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## **Glenton "Glen" Gilzean Jr.**

Central Florida Urban League



Throughout his career, Glenton "Glen" Gilzean Jr. has been recognized as a courageous leader and advocate for disadvantaged youth and families.

At the age of 26, Glen created an educational non-profit organization with the mission of ensuring that disadvantaged youth had a safe and nurturing destination after completing the school day. Over three years, Educate Today blossomed into a multimillion-dollar organization, serving hundreds of youth across the state of Florida.

In 2012, Glen moved onto his next challenge and brought his advocacy skills to Florida's largest educational non-profit organization Step up for Students, serving as Vice President of Family and Community Affairs. Along with his team, Glen worked tirelessly in Tallahassee to ensure that families had the right to choose the education path that best met their needs, guaranteeing the best development for their children.

Glen has received six gubernatorial appointments throughout his career. Most recently, Governor Ron DeSantis appointed Glen to the Re-Open Florida Task Force to ensure the urban community was properly represented in Florida's recovery plan for the COVID-19 pandemic.

Previously, Governor Ron DeSantis appointed Glen to the Florida Census Complete Count Committee (2020) and the Florida Commission on Ethics (2019). Previously, Governor Rick Scott appointed Glen to the Pinellas County School Board (2012), the Florida Agricultural and Mechanical University (FAMU) Board of Trustees (2013) and to the Ninth Circuit Judicial Nominating Commission (2016).

Additionally, Glen is a fellow of the James Madison Institute (JMI) and is a member of the American Enterprise Institute (AEI) leadership network.

In 2019, Glen was named one of Central Florida's CEOs of the year by the Orlando Business Journal; recognition of his work as the President and CEO of the Central Florida Urban League (CFUL). Since beginning his tenure at the CFUL in 2016, Glen led the rebirth of the organization. Saddled with \$1.2 million of debt, in under two years, the CFUL became debt-free and re-established its place as a community leader.

Glenton "Glen" Gilzean Jr. holds a Bachelor's Degree in Biomedical Sciences from the University of South Florida and a Master's Degree in Entrepreneurship from the University of South Florida's Center of Entrepreneurship.



***Empowering Communities.  
Changing Lives.***

**June 05, 2020**

**Glenton Gilzean Jr.  
President and CEO  
Central Florida Urban League**

**Testimony to the Presidential Commission on  
Law Enforcement and Administration of Justice  
Special topic: Community Engagement**

As evidenced by the events in recent days and weeks, the importance of President's Commission on Law Enforcement and the Administration of Justice has never been greater. As the President and CEO of the Central Florida Urban League, I applaud the President of the United States, Donald J. Trump and the Attorney General, William Barr, for having the foresight to convene this commission and address very real and pressing issues affecting our country today.

**About the Central Florida Urban League:**

The Central Florida Urban League was founded on August 5, 1977. Our chapter was created by respected community leaders who believed that Orlando's African American community would benefit from professional, economic, and social support.

Our organization is a member of the Florida Consortium of Urban Leagues, which is comprised of the Central Florida Urban League, Jacksonville Urban League, Pinellas County Urban League, Tallahassee Urban League, Urban League of Broward County, Urban League of Greater Miami, Urban League of Palm Beach County and Derrick Brooks Charities. Together, our organizations provide services in 19 counties across the state, representing two-thirds of the Florida's population.

The Central Florida Urban League is a proud affiliate of the National Urban League movement, which was founded in the early 20th century to assist African Americans in who had fled the segregationist South, only to discover that racial discrimination has no geographic boundaries. Its first agency opened in 1910 in New York City and is headquartered there today, leading the efforts of its local affiliates through the development of programs, public policy research, and advocacy. Today, there are 90 local affiliates in 36 states and the District of Columbia, directly impacting the lives of more than 2 million people nationwide.

Adapting to the new realities in both society and in our community, the CFUL has honed its mission to focus on the *Three Es*: Education, Employment and Entrepreneurship. These pillars guide all CFUL programming and initiatives, ensuring that our organization can truly make a difference in the fight to end generational poverty in our community and beyond.

To realize our *Three Es*, we run programs that focus solely on Community Justice and Job Training.

