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## Title Info

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## Speakers

<b>Speaker(s):</b>	Hakeem S. Jeffries; Donald M. Payne Jr.; Wm. Lacy Clay Jr.; Eddie Bernice Johnson; Gwen Moore; Frederica S. Wilson; Marcia L. Fudge; Steven A. Horsford; Al Green
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The SPEAKER pro tempore (Mr. Massie). Under the Speaker's announced policy of January 3, 2013, the gentleman from Nevada (Mr. Horsford) is recognized for 60 minutes as the designee of the minority leader.

Mr. HORSFORD. Mr. Speaker, I am proud to join with my colleague, the coanchor, Mr. Jeffries from New York, to lead this Special Order hour on this, the first day back after the August congressional district work period.

We are here for a very important reason tonight, Mr. Speaker, because on August 9, in Ferguson, Missouri, a young boy, an unarmed young boy by

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the name of Michael Brown, had his life tragically taken. He was taken from his friends and his family. That community was devastated and has left behind so many questions of how this could have happened.

I was honored to join with other colleagues at the invitation of the Representative from that area, Mr. Clay, to attend Michael Brown's funeral. It was an incredibly powerful service in which a city and a Nation came together to mourn. But out of that mourning and frustration, we have an obligation to act. And so tonight, members of the Congressional Black Caucus will use this Special Order hour to discuss the challenge of profiling, of militarizing our local law enforcement agencies, and the need to build community policing approaches that work.

I am honored to work with my cochair and to lead this Special Order hour because it is a very significant moment that will allow us to heal and to move forward as a Nation.

I would like to start by yielding time to the chairwoman of the Congressional Black Caucus, who provides so much leadership and direction to the 43 members of the CBC each and every day.

This is an issue that we have been working on far before Michael Brown lost his life. There are a pattern of issues and young people who have been profiled, and we are committed to making sure that this does not continue.

I would like to yield now to the gentlewoman from Ohio, the chairwoman of the Congressional Black Caucus, Chairwoman Marcia Fudge.

Ms. FUDGE. I thank you for yielding.

I want to thank my colleagues, Congressmen Jeffries and Horsford, for leading today's conversation on a problem that America must acknowledge, come to terms with, and address. I want to thank them for their leadership. As a freshman member, Mr. Horsford has been outstanding. It is my pleasure to serve with you.

Mr. Speaker, in communities across our Nation, many believe that police officers, sworn to protect and serve, are instead disturbingly and violently attacking citizens without just cause.

We have heard stories of individuals being shot to death when there is clearly no threat to an officer's safety. We have seen peaceful protestors and journalists on the job arrested, having cans of tear gas shot at them and guns suited for military combat pointed at unarmed citizens.

Over the past few months, cell phone videos and pictures have surfaced showing a policeman kicking subdued civilians in the head, repeatedly punching a woman in the face on the side of a highway, and placing a man in an illegal choke hold when there appears to be no resistance to arrest.

Last year in Cleveland, one of the cities I represent, 13 officers fired 137 shots into one car, killing two unarmed individuals, and both occupants of the car were shot more than 20 times.

The startling images we saw of the police response to civil protest in Ferguson, Missouri, were in stark contrast to the citizens exercising their constitutional right to be heard. Police met peaceful protestors with a force intent on silencing their voices. This excessive use of force often provokes animosity instead of building the cooperation needed to combat violence.

The trust between law enforcement and citizens required to keep our community safe is being eroded by the uncertainty of motives and biases behind the actions officials take, often against those who are powerless yet pay for them to protect them. Instead of keeping the peace, these actions incite tensions where there should be opportunities for understanding.

This type of activity must stop. Community policing can only be effective when citizens and leaders, community law enforcement and elected officials work together, not against one another, to address violence and unrest. Transparency, accountability, and responsibility must be at the nexus of this relationship.

Because of Ferguson, our Nation and the world have seen what happens when these principles are ignored or disregarded.

I applaud the Department of Justice for initiating full civil rights investigations into this case and others that have resulted in the deaths of civilians at the hands of law enforcement. I also applaud the citizens of Ferguson for realizing that their community belongs to them and that it is up to them to decide with whom they will work to lead it.

Just because the cameras are no longer rolling in Ferguson, the recent tragedies we have witnessed there, in Staten Island, and in other American cities have shown that we cannot keep turning a blind eye to what is going on between law enforcement and the communities they serve.

Members of the Congressional Black Caucus remain committed to working with our colleagues on the local, State, and Federal level to improve the policies and practices of law enforcement officials across this country so that safety, trust, and confidence can be restored where it has been broken.

I want to especially congratulate my colleague, Mr. Clay, for all of the work that he did during the Ferguson situation and will continue to do. I am as proud of him as I can be of anyone, and I certainly am going to be supportive of his efforts.

Mr. Speaker, we cannot move forward together without figuring out what must be done so that what happened in Ferguson never happens again.

Mr. HORSFORD. I thank the gentlewoman, the chair of the Congressional Black Caucus, for your ongoing commitment and leadership on these important issues and the recognition that there is so much more work that needs to be done. And while there are local law enforcement agencies and police officers who do a good job every day and who put their life on the line, we know that there are individuals who are not necessarily living up to those standards of public safety and trust, and so we look forward to improving that.

I would like to now yield to the gentleman from Missouri, Representative Lacy Clay, who provided the leadership on the ground, on the scene, particularly following the days after Michael Brown's shooting. He represents the community of Ferguson in St. Louis, Missouri.

Mr. CLAY. Mr. Speaker, I want to thank my colleague from Nevada, as well as my colleagues from both sides of the aisle who offered their support during this tragic time in Ferguson. In particular, let me thank the Congressional Black Caucus for standing with me in our efforts to deliver justice-equal justice-under the law to all Americans.

Mr. Speaker, I rise today as the Congressman from Missouri's First Congressional District, which includes Ferguson, Missouri, a suburb with over 23,000 people in St. Louis County. The pain that has enveloped that community since the tragic police shooting of Michael Brown on August the 9th has stirred the conscience of our Nation and has forced us to confront some very difficult truths.

