



A VISION FOR BLACK LIVES: **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

Democratic Community Control of Local, State, and Federal Law Enforcement Agencies, Ensuring That Communities Most Harmed by Destructive Policing Have the Power to Hire and Fire Officers, Determine Disciplinary Action, Control Budgets and Policies, and Subpoena Relevant Agency Information

What is the problem?

- Across the country, there are more 200 entities involved in direct oversight of local law enforcement agencies. However, despite national trends in the disproportionate impact of lethal force, excessive force, sexual assault and misconduct by law enforcement on the Black community — in conjunction with the lack of discipline of officers or effective measures to deter these force incidents — there remains no national standards for powers and features of civilian oversight of law enforcement.
- Sexual assault is the second most commonly reported form of police misconduct, but the majority of departments have no policy or measures in place to prevent, detect or ensure accountability for this form of police violence disproportionately affecting Black women, cis and trans, gender nonconforming, and queer people. Accountability for police sexual harassment, assault, and violence is usually solely the responsibility of police departments and prosecutors, preventing many survivors from coming forward or obtaining justice.
- In 30 states, state law in fact makes it impossible to change the contractual bargaining power to hire and terminate police.
- These functions and powers should apply to civilian oversight entities overseeing law enforcement practices in the both patrol and custody settings including local jails, hold cells, and detention centers.
- Lack of empowered civilian oversight with the above features creates significant roadblocks to law enforcement transparency and accountability and prevents any means for communities most impacted by lethal force, excessive force and misconduct to effectively reduce other types of violence .
- Federal law enforcement agencies also inflict violence, and have almost no accountability to the most impacted communities.
- Restorative justice and other community based safety measures across the country are being used by communities who aspire for real community safety and reject police violence as being capable of ever delivering safety.

What does this solution do?



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- By requiring all civilian oversight agencies to retain the power to hire and fire officers, determine disciplinary action in cases of misconduct related to excessive and lethal force, determine the funding of agencies, set and enforce policies, and retain concrete means of retrieving information — such as subpoena power — from law enforcement and third parties as it pertains to circumstances involving excessive, sexual and lethal force; communities will be able significantly to reduce the number of Black people impacted by police violence.

Federal Action:

- Target: Department of Justice (DOJ)
- Process: The DOJ could incentivize the adoption of civilian oversight boards at the State and local level by including meaningful and clearly defined community oversight as part of its evaluation metrics for grant applications. In 2015, the federal government gave \$163 million to police departments across the country, through the Community Oriented Policing Services (COPS).
- Target: Legislative or Executive
- Process: In order to incentivize the adoption of civilian oversight boards at the state and local levels, the House and Senate would have to amend the Consolidated Appropriations Act of 2005 to include community control as a component in calculating formula-based Edward Byrne Memorial Justice Assistance Grant (JAG) program funding. Last year, the federal government awarded more than \$300 million in JAG funding.
- Process: In order to create civilian oversight boards at the federal level, the House and Senate would have to pass legislation doing so.

State Action:

- Target: Legislative
- Process: Require all states to adjust state laws and statutes, including Peace Officer Bills of Rights, that limit the power of external agencies to law enforcement documentation, or restrict the powers of external entities to make disciplinary, budgetary, and hiring and firing decisions. These changes should apply to agencies involved in patrol and custody operations.

Local Action:

- Target: Legislative
- Process: Local city and county governments should amend their respective charters to grant external civilian oversight bodies to make disciplinary, budgetary, hiring and firing



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decisions. Charter's should also be changed to grant external entities the ability to subpoena law enforcement agencies and third parties for data and documentation relevant to issues of excessive and lethal force. These changes should apply to agencies involved in patrol and custody operations.

How does this solution address the specific needs of some of the most marginalized Black people?

- According to a 2012 study by the National Coalition of Anti-Violence Programs, 48 percent of LGBTQ survivors of violence reported incidents of police misconduct when reporting to the police. According to the same study later conducted in 2014, of the survivors who interacted with the police and experienced hostility and police misconduct, 57.38 percent reported being unjustly arrested by the police
- Federal policies incentivize local law enforcement's collaboration with Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS) with no oversight of how these collaborations impact rates of misconduct against undocumented communities.
- According to a 2013 study by the National Coalition of Anti-Violence Programs, trans people were 3.32 times more likely to experience police violence. Trans people of color were 2.46 times more likely to experience physical violence by the police. Trans women were 2.9 times more likely to experience police violence.
- The Department of Justice (DOJ) has investigated multiple jurisdictions across the country for use of force and abuse of people with mental health conditions in both patrol and custody operations.
- Practices of gentrification and displacement increase law enforcement interactions amongst homeless communities and increase the likelihood of incidents of excessive and lethal force.
- Lack of effective measures to deal with homelessness result in jails being used as de facto housing. There is very little effective oversight of law enforcement agencies involved in custody operations despite patterns of excessive and lethal force/lethal conditions in custody across the country.
- A recent DOJ investigation exposed the practices of the Los Angeles Sheriff's Department whereby deputies were targeting recipients of Section 8 housing, causing them to lose their housing support.
- In 2010, a study by the Cato Institute found sexual misconduct to be the second most common complaint against law enforcement. 52 percent of these cases involved a minor.

Model Legislation

- Models of oversight that carry these features exist in various jurisdictions and hold these powers in various combinations.



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- [Civilian Police Accountability Council Ordinance](#)

Resources:

- [“Black Community Control Over Police”](#) by M. Adams & Max Rameau details the history of community control and models.
- Commissions with Disciplinary authority:
 - [San Francisco Police Commission](#)
 - [Newark New Jersey](#)
 - [Hawaii Police Commission](#); can fire its police Chief.
 - Black Community Control Over the Police

Organizations Currently Working on Policy:

- Dignity and Power Now (LA)
- Communities United for Police Reform (NYC)
- Freedom, Inc. (Madison, WI)
- Chicago Alliance Against Racist and Political Repression (Chicago, IL)

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