For over 36 years, the Florida Office of the Attorney General has funded a cornerstone of our Community Justice programming, aimed at preventing youth engagement in criminal behaviors through tutoring, character building, anger management, employability skills training, teen summits and law enforcement meetings. This programming



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is critical and has delivered results. While African American youth are still disproportionately represented in Florida's juvenile justice system, over the last five years, there has been a 20.4 percent decline on average in the number of offenses by African American youth and a 26.7 percent decline on average in the number of African American youth arrested. Furthermore, 85 percent of parents surveyed reported positive changes in their child's behavior following the program participation and 94 percent of residents and stakeholders surveyed reported improved relationship between law enforcement and the community.

The CFUL's Job Training initiatives provide individuals with the support they need to jumpstart their future careers. Working alongside many other community partners, we assist individuals hone their professional or vocational skills to properly prepare them for various positions in the workforce. Furthermore, we offer more than a simple job placement, by providing guidance and coaching has ensured that career seekers find a job that is perfect for them.

### **Our Reality:**

I have been asked to provide testimony to the Commission on the topic of bridging the gap between the African American community and law enforcement, but before we begin to address how we come together, we must address our current reality.

Like so many, I am both angry and saddened by George Floyd's murder. Unlike the many injustices that have occurred before, the murder of George Floyd has led us to a tipping point. This is evidenced by protests and vigils, not just across Central Florida, but around the world. We have witnessed a demand for change in the African American community.

Derek Chauvin, the officer who murdered George Floyd and the three others who stood idly by must be held accountable and prosecuted to the full extent of the law. However, I also know that these individuals do not represent all the brave men and women of law enforcement. Whether local, state or federal, I have had the honor of working with many of these heroes throughout my career. While sadly, George Floyd's murder is not an isolated incident, we must still refrain from grouping the terrible actions of a few with the kindness and bravery of the many.

George Floyd's murder has led to a schism in our society. While the statistics do not indicate an epidemic, they nonetheless indicate a problem. The emotional toll that each incident takes on the African American community leads individuals down a path of mistrust in the very institutions that are in place to keep us safe. However, without trust in these institutions, we will never be able to build the necessary foundation to lift our entire community.

Hence the importance of this Commission. For the past five years, one of the challenges I have faced in Central Florida has been to establish a foundation of trust between the African American community and law enforcement. This challenge continues to evolve and unfortunately, despite our successes, incidents like the murder of George Floyd have negative repercussions in our region. Yet, due to sustained efforts, not all has been lost. In fact, I can confidently say that as a result of our continuous work in the community, I believe we will emerge stronger and more united.



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### **Importance of Youth Programs:**

The reality for all Americans is that safety comes in different forms. There is the safety that we feel when amongst friends and family, there is the safety we feel in the workplace or in school and there is the safety that comes with personal economic success.

One of the first lessons of safety taught to our youth is that should they ever feel in danger, they should seek out the help of law enforcement. This is more than a saying from parents or teachers, this is a fundamental lesson to implicitly trust law enforcement. As such, this is where the Central Florida Urban League began our efforts.

I am keenly aware that a strong foundation, established at a young age, will lead to an overall reduction in crime, especially amongst at-risk youth. As such, I instituted an annual event entitled *Lt. Debra Clayton Honoring Our Heroes awards*. Each June, at-risk youth who were mentored by law enforcement in school are asked to nominate these officers for community-wide recognition. In their nomination forms, the youth must demonstrate why the officer is deserving of said award and how this officer has made a positive change in their life. The stories are meaningful, but most importantly, they demonstrate a fundamental positive shift in the mindset of these youth towards these officers and law enforcement in general.

Yet, as our youth grow older, they begin to develop a certain level of skepticism, brought on by nefarious influences in the media and in the community. As such, local law enforcement has opened its doors to adolescents through our Teen Summit. This activity enables at-risk young adults to spend time with police officers and develop meaningful relationships. This mentoring program has led to real change. Respect for our law enforcement has increased, and we are working together to find solutions for local injustices.

### **Importance of Community Engagement Programs:**

These programs operate alongside other joint projects such as Coffee with a Cop, which allows our community to engage in healthy conversation with law enforcement, without any preconditions. This has made law enforcement more approachable and has begun the process of alleviating fears and concerns.

Thus, if trust is being established amongst youth, who then return home to parents who have also had positive interactions with law enforcement, we are on a true path towards change.

