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Overview of the Marjory Stoneman Douglas High School Public Safety Report

Robert Gualtieri

Sheriff, Pinellas County, Florida



Bob Gualtieri began his law enforcement and public service career as a detention deputy working in the Pinellas County jail in 1982. After attending the police academy, he joined the Dunedin Police Department as a patrol officer and later rejoined the Pinellas County Sheriff's Office as a law enforcement deputy. Over the next 15 years Sheriff Gualtieri served in many different components of the agency, including several years conducting domestic and international drug trafficking investigations as part of a DEA task force.

Sheriff Gualtieri earned his bachelor's degree from Eckerd College in St. Petersburg and his law degree from Stetson University College of Law. After graduating from Stetson and being admitted to the Florida Bar, Sheriff Gualtieri entered private practice in Tampa, specializing in labor and employment defense. Sheriff Gualtieri is admitted to practice law in all Florida courts, before the United States Supreme Court, as well as the United States Court of Appeals for the Eleventh Circuit and the United States District Courts in the Northern, Middle, and Southern Districts of Florida.

Sheriff Gualtieri returned to the Pinellas County Sheriff's Office in 2006 as its general counsel and was appointed chief deputy (second in command) in 2008. Sheriff Gualtieri served in the dual role of general counsel and chief deputy until the governor appointed him sheriff in 2011. He was elected and re-elected sheriff in 2012 and 2016, respectively.

Sheriff Gualtieri is president of the Florida Sheriffs Association (FSA) and serves on the board of directors of the Major County Sheriffs of America (MCSA). He is also an Executive Fellow for the National Police Foundation, a member of the National Sheriff's Association (NSA), International Association of Chiefs of Police, and the Police Executive Research Forum.

On a national level, Sheriff Gualtieri has represented NSA and MCSA while working with U.S. Immigration and Customs Enforcement (ICE) to develop a lawful process that prevents the release of criminal illegal aliens back into the community from our jails.

Sheriff Gualtieri's leadership and management experience policing his community and serving national law enforcement organizations make him a worthy member of the Commission.

Shooting at Marjory Stoneman Douglas High School



Sheriff Bob Gualtieri, Pinellas County, FL

Chairman - MSD Public Safety Commission



February 11, 2018



**3 days prior to
the shooting**

February 14, 2018

- Cruz shot 17 people and killed 17 others—total of 34 (14 students and 3 staff) (136 rounds fired)
- Cruz was in Building 12 a total of 6 minutes and 4 seconds
- Cruz shot/killed 23 on the first floor within 1 minute and 44 seconds
- Cruz shot Coach Feis as he tried to enter the building – 3 seconds
- Nobody shot on second floor—41 seconds
- Cruz shot/killed 10 on the third floor in 1 minute and 5 seconds
- Spent 2 minutes on third floor trying to set up sniper position

Background: K-12 Active Assailant Incidents

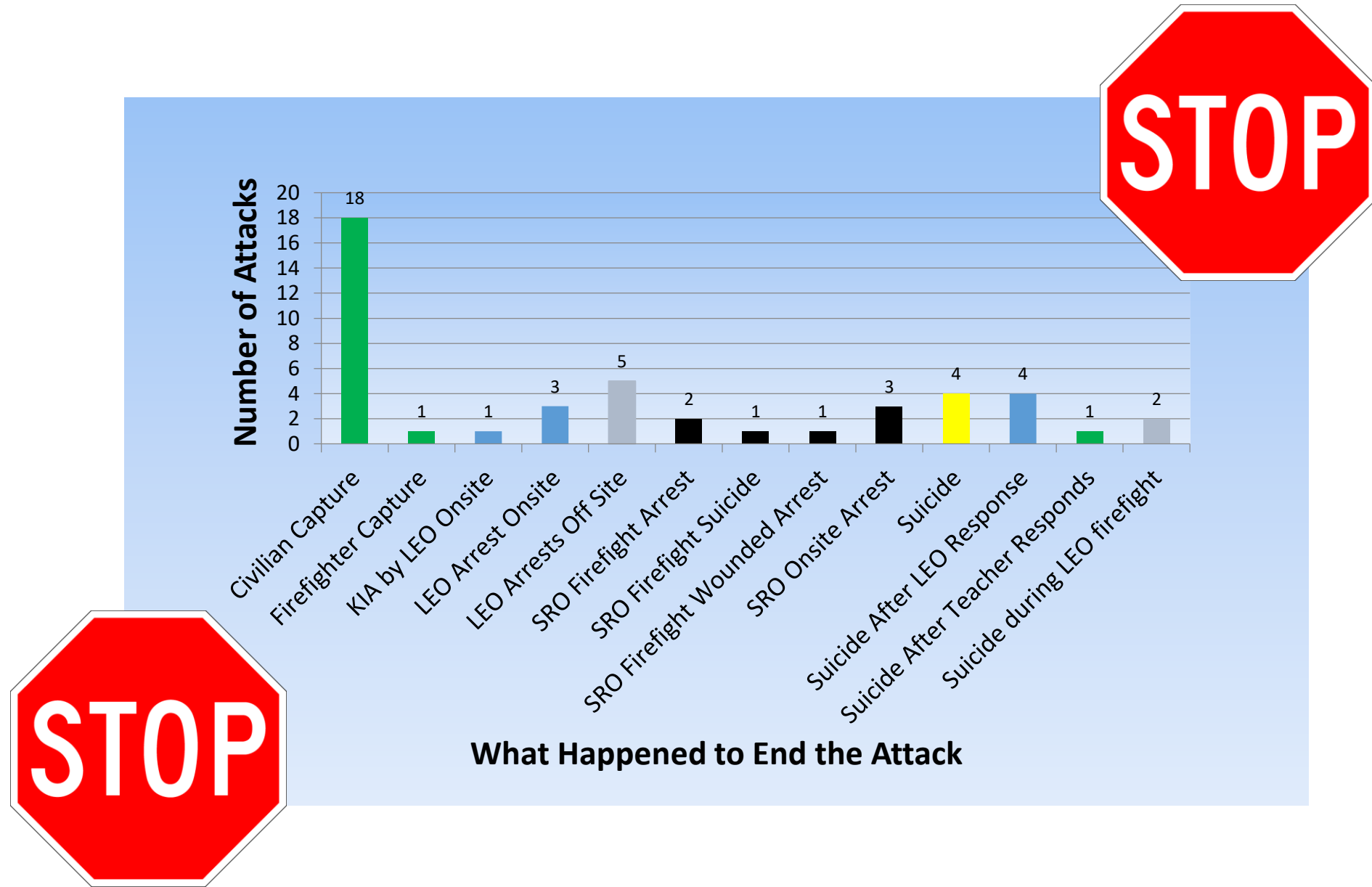


K-12 Targeted Attacks 1998 - 2018

- No profile of the next attacker
- 46 attacks in the last 20 years
- Details of prior attacks help inform best practices to prevent/mitigate harm
- 43 of the 46 were “insiders” (current/former students)
- Ages ranged from 11 to 56; 34 attackers were 14 – 19 years old
- Most involved handguns
- Most attacks ended in under 4 minutes
- School personnel, not LEO, were most frequently responsible for stopping attacks.

WHO ARE THE FIRST RESPONDERS ?

School Personnel Stopped the Attack in 33% of the Events



Background: Nikolas Cruz



K-12 Targeted Attacks 1998 - 2018

- The USSS has coined the term “leakage” and it refers to information leaking out about the shooter and his plan, or suspected plan to engage in the violent act.
- USSS: In 81% of the prior K-12 attacks, someone had prior knowledge of the attacker’s plan. Friends/classmates more commonly than family.
- The key is getting people to report what they know, and then not having system failures so that when information is reported it is acted on.

Nikolas Cruz

History with local law enforcement

- 21 contacts with Broward SO, mostly minor needing no follow-up
- Two “warnings” to BSO which were not properly handled; deputies were disciplined following the shooting:
 - February 05, 2016: Family friend reported Instagram post by Cruz with a gun stating “I am going to get this gun when I turn 18 and shoot up the school.”
 - November 30, 2017: Family friend reported Cruz as “Columbine in the making” and a threat to himself.

Nikolas Cruz

History with FBI

- September 25, 2017:
 - Post on YouTube page of person in Mississippi, “I’m going to be the next school shooter.” Username: “nikolas cruz”
 - Complainant was interviewed; tip closed citing lack of information to ID subject.
- January 05, 2018:
 - Family friend reported detailed information on Cruz, history of disturbing behavior, and contact information for the family with whom Cruz was living in Parkland.
 - Tip was closed as having no value.

Nikolas Cruz

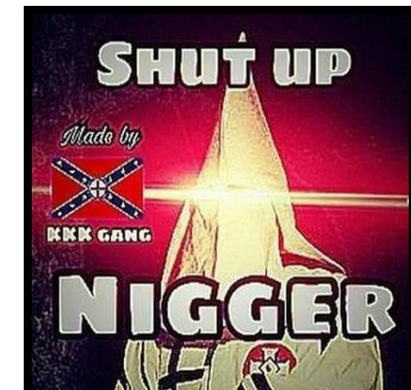
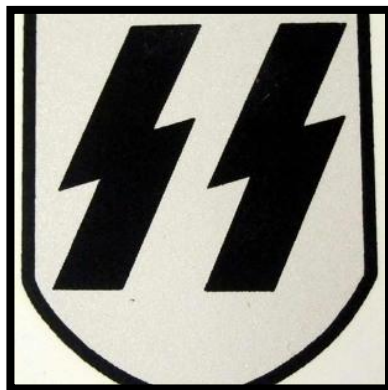
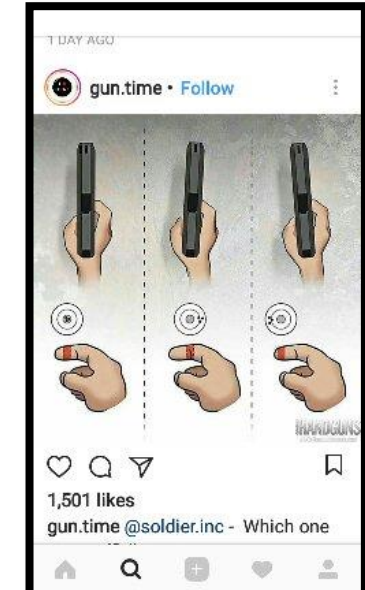
Internet history and cell phone content

- Researched prior school shootings
 - Obsessive activity related to guns
 - *Homicidal Thoughts and Urges* article
 - Dead/tortured animals
 - Pornography
 - MSDHS schedule
- “How long does it take a cop to show up at a school shooting”
 - “shooting people massacre”
 - “is killing people easy”
 - “rape caught on video”
 - “basketball court full of targets still thinking of ways to kill people”
 - “I want to kill people but I don't know how I can do it. Walk to a park, get someone to pick me up I just don't know anymore but it will happen soon”



Nikolas Cruz

Internet history and cell phone content

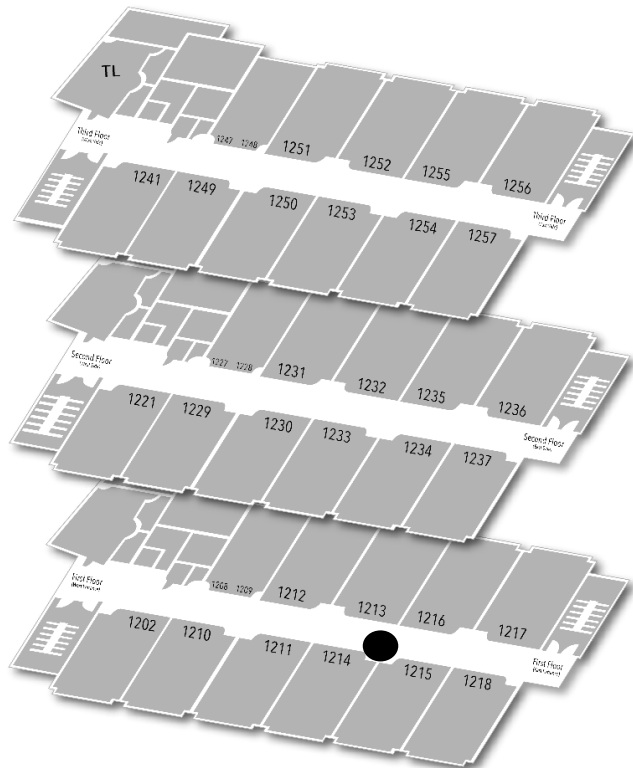


Nikolas Cruz

Persons with prior knowledge

- At least 30 people had knowledge of Cruz's troubling behavior but it was not reported:
 - Animal Cruelty/Killing: 7
 - Knife/bullet/firearm seen in Cruz's possession: 19
 - Statements of hatred toward a group or person: 8
 - Statements of desire to hurt or kill people: 11
 - Specific statement to shoot up a school: 3
- 2 students reported Cruz to MSD administration; they failed to act

**Cell phone video
recorded as Cruz
was shooting on
the first floor**



2:43:00
(+21 m 22s)



Room 1213

Shooting at Marjory Stoneman Douglas High School



Sheriff Bob Gualtieri, Pinellas County, FL

Chairman - MSD Public Safety Commission

U.S. DEPARTMENT OF JUSTICE

President's Commission on Law Enforcement and the Administration of Justice

State and Local Prosecutors Panel

Barry Dunn

Deputy Attorney General, Kentucky



Barry Dunn was appointed as Deputy Attorney General in December 2019. Previously, he served as General Counsel of the Kentucky Public Protection Cabinet. In that capacity, Dunn was the state's chief lawyer on the regulation of financial institutions, insurance, horse racing, alcoholic beverages, construction, professional licensing, and charitable gaming. Most recently, he formed a law firm focused on litigation, government regulatory issues, and small businesses. Dunn attended law school at the University of Louisville, where he was named outstanding graduate, served on law review, and was president of the moot court board. He joined Stoll Keenon Ogden after law school, where he was a member of the litigation, appellate, and utility regulation practice groups. Dunn grew up in Adair County in south-central Kentucky, where he served as a firefighter while attending college and later taught middle school.



