Resolved

The United States federal government should enact substantial criminal justice reform in the United States in one or more of the following: forensic science, policing, sentencing.

# Counter plan

## Text

**The 50 states, the District of Columbia, and all territorial governments should [insert plan mandates]**

## Solvency

#### State level action is key

Kelley & Rizer 19

“Keep Calm and Carry on with State Criminal Justice Reform” by JESSICA¶ KELLEY\*¶ Manager, Criminal¶ Justice & Civil¶ Liberties at R Street¶ Institute¶ ARTHUR¶ RIZER\*\*¶ Director, Criminal¶ Justice & Civil¶ Liberties at R Street¶ Institute¶ Adjunct Professor¶ of Law at George¶ Mason University’s¶ Antonin Scalia Law¶ School

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It is easy to think of the First Step Act as existing in a vacuum. Officially named the “Formerly Incarcerated Reenter¶ Society Transformed Safely Transitioning Every Person¶ Act” (or FIRST STEP Act), it is the first major criminal¶ justice reform bill enacted in a generation. But the law is¶ much more than lines of legal code. It provides a light of¶ compassion in a system designed to break people, it saves¶ thousands of man-years of low-risk individuals languishing¶ behind federal bars, and it acts as a beacon of hope and¶ inspiration for both individuals in prisons and state legislators looking to tackle their own criminal justice problems.¶ The First Step Act reforms specific portions of the federal prison system in the United States. On May 22, 2018,¶ the initial version of the bill passed the House of Representatives by a vote of 360 to 59.1 Following the bill’s passage in the House, a revised bill passed the Senate with¶ a vote of 87 to 12. After conferencing the two bills, the¶ House approved the bill with Senate revisions on December 20, 2018.¶ President Donald Trump signed the First Step Act on¶ December 21, 2018. The Act retroactively administers the¶ Fair Sentencing Act of 2010, restricts the use of shackles on¶ pregnant women in prisons, expands compassionate¶ release for terminally ill patients, houses prisoners closer to¶ family in certain cases, requires de-escalation training for¶ correctional officers and prison employees, improves prisoners’ access to feminine hygiene products, and includes¶ additional provisions focused on reentry programming and¶ fairer sentencing.2¶ Less than a year after its passage, the First Step Act has¶ already begun to shape the ways that states discuss and¶ implement criminal justice reform. States like Florida,¶ which have been working for several years to pass reforms,¶ are seeing those ideas cross the finish line and become law.¶ Meanwhile, traditionally conservative states like North¶ Carolina and Arkansas have been introducing legislation to¶ combat problematic practices in their criminal justice systems. Leading by example, the federal First Step Act will¶ continue to push states to develop creative legislative solutions to address problems in the criminal justice system.¶ II. The History of Criminal Justice Reform Movements¶ It is not clear when the words “prison is for the people¶ we are scared of, not the people we are mad at” entered the¶ lexicon of criminal justice reform. But the message is¶ clear—we should only incarcerate those among us who¶ must be incapacitated due to the risk they pose to public¶ safety. In the past decade, conservatives have increasingly¶ begun to pick up this mantel of reform. But that has not¶ always been the case.¶ Criminal justice as a political football is relatively new to¶ the political landscape. It was not until the 1960s, when¶ crime rates started to spike across the country, that the¶ Republican Party saw an avenue to win the South. This all¶ came to a climax during the 1964 Barry Goldwater presidential campaign. From a political standpoint, the Goldwater campaign was a failure—the senator from Arizona¶ won only fifty-two Electoral College votes. With President¶ Lyndon Johnson winning 486 votes, it was a bona fide¶ landslide election. Yet what Goldwater lost in votes, he¶ gained in vision. His political strategy was to pit segments¶ of society against each other and call for “law and order.” In¶ the South, which was experiencing social and racial¶ upheaval, this strategy worked particularly well; Goldwater¶ carried five Deep South states. None of these states had¶ voted for a Republican presidential candidate since the end¶ of Reconstruction. The message to the Republican leadership was clear—the South was vulnerable.¶ Goldwater’s message of “law and order” played out four¶ years later in the 1968 election. In his acceptance speech for¶ the Republican nomination, Richard Nixon used the word¶ law ten times and the word order eleven times, famously¶ observing, “The nation with the greatest tradition of the¶ rule of law is plagued by unprecedented lawlessness.”3¶ In contrast, the Nixon of 1960—who lost to John F.¶ Kennedy—had not talked about “law” or “order” once.4¶ For the better part of four decades, “tough on crime”¶ became a central message of most Republican campaigns.¶ On the other side of the aisle, Democrats reluctantly¶ acquiesced to the policy, at least initially. But when it¶ became clear the message won elections, they enthusiastically adopted the proverbial “if you can’t beat them—join¶ them” tactic. This left the country in the unusual, and¶ dangerous, position of having the entire political spectrum¶ driving in the same direction.¶ Advocating for public safety is not wrong per se. What¶ the “tough on crime” movement got wrong was the¶ method. For instance, criminal justice experts have long¶ known that longer sentences do little to deter crime. This is because the greatest deterrent impact comes not¶ from the magnitude of punishment, but from the certainty¶ and imminence of punishment. Yet for forty years, the¶ perceived answer to the question of how to promote public¶ safety was harsher sentences.6 That was the status quo until¶ the “law and order” states started to move the rudder on¶ criminal justice reform.¶ During the mid-2000s, Texas was staring at a financial¶ abyss—and the abyss stared back. The state’s penal system¶ was spiraling out of control, with a rising prison population¶ that incurred billions in increased costs. The state would¶ have had to build at least four new prisons by the end of¶ 2010 to keep up with the incarceration trend. As a response¶ to this crisis, Right on Crime (ROC) was formed under the¶ patronage of the Texas Public Policy Foundation. The group¶ served as a uniting movement of center-right criminal¶ justice policy thinkers. One of ROC’s founding members,¶ former House speaker Newt Gingrich, and Pat Nolan of the¶ American Conservative Union attempted to move the conservative needle, declaring, “The criminal justice system is¶ broken, and conservatives must lead the way in fixing it.”7¶ Grover Norquist from Americans for Tax Reform, another¶ ROC founding member, similarly announced, “There is no¶ reason that conservatives should be tied to the ‘lock ’em up¶ and throw away the key’ strategy; rather, we must stand for¶ the very principles of limited government, federal¶ accountability, and reduced spending that our forefathers¶ effectively deployed.”8¶ But forming a group was not enough to save Texas from¶ financial ruin—action was needed, and raising taxes to cover¶ the ballooning inmate population was not politically viable.¶ Instead political leaders, policy experts, and practitioners¶ studied the drivers of the state’s prison growth. The result¶ was a $241 million package of reform statutes designed to¶ divert individuals suffering from addiction and mental¶ health issues away from incarceration and into treatment.¶ Together, the statutes added roughly eight hundred more¶ treatment beds to facilities and increased the capacity for¶ outpatient treatment by three thousand across the state.9¶ But these reform efforts did not stop with the front end¶ of the justice system. Policy leaders discovered that the¶ state Board of Pardons and Paroles was denying people¶ parole because of the lack of reentry services, both within¶ and outside of the system. Put another way, the board did¶ not trust that the system it was part of was capable of¶ rehabilitating individuals. As a result, thousands of individuals were granted parole but were not released because¶ of a lack of available space in halfway houses or other¶ appropriate treatment programs. The state went as far as¶ revoking parole and sending people back to prison, even¶ for committing minor community supervision violations.¶ To alleviate some of these failings, policy makers¶ increased prisons’ substance abuse treatment capacity,¶ increased space in halfway houses, and established intermediate capacity for those who committed minor technical parole violations but were otherwise transitioning to¶ the outside community.¶ For years, the only answer Texas had for criminal justice¶ was to build new prisons. Under this new plan, not only¶ were no new facilities built, but Texas started to close¶ prisons, which allowed the state to reinvest more resources¶ into the new system. The real tribute to the Texas paradigm¶ shift has been in the state’s crime levels. Since enacting¶ these reforms, Texas has seen a significant decrease in¶ probation revocations and recidivism rates of those on¶ parole. Perhaps most impressive is the fact that while crime¶ fell in the United States as a whole by roughly 20% from¶ 2007 to 2014, in Texas the crime index fell by a full 26%.¶ 10¶ These successes in Texas prove that, with the right policies¶ in place, it is possible to simultaneously reduce both crime¶ and incarceration rates.¶ III. A Survey of Burgeoning State “First Step” Efforts¶ Federal legislative involvement in criminal justice has the¶ potential to bring a measure of uniformity to the mixture of¶ state criminal justice statutes. But historically, federal¶ involvement has led to negative outcomes and undue¶ strains on state systems. For instance, Congress has passed¶ laws to prescribe mandatory minimum sentences,11 to¶ impose sentencing disparities,12 and to limit death penalty¶ appeals,13 all of which have created lasting problems at¶ the state level.¶ During the 115th Congress, the federal government took¶ steps to address some of the harm of past legislative actions¶ by enacting the First Step Act. While the original intention¶ of the House version of the bill was to provide support for¶ those reentering society after incarceration, the Senate¶ seized the opportunity to include additional provisions that¶ directly addressed sentencing disparities and unnecessarily¶ lengthy terms of incarceration.14¶ The First Step Act has already had a positive effect on¶ individuals who were sentenced and incarcerated within¶ the federal system. Matthew Charles’s story of imprisonment and subsequent release from prison illustrates its¶ successes. Matthew was arrested for selling 216 grams of¶ crack cocaine to an informant and was sentenced to serve¶ thirty-five years in federal prison. After serving twenty-one¶ years, he was released and began to rebuild his life.¶ However, that release was deemed a legal mistake and, in¶ May 2018, the Bureau of Prisons sent Matthew back to¶ serve out the remainder of his sentence. Thankfully, on¶ January 3, 2019, Matthew became one of the very first¶ people to be released under the new provisions of the First¶ Step Act.15¶ However, as a federal law, the First Step Act does not¶ apply to state prisons. Hundreds of thousands of people are¶ serving time in state facilities, and of those, 95% will¶ reenter society.16 Clearly, state-level criminal justice reform¶ is paramount to ensuring a more equitable system for¶ everyone.¶ Before the First Step Act was signed into law, a few¶ states, like Texas and Georgia,17 were willing to pass legislation or invoke executive orders to make changes to portions of their criminal justice systems. After the passage of the federal legislation, however, several more states have¶ worked to mimic the provisions of the federal law and¶ provide for meaningful reform at the state level.¶ A. Florida’s First Step Act: Comprehensive but¶ Incremental¶ This year, Florida lawmakers successfully passed a comprehensive criminal justice reform package aimed at¶ reducing over-incarceration and unfair sentencing. The¶ Florida First Step Act includes provisions designed to raise¶ the felony theft threshold, ease professional and occupational licensing restrictions on those with criminal histories, and allow prosecutors more discretion to decide which¶ juvenile cases should be transferred to adult court.