Yet, positive interactions with law enforcement is only half the battle. As noted earlier, I believe there are four fundamental forms of safety: familial, workplace, educational and economic. While many Americans have the luxury of experiencing all four forms of safety on a daily basis, an overwhelming number in the African American community do not. I contend that the mistrust that some in our community place on law enforcement is truly a mistrust for society in general. These individuals feel like their country has forgotten about them and the anger that results from their personal life situation is misdirected at the wrong entity.

That is exactly why I run my organization built upon a foundation of education, employment and entrepreneurship. These pillars are the key to ending d generational poverty and in turn, solving many societal issues, including the deep divide between the African American community and law enforcement.



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**Solution: We will solve criminal justice through economic justice**

A sustained investment must be made in organizations that focus on personal responsibility and helping individuals cease their dependency on the government programs. Once individuals learn to take pride in themselves and their futures, the tide will begin to shift. This investment must come in the form of access to education and resources for African American entrepreneurs to realize their dreams and establish a business. Furthermore, the efforts that the Trump Administration has already made, such as the Federal Opportunity Zone Program are a fantastic starting point. Encouraging private investment in these areas will not only stimulate the recovery of our communities in the short-term, but it will also serve as the foundation for long-term growth and transformation of some our country's most at-risk neighborhoods.

In Central Florida, we are building opportunities daily. Our sustained investments in our community will eventually trickle-down and benefit future generations. Individuals who are given access to education and the opportunity to invest in themselves will not turn to nefarious activities to put food on the table. If these investments are made today, we will see a real change in our community tomorrow.

If a child regularly interacts positively with a member of the law enforcement community at school, he or she will have no fear in approaching him or her on the street. If an adult is educated and employed, his or her self-confidence will exude when interacting with law enforcement.

Eventually, when the protests dissipate and social media hashtag fizzles away, there will still be millions unemployed or underemployed and despite the world rallying together for a few days or weeks, many African American youth will still run in fear when they see law enforcement.

Together, let's begin a new chapter for our community with a foundation rooted in American values. The road forward will not be easy, but through mutual respect and an investment in our future, we will not only honor George Floyd and all who came before him, but our positive actions today will be seen as a watershed moment of clarity, guiding us towards a better tomorrow.

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# FLORIDA CONSORTIUM

## OF URBAN LEAGUE AFFILIATES



### ABOUT THE FLORIDA CONSORTIUM OF URBAN LEAGUES

The Florida Consortium of Urban Leagues (FCUL) is comprised of the following: Central Florida Urban League, Jacksonville Urban League, Pinellas County Urban League, Tallahassee Urban League, Urban League of Broward County, Urban League of Greater Miami, Urban League of Palm Beach County, and Derrick Brooks Charities (Hillsborough County). FCUL affiliates provide services in 19 counties across the state of Florida, representing over 16 million people.

The Urban League of Broward County serves as the lead administrative affiliate for the Florida Consortium.

### EDUCATION

We value education as a key component for living a healthier and more prosperous life. Our education and youth development programs provide young people with the critical skills they need to excel academically, avoid at-risk behavior and become engaged members in their communities. Tutoring, college preparation, and leadership development are some of the many educational advancement tools offered.

### JOBS

We are committed to strengthening the family unit by promoting economic self-sufficiency. Through training, career building, and job placement services, we help equip individuals with the tools needed to enter or re-enter the workforce. Our Center for Working Families offers a full range of essential economic resources for low-income residents to help them succeed in the workforce, stabilize their finances and build assets.

### HOUSING

We are dedicated to building thriving communities through strong economic infrastructure. Our housing programs offer families long-term, sustainable solutions that focus on building assets through savings and homeownership. Our wealth accumulation services include financial literacy education, budgeting, credit counseling, homeownership, foreclosure prevention, and loan modification.

### HEALTH

We believe that health and wellness education is the key to optimal growth for our children and families. Our health programs are designed to ensure that preventative care advances and vital health resources reach those who need them most.

### SMALL BUSINESS DEVELOPMENT

We believe that small businesses play an integral role in the sustainability of our neighborhoods. Our Entrepreneurship Center provides minority small business owners with the tools needed to grow and develop their businesses. Through training, workshops and individual counseling sessions, we unite an alliance of entrepreneurs, financial institutions and partners to accelerate our efforts in giving entrepreneurs access to M3 (Money, Markets and Management).





