

REIMAGINING PUBLIC SAFETY IN THE COVID-19 ERA

HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS SECOND SESSION

TUESDAY, MARCH 8, 2022

Serial No. 117-58

Printed for the use of the Committee on the Judiciary



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C O N T E N T S

TUESDAY, MARCH 8, 2022

	Page
OPENING STATEMENTS	
The Honorable Sheila Jackson Lee, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Texas	2
The Honorable Andy Biggs, Ranking Member of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Arizona	28
The Honorable Jerrold Nadler, Chair of the Committee on the Judiciary from the State of New York	29
The Honorable Jim Jordan, Ranking Member of the Committee on the Judiciary from the State of Ohio	37
WITNESSES	
PANEL I	
The Honorable Nicholas W. Brown, U.S. Attorney for the Western District of Washington	
Oral Testimony	39
Prepared Statement	42
PANEL II	
The Honorable Sylvester Turner, Mayor, City of Houston	
Oral Testimony	86
Prepared Statement	89
Thomas Abt, Chair, Violent Crime Working Group, Senior Fellow, Council on Criminal Justice	
Oral Testimony	94
Prepared Statement	96
Edgardo “Eddie” Garcia, Chief of Police, Dallas Police Department	
Oral Testimony	105
Prepared Statement	108
Madeline Brame, Chair, NYS Victims Rights Reform Council	
Oral Testimony	117
Prepared Statement	119
Charles Fain Lehman, Fellow, Manhattan Institute for Policy Research, Contributing Editor, City Journal	
Oral Testimony	122
Prepared Statement	124
The Honorable Satana Deberry, District Attorney, Durham County, North Carolina	
Oral Testimony	129
Prepared Statement	131
Jerika L. Richardson, Senior Vice President, Equitable Justice & Strategic Initiatives, National Urban League	
Oral Testimony	134
Prepared Statement	136

IV

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

	Page
Materials submitted by the Honorable Sheila Jackson Lee, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Texas for the record	
A fact sheet entitled, "Policing, Violence, and Criminal Justice Reform," NAACP Legal Defense and Educational Fund	6
A report entitled, "Descriptive Analysis of Homicide Trends in 61 Major U.S. Cities, 2015–2021," NAACP Legal Defense and Educational Fund	12
Statement from the Honorable Eric Adams, Mayor, City of New York, submitted by the Honorable Jerrold Nadler, Chair of the Committee on the Judiciary from the State of New York for the record	32
An article entitled, "The White House's slipshod claim that Republicans are defunding the police," The Washington Post, submitted by the Honorable Scott Fitzgerald, a Member of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Wisconsin for the record	68
Materials submitted by the Honorable Andy Biggs, Ranking Member of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Arizona for the record	
An article entitled, "White House Fact-Checked over Bogus Claim on GOP Defunding Police," National Review	74
An article entitled, "Scott falsely accuses GOP of defunding police," PolitiFact	76
A letter from Peter S. Hyun, Acting Assistant Attorney General, submitted by the Honorable Sheila Jackson Lee, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Texas for the record ...	82
Materials submitted by the Honorable Andy Biggs, Ranking Member of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Arizona for the record	
An article entitled, "Budget deal cuts Philadelphia police funding while increasing spending on housing and education," ABC 6 Action News	145
The police budget from the Budget Office, City of Philadelphia	149
An article entitled, "PolitiFact VA: No, Republicans Didn't Vote to 'Defund the Police,'" VPM	150

APPENDIX

A transcript of a bail application for The People of the State of New York vs. Mary Saunders, submitted by Madeline Brame, Chair, NYS Victims Rights Reform Council for the record	180
A report entitled, "Toolkit: 21 Pillars for Redefining Public Safety and Restoring Community Trust," National Urban League, submitted by Jerika L. Richardson, Senior Vice President, Equitable Justice & Strategic Initiatives, National Urban League for the record	188
Materials submitted by the Honorable Sheila Jackson Lee, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Texas for the record	
An article entitled, "The Who-Cares-If-You're-Innocent Project," The Atlantic	361
An article entitled, "Revealed in court: 9-year-old accidentally shot, killed by robbery victim lost life over \$20, prosecutors say," KPRC Click2Houston	371
An article entitled, "Houston Announces \$44 Million Plan to Tackle Violent Crime," US News	376
A report entitled, "Want to reduce violence? Invest in place," Brookings	380
An article entitled, "Houston to Hire More Police, Park Rangers to Tackle Violent-Crime Wave," CityLab	391
An article entitled, "The Patriot Act Wasn't Meant to Target Parents," Wall Street Journal, submitted by the Honorable Jim Jordan, Ranking Member of the Committee on the Judiciary from the State of Ohio	393

REIMAGINING PUBLIC SAFETY IN THE COVID-19 ERA

Tuesday, March 8, 2022

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to call, at 10:03 a.m., in Room 2141, Rayburn House Office Building, Hon. Sheila Jackson Lee [Chair of the Subcommittee] presiding.

Members present: Representatives Nadler, Jackson Lee, Bass, Dean, Scanlon, Bush, Cicilline, Lieu, Escobar, Cohen, Jordan, Biggs, Chabot, Tiffany, Massie, Fitzgerald, and Owens.

Staff present: John Doty, Senior Advisor and Deputy Staff Director; David Greengrass, Senior Counsel; Moh Sharma, Director of Member Services and Outreach & Policy Advisor; Cierra Fontenot, Chief Clerk; Keenan Keller, Chief Counsel; Mauri Gray, Deputy Chief Counsel for Crime; Nicole Banister, Counsel for Crime; Veronica Eligan, Professional Staff Member/Legislative Aide for Crime; Ella Yates, Minority Member Services Director; Jason Cervenak, Minority Chief Counsel for Crime; Ken David, Minority Counsel; Caroline Nabity, Minority Senior Counsel; Andrea Woodard, Minority Professional Staff Member; Kiley Bidelman, Minority Clerk; and Carter Robertson, Minority USSS Detailee.

Ms. JACKSON LEE. The Subcommittee will come to order.

Without objection, the Chair is authorized to declare recesses of the Committee at any time.

Good morning, and welcome to today's hearing on reimagining public safety in the COVID-19 era. I would like to remind the Members that we have established an email address and distribution list to circulate exhibits, motions, or other written materials that the Members might want to offer as part of our hearing today.

If you would like to submit materials, please send them to the email address that has been previously distributed to your offices and we will circulate the materials to the Members and staff as quickly as we can.

I would also ask all Members, both those in person and those attending remotely, to please mute your microphones when you're not speaking. This will help prevent feedback and other technical issues. You may unmute yourself anytime you seek recognition.

Due to the size of our panels today, I will strictly enforce the five-minute rule. I'd love to hear all of you longer because we have a lot to say, but I will strictly enforce that against all of us.

Before I begin, I'd like to take a moment to note the passing of Representative James L. Hagedorn of Minnesota, who passed away on February 17th. His memorial service is being held today at St. Paul's Lutheran Church in Falls Church, Virginia.

We will just take a moment of silence in his honor.

[Moment of silence.]

Ms. JACKSON LEE. We will accommodate any Members who need to participate remotely to attend the service.

I now recognize myself for an opening statement.

During today's hearing, the Subcommittee will investigate the causes of the rise in the rate of violent crime during the COVID-19 era and the aftermath, and the role of the Federal government in developing strategies to ensure and enhance public safety.

After years of falling crime rates, Americans have witnessed a spike in certain types of crimes. In the last two years, we have seen a spike in homicides and shootings, particularly in historically underfunded areas.

The causes of the rise in violent crime are not clear, as homicide rates increased at the same rate in cities that adopted criminal justice reform measures as those that did not, and as many cities grappled with the rise in violent crime—and rural communities—not all crime is up during the pandemic.

Property crime overall fell 8 percent, led by drops in burglary and larceny. It appears that the spike in violent crime coincides with the societal, cultural, and economic disruptions brought on by the pandemic.

The murder of George Floyd, which toppled already fragile police community relations, and the ensuing social upheaval that followed his death and the deaths of others at the hands of police, statistics show that much of the recent crime wave involves firearms—guns—which have been a pervasive problem in America long before the COVID-19 era.

In fact, the weapon of choice for violent criminals is the gun. In an average year, guns account for, roughly, two-thirds of homicides. However, in 2020, 77 percent of murders involved firearms.

Today, more people are carrying guns in America legally and illegally than ever. Fueled by politics and anxieties brought on by the pandemic, firearm sales have surged along with police recovery of illegal firearms.

Firearms are stolen from legal gun owners who leave them in places unsecured. Americans purchased approximately 19 million firearms last year, down 12.5 percent from 2020, according to several industry estimates.

The year 2021 was still the industry's second busiest year on record. More guns lead to more shootings. With so many guns around they're more likely to be used in violent acts.

Their presence makes it more likely that thieves can steal them to commit other crimes and that arguments or fights will escalate out of control, as has been happening across the nation, and families have been shooting each other. Friends have been shooting each other and lead to unexpected consequences like the senseless

death of nine-year-old Arlene Alvarez last month in Houston by a robbery victim who thought he was shooting in the vehicle—at the vehicle of the person who robbed him. He should not have done that, and he killed a precious nine-year-old. He was not the police. He didn't know that the person who had robbed him had gotten in, and it was for a mere \$20. He should be held accountable.

Because of the prevalence of guns in our streets, we cannot discuss the rise in violence without mentioning common sense strategies to effectively reduce gun violence across the country, such as closing background check loopholes, doing away with permitless carry, addressing unregulated do-it-yourself ghost guns and strengthening gun laws that allow guns to be trafficked from State to State.

Of course, community intervention programs should be uplifted, as they provide support to those who are at the highest risk of being victims or perpetrators of both—of violence, and it helps both police and those communities as they try to reduce crime.

Just as many cities experienced a rise in violent crime that included murders of police officers, many communities also saw an increase in use of force by law enforcement officers. Police shot and killed 1,055 people in 2021, the highest total number reported since tracking began in 2015.

Incidents of excessive force and racial and religious profiling committed by police officers disproportionately among the most marginalized Black and Brown communities reduced public confidence and trust in law enforcement, which negatively impacts police legitimacy and increases some people's willingness to arm themselves and take matters into their own hands.

I have seen where police and communities have worked together, turned the corner on this. The admiration is strong, and the relationship is strong, and they work together to fight crime. That is what we want to see in our nation.

On the other hand, as I've indicated, strong police community relationships forged by community programs that build partnerships between the community and law enforcement and help reduce crime, like the Hartford Police Athletic and Activities League that provides youth with alternatives to violence, gang membership, truancy, and substance abuse, and like my own city—Chief Finner and the Houston Police Department where police officers are out during Halloween, Christmas, Thanksgiving, working with families who are in need.

That is how we try to work together. Even as we try to recover from the past two years, the lasting impacts of COVID-19 on public health and safety are evident and cannot be solved by law enforcement and the criminal justice system alone.

Decades of under investment in communities that are primarily experiencing increased violence have created concentrated areas of disadvantage, poverty, and instability, which were only compounded by the uncertainty of the COVID-19 pandemic, the loss of vital social services, such as gun violence intervention programs and easy availability of firearms.

Reimagining and ensuring public health and safety require effective policing practices, investment in community resources, and collaboration and trust between law enforcement and the communities

they police through policies that support transparency and accountability.

Local leaders throughout the country are working to develop and implement strong public safety initiatives that balanced the need for law enforcement with the need for community investment collaboration.

Congress can support their efforts and incentivize states and localities in developing traditional and additional evidence-based tools that focus on prevention and intervention.

For instance, last year, Representative Lizzie Fletcher and myself were able to secure \$975,000 in Byrne Justice Assistance Grant funding for the Houston Police Department to employ nine crime victim advocates that provide trauma-informed support for victims of violent crimes.

We would like to see it end, but we cannot forget those victims who are in need on these issues. The United States has historically funneled billions into punitive criminal justice policy, flooding local law enforcement with military grade weapons and incentivizing mass incarceration instead of looking for solutions that will eliminate the conditions in which crime breeds.

At this juncture, we must not return to antiquated thinking of tough on crime laws that led to over policing, mass incarceration, and the devastation of impacted communities.

Expanding our idea of what constitutes public safety is key to keeping our communities safe, to community-driven solutions carefully tailored to meet each community's specific needs.

I look forward to hearing from the Witnesses and hope we have a constructive conversation that helps us find solutions to the current wave of violence, which must end.

Without objection, I submit into the record the following documents: A fact sheet entitled "Policing, Violence, and Criminal Justice Reform" and a report entitled "Descriptive Analysis of Homicide Trends in 61 Major U.S. Cities," both from the NAACP Legal Defense and Educational Fund and the reduction of crime program by the city of Houston authored by the mayor, Mayor Turner, of the city of Houston.

Without objection.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD

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Policing, Violence, and Criminal Justice Reform
Fact Sheet
March 2022

Key facts:

1. **Encounters with law enforcement and involvement in the criminal justice system have harmful effects** for people who are arrested or incarcerated, and also those who have low-level, frequent interactions with officers. These encounters with law enforcement are often disproportionately experienced by communities of color.¹ People endure physical injury, mental anguish, and lose lives in police encounters. Encounters also have less visible negative effects on peoples' and communities' mental health.²
2. **Preventing and reducing violence requires addressing the root causes of violence** – such as economic inequality, lack of job prospects, housing insecurity, and more recently, stressors brought on by the COVID-19 pandemic.³ **Community-based solutions to prevent violence and reduce law enforcement involvement are essential** to creating safer communities and improving people's lives.⁴
3. **Reforms aimed at reducing the punitive and discriminatory nature of the criminal justice system – namely bail reform and progressive prosecutors – have not resulted in an increase in crime.** The recent increases in homicide correlate with markers of social and economic instability⁵ that cannot be resolved through increased policing. While increases in incarceration or law enforcement funding are not generally associated with decreases in crime,⁶ increased law enforcement presence may increase harms communities experience from over-policing⁷ and make it more difficult to fund the economic and community interventions that can decrease crime.

Law enforcement are often the only tool local governments use to promote public safety but policing and involvement in the criminal justice system can be counterproductive to the safety and wellness of communities:

- **Police encounters can cause mental trauma.** A study examining the often unseen injuries of law enforcement-involved killings and excessive use of force, showed that Black participants worried about the experience of police use of force, over five times that of white participants.⁸ Latinx participants worry about law enforcement brutality more than four times that of white participants.⁹
- **More frequent contact with police leads to greater trauma and anxiety.** In a 2014 survey of 1,200 young men in New York City, participants who reported more contact with law enforcement, also reported more symptoms of trauma and anxiety.¹⁰ Further, the severity of these symptoms were tied to the amount of stops they reported, the intrusiveness of the encounters, and their perceptions of fairness in policing.¹¹ Such adverse impacts on mental health are not limited to individuals who are actually sanctioned by law enforcement, but can result from lower-level (in frequency and intrusiveness) contacts with police, which many people of color and individuals in urban areas experience on a regular basis.¹²



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- **Police encounters pose a substantial risk of physical harm to young Black men.** In direct terms, law enforcement kill over 1,000 people per year, which is equivalent to 5% of all homicides.¹³ It is estimated that of the people fatally shot by law enforcement, Black Americans are killed at a rate twice as high as white Americans,¹⁴ and a 2019 report found that 1 in every 1,000 Black men between ages 20-35 can expect to be killed by law enforcement.¹⁵
- **Negative experiences with law enforcement have the potential to decrease trust in institutions more broadly and fray community ties.** As a result, community members may become less likely to engage with the healthcare system and other social services institutions, which can lead to untreated mental health issues and other conditions that can contribute to violence.¹⁶

To reduce violence, strategies must address the root causes of violence. And community-based solutions effectively decrease violence without causing the long-term harms associated with policing and criminal justice involvement.

- **While increased police presence has limited or short-term impact on decreasing crime, “fixing the underlying condition” of crime “often has a substantial impact” on decreasing crime.**¹⁷ Underlying conditions of violence generally include housing instability, lack of employment opportunities, and other threats to economic and social cohesion – things that by and large, law enforcement officers and agencies cannot fix.¹⁸
- **Higher pre-pandemic eviction rates are associated with increased violent crime occurring during the COVID-19 pandemic.** For instance, cities with the highest average eviction rate preceding the pandemic had the highest increases in homicide during the pandemic. Likewise, cities with the lowest average eviction rate before the pandemic also had the lowest increases in homicides during the pandemic.¹⁹
- **Income inequality is another reliable predictor of crime.**²⁰ For example, cities with the highest income inequality in 2019 had the highest increase in homicides during the pandemic.²¹ Similarly, decreasing inequality by increasing government spending by \$10K per poor person is associated with a 16% decrease in the homicide rate.²²
- **COVID-19 exacerbated pre-existing stressors in many communities – such as income inequality and employment insecurity – and newly created ones in the form of illness, loss of life, loss of community, and decreased person-to-person interactions.** These stressors are reflected in homicide rates. For example, cities in counties with the highest year-to-date death rate from COVID-19 are also experiencing the highest increases in homicide during the pandemic.²³ Importantly, in Black and Latinx communities, which have been disproportionately impacted by the pandemic, the death rates were highest among working age populations. The death of these individuals not only causes emotional grief, but often leaves families more financially and socially unstable from the loss of a worker and primary caretaker, all of which can contribute to increased crime.²⁴
- **Violence interruption programs constitute one of the most successful approaches to preventing violence.** Across many cities, studies have consistently found that these programs



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lead to decreases in homicides, shootings, and other forms of violence.²⁵ They have also been credited with changing community norms, so that young people consider it less acceptable to use violence to resolve conflicts.²⁶ Further, there is evidence that they can be more effective than policing at reducing violence: in a 2015 evaluation of Safe Streets in Baltimore, researchers found that the program had a “stronger effect on shootings than law enforcement approaches.”²⁷

- **Another approach that reduces violence is increasing the presence of community-based non-profits.** Specifically, a study of 263 of the country’s 300 largest cities found that adding 24 community nonprofits per 100,000 residents leads to a 29 percent decline in the murder rate, a 24 percent decline in the violent crime rate, and a 17 percent decline in the property crime rate.²⁸ Additionally, adding an additional 10 non-profits is likely to be more effective at reducing violence, at a lower cost, and without the risk of violence that the presence of law enforcement can bring.²⁹
- **Public policy strategies that respect people’s dignity and humanity, and provide support for basic necessities, are effective and improve outcomes.** For example, in King County, Washington, when unhoused people were given private hotel rooms to slow the spread of COVID-19, residents felt secure and safe; health, wellness, hygiene, sleep, and mental health of unhoused people improved; conflict within the community decreased dramatically, including 911 calls; and exit rates to permanent housing increased.³⁰

Increased funding for law enforcement does not lead to lower crime rates or total homicides. Recent criminal justice reforms to the cash bail system, or by progressive prosecutors, are not the cause of increases in crime.

