

HEARING FOURTEEN

Trust and Respect for Law Enforcement

July 8–July 22, 2020

The following summary is intended to provide an overview and highlights of the testimony and discussion during the hearings. For a full and detailed account of the hearings, please refer to the [Commission website](#) and the audio recordings and transcripts located there.

Trust and Respect for Law Enforcement, July 8, 2020

First Panelist: *Brian Marvel, President, Peace Officers Research Association of California, and Officer, San Diego Police Department*

Highlights:

- Community members must be able to trust that peace officers who will act lawfully, judiciously, and carefully. Peace officers must be secure in the knowledge that community members respect their positions and duties.
- Sadly, we are seeing a rise in the general disrespect for law enforcement among younger generations, which only makes police work more dangerous and difficult.

Recommendations:

- Implement new national standards for training, recruitment, and the use of force. Implementing collaborative national standards on the use of force, de-escalation, and other training and a high bar for recruitment will ensure peace officers across the nation are held to the same high standard of conduct. In turn, this will create more nationwide trust in law enforcement and prevent peace officers in one state from being tarred by the actions of peace officers in another.
- Any national standard of police conduct should include the immediate abandonment of all formal or informal quota systems that tie in officer's access to tickets, arrests, and traffic stops. Instead, use alternative standards for measuring officer success tied to positive policing outcomes reported either by an officer or a member of the community following an interaction. This holistic approach will lead to two-way trust and respect between law enforcement in communities they serve.
- Ensure the funding and resources to meet these increased standards with the goal to attract only the best possible peace officers and candidates. As it stands now, each state, locality, and sometimes even agency has its own set of standards for training, recruitment, and use of force, yet we live in an increasing nationalized media and political environment.

Second Panelist: *Dr. Paul Lilly, Judge, Brown County, Texas*

Highlights:

- There has been a trend to uniform our law enforcement, most especially at the local levels, in battle dress uniforms. This can conflict with the ability of an officer, much less an entire agency, to foster trusting and lasting relationships in the communities they serve. Many agencies also permit officers to wear additional battle dress gear, such as exterior tactical vests and other equipment, which is aggressive in nature for routine patrol.

- The way in which we uniform our police officers has a direct correlation between how the officer behaves and how the officer is perceived and trusted by the community.
- If we dress our officers as if they are going into combat, at the very least SWAT or tactical type of environment, that is exactly how most of them will behave. Would this cause a more aggressive behavior, potentially resulting in more inappropriate conduct on behalf of our officers? It is certainly a possibility worthy of greater study.

Recommendations:

- Law enforcement must find ways to communicate and emphasize with the communities we serve. Loyalty and trust within our communities will be more difficult on both parties, the police and the community, if our officers are dressed as if they are going to war.

Third Panelist: Mick McHale, President, National Association of Police Organizations

Highlights:

- Just six weeks ago, officers were being praised for their commitment to duty, bravery, and sacrifice while serving on the frontlines of the coronavirus pandemic. Now those same brave officers are being regularly thrown under the bus.
- The nonstop drumbeat by many politicians and most media of distrust of the police absolutely helps engender attacks on officers and encourages the public not to comply with police commands. As a result, it is far more common for persons who come in contact with the police to resist, obstruct, interfere, and in some cases even attack officers. This is a corrosive environment that is impacting not just officer morale but also retention, hiring, officer safety, and wellness.
- Confrontations and obstructions go down so long as the citizen believes that a complaint the next day will be treated seriously, investigated, and evaluated fairly.
- Police unions and associations must play an active part in these efforts as they represent the officers who interact with the communities on a daily basis. It is this relationship between the community and the officer serving them that matters most.
- Defunding or abolishing police departments will not increase community trust or improve public safety. By ensuring departments have enough officers to dedicate to community policing and by improving the ability of officers to recognize and promptly respond to mental health and substance abuse crisis, we can help to build essential partnerships with all sectors of the communities we serve.

