



KEYNOTE

**PROSECUTORS, POWER, AND JUSTICE:
BUILDING AN ANTI-RACIST PROSECUTORIAL SYSTEM***Chesa Boudin**

Well thank you for that really warm introduction. Good afternoon, everyone—I guess it's afternoon, whichever time zone we're all in. I'm really pleased to be here, not physically here, but here with you at the *Rutgers University Law Review* Symposium. It's always a pleasure to speak alongside, and to work in partnership with, my colleague across the Bay, Diana Becton, as well as with Parisa from across the country and all the others that you've brought together. I really want to thank Dean David Lopez, the *Rutgers University Law Review*, the Rutgers Criminal and Youth Justice Clinic, the Rutgers Institute for Professional Education, and of course the Rutgers Center on Criminal Justice, Youth Rights, and Race, for inviting me to share some of my experience and my work with you.

As you already heard from Professor Cohen, this is not just a job that I come to for professional reasons; it's also something that has been in my blood in many ways my whole life. My parents, my family, my entire community have been impacted by and working on justice since before I can remember. Now in this moment that we're living through, more than ever, it's essential that we confront head-on the tremendous role that prosecutors play in the criminal legal system, and that we be creative in exploring the ways that prosecutors can push and promote anti-racist practices and promote justice. And I'm really appreciative that Rutgers is bringing us together today to convene this event, to explore how we can do that, how we are doing it, and how we can do it better, and it's an honor to be a part of the event.

So let me go back to the beginning, some of the things that Professor Cohen hinted at and suggested about my background. If you're not

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familiar with me, I'm the District Attorney of the City and County of San Francisco and I'm going to be talking about the role that prosecutors play, or can or should play, in driving changes in the criminal legal system, and putting that word "justice" back in the criminal justice system, particularly focusing on issues of race, class, and decarceration. So to do that, I'm going to walk you through some of the things we've been able to achieve in my first 14 months in office, a very unpredictable and challenging first year. My colleagues who have been in office longer like to tell me that not every year is like 2020 but I don't believe them yet; it's been a tremendously volatile and tumultuous and challenging period to take office for the first time. And despite that, I think we have a lot to be proud of and I want to share with you some of the things we're proud of and some of the lessons we've learned along the way. Hopefully that can reveal insights into the real, extraordinary power and opportunities that prosecutors have to effect change, and drive change.

Before I dig in to that, the heart of what I'm going to focus on, I want to explain a little bit more about my path to this position and again, things Professor Cohen touched on. When I was 14 months old, my parents left me with a babysitter, and they never came back. My parents were drivers in an armed robbery that left two police officers and a security guard dead that day. Although my parents weren't armed and although they were participating in the crime out of a desire to be in solidarity with the Black Liberation Movement, an organization called the Black Liberation Army that had organized that robbery, they made a horrible, horrible mistake in choosing to participate in that crime. And three people lost their lives as a result of that crime.

Of course, my parents never came back to get me at the babysitter and three men never ever went home to their families again. I don't remember that day, I don't remember getting picked up by grandparents, by friends of my parents at the babysitter, but I do remember, my earliest memories, are waiting in line at metal detectors, going through steel gates, just to be able to see my parents, to be able to give them a hug. And I remember as a young child being angry, and being confused, and feeling a sense of stigma about what I was experiencing, what I was growing up with. I remember challenges in school, challenges with social interactions; I didn't really learn to read until I was nine years old. And I also saw some of the tremendous disparities, racial disparities, class disparities, that are so prevalent in our legal system. I started noticing from a very early age that although I'm white, the lines at those metal detectors at the prison gates were mostly Black and Brown women and children. And one of those young children, a young man, a couple years older than me, named Lorenzo, was kind of a role model. His mother was incarcerated with my mother and when I was struggling in school, Lorenzo was excelling. Straight-A student, winning awards, star of the

basketball team. My mom was in under a legal doctrine known as felony-murder, serving a twenty year to life sentence. My father is still in today, serving a 75 year to life sentence. Lorenzo's mother was in for selling drugs. Seventeen years. Another casualty of the war on drugs. And when I would act out in the prison visiting room, often, my mom would tell me to be more like Lorenzo or she'd send him to get me out of the boys' bathroom where I might be hiding so she couldn't come get me after I'd done something wrong in the prison visiting room.

