



populardemocracy.org

802 Kent Avenue
Brooklyn, NY 11205

11 Dupont Circle, Suite 240
Washington, DC 20036

T 347-915-0432
F 718-228-9165

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President's Task Force on 21st Century Policing
US Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530
via email PolicingTaskForce@usdoj.gov

Policy and Oversight Listening Session Comment

Dear Co-Chairs Ramsey and Robinson, and members of the Task Force:

This comment is submitted on behalf of the Center for Popular Democracy (CPD). The Center for Popular Democracy is a national organization that works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD provides organizational, capacity and policy support for our partners across the country. We have deep partnerships with strong, effective racial justice, economic justice and immigrants' rights organizations, in close to thirty states, such as Make the Road New York, Communities United for Police Reform, Neighborhoods Organizing for Change in Minneapolis and others.

Most of our partner organizations are based in low-income communities of color. Because of the prevalence of police discrimination and mass criminalization in these communities we have been working on issues of criminalization and police accountability since our inception in 2012. CPD has been part of the campaign for police accountability in New York City, through our partner Communities United for Police Reform, Make the Road NY, and New York Communities for Change. We also have been working with the Organization for Black

Struggle and Missourians Organizing for Reform and Empowerment (MORE) in Ferguson to support their efforts to enact meaningful reform in the St. Louis area.

Based on our work across the country, and through collaborations with other national and local organizations, we have developed a series of best practices as well as federal and local recommendations. We believe if enacted these recommendations would not only increase transparency and accountability for local law enforcement but would also make communities safer. We write to share these recommendations with the Task Force.

The killing of Eric Garner, Mike Brown, John Crawford III and Ezell Ford in the span of four weeks this summer and the subsequent failure to hold any officers involved in those killings responsible resulted in nationwide protest and resistance. Community members in over two hundred cities across the country planned die-ins, walk-outs, acts of civil disobedience and protests demanding recognition, not only in rhetoric but in deed, that their lives matter. These killings, the vilification of the victims and the impunity reserved for the perpetrators, are not exceptional. They are reflective of an epidemic of state-sanctioned terror perpetuated against many black and brown communities through police violence and occupation, economic deprivation, incarceration, surveillance, and political isolation. According to woefully incomplete data by the Federal Bureau of Investigations a black person is killed on average of twice a week by law enforcement in this country.ⁱ This surpasses the estimated rates of lynching in the early decades of the 20th century.ⁱⁱ

The prevalence of state violence and the absence of accountability are indicative of the systematic devaluing and dehumanization of black and brown lives and the communities that cultivate them. In communities across the country the lack of transparency, accountability, and community input along with the surge of federal funds and federally supplied military equipment have created police cultures of impunity, violence and abuse. In many communities the police are seen as an occupying force and children as young as twelve are so demonized and dehumanized by the weight of racism and racial profiling, that they are viewed as targets to be shot on sight.ⁱⁱⁱ

The recent spotlight on police violence and the resulting national unrest has made clear that it is time to re-think both the practices and purpose of policing. Communities must be part of a collaborative process to determine what makes them safe. In our experience, the “broken windows” or “zero tolerance” philosophies of policing, which encourage officers to aggressively enforce low level and often non-criminal offenses, creates an atmosphere of fear and mistrust between communities and law enforcement. It also feeds systems of economic exploitation, where municipalities fund themselves by further exploiting the most vulnerable and depressed communities through targeted policing.^{iv} We believe that the outcries of countless communities, who have lived too long under the weight of mass incarceration and discriminatory policing, deserve more than cosmetic changes to policing practices. It is time for a fundamental shift in power that places the concerns and solutions of communities most affected by flawed policing practices at the center of policy-making. In addition to the recommendations below we believe key to such a shift is a divestment from militarized and punitive policing and an investment in communities, who desperately need more jobs, better schools and access to adequate housing, transportation and healthcare.

We submit to the Task Force both local and national recommendations. We recognize that policing is largely a local issue—in so far as many of the laws and regulations which control policing are implemented and monitored at the local level. However, throughout our history there have come times when local authorities' dismal and systemic failures to protect the life, rights and dignity of their residents created a moral and constitutional imperative for federal action. We saw this in the years after the Civil War and throughout the Civil Rights Movement of the 1960s. The systemic and unchecked brutality visited upon many black and brown communities by those deputized to protect and serve as well as the glaring hypocrisies of a system, which daily condemns countless black and brown people to prison for minor offenses and yet refuses to indict and allow for a public airing of facts when a police officer summarily executes unarmed black men, has created such a moment. The scope and severity of these issues require action by the federal government.

National Recommendations:

- **A comprehensive review by the Department of Justice into systematic abuses by police departments and the development of specific use of force standards and accompanying recommendations** for police training, community involvement and oversight strategies and standards for independent investigatory/disciplinary mechanisms for excessive use of force. These standards should include a Department of Justice review trigger when continued excessive use of force occurs.
- **Strict limits on the transfer and use of military equipment to local law enforcement.** The federal government should discontinue the supply of military weaponry and equipment to local law enforcement and immediately demilitarize local law enforcement, including eliminating the use of military technology and equipment.
- **A comprehensive federal review and annual reporting of discriminatory policing.** This should include a federal review of police departments' data collection practices and the development of a new comprehensive data collection system that allows for annual reporting of discriminatory policing data, including data on the rates of stops, frisks, searches, summonses, arrests and use of force by race, age, gender and reports of complaints against officers and disciplinary actions taken or not (number, level, how many officers). These standards should include a DOJ review trigger when continued discrimination occurs.
- **The development of a DOJ policy to withhold funds from local police departments engaged in discriminatory policing practices and conditioning of federal grant funds** to local police departments on the adoption of recommended DOJ trainings, community involvement and oversight strategies, use of force standards and standards for independent investigatory/disciplinary mechanisms.

