Policing and Criminal Justice

WHEREAS:
It is past time for our nation to declare that Black lives matter and to make that declaration meaningful by confronting the dysfunctional cultures and systemic racism that persist in too many police departments and throughout our society; and

WHEREAS:
AFSCME acknowledges and respects the work and dedication of our public safety officer members who put their lives at risk every day to serve and protect the public without regard to race, color and creed and we recognize the complex challenges law enforcement confront and face throughout the nation; and

WHEREAS:
AFSCME member law enforcement officers have dedicated their careers to serving their communities in a difficult, often thankless and dangerous job. AFSCME law enforcement members and leaders have expressed disgust at the murder of George Floyd, and do not want to serve in departments that routinely violate people’s rights or work alongside bigoted or abusive fellow officers; and

WHEREAS:
Many police departments across the country have cultivated a militarized organizational culture where officers are taught that domination and force is the best way to protect themselves and suppress crime, rather than promoting public safety by building mutual trust and respect with the communities they serve; and

WHEREAS:
Black Americans are especially targeted by hostile policing, including aggressive stops, excessive force and unjustified killings. Black Americans are more likely to be stopped by police than any other group. Police are twice as likely to threaten or use force against Black and Hispanic people than whites. Black men are two and a half times more likely than white men to be killed by police during their lifetimes, and Black men are twice as likely as white men to be unarmed when shot. Biased policing and excessive force inflict physical and psychological trauma on Black people and other marginalized communities and constitute a public health threat; and
WHEREAS:
The breakdown of trust between communities of color and law enforcement limits the effectiveness of police in promoting public safety, leaving marginalized people more vulnerable to crime; and

WHEREAS:
Police departments, elected officials, individual officers and their unions all have roles to play in putting an end to systemic racism, dysfunctional cultures and abusive practices in law enforcement wherever they exist; and

WHEREAS:
The calls to strip law enforcement officers’ collective bargaining rights or to expel all police unions from the labor movement are misdirected. It is a bedrock principle of our movement and our union that all working people, including law enforcement officers, deserve the right to join together and collectively bargain for better pay and fair treatment on the job; and

WHEREAS:
Billionaire-funded, right-wing organizations are cynically using this moment of moral reckoning to advance their anti-worker agenda. These groups, who consistently advocate for policies that hurt communities of color, are now seeking to weaken unions in the guise of addressing police abuses.

THEREFORE BE IT RESOLVED:
AFSCME supports a justice agenda that promotes safer communities by increasing accountability in policing and ending militaristic practices that divide police from the communities they protect and serve; and

BE IT FURTHER RESOLVED:
AFSCME affiliates, especially affiliates representing public safety officers, are encouraged to demand a seat at the table whenever reforms of policing and criminal justice are being considered. During those discussions, AFSCME leaders at all levels of the union are called upon to support and act consistent with the policies of this resolution; and
BE IT FURTHER RESOLVED:

AFSCME will advocate for federal funding to create a civilian corps of unarmed first responders such as social workers, EMTs, and trained mental health professionals who can work in partnership with police officers and handle nonviolent emergencies including order maintenance violations, mental health emergencies, and low-level conflicts outside the criminal justice system. This will free police officers to concentrate on the most serious crimes. These partnerships can work to de-escalate interactions with the public and when appropriate, divert individuals to the social services they need; and

BE IT FURTHER RESOLVED:

AFSCME does not support divestment from public services, including policing. AFSCME demands more funding for education, behavioral health, housing, social services, public facilities, and other programs and services which enhance the safety and well-being of the public. The setting of budget priorities and the proper allocation or reallocation of resources devoted to public safety should be decided at the community level, given each community’s unique circumstances, size and needs and with due regard for the vital role played by the civilian employees who support public safety operations. AFSCME believes communities can benefit from having police responsibilities more tightly focused on public safety and criminal activity rather than being asked to perform duties unrelated to public safety such as health and social services; and

BE IT FURTHER RESOLVED:

