



# Senate of the Associated Students of the University of Nevada

88<sup>th</sup> Session, 2020-2021

## A RESOLUTION IN SUPPORT OF POLICE REFORMATION INVESTIGATION ACTION AND PROTESTS

Resolution Number: 56

Authored By: Senator Torres and Senator Priess

Sponsored By: 2020-2021 Student Government Assembly

*Whereas*, while the end of slavery occurred through the passing of the 13<sup>th</sup> Amendment in 1865, the racism within the United States has perpetuated the social, political, economic, and public spheres since the start of slavery;<sup>1 2</sup>

*Whereas*, the ability for the black community to vote in the United States was inhibited through Jim Crow laws which reinforced racial segregation and brought about a minority imbalance in the social, political, and economic means of gaining self-determination for the black community. One of the most violent forms of this is seen through police brutality;<sup>3 4</sup>

*Whereas*, the definition of police brutality is defined as the following: “use of unnecessary, or excessive force by police officers when handling civilians. Examples of police brutality can include the use of pepper spray, nerve gas, or batons, though it does not have to be physical abuse or attack. This behavior can extend to such actions as pulling a gun on someone in order to intimidate him, or falsely arresting someone;”<sup>5</sup>

*Whereas*, in 1929, Illinois Association for Criminal Justice published the Illinois Crime Survey stated that African-Americans only made up five percent of the population. The disproportionate numbers of

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<sup>1</sup> <https://www.history.com/news/slavery-profitable-southern-economy>

<sup>2</sup> <https://www.nationalgeographic.org/encyclopedia/13th-amendment-united-states-constitution/>

<sup>3</sup> <https://www.britannica.com/event/Jim-Crow-law>

<sup>4</sup> <https://www.hg.org/legal-articles/the-history-of-police-brutality-and-what-it-means-for-you-40344>

<sup>5</sup> <https://legaldictionary.net/police-brutality/>

killings of the black community at the hands of police officers placed the rate of deaths at thirty percent. The numbers and time frame demonstrate that police brutality against the black community have been an issue for almost a century;<sup>6</sup>

*Whereas*, the dissertation, *Unmasking the Badge of White Power: A Content Analysis of Police Brutality Against Blacks from 1937 to 1965* describes police brutality through the following categories used against the black community: “1) Intimidation, 2) Type of Abuse, and 3) Fallout of Abuse. Intimidation is described as threats, reminding blacks of “their place” and who they are, demeaning comments- the very idea of white supremacy and the police maintenance of it;”<sup>7</sup>

*Whereas*, the Civil Rights Movement against racial segregation was predominantly founded upon peaceful protests calling a stop to police brutality against the black community still was met with beatings, shootings, and tear gas for the purpose of restraining and inhibiting protestors to continue marching by the police;<sup>8</sup>

*Whereas*, the Chemical Weapons Convention of 1993 has tear gas banned as a chemical weapon in war and was signed by almost every country at an international stage, including the United States;

*Whereas*, the use of tear gas as a means of restraint against protestors is not only an infringement of the First Amendment and a recognized human right within the Universal Declaration of Human Rights, but also breaking international law within the domestic sphere of the United States;<sup>9 10 11</sup>

*Whereas*, Dontre Hamilton was shot fourteen times by a police officer, Eric Garner was strangled to death, John Crawford III, Michael Brown Jr. Ezell Ford, Dante Parker, Tanisha Anderson, Akai Gurley, Tamir Rice, Romain Brisbon, and Jerame Reid were all killed unarmed by a police officer in 2014. The numbers of the black community found dead and unarmed at the hands of police have been disproportionately increasing up until the current status;

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<sup>6</sup> <https://homicide.northwestern.edu/pubs/icc/>

<sup>7</sup> <https://search-proquest-com.unr.idm.oclc.org/docview/1620907511?pq-origsite=summon&accountid=452>

<sup>8</sup> <http://origins.osu.edu/article/policing-police-civil-rights-story>

<sup>9</sup> <https://www.washingtonpost.com/news/morning-mix/wp/2014/08/14/tear-gas-is-a-chemical-weapon-banned-in-war-but-ferguson-police-shoot-it-at-protesters/>

<sup>10</sup> [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment)

<sup>11</sup> <https://www.opcw.org/chemical-weapons-convention>

*Whereas*, As of March 30, 2020, there have been thirty-one black civilian deaths during fatal police shootings since 2019, the most recent killings of George Floyd, Ahmed Arbery, and Breonna Taylor. The most recent three deaths revolved around the use of force while the subject detained was unarmed during all three circumstances;<sup>12 13 14</sup>

*Whereas*, the use of tear gas and excessive force during protests following George Floyd's death for the Black Lives Matter Movement was seen in Minnesota, Denver, Las Vegas, and Reno. This tactic of control cannot be a function of use, especially during the COVID-19 pandemic crisis that is ongoing, as the respiratory disease can be negatively affected by it;<sup>15 16 17</sup>

