AGENDA TO KEEP US SAFE



ACKNOWLEDGEMENTS

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LETTER FROM THE BYP100 NATIONAL COORDINATOR

A collective moment of trauma in the wake of a notguilty verdict in the killing of Trayvon Martin's pushed 100 young Black activists into creating what is now the Black Youth Project 100 (BYP100).

We were agitated into existence. And we continue to train, mobilize, and organize young Black people so that our world is transformed into what we believe it should be -- free of police-state violence.

While the Black community is not a monolith, common experiences of police brutality, abuse and racial profiling are widespread and deeply felt. We asked Black youth to share their stories of how they've been criminalized by the police through our #CriminalizedLives campaign. What we heard back was both devastating and unfortunately predictable.

The Agenda to Keep us Safe emerges out of our stories, and serves as a cornerstone in BYP100's long-term campaign to end the criminalization of Black youth.

The times we live in call for a resurgence of national Black liberation organizing to transform the society in which we live. As an organization, we approach this work through transformative leadership development, nonviolent direct action organizing, political education, and public policy advocacy.

Given our collective experiences as activists, we are compelled to approach the work of Black liberation with



strategic thinking and actions. Public policy advocacy sits at the intersection of both.

The Agenda is the first of our broad initiatives to change public policy on national and local levels. Organizing to achieve public policy change is one major aspect of our larger mission to create freedom and justice for all Black people. Our aim is to equip young people with a clear set of public policy goals to organize towards and win in their local communities.

BYP100 works through a Black queer feminist lens -meaning that we are radically inclusive and strive to move those of us who are marginalized (e.g. Black women, girls and LGBTQ folks) to the center.

Thus, the Agenda is meant for young people who want to approach civil rights, racial justice, LGBTQ rights, and women's rights work differently. Further, the Agenda is not meant to advance politics of respectability -we want ALL Black people to be able to live in their dignity.

We invite you to join our growing collective of educators, parents, community organizers, professors, artists, workers and students to ensure that the ideas in the Agenda to Keep us Safe become reality.

--Charlene A. Carruthers, National Coordinator, BYP100

INTRODUCTION

The criminalization of Black youth is a national shame, and in communities across the U.S., Black youth have lost faith in law enforcement agencies' willingness to keep us safe. We envision a society where communities have the resources they need to be safe. Now is the time to hold police - who took an oath to serve and protect us - accountable for our safety.

Black Youth Project 100 (BYP100) is dedicated to the long-term fight to end the criminalization of Black youth. We believe that strategies to achieve this goal and ultimately transform our lives and communities require grassroots organizing and public policy advocacy at the local, state, and federal level. Thus BYP100 wants decision makers, elected officials, and law enforcement agencies to implement and enforce our Agenda to Keep Us Safe.

The Agenda can be used by organizers and activists to identify problems affecting their communities. The Agenda provides some very clear and attainable reforms that would make significant strides towards our goal of creating an America where Black youth no longer have to live in fear of police and a racist criminal justice system. These policy recommendations can serve as the foundation for very effective campaigns to end the criminalization of Black youth in our nation. BYP100 chapters in Chicago, Washington, D.C., New York City, and the Bay Area are engaged in local campaigns to advance the Agenda.

There is no established lobby for Black youth in America. We have to represent our interests and share our ideas about how to make our communities better with elected officials. The Agenda can be used to effectively to lobby decision makers and to advocate for laws that will make us more secure in our neighborhoods.

The Agenda is a starting point in your research to identify problems and strategic solutions to those problems. We have included additional resources and information from a host of organizations, think tanks, and government agencies that could be of further assistance in developing a campaign.



It is our duty to fight. It is our duty to win. We must love each other and protect each other. We have nothing to lose but our chains.

- Assata Shakur

AGENDA TO KEEP US SAFE POLICIES

INCREASED COMMUNITY OVERSIGHT & ACCOUNTABILITY OVER LAW ENFORCEMENT

Throughout the 1950s and 1960s, police beat peaceful protesters who marched in the streets for their rights. After the passage of landmark Civil Rights Act of 1963 and the Voting Rights Act, protesters turned people power into political power and became elected officials. The 1980s and 1990s brought Blacks to power in city governments in Atlanta, New York, Washington, DC and Chicago. With their new power, many of these politicians established community police review boards (CPRBs) with the intention of giving the people the power to hold police accountable. New York City provides an excellent example of this: In September 1992, the New York

Police Department staged a rally in opposition to a legislative enactment that would create an independent civilian agency to provide oversight of policing. This bill was being introduced as a result of the egregious level of police misconduct in the city. The rally quickly escalated into a police riot in which thousands of off-duty police officers blocked traffic on the Brooklyn Bridge, assaulted several news reporters, and shouted chants laced with racial insults directed at Mayor David Dinkins, the city's first African-American mayor and supporter of the legislation.¹ This display of police behavior and misconduct gave credence to the need for such an agency.