And over the years, you know, Lorenzo and I grew apart. He was poor, black, immigrant, born in South America, grew up in East Brooklyn, raised by a single grandmother, also an immigrant. I was white, privileged, upper-middle class, raised in a stable family in Chicago and eventually, I had enough second and third chances that I got it together. I worked through the anger and the stigma and the pain and I figured out how to channel that energy into schoolwork and sports and extracurriculars and I ended up at Yale College. My first year at Yale, I got a letter in the mail from my dad at his prison, upstate New York. In the letter – I open the letter, I read the letter – it tells me my dad has met a man in his cell block who claims to be a friend of mine and his name is Lorenzo. Somehow, despite our beginnings in the same prison visiting room, despite Lorenzo's absolutely stellar track record in school and in sports, I was the one that ended up at Yale and he ended up in jail. That experience—and, I should tell you after Lorenzo finished serving his prison sentence he was transferred to immigration custody. I visited him there, I helped him find an immigration lawyer to no avail. He was deported to a country that he's never really known. I went to visit him there as well, but that's a story for another day.

I tell this part of that story, of Lorenzo's story, of my story, because I know that my white skin privilege, my class privilege, and the good fortune of being raised in a stable family with two older brothers who loved me and advocated for me was a critical part of what led me to where I am today – standing before all of you speaking and sharing this experience. Being in a role where I can impact and influence future generations and hopefully ensure that there isn't another Lorenzo, another person whose talent and potential is wasted because of something as idiotic as this country's approach to the war on drugs. So I went to law school with the goal of ending mass incarceration. I became a public defender here in San Francisco. In that role I witnessed time and time and time again the devastation that incarceration can cause for individuals, for their families, for entire communities. And, I also saw the systemic problems that play out every day, in every courtroom in America within the criminal legal system.

As a public defender I represented clients whose paths to incarceration stemmed directly from problems they've faced. Things like

homelessness, addiction, poverty—parental incarceration, as well. And I saw how much racism, and white supremacy, impacted the majority of the people I served at every stage of their lives and at every stage of the criminal legal system. And I knew that in order to stop mass incarceration, in order to reduce the racial disparities that I saw throughout the legal system, in order to put justice back in the Hall of Justice in San Francisco, we needed a new and different approach to crime and punishment. We needed a different perspective, one grounded in compassion and data, rather than fear and racism. We needed to think radically and I want to borrow from my friend and mentor, Angela Davis, who describes that word radical as meaning simply grasping things at the root. We need to address the root causes of crime if we're serious about safety and justice. We need to look deeper, beyond the surface, beyond the fear-mongering and the finger-pointing and the xenophobia, beyond the tropes, beyond the tweets, and we need to work together to solve the things that actually create crime and lack of safety in our communities.

And after years of defending cases one at a time, I realized that the system itself needed change. I would never be able to effectively address the problems I saw every day parading through the courthouse in a sea of orange jumpsuits if I did it one case at a time. And so I decided to run for District Attorney and I was really clear that I was going to be true to who I am and—and consistent with my values and my life experience but I wasn't going to run to win, I was going to run to make sure that that voice and that experience was represented in the race. So I ran a bold platform, a platform promoting public safety and victim's rights, while also being clear that those things are not necessarily, and often are not the same as incarceration. That we can fight racial inequity and we can stop the criminalization of poverty. We can do things like end money bail, that we can stop using racist sentencing enhancements, and that we can hold police accountable. We can, in short, enforce laws equitably and end mass incarceration while building and promoting safety.

Well, it turned out that message resonated with the voters of San Francisco, and I won my race and was sworn in as District Attorney in January. And I never could have predicted how much the world would change, just months after I was sworn in in January of 2020. As we all know, we're doing this over Zoom rather than in person because of the way that all of our lives have changed dramatically in the last year. Seemingly overnight, we stopped being able to go into our office—I never even finished decorating my office before we had to start working from home. And I know that as challenging as it has been for me and my staff, for all of us today, here, it's been particularly hard on those who are most

vulnerable to begin with.¹ It's been particularly hard on those who are incarcerated, who are victims of crime, on those who are un-housed, who are suffering from addiction, from mental illness,² those whose paychecks were barely enough to scrape by before the pandemic,³ and in the midst of all that, national protests erupted with righteous rage over the police murders of Black people.⁴ Those killings—of course George Floyd, Breonna Taylor, and so many more people—whose lives were taken by the very officers entrusted to keep them safe, these tragedies catalyzed a national demand to hold police accountable, to shift resources away from traditional law enforcement responses to things like overdoses, and mental health crises, and to demonstrate through systemic change, that Black lives matter.⁵

