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The Aftermath: How Cities Do and Don't Enforce Accountability Following Police Killings

By Olivia Cobb and Hannah Scifres

I. Akron, Ohio, Summer 2022

On June 27, 2022, an all-too-common story in the United States occurred in Akron, Ohio – police killed another young Black man. Shortly after midnight, Akron police officers attempted to pull Jayland Walker over for an unspecified equipment failure.¹ When Walker, a 25-year-old Black man, did not immediately pull over, the police began a car chase.² Officers claimed Walker shot at police from the vehicle.³ The alleged shot was later substantiated by a flash on blurred body camera footage and a bullet shell found on the side of the highway.⁴ Eventually, Walker pulled over and exited the vehicle.⁵ After chasing Walker for only 10 seconds, eight Akron police officers began shooting at Walker, firing approximately 90 rounds.⁶ The eight officers continued to shoot Walker after his body fell to the ground.⁷ Three of the officers shot eighteen times.⁸ Multiple officers shot their entire clip, then removed and replaced the expired one with a fresh clip while Walker was still being shot at.⁹ The Akron police then handcuffed

¹ *Medical Examiner says Jayland Walker was shot dozens of times* NPR (2022),

<https://www.npr.org/2022/07/15/1111760958/jayland-walker-autopsy-shot-akron> (last visited Apr 25, 2023).

² Amanda Holpuch, *Akron police officers placed on leave after fatal shooting of Black Man Akron Police Officers Placed on Leave After Fatal Shooting of Jayland Walker*, THE NEW YORK TIMES (2022),

<https://web.archive.org/web/20220703130642/https://www.nytimes.com/2022/07/02/us/jayland-walker-akron-police-shooting.html> (last visited Apr 25, 2023).

³ *Video shows Akron police kill black man in hail of gunfire*, ASSOCIATED PRESS (2022),

<https://apnews.com/article/police-shootings-ohio-akron-829de644001793209e1c2dc3b2e22ca3> (last visited Apr 25, 2023).

⁴ *Akron officers shoot Jayland Walker 60+ times; police say he was unarmed but had fired shot from car* GOOD COP BAD COP (YouTube Video) <https://www.youtube.com/watch?v=3zujGT0FAcU>.

⁵ *Supra* Note 3.

⁶ *Id.*

⁷ *Supra* Note 4.

⁸ *Id.*

⁹ *Id.*

Walker’s lifeless body before EMTs arrived and pronounced Walker dead at the scene.¹⁰ No firearm was found on Walker nor were any drugs or alcohol present in his system.¹¹ The county medical examiner’s autopsy revealed that Walker was struck by 47 bullets, and his death was ruled a homicide.¹²

Protestors began gathering in downtown Akron the day Walker was killed and continued both locally and nationally for weeks thereafter.¹³ On the night of July 3rd, Akron Police in full tactical gear deployed tear gas on unarmed protesters for standing on the sidewalk in front of the police station in downtown Akron.¹⁴ The yell of “murderers” was occasionally broken by the crowd chanting “hands up don’t shoot.”¹⁵ That is until the officers—eighteen or more in front of the door, countless others on the second floor of the station in full riot gear visible through the glass panes—threw smoke bombs and tear gas into the crowd.¹⁶ When five protestors, in shorts and sports bras, remained on the sidewalk, an officer walked down the station steps to spray pepper spray into their faces.¹⁷ An Ohio State Highway Patrol “Special Response Team” vehicle, a huge tank-like truck, was recorded driving through downtown Akron.¹⁸ A police helicopter reported from above, able to detect the shape of protester’s bodies so clearly through the darkness that you can see the bra straps against protesters’ skin.¹⁹ The helicopter pilot, watching

¹⁰ *Supra* Note 3.

¹¹ Kristina Sgueglia, Omar Jimenez & Liam Reilly, *Autopsy shows 46 entrance wounds or graze injuries to Jayland Walker, Medical Examiner says* CNN (2022), <https://www.cnn.com/2022/07/15/us/jayland-walker-akron-police-shooting-autopsy/index.html> (last visited Apr 25, 2023).

