

LAW, JUSTICE, AND ETHICS

Resolution LJE-19-12

A RESOLUTION ON JUSTICE FOR ERIC GARNER AND THE URGENT NEED FOR POLICE ACCOUNTABILITY

WHEREAS, in July 2014, Eric Garner, a 43-year-old Black man was killed by New York City Police Department (NYPD) officers, including Daniel Pantaleo, who applied a choke-hold to the neck of Eric Garner;

WHEREAS, before dying, Mr. Garner was able to say 11 times that he could not breathe;

WHEREAS, a Staten Island grand jury came back with no indictment against Officer Pantaleo, and the grand jury minutes remain sealed despite numerous attempts by advocacy groups to unseal them;

WHEREAS, since July of 2014, the U.S. Department of Justice has had the case under investigation, but despite the recommendation of federal civil rights prosecutors, U.S. Justice Department officials have not approved the filing of federal charges;

WHEREAS, In July 2018, New York City began disciplinary proceedings on Thursday against Police Officer Pantaleo; however, in the meantime, he has been relieved of his gun and badge but remains on desk duty where he has earned at taxpayers' expense \$105,061 in fiscal year 2015 and \$119,996 (including \$23,000 in overtime pay) in fiscal year 2016;

WHEREAS, Mr. Garner's daughter, Erica, became a national figure in the fight for justice for her father and against police mistreatment of Black people in America, and it is quite possible that the huge amount of stress she endured in this struggle contributed to her death in December 2017, at the young age of 27;

WHEREAS, Mr. Garner is one of the approximately 1,000 men, women, and children killed by police violence each year, and a disproportionate number of victims of police violence are Black;

WHEREAS, California, New York, New Jersey, Rhode Island, Massachusetts, and Hawaii lack the authority to revoke police officers' licenses to serve, a process known as "decertification;" and other states with decertification authority have weak decertification laws that do not effectively remove problematic officers;

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WHEREAS, in states without an effective decertification authority, officers removed or disciplined by one law enforcement agency or department are not prevented from obtaining employment in other agencies or departments; and

WHEREAS, in order to end the epidemic levels of police violence against Black people, states must have tools for the removal of problem officers along with appropriate recruitment, training, transparency, accountability, and community oversight.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) reaffirms its positions on police accountability, community oversight, justice for victims of police violence, and models for police reform;

BE IT FURTHER RESOLVED, that the NBCSL calls for the creation of model police decertification standards and processes;

BE IT FURTHER RESOLVED, that the NBCSL calls for all states to develop and implement an efficient and effective process to decertify law enforcement officers that violate the law or fail to meet public standards for law enforcement professionals;

BE IT FURTHER RESOLVED, that the NBCSL calls for all states to: (1) report decertified officers to the National Decertification Index to ensure the effects of decertification across state lines; (2) require law enforcement agencies and agencies hiring security officials to search the National Decertification index and use the information in their hiring decisions; 3) urges the federal government to discontinue funding support via the Law Enforcement Assistance Act to State and local security agencies or entities that do not query this index and use the resulting information in their hiring decisions; and

BE IT FINALLY RESOLVED, that the NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is November 30, 2018

Ratification is certified by: Representative Gregory W. Porter (IN), President