



**Testimony by Jesselyn McCurdy, Senior Legislative Counsel on behalf of the
American Civil Liberties Union before the
Inter-American Commission on Human Rights**

*Hearing on Race and Criminal Justice in the United States
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**Submitted by the
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My name is Jesselyn McCurdy. I'm a Senior Legislative Counsel at the American Civil Liberties Union's (ACLU) Washington Legislative Office (WLO) and I appreciate the opportunity to testify at today's Commission hearing on Race and Criminal Justice in the United States.

The U.S. criminal justice system disproportionately impacts African-Americans and Latinos, perpetuating a harmful legacy of racism that stretches back to our nation's founding. A compelling example of this country's continuing struggle with race in the criminal justice system was documented in the U.S. Department of Justice's recent investigation of the Ferguson, Missouri, Police Department. The national spotlight turned to this St. Louis suburb last summer, where 67% of the residents are African American, after Officer Darren Wilson of the Ferguson Police Department shot and killed the unarmed 18 year old Michael Brown. This fatal shooting sparked protest across the country. Ferguson police and officers from surrounding jurisdictions responded to the protests with intimidating tactics, advancing on the citizens of Ferguson and those supporting them with military style equipment such as armored vehicles, shotguns and M4 rifles like those used by forces in Iraq and Afghanistan. This response only served to escalate the rising racial tensions in this small community.

In an effort to calm the increasingly dangerous and chaotic situation in Ferguson, the Department of Justice conducted an investigation into the police department, and agreed to determine whether federal criminal civil rights charges could be brought against Officer Wilson. The Justice Department's report on the Ferguson Police Department confirmed many of the worst suspicions about the unlawful and unconstitutional police practices in Ferguson.

After a six month investigation, the Department found a “pattern or practice” of police misconduct in Ferguson that violates the 1st, 4th, and 14th Amendments of the Constitution and federal law. The report concluded that Ferguson police engage in racially biased policing, regularly targeting and harassing African Americans.

Furthermore, Ferguson police regularly stop people without reasonable suspicion, arrest them without probable cause, and use unreasonable force. The police often make enforcement decisions based on individual’s speech and expression that they disagree with.

The report found that Ferguson municipal government prioritizes city revenue over public safety and African American residents are paying the price, literally and figuratively, in a debtors’ prisons culture. Too often citations for minor traffic offenses in Ferguson snowball into jail time if there are missed court dates and unpaid fines. For one African-American resident, a \$151 parking ticket turned into six days in jail and \$1,091. In 2013, over 9,000 arrest warrants were issued in Ferguson for parking infractions, traffic tickets, or housing code violations in the city’s efforts to collect the \$2.46 million it ultimately generated that year in revenue from fines and fees.

Although only making up 67% of the population, African-Americans in Ferguson make up 92% of the cases in which arrest warrants are issued and 96% of those arrested for municipal offenses. The Ferguson Police Department regularly carries out racially biased policing with excessive force. The report found that from 2012-2014, African Americans made up 85% of vehicle stops, 90% of citations, 93% of arrests, and nearly 90% of documented incidents of use of force. The report indicated that police dogs were used exclusively against African Americans by Ferguson officers.

DOJ's report paints a disturbing picture of the situation in Ferguson, but also stresses that this is not an isolated situation. This investigation and report must serve as a model for law enforcement agencies around the country at the local, state, and even federal level to address strained law enforcement and community relations. We cannot become desensitized to fatal police shootings of unarmed Black men and women such as Michael Brown, nor can we ignore violence targeted at police officers.

The recommendations of DOJ's report can be used by police departments and communities across the nation to begin to heal the wounds that have resulted from poor relations between law enforcement and the communities they serve. If the culture of policing changes --- not just in Ferguson--- but in law enforcement agencies across the country to better reflect community policing and to restore trust --- it will help begin to heal the wounds of past.