



SOLUTIONS & ACTIONS TO

Create Fair and Effective Policing Practices

To work for all of us, policing practices should ensure equal justice and be supported by evidence. These practices should be rooted in human rights principles and recognize the importance of maintaining a good relationship between communities and police. Nonetheless, some police departments have a history of policing in inequitable ways that frequently alienate and actively harm low-income communities and communities of color. Some police departments rely upon practices that have questionable effectiveness at decreasing crime and proven effectiveness at alienating communities. With the rise of the Movement for Black Lives and Black Lives Matter, and the spate of police-involved shootings, the need for police reforms that foster positive community and police relations is critical.

Policing practices should not include nor allow for profiling, including profiling based on an individual's perceived immigration status. This is particularly important because of the harsh consequences to immigrants involved in the criminal justice system. To address these issues, policing must have a clear commitment to human rights, adhere to the mandates of a national use of force guide, and promote accountability measures that include criminal and civil lawsuits, as well community accountability measures.

1. Create National Use of Force Guidelines

Congress and/or the Department of Justice should issue a National Use of Force Handbook, which outlines recommendations that are consistent with constitutional and statutory obligations and the Police Executive Research Forum Use of Force Principles¹. Applicants for federal funds should be required, or encouraged, to comply with these guidelines in order to receive funding.

2. Hold Police Departments Responsible for Negligence

To promote accountability, local, state, and county legislatures should pass legislation that requires police departments to pay half the amount of civil judgments that stem from police misconduct lawsuits. Where insurance companies pay for the civil judgments from police misconduct lawsuits, legislatures should allow insurance claims to seek compensation from police departments that should have known that the police officer(s) in question would use excessive force. Furthermore, legislatures should provide a negligent hiring cause of action against police departments for employing an officer who the department should have known is likely to engage in excessive force.

TRANSFORMING THE SYSTEM

3. Screen for Implicit Bias and Aggression

State legislatures should pass legislation that “requires current and prospective police officers to undergo mandatory implicit racial bias testing, including testing for bias in shoot/don’t shoot decision-making, and develop a clear policy for considering an officer’s level of racial bias in law enforcement certification, the hiring process, performance evaluations, and decisions about whether an officer should be deployed to communities of color.”² Candidates for police officer positions should also be required to pass psychological testing that screens out candidates who display a proclivity for aggression and violence.

4. Focus on Problem-Solving Approaches to Policing

Police departments should rely upon collaborative approaches that respect the dignity of individuals within the community; focus on problem-solving; and are generally more community-centered and build community trust. Tactics might include relying upon the use of structural and environment strategies to reduce crimes, such as adding lighting in hot spot areas, securing abandoned buildings, and building partnerships with community members to address specific crimes. The widespread and systematic use of increasing police-civilian encounters through stop, frisk, and questioning, misdemeanor arrests, tickets, and summonses for less serious offenses should be prohibited

5. Encourage Consistent Monitoring and Screening

Police departments should create early warning systems for detecting patterns of behavior, such as complaints filed against officers or personal hardships like divorce, which indicate potential vulnerabilities for the officer and the department. The primary purpose of such systems is not to punish but to provide counseling to officers so as to reduce their level of risk as well risk to residents and communities.

6. Use Video Recording to Promote Accountability

Legislatures should require that police interrogations be electronically recorded “during the time in which a reasonable person in the subject’s position would consider [them]self to be in custody and a law enforcement officer’s questioning is likely to elicit incriminating responses.”³ If video recording is used, the camera should record both the interrogator and the person being interrogated. Police officers should wear body worn cameras with applicable privacy protections including creating protocols that require that cameras remain activated and guard against the tampering of footage.

7. Enhance Legal Accountability

State legislatures should pass legislation to promote accountability in policing by mandating standards for police union contracts that foster police compliance with civil and human rights standards. Legislatures should pass legislation that limits a police officer’s ability to invoke qualified immunity against charges of excessive force, and Congress should amend the state of mind required to hold a police officer under 18 U.S.C. 242 from “willful” to “reckless.”

8. Keep Immigration and Policing Systems Separate

Lawmakers should renew our commitment to international human rights; eliminate unworkable collaborations between local law enforcement and immigration authorities; and protect the human rights of families and children who migrate.

9. Stop Militarizing Law Enforcement

Congress should adopt and implement the Stop Militarizing Law Enforcement Act of 2015, H.R. 1232, which has been introduced to the House and prohibits the transfer of military equipment that is not suitable for law enforcement purposes by the Department of Defense.

10. Provide Demographic Data

The Department of Justice (DOJ) should require that law enforcement agencies provide disaggregated demographic data on police interactions with individuals and communities in all funding applications, including data on searches, stops, frisks, searches, summonses, tickets, arrests, and complaints.

¹ POLICE EXECUTIVE RESEARCH FORUM, GUIDING PRINCIPLES ON THE USE OF FORCE (Jan. 29, 2016).

² *Training*, Campaign Zero, <http://www.joincampaignzero.org/train> (accessed 27 June 2016).

³ *False Confessions & Recording of Custodial Interrogations*, The Innocence Project, August 12, 2015, <http://www.innocenceproject.org/free-innocent/improve-the-law/fact-sheets/false-confessions-recording-of-custodial-interrogations#sthash.HzqqPHf5.dpuf>.