



**Written submission of the American Civil Liberties Union on  
Failures of the Federal Department of Justice to Address Police Misconduct**

**Hearing on Impunity and the Lack of Accountability for  
Extrajudicial Killings by Law Enforcement in the United States**

Inter-American Commission on Human Rights  
166<sup>th</sup> Period of Sessions, December 7, 2017

The American Civil Liberties Union (ACLU) welcomes this opportunity to submit written testimony to the Inter-American Commission on Human Rights for its hearing on lack of accountability and impunity for extrajudicial killings by law enforcement in the United States. This submission focuses on actions by the Trump Administration that eliminate or roll back federal oversight and investigation of alleged police killings and other misconduct.

Police brutality and discriminatory policing practices will continue without preventive and corrective action by the Department of Justice (DOJ). In 2017 alone, at least 903 people have been shot and killed by law enforcement officers to date, including more than 300 who were fleeing from officers when they were shot.<sup>1</sup> Black males are almost three times as likely, and Hispanic males are almost twice as likely, to be killed by police use of force as are white males.<sup>2</sup> The overwhelming majority of law enforcement officers are never charged, let alone convicted, for using excessive force against civilians.<sup>3</sup> Tragedies like the killing of Dontre Hamilton, a 31-year-old unarmed Black man diagnosed with schizophrenia who was shot 14 times and killed by a Milwaukee police officer in a park on April 30, 2014, and Luis Góngora Pat, a homeless Mayan man who was killed by police within 30 seconds of stepping out of their patrol vehicle in San Francisco on April 7, 2016, illustrate that excessive force, which is often against people of

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<sup>1</sup> While the federal government and state and local law enforcement agencies do not collect or release nationwide data on police use of lethal force, this figure is based on cases documented by the *Washington Post*. *Fatal Force*, WASH. POST. Nov. 29, 2017, <https://www.washingtonpost.com/graphics/national/police-shootings-2017/>. As of December 5, 2017, the Killed by Police database that tracks police killings documented 1,109 people killed by police in the U.S. so far in 2017, see <http://killedbypolice.net>, while Fatal Encounters has documented 1,373 police killings in 2017 to date, excluding suicides and ruled suicides, see <http://www.fatalevents.org/>.

<sup>2</sup> James Buehler, *Racial/Ethnic Disparities in the Use of Lethal Force by US Police, 2010–2014*, AMERICAN JOURNAL OF PUBLIC HEALTH, Jan. 11, 2017, <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2016.303575>.

<sup>3</sup> See *Mapping Police Violence: Police Violence Map*, <https://mappingpoliceviolence.org> (finding that 99% of cases in 2015 have not resulted in any officer(s) being convicted of a crime); See also Philip Stinson, *Cops shoot and kill someone about 1,000 times a year. Few are prosecuted. What can be done?*, LA TIMES, Dec. 15, 2016.

color, will continue to plague the United States until aggressive remedial and oversight action is taken by the federal government and other government actors.<sup>4</sup>

## **Trump Administration Limits Oversight and Enforcement of Police Misconduct Laws**

Recent actions by this Administration, however, indicate an ignorance regarding the extent of the problem of police brutality in the United States, a failure to adequately respond to police killings and other violence, and in some instances, even instigating such violence. On Friday, January 20, 2017, Inauguration Day, the White House published an issue statement advising the country that “[t]he Trump Administration will be a law and order administration.”<sup>5</sup> The brief states that “[t]he dangerous anti-police atmosphere in America is wrong” and promises to “end it.”<sup>6</sup> On April 17, 2017, Attorney General Jeff Sessions published an op-ed, calling for “proactive policing” and ending “harmful federal intrusion in the daily work of local police.”<sup>7</sup> A few months later, President Donald Trump effectively endorsed police brutality, telling an audience of law enforcement officials they should not “be too nice” when transporting suspects, and should let arrestees hit their heads on police car doors.<sup>8</sup>

It is the responsibility of the Attorney General and the DOJ to actively enforce all U.S. laws, including 42 U.S.C. § 14141, which gives the DOJ the authority to investigate police departments with a pattern or practice of police misconduct, and 18 U.S.C. §§ 241 and §§ 242, which requires the DOJ to prosecute those, including law enforcement, who deprive a person of his or her civil rights and liberties.<sup>9</sup> This responsibility is a critical tool for reforming the police departments that are the most persistent abusers of the communities they are supposed to protect.