Responsibility for investigating serious police misconduct involving use of force should be shifted from police departments and local prosecutors to impartial individuals who do not work as closely with the officers or department in question. In some cases, as in Minnesota, that may be state attorneys general; and

BE IT FURTHER RESOLVED:

AFSCME supports the hiring of qualified officers for future vacancies who are committed to racial equality, and recruiting and hiring candidates that are traditionally underrepresented in law enforcement so that police departments reflect the diversity of and live in the communities they serve. Police departments should consider residential hiring incentives and outreach programs to youth; and

BE IT FURTHER RESOLVED:

AFSCME supports a national database to prevent officers who have been removed from employment or who have resigned while facing allegations of flagrant misconduct from being reemployed by another law enforcement agency. State certification agencies should act swiftly on decertification referrals in these cases; and
BE IT FURTHER RESOLVED:

Chokeholds should be banned and use of force deployed only when no reasonably effective alternative exists. Clear use of force standards should be developed, and officers should be trained in their implementation. Officers should be obligated to intervene to stop or prevent unnecessary or excessive use of force by another officer; and

BE IT FURTHER RESOLVED:

The federal government should stop militarizing police presence on the streets and substantially reduce funding for programs that militarize public safety. The federal government must redouble its efforts to keep law enforcement officers safe by providing body armor, and public safety agencies must meet their responsibility for adequately equipping officers so they may keep themselves and the public safe. AFSCME condemns President Trump’s misuse of the National Guard and militarization of federal law enforcement agencies against civilians protesting in the wake of George Floyd’s murder; and

BE IT FURTHER RESOLVED:

The intentional filing of a false statement regarding use of force by an officer should be grounds for termination. Due process for officers should not impede the development of an accurate factual record of the circumstances involving the use of force; and

BE IT FURTHER RESOLVED:

All officers should be proficient in de-escalation techniques, crisis intervention, cultural awareness, implicit bias, and peer intervention. National accreditation standards should be established that require all officers be trained in these and other best practices from around the world at the academy and on the job as part of continuing education; and

BE IT FURTHER RESOLVED:

Employers of public safety and first responders must provide more robust mental health assistance including qualified counselors for critical incident stress management, Post Traumatic Stress Disorder, and behavioral health issues. Personnel must be able to confidentially access such programs without fear of stigma or penalty; and

BE IT FURTHER RESOLVED:

Laws should be revised so that minor infractions are decriminalized to reduce over-policing of communities of color. Citizen led advisory groups should be established to work closely with their police precincts to foster relationships and accountability and help set priorities and approaches to protecting and serving the community; and
BE IT FURTHER RESOLVED:

AFSCME supports substantial changes to the criminal justice system including:

a. limiting when cash bail is required for nonviolent offenses and offering more liberal pretrial release;

b. ending the use of racially biased risk assessment tools used to determine eligibility for pretrial release;

c. diversion programs for drug offenses;

d. commonsense sentencing reform that relies less on policies such as minimum sentences and “three-strike” rules;

e. significantly restricting no-knock warrants to cases where there is evidence that an announcement by law enforcement would pose a danger to human life;

f. ending the practice of arresting children for behavior that ought to be handled in the principal’s office. Instead, every school should have sufficient funding to employ guidance counselors, social workers, or school psychologists to help guarantee age appropriate student disciplinary practices. Security personnel at schools must focus on nonviolent resolution of conflicts with a minimal use of force; and

g. supporting changes so people are not incarcerated for failure to pay fines or fees or have their driver’s license suspended for any reason unrelated to public safety, such as inability to pay fines or fees or child support; and

BE IT FINALLY RESOLVED:

AFSCME reasserts the right of all law enforcement officers to collective bargaining, due process and participation in our union. AFSCME stands in support of all workers, including law enforcement officers facing civil suit and potential liability for on the job conduct, being indemnified for legal fees and civil judgments.

SUBMITTED BY: INTERNATIONAL EXECUTIVE BOARD