

A VISION FOR BLACK LIVES

POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE

END THE WAR ON BLACK COMMUNITIES

POLICY BRIEF 1 of 13



POLICY PLATFORM 1 OF 6

M4BL

THE MOVEMENT
FOR BLACK LIVES

END THE WAR ON BLACK COMMUNITIES: SUMMARY



REALLOCATE FUNDS AT THE FEDERAL, STATE, AND LOCAL LEVELS FROM POLICING AND INCARCERATION TO LONG-TERM COMMUNITY-BASED SAFETY STRATEGIES

THE ISSUE:

The explosion of surveillance, policing, mass criminalization, incarceration, and deportation that has devastated Black communities over the past four decades has been fueled by large-scale investments at all levels of government, accompanied by massive disinvestment from meeting community needs. The U.S. currently spends over \$100 billion a year on policing and another \$80 billion a year on jails and prisons, at a tremendous cost to the lives of Black people and communities, and to public safety.

THE DEMAND:

- ❖ Divest from surveillance, policing, mass criminalization, incarceration and deportation. Invest in making communities stronger and safer through quality, affordable housing, living wage employment, public transportation, education, health care, including voluntary, harm reduction and patient-driven, community-based mental health and substance abuse treatment, community-based transformative violence prevention and intervention strategies, and supports for criminalized populations.
- ❖ Uncouple access to services, care, and support from the criminal punishment system.
- ❖ Provide reparations to survivors of police violence and their families, and to survivors of prison, detention and deportation violence, and their families.

KEY FEDERAL LEGISLATION:

- ❖ *People's Justice Guarantee.*
- ❖ *End Racial and Religious Profiling Act.*
- ❖ *Stop Militarization of Law Enforcement Act.*
- ❖ *End Qualified Immunity Act.*
- ❖ *PEACE (Police Exercising Absolute Care with Everyone) Act.*

WHAT IS THE PROBLEM ?

Policing, criminalization, and surveillance have increasingly become the primary and default responses to every conflict, harm, and need, including those flowing from systematic displacement and divestment from infrastructure and programs aimed at meeting basic needs in working class and low-income communities.

The result has been mass surveillance, criminalization, incarceration, and police and state violence, a drastically decreased focus on violence prevention and intervention, and a shredded social safety net.

Surveillance, policing, prosecution, and punishment increasingly represent a primary expenditure of public funds. *The U.S. currently spends over \$100 billion a year on policing and another \$80 billion a year on jails and prisons. In some cities and counties, the police budget represents 40-60% of the overall budget, while a fraction of public funds are allocated toward meeting community needs such as basic infrastructure, education, housing, public health, public transportation, social safety net programs, and youth employment programs.*

*This investment in punishment over prevention **has not made us any safer to the contrary, it has contributed to skyrocketing levels of police killings, rapes and sexual assaults, physical violence, harassment and criminalization in Black communities:***

- ❖ Police killed an average of 1,000 people a year over the past 5 years, murdering Black people at four times the rate of white people.
- ❖ Black women were the group most likely to be killed when unarmed, and young Black men are 21 times more likely to be killed by police than any other group.
- ❖ A quarter to half of police killings involve someone who is, or is perceived to be, in a mental health crisis.
- ❖ *A law enforcement officer is caught in an act of sexual violence every 5 days* — a figure widely understood to be a gross underestimate of the prevalence of police sexual violence, which is the second most frequently reported form of police violence after excessive force.

- ❖ Over 10 million arrests are made each year, many accompanied by physical, sexual, and verbal violence and abuse, irrevocably changing the course of millions of lives.
- ❖ Over 73 million people, or 1 in 3 people in the U.S., currently have a criminal record.

Black people represent 13% of the population but **a quarter of arrests annually**, and 28% of people arrested multiple times in 2017. *One in 3 Black men can expect to be arrested before they're even 23 years old.*

People arrested 3 or more times in a year are disproportionately Black, low-income, unemployed, and have unmet health needs:

- ❖ **42% were Black.**
- ❖ half reported incomes less than \$10,000, and were four times more likely to be unemployed.
- ❖ over half reported substance dependence in the past year.
- ❖ people with unmet mental health needs were three times more likely to experience multiple arrests.
- ❖ people who experienced multiple arrests were also 3 times more likely not have health insurance, and 11 times more likely to be living with HIV.

