

# Protect civil rights

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## Introduction

Though the vast majority of civil rights issues are controlled by federal and state legislation and regulation, cities play a vital role in the implementation of laws and policies ensuring the protection of public health, safety, and general welfare; maintaining good open government; and providing every individual with an equal opportunity to participate fully in city life.

Cities not only play a significant role in eliminating discrimination, but also in eliminating less obvious barriers to social and political participation related to real or perceived fears and concerns and the unseen or misunderstood needs of residents. Cities should proactively support community members, particularly those who may find it difficult to express their concerns, fears, and needs. They should also actively seek community feedback to make sure that all areas of the community are represented.

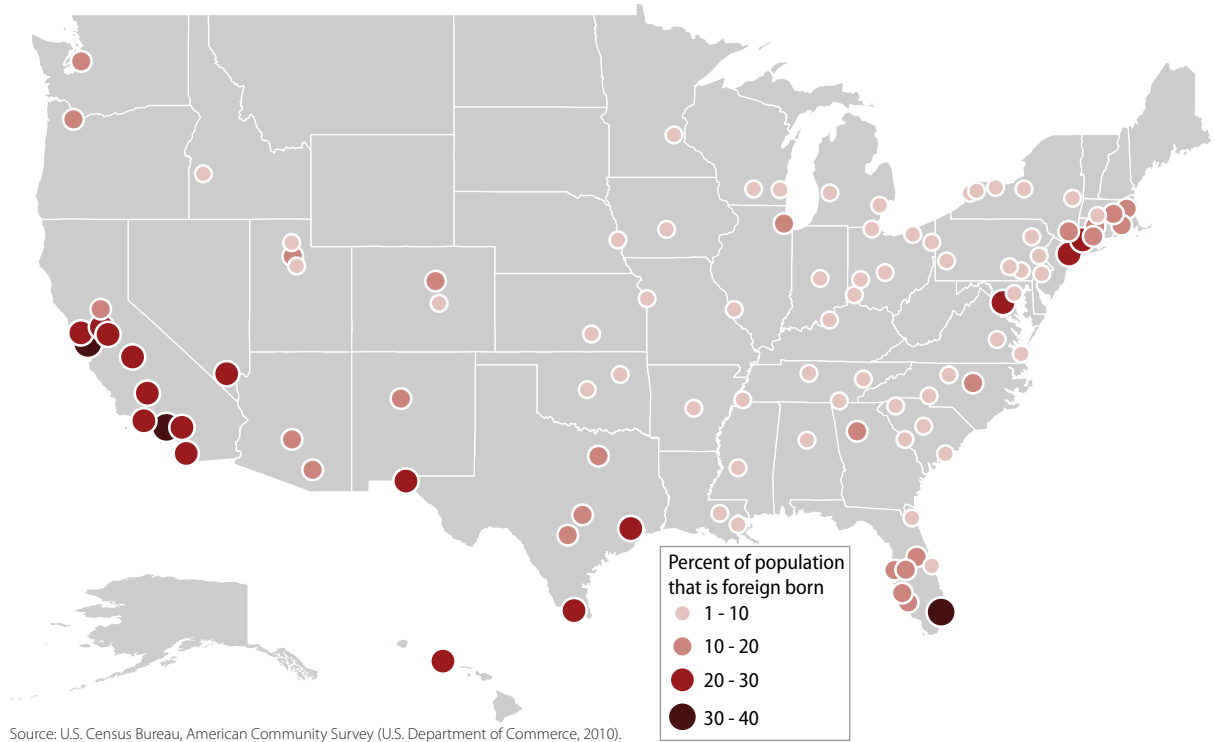
Since civil rights touches on almost every aspect of city life, this chapter does not take on every issue involved. Instead it puts forth a number of suggestions for best practices and policies in several key areas of current concern in which cities can have a significant effect on the lives of residents. The topics in this chapter may focus on a particular part of the community, such as social barriers for immigrants, but the policies and practices may have implications for other parts of the community as well. This is particularly applicable to homeless, transient, and very low-income communities, who are often overlooked or undervalued, and for whom it may be difficult to immediately identify needs.

Safeguarding the rights and safety of city residents and ensuring equal treatment and universal access to city life is critical to maintaining a vibrant and successful community. In order to accomplish this, cities must eliminate local discrimination and protect against destructive practices at the federal and state levels. At the same time, they should encourage residents to participate socially and politically through proactive policies, services, and programs with the goal of greater access and universal integration into city life.

FIGURE 10

## A nation of immigrants

Percent of the foreign-born population in the top 100 metropolitan areas by population, 2010



We suggest starting this process with voting and government access, immigration reform and protections, policing reform, employment protections, hiring equity, and gun control.

### Voting

#### Background

A citizen's right to cast his or her vote in a fair and open election, and have it counted, is at the core of a representative democracy. Over the past several years, however, numerous states have taken steps that effectively limit that right by requiring specific types of photo identification to vote, placing restrictions on early voting, eliminating same-day registration, and drawing district lines that greatly circumscribe an individual vote's power.<sup>1</sup>

Though the laws governing elections and voting are primarily determined at the state and federal levels, substantial implementation of those laws, including voter access and education, is controlled by municipalities. At the most basic level, local governments need to provide sufficient polling locations, elections staff, and ballots to ensure every resident their right to vote. In addition, local governments can conduct fair redistricting and put in place progressive campaign-finance laws.

## Fair redistricting

Redistricting is usually a contentious process with politically volatile results. Members of the majority party frequently draw lines behind closed doors to assure their own re-election and the retention of party power. Though state requirements on municipal redistricting vary widely, municipalities should look at a few key issues while drawing districts that allow each individual's vote to count equally. Such reforms have the added benefit of leading to more competitive districts that give voters greater choice on representation.

Cities should begin by creating an independent bipartisan or nonpartisan commission charged with drawing district lines. Such a commission should go beyond the basic federal requirements such as equal population between districts and contiguous borders, and aim to ensure full representation of racial and ethnic minorities, create compact districts that keep neighborhoods and communities of interest whole, and remain neutral on political parties, incumbents, and other candidates.

New York City contains exemplary language in its charter requiring that “neighborhoods and communities with established ties of common interest and association” be kept intact during redistricting. It prohibits the creation of districts more than twice as long as they are wide, and prohibits drawing lines to separate concentrations of voters of the same political party.<sup>2</sup>

Its commission is both independent and bipartisan. It is composed of five members chosen by the majority party, three members chosen by the minority party, and seven members chosen by the mayor with the caveat that the mayor's appointments may not create a majority composed of the same political party within the total number of the commission.<sup>3</sup> It is important to note that while adopting clear exemplary language is key, cities should also focus on an implementation process that follows the spirit of the adopted language.

To combat the tendency toward secretive, closed-door decision making, redistricting commissions should be as transparent as possible. In 2011 the San Diego Redistricting Commission held nine meetings, attended by more than 1,500 people, to discuss and hear comments on their initial plan.<sup>4</sup>

### Sufficient polling locations

Municipalities should consider a range of factors in locating polling places. These include compliance with federal and state regulations, and proximity to public transportation and population concentrations for ease of access. Cities should also attempt, when possible, to ensure that polling places for local, state, and federal elections are in the same location in order to lessen the chance of confusion.

Ensuring access for the elderly and disabled is another factor: New Jersey mandates that every municipal polling place must be accessible for disabled and elderly individuals. And it requires the Voting Accessibility Advisory Committee to report to the attorney general any polling places that do not meet accessibility requirements.<sup>5</sup>

Voting centers are another innovative idea. These allow residents to vote at any polling place within their county. Travis County, Texas, after approving the use of voting centers for the November 2011 election,<sup>6</sup> found the practice resulted in higher turnout.<sup>7</sup>

### Campaign financing and disclosure

Public campaign-finance programs are government programs that offer funds to qualified candidates who agree to campaign spending limits and disclosure requirements. In addition to making elections more competitive by limiting the effect of private contributions, public campaign-finance programs can also increase voter participation and awareness, provide campaign-finance information to the public, enable more citizens to run for office, strengthen the role of small contributors, and reduce the potential for corruption.

Cities should implement campaign-financing programs for local elections that give public funds to candidates while requiring spending and contribution limits and finance audits. Campaign-finance programs should limit donors by type,

To combat the tendency toward secretive, closed-door decision making, redistricting commissions should be as transparent as possible.

including sharply limiting or prohibiting corporate contributions, thus reducing corporate influence.

Several cities across the country have passed public campaign-financing laws, including New York City;<sup>8</sup> Chapel Hill, North Carolina;<sup>9</sup> and Sacramento, California.<sup>10</sup>

In 2005 Albuquerque, New Mexico, amended its city charter with the Open and Ethical Elections Referendum, creating municipal public-financing program for city council and mayoral campaigns.<sup>11</sup> Under the law, candidates are eligible for public financing if they receive \$5 donations from 1 percent of eligible voters. Matching city funds are financed by a direct deposit of one-tenth of 1 percent of the city's general funds. An eligible candidate will receive \$1 from the city fund for every registered voter, and \$0.33 for every registered voter in the case of a runoff election.

A candidate accepting public funds under the law must limit spending to those funds raised under the rules, along with public matching funds, and must report all qualifying contributions and expenditures. The city clerk is required to determine eligibility and certification for participation; ensure timely disbursement of funds, contribution collection, and return of unspent disbursements; and educate the public about the law's requirements.

### Voter education and outreach

Cities should educate voters to encourage maximum turnout and informed voting. Residents need information about issues and candidates, when and where to register, new voting laws, and location and accessibility of polling places. Clerks should play a large part in voter education through outreach programs with a variety of presentations and publications, as well as assiduous updating of city websites. These campaigns should also publish information and hold sessions or provide translation services in multiple languages to reach as many voters as possible.

As part of voter education and outreach, cities should further include voter-registration guides and advice for voters, including the location of registration and polling sites and public transit lines, access and registration deadlines, and same-day and early voting policies. Cities should reduce barriers to voting by offering extended hours for early voting and absentee ballots, simplifying the absentee voting process where possible, and providing ballots and offering translation services at polls in multiple languages.

