

Greetings esteemed panelists, commissioners, and colleagues. I am honored to be here. In such a historic time of mass civic participation, we have an incredible opportunity to right one of America's greatest wrongs. The problems before us are not new and the road before us is long. But with a solid commitment to address police misconduct and restore integrity and confidence in our criminal justice system, I know we can get there. On behalf of the more than 1 million ColorOfChange members nationwide, I thank you for the opportunity to contribute to this critical process. I also applaud and recognize the important steps the President and White House have taken in recent months in regards to police reform.

The tragic killing of 18-year-old Mike Brown by Ferguson Police Officer Darren Wilson has sparked a new, growing racial justice movement. More than 170 days later, courageous Black youth and Americans of all walks of life are still risking their lives and liberty to demand a more just America where law enforcement honors the rights and dignity of all communities.¹

We come here today embroiled in what can only be described as a national crisis of discriminatory police violence and a fundamental failure of the justice system. Millions nationwide doubt and mistrust law enforcement, as well as the ability of local, state, and federal prosecutors to investigate and hold individual officers accountable. We need this trust restored in order to advance structural changes to police departments to keep our communities safe. As I hear often from our members: Black and brown people in cities across America face the very real threat that they or one of their loved ones will be unjustly stopped, assaulted or killed by law enforcement.

The problems of policing are many — from the failed practices of Stop and Frisk and Broken Windows policing,² which institutionalizes racial profiling, to sexual abuse,³ illegal surveillance,⁴ unjust arrests,⁵ the killing of civilians,⁶ and mass incarceration.⁷ Misconduct and racial bias are embedded in policing practices and structures and culture with largely no effective, independent oversight or accountability. In order to create and enforce a higher standard of policing nationwide, we have to offer the following concrete reforms for the White House that relate to the focus of today's task force session:

- **Civilian oversight: we urge the expansion of strong, empowered state and local level civilian control over law enforcement nationwide.**^{8 9 10} There has been much research done into the criteria of effective civilian oversight boards, but general guidelines include strong political and public support, police cooperation, a proactive approach to identify underlying systemic problems with police and the comprehensive legal power to resolve said issues, as well as control over more than police misconduct, but police hiring and firing, policing priorities, and participatory budgeting as well.¹¹ We suggest that funding in part for the expansion of community-controlled and community-based policing come from the termination of all federal anti-drug grants.¹²

- **Influence of police culture: we urge the divestment of federal funding from police departments that demonstrate abuse of power and discriminatory policing, and the reinvestment of said funds into community-controlled policing and policing alternatives.**¹³ Endemic to police departments across the country is a culture of secrecy, impunity, profit-driven policing, violence and racial bias.¹⁴ Police unions play a large role in perpetuating this culture and maintaining a dangerous divide between law enforcement and common-sense policing reforms. The divestment of federal funds from law enforcement and subsequent reinvestment in civilian oversight and social services, such as mental health care and others that are proven to keep communities safe, has the potential to realign policing culture and priorities towards transparency, public accountability, racial equity and public safety.¹⁵
- **Disciplinary systems: we urge the mandating of Peace Officer Standards and Training (POST) Commissions in every state, as well as inter- and intrastate coordination between all POST commissions.**¹⁶ Law enforcement is one of the few professions without a regulated state-wide board in every state that is able to suspend or remove police licenses/certifications. Only 43 states have POSTs that are able to revoke an officer's license¹⁷ and there is no streamlined system that allows for communication between POSTs to prevent the rehiring of abusive police officers across state and city lines.¹⁸
- **Use of force: we also demand a national use of force matrix and a mandate that state and local police have clear and streamlined matrices.**¹⁹ A number of localities already use discipline matrices to create uniform mechanisms of accountability. In combination with effective enforcement and community oversight of law enforcement, federal streamlined matrices would be a significant step in the right direction for setting and enforcing a higher standard of police conduct.
- **Regarding mass demonstrations, free speech, and the use of military equipment: we demand an end to the 1033 program and similar federal initiatives that fuel police militarization.** The latest action by Attorney General Holder was a major step in the right direction, as was the White House's review of the 1033 program, but it is our view that both initiatives didn't go far enough.²⁰ The militarization of police brought about by the discriminatory and failed War on Drugs has consistently and systematically violated the first and fourth amendment rights of citizens.²¹
- **Civil rights enforcement: we urge President Obama to pass an executive order that reinforces and expands civil rights law and bans on discriminatory and violent policing.**²² There are plenty of civil rights laws on the books that, if enforced, could hold officers and police departments accountable for discrimination and unjust violence. But enforcement is not up to speed with the scale and size of the problem at hand.^{23 24}

- **Research and data collection: we urge the White House and Department of Justice to move forward a national database²⁵ on police use of force.²⁶** As of today, such a database does not exist, although recent congressional action²⁷ and leadership from Attorney General Holder²⁸ signals renewed commitment. But we cannot afford to wait another two or three years for this critical information that will allow federal officials to identify patterns of misconduct, hold individual officers and departments accountable when necessary, address the policies that incentivize police brutality, and implement reforms that allow law enforcement to do its job while respecting the lives and dignity of all communities.

