

DRAFT Report, Findings, and Recommendations on April 16th Statement by Durham City Council on International Police Exchanges

Background:

On April 16th, 2018, the Durham City Council endorsed a statement entitled “Statement by Durham City Council on International Police Exchanges.” The full language of this statement can be found here, in the minutes of the April 16th City Council meeting:
https://durhamnc.gov/AgendaCenter/ViewFile/Minutes/_04162018-1088

On May 15, 2018, the City of Durham Human Relations Commission received a request from members of the Durham community, via Jewish Federation of Durham-Chapel Hill and Voices for Israel, with concerns about the statement due to the reference to Israel in the statement. The request asked the Human Relations Commission to assess whether the statement was discriminatory and created unnecessary tensions.

The Durham Human Relations Commission, founded in 1968, is an all-volunteer, diverse body of Durham residents appointed by City Council to “eradicate discrimination and to develop an atmosphere in the city conducive to good human relations.” Among the duties of the HRC is “[t]o provide open channels of useful communications among the various racial, religious, ethnic and economic groups in the city and between those groups and the city council so that misunderstandings and wide differences leading to conflict may be ameliorated.”

What We Have Done:

- Received presentation from Voices for Israel and Jewish Federation
- Received presentation from DemilitarizeDurham2Palestine
- Reviewed numerous email submissions from Voices for Israel, Jewish Federation, Demilitarize2Durham, and other community members. The documents can all be found here [\[insert link\]](#)
- Attended two community forums:
 - One hosted by Voices for Israel and Jewish Federation
 - One hosted by Judea Reform, which included a two-hour session of the Mayor answering questions from audience members
- Obtained and reviewed factual information from the Durham Police Department.
- Formed a diverse subcommittee to dig into these issues. At least one member of our subcommittee is deeply involved in community-driven efforts to reform racially disparate policing practices in Durham.
- Spoke with other stakeholders from whom we did not hear through the above processes including leaders of local synagogues and members of the Muslim community.

Key Questions:

1. Was the statement anti-Semitic?
2. Did the statement cause tension?
3. What should we as a community do next?

Answers to Key Questions:

1. Was the statement anti-Semitic?

To answer this question, we needed a definition of anti-Semitism to use for this purpose. Among the information we received, a member of Voices for Israel, provided the following definition of anti-Semitism, citing the U.S. Department of State and European Union as source for the definition:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities. It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits. Anti-Semitism may manifest itself with regard to the state of Israel through actions which attempt to demonize, delegitimize or apply double standards to Israel because of Jewish identity.”

Of particular relevance to our inquiry is this last sentence: **“Anti-Semitism may manifest itself with regard to the state of Israel through actions which attempt to demonize, delegitimize or apply double standards to Israel because of Jewish identity.”** We apply this definition to the current situation as follows:

- On the question of whether it was action intended to demonize or delegitimize:

Members of our local community who are Jewish and do not agree with the April 16th statement noted that they did not believe the Council is anti-Semitic. In a June 2018 op-ed in the Herald Sun, 12 Triangle-area Rabbis stated: “We do not believe that Council members are anti-Semitic or that they wish ill upon the Jews of Durham. We believe they unwittingly made many Durham Jews feel marginalized or unjustly singled out. We think they profoundly misunderstood what Israel means.”

Other members of our community who are Jewish and do not agree with the statement also acknowledged that they too at times have criticized the State of Israel: “All of us who have signed this statement at some point have and do criticize the actions of the State of Israel. The essential difference is that we do not invent scenarios to justify our criticisms or wish for Israel to cease to exist.” (Source: Submission to the HRC by Voices for Israel and Jewish Federation received on October 20.)

DRAFT – DRAFT--DRAFT

- On the question of whether a double-standard applied to Israel:

The place where Israel was mentioned in the statement was related to the past, quoting Chief Davis, in part: “There is no effort while I have served as Chief of Police to initiate or participate in any exchange to Israel, nor do I have any intent to do so.” When asked during a forum at a local synagogue why Israel was included, the Mayor noted that the Former Chief did participate in the military training and so they thought it was important to include it.

In response to an inquiry by the HRC, the Durham Police Department stated that they “do believe that Chief Lopez participated in the leadership training exchange with Israel when he was here; but I’m not aware of anyone else going.” The Durham Police Department also states, “There were no policy changes resulting from Chief Lopez’s visit to Israel. The scope of the training was on leadership in response to terrorist incidents and mass casualty events. There was no interaction with the military or training on military tactics, equipment, etc.” (Source: DPD response to HRC questions received on October 5)

On his currently available public biography, former Chief Lopez states, “Chief Lopez has also attended the National Counter-Terrorism Training through the Anti-Defamation League in Israel.”¹ According to the program description on the website for this training, it states, “NCTS annually brings law enforcement executives to Israel for a week of intensive counter-terrorism training with briefings provided by senior commanders in the Israel National Police, experts from Israel’s intelligence and security services, and the Israel Defense Forces. The program enables American law enforcement commanders to benefit from Israel’s counter-terrorism experience. Seminar topics include: preventing and responding to suicide bombings and terrorist attacks; the evolution of terrorist operations and tactics; leadership in a time of terror; intelligence gathering and information-sharing; balancing the fight against crime and terrorism; and the use of technology in fighting terror, among other subjects.”² Israel Defense Forces is the country’s military.