¹² *Id.*

¹³ Shannon Coan, *Protesters across the country rally after Akron police shooting of Jayland Walker*, AKRON BEACON JOURNAL (2022), <https://www.beaconjournal.com/story/news/2022/07/05/protests-nationwide-after-akron-police-shooting-jayland-walker-columbus-arizona-missouri-washington/7813491001/> (last visited Apr 25, 2023).

¹⁴ WKYC Channel 3, *Raw video footage: Ohio State patrol chopper shows Jayland Walker protests in Akron*, YOUTUBE, <https://www.youtube.com/watch?v=e6WjFy4TT5A>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ WKYC News, *Tear gas deployed near protesters in Downtown Akron during demonstration over Jayland Walker's death*, YOUTUBE, (2022) <https://www.youtube.com/watch?v=TagGDajpuJw>.

¹⁹ *Id.*

two women pull at the fence barricades outside the police station, says over the radio, “if and when we do extract people, those two need to go.”²⁰

The eight officers involved in the killing of Walker were placed on paid administrative leave following Jayland Walker’s death, and, ultimately, were reinstated.²¹ On April 17th, 2023, a Grand Jury returned a no-bill, bringing no charges against the officers who shot Walker.²² Again, protesters flooded the streets.²³ Again, Akron Police used chemical weapons on the crowd.²⁴ Akron Police, standing shoulder to shoulder,²⁵ deployed pepper spray into groups of people while their hands were in the air, while they chanted, “hands up, don’t shoot.”²⁶ Again, though this time in broad day light without the yells of “murders” echoing quite as loud, Akron police throw smoke bombs at protesters.²⁷

The chief of police later posted a video to Akron Police Department’s Facebook page²⁸ to prove their use of pepper spray, tear gas, and smoke bombs, was in compliance with a federal court order which prohibited Akron Police Department (APD) from using force on *non-violent* protesters.²⁹ APD complied, in the chief’s assessment, because the crowd was violent.³⁰ The chief showed a compilation video—pulling from APD’s pick of perhaps twenty different body

²⁰ *Supra* Note 14.

²¹ *Supra* Note 3.

²² *Grand jury declines to criminally charge 8 Akron officers involved in Jayland Walker's death*, WKYC STUDIOS (April 17, 2023) <https://www.wkyc.com/article/news/special-reports/jayland-walker/ohio-ag-dave-yost-announcement-jayland-walker-case-monday/95-379cd470-b799-4989-8d94-fd0a9401be03>.

²³ Jenna Jordan, *Grand jury decision in Jayland Walker investigation sparks protests*, SPECTRUM NEWS (Apr. 18, 2023) <https://spectrumnews1.com/oh/columbus/news/2023/04/18/grand-jury-decision-in-jayland-walker-investigation-sparks-protests>.

²⁴ @DayDude_, TWITTER (Apr. 22, 2023, 4:07 PM), https://twitter.com/Daydude_/status/1649867562287616001?s=20

²⁵ @gentleentry, TWITTER (Apr. 19, 2023, 8:12 PM), <https://twitter.com/gentleentry/status/1648841951247060993>.

²⁶ @DayDude_, TWITTER (Apr. 21, 2023, 5:28 PM) https://twitter.com/Daydude_/status/1649525575256612866.

²⁷ @gentleentry, TWITTER (Apr. 19, 2023, 8:10 PM), <https://twitter.com/gentleentry/status/1648841621658644482>.

²⁸ Akron Police Department, #akronpdconnecting, FACEBOOK (Apr. 22, 2023).

²⁹ Akron Bail Fund v. City of Akron, 5:23CV00837.