The vast majority of people who experienced multiple arrests (88%) are arrested for nonviolent offenses.

Black people also make up over 40% of the 2.3 million people currently incarcerated in cages, and are 5 times more likely to be incarcerated than white people.

1 in 3 Black men and 1 in 2 Black trans women report experiencing incarceration in their lifetime.

Black women and girls represent the fastest growing prison and jail populations, outpacing the rate of growth of the incarcerated men's population by 50% over the past four decades, and a significant proportion of the over 5 million people currently on probation and parole.

Skyrocketing investment in policing, criminalization, and incarceration has also driven growing poverty and homelessness, school and clinic closures, diminishing quality and resources for public education, and cuts to community-based mental health and social services, driving more and more Black people into the maw of the criminal punishment system.

There is NO EVIDENCE that this massive spending on incarceration reduces harm or violence or keeps communities safer — instead, it has devastated generations of Black people and communities. Black communities are flooded with police and surveillance, while simultaneously being denied protection from harm and experiencing massive divestment, neglect, and organized abandonment.

A substantial body of research confirms that *jobs, education, housing, and universal access to comprehensive holistic health care make communities stronger and keep them safer.*

Investments in voluntary, patient-centered, community-based mental health care and substance dependence treatment, universally accessible education, including universal pre-K, living wage jobs, childcare and other family supports, transportation, quality and affordable housing, and social institutions and benefits are far more successful in reducing violence and harm than police or prisons, while improving life outcomes for all.

We are also increasingly recognizing that criminalization is not an effective prevention strategy or response to violence. It often produces more violence, and is increasingly leading to criminalization of survivors of violence.

Prevention and community-based programs rooted in transformation are far more likely to produce lasting change and reduce violence in our communities.

FEDERAL INVESTMENTS IN POLICING AND PUNISHMENT

A series of laws passed in the 1990s continue to incentivize spending on policing and prisons and legislate punitive responses to public health crises. One such law, the **1994 Violent Crime Control and Law Enforcement Act** (VCCLEA or the '94 Crime Bill):

- ❖ Authorized \$10 billion in subsidies to expand state prisons;
- ❖ Established a system to compensate states for incarcerating migrants;
- ❖ Established the Community Oriented Policing Services (COPS), which has invested over \$14 billion in local law enforcement agencies since 1994; and
- ❖ incentivized states through grant funding to establish school policing programs and security technology (\$1 billion), and ensure that people convicted of crimes be required to serve 85% of their sentences (“truth in sentencing”) (\$680 million).

At the time of its passage, the '94 Crime Bill authorized an additional \$30.2 billion over six years to increase law enforcement and prison infrastructure. As a result, the number of law enforcement officers across the country increased by 28%, including increases in the number of police in schools.

The '94 Crime Bill also:

- ❖ established the “three-strikes” rule at the federal level;
- ❖ allowed 13 year olds to be tried as adults;
- ❖ created dozens of new federal offenses, including 60 new federal death penalty eligible offenses;
- ❖ enhanced penalties for drug offenses; and
- ❖ created new and increased penalties for immigration offenses.

The bill also gave the Department of Justice the authority to investigate patterns and practices of law enforcement misconduct. However, this authority has been exercised with respect to only a tiny fraction of law enforcement agencies across the country, and has been consistently underfunded and limited by political priorities. The current federal administration declared its intention to virtually eliminate its oversight of local law enforcement agencies through such investigations.

While law enforcement falls primarily within state and local jurisdiction, the ***Edward Byrne Memorial Justice Assistance Grants*** (JAG) program, enacted in 2005, is the primary source of federal funding to state and local law enforcement agencies. The JAG program enables the federal government to make grants to states and units of local government to provide additional personnel, equipment supplies, contractual support training, technical assistance, and information systems to law enforcement, prosecution, courts, jails and detention centers, drug treatment and enforcement, planning, evaluation and technology improvement programs, crime victim and witness programs, prevention and education programs, and mental health programs and related law enforcement, jail and prison programs, including behavioral programs and crisis intervention teams.