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<sup>4</sup> While this submission focuses on necessary actions by the Trump administration to address police misconduct, Congressional action is also required to guarantee some measure of accountability for police misconduct. Congress must, for instance, change the standard of proof to pursue federal civil rights charges and establish a broader standard for what constitutes a “deprivation of rights under color of law.” Current law sets a standard that often is too high for federal prosecutors to meet and represents a major obstacle to filing federal criminal civil rights charges against police officers in lethal force cases. See, e.g., Mike Allen, *Holder's parting shot: It's too hard to bring civil rights cases*, POLITICO, Feb. 27, 2015, <https://www.politico.com/story/2015/02/eric-holder-civil-rights-interview-mike-allen-115575>.

<sup>5</sup> The White House, *Standing Up For Our Law Enforcement Community*, Jan. 20, 2017.

<sup>6</sup> *Id.*

<sup>7</sup> Atty. Gen. Jeff Sessions, *Avoid harmful federal intrusion*, USA TODAY, Apr. 17, 2017, <https://www.usatoday.com/story/opinion/2017/04/17/jeff-sessions-avoid-harmful-federal-intrusion-editorials-debates/100579848/>.

<sup>8</sup> Mark Berman, *Trump tells police not to worry about injuring suspects during arrests*, WASH. POST, July 28, 2017, [https://www.washingtonpost.com/news/post-nation/wp/2017/07/28/trump-tells-police-not-to-worry-about-injuring-suspects-during-arrests/?tid=a\\_inl&utm\\_term=.02af32494e08](https://www.washingtonpost.com/news/post-nation/wp/2017/07/28/trump-tells-police-not-to-worry-about-injuring-suspects-during-arrests/?tid=a_inl&utm_term=.02af32494e08). President Trump has also signed Executive Orders directing the Department of Justice to expand the criminal code and establish “new mandatory minimum sentences for existing crimes of violence against law enforcement officers,” even though laws already exist imposing the strictest penalties for violence against police officers.

<sup>9</sup> 18 U.S.C § 242 makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

Since 2009, the DOJ opened 25 investigations into law enforcement agencies and has been enforcing 14 consent decrees.<sup>10</sup>

Despite this obligation, action taken by the DOJ during the Trump presidency suggests that the Department is abandoning its enforcement of these laws.<sup>11</sup> For example, earlier this year, the DOJ attempted to postpone the implementation of Baltimore's carefully-negotiated consent decree despite support from the city itself<sup>12</sup> and accepted the City of Chicago's decision to abandon the consent decree process,<sup>13</sup> in spite of overwhelming evidence uncovered by the DOJ that the police departments in those cities had engaged in a pattern of discrimination that harmed the safety and civil rights of their residents.<sup>14</sup>

In addition, over the last several months, pursuant to a memo issued by Attorney General Sessions, the DOJ has been reviewing its procedures for addressing police misconduct.<sup>15</sup> The memo states that agreements reached and contemplated between the DOJ's Civil Rights Division and police departments will be subject to review by his two top deputies, a review process that has been shrouded in secrecy. These actions suggest that the Trump Administration is seeking to modify or undo existing consent decrees that were hard-fought by previous administrations to address findings of rampant constitutional violations reported and litigated in court by the DOJ itself.

The DOJ must not abandon reform efforts, as it has a critical role to play to ensure that law enforcement across the country are following the Constitution and that reforms are implemented effectively and efficiently under existing consent decrees. There is broad concern within the civil rights community that the DOJ is not actively defending civil rights and is instead dismantling critical structures and abandoning tools that, for decades, have been used by the Department of Justice to protect people from police brutality and discrimination.

