



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

Recommendations to Transform Policing

June 3, 2020

As law enforcement professionals, we believe it is our duty to speak in opposition to police violence against community members and in support of the wave of nonviolent protests taking place across the country today. We cannot uphold public safety without earning community trust. Without trust, people do not report crimes, and witnesses refuse to talk to us.

One cause of this distrust is that police officers who commit serious misconduct are rarely held accountable, partly due to a broken system. A second cause is that police are asked to address problems that we are ill-equipped to solve, including addiction, mental health issues, and homelessness. A third cause is that American policing still carries a legacy of systemic racism, from the Jim Crow era to today.

Today, words are not enough. We support national action because we owe equal rights to every person, regardless of their background. We must act on our values of transparency, accountability, and safety. Below, we outline specific measures that federal, state, and local legislators and law enforcement should enact today to take responsibility for rebuilding trust in police and protecting public safety. Holding ourselves to a higher standard is the best way to honor our profession.

For Congress:

- I. Transparency
 - a. Congress should establish an independent national public database recording all officers who were terminated or resigned due to misconduct, including but not limited to excessive use of force, corruption, domestic violence, assault and harassment, perjury, falsifying a police report, and planting or destroying evidence. These officers should be prohibited by law from being certified as a police officer ever again in any state.
 - i. Congress should require law enforcement agencies to track complaints and disciplinary actions against officers and share this information with other agencies in the hiring process.
 - b. Congress should require agencies to collect and report information on police stops and uses of force, with data disaggregated by race and other demographic categories.
2. Accountability
 - a. Congress should establish a national standard for the use of deadly force that:
 - i. Upholds the sanctity of human life.
 - ii. Raises the threshold for the use of deadly physical force above the one found in *Graham v. Connor*. This decision set a floor, not a ceiling. We can better protect lives by ensuring that unreasonable force is not sanctioned by law.



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- iii. Affirmatively states an officer's duty to employ de-escalation techniques and to intervene when another officer is using excessive force.
 - iv. Prohibits all maneuvers that restrict the flow of blood or oxygen to the brain, such as neck compression and chokeholds, without justification for lethal force.
 - v. Requires deadly physical force investigations to be conducted by independent prosecutors such as state attorneys general rather than local prosecutors.
- b. Congress should pass a law to ensure that the qualified immunity doctrine does not stop officers who break the law from being held legally accountable.

For state and local authorities:

1. Cities and states should take the above actions regardless of the federal government's actions.
2. Transparency
 - a. Set clear standards for how agencies honor FOIA requests.
 - b. Make procedures, policies and directives available for public review.
3. Accountability
 - a. Reform police contracts and state laws that unreasonably restrict police terminations or erase police complaints or disciplinary records.
 - b. Enact a "duty to intervene" policy requiring officers on scene to attempt to stop fellow officers from applying excessive force and report misconduct to superior officers.
 - c. Establish independent civilian oversight boards with subpoena power to monitor discipline and internal investigations of police shootings.
 - d. Establish civilian governance boards to guide police policy according to local priorities.
4. Practices
 - a. Prohibit the use of no-knock warrants for drug searches and other police functions where they are not essential to protect public safety.
 - b. Avoid using military equipment and military-style uniforms for nonessential purposes.
5. Alternatives
 - a. Wherever possible, remove policing of social issues from the scope of police responsibilities. Promote funding of social service agencies and implement evidence-based interventions to address substance use, mental health crisis, and homelessness.
 - b. Provide academy and in-service de-escalation, communication, and mindfulness training.
 - c. Address officer mental health to prevent both self-harm and trauma-related escalation. Remove stigma and other barriers to officer mental health treatment.

For the Executive Branch:

1. Re-establish Department of Justice pattern-or-practice investigations.
2. Re-institute the 21st Century Policing Initiative, incorporating new lessons learned.



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