

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.

Guest Speaker, July 22, 2020: The Parkland, Florida, School Shooting

Speaker: Robert Gualtieri, Sheriff, Pinellas County (Florida) Sheriff's Office

Highlights:

- If I had to give you one key take away from the last two-and-a-half years that I've lived investigating this incident, it would be this: complacency kills.
- I became chair of the Marjory Stoneman Douglas High School Public Safety Commission, which Florida Senate Bill 7026 created to figure out what happened and to make recommendations to the governor, the senate, and the house regarding what still needs to be done to improve school safety in Florida.
- Everything that we have uncovered points largely to a complacent mentality because of the overarching attitude that "it won't happen here." Yet three days before this event, the Florida Chamber of Commerce named the City of Parkland the safest city in Florida.
- On February 14 of 2018, Nikolas Cruz, the shooter, shot and/or killed 24 people at Marjory Stoneman Douglas High School in Parkland, Florida, on the first floor of building 12 in one minute and 44 seconds. On the third floor of that building, he shot and/or killed an additional 10 people in one minute and five seconds.
- The students and staff were ambushed. The school, the school board, and the school district didn't have an active assailant response policy—20 years after Columbine and six years after Sandy Hook. It wasn't their priority.
- The first active shooter alert was not issued until Cruz was already on the third floor of the building and had shot or killed 32 of his 34 victims. The only reason that person finally issued the alert was because he had some prior military experience and let his instincts kick in, because they didn't have the infrastructure. They didn't have the alert systems. They didn't have the training and the knowledge.
- Eliminating school resource officers is just dangerous. One of the things that we all have to keep in mind is that it is going to happen again. The only question is when and where. And if there's not a good guy with a gun to stop it, there are going to be mass casualties. It's a fact.
- If we want a different outcome than what happened at Stoneman Douglas High School, 34 people shot and/or killed in three minutes and 51 seconds, we have to do it differently, accept that we have to change, and accept some things that we necessarily don't like. And this has to be viewed through the lens of not what we want but what is realistically and objectively attainable. If we don't view it that way, we're not going to accomplish what we need to. We're not going to get there.

- Our goal should be to prevent one of these incidents from happening. However, our immediate focus has to be on something attainable: mitigating the harm, limiting the damage or carnage, as much as possible. The first focus is identifying the threat, the second is communicating the threat, and the third is reacting to the threat.
- A year after the shooting, the Broward County Commission's infrastructure for communicating a threat if somebody identifies one hadn't improved; they were going through a procurement process. I said, "You are being complacent; there is no sense of urgency, and you all need to fix this. What you should do is get down to Walmart and buy some radios and some walkie-talkies off the shelf and equip your staff so they can communicate about these things." And their response was, "We don't do that."
- As far as reacting to the threat, there's no policies, but there's no drills either.
- Cruz has mental health issues, behavioral issues, and violent tendencies. His mother became an enabler; her solution to his desire to kill animals and kill birds and all other types of violent acts was to go to Walmart and buy him airsoft guns so he could shoot these animals. When he turned 18 and wanted a state ID card so he could buy guns, she's the one that took him to the state driver's license office so he could do it.
- If Cruz had been able to fire out of that third-floor sniper point with those kids fleeing that building, it'd be worse than even the Las Vegas shooting because there were literally thousands of kids that were fleeing that campus and about 900 of them were in that courtyard below as he took up that sniper position. The hurricane resistant windows stopped him.
- What history can tell and teach us is what happens, where to put our resources, and what we should prioritize.
- We looked over the previous 20 years of targeted attacks on K–12 schools in the United States; there were 46 of those. It's a very high percentage, somewhere around 94% (43 of the 46) were committed by insiders, and that's current or former students. Most involved handguns, not long guns or shotguns. Most, as this case, were over within less than four minutes. The majority of these were not stopped by cops; they were stopped by school personnel.
- As for campus hardening and fences and electronic locks and all those things, look at the data; the shooters were lawfully where they could be at the time that they effected their carnage. These aren't intruders on campus. And they are carrying handguns, which are easily concealed and quickly produced, and the shootings are over within a very short amount of time.