#### State action > Federal action

Kaleem 2018

“The feds just passed criminal justice reform. Here’s why state-level efforts matter more” by Jaweed Kaleem National correspondent, la times, published via the LA Times, DEC. 30, 2018 (https://www.latimes.com/nation/la-na-criminal-justice-reform-20181230-story.html)

It is the most significant change to the federal criminal justice system in decades.¶ The First Step Act, signed into law this month by President Trump, will begin to undo some of the harshest “tough on crime” policies of the 1990s, giving nonviolent offenders a chance at earlier release and shortening future prison sentences.¶ But the law will barely make a dent in the country’s overall prison and jail population, because most crimes are prosecuted locally — not by the federal government — and the vast majority of people behind bars are in state or local facilities.¶ Only about 8% — or roughly 181,000 people — are in federal custody. The new law is expected to lead to the release of 53,000 of them over the next decade.¶ The more than 1.9 million state and local inmates, however, are likely to benefit from the same forces that led to the bipartisan passage of the federal law: crunched budgets, shifting public opinion and a growing consensus that the old policies have been ineffective.¶ “We’re at a unique moment where politicians, voters and big donors tend to be in agreement,” said John Pfaff, a law professor at Fordham University who researches criminal sentencing.¶ Many states already match or go beyond what’s in the federal law, and legislators in others can now point to federal reform as they push for local criminal justice changes, said Ashley Nellis, a researcher at the Sentencing Project, a Washington, D.C.-based advocacy group that supports reducing incarceration.¶ “Most of the progress needs to be made at the state level,” she said. “But this certainly gives states political cover to take bold action.”

#### State action must come first

Lesser 2018

“Criminal Justice Reform Starts and Ends with the States” published via the Harvard Law Review Blog, by Eric P. Lesser Massachusetts State Senator, Co-Chair of the Joint Committee on Economic Development & Emerging Technologies, Vice Chair of the Joint Committee on Financial Services. Prior to becoming a State Senator, Lesser worked in the Obama White House, first as Special Assistant to Senior Adviser David Axelrod, and later as Director of Strategic Planning for the President’s Council of Economic Advisers. Senator Lesser holds a number of national recognitions, including a Rodel Fellowship in Public Leadership at the Aspen Institute, and is a leader with NewDEAL, a national network of progressive state and local elected officials. He earned his undergraduate and law degrees from Harvard University and is a member of the Massachusetts Bar. JANUARY 11, 2018

