

# Commission on Crime Prevention and Criminal Justice (CCPCJ)

Establishing stricter regulations to prevent police brutality against peaceful demonstrations

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THE INTERNATIONAL SCHOOL OF THE HAGUE

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<b>Forum:</b>	The Commission on Crime Prevention and Criminal Justice
<b>Issue:</b>	Establishing stricter regulations to prevent police brutality against peaceful demonstrations
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<b>Position(s):</b>	<b>President and Deputy-president</b>

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## Introduction

In recent years, a lot of attention has been generated for advocacy on a wide spectrum of political, social, and environmental causes. Advocacy manifest is the demonstration or protest, such as the George Floyd demonstrations in the wake of his murder. The George Floyd demonstrations in particular were marked by severe police brutality, such as the instance wherein a pregnant woman was hit by a beanbag round during a demonstration in front of the Austin Police Department (Berman and Wax-Thibodeaux). In Chile, a bandaged eye – mostly due to hardened rubber bullets and tear gas canisters fired – is now so common among people protesting inequality that it has become a powerful rallying symbol (Guzman). And in France, since 2022, 15 people have been killed by police during traffic stops (Esteban-Garay). These cases demonstrate the harsh use of excessive force by police against peaceful demonstrators is a major obstacle for achieving a society rooted in democracy and the rule of law. This research report aims to provide the necessary background and tools for this committee to resolve this issue by establishing requisite provisions and regulations.

## Definition of Key Terms

### Police brutality

The unwarranted or excessive and often illegal use of force against civilians by police officers (Moore)

### Proportionality

Even when force is necessary to achieve a legitimate law-enforcement end, its use may be impermissible if the harm it would cause is disproportionate to the end that officers seek to achieve (Principles of the Law, Policing).



## Peaceful protest

A form of protest in which participants do not engage in any action that could be deemed violent, which is also known as nonviolent resistance.

## Proportionality

Even when force is necessary to achieve a legitimate law-enforcement end, its use may be impermissible if the harm it would cause is disproportionate to the end that officers seek to achieve (Principles of the Law, Policing).

## Excessive force

Force in excess of what a police officer reasonably believes is necessary. A police officer may be held liable for using excessive force, and a police officer may also be liable for not preventing another police officer from using excessive force (Cornell Law School).

## De-escalation strategies

The use of communication or other techniques during an encounter to stabilise, slow, or reduce the intensity of a potentially violent situation without using physical force, or with a reduction in force.

## Over-policing

Over-policing is confrontational and combative policing tactics for even minor offences or transgressions that can often lead to violent outcomes (Hession).

## Civil disobedience

The refusal to obey governmental demands or commands especially as a nonviolent and usually collective means of forcing concessions from the government (Merriam-Webster Dictionary).

## Demonstration

An action to stand for a cause or concern (Lynn).

## Protest



An action and formal objections against a cause or concern, whereby the protesters inhibit a feeling of powerlessness (Lynn).

## General Overview

Police brutality, the unwarranted or excessive and often illegal use of force against civilians by police officers (Moore), occurs with a minority of the interactions with the police, that notwithstanding its totalling to 2 per cent in the USA (Cuncic). Police brutality undermines the principles of law and order, as well as the trust in the government. Coincidentally, it leads to increasing the crime rate (Noray). Depending on the legal system of a country and the treaties it has ratified, police officers are generally held to two standards: national legislation, which must be held to the standards of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF), and international human rights treaties.

### BPUFF

According to general provision (g.p.) 4 of the BPUFF, 'Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.' G.p. 5 provides additional information as to when use of firearms is warranted, and under which conditions. Misuse of firearms with lethal effect must be punished under the national criminal code. The BPUFF identifies the compulsory identification of a police officer in the event that intentional lethal use of firearms is warranted under the circumstance that it is strictly unavoidable in order to protect life. The main shortcoming of this document is that it has no cross-cutting provisions that citizens in a monistic legal system could directly invoke. Consequently, it remains a directive that tries to maintain a certain national standard. Moreover, this document concerns the use of firearms, while victims like George Floyd were strangled. In such cases, a regular human rights treaty would suffice. However, it might be desirable to more severely chargeback misconduct by officers, as they have a role model function.

### The Psyche of Law Enforcers

Police brutality can be linked to several factors, including the psyche of the officer in question (Cuncic). Thus, it appears that some law enforcers show symptoms of PTSD, and are therefore more likely to be startled by hostile behaviour or stress (DeVylder et al.). A bad marriage, death of a loved one and suchlike could also play a role inside the psyche of a law enforcer. In 99



per cent of all cases where an officer has drawn a weapon and killed someone, the officer is not prosecuted (Spangenberg). It is thought that this may lead to an image within the police that they have all the power and are inviolable. In addition, the culture within the force is often such that after a fatality, the officer is not viewed differently (Denenberg).

### Political labelling

Police brutality need not only be the product of psychological problems or gaps in legislation, but can also be political. For instance, the Chinese government wrongly declared the Hong Kong demonstrations as anti-government, giving the police more power from the law (Wang). Another example is Russia, where policemen mistreat demonstrators protesting against the war with Ukraine because the law forbids speaking negatively about the military (Lokhmutov). Many of these countries are dictatorships and have a weak rule of law. One is therefore subjected to abuse of power and arbitrariness, where even when the law speaks in favour of the protesters, the perpetrators go free.