The hard reality that I observed with my own eyes is a deep sense of outrage and anger that is present, not just in Ferguson, but in many communities across this country. And that pain is most deeply felt by millions of Americans of color, both young and old, who know from decades of sad experience that far too often local law enforcement agencies and the justice system do not view them or treat them as equal citizens who deserve due process and equal protection under the law.

That is certainly true in Ferguson, Missouri.

According to the latest Census data, Ferguson, Missouri, is 67 percent African American. It has a police force of 58 officers. Only four of those officers are black, and many of the officers do not live in Ferguson. So, in essence, the Ferguson Police Department is an outside armed force which is not representative of the community that they are sworn to protect and does not live among the citizens who pay their salaries. And that is a prescription for tension, a complete lack of trust, and in the case of Michael Brown, an 18-year-old, unarmed black teenager, a tragic and completely unnecessary death.

Two days after he was killed, I joined with CBC Chairwoman Fudge and House Judiciary Committee Ranking Member Conyers to send an urgent letter to the Attorney General seeking immediate assistance from the Justice Department. And I want to personally

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thank President Obama and Attorney General Holder for responding to our request with great speed and strength.

In addition to the local criminal investigation into the Michael Brown shooting, which I have little confidence in, there are now two parallel Federal investigations that are being directed by the Civil Rights Division of the Justice Department. The first investigation is examining all the circumstances, physical evidence, and multiple eyewitness accounts of the fatal police shooting on August the 9th. The second, which was announced by the Attorney General just last week, will examine the overall law enforcement practices of the Ferguson, Missouri, Police Department, including the already published extreme racial disparities in who is stopped, who is searched, who is arrested, and what happens to them if they go to jail.

Mr. Speaker, I made a promise to Michael Brown's mother that we would focus every possible Federal resource on this case in an effort to bring justice for her son's death. I have confidence in that process. But the sad truth is that there are too many communities just like Ferguson across this country where decades of discrimination, abuse, and a lack of respect by local law enforcement has resulted in a gulf of suspicion and mistrust. And as we have seen, that tinderbox can lead to an explosion of anger and violence that is difficult to control.

While I certainly condemn all lawbreaking and the destruction of property, I understand the anger that so many of my constituents feel because I feel it too. And I would urge all of you to read a compelling story published in The Washington Post on September 3 entitled, "How Municipalities in St. Louis County Profit From Poverty". This remarkable story, authored by Radley Balko, tells the tale of how people of color are often preyed upon at municipal ATM machines by the police and by the very justice system that is supposed to protect these people.

Again, the title of the story: "How Municipalities in St. Louis County Profit From Poverty," published on September 3 in The Washington Post.

That same story happens every day in majority-minority communities across this country. So, Mr. Speaker, there are many hard lessons to be learned from Ferguson, and I fear that there may be more to come.

But this much cannot be disputed: across America today, we have too many Michael Browns, we have too many unarmed young black men who interact with police and wind up dead. The resolution of that problem will only come through a painful, honest, national discussion about race and our inability to address these tragic disparities.

My hope is that we will not only achieve justice for Michael Brown but that his tragic death will help us begin a long overdue national conversation that leads to truth, reconciliation, and equal justice under the law for all.

Mr. Speaker, I thank my colleagues for their support.

Mr. HORSFORD. I thank the gentleman from Missouri, and I thank you for really putting your heart and soul into serving your constituents and the outpouring of compassion that was shown following this unfortunate death of Michael Brown.

At the funeral, the one remark that really stayed with me was that Michael Brown wanted the world to know his name. I think out of this unfortunate situation, there is this opportunity now, as you indicate, Representative Clay, for us to have a discussion, an action, to take action on a pattern of practices that are not limited to just Ferguson, Missouri. And as you just indicated, this is an issue that has happened in other places, whether it is John Crawford in Beavercreek, Ohio; Ezell Ford in Los Angeles, California; or Eric Garner in Staten Island, New York; or Dante Parker in Victorville, California; or constituents in my home State in Las Vegas, Nevada.

This is a pattern that must end. And for Michael Brown, for him to have the world know his name, the best outcome could be to change and improve the community-police relationship so that all people are treated fairly and equally under the law. That is our hope and aspiration here tonight as we bring attention to this very important issue during this Special Order hour.

I would like to now yield time to the gentlewoman from Florida, Representative Frederica Wilson, for her to add comments to this very important topic and to bring her perspective, as well.

Ms. WILSON of Florida. Thank you, Representative Horsford, and to all the Members of the Congressional Black Caucus, who are here tonight to contribute to this conversation regarding an issue that is oh so prevalent in our communities and has been there for generations.

I just want to say to the President of the United States that I am extremely grateful for his vision in creating an initiative called My Brother's Keeper. My Brother's Keeper hopefully will address some of the issues that our young boys of color face.

I want to say that there is so much friction between police and black boys. That friction has been there for generations, almost since slavery. And it is a conversation that black parents have to have with their young boys as soon as they probably get a driver's license. They have to talk to them about dealing with the police. And I want to say, in my hometown of Miami-Dade County, I founded a program called the 5000 Role Models of Excellence 22 years ago.

We must realize that everyone just doesn't have a parent, they just don't have a responsible parent that can have that conversation with them. So we recruit mentors across this Nation to deal with these young men and try to teach them how to deal with some of the issues that impact especially boys of color but more specifically when it comes to the police black boys. The pamphlet starts out by saying if the police stop you, freeze, don't move, unless you are told to do so. Never run from the police. Always remain calm. Think, cooperate, speak clearly, ask questions if you have to, and it goes on and on.

It is sad that we have to do this. We are not trying to break the spirits of young black boys, but we are trying to keep them alive.

This is how the pamphlet looks. And it was really orchestrated by our State attorney, our public defender, and the Miami-Dade County Association of Chiefs of Police. And they put it together and put it in all of the schools for all of the children and members of the school's police to teach these children how to respond if the police ever stop them.

