

Committee: Youth Assembly

Issue: Limiting police brutality

Student Officer: Sofia Mechtidou

Position: Head

PERSONAL INTRODUCTION

Dear Delegates,

My name is Sofia Mechtidou and I will be acting as the Head of the Youth Assembly in the 1st DSTMUN. I am an upcoming IB student at Pierce-The American College of Greece. I started MUN in 2017 and this upcoming conference will be my 5th, but also my first Student Officer experience.

To begin with, I would like to welcome you to the 1st DSTMUN, a conference which will give you the opportunity to expand your knowledge of international issues and create achievable solutions. In Youth Assembly, you will get the chance to work with each other on issues of great importance, so as to understand the meaning and the effect they have and acknowledge the purpose of MUN and its functions.

The intent of this study guide is to introduce you to the first topic of our agenda, namely limiting police brutality. Although this guide will provide you with almost all the necessary information on the topic, I would advise you to go beyond just reading this study guide and do further research, so that you can fully understand every aspect of the topic and be able to create your own feasible solutions.

My goal for this conference is to make sure that each and every one of you leaves knowing more about the topics but also MUN as an institution itself and you feel confident enough to expand your experience and participate in more conferences. I hope that through mine and my Co-Heads' guidance but also through your own hard work you will be able to improve your debate skills as well as your critical thinking. We have all worked very hard to create these study guides and we hope they really help you understand the topics as well as guide you in your own research, making your participation fruitful and worthwhile.

If you need any clarifications about any part of this study guide please do not hesitate to contact me via my email address sofiamechtidou@gmail.com.

Looking forward to a great conference,

Sofia Mechtidou

TOPIC INTRODUCTION

Every police officer is required to take the Oath of Honor before they can officially serve the public. The Oath of Honor states that a police officer will never betray their badge, integrity, character but also the trust of the public. Police officers promise to always hold themselves accountable for their actions but to also follow the constitution, in order to keep their citizens safe and serve their agencies with honor.¹

Be that as it may, not all police officers respect their oaths. Even though they promise to prevent crime and arrest criminals through legal actions, their behavior is not always based on evidence or the law. Police brutality is an appropriate example of this phenomena. Police officers often use unjust physical violence when handling civilians, as a means to stopping certain public actions, like marches and strikes.

There are several known causes of police brutality including but not limited to different political views of civilians, the non-compliance of civilians towards the law enforcement but also racial discrimination. In addition, many police officers resort to excessive physical abuse because their police departments have failed to provide their officers with adequate training for non-violent situations. Furthermore, police officers might not even be aware of the limitations and standards that they cannot cross.

The consequences of police brutality are minimal as there limited ways to prove wrongdoing by police officers. This happens even when police departments are aware of any misconduct or corruption among their police officers but choose not to act on it. According to the Department of Justice of the United States, 84% of police officers confessed that they have witnessed their colleagues engage in misconduct intentionally and 61% of the police officers did not take any action into turning their co-workers in.

Police brutality is a persistent and serious issue. There have been many times that police officers have violated civilians' Human Rights by using excessive force towards them, wrongfully arresting and imprisoning people, maliciously prosecuting them but also searching through properties without search warrants or probable causes.

Not all incidents of police brutality are done on purpose. A percentage of police brutality is based on protocol, in a situation where a criminal did not obey a police officer's instructions, thus leaving no choice for the police officer other than to

¹ International Association of Chiefs of Police, Law Enforcement Oath of Honor
http://www.theiacp.org/portals/0/pdfs/oath_honor_adobe.pdf

resort to violence. These incidents of police brutality can be considered legal as it is considered to be within their limitations and rules of procedure.

