

A  
**Teachers 4 Social Justice**  
**Critical Policy Paper**

**Solutions to Police Brutality-**  
**Ending Murder in the Name of the Law**

We write this critical policy paper to address the current political context and historical moment of police officers murdering people of color, including immigrants, people with disabilities and other members of marginalized groups in the name of the law. Be it out of fear, incompetence, hate or just following orders and training, the current system is unable to be critical and reflect on its own behaviors and patterns in order to provide truth, justice or reconciliation to affected communities when harm is done. This recent wave of killings has brought to the fore several questions and realities that need to be addressed.

Reality Check #1: This visible and current level of police brutality is nothing new in the experience of people of color within the United States. There is a relationship of fear and violence between the police and the multitude of Black and Brown communities of color that is persistent and pervasive. This dates back from the time of plantation slave overseers to today's school resource officers. The police force has been handmaidens to racism that is both systemic and community based.

Critical Question: How do we acknowledge and learn from history in order to deepen our understanding of the current political context? How do we use that understanding to create new relationships and stories, and find ways to heal and bridge the experience and the stated intention of law enforcement agencies, while acknowledging this as a relationship that neither group can avoid or leave?

Reality Check #2: The same realities of abuse and disproportionality of negative outcomes and interactions for communities of color are consistent across the institutions of schools and law enforcement. They have a relationship that feeds one another. Some refer to this as the school to prison pipeline, but it is much deeper than that. In the spheres of education and law enforcement, majority white power figures terrorize and ultimately have a negative relationship with communities of color driven by fear, earned mistrust and learned hatred. In Jan. 2014 the U.S. Department of Education Office of Civil Rights and the U.S. Department of Justice Civil Rights Division issued a "Dear Colleague Letter" as guidance on Non-Discriminatory Administration of School Discipline. This same letter that turned a critical eye on the institution of schools could also directly be applied to law enforcement institutions, as their patterns of behavior and outcomes manifest similarly across communities.

Critical Question: Given that law enforcement and schools with their majority white agents, have similar institutional relationships with people of color, could some of the solutions and alternatives that have benefited and been transformative for schools also benefit law enforcement?

Reality Check #3: There is no lack of good ideas about how to improve law enforcement or a lack of knowledge about what is going on. Volumes of data and research, conducted at multiple levels have sought to address police brutality and the abuse of power by law enforcement. But the fact remains that there is little change in the culture of law enforcement and its relationships with people of color.

Critical Questions: What is it about the culture of law enforcement that remains immutable and what has been effective in bringing about transformation within the culture of law enforcement? According to the research, what results in changes to the relationships between institutions and communities of color? What are communities saying is needed to change this dynamic? Which institutions have good or positive relationships with Black and Brown communities of color and how can we learn from that to help transform the relationships between law enforcement and those communities?

It is in this spirit that we offer the following solutions that we call our “C.A.R.E. Plan for Law Enforcement”. This plan is to benefit our communities and those we trust and empower with our safety, and to begin the process of restoring trust and accountability:

- C.ontinuous professionalization of the police and other law enforcement agencies
- A.lternative (non-lethal) Armaments for Police (Including new command structure for authorization of lethal force)
- R.egular and Ongoing Mental Health Checks & Relief for PTSD, Racism and Bias
- E.nforcement of constitutional rights to due process

### **Continuous Professionalization of the police and other law enforcement agencies:**

As a society, it is in our best interest to have a highly educated and well trained police force capable of handling a variety of situations and a diversity of peoples in the best way possible while upholding the values of life, liberty and law. It is important that those whom we allow to serve our communities in a way that materially impacts the safety, well-being and life of the community have higher education, and a history demonstrating the ability to use sound judgement, scholarly thought and discipline as they perform their service. If one can carry weapons, exercise judgement to determine guilt or suspicion in the name of the law, and can bring the weight of the American judicial system down upon a person, that individual must be well educated, knowledgeable, determined to be of strong ethical and moral character and show good mental health to engender that level of trust and responsibility from our communities. Therefore, we offer the following solutions:

