

Forum: CCPCJ – Commission of Crime Prevention and Criminal Justice

Issue: The question of preventing unlawful use of power in police forces around the world

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Introduction

We can define the quantity of power that should be employed by police as “the amount of effort required by police to compel compliance by an unwilling subject”. On this basis, we can define police brutality as the excessive use of force and abuse of power, non-commensurate to the situation in which police is working to maintain control. In judicial system of some countries it’s recognized as illicit, but it is not classified as a crime. The term ‘police brutality’ seems to have been coined by the New York Times in 1893, but cases of police violence has become more frequent worldwide since the establishment of modern police departments by the nineteenth century. Abuse of power by police is still an important issue nowadays, and it’s amplified by racism, especially against minorities.

Key-terms

USE-OF-FORCE CONTINUUM: a scale of varying levels of force which is employed by police officers.

POLICE RIOT: a riot carried out by the police, a riot that the police are responsible for instigating, escalating or sustaining as a violent confrontation.

POLICE BRUTALITY: it is one of several forms of police misconduct which involves undue violence by police members.

RIGHS TO RESISTANCE IN LAW: since police brutality could entail violations of human rights, in accordance with UN human rights law, victims have a right to forcefully resist police where absolutely necessary.

PRISONER ABUSE: mistreatment of people while they’re under arrest or imprisoned.

PREVIOUS TREATIES

DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER, approved by the 7th United Nations Congress (Milan, Italy – 26th of august-6th of September);

BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS, adopted by the 8th congress on the prevention of crime and the treatment of offenders (Havana, Cuba – 27th of August, 4th of September).

History

The origin of 'modern' policing based on the authority of the nation state is commonly traced back to developments in the seventeenth and 18th century France, with modern police departments being established in most nations by the nineteenth and early twentieth centuries. Cases of police brutality appear to have been more frequent ever since. The issue is still present nowadays and it's hard to solve. Most police brutality cases involve minorities of some kind. In fact, at the heart of the issue, there's clear evidence of discrimination, for which some police officers are induced to demonstrate their both physical and social superiority against black people, women and minorities. In order to act against this abuse of power by police, many popular movements were founded during the last years, such as "Black lives matter". In some parts of the world police brutality reaches levels for which they better should be considered police states than republics, as they formally result to be.

Key issues

Police brutality has somewhat existed the entire history of policing and in particular during recent years, the world has gotten used to all cases of police officers abusing their power in several situations; from the streets of Ferguson to the favelas of Brazil the episodes of violence are undeniable. In numerous other cases, such as the response to demonstrations, the police are excessively speedy to use violence instead of seeking peaceful conflict resolution. In countless parts of the world the police deploy tear gas, rubber bullets and other weapons in random, cruel or excessive use of force, causing serious damages, as well as killing and damaging people. Those who are more exposed to police violence are members of minorities or powerless populations. Officers often abuse the power in their hands claiming that they are punishing those groups that threaten to disrupt the social order.

Major parties involved

United States

Mistreatment by law enforcement officers in the United States is one of the gravest human rights violations in the country. Police violations persist nationwide, and they are committed by various law enforcement workers (such as local and state police, sheriff's departments and federal agents). Police have engaged in baseless shootings, lethal beatings, and unreasonably violent behavior.

Even if police brutality in the US is a real issue, it often fails to act decisively to reprimand such acts.

South Sudan

From the beginning of South Sudan's ongoing conflict (December 2013), the country has been characterized by brutal violence against civilians. The South Sudanese armed forces might have committed human rights abuses, as well as the suspected raping of women and girls, during the increase in fighting across the African State, according to a report of the United Nations mission in the state (UNMISS). Sudan People's Liberation Army (SPLA) carried out a campaign of violence against the population of South Sudan's Unity state, killing civilians, sexually abusing women and girls, looting and destroying villages and displacing over a 100,000 people.