Guest Speaker Question-and-Answer Session, July 22, 2020

Q: [Craig Price to Robert Gualtieri]: If you could write the script on what your vision is for how this commission or what we could do as a country, to put this thing forward, what would that look like for you, that process?

A: [Gualtieri]: In essence, that people focus on the basics and identify what those are. The things that are noncontroversial, that will have the greatest impact, and it gets back to the harm mitigation. Stay away from the controversial ideas, such as arming personnel. Let's have a mandate that every school district in this country has an active assailant response policy for the district and for every school.

We do fire drills every month. Why aren't we doing active shooter drills every month? Let's put the emphasis on what's happening today. Let's make sure that we have safe areas and hard corners. Let's

make sure we have communication devices. Let's focus everything that we can on that mitigation of identifying a threat, communicating, and reacting and giving these kids a fighting chance and giving the staff a fighting chance.

Q: [Gina Hawkins]: You provide this in a training format for law enforcement. Do you know if this was presented in any format for school systems to learn from, or would that be one of your recommendations for the commission?

A: [Gualtieri]: There's also a separate version that does focus just on the schools, and I've done it for superintendents and for school personnel and broken it out. The best audiences are a mix of teachers, principals, school administrators, school board members, cops, mental health professionals, and elected leaders from city council, city commissions, and county commissions. When we really get a mix of all those people in one room, it lets them walk away realizing we all got to come together, and it helps put them on the same page for their decision-making.

Q: [Phil Keith]: I've been privileged to hear and see your presentation before, and there was an acute miscue on interagency sharing of information. Could you address what you think would be a solution for the lack of communications and sharing of information about this episode?

A: [Gualtieri]: In Broward County, they have 32 different jurisdictions. The Sheriff's Office provides its police services in 13 of the cities. The rest have their own police departments. They have eight different records management systems just in Broward County. And Broward County abuts Miami-Dade County and Palm Beach County, and Parkland sits on the border of Palm Beach County.

So, if anybody's trying to coordinate any of these resources, and if you're looking at threat management, etc., in order to do all of your indices checks, just in Broward County alone, to check one name, you've got to check nine different systems. That doesn't even check in some of the others in the adjacent counties plus state plus federal.

There's also no tie between the discipline systems in the school district and law enforcement. They had 125 different incidents in the Broward County Public Schools incident system on Cruz, but there's no sharing of that information with law enforcement. Some kids saw problems and they brought information to the assistant principal who's now a former assistant principal, but he didn't do anything with it. There's a real disconnect with sharing information with law enforcement and the mental health providers.

And the FBI's National Call Center in West Virginia had received two tips on Cruz, and those tips went into a black hole. They were never sent out to the field. But the FBI is an example of what to do and how to fix a problem when you identify it.

A: [Ashley Moody]: Because so much was missed in terms of information sharing in a proactive way leading up to this incident, would part of your recommendation be that we have a body that is assigned, whether that be in one national law enforcement agency or maybe in a state-wide office of law enforcement, to proactively assess threats, engage with schools to ensure they know about these, preventing either specified threats or more general threats if there's a lack of security or policy or procedure. Would that fall within any of your recommendations?

A: [Gualtieri]: Yes, that's right. On average, law enforcement does a decent job of receiving information and identifying the threat, but a lot of it is reactive. It's not really proactive. We have a tremendous amount of room for improvement in managing threat. Once we get the information, we do the initial checks, somebody goes out, talks to someone, and that's about it. We need to have robust threat management entities, whether they are units within law enforcement agencies or however that's set up.

One significant focus moving forward needs to be on long-term management of threats. It's not a one and done. Even if there's not enough to take an individual in for an involuntary mental health exam, to bring a

criminal charge, or to get that person services, etc., there needs to be that continual monitoring and evaluation of that threat over a period of time until you can determine that threat is no longer a concern.

Trust and Respect for Law Enforcement: State and Local Prosecutors Panel, July 22, 2020

First Panelist: *Barry Dunn, Kentucky Deputy Attorney General, on behalf of Daniel Cameron, Kentucky Attorney General*

Highlights:

- Americans, by and large, are imbued with a sense of wanting to serve the public. Today, though, I think that serving the public is under attack in certain sectors, and we need to do our best to change that.
- A Kentucky sheriff's office established a program to provide free and voluntary transportation to anyone who might be experiencing a substance abuse disorder to a treatment facility—without any fear of that person facing criminal charges or without that interaction action being used against them in any way.
- Attorney General Cameron is the first African-American Attorney General in Kentucky's history. He's very proud of that fact.

