



March 1, 2021

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Chairman
Democratic Caucus
United States House of Representatives
Washington, DC 20515

The Honorable Jerrold Nadler
Chairman
House Judiciary Committee
United States House of Representatives
Washington, DC 20515

Dear Speaker Pelosi, Minority Leader McCarthy, Congressman Jeffries, and Congressman Nadler:

On behalf of the American College of Physicians (ACP), I am writing to share our support for the intent and many of the provisions of H.R. 1280, the George Floyd Justice in Policing Act of 2021, and urge its swift passage in the House. We commend the sponsors of this legislation for drafting a bill that would improve policing in this country through the reduction of discriminatory practices among law enforcement officers and agencies. We believe that Congress should no longer wait to reform law enforcement practices in this country when Black individuals and other people of color continue to be the subject of violence and criminal injustice, often at the hands of law enforcement, and at disproportionately high rates. Institutional racism and discrimination in law enforcement undermine law enforcement officers who are dedicated to equal treatment under the law, ensuring public safety, and saving lives and undermine public confidence in justice and law enforcement.

The American College of Physicians is the largest medical specialty organization and the second-largest physician membership society in the United States. ACP members include 163,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness. Internal medicine specialists treat many of the patients at greatest risk from COVID-19, including the elderly and patients with pre-existing conditions like diabetes, heart disease and asthma.

The George Floyd Justice in Policing Act of 2021 has provisions to overhaul qualified immunity for law enforcement, prohibitions on racial profiling on the part of law enforcement and bans

no-knock warrants in federal drug cases and chokeholds and carotid holds at the federal level. It would also establish a federal registry of police misconduct to be maintained by the Department of Justice. Overall, the legislation would: 1) establish a national standard for the operation of police departments; 2) mandate data collection on police encounters; 3) reprogram existing funds to invest in transformative community-based policing; and, 4) streamline federal law to prosecute excessive force and establish independent prosecutors for police investigations.

As physicians, we view discriminatory practices and the misuse of force by law enforcement officers a public health issue that is worthy of public policy intervention. We recently released a policy paper on [Racism and Health in the United States](#) that shows the negative health effect of discriminatory policing and the excessive use of force against racial minorities in the United States. Violence and discrimination exacerbate the burden of morbidity and mortality among people of color and other marginalized groups. Our paper affirms that physical and verbal violence and discrimination, particularly based on race/ethnicity and other perceived characteristics of personal identity are social determinants of health and, thus, public health issues. It offers recommendations on beginning to address and mitigate racism and discrimination in law enforcement. We are pleased that multiple policies that were included in our policy paper have also been included in the George Floyd Justice in Policing Act of 2021.

Racism and Discrimination in Law Enforcement is a Public Health Issue

While a handful of high profile police shootings of Black Americans have brought the issue of violence by law enforcement to the forefront, hundreds of civilians are killed by law enforcement each year. In 2019, at least 1,004 civilians were killed by police action and at least 400 have been killed through June of 2020.ⁱ People of color disproportionately comprise police shooting victims, traffic stops, and subjects of searches and arrests.ⁱⁱ Data suggests that African American and American Indian/Alaska Native women and men are killed by the police at higher rates than white women and men, while Latinx men are killed at higher rates than white men. African American men are 2.5 times more likely to be killed by police than white men.

One study highlights the public health effect of this violence, finding that men 25-29 are killed by the police at a rate of 1.8 per 100,000—with African American men at a rate of 2.8-4.1 per 100,000—making police violence one of the leading causes of death for young men, trailing accidents, suicide, homicide, heart disease, and cancer.ⁱⁱⁱ Another analysis of police encounters found that 57,375 years of life were lost in 2015 and 54,754 years of life lost in 2016 because of police violence. Of total years of life lost, people of color made up 51.5 percent, despite making up only 38.5 percent of the population.^{iv}

Despite the prevalence of police shootings, law enforcement officers are rarely held accountable for their actions. Since 2005, 98 police officers were arrested following fatal, on-duty civilian shootings; of these 98, 35 have been convicted of a crime, 22 were acquitted in a jury trial, 9 were acquitted in a bench trial, and 10 had their cases dismissed. Only 3 officers have been convicted of murder; many receive convictions of lesser sentences, such as manslaughter or negligent homicide.^v

It is evident that institutional and systemic racism and excessive and unnecessary use of force, is a public health issue that Congress must address through meaningful and effective legislation. The George Floyd Justice in Policing Act of 2021 would be a major step forward to incentivizing and requiring changes in law enforcement to eliminate bias, discrimination, racism, and excessive force and violence in law enforcement. While we do not have specific policy on every provision in the bill, the overall intent of the legislation, and many of the specific provisions, are consistent with our policy recommendations. The following paragraphs will examine provisions in the George Floyd Justice in Policing Act of 2021 and provide our comments on the bill in areas where we have established policy.

