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LDF Issues Statement on the Failure to Advance the George Floyd Justice in Policing Act of 2021

Today, members of the United States Senate failed to reach an agreement on the George Floyd Justice in Policing Act of 2021. In response, Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), issued the following statement:

“Last summer’s global protests were the culmination of decades of frustration and pain resulting from the death and brutality exacted upon Black and Brown people by law enforcement in this country. Meaningful federal legislation to broadly transform policing should have been swiftly enacted in response. Instead, despite the passage of the George Floyd Justice in Policing Act by the House of Representatives last year and again this year, the bill has now officially stalled in the Senate. The failure of this legislation to move forward is a failure for our democracy. The people spoke by the millions, and their demand has not been met. At the core of the demand were measures designed to remove barriers to holding law enforcement officers accountable for police brutality. These included addressing qualified immunity – the judge-made doctrine that has been interpreted by courts in ways that have created near-impunity for police officers engaged in unconstitutional policing, an amendment to the federal statute that would strengthen the ability of the Department of Justice to bring criminal civil rights actions against officers; and a national database of sustained findings of serious police misconduct and a process for decertifying problem officers. We hoped there would be bipartisan agreement on these measures – all of which were part of the bill passed by the House of Representatives last year and again earlier this year. All of these measures were ultimately rejected in the Senate negotiations. And police violence and discriminatory policing have continued unabated in far too many jurisdictions around the country.

“We want to be clear about what we observed in this process. Congresswoman Karen Bass (D-CA) and Senator Cory Booker (D-NJ) worked tirelessly, creatively, with determination and in good faith to enact meaningful legislation that would meet the moment. They engaged with Republican members of the House and of the Senate – offering key concessions and even engaging with law enforcement – in an effort to enact this legislation. It became clear through the process that their good faith efforts were not met in kind. The decision by negotiators like Sen. Tim Scott (R-SC) that addressing the issue of qualified immunity – a key demand of those seeking to ensure a chance to obtain accountability for unconstitutional policing – was a “red line” he would not cross, doomed the effort to craft a bill that would be responsive to the demand and meet the moment. Dates set for completion of the negotiations were moved repeatedly. After a year of negotiations, this effort has now ended in failure.

“Fortunately, despite the refusal of too many members of Congress to confront the truths of our current system of policing, a number of states and localities have recognized the urgency of this moment and have taken steps to address police violence and egregious misconduct through landmark accountability legislation, and bold, creative interventions to transform public safety, such as in Maryland, Colorado, and San Francisco. We will be leaning into those efforts at the state and local level, even as we renew our demand for federal legislation.

“We are also gratified that the Department of Justice under Attorney General Garland has agreed to open pattern-and-practice investigations of police departments in multiple jurisdictions. The Associate Attorney General has also announced a review of grant funding of police departments to ensure that the DOJ’s grant programs are in compliance with Title VI of the Civil Rights Act of 1964, which prohibits federal funding to programs engaged in racial discrimination. We will continue our advocacy and demand for legislation that will end the regime of impunity that protects law enforcement officers from accountability for unconstitutional policing.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. 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. 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 NAACP Legal Defense Fund or LDF.

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