



# Harvard Model Congress Boston 2024

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## LAW ENFORCEMENT IN AMERICA UPDATE

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In 2023, incidents prompted the introduction of four legal cases that altered the foundations of law enforcement. *Pennington v. West Virginia* addressed legal boundaries of police searches and arrests without warrants. *Fox v. Campbell* addressed the issue of qualified immunity when police officers firing shots in self-defense do not hit their intended target. *Lombardo v. City of St. Louis, Missouri* asked for a rehearing on an original decision regarding the use of excessive force of an officer on an inmate, which ultimately resulted in the inmate's death. Finally, a review of *United States v. Moore-Bush* was requested, focusing on the constitutionality of extended use of surveillance cameras pointed at someone's home as a means of gathering evidence. The Supreme Court denied all four cases writs of certiorari, but the reformative nature of these cases, as well as the frequency at which these cases are surfacing in lower circuit courts, is notable (Daigle Law, 2023).

As congressional and presidential elections draw nearer, the issue of gun violence in America, which intersects closely with possible routes of reform in law enforcement, has become increasingly salient. Gun violence, especially as connected to police reform, are proving to be two key issues in the upcoming election. President Biden has repeatedly called for Congress to pass a ban on assault weapons, while competitors like Nikki Haley and Donald Trump stand firmly by the Second Amendment's protection of federal gun rights. (Pereira, 2023). In conjunction with views about gun rights as a blanket issue, Biden has expressed his support for increasing funding for various trainings in police departments as a method of reducing police brutality, while Haley and Trump remain more focused on reducing crime rates as a method of reducing instances of police brutality (Pereira, 2023).

In 2023, National Community Policing Week was slated for October 1st through 7th. This long-established week of observation is described by President Biden's administration as dedicated to encouraging improvements in public safety and strengthening community relationships with law enforcement, evidently aiming to increase awareness of community tensions as elected officials and civilians alike are

encouraged to recognize ways to improve the state of public safety and trust in law enforcement.

In Congress, there has remained little to no movement beyond the presentation of bills regarding adjustment to law enforcement in either direction, with bills from each party showing clearly distinct ideas about what route the government should be taking in this issue. On August 18th, 2023, the Protect Peaceful Protests Act was introduced in the house, sponsored by Ted Lieu (D-CA 36th District), proposing a limit on Federal law enforcement's jurisdiction to intervene in public gatherings, such as a protest without mandated approval. Four days later, on August 22, 2023, the Local Law Enforcement Protection Act was introduced, sponsored by Claudia Tenney (R-NY 24th District), proposing that in order to receive certain grant funds, states must certify that they are upholding laws that give law enforcement the adequate amount of qualified immunity as established in *Saucier v. Katz*. The partisan nature of the issue continually leaves Congress in a gridlock, and catalysts for civilian investment in the issue, including instances of police misconduct, persist. Ultimately, the issue remains highly partisan and in need of comprehensive compromise to be effectively tackled.

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