



## 10 Point Justice Plan



### **WRITTEN TESTIMONY AND RECOMMENDATIONS OF THE NATIONAL URBAN LEAGUE AND ITS CEO, MARC MORIAL, TO THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING**

The recommendations of the National Urban League correspond to the “10 Point Justice Plan” publicly released in December 2014.

#### **1. WIDESPREAD USE OF BODY CAMERAS AND DASHBOARD CAMERAS**

##### **RECOMMENDATIONS:**

- Pass Legislation to make the use of cameras mandatory for DOJ grant recipients, subject to appropriate standards and safeguards to ensure their effectiveness and to protect the privacy rights of citizens. For example, the “Camera Authorization and Maintenance Act (CAM Act), introduced in the 113th Congress by Representative Emanuel Cleaver.
- Safeguards recommended by the [American Civil Liberties Union](#) include: ensuring that all encounters are recorded, the public should easily know when they are recorded (e.g. a recording light), footage should be limited to authorized use and logged by officers.

**FEDERAL:**

Endorse the Obama Administration’s new Community Policing Initiative Body Worn Camera Partnership Program, which would provide a 50 percent match to States/localities that purchase body worn cameras and requisite storage. Overall, the proposed \$75 million investment over three years could help purchase 50,000 body worn cameras.

**STATE/COUNTY/LOCAL:**

Mayors, City Councils, and Police Chiefs should adopt policies that implement body and/or dashboard camera programs.

**RATIONALE:**

In the case of officer-involved homicides, there is no living injured party available to present his/her testimony to a jury. Body cameras may serve to provide necessary “objective” evidence of incidents.

Studies indicate that Body-Worn Cameras have improved the effectiveness of police operations by: (1) increasing transparency to the public; (2) helping resolve questions following an encounter between an officer and a citizen; (3) serving as a deterrent to misconduct; (4) allowing agencies to identify and correct larger structural problems within the department.<sup>ii</sup>

As a result, various stakeholders have called for the implementation of mandatory body cameras and dashboard cameras, including [US Conference of Mayors](#), a [coalition](#) of 14 national civil and human rights organizations and the [Coalition of Civil Rights Organizations on Police Reform](#). However, experts caution that – in the absence of appropriate safeguards – the use of body cameras could lead to significant [privacy concerns](#) that could offset available benefits.

## 2. **BROKEN WINDOWS REFORM AND IMPLEMENTATION OF 21ST CENTURY COMMUNITY POLICING MODEL**

**RECOMMENDATIONS:****FEDERAL:**

- Endorse the Attorney General’s position to eliminate broken windows reform as a policing model in favor of a [Smart on Crime Initiative](#) that focuses attention and resources on the most significant and severe crimes.
- Congress should reauthorize the Department of Justice [COPS](#) program with policies to strengthen community-engaged policing rather than policing that criminalizes the poor and people of color. For example, Senator Amy Klobuchar’s bill, S. 2254, the “COPS Improvements Act of 2014.”

STATE/COUNTY/LOCAL:

- Mayors and Police Chiefs should embrace a community policing model of law enforcement, and provide visible leadership to bring communities together to support this new approach.

**RATIONALE:**

The broken windows model calls for heightened policing in communities evidencing visible neglect (e.g. broken windows, yet has been found to be not only ineffective in reducing crime, but contributing to the exacerbation of mistrust between communities and police officers. In fact, studies find that broken windows policy overcriminalizes the poor and homeless, covers racist behavior and targets communities of color. Instead, evidence shows that proactively and comprehensively engaging communities in policing practices yields positive results in crime reduction and the building of trust between law enforcement and citizens.

**3. REVIEW AND REVISION OF POLICE USE OF DEADLY FORCE POLICIES****RECOMMENDATIONS:**

- Develop a best practices “Use of Deadly Force Policy.”<sup>lii</sup> Revise training and accountability measures to match the policy that is transparent to all law enforcement, and citizens.

FEDERAL:

- Federal Law Enforcement Agencies should lead by example by following a best practice “Use of Deadly Force Policy.” This includes the FBI, DEA, ATF, IRS, as well as Border and Customs Patrol Officers.

STATE/COUNTY/LOCAL:

- Comprehensive review of current “use of deadly force policies” in effect to ensure that it matches the best practices “Use of Deadly Force Policy” above, and officers have the appropriate training to properly manage a situation.