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**Written Testimony Before the President's Commission on Law Enforcement and
the Administration of Justice**

Daniel J. Cameron, Attorney General
Commonwealth of Kentucky

Thank you for the opportunity to submit written testimony before the President's Commission on Law Enforcement and the Administration of Justice regarding my perspective on Respect for Law Enforcement and the Rule of Law.

I'd like to thank President Trump for his commitment to enhancing public safety in ordering the formation of this historic Commission on Law Enforcement and the Administration of Justice, the first commission on law enforcement in half a century.

I'd also like to thank Attorney General Barr for his leadership and dedication to improving the administration of justice. And, thank you to each of the distinguished Commissioners for your devotion to preventing and reducing crime, upholding the rule of law, and assisting victims of crime.

The principle of the rule of law dates back to ancient times, when Babylonians in the 1700s B.C. documented their system of laws, known as Hammurabi's Code. Even in this ancient age, the idea that laws govern us was central to society. Fast forward to the 1700s when one of our own founding fathers, John Adams, noted that "we are a nation of laws and not of men."

This profound quote is the perfect summation of the rule of law. To form our society, we have chosen to give up a limited amount of freedom to order ourselves. As a nation of laws and not of people, we have chosen to pass, to abide by, and to enforce laws that govern our everyday life.

Many aspects of America's version of the rule of law make it unique, including the role of the judiciary. Early in our nation's history, it was by no means a forgone conclusion that the courts would have a role in interpreting what the law would say. In the famous case of *Marybury v. Madison*, Justice Marshall stated that "it is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each." The establishment of judicial review has been and continues to be essential to upholding the rule of law in our society.

As Attorney General for the Commonwealth of Kentucky, it is part of my job to employ judicial review by calling upon the courts when the law is in question or unclear. It is also my job, as the Chief Law Enforcement Officer for Kentucky, to ensure our laws are enforced. Our society governs itself through criminal law, and law enforcement stands on the frontline of enforcing these laws.

Our society cannot function if the law is not enforced, and it will suffer if we lose respect for the men and women in uniform who are responsible for enforcement in every community across this country. We, as a nation, have chosen to be governed, and law enforcement are part of that process.

There are times where we, as a society, must question the law. Our nation was established in such a way that gives us a voice in the making of our laws and allows us to express our opinions and concerns throughout the legislative process. We can also work to

change the laws that govern our land, but we should not abandon our system and the men in women in uniform who hold it together.

We have liberty in this country, but it must be ordered liberty. Our laws ensure that the scales of justice are balanced, and law enforcement prevents that same scale from tipping toward anarchy.

As Kentucky's first African-American Attorney General, it has been my mission to set an example when it comes to the law and how it is applied—equal justice under the law. For everyone. Period. As a steward of the public trust, I, and those represented on this Commission, share an obligation to be a convening authority as we work together to further respect for law enforcement and the rule of law.

It is my belief that respect can be earned and kept when understanding and honesty are part of the conversation. There is no doubt that there are challenges that exist between law enforcement and African-American and minority communities, but I am confident that mutual respect is possible and propose the following recommendations to further such respect:

First, I would suggest that we continue to promote community policing across the nation. Community policing promotes collaboration between law enforcement officers and communities to identify and solve problems. Community policing research conducted by the National Police Foundation suggests that cities utilizing community-policing models saw an improvement in resident perceptions of safety, crime, and law enforcement effectiveness. More information regarding these studies is available at www.policefoundation.org.

While a variety of community-policing models exist, each encourages positive, non-enforcement contact between police officers and the public, builds the public trust, and enhances the legitimacy of law enforcement. Successful community policing involves

developing community partnerships and engaging in problem solving. While many law enforcement officers utilize community-policing models, agencies should encourage and provide new opportunities for them to engage with communities outside of traditional law-enforcement practices. Some examples include:

- **Creating Citizens' Academies** – Law enforcement agencies should consider inviting the public to participate in citizen's academies that teach and train civilians on the duties of law enforcement officers and the day-to-day challenges they face.
- **Developing School Partnerships** – Law enforcement officers should engage with students by sharing about life experiences, career opportunities in law enforcement, and law literacy. This information should be provided by someone other than a school resource officer and should be separate from any anti-drug and anti-crime campaigns.
- **Facilitating Community Forums** – Agencies should hold regularly scheduled meetings to hear concerns and address questions from the public. These forums facilitate constant dialog between law enforcement officers and the community and provide a productive venue for citizens to voice their opinions.
- **Engaging in Government Activities** – Agencies should stay informed and engaged in state and local government activities. Participating in government endeavors broadens an agency's perspective on all community matters, not just those relating to law enforcement.
- **Participating in Community Service** – Agencies should encourage and provide opportunities for law enforcement officers to volunteer in the community.

Second, I recommend improving recruitment and retention of African-American and minority law enforcement officers. Citizens are more likely to trust and to engage with individuals who share a similar ethnic, cultural, or social background. In order to build trust within these communities, we must do more to recruit and retain Africa-American and minority law enforcement officers. Moreover, agencies should encourage and provide educational opportunities for law enforcement officers to gain additional skills and certifications that lead to career advancement.

Last, I propose developing and implementing model law-enforcement policies. To ensure equality under the law, the federal government should work with state and local governments, as well as interested stakeholders, to develop model-policing policies for an agency's consideration. These policies will ensure agencies utilize best practices and will provide clear guidance for law enforcement officers and members of the community. I would recommend establishing a model physical-restraint policy and a model duty-to-intervene policy.

Today, as Americans, we face many obstacles in our efforts to preserve the rule of law and maintain respect for law enforcement. But these are obstacles that must be overcome. I am confident that as we work together, we can deepen understanding and build trust that leads to long-term respect.

Thank you.

Leslie Rutledge

Attorney General, Arkansas



Leslie Carol Rutledge is the 56th Attorney General of Arkansas. Elected on November 4, 2014, and sworn in on January 13, 2015, she is the first woman and first Republican in Arkansas history to be elected as Attorney General. She was resoundingly re-elected on November 6, 2018.

Since taking office, she has significantly increased the number of arrests and convictions against online predators who exploit children and con artists who steal taxpayer money through Social Security Disability and Medicaid fraud. Further, she has held Rutledge Roundtable meetings and Mobile Office hours in every county of the State each year, and launched a Military and Veterans Initiative. She has led efforts to roll back government regulations that hurt job creators, fight the opioid epidemic, teach internet safety, combat domestic violence and make the office the top law firm for Arkansans.

Rutledge serves as co-chairs of the National Association of Attorneys General Veterans Affairs Committee, re-established and co-chairs the National Association of Attorneys General Committee on Agriculture and was the former Chairwoman of the National Association of Attorneys General Southern Region. As the former Chairwoman of the Republican Attorneys General Association, she remains active on the Executive Board.

A native of Batesville, she is a graduate of the University of Arkansas at Fayetteville and the University of Arkansas at Little Rock William H. Bowen School of Law. Rutledge clerked for the Arkansas Court of Appeals, was Deputy Counsel for former Governor Mike Huckabee, served as a Deputy Prosecuting Attorney in Lonoke County and was an Attorney at the Department of Human Services before serving as Counsel at the Republican National Committee. Rutledge and her husband, Boyce, have one daughter. The family has a home in Pulaski County and a farm in Crittenden County.



ATTORNEY GENERAL LESLIE RUTLEDGE

**Leslie Rutledge, Arkansas Attorney General
Testimony Before President's Commission on Law
Enforcement and Administration of Justice
Panel on Rule of Law and Respect For Law Enforcement
July 22, 2020**

Thank you Commissioners for the opportunity to provide testimony on the critical topics of the Rule of Law and respect for our law enforcement communities.

As the Chief Legal Officer of the state of Arkansas, I represent more than three (3) million Arkansans and nearly 10,000 certified law enforcement officers, who put their lives on the line to protect and serve our communities every day. In June, sixteen of my fellow state attorneys general and I wrote to President Trump, Attorney General Barr, and Congressional Leadership stressing the urgency and importance of maintaining the rule of law, and to encourage our federal leaders and partners to resist the temptation to capitulate to the “defund the police movement.”¹ While we are a people always ready and willing to exercise our First Amendment freedoms, we must not do so at the expense of the rule of law or succumb to pressure from the blatant attempt to demonize one of the most respected positions of public service in this nation. I applaud this administration and President Trump’s leadership to unify our country, without compromising those principles that serve as the foundation of our legal system.

As a defender of the Constitution and an advocate for federalism, I firmly believe that every state should be given the opportunity to incubate programs that work best for their own locale. Policies that might work in states with large metropolitan cities are usually not transferable to mostly rural states, like Arkansas. One of the fundamental principles of the rule of law is that all persons must be treated equally in the justice system. To paraphrase Samuel Adams, *from the farmer to the favorite, there shall be one rule of Justice for all*. While police brutality cannot and should not be tolerated, the illegal actions of a very few cannot be the catalyst that is used to dictate and disrupt the safety, lives and stability of Americans. Any effort to “defund” our policing agencies across the country will likely have a lasting impact on the progress that has been made to lower crime rates. Instead of knee-jerk policy reactions to impassioned concerns, we should explore meaningful and sensible solutions to prevent future tragedies and to improve the relationships with law enforcement and the communities they serve. For the leadership of our country to be able to offer assistance, leaders must first understand the problems their state and local partners face.

¹ Georgia Department of Law letter to President Trump, Attorney General Barr, Speaker Pelosi, Leaders McConnell, McCarthy, and Schumer; addressing the need to maintain the rule of law, and reject the defund the police movement signed by seventeen state attorneys general. (06/24/2020)

Recommendation: Law enforcement agencies must work to create stronger community partnerships.

I have the honor of annually visiting with law enforcement officers in all of Arkansas's seventy-five counties multiple times throughout the year. One of the most common themes these officers tell me is that "I was called to protect and serve and I want to go home to my family safely at the end of each shift." These are the same sentiments that can be understood and are shared by all Americans. Police officers are individuals and should be treated as such. They should be judged by their actions not because of the profession they have chosen. Respect for police officers and the rule of law begins at home and is taught by example. We ask the men and women in blue to address some of the most horrific and heinous crimes that the common citizen cannot fathom. Our officers are typically the first on the scene for domestic violence disputes, car accidents, child and elder abuse disturbances, and increasingly drug overdose and drug related offenses. To strengthen the trust in this most noble profession, there must be a public and private partnership. We cannot expect parents to teach their children the importance of respecting those in authority, while elected leaders are demonizing their law enforcement agencies to gain political favor in times of crisis. We must implore methods of reconciliation to help restore the faith of the community that those officers responding to situations are there to help them, not hurt them. Similarly, our community leaders must sit down with local law enforcement to further develop that relationship. The safety of our citizens and our officers does not have to be diametrically opposed.

Recommendation: Provide easier accessibility and increased funding for law enforcement training.

The notion that defunding the police will somehow solve the problems we are faced with today is simply a fallacious theory to a much more complex problem our first responders face on a daily basis. Police and sheriffs' departments in both rural and urban settings are operating on underfunded budgets. Arkansas is largely a rural state and some of our law enforcement agencies operate with a staff of ten persons or fewer. At the same time, these officers are expected to police a territory of over 500 square miles with extremely limited resources. The officers who serve these communities are usually overworked and underpaid, resulting in high turnover rates. Arkansas law requires that all active officers receive twenty-four hours of continuing education per year. In comparison, licensed attorneys are required to obtain twelve hours of continuing education. In their efforts to meet these minimum requirements, our police chiefs and sheriffs must make sure they are setting aside valuable resources to pay for the training, lodging, and travel costs to send their officers to education centers, while trying to balance manpower concerns against training. While I offer free training twice a year, in various geographic locations, I believe training - even free training - would be one of the first things that would be cut from budgets of our law enforcement agencies should this movement of defunding be adopted. Without adequate funding, our law enforcement agencies would not be able to participate in continuing education and training, which is desperately needed in the ever-changing world of policing.

Recommendation: Increase law enforcement training and resources for crisis intervention.

Consistent with President Trump's Executive Order on June 16, 2020, our policing agencies need more adequate training to address two of the most significant crises our nation has had to deal with in the last twenty years...the opioid crisis and mental health crisis intervention. Unfortunately, these two issues overlap more often than not. In recent history, our country has seen an explosion in opioid misuse and abuse. Arkansas has been hit particularly hard by this crisis. There are approximately sixty-two opioid pills for every man, woman and child in Arkansas; a statewide population that is smaller than that of the city of Los Angeles alone. The disproportionate impact of the opioid abuse epidemic has spilled over to illicit drug use in our state and has further strained our rural law enforcement agencies, which are already underfunded and understaffed. These officers need the valuable training on opioid misuse and addiction to properly identify those citizens that might qualify for diversionary sentencing, a program that has a proven track record in our state. Arkansas has the good fortune of having forty-nine drug court programs throughout the state. This program is a voluntary option for non-violent offenders, and upon completion of the program can lead to all criminal charges against the defendant being dismissed. This is an approach that is intended to alleviate the growing burden on our jails and prisons. The average cost per day to participate in a drug court program is merely a fraction, approximately one-tenth, of what it would cost per day to house the same offender in a correctional facility. Similarly, these agencies need more adequate training and options for citizens battling with mental health disorders. Too often, our law enforcement officers are left with no option but to incarcerate individuals suffering from a mental health crisis. I hear input from the officers of my state who admit that this is not the correct approach for persons suffering a mental health breakdown; however, these officers are not aware of the resources that are available and they do not have the proper training to de-escalate the immediate danger to the individual or their community. Our governor has created Crisis Stabilization Units in four strategic locations throughout our state. Arkansas has also created two jurisdictions with Mental Health courts in counties in which there are also Crisis Stabilization Units. These Mental Health Courts are modeled after the successful Drug Court diversion programs in our state and offer voluntary sentencing alternatives for individuals who commit offenses and suffer from mental illness. While this has had a positive impact on decreasing the number of incarcerations and convictions of individuals with mental health conditions, this is still in the pilot project phase and continued funding is always a primary concern. The programmatic structure will vary state by state, these diversionary sentencing options can be universally applied to police departments across the nation to alleviate overcrowding prison populations and give citizens suffering from drug addiction and mental health illnesses an opportunity to rehabilitate and once again become productive members of society.

