
The US Government Faces Different Challenges with Police Brutality

Problem Statement

Police brutality happens when police officers use excessive physical force such as beating and fatally choking an individual. Excessive force is also verbal assault. The definition of police brutality is different between police and citizens. Citizens and the police have different definitions of police brutality. People view police brutality when they are restricted of their freedom of liberty. The police view police brutality during situations when they use emotions to defend themselves from possible attacks by causing pain to the individual through excessive force. Racial minorities suffer the most from police misconduct and brutality police violate their human rights. According to a recent, community attitudes towards police brutality found that 50% of Black respondents reported police brutality in their community. This is more than double, reported by white respondents.

According to the U.S. Commission on Civil Rights people of color, women, and the poor disproportionately reported police brutality. Police brutality is a result of different goals to lower crime rates across the country and that has lead to some police officers to use their authority to overstep the individual's rights. As a result, communities live in fear of the police rather than see them as protectors. The recent case of police brutality occurred in Ferguson, which made blacks feel targeted because a white police officer shot a young unarmed black man. Many people believe that there was police misconduct in this case. The Michael Brown case is a tragedy because a police officer used excessive force that resulted in death.

Current policies influence police training by making sure that police officers are not justified for shooting an unarmed individual. They should not view certain groups of society as an enemy. They should serve the public interests for there to be order and stability, as well as fair enforcement of the law. Police training requires new police officers to gain strong interpersonal skills, as well as having knowledge of counseling and crisis intervention and being able to de-escalate the situation. During police trainings, these topics do not have emphasizes. Even though the police get training, there is a difference in how they behave when they are on the job.

Police misconduct is prevalent in New York City, as well as in other large cities. Officers receive promotion instead of dismissal from their jobs if they have a complaint. Police officers even get medals for the number of complaints they receive for police misconduct reports. The New York City police department does not take police misconduct seriously and this results in a large number of lawsuits. Other than New York City, Los Angeles had a case of Rodney King. This case had a dramatic impact on the public perception of LAPD because of the level of misconduct. African American and Hispanic approval of LAPD dropped dramatically. New York City police is aggressive and that results in mistrust in the community as well as resentment. The New York City police are so aggressive that it led to Amnesty International releasing a report stating that the New York City Police Department committed human rights abuses. According to the Universal Declaration of Human Rights, in Article 5, the New York City Police Department violated the provision stating, "No one shall be arbitrarily deprived of his life."

It is rare for an officer to deny wrongdoing, however, the Sean Bell case proved differently. One of the cops who shot Bell pleaded guilty in the NYPD trial. Officer Isanora pleaded guilty of wrongdoing and avoided criminal conviction. During the department hearing, the lawyers for Isanora and Officer Carey determined that they committed a wrongdoing by shooting Bell 50 times. The consequence that Isanora faces is losing his job from the police department and Officer Carey will face 30-day suspension for his part in the shooting. Al Sharpton spoke out that Isanora's actions were outside the police guidelines. He believed that it was unfair for Officer Michael Oliver and Detective Cooper to negotiate their retirement and being able to receive full pension despite their crime. Al Sharpton believes that they should not receive any negotiation because they were part of a murder. Police brutality negatively affects the economy because of unnecessary lawsuits. The police departments usually ignore abuses that police officers commit. The city rather than the police department or the officer pays for settlements. When there is a civil lawsuit, the city always pays the victims; however, the officers who committed these crimes go unpunished and it does not affect their performance evaluations. New York City and Los Angeles have large costs because of high number of police brutality.

There is currently one type of policy to stop police brutality and that is the zero-tolerance policy. The zero-tolerance policy is about providing attention to quality of life in a city. With the innovations in police practices, the zero-tolerance policy had the most effect in crime reduction even though it led to aggressive policing. A community policing strategy is another way to stop police brutality because it allows partnership between police and community. For example, when people took a survey it showed they had a positive attitude towards the police because of the community policing.

Historical Development

Throughout the history of the United States, police brutality had been very prevalent. Police brutality occurs mostly during times of civil unrest such as protests, cultural events, or crime control. For example, in the 1950s Los Angeles had an event known as "Bloody Christmas" (Escobar, 2003). On Christmas Eve, seven young men fought with the police officers who later brutally attacked them after arresting them on charges. Five of the seven men were of Mexican descent. When the public learned of the unusual punishment, it led to a public outcry for justice.

