



April 10, 2018

The Honorable Bob Goodlatte (R-VA-6)
The Honorable Trey Gowdy (R-SC-4)
The Honorable Doug Collins (R-GA-9)
The Honorable Dave Reichert (R-WA-8)
The Honorable Susan Brooks (R-IN-5)
The Honorable Will Hurd (R-TX-23)
U.S. House of Representatives
Washington, DC 20515

The Honorable Jerrold Nadler (D-NY-10)
The Honorable Sheila Jackson Lee (D-TX-18)
The Honorable Hakeem Jeffries (D-NY-8)
The Honorable Cedric Richmond (D-LA-2)
The Honorable Keith Ellison (D-MN-5)
The Honorable Robin Kelly (D-IL-2)
U.S. House of Representatives
Washington, DC 20515

Re: Congressional Working Group on Policing Strategies

Dear Members of the Working Group on Policing Strategies:

On behalf the American Civil Liberties Union (ACLU), Leadership Conference on Civil and Human Rights (The Leadership Conference), and NAACP Legal Defense and Educational Fund, Inc. (NAACP LDF), we write to request an update on the status and work of the congressional Working Group on Policing Strategies, including an accounting of the working group’s activities to date and its work plan for the remainder of the 115th Congress, and to urge you to play a leadership role in advancing policing reform legislation in Congress. Additionally, we request a meeting between working group members and our organizations’ principals within the next month to discuss appropriate responses.

The American Civil Liberties Union is a nationwide organization, with more than two million members, working in courts, legislatures, and communities to defend and preserve individual rights and liberties. The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect civil and human rights in the United States. The NAACP LDF uses litigation, policy advocacy, community organizing, and strategic communications to achieve racial justice, equality, and an inclusive society. Collectively, our organizations work to advance unbiased, responsible, and constitutional policing and combat police misconduct.

Consistent with our missions, we identify the ongoing fatal police shootings as a national crisis that requires the response of federal lawmakers. Recent incidents generating national attention include the police killings of Stephon Clark in Sacramento, Danny Ray Thomas in Houston, and Saheed Vassell in New York City. These three victims were Black and did not possess guns, and Thomas and Vassell were experiencing mental health crises. These men’s deaths are reflective of the national narrative we have come to know all too well since Michael Brown was killed by police in Ferguson, Missouri in 2014.

Almost 1,000 people were killed by police in 2017 according to the Washington Post. Another outlet estimates over 1,100 police-caused fatalities last year.¹ Black people are three times more likely than White people to be killed by police.² And people of color represent more than 50 percent of those unarmed during fatal encounters with police.³ At least one-quarter of those killed by police are experiencing a mental health crisis when they die.⁴ In 2018, almost 300 people have been shot and killed by police to date, thus we are on track to again reach or exceed 1,000.⁵ Sadly, there is no reliable national accounting of victims of police use of force, a reality that former Federal Bureau of Investigation (FBI) Director James Comey acknowledged in 2015.⁶

The bipartisan Working Group on Policing Strategies was formed on July 13, 2016, because “our nation’s conscience has been rocked by a series of tragic events that has resulted in the loss of too many lives.”⁷ The Working Group acknowledged that “more must be done to end excessive force” and “strengthen police accountability.”⁸ Almost two years later, the epidemic of police killings of Black people and other people of color continues to cause outrage and suffering. The data we do have indicates that police violence and bias is a systemic problem. And it is critical that this working group “find common ground on these matters of national importance,”⁹ as it pledged to do.

The Working Group on Policing Strategies must consider the various police reform proposals that have been introduced in the 115th Congress. Federal reforms are needed on a range of policing issues, including data collection, training, profiling, force, militarization, forfeiture, cameras, and accountability. We have offered specific recommendations in the Justice Roundtable Roadmap for Criminal Justice Reform.¹⁰ We have contributed to discussions around the Law Enforcement Trust and Integrity Act,¹¹ a first step to addressing the soured relationship between police officers and the communities they are sworn to protect and serve.