- **There is little evidence that increased incarceration leads to decreased crime.** Overall, data shows that the raw numbers of police have declined over the past five years, and the rate of police officers per 1,000 residents has been dropping for two decades. At the same time, the violent crime rate has also dropped.³¹
- Many cities, including those that increased their law enforcement agency budgets saw increased homicides in recent years. For example, among 12 cities cited as hitting all-time records for homicides in 2021,³² Albuquerque, Baton Rouge, Indianapolis, Louisville, Toledo, and Tucson all increased their spending on police over the past few years.³³
 - **The ten cities with the highest growth in homicides in 2021** (Las Vegas, Richmond, Winston-Salem, Louisville, Virginia Beach, Houston, Little Rock, Indianapolis, Aurora, and Lexington) **have traditional prosecutors, no bail reform, and spend an average of \$2.1 million annually in policing.** Yet, their average number of homicides increased by 35% increase in 2020 and an additional 21% in 2021.³⁴
 - According to the National Police Funding Database, Little Rock, AK had more than twice the number of law enforcement per 1,000 people as other similarly sized cities and Richmond had almost three times.³⁵ Despite such an overrepresentation of police, Richmond’s 2021 homicides were 60% above the five-year pre-pandemic average and Little Rock’s homicide increase was 73% above the five-year pre-pandemic average.³⁶



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- **Additionally, recent reforms to the bail system have not resulted in meaningfully different crime rates.** When comparing 2021 homicide rates to 5-year pre-pandemic averages, cities with bail reform have fared slightly better (47% increase versus 51% increase).³⁷ More broadly, studies that compare crime rates before and after implementing bail reform have shown no impact on crime rates or public safety as a result of bail reform.³⁸
- **Similarly, changes in prosecuting approaches due to “progressive prosecutors” have also not resulted in meaningful differences compared to cities with more traditional prosecutors still at the helm.**³⁹ Specifically, from 2020 to 2021, the difference in homicide increases between cities with or without a progressive prosecutor was only 2% (9% and 7%, respectively). When comparing 2021 to a 5-year pre-pandemic average, the difference was only 1% (50% and 49%, respectively).⁴⁰ On the whole, progressive prosecutors exist in similar numbers in cities with above average, average, and below average increases in homicide rates.⁴¹

¹ See *Floyd, et al. v. City of New York, et al.*, 959 F. Supp. 2d 540, 589 (S.D.N.Y. 2013) (“... blacks are likely targeted for stops based on a lesser degree of objectively founded suspicion than whites”); *Davis v. City of New York*, 959 F. Supp. 2d 324, 361 (S.D.N.Y. 2013) (Plaintiffs’ expert “found that the racial composition of NYCHA buildings is a better predictor of trespass enforcement disparities than any racially neutral policy-rationalizing variables, including crime, policing activity, vertical patrols, or socioeconomic conditions.”); LDF Letter to UN High Commissioner for Human Rights re Implementation of Human Rights Council Resolution 43/1 (December 4, 2020) at 4-6 (where data is available, it demonstrates officers stop and search black people more frequently, and with less justification, than other groups), accessible at https://www.ohchr.org/Documents/Issues/Racism/RES_43_1/NGOsAndOthers/naacp-legal-defense-and-educational-fund-inc.pdf; see also Stanford Open Policing Project Data Findings (Examining traffic stop rates, researchers found “[t]he data show that officers generally stop black drivers at higher rates than white drivers.”), <https://openpolicing.stanford.edu/findings/>.

² Amanda Graham et al., *Race and Worrying About Police Brutality: The Hidden Injuries of Minority Status in America, Victims & Offenders*, 15:5, 549-573 (2020)

³ See, e.g., Charles C. Branas et al., *Citywide cluster randomized trial to restore blighted vacant land and its effects on violence, crime, and fear* 2946 Jan. 26, 2018), (“Blighted and vacant urban land affects people’s perceptions of safety, and their actual, physical safety. Restoration of this land can be an effective and scalable infrastructure intervention for gun violence, crime, and fear in urban neighborhoods”, <https://www.pnas.org/doi/epdf/10.1073/pnas.1718503115>); Urban Institute, *An Evaluation of THRIVE East of the River, Findings from a Guaranteed Income Pilot during the COVID-19 Pandemic* (Feb. 24, 2022) (“Direct income supports (such as cash transfers) can stabilize households during crises and recoveries.”), <https://www.urban.org/research/publication/evaluation-thrive-east-river>; Center for American Progress, *NeighborhoodStat: Strengthening Public Safety Through Community Empowerment* (“Research shows that communities are safer when residents have access to stable jobs, high-quality schools and social services, and clean and vibrant public spaces.”), <https://www.americanprogress.org/article/neighborhoodstat-strengthening-public-safety-community-empowerment/>; Daniel C. Semenza et al., *Eviction and Crime: A Neighborhood Analysis in Philadelphia*, *Crime & Delinquency* 1–26 (2021) (finding rate of eviction associated with homicide, robbery, and burglary in fully controlled models), https://www.researchgate.net/publication/354020149_Eviction_and_Crime_A_Neighborhood_Analysis_in_Philadelphia; Sara Heller, *Summer jobs reduce violence among disadvantaged youth*, *Science* (Dec. 5, 2014), (“assignment to a summer jobs program decreases violence by 43% over 16 months ...”), <https://www.phila.gov/bestpractices/PDF/Science-2014-Heller-1219-23.pdf>.



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⁴ See, e.g., Patrick Sharkey et al., *Community and the Crime Decline: The Causal Effect of Local Nonprofits on Violent Crime*, 82 American Sociological Rev. 1214, 1215 (Oct. 25, 2017), accessible at [cy.org/scans/Community-and-the-Crime-Decline-The-Causal-Effect-of-Local-Nonprofits-on-Violent-Crime-pdf](https://www.scribd.com/document/381111111/Community-and-the-Crime-Decline-The-Causal-Effect-of-Local-Nonprofits-on-Violent-Crime-pdf) (“[E]very 10 additional nonprofits per 100,000 residents leads to a 9 percent decline in the murder rate, a 6 percent decline in the violent crime rate, and a 4 percent decline in the property crime rate.”)

⁵ See Kesha Moore, Ryan Tom, and Jackie O’Neil, *Descriptive Analysis of Homicide Trends in 61 Major U.S. Cities, 2015–2021*, NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., 9 (2022) (citing data from Princeton’s Eviction Lab which shows cities with the highest increases in homicides during the pandemic also have the highest average eviction rate preceding the pandemic) [“TMI Research”]; see also Heather L. Sipsma et al., *Spending on Social and Public Health Services and Its Association with Homicide in the USA: An Ecological Study*, 7 BMJ Open 1 (Oct. 12, 2017), <https://bmjopen.bmj.com/content/bmjopen/7/10/e016379.full.pdf>.

⁶ TMI Research, *supra* note 5 at 7; Dr. Oliver Roeder, et al., *What Caused the Crime Decline*, Brennan Center for Justice 79 (2015) (“This report demonstrates that when other variables are controlled for, increasing incarceration had a minimal effect on reducing property crime in the 1990s and no effect on violent crime. In the 2000s, increased incarceration had no effect on violent crime and accounted for less than one-hundredth of the decade’s property crime drop.”).

⁷ See e.g. Police Violence: Physical and Mental Health Impacts on Black Americans, Medical News Today, <https://www.medicalnewstoday.com/articles/police-violence-physical-and-mental-health-impacts-on-black-americans#Consequences-for-mental-health> (last visited February 28, 2022).

⁸ Amanda Graham et al., *Race and Worrying About Police Brutality: The Hidden Injuries of Minority Status in America*, 15 Victims & Offenders 549, 549 (May 26, 2020), accessible at <https://doi.org/10.1080/15564886.2020.1767252>.

⁹ *Id.*

¹⁰ Police Violence: Physical and Mental Health Impacts on Black Americans, Medical News Today, <https://www.medicalnewstoday.com/articles/police-violence-physical-and-mental-health-impacts-on-black-americans#Consequences-for-mental-health> (last visited February 28, 2022).

¹¹ Amanda Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, 104:12, American Journal of Public Health, 2321–2327(2014), accessible at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139/pdf/AJPH.2014.302046.pdf>.

¹² *Id.*

¹³ FastStats: Assault or Homicide, Centers for Disease Control and Prevention (Jan. 5, 2022), <https://www.cdc.gov/nchs/fastats/homicide.htm>.

¹⁴ *Fatal Force*, The Washington Post (Feb. 27, 2022), <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>.

¹⁵ Frank Edwards, Hedwig Lee, and Michael Esposito, *Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex*, 116:34, Proceedings of the National Academy of Sciences of the United States of America, 16793–16798 (2019).

¹⁶ Reginald Young-Drake et al., *A Growing Dilemma: How Police Brutality Affects Mental Health in Black Communities*, The Movement Lawyering Clinic, Howard University School of Law (2021), <https://thurgoodmarshallcenter.howard.edu/sites/tmrcr.howard.edu/files/2021-05/A%20Growing%20Dilemma%20-%20How%20Police%20Brutality%20Affects%20Mental%20Health%20in%20the%20Black%20Communities.pdf>.

¹⁷ See *supra* n.3.

¹⁸ *Id.*

¹⁹ TMI Research, *supra* note 5 at 9; see also Humera Lodhi, Hunbie Meko, *In Kansas City, a wave of evictions could push gun violence to new extremes this year* (Sept. 21, 2021) (Evaluating gun violence and eviction rates, finding “of the 10 Jackson County census tracts with the highest numbers of shootings, all but one also had higher than average eviction rates, according to an analysis by The Star of data from the nonprofit Gun Violence Archive and Princeton University’s Eviction Lab.”), <https://www.kansascity.com/news/state/missouri/gun-violence-missouri/article250974854.html#storylink=cpy>.

²⁰ TMI Research, *supra* note 5 at 10.

²¹ *Id.*

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²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ See, e.g., Daniel Webster, et al., *Evaluation of Baltimore's Safe Street's Program: Effects on Attitudes, Participants' Experiences, and Gun Violence*, Johns Hopkins Bloomberg School of Health (Jan. 11, 2012), https://www.jhsph.edu/research/centers-and-institutes/center-for-prevention-of-youth-violence/field_reports/2012_01_11_Executive%20SummaryofSafeStreetsEval.pdf; Nancy Ritter, *Ceasefire: A Public Health Approach to Reduce Shootings and Killings*, National Institute of Justice (Oct. 28, 2009), <https://nij.ojp.gov/topics/articles/ceasefire-public-health-approach-reduce-shootings-and-killings>; Wesley G. Skogan, et al., *Evaluation of CeaseFire-Chicago*, Northwestern University (March 19, 2009), http://www.skogan.org/files/Evaluation_of_CeaseFire-Chicago_Main_Report_03-2009.pdf; Cure Violence, *The Evidence of Effectiveness* (Aug. 2021) <https://cv.org/wp-content/uploads/2021/09/Cure-Violence-Evidence-Summary.pdf>.

²⁶ See Cure Violence, *The Evidence of Effectiveness* (Aug. 2021) <https://cv.org/wp-content/uploads/2021/09/Cure-Violence-Evidence-Summary.pdf>; Daniel Webster, et al., *Evaluation of Baltimore's Safe Street's Program: Effects on Attitudes, Participants' Experiences, and Gun Violence*, Johns Hopkins Bloomberg School of Health (Jan. 11, 2012), https://www.jhsph.edu/research/centers-and-institutes/center-for-prevention-of-youth-violence/field_reports/2012_01_11_Executive%20SummaryofSafeStreetsEval.pdf.

²⁷ See Cure Violence, *The Evidence of Effectiveness* 20 (Aug. 2021) <https://cv.org/wp-content/uploads/2021/09/Cure-Violence-Evidence-Summary.pdf>.

²⁸ Sharkey, P., Torrales-Espinosa, G., & Takyar, D. *Community and the crime decline: The causal effect of local nonprofits on violent crime*. 82 *American Sociological Review* 6, 1214-1240 (2017), available at: <https://doi.org/10.1177/0003122417736289>.

²⁹ *Id.*

³⁰ KOMO News Staff, *Moving homeless people to hotels slowed virus spread in King Co., study finds*, KOMO News (October 7, 2020) Available at: <https://komonews.com/news/coronavirus/moving-homeless-people-to-hotels-slowed-virus-spread-in-king-co-study-finds>.

³¹ Simone Weichelbaum and Wendi C. Thomas, *More cops. Is it the answer to fighting crime?* USA Today (Feb. 12, 2019) <https://www.usatoday.com/story/news/investigations/2019/02/13/marshall-project-more-cops-dont-mean-less-crime-experts-say/2818056002/>.

³² Bill Hutchinson, *'It's Just Crazy': 12 Major Cities Hit All-Time Homicide Records: "It's Worse Than a War Zone Around Here Lately," Police Officials Said.* ABC News (December 8, 2021) <https://abcnews.go.com/US/12-major-us-cities-top-annual-homicide-records/story?id=81466453>.

³³ Daniel Funke, *Fact Check: No Evidence Defunding Police to Blame for Homicide Increases, Experts Say*, USA Today (January 28, 2022), <https://www.usatoday.com/story/news/factcheck/2022/01/28/fact-check-police-funding-not-linked-homicide-spikes-experts-say/9054639002/>.

³⁴ TMI Research, *supra* note 5 at 11-14.

³⁵ *Id.*

³⁶ *Id.*

³⁷ TMI Research, *supra* note 5 at 4; see also Tina Herring, *Releasing People Pretrial Doesn't Harm Safety: When Theses States, Cities, and Counties Began Releasing More People Pre-trial, There Were no Corresponding Waves of Crime*, Prison Policy Initiative (November 17, 2020), <https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/>.

³⁸ TMI Research, *supra* note 5 at 4-5.

³⁹ For the purposes of research conducted by TMI, "progressive prosecutors" were defined based on support for the following various viewpoints: recognizing that the current criminal justice system is flawed and creates harms, particularly for people of color; recognizing that the office the prosecutor can create an outsized effect for criminal justice reform; a platform that suggests they do not support mass incarceration and that they recognize the need to decarcerate. Additionally, they hold a general belief in: diverting low-level offenses out of the criminal justice system; providing treatment and diversion programs in lieu of incarceration; refusal to prosecute a certain set of crimes as harm reduction (e.g. sex work); enhancing integrity units; and refusing to prosecute cases brought by officers with a history of dishonesty.

⁴⁰ TMI Research, *supra* note 5 at 5-6.

⁴¹ *Id.*

DESCRIPTIVE ANALYSIS
OF HOMICIDE TRENDS IN
61 MAJOR U.S. CITIES,
2015-2021

LDF
**THURGOOD
MARSHALL
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EXECUTIVE SUMMARY

While homicides in most U.S. cities increased in 2020, there is substantial variation in the size and direction of changes in homicides. Our findings demonstrate that neither bail reform practices nor changes in prosecutor policies can adequately explain the increase in homicides. Economic insecurity and income equality, both of which have been exacerbated by the COVID-19 pandemic, most clearly account for the different trajectories cities experienced following the homicide spike in 2020.

Our research analyzes homicide trends in 61 major U.S. cities. We drew our sample from the 100 most populous cities based on 2019 American Community Survey data. We collected homicide data from reports published by the local or state police department and supplemented when needed with data from Major Cities Chiefs Association (MCAA) reports. From the initial sample of 100 cities, we then selected cities with continuous annual reporting of homicide data from 2015 to 2021. This process resulted in a final sample of 61 U.S. cities for our analysis.

The 61 major cities were then examined for evidence of cash bail reform or the changes in prosecutor policies. Cities that took proactive steps to limit cash bail and reform the pretrial system were included in the “Bail Reform” sample. Jurisdictions that had elected a progressive prosecutor into office during the analysis’ timeframe were included in the “Progressive Prosecutor,” sample. To operationalize the term “Progressive Prosecutor,” we reviewed District Attorney candidate profiles for any of the following criteria: discussion of harms with the current criminal justice system; a campaign platform calling for decarceration; refusing to prosecute certain types of crimes as a form of harm reduction (e.g. sex work or marijuana possession), enhancing conviction integrity units, and/or refusing to prosecute cases associated with law enforcement officers that have a history of dishonesty or corruption. Prosecutors articulating any of these positions, were identified as “Progressive Prosecutors,” for the purposes of this analysis.

Addressing the root causes of violence by promoting housing and economic stability seem to be the most promising avenues for reducing the number of homicides, particularly within cities with higher levels of income inequality.

