

No special duty: Podcast teach-in guide

Title: No Special Duty

URL: <https://www.wnycstudios.org/podcasts/radiolab/articles/no-special-duty>

Release date: October 2, 2020

Produced by: [WNYC Studios](#)

Length: 45 minutes

Rating: This episode contains strong language and graphic violence.

Synopsis: What are the police for? Producer B.A. Parker started wondering this back in June, as Black Lives Matter protests and calls to “defund the police” ramped up. The question led her to a wild story of a stabbing on a New York City subway train, and the realization that, according to the law, the police don’t always have to protect us. Producer Sarah Qari joins Parker to dig into the legal background, which takes her all the way up to the Supreme Court... and then all the way back down to on-duty officers themselves.

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Introduction & proposed agenda

This “No special duty: Podcast teach-in guide” is intended to help organize a teach-in based on [No Special Duty | Radiolab](#). By “teach-in” we mean (1) an event with (2) a shared experience (in this case a podcast) followed by (3) open dialogue and discussion.

Resources/materials needed for teach-in

- Venue, on-line or in-person
 - If in-person, amplification and internet connection (if podcast not downloaded) will be needed
 - Streaming the podcast should work for most, but if the host’s bandwidth might be an issue you might consider downloading the podcast to your computer before sharing your audio.
- This guide or similar to help guide discussion

Resources/materials suggested for teach-in

- Art & flyers to publicize event
- Sample announcement:
In light of the recent public conversation on policing/police accountability, we have organized a podcast teach-in and discussion for the Radiolab podcast episode entitled “No Special Duty.” This episode explores the myth that police have an obligation to protect anyone’s safety. It provides some specific legal context and history around that question. The event will be held on ... at ... and will be open to everyone. It is intended as a space to create conversation about policing/police accountability and ... Sign up here...
- Prior research on the status of your local policing/police accountability.
 - This is as simple as sending an email to your local police department, such as the one in the [Appendix](#).

General considerations

These general considerations are offered to help you run a smooth event on a topic that is, of course, highly charged. We do not have all the answers. Be safe. Be well. And please report back on your experience.

- Users of this guide are encouraged to frame their event as a “very basic introduction to policing accountability” or “policing/police accountability: 101.” The content of the podcast is in no way a deep dive into policing practices, police accountability, or justice. It is a best practice to be clear and up front with your intended audience.
- Consider the pros/cons of requiring pre-registration for your event. Pre-registration will help manage potential trolls but pre-registration has the potential of being exclusionary of people who genuinely want to participate in a positive way but do not want to give their personal information.
- Be clear about community agreements and exercising your power as facilitators to enforce the agreements and manage trolls (any person who violates ground rules/community agreements).

- What is your goal for hosting this event? What do you want people to walk away with?

Examples:

- Do more of their own research?
- Spread the word or tell others to listen to this episode?
- Sign a petition?
- Join a pressure campaign or get involved in an organization?
- Sign up for a second “more advanced” session on policing/police accountability?

Agenda (for a 2-hour event)

1. Welcome: 10 minutes
 - Set-up, sponsoring org intros, ground rules (notice that some of the content may be upsetting and that police might be in attendance, uniformed or not), content warnings from episode (sanist language, violence)
2. Podcast: 45 minutes
3. Break: 5 minutes
4. Discussion: 40 minutes
 - Reminder on community agreements, and that there will be room for expanded discussion
 - Additional content, definitions, etc.
 - Consider using “breakout rooms” of about 5-7 participants
 - [Discussion prompts](#)
5. Reconvene & share back: 10 minutes
6. Local resources & next moves: 5 minutes
7. Closing: 5 minutes

Discussion prompts

Go-around (not discussion):

- *How does the podcast make you feel?*
- *First impressions?*
- [These are just some options, feel free to add yours!]

Some discussion questions for small groups:

- *How did you feel after listening to this piece?*
- *What did you think police are for? What do you think now?*
- *How did this piece confirm or challenge your understanding of how police function in our communities?*
- *Remember the 4-point test for duty to protect? If we were ever in Joe Lozito’s (the man at the NY subway) or Jessica Lenahan’s (the woman in Castle Rock) situation, opposing attorneys*

could argue that because we listened to this podcast we know that police did not have to help us and we'd fail the 4th point of the test. How does that make you feel?

- Are you compelled by the argument at the end of the podcast, that:

“if the Constitution says the police must protect you, well, suddenly that's going to incentivize the police to be a lot more heavy-handed. Then we'd have to arrest for jaywalking, we'd have to arrest for an open container, we'd have to arrest for everything. You would have essentially a police state.”

- [These are just some options, feel free to add yours!]

Starting to wrap up:

- After listening, do you feel compelled to participate in any efforts in changing the way public safety works?
- What sort of local action would make sense given the context of this podcast episode?
- [These are just some options, feel free to add your own or call your local ROP organizer to brainstorm other ideas!]

Other resources/materials that might be useful

- [Why The Cops Won't Help You When You're Getting Stabbed](https://www.youtube.com/watch?v=jAfUI_hETy0), animated video on the Joe Lozito (man on NY subway) story that is mentioned in the podcast (https://www.youtube.com/watch?v=jAfUI_hETy0)
- [A toolkit and guide on building community capacity for non-police public safety alternatives](https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f/t/5b6aab5e1ae6cfd4011275e2/1533717358865/OPP_booklet_Jun2018_v2-3.pdf), from Oakland Power Projects (https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f/t/5b6aab5e1ae6cfd4011275e2/1533717358865/OPP_booklet_Jun2018_v2-3.pdf)
- [Up In Arms: A Guide to Oregon's Patriot Movement](https://rop.org/uia/) from ROP (<https://rop.org/uia/>)
- Do you have resources you would like to share with the network? Send them to Emma@rop.org!

Appendix: Researching the status of your local policing/police accountability

The following email was sent to the local police department, a few days later an officer called the sender and then sent the following written response.

Your experience may vary.

Email requesting information

TO: _____@corvallisoregon.gov, _____@corvallisoregon.gov

FROM: _____@gmail.com

SUBJECT: Does ___ PD have a special duty to protect people?

Hello,

My name is _____ and I live at _____. Recently on Oregon Public Broadcasting (<https://www.opb.org/>) I heard a nationally syndicated radio show about policing that, in general terms, says that police departments don't have a legal duty to protect people.

The radio show is Radiolab and the episode I'm referring to is "No Special Duty" (<https://www.wnycstudios.org/podcasts/radiolab/articles/no-special-duty>).

I'm not a lawyer, so can you please answer these questions for me:

1. Does your department have a special legal duty to protect people? If so, can you please send me the law or laws that say so?
2. What laws govern what your department is supposed to be doing or what they're not supposed to be doing? Can you please send me those law(s)?
3. Does your department follow the 4-point "special relationship" test mentioned in the episode (Castle Rock v. Gonzales, 545 U.S. 748)?

Thank you, in advance, for answering these questions for me! If you have any questions about this request please feel free to reply to this message.

Sincerely,

Police Department phone call

A few days after emailing the police department, a representative of the department called the sender of the email. Of note, the phone conversation:

- Started with the PD representative asking “why [the sender] was asking.”
- Lasted about 20 minutes, did not contain a specific answer to the questions on the email request, and ended with a commitment for an emailed response.

Police Department emailed response

Soon after the phone conversation, the PD representative responded with the following email. Of note, the referenced 458-page document is a policy document, not a law,

Dear _____,

Here is the link to the policy manual we discussed on the phone.

Let me know if you have any other questions,

<https://www.powerdms.com/public/Corvallis/documents/2231908>