# COMMUNITY JUSTICE

## YOUTH CRIME PREVENTION AND INTERVENTION

For over 36 years, the Florida Office of the Attorney General (OAG) has funded the Youth Crime Prevention and Intervention (CPI) Program. The CPI program aims to prevent youth engagement in criminal behaviors through tutoring, character building, anger management, employability skills training, teen summits and law enforcement meetings. We have demonstrated positive changes in 8 of the largest metropolitan areas in the state of Florida through our programs.



- Anger management workshops promote self control and alternative ways to manage emotions
- Gang resistance education programs improve self-esteem, self-confidence, and ability to hand peer pressure
- Advocacy meetings to implement crime prevention strategies in community

### KEY RESULTS | 2016 - 2018

# 85%

Parents surveyed reported positive changes in their child's behavior following the program participation

# 94%

Surveyed residents and stakeholders in communities served by CPI reported improved relationships between law enforcement and the community

# \$563,000

Additional funds and in-kind support leveraged by the Florida Consortium of Urban Leagues in the 2017/18 contract year

# 1,610 VOLUNTEERS DEPLOYED

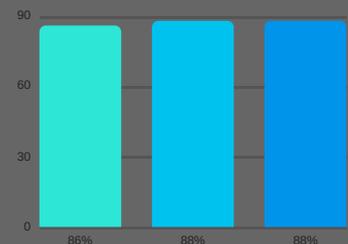
For a total contribution of 6,870 hours of community service

# \$9 - 12 MILLION

The amount Florida can save over the life of youth, if 90% of CPI participants receiving tutoring graduate from high school.

# NEARLY 33,000

Florida residents served by Urban League Affiliates in 2017/2018 contract year



Over 86% of students received passing grades in reading, math and science

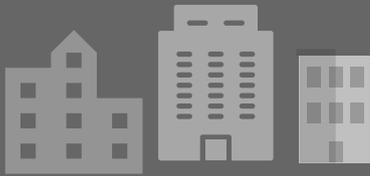
**\$1,560,000 in nonrecurring funds to the Florida Consortium of Urban Leagues under the Minority Communities Crime Prevention Programs.** This request, along with \$2,440,000 in recurring funds from the Office of the Attorney General, will allow the Florida Consortium of Urban League Affiliates to continue its efforts to provide programs that lower the number of Black youth arrested and reduce the number of crimes committed in our communities.

\*Over the last five years, there has been a 20.4% decline on average in the number of offenses by Black youth and a 26.7% decline on average in the number of Black youth arrested. Despite these great strides, Black youth are still disproportionately represented in Florida's juvenile justice system.

# ECONOMIC DEVELOPMENT

## SMALL BUSINESS & WORKFORCE DEVELOPMENT

Through job creation, innovation and overall economic growth, small businesses play an integral role in the sustainability of our neighborhoods. The Entrepreneurship Center and Small Business Loan Fund bring together an alliance of business owners, corporations, community partners and financial institutions to accelerate our efforts in giving entrepreneurs access to money, markets, and management. Our collaborative approach allows us to work closely with our clients to better understand and respond to their business' unique needs and create wealth in historically disenfranchised communities. Through training, career building and job placement services, we help equip individuals with the tools needed to enter or re-enter the workforce, stabilize their finances and build assets.



- Expanded opportunities for businesses in urban metro areas
- Improved business climate for minority-owned businesses
- Increased availability of and access to capital for minority businesses
- Invested in workforce and vocational trainings leading to jobs in current and future industries

### KEY RESULTS | 2016 - 2018



**2,033**

Florida residents have received job skills and workplace readiness training



**481**

Florida businesses received one-on-one technical assistance



**2,150**

Entrepreneurs have participated in group education sessions

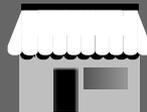


**\$9.25 MILLION**

Private capital available for the Statewide Small Business Loan Fund (a 4 to 1 return on state investment)

**266**

New businesses created



**\$1.8 MILLION**

Lent to minority owned small businesses since 2017 (0% default rate)



\$2,000,000 for the Entrepreneurship/Financial Empowerment Centers and the statewide Small Business Loan Fund under the Department of Economic Opportunity.