One of the first incidents reported as police misconduct occurred in 1958 to Mr. James Monroe under suspicion of the death of six Negro men. Thirteen officers along with the lead detective, rushed into Monroe's home at 5:48 AM, raided his home without warrant, treated Monroe and his wife unfairly while searching their home and had them both stand in their home, naked, while the officers' search proceeded. Monroe was later arrested and detained for 10 hours in interrogation without any charges, received no phone calls, and was denied an attorney. Consequently, Monroe sued each officer and the city of Chicago under a derived code from the Ku Klux Klan Act of 1871 for violation of his fourteenth amendment rights. The statute is a remedy for parties deprived of constitutional rights by an official's abuse of his position. Within the constraints of the Civil Rights Act, the court dismissed the complaint. Even though Monroe appealed, the Supreme Court agreed with the earlier decision.

This was only the beginning of a long record of cases that depicts the injustice in regards to police officers using excessive force.

The Fourth Amendment and Police Brutality

The Fourth Amendment acknowledges the right to unfair search and seizure and has adapted over time to suit necessary purposes. Its current use is against unruly law enforcement violating a person's constitutional rights. There is currently a split judgment on selecting the amendment, when presenting the court case, on whether to use fourth amendment or fourteenth amendment when applying to receive a preferred verdict. For example, in the case of Snyder and Austin the suspects experienced unnecessary force even though they cooperated (Fourth Amendment - U.S. Constitution).

Annotation 5- Eighth amendment and The 42 U.S. Code § 1983 are other laws that protect victims of police brutality in America. The annotation 5-eighth amendment deals with cruel and unusual punishment and is under consideration since it relates to protecting victims of police brutality. This focuses on punishment under the law when questioning a suspect (Eighth Amendment - U.S. Constitution). The 42 U.S. Code 1983 deals with civil action for deprivation of rights. This civil code allows individuals, physically abused by government actors to request a court case for damages. (The Civil Rights Act of 1871 (42 U.S.C. § 1983)).

Causes

There are multiple interpretations to excessive force by police. Reaction against political repression to stabilizing order within a crowd, excessive force is used to maintain a peaceful environment. People from lower class are primary targets of police brutality. These groups are individuals who commit minor offenses. The police use force to keep people in lower class in check, especially, when they are being out of place in a disorderly crime scene. They are seen as likely suspects because of their appearance.

When the situation escalates, police brutality becomes frequent when there is common defiance against the police. Police brutality occurs during political repression. When officers use excessive force, problems from the public arise.

Future public reaction

The public will become more opposed to the effective action installed to rule against injustices by government actors. Government actors are under oath to protect citizens and be effective representatives of the law, have shamed law enforcement. The injustice will reach a breaking point that the public will no longer tolerate. If left unresolved, there will be no turning point.

Currently, activist groups and organizations are doing their best to solve cases. For every few addressed, dozens more are unaddressed in the community. Among recent efforts, change.org is petitioning for action against police officers. A letter will be sent to Attorney General Eric Holden, from this group calling for "national action against police brutality" investigation.

Current policy on police brutality and misconduct

From the Fourth Amendment to the 42 U.S. code and 1983, the laws implemented, are ineffective when it comes to policing the police for misconduct and brutality. Although these laws

are in place, police officers are immune to penalties for their actions. Based off several newspaper publications, it appears that police accountability for misconduct is non-existent. According to American Civil Liberties Union, in Habersham County, Georgia, the officers were not charged. Dansky states that, "yesterday, a grand jury in Habersham County, Georgia, decided not to bring charges against the police officers who threw a flash bang grenade into the house of Bounkham Phonesavanh, known affectionately as "Baby Bou Bou." The explosion left a hole in the then-19-month-old's chest, exposing his rib, and almost ripped his nose from his face (Dansky, 2014)". This is one example among dozens of cases where the officers perpetrated the crimes were released without penalty or severe discipline. The officers were immune to consequences for their actions. The federal government steps in to handle investigations when there is injustice. The investigation involves finding violations of human rights that officers committed (Baez, 2014).

Apart from the cases that are considered, majority of brutality incidents go unreported across the country. These government actors face from no to minimum justice sent to protect citizens. Senator Raskin from Montgomery county states, "It's a scandal that there are so many cases in Baltimore...The reason we have government is to protect people from arbitrary violence (Puente, 2014)." In fact, the Baltimore officials have called for harsher penalties for the suspected officers (Fuentes, 2014).

