



**Mothers Against Police Brutality**

**Recommendations for Justice in Policing  
Submitted to the United Nations  
Office of the High Commissioner for Human Rights  
Mothers Against Police Brutality  
January 7, 2021**

**A. Proposals for the United States Congress and Department of Justice.**

**1. The United States Department of Justice (USDOJ) should assign an independent federal investigator in the investigation and prosecution of officer-involved-shootings (OISs) by local police departments and other local law enforcement.**

- a. The number of prosecutions – local, state, and federal – of officers who kill is so small as to be statistically insignificant. Local district attorneys do not have the inclination or the resources to effectively prosecute the police officers that they work with and depend on in the routine prosecutions of every other type of crime.
- b. The civil rights criteria for USDOJ involvement in OISs are too limited, and the standard for involvement has not generally been used as a basis for prosecution in fatal encounters with police.
- c. USDOJ should establish a civil rights unit in each U.S. Attorney’s office to investigate and, when warranted, prosecute officers involved in fatal police shootings. The taking of a life by law enforcement, unless in self-defense, is an act of deadly official oppression, a violation of basic human rights. The victim in an OIS, it must be remembered, has not been convicted of any crime.

**2. The U.S. needs a national legislative standard for police use of deadly force.**

- a. The criteria for use of force described in the *Tennessee v. Garner* (1985) decision of the U.S. Supreme Court, the basis for almost all deadly force policies, are not adequate to prevent unnecessary loss of life at the hands of law enforcement officers.
- b. Deadly force law, regulations, and policy should describe specific conditions under which an officer may not kill a person. Under a policy based on objective, visible conditions, an officer should be prohibited from using deadly force if:
  - 1) a suspect is unarmed;
  - 2) a suspect is running away or attempting to withdraw;
  - 3) a suspect is driving away or sitting in a parked car;
  - 4) a suspect is not armed with a firearm – for example, when a suspect is holding a knife, screwdriver, or blunt object; and
  - 5) if the officer is alone – for example, after a solo foot chase.

In the event that deadly force is used, officers shall not shoot multiple times at a suspect without re-evaluating the necessity of additional deadly force.

*Instead of relying on the officer's subjective judgment of a threat to his/her life or that of a passer-by, the use of force is governed by observable conditions.* The officer under current criteria thinks, "Is this person a threat to my life?" In the proposed criteria, an officer is trained to think, "This person is unarmed (or fleeing, sitting in a car, holding a screwdriver). How can I apprehend him without using my firearm?"

For a scholarly discussion of these recommendations, see Zimring, Franklin. 2017. *When Police Kill*. Harvard University Press, Cambridge, p. 227-232.

These deadly force recommendations were endorsed the Texas Civil Liberties Union and other groups in the September 10, 2020 report, *Dignity for Dallas: Advance Justice, Change Priorities, Invest in Communities*. See p. 12: [https://www.aclutx.org/sites/default/files/dignity\\_for\\_dallas.pdf](https://www.aclutx.org/sites/default/files/dignity_for_dallas.pdf).

On September 25, 2020, the Houston Mayor's Task Force on Policing Reform included these proposals in its report. See p. 59: <https://www.houstontx.gov/boards/policing-reform-report.pdf>.

### **3. USDOJ should establish a program in order to support with federal funding community-based public safety initiatives that do not rely on law enforcement to address community harm and that promote community health, safety, and well-being.**

The cry in the streets of the U.S. throughout 2020 was "defund the police." The cry was rejected out of hand by many elected officials. But the issue of budgeting for local police remains urgent, considering how the police budget dwarfs spending on human needs in most local governments, and particularly in over-policed, impoverished neighborhoods. How can the USDOJ, putting aside ideology, contribute to alleviating the large-scale, chronically underfunded, unmet human needs in cities throughout the country? By providing funding for community-based programs that address these needs at the grassroots level. Examples include:

- a. violence interruption by community residents/leaders;
- b. provision of mental health services for people in crisis (including homeless individuals), without police involvement;
- c. practical programs operated by community organizations, such as provision of transportation to seniors for shopping, medical appts., etc.;
- d. prevention of evictions and other tenant rights-based approaches to improving housing conditions;
- e. assistance with access to public benefits;
- f. assistance for residents to obtain a "medical home", and to obtain health insurance and related health services;
- g. employment programs for youth, formerly incarcerated, and others facing barriers to employment.

USDOJ may think of these as demonstration projects, or ways to illustrate non-police approaches to public safety. The scale may be initially small, but such projects would show a tangible improvement in the wellbeing of resident and they could be rolled out fairly quickly. Successful projects could be replicated and scaled up.

(For research and discussion of this type of approach in Dallas County, Texas, see the *Final Report of the Working Group on 10 New Directions for Public Safety and Positive Community Change*, August 2020: <https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:bef0f610-9c01-402e-8242-5a8df32b0042>.)

### **4. As a high priority, and as a demonstration of compassion for grieving, struggling families, USDOJ should develop model protocol for engaging families in the aftermath of a fatal police shooting. USDOJ should support research concerning the treatment by police departments of families who have lost a loved one to deadly police violence.**

What has been the experience of these families? What help, if any, did local government provide these families? What policies exist in police departments to engage families after a fatal OIS? This research should inform development of new federal guidelines and protocols for how police departments should engage and assist families of victims of OISs. These policies should be grounded in the actual experience of directly impacted families.

**5. Related to Item 4 above, USDOJ should make sure that families of victims of police brutality are eligible for compensation when police kill or seriously injure their loved ones.**

Families are typically left on their own to cope with funeral expenses, recovery of victim's personal property and clothing, damage to their residences, official attacks on their loved one's reputation – all in addition to coping with their grief and loss.

But in Texas, and many other states, relief from the Crime Victims Compensation Program is allowed only if the victim “did not: participate in the crime; commit illegal activity at the time of the crime; or share responsibility for the crime due to [his/her] behavior.” Clauses such as these typically disqualify an individual or family victimized by the police. Officers involved in a shooting, however, are perfectly able to receive compensation – e.g., for emotional distress.

(For the U.S State of Texas guidelines, see: <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/eligibility-crime-victims-compensation-program>.)

**B. Proposal for the U.N. Officer of the High Commissioner for Human Rights (OHCHR).**

**The OHCHR should establish an initiative in *human rights and law enforcement* to monitor and conduct research and to receive reports from impacted communities on injustice in local law enforcement.**

Beyond the fatal shootings of a thousand persons annually by law enforcement officers in the United States, it is police officers in cities from Lagos to Hong Kong who are the enforcers of repression. The OHCHR has programs concerning issues from “adequate housing” to “water sanitation,” and there is in fact a human rights dimension to all of these issues. Surely there is a place for “human rights and law enforcement” in the inventory of the High Commissioner's concerns. This initiative will provide hope of redress for citizens throughout the world who suffer from police brutality, corruption, and repression.

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