Finally, we must address the ability for law enforcement agencies to police their own and feel confident that when a bad officer is terminated, they will not be able to forum shop for another law enforcement job in another agency. Law enforcement supervisors should be able to discipline officers for bad conduct and terminate when they see fit. Officers who report misconduct should be able to do so without fear of retribution and that their complaints of unfitness for duty will be taken seriously. I am proud to say that Arkansas has a robust decertification and reporting process for unethical law enforcement behavior. We have created by statute, a reporting process to eliminate bad officers, while preserving the due process rights for those officers who have been wrongfully accused of ethical and professional violations. Officers found to have violated the

ethical and professional rules of conduct are then reported to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). As the President declared in his Executive Order, this must become a more standardized practice across all policing agencies in order to restore faith and trust in our justice system, while also maintaining safety and the rule of law.

As Arkansas's Chief Law Enforcement Officer, I speak with authority and with grave concern regarding the "defund the police" movement and the growing lack of respect for our nation's peacekeepers. I hope that while this heated debate continues, more people will be made aware of the difficulties and lack of funding police officers already must endure every day. Politicizing policing is a dangerous practice that could have negative and irreversible effects on many communities and individuals. I believe this is an opportunity for civil discourse not civil disobedience and a time for us to find common ground so we can all begin to work together. While there are some who should never have had the honor of wearing the badge, the majority of our law enforcement officers are deeply patriotic model citizens who serve their communities bravely, selflessly, and honorably every day.

Eric Olsen

Commonwealth's Attorney for Stafford County, VA



Eric Olsen is the Elected Commonwealth's Attorney for Stafford County Virginia, a suburban community 40 miles south of Washington D.C.

Mr. Olsen has been a prosecutor for more than thirty (30) years, beginning his prosecution career in 1989 as an assistant commonwealth's attorney in Stafford Virginia. In 2011 he was elected Commonwealth's Attorney. He is presently serving his third term in office as the local prosecutor, with a staff of twelve prosecutors.

Mr. Olsen has served as president of the Virginia Association of Commonwealth's Attorney and is on the Board of Directors of the National District Attorneys Association having served as past vice president of that organization.

Mr. Olsen has been active in prosecutor training throughout his career, and has established an expertise in the field of juvenile justice, domestic violence, sexual assault and child abuse. He is a member of the Juvenile Prosecutor leadership Network and in 2017 testified before the Senate Judiciary Committee on the sexual abuse scandal in USA Gymnastics.



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July 22, 2020

Eric L. Olsen
Commonwealth's Attorney

Testimony Before the Commission on Law Enforcement and Administration of Justice

Prepared by Eric L. Olsen
Stafford County Virginia Commonwealth's Attorney

Introduction

I have long held the belief that the primary role of local government is the safety of the individuals and families living in the community in which they govern. People expect that they will be safe in their homes, and that their children will be safe at schools. People expect to be safe when they travel on the roadways and when they shop and visit and recreate in their community.

This expectation is part of the social contract between citizens and their government. We pay the taxes which provide the resources to meet these expectations, and the government enacts the laws and the rules to provide for our safety and security.

A fundamental component to this social contract is the rule of law. What I mean is that when the government enacts a law or rule or regulation, it is done with the expectation that the law will be followed and that if, for whatever reason, the law is not followed, the government will provide enforcement.

The Rule of Law is a controlling principle of everyday life in this country. For example, taking something that most Americans take for granted - driving a car - adherence to the rule of law enables millions of us to drive the highways safely every day. Traffic laws have been enacted by federal, state and local government. Everyone is expected to know those laws and follow them. Every driver knows that the traffic laws will be either followed or enforced. They know that cars and trucks have passed a safety inspection, that the individuals driving on the highways have driver's licenses and have insurance, and that commercial truck drivers have gotten proper training.

Of course, the rule of law is not limited to the act of driving safely. Every freedom that we enjoy as Americans finds its roots in the rule of law.

Law Enforcement

The primary means of assuring adherence to the rule of law is through law enforcement.

In this country we are not governed by a National Police Force. We are a country of 50 different states, each of which provides authority to their counties and cities to enact and enforce laws and regulations which impact the daily lives of the citizens of those communities. Those cities and counties form the local governments which fund, and train and hire the police officers who enforce the laws and who are charged with the responsibility to keep us safe.

It should be no surprise that there is a disparity among counties, and cities, and even states in the resources provided to fund and train and hire those officers. To the extent that this disparity contributes to the erosion of confidence in local law enforcement, the rule of law is eroded. This where the federal government can have an impact.

Through funding, and block grants, and best practices and national standards, the federal government can impact the quality of law enforcement delivered at the local level in the counties and cities across this vast country.

Rural and Suburban Jurisdictions and the School Resource Officer

Any understanding of the United States, our system of government, our history and its people will lead to the conclusion that there are very few “one size fits all” categories applicable to all Americans. This being the case, all of us must be mindful of the pitfalls that occur when the large cities and the large population centers of the country attempt to impose a view of law enforcement that does not exist in the less populous parts of the state and the country. A case in point is the School Resource Officer - the police officer assigned to a school for the safety and security of the students.

There is a movement among certain juvenile justice advocates to eliminate the School Resource Officer from the schools. Critics claim that the presence of police in the schools creates a “school to prison pipeline” funneling juveniles into the justice system that would not otherwise land there. This movement and these critics have taken hold and have succeeded in convincing several large cities to stop funding school resource officers. They advocate for eliminating the presence of law enforcement officers in *all public schools*.

Herein lies the danger of imposing one view of law enforcement from one segment of the country across the entire United States, particularly among jurisdictions whose citizens do not share that view.

All parents want their children to be safe at school. Parents can control the environment at home, but once their child arrives at school, they lose control, and must rely on the system to keep their child safe. This lack of control is universal, and all parents who nurture their children are mindful of it.

In communities all across this country, particularly in rural and suburban areas, parents believe that the presence of a trained law enforcement officer assigned to the public school is an absolute necessity in this age of gun violence and mass shootings. Additionally, many of those parents rely on the School Resource Officer as a day-to-day safety net against all of the dangers that lie outside of the safety of the home environment.

What happens when the minority view - that police officers in school are the problem, not the solution - is imposed on the communities who reject this view? The immediate consequence will be the simple fact that their children will be less safe - something that will be confirmed with the next mass school shooting. Unfortunately it will not end there. Those parents who have the means to do so will remove their children from public schools. Consequently, by imposing a minority view of law enforcement where it is not accepted, the advocates of that view contribute to the widening of the socio-economic gulf that divides the country.

Respect for Law Enforcement

While the School Resource Officer is a single example of the danger of imposing a one size fits all approach to law enforcement, it is also an example of the way that we can address the larger problem existing in many segments of the country - a lack of respect for law enforcement.

In my experience, the existence of a well trained and committed School Resource Officer (SRO) in a public school is the best means to engender respect for law enforcement. Across racial and socio economic lines the daily interaction that occurs between a good SRO and the students he/she serves exposes impressionable children and young adults to the very best of law enforcement. It is one thing to develop an impression or opinion from the TV or the internet, it is quite another to develop that impression through daily interaction.

The key to success in this area, as with so many others, is the training and financial resources and accreditation and National Standards that are adopted to assure that the individual law enforcement officer placed in that school is the one who should be there.

As someone who has trained my fellow prosecutors for over 20 years, I say with confidence that at the root of any systematic problem in government you will find a lack of training and lack of resources. It is easy to understand that a good SRO will create a positive impression among all of the students with whom he/she interacts while equally easy to see that a bad SRO does nothing to engender respect for law enforcement.

Solutions

Leadership at the federal level and at the state level can impact how citizens view the rule of law and how they view the police officers who are hired to keep us safe. Developing National Standards, providing Financial Resources and promoting Training and Best Practices are all within the power of the government.

The exercise of that power will be most impactful at the local level - the place where 95% of all law enforcement occurs.

Jonathan W. Blodgett

District Attorney, Essex County, MA



Since he was elected in 2002, District Attorney Blodgett has been a leader in confronting a range of issues including the opioid epidemic, domestic violence, human trafficking, auto insurance fraud, animal cruelty and gun violence, both through prosecution, diversion, and partnerships with schools, police, and community leaders.

District Attorney Blodgett has an innovative and effective approach to fighting crime. In 2007, he instituted an adult drug diversion program, which offers drug treatment to non-violent offenders. The program is now open to people of all ages. He also expanded juvenile and youthful diversion programs throughout the county. He initiated a special Gun Court session in Lynn District Court that has eliminated the backlog in gun cases in Lynn. He partnered with the Insurance Fraud Bureau of Massachusetts and local police to prosecute auto insurance fraud which has not only saved rate payers millions of dollars but has made the streets safer. His Office has also expanded the use of High-Risk Assessment Teams to better protect victims of domestic violence and hold batterers accountable.

He is the Chairman of the Board of the National District Attorneys Association and the Addiction Policy Forum. He was the first prosecutor in the country to serve on the executive committee of the National Association of Drug Court Professionals. He has served as president of the National District Attorneys Association and the Massachusetts District Attorneys Association. He has served on the Board of the Massachusetts Office of Victim Assistance since 2005. He also serves as the DA's liaison to the state Adult Drug Court Advisory Committee.

He has been recognized by the Animal Rights Defense League, the Association of Certified Fraud Examiners, the Massachusetts Anti-Defamation League, the Massachusetts Association for the Prevention of Cruelty to Animals, the Addiction Policy Forum, Healing Abuse and Working for Change, and has received honorary degrees from Endicott College and Salem State University.

He is a graduate of Peabody High School, Princeton University and Suffolk Law School. He lives in Peabody with his wife, Judy. They have three children and four grandchildren.

The Modern Prosecutor – Essex District Attorney Jonathan Blodgett

Protecting the safety of the people is a fundamental role of government. It is a collective responsibility borne by all branches of the government. District Attorneys are but one player in the system. As ministers of justice, DAs seek the truth and, therefore, justice.

The commonly understood role of the District Attorney of only prosecuting crime is a thing of the past. Many district attorneys, including myself, have gone well beyond their traditional role to offer diversion and crime prevention programs as well as to develop meaningful community partnerships that not only preserve the public's safety but provide people with the services and support to live their lives in safety.

For example, in 2007, my office developed the Essex Drug Diversion program, modeled after our long-standing Juvenile and Youthful Diversion programs. This program offers non-violent offenders with substance use disorders treatment in lieu of formal prosecution. Often, the individual is offered the program pre-complaint, which means they never enter the courtroom. In doing so, the program seeks to reduce drug abuse and improve public safety by addressing the underlying issue of the criminal act and still hold the offender accountable. Initially, this program was offered in just two district courts to a limited age group. Over time, as we learned more, the program evolved and expanded to every district court and all ages. Through this program, over 1000 people have accessed comprehensive treatment that is a minimum of six months and provides after-care, recovery coaching and peer support. All case management, treatment plans and oversight is conducted by Bridgewell, a health care and drug treatment provider. When they deem that a participant has successfully completed the program, we move to dismiss the complaint.

Expanding on our efforts to reduce drug abuse and crime in general, the Office has offered numerous trainings to schools, police and other youth-serving agencies on childhood trauma. Young people who are subjected to trauma are more likely to abuse drugs and engage in criminal activity. Undiagnosed trauma is often mistaken for behavioral disorders, compounding the problem. One particular group has captured my attention: children whose parents suffer from the disease of addiction. We know that exposure to parental substance use disorders can cause childhood trauma which can result in behavioral issues that interfere with learning and can contribute to delinquency.

For this reason, my office developed an after-school program that takes place at one of our community middle schools. The program is specifically designed for children who have one or more parents suffering from a substance use disorder. Working with the school system, the local Police Department and Bridgewell, the program was rolled out in January 2016. Since then,

more than 300 middle school students have participated in this program which is designed to develop leadership skills and avoid self-destructive behaviors. Each session offers homework help, a snack and dinner, recreation, and structured lessons from the curriculum, designed by Addiction Policy Forum (a nationally-renowned substance use disorder leader). The program is staffed by teachers, guidance counselors, police officers and a clinician from Bridgewell. Funding has been obtained to offer a brief summer program, in addition to field trips, and most recently, a comfort dog.

Since the program was instituted, anecdotal evidence suggests that participants are less likely to be involved in behavioral problems during school hours and have improved school attendance. What cannot be measured, but is evident at the graduation celebrations, is the positive change in demeanor in the students. They appear happier and more confident as compared to the beginning of the year. Expansion of this program to more schools and communities would require more resources but would be money well spent.

These are but two examples of the innovative work being done to promote healthy collaboration and communities. However, the programs just described often receive little to no notice in the mainstream media, which is frustrating - not because I want the attention, but because it would help the public understand the broader efforts my office is engaged in to reduce crime by helping people address the underlying causes. It's nearly impossible to change the conversation when the narrative fails to acknowledge any progress or positive change.

Regarding the recent calls for criminal justice reform, many changes have been proposed; however, there has been little to no mention of the crime victim. The crime victim is the only one in the courtroom who didn't ask to be there, who has suffered an incalculable loss that cannot be restored. Most importantly, the only voice for the victim, in every courtroom in this country, is that of the prosecutor. The current debate has often made the defendant the victim and has rendered the victim invisible. Their voices must be heard and respected.

The majority of people serving a sentence in Massachusetts prisons are doing so for murder, rape, child rape, armed assault or robbery, according to a comprehensive study conducted in 2014 and 2016 by the Massachusetts District Attorneys Association. Many have lengthy criminal records, which means they have been given numerous chances to comport themselves to the law and they have failed to do so. In some cases, they refuse to modify their behavior and have become hard core recidivists.

