

DON'T SHOOT COALITION

October 22, 2014

Vanita Gupta
Acting Assistant Attorney General
Department of Justice Civil Rights Division
950 Pennsylvania Avenue NW
Washington D.C. 20530

Re: Recommendations from the Don't Shoot Coalition Regarding Police Reform

Dear Acting Assistant Attorney General Gupta:

During a recent visit to St. Louis by members of the Department of Justice Civil Rights Division, including former Acting Assistant Attorney General Molly Moran, Ms. Moran invited the Don't Shoot Coalition and other community members to submit recommended reforms that we believe are needed in response to the tragic shooting of Michael Brown and broader problems of police accountability. The Don't Shoot Coalition, a nonpartisan group of approximately 50 local organizations that developed in the wake of the shooting death of Michael Brown, submits these recommendations today as our member groups recognize National Day Against Police Brutality. The Coalition has endorsed the recommendations below, but do not view this list as all-inclusive; we hope and expect that the DOJ will engage every possible tool to improve the abysmal state of policing in North St. Louis County. Because some of these recommendations might be part of a Consent Decree or Memorandum of Understanding, and others speak to broader reform and might be best pursued by COPS or other DOJ divisions, we have copied this letter to other divisions, so that each can implement those reforms most appropriate to its work. We are also making these recommendations public to encourage dialogue.

Beyond the listed policy changes, we recognize that successful implementation of any reforms will depend on strong community input and oversight of the implementation process. We look forward to working with you on that phase of the process when the time arises.

Municipal Reforms

- Body cameras on all officers with policies as articulated by Drone Free St. Louis: <http://www.dronefreestl.org/?p=688>;
- Signed form, translated into languages for immigrant communities, or video for all consent searches;
- Requirement that each department reflects the diversity of the community it serves and support to help them do so;
- Solid enforcement of racial profiling protections including use of racial profiling statistics in performance reviews;

- An end to departmental policies that measure officer's performance predominantly by number of stops or arrests or provide incentives for stops and arrests, replaced by measures of performance rooted in community policing;
- Requirement that police provide "receipts" after any police encounter that include the reason for the stop, and the officer's name and badge number;
- Requirement that officers carry palm cards with instructions on how to file an Internal Affairs complaint to provide to any citizen who requests it, with the officer name and badge number included;
- Setting of law enforcement priorities by community members or community advisory boards;
- Name-redacted public access to all discipline notices in officer files;
- Release of detailed annual Internal Affairs complaint and resolution statistics, including a name-redacted list of how many complaints the officers with the highest numbers of complaints each year receive; and
- Early Intervention Systems for officer performance and conduct with oversight to guarantee appropriate responses to red flags.

County Reforms

- All policies stated above to apply to county law enforcement agencies;
- County-wide Civilian Oversight Board designed for inclusion of all St. Louis County departments and embodying the principles of independence, representation of all stakeholders, access to all evidence and the ability to make policy recommendations as well as discipline and training recommendations in response to individual incidents;
- Consolidation of Departments; and
- Truth and Reconciliation Commission dealing with victims and perpetrators of police brutality.

State Reforms

The creation of standards, "best practices" and/or federal mandates that can be leveraged to pass the following state legislation or regulations:

- Mandatory training requirements for all officers on issues such as cultural sensitivity, interacting with mentally ill, responding to sexual assault, domestic violence, officer misconduct and integrity, use of force, effective communication and de-escalation skills and other topics in which Missouri police do not receive adequate training. Dialogue with affected communities should be part of all training;
- Programs whereby trained advocates for special-needs groups give feedback on policies and respond to calls with officers;
- Requirement that individual officers carry insurance for misconduct;

- Collection of detailed and accurate racial profiling data that includes pedestrian stops, a cause of action, and provides both “carrots” and “sticks” to incentivize improvement;
- Strengthening the financing and budget of POST, including investigation of serious citizen complaints, setting statewide policy on police practices, and enforcing strong training mandates;
- The ability of the POST Commission to decertify whole departments and strengthening of officer decertification policies;
- Establishment of a discipline matrix to ensure consistency in how supervisors respond to misconduct;
- Uniform and updated Use of Force policies;
- Whistleblower protection for officers and confidential informants;
- Uniform protocols outlining a clear process for response to any officer-involved situation wherein deadly force is used, including collection of facts, established timeline for release of information, and public announcements;
- Mandated Force Investigative Units with professional standards for every municipality or county and review by independent state authorities in all use-of-deadly-force incidents;
- Mandated release of the name of police officers involved in incidents wherein deadly force was used within 48 hours of the incident;
- Required annual report on the use of deadly force by all Missouri Police Departments;
- Mandated use of an assessment tool gauging racial bias in all Missouri police forces that goes beyond the recording of racial composition of police stops;
- Automatic removal of local, state and national funding for any police department that demonstrates racial bias according to the aforementioned assessment tool;
- Statewide guidance on the creation of civilian oversight boards based on the principles given above; and
- Ongoing leadership training for a diverse selection of qualified officers who will benefit from training on best police practices and general principles of leadership to help shape the next generation of law enforcement leaders.

Federal Reforms

- A publically available national database of police shootings, excessive force and deaths in custody, broken down by race and other demographic data, with key privacy protections, including the exclusion of personally identifying factors and information;
- Inter-state coordination of POST data regarding best practices for training and decertification information;
- Divestment of federal anti-drug grants and all other federal funding for police departments that demonstrate abuse of power and use of racial profiling as demonstrated by disparities in stops and arrests, and massive reinvestment in community controlled and based policing practices;

- Support for the passage of the End Racial Profiling Act (ERPA);
- National use of force policy and a mandate that state and local police adopt it;
- Strict limits on asset seizure and the transfer of any military equipment to local law enforcement under 1033 and other programs, guidelines that ensure that the equipment is not used against non-violent protesters, and an end to the requirement that such military weaponry is used within a year; and
- End of the Byrne Program that incentivizes arrests.

These recommendations have been drawn from thedemands.org, the Center for Popular Democracy, and the Color of Change, as well as the independent thinking of the Don't Shoot Coalition's diverse membership. We also support the reforms offered in "A Unified Statement of Action to Promote Reform and Stop Police Abuse", which can be found here:

https://www.aclu.org/sites/default/files/assets/black_leaders_joint_statement_-_final_-_8-18.pdf

Thank you for allowing us to weigh in and for your consideration these proposals. We look forward to working with you on these and other initiatives. Should you have further inquiries, please feel free to contact the Don't Shoot Coalition through Denise D. Lieberman at dlieberman@advancementproject.org and Michael T. McPhearson at: mcphearson@veteransforpeace.org.

Sincerely,



Michael T. McPhearson & Denise D. Lieberman

On behalf of the Don't Shoot Coalition

Cc:

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