



# NAACP

## TRAYVON'S LAW—BILL SUMMARY

In light of the tragic death of Trayvon Martin and the overwhelming national awareness around numerous issues surrounding this case, the NAACP advocates for creating a set of laws called “Trayvon’s Law” which embodies legislative responses that will greatly reduce the likelihood of another tragedy like the Trayvon Martin incident. Trayvon’s Law is a set of bills that focus on ending racial profiling, repealing stand your ground type laws, creating law enforcement accountability through effective police oversight, improving training and best practices for community watch groups, and mandating law enforcement data collection on homicide cases involving people of color. Some of these policies can be pushed on the state level; others may lend themselves well to more local campaigns. The NAACP will continue to advocate for these policy changes on the federal level as well. Advocates across the country can push for any combination of these policies that makes the most sense for their city, state, or local jurisdiction.

Below is a summary of the components of each bill.

### **Racial Profiling**

At the heart of what happened to Trayvon Martin lies the issue of racial profiling in America – an ineffective tool used by law enforcement to identify suspects based on their race, ethnicity, religion, nationality, or other inherent and immutable characteristic. However, the most effective tool for law enforcement has always been to focus on suspicious behavior and credible information about specific crimes and specific suspects – not on the way that someone looks. To date, there is no effective national law against racial profiling, and most existing state laws fall short and do not include the necessary components of an effective bill, essentially rendering them ineffective.

### *Components*

An effective racial profiling bill must include the following provisions:

1. **Correct Definition** – Racial profiling is properly defined as: the targeting of individuals and groups by law enforcement officials, even partially, on the basis of race, ethnicity, national origin, religion, gender, gender identity, or immigration status, except where there is trustworthy information, relevant to the locality and timeframe, that links persons belonging to one of the aforementioned groups to an identified criminal incident or scheme;
2. **A Ban on Racial Profiling** - A stated and effective ban on racial profiling must be included in the bill language;
3. **Data Collection** – Data collection on racial profiling by law enforcement and the reporting of that data to the Department of Justice/Attorney General’s Office; this should include data on

all stops and searches (cars and pedestrians), and detail information about perceived race, ethnicity, national origin, gender, age, and whether immigration status was inquired about. *The NAACP would add that this mandate be expanded to apply to private security firms, school security and police officers, as well as all other law enforcement officials with law enforcement encounter authority and responsibilities;*

4. **Private Right of Action** - A private right of action makes the law enforceable, allowing individuals to seek court orders to stop individual departments from engaging in racial profiling;
5. **Training on Racial Profiling** - Mandate training on racial profiling as part of law enforcement training. *The NAACP would add requiring that the U.S. Department of Justice Community Relation's Service (CRS), local police and sheriff's department, and all other law enforcement agencies that coordinate with community policing programs, provide anti-racial profiling training to those local community watch groups;*
6. **Reports on Racial Profiling** – Require the Attorney General to provide periodic reports to assess the nature of racial profiling and other discriminatory practices;
7. **Government Grants for Model Policies and Best Practices** - Authorizing the government to provide grants for the development of model policing policies and practices; and
8. **Funding for Agencies with Effective Policies** – Making funds available to local and state agencies who adopt effective policies that prohibit racial profiling.

### **Civilian Complaint Review Board**

The NAACP advocates for police oversight through the creation of effective civilian review boards tasked with reviewing complaints of police misconduct and abuse of power. Such boards exist across the country, though few of them have the ten required principles that would deem them effective.

#### *Components*

In order to be effective at promoting greater police accountability, every civilian review board must include the following components:

1. **Independence** – The power to conduct hearings, subpoena witnesses and report findings and recommendations to the public;
2. **Investigatory Power** – The authority to independently investigate incidents and issue findings on complaints;
3. **Mandatory Police Cooperation** – Complete access to police witnesses and documents through legal mandate or subpoena power;
4. **Adequate Funding** – Should not be a lower budget priority than police internal affairs systems;
5. **Hearings** – Essential for solving credibility questions and enhancing public confidence in process;
6. **Reflect Community Diversity** – Board and staff should be broadly representative of the community it serves;
7. **Policy Recommendations** – Civilian oversight can spot problem policies and provide a forum for developing reforms;
8. **Statistical Analysis** – Public statistical reports can detail trends in allegations, and early warning systems can identify officers who are subjects of unusually numerous complaints;

9. **Separate Offices** – Should be housed away from police headquarters to maintain independence and credibility with public; and
10. **Disciplinary Role** – Board findings should be considered in determining appropriate disciplinary action.

