



Policing Reform

Policy Platform Addendum

Approved by the Board of Directors
August 24, 2020

Community Action was built around the mission of eradicating poverty in America and the foundational belief that equal treatment for all community members is paramount.¹ Effectively addressing the causes and conditions of poverty depends on strong, resilient communities where all members feel safe and are equally protected. The Community Action Partnership supports the **#BlackLivesMatter** movement and recognizes that systemic and disproportionate violence against Black community members and vulnerable populations by law enforcement remains a barrier to achieving these goals.² The future role of police in our communities deserves thoughtful discussion and debate, but the policies supported in this platform represent changes that can be implemented immediately and would lead to dramatically fewer instances of police violence.

Use of Force Standards: Police departments have rules and regulations in place that dictate when and how an officer may use force during interactions and altercations with civilians. However, there is wide variation among police departments in how restrictive those rules are. Studies have shown that the more restrictive a jurisdiction's use of force rules, the fewer police-involved killings happen in that community.³ We support the following use of force restrictions that have been shown to decrease instances of police brutality:

- Prohibit the use of choke holds and strangleholds;
- Require officers to give a verbal warning before shooting a firearm;
- Require officers to engage in de-escalation and exhaust all other measures before shooting;
- Require bystander officers to act if another officer uses excessive force; and
- Establish a use of force continuum outlining permissible force per resistance level.

¹ *Mission & Promise*, Community Action Partnership, <https://communityactionpartnership.com/mission-and-promise/> (last visited Aug. 6, 2020).

² *Black Lives Matter*, Community Action Partnership, <https://communityactionpartnership.com/black-lives-matter/> (last visited Aug. 7, 2020).

³ Samuel Sinyangwe, *Examining the Role of Use of Force Policies in Ending Police Violence* (Sept. 20, 2016), available at <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e17531725e25ec2e648650/1474393399581/Use+of+Force+Study.pdf>.

Police Militarization: The 1033 Program (section 1033 of the National Defense Authorization Act of 1997) allows the Department of Defense to sell or transfer surplus military equipment to state and local police departments at no cost.⁴ Studies have demonstrated that militarized police departments are significantly more likely to kill civilians.⁵ We support prohibiting Program 1033 sales or transfers of military equipment to departments with a pattern or practice of discrimination as well as restrictions on police use of military equipment against civilians.

Ban No-Knock Warrants: A no-knock warrant, like the one that led to Breonna Taylor’s murder in March, allows police to enter a location without knocking or announcing themselves. Normally, the 4th Amendment protects against unreasonable searches and seizures, but police insist these warrants are necessary for instances where the alleged perpetrator is known to be dangerous or may try to destroy evidence. Once used sparingly, there are now over 20,000 no-knock raids in American each year and they increase the risk of both civilian and officer injury and death.⁶

Update Deprivation of Rights: Federal law prohibits law enforcement (and others) from willfully depriving a person of any rights or privileges under color of law.⁷ For an officer to be held accountable, the statute requires intent, or willful deprivation. Updating the language from willfully to recklessly would allow prosecutors to hold officers accountable if they knew or should have known their actions would lead to a deprivation of rights.

Qualified Immunity: The doctrine of qualified immunity protects law enforcement and other public servants from civil liability when performing their jobs if their actions do not violate “clearly established statutory or constitutional rights.”⁸ The doctrine also incorporates a “good faith” defense. We believe the doctrine should be restructured (by statute, judicial precedent, or both) to remove the “clearly established” and “good faith” provisions, allowing the public to hold officers accountable for violating civilian rights.

Reporting & Data Collection: We believe in establishing a national database that would cover all federal, state, local, tribal, and territorial police agencies in the United States to document officers who receive complaints or have a record of misconduct. The database should also collect police-community encounter data and track demographic data to expose patterns and practices of racial profiling.

⁴ The Marshall Project has created a [database](#) of the military equipment (and the monetary value of that equipment) each police department in the United States has received from the Department of Defense since 1997.

⁵ Casey Delehanty, Jack Mewhirter, Ryan Welch, and Jason Wilks, *Militarization and police violence: The case of the 1033 program*, RES. AND POL., Apr.-June. 2017, at 3, available at <https://journals.sagepub.com/doi/pdf/10.1177/2053168017712885>.

⁶ Dara Lind, *Cops do 20,000 no-knock raids a year. Civilians often pay the price when they go wrong*, Vox, May 15, 2015, <https://www.vox.com/2014/10/29/7083371/swat-no-knock-raids-police-killed-civilians-dangerous-work-drugs>

⁷ 18. U.S.C. § 242.

⁸ Whitney K. Novak, CONG. RESEARCH SERV., LSB10492, POLICING THE POLICE: QUALIFIED IMMUNITY AND CONSIDERATIONS FOR CONGRESS (2020), citing *Harlow v. Fitzgerald*, 457 U.S. 800, 815-819 (1982).