

Forum: Youth Assembly

Issue: The issue of police brutality

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INTRODUCTION

The issue of police brutality has always been and still is a very controversial topic. In today's society, police brutality is constantly rising with more incidents taking place daily all over the world. Police



militarization, poor training and lack of police accountability are some of the main reasons why this issue continues to harm our society. Due to many incidents that have happened throughout the

last years, the issue of police brutality has become very complicated making it harder to be effectively tackled. To understand the topic in depth, we must first understand what exactly the term police brutality means, as well as the problems it causes. Police brutality usually refers to one of the many forms of police misconduct. Police misconduct pertains to actions taken by police officers that are illegal, inappropriate, or against police policies. Generally, police misconduct involves racial discrimination and/or illegitimate intention of segregation, while sometimes it can result in obstruction of justice or even in a wrongful conviction. However, this is a broad concept that can range from using excessive force (police brutality),

performing illegal searches, selective law enforcement, racial profiling, and even, in some cases, sexual assault. In this committee, we will focus only on cases of police misconduct used as a form of violence towards citizens. Police brutality is a violation of civil rights that takes place when a police officer decides to use excessive or not necessary force against a civilian. Excessive force is, according to law enforcement officers, a violation of a person's basic human rights. Although it cannot be defined in a precise manner, excessive force exceeds the expected amount of force that a fair-minded and cautious law enforcement officer (police officer) could use under the circumstances. Generally, the force used by a police officer should be used in only the minimum amount needed to accomplish an understandable purpose. In many cases, where excessive force is used, the issue could have been resolved more peacefully. Though it is up to the police officer's discretion what he will do in a certain situation and how he will act in order to preserve peace.

DEFINITION OF KEY-TERMS

Civil Rights

Civil rights are a wide and significant set of rights that are designed to protect individuals from unfair treatment or discrimination in a number of settings, including education, employment, housing, public accommodations, and more. Civil rights are based on certain legally-protected characteristics.

Police Misconduct

The term police misconduct refers to illegal or inappropriate action performed by police officers. Police misconduct can include practices, such as discrimination or even obstruction of justice.

Police accountability

Police accountability means that both individual police officers and law enforcement agencies are responsible for effectively delivering basic services of crime control and maintaining peace and order, while treating individuals equally and within the bounds of law. Holding police accountable is important to preserve peace and order.

Police Militarization

Militarization of police refers to military equipment and tactics used by law enforcement officers. This includes the use of guns, grenades and Special Weapons and Tactics (SWAT) teams. Governments fund police departments to purchase military equipment.

Obstruction of justice

Obstruction of justice refers to the crime of willfully interfering with the process of justice and law, especially by influencing, threatening, harming, or impeding a witness, potential witness, juror, judicial or legal officer or by furnishing false information in or otherwise impeding an investigation or legal process to one's advantage.

Broken windows policing

Broken windows policing is a theory founded around the 1980s by a criminologist, who assumed that in environments where disorderly behavior, such as signs of crime, anti-social behavior, or civil disorder, take place, more serious street crime flourishes.

BACKGROUND INFORMATION

Causes of police brutality

To understand police



Figure 1: Levels of police techniques

brutality, we need to take a look at its causes. Police brutality and excessive use of force that occur in many forms have a variety of causes. One of the most important of them is the police subculture. Despite the many good aspects of law enforcement, there is always a negative police subculture, usually based on close-mindedness, prejudice and non-scientific tactics that influence agencies. New police officers seek to conform to the traditions and standards of police behavior. These standards require them to comply with the senior officers' rules and orders or otherwise face job loss or criticism. Thus, the police subculture constrains everyone working as a law enforcement officer. On the one hand, this helps officers cooperate with each other cultivating values, such as supportiveness, teamwork, perseverance and empathy; the assistance and the support received from other officers is the outcome of shared values within the culture; officers facing dangerous situations can rely on their fellow officers, because of the common values they share. On the other hand, what society may sometimes view as ethical, good and loyal may not be in accordance with the values within the task force. Due to the strong relationship between the police officers, they might use trickery and lies to elicit confessions or even receive minor gratuities to foster community relations. This gives us a better understanding of the grey area where the police operates.