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<sup>10</sup> DOJ, *Justice Department Releases Report on Civil Rights Division's Pattern and Practice Police Reform Work*, January 4, 2017, <https://www.justice.gov/opa/pr/justice-department-releases-report-civil-rights-division-s-pattern-and-practice-police-reform>

<sup>11</sup> Steve Eder, Ben Protes and Shaila Dewan, *How Trump's Hands-Off Approach to Policing is Frustrating Some Chiefs*, NEW YORK TIMES, Nov. 21, 2017, <https://www.nytimes.com/2017/11/21/us/trump-justice-department-police.html>

<sup>12</sup> Alan Neuhauser, *Sessions slams Baltimore consent decree*, U.S. NEWS & WORLD REPORT, April 7, 2017, <https://www.usnews.com/news/national-news/articles/2017-04-07/attorney-general-jeff-sessions-slams-baltimore-consent-decree>.

<sup>13</sup> Dan Hinkel, Dan, et al., *Emanuel backs off from commitment to court oversight of Chicago police reform*, CHICAGO TRIBUNE., June 2, 2017, <http://www.chicagotribune.com/news/local/breaking/ct-chicago-police-independent-monitor-met-20170602-story.html>.

<sup>14</sup> DOJ, *Investigation of the Chicago Police Department*, Jan. 13, 2017, <https://www.justice.gov/crt/case-document/file/925771/download>; *Investigation of the Baltimore City Police Department*, Aug. 10, 2016, <https://www.justice.gov/crt/file/883296/download>.

<sup>15</sup> Atty. Gen. Jeff Sessions, *Memorandum for Heads of Department Components and United States Attorneys*, March 31, 2017, <https://www.documentcloud.org/documents/3535148-Consentdecreebaltimore.html>.

The DOJ must provide oversight and enforcement of police misconduct laws. With regards to certain police departments, it is critically important to have the independent and well-resourced oversight that comes from a DOJ investigation in order to achieve systemic reform of policing. It is equally important to have court oversight of the consent decrees that typically follow these investigations, to ensure that both the DOJ and the local law enforcement agencies are accountable to an independent entity—the judge—for the reforms they have promised to undertake, despite changes in administration over time.

### **DOJ Eliminates Collaborative Reform Program Addressing Police Use of Force**

On September 15, 2017, Attorney General Jeff Sessions announced significant changes to its Collaborative Reform Initiative for Technical Assistance program.<sup>16</sup> This program, known as “collaborative reform,” had provided resources to law enforcement agencies that were experiencing serious policing failures since 2011.<sup>17</sup> Police departments solicited this assistance from the DOJ to address excessive force, biased policing, and poor police-community relations. Under the changes announced by Sessions, the collaborative reform program will no longer address these issues and instead focus on “fighting violent crime.”<sup>18</sup>

Collaborative reform is another valuable federal tool for addressing police misconduct and improving the relationships between local law enforcement and the communities they serve. Collaborative reform resulted in initial reports that covered a broad range of issues with specific critiques and robust recommendations that usually spanned 132 pages (Fayetteville)<sup>19</sup> to 432 pages (San Francisco).<sup>20</sup> At the time of the policy change, the program was actively engaged in collaborative reform projects with over a dozen police departments across the country.<sup>21</sup>

The police departments benefiting from collaborative reform were often responsible for fatal police shootings that garnered national attention. These police departments included those in

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<sup>16</sup> DOJ, *Department of Justice Announces Changes to the Collaborative Reform Initiative*, Sept, 15, 2017, <https://www.justice.gov/opa/pr/department-justice-announces-changes-collaborative-reform-initiative>.

<sup>17</sup> DOJ COPS, COLLABORATIVE REFORM INITIATIVE for Technical Assistance, last visited Nov. 29, 2017, [https://cops.usdoj.gov/pdf/technical\\_assistance.pdf](https://cops.usdoj.gov/pdf/technical_assistance.pdf).