However, this Congress has failed to advance, or even consider, any meaningful police reform legislation. Instead, this Congress has committed to advancing controversial bills of interest only to law enforcement and police unions. Last year, the House Judiciary Committee and Congress advanced and passed the Thin Blue Line Act¹² and the Probation Officer Protection Act,¹³ both divisive and counterproductive. The Thin Blue Line Act is nothing more than a messaging bill as there is no population more protected under federal and state law when crimes are committed against them than law enforcement.¹⁴ And the Probation Officer Protection Act is a solution in search of problem by providing increased police

¹ Michael Harriot, *Here’s how many people police killed in 2017*, THE ROOT, Jan. 2, 2017, available at <https://www.theroot.com/heres-how-many-people-police-killed-in-2017-1821706614>.

² Mapping Police Violence, last updated Mar. 23, 2018, available at <https://mappingpoliceviolence.org/>.

³ Mapping Police Violence, 2017 Police Violence Report, last visited Apr. 6, 2018, available at <https://policeviolencereport.org/>.

⁴ Tess Owen, *Why the mentally ill keep getting shot by cops*, VICE NEWS, July 16, 2017, available at https://news.vice.com/en_ca/article/xwvkda/why-the-mentally-ill-keep-getting-shot-by-cops.

⁵ Fatal Force Database, Wash. Post., last updated Apr. 5, 2018, available at https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.0d291e888774.

⁶ James B. Comey, *Hard Truths: Law Enforcement and Race*, Feb. 12, 2015, available at <https://www.fbi.gov/news/speeches/hard-truths-law-enforcement-and-race>.

⁷ Press Release, Goodlatte and Conyers announce working group on policing strategies, US House of Rep., July 13, 2016, available at <https://judiciary.house.gov/press-release/goodlatte-conyers-announce-working-group-policing-strategies/>.

⁸ Id.

⁹ Id.

¹⁰ Justice Roundtable, Roadmap for Criminal Justice Reform, Jan. 2017, available at <https://justiceroundtable.org/wp-content/uploads/2017/05/Roadmap-for-Criminal-Justice-Reform.pdf>.

¹¹ H.R. 2875 (114th Cong.).

¹² H.R. 115 (115th Cong.).

¹³ H.R. 1039 (115th Cong.).

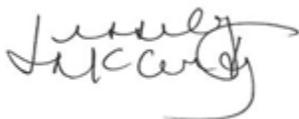
¹⁴ See ACLU, *The ACLU Opposes H.R. 115, the Thin Blue Line Act of 2017*, Apr. 26, 2017, available at <https://www.aclu.org/letter/aclu-opposes-hr-115-thin-blue-line-act-2017>.

powers to federal probation officers.¹⁵ These bills do not improve public safety or advance serious reforms that can save lives. The Working Group on Policing Strategies must ensure that we move beyond divisive bills and rhetoric.

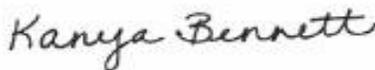
While we appreciate a congressional working group focused on policing strategies, the group cannot exist in name only. Therefore, we call upon the Working Group on Policing Strategies to continue its important work by advancing police accountability legislation and partnering with civil rights organizations to address police violence in communities across the country. We welcome the opportunity for Members of Congress and the principals of our organizations to meet and confirm next steps to advance federal legislation that will build trust between law enforcement and communities.

Thank you for your consideration of this matter. To follow-up on this request or raise any questions, please contact Kanya Bennett of the ACLU at 202-715-0808 or kbennett@aclu.org; Sakira Cook of The Leadership Conference at (202) 263-2894 or cook@civilrights.org; or Sonia Gill Hernandez of NAACP LDF at 202-216-5569 or sgill@naacpldf.org.

Sincerely,



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ACLU Washington Legislative Office



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Counsel
ACLU Washington Legislative Office



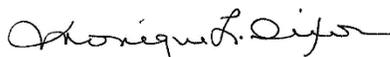
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Todd Cox
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NAACP LDF



Monique Dixon
Deputy Director of Policy
NAACP LDF

cc: Members of the US House Law Enforcement Caucus
cc: Members of the US Senate Law Enforcement Caucus
cc: Members of the US House Judiciary Committee
cc: Members of the US Senate Judiciary Committee
cc: Members of the Congressional Black Caucus

¹⁵ See ACLU, *The ACLU Opposes H.R. 1039, the Probation Officer Protection Act of 2017*, available at <https://www.aclu.org/letter/aclu-opposes-hr-115-thin-blue-line-act-2017>.