homicide, rape, and domestic assault. Tulsa's rates of violent crime are well over the national average. However, police tactics have bred distrust and driven a wedge between and law enforcement and affected local communities, making provision of public security more difficult and raising questions about whether these tactics are effective in stopping crime. Many of the problems that contribute to elevated crime rates, including homelessness, drug abuse and lack of support for people with mental illnesses, demand solutions that do not depend on police.

This report is, in many respects, a case study of abusive, overly aggressive policing in the US. While it looks at high-profile police killings in Tulsa that have brought attention to policing in the city, it also looks at higher frequency police interactions with civilians, including use of non-lethal force, police conduct of stops and searches, issuance of citations, enforcement of court debt (unpaid fees, fines, and costs), and, more generally, how police behave in day-to-day interactions with people.

This report focuses on policing primarily as it impacts black communities in Tulsa, and especially poor black communities, that face policing in its most intensive forms. As will be made clear throughout the report, poverty, regardless of race, is a substantial factor in understanding interactions between civilians and law enforcement, predicting frequency of arrest, detentions and possibly uses of physical force. Court debt and its enforcement by police pressure poor people of all races. Poverty and race overlap significantly, as a much greater percentage of black than white people are poor, in Tulsa and throughout the US. However, black people, even regardless of wealth or poverty, disproportionately receive aggressive treatment by police.

Human Rights Watch found that, beyond the statistical disparities of treatment by police of the different races, black people nearly all had personal experiences of abusive policing, ranging from extreme violence towards themselves or family members, to more mundane harmful interactions like unnecessary traffic stops, coercive searches and intimidating encounters. Black leaders reported that fear of police and experience of mistreatment by police are facts of life in their communities.

The investigation leading to this report found evidence of racial bias in policing outcomes, but not proof of pervasive racism. No doubt, there are officers and commanders who hold and act on racist viewpoints, whether explicit or implicit. There is evidence of racial bias in the descriptions of the treatment of black people by police and in the difference described about policing in primarily black parts of North Tulsa. There is evidence of racial bias in the disparities in racial impact of policing encounters.

However, these disparities are also partly explained by concentrated policing in high poverty neighborhoods, which are more frequently communities of color and which have more frequent calls for service. This report does explore economic class differences in policing outcomes, to the extent the data allows it. The confluence of race, poverty and crime leads to larger questions of structural racism: why are black people in Tulsa, and in the US as a whole, relegated to poverty at such a high rate? What power dynamics and policies have created and perpetuated this situation? Is policing, even with more community-oriented officers, a proper response as opposed to allocating scarce resources directly toward addressing the problems leading to poverty?

Tulsa has its own unique history of racial oppression, dating back at least to the 1921 Greenwood Massacre, through the period of legalized segregation and on to the *de facto* segregation that currently exists. Modern day policing in Tulsa exists within this context, just as policing in every other US jurisdiction exists within the context of its own, often oppressive, racial and class relations. Tulsa’s history, along with more recent racially charged incidents and recognition of many of the issues by the city government, make it a useful jurisdiction in which to study policing and race.

In addition to detailed analysis of many aspects of the relationship between police and Tulsa’s black communities, the report devotes a chapter to the unique problems with policing faced by the growing Latino immigrant community. Data limitations make it impossible to analyze arrest and stop patterns in this community.

The report is not a comprehensive view of all aspects of policing in Tulsa. It narrowly focuses on the Tulsa Police Department, with only passing reference to the other law enforcement jurisdictions that impact people’s lives there, including Tulsa Sheriff’s Department, Oklahoma Highway Patrol, the various tribal police agencies, and the school and university police agencies. The report does not offer in-depth analysis of how policing uniquely impacts Tulsa’s Native American population.



Levels of Forceful Police Actions © 2019 Human Rights Watch

Investigations of police killings are essential, but can shed light on only part of the picture: such incidents can be thought of as the top tier of a pyramid of forceful interactions between police and community members. As argued in this report, one also needs to examine the other tiers of that pyramid, including the socio-economic context in which policing exists, to best assess what needs to be done to improve policing, community relations, and public security in Tulsa.