1. New York Civil Liberties Union, "Mission Failure: Civilian Review of Policing in NYC." (2007).

In many communities, police departments have fallen short in their sworn duty to serve and protect as evidenced by the vast amount of police violence, brutality, and harassment. That this state-sponsored violence is going largely unchecked is attributable to lax police accountability mechanisms. A strong democratic, representative, autonomous entity should exist to rebuild the trust and broken relationships between community residents and police officers. In other words, we need to be able to check the police.

- Democratic: Seats on these boards should be democratically elected by the people.
- 2. Representative: Civilians should serve on these boards, not current or former law enforcement.
- 3. Autonomous: CPRBs should have the power to open and conduct independent investigations of police departments and individual police officers in cases of alleged misconduct.

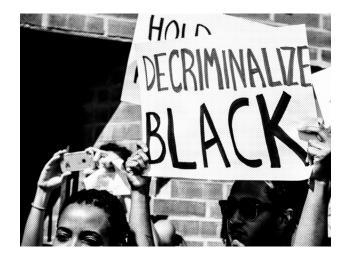
MODEL LEGISLATION:

Chicago Alliance Against Racist and Political Repression Proposed Legislation for Civilian Police Accountability Council

POLICY POSITION:

We need to strengthen existing community police review boards, and establish them where they don't exist. community police review boards were once a major victory of the Civil Rights Movement and it is our duty to make sure that we don't go backwards.

Community police review boards should, at minimum, be:



REPEALING CRIMES OF YOUTH

In 2012, Salecia Johnson was a kindergarten student in Milledgeville, Georgia. One day in class she grew frustrated and erupted into a temper tantrum in her class. When Salecia acted out in the way that many kindergartners do, Creekside Elementary school called the police. When the police arrived, they found Salecia on the floor of the principal's office screaming and crying. Little Salecia was promptly handcuffed, arrested and hauled to the local police station. She was held for more than an hour before her parents were notified that she had been arrested and charged with simple assault and damage to school property. Her mother, Constance Ruff, says Salecia is traumatized and believes Salecia may never recover. Salecia often wakes up in the middle of the night screaming, They're coming to get me!



Children are arrested and put in the juvenile and criminal justice system for noncriminal behavior, or crimes that adults cannot be arrested for such as truancy, curfew violations, incorrigibility, and running away from home; such crimes are referred to as status offenses. Each year, approximately 20% of all juvenile arrests involve status offenses² and police are arresting children without their parents' knowledge.

Furthermore, children across the nation are being funneled out of public schools and into the juvenile and criminal justice systems as a result of zero tolerance policies for infractions of school rules as well as over-reliance on police to patrol and maintain order. This school-to-prison pipeline phenomenon has disproportionately affected Black students, including Black LGBTQ youth, and other students of color in terms of school-based arrests and outof-school suspensions. 70% of students involved in schoolbased arrests or referred to law enforcement are Black or Latino,

and 40% of students expelled from U.S. schools each year are Black.³ These students have been and continue to be criminalized for behavior that should be handled in the school.

POLICY POSITION:

Police interactions with minors should be positive and limited. When young people have bad interactions with police officers, the experience can have adverse psychological effects on the young person. Aggressive law enforcement, zero tolerance, and tough on crime policies do not allow our kids to be kids; childlike behavior should not land them in jail cells.

We hold the position that:

Minor children should not be arrested and detained for any status offense or act that would be legal if they were an adult under any circumstance. Thus we urge for the amendment of H.R. 4123 to reflect this.

