



Center for Disability Rights, Inc.
INTEGRATION, INDEPENDENCE, CIVIL RIGHTS

March 2, 2022

Representative Nancy Pelosi
Speaker of the House
The Capitol H-232
Washington, DC 20515

Representative Kevin McCarthy
House Minority Leader
The Capitol H- 204
Washington, DC 20515

Senator Charles Schumer
Senate Majority Leader
Hart Senate Office Building - 322
Washington, DC 20510

Senator Mitch McConnell
Senate Minority Leader
Russell Senate Office Building - 317
Washington, DC 20510

Re: Center for Disability Rights and The Daniel Initiative and 43 allies encourage Congress to move on Police Reform – through multiple stand-alone legislation

Dear Speaker Pelosi, Minority Leader Rep. McCarthy, Majority Leader Sen. Schumer, Minority Leader Sen. McConnell,

The Center for Disability Rights, The Daniel Initiative, and **the 43** undersigned civil and human rights groups write at this critical time in our country when Black and Brown people continue to be harmed and/or killed by law enforcement, to urge and demand that Congress does not end legislative movement on all police reform legislation.

According to [the Mapping Violence project](#) 1,134 people were killed by police in 2021; 28% of these people were Black and there were only **15 days** in 2021 where police did **NOT** kill anyone. In the summer of 2020 thousands of people went to the streets in direct actions and protests, during a global pandemic to tell the world, local, state and national policymakers as well as the US government that law enforcement must be held accountable for their actions and to stop killing people and in particular Black people. The people told their leaders what they wanted and it was significant enough that “police reform” was a major platform issue during the historic 2020 election season.

Thousands of families in this country have buried their loved ones after horrific confrontations with law enforcement. Many more continue to care for their loved ones

who have by grace survived an encounter with law enforcement. Our school aged children and youth continue to encounter law enforcement intimidation, harm and even killings, in a place that is supposed to provide care and knowledge.

The definition of public safety in this country continues to be based on patriarchy, white supremacy and racist frameworks that place law enforcement as the first, only and necessary response for protection in the community. Safety for Black Indigenous People of Color (BIPOC) is not defined or recognized through this definition of enforcement. Enforcement that places law enforcement as the only means of safety, equals death and harm for BIPOC of all ages. The harm and death are Intersectional and include multi-marginalized people within the BIPOC community and in particular those who are people with disabilities, LGBTQ, Transgender, Two Spirit, immigrants, refugees and formerly incarcerated.

The overt disregard for the lives of BIPOC continues to be the norm and is being ignored by Congress with the end of working to pass any legislation that addresses the accountability of law enforcement. On September 22, 2021 there was an announcement in the news – this article and segment was viewed on CNN News: [“Bipartisan policing talks officially end”](#) by Jessica Dean and Manu Raju with Sen. Tim Scott (R-SC) interviewed and telling the world that “...bipartisan police talks are over.” To the surprise and anger of the millions of people who went out in the midst of a global pandemic and voted for change in November 2020. The power of the people will not allow these talks to just come to an abrupt and discontented end.

This moment calls for bold legislative action that dismantles the systemic and institutionalized racism deeply embedded in law enforcement. In light of the January 6, 2021 Insurrection on the Capitol by domestic terrorists, revealing the prevalence of white supremacists within the ranks of law enforcement must be included in any accountability measures. Our message is clear, policing in this country must be fundamentally overhauled in a significant way and move beyond stale outdated policies that have been tried and failed and ignore the realities and the challenges we face today.

We have concerns with [the Justice in Policing Act of 2021 \(JPA\) H.R. 1280](#) and remain steadfast in our belief that this bill, framed as a bold step toward policing reform, is actually a flawed and misguided attempt to keep a broken system afloat. Our apprehensions about this bill were [written in multiple letters sent to congress.](#)

House leadership decided to proceed with a floor vote on the JPA without engaging a number of expert advocacy organizations. There was no consultation with on-the-ground activists and other stakeholders about our legitimate concerns. This resulted in the undermining and exclusion of expert activists, frontline community organizers and

Black movement leaders demanding justice and accountability for the killing of Black people by law enforcement. Unfortunately, these efforts were largely ignored and in most cases outright dismissed.

