

# ICCPR Submission: Community Control Over Police

## I. Title

**Community Control Over Police** as a means of Self-Determination for and ending police violence against People of African Descent in the United States.

## II. Reporting Organization

**Pan-African Community Action (PACA)** is a grassroots group of Black/African people organizing for community-based power, as part of the Pan-African movement, in Washington, D.C. Our mission is to build community-led power through political education and participatory programs of action that advance Black/African people's human right to informed consent and self-determination.

Further, PACA seeks collective community control over the elements of land, political systems, economic systems, systems of justice, social systems, and ecological systems. In order to realize this shift in power, PACA is helping build a movement led by the most impacted of our communities, which we understand to be low-income and working-class Black/African women and other low-income and working-class Black/African communities who are marginalized, such as those who are queer, trans, or disabled.

## III. Issue Summary

In accordance with ICCPR Article 1 (1), 2(3)(a), 6(1), 7, 9(1), 24(1), 26 and 27 regarding the rights to self-determination and self-governance; rights of Minorities to Culture, Religion, Language; Police misconduct and Extrajudicial/ Summary Executions; Racial Disparities in Victims of Police Killings.

PACA brings forth the issue of the deprivation of liberty, false arrests- a systemic practice commonly referred to as 'mass incarceration'- and police violence disproportionately affecting African Descendants in America and poor peoples. In addition, PACA brings forth the issue of self-determination and the desire of communities of African Descendants to control their own community forces, to exercise democratic control over armed government officials in their communities as a means of ending police violence against them.

## IV. Concluding Observations and ICCPR Legal Framework

The issue of mass incarceration and police violence is issue was brought up in two sections of the *Concluding observations on the fourth periodic report of the United States of America*.

- Section 7. Racial Profiling- *within the conclusions, the recommendation is* "[t]he State party should continue and step up measures to effectively combat and eliminate racial profiling by federal, state and local law enforcement officials, inter alia." In particular, sub-section A which states *Pursuing the review of its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies and expanding protection against profiling on the basis of religion, religious appearance or national origin*.

- Section 11. Excessive use of force by law enforcement officials. Within the conclusion the committee expressed concern about "the still high number of fatal shootings...and reports of excessive use of force by certain law enforcement officers, including the deadly use of tasers, which has a disparate impact on African

Americans”.

The issue of the right to self-determination is explicitly granted in Section 1 of the ICCPR:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

## **V. Current US Government Policy or Practice**

Currently, Black/ African Americans are preyed upon by law enforcement which occupy lower income neighborhoods of color. Black people are often treated as a domestic colony in which they punished at a disproportionate rate compared to other races and ethnicities for the same infraction; higher arrests rates, harsher/longer prison sentences, inherently biased policies such as “Stop and Frisk”\*. Note, abolishing all “stop and frisk” practices (Section 7(c)) and racial disparities in the criminal justice system (Section 6) are noted in the concluding observations on the fourth periodic report.

Of the 4,400 persons shot by officers from the 50 largest police departments from 2010 to 2016, 55% were Black, more than double the proportion of Black population in these departments’ jurisdictions [*Arthur, R., et al., Shot by cops and forgotten, in Vice News. 2017*].

In a 2017 article from The Guardian\*\*, *Young black men again faced highest rate of US police killings in 2016, it was noted Black/ African Americans were over 2 times more likely to be killed by law enforcement than white individuals. When stratified by sex and age, Black males ages 15-34 were 9 times more likely to be killed than other Americans in their age group. Furthermore, Black women are disproportionately represented among women killed by police [Crenshaw, K.W., et al., Say Her Name: Resisting Police Brutality Against Black Women. 2015, African American Policy Forum, Columbia Law School Center for Intersectionality and Social Policy Studies].*

\*\* Swaine, J. and C. McCarthy. *Young black men again faced highest rate of US police killings in 2016. 2017 [cited 2017 January 8]; Available from: <https://www.theguardian.com/us-news/2017/jan/08/the-counted-police-killings-2016-young-black-men>.*

## **VI. Human Rights Committee General Comments**

N/A

## **VII. Other UN Body Recommendations**

### **UN Working Group of Experts on People of African Descent**

Report of the Working Group of Experts on People of African Descent on its mission to the United States of

America, August 2016

Report: (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/183/30/PDF/G1618330.pdf?OpenElement>)

Page 21, Recommendation 108 reads:

“Community policing strategies should be developed to give the community control of the police that are there to protect and serve them. The Working Group recommends that communities establish boards that would elect police officers they want playing this important role.”

### **VIII. Recommended Questions**

- Has there ever been a time in US history where the arrests and police violence directed towards people of African Descent have been proportionate to the arrest of European Descendants in the US?
- In addition to the federal US Congress, each state has a statewide legislative body, each county has a legislative body and each city, town or village has an elected legislative body to make decisions for the municipality. In addition, each local school board has an elected legislative body that sets policies and priorities for the school system, with the ability to hire and fire principals, administrators and teachers. Is there any reason why local police departments- arguably the most powerful government institution- cannot be subject to the same democratic norms?
- Is the US ready and willing to take actions by federal, state, tribal, and local authorities to reallocate funds from policing/law enforcement to support such a community structures?

### **IX. Suggested Recommendations**

**Community Control of the Police (CCOP).** CCOP is both a principle of democratic self-determination and an objective of a social movement determined to end abusive practices that are inevitable in the context of colonial domination. PACA believes CCOP is achievable and entirely dependent upon the creation of institutions/mechanisms that enable low-income communities comprised primarily of People of African Descent to control the priorities, policies, and practices of the armed forces patrolling their neighborhoods.

As PACA sees it, the underlying issue is not police body cameras, the number of Black cops, or additional police training. The real issue is power (self-determination). Currently the system of white supremacy has the power to brutalize Black, African, indigenous, etc. people, and so it does (in pursuit of profit through dominance). CCOP is designed to shift power into the collective hands of low-income and working-class Black/African Americans and empower African people to exercise informed consent and self-determination in the areas of community safety and conflict resolution.

Specifically, the goals of the CCOP are to 1) liberate Black/African people by ending the current occupation and 2) shifting power to the community.

PACA echoes the American Public Health Association’s recommendations to federal, state, tribal, and local authorities to implement community-based alternatives to addressing harms and preventing trauma .

The full position paper on Community Control Over Police can be found here:

<http://pacapower.org/index.php?page=community-control-over-police-2>