Now, with all these tragedies, the Covid pandemic, the hate that we're seeing in Atlanta against Asian people⁶ across this country we're seeing it, in San Francisco a third of our population is Asian American/Pacific Islander,⁷ and when we see violent crime targeting individuals because of who they are or valuing lives in ways that are inequitable or treating people in the legal system in ways that are unequal, we know we've got a crisis and every crisis brings opportunity for change.

As District Attorney over the past 14 months, I've been able to, in some instances, to seize those opportunities, to accelerate the kinds of dramatic reform that I campaigned on, that might've prevented Lorenzo and so many others like him from ending up incarcerated. These efforts remind me of the power that prosecutors have to affect change. To affect change in a system, not just individual cases. They also remind me of the numerous obstacles that exist, and that entrenched power will continue to defend the status quo. I want to highlight a couple of the things we've done, a couple of the things I've seen that prosecutors can do to promote

1. Tanya Alberty Henry, *Data from 10 cities show COVID-19 impact based on poverty, race*, AMA (Aug. 5, 2020), <https://www.ama-assn.org/delivering-care/health-equity/data-10-cities-show-covid-19-impact-based-poverty-race>.

2. See Nirmita Panchal et al., *The Implications of COVID-19 for Mental Health and Substance Abuse*, KFF (Feb. 10, 2021), <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>.

3. See Henry, *supra* note 2.

4. Derrick Bryson Taylor, *George Floyd Protests: A Timeline*, N.Y. TIMES (Mar. 28, 2021), <https://www.nytimes.com/article/george-floyd-protests-timeline.html>.

5. See Elaine Godfrey, *The Enormous Scale of This Movement*, ATL. (Jun. 7, 2020), <https://www.theatlantic.com/politics/archive/2020/06/protest-dc-george-floyd-police-reform/612748/>.

6. Nicholas Bogel-Burroughs, *Atlanta Spa Shootings Were Hate Crimes, Prosecutor Says*, N.Y. TIMES (updated May 24, 2021), <https://www.nytimes.com/2021/05/11/us/atlanta-spa-shootings-hate-crimes.html?>

7. See *QuickFacts: San Francisco County, California*, U.S. CENSUS BUREAU (Jul. 1, 2019), <https://www.census.gov/quickfacts/sanfranciscocountycalifornia>.

justice and accelerate change, and also talk a little bit about the resistance we face along the way.

As we think about racial justice in this country I think prosecutors have a critical role to play, partly because, throughout history, prosecutors have often, too often, perpetuated and amplified racial inequities, and rarely have prosecutors been at the forefront. Until the last five years, prosecutors have rarely embraced the battle for racial justice. A lot of the challenges that we see in the criminal justice system when it comes to racial inequality, a lot of the disparities that we see are a result of racial inequity deeply entrenched and institutionalized further upstream, in areas of our society like healthcare, housing, education, employment. Those inequities, those forms of institutionalized exclusion of an entire class of people because of their race or their language, or the color of their skin often end up creating problems that then get dumped on prosecutors, that we're then asked to solve. Now, I actually believe that prosecutors are in a position to address some of these issues, but it starts further upstream.

For example, prosecutors almost never have access to a case or get involved in prosecuting a case, or not prosecuting a case, until police make an arrest. And so the role of police and sheriffs in our community is a critical one, and it's one that has been talked a lot about in the last year. We acted quickly in the wake of the murder of George Floyd and the protests that ensued to begin implementing changes to build trust and accountability between law enforcement, police, sheriffs, local law enforcement agencies, my office, and the communities that we serve and have sworn to serve and protect. We enacted a wide range of policy reforms, including sponsoring a resolution that would prevent our city from hiring officers from other jurisdictions with a documented history of serious misconduct.⁸ We also initiated an effort to partner with other elected prosecutors across the state to urge the California State Bar to issue an ethical rule prohibiting district attorneys or district attorney candidates from ever accepting direct political contributions from police unions.⁹ Police unions should not get to buy control over who does and who does not get held accountable, especially when those same unions are going to be the ones defending their members if there is an excessive use of force or wrongful killing case that gets prosecuted.