Criminal justice reform has the attention of the country, but it is at the state and local level where reform will be implemented.¶ Much of the conversation about criminal justice reform has revolved around high-profile incidents in major U.S. cities like Cleveland and New York City — and on what the federal Department of Justice can do in response. But state and local officials are responsible for 90 percent of the prison population.¶ Most observers agree that our federal and state prisons have a mass incarceration problem: too many people are locked up for minor offenses and too large a proportion of those behind bars are people of color, both of which point to inherent biases in our criminal justice system.¶ Many local factors influence who goes to prison and why, from the number of public defenders available to serve the accused to the number of clinic beds available for drug addicts who need treatment instead of jail time.¶ These are some of the reasons why I continue to advocate for increased funding for local legal aid and measures to combat our opioid epidemic as a State Senator.¶ States are the traditional “laboratories of democracy,” the places where new ideas and approaches can be experimented with despite political paralysis in Washington. State governments have considerable latitude to direct their own policymaking and, if successful, provide models for national policies.¶ Reforming Criminal Justice¶ In October, the Massachusetts State Senate passed a comprehensive criminal justice reform bill which tackled a host of issues, including excessive bail, mandatory minimums, and solitary confinement sentencing. The Massachusetts House passed its own version in November, and the two bodies are now negotiating a final version to present to Governor Charlie Baker.¶ Because low-income offenders are often jailed due to their inability to pay criminal fines, the Senate bill lowered the fee brackets on a number of offenses.¶ The Senate bill also reduced or removed a number of mandatory minimum sentences on drug offenses, allowing judges greater discretion in assigning jail time or other deterrents such as community service hours.¶ Additionally, the Senate bill limited the use of solitary confinement in recognition of the fact that it can be harmful to inmates’ mental health and can exacerbate already existing mental disorders.¶ Indeed, any attempt at criminal justice reform must reckon with the realities and inadequacies of our mental health care system — another realm that is largely under local control.¶ There is a constellation of state agencies and organizations that are outside the justice system but can have substantial impacts on it — and on how effective reform can be. These include state departments of health, education, and child services, as well as community organizations like Boys and Girls Clubs and homeless shelters. All of these provide services that keep people, especially young people, from turning to criminal activities. They can also help formerly incarcerated people transition back into civilian life.¶ Focusing on the Right Things¶ One of the more significant pieces of the criminal justice reform package passed by the Massachusetts Senate was the emphasis on treating drug addictions instead of criminalizing them.¶ Sixty-eight percent of individuals in local jails have a substance abuse disorder. In response, the bill expands drug diversion programming, requires the examination of prisoners for drug dependency and whether medication-assisted treatment is appropriate, and establishes a pilot program within select state prisons to evaluate inmates’ access to appropriate treatment for opioid addictions.¶ Sending these people to prisons instead of treatment centers creates a vicious cycle of unmonitored drug use, inevitable hospital visits, and short-term jail sentences that do nothing to cure addictions or curb criminal behavior — a revolving prison door.¶ Working with (and Against) the Federal Government¶ Of course, state and local governments are also the primary entities that can implement federal regulations and recommendations regarding most law enforcement, since the federal government does not control local police forces.¶ In December 2014, President Obama created the Task Force on 21st Century Policing to identify and share policy recommendations with state and local leaders. The goal was to improve police-community relations and make crime prevention efforts as effective — and fair — as possible.¶ The Task Force’s recommendations included strategies to achieve more diversity in police forces, expand civilian oversight of law enforcement and prohibit racial profiling in policing, all of which Massachusetts can and should do more to act on.¶ I’m proud that, in the Massachusetts Senate, we included in our criminal justice reform legislation a requirement that law enforcement train officers in bias-free policing and de-escalation techniques, one major recommendation of the Task Force.¶ The federal government can give states an incentive to follow its policy recommendations through the use of federal grants, and the Justice Department under President Obama backed up the Task Force’s recommendations with $100 million in grants to state and local police departments.¶ On the other hand, the states are also a bulwark against federal encroachment and overreach. While the states are responsible for implementing federal policies, they can also limit federal influence where they see state law taking precedence.¶ In our federal system of government, the residual power not included in the Constitution rests with the states, not with the Federal government. In the absence of a specific federal question, state law prevails.¶ This tremendous power can be used on behalf of defendants, as we have seen with California’s “sanctuary state” law shielding immigrants by limiting how state and local law enforcement cooperate with federal Immigration and Customs Enforcement. Or it can be used to increase the state’s own authority, as with Florida’s alleged subversion of medical marijuana dispensaries approved by voters in 2016.¶ Our Framers designed a system that would put the states themselves, and the three branches of the federal government, in competition with one another. Through that competition between the Judiciary and the Presidency, the Congress and the state legislatures, the governors and the judges, the Framers believed that two things would happen. First, freedom would be protected because no single authority would become absolute. Second, just like competition in the free market economy, competition between states, and between the three branches, would allow the best ideas to bubble to the surface while continuously being refined and improved.¶ When it comes to criminal justice reform, those ideas are being developed and implemented at the state level, whether or not they receive support from the Congress or the Executive Branch.¶ This system does not work perfectly, and the institutions that make it possible are under strain. But even in this challenging political environment, we’ve seen the Founders’ vision play out in virtually every sector of American life. And here in Massachusetts, we are taking the necessary steps to bring balance to our criminal justice system and bring the focus back to prevention and restoration.

#### States demand more than symbolic gestures, D.C proves

Wailoo-Megerian 2020

Elliot Wailoo is a 2020 summer intern with the Los Angeles Times’ Washington bureau and Chris Megerian covers the White House and President Trump from the Los Angeles Times’ D.C. bureaus . “Police take a knee. Mayor paints a mural. But activists still see ‘waffling’” By ELLIOT WAILOO, CHRIS MEGERIAN, JUNE 18, 2020, <https://www.latimes.com/politics/story/2020-06-18/kneeling-isnt-enough-activists-demand-sweeping-change-in-local-police> - VL

