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United States

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Women & Families

Rabbi Jonah Pesner
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Of Reform Judaism

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National Fair Housing Alliance

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American Civil Liberties Union

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People with Disabilities

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American Federation of Teachers

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Asian Americans Advancing Justice |
AAJC

President & CEO

Vanita Gupta

June 1, 2020

Dear Speaker Pelosi, Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:

On behalf of The Leadership Conference on Civil and Human Rights (The Leadership Conference), a coalition charged by its diverse membership of more than 220 national organizations to promote and protect civil and human rights in the United States and the 386 undersigned organizations, we urge you to take swift and decisive legislative action in response to ongoing fatal police killings and other violence against Black people across our country. Federal statutory reforms are urgently needed on a range of policing issues, including use of force, police accountability, racial profiling, militarization, data collection, and training. We also respectfully request a meeting with House and Senate Leadership within the week to discuss legislative responses to ongoing police killings against Black people.

Abusive police practices coupled with devastating state-sanctioned violence have exacted systemic brutality and fatality upon Black people since our nation's founding. The current protests across our country are not new. They are in response to a long cycle of lawlessness against Black people, from our founding to 1968, the year the Reverend Dr. Martin Luther King, Jr. was murdered. This cycle includes deadly incidents spanning from Los Angeles in 1992 to Ferguson in 2014.¹ Police have shot and killed more than 1,000 people in the United States over the past year.² Moreover, Black people are disproportionately more likely than white people to be killed by police. For too long, the cycle of police brutality and racism has been met with cosmetic tinkering instead of substantive structural change. The current public protests in our cities are a response not only to unjust policing of Black people but are a cry for action to public officials for structural change, writ large.

In recent weeks, the chronic structural issue of police killings against Black people across our country has, again, escalated to a boiling point. The February 23, 2020, death of Ahmaud Arbery, who was killed by a former police officer in a Brunswick, Georgia suburb, sparked public outrage and scrutiny. The more recent police killings of Breonna Taylor in Louisville, Kentucky on March 13, 2020, Dreasjon "Sean" Reed in Indianapolis, Indiana on May 6, 2020, George Floyd in Minneapolis, Minnesota on May 25, 2020, and Tony McDade in Tallahassee, FL on May 27, 2020 have generated national attention and protest. This spate of cases highlights entrenched, systemic dysfunction that has long plagued police departments and our criminal legal system.³ Congress must rectify these structural wrongs through legislation before another Black life is needlessly lost.

¹ Zelizer, J. (May 30, 2020). It has been 5 Decades Since 1968, and Things are Somehow Worse, *CNN* <https://www.cnn.com/2020/05/30/opinions/2020-echoes-of-1968-zelizer/index.html>

² Database of Police Shooting since 2015. (May 29, 2020). Fatal Force, *The Washington Post*, <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

³ The Sentencing Project. (Apr. 19, 2018). UN Report on Racial Disparities in the Criminal Justice System Available at, <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

The recent case of Ahmaud Arbery brings back harrowing memories of Trayvon Martin's February 26, 2012 death. Like Mr. Martin, Mr. Arbery was young, Black, and unarmed when he was stalked and killed by vigilante actors, presumably based on the color of his skin. Mr. Arbery was fatally shot by a former police officer with impunity. It should not have taken three months and public pressure for the shooter to be arrested and charged. Pervasive lack of accountability by police departments persists in far too many agencies and destroys police legitimacy, and must be addressed by Congress.⁴

The case of Breonna Taylor's death on March 13 demonstrates the unresolved problem of militarized policing, which we also saw in Ferguson, Missouri after the death of Michael Brown in 2014. Ms. Taylor was fatally shot eight times by police in her Louisville home, after a heavy-handed, military-style raid.⁵ Police executed a no-knock warrant even though the suspect the police were looking for was already detained and did not live where Ms. Taylor was killed. This case demonstrates the need for police agencies to prohibit the use of no-knock warrants and institute mandatory de-escalation training for all officers. This case also indicates the need for Congress to end the transfer of military weapons to state and local police agencies through the Department of Defense 1033 program and other such programs.

