



**Testimony by the
NAACP Legal Defense and Educational Fund, Inc.**

**Before the United States Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights**

**Hearing on
“The State of Civil and Human Rights
in the United States”**

**Hart Senate Office Building
Room 216**

December 9, 2014

I. Introduction

The NAACP Legal Defense and Educational Fund, Inc. (LDF) is pleased to submit this testimony in connection with today's important hearing. Founded by Thurgood Marshall in 1940, LDF is the nation's oldest civil rights legal organization. Throughout our history, we have relied on the Constitution, as well as federal and state civil rights laws, to pursue equality and justice for African Americans and other people of color. LDF has been at the forefront of efforts to eliminate the pernicious influence of racial bias in America's criminal justice system. Since our inception, we have engaged in litigation and policy advocacy designed to eliminate racial bias at every stage of the criminal justice process, from racial profiling in police stops to discrimination in jury selection to racial disparities in sentencing.

We applaud Senator Durbin's leadership in holding a hearing to address the state of civil and human rights today. This hearing could not have come at a more critical time. In July, we watched in horror as a videotape captured New York Police Department officers using illegal and deadly force against Eric Garner, an unarmed African-American man in Staten Island, New York. In August, we witnessed the police killing of Michael Brown, an unarmed African-American teenager in Ferguson, Missouri. Nearly two weeks ago we learned that the grand jury investigating Michael Brown's death refused to indict the police officer who killed him. And just last week, we were stunned by the failure of the Staten Island grand jury to indict the officers involved in Mr. Garner's killing.

These horrific acts of lethal violence by police against African Americans and other communities of color are not isolated incidents, but instead part of a widespread and historical pattern of excessive force, abuse and mistreatment of communities of color at the hands of law enforcement. Moreover, the complete lack of accountability of the police officers who committed these acts of violence has thrown our criminal justice system into a crisis of confidence. The events of recent months have highlighted, for all Americans, the longstanding and persistent problem of police abuse and excessive force levied against African Americans and other communities of color. As a nation, we must chart a path forward to determine the most constructive ways for ending this terrible pattern of violence that continues to plague the most vulnerable of our communities and undermines the trust between law enforcement and those they are charged to serve. While criminal justice is foremost a function of local government, it is imperative that the federal government exert its legal authority and rely on its purse strings to ensure that local law enforcement is held accountable for these acts of violence. In the wake of these tragic deaths, which our legal system has failed to redress, the federal government should undertake a series of structural and systematic reforms to do whatever it can, wherever it can, to help end this conduct that undermines the confidence and integrity of our justice system.

Our testimony today addresses the federal reforms suggested by LDF to increase oversight, accountability and transparency of local law enforcement. We believe that Congress can play an important role in guaranteeing their adoption and their success, particularly as it relates to ensuring that those state and local law enforcement agencies receiving federal funding are in strict compliance with federal civil rights laws. Much of our testimony focuses on the extremely problematic practice of the Department of Defense to allow military equipment to be used by law enforcement in public schools; we call for an end to that practice.

II. Federal Reforms to Ensure Police Accountability and Transparency

In light of continued police violence against communities of color, LDF has called for transparency, accountability and leadership by local, state, and federal officials tasked with investigating police misconduct and responding to the public's justifiable outrage about the violence. Police accountability and transparency are essential elements of any reform efforts aimed at eliminating the unwarranted, and often deadly, use of force by law enforcement. The systemic use of deadly force and violence against communities of color is deeply rooted in the structural deficiencies in police practices, training, supervision, and the failure of law enforcement officials to address directly the fundamental issue of racial bias, both explicit and implicit, in policing.¹ These attitudes and opinions are embedded in the culture; the sooner we confront them honestly and openly, the closer we are to eliminating them.

A key issue ripe for Congressional inquiry is the nature and extent of federal support for local law enforcement. Three federal programs provide the bulk of federal funding and equipment for local police agencies: the Department of Justice's Edward Byrne Memorial Justice Assistance Grant Program;² the Department of Defense's 1033 Program,³ and the Department of Homeland Security's grant programs.⁴ Congress must ensure that these programs are subject to proper oversight and review. It is imperative that local law enforcement agencies be required to adopt measures to promote accountability through the use of nondiscriminatory policies and practices; enhanced monitoring and supervision; and comprehensive training on explicit and implicit racial bias, use of force, and de-escalation of officer-involved encounters. It is also critical that local police activities be documented and publicly reported.