Police should only be utilized in clearly defined emergency situations and should not have a

2. Michon, K., "Juvenile Law: Status Offenses." (n.d.)

3. Office for Civil Rights, "The Transformed Civil Rights Data Collection (CRDC)." (2012)

constant presence in the school environment. Schools should be demilitarized and rid of police officers patrolling the hallways. As an alternative, school districts should employ personnel trained in youth development and conflict resolution to handle behavioral disruptions and other conflicts.

All levels of government should allocate funds to schools under legislation such as the Youth PROMISE Act, especially those which are predominantly Black and have a high rate of disciplinary infractions, to implement restorative justice, mentoring, and other preventive programs as a more effective means to handle behavioral disruptions.

MODEL LEGISLATION:

H.R. 4123 - Prohibiting Detention of Youth Status Offenders Act of 2013

H.R. 1318 - Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act)

MIKE BROWN'S LAW - BODY CAMERAS ON POLICE

Since the 1991 beating of Rodney King by the LAPD, Black people have become increasingly willing to put themselves in danger of police retaliation in order to record their activities. It is highly unlikely that the killings of Eric Garner and Oscar Grant or the beating of Marlene Pinnock would have received national attention if these events had not been recorded. This history has fueled the discussion of proposals to require police officers to wear cameras.

In 2007, Simon Glik filmed three Boston police officers beating and choking a man that was being placed under arrest. Glik filmed

the encounter with his cell phone due to his concern that the officers were using excessive force. Although Glik was 10 feet away and was not interfering with the arrest, he was told by one of the officers to stop taking pictures. Glik replied that he was recording the incident, and when the officer determined that this included audio, placed Glik under arrest and was charged with wiretapping, disturbing the peace and aiding in the escape of a prisoner. The case against Glik went all the way to federal court and clarified our rights to film the police.



In the aftermath of the killing of Michael Brown, an 18-yearold unarmed Black man in Ferguson, Missouri, over 150,000 individuals signed a petition on Whitehouse.gov demanding the Obama Administration to create, sign into law, and allocate funds to the Mike Brown Law, which would require all state, county, and local police officers to wear cameras. Many supporters of this idea believe that if police officers wear a camera, then it would prevent police misconduct.

The dangers of equipping officers with body cameras are clear: these kinds of programs could empower police to further invade our privacy and trample our civil rights. Currently, law enforcement agencies around the country are piloting programs to test the effectiveness of placing cameras on police officers.⁴ Body cameras raise complex issues and cause some conflict among our values such as personal safety vs. civil liberties. We will monitor these programs carefully to see how they are implemented and what their effects are over time. For now, we will present our current thinking

about and recommendations for these programs.

POLICY POSITION:

We hold the position that law enforcement agencies who adopt a body camera program should be:

Democratic: Communities must play an active role in deciding if their local police will wear cameras, whether by vote or by other means of voicing their concerns and desires for such surveillance programs.

Transparent: Limit cameras to uniformed officers and marked vehicles, so people know what to expect. Officers who cannot be clearly identified as law enforcement should not have cameras.

Protective of our Right to Privacy: Officers should be required to inform people that they are being recorded.

Secured: Cameras must be designed to ensure that video footage cannot be destroyed, altered or tampered with by dishonest or corrupt officers.

4. <u>Farrar, T., "Self-awareness to being watched and socially-desirable behavior: A field experiment on the effect of body-worn cameras on police use-of-force." (2013).</u>

INCREASED DOJ ENFORCEMENT OF EXISTING CIVIL RIGHTS LAW

In April 2001, Timothy Thomas was shot by a Cincinnati police officer, sparking riots in the city's Over-the-Rhine neighborhood. During these riots, fires were set around Over-the-Rhine, a police officer was shot but uninjured when the bullet hit his belt buckle, and a citywide curfew was imposed. Thomas was one of 16 men - all African American - who died in confrontations with the police in the six years preceding the riots. Today, however, the Cincinnati Police Department operates completely different and is engaged in a culture that stresses customer service . Why? In March 2001, the American Civil Liberties Union and local groups joined a 1999 lawsuit filed by Bomani Tyehimba,

claiming police had discriminated against Black people in Cincinnati for decades. That lawsuit led to the Collaborative Agreement in 2002 between the ACLU, Cincinnati Black United Front, city and police union, which required police to adopt a communityoriented policing strategy. A consent decree issued by the DOJ required many more concrete reforms, including but not limited to officer training in recognizing and dealing with mental health issues, carrying tasers as an alternative to guns, the creation of an independent civilian review board, and more robust recording and tracking of police stops. The U.S. District Judge appointed a federal monitor who oversaw compliance for the next six years.



