

Andrew Kearsa Accountability for Denial of Medical Care Act

Sen. Elizabeth Warren, Rep. Ayanna Pressley, Sen. Kirsten Gillibrand, & Sen. Edward Markey

On May 11, 2017, Andrew Kearsa, a 36-year-old Black man, died of a heart attack in the back of a police cruiser after begging a police officer for help. Instead of providing Mr. Kearsa with medical assistance, the officer dismissed his pleas and waited precious minutes until after Mr. Kearsa became nonresponsive to call for medical assistance. Despite failing to seek potentially life-saving care for Mr. Kearsa, the officer involved was not charged with a crime.

Andrew Kearsa's last words, "I can't breathe," have been uttered by Eric Garner, Freddy Gray, George Floyd, and too many other Black Americans who have died in police custody. While there is work at the state level to establish requirements that state law enforcement officers obtain medical assistance for individuals experiencing health issues while in their custody, there is no federal law that imposes criminal liability on federal law enforcement officers who fail to seek medical assistance when individuals in their care are experiencing medical emergencies.

The *Andrew Kearsa Accountability for Denial of Medical Care Act* would:

- Hold federal law enforcement officials criminally liable when they fail to obtain or provide medical care to individuals in their custody who are experiencing medical distress.
- Require training for federal law enforcement officials on assisting individuals in medical distress.
- Direct the Inspectors General of the agencies that employ federal law enforcement officers responsible for investigating potential violations and referring them to the Department of Justice for prosecution.

Statement from Angelique Negroni-Kearsa, widow of Andrew Kearsa: "Never did I think that three words would change the world. Words that would haunt my dreams to this very day and would ultimately be the spark to the revolution that's unfolded in these troubling times. I can't breathe were the last words that came out of my husband's mouth and unfortunately those same words were George Floyd's as well. The police had refused to answer my husband's pleas for help as he suffered in the back seat refusing to call for medical attention when he needed it. My husband died because of the sheer neglect the police department had for his wellbeing.

Ignorance and neglect are the true killers within our community. It's important that we as a society take this time to come together in the name of justice so that our youth can grow up with fathers, mothers, sisters and brothers. Now is the time to act, the time to vote and incite change in a system that has held us down for generations. All lives can't matter if Black lives don't matter so I ask only one thing of you. When they tell you to keep your head down and be quiet about the abhorrent injustices you see every day I want you to make your voice heard! I want you to scream from the rooftops that you are here and you are fighting for a better tomorrow. I want it known that we cannot accept this any longer, that the time for change is now and that we aren't going to stay silent anymore!

I want to thank all of you who have shown continued support not only for me and my husband but for everyone who has fought the good fight. I want the names of Andrew Kearsse, Eric Garner, Mike Brown and George Floyd to not be a passing memory but something that sticks with us through the toughest of times so that we can remember the trials and tribulations those before us have suffered. I also want to thank Senator Warren and Ayanna Pressley for helping with the passing of the Andrew Kearsse law. I want to strive for a future where the words I can't breathe come from a place of laughter not from a place of fear. A future where our youth doesn't have to worry if it's their last day on earth. A future where everyone can breathe.”