### Racism

Finally, racism also plays quite a role within police brutality. In fact, research by the Washington Post shows that although there are more white victims in police violence, the number is disproportionate by population share among other population groups. The proportion of black victims per million inhabitants is 6.1, 2.7 for Hispanic victims and 2.4 for white victims.

## Major Parties Involved

### United States of America (USA)

The USA is often seen as one of the biggest examples of racist police brutality. Notable examples are the cases of George Floyd and Breonna Taylor, who were killed during an interaction with the police. Attempts have been made to fix the problem. For instance, the Obama administration's Department of Justice offered \$20 million to buy police body cameras (Jackson). There have also been local initiatives, including the Anti-Chokehold Act. Under this act, officers who caused a death may be prosecuted under a Class C felony ("N.Y. Gov. Cuomo Signs Sweeping Police Reforms Into Law, Says They're 'Long Overdue'").

### Russia

According to Gerber and Mendelson, police violence and corruption are widespread in Russia. According to them, young males, regardless of their social background, are particularly vulnerable to police misconduct. In doing so, it appears that public perception often includes the perception that the police are self-serving and not serving the public interest. Furthermore, politics



also plays a role, with opponents and critics of government policies being dealt with harshly and taken away after being mistreated.

## China

Although from Russia and the USA there are still reports coming out of excessive police brutality, within China there is an active censorship policy (McCartney) (serpentza). China has several police forces that are both formal and informal and even military. Military police is not a strange phenomenon in itself, but rather the integration of paramilitaries into the army and police. Large population numbers also play a role within the violence. People en masse do not care about government policies. By using violence, the police hope to deter citizens.



# Timeline of Key Events

Date	Description of event
1965	The largest urban rebellion happens, the Watts Riots, in which 34,000 participate as a result of the arrest of Marquette Frye. This results in 34 deaths and 1,032 injuries, as well as \$40 million worth of property damages.
1968	The Democratic National Convention protests occur in Chicago to show that individuals were against the U.S. involvement in the Vietnam War. More than 10,000 demonstrators protest and 12,000 Chicago police officers are a part of the act.
1992	The Los Angeles riots occur as a fight back to the arrest of Rodney King, an African American who was wrongly beaten by police for speeding on a motorway. Around 400 protesters were a part of a demonstration in Los Angeles.
2005	Jean Charles de Menezes is shot and killed by police officers in London, after being wrongfully accused of being a terrorist.
2014	Michael Brown is killed by police in Missouri, where riots occur because of it. This is the begin of the Black Lives Matter movement.
2020	George Floyd is killed by a police officer in Minnesota, after his arrest. Many demonstrators protest against this, which leads to more awareness on racism and the Black Lives Matter movement.



## UN involvement, Relevant Resolutions, Treaties and Events

- The Promotion and Protection of Human Rights in the Context of Peaceful Protests, 11 April 2014 (A/HRC/RES/25/38)
- Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent Against Excessive Use of Force and other Human Rights Violations by Law Enforcement Officers, 30 June 2020 (A/HRC/RES/43/1)

## Previous Attempts to solve the Issue

### Black Lives Matter movement

After the death of many black individuals because of police brutality, in 2013, the Black Lives Matter movement was formed. This movement aimed to raise awareness about the police brutality that many people of colour have experienced. This movement has changed a lot of the societal views which individuals have, as they have organised many protests and also tried proposing policy changes, mainly in the United States. Following the death of George Floyd, the Black Lives Matter movement was even more prevalent as its mission was to invest in the lives of black individuals through several policy changes and create more investment in the protection of black communities. The Black Lives Matter movement has changed many law enforcement policies, such as restricting the use of choking of an individual, the 'duty to intervene policy' (allowing another police officer to step up when a colleague is being unnecessarily forceful to an individual) and encouraging educational systems to raise awareness about racism and protests.





## Violent Crime Control and Law Enforcement Act of 1994

The Violent Crime Control and Law Enforcement Act of 1994 was a policy created which allowed the Department of Justice to conduct investigations and sue law enforcement departments if they have engaged in misconduct of code. Its aim was to ensure that police officers were not violating individual's federal rights and abusing their law enforcement positions. Additionally, it made many more Americans aware of the laws of the criminal justice system and protected the rights of communities. This act has changed the way that many police officers are able to act in today's world, and has advocated for the protection of human rights of many individuals faced with law enforcement officers.

## Possible Solutions

### Reassessment of police officers

Every few years, there should be a reassessment of police officers' actions. Although at first, they may have been confirmed the position of becoming a police officer, this is not to say that since they have acted in correlation to law enforcement rules. Assessing how an individual has acted as the role of a police officer would ensure that they are continuously following the laws that an officer should follow, and that they are not violating the codes of conduct. This would ensure the protection and safety of individuals who experience police officer questioning and arrest. Additionally, community feedback would give different police departments information on the actions of their police officers. This reassessment would ensure safety of all individuals and communities.

### Educating police officers on the impacts of racism

Racism plays a big role in police brutality. It has unfortunately become a major reason for it. This is why it is important that police officers are aware of the impacts of racism and do not act racist in any way towards individuals. A way of ensuring this is to create educational programs for police officers, explaining to them why racism is not tolerated in regards to the legal system. This can be done through promoting anti racism practices and ensuring that all officers do not act wrongfully towards individuals. A program with speakers of people who have experienced police brutality could be impactful in making officers understand why it is not tolerated. This would allow individuals who have previously been attacked by officers or faced law enforcement misconduct share their stories and have a strong and well-heard platform.



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