Those calling for reform often claim that our prisons are filled with "non-violent drug offenders." Drug traffickers are not "non-violent." Let's be clear, persons suffering from the disease of addiction, arrested for possessory offenses, are not clogging our prisons. They are, more often

than not, offered multiple opportunities for drug treatment, through drug courts, diversion programs and community based assistance. The drug trafficker, on the other hand, is selling a product that currently kills 185 people a day. They often use violence to protect their business and prey on other drug traffickers. In no way should these people be considered “non-violent.” Ask any parent whose child has died of a drug overdose if they think their death was “non-violent.”

In the final analysis, the criminal justice system continually evolves to meet the needs of the people it serves. In the time I have been in office, we have instituted and rapidly expanded drug courts, drug diversion, veteran’s courts, etc. We do not operate in a vacuum; we work closely with educators and community leaders as well as law enforcement officers. Our collective efforts strive toward a more just and fairer treatment of the defendant in an effort to reduce recidivism.

With more resources, America’s prosecutors could expand efforts to address the root causes of crime, such as drug addiction, mental health disorders and trauma. It is one way to stop the revolving door of court involvement while still preserving public safety. I believe in compassion with accountability. That is the mindset I bring every day I have the privilege to serve my constituents as their district attorney.

U.S. DEPARTMENT OF JUSTICE

President's Commission on Law Enforcement and the Administration of Justice

Police Panel

Henry P. Stawinski III

Chief (retired), Prince George's County, MD



Henry P. Stawinski III, known as Hank, was selected by then County Executive, Rushern L. Baker III, on January 1, 2016 to become the 17th Chief of Prince George's County Police Department and was unanimously confirmed by the Prince George's County Council on February 16, 2016. The currently-serving County Executive, Angela Alsobrooks, chose to retain Chief Stawinski at the beginning of her administration in 2018. In June 2020, Chief Stawinski retired after 26 years of dedicated service to the citizens of Prince George's County.

Chief Stawinski began his law enforcement career in 1992 with the Prince George's County Police Department which serves 486 square miles and nearly one million residents along the eastern border of Washington, D.C. Prior to his appointment as Chief; he was responsible for the Bureau of Patrol to which approximately 1100 of the Department's 1700 sworn members are assigned. Within the Bureau of Patrol are the eight district stations, the Special Operations Division which includes Aviation, Canine, Collision Analysis and Reconstruction, three Emergency Services Teams, and the Marine Unit.

His three prior assignments include founding and serving as the Deputy Chief of the Bureau of Forensic Science & Intelligence, Chief of Staff to the Chief of Police, and Deputy Inspector General for the Department. In his 27 years of service, he played a key role in the Department of Justice consent decree process which was concluded in 2009, led the design, appropriation and subsequent opening of the District VII station and the Police Plaza project, led the "Arrive Alive" officer driving safety campaign and founded and supervised the Behavioral Sciences Services Unit.

Chief Stawinski holds a Bachelor of Science in Biology from Boston College and a Master of Science in Management from The Johns Hopkins University. He is an alumnus of the Police Executive Research Forum's Senior Management Institute for Police, the Major Cities Chiefs Association, Police Executive Leadership Institute, and the Federal Bureau of Investigation's National Executive Institute. He also attended the negotiation program at the John F. Kennedy School of Government, Harvard University. He is a member of the Major Cities Chiefs Association where he serves on the National Domestic Communications Assistance Center (NDCAC) executive advisory board to Attorney General Barr, International Association of Chiefs of Police where he serves on the Committee on Terrorism and the Police Executive Research Forum. He currently serves as the President of the Maryland Chiefs of Police Association. He is a past President of the Maryland Association of Police Planners.

Chief Henry P. Stawinski, III (Retired), Prince George's County Police Department

Overview

The topic that I will be speaking on is the respect for law enforcement and the rule of law. In 2020, American policing finds itself the subject of mistrust and suspicion nationwide. American policing did not arrive at this place overnight. I suggest that this moment is the culmination of a gradual process that has been ongoing for the past five decades.

Subsequent to the successful passage of the Civil Rights Act of 1964, our nation has struggled with issues of equity, education and opportunity. Our present national strife reflects our failure to adequately structure and fund solutions to a host of societal ills and the fact that policing in America has served as the proverbial “easy” button throughout those 50 years. Three examples of issues where policing arguably has the largest day-to-day footprint on our streets are: addiction, homelessness, and mental illness.

From the decriminalization of drugs to a variety of seasonal shelter programs to de-escalation and crisis response training, the women and men of public safety in each of these topic areas are enthusiastic amateurs. They are likely the first to respond, and tragically in many instances the only ones who do. As the process of displacing treatment and prevention with resolution of crisis evolved from the 1970's, the public became increasingly dissatisfied with the outcomes of police responses to these three issues. As a result, we now find public safety officers have a variety of less lethal tools at their disposal, including: OC or “pepper” spray, collapsible batons, TASER and other conducted energy devices, beanbag rounds, and so forth. The fact that is not apparent is that public safety officers are arriving when the individual is in crisis and poses a threat to themselves and others.

The Challenges

American policing faces two fundamental challenges in 2020 which are eroding public trust and respect and which increasingly jeopardize the rule of law. First, laws prevent the transparency that the public expects in the age of instant information and social media. Second, there exists an over reliance on policing to handle social issues which demand credentialed professionals rather than law enforcement officers to resolve. Regarding these issues I will speak about a legislative remedy and a structured governance model.

Laws that Limit Transparency and Erode Respect & Trust

Justice Louis Brandeis remarked “sunlight is said to be the best of disinfectants; electric light, the most efficient policeman.” The first fundamental challenge that I will discuss is transparency and the public trust which is required to engender respect for law enforcement. In the State of Maryland and other communities throughout the United States, there exist laws which prohibit chief executives from releasing the findings of internal investigations to the public.

To be clear, the overwhelming majority of women and men in public safety serve admirably and in accord with their oath of office. As with any profession, however, certain individuals are casual with respect to fidelity to their oath and their responsibilities. Additionally, just as with every profession, there are amongst the ranks of policing, bad actors.

When police executives are unable to demonstrate to the public that these bad actors are held accountable and appropriately disciplined or separated from police service in those instances which do not rise to the level of criminal misconduct, the public concludes that those

individuals are representative of the body of public safety. Progressive police leaders have the courage to represent and defend the lawful actions of their officers, agents, troopers, or deputies when they are acting within their authority and according to law. Laws that prohibit the release of investigative findings and files regarding police-involved confrontations where death or grievous bodily injury, sexual assault, bias-based practices, or dishonesty of any degree are involved jeopardize trust in that particular institution, in policing as a profession, and ultimately the rule of law. Constructively these laws make it appear as though those police executives are, if not willing, at least complicit in defending the indefensible.

It is for this reason while serving as the President of the Maryland Chiefs of Police Association in the spring of 2020, I introduced and led advocacy for House Bill 1221 in the Maryland Legislature. This bill served two purposes. The first was to protect the majority of law enforcement officers by stipulating that unfounded investigations where no wrong-doing was in evidence would not be released and would not be fodder for social media attacks. The second was to ensure that where the policing institution could prove culpability with respect to the issues that are of greatest interest and concern to our communities, that information would be placed in the hands of the community. Progressive police leaders will not defend the indefensible. In those places where such laws persist, bad actors hide behind those laws, move from position to position, victimize our communities and erode respect for the profession. This is the blue wall of silence as it exists in 2020. In the spirit of Justice Brandeis, I strongly advocate for sunlight laws that will expose those who betray their oath and fail to live up to the expectations of all of the American people.

Policing as the “Easy” Button.

The second fundamental challenge, as I alluded to in the overview, is American policing as the “easy” button for societal ills. Police officers serve in the executive branch of our government. Their function is to enforce the laws passed by our legislatures and interpreted by our judiciary. The first manner by which we erode the rule of law is to suggest that police officers should ignore or fail to enforce laws that the public finds inappropriate. Where such laws exist, it is the responsibility of the legislature to amend or overturn them. It is not the role of the patrol officer or detective to ignore them. Three areas that I spoke to in the overview where law enforcement professionals are, at best, enthusiastic amateurs are addiction, homelessness, and mental illness.

With respect to the national push to defund the police, I suggest that the answer is not to eliminate our professional law enforcement institutions. Instead we should clarify their role in the context of our society as it exists today. Earlier I spoke about bad actors in professions and the fact that they represent a very small number of individuals in the aggregate. The same is true of criminals in our society.

Experienced professionals know that a small number of experienced criminals are responsible for a disproportionate amount of crime. Police should be focused on deterring crime first and investigating and apprehending those who commit crimes and refuse to abide by the social contract second. Millions spent annually on training programs, capacity, and outreach within law enforcement for addiction, homelessness and mental illness would be better spent on building robust and responsive governance models. Those models would allow credentialed professionals to address these and other issues. This governance model would, in the majority of cases, prevent the individuals thus afflicted from entering into crisis, threatening themselves or others and precipitating a law enforcement confrontation.

Police officers must have basic training, which we do, to see clearly those suffering from the effects of legal or illicit substances, those unable to properly care for their health and welfare,

and those whose window on reality is failing or has failed. However, to expect the patrol officer or detective to bring resolution to these deep-seated issues is unfair and outside the scope of a law enforcement official's responsibility.

The resolution to this is to take on the challenge of creating structures and creating an ethos of service across multiple disciplines similar to that of public safety. Public safety officers respond to crises 24 hours a day, 7 days a week, 365 days a year. Too often, those officers find that credentialed professionals needed to intervene in these complex issues are not available during the vast majority of the hours of the day and thus we see too many individuals suffering from addiction, homelessness, and mental illness arrested to remove them from the streets and community for everyone's protection. This is not a resolution. It is a temporary, and I suggest, inappropriate response.

During my work with the Social Problems Working Group, I spoke at length and have submitted thoughts on the Transforming Neighborhoods Initiative (TNI) in Prince George's County. This effort was led by then-County Executive Rushern L. Baker, III. I had the privilege of being one of the two principal architects along with Bradford Seamon, who was the Chief Administrative Officer under Mr. Baker's administration.

TNI is not a policing strategy but rather a governance model. It first expects the engagement of every component of the government. Second, it expects that they be engaged directly with the community and in the community. Third, it demands results. TNI is about marshaling the resources that any government has. In fact, the inventory process ensures that before any potential resolution is offered to the community, the government already possesses the capacity in terms of personnel and equipment to carry it out. TNI demands and is driven by innovation and the novel manner in which long-standing challenges in the specific community can be resolved by multi-disciplinary teams working in collaboration with one another and, most importantly, in collaboration with the community. TNI arose out of the need to aggregate and use data effectively to increase the capacity of the government to resolve issues

Finally, and by way of caution, TNI sounds deceptively simple. Rushern Baker is to be credited with his leadership both internal to the government as well as within the community. But the result is that crime in Prince George's County has been steadily reduced for the past decade from on average more than 100 crimes every 24 hours in 2010 to 35 crimes every 24 hours in 2020 because the environment that made crime possible has been transformed into a community that would no longer accept crime.

Conclusion

I will conclude by thanking all participating in the work of the Commission for the opportunity to present these brief remarks in addition to my work with the Social Problems Working Group. The final thought I will share is this: In 2020, too many Americans live in fear. Some in fear of crime. Some in fear of policing. Both instances offend the dignity of our Nation and both can be resolved by thoughtful leadership and innovation such as I have described.

Bill Brown

Sheriff (retired), Santa Barbara County Sheriff's Office, CA



Bill Brown has served as Santa Barbara County's Sheriff-Coroner since January 9, 2007. He was first elected on November 7, 2006, re-elected to a second term in June, 2010, re-elected to a third term in June, 2014, and re-elected yet again to a fourth term in June, 2018.

Sheriff Brown began his law enforcement career in 1977 with the Pacifica Police Department in the San Francisco Bay area. In 1980, he transferred to the Inglewood Police Department. He served that Los Angeles County community until 1992, when he was selected as chief of police for the City of Moscow in Idaho. In that position he was responsible for overseeing police operations for both the City of Moscow and the University of Idaho. In 1995, Brown was selected as chief of police for the City of Lompoc, being only the eighth person to hold the title of police chief in that community since it incorporated in 1899. He led the Lompoc Police Department for the next 11 years until being elected to his present office.

Sheriff Brown received his master's degree in public administration from the University of Southern California in 1995. He was president of the 91st Class of the Delinquency Control Institute, and is a graduate of the Northwest Command College, the 169th Session of the FBI National Academy, and the 33rd Session of the FBI National Executive Institute.

Sheriff Brown currently serves as a regional representative and Executive Board member of the Major County Sheriffs of America (M.C.S.A.). Sheriff Brown is a past president of the California State Sheriffs' Association and a past president of the California Police Chiefs' Association; as such, he is the only person to have ever held both positions. Since 2010 he has served as a Commissioner on the Mental Health Services Oversight and Accountability Commission for the State of California, and he leads Santa Barbara County's version of "Stepping Up," a National Initiative to Reduce the Number of Mentally Ill People in Jails. Sheriff Brown is also Chairman of the Santa Barbara County Law Enforcement Chiefs (C.L.E.C.).

Sheriff Brown received the Santa Barbara County Rescue Mission's Leni Fe Bland Award, the Santa Barbara County Community Action Commission's Community Champion Award, the California Forensic Mental Health Association's Words to Deeds Paradigm Award, and their Christine M. West award for significant contributions to the field of forensic mental health, and he was selected as the California Peace Officers' Association's 2016 Sherman Block Law Enforcement Professional of the Year Award.

Sheriff Brown was awarded the Westmont Medal from Westmont College and the Goleta Elks Outstanding Service Award for his leadership during the twin disasters of the Thomas Fire and the Montecito 1/9 Debris Flow.