With gallons of yellow paint, D.C. Mayor Muriel Bowser transformed herself into a champion of nationwide protests against police brutality by directing city workers to write “Black Lives Matter” on the street a few blocks from President Trump’s front door. But two years earlier, Bowser was sued by the local chapter of Black Lives Matter for her Police Department‘s failure to collect and release data on officers’ interactions with residents — data that eventually showed that police were disproportionately stopping Black people. The irony of what’s happening with the mayor and activists is a reminder that many of the same leaders who embraced the Black Lives Matter movement following the killing of George Floyd have also been obstacles to overhauling local departments. Now, activists who have battled local leaders for years are skeptical that these symbolic gestures, whether it’s kneeling with protesters or painting a mural, will lead to deeper changes. “The people who have had the power to address this have ignored it,” said Scott Roberts, senior director of criminal justice campaigns for the Oakland-based Color of Change. “It took a video of someone literally being strangled to death for over eight minutes, and protests and uprisings all over the country, for politicians to listen to what Black communities have been saying for decades.” Although the spotlight this week is on Capitol Hill, where the Democratic-controlled House and the Republican-controlled Senate are debating rival police reform bills, activists around the country are increasing pressure on local officials. The outcome of these battles will likely be the ultimate test of the current movement. “It shouldn’t be hard to acknowledge that Black people are human and their lives matter,” said Keneshia Grant, a political science professor at Howard University in Washington. “It’s important to move past the symbolism.” Protestors in D.C. have already shifted their attention to Bowser, gathering outside her home to demand she heed their calls for reform with more than just paint. Bowser has proposed increasing the police budget rather than defunding the department and shifting more resources to social services. “She’s waffling,” said Monica Hopkins, the executive director of the American Civil Liberties Union in D.C., which worked with Black Lives Matter on the lawsuit two years ago. “She’s not taking a stance to actually say, ‘Yes, we understand that there’s a problem with policing in the country, and it needs to be addressed.’” Black Lives Matter called Bowser’s mural “a performative distraction from real policy changes,” a charge that has been leveled at other leaders around the country. Earlier this month in Dallas, police Chief U. Reneé Hall and dozens of officers knelt in Floyd’s memory in what a department spokesman called “sign of solidarity.” But Sara Mokuria, the co-founder of the Dallas-based Mothers Against Police Brutality, didn’t feel a sense of comfort. She remembered how four years earlier officers pinned Tony Timpa, a white man, to the ground as he pleaded for help. He died. The body camera footage was released last year after a court battle, and it captured the officers joking as Timpa fell unconscious. “It is a disrespect to taking the knee,” said Mokuria, whose own father was killed by police when she was 10 years old. “You want to take a knee for George Floyd when your officers put a knee on Tony Timpa’s neck, and killed him in very similar circumstances?” The Dallas Police Department has announced a cascade of reforms in recent weeks, including requiring officers to intervene if they see another officer using excessive force. Mokuria said the changes are overdue and insufficient. “We have for years offered policy solutions,” she said. “They have fallen on deaf ears.” Sgt. Warren Mitchell, the department spokesman, said the police had already bolstered its policies before the recent protests, including improving the process for handling complaints and an “early warning system” to track problem officers. In Kansas City, Mayor Quinton Lucas and his city’s police chief also kneeled with protesters during a moment of silence for George Floyd. Some raised their fists; others held smartphones to record the scene. But such displays of support have not satisfied civil rights groups, who already believed that the police force was covering up wrongdoing by its own officers. They’ve called for the resignation of the chief, Rick Smith, for what they say is his “abuse of power.” They have also asked for greater local control of a department that is run by a board that is mostly appointed by Missouri’s governor. “The protesters need to keep the heat on, and we need to be very vigilant about holding the police board accountable until these reforms are actually executed,” said Gwendolyn Grant, head of the Urban League of Greater Kansas City, in an interview with a local radio station. Dave Jackson, a spokesman for the Police Department, said, “We are receptive to smart changes or reforms that are designed to improve police community relations or lower crime.” He noted that the Missouri Highway Patrol recently began handling investigations into police shootings in Kansas City to provide external oversight. In some cities, protests have forced rapid changes that appeared unlikely only weeks ago. New York City announced that it would begin releasing police disciplinary records, including the names of officers facing misconduct complaints. Los Angeles Mayor Eric Garcetti proposed redirecting $150 million from the police budget to social services. Boston Mayor Marty Walsh plans to do the same with $12 million, roughly one-fifth of his department’s overtime funding. But other changes appear to be less robust. The Reno Police Department said it would prohibit restraint techniques that restrict breathing and promised “superior oversight and responsibilities.” But Lonnie Feemster, president of the Reno-Sparks chapter of the NAACP, said he was unsatisfied because some of the new policies already existed in some form already. “The process is so flawed, it’s got to be more than a line or two,” Feemster said. “What’s in the wording is already in the training, so it begs the question — did the officer forget about the training when these incidents occurred?” Travis Warren, a spokesman for the Reno Police Department, confirmed that many of the policy changes are already covered in training. Some advocates say the entire structure of the legal system needs to be changed. “You can pass all the policies that you want — they can be the best policies in the country — but how do you enforce them?” said Holly Welborn, policy director for the American Civil Liberties Union in Nevada. Floyd’s death has sparked a shift in public opinion, with polls showing more white people expressing concern about racism and brutality from American law enforcement, and potentially a seismic change in police policies. Megan Francis, a visiting professor of public policy at the Harvard Kennedy School, said the opportunity for lasting change is growing because the protests have drawn support from people who have typically downplayed or ignored police abuses. “What has stalled reform in the past is a lack of will from white people,” Francis said. She added, “The calls are getting louder and are going to continue to get louder until real change happens.”

#### **Minneapolis proves – subfederal action can create an alternative to policing**

McClallen 2020

Policing impact

Scott McClallen is a staff writer covering Michigan and Minnesota for The Center Square. A graduate of Hillsdale College. “Minneapolis City Council votes to replace police with another model” By Scott McClallen , Jun 15, 2020 <https://www.thecentersquare.com/minnesota/minneapolis-city-council-votes-to-replace-police-with-another-model/article_b621ffd0-af39-11ea-86b8-47a8dc5eced3.html>

(The Center Square) – The Minneapolis City Council unanimously passed a resolution intending to disband their police department and create a new model of public safety in response to the death of George Floyd. The resolution states the Council will start a year-long process of research and community engagement to discover a replacement. City Council President Lisa Bender said that the resolution “advances our shared commitment to transformative change in how Minneapolis approaches public safety so that every member of our community can be truly safe. “As we respond to demands for immediate action to reduce police violence and support community safety, we will invite our community to help shape long-term transformative change, centering the voices of those most impacted by community violence and police violence,” Bender said in a statement. The Minneapolis 2020 budget allocated $193 million to its police department, which the resolution said was more than double the amount allocated for affordable housing and violence prevention. The city’s total adopted budget was about $1.5 billion. The council may place a charter referendum on the November 2020 ballot to replace the department, because Minneapolis’ current charter requires funding a minimum police force of 0.0017 employees per resident, or roughly 744 employees. Minneapolis Mayor Jacob Frey has opposed dismantling the police department and instead wants to reform the department, as does Minneapolis Police Chief Medaria Arradondo. The Council cited rising settlement costs as another justification for the change. Minneapolis has incurred more than $24 million in legal settlements since 2017, the resolution said. That’s about equal to the settlement amounts paid between 2003 and 2017, according to Minnesota Public Radio. Replacing the police department has divided some community representatives. “You can’t really reform a department that is rotten to the root. What you can do is rebuild, and so this is our opportunity,” Rep. Ilhan Omar, D-Minnesota, told CNN on Saturday. But business owners worry a “police-free” future could lead to similar outcomes as the riots that damaged over 1,500 buildings in the Twin Cities. Jonathan Weinhagen, president & CEO of the Minneapolis Regional Chamber, told the Star Tribune he wanted reform. “We stand with Chief Arradondo and his efforts to hold officers accountable and dramatically overhaul policing in Minneapolis,” Weinhagen said in a statement. “Businesses are concerned about calls for abolishing or eliminating the police department. We believe it is important to maintain and improve public safety. And the necessary changes for the MPD will take consensus from the community and continual work from leaders across Minneapolis.” The council created a Future of Community Safety Work Group tasked to report preliminary recommendations by July 24 to engage community stakeholders and plan for its budget. “Together, we will identify what safety looks like for everyone,” the resolution said.