Recommendations:

- The commission should take a strong look at continuing community policing efforts across the nation. When sheriff's offices and local police departments work closely with their neighborhoods, it promotes collaboration, trust, respect, and a greater ability to identify and solve problems. The research suggests that community policing improves outcomes.
- We urge that everyone consider really making sure that departments around the country are representative of the individuals and the communities they serve. Citizens are more likely to have trust in their local officials when they share similar ethnic, cultural, and social backgrounds.
- We suggest that the commission consider developing model law enforcement policies, such as physical restraint and duty-to-intervene policies. Those types of things have been in the news lately, but the development of such model policies could be very influential, especially for rural departments that do not have the same resources as other departments.

Second Panelist: *Leslie Rutledge, Arkansas Attorney General*

Highlights:

- I visit with community leaders and law enforcement officers from all of Arkansas' 75 counties multiple times a year in their hometowns to hear directly from Arkansans and to have a better understanding of the issues and concerns communities are facing. These are often problems I never would have heard or been able to resolve if I had taken a reactive approach and expected these community leaders to make an official report to my office.
- Community policing cannot just be left to the patrolmen alone. Leadership must get involved so they can proactively address concerns and receive feedback on how their officers can improve public interaction.

- Numerous problems and hardships result from significant law enforcement underfunding. Providing continuing law enforcement training is always a concern. If police funding is further cut, training, even free training, will be one of the first things eliminated from agency budgets.
- While Arkansas law requires a minimum of 24 hours of continuing education for officers each year, it is often hard for smaller departments, which often have a staff of fewer than 10 people, to sacrifice the manpower or provide travel and lodging expenses so that these officers can attend quality and necessary training.
- In Arkansas, we have implemented drug courts and even a few mental health courts to address the individual's underlying problems. These specialty courts offer an alternative to the traditional criminal justice system and additionally include treatment programs for participants. The daily cost of these programs are often one-tenth of what it would cost to incarcerate the same person.

Recommendations:

- Law enforcement agencies should work to initiate and create stronger community partnerships. Law enforcement is very much a community-oriented profession, as the vast majority of our nation's law enforcement officers often serve in the communities where they reside.
- I recommend increased funding and accessibility for law enforcement training. I could not more strongly disagree with the defund the police movement occurring in parts of our country. I have never seen a problem in law enforcement that was the result of over funding.
- Elected officials at all levels of government should ensure adequate funding is provided for traditional in-person training while considering the unique concerns of our rural agencies by making available quality remote educational opportunities.
- We need to increase law enforcement training and resources for crisis intervention. States and locales should be given the flexibility and the resources to implement judicial and law enforcement programs that best reflect the needs of their community. Policing agencies need more adequate training to deal with mental health issues and opioid addiction.
- It is imperative that we give chiefs of police, sheriffs, and other supervisors the protocols and structures to remove bad officers for ethical violations before they escalate to dangerous situations.

Third Panelist: *Eric Olsen, Commonwealth's Attorney for Stafford County, Virginia*

Highlights:

- It's the fundamental role of the Federal Government to reach down to our localities, to the citizens that live lives in their neighborhoods, and do what they can to assist them be safe and secure in their homes.
- My experience is in the smaller communities, in the rural communities, in the suburban communities, there has always been and still is great respect for law enforcement. We need to guard against the view of larger populations, large cities, the experience of which is far different than many, many Americans.
- If the experience at the local level for many Americans is different than what's shared by a minority, then there's more of a potential for friction. For example, school resource officers provide a level of safety and security. But there have been issues and problems and

consequences: e.g., their job is to combat crime, so when they see it, they address it, they investigate it, and they make an arrest, but that's not necessarily the best approach in a school setting.

- Localities don't have the resources to highly train their school resource officers. A school resource officer assigned to a school who doesn't want that role and isn't equipped to interact with adolescents can do a lot of damage.
- On one hand, you have this movement driven by large population centers to remove school resource officers from schools. But in thousands of schools all across this country, the parents of those students want the school resource officer to be there. That's the danger of having a national narrative or a minority view drive what happens in smaller jurisdictions.