DEFINITION OF KEY TERMS

Police Brutality

Police Brutality refers to the unnecessary use of excessive force by police officers when interacting with civilians. The unreasonable use of weapons, physical force, racial profiling and verbal abuse are all examples of police brutality, often violating Human Rights.²

Human Rights

Human Rights are rights that every human is born into, no matter their nationality, sex, place of residence, origin, skin color, native language or any other status that a person holds. These rights are all linked to one another and are interdependent and inseparable.³

Discrimination

Discrimination is a state in which a person or group of people is treated differently, especially in an unfit manner in which no person should be treated, because of their skin color, sex, sexuality etc.⁴

Racial Profiling

Racial profiling is the act of discrimination used by police officers that target individuals as suspects of a certain crime based on their skin color, religion or origin. Criminal profiling is generally used by law enforcement and is the act of relying on a group of characteristics that is believed to be associated with crime, in order to catch alleged suspects. Examples of racial profiling can be considered the use of race to determine which drivers to stop for minor traffic violations or even the use of race to determine which pedestrians to perform a search on for illegal contraband.⁵

Civil Disorder

² LegalDictionary.net, Police Brutality, <https://legaldictionary.net/police-brutality/>

³ OHCHR.org, "What are Human Rights?"
<https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>

⁴ Dictionary.Cambridge.org, Discrimination,
<https://dictionary.cambridge.org/dictionary/english/discrimination>

⁵ ACLU.org, Racial Profiling, <https://www.aclu.org/other/racial-profiling-definition>

Civil Disorder is any public disturbance that involves acts of violence by groups of three or more persons that can cause immediate danger, damage or injury to a property or an individual.⁶

BACKGROUND INFORMATION

Types of police misconduct

Basic Human Rights have been extensively violated by law enforcement around the world through many illegal actions. Police brutality has been the cause of 987 murders of innocent civilians in the United States in 2017, 244 deaths in South Africa and 267 deaths in Egypt in 2016. These wrongful deaths have shown that there is an extent of racial discrimination, corruption and malicious prosecution against innocent citizens within police departments internationally. Police misconduct alludes to illegal actions taken by law enforcement officers in relation to their job while they were on active duty. Police brutality consists of different kinds of illegal motives like racial discrimination. Some types of police misconduct consist of but are not limited to, witness tampering, wrongful imprisonment, intimidation and use of force towards an alleged suspect, perjury and unwarranted property searches.

Basic human rights often violated by police officers committing police brutality include the freedom of speech, where a person has the right to orally defend themselves, the right to a fair trial, in the cases of which victims of police brutality can get convicted by their lack of evidence against the police officer, their freedom from torture, which is usually violated during police brutality incidents, the right to life, liberty and personal security.

Racial profiling

Innocent civilians are being murdered in cold blood every day based on their skin tone, ethnicity, and religion by racially motivated law enforcement. Movements like “Black Lives Matter” are constantly fighting for equality between cosmopolitan communities. This movement was first introduced to the world after the killing of African American Mike Brown, murdered by a Ferguson police officer, Darren Wilson. In the trial against Wilson, the jury found that there was insufficient evidence to charge the police officer and thus he walked free even though Brown’s murder was a sign of unjust police brutality.

False Imprisonment and Arrest

⁶ USLegal.com, Civil Disorder, <https://definitions.uslegal.com/c/civil-disorder/>

False imprisonment implies that an innocent citizen was held against their will, without any legal authority or probable cause. It can also occur when a police officer intentionally wants to violate a person's rights. Citizens have the right to protect themselves from any harm like unwarranted property searches and unlawful imprisonment without consent.

False imprisonment can occur in different forms. Law enforcement cannot legally threaten to proceed to legal consequences or use their authoritative position to make someone confess to a crime without the person's own willingness to do so. It is illegal for police officers to resort to physical violence in order to make a civilian confess. However, it should be acknowledged that it is a common tactic between law enforcement so as to make the civilian act on self-defense and thus arrest the civilian on assault charges. Having attempted to defend themselves, a civilian will no longer have justification for their actions, having committed an alleged crime. Therefore, the police will not have violated any Human Rights and the false imprisonment charge will be dismissed.