To inform voters about the newly enacted voter ID law, the Madison, Wisconsin, city clerk held more than 100 presentations around the city<sup>12</sup> as part of more than 800 voter-education and informational presentations held in 2012.<sup>13</sup> In addition to information on the clerk’s website listing candidates, campaign-finance reports, information about registration and early voting, and the new voter ID law,<sup>14</sup> the city clerk publishes a “Voting in the City of Madison” brochure<sup>15</sup> and a list of polling places categorized by ward. The list includes the location of an accessible entrance and the polling room, and whether there is off-street parking.<sup>16</sup> For the two weeks preceding the May 2012 election, the Office of the City Clerk extended its hours by 3.5 hours per day during the week and offered hours on weekends to accommodate absentee voting.<sup>17</sup>

The Minneapolis city website offers a “Conducting a Voter Registration Drive” webpage. This page contains advice on how to collect voter registrations, including eligibility requirements, and how to submit the registrations collected.<sup>18</sup> San Francisco offers early voting 29 days before the election date, absentee voting or vote by mail either for a single election or on a permanent basis,<sup>19</sup> and ballots in Chinese, in addition to the languages mandated by the state.<sup>20</sup>

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## Open government

### Background

Citizen access to government information and functions is essential to a vital and responsive democracy. Adopting an open government strategy can significantly benefit cities by enhancing civic engagement, increasing government accountability, improving policy, and improving the city’s ability to respond to constituents. City officials should work together and with the public to establish a system of transparency, public participation, collaboration, and accountability that ensures effective government and enhances public trust.

### Sunshine ordinances<sup>21</sup>

Sunshine ordinances expand on state law addressing public information, meeting access, and public participation. Open meetings and open records laws are generally passed at the state level and outline the basic requirements for public access and participation in local decision making. But local laws and policies augmenting

state regulation can greatly increase efficient and effective access to information and public participation.

Cities should adopt open meetings and open records requirements that give the public the greatest access and input. They should consider scheduling, the space used for meetings, notice given, public registration and testimony, and record keeping and ease of access. These laws should ensure that individuals are not prevented from accessing buildings by fees or rules, meetings are held at reasonable times, and notice is given with enough time and in a format that allows for the largest attendance. The laws should also require that records not only be maintained and made available, but also that city clerks should respond to information requests in a timely matter, providing the greatest amount of information and assistance possible.

San Francisco passed one of the earliest and most comprehensive sunshine ordinances in 1994. It greatly expanded building access and notice requirements for public meetings and hearings and required every closed meeting to be recorded and made available once the reason for closing the meeting was no longer applicable.<sup>22</sup>

To encourage more participation at public meetings, Berkeley, California, recently adopted new provisions requiring meetings to begin no later than 7 p.m., and public testimony and comment to begin no later than 10 p.m.<sup>23</sup>

Oakland, California's ordinance, adopted in 1997, requires that private entities owning or managing property in which the city has an ownership interest or on which property the private entity performs a governmental function to allow public access to governing board meetings on the administration of the property or government function.<sup>24</sup>

Though observers point to ongoing issues with enforcement of sunshine provisions and open-meetings and open-records laws, cities can take steps to strengthen enforcement. In Berkeley, an unsuccessful measure was placed on the November 2012 ballot that included provisions for the creation of an oversight committee tasked in part with enforcement of the city's sunshine ordinance.<sup>25</sup>

## Open data

Open-data policies and laws govern city policy on access and effective dissemination of information. With advancements in computer technology and Internet access,

information can now be made widely available in easily usable formats. Such sharing encourages collaboration between government and the public in the creation and implementation of applications that improve city services. It also expands information access and dissemination, resulting in improved communication between the city and the public, enhanced civic engagement, better city policy through feedback and idea generation, improved problem solving, and improved governmental management because of greater internal and external transparency.

Cities should implement open-data policies and practices aimed at providing access to the greatest amount of city data possible and developing partnerships making effective use of residents' expertise and experience.

Portland, Oregon, has partnered with city residents on transit data under its open-data initiative and Civic Apps Competition, allowing for the creation of more than 35 transit applications, or apps, for smartphones since 2005.<sup>26</sup> In 2009 the Chicago City Council passed the Tax Increment Financing Sunshine Ordinance, requiring TIF redevelopment agreements and attachments to be searchable on the city's website.<sup>27</sup>

Through the NYC OpenData website, New York City provides access to a repository of searchable government-produced, machine-readable data sets from city agencies and other city organizations. These range from a database with detailed information about all public spaces in all boroughs to the School Construction Authority's rating system for environmentally friendly buildings.<sup>28</sup> In addition, the NYC BigApps 3.0 program offers software developers \$50,000 in cash and prizes for the creation of apps using city data for city improvements.<sup>29</sup>

San Francisco's mayor recently unveiled <https://data.sfgov.org>, a cutting-edge, cloud-based data website.<sup>30</sup> That city's open-data policy has already generated numerous apps on everything from maps of kid-friendly hang-out spots and real-time transit information to the app Zonability, which helps make local zoning rules more accessible.<sup>31</sup>

## Social media best practices

Policies and practices supporting the use of social media such as blogs, Facebook, and Twitter can provide faster access to information along with forums for communication and collaboration between government and the public.



To make the most of social media, cities should consider: which platforms will be used and how they will be connected to one another; how often they will be updated; what information will be conveyed; who will oversee the day-to-day functions and updates; what records will be kept of page updates, tweets, and other information; and how records will be kept, particularly if the city or state has strict record-keeping requirements. Cities should also refer to the growing body of best-practice guides published by city and state governments and third parties for effective setup and use of social media tools.<sup>32</sup>

Seattle created a social media policy in 2009, making staff from each agency responsible for the content and upkeep of any site their agency launches. It also mandated that all social media on city business be kept and produced when requested in compliance with the city's open-records law.<sup>33</sup> To encourage public employee communication with the community, Arlington, Virginia's social media policy suggests talking to readers "like you'd talk to real people in professional situations."<sup>34</sup> And to increase access and organization, San Francisco<sup>35</sup> and Madison, Wisconsin,<sup>36</sup> link to all city social media and categorize by agency and initiative on the city websites.

Cities should also clearly post comment policies. For instance, Iowa City's city website lists the reasons that a comment may be removed, including discriminatory, defamatory, or threatening comments, and comments soliciting commerce or not related to the post's original topic.<sup>37</sup>

## Public engagement

Effective public engagement allows for faster dissemination of information, greater public involvement and interest in government, and collaborative, crowd-sourced problem solving. Cities should go beyond simply making information available and meetings accessible, and involve the public by partnering with communities in policymaking and problem solving.

In the fall of 2009, Chicago Alderman Joe Moore ceded his decision-making authority over the \$1.3 million in discretionary funding that he was given for the 2009-10 budget cycle to the people of the 49th ward. It is the first locality in the country to engage community members in a participatory budgeting process.<sup>38</sup>

Starting in the fall of 2011, four members of the New York City Council began allocating part of their discretionary funds for participatory budgeting. As a result,

after a series of public meetings, community members will decide how more than \$6 million in public funds are to be spent.<sup>39</sup>

The Los Angeles Unified School District, wrestling with a \$390 million budget deficit, crowd-sourced cost saving and efficiency proposals in their “My Bright Idea Challenge” program. The district then created a project team to implement the top three suggestions.<sup>40</sup>

Finally, several cities, including Austin, Texas;<sup>41</sup> Raleigh, North Carolina;<sup>42</sup> and San Francisco,<sup>43</sup> have adopted policies requiring an open-source procurement process. San Francisco went so far as to require the consideration of open-source options for all new software procurement.<sup>44</sup>

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## Enforcing employment laws

### Background

Federal and state enforcement of employment law has been scaled back dramatically over the past three decades in the face of tightening budgets and outright hostility toward workers’ rights from some elected officials.<sup>45</sup> Furthermore, the working world has changed enormously since most of the employment law-enforcement apparatus was created 50 or more years ago, and traditional means of enforcing workplace law are less and less effective.<sup>46</sup>

Very few workers, and even fewer low-wage or immigrant workers, have the time, money, or wherewithal to pursue legal remedies against unscrupulous employers in small-claims court. As a result, low-road employers have come to see obeying employment law as optional. They rob workers of not only their employment rights, but also their civil and human rights.

### Wage theft

The scale of wage theft in this country is one indication of how flagrantly low-road employers violate even minimal protections for American workers. A 2008 study of nearly 5,000 workers in low-wage industries in Chicago, Los Angeles, and New York found an epidemic of workplace law noncompliance: Two-thirds of the workers surveyed reported at least one pay-related violation the previous week,

including more than a quarter who had been paid less than the statutory minimum wage.<sup>47</sup> A new report from Houston suggests wage theft amounts to \$750 million per year in that city alone.<sup>48</sup>

Unfortunately, inaction in most states<sup>49</sup> has left cities and counties as the only viable options for strengthening workplace laws and providing this critical worker protection. Austin,<sup>50</sup> Kansas City, Missouri,<sup>51</sup> and Denver<sup>52</sup> were pioneers in explicitly including wage theft under theft-of-services or petty theft ordinances and using the local police to enforce. But for many overstressed urban police departments, prioritizing wage-theft enforcement is unlikely, even with supportive theft-of-service law.

With this in mind, cities and counties should pass comprehensive wage-theft ordinances containing the following elements:<sup>53</sup>

- The classification of wage theft—the failure to pay agreed upon or legally mandated wages in a reasonable time period—as a violation that entitles the employee to back pay and compensatory damages.
- A straightforward process for filing and investigating wage-theft claims, including appropriate funding for the designated office.
- Real costs or penalties to employers for violating the law that go beyond merely the payment of wages owed. (The Miami-Dade County ordinance allows employees to collect triple damages from violating employers and requires violating employers to pay administrative costs.)
- Lengthening the statute of limitations within which claims can be filed. (New York state allows employees six years to file a claim and suspends the statute of limitations during a wage-theft investigation.)
- A requirement that city or county license holders comply with all relevant employment law and that licenses of violators be revoked.
- Late-payment fines and penalties targeting employers chronically late in paying wages.
- In addition to responding to and investigating complaints, enforcement agencies should affirmatively investigate high-violation industries.
- Outreach policies and programs that work with existing community groups to reach the most vulnerable workers.

