

May 23, 2024

The Honorable Mike Johnson
Speaker of the House
H-232, The Capitol
Washington DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
2433 Rayburn House Office Building
Washington, DC 20515

The Honorable Jerrold Nadler
Ranking Member
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Dear Speaker Johnson, Minority Leader Jeffries, and Ranking Member Nadler,

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),¹ we write to urge that as you reintroduce the George Floyd Justice In Policing Act (JPA) in the 118th Congress, the bill include provisions that will fundamentally transform our public safety systems to effectively prevent racialized police violence. The painful and horrific murder of George Floyd, one of over a thousand police killings in 2020,² led to a national reckoning on police violence and the harms law enforcement officers inflict disproportionately on Black and Brown communities. In response, on June 8, 2020, Congress introduced the JPA³ and the House has subsequently passed the bill twice since then. We are heartened that efforts to pass the JPA remain active and offer recommendations for necessary improvements to ensure its efficacy.

Specifically, legislation that aims to prevent police violence must contain provisions that reduce police encounters from occurring in the first place to be effective. Evidence demonstrates that unarmed civilian responders are more effective at addressing certain common public safety concerns by, for example, de-escalating and resolving mental health crises, as well as addressing routine traffic

¹ Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. LDF's work to address police violence and misconduct dates back to its inception. *See, e.g., Shepherd v. Florida*, 341 U.S. 50 (1951) (reversing the wrongful interracial rape convictions of Black men who were brutally beaten by sheriff's deputies in an attempt to force confessions). Today, LDF's Justice in Public Safety Project uses litigation, policy advocacy, research, community organizing, and strategic communications to transform public safety systems, advance police accountability, and prevent and remedy the impact of racial bias in public safety.

² *Fatal Force*, WASH. POST <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (last visited May. 12, 2024) (based on data collected by the Washington Post, law enforcement officers fatally shot and killed over one thousand people in 2020).

³ H.R. 7120, 116th Cong. (2nd Sess. 2020).

infractions.⁴ Too often these incidents result in fatal force when police are called to respond.⁵ In addition to reducing police contact, investments are needed in the services and systems that address the root causes of violence to create stability and reduce calls to 911 for emergency services. Finally, to shift our justice system from one reliant on punishment to one that respects the inherent dignity of all people, effective public safety legislation should support restorative practices and other means of resolving disputes that are better suited to a non-law enforcement response. Evidence demonstrates that pre-charge restorative justice diversion programs and school-based restorative justice programs have been more effective than carceral responses.⁶ These key components of community safety are foundational to LDF's Framework for Public Safety which we have shared widely.⁷ We urge Congress to amend the JPA to include provisions consistent with these key components to effectively transform our public safety systems.

I. Build a Corps of Unarmed Civilian Responders

LDF launched its Framework for Public Safety in January 2023 after Tyre Nichols was brutally beaten by Memphis police officers after a traffic stop that ultimately resulted in his death three days later.⁸ The Framework includes three key components and offers a vision for community safety that does not perpetuate the subjugation of Black people and other groups that law enforcement disproportionately targets and harms.

First, we recommend investing in unarmed civilian responders for low-priority, non-emergency events that law enforcement currently handle such as routine traffic infractions, mental and behavioral health crisis incidents, wellness checks, and school safety. Studies have repeatedly found that the vast majority of 911 calls involve these types of low-level issues⁹ yet law enforcement are often the only first-

⁴ Grace Hauck, *Denver Successfully Sent Mental Health Professionals, Not Police, to Hundreds of Calls*, USA TODAY (Feb. 2021), <https://www.usatoday.com/story/news/nation/2021/02/06/denver-sent-mental-health-help-not-police-hundreds-calls/4421364001/>; see also Ram Subramanian and Leily Arzy, *Rethinking How Law Enforcement is Deployed*, THE BRENNAN CENTER FOR JUSTICE (Nov. 17, 2022), <https://www.brennancenter.org/our-work/research-reports/rethinking-how-law-enforcement-deployed>.

⁵ Sarah DeGue et al., *Deaths Due to Use of Lethal Force by Law Enforcement*, AM. J. OF PREVENTATIVE MED. (Nov. 2016), [https://www.ajpmonline.org/article/S0749-3797\(16\)30384-1/fulltext](https://www.ajpmonline.org/article/S0749-3797(16)30384-1/fulltext) (“Findings reinforce concerns about racial/ethnic inequities in these cases and identify incident characteristics and scenarios with important implications for prevention. Future analyses should further examine the possibility of statistically distinct subtypes of legal intervention cases, compare mortality data with nonfatal injuries, and examine the sequence of events within the incident in more detail (e.g., how many began with a traffic stop or other routine event and then escalated versus police contact initiated directly because of a more serious index event).”)

