**Comprehensive Police Reform Nationwide Now**

**WHEREAS**, the mission of the National Association for the Advancement of Colored People (NAACP) is to secure political, educational, social, and economic equality in order to eliminate discrimination and ensure the health and well-being of all persons;[[1]](#endnote-1) and

**WHEREAS**, the overuse of force, including brutal and deadly force by law enforcement officials against unarmed racial and ethnic minorities in the United States, has been of critical concern for many Americans, since the founding of our country; and

**WHEREAS**, it was not until March 3, 1991, after Rodney King, an unarmed African American man from Sacramento, California was beaten and electrically shocked nearly to death by LAPD police officers using police-clubs and 50,000 volt stun-guns after a high-speed chase during his arrest for suspicion of drunk driving, did we all see just how ruthless police officers could act against Americans of color.  George Holliday, a white man, filmed the incident from his nearby apartment balcony on his video camera and sent the footage to local news station KTLA. The video footage clearly showed an unarmed King on the ground being beaten mercilessly after initially evading arrest. The incident was covered by news media around the world and caused a public furor, and the 1994 LA Riots, when all of the police officers involved were exonerated and the problem continued; and

**WHEREAS**, in 2014, Eric Garner, an African American man from New York was killed during an encounter with the police as a result of choked and strangled to death a” 11 times while lying face down on the sidewalk. Garner remained lying on the sidewalk for seven minutes while the officers waited for an ambulance to arrive. Garner was pronounced dead at an area hospital approximately one hour later.  At the time of Garner’s death, the chokehold technique was banned in New York City, which further stirred public protests and rallies, with charges of [police brutality](https://en.wikipedia.org/wiki/Police_brutality); and

**WHEREAS**, on May 25, 2020, George Floyd was killed by Minneapolis police officer Derek Chauvin with the assistance or acquiescence of three other officers. Floyd [died](https://en.wikipedia.org/wiki/Killing_of_George_Floyd) after Chauvin pressed his knee to Floyd’s neck for [almost nine minutes](https://en.wikipedia.org/wiki/8%E2%80%B246%E2%80%B3) during the arrest. Floyd was handcuffed face down in the street, while two of the officers further restrained Floyd and another prevented bystanders from intervening. Floyd repeatedly pleaded “I can’t breathe” before losing consciousness. For the last three minutes, Floyd was motionless and had no pulse, but officers made no attempt to revive him. Chauvin kept his knee on Floyd’s neck as arriving emergency medical technicians attempted to treat Floyd; and

**WHEREAS**, sadly the senseless killings of Michael Brown, Philando Castile, Eric Garner Breonna Taylor, George Floyd, and Rayshard Brooks at the hands of law enforcement officers are among the thousands of needless murders of Americans of color every year by law enforcement. Their deaths, and too many others, have resulted in massive nationwide protests in every state, and worldwide protests on every continent but Antarctica[[2]](#endnote-2); and

**WHEREAS**, African Americans and people of color tend to be treated differently, and more harshly, by law enforcement; and

**WHEREAS**, the current *mens rea* standard of “willfulness” has made it extremely difficult to prosecute law enforcement officers, and courts have interpreted “qualified immunity” to bar individuals from recovering damages when law enforcement officers have violated their constitutional rights to pursue life, liberty, and happiness; and

**WHEREAS**, police departments lack uniform standards to ensure adherence to best practices, when to use force, and community accountability; and

**WHEREAS,** the U.S. Department of Justice, Civil Rights Division’s ability to conduct pattern and practice investigations into discriminatory and unconstitutional policing practices has been severely undermined and undercut by the current Administration; and

**WHEREAS**, too often, problematic officers leave (or are fired by) one agency, and then simply move to another jurisdiction; and

**WHEREAS,** data collection is imperative; the NAACP has long held that in order to fully manage a problem we must accurately measure it; and

**WHEREAS**, over the course of time, too many law enforcement agencies have expanded their duties beyond crime-fighting to social and public health issues including family strife, homelessness, and addiction that are best addressed comprehensively through sufficiently funded social and mental health services;[[3]](#endnote-3) and

**WHEREAS**, the NAACP has consistently sought to implement comprehensive police reform as a solid and necessary beginning to end the senseless deaths of too many Americans.