- Minimum requirement of Bachelor of Arts at an accredited 4 college or university for all field officers, agents, detectives and weapon carrying and supervisory personnel.
- Service learning in schools (working out of uniform in public schools as a tutor or mentor, as well an annual community project in their stationed area).
- Regular, ongoing professional development in: ethics, de-escalation, basic mental health & trauma indicators and de-escalation techniques, restorative practices, cultural competency/ethnic studies.
- Ongoing Multi-lingual and Multi-cultural non-verbal communication training given by the community where they work.
- Ongoing Self-Defense/Martial arts training to improve hand to hand fighting grappling and restraining techniques that are safe and effective.
- Creation of a public commission on Professional Practices of Law Enforcement to investigate allegations of misconduct by law enforcement personnel, while protecting people from retaliation for bringing grievances. This public commission would replace the Office of Citizen Complaints with a team of community based/civilian investigators from the jurisdiction of that officer in question, who shall review the allegations and may recommend adverse action against law enforcement personnel. The Commission votes whether to adopt the recommendations of the investigators. Law enforcement

misconduct can be reported by employing agencies, local elected officials, school personnel, the public and self-reported on applications for credentials issued by the Commission. All state and local mandatory reporting laws are applied, similar to Child Protective Services, for abuse of power or known bias or prejudice. Law enforcement agencies must understand their civil rights obligations and strive to ensure fairness and equity for all citizens by continuously evaluating the impact of their policies and practices on all citizens using data and analysis. (See the U.S. Department of Justice & Education Guidance on School Discipline Policies)

- The commission will consider statistical data as part of a wide ranging examination of evidence, to reveal patterns of discrimination and have the power to restructure and make policy change within the police department.

### **Alternative (non-lethal) Armaments for Police Officers**

We believe that there are many effective non-lethal weapons that will allow law enforcement to fully carry out their duties while protecting and serving the community. We also believe that police use of lethal weapons results to positioning law enforcement officers as judge, jury and executioner based on their fear, prejudice or heightened emotional state (See constitutional section of CARE plan). We also know that there are some situations that require lethal armaments to be utilized in a timely manner to protect people, however, these moments are infrequent and we believe that if someone is to take a life at all it is only after careful consideration of the situation and evidence to determine if lethal force should be utilized. It is not something that should be done lightly or in the moment. We do not search peoples' homes without a warrant or consent and we should not have any less of a standard for taking someone's life. We reject the notion of use of lethal force as self-defense when you enter a situation armed, acting on the behalf of the state and with a variety of non-lethal options available to de-escalate or end the conflict without lethal harm coming to yourself or others. We offer the following solutions:

New command structure that requires authorization for use of lethal force and lethal armaments on a case by case basis. Officers would not be authorized to shoot to kill unarmed suspects or anyone unless they are fired upon or are responding to a weapons discharge and have met these criteria:

- identified that the shooter remains armed and
- has determined that the weapon has been discharged
- and other diplomatic/de-escalation solutions have been tried.

Standard issue uniform and weapons for police officers would only include non-lethal armaments in the normal function and carrying out of their duties (e.g. tasers, pepper-spray, rubber bullets, batons, etc.)

Police are never authorized to kill for non-capital offenses (e.g. jay walking, running, protecting property, stealing, drug use, resisting arrest, bad talk, disrespectful speech or conduct, belonging to any specific racial, ethnic, gender, ability, lifestyle or religious group etc). Capital offenses are defined as murder, genocide, and physical harm being done to someone who is unable to fight back.

### **Regular Mental Health Check-Ins & Screenings for PTSD, Racial Bias and Discriminatory Practices**

We believe the mental health of our law enforcement personnel is of the utmost importance. We understand the job itself puts incredible amount of stress and pressure on law enforcement officers and can create a host of

mental health concerns, which can have an adverse affect on judgement, decision making, critical thinking and the health of the officer. We also believe that many officers have limited experience within the communities they interact and the diversity of people who live there, leading to unnecessary escalations of conflicts sometimes resulting in the unintended death or injury of a person. These deaths and injuries could be avoided if the officer was familiar with the culture or language of the person(s) involved. In addition to the regular professional development we offer the following solutions:

- Monthly meetings (individual and group) with community based mental health services to help manage emotions and trauma.
- regular PTSD and trauma screening for law enforcement personnel
- Public and on-going data collection (every six months) of arrest, stops, and other public interactions/conflicts for each law enforcement officer, precinct/station and local law enforcement agency presented at a public hearing to the police commission and city government. The data should be disaggregated by racial, ethnic, gender, ability, religious groupings, etc.
- The data of an individual officer should be shared with the officer, his supervising officer and a community based counselor to discuss profiling trends and create an individual plan to support the officer in ensuring equity in his enforcement and participation in the community. Community based organizations from impacted communities should be included in the process.
- All data should be shared with the public commission on Professional Practices in Law Enforcement to further investigate and take action based on the finding of the data.

