

US Police Response to Civilians in America with Disabilities

NGO Follow Up Report Outlining United States Violations

Under the Ratified Treaty of ICERD

International Convention on the Elimination of All Forms of Racial Discrimination

November 20, 2015

Reporting Organizations

Women's All Points Bulletin



Previous UN Concluding Observation Concerning
The Excessive Use of Force By US Law Enforcement Officials
March 28, 2014

ICCPR – The Committee is concerned about the still high number of fatal shootings by certain police forces, including, for instance, in Chicago, and reports of excessive use of force by certain law enforcement officers including the deadly use of tasers, which have a disparate impact on African Americans, and use of lethal force by Customs Border Protection (CBP) officers at the U.S. Mexico borders (arts 2,6,7 and 26.)

ICCPR Recommendations – The State Party should;

- A) Step up its efforts to prevent the use of excessive use of force by law enforcement officers by ensuring compliance with the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers
- B) Ensure that the new CBP directive on use of deadly force is applied and enforced in practice
- C) Improve reporting of excessive use of force violation and ensure that reported cases of excessive force are effectively investigated, alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; that investigations are re-opened when new evidence becomes available; and that victims and their families are provided with adequate compensation.

UN CERD Concluding Observations Concerning
The Excessive Use of Force By US Law Enforcement Officials
August 29, 2014

CERD- While recognizing the efforts made by the State party to intensify the enforcement of relevant laws, the Committee reiterates its previous concern at the brutality and excessive use of force by law enforcement officials against members of racial and ethnic minorities, including against unarmed individuals, which has a disparate impact on African Americans and on undocumented migrants crossing the United States-Mexico border (CERD/C/USA/CO/6, para.25).

It also remains concerned that despite the measures taken by the State party to prosecute law enforcement officials for criminal misconduct, impunity for abuses, in particular those committed by the Customs and Border Protection (CBP) against Hispanic/Latino Americans and undocumented migrants, remains a widespread problem (arts. 5(b) and 6).

The Committee urges the State party to:

- (A) Ensure that each allegation of excessive use of force by law enforcement officials is promptly and effectively investigated; that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; that investigations are re-opened when new evidence becomes available; and that victims or their families are provided with adequate compensation;
- (B) Intensify its efforts to prevent the excessive use of force by law enforcement officials by ensuring compliance with the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and ensure that the new CBP directive on the use of force is applied and enforced in practice;
- (C) Improve the reporting of cases involving the excessive use of force, and strengthen oversight of and accountability for inappropriate use of force; and
- (D) Provide, in its next periodic report, detailed information concerning investigations undertaken into allegations of excessive use of force by law enforcement officials, including the CBP, as well as their outcomes, including disciplinary or prosecutorial action taken against the perpetrator and remedies provided to victims or their families.

Background

United States law enforcement is one of the most violent law enforcement agencies in the world. With over 800,000 sworn officers in certain areas of the United States, specifically large urban areas where African and Hispanic Americans live; it is considered an occupying force. Since the US review by the ICCPR in Genève the names of; Rekia Boyd of Chicago, Illinois, Mike Brown of Ferguson, Missouri, Eric Garner of New York City, New York, Freddie Gray of Baltimore, Maryland, and Sandra Bland of Naperville, Illinois have become martyrs in the rebellion against police violence in America.

Little known and less popular names of those with disabilities are muted, much like police violence against women was muted until uprisings led by women victims began to surface, began taking strong holds and protesting in the streets of our major cities.

We lift a few of their voices and stories below;



Tanisha Anderson

<http://www.theguardian.com/us-news/2015/jun/05/black-women-police-killing-tanisha-anderson>

Tanisha was killed outside her home after being slammed head first into the ground while being restrained by police. Her family had called 911 because Tanisha was having “one of her bad days.” She was walking outside her home with no shoes on and a nightgown, disoriented. Within a half of hour of Detective Scott Aldridge and his partner Brian Meyers arriving on the scene; Tanisha was on the pavement not breathing. The coroner ruled, “sudden death in association with physical restraint in a prone position in association with ischemic heart disease and bipolar disorder with agitation” as her cause of death.



Lavall Hall – “Im scared, please don’t hurt my boy.”

<http://www.miamiherald.com/news/local/crime/article17882108.html>

Lavall’s mother woke early in the morning to find him wandering outside in the cold, naked, waving a broomstick in his hand. She called 911 for assistance with her son, who had been diagnosed with schizophrenia. At approximately 4.26am dashcam video begins rolling on the squad car of police officers Peter Ehrlich and Trimino. Within 19 minutes after allegedly being struck by the broomstick, Trimino shot and killed Lavall after he telling him, “Get on the f***ing ground or you’re dead. Get on the ground or you’re dead.



Anthony “Tony” Hill - 'He was acting crazy but he was calm like he didn't know where he was,'

<http://www.dailymail.co.uk/news/article-2987547/Atlanta-area-police-officer-fatally-shoots-naked-African-American.html>

Anthony Hill was an Air Force Veteran who was found naked, climbing balconies and crawling around on the ground. After having served in the Middle East, Anthony came home to be shot dead by the Atlanta police. After calls to 911 a DeKalb police officer arrived and saw an unarmed Anthony running towards him and shot him twice in his torso.



Sandra Bland – “I’ve been dealing with something that some of you all may be dealing with now...depression and PTSD.”

