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US Human Rights Network (USHRN)

Submission to Office of the High Commissioner for Human Rights call for inputs: For specific information pertaining to all other aspects of the mandate set out in resolution 43/1, including regarding the situation and perspectives of African women and children and of women and children of African descent, as well as other relevant gender and intersectional dimensions, including discrimination based on colour, sex/gender, economic and social status, disability, or other status.

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The US Human Rights Network is a civil society organization with 300 grassroots member organizations and individual activists working on a range of human rights issues that affect multiple communities across the US and US territories. The report offers information concerning women of African descent, children of African descent, and people of African descent with mental illness, in the context of their experiences with police violence.

I. Women of African Descent

Black women are frequently victimized by police, yet the vast majority of their stories gain little attention or no attention at all. According to one database that tracks police violence, since the year 2015, 48 Black women in the United States have been shot and killed by the police.¹ That number may even be an underrepresentation because people and groups collecting the data are reliant on news reports, social media posts, and police reports. Reporting by police departments is voluntary and the police are likely not reporting all of their misdeeds. In only two of those 48

¹ Washington Post database on police killings accessible at <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>. The Post's data relies primarily on news accounts, social media postings and police reports.

cases documented were police officers charged with manslaughter or murder.² One officer was acquitted, and the other case is still pending.³

Campaigns, such as Say Her Name attempt to draw attention to the gender disparity in the reporting on police violence against people of African descent, and to tell the stories of the victims. Say Her Name was launched in 2014 by the African American Policy Forum and Columbia University Law School's Center for Intersectionality and Social Policy Studies.

The campaign has lifted up the stories of women such as Korryn Gaines, who was shot and killed by police while holding her 5-year-old son in her arms.

Another tragic story featured in the campaign is the story of Tanisha Anderson, who was in the midst of a mental health crisis when the police threw her down onto the sidewalk outside of her home. Following that, an officer planted his knee on her back and handcuffed her. His partner helped him to hold her down. Tanisha stopped breathing. She was left handcuffed even after the police officers knew that she had stopped breathing. Tanisha's daughter and other family members witnessed the entire ordeal.

Not all of Black women's encounters with police end in death, but nevertheless the encounters often involve violence and dehumanization. There have been a substantial number of news reports over the years of Black women being subjected to invasive body searches during traffic stops. For example, there is the story of Charnesia Corley, a 20-year-old student in Texas who was pulled over by police for allegedly running a stop sign.⁴ She was forced to pull her pants down even after she told the officers that she wasn't wearing underwear, she was searched while standing, then she was forced to lie down on the ground in a parking lot still half naked while the police officers examined her again.⁵ The search was recorded on a dashcam video. Ms. Corley said that one of the police officers inserted her fingers into her vagina in a purported search for marijuana. No officers were punished.

In Maryland, a woman driving was pulled over by police for having a broken/missing light on her car in Baltimore's Eastern district.⁶ The Eastern district of Baltimore is largely African American and low-income. The woman should have been given a citation or ticket, but instead the traffic stop concluded with the woman being strip-searched on the side of the road. A female police officer went so far as to search the woman's anus. None of the police officers were punished.

What happened to this woman is not unique. After a 14-month investigation by the US Department of Justice, a report was released which concluded that the Baltimore Police Department engages in a "pattern of practice of unconstitutional stops, searches and arrests; unfairly targeting Black people; excessive force; and retaliation."⁷ Similarly, all over the United States, Black people are targeted for traffic stops⁸ and Black women who are stopped are frequently subjected to degrading and invasive body searches.

² <https://www.nytimes.com/2020/09/24/us/breonna-taylor-grand-jury-black-women.html>

³ Id.

⁴ <https://www.theguardian.com/us-news/2017/aug/16/charnesia-corley-houston-texas-police-dashcam-video>

⁵ <https://www.houstonpress.com/news/after-charges-dropped-against-deputies-who-searched-womans-vagina-attorney-releases-video-9700612>

⁶ <https://nationalpost.com/news/world/baltimore-cops-strip-searched-woman-on-sidewalk-over-missing-headlight-excerpts-from-report-reveal>

⁷ <https://www.miamiherald.com/news/nation-world/national/article94829582.html>

⁸ https://www.sc.edu/uofsc/posts/2020/06/racial_disparities_traffic_stops.php#.X9mriC2cbOQ

II. Children of African Descent

For Black children, trouble at school can lead to contact with the criminal legal system. This process is referred to as the “school-to-prison pipeline.”

