

Promoting Police Accountability

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The Paradigm

- The USA is a democracy
- Government works for we the people
- Police serve and protect us
- Why then do government and police violate civil rights?
- Maybe it's less of a democracy than we believe
- What can we do to curb civil rights problems?

No Way To Intervene

- Called PD and asked what can I do if I witness police violating rights?
- File a complaint
- Can you send a supervisor?
- File a complaint
- Can you send the sheriff if city police are being overzealous?
- They hung up
- Witnesses are powerless to stop police abuses

If You Witness A Problem

- Calling 911 is pointless
- City and county protect each other
- Illegal to interfere with illegal arrest
- Illegal to injure police dog that is attacking
- Great for police, bad for democracy
- You're powerless

Internal Police Review

- Occurs after people file complaints
- Fundamentally flawed concept
- Politicians want to believe their staff are heroes
- Leaders provide “unwavering support” for cops
- Police unions protect their own
- Internal reviews almost always exonerate

Any Other Options?

- Start a mass movement – rarely practical
- Run for office – not usually effective
- 1871 Civil Rights Act codified as US Code 42 Section 1983 allows people to sue government staff who violate their rights
- Suing the government is extremely difficult

Qualified Immunity: Lawsuit Roadblock

- Qualified immunity was created by Supreme Court in Pierson v. Ray (1967)
- Cops have no personal liability unless they violate “clearly established” rights a reasonable person would have known about
- You need a very similar precedent – nearly impossible to find
- Effectively repeals part of a national law

Ignorance As A Defense

- Qualified immunity claims that police didn't know our Constitution and laws
- Uses ignorance and poor training as legal defense
- Citizens not allowed to use ignorance as a criminal defense
- Judges allow poor training as a defense but do not mandate better training
- Qualified immunity is a scam that should be repealed

Underlying Problems

- Multiple mechanisms prevent government accountability
- Government does not work for we the people
- “We the People” have work to do

Recommendations

- Legislatively eliminate qualified immunity on city, county, state, federal levels
- Replace internal police reviews with external
- Expand police training from months to years
- Respect constitutional rights
- Remember Jesus taught, “Be nice to everybody”

Lovely Place – Don't Move In



Local Penitentiary