

2016 /

ACLU OF MS LEGISLATIVE AGENDA

The 2016 Mississippi Legislative Session promises to be intriguing. There will be a host of new faces roaming the Capitol in both houses and issues that will dominate the session, primarily education funding, changing the State Flag and the allocation of the \$1.5 billion BP settlement. However, the ACLU of Mississippi will push a set of legislation that we believe will be topics of substantive debate as well.

MISSISSIPPI CIVIL RIGHTS ACT

This legislation protects all Mississippians from discrimination and is the major focus of our “We Are All Mississippi” Campaign, which will affect a culture change in our state. With the support of a coalition of organizations, the Campaign holds our state accountable and stands on our bedrock values: respect, equality, and acting with decency towards our fellow man. We are asking the state legislature to protect everyone and prohibit discrimination on the basis of race, color, sex, religion, national origin, immigrant status, disability, gender identity, and sexual orientation. WE ARE ALL MISSISSIPPI!

DEBTORS’ PRISONS

Imprisoning citizens because of debt is unconstitutional in the US. However, we have seen a resurgence of “debtors’ prisons” that has put thousands in jail for being too poor to pay fines for traffic tickets or other minor misdemeanors, under the cover of contempt of court. A clear definition of an indigent defendant has never been established in Mississippi, therefore, adequate representation has been arbitrary and incarceration over non-compliance in the payment of fines, fees and court costs has been almost certain. The ACLU of Mississippi is introducing legislation that clearly defines indigency, establishes a substantial right for poor people to be represented by counsel in court, and limits the courts’ ability to incarcerate citizens for failure to pay fines in a timely manner. No one should be forced to jail because of their inability to pay fines.

SCHOOL RESOURCE OFFICER TRAINING

We will resubmit legislation to amend Section § 37-7-321, of the Mississippi Code of 1972 that requires all School Resource Officers (SROs) complete a uniform statewide training program prior to being permitted to serve in a school. That curricula should include, at a minimum, training on child and adolescent development; cultural competence; violence de-escalation; identifying a student’s social, emotional and mental needs;

alternatives to use of force; and due process protections for students. Currently, school districts that qualify for MSCOPS grants for SROs send officers to a comprehensive training program. This legislation will provide a safety net for all districts to have competent officers to compensate for the 20% attrition rate of potential SROs that do not complete MSCOPS training.

WRITTEN CONSENT TO SEARCH VEHICLES

Police search thousands of cars each year at Mississippi traffic stops, usually looking for guns or drugs, through a simple request for a driver to consent. Drivers often don’t know that they can say no, or may feel coerced and isolated by the side of the road. However, law enforcement does not need permission to search a car if there is evidence or reasonable suspicion of a crime. The ACLU of Mississippi is introducing legislation to ensure that drivers understand their constitutional right to say no to a request to search by requiring written consent with a simple disclosure. This will cover instances when an officer doesn’t have a warrant, is not making an arrest, or does not have probable cause. Written consent improves policing and protects public safety and civil liberties.

POLICIES FOR LAW ENFORCEMENT BODY CAMERAS

Body cameras have the potential to serve as a check against the abuse of power by police officers. They are a win-win, helping to protect the public against police misconduct, and guarding officers against false accusations of abuse. The challenge body cameras present is their potential to invade privacy while balancing their benefit in promoting police accountability. We will introduce legislation that ensures that body cameras will serve to protect the public without becoming another system for routine surveillance. While our legislation will not mandate that all Mississippi law enforcement officers be equipped with body cameras, it will, for the sake of public confidence in the integrity of privacy protections, ensure that those that are equipped will do so within a framework of strong policies.

The ACLU of Mississippi looks forward to working with the 174 members of the Mississippi State Legislature to obtain the successful passage of these measures, while also remaining vigilant to defeat any legislation that goes against our core principles of reformation, justice, equality, and freedom.



As we approach the bicentennial of Mississippi’s statehood, let us view this as an opportunity for unparalleled growth. Now is the opportunity for growth in our state’s economy, in diversity, and in acceptance of one another. As with most moments in time, our past should be recognized for what it was and our future should be embraced for the hope it brings.