Positive attributes	Negative attributes
Safety	Cynicism
Camaraderie	Close-mindedness
Empathy	Biases
Support	Prejudice
Caring	Non-scientific tactics
Teamwork	Overly conservative
Loyalty	Loyalty
Sacrifice	Alienated
	Suspicion
	Authoritarianism

Figure 2: Negative and Positive police subculture attributes

The police subculture is not the only reason why police brutality still exists. Another one is the increase of police militarization that has been observed in the last years. Militarizing police units had the opposite to what was expected effect on communities. It triggered higher levels of violence, distrust towards law enforcement, and discrimination. Actually, traditional tactics of policing,



Figure 3: Militarization of police

whereby the use of force establishes fear in the mind of the suspect, are no longer acceptable under the international law. Police officers perform such tactics on a daily basis assuming that their

supervisors approve these tactics. In recent decades, police units have partly grown more militarized. While officers maintain that militarized police units enhance officers' safety and prevent violence, many argue that these tactics target racial minorities and diminish trust between citizens and law enforcement. As a result, citizens react negatively to the appearance of militarized police units in news reports and become less willing to fund police. This results in creating an even more conflictual situation between society and police. Although police officers are allowed to be heavily armed and make use of weapons only if they consider it absolutely necessary in maintaining peace and order, they often prefer using them, since using a gun tends to be an easier and a more effective solution for them. All in all, militarization of police fails to enhance safety and at the same time harm police reputation.

Nowadays, a large number of police officers tend to be overly conservative instead of viewing citizens as people to "protect and serve". They have increasingly treated their communities as war zones and citizens as adversaries. Another cause for this is the lack of police accountability. For years, a lot of police officers that carelessly kill civilians or violate the police rules are never held accountable for their actions. All police officers that have been accused of such actions get away with their crimes very easily instead of being severely punished. As a result, the police brutality rate is steadily increasing.

POLICE BRUTALITY IN THE 1960s and 1970s

The 1960s was a time marked by many historic events. There were social unrest, discrimination against minority groups, and social injustice. It was also the decade, during which the Civil Rights Act—a set of laws that

banned discrimination— was passed in the US Congress (1964). The Civil Rights Movement was founded around that time and sought to put an end to segregation and discrimination against African Americans and protect their legal rights. As a result, there were countless protests and other acts of civil disobedience that sparked police violence.

Thus, police officers started to frequently use their weapons to disband large groups of protesters. While every community had negative experiences with law enforcement, the most affected group by police brutality in the 1960s was the African Americans. Around that time, the idea that African Americans were violent spread across the



country by police officers and citizens and, as a result, police brutality increased. Martin Luther King Jr. fought peacefully against segregation and police violence.

However, fierce clashes broke out between the black people and the police. One of the most brutal attacks at that time was the so-called "Bloody Sunday", when members of the Alabama State and local police attacked the civil rights workers on Sunday, 7 March 1965 in Selma, Alabama.



Figure 5: Bloody Sunday

POLICE BRUTALITY DURING THE PERIOD 1970-2000

Police violence became less perceptible in the period 1980-2000, although it was still happening. Nevertheless, police officers were not held accountable for their actions. Hence, blacks still protested and rioted and,



Figure 6: Rodney King

as a result, there were deaths and beatings. On 3 March 1991, officers from the Los Angeles Police Department (LAPD) stopped Rodney King, a taxi driver, for a traffic violation. During the arrest proceedings, King was heavily beaten after initially



resisting police orders. In the trial that took place a year after the night of the beating, the LAPD indicted officers weren't held accountable for their actions. As a result, some residents took to the streets to protest. This resulted in the Los Angeles Uprising, which indicated the will of the citizens to end police brutality once and for all. However, during this period of dense protests, crime rates increased. That was the reason of enacting the Violent Crime Control and Law Enforcement 1994 Act on 13 October 1994.

Figure 7: Los Angeles Uprising

POLICE BRUTALITY IN THE 21ST CENTURY

At the dawn of 21st century, there has been a decline in the incidents of police brutality. Police officers thought in a more responsible manner when making decisions and everything showed that there was a



slight change. The

Figure 8: 9/11

event that changed the whole situation worldwide was 9/11. On 11 of September 2001, a terrorist attack by an Islamic organization has taken place against the USA. On that day, police officers acted like heroes. Since 9/11, police brutality rate has tremendously increased.

