

LAW, JUSTICE, AND ETHICS

Resolution LJE-18-15

A RESOLUTION ON THE RIGHT FOR INJUNCTIVE RELIEF AGAINST CIVIL RIGHTS VIOLATIONS

WHEREAS, the use of excessive force by law enforcement across the United States causes significant damage not only unto those whose civil rights have been violated, but also unto entire communities;

WHEREAS, the damage caused when law enforcement uses excessive force also inhibits the ability of peace officers to build trust and cooperation with the communities they serve; and by undermining their effectiveness, thereby undermines public safety;

WHEREAS, 42 U.S.C. § 1983 imposes a civil liability on any person, including law enforcement personnel, who deprive persons of their civil rights through excessive force or any other such practice;

WHEREAS, the willfulness standard imposed by the U.S. Supreme Court in the prosecution of law enforcement officers for civil rights violations renders such cases extraordinarily difficult to bring about in practice;

WHEREAS, parties to a civil suit are constrained in their ability to petition for, and be awarded, injunctive relief against future civil rights violations which are part of an established pattern or practice of abuse;

WHEREAS, the U.S. Department of Justice is authorized to bring civil suit against law enforcement agencies and departments that violate civil rights in an established pattern or practice of abuse in order to prevent future such civil rights violations;

WHEREAS, the Civil Rights Division of the Department of Justice has entered into 40 such reform agreements in pattern-or-practice policing cases since 1994; and

WHEREAS, there is no standardized, recurrent report on the objective effects of these reform agreements on the communities in which they took effect.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages the United States Government to analyze and publically report on the extent to which consent decrees and other such agreements entered into by the Civil Rights Division of the U.S. Department of Justice effectively decrease or eliminate established patterns and practices of civil rights violations; and

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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 United States Senate; and other federal and state government officials as appropriate.

SPONSOR: Senator Steven Bradford (CA)

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 2, 2017

Ratification is certified by: Representative Gregory W. Porter (IN), President