<sup>18</sup> DOJ, *Department of Justice Announces Changes to the Collaborative Reform Initiative*, Sept, 15, 2017, <https://www.justice.gov/opa/pr/department-justice-announces-changes-collaborative-reform-initiative>.

<sup>19</sup> See Rodriguez, Denise, at el. “Collaborative Reform Initiative: Assessment Report on the Fayetteville Police Department.” Community Oriented Policing Services. 2015. <https://ric-zai-inc.com/Publications/cops-w0790-pub.pdf>.

<sup>20</sup> See “Collaborative Reform Initiative: Assessment Report of the San Francisco Police Department.” Community Oriented Policing Services. Oct. 2016, <https://ric-zai-inc.com/Publications/cops-w0817-pub.pdf>.

<sup>21</sup> See “Collaborative Reform.” Community Oriented Policing Services. Archived page from Sept. 11, 2017, <https://web.archive.org/web/20170911082044/https://cops.usdoj.gov/collaborativereform>.

Milwaukee, Wisconsin, where Dontre Hamilton was fatally shot by police;<sup>22</sup> Saint Anthony, Minnesota, where Philando Castile met the same fate;<sup>23</sup> and North Charleston, South Carolina, where Walter Scott was killed by police.<sup>24</sup> These departments were awaiting final reports and recommendations through their collaborative reform partnership with the DOJ when the agency announced the change in program focus. The reports and recommendations will not be issued.<sup>25</sup>

A draft of the report for the Milwaukee Police Department suggests what is at stake with the loss of these federal resources. The report revealed that “MPD members generally do not understand their roles in community policing.”<sup>26</sup> The report also found that “MPD’s traffic enforcement practices have a disparate impact on the African-American community,”<sup>27</sup> a reason why the ACLU is suing Milwaukee over its police department’s stop and frisk program.<sup>28</sup> The report also found the department “does not have specific guidelines for conducting use of force investigations.”<sup>29</sup>

The Community Oriented Policing Services (COPS) office houses the collaborative reform program. Ron Davis, the former head of the COPS office, recently said, “[collaborative] reform worked because it was driven by local police, elected [and] community leaders who wanted stronger relationships [and] safer cities.”<sup>30</sup> Police departments and local officials asked for

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<sup>22</sup> Chris Foran, *Blood Is at the Doorstep, ' about Dontre Hamilton family, comes home to film festival*, MILWAUKEE JOURNAL SENTINEL, Oct. 5, 2017, <https://www.jsonline.com/story/entertainment/movies/2017/10/05/blood-doorstep-dontre-hamilton-family-comes-home-film-festival/729655001/>.

<sup>23</sup> Matt Furber & Richard Perez-Pena, *After Philando Castile’s killing, Obama calls police shootings ‘an American issue’*, N.Y. TIMES, July 7, 2016, <https://www.nytimes.com/2016/07/08/us/philando-castile-falcon-heights-shooting.html>.

<sup>24</sup> Andrew Knapp, *Prosecutors say Michael Slager should face life in prison for Walter Scott shooting*, THE POST & COURIER, Nov. 28, 2017, [https://www.postandcourier.com/news/prosecutors-say-michael-slager-should-face-life-in-prison-for/article\\_7e8637ca-d3b9-11e7-bafb-cb1434e0e585.html](https://www.postandcourier.com/news/prosecutors-say-michael-slager-should-face-life-in-prison-for/article_7e8637ca-d3b9-11e7-bafb-cb1434e0e585.html).

<sup>25</sup> Kelly Cohen, *Justice Department scales back Obama-era program to advise police*, WASH. EXAMINER, Sept. 15, 2017, <http://www.washingtonexaminer.com/justice-department-scales-back-obama-era-program-to-advise-police/article/2634575>.

<sup>26</sup> DOJ, Draft Report, *Collaborative Reform Initiative Milwaukee Police Department Assessment Report*, MILWAUKEE JOURNAL SENTINEL, last visited Nov. 29, 2017, [http://graphics.jsonline.com/jsi\\_news/documents/doj\\_draftmpdreport.pdf](http://graphics.jsonline.com/jsi_news/documents/doj_draftmpdreport.pdf).

