



Written Submission prepared by the
International Human Rights Clinic at Santa Clara University
for the Thematic Hearing on

Lack of accountability for police killings of minorities and other vulnerable populations in the United States

before the Inter-American Commission on Human Rights

December 7, 2017
166th Period of Sessions

This submission complements those of the American Civil Liberties Union and Robert F. Kennedy Human Rights, found [here](#). It highlights how victims of police killings in the U.S. are disproportionately from minorities, indigenous, Native American, Black and Latino communities, as well as persons with mental illness and people experiencing homelessness.

Impunity for Police Killings of Minorities and other Vulnerable Populations in the U.S.

A 2015 study by the U.S. Department of Justice concluded there are close to 1,000 people killed by police on average each year.¹ The victims are disproportionately minorities, indigenous, Native American, Black and Latino communities, as well as persons with mental illness and people experiencing homelessness. The magnitude of this problem is exacerbated by the absence of effective investigations and prosecutions. As a result, victims' families not only have to endure the pain of losing their loved ones, but also the agony caused by a discriminatory system that allows such impunity and fails to provide justice.

In multiple press statements over the past three years, the Inter-American Commission on Human Rights has expressed deep concern over the issue of extrajudicial killings by law enforcement officials in the U.S. and the subsequent lack of effective investigations², and has urged the U.S. to

¹ U.S. Department of Justice, Bureau of Justice Statistics, Office of Justice Programs, *Arrest-Related Deaths Program Assessment: Technical Report*, March 2015, p. 13, (stating “the universe of law enforcement homicides in the United States across all years examined (2003–09 and 2011) is 7,427, or an average of 928 law enforcement homicides per year),” available at <https://www.bjs.gov/content/pub/pdf/ardpatr.pdf>. See also, The Guardian, *Police killed more than twice as many people as reported by US government*, available at <https://www.theguardian.com/us-news/2015/mar/04/police-killed-people-fbi-data-justifiable-homicides>.

² IACHR Expresses Concern with the Deficiencies in the Investigation of Cases Relating to Killing of Afro-descendants by the Police in the United States, Press Release No. 120/16 (Aug. 23, 2016), available at

conduct “exhaustive, impartial, independent, effective and prompt investigations” into police-involved shootings.³ The Commission has also expressly recognized that the U.S. government’s ineffective response “gives rise to high levels of impunity, which in turn result in the chronic repetition of such acts” and “that the deficiencies in the investigation, along with the lack of institutional responsibility, may become a pattern.”⁴

Similar concerns were also raised during the Commission’s 2015 *in loco* visit to the U.S. localities of Ferguson, St. Louis, New Orleans, Sanford, Orlando, and Miami, which led the Commission to express “concern related to the persistent problem of structural discrimination and racial disparities in all actions and processes within the criminal justice system in the United States, and in the intervention of law enforcement authorities, and in particular the police.”⁵ In the words of the Commission, these and other examples indicate “that racial discrimination in policing and in the criminal justice system is symptomatic of a wider social problem and context of racism in the United States.”⁶

The following sections provide more information on how similar discrimination against Latinos, Native Americans, persons experiencing homelessness, and persons with mental health problems also results in impunity for police killings against those populations.

Police Killings of Latinos/Hispanics

Police killings of Latinos or Hispanics are often under-reported and get far less media coverage than shootings of Black Americans.⁷ According to the Washington Post’s database of police killings, approximately 17% of persons shot and killed by police between 2015 and 2017 were “Hispanic.”⁸ The terms “Latino” or “Hispanic” are often used interchangeably to refer to someone’s ethnicity, rather than that person’s race. According to Franklin Cruz, Program Director at the Justice Management Institute, it is not generally routine for police departments to log the ethnicity of people who are killed by police officers. Therefore, Latinos or Hispanics may be

http://www.oas.org/en/iachr/media_center/PReleases/2016/120.asp; *IACHR Condemns the Killing of an African-American Man in the United States*, Press Release No. 040/15 (Apr. 17, 2015), available at http://www.oas.org/en/iachr/media_center/PReleases/2015/040.asp, and *IACHR Expresses Concern over Police Killings of African-American Persons in the United States*, Press Release No. 90/14 (Aug. 22, 2014), available at http://www.oas.org/en/iachr/media_center/PReleases/2014/090.asp.

