Nearly 70 Current and Former Criminal Justice Leaders File Amicus Brief Calling for an End to the Unnecessary Use of Deadly Force by PA Police

DAAs, Attorneys General and law enforcement leaders tell the PA Supreme Court that the police should not be allowed to use deadly force on people fleeing arrest who are not dangerous

Today, a bipartisan group of 68 current and former elected prosecutors, Attorneys General and law enforcement leaders from around the nation filed an amicus brief in the Pennsylvania Supreme Court arguing that the state’s use of force statute must be applied in accordance with the U.S. Supreme Court ruling in Tennessee v. Garner, which held that officers may not use deadly force when a person is fleeing unless they present an immediate threat of serious harm or death to the officer or others.

The brief was filed in support of Philadelphia District Attorney Larry Krasner’s appeal prior to the trial of former Philadelphia police officer Ryan Pownall, who is charged with homicide for the killing of David Jones. The Commonwealth alleges that Jones, a Black man, was unarmed and fleeing when Pownall shot him. And the appeal challenges Pownall’s claim that Pennsylvania law should be read in a manner that allows officers to use deadly force under these circumstances.

“The American system of policing has given broad protection to officers for far too long, allowing some to take life and liberty from thousands of people, disproportionately people of color, under deeply troubling circumstances,” said Miriam Krinsky, a former federal prosecutor and Executive Director of Fair and Just Prosecution, the organizer of the brief. “Our communities rely on elected prosecutors and the courts to ensure that accountability transcends a title and a uniform. Continuing to provide cover to those police officers who abuse their authority would damage already fragile bonds of trust between law enforcement and the communities they serve, and thereby threaten public safety.”

Amici argue that the Pennsylvania use of force statute must be read in accordance with Supreme Court precedent, which requires there to be an imminent threat of death or injury before officers can use deadly force against people trying to evade arrest. As noted in the brief: “Holding otherwise would allow police to kill without consequence, even when there is no reasonable risk of death or bodily harm. Such a result would both pave the way for the unconscionable use of deadly force and risk undermining community trust in the justice system.”
“When a prosecutor has probable cause that anyone — including a police officer — has violated the law, prosecutions must be vigorous, visible and swift. No law should unconstitutionally shield a law enforcement officer from prosecution for unlawful use of deadly force. No one is above the law, and no one is beneath it,” said Minnesota Attorney General Keith Ellison, a signatory to the brief.

Other signatories to the brief include Attorneys General Thomas J. Donovan, Jr. (Vermont), Karl Racine (District of Columbia) and Ellen Rosenblum (Oregon), the Law Enforcement Action Partnership, over a dozen current or former Police Chiefs and Sheriffs and dozens of DAs and States Attorneys from around the nation.

In the brief, the criminal justice leaders explain that a “decision sanctioning law enforcement killing of people who pose no physical danger” would undermine trust in the criminal legal system and make it less likely that people in the communities most impacted will turn to law enforcement after a crime has occurred and cooperate with investigations. As amici note, “By employing an unconstitutional and overbroad approach to justifying the use of deadly force, this Court would create the appearance that it does not value its role in protecting the public against governmental abuse.”

“As a law enforcement leader, I know firsthand that police accountability is critical to building trust with the communities we serve and that this trust is integral to promoting public safety,” said Darrel Stephens, former Police Chief of the Charlotte Mecklenburg, N.C. Police Department and former Executive Director of the Major Cities Chiefs Association. “In order to establish confidence in law enforcement and in the criminal legal system, we must ensure that our policies and laws allow for officers to be held responsible for egregious misconduct that causes serious harm to the people and communities they are entrusted with protecting.”

Read the brief here and see below for a complete list of amici.

Today, Thursday, July 1st, at 4:15 ET, there will be press availability via Zoom with DA Larry Krasner and FJP Executive Director Miriam Krinsky. If you would like to attend, please email Alyssa Kress, FJP Communications Director, at akress@fairandjustprosecution.org.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our website and follow us on Facebook, Twitter, and LinkedIn.

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