#### Cities like San Leandro are already moving to defund police, proves subfederal action works

Hegarty 2020

Peter Hegarty is a reporter for the Bay Area News Group. “San Leandro council heeds demands, votes 4-3 to defund police department Dozens of people also called for firing of two officers involved in fatal Walmart shooting” By Peter Hegarty, June 18, 2020, <https://www.eastbaytimes.com/2020/06/17/san-leandro-council-heeds-demands-votes-4-3-to-defund-police-department/>

The San Leandro City Council has voted 4-3 to pull $1.7 million from the city’s police budget after hearing from dozens of people demanding changes in how law enforcement interacts with the public. In doing so, San Leandro became one of the few cities in the nation to take the dramatic step in response to a growing chorus to defund police departments in the wake of the killing of George Floyd, who died after a Minneapolis police officer knelt on his neck for almost nine minutes. Los Angeles will redirect $250 million from police toward health care and jobs programs, and San Francisco is prioritizing the redirection of funds toward that city’s Black community. San Jose and Oakland, meanwhile, have resisted demands to cut their police departments’ budgets. Many of the people who called into the virtual San Leandro City Council meeting, which lasted seven hours into Tuesday morning, called for defunding the police department as well as the firing of two local police officers involved in the fatal shooting of a Black man having a mental crisis inside a local Walmart store. “It was a result of what our community was saying and what’s happening in the country,” Mayor Pauline Russo Cutter said in an interview Wednesday about the decision to cut money from the police. The $1.7 million now will go into what some council members described as a “bucket,” though just how the money eventually is to be allocated will be decided later with community input. Council members Corina Lopez, Victor Aguilar Jr. and Ed Hernandez voted against the reallocation, supporting instead a proposal to continue the discussion within the context of a scheduled budget review on June 30. Police Chief Jeff Tudor said Wednesday he is reviewing how the council’s decision will impact his department. One possibility is pulling police officers off school campuses — a move many police protesters have called for nationwide. At the council meeting, San Leandro High School student Rachael Arcadio implored just that, saying she no longer wants school resource officers on the 2200 Bancroft Ave. campus because of police shootings. “They are not there to build relationships,” Arcadio said. “They are there to build a culture of fear.” Tudor said he also may scrap police-hosted community outreach events and a program that dedicates two officers to helping the homeless. “I support whatever we can do to better serve the community and to meet their needs,” Tudor said. “We will not rest until justice is made,” Selina McManus, a 1995 graduate of San Leandro High, told the council. “Make things right. The city and your residents do not feel safe.” Another speaker, Mary Tieh, said police officers “are not trained to answer half the calls they are receiving now,” alluding to interactions with people having mental health episodes. Among those who weighed in was Eric Taylor, brother of slain Walmart victim, Steven Taylor. “I’m hurt,” he said, “I’m beyond hurt.” On April 18, police shot and killed Steven Taylor, 33, inside the Walmart store at 15555 Hesperian Blvd. about 3:15 p.m. after getting a call that he was brandishing a baseball bat and appeared threatening to customers. Part of the encounter was caught on video by at least one shopper. The footage shows Taylor waving a bat as an officer approaches him, and the two men briefly stand inches apart, not far from the shopping cart storage bay near the store entrance. “Get back!” “Get back!” the officer says several times as a woman in the background can be heard shouting, “Put it down! Put it down!” Video also shows some shoppers moving quickly away from the confrontation. At least one officer fires his taser weapon at Taylor, who staggers back and then advances. When Taylor is about five feet from one officer, the video shows that officer firing his gun once, striking him in the chest. Taylor staggers back, drops the bat and falls to the floor. One shopper shouts: “Don’t shoot him no more!” Another yells: “Call an ambulance!” The names of the two officers involved have not been disclosed. Jenna King, a teacher and San Leandro resident, told the council the officer should not have opened fire. “Steven Taylor was not a direct threat when he was shot,” King said. “There were not enough measures done to de-escalate the situation.” On June 1, the council unanimously decided in a closed-door session to ask the state attorney general to investigate Taylor’s shooting. At that meeting, Councilwoman Lopez made the motion to direct City Manager Jeff Kay to send a letter to state Attorney General Xavier Becerra requesting an independent investigation, with the aim of securing public trust. The Alameda County District Attorney’s Office also is doing an investigation, according to San Leandro police Lt. Ted Henderson. At Monday’s council meeting, Cutter said an equity and race task force and a budget task force would be created to help the council gather public input. “For change to begin, grow and develop, we need to make plans together,” Cutter said.

#### States hurry to reform current police systems

Wilson 2020

Reid Wilson was an editor and lead author of The Washington Post's morning political tipsheet "Read In." Before his tenure at the Post, he served as editor-in-chief of National Journal's "Hotline" tipsheet. Now writing at the Hill. “States race to reform police practices in wake of George Floyd's death” BY REID WILSON June 18,2020, <https://thehill.com/homenews/state-watch/503474-states-race-to-reform-police-practices-in-wake-of-george-floyds-death>