After years of coalition work, Miami-Dade County’s landmark wage-theft ordinance, the first comprehensive municipal or countywide wage-theft ordinance in the country, was passed in 2010.<sup>54</sup> Florida abolished its Department of Labor and Employment Security in 2002, eliminating the state’s capacity to enforce wage and

hour laws. In its first 18 months, the conciliation-based process has returned more than \$1 million to working people in South Florida.<sup>55</sup>

More recently, San Francisco<sup>56</sup> and Seattle<sup>57</sup> both passed comprehensive wage-theft ordinances. Wage-theft campaigns are currently underway in Los Angeles, Houston,<sup>58</sup> New Orleans, and Palm Beach County, Florida.

## Local enforcement of employment law

The vast majority of employment law-enforcement authority and schemes rest with federal and state agencies. Unfortunately, at the federal level and in most states, the number of inspectors has not kept up with the growth in or changing nature of employment.<sup>59</sup> In addition, the only local enforcement of wage and employment laws in most cities are the many immigrant and day-worker centers that have helped wage-theft victims identify violations, pursue claims, and report violators to the U.S. Department of Labor. In response, where possible, cities should pass a minimum wage and job-standards ordinance that establishes an enforcement office.

In addition to passing a local minimum-wage law, San Francisco empowered and funded a municipal Office of Labor Standards Enforcement. The office is now charged with enforcing local laws on minimum, living, and prevailing wages; paid sick leave; minimum health care coverage; and anti-sweatshop working conditions.<sup>60</sup> It is important to note that California courts have upheld the right of San Francisco and other California cities to “home rule,” giving them the authority to set their own wage and job standards higher than the rest of the state.<sup>61</sup> Even in cities that do not have home-rule authority, funding to ensure adequate monitoring of city contractors and other recipients of subsidies or tax benefits with regard to local prevailing wage, living wage, and other employment laws will provide a meaningful deterrent to low-road employers.<sup>62</sup>

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## Public safety and policing reforms

### Background

A strong economy requires a safe environment. And building and maintaining successful businesses in communities where people do not feel safe is extremely difficult.

Overall crime rates in the United States have been declining for the past 20 years, and some U.S. cities are the safest they've been in 50 years.<sup>63</sup> But progress has been uneven, and even in cities that have seen large reductions in crime, some neighborhoods struggle with the perception or reality that they are not safe.

In order to address this issue, local law enforcement must strike a careful and often precarious balance between protecting the public and safeguarding individual rights and freedoms. Reforms attempting to strike this balance have taken numerous forms and experienced varying degrees of success.

But even the most innovative communities have not achieved all they can, and the vast majority of communities fall far short of the leading edge. Unacceptably high rates of racial profiling continue to be reported despite efforts at all levels of government and consistent public outcry. Law-enforcement officials continue to push the boundaries of the Fourth Amendment, supported by Supreme Court rulings, resulting in almost unfettered ability to search and detain individuals without full explanation or supporting evidence of threat or crime. Review of officer performance and disciplinary actions continue to be selective and ineffective in many jurisdictions.<sup>64</sup> In the wake of 9/11 and the continued fear of terrorist activity, federal agencies, backed by legislation, have adopted unprecedented policies and practices,<sup>65</sup> overstepping traditionally held views of privacy and individual security.

What's more, in 1980, 1 in every 156 males ages 18 to 64 was in prison or jail; by 2008 the rate was 1 in 48. The United States now puts people away at a rate 50 percent higher than when the U.S. crime rate peaked in 1992.<sup>66</sup>

Cities may adopt several best practices to begin combating poor policing practices, including city opposition to federal laws abridging individual rights and freedoms; combating racial profiling practices; adoption of community policies and practices; strengthening police accountability; enacting and bolstering consent to search laws and requirements for officer identification in interactions with the public; and adoption of justice reinvestment decision-making strategies to determine which communities need investment to improve public safety and community well-being.

## Oppose federal laws and policies abridging individual rights and freedoms

Since 9/11 the federal government, in response to both real and perceived terrorist threats, has adopted policies and practices and passed legislation threat-

ening personal liberties and freedom. At the core of these issues and the cause of much public outcry is the Patriot Act,<sup>67</sup> enacted in 2001 in response to the terrorist attacks of September 11.<sup>68</sup> The Patriot Act greatly reduced limitations on law-enforcement surveillance. It broadened authority to search homes, businesses, personal records, and information in connection to terrorist activities and expanded law enforcement authority to detain and deport immigrants.<sup>69</sup>

Although protecting the community against threats is very important, cities should not allow such actions to come at the cost of the liberties and freedoms of their residents. They should adopt resolutions in opposition to the Patriot Act and any subsequent legislation based on the act. In addition, they should oppose other federal legislation or policy affecting the liberties and freedoms of community members, including National Security Agency, or NSA, warrantless surveillance<sup>70</sup> and the U.S. Immigration and Customs Enforcement's, or ICE, Secure Communities program for immigrant community members.

As of fall 2012, 414 local, county, and state resolutions have been passed in opposition to the Patriot Act.<sup>71</sup> As an example, Los Angeles passed a resolution in 2004 adopting as part of the City Federal Legislation Program support for any legislation that would repeal the Patriot Act and opposition to any legislation that would strengthen it.<sup>72</sup>

In an effort to address the extreme rise in federal surveillance that grew out of the September 11 attacks, San Francisco passed a resolution in 2006 calling on the president to order the NSA to abide by the limits set out in the Foreign Intelligence Surveillance Act.<sup>73</sup> It also urged city and county agencies to obtain assurances by federal authorities that any requests for cooperation with electronic surveillance comply with federal law, and encouraged Congress to investigate the use of electronic surveillance by federal agencies.<sup>74</sup>

In July 2012 Chicago Mayor Rahm Emanuel attempted to work around the mandatory Immigration and Customs Enforcement information-sharing S-Comm program. He introduced an ordinance that prohibits city law enforcement from fulfilling ICE detainer requests or releasing immigrants with no serious criminal background or outstanding warrants to federal authorities.<sup>75</sup>

And in June 2012 the District of Columbia City Council passed a law that prohibits Washington, D.C., police from keeping any individual in custody longer than they would in normal circumstances—even if there was a detainer request—unless they have been convicted of a “serious or violent felony.”<sup>76</sup> The law comes

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eight months after D.C. Mayor Vincent Gray signed an executive order prohibiting police and public safety agencies from inquiring about a person's immigration status or contacting federal immigration authorities.<sup>77</sup>

## Community policing

Community policing is a philosophy that promotes the systematic use of neighborhood-based policing and community partnerships to proactively address the causes of crime, social disorder, and fear of crime. Community policing recognizes that the people who live and work in a community are its most valuable resource, and that the best way to address community concerns is to engage that community in a collaborative, problem-solving process.

The creation of the Office of Community Oriented Policing Services by the U.S. Department of Justice in 1994 has resulted in the adoption of community policing principles by thousands of police departments and agencies. It has also led to the hiring and training of thousands of new community officers and law enforcement support personnel.<sup>78</sup>

More recently, the 2009 American Recovery and Reinvestment Act allocated \$1 billion to support community policing. It allowed more than 1,000 different law-enforcement agencies to hire or rehire nearly 5,000 officers for three years to create and preserve jobs, and to increase their community policing capacity and crime-prevention efforts.<sup>79</sup> Mayor's offices and police departments should establish community policing policy and train officers on community policing principles and best practices.

The Seattle Police Department was an early adopter of community policing strategies. Its efforts include:

- A neighborhood "Block Watch" program
- Business-outreach programs that deal with retail theft, trespassing, and false alarms
- A community-outreach section of the police force that builds relationships, provides information, and addresses local concerns by making personal contacts and connections with neighborhood residents, community groups, and businesses
- A variety of youth-outreach programs, including initiatives to address youth homelessness, youth violence, and gang activity, and a Police Explorers program that breaks down barriers between police officers and young adults by involving the latter in police operations and allowing them to explore careers in law enforcement

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- Victim-support teams of community members who volunteer their time to help victims of domestic violence after an incident<sup>80</sup>

## End racial profiling

The United States has a long and troubled history of race and policing. This has led to ongoing tensions between community members and police, and has often eroded trust in law enforcement.

Cities have taken many crucial steps over the past several decades to end racial profiling, but the problem still persists.<sup>81</sup> In particular, young men of color, and, since the September 11 attacks, individuals matching the ethnic profiles of certain immigrant groups, experience high rates of racial profiling. In addition to the abuse, frustration, and mistrust racial profiling and racially motivated policing produces, it breaks down communication and respect.<sup>82</sup>

Cities need to stem racial profiling so that individuals feel protected and not targeted by police. One step to take is passing ordinances banning the use of race in police investigations. Cities, however, should ensure that the ordinance's language defines racial profiling effectively. Specifically, the definition should not only prohibit profiling based solely on race, but also eliminate race from the decision-making process.

In addition, cities should establish training on how stereotypes operate and how to conduct proper investigatory and policing actions. They should partner with community members and groups to share perspectives.