Total funding distributed through JAG averages about \$435 million a year, not including \$2 billion appropriated in 2009. In 2019, these funds included \$20 million for Project Safe Neighborhoods, a program led by local U.S. Attorneys' Offices that increased federal enforcement and prosecution of gun and gang crimes through federal-local task forces.

In 2015, the COPS office established by the '94 crime bill gave \$163 million to police departments across the country. In 2020 - before COVID19 and the CARES Act which provided for an additional \$850 million to law enforcement - it was slated to give away half a billion, including:

- ❖ Approximately \$400 million for hiring and rehiring entry-level career law enforcement officers in order to preserve jobs and increase policing capacity.
- ❖ Up to \$50 million for the School Violence Prevention Program (SVPP), which provides funding to put police in schools. This program continues despite consistent calls for removal of police from schools from students and parents calling for increased investment in supportive services for young people instead.
- ❖ Up to \$35 million for the Anti-Heroin Task Force (AHTF) Program, which targets the public health problem of opioid use.
- ❖ Up to \$13 million for the COPS Anti-Methamphetamine Program (CAMP), which continues to present policing as the solution to the public health problem of methamphetamine use.
- ❖ Up to \$5.6 million for Community Policing Development (CPD). Funding for "community policing" continues despite the lack of a clear and consistent definition and the absence of evidence that "community policing" reduces police profiling, discriminatory enforcement, or violence.





*These funds do not include the estimated \$6 billion worth of surplus military equipment that has gone to local law enforcement, 20 college campuses, and over 20 school districts through the **Department of Defense's (DOD) 1033 Program**. Additionally, between 2001 and 2011, **the Department of Homeland Security (DHS) alone** gave over \$34 billion in direct grants to state and local law enforcement, as well as other first responders. Additional funds are allocated through **the State and Local Law Enforcement Assistance account in the Commerce, Justice, Science and Related Agencies (CRS) Appropriations Act**.*

Investment in policing at the federal level has also increased dramatically through skyrocketing spending on federal law enforcement agencies, including Customs and Border Patrol, Immigration and Customs Enforcement, and the Drug Enforcement Administration (DEA). *Since the creation of the Department of Homeland Security in 2003, the federal government has spent an estimated \$324 billion on the agencies that carry out immigration enforcement. The number of **U.S. Border Patrol agents nearly doubled, and the number of ICE agents devoted to enforcement tripled.***

The annual **budget** of the U.S. Border Patrol has increased more than ten fold since 1993, from \$363 million to more than \$4.1 billion. Border Patrol and ICE budgets have more than doubled since 2003. Much of ICE's current \$7.6 billion budget is spent on

incarcerating immigrants in detention. The 2019 budget featured **\$400 million to the DEA**, continuing a trend of increasing funding since 2017.

These funds are distributed to federal, state, and local law enforcement agencies with little or no oversight, particularly in the wake of the DOJ's abdication of its oversight powers.

There are no public accountability mechanisms for agencies receiving federal funding for law enforcement.





THE DEMAND

- ❖ **Repeal and replacement of the '94 Crime Bill with legislation, developed through a participatory people's process, that acknowledges and repairs the harms and failures of reliance on surveillance, policing, criminalization, punishment, incarceration, and detention to produce public safety.**

The replacement legislation would cut money from punitive state apparatus and instead invest in the infrastructure and programs necessary to meet community needs, including quality affordable housing, living wage employment public transportation, education, health care, including voluntary, harm reduction and patient-driven community-based mental health and substance abuse treatment, and supports for criminalized populations.