# URBAN LEAGUE SUCCESS STORIES

## JOB TRAINING AND CERTIFICATION

Mez Mondesir had previous work experience in the tech field but lacked qualifying credentials and was often overlooked by employers. Within three months, Mez completed our Urban Tech Jobs Program, which provides information technology, case management, career counseling, and enrollment assistance in short-term IT certification programs. He is now employed with a local data company and facilitates peer-led study groups to help others become certified.



## SMALL BUSINESS. BIG DREAMS.



Keel Russell landed a major purchase order with Walmart as part of the National Urban League Conference in Fort Lauderdale. Keep needed capital to fund the purchase and merchandising of products. Keep approached several banks, but he could not get a loan.

The veteran entrepreneur secured a \$250 K business loan through the Urban League's Capital Access Fund. The loan enabled Keel, along with his two business partners to innovate and better market their products to other big retailers including Target and Bed, Bath & Beyond.

## COMMUNITY EMPOWERMENT

Over 200 community members attended, The Justice Project Operation: Trust, an event hosted by the Urban League of Broward County to engage law enforcement and the community at large in an in depth discovery of principles and practices of restorative justice. After several workshops and numerous conversations, the Taskforce discovered that teens were more concerned with their day to day encounters with police than what they saw in media. Participants shared personal experiences and potential solutions that would strengthen community and police relations.



## SERVING MINORITY AND WOMEN ENTREPRENEURS



After more than a decade in the beauty industry, Conchita Peasant leveraged her industry experience and launched her own line of high-quality hair care products for women of color. Conchita turned to the Urban League of Broward County's new Capital Access Fund, not only for a loan but also to learn business strategies from experts in the field. Nefertiti's Secrets received \$50k through the Capital Access Fund of Florida, which funded the company's working capital need associated with both existing and future wholesale/retail accounts.

## Norman L. Reimer

Executive Director of the National Association of Criminal Defense Lawyers (NACDL)



**Norman L. Reimer** is the Executive Director of the National Association of Criminal Defense Lawyers (NACDL), the nation's preeminent criminal defense bar association, and NACDL's related Foundation for Criminal Justice (FCJ).

Since joining NACDL in 2006, Norman Reimer has overseen a significant expansion of the Association's educational programming and policy initiatives, cultivated external support and launched a major capital campaign. He has led major initiatives to promote public defense reform, oppose over-criminalization and inadequate intent requirements in criminal statutes, seek

pretrial justice reform, confront flawed forensic science, and address various injustices that contribute to mass incarceration and disparate impact on communities of color and the poor. Mr. Reimer was a founder of Clemency Project 2014, one of the largest pro bono projects ever undertaken by the legal profession. The Project secured sentence commutations for nearly 900 individuals, saving more than 13,000 years of imprisonment. In 2018, NACDL joined with Families Against Mandatory Minimums (FAMM) to launch a state clemency initiative. Under Norman

Reimer's leadership, NACDL has founded a Fourth Amendment Center to create resources and build a legal infrastructure to safeguard critical privacy rights against government abuse in the digital age. Recently, NACDL launched several initiatives to provide pro bono assistance to prisoners at high risk of mortality from the COVID-19 virus in seeking compassionate release. Mr. Reimer also serves as the publisher of NACDL's acclaimed *Champion* magazine.

Prior to assuming this position, Norman Reimer was a practicing criminal defense attorney for 28 years and a recognized leader of the bar. He is a past president of the New York County Lawyers' Association (NYCLA). In his work at NYCLA, he played a pivotal role in undertaking litigation against the State and City of New York that upheld the right of a bar association to sue on behalf of indigent litigants and resulted in a judicial decision declaring New York's under-funding of indigent defense services unconstitutional. Mr. Reimer has also served as a delegate to both the American Bar Association House of Delegates and the New York State Bar Association House of Delegates. Mr. Reimer has played leading roles on several other reform efforts on issues ranging from mandatory recording of custodial interrogations, a moratorium on death penalty prosecutions, judicial independence, preservation of *habeas corpus*, to collateral consequences of criminal convictions.

