



The National Disability Rights Network (NDRN) is an organization that aggressively pursues policies to protect the rights of all people with disabilities. People with disabilities are often subject to brutal treatment by police who are not trained to recognize their needs. Additionally, NDRN vehemently stands against the epidemic of police brutality, killings, and other violence against Black, Indigenous, and people of color (BIPOC) in our country.¹ This document guides NDRN's work on police reform efforts at the **federal level** and will be updated as needed. NDRN believes the following principles must be integrated into police reform efforts:

The disaggregation, tracking, and analysis of reported information to identify individuals involved in police interactions, including individuals with disabilities.

Disaggregating information associated with police interactions—regardless of whether or not force is used—promotes transparency and thereby identifies and tracks all instances of discrimination and profiling based on race, sex, gender identity, sexual orientation, age, type of disability (if any), and religion. As there presently does not exist a comprehensive data set that tracks police violence and discrimination based on all of the aforementioned categories, this reporting is necessary in order to accurately capture the state and nature of interactions between the police and the disability community.

The elimination of School Resource Officers (SROs) and other police presence in schools. Schools must be places for children to learn and feel safe. The continued presence of law enforcement is inappropriate and antithetical to the goal of education and disproportionately impacts students of color and students with disabilities.²

Therefore, the complete removal of school resource officers from schools must be part of any police reform legislation or, at a minimum, not further entrench SROs in schools under the guise of police reform. In the interim, NDRN supports The Leadership Conference on Civil and Human Rights (LCCR) Civil Rights Principles for Safe, Healthy and Inclusive School Climates³ which outlines that legislation should prohibit federal funding for SROs.

1 NDRN Statement on the Death of George Floyd. (June 2020), <https://www.ndrn.org/resource/ndrn-statement-on-the-death-of-george-floyd/>

2 Discipline of Students with Disabilities - School Related Arrest, accessed July 28, 2020, <https://ocrdata.ed.gov/Page?t=d&eid=30902&syk=5&pid=605>; American Civil Liberties Union. (n.d.). Cops and No Counselors. Retrieved from <https://www.aclu.org/report/cops-and-no-counselors>; Report: Students Under Siege. (2018, August 31). Retrieved from <https://ips-dc.org/report-students-under-siege/>

3 The Leadership Conference Education Fund, *Civil Rights Principles for Safe, Healthy, and Inclusive School Climates* (2019), page 7, <http://civilrightsdocs.info/pdf/education/School-Climate-Principles.pdf>

Data informs the conclusion that SROs have a negative impact on students, especially students from particular demographic groups.⁴ Thus, we support the following policies instead of SROs:

- Professional staff should do the work they were trained to do. SROs are not the correct people to resolve interpersonal issues, implement behavior plans, bandage knees, etc. If more of these staff are needed, such as counselors, social workers, mental health professionals, or nurses, they should be hired.
- Discipline issues are best left to school administrators. For everything from dress code violations to student disputes, education administrators are trained to handle this work. This includes locker searches and other issues addressed under *New Jersey v. TLO*, 469 U.S. 325 (1985) and related cases. If a SRO does a search or exacts a confession, the student must be granted all constitutional rights and protections, as SROs are sworn law enforcement officers and must abide by all [Police Laws](#)⁵. In the rare cases in which a restraint is required, state and local regulation and policy should guide how school staff address this, not law enforcement protocols.
- For the very rare situations in which student or staff safety is in immediate jeopardy, local police can be called.

Reform the qualified immunity defense for government officials so that all law enforcement officers are held accountable for their misconduct. This reform is of particular concern for people with disabilities, who are disproportionately harmed by law enforcement misconduct. The current legal interpretation of qualified immunity limits the extent to which police officers can be held accountable for their acts of misconduct. This shield limits justice for victims of police brutality, and makes holding law enforcement accountable more difficult. NDRN supports policies that would expand individuals' ability to secure remedies for abusive police practices.

The demilitarization of police, including the elimination of the 1033 Program⁶ which provides many police departments with surplus military weapons without adequate verification, and the prohibition of neck restraints. Through the 1033 Program, police departments and other law enforcement agencies can be provided with surplus military equipment to use in routine policing. This transfer of weapons and other equipment is rarely verified by the Defense Logistics Agency (DLA), and the quantity of

4 Zeke Perez Jr. & Ben Erwin (2020, April 22). A Turning Point: School Resource Officers and State Policy. Retrieved July 22, 2020, from https://ednote.ecs.org/a-turning-point-school-resource-officers-and-state-policy/?utm_source=ECS+Subscribers

5 Police laws are those laws dealing with the regulation and code of conduct of law enforcement officials.

6 H.R. 3230 National Defense Authorization Act for Fiscal Year 1997, Sec. 1033, <https://www.congress.gov/104/plaws/publ201/PLAW-104publ201.pdf>

transfers are seldom reported or confirmed.⁷ Eliminating this program would be a positive step as the militarization of the police has been shown to result in higher instances of police violence.⁸ This elimination would protect all people, including people with disabilities, when interacting with the police. Additionally, the use of neck restraints by law enforcement tends to disproportionately impact people of color⁹ and these techniques have contributed to recent high-profile deaths at the hands of the police. Neck restraints are difficult to apply properly and law enforcement runs the risk of applying them improperly.⁸ Given the lethal consequences of improperly executing a neck restraint, a prohibition on neck restraints would improve the likelihood of an individual surviving a police interaction.

Cease framing mental illness as the cause of violence or crime, and focus instead on the need for police to utilize de-escalation techniques, which may also include professionals other than law enforcement, as their standard response. As the first responders in many situations, police officers must have adequate knowledge, evidence-based training, and skill development on how to handle *all* crises to avoid unnecessary escalation, arrests, shootings, and admissions to inpatient psychiatric facilities. All police officers should receive dedicated de-escalation training for people with disabilities and training on federal civil rights laws though we do not view law enforcement training as the primary solution to protecting people with disabilities against police violence.

Additionally, policies that would require or encourage mental health professionals to accompany police officers or serve as first responders are often framed as the perfect solution to the police violence problem. While it would be helpful to ensure police have the ability to access mental health professionals in the instances where the concern is related to mental health needs, making them required partners with the police at all times advances a narrative that there is an inextricable link between mental illness and violence and fails to embody the expectation that the police can be trusted to serve and protect every citizen, including those with mental health needs. A blanket promotion of policies such as having mental health professionals accompanying police when responding to calls or mental health professionals serving as first responders implicitly stigmatizes mental illness. Any police reform initiative must acknowledge that there is instead a greater need for more community-based health systems and resources should be dedicated to increase funding for those systems.

7 U.S. Government Accountability Office, *Enhanced Controls Needed for Access to Excess Controlled Property* (2017), <https://www.gao.gov/products/GAO-17-532>

8 Delehanty, Casey, Jack Mewhirter, Ryan Welch, and Jason Wilks. "Militarization and Police Violence: The Case of the 1033 Program." *Research & Politics*, (April 2017). doi: <https://journals.sagepub.com/doi/pdf/10.1177/2053168017712885>.

9 Tolan, C. C. (2020, June 2). Two-thirds of people put in neck restraints by Minneapolis police were black, department data shows. Retrieved from <https://edition.cnn.com/2020/06/02/us/mn-minneapolis-police-neck-restraints-george-floyd-invs/index.html>