State legislators have introduced dozens of measures to address police violence amid nationwide protests over the deaths of unarmed African Americans, an almost unprecedented race to reform law enforcement practices after years of stagnation. Legislatures in 19 states and the District of Columbia have introduced more than 160 bills in the three and a half weeks since the killing of George Floyd, whose death after a Minneapolis police officer was videotaped kneeling on his neck led to murder charges and became the catalyst for protests in hundreds of cities. “There hasn't been the political will to have some of those really uncomfortable and difficult discussions around police reform,” said Maryland state Sen. Will Smith (D). “The George Floyd murder ignited a movement and has given a lot of folks around the country the political will and the moment to make real reform and real systemic change.” Many of the bills up for debate are broad efforts to overhaul police department procedures to hold officers to greater account. Others are more narrowly targeted, banning chokeholds or the use of tear gas and rubber bullets during protests. Still more implement new training regimes meant to cut down on the number of police interactions that end violently. Legislators in Minnesota have introduced 53 different measures, including bills to ban so-called warrior-style training and weapons. The legislature is also considering legislation that would require law enforcement officials to receive training for dealing with people on the Autism spectrum, training that few police departments provide. In New York, where protests have led to hundreds of complaints against police officers for using excessive force, legislators have introduced 56 bills to overhaul law enforcement practices. Only two weeks after Floyd’s death, Gov. Andrew Cuomo (D) signed legislation creating a new Office of Special Investigation to investigate and prosecute alleged criminal offenses committed by a law enforcement officer. Cuomo signed another bill that created the new crime of strangulation that would be added to a potential murder charge. In Pennsylvania, members of the state's Legislative Black Caucus staged a symbolic takeover of the speaker’s rostrum in the state House Chamber to raise awareness of police brutality. “There's such a sense of urgency for us to address these issues,” said state Rep. Jordan Harris, the Democratic whip. “For black and brown elected officials, this has been an issue that we have been championing for years and wanting to address for a while.” The House Judiciary Committee in Harrisburg, Pa., advanced two bills earlier this week, one requiring mental health evaluations for officers and another creating a statewide database of complaints against law enforcement officials. In an era of hyper polarization, the legislation reforming police agencies has been remarkably bipartisan. Several bills have passed on unanimous or almost unanimous votes. “The outpouring of peaceful protests, the concern about this issue is substantial,” said Texas state Rep. James White (R), who heads the House committee on corrections in his state. “This is usually a policy lane where you can have a lot of bipartisanship, and no one believes that their values are compromised.” The D.C. City Council has sent a package of police reforms to Mayor Muriel Bowser (D). Iowa Gov. Kim Reynolds (R) has signed a bill banning chokeholds. Smith said Maryland would look at comprehensive reforms that include a police oversight board and prohibitions on tactics like chokeholds. But other bills have failed: The Kansas legislature killed a bill this month that would have banned law enforcement agencies from hiring officers with a history of misconduct allegations. It also voted down a resolution condemning acts of police brutality and excessive force. In Louisiana, a bill to end qualified immunity for law enforcement officers failed in committee. The Louisiana legislature did pass a resolution commending four black teenagers who organized a peaceful protest march to the state capitol in Baton Rouge. Some Republican-controlled states have passed resolutions focused more on instances of violence within largely peaceful protests. Michigan legislators adopted a measure condemning violence and extremist groups. The state is also considering a measure to ban chokeholds. Democratic-controlled cities have moved to slash police budgets. Baltimore's city council cut $22 million from its police department. Philadelphia paused some planned spending increases and made other cuts to its department, totaling about $33 million. Portland, Ore., officials slashed the police department's budget by $16 million. Acts of police brutality have spawned some limited legislative reforms in the past. Michael Hough, a Republican state senator in Maryland, helped pass some police and criminal justice reforms in 2016, after a Baltimore man named Freddie Gray died in police custody. What is different now, though, is the breadth of the anger at Floyd's death. “Almost every state is going to be tackling this because it's such a huge issue now,” Hough said. “There is common ground there, but it's difficult. When you talk about issues of race and criminal justice reform, it's difficult.” Many state legislatures have already adjourned for the year, and don’t plan to return until after November’s elections. Even in those states, legislators are busy planning police overhauls to come. In Texas, White has been participating in virtual town hall meetings with fellow members of the Legislative Black Caucus and constituents around the state. He said members are already contemplating legislation to introduce when they return to Austin for their biennial session in January. As a conservative, White said he wanted to see reforms that reined in the government's authority to detain law-abiding citizens. “Any time the government believes that they need to limit your freedom, even if it's a five minute detainment on the side of the road for a Class C driving ticket, we want to make sure that that stop is constitutional and lawful,” White said in an interview Thursday. “People understand that we need law enforcement. It doesn't make a hill of beans if James White goes up there and passes 8,000 bills if there's nobody there to enforce them.”

#### States have more control over police agencies with no national standard on criminal justice reform

Bernstein 2020

Leandra Bernstein is the National Online Reporter and Producer for Sinclair Broadcast Group. June 9th s2020 “America has 18,000 police agencies, no national standards; experts say that's a problem“ By Leandra Bernstein, <https://wjla.com/news/nation-world/america-has-18000-police-agencies-no-national-standards-experts-say-thats-a-problem> -VL

WASHINGTON (Sinclair Broadcast Group) — Following two weeks of mass demonstrations against racial injustice and police brutality, the national debate has shifted to police reform. However, discussions about police reform often overlook one key problem. In the United States, there are 18,000 police agencies ranging from departments with two or three officers to tens of thousands. While federal policing guidelines exist, each agency, under local or state jurisdiction, has its own standards of practice that can vary dramatically from others. That lack of cohesion has been barreling toward a crisis point, according to some who have spent their careers in law enforcement. Terry Blevins, a security consultant and member of the Law Enforcement Action Partnership (LEAP), retired from the Gila County Sheriff’s Office in Arizona in 2009. During his last two years in law enforcement, he said he realized there was no oversight or accountability at the national level for local police agencies. 'I felt like there was going to be a day of reckoning,' Blevins said. 'The exact words out of my mouth: "There is a great possibility that someday we will have a revolution unless we do something about this. There's going to be bloodshed." And I know other police who were saying the same thing.' Tensions over police brutality boiled over following the May 25 killing of George Floyd by a Minneapolis police officer. Some protests erupted in violence. Cellphone camera footage showed officers engaged in what many believed to be excessive use of force, plowing a police car into a crowd, pushing an older man or young woman to the ground. Clashes between police and demonstrators resulted in hundreds of injuries on both sides. In Washington, more than 200 House and Senate Democrats released the Justice in Policing Act Monday, describing it as a "historic," "transformative" step forward. The bill would ban chokeholds, clarify use of force and de-escalation standards and create a national registry to track police misconduct. Maria Haberfeld, a professor of police science at the John Jay College of Criminal Justice in New York City, said the bill was "another Band-Aid that does not heal the problem." The problem the bill fails to address, according to Haberfeld, is the decentralization of police in America. No other country in the world comes close to the U.S. federalized system of city and state autonomy over law enforcement. Canada comes the closest. It has 56 separate agencies. 'There is no way to have good oversight of 18,000 agencies,' she emphasized. Haberfeld continued that "nothing will change in a fundamental way" until the forces are centralized at the state level, at least. All but two states have commissions on Police Officer Standards for Training, but the programs and standards vary by locality. Haberfeld has written frequently on the problem, including in a 2001 book, "Critical Issues in Police Training," where she identified the lack of uniform standards for police use of force, recruitment, officer selection and training. "I have been talking about this for over two decades," she stressed. "This is totally dysfunctional. It's totally ineffective. Given the history of this country, it will lead to disastrous results

#### States are defunding their police departments – no federal action needed

WEICHSELBAUM-LEWIS 2020

By SIMONE WEICHSELBAUM She holds a graduate degree in criminology from the University of Pennsylvania. and NICOLE LEWIS She is a graduate of The University of Michigan and CUNY Graduate School of Journalism. Both are staff writers for the Marshall project. June 9Th, 2020 “Support For Defunding The Police Department Is Growing. Here’s Why It’s Not A Silver Bullet.” <https://www.themarshallproject.org/2020/06/09/support-for-defunding-the-police-department-is-growing-here-s-why-it-s-not-a-silver-bullet> -VL

