



*Submission to the Office of the United Nations High Commissioner for Human Rights on Human Rights Council resolution 43/1: "Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers"*

**SYSTEMIC RACISM AND MILITARIZATION OF LAW ENFORCEMENT IN THE UNITED STATES:  
HEALTH EQUITY AND HUMAN RIGHTS IMPLICATIONS FOR AFRICANS AND PEOPLE OF  
AFRICAN DESCENT**

HERE<sub>4</sub>Justice is a student-led organization situated in the Masters of Public Health in Health Equity program at Simmons University in Boston, United States. The program has a unique focus on racial justice, examining public health and human rights implications of systemic and structural racism—in the United States and internationally. Our membership reflects the diversity of our community and experiences, and our engagement in HERE<sub>4</sub>Justice calls in our commitment to advance health equity and social justice as they affect our communities through confronting societal structures and policies that disproportionately and intentionally disadvantage underrepresented, marginalized, and vulnerable groups.

In the context of the present submission, we call attention to the racialized deployment of militarized police forces in the United States, the associated violence from law enforcement, and ensuing human rights violations and denials of fundamental freedoms, including realizing the highest attainable standard of health.

Militarization of police came under international scrutiny as law enforcement deployed rubber bullets, tear gas, stun grenades and other wartime equipment to quell protests in the wake of the 2014 killing of Michael Brown by police in Ferguson, Missouri. In subsequent years, militarized tactics of law enforcement and associated violence became increasingly publicized. This is evident in the forced entry into the home of and killing of Breonna Taylor, a young Black woman, in March of 2020, and the killing of George Floyd later that year which gave rise to the present Human Rights Council resolution 43/1.

These violent and militarized responses, repeatedly in response to nonviolent activity, often go unpunished and has led to mass protests worldwide. The result is, violations of rights to privacy, peaceful assembly, life, and degradation of social determinants of health, particularly for people of African descent in the United States.

**Militarization of police in the United States**

Militarization of law enforcement rapidly escalated with the creation of the United States Law Enforcement Support Office's 1033 Program (1033 Program). The 1033 Program was created in 1997 as part of the National Defense Authorization Act to allow the US Defense Department to transfer excess equipment to local police departments. Since its creation, approximately 8,000 local authorities have enrolled and have been transferred \$7.4 billion in equipment.<sup>1</sup> This deployment of military equipment to local law enforcement has become a prime contributor to the militarization of police but has not been found to increase public safety.<sup>2</sup>

While receiving this support from the federal government, local police departments also receive disproportionate funding relative to other public services. For example, the budget of the city of Los Angeles's for 2020-2021 shows that the city will allocate \$3.14 billion for police and only \$81 million for housing out of the city's \$10.5 billion.<sup>3,5</sup> Similarly, New York City spends almost \$6 billion on policing on average yearly, which is more than what it spends on the Department of Health, Homeless Services, Housing Preservation and Development, and Youth and Community development combined.<sup>4,5</sup>

In this regard, militarization of law enforcement is embedded into the political structures of every level of decision-making. Moreover, the systems in which these police forces operate perpetuate their presence in communities at the expense of human rights and social protections.

### **Racialized deployment of militarized police forces and implications for human rights and fundamental freedoms, in particular the right to health**

Members of this group, particularly members of African descent, have experienced first-hand encounters with law enforcement violence and militarized police forces. In exercising their fundamental right to peacefully gather, members have been forcibly contained via the police tactic of kettling and tear gassed. Members have experienced emotional and psychological trauma, including fear for their own safety and lives as well as that as their family and loved ones.

As demonstrated by these testimonies, violence induced by law enforcement violence and heavy weaponry, such as during protests, is a driver of emotional, mental, and physical distress. The use of military equipment threatens the right to protest, freedom of expression, and the right to health.

Accumulated stress induced by fear associated with militarized police has negative consequences on the health of Black communities and communities of color who are constantly at the epicenter and periphery of

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<sup>1</sup> United States Defense Logistics Agency. 2020. Available at <https://www.dla.mil/AboutDLA/News/NewsArticleView/Article/2214350/then-and-now-a-2020-look-into-leso/>

<sup>2</sup> Mummolo, Jonathan. 2018. Proceedings of the National Academies of Science, 115:37, 9181-9186

<sup>3</sup> City of Los Angeles 2020-2021 Proposed Budget. Available at [http://cao.lacity.org/budget20-21/2020-21Proposed\\_Budget.pdf](http://cao.lacity.org/budget20-21/2020-21Proposed_Budget.pdf)

