



Statement of the American Civil Liberties Union (ACLU) to the UN Committee on the
Elimination of Racial Discrimination

Persistence of Police Violence and Racial Discrimination in the United States

August 9, 2022

The Committee has long expressed concern about police profiling, bias, brutality, and persistent impunity that disproportionately harms people of color in the U.S.

Despite repeated warnings and recommendations from this Committee, including the Early Warning and Urgent Action Procedures Resolution issued after the murder of George Floyd, the US and its 18,000 police agencies have failed to meet their obligations under the Convention. The US has discussed bringing federal lawsuits against problematic police agencies and proposed some federal legislation that may (if passed) help to address some of these issues. However, that legislation has failed in the US Senate and the executive order President Biden passed recently is insufficient to save lives and lead to transformative change.

At least 703 people have been killed by police nationwide through the end of July this year. *Police killed more people in the first 7 months of this year than any other year on record.* To make matters worse, new research suggests that more than half of police killings are not reflected in official statistics.

People of color continue to bear the brunt of aggressive, discriminatory, and deadly policing. Police continue to kill Indigenous, Latinxs, and Black people at significantly higher rates—as much as 350% more frequently—than white people. Even greater racial disparities attend nonfatal uses of force by police, and police likewise target people of color, especially Black people, for stops and arrests at much higher rates than white people.

There are over 18,000 police agencies across the US, but the US Department of Justice has only opened 70 civil (pattern or practice) investigations into abusive police departments between 1994 and January 2020. Moreover, police rarely face prosecution or other legal consequences after engaging in brutality. Biden's latest EO on policing makes some improvement, which is limited to federal law enforcement agencies, but data collection on police brutality is lacking.

Let's be clear: the solution is not more investment in policing. Instead, policing in the U.S. requires a paradigm shift to reimagine the role of police institutions in public safety. It is time for the US to implement solutions that are based on life-affirming alternatives to policing, such as the enactment of civilian-led crisis intervention teams and shifting resources to invest in communities of color and address poverty and the mental health crisis.

ACLU and Human Rights Watch have submitted several concrete recommendations for curbing police violence in the US:

- Prohibit police officers from enforcing a range of non-serious offenses, including issuing fines and making arrests for non-dangerous behaviors, which would eliminate many of the unnecessary interactions between officers and community members that have resulted in excessive violence and death;
- Invest in communities to prioritize health and quality of life over law enforcement and surveillance;
- Implement enforceable legal constraints that allow police officers to only use force against community members in rare instances;
- Create independent oversight structures with robust enforcement and subpoena powers that ensure that officers are held accountable when having used force in violation of the law, policies, or training.

Lastly, I would like to provide the Committee with two concrete actions it could ask the US government to do right now:

- I) The DOJ's racial equity action plan (prepared under EO on racial equity) should be revised to fully implement the Convention and commit to sweeping reform of law enforcement practices, including building upon President Biden's Executive Order on Policing and promoting the nationwide reduction of reliance on police forces and the use of alternatives to policing and criminalization.
- II) In 2014, the Committee urged the US to "swiftly revise policies insofar as they permit racial profiling, illegal surveillance, monitoring and intelligence gathering, including the 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies." Despite revising the DOJ Guidance, the Obama administration has kept border and national security as exceptions to racial profiling. This Committee has made it clear that counter-terrorism and border enforcement measures should not discriminate—even against non-citizens. Accordingly, we hope that the Committee will call on the US to repeal exceptions that are used to discriminate against Black and Brown people, including Arab, Middle Eastern, Muslim, and South Asian communities.