Police use of lethal force, though far from an everyday occurrence, is a serious issue in Tulsa and in Oklahoma more generally. The state has, in recent years, consistently had among the highest per capita rates of police killings in the country. What has attracted far less scrutiny is the Tulsa police's everyday use of less lethal force through tasers, biting dogs, baton blows, pepper-spray, punches and kicks, twisting people's wrists, or pushing them into walls. In some cases, documented by Human Rights Watch, it appears that the police deployed this force without justification, frequently injuring, humiliating, and intimidating people.

Beyond physical force, police also use their authority on a daily basis to stop, detain, and search people, sometimes making arrests or issuing citations, sometimes, as in the Shadrack incident, to "investigate." While these powers are part of their law enforcement mandate and can be useful tools for controlling crime when properly directed, in Tulsa they are also used to effect pretextual stops and searches, and as intimidation tactics. There is strong evidence that these tactics are used more aggressively against black residents and people in North Tulsa, a relatively impoverished area with the city's largest black population.

Aggressive enforcement often leads to debt. People arrested or cited for violations ranging from infractions, like expired license tags, to serious felonies, like robbery, are assessed a vast array of fees, fines, and costs by the courts that process their cases. This debt, weighing disproportionately on the poorest segment of society, is enforced aggressively by Tulsa Police, who regularly arrest people on warrants for failure to pay debt owed as a result of past violations including for minor offenses. The debt strips money and assets from poor communities, trapping people in a cycle of arrest, jail, debt, warrant, arrest, jail, and further debt.

This aggressive policing and debt enforcement occur in the most poverty-stricken parts of Tulsa, where there is far less business development, higher unemployment, poorer educational outcomes, lower life expectancy, and worse overall health among its residents than in wealthier parts of the city. This contributes to desperation and need that lead to more crime. Such crime in turn becomes the rationale for more aggressive policing, which increases poverty that leads to more crime.

Physical Force

There are significant racial disparities in police use of force and violence towards civilians in Tulsa. Our analysis of 2012-2017 data provided by the Tulsa Police Department, shows that black people in Tulsa are 2.7 times more likely to be subjected to physical force by police officers than white people on a per capita basis. Though only 17 percent of the population, black Tulsans were at the receiving end of 39 percent of police uses of force; white Tulsans were 65 percent of the population but subject to only 55 percent of force incidents. When comparing use of force demographics with demographics of people arrested by Tulsa police, instead the overall population, racial disparities still exist, though they are smaller.

We found no racial disparities in the use of force against people arrested for violent crimes when matching use of force data to arrest data. However, black arrestees were subject to force at nearly twice the rate of white arrestees when the violation that led to the force incident was a less serious “public order” crime or drug sale and at three times the rate for arrests on a warrant, a large portion of which were for missing court dates or payments on low-level violations.

North Tulsa residents repeatedly reported having experienced or witnessed aggressive policing, as did black people throughout the city. Former and current Tulsa Police officers said that the Department polices more aggressively in North Tulsa than in other areas. Data provided to us by the Tulsa Police Department on police use of force had limited information about the incidents themselves. It also did not include uses of lower-level force, as when officers inflict pain by twisting handcuffed wrists or push people against cars, that people described to us. Several people reported being shoved against their cars for no apparent reason while handcuffed during arrests.

According to data provided by the department, of the 1700 incidents and 3,364 distinct “non-deadly” force actions reported by police from 2012 through 2017, the Tulsa Police Department found only two forceful acts that were not “within policy.” They imposed no discipline in either case. Internal Affairs reports for those years indicated that all but five forceful acts were “within policy,” and only one resulted in discipline.

Arrests

Black people in Tulsa are also 2.3 times more likely than white people to be arrested on a citywide per capita basis. They are 17 percent of the population but make up 35 percent of all people arrested. Arrest rate racial disparities exist across the city, and arrest rates correlate to the percentage of the population that is black in a given area. They also correlate, at a higher rate, to the percentage of the population that is poor.

Poverty and race intersect strongly, and analysis suggests that poverty has a much stronger relationship with arrest rates for the white population of Tulsa than it does for the black population. Arrests are more frequent throughout North Tulsa and certain neighborhoods in South and East Tulsa. However, black people appear to have been arrested more frequently across the spectrum of wealth, while arrests of white people were confined almost entirely to poor people.