Police brutality in prisons

Police brutality also often occurs inside prisons. Human rights have been extensively violated inside prisons worldwide. Even criminals should be entitled to their basic Human Rights, which they are stripped of inside a prison because of their past wrongdoings. Prisoners should have the right to live as well as the right to have a fair trial and freedom of slavery of any kind. Yet prisoners are often susceptible to torture and sexual as well as physical assault. They become more vulnerable in prison than they would ever be in the outside world. In fact, there have been multiple instances where guards or police officers would approach inmates and ask them for sexual favors in exchange for alcohol or even drugs. These cases are mostly not reported, therefore letting these corrupt police officers get away with their crimes allowing them to repeat them again and go unpunished.⁷

The use of Excessive Force

Law enforcement is only allowed to use excessive force only in situations of an incident where a police officer should act on self-defense. For example, a police officer has the authority to use excessive force, a gun or physical force, to prevent a burglar from escaping.

There are a lot of ways a police officer can implement force and authority. They have the right to use lethal force, less lethal weapons, verbalization, empty hand controls and their physical presence in order to stop a crime from happening.

⁷ TheGuardian.com, "Female ex-inmates talk about prison abuse", <https://www.theguardian.com/society/2009/jul/18/female-inmate-prison-sexual-abuse>

Their presence alone should be enough to prevent a criminal from escaping or using physical force. If their presence is not enough to de-escalate the situation, a police officer is forced to resort to verbalization. Verbalization is the use of statements and is strictly the use of orders only. Threats are not verbalized statements and thus are not legal. Empty-handed controls are the use of utilizing the body as a force, using holds, punches, kicks or grabs. Less lethal weapons include the use of sprays, tasers and police dogs. Lethal weapons are considered to be any kinds of firearms, like guns etc.

However, in situations where the police are allowed to use the last three methods, it is only permitted to a limited amount. After a situation has been handled and the alleged criminal does not longer pose a threat, police officers are legally obliged to stop using any kind of excessive force. Law enforcement can only resort to force again if there is any kind of suspicion that the suspect is still a threat that can endanger lives, can cause harm to the police officer or is attempting to escape.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Germany

In Germany, it is believed that a gun does not necessarily show masculinity and power in a police officer. In 2015 there was a total of 5 fatal killings by German police reported. "In every head of every policeman, there is the aim not to shoot." Col. Uwe Thieme, the four-star senior police director at the state's office for education, training, and human resources says.

Africa

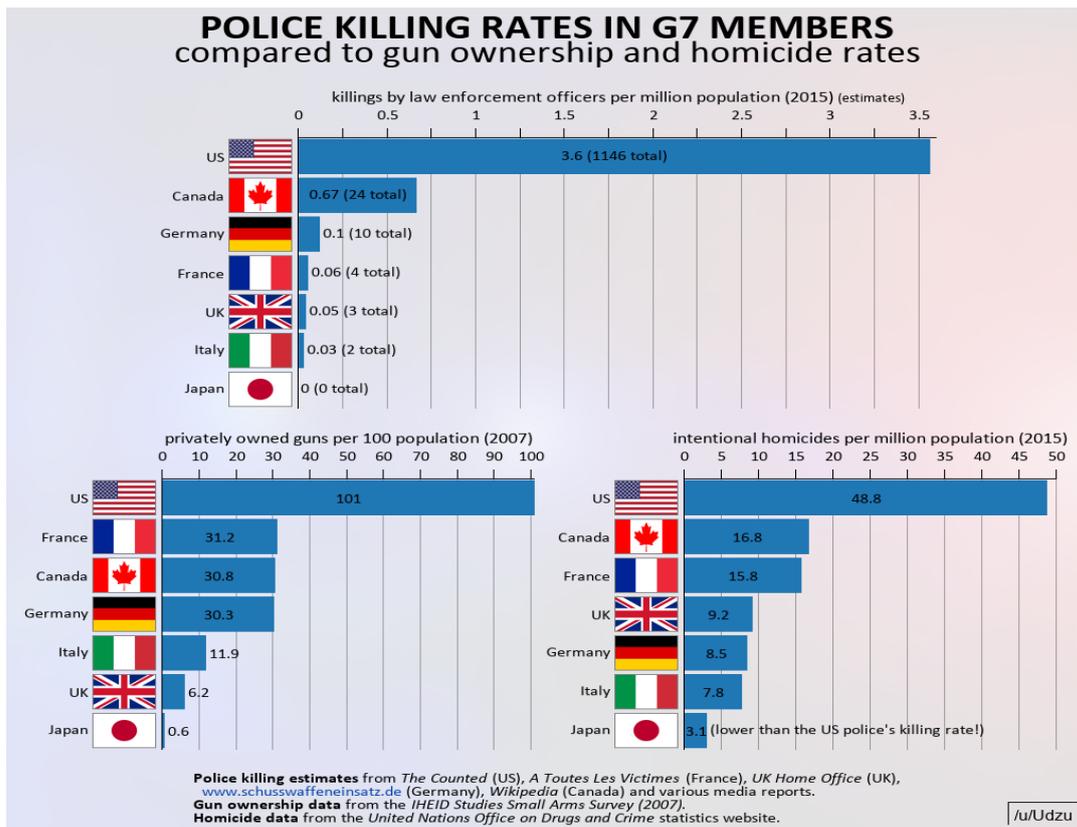
Countries in the south and eastern parts of Africa have been known to be one of the major countries of police brutality incidents. The African Exponent reports that police brutality levels in Africa are rising and that the police officers will not stop their crude beating, no matter the age or gender of people whom they want to attack. The police also make "decoy arrests" on innocent people, to later on free them, in order to take the spotlight off of the people they actually torture.⁸