- **The development and enactment of a National Plan of Action for Racial Justice by the Obama Administration.** The National Plan of Action for Racial Justice should be a comprehensive plan that address persistent and ongoing forms of racial discrimination and disparities that exist in nearly every sphere of life including: criminal justice, employment, housing, education, health, land/property, voting, poverty and immigration. The Plan would set concrete targets for achieving racial equality and reducing racial disparities and create new tools for holding government accountable to meeting targets.
- **Repurposing of Department of Justice (including COPS) funds to create grants that support and implement community oversight mechanisms and community based alternatives** to punitive law enforcement and incarceration—including community boards/commissions, restorative justice practices, amnesty programs to clear open warrants, and know-your-rights-education conducted by community members.
- **Requirement that all juvenile and criminal justice related legislation be accompanied by a racial/ethnic/gender/age impact statement** detailing any projected disproportionate impact on communities of color.

Local Policy Recommendations:

- **Enforceable bans against profiling** based on race, religion, national origin, housing status, sexual orientation, gender and gender identity/expression, immigration status, disability status, age, language and occupation.
- **The collection and publication of data** on the rates of stops, frisks, searches, summonses, arrests and use of force aggregated by race/age/gender of officer(s) and individual, as well as annual report of complaints against officers for misconduct and use of force and disciplinary actions taken.
- **The end of ‘War on Drugs’ tactics and practices**, which result in disproportionate contact between police and communities of color. This includes the decriminalization of marijuana and a de-prioritizing by local law enforcement of drug possession (in the choice to summons, arrest and prosecute).
- **The adoption of policies that mandate meaningful and binding community input** in determining the purpose, priorities and practices of local law enforcement. This may include empowered civilian complaint review boards, community advisory boards, community budgeting bodies and/or civilian commissions.

- **The development of amnesty programs** to clear low level criminal offense and traffic warrants.
- **The elimination of “broken windows”, “zero-tolerance” and other policing policies and practices**, which encourage discriminatory targeting and overly aggressive police encounters for minor offenses.
- **The limiting of police in schools**, outside of clearly defined emergency situations, and an end to school-based arrests for any misdemeanors or for any offenses which would be legal if they were adults.
- **The transfer of disciplinary authority from police departments to another entity**, which has clear and enforceable community input, decision-making mechanisms, and investigatory (including subpoena) power for any incident of alleged misconduct against community members.
- **Changes to internal departmental policies which measure officer’s performance** by the number of stops, summonses or arrests and the adoption of community based and civil rights friendly evaluation metrics.
- **Availability of federal and state grants to investment in communities most devastated by poverty and police abuse** in order to support job programs, affordable and non-exclusionary housing, community schools, restorative justice programs and community education programs.

ⁱ There is currently no accurate or comprehensive data documenting the number of police related deaths. This is because current statistics are self-reported and are not verified. Additionally, there is no enforcement mechanisms to ensure that the limited national mandates in place are followed (see The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141). See The Federal Bureau of Investigation Uniform Crime Reports. Available: [http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/offenses-known-to-law-enforcement/expanded-homicide/expanded homicide data table 14 justifiable homicide by weapon law enforcement 2008-2012.xls](http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/offenses-known-to-law-enforcement/expanded-homicide/expanded-homicide-data-table-14-justifiable-homicide-by-weapon-law-enforcement-2008-2012.xls)

ⁱⁱ Isabel Wilkerson, "Mike Brown's shooting and Jim Crow lynchings have too much in common." *The Guardian*. August 25, 2014. Available: <http://www.theguardian.com/commentisfree/2014/aug/25/mike-brown-shooting-jim-crow-lynchings-in-common>

ⁱⁱⁱ Twelve year old Tamir Rice was killed by police within seconds of the police arriving at the Cleveland park where he was playing.

^{iv} The funding of municipalities through summonses, fines and traffic tickets—disproportionately extracted from poor black and brown communities—is a disturbing phenomenon throughout the country. The dependence of municipalities on this source of revenue varies. In places like Ferguson, where there is not a steady source of municipal revenue, these funds sometimes make up over 30% of the cities funding. The practice amounts to a regressive tax, which uses the threat of incarceration and state violence. See Radley Balko, "How municipalities in St. Louis County, Mo., profit from poverty." September 3, 2014. *The Washington Post*. Available <http://www.washingtonpost.com/news/the-watch/wp/2014/09/03/how-st-louis-county-missouri-profits-from-poverty/>; Jonathan Blanks, "The NYPD's work stoppage is costing the city lots of money." January 7, 2014. Available: <http://www.washingtonpost.com/posteverything/wp/2015/01/07/the-nypds-work-stoppage-is-costing-the-city-lots-of-money-thats-great-for-new-yorkers/>