Descriptive Analysis of Homicide Trends in 61 Major U.S. Cities, 2015-2021

Table of Contents

National Crime Pattern	3
Crime Wave and Criminal Justice Reform	4
Crime Wave and Pandemic Induced Instability	8
Appendix. U.S. Cities in the Research Sample	11

Table of Figures

Figure 1. National homicide rate 1960-2018 based on research from Dr. Rohman.....	3
Figure 2. Changes in crime based on whether cities have experienced bail reform; N=61	4
Figure 3. Changes in crime rate based on whether cities have progressive prosecutors, N=61	5
Figure 4. Homicide pattern of three cities that have progressive prosecutors, N=3	6
Figure 5. Number of homicides and police funding for cities with large increases in 2021 homicides without bail reform or progressive prosecutors, N=10	7
Figure 6. Changes in U.S. cities crime rates as compared to COVID death rates	8
Figure 7. Changes in U.S. cities' experience of crime based on eviction rates.	9
Figure 8. Changes in U.S. crime rates based on income inequality	10

National Crime Pattern

Crime, including violent crime, has had a relatively consistent and steady decline over the past 30 years. There has been a sharp and continuous decrease in crime since 1990's.¹ Social scientists do not have a clear explanation for what caused the decline in crime because factors influencing crime include a number of variables, and it is unlikely to have one singular cause. Yet, research suggests it cannot be attributed to increases in incarceration. A 2015 report found that ,since 2000, increased incarceration has had an almost zero effect on crime.² CA, MI, NJ, NY, TX have successfully reduced imprisonment while crime rates continue to fall.³

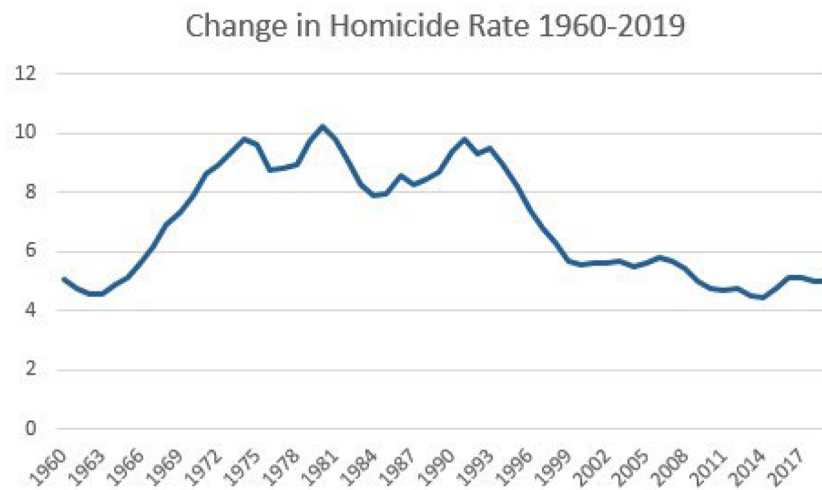


Figure 1. National homicide rate 1960-2018 based on research from [Dr. Rohman](#)⁴

The COVID-19 pandemic correlates with a spike in homicides across the nation, but the magnitude and consistency of that spike varies based on the local context¹. Our analysis reveals a spike in homicides in 2020 in all but one (Virginia Beach) of the cities in our sample. In this

¹ See Table 1 for a complete list of cities in the sample.

analysis we attempt to describe the magnitude of the 2020 spike in homicides and explain what it means for the future.

Is the 2020 spike in homicides a prediction of continual increases in homicides? Is the 2020 homicide spike followed by a more moderate increase that is consistent with variations in homicides during the pre-pandemic years? Is the 2020 spike in homicides followed by a decrease in homicides that approach the numbers of homicides during the pre-pandemic years? All three patterns are present in the data. Economic insecurity and income equality, both of which have been exacerbated by the COVID-19 pandemic, most clearly account for the different trajectories cities experience following the homicide spike in 2020.

Crime Wave and Criminal Justice Reform

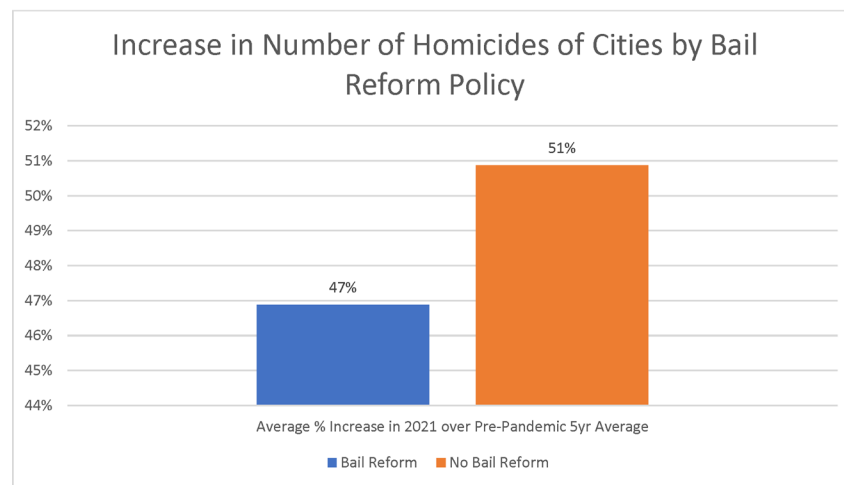


Figure 2. Changes in number of homicides for 5-year average (2015-2019) based on whether cities have experienced bail reform within the last 5 years; N=61

Whether a city requires cash bail or eliminates cash bail does not explain the variation in a city's 2020 homicide spike. In 2021, cities with bail reform experienced a 47% increase in homicides compared to their 5-year pre-pandemic average, and cities without bail reform experienced a 51% increase. Thus, localities with bail reform are slightly less likely to have an increase in homicide compared to pre-pandemic five-year averages. Bail reform itself does not seem to be a strong predictor or explanatory variable in understanding which cities are experiencing an

increase in homicides and which are not. Studies that compare crime rates before and after implementing bail reform within a locality have shown no impact on crime rates or an increase in public safety after implementing bail reform.⁵ The money bail system is an unjust, unsafe, and expensive system. Research shows that we can successfully decarcerate our jails without compromising public safety.

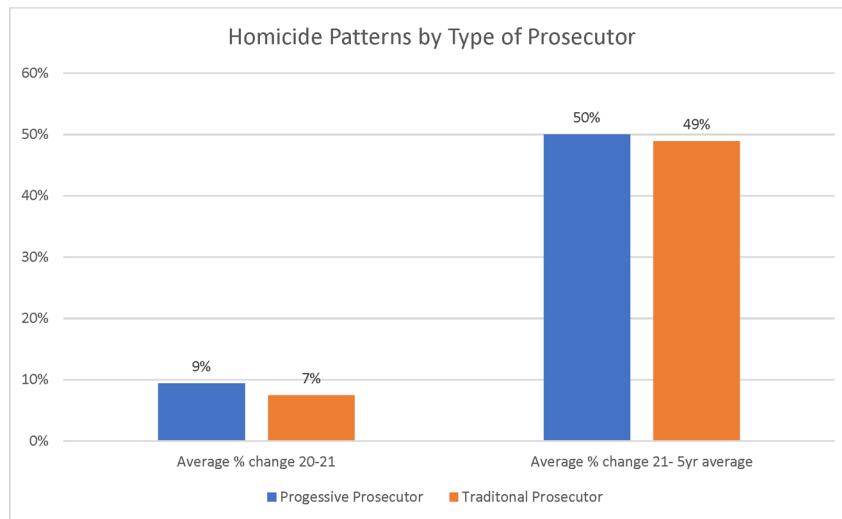


Figure 2. Changes in crime rate based on whether cities have progressive prosecutors, N=61

The impact of prosecutorial policies seems to have little to no impact on the increase in homicides. Cities with a prosecutor described as “progressive” experienced a 9% growth in homicides in 2021 compared to a 7% increase from those with more traditional prosecutors (see Table 1 in the Appendix for criteria of “progressive prosecutor”). These 2021 homicide rates reflect a 50% increase over the pre-pandemic 5-year average, compared to a 49% increase for traditional prosecutors. The data documents cities experiencing small increases in homicide, large increases in homicide, and decreases in homicide have progressive prosecutors and traditional prosecutors in each of those categories.

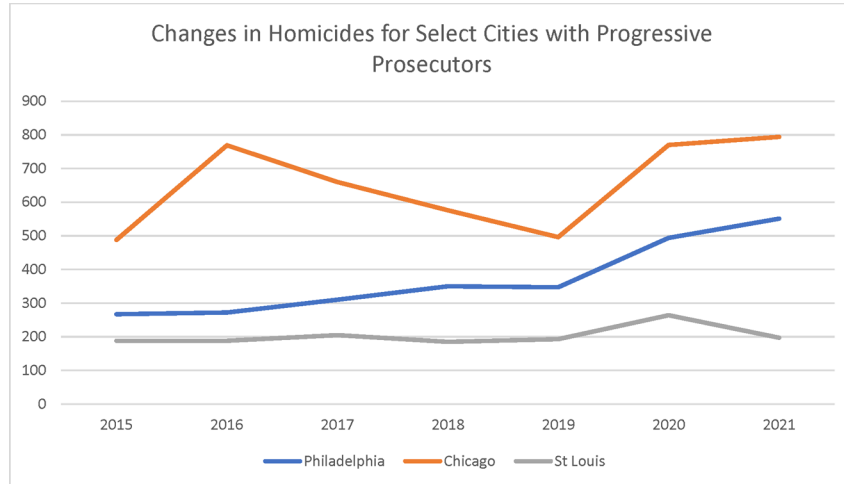


Figure 3. Homicide Pattern of Three Cities with Progressive Prosecutors, $N=3$.

Figure 4 provides a more in-depth examination on homicide trends in cities with progressive prosecutors. Cities with progressive prosecutors had homicide trends consistent with the three 2021 patterns we have described in this analysis: cities with small increases, large increases, and decreases in homicide. Note that there is a progressive prosecutive in each category of city: cities with small increases in 2021 (Chicago), cities with above average increases in 2021 (Philadelphia), cities with decreasing homicides in 2021 (St. Louis). Because all three cities have progressive prosecutors but varying homicide trends, it is incorrect to claim that the mere presence of progressive prosecutors results in increased homicides.

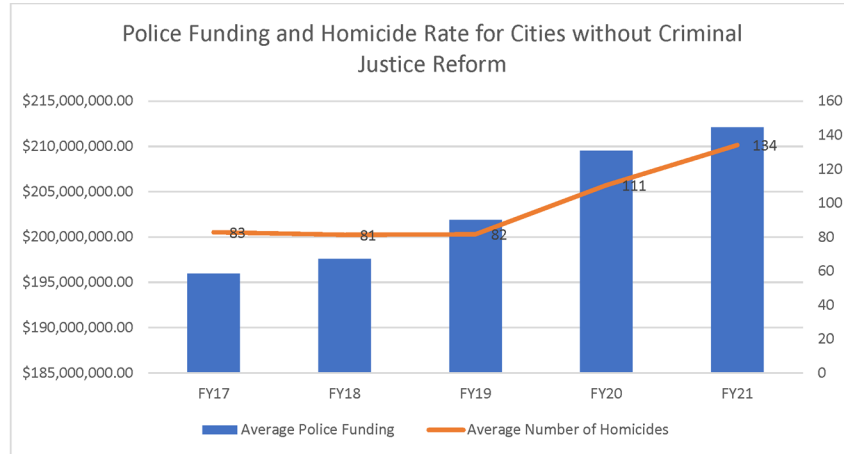


Figure 5. Number of Homicides and Police Funding for 10 Cities with Large Increases in 2021 Homicides without bail reform or progressive prosecutors. N=10

More law enforcement officers are not the answer to the 2020 spike in homicides. There are several cities experiencing substantial increases in homicide for 2020 and 2021 that continue to require cash bail and continue traditional prosecution policies. Figure 5 shows the pandemic increase in homicides for these cities despite rapid increases in police funding. According to the [National Police Funding Database](#), Little Rock, AR had more than twice the number of police per 1,000 people as other similarly sized cities and Richmond, VA had almost three times the number of police officers.⁶ Despite such an overrepresentation of police, Richmond's 2021 homicides were 60% above the five-year pre-pandemic average and Little Rock's homicide increase was 73% above the five-year pre-pandemic average. The 10 cities reflected in Figure 5 have traditional prosecutors, no bail reform, and spend an average of \$2.1 million annually in policing. Yet, their average number of homicides increased from 82 into 2019 to 111 in 2020, (representing a 35% increase) and to 134 in 2021 (representing an additional 21% increase).

Crime Wave and Pandemic Induced Instability

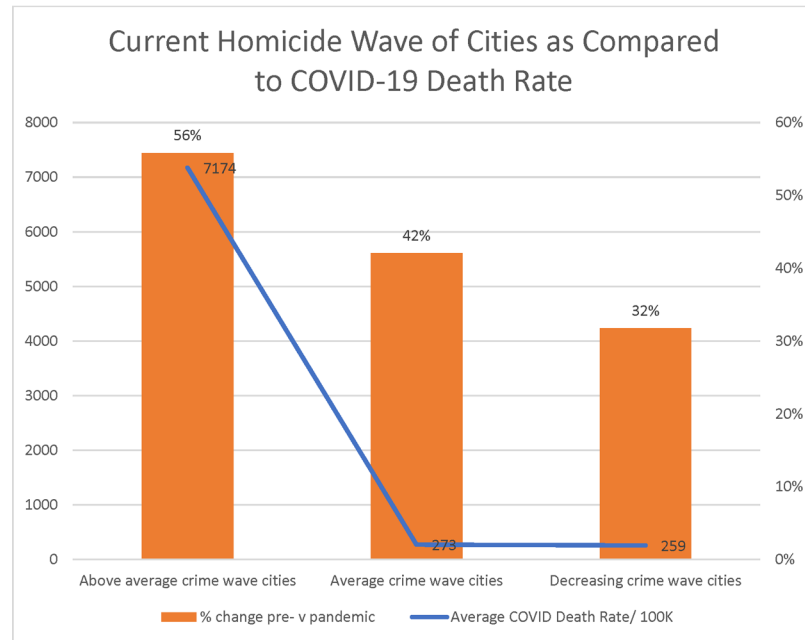


Figure 6. Changes in the two-year average number of homicides before the pandemic (2018 and 2019) and the two year-average number of homicides after the start of the pandemic (2020 and 2021) compared to the date death rate from COVID-19 (March 2020-December 2021).

Although the presence or absence of criminal justice reform does not explain the variation in a city's rate in the spike in homicides, social and economic destabilization measures associated with the pandemic do. In a study investigating the impact of eviction on crime rates in Philadelphia, researchers found that, while controlling for poverty, neighborhoods with higher eviction rates also had higher rates of homicide, robbery, and burglary.⁷ Figure 6 shows the strong relationship between pandemic-induced destabilization and homicide rates. Using CDC data from March 2020 through December 2021, cities with the highest year-to-date death rate from COVID-19 are also experiencing the highest increases in homicide during the pandemic. Particularly for Black and Latinx communities that were disproportionately impacted by the COVID-19 pandemic, the highest death rates were not only among the elderly but rather

working-age populations.⁸ This could be attributed to the high numbers of Black and Latinx workers in service jobs deemed “essential” and forced to work during the height of the pandemic.⁹ The death of these individuals is not only an emotional loss but often leaves families more financially and socially unstable from the loss of a worker and primary caretaker.

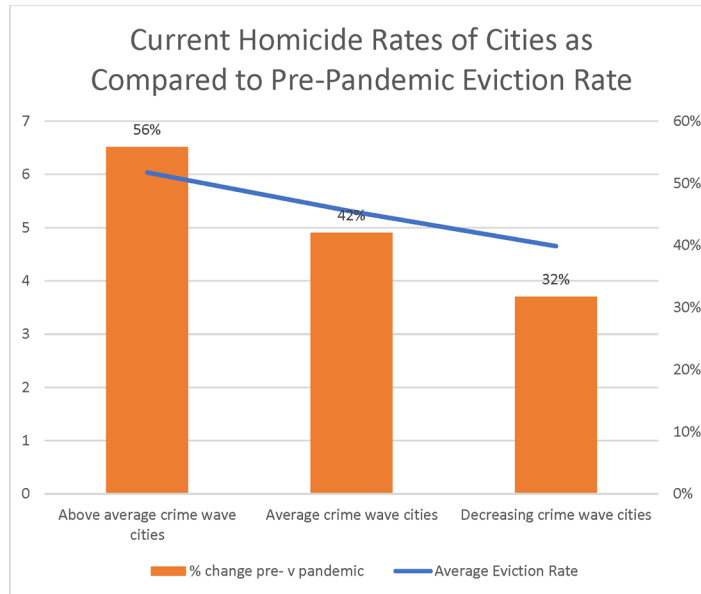


Figure 7. Changes in the two-year average number of homicides before the pandemic (2018 and 2019) and the two year-average number of homicides after the start of the pandemic (2020 and 2021) compared to 2019 eviction rates.

Housing instability is another form of economic and social instability aggravated by the pandemic. Although there were various federal, state, and local moratoria on evictions during the beginning of the pandemic, many households were still evicted, and this number continues to increase. According to data from Princeton’s Eviction Lab, cities with the highest increases in homicide during the pandemic also have the highest average eviction rate preceding the pandemic.¹⁰ Likewise, cities with the lowest increases in homicides during the pandemic have the lowest average eviction rate before the pandemic.

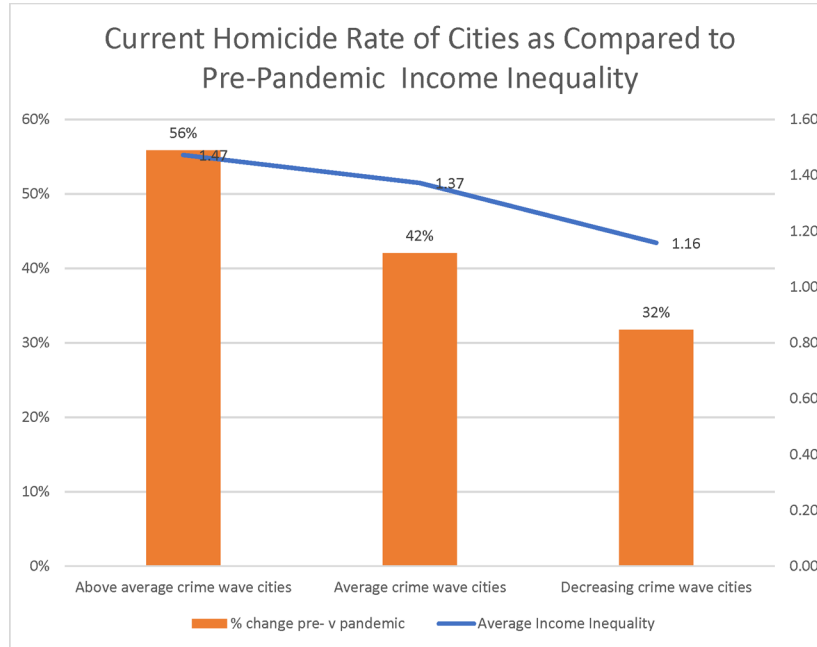


Figure 8. Changes in the two-year average number of homicides before the pandemic (2018 and 2019) and the two year-average number of homicides after the start of the pandemic (2020 and 2021) compared to the 2019 average income inequality of each group of cities.