³ *Id.*

⁴ *IACHR Expresses Concern with the Deficiencies in the Investigation of Cases Relating to Killing of Afro-descendants by the Police in the United States*, Press Release No. 120/16 (Aug. 23, 2016), available at http://www.oas.org/en/iachr/media_center/PReleases/2016/120.asp.

⁵ *IACHR Concludes Visit to Florida, Louisiana and Missouri, United States*, Press Release No. 118/215 (Oct. 15, 2016), available at http://www.oas.org/en/iachr/media_center/preleases/2015/118.asp.

⁶ *Id.*

⁷ Kenya Downs, *Why Aren’t More People Talking about Latinos Killed by Police?* PBS, Jul. 14, 2016, <https://www.pbs.org/newshour/nation/black-men-werent-unarmed-people-killed-police-last-week>.

⁸ The Washington Post, *Fatal Force*, (stating that 166 of the 909 people shot and killed by police so far in 2017 through December 5th were “Hispanic,” and that 160 of 963 people and 172 of 995 people shot and killed by police in 2016 and 2015, respectively, were “Hispanic”), available at <https://www.washingtonpost.com/graphics/national/police-shootings-2017/>, <https://www.washingtonpost.com/graphics/national/police-shootings-2016/>, and <https://www.washingtonpost.com/graphics/national/police-shootings-2015/>.

categorized as either “White” or “Black,” rather than Latino or Hispanic. Consequently, the precise number of Latinos or Hispanics killed by police each year remains unknown.⁹

One example where police were not held accountable for using lethal force against members of the Latino population is the case of Antonio Zambrano-Montes. In February 2015, police in Pasco, Washington shot and killed Antonio Zambrano-Montes for throwing rocks at them.¹⁰ The incident, which was captured on video by bystanders, shows police shooting Zambrano-Montes in the arm once after he threw a rock.¹¹ Zambrano-Montes then ran away, turned around, and put his arms up, at which point the police shot him multiple times and killed him.¹² The Franklin County prosecutor chose not to file criminal charges, claiming Zambrano-Montes was killed “without malice.”¹³

Other examples include those of Dominic Fuller, an unarmed 24-year-old Latino who was shot on September 21, 2015 in Auburndale, Florida while he fled police responding to “suspicious activity.” Fuller rose his right hand holding a stapler that police mistook for a gun.¹⁴ Ruben Garcia Villalpando was 31-years-old when he was shot and killed by police in Grapevine, Texas on February 20, 2015, after he exited his vehicle with his hands raised saying “Are you going to kill me?” and shuffled toward the police officer.¹⁵ Anthony Nunez was only 18 when he was fatally shot by police at his home in San Jose, California, where he had been threatening to kill himself. The boy was shot by officers claiming he turned a gun toward them, but they failed to try other nonviolent tactics—such as a taser, first. The officials were cleared of any wrongdoing.¹⁶

One particularly upsetting instance of police brutality toward Latinos was the recent killing of Magdiel Sanchez. In September 2017, Oklahoma City police shot and killed Sanchez, a 35-year-old deaf man, while responding to a hit-and-run call.¹⁷ Two officers simultaneously fired a Taser and a gun at Sanchez when he did not respond to their commands to drop the metal pipe he was holding.¹⁸ According to his neighbors, Sanchez always carried the pipe with him to fend off stray

⁹ Roque Planas, *The Fatal Police Shootings You Aren’t Hearing about*, HUFFINGTON POST, Jul. 14, 2016, Updated Aug. 28, 2016, https://www.huffingtonpost.com/entry/latinos-hispanic-killed-police_us_57878af8e4b03fc3ee4f62ae.

¹⁰ Phil Helsel, *No Charges for Pasco Police Officers Who Killed Antonio Zambrano-Montes, Man Who Threw Rocks*, NBC NEWS, Sep. 9, 2015, <https://www.nbcnews.com/news/us-news/no-charges-pasco-police-officers-who-killed-antonio-zambrano-montes-n424571>.

¹¹ *Id.*

¹² The Guardian, *Footage of Fatal Police Shooting of Antonio Zambrano Montes* (February 12, 2015), available at <https://www.theguardian.com/us-news/video/2015/feb/12/pasco-washington-fatal-police-shooting-antonio-zambrano-montes-video>.

¹³ Annette Cary, *Zambrano-Montes’ Parents Sue Pasco, Police Officers*, TRI-CITY HERALD, Jan. 6, 2016, Updated Jan. 7, 2016, <http://www.tri-cityherald.com/news/local/crime/pasco-police-shooting/article53336205.html>.