I have a real concern with Michael Brown's case, and that concern is with the State attorney. I really have a real concern that the grand jury may not get all of the evidence that they need. My father served on the grand jury for many years. I do know that the State attorney has so much sway over the grand jury.

My heart broke even worse than it did when he was killed, when we realized that the State attorney would be the one that would send the case to the grand jury that would oversee the case. He had a history that no one wants to have.

His father was a police officer, and he was killed by a Black youth. If that is not enough to recuse yourself from the case in general, to my colleagues, I cannot understand what else could be the case.

You remember Trayvon Martin, who came from my district. He was killed. The first thing that happened was the State attorney didn't want to recuse himself, but the Governor removed him, so I am really counting on Governor Nixon tonight to remove the State attorney, to remove the prosecutor from this case because, otherwise, Michael Brown may not get a fair trial, and he deserves justice under the law.

Thank you so much for this opportunity. I will continue to pray for his family because this is not a good time in America for young Black boys. They are watching. They are paying attention to this case. People all across the world are watching what is going to happen in Ferguson. I am afraid of what will happen if the verdict or if the police, Wilson, is not even indicted.

Mr. HORSFORD. I thank the gentlewoman from Florida. Thank you for providing the information about the resources that are available to young people to know their rights, to understand how they need to approach the situation.

I just had the privilege of participating at a "Know Your Rights" townhall that was hosted in my congressional district by the National Bar Association, the Las Vegas chapter of the

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National Bar Association. We had approximately 100 attendees, many of them young people, who do need this information.

Regardless of whether there is a parent in the house or not, every young person needs to understand their rights and the best practices on how to interact with law enforcement when and if that does occur.

We want to encourage young people to know their rights. I think working with the Congressional Black Caucus, we will find opportunities to post that information, to share it with organizations in our local communities, to help connect young people and adults alike, so that we can improve on the relationship between police officers and our community.

I would like to now turn to our next Member for the Congressional Black Caucus for this hour, the gentleman from Texas-I was very delighted to join with him and other Members at the funeral, to pay our respects to the family and the community. I would like to now yield time to the gentleman from Texas, Representative Al Green.

Mr. AL GREEN of Texas. Thank you very much, Representative Horsford. I am honored to be with you tonight. Nevada's Fourth District is most capably and competently represented by your presence in Congress. I am also grateful to Mr. Jeffries, who represents New York's Eighth District. The two of you have done a stellar job in hosting these Special Order hours.

I am grateful to the President of the United States of America, the Honorable Barack Obama, for appointing the Honorable Eric Holder as Attorney General. I am grateful because Mr. Holder is intelligent.

He has the intellect necessary to comprehend the breadth of these issues. I am also grateful in that he is a person of courage. I am grateful because intellect without courage can be intellect wasted. His intellect is not wasted. He has had the courage to take on the challenges such as what we have with Ferguson.

The Justice Department is there. They are investigating. There is good reason for the Justice Department to be in Ferguson. The Justice Department is in Ferguson because Ferguson is 67 percent Black, and only one African American is on the city council of seven, if you count the mayor-67 percent Black.

The police department is 83 percent White. Three Blacks out of 53 officers-good reason to be in Ferguson; school board, one member Black of seven. Of the officers that are on the police department or were on the police department, one of them is on the city council-good reason to be in Ferguson.

Five officers or former officers, either they are on the department now or not, have been alleged to be involved with some sort of civil rights violation, accused-allegation-of choking and hog-tieing a young person-another circumstance wherein a person was tased and died afterwards; another circumstance wherein a person was beaten by a peace officer and then charged with destroying public property when he bled on the officer's clothing-good reason to be in Ferguson.

A prosecutor who has decided that he will not recuse himself, notwithstanding his father's tragic circumstance-the father died at the hands of a person who happened to have been African American, who was a peace officer by the way, his father was-refuses to recuse himself, and he refuses to have a preliminary hearing with this case.

This case does not have to go to a grand jury. This case could be heard by way of a preliminary hearing after an arrest warrant has been issued.

I submit to you that there is sufficient probable cause to indict this officer or to arrest this officer, more appropriately. In any jurisdiction in the United States of America, there is probable cause to arrest.

Then you would go to a preliminary hearing, and you would have transparency. The world would hear what the witnesses have to say. There is good reason for the Justice Department to be in Ferguson.

So I am honored to be here tonight to stand with my colleagues, especially the Honorable Lacy Clay, who has been a real champion on behalf of this family. I am honored to be here because I understand that injustice anywhere is a threat to justice everywhere, and injustice in Ferguson unchecked can lead to injustice in Houston.

I think that the President of the United States of America made a wise choice when he chose the Honorable Eric Holder. I pray that the natural order of things will not continue to be circumvented. Mothers and fathers should not-n-o-t-should not bury their children. We must circumvent this kind of behavior. Thank God for you, Mr. President.

I thank you, sir, for yielding me the time.

Mr. HORSFORD. I thank the gentleman from Texas for his comments.

I would like to yield now to the gentlewoman from Wisconsin, the great State of Wisconsin, and to extend whatever time she may need. I appreciate, again, her leadership, compassion, and dedication on so many issues, but particularly on bringing the voice and perspective of people who aren't always heard in this institution. I have great respect and admiration for her. I would like to yield time now to Representative Gwen Moore.

Ms. MOORE. Thank you so much, Mr. Horsford.

I would first like to join my colleagues in grieving and celebrating the life of Michael Brown. I would hope that his short life will not have been lived in vain, that his death will teach us something that will serve the Nation, so that others will not have to endure this.

I am particularly feeling empathy with Ms. McFadden. Ms. McFadden is the mother. As the mother of two Black male children, Mr. Horsford, it has been a constant terror in my life that I would experience what Ms. McFadden has experienced.

After Ferguson, I watched an episode of a comedy, "Girlfriends," and a young Black mother was chastising her son for being arrested. She mentioned that she didn't appreciate having to come down to the police station to pick him up. They had just recently moved to a suburb.

