

# Blueprint for Police Accountability and Reform

*A New Vision for Policing  
and the Justice System*



## Contents

- 03 Introduction
- 05 A New Vision for the Justice System
- 07 A New Vision for Policing
  - ▶ *Demilitarizing Policing*
  - ▶ *Ensuring Accountability*
  - ▶ *Promoting Transparency*
  - ▶ *Use of Force and Protecting Human Life*
  - ▶ *Racial Justice*
- 12 A New Vision for Prosecution

*“We must begin the process of meaningful reform which requires open, honest discussions about human rights and racial disparities in law enforcement.”*

-Brian Middleton  
Fort Bend County, TX District Attorney

# INTRODUCTION

The recent murders of George Floyd and Breonna Taylor are among many horrifying episodes of police brutality and excessive force that have long targeted and devastated Black, Indigenous, and other communities of color across the nation. These incidents – and persistent problems with police misconduct – lay bare the unbroken link between slavery and modern racially-biased policing and elevate the urgent moral imperative for a reset of the justice system. Structural reform is necessary to promote a justice system that lives up to its name.

---

For years, murders of Black people at the hands of law enforcement have prompted calls for reform, to little avail. Meanwhile, police departments and budgets have been allowed to grow, with law enforcement and the justice system – rather than communities, prevention, and social networks – serving as the default response for individuals struggling with mental illness, substance use, and manifestations of poverty. Burgeoning law enforcement, criminal justice, and corrections system investments have often come at the expense of community investment and fortifying community-driven networks. This has resulted in a criminal justice system that has grown too large, with law enforcement doing too much, and alternative responders and support mechanisms doing too little.

At the same time, an epidemic of unaddressed police misconduct has led to countless Black lives lost to police violence. There has been a fundamental failure in systemic reform at the

national level, minimal state leadership advancing change, and woefully deficient accountability for individual officers who have perpetrated misconduct. Protected in many places by a system controlled by their own agencies and police unions, law enforcement officers have been shielded from consequences and allowed to stay on the job despite documented misconduct, rarely face criminal charges, and often are rehired in different jurisdictions when terminated. The widespread failure to address misconduct has rightfully fractured trust between law enforcement and the public – particularly Black people – leaving communities both overpoliced and under-protected.

Combatting the racism interwoven throughout our nation's justice system demands the immediate adoption of concrete and systemic reforms that will reset our priorities and our justice system, while also advancing policing reforms that have languished for decades.



*As we watch protests...it is critical that we not lose sight of the history underlying the grief and anger. These protests are...about the murder of George Floyd and...so much more.*

*Four hundred years of racism... disproportionately killing black people.*

-Satana Deberry  
Durham County, NC District Attorney

Change must be multifaceted and multi-focused and include: shifting resources away from policing and instead investing in communities, reimagining the role of police and prosecutors, and implementing previously stalled changes in federal and state laws to hold law enforcement accountable.

These reforms are achievable. They simply require the resolve to act. Criminal justice and government leaders must be willing to take on the political forces that have long been invested in perpetuating the racist and untenable status quo – including police unions and others with a financial stake in maintaining this starting point – when they stand in the way of needed reforms.

Prosecutors have a critical role to play in making and promoting these changes. But they are not

the only actors who can and should propel change. This *Blueprint for Police Accountability and Reform* provides concrete policy recommendations that elected officials, chief prosecutors, law enforcement heads, and other leaders, must embrace and advance if we are to address the epidemic of police misconduct and racial injustice pervasive in our nation's justice system.<sup>1</sup> Unless we seize this moment and bring all levers of change together, we will not succeed in bringing about long overdue transformation and building trust in the integrity of our criminal justice system.

Communities of color have waited far too long for change. Many are watching and waiting to see if leaders will have the resolve to implement reforms. Failure to act *now* – in this critical moment – is simply not an option.



