

## **Testimony – James Blake**

Thank you all for this opportunity to speak here. My name is James Blake. For those that don't know me, I will give you the abbreviated version of why I am here speaking on this issue. In 2015, I was standing and waiting for a car on 42nd street in Manhattan outside of the Grand Hyatt Hotel. As I was waiting, I was slammed to the concrete and handcuffed for nearly 15 minutes by an officer who only much later revealed that he was NYPD. It was an extremely vulnerable and infuriating situation when I knew I had done nothing wrong and this was entirely an abuse of power and intimidation.

Luckily for me, I made it out alive. What happened to me was unfortunate, but it could have been tragic with only minor changes. I was aware of that as a possibility as the news prior to this had been peppered with cases from Alton Sterling, Terrence Crutcher, Laquan McDonald, Tamir Rice and the list could go on. Those are tragedies that didn't need to happen. When I realized how common these occurrences were and still are, it forced me into action. I had to speak up to give a voice to those that didn't have that option.

It was amazing to me as I was in New York after this incident occurred how many people came up to me with similar stories, worse stories, or repeated instances. They didn't have the benefit of being able to raise awareness or talk about the case on Good Morning America the next day,

or meet with the Mayor and police chief personally. I got those benefits because of my previous career as an athlete and I'm fully aware that the video showing the attack clear as day made all the difference.

Before anyone was aware of the video, the police department was already in damage control and had stated that they were "investigating" whether force was used and that I was only in cuffs for less than a minute. Had there been no video, it would be my word against the police. I think we all know how that goes, no matter how credible the victim is. But because there was a video and it entirely backed up my account of the incident, there was a public apology and a meeting. That gave me more responsibility to find a way to hold the city accountable. Not all are able to have the benefit of video evidence when these abuses happen. Even with video evidence, too often families of the deceased are undermined and not believed. As we've tragically seen with clear cut cases including the killings of Eric Garner and Delrawn Small, where police have raised questions and alternate theories in spite of what our own eyes see on tape.

Accountability is an issue that strikes a nerve with me from this case. The state that this country is in right now is a crisis with regard to the lack of police accountability. I am confident there will be plenty of statistics and data to support the lack of accountability many police officers face, but I feel compelled to give my personal experience. I was attacked in broad daylight

without even raising a hand or making any move to run. This was done by an officer who already had numerous complaints and even settlements for excessive force. This information was somehow leaked to the press, when in my opinion, there should be a national database that is public information for all officer abuse and brutality cases. So this led me to believe that the solution should be his termination from the NYPD. Instead, the hearings for discipline were dragged out over nearly 2 years and he lost 5 vacation days. 5. 1 week of work. All the while, he was still collecting his paychecks from the city of New York.

This gets at one of the serious problems I have seen. All of the consequences are based on past precedent. Past precedent has been set from the times when the police were policing themselves. So the punishments were far too lenient. When I asked the Civilian Complaint Review Board to suggest firing, they clearly let me know that they could not and would not do that. My status, they feared, would hinder any hope of getting that as it would look like preferential treatment for a celebrity. I didn't want preferential treatment, I wanted justice and what was best for the city. I couldn't think of a more appropriate case to set a new precedent with. If this is what is supposed to be a deterrent, I cannot imagine this would slow anyone with the attitude of abusing power and authority to slow them down. Worse still, it may embolden someone to do much worse and feel like they can again, get away with this behavior. To me, this

leaves blood on the hands of those in power that can do something to stop these abuses before they escalate.

I am just one example of the harm suffered by countless people at the hands of police in this country. There are numerous stories that remain untold. Until we know these stories, it will be difficult to obtain police reform. The congress must require that states collect data on all police-community encounters. It must ensure that the Death in Custody Reporting law, which requires an accounting of deaths in police custody, is enforced by the Department of Justice. The congress must also advance legislation like the End Racial Profiling Act, sponsored by Congresswoman Sheila Jackson Lee (D TX-18), and the PRIDE Act (Police Reporting Information, Data, and Evidence Act), sponsored by Congressman Joaquin Castro (D TX-20). These bills require reporting on law enforcement stops, searches, use of force, and other interactions.

I think about my encounter with the NYPD, and I think how lucky I was that I had no fight or flight response. I think about those who weren't so lucky. Eric Garner was put in a chokehold by an officer. That chokehold had been banned decades earlier, but was still used and led to his death. The congress must take up the Excessive Use of Force Prevention Act, sponsored by

Hakeem Jeffries (D NY-8), which designates the chokehold as excessive and prohibited use of force for law enforcement.

Finally, Congress must advance policy that requires law enforcement to use force only as a last resort. We need to respect the sanctity of human life, with law enforcement working to deescalate situations rather than heighten them. Personally, they informed me that the person they were looking for when they tackled me was accused of credit card fraud. Not armed robbery or murder, but ordering expensive bags and clothes online with fraudulent cards. I don't think that is a requirement for tackle first, ask questions later. Congress must advance the PEACE Act. (Police Exercising Absolute Care with Everyone Act), sponsored by Ro Khanna (D CA-17), which would change the federal standard for the use of force by federal officers to require that force be used only when necessary to prevent imminent death or serious bodily injury.

These acts can't change what happened to me. They can't bring back Walter Scott or Ramarley Graham, but they can hopefully make a difference in thwarting those types of situations before they happen, and adding a level of accountability if they do happen. Thank you for allowing me to use my voice here to bring attention to some possible solutions to save future lives and improve community/police relations.