Analysis of Current Policy & Alternatives

The United States' Fourth Amendment to the Constitution that protects against unreasonable searches and seizures; the Fourteenth Amendment to the Constitution, which includes the Due Process and Equal Protection Clauses; the Civil Rights Act of 1871; and the Federal Tort Claims Act are laws intended to protect against police brutality. The Civil Rights Act evolved into a key U.S. law in brutality cases. Still, the laws have not prevented crime from occurring.

Many cases of police brutality go unreported. Most of reported cases come from African-Americans or Hispanics. Currently, there is great mistrust in the community toward police. Many people of color, particularly young African-American males, comprise most of population of victims of police brutality. Media coverage of hostility and revolts among people of color and the police show heinous behaviors that lead to tension and uneasiness in many communities.

There are cases of police brutality for victims who are not of color. For example, in 2011 members of California's Fullerton Police Department fatally beat Kelly Thomas, a Caucasian 37-year-old homeless man suffering from schizophrenia. In 2008, Brian Sterner, a quadriplegic, was dumped from his wheelchair as he was being booked for an alleged traffic violation at the Hillsborough County, Florida Sheriff's Office jail facility in 2008. Both of these individuals suffered because of police misconduct.

Police misconduct takes a toll on a city's budget, because the costs of lawsuits and payouts add up. Victims of police misconduct sue for damages as meaningful mechanisms for restitution. However, lawsuits against the police rarely result in million-dollar payouts for victims and are difficult to win. They represent only a small total of reports for police misconduct. In addition, the costs of settlements and judgments to victims often exclude fees paid to attorneys representing the city. In many cases, the real costs are higher.

According to NYC Comptroller's Office a 2012 report, stated that the city paid \$185.6 million in claims for fiscal year 2011 (a 35% increase over the previous year, which came in at \$137.3 million in settled claims). Fiscal year 2011 saw "an historical high of 8,882 claims filed" against the NYPD, with a 55% rise in claims against the NYPD over the past five years. Recent data, shows that NYPD paid \$428 million in settlements over the last five years, with an average of \$33,875 per closed lawsuit, with a \$11 million being the highest.

Still, the costs on current policies and lawsuits vary on locations for various reasons. First, some cities have caps on damages that have a huge impact on final figures reported. Second, some settlements have unknown or sealed terms depending on the state's open records laws, may not be accessible to the press. Third, the city attorney's strategies also affect figures when fighting lawsuits or quick settlements. A settlement shows an admission of wrongdoing or the city deciding it would be costly to take the case to court. Finally, the availability and willingness of attorneys to take these lawsuits is also an influence. In theory, the cost of these lawsuits, are supposed to inspire better oversight and policing.

Current policies on police brutality and misconduct have influenced the way in which police officers are now receiving training. Training for police has become more standardized, professionalized, and militarized in recent decades. Various police departments across America are implementing body cameras and training officers on mental health awareness. Other departments have formulated rules that limit the police use of force and preventive control that requires supervising officers and disciplining those who violate departmental standards. A growing number of cities are developing early warning systems to identify officers with high rates of citizen complaints.

City police tend to be more aggressive, perhaps due to common obstacles in accountability for police abuse. It is difficult to obtain case information except when there is a public prosecution. The fourteen large cities with actively aggressive police are Atlanta, Boston, Chicago, Detroit, Indianapolis, Los Angeles, Minneapolis, New Orleans, New York, Philadelphia, Portland, Providence, San Francisco, and Washington, D.C.

Media is influencing governments under pressure and social media has become a powerful instrument of public scrutiny. Ubiquitous social media use reveals governments' reliance on old tactics. Policymakers can no longer rely on media censorship, public pressure, and overt force. Occurrences of police brutality demonstrate tough responses to disperse angry crowds. Governments need new policies for responding to protests, riots, and other forms of public outcry and it is in their interests to develop new international norms. Still, social media cannot prevent police brutality on its own; more is needed to regulate the legitimate use of force in democratic societies.

Federal executives, such Congress and the Executive branch, have the power to create and implement laws and policies. However, in regards to police brutalities there are parties who influence sentencing. Judges often give police officers convicted of brutality light sentences because of the damage they cause to their careers.

Police brutality has a political effect. In wake of Michael Brown's death, politicians at nearly all levels of government spoke concerning the police's use of force in Ferguson, Missouri. President Obama expressed that it is now time to reflect on past events and to find a way to unite going forward. He also remarked "there is never an excuse" for violence against police

officers, or “for police to use excessive force against peaceful protests.” Missouri governor, Jay Nixon, promised he would enact “operational shifts” for law enforcement, pledged that residents would “see a different tone,” and announced that the State Highway Patrol would lead security operations going forward.

