

African American Health Alliance (AAHA)

U.S. House Judiciary Committee
Oversight Hearing on Policing Practices and Law Enforcement Accountability
Testimony of Fredette West, Director African American Health Alliance

Wednesday June 10, 2020

Good morning Chairman Nadler and Members of the House Committee on Judiciary. The African American Health Alliance appreciates the Committee convening this Oversight Hearing on Policing Practices and Law Enforcement Accountability. The hearing title itself implies the outcome of the far too frequent abusive and excessive life threatening encounters of Black men and Black boys at the hands of police. Even during this Coronavirus Pandemic, people are protesting in the streets across the nation and world against police brutality and racism. Surely and sadly, despite the consequences, police brutality is out of control.

According to the National Academy of Sciences, police violence is a leading cause of death for young men in the United States. NAS further finds that Black men are about 2.5 times more likely to be killed by police than white men. That risk peaks between 20 and 35 years of age for men and women. For Blacks, it feels like it is always at the peak. Young Black men have the highest risk of being killed by police. Police use-of-force includes asphyxiation, beating, a chemical agent, a medical emergency, Tasers and gunshots.

Mr. Chairman and Members of the Committee do you find yourself, asking yourself, if Black lives matter? The African American Health Alliance is here to tell you very frankly – surely, Black lives matter. And, surely, this time – enough – has to be – enough. We commend you Chairman Nadler, Congressional Black Caucus Chair Karen Bass, Senators Corey Booker and Kamala Harris, and the rest of the cosponsors on the introduction of the *Justice in Policing Act of 2020*. We support the Act and Campaign Zero's "8 Can't Wait" provisions as a first step. Racism continues to take its toll permeating every component of Black life across the lifespan. Definitely, it is most glaring in excessive and deadly policing. The nation's Black community is subjected to this more than any other segment of the United States population. We along with protestors across the nation and around the world demand an end to police brutality and racism on all fronts.

The *Justice in Policing Act* helps to move the nation forward reforming policing and addressing federal law that protects and acts as a shield for abusive law enforcement. Our nation's response in this moment is documented and framed forever by having witnessed the police officer's killing of Mr. George Floyd, 8 minutes and 46 seconds of concentrated deadly force. Our nation is better than this. As the *Justice in Policing Act* moves forward, we urge the Congress to enhance that measure with provisions outlined throughout this testimony. Included among them are provisions regarding autopsy. Far too often, the requirement that an autopsy be performed by a board certified pathologist is overlooked or avoided.

Because of racism's dire far reaching devastating toll, we strongly urge the Congress to include a provision that Declares Racism a National Public Health Emergency. Racism elimination and prevention provisions must be in all policies, practices, programs, campaigns and initiatives. This declaration helps to

address the devastating adverse consequences of racism in all quality of life determinants including but not limited to policing, health, education, employment, advancement, income, business, housing and more.

In addition, with regard to policing and racism, we urge inclusion also of the provisions outlined below They too help to ensure improved policing, community relations and outcomes. Among them, we urge community oversight and investments in community development, community empowerment zones, conflict resolution training, trauma and mental health exams and services.

Clearly, racism is a pandemic in and of itself that the nation and world must end. This is confirmed by the ongoing nationwide and worldwide protests calling for an end to police brutality and racism. This humanity draining, debilitating out of control disease "racism" cuts to the soul and at its worse causes preventable disabilities, PTSD and far too often death. It is the major cause of health, economic, education and other disparities in the U.S. and worldwide.

We urge the Congress to move swiftly to ensure justice for all. Once again, the urgency of now is upon the nation to save and protect lives. This is a real crossroad and we will not go back. No one said that the road would be easy, but together it is easier and achievable for this is our collective will. A more perfect union cannot be achieved without the will of the Congress and we the people. Congress has the power and we must help Congress to realize the will.

Recommendations:

Declare Racism a National Public Health Emergency

Declare Racism a National Public Health Emergency and Include Racism Elimination and Prevention Provisions in all policies, practices, programs, campaigns, initiatives, decision-making and implementation at all levels. This action systematically takes into account adverse consequences of racism in all social determinants impacting the quality of life for all including but not limited to health, education, employment, advancement, income, business, housing and more. For all, the declaration limits and helps to prevent the harmful effects of racism across the lifespan. The elimination and prevention of racism is vital to helping to ensure that all persons achieve their fullest potential, freedom and justice. Conduct racism impact assessments, elimination efforts including engaging state and local and community workgroups for the purpose of informing decisions that promote elimination thereof as well as those that prevent elimination.

