

JOINT STATEMENT FROM ELECTED PROSECUTORS ON THE MURDER OF GEORGE FLOYD AND POLICE VIOLENCE

May 29, 2020

We are elected prosecutors from communities across the United States. We are charged with upholding justice and protecting the safety of all members of our community regardless of the color of their skin, whether they wear a badge, or the neighborhood where they live. We denounce the murder of George Floyd as a profound tragedy and an affront to justice everywhere. We extend our deepest condolences to the family and friends of Mr. Floyd and the entire Minneapolis community. And we say loudly and unequivocally: Enough.

The murder of Mr. Floyd is only one of many episodes of police brutality and excessive force that have plagued our communities for decades. These violent, sickening and despicable acts threaten the safety of our streets and erode critical bonds of trust in our justice system. Every episode of police violence against people of color lays bare the unbroken link between slavery and modern racially-biased policing and demonstrates the moral imperative for all law enforcement leaders and every member of our justice system to do better.

We demand accountability from police and our fellow prosecutors, and we demand systemic change – and commit to bringing about these changes in our own communities. There have been some strides made, but not nearly enough as the body count at the hands of violent police officers continues to rise in cities across this nation. We know from painful experience that state and federal criminal investigations, enhanced oversight and civilian review of policing, and a reexamination of the practices that allow officers who have engaged in excessive force, misconduct or racist acts to stay on the job, are all important steps being implemented around the nation. But these changes are simply not enough to save lives and restore police legitimacy. Comprehensive reform is necessary to interrupt the cycles of state-sanctioned violence that endangers all of our communities, and we, as a group of elected prosecutors will do our part and call on our peers to join us.

Elected prosecutors must respond to incidents of alleged police violence swiftly, transparently, and fairly. And we must ensure that policies and practices of our offices as well as our law enforcement partners protect *all* members of our community. These objectives are embodied in the [recommendations](#) of the Task Force on 21st Century Policing. And they are the essence of the recommendations we urge leaders around the nation to embrace, as follows:

Enhancing Accountability and Addressing Misconduct

- Independent oversight structures should be created and empowered to hold the police accountable to the community. And elected prosecutors should seek to support the creation and empowerment of these groups.

- Elected prosecutors should work together with their law enforcement leaders to change policies, practices and contracts that undermine the ability to discharge officers who should no longer be on the job.
- Nationally, prosecutors and law enforcement agencies must work together to prevent the chronic practice of dangerous officers being fired and rehired by multiple law enforcement agencies. To that end, a national database should be created that addresses the concerning phenomenon of law enforcement members who are discharged from one department being rehired elsewhere.
- Law enforcement, prosecutors, and public defenders should help create and support shared databases tracking documented instances of police misconduct.
- Laws that shield police records from public view – and in doing so, hamper appropriate and necessary police accountability for misconduct – should be repealed.
- Law enforcement departments should institute as a matter of common practice robust internal affairs mechanisms that report directly to the organization’s head and that effectively identify and track problem officers, allegations of misconduct and citizen’s complaints.

Promoting Transparency

- All policies, protocols, and agreements regarding officer-involved incidents, including use of force policies, should be publicly available and all investigations, prosecutions, and dispositions regarding officer-involved incidents should regularly be reported to the public.
- All officers should wear body cameras, and body camera footage should be routinely and promptly made available to the public – unless there is a specific and demonstrable showing that doing so would compromise an ongoing investigation, endanger witnesses, or otherwise violate ethical guidelines.

Addressing Racially Disparate Policing and Protecting Human Life

- Police training should emphasize appropriate and inappropriate use of force and protect the dignity of human life, including by banning the use of neck restraints.
- Implicit bias training should be mandated for all police officers.
- Alternative first responder programs should reduce the extent to which police officers respond to individuals experiencing mental health crises and other medical emergencies that are better addressed by health professionals.
- Practices that have allowed for a militarization of police departments should be revisited and replaced by robust community policing strategies that allow for co-ownership of policing.
- Law enforcement bodies should proactively recruit and hire personnel who are more reflective of the communities they police.

Prosecutorial Practices

- Prosecutors, when running for office, should not seek or accept endorsements or donations from police departments or police unions; and prosecutors should work with the American Bar Association and other national groups to imbed these practices in ethical rules to ensure prosecutorial independence and avoid any actual or perceived conflicts of interest.

- Prosecutors' offices should have the ability and resources to independently and effectively investigate and prosecute officer-involved shooting incidents and the investigation of these cases in most instances should not be handled by the employing law enforcement agency.
- Responding to police-involved incidents with a criminal investigation is a critical accountability measure, but it is ineffective unless paired with day-to-day practices within the prosecutor's office that are aimed at identifying troublesome police conduct, engaging with law enforcement agencies to improve their underlying policies and practices, and proactively avoiding reliance on officers with credibility and veracity concerns. To that end, discovery reform, *Brady* lists, independent oversight, tracking and analyzing racial disparities in prosecutorial decision-making, and training that combats racial bias are all measures that prosecutors must implement to address their own role in perpetuating racially-biased policing.
- Prosecutors' offices should have independent and empowered conviction integrity processes that address past misconduct and ensure that injustices do not go unaddressed.