¹ Cheryl Staats et al., STATE OF THE SCIENCE: IMPLICIT BIAS REVIEW, Kirwan Institute, 2013 at 36-45, available at <http://kirwaninstitute.osu.edu/my-product/state-of-the-science-implicit-bias-review/>; Phillip Goff et al., THE ESSENCE OF INNOCENCE: CONSEQUENCES OF DEHUMANIZING BLACK CHILDREN, Feb. 24, 2014 at 540, available at <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

² 42 U.S.C. § 3750 *et seq.*

³ 10 U.S.C. § 2576a (“Excess personal property: sale or donation for law enforcement activities”).

⁴ 6 U.S.C. §§ 603 (“Homeland security grant programs”) and 604 (“Urban Area Security Initiative”).

In the immediate aftermath of Michael Brown's death, LDF called upon the Department of Justice (DOJ) to use its authority to "address the unjustified use of lethal and excessive force by police officers in jurisdictions throughout this country against unarmed black people." We asked DOJ to: (1) undertake a comprehensive review of police-involved assaults and killings; (2) provide strong incentives for racial bias training and avoiding the use of force in the DOJ grant process; (3) hold police officers accountable to the full extent of the law; and (4) encourage the use of police officer body-worn cameras.⁵ These types of reforms, while not a panacea for police violence, provide a critical starting point for substantive and structural changes that ensure accountability, transparency, training, and appropriate leadership in state and local law enforcement agencies. Importantly, we have also called upon DOJ to more rigorously enforce the civil rights obligations of state and local police agencies. Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 prohibit state and local police agencies which receive federal funding from discriminating in their operations on the basis of race, color or national origin. DOJ can and does investigate complaints arising under these statutes, but these laws also grant DOJ substantial authority to adopt a host of affirmative measures to ensure rigorous compliance with civil rights laws by agencies receiving federal funding.

Furthermore, LDF has joined other national civil and human rights organizations in calling for a number of additional structural reforms, including comprehensive review and reporting of racial profiling practices; review and reporting of stop and frisk, search, and arrest practices; updating the 2003 DOJ Guidance Regarding the Use of Race by Federal Law Enforcement Agencies; elimination of "broken windows" policing, which encourages aggressive responses to minor offenses; and the promotion of community-based policing.⁶

III. Demilitarizing Our Nation's Schools

Like countless others, LDF was deeply troubled by the rapid escalation and militarized-nature of the law enforcement response to the protests which ensued in Ferguson, Missouri after the killing of Michael Brown. Communities of color have historically borne—and continue to bear—the brunt of heavy-handed and increasingly militarized law enforcement tactics.⁷ LDF warned of the dangers of the 1033 Program's

⁵ Letter from Sherrilyn Ifill to Attorney General Eric Holder Regarding Use of Excessive Force by Police, Aug. 14, 2014, available at <http://www.naacpldf.org/document/letter-attorney-general-holder-regarding-use-excessive-force-police>.

⁶ "A Unified Statement of Action to Promote Reform and Stop Police Abuse," Aug. 18, 2014, available at http://www.naacpldf.org/files/case_issue/Black%20Leaders%20Joint%20Statement%20-%208-18_0.pdf

⁷ Christian Parenti, LOCKDOWN AMERICA: POLICE AND PRISONS IN THE AGE OF CRISIS 69-89 (1999) (recounting the increasing use of paramilitary-style tactics by the New York Police Department, primarily in communities of color); Kenneth B. Nunn, RACE, CRIME AND THE POOL OF SURPLUS CRIMINALITY: OR WHY THE "WAR ON DRUGS" WAS A "WAR ON BLACKS," 6 J. Gender Race & Just. 381, 404 (2002).

increased militarization of law local enforcement in testimony before the U.S. Senate Committee on Homeland Security and Governmental Affairs hearing on “Oversight of Federal Programs for Equipping State and Local Law Enforcement.”⁸ Additionally, we welcomed President Obama’s announcement of a comprehensive review of the federal government’s role in arming state and local law enforcement with military-style equipment. We are encouraged by President Obama’s recent proposal of an executive order which will require the tracking and monitoring of the use of military equipment by local law enforcement.