*Whereas*, in Las Vegas alone the numbers since 1990 are 378, with 142 being fatal, ranking third in officer involved shootings per capita as seen in research done in 2011. Larger urban cities such as Los Angeles and New York, with Vegas having half the population of Los Angeles, the comparison proves disproportionality with Las Vegas having shot at people twenty-five times in 2011, compared to Los Angeles which was thirty-two times;<sup>18</sup>

*Whereas*, on January 5th, 2020 Sparks Police Department responded to a call of a suicidal man armed with a gun on Rock Boulevard. When police arrived on scene, Miciah Lee, an 18-year-old black man, had left in his car. Sparks police officers pursued him and claimed Lee refused to stop. The report states that Lee ultimately crashed his car. When officers approached, according to the Associated Press, Lee reached for a gun, and police officers shot him;<sup>19</sup>

*Whereas*, the University of Nevada, Reno's 2019 Campus Climate Survey reported that, "By racial identity, Black/African American respondents reported being significantly less comfortable with the overall

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<sup>12</sup> <https://www.buzzfeednews.com/article/nicholasquah/heres-a-timeline-of-unarmed-black-men-killed-by-police-over>

<sup>13</sup> <https://www.latimes.com/opinion/story/2020-06-04/police-killings-black-victims>

<sup>14</sup> <https://www.npr.org/2020/05/29/865261916/a-decade-of-watching-black-people-die>

<sup>15</sup> <https://sputniknews.com/us/202005271079425962-police-use-tear-gas-against-protesters-in-minnesota-after-arrest-leaves-local-man-dead---videos/>

<sup>16</sup> <https://apnews.com/5c94f4d050d36e1e3ba30111cb22e424>

<sup>17</sup> <https://apnews.com/081a279d359c58659dae92d7f50ec5af>

<sup>18</sup> <https://www.reviewjournal.com/uncategorized/analysis-many-las-vegas-police-shootings-could-have-been-avoided/>

<sup>19</sup> <https://sierranevadaally.org/2020/06/08/amid-calls-for-police-reform-policing-the-police-an-internal-affair-in-northern-nevada/>

climate than White respondents or Other Respondents of Color.” Thus, indicating that there are serious issues surrounding racial equality amongst African American students at the University of Nevada, Reno;<sup>20 21</sup>

*Whereas*, a goal from the No Walls: 2025 vision states, “Ask and listen to the needs of diverse students on campus.” The African American community makes up less than 5% of the overall student population. During these times of civil unrest, the voices of African American students, faculty, and other staff at the University of Nevada, Reno should be heard and valued;<sup>22</sup>

*Whereas*, the protection of the lives of civilians, no matter the color of their skin, must be prioritized at a nationwide level in order for police reformation to occur regarding the black community and as a result of history that is continuously repeated. This resolution calls for proactive reformations to ensure equality and justice are at the forefront of the legal process and police investigations within the state of Nevada;

*Whereas*, the following actionable steps should be used to reform procedures within Nevada Police Departments:

- Ban the use of tear gas in favor of de-escalation trainings
- Unpaid suspension of an officer during an unarmed murder investigation
- Social worker implementation responding to non-violent and non-urgent calls
- Re-examination of qualified immunity
- Addition of independent medical examination
- Enforcing body and dash cameras
- Requiring implicit bias training as part of Police Academy curriculum

*Whereas*, ASUN is in full support of police reformation legislation. This will not only benefit the University of Nevada, Reno, but the entire state of Nevada. Change needs to be enacted immediately in order to best serve all citizens residing in Nevada;

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<sup>20</sup> <https://www.unr.edu/main/pdfs/verified-accessible/divisions-offices/president/truth/climate-study-final-report.pdf>

<sup>21</sup> <https://www.collegefactual.com/colleges/university-of-nevada-reno/student-life/diversity/chart-ethnic-diversity.html>

<sup>22</sup> <http://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2015/01/02142829/No-Walls-2025-AStudentVisOnForTheUniversityOfNevadaReno1.pdf>

*Be it resolved that*, the support for police reformation within the state of Nevada is expressed through these issues that need to be fixed within the legal and police systems;

*Be it further resolved that*, this legislation be sent to:

- University Police Services
- President of the University of Nevada, Reno, Marc Johnson
- Vice President of Student Services, Shannon Ellis
- Provost Kevin Carman
- Washoe County School District Board of Trustees and Superintendent, Dr. Kristen McNeill
- Chief of Nevada highway Patrol, Colonel Daniel Solow
- Democrat for Nevada State Assembly District 24, Sarah Peters
- Reno Police Department Sheriff, Jason Soto
- Washoe County Police Department Sheriff, Darin Balaam
- Carson City Sheriff's Office, Ken Furlong
- Las Vegas Metropolitan Police Sheriff of Clark County, Joe Lombardo
- Executive Director of Nevada Commission on Peace Officer Standards and Training, Mike Sherlock

Adopted in Senate on July 8<sup>th</sup>, 2020

Attest:

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Hope Cronan, Senate Secretary

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Keegan Murphy, Speaker of the Senate

## Addendum A

### INTRODUCTION

The following numbered list explains in more depth the eight actionable steps revolving around police reformation for the pursuit of holding Nevada police departments accountable and protecting the black community from future police brutality, both through legal processes and reformations to the department itself.