Though national studies show that drug use and sales are roughly the same across racial lines, Tulsa Police arrest black people 2.4 times more frequently than white people for drug crimes, and at substantially greater rates for marijuana. Close to 40 percent of all Tulsa Police Department arrests are based on outstanding county and municipal warrants, including a high percentage of warrants for failure to pay court fees, fines and costs.

Seventeen percent of all arrests are for municipal warrants—low-level misdemeanor and traffic ticket type offenses—including “failure to pay” warrants. The warrant arrests are most frequent in higher poverty sections of the city. Police arrest black people for warrants at a rate 2.6 times greater than white people, reflecting higher poverty rates among black people, but also suggesting possible bias in police investigative tactics. There are substantial racial disparities in arrests for violent crimes like robbery, assault and rape. Violent crimes make up less than 10 percent of all arrests.

Vehicle and Pedestrian Stops

Black residents in Tulsa described experiences in which police officers stopped them, drew guns on them, or at least had hands on guns in an intimidating way, searched them and their car, spoke to them disrespectfully, and treated them roughly.

Former and current officers acknowledged that they had witnessed similar behaviors. Officers and civilians described Tulsa officers aggressively pressuring people to submit to searches of their bodies and their cars, even when they lacked legal justification to conduct a search.

Data provided by the Tulsa Police Department did not include the race of the person stopped, a problem in itself, but it showed that police were conducting more frequent and prolonged vehicle and pedestrian stops or “detentions” in North Tulsa and other areas with higher non-white populations than in other parts of the city, fitting with what people reported. One neighborhood in North Tulsa, defined as a census tract 62, 80 percent black with a low median income, experienced an annual average of 227 stops per 1,000 people from 2014 through 2017; in contrast, census tract 30 in West Tulsa, 77 percent white but also with a low median income, had a significantly lower stop rate of 50 per 1,000 people. And some well-to-do census tracts in South Tulsa, almost entirely white, had virtually no such stops by police: one experienced only 2 stops per 1,000 people over the same period, and another only 6 stops. Analysis of the data shows that black people live in greater concentrations in the census tracts which had the highest rates of recorded detentions.

While searches and abusive treatment are not recorded in the data on vehicle and pedestrian stops, Human Rights Watch was able to calculate the average length of stops as a way to approximate their intensity. A stop that results in removing a person from the car, handcuffing, and searching them or their property, is likely to take much longer than writing a ticket or giving a warning. The longest average stops were concentrated in North Tulsa census tracts; stops in some tracts there were twice the length of average stops in South Tulsa census tracts.

Several Tulsans have also alleged abuses by the specialized police gang unit, describing their aggressive style of stopping groups of or individual black men for search and questioning without apparent justification.

Citations

Black residents of Tulsa described being followed by police and frequently stopped and given citations for minor violations, like missing taillights or having the wrong type of license plate. These citations cost people time and money to resolve, contributing to their poverty.

A review of data on citations issued by Tulsa police officers shows racial disparities, though less pronounced than those present in use-of-force and arrest data. Black people are cited for violations at 1.4 times the rate of white people on a per capita basis. Citations for speeding and other observable traffic violations were roughly even across racial lines, proportionate to population share. Moving violations are detected through police observation, sometimes leading to a vehicle stop and citation.

There were strong racial disparities in citations for suspended or missing driver's license and for proof-of-insurance violations. These offenses often reflect poverty, as poor people cannot pay insurance premiums or lose their license due to non-payment of court debt. Police discover such violations only after stopping a driver for some other reason, either a violation of traffic laws or because of some other suspicion of unlawful activity. Driver's license/proof-of-insurance citations with no accompanying moving violations showed greater racial disparities than those with moving violations. This disparity could suggest racial bias in underlying patterns of traffic stops but further research and data would be necessary to reach definitive conclusions.

According to a former Tulsa police officer, a police colleague in North Tulsa referred to tickets as "warrant applications" because the recipient would likely not be able to pay, which would later result in a warrant being issued for their arrest.