During President Obama’s gun control push he argued that “weapons of war have no place on our streets;” but local police are often equipped with weapons powerful enough to conquer a small country. Police use of SWAT teams increased 1,500 percent in the last two decades. Many police departments have cultivated an “us vs. them” mentality toward the public they serve. Possession of these weapons does not cause misconduct, but some police officers abuse their authority and overuse weapons they have been given.

The Law Enforcement Alliance of America (LEAA) is a nonprofit, non-partisan, conservative gun rights corporation located in Springfield, Virginia that supports law enforcement. Its membership is composed of active duty and retired law enforcement officers, crime victims, and other civilians. The educationally and politically active organization explains and defends police practices. It includes police use of force, supports and expands Federal legislation to allow off-duty and retired law enforcement officers to have concealed weapons, supports and promotes self-defense, strengthens laws to punish violent criminals and deter crime, supports the death penalty, and un.masks and opposes efforts to support 'Gun Control' as effective 'Crime Control'. Groups and organizations such as The National Police Accountability Project (NPAP), American Civil Liberties Union (ACLU), The Coalition Against Police Brutality (CAPB), and New York Civil Liberties Union (NYCLU) work to ending police abuse of authority through coordinated legal action, public education, and support for victims' combating police misconduct.

Policy Recommendations for Police Brutality

First, let it be known that it will be impossible to completely eliminate police brutality because it is an issue that is multi-dimensional. However, we can implement specific policies that will deter this form of police misconduct and our strategic team has come up with a few possible recommendations called the Three-Point Plan. As police brutality becomes more widespread, especially through the influence of media coverage enforcement officials with body cameras and let us understand that this recommendation is two-fold. First, it delivers procedural justice, which is “fairness in the processes that resolve disputes and allocates resources”. Inside a courtroom, both parties have the legal right to take a seat and present their share of the evidence before a judge. More often than none, a judge will solely take the word of the law enforcement official and that is violating the mandate for procedural justice. Secondly and by contrast, it protects the law enforcement official from any wrongful accusations from the opposing party. It provides a vantage point from the law enforcement official’s perspective, where everything will be documented and permitted to use as defense in a court of law. Next, we recommend policy that will hold law enforcement officials monetary accountable when convicted in court. Police are public servants and should act in the interest of serving the public but before anything, they are human beings. When they violate a law, they should not be treated with any additional advantages but with the same ones as an everyday citizen. Over the past 5 years, New York City has spent \$428,000,000 of taxpayer dollars to cover court case settlements against law enforcement officials for false arrests and police brutality. Alone, \$106,000,000 of that total was spent on out of courtroom settlements. If a citizen is responsible to pay fines for crimes they have committed, law enforcement officials should be held accountable in that same respect.

The last policy in our recommendation is to surveillance individuals who are at high risk for misconduct. We recommend that law enforcement officials should have an independent contractor who will serve as oversight for each department. With unbiased data, we can observe and investigate individuals who are potentially threatening or, even repeated offenders. In those cases, we can take necessary action in either correcting their actions through procedural training and intervention or even dismissing them of their duties. Transparency is a must.

Challenges and Feasibility of Police Reform

There are many challenges that a society faces when it the topic of police reforms because these efforts require a differentiation of different viewpoints. From a law enforcement perspective, one feels the need to strengthen “capabilities in order to immediately control local crime and combat transnational crime and terrorism”. From an economic-development prospective, we need to focus on utilizing our own environment to increase economic growth, which will discourage foreign investment.

In that respect, we can lower military expenditures and use that surplus to fund other projects. A democratizing perspective reminds one of the long-standing justices in democracy. In that respect, we emphasize the freedom from mistreatment and unusual punishment, which also speaks to the concerns to protect human rights.

Making it Possible

It is idealistic but not impossible to decrease incidences of police brutality in the United States. We understand the underlying causes and factors for these events to take place but we need to get the attention of different parties. In order to implement police reform, we need the attention of the public and policy-making officials. In a study, research suggests that when the white populations in the neighborhood are more mindful of police brutality, a community will become more receptive to changes in law enforcement policies. By the same token, if public raises their concerns and voice to their government elected officials, legislative action will surely follow and making both parties indispensable.