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KSL+: Next Steps For Policing After Derek Chauvin Verdict

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Editor's note: Interview lightly edited for clarity and readability.

SALT LAKE CITY, Utah – Former Minnesota police officer Derek Chauvin was found guilty of all three charges against him in the death of George Floyd–second and third degree murder charges and one count of manslaughter. He is only the second officer to be convicted of murder in the state of Minnesota–and the first white officer to be convicted of killing a black man in that state.

The prosecution told the jury to believe their eyes – referring to the video seen around the world showing Chauvin kneeling on top of Floyd. And the jury believed it. Making their decision after roughly 10 hours of deliberation.
And the reaction from Salt Lake City to Minneapolis was immediate.

What happens next?

What does the verdict in this one compelling case mean for the ongoing movement to change policing? Over the last week I and several of my colleagues spoke to activists on the ground. And on Tuesday, minutes after the judge read the jury's decision aloud, I sat down with former Salt Lake City Police Chief Chris Burbank. He now works with the Center for Policing Equity, that is reimagining policing and society at large.

Chris Burbank: So it's a bunch of behavioral research scientists and we look at what's going on. We studied the statistics, the data within policing, determine the actions of policing what is leading to the disparity in the outcome. And then we make recommendations of how to change policing, reimagine policing, if you will, in order to make it more equitable to do away with bias and ultimately racism that exists in the system currently.

Matt Rascon: At the time, we're recording this interview, we're just minutes after the verdict was read off, in this case in Minneapolis with Derek Chauvin. What were your thoughts?

Chris Burbank: It's huge. But having said that, we have a bad habit of looking at that moment in time–we saw a horrible incident play out in front of the nation in front of the world–and we now have a verdict that has condemned that action. But when we look at policing as a whole, we now need to take that and say, how are we going to change policing, so that we won't be having this discussion a year from now? And what we've been very poor in the past is identifying how to make changes. We look at the officer, right? If they just weren't violent, if they just weren't heavy handed, then we wouldn't have these problems anymore. Well, we've been making changes to the officers for years, for my entire career, and it hasn't changed the outcome. Now it's time to say, let's do things differently, not the same thing. Just gentler. Let's absolutely change what we're doing. And that will change the outcome.

Matt Rascon: What does that look like?

Chris Burbank: Well, it can really look like a bunch of different things. The example I always like to use is when considered traffic stops. Think of how many people have been killed in traffic stops, how many police officers are killed in traffic stops throughout the country every year. And when you look at a traffic stop, the act of writing a ticket has no bearing whatsoever scientifically, on the safety on the roadway. And then think about with this. Take 700 East here in Salt Lake, the millions of dollars over the last 20 years, 30 years that have gone on enforcement activity. The most expensive thing in city government are police officers and the time associated with them. And then think about the impact to community members, the disparity that exists there. Now ask yourself, do people still speed on 700 East? We haven't changed behavior at all. In fact, the police have to hide in order to allow the people to commit this horrendous violation and catch him and write him a ticke. That doesn't change their behavior. Even as they drive down the street in the same moment, speed boards that flash your sign, speed bumps, roundabouts, all these things impact traffic. And guess what? A speed bump does not care what your race is.

One of the crucial things is we need to change the laws governing use of force especially deadly force, we need to look at the totality of the circumstance, we need to look at the exigency. Why is it immediately necessary, not just reasonable, necessary? And when you combine those three things, I'm not talking about going catching police officers after the fact. I'm talking about setting a new set of rules. And then teaching officers to that and holding them accountable to those as we go forward. Everyone is still talking about bias training. I was so disappointed to see Salt Lake City purchased more non-lethal weapons. So in other words, we're just going to do the same thing. But we'll shoot you with a softer thing as opposed to a real bullet. That's not solving the problem. That's just changing the action of force. Why are we having those force encounters in the first place? Why are police officers shooting 13-year-old autistic children? These are the questions that we cannot tolerate as a society and we make the mistake of saying this level of violence is okay. Right? We say, oh, it was really a bad person. So that makes it okay? No! Every single use of force against a member of the public is a failure of our system. Every single use of force against a police officer is a failure of our system. Why do we allow for this level of violence that is not seen in other countries.

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A quick look at my interview with retired Salt Lake Police Chief Chris Burbank.

Full interview is on our latest episode of @KSLplus, available on the @KSL5TV FB page, app and website in just a few minutes. ksltv.com

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Matt Rascon: Now you're talking about changing the rules at the higher level like laws. You're saying, you change policies in an organization and an officer breaks that policy, they can be fired, but not be criminally held accountable.