Active in his community, Sheriff Brown serves as an honorary board member for the North County Rape Crisis and Child Protection Center and Santa Barbara Domestic Violence Solutions, as an advisory board member of the Anti-Defamation League and the United Boys and Girls Clubs of Santa Barbara County. and as a Red Cross Ambassador for the Santa Barbara Chapter of the American Red Cross. He is also a steering committee member for Santa Barbara's "Fighting Back" (Against Alcohol & Drug Abuse), sits on the Lompoc Hospital District Board of Trustees, and is on the board of directors for the Pierre Claeysens' Veterans Foundation.

Sheriff Brown is deeply committed to the philosophy of community policing and corrections. Wherein peace officers and citizens work together to identify and seek long-term solutions to problems relating to crime, fear of crime. neighborhood decay and quality of life. Sheriff Brown and his wife, Donna, have been happily married for more than 40 years and have three grown children.

**Remarks to the
President's Commission on Law Enforcement and the Administration of Justice
by Sheriff Bill Brown
Santa Barbara County, California
Wednesday, July 22, 2020**

As this distinguished commission hits the homestretch on its important work, I am struck by how significant an opportunity it is to provide input to you. I appreciate the invitation very much, especially at this moment in the history of our nation, and in the history of policing. And especially given how I feel about the law enforcement calling that I have devoted most of my life to answering.

There is a lot to process, but as the commission does that, and as our nation struggles with the events that have unfolded before it, and as policy makers rush to respond, it is worth remembering what our anchor is. No matter what the issue is, no matter how strong the feelings are, and no matter how confident we may be in the solutions, there is one constant we must be mindful of - and that is the rule of law.

The rule of law is more than just a collection of laws. It is 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.

Recent events in our nation have challenged the rule of law.

Witnessing Mr. George Floyd's inhumane, painful and unnecessary death was horrifying and gut-wrenching for me. I also immediately realized that even though this reprehensible act occurred 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.

George Floyd's unjust death drove many to action. The large numbers of peaceful protests that occurred across our nation were extraordinary and cannot be ignored.

We in law enforcement must always support and defend the rights of people to express themselves in those and other peaceful ways, but it is important that we make a distinction between peaceful protesters and those who looted businesses, vandalized property and burned down buildings. That type of lawlessness is never justified.

But it is equally important that Americans make a distinction between the vast majority of good cops – who are brave and decent people willing to put themselves in harm's way to protect others no matter their race, creed or color – and the very, very small percentage of bad police officers who abuse their authority and engage in brutal or otherwise unlawful behavior.

Please don't get me wrong. Just because cases like the unjustified killing of George Floyd are rare doesn't mean we shouldn't be concerned about them, or shouldn't work as hard to prevent them.

Quite the contrary, we must do everything we reasonably can do to stop anyone from dying so senselessly and so unnecessarily in the future.

Steps that can be taken towards that goal include enhanced law enforcement accountability and training in a variety of areas, especially in an officer's duty to intervene if another officer is using excessive and/or unnecessary force.

Police and members of all communities should seek to better know, understand, and trust each other. We need to cool the rhetoric, come together and reason. 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, courtesy and respect.

Let me switch gears for a moment and address something that is having a terrible impact on our profession. I'm talking about the propagation of "bad cop videos" on the news and on social media.

Consider this:

There are more than 800,000 law enforcement officers in America.

If each of them has, on average, 5 encounters with members of the public every day – a modest average – that means there are at least 4,000,000 (four million) police-public interactions every day.

If 99.9% of those encounters go well, and only .1% (one-tenth of one percent) are negative, that is still 4,000 (four thousand) police-community member encounters that go poorly that occur each and every day.

If only one-tenth of those unprofessional encounters are captured on video, either by body-worn cameras, dash cameras, surveillance cameras or by bystander cell-phone cameras, that is still 400 “bad cop” videos that are captured across the nation every day.

Of those 400 videos, there are likely to be some depicting questionable use of force incidents.

If America’s media chooses to broadcast the worst of those videos – day after day, night after night – what impression does that convey about the extent of excessive force or other misconduct by the police? Broadcasting these videos ad nauseum shapes the impression that police brutality is pervasive, when in reality it is exceedingly rare, something that happens in only the tiniest fraction of encounters.

What other profession, if its members operated in public and wore body cameras, or were constantly filmed as they did their work, could withstand that level of scrutiny?

- How many instances of medical malpractice by physicians that led to the death of or lifelong complications for patients would be captured on video?
- How many instances of accountants “cooking the books” to avoid tax liabilities would be recorded?
- How many lawyers, professors, politicians or even faith-based leaders would be videoed engaged in unethical and/or illegal conduct?

We in American law enforcement actually welcome the transparency that body cameras provide, because we know that the vast majority of the time the videos bear proof that officers are doing the right thing. But those positive videos usually aren’t the ones being shown on the news. As America’s law enforcement leaders, we must counter the false impression and the false narrative that is being conveyed by the incessant airing of the negative videos: that America’s policing

system is rife with brutality, that it is inherently racist, and that it is hopelessly broken. Those allegations are simply not true and we cannot let them stand.

As members of law enforcement we must speak out in defense of our profession and of our people. American policing is not perfect, but it should not be defunded, dismantled, or have its vital resources “re-deployed” for the sake of politically-expedient, so-called “reform.”

Likewise, 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, hold them accountable if they do wrong, but we must also speak out in support of the 99.9% of deputies and officers who do what’s right and what’s just – and who make a difference each and every day. We must continue to point out that what they do is why ours is such a noble profession.

True reform is improvement, and improvement is an ongoing business. There is a constant need for improvement in any life, in any profession and in any nation. I think all law enforcement leaders should be - and most, in fact, are - committed to reform. If you are a law enforcement executive you are always looking for ways to improve your operation, increase case closure rates, advance officer safety, enhance community relations, and ultimately improve public safety. In this way you are constantly “reforming.”

But 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 police 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.

I continue to believe that the vast majority of people in all communities appreciate what the men and women in our agencies do for them on a daily basis. Unfortunately, during this unique period in our history, the feelings of that large group of people are easily overlooked, and in some cases it is even hard for them to talk about their feelings without getting ostracized.

Now is not the time for knee-jerk, politically-motivated reforms. We need to be in this for the long haul and be committed to continuous reform – continuous

improvement. I am committed to that in my county, as are my fellow sheriffs in the Major County Sheriffs of America. As this commission finalizes its work and considers recommendations to help law enforcement and the communities we serve, I would encourage that those recommendations for improvement are accompanied by calls for the proper funding and political support necessary to help implement positive change.

In closing, I thank each of you for the important work that you are doing, and, again, my deepest thanks for the invitation to share my thoughts with you today.

Lazaro “Larry” Cosme

National President, Federal Law Enforcement Officers Association (FLEOA)



Mr. Lazaro “Larry” Cosme is a retired Special Agent (SA) with Homeland Security Investigations (HSI), a division of Immigration & Customs Enforcement within the Department of Homeland Security. Mr. Cosme started his federal law enforcement career with the legacy Immigration and Naturalization Service (INS) in 1992. His most recent assignment was to HSI D.C. based out of the HSI-Harrisonburg, Virginia field office. During his distinguished career, Mr. Cosme led a multi-agency financial crimes task force in the central Virginia region and was involved in criminal investigations, which included national security, human trafficking, and financial fraud.

While working for INS, Mr. Cosme was assigned to work on the 9/11 task force. In April 2007, he was a lead HSI special agent in the Virginia Tech Massacre Investigation. In 2008, the HSI Director and HSI Special Agent in Charge for HSI D.C. recognized Mr. Cosme with the Investigative Excellence Award for HSI D.C. field office.

In November 2010, Mr. Cosme was promoted to Operation Manager/SA at Homeland Security Investigations, Headquarters in Washington, D.C. at which time, he coordinated and made assessments of large-scale complex criminal investigations. During this time, Mr. Cosme had direct oversight of several domestic field offices in addition to being a liaison for senior level agency directors and managers.

Aside from his career accomplishments, Mr. Cosme has been heavily involved in law enforcement organizations throughout the years. In 2005, he was elected to serve as FLEOA's Immigration and Customs Enforcement (ICE) Agency President. While serving his second term as ICE Agency President, he was elected to FLEOA's National VP of Operations. In September 2019, Mr. Cosme was elected to FLEOA's National President and is currently serving a four-year term. In addition to his work with FLEOA, Mr.

Cosme has also served law enforcement officers in different capacities, as President and Executive VP of Local 2149 with the American Federation of Government Employees, National INS Council.

Mr. Cosme possesses a Bachelor of Science Degree in Criminal Justice from New Jersey City University. In addition, he attended training in Management and Labor relations at Rutgers University and received training from the Federal Mediation and Conciliation Service, in dispute resolution.



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**Testimony of
Lazaro “Larry” J. Cosme
National President
Federal Law Enforcement Officers Association
On
Respect for Law Enforcement and the Rule of Law Before the President’s
Commission on Law Enforcement and the Administration of Justice
July 22, 2020**

Good afternoon, Mr. Chairman and Commission Members, my name is Lazaro “Larry” Cosme, and I am the National President of the Federal Law Enforcement Officers Association (FLEOA). FLEOA is the nation’s largest non-partisan professional association representing the interests of federal law enforcement officers. FLEOA has 28,000 members from across all 65 federal agencies, every one of which focused on enforcing federal laws including with immigration and customs laws.

For more than 27 years, I served our nation as a federal law enforcement officer, most recently as a Special Agent for Homeland Security Investigations, a division of the ICE component at the Department of Homeland Security. Over the course of my career, I held true to the oath I swore in my 27 years of proud service, to protect and serve the American people and to uphold and enforce the Constitution of the United States and the laws passed by Congress. I did not get to choose which laws to enforce and which to shrug off and ignore. My colleagues and I were held accountable for adherence to these obligations daily, by our agency’s management, by federal prosecutors, and often by the courts.

I offer this as background because in certain respects, our nation’s heritage as one governed by the rule of law is currently under siege. Not from the federal government, but by a range of state and local actors who unilaterally decide to simply “shrug off” those laws with which they from time to time find most politically expedient to ignore. We have inexplicably seen all too often many local prosecutors failing to adequately charge violent felons for a range of crimes, included assaults on law enforcement officers. But where it has been most egregious is in the case of states and localities that declare themselves so-called “sanctuary jurisdictions” and immune from compliance with federal immigration laws and authorities. These jurisdictions have not only enacted policies that prohibit state and local law enforcement from cooperating with their federal counterparts, but in at least in one state, have actually criminalized it. As Attorney General Barr appropriately stated earlier this year, these and similar policies “are putting everyone in danger.”

In many other areas, federal law enforcement has worked successfully with their state and local counterparts to keep communities and our nation safe. Whether it’s the FBI Joint Terrorism Task Forces, U.S. Marshal’s Fugitive Task Force, DEA’s Organized Crime Drug Enforcement Task Forces,

or the multiple DHS Fusions Center's nationwide the priority of public safety has historically outweighed political position, except with our nation's federal immigration laws. Consider this:

On October 17, 2015, Juan Carlos Ramirez-Arcos shot and killed Jose Luis Mendoza-Aguilar here in Florida. Mendoza-Aguilar was known around the neighborhood as the "ice cream man" because he sold ice cream and other snacks to local residents. Mendoza-Aguilar was shot three times and died approximately five hours after the shooting. Further investigation revealed that Ramirez-Arcos had been illegally in the United States since 2001. He was successfully prosecuted in federal court and found guilty. The case was investigated by the United States Border Patrol with the assistance of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bradenton Police Department, and the Manatee County Sheriff's Office.

Juan Alberto Flores-Jimenez, a/k/a Juan Cantu, a/k/a Stoner, was sentenced to 17 years in federal prison for conspiring to possess with the intent to distribute 50 grams or more of methamphetamine. Flores-Jimenez, was the leader of a drug-trafficking organization (DTO) that distributing kilogram amounts of methamphetamine from Georgia to other DTOs located in central Florida. Between April 2017 and September 13, 2018, Flores-Jimenez was responsible for distributing at least 4.5 kilograms of methamphetamine to central Florida. This criminal was a native and citizen of Mexico and had been ordered to be removed/deported from the United States in 2014 and again in 2015. On September 13, 2018, law enforcement officers arrested Flores-Jimenez.

That case was investigated by the Gainesville Resident Office of the Drug Enforcement Administration, assisted by task force officers from the Gainesville Police Department, the Alachua County Sheriff's Office, the Ocala Police Department, the Levy County Sheriff's Office, and the Union County Sheriff's Office. The Marion County Unified Drug Enforcement Strike Team assisted in the execution of the search warrant and the arrests.

These are just two examples of the great work law enforcement jointly can do to protect the United States of America when they work together and our laws are followed and enforced. The one prevailing fact though is that in all of these cases, if the criminals weren't here in the first place the crimes may never have happened.

In the United States Code and according to Customs and Border Protection, a "criminal alien" refers to aliens who have been convicted of one or more crimes, whether in the United States or abroad, prior to interdiction by the U.S. Border Patrol; it does not include convictions for conduct that is not deemed criminal by the United States.

In 2019, the Immigration and Customs Enforcement's (ICE) year-end report stated that 123,128 illegal aliens were arrested by the agency's Enforcement and Removal Operations (ERO). Those illegal aliens had 489,063 criminal convictions and pending charges which represented an average of four crimes per alien. This highlighted the "recidivist nature" of the arrested criminal aliens and the agency noted that sanctuary cities nationwide greatly impeded its public safety efforts.

Unfortunately, despite this great effort by federal law enforcement officers and the clear statistics that show criminal illegal aliens are here in the United States and should to be deported, we've

watched this rule of law ignored, abandoned, violated or victimized by local and state politicians that see the federal immigration laws in a political lens versus a public safety lens. In many of these jurisdictions, local and state officials have taken further steps to block and penalize local law enforcement from assisting with federal immigration laws. This hyper-political move is wrong and has only served to create division and distrust of federal law enforcement in many locations across the United States. Whether it be the state of California, New York, New Jersey, City of San Francisco, City of Portland or others, these state and local jurisdictions have all but outlawed federal immigration enforcement and painted federal law enforcement that enforce those laws as criminals. To add insult to the rule of law, local law enforcement officers that work in those jurisdictions have been sanctioned and punished for cooperating with federal agents and officers on criminal illegal alien notifications.