Income inequality is another variable that helps us understand the divergent trajectories of cities in the most recent homicide spike. Income inequality is a robust predictor of crime above and beyond the influence of poverty.¹¹ Decreasing inequality by increasing government spending by \$10,000/poor person is associated with a 16% decrease in the homicide rate.¹² Figure 8 also shows a relationship between current homicide patterns and the degree of income inequality in specific localities. Cities with the highest increase in homicides during the pandemic also had the highest income inequality in 2019. Using the interquartile range divided by the median income as our measure of income inequality within cities, we see those cities with the highest increase in homicides during the pandemic had a degree of income inequality that is 1.47 times the median income. Likewise, cities with the lowest homicide spike have the lowest levels of income inequality- 1.16 times with median income.

Appendix. U.S. Cities in the Research Sample

Cities	Pandemic Homicide Average (2020 & 2021)	Pre-Pandemic Homicide Average (2019 & 2018)	Presence of Bail Reform	Presence of Progressive Prosecutor
Homicide Increases Above National Average				
Austin	63.5	33.5		X
Rochester	66	30	X	
Portland	72.5	31		X
Albuquerque	95	91	X	
Las Vegas	124.5	103		
Richmond	78	55.5		
Hartford	29.5	21.5	X	
Winston-Salem	33.5	25		
Tucson	74.5	50		X
Shreveport	74.5	43.5		
New Haven	22.5	11	X	
Louisville	165.5	81		
Oakland	112.5	71	X	
Virginia Beach	11	15		
Houston	442	284.5		
Toledo	66.5	38.5		
San Francisco	52	43.5	X	X

Little Rock	59.5	43		
Indianapolis	232	157.5		
Pittsburgh	49.5	45		
Minneapolis	90	41	X	
Washington	212	163	X	
Los Angeles	379	258.5	X	X
Aurora	41.5	23.5		
New Orleans	206.5	133		X
Philadelphia	522.5	348.5	X	X
Flint	64	38.5		
Lexington	35.5	26.5		
Homicide Increase Consistent with National Average				
Savannah	32	26		X
New York	478	307	X	X
Milwaukee	208	113		
Newark	57	66	X	
Chicago	782	536	X	X
Fort Wayne	38.5	33		
Fort Worth	116.5	64.5		
Denver	95.5	65		
Baltimore	336.5	329	X	X
Atlanta	157.5	94		X

Charleston	16	9		
Long Beach	37	32	X	
Salt Lake City	18	12.5		
Cities with Decreasing Homicides				
Memphis	285	191		
Cincinnati	92.5	67		
Cleveland	173.5	121.5		
Nashville	109.5	83.5		
Detroit	316.5	268		X
Albany, GA	16.5	13.5		
Syracuse	30	22	X	
Buffalo	62.5	50.5	X	
Wichita	56.5	44		
San Antonio	122.5	106		X
Kansas City	168	141.5		
Dallas	237	185		X
Omaha	34.5	22.5		
Charlotte	108	82.5		
Arlington	21	12		
San Jose	46.5	30	X	
Seattle	46.5	34		X
Jacksonville	146	137.5		

St Louis	230.5	189	X	X
Boston	48	46.5	X	X

Endnotes:

¹ *What Caused the Crime Decline?* Lauren-Brooke Eisen, Oliver Roeder, and Julia Bowling. The Brennan Center for Justice. (2/12/15). Link: <https://www.brennancenter.org/our-work/research-reports/what-caused-crime-decline>

² *Ibid.*

³ *Ibid.*

⁴ *The Great American Mystery Story: Why Did Crime Decline?* John Roman, PhD, External Processing. (2/20/21). Link: https://johnkroman.substack.com/p/the-great-american-mystery-story?utm_source=url&s=r

⁵ *Releasing people pretrial doesn't harm public safety*, Tiana Herring. Prison Policy Initiative. (11/17/20). Link: <https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/>

⁶ National Police Funding Database, Little Rock, AK and Richmond, VA Pages. Links: <https://policefundingdatabase.org/explore-the-database/locations/arkansas/little-rock/> and <https://policefundingdatabase.org/explore-the-database/locations/virginia/richmond/>

⁷ *Evidence from Philadelphia shows that eviction destabilizes communities and may lead to increased crime rates in US cities*. Daniel Semenza. LSE Phelan US Centre. Link: <https://blogs.lse.ac.uk/usappblog/2021/09/10/evidence-from-philadelphia-shows-that-eviction-destabilizes-communities-and-may-lead-to-increased-crime-rates-in-us-cities/>

⁸ *Race gaps in COVID-19 deaths are even bigger than they appear*. Tiffany N. Ford, Sarah Reber, and Richard V. Reeves. The Brookings Institute. (06/16/2020). Link: <https://www.brookings.edu/blog/up-front/2020/06/16/race-gaps-in-covid-19-deaths-are-even-bigger-than-they-appear/>; *Working-age Hispanics at highest risk of dying from COVID-19, by far*. Leigh Hopper. USC News. (4/5/2021). Link: <https://news.usc.edu/184155/working-age-foreign-born-hispanic-covid-19-deaths-usc-study/>

⁹ *Structural Racism is a Public Health Crisis: Addressing Racial Disparities in COVID-19*. Kesha Moore. The Thurgood Marshall Institute. (06/2020). Link: <https://tminstituteldf.org/addressing-racial-disparities-in-covid-19/>

¹⁰ *Ibid.* at 7

¹¹ *Intra- and inter-neighborhood income inequality and crime*, Thomas D. Stucky, Seth B. Payton & John R. Ottensmann. *Journal of Crime and Justice*, 39:3, 345-362. DOI: 10.1080/0735648X.2015.1004551

¹² *Spending on social and public health services and its association with homicide in the USA: an ecological study*. Sipsma HL, Canavan ME, Rogan E, et al. *BMJ Open*. 2017;7:e016379. doi:10.1136/bmjopen-2017-016379

Ms. JACKSON LEE. I now recognize the gentleman from Arizona, Mr. Biggs, for his opening statement.

Mr. BIGGS. I thank the Chair.

Recently, our colleague and friend, Jim Hagedorn, a Republican from Minnesota, passed away. His memorial service is this morning. I appreciate that we had a moment of silence on his behalf and appreciate the Chair for that.

I believe this hearing would have been better served if we would have continued this, especially since most of our Witnesses will be appearing via Zoom just out of respect for the family, friends who—of Congressman Hagedorn.

I am appreciative of this hearing—the topic of this hearing, and I am sincere when I say that. About eight months ago, my Republican colleagues and I on this Subcommittee, wrote you a letter requesting a hearing on the dangerous calls by some on the left to defund the police and other progressive policies that correlate to rising crime.

This is a very serious issue that deserves this Subcommittee's full attention. Last month, I, along with my Republican colleagues, sent the Chair a letter requesting the Subcommittee hold a hearing to investigate the recent reports that ICE released an illegal alien with ties to terrorism from custody because he might catch COVID-19.

That's an outrageous policy decision. This Subcommittee should immediately hold a hearing on the matter and I, again, renew my call for that hearing and I look forward to working with the Chair to schedule that hearing.

Turning our attention to this hearing today, we see crime rates, particularly, violent crime rates, going up all around the country. I fear that this hearing is nothing more than an election year attempt by my colleagues to deflect attention away from those in the party who have vocally championed the defund police movement as well as other progressive policies, which will be discussed today.

Let's hope this hearing can shed light on why defunding the police is a dangerous idea with deadly results. As some on the left have called for defunding the police and some jurisdictions actually did defund their police departments, violent crime has surged to levels not seen in years.

In the last two years, the United States has seen a spike in violent crime. In 2020, the U.S. tallied more than 21,000 murders, the highest totals since 1995, and 4,900 more than in 2019.

The number of murders in the U.S. jumped by nearly 30 percent. It was the largest single year increase ever recorded in the country, and some have blamed exclusively the COVID lockdowns.

While this was going on, jurisdictions across America were also actually defunding their police departments with disastrous results.

In New York City, for instance, in what PD's data shows their overall crime rate rose 11.2 percent in October 2021 compared to October 2020. That jump in crime continued after New York City defunded its police department by a billion dollars.

In L.A. County, homicides increased 23 percent from 555 in 2020 to 683 in 2021. The increased homicide rate occurred after Los Angeles defunded its police department by \$150 million.

Intentional killings of law enforcement officers reached a 20-year high in 2021. It would have been an all-time high since the FBI began tracking the data in 1995, but for the attacks on September 11th.

In total, 73 officers were feloniously killed last year. Three hundred and forty-six officers were shot last year. More worrisome is the fact that many of these shootings occurred ambush style, meaning that the officers were shot without warning or an opportunity to defend themselves. These types of attacks were up 115 percent in the last year.

Philadelphia saw nearly a 13 percent increase in homicides from 2020–2021. In 2020, Philadelphia suffered 499 homicides while 563 were reported in 2021. Philadelphia decided to cut its police budget by \$33 million in 2020. Portland, Oregon, also suffered a drastic increase in homicides from 2020–2021.

In 2020, Portland suffered 53 homicides and endured 87 in 2021. It also reported 3,409 aggravated assaults in 2021, an increase over 2,726 in 2020. Portland also decided to defund its police department in 2020 by \$16 million.

No one should be surprised that violent crime explodes when jurisdictions significantly reduce the funding of police or implement progressive policies that favor defendants over victims and the community.

Despite these troubling trends, our colleagues still advocate for defunding the police.

Madam Chair, I have a video I'd like to finish my statement with.

[Video shown]

Mr. BIGGS. No, there's—that's not it.

I thought we allowed the Chair almost two full minutes beyond the five-minutes time and I'm surprised that—

Ms. JACKSON LEE. The Chair—and the let the preceding—the Chair and Ranking Member's time on their opening statement is different from their five minutes. So, can you get it—your technology together so we can finish it, please?

Mr. BIGGS. I think there was just about 15 seconds left.

Ms. JACKSON LEE. Great. We'll let you—if you can get your technology. Otherwise, we'll—

Can the staff—the gentleman's time has expired.

Mr. BIGGS. Thank you. Thank you, Madam Chair.

Ms. JACKSON LEE. I would be happy to let it continue, Mr. Ranking Member.

Mr. BIGGS. There's 15 seconds left. That's all.

Ms. JACKSON LEE. Yeah. If they pop up, I'll be happy to—

Mr. BIGGS. I hope it doesn't interrupt anybody's conversation, Madam Chair. Thank you.

Ms. JACKSON LEE. All right.

I am pleased now to yield five minutes and recognize the gentleman from New York, the Chair of the Full Committee, Mr. Nadler, for his opening statement.

Chair NADLER. Thank you, Madam Chair, for holding this very important hearing on public safety.

As the epidemic of gun violence continues to impact our cities and communities, I look forward to discussing how the Federal gov-

ernment can more effectively assist State and local leaders to address violent crime and invest in community safety. I am also grateful to have a large panel of expert Witnesses who can tell us what is truly driving the current increase in violent crime that many cities are reporting.

Our Witnesses can also inform this Committee on effective strategies to reduce gun violence and other violent crime and how the Federal government can best support and enhance local initiatives to improve public safety.

After years of crime rates continuing to fall, 2020 and 2021 saw significant increases in certain types of crime, specifically, homicides, and other gun crimes.

While homicide rates remain well below historic peaks in the 1990s, according to research from the Council on Criminal Justice, the number of homicides in 2021 in a 27 major city study increased by 5 percent in 2020, and by 44 percent from 2019.

This increase in violent crime coincides with the economic and social upheaval caused by the COVID-19 pandemic.

Just as stay at home orders impacted all areas of American life, the stress of the pandemic, as well as the closure of many diversions from conflict including after school programs and violence interrupter initiatives, has resulted in an increased instability and the need to improve public safety.

Violent crime is an issue that affects every community, and we need community-driven responses to address it. We know that law enforcement alone cannot solve the problem of violent crime, and ensuring public safety requires both effective law enforcement practices and investment in community resources and support systems.

In 2021, there was, also, a record number of individuals shot and killed by law enforcement officers. This deeply troubling statistic emphasizes that there continues to be a need for law enforcement accountability and changes to policing. We know that this need for reform is not at odds with the need to address the rise in violence.

Without accountability, communities lack trust in law enforcement and officers are unable to do their jobs effectively. The confluence of the pandemic's impact on crime and the public outcry for changes to policing in cities across the country demonstrates the need for a reexamination of national policy on public safety and the role of the Federal government in program development.

I thank the Chair for holding this important hearing. I look forward to discussing these and other issues with our panel today.

Before I yield back, I ask unanimous consent to insert the statement of Mayor Eric Adams of New York into the record.

Ms. JACKSON LEE. Without objection, so ordered.

[The information follows:]

MR. NADLER FOR THE RECORD

**Testimony by Mayor Eric Adams
“Reimagining Public Safety in the COVID-19 Era”
Congress of the United States
Subcommittee on Crime, Terrorism, and Homeland Security
March 8, 2022
10:00 AM**

Thank you, Committee Chairman Nadler and Subcommittee Chair Jackson Lee for the invitation to testify, and all members attending today’s hearing.

I am Eric Adams, and I am honored to appear before you today as the 110th Mayor of the great City of New York.

Today, I want to talk to you about my core mission as the Mayor of America’s largest city: Public safety.

It is the issue I ran on during my campaign, the one New Yorkers know that I am fighting for every day.

Because as I have said before, there is no recovery without public safety. Our city cannot succeed unless New Yorkers are safe – and *feel* safe – on our streets, in our transit system, our workplaces, and our homes.

This has never been clearer than right now.

The COVID-19 pandemic is finally subsiding, and recovery is underway. Offices are open. Schools are in session. Mask mandates have been dropped.

New Yorkers, and all Americans, are breathing a sigh of relief.

But the collateral damage caused by the pandemic persists.

Over the last two years, the fabric of our society was torn apart, and social dislocation, violence and crime have increased. Hate crimes against the Asian community have been rampant; and violent attacks in our transit system are impeding ridership and economic recovery. [CK1][SM2]

All of us must now reckon with the reality that we must take immediate action to bring crime levels down, even as we make long-term adjustments to improve social stability, expand opportunity, and reduce the root causes of the problems we're seeing today.

My Administration is laser-focused on making sure our city fully recovers after two years of crisis and turbulence. Everything we do is with this goal in mind.

A few weeks ago, I laid out my Administration's *Blueprint to End Gun Violence*, a multi-disciplinary approach to reducing crime and addressing its underlying causes. [HJ3].

As I said then, the sea of violence in our city does not have one single point of origin. It flows from many rivers, each contributing to the problem. Reducing crime will require both intervention *and* prevention.

This Blueprint is about more than ramping up enforcement. Community engagement, resources, and support are also necessary to address the sources of violence. This plan will involve the NYPD, every city agency, our courts, and a growing network of community violence prevention programs.

We are already taking steps to prioritize subway safety and support unhoused New Yorkers, but we must look further upstream for longer-term solutions. Public safety requires investments in housing, employment, education, and healthcare. New York City will use all of

these policy areas to reduce crime and improve outcomes across the board.

But the issue of violence and disorder is much bigger than one city. Gun violence is a national public health crisis. And it is one that must be addressed at every level of government.

It is time for our federal leaders to rise to the occasion and pass common-sense public safety legislation that is supported by an overwhelming majority of Americans.

We must see action from Congress on guns, including:

Passing legislation requiring background checks on all gun sales.

Passing legislation to make gun trafficking a federal crime.

Increasing penalties for those directly involved in moving guns across state lines, and for the organizers of gun trafficking rings.

Congress must also increase penalties for those making straw purchases or buying firearms for someone legally prohibited from doing so.

Finally, it is imperative that we mobilize the Dept. of Justice against the proliferation of ghost guns.

These actions are only a start. But they will create critical momentum that will help New York City and all cities.

We have a great deal of support in Washington for our cause.

I am thankful for all the help we have gotten from President Joe Biden and his entire Administration.

President Biden understands what is at stake. He has been a strong partner when it comes to backing our mission to protect the public, and supporting the police officers who help us do so.

Today, I ask for your support as well.

The NYPD is our first line of defense against crime and violence. We will make new efforts to strengthen and reinforce it, while continuing our mission to involve the community.

But in order to truly support our police officers, we must give them the best tools and training possible. They are New York's Finest, and deserve the best possible preparation for their difficult line of work.

A key component of new recruit training takes place at the NYPD training facility at (Floyd Bennett Field in Brooklyn,)^[CK4] which is part of the Gateway National Recreation Area.

This training facility is possible because of a longstanding agreement between our city and the National Park Service. Recently, there have been rumblings of a possible shutdown of this training facility, which we must push back against in the strongest possible terms.

(These facilities are essential to providing the best training for our police recruits and for maintaining the highest level of protection needed for America's largest city)^[CK5].

The Floyd Bennett Field facility is critical to maintaining the NYPD's capability to provide emergency services and counter terrorist operations. It is where we train our Emergency Services Unit members to respond to chemical, biological, nuclear and explosive incidents in New York City.