Recommendations:

- We recommend that the Commission support efforts to educate the public on Comply then Complain or similar type programs that allow agencies, unions, and associations to engage with communities on respecting law enforcement; the rule of law; and how to have safe, peaceful, and mutually respectful encounters.
- A common requirement that candidates have a college degree can be a hindrance to achieving that goal of departments hiring more officers from the communities they serve and to better reflect their community's makeup. Thus, departments should be more flexible in their education requirements by creating programs that allow individuals to become officers while working toward meeting the education requirement. Departments can also use the work experience to help

potential candidates meet such requirements, much as they do with individuals who have served our country in the military.

- We recommend enacting a national law enforcement investigatory procedures law that recognizes officer's due process concerns, as well as set forth guidelines for the transparent processing of citizen complaints.
- We recommend to the establishment of increased penalties for those who harm or target to harm public safety officers. Increased penalties make important differences in the attitudes of criminals towards public safety officers and can ensure protection of the community.
- To further promote the protection of officers off duty, we recommend expanding the Law Enforcement Officer Safety Act to ensure it's fairly, consistently implemented across all 50 states.
- We urge the commission to unequivocally reject calls for defunding or abolishing the police. Instead recognize that the men and women who serve their communities as police officers are a vital and indispensable part of protecting and enhancing the health, safety, and welfare of our town, city, and state.
- We recommend fully funding the COPS Hiring Program to allow localities to hire additional officers focused on community policing, developing relationships with the community they protect and serve.
- We also recommend fully funding the Mentally Ill Offender Treatment in Crime Reduction Act to ensure officers, departments, and communities have the tools and training necessary to improve outcomes of interactions with persons affected by mental illness and substance abuse.

Fourth Panelist: Christopher Cook, Lieutenant, Arlington (Texas) Police Department

Highlights:

- It doesn't matter what we've done in the past if the community doesn't know what we are doing. If the community doesn't know what we've done, where we've come from, what we do to put us in the most advantageous position for our officers out there answering calls, it's all for nothing.
- Law enforcement is a relational business. You have to focus on your public messaging. You need a strategic communication plan that has measures and objectives and know how your message is reaching every segment in your community. A strategic communication plan should include what an agency wants to accomplish, what it wants the community to know about how its officers treat people during traffic stops, or what the expectation is when officers respond to a call for service? That can be achieved through a strong media team or public information office.
- It's incumbent upon the executive team and public information officers to make sure they are conveying real and authentic stories because there is great police work being done every single day that proves the value of policing. If people see officers as humans, if they value the relationship with the officers serving them, then you'll have more support for budgetary items.

Recommendations:

- We recommend humanizing our profession, providing really a guide book for every agency to consider how are they going to communicate with their public, how are they going to highlight the acts of compassion and heroism and the feel-good stories that are out there, because we cannot rely on the media.

- We need to humanize the badge and create a brand that is more than the patch we wear. It's about the image or the message that the community sees when they hear your agency's name or when they are pulled over for a traffic stop or when we are responding to their home or place of business for a call. That's what brand is all about—how we want to be known by.
- Agencies need to have strategic communications plans. Often the communication components are missing from five-year strategic plans, but it's one of the most important aspects. It's how we're going to build strong relationships that are meaningful and genuine and authentic.
- Every single citizen in your community needs to know how they can get involved. They need to know what kinds of programs we're doing. They need to be an ally because we all know that police departments cannot reverse crime rates alone. It's a shared responsibility between officers and citizens.
- We need to recognize the importance of youth mentoring because a lot of these incidents across the country deal with our young people, and it's about teaching them that it's a two-way street between dignity and respect and that we have to earn their trust to police every single day.
- We need to address critical incident management because when you see these incidents on television, sometimes they could be criminal in nature. Sometimes they could actually be a righteous incident; however, because force was used, it looks really damning, so a lot of community question comes in. It's important to be out in front of that, because what happens in Arlington, Texas, can affect every agency not only in the United States but also globally.

Question-and-Answer Session, July 8, 2020

Q: [James Smallwood for Paul Lilly]: You were referring to essentially the clothing we wear making us feel like we're going to war and the image portrayed to the community. Is that in reference to items like load-bearing vests? Would you feel the same way about load-bearing vests that resemble a uniformed shirt on the top, but the bottom half has the MOLLEs that you can attach things to, like your handcuffs or anything that has a significant amount of weight to it, to the shirt instead of the belt? There is a lot of medical evidence that supports moving the weight off of the hips and onto the shoulders and chest area to prevent back injuries.