<sup>27</sup> *Id.*

<sup>28</sup> ACLU, Press Release, *ACLU Challenges Milwaukee Police Department’s Unconstitutional Stop-and-Frisk Program Conducted Without Reasonable Suspicion and Based on Racial Profiling*, Feb. 22, 2017, <https://www.aclu.org/news/aclu-challenges-milwaukee-police-departments-unconstitutional-stop-and-frisk-program-conducted>.

<sup>29</sup> DOJ, Draft Report, *Collaborative Reform Initiative Milwaukee Police Department Assessment Report*, MILWAUKEE JOURNAL SENTINEL, last visited Nov. 29, 2017, [http://graphics.jsonline.com/jsi\\_news/documents/doj\\_draftmpdreport.pdf](http://graphics.jsonline.com/jsi_news/documents/doj_draftmpdreport.pdf).

<sup>30</sup> Ron Davis (@rondaviscp) “Collab Reform worked because it was driven by local police, elected & community leaders who wanted stronger relationships & safer cities.” Sep. 16, 2017, <https://mobile.twitter.com/rondaviscp/status/909005934789308416>

federal help so they could attempt to “strengthen and build the mutual trust”<sup>31</sup> between law enforcement and communities in the midst of tragedy, often a fatal police shooting.

The DOJ’s changes to the collaborative reform program were announced as St. Louis and the rest of the country reacted<sup>32</sup> to the acquittal of the police officer who killed Anthony Lamar Smith.<sup>33</sup> The DOJ is now denying critical policing resources to troubled agencies and communities, like St. Louis County, that previously benefited from collaborative reform around racial profiling.<sup>34</sup> In “fighting violent crime,” the DOJ under Attorney General Jeff Sessions must recognize that police violence, including fatal police shootings, can be violent crimes, need to be deterred, and should not happen without consequence. The DOJ must restore collaborative reform’s focus to addressing police use of excessive force and other unconstitutional practices.

### **Administration Rescinds Executive Order Curtailing Police Militarization and Violence**

On August 28, 2017, President Donald Trump rescinded Executive Order (EO) 13688.<sup>35</sup> EO 13688 created a federal agency working group tasked with implementing oversight and protocols around the military weapons provided to police by the federal government.<sup>36</sup> This means that weapons of war will be used to police local communities with little accountability from the federal agencies providing these weapons.<sup>37</sup> As the ACLU’s report, *War Comes Home: The Excessive Militarization of American Policing* found, militarized policing increases the risk of violence and harm to both law enforcement and civilians. Based on our findings, the ACLU called for oversight of the federal programs that incentive militarized policing.<sup>38</sup>

The oversight that was created with EO 13688 established a federal agency working group that included the Departments of Defense (DOD), Justice, and Homeland Security, which are the

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<sup>31</sup>DOJ, Draft Report, *Collaborative Reform Initiative Milwaukee Police Department Assessment Report*, MILWAUKEE JOURNAL SENTINEL, last visited Nov. 29, 2017, [http://graphics.jsonline.com/jsi\\_news/documents/doj\\_draftmpdreport.pdf](http://graphics.jsonline.com/jsi_news/documents/doj_draftmpdreport.pdf).

<sup>32</sup> Valerie Volcovici and Kenny Bahr, *More than 80 arrested as riot police break up St. Louis protest over officer's acquittal*, REUTERS, Sept. 15, 2017, <https://www.reuters.com/article/us-missouri-crime/riot-police-break-up-st-louis-protest-over-officers-acquittal-idUSKCN1BQ161>

<sup>33</sup> *ACLU of Missouri Statement on Acquittal of Jason Stockley*, Sept. 15 2017, <https://www.aclu.org/news/aclu-missouri-statement-acquittal-jason-stockley>.

