



March 31, 2020

The Honorable William Barr	Mr. Phil Keith	Honorable Katharine Sullivan
Attorney General	Director, COP Services Office	Principal Deputy AAG, OJP
U.S. Department of Justice	U.S. Department of Justice	U.S. Department of Justice
950 Pennsylvania Avenue, NW	950 Pennsylvania Avenue, NW	810 Seventh Street, NW
Washington, DC 20530	Washington, DC 20530	Washington, DC 20530

Re: Comment in Response to Establishment and Membership of Presidential Commission on Law Enforcement and the Administration of Justice

Dear Attorney General Barr, Director Keith, and Principal Deputy AAG Sullivan:

On behalf of the Justice Roundtable, a broad-based coalition of more than 100 organizations working to reform federal criminal justice laws and policies, we write to express our concern regarding the membership and focus of the President’s Commission on Law Enforcement and the Administration of Justice. While the Justice Roundtable shares Attorney General Barr’s belief that many social issues currently being addressed by law enforcement and incarceration demand solutions beyond the use of police,¹ we are extremely concerned that the Commission is made up of representatives involved in the law enforcement profession exclusively, which will limit the perspective and focus of the Commission.² Indeed, Attorney General Barr recognized the critical importance of stakeholder perspectives other than law enforcement – including civil rights organizations, defense bar associations, and community organizations, but those voices are glaringly absent from the Commission’s membership.³

¹ Department of Justice, Attorney General William P. Barr Announces the Establishment of the Presidential Commission on Law Enforcement and the Administration of Justice (January 22, 2020), <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-presidential-commission-law-enforcement>.

² Department of Justice, Office of Public Affairs, Attorney General William P. Barr Announces the Establishment of the Presidential Commission on Law Enforcement and the Administration of Justice (January 22, 2020), <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-establishment-presidential-commission-law>.

³ Id.

We are also concerned that the Commission has changed the deadline for submitting statements from May 31, 2020, to March 31, 2020. This is particularly problematic because the change occurred during the COVID-19 pandemic while stakeholders are adjusting to states of emergency and otherwise responding to this crisis. Certainly, this new deadline of March 31, will significantly reduce the number of submissions to the Commission, further limiting the focus and perspective here. Therefore, we urge the Commission to extend the period for comments to June 15, 2020, to allow ample time for the public to provide feedback and suggestions relating to the work of the Commission.

Furthermore, in order to address the questions and challenges laid out by Attorney General Barr in his announcement of the Commission, it is imperative that the commissioners consider police misconduct and violence, especially the role it plays in creating division between law enforcement and the community. Police use of excessive and lethal force against communities of color remains a national problem as is reflected by news reports of the police shooting death of Atatiana Jefferson in Fort Worth, Texas and William Green of Prince George's County, Maryland. Indeed, there is no national census of the number of people killed or injured by police, which requires the public to rely on sources such as the Washington Post's Police Shooting database. Yet, it appears that these issues are not being considered by the Commission; the Commission must establish a working group to address these issues.

In addition to incorporating a more community-centered approach to exploring the modern issues affecting law enforcement in the United States, as well as expanding the scope of the Commission's work, we ask that the Commission adopt the recommendations promulgated by the Presidential Task Force on 21st Century Policing, which reflect comprehensive deliberation and stakeholder engagement in modern law enforcement practice. To that end, the Commission should recommend that law enforcement agencies:

I. Develop standard and comprehensive policies on law enforcement officer use of force.⁴

The use of excessive force, specifically deadly force, by police disproportionately impacts communities of color. A comprehensive policy establishing guidelines for officer use of force and emphasizing de-escalation tactics is essential in order to improve the relationship between law enforcement and the communities they serve. Use of force policies must be reinforced by external, criminal accountability for violations of the use of force requirements, especially the use of deadly force. Additionally, use of force policy must be accompanied by robust data collection and reporting on incidents involving the use of force.

⁴ Final Report of the President's Task Force on 21st Century Policing, Recommendation 2.2, p. 87-88 (May 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

II. Adopt and enforce policies prohibiting profiling and discrimination.⁵

Profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency should be explicitly prohibited by these policies. This kind of profiling and discrimination causes targeted communities to mistrust the police, and reduces public safety as communities are less likely to cooperate with police in addressing serious crime. Police departments must provide training to end discriminatory and biased policing, investigate complaints of profiling, and take appropriate disciplinary measures when discriminatory practices are used.

III. Collect, report, and analyze demographic data on all use of force incidents, detentions, including stops, frisks, searches, summons and arrests.⁶

The lack of robust and uniform data collection about law enforcement activities undermines transparency and accountability, which erodes community-police relationships. And without an adequate understanding of what officers are doing and the impact those activities have on communities, we will never realize sufficient police reforms. To that end, law enforcement agencies should collect and report data on stops, frisks, searches, citations, arrests, use of force incidents, and justifiable homicides. This data should be collected and reported in a uniform manner and made accessible to the public. Additionally, this data should be submitted to a national, federal database, which would be consistent with mandatory state and police department compliance with the Death in Custody Reporting Act, as well as voluntary participation in the Federal Bureau of Investigation's (FBI) National Use-of-Force Data Collection program.

We strongly believe that these recommendations, as well as the dozens of others made by the Presidential Task Force on 21st Century Policing, will significantly improve the relationship between law enforcement and the communities they serve, particularly communities of color. As the Commission moves forward with its mandate, input from civil rights groups and directly impacted communities will be integral to finding meaningful solutions to modern issues affecting law enforcement and the communities they serve. We strongly urge you to ensure that these groups have access to the Commission, and that these recommendations are central to their deliberations.

Sincerely,
The Justice Roundtable

⁵ Final Report of the President's Task Force on 21st Century Policing, Recommendation 2.13, p. 90 (May 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

⁶ Final Report of the President's Task Force on 21st Century Policing, Recommendation 2.6, p. 88 (May 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.