³⁰ Lauren J. Young, *Akron reacts to Jayland Walker grand jury decision with marches, protests: Updates*, AKRON BEACON JOURNAL (Apr. 22, 2023) <https://www.beaconjournal.com/story/news/local/2023/04/20/akron-protests-jayland-walker-grand-jury-decision-updates/70133695007/>.

camera footages, available dash cams from a minimum of thirteen police vehicles, and arial photos—to show a total of five water bottles being thrown as the armed officers in protective gear deployed smoke bombs, tear gas, pepper spray, and physical force to move protesters.³¹ The footage showed only one bottle making contact with an officer.³² The police chief pauses the recording of a protest on April 19th multiple times to circle blurred objects and protesters in throwing stances.³³ However, while letting the video play, he also reveals a caravan of thirteen or more police vehicles blocking the entire road behind protester’s cars. Close to the end, the video shows a protester with his hands up, facing an officer.³⁴ As the protester backs away, the officer grabs him.³⁵ The officer yells, “when I tell you to move, you fucking move.”³⁶ As he shoves the protestor, three police spray the man with pepper spray.³⁷ The officer who grabbed the protester sprayed his canister within eighteen inched of the protester’s face.³⁸ Then the officers lean away from each other, allowing a water bottle thrown from the crowd to hit the pavement between them.³⁹

In the ensuing days, stories and videos are shared among protesters of officers handcuffing people for not wearing their seatbelts, or arresting people for minor infractions, and then driving away with the protester’s car.⁴⁰ There are videos of tanks like tactical vehicles and SWAT teams on the street in reaction to protesters.⁴¹ Things do not seem to have changed.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ @Imposter_Edits, TWITTER (Apr. 24, 2023, 5:28 PM), https://twitter.com/Imposter_Edits/status/1650975051250900993. @Akron_Bail_Fund, Twitter, (Apr. 27, 2023, 9:34 PM), https://twitter.com/Akron_Bail_Fund/status/1651761874524950530/video/1. @Imposter_Edits, Twitter (Apr. 25, 2023, 5:32 PM) https://twitter.com/Imposter_Edits/status/1650975982822490122?s=20.

⁴¹ @gentleentry, Twitter (Apr. 19, 2023, 8:26 PM), <https://twitter.com/gentleentry/status/1648845449867018243>

This paper will probe the response of Akron’s municipal government to its police violence—both the killing of Jayland Walker and the militant response to residents protesting his death. Specifically, we will examine the passage of Issue 10, which amended Akron’s City Charter to include an independent citizen oversight committee to review APD’s actions and policies.⁴² By exploring the resistance, reform, and revolution in Akron, alongside other American city uprisings against police violence, this paper aims to assess and make recommendations toward the Akron community’s recovery.

II. Akron’s ‘reforms’ after Akron Police Killed Jayland Walker

On November 8, 2022, 61% of Akron’s voters passed Issue 10, amending Akron’s Charter to include a provision on “Police-Community Relations.” Issue 10 proposed the establishment of a citizen’s police oversight board (the Board) and an office of the independent police auditor (OIPA).⁴³ The Board, as mandated by section 68(a) of Akron’s Charter, consists of nine Akron residents—three chosen by the Mayor and six by the City Council from an open pool of applicants.⁴⁴ The Board in turn appoints the personnel of OIPA, consisting, at a minimum, of an Independent Police Auditor, a deputy Independent Police Auditor, and a full-time administrative staff member.⁴⁵ However, as Akron already employs an Independent Police Auditor,⁴⁶ the charter mandates the current auditor will serve on OIPA for the first year with or without Board approval.⁴⁷

⁴² *City of Akron*, CITY OF AKRON, <https://www.akronohio.gov/> (last visited Apr 25, 2023).

⁴³ *Akron, Ohio, Issue 10, Police Oversight Board and Auditor Amendment (November 2022)*, BALLOTPEdia, [https://ballotpedia.org/Akron,_Ohio,_Issue_10,_Police_Oversight_Board_and_Auditor_Amendment_\(November_2022\)](https://ballotpedia.org/Akron,_Ohio,_Issue_10,_Police_Oversight_Board_and_Auditor_Amendment_(November_2022)) (last visited Apr 26, 2023),

⁴⁴ AKRON, OH, Ordinance 234-2022, (2022)

⁴⁵ *Id.*

⁴⁶ *Independent Police Auditor*, CITY OF AKRON (last visited Apr 26, 2023), <https://www.akronohio.gov/cms/IPA/index.html>

⁴⁷ AKRON, OH, Ordinance 234-2022, (2022)

