

LAW, JUSTICE, AND ETHICS

Resolution LJE-21-09

A RESOLUTION ON JUST AS YOUR SON MODEL: AN INNOVATIVE MODEL FOR COMMUNITY POLICING REFORM

WHEREAS, the National Black Caucus of State Legislators (NBCSL), has extensive history of policy and advocacy on the need to transform our current policing model to one that is equitable and safe for communities of color;

WHEREAS, there have been a number of incidents resulting in the death of African-Americans at the hands of a police officer that are a call to action, and include the deaths of at least seventeen (17) African Americans including– Michael Brown (MO 2014), Eric Garner (NY 2014), Laquan McDonald (IL 2014), Terrence Crutcher (OK 2016), Alton Sterling (LA 2016), Philando Castile (MN 2016), Jordan Edwards (TX 2017), Jocques Scott Clemmons (TN 2017), Botham Jean (TX 2018), Daniel Hambrick (TN 2018), Antwon Rose (PA 2018), Thurman Blevins MN (2018), Stephon Clark (CA 2018), Atatiana Jefferson (2019), Ahmaud Arbery (GA 2020), Breonna Taylor (KY 2020), and George Floyd (MN 2020);

WHEREAS, during these times of great division and turmoil it is a time for us to come together and work to address these problems as means to heal not only wounds from these deaths, but longstanding division that has enabled many behaviors that lead to these deaths;

WHEREAS, the innovative Just As Your Son Model seeks to foster compassion, understanding, and data to transform our current police departments to better serve the communities they police;

WHEREAS, the Just As Your Son Model is based on the tenets of Representative policing, Evaluative hiring, Social development, Community adaptability, Uniform standards, Enforcement rubric, and Empathetic measures which stands for R.E.S.C.U.E.E. as it will rescue our current policing system from the position it currently finds itself in;

WHEREAS, according to a Bureau of Justice Statistics report, between June 1st, 2015 and March 31st, 2016 there were 1,348 potential arrest related deaths, statistics that are very difficult to find comprehensive data on because of the lack of reporting from law enforcement agencies;

WHEREAS, according to a study published in 2016 by the American Journal of Preventive Medicine, African Americans were 2.8 times more likely to be fatally shot by a law enforcement officer accounting for 32% of police shootings much higher than their population percentage;

WHEREAS, according to the same study African Americans were more likely to be unarmed than other races, with 14% of the African Americans being unarmed compared to only 9.4% of white and 5.8% of Hispanic shooting victims;

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WHEREAS, African Americans are less than 13 percent of the total U.S. population but accounted for 23% of those shot by police in 2017, according to the Washington Post;

WHEREAS, in the City of Ferguson, MO at the time of the death of Michael Brown, 67% of the town was African American, while 50 of the towns 53 police officers were white, and only 3 were African American;

WHEREAS, in Hartford, CT a city that is only 16% white has a police department that is 66% white;

WHEREAS, having a police department that looks like the community it polices does not alone improve relations with the community, but it does allow the officers to better understand the community it polices;

WHEREAS, there is a great need to identify law enforcement that is not correctly suited to interact with public because they may be too aggressive or harbor dangerous racial biases before they are hired, and it may be possible to move them to the correct position within the department;

WHEREAS, evaluative hiring allows candidates to demonstrate: 1) a clear comprehension of the knowledge required for the task-at-hand, 2) the skills necessary to be competent and level-headed, and 3) the traits essential to interacting with their public constituencies;

WHEREAS, in Ferguson, MO a fractured municipal system led to increased policing where the minority community was targeted and issued 10,000 more arrest warrants than it had citizens;

WHEREAS, in Ferguson more policing led to racial and ethnic minorities becoming increasing hostile toward police officers, exacerbating and inciting police then contributing to the perception that this segment of the citizenry was dangerous and more of a threat creating a vicious cycle;

WHEREAS, social development is an intentional inclusion of training and professional development materials designed to teach police officers about their role in the social construct of America, and strengthen their understanding helps balance the social equation and hopefully, leads to long-term cooperative relationship with minority citizens;

WHEREAS, a one-size-fits-all model is never appropriate because communities vary extensively, so communities can benefit from using community adaptability to analyze community construct, type, neighboring communities, and size as essential elements when developing policies and procedures meant to enhance service levels, response rates and appropriate use of force standards for communities;