<sup>34</sup> Chuck Raasch, *DOJ shifts from 'collaborative reform' doctrine toward Trump's law-and-order mandate*, ST. LOUIS DISPATCH, Sept. 15, 2017, [http://www.stltoday.com/news/local/govt-and-politics/doj-shifts-from-collaborative-reform-doctrine-toward-trump-s-law/article\\_c3b1daa7-7dbb-5607-82d8-55ff0660460d.html](http://www.stltoday.com/news/local/govt-and-politics/doj-shifts-from-collaborative-reform-doctrine-toward-trump-s-law/article_c3b1daa7-7dbb-5607-82d8-55ff0660460d.html).

<sup>35</sup> White House, *Presidential Executive Order on Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources*, Aug. 28, 2017, <https://www.whitehouse.gov/the-press-office/2017/08/28/presidential-executive-order-restoring-state-tribal-and-local-law>.

<sup>36</sup> Law Enforcement Equipment Working Group, *Recommendations Pursuant to EXECUTIVE ORDER 13688, Federal Support for Local Law Enforcement Equipment Acquisition*, May 2015, [https://www.bja.gov/publications/LEEWG\\_Report\\_Final.pdf](https://www.bja.gov/publications/LEEWG_Report_Final.pdf).

<sup>37</sup> ACLU, *War Comes Home: The Excessive Militarization of American Policing*, June 2014, [https://www.aclu.org/sites/default/files/field\\_document/jus14-warcomeshome-text-rell.pdf](https://www.aclu.org/sites/default/files/field_document/jus14-warcomeshome-text-rell.pdf)

<sup>38</sup> *Id.*

primary federal providers of military weapons and equipment to law enforcement.<sup>39</sup> The working group ensured that the agencies providing military-grade weapons to law enforcement were communicating with one another so that, for example, the DOD did not provide weapons to a police department under investigation by the DOJ for unconstitutional policing. The working group also restricted access to certain weapons, including drones, explosives, and Mine-Resistant Ambush Protected vehicles (MRAPs) and prohibited other weapons, such as bayonets and grenade launchers.<sup>40</sup> The Trump Administration's reversal of EO 13688 dismantles this necessary oversight put in place by the previous administration.

However, militarized policing's propensity to escalate violence was witnessed even after the federal working group was convened in January 2015. During the winter of 2016, law enforcement responded to peaceful protestors at the Dakota's Standing Rock Indian Reservation with armored vehicles, automatic rifles, concussion grenades, sound cannons, and water cannons.<sup>41</sup> In July 2016, those organizing around the fatal police shooting of Alton Sterling in Baton Rouge, Louisiana were met with militarization and excessive force.<sup>42</sup> These high-profile militarized incidents continued despite the widespread scrutiny post-Ferguson.<sup>43</sup>

In the midst of Ferguson, veterans from the Iraq and Afghanistan wars expressed horror that local police in Ferguson were more heavily armed than they were while on active duty overseas.<sup>44</sup> Members of Congress also expressed concerns, including Rep. Duncan Hunter (R-Calif.) who said, "The idea that state and local police departments need tactical vehicles and MRAPs with gun turrets is excessive."<sup>45</sup> Senator Rand Paul (R-Ky.) described the need to differentiate a "police response and a military response."<sup>46</sup> Some law enforcement leaders,

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<sup>39</sup> Mark Landler, *Obama offers new standards on police gear in wake of Ferguson protests*, N.Y. TIMES, Dec. 1, 2014, <https://www.nytimes.com/2014/12/02/us/politics/obama-to-toughen-standards-on-POLICE-use-of-military-gear.html>.

<sup>40</sup> Law Enforcement Equipment Working Group, *Recommendations Pursuant to EXECUTIVE ORDER 13688, Federal Support for Local Law Enforcement Equipment Acquisition*, May 2015, [https://www.bja.gov/publications/LEEWG\\_Report\\_Final.pdf](https://www.bja.gov/publications/LEEWG_Report_Final.pdf).

<sup>41</sup> ACLU letter to Hon. Vanita Gupta & Hon. Karol Mason, Nov. 4, 2016, <https://www.aclu.org/letter/aclu-standing-rock-letter-justice-department>.

