

March 3, 2021

The Honorable Nancy Pelosi
Speaker of the House
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
Republican Leader
2468 Rayburn House Office Building
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy:

The International Association of Chiefs of Police (IACP) believes that significant progress has been made in policing in recent years but agrees that more work remains to be done. While the George Floyd Justice in Policing Act of 2021 (H.R. 1280) contains several positive provisions, there are also several elements in this legislation that are problematic and that would, if adopted in their current form, be detrimental to policing and its continuing ability to safeguard the public.

The IACP voiced concerns over several of these provisions in the 116th Congress and was hopeful that the U.S. House of Representatives would work with the police and others to pass meaningful legislation that would have a positive impact on policing and enhance the public's trust and faith in the profession.

The IACP continues to have significant concerns over the following provisions in H.R. 1280:

- Section 102 Qualified Immunity Reform:** The IACP strongly supports the doctrine of qualified immunity and opposes this provision or any such provision that would limit, reduce, or eliminate this essential protection for police officers. Unlike elected officials, judges and prosecutors, police officers do not have absolute immunity, and they can be held liable when they knowingly violate a clearly established constitutional right. Qualified immunity allows police officers to respond to incidents without pause, make split-second decisions, and rely on their training and the current state of the law in making those decisions. The loss of qualified immunity protection would have a profoundly chilling effect on police officers and would limit their ability and willingness to respond to both critical incidents and routine calls for service without hesitation. Abolishing qualified immunity would likely result in a higher cost of government due to financial risks, vicarious liability, and litigation costs. Furthermore, the elimination of qualified immunity will further hinder efforts to enhance the hiring and retention of police officers. IACP is concerned with the bill's language under Section 101 that would amend the mens rea (state of

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Alexandria, VA

mind) requirement in 18 U.S.C. Section 242 from a “willfulness” to a “recklessness” standard, thereby making it easier to prosecute officers for a federal criminal violation.

- **Section 364 Peace Act (Use-of-Force):** The IACP strongly believes that all agencies must incorporate into their mission, vision, goals, ethics, and oaths that it is a fundamental principle of all police officers and agencies is to value and preserve human life. The IACP opposes modification of the use of force standard set forth in *Graham v. Connor*. Requiring police use of force only when “necessary” is presuming a level of officer influence over circumstances that does not exist and strives to create a level of perfection that cannot possibly be obtained. Additionally, altering the standard to only when “necessary” jeopardizes officer safety, and therefore community safety, as it will cause second-guessing, hesitation, and potential confusion in situations of danger where not only the officer’s life is in jeopardy but also those of bystanders.

The IACP supports federal adoption of the [National Consensus Policy on Use of Force](#) as well as continual funding for training for law enforcement officers in de-escalation and calming techniques, crisis intervention techniques, and response tactics when practical and safe for calls related to persons who are threatening harm to themselves and do not pose danger to others.

- **Section 201 Establishment of National Police Misconduct Registry.** The IACP supports a registry of police misconduct, but not as currently written in the George Floyd Justice in Policing Act. No misconduct registry/database should include claims that were determined to be unfounded or not sustained. Additionally, rather than create a new index the IACP supports funding for the [National Decertification Index](#) managed by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). The IACP is also opposed to any effort to make the database publicly available and searchable, because of officer safety concerns.
- **Section 365 Stop Militarizing Law Enforcement Act.** The IACP is opposed to this provision and any legislation that would limit the ability of state and local law enforcement agencies to obtain necessary equipment to aid in the protection of police officers and important infrastructure like the U.S. Capitol and state capitols.

The IACP hopes that when the members of the United States House of Representatives vote on H.R. 1280 that they will take these concerns into consideration. Furthermore, we hope that the Members of the House and Senate will engage a broad arrange of stakeholder groups, to include policing, as these discussions continue so that both the House and Senate can pass legislation that will have a positive impact for policing and our communities.

Sincerely,



Chief Cynthia Renaud (Ret.)
IACP President