¹⁴ The Guardian, *The Counted, People Killed by Police in the U.S. 10*, available at <https://www.theguardian.com/us-news/series/counted-us-police-killings>.

¹⁵ CNN, *After Texas police officer shoots Mexican immigrant, family searches for answers*, March 8, 2015, available at <http://www.cnn.com/2015/03/08/us/texas-police-shooting/index.html>.

¹⁶ Mercury News, *Officers cleared in 2016 shooting of man who already shot himself*, August 15, 2017, available at <http://www.mercurynews.com/2017/08/15/officers-cleared-in-2016-shooting-of-man-who-already-shot-himself/>.

¹⁷ Ken Miller, *Oklahoma City Man Shot and Killed by Police Was Deaf*, U.S.A. TODAY, Sep. 21, 2017, <https://www.usatoday.com/story/news/2017/09/21/oklahoma-city-man-shot-and-killed-police-deaf/688213001/>.

¹⁸ *Id.*

dogs and assist him with communication.¹⁹ Witnesses who knew Sanchez shouted at the police that Sanchez was deaf and could not hear.²⁰ The officers shot Sanchez despite these warnings.²¹

These incidents highlight the disproportionate use of force and the impunity that often ensues for police killings of Latinos in the U.S.

Police Killings of Native Americans

Native Americans are one of the groups most likely to be killed by law enforcement in the U.S., yet their deaths have been largely under-reported.²² Although Native Americans make up only 0.9% of the U.S. population,²³ they accounted for about 2.2% of the police-involved deaths in 2016.²⁴ That's 24 deaths in one year.

At least since 1999, Native Americans have been killed by police at higher rates than other ethnic groups in the U.S.²⁵ CNN reported that between 1999 and 2015, Native Americans were being killed by police at the highest average annual rate (2.9 deaths per 1 million population) compared to other ethnic groups (based on Center for Disease Control death records and population projections).²⁶ Researchers at Claremont University also found that about half of Native Americans killed by police or who died in police custody between May 2014 and October 2016 had been experiencing mental illness or feelings of suicide.²⁷

¹⁹ *Police Chief Says There Are "a Lot of Concerns" after Shooting of Deaf Man*, CBS NEWS, Sep. 22, 2017, <https://www.cbsnews.com/news/oklahoma-city-bill-city-concerns-after-shooting-magdiel-sanchez-deaf-man/>.

²⁰ Elizabeth Chuck, "He Can't Hear You!": Deaf Man Shot Dead by Oklahoma City Police as Neighbors Scream in Horror, NBC NEWS, Sep. 20, 2017, <https://www.nbcnews.com/news/us-news/deaf-man-shot-dead-oklahoma-city-police-neighbors-scream-horror-n803031>.

²¹ *Id.*

²² See generally, Elise Hansen, *The Forgotten minority in police shootings* (November 13, 2017), <http://www.cnn.com/2017/11/10/us/native-lives-matter/index.html?sr=fbCNN111317native-lives-matter0737PMStoryLink>; Roger J. Chin, et al., *Whose Lives Matter: The Media's Failure to Cover Police Use of Lethal Force Against Native Americans*, Race and Justice, Sage Journals (October 15, 2017), <https://doi.org/10.1177/2153368717734614>; In These Times, *The Police Killings No One is Talking About* (October 17, 2016), available at http://inthesetimes.com/features/native_american_police_killings_native_lives_matter.html, and High Country News, *Police shootings of Native Americans spark a movement* (May 22, 2017) available at <http://www.hcn.org/articles/native-lives-matter-a-movement-emerges>.

²³ U.S. Census Bureau, *2010 U.S. Census, Overview of Race and Hispanic Origin: 2010*, at 4 (March 2011), <https://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>.

²⁴ John Swaine, et al., *The Counted*, 2015 and 2016 datasets, The Guardian (2017) <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/about-the-counted>.

²⁵ Mike Males, *Who are Police Killing?* Center on Juvenile and Criminal Justice (August 26, 2014), <http://www.cjcr.org/news/8113>, (stating that between 1999 and 2011, Native Americans were more likely to be killed by police than any other ethnic group in the U.S., when compared to their percentage of the U.S. population).

²⁶ Elise Hansen, *The Forgotten minority in police shootings* (November 13, 2017), <http://www.cnn.com/2017/11/10/us/native-lives-matter/index.html?sr=fbCNN111317native-lives-matter0737PMStoryLink>.