We are demanding that Congress no longer ignore these requests and continue the process of creating accountability for law enforcement. Congress must listen to the people who continue to push for legislative and cultural change around public safety in this country. This letter is our statement that ***we do not accept the September 2021 assertion that “bipartisan police talks are over” for the 117th Congress.*** There remains a 2nd session of this congress and we are pushing for the movement and passage of police reform bills that can create some change in public safety.

We are aware of and support a few of these “stand-alone” bills that address police reform, currently not moving in Congress. We request the opportunity to discuss these bills with Committees and Congressional leadership to figure out a way to get these bills moved into laws signed by President Biden before the end of this year.

Some of these bills are:

[Counseling Not Criminalization Act of 2021 \(H.R. 4011\)](#) – Rep. Ayana Pressley (D-MA) referred to Education and Labor Committee

[S.2125](#) Sen. Chris Murphy (D-CT) referred to Health, Education, Labor and Pension

[Demilitarizing Local Law Enforcement Act of 2021 \(HR 3227\)](#) – Rep. Nydia Velazquez (D-NY) – referred to the House Armed Services Committee

[The Andrew Kears Accountability for Denial of Medical Care Act of 2021 \(HR. 3117\)](#) – Rep. Ayanna Pressley (D-MA) – referred to Subcommittee on Crime, Terrorism and Homeland Security

Senate version: [S.1573](#) Sen. Elizabeth Warren (D-MA) – referred to Judiciary Committee

[Ending Qualified Immunity Act of 2021 \(H.R. 1470\)](#) – Rep. Ayanna Pressley (D-MA) referred to Subcommittee on Constitution, Civil Rights and Civil Liberties

Senate version. [S. 492](#) – Sen. Edward Markey (D-MA) referred to Judiciary Committee

[Bivens Act of 2021 \(H.R. 6185\)](#) - Rep. Hank Johnson (D-GA) referred to House Judiciary Committee

Senate version [S. 3343](#) - Sen. Sheldon Whitehouse (D-RI) - referred to Senate Judiciary Committee

[Civil Rights Enhancement and Law Enforcement Accountability Enhancement Act of 2021 \(HR 1489\)](#) – Rep. Steve Cohen (D-TN) referred to Subcommittee on Crime, Terrorism and Homeland Security

[End Police Use of Chokeholds Act of 2021 \(S. 353\)](#) – Sen. Amy Klobuchar (D-MN) referred to Judiciary Committee

The epidemic of state- sanctioned killings of Black people must cease. Excessive force and killings of Black people by law enforcement are as old as policing in the U.S. itself. In the South, the profession of policing has early roots in the slave patrols created by slave masters who used these brutal patrols to retrieve, beat, punish and often kill their property – Black bodies. Congress should follow regular order to produce strong accountability measures that include effective alternatives to addressing current public safety failings.

Lawmakers must prioritize programs and services that allow for the health, safety, and wellbeing of all communities. Passage of some legislation to address law enforcement accountability must happen in the 117th Congress. These demands require Congress to prioritize funding for social workers, health providers, peer support, community-based programs and other programs and services better equipped to address the needs of the community. There must be a reduction of law enforcement budgets and an overhaul of how these funds are used.

In order to stop more people from experiencing this pain, Congress must create serious and real laws that will provide transparency and police accountability.

We demand that law enforcement reform include the following: (as per the bills listed above)

1. Full elimination of the judge-made judicial doctrine of qualified immunity, which must be extended to all governmental actors--not just law enforcement--to ensure accountability;
2. Elimination of law enforcement in schools (police-free schools); (there is no language of this in the House version yet many of our children and youth continue to be harmed and killed in what is supposed to be one of the safest places for them outside of their homes - school);
3. The creation of a national use of force standard that limits the use of all force only when necessary and proportional permitting lethal force only as a last resort, after exhausting all reasonable alternatives when faced with an imminent threat of death or serious bodily injury.