South Africa

Another nation deeply subjected to the abuse of power by police forces is South Africa. One of the episodes occurred during recent years and it caused considerable stir, it was the police gunfight at a mine in Marikana (the Marikana massacre).

After the shooting the police explained themselves at a news conference, giving reporters the harsh toll: 34 mine workers killed, 78 others injured, 259 arrested on various charges.

United Nations

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, Cuba, 27th of August – 7th of September 1990) adopted a resolution about the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

This resolution imposes rules to police forces and calls upon special provisions, which means behavior that should be kept by officers and consequences in case of unfair behavior.

Amnesty International

In accordance with Dr. Anja Bienert (from the Amnesty International Netherlands' Police and Human Rights Program) "All too often, in many countries around the world, people are killed or seriously injured when police use force in violation of international standards or existing national laws". That's the reason why Amnesty International launched a report called Use of Force – Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by law enforcement officials, to mark the 25th anniversary of the adoption of the UN Basic Principles in September 1990. The Basic Principles are regarded as the key instrument for states to ensure compliance with their obligations to uphold the right to life and physical integrity. The Guidelines draw on examples of national laws, internal policies and training documents from 58 countries all over the world. Amnesty International's aim is to support government authorities

to implement the UN Basic Principles and ensure good, effective, human rights-compliant policing.

Timeline

Here you can find a brief list of cases related to police brutality, divided per period:

Before 1990:

- a) 17 October 1961. The French police attacked a large demonstration of unarmed and peaceful protesters of Algerian origin;
- b) 21 November 1920: The Croke Park massacre in Dublin;
- c) 24 March 1922: The McMahan murders in Belfast;
- d) 25 December 1951: Bloody Christmas, Los Angeles.

Between 1990 and 1999:

- a) 2 March 1991: Rodney King was beaten with batons and kicked by four LAPD officers;
- b) 3 January 1998: Six policemen from the North East Rand Dog Unit set their dogs on three suspected illegal immigrants.

After 2000:

- a) 9 May 2001: police fired tear gas and plastic bullets into crowds at the Accra Sports Stadium, Ghana, causing a rush in which 127 people died;
- b) 20–21 July 2001: Carlo Giuliani, protesting at the 27th G8 summit was shot dead by police in Genoa, Italy; 62 other protesters were hospitalized;
- c) 1 April 2009: policing at the 2009 G-20 London summit protests included the controversial technique of Kettling;
- d) 12 December 2010: Douglas Zerby was shot twelve times and killed by two LBC police officers;
- e) 9 August 2014: The Ferguson unrest involved protests and riots that began the day after the fatal shooting of Michael Brown by white police officer Darren Wilson, in Ferguson, Missouri.

Evaluation of previous attempts

There's been a previous attempt to solve the issue of police brutality: The 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders passed a resolution which regulated the behavior a police officer should maintain in regards of an offender. Obviously, the resolution guaranteed the observance of human rights and provided for a punishment for those who infringed the law. Taking in consideration the recent events of widespread police violence, it seems clear that the issue has not been solved at all. One of the motivation is that Member States are not obliged to ratify the resolution, even if it seeks to further clarify the aspects of the Code of Conduct for Law Enforcement Officials and provide guidelines to encourage states to adopt and implement.

Possible solutions

The solution to police brutality is not only to implement sanctions, but the key factor is the prevention of misconduct by officers. Firstly, it is very important that national government of each country arranges specific regulations for police officers to follow in order to act to maintain security but also not going against any human right. The conduct of police officers should be controlled by an external authority, charged to write monthly reports, highlighting any possible infraction committed. In case of abuse of their position, police officers must be relieved of duty and legally prosecuted. Another solution to control from the interior could be including plainclothes officers, who'll also be charged to testify in case of trial. Another important measure to adopt could be the creation of an association of victims of police brutality; the association will provide a team of psychologists, lawyers and other specialized personnel that will support the victim and follow the case.

Bibliography and useful links

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