**RATIONALE:**

Recent reviews, such as the Police Executive Research Forum (PERF) review of the U.S. Customs and Border Protection Agency (CBP) and the Department of Justice’s (DOJ) ongoing review of the Cleveland Police Division (CPD) both found that “structural and systemic deficiencies and practices—including insufficient accountability, inadequate training, ineffective policies and inadequate engagement with the community contribute to the use of unreasonable force.”<sup>liii</sup>

#### 4. COMPREHENSIVE RETRAINING OF ALL POLICE OFFICERS

##### RECOMMENDATIONS:

- Comprehensive review and redesign of basic training curriculums to integrate implicit and explicit racial bias training at all ranks of law enforcement.

##### FEDERAL:

- Endorse legislation that ties federal funding streams to local law enforcement to a robust training that includes explicit and implicit racial bias training

##### STATE/LOCAL:

- Redesign training programs for police officer, and continuing education for law enforcement, curricula to include mandatory racial bias training.

##### RATIONALE:

Experts have suggested racial bias training is essential as a part of ongoing professional development.<sup>[iv]</sup> In cases where there have been incidents of police misconduct, a remedy by the Department of Justice's consent decrees has been the training of officers, which has grown to include implicit and explicit racial bias. One of the first cities to address the training of officer in its descent decree was Cincinnati.<sup>[v]</sup> It has been reported that Cincinnati is a national model.<sup>[vi]</sup> Moreover, in a study of the U.S. Department of Justice's investigation into local law enforcement, it has been argued that the key reforms for a police department to avoid a federal investigation are to have strong policies, ensure the policies are followed, and to have strong management and supervision of the measures.<sup>[vii]</sup>

#### 5. COMPREHENSIVE REVIEW AND STRENGTHENING OF POLICE HIRING STANDARDS

##### RECOMMENDATIONS:

- Develop and require the adoption of best practices of national minimal standards for police hiring and an accompanying national database of officers who have been hired in accordance with these standards.
- Officers that are fired from policing should not practice policing again. The Task Force should consider whether there should be a lifetime ban by taking into consideration what led to the firing.
- Require the use of the Implicit Association Test (IAT) as one of several mental tests officers are required to take. The IAT is a methodologically sound instrument as shown by nearly a decade of research.<sup>[viii]</sup>

**STATE/LOCAL:**

- The variations in standards and procedures in hiring police officers make it difficult to review whether an officer has met standards if he/she should choose to move to another jurisdiction. This could be minimized if states simply shared the same minimal standards and a database of candidates that have passed these standards. As such, officers can move from state to state and have met the same standards, and not be required to spend precious dollars on going through the tests again in a new jurisdiction.

**RATIONALE:**

There is much variation on how each department implements their hiring policies and which policies they include. National hiring standards based on strong best practices will help ensure high quality police officers in every city.

#### **6. APPOINTMENT OF SPECIAL PROSECUTORS TO INVESTIGATE POLICE MISCONDUCT**

**RECOMMENDATIONS:**

- Endorse state legislation that authorizes a judge or an independent body to appoint a neutral, special prosecutor when circumstances dictate that the local prosecutor is not best suited to carry out a fair and impartial investigation.

**FEDERAL:**

- Rely on the Spending Clause to condition the acceptance of federal law enforcement grants upon the state's adoption of special prosecutor laws in cases relating to the use of deadly force against citizens

**STATE/COUNTY/LOCAL:**

- Each state should enact legislation expressly allowing the use of a special prosecutor in cases of police use of deadly force.

**RATIONALE:**

In the aftermath of the officer-involved killings involving Michael Brown, Eric Garner, Tamir Rice and others, there has been community outcry requesting the appointment of special prosecutors to address real or perceived conflicts of interest between local prosecutors and the police force with whom they partner to administer cases before the court.<sup>[ix]</sup> Since criminal justice and policing power is maintained by States, state laws are needed.<sup>[x]</sup>

## 7. MANDATORY, UNIFORM FBI REPORTING AND AUDIT OF LETHAL FORCE INCIDENTS INVOLVING ALL LAW ENFORCEMENT

### RECOMMENDATIONS:

- We call for strong enforcement of the *Death in Custody Reporting Act*, which “requires states that receive DOJ grant dollars to report to the Attorney General on a quarterly basis certain information regarding the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison”, <https://www.govtrack.us/congress/bills/113/hr1447/text>.
- In addition, we urge the bill be amended to include not only police-involved deaths, but all police-involved shootings.

### FEDERAL:

- Authorize and appropriate the necessary funding to carry out the mandates of the Death in Custody Act and amend the bill to include police-involved shootings, not just police-involved deaths.