Recommendations:

- The Federal Government's leadership role can include best practices, establishing national standards, and providing states through block grants or other means with the resources to provide adequate training.

Fourth Panelist: Jonathan Blodgett

Highlights:

- In Massachusetts, although we investigate and prosecute all manner of crime, the only statutory mandate the district attorneys have is to investigate unattended deaths and homicides. And while local prosecutors handle 95% of the crime in the United States, we do more than prosecute crime. We prevent crime.
- In 2007, I created a drug diversion program modeled after my existing juvenile and youthful diversion programs. The drug diversion program which I created provides treatment in lieu of prosecution. The cases are run by health care professionals and clinicians. Lawyers and attorneys don't have that background. Every person who participates in our drug diversion program gets a six-month treatment program minimum. Insurance is not an obstacle.
- Our All-Star Program focuses on kids whose parents suffer from substance use disorders. Most of these kids because of the high truancy rate weren't coming to school. They were hungry. They had undeserved shame, and they're suffering from trauma. Through this program, we offered them a snack, after-school help with their homework, and counseling from the same organization involved in our drug diversion program. The kids do their laundry at the school, and we brought in a comfort dog. We had peer support, recreational opportunities. The police who were there with us were trained by the clinician program to work with the kids.
- Crime victims in this country are being ignored. When it comes to discussions about criminal justice reform, the loudest voices who demand reform never mention or use the word *victim*. The defendants have become the victims and the real victims have become invisible.

Recommendations:

- My wish for this committee and for the Department of Justice is to be able to use whatever and all resources necessary to get the truth out to the public. The public deserves the truth to know what we're really doing. That is the only way that the facts will then become more important than the narrative.

State and Local Prosecutors Panel Question-and-Answer Session, July 22, 2020

Q: [David Rausch to Jonathan Blodgett]: What I've heard and what I consider proper prosecutorial discretion is let the charges go forward and then find the solutions. How do you fund those programs that you mentioned that are so successful?

A: [Blodgett]: I fund the programs in large part by my existing budget. I don't get additional monies from the state legislature. I have gotten a grant, a small grant, the last couple of years from the legislature and anti-drug grant, which I sent forward to the All-Star program.

The diversion program I have, I use my existing staff, I get a little bit of help from the state, but it is the proper use of prosecutor discretion. If you have a de minimis and no record and if what brought you to the table here doesn't involve an act of violence, we're going to give you a break.

Q: [Gordon Ramsay to all panelists]: Does anybody have recommendations for the commission regarding the items around the education piece and needs for funding for diversion treatment in that community outreach that was just discussed?

A: [Jonathan Blodgett]: The danger here as I see it is that diversion programs have to be run by the prosecutors because they involved charging decisions. Diversion recently has become a really popular topic in some quarters and a lot of people want to get their hands on your diversion program. There's so much more I could do, and I'm sure my fellow prosecutors throughout the country could do, if we had more resources.

A: [Leslie Rutledge]: What I have seen that works best is having judges who are extremely engaged and committed and treat these courts with their whole heart and the seriousness that they deserve. Courts in Arkansas that have been the most successful are ones who have pre-adjudication versus post-adjudication for first-time or non-violent offenders.

It's critical to engage our face-based communities with the success of these alternative sentencing courts or our opportunities to be involved in community outreach such as non-profit organizations because many of our friends, families and neighbors who are suffering from addiction or mental illness are craving something larger than themselves and to be a part of something larger than themselves.

A: [Eric Olson]: If you want to start up a drug court, federal money is available for the first two or three years to start that up, and then it's handed off to the states to take over responsibility.

Unfortunately, there's not enough funding now because everybody has seen the success of drug courts. Instead of having a dozen drug courts, we have two and three dozen now. That pie has stayed the same size, so that means the existing drug courts get less and less money. That is a way that the Federal Government, Congress, and the president working together can assist criminal justice at the local level.

The key will be to take the empirically proven successful programs and promote them and fund them to the extent that Congress and the Federal Government can do that.