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WHEREAS, there are currently no national minimum standards for policing in the United States, even as Congress appropriates billions in annual appropriations that help state and local government through the Office of Justice Programs and the Community Oriented Policing Services Program;

WHEREAS, an enforcement rubric is necessary to preventing misconduct, eradicating brutality, detecting waste, deterring fraud and abuse within law enforcement agencies;

WHEREAS, a review of such rubrics should be conducted by an oversight board consisting of police professionals, community advocates and other individuals knowledgeable of national and local police standards; and

WHEREAS, the public expects police officers and their departments to be empathic to and understanding of the community and its residents.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) strongly urges state, federal, and local government to take a stand and build a better more inclusive law enforcement that seeks to identify and eliminate the systematic racism that is currently present;

BE IT FURTHER RESOLVED, that the NBCSL denounces any efforts to divide the American people and our communities around these issues, and calls for all leaders to come together to deescalate and solve these issues which have long plagued our nation;

BE IT FURTHER RESOLVED, that the NBCSL calls for a national dialogue with other non-governmental organizations, federal, state, and local governments to address these concerns of People of Color and find solutions for systematic racism;

BE IT FURTHER RESOLVED, that the NBCSL supports and urges all state, local, and federal governments to make law enforcement more accurately represent ethnic profile of the communities that they police;

BE IT FURTHER RESOLVED, that the NBCSL supports and urges all state, local, and federal government to examine and improve their hiring process to include proper screening and testing that identifies, removes, or places officers in a position in a position that best serves the departments mission to serve the public;

BE IT FURTHER RESOLVED, that the NBCSL recognizes and urges that all law enforcement agencies begin to incorporate training for police officers that allows them to better understand the communities they police and greater role that policing plays in society;

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BE IT FURTHER RESOLVED, that the NBCSL recognizes the needs for communities to employ different and innovative policing models based on their unique position, as such the NBCSL urges police departments to work with neighboring jurisdictions as well as in their own community to develop policing models that benefits the communities that they serve more effectively;

BE IT FURTHER RESOLVED, that the NBCSL also believes that police departments are becoming to militarized, and that military equipment should not be employed by members of police departments, as de-escalation should be the first priority of police departments and military equipment can escalate situations;

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to use their power over annual appropriations to state and local government to implement national minimum standards that each department must meet at a minimum to receive this annual appropriation include:

- a minimum level of education attainment and training hours for officers,
- minimum standards for use acceptable of force and guidelines for the use of lethal force by an officer,
- require training to identify and improve implicit bias,
- require training for conflict resolution, mediation, and de-escalation practices,
- minimum standards for pursuit practices,
- require patrol officers to use body cameras and set up minimum standards for such video technology and practices,
- minimum standards for stop and search procedures,
- require intervention programs and training within a department,
- require that an officer intervene with another officer when necessary,
- minimum punishments for officers not following standards of conduct,
- require law enforcement agencies report to the Department of Justice statistics on use of force, relevant information about those that die in police custody, and officers that violate such standards;

BE IT FURTHER RESOLVED, that the NBCSL further calls on Congress to substantially increase the annual appropriation to the Office of Justice Programs and the Community Oriented Policing Services Program to help cover the cost of these new requirements to not create an unfunded mandate on state and local governments, as well as to further encourage the adoption of these practices;

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to establish a national database at the Department of Justice that keeps a record of all allegations of wrongdoing by individual police officers so they can be shared with other police departments to stop problem officers from moving to communities;

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BE IT FURTHER RESOLVED, that the NBCSL calls on all law enforcement agencies to implement their own enforcement rubric, to continually evaluate their officers and department as a whole;

BE IT FURTHER RESOLVED, that the NBCSL believes that these departments should be subject to externally examination from the state and other outside bodies to ensure these departments are properly serving the communities that are under their jurisdiction;

BE IT FURTHER RESOLVED, that the NBCSL urges that law enforcement agencies should include regular empathic training to be inculcated into the training that cadets receive to allow them to see the other person's point of view and should include empathic measurements as a part of any annual performance review of current officers and department leadership; and

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): Representative Gilda Cobb-Hunter (SC) and Senator Brenda Gilmore (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