The Board and OIPA are mandated to “provide external and independent oversight and review” of the Akron Police Department.⁴⁸ Despite appearances however, the Board and OIPA’s power to review is neither external nor independent. Section 68(a) mandates that the bodies “shall” include the following four tasks within their oversight: (1) receive complaints of police misconduct from citizens, (2) investigate said allegations of misconduct, (3) report their findings and recommendations to the Mayor and City Council, and (4) with a two-thirds vote of the Board and OIPA, conduct investigations of their own initiative into APD operations and policies, as well as officer conduct.⁴⁹ But the remaining section creates murkiness around these obligations.

Both bodies are granted the power to “access the division of police and other city department’s” records.⁵⁰ However, this power is limited only to incidents and investigations that “OIPA is permitted to monitor or audit under this section.”⁵¹ The word choice here is strange. Section 68(a) only obligates OIPA and the Board to the oversight activities above: investigate citizen complaints and conduct investigations of their own design.⁵² Nowhere does 68(a) state OIPA is specifically permitted to “monitor” or “audit” incidents or investigations.⁵³

Perhaps, § 68(a) is referring instead to the power of the already established Independent Police Auditor (IPA). The preexisting IPA was granted the power to “monitor and audit APD complaint investigations” after receiving citizen complaints of misconduct.⁵⁴ While suggesting the Board and OIPA can conduct independent investigations—even granting the power to compel attendance and testimony of witnesses—the reference to IPA’s original powers suggests

⁴⁸ *Id.*

⁴⁹ AKRON, OH, Ordinance 234-2022, (2022).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

this power is not quite as complete.⁵⁵ OIPA and the Board can review any records created by APD or city departments,⁵⁶ but they are not able to conduct truly independent investigations. Instead, the Board’s recommendations must be based off the information OIPA can audit and review from APD’s own internal investigations.⁵⁷ The Board and OIPA are limited to the effectiveness of APD investigation of its own misconduct.

Section 68(a)(2)(I) further impacts the power of OIPA and the Board by binding all parties to the terms of “any relevant collective bargaining agreement.” The City of Akron, in a contract with the Fraternal Order of Police, agreed to established procedures for internal investigations of police officers.⁵⁸ The contract prohibits APD from taking actions such as administering an officer a blood alcohol content tests that are not mandated by law.⁵⁹ It forbids APD from ordering an officer to submit to a polygraph test,⁶⁰ or from ordering an officer to provide a statement while under investigation if body camera footage of the event exists.⁶¹ APD cannot investigate allegations of misconduct made by citizens against officers unless the citizen chooses to sign the complaint.⁶² APD *must* then show the officer this signed complaint exposing the citizen, who, if the complaint proves true, is the victim of that same officer’s misconduct.⁶³ Nor can APD consider any substantiated complaints made more than a year prior when assessing

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Doug Livingston, *Akron nominates nine for Citizens' Police Oversight Board. Read their applications here.*, AKRON BEACON JOURNAL (2023) <https://www.beaconjournal.com/story/news/local/2023/02/06/akron-mayor-council-appoint-nine-to-new-citizens-police-oversight-board-issue-10-jayland-walker/69878277007/>. (Stating that the Board and OIPA “would review investigations into complaints and misconduct involving officers.”).

⁵⁸ *Agreement Between the City of Akron and Fraternal Order of Police Lodge # 7, 9*, <https://serb.ohio.gov/static/PDF/Contracts/2021/21-MED-09-1058.pdf>.

⁵⁹ *Id.* at 11.

⁶⁰ *Id.*

⁶¹ *Id.* at 10.

⁶² *Id.* at 11.

⁶³ *Id.*

an officer for disciplinary actions or a promotion,.⁶⁴ It *may* consider “reprimands which pertain to like offenses” for a generous two-year span.⁶⁵

While the Board and OIPA are granted the power to audit internal investigations, the power to discipline officers remains with the Akron Police Chief.⁶⁶ Well, the Police Chief and the terms of the city’s agreement with the Akron Fraternal Order of Police Lodge No. 7.⁶⁷ It is important to note that, as the Board develops its rules and procedures, § 68(a) will take on a life of its own through their interpretation and the checks of City Council.

