

Zachary D. Kaufman, J.D., Ph.D.

Associate Professor of Law and Political Science

Title: *Police Policing Police*

Abstract: Police killings of George Floyd and at least 247 other Black Americans in 2020 alone amplified a racial reckoning and intensified demands for meaningful, overdue police reform. This Article is the first legal scholarship to argue that Congress and state legislatures across the United States should enact criminal laws creating a law enforcement officer duty to intervene in their colleagues' misuse of force. These federal and state statutes should be bolstered by law enforcement agencies' internal policies mandating the same obligation. Introducing criminal liability for inaction could prod at least some officers to stop their peers' serious misconduct and, for those officers who remain bystanders, would promote accountability. This Article presents a model statute for this officer duty to intervene and then rebuts counterarguments to this proposal, drawing on the case study of Derek Chauvin killing Floyd for examples and illustration.

Biography: Zachary D. Kaufman, J.D., Ph.D., is Associate Professor of Law and Political Science at the University of Houston Law Center (UHLC), where he is Co-Director of the Criminal Justice Institute. During the 2021-22 academic year he is on leave from UHLC to be a Visiting Associate Professor of Law at Washington University in St. Louis School of Law. Immediately before joining UHLC, Professor Kaufman taught at Stanford Law School as a Lecturer and was a Senior Fellow at Harvard University's Kennedy School of Government. Professor Kaufman received his J.D. from Yale Law School (where he was Editor-in-Chief of the *Yale Law & Policy Review*); his D.Phil. (Ph.D.) and M.Phil., both in International Relations, from Oxford University (where he was a Marshall Scholar); and his B.A. in Political Science from Yale University (where he was the student body president). His full biography is available at: <http://www.zacharykaufman.com/biography>.

Key Words: Constitutional Law, Criminal Law, Police, Policing, Police Killings, Bad Samaritan Laws, Duty to Intervene, Use of Force, Misuse of Force, Derek Chauvin, George Floyd