

DEMAND FOR IMMEDIATE TRANSFORMATION

Served to:

Plant City Interim City Manager, Kim Leinbach
Plant City Chief of Police, Ed Duncan
Plant City Mayor, Rick Lott
Plant City Vice Mayor, William Dodson
Plant City Commissioner, Nathan Kilton
Plant City Commissioner, Mary Thomas Mathis
Plant City Commissioner, Michael Sparkman

Demands by:

Black Lives Matter Tampa
Showing Up for Racial Justice Tampa
The Restorative Justice Coalition
Out and Loud Florida
ANSWER Suncoast
Tampa Food Not Bombs

PLANT CITY POLICE IMPROVEMENT DEMANDS LONG FORM - JULY 15, 2017

We, the above demanders, hereby demand that the above served comply with our critical demands in response to the slaying of Jesus Cervantes by the Plant City Police Department. As a coalition of activists and community members with a strong love for all humanity, we believe that restorative justice, and not execution, is the only way in which the citizenry of this nation should be handled. We **DEMAND**:

- An immediate, independent review by a **federal department** on this specific case and any case forward involving death or hospitalization until a full, competent independent citizen review board is implemented.
- Immediate release of all evidence on the case to the public involving our publicly paid officials, such as videos from the scene (including all videos from the BP gas station), statements and testimonies.
- An independent citizen review board composed of persons nominated by the people. This review board shall:
 - Composed exclusively of a number of civilian members to be determined who shall be nominated by the public and appointed by the city council
 - Advised by independent counsel who is a competent member of the Florida Bar with at least seven (7) years membership in the Florida Bar, generally knowledgeable in municipal law, appointed by the CIP with the approval of the city attorney
 - Staffed with civilian professional personnel, including an independent counsel, and operated on an annual approved budget
 - Authorized to receive complaints directly from individuals concerning the Plant City Police Department or the activity or conduct of its police officers, to investigate said complaints, and to initiate its own investigations of other individual incidents and broader issues concerning the Plant City Police Department or its police officer

- Authorized to order discovery, hold evidentiary hearings, and issue subpoenas for documents and witness testimony under oath as part of any investigation and to the same extent and subject to the same limitations as subpoenas and discovery in a civil action under the Florida Rules of Civil Procedure
 - Authorized to review Plant City Police Department policies and procedures, and to have an advisory role in the process of hiring new police officers;
 - Authorized to submit directly to the mayor, chief of police, or city council written recommendations, to which a timely written response shall be received within an amount of time to be specified in the ordinance.
 - Shall compose of civilians of whom have no relationship with the Plant City Police Department, or any other police or law enforcement department, nor any other government department.
 - Composed of **not less** than 50% women/femmes and **not less** than 60% black and Latino/a
- The usage of body camera and dashboard camera of which comply with the following determinations:
 - record all interactions with subjects who have not requested to be kept anonymous
 - notify subjects that they have the option to remain anonymous and stop recording/storing footage if **and only if** they choose this option
 - allow civilians to review footage of themselves or their relatives and request this be released to the public and stored for at least two years
 - require body and dash cam footage to be stored externally and ensure district attorneys and civilian oversight structures have access to the footage
 - require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption (Ex: Illinois House Bill 4355)
 - permanently delete footage after 6 months if this footage hasn't been specifically requested to be stored by a citizen, an advocacy group, an investigating body or a prosecutor.
 - include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.
 - consider whether cameras or mandated footage are tampered with or unavailable as a negative evidentiary factor in administrative and criminal proceedings
 - prevent officers from reviewing footage of an incident before completing initial reports, statements or interviews about an incident
 - prohibit footage from being used in tandem with facial recognition software, as fillers in photo arrays, or to create a database or pool of mugshots. (Ex: Baltimore PD Body Cam Policy)
 - update privacy laws to protect civilians from having video or audio recordings released publicly that do not contain potential evidence in a use-of-force incident, discharge of a weapon or death.
- Intentional implementation of implicit bias training by all members of law enforcement to be completed annually.
(<https://implicit.harvard.edu/implicit/user/agg/blindspot/indexrw.htm>)
- Rigorous cultural competency training on race relationships, understanding and empathizing with poverty, mental health and wellness, trans and queer people and

gender. This training should be approved, updated and revised by advocacy groups that work locally in each area (for example, Black Lives Matter)