Immigration Laws:

Under the United States Constitution, the Congress has the absolute right to make all laws related to immigration. Those immigration laws are founded in the Article 1 Section 8 of the Constitution, which says; “To establish a uniform Rule of Naturalization.” The passage of the Naturalization Act of 1790 and subsequent acts of Congress solidified Congresses role at shaping our nation’s immigration policies. Today, United States immigration laws are codified under Title 8 of the United States code. Title 8 not only lays out federal immigration policy but also border security. These statutes combined are the laws of the United States and that anyone within the United States is expected to adhere to.

Congress also retains the sole ability to amend, update and change any law. Our nation’s current immigration laws form the basis of our nation’s immigration and border security policy and law enforcement.

Immigration Enforcement:

From our borders to airports to foreign locations, our lawful immigration process and the security of the United States is maintained by the over 80,000 federal law enforcement officers employed by the Department of Homeland Security that work under either the United States Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) agencies.

ICE is made up of three operational directorates — Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO) and Office of the Principal Legal Advisor (OPLA). A fourth directorate – Management and Administration (M&A) – supports the three operational branches to advance the ICE mission. On any given day, ICE makes 279 criminal illegal alien arrests, closes 168 criminal alien cases, arrests 7 child predators, seizes 2973 pounds of narcotics, removes 645 criminal aliens, arrest 4 human sex traffickers and 5 human smugglers while seizing \$1.4 million in currency and assets. They should be congratulated for what they do for America.

U.S. Customs and Border Protection, CBP, is one of the world's largest law enforcement organizations and is charged with keeping terrorists and their weapons out of the United States. While facilitating lawful international travel and trade. CBP divisions include the Air and Marine Operations, Office of Field Operations and the United States Border Patrol. On any given day, CBP processes

1,124,075 passengers and pedestrians, 371,912 incoming international air passengers and crew, 70,414 passengers and crew on arriving ship/boat, 681,750 incoming land travelers, 273,338 incoming privately owned vehicles, 78,703 truck, rail, and sea containers, \$7.3 billion worth of imported goods, apprehends 2,354 individuals at U.S. ports of entry, arrests 23 wanted criminals, handles 790 inadmissible persons at U.S. ports of entry, intercepts 18 fraudulent documents and seizes 3,707 pounds of narcotics while collecting approximately \$224 million in duties, taxes, and other fees, including more than \$197 million in duties. A tremendous mission accomplished by tremendous Americans.

In our view, these well trained professional federal law enforcement officers are well capable of executing their missions under existing federal law and follow it without regard to political or personal opinions. This despite politicians in many jurisdictions they serve in, demonize these protectors and seek to impede their main mission of protecting the public and securing the United States. This impacts our national security and clearly violates the “rule of law” established in federal code.

These unlawful actions create a dangerous dynamic that localities punctuate with policies that clearly violate federal law, which includes:

Sanctuary Jurisdictions:

Cities, counties and states across the United States have created one of the most dangerous dynamics to local communities and our nation by embracing or in some cases, authorizing policies that interfere with, don't allow or deny immigration authorities their lawful abilities to enforce our nation's immigration laws. These sanctuary jurisdictions take many forms but at their core is their direct impediment of the lawful federal enforcement of our nation's immigration laws.

Releasing Criminals without Notifying Immigration Authorities:

One of the most egregious and dangerous situations in many local jurisdictions is the release of criminal aliens that are apprehended for serious violent crimes without notifying immigration authorities. These releases not only include those that have been arrested for violent crimes but those violent criminals who have an immigration detainer filed against them. Releases of this type not only ignore federal law, but also violate a lawful federal process and the tenet of collaboration among law enforcement. Most injurious is the danger these jurisdictions place their communities in when they release violent criminals back into their community verses allowing federal law enforcement officers the ability to remove these criminals from the United States. This creates a liability to the federal government and should create a liability to the local jurisdictions since in some cases, these criminals are released and end up perpetrating another violent crime against an innocent citizen that may not have occurred if they had been originally removed.

As an example:

In December 2016, ICE located and lodged a detainer on Christian Octavio Parra, who was being held in a county jail in Washington State. Octavio Parra was a Mexican citizen who was illegally present in the U.S. and had prior immigration encounters. Local jail officials did not honor the

immigration detainer and released the convicted criminal in August 2017 without notifying ICE. A little over a month later, Octavio Parra shot and killed his estranged wife before taking his own life.

In another case

In October 2017, ICE identified Rosalio Ramos-Ramos who is an illegally present Honduran citizen with prior criminal convictions and four prior removals from the United States at a city jail in Washington state. ICE lodged a detainer, but he was released without notification to ICE. In January 2018, Ramos-Ramos was arrested again and booked at a local county jail for murder.

This is just a sampling of notable incidents that, had the local authorities reported these individuals, they would be been removed and ostensibly never able to commit those violent crimes.

So Called Green Light Laws:

Some states like New York and New Jersey have instituted so called “Green Light” laws that only do one thing, “green light” crime. These laws were passed in violation of the federal REAL ID Act, which was passed after the September 11th terrorist attacks, to ensure every individual present in the United States has their identification validated. These “green light” laws allow individuals with little or no ability to validate who they are, access to an identification that is accepted as valid by that state. This policy clearly impedes federal immigration enforcement actions and places a barrier between every level of law enforcement.

“Green Light” laws also inhibit federal immigration authorities’ access to state databases, including department of motor vehicle and criminal, which makes it virtually impossible for immigration authorities to find criminals illegal aliens and enforce federal laws. This arbitrary prohibition put in place by states, whose databases are either tied to federal databases or receive federal funding, shows arrogance and ungratefulness for the federal government and federal law enforcement.

Penalizing Law Enforcement Officers who cooperate with federal immigration:

To further impede the rule of law and attempt to sever law enforcement relationships and collaboration, many local jurisdictions have forced their law enforcement agencies to adopt agency guidelines that prohibit the notification and cooperation of local law enforcement with federal immigration agencies.

New York City, San Francisco, Philadelphia and others have all told their local departments to not assist federal authorities conducting immigration enforcement or face discipline. In Washington State, a State Trooper was sanctioned for notifying federal immigration authorities when he was investigating an accident scene, found the driver to be a repeat felon who had an outstanding deportation order and notified federal immigration authorities who responded to the scene. In New York City, NYPD Officers were told they faced severe discipline if they notified immigration authorities, even with a violent felon in custody.

The discipline policies in these locations inhibit law enforcement cooperation, federal law and fails to protect the communities they serve.

Recommendations:

As we look to address this failure to follow the rule of law and case distrust and malice towards federal law enforcement officers whose mission is to enforce immigration laws:

- 1) Congress should undertake a review of current immigration laws, including the existing Visa process and enact reforms to the sections that are outdated or against national policy, while strengthening penalties for those that don't follow those same laws.
- 2) Congress should enact sanctuary jurisdiction laws and conditions that force every municipality to cooperate with federal authorities and if they don't risk sanctions and loss of federal funding.
- 3) State and local databases that are tied into federal databases like NCIC or receive federal funding should be compelled to allow all federal law enforcement officers to access them and if they do not, risk the federal funding received to operate them.
- 4) State identification that is issued in non-compliance with the REAL ID Act should be considered invalid outside of that state and any entity that needs verifiable federal identification to conduct business, such as banks and financial institutions, should not be allowed to accept that identification due to its inability to be verified.
- 5) Liability should be held against any jurisdiction that releases a violent criminal alien that did not notify federal immigration authorities. Victims of crimes committed by these criminal aliens should also have the ability to hold these jurisdictions liable for failing to follow federal law and keep them safe.
- 6) All state and local law enforcement should have protections under federal law for working proactively with federal immigration authorities and protections in any cases where a detainer or hold request is found to be inaccurate.

These recommendations rely mostly on Congressional action to take a stand and uphold the tenants of federal law and our rule of law. For decades Congress has refused to act and in that sense, their inaction has tacitly subverted the rule of law by bifurcating what is written from what actually happens. This needs to change and Congress should work to improve and enforce our nation's immigration laws and securing our borders.

America is a nation built on lawful immigration. The laws related to immigration are clearly defined by federal statutes, which all Americans, state and local governments are supposed to follow. As the Supremacy Clause in the Constitution says, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

It is time our Congress upheld that part of the Constitution and enforced our federal immigration laws so that everyone knew that, the rule of law stands and with immigration stands on federal law.

Thank you for inviting me to testify today. I am honored to represent the federal law enforcement officers that risk their lives every day. I look forward to your questions.

Mark Young

Detroit Police Department



Lieutenant Mark Young began his career in law enforcement with the Detroit Police Department on May 18, 1987. He was assigned to the Sixth Precinct where he worked patrol operations as well as special operations. Lieutenant Young was re-assigned to the Commercial Auto Theft Section after his work ethic and attention to detail caught the eye of Commercial Auto Theft supervisors. Lieutenant Young enjoyed working in an undercover capacity at this unit and was very successful at identifying, apprehending and assisting with prosecution of individuals responsible for major car thefts throughout the city. While Lieutenant Young enjoyed working specialized units, his true passion was working patrol and he returned to patrol operations at the Ninth Precinct. Lieutenant Young also had the opportunity to work at the Eighth Precinct where he learned the true meaning of community policing. While at the Eighth Precinct, he also gained the skill of data analysis which assisted him in locating crime patterns and arresting those responsible for the crimes. On July 24, 1998, he was promoted to the rank of Investigator and assigned to the Sixth Precinct Operations Section where he held the following positions; Officer in Charge of the Home Invasion Task Force and Officer in Charge of the Shooting Team. His work in these respective positions led to impressive closure rates and prosecutions.

On March 1, 2004, he was promoted to the rank of Sergeant and was assigned to the Second Precinct Patrol Operations. Lieutenant Young's leadership at the Second Precinct garnered him the respect of his subordinates, his peers and his managers. So much so, he was often sought after to work several high-profile assignments such as Internal Affairs, Public Corruption, Homicide and Homeland Security just to name a few. But Lieutenant Young's true passion was to work in the community with young patrol officers to ensure they were effective in policing the communities around the city along with them being ethically safe. He especially took this assignment serious because he is a lifelong resident of the city of Detroit. Lieutenant Young was re-assigned to the Southwest District where he continued his leadership on patrol.

Sergeant Young's effective and compassionate leadership skills led to many of his peers and managers nominating him to seek the position of Vice-President of the Detroit Police Lieutenants and Sergeant's Association. He ran for the position and won on January 1, 2009 with an overwhelming number of votes. As the Vice-President, Lieutenant Young led the city through one of the most difficult contract negotiations during a time of crisis in the city. He served in that role until December 31, 2013. As a result of his effective leadership in that role, he was nominated as the President of the Detroit Police Lieutenants and Sergeants Association which has a membership of 625 members representing members holding the ranks detective, investigator, sergeant and lieutenant. On May 5, 2017, he was promoted to the rank of Lieutenant. He continues to serve as the President of the Lieutenants and Sergeants Association with distinction and honor.

Lieutenant Young is also the current Vice – President of the Associate Membership of the National Association of Police Organizations.

Lieutenant Young holds a Bachelor of Science degree in Business Administration from Cleary University where he graduated with honors (Magna Cum Laude). He also has numerous training certificates such as Weapons of Mass Destruction (Improvised Explosive Device Awareness and Homeland Security training just to name a few. Lieutenant Young also has a spirit of volunteerism. He continues to mentor over 300 youths within the community in which he resides.

President's Commission on Law Enforcement
Panel on the Rule of Law
July 22, 2020

Statement of Lieutenant Mark Young, President, Detroit Police Lieutenants and Sergeants Association, and Vice President, Associate Members, National Association of Police Organizations

This testimony focuses the mass release of prisoners in response to COVID-19, lax prosecution of criminals, the lack of respect for law enforcement, community education programs such as “comply, then complain”, and the need to protect officers and their rights.

Chairman Keith, Executive Director Kueter, and distinguished members of the Commission, my name is Mark Young and I am the President of the Detroit Police Lieutenants and Sergeants Association (DPLSA) and the Vice President of Associate Members of the National Association of Police Organizations (NAPO). The DPLSA proudly represents 625 members of the Detroit Police Department holding the ranks of detective, investigator, sergeant and lieutenant. NAPO, representing over 241,000 rank-and-file law enforcement officers, is a coalition of police unions and associations from across the nation, which was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action and education.

I would first like to address the unique situation we find ourselves in with the coronavirus pandemic and the new challenges to the rule of law that it has brought. Activist judges and prosecutors, defense attorneys and advocates have managed to begin clearing out our nation's prison and jail populations under the guise of compassionate release. They claim protecting inmates from contracting COVID-19 by granting them early release is protecting public safety, but that is not the case.

The hard-working men and women of America's law enforcement community work day in and day out protecting our communities from becoming victims of crime. If someone does fall victim to crime, it does not matter whether it is a violent attack or a minor property crime, the victim always feels violated. Those effects can be long lasting. While it may come as no shock to you that the police are opposed to releasing criminals who are paying their debt to society, much of the reason for our opposition is due to the recidivism that is going to occur upon their release and the future victims that will result.

The compassionate and early release of inmates as a response to the coronavirus pandemic is negatively impacting public safety, especially at this time when social services and public safety are already stretched thin due to the health and economic crises our country is facing. States are just emerging from lock down orders and essential services across the country are struggling to serve communities due to a lack of sufficient staff and facilities. Police Departments in the areas hit the hardest by the coronavirus – like Detroit – are being decimated as more officers are contracting it or being sent into home isolation. Add on top off all of this the continuing protests and riots in response to the death of George Floyd.

The broad release of inmates as a response to this virus does not take into account the needs of the broader public safety system and our communities. Now is not the time to circumvent the

normal processes for inmate release. This will place an undue burden on resources and put our communities at greater risk of harm.