Racial profiling and police misconduct is far too common in police departments across the U.S. In some cases, even independent civilian review boards may not have enough power to deliver justice. The Department of Justice (DOJ) has the power to ensure that the rights of people who interact with local or state police departments are protected with the police misconduct provision of the Violent Crime Control and Law Enforcement Act (42 USC § 14141), which authorizes the Attorney General to file lawsuits to reform police departments that are engaged in violating citizens' federal rights. Further, the Special Litigation Section of DOJ can conduct investigations and issue consent decrees that challenge and reform systemic issues within police departments such as excessive force, false arrests, retaliation against persons alleging misconduct, and discriminatory harassment, stops, searches, and arrests. However, this law has been greatly underutilized - it has only been used 11 times in 30 years even though we know that citizens' rights have been violated by police departments far more than that. This underutilization gives way to a huge loophole in police

accountability and integrity. Moreover, it could take up to 1.5 years for DOJ to investigate before filing a lawsuit; that is too long for any community that is being abused to wait for justice.

POLICY POSITION:

- We hold the position that the Department of Justice should:
- Hold local law enforcement agencies who receive federal funding accountable for ensuring data transparency and collection.
- Publish clear guidelines or criteria on what constitutes a pattern warranting investigation.
- Conduct more time efficient investigations.
- Grant civilian police review boards (CPRBs) the power to call on them to issue decrees based on CPRBs independent investigation of local law enforcement violations.

MODEL LEGISLATION:

2 U.S. Code § 14141 - Cause of action (with above proposed amendments)

DEMILITARIZATION OF POLICE



On August 9, 2014, eighteen-yearold Michael Brown was executed by police officer Darren Wilson, inciting righteous rage in the Black community of Ferguson, Missouri and others like it across the country. The people of Ferguson have expressed their anger, frustration, and hurt about the blatant disregard for and devaluation of Black life with peaceful protests. In the midst of this, local police forces abandoned traditional policing practices and replaced them with military ones, sporting full bodyarmor, carrying armored personnel carriers and sniper rifles, and equipped with tear gas to deploy against demonstrators and journalists. At no point were police officers in danger as a result of these protests, and even if they were, military-grade weaponry and armor is excessive and unnecessary to police a demonstration. These weapons gave police the power to treat the residents of Ferguson as a population to occupy, not citizens to protect.⁵

5. Bouie, J., "The Militarization of the Police." Slate (August 13, 2014).

Policing in the U.S. has become extraordinarily militarized, in large part through federal programs such as the Department of Defense's 1033 Program and grants from the Department of Homeland Security that have armed local and state law enforcement agencies with the weapons and tactics of war, with virtually no public knowledge or oversight. Using these federal funds, local and state law enforcement agencies have accumulated military arsenals in the name of community safety and in continuance of the War on Drugs, which has disproportionately affected communities of color.⁶ Granting local and state police the training and weaponry that is meant for the war zone and extreme emergency situations gives way to the manifestation of local communities as war zones with police officers as the occupying force and community residents as the enemy combatants.

POLICY STATEMENT:

We recommend the repeal of section 1033 of the National Defense Authorization Act of 1997. The federal government's sponsorship of war material such Armored Personnel Carriers (APCs), battering rams, flashbange grenades, and other military equipment should be curtailed. The Department of Defense Excess Property Program (1033 Program) should no longer be authorized to provide surplus military equipment to local and state civilian law enforcement agencies. It is counterproductive to community safety and is not appropriate or necessary to police civilians, even in counternarcotics operations.

MODEL LEGISLATION:

Stop Militarizing Law Enforcement Act

6. <u>American Civil Liberties Union. "War Comes Home: The Excessive Militarization of American</u> <u>Policing." (2014).</u>