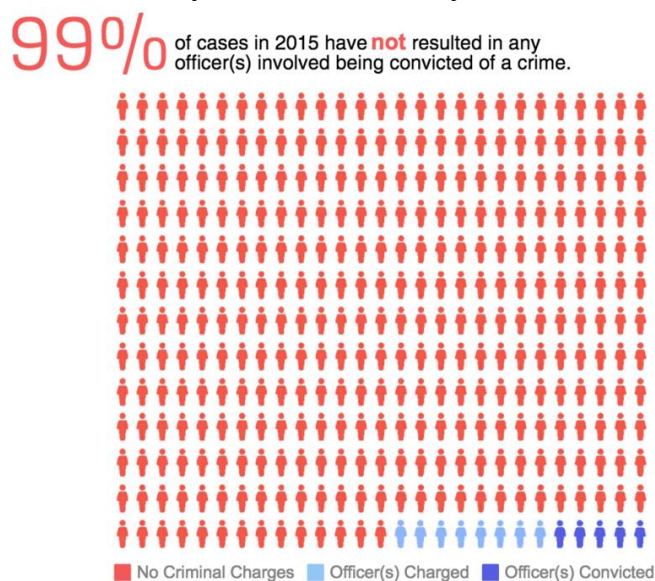
Present day issues involving racial discrimination and police brutality raise a question as to what has changed in the last years concerning police brutality. A history of brutal incidents reveals that a few major recent police reforms got their start after highly publicized episodes of police violence were brought to society's attention. Nowadays, police brutality continues to still exist in almost all countries just in different rates. For instance, countries that have implemented anti-violence policies have lower rates than the ones who just ignore the issue.



MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

United States of America

The United States of America is one of the countries with the most incidents of police brutality. As mentioned before, USA's police brutality rate has increased incredibly in the last years, especially after 9/11. In the aftermath of the war against terrorism, the policemen got the power to do whatever they want. Recently, there have been many killings, because the



police “suspected” some people of criminal activity. Most killings involve black men. Innocent people suffer every day after a biased trial. We can understand that police officers often show discriminatory behavior against non-white suspects being extremely meticulous or

even rude when having to deal with them. In 2018 alone, more than 1,160 people, both black and white, were killed in the United States of America in deadly police encounters, which have drawn increased criticism over the past few years as officers have shot and killed unarmed or otherwise innocent people. Some police departments have adopted policies that lead to fewer killings and less police violence. Nevertheless, this matter continues to exist.

United Kingdom (UK)

The United Kingdom is one of the countries, whose police officers are famously firearm free. The UK's government has decided to adopt such policies in order to help citizens feel safe without worrying about their lives when confronting police officers' use of force. Rules for police use of force are included in statutory instruments and the Common Law. Again, U.K. officers are not defenseless or even unarmed. They still carry many of the other typical police gadgets, like pepper spray and handcuffs, to help them perform their duties. In the event that a situation demands the threat or even the use of deadly force, the police in Great Britain can call upon the Authorized Armed Officers to assist them. These officers have received special training in the use of firearms and are ready to respond when the occasion arises. Consequently, these officers are responsible enough and have specialist knowledge about how much force is needed to achieve a legitimate purpose.

Egypt

Egypt, like USA, is one of the countries with the highest rate of murders due to police brutality. The situation in Egypt has worsened since the Egyptian Revolution in 2011 and the Arab Spring in neighboring countries. The police brutality and, generally, the relationship between citizens and police has deteriorated since then, which is why Egyptians protested against police abuse four years ago. Despite that, the situation hasn't changed at all. Indeed, the brutality and abuse have only worsened.

NPAP (National Police Accountability Project)

The National Police Accountability Project is a non-profit membership organization founded in 1999 by plaintiffs' lawyers, law students and legal workers dedicated to ending law enforcement and detention officer abuse

of authority through coordinated legal action, public education, while also providing support for grassroots and victims' organizations combating misconduct. NPAP focuses on coping with police brutality in the United States of America. The NPAP's central mission is promotion of the accountability of law enforcement officers and their employers for violations of the civil rights and the laws. Since 1999, NPAP has helped many victims to be vindicated and still continues to do so.

OHCHR (Office of the High Commissioner for Human Rights)

The Office of the High Commissioner for Human Rights (UN Human Rights) is the leading UN entity on human rights. The OHCHR's main goal is to protect and promote human rights for all people around the globe. In its broadest sense, OHCHR's mission is to engage in many issues that constitute violation of the Human Rights Convention, one of them being the issue of police brutality. In particular, it helps states to build their police systems and supports external accountability measures that keep the police clean and honest. Moreover, it has published an enhanced and expanded version of the OHCHR Human Rights, as well as the Law Enforcement Training Materials that are made available to all member states. On a daily basis, United Nations police and human rights officers work together in addressing human rights violations by local actors. Currently, the OHCHR is conducting a campaign in Haiti to support the Haitian authorities and civil society in promoting and protecting human rights and to ensure accountability for human rights violations, while the current UN Police Advisor is working on arrangements that form the model for cooperation between human rights and other non-state organizations across the world in order to tackle this issue.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
3 September 1953	The European Convention on Human Rights enters into force (ECHR).
17 December 1964	The Civil Rights Act of 1964 was passed in Congress because of the constant denial of black people rights in the US.
7 March 1965	Bloody Sunday.
28 August 1968	Anti-war Demonstrations. At the 1968 Democratic National Convention, violence erupted between citizens and the police during a protest.
26 June 1987	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
13 October 1994	Violent Crime Control and Law Enforcement of 1994.
11 September 2001	Terrorist attacks against the US. Police brutality became worse since then.
January 2014	Community Safety Act Law, which states that skin color is not a reason for police brutality.