At a time of rising international tensions, it is unthinkable that any agency of the Federal government would reduce our capacity to provide the best possible counter-terrorism training here in New York City.

We ask for your help supporting our people and the officers who put their lives on the line for them by supporting the NYPD's presence at Floyd Bennett Field.

Working in partnership, we can and must build a stronger, safer, and more just city, one that upholds the American dream of stability and prosperity for all.

Thank you for your time, your attention, and your leadership on this important issue.

Chair NADLER. Thank you. I yield back the balance of my time.

Ms. JACKSON LEE. The gentleman yields back.

It is now my pleasure to recognize the Ranking Member of the Full Committee, the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. Thank you, Madam Chair.

So, the title of today's hearing is reimagining public safety—reimagining public safety in the COVID era. Just what Americans need is more imagination from Democrats. Democrats reimagined the border over the last year.

We went from a secure border to complete chaos. We went—in one year's time we saw 2 million illegal immigrants enter the border as a result of the Democrat's reimagination on the border.

Democrats reimagined energy policy. In one year's time, we went from \$2–\$4 gas. Actually, it's \$7 in California. We went from energy independence to the President of the United States begging OPEC to increase production, talking with the Saudis, talking within Venezuela, and talking with Iran, now.

Democrats reimagined inflation. We went from stable prices to a 40-year high inflation rate. Democrats reimagined science. For a year, 5-year-olds had to wear a mask in school. That is, of course, when they let kids actually go to school.

Democrats sure reimagined public safety. We went from safe streets to record crime in every major urban area in this country.

I would argue that America needs a little less imagination from Democrats and maybe a little common sense. I mean, think about it. When you defund the police, you probably shouldn't be surprised when you get more crime. When you don't prosecute bad guys, you probably shouldn't be surprised when you get more crime.

When rioters and looters for a full summer are called peaceful protesters, you probably shouldn't be surprised when you get more crime.

When the Chair of the Judiciary Committee says Antifa is a myth, you probably shouldn't be surprised when you get more crime. When you get rid of bail, you probably shouldn't be surprised when you get more crime.

When you enact dumb policies—imagine this—you get bad results. When you think about what happened in the last year and a half in almost every major urban area—Baltimore cut their police department \$22 million; Boston \$12 million; Minneapolis cut theirs \$8 million; New York City cut their police department \$1 billion; Philadelphia \$33 million cut; Portland \$15 million cut; Seattle \$69 million; Chicago \$80 million, and on and on it goes.

Guess what? In every single one of those urban areas, crime went up. Imagine that. Imagine that.

Yeah, I don't know if we need any more imagination from Democrats. What we need is more cops on the street, not disparaging cops who bust their tail, put on the uniform, go protect our neighborhoods every night.

Less imagination, more cops on the street, more prosecutors who will actually put bad guys in jail. Maybe just a stop to all the crazy policies.

One of our colleagues introduced a bill, No Money Bail Act—just getting rid of it. I don't think Democrats want to do the common-sense thing. They want to do what that video just talked about.

They want to defund the police. They've said it time and time again.

Representative Jones—the department must be dismantled and policing reimaged. Representative Jayapal—we need to shift significant resources from law enforcement to other places. Representative Omar—we need to completely dismantle the Minneapolis Police Department. Representative Bush just one week ago said, we should—the same night—the same night that the President said they should fund the police, Representative Bush said, now we should defund the police. Chair Nadler himself said, just a year and a half ago there should be substantial cuts to the police budget. That's what they've said. That makes no sense.

The American people get it. All this reimagination from Democrats has been a disaster in every single policy area—energy, crime, inflation, the border, you name it. Americans want safe streets, they want affordable gas, and they want freedom. Democrats have given us record crime, record inflation, and Dr. Fauci.

So, I hope today's hearing will allow the Judiciary Committee, in particular, this Subcommittee on Crime, to begin to focus back in on common sense policies that work for the American families and the American people. That's what I hope is the result of this hearing.

With that, Madam Chair, I yield back.

Ms. JACKSON LEE. The gentleman yields back.

It is now my pleasure to introduce the Witness for the first panel. The Honorable Nicholas W. Brown is the U.S. Attorney for the Western District of Washington.

He previously served as an assistant United States attorney in western Washington handling a wide variety of criminal cases and as general counsel to Governor Jay Inslee.

Most recently, he was a partner with Pacifica Law Group in Seattle. U.S. Attorney Brown received his Bachelor of Arts magna cum laude from Morehouse College in 1999 and his juris doctorate from Harvard Law in 2002.

An Army veteran, U.S. Attorney Brown also served in the Judge Advocate General Corps. He was awarded the Bronze Star Medal in 2005.

We welcome our distinguished Witness, and we thank you for your participation. I will begin by swearing in our Witness. I ask you to turn on your audio and make sure that I can see your face and raise your right hand as I administer the oath.

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Mr. BROWN. I do.

Ms. JACKSON LEE. The Witness has indicated in the affirmative. Thank you very much.

Please note that your written testimony will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in five minutes. To help you stay within that time frame there is a timing light on your table and on your screen. When the light switches from green to yellow, you'll have one minute to conclude your testimony. When the light turns red, it signals that your five minutes have expired.

We're delighted to have you, U.S. Attorney Brown.
For five minutes you're now recognized. Thank you so very much.

STATEMENT OF THE HONORABLE NICHOLAS W. BROWN

Mr. BROWN. Thank you, Chair Jackson Lee, Ranking Member Biggs, and distinguished Members of the Committee for the opportunity to speak with you today. I am pleased to be here to discuss the Department of Justice's efforts to work together with communities to address violent crime.

My name is Nick Brown. I began my career with the department in 2007 as an Assistant United States Attorney and I am proud to be serving that same district now as United States Attorney.

Addressing violent crime is one of the top priorities of the department. To tackle these challenges, we must leverage the significant power of the community relationships to reduce gun violence and violent crime.

That is why the department—

Ms. JACKSON LEE. We're working to—excuse me.

I'm sorry, Mr. Brown. Your volume is not up. If you can help us on your side and we're going to try to help on your side, and we will give you extra time for our interruption.

If you can turn your volume up, if you have that capacity, and we're turning our volume up. We need to be able to hear you a little better. If you suspend just for a moment.

Mr. BROWN, you can start again. Thank you.

Mr. BROWN. Thank you. That is why the department has highlighted the community violence intervention programs as an important complementary tool to law enforcement efforts.

These programs have been shown to reduce incidents of violence by targeting individuals who are most at risk to commit or become victims of crime with evidence-based and community informed support.

In my work as U.S. Attorney and throughout my career, I've had the opportunity to work with Federal, State, tribal, and local law enforcement officers throughout our communities. The message that I have received from law enforcement officers in our communities when it comes to violent crime has been clear and consistent, that they cannot solve the issue of violent crime alone.

Partnership between law enforcement and our communities is vital to this enduring change. That is why in May of 2021, the department announced its comprehensive strategy for reducing violence. That strategy calls for active engagement with communities and organizations that we serve through prevention and intervention strategies, including CVI programs.

In my district, we lean into community-based partnerships as much as possible. In our experience, community-centered evidence-based programs often improve public safety and reduce violence by reaching broader audiences than law enforcement communities can do on its own.

Let me give you some examples of the work that we're doing here in Washington State. We partner with a variety of community groups that are working to prevent violence, especially among our youth. These organizations help us identify the drivers of the

crimes in our communities, which in turn informs how to best use the Federal tools at our disposal.

Much of the work that CVI centers on addressing and healing the generational trauma of poverty, childhood exposure to violence, lack of educational and employment opportunities, and racism.

Our community partners identify those young people most at risk of being involved in gang and gun violence, and working on messaging to combat negative influences and assistance with trauma counseling, housing, education, and employment.

The department supported a recent partnership in our district between the Kent Police Department in King County, Washington, and a community organization by providing grant funding from the department's Project Safe Neighborhoods program.

This partnership implemented night walks to provide consistent presence at an intersection that had experienced high rates of violent crime and gun violence. That program, built upon recommendations from the community itself, resulted in a significant impact—a reduction in violent crime.

Examples like these demonstrate that by supporting community Members and healing their own communities does not supplant the need for law enforcement. Instead, it proactively helps law enforcement do their jobs better.

The root causes of violence run deep, and we cannot expect our officers to serve as mental health practitioners, housing advocates, or substance abuse counselors, although they often play those roles.

Through leveraging the expertise of community partners, law enforcement officers can focus on their public safety roles in our communities without these additional strains on their resources.

CVI initiatives also recognize that we cannot simply arrest and incarcerate our way out of violent crime. Ending the cycle of violence means committing to evidence-based prevention, intervention, rehabilitation, and reentry.

Many State and local law enforcement entities across the Nation are also using department funding to support community policing and innovative CVI initiatives. For fiscal year 2021, the department awarded grants totaling nearly \$440 million to support a wide variety of violence reduction efforts, including community-based violence intervention and prevention strategies used in school violence prevention programs and evidence-based police and prosecution practices across the country.

The department has made and will continue to make these important investments to help communities and law enforcement work together on innovative approaches to help those at high risk of engaging in or becoming victims of violence.

That is why the President's fiscal year 2022 budget called for a \$200 million investment in CVI strategies through appropriations that would flow through the department and the Department of Health and Human Services.

By supporting community-based violence intervention strategies in alignment and in coordination with Federal and local law enforcement, these funds will save lives to promote safer and healthier communities.

Thank you again for your time and attention of this Committee to this crucial issue. I look forward to answering your questions and continuing to work with you.

[The statement of Mr. Brown follows:]

**Statement of
Nicholas W. Brown
United States Attorney
Western District of Washington
U.S. Department of Justice**

**Before the House Judiciary Committee
Subcommittee on Crime, Terrorism, and Homeland Security**

**For a Hearing Entitled
“Reimagining Public Safety in the COVID-19 Era”
March 8, 2022**

Thank you, Chairwoman Jackson Lee, Ranking Member Biggs, and distinguished members of the Committee for the opportunity to speak with you today. I am pleased to be here to discuss the Department of Justice’s (Department) efforts to work together with communities to address violent crime. My name is Nick Brown. I began my career with the Department in 2007, where I served as an Assistant U.S. Attorney in the Western District of Washington’s (District) criminal division until 2013. I’m proud to be testifying before you now as the U.S. Attorney for the same District.

Addressing violent crime is one of the top priorities of the Department. Violence, particularly gun violence, is on the rise across our nation. The statistics are as disturbing in Washington, D.C. as they are in *my* Washington. To tackle this challenge, we must leverage the significant power of community relationships to reduce gun violence and violent crime. That is why the Department has highlighted Community Violence Intervention (CVI) programs as an important complementary tool to law enforcement efforts. These programs have been shown to reduce incidents of violence by targeting individuals who are most at-risk to commit or become the victims of violence with evidence-based and community-informed support.

My District spans two borders, from Canada all the way down to Oregon. While our largest city, Seattle, often commands much of the attention, the people we serve are in cities big and small, rural and urban. In my work as U.S. Attorney and throughout my career, I’ve had the opportunity to get to know federal, state, Tribal, and local law enforcement throughout our communities. The message I’ve received from law enforcement when it comes to violent crime has been consistent and clear across the state: They cannot solve the issue of violent crime alone.

Partnership between law enforcement and our communities is vital to making enduring change. And that’s why, in May 2021, the Department announced its Comprehensive Strategy for Reducing Violence. That strategy calls for active engagement with the communities and organizations that we serve through prevention and intervention strategies, including CVI programs. CVI programs employ the power of individuals and institutions within communities to support people most impacted by violence and help to prevent violence by connecting people with appropriate services and de-escalating conflicts. One evaluation of a Brooklyn-based CVI strategy done by the John Jay College of Criminal Justice found that gun injuries fell by 50 percent in the target neighborhood following program implementation.

Importantly, the Department does not engage CVI as a substitute for policing; we employ it as a complement to policing that recognizes the value of community and community-based partners in violent crime reduction efforts. Using a comprehensive approach to public safety, we are better able to address trends in the crime rates, which in turn allows us to better focus our resources.

In my District, we lean into community-based partnerships as much as possible. In our experience, community-centered, evidence-based programs often improve public safety and reduce violence by reaching broader audiences than the law enforcement community can do on its own. Many of the organizations, including our tribal partners, have developed alternatives to traditional prosecutions and have shown sustainable reductions in recidivism.

Let me give you a few specific examples of the work we're doing here in Washington State:

- We partner with a variety of community groups that are working to prevent violence—especially among our youth. These organizations help us identify the drivers of crime in our communities, which in turn informs how to best use the federal tools at our disposal. Much of the work in CVI centers on addressing and healing the generational trauma of poverty, childhood exposure to violence, lack of educational and employment opportunities, and racism. Our community partners identify those young people most at risk of being involved in gang and gun violence, and work on messaging to combat negative influences. But messaging alone is not enough; to be successful, outreach must be accompanied by an offer of services and support. This support often includes assistance with trauma counseling, housing, education, and employment.
- The Department has supported a recent partnership between the Kent Police Department, in King County, Washington, and a community organization by providing grant funding from the Department's Project Safe Neighborhoods Program. This partnership implemented "Night Walks" to provide a consistent presence at an intersection that experienced high rates of gun violence. That program—built on the recommendations of the community itself—resulted in a dramatic reduction in violent crime.
- My office has also supported grant funding for, and collaborated with, a Seattle-based community organization that provides on-the-ground support, expertise, and resources to prevent, intervene in, and de-escalate gun violence. They respond to shooting incidents to serve as de-escalation agents at the scene, in hospitals, and in gun violence hot spots to calm tensions that may lead to further harm. They also provide or connect individuals and families directly impacted by gun violence with mentoring, emotional support for post-traumatic stress, medical follow-up, housing, substance use treatment, job opportunities, and other support to help ensure community safety. As a result of their participation in the program, young people have started their own businesses, gained steady employment, graduated from high school, attended college, reunified their families, and become credible messengers and mentors for other young people who are at risk of engaging in gang violence.

Examples like these demonstrate that supporting community members in healing their own communities does not supplant the need for law enforcement. Instead, it proactively helps law

enforcement do their jobs better. The root causes of violence run deep, and we cannot expect our officers to serve as mental health practitioners, housing advocates, or substance abuse counselors—although they often do play these roles. Through leveraging the expertise of community partners, law enforcement officers can focus on their public safety roles within our communities without these additional strains on their resources.

CVI initiatives also recognize that we cannot simply arrest and incarcerate our way out of crime. Ending the cycle of violence means committing to evidence-based prevention, intervention, rehabilitation, and reentry. Our District has engaged with various community-based partners focused on some of these areas. For example, with our support and engagement, a successful reentry program from the Washington State Women’s prison is being replicated in our federal detention center. This program is based on the question: “If there was something someone could have said or done that would have changed the path that led you here, what would it have been?” That concept sparks an intensive process by which persons who are incarcerated help map out their own successful reentry into the community. And now, we are bringing that same model to women involved in our federal system.

Many state and local law enforcement entities across the nation are also using Department funding to support community policing and innovative CVI initiatives. In our District, for example, this funding has been used to develop apps for communicating with community members, training officers on procedural justice and community policing, and exploring ways to de-escalate difficult encounters. For Fiscal Year 2021, the Department—through components such as the Office of Justice Programs (OJP) and the Office of Community Oriented Policing Services (COPS)—awarded grants totaling nearly \$444 million to support a wide range of violence reduction efforts, including community-based violence intervention and prevention strategies, youth and school violence prevention programs, and evidence-based police and prosecution practices across the country.¹ Some examples include:

- *COPS Hiring Program (CHP)*: A \$156 million grant program to support the hiring of career law enforcement officers to increase an agency’s community policing capacity and crime prevention efforts, which, in 2021, prioritized funding for agencies that partner with community organizations to support CVI strategies.
- *Community Policing Development Microgrants Program*: A \$3 million grant program that supports innovative community policing strategies, including development and enhancement programs that engage the community in violence reduction efforts, such as street outreach, violence interrupters, hospital-based intervention, and other programs that provide wraparound services to communities.
- *School Violence Prevention Program*: A grant program totaling over \$125 million to help institute safety measures in and around primary and secondary schools, support school violence prevention efforts, provide training to school personnel and students, and implement evidence-based threat assessments.

¹ <https://bja.ojp.gov/news/nearly-444-million-awarded-support-violence-intervention-efforts>

- *Comprehensive Youth Violence Prevention and Reductions Programs*: A \$14 million grant program that provides funding for programs that prevent and reduce youth violence.
- *Smart Policing Program*: A \$6.4 million grant program to fund training and technical assistance for law enforcement to use data and technology to respond to crime.
- *Second Chance Act Community-Based Reentry Program*: The Department issued guidance to clarify that community-based organizations with CVI proposals are eligible for \$12.75 million in funds under this program.
- *Project Safe Neighborhoods Program*: A \$20 million grant program that brings together federal, state, local, and Tribal law enforcement and community-based partners to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them. For example, in 2021, our District sought funding to build the capacity of a South King County organization that engages underprivileged youth and young adults in areas of high gun and gang violence as identified by local police agencies and attorney's offices. The organization promotes holistic development through athletics and other prosocial activities that offer positive, easily accessible alternatives to criminal behavior.
- *Strategies to Support Children Exposed to Violence Program*: An \$8 million grant program that provides funding, training, and assistance to communities to address children's exposure to violence and prevent gun violence.
- *Hospital-Based Victim Services Program*: A \$2 million grant program to fund programs that link the victim services field and medical facilities.
- *Center for Cultural Responsive Victim Services Program*: A \$3 million grant program to launch a national resource to improve trauma-informed, victim-centered services in communities of color.
- *Victims of Crime Act Funding (VOCA)*: The Department disseminated guidance in September 2021 to clarify that states may use their allocations from annual VOCA funding—which in Fiscal Year 2021 was over \$1 billion—for CVI efforts and may provide training and technical assistance on CVI to grantees and subgrantees.

