

LAW, JUSTICE, AND ETHICS

Resolution LJE-21-26

A RESOLUTION ON POLICE REFORM

WHEREAS, The National Black Caucus of State Legislators (NBCSL) has maintained a strong commitment to equal justice and equal rights, and has long been alarmed by the unfair treatment that many Black Americans have faced;

WHEREAS, in 2020, millions around the world marched for equal justice and against the wrongful deaths and brutality perpetrated by law enforcement officers;

WHEREAS, police have killed 49 more people in the first half of 2020 than in 2019 , and in May police shot and killed 110 people the most in one month since the Washington Post has been tracking these incidents;

WHEREAS, African Americans are disproportionately the victims of police violence and the use of excessive force, according to the Washington Post, Black Americans are more than twice as likely be victims of excessive use of force than White and Hispanic Americans;

WHEREAS, African Americans are more likely to be victims of police brutality and excessive use of force during an arrest, investigatory stop, pretrial detention or imprisonment;

WHEREAS, a police officer's use of excessive force is a violation a victim's civil rights;

WHEREAS, after the Civil War, African Americans, particularly in southern states, had trouble enforcing their constitutional rights in state courts;

WHEREAS, in 1871, the U.S. Congress passed Section 1983 to allow people to sue in federal court when a state or local official violated their federal rights;

WHEREAS, the Civil Rights Act of 1871 under 42 U.S.C Section 1983 makes liable "every person" including police officers, correctional officers, and other law enforcement officers, who under color of law, deprives another person of civil rights;

WHEREAS, the intent of Section 1983 was to hold state and local law enforcement officers accountable for the harm imposed on Black Americans and to combat the Ku Klux Klan;

WHEREAS, the judicial doctrine of qualified immunity wrongly and unjustly precludes the victims of police violence from vindicating their civil rights under Section 1983;

WHEREAS, the courts have a duty to enforce civil rights laws as well as duty to ensure that police officers do not kill with impunity; and

LAW, JUSTICE, AND ETHICS

Resolution LJE-21-26

WHEREAS, the data surrounding homicide by police officers is very unreliable, as many law enforcement departments self-report data to the Department of Justice, the Department even stopped reporting “arrest-related deaths” as the data was regarded as unreliable, but many private organizations tracking this data believe the number to be over a thousand deaths a year.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) hereby urges law enforcement agencies in this nation to adopt more stringent policies in which:

1. By January 1, 2023, all uniformed law enforcement officers or those acting as a uniformed law enforcement are required to wear a body camera while on duty;
2. An officer shall use body cameras and/or cameras on their vehicle to record all encounters with any person who the officer suspects has or is committing an offense the instant the officer stops a suspect. Any other officers who are present during the stop of a suspect shall also turn on their body cameras at the instant the suspect is stopped or detained. This shall be standard operating procedure.
3. Prohibit chokeholds in all circumstances;
4. An officer is prohibited from shooting at a fleeing suspect, unless there is a reasonable threat to life of another individual;
5. An officer may only use deadly force if a person's life is in imminent danger;
6. An officer shall keep a detailed record of each encounter in which the officer stops a person who the officer suspects has or is committing an offense, the record must include the suspect's race, gender, ethnicity, and any other information the agency finds necessary, and all records must be compiled into an annual report that is sent to the department of safety;
7. An officer shall report to the chief of police or other designated person in the agency if the officer witnesses another officer's violation of departmental policy, state or federal law, and if the officer does not make such a report, they will be held accountable for inaction;
8. Report data and information on police related homicides to the US Department of Justice and make such information publicly available;

BE IT FURTHER RESOLVED, that the NBCSL encourage states to enact legislation that provides a private right of action for civil rights violation without a defense of qualified immunity;

BE IT FURTHER RESOLVED, that the NBCSL supports federal legislation to reform qualified immunity for law enforcement under Section 1983 of the Civil Rights Act of 1871;

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress and the President to create a national taskforce of law enforcement, state legislators Governors, state attorneys general, local officials, and stakeholder organizations to recommend and implement innovative reforms that build upon the above policies; and

LAW, JUSTICE, AND ETHICS

Resolution LJE-21-26

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

SPONSOR(S): Senator Raumesh Akbari (TN), Senator Kevin Parker (NY), and Representative Karen Camper (TN)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2020

Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President