



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

July 27, 2022

Ms Michelle Bachelet
High Commissioner for Human Rights
Office of the High Commissioner for Human Rights
Geneva, Switzerland

Dear High Commissioner:

We write in response to your letter of April 25, 2022, requesting relevant updates pertaining to the cases of Mr. George Floyd and Ms Breonna Taylor, for inclusion in your report, as requested by paragraph 15 of UN Human Rights Council Resolution A/HRC/RES/47/21 of July 13, 2021.

The United States is committed to upholding human rights, championing opportunity, defending freedom, respecting the rule of law, and treating every person with dignity. We are a nation founded on the principle that all people are created equal and endowed with certain unalienable rights. This principle continues to guide our pursuit of a more perfect Union. We recognize that for too many and for too long, this principle has not translated to reality simply because of the color of their skin.

As an update to our response of May 2021, former Minneapolis Police Department (MPD) officer Derek Chauvin in December 2021 pleaded guilty in federal court to willfully depriving, while acting under color of law, George Floyd of his constitutional rights, resulting in Mr. Floyd's bodily injury and death.^[1] As part of his plea agreement, Chauvin agreed that the appropriate sentencing base offense level for this crime is second-degree murder because he used unreasonable and excessive force that resulted in Mr. Floyd's death, and he acted willfully and in callous and wanton disregard of the consequences to Mr. Floyd's life. Chauvin also pleaded guilty to willfully depriving, while acting under color of law, a then 14-year-old juvenile of his constitutional rights, resulting in the juvenile's bodily injury. In May 2022, a federal judge accepted a plea deal under which Chauvin will be sentenced to 20 to 25 years in prison. In February 2022, a federal jury found three other former MPD officers guilty of federal civil rights violations arising out of Mr. Floyd's death. Former MPD officers Tou Thao and J.

^[1] Section 242 of Title 18 of the US Code makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties.

Alexander Kueng were found to have deprived Mr. Floyd of his constitutional right to be free from an officer's unreasonable force when each willfully failed to intervene to stop former MPD officer Chauvin's use of unreasonable force, resulting in bodily injury to and the death of Mr. Floyd. Thao, Kueng, and former MPD officer Thomas Lane, were also found to have deprived Mr. Floyd of his constitutional right to be free from a police officer's deliberate indifference to his serious medical needs when they saw him restrained in police custody in clear need of medical care and willfully failed to aid him, resulting in bodily injury to and the death of Mr. Floyd. Additionally, former MPD officer Lane pleaded guilty this month to Minnesota state charges of aiding and abetting second-degree manslaughter in connection with Mr. Floyd's death. As President Biden stated on May 25, 2021, following the verdict in George Floyd's case, "one verdict does not address the persistent issue of police misconduct and use of excessive force."

Due to the fact that the Breonna Taylor investigation remains open and ongoing, the U.S. Department of Justice is unable to comment. However, it is still worth noting that on September 13, 2021, the United States Department of Justice greatly restricted the use of no-knock warrants, and on May 25, 2022, President Biden signed a historic executive order that sets federal law enforcement as the model of effective, accountable policing, and incentivizes reforms in state and local agencies. Among other things, this executive order requires all federal law enforcement agencies to adopt restrictions on the use of no-knock warrant that meet or exceed Department of Justice's policy, and also requires that all agencies adopt a baseline standard for use of force that meets or exceeds a new policy announced by the Department of Justice on May 20, 2022.

The Executive Branch therefore continues its efforts to review the use of force by law enforcement officials. For example, in December 2021, the Department of Justice announced that it was opening a civil investigation into whether the City of Mount Vernon, New York, and the Mount Vernon Police Department are engaged in a pattern or practice of violating federal law—the fourth pattern or practice investigation opened by the Department in 2021. The Department will examine whether the police department upholds the right to be free from use of excessive force, the right to be free from unlawful strip and body cavity searches, and the right to be free from fabricated or falsified evidence under the Fourth Amendment of the U.S. Constitution. The Department will also examine whether the police department upholds the right to be free from racially discriminatory policing practices under the Fourteenth Amendment of the U.S. Constitution, the Safe Street Acts, and Title VI of the Civil Rights Act. Additional information on the investigation is available here: <https://www.justice.gov/opa/speech/assistant-attorney-general-kristen-clarke-announces-pattern-or-practice-investigation>.

Sincerely,



Ambassador Michèle Taylor
U.S. Permanent Representative to the
United Nations Human Rights Council