Chris Burbank: It is a layered effect. And the mistake we make is we're going to solve everything all at once. Right? There are things that federal governments should do. There are things states should do. They're absolutely things cities and police departments can do. If you look at consent searches, as a black man in this country, you are about eight times more likely to be asked for consent search. The efficacy of that effort–the time the officer is right–in most cities in the country falls below 3%, in many circumstances is less than 1% effective. This is stop and frisk in New York City. So imagine if people watched you 1% of the time, and the rest of the time they turn the channel when they saw your face come on the news? Would you be on the news very long? But yeah, we pat ourselves on the back and say "that one time you got a gun, good job, son. This is the right thing to do". And the ancillary impact on society has created generational poverty, generational mistrust, and has put us in the situation we are now. We have got to change, right? We have the country right now, right here in front of us. Let's change it. I am just insistent. I began my career 30 years ago, with Rodney King happening in Los Angeles, I can tell there's a lot of difference between that circumstance, and now Chauvin, other than the outcome of the trial.

Matt Rascon: Right? Well, since you brought it up, I mean, let's go back to the outcome of his trial. What does this actually just the impact of this trial go beyond the protests or rallies that we could see in the streets? You know, over the next few days? What happens next? Or what should happen?

Chris Burbank: Well, what should happen next is we now say, Okay, we have gotten the attention of all the players here, the public, the police, the political entities, right? We have demonstrated that not only is this wrong, but it's criminally wrong. And now's the time to start make the changes to the entire profession, to the entire criminal justice system, if you will, in order to ensure this doesn't happen again. And so if we're still talking about bias training six months from now, then we will have failed.

Matt Rascon: The things that I've heard brought up are checks and balances, like an oversight committee, mandatory turning on your video cameras on the officers and things like that. Are these some of the right things to be bringing up?

Chris Burbank: Well, they should be done. But those are the things that are going to change it. Right? Think about the video camera that we saw in Minneapolis. Derek Chauvin performed for the video, it didn't change his behavior whatsoever. But if you have a rule in place, that we are not going to engage with members of the public for misdemeanor offenses that really have no bearing on the outcome of things, that you're not allowed to use force in a certain way, you now change why we're doing it, or what we're doing. It's not just hopeful that, oh, we captured it, or what have you don't capture it. Right? What if someone stands in the way? Does that mean it's okay? And, again, this is the fallacy of policing. We should not accept another person dying at the hands of a police officer or another police officer dying at the hands of a member of the public. This is unacceptable. And if the rest of the world struggled with the same issue, then maybe we could say boy, it's just insurmountable. But proliferation of guns, our acceptance of violence, the identity politics, all these things come into play as to why there's a problem in policing. But what we want to do is say is policing's problem, it police officers' problem. This is a societal problem. Racism is not just in policing. It is an issue. It's in employment, in fact more impactful on whether or not someone is going to be in the criminal justice system is their access to health care. And yet we are arguing over things that are not going to change the outcome. When we need to look holistically and say, all right, there's a whole bunch going on. We need to make sure that it's not one extreme or the other. Right. I'm, I'm in the middle. Let's come to the middle and have some compromise have some agreement in order to move this forward, across the board across the board.

We also sat down with Moises Prospero. He's been a juvenile criminal justice social science researcher for nearly 30 years. He now sits on Salt Lake City's newly minted Racial Equity in Policing Commission, so he has plenty he'd like to see implemented. But it's been quite the journey to get to where he is.

Moises Prospero: When I grew up as a kid, I hated cops, I hated school administrators, they hated me. It was part of El Paso, Texas, which is primarily Latino, Mexican, American and Mexican immigrant. And it's just was part of our culture that we're not supposed to like law enforcement.

I got really lucky that I didn't end up in a worse place. Even though I was consistently harassed. Like one time. I'm driving back from one town to another. I think I was 15 or 16. We were at a party, and we were drinking, right. But the guy's driving, and then back then the push wasn't as much about DUIs, but you knew enough to know this guy is driving horribly, and it's on the freeway, and he's doing all this dumb stuff. I said, Dude, let me out. Let me out. No way. So he pulls over and wants to fight me. We don't need to fight. So I'm walking, it's gonna take me probably like two hours to get home. But I don't care. I'm out of that situation. So what happens? As I'm walking down the highway, a sheriff's deputy stops me, asks what I'm doing. Nothing, just walking home. And so he asked me, have you been drinking? And I thought, well, I'll be realistic. Yes, I did have a couple beers at this party. But I've been walking for quite a while, I'm quite sober. And this is why I'm walking, because this guy was drunk. And I didn't want to ride with him. So instead of saying, Hey, you know what, that was a good choice that you did do that, bad choice that you did drink. You live pretty far. And it's pretty late, it's dark, let me give you a ride so you can arrive safely to your home. And we could talk to your mom or dad about this, right? There's still some accountability.