Despite the passage of more than two months to investigate the circumstances surrounding the police killing of Ms. Taylor, none of the officers involved in her death have been arrested or charged. This situation demonstrates the need for federal prosecutors to act when state law enforcement agencies do not. This also demonstrates the need to update the federal criminal civil rights statute – Deprivation of Rights Under Color of Law, 18 U.S.C. §242 – so prosecutors can bring criminal charges against officers who violate individuals' civil rights.

George Floyd's death reopens the wounds that have barely healed after the death of Eric Garner, who was killed after an NYPD officer placed him in an illegal chokehold in July 2014.⁶ Mr. Floyd, like Mr. Garner, was killed at the hands of a police officer as other officers sat idly and refused to intervene. In Mr. Floyd's case, a Minneapolis police officer forced a handcuffed Mr. Floyd into a prone position and pinned him to the ground by driving his knee into Mr. Floyd's neck for more than eight minutes until Mr. Floyd stopped breathing. Mr. Floyd, to no avail, repeatedly told the officer that he could not breathe.

⁴ Muhammad, K. (July 26, 2019). Why police accountability Remains Out of Reach, *The Washington Post*, <https://www.washingtonpost.com/outlook/2019/07/26/why-police-accountability-remains-out-reach/>. This article highlights the prosecutorial decisions not to indict police because of impenetrable qualified immunity for police and acquittals based on racism. The cases of Michael Brown, Eric Garner, Terence Crutcher and Philando Castile are examples of this dynamic.

⁴ Southall, A. (Aug. 8, 2019). Officer in 'I Can't Breathe' Chokehold Was 'Untruthful,' Judge Says, *NY Times*, <https://www.nytimes.com/2019/08/18/nyregion/daniel-pantaleo-eric-garner-chokehold.html>

⁵ See, e.g., American Civil Liberties Union. (2014). *War Comes Home: The Excessive Militarization Of American Police*, at 2. <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police>: "[T]he use of hyper-aggressive tools and tactics results in tragedy for civilians and police officers, escalates the risk of needless violence, destroys property, and undermines individual liberties."

The case of Tony McDade, a black trans man, highlights the violence that many black trans, queer and gender non-conforming people face daily. In addition, the lack of coverage of his killing demonstrates a harmful disparity of awareness around violence against this community.⁷

It is past time for Congress to address the use of maneuvers that restrict the flow of oxygen or blood to the brain such as chokeholds, knee-to neck, and similar restraints. These and other such techniques make the death or injuries resulting therefrom a violation of 18 U.S.C. §242. Accordingly, we urge members of Congress to pass legislation that would prohibit the use of such maneuvers.

Additionally, too often police killings involve officers with a history of misconduct complaints. For example, last week, the officer who killed Mr. Floyd allegedly had 18 misconduct complaints lodged against him with two resulting in discipline.⁸ The officer who shot and killed 12-year-old Tamir Rice in Cleveland, Ohio reportedly was deemed emotionally unstable and unfit for duty in a previous job:⁹ he was ultimately fired from the Cleveland Police Department for lying on his job application.¹⁰ The same officer applied for and was hired to serve in another police department in the state; and he resigned from that job days later.

Police executives need information about the misconduct histories of officers before hiring them, which underscores the need for a national public registry of law enforcement officers that compiles the names of officers who have been terminated or decertified, involved in misconduct, or who have complaints lodged against them. This publicly available database would permit law enforcement executives' access to necessary data to inform hiring decisions and would allow the public to know the employment histories of the officers who work in their communities.

These recent police killings of residents across the country are part of a longer history of fatal police killings against Black people in America and require Congressional action immediately. Sadly, there is no reliable national accounting of victims of police use of force, a reality that former Federal Bureau of Investigation (FBI) Director James Comey acknowledged in 2015. Congress must ensure compliance with the Death in Custody Reporting Act,¹¹ which it enacted six years ago, as well as ensure more robust data collection on police-community encounters, including use of force, as it prohibits racial profiling.

