

**The Honorable Ro Khanna & The Honorable William Lacy Clay**  
**Testimony before the House Judiciary Committee on Oversight Hearing on Policing Practices**  
**& Law Enforcement Accountability**  
**June 10, 2020**

Chairman Nadler, Ranking Member Jordan, and distinguished members of the House Judiciary Committee, we submit this written testimony in support of the Policing Exercising Absolute Care with Everyone (PEACE) Act of 2019 (HR 4359).

First, we want to thank Chairman Nadler, Chairwoman Bass, Senator Harris and Senator Booker for inclusion of the PEACE Act as section 364 in the George Floyd Justice in Policing Act of 2020, to raise the national standard for the use of deadly force by federal law enforcement.

We announced the introduction of the PEACE Act last year as our nation marked the fifth anniversary of the tragic death of Michael Brown and the beginning of the historic Ferguson uprising.

The murder of George Floyd is yet another tragic reminder that it is long past time to address one of the root causes of the longstanding crisis of excessive force by police: the lack of any legal duty for police officers to use force as a last resort. The PEACE Act would raise the federal standard for the use of force and incentivize states to adopt that standard through federal funding mechanisms, as recommended by more than 450 civil and human rights organizations in a letter to congressional leadership.

The current legal standard gives nearly unfettered discretion to police over use of force, as long as they claim a perceived threat. In practice, it means that if officers believe someone has a gun and that they are in imminent danger, police may shoot - as a police officer did when killing 12-year-old Tamir Rice in 2014 on a playground.

This police officer killed Tamir just two seconds after pulling up within 10 feet of Tamir, making it difficult to take cover or use verbal persuasion or other tactics suggested by the police department's use-of-force policy, had Tamir resisted compliance. Under the PEACE use of force standard, the police officers responding to this 9-1-1 call would have been incentivized to keep a greater distance when arriving at the playground and would have had more time to see for themselves that Tamir was a juvenile and only had a toy gun. The police officer who killed Tamir has since been cleared of all criminal charges.

The data shows that this standard yields positive results for citizens and police officers alike. After the Seattle Police Department was required by Pres. Obama's Justice Department to change their use of force standard to one of necessity in 2012, [the rate of injuries](#) to officers remained flat or went down, and a [comprehensive report](#) found that "decreased use of force has not placed officers at any higher risk or made officers less able or willing to use force to defend themselves from threats or harm." Meanwhile, there was a net decrease of 743 incidents -- a 60% drop -- in the use of moderate and high-level use of force.

Chairman Nadler, Ranking Member Jordan and distinguished members of the House Judiciary Committee, we thank you for including the PEACE Act in your seminal Oversight Hearing on Policing Practices and Law Enforcement Accountability, and we look forward to working with you to advance meaningful reforms on policing policy.