*We have to see each other as brothers and sisters, sons and daughters, and mothers and fathers. We have to come together with warmth, humility and mostly, humanity so we can develop unity and address the problem – because it is OUR problem.*

-Buta Biberaj  
Loudoun County, VA Commonwealth's Attorney

<sup>1</sup> Some of these recommendations are aimed at local, state, or federal government leaders; others can be implemented by elected prosecutors or law enforcement agencies; and others are in the realm of community advocates. In many instances, federal laws or funding streams can incentivize or require reforms. We have not attempted to include those implementation details and mechanisms and have instead set forth a list of reforms that are needed. Lasting change will require all of these leaders, community members, and advocates to come together to reset our justice system and embrace a new vision for policing in our nation.



## A NEW VISION FOR OUR JUSTICE SYSTEM

---

Police violence against people of color is only one facet of mass incarceration and the deeply-entrenched racial disparities within our justice system. Meaningful change is necessary at every stage – from arrest to charging to sentencing. Even more urgently, leaders must join with communities in creating a new vision for, and fundamental shift in, the way our justice system promotes safer and healthier communities.

***“I am hearing and seeing the pain and helplessness over injustice against people of color ringing out...I join with all of you who say enough and never again, and I am committed to changing the system of justice in Brooklyn to one we can all trust.”***

– Eric Gonzalez  
Kings County, NY District Attorney

## RECOMMENDATIONS – A NEW VISION FOR JUSTICE

- ▶ We can no longer engage in business as usual and presume that a punitive criminal justice response is the smart, effective, or evidence-based way to address conduct driven by poverty, substance use, or mental illness. We must **decriminalize substance use and conduct based on the manifestations of mental illness or poverty**. Drug prohibition and the criminalization of poverty and mental illness expand contact and flash points between law enforcement and the community; perpetuate racial, ethnic, and socio-economic disparities; serve as a destructive and costly entry point into the revolving door of the justice system; and fracture bonds of trust with overpoliced and marginalized individuals and communities.
- ▶ State and local leaders must **reallocate public resources** from law enforcement to programs that strengthen the community – including community-based violence interruption, housing, education, and substance and mental health treatment programs.
- ▶ We must remove law enforcement as the default first responders when individuals are experiencing mental health or substance use crises, or other medical emergencies best addressed by health professionals. While law enforcement should be trained on de-escalation and how to respond to individuals in crisis, community and government leaders need to jointly **develop alternative responder models and mechanisms** that keep these situations from becoming a criminal justice entry point.<sup>2</sup>



*This is not just a Black problem. This is an American problem, that requires ALL Americans to be a part of the solution.*

-Wesley Bell  
St. Louis County, MO Prosecuting Attorney

<sup>2</sup> These models are taking hold in some parts of the country and include the “Cahoots” program in Oregon that provides an alternative to 911 for people experiencing or concerned about someone experiencing a mental health crisis. Community members can call a local 24-hour non-emergency number and a team consisting of either a nurse or EMT and a trained mental health crisis worker will respond to provide immediate stabilization, assessment, referral, and advocacy. See Fair and Just Prosecution (2018), *Effective Collaborative Responses to Individuals with Mental Illness: A Compendium of Models from Across the Nation*,

[https://fairandjustprosecution.org/wp-content/uploads/2018/10/FJP\\_Brief\\_MentalHealthCompendium.pdf](https://fairandjustprosecution.org/wp-content/uploads/2018/10/FJP_Brief_MentalHealthCompendium.pdf). These approaches and reforms have broad public support. A recent poll by Data For Progress found that 68 percent of voters support “creating a new non-police first responder agency to respond to issues of mental illness or addiction.” See Data for Progress (2020), *Voters Support Protests, Have Lost Trust in Police*, <https://www.dataforprogress.org/blog/2020/6/6/voters-support-reforms-have-lost-trust-in-police>.

## A NEW VISION FOR POLICING



Photo Credit: Kristopher Skinner, Associated Press

---

The unbroken link between slavery and modern racially-biased policing mandates a radical reset. In order to earn community trust, policing must be transformed through demilitarization, enhanced accountability and transparency, and policies which prioritize human life and racial justice.