Criminal Legal System Debt

Arrests and citations lead to imposition of criminal court debt, including fines, fees, and court costs. The courts assess costs on people even if their case is dismissed. In recent years, the number and amount of these assessments have expanded greatly, and are used to fund the court system, the prosecutor, the crime lab, and various other government agencies. For example, some people in Tulsa are required to pay \$40 per month to the

District Attorney's office for "prosecution fees," in addition to other court costs. The court assessed \$83 in costs to one man after dismissing the charges against him.

Laws requiring courts to consider poverty and "ability to pay" in enforcing collection of these costs, an attempt to minimize some of the harms, lack strong standards. In 2017, the Tulsa County District Court set up a "cost docket" where individuals can seek to lower their payments or substitute them with community service. However, large numbers of people are not using it and continue to struggle with sometimes debilitating debt. A prominent study found that court debt is concentrated primarily in the North Tulsa zip codes where poverty rates and the percentages of black residents are highest. The enforcement of this debt strips those already poor of money and assets, which negatively impacts the communities in which they live more generally.

Courts issue arrest warrants to those who do not pay. The Tulsa Police Department aggressively enforces these warrants. From 2012 through 2017, in 38 percent of arrests, the most serious charge for which the person was arrested was a warrant: 21 percent from the county courts and 17 percent for municipal violations. The municipal violations are invariably for low-level misdemeanors and traffic infractions not covered by state law; many of them are for "failure to pay" from previous cases. While the county warrants include some for very serious crimes, others are for low-level charges and many are for "failure to pay" as well. Data was not available to determine how many were for "failure to pay." Black people are disproportionately the subject of these warrant arrests.

Arrest for failing to pay leads to more debt. People arrested for "failure to pay" frequently must pay bail to get out of jail. If they cannot, they risk losing their jobs, which can result in inability to pay the costs of rent, child-care, and other essentials. In addition to the original amount owed, after people get arrested for "failure to pay," the court assesses more fees, fines, and costs. The result is that people get caught in a cycle of debt they often cannot escape. Those convicted of crimes have trouble getting work to pay their debt. Many revert to criminal activity, like drug sales, to pay the debt and to support themselves and their families. Despite the rise in fees, fines, and costs, studies have shown limited increases in revenue collection. The harm done by imposition of excessive fees and fines and enforcement of "failure-to-pay warrants" is devastating to individuals, families, and communities.

Policing and People with Mental Health Conditions

Tulsa, and the entire state of Oklahoma, have high rates of residents with mental health conditions, including schizophrenia, bipolar disorder, post-traumatic stress disorder, anxiety and depression.

Mental health services, in Tulsa and throughout Oklahoma, are vastly underfunded and lack resources to meet the need. Without a strong social services and mental health system that can support people with mental health conditions on an ongoing basis and respond appropriately in cases of crises, police are left to respond to emergencies.

Tulsa Police receive thousands of calls a year concerning people with mental health conditions, many of whom are not acting aggressively or necessarily violating any law. Not all of these calls merit a law enforcement response.

Though Tulsa Police now receive more training related to mental health than most police departments, some residents reported to Human Rights Watch that officers often responded inappropriately to people in mental health crisis, including using aggressive and commanding tactics that escalated the situations. Some people said that they did not call police to respond to a loved one in crises, fearing the police would harm them. To its credit, the City of Tulsa and the Tulsa Police Department have recognized the need for more supportive responses and are exploring options to promote more appropriate services, including participating in a pilot program that puts a paramedic, a social worker, and an officer with specialized mental health training together in a car to respond to mental health related calls. This program has shown promise, but the Tulsa Police Department currently only deploys this team for two shifts a week.

The Latino Immigrant Community

Tulsa city officials have said the city welcomes immigrants. And under Mayor Bynum's leadership the city has taken important steps to live up to that declaration. The Tulsa Police Department has a policy that it will not enforce federal immigration laws; Deputy Chief Jonathan Brooks has said that the department does not intend to add immigration enforcement to its duties. However, in a variety of ways, the police department continues to fail the immigrant community.