The Department has made, and will continue to make, these important investments to help communities and law enforcement work together to develop innovative approaches to help those at the highest risk of engaging in, or becoming victims of, violence. That's why the President's FY 2022 budget called for a \$200 million investment in CVI strategies through appropriations that would flow through the Department and the Department of Health and Human Services (HHS). The Department is already working closely with HHS to plan for administering these funds in anticipation of appropriations. These funds, if made available, will greatly enhance the capacity of communities across the nation to prevent and reduce violence. By supporting community-based

violence intervention strategies, in alignment and coordination with local and federal law enforcement, these funds will save lives and promote safer and healthier communities.

Thank you again, for the time and attention of this Committee on this crucial issue. I look forward to answering your questions and continuing working with you.

Ms. JACKSON LEE. I thank the gentleman. The gentleman yields back.

To begin with questions—and I recognize myself for five minutes—let me start immediately with the question of what are the most significant drivers of gun violence and how is the DOJ focusing on the most significant drivers of gun violence?

Mr. Brown?

Mr. BROWN. Thank you, Chair.

There are a number of different influences on our crime and our crime in our communities, including gun violence, and it is difficult to pinpoint a single driver to any of these incidences.

Some of the issues that were highlighted by the Chair in her opening remarks, certainly, address some of the causes.

We have seen an increase in crime and gun violence crime, in particular, beginning in 2020 and continuing until today, some of that, undoubtedly, influenced by the pandemic, some of that influenced by strains in the community policing resources. There's just a variety of number of factors that contribute to the rise in crime.

In the communities that I serve here in the Western District of Washington, which spans the border from Canada down to Oregon, we have seen violent crime erupt in new areas.

We have seen a doubling of road rage incidents and shootings in the city of Seattle in the last year. We have seen a rise in shootings in homeless encampments that we hadn't experienced previously.

One of the principal differences for me as a United States Attorney and seeing how this district has changed before when I served here previously is that we're just seeing firearm possession of so many different people.

We used to be able to target and pinpoint the people that are most likely to be carrying firearms and using firearms illegally. Now, it seems like almost everyone that law enforcement encounters is carrying a firearm. The prevalence of firearms in our community is a significant driver as well.

Ms. JACKSON LEE. I've worked with the major city chiefs of police, and I have heard them understand how important engaging with the community is. We call it police community relationships, and how important it is to have the right kind of interaction with the community.

I'm going to cite a number of points: De-escalation, duty to care, reduction of excessive force, reforming the no-knock warrants, and ending choke holds. Would any of that would hamper police officers' ability to serve their public and to ensure the safety of the public?

Mr. BROWN. No, I do not believe any of those efforts hamper law enforcement.

Ms. JACKSON LEE. So, those aspects of good policing could, in fact, improve a community cooperation and information gathering?

Mr. BROWN. What I hear from the law enforcement leaders in my district is they really are trying to build trust with the communities that they serve, and the more programs and policies that they adopt to help foster trust helps them to do their job better as law enforcement leaders.

Ms. JACKSON LEE. Would you say that many of the DOJ-funded programs like the ones you mentioned in your written statement do, in fact, work?

What evidence do you have that DOJ—funded programs work and how much do they work as it relates to ending the proliferation of illegal guns?

It's a bifurcated question—regular programs and then their programs dealing with ending proliferation of illegal guns.

Mr. BROWN. So, there is a specific study that I cited in my written testimony and I know that there are other academic studies specifically addressing the impact of CVI programs.

What I lean on here is what I hear from my law enforcement partners. I talk to police chiefs and sheriffs quite often and they can tell me about the success stories that they've had partnering with specific organizations.

When I see direct results of someone who has been at high risk of violence or directly tied to prior acts of violence, and that individual gets a job, continues an education, gets stable housing, that type of success story is also very important to me in showing that certain programs work and others that may not work.

So, those are the types of data that I rely on as a United States Attorney. Addressing firearm trafficking is incredibly difficult.

As the Chair noted in her opening remarks, what we're seeing here in terms of the proliferation of firearms in the possession of people that law enforcement officers are encountering, which puts law enforcement directly at risk themselves, is we're just seeing more firearms stolen from people's homes who lawfully owned firearms.

So, we're just seeing more firearms throughout our streets. We, of course, as a U.S. Attorney, focus on anything that we can do to combat trafficking of firearms. What we're seeing more and more is just firearms in the public's hands because they've taken them from lawful owners.

Ms. JACKSON LEE. Let me thank you very much. I think that we will find in this hearing that we will find the pathway to ensure safety in our streets and accountability in our police and better police community relationships.

Thank you very much. I yield back.

I am now happy to yield to the gentleman from—the Ranking Member, Mr. Biggs, for his five minutes.

Mr. BIGGS. I thank the gentlelady.

I ask for unanimous consent to allow Mr. Massie, a Member of this Subcommittee, to yield his time to Mr. Bishop, who is not a Member of the Subcommittee, but who is a Member of the entire Judiciary Committee.

Ms. JACKSON LEE. Without objection, so ordered.

Mr. BIGGS. I thank the Chair.

I thank the U.S. Attorney, Mr. Brown, for being here today.

Attorney General Garland's October 4th, 2021, memorandum directed DOJ resources to investigate parents directing—and directed the FBI to work with each U.S. Attorney's Office to convene meetings with Federal, State, local, tribal, and territorial leaders in each Federal judicial district within 30 days of the issuance of that memorandum and I was wondering if you've participated in any

meetings convened in response to the—Attorney General Garland’s memorandum.

Mr. BROWN. Yes, Congressman. I did convene a meeting in response to the AG’s memorandum.

Mr. BIGGS. How many meetings would that be and are they still occurring?

Mr. BROWN. No. We held one meeting. I believe it was in early November, the combination of Federal and local law enforcement officers.

Mr. BIGGS. So, both Federal and local agencies were involved?

Mr. BROWN. Yes, sir.

Mr. BIGGS. Thank you. We received a copy of a memorandum from the acting U.S. Attorney from Montana to the Montana AG, all county attorneys, sheriffs, Montana Office of Public Instruction, the Montana School Boards Association, that included a summary of, quote, “Federal statutes that may serve as a basis for the prosecution of such threats and violent conduct,” quote.

Have you drafted or sent or received or seen a memorandum like that?

Mr. BROWN. I’m not familiar with the specific memorandum that you are referencing, Congressman. I did not draft or send any similar such memorandum.

Mr. BIGGS. Thank you. Your district’s main office is in Seattle, which was, famously, the home of the 2020 Capitol Hill Autonomous Zone—CHAZ—or Capitol Hill Occupied Protest—CHOP—a police-free zone formed by activists and anarchists which descended into violence, open drug use, and multiple shootings.

Do you know how much the crime rate rose in that area between June 2nd and June 20th of 2020, compared to the previous year?

Mr. BROWN. I do not.

Mr. BIGGS. According to Mayor Durkin, crime rose 525 percent in that area. Would that surprise you?

Mr. BROWN. Well, Mayor Durkin was previously the United States Attorney, and I would trust her accounting of it.

Mr. BIGGS. Your former boss, Governor Inslee, called the occupation of city property largely peaceful. There was that kind of increase in crime. There were two murders, two nonfatal shootings, and open narcotics use. There were rapes, robberies, assaults, and gang activity.

That normally wouldn’t be described as a largely peaceful occupation, would it?

Mr. BROWN. I’m not familiar with all these specific incidences of crime, but, certainly, the types of crimes that you described are very serious and we should take them seriously.

Mr. BIGGS. One of the concerns I had was that the Seattle Police Department was forced to, essentially, abandon the East Precinct. My question for you as U.S. Attorney there do you think that law enforcement should ever be forced to abandon a precinct?

Mr. BROWN. In all decisions that law enforcement officers make, the local and Federal law enforcement officers that I work with, I defer to their judgment about how to best respond to a particular incident.

So, I don't have really specific thoughts on how they handled that. I trust that they made the decisions that they thought were best inappropriate there.

Mr. BIGGS. Well, you are aware that they were ordered to leave not by the police chief but by political leaders? Would that be—change your opinion there?

Mr. BROWN. I'm not sure how those decisions were made, Congressman. What we focus on is how we can best improve community safety and, as U.S. Attorney from October of 2021, I want to work with both my local political leaders who make policy decisions and rely on the guidance from our law enforcement partners.

Mr. BIGGS. According to the Justice Manual, it's the presumption with certain exceptions that DOJ law enforcement agencies will electronically record statements by individuals who are in their custody. Although the manual does not mention noncustodial interviews, it encourages those types of recordings to be made.

While it's an important step, would you agree that there's no accountability for failure to comply with the presumption to record?

Mr. BROWN. I'm actually not sure about what the data shows and how accountable and how closely people are following those policies. I am familiar with the Justice Manual's provisions on that. I don't really have much input or information about how closely that's being adhered to.

Mr. BIGGS. What—well, what directions have you given Federal law enforcement agencies in your district about recording interviews?

Mr. BROWN. I have not given them any updated information about that policy since I became a United States Attorney.

Mr. BIGGS. Okay. Thank you. My time has expired, and I yield back to the Chair.

Ms. JACKSON LEE. Yes, the gentleman's time has expired.

I now yield to the gentleman from New York, Mr. Nadler, for five minutes.

Chair NADLER. Thank you, Madam Chair.

Mr. Brown, how is the Department of Justice supporting State and local enforcement in their efforts to reduce the number of illegal guns on the streets?

Mr. BROWN. Thank you, Congressman.

I know that there are a number of policies that the department has put out with respect to firearms tracking and specifically with respect to the production of ghost guns. We, and previously in my district, have prosecuted a couple of cases arising from people illegally manufacturing firearms. I'm not familiar with all the specific programs the department is engaged in but I'm happy to follow up with you with that information.

Chair NADLER. Thank you.

Recognizing that a small number of individuals are responsible for a disproportionate amount of gun crime, what is the department doing to support local law enforcement in implementing data-driven policing practices?

Mr. BROWN. Having data-driven policies is very important. We rely on evidence to show what is working and, importantly, what is not working. So, we provide a number of specific grant-funding opportunities to law enforcement officers to make sure that they

have the resources that they need to develop the right database systems to share information with their officers.

What's a real focus for me here in my district is making sure that I can do everything I can to collaborate with our law enforcement officers to make sure we're forming partnerships.

Just last week, I convened a meeting with all the local law enforcement officers within King County, Washington, which is our largest county in the district, and we just had a conversation how we can share resources and information to develop specific strategies for reducing violent crime in our district.

Chair NADLER. Thank you.

As you know, law enforcement response alone will not solve the problem of violent crime. How is the department working with other Federal agencies to invest in community resources?

Mr. BROWN. I appreciate that question because it is important to highlight that there are a number of partnerships, we need to develop both with Federal agencies and between Federal agencies.

In my district, I work with frequently and talk to frequently the leaders from our major Federal law enforcement agencies, including the FBI, ATF, HSI, and other agencies to make sure they are tackling the problems in a strategic approach and not simply being reactionary, to building those relationships and partnerships, which is very important.

I am really fortunate. Right now, I think we have a tremendous collaboration, not only interagency between the various Federal agencies, but with our local law enforcement departments.

Chair NADLER. Thank you.

Earlier in this hearing we heard assertions that defunding the police was a big problem, that people, despite the President saying we don't want to defund the police, that in fact, people want to defund the police.

My question to you is, in terms of the problems that we face in terms of crime, does it make sense in some cases or in most cases or in a few cases to reallocate resources from police to, say, mental health or others to work in conjunction with the police, which will result in a net reduction in crime?

Mr. BROWN. In my experience, you can't tackle crime, including violent crime, with just law enforcement, that you need additional support and programs to really intervene and prevent crime from occurring and making sure that we're breaking the cycle of crime.

As everyone on the Committee undoubtedly knows, people who are committing crimes are often recommitting and reoffending, and simply locking up in incarcerating those individuals often does not solve the problem.

What we have seen is specific results from crime intervention strategies, providing support, counseling and mental health, education, housing, all these things that stabilize individuals and give them the support and resources to reduce the likelihood that they reoffend again and, importantly, from my perspective, I hear that from law enforcement officers themselves as well.

They recognize that they can't do this themselves and they want to work with community organizations that will help them interrupt violence and prevent crime from occurring again.

Chair NADLER. So, a reallocation of resources from purely police-directed resources to resources—combining resources to the police and to, let's say, mental health agencies and to others who work with the police might actually result in a reduction in crime?

Mr. BROWN. As I said earlier in my testimony, I think there are just a myriad of causes of crime, and we have to have creative and holistic approaches.

So, I think anything that we can do to support both law enforcement and the types of social support programs that make people stable and contributing and healthy will also help reduce crime.

Chair NADLER. Thank you. I have eight seconds left so I yield back.

Ms. JACKSON LEE. The gentleman yields back.

It's now my pleasure to recognize Mr. Chabot for five minutes.

Mr. CHABOT. Thank you, Madam Chair, and thank you for holding this hearing.

Thank you, Mr. Brown, for being available to us today.

In the summer of 2020, as we all know, following the horrific death of George Floyd many protesters and elected officials, mostly Democrats, across the country proclaimed that because Mr. Floyd had died at the hands of a police officer that it was time to defund the police.

As Mr. Biggs'—the video that was played early this morning, we saw the very statements from some of those legislators across the country and some here in Congress.

Now, this hearing this morning by my Democratic colleagues is cleverly called reimagining police, not defunding police.

Why? Because they're scared to death of being exposed or being connected with what many of their supporters and some of their colleagues—some in Congress, some even on this Committee—really want, and that's not reimagining police. That's defunding police.

This reimagining term, this ruse is—it's a fairy dust term. Don't be fooled. In cities across America we did, indeed, see defunding. Mr. Jordan mentioned a number of those cities.

I've got a list of 21 cities that amount to \$1.7 billion—billion with a B—that they took out of police department funds all over the country and we have seen the results of that.

We have also seen liberal prosecutors. George Soros was involved in funding a lot of those campaigns, a lot of other campaigns across the country and a number of other liberal dark money groups. My Democratic colleagues like to throw that term dark money around.

Well, the Democrats have actually been very effective in electing people in causes with this dark money. Those prosecutors are an example of that, and they're doing a lot of damage across this country right now.

They, for the most part, don't prosecute a lot of crimes that used to be prosecuted all the time across this country.

An example would be shoplifting, which to some people may not sound like such a terrible crime, but we have seen as a result of them failing to prosecute—we have seen folks with sledgehammers rampaging through department stores. We saw them on television just a couple of months back.

We have also seen the left's relentless campaign to eliminate cash bail. Let's face it. Criminals commit crimes, and because of

this they're quickly released on low or no bail, and they're let out on the street and what do they do?

Well, they commit more crimes, and sometimes they murder people. We have seen that happen as well in this country.

Madam Chair, let me ask you this. I had called for you to invite the Attorney General and the FBI director to testify before this Subcommittee to discuss their strategy for combating the current rise in violence in the country, and I would, again, ask that—since we haven't thus far, I would, again, ask you to please invite them here to testify before this Committee. Would you consider doing that?

Ms. JACKSON LEE. Mr. Chabot, as you well know, we have ongoing hearings, ongoing opportunities to engage the Administration, and what I can assure you is that we will continue to do that.

Mr. CHABOT. I don't know if you answered my question. Would you invite them to the Committee to testify? That's what I'm asking.

Ms. JACKSON LEE. Again, we have both the Subcommittee and the Full Committee. These are important questions. I'm glad that the Chair has clarified the question of police funding, of working together with community groups and policing.

So, there will be an opportunity to pursue all those issues by way of invitations to representatives from the Administration. I think U.S. Attorney Brown is doing a great job and my answer to you is there are always opportunities for those individuals to be invited.

Mr. CHABOT. Well, that was about as clear as reimagining the police is. In any event, Mr. Brown, thank you for what you do for your community.

Let me ask you real quickly—my time is almost out—would you agree that when you cut resources or funding from police departments, as has occurred in your community out in Seattle or in other communities across the country that you're likely to see an increase in crime, which we have seen and experienced in this country now for quite some time? Is that logical and are we seeing it with our own eyes?

Mr. BROWN. What I've mentioned earlier, Congressman, is that we have seen a myriad of different causes that lead to increases in crime or decreases in crime. Looking at the crime trends here and other places in the country, we saw a real increase in crime beginning in 2020, which was before many of the budget cuts that have been referenced here this morning took place.

What I do hear from my officers here in my district is that they need more resources. They want more officers, and so I, certainly, support their need and understand their perspective on that.

Mr. CHABOT. Thank you. I think my time is expired, Madam Chair.

Ms. JACKSON LEE. I now recognize Ms. Bass for five minutes.

Ms. BASS. Thank you, Madam Chair, for holding this hearing. I thank you for the opportunity to show our constituents not only that we understand the fear that many feel at this time but also that we intend to do something about it.

How we go about that in the most effective and meaningful way is to look not just at the problem before us but also at the root causes of that problem and, obviously, the problem before us. We

want to do everything we can to make sure that our communities are safe and to hold people accountable.

As policymakers, we are confronted with choice which we shouldn't be, and sometimes we are pushed to either adopt policies that look tough, yet they fail to address the actual problem, or we think critically and creatively about solving the problems in our community.

So, that's why I'm particularly grateful to have you before us, Mr. Brown. I know that you yourself have talked about the importance of community-oriented solutions, particularly as it relates to gun violence, and I'm aware that the Justice Department recently awarded over \$15 million to support Project Safe Neighborhood and that the district that you represent was a recipient of some of those funds.

I wanted to know if you could talk about this program and its goals and what you've seen in your own district and also around the country, if you can share that with us.

Mr. BROWN. Thank you, Congressman Bass.

I appreciate you recognizing the importance of the Project Safe Neighborhoods Program. PSN, as we refer to it as U.S. Attorneys, is the principal program by which U.S. Attorney communities implement their violence reduction strategies and initiatives. It is a program where we work with our local jurisdictions to identify how we can best bring Federal resources and Federal cases in communities where there might also be concurrent local or State jurisdiction. So, every district has a PSN coordinator that tries to identify those programs with the local prosecutors' offices where we can best bring the most appropriate Federal cases.