### **Best Practices for Community Watch Groups**

A neighborhood watch/community watch group is comprised of individuals living in a neighborhood who work together with law enforcement to make their communities safer and improve the quality of life. During the Clinton administration, a set of community policing provisions were promoted that included training and best practices for both law enforcement and community watch groups. These best practices must be required training for all who join community watch groups. Furthermore, laws must reiterate that best practices specifically include language highlighting that these groups should – among other concerns – not be armed and that their role is to maintain a visible presence, “watch” the community, coordinate with local law enforcement when they see suspicious activity, and not to directly engage suspects.

#### *Components*

The following are important practices that must be highlighted in any training and best practices put forward for community watch/neighborhood watch group:

1. **Observe, Watch and Report** – The role of a community watch group is to observe and watch the community and report suspicious activity to official law enforcement;
2. **Maintain Visible Presence** – Members of community watch groups must maintain a visible presence in the communities they serve – often identified by uniform hats, t-shirts, arm bands, etc.;
3. **Community Watch Group Participants Must Be Unarmed** – Members of the community watch groups should not carry weapons – including firearms – in the pursuit of their duties as volunteers responsible for neighborhood watch;
4. **Coordinate with Law Enforcement** – Community watch groups members must coordinate with police if they notice suspicious activity in the neighborhood;
5. **Adhere to Law Enforcement Instructions** – Community watch groups must adhere to the instructions given them by official law enforcement agents;
6. **Mandated Training on Racial Profiling** – Members of the community watch group should coordinate with local police departments, sheriff’s departments and other official law enforcement agencies to receive training on racial profiling – utilizing best practice standards promoted by the Department of Justice – prior to taking their post.

### **Data Collection, Disaggregation & Reporting on Homicide Cases**

How law enforcement responds to and deals with homicide cases involving people of color speaks volumes to the value placed on the lives of these individuals and groups. Data show that African Americans, particularly young black men, are disproportionately victimized by violent crimes – from incidents involving non-fatal violent crimes, to crimes where handguns are used to murders. Yet many of these crimes remain unsolved, casting doubt on how seriously law enforcement officials and the public at large consider these cases. In order to gauge the scope of this seeming neglect of the killing of

people of color, the NAACP advocates for the collection and public reporting of statistics on homicide cases – including case clearance rates – disaggregated by race, ethnicity, gender, national origin, age and zip code.

### *Components*

An effective homicide data collection and reporting bill must include the following:

1. **Data Collection** – Mandating the collection of data by police departments on all homicides;
2. **Data Disaggregation** – Data on homicide cases should include race, ethnicity, nationality, gender, age, and zip code/residence of victims and offenders;
3. **Clearance Rates** – Data should reflect if and when cases are solved;
4. **Data on Cold Cases** – Data should also be disaggregated to reflect unsolved cases;
5. **Data Reporting** – This data should be reported annually to the Attorney General’s office;
6. **Publicizing Data** – Data should be publicized regularly and easily accessible by the public; and
7. **Grants/Funding for Police Departments** – Grants and other funding should be made available for police departments who comply with data collection and reporting.

### **Repeal Stand Your Ground Type Laws & Restore Sane, Sensible use of Force Standards in Self Defense**

Although many have tried to promote stand your ground type laws as self defense measures, the reality is that these laws do nothing but provide cover for vigilantes and hate groups who often choose to take the law into their own hands. Laws like that of Florida have contributed to a 300% increase in so-called self-defense related homicides, and people of color seem to always get caught in the crossfire. The Tampa Bay Times found that defendants claiming “stand your ground” are more successful if the victim is black. A study by the Urban Institute also found that in states that have stand your ground policies, nearly 36% of cases where a white person killed an African American were deemed justifiable homicides, compared to only 3% of cases where an African American killed a white person. Hence, the NAACP proposes that “stand your ground” and other laws that provide immunity for vigilantes be repealed and replaced by common sense, self defense measures.

