National Police Accountability Project

WHAT THE MIDTERM RESULTS MEAN FOR POLICE ACCOUNTABILITY

The electoral changes coming out of the midterms have raised questions about how the shift in power might impact police accountability, including consequences for federal law enforcement officers like ICE. This is a short explainer on how certain elected officials and legislative bodies could use their power to hold police and ICE accountable. Please note that municipal and state-level powers may vary based on the specific laws of each jurisdiction.

Federal Government

Congress can influence policing policy without the President's support by:

- Restricting further funding to CBP and ICE;
- Investigating companies like GEO Group and CoreCivic committing civil rights abuses against people in immigration detention;
- Conducting investigations with subpoena power into DHS;
- Blocking appointments of judges that will shield officers from accountability and greenlight the Trump administration's agenda.

State Government

State lawmakers can make progress to improve accountability and end brutality by:

- Ending qualified immunity;
- Passing Converse-Section 1983 or state-Bivens laws;
- Banning FLOCK and other automatic license plate readers (ALPR);
- Ending state trooper participation in immigration enforcement;
- Ending solitary confinement.

City Government

Municipal lawmakers can rein in police and ICE by:

- Passing an ordinance limiting enforcement of traffic infractions;
- Creating non-police alternative response systems for people in crisis;
- Ending participation in surveillance technologies and fusion centers;
- Ending cooperation with ICE and require police to intervene in ICE misconduct;
- Reducing overspending on police budgets.

City attorneys can help hold police accountable by:

- Agreeing to reforms when settling police misconduct cases;
- Declining to defend officers that engage in misconduct;
- Creating office-wide policies against using aggressive tactics against police misconduct civil rights cases;
- Declining to assert qualified immunity when defending officers that engage in misconduct.