Instead, he turned me around, knocked me over against the car, of course, kicked my legs out. And you know, the hard search? Puts cuffs on me. And then of course, as I'm getting in the back of the car "Oh, I'm sorry, I hit you in the head." He takes me to a little jail out that's outside of the main city. And so he's just trying to find something on one on. This guy's got to be a gang member, gotta have weapons. Nothing. So then he still takes me all the way from the city to the county jail, which is like two hours away. Why? Why are you doing all of this on something like, and it's not like I was really drunk. I was just walking in. I had a couple beers. And I shouldn't because I was a teenager. And so, yeah, you know, my mom was, my brother had to come pick me up the next morning. Because mom's having a heart attack of course. Oh, my God, what happened? What happened?

Luckily, when the court came up, I was already in the Marine Corps boot camp. And the judge just said, What is this for anyway? And so for me that just showed how law enforcement just did not understand how to work with youth, for sure, in that community as well. And so that was just the norm, even in the military, the MPs would harass us with the infantry.

So when I came back, I went to school, and I worked in a lab, eventually in a psychology lab, and one of my members there, she was married to a cop. And one day we went to a party. Okay, I guess we'll go meet this cop. We hit it off so well! I mean, we are so alike, right? And he did the same thing with me. He's like, Mo, I thought you a gang member, man, because I have tattoos. Like I thought he was. Yeah, I got these tattoos in the Marine Corps.

We both had those perspectives, and we humanized each other, right. And he gave me a glimpse of law enforcement. It was still very hyper masculine back then. But it also reminded me that they were humans. He had a kid, I would babysit his kid all the time. His kid had severe ADHD. I worked in a mental health facility at that time, I was able to assist in a lot of ways. And so that really changed my mind.

Why am I hating other humans? Yes, I should have been mad what that person did, but they're not all like that. And this hatred is only hurting me. Because I'm not going to ever interact well with them, which could put me in a bad place. So let's turn your cheek and I want to be a social scientist. And to be a social scientist, one of the best things to do is to be able to build relationships. And that's how you get the best data and therefore that's how you get best practices and policies out there. And he was so supportive me going to school, you know, he's like, Hey, we need brown people in there. That's one thing I was not used to. Also cops were always like, "You're gonna, you're gonna end up in prison. You're going up in prison." They sent me to Scared Straight. I remember. And I didn't get Scared, right. What changed? What changed me was a really good teacher, ex-military guy, super nice with me, none of this military stuff. And then here I end up writing to this guy as an adult. And then when I moved here, again, doing a lot of the criminal justice work here, just meeting all these people in the in the system, and the vast majority of people wanting to do the right thing, but just not knowing how to do the right thing

Matt Rascon: For Prospero, focusing on community policing is one of the most important efforts in police reform.

Moises Prospero: Training how to work better with community, how to be a true community policing organization. And there is a misunderstanding out there among police departments as well as others that community policing means you have three or four officers, 8AM to 5PM, go and do community events, maybe go to a school, maybe go to a community council meeting. And hey, we did our thing. We did coffee with a cop. And that's not community policing. Community policing is a philosophy, where we are a partner with community, community leads, we are just part of that. We do not lead, the community does. And then we all bring in our information. And that is simple stuff. Like I stopped at the 7-11 and somebody was walking out. I said good morning to them. And I saw they were drinking coffee. I said, Hey, I'm getting some coffee too. Have you tasted a yet? What? Yeah, hope it's good. Simple things like that. Everyday, everyday and, and the literature shows that if you just do that, stop at random places every for 10 or 15 minutes. That reduces crime.

As a social science researcher, he says data is incredibly important to determine what efforts truly work. He told us Utah does a pretty good job at collecting data on the juvenile side, which is where his focus is. But for adults, we found the state doesn't currently have a system to track how many people are killed in police incidents every year, let alone demographic details. A spokesman for the Attorney General's Office says its very difficult to track all that data and the project fell by the wayside during COVID. He told us the office recently decided to concentrate on that again.

This is a huge topic. We aren't going to figure out in half an hour. Both Chief Burbank and Commissioner Prospero highlight the need for change in policing.
Communicating those needs…listening with empathy, and then doing something to make change happen.