As part of a comprehensive set of laws on police reform, the New York City Council introduced an initiative prohibiting bias policing. It includes restricting officer use of certain factors, actual or perceived, including “race, color, ethnicity, ... national origin, ... immigration or citizenship status, ... or socioeconomic status.” The law explains the prohibited practice by juxtaposing it with the permitted use of information about the circumstance “relevant to the locality and timeframe, that links a person” of a certain race, color, or ethnicity to illegal activity. The initiative also authorizes citizens and organizations to file claims of disparate impact or intentional discrimination against a variety of individuals and agencies.<sup>83</sup>

To protect immigrants from police targeting, Jackson, Mississippi, passed a law not only adopting the prohibitions addressed above, but also prohibiting officers from inquiring into an individual's immigration status.<sup>84</sup>



The Nashville Police Department established a racial-profiling training program overseen by a citizen steering committee that sets goals for training and defines “racial profiling” for the department. The Nashville program focuses on cultural misperceptions, perceptions about law enforcement held by community members, and the importance of officers acting as role models during contact with community members.<sup>85</sup>

In a similar effort, the Oakland Police Department has partnered with a community organization called Youth UpRising to establish a five-week “culture-shifting experience” program to connect young people with police officers. The program was created to develop youth-police “relations by promoting better understanding and mutual respect between youth and police with the ultimate goal of improving public safety in Oakland.”<sup>86</sup>

The program consists of three-hour workshops each week in which officers and young people engage in open dialogue with the help of “translators” to learn about each other’s histories and perspectives.<sup>87</sup>

## Police accountability

In the past, police corruption and mismanagement led to destructive scandals and encouraged mistrust and tension in the community.<sup>88</sup> In order to combat these issues, raise fitness and quality standards for policing, and build community support and trust, cities and local law-enforcement agencies should establish accountability boards and review policies independent of law-enforcement agencies. To further bolster communication and accountability with the community, cities should establish citizen review boards, with community-member appointments from a range of backgrounds. Cities may also choose to establish an independent investigatory department or agency that oversees all reviews of law-enforcement action and policies.

Chicago, along with several other local jurisdictions nationwide,<sup>89</sup> established a citizen review board composed of nine members appointed by the mayor with the consent of the city council. The board decides disciplinary action in cases of police misconduct and holds monthly meetings that provide a forum for the public “to present questions and comments to the Board.” In addition, the board is responsible for nominating candidates, which are submitted to the mayor, for superintendent of police when a vacancy arises.<sup>90</sup>

In 2002, after a decade of attempted accountability reforms, Seattle created the Office of Professional Accountability, or OPA. Similar to the Chicago board, it oversees investigations of misconduct, even though police sergeants carry out the actual investigations.<sup>91</sup> The OPA is also tasked, among other things, with reviewing the fairness of the complaint and investigatory processes, and related police policies and procedures.<sup>92</sup>

In an attempt to address years of alleged misconduct and public frustration with New York Police Department practices, the New York City Council introduced an initiative to establish the Office of the Inspector General, an independent investigatory unit for police misconduct. The initiative prohibits the inspector general from being a member of the NYPD and makes the office independent from the mayor's and NYPD commissioner's oversight or review.

The inspector general's office reviews, reports, and makes recommendations to the mayor, commissioner, and city council "to improve the department's policies, practices, programs, and operations."<sup>93</sup>

## Consent to search and officer identification

Community members must feel secure in their cities to fully participate in social and political life, including during interactions with law enforcement. They must be able to trust that officers have their best interest in mind.

The Fourth Amendment provides robust protections for individuals against searches and seizures. But many individuals are not aware of their rights when interacting with police and often forego them. An officer will often ask for consent to search an individual or an individual's property when the requisite conditions to search are not met,<sup>94</sup> or, on occasion, they will perform an unlawful search without consent.<sup>95</sup> Individuals, often unaware of when consent is needed or of their right to refuse to be searched, consent to a search or say nothing when a search is performed unlawfully, foregoing constitutional rights<sup>96</sup> and allowing undue infringement on their privacy.

Furthermore, regardless of the law and the demeanor with which an officer interacts with an individual, individuals may often feel that they have no choice but to comply with the officer's request to search. This results not only in a loss of rights, but also further loss of trust in law enforcement.

Officer contact with citizens can cause stress and frustration, resulting in violence. This is particularly true when an individual is not sure why he or she is being questioned, detained, or arrested. Tensions may rise further if the individual does not know that he or she is interacting with law enforcement.<sup>97</sup>

For these reasons, cities should adopt clear requirements regulating searches and officer identification for law enforcement. They should require officers to inform individuals of their right to refuse to be searched and be explicit about when an officer may perform a search without consent under the law.

Cities should also adopt laws and policies requiring that officers identify themselves during contact with community members. These laws and policies should include not only wearing nameplates and providing name, rank, shield number, and command when asked, but they should also require officers to provide the reason for the stop or interaction and contact information for comments or complaints.

As part of the New York City comprehensive reform discussed above, the New York City Council introduced an initiative to protect New Yorkers' constitutional rights. The initiative requires NYPD officers, prior to conducting a search for which an officer must receive consent,<sup>98</sup> to explain to any individual being asked to consent to a search that the search is voluntary and that he or she has the right to refuse the request. The initiative also requires officers to create an audio or written record of the person's consent in every case in which consent to search is given, and to create and submit a report based on those records, including the "race [and] ethnicity ... of the person searched."<sup>99</sup>

In addition, the New York City Council introduced an initiative requiring all NYPD officers to identify themselves in every law-enforcement-related interaction. Officers are required to state the reason for contact and provide contact information for the civil review board when the contact does not end in arrest. The initiative also provides an exception when an officer is not in uniform and where identification would "compromise the immediate safety of the public or ... officers or would seriously compromise a specific, ongoing law enforcement investigation."<sup>100</sup>

## Justice reinvestment

Justice reinvestment is a community-based, data-driven strategy of collaborative decision making designed to reduce correctional spending and reinvest resources

in high-stakes communities to improve public safety and community well-being.<sup>101</sup> Cities and counties should adopt justice-reinvestment decision-making strategies to determine where corrections spending should be cut and which communities need investment to improve public safety and community well-being.

The recession has finally driven home that our prison-based criminal justice system is hugely expensive. We spend more than \$100 billion per year on criminal justice,<sup>102</sup> and several states now spend more on prisons than on K-12 education. Estimates of how much it costs to keep a person in prison for one year run from \$20,000 to \$50,000 per person per year.

Further, the effects are not evenly distributed. Because housing is segregated in the United States by race and class, a small number of communities are disproportionately affected by the strategies that continue to dominate criminal justice. These communities are almost all poor, mostly African American, inner-city neighborhoods with high unemployment rates.<sup>103</sup> In some neighborhoods, it is estimated that up to 25 percent of all adult male residents are locked up on any given day.<sup>104</sup>

Since 2008, several states, including Massachusetts, New York, and New Jersey, have lessened the penalties for nonviolent drug offenses and have looked to less expensive treatment options as an alternative to prison.<sup>105</sup>

There are many promising state and local “justice-reinvestment” efforts to reduce both crime and criminal justice spending. These redirect resources from prisons to programs that can address some of the underlying issues that lead to high rates of incarceration and recidivism: education and job training, drug-treatment programs, mental-health resources, and other programs to help offenders successfully reintegrate back into their communities.

The Michigan Council on Crime and Delinquency has partnered with state corrections, community-service agencies, and the cities of Detroit, Grand Rapids, Saginaw, and Benton Harbor, to launch the Inner-City Neighborhood Project,<sup>106</sup> a public safety and national service initiative to reduce crime and improve employment for felony offenders released from the state prison system. The project is modeled after the Civic Justice Corps, a national service initiative started in Oregon in 2005 that recruits individuals involved in the justice system for neighborhood-based public-service projects. These offer skills and sustainable jobs in the emerging “green” sector.

The recession has finally driven home that our prison-based criminal justice system is hugely expensive.

The Denver City Council established the Denver Crime Prevention and Control Commission in 2005<sup>107</sup> to reduce crime and delinquency through an evidence-based, accountable, and efficient public safety strategy. The commission, composed of 32 designated system representatives and appointed community members, is housed within the Manager of Safety's Office and advises Denver's criminal justice system agencies. It also directs a Crime Prevention and Control Fund that has helped fund a variety of alternative justice programs:

- Court to Community, a flexible and responsive special-services court docket and system to manage municipal offenders with serious and persistent mental-health issues
- A Justice Reinvestment program for female offenders who are domestic-violence victims that supports community and system-based providers to help create a safe and healthy environment for their children, who are at risk of academic truancy and becoming involved in the criminal justice system
- Racial and Gender Disparity, Mental Health Advisory, and Women's Advisory Committees to explore how specific policies and practices affect different groups
- Initiatives such as Denver County Jail Life Skills, the Community Reentry Project, Mental Health Transition Units, Frequent Users Service Enhancements program, Recovery in a Secure Environment, medications upon release, and other developing work for special populations<sup>108</sup>

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## Immigration enforcement

### Background

Until recently, it was generally accepted that only the federal government had the authority to enforce immigration law. Over the past several years, however, local law-enforcement agencies have begun to play a significant role in immigration enforcement through efforts such as the mandated information disclosure and fulfillment of detainer requests under the federal Immigration and Customs Enforcement's Secure Communities, or S-Comm, program.

Local enforcement of immigration law often comes at a very high cost to cities, local law-enforcement agencies, and the communities they are charged to protect and serve. These costs are huge financial burdens<sup>109</sup> on already-struggling jurisdictions,<sup>110</sup> and local enforcement often erodes the trust of immigrants who may already distrust or fear law-enforcement officers. This mistrust often results in an unwillingness to

Local enforcement of immigration law often comes at a very high cost to cities, local law-enforcement agencies, and the communities they are charged to protect and serve.

contact law enforcement even in emergency situations or when a crime has been committed.<sup>111</sup> In turn, this decreases the rate at which crime is reported, and isolates immigrants from city services and aspects of social life.<sup>112</sup> It also highlights immigrant communities as targets for crime. In addition, local enforcement often drives immigrant populations underground, resulting in the closure of businesses and the removal of substantial contributors to local economies.<sup>113</sup>

Ultimately, local enforcement of immigration law restricts the already-limited resources necessary to protect communities from real public safety threats,<sup>114</sup> burdens cities with ever-increasing costs, removes a vital portion of the community from local economies, and breeds tense and distrustful relations with law enforcement—making it more difficult for officers to carry out their duty to protect the public safety.

### Minimizing participation in federal enforcement

To combat the problems with local enforcement of immigration law, cities should enact laws and adopt policies to minimize their participation in enforcement of immigration law.