***“As difficult as it is for our community to experience this unrest, it is critical that we take the time to understand the systematic oppression and inequities fueling it. We have some rebuilding to do in our community, both of physical spaces and of broken hearts and spirits.”***

– John Choi  
Ramsey County, MN County Attorney

## RECOMMENDATIONS – A NEW VISION FOR POLICING<sup>3</sup>

### Demilitarizing Policing

State, federal, and local lawmakers should enact laws and funding mechanisms – and law enforcement agencies should embrace reforms – that:

- ▶ End practices that have allowed for the **militarization of police departments** and replace them with robust **community policing strategies** that allow for co-ownership of community safety.
- ▶ **End the federal government’s 1033 program** that provides military weaponry to local police departments.
- ▶ Establish **local restrictions to prevent police departments from purchasing or using military weaponry**.

### Ensuring Accountability

- ▶ **Independent law enforcement oversight structures** must be created, sufficiently resourced, and empowered to hold the police accountable to the community, including through community oversight bodies with subpoena authority.

- ▶ There must be immediate **changes to long-standing policies, practices, and contracts that protect problem officers** and undermine the ability to investigate and discharge officers who should no longer be on the job.
- ▶ Laws and policies should be changed to make clear that **officers bear an affirmative duty to intervene, prevent, and report misconduct**. Prosecutors and law enforcement leaders should hold accountable officers who fail to intervene in the face of criminal misconduct.
- ▶ **Repeal laws that shield police records and misconduct** from public view – and in doing so, hamper appropriate and necessary police accountability for misconduct.
- ▶ Work to **legislatively limit qualified immunity**, in order to remove barriers that inhibit the ability to hold officers accountable.
- ▶ Create a **national database** that will identify law enforcement members who are discharged from one department for misconduct and ensure that other departments are aware of prior misconduct. Law enforcement **certification requirements** should also prevent departments from hiring officers with repeated misconduct issues.
- ▶ **Civil service protections and commissions** that enable officers who engage in misconduct to stay on the job or be reinstated, even in the face of misconduct, need to be reformed.



*This is a matter of life or death for Black people. As someone who has fought for accountability for police violence, I know the inner resolve required to walk in an often unchartered territory and see it through to conviction and accountability.*

–Stephanie Morales  
Portsmouth, VA Commonwealth’s Attorney

<sup>3</sup> Just as reinvestment of funds away from policing and into the community is a critical component of resetting our justice system, so too the police reforms discussed herein should not be implemented in a manner that results in, or requires, increased funding of police departments.



## RECOMMENDATIONS – A NEW VISION FOR POLICING

- ▶ Law enforcement departments must step up and:
    - Create mechanisms to **track problem officers, including tracking of allegations of misconduct and complaints by members of the public.**
    - Implement effective **early warning systems** to proactively identify officers displaying problematic behavior and ensure accountability and appropriate early intervention.
    - Develop **performance measures** that reflect community policing, including tracking and measuring satisfaction and engagement with the community.
    - Create **robust internal affairs mechanisms** that operate independently and report directly to the organization's head.
    - Implement **critical incident review procedures** in accordance with best practices – such as those articulated in the [Final Report of the Task Force on 21st Century Policing](#).
    - Employ **constitutional policing advisors** who report directly to the department's leadership and are mandated to ensure that the department operates in accordance with constitutional principles.
    - **Protect the First Amendment rights of the community** by establishing clear community-driven **guidelines for demonstrations** and use of force against large groups; prohibiting the use of military equipment; prohibiting use of rubber bullets, pepper spray, tear gas, and canines against protestors who pose no serious danger to others; and prohibiting attempts to prevent citizens from videotaping public officer conduct.
  - Require all law enforcement personnel – whether state or federal – to wear at all times while on the job **readily identifiable and visible badges or other insignia reflecting their name and employing agency.**
  - Implement swift and **strong consequences for codes of silence, and zero tolerance for dishonesty** that serves to shield those who commit misconduct.
- ▶ The Department of Justice should use, and seek to fortify, its authority to hold legally accountable cities and police departments who engage in a pattern and practice of civil rights violations.



