

NLC RESOLUTION

ON THE USE OF FORCE BY MUNICIPAL LAW ENFORCEMENT OFFICERS

WHEREAS, the police officer-involved killings of Ahmaud Arbery, Breonna Taylor, Dreasjon “Sean” Reed, George Floyd, Tony McDade, Tamir Rice, and the countless other Black people have exposed racially divisive issues in the relationships between local police and the communities they are sworn to protect and serve, especially in communities of color; and

WHEREAS, Black Americans face a higher risk of being targeted and killed by police as compared to White Americans;¹ and

WHEREAS, 235 African Americans were shot to death by police in 2019 alone,² who are disproportionately subjected to police shootings; and

WHEREAS, NLC believes that trust between law enforcement officers and the people they serve and protect is essential to a municipality’s stability, the integrity of our criminal justice system, and the safe and effective delivery of policing services; and

WHEREAS, every person has a right to equal and fair treatment by law enforcement officers; and

WHEREAS, when it comes to governing a municipality, nothing is more important for local officials than protecting the public's safety; and

WHEREAS, in our civil society, local elected officials bear the responsibility of managing a municipality's public safety programs, including its police department; and

WHEREAS, the goal of managing law enforcement efforts by municipal governments must be to provide a safe, healthy environment in which ALL residents can live free from violence, fear, harassment, discrimination, and intimidation; and

WHEREAS, our country has a long history of disparate treatment of Black, Indigenous, Latinx, and Asian Americans, especially Black and Latinx people in our criminal justice system; and

WHEREAS, the excessive use of force by law enforcement has shown that discriminatory enforcement of criminal laws has a corrosive effect that undermines the community's confidence in law enforcement and interferes with our efforts to keep all members of the community safe; and

WHEREAS, it is the responsibility of local elected leaders to hold law enforcement officials accountable for unjustified, unnecessary actions that result in an abuse of power; and

¹ <https://www.pnas.org/content/116/34/16793>

² <https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/>

WHEREAS, local elected officials work closely together with their municipality's law enforcement officials and residents to ensure police officers have the support, resources, and training they need to serve their communities with honor, integrity, moral character, and courage.

NOW, THEREFORE, BE IT RESOLVED, NLC's Public Safety and Crime Prevention Federal Advocacy Committee requests that NLC develop recommendations for how municipal leaders can ensure their law enforcement agencies "use of force policies" are appropriate. These recommendations should be published and distributed to the NLC membership and the board. Specifically, NLC should propose recommendations relative to:

- complying with the U.S. Department of Justice's Use of Force Continuum;
- prohibiting maneuvers such as chokeholds that are intended to limit person's ability to breathe or restrict person's blood flow;
- authorizing the use of "lethal" or "less lethal" force³ when there is imminent danger to the officer or to another individual;
- requiring officers to use de-escalation techniques when there is no imminent danger to life and property;
- requiring other officers that are at the scene of the incident to intervene and stop the use of force by officer(s), including using their arresting authority, if they believe the actions are unwarranted, unnecessary, or are an abuse of power by the officer(s);
- requiring the law enforcement agency to log all use of lethal or less lethal force by officers to a national database that is searchable and available to the public;
- requiring officers, who use force when it is not necessary, to be relieved of duty;
- requiring officers equipped with body worn cameras to make sure the cameras are in recording mode anytime the officer is engaged in a potential incident that might require the use of force;
- prohibiting officers from restricting witnesses to video record the use of force by officer(s);
- ensure the public is able to call 9-1-1 or use an online reporting system when they believe an officer's use of force is unwarranted or is in violation of an individual's civil rights;
- ensure law enforcement officers and other public safety employees are provided whistleblower protections when they report an officer use of force violation; and
- requiring that all lethal and less lethal use of force actions be thoroughly investigated to ensure the incident warranted the use of force; and
- requiring law enforcement executives to take immediate disciplinary action against an officer who used lethal or less lethal force, if it is determined that the use of force was unwarranted, unnecessary, excessive or was an abuse of power; and

³ As defined in the DOJ's Use of Force Continuum

BE IT FURTHER RESOLVED, NLC calls on the U.S. Department of Justice to update the Use of Force Continuum⁴ to ensure that the continuum fully addresses structural and institutional racism on how the use of force is employed by local, state and federal law enforcement; and

BE IT FURTHER RESOLVED that NLC calls on Congress to:

- establish a federal technical assistance and grant program that help local governments to establish violence interrupter programs⁵ and initiatives that employ community members with expertise, and reduce the overburden on law enforcement to respond to calls; and
- provide additional funding for the community oriented policing grant program to help local law enforcement agencies implement and improve racial bias and de-escalation training; and
- prioritize the awarding of the above funding to targeted municipalities that have repeatedly been cited for lethal or less lethal use of force violations, civil rights violations, or abuse of power by officers; and
- provide additional federal funding and technical assistance to local governments to help administer mental health and wellness services to law enforcement officers; and
- establish a National Database of Decertified Officers that local governments can use to vet officers who have been dismissed for such issues as unnecessary or excessive use of force, abuse of power, racial discrimination, and violation of individual's civil rights; and
- provide technical and grant assistance to local governments to establish transparent civilian oversight boards to investigate officer use of force violations.

⁴ <https://nij.ojp.gov/topics/articles/use-force-continuum>

⁵ Violence Interrupters cruise the streets of the toughest neighborhoods to identify and intervene in gang-related conflicts before they intensify. If a shooting has occurred, they seek out the victim's friends and relatives and try to prevent a retaliatory shooting.