For starters, cities should minimize involvement in ICE's S-Comm program.<sup>115</sup> S-Comm is a federal information program under which fingerprints taken by local officials and sent to the FBI are checked against an immigration-status database.<sup>116</sup> If an individual's prints match a set in the immigration database, ICE is alerted and commences a status check on the individual, which is usually accompanied by a detainer request sent to the local law-enforcement agency.<sup>117</sup>

In October 2010, despite widespread criticism,<sup>118</sup> ICE announced that localities could no longer opt out of the S-Comm program, and that ICE could initiate the program in a jurisdiction without informing the city that it was doing so.<sup>119</sup> Though cities are no longer able to opt out of S-Comm data sharing, they should pass laws limiting the situations in which local law enforcement will comply with detainer requests. These include only holding individuals who are charged or have been convicted of serious felony offenses and requiring ICE to pay for expenses associated with complying with hold requests.

Additionally, cities should avoid or eliminate laws that require or allow local law enforcement to police for violations of immigration law and actively state their opposition to state laws requiring or allowing local enforcement.

After a series of contentious interactions<sup>120</sup> between ICE’s S-Comm program and San Francisco’s sanctuary ordinance,<sup>121</sup> the San Francisco County Sheriff’s Office adopted a policy that protects low-level offenders or noncriminal immigrants from ICE detainer requests. The policy, adopted after ICE made the S-Comm program nonvoluntary for local jurisdictions, was adopted to uphold San Francisco’s sanctuary ordinance, which limits all local assistance in federal immigration enforcement to felonies.<sup>122</sup>

In September 2012 the Chicago City Council passed the Welcoming City Ordinance. In addition to prohibiting the investigation, arrest, or detention of an individual based solely on immigration status, the ordinance prohibits ICE agents access to an individual in custody unless it is for “a legitimate law enforcement purpose unrelated to the enforcement of civil immigration law.”<sup>123</sup>

The District of Columbia passed legislation requiring detainer requests to only be honored when the individual in question is age 18 or older. The individual must have been convicted of a dangerous crime or a crime of violence either for which they are in custody or for which they have been convicted within 10 years of the detainer request—or for which they were released after having served a sentence within five years of the request.<sup>124</sup>

In addition to limiting the situations where a detainer request will be honored, New York City<sup>125</sup> requires the posting of a yearly report containing, among other things, the number of individuals who had at least one felony who were detained as a result of an ICE request and transferred to federal immigration authority custody.

As tension rises between federal and local governments due to forced participation in the enforcement of immigration law, federal and state laws will undoubtedly change—perhaps not for the better. As such, cities should remain attentive to changes affecting their jurisdictions.

## Support of U Visa

One important way cities can combat crime and the harmful effects of federal immigration policy, protect vulnerable members of their immigrant communities, and encourage immigrant integration and trust is through municipal support of the U Visa. The U Visa, which was created under the Trafficking Victims Protection Act of 2000,<sup>126</sup> is an immigration benefit<sup>127</sup> that offers a visa to immigrants who provide ongoing assistance to law enforcement in the investigation of a crime.

Cities should adopt policies and procedures governing interactions between law-enforcement officers and community members related to U Visas. These should include education for law-enforcement officers on the purpose of the U Visa to combat misunderstandings. Often there's a belief that officers who provide assistance to individuals seeking U Visa certification are condoning illegal activity or helping "illegal immigrants" remain in the country. On the contrary, the U Visa was created to encourage immigrants who may not otherwise contact and assist law enforcement when a crime is committed for fear of deportation to come forward by providing an incentive and safety net for doing so.<sup>128</sup>

Cities should firmly support the U Visa and affirm the purposes set forth by Congress. They should also establish clear policies and protocols for U Visa applications and consult ICE definitions and explanations for the various components for qualifications.<sup>129</sup> In addition, cities should consult educational resources and work with nonprofit and educational organizations to educate law-enforcement agencies and certifying officers about the value and purposes of the U Visa and the particulars of the qualifying requirements.<sup>130</sup>

In September 2011 the Cincinnati City Council passed a resolution in support of the U Visa. In the resolution, the council specifically recognized the importance of expressing its support to the County Police Association and the County Association of Chiefs of Police, and mandated that a copy of the resolution be sent to both organizations.<sup>131</sup> In February 2011 the San Francisco Police Department released a department bulletin setting up U Visa protocols. This included a list of the types of crimes for which the U Visa applies, the benefits the U Visa provides to crime victims, and qualifications a victim must meet in order to apply for a U Visa. The bulletin also clarifies that the role of patrol officers in the U Visa process is to explain to the victim that it may be possible to obtain a U Visa application and then, without attempting to establish a victim's eligibility, refer applications to the Domestic Violence Unit. In addition, the bulletin reiterated the prohibition on investigating or detaining an individual "solely because of his [or] her national origin, appearance, inability to speak English, or his [or] her immigration status."<sup>132</sup>

## Deferred action

On July 15, 2012, the Obama administration announced a new policy called "deferred action." It allows young people who were brought to the United States before age 16 to be considered for removal deferment for two years if they are



currently attending school, are under the age of 31, have been continually residing in the country for at least five years, and have not been convicted of certain criminal offenses.<sup>133</sup>

Despite the obvious benefits of this policy, there are some very serious dangers to certain undocumented immigrants because deferment is only available to individuals in removal proceedings—those who are going to be deported. If an individual, in an attempt to receive deferment, reveals his or her status to the Immigration and Customs Enforcement to initiate removal proceedings but does not meet the criteria for deferment, then that individual runs the risks of removal. Thus, it is important that individuals are well-informed about the requirements and process for deferred action.

Cities can offer accurate information quickly and to a wide range of people. They should provide training sessions on deferred-action requirements and work with community organizations to connect people with organizations that can help with deferred action.

When the deferred-action policy was first announced, the city of Madison, Wisconsin, created a deferred-action brochure that explained the policy, listed the criteria for deferment and additional resources, and outlined the application process.<sup>134</sup> Additionally, Madison has partnered with several community organizations to hold community immigration workshops on the deferred action process at the Catholic Multicultural Center,<sup>135</sup> which also partners with other organizations to offer deferred-action clinics to assist individuals with filling out deferred-action paperwork.<sup>136</sup>

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## Overcoming barriers to social participation for immigrants

### Background

Over the past several decades, the United States has seen huge increases in immigration and immigrant populations. Unsurprisingly, immigration has become a major issue at every level of government.

With the exception of a few recent actions, the federal government's reaction to the growing immigrant populations has been increasingly hostile, whereas reactions to these changes have been quite varied at the state and local levels.

In the absence of a national immigrant-integration policy, U.S. cities must take a central role in developing and implementing immigrant-integration programs. These policies and programs should encourage integration into the community and increase access to city services. They should also recognize the important contributions immigrant communities bring to cities, while being aware that immigrants, particularly those without lawful immigration status, may be wary of government services and community engagement due to fear of discovery or experiences in their home country.

### Language services

To give limited English proficiency, or LEP, immigrants the same access to basic public and private services as English speakers, local governments should develop immigrant-friendly communication policies. They should provide broad language services in every area of the government. Cities should use translation services at city meetings, hearings, other city-sponsored gatherings, and government agencies. They should also provide translated documents and websites, including brochures, meeting announcements, agency information, government forms, online applications, and city websites.

Cities may experience initial pushback due to public opinion and costs, particularly in smaller localities. But the benefits of these policies far outweigh any drawbacks, especially if cities wish to support a vibrant and integrated immigrant population in their community.

These policies are an invitation for immigrants to use city services and programs by making them possible for individuals who may otherwise find it too difficult or intimidating to use them. In addition, LEP immigrants are often deterred from seeking assistance through city services in emergency or public safety situations when language services are not available.<sup>137</sup>

A number of cities are taking action. The Memphis Office of Community Affairs, for example, offers a translation phone service connected to every city office, translating more than 150 languages into English.<sup>138</sup>

St. Paul, Minnesota's Limited English Proficiency Plan requires the city to provide an interpreter without charge to LEP individuals in any situation where one is needed to receive city services, programs, and activities. It also requires public meeting notices to include notification that interpreters will be provided if

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requested at least five business days prior to the meeting.<sup>139</sup> It establishes standards for competence and cultural sensitivity of interpreters.

The Office on Asian and Pacific Islander Affairs in Washington, D.C., does outreach and training to residents and city agency staff. It also provides D.C. residents with language services through the Language Access program, including document translation and in-person or over-the-phone interpreter services.<sup>140</sup>

New York City, in addition to passing language-access laws for city agencies and schools,<sup>141</sup> offers a variety of links to city websites, programs, and services in Spanish, Chinese, and Russian through the NYC Language Gateway website.<sup>142</sup>

### Immigrant services offices

One of the most comprehensive actions a city should take to contribute to the social integration of immigrants is establishing an office of immigrant affairs or another similar multipurpose agency aimed at serving immigrants and addressing integration challenges. The functions of this entity should include outreach and communication, with both the immigrant communities and the established community to build support and cultural understanding and expand understanding of public safety and how to access city services.

Perhaps the most critical hindrance to integration for many immigrants is their immigration status. To help overcome this hindrance, cities should provide resources on legal immigration status, including information on immigration legislation and policies, types of visas, and permanent residency and citizenship requirements and application procedures.

Additionally, cities can offer legal counseling on immigration issues and city agencies can work with U.S. Citizenship and Immigration Services on forms and self-help kits on immigration status and citizenship.

New York City's Mayor's Office of Immigrant Affairs facilitates the integration of immigrants in New York. It offers a list of city benefits and services available to individuals regardless of immigration status, connects immigrants with community-based organizations, brings together community-based organizations serving immigrants with city agencies and officials to facilitate services and programs, provides current city, state, and federal legal information affecting immigrants, and

continually creates and updates initiatives “to promote and empower immigrant communities through civic engagement initiatives and awareness campaigns.”<sup>143</sup>

The city of Los Angeles and the U.S. Citizenship and Immigration Services, or USCIS, partnered in the Immigrant Integration Partnership. This program offers information sessions on citizenship; naturalization workshops; distribution of USCIS educational materials; and focused outreach to raise awareness of the rights and responsibilities related to citizenship. Recently, a new initiative was included in the partnership providing Los Angeles Public Libraries with “citizenship resources and training for library staff.”<sup>144</sup>

Finally, the Seattle Police Department, or SPD, established the first of 10 Demographic Advisory Councils in 1994 with the goal to “build bridges between minority communities and the police department, which results in increased awareness, improved understanding, and open dialogue regarding challenging issues.” These councils advise the SPD on safety issues facing particular communities; promote dialogue to strengthen ties and trust between communities and the SPD; provide cultural competency training to police officers; and hold events promoting public safety.<sup>145</sup>

## Municipal ID cards

One service that cities should provide immigrants is legal identification. Anyone who does not have a driver’s license can benefit from a municipal ID card—both documented and undocumented young people, seniors, students, and immigrants. Lack of a valid ID can keep people from accessing basic services such as libraries or prevent them from accomplishing routine tasks such as opening a bank account.

