

A RESOLUTION DENOUNCING THE MURDER OF GEORGE FLOYD AND ADDRESSING THE CRISIS OF DISPROPORTIONATE POLICING, JUSTICE SYSTEM AND HEALTH INEQUITIES AND STRUCTURAL RACISM

Whereas, on July 17, 2014, a Black man, Eric Garner, alleged to have committed a petty crime, had a police officer place his arm across his neck, was wrestled to the ground and, with a number of police officers restraining him, cried out eleven times, "I can't breathe" while lying face down on the sidewalk before losing consciousness without assistance for seven minutes; and

Whereas, on May 25, 2020, a Black man, George Floyd, alleged to have a counterfeit \$20 bill in his possession was dragged from his car by a police officer, handcuffed, and put face down on the street with the officer's knee in his neck as he called out, "I can't breathe", and as his neck and back sustained pressure over a period of more than eight minutes, the last two minutes and 53 seconds of which he was unresponsive, oxygen was cut off to his brain as he slowly asphyxiated; and

Whereas, the [Mapping Police Violence Project](#) found that although Black people were only 13% of the population in the United States, they represented 24% of the people killed by law enforcement and were three times more likely to be killed by police than white people (and Hispanic people were 3.8 times more likely to be killed); and

Whereas, the [Mapping Police Violence Project](#) also found that 99% of the killings by police officers did not result in the officer being charged with a crime because in many cases police officers have "qualified immunity"; and

Whereas, Black people have been killed across this country in cases that have come to public attention they have been shot and killed for doing the ordinary things of life that have resulted in their harassment, detention, restraint and even death where the perpetrators were not held accountable, including the deaths of 12 year old Tamir Rice, killed by a police while playing at a playground near his home; teenage Trayvon Martin, shot and killed while walking home with a bag of Skittles; school cafeteria worker Philando Castile, killed during a police stop while a passenger in the car with his girlfriend and 4-year old daughter; Sandra Bland, jailed for an alleged unsafe lane change and then later found hanging in her jail cell; EMT Breonna Taylor, shot 8 times after police wrongly barged into her apartment; Atatiana Jefferson, killed while babysitting her nephew at her mother's house; accountant Botham Jean, killed while sitting in his living room watching television and eating ice cream; Freddie Gray, died while unrestrained and helpless in the back of a police van; and Ahmaud Arbery, shot and killed while jogging down a neighborhood street; and

Whereas, a 2018 Study found that police killings of unarmed Black Americans has had an adverse effect on the mental health of Black Americans in the general population as shown by the death of Erica Garner, daughter of Eric Garner, who fought unsuccessfully to hold police responsible for her father's death, died of a heart attack at the age of 27;¹

Whereas, the [Centers of Disease Controls](#) (CDC) has identified, "discrimination" as a social determinant of health, "which can be understood as a social stressor that has a physiological effect on individuals that can be compounded over time and can lead to long-term negative health outcomes"; and

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Jacob Bor, S. A. (July 28, 2018). Police Killings and their Spillover Effect on the Mental Health of Black Americans: A Populations-Based, Quasi-Experimental Study. *The Lancet*, Volume 392, Issue 10144, Page 302-310.

Whereas, the CDC has found that the health differences between racial and ethnic groups are often due to economic and social conditions such as where people live, learn, work and play as well as access to health contribute to the adverse health conditions that disproportionately impact diseases, [such as COVID-19](#), have on the African American community as well as other communities of color; and

Whereas, clear and documented inequities and biases pervade the criminal, juvenile, commitment, and parent justice systems and disproportionately impact our clients and communities of color; and

Whereas, these social and economic conditions have their roots in structural discrimination, or “racial bias among interlocking institutions and across society, causing cumulative and compounding effects that systematically advantage white people and disadvantage people of color.”²

Now, therefore, we, the Chief Public Defenders and State Defenders of North Carolina who represent indigent, poor persons, and persons of color do hereby resolve to do the following:

1. Publicly denounce the egregious actions or inactions of the police officers in Minneapolis that resulted in the death of George Floyd and stand with the North Carolina Sheriffs and Chiefs of Police Associations as they support Chief Medaria Arradondo’s termination of the officers and their belief that law officers who violate laws or policy should be held accountable for their actions.
2. Commit to dismantling structural and institutional racism in policing, our justice system and institutions and agencies throughout North Carolina. Call upon all law enforcement in North Carolina who hurt citizens intentionally or through racial bias to be held accountable by their agencies and/or the court system.
3. Call upon all law enforcement who are aware of or who witness another law enforcement member harming a citizen to report such actions to superiors. Call upon superiors to hold accountable any officer who harms a private citizen during the course of their job.
4. Call upon all law enforcement to cease targeting persons of color or those who officers believe to be of non-white ethnic backgrounds for stops and police encounters. Call upon all other officers who know of such behavior to report it to superiors. Call upon law enforcement agencies to hold accountable any behavior by members of that agency that is based upon targeting of citizens because of color or ethnicity.
5. As individual heads of offices across the State of North Carolina we commit to involvement of our own offices in our communities throughout the state collaborating with other willing and interested stakeholders to take actions to eradicate structural racism and biased policing by any and all of the items listed below, but not limited thereto:
 - a. Building internal organizational infrastructure by inviting a diverse array of stakeholders to collaborate toward a shared vision of equity.
 - b. Listening to our impacted clients and disproportionately impacted communities and involving them in our work to address the inequities in policing and justice system issues.

² *Advancing Racial Equity & Transforming Government, A Resource Guide to Put Ideals Into Action*, Government Alliance on race and Equity, p. 17.

- c. Addressing and advocating for justice system reform in areas that impact the clients we serve.
- d. Creating and implementing racial equity tools that mechanize the practice of considering racial impact when making and implementing policy. They should incorporate the following:
 - i. Inclusion and Engagement – Promote racially inclusive collaboration and engagement;
 - ii. Integrate program and policy strategies – Develop and implement program and policy strategies for eliminating racial inequity;
 - iii. Structural Change – Develop cross-section, cross-jurisdictional partnerships to achieve systematic change; and
 - iv. Educate ourselves on implicit bias and ensure ongoing racial equity training and communicate to justice system stakeholders about racial equity – Educate on racial issues and raise racial awareness.
- e. Using Data and Metrics – Use data to develop strategies to close gaps and track progress over a period. Metrics can be used to align outputs with outcomes across cross-departmental and cross-jurisdictional lines to evaluate community progress on racial equity throughout our jurisdictions.
- f. Litigate and raise issues of race at every step of the criminal, juvenile, civil, and commitment court processes.
- g. Partner with stakeholders, including communities of color, to have a “collective impact” to advance racial equity. Collective impact refers to a commitment of organizations from different sectors to a common agenda for solving a specific social problem.
- h. Commitment to communicate and act with Urgency – While racial equity is a long-term goal, we are committed to prioritizing action with a shared vision, specific priorities and strategic actions and organizing that can lead to change.

This the 5th day of June 2020.

Jennifer Harjo
 President, NC Public Defenders Association
 Defender District 5 Public Defender

Dawn Baxton
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Bert Kemp
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