### *Components*

In most states, stand your ground laws are not stand alone policies or bills. Rather, they are reflected in the language used in statutes defining self defense and justifiable homicides. Stand your ground type policies change the legal definition of self defense, taking away any duty to retreat (in public spaces) prior to shooting a weapon. In certain states, these laws give protection to the original aggressor of an altercation to claim “stand your ground” – even in cases where the victim was defending him or herself. Therefore, any efforts at repealing stand your ground policies must be aimed at rewriting parts of existing bills that govern self defense and justifiable homicide. These efforts should ensure that the bills reflect the following:

1. **Duty to Retreat** – An individual faced with a confrontation, should have the duty to retreat to a safe space if he or she can do so without putting themselves at risk of death or bodily injury. The law must make clear that homicides or injury where the aggressor refused to

retreat despite a clear opportunity to do so prior to opening fire cannot be automatically deemed justifiable.

2. **Eliminate Automatic Immunity** – Immunity from civil or criminal lawsuits for individuals who claim self defense should not be automatic. Only after an individual has proven they acted in self defense should they be immune from civil or criminal lawsuits. Self defense must be consistent with revised and definition which includes a duty to retreat.
3. **Need to Prove Self Defense** – An aggressor who pursues an individual(s) without justifiable cause must not automatically be protected under the law, if they shoot or harm their target(s). They must prove they were acting in self defense and had a rational and reasonable purpose in using force or deadly force.

## Additional Policy Recommendations

### **Dismantling the School to Prison Pipeline**

These additional recommendations speak to disciplinary and educational issues that are critical to keeping youth safe and in school. Too many youth, particularly youth of color, are needlessly suspended, expelled or come in contact with the criminal justice system. America must focus on keeping children in school and out of prisons and jails. To do so, several policy changes must immediately be enacted. It is time to redirect our misplaced priorities and create policies and help kids stay in school.

#### *Components*

1. **End Zero Tolerance Policies** – The aim of these policies is to keep schools safe, yet there is no evidence showing that zero tolerance policies have succeeded in this front. Instead, they help flood the school to prison pipeline and bring youth in contact with the criminal justice system for minor infractions and normal adolescent behavior. Zero tolerance policies must be replaced with fair, firm, consistent and common sense disciplinary protocols that help educate youth, not criminalize them.
  - a. **End Suspensions for Minor Infractions** – Many schools rely too heavily on suspensions from school to respond to minor incidents, such as scribbling on desks, breaking crayons, using nail clippers on school property, etc. Suspensions have been linked to drop-out and expulsion rates. Dropping out and getting expelled are in turn linked to being involved in the juvenile and criminal justice system. Suspensions that take kids away from the school environment should be a last resort and only used for offenses that warrant more serious action and discipline.
2. **Eliminate Use of Police in Schools**– The use of school resource officers or police officers to deal with routine discipline issues on school property only serves to criminalize routine adolescent behavior and must end. School discipline should be handled by trained educators and law enforcement must only be engaged in gravely serious matters – not as a regular disciplinary practice.
3. **End School Arrests for Misdemeanors** – Research shows that youth who commit misdemeanor offenses often benefit most from intervention and alternative programs and not arrests. Children are more amenable to reform and rehabilitation. Policies must be adopted banning school arrests for misdemeanor offenses and promoting programs that provide alternatives to arrests/referrals to the juvenile justice system for punishment.
4. **Eliminate Housing of Juveniles in Adult Detention Facilities** – In many states, juvenile offenders are housed in adult facilities – either after arrest, while they await trial or after conviction. Not only are adult facilities not designed to meet the unique needs of juveniles – who are impressionable and can have more propensity for reform – it also puts them at greater risk of abuse by and exposure to other, sometimes more violent, offenders. At every stage of the juvenile and criminal justice system, youth should only be housed in facilities designed specifically to meet the needs of juveniles.