Tulsa police officers themselves do not arrest people for immigration violations, but when arresting and booking them in jail for other crimes, including low-level warrants and traffic violations, officers are required to inquire about their immigration status and advise the Sheriff's Department if they are undocumented. The Sheriff Department has a contract with ICE under section 287(g) of the Immigration and Nationality Act that places ICE agents in the jail and pays the Sheriff's Department to house immigrants detained for deportation proceedings. When Tulsa officers advise the Sheriff's Department that a person in their custody is undocumented, the people identified can be detained after their criminal charges are resolved and put in deportation proceedings.

Despite the stated policy, members of the immigrant community fear interacting with police, even when they are witnesses or victims of crimes. Advocates describe incidents in which people were unwilling to call or otherwise cooperate with police because they might be identified and deported.

According to lawyers working in the immigrant community and one former officer, some individual officers ask questions of people that expose their immigration status, in violation of the spirit of the policy and some officers display personal bias towards Latino people and immigrants. Deputy Chief Brooks says that officers may ask questions related to immigration status if pertinent to the investigation or to identifying a person who lacks identification.

Despite recruitment efforts, the Tulsa Police Department does not have sufficient numbers of Spanish-speaking officers to address the community's needs. Sometimes officers are unable to understand people they attempt to interview during calls. There are reports that this inability to understand has led to calls being ignored or arrests of the wrong person.

Policing and Poverty

Tulsa once had a thriving, affluent, black community in the Greenwood section of the city, the part of North Tulsa closest to downtown. In 1921, when a group of black men from Greenwood, including World War I veterans, stood up to attempts to lynch a young black man accused of assaulting a white woman, a heavily armed mob of white men, enabled and even supported by police, invaded Greenwood, murdered hundreds of people, burned down black-owned homes and businesses, and stole property. Though residents of

Greenwood were able to rebuild to some degree, policy decisions and economic factors have resulted in the area's decline as an affluent black neighborhood. The destruction of the Greenwood community continues to be felt in the present day. Black neighborhoods remain underdeveloped and under resourced. Mistrust of police is a legacy of the massacre. Aggressive policing in the present serves as a reminder and even an extension of the past.

Large percentages of black people in Tulsa live in North Tulsa, above the 244 Freeway and Admiral Boulevard, and in smaller enclaves throughout the city like the area around 61st and Peoria Street, which has a large number of public housing projects. The geographic segregation tends to track poverty rates. North Tulsa is significantly poorer than other parts of the city. There are few businesses and few large-scale employers there. Investment in the community has been greatly lacking. Some 33.5 percent of North Tulsans live in poverty, compared to 13.4 percent in South Tulsa. Unemployment overall for black people is 2.4 times the rate for white people. There are huge differences in life expectancy between north and south. North Tulsa has no traditional supermarkets with fresh meats and produce, and it is hard to find nutritional foods. Schools in Oklahoma, in general, are underfunded and in crisis. Tulsa schools are extremely segregated, with black students far more likely to be in schools characterized by high rates of poverty and high absenteeism, drop-out, and turnover rates. Black students are suspended from school much more frequently than white students.

Tulsa Mayor GT Bynum has recognized these significant inequalities and is taking important steps to address them. However, the city budget remains tilted towards policing. Over one-third of the city's general fund goes to the police department, whose budget continues to grow. The city recently approved an additional sales tax to pay for a major expansion of the police department.

Reform Efforts

Several reform initiatives have been introduced over the years but they have met with resistance from powerful institutions in Tulsa, including the Fraternal Order of Police, the police department itself, and elected officials opposed to change. They have not achieved much success.

- Former Chief of Police Drew Diamond attempted to institute reforms aimed at building relationships with people and reducing reliance on aggressive tactics. He resigned under pressure in 1991.
- In 1994, an association of black officers in Tulsa brought a federal lawsuit alleging racial bias towards them as officers as well as patterns of biased policing toward the community. The lawsuit led to a federal consent decree that ordered the department to gather detailed data about police stops and required policy changes aimed at improving accountability. Following termination of the consent decree, the department appears to have stopped gathering the data with the same diligence.
- In 2001, a coalition of civil rights advocates demanded an investigation into racially biased policing in Tulsa and asked for the creation of a civilian oversight body. The city eventually formed the Mayor’s Police and Community Coalition (“MPACC”), an advisory body that serves as a “go-between” for the department and the community but does not have any oversight function.