ENDING THE WAR ON DRUGS: DECRIMINALIZING MARIJUANA

In October 2010, Bernard Noble, a 45-year-old African-American trucker and father of seven, was stopped on a New Orleans street with a small amount of marijuana in his pocket. He was sentenced to 13.3 years of hard labor in prison without the possibility of parole for possessing the equivalent of two marijuana cigarettes. Although Noble's original sentencing judge rightfully considered a 13.3 year sentence egregious for this crime and sentenced Noble to five years of hard labor (which is still egregious), the New Orleans Parish District Attorney saw the sentence as too lenient given Louisiana's Habitual Offender Law and appealed the sentence. While Noble has two prior low-level nonviolent drug offenses, he has never been convicted of anything more serious than possession of drugs for personal use. Daniel Abrahamson, director of the Office of Legal Affairs for the Drug Policy Alliance accurately sums up the injustice of this case saying, The sentence inflicted by Louisiana in this case for simple, low-level marijuana possession, on a gainfully employed father with absolutely no history of any



serious or violent crime cannot be justified by any measure. It does not enhance public safety. It will destroy Mr. Noble and his family. And it flies in the face of what Louisianans believe. Finally, Mr. Noble's prison sentence for possessing two joints will cost Louisiana taxpayers nearly onequarter of a million dollars and will add to the majority of nonviolent offenders who currently fill Louisiana's prisons.

Each year, more than 1.5 million drug arrests are made in the U.S., and over half of these arrests are for marijuana.⁷ Of the 8.2million marijuana arrests between 2001 and 2010, 88% were for simple marijuana possession.⁸ Marijuana possession laws bring hundreds of thousands of people into the criminal justice system, wasting billions of taxpayers' dollars. Moreover, arrests for marijuana possession are carried out in a racially biased manner. Marijuana use is roughly equal among Blacks and whites, yet a Black person is 3.73 times more likely to be arrested than a white person.⁹ There is no credible evidence that shows that criminal sanctions for marijuana possession are sufficient in addressing drug use and misuse. Furthermore, decriminalizing marijuana could free up community dollars currently gobbled up by the criminal justice system to be better invested in our communities.

POLICY POSITION:

We advocate for the decriminalization of marijuana; that is, we hold the position that criminal sanctions for the possession of marijuana in small amounts for personal consumption be eliminated. Further, use of marijuana in public spaces (e.g., parks, beaches) should not result in a criminal penalty, but rather a minor civil penalty. Specifically, we propose policy initiatives at the local and state levels that would make is lawful for adults at least 18 years of age to, at minimum, be able to:

possess small amounts of marijuana for personal use transfer without payment small amounts of marijuana to another person at least 18 years of age

use or sell drug paraphernalia for the use, growing, or processing of marijuana or cannabis.

MODEL LEGISLATION:

Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014 (Washington, D.C. Ballot Initiative #71)

H.R.499 - Ending Federal Marijuana Prohibition Act of 2013

7. Drug Policy Alliance. "United Nations: Criminal Sanctions for Drug Use Are 'Not Beneficial.'" (2014).

9. Ibid

^{8.} American Civil Liberties Union. "The War on Marijuana in Black and White." (n.d.)

GLOSSARY OF TERMS

The American Civil Liberties Union (ACLU) is a nonpartisan non-profit organization whose stated mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States¹⁰ through litigation, lobbying, and community education.

The **Cincinnati Black United Front** (**CBUF**) is an organization that seeks to bring economic, social, political, and racial equality to the Greater Cincinnati community.

A **civil penalty** is a financial cost imposed by a government agency as restitution for wrongdoing. A civil penalty is not considered to be a criminal punishment. As such, a civil penalty, in itself, will not carry jail time or other legal penalties.

A **consent decree** is a settlement of a lawsuit or criminal case in which a person, company, or other entity agrees to take specific actions without admitting fault or guilt for the situation that led to the lawsuit.

Criminalization is a process in which behaviors and people are marked (by the law, by the media, by public perceptions) as crimes and criminals. The process of marking people as

10. https://www.aclu.org/faqs

'criminal' does not always relate to those people having committed a 'crime,' more so, it has to do with an identity that is associated with society's ideas about who is other, who does things wrong, and who should be punished.

The **Department of Justice (DOJ**) works to enforce federal law, to seek just punishment for the guilty, and to ensure the fair and impartial administration of justice.

A **lobby** is a group of people seeking to influence politicians or public officials on a particular issue, or an organized attempt by members of the public to influence politicians or public officials.

A **provision** is a condition or requirement in a legal document.

Restorative justice emphasizes repairing the harm caused by unjust behavior rather than blaming the person. It looks to restore the person and the community, as well as the harm committed.

A **status offense** is an action that is prohibited only to a certain class of people, and most often applied only to offenses committed by minors.

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