She asked him: What were you doing? He said: I was just walking down the street. She commented-and there was laughter in the audience-Why were you walking down the street? You know we haven't had our meet-and-greet with the police department yet.

I am saying that to say this: we need a truth and reconciliation in this country similar to what they experienced in South Africa about the plight of young Black males. They are marginalized.

Every social institution fails them by the time they are 18 years old, like Michael Brown. The educational system has failed them. So often, as a State legislator, we would build a prison bed based on the third grade reading tests of young Black men.

The economy has failed young Black men by the time they are 18 years old. So what we find in these communities is a hypervigilant police force that is dealing with a preponderance of social failure, and we lay all of society's failures at the feet of the police department.

I do applaud you, Mr. Horsford, for the efforts you have made in this House. I am a proud cosponsor of your Universal RESPECT Act, which directs the President to do a comprehensive review of law enforcement policies across the country in order to eliminate procedures that result in racial profiling.

I think that this is really a threshold toward that end of a reconciliation. I have long been a supporter of the End Racial Profiling Act, which has been offered by one of the deans of this House, Representative John Conyers, that makes it clear that law enforcement agencies cannot engage in racial profiling anywhere in the country.

I do think that there are baby steps that we can take. Certainly, one giant step toward increasing accountability is to install these lapel cameras on all law enforcement agencies. As a matter of fact, I was very proud, in 2009, to secure \$100,000 for the police department in Milwaukee to purchase cameras for their cars.

I do think it is also important that law enforcement agency's members, police officers, be stakeholders in the communities that they are serving.

It did not escape my attention that the involved officer in the untimely death of Michael Brown lived 25 miles

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away, and that is why I am tremendously concerned about efforts in my own State, where Governor Scott Walker acted to end the residency requirements for police officers over a year ago. That is currently in litigation for that very reason. You don't want police officers to become a military occupying force in a community. You force a kind of transparency and accountability when those police officers go to your churches, they shop at your grocery stores, and they are a part of your community.

I certainly applaud the Justice Department involvement in this issue.

I do think that no one had ever heard of Ferguson, Missouri, before August 9, and certainly the name Michael Brown is a name shared probably by millions of people. I say that to say that this is not about Ferguson or just about Michael Brown. It is about the direction and the future of America and where we are going with this.

To paraphrase Dr. Martin Luther King:

We will either live together as brothers or we will perish as fools.

I think young Black men have tremendous talent. They have a lot to offer. The legacy of slavery has brought us to the point where seeing a 6-foot-4 Black man walking down the street in and of itself is a threat. We need some truth and reconciliation around that issue.

May Michael Brown rest in peace and may his life lift us to a greater understanding and reconciliation around this issue.

Thank you so much for this Special Order.

Mr. HORSFORD. I thank the gentlewoman from Wisconsin for your very compassionate remarks and the perspectives of so many people who are expecting this Congress to act. We will take heed of your words and your recommendations.

general leave

Mr. HORSFORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject matter of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. HORSFORD. May I inquire as to how much remaining time we have left?

The SPEAKER pro tempore. The gentleman has 22 minutes remaining.

Mr. HORSFORD. Mr. Speaker, I would like to also include for the Record the fact that the U.N. Committee on the Elimination of Racial Discrimination recently issued a 14-page-long scathing report on the United States' failure to fully comply with our obligations under the International Convention on the Elimination of All Forms of Racial Discrimination in numerous areas affecting racial and ethnic minorities.

While the report commended the Obama administration for steps it has taken to combat racial discrimination, it highlighted the gaps stated commitments and the glaring reality of laws and practices that continue to discriminate against and disproportionately impact people of color and indigenous communities.

I think it is rather important for this body to know, particularly tonight, because I know there will be some who will ask: Why are they doing this Special Order on this topic? Why are they bringing attention to the need for reform?

Well, whether it is in your local community, in your State, or federally, we have an obligation to make sure that people are treated fairly and equally under the law, and where our laws or our practices fail to meet that standard, we have an obligation to change it.

For the United Nations to call into question the United States' failure in these areas I think speaks to the fact that this is not just a local issue, but it is also an international one. So I hope that my colleagues understand that that is, in part, why we are bringing attention to it.

I would like to thank the gentlewoman from Wisconsin for recognizing the fact that many Members have proposed legislation well before the Michael Brown case. Mr. Conyers, the ranking member of the Judicial Committee, called for the End Racial Profiling Act. Representative Hank Johnson's legislation calls for greater accountability and a fundamental review of the militarization of our local law enforcement agencies. I am honored to be one of the sponsors for the Universal Respect Act, to have a review and meaningful change, again, of our local law enforcement so that their practices meet the intent of our laws.

I would like to now yield to my good friend and a fellow freshman Member. He is actually a redshirt freshman because he came in a little earlier than the rest of us. He has been a dynamic leader that came to this Congress with the commitment to serve his constituents from the great State of New Jersey. I yield to my friend, Representative Donald Payne.

Mr. PAYNE. Let me say thank you to my colleague, the gentleman from Nevada, and also the gentleman from New York (Mr. Jeffries), who have demonstrated true leadership in this freshman class and having shown and demonstrated time and time again during these Special Orders their commitment to this Nation.

Mr. Speaker, the people of Ferguson, Missouri, and the people across this Nation have suffered a tremendous blow with the circumstances surrounding Michael Brown's death. Not only did we lose a young man, we as a Nation were once again reminded that although we have come so far, we still have a long way to go. We are trying to achieve equality and fairness under the law, regardless of race, religion, or sexual orientation. Now is the time for all of us to reflect on what has happened and to find a way to come together going forward.

We lost a young man, Michael Brown, in heartbreaking and tragic circumstances. He was only 18 years old. His family will never be able to hold or talk to him ever again.

When something like this happens, local authorities, including the police, have a responsibility to be open and transparent about how they are investigating the death and how they are protecting the people in our communities. The people of Ferguson and the people of this Nation deserve a transparent and thorough investigation. We deserve the truth and we deserve justice.

