

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

Background:

On April 16, 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 City Council 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.

We recognize that the major point of contention is the reference to Israel within the City Council’s statement. Some parties in opposition to the April 16th statement see its inclusion as discriminatory since it is the only country named. Other parties in support of the April 16th statement see it as justified since it is the only country with which the Durham police has participated in an international exchange that includes training with military.

Importantly, beyond that point of conflict, there was wide agreement throughout the process of supporting the demilitarization of our local police forces and ending racialized policing practices that harm Black and Brown communities. For example, 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.”

In this time of reexamination regarding the policing of Black and Brown communities and structural racism within police departments nation-wide, it is heartening to see general consensus regarding demilitarized policing in Durham.

The Durham Human Relations Commission (HRC), 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 in Regards to This Request:

- Received presentation from Voices for Israel and Jewish Federation with concerns about the April 16th City Council Statement.
- Received presentation from DemilitarizeDurham2Palestine coalition in support of the April 16th City Council Statement.
- 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.
- Reviewed numerous email submissions from Voices for Israel and Jewish Federation, Demilitarize2DurhamtoPalestine, and other community members received prior to November 13, 2018.
- 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.
- Released a draft report for feedback from the community and full Commission at our November 13, 2018 HRC meeting.
- Received and reviewed all additional information provided to the HRC after our meeting of November 13, 2018.
- Spoke with other stakeholders from whom we did not hear during the above processes including leaders of local synagogues and members of the Muslim community.

Key Questions:

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

Answers to Key Questions:

1. Was the statement discriminatory?

As part of the May 16 request received by the HRC, we were asked to "obtain the necessary factual data to determine whether the City Council's statement is supported by the facts and whether it genuinely meets the needs of the City of Durham" or if it "was unfair, unwarranted and discriminatory...".

Based on the information we received, there seems to be important agreement that the statement was not anti-Semitic. 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.” In a November 15 submission to the HRC from Voices for Israel and Jewish Federation, who even though they oppose the April 16th City Council Statement, stated, "The question of the exact definition of the term “anti-Semitism is not relevant because all parties have agreed that the Council did not intend to write an anti-Semitic Document." Likewise, the HRC heard from are members of our community who are Jewish who support the April 16th statement passed by the City Council and do not believe the statement was anti-Semitic or discriminatory.

Even so, the HRC did inquire to better understand the facts and circumstances as to why Israel was included in the statement to determine if it was unfair, unwarranted or discriminatory.

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 Anti-Defamation League’s 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.

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> (as of November 12, 2018). See also, <https://dc.adl.org/national-counter-terrorism-seminar-in-israel/> (as of January 6, 2019).

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.”

In light of the above findings, while mentioning Israel may not have been necessary to create a policy preventing future international military-style police exchanges, in light of the above findings, its inclusion is not deemed unwarranted, unjustified or discriminatory.

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 the best practices in human relations in terms of ensuring equitable access to City policy deliberations, and we 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.**
- 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 acknowledged 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:
 - 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.

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?

Based on the comments we received during this process, and in particular in response to the proposed draft which included an attempt to re-write the language of the April 16th Statement, the HRC did not find consensus around the central issue of including mention of Israel in the statement. We received many comments from people in our community of varying faith backgrounds who oppose the April 16th statement, and likewise we received many comments of from people of varying faith backgrounds who support the April 16th statement. We do not feel that the HRC's attempt to revise the statement would be of service toward ameliorating tensions or providing appreciable relief from perceived harm. In addition, it is our understanding that the City Council does not plan to revisit their April 16th "Statement by Durham City Council on International Police Exchanges."

Based on the information learned over the course of this process, the HRC believes our best course of action is to provide the Council and the community with our areas of concern and where we as a community can focus to reduce tensions and promote better human relations going forward:

- 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.
- 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 is already 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 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 one 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.