We call on Congress to adopt the following legislative measures to ensure that police officers live up to their oath to protect and serve:

⁷ Thompson, L. (May 29, 2020). The Police Killing You Probably Didn't Hear About This Week, *Mother Jones*, <https://www.motherjones.com/crime-justice/2020/05/tony-mcdade-tallahassee-florida-police-shooting-death/>

⁸ Adone, D., Silberman, H., Alonso, M. (May 29, 2020). The Minneapolis police officer who knelt on George Floyd's neck had 18 previous complaints against him, police department says, *CNN*, <https://www.cnn.com/2020/05/28/us/minneapolis-officer-complaints-george-floyd/index.html>

⁹ (Dec. 4, 2014). Officer Who Killed Tamir Rice Found Unfit in Previous Job, *NBC*, <https://www.nbcnews.com/news/us-news/officer-who-killed-tamir-rice-found-unfit-previous-police-job-n261111>

¹⁰ Burke, M. (Oct. 11, 2018). Officer who fatally shot Tamir Rice Quits Ohio Police Department Days After He was Hired, *NBC*, <https://www.nbcnews.com/news/us-news/officer-who-fatally-shot-tamir-rice-quits-ohio-police-department-n919046>

¹¹ Public Law 113 - 242 - *Death in Custody Reporting Act* of 2013

1. Require a federal standard that use of force be reserved for only when *necessary* as a last resort after exhausting reasonable options, and incentivize states through federal funding mechanisms to implement this standard; require the use of de-escalation techniques, and the duty to intervene; ban the use of force as a punitive measure or means of retaliation against individuals who only verbally confront officers, or against individuals who pose a danger only to themselves; and require all officers to accurately report all uses of force;
2. Prohibit all maneuvers that restrict the flow of blood or oxygen to the brain, including neck holds, chokeholds, and similar excessive force, deeming the use of such force a federal civil rights violation;
3. Prohibit racial profiling, and require robust data collection on police-community encounters and law enforcement activities. Data should capture all demographic categories and be disaggregated;
4. Eliminate federal programs that provide military equipment to law enforcement;
5. Prohibit the use of no-knock warrants, especially for drug searches;
6. Change the 18 U.S.C. Sec. 242 mens rea requirement from willfulness to recklessness, permitting prosecutors to successfully hold law enforcement accountable for the deprivation of civil rights and civil liberties;
7. Develop a national public database that would cover all police agencies in the United States and its territories, similar to the International Association of Directors of Law Enforcement Standards and Training's National Decertification Index,¹² which would compile the names of officers who have had their licenses revoked due to misconduct, including but not limited to domestic violence, sexual violence, assault and harassment, criminal offense against minors, excessive use of force, violation of 18 U.S.C. § 242; perjury, falsifying a police report or planting and destroying evidence, and deadly physical assault; as well as terminations and complaints against the officers; and
8. End the qualified immunity doctrine which prevents police from being held legally accountable when they break the law. Qualified immunity, a defense that shields officials from being sued, has been interpreted by courts so broadly that it allows officers to engage in unconstitutional acts with impunity.

Now is the time for Congress to pass meaningful police reform legislation. While we appreciate hearings and resolutions, we need comprehensive measures enacted. We need Congress to advance meaningful legislation to protect Black communities from the systemic perils of over policing, police brutality, misconduct, and harassment, and end the impunity with which officers operate in taking the lives of Black people. It is your moral and ethical duty to ensure Black people and communities are free from the harm and threats from law enforcement and to curtail state sanctioned police violence and militarized police responses. We welcome the opportunity for Members of Congress and the principals of our organizations

¹² See e.g., The President's 21st Century Task Force report at 2.15, at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

to meet and confirm next steps to advance federal legislation that will save the lives of countless Black people.