Photo Credit: Tyrone Turner, WAMU

## RECOMMENDATIONS – A NEW VISION FOR POLICING



*I want to remind those of us who are able – and especially those of us who benefit from white privilege and don't have to live in daily fear for our safety – to channel our sadness and righteous rage into working to effect change and combating racism and white supremacy.*

-Chesa Boudin  
San Francisco, CA District Attorney

### Promoting Transparency

- ▶ All policies, protocols, and agreements regarding officer-involved incidents, including use of force policies, should be **publicly available**, and all investigations, prosecutions, and dispositions regarding officer-involved incidents should regularly be reported to the public.
- ▶ **Body cameras should be the norm in policing** and law enforcement departments should implement best practices around their use, including:
  - Requiring all officers to wear **body cameras and to activate them during encounters with the public**.
  - Developing detailed body camera implementation policies with the input of civil rights advocates and the community.
  - Ensuring that body camera **footage is routinely and promptly made available to the public** – unless there is a specific and demonstrable showing that doing so would compromise an ongoing investigation,

endanger witnesses, or otherwise violate ethical guidelines.

- Protecting the evidentiary value of body camera footage by **prohibiting officers from viewing the footage** before filing their reports.

- ▶ **Collect data on the nature, type, and trends in use of force**, as well as data on **traffic stops, searches, and arrests for low-level offenses – disaggregated by race, neighborhood, gender and disability**. Collect data on officer and law enforcement department personnel **diversity**. Make all of this data **publicly available**.

### Use of Force and Protecting Human Life

- ▶ Police policies must make clear that force can be **no greater than what is objectively necessary and proportionate to the threat posed at the moment**, and personnel must be trained to abide by this starting point.
- ▶ Ensure that **de-escalation, alternatives to use of force, and principles of force avoidance** are part of legal requirements and formal policing policy, integral to training, and expected as part of day-to-day law enforcement practice.
- ▶ **Deadly force** should not be used except in response to an **immediate threat of serious physical harm or death** to officers or others. In particular, policies should require officers to always warn before shooting and to exhaust all other means before shooting.
- ▶ **Ban chokeholds, strangleholds, and shooting at moving vehicles**.

## RECOMMENDATIONS – A NEW VISION FOR POLICING

- ▶ Require **specialized training in the use of force against vulnerable individuals** including children, people with disabilities or unmet mental health needs, those under the influence of substances, and pregnant people.
- ▶ Predicate all police training, hiring, and evaluation on the need to protect and respect the **dignity of human life** and **mandate implicit bias training** for all police officers. These **basic principles of policing humanely and with dignity** should be embedded in the fabric, mission, evaluation and hiring practices of each department across our nation.
- ▶ There should be a **national standard for use of force** that embraces these starting points.
- ▶ **Ban quotas and evaluations based on numbers of stops or arrests.**
- ▶ **Increase diversity** of supervisors, officers, and staff and ensure that promotional testing does not intentionally or implicitly favor non-diverse candidates.
- ▶ **End the use of police in schools**, such as school resource officers, which too often results in young people being pushed into the justice system for student disciplinary issues and adolescent behavior.
- ▶ Create a system for **national annual reporting** of data on use-of-force and traffic and pedestrian stops, disaggregated by race, ethnicity, disability, and gender, with concrete recommendations on how to eliminate racial disparities.
- ▶ Ensure that **compensation policies for victims of crime** are not racially discriminatory in application by eliminating rules that bar individuals with prior convictions or who are on probation, parole, or who owe outstanding fines or fees from compensation. Monitor the dispensation of compensation funds.