In addition to ensuring more rigorous oversight of the 1033 Program generally, LDF believes it is absolutely imperative that Congress and the federal government end the 1033 Program’s transfer and lending of military equipment to law enforcement agencies serving K-12 schools. We urge the Members of this Subcommittee and other Members of Congress to act immediately to end that component of the 1033 Program. Additionally, we have asked the Administration to ensure that the executive order addressing military equipment usage by local law enforcement contain such a ban. An increased presence of police in public schools has already proven problematic, particularly for students of color. The insertion of high-powered military weapons into school settings only exacerbates school climates that may already be fraught with tension between students of color and school police.

Critically, national conversations about discriminatory policing practices must examine how our nation’s youth of color are disproportionately subjected to discriminatory policing practices, both within our nation’s K-12 schools and in their own neighborhoods. A survey by the American Psychological Association showed that participants perceived young African-American males as older, “less innocent,” and more culpable than their white counterparts of the same age.⁹ This implicit bias often results in the criminalization of youth of color and plays out in the overly punitive discipline of youth of color in our nation’s schools and in the over-policing of youth of color in neighborhoods across the country, where, in split-second discretionary discipline or policing decisions, youth of color are rarely given the benefit of the doubt. Indeed, as columnist Charles Blow has noted, there is seldom a “margin for error”¹⁰

⁸ Statement by the NAACP Legal Defense & Educational Fund, Inc. Before the United States Senate Committee on Homeland Security and Governmental Affairs, Sept. 9, 2014, *available at* http://www.naacpldf.org/files/case_issue/LDF%20Statement%20Oversight%20of%20Federal%20Programs%20for%20Equipping%20State%20and%20Local%20Law%20Enforcement%20Hearing.pdf

⁹ Phillip Goff, *et. al.*, THE ESSENCE OF INNOCENCE: CONSEQUENCES OF DEHUMANIZING BLACK CHILDREN, Interpersonal Relations and Group Processes, American Psychological Association, *available at* <http://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

¹⁰ Charles Blow, *The Perfect Victim Pitfall: Michael Brown, and Now Eric Garner*, Dec. 3, 2014, NY TIMES, *available at* http://www.nytimes.com/2014/12/04/opinion/charles-blow-first-michael-brown-now-eric-garner.html?_r=0 “I would love my children to inherit a world where that wasn’t the case, where the margin for error for them was the same as the margin for error for everyone else’s children, where I could rest assured that police treatment would be unbiased.”

allowed by law enforcement for many individuals of color, and in split-second discretionary decisions, preconceived notions of criminality prove harmful, and sometimes fatal, for youth of color who are being pushed out of school and into the criminal justice system by overly punitive discipline practices and discriminatory policing.

For a stark example of how racial bias and the presumption of criminality that attaches to race can infect police action against youth of color, one need look no further than last month's tragic events surrounding the death of Tamir Rice, a twelve-year-old African-American child shot dead by police in Cleveland, Ohio. On November 22, Cleveland police officers approached Tamir in response to a 911 call about an individual with a gun described by the caller as "probably fake." In fact, the gun was fake. But within approximately two seconds of approaching the youth, Officer Timothy Loehmann, who described the child as a "20-something male," shot him. Tamir died in the hospital the next day.¹¹

The bias that led to Tamir Rice's tragic death is similar to that responsible for glaring racial disparities in school discipline. Earlier this year, DOJ and the Department of Education issued historic joint guidance for school districts on discipline, noting the prevalence of significant disciplinary disparities based upon race and underscoring that discriminatory administration of school discipline based on race violates Title VI of the Civil Rights Act of 1964.¹² National data show the prevalence of discipline disparities based on race: African-American youth are more than three times as likely as their white peers to be suspended or expelled from school,¹³ often due to minor misbehavior.¹⁴ Research shows that these discipline disparities cannot be attributed to more frequent or severe misbehavior by youth of color.¹⁵ Youth of color do not

¹¹ Shortly after Tamir's killing, DOJ concluded a two-year federal civil rights investigation of the Cleveland's police department; the findings did not address Tamir's killing but found a pattern of "unreasonable and in some cases unnecessary [use of] force" by officers in the department. Emily Badger, *Appalling Stories from the DOJ's Investigation of the Cleveland Police Department*, WASH. POST, Dec. 5, 2014.

¹² The Civil Rights Data Collection, conducted by the U.S. Department of Education's Office for Civil Rights, has demonstrated that students of certain racial or ethnic groups tend to be disciplined more than their peers. DOJ's Civil Rights Division and the Department of Education's Office for Civil Rights, Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, at 3, *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

¹³ U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, Data Snapshot: School Discipline, Issue Brief No. 1, Mar. 2014, *available at* <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>. (hereafter, "DOE Data Snapshot").

