



MIAMI COMMITTEE ON STATE VIOLENCE

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U.S. Senate Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Human Rights
224 Dirksen Senate Office Building
Washington, D.C. 20510
Durbin_Testimony@Judiciary-dem.Senate.gov

Re: The State of Civil and Human Rights in the United States

Dear Chairman Durbin, Ranking Minority Member Cruz, and Members of the Subcommittee on the Constitution, Civil Rights, and Human Rights:

On behalf of the Miami Committee on State Violence, we welcome the opportunity to bring attention to the civil and human rights crisis facing our country through this hearing on Dec. 9, 2014 before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights. We were formed in response to the greater Miami area's police forces' egregious disregard for the civil and human rights of people of color. Most fundamentally, the human right to life that has been stripped of far too many Black lives. We believe that structural injustices keep our communities insecure; that we must invest in healing; demand accountability from decision makers; and that we are stronger when we come together.

While our brothers and sisters in Ferguson, New York, Ohio, Los Angeles, and countless other communities across the country mourn their losses of Black and Brown lives to police brutality, we have similar wounds left untreated. Israel "Reefa" Hernandez was an 18 year old award-winning artist who was killed by Miami Beach Police over a year ago for the simple act of writing his name on an abandoned building. His killer, Jorge Mercado, remains on the police force and no charges have been filed against him. This cycle of tragedy and refusal to hold police accountable is nothing new in Florida. This week marks twenty-five years since the last time a police officer was convicted, tried or prosecuted for a shooting.¹

¹ <http://wlrn.org/post/miami-s-last-cop-shooting-conviction-left-legal-legacy>

The ability of the police to brutalize our communities with impunity cannot be tolerated. On Friday, Dec. 5, 2014² and again on Sunday, Dec. 7, 2014³, the people of Miami took to the streets in mass, peaceful protest demanding enforcement of our collective and individual civil and human rights. We engaged in civil disobedience on both days, blocking a major highway because business can no longer go on as usual as our sons and daughters are being wiped out by the same people who are supposed to protect them. This was not the beginning of our struggle and it will not be the end.

We stand in solidarity with the people of Ferguson who have called on the federal government⁴ to:

- Use its power to prosecute police officers that kill or abuse people;
- Defund local police departments that use excessive force or racially profile the citizenry. Instead of having the Department of Justice (DOJ) wholesale giving more than \$250 million to local police departments annually, DOJ should only fund departments that agree to adopt DOJ best practices for training and meaningful community input;
- Demilitarize local police departments and end the 1033 program that provides military equipment to the police; and
- Invest in programs that provide alternatives to incarceration, such as community-led restorative justice programs and community groups that educate people about their rights.

We ask that you use your position as Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights to bring continued attention to the urgent need for redress of our civil and human rights and act on these demands.

Here in Miami, Florida, we have also called on our local police departments to fundamentally reexamine their relationships with the community and have put forward a vision for transformative policing to repair those relationships.

I. Demilitarize the police

Military weapons and armored vehicles have no place in local policing. The police should not be at war with their own communities. However, the stockpiling of war machines and weaponry leaves us with the impression that they are preparing for just that. Furthermore, the suggestion that this equipment is necessary to fight domestic terrorist threats is unfounded. When the police are militarized this force is turned on local residents and citizens. So long as the equipment is there, police agencies will find reasons to use it. This is borne out by the examples of Ferguson, MO and the 2004 FTAA protests in Miami.

² <http://fusion.net/story/31913/protesters-shut-down-highway-and-bring-activism-to-miamis-posh-art-basel-weekend/>

³ <http://fusion.net/story/32312/miami-art-basel-eric-garner-protests/>

⁴ <http://fergusonaction.com/white-house-meeting/>

As a first step towards transforming the police from a force of control into a community resource, the police should:

- a. Return or properly dispose of all currently stocked military equipment;
- b. Stop participating in the Federal 1033 program that funnels military equipment to local police departments;
- c. Commit to take a stand against the police tactics in Ferguson and never use armored vehicles, LRADs or other military weaponry against your own community; and
- d. Commit to **not** send officers to Israel to be trained in paramilitary tactics designed to repress urban populations.