²⁷ Roger J. Chin, et al., *Whose Lives Matter: The Media's Failure to Cover Police Use of Lethal Force Against Native Americans*, Race and Justice, Sage Journals (October 15, 2017), <https://doi.org/10.1177/2153368717734614>.

For example, on July 8th, 2014 in Sandpoint, Idaho, police shot and killed Jeanetta Riley, a 34-year-old Native American pregnant homeless woman with a history of mental illness and substance abuse, within 15 seconds of arriving at the scene. Riley, who was 5 feet tall and weighed 95 pounds, had a knife in her right hand. When officers shouted instructions to Riley, she cursed at officers and refused to comply, and as they yelled for her to drop the knife, they shot her twice in her chest, and then once more in her back as she fell to the ground. The officers who killed Jeanetta were cleared of wrongdoing by a local prosecutor who reviewed the investigation conducted by the Bonner County sheriff's office.²⁸

Police Killings of Persons Experiencing Homelessness

Unlike police killings of other vulnerable populations, police killings of homeless individuals have not been systematically or categorically reported nationwide. Our research has highlighted multiple cases involving impunity of police killings of homeless people across the United States, exemplifying the need for better data collection and reporting.

For example, in San Francisco, California, there were three documented police shootings of homeless individuals in a seven-month timeframe. The District Attorney's Office is still deciding whether to press charges against police officers involved in those three shootings, as well as in seven other police shootings dating back to September 2014.²⁹ Most of these investigations are still ongoing, even though there is a protocol that requires officer-involved investigations to be concluded within a reasonable timeframe of approximately seven months.³⁰ In practice, police-involved investigations often take three to four times longer than the protocol dictates.³¹

The police killing of Luis Góngora Pat is one of the most prominent of those cases. Luis Góngora Pat was an indigenous Mayan man from Mexico who moved to San Francisco to work and earn money for his family, who stayed back home in Mexico. Although he worked and lived in an apartment for some time, he struggled to maintain a steady job because he didn't speak English and he eventually began living in a homeless encampment. On the morning of April 7th, 2016, someone called 911 because they saw Góngora with a knife tucked in his pants, which he carried for self-defense purposes. When the police arrived, Góngora was sitting down on a sidewalk, with his back against a wall. The two police officers who arrived at the scene immediately exited their car, one of whom already had a bean bag shot gun drawn and began shouting at Góngora in English. Góngora did not respond to the officer's commands, because he did not speak English, so the officer fired bean bag rounds at Góngora within thirty seconds of stepping out of the patrol

²⁸ The Guardian, *A tale of two killings: what happened when Idaho police shot a dog and a pregnant woman in one day* (April 3, 2015), available at <https://www.theguardian.com/us-news/2015/apr/03/idaho-police-shootings-jeanetta-riley-justice-for-arfee>.

²⁹ The Guardian, *The Counted, People Killed by Police in the U.S. 10*, available at <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>.

³⁰ City and County of San Francisco Civil Grand Jury, *Into The Open: Opportunities For More Timely And Transparent Investigations Of Fatal San Francisco Police Department Officer-Involved Shootings* (2015-2016) (June 2016), available at http://civilgrandjury.sfgov.org/2015_2016/2015-16_CGJ_Final_Report_Transparent_Investigations_Fatal_SFPD_Shootings_7_6_2016.pdf

³¹ *Id.*

vehicles.³² The autopsy reports show that five bean bag rounds hit Góngora in the back, meaning that he had turned away from the officers to protect himself. After the officers began using force against Góngora, they did not provide any additional commands or give Góngora the opportunity to comply with their initial orders. Witnesses report that Góngora reacted to being shot with bean bags by standing up, and the second officer almost immediately began shooting Góngora with live rounds. The officer who had fired bean bag rounds then took out his firearm and shot Góngora in the head. Autopsy reports indicate that this shot had a downward trajectory, showing that Góngora was on the ground when it was fired. He was executed. Exactly 20 months have transpired without any police officer being charged.³³ The death and subsequent impunity of Luis Góngora Pat has had a profound impact not only on his family, but on the indigenous and immigrant community in San Francisco.