Norman Reimer taught Trial Practice as an Adjunct Professor of Law at New York Law School from 1990 until 2004. He received his B.A. *cum laude* from New York University's Washington Square College and his J.D. with honors in criminal law from New York University School of Law.



**NACDL Statement to the  
Presidential Commission on Law  
Enforcement and the Administration of Justice**

7 June 2020

The National Association of Criminal Defense Lawyers (NACDL) offers the following statement for the Commission’s consideration. NACDL is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL’s many thousands of direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling up to 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system. Critical to this mission are NACDL’s efforts to identify and reform flaws and inequities in the criminal justice system, and specifically address systemic racism and its impact on the administration of justice.

As a criminal defense organization, we do not profess to possess expertise in policing practices insofar as those practices do not directly intersect with the criminal justice system. But many police practices do have a direct impact on the treatment of accused persons, the degree to which their cases are litigated justly, and case outcomes. Accordingly, we offer a few key insights, which we hope will find their way into the Commission’s recommendations.

It is obvious that this is a fraught time to present testimony to this Commission. Two weeks ago, the nation first learned of the events leading up to the arrest and death of George Floyd in Minneapolis. NACDL’s commitment to the presumption of innocence and due process requires that we refrain from comment on pending cases, but we must acknowledge that unfolding events have cast a long shadow over this Commission’s work, and NACDL’s comments are informed by Mr. Floyd’s death and other recent tragedies. There is no criminal defense lawyer who has not borne witness to the racism that infects policing in this nation. Where police are deployed, how they are deployed, how they interact with the public, and how suspects and accused persons are treated, both physically and legally, all reflect a legacy of both implicit and explicit bias.

NACDL and its allies have commented on the pervasive resistance to clear-eyed self-examination, cultural change and meaningful reform that has undermined the law enforcement profession and sown public mistrust. In the same vein, many prominent civil rights organizations have pointed out that this Commission’s composition, agenda, and limited public engagement foretell more of the same.<sup>1</sup> NACDL shares the concern that a commission dominated by law enforcement will only deepen the divide between law enforcement agencies and the communities they serve. Against the backdrop of recent events, without frank acknowledgements and bold recommendations, the Commission’s report will lack credibility with the larger public. Failure to engage with communities and seek community input has contributed to the current crisis, and a commitment to implement tangible and meaningful reform in partnership with communities is the only road to reconciliation and national healing.

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<sup>1</sup> As these groups have noted, the Commission is comprised entirely of law enforcement officials and all but 5 members of the working groups are law enforcement officials. Working group descriptions and opaque and inconsistent public notice and comments processes have further reinforced the perception that community views are irrelevant to the Commission’s work.

## **Police Accountability and Transparency**

First and foremost, NACDL challenges the administration and law enforcement agencies at every level to immediately reject the perennial resistance of so many in their ranks to greater transparency and accountability as relates to police misconduct. If the argument is that it's just "a few bad apples," then let the sun shine in so that the public – those the government is meant to serve in this democracy in the first place – can know the truth for themselves. But in most states that is not possible because misconduct complaints against police officers are handled internally and are treated as confidential employment records. Recent history shows, however, that many of these so-called bad apples have a long record of complaints – often involving excessive force and racial insensitivity. Accordingly, NACDL supports state legislative action to repeal these secrecy laws and policies wherever they exist. Further, the federal government should leverage funding for law enforcement to incentivize states to repeal laws that shield police misconduct from public view.

Second, NACDL urges the creation of a national database to track police misconduct. It should not be possible, as it is now, for a police officer to be dismissed from one police department for substandard or abusive conduct only to be rehired by another department oblivious to that history. NACDL itself is committed to developing police accountability databases for the defense bar. These databases are necessary for all stakeholders, including not just defense lawyers, but prosecutors, the judiciary, and the public. Transparency about police misconduct is vital to promote improved decision-making in every criminal case. Awareness of prior misconduct can inform every decision point, from the initial charging decision, to conditions of release, to judicial determinations about the lawfulness of a stop, a search, an identification procedure, or an alleged confession. This information can also affect the ultimate question of guilt or innocence and the appropriate sentence.