III. Other models

The police have been killing Black Americans for decades, but public awareness of the frequency of killings has grown rapidly recently with the rise of the Black Lives Matter movement.⁶⁸ This public awareness and outcry reached a crescendo in 2020 following the murder of George Floyd at the Minneapolis Police Department.⁶⁹ This section will examine how cities enacted—or failed to enact—new policies and procedures after police killed a Black man.

a. Chicago

From 1974 to 2007, Chicago relied on the Office of Professional Standard (OPS) to investigate police misconduct.⁷⁰ OPS was established when an internal investigation into the Chicago Police Department (CPD) found that citizen complaints of police misconduct are almost

⁶⁴ *Id.* at 46.

⁶⁵ *Id.*

⁶⁶ *Id.* at 9.

⁶⁷ *Id.*

⁶⁸ *How black lives matter protests sparked interest, can lead to change*, UW NEWS, <https://www.washington.edu/news/2022/03/07/how-black-lives-matter-protests-sparked-interest-can-lead-to-change/> (last visited Apr 25, 2023).

⁶⁹ *State policing reforms since George Floyd's murder* Brennan Center for Justice (2023), <https://www.brennancenter.org/our-work/research-reports/state-policing-reforms-george-floyds-murder> (last visited Apr 25, 2023).

⁷⁰ Chicago Appleseed, *Then and now: What have we learned from Chicago's past attempts at police reform?* CHICAGO APPLESEED CENTER FOR FAIR COURTS (2023), <https://www.chicagoappleseed.org/2020/11/03/chicago-police-reform-then-and-now/> (last visited Apr 25, 2023).

always rejected by the police department's internal self-investigation system.⁷¹ Even though it claimed to be independent, the OPS had many ties to the CPD.⁷² For instance, the OPS was considered a part of the CPD and the OPS's head worked under the police superintendent.⁷³ OPS was largely unsuccessful at conducting investigations and punishing police misbehavior due to its ties with CPD.⁷⁴ In 2006, after prosecutors released a 292-page report highlighting police torture in CPD, OPS was dissolved and replaced by the Independent Police Review Authority (IPRA).⁷⁵

However, the IPRA did not differ much from OPS.⁷⁶ IPRA had the same staff, the mayor appointed the head of IPRA, just like OPS.⁷⁷ Following in OPS's footsteps, IPRA rarely recommended disciplinary action against police officers and didn't investigate 40% of complaints filed against officers.⁷⁸ Community frustrations with IPRA reached a fever pitch in 2015 when IPRA did not find cause to discipline a CPD officer who murdered 17-year-old Laquan McDonald - despite dash camera footage showing McDonald did not lunge at police or pose any threat.⁷⁹ After this IPRA tried to reform itself by changing its policies and releasing hundreds of police videos to the public.⁸⁰ The police union responded negatively, meaning IPRA no longer had the community's nor the union's trust.⁸¹ As reform attempts continued to fail, Chicago's City Council voted to replace IPRA with the Civilian Office of Police Accountability, Chicago's third police oversight board.⁸²

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

COPA has significantly more powers than OPS or IPRA and is not part of the CPD.⁸³

The municipal ordinance establishing COPA allows the group to:

- Receive and register all complaints against CPD,
- Conduct investigations into complaints of police officer that allege domestic violence, excessive force, coercion, or verbal abuse,
- Investigate all incidents (even if no allegation of misconduct is made) where a police officer fires a weapon or uses CPD equipment in a way that results in death or serious bodily injury, and
- Give recommendations to the police superintendent, chairman of City Council on Public Safety, the police board, and the City Commission.⁸⁴

COPA members must be approved by the mayor and then voted on by City Council before officially joining COPA.⁸⁵

While COPA only has the power to make recommendations on police discipline, it has more authority than OPS or IPRA.⁸⁶ For example, if COPA makes a disciplinary recommendation then the police superintendent has three options: 1) accept COPA's recommendation, 2) request additional investigation, and 3) take substantially different action than COPA recommends.⁸⁷ If superintendents take different action or no action then they must give a reason in writing for taking a different approach.⁸⁸ The superintendent must then meet with the Chief Administrator of COPA within 10 business days to discuss the investigation and try to find common ground.⁸⁹

COPA also may make policy recommendations for police reform, which the police superintendent may either accept or reject.⁹⁰ But like the disciplinary recommendations, if a

⁸³ *Our history, Civilian Office of Police Accountability (2022)*, <https://www.chicagocopa.org/about-copa/our-history/> (last visited Apr 25, 2023).