### Racial Justice

- ▶ Law enforcement departments should:
  - Eliminate **racially discriminatory policing and policies** such as “Broken Windows” and “zero tolerance” approaches to conduct that does not pose a danger to the physical safety of the community.
  - End **no-knock and quick-knock warrants** unless there is a specific threat to officer or civilian life.
  - **Recruit and hire** personnel who are reflective of the communities they police and who *live* in those communities.
  - **Require training for interacting with specific groups** – including people of color, youth, LGBTQ and gender non-conforming people, undocumented individuals, people experiencing homelessness, and other marginalized groups in the community.
- ▶ **Decouple federal immigration enforcement** from local policing.
- ▶ **Expand the definition of profiling** based on protected categories like actual or perceived race, ethnicity, religion, sexual orientation, and gender identity, and ban the use of profiling in all law enforcement activities.
- ▶ Implement practices to **robustly investigate, prosecute, and identify hate crimes.**
- ▶ **Leaders in prosecution and policing must acknowledge and apologize for decades of racially disparate policing and criminal justice practices**, engage their community in honest and candid conversations around what a new vision for the justice system needs to include, and create ongoing mechanisms for the community to co-own and co-produce that vision moving forward.

## A NEW VISION FOR PROSECUTION

---

Prosecutorial independence from law enforcement is essential for police accountability and reform; however, a broader reimagining of the role of the prosecutor is needed to shrink the footprint of a justice system that has grown too large. These concepts, delineated in [21 Principles for the 21st Century Prosecutor](#), are a fundamental starting point for needed systemic change.

***“Prosecutors have a role in preventing brutality and addressing it when it happens. We must be willing to use our discretion to prevent needless interactions between police and the community, and we must be willing to take on those in authority when they violate their oath. This is a moment for innovative ideas, reform, and – ultimately – courage.”***

– Marilyn Mosby  
Baltimore City, MD State’s Attorney

## RECOMMENDATIONS – A NEW VISION FOR PROSECUTION

- ▶ Prosecutors running for office should **not seek or accept endorsements or donations from law enforcement leaders or police unions**; this starting point should be part of local, state, and national (ABA) ethics rules.
- ▶ Prosecutors' offices should have the ability and resources to **independently and effectively investigate and prosecute officer-involved shooting incidents and fatalities**. These prosecutions should be handled by an independent unit, staffed by senior prosecutors and experienced investigators, and report directly to the office head. The investigation of these cases should *not* be handled by the employing law enforcement agency.
- ▶ Prosecutors should **make public** all policies and protocols related to the investigation of law enforcement misconduct and their offices should **report data annually** on investigations, prosecutors, and dispositions of these cases. Elected prosecutors should also support and seek a **second-look review** by the state Attorney General or an independent prosecutor of any decision to not file criminal charges.
- ▶ Responding to police-involved incidents with an **independent criminal investigation** is a critical accountability measure, but it is ineffective unless paired with day-to-day practices within the prosecutor's office that are aimed at **identifying troublesome police conduct**, engaging with law enforcement agencies to improve their underlying policies and practices, and proactively avoiding reliance on officers with credibility concerns.
- ▶ **Discovery reform, Brady lists, tracking and analyzing racial disparities in prosecutorial decision-making, and training that combats racial bias** are all measures that prosecutors must implement to address their own role in perpetuating a lack of accountability and racially-biased policing and prosecution.
- ▶ Prosecutors' offices should have independent and empowered **conviction integrity processes** that address past misconduct and injustice. And state laws should strengthen the ability of prosecutors to **address and remedy past unlawful and unjust convictions and sentences**. If we cannot correct *mistakes of the past* we are destined to repeat them, and trust in the justice system will not be restored.

***“Now is the opportunity for us to come together and write a new future of racial, social and economic justice that more equitably addresses our city’s endemic disparities in health, education, employment, and housing.”***

– Karl Racine  
District of Columbia Attorney General

For more information visit our website: [fairandjustprosecution.org](http://fairandjustprosecution.org)  
Contact us at [info@fairandjustprosecution.org](mailto:info@fairandjustprosecution.org)