Current Reform Efforts

In the wake of the killing of Terence Crutcher in September 2016 and other incidents over the years, Tulsa’s black communities and allies throughout the city have mobilized to form active organizations to demand change. This movement has generated momentum for reform. Upon taking office in December 2016, Mayor Bynum announced an initiative to embrace “community policing” having made addressing societal inequities a stated policy priority. He created a commission to quickly formulate reform policy, which developed a list of 77 recommendations, ranging from requiring implicit bias training and body-worn cameras to conducting public opinion surveys. The department is in the process of implementing these recommendations and, according to its public dashboard, is already 97 percent of the way there.

While giving the mayor credit for taking on this difficult issue, community members have raised significant criticisms of the commission. They describe it as having been dominated by high ranking officers in the Tulsa Police Department and as not including sufficiently representative community voices. The recommendations of the commission tend to reflect the department’s position that it was already adequately carrying out “community policing,” often calling for continuation of ongoing practices. Even potentially useful

recommendations for new policies lack standards or measures for successful implementation.

The commission did not adopt community activists' call for the creation of an oversight body with meaningful authority and subpoena power. Instead, it recommended creation of advisory boards that lack real power.

Deputy Chief Brooks said that the 77 recommendations were designed in part to organize policing practices already used by the department. He and Mayor Bynum have said that they are intended as a starting point for reform.

Proposed Office of the Independent Monitor

To address some of the shortcomings of the 77 recommendations, Mayor Bynum has proposed formation of an Office of the Independent Monitor (OIM) which would provide some oversight of the department's investigations into use-of-force incidents, analyze data and recommend policy, and serve a community relations function. As proposed, the OIM would review police department Internal Affairs Division investigations but not participate in them. It would not have subpoena or disciplinary power. Without these powers, there is a risk that it will not be a mechanism for meaningful oversight and that it will be dependent on support from the police chief and from city elected officials. Even so, the Fraternal Order of Police has registered strong objections to the OIM.

Additional Officers

While many policymakers agree that the Tulsa Police Department needs to be transformed into one that engages effectively with the community and has its trust, the most significant change since the Crutcher killing has been the commitment to add 160 more officers. Without more fundamental reforms, one should expect these additional officers to carry out the same or a similar type of policing as do those currently deployed, resulting in more use-of-force incidents, more stops and citations, and more debt and debt enforcement.

Three of the top concerns Tulsa police are called upon to deal with are mental health, substance abuse and homelessness. Each of these three problems could be addressed more effectively through approaches not driven by law enforcement. While Tulsa commits significant additional resources to more policing, resources for affordable housing, drug

treatment and support for people with mental health conditions lag locally and at the state and federal levels.

Policing Across the US

While this report generally does not compare Tulsa to other cities, it does show that policing in the US follows many of the same patterns. Disparities in incidents of deadly force, non-deadly force, arrests, stops, and citations exist across the country. Other cities and states have imposed excessive court fees, fines and costs on their residents, the enforcement of which has contributed to abusive policing. The fear of police within immigrant communities, driven by arrests leading to deportation for even low-level crimes, is similarly a national phenomenon. High profile killings by police, like the killing of Terence Crutcher, have occurred in many cities nationwide, raising protests and calls for reform.

While Tulsa's unique history, current social conditions and political dynamics set it apart from any other city, its policing problems are not uncommon. Tulsa has the opportunity, then, to embark on effective, and not superficial, reform, to change its policing culture to one of accountability, and, more importantly, to solve societal problems through services and support rather than often abusive police enforcement action. Tulsa has the opportunity to lead policing change in the US.

Recommendations

To ensure that the Tulsa Police Department respects the rights of all people equally and without discrimination, Human Rights Watch offers the following recommendations. Many of these recommendations reflect requests made by local community members and leaders who are pursuing reform of the Tulsa Police Department and city institutions. The recommendations are divided into immediate steps the department, city administration, state legislators, and others can take that will improve the quality of policing, and more fundamental long-term changes needed to promote public safety and justice.