The Durham Police Department also acknowledged that they “have hosted law enforcement visitors from China, and the United Kingdom; a delegation of women dignitaries from Kenya, as well as LGBTQ representatives from Ireland.”

The policy embedded in the Council statement however, applies to all countries equally going forward, specifically related to military-style training: “The Council opposes international exchanges with any country in which Durham officers receive military-style training since such exchanges do not support the kind of policing we want here in the City of Durham.”

¹ <https://www.dolanconsultinggroup.com/instructor/jose-lopez/>

² <https://www.adl.org/who-we-are/our-organization/signature-programs/law-enforcement-trainings/national-counter-terrorism-seminar>

DRAFT – DRAFT--DRAFT

In light of the above findings, we do not believe the statement issued on April 16th by the Durham City Council was anti-Semitic because we do not believe it “attempt[ed] to demonize, delegitimize or apply double standards to Israel because of Jewish identity.”

2. Did the statement cause tension?

For this question, we specifically focus on the process the City used in the passage of this statement. We believe the specific processes highlighted here do not facilitate good human relations in terms of ensuring equitable access to City as a general practice, and hope these are lessons learned for the City in making processes overall more transparent, accessible, and accountable to all.

Specifically, we highlight the following components of the process:

- Application of policies for speaking on a Citizen Matter at a City Council work session: The current publicly stated policy is that residents must sign up 10 days in advance of the city council work session to speak during the “Citizens Matter” session for 3 minutes on any issue. The Mayor waived this policy for the April 5th meeting. This waiver is not consistently applied, as we are aware of other instances unrelated to this matter where this requirement was not waived. As a general matter, the inconsistency of when such policies will be waived is a concern. We encourage the city’s consistent application of this policy, and perhaps consider making other changes, such as shortening the time frame to sign up, in order to reduce the barriers for all residents seeking to speak for 3 minutes at the beginning of a City Council work session.
- Failure to put the draft statement on either the April 5th or April 16th agendas: The record shows that both proponents and opponents of this particular issue were frustrated by the failure to have this issue appear on the agenda for the April 5th work session. The item also did not appear on the April 16th city council meeting agenda. The absence of these on the agenda records frustrated the HRC’s ability to understand or confirm the timeline of the process. As a general matter, such public records are critical for review of any action in which a member of the community feels discriminated against or wrongly treated by government action. And, importantly, placement on the agenda lets community members know whether or when they might need to attend specific meetings. We also encourage as a best practice that drafts of statements to be voted on by the full council be included on agendas and in meeting packets.
- Use of personal email addresses to conduct official city business: We understand this practice is not prohibited. We also acknowledge that even emails related to city business sent to personal email addresses are subject to public records request. We are aware that personal emails were utilized during this process, as is sometimes the case on other city matters. We encourage as a best practice that city council members and staff utilize official city email address for official city business.

DRAFT – DRAFT--DRAFT

- Community engagement: We appreciate the concerns about the lack of adequate time for community members to engage in the process. Providing only 10 days of public deliberation seems too short for an issue so clearly important to members of our community. As we note on many issues that come before the HRC, we continue to urge the City to take the time necessary to engage and listen to communities most impacted by proposed City actions.

Another source of tension has been the lack of clarity of the language itself:

- The sentence following Chief Davis's quote states, "The Durham City Council endorses this statement by Chief Davis and affirms as policy that the Durham Police Department will not engage in such exchanges." It is not clear to us what "such exchanges" refers to and whether the sentence is perhaps unnecessary in light of the sentence that follows, stating plainly that the city opposes international exchanges with any country in which Durham receives military style training. When asked about this statement during a public forum at Judea Reform, the Mayor noted that this part could have been handled differently.
- In his comments at Judea Reform, the Mayor acknowledges that the statement as a whole could have been better written. For example, the statement could have explicitly acknowledged the following in the actual text of the statement:
 - Acknowledging, as he and other council members have stated verbally, that racialized policing that is harmful to Black and Brown communities is deeply rooted in our country's own history. We did not need any other country to teach us this.
 - Including other policies that prevent the militarization of our police, such as not participating in the purchase of military surplus equipment.
- We recognize that Voices for Israel and Jewish Federation, opponents of the April 16th statement, stated the following in their October 20 submission to the HRC: "As we have repeatedly said, the mainstream Jewish community clearly supports the bulk of the April 16 Statement – it is only the inclusion of Israel that we oppose." And, "We are in complete agreement with the Council decision to avoid excess arms or use of weapons by the Durham Police."

Because of the process by which the statement was passed and the fact that the statement could have been written more clearly in some parts, we believe the statement contributed to tension in our community. We also believe there are steps that can be taken to address this.

3. What can we as a Community do now?

- The HRC commits to continued work to educate about and speak out against anti-Semitism, and all forms of religious discrimination and other forms of oppression rooted in white supremacy. We call on the community of Durham to join us in these efforts as well.