Allegedly Sandra Bland had a brief bout with depression after the death of her child. She reported such on her intake forms after she had been illegally detained, arrested, and jailed by state trooper Brian Encinia, in Waller County, Texas. It was also reported that Sandra had previously attempted suicide. Although her life was on an upswing, and she was an on-line activist, Waller county jail officers failed to make the required wellness checks based on her records, and left a plastic garbage bag large enough to fashion a noose in her cell. Sandra was found hanging in her cell 3 days after arrest.



Christina Eilman

<http://www.dailymail.co.uk/news/article-2262958/Christina-Eilman-Chicago-pays-22-5-MILLION-woman-gang-raped-plummeted-seventh-story-window-police-failed-proper-care-her.html>

Christina Eilman was arrested by Chicago police. Christina had been previously diagnosed with Bi-polar disorder, and based on many of the women in jail with her, she was having an episode. Her mother tried to call the jail many times to find out about her daughter. Chicago police decided to release Christina from jail in one of the seedier sides of Chicago. She was gang raped and thrown from a 7 story window. Many question why she was not taken to the hospital for a medical evaluation by police.



Natasha McKenna – “You said you wouldn’t kill me.”

<http://www.alternet.org/civil-liberties/terrifying-video-shows-cops-shock-cuffed-shackled-natasha-mckenna-deathcops-walk>

Natasha was diagnosed with schizophrenia at age 12. Caught in Alexandria prison because she was technically a prisoner, she was unable to be transferred to a mental health facility for a few days. After panicking when 6 officers came to transfer her in full body biohazard suits, she was wrestled to the floor, naked, tased four times with 50,000 volts, hands cuff, legs shackled, and her face covered in a restrictive mask. She fell unconscious, was revived, but died days later because of a lack of oxygen to her brain.

From those with everyday occurrences of mental health crisis, to those suffering from psycho-social disabilities, police shoot, kill, maim, tase, and neglect or murder Americans in avoidable circumstances.

We lifted just one of the stories of Veterans suffering from PTSD, surviving tours of duty, only to be shot and killed in America by, in many cases, civilian police officers. This only emphasizes another issue within the US Armed Forces system of providing inadequate care for its transitioning veterans.

Waller County jail is not the only jail in the country that fails to adequately intake and make proper, required, on-time rounds to check on the well-being of prisoners. We cited two cases of improper care in jails, and one outrageously ridiculous occurrence in prison.

Measurements

Statistics on police violence in America are sketchy at best. Although the Deaths in Custody Act was signed in 2014, there has been no release of a report on the total number deaths contributed to the approximately 18,000 police departments in the US. Death rates for police violence are lacking so horribly that the Guardian from the United Kingdom is counting our deaths rates for us. Based on the Guardian's, "The Counted" American police have killed 1013 people in the United States, 20% (200) have been unarmed. Although Caucasian people have the highest total killed with 506, populations of color are disproportionately represented with 450 total killed.

We can only guess how many of these souls were disabled. Some estimates are as high as 50%. The Washington Post estimates the number of killings by police at 873, and of that number, those killed with psycho-social disabilities was 221, or 25%. <https://www.washingtonpost.com/graphics/national/police-shootings/>

Recommendations

The US has invested over \$20 million in funding for body cameras for the police, (although body-cams have been found statistically to decrease the overall use of excessive force), DOJ representatives have made a call to the community to assist them in recognizing jail and prison deaths, but the US is not funding adequate medical attention to US prisons they know are overrun with those with psycho-social disabilities.

Police departments have created teams, by many names, to handle people in crisis. These teams are trained and assist police departments with emergency calls for the disabled, but are also poorly funded, and are not widespread across US police departments. Although they have also been found to be helpful in reducing the number of people with psycho-social disabilities from being killed, they are forcing them into hospitals for treatment, sometimes involuntarily hospitalizing them, and forcing them to take medication; which is in violation of the Committee on the Rights of Persons with Disabilities (CRPD).

Therefore we are in agreement with NAMI recommendations for improvements to Crisis Response and Assessment Teams as follows;

Emergency response plan to a person in mental health crisis should:

- Assess the person, taking a history of events including any recent changes to medications or just starting or going off medication
- Providing a rapid communication to a PAIMI staff attorney so that a human rights advocate is assigned to the case
- Promote safety for the patient, staff, and general population; this might mean that the rapid response team will not immediately engage physically with the person but instead if at all possible, wait patiently for community support and therapeutic personnel to respond in the field. The person should not be immediately physically subdued except in rare circumstances when other persons are in immediate physical danger. Often police try to physically subdue or control the person and this often gets the person killed. The goal should be area containment but not taking the person into immediate physical custody. When you personally physically take custody there is a possible escalation of violence by the police and also by the person being subdued. The rapid response team should try to avoid doing that.

- Reassure and orient the patient; waiting patiently for the person to calm down and for additional persons who actually know the patients needs and history to be interviewed by trained rapid response team members while someone else on the team keeps the person in crisis talking.
- Provide for the essential needs of the patient, ie, nutrition and hygiene;
- Only transport the person to jail or to a hospital if no other less restrictive alternative is possible.

Monitoring and Controls

US Police departments should be required to follow these guidelines for improvements in assisting those with psycho-social disabilities whether their encounters are on the streets, in homes, hospitals, jails, or prisons. A statistical baseline should be established to quickly respond to increases in any area of concern, and procedural guidelines should be reviewed for compliance, or adjustments.