⁶ *Diversion Programs Explained*, VERA INSTITUTE OF JUSTICE (Apr. 2022) <https://www.vera.org/diversion-programs-explained>; Sydney Page, *Kids were fighting in school. Dad's began patrolling campus, and the violence stopped*. WAPo, (Oct. 28, 2021) <https://www.washingtonpost.com/lifestyle/2021/10/28/dads-duty-patrol-school-fights/>.

⁷ “Framework for Public Safety.” NAACP Legal Defense and Educational Fund, Inc. (Feb. 2023) <https://www.naacpldf.org/framework-for-public-safety/>.

⁸ Jonathan Franklin & Emma Bowman, *What We Know About the Killing of Tyre Nichols*, NPR (Jan. 28, 2023), <https://www.npr.org/2023/01/28/1151504967/tyre-nichols-memphis-police-body-cam-video>.

⁹ A NYT analysis of 911 calls in 10 cities found that only about 1% of calls involve “serious violent crime” and only 4% of calls involved violent crime. Jeff Asher & Ben Horowitz, *How do the Police Actually Spend Their Time?*, N.Y. TIMES (Nov. 8, 2021), <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>. Vera’s analysis of 5 cities has similarly found the vast majority of 911 calls do not involve crime or violence. See *911 Analysis: Call Data shows We Can Rely Less on Police*, VERA INSTITUTE OF JUSTICE (Apr. 2022), <https://www.vera.org/downloads/publications/911-analysis-we-can-rely-less-on-police.pdf>.

responders available to answer these calls, often leading to arrest and incarceration rather than the provision of services people need.¹⁰ Legislation like the People’s Response Act (PRA)¹¹ would provide for the civilian responders that LDF’s Framework promotes. The PRA takes a comprehensive public health approach rooted in improving community well-being through creating a division of community safety in the Department of Health and Human Services to conduct research, coordinate technical assistance, and oversee grant programs that support civilian responders and other community safety strategies. We urge Congress to incorporate the provisions from the PRA that provide for unarmed civilian responders for low-level, non-emergency events into the JPA.

II. Expand and Institutionalize Restorative Justice Programs

Second, we urge Congress to include in the JPA investments that expand and institutionalize restorative justice programs to resolve disputes without incarceration. Restorative justice programs have been implemented in school systems, allowing students to resolve conflict without carceral consequences. In the 2020-21 school year, Black students represented 15% of all K-12 students’ enrollment across the country yet are 18% of the law enforcement referrals and 22% of those subject to school-related arrests.¹² Schools with 80% Black and Latinx student populations are more likely to have School Resource Officers,¹³ and Black students are more than twice as likely to be referred to law enforcement or arrested at school as their white peers.¹⁴ The presence of law enforcement in schools has not made students safer and has also harmed student’s educational experiences and unnecessarily criminalized students.¹⁵

LDF has sought to end police violence and arrests against students for minor infractions, including by removing the presence of law enforcement in schools. We have also worked to promote restorative practices to resolve disputes.¹⁶ The Counseling Not Criminalization in Schools Act¹⁷ would end federal funding of School Resource Officers and create a grant program for schools to hire counselors, mental health professionals, and social workers, as well as implement restorative justice programs and

¹⁰ People with mental illness are grossly overrepresented among those in jails and prisons. See Kevin Martone et al., *OLMSTEAD AT 20: USING THE VISION OF OLMSTEAD TO DECRIMINALIZE MENTAL ILLNESS*, TECH. ASSISTANCE COLLABORATIVE (Sept. 2019), https://www.tacinc.org/wp-content/uploads/2020/02/olmstead-at-twenty_09-04-2018.pdf (“[There is a] vastly disproportionate number of people with mental illness in the U.S. criminal justice system.”).

¹¹ H.R. 4699, 118th Cong. (1st Sess. 2023).

¹² *Student Discipline and School Climate in U.S. Public Schools Civil Rights Data Collection, 2020-21 School Year*, C.R. DIV., U.S. DEP’T OF EDUC. 12 (Nov. 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-school-climate-report.pdf>.

¹³ *A First Look: Key Data Highlights on Equity and Opportunity Gaps in Nations Public Schools, 2013-2014 Civil Rights Data Collection*, C.R. DIV., U.S. DEP’T OF EDUC. 4 (Oct. 28, 2016), <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>.