I am very pleased that the Department of Justice Civil Rights Division has stepped in and has launched a thorough investigation into the circumstances that led to Michael Brown's death. I want to commend President Obama and also Mr. Holder for their involvement and their commitment on seeing justice brought in this situation.

This issue around racial profiling is about a young man that was walking in the street with a friend, is told to get on the sidewalk, and just a little bit later lay dead in the street. It started out with him being told to get on the sidewalk, and he loses his life. It is unconscionable. It is not understandable, and it is unjust.

This is a situation that young African American men have had to deal with for centuries. It is a situation that we all find ourselves in. Whether we are young men in Ferguson, Missouri; Newark, New Jersey; New York City; or Las Vegas, Nevada, we all have one common thread, and that is when you come across a police officer in certain circumstances, there is a manner in which you should conduct yourself to make sure you can get home alive that night.

I have been on that side of it, Mr. Speaker, on far to many occasions to count. One of the occasions that I remember so well, I was about 19 or 20. I was working for a company and had to go downtown in my hometown of Newark, New Jersey, to pay a bill at a department store. I was pulled over by the police.

I admit I made a driving infraction, and I was pulled over by the police. I was using my cousin's car. When the officer asked me for my identification, being a little nervous, I kind of scrambled and I didn't know where the registration of the vehicle was right away. This police officer decided to tell me that if I did not find that license and registration quick enough, he would throw me so far under the jail they would never find me.

Now, you can imagine the fright and panic that that would put in a young person. But I got my license-still looking for the registration-and I handed it to him, Mr. Speaker. But,

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Mr. Speaker, because my family was well-known in that town and my father was a sitting councilperson in that municipality at the time, all of a sudden the police officer's demeanor changed, because all of a sudden I was someone now.

Why did it take me to be related to a council member in that town to be someone? No more than 2 minutes prior to that, I would have been thrown so far under the jail that they would never find me. Now it was, Well, don't you understand you need to be careful? You could get hurt or you could hurt someone. All of a sudden, now there is some concern for me. What changed it, Mr. Speaker? What changed it?

But what concerns me is the callous thousands, even hundreds of thousands, of African American men that can't pull that license out and become someone. Those are the people that I am concerned about. They wrestle with this issue every single day. That is why I am proud to say that my uncle, the former assemblyman, William Payne, is the author of the racial profiling bill in the State of New Jersey that stands now. Because this is an issue, has been an issue, and obviously, based on what has happened in Ferguson, Missouri, still is an issue.

So we will continue to speak out, as we have done in our homes, in Ferguson, and on this floor, because we need the United States of America to live up to its creed.

With that, sir, I just have one last thing to say. It is something that just came to me.

In these communities that we talk about, when will they know their local police for protect and serve rather than stop and frisk?

Mr. HORSFORD. I thank the gentleman from New Jersey. Thank you for sharing your own personal experience. I know each of us can probably recall an incident where we have felt that we were being profiled, targeted, singled out, not because it was warranted necessarily, but because of some characteristic. And that is part of what we are here to bring attention to tonight. So thank you for your honesty and for your genuineness in expressing that personal story.

Mr. Speaker, I yield to the gentleman from the Empire State, New York (Mr. Jeffries), my fellow coanchor. I have great respect for this gentleman. We have gotten to know each other very well, and I know that this is an issue, in particular, that he has provided direct leadership on because of the communities in which he serves in New York. And the comment by the gentleman, the previous comment about "stop and frisk" is something that you have worked to challenge, and because of that there is a change that is underway. That is what we are hoping to bring tonight.

Mr. JEFFRIES. Mr. Speaker, I thank my distinguished colleague from the Silver State for anchoring the CBC Special Order on this incredibly important topic related to the ongoing problem, I would argue, epidemic, of police violence largely directed at communities of color.

The most recent situation, of course, occurred in Ferguson, Missouri, with the tragic killing of Michael Brown, and we all join our colleague, Lacy Clay, as well as the CBC chair, Marcia Fudge, in pushing for justice, which we believe is most likely to occur through a Federal investigation that is now ongoing.

But, unfortunately, the problem brought to light for so many across America, particularly the neighborhoods that I represent in Brooklyn, New York, by the killing of Michael Brown is all too familiar for many communities across this great Nation.

In fact, back in July of 1967, President Lyndon Baines Johnson appointed what came to be known as the Kerner Commission, an 11-member commission to study the causes of civil unrest in urban America that had been taking place since 1964 and into 1965 and throughout 1966 into 1967, prompting Lyndon Johnson—one of our greatest Presidents, though that is not often acknowledged, given the leadership he demonstrated on domestic issues—to appoint this Kerner Commission.

The vice chair of the commission was the then-New York City Mayor, John Lindsay, a former distinguished Member of this House.

The Commission concluded that some of the unrest that had taken place in cities like Detroit, Michigan, and Philadelphia, Pennsylvania, in Los Angeles, in Watts, some of the things that had taken place, resulting in unrest, were caused by preexisting conditions of aggressive police activity in African American communities, followed by a triggering event, often a shooting of an unarmed African American, and then an overly aggressive police response.

This is what the Kerner Commission found when it issued its report in the late 1960s. But that same analysis could apply more than 45 years later in terms of what this country just witnessed in Ferguson, Missouri, a history, clearly, in that community of overly aggressive, excessive force, largely directed at the African American community, and then a triggering event, the killing of an unarmed African American, Michael Brown, who, of course, was shot twice in the head, and it appears a total of six times, and then, an overly aggressive police response, in fact, a military response.

The people at home in the district that I represent were shocked to see the images coming out of Ferguson, Missouri. It looked like Fallujah. It looked like a war zone in the Middle East or other parts of the world, not an American suburb.

What did we learn, if anything, from the Kerner Commission report?

Apparently, not much, and that is what we have got to confront in America.

There is a reality to police brutality and its impact, particularly on unarmed African American men, that, as a civilized society, we should no longer tolerate.