- ❖ **Elimination of the JAG, COPS, and DOD 1033 programs.**
- ❖ **Reallocation of funding currently allocated to policing and incarceration to long-term safety strategies such as quality, affordable housing, education, healthcare, and community-based violence prevention and response, and social safety net and employment programs that have been shown to improve community safety.**
- ❖ **Uncoupling publicly funded programs from law enforcement mandates, including mandatory mental health, drug treatment, or abstinence.**
- ❖ **Publicly funded public safety programs that are accessible, non-discriminatory, non-coercive, non-punitive, people-centered, trauma-informed, harm reduction-based, preventative, and transformative. Treatment options should be easily accessible to any member of a community, purely voluntary, and not mediated through or delivered in or through the criminal legal system, or through a social service program that is mandated to report to the criminal punishment system.**
- ❖ **A mandate that federally funded mental health programs and responses to people whose mental health needs are not currently being met are:**
 - **Non-coercive, non-punitive, patient-centered, and peer-driven. They should prioritize freedom of choice and dignity of risk for individuals, and be rooted in trauma-informed care, harm reduction, and prevention;**



- Completely disconnected from law enforcement and surveillance;
 - Based on an understanding that social conditions are primary drivers of mental health, and prioritize access to quality and accessible housing, food, transportation, living wage employment, Medicaid, Medicare, minimum basic income, care, and programs meeting basic needs;
 - Inclusive of research into illness leading to chronic pain and reducing the harms of drug use;
 - Focus on interdependence rather than independence;
 - Include training and support for families and community members around care and intervention for people whose mental health needs are not being met, people with disabilities, and people who use controlled substances;
 - Ensure access to transportation to services and programs, particularly for people with disabilities and people living in rural communities or communities with poor access to public transit.
- ◆ Reparations for people who have experienced law enforcement, prison, detention and deportation violence and their family members.

HOW DOES THIS SOLUTION ADDRESS THE SPECIFIC NEEDS OF SOME OF THE MOST MARGINALIZED BLACK PEOPLE?

Any reduction in funds for prisons and policing would benefit all marginalized Black people because of the disproportionate impact that policing and incarceration have on low- and no-income and working class communities, survivors of violence, migrants, disabled people, unhoused and underhoused people, LGBTQ+ people and people living with HIV.

Additionally, depending on how funds are reallocated, services accessible to and meeting the unique needs of specific groups such as disabled, low-income, homeless, survivors of state and interpersonal violence, migrants and LGBTQ people, could be prioritized for funding.



FEDERAL ACTION:

CONGRESSIONAL ACTION:

- ❖ Pass legislation consistent with the People's Justice Guarantee, which would contribute significantly to decriminalization, decarceration, demilitarization and increased investment in community needs, and enact legislation consistent with its provisions.
- ❖ Eliminate Byrne and JAG programs and reinvest funding into community-based programs focused on meeting community needs, violence prevention and transformative approaches to harm, living wage employment, universal health care, including accessible, voluntary, quality, patient-centered, community-based mental health care and treatment for substance dependence, and education.
- ❖ Repeal and replace the 1994 Violent Crime Control Law Enforcement Act through a people-centered process that includes substantial investments in communities devastated by criminalization.
- ❖ Eliminate DEA funding and Organized Crime and Drug Enforcement Task Forces, and reinvest in voluntary, harm reduction-based treatment options.
- ❖ Pass End Militarization of Law Enforcement Act, which would end the Department of Defense's 1033 program.
- ❖ Eliminate funding for ICE and CBP.



FEDERAL ACTION:

- ❖ Pass *End Racial and Religious Profiling Act*.
- ❖ Pass the PEACE (*Police Exercising Absolute Care with Everyone*) Act, which requires that police use of force be used only as a last resort and requires officers to employ de-escalation techniques.
- ❖ Fully and immediately implement the *Deaths In Custody Reporting Act*.

AGENCY ACTION:

The Department of Justice should:

- ❖ Eliminate the Project Safe Neighborhoods Program, which floods communities with law enforcement instead of services to meet basic needs, and encourages federal prosecutions for offenses carrying harsh mandatory minimums.
- ❖ Eliminate the COPS hiring program, which provides funding for hiring more law enforcement officers rather than meeting basic needs.
- ❖ Rescind the 2018 memorandum gutting the DOJ's Civil Rights Division enforcement of consent decrees.
- ❖ Provide significant grants to states to improve their public defense systems.



