

## **COVER PAGE**

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Department

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**TITLE:** Police Use of Force and Community Relations

## **Testimony**

### **National Organization of Black Law Enforcement Executives (NOBLE)**

#### **Before U.S. Senate Committee on the Judiciary**

**Tuesday, June 16, 2020**

Committee Chairman, Senator Lindsey Graham, and Ranking Member, Senator Dianne Feinstein, and members of the U.S. Senate Committee on the Judiciary, I bring you greetings on behalf of the Executive Board, members, and constituents of the National Organization of Black Law Enforcement Executives – NOBLE.

My name is Cerelyn J. Davis, and I am the National President of NOBLE, and current Chief of Police for the great City of Durham, NC. I have served more than 34 years in the law enforcement profession, beginning my career in the City Atlanta, the home of the Civil Rights Movement, where I served for 30 years. It is an honor for NOBLE to provide written testimony on the topic of “Police Use of Force and Community Relations.”

NOBLE joins the nation in condemning the policing tactics, actions and inactions that lead to the death of Mr. George Floyd. We are also alarmed and mourn with the nation at the horrific killings of Breonna Taylor, Ahmad Aubrey and now

Rashard Brooks. These names represent just a few in a much longer list of tragedies impacting communities of color. We offer our heartfelt condolences and prayers to these families and to our grieving nation. The senseless death of George Floyd has gained unprecedented attention around the globe, people from every walk of life are collectively demanding that Justice must be fair, Justice must be transparent, and Justice must be equal!

Though it is very important that the Minneapolis officers involved are prosecuted to the fullest extent of the law, it is just as important that we address the systemic shortcomings and oftentimes failures of our law enforcement and criminal justice systems. Many police leaders have already accepted responsibility to work towards meaningful change, to effectively build sustainable relationships with community stakeholders. It is our opinion that a comprehensive approach is required in addressing the issues of police culture, accountability and building trust between police agencies and the communities that WE have taken an oath to protect and serve.

Secondly, NOBLE is fully aware that addressing issues within the law enforcement spectrum is a very small part of a larger more complex construct comprised of America's continued imbalanced distribution of critical resources. History has

shown that minority citizens have been disenfranchised from the American dream from generation to generation. America will never realize her true potential until all of its citizens' humanity is equally valued and protected through racial and social justice.

I'd like to share with you legacy and legal law enforcement precedent that we feel must be addressed.

- NOBLE strongly recommends a national minimum use-of-force policy be included in state and local law enforcement agency standards. We believe that for law enforcement leaders to develop and implement national best policing practices for their agencies, standardized use-of-force policies should include the following:
  - Mandatory de-escalation training for all officers and policies that require the use of de-escalation tactics as a priority.
  - Prohibition of all physical restraint maneuvers on or above the neck
    - (No choke Holds)
  - Mandatory requirements that all officers render immediate medical aid to any person experiencing a health crisis. (whether in custody or not)

- Mandatory requirement that officers intervene where physical force is being applied to either stop or attempt to stop another officer when force is being inappropriately used
  
- NOBLE proposes comprehensive legislation that incorporates the aforementioned, but also includes:
  - Mandatory Law Enforcement Accreditation as a national requirement. (*Commission on Accreditation for Law Enforcement Agencies.*) CALEA
  
  - **Police qualified immunity should be re-evaluated.** Presently, under federal law, police officers who infringe on civilians' constitutional rights can be sued in federal court, but the qualified-immunity doctrine shields them from such suits unless their actions violated "clearly established law."
  
  - Provide the Civil Rights Division of the Justice Department enforcement oversight against pattern and practice discrimination described in section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.A.).

- Continued Appropriations for the Department of Justice Community Relations Service -directed towards programs to improve community and police relations.
- Federal Data Collection of use-of-force data, traffic stop data, and pedestrian stops and detention data, of all demographics.
- A National database of officers with patterns of misconduct to prevent negligent hiring and retention

NOBLE encourages Congress to act with deliberate haste in passing comprehensive police reform legislation. We wholeheartedly support the passing of the “Justice in Policing Act” which specifically addresses the loopholes that continue to allow policing tragedies free of oversight and accountability, environments that foster unfettered racial tension, and the continued desecration of what I’ve always thought to be a NOBLE profession.

Lastly, on behalf of more than 3,800 law enforcement leaders, mostly minority who represent the membership of NOBLE, I thank you for supporting the law enforcement profession, but more importantly, for listening to the voices of protesters around the globe who demand change... they too deserve action.

We also recognize the majority of police officers who demonstrate on a daily basis their love and commitment towards the tenets of 21<sup>st</sup> Century Policing, and the safety and well-being of the communities they so courageously serve. However, today at this critical time in history, NOBLE members and other colleagues, who lead agencies throughout the nation, appeal to the Senate to pass legislation that provides National guidelines to reform the system of policing, to snuff out every possibility of racial bias that has thrived in the belly of our industry for decades. As an African American Woman, I can unequivocally attest to the perpetual existence of discriminatory practices that remain a haunting reality for people of color throughout our nation. It is critical that we first acknowledge the pressing need for a comprehensive and holistic approach to change, and urgently begin the process of reimagining today's police culture, enlisting servants who value the sanctity of life.

On this occasion I am cautiously optimistic, that the cries of our America will be heard and acted upon so that once and for all black lives are valued in the eyes of the police, as more than a counterfeit 20-dollar bill, more than a carton of cigarettes, and more important than simply showing up at the wrong address.

Thank you, Mr. Chairman