Thank you for your consideration. To follow-up on this request or raise any questions, please contact Sakira Cook of The Leadership Conference at cook@civilrights.org; Kanya Bennett of the ACLU at kbennett@aclu.org; Monique Dixon of NAACP LDF at mdixon@naacpldf.org; Kristina Roth of Amnesty International USA at kroth@aiusa.org; or Ebonie Riley of National Action Network at eriley@nationalactionnetwork.net; or Christopher Scott of The Open Society Policy Center at Christopher.Scott@opensocietyfoundations.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
9to5

A Better Balance

ACCESS

ADL

African American Health Alliance

African American Policy Forum

Agudas Achim Congregation

Alabama Institute for Social Justice

Alianza Nacional de Campesinas

All Our Kin

All Voting is Local, Georgia

Alliance of Baptists

Alliance of Nurses for Healthy Environments

American Association of People with Disabilities

American Association of University Women (AAUW)

American Atheists

American Civil Liberties Union

American Federation of Teachers

American Humanist Association

American Library Association

American Music Therapy Association

American Muslim Empowerment Network (AMEN)

American Muslim Health Professionals

American Muslims for Palestine

American-Arab Anti-Discrimination Committee (ADC)

Americans for Democratic Action (ADA)

America's Voice

Amistad Law Project

Amnesty International USA

Andrew Goodman Foundation

Arab American Institute (AAI)
AREAA
Asian American Advocacy Fund
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Policy and Planning Council
Asian Real Estate Association of America
Association of Asian Pacific Community Health Organizations (AAPCHO)
Association of People Supporting Employment First (APSE)
Association of University Centers on Disabilities (AUCD)
Augustus F. Hawkins Foundation
Autistic Self Advocacy Network
Autistic Women and Nonbinary Network
Bazelon Center for Mental Health Law
Beauty after the Bars
Bend the Arc Jewish Action
Black and Pink
Black Law Enforcement of America
BLACK LIVES MATTER
Brain Injury Association of America
Bread for the World
BUILD Initiative
California Partnership to End Domestic Violence
Cameroon American Council
Campaign for the Fair Sentencing of Youth
Caring Across Generations
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
CAV
Center for American Progress
Center for Biological Diversity
Center for Community Self-Help
Center for Constitutional Rights
Center for Disability Rights
Center for Economic and Policy Research
Center for Law & Social Policy (CLASP)
Center for Policing Equity
Center for Public Representation
Center for Reproductive Rights
Center for Responsible Lending
Center on Conscience & War
Center on Race, Inequality, and the Law at NYU School of Law
Central Iowa Center for Independent Living

Child and Family Policy Center
Child Care Council, Inc
Child Care Law Center
Child Care Resources, Inc.
Child Care Services Association
Children's Defense Fund - NY
Children's Forum
Children's HealthWatch
Children's Defense Fund
Chinese American Progressive Action
Church of Scientology National Affairs Office
Church World Service
Citizen
Citizen Action of New York
Clearinghouse on Women's Issues
Coalition for Juvenile Justice
Coalition of Asian Americans
Coalition of Labor Union Women
Coalition on Human Needs
Color Of Change
Colorado Coalition Against Sexual Assault
Common Cause
Community Alliance on Prisons
Community Change Action
Community Organizing and Family Issues (COFI)
Concerned Citizen
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Connecticut Association for Human Services
Constitutional Accountability Center
CONTACT Rape Crisis Center
Council of Korean Americans
Council on American-Islamic Relations (CAIR)
CURR (Citizens United for Rehabilitation of Errants)
DC Coalition Against Domestic Violence
DCADV
Defending Rights & Dissent
Demand Justice
Demand Progress
Disability Rights Education & Defense Fund (DREDF)
Disciples Center for Public Witness
Drug Policy Alliance (DPA)
Early Care & Learning Council
Eastern Panhandle Empowerment Center

Easterseals
Economic Policy Institute
Educare Learning Network
Educator
Empowering Pacific Islander Communities (EPIC)
End Citizens United // Let America Vote Action Fund
End Domestic Abuse Wisconsin
Endangered Species Coalition
Equal Justice Society
Equal Rights Advocates
Equality North Carolina
Evangelical Lutheran Church in America
Exp Realty, LLC - One eXp Co-Chair for Diversity and Inclusion
Faith in Public Life
Families USA
Family Crisis Center, Inc.
Family Equality
Family Values @ Work
Feminist Majority Foundation
First Presbyterian Day School
Florida Council Against Sexual Violence
Franciscan Action Network
Franklin & Marshall College
Futures Without Violence
GDOi
Global Development Organizations Insights
GLSEN
Government Information Watch
GreenLatinos
Greenpeace USA
Harm Reduction Coalition
Health Care for America Now (HCAN)
Health Care Voter
Hindu American Foundation
Hip Hop Caucus
Hispanic Federation
Hispanics Enjoying Camping, Hunting, and the Outdoors (HECHO)
Housing Choice Partners
Human Rights Campaign
Human Rights for Kids
Idaho Coalition Against Sexual & Domestic Violence
Illinois Coalition Against Domestic Violence
Immigration Hub