Improved Policing

Training: In addition strengthening community policing and supporting the *Justice in Policing Act's* and 8 Can't Wait's banning use of chokeholds, strangleholds and excessive force and instituting an accountability-responsibility requirement of intervene-stop-see-know-say-report abusiveness. Provide police specific training in behavior approaches including that based on age, race, and mental illness. Integrate behavior experts at every level of policing in order to develop appropriate policies reflecting what human behaviors mean and what they don't mean. Additionally, citizens should be able to look up the record of all police forces and officers just as they can physicians. Incident review boards should include a health provider - at least a mental health provider. Peer support counselors are integral. Teens are not young adults and they should not be locked up in adult facilities. Provide all police officers appropriate courses in teen behavior.

Against the backdrop of long standing injustices, conduct a comprehensive examination of the entire justice and legal system. The systemic and entrenched unchecked misconduct must be examined and investigated for violations of civil rights. Investigations must be transparent thorough complete and timely. Federal investigation of cases that involve such conduct, biases and abuses in the system will help examiners identify common threads; what went wrong, why, where; how to fix, prevent and control them, and to improve the system for all.

Mental Health: Require police officers to have regular appropriate mental health physicals. Determine what mental health exam would be most appropriate. Especially for police officers, such exams are as important as other required health exams for police officers. They would benefit themselves, their families and the public they serve. In addition, provide conflict resolution training and at regular and targeted intervals across the career span.

Detainee Medical Need: When medical attention is needed and/or requested by a detainee, officers must request such service immediately and ensure that it is provided. There are also medical and mental conditions that appear and/or present as adverse behavior and/or substance use, they must be understood by- and police- must be trained to recognize and respond to them for the benefit of all involved.

Autopsy: Board Certified Pathologist: The autopsy is considered to be the key element of the death investigation. Every individual who perishes in conflict with a police officer must receive an immediate autopsy performed by a board certified pathologist. The autopsy report must be made public within a date certain from the event. This report must be made available for review at the state and federal level, Department of Justice. Pathologist shall assume responsibility for all errors and misrepresentations found upon any further review. [Note: While it is the job of the coroner or medical examiner to investigate the cause of death, it is important to note that coroners can be elected or appointed. Many are not doctors, some are sheriffs, some are funeral home directors. The National Science Academy Blue Ribbon Panel recommended an overhaul of the nation's death investigation system. It described coroners as the weak link, and also pointed out the lack of mandatory standards for autopsies and the absence of oversight into the performance of coroners and medical examiners. The Panel recommended that the goal of every state should be to move away from a coroner system, which is not based on medicine, and instead hire board certified forensic pathologists and put them to work as medical examiners.]

Enhance Community Participation

Community Involvement: Transparency and direct community participation is essential across the justice, legal and correctional systems. Police must also function as part of the community and steps must be taken within community and within the police structure to achieve this. The police force should reflect the community/population they serve in race, ethnicity, gender, educational background, and maybe even in familial familiarity with the correctional system. Overall, America must invest in "we the people". Police and community must work in partnership and in transparency for the overall wellbeing of each other, the nation and the world. This helps in fostering improved policing, community relations, business, national security and more.

Community Oversight: Implement civilian oversight throughout the nation's police systems. Ensure that body-camera video recordings are also made available to the public. Police need to be part of the community instead of an outside overseer. Develop policies and provisions within the community and police structure to make this happen. Community and the police that serve them would be vested and

accountable to one another. Establish post traumatic stress units in the health system to help provide mental health support to communities in need and/or at risk of over-policing PTSD.

Ensure Community Investment

Invest in Community Development: Increase investments in jobs (with living wages); quality education pre-k through 12th grade; safe schools; meaningful employment training; job creation and placement; entrepreneurial opportunities; creation of avenues for innovation; grocery stores and transportation; business development, growth and sustainability; safe affordable housing; convenient access to quality affordable healthcare; safe communities; and affordable quality daycare and senior care. Establish and make available to communities a team of federal government experts from departments, agencies and others to work in partnership with local agencies, community leaders, business and others. Provide technical assistance focused on helping communities identify and establish linkages and partnerships with business and industry.