DRAFT – DRAFT--DRAFT

- We echo the call to action in the op-ed by 12 local Rabbis, which states: “we invite the City Council members to increase their outreach to Jewish institutions and local community members to foster meaningful relationships and restore trust between the Jewish community and the city of Durham.” We know much of this has already been underway, and encourage such work to continue.
- The Durham Police Department must continue making efforts to eliminate racialized policing practices in our community.
- The City Council should revise the language in the April 16th language to provide clarity based on the concerns and findings outlined here. *See attached recommendations for these revisions.*
- The City Council should adhere to better practices, as it relates to city council work sessions, email communications, and transparent processes for placing city council statements on public agendas for work session and council meetings. This is critical to ensure fair and equitable access to the business of the City of Durham for all residents.
- As a Community, we must continue inter-faith, inter-racial dialogues and partnerships on an on-going basis to further understanding, deepen relationships, and together seek changes to oppressive systems existing in our city.

DRAFT HRC PROPOSED REVISIONS

Statement by the Durham City Council on International Police Exchanges

The council opposes international exchanges with any country in which Durham officers receive military-style training since such exchanges do not support the kind of policing we want here in the City of Durham. **The council also opposes the purchase and use of military-style equipment.**

We recognize and share the deep concern about militarization of police forces around the country. **Durham's former police chief participated in a National Counter-Terrorism Training that included training with military.ⁱ We also know that the U.S. Department of Justice recently lifted a previous ban on local police departments' purchase of military-style equipment.ⁱⁱ**

We know that racial profiling and its subsequent harms to communities of color have plagued policing in our nation and in our own community **for as long as both have existed. Durham and this country must work everyday to undo the harms of our criminal justice system, which is rooted in a legacy of white supremacy dating back to the founding of our country.**

In Durham, our community is working towards a time when we are beyond policing -- when everyone has a good job and excellent health care and a safe, warm, affordable place to live. Until that time comes, we want policing that is founded on earning the trust of the community. We want policing that effectively reduces gun violence without any racial profiling ever. We want policing and a justice system that do not criminalize small acts such as drug possession.

We are moving in that direction in Durham. Under the strong, persistent leadership of Chief Davis and her staff, the police department is undergoing a profound culture shift which is evident in the numbers in the annual reports we have just received for 2017.

The reporting shows that while violent crime is on a 17-year downward trend in Durham, we are also undergoing an extremely dramatic shift in the way Durham is also engaging in police work. Traffic stops in recent years have dropped from 32,227 to 11,578. Searches of cars have dropped from 1,296 in 2013 to 416 in 2017. Charges for drug violations in Durham are down from 1,223 in 2015 to 673 this past year. Our new Misdemeanor Diversion Court has kept hundreds of first-time offenders free of a criminal record. Use-of-force complaints by residents are down from 33 in 2016 to 15 last year. Chief Davis' new U-Visa policy has resulted in immediate improvement for our undocumented residents who assist in solving crimes, as 35 residents received U-Visa approval from the department in the first quarter of 2018, far more than ever before.

An array of new police department policies and practices are working in Durham, and - as the numbers above show with striking clarity - these reforms are today making a positive difference in the lives of thousands of people, especially in communities of color.

DRAFT – DRAFT--DRAFT

The council knows that we still have much progress to make. Although police searches have dropped precipitously among all groups, black motorists are still more likely to be searched than white motorists, and we need to continue efforts to ensure that the racial make-up of our police department more nearly represents Durham's diversity.

The council is deeply committed to this work, and we are grateful to Chief Davis for leading this cultural shift.

Black lives matter. We can make that phrase real in Durham by rejecting the militarization of our police force in favor of a different kind of policing, and that is what we are doing in Durham now.

ⁱ On his currently available public biography, the former Chief of Police said that he "attended the National Counter-Terrorism Training through the Anti-Defamation League in Israel." A publicly available description of this training notes that it included briefings with the country's military.

The Durham City Council appreciates receipt of the memo dated April 4, 2018 from current Chief C.J. Davis to City Manager Tom Bonfield clarifying her experience and history: Her memo states: "Regarding the concerns of certain interest groups on the issue of police/military training in Israel, my training experience in Israel had nothing to do with terrorism tactics, military tactics, or the use of or exposure to, military equipment. My specific visit was based on developing leadership academies, leadership principles, and the challenges experienced with building community and police relations with the growing homeless population in the US, comparable to Sudanese populations in Israel. The Atlanta Police Leadership Institute (APLI) was an assigned project under my leadership and is well regarded as a curriculum designed to groom bright and extremely prepared Atlanta Police leaders of tomorrow. This highly academic training has no police operations component, and challenges selected participants to become 21st Century police leaders. In addition, there has been no effort while I have served as Chief of Police to initiate or participate in an exchange to Israel, nor do I have any intention to do so. During my short tenure, I have been quite focused and intentional in building stronger police and community relations here in Durham."

ⁱⁱ Trump Reverses Restrictions on Military Hardware for Police, August 2017, New York Times <https://www.nytimes.com/2017/08/28/us/politics/trump-police-military-surplus-equipment.html>