Immediate Reforms

To the City of Tulsa:

- Establish an independent community body that has meaningful oversight powers over the police, including subpoena power, access to police records, funding to hire professional staff with appropriate expertise and independence, the ability to impose discipline, and authority to conduct independent investigations of individual cases and audits of department-wide policies and practices. Members of this body should come from a diverse cross-section of the city and the selection process should be democratic and not be subject to the police department's or the mayor's control.
- Establish an effective, independent disciplinary body, possibly as part of the community oversight body described above, to address complaints against the police. The body should not be part of the police department or financially tied to the department.
- Provide neutral locations, accessible to all communities, where people can file complaints about the police department. Such locations should not be staffed by employees of the police department.
- Audit the department regularly to determine the extent of disparate treatment of people by race, gender, ethnicity, or other characteristics.
- Audit the department regularly to assess the quality of investigations into use-of-force incidents and other complaints.
- Fund more non-law enforcement mental health professionals to conduct outreach and to provide support for people with mental health conditions, as well as to

respond more appropriately to emergencies that may be related to these conditions.

- Support the creation of an agency of non-law enforcement community mediators who can help address disputes within Tulsa neighborhoods.
- Conduct early, non-punitive and supportive, voluntary interventions for youth who are considered at-risk of joining criminal gangs, or who are already identified as being in gangs.

To the Tulsa Police Department:

- Strengthen reporting requirements so that officers must provide information about all encounters with civilians, including arrests, citations, detentions, “consensual encounters,” searches and uses of force (actual physical force of any type as well as threatened force, such as drawing a weapon). The data should include precise location data for each encounter, demographic information about the subject of the encounter (to the extent it is available), and justifications for actions taken by the officers. This information should be available to the oversight body and to the public, with appropriate privacy protections. It should be used both for investigations of individual officers and for audits of department-wide practices.
- Track officers involved in high numbers of force incidents to determine if they need re-training or discipline; provide the oversight body with that tracking data.
- Ensure that any DUI checkpoints are set up solely for the purpose of deterring or detecting drunk drivers, and not in order to create a pretext justifying large numbers of stops that allow police to detect outstanding warrants or other offenses.
- Ensure that officers and other employees have adequate language skills (or access to resources with such skills) and cultural competency to interact with all communities in Tulsa.
- Train officers to render appropriate first aid following force incidents, including requiring proper aid and treatment following firearm, chemical agent, dog bite and taser incidents.
- Impose limits on the use of police dogs to prevent unnecessary biting, including limiting their use to apprehending suspects by signaling instead of biting.
- Require officers to advise civilians of their rights at the beginning of all encounters. This disclosure requirement should include advising them of their right to refuse to engage in a “consensual encounter” and their right to withhold consent to

searches of their person, property, or vehicles when officers do not have a legal justification to search. If a person is detained or placed under arrest, the officer should advise them of their detained status and explain their rights at the earliest opportunity that does not jeopardize safety. Officers violating this policy should be subject to discipline.

- End the policy of inquiring about the citizenship of people arrested by Tulsa Police officers and booked at the county jail.
- Ensure that officers are providing adequate services to non-English speaking civilians, regardless of citizenship.
- Commit full support to the Hispanic Outreach Program.
- Discipline and re-train officers found to discriminate by mistreating or providing sub-standard services to people, including on the basis of race, ethnicity, language abilities, gender, sexual orientation, or religion.
- Create a mechanism for officers in the field to distinguish which warrants are for “failure to pay” and to issue summonses to the cost docket in those instances.

To the Tulsa County Courts:

- Prior to sentencing, conduct thorough indigency hearings to determine whether fines and fees should be waived or reduced.
- Ensure that there is an effective system to notify police that a given warrant is for “failure to pay,” as opposed to for a substantive crime or some other cause.
- Create an outreach program to advise people who have “failure to pay” warrants of the availability of the cost docket to help them manage their debt.
- Hold cost docket court frequently enough to meet the need and at a variety of days and times to allow people to attend without missing work.

To the Tulsa Sheriff's Department:

- Terminate the federal Section 287(g) contract and stop participation in the enforcement of federal immigration laws against undocumented people.