⁸⁴ Municipal ordinance, Civilian Office of Police Accountability (2023), <https://www.chicagocopa.org/about-copa/ordinance/> (last visited Apr 25, 2023).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

superintendent rejects COPA’s recommendation, they must give a reason for doing so.⁹¹ COPA’s website offers great transparency to the public by listing every filed complaint and investigatory report for anyone to see.⁹² The investigatory process typically takes 6 months, although investigations into officer-involved shootings may take longer.⁹³ During investigations, police officers may still work full-time, may be suspended with or without pay, or may be placed on administrative leave, depending on the severity of the allegations.

Thus far, COPA seems to be a marked improvement from OPS and IPRA, but still has room for improvement. For instance, making COPA’s recommendations for policies and officer discipline mandatory, rather than dependent on the police superintendent, would be a major first step. Further, requiring officers that COPA is currently investigating to be suspended during the investigation is also key to keeping communities safe.

b. Baltimore

On April 12, 2015, the Baltimore Police Department arrested 25-year-old Freddie Gray for legal possession of a knife.⁹⁴ While police transported Gray to jail, Gray suffered injuries to his spinal cord, ultimately leading to his death.⁹⁵ Investigation into his death revealed that the arresting officers failed to secure Gray inside the police van before driving him to the police station. These actions went directly against a Baltimore Police Department policy requiring proper restraint—a policy put in place just six days prior.⁹⁶ The medical examiner ruled Gray’s

⁹¹ *Id.*

⁹² *Data & Cases*, Civilian Office of Police Accountability (2022), <https://www.chicagocopa.org/data-cases/> (last visited Apr 25, 2023).

⁹³ *General FAQs*, Civilian Office of Police Accountability (2022), <https://www.chicagocopa.org/faqs/> (last visited Apr 25, 2023).

⁹⁴ Joshua Barajas, *Freddie Gray's death ruled a homicide*, PBS (2015), <https://www.pbs.org/newshour/nation/freddie-grays-death-ruled-homicide> (last visited Apr 25, 2023).

⁹⁵ David A. Graham, *What happened to Freddie Gray?* THE ATLANTIC (2015), <https://www.theatlantic.com/politics/archive/2015/04/the-mysterious-death-of-freddie-gray/391119/> (last visited Apr 25, 2023).

⁹⁶ Doug Donovan & Mark Puente, *Freddie Gray not the first to come out of Baltimore police van with serious injuries*, BALTIMORESUN.COM (2015),

death a homicide because officers failed to follow appropriate policies “through acts of omission.”⁹⁷ Baltimore’s city attorney filed charges against the six police officers involved in the killing of Gray.⁹⁸ Ultimately, one officer’s trial ended in a mistrial, three officers were acquitted, and the remaining charges were dropped.⁹⁹

The killing of Freddie Gray sparked nationwide protests and calls for police reform.¹⁰⁰ A Department of Justice civil rights investigation into Baltimore’s police department revealed a “pattern or practice of constitutional violations, including excessive force and racially biased arrests.”¹⁰¹ The investigation led to a federal consent decree mandating systemic reform in 2017.¹⁰² Since the investigation, the Baltimore Police Department has written new policies and procedures designed to address the injustice.¹⁰³ Michael Harrison, the Baltimore Police Commissioner, stated that Baltimore now has the “most robust” use of force policy in the country that emphasizes de-escalation strategies.¹⁰⁴ The department also revised its policies on stops, searches, arrests, fair and impartial policing, youth engagement, peer intervention, responding to lesser offenses, and behavioral health awareness and crisis intervention.¹⁰⁵

<https://web.archive.org/web/20180928161032/http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-gray-rough-rides-20150423-story.html#page=1> (last visited Apr 25, 2023).