<sup>4</sup> New York City Comptroller. 2020. <https://comptroller.nyc.gov/newsroom/comptroller-stringer-to-mayor-de-blasio-cut-1-1-billion-in-nypd-spending-over-four-years-and-reinvest-in-vulnerable-communities-and-vital-services/>

<sup>5</sup> Fernandez, Paige. 2020. "Defunding the Police Will Actually Make us Safer." Last modified June 11, 2020. <https://www.aclu.org/news/criminal-law-reform/defunding-the-police-will-actually-make-us-safer/>

police violence. The allostatic load of stress in black and brown bodies continuously generates cortisol that has negative consequences on their health. Militarization of police is an additional stress and burden on communities of color who suffer from disproportionate police presence, arrests, and killings.<sup>6</sup>

### **Recommendations for policy responses that address structural and systemic contributors to the problem**

Policy responses and other mechanisms implemented in response to law enforcement violence and militarization have not addressed the problem. For example, some jurisdictions have implemented policies to forbid the use of choke holds or have required law enforcement to wear body cameras. In addition, police officers in the US who have used excessive force or unjustly killed people of African descent have faced criminal charges. Only some have stood trial and fewer have been found guilty or been otherwise held accountable. None of these responses address the underlying structural and systemic factors that contribute to ongoing violence and violation of human rights and fundamental freedoms at the hands of law enforcement.

Along with myriad organizations who advocate for human rights, health equity and social justice, HERE4Justice aligns with calls for defunding the police. This entails reallocating funds from law enforcement to social services and social protection, including job training, counseling, violence-prevention programs, education, housing, and universal health care.<sup>7</sup>

We also support calls for replacing the need for policing with decriminalization of activity such as homelessness, drug use, and sex work and policies. Further, responses to emergencies or certain, especially nonviolent, crimes should involve interventions that do not rely on law enforcement. Such eventual *abolition* of police would result in reduction of the heavy presence, power, and threat of law enforcement in communities of color in the United States.<sup>8,9</sup>

Programs that perpetuate militarization of police should be ended as well. In the case of the United States, the federal 1033 Program should be repealed. Moreover, restrictions that prevent police departments from purchasing or using military grade weapons and supplies should be implemented.

Finally, as many reformist approaches recommend changes to law enforcement training and education, we recommend deep changes to the way law enforcement is trained and their required education. National standards for the training, certification, and continuing education of law enforcement officers must be implemented. Standards should be developed through a community based participatory method via a partnership of law enforcement officers and community activists across the country. Mandatory standards

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<sup>6</sup> American Public Health Association. 2018. Addressing Law Enforcement Violence as a Public Health Issue. Available at <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence>

<sup>7</sup> Fernandez, Paige. 2020. "Defunding the Police Will Actually Make us Safer." Last modified June 11, 2020. <https://www.aclu.org/news/criminal-law-reform/defunding-the-police-will-actually-make-us-safer/>

<sup>8</sup> Vitale, Alex. (2017) *The End of Policing*. New York: Verso Books.

<sup>9</sup> 8 to Abolition: Abolitionist Policy Changes to Demand from Your City Officials. Available at [https://static1.squarespace.com/static/5edbf321b6026b073fef97d4/t/5ee0817c955eaa484011b8fe/1591771519433/8toAbolition\\_V2.pdf](https://static1.squarespace.com/static/5edbf321b6026b073fef97d4/t/5ee0817c955eaa484011b8fe/1591771519433/8toAbolition_V2.pdf)

should specify a minimum length of training, quality design of training programs and topics that must be included or excluded in the training curriculum. Militarization language and tactics currently utilized in law enforcement training programs should be forbidden and training programs must include a racial equity lens along with a central focus on racial justice. This would include in-depth discussions about implicit bias, systemic racism, institutionalized racism within the policing industry, de-escalation training and the inclusion of community members in policing, especially in program design, evaluation, oversight and accountability.<sup>10</sup>

### **Summary and Conclusion**

We welcome the Human Rights Council resolution 43/1, its implementation, and the potential to place pressure on governments across the globe to address the continued abuses of human rights and fundamental freedoms at the hands of law enforcement. In our efforts to promote law and policy that protect and advance the right to health and health equity, HERE4Justice highlights the threat to the right to health for impacted individuals, their communities, and their families. In sharing our own experiences and evidence-based recommendations, we hope to have provided substantial and action-oriented input to the coming report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies from the High Commissioner.

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<sup>10</sup> Doleac, Jennifer. 2020. How to Fix Policing. Available at <https://www.niskanencenter.org/how-to-fix-policing/>