In Our Own Voice: National Black Women's Reproductive Justice Agenda
IndivisAbility
Innocence Project
Institute for Childhood Preparedness
International Association of Official Human Rights Agencies (IAOHRA)
Iowa Coalition Against Domestic Violence
Iowa Coalition Against Sexual Assault
Islamic Relief USA
Japanese American Citizens League
Jewish Council for Public Affairs
Jewish Women International
Joint Center for Political and Economic Studies
Just Detention International
Justice for Women COVID-19 Task Force
Justice in Aging
Justice Roundtable
Justice Strategies
Juvenile Law Center
Kairos Center for Religions, Rights and Social Justice
Kansas Coalition Against Sexual and Domestic Violence
Kentucky Association of Sexual Assault Programs, Inc.
Labor Council for Latin American Advancement
Lambda Legal
LatinoJustice PRLDEF
Law Enforcement Action Partnership
Lawyers' Committee for Civil Rights Under Law
LeafSpring Schools of Charlotte
League of Conservation Voters
League of United Latin American Citizens (LULAC)
League of Women Voters of the United States
Louisiana Coalition Against Domestic Violence
Main Street Alliance
Maine Children's Alliance
MALDEF (Mexican American Legal Defense and Educational Fund)
Marion County Commission On Youth, Inc.
Maryland Coalition Against Sexual Assault
Matthew Shepard Foundation
McCormick Center for Early Childhood Leadership
Michelle Dyson
Michigan Coalition to End Domestic & Sexual Violence
Minneapolis Youth Coordinating Board
Mississippi Coalition Against Domestic Violence
Missouri Coalition Against Domestic and Sexual Violence

MomsRising
Montana Coalition Against Domestic and Sexual Violence
Montgomery County Civil Rights Coalition
Muslim Advocates
Muslim Caucus Education Collective
Muslim Public Affairs Council (MPAC)
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance for Partnerships in Equity (NAPE)
National Alliance to End Sexual Violence
National Association for Family Child Care
National Association of Realtors
National Association of Social Workers
National Bar Association
National Black Justice Coalition
National CAPACD - National Coalition for Asian Pacific American Community Development
National Center for Children in Poverty
National Center for Law and Economic Justice
National Center for Learning Disabilities
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Coalition for the Homeless
National Community Action Partnership
National Congress of American Indians
National Council of Churches
National Council on Independent Living
National Council of Jewish Women
National Crittenton
National Disability Rights Network
National Domestic Workers Alliance
National Down Syndrome Congress
National Education Association
National Employment Law Project
National Equality Action Team (NEAT)
National Fair Housing Alliance
National Health Care for the Homeless Council
National Health Law Program
National Hispanic Media Coalition
National Immigrant Justice Center
National Immigration Law Center

