

Written Testimony of the
National Council of the Churches of Christ in the USA

Submitted to the House Judiciary Committee
Oversight Hearing on Policing Practices and Law Enforcement Accountability

June 10, 2020

We would like to express our thanks to Chairman Nadler, Ranking Member Jordan, and the members of the committee for convening this important hearing examining the continuing plague of police violence and for the opportunity to submit written testimony expressing the position of the National Council of the Churches of Christ in the USA (NCC).

For 70 years the NCC has been the foremost expression of Christian unity in the United States. The NCC is a national organization of 38 member denominations from Protestant, Anglican, Orthodox, Evangelical, historically African American, and Living Peace Church traditions that represent 45 million Christians in over 100,000 congregations. We seek to model unity and work together to promote God's justice, peace, and healing for the world.

More recently, this unity has been expressed through our ACT NOW initiative to address issues of racism and white supremacy, both in personal and systemic terms. This includes addressing structural inequalities in both our churches and in societal institutions including in education, healthcare, the economy, and the criminal legal system. The current COVID-19 crisis has laid bare these structural inequalities and the intersectionality with systemic and systematic racism. The recent murders of George Floyd, Breonna Taylor, Ahmaud Arbery and others have also laid bare the pervasive abuse of power by police and their surrogates. The clashing of these two viruses has shined a spotlight on the impact of America's first and greatest sin, white supremacy.

The United States is in crisis. Racism has again driven people to the streets to demand an end to the destructive and deadly consequences of racial hatred, white supremacy and unconscious bias. As we consider events of the last few months, we know that our nation is in desperate need of healing, hope and justice for the senseless deaths of unarmed Black people at the hands of law enforcement. As citizens march and call for an end of police brutality we hear and see law enforcement armed with guns, rifles, tear gas, batons, mace, and some in full military gear using excessive force against non-violent protesters.

In the wake of these recent murders and the countless others that have not made the news or were not recorded, NCC calls upon Congress to heed the voices of the people and enact transformative, substantive legislation that prioritizes public safety and not brute control of people's movement and livelihood. We desire a system that acknowledges that Black Lives Matter.

Some first steps to begin to reverse the tide of violence should include:

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 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 with robust data collection on police-community encounters and law enforcement activities. Data should capture all demographic categories and be disaggregated;
4. Eliminate the 1033 program entirely;
5. Prohibit the use of no-knock and quick-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 of police actions that is accessible to all and would cover all police agencies in the United States and its territories; and,
8. End the qualified immunity doctrine that prevents police from being held legally accountable when they break the law.

These measures are essential to begin the hard work of dismantling the effects of centuries of racism in this country. We emphasize that these are but first steps, and additional structural reform will be necessary to continue to address the mass incarceration crisis, economic discrimination, and disparities in the availability of quality healthcare among the many inequalities that are fueled by systemic racism. We commit ourselves to continue to demand justice and work for an end to racism. We invite you to make this commitment as well to structural, transformative change. The people demand action. We pray that God may grant you the courage to take the bold action required at this time.