February 2019	Yellow Vest Protests in France resulted in more police brutality.
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RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

A/RES/34/169 GA on Code of Conduct for Law Enforcement Officials

Code of Conduct for Law Enforcement Officials was adopted by General Assembly resolution 34/169 on 17 December 1979. It states that all law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal actions. Furthermore, it sets some standards about when and where police brutality should be used.

International Human Rights Standards for Law Enforcement

This handbook is designed by the OHCHR; it is the third global contribution of the Centre's police training program. It was created to provide a readily accessible and portable reference for policemen committed to the lawful and humane performance of their duties in a democratic society. The handbook refers to the standards that should exist when using force and how police brutality can generally be combated.

Human Rights Convention

The Human Rights Convention is a milestone document that was drafted by different representatives around the world in 1948. The Human Rights Convention protects humans in general and their dignity in war and in peacetime. The aforementioned rights are protected under international law and it is the duty of states to ensure they are respected, protected and fulfilled. Hence, they have set up this Convention.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

As the issue of police brutality still troubles our world, there have not been up to now any significant attempts to find a solution establishing peace between citizens and police officers. In many countries, the situation worsens with the murder rates by excessive police force constantly increasing. Unlike the majority of the world, in a small group of countries, including Ireland, Norway, Iceland, New Zealand, and the United Kingdom, the governments have realized the importance of this issue and have implemented such anti-violence policies which forbid local law enforcement officers to perform their duties carrying a firearm.

Recently, in countries, like Egypt, Pakistan and Haiti, the OHCHR has taken action against police violence and, as a result, the situation is now much better. In the same context, other NGOs are constantly trying to help the victims of police brutality and bring the culprits to justice. Last but not least, the European Union has tried to repeatedly tackle the issue, but the measures it has taken were not so drastic. In some European countries, there has been a slight decrease in the incidents of excessive police force, but the problem persists.

POSSIBLE SOLUTIONS

As we all have understood, the issue of police brutality is an emerging one that should be quickly and efficiently tackled. One of the most prominent ways to decrease police brutality is to focus on some basic elements: correct training, accountability for the use of force, demilitarization, department supervision, ending broken windows policing, and limiting the excessive use of force.

1. The current training for police officers fails to effectively teach them how to interact with communities in a way that protects life. An intensive training program is needed to help them learn the behavioral language and skills required to interact appropriately with communities. To change the training of the law enforcement officers, one should not only focus on the new officers that try to gain experience, but also take in consideration the already experienced ones that are already on duty. Let's not forget that experienced officers have been trained to act in compliance with the previous traditional standards of police. Requiring the experienced officers to receive a new training and attend some type of education program in regard to deescalating situations would be a tenable solution.

2. Some local police departments can misuse military weaponry to intimidate and repress communities. For that reason, we should find a way towards changing legislation in order to gradually end the supply of weaponry to local police departments. Furthermore, we should forbid police departments to use federal grant money to purchase military equipment if they have been recently found to carry out discriminatory policing.

3. Recently, it has been observed that a decades-long focus on policing minor crimes and activities has led on the one hand, to criminalizing and over-policing of color communities and on the other, to using excessive force in otherwise harmless situations. These activities are often symptoms of problems, such as drug addiction, homelessness, and mental illness, which should be treated by healthcare professionals and social workers rather than law enforcement officers who tend to use violence as their first option. A possible solution is to de-prioritize the policing of activities, such as disturbing peace, trespassing and

consumption of alcohol in public. Moreover, we should try to explore alternative approaches to those who suffer from mental health crises.

4. The main problem is how to limit the use of police force. Policemen should have the skills and cultural competence to protect and serve our communities without killing people or using excessive force just as their colleagues do in England, Germany, Ireland and other developed countries. For that reason, we should clearly set standards and rules regarding the type and extent of force used when dealing with a situation. Strengthening the use of force policies of local police departments would be a very effective approach to the topic. For instance, approving the use of force only if a person's or an officer's life is at risk or requiring the officers to deliberately and cautiously use deadly force.

5. To ensure that all aforementioned solutions are correctly implemented, department supervision is vital. It has been proven that, when someone is assisted in his attempt to change, then the outcome is far better than expected. Hence, a well-trained and knowledgeable team that would examine and control the work of the police departments would sure come in handy.

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