**THEREFORE, BE IT RESOLVED** that the NAACP reaffirms resolutions including the 1978 resolution entitled, *Prosecution of Police and Corrections Officers for Criminal Acts;* the 1996 resolution entitled, *Excessive Force by Law Enforcement Officers and Police Departments;* the 2007 resolution entitled, *Establish Model Standards, Policies and Training to Prevent Police Misconduct and Excessive Use of Force;* the 2010 resolution entitled, *Establish Model Standards, Policies and Training to Prevent Police Misconduct and Excessive Use of Force;* the 2011 resolution entitled, *Upholding Civil and Human Rights in the Implementation of National Security Policies*; the 2012 resolutions entitled *Ending Racial Profiling in the United States*and *Repealing “Stand Your Ground” Type Laws, Protecting Black Americans and Honoring the Life of Trayvon Martin*; the 2014 resolution entitled, *NAACP Condemn the Use of the Excessive Force Tactics that Led to the Death of Eric Garner;* the 2015 resolution entitled, *Law Enforcement and the Use of Body Worn Cameras*; the 2016 resolutions entitled, *Legislative Accountability to Eliminate Wrongful Use of Deadly Force by Law Enforcement* and *NAACP Opposes Continuing Violence in African American Communities; Urges State and Local Units to Continue to Work Toward Solutions;* and the numerous resolutions, including those from 1978, 1979, 1983, 1987, 1991,1992 entitled *Police Brutality*; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP supports the U.S. Department of Justice (DOJ), working independently and in concert with other departments and the private sector to develop and recommend non-lethal tools for federal, state and local law enforcement agencies as well their effective, non-lethal use; and

**THEREFORE, BE IT FURTHER RESOLVED** that the NAACP supports changing the language “willful” to “knowingly or with reckless disregard” and defining a “death resulting” as any act that was a “substantial factor contributing to the death” in criminal trials as well as the abolition of the “qualified immunity” doctrine for police officers; and

**THERFORE BE IT FURTHER RESOLVED** that the NAACP supports the creation of a grant program for state attorneys’ general to create or strengthen independent investigation processes for allegations of law enforcement misconduct or the excessive use of force**.** While the exact composition of these investigations should be determined by the needs and the make-up of the community being served, in order to be effective they must all have the following characteristics:

* Any established review board must be ***independent*** in that it will have the power to conduct hearings, subpoena witnesses and report findings and recommendations to the public and it shall be housed away from police headquarters to maintain credibility;
* It needs to be ***relevant*** in that it will have the power to independently investigate incidents and issue findings on complaints; it will be able to spot problem policies and provide a forum for developing reforms; an effective review board must have complete access to police witnesses and documents through legal mandate and subpoena power; the Board will publish, on a periodic basis, statistical reports which detail trends in allegations, to help identify officers or who of practices which are subjects of unusually numerous complaints; and Board findings will be considered in determining appropriate disciplinary action. The Civilian Board will also have the capacity to compel prosecutors offices to bring charges against police officers to a panel or Grand Jury to try the case;
* Finally, an effective Civilian Review Board will be ***reflective*** of the racial and ethnic make-up of the community in that the Board and staff will be broadly representative of the community it serves.
* The Review Board must consistently be adequately **funded** from an independent stream of resources to fulfill the obligations laid out above; it should not be a lower budget priority than police internal affairs systems and

**THEREFORE, BE IT FURTHER RESOLVED** that the NAACP supports requiring the creation of law enforcement programs to develop policing best practices and to study the impact of any law, rule, policy or procedure that allows a law enforcement officer to delay for any reason the answer to questions posed by investigators of law enforcement misconduct; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP supports the creation of a federal registry of all law enforcement officers that compiles misconduct complaints (whether or not the complaint is pending, is sustained or if the officer has been exonerated); discipline records; termination records; and records of certification; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP supports requiring States and localities to report to the U.S. Justice Department any incident where use of force is used against a civilian or against a law enforcement officer. The reports must include, at a minimum, the national origin, gender, sexual preference, race, ethnicity, age, LGBTQ status, disability, English language proficiency, and housing status of each civilian against whom a law enforcement officer used force, the type and extent of force was used, and the officer’s reason force was used; and