Legislative Score Card

The ACLU of Mississippi has published a **Legislative Score Card** that highlights the successes and failures of the 2015 Legislative Session. It showcases those “Champions” of equity and inclusion and others who failed to promote racial, cultural, and economic justice. Although there are some new faces on the Capitol floor this session, legislators and advocates alike are encouraged to use the 2015 Legislative Score Card and the 2016 Equity Agenda for education and as a guide to equity. We will continue to protect and defend our freedoms. Find the 2015 Score Card at aclu-ms.org.

It is our intent to publish Legislative Score Card at the end of the 2016 Legislative Session. These annual score cards will continue to measure and report legislative progress toward equity and inclusion.



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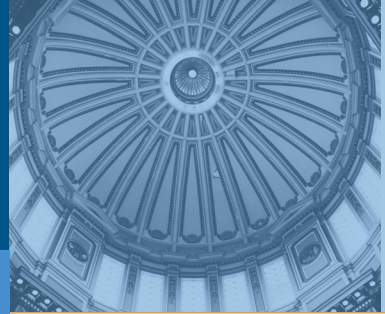


2016

Equity Agenda

Mississippi is our home. It is complex, diverse and challenging. The challenge that we all face is how to grow our state without compromising equity across the board. This will take dedication, endurance, vision and enlightenment. Leadership in this state must engage and embrace courage, commitment, and change in order to move the needle toward sustained progress.

WE ARE PREPARED TO MAKE THIS POSSIBLE BECAUSE MISSISSIPPI CAN ONLY MOVE FORWARD WHEN EVERYONE IS CONSIDERED AN EQUAL INVESTOR IN THE PROCESS.



1/ COMMIT TO CRIMINAL JUSTICE REFORM



"Being poor is not a crime. Yet we're finding that people across Mississippi are being locked up because they can't afford to pay traffic fines and fees. Cities like Biloxi are scrambling to generate revenue off the backs of poor people. This two-tiered system of justice punishes the poorest, particularly people of color, more harshly than those with means in flagrant violation of the Constitution."

- Nusrat Choudhury, ACLU Racial Justice Program

We are asking legislators to continue the necessary work to promote criminal justice reform. Mass incarceration does not qualify a society as safe, just and equal. We must do away with policies that impede productivity, create barriers to an improved quality of life, and fail to ensure transparency and accountability. This means we must put an end to policies and practices that incarcerate indigent people for non-payment of misdemeanor fines. This means we must become more effective in policing by proper utilization of body cameras and by obtaining written consent for searches. We must promote alternatives to incarceration, like diverting those with mental health issues to treatment services and fully funding drug courts. We encourage more resources be directed toward the establishment of a statewide indigent defense system. At the same time, we need more restrictions on the militarization of law enforcement. Data collection that limits racial profiling is a crucial component to reform.

We need to establish practices that reduce recidivism. Giving a person a chance to re-integrate into society through expungement, access to health care and suffrage restoration will lead to safe and stable communities throughout this state.