### STATE/COUNTY/LOCAL:

- State and local governments should lead strong efforts to comply with this new legislation, provide technical and other assistance as needed to bring all departments onboard and begin to collect and record its own records related to all police-involved shootings.

### RATIONALE:

While the FBI’s Uniform Crime Report indicates there have been approximately 400 “justifiable police homicides” each year since 2008, the Gun Violence Archive indicates there were over 3,000 police-involved shootings in 2014, alone. Currently there is no uniform, mandatory federal database that tracks all incidents of police-involved shootings of citizens, as a result the public lacks sufficient information to assess the true scope of the problem, or identify problematic departments and/or individual officers.

## 8. CREATION AND AUDIT OF NATIONAL CITIZEN DATABASE OF COMPLAINTS AGAINST POLICE

### RECOMMENDATIONS:

- Enact an Executive Order or pass additional legislation creating a national database for citizen complaints. Require city, local and state police departments to adopt and follow the International Association of Chiefs of Police’s (IACP) “*An Internal Affairs Promising Practices Guide for Local Law Enforcement*” (Guide), <http://www.theiacp.org/portals/0/pdfs/BuildingTrust.pdf>, to address every aspect of the

Internal Affairs process, “from complaint processing to decision-making, discipline, notification, and community transparency”<sup>[xi]</sup>.

- Enact an Executive Order or pass additional legislation requiring city, local and state police departments to allow for citizen involvement in the review of alleged police misconduct to reassure the community of the accountability of the department. This can include: 1) citizen review of every aspect of citizen complaints; 2) citizen review of police determinations of citizen complaints; 3) citizen review of appeals of determinations of citizen complaints; and 4) citizen audits of the process police use to adjudicate citizen complaints, among other means to encourage citizen-involvement.<sup>[xii]</sup>

#### FEDERAL LEVEL

- Enact an Executive Order or pass additional legislations creating a national database for citizen complaints, requiring city, local and state police departments to adopt and follow the IACP Guide for Internal Affairs procedures.

#### STATE/COUNTY/LOCAL:

- City, local and state police departments should adopt and follow the IACP Guide to ensure uniform Internal Affairs processes nationwide. In addition city, local and state police departments should allow for citizen-involvement in the review of alleged police misconduct

#### **RATIONALE:**

The manner in which citizen complaints are collected, tracked and investigated varies by department. In most cases, the adjudication and outcome of citizen complaints are not available to the public, thereby preventing access to information about problematic officers and departments and eroding public trust. According to the June 2006, *Bureau of Justice Statistics Special Report*, “Estimates from the 2002 Police-Public Contact Survey indicated that although 75% of citizens experiencing force thought the level of force used was excessive, [only] about 10% filed a complaint with the agency employing the officer(s).”<sup>[xiii]</sup>

#### **9. ADOPTION OF NATIONAL POLICE ACCREDITATION SYSTEM FOR MANDATORY USE BY LAW ENFORCEMENT TO BE ELIGIBLE FOR FEDERAL FUNDS**

#### **RECOMMENDATIONS:**

- Endorse the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) as the official police accreditation body for the nation. Mandate that every local, county and state law enforcement agency be accredited by CALEA as a condition for receiving federal funds, and move in this direction over a five year period, to provide an opportunity for careful implementation of this requirement.

## FEDERAL LEVEL

- Mayors provide guidance to all local, county and state law enforcement agencies on the benefits of CALEA accreditation and support conditioning federal funding on obtaining accreditation.

## STATE/COUNTY/LOCAL:

- Currently, only approximately 1000 of the 18,000 local, county and state law enforcement agencies are accredited by CALEA, and mayors and police chiefs must lead this approach in an effort to improve local policing to the highest standards.

## **RATIONALE:**

There is currently no mandatory national law enforcement accreditation system for the 18,000 local, county and state law enforcement agencies. The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)'s Accreditation Programs are considered the "Gold Standard" for law enforcement accreditation. The purpose of CALEA's Accreditation Programs is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

CALEA<sup>[xiv]</sup> was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations:

- International Association of Chiefs of Police (IACP);
- National Organization of Black Law Enforcement Executives (NOBLE);
- National Sheriffs' Association (NSA); and the
- Police Executive Research Forum (PERF).

## **10. NATIONAL COMPREHENSIVE ANTI-RACIAL PROFILING LAW**

### **RECOMMENDATIONS:**

- Urge Congress to swiftly enact the End Racial Profiling Act (ERPA). The National Urban League has consistently supported this bill. Urge states and local governmental entities to adopt anti-racial profiling legislation modeled on the End Racial Profiling Act pending congressional action.