Improving Police Accountability through Best Practices to Eliminate the Use of Excessive Force

We are concerned that police departments lack uniform standards to ensure adherence to best practices and that excessive force is used at a disproportionate level against minorities. As stated in our policy statement on [Racism and Health](#), ACP supports adoption of law enforcement practices that ensure equal treatment under the law of all persons, without regard to race and other personal characteristics, and increase transparency and accountability. We believe funding should prioritize research on evidence-based best practices that reduce situations in which use of force is required and promote alternatives to use of force. We also believe that law enforcement authorities should be **incentivized and required** to incorporate best practices to eliminate excessive use of force, reevaluate use of force policies, establish parameters around reasonable force, and delineate between acceptable and excessive force, with accountability and transparency to elected officials and the public. Accordingly, we support these provisions in the George Floyd Justice in Policing Act of 2021 to curb the use of excessive force by law enforcement officers through policies.

- Create a grant program for state attorneys' general to create an independent investigation process for law enforcement misconduct or excessive use of force
- Create law enforcement development programs to establish best practices

While we do not have specific policy on the provisions to change the use of force standard for federal officers from reasonableness to “only when necessary to prevent death or serious bodily injury, and require that deadly force be used only as a last resort and require officers to employ de-escalation techniques,” we strongly support the intent of requiring a reevaluation use of force policies, incorporation of best practices, and alternatives to deadly force.

Improving the Investigations of Police Misconduct

Although our policy does not specifically address the provision to “Grant subpoena power to the U.S. Department of Justice to conduct pattern and practice investigations. . . Pattern and Practice investigations are civil investigations that allow the federal government to sue any law enforcement entity that engages in ‘a pattern or practice of conduct ... that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United

States” we support the intent of identifying and eliminating barriers that hinder the investigation and accountability of officer misconduct.

Increasing Transparency in Policing through the Collection of Data

The lack of data and transparency concerning the use of force by law enforcement agencies make it difficult to discern where problems exist in law enforcement agencies and how they may be prevented. ACP supports the creation of a comprehensive national database and reporting mechanism that captures all deaths by law enforcement, incidents of use of force, and discriminatory policing practices. We support policies in H.R. 1280 that would:

- Require states to report to the Justice Department any incident where use of force is used against a civilian or against a law enforcement officer
- Require states to note the reason that force was used
- Provide technical assistance grants to law enforcement agencies that employ less than 100 people to help comply with requirements of the bill to report use of force incidents

Many experts believe official data maintained by the government on police violence underestimate the frequency of violent encounters and are inadequate.^{vi} Data collected by the federal government relies on voluntary self-reporting by local police departments and failed to collect data on types of injury, deaths occurring on federal property, and the types of law enforcement officers involved. As a result, public health researchers have turned to police shooting tracking projects by media and nongovernmental organizations that utilize news reports, social media posts, independent databases, and police reports to fill the void of official data.^{vii} The Federal Bureau of Investigation (FBI) launched a nationwide data initiative in January 2019 to collect data on law enforcement use of force encounters that result in firearm discharge, serious bodily injury, or death.^{viii} However, the FBI does not have legal authority to mandate reporting of information by local departments.

Eliminate the Inappropriate Use of Military Force in Policing

We remain concerned that police departments are currently misusing military weapons to enforce laws in their communities, which could also lead to increased discriminatory practices in policing. We support the intent of a provision in H.R. 1280 that would limit the transfer of military-grade equipment to state and local law enforcement.