United States of America

The United States of America is one of the most known countries to have severe cases of police brutality. There is a dire need for a reformation of police

⁸ AfricanExponent.com, "The Rise and Rise of Police Brutality in Africa", <https://www.africanexponent.com/post/the-rise-and-rise-of-police-brutality-in-africa-2703>

training institutions as well as police stations in order to ensure that law enforcement complies with the basic human rights procedure when dealing with alleged criminals. The citizens of the United States of America have access to the Bill of Rights and should take advantage of that fact when necessary. The Bill of Rights includes the first ten amendments to the nation’s constitution. It was written to provide liberty and protection to civilians against governmental authorities. When it comes to police brutality, the 14th amendment of the Bill of rights which addresses malicious prosecution can be used to file a complaint. The 14th amendment addresses the rights of citizens, such as gender equality, racial equality, reproductive rights etc.⁹



#1 Police killings in G7 countries, the countries that are considered to be the strongest economies of the world, 2015

Spain

Spain has only recently appeared on the radars of the Humans Rights Watch (HRW) as their rate of police brutality has massively increased in the past year. In 2017, Catalonian police resorted to excessive use of force during the Catalonian Referendum. According to HRW, 893 civilians filed complains of injuries to the Spanish authorities. Meanwhile, Spain is an active member of the “European

⁹Reddit.com, https://www.reddit.com/r/dataisbeautiful/comments/7swce8/police_killing_rates_in_g7_members_oc/

Convention on Human Rights” and “International Covenant on Civil and Political Rights” which makes them responsible for ensuring basic human rights to their citizens.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Office of the United Nations High Commissioner for Human Rights is a part of the United Nations providing support against police brutality and for human rights since 1996. They have created a special “Pocket Book on Human Rights for the Police” that manes different laws and treaties punishing police brutality and enforcing the law enforcement to “serve the community and protect all persons against illegal acts, consistent with the high degree of responsibility required by their profession”¹⁰



#2 Riot police clashing with voters in Spain

Communities United Against Police Brutality (CUAPB)

CUAPB is an organization of all-volunteer survivors of police brutality along with friends and family members of those who were killed by police officers. They have created a 24-hour hotline available for everyone to report police brutality cases, provide security and court watch to those who feel threatened. In addition, CUAPB has achieved a class action lawsuit, to increase police accountability and put cameras on police cars all over Minneapolis.¹¹