Now, let me pause, parenthetically, and agree with my good friend's point, Representative Horsford, that the overwhelming majority of police officers in America are good individuals, hard-working, decent men and women committed to enforcing the law in an evenhanded fashion.

But there are too many cases of excessive violence, often directed at unarmed African American men in America. We have got to address that epidemic.

Perhaps we could begin by just reviewing the Kerner Commission report issued under the Johnson administration. It is shameful that decade after decade after decade we have been unable to confront some of the realities brought to bear by that report. But perhaps the tragedy in Ferguson, Missouri, will wake us all up as a country.

Fannie Lou Hamer made the observation that she was sick and tired of being sick and tired. At what point will we in America be tired of seeing another unarmed African American man's life being taken away prematurely by an officer using excessive force?

That is why we are hopeful that we not just deal with the law enforcement problem, but that we confront some of the underlying socioeconomic conditions that create a climate for some of these things to occur.

I look forward to that discussion as we move forward under the leadership of our chair, and certainly working closely with the distinguished gentleman from Las Vegas.

Mr. HORSFORD. Mr. Speaker, I thank the gentleman, my coanchor, for this Special Order hour, and for your bringing to this body a reminder of the Kerner report, which is very instructive on what should be done as a model to move community policing approaches forward.

I think that is one of the absolute objectives that must come from any action that this body takes. And there is a role for Congress to play. Absolutely, there is a responsibility for the Department of Justice, which has a statutory objective, a responsibility to ensure profiling does not occur in our Nation's law enforcement.

In addition to the example of the Kerner report, I would also like to bring to attention the work of the U.S. Department of Justice, the Office of Community Oriented Policing Services, the COPS office, which is working to develop an initiative known as the collaborative reform model.

Now, they came to my home State of Nevada in January of 2012, following growing community concern and scrutiny of its use of deadly force practices, and the Las Vegas Metropolitan Police Department, under the leadership of our sheriff, voluntarily agreed to have

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this review by the COPS department in order to identify areas of improvement.

So I believe that this report and this program, along with the Kerner report, are examples of what we could do to make sure that every local law enforcement agency has high standards and is not practicing profiling.

Mr. Speaker, I know our time has expired. I would like to thank my colleagues for this Special Order hour, and the gentleman from New York for coanchoring.

I yield back the balance of my time.

Mr. HORSFORD. The material I previously referred to is as follows:

#### Executive Summary

##### Background

In January 2012, under growing community concern and scrutiny of its use of deadly force practices, the Las Vegas Metropolitan Police Department (LVMPD) agreed to take part in an initiative sponsored by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), known as the "Collaborative Reform Model."

As part of this initiative, LVMPD agreed to an in-depth assessment of its use of deadly force policies and practices. In support, the COPS Office and CNA would assist the LVMPD in adopting national standards and best practices as they relate to officer-involved shootings (OIS), while ensuring that LVMPD's implementation was comprehensive and integrated. CNA conducted the assessment, focusing on four issue areas:

(1) policy and procedures, (2) training and tactics, (3) investigation and documentation, and (4) external view. CNA completed the assessment in November 2012, which documented a total of 75 reforms and recommendations. These included both new recommendations from the assessment team and reforms that LVMPD initiated before and during the assessment process. CNA published the final report Collaborative Reform Model: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department (referred to as the "2012 report" throughout the remainder of this report) in November 2012.

The publication of the 2012 report did not complete the process. Sustainable policy and organizational change requires careful planning, implementation, and monitoring. The COPS Office, CNA, and LVMPD have continued in their collaboration throughout 2013. The COPS Office asked CNA to document reforms previously completed by LVMPD and to actively monitor those that resulted from the 2012 report. In September, CNA and the COPS Office published Collaborative Reform Model: Six-Month Status Report of the Las Vegas Metropolitan Police Department. The six-month report showed that LVMPD had made significant progress. A total of 56 reforms had been completed by the department and another 15 were in progress.

This report is the final assessment of LVMPD with respect to the Collaborative Reform Model. It has been two years since the beginning of the reform process, and one year since the reforms were recommended. The purpose of this report is to inform all stakeholders and interested parties of the progress made toward reforming LVMPD's policies and practices with respect to OISs.

#### Approach

CNA undertook a multifaceted approach in assessing LVMPD's progress, including site visits, direct observation, document reviews, and interviews. The assessment process was a holistic, comprehensive approach to assessing LVMPD's reforms that places an emphasis on the quality of the implementation as well as technical completion. The goal of the assessment was for the assessors to fully understand the steps the department had taken toward implementing the reforms, and to collect as much evidence as necessary to confirm that those steps had been completed.

Over the past year, LVMPD submitted for review more than 500 documents and files, including investigative reports, internal bulletins and memoranda, training videos and lesson plans, attendance records, evaluation plans, policies, audio recordings of review board hearings, and section manuals. The assessors critically reviewed these files for relevance and consistency with the recommendations, as well as for clarity and quality of the documents.

In this report, each recommendation is assigned one of five statuses, defined in Table 1.

**TABLE 1.-RECOMMENDATION STATUS DEFINITIONS**

Status	Definition
z Complete	The recommendation has been sufficiently demonstrated to be complete, based on the assessors' review of submitted materials, observations, and analysis.
Pz Partially Complete	The agency has submitted materials that they believe demonstrate completion of the recommendation. However, the assessors have deemed that additional effort is needed to complete the recommendation. As per the agency, no further work will be forthcoming on the recommendation.
D In progress	Implementation of the recommendation is currently in progress, based on the assessors' review of submitted materials, observations, and analysis.
X Not complete	The agency has not sufficiently demonstrated implementation of the recommendation, nor does the agency have future plans to do so.
No assessment at this time	At the present time, not enough information is available to make a determination.