The effect of discriminatory policing are amplified and of particular concern in light of the increasing militarization of community police departments. Through weakening of the Posse Comitatus Act, enactment of the National Defense Authorization Act, and the 1033 program, local police departments have been able to obtain surplus military equipment like assault rifles, grenade launchers, and armored vehicles,^{ix} which has been shown to result in disproportionate use of force and extrajudicial murders by officers in marginalized communities.^x Research has found that the militarization of police has not increased police officer safety or reduced violent crime, but has resulted in the erosion of public opinion towards police.^{xi}

Increase the Use of Police Body Cameras

ACP supports the use of technology, such as body cameras, to assist in monitoring and enforcing use of force protocols. We are pleased the legislation would require federal uniformed officers to wear body cameras and require marked federal police vehicles to have dashboard cameras. It would also require state and local law enforcement officers to ensure the use of police body cameras.

We believe that the use of body cameras will increase protections for civilians since law enforcement officers may be less willing to use excessive force if they know that their actions are recorded on video. Body cameras can also serve to protect law enforcement officers who may be unfairly accused of applying unnecessary force when carrying out their duties.

Implementation of Best Practices for Local Law Enforcement Agencies

We support a provision in this legislation that would establish public safety innovation grants for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just, and equitable public safety approaches. This provision is consistent with ACP policy that supports research and adoption by law enforcement policies that reinforce the importance of community engagement in managing public safety.

Effective policing requires mutual trust and cooperation between law enforcement and civilians, which can be accomplished through community policing. Community policing as a principle requires engaging the local community and building positive relationships with residents and adjacent government agencies, such as those providing social services, as well as innovative problem-solving techniques to proactively address chronic problems and crimes. A review of existing research on community-oriented policing found that it had positive effects on citizen satisfaction, perceptions of disorder, and police legitimacy but limited effects on crime and fear of crime.

Conclusion

The George Floyd Justice in Policing Act of 2021 will not solve all of the issues with racial discrimination and the use of excessive force in law enforcement but it is major step forward that will begin to address this problem. As an organization representing internal medicine physician specialists and medical student members, we are committed to being an antiracist organization dedicated to action and policy to confront and eliminate racism in health care, in law enforcement and in society. We urge the House of Representatives to advance the provisions in the Justice in Policing Act to create transparency and accountability in investigations and reporting of officer misconduct, to incentivize and require a re-evaluation of standards that lead to excessive force and promote adoption of best practices including creating alternatives to use of force, to reduce inappropriate use of military force in community policing, to require use of body cameras, and to create innovation grants to support community engagement in managing public safety. We also encourage Congress to address the urgent need to address the safety and wellness of law enforcement officers at all levels as part of a comprehensive approach to improve law enforcement in the United States.

Sincerely,



Jacqueline W. Fincher, MD, MACP
President

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- ⁱ "Fatal Force: Police Shootings Database." The Washington Post, 2020. <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>.
- ⁱⁱ "The Stanford Open Policing Project." Stanford University. Accessed June 9, 2020. <https://openpolicing.stanford.edu/findings/>.
- ⁱⁱⁱ Edwards, Frank, Hedwig Lee, and Michael Esposito. "Risk of Being Killed by Police Use of Force in the United States by Age, Race–Ethnicity, and Sex." *Proceedings of the National Academy of Sciences* 116, no. 34 (August 5, 2019): 16793–98. <https://doi.org/10.1073/pnas.1821204116>.
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- ^v Ross, Janell. "Police Officers Convicted for Fatal Shootings Are the Exception, Not the Rule." NBC News, March 14, 2019. <https://www.nbcnews.com/news/nbcblk/police-officers-convicted-fatal-shootings-are-exception-not-rule-n982741>.
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- ^{ix} Musgrave, Shawn, Tom Meagher, and Gabriel Dance. "The Pentagon Finally Details Its Weapons-for-Cops Giveaway." The Marshall Project, December 4, 2014. <https://www.themarshallproject.org/2014/12/03/the-pentagon-finally-details-its-weapons-for-cops-giveaway>.
- ^x "Addressing Law Enforcement Violence as a Public Health Issue." American Public Health Association, November 13, 2018. <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence>.
- ^{xi} Mummolo, Jonathan. "Militarization fails to enhance police safety or reduce crime but may harm police reputation." *Proceedings of the national academy of sciences* 115, no. 37 (2018): 9181-9186. <https://doi.org/10.1073/pnas.1805161115>.