<sup>42</sup> Robert Mackey, *Images of militarized police in Baton Rouge draw global attention*, July 11, 2016, THE INTERCEPT, <https://theintercept.com/2016/07/11/images-militarized-police-baton-rouge-draw-global-attention/>

<sup>43</sup> Janelle Bouie, *The militarization of the police*, SLATE, Aug. 13, 2014, [http://www.slate.com/articles/news\\_and\\_politics/politics/2014/08/police\\_in\\_ferguson\\_military\\_weapons\\_threaten\\_p\\_rotesters.html](http://www.slate.com/articles/news_and_politics/politics/2014/08/police_in_ferguson_military_weapons_threaten_p_rotesters.html).

<sup>44</sup> Matt Farwell, *What combat veterans see in Ferguson, Missouri*, VANITY FAIR, Aug. 16, 2014, <https://www.vanityfair.com/news/politics/2014/08/veterans-ferguson-matthew-farwell>.

<sup>45</sup> Chris Jennewein, *Rep. Hunter criticizes police use of battlefield equipment*, TIMES OF SAN DIEGO, Aug. 17, 2014, <https://timesofsandiego.com/politics/2014/08/17/rep-hunter-criticizes-police-use/>.

<sup>46</sup> Sen. Rand Paul, *We must demilitarize the police*, TIME, Aug. 14, 2014, <http://time.com/3111474/rand-paul-ferguson-police/>.

including former Seattle Police Chief Norm Stamper, have charged that “We’ve also militarized American law enforcement beyond all measure.”<sup>47</sup>

More recently, the criticism around police militarization continued when the Government Accountability Office (GAO) acquired \$1.2 million worth of rifles, pipe bomb equipment, and night vision goggles from the DOD 1033 program,<sup>48</sup> which transfers military weapons and equipment to law enforcement at no cost. GAO indicated that the DOD does not verify the identification of individuals picking up military weapons through 1033.<sup>49</sup> GAO also found that the Pentagon does not verify the quantity of military weapons transferred through 1033.<sup>50</sup> GAO said DOD “lacks reasonable assurance that it has the ability to prevent, detect, and respond to potential fraud and minimize associated security risks.”<sup>51</sup> The Administration must restore restrictions and oversight of the federal programs providing military weapons to law enforcement.

## Conclusion

We commend the Commission’s decision to hold this thematic hearing and the Commission’s past expressions of deep concern over the issue of extrajudicial killings by law enforcement officials in the United States and the subsequent lack of effective investigations and accountability. We also welcome the draft report being considered by the Commission on use of force by law enforcement against African-Americans in the United States, titled African-Americans, Police Use of Force, and Human Rights in the United States.

We would urge the Commission to include the information presented in this hearing relating to the most current situation of impunity in cases of police killings in its report, in order to complement information presented in other hearings over recent years related to excessive use of force and racism in the criminal justice system of the United States.

We are extremely concerned that the DOJ is acting behind closed doors to dismantle carefully negotiated consent decrees, undermine pattern or practice investigations, and abandon valuable collaborative reform efforts launched through the COPS office. We urge the Commission to issue strong recommendations to the government of the United States to reverse recent actions by the Trump Administration that eliminate or roll back federal oversight and investigation of alleged police killings and other misconduct. We also call on the Commission to continue its

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<sup>47</sup> Michele Martin interview with Norm Stamper, *Former police chief has a plan for 'how to fix America's police'*, NPR, July 10, 2016, <https://www.npr.org/2016/07/10/485460453/former-police-chief-has-a-plan-for-how-to-fix-americas-police>.

<sup>48</sup> GAO, *DOD EXCESS PROPERTY: Enhanced Controls Needed for Access to Excess Controlled Property*, July 2017, <https://www.gao.gov/assets/690/685915.pdf>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

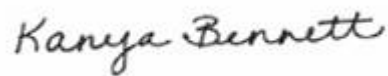


human rights monitoring of the situation including through a follow-up fact-finding visit and consideration of other measures to ensure that the United States complies with its regional and international obligations requiring accountability for police killings including access to justice for victims.

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