An important part of the PSN Program is also the grant funding operations that we support for law enforcement organizations and community organizations to help them build out their resources and their infrastructure to address violent crime and to work with the community. So, in my district, as you noted, we do fund a number of PSN programs to local law enforcement agencies, as well as to local community organizations, as a way to foster their ability to break these cycles of crimes, as you rightly noted.

Ms. BASS. Do any of the examples of grants to community-based organizations come to mind? Like what kind of grants were they? Then, specifically, do any of the community-based organizations use violence interrupters? Or some communities call them interventionists. They might have been young people that had been involved in the problem, but then, start wanting to give back to the community in a positive way.

Mr. BROWN. Yes, absolutely. To the first part of your question, I referenced a specific program that was funded through the PSN Program in my testimony, which was a grant to a community organization and the Kent Police Department. Kent is a good-sized jurisdiction in my district. With the community and the Kent Police Department, they were able to provide more resources to a specific, very targeted area where there had been a number of violence instances. So, that PSN funding approved some very important results. The Kent police chief in that area was very happy and told me about the significant reduction in violence in that very targeted area.

As you know, what we really need to do is try to get at some of these root causes. So, there are a number of organizations that specifically do the type of work that you reference. The types of individuals that are high risk for being victims or high risk for offending are often the types of people that aren't social service seekers.

Ms. BASS. Right.

Mr. BROWN. Those aren't people that often work with mental health counseling or other social services. So, we want to work with community groups because the community groups have that trust relationship with the people in the community that law enforcement often lacks. So, those community groups can provide those resources to those people that are most high risk.

Ms. BASS. Are those community organizations and strategies evidence-based, so they have been researched and tested?

Mr. BROWN. Yes. There are a number of studies that show up in the CVI program's work. For me in my district, we also just rely on what we are hearing from the community and from law enforcement officers. My district, unfortunately, had a shooting in downtown Seattle just last week. I talked to the police chief of Seattle afterwards. He shared with me that one of the first calls that he made after they had secured the scene and gotten information about the victim in that crime, one of the first calls he made was to a community organization that could help him perhaps de-escalate retaliatory shootings and calm the situation.

Ms. BASS. Right.

Mr. BROWN. That is something that law enforcement is not always best suited.

Ms. BASS. Thank you. Thank you.

Ms. JACKSON LEE. The gentlelady's time has expired.

Now, I recognize the Ranking Member for his 5 minutes.

Mr. JORDAN. Thank you, Madam Chair.

Mr. Brown, why haven't you responded to our November 1st letter?

Mr. BROWN. Congressman, I am not sure what letter you are referring to.

Mr. JORDAN. The letter signed by 19 Republicans, all 19 Republicans on the House Judiciary Committee regarding the school boards issue, why haven't you responded to that?

Mr. BROWN. I believe, Congressman, the department provided a response. As I said earlier, we did follow the AG's memorandum to convene such a—

Mr. JORDAN. The department did not provide a response. The letter is addressed to the Honorable Nicholas W. Brown, U.S. Attorney, Western District of Washington, 700 Stewart Street, Suite 5220, Seattle, Washington 98101. Is that your address?

Mr. BROWN. That is the office of the U.S. Attorney's Office.

Mr. JORDAN. Yes, and the Department of Justice acknowledged receipt of that letter. I am just wondering; do you make a habit of not responding to Members of Congress? Not just any Members of Congress, these are 19 Republicans from the House Judiciary Committee. Do you make a habit of not responding to people who inquire about a pretty darn important subject, the school board memo issue?

Mr. BROWN. We try to be responsive to all our community Members and anyone who asks questions about the decisions and operations of—

Mr. JORDAN. Well, that sort of begs the question then. Back to, why haven't you responded then? If you try to make an effort to respond, why haven't you? Did someone tell you not to respond?

Mr. BROWN. No, someone did not tell me not to respond. I understood that the department was going to provide a response, and I am happy to have further conversations—

Mr. JORDAN. The Attorney General didn't tell you; the DAG didn't tell you not to respond?

Mr. BROWN. No, Congressman, no one directed me not to respond to that.

Mr. JORDAN. Well, this is amazing. No one knows what happened here. Nineteen Republicans on the House Judiciary Committee, all the Republicans, inquire about a pretty important subject matter, and we get no response.

Earlier when the Ranking Member of the Subcommittee, Mr. Biggs, asked you a question about this initial meeting—remember the memo on October 4th from the Attorney General, he said this: "I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with Federal, local, and territorial leaders in each judicial district within 30 days of the issuance of this memorandum."

I think your answer was you did have that initial meeting within those 30 days. Is that accurate?

Mr. BROWN. That is accurate.

Mr. JORDAN. When was that meeting again?

Mr. BROWN. I don't have the specific date, Congressman. I believe it was in the first week of November.

Mr. JORDAN. Did you follow up with people at the main Justice, at the Department of Justice? Did you get back with the Attorney General or the Deputy Attorney General regarding what took place in that initial meeting?

Mr. BROWN. We communicated that we had the meeting. I don't think we provided any details about the meeting or participants.

Mr. JORDAN. Have you had any subsequent meetings since that initial meeting in early November?

Mr. BROWN. I meet with my local and Federal law enforcement partners on a regular basis, sometimes multiple times a week. So, we have not had any further specific meetings regarding the AG's memorandum, but I communicate and talk to my law enforcement partners—

Mr. JORDAN. Wait, wait, wait. So, you had the initial meeting. You told the main Justice, "We had the meeting," but you communicated nothing else to them? You had no subsequent meetings on that issue? Is that accurate?

Mr. BROWN. I have not had further meetings with the law enforcement partners about the school board memorandum.

Mr. JORDAN. Well, that shocks me because this was the most important subject matter in the world back in October. The National School Boards Association writes a letter to the Biden Administration on September 29th, and literally five days later, we get a memo from the Attorney General directing you to have this meet-

ing, as if this was the most important subject matter on the planet. You had one meeting, and all you told main Justice is, "We had that meeting," and you have had no subsequent meetings?

Mr. BROWN. Congressman, it certainly was not the most important issue for me, as the United States Attorney—

Mr. JORDAN. It sure was here in this town. It sure was in the State of Virginia.

Mr. BROWN. Well, I can only speak for me and my district, and our priorities and addressing school board issues was not the most important issue facing my district as a United States Attorney.

Mr. JORDAN. Well, let me just read the first sentence in the memo that went to you and the Director of the FBI. The very first sentence in the October 4th memo from the Attorney General says, "In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff."

Have you prosecuted anyone in the last five months for threats of violence, harassment, or intimidation of school board members, administration, or teachers, and staff?

Mr. BROWN. No, we have not brought any such cases in my district.

Mr. JORDAN. No prosecutions? No subsequent meetings? No communication with DOJ? We were told this was the most important thing in history just a few months ago.

Did you make any recommendations to DOJ about what should be happening regarding this school boards issue?

Mr. BROWN. I did not, Congressman.

Mr. JORDAN. Okay. Any people and any individuals you know have a threat tag associated with their name? We got this email communication that went out to FBI agents around the country. It says, "As a result of the Attorney General's memo, the Counterterrorism Division and Criminal Division created a threat tag to track instances of threats." Do you know about any threat tags put on parents or any individuals in your district, the Western District of Washington State?

Mr. BROWN. I am not aware of any such tags—

Ms. JACKSON LEE. The gentleman's time has expired.

Mr. JORDAN. Thank you, Madam Chair. I yield back.

Ms. JACKSON LEE. Congresswoman Dean is now recognized for 5 minutes.

Ms. DEAN. Thank you, Chair. Thank you for holding this important hearing.

Mr. Brown, I am Madeleine Dean from suburban Philadelphia.

So, I think you for your extraordinary work and service to our country.

As you know, 90 percent of the Department of Corrections inmates will return home one day. Our current system is failing them, and failing all of us, their families, and our communities as well. Assisting Americans returning home, people who are still suffering from mass incarceration and its effect on their transition to freedom, even after their time is served, must remain a priority for our government. It is a priority for me and many on this Committee.

Mr. Brown, what is the Department of Justice doing to support returning citizens to reduce the chance of rearrest and support successful reintegration into the community?

Mr. BROWN. Thank you, Congresswoman, for that question, and I appreciate it because you highlight a very important issue.

One of the ways that we make our communities safe is not only by preventing crime and holding people accountable who commit crimes, but helping those people successfully return to our community. That is good not only for those individuals and their families, but good for their neighbors and their communities around that, because it enhances community safety. So, I know that there are a number of reentry-specific efforts the department prioritizes. There are reentry programs the department helps support through grant funding.

Here, specifically in my district, my office works with a number of organizations that are specifically focused on reentry efforts. We actually just started partnering with a very positive organization that has had good results working with the State correction facilities to bring those resources to some of our Federal detention facilities within my district, to help people understand what led them there and provide them the support when they get out of prison.

Ms. DEAN. I appreciate that. What else is the Federal government doing to invest in education, in housing, healthcare, employment, and other social structures for returning citizens?

Mr. BROWN. Well, some of those subject matters are beyond my expertise, Congresswoman. I know that there are a number of programs in each of those areas and some that are specifically funded and supported by the Department of Justice. I am happy to have the department follow-up with you on some of those areas.

As I indicated earlier, some of the CVI programs that we work with and support, both here in my district and in the department, are focused on those very specific issues in providing housing, education, and other programs to make sure that they are successful.

Ms. DEAN. I appreciate that. Anything you can share with us; we would thank you for that.

Something I care an awful lot about is the role of addiction and opioids, in particular, and other problems of addiction and mental health as it relates to the Department of Justice, the criminal justice system. Can you speak to that in terms of your own experience in the work that you do? How much of it is touched by mental health and/or the disease of addiction?

Mr. BROWN. Yes, absolutely. Those two issues are really prevalent in cases that we see, both in the Federal cases and investigations that we lead, as well as the cases that local and State officers are bringing.

You are seeing addiction-related issues, particularly these days, in my community and throughout our country a number of people suffering from fentanyl addiction and fentanyl problems. It is really a serious problem in my district and throughout our country, and mental health is also such a vital part of what is contributing to people crimes.

In my district, we do have a program where we work with people, where we can identify that the impetus for their crimes was a drug-based issue. We have had a history, a documented history,

of addiction-related issues. We try to work with those people to find alternatives beyond simply incarceration that will allow them to be successful for when they reenter the community.

Ms. DEAN. I thank you for that. Anything you are learning, best practices, that we can make sure that we incorporate into our policymaking would be very powerful. We know that we can't arrest our way through addiction and mental health problems. It is not good for the people, and it is not good for their families and our communities, and the economy around them.

Again, I thank you for your extraordinary work and service.

I yield back, Madam Chair.

Ms. JACKSON LEE. The gentlelady yields back.

It is now my pleasure to recognize Mr. Tiffany for 5 minutes.

Mr. TIFFANY. Thank you, Madam Chair.

I want to reference what the Ranking Member was questioning you on just a few minutes ago. Have you had talks with the National Security Division regarding the memo from the Attorney General?

Mr. BROWN. I have not, Congressman.

Mr. TIFFANY. So, are you ignoring the directive that the Attorney General's office put out?

Mr. BROWN. I don't believe there was any specific directive for me, as U.S. Attorney, to coordinate with the National Security Division on that issue, Congressman.

Mr. TIFFANY. So, there was not a directive that you coordinate from the U.S. Attorney's Office?

Mr. BROWN. There was a directive in the October 4th memorandum that we convene a meeting with our Federal and local partners on that issue, which we did. I am not familiar with any directive that I work with or coordinate with the National Security Division.

Mr. TIFFANY. You talk about criteria and things like that to deal with the root causes of crime. Do you consider parental involvement as something that is important, that should be included as one of those top issues?

Mr. BROWN. I think, certainly, people's family circumstances and support can contribute to crime. I think there is plenty of evidence to suggest that having an able and health family environment makes it less likely that you are engaged in crime, in particular, violent crime.

Mr. TIFFANY. Thank you for that answer.

I have jotted down a few phrases that we have been hearing today. Reimagining, of course; reallocate resources; antiquated ideas; violence interrupters—all those things have been bandied around today.

I would hark back to a week ago in regards to President Biden's State of the Union speech, where he said, "We are going to fund the police." I think it is very clear today that was just rhetoric on the part of the President.

All Americans should understand that you have, per the video that we saw earlier—per these words that we are hearing, per the poster that is right behind me, a quote from the Chair on June 7th of 2020, "it should be very clear to the American people that the majority party does not have an interest in getting control of crime.

They do not have an interest in looking out for the interests of victims.”

You can tell with the blame-shifting rhetoric that is being used. Two things that I have heard today: Root causes and blame COVID. Where did we hear the term “root causes” about a year ago? It was when Vice President Harris was announced as being the border czar or she is going to take care of border issues. The first thing she talked about was, boy, we have got these root causes; we have got to get control of this. Has it been brought under control, what has happened on the southern border? Not at all. We just had all kinds of root causes rhetoric. So, whenever you hear that phrase “root causes,” there is just going to be a lot of jabber-jawing that is going to go on.

Then, we see the second blame shift that goes on here: Let’s blame COVID. The same thing that we are hearing from the President’s press secretary. “Why have oil prices all of a sudden gone up here in America?” “It’s the Ukraine. It’s the Ukraine war. That’s what caused these oil prices to go up.”—ignoring the fact of what the American people know, that gasoline went up a buck a gallon, and it started on January 20th of 2021, when President Biden said, “We are going to shut down fossil use in this country.”

What was the metaphor for it? It was Keystone XL, but there were numerous other actions that were taken that were going to shut it down.

So, here we have got the all-purpose bugaboo, which is blame COVID. Now, I would encourage this Committee perhaps to bring Dr. Fauci before us, and maybe he and some of the governors that put in place the Draconian and unconscionable shutdowns, that maybe they should be answering for this. Because you maybe have hit on one of the root causes here: The shutdowns, the artificial shutdowns, that we were warning you about that there was going to be huge societal harm.

Yes, we are, in part, we are seeing an increase in crime as a result of these unconscionable shutdowns that turned people’s lives upside-down. Where were those greatest shutdowns? They were in the big cities of America, where we have seen this striking increase in violent crime.

I yield back.

Ms. JACKSON LEE. The gentleman’s time has expired.

I am now pleased to recognize Ms. Scanlon, the gentlelady from Pennsylvania, for 5 minutes.

Ms. SCANLON. Thank you, Madam Chair. I appreciate you calling this hearing today.

I cannot sit here silently while my Republican colleagues try to hijack an important hearing to identify solutions to address the surge in violence over the past two years, particularly gun violence, that has taken a devastating toll on communities across the country, including my own, in cities of every size and in states, both red and blue.

I have to protest the efforts by our Republicans colleagues to, once again, ignore the truth and repeat false talking points about my community and others, instead of grappling with the truth.

We have heard Members of this Committee and Subcommittee say today that Philadelphia, which forms part of my district, has

reduced funding for its police, and to go so far as to bolster these lies by citing specific numbers. Let me just be clear. Philadelphia has not defunded its police. To the contrary, funding has increased each of the past two years to help address the twin pandemics of COVID and gun violence.

So, I would urge my colleagues across the aisle to stop reimagining the truth and get serious about how this country can actually address the national surge in gun violence, because this is a serious problem that demands serious policy solutions and serious people, not mindless repetition of political talking points.

Now, what we hear over and over again from law enforcement in my district and across the country is that we need to stem the flow of guns to our streets. We can do that with legislation that our Republican colleagues continue to block—by requiring universal background checks, banning ghost guns and assault weapons, and requiring licensing and training with gun purchases. It is easier to get a gun in Pennsylvania than it is to get a driver's license. I can go to a gun show near my home and walk out with dozens of weapons with no check. That is wrong.

We cannot police our way out of this problem, however. If we are going to stem the tide of violence, we need to employ comprehensive approaches to public safety and address the underlying challenges that drive some people to pick up guns in the first place. Mental health struggles, poverty, lack of education or opportunity, all these things made worse by the disruption and upheaval of the pandemic, have fueled hopelessness and despair that can lead our fellow Americans, and particularly children, as I have reason to know, to Act in desperate, dangerous, and violent ways.

Local officials in my district are working right now to reach solutions, to prevent violence, and support people living in their communities. I have been looking forward to this hearing to explore ways the Federal government can support these efforts.

Now, Mr. Brown, in your testimony, you mention that a Project Safe Neighborhoods Program is operating in your district. Officials in Chester, Pennsylvania, where my district office is located, launched the same program in November 2020. The latest data we have indicates that gun violence homicides are down 44 percent—down 44 percent—and overall shootings are down 34 percent in the city since then.

Can you talk a little bit more about the importance of creating these collaborative partnerships between community-based partners and law enforcement? How do we support these partnerships, and how does this drive solutions?

Mr. BROWN. Thank you, Congresswoman.

As I mentioned earlier, we view CVI programs and other community-based programs as a complementary tool to ongoing law enforcement efforts. What we find is that some of these programs can get at some of these issues that law enforcement simply is not as well-suited to do. It can help address some of the root causes. It can help provide the counseling and support and stabilization that makes it less likely that someone will commit crimes in the future or be a victim of crime.

Really, partnership between law enforcement and the community helps build trust in the community. It helps form partnerships with

the community, and those types of relationships are a law enforcement tool. When the community trusts the law enforcement officers in their community, they are more likely to report crime; they are more likely to identify being a victim or knowing a victim, and they are more likely to help find solutions. So, when you have programs supported by the department and other entities that provide resources for those community organizations, you are building trust with law enforcement in a very positive way.

Ms. SCANLON. Thank you.

We know that during the pandemic we have seen traditional supports for young people become disrupted, isolating them. Can you talk about any programs that specifically target young people?