### **Enforcement of constitutional rights to due process -- Black Lives Matter is in the U.S. Constitution!**

*“[N]or shall any State deprive **any person of life, liberty, or property, without due process of law**”*

*---United States Constitution- 5th & 14th Amendment*

We believe that due process rights are essential to having justice in our judicial system. The serial killing of unarmed people of color in the cases such as Oscar Grant, Alex Nieto, Trayvon Martin, Tamir Rice, Michael Brown, Eric Garner, etc. (the list is hella long!), is wrong and reprehensible. However, these murders in the name of the law, sanctioned and condoned by the civil grand jury process, the district attorney and internal law enforcement accountability structures, have pointed out a significant loophole in our law enforcement policies. It violates the constitutional rights of due process for each of these murder victims.

It is a violation an individual’s rights and of due process for a law enforcement officer of questionable education, training and mental stability to be allowed to execute people (even accidentally) without substantial and verifiable evidence, a judicial process or even authorization from a higher authority. We do not empower individual judges, who are highly educated and knowledgeable and in theory are supposed to do their duty without bias, to give the death penalty even in states where the death penalty is sanctioned. We also do not allow our court system, without evidence beyond a reasonable doubt, a jury of their “peers” and the opportunity for appeal, to sentence someone to death for any crime. To address this we offer the following solution:

- Declare the right of police to kill in the name of the law without court order or authorization from their head officer when responding to non-capital offenses unlawful.
- Pay damages and begin a restoration process with the families and communities of the murdered individual.
- Work with the United Nations to establish a **truth and reconciliation commission** tasked with discovering and revealing past and current wrongdoing by police and our judicial system.

- Establish stronger mandatory reporting of abuse of power and whistle blowing laws, protections and benefits when it comes to law enforcement and public agencies.

## **The Call**

*“Power concedes nothing without demand. It never did and it never will”-- Frederick Douglass*

We call on local, state and national legislators, and judicial leaders to immediately move to put in place this “CARE” plan (detailed above). We call on every community member to talk, write, blog, tweet, post, share, etc. to encourage and support their local law enforcement agency and legislative bodies to implement the CARE plan for law enforcement. We call on educators everywhere to teach justice in their classrooms, that a better world is possible (things do not have to be this way) and we all have a role and responsibility to learn and participate to shape our democracy and empower our communities to change for the better.

We believe justice is possible when we can envision a better world and set about to do the work of making that world a reality. Our society is what we make of it. It is the expression of our collective roles and responsibilities as we live them. Our society is reflected in our laws and how they are enforced. Our society is reflected in how we educate our young people, how we nurture our communities and the people who live there. Additionally, our society is reflected in how we resolve conflict. The values we hold serve as our lens for how we regard each other: both domestically and abroad.

Education, participation and diversity are the keys to our democracy. While wealth has been allowed to have undue weight in our democratic processes, we the people are still able to control our consumption, how we carry out the law, build systems and infrastructures to best live our lives in community with one another. From the collective experience of Teachers 4 Social Justice as educators and organizers working to create transformative realities within institutions, we offer our perspective on this critical issue.

Teachers 4 Social Justice believes that if we do the work we can make the change that is right of all our peoples. We do our work with love, deep critical analysis, and the responsibility of collectivism: we encourage you to do the same.

**Peace and Empowerment!**

Teachers 4 Social Justice is a grassroots non-profit teacher support and development organization. We organizes teachers and community-based educators and implements programs and projects that develop empowering learning environments, more equitable access to resources and power, and realizing a just and caring culture. Our mission is to provide opportunities for self-transformation, leadership, and community building to educators in order to affect meaningful change in the classroom, school, community and society.

**WWW.T4SJ.ORG**