Alternatively, cities may agree to accept other forms of ID such as national IDs issued by a foreign country’s national government or an ID issued by an NGO.

New Haven, Connecticut, gives municipal ID cards to all its residents regardless of immigration status. In addition to identification, the card grants access to resident-only services and discounts city fees—at the municipal golf course, for example. It also acts as a library card and can be converted into a debit card accepted by city parking facilities and multiple local businesses.<sup>146</sup> Several other cities,<sup>147</sup> including San Francisco<sup>148</sup> and Richmond, Virginia,<sup>149</sup> have similar programs.

## Reporting and disclosure of information

City agencies and officials often play an important de facto role in the civil provisions of immigration law. They require disclosure of immigration status when such disclosure is not necessary and mandatory reporting of more information, including immigration status, than is needed. This not only leads to community mistrust, racial profiling, and civil rights violations, but it also jeopardizes city agencies' primary goals. For fear of having to reveal their immigration status, immigrants may avoid using city services or calling city agencies, including public schools, fire departments, and ambulance services.

To avoid these issues and to encourage trust and social and civic engagement, cities should prohibit inquiry into an individual's immigration status unless immigration status is necessary for the determination of eligibility for a program, service, or benefit, or inquiry is required by law. In particular, inquiries about the immigration status of crime victims, witnesses, or others who call or approach city agents seeking assistance raise public safety concerns.

Cities should also prohibit the reporting of information unless such reporting is mandated by law, the denial of city services on the basis of immigration status, and public-safety employees from requesting documents for the sole purpose of determining immigration status. And they should consider passing strict confidentiality provisions limiting the context in which immigration status may be reported.

In an effort to ensure access to city services for all residents, New York City Mayor Michael Bloomberg issued Executive Orders 34 and 41 in 2003 extending confidentiality and privacy rights to New York immigrants.

Executive Order 34 prohibits inquiry into an individual's immigration status unless such information is necessary for eligibility determination for a city program, service, or benefit. It also prevents police officers from inquiring into an individual's "immigration status unless investigating illegal activity other than mere status as an undocumented alien." The order further prohibits NYPD officers from inquiring about the immigration status of individuals seeking police assistance.<sup>150</sup>

Executive Order 41 prohibits the disclosure of certain information, including immigration status, obtained by a New York City agency unless, among other things, disclosure is required by law or the individual is suspected of a crime.<sup>151</sup>

El Paso, Texas, does not require disclosure of immigration status to report domestic violence, file a restraining order, stay at a battered women’s shelter, or receive emergency medical attention.<sup>152</sup> The city aims to encourage victims of domestic violence to come forward, in addition to not conditioning city services on immigration status.

## Comprehensive equity laws

Besides the specific policies and practices protecting immigrant populations addressed above, cities should adopt comprehensive equity laws and policies that encompass more than issues of race, ethnicity, or immigration status, and require fairness and equality to be applied to every city department and agency. These laws and policies should extend to every demographic to make sure principles of equity in opportunity and access to services, programs, and events for all city residents are embedded through city government. But these policies should not take the place of the targeted policies and practices addressed above.

King County, Washington, has adopted “principles of ‘just and fair’ to guide every aspect of its work.” In an ongoing effort to ensure that these principles are embedded through city governance, the county passed a “first-of-its-kind ordinance” in 2010 mandating equal access to opportunities for all people.<sup>153</sup> Since 2010 the county has implemented several reforms in a variety of areas including setting higher transit service levels in “low-income communities and communities of color” and expanding economic-outlook reports to include race and income measures.<sup>154</sup>

To assess the effectiveness of these policies, the county created an “Equity Impact Review Tool,” which outlines three stages of assessment to help achieve equity goals:

- Stage I. What is the impact of the proposal on determinants of equity?
- Stage II. Assessment: Who is affected?
- Stage III. Impact review: Opportunities for action.<sup>155</sup>

Finally, several county agencies are reaching out to diverse communities with translated materials in several new languages to increase community engagement and awareness.<sup>156</sup>

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## Hiring Practices

### Background

Throughout U.S. history, municipal government jobs have given members of immigrant and minority communities a pathway into the middle class.<sup>157</sup> For much of the 20th century, this route was reserved for white immigrant groups. But in the wake of the civil rights movement, municipal jobs were increasingly made available to members of nonwhite minority communities.

The Equal Employment Opportunity Act of 1972 extended the prohibition on discrimination in private employment—which had been created by Title VII of the Civil Rights Act of 1964—to state and local governments.<sup>158</sup> The Equal Employment Opportunity Commission now requires that municipal governments file annual reports on their workforce’s racial and ethnic compositions.<sup>159</sup>

Beyond the push of federal laws, city managers are realizing that better hiring practices can increase the efficiency and effectiveness of local government, and can even help spur improvements in private-sector hiring practices. This section summarizes a number of the emerging policies, including efforts to hire people who reflect the diversity of a city’s population and combat racial disparities in hiring; altering when and how job applicants are asked about criminal records; and techniques for requiring recipients of municipal contracts and assistance to hire locally and help create career pathways for members of historically excluded groups.

### Benchmarks and evaluation

In a number of U.S. cities, municipal managers are taking proactive steps to ensure that their workforce reflects the diversity of the city, the population they serve, and the local labor market. This generally involves monitoring certain characteristics of the municipal government workforce, such as its race and gender composition in various positions and skill levels, and comparing those characteristics to the city population and the relevant labor market. Presented with this data, affirmative-action officials can work with human resources staffers from departments where the employees do not adequately reflect the diversity of their community.

Cities should require the monitoring and comparisons outlined above to ensure diversity within the city workforce.

Beyond the push of federal laws, city managers are realizing that better hiring practices can increase the efficiency and effectiveness of local government.

Cambridge, Massachusetts, is a good example of this sort of monitoring and responsive hiring. The city's Affirmative Action Office has an overarching goal "to reflect at all levels, and in all types of positions, the race, sex, disability or other protected status of the labor markets from which employees are recruited."<sup>160</sup>

In each year's budget, the office reports on how the percent of women and people of color employed by the city compares to the correspondent percentages in the Cambridge workforce. It also uses data based on the U.S. Census Preliminary Metropolitan Statistical Area from which the city recruits to set affirmative action goals for increasing racial and cultural diversity and to measure performance. The office then meets with every city department to set measurable goals and assist them in improving recruiting and hiring practices.

### Comprehensive hiring-discrimination reform

In conjunction with the benchmarking and evaluation policies discussed above, cities need to remedy racial disparities in employment by adopting comprehensive laws acknowledging the damaging effects of racial bias and racism on employment opportunities for people of color. They should mandate the necessary steps to remedy those effects. In addition, cities should mandate broad hiring and employment reform focused on equity, expanding opportunity, and fostering diversity, and require officials to recommend hiring equity and diversity provisions to be included in the city code.

Minneapolis passed a city resolution in August 2012 declaring that "institutional racism ... is the primary reason for unemployment disparity." This was in reaction to a 2011 report showing extreme racial disparities in unemployment in the city.

Affirming its commitment to equality, the resolution called for better incorporation of racial equity in all city policies and practices. It also required certain city officials to create and implement a toolkit for equity assessment, recommend fair hiring provisions that should be added to the municipal code, and provide a report on the development and implementation of the equity assessment toolkit.<sup>161</sup>

As a result, the city council has set targets to be reached by 2016 of reducing racial disparity in employment and poverty rates for people of color by 25 percent and increasing city employment for people of color from 11 percent to 32 percent.<sup>162</sup>



## Ban the box: A better approach to asking about criminal records

In more than 40 cities and counties around the country, human resources managers have changed how and when they ask job applicants whether they have a criminal record.<sup>163</sup> Behind this shift is a campaign—originally organized by All of Us or None<sup>164</sup>—to “ban the box,” or remove the check boxes on application forms that commonly ask candidates whether they have a criminal record.

The rationale behind this move is straightforward. Asking every applicant at the outset of the hiring process about the existence of a criminal record is likely to weed out otherwise-qualified candidates for minor offenses that would not jeopardize their ability to do the job successfully. Moreover, banning the box helps put a city in compliance with requirements of Title VII, which requires that any reliance on conviction records in hiring decisions be job related.<sup>165</sup>

Most cities that have banned the box still conduct a criminal background check to reduce the risk of negligent hiring. But they do this at the final stage of the hiring process, when an applicant receives a conditional offer of employment, and they limit their review to job-related offenses.

Cities that have banned the box also report multiple benefits. Austin, Texas’s human resources director found that more qualified applicants with criminal records were applying for jobs. And in Minneapolis, banning the box reduced the time and resources needed to process applicants by 28 percent.<sup>166</sup> The National League of Cities and the National Employment Law Project have published helpful and comprehensive reports that detail the provisions and practices implemented by dozens of cities.<sup>167</sup>

## Leveraging the power of municipal procurement

Cities have the power to improve private-sector hiring practices by using project-labor agreements and community-workforce agreements to ensure city contractors follow specified practices. The section on municipal procurement provides a more comprehensive treatment of these tools, but it is worth emphasizing how they can help open pathways to middle-class careers for minority and low-income residents.

A project-labor agreement, or PLA, is a comprehensive agreement between a city contractor and a consortium of labor unions. Since roughly 2004, PLAs increasingly

have included social investment or targeted hiring provisions to create employment and career paths for people from historically excluded communities.<sup>168</sup> This subset of PLAs, which often includes agreements between contractors and community organizations, are known as Community Workforce Agreements, or CWAs.