Fundamental Changes

To the City of Tulsa, County of Tulsa and State of Oklahoma:

- Fund, promote, and encourage local initiatives and enterprises that engage people in impoverished communities, including North Tulsa, with employment, training, education, and recreation.
- Fund, promote, and encourage local initiatives and enterprises that engage formerly incarcerated people with employment, training, education, and recreation in North Tulsa and other impoverished areas.
- Provide sufficient re-entry services for all people coming out of jail and prison.
- Improve the quality of schools in impoverished communities.
- Maintain an effective, functioning mental health system that is based on access to voluntary ongoing services and comprehensive support for people with mental health conditions and for emergency services. The emergency service should not rely on police involvement and where appropriate, should be the primary response option for calls related to mental health conditions.
- Reform the use of court costs and fees. Discontinue the practice of using these levies to fund court and any other government services. Establish and follow a more effective system to determine “ability to pay” for fines that are imposed.
- Prioritize social services and community development in impoverished neighborhoods that target the needs of the people living there over expanding the police force.
- Develop and preserve affordable housing for low-income people who are homeless or at risk of homelessness, including housing with services for those who need them.
- Develop sufficient community-based voluntary drug treatment facilities to meet the needs of all who seek treatment.

To the Tulsa Police Department:

- Diligently uphold people’s constitutional rights, including by stopping coercive encounters between police and civilians. The department should develop policies that forbid “pretext” stops using small infractions as an excuse to detain and search people, pressuring people to consent to stops and searches, or stopping and searching people without adequate legal justification.

- Develop and implement a plan, with specific metrics, to reduce disparate treatment of Tulsans based on race, poverty, and geography. This plan would include analyzing data to understand the disparities, and changing enforcement priorities away from the aggressive tactics used primarily in poor, heavily minority communities.
- Move away from policing that uses overly aggressive practices. Discontinue using “jump out” tactics that involve contacting, stopping, and searching large numbers of people, which cause deep mistrust and diminish people’s feeling of security and liberty.

To the State of Oklahoma:

- Reduce the number, scope and amount of fees and costs that are imposed on poor people accused and convicted of crimes and that are used to fund the criminal legal system.
- Repeal HB 1804.
- Ensure that sufficient health care facilities, hospitals, mental health care and drug treatment are easily accessible to all people throughout the state, and that health care coverage is widely available.
- Improve the quality of schools, including services within the schools.
- De-criminalize the possession of drugs for personal use and develop non-punitive, supportive approaches to assist people with harmful addictions.

To the Federal Government:

United States Congress

- Congress should support states and local jurisdictions to promote improved education, job training, mental health support and care, economic development for low-income communities, affordable housing for low-income people, drug treatment programs, support for victims of crime and re-entry services for people returning from jails and prisons.
- Congress should make federal funding for any law enforcement agency contingent on that agency’s compliance with data collection and reporting standards, including collection of data on police use of force incidents, arrests, detentions, citations, searches and consensual encounters, disaggregated by race, ethnicity,

gender and other relevant demographic markers. This data collection should be anonymized to preserve privacy.

- Congress should amend federal statutes so that no adverse collateral consequences attach by law to convictions for drug possession, including barriers to welfare assistance and subsidized housing. It should support evidence-based, voluntary treatment options and harm reduction services in the community.

Department of Justice

- Renew and bolster commitment to Department of Justice Civil Rights Division “pattern and practice” investigations into local police departments that show evidence of systemic rights violations.

“Get on the Ground!”

Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma

Nearly 100 years after one of the worst racial massacres in US history, the city of Tulsa, Oklahoma remains highly segregated, with black residents living in poverty at much higher rates than white people, subjected to worse health, shorter life spans, higher crime and aggressive policing. A series of high-profile killings by police of black people in Tulsa led Human Rights Watch to investigate police interactions with the black community. Ahead of the anniversary one of these killings, that of Terrence Crutcher three years ago on September 16, 2016, we are releasing our report finding racial disparities in physical force, arrests, stops, and citations. Black and poor people in Tulsa often experience the police not as a protective force, but as a cause of fear of violence and of harassing, abusive enforcement actions. Arrests and citations lead to court debt that poor people cannot pay, resulting in arrest warrants, further imprisonment, and added debt. Services to help impoverished communities lack support, while the city adds more police officers. Community advocates have pressed for reforms, but the city government has only made surface changes.



Tulsa Police officers approach Terrence Crutcher, an unarmed black man on a North Tulsa street, shortly before shooting and killing him.

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