¹⁰ OHCHR.org, “International Human Rights Standards for Law Enforcement”
<https://www.ohchr.org/Documents/Publications/training5Add1en.pdf>

¹¹ BusinessInsider.com, “Former Barcelona manager Pep Guardiola just tore into the Spanish government over police brutality during the Catalanian referendum”

TIMELINE OF EVENTS

Event	Description of Event
1872	The Chicago Tribune newspaper is the first one to refer to 'Police Brutality' as a term.
1976	The United Nations release Code of Conduct for Law Enforcement ¹²
1991	Rodney King, a symbol of racial discrimination in the United States is brutally beaten up and tasered numerous times by the Los Angeles Police Department officers. A civilian records the horrible event which is later published, causing huge riots and uproars among the citizens of the U.S.
October 2007	Polish immigrant Robert Dziekanski is tasered multiple times when arrested by Canadian police, causing his body to become unresponsive and shortly after his death.
November 2015	French law enforcement searches 3.289 properties and arrests 400 people of which only 5 people are legitimate concerns of terrorism-related offenses. Forty wrongfully arrested civilians send out complaints of abuse, unjustified searches, insufficient evidence leading to house raids to the Parisian police.
July 2018	The U.S. marks a record high number of deaths caused by police's excessive force, the number reaching a shocking 584 deaths.

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Declaration on the Elimination of All Forms of Racial Discrimination

Adopted by the General Assembly on the 20th of November 1963 (A/RES/18/1904), is a human rights proclamation outlining the United Nations' views on racism.

Standard Minimum Rules for the Treatment of Prisoners

Its 37th and 40th adopted by the UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, in order to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, without distinction of any kind, and in the equal rights of men and women and of nations large and small."

<https://www.businessinsider.com/former-fc-barcelona-manager-pep-guardiola-criticises-the-spanish-government-2017-10>

¹² "Law enforcement officials shall respect and protect human dignity, and shall maintain and uphold the human rights of all persons", The United Nations release Code of Conduct for Law Enforcement

Universal Declaration of Human Rights

Adopted by the United Nations on the 10th of December 1948 (A/Res/3/217A), is a set declaration containing a number of human rights all United Nations members obliged to respect and upkeep.

International Convention for the Protection of All Persons from Enforced Disappearance

Adopted by the United Nations on the 20th of December 2006 (A/RES/61/177), protects civilians from enforced disappearance under any circumstances.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

United Nations International Human Rights Standards for Law Enforcement

A pocketbook created by the United Nations includes a legal conduct creating laws against Discrimination, against people of different religions color and ethnicity, the use of Force, whether it was physical or through weapons, also mentioning Women's Human Rights, Protection of Juveniles and general information on how to avoid Police Brutality.

The Humans Rights Watch mission in Sri Lanka

The Humans Rights Watch visited different prisons in Sri Lanka in order to take action against the extreme abuse towards prisoners. They monitored the conditions under which prisoners lived and set guidelines for the government to follow in order to prevent police brutality. This led to the governmental redrafting of the "Prevention of Terrorism Act". However, it was later on withdrawn when it was discovered that it did not meet international human rights standards.

Movement for Black Lives

This movement was created by more than 50 organizations worldwide, in order to represent people of color across the globe and bring justice to those wrongfully murdered or indicted. This movement is dedicated to uniting communities all over the world in order to advocate for our Human Rights and the fight against police brutality, especially towards people of color. These organizations fight for a change of the current policies and support the ambitions and works of Black people all around the world.

The United States Department of Justice

Former president's Barack Obama's administration in the United States Department of Justice spent a significantly large sum towards buying and distributing body cameras to police stations all over the nation. It was a move made so as to prevent police brutality while restraining police officers from using force on civilians knowing their actions could be recorded and used against them in a court of law. Unfortunately, this tactic to decrease incidents of police brutality failed, as many police officers would not turn on their body cameras while making arrests, leaving more incidents undiscovered.

