**Floyd Rights**

Law Mandating that All Police Protect Human Dignity During Detainment and Arrest

The physical act of taking a suspect into custody is a moment of extreme vulnerability, fear, and uncertainty for many people in America. The general concept of human rights refers to rights and values that are universal, inalienable, and inherent to all people. The right to liberty and security of the person, as enshrined in the Fourth Amendment of the U.S. Constitution, is infringed upon when persons are arrested and detained by the police.

"Floyd Rights" are rights that attach to a suspect at the moment the right to liberty and security of the person is infringed upon by the police. Police must observe and respect our fundamental rights. If our rights are clearly defined and easily understood, this ensures their protection. Miranda is an example of this. When our "Miranda Rights" were carved out by the U.S. Supreme Court in 1966, every officer in this country had to police in a manner that did not violate these rights.

Floyd Rights are to be orally conveyed to a suspect immediately prior to the act of police detainment, or immediately following the act of detainment if dangerous exigencies exist requiring immediate police protocol to prevent imminent, serious physical harm to the suspect or third parties.

Floyd Rights are designed to reframe the way police act toward a suspect prior to the deprivation of an individual's Fourth Amendment rights. Calmly conveying orally to a suspect their "Floyd Rights" is a mechanism for increased transparency, de-escalation, and providing police services in a constitutionally lawful and morally upright way.

At the point of detainment, a police officer should make a declaration of rights to the detainee, in substance, as follows: *“You have the right to be treated with dignity at all times. It is my duty to ensure you are not harmed. I will not use force unless it is absolutely necessary. If the use of force is necessary, only the very minimum force necessary will be used and excessive force will never be used.”*

In particular, Floyd Rights seeks the following substantive changes of law at the federal, state, and municipal levels:

1.   At the time of arrest, the police must orally inform the arrested person, of:

(a) the reason for the person’s arrest;

(b) the person’s right to be treated with dignity, respect and without injury at all times during the arrest and detainment process;

(c) the person’s right to be detained without the use of force by voluntarily consenting to detainment.  Explaining that only the minimum force necessary to achieve the lawful objective will be used and that the use of excessive force will never be used.

(d) the person’s right to notify a family member or another appropriate person and their counsel;

(e) the person's right to have any disclosed or objectively apparent physical or psychological condition reasonably accommodated when required to prevent injury during the detainment process; and

(f) the right to access water.

2.  Suppose the person to be arrested is a juvenile. In that case, the police must undertake reasonable efforts to ascertain and contact the juvenile's parents, guardians, custodians, or another appropriate person of the juvenile's imminent arrest and the nature of the alleged offense.

3. Whenever police use force in the process of an arrest, the arresting officer must document the use of force undertaken and all efforts utilized by the arresting officer to de-escalate the use of force.

4. Police may use force only when it is absolutely and strictly necessary and the use of force must always be proportionate to the lawful objective pursued. The means of force employed may never be more than is strictly necessary to achieve the lawful objective.

5. In the performance of their duties, police officers must respect and protect human dignity and maintain and uphold the human rights of all persons.