A: [Barry Dunn]: Over about a 3-1/2 year period, the Kentucky commonwealth saved about \$117 million in local jail costs by diverting individuals who perhaps were first-time offenders from the felony court process through this Rocket Docket process where there was a quick mediation, a quick agreement, the individual was diverted, got a sentence of some type, but then also was allowed to try to get their feet back under them.

Following the data is crucial. When we show the savings that can result by implementing these new types of programs, we really see the benefit in them and we urge the commission to look at those things as well and consider recommendations on funding such programs.

Q: [Ashley Moody to Leslie Rutledge]: If this commission were to recommend more funding for these types of diversionary courts specifically related to drugs and we're going to outline characteristics of a jurist that we would recommend be sought out and placed in these positions for better effectiveness and success, what would those characteristics be?

And do you find that it's especially effective giving for participants an opportunity to complete certain objectives and course completions and drug treatment because they have that compelling reason—to avoid a criminal conviction?

A: [Rutledge]: The characteristics of a great judge dealing with alternative sentencing courts: someone who is honest and firm; who sounds like one of the young people, who's real; who speaks directly with the individuals coming into his/her courtroom; who is empathetic and understanding that people do stumble and sometimes they stumble more than once; and who is encouraging.

These courts are effective at saving lives and getting individuals from a life of crime to a life of prosperity and purpose. That is why I am a proponent for those young and first-time offenders or non-violent offenders to be in a pre-adjudication court versus post, because it does encourage them to not be forever known as a felon and forever known as a criminal, but rather someone who messed up, got caught, and got his/her life turned around.

Trust and Respect for Law Enforcement: Police Panel, July 22, 2020

First Panelist: *Hank Stawinski, Chief (Retd.), Prince George's County (Maryland) Police Department*

Highlights:

- The public has a right to know what goes on inside the institutions that protect them. And that's where my three-hour rule that I implemented as chief came from. Within three hours of any critical incident, my staff knew I would be in front of the media, providing public record information immediately and as much transparency as the law would allow me. Otherwise, social media creates the narrative, and it becomes impossible to challenge.
- A handful of officers do not wear that badge properly. Where individuals are involved in confrontations where death or serious injury occurs, sexual assault, lying, destruction of evidence, or bias-based practices, the public has a right to know that.
- That blue wall of silence that I alluded to is now individuals hiding behind the law, and the public constructively concludes that police executives across the states and other places in our nation are tacitly supporting or hiding when, in fact, the law prevents us from being transparent and demonstrating to the public that these individuals are being held accountable. Transparency is also proactive.
- We must, and this is double-loop learning, question the underlying assumptions that have led to a failure, rather than do more or less of that thing until equilibrium occurs. Crisis and confrontation are not the times to develop relationships.
- expand departments and add additional training regarding the things that are becoming of greater public concern: e.g., addiction, homelessness, and mental illness. Policing and public safety in

America have a larger footprint in the aggregate with respect to these critical issues than all of the other service providers. And yet, we are enthusiastic amateurs in these endeavors.

- Our goal is to prevent crisis and confrontation, but we find time and time again officers being called to deal with someone who is in crisis, and our role is to restore the public order and peace. We should be focused on prevention. That's where we have to question those assumptions, and we do that in three ways:
 - First, we must seek to prevent those confrontations and we do that using data.
 - Second, it all has to be done in a multidisciplinary fashion. Police and patrol officers are not the people to be assessing issues of mental crisis, addiction, or homelessness.
 - Third, respect is enhanced and earned in person.
- The Transform Your Neighborhood Initiative in Prince George's County doesn't cost anything, but it always gets everyone's attention. It's about marshaling the resources you have and using them in innovative ways. Take inventory, using subject matter experts of every discipline, including infrastructure, public services, social services, fiscal, etc. Get the community's support and input into how this is done. And use data to reallocate those budgets.
- Needs-based budgeting means we can divert dollars based on the need, based on data. Everything that gets done and how it gets prioritized and resourced leads us to a place where we can analyze how we're allocating those dollars. and we can expand or contract services community by community.