- Create, implement and enforce immediate and intentional policies to stop the usage of deadly force by law enforcement:
 - A. Authorize deadly force **only** when there is an **imminent** threat to an officer's life or the life of another person and such force is strictly unavoidable to protect life as required under International Law. Deadly force should only be authorized after all other reasonable means have been exhausted. (Ex: International Deadly Force Standard; Tennessee Deadly Force Law)
 - B. Require that an officer's tactical conduct and decisions leading up to using deadly force be considered in judgements of whether such force was reasonable. (Ex: LAPD Use of Force Policy)
 - C. Require officers give a verbal warning, when possible, before using deadly force and give subjects a reasonable amount of time to comply with the warning (Ex: Las Vegas Metro PD Policy)
 - D. Require reporting of police killings or serious injuries of civilians (Ex: The PRIDE Act; Colorado law)
 - E. Require the names of both the officer(s) involved and victim(s) to be released within 72 hours of a deadly force incident (Ex: Philadelphia PD Policy)

Prohibit police officers from:

- shooting at moving vehicles (Ex: Denver PD Policy)
- moving in front of moving vehicles (Ex: Denver PD Policy)
- high-speed chases of people who have not and are not about to commit a violent felony (Ex: Milwaukee PD Policy)
 - restrict officers from using deadly force unless all reasonable alternatives have been exhausted (Ex: Philadelphia PD Policy)
 - use minimum amount of force to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance (Ex: Seattle PD Policy)
 - de-escalate first (Ex: Seattle PD Policy)
 - carry a less-lethal weapon (Ex: Seattle PD Policy)
 - ban using force on a person for talking back or as punishment for running away (Ex: Cleveland PD Policy)
 - ban chokeholds, strangleholds (i.e. carotid restraints), hog-tying and transporting people face down in a vehicle (Ex: NYPD Policy)
 - intervene to stop other officers who are using excessive force and report them to a supervisor (Ex: Las Vegas Metro PD Policy)
 - have first aid kits and immediately render medical assistance to anyone in police custody who is injured or who complains of an injury (Ex: New Baltimore PD Policy)
- A. Report all uses of force to a database with information on related injuries and demographics of the victims. (Ex: Seattle PD Policy; Indianapolis Metropolitan PD reporting website)
- B. Establish an early intervention system to correct officers who use excessive force. These systems have been shown to reduce the average number of complaints against officers in a police department by more than 50%. This system should:
- report officers who receive two or more complaints in the past month

- report officers who have two or more use of force incidents or complaints in the past quarter
- require officers to attend re-training and be monitored by an immediate supervisor after their first quarterly report and terminate an officer following multiple reports
 - C. Require police departments to notify the state when an officer is found to have willfully violated department policy or the law, committed official misconduct, or resigned while under investigation for these offenses. Maintain this information in a database accessible to the public (Ex: Illinois Law) and prohibit these officers from serving as police officers, teachers or other governmental employees.

These demands are designed to implement a police department that is for the community and by the community. We expect immediate resolution to make Plant City safe from police violence.

SOURCES:

Harvard Implicit Bias Training
 Campaign Zero
 Tampa for Justice

PLANT CITY: WE EXPECT AN OFFICIAL RESPONSE NO LATER THAN 5PM ON JULY 28TH, 2017.

Angel D'Angelo
 Community Organizer
 The Restorative Justice Coalition
admin@restorativejusticecoalition.org
 (813) 777-0742

On behalf of the following organizations:

Black Lives Matter Tampa
 Showing Up for Racial Justice Tampa
 The Restorative Justice Coalition
 Out and Loud Florida
 ANSWER Suncoast