Minneapolis city council members made an historic pledge over the weekend when they vowed to dismantle the local police department and shift money to community-based strategies. The pledge to develop a new system of public safety— supported by a veto-proof majority — follows weeks of protests across the country in the wake of the police killing of George Floyd. Officials in other cities, including New York and Los Angeles, have also said they would cut police budgets, though neither has echoed Minneapolis city council members’s statement that the city’s police department is beyond reform. Once a radical notion, the push to defund the police is gaining ground. Across the country, organizers, celebrities,and former city officials are calling on lawmakers to reimagine the role of police in public safety.Proponents of taking money away from cops say cities cannot simply reform their way out of the current policing crisis. And in the wake of the pandemic, some have highlighted a deadly disparity: many cities spend millions more on law enforcement than they do on most other services, including public health.Opponents say it is too soon to abandon the progress police departments have made to curb officer violence and improve their relationships in communities of color. Some point to the effects of the 2008 recession, where cities cut police funding with no real plan, with unintended consequences, including increasing complaints over use of force.But what do people mean by defunding the police? It doesn’t just mean slashing budgets. One of the main ideas is that police departments are often the only agency to respond to problems — even if the problems are not criminal in nature. Police handle mental health crises. They enforce traffic laws. They patrol public school hallways and contract with colleges and universities. In many small towns, police answer 911 calls about barking dogs and loud parties. Advocates of defunding the police argue that many of these functions would be better left to other professionals, such as social workers.Decades of over-policing in black and brown neighborhoods has led to black and brown people being disproportionately victims of police violence and overrepresented in prisons. A better approach, proponents of defunding the police argue, redirects law-enforcement funding to social services programs such as public housing, early childhood education and healthcare. By equitably distributing resources, they say, the need for police could be dramatically reduced.Molly Glasgow, a volunteer with MPD150, a grassroots initiative to abolish the Minneapolis Police Department, said decades of previous reform efforts have not broken a cycle of violence followed by unrest and promises of improvement that have failed.“What we are asking is that we step out of that cycle,” Glasgow said. “When we say dismantle: Yes, we mean divest and defund, but also invest in community programs and initiatives that are actually supporting people’s needs.”Past attempts to cut police spending or alter police policies offer cautionary tales of how some efforts backfire, and entrenched aggressive tactics and racially discriminatory attitudes remain. Previous Marshall Project investigations into cases of attempted police reform in cities like Memphis and Chicago found that cutting law enforcement budgets did not reduce police violence or produce healthier relationships with the neighborhoods they patrol.After 2008, cities reduced police spending as the Great Recession depleted their coffers. Departments that once had record numbers of cops, bankrolled by a Clinton-era federal hiring grant, were forced to downsize. (The single largest line item in most police budgets is personnel.)As dollars dried up, police manpower plummeted, more crimes went unsolved, community outreach dwindled, and the cops that were left were forced to work high amounts of overtime.In Memphis, complaints about use of force rose as overtime costs nearly doubled from 2015, reaching $27 million two years later. Wait times for 911 calls rose. City officials then pressed a nonprofit to raise money in secret to pay for police bonuses without public input.Other police reforms fell short. To bolster community trust in police, cities like Chicago turned to academics from top-tier universities to develop training using the latest buzzwords, such as “implicit bias” and “procedural justice.” But the programs did not always take hold —and one Chicago cop sued the city for inadequate training after he accidently shot and killed a African-American grandmother despite the new classes.Court-ordered consent decrees, under which the federal government essentially acted as watchdogs of a local police force, often cost millions of dollars for cities to implement. And in some cases, there were abuses: A 2015 Marshall Project investigation into the failures of federal oversight found that a Detroit monitor had billed the city as much as $193,680.55 a month, and had an affair with the then mayor Kwame Kilpatrick. Detroit is considered one of the most violent cities in the nation, according to FBI figures. Yet the push for change continues. For one, policing and racism have long been entangled. Roots of U.S. law enforcement, especially in the south, are easily traced back to slavery. Federal oversight of local officers emerged during Reconstruction when Congress enacted a law criminalizing police abuse in the wake of widespread lynchings of African-Americans.There are fiscal incentives for defunding, too. Police departments are often one of the largest slices of the city budgets. Nearly 7 percent of the city budget in New York, for example, goes to police; in Los Angeles, it’s 16 percent. In Minneapolis the police account for roughly 15 percent of the city’s $1.3 billion budget.But the current debate over defunding the police is different than the challenges following the Great Recession, said Alexander Weiss, an expert on police staffing. That financial crisis forced police departments to scale back out of necessity. The current defunding debate asks how officials can redirect money from law enforcement and move into social services.“If you have neighborhoods where there is little hope for future success, that’s a real problem, and police officers face that every day,” said Weiss, who has instructed police leaders in Chicago, Albuquerque and New Orleans on how to best deploy their cops. “What people are saying is that it doesn't make sense to invest all this money in policing when there are significant deficits in these neighborhoods. ”Some efforts to reimagine how police departments operate have worked. In 2011, the Camden Police Department in New Jersey became the first law enforcement agency in recent memory to implode as the state struggled to pay for officers. Police officials blamed the four police unions then operating in the city for having too much power, driving up overtime costs and dictating how patrol cops were used .A county police department emerged tied to only one police union, which local leaders say is why Camden now has a national reputation as a place where residents and cops get along. “We get a lot of information from residents now to help us fight crime and help us solve crimes,” said Louis Cappelli, Jr., the county executive. Some cities are cutting budgets without, it seems, plans to reimagine the police force. In Los Angeles, Mayor Eric Garcetti pledged to trim $150 million from the LAPD’s budget in the coming fiscal year. New York City’s mayor said Sunday that he would consider cuts to the police department’s nearly $6 billion annual budget after the city’s top fiscal advocate outlined how to trim 5 percent in police spending per year. “It wasn’t just enough to say ‘defund,’” said the city’s comptroller, Scott M. Stringer. “The real question was ‘How? And by how much’?” Still, some worry the push to defund the police is rash. James McCabe, a former commander in the New York Police Department who now is a consultant for scores of departments, says changing the culture of a police force takes time. Training in many departments has only just begun, and it’s too soon to tell if it is working, McCabe said. “I am a proponent of good government and efficiency and not overspending on something that you shouldn’t,” McCabe said. “But it might be a little bit of a knee-jerk reaction right now to just unilaterally defund the police because you don’t like something that happened.” “The more pressure put on police from without,” he said, “the more they will resist that change from within. ”Minneapolis is already making change— it has removed police from its public school system. The next step, advocates say, is to stop police from responding to calls for emergency medical services. Supporters of defunding the police, such as Glasgow, say residents and businesses need to embrace a philosophical shift when it comes to the role of cops in their lives. Property can be replaced, she says, but human lives cannot. And too often, the police have killed city residents while responding to minor crimes. “I encourage people, even at this point, to retrain themselves on reflexively calling or suggesting calling the police,” she said. “It’s been ingrained in us and what we’ve been trained to do, but we need to look for alternatives — even as they are being developed.”