8. *SF's New Resolution Aims to Prevent Hiring of Officers with Misconduct Histories*, BAY CITY NEWS (Jun. 2, 2020), <https://www.nbcbayarea.com/news/local/san-francisco/sfs-new-resolution-aims-to-prevent-hiring-of-officers-with-misconduct-histories/2302176/>.

9. Press Release, *DA Boudin and Law Enforcement Leaders Call on State Bar to Create New Ethics Rule to End the Conflict of Interest Between Prosecutors and Police Unions*, S.F. DIST. ATT'Y (Jun. 1, 2020), <https://www.sfdistrictattorney.org/press-release/da-boudin-calls-on-state-bar-to-end-conflict-of-interest-between-prosecutors-and-police-unions/>.

And we also know that to rebuild trust in the criminal justice system, we need to enforce laws equally. It means actually doing the work of filing criminal charges even when the target is a police officer who has violated the law. Too often, and for generations across the country, prosecutors have been reluctant or refused outright to seriously investigate or consider filing criminal charges against police officers who killed Black people or Brown people or Asian people, no matter how egregious the conduct.¹⁰ Prosecutors as a whole have failed to hold police accountable, whether it's for perjury or for murder. And for too long, officers and the culture of local law enforcement has been one of impunity, with devastating impact not just on communities of color but also on the trust between those communities and government agencies.¹¹

We have the power, all of us as elected DAs, have the power to use our discretion, not as has been traditionally used to excuse and protect and cover up racism in policing, but rather to drive change. So in my office, we've done a number of things in that area. We've bolstered the independent investigation bureau that has responsibility for investigating and prosecuting police misconduct. And we also filed three historic criminal cases against police officers who used, we believe and we allege in our charges, unlawful force, including two that fired their guns at three different unarmed Black men. One of those men was shot in the head and killed. And the case against the officer that killed him is the first ever homicide case filed against a San Francisco Police Department officer who killed someone while on duty.¹² We also took another case to a grand jury and secured an indictment against an officer who shot someone who had already been shot and was lying on the ground injured. We're also prosecuting an officer who beat an unarmed Black man so severely with a baton that he needed surgery and had multiple broken bones, even though officers never saw him commit a crime.¹³

10. See, e.g., Cheryl W. Thompson, *Fatal Police Shootings of Unarmed Black People Reveal Troubling Patterns*, NPR: MORNING EDITION (Jan. 25, 2021), <https://www.npr.org/2021/01/25/956177021/fatal-police-shootings-of-unarmed-black-people-reveal-troubling-patterns>.

11. See Desiree Stennett, *Black Communities' Distrust of Police Has Roots in History*, ASSOCIATED PRESS (Nov. 28, 2020), <https://www.usnews.com/news/best-states/california/articles/2020-11-28/black-communities-distrust-of-police-has-roots-in-history>.

12. Marco Siler-Gonzales, *In a First for SF, District Attorney Chesa Boudin Charges Former Police Officer With Homicide*, KQED (Nov. 23, 2020), <https://www.kqed.org/news/11848521/in-first-for-sf-district-attorney-chesa-boudin-charges-former-police-officer-with-homicide>.

13. Michael Barba, *SF Police Officer to Stand Trial for Assault Over Baton Beating*, SF EXAMINER (Mar. 2, 2021), <https://www.sfoxaminer.com/news/sf-police-officer-to-stand-trial-on-assault-charges-over-baton-beating/>.

Prosecutors have an obligation to hold accountable those officers who violate the trust that we put in them. I think that there's a broader role that prosecutors can play in addition to filing cases in driving policy change and culture change within police departments. And again, that's a critical part of public safety, because if we don't have trust between law enforcement and communities where crimes are being committed, then those crimes won't get reported or solved.

There are a few different things we could talk about at length. Let me give you the highlights. One area where we've made changes is to develop a policy of not filing criminal cases if they rely solely on the testimony of an officer with a documented history of misconduct. In other words, if there are people who we have good reason to distrust, or a jury might have good reason to distrust, we're not going to initiate a criminal case just based on their say so. Similarly, we made changes to the way we consider cases alleging resisting arrest or assault on an officer. These are charges that we know are very serious when they're warranted and that we take seriously and that we continue to prosecute when, in fact, people assault officers. But we know those charges have been used historically to cover up cases of police misconduct and police excessive force. And we cannot and will not be complicit in that cover up. And so, we have a policy requiring our charging assistant district attorneys to review available body-worn camera footage or other independent evidence prior to charging those kinds of cases.