Second Panelist: *Bill Brown, Sheriff, Santa Barbara County (California) Sheriff's Department*

Highlights:

- The rule of law is more than just a collection of laws. It's a set of principles and ideals for ensuring an orderly and just society; an orderly and just America; a place where no one is above the law; where people are treated equally under the law; where everyone is held accountable to the same laws; and where there are clear and fair processes for enforcing those laws. The rule of law is the lifeblood of the type of society that we as Americans want to live in regardless of our differences.
- I immediately realized that even though this reprehensible act [George Floyd's death] took place 2000 miles away from us on the California coast, it would inflict damage on the relationships between many of our law enforcement agencies and communities of color. We must do everything we reasonably can do to stop anyone from dying so senselessly and so unnecessarily in the future.
- There are at least 4 million police and public interactions that take place every day. If 99.9% of those encounters go well and only .1%, 1/10 of 1%, are negative, that's still 4000 police-community member interactions that go poorly each and every day. If only 1/10 of those unprofessional encounters are captured on video either by body-worn cameras, dash cameras, surveillance cameras, or by bystander cell phones, there are still 400 bad cop videos captured across the nation every single day.
- We welcome the transparency that body cameras provide because we know the vast majority of those videos bear proof that officers and deputies are doing the right thing. But those positive examples of video usually aren't the ones that are shown on the nightly news.

- Law enforcement executives are always looking for ways to improve their operation, to increase closure rates, to advance officer safety, to enhance community relations, and, ultimately, to improve public safety in the community. Other types of so-called reform or reimagining can actually make those things harder to do. When a narrative is pushed that cops are the enemy of innocent law-abiding people, or that people should disengage from communities where crime rates are higher, or that people who commit certain crimes should not face punishment, then improvements are harder to achieve, and the rule of law is threatened.

Recommendations:

- Steps to prevent situations like George Floyd's death from happening again include enhanced law enforcement accountability and training in a variety of areas, particularly in an officer's duty to intervene if another officer is using excessive or unnecessary force. Police and members of all communities should also seek to better know, to understand, and to trust each other.
- We need to cool the rhetoric, to come together, and to reason with one another. We must build on old relationships and develop new ones. We need to listen more, talk less, and hold each other accountable. Above all, we must treat each other with dignity, with courtesy, and with respect.
- We must speak out in the defense of our profession and of our people. American policing is not perfect. But it should not be de-funded, dismantled, or have its resources redeployed for the sake of politically expedient so-called reform.
- Those who work in our agencies are not flawless because they are human. But we must work to make them the best that they can be. We must train and develop our people and hold them accountable if they do wrong.
- I encourage that the recommendations for improvement are accompanied by the proper funding, the political support, and the will necessary to help implement positive change throughout our nation. Now is not the time for knee-jerk politically motivated reforms. We need to be in this for the long haul and to be committed to continuous reform, continuous improvement.

Third Panelist: *Larry Cosme, National President, Federal Law Enforcement Officers Association; Special Agent (Retd.), Homeland Security Investigations, Immigration and Customs Enforcement*

Highlights:

- The rule of law is under current siege, not by the federal government, by the range of state and local actors who unilaterally decide to simply shrug off those laws with which from time to time are most politically expedient to ignore.
- Many local prosecutors have been failing to adequately charge violent felons for range of crimes including assaults on law enforcement officers. Most egregious are the states and localities that have developed so-called sanctuary jurisdictions or cities in noncompliance with federal immigration laws and border security and working with immigration officials.
- Let's take the politics out of enforcing the law, both on the state, local, and federal level. It doesn't matter what kind of law you are enforcing. It's important that we all respect everyone's authorities and work collectively for the same mission on protecting our communities.

- When a person is referred to as a criminal alien, this is an individual who is convicted of a crime in the United States or elsewhere where it's a similar penal code deemed here in the US a crime for that conviction.
- A lot of the federal law enforcement officers are well trained and capable of executing their missions under the existing federal laws and follow it without regard to political or personal opinions, despite politicians in many jurisdictions demonizing these protectors to impede their main mission to protect the public and secure the United States. This impacts our national security and clearly violates the rule of law established by the federal code.
- Localities create a dangerous dynamic with policies that violate the federal law, such as creating sanctuary cities and releasing criminal aliens from local jurisdictions or state prisons without notifying federal immigration authorities when they have immigration detainers placed on them.
- States that have allowed illegal aliens and criminal aliens, without the ability of the state to check their backgrounds, to possess driver's licenses—that impedes federal immigration enforcement actions and creates a barrier between federal and state jurisdictions.
- Some jurisdictions sanction the officers or discipline them for just making a mere phone call on a traffic stop for an individual that has an outstanding immigration warrant. That goes against the rule of law.