A recent report from Cornell University’s School of Industrial Relations describes CWA trends and identifies best practices.<sup>169</sup> One insight is that flexibility itself is a best practice: CWA provisions must be tailored to local conditions. In certain cities where the workforce is already quite diverse, requiring hiring from certain ZIP codes could decrease rather than increase employment opportunities for union members; in such markets it might be better to grant credits for employment of target-area residents at sites other than the worksite in question. But the authors conclude that across the country, CWAs generally are more successful when they have established pre-apprenticeship programs, which recruit individuals from target populations and give them direct access to apprenticeship programs.

### First-source hiring

First-source hiring policies use economic development assistance such as subsidies, grants, or loans to require that the beneficiaries of any such assistance look first to local sources of labor when they hire new workers. Some first-source policies mandate that local workers fill a certain percentage of positions or complete a certain percentage of work hours. More often, however, first-source hiring establishes a process whereby job centers and programs that serve disadvantaged or at-risk workers are the first to be informed of openings created by recipients of economic-development assistance.

In any case, cities should establish first-source hiring policies as part of economic assistance programs with an enforcement mechanism incorporated into agreements with beneficiaries.

Boston has one such system, established as part of the Jobs and Living Wage Ordinance of 1998.<sup>170</sup> The city requires that any entity that receives more than \$100,000 in any type of assistance—grant, loan, tax incentive, bond financing, subsidy, debt forgiveness, or otherwise—enter into an agreement with a certified referral agency or a one-stop career center.<sup>171</sup>

This agreement requires the beneficiary to inform the referral agency or career center of job postings as they become available, and allow a five-day advance

notice period to pass before advertising these postings elsewhere. The agencies and centers in turn must provide information about these postings to city residents who receive job services, and forward monthly reports to the Living Wage Division on the number of people hired by beneficiaries. Although the first-source program does not mandate that beneficiaries hire locally, it gives a leg up to local residents who need assistance in finding jobs.

Another successful example cited by a PolicyLink toolkit on local hiring practices is Oakland, California.<sup>172</sup> City officials achieved an 80 percent to 90 percent compliance rate in the local hiring program through a fine of \$1,000 per day or 1 percent of the contract—whichever is less—when beneficiaries of municipal aid did not comply with the activities mandated by the city’s program.

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## ADA compliance

### Background

According to the U.S. Census Bureau, 36.3 million noninstitutionalized people in the United States, or roughly 12 percent of the population, live with a disability.<sup>173</sup> People with disabilities have the right to participate equally in the world around them. This includes access to both public and private buildings, programs, events, services, and participation in government. But people with disabilities often face physical, communication, attitudinal, systemic, or other barriers as a part of daily life.

The Americans with Disabilities Act, or ADA, is a comprehensive civil rights law that, at its core, aims to ensure access to civil life for people with disabilities. The ADA establishes, among other things, requirements for cities in employment and access to services, programs, and activities for individuals with disabilities. The ADA requires “reasonable accommodations”<sup>174</sup> for qualified applicants or employees with a disability in employment and hiring processes. But an agency is not required to make accommodations that will result in “undue hardship”<sup>175</sup> on the operation of its program.

In practice, because employment law is governed primarily at the state and federal level, cities should not only comply with the ADA’s reasonable accommodations and undue hardship standard, but also stay up to date on evolving Equal Employment Opportunity Commission regulations, as well as case law and state law when establishing hiring and employment policies and practices.<sup>176</sup> Because cities have so little influence on employment laws, this section will focus on ADA compliance in access to city services, programs, and activities.

The ADA requires cities to make “reasonable modifications” to ensure access to government services, programs, and activities. But a city is not required to make modifications resulting in a fundamental alteration in the nature of the service, activity, or program, or undue financial and administrative burdens. The ADA mandates administrative requirements addressing access, including appointing an ADA coordinator; providing public notice of ADA requirements; establishing grievance procedures; conducting a self evaluation; and establishing a transition plan for implementing changes in line with ADA requirements.

Beyond the explicit requirements listed, cities should take steps to make sure their policies are effectively carried out and the spirit of the ADA’s requirements is met. These steps are outlined below.

### Programmatic access

When implementing disability-access policies, cities should consider all possible barriers to access—including individuals with hidden disabilities such as mental disabilities, cognitive impairments, and immune-system disorders. Where an individual with a mental disability or a cognitive impairment may need assistance filling out complex forms, an individual with an immune-system disorder or a physical disability may require in-person meeting or filing requirements because of an inability to leave their residence.

It is also important that the correct type of service or aid is provided. If a hearing-impaired individual does not read sign language, for example, it will be necessary to provide aid in a different form, such as real-time captioning. Cities should be up to date on current assistive technology as well, including TTY service for 911 emergency services, closed-circuit television systems, assistive-listening devices, captioned video training materials, and real-time captioning.

In addition, individuals with disabilities need full access not only to government, but also to public-service participation, including running for government offices, working as staff for city offices, and serving on city commissions, committees, and boards. Finally, cities should remain flexible enough in their policies to allow for accommodation in any circumstance.

The San Francisco Mayor’s Office on Disability offers guidance for city offices and programs on disability language and etiquette to improve communication.<sup>177</sup> It has

recommended guidelines for alternative formats and resources for communication, including a recommendation that agencies provide a 72-hour notice for contact information on alternative formats of print materials at public meetings and hearings to ensure availability of the materials during the meeting or hearing.<sup>178</sup>

To accommodate disabled individuals who are unable to access services during normal hours and under normal circumstances, the city's transition plan also requires that municipal offices have extended hours, waive in-person identification requirements, and conduct business over the phone when policy otherwise dictates it be done in person.<sup>179</sup> The city provides a best practices and etiquette guide for using hearing-impaired communication devices,<sup>180</sup> as well as bulletins on a variety of topics, including sign-language interpreter services,<sup>181</sup> assistive listening devices and systems,<sup>182</sup> and real-time captioning.<sup>183</sup>

Madison, Wisconsin, passed a city resolution stating its goal of achieving diversity in city committees, commissions, and boards. It wanted individuals with disabilities to be adequately represented and given the opportunity to serve in public positions. The Madison Common Council has also commissioned a study<sup>184</sup> that looks at trends in appointments to city committees, commissions, and boards, and offers recommendations on methodologies to improve city diversity.<sup>185</sup>

## Physical access

In addition to accommodations for access to services, cities are required to make modifications to ensure physical access with any new construction or alterations. But cities should go beyond these requirements to ensure that physical barriers do not prevent individuals with disabilities from meaningful participation at any point in city services, programs, and activities.

Often physical barriers include a lack of ramps, well-maintained pathways, or seating and aisle space at public events. Physical barriers, though, also include any physical structure or a lack thereof that restricts a disabled person's ability to participate in city services, programs, and activities. These include picnic-table height at city parks and recreation areas, doors that close too quickly in city buildings and facilities, narrow sidewalks, and improperly placed fire hydrants and tree wells.

This means cities should identify physical barriers in every area of government, paying particular attention to those areas that may at first seem less obvious.

Sandpoint, Idaho’s transition plan report<sup>186</sup> identified numerous issues and solutions to physical barriers including sinks mounted too high and picnic tables built too low for wheelchair accessibility, brick walls in public bathrooms leaving only 40 inches of space for exit, grass-only access to recreation areas, high-cross slopes for tennis-court access, and several locks on city buildings set too high.<sup>187</sup>

Bellevue, Washington, implemented several “work-around solutions” extending sidewalks and relocating objects where possible in response to impassible sidewalks and curb ramps; due to fixed objects, such as fire hydrants, trees, mail boxes, and sign posts.<sup>199</sup>

And to enable the greatest possible access to businesses, San Francisco has partnered with a nonprofit organization to provide small-business loans to businesses that need to renovate for ADA compliance but cannot afford it.<sup>189</sup>

## Education and outreach

City policies on access and participation may have little effect, however, if city staff and community members are unaware of them.

Though the ADA requires public notice of the statutory requirements, cities should go beyond these requirements. They should educate city employees, including committee members and elected officials, about who is considered disabled under the ADA and the goals of the law, to allow for the greatest amount of flexibility and efficiency in achieving the ADA’s purposes. Training should emphasize how city policy may affect the ADA compliance of specific agencies and services, including best practices and etiquette guidelines.

Community members should also be educated on ADA requirements and purposes to allow for as much transparency as possible in implementation, and to allow for the greatest amount of feedback and creativity in creating policy. Cities can post information on websites and at city offices on ADA compliance, and offer ADA seminars for business owners and community leaders and members.

Furthermore, cities should ensure that community members are given the opportunity to voice their opinions and concerns on what city policy should be and what specific changes should take place. They can hold open meetings to get input from members of the community, both with and without disabilities, to put together the most comprehensive plan possible.

In implementing the city transition plan, Bloomington, Indiana, held several workshops, presentations, and webinars for city staff at various public agencies. In addition, all the materials used at these events remain posted on the city’s website, along with best-practice guides and case studies from other states for future reference and easy access.<sup>190</sup>

The New Jersey Department of Transportation’s, or NJDOT, Transition Plan explicitly states that stakeholder involvement needs to be a part of transition-plan activities, including comments on accessible facilities, prioritization and scheduling of accessibility improvements, and feedback on the usability of the ADA website and related content on NJDOT’s website.

NJDOT focused on the importance of public comments during the evaluation and transition-plan-development phases, and further identified key stakeholders, including “activists, advocacy groups, general citizens, organizations that support the rights of the disabled, elected officials, other agencies, a Governor’s Committee on People with Disabilities or other such body, or a state ombudsman,” from whom feedback should be solicited through awareness days, newsletters, and websites.<sup>191</sup>

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## Gun control

### Background

Almost 1 million people have died due to homicides, accidents, or suicides committed using a gun over the past three decades. In 2007, guns were used in about 13,000 criminal homicides, 50,000 nonfatal gunshot injuries, and 300,000 assaults and robberies.<sup>192</sup>

Beyond the pain, suffering, and loss of life, the socioeconomic costs of gun violence are estimated to be about \$2 billion per year for the treatment of gunshot wounds.<sup>193</sup> On top of all that, the cost of gun violence is not borne equally by the general population. Black men ages 15 to 34 in 2007 were 15 times more likely to be victims of criminal homicide than white non-Hispanic men in the same age group. Homicide is the leading cause of death for this group, and is now the second leading cause of death for Hispanic males in this age group.<sup>194</sup>

Instead of addressing the crime statistics with a national gun-control plan, the federal government passed pro-gun laws and allowed gun control laws to expire.<sup>195</sup>

Instead of addressing the crime statistics with a national gun-control plan, the federal government passed pro-gun laws and allowed gun control laws to expire.