## Federal Lead Fails

#### The Federal Government utilizes policing to target black bodies

Pailey-Niang 2020

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 In early February of this year, 18-year-old Nurto Kusow Omar Abukar was blown to smithereens by American air strikes as she sat down for dinner with her family in Jilib, Somalia. Hurled indiscriminately by the US Africa Command (Africom) in its hunt for al-Shabaab militants, the bombs also injured Abukar’s younger sisters Fatuma, age 12, and Adey, age 7, as well as their 70-year-old grandmother, Khadija Mohamed Gedow. A few weeks later, on February 24, Africom lobbed a Hellfire missile that killed 53-year-old banana farmer Mohamud Salad Mohamud in the nearby village of Kumbareere. As the murders of Abukar and Mohamud tragically demonstrate, the US military has inflicted some of the most grotesque forms of violence on Africans under the pretext of protecting Americans. According to Amnesty International, the United States has conducted over 170 aerial raids since 2017, triple the number of the previous three years, killing between 900 and 1,000 Somalis. And while there has been almost no public uproar about black African civilian casualties of America’s War on Terrorism abroad, they parallel black civilian casualties of domestic law enforcement at home. Months after Africom’s bombardments in Somalia, many of us watched and wept in horror as George Floyd was asphyxiated on the streets of Minneapolis, his immobile body pinned down by the knee of a white police officer. The irony that Floyd’s demise occurred on Africa Day, May 25, which commemorates the founding of the Organization of African Unity, was not lost on those of us who see the continuities of anti-black racism on both sides of the Atlantic. In the fate of Abukar, Mohamud, and Floyd lies a glaring connection: While US militarization in Africa frames the black body as an “enemy without,” American policing deems the black body an “enemy within.” We can’t breathe. As with the deadly shelling of Somalia, American “shadow wars” in Africa are fought covertly and violate international law. The highly secretive and advanced nature of these military operations—which rely on artificial intelligence, drones, and surveillance technology—renders them invisible to American citizens. Yet they persist. Day after day, year after year. The “security needs” of the United States make manifest a desire to control territories far away, to exploit and extract their resources, and to subdue their people; the “security needs” of white America make manifest a desire to police black bodies into submission, to push them to the fringes, and in many cases to annihilate them. In both instances, the rhetoric of “keeping America safe” is a vision that regards racialized bodies as threats to be eliminated. According to this white supremacist line of reasoning, the black body is not only dangerous but also disposable. It must be shackled and suffocated, caged and contained, burned and bludgeoned. Police brutality in America and US militarization in Africa operate under similar logics. America’s military parades around Africa like a peacock brandishing its plumes. Since Africom commenced in 2008 with active combat missions in over a dozen African countries—including Ethiopia, Kenya, and Uganda—it has “conducted more than 1,500 air attacks, commando raids, and other ground missions in Libya and Somalia alone,” according to The Intercept. Indeed, the United States has pelted Libya with at least 776 strikes since 2011, many during the first round of assaults unleashed by NATO and the Obama administration in “support” of the rebels who executed Moammar El-Gadhafi. We Africans are all too familiar with this outward expression of American aggression and its structural dismissal of black life—from the use of machine guns and tanks to drones and rocket-propelled grenades. Now, according to the American Civil Liberties Union, much of this wartime weaponry has been transported as excess equipment to police departments across the United States in a covert move to militarize law enforcement. And so when active duty troops were deployed in the District of Columbia to squash protests prompted by Floyd’s death, we were not surprised. While a group of 89 former American defense officials declared that “the military must never be used to violate constitutional rights,” the human rights of Africans are flouted regularly by the United States’ militarized foreign policy.

#### Federal police oversight excuses police brutality and other issues

Levy 2020

Pema Levy Reporter for motherjones “Trump and Sessions Released Cops From Federal Oversight. Now We See the Results. George Floyd’s death took place under an administration that’s given a green light to police brutality.”  June 2, 2020 <https://www.motherjones.com/crime-justice/2020/06/jeff-sessions-george-floyd/> -VL

The civil unrest rocking the country in the wake of George Floyd’s death under the knee of a Minneapolis police officer has many catalysts. Among the more immediate is President Donald Trump and his first attorney general, Jeff Sessions, who freed local police departments from federal oversight and signaled that police brutality was no longer a problem that the federal government had an interest in solving. For police officers and departments with histories of terrorizing people rather than building relationships with communities they are supposed to protect, that message was heard loud and clear. After the police officers who beat Rodney King in March 1991 in Los Angeles were acquitted, leading to the Los Angeles riots, Congress took action by giving the federal government oversight of local police departments. As Mother Jones reported in 2017, on the 25th anniversary of those riots: Since then, the Justice Department has launched 70 investigations into state and local law enforcement agencies and has negotiated 40 reform agreements, half of which are court-enforced consent decrees. The Obama administration was particularly active with this policy, enforcing 14 consent decrees for troubled police agencies, from Ferguson, Missouri, to Baltimore. The riots’ 25th anniversary also happened to mark the beginning of the Trump administration. Jeff Sessions, newly installed as attorney general, immediately set out to undo years of progress on police and criminal justice reform. In April of 2017, a federal judge approved a consent decree—a legally-binding agreement between the Justice Department and a police department mandating reforms that is enforced by a federal judge—in Baltimore, finding that Sessions’ objections to an agreement made under the Obama administration came too late. “I have grave concerns that some provisions of this decree will reduce the lawful powers of the police department and result in a less safe city,” Sessions said at the time. “Make no mistake, Baltimore is facing a violent crime crisis.” Though stymied from preventing Baltimore’s consent decree from going into effect, that same week he had ordered an internal review of all existing consent decrees nationwide. Even as Sessions’ relationship with the president turned sour over his recusal from the investigation into Russian election interference, the attorney general kept his head down and pulled back on criminal justice reforms, returning to a tough-on-crime policies that Sessions, a former prosecutor in Alabama, felt should never have ended. (Sessions is running for his old Senate seat in Alabama, but without the support of Trump he is not expected to win the Republican nomination in a July runoff.) The government’s police reform work came to a halt, while criminal justice policies reverted to harsher iterations. When Trump finally fired Sessions in November 2018, the outgoing attorney general had one final trick up his sleeve. Before leaving the Justice Department, he quietly signed a memorandum in one of his last official acts all but ending the department’s oversight of police departments. The memorandum made the Trump administration’s de facto policy against new consent decrees official, while extending the same hands-off policy to other areas of federal enforcement involving state responsibilities in areas like pollution and voting rights. Experts predicted that even departments already under current federal oversight might once again act with impunity because the memo undercut the authority of civil rights attorneys to enforce them. Sessions’ memo set policy, but it also sent a message to police departments that they would no longer have to answer to the federal government—not even when when officer shootings draw national attention. This message was sent not just in the order to pare back enforcement, but in the states’ rights language framing the 7-page document that has historically signaled support for state repression over the rights of black people. “Sessions’ memo also takes pains to emphasize that states are ‘sovereign’ with ‘special and protected roles’ and that, when investigating them, the Justice Department must afford states the ‘respect and comity deserving of a separate sovereign,'” Christy Lopez, who oversaw investigations by the department into local police agencies during the Obama administration, wrote at the time the memo was issued. “In his view, the Justice Department should be more concerned about protecting states from the burden of abiding by federal law than about protecting individuals from being hurt or killed by the state.”