#### LVMPD Progress

LVMPD has made impressive progress over the past year. The number of OISs by LVMPD continues to be historically low thanks, in part, to a cascade of events over the past three years that include changes to policy, and increased training, scrutiny, and oversight of OISs by LVMPD. LVMPD's internal review process for deadly force incidents continues to evolve as well. Over the past two years, the Use of Force Review Board (UoFRB) has issued an unprecedented number of findings that are critical of the officers' actions and how they were managed. Consequently, the board has recommended significant remedial action, including training, discipline, one demotion, and the termination of two officers.

Table 2 shows that, to date, LVMPD has initiated and completed 72 reforms, which account for 90 percent of the totality of reforms that have been initiated and recommended over the past three-plus years. Thirty-nine of the reforms were completed prior to the issuance of the 2012 report, whereas an additional 33 have been completed since. The department has made considerable progress on five reforms, but more work remains. Two reforms remain incomplete. Notably, one of the incomplete reforms is outside of the purview of the department and addresses the Police Protective Association's continued discouragement of officers involved in shootings to give interviews as part of the criminal investigation.

**TABLE 2.-STATUS OF LVMPD REFORMS**

Status	Recommendations/Reforms (N)	Percent (%)
z Complete	72	90
Pz Partially Complete	0	0
D In progress	5	6
X Not complete	2	3
No assessment at this time	1	1
Total	80	100

The department has completed two key policy reforms, regarding its use of force policy. The policy is now divided into smaller sub-components that can stand alone, making them easier to teach and learn for LVMPD officers. LVMPD has also begun an annual review of its policy to ensure that it is up to date with recent court rulings and other major events that can influence the direction in which the department wants to take the policy.

LVMPD has significantly revamped its training program and is now on the cutting edge of data-driven training. Ten training reforms have been implemented this past year. Together, the reforms enhance training requirements and departmental oversight of training development and delivery through audits. LVMPD officers are now being trained and recertified in essential skill sets more than ever before. There is still room for growth, however, with respect to de-escalation training. Although the department does well in training officers to tactically de-escalate a situation, more focus could be given to verbal de-escalation skills for all officers.

Use of force investigations and documentation in LVMPD has significantly improved. Ten out of 12 recommendations have been completed. The department has made significant changes to its administrative review of OISs. A new section manual dictates the review process and codifies a multi-tiered structure of findings that allows for remediating and disciplining officers when necessary. The process has now been split into two components, which, together, the department calls the Critical Incident Review Process (CIRP). A UoFRB, with a majority of citizen voting members, reviews the use of deadly force, whereas a Tactical Review Board (TRB), without voting citizen members, reviews all tactics and decision making of all officers, then makes recommendations. The process is impressive in many respects but is not without its design flaws. The assessors support the overall objectives, but remain concerned with the potential for conflict between the two boards. The department is actively working to address the conflict.

With respect to criminal investigations of OISs, the department has recently decided to reconstitute a stand-alone Force Investigation Team (FIT) that specializes in deadly force investigations. The team will be separate from the Robbery and Homicide Bureau. LVMPD plans to ensure that FIT detectives have specialized training on the unique circumstances of OISs. The department, however, declines to video-record officer interviews. On a related note, the police association continues to encourage officers involved in shootings to not give interviews to homicide investigators.

The department continues its impressive commitment to engage with the community and improve the transparency of OIS investigations. Various new policies have been put into place, which formalize the dissemination of OIS statistics and incident summaries. The department's new communications policy clearly describes the role of the Public Information Officer (PIO) and the sheriff's office in public information sharing with respect to OISs.

#### Committee on the Elimination of Racial Discrimination

##### Concluding Observations on the Combined Seventh to Ninth Periodic Reports of United States of America

1. The Committee considered the seventh to ninth periodic reports of the United States of America, submitted in one document (CERD/C/USA/7-9), at its 2299th and 2300th meetings (CERD/C/SR.2299 and SR.2300), held on 13 and 14 August 2014. At its 2317th meeting, held on 26 August 2014, it

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adopted the following concluding observations.

#### A. Introduction

2. The Committee welcomes the combined seventh to ninth periodic reports submitted by the State party, which provides detailed information on the implementation of the previous recommendations of the Committee (CERD/C/USA/CO/6).

3. The Committee also welcomes the supplementary information provided orally by the large and diverse State party delegation to the issues raised by the Committee during the frank and constructive dialogue between the Committee and the delegation.

#### B. Positive aspects

4. The Committee notes with appreciation the legislative and policy developments in the State party to combat racial discrimination since its last report, including:

(a) The termination of the National Security Entry-Exit Registration System in April 2011, as recommended by the Committee in its previous concluding observations (CERD/C/USA/CO/6, para. 14);

(b) The issuance of Executive Order 13583 to require agencies to develop strategies to identify and remove existing barriers to equal employment opportunity in Government recruitment, hiring, promotion, retention, professional development and training, as well as Executive Order 13515 in October 2009 to improve the participation of Asian Americans and Pacific Islanders in federal programmes and employment;

(c) The increased use of the "Systemic Initiative" by the Equal Employment Opportunity Commission to target "class-based recruitment and hiring practices that discriminate against racial and ethnic groups", resulting in an increased number of systemic lawsuits and financial settlements;

(d) The adoption of the Fair Sentencing Act in August 2010, which has reduced, although not eliminated, the disparity between more lenient sentences for powder cocaine charges and more severe sentences for crack cocaine charges, which are more frequently brought against members of racial and ethnic minorities;

- (e) The adoption of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in October 2009, which inter alia creates a new federal prohibition on hate crimes and simplifies the jurisdictional predicate for prosecuting violent acts undertaken because of actual or perceived race, colour, or national origin; and
- (f) The enactment of the Lilly Ledbetter Fair Pay Act in January 2009, which overrides the Supreme Court decision in Ledbetter v. Goodyear Tire & Rubber Co. and enables the 180-day statute of limitations for bringing a wage discrimination claim to be reset with each payment of wages, benefits, or other compensation.