⁹⁷ Yvonne Wenger, *Baltimore to pay Freddie Gray's family \$6.4 million to settle civil claims*, BALTIMORE SUN, <https://www.baltimoresun.com/news/crime/bs-md-ci-boe-20150908-story.html> (last visited Apr 25, 2023).

⁹⁸ Alan Blinder & Richard Pérez-Peña, *6 Baltimore police officers charged in Freddie Gray Death* THE NEW YORK TIMES (2015), <https://www.nytimes.com/2015/05/02/us/freddie-gray-autopsy-report-given-to-baltimore-prosecutors.html> (last visited Apr 25, 2023).

⁹⁹ *Freddie Gray Trial: Lt. Brian Rice found not guilty on all charges*, CNN (2016), <https://www.cnn.com/2016/07/18/us/freddie-gray-trial-brian-rice-verdict/index.html> (last visited Apr 25, 2023).

¹⁰⁰ *Id.*

¹⁰¹ Emma Tucker, *Freddie Gray Case Fallout has put Baltimore 'ahead of the game' with police reform. There's much work still to be done* CNN (2021), <https://www.cnn.com/2021/07/03/us/freddie-gray-baltimore-police-reform/index.html> (last visited Apr 25, 2023).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

Furthermore, starting in 2016, Baltimore began assigning body cameras to all police officers.¹⁰⁶ Since these changes, officers have begun using less force and also receive fewer complaints.¹⁰⁷

However, reports of reform and decreases in arrests contain nuance and need to be analyzed in context. As the city began implementing new reforms in the police department, Baltimore officers pushed back in subtle and not-so-subtle ways.¹⁰⁸ Some officers, especially plainclothes officers, doubled down on harassing citizens and violating their constitutional rights by conducting as many as 50 unconstitutional stops a night and chasing and tackling people without probable cause.¹⁰⁹ On the other hand, slowdowns, where officers would stop or slow down work while on the clock, were more common.¹¹⁰ Police departments often implement this strategy after reforms are put in place to suggest that the subsequent rise in crime is due to police reform.¹¹¹ In Baltimore, however, there was a sharp decline in arrests after reforms were implemented, despite the slowdown.¹¹² Yet a Johns Hopkins study revealed that this 30% decline in arrests after reforms were implemented was because officers weren't responding to citizen complaints and were simply refusing to do their jobs.¹¹³ Ultimately, the police had no incentive to adhere to reforms or give up their power voluntarily.¹¹⁴ Due to officer resistance, as highlighted in Baltimore, police reforms may lead to decreases in arrests without actually deterring crime or making the community safer.¹¹⁵ Ray Kelly, a lifelong resident of West

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Perspective | Baltimore tried reforming the police. they fought every change.*, THE WASHINGTON POST (2020), https://www.washingtonpost.com/outlook/baltimore-police-reforms-crime/2020/06/18/7d60e91e-b041-11ea-8758-bfd1d045525a_story.html (last visited Apr 25, 2023).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

Baltimore said that the neighborhoods with the most violence have yet to see cultural changes within the police department.¹¹⁶

c. Camden, New Jersey

Camden, New Jersey once had the reputation as the most dangerous city in the United States.¹¹⁷ In 2012, the city had a murder rate more than 18 times the national average.¹¹⁸ After the Great Recession, then-governor Chris Christie pushed New Jersey to regionalize its police forces to save money.¹¹⁹ Camden then disbanded its police force in 2013 and ceded responsibility to Camden County.¹²⁰ The new force was actually larger than the original department, but Camden saw a sharp decline in violent crime and the murder rate.¹²¹ The new police chief, Scott Thomson, implemented a variety of de-escalation tactics in the department as well as an “identity of guardians and not warriors.”¹²² Officers tried to improve community relations by walking and talking next to people with weapons rather than resorting to violence immediately.¹²³ A few years later, the new police department implemented body cameras and one of the nation’s most comprehensive use-of-force policies drafted with the ACLU.¹²⁴

But some argue that Camden’s drop in crime rates was not due to “defunding the police” but rather to tearing down public housing, thereby forcing the most economically disadvantaged

¹¹⁶ Emma Tucker, *Freddie Gray Case Fallout has put Baltimore 'ahead of the game' with police reform. There's much work still to be done* CNN (2021), <https://www.cnn.com/2021/07/03/us/freddie-gray-baltimore-police-reform/index.html> (last visited Apr 25, 2023).