¹⁴ *Id.*

¹⁵ "Nor is there evidence that students of color engage in rates of disruptive behavior sufficiently different from others to justify higher rates of punishment." Russell J. Skiba, Mariella I. Arredondo, and M. Karega Rausch, Research-to-Practice Collaborative, NEW AND DEVELOPING RESEARCH ON DISPARITIES

misbehave more than their white peers, but are punished more severely and more frequently for the same offenses.¹⁶ In fact, while “excessive discipline affects all students in negative ways, over 40 years of research confirms that unjustifiable approaches to discipline harm historically disadvantaged and discriminated against groups more than others. In particular, African- American males; students who receive special education services; and students who identify as lesbian, gay, bisexual, and transgender, have disproportionately received exclusionary discipline, placing them at increased risk of experiencing those negative outcomes.”¹⁷

Research shows that implicit bias contributes substantially to discipline disparities impacting students of color. Implicit bias, which is rooted in racial stereotypes, influences many school administrators’ and law enforcement officers’ perceptions of youth of color, particularly African-American youth.¹⁸ Implicit bias is rarely spoken about or acknowledged, but refers to the “attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.”¹⁹ These biases are activated based on characteristics such as race/ethnicity, gender, age, and religion, among others and play out unconsciously, especially in “subjective” and “discretionary” disciplinary decisions.²⁰ For students of color, the consequences of implicit bias manifest in the form of overly punitive discipline practices, such as suspensions and expulsions for minor offenses, such as “disrespect.” Consequently, youth of color are missing valuable instruction time and being pushed out of school and into the criminal justice system at disproportionately high rates.

IN DISCIPLINE, Mar. 2014, at 2, available at http://www.indiana.edu/~atlantic/wp-content/uploads/2014/04/Disparity_Overview_040414.pdf.

¹⁶ See generally Russell J. Skiba & Natasha T. Williams, The Equity Project at Ind. Univ., Supplementary Paper No. 1, ARE BLACK KIDS WORSE? MYTHS AND FACTS ABOUT RACIAL DIFFERENCES IN BEHAVIOR: A SUMMARY OF THE LITERATURE (2014), available at http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/AfricanAmerican-Differential-Behavior_031214.pdf.

¹⁷ Prudence Carter, Michelle Fine, and Stephen Russell, DISCIPLINE DISPARITIES SERIES: OVERVIEW, RESEARCH-TO-PRACTICE COLLABORATIVE, Mar. 2014, available at http://www.indiana.edu/~atlantic/wp-content/uploads/2014/04/Disparity_Overview_040414.pdf.

¹⁸ “Thus, in circumstances in which discipline may be merited, teachers’ ‘background experiences and automatic associations shape his or her interpretation of the scene’ . . . Research suggests that this subjectivity can contribute to discipline disparities. Indeed, studies that explore racialized discipline disparities often note that office referrals and other disciplinary measures for students of color tend to rely heavily on subjective interpretations of infractions such as “disrespect” or “excessive noise” whereas White students’ office referrals are more frequently the result of an objective event, such as smoking or vandalism.” Cheryl Staats, IMPLICIT RACIAL BIAS AND DISCIPLINE DISPARITIES, Kirwan Institute Special Report, May 2014, available at www.kirwaninstitute.osu.edu/wp-content/uploads/2014/05/ki-ibargument-piece03.pdf.

¹⁹ *Id.* at 9.

²⁰ *Id.*

Research also shows that increased presence of law enforcement officers in schools is a significant contributor to the “School-to-Prison Pipeline.” School police are often involved in routine disciplinary matters; they can arrest, ticket or cite students or refer them to the juvenile justice system for routine infractions. Increased presence of police is associated with enhanced youth involvement in the juvenile justice system. Data show that African-American students comprise 16 percent of national student enrollment, but 27 percent of students referred to law enforcement and 31 percent of students subjected to a school-related arrest.²¹ Instead of making youth feel safer, increased police presence has left students of color in particular, feeling “less safe” and targeted by school police.²²

