



Jesse Arreguín
City Councilmember, District 4

ACTION CALENDAR
January 20, 2015

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguin
Subject: Support the National Demands by Ferguson Action

RECOMMENDATION

1. Adopt a motion endorsing the National Demands from Ferguson.
2. Advocate for changes to the Alameda County District Attorney policy to include investigations to all in-custody deaths.
3. Issue a statement of concern and support for people of color and their families who have been affected by injury or death by law enforcement agencies.

FINANCIAL IMPLICATIONS

None

BACKGROUND

Every 28 hours, an African American is killed by police officers. Systematic problems on a national scale such as racial profiling and use of tactics such as stop and frisk, along with the increased militarization of police forces have helped contribute to this alarming statistic.

Ferguson Action is an organization that formed in response to the high-profile death of Michael Brown by a police officer in Ferguson, Missouri, and advocates for national changes to these problems. They have published a list of demands (Attachment 1) which includes the demilitarization of local police agencies, supporting the passage of the End Racial Profiling Act, repurposing law enforcement funding to support community based alternatives to incarceration, and a comprehensive review of abuses by local police agencies, including the publication of data relating to racially based policing.

On a regional level, the Alameda County District Attorney has a limited policy on investigations of in-custody deaths to include only those involved with a firearm. This policy should have no restrictions, as all in-custody deaths, regardless of the manner of death, should be independently investigated.

The Berkeley City Council should express its concern over the recent events and show support to people of color who have been affected by police brutality and use of

excessive force. Whether it is a local incident such as Kayla Moore or a national one such as Michael Brown or Eric Garner, the City of Berkeley should make it clear that actions under law enforcement agencies that result in harming communities of color are unacceptable.

ENVIRONMENTAL SUSTAINABILITY

No adverse affects to the environment.

CONTACT PERSON

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Attachments

1. National Demands by Ferguson Action

Attachment 1: National Demands by Ferguson Action
(from <http://fergusonaction.com/demands/>)

NATIONAL DEMANDS

1. The De-militarization of Local Law Enforcement across the country

Strict limits on the transfer and use of military equipment to local law enforcement and the adoption of the Stop Militarizing Law Enforcement Act of 2014. The federal government should discontinue the supply of military weaponry and equipment to local law enforcement and immediately demilitarize local law enforcement, including eliminating the use of military technology and equipment.

2. A Comprehensive Review of systemic abuses by local police departments, including the publication of data relating to racially biased policing, and the development of best practices.

A comprehensive review by the Department of Justice into systematic abuses by police departments and the development of specific use of force standards and accompanying recommendations for police training, community involvement and oversight strategies and standards for independent investigatory/disciplinary mechanisms when excessive force is used. These standards must include a Department of Justice review trigger when continued excessive use of force occurs.

A comprehensive federal review of police departments' data collection practices and the development of a new comprehensive data collection system that allows for annual reporting of data on the rates of stops, frisks, searches, summonses and arrests by race, age, and gender. These standards must also include a DOJ review trigger when departments continue discriminatory policing practices.

3. Repurposing of law enforcement funds to support community based alternatives to incarceration and the conditioning of DOJ funding on the ending of discriminatory policing and the adoption of DOJ best practices

The repurposing of Department of Justice funds to create grants that support and implement community oversight mechanisms and community based alternatives to law enforcement and incarceration—including community boards/commissions, restorative justice practices, amnesty programs to clear open warrants, and know-your-rights-education conducted by community members.

The development of a DOJ policy to withhold funds from local police departments who engage in discriminatory policing practices and condition federal grant funds on the adoption of recommended

DOJ trainings, community involvement and oversight strategies, use of force standards and standards for independent investigatory/disciplinary mechanisms.

4. A Congressional Hearing investigating the criminalization of communities of color, racial profiling, police abuses and torture by law enforcement

Congressional hearings investigating the criminalization of communities of color and systemic law enforcement discriminatory profiling and other abuses especially at the local level—including an examination of systemic structures and institutional practices and the elevation of the experiences and voices of those most impacted. Congressional hearings will allow for a continuation of the national discussion about police abuse and its underlying causes.

5. Support the Passage of the End Racial Profiling Act

Support for the passage of the End Racial Profiling Act (ERPA) which in law would prohibit the use of profiling on the basis of race, ethnicity, national origin or religion by law enforcement agencies.

6. The Obama Administration develops, legislates and enacts a National Plan of Action for Racial Justice

The development and enactment of a National Plan of Action for Racial Justice by the Obama Administration. The National Plan of Action for Racial Justice should be a comprehensive plan that address persistent and ongoing forms of racial discrimination and disparities that exist in nearly every sphere of life including: criminal justice, employment, housing, education, health, land/property, voting, poverty and immigration. The Plan would set concrete targets for achieving racial equality and reducing racial disparities and create new tools for holding government accountable to meeting targets.