## **Overcriminalization and Overreliance on Law Enforcement**

While transparency and accountability are critical to securing public trust, the police regulatory sphere must also be greatly reduced. Police are often called to respond to incidents that can be far more effectively addressed by social services and other direct community support. Responding to health and economic issues with policing is costly, ineffective, and at times fatal. Here are three prominent examples of this damaging misallocation of resources:

**(1) Law enforcement resources and mental illness.** According to the [National Alliance on Mental Health](#), 2 million people with mental illness are booked into jails each year and nearly 15% of men and 30% of women booked into jails have a serious mental health condition. Police officers are not equipped to address people who are experiencing a mental health crisis, and [studies](#) have shown that the risk of being killed while being approached or stopped by law enforcement in the community is 16 times higher for individuals with untreated serious mental illness than for other civilians. Even by conservative estimates, at least 1 in 4 fatal law enforcement encounters involves an individual with serious mental illness. Instead of relying on police officers, authorities should dispatch a crisis intervention team of medical workers or other service providers who are trained to de-escalate and center the person in crisis. If police are needed in certain situations, they should take direction from the medical providers and social

workers coordinating the response. Similarly, diversion of these cases from the criminal justice system should be a priority. The Commission should recommend that funding be provided to augment the capacity to provide these vital services.

**(2) Law enforcement resources and addiction.** The war on drugs has fueled mass incarceration, and drug laws result in wildly disparate outcomes for people of color and excessive sentences for possession and other criminalized acts arising from addiction. The National Institutes of Health [estimates](#) that one-half of all prisoners (including some sentenced for non-drug offenses) meet the criteria for diagnosis of drug abuse or dependence. By addressing a health crisis with a law enforcement response, resources are diverted from treatment and other harm mitigation to policing and incarceration, even though [studies](#) have shown that providing treatment for addiction is more effective at reducing crime. The smart approach is to decriminalize substance abuse and have police work with treatment providers and medical professionals to divert people into treatment rather than incarceration when they encounter individuals engaged in addiction-related criminal behavior.

**(3) Law enforcement resources and homelessness.** Cities have passed myriad laws [criminalizing homelessness](#) including vagrancy laws, laws against camping or sleeping in public, and laws against sleeping in cars. Homelessness is a result of economic factors, including the lack of affordable housing and living wages, but can also result from addiction and mental health issues. A [study](#) in Santa Barbara found that the cost to incarcerate a homeless person with mental illness is estimated to be approximately 25% higher than providing supportive services such as housing, medical care, and substance abuse and mental health treatment. The Commission should recommend that policymakers decriminalize homelessness and remove police officers from enforcing related violations; the focus should be on providing affordable housing and social services to address homelessness.

## **Law Enforcement and Technology**

**(1) Face recognition technology.** Face recognition technology has enjoyed widespread use by police departments with little public information about how the technology was obtained and used. Notice is not given to the accused in criminal cases that the technology was used to identify them, frustrating their ability to challenge a technology that has been [shown](#) to misidentify young people, women and people of color at a much higher rate than white men. Due to the concentration of people, prevalence of surveillance cameras and frequency of police encounters, low income communities and communities of color are more likely to be captured on camera and also more likely to be investigated and processed by police. In addition, police departments have engaged in [outrageous manipulations](#) in order to generate a presumptive match. Even if the accused does have notice of the use of such technologies, access to the algorithms that identified their client is frustrated because the companies claim “[trade secrets](#)” protections. Face recognition is too faulty and the risk that it may implicate the innocent should foreclose its use by law enforcement.

**(2) “Predictive Policing.”** Police departments have been using tools and technologies that search and categorize large swaths of data to determine where to patrol and who to investigate. Sometimes labeled “[predictive policing](#),” these practices involve police searching

internal data and scraping publicly available data. One of the tools used by departments is [social media monitoring](#), where law enforcement agencies use technology to scrape social media and draw connections between people online. Police have used this information to [surveil](#) and criminalize people engaged in protected First Amendment activity and [label](#) people as gang members, later using that designation to charge them as co-conspirators. In one case, over [100 people](#) were indicted for a broad conspiracy charge based on likes and online associations.