Another example of impunity for a police killing is that of Fritz Severe. On June 11, 2015, Officer Antonio Torres killed Fritz Severe, a homeless man, in Miami, Florida.³⁴ As soon as Officer Torres arrived on the scene, he shot Severe five times in front of over 50 horrified children.³⁵ Police asserted that they responded to an emergency call that Severe was armed with a pipe and that he was involved in a violent dispute.³⁶ However, much like Góngora's case, multiple witnesses contested the police's version of the events, stating that Severe never swung a pipe at the police.³⁷ Witnesses also questioned why the police did not utilize non-lethal tactics with Severe before killing him.³⁸ Two years after this incident, the Miami-Dade County's Attorney's Office decided to not criminally charge Officer Torres.³⁹ Like Góngora's case in San Francisco, this case is another example of how prosecutorial discretion allows for the lack of criminal charges against the officer responsible for the killing, thus resulting in impunity.

³² Julia Carrie Wong, *The life and death of Luis Góngora: the police killing nobody noticed*, The Guardian (Aug. 12, 2016), available at <https://www.theguardian.com/society/2016/aug/12/luis-gongora-san-francisco-police-shooting-homelessness>.

³³ Susie Neilson, *In SF, investigations of officer-involved shootings abound; delays do too*, Mission Local, (Oct. 4, 2017), available at <https://missionlocal.org/2017/10/in-sf-investigations-of-officer-involved-shootings-abound-delays-do-too/>. The San Francisco District Attorney has expressed frustration about the lack of a truly independent review process of cases involving law enforcement because the San Francisco Police Department remains the lead investigator in such cases. See Office of the District Attorney of the County and City of San Francisco, *Response to the Civil Grand Jury report "Into the Open: Opportunities For More Timely And Transparent Investigations Of Fatal San Francisco Police Department Officer-Involved Shootings (2015-2016)"*, available at http://civilgrandjury.sfgov.org/2015_2016/DAs_Response_Into_The_Open_OIS_Report_9_6_16.pdf.

³⁴ Jerry Iannelli, *Miami Sued After Cop Kills Unarmed Homeless Man in Front of 50 Kids in Park*, Miami New Times, (June 21, 2017), available at <http://www.miaminewtimes.com/news/family-sues-after-miami-cop-killed-unarmed-homeless-man-in-front-of-50-kids-9435210>.

³⁵ *Id.*

³⁶ Richard Luscombe, *Florida police shooting of homeless man prompts state investigation*, The Guardian, (June 12, 2015), available at <https://www.theguardian.com/us-news/2015/jun/12/miami-police-fatally-shoots-homeless-man-florida>.

³⁷ *Id.*

³⁸ Jerry Iannelli, *Miami Sued After Cop Kills Unarmed Homeless Man in Front of 50 Kids in Park*, Miami New Times, (June 21, 2017), available at <http://www.miaminewtimes.com/news/family-sues-after-miami-cop-killed-unarmed-homeless-man-in-front-of-50-kids-9435210>.

³⁹ *Id.*

Additionally, on March 27, 2016, Officer Austin Shipley shot and killed Loreal Tsingine, a homeless, Native American woman, in the city of Winslow in Maricopa County, Arizona.⁴⁰ While Tsingine was walking towards Officer Shipley with scissors in her hand, another officer tackled the five-foot 95-pound woman from behind, and shoved her to the ground. At that point, Officer Shipley quickly drew his gun and fatally shot Tsingine five times. He did not attempt to subdue her with any less extreme methods first. Instead, he used unnecessary and disproportionate lethal force against a petite woman who was already held on the ground. Maricopa County Attorney Bill Montgomery decided not to criminally charge Officer Shipley. The internal investigation completed by Winslow Police Department did result in Officer Shipley's resignation.⁴¹ The police department failed to take any disciplinary action against Shipley, despite multiple allegations that Shipley constantly used excessive force.⁴²

Police Killings of Persons with Mental Illness

Persons with mental illness have been disproportionately impacted by law enforcement agencies' use of fatal force.⁴³ According to the Washington Post, mental illness has played a role in 25% of fatal police shootings since 2015 in the United States.⁴⁴ Other research estimates at least half of those shot and killed by police in the U.S. have mental health problems.⁴⁵ The high percentage of police encounters with persons with mental illness that have resulted in the use of lethal force

⁴⁰ Danielle Quijada, *No charges to be filed against Winslow officer in Loreal Tsingine's death*, Arizona Central, (July 22, 2016), available at <https://www.azcentral.com/story/news/local/arizona/2016/07/22/no-charges-filed-against-winslow-officer-loreal-tsingines-death/87452542/>.