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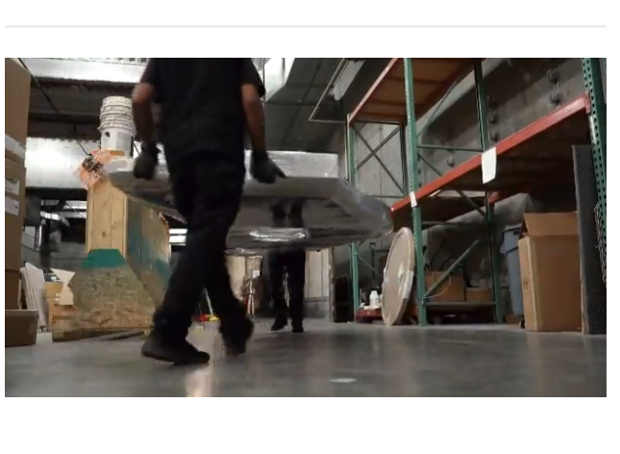

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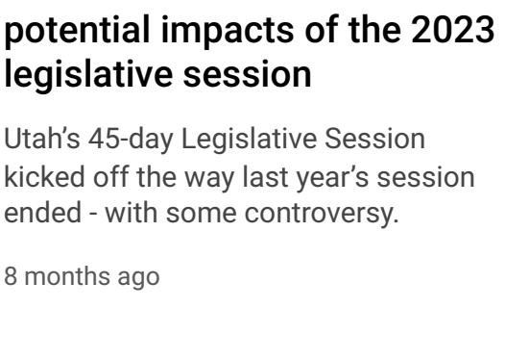

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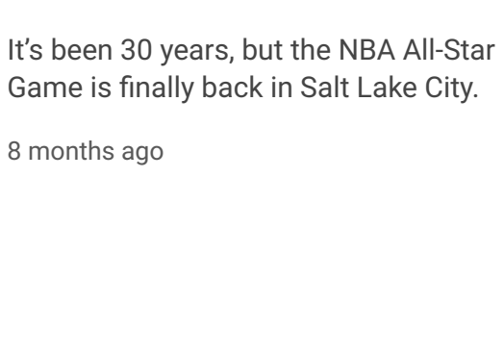

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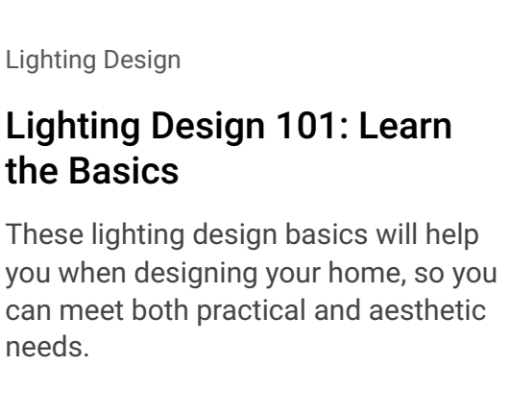

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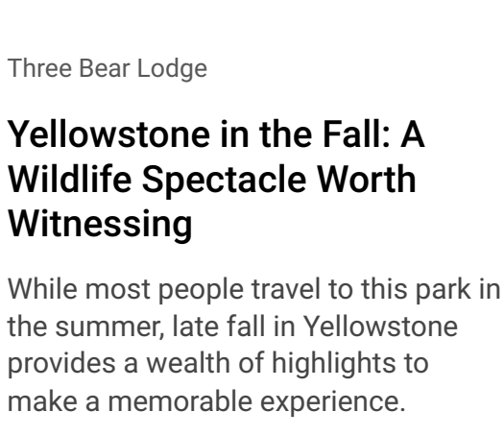

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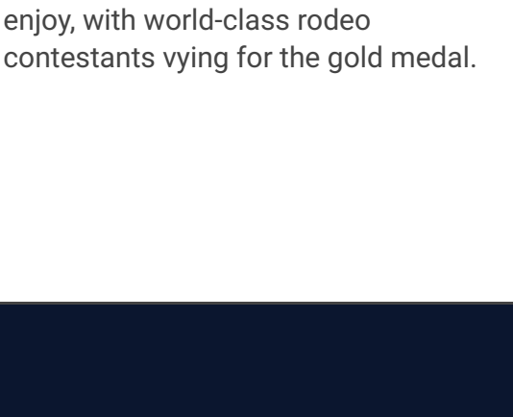

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