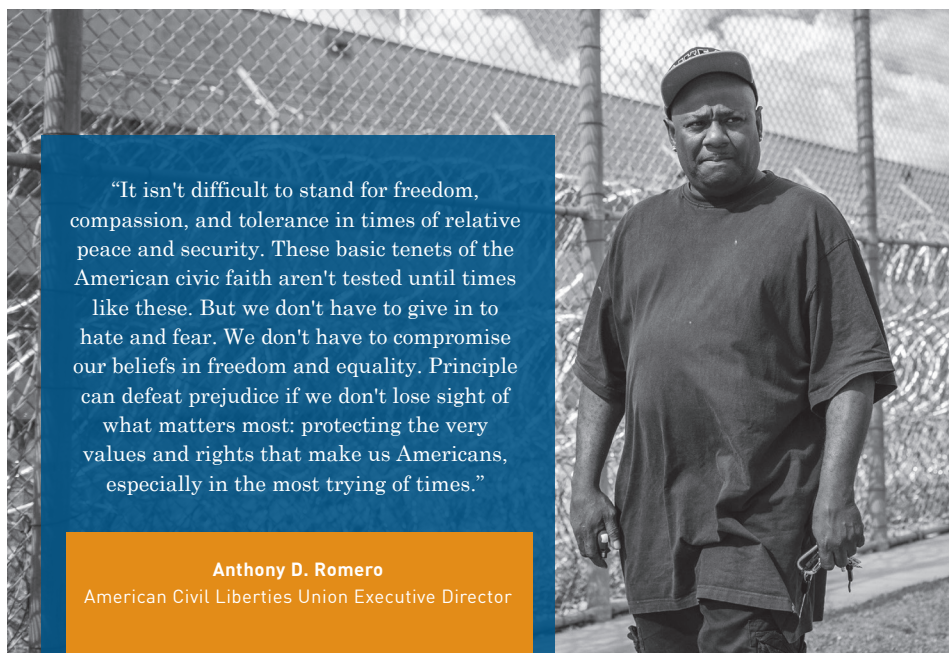
2/ EXTEND EQUALITY TO ALL MISSISSIPPIS

Legislators should be committed to the equality of all of its citizens. This can be done by supporting protections for all Mississippians regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, familial status or immigrant status in all facets of life. Mississippians should not face discrimination in employment, housing, public accommodations, health care, state government programs or education.

We can make sure our schools are safe. School Resource Officers (SROs) should be properly trained in prevention and intervention. It is no longer in our children's best interest to promote irresponsible policies of zero tolerance, restraint and seclusion and criminalization of minor, youthful infractions. Our schools should be fully funded and more investment made in early childhood education.

All Mississippians should have access to affordable health care, fair wages and the voting booth. No Mississippian should be criminalized for contracting a disease, denied access because of who they are or disrespected because of their status or identity. A woman's access to health care and the right to make informed decisions regarding her health should be protected. Mississippians deserve an increased minimum wage and higher paying jobs to support their families.

Creation of online registration and early voting opportunities are critical to ensuring every voting age Mississippian has the opportunity to participate in this fundamental right. Any legislation that increases access to the polls should be strongly supported.



"It isn't difficult to stand for freedom, compassion, and tolerance in times of relative peace and security. These basic tenets of the American civic faith aren't tested until times like these. But we don't have to give in to hate and fear. We don't have to compromise our beliefs in freedom and equality. Principle can defeat prejudice if we don't lose sight of what matters most: protecting the very values and rights that make us Americans, especially in the most trying of times."

Anthony D. Romero
American Civil Liberties Union Executive Director

3/ GUARANTEE FREEDOM OF SPEECH & EXPRESSION

"We must stand in the gap for vulnerable children, especially in schools that are ill equipped to provide education and, therefore, funnel them into prison. We must push the envelope on equal protections for all people. We must ensure criminal justice reforms make social and just sense, not just economic sense. We must not stand by and feel defeated - there is work yet to be done."

Jennifer Riley-Collins, ACLU of MS Executive Director



Legislators are implored to be vigilant toward any effort to infringe upon the protections given to Mississippians by the First Amendment of the United States Constitution. Even in the commitment to become a more diverse society, the freedom of speech and expression, especially in the exercise of faith, should never be misconstrued or compromised.

Religion should not be used as a wedge in our community or as a tool of discrimination. Self-expression should be encouraged and protected at all costs, especially from the government entrusted to uphold the Constitution, and should never be disposed of under the pretense of security.



We cannot continue to be a state where marginalization is accepted as the norm and equality is an unreachable standard. The ACLU of Mississippi understands that if Mississippi is going to prosper over the next century, we must do it together. An educator once said, "We can be as diverse and flexible as the fingers on our hands, but also equally united and strong when that hand becomes a fist." There is strength in equality. There is strength in diversity. There is strength in unity. We have hope that the members of the Mississippi Legislature will embrace the American Civil Liberties Union of Mississippi 2016 Equity Agenda as their own.

This agenda should serve as a tool to help those entrusted with leadership in this great state to speak out for those that have no voice. It provides a blueprint for a Mississippi that will be beneficial for all its citizens. This agenda is the by-product of a collaboration with other like-minded community organizations. It is our desire to see the actions of this legislature reflect that spirit of collaboration by joining with us to see this agenda brought forward.