¹⁴ Sagen Kidane & Emily Rauscher, *Unequal Exposure to School Resource Officers, by Student Race, Ethnicity, and Income*, THE URBAN INSTITUTE (Apr. 6, 2023), <https://www.urban.org/research/publication/unequal-exposure-school-resource-officers-student-race-ethnicity-and-income>.

¹⁵ Letter from NAACP Legal Defense and Educational Fund and Civil Rights organizations to Speaker Pelosi (Jun. 20, 2022) <https://www.naacpldf.org/wp-content/uploads/civil-rights-leaders-letter-on-gun-control.pdf>.

¹⁶ Press Release, NAACP Legal Defense and Educational Fund Supports Federal Counseling Not Criminalization in Schools Act (Sep. 4, 2020), <https://www.naacpldf.org/news/naacp-legal-defense-and-educational-fund-supports-federal-counseling-not-criminalization-in-schools-act/>. See also Advancement Project, Alliance for Educational Justice, Dignity in Schools, NAACP Legal Defense Fund, *Police in Schools are Not the Answer to School Shootings* (Mar. 2018), <https://www.naacpldf.org/wp-content/uploads/AP-NAACP-LDF-et-al-Police-In-Schools-2018-FINAL.pdf>.

¹⁷ H.R. 6202, 118th Cong. (1st Sess. 2023).

interventions along with other evidence-based trauma-informed services. Restorative justice programs have also been successful for adults.¹⁸ We urge Congress to include provisions that invest in the expansion and institutionalization of restorative justice programs for youth and adults in the JPA.

III. Increase Investments in Community Resources and Ensure Economic Security

Third, investments in programs such as violence intervention or credible messenger programs, access to housing, health care, economic security, and improved public spaces have proven to be effective at reducing violence.¹⁹ An example of legislation that would support such investments is the RESTORE Act.²⁰ The RESTORE Act, now being taken up as part of the Farm Bill, would lift the lifetime bans on receiving SNAP or TANF for individuals who have been convicted of drug-related felonies.²¹ SNAP and TANF provide critical assistance to low-income individuals—overwhelmingly, families with children, older individuals, and people with disabilities—to help them pay for food and other basic needs. As many people transitioning home after completing their sentence experience hunger,²² these draconian bans undermine individuals’ efforts to reenter their communities and provide for their families and can increase the risk of future contact with the criminal legal system.²³ Repealing the ban would help income-eligible individuals to receive this vital assistance as they reenter society.

These recommendations to improve the JPA not only protect communities that have suffered from law enforcement abuses, they also improve public safety in the long run. LDF urges Congress to include in the JPA measures that invest in unarmed civilian responders for low-level, non-emergency events, expand and institutionalize restorative justice programs, and increase investments in community resources to ensure economic security. Without provisions that accomplish these key goals that are necessary for an effective public safety system that keeps people safe and respects their inherent dignity, the JPA will fall short of its aim to transform our system of public safety.

Should you have any questions, please contact LDF’s Justice in Public Safety Project, Manager, Puneet Cheema at pcheema@naacpldf.org or Kristina Roth, Senior Policy Associate at kroth@naacpldf.org.

¹⁸“Those who participate in restorative justice consistently show high rates of satisfaction with the process, and victims of crime report that they would recommend the process to a friend in a similar situation.” Restorative Justice Program, Why do Restorative Justice? Last visited May 15, 2024. <https://oag.dc.gov/public-safety/restorative-justice-program#:~:text=Those%20who%20participate%20in%20restorative,friend%20in%20a%20similar%20situation>

¹⁹ Testimony of Puneet Cheema, Manager of the Justice for Public Safety Project, NAACP Legal Defense and Educational Fund, Inc. Before the U.S. House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, *Reimagining Public Safety in the COVID-19 Era* (Mar. 18, 2022) https://www.naacpldf.org/wp-content/uploads/3.18.22-FINAL-LDF-Testimony-HJC-SubCom-Crime_Puneet-Cheema.pdf (citing research supporting the positive impacts of each social investment)

²⁰ H.R. 3479, 118th Cong. (1st Sess. 2023).

²¹ *Id.*

²² Kimberly Dong et al., *Food acquisition methods and correlates of food insecurity in adults on probation in Rhode Island*, PLOS (Jun. 2018), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0198598>; <https://www.ncbi.nlm.nih.gov/pubmed/23514079>.

²³ See, e.g., Cody Tuttle, *Snapping Back: Food Stamp Bans and Criminal Recidivism*, 11 AM. ECON. J.: ECON. POL’Y 301 (2019), <https://doi.org/10.1257/pol.20170490>.

Sincerely,

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