A Reset of Our Justice System

- Police violence against people of color is only one facet of mass incarceration and the deeply-entrenched racial disparities within our justice system. Meaningful change requires close scrutiny and analysis of all of the disparities within the legal system and policy changes at every stage – from arrest to sentencing. Even more urgently, meaningful change requires a fundamental shift in the way we view our system and support for alternative pathways than the justice system for individuals struggling with poverty, substance use or mental health challenges.
- Law enforcement leaders must partner with the community to reimagine what justice means, examine the ways that the justice system intersects with racism, classism, and other societal inequities, and chart a new path predicated on community well-being. We can no longer engage in business as usual and presume that a punitive criminal justice response is the smart, effective, or evidence-based one when conduct driven by poverty, substance use or mental illness finds its way to the doorstep of our justice system. We can do better – and our communities need us to do better. In so doing we will all be safer and healthier.

As our streets erupt in outrage and grief, wise and level-headed leadership is an imperative. We condemn those who call for further harm or the use of violence to address unrest and communities in pain. To advocate for indiscriminate violence is a failure of leadership of the highest order and a betrayal of American law and values. To those who take to the streets to mourn, we hear you, and we urge you to abide by public health guidelines to prevent further tragedies and further loss of life. Your lives matter to us. Please do not put them at risk.

Change is long overdue, but transformation is possible. We, as elected prosecutors, pledge to do our part. We call on our colleagues and community partners to do what is right. We call on the Hennepin County Attorney and United States Department of Justice to move swiftly and transparently toward holding the perpetrators of this heinous crime accountable. We call on everyone to fight for the dignity and sanctity of Black and brown lives. In this season of national

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mourning, in which we have already lost so much and so many, we must take bold strides toward justice together, to ensure that no more lives are needlessly stolen.

Signed,

Aramis Ayala

State Attorney, Ninth Judicial Circuit, Florida

Jean Peters Baker

Prosecuting Attorney, Jackson County, Missouri

Diana Becton

District Attorney, Contra Costa County, California

Wesley Bell

Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj

Commonwealth's Attorney, Loudoun County, Virginia

Sherry Boston

District Attorney, DeKalb County, Georgia

Chesa Boudin

District Attorney, City and County of San Francisco, California

John Choi

County Attorney, Ramsey County, Minnesota

Dave Clegg

District Attorney, Ulster County, New York

Shameca Collins

District Attorney, Sixth Judicial District, Mississippi

Scott Colom

District Attorney, Sixteenth Judicial District, Mississippi

John Creuzot

District Attorney, Dallas County, Texas

Satana Deberry

District Attorney, Durham County, North Carolina

Thomas J. Donovan, Jr.

Attorney General, State of Vermont

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Mark A. Dupree, Sr.

District Attorney, Wyandotte County, Kansas

Kimberly M. Foxx

State's Attorney, Cook County, Illinois

Kimberly Gardner

Circuit Attorney, City of St. Louis, Missouri

Sarah F. George

State's Attorney, Chittenden County, Vermont

Sim Gill

District Attorney, Salt Lake County, Utah

Joe Gonzales

District Attorney, Bexar County, Texas

Eric Gonzalez

District Attorney, Kings County, New York

Mark Gonzalez

District Attorney, Nueces County, Texas

Andrea Harrington

District Attorney, Berkshire County, Massachusetts

Jim Hingeley

Commonwealth's Attorney, Albemarle County, Virginia

Peter S. Holmes

City Attorney, Seattle, Washington

John Hummel

District Attorney, Deschutes County, Oregon

Natasha Irving

District Attorney, Sixth Prosecutorial District, Maine

Kathleen Jennings

Attorney General, State of Delaware

Melinda Katz

District Attorney, Queens County, New York

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Justin F. Kollar

Prosecuting Attorney, Kaua‘i County, Hawaii

Lawrence S. Krasner

District Attorney, Philadelphia, Pennsylvania

Beth McCann

District Attorney, Second Judicial District, Colorado

Brian Middleton

District Attorney, Fort Bend County, Texas

Stephanie Morales

Commonwealth’s Attorney, Portsmouth, Virginia

Marilyn J. Mosby

State’s Attorney, Baltimore City, Maryland

Jody Owens

District Attorney, Hinds County, Mississippi

Karl Racine

Attorney General, District of Columbia

Rachael Rollins

District Attorney, Suffolk County, Massachusetts

Jeff Rosen

District Attorney, Santa Clara County, California

Marian Ryan

District Attorney, Middlesex County, Massachusetts

Daniel Satterberg

Prosecuting Attorney, King County, Washington

Daniella M. Shorter

District Attorney, Twenty-Second Judicial District, Mississippi

Carol Siemon

Prosecuting Attorney, Ingham County, Michigan

David E. Sullivan

District Attorney, Northwestern District, Massachusetts

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Raúl Torrez

District Attorney, Bernalillo County, New Mexico

Cyrus R. Vance

District Attorney, New York County, New York

Andrew H. Warren

State Attorney, Thirteenth Judicial Circuit, Florida

Lynneice Washington

District Attorney, Jefferson County, Bessemer Division, Alabama