STATE ACTION

- ❖ Significantly reduce police budgets and invest in community-based safety through affordable, high-quality temporary and permanent housing, living wage employment programs, community-based non-coercive mental health care programs, community-based violence prevention and interruption programs, and transformative community-based responses to harm, and other community-based priorities.
- ❖ Incentivize local jurisdictions to close jails and prisons, examine drivers of criminalization, and develop alternate, non-carceral approaches to conditions which produce contact with the criminal punishment system.
- ❖ End participation in police militarization programs, including Department of Defense 1033 Program.
- ❖ Repeal mandatory minimum and “truth in sentencing” laws, the death penalty and life without parole (LWOP) and de facto life sentences incentivized by the '94 crime bill, and ensure that changes are retroactive.
- ❖ Decriminalize drug-, traffic-, and poverty-related offenses.
- ❖ Invest in quality, affordable, and accessible housing, homelessness prevention, quality public education from pre-K through university, living wage employment, universal, accessible, community-based health programs, including accessible, voluntary, non-coercive, harm reduction-based mental health and drug treatment programs.
- ❖ Fund long-term safety strategies such as housing, educational, public health, community-based violence prevention and response, social safety net and employment programs that have been shown to improve community safety.





LOCAL ACTION

- ❖ Eliminate police presence in public schools, housing, public transportation, shelters, and hospitals, and invest in community-based violence prevention and transformative community-based responses to harm.
- ❖ Uncouple health and emergency responses from law enforcement: medical and environmental emergency funds should not be funneled toward a police response.
- ❖ Significantly reduce police budgets and invest in community-based safety through affordable, high-quality temporary and permanent housing, living wage employment programs, community-based non-coercive mental health care programs, and other community-based priorities.
- ❖ Withdraw participation in police militarization programs, including the Department of Defense 1033 Program.
- ❖ Eliminate gang and vice units.
- ❖ End the use of paid administrative leave for law enforcement officers under investigation for physical, sexual and racial violence.
- ❖ Terminate and disqualify from pension and rehiring law enforcement officers who have engaged in physical, sexual, and racial violence.
- ❖ Cap overtime accrual and/or pay for military exercises.
- ❖ Cease asset forfeiture programs.
- ❖ Fund long-term safety strategies such as housing, educational, public health, community based violence prevention and response, social safety net and employment programs that have been shown to improve community safety.

MODEL LEGISLATION

- ❖ People's Justice Guarantee. While the legislation contemplated by this resolution would not fully actualize our demands, it would move substantially in the direction of divesting from policing and punishment and investing in community needs, using a people-centered process.
- ❖ Chicago Reparations Ordinance

RESOURCES

- ❖ Beyond Survival: **Strategies and Stories from the Transformative Justice Movement**
- ❖ **Building Care**: Portland Communities Respond to the Violence of Policing
- ❖ **Common Justice, Accounting for Violence**: How to Increase Safety and Break Our Failed Reliance on Mass Incarceration
- ❖ **Critical Resistance**, Abolition of Policing Workshop
- ❖ **Dream Defenders Freedom Papers**
- ❖ **Edward Byrne Memorial Justice Assistance Grant (JAG) Program**
- ❖ **Epicenter Chicago**
- ❖ **Liberate MKE Survey Results**
- ❖ **Local Progress**, Investments in Public Safety Beyond Policing
- ❖ **National Police Funding** Database
- ❖ **Prison Policy Institute, Arrest, Release, Repeat**: How police and jails are misused to respond to social problems
- ❖ **Reclaim, Reimagine and Reinvest**: An Analysis of Los Angeles County's Criminalization Budget
- ❖ **The Center for Popular Democracy, BYP100 and Law for Black Lives, Freedom to Thrive**: Reimagining Safety and Security in our Communities
- ❖ **The Flow of Money and Equipment to Local Police**
- ❖ **The \$3.4 Trillion Mistake**: The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future for All
- ❖ **Transformharm.org**
- ❖ We Keep Us Safe: **Building Secure, Just, and Inclusive Communities**