4. Strengthen the provisions regarding a police misconduct registry, which in this bill is limited to use of force and racial profiling. A strong accountability measure must include all types of misconduct by police officers like bribery, perjury, assault, sexual assault, theft and other infractions. It should require reporting for federal officers; include a provision to require DOJ to issue regulations; and not remove restrictions on public disclosure;
5. Full elimination of the 1033 program and other programs that facilitate the transfer of military weapons to law enforcement; (*Section 365: Stop Militarizing Law Enforcement Act – this provision modifies the existing program instead of eliminating it*);
6. A federal mandate banning chokeholds. This bill incentivizes funding for states that do not enact a statutory ban on maneuvers that restrict blood or oxygen flow to the brain, including chokeholds, strangleholds, neck restraints, neckholds, and carotid artery restraints;

The demands above are necessary because doing absolutely nothing on law enforcement reform in the 117th Congress will not mitigate nor stop another Elijah McClain, Tony McDade, Tanisha Anderson, Layleen Polanco, India Kager, Kayla Moore or the thousands of others killed by racist out of control law enforcement.

By doing nothing, Congress continues to undermine the demands and needs of Black communities on the ground. This neglect reinforces the issues of systemic racism and anti-blackness; that are rooted in the constructs of white supremacy found in our government and also permeate throughout the culture of policing. It is problematic that Congress has neglected to meet this moment with the care and courage needed to stop the constant murders of Black people at the hands of law enforcement.

Congress has continued to say that it supports bold changes to policing and has ended conversations and legislative movement to create accountability for law enforcement. Yet Congress is actively passing legislation through the budget and appropriations process that **gives more funding to police**.

This will only uphold the systemic racism and structural issues, which are the driving forces behind these murders. There will be no policies that effectively address state-sanctioned violence. The continued outpouring of anger against generations of oppressive and violent treatment by law enforcement should be a clear signal for Congress to take up its responsibility to work for and serve all people.

We demand Congress stop compromising with the lives of Black people, and dutifully uphold their constitutional oath and authority to protect Black Lives.

The work on the number of legislative bills that address law enforcement reform, currently introduced in the 117th Congress, should include all. We look forward to joining in that work with you and other members of Congress. Please contact Dara Baldwin, Director of National Policy, Center for Disability Rights at dara.baldwin@ncdr.us or Breon Wells, President and CEO, The Daniel Initiative at breon.wells@thedanielinitiative.com to discuss this letter further and to work on these imperative legislations.

Sincerely,

Center for Disability Rights

The Daniel Initiative

Open Society Policy Center

A Little Piece of Light

Americans for Democratic Action (ADA)

Association of Pedestrian and Bicycle Professionals (APBP)

Autistic People of Color Fund

Autistic Self Advocacy Network

Blacks in Law Enforcement of America

Buried Alive Project

Campus Pride

Center for LGBTQ Economic Advancement & Research (CLEAR)

Church WORLD SERVICE

Colorado Justice Advocacy Network

CPADO

Creative Thought Media

Defending Rights & Dissent

Disability Rights Education & Defense Fund

Drug Policy Alliance

Fellowship of Reconciliation

FORGE, Inc.

Hispanic Federation

Incarcerated Nation Network INC

Indiana Coalition Against Domestic Violence, Inc.

Indiana Disability Justice

Justice Strategies

Love Huntsville

NAMI Huntington

National Council of Churches
National Parents Union
National Resource Center on Domestic Violence
NETWORK Lobby for Catholic Social Justice
New Hour Li
Parents Organized for Public Education
Partnership for Southern Equity
R.A.C.E.
Rebuilding Independence My Style
State Wide Education Organized Committee
The Black Police Experience
The Frontline
Vera Institute of Justice
WCJA
Wpa

Cc:

Sen. Dick Durbin
Sen. Chuck Grassley
Majority Leader Charles Schumer
Minority Leader Mitch McConnell
Rep. Karen Bass
Rep. Jerald Nadler
Rep. Jim Jordan
All of House of Representative members
All of Senate members
White House Domestic Policy Council