



Resolution from the National Association of Black Journalists' (NABJ) Black Male Media Project

It is our assertion that everyone is afforded certain rights as spelled out in the United States Constitution and Bill of Rights. The Declaration of Independence states life, liberty and the pursuit of happiness are rights considered "unalienable." Yet, all three of these fundamental American rights are lost when a person is threatened or killed by law enforcement officers, authorities sworn to protect and serve us all.

Often, in one fell swoop, liberty and the pursuit of happiness are stripped when a person is assumed to be a criminal in the eyes of an officer of the law. History has shown us, more times than not, when a person is Black, underprivileged or disenfranchised, their lives become expendable — even when it is evident that their actions never warranted an abusive or potentially fatal response.

We believe this is a fallacy too often followed by a meaningless effort to justify the use of deliberate force. Law enforcement agencies often tout the subject's criminal record as if the individual's background played a role in the confrontation.

In this case, publishing or broadcasting a criminal background usually serves a single purpose: to excuse the use of deadly force by a sworn officer on individuals they are duty-bound to protect. The most damaging is the loss of life by force and questioning the character of a person who should be considered a member of society, by birth alone, rights that should never be taken without due process.

Fear is also commonly used by law enforcement as a reason for shootings and other use-of-force incidents. But there are myriad examples of circumstances where individuals have been killed in interactions with law enforcement where the facts do not support the narrative that officers were under any significant threat to their safety.

1) Whereas; An arrest is not a conviction. Every person accused of a crime is by law presumed innocent until proven guilty, and every suspect is still afforded due process under the law. This is usurped when an individual is physically and emotionally subjected to undue stress or suffers mortal wounds while in custody.

2) Whereas; Data on [officers killed in the line of duty](#) show that, while police officers may often perceive a threat, they are rarely in danger of being killed during their daily duties. In fact, [data on police use of deadly force](#) shows that citizens are statistically much more likely to be killed during interactions with police than the other way around. There is also a racial disparity in the use of deadly force by police. It is notable that many dangerous white suspects have been apprehended without incident, with zero use of deadly force, while Black suspects who are handcuffed, restrained, compliant, unarmed and non-threatening are routinely killed by police.

3) Whereas; A person's criminal record often has little bearing on the reason that individual has come into question during an engagement with officers. In fact, in most states, an individual's criminal background cannot be used as evidence against them during a trial, unless it serves to show a "mode of operation."

4) Whereas; Reporters and news organizations must consider the impact on family members who witness a loved one's reputation being publicly disparaged through misinformation from authorities or those who seek to gain a public relations advantage.

5) Whereas; Oscar Grant, an unarmed Black man, was fatally shot in his back after being pulled off a train by transit officers for allegedly fighting in Oakland, Calif. in 2009. An [internal police report](#) made public revealed that investigators determined an officer "was intending to pull his firearm and not his Taser," which was counter to the officer's testimony. Nonetheless, Grant's family had to defend his character in court after a judge ruled that Grant's [prior criminal record](#), unrelated to his death, could be used during the officer's murder trial.

6) Whereas; Terence Crutcher, an unarmed Black man with his hands up, was [shot to death](#) in Tulsa, Okla. in 2016 by an officer who claimed she feared for her life, while

another officer standing next to her used a stun gun. Published reports pointed to illegal drug use and other crimes that had no bearing on the officer's decision to shoot.

7) Whereas; George Floyd, an unarmed Black man was killed in broad daylight after being handcuffed, face down, with the [knee of a Minneapolis police officer on his neck](#) for 8 minutes and 46 seconds. Two other officers were holding him down and a third officer stood on lookout. Floyd was held for allegedly using a fake \$20 bill and pressure applied to his neck even after Floyd repeatedly told the officer "I can't breathe" and called on his dead mother for help. Instead of determining if police protocol was followed, the head of the police union quickly pointed to Floyd's criminal background that dates back to 2009 when he was living in Houston. The police union president used social media to defend the officers involved and questioned the media about not reporting on Floyd's criminal past despite the fact that Floyd served his time and his criminal past didn't justify his death.

Further examples include: [Eric Garner](#), [Breonna Taylor](#), [Walter Scott](#), [Philando Castile](#), [Rodney King](#), and [Freddie Gray](#). All victims. All Black.

8) Whereas; Law enforcement agencies go to great lengths to obscure data related to police shootings. In fact, there are many detailed statistics and databases maintained related to crime, but no comprehensive government database documenting police use of force and shootings, as these incidents are voluntarily reported by local police departments — [and many of them do not even keep records of these incidents.](#)

9) Whereas; Black Americans are killed by police at a [rate that is twice as high](#) as White Americans. By comparison, Black people are at least 31 times more likely to be killed by police than [struck by lightning.](#)

10) Whereas; Black males only make up 6 percent of the U.S. population. However, from 2013 – 2018 they accounted for 28 percent of those killed by police, according to data collected by Samuel Sinyangwe and DeRay McKesson.

Therefore, let it be resolved; NABJ urges newsroom managers to consider the broader application of journalistic principles, to report the facts and to be wary of rushing to

broadcast or publish information that does not take into account an individual's rights. Knowledge after the fact is not knowledge during the act.

When journalists villainize a person accused of wrongdoing to justify the use of lethal force, then we must also vigorously seek an officer's record to justify the stewardship of law and order. News managers bear responsibility to ensure journalists do not jump to conclusions without in-depth reporting — especially in race-based circumstances. Journalists must not treat an arrest as a conviction.

When journalists repeat the details of an individual's criminal background, they can unwittingly smear a victim. The existence of a criminal record is often used by law enforcement to retroactively justify the use of lethal force, which is why journalists must be on guard at all times to avoid falling into the trap of advancing an unsavory narrative about a person who is dead and cannot defend themselves or tell their side of the story.

Journalists should not rush to repeat criminal record details supplied by law enforcement agencies because the public perception of the victim in a law enforcement-involved shooting cannot easily be corrected once it has been reported.

Therefore let it be resolved; the members of the Black Male Media Project's ad hoc committee suggest the following addition to the NABJ Style Guide:

Criminal Record Use: To ensure accurate reporting and avoid the villainization of victims, the existence of a prior criminal record — or even a previous arrest — should only be reported when there are facts proving that the prior criminal record was directly related to the incident being reported. For example, someone who is killed by law enforcement during a traffic stop for a broken taillight should not have a prior arrest or court record reported as part of their background. The officer was not aware of the previous arrest, and it was not a contributing factor in the incident.

Signed the Black Male Media Project Committee:

Ken Lemon (Chair and VP-Broadcast), Charlotte, NC

Xavier Higgs, Los Angeles, CA

Dedrick Russell, Charlotte, NC

Aaron Day, Los Angeles, CA

Avery Braxton, Macon, GA,

Terry Collins (former Region IV Director), San Francisco, CA

Adopted by: The 2020 NABJ Board of Directors, Dorothy Tucker - President

Monday, August 3, 2020.

Notes: The Committee brought in additional Black male journalists from across the country to establish an ad-hoc committee to develop the resolution and recommendations. The Committee added a 15-man team of journalists that explored the issue of broadcasting and publishing the criminal records of people in the news in alleged misuse of force cases.