II. Stop Participating in the War on Drugs

The war on drugs has devastated Black and Latino communities around the country. Harsh sentencing and overzealous policing in communities of color have terrorized our families and filled the prison system with our loved ones. While the war on drugs is backed by federal policy, there are steps that the police can take to end Miami's participation in this war.

Some of these steps include, but are not limited to:

- a. Stop arresting and prosecuting individuals for minor non-violent offenses such as marijuana possession;
- b. End the practice of using SWAT and other tactical forces to conduct searches or issue warrants;
- c. End the practice of seizing the personal property of individuals suspected of being involved in a drug related crime; and
- d. Take leadership in advocating that public budgets prioritize drug treatment and mental health services rather than increased law enforcement.

III. End Racial and Class Profiling

Racial profiling by police produces a cloud of anxiety in communities of color in Miami. Not only are the policies and practices of racial profiling unjust, they are ineffective and have lasting effects on the mental health of targeted communities. They increase tensions between police and community residents and prevent meaningful collaborations that create safer more secure environments.

We must end racial profiling and the tactics that enable and support it:

- a. Stop the disproportionate allocation of police in low-income Black and Latino communities;
- b. End the constant monitoring and surveillance of public housing and other low-income housing developments;

- c. Don't arrest homeless people for carrying out basic life-sustaining activities such as bathing, cooking, or sleeping in public;
- d. Take leadership in advocating that resources be used to support the housing and service needs of the homeless and that public funds not be used to criminalize homelessness;
- e. Don't erode the trust of the community by cooperating or coordinating with ICE to enforce federal immigration policies;
- f. End any ticket or arrest quotas that the department may currently have for its officers; and
- g. Require all police officers to undergo trainings to understand and combat their own implicit biases.

IV. Restorative Justice – *NOT Punishment and Incarceration*

When conflict and harm occurs in our communities, we need resolutions that address the needs of those who are impacted, hold individuals accountable, and strengthen our communities without isolating, ostracizing, or stigmatizing offenders. The criminal legal system fails to deal directly with the harm caused by crime or the root causes of wrongdoing. In fact, the forms of punishment executed by our current system have been shown to escalate conflict, reinforce violence, and further contribute to the deterioration of community relationships. Therefore we call for an end to the use of harsh punishments as a means of correcting harmful behavior. Instead we ask that officials utilize community based restorative justice as an alternative to arrests and prosecution.

V. End Police Killings and Abuses & Establish Community Policing Policies and Practices

In the past 25 years, none of the dozens of police killings in Florida have resulted in a prosecution by state or federal authorities. Effective policing must be based in community trust, and to reestablish that trust police departments and prosecutors must take several concrete steps:

- a. Investigate and hold accountable police officers who use excessive force and/or deadly force as assertively and with the same timeline as you would community members who commit violent crime;
- b. Utilize restorative practices to hold officers accountable to individuals, families, and communities;
- c. Include the community in major decision making, such as the hiring of a new Police Chief and determining annual budget priorities;
- d. Commit to ongoing engagement with community members to develop and implement sustainable solutions to address crime and increase public safety;

- e. Work with community members to strengthen the oversight of the Civilian Investigative Panel, including allowing for the CIP to have independent subpoena power; and
- f. Commit to a prompt and on-going dialogue with the broader community in times of crisis, i.e., following mass disturbances or incidents of gross police misconduct.

Thank you for the opportunity to submit testimony for the written record and for your continued work to finally bring the promises of the Bill of Rights to fruition for communities of color. Until that time, we will continue to organize, strategize, and build power in our communities until our people are truly free.

Sincerely,

The Miami Committee on State Violence