¹¹⁷ *Camden no. 1 again* THE PHILADELPHIA INQUIRER (2013), <https://www.inquirer.com> (2013), https://www.inquirer.com/philly/blogs/camden_flow/188927931.html (last visited Apr 25, 2023).

¹¹⁸ *7 years ago, this city disbanded its police force. it now serves as a model for others.*, NBCNEWS.COM, <https://www.nbcnews.com/news/us-news/new-jersey-city-disbanded-its-police-force-here-s-what-n1231677> (last visited Apr 25, 2023).

¹¹⁹ *Id.*

¹²⁰ Hank Kalet, *Camden didn't defund its police department-it just handed it off*, PROGRESSIVE.ORG (2020), <https://progressive.org/latest/camden-didnt-defund-police-department-kalet-200630/> (last visited Apr 25, 2023).

¹²¹ *Id.*

¹²² *Supra* Note 91.

¹²³ *Id.*

¹²⁴ *Id.*

populations to move elsewhere.¹²⁵ And while Camden was touted as an example of successfully “defunding the police” in the wake of the murder of George Floyd, Camden still has police.¹²⁶ Rather, Camden simply transferred its police department from city to county control.¹²⁷ While the decrease in violent crime is a positive, one must question what truly led to this decrease. Even so, Camden remains an example of how, even when a community has high rates of violent crime, de-escalation measures can be successfully implemented.

IV. Recommendations

While the Board and OIPA may—with a great deal of diligence—be able to bring pervasive police misconduct to light, they are not empowered to prevent deaths like Jayland Walkers’. Despite the hope it brought to the community, the Board and OIPA are undermined in three distinct ways. First, the restriction to auditing APD internal investigations, which are subject to the cultural pressures of the department, without the ability to conduct independent investigations. Second, the Board and OIPA are bound by the current and future bargaining agreements between the Akron and the Fraternal Order of Police. Third, the Board’s recommendations to the Mayor and APD are not binding. In the reflection of APD’s actions through 2022 and 2023, it is hard find information enough. Action is required. To enact meaningful police oversight the City of Akron must take the following actions:

- Grant the Board and OIPA power to investigate issues of police misconduct, poor department practices, and harmful policies, truly independent of APD’s internal investigations.

¹²⁵ *Supra* Note 94

¹²⁶ *Id.*

¹²⁷ *Id.*

- Hold the Mayor and City Council accountable to the recommendations of the Board by mandating their adoption of the Board's recommendations. Failing to do that, the city must require the Mayor and City Council to justify each of their refusals to adopt the Board's recommendations.
- Codify restrictions to prevent future collective bargaining agreements with terms limiting the Board and OIPA's ability to investigate officer misconduct, ADP's policies, and its practices. Specifically, ensuring citizens can submit anonymous reports of misconduct, limiting officers to common legal protections within the investigations process, and preserving records of complaints (all but those which were deemed "unfounded") over the course of an officer's career.
- Make the Charter of the City of Akron and its amendments easily accessible on the city website.
- Create a public and easily accessible website containing all complaints submitted to the Board and OIPA.
- Akron to remove terms of its contract with the Fraternal Order of Police which mandate APD maintain certain employment relationships with officers under investigation, such as keeping them on the force, mandating paid-leave, allowing for or regulating reassignment.
- Create APD policies for acceptable methods of response to protesters, working alongside local chapters of the NAACP, the Akron Bail Fund, FreedomBloc and other local contingencies to determine best practices. Clearly define "violent" and "non-violent" protesters.