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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

COMMITTEE ON THE JUDICIARY
FULL COMMITTEE

OVERSIGHT HEARING ON POLICING PRACTICES AND LAW
ENFORCEMENT ACCOUNTABILITY

WEDNESDAY, JUNE 10, 2020



- Thank you Chairman Nadler and Ranking Member Jordan for convening this oversight hearing on policing practices and law enforcement accountability, which occurs at defining moment in the history of our country.
- Let me welcome our witnesses:

Majority Witnesses

Vanita Gupta

President and CEO

Leadership Conference on Civil & Human Rights

Chief Art Acevedo

President

Major Cities Chiefs Association

Sherrilyn Ifill

President and Director-Counsel
NAACP Legal Defense and Educational Fund, Inc.

Ron Davis

Chair, Legislative Committee
National Organization of Black Law Enforcement Executives

Marc Morial

President and Chief Executive Officer
National Urban League

Paul Butler

The Albert Brick Professor in Law
Georgetown Law School

Ben Crump

President and Founder
Ben Crump Trial Lawyer for Justice

Angela Underwood Jacobs
Oakland, CA

Philonise Floyd
Houston, TX

Minority Witnesses

Pastor Darrell Scott
Pastor
New Spirit Revival Center

Daniel Bongino
Host
The Dan Bongino Show

Phillip Goff
Co-Founder and President
Center for Policing Equity

- The horrifying killing of George Floyd by a Minneapolis police officer shocked and awakened the moral consciousness of the nation.
- Untold millions have seen the terrifying last moments of a black man taking his last breaths face down in the street with his neck under the knee of a police officer indifferent to his cries for help and pleading that he ‘can’t breathe.’
- In response, for the past week civil protests against police brutality have occurred nightly in cities large and small all across the nation.
- The times we are in demand that action and that is precisely what my colleagues in the Congressional Black Caucus, on this committee, and Congressional Democrats have done in introducing the *Justice in Policing Act of 2020*.
- I support this legislation as a senior member of the House Judiciary Committee who also served on the House Working Group on Police Strategies, but also a mother of a young African American male who knows the pain and anxiety that African American mothers feel until they can hug their sons and daughters who return home safely, and on behalf of all those relatives and friends who grieve over the loss a loved one whose life and future was wrongly and cruelly interrupted or ended by mistreatment at the hands of the police.
- The *Justice in Policing Act of 2020* is designed to destroy the pillars of systemic racism in policing practices that has victimized communities of color, and especially African Americans for decades, is overdue, too long overdue.
- But for one who has made reforming an unjust and unequal criminal justice system the work of my tenure in Congress, its introduction and subsequent enactment will be a defining moment in the history of our country.
- This legislation puts the Congress of the United States on record against racial profiling in policing and against the excessive, unjustified, and discriminatory use of lethal force by law enforcement officers against persons of color.

- The legislation means no longer will employment of practices that encourage systemic mistreatment of persons because of their race be ignored or tolerated.
- With the introduction of the Justice in Policing Act of 2020, the government of the United States is declaring firmly, forcefully, and unequivocally that **Black Lives Matter**.
- **It is true all lives matter, they always have.**
- But that Black lives matter too, and in so many other areas of civic life, this nation has not always lived up to its promise but that the promise is worthy of fulfilling.
- Mr. Chairman, the protests we have witnessed are a direct reaction to the horrific killing of George Floyd but are most motivated by a deep-seated anger and frustration to the separate and unequal justice African Americans receive at the hands of too many law enforcement officers.
- The civil disobedience being witnessed nightly in the streets of America are also in memory of countless acts of the inequality and cruelty visited upon young African American men and women no longer with us in body but forever with us in memory.
- Every African American parent, and every African American child, knows all too well ‘The Talk’ and the importance of abiding by the rules for surviving interactions with the police.
- While many police officers take this responsibility seriously and strive to treat all persons equally and with respect, their efforts are too often undermined by some of their colleagues who abuse the enormous trust and confidence placed in them.
- And systemically racist systems and practices left in place can corrupt even the most virtuous police officers.
- So, the most important criminal justice reforms needed to improve the criminal justice system are those that will increase public confidence and

build trust and mutual respect between law enforcement and the communities they swear an oath and are willing to risk their lives to protect and serve.

- That is the overriding purpose and aim of the Justice in Policing Act of 2020, which contains numerous provisions to weed out and eliminate systemic racism in police practices.
- Specifically, this legislation holds police accountable in our courts by:
 1. Amending the *mens rea* requirement in federal law (18 U.S.C. Section 242) to prosecute police misconduct from “willfulness” to a “recklessness” standard;
 2. Reforming qualified immunity so that individuals are not barred from recovering damages when police violate their constitutional rights;
 3. Incentivizing state attorneys general to conduct pattern and practice investigations and improving the use of pattern and practice investigations at the federal level by granting the Department of Justice Civil Rights Division subpoena power;
 4. Incentivizing states to create independent investigative structures for police involved deaths; and
 5. Creating best practices recommendations based on the Obama 21st Century Policing Task force.
- I am particularly pleased that the Justice In Policing Act includes as Title I, Subtitle B, the bipartisan and bicameral George Floyd Law Enforcement Trust and Integrity Act, which I introduced as H.R. 7100.
- This legislation provides incentives for local police organizations to voluntarily adopt performance-based standards to ensure that incidents of deadly force or misconduct will be minimized through appropriate management and training protocols and properly investigated, should they occur.
- The legislation directs the Department of Justice to work cooperatively with independent accreditation, law enforcement and community-based organizations to further develop and refine the accreditation standards and grants conditional authority to the Department of Justice to make grants to law enforcement agencies for the purpose of obtaining

accreditation from certified law enforcement accreditation organizations.

- “As I have stated many times, direct action is vitally important but to be effective it must be accompanied by political, legislative, and governmental action, which is necessary because the strength and foundation of democratic government rests upon the consent and confidence of the governed.
- Effective enforcement of the law and administration of justice requires the confidence of the community that the law will be enforced impartially and that all persons are treated equally without regard to race or ethnicity or religion or national origin.
- As the great jurist Judge Learned Hand said: "If we are to keep our democracy, there must be one commandment: thou shalt not ration justice."
- Thank you, Mr. Chairman, I yield back my time.