### C. Concerns and recommendations

#### Applicability of the Convention at the national level

5. While noting the applicability of the disparate impact doctrine in certain fields of life, the Committee remains concerned at its limited scope and applicability. It thus reiterates its previous concern that the definition of racial discrimination used in federal and state legislation, as well as in court practice, is not in line with article 1, paragraph 1 of the Convention, which requires States parties to prohibit and eliminate racial discrimination in all its forms, including practices and legislation that may not be discriminatory in purpose, but are discriminatory in effect (CERD/C/USA/CO/6, para. 10). The Committee expresses further concern at the lack of progress achieved in withdrawing or narrowing the scope of the reservation to article 2 of the Convention and in prohibiting all forms of discriminatory acts perpetrated by private individuals, groups or organizations (CERD/C/USA/CO/6, para. 11) (arts. 1(1), 2 and 6).

The Committee underlines the responsibility of the federal state for the implementation of the Convention, and calls upon the State party to take concrete steps to:

- (a) Prohibit racial discrimination in all its forms in federal and state legislation, including indirect discrimination, covering all fields of law and public life, in accordance with article 1, paragraph 1 of the Convention; and
- (b) Consider withdrawing or narrowing its reservation to article 2 of the Convention, and broaden the protection afforded by law against all discriminatory acts perpetrated by private individuals, groups or organizations; and
- (c) Improve the system of monitoring and response by federal bodies to prevent and challenge situations of racial discrimination.

#### National human rights institution

6. While taking note of the creation of the Equality Working Group, the Committee reiterates its concern at the lack of an institutionalized coordinating mechanism with capacities to ensure the effective implementation of the Convention at the federal, state and local levels (CERD/C/USA/CO/6, para. 13). Noting the role that an independent national human rights institution can play in this regard, the Committee expresses regret at the lack of progress in establishing a national human rights institution as recommended in its previous concluding observations (CERD/C/USA/CO/6, para. 12) (art. 2).

The Committee recommends that the State party create a permanent and effective coordinating mechanism, such as a national human rights institution established in accordance with the principles relating to the status of national institutions (the "Paris Principles", General Assembly resolution 48/134, Annex), to ensure the effective implementation of the Convention throughout the State party and territories under its effective control; monitor compliance of domestic laws and policies with the provisions of the Convention; and systematically carry out anti-discrimination training and awareness-raising activities at the federal, state and local levels.

#### Special measures

7. Taking note of the Supreme Court decision of April 2014 in Schuette v. Coalition to Defend Affirmative Action and the measures adopted by several states against the use of affirmative action in school admissions, the Committee expresses concern at the increasing restrictions on the use of special measures as a tool to eliminate persistent disparities in the enjoyment of human rights and fundamental freedoms based on race or ethnic origin (art. 2(2)).

The Committee reiterates its previous recommendation to adopt and strengthen the use of special measures, which is an obligation arising from article 2, paragraph 2 of the Convention, when circumstances warrant their use as a tool to eliminate the persistent disparities in the enjoyment of human rights and fundamental freedoms based on race or ethnic origin. In this regard, it recommends that the State party take into account the Committee's general recommendation No.32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination.

#### Racial profiling and illegal surveillance

8. While welcoming the acknowledgement made by the State party that racial or ethnic profiling is not effective law enforcement practice and is inconsistent with its commitment to fairness in the justice system, the Committee remains concerned at the practice of racial profiling of racial or ethnic minorities by law enforcement officials, including the Federal Bureau of Investigation (FBI), Transportation Security Administration, border enforcement officials, and local police (arts.2, 4(c) and 5(b)).

Recalling its general recommendation No. 31 (2001) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to intensify efforts to effectively combat and end the practice of racial profiling by federal, state and local law enforcement officials, including by:

- (a) Adopting and implementing legislation which specifically prohibits law enforcement officials from engaging in racial profiling, such as the End Racial Profiling Act;
- (b) Swiftly revising 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;
- (c) Ending immigration enforcement programmes and policies, which indirectly promote racial profiling, such as the Secure Communities programme and the 287(g) programme; and

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss the implications of the crime committed against the late Michael Brown on August 9th, 2014 and the subsequent riots in Ferguson. It has been 59 years since the murder and kidnapping of Emmett Till, and in 2014, the cycle of mistreatment continues. What happened in Ferguson, Missouri was a tragedy. It is yet another reminder underlining the mistreatment of communities of color in the United States. The pain and discontent we all feel toward the Ferguson Police Department is valid, but we cannot express our anger without taking a formal stance against the militarization of law enforcement.

As Members of Congress who represent communities of color, the purpose of today's special order is to highlight community policing and lessons learned from Ferguson. Although, economic and social parity remain a constant issue in our communities, our focus now shifts to improper policing and blatant violations of civil rights. We are all citizens of this great nation, but we are also citizens of communities in crisis.

As a United States Congresswoman for over 20 years, I have fought to procure racial equity here in the United States. Though headway has been made, all of this work falls by the wayside when travesties like those seen in Ferguson continue to occur. Mr. Speaker, this is much more than a question of racial equality. It is a question of "what can be done today to safeguard human rights and the protection of human life in the future."

In the 1960's, the world watched in horror as civil rights demonstrators in Selma, Alabama faced local police officers armed with fire hoses and attack dogs. In 2014, the citizens of Ferguson faced local police officers armed with automatic weapons, sniper assault weapons and armored tanks provided by the Department of Defense. It is unconscionable that the local police could use military tactics and armaments against citizens exercising their right to peaceably assemble.

The Department of Justice has had the legal authority to investigate whether a law enforcement organization is engaging in a "pattern of

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practice" in civil rights violations, since 1994. However, despite dozens of allegations filed against law enforcement in the city of Ferguson, nothing has been done to address the use of excessive police force. As a result, heinous crimes like those seen in the cases of Michael Brown have become our reality.

For this reason, as we stand united against the crimes committed in Ferguson, we must also focus our efforts on ensuring that local police departments are not authorized to wage war against communities of color. We must put an end to the federal grants that encourage local police forces to create war zones within our communities. The lesson learned from Ferguson is clear. We must stand against the militarization of law enforcement and improper community policing.

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