In addition to increasing arrests of youth of color, an enhanced police presence in schools results in the use of more excessive force against youth of color. Armed with weapons like tasers and pepper spray, school police have used force against students of color for innocuous offenses. For instance, a Texas student was tasered by school police for breaking up a fight, resulting in traumatic brain injury to the student.²³ A Texas grand jury found “no bill” or lack of evidence to indict the school police officers who tasered the Latino student; his family has now filed a civil suit.²⁴ LDF has joined other civil rights organizations in seeking legal redress for excessive use of force by school police against African-American students in Wake County, North Carolina.²⁵

After protests surrounding Michael Brown’s killing focused national attention on the use of federally-funded military equipment by state and local law enforcement, LDF led several organizations in writing to the U.S. Department of Defense to urge an end to its 1003 Program’s transfer of military weapons to law enforcement agencies serving K-12 public schools.²⁶ LDF reiterated this request in a letter submitted to the

²¹ DOE Data Snapshot, *supra* n.13.

²² See *Police in Schools Are Not the Answer to the Newton Shooting*, Jan. 2013, at 11, Joint Brief of the NAACP Legal Defense and Educational Fund, Inc., Advancement Project, Dignity in Schools Campaign, and the Alliance for Educational Justice, *available at* [http://www.naacpldf.org/files/publications/Police in Schools are Not the Answer to the Newtown Shooting - Jan. 2013.pdf](http://www.naacpldf.org/files/publications/Police%20in%20Schools%20are%20Not%20the%20Answer%20to%20the%20Newtown%20Shooting%20-%20Jan.%202013.pdf). “Far from making students feel safe, this trend has led to increased student anxiety, and led to increasing numbers of students ending up in prison instead of on a college or career path.” *Id.* at 7.

²³ Villarreal, Alex, *RRISD Student Tased by Officer During Fight*, Apr. 15, 2014, *available at* <http://www.myfoxaustin.com/story/25257340/officer-tases-rrisd-student>.

²⁴ Patrick Tolbert, *Grand Jury Clears Officers in School Tasing Incident*, *available at* <http://kxan.com/2014/05/13/grand-jury-clears-officer-in-school-tasing-incident/>.

²⁵ T. Keung Hui, *Groups File Federal Complaint Over Wake County School Policing*, NEWS OBSERVER, Jan. 22 2014, *available at* http://www.newsobserver.com/2014/01/22/3555022_groups-file-federal-complaint.html?rh=1

²⁶ LDF/Texas Appleseed Letter to Vice Admiral Mark Harnitchek, Sept. 14, 2014, *available at* http://www.naacpldf.org/files/case_issue/LDF-Texas%20Appleseed-1033%20Letter.pdf

U.S. House of Representatives Committee on Armed Services' Subcommittee on Oversight and Investigations.²⁷ LDF highlighted how the addition of high-powered military weapons to already tense school climates has the potential for exacerbating strained relationships between students of color and school police.

Just as such militarized equipment should not be used by local enforcement against civil rights protestors in Ferguson, Missouri and elsewhere, military weapons have no place in our nation's schools. This is especially true in light of the widely documented reports, discussed herein, of excessive use of force and discriminatory disciplinary practices by school police against students of color.

The transfer of military-style equipment to schools is especially alarming given that school law enforcement personnel who would employ such equipment are routinely used to handle minor disciplinary matters. Those personnel are often not trained to handle other types of incidents. Moreover, the use of military weapons in schools far exceeds the Congressional intent behind the 1033 Surplus Program's creation, to address the so-called "War on Drugs" and "War on Terror," each of which are by themselves extremely problematic and unfairly target communities of color.²⁸ The use of *any* form of military equipment on school campuses is certainly well beyond the scope of federal programs designed to equip local law enforcement with sophisticated military weaponry.

Complete information about how and why military equipment is deployed to public schools is unavailable, due to lack of transparency generally in the operation of the 1033 Program. The Washington Post has reported that more than 120 agencies affiliated with schools, college and universities have received nearly 900 M-14s, M-16s and other rifles, 190 pistols and 41 shotguns.²⁹ The 1033 Program is responsible for sending military equipment to the following K-12 school districts around the country:

- 61 M-16 rifles, three grenade launchers and one Mine Resistant Ambush Protected (MRAP) vehicle received by the Los Angeles Unified School District;

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²⁷ LDF letter to the U.S. House of Representatives Subcommittee on Oversight & Investigations, Dec. 3, 2014.

²⁸ ACLU, "War Comes Home: The Excessive Militarization of American Policing," at 35-37, *available at* <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rell.pdf>.