National Immigration Project of the National Lawyers Guild (NIPNLG)
National Indigenous Women's Resource Center
National Law Center on Homelessness & Poverty
National Legal Aid & Defender Association
National LGBTQ Task Force Action Fund
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Parks Conservation Association
National Religious Campaign Against Torture
National Resource Center on Domestic Violence
NATIONAL URBAN LEAGUE
National WIC Association
National Women's Law Center
National Workrights Institute
Nay's Little Rascals Pre-School
NC Child
NC Early Education Coalition
NC Institute for Child Development Professionals
Nebraska Coalition to End Sexual and Domestic Violence
NETWORK Lobby for Catholic Social Justice
Nevada Coalition to End Domestic and Sexual Violence
New Hour Women and Children
New Jersey Coalition to End Domestic Violence
New Mexico Coalition Against Domestic Violence
New Mexico Coalition of Sexual Assault Programs
New York State Coalition Against Sexual Assault
NIAC Action
NJCEDV/DAP (Deaf Advocacy Project)
North Carolina Coalition Against Domestic Violence
North Carolina Early Education Coalition
OCA-Asian Pacific American Advocates
Ohio Alliance to End Sexual Violence
Ohio Domestic Violence Network
One Pennsylvania
Open Society Policy Center
Oregon Coalition Against Domestic & Sexual Violence
Our Revolution
PA Coalition Against Domestic Violence
Pacific Islander Community Association
Parent Voices CA
Parent-Child Center
Parents Organized to Win, Educate and Renew - Policy Action Council, Illinois (POWER-PAC IL)

Pax Christi USA
Peace Action
Pennsylvania Coalition Against Rape (PCAR)
Pennsylvania Head Start Association
Pennsylvania Immigration and Citizenship Coalition
People For the American Way
PFLAG National
Physician for Human Rights
Platform
Policing Project at New York University School of Law
Policy Research & Innovation
Polygon Education Fund
Population Connection Action Fund
Poverty & Race Research Action Council
Prison Policy Initiative
Private US citizen
Progressive Multiplier Action Fund
Progressive Power Lab
Public Advocacy for Kids (PAK)
Public Citizen
Release Aging People in Prison/RAPP
Religious Action Center of Reform Judaism
RespectAbility
Restaurant Opportunities Centers (ROC) United
RESULTS DC
ReThink Media
Rhode Island Coalition Against Domestic Violence
Safer Foundation
SD Network Against Family Violence and Sexual Assault
Service Employees International Union (SEIU)
Sikh American Legal Defense and Education Fund (SALDEF)
Sierra Club
Sisters of Mercy of the Americas, Justice Team
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
SPLC Action Fund
Spouse Abuse Sexual Assault Crisis Center, Inc.
States United to Prevent Gun Violence
Stop Abusive Family Environments, Inc. (SAFE)
Strategies for Youth
Survivors Rising
T'ruah: The Rabbinic Call for Human Rights
TAASA

Tahirih Justice Center
Take on Wall Street
Tax March
Texas Council on family violence
Texas Inmate Families Association
Texas Progressive Action Network
The Arc of the United States
The Black Sex Worker Collective
The Climate Reality Project
The Committee for Hispanic Children and Families
The Daniel Initiative
The Gathering for Justice
The Heartsing Table
The Justice Collaborative
The Maine Coalition to End Domestic Violence
The National Council of Asian Pacific Americans (NCAPA)
The Ohio Head Start Association
The Ounce of Prevention Fund
The Sentencing Project
The Sikh Coalition
The United Methodist Church - General Board of Church and Society
Think Small
TN State Conference NAACP
TRANScending Barriers Atlanta
Tyler Temple United Methodist Church
UFW Foundation
Ujima Inc: The National Center on Violence Against Women in the Black Community
UltraViolet
UnidosUS
United Church of Christ Justice and Witness Ministries
United Farm Workers (UFW)
UNITED SIKHS
UPPER OHIO VALLEY SEXUAL ASSAULT HELP CENTER INC
USCCB Subcommittee on African American Affairs
Vermont Network Against Domestic and Sexual Violence
Violence Free Colorado
Violence Free Minnesota
Virginia Sexual & Domestic Violence Action Alliance
Voices for Progress
Voices Of Hope
Voto Latino
Washington Lawyers' Committee for Civil Rights and Urban Affairs
WE GOT US NOW

West Virginia Coalition Against Domestic Violence
West Virginia Foundation for Rape Information and Services
Whitman-Walker Health and Whitman-Walker Institute
Win Without War
Wisconsin Coalition Against Sexual Assault
Wisconsin Early Childhood Association
Women's Rights and Empowerment Network
Women's Community Justice Association
Worth Rises
Wyoming Coalition Against Domestic Violence and Sexual Assault
YWCA New Britain
YWCA USA