



Center for Disability Rights, Inc.

INTEGRATION, INDEPENDENCE, CIVIL RIGHTS

June 24, 2020

Speaker Nancy Pelosi
House of Representatives
The Capitol H-232
Washington D.C. 20515

Minority Leader Kevin McCarthy
House of Representatives
The Capitol H-204
Washington D.C. 20515

Re: Opposition for The Justice In Policing Reform Act of 2020 (H.R. 7120)

Dear Speaker Pelosi and Minority Leader McCarthy,

The Center for Disability Rights (CDR) opposes The Justice in Policing Reform Act of 2020 (H.R. 7120) for several deficiencies in the bill. The horrific police killings of Breonna Taylor, Tony McDade, George Floyd, and many others have pushed this country into a necessary discussion on racism and its role in policing. There are thousands of people around this country out in the streets daily, putting their lives on the line in the midst of a global pandemic (COVID19), being tear gassed and brutalized, while making their voices heard; to demand that there be a complete overhaul of the racist and white supremacist law enforcement system of this land. [#BlackLivesMatter](#) [#BlackDisabledLivesMatter](#) This bill does not address those demands. For weeks there have been concerns that (JPA) falls short of comprehensive reform and does not address the policing crisis or provide significant law enforcement accountability.

CDR is a disability led, not-for-profit Corporation. We provide services to people with disabilities and seniors within the framework of an Independent Living Model which promotes independence of people with all types of disabilities, enabling choice in living setting, full access to the community, and control of their life.

The (JPA) is framed as a move forward for police reform but it is anemic and erroneous in its attempt to address the systemic racism embedded in policing culture. There has been a national call for redefining how public safety is implemented in this country. The criminal legal system is based on anti-Blackness and structural racism that encompasses the state killing of Black people. The protests from the streets have called on Congress to create new processes that will remove police responses to crises. The demand is for this

racist police state to be dismantled and replaced with additional funding and services that are done through health providers, social workers and others more equipped to address the needs of the community. We live in a country that is steeped in being punitive and based in slavery and over 400 years of racism. In fact policing as a profession was founded in the slave patrols created by slave masters who used these brutal patrols to retrieve, beat, punish and often kill their property – Black bodies.

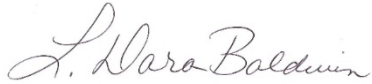
We Oppose the JPA because of the following deficiencies in the bill:

1. Elimination of the judge-made doctrine of qualified immunity, which allows officers and other government actors to evade accountability when they violate individuals' rights;
2. The inclusion of a "reckless" standard in 18 U.S.C. Section 242 that enables federal prosecutors to hold law enforcement accountable for criminal civil rights violations, mandates a duty to intervene, establishes deliberate indifference standard with penalties, and establishes a jury questionnaire;
3. The inclusion of a Bivens remedy to hold federal officials accountable for police brutality and other constitutional rights violations.
4. The establishment of a police misconduct registry, that is inclusive of all types of misconduct by police officers, and not limited to only use of force;
5. Full elimination of the 1033 program to demilitarize law enforcement agencies;
6. The creation of a use of force standard that allows force when necessary and as a last resort;
7. A mandated ban on chokeholds, that is not incentivized nor optional;
8. A ban on racial profiling; and

In this time of the COVID19 pandemic the fiscal management of reformed policing systems that incorporate these priorities, can and should include using existing funds. Thousands of protesters out on the street and even those in their homes using social media and other forms of communication have called on Congress to use their political will and direct these funds to make caring investments into the community. The JPA falls dreadfully short of that request and therefore we oppose this bill. We ask Congress to continue to work towards constructing legislation that addresses the demands of the people and the calls of the street to create true systemic change in law enforcement in this country. Now is the time to be bold and produce effectual changes that can end police killings of Black people.

If you have any questions please contact Dara Baldwin, Director of National Policy, Center for Disability Rights at dara.baldwin@ncdr.us Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "L. Dara Baldwin".

L. Dara Baldwin, MPA
Director of National Policy
Center for Disability Rights

Cc:

Chairman, House Judiciary Committee Jerry Nadler (D-NY)
Ranking Member, House Judiciary Committee Jim Jordan (R-OH)
Rep. Karen Bass (D-CA) - Co-sponsor The Justice in Policing Act (H.R. 7120)
All House Members