RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact legislation that requires law enforcement agencies to keep records of all instances in which lethal force is used or a claim is made that non-lethal force is excessive, by maintaining the known or reasonably available demographic data of all persons against whom lethal force is used, including but not limited to race, color, national origin, age, gender, sexual orientation or gender identity, religion, the presence of mental or physical disability, whether the person was fleeing at the time, whether the individual possessed a weapon (including the type of weapon), and whether a body camera was used;

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal and territorial governments to enact legislation to provide, when a person’s death occurs in the custody of or during an encounter with a law enforcement officer acting in the officer’s official capacity, a mechanism to ensure fair and independent evaluation, referral to an independent entity for an investigation, and, as appropriate, prosecution by an independent entity; FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact legislation requiring the appointment of a fully independent special investigator and a fully independent special prosecutor whenever a person’s death occurs in the custody of or during an encounter with a police or other law enforcement officer acting in the officer’s official capacity;

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact or amend, as necessary, laws to provide that the reasonableness of police use of force should be judged on the basis of objective necessity legislation that requires a police officer who is charged with a crime resulting from the excessive or lethal use of force and who claims self-defense or defense of others to prove that the use of force was objectively necessary;

FURTHER RESOLVED, that the American Bar Association urges Congress to fund a nationally respected entity independent of law enforcement to develop and keep current a national data base that records disciplinary actions against and complaints of excessive force by law enforcement officers, including action by any government or tribal entity revoking a law enforcement officer’s certificate or license, and to require all law enforcement agencies receiving federal funds to record and report to that entity all said disciplinary actions and complaints;

FURTHER RESOLVED, that the American Bar Association urges all federal, state, local, tribal, and territorial governments to enact legislation that (a) prohibits the use of chokeholds, any other carotid restraint or any induced method of asphyxiating by law
enforcement officers, (b) eliminates no-knock warrants in drug cases, (c) eliminates rules
and procedures (such as New York State’s Section 50-A) which prevent disclosure of
citizen complaints or disciplinary actions against law enforcement officers, and (d)
expresses the duty of every law enforcement officer to act to prevent and stop the use of
excessive force or improper use of lethal force by another law enforcement officer; and

FURTHER RESOLVED, that the American Bar Association supports the “Justice in
Policing Act”, H.R.7120, and similar federal, state, local, tribal, and territorial legislation
whose purpose is “to hold police accountable, change the culture of law enforcement and
build trust between law enforcement and our communities.”

Deletions struck through; additions underlined