And I also created a policy to compensate victims of police violence, just like we compensate and support victims of other violence. Equal enforcement of the law, equal provision of services. Too often people of color who are victims of police violence are unable to receive even the most basic victim compensation to cover funeral or burial costs because the way that the California Victim Compensation Board works. It requires a police report that lists the person harmed or killed as a victim. Police aren't going to write a report saying that the person they killed was a victim. They're not going to do that. So, our view is, someone who is killed by the state should not have to rely on a GoFundMe page to bury a loved one. That's something simple and concrete that we can do and that we have done.

But prosecutors also have to think about the kind of systemic change that I talked about earlier, that motivated me to run for DA in the first place. We have to look at society more broadly and identify places where racial disparities, class disparities, are exacerbated or perpetuated by the legal system. So, I think it means obviously hiring and promoting diverse staff and drawing on and amplifying voices of people who are system-impacted. It means things like fighting to end money bail, and I'm excited to say that just this morning the California Supreme Court published an opinion in a case called *In re Kenneth Humphrey*, a case that takes up the

question of wealth-based detention.¹⁴ And it's a case I worked on as a public defender, part of a broader litigation campaign I initiated starting in 2015. I know we're not done yet, but today's opinion is a resounding affirmation of something that I know to be true and to be a fundamental value and principle of this country that we cannot hold people in jail simply based on their poverty. That we cannot put a price tag on freedom. That we have to presume people innocent and that there are very severe consequences that come with pre-trial incarceration. That we have to meet a high legal standard before we deprive someone, who has merely been arrested and accused, of their liberty for an extended period of time.

Now these may seem like small changes, but they're seismic, they're systemic. And they are revolutionizing the way that we think about core American concepts, like Equal Protection and Due Process. These are just some of the things that we're doing and I could go on and on. I could tell you about our Truth, Justice, and Reconciliation process, which has been underway now for nearly a year quietly and will be less quiet in the months ahead. I could tell you about the racial equity pledge that most of my staff voluntarily decided to take. Or about the ways in which we have stood up for workers' rights. There are so many examples of opportunities for reform. And I'm inspired by the reform I see happening in my colleagues' offices and other places. These are just things that we draw on from across the country that I see Parisa doing, and Diana doing, and Larry and Rachel and Kim and others. And we are fermenting and seeding ideas for how we can do things like end the death penalty. We did that in San Francisco—we got the last person who was on California's Death Row, out of San Francisco County, off of death row, effectively ending one of our most notoriously racist institutions.¹⁵

Now I think I've talked for longer than I intended to and may have run out of time to talk about another critical part of our work. And so let me just very briefly, kind of summarize. Decarceration is a critical platform of the progressive prosecutor movement and nowadays everybody wants to call themselves a progressive prosecutor. And as my friend Tiffany Cabán, who I'm actually speaking with later today for an event, said when she was running for Queens DA, saying you're a progressive prosecutor doesn't mean a whole lot anymore. What's defining, what's truly separating those of us who are approaching criminal justice reform in a radical way, in a grassroots way, in a systemic way, is if we are committed to decarceration as a path to

14. *In re Humphrey*, 482 P.3d 1008 (2021).

15. Press Release, *District Attorney Boudin Announces Agreement to Reduce the Death Sentence of the Last Person Remaining on Death Row of San Francisco to Life Sentence*, S.F. DIST. ATT'Y (Jul. 7, 2020), <https://www.sfdistrictattorney.org/press-release/reduce-death-sentence-of-last-person-on-death-row-from-sf/>.

improve public safety. And if a prosecutor calls themselves progressive but is not engaging in practices that build out alternatives to incarceration, then they are probably not truly a progressive prosecutor. A central mission must be that incarceration is a last, rather than a first, resort. And that is true in any country whereas in this one, liberty is the norm and freedom is the aspiration.

