



National  
Urban League

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**Civil Rights Groups Urge Supreme Court to Strike Down Dangerous  
Doctrine that Encourages Police Brutality That Disproportionately Harms  
Black People**

The [Legal Defense Fund](#) (LDF) and the [National Urban League](#), represented by [O'Melveny & Myers LLP](#), filed an [amicus brief](#) in *Barnes v. Felix*, encouraging the U.S. Supreme Court to strike down the so-called “moment of threat” doctrine, a dangerous legal framework which undermines police accountability, encourages police violence, and disproportionately harms Black people.

The brief argues that by looking only to the “moment of threat” in evaluating the reasonableness of use of force, courts risk irreparable damage to the protections of the Fourth Amendment—often with deadly consequences. By ignoring all evidence regarding the sequence of events that preceded an encounter or instance of violence, courts in effect disincentivize officers from deescalating encounters and facilitate the possibility of danger in every police interaction. The brief further explains that the Fourth Amendment requires force to be assessed by looking at the totality of circumstances, which has long allowed courts to see the complete account of officer conduct in their interactions with civilians, including the role that racial stereotypes may play in officer misperceptions of threat.

“We cannot condone the idea that an officer can willingly put themselves in harm's way and use their own actions as justification for deadly force. This interpretation of the law flies in the face of an officer's responsibility to deescalate encounters and resolve conflict without violence whenever possible. We need greater police accountability, not a license to inflict brutality,” said **Marc H. Morial, President and CEO of the National Urban League.**

“Black people experience disproportionate rates of police violence—including deadly force—each year,” said **Catherine Logue, Assistant Counsel at the Legal Defense Fund**. “Far too often, these racialized harms are a direct result of racial stereotypes and other forms of bias that cause officers to inaccurately assess threat in encounters with Black individuals. A legal doctrine that shields discriminatory police conduct from judicial review essentially subjects Black people to greater risk without recourse or accountability.”

“We are proud to work alongside LDF and NUL on this crucial issue. And we are cautiously optimistic that the Supreme Court will understand that the moment of threat not only conflicts with established Fourth Amendment doctrine, but also makes policing more dangerous for civilians and officers alike,” said **Melissa Cassel-Walker, Counsel at O’Melveny & Myers LLP**.

Read the brief [here](#).

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*Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.*