⁴¹ Kim Baca, *Officer Who Killed Loreal Tsingine Resigns Following Investigation*, Indian Country Today, (November 3, 2016), available at <https://indiancountrymedianetwork.com/news/native-news/officer-who-killed-loreal-tsingine-resigns-following-investigation/>.

⁴² Yihyun Jeong, *Winslow officer who fatally shot Loreal Tsingine resigns*, Arizona Central, (Oct. 31, 2016), available at <https://www.azcentral.com/story/news/local/arizona-breaking/2016/10/31/arizona-winslow-officer-who-fatally-shot-loreal-tsingine-resigns/93092882/>.

⁴³ Written submission presented by Robert F. Kennedy Human Rights; Global Justice Clinic, New York University School of Law; International Human Rights Law Clinic, University of Virginia School of Law; and Justin Hansford, on the Thematic Hearing on Excessive Use of Force by the Police against Black Americans in the United States, Inter-American Commission on Human Rights 6, 22 [hereinafter Use of Force Report] (Feb. 12, 2016), available at http://rfkhumanrights.org/media/filer_public/7d/84/7d8409c1-588f-4163-b552-1f6428e685db/iachr_thematic_hearing_submission_-_excessive_use_of_force_by_police_against_black_americans.pdf.

⁴⁴ Investigation: Police Shootings, Wash. Post, <https://www.washingtonpost.com/graphics/national/police-shootings-2017/> (last visited Nov. 19, 2017) [hereinafter Washington Post Database] (reporting 210 people with mental illness fatally shot by police in 2017).; Aisa Villaros, *Breaking News: DOJ Issues Guidance to Criminal Justice Entities Regarding Individuals With Mental Health Disabilities*, Young Minds Advocacy (Jan. 18, 2017), available at <https://www.ymadvocacy.org/breaking-news-doj-issues-guidance-criminal-justice-entities-regarding-individuals-mental-health-disabilities/>.

⁴⁵ Treatment Advocacy Center, *Overlooked in the Undercounted – The Role of Mental Illness in Fatal Law Enforcement Encounters* (December 2015), available at <http://www.treatmentadvocacycenter.org/overlooked-in-the-undercounted>.

seems even more excessive when compared with the fact that 7-10% of all police encounters are with persons with mental illness.⁴⁶

It is estimated that more than half of all police killings each year are perpetrated by officers who have not undergone any Crisis Intervention Training (CIT)⁴⁷ to learn about de-escalation tactics and effective communication strategies when interacting with persons with mental illnesses.⁴⁸ One of the recommendations in the final report of the President’s Task Force on 21st Century Policing is that “POSTs [Peace Officer Standards and Training] should make [CIT] a part of both basic recruit and in-service officer training”.⁴⁹ This type and style of training gives officers an opportunity to learn how to recognize symptoms of mental health crisis and effective strategies to interact and communicate with people with mental illness.⁵⁰ De-escalation training teaches officers to “slow down, create space, and use communication techniques to defuse potentially dangerous situations.”⁵¹ CIT training provides officers with techniques to calmly interact with people with mental illness or who are in an emotional crisis, rather than immediately label them a “direct threat” and use lethal force on them.⁵²

Although there is evidence of the positive impacts of crisis intervention training, there is no federal mandate to require law enforcement agencies to implement such training programs.⁵³ Without this training, officers often cannot recognize symptoms of mental illness and instead form opinions on how to handle the situation based on negative stereotypes, including perceptions that persons with

⁴⁶ Risdon N. Slate, Jacqueline K. Buffington-Vollum, & W. Wesley Johnson, *The Criminalization of Mental Illness: Crisis and Opportunity for the Justice System* 183 (2d ed. 2013) (citing three studies).

⁴⁷ Wesley Lowery et. al., *Distraught People, Deadly Results*, The Washington Post (June 30, 2015), available at http://www.washingtonpost.com/sf/investigative/2015/06/30/distraught-people-deadly-results/?utm_term=.290ee3406dal.

⁴⁸ Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act, U.S. Dep’t of Justice, Civil Rights Div. (Jan. 2017), available at <https://www.ada.gov/cjta.html>.

