



April 18, 2022

**RE: Input for the High Commissioner’s report, pursuant to Human Rights Council resolution 47/21, to be presented at the 51<sup>st</sup> session of the Human Rights Council (September 2022)**

Public safety is served when all people feel safe and are safe in their communities. But the nation’s current approach to public safety does the opposite: it endangers people and communities. The current system of policing and criminalization is one that has disproportionately targeted communities of color, beginning with slave patrols and continuing with modern-day policing practices, including the brutal suppression of social justice, labor, and protest movements. Tactics like “stop and frisk,” police killings of Black people with impunity, police presence in schools that predominantly serve students of color, and disproportionate enforcement of drug laws against people of color all perpetuate this crisis.

To ensure all people can feel safe and be safe, we must end this racist and classist system of criminalization and build a system premised on actual safety and genuine accountability. Advancing a new paradigm for public safety requires rethinking the purpose and amount of resources that we give to punitive-, arrest-, and surveillance-focused activities. It also requires ending the discriminatory policies and practices that enable systemic abuses against Black, Brown, Indigenous, low-income, and other communities. Because police departments receive so much funding and resources, less funding is available for the social supports and infrastructure that enable communities to be safe and thrive. Devoting more resources to providing these necessities — high-quality health services, well-resourced schools, good-paying jobs, affordable housing — is what keeps communities safe. Real safety is located not in carceral institutions, but in rebalancing spending and meeting the needs of communities — especially Black, Brown, and low-income communities — that have gone unmet for decades. It’s time to build new systems premised on real safety and accountability.

There are 18,000 police departments in the United States. Every day, police use force across the country, yet there is no way to track it and no accurate count of how many use of force incidents there are in the country and the federal government has not set uniform data collection standards to ensure consistency. The FBI created the National Use of Force Data Collection in 2015 and began collecting data in 2019, but as of the end of 2020, only 55% of law enforcement agencies in the country had actually sent data to the FBI.<sup>1</sup> This FBI use of force collection effort only focuses on three categories of use of force, namely killings, serious bodily injury, and firearm discharges. This narrow focus ignores the majority of types of use of force officers utilize against members of the public including takedowns, holds, chemical and electronic weapon discharges,

---

<sup>1</sup> US Government Accountability Office, DOJ Can Improve Publication of Use of Force Data and Oversight of Excessive Force Allegations, Dec 2021, <https://www.gao.gov/assets/gao-22-104456.pdf>

strikes, and kicks. With no meaningful national collection, members of the public and decision makers are left to try and gain access to use of force data directly from state and local departments.

Police departments rarely make “use of force” statistics public voluntarily, and the federal government has failed to set uniform data collection standards to ensure consistency and transparency. Collecting and sharing police use of force data is an initial step to ending violence and reimagining public safety.

**There are several steps which could help to significantly mitigate excessive use of force in US policing. These steps include but are not limited to:**

1. Invest in non-carceral infrastructure. Decrease investment in policing and increase funding in root cause systems like housing, education, employment, accessible mental health resources, etc.
2. Pilot and expand new models of community-based safety that operate fully outside of the criminal-legal system and that invest in non-carceral services and alternative approaches to preventing, managing, and resolving crises.
3. Leverage federal funding streams to hold law enforcement accountable and redirect resources away from criminalization and policing towards investments in social supports, and community-led programs.
4. Tie the hundreds of millions of dollars in policing grants distributed each year by the Department of Justice, Department of Transportation, and other Federal agencies to clear accountability metrics and robust guidelines and prohibitions. Enforce grant requirements by stripping existing grantees of funds for non-compliance and do not select non-compliant departments to receive grants.
5. End police enforcement of traffic violations and other minor offenses to prevent police encounters from escalating into police violence.
6. Prohibit pretextual searches and pass legislation to end federal civil forfeiture as well as the equitable sharing program that incentivizes federal-state/local policing for financial gain through property seizures and forfeitures that were created as a result of unconstitutional policing practices.
7. Prohibit police officers from the use of physical restraints that are life threatening, restrict breathing, or restrict flow of blood or oxygen to the brain.
8. End all federal programs that provide military equipment to state and local police departments, such as the 1033 and 1122 programs. Redirect federal financial resources — such as grants from the U.S. Department of Homeland Security to buy military equipment — away from surveillance/criminalization activities and toward non-carceral, community-based, community-led services.
9. Finalize regulations for the Death in Custody Reporting Act of 2013.

10. Mandate data collection and reporting of all enforcement-focused police-community interactions, including data about shootings by police, use-of-force incidents, stops, searches, and arrests, and mandate officer training on de-escalation, crisis intervention, adolescent development, and proper interactions with people with mental and physical disabilities. Ensure that all data collection is disaggregated by race, ethnicity, religion, gender, sexual orientation, gender identity, disability, housing status, and other demographic characteristics and made publicly available.
11. Prohibit profiling based on actual or perceived personal characteristics, including race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, age, disability, proficiency with the English language, immigration status, and housing status, by rigorously implementing comprehensive anti-profiling policies, creating interventions, and enacting legislation such as the Ending Racial and Religious Profiling Act.

Please do not hesitate to be in touch with us if you have any questions or need additional information.

Sincerely,

Bree Spencer  
Senior Program Manager, Justice Reform  
The Leadership Conference on Civil and Human Rights  
The Leadership Conference Education Fund  
[spencer@civilrights.org](mailto:spencer@civilrights.org)

June Zeitlin  
Senior Advisor  
The Leadership Conference on Civil and Human Rights  
The Leadership Conference Education Fund  
[zeitlin@civilrights.org](mailto:zeitlin@civilrights.org)