Community Empowerment Zones: Provide community partnership grants to establish community empowerment zone programs in communities that disproportionately experience over-policing. Fund efforts that seek to improve economic, race relations, health, education, environment, policing and all forms of disparities. Assist communities in accessing federal programs to obtain and coordinate the efforts of governmental and private entities regarding the elimination of racial and ethnic disparities of all forms. Communities to be served by the empowerment zone program are those that disproportionately experience over-policing and economic opportunity deserts. The community establishes an empowerment zone coordinating committee to determine priorities, establish measureable outcomes, obtain technical assistance and utilize but not limited to community and evidence-based strategies. Submit to the Congress community empowerment zone reports.

State and Local Office on Community Relations: Establish Offices on Community Relations to help communities empower themselves for success. Make available to communities technical expertise, linkages, and resources. Create and make available a community relations improvement resource toolkits that communities can tailor to fit their needs.

Excessive Policing Community Crises: Identify and make accessible resources communities need to help respond to the problems resulting from excessive policing crises. Make available to communities access to trauma and mental health services. Where access to daily needed services are interrupted, help facilitate access to physical and mental health services, meals, medicine and transportation. Ensure access to resources needed by the elderly, disabled, children, adolescents, pregnant women, the school system and others with special needs.

Enhance Education

Expand Academic Opportunity and Achievement: Have school systems, courts and police work with the community and academic institutions to implement mentorship programs focused on youth including troubled youth to provide them with insight and opportunity to better benefit from the powerful value of education and training beyond high school. Tie college and training scholarships to these programs, and help to ensure free community college becomes a real accessible opportunity. This investment will help further innovation, entrepreneurship, research, business, industry and technology advances on all fronts and fields.

Summer Enrichment and Afterschool Programs: After school and summers are the most unsupervised period of time facing latchkey children and teenagers. Effective programs must range from summer jobs, to summer education and training, to sports and arts, to innovation and business, to enrichment programs and Junior Achievement. For young children, provide summer Pre-K. Overall, programs must also provide meals and transportation for those in need.

Conflict Resolution Training: Include in the education curriculum Pre-K through 12 conflict resolution training. The techniques learned would be beneficial across the life span. They would be helpful in encounters with police and all other relationships.

Coronavirus at the intersection: Provide/Establish/Conduct/Monitor/Fine-tune as necessary a National Teaching-Learning-Tutoring Corp: Students and parents must not be penalized for the education and stress crises created by the twin pandemics COVID-19 and racism intersection. Provide academic assistance needed to bring students up to grade level and beyond. This joint goal must include materials, computers, technologies, skilled supplemental personnel and other resources needed. Additionally, establish a family support hotline professionally staffed to address family stress, mental and behavioral health control and management support. Compile, train and provide techniques needed to help control and manage stress. Also, identify and provide the privacy tools needed to help keep online schooling and socializing safe. Remain mindful that the sudden thrust into full scale home schooling, online learning/educating has placed students at increased academic disadvantage and to successfully close the void they must be provided the necessary resources.

Voting

Voting no matter what form or forms it takes must be protected, voter-friendly, and facilitated. Voter registration and rolls must also be respectively facilitated and protected. Every vote counts and must be counted. Also, as a nation, we can and must improve the response to all aspects of the coronavirus national emergency as it intersects with every aspect of life including racism and voting. The response deficiencies like those in police brutality are life threatening especially for Blacks. Clearly, everyone must be a part of the solution to the nation's twin emergencies racism and COVID-19.

In closing, Mr. Chairman and Members of the Committee our collective purpose must hold us accountable to the reality that we are all in this together and we must do our part. As Dr. King's quotes of advice and direction continue to remind us: ***"We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."*** — Martin Luther King Jr., ***Why We Can't Wait*** The African American Health Alliance thanks you for this opportunity to provide testimony. If you have questions, on behalf of AAHA, I can be reached at fdwest@comcast.net. We deeply appreciate your ongoing leadership and support.

AAHA Board Members: Co-Chairs: M. Joycelyn Elders, MD, 15th U.S. Surgeon General and Lucille Perez, MD, President and CEO, The Cave Institute, Past President, National Medical Association; Members: Clive Callender, MD, Professor of Surgery, College of Medicine, Howard University, Howard University Hospital Transplant Center; Founder, National Minority Organ/Tissue Transplant Education Program; Fredette West, Director, African American Health Alliance; Rev. Fred Williams, President and CEO SYF Associates; Allan S. Noonan, MD, MPH, Founding Dean, School of Community Health and Policy, Morgan State University, Assistant Surgeon General (RET), U.S. Public Health Service Point of Contact: Fredette West, fdwest@comcast.net, 202-215-3100/-Phone: 301-576-0845/—Dunkirk, MD — healthalliance@comcast.net—