⁴⁹ Natalie Bonfine, Christian Ritter, and Mark R. Munetz, “Police Officer Perceptions of the Impact of Crisis Intervention Team (CIT) Programs,” *International Journal of Law and Psychiatry* 37, no. 4 (July–August 2014): 341–350, doi:10.1016/j.ijlp.2014.02.004. (CIT was first developed in 1988 in Memphis, Tennessee).

⁵⁰ *Id.* See also, Nick Selby, *Op-Ed: The ‘low-hanging fruit’ of police reform*, The Washington Post (June 20, 2016), available at https://www.washingtonpost.com/news/the-watch/wp/2016/06/20/guest-post-the-low-hanging-fruit-of-police-reform/?utm_term=.64f9d63804fd.

⁵¹ Curtis Gilbert, *Not Trained to Not Kill*, American Public Media (May 5, 2017), available at <https://www.apmreports.org/story/2017/05/05/police-de-escalation-training>.

⁵² *Id.*

⁵³ Megan Pauly, *How Police Officers Are (or Aren’t) Trained in Mental Health*, The Atlantic (Oct. 11, 2013), available at <https://www.theatlantic.com/health/archive/2013/10/how-police-officers-are-or-aren-t-trained-in-mental-health/280485> (“CIT-trained officers have been found less likely to use force when responding to mental health calls”).

mental illnesses are typically violent.⁵⁴ This type of response exacerbates the situation and often leads to a fatal result.⁵⁵

Despite the widely recommended practices of de-escalation or crisis intervention training, most police agencies conduct none, or very little.⁵⁶ This lack of training has resulted in a high percentage of fatal force used on people with mental illnesses.

Conclusion

In the past three years, the Inter-American Commission on Human Rights has been closely monitoring the issue of extrajudicial killings of Black Americans by law enforcement officials in the U.S. It is our understanding that the Commission will publish a report on this topic in the near future. We respectfully ask the Commission to include in that report the information provided in this written submission, in the thematic hearing, and in the written submissions of the ACLU, Robert F. Kennedy Human Rights, and others. In particular, we urge the Commission to highlight the problem of impunity for police killings in the U.S., especially as it disproportionately impacts minorities, indigenous peoples, Native Americans, Black and Latino communities, as well as persons with mental illness and people experiencing homelessness.

⁵⁴ Risdon N. Slate, Jacqueline K. Buffington-Vollum, & W. Wesley Johnson, *The Criminalization of Mental Illness: Crisis and Opportunity for the Justice System* 183 (2d ed. 2013).; Matthew Epperson, Op-Ed: *Where Police Violence Encounters Mental Illness*, N.Y. Times (Jan. 13, 2016), available at <https://www.nytimes.com/2016/01/13/opinion/where-police-violence-encounters-mental-illness.html?smid=tw-share&r=0>; Kimbriell Kelly, Sarah Childress, Steven Rich, *Forced Reforms, Mixed Results*, Wash. Post (Nov. 13, 2015), available at http://www.washingtonpost.com/sf/investigative/2015/11/13/forced-reforms-mixed-results/?utm_term=.603b7f43e373. Megan Pauly, *How Police Officers Are (or Aren't) Trained in Mental Health*, The Atlantic (Oct. 11, 2013), available at <https://www.theatlantic.com/health/archive/2013/10/how-police-officers-are-or-aren-t-trained-in-mental-health/280485>.

⁵⁵ Megan Pauly, *How Police Officers Are (or Aren't) Trained in Mental Health*, The Atlantic (Oct. 11, 2013), available at <https://www.theatlantic.com/health/archive/2013/10/how-police-officers-are-or-aren-t-trained-in-mental-health/280485>; Wesley Lowery et. al., *Distraught People, Deadly Results*, Wash. Post (June 30, 2015), available at http://www.washingtonpost.com/sf/investigative/2015/06/30/distraught-people-deadly-results/?utm_term=.290ee3406da1.

⁵⁶ *Id.* See also, Megan Pauly, *How Police Officers Are (or Aren't) Trained in Mental Health*, The Atlantic (Oct. 11, 2013), available at <https://www.theatlantic.com/health/archive/2013/10/how-police-officers-are-or-aren-t-trained-in-mental-health/280485>. (CIT programs exist in 45 states, however “[m]ost states only have CIT programs in one or two counties”); Wesley Lowery et. al., *Distraught People, Deadly Results*, Wash. Post (June 30, 2015), available at http://www.washingtonpost.com/sf/investigative/2015/06/30/distraught-people-deadly-results/?utm_term=.290ee3406da1.