



## MICHIGAN CIVIL RIGHTS COMMISSION

**RESOLUTION**

## IN SUPPORT OF H.R. 1280

**THE GEORGE FLOYD JUSTICE IN POLICING ACT**

**WHEREAS**, In 2020, we witnessed incident after incident of violence against African Americans by current and former police officers: February: Ahmaud Arbery, March: Breonna Taylor, May: George Floyd;

**WHEREAS**, For three weeks, sustained protests erupted worldwide after graphic video emerged of George Floyd's slow and excruciating death. It was only after protests erupted and the killings received national attention that police departments expedited their investigations and arrested the killers of Ahmaud Arbery and George Floyd;

**WHEREAS**, Public safety is primarily the responsibility of state and local governments, but there are precedents for federal action. In 1994, Congress passed the Violent Crime and Law Enforcement Act, after the brutal, highly-publicized police beating of Rodney King. It allowed the United States Attorney General to investigate police departments engaging in patterns or practices of unlawful policing. There have been 69 investigations since then, resolving civil rights violations resulting in 40 agreements from 1994-2017;

**WHEREAS**, On Wednesday, April 21, 2021, *The George Floyd Justice in Policing Act* ("Act") was introduced in this 117th Congress as H.R. 1280 and passed 219 to 213, and is now pending in the United States Senate;

**WHEREAS**, The U.S. House of Representatives promulgated this Act to address the law enforcement concerns that have led to police brutality in the African-American community to ensure that policing rises to standards that ensure justice and fairness to ALL Americans;

**WHEREAS**, This Act would:

- Forbid religious, racial and discriminatory profiling for all local, state and federal law enforcement while mandating anti-bias training for all levels of law enforcement. Further, this Act would require that data such as the use of force be collected by race, sex, disability and religion by law enforcement officials;
- Ban carotid holds and chokeholds for federal law enforcement officers. Funding for state and local law enforcement departments would be tied to whether these departments utilized

chokeholds and carotid holds. In the case of federal drug cases, this Act would ban no-knock warrants;

- Require that all other de-escalation methods be tried and exhausted before the use of deadly force. Grants would be made available to local and state law enforcement agencies who exhausted non-lethal methods of de-escalation before potentially using lethal methods of force;
- Require federal police officers in uniforms to wear body cameras. State and local law enforcement departments could use existing federal funding to ensure that body cameras were being used. The Act would require identifiable federal police vehicles to have dashboard cameras;
- Address Qualified Immunity, and make it easier to prosecute officers by changing the “criminal intent” or “guilty mind” requirement in 18 U.S.C. Section 242 from a *‘willfulness’* standard to a *‘recklessness’* standard. This Act would allow individuals to recover damages in civil court when their constitutional rights were violated by ending the protective qualified immunity shield;
- Re-imagine public safety by providing grants to community-based organizations. These grants are earmarked for local commissions and task forces to help develop concrete, actionable and equitable public safety programs;
- Create law enforcement development and training programs to develop best practices;
- Create a nationwide police registry to track officers who have been fired or placed on leave due to disciplinary action(s); and
- Make it a crime for federal law enforcement officers to engage in sexual activity with someone who has been arrested, in custody or detention;

**WHEREAS,** While this Act takes important steps to address police violence and accountability, the United States Congress should also re-examine federal spending priorities and consider shifting billions of federal taxpayer dollars away from criminalization, including policing, toward rebuilding communities of color, which have been historically underfunded, under-resourced and decimated by systemic racism;

**WHEREAS,** Civil rights organizations have recommended strengthening it in the following areas:

- Congress should use its legislative authority to ensure that federal agencies providing funding to state and local law enforcement comply with Civil Rights laws, such as Title IV of the Civil Rights Act of 1964;
- Limitations on qualified immunity should apply retroactively;
- National police misconduct database should be expanded in its scope and accessible to all; and
- Further limitations of the transfer of military equipment to the police;

**Therefore, be it resolved,** That the Michigan Civil Rights Commission supports the passage of The George Floyd Justice in Policing Act and urges and requests the United States Senate to strengthen and pass the bill with all due haste;

**Be it further resolved,** That this resolution is effective immediately upon its passage;

**Be it finally resolved,** That this resolution be forwarded to the Speaker of the United States House of Representatives and the President of the United States Senate.



Passed unanimously on the 24th day of May 2021, by the  
**MICHIGAN CIVIL RIGHTS COMMISSION**

Stacie Clayton, Chair

Zenna Faraj Elhasan, Vice Chair

Ira Combs, Secretary

Richard Corriveau

Regina Gasco-Bentley

Gloria E. Lara

Anupama Kosaraju

Portia L. Roberson