Recommendations:

- Congress needs to work on fixing some of these immigration laws moving forward because it's important to protect our borders both on the front lines and both in the interior of United States.
- We recommend to have your commission work them into Congress to undertake a review of all federal immigration laws in existing immigration visa process and enact sections where the updated laws are the most coincide with national policy and strengthening penalties for these same laws.
- We recommend that Congress should enact sanctuary jurisdiction laws and place convictions in these jurisdictions that don't cooperate with federal authorities and inform these jurisdictions that state and local databases tied into federal databases like NCIC or received federal funding should be compelled to federal law enforcement officers access to them as far as for security, operational security.
- We need to out for the victims of the crimes that have been committed by these criminal aliens. Everyone fails to talk about these victims when they're talking about the narrative of immigration and criminal aliens and border security.

Fourth Panelist: *Mark Young, Lieutenant, Detroit (Michigan) Police Department*

Highlights:

- Compassionate and early release of violent inmates as a response to the coronavirus pandemic is negatively affecting public safety especially at a time when social services and public safety are already stretched thin due to the health and economic crisis our country is currently facing.
- Police departments in areas hardest hit by the virus, like Detroit, have been decimated by officers contracting the virus and being sent home to quarantine and, on top of this, by the continuing protests because of the tragic death of George Floyd.

- The mass release of inmates whether in response to the public health emergency or under the guise of criminal justice reform has not been coupled with safeguards, support, resources to the state and local services that would be necessary for communities to handle the influx of newly released prisoners.
- Significant prison reform / changes should first be thoroughly examined and must include the input of federal, state, and local public safety communities, which play an intricate role in the system.
- Our work has been shelved by our prosecutor. The criminals are getting multiple chances to offend, and law enforcement are at additional risk having to recapture the offender at a time when every use of force is being scrutinized and misinterpreted.

Recommendations:

- They need to enact a national standard for protecting officers' due process and guidelines for opening for openly processing citizens' complaints. Respect for law enforcement must include respect for officers due process rights both workplace and critical incidents. Increased penalties for those, for assault and murder of law enforcement officers. The public must know that the government supports our officers and will stand with them for assaults against them.
- Educate the public on "comply and complain" to ensure confrontations and obstructions in police encounters decline.
- We don't need any help with compassionate release. In Detroit, homicides are up 30%, nonfatal shootings are up 50%. What kind of message are we sending to the law enforcement officers who risk their lives and ultimately give the ultimate sacrifice to arrest these violent perpetrators? What kind of message are we sending to witnesses and victims that come forward?

Fifth Panelist: Art Acevedo, Chief, Houston Police Department; President, Major Cities Chiefs Association

Highlights:

- Our system is extremely complex and deeply interconnected. Although policing is probably the most visible cog, we are just one. We need to work on what's going on with the courts, judges, prosecutors, probation, and parole—just to name a few of the cogs that we need to deal with.
- System-wide transparency is long overdue. The public really needs to and has a right to know what goes on behind closed doors relative to the actions taken by judges and district attorneys.
- Bail reform is one of the most significant however contentious elements of the criminal justice reform debate. We are all familiar with the inequity of holding pretrial offenders in jail simply because of the socio-economic status and no way to make bail. But there are those that believe that no one should be held pre-conviction, which has allowed murderers and rapists to continue committing violent crimes while awaiting trial.
- The system's capacity has been exceeded, I believe by design, as some of the same elected officials who want everybody to run free pre-conviction are also not investing in the courtrooms, judges, prosecutors, and defense attorneys, creating a crushing caseload and backlogs. Thus, it's almost impossible to fulfill current legal and ethical obligations. For example, in Harris County, Texas, we have more than 1500 suspects charged with murder that have yet to be trialed, and a

significant number of them are running free to re-offend, commit additional murders, and commit additional aggravated assaults with bonds as low as \$100 and \$1000.