Many state legislators followed suit by pushing to deregulate various aspects of gun control.<sup>196</sup> Organized opponents to gun control, such as the National Rifle Association, or NRA, have been busy promoting the theory that more gun owners leads to less crime.

Unfortunately for states with lax gun laws, and the states and cities where many of these guns eventually end up, studies do not support this theory. Research has shown that in jurisdictions where gun ownership is more common, it is much more likely that a gun will be used in a crime.<sup>197</sup> Researchers have found that the prevalence of guns has no effect on the amount of crime, but rather makes crimes more deadly.<sup>198</sup> This is why the assault and robbery rates in the United States are similar to those of Canada, Western Europe, and Australia, but our criminal homicide rate is far higher.<sup>199</sup>

The “hands-off” policy at the federal and state level has shifted the cost of gun control to local governments, which are responsible for the services affected by gun violence: local law enforcement, fire departments, paramedics, hospitals, and county prisons—not to mention the local economy.<sup>200</sup> Unfortunately, recent Supreme Court rulings have greatly limited the regulatory powers of cities,<sup>201</sup> and even in cities that can pass gun-control laws, the NRA has been effective at chipping away at this authority through the courts.<sup>202</sup> In addition to court rulings, state legislatures are making it more difficult for many cities to implement gun-control laws.

Even in this environment, however, cities can reduce gun violence and regulate firearms. The following are a selection of best practices.

### Firearm sale and possession regulations

Municipal governments have implemented a range of gun-control laws to regulate the sale and possession of firearms. Cities should adopt the strongest of these, which outlaw gun sales and limit possession to homes and workplaces. Cities within the eight states that allow for local gun-control regulation can more easily implement regulations.

Chicago’s municipal code includes language that, with exceptions, bans handguns outside of a person’s home; bans long guns outside of a person’s home or place of business; requires gun registration and permits; mandates trigger locks or locked boxes to keep guns out of the hands of children; outlaws laser sights, silencers,



high-capacity magazines, and metal-piercing bullets; and prohibits the sale of firearms and ammunition within the city limits.<sup>203</sup>

Washington, D.C.'s municipal code lays out a range of gun-control laws, including “gun-free zones” prohibiting firearm possession on D.C.-controlled property; banning certain classes of people—criminals, drug addicts, and people with restraining orders—from possessing firearms; strongly regulating the carrying of concealed weapons; prohibiting the sale of guns to anyone not of sound mind; requiring a 10-day waiting period before purchase; requiring weapons dealer licenses; and banning certain weapons, such as machine guns, sawed-off shotguns, or guns with silencers.<sup>204</sup>

Finally, former Seattle Mayor Greg Nickels issued an executive order in 2008 prohibiting firearms on city property.<sup>205</sup>

## Controlling illegal guns

Hundreds of thousands of guns are stolen and then used in crimes. Most states do not require gun owners to report stolen or lost guns, which puts law enforcement at a disadvantage in tracking down illegally obtained guns and preventing their use in crimes. Guns are stolen from stores, dealers, and individual homes alike.

Federal law requires federally licensed dealers, but not individual owners, to report lost or stolen guns. In absence of federal action, states and cities are implementing policies to require reporting. Washington, D.C., includes this requirement in their comprehensive policy (see above). Chicago requires immediate reporting of lost, stolen, or destroyed guns, and revokes the firearm registration of violators.<sup>206</sup>

Cities should also take steps to remove illegal guns from the streets. One tactic law enforcement uses to identify illegal guns is tip lines, which allow anonymous reporting of suspected illegal guns and may offer rewards if a tip leads to an arrest. Boston; Jacksonville, Florida; and Baltimore all have these programs.

Another option is to host a gun buyback, where government buys unwanted guns, no questions asked. Cities should consider offering gift cards for basic needs to a supermarket rather than cash in exchange for the guns. They should also partner with local churches, nonprofits, and businesses to host the buybacks and/or fund them.<sup>207</sup>

Chicago requires immediate reporting of lost, stolen, or destroyed guns, and revokes the firearm registration of violators.

## Gun-control technology

Yet another area that cities with strong regulatory authority are starting to explore is technological solutions to gun violence.

One example is the use of “microstamping” to laser-etch microscopic codes on multiple surfaces within a gun.<sup>208</sup> Microstamping works by using the part of a gun that strikes the bullet when it is fired to imprint the gun’s unique numeric code onto segments of the bullet.<sup>209</sup> This can be of immense help to law enforcement, by allowing them to quickly track down the original owner of the gun used. Cities should require that all firearms sold be equipped with microstamping or a similar technology to allow for quick tracking.

Washington, D.C.’s municipal code requires all semiautomatic pistols manufactured starting in 2013 to be “microstamp-ready,” which is defined as “manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.”<sup>210</sup>

While other “smart-gun” technologies may not be ready for market, technological strides are bringing us closer to the day when gun use can be limited to gun owners. One startup company, TriggerSmart,<sup>211</sup> uses radio-frequency identification, or RFID, readers embedded in the handle of a gun to make sure the weapon can only be used by a person with a matching RFID tag embedded in a ring or bracelet.<sup>212</sup> A more nascent idea, floated by a Boston city councilor, is to require gun manufacturers to install global positioning system, or GPS, tracking technology in their firearms to more quickly recover lost or stolen guns.<sup>213</sup>

Cities hamstrung by state preemption will need to rely on smarter use of data, policing strategies, and innovative nonlegislative options; below we describe some of these initiatives.

## Targeted policing strategies

Spontaneous outbursts of gun violence often involve individuals illegally carrying guns. Special police units can target the times and places where most shootings occur. A promising tool used by the Boston Police Department is an acoustical monitoring technology called ShotSpotter,<sup>214</sup> which automatically notifies the

police after shots are fired.<sup>215</sup> This is used to target high-crime areas of the city. The potential to integrate this technology with surveillance cameras is worth exploring with privacy advocates.

Targeting strategies that also include an outreach and communications component, often including face-to-face meetings with gang members, were successful in Boston (see Operation Ceasefire), Chicago, and Indianapolis.<sup>216</sup> Referred to as a “pulling levers” deterrence strategy or “problem-oriented” policing, this strategy includes more comprehensive techniques to reduce gun violence among gangs, including consistent and responsive policing following any gun-related violence, communication to gang members about the consequences of violent actions, and integration of efforts with community-service agencies that provide services from drug treatment to job training.<sup>217</sup>

### Gun-trafficking database

The Tiahrt Amendment,<sup>218</sup> named for the Kansas congressman who championed the law to prohibit public access to federal firearms-tracing information, removed a wealth of data from both public scrutiny and academic researchers.<sup>219</sup> With this in mind, cities should develop their own databases to trace gun trafficking.

The Johns Hopkins Center for Gun Policy and Research recommends that cities develop a database that:

- Builds off the federal data collected by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF
- Integrates data from multiple jurisdictions
- Includes information from follow-up investigations
- Is linked with other databases where possible<sup>220</sup>

With this data, local enforcement agencies should develop gun-trafficking indicators, such as linking a gun dealer to many out-of-state crime guns. Boston’s Operation Ceasefire<sup>221</sup> was effective in working with the ATF to use crime-gun trace data and trafficking indicators to lead to a significant reduction in gun trafficking to criminals.<sup>222</sup>

Wherever possible, cities should “connect the dots” between the transfer of firearms from one seller to the next. According to Las Vegas’s municipal code:

*Any resident of the City receiving title to a pistol, whether by purchase, gift or other transfer, and whether from a dealer or any other person, shall, within seventy-two hours of such receipt, personally appear, together with such pistol, and register the same with the Sheriff of the Metropolitan Police Department or his designee. It shall be unlawful to possess a pistol which is not so registered.*<sup>223</sup>

## Gun-trafficking stings

Federal law prohibits certain classes of people, such as felons, the mentally ill, and drug abusers, from owning guns. But due to the ruling in *Printz v. United States*<sup>224</sup> and loopholes for private gun sales in the Brady Handgun Violence Prevention Act,<sup>225</sup> state and local enforcement of these restrictions are neither strong nor comprehensive.

While the federal government requires background checks to be conducted by federally licensed dealers, for example, unlicensed private sellers do almost 40 percent of U.S. gun sales.<sup>226</sup> Cities need to help enforce some of these laws, especially when it comes to private sellers. One idea is to work with police departments to establish a strategy for undercover sting operations on unlicensed private sellers or licensed sellers who do not abide by gun laws. Chicago law enforcement has adopted such practices, resulting in a 46 percent reduction in guns being diverted to criminals.<sup>227</sup>

An emerging area of concern is online private-party gun sales at websites such as GunsAmerica.com and GunBroker.com.<sup>228</sup> Here, police should use online sting tactics—similar to those employed to catch sexual predators and identity thieves—to arrest illegal online gun traffickers.

## City procurement powers

One innovative idea recently proposed is using big cities' procurement power to incent gun manufacturers to voluntarily reform production practices. They can reward gun manufacturers who adopt best practices for production and sales.

Former New York Gov. Eliot Spitzer promoted this idea in a recent article, in which he called for both President Barack Obama and New York Mayor Michael Bloomberg to announce that “semiautomatic handguns with high-capacity maga-

zines ... can no longer be sold to private citizens by any company that wants to do business with the federal government and the city of New York.”<sup>229</sup>

While using city procurement powers to remove categories of firearms from the market may be overly ambitious—especially because it is relatively easy for gun manufacturers to create standalone companies—the power of city procurements could be used to incent voluntary deployment of microstamping and the development of “smart guns.”

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