A: [Lilly]: That's not what I'm referring to. What I'm referring to is officers who have extra magazines for their rifles attached to their outer vest and all. To me, it would be terrifying if I were a victim of a crime, especially a violent crime, and this person came into my house dressed like they just climbed out of a military vehicle and then that person tries to get down on a knee and empathize with me.

If we were to commission a study, which I would love to see happen especially in the realm of academia, as to how the load-bearing vest or anything other than the external vest which appears the same as a uniform shirt, what impact of trust and how that would impact the trust level and the comfortableness that the community feels when corresponding with that officer. Not that it's comfortable to carry your gear on that, but we have to look at the imagery that it projects, and I don't think it helps us in today's state.

A: [Smallwood]: Just for the Commission's sake, we need to be very careful about saying the way we are dressed gives us an idea that we are ready to go to war. Officers are trained for an extensive period of time before they go to the street, we're measured, we're tested, and I don't think anything that we are wearing would dictate the direction of our decision making.

A: [Mick McHale]: Unfortunately, the research states just the opposite of that.

Q: [Craig Price to Paul Lilly]: A statement near this was made that officers who are wearing the uniforms that you explained are more aggressive in nature cause those officers to act more aggressive toward people. Is there data to support that, or is that your opinion based on your years of experience in your work that you've done?

A: [Lilly]: I cited a recent study, but it was for professionals in general. I would love to see a study of, for example, the last year's worth of use of force complaints at any randomly chosen departments and see how many officers were actually dressed in a battle dress uniform as opposed to a traditional law enforcement uniform. The results would be very eye-opening, and that's not a difficult study to conduct, and I would urge the Commission to consider something like that. There is a whole host of research universities that would be delighted to take up that project.

Q: [David Rausch to all panelists]: We've been hearing a lot about reassigning calls that law enforcement has had to handle because of literal defunding of other programs. I would like to hear the thoughts of each panelist on that movement. Is that the right direction—taking money away from law enforcement and giving it to other entities to respond to calls? And how does that play into the current condition atmosphere?

A: [Mick McHale]: Within the police departments that I'm aware of, many times when they faced a reduction in their budget, some of the first units eliminated were the community-based policing teams and those duties that extended to being big brothers, big sisters, after-school programs, tutoring programs, transporting them to and from social activities to include major sporting events, as well as school resource officer programs, DARE programs, etc. In New York City, the elimination of the plain clothes street crimes has an immediate impact on the violent crimes they are experiencing on the streets.

The belief that someone is going to cripple or minimize the ability to provide public safety by expressing a position of defunding is a serious issue that we need to rise up and challenge directly.

A: [Paul Lilly]: If there is any defunding and if it occurs nationally, I would hope that one of the areas that they would divert some of those funds to would be areas that would then relieve the responsibility of law enforcement, particularly in the field; I'm talking about mental health.

A: [Christopher Cook]: There are some political agendas and false narratives that are being pushed. For example, why do we have officers in schools? We've got to do a good job at messaging back to our community on the value proposition of why we have school resource officers. They're not there to be a military-style security guard. They are there to build relationships, to build rapport with young people, to support them on the football field during a football game, and we have a ton of youth programs like that.

Q: [David Rausch to Mick McHale]: Interesting conversation you had with us about complaints investigations and that process. I'm curious if there are any best practices that are currently in place that we can point to or look at as we consider your recommendation?

A: [Mick McHale]: We have 19 commissioners of which six are rank and file and a civilian. That commission has a vast amount of experience, mostly managerial, but we come together in probable cause panels and recommendations to the full commission, and oftentimes the commission takes a position of greater discipline than the local agency. It has clear transparency as to how the complaint was filed, how it was investigated. That complete investigation is reviewed by the commission, and then a recommendation is made by the staff of the Florida Department of Law Enforcement to the commission as to whether a letter of acknowledgment that the proper discipline was applied or in many cases additional discipline has to be applied to the individual.

I can tell you factually as a union president, I decertify more officers than officers that were given a second chance or given an ability to continue in the profession.