ORGANIZATIONS CURRENTLY WORKING ON POLICY

BYP100

**CARE NOT COPS
(PORTLAND)**

**CENTER FOR
POPULAR
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**DETROIT JUSTICE
CENTER**

**DIGNITY AND POWER
NOW**

**INTERRUPTING
CRIMINALIZATION**

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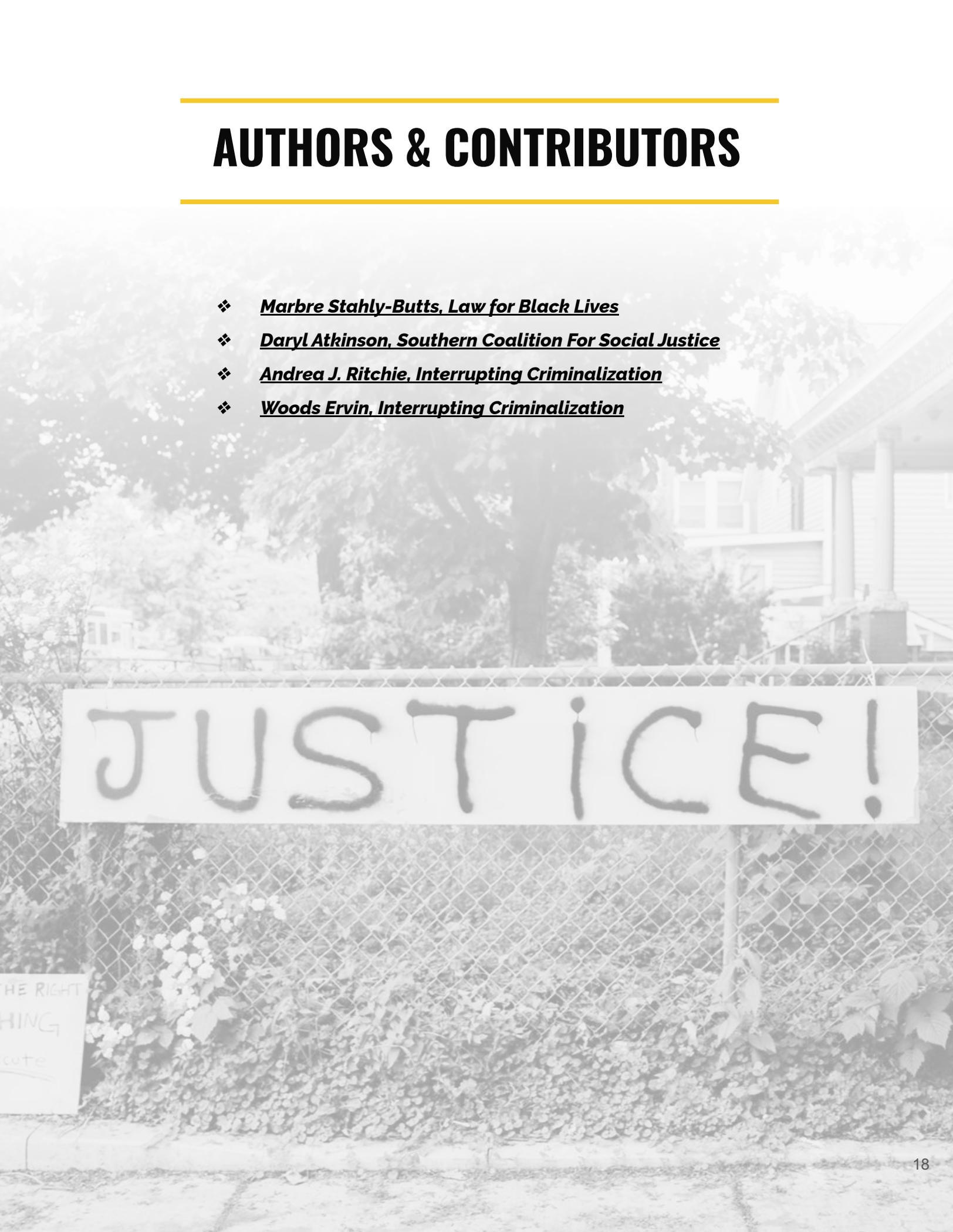
**PEOPLE'S CAMPAIGN
FOR SAFETY AND
FREEDOM**

**CAMPAIGNS TO
#DEFUNDPOLICE**

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JUSTICE!

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