**THEREFORE BE IT FORTHER RESOLVED** that the NAACP supports the establishment of a training program to cover racial bias, implicit bias, procedural justice, and the duty to intervene; that such training be mandated at the federal level; and that federal funding be conditioned on establishing training at the state and local level; and

**THERFORE BE IT FURTHER RESOLVED** that the NAACP supports legislation which puts an end, once and for all, to the insidious practice of biased treatment by law enforcement because of who you are, which God you worship, or who you are perceived to be. Specifically, we support legislation to addresses bias policing on at least four levels: first, it must clearly define the practice of racial and religious profiling by law enforcement at all levels; second, it must create a federal prohibition against profiling; thirdly, it must mandate disaggregated data collection so we can fully assess the true extent of the problem; and fourth, it must provide funding for the retraining of law enforcement officials on how to discontinue and prevent the use of profiling; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP calls for a national ban on law enforcement’s use of the chokehold and carotid hold techniques (defined as the application of any pressure to the throat or windpipe, the use of maneuvers that restrict blood or oxygen flow to the brain, or carotid artery restraints that prevent or hinder breathing or reduce intake of air of an individual) and other neck restraints; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP supports a ban on no-knock warrants at the federal, state, and federal levels and the conditioning of federal law enforcement funding for state and local law enforcement agencies on prohibiting the use of no-knock warrants; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP urge all law enforcement agencies across the nation to adopt procedures for the use of audio, visual, and surveillance devices such as vehicle dashboard cameras, body cameras, weapon and Taser cameras, etc. that are in line with the constitutional rights of all Americans; and

**THEREFORE BE IT FURTHER RESOLVED** that the NAACP supports the limit of transfer of military-grade equipment (otherwise known as the 1088 program and others) to state and local law enforcement; and

**THERFORE BE IT FURTHER RESOLVED** that the NAACP supports legislation to make lynching a federal hate crime; and

**THERFORE BE IT FURTHER RESOLVED** that the NAACP supports the establishment of state and local commissions to review all of the responsibilities currently charged to local police departments, and where appropriate transfer non-policing responsibilities to other specialized, non-law enforcement departments or agencies (such as social workers, etc.) and provide the receiving department or agency with adequate funding and resources to carry out the responsibilities; and

**THEREFORE, BE IT FINALLY RESOLVED** that the NAACP endorses H.R. 7120 in the 116th Congress, the *Justice in Policing Act of 2020*, introduced June 8, 2020 in the House of Representatives by Congressional Black Caucus Chairwoman Karen Bass and House Judiciary Committee Chairman Jerry Nadler, and S. 3912 in the Senate by Cory Booker of New Jersey and Kamala Harris of California. The NAACP recognizes that while there is no one answer, or one legislative initiative that will erase centuries of systemic racism, inequality, and excessive policing, the *Justice in Policing Act of 2020* is a strong, bold, and much-needed first step.

1. *See What Is The Mission of The NAACP?*  NAACP, available at <https://www.naacp.org/about-us/> (last visited June 6, 2020). [↑](#endnote-ref-1)
2. Spectrum News, *Speaker Johnson to Move Chokehold Ban for a Vote*, available at <https://www.ny1.com/nyc/all-boroughs/news/2020/05/31/council-speaker-johnson-controversial-chokehold-ban-for-vote-> (last visited June 6, 2020). [↑](#endnote-ref-2)
3. Christy E. Lopez, *Defund the police? Here’s what that really means*, available at <https://www.washingtonpost.com/opinions/2020/06/07/defund-police-heres-what-that-really-means/> (last visited June 8, 2020). [↑](#endnote-ref-3)