- All of us must treat every encounter between law enforcement and the community as an opportunity to connect or establish a positive impression.
- We cannot forget that the overwhelming majority of our police officers are good people and faithful public servants who put on their uniform every day, willing to make the ultimate sacrifice to the people they were sworn to protect and serve.

Recommendations:

- The Major Cities Chiefs Association supports putting in a risk-based system to determine pretrial release eligibility especially for violent offenders and repeat or chronic offenders. The assessment should be informed by a combination of the social scientists, mental health professionals, and criminal justice experts. At a minimum, it should take into account the crimes committed, the public safety threat posed the proclivity for reoffending, the risk of flight, and the accused individual's entire criminal history.
- We need to increase again our investments in the prosecutorial court system, specifically for more prosecutors, public defense attorneys, and courtrooms.
- It's imperative that we properly fund police departments to so we can invest in technology that increases transparency and accountability like body-worn cameras, recruit police officers who were serviceman professionals, and, most important, train our folks on an ongoing basis on explicit bias, cultural competency, de-escalation, and tactical training.

Police Panel Question-and-Answer Session, July 22, 2020

Q: [Frederick Frazier to Art Acevedo]: You've been probably the most prolific person in law enforcement as a chief that criticizes what's going on in the criminal justice system especially with the DAs and the prosecution that's going on in Harris County. How can you get more of your peers to do the same?

For example, a capital murder suspect I got last week, his bond was \$25,000. And so he was arrested again this morning, the second time in six months, now on a murder case. What do you say to those peers? How do we get them on board to start following your footprint of what you are doing, going after the DA, the prosecutors that are failing all of criminal justice right now?

A: [Acevedo]: Major Cities Chiefs is starting to do it a lot more. We are organizing more. One of the things I did in Harris County was I got together with all of our elected constables, sheriff's office, and police chiefs, and we had a press conference to put the heat on folks who, while emptying the jails because of misdemeanors, were about to release several thousand that included murderers, and we stopped it. But you've got to get people from a regional approach that can create some safety for the individual chiefs.

Our criminal justice system as it relates to police executives is a bad system. Police chiefs are afraid to lose their job, and we are seeing that they're dropping like flies, which is no fault of their own ever since the George Floyd death. LA has got the best model in the country: two five-year terms, and you're done. Unless we can find a better model where police chiefs feel some safety, you won't get as many taken out as you should.

Closing Remarks, July 22, 2020

Speaker: *Edwin Meese III, 75th Attorney General of the United States*

Highlights:

- Fifty-five years ago, President Lyndon Johnson launched the earlier Commission on Law Enforcement and the Administration of Justice. And in 1967, they rendered their report, which launched a number of innovations and new concepts in public safety and crime control.
- We've had the stories obviously each night now of widespread rioting, vandalism, and violence in some of our cities. And we have vicious campaigns taking place to defund, dismantle, and even disarm the police. Unfortunately, the leadership in support of these threats to public peace have come from some of the elements that we normally would expect to promote and protect our communities and civil society.
- I have been amazed at the anti-police animosity which is recently been contributed on so many campuses. They range from explicit denunciation of law enforcement agencies and police officers to a more subtle influencing of student attitudes towards the way in which the law is enforced.
- In the forthcoming fiscal year, law enforcement agencies in many ways have massive cuts in police budgets at a time where, if anything, police need more resources rather than less, particularly in the face of what they are having to view in terms of overtime and the like.
- We have a serious problem within many of our counties with district attorneys who have run for and financed by those who have a different agenda than the normal ideas of law and order under the Constitution. As a result, we have no support for police, and in many cases they will not even prosecute many crimes or prosecute them as a much lower level than the incident deserves.
- The idea of community engagement—all these things are extremely necessary. We need to raise, in our own thinking as citizens, the status of the police. The men and women who are in the patrol cars walking the beats or actually dealing with the citizens in all kinds of situations need our support, but also they need to be provided with training and support to further their careers and to help them do a good job for us citizens.
- Somehow we must increase the status of the individual police officer even at the lower ranks to that of a true professional—someone who is part of a body of disciplined people with specialized knowledge and skills, determined to work for the service of others. The professionalization of the police is one of the most important things that I hope will come out of your studies.