Since the late 1990s, schools in the United States have been hiring police officers to work as School Resource Officers (SROs) inside of schools. Schools allow SROs to arrest students as a form of discipline. In addition, schools refer students to law enforcement or juvenile court as a form of discipline.

Students can be referred to law enforcement for things such as using profanity towards school staff or just the amorphous category of “misbehaving.” Schools discipline Black students far more than white students for the same behaviors. In terms of arrests, Black students were arrested at three times the rate of white students.⁹ In some states, Black students were eight times more likely to be arrested than white students.¹⁰ Black girls were arrested at four times the rate of white girls.¹¹ In some states Black girls were more than eight times as likely to be arrested than white girls.¹²

The disparity in treatment of students based on race begins as early as pre-school. According to a 2014 report by the US Department of Education, Black children account for 18% of preschool enrollment, yet at least 42% of the preschool children receiving suspensions from school are Black.¹³ By contrast, white students make up 43% of preschool enrollment but only 28% of white preschool children received suspensions from school.¹⁴

Black girls as young as five years old have been arrested for what were essentially temper tantrums. One such incident involved five-year-old Jaisha Aikins. After tearing papers off of a bulletin board, climbing onto a table and hitting an assistant principal, the school called the police. Three police officers arrived, bent the little girl’s arms behind her back and handcuffed her. She was then put in the back of a police car and taken to the police station. As absurd and appalling as Jaisha’s story is, it is not unique. Scholar Monique Morris shares the stories of multiple Black girls, some ages 6 and 7, who were arrested in school in her book *Pushout: The Criminalization of Black Girls in School*.

III. People of African Descent with Mental Illness

Studies indicate that people with mental health issues account for a significant number of people killed by the police. According to a study by the Treatment Advocacy Center, people with

⁹ <https://www.aclu.org/report/cops-and-no-counselors>

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>

¹⁴ Id.

“untreated severe mental illness are involved in at least 1 in 4 and as many as half of all fatal police shootings.”¹⁵

Black people with mental health issues are particularly vulnerable to violence and death at the hands of police. As countless cases demonstrate, the police do not properly respond to incidents involving people who are having a mental health crisis. When the person having the mental health crisis is Black, factors such as racial stereotyping, racial profiling and even racial animus can exacerbate what is already a difficult situation.

There are many cases of Black people suffering a mental health crisis who were killed by police. One database that tracks police violence reports that 216 Black people with mental illnesses have been killed by police since 2015.¹⁶

Ten years before George Floyd was killed by police in Minnesota after being pinned to the ground and handcuffed, a young man named David Smith was killed in Minnesota in a similar manner. David Smith had been struggling with mental illness, and playing basketball was a comfort to him. One fateful day David was playing basketball in a YMCA gym. One or more people in the gym say that they thought that he was acting strangely. For example, one staff member at the gym said that he seemed disoriented when she tried to talk to him. He did not threaten anyone or attack anyone. The staff member called the police to make David leave the gym. The police showed up and tried to make David leave, but he resisted. The police used a taser on him 5 times. After David was on the floor the officers rolled him onto his stomach. One officer sat on David's legs and the other put his knee between David's shoulder blades and handcuffed him. David cried out and gasped, but the officer did not remove his knee. A video recorded one of the cops asking David what drugs he was using. Note that the police officer(s) seemed to have made the assumption that David was high on drugs. The officer remained kneeling on David's back for 4 minutes and 30 seconds. David stopped breathing. Neither officer was disciplined in any way.¹⁷

IV. Conclusion

An intersectional approach is necessary in analyzing the systemic nature of police violence against people of African descent. Though the common denominator is the racial background of the victims/survivors, violence is meted out and experienced in drastically different ways depending on other demographic factors. An intersectional analysis helps us to better understand just how insidious systemic racism is in order to effectively understand and devise solutions that are meaningful and that work.

¹⁵ <https://www.treatmentadvocacycenter.org/key-issues/criminalization-of-mental-illness/2976-people-with-untreated-mental-illness-16-times-more-likely-to-be-killed-by-law-enforcement->

¹⁶ <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

¹⁷ <https://www.washingtonpost.com/investigations/2020/08/29/david-smith-death-minneapolis-police-kneeling/?arc404=true>