When the pandemic started, public health officials in San Francisco, including the jail medical director, made it very clear that the jail created the perfect conditions for the spread of a deadly virus.¹⁶ We saw it play out time and time again in places like New York's Rikers Island, like Marion Prison in Ohio, and in San Quentin Prison right here in the bay area.¹⁷ We heard the warnings in San Francisco and we took action to quickly and safely reduce the jail population. We reduced the number of people in our county jail by over 40% from peak to trough.¹⁸ And we've managed to sustain the lower jail levels while crime rates have fallen by double digits.¹⁹ We've shown over the last year that you can safely decarcerate, and you can save lives and prevent the spread of a deadly virus in the process.

We worked together with other partners: pretrial services, the public defender, probation, the sheriff, the department of public health, and we identified people who didn't need to be in jail in the first place—people like a woman who had been arrested for the first time while pregnant, and convicted of a misdemeanor, and was serving a misdemeanor jail sentence while she had a high-risk pregnancy in the midst of a pandemic. Well, we were able to, to get that woman out of jail and into a prenatal facility where she gave birth to a healthy baby, and she is still sober and on her way to long-term, stable housing, and taking care of her baby. Those are the kinds of people who probably shouldn't have been in the jail in the first place. And by identifying them, by finding more efficient, more cost-effective, and more humane alternatives to incarceration we not only help to break a cycle of intergenerational incarceration, but we also manage to save lives in the context of this pandemic.

Now I just want to end by reminding people that in a place like San Francisco, as is true across the country, 75% of the people taken to our

16. Eddie Burkhalter et al., *Incarcerated and Infected: How the Virus Tore Through the U.S. Prison System*, N.Y. TIMES (Apr. 10, 2021), <https://www.nytimes.com/interactive/2021/04/10/us/covid-prison-outbreak.html>.

17. *See id.*

18. Terry Gross, *How San Francisco's D.A. Is Decreasing the Jail Population Amid COVID-19*, NPR: FRESH AIR (Apr. 9, 2020), <https://www.npr.org/2020/04/09/829955754/son-of-60s-radicals-is-the-new-d-a-in-san-francisco-facing-the-covid-19-crisis>.

19. *See id.*

jail are drug-addicted, mentally ill, or both.²⁰ We have to start addressing root causes of crime if we want to build safety. The county jail is, but should not be, the primary place where mental health services are administered in San Francisco. We have to include kids, we have to think about the next generation. We have to get parents home where they can support their families, rather than have them in cages. That's why we launched a primary caregiver diversion program; that's why we've cut the number of kids in our juvenile hall in half since I took office. Now, I could say much more about the criminalization of poverty and parents, but I want to be respectful of time and I want to make sure that we have some time to hear from my friends and colleagues as well.

Let me just say that the challenges are real and the opposition is real. There are forces that are dedicated to undermining change, to exploiting tragedies, to defending racist, failed status quo approaches. There are folks, including many police unions around the country, that believe explicitly in racist ideology and in sending as many young Black and Brown men to prison as possible.²¹ And they will lie, they will distort, they will manipulate, and they will fear-monger. They will have you believe that every single crime that occurs in one of our jurisdictions is because of us, as though there was some alternative. Where, in some other jurisdiction where they use the death penalty, or where they promote racist policing, somehow that creates safety. We know it doesn't.²² We have to remember who we are and what our values are as we face these challenges.

I am proud to be here alongside distinguished colleagues. I am honored at the opportunity to serve the people of the city and county of San Francisco through such a tumultuous period. I hope and believe that we collectively can call on action from people in office, to demand that prosecutors center crime victims and survivors in making decisions, rather than treating them as pieces of evidence that further a mass incarceration agenda. And let's demand every step of the way that prosecutors fight together to remove the taint of racism that lingers in every courthouse in this nation. We have work to do. We are making progress and we can do it together with your support. Thank you.

20. Doris J. James & Lauren E. Glaze, MENTAL HEALTH PROBLEMS OF PRISON AND JAIL INMATES, DEP'T OF JUST. (Dec. 14, 2006).

21. See Zack Beauchamp, *What the Police Really Believe*, VOX (Jul. 7, 2020), <https://www.vox.com/policy-and-politics/2020/7/7/21293259/police-racism-violence-ideology-george-floyd>.

22. See *The Case Against the Death Penalty*, ACLU, <https://www.aclu.org/other/case-against-death-penalty> (last visited Aug. 22, 2021).