²⁹ Niraj Chokshi, *School Police Across the Country Receive Excess Military Weapons and Gear*, WASH. POST, Sept. 16, 2014, *available at* <http://www.washingtonpost.com/blogs/govbeat/wp/2014/09/16/school-police-across-the-country-receive-excess-military-weapons-and-gear/>

³⁰ Stephen Ceasar, *L.A. School Police Will Return Grenade Launchers, but Keep Rifles, Armored Vehicle*, LA TIMES, Sept. 16, 2014, *available at* <http://www.latimes.com/local/lanow/la-me-schools-weapons-20140917-story.html>.

- One MRAP vehicle received by the San Diego Unified Schools;³¹
- 64 M-16 rifles, 18 M-14 rifles, 25 automatic pistols, extended magazines and 4,500 rounds of ammunition received by ten school districts in Texas;³²
- 22 M-16 rifles received by the Pinellas County Schools Police Department in Florida;³³
- 12 AR-15 rifles and two MR-16 rifles received by the Granite School District in Utah;³⁴ and
- 5 M-15 rifles to the Bibb County School District in Macon, Georgia;³⁵

Several school districts receiving military surplus, such as those located in Los Angeles, San Diego, Detroit and Palm Beach County, are among the 50 largest districts in the country.³⁶ Even more disturbing is that many of the school districts participating in the 1033 program, including those in California, Florida, Georgia, Kansas, Michigan, Nevada, and Texas, have documented histories of discipline disparities involving students of color.³⁷

Ultimately, we cannot afford to conflate school safety with school discipline or to ignore the harmful educational and other consequences of militarizing school police. Despite the grave concerns about this issue raised by LDF in letters, testimony and meetings with federal officials, no action has been taken by this Administration to end the lending of military weapons to law enforcement agencies serving K-12 schools

³¹ Chokshi, *supra* n.29.

³² Scott Noll, *Military Rifles, Armor Sent to Texas School Police*, KHOU, Sept. 5, 2014, available at <http://www.khou.com/story/news/investigations/2014/09/05/military-rifles-armor-ammo-sent-to-texas-school-police/15112731/>

³³ Chokshi, *supra* n.29.

³⁴ Nate Carlisle, *Granite District Using Military M-16s to Defend Schools*, SALT LAKE TRIB., Feb. 23, 2014, available at <http://www.sltrib.com/news/1363928-156/police-johnson-rifles-granite-officers-district>

³⁵ Mike Stucka, *Ex-Military Guns, Vehicles in Hands of Midstate Police*, THE TELEGRAPH, Aug. 24, 2014, available at <http://www.macon.com/2014/08/24/3266388/ex-military-guns-vehicles-in-hands.html>

³⁶ Arezou Rezvani et al., *MRAPs and Bayonets: What We Know About the Pentagon's 1003 Program, List of Agencies Receiving National Equipment*, NPR, Sept. 2, 2014, available at <http://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>

³⁷ DOE Snapshot Data, *supra* n.13.

through the 1033 Program. The only means for ensuring these weapons do not reach school grounds is to terminate that component of the 1033 Program currently permitting such transfers.

IV. Conclusion

LDF is grateful to Senator Durbin and other members of the Subcommittee for holding this important hearing on civil and human rights at this critical juncture in our nation's history. The bias, hostility and tendency toward violence which now pervade far too many interactions between police and communities of color require our collective attention and action if our justice system is ever again to inspire trust and confidence of everyone it is designed to serve. We ask Congress to exercise its substantial federal oversight responsibilities to undertake a host of structural reforms designed to promote transparency, training, reporting, review, and ultimately accountability at the local law enforcement level.

Additionally, we urge Congress to end the 1033 Program's transfer of military weapons to law enforcement agencies serving K-12 schools. To help accomplish this, we urge that action to end this aspect of the 1033 Program include a mechanism to allow such agencies to return these weapons without entailing additional cost. In addition, we request that Congress consider future support for alternatives to overly punitive discipline practices and the presence of police in schools, both which have been proven to undermine school safety. Taxpayer dollars should be steered toward restorative justice practices, cultural competency training for educators, and social and emotional learning curricula. These alternatives have been shown to foster trust between students and school staff and increase feelings of safety. We look forward to working with Congress to promote such policies and to continue to address discipline disparities which undermine outcomes for youth of color in our nation's education system.