I welcome the opportunity to work more closely with the administration in implementing the above-mentioned recommendations and thank you again for the opportunity to speak here today. Please find additional information on ColorOfChange's work in regards to this issue area below. I may be reached by phone or email at 646-573-3949 and rashad@colorofchange.org.

Best regards,
Rashad Robinson, Executive Director, ColorOfChange



Appendices:

ColorOfChange member comments regarding national crisis of police brutality:

https://s3.amazonaws.com/s3.colorofchange.org/images/ColorOfChangeNationalPolicingComments1-8-2015_name_abbr_with_comments-2015010.pdf

- *"Please stop the killings, Mr. President, of unarmed men and women."* Tammy K., Cleveland, OH
- *"As a childhood victim of police harassment I ask that our police force, which has been given tremendous power, also have a much higher standard of operating."* Richard S., Chicago, IL
- *"I pray for the opportunity to see and help raise my grandchildren. I can't see that dream fulfilled if my son becomes a victim of overzealous policing... my son has not been a casualty. Please help ensure he never will be."* Cicelli W., Moreno Valley, CA
- *"Justice is our country's highest priority. The rest of the world is watching to see if we fail at this basic premise of democracy. Please take action decisively and quickly."*--Leslie M., Everett, WA

120,000 signatures calling on federal government to implement systemic reforms:

<https://s3.amazonaws.com/s3.colorofchange.org/images/NationalPolicingReformDelivery.pdf>
https://s3.amazonaws.com/s3.colorofchange.org/images/merged_document.pdf

ColorOfChange campaign work related to national policing:

www.NationalPolicingReforms.org

www.EndPoliceAbuse.org

www.KilledByCops.org

www.JusticeForMikeBrown.org

www.JusticeForEricGarner.org

9 ways the federal government can help end police brutality

¹ In the past 5 months, more than 1 million ColorOfChange members and our allies have taken part in this growing movement and urged President Obama and the federal government to prosecute Darren Wilson and NYPD Officer Daniel Pantaleo for the killings of Mike Brown and Eric Garner, and to implement structural changes to address what can only be described as a crisis of violent and discriminatory policing. For more information please see: “More than 950,000 Signatures Delivered to White House Calling for Justice for Michael Brown and an End to Nationwide Crisis of Police Violence,” ColorOfChange 08-28-14

<http://colorofchange.org/press/releases/2014/8/28/brown-white-house-petition-delivery/>

² “Stop-And-Frisk Concerns Spread Nationwide,” Mint Press News 11-22-2013

<http://www.mintpressnews.com/stop-and-frisk-concerns-spread-nationwide/173205/>

³ According to the National Police Misconduct Reporting Project, 9.3 percent of complaints on police were regarding sexual assault. For more information please see, “Police Departments Ignore Rampant Sexual Assault by Officers,” TruthOut 06-02-2014 <http://www.truth-out.org/news/item/24677-police-departments-ignore-rampant-sexual-assault-by-officers>

⁴ “How NYPD Surveillance Could Affect Eric Garner Protesters,” ThinkProgress 12-06-2014

<http://thinkprogress.org/justice/2014/12/06/3600158/nypd-social-media-eric-garner-protests/>

⁵ “The New Jim Crow: Mass Incarceration in the Age of Colorblindness,” The New Press, Michelle Alexander, 2010 <http://goo.gl/ECcMyh>

⁶ “Killed By Cops,” ColorOfChange 10-12-14 <http://www.killedbycops.org/>

⁷ See reference 5.

⁸ Civilian oversight is reflective of core democratic values, including transparent, effective government that is accountable to the public. When implemented correctly, civilian oversight over law enforcement has the potential to increase police accountability and improve trust between police and the communities they are empowered to protect and serve. Of all government agencies, community control over law enforcement is particularly important due to law enforcement’s ability to use force and take away life and liberty. The more traditional practice of law enforcement and local prosecutors investigating police misconduct prevents the critical, independent oversight that is needed for truly effective policing and public safety.