POSSIBLE SOLUTIONS

Advocate for change



#3 People marching against police brutality

By joining the effort of thousands and advocating towards a law enforcement's proper training and reform we can achieve a future safer for everyone with adaptable laws, guidelines, and requirements to deal with police brutality in a safe manner.¹³

Proper education for the civilians

Civilians have to be educated on their basic human rights in order to know how to act when wrongfully being charged with a crime by the law enforcement. Educating citizens from a young age, can help them understand the law better but also aid them in making the correct decisions when it comes to their rights and

¹³ Medium.com, "The Bad, the Worst, and the Ugly: Racial Bias & Inadequate Hiring and Training Mechanisms Amongst Police Unions Plague America" <https://medium.com/@anmol.gondara/the-bad-the-worst-and-the-ugly-racial-bias-inadequate-hiring-and-training-mechanisms-amongst-888d4acf77f8>

taking a stand against police officers. It can ultimately decrease the rate of police brutality on a global scale.

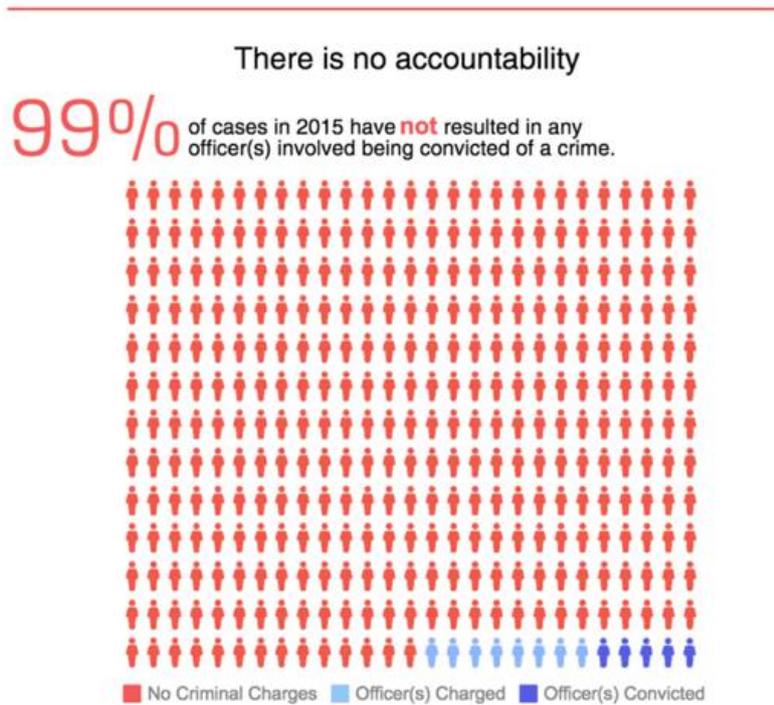
Supporting the communities

By calling people to support and collaborate with their communities, lawmakers and law enforcement to create a healthy environment, communities can grow together and learn about their policies, laws, rights and how to end racial discrimination along with police brutality.

Ensuring accountability

There is a great need for means of gathering evidence in order to hold something against the police officers when an episode of police brutality occurs. The utilization of police body cameras but also extra street cameras in secluded areas is incredibly important. Having evidence of police brutality during trials of wrongful misconduct is vital in order to prove that a police officer's actions were unjustified. This has been the biggest difficulty so far as it has been impossible to prove if a police officer has been using force as self-defense or if he was wrongfully abusing a civilian. The use of body cameras and street cameras alike can help discredit law enforcement's statements and bring justice to those wrongfully killed or imprisoned.

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#4 Chart providing the percentages of police officers convicted and charged in the United States in 2015

Proper examination of police officers

¹⁴ Mappingpoliceviolence.org, "Mapping Police Violence", <https://mappingpoliceviolence.org/>

Police officers should be routinely examined by psychologists to determine if they are emotionally stable so as to eliminate the possibility of an unjust incident of police brutality occurring. There should also be substance abuse checks in order to ensure that no officer would be under the influence of a drug during an arrest.

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