

Achieving lasting transformation will require persistent, organized action across all levels of government.

Led by the Congressional Black Caucus, the “Justice in Policing Act of 2020” is an important federal step that will strengthen the protections of civil rights and increase police accountability. The Justice in Policing Act pushes for change in two overarching ways. One is to change federal law to ensure the federal government remains the guardian of civil rights. Another is to use Congress’s power of the purse to pressure states and localities that take federal money to implement reforms at their level.

How the Justice in Policing Act addresses the Resolution, with citations:

1. *“Reform policies that effectively provide police officers’ immunity from prosecution for crimes.”*
 - a. This bill facilitates police accountability in federal courts.
 - i. Sec. 101 strengthens federal criminal 18 U.S.C. § 242 prosecutions by changing the requirement from “willful” constitutional violations to knowing or reckless disregard for constitutional violations.
 - ii. Sec. 102 removes qualified immunity from federal civil 42 U.S.C. § 1983 suits against state and local law enforcement officers.
2. *“Require decertification for officers who have a history of serious misconduct.”*
 - a. Decertification falls to state/local authorities. But:
 - i. Sec. 201 would establish a national registry of police misconduct that includes complaints against officers, discipline and termination records, lawsuits and settlements, and records of “certification.”
 - ii. Sec. 202 prohibits state/localities from receiving certain funding if they don’t submit records to the national registry that their officers are certified
3. *“Require each newly hired officer to spend 100+ hours doing community work within the city (the entire city, each ward) they will be patrolling, prior to being hired.”*
 - a. Hiring requirements fall to state/local authorities. But:
 - i. Sec. 114 ties some grant money to develop pilot programs to establish standards for (among other things) hiring and recruitment. Those programs must include procedures for hiring officers “representative of the communities they serve” and include initiatives that encourage residency in the jurisdiction of service.
4. *“Review and reform the use of precedence in determining appropriate disciplinary actions for police officers.”*
 - a. Disciplinary actions fall to state/local authorities. But:
 - i. The same mechanisms in Number 2 above, can enable accountability.
5. *“Prioritize first responder recruitment in disenfranchised areas. Require review of effectiveness. (25%-50% Black/brown people Percentage make up with the police force goal). I say 25% as a starting point for those places that don’t have black/brown people living there.”*
 - a. Hiring falls to state/local authorities. But:

- i. The same mechanisms in Number 3 above, can incentivize diversity.
- 6. *“Set up a true independent agency/panel with enforceable powers to conduct audits on police behavior, all complaints filed against officers and the disciplinary action taken at every police precinct quarterly. It will consist of citizens, law enforcement and other members of the criminal justice system.”*
 - a. This will fall to state/localities. But:
 - i. Sec. 104 ties federal funding to development of civilian review boards. Sec. 117 establishes a Task Force to consult with stakeholders “to coordinate the process of the detection and referral” of police misconduct.
- 7. *“Body cameras for every officer. Penalties (including termination) for any manipulation or turning off body cameras.”*
 - a. The federal government can require its officers to do this and encourage state and locals to do the same through strings tied to federal grant money.
 - i. Secs. 371–77 require federal officers to wear cameras.
 - ii. Secs. 381–82 tie some federal funding to body camera procurement and program development for state/locals.
- 8. *“Establish a police community relations committee for every city to meet regularly to support a mission of just and equitable treatment. The committee will preferably consist of law enforcement agents, citizens, and ex-felons within the community.”*
 - a. This too will fall to state/localities. But:
 - i. Sec. 104 ties certain federal funding to develop civilian review boards that have “representative community diversity.” Sec. 113 requires the Attorney General to adopt policies and procedures to partner with community-based organizations for the development of police accreditation standards. Sec. 114 funds pilot programs to study best practices for police-community relations and allows the Attorney General to make grants to community-based organizations to develop and refine oversight over law enforcement.
- 9. *“A national registry for police who use unjustifiable force that leaves someone dead or injured or/arrested. Stopping the pipeline of police officers who have been found to use unjustified force on citizens and move on to another position somewhere else.”*
 - a. This bill creates a national registry of police misconduct. See Number 2, above.
- 10. *“Increased cultural competence and de-escalation training.”*
 - a. The federal government can tie strings to federal funding to incentivize this.
 - i. Secs. 301–366 covers training reform, but Sec. 114 also ties some grant money to pilot programs for standards development, including for lethal force, non-lethal force, de-escalation, and interactions with “youth, the mentally ill, limited English proficiency, and multi-cultural communities.”

The Justice in Policing Act will come up for a vote as early as next week in the House.

There is no one answer to dismantling systemic and structural racism, and while the Justice in Policing Act will make necessary changes to federal law and incentivize changes in state and local policies, it is clear that it will require ongoing engagement at all levels of government to achieve lasting change.