The Wayne County, Michigan, jail released over 430 inmates between March 10 and April 7. Those are inmates the officers I represent risked their lives to arrest and take in. Is it to be believed that these same individuals are going to follow government guidelines on social distancing and self-quarantine? These same individuals who have issues following statutory law as well as parole and probation restrictions?

In Washington, D.C., 11-year-old Davon McNeal was shot and killed at a July 4 anti-violence picnic. One of the suspects, Christian Wingfield, was released from D.C. jail on May 22 in response to the coronavirus pandemic. Wingfield was being held in jail while awaiting trial on two charges, Felon in Possession of a Firearm and Possession of a Large Capacity Ammunition Feeding Device. He is not the only violent felon released in response to the pandemic that resulted in tragic consequences.

This knee-jerk reaction to this temporary health crisis is going to have long-lasting negative impacts on our communities for which the benefit certainly does not outweigh the cost. Just because someone may be categorized as low-risk due to their current charges, that does not mean they are not dangerous individuals and a continuing threat to our communities. “Low risk” appears to be the only standard in most instances of compassionate release but it is not a sufficient bar to protect members of our communities from further victimization.

The classifications for release eligibility are arbitrary and superficial. Just because someone is 50 years old or over does not make them any less of a menace or threat to society. Just because someone possesses one of the comorbidity factors from the CDC guidelines does not make them any less of a menace or threat to our communities. People who have not been able to pay fines or fees, or those who are incarcerated for violations of probation or parole have proven their inability to abide by the rules of society. There has never been a more critical time for our fellow citizens to follow the rules that have been set by the government in order to protect our law-abiding citizens from this virus.

Further, the mass release of inmates – whether in response to a public health emergency or under the guise of criminal justice reform – has not been coupled with the safeguards, support and resources to state and local services that would be necessary for communities to handle the influx of newly released prisoners. While prison reforms have led to lower prison populations and some budget savings, it has resulted in increased stresses on local and county budgets and resources, not to mention the economic cost to victims of property and other crimes.

While NAPO supports true second chances that bring about the productive return of prisoners to their communities, we oppose broad inmate release policies that could harm public safety. Such significant changes should first be thoroughly examined and must include the input of the federal, state and local public safety community, which plays an integral role in the system.

Further, each year, millions of dollars in federal grant monies go towards state and local pre-trial release programs, which allow accused criminals to await their trial at home, rather than in jail. These programs, which in many cases serve repeat, dangerous criminals, often operate with little oversight, putting public safety at risk. Increased oversight of these programs would decrease the

possibility of the accused committing crimes while on pre-trial release or simply disappearing to avoid facing justice.

NAPO recommends that federally-funded pre-trial service agencies should be mandated to publicly report on program participants, including if they have a history of criminal behavior, whether they appear for their trial, and whether they have ever previously failed to appear for trial. As federal dollars are going towards bailing out criminals, we must ensure that the accused face justice and our communities are protected.

In Detroit, we are experiencing the consequences of lax prosecution by the Wayne County District Attorney's Office. In my experience as a law enforcement officer and a labor leader, the office has exhibited distrust in the Detroit Police Department and consequently the work Detroit Police Officers risk their lives for is often shelved and the suspects and defendants are released because of a purported lack of evidence. The suspects are frequently habitual criminals who return to society only to again reoffend. Detroit Police Officers have been tasked to reduce crime only to feel like they have been thrust into a Roadrunner and Wile E. Coyote cartoon.

The criminals are getting multiple bites at the apple to offend and the law enforcement are at additional risk of having to recapture the offender at a time when every use of force action is being scrutinized and misinterpreted.

A recent incident in Detroit perfectly exemplifies what officers are dealing with on the streets. Detroit Police Officers were attempting to arrest a suspect in a July 4 shooting that killed three people and wounded five. While making the arrest, Hakim Littleton decided to intervene and took a handgun out of his pocket and fired point blank at the head of one of the officers. Thankfully, his aim was terrible, and we are not mourning another officer shot and killed in the line of duty. Officers fired back and killed Littleton. Detroit Police Chief James Craig released the body camera footage of the shooting as Littleton was becoming another rallying cry against police brutality. The situation police have found themselves in is untenable. An individual who attempted to kill a cop has greater sympathy than the officers risking their lives to protect the community.

In 2016, the Wayne County District Attorney refused to criminally charge three individuals who posted grave threats against Detroit Police Officers on social media. Officers investigating these threats communicated frequently with prosecutors throughout the investigations and at no point were they told that there were any problems with their investigations. It was only after a press release from the District Attorney's office that the investigators found out there were issues with the cases they had built against the three suspects. There is something seriously wrong when a prosecutor will not work collaboratively with the police department to build the strongest case possible against individuals who violently threaten the lives of police officers.

The recent events in Minneapolis have brought us face to face with the oscillating demands of justice. While we support use of force and awareness training for all of our officers, we must also ensure that competent, conscientious officers do not become convenient targets for those seeking to use the media for a precipitous solution to social injustice. The lack of prosecution of suspects who have threatened officers with harm is too often ignored while prosecutors are otherwise eager to make their mark by rushing to impose criminal charges against officers confronted with the difficult choice to use deadly force.

There have been proposals to require the appointment of a special prosecutor in every case when an officer uses deadly force in the course of carrying out his official duties and that use of force results in the death of a suspect. The sole purpose of that special prosecutor is to determine if criminal charges should be brought against the officer. NAPO fears that an independent prosecutor would be under enormous pressure to issue a warrant. There is a risk that decisions to prosecute will be made based on politics and public pressure, not on the reasoned application of law and admissible evidence. NAPO is concerned that officers will be indicted, even in those cases where the use of force was justified.

There has never been a more challenging time in our nation's history for law enforcement officers. The crimes and physical dangers, assaults and risks have always been with us. The National Law Enforcement Officers Memorial includes the names of officers killed in the line of duty as far back as 1786. The psychic toll on officers and their families as a result of confronting human misery and evil day after day has always been an associated risk for those in law enforcement. But today, many elected officials, including prosecutors and judges, academicians and media personalities vocally and doggedly identify and highlight the police as though law enforcement is the sole source of racial and social injustice. The recent death of George Floyd at the hands of a law enforcement officer has only exacerbated the situation for officers across the country who - - regardless of wrongdoing - - are being disproportionately targeted and violently attacked as part of a frenzy to satisfy an urge for reform despite the ubiquitous presence in all our nation's institutions of a culture of racial bias, inequality and social injustice.

No one of us would condone shielding officers who have committed crimes, yet we must remain vigilant in protecting an officer's due process rights. These rights are crucial and necessary to preserve the integrity of the criminal justice system as a whole, particularly when media and political pressure lead to an irrational rush to judgment aimed at condemning law enforcement before all the facts are known.

We rightfully demand that officers treat others with impartiality, fairness, equity and justice. We expect officers to engage in dialogue and to do their best to consider all sides of a situation before making a judgment. Yet if officers are deprived of this same respect and worth within their own workplaces, we cannot reasonably expect them to exhibit and provide these qualities to the public they serve once they walk out the precinct doors.

There is a serious need for the implementation of national standards and procedures to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluation of citizen complaints. Too often law enforcement officers are subjected to the whim of their departments or local politics during internal investigations and administrative hearings. Many individual collective bargaining agreements contain, as does the Detroit Police Lieutenants and Sergeants Association agreement, a Bill of Rights for member officers. But law enforcement officers in less than twenty states have been granted statutory bills of rights granting comprehensive procedural protections to officers in the complaint investigation and disciplinary process. These rights need to be uniform and guaranteed to officers throughout the country.

NAPO strongly recommends enacting a national "Law Enforcement Officer Bill of Rights". Please see the Law Enforcement Officer's Procedural Bill of Rights Act, which establishes

officer due process rights and the attached fact sheet on the bill. I urge the Commission to publicly support the legitimate workplace and procedural rights of officers.

An overarching issue for all of us is respect for law enforcement and the laws they enforce. NAPO sincerely appreciates the opportunity to work with the Commission, the Department's COPS Office, the Attorney General and other appropriate stakeholders to advance the goal of safer encounters, and a conscious, higher public satisfaction with America's officers and agencies. It has become all too common for persons in contact with the police to resist, obstruct, interfere, thwart and even attack officers. Working with the COPS Office, NAPO intends on releasing a public service announcement promoting "comply, then complain." When departments engage the community by utilizing the services of community leaders to educate their constituencies and congregations, confrontation and obstruction will trend downward because citizens will trust that their complaints and concerns will be addressed promptly, treated seriously, and evaluated fairly without bias or discrimination.

In addition to supporting community education programs such as "comply, then complain", we urge the Commission to ensure greater protections for officers. Officers are targets for disgruntled individuals who harbor hatred for the profession and blame them for all of society's ills and for policies that officers they have no control over. We have seen this most recently in the riots that have rocked cities across the country where officers have been injured and several killed in the ensuing violence.

In general, law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. According to a January 2020 report from the Office of Community Oriented Policing Services (COPS), 116 officers were shot in ambushes or premeditated, calculated assaults.

Increased penalties make important differences in the attitudes of criminals towards public safety officers and can ensure protection for the community. NAPO recommends enacting new federal criminal provisions to address: (1) the assault and murder of and federally-funded local law enforcement officers, such as those officers whose agencies receive aid from the federal DOJ or DHS; and (2) the assault and murder of state and local officers engaged in the protection of federally recognized civil rights, such as those officers attacked while safeguarding protests. We believe there should be increased penalties on those who harm, or target for harm, public safety officers by making the murder or attempted murder of a state or local police officer an aggravating factor in sentencing determinations.

To further promote the protection of officers, NAPO supports the LEOSA Reform Act, which will ensure that the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented. In a time when law enforcement officers are being targeted for violence simply because of the uniform they wear, allowing officers to carry their firearms off-duty for the protection of themselves, their families and our nation's communities is important to further the protection of officers who serve and protect others. LEOSA is not only a job benefit for officers, but it also reinforces in officers the commitment to protect the well-being of the communities they serve.

I appreciate the opportunity to share these insights with you, and urge you to carefully consider them moving forward, as the Commission's recommendations will greatly impact our officers, their families, and the American public they serve.

Art Acevedo

Chief, Houston Police Department



Art Acevedo is currently the Chief of Police for the Houston Police Department (HPD) in Texas and was appointed by Mayor Sylvester Turner. He was sworn into office on November 30, 2016, and leads a department of 5,300 sworn law enforcement officers and 892 civilian support personnel in the fourth largest city in the United States that has 671 square miles and an annual general fund budget of \$899 million.

Chief Acevedo firmly believes that good, two-way communication is vital for a successful community and steadily works to strengthen the bond between the community and its police department. As a proponent of community policing, Chief Acevedo refers to the proven practice as “*Relational Policing*,” which is an opportunity to forge a relationship with each and every person a department member comes in contact with. He also subscribes to law enforcement being a data driven, intelligence led process that is well-suited to the policing profession in the 21st Century.

As the first Hispanic to lead HPD, Chief Acevedo brings a unique understanding to the concerns of the diverse communities in Houston. Born in Cuba, he was four years old when he immigrated to the United States with his family in 1968. Acevedo subsequently grew up in California and earned a Bachelor of Science degree in Public Administration from the University of La Verne in California.

Acevedo began his law enforcement career with the California Highway Patrol in 1986 as a field patrol officer in East Los Angeles. Ultimately, he rose through the ranks and was named Chief of the California Highway Patrol in 2005. Prior to his nomination and appointment to lead the Houston Police Department, Chief Acevedo served nine years as the Chief of Police for the Austin, Texas Police Department from 2007 – 2016.

Chief Acevedo has held various leadership positions with the Major Cities Chiefs Association and the International Association of Chiefs of Police, and is currently the President of the Major Cities Chiefs Association. He is married and has three children.



TESTIMONY OF

CHIEF ART ACEVEDO
CHIEF OF POLICE
HOUSTON, TEXAS

PRESIDENT
MAJOR CITIES CHIEFS ASSOCIATION

BEFORE THE

PRESIDENT’S COMMISSION ON LAW
ENFORCEMENT AND THE ADMINISTRATION
OF JUSTICE

“RESPECT FOR LAW ENFORCEMENT
AND THE RULE OF LAW”

JULY 22, 2020

Introduction

Thank you for the opportunity to testify today before the President's Commission on Law Enforcement and the Administration of Justice. My name is Art Acevedo and I am the Chief of Police in Houston, Texas—the most ethnically diverse metropolitan area and the 4th most populous city in the United States. It is also my privilege to testify as President of the Major Cities Chiefs Association (MCCA).

The Major Cities Chiefs Association is a professional organization of police executives representing the largest cities in the United States and Canada. The MCCA provides a unique forum for urban chiefs, sheriffs and other law enforcement executives to share ideas, experiences and strategies. The MCCA also serves as a collaborative forum for the advancement of public safety through innovation, research, policy development, government engagement, community outreach, and leadership development.

As leaders in criminal justice, the MCCA recognizes the last comprehensive review of the criminal justice system occurred more than 50 years ago. A contemporary examination of the entire system is overdue, and while this Commission is focused specifically on law enforcement and the administration of justice, the work you have undertaken is welcomed and warranted. We urge the Administration to expand the Commission to include other non-governmental stakeholders and academia in its ongoing review.

Today's hearing is intended to focus on the trend of diminished respect for law enforcement and the laws we enforce. Specifically, how under-enforcement of the law impacts public safety, public perception, resources and officer morale, as well as the rule of law. There is no easy solution however, respect begins with fairness and equity, and that in turn necessitates transparency that goes well beyond the role of local law enforcement.

Criminal Justice System Transparency

The criminal justice system is complex and it is imperative that we acknowledge the police are just one component. The system is deeply interconnected with the courts, judges, prosecutors, and probation, just to name a few, and while the police are only one component, we are the most visible.

Injecting transparency into every facet of the criminal justice system is long overdue. Local

Reform Efforts

Bail reform is one of the most significant and contentious elements of the current criminal justice reform debate. We are all familiar with the inequity of holding pre-trial offenders in jail simply because of their socioeconomic status and inability to make bail. Common sense reform is needed to provide relief to non-violent offenders who pose a minimal risk to public safety. Reform is

achievable, but we have seen local government and activist efforts across this nation take it too far.

