



U.S. CONGRESSMAN  
EARL BLUMENAUER  
REPRESENTING THE 3RD DISTRICT OF OREGON

# POLICE ACCOUNTABILITY

A FEDERAL ACTION PLAN  
TO REDUCE POLICE  
VIOLENCE



USE OF FORCE



POLICE  
ACCOUNTABILITY



MILITARIZATION



POLICING  
ALTERNATIVES

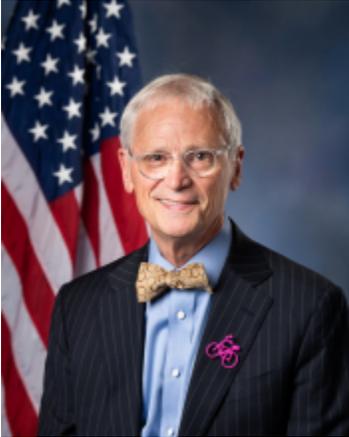


TRAINING



DATA  
COLLECTION

## A Message from Congressman Earl Blumenauer



This is a moral crisis for our country. Generations of Black Americans have suffered under systems that have been intentionally set up to disenfranchise, degrade, and dehumanize people of color. Now, people around the nation are finally seeing these murders as a painful manifestation of systemic racism and inequality. I understand the frustration, rage and desire to end police brutality. We need to channel this rage into meaningful remedies that will hold police accountable for their actions and force them to honor their sworn duty to protect and serve the public.

Law enforcement is one tool for keeping communities safe, but the federal government clearly must act to restore the faith in this institution - which is made up of 17,985 separate policing agencies - that so many communities of color have rightfully lost. In doing so, we need to focus our attention on addressing broader structural issues like racial inequality while simultaneously addressing police accountability. To this end, I'm supporting policies that will address both.

Outlined in this report are the federal action steps that I will support to stop the senseless killings of Black Americans and other people of color. These have been developed by countless social justice organizations and are being led by my colleagues in Congress, many of whom are members of the Congressional Black Caucus. I have listened, discussed and solicited feedback from many community leaders here in Oregon and know that in order to make change we are going to need to have reforms at the federal, state, and local level. I pledge to be a partner on all three of these fronts.

We cannot legislate morality but we must restrain the worst expressions of racism and discrimination, change the culture, and provide a better future for all.

Courage,

A handwritten signature in blue ink that reads "Earl Blumenauer". The signature is fluid and cursive.

Earl Blumenauer  
Member of Congress



# Federal Priorities

## Use of Force

Last year, over 1000 people were killed by the police, and the majority of these deaths were the result of an officer using a firearm.<sup>1</sup> Black people made up 13% of the U.S. population, but accounted for 24 percent of people fatally shot by the police.<sup>1</sup> Black men aged 15-34 are about 10 times more likely to be killed by police than other people. Given the disproportionate use of lethal force on Black people, we must restrict the police from using excessive force in their everyday interactions by implementing the following policies.

### Limit Use of Force

- Require a federal standard that use of force be reserved for only when necessary as a last resort after exhausting reasonable options, and incentivize states through federal funding mechanisms to implement this standard.
- Require the use of de-escalation techniques and the duty to intervene.
- Ban the use of force as a punitive measure or means of retaliation against individuals who only verbally confront officers, or against individuals who pose a danger only to themselves.
- Require all officers to accurately report all uses of force.
- Prohibit all maneuvers that restrict the flow of blood or oxygen to the brain, including neck holds, chokeholds, and similar excessive force, deeming the use of such force a federal civil rights violation.
- Prohibit the use of no-knock warrants, especially for drug searches.

1. <https://mappingpoliceviolence.org/>

2. <https://www.theguardian.com/us-news/ng-interactive/2015-jun/01/the-counted-police-killings-us-database>



# Federal Priorities

## Police Accountability

Over the years, the courts have made it exceedingly difficult to bring charges against police officers to prosecute and hold them accountable for their harmful actions. From 2013 to 2019, 99% of killings by the police did not result in officers being charged with a crime.<sup>1</sup> We must pass policies that will remove the legal hurdles to charging cases involving police brutality and excessive use of force.

### Restore Tools of Accountability

- End the qualified immunity doctrine which prevents police from being held legally accountable when they break the law. Qualified immunity, a defense that shields officials from being sued, has been interpreted by courts so broadly that it allows officers to engage in unconstitutional acts with impunity.
- Prevent the appearance of collusion between district attorneys and police or police unions by appointing a special prosecutor to investigate when an officer uses deadly force.
- Lower the standard of proof in civil rights violations cases by changing the 18 U.S.C. Sec. 242 requirement from “willfulness” to “recklessness”, permitting prosecutors to successfully hold law enforcement accountable for the deprivation of civil rights and civil liberties.

1. <https://mappingpoliceviolence.org/>



# Federal Priorities

## Militarization

Local police departments should not have access to military-grade equipment for their day-to-day operations. This can undermine community policing efforts by sowing fear among people. If law enforcement agencies have this equipment, they will use it. We must limit the free transfer of military equipment, including weapons, explosives, long-range listening devices, and tanks from the Department of Defense to local law enforcement agencies.

### Stop the Militarization of the Police

- Eliminate federal programs that provide military equipment to law enforcement.

## Policing Alternatives

Only 5% of arrests in America have been for violent crimes.<sup>1</sup> In 2018, the highest number of arrests were for drug offenses.<sup>2</sup> Over 40% of these drug arrests were for cannabis, with over 90% being just for possession of the drug.<sup>2</sup> Black people are 3.64 times more likely than white people to be arrested for cannabis possession, even though they use cannabis at about the same rate.<sup>3</sup> Reducing police interactions by using non-law enforcement to deal with minor crimes and activities, and repealing punitive drug laws could reduce the criminalization and over-policing of communities of color. We need to rethink the way police are used and encourage alternative policing models that address institutional racism as they are being created.

### Promote Alternatives to Policing

- Provide federal funding to support local innovation of non-law enforcement alternatives.
- Increase funding for federal grant programs that support partnerships between law enforcement and mental health associations.
- Repeal policies that incentivize over-policing of communities of color, including the prohibition of cannabis and the decriminalization of other drugs.

1. <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested>

2. <https://www.pewresearch.org/fact-tank/2020/01/22/four-in-ten-u-s-drug-arrests-in-2018-were-for-marijuana-offenses-mostly-possession/>

3. <https://norml.org/marijuana/fact-sheets/item/racial-disparity-in-marijuana-arrests#gsc.tab=0>



# Federal Priorities

## Training

One study suggests that police recruits spend 58 hours learning how to shoot firearms and only eight hours learning how to de-escalate situations.<sup>1</sup> We must ensure that police officers have more tools to draw on when they are faced with difficult situations.

### Improve Police Training

- Require and condition funding on comprehensive and continuous police training that includes things like implicit bias, de-escalation techniques, problem solving, and non-lethal alternatives to deadly force.

## Data Collection

Law enforcement agencies are required to report certain data on the use of lethal force, however, data on other harmful police interactions are not comprehensive, standardized, or sufficient for in depth analysis of policing trends. We need better data because it is hard to improve policing without understanding what policing looks like.

### Improve the Availability of Data

- Require robust data collection on police-community encounters and law enforcement activities. Data should capture all demographic categories and be disaggregated.
- Develop a national public database that would cover all police agencies in the United States and its territories, which would compile the names of officers who have had their licenses revoked due to misconduct.