

Jewish Council for Public Affairs (JCPA) Statement for the Record
Oversight Hearing on Policing Practices and Law Enforcement Accountability
House Judiciary Committee
Wednesday, June 10, 2020

On behalf of the Jewish Council for Public Affairs (JCPA), we urge members of the Judiciary Committee to ensure that the Justice in Policing Act of 2020 includes the [eight recommendations endorsed by JCPA and over 400 other civil rights groups](#) regarding use of force, police accountability, racial profiling, militarization, data collection, qualified immunity, and training. We believe that our policing system disproportionately harms Black people and other people of color and that Congress must act to set federal standards that support public safety for all people.

JCPA is the network hub of 125 local Jewish community relations councils and 16 national Jewish agencies, including the four denominations of American Judaism (Reform, Conservative, Orthodox, and Reconstructing), that come together to advocate for a just and pluralistic America. Our work is based on the Jewish tradition that teaches that we are to see, in all humans, the reflection of God's image. Our Torah further guides us, "justice, justice, shall you pursue." And that we are not to stand idly by while our neighbors' blood is spilled (Leviticus 19:16).

Since its founding as the American Jewish community's primary convener and consensus-builder on issues of public policy over 76 years ago, JCPA has prioritized the advancement of civil rights for all Americans, working extensively on desegregation, voting rights, and ending discrimination in housing, education and employment. Through its coalition work and extensive partnerships with the Black community and civil rights leaders, JCPA and its member agencies helped achieve many of the landmark victories of the Civil Rights Movement. We remain steadfast in our commitment to fighting discrimination, including strongly advocating for criminal justice reform on behalf of the Jewish community.

Today we join with the millions of people around the world who have taken to the streets to protest the killings of George Floyd, Breonna Taylor, and the countless Black men and women killed or abused by law enforcement. Officers using excessive force in *routine* interactions with Black and Latino citizens is ubiquitous. In addition to those whose deaths we mourn, examples of this excessive force have been prevalent in the police response to the demonstrations of the last 10 days. Law enforcement officers are almost four times more likely to use force on Black people than white people; police are more likely to touch, handcuff, push to the ground, or pepper-spray Black men and women, even after controlling for how, when, and where they encounter the officers. American law enforcement officers kill *at least* 1000 people every year in America—three times the rate of similarly industrialized countries like the U.K. And yet there remains virtually no accountability mechanisms for when police use deadly force. With high arrest rates for minor offenses disproportionate to that of white people for the same crimes, and low arrest rates for serious violent crime, Black citizens do not feel safe encountering or turning to police.

After the tragic death of George Floyd, people from all different races, ethnicities, faiths, and ages are coming together to advocate for structural police reform to address the inequities and systematic racism that still exists in our society.

We believe that Congress must pass meaningful police accountability legislation. Local and state policy change is vital, but it is the responsibility of our federal government to set a standard for justice, accountability, and safety in the U.S. As a first step, we urge members of the Judiciary Committee to ensure that the following eight specific reforms are included in any legislative package approved by the committee. JCPA supports many of the reforms proposed in the “Justice in Policing Act of 2020” (H.R. 7120), however more must be done to meet all eight recommendations and, ultimately, change the fundamental role of police in our society. We are particularly concerned about the lack of a full repeal of federal programs that provide military equipment to law enforcement.

Eight Priorities for Federal Policing Reform

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 through federal funding mechanisms 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. **Deem the use of all maneuvers that restrict the flow of blood or oxygen to the brain**, including neck holds, chokeholds, and similar excessive force, a federal civil rights violation. Prohibitions on such holds are not enough to change practices;
3. **Prohibit racial profiling**, and **require robust data collection** on police-community encounters and law enforcement activities. Data should capture all demographic categories and be disaggregated;
4. **Full repeal** of federal programs that provide military equipment to law enforcement, such as the **1033 program**;
5. **Prohibit the use of no-knock warrants**, especially for drug searches;
6. **Change the *mens rea* requirement applicable to crimes of deprivation of civil rights and civil liberties** from willfulness to recklessness, permitting prosecutors to successfully hold law enforcement accountable for these crimes;
7. **Develop a national public database** that would cover all police agencies in the United States and its territories, similar to the International Association of Directors of Law Enforcement Standards and Training’s National Decertification Index, which would compile the names of officers who have had their licenses revoked due to misconduct, including but not limited to domestic violence, sexual violence, assault and harassment, criminal offense against minors, excessive use of force, violation of 18 U.S.C. § 242;

perjury, falsifying a police report or planting and destroying evidence, and deadly physical assault; as well as terminations and complaints against the officers; and

8. **End the qualified immunity doctrine** which prevents police from being held legally accountable when they break the law. Qualified immunity, a defense that shields officials from being sued, has been created and interpreted so broadly by courts that it allows officers to engage in unconstitutional acts with impunity.

It is clear that more police, more criminalization, and more incarceration is not the answer to our social ills. We must instead invest in community health, education, housing, and employment. We can only be safe when *all* our communities are healthy, well-resourced, and thriving.

JCPA joins a broad range of organizations from diverse faiths, secular civil rights groups, and a vast and growing majority of the American people to call upon Congress to act now and to act boldly to advance the causes of equity and equality, which are the founding ideals of this country. Sadly, we are far from achieving these ideals. Adopting legislation including the eight points advocated for in this letter would be a good first step. However, there is much more that needs to be done for the United States to truly be “the land of the free.”