The theory that many activists subscribe to is the proposition that it is unconstitutional to hold offenders, even murder suspects, pre-conviction. The promulgation of this position runs contrary to common sense and comes at the expense of community safety. Judges must have the ability to remand into custody dangerous individuals, so they do not have the ability to cause further harm to victims, intimidate witnesses, and continue to threaten the public. Our nation must inject transparency into the prosecutorial and judicial components of the criminal justice system to afford the American people the opportunity to hold elected district attorneys and judges accountable for their actions. Below are a few illustrative examples from MCCA members of individuals who have been released pre-trial only to continue preying on local communities:

A convicted sex offender who was out on bond for continuous sexual abuse of a child in Harris County was recently arrested for murder and kidnapping in southwest Louisiana. He has been accused of shooting and killing a 17-year-old girl, 18-year-old boy, and kidnapping a 14-year-old.

In New York City, a career criminal was being held on bail for skipping a court date in a grand larceny and criminal possession of stolen property case prior to being released pre-trial. Since his release, he has been rearrested for burglarizing a newsstand, 4 separate drug offenses, and a grand larceny where he snatched the purse of a 70-year old elderly female. He was only able to continue his crime spree because despite his lengthy criminal history, he was repeatedly released pre-trial after being arrested for each of these additional offenses.

Washington D.C. does not have a bond system and arrestees are only held if they are dangerous and/or a flight risk. The bar to hold arrestees is very high and oftentimes the decision on whether or not an individual should be released is based on the underlying charge without considering the individual's criminal history. As of May 2020, there were 23 people accused of gun related homicides on pretrial release in the District. Data on shootings in the District supports the notion that not enough gun/violent offenders are being held. Compared to the same period last year, there has been a 17% increase in number of shootings and a 31% increase in gun related homicides.

Risk-Based System

To help address the current shortfalls in the bail system, the MCCA supports implementing a risk-based system. Under this system, an individual risk assessment would be conducted for each person charged with a crime who is being considered for release. The criteria that would be assessed should be informed by a combination of social scientists, mental health professionals, and criminal justice experts. At minimum, however, these assessments must take into account the crime(s) committed, public safety threat posed, the proclivity to reoffend, and the risk of flight. Furthermore, since previous behavior is the biggest indicator of future behavior, any assessment must factor in the accused's criminal history.

Such an assessment would bring about a more informed approach to determining an individual's pre-trial status. It would indicate if an individual is low risk and should be released pre-trial, as well as help to identify potential flight risks who may require additional conditions, such as electronic monitoring, home confinement, or supervised release.

Public safety decisions should not be political. Rather, they need to be transparent and based on science and evidence. Far too often we have seen judges and prosecutors who view themselves as reformers and social justice advocates make decisions based upon political opinions and biases, and not on what is best to ensure the safety of the American people.

Justice Delayed is Justice Denied

While the 6th Amendment to the U.S. Constitution, in part, ensures the right to a speedy and public trial by an impartial jury, cases are not moving quickly enough, and our court system is operating inefficiently. There must be more overall investment as the shortage of prosecutors, defense attorneys, and courtrooms has led to crushing caseloads and an inability to fulfill legal and ethical obligations. The consequences are especially acute for indigent defendants. The failure to make investments in the prosecutorial and court system has created backlogs across our nation. For example, in Harris County, Texas, over 1,500 suspects charged with murder have yet to be tried. This backlog, coupled with a penchant to release violent suspects pending trial, as previously illustrated, has led to the murder and injuring of an untold number of Americans.

Resources and Morale

Local law enforcement has been tasked with doing more, but with less resources. For example, law enforcement's responsibilities have expanded over the years as local, state, and federal elected officials have neglected to address challenges such as homelessness, mental health, and addiction. Current calls to defund the police and/or structurally reorganize will continue to place officers and executives in impossible situations.

The call to defund the police in order to address the social and economic ills of the nation, prior to actually addressing the underlying causes of these disparities, is largely a false equivalence. As illustrated in one MCCA member city, police respond to an average of 1.2 million calls for service annually that disproportionately originate from communities of color who are already grappling with the socioeconomic challenges plaguing many American communities. To simply defund the police without a concerted effort to address the root causes behind emergency calls for service is wrought with strategic missteps that could ultimately increase the need for police services in the poorest of communities. Social psychologists have noted calls to defund the police without making strides to improve causal factors would strip away a critical resource. Building healthy communities, thereby lessening the need for police presence and intervention, must occur prior to any discussion regarding the defunding of American law enforcement.¹

History has shown that underfunding police can have disastrous consequences for the communities most in need. Appropriate police funding is more critical now than ever before to ensure that police agencies have the funding for investments in technology that provides accountability (body worn cameras), recruitment (hiring unbiased service minded professionals), and training (cultural competency, implicit bias, de-escalation).

¹Sault, S. "To fix racism we need to start measuring it, says this psychologist." <https://www.weforum.org/agenda/2020/01/this-psychologist-is-using-science-to-beat-racism/> (2020, January 23).

Morale in law enforcement is low and there are many contributing factors—COVID-19, civil unrest, lawlessness, lack of consequences for criminal behavior, and vilification by the public and elected officials have all taken a toll. The men and women in law enforcement are second to none and they need support. As illustrated by the murder of Mr. George Floyd, policing, like the rest of society still has too many bad apples within our ranks. However, it is important to acknowledge the overwhelming majority of police officers in our nation are good people and faithful public servants who put their uniform on every day willing to make the ultimate sacrifice for the people they swore to protect and serve. We all must judge each other through the prism and content of our individual hearts and actions, and not through the prism of color or the uniform we wear.

Relational Policing

Mutual trust and respect between law enforcement and the public is crucial to good policing. Law enforcement must balance upholding the law while showing compassion and assisting those in need. While the nature of the job requires law enforcement to sometimes take actions that are unpopular, it is critically important that these actions are taken with the highest level of respect and professionalism. Doing so will aid in our never-ending efforts to build and maintain trust with the communities we serve and protect.

The civil unrest currently occurring throughout the country is a sobering reminder of how quickly bad policing can undermine that trust and respect. Overwhelmingly, MCCA members have heard from their communities— It is imperative that law enforcement work tirelessly—in both good times and bad—to build strong relationships with the communities they serve. It is much easier to navigate a crisis when the public trusts law enforcement and knows their concerns will be taken seriously.

Relational policing requires law enforcement to adopt an attitude of service. Law enforcement should be a positive influence and force for good. While police must continue to demonstrate strong leadership, it must be in partnership with, not at the expense of, the community. Fruitful community engagement is dependent on being present. Executives and officers cannot build community trust sitting behind a desk or the steering wheel of a patrol car. We must tirelessly engage the communities we serve and treat every encounter as an opportunity to connect and establish a positive impression that leads to a life-long trusting relationship.

MCCA member agencies support a myriad of community policing initiatives like police athletic leagues, school mentoring, toy and food drives, as well as non-traditional programs that foster positive and long-lasting community-law enforcement relations. Police should look to engage with leaders in the community beyond the conventional religious, nonprofit, and business leaders; sit down with activists, rappers, athletes, and other pillars of the community. These individuals wield significant influence and have platforms that can be used for good.

Conclusion

It remains a challenging time for law enforcement executives. We are having to balance the equitable enforcement of the law, support officers' wellbeing and safety, and continue to build community trust. Accountability is the lynchpin of those efforts and we must hold ourselves to the highest standards and always strive to do better.

Our criminal justice system is too interconnected to simply focus on one cog. A piecemeal approach to transparency will never deliver the fairness and equity the American people richly deserve and desire. While the police have, and will rightfully continue to be under the microscope, systemwide transparency is needed to strengthen the foundation of respect for not just the police, but for the entire criminal justice system.

U.S. DEPARTMENT OF JUSTICE

President's Commission on Law Enforcement and the Administration of Justice

Closing Remarks

Edwin Meese III

Seventy-Fifth Attorney General



Edwin Meese III, the prominent conservative leader, thinker and elder statesman, continues a quarter-century formal association with The Heritage Foundation as the leading think tank's Ronald Reagan Distinguished Fellow Emeritus.

In that capacity, Meese oversees special projects and acts as an ambassador for Heritage within the conservative movement.

Meese was chairman of Heritage's Center for Legal and Judicial Studies from its founding in 2001 until what he calls his "semi-retirement" on Feb. 1, 2013.

He joined Heritage in 1988 as the think tank's first Ronald Reagan Distinguished Fellow -- the only policy chair in the country to be officially named for the 40th president. His work focused on keeping President Reagan's legacy of conservative principles alive in public debate and discourse.

The legal center now bears his name, in recognition of Meese's contributions to the rule of law and the nation's understanding of constitutional law. Its mission is to educate government officials, the media and the public about the Constitution and legal principles -- and how they affect public policy.

Perhaps best known as U.S. attorney general during Reagan's second term, Meese's service to the conservative icon stretched from the California governor's mansion in 1966 to the White House in 1981 before he went to the Department of Justice four years later.

His Heritage "hats" kept Meese among the major conservative voices in national policy debates at an age when most men and women enjoyed quiet retirements.

In 2006, for example, Meese was named to the Iraq Study Group, a special presidential commission dedicated to examining the best resolutions for America's involvement in Iraq. In the past few years he wrote and spoke about constitutional topics ranging from religious liberty to the responsibility of Supreme Court justices.

Immediately after Reagan's death in 2004, and in the years since, Meese often agreed to major media appearances to discuss the lasting impact of his old friend, mentor and boss. He has summarized the Reagan legacy in three accomplishments: Reagan cut taxes and kept them low. He worked to defeat and end the Soviet Union and its worldwide push for communism. And he restored America's faith in itself after years of failure and "malaise."

"I admired him as a leader and cherish his friendship," Meese wrote in a 2004 essay for Heritage members and supporters. "Ronald Reagan had strong convictions. He was committed to the

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principles that had led to the founding of our nation. And he had the courage to follow his convictions against all odds."

Edwin Meese III was born Dec. 2, 1931, to Edwin Jr. and Leone Meese in Oakland, Calif. He graduated from Yale University in 1953 and holds a law degree from the University of California-Berkeley.

Meese spent much of his adult life working for Reagan, first after the former actor, sports announcer and athlete was elected as California's governor in 1966 and then when he sought and won the presidency in 1980.

Reagan never forgot Meese's loyalty and hard work. During a press conference at which reporters questioned Meese's actions at the Justice Department, Reagan replied: "If Ed Meese is not a good man, there are no good men."

During the Reagan governorship, Meese served as executive assistant and chief of staff from 1969 through 1974 and as legal affairs secretary from 1967 through 1968. He previously was deputy district attorney in Alameda County, Calif.

From January 1981 to February 1985, Meese held the position of counsellor to the president -- the senior job on the White House staff -- and functioned as Reagan's chief policy adviser. In 1985, he received *Government Executive* magazine's annual award for excellence in management.

Meese served as the 75th attorney general of the United States from February 1985 to August 1988. As the nation's chief law enforcement officer, he directed the Justice Department and led international efforts to combat terrorism, drug trafficking and organized crime.

Meese's relationship with Heritage began when he met with senior management to discuss the think tank's landmark policy guide, *Mandate for Leadership*, prepared for the incoming administration. Meese later recalled that Reagan personally handed out copies of the 1,093-page book to members of his Cabinet and asked them to read it. Nearly two-thirds of *Mandate's* 2,000 recommendations would be adopted or attempted by the Reagan administration.

More than a decade after joining Heritage, Meese assumed the chairmanship of its Center for Legal and Judicial Studies. Under his guidance, the center counseled White House staffers, Justice Department officials and Senate Judiciary Committee members on the importance of filling judicial vacancies with qualified men and women who are committed to interpreting the Constitution according to the founding document's original meaning.

Meese headed the legal center's Advisory Board for the writing and editing of the best-selling book, *The Heritage Guide to the Constitution* (Regnery, 2005). In it, 109 experts walked readers through a clause-by-clause analysis of the Constitution. Sen. Tom Coburn (R-Okla.) was among those keeping the reference work handy during Judiciary Committee hearings on Supreme Court nominees.

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Meese's other books include "*Leadership, Ethics and Policing*" (Prentice Hall, 2004); "*Making America Safer*" (Heritage, 1997); and "*With Reagan: The Inside Story*" (Regnery Gateway, 1992). He wrote the Introduction to a well-received 2010 book on the "overcriminalization" trend, "*One Nation Under Arrest*," by Heritage veterans Paul Rosenzweig and Brian W. Walsh.

He also is a distinguished visiting fellow at the Hoover Institution at Stanford University in California and lectures, writes and consults throughout the United States on a variety of subjects.

As both attorney general and counsellor to Reagan, Meese was a member of the Cabinet and the National Security Council. He served as chairman of the Domestic Policy Council and the National Drug Policy Board. After Reagan won the White House in the 1980 election, Meese headed the transition team. During the campaign, he was the Reagan-Bush Committee's senior official.

Meese had a career outside government and politics. From 1977 to 1981, he was a law professor at the University of San Diego, where he also directed the Center for Criminal Justice Policy and Management.

He was an executive in the aerospace and transportation industry as vice president for administration of Rohr Industries Inc. in Chula Vista, Calif. He left Rohr to return to the practice of law, doing corporate and general work in San Diego County.

A retired colonel in the Army Reserve, Meese remains active in numerous civic and educational organizations.

He and his wife, Ursula, have two grown children and reside in McLean, Va.

Questions for witness

For Bill Brown:

Also, with respect to the Q&A session, I am prepared to address the following from my op-ed piece, "*When The Badge Gets Tarnished*" if they'd like to tee-up either as a question:

- Symbolism of the badge and the importance of wearing and carrying it with honor
- A simple way for officers and agencies to earn respect: Always practice the Golden Rule of Good Law Enforcement and Corrections.