⁹ “Civilian Oversight of Policing, Lessons from the Literature,” Vera Institute for Justice, May 5th-8th 2002

http://www.vera.org/sites/default/files/resources/downloads/Civilian_oversight.pdf

¹⁰ “Why It’s Impossible to Indict a Cop,” The Nation, 11-24-2014 <http://www.thenation.com/article/190937/why-its-impossible-indict-cop>

¹¹ See reference 9.

¹² “War on Drugs: Report of the Global Commission on Drug Policy,” Open Society Foundations and Global Commission on Drug Policy, 06-02-2011 <http://www.opensocietyfoundations.org/reports/war-drugs-report-global-commission-drug-policy>

¹³ “6 ideas for a cop free world,” Rolling Stones 06-14-2014 <http://www.rollingstone.com/politics/news/policing-is-a-dirty-job-but-nobodys-gotta-do-it-6-ideas-for-a-cop-free-world-20141216>

¹⁴ Police unions commonly regard any oversight or acknowledgement of misconduct as a threat to power, creating nearly insurmountable barriers to much-needed reforms. For more information see: “New York City’s largest police union thinks it’s under attack by de Blasio. It’s felt that way about every mayor,” Slate 12-2014 http://www.slate.com/articles/news_and_politics/politics/2014/12/nypd_killings_new_york_city_s_largest_police_union_thinks_it_s_under_attack.html

¹⁵ See reference 13.

¹⁶ POSTs are an effective, under-utilized form of addressing discriminatory and abusive policing, as they are an objective body removed from many of the corruptive influences that prevent local prosecutors from holding police accountable. For more information please see: “Revocation of Police Officer Certification,” Roger L. Goldman, Steven Puro, Prison Legal News 6-21-15

https://www.prisonlegalnews.org/media/publications/goldman_revocation_cert_for_police_misconduct_2001.pdf

¹⁷ The seven states without revocation authority are Hawaii, Indiana, Massachusetts, New Jersey, New York, Rhode Island and Washington.

¹⁸ See reference 16.

¹⁹ “Employee Disciplinary Matrix: A Search for Fairness in the Disciplinary Process,” Police Chief Magazine 10-2006

http://www.policchiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1024&issue_id=102006

²⁰ “More fallout from Eric Holder’s changes to civil asset forfeiture law,” Washington Post 1-19-15

<http://www.washingtonpost.com/news/the-watch/wp/2015/01/19/more-fallout-from-eric-holders-changes-to-civil-asset-forfeiture-law/>

²¹ “The War Comes Home: The Excessive Militarization of American Policing,” American Civil Liberties Union 06-2014 <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>

²² In addition to full enforcement of already existing federal prohibitions on discriminatory policing (Civil Rights Act of 1964 and 18 U.S.C. § 241, 18 U.S.C. § 242), we also recommend a fully-resourced and rigorous civil rights and criminal investigation by the DOJ into discriminatory policing, excessive force, and death or injury by police in every state in the country; and increased funding for the DOJ’s Office for Civil Rights to ensure additional, accessible state-level responders for police and other civil rights violations.

²³ An executive order could renew political commitment to ending discriminatory policing and restoring integrity to policing. The current crisis also calls for an expansion of the prohibition on police violence beyond the current race, color, national origin, sex, and religion. We urge a prohibition of discriminatory policing on the basis of race, color, ethnicity, religion, national origin, age, gender identity or expression, sexual orientation, immigration status, disability, and housing status.

²⁴ “America’s police departments need greater accountability. And it must come from outside the forces,” Slate 8-29-14

http://www.slate.com/articles/news_and_politics/politics/2014/08/policing_the_police_america_s_law_enforcement_needs_greater_accountability.html

²⁵ A comprehensive, streamlined, public national-level database of police shootings, excessive force, misconduct complaints, traffic and pedestrian stops, and arrests, broken down by race and other demographic data, with key privacy protections, including the exclusion of personally identifying factors and deportation immunity for civilians. Such data would also allow for more insight into a “rate of accountability,” how often police officers accused of unethical or illegal conduct actually face discipline and of what nature.

²⁶ The Attorney General is required to collect such data on police use of force by the Violent Crime Control and Law Enforcement Act of 1994 but according to media reports the latest report was issued in 2001.

²⁷ “Statement from ColorOfChange.org on Congress Passing legislation Requiring Police Departments to Keep Track of How Many People They Kill,” ColorOfChange 12-15-2014

<http://colorofchange.org/press/releases/2014/12/15/statement-colorofchangeorg-congress-passing-legisl/>

²⁸ “Eric Holder: Lack Of Police Shooting Data 'Unacceptable,’” Huffington Post 01-15-2015

http://www.huffingtonpost.com/2015/01/15/eric-holder-police-shootings_n_6479114.html