#### 1. BANNING OF TEAR GAS

Police conduct revolving around protests should ban the use of tear gas in any form for protests, as it can lead to long-term chronic skin reactions, chemical burns, and inflammation of lungs and airways. Other alternatives should be used should violence by protestors be ensured that maintain the highest form of preservation of the human right to health and freedom of speech. This may include de-escalation training, open dialogue, and other non-lethal assets.<sup>1</sup>

#### 2. UNPAID SUSPENSION

Administrative leave is defined as, “relieving an employee of active duty and effect the restrictions placed here in another duty location.” This has been used in place during murder investigations, or where police conduct may have been deemed as improper. Placing a police officer on paid administrative leave during an unarmed murder implies that the officer did not conduct in an improper manner, and therefore urge for the unpaid suspension of an officer during an unarmed murder investigation until it has been properly been investigated.<sup>2</sup>

#### 3. SOCIAL WORKER IMPLEMENTATION

California and Texas police departments currently work with non-law enforcement agencies to respond to non-violent and non-urgent calls. Mayor London Breed of San Francisco is creating a plan to have community-based assistance modeled after CAHOOTS (Crisis Assistance Helping

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<sup>1</sup> <https://www.healthline.com/health/tear-gas-effects>

<sup>2</sup> <http://www.aele.org/law/Digests/empl214.html>

Out on the Streets). Mayor Breed is also seeking to lessen law enforcement presence in schools across California Nevada could model San Francisco's actionable steps to limit police presence during non-violent and non-urgent calls. Nevada could implement community-based support for issues relating to mental health, social services, conflict resolution and mediation, etc. Nevada could also replace School Resource Officers with trained individuals from the community to assist all students.<sup>3</sup>

#### 4. REVISION/DISMANTLING OF QUALIFIED IMMUNITY

Qualified immunity is defined as a legal immunity meant to protect a government official from potential lawsuits when performing duties reasonably. Qualified immunity has revealed that Supreme Court and lower court cases have dismissed or disregarded cases revolving around police brutality over lack of precedent case that would thus determine this as a misconduct at the hands of an officer the re-examination of qualified immunity within legal jurisdiction will allow for accountability of police misconduct and police brutality to increase within the court system, and begin proposing a tighter margin of error for police misconduct in cases that include but are not limited to violence, racial prejudice, and unarmed shootings.<sup>4 5 6</sup>

#### 5. INDEPENDENT AUTOPSY REPORT

To add to additional accountability, two solutions towards autopsy contradictions may be proposed. The first is to have an independent medical examiner or forensic scientist perform the medical examination should an unnatural death be at the hands of a government official occur. The second is to have two medical examinations occur, one from the precinct's office and another by an independent medical examiner. Should the two examinations reveal contradictions, the re-examination of the body should occur as a precaution as part of the police misconduct

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<sup>3</sup> <https://whitebirdclinic.org/services/cahoots/>

<sup>4</sup> <https://www.goginews.com/world-news/qualified-immunity-the-loophole-that-protects-police-from-prosecution/>

<sup>5</sup> <https://publiustoo.com/2020/06/10/correcting-police-immunity-from-prosecution-in-civil-rights-abuses/>

<sup>6</sup> [https://www.law.cornell.edu/wex/qualified\\_immunity](https://www.law.cornell.edu/wex/qualified_immunity)

investigation;<sup>7</sup>

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<sup>7</sup> <https://www.washingtonexaminer.com/news/medical-examiner-concludes-george-floyd-didnt-die-of-asphyxia>

## 6. ENFORCEMENT OF BODY AND DASHBOARD CAMERAS

The National Institute of Justice reported that body cameras, “offer real-time information when used by officers on patrol or other assignments that bring them into contact with members of the community. Another benefit of body-worn cameras is their ability to provide law enforcement with a surveillance tool to promote officer safety and efficiency and prevent crime.” Body cameras and dashboard cameras offer additional accountability for police officers, as their actions and words are always being recorded; this transparency is absolutely necessary<sup>30, 31,32</sup>

## 7. IMPLICIT BIAS TRAINING FOR LAW ENFORCEMENT ACADEMY

The International Association of Chiefs Police claims, “Police officers are likely to be just as susceptible to implicit bias as any other professional group—perhaps more so, given the nature of their work, which often focuses on negative aspects of human behavior. It is, however, critical that officers make decisions based on legally defined criminal behavior and policy and not be influenced by individual traits that (by themselves) do not dictate criminal behavior. Even if a group as a whole is more prone to crime, a particular individual from that group cannot be treated as a likely criminal; doing so would be discriminatory<sup>33</sup>”.