## STATE AND LOCAL:

ERPA is the most comprehensive anti-racial profiling bill advocated by the civil rights community that has reach at the federal, state and local levels, and by embracing the law, mayors and police chiefs will help to improve public confidence in local, and state law enforcement.



## RATIONALE:

Racial profiling involves the unwarranted screening of certain groups of people, assumed by the police and other law enforcement agents to be predisposed to criminal behavior. Multiple studies have proven that racial profiling results in the misallocation of law enforcement resources and therefore a failure to identify actual crimes that are planned and committed. Relying on stereotypes rather than proven investigative procedures needlessly harms the lives of innocent people harmed by law enforcement agencies and officials.

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[i] Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned. Washington, DC: Office of Community Oriented Policing Services. <http://ric-zai-inc.com/Publications/cops-p296-pub.pdf>.

[ii] See, U.S. Department of Homeland Security, *U.S. Customs and Border Protection, U.S. Customs and Border Protection Use of Force Reviews, Recommendations and Next Steps*, May 2014. Retrieved at <http://www.cbp.gov/sites/default/files/documents/Use%20of%20Force%20Two%20Pager-FINAL.PDF> (Last Accessed February 2, 2015).

[iii] U.S. Department of Justice, Civil Rights Division, United States Attorney's Office Northern District of Ohio, *Investigation of the Cleveland Division of Police*, p.1. December 4, 2014. Retrieved at (<https://s3.amazonaws.com/s3.documentcloud.org/documents/1375209/u-s-department-of-justices-investigation-into.pdf>) (Last Accessed February 2, 2015). See also, The Police Executive Research Forum, *U.S. Customs and Border Protection: Use of Force Review: Cases and Policies*, February 2013. Retrieved at (<http://www.cbp.gov/sites/default/files/documents/PERFReport.pdf>) (Last Accessed February 2, 2015).

[iv] Petition, *Washington Post* (Aug. 2014) <http://www.washingtonpost.com/wp-srv/ad/public/static/letter/>

[v] Police Executive Research Forum, "Civil Rights Investigation of Local Police: Lessons Learned," (July 2013) [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf)

[vi] Schaffer, Cory "Past DOJ police edicts offer glimpse of Cleveland's future," *Cleveland.com* (June 2014) [http://www.cleveland.com/metro/index.ssf/2014/06/cleveland\\_police\\_doj\\_investiga.html](http://www.cleveland.com/metro/index.ssf/2014/06/cleveland_police_doj_investiga.html).

[vii] Police Executive Research Forum, “Civil Rights Investigation of Local Police: Lessons Learned,” (July 2013)

[http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf)

[viii] <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/03/2014-implicit-bias.pdf>

[ix] See Joel Rose, NPR, “Should Special Prosecutors Investigate Killings By Police?”, December 15, 2014, Retrieved at (<http://www.npr.org/2014/12/15/370878778/should-special-prosecutors-investigate-killings-by-police>) Last Accessed February 12, 2015).

[x] See Jack Maskell, Congressional Research Service, *Independent Counsels, Special Prosecutors, Special Counsels, and the Role of Congress*, June 20, 2013. Retrieved at (<http://fas.org/sgp/crs/misc/R43112.pdf>) (Last Accessed February 12, 2015).

[xi] *An Internal Affairs Promising Practices Guide for Local Law Enforcement*, International Association of Chiefs of Police, pg. 3, <http://www.theiacp.org/portals/0/pdfs/BuildingTrust.pdf>

[xii] Id at pg. 31

[xiii] *Bureau of Justice Statistics Special Report, June 2006, US Department of Justice, Office of Justice Programs*, pg.4, <http://www.bjs.gov/content/pub/pdf/ccpuf.pdf>

[xiv] **About the Commission:** <http://www.calea.org/content/commission>; **The Board of Commissioners:** <http://www.calea.org/commissioners/current/board-list>; **Law Enforcement Accreditation:** <http://www.calea.org/content/law-enforcement-accreditation>

- Standards: <http://www.calea.org/content/law-enforcement-program-standards>
- Benefits: <http://www.calea.org/content/law-enforcement-program-benefits>
- Cost: <http://www.calea.org/content/law-enforcement-accreditation-cost>
- Eligibility: <http://www.calea.org/content/law-enforcement-program-eligibility-criteria>
- Process: <http://www.calea.org/content/law-enforcement-program-process>