Predictive policing is broken down into [two categories](#): “Place based,” which directs police resources to particular neighborhoods, and “person based,” which predicts who is likely to be a victim or perpetrator of crime. These programs use historical crime data as a significant part of their input (where crimes occurred in the past, prior arrest records, etc.) and as such necessarily [recreate systemic biases](#) in the system. In addition, the use of such programs is not disclosed to the accused. If their use is discovered, as with face recognition, when attorneys seek access to the underlying algorithms, they are rebuffed with claims of trade secrets. This data is supplemented with information gathered by private companies enjoying broad access to information that law enforcement would only be able to gather with a warrant, creating an end run around critical Fourth Amendment protections. Law enforcement agencies should not utilize tech tools that replicate existing biases in the criminal justice system, circumvent the Fourth Amendment, and undermine due process.

### **Standards and Training Concerning Use of Force**

The Commission should support federal legislation to promote training and set standards for the use of force when police officers effectuate arrests or prevent escapes. While law enforcement is necessarily empowered to use force, including deadly force, when necessary to apprehend suspects and protect public safety, there must be mechanisms to ensure that the force used respects constitutional rights, proportionality, and fundamental respect for human life. And if there is to be any justice, these standards must be calibrated to differentiate both between the nature of the offense for which a person is arrested and the measure of force appropriate before an individual is effectively restrained and after.

### **Interrogation Practices and Intentional Deception in Custodial Interrogation**

Perhaps one of the greatest stains on policing in this nation is the high rate of false confessions. A decade ago, when the Innocence Project in its 21<sup>st</sup> year recorded its 250<sup>th</sup> DNA exoneration, 40 of those (16 percent) involved false confessions; just five years later, an additional 26 DNA exonerations were determined to have involved false confessions.<sup>2</sup> The National Registry of Exonerations, which now records 2,624 exonerations since 1989, has determined that false confessions were present in 319 of those cases or 12 percent.<sup>3</sup> Yet this is only the tip of the iceberg. Since 95 percent of all criminal cases in this nation are resolved by guilty plea, the actual instance of false confession is far higher. This problem should be of

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<sup>2</sup> Garrett, Brandon L. “CONTAMINATED CONFESSIONS REVISITED.” *Virginia Law Review*, vol. 101, no. 2, 2015, pp. 395–454.

<sup>3</sup> <http://www.law.umich.edu/special/exoneration/Pages/browse.aspx>, last visited June 6, 2020.

singular concern to this Commission. Protection of the innocent from wrongful conviction should be the highest aspiration of law enforcement. But it has been long known and well-recognized that interrogation techniques widely used in this country are flawed,<sup>4</sup> as evidenced by the alarming rate of documented false confessions.

NACDL urges this Commission to make tangible recommendations to improve interrogation practices. The object should be to secure convictions from actual perpetrators, not from innocent suspects. At a minimum, the following steps should be required: (1) all custodial interrogations of felony suspects should be video recorded in their entirety; (2) conditions and duration of custody should be humane and limited in time, with special sensitivity for vulnerable suspects, such as youths, adolescents, those with cognitive and intellectual limitations, and those suffering from substance abuse withdrawal; and (3) presentation of false evidence must be prohibited. This last factor, actively lying to suspects about the existence of other inculpatory evidence, is a significant contributing factor to false confession and wrongful conviction. Beyond that, this practice, which is not permitted in many democracies, ill befits the dignity and honor that the nation should expect of its law enforcement agents. If the goal of this Commission is to restore and preserve that dignity and honor, this is an issue that must be addressed.

### **Conclusion**

The above recommendations are far from exhaustive, and NACDL urges consideration of the thoughtful proposals set forth in statements submitted by the ACLU, NAACP-LDF, the Leadership Conference on Civil and Human Rights and other civil liberties groups. Law enforcement faces an unprecedented and escalating crisis in confidence that requires transformative thinking and a rejection of deep-rooted self-protection and myopia. If the Commission wishes to participate in the national dialogue, it must evince a willingness to reimagine the role of law enforcement in civil society. This is much more difficult than the work undertaken thus far and will require greater community involvement and a willingness to listen to community voices without defensiveness. Barring such a step, the Commission will undoubtedly be sidelined by current events and the groundswell for significant reform.

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<sup>4</sup> Kassin, Saul M., et al., *Police-Induced Confessions: Risk Factors and Recommendations* (July 15, 2009). *Law and Human Behavior*, 2009; Univ. of San Francisco Law Research Paper No. 2010-13.