Mr. BROWN. Yes, you are correct that a number of the programs that work with people at high risk, and particularly young people, were shuttered during the pandemic. It was just much more difficult to reach people. It is more positive when you are meeting with someone in person than trying to do it in a remote proceeding, or something like that.

So, we work with organizations here and have learned a lot about organizations that are directly working with young people. On a positive note, despite the rising crime, we have seen a decrease, or a stabilization at least, of incidents of youth involved in shooting in my community. The increase in shootings in Seattle has gone up in some new areas, but has plateaued in some of the other areas, which is some indication that some of these programs that work directly with youth are having successful results.

Ms. SCANLON. Thank you.

I see my time is expired. I yield back, Madam Chair.

Ms. JACKSON LEE. I thank the gentlelady for yielding back.

I also appreciate her courage, as a crime victim, in helping to debunk misinterpretation of defund police. Thank you so very much for your courage.

It is my pleasure to yield 5 minutes to Mr. Massie for his questioning.

Mr. MASSIE. Thank you, Madam Chair.

I yield my time to Dan Bishop.

Mr. BISHOP. I thank the gentleman yielding.

Madam Chair—

Ms. JACKSON LEE. Mr. Bishop is now recognized for 5 minutes.

Mr. BISHOP. I thank the Chair and the Members for permitting me to participate in this important hearing.

Mr. Brown, of course, I guess this is a hearing called by the majority and we are engaged in congressional oversight, I guess. I just wonder, I counted as I came in—it was important enough to me to come here—and when I arrived, there were about 11 Members of Congress sitting here. We have Committee staff here. Why are you not here, sir?

Mr. BROWN. I'm—when I was asked to participate, I was asked to participate remotely, and which was great for me being out here in Seattle. So, that was the invitation I received, Congressman.

Mr. BISHOP. So that was a specific request from the staff for the majority that contacted you to arrange for your participation today? Or did it come direct—

Mr. BROWN. They asked me—

Mr. BISHOP. —or did it come from higher in the Justice Department?

Mr. BROWN. When the department asked me if I would participate, they explained to me that I could participate virtually, so that was the information that I had.

Mr. BISHOP. Who in the department communicated that to you, sir?

Mr. BROWN. The invitation for me came from EOUSA, which is the Executive Office of United States Attorneys, which is the main coordination that we have with the Department of Justice main Justice components.

Mr. BISHOP. All right. Do you know of a name of an individual that made that request or suggested to you that you appear remotely?

Mr. BROWN. The specific invitation came from the Deputy Director of EOUSA.

Mr. BISHOP. All right. Let me take you back to the question that Mr. Jordan asked you about the meeting that you convened of—pursuant to Attorney General Garland's memo about school board protests or threats. You indicated there was a meeting you thought like in November following the issuance of that memo, I think. Summarize the content of the meeting. What was discussed?

Mr. BROWN. Sure, Congressman. We had a meeting with partners from the Federal government law enforcement agencies, principally the FBI, with our State patrol agency and leadership from the Association of Washington Sheriffs and Police Chiefs. We talked about ways that we could be a resource for them, much like we would be a resource in any other local law enforcement need and just made available for them—or made them aware that we were here to help if they had any incidences that deserved Federal resources or Federal attention. That was essentially the extent of our meeting.

Mr. BISHOP. Wow. So did your office gather or have any evidence or information about some proliferation of threats to school boards to share or—because you didn't mention that in relating what you said. Did you gather that kind of information?

Mr. BROWN. We convened the meeting in response to the Attorney General's request that we convene such a meeting and talked about the resources we could provide, much like we would in any other issue partnering with local law enforcement.

Mr. BISHOP. So, again, what the Attorney General indicated was there was this proliferation of threats that warranted this nationwide action by the Department of Justice. So, I think you did not have your office gather any information and you are not aware of any specific information about a proliferation of threats, is that correct?

Mr. BROWN. I did not gather information about threats in my district. The letter came a few days before I was actually sworn into office, so I did not gather information in response to the AG's memorandum.

Mr. BISHOP. Did any participant in the meeting impart any information or evidence about a proliferation of threats that would support a nationwide scope of action?

Mr. BROWN. There were some conversations in our meeting of officers hearing about some small anecdotal stories of threats at school boards, but nothing that would have arisen to needing Federal assistance of Federal prosecution.

Mr. BISHOP. Yes, that is certainly consistent with my understanding as well and it is important for the Nation to know in light of the politicized action by the Attorney General.

Let me ask you one other quick question while I have got the moment here. You have talked about prevalence of firearms being an important driver of violence. Ms. Scanlon just talked about the need for background checks, but you said most gun violence comes from stolen guns. That wouldn't be allayed by background checks, would it?

Mr. BROWN. Where there are a number of different contributors to the rise in shootings and certainly what we're seeing quite often here in my district is people who are stealing firearms from other gun owners. I don't have all the information and data about who has owned the gun lawfully or not, but certainly the rise in firearms in our streets, which puts the community and law enforcement in danger, is coming a lot from firearms recovered from stolen homes or stolen property.

Mr. BISHOP. I thank the gentleman from Kentucky. I yield back.

Ms. JACKSON LEE. The gentleman has yield back.

It is now my pleasure to call on Mr. Cicilline for five minutes.

Mr. CICILLINE. Thank you, Madam Chair, for holding this hearing and thank you for the Witnesses that have joined it.

It is no secret that we have seen an alarming increase in certain types of violent crime across the country. Gun violence spiked especially during the first year of the pandemic and 2021 saw a 5-percent jump in homicides since 2020 and a 44-percent jump since 2019.

One of the most important lessons I have learned in my decades as a lawmaker and as a mayor is that no problem exists in a vacuum. This includes increases in crime which often accompany periods of social-economic distress, so it is not surprising that these concerning statistics accompany one of the worst periods of social and economic upheaval in recent history, the COVID-19 pandemic.

COVID-19 not only took the lives of almost a million Americans; it also upended many of our social and economic support networks as things like childcare, financial assistance, and medical services became difficult or impossible to access. This put unbelievable stress on communities which then began to see a dramatic rise in crime. The problems COVID presented were multifaceted, and our response must be equally multifaceted. It is why we made more than \$350 billion in the American Rescue Plan specifically and explicitly available to police and law enforcement to support police departments across the country, making sure that they had the resources they needed, that they were properly trained and utilizing the best techniques, but also by including other social and medical professionals in response to the public safety crisis.

So, despite the fiery speeches of my colleagues, every single Republican on this Committee and every single Republican in the Congress of the United States voted no for this funding for police departments in direct response to the increasing crime because of

COVID. We wrote it specifically for that purpose. Police departments are using it. That funding—every single one who made one of these big loud speeches today voted no. So, let the record be clear on that.

So, I want to first say thank you, sir, for your testimony. As I think about violent crime, one of the lessons I learned as mayor of the City of Providence, and my chief always said this, was that the single most powerful tool the police department has to fight crime is the trust and confidence of the community.

When I took office crime was on the increase in the City of Providence. By the time I left as mayor we had the lowest crime rate in 50 years, and that was because of the great work of the men and women of the police department working with the community, rebuilding trust, creating neighborhood-based community policing models where my chief always says people should have a family lawyer, a family doctor, and a family police officer. They have the cell phones of the sergeants that were in charge of their neighborhoods.

So, would you speak a little bit about how the Department of Justice is supporting State and local law enforcement in their efforts to reduce crime, particularly violent crime and particularly gun crimes in local communities?

Mr. BROWN. Thank you, Congressman, for your question. I think you've hit the nail on the head. It makes sense that anybody in any profession frankly works better with people that they trust. Law enforcement agencies and officers serve those communities and if they have trusting relationships and know the people in their communities, they're much more likely to partnership—partner on successful strategies for reducing crime and they're much more likely to have good relationships when they're showing up before a crime has happened, to commit to those relationships rather than after a crime has occurred.

The focus for me specific to this testimony is how the Federal government and the Department of Justice can support community organizations that are adopting evidence-based CVI strategies because those partnerships with law enforcement is one of the principal ways that we can prevent violence from occurring or reoccurring.

So, working with law enforcement agencies I've heard time and time again that they want these community organizations to be successful because those community organizations can get at some of the heart of the problem rather than simply when law enforcement shows up after a crime has occurred.

Mr. CICILLINE. Thank you. We have in the City of Providence a program that was started by the Institute for the Study and Practice of Nonviolence that supported a group of young people called street workers that are actually former gang Members, people who had previously been involved in violent crime who are out there proactively working with the communities, helping to prevent violence, working hand-in-hand with the police department. Every single member of the Providence Police Department would recognize that they have been a tremendous asset in their efforts to reduce crime in the city. That is a great partnership where they are reaching out and helping to prevent much violence.

We also had a nationally recognized program where another organization, Family Services, sent with police officers a domestic violence therapist, who understood how to work with children, to the scene of a crime so that when they were responding the harm that children were experiencing as a result of that incident was immediately addressed by a mental health professional. Everyone sees those as very valuable to reducing the impact of crime on our communities. Despite all the histrionics of our colleagues on the other side of the aisle, I hope those efforts can continue in police departments across the country. Thank you for being here. I yield back.

Ms. JACKSON LEE. I recognize Mr. Fitzgerald now for five minutes.

Mr. FITZGERALD. Thank you, Madam Chair. Can I first ask unanimous consent to have a Washington Post article that is authored by Salvador Rizzo titled: "The White House's Slipshod Claim that Republicans are Defunding the Police." I would ask unanimous consent that be submitted for the record.

Mr. Jackson Lee. Without objection, so ordered.

[The information follows:]

MR. FITZGERALD FOR THE RECORD

The White House's slipshod claim that Republicans are defunding the police

Analysis by [Salvador Rizzo](#)

Staff writer

July 7, 2021 at 3:00 a.m. EDT

"Let's talk about who defunded the police. When we were in Congress last year trying to pass ... an emergency relief plan for cities that were cash-strapped and laying off police and firefighters, it was the Republicans who objected to it. And in fact, they didn't get funding until the American Rescue Plan, which, our plan allowed state and local governments to replenish their police departments and do the other things that are needed. So look, Republicans are very good at staying on talking points of who says 'defund the police,' but the truth is, they defunded the police."

— **Cedric L. Richmond, senior adviser to President Biden, in an interview on "Fox News Sunday," June 27, 2021**

Republicans often claim Biden would cut funding for police departments, a falsehood that has kept us busy churning out Pinocchios since the 2020 campaign.

Now, White House advisers are trying to turn the tables on the GOP with a new talking point, claiming it's actually Republicans who are working to defund the police.

Richmond, a former Democratic congressman who leads the White House Office of Public Engagement, said on Fox News that Republican lawmakers opposed a \$1.9 trillion coronavirus relief bill, which included \$350 billion in state and local aid. Many local governments are tapping those emergency funds to patch budget holes, hire officers and avoid police layoffs.

White House press secretary Jen Psaki brought up the same \$1.9 trillion package, the American Rescue Plan, at a briefing June 23 and said: "That was voted into law by Democrats just a couple of months ago. Some might say that the other party was for defunding the police; I'll let others say that, but that's a piece."

Although Republicans all opposed Biden's coronavirus relief package, no one voted to cut, or defund, anything. Rather, Democrats proposed \$350 billion in emergency funds for state and local governments, and Republicans voted against those extra funds. That's not a reduction.

The Facts

Let's define what it means to "defund the police," a popular movement among some liberal activists that has so far gained little traction in Congress.

Only in rare instances are proponents calling for the outright elimination of police departments. Advocates generally want to redirect some funds now spent on police forces to items such as education, public health, housing and youth services. The idea is that low-income communities would become stronger — and less in need of policing tactics — if root problems were addressed.

Under this concept, some police officers would be replaced with trained social workers or specialized response teams in an effort to let police focus on violent crime, not drug overdoses or homelessness. The theory is that police would be better positioned to deal with rapes and murders if they were not required to deal with other social ills that sometimes lead to community confrontations with police.

It's not a theory Biden is pursuing. In his fiscal 2022 budget, Biden kept a campaign promise and proposed to more than double the funding for the Community Oriented Policing Services (COPS) Hiring Program, which provides funds for local police departments to bolster their ranks. In President Donald Trump's budget last year, \$156.5 million was provided for COPS Hiring; Biden would boost that to \$388 million, Justice Department documents say.

In addition, Biden announced on June 23 that he was urging cities experiencing an increase in crime to tap funds in his coronavirus relief bill "to hire police officers needed for community policing and to pay their overtime."

But that was not included in the text of the legislation itself, so lawmakers had no guarantee before voting on the bill that some of these funds would go to police departments.

Of the \$1.9 trillion total in the American Rescue Plan, \$350 billion was designated for "states, territories, and tribal governments to mitigate the fiscal effects stemming from the covid-19 public health emergency."

The law says these funds may be used to "respond to the covid-19 emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits or aid to impacted industries such as tourism, travel, and hospitality; provide premium pay to essential workers or provide grants to employers of essential workers during the covid-19 emergency; provide government services to the extent of the reduction in revenue of such state, territory, or tribal government due to the covid-19 emergency; or make necessary investments in water, sewer, or broadband infrastructure."

Police officers are one category of essential workers covered by the law, but they are not mentioned specifically like "impacted industries such as tourism, travel, and hospitality" or "water, sewer, or broadband infrastructure." As the bill worked its way through Congress, Democrats said these "state and local aid" funds would help shore up a host of local services, such as "health care workers, police, fire, transportation, EMS, teachers."

White House officials noted that local governments across the country are using some of these emergency funds to hire officers or rehire officers who were laid off during the pandemic, and increase police pay or upgrade their facilities and mental health services, including in Cincinnati, Houston and Memphis.

The White House also pointed to another set of remarks from a briefing Psaki gave on July 2: “When we talk about individuals in Congress and their support for funding or opposition to funding for the police, I think what the American people are most focused on is how people vote, what their record is, which is a public record. And I will note that ... the president ran on and won the most votes of any candidate in history on a platform of boosting funding for law enforcement after Republicans spent decades trying to cut the COPS program — which, again, is public record.”

This claim sounds similar, but we’re no longer talking about the American Rescue Plan and its \$350 billion in state and local aid. As noted, Biden’s budget proposes to more than double COPS funding after Trump proposed to cut this program, and some Republicans voted to reduce funding for it on a year-over-year basis. That’s what a budget cut, or a proposed cut, actually looks like.

In response to our questions, White House officials said Republicans were “effectively” trying to defund the police by withholding support for the coronavirus relief package and by proposing to claw back some of the \$350 billion in state and local aid amid ongoing infrastructure negotiations.

The Pinocchio Test

We often fact-check claims in which huge spending bills are reduced to one cherry-picked expense out of thousands.

In this case, there’s not even a line item to attach to the White House’s claim that Republicans are trying to defund the police.

The American Rescue Plan devoted \$350 billion to “state and local aid,” a pot of money that was designed for a variety of budget-plugging purposes. Among those is keeping police, teachers and emergency medical technicians at work, but going strictly by the bill text, lawmakers had no guarantee that police would get a slice of the pie.

What’s more, voting against a one-time infusion of cash is not the same as voting to cut funding, so there is little basis to claim that Republicans are trying to “defund the police.”

Psaki and the White House are on more solid ground by framing this talking point in terms of the COPS program, which some Republicans did vote to cut funding for as recently as the Trump administration. That’s the only thing keeping this talking point from being a Four Pinocchio claim.

Overall, we award Three Pinocchios.

Three Pinocchios

(About our rating scale)

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Mr. FITZGERALD. Thank you, Madam Chair.

Mr. Brown, last Congress Chair Nadler introduced H.R. 9065, the Federal Bail Reform Act, which would shift the burden of proof from a defendant to government on bail decisions. The presumption for most criminal defendants would be pretrial release. In order to rebut the presumption, the government would need to show by a preponderance of evidence that release does not pose a high risk of intentional non-appearance in court or a specific or substantial risk that the person will cause bodily injury or use violent force against the person of another if released.

The Chair has not reintroduced that legislation this Congress and I'm not sure why. Might have something to do with bail reform issues in New York. Do you support this type of reform?

Mr. BROWN. Congressman, I'm not familiar with the specific bill that you're talking about. When my office deals with the issue of pretrial release, we try to make sure that people who are the most likely to be at risk of offending again, or committing other crimes, or are likely to be a flight risk, that those people are detained pending trial.

Mr. FITZGERALD. So, just in general, let me ask you, do you think that the danger an individual poses to society should be one of the factors that should be considered when making bail decisions?

Mr. BROWN. As I said, we try to detain people prior to trial to promote and prevent crimes from occurring. So, if they are at high risk of doing that, then we think those people should be detained.

Mr. FITZGERALD. Okay. Thank you. I would just say in general, and I know some of my colleagues on the other side of the aisle—a lot of what I think we are hearing today is kind of glossing over what has been going on for the last year, which has been a call to defund the police. Obviously, the polling shows something different now, or the rhetoric has changed dramatically in the last couple of weeks, so I am not sure exactly where we are headed.

Mr. Brown, in 2018 DEA temporarily classified fentanyl-related substances as Schedule 1 under the Controlled Substances Act. This emergency scheduling order placed all these substances based on their chemical structure and designated them as purely illicit drugs with a high potential for abuse and no reasonable medical purpose. This order has been previously extended three times by Congress, but without action from Congress it will expire, believe it or not, this Friday. The Biden Administration and my colleagues on the other side of the aisle refuse to pass a permanent designation unless it is accompanied by their preferred jail break bills that would release more criminals onto the street.

Do you support the clean permanent designation of fentanyl-related substances as a Schedule 1?

Mr. BROWN. Congressman, I'm not familiar with the specific designation or the history that you've described. What I will say is fentanyl is a very serious drug. It is doing serious damage throughout the country and specifically in my district and is an issue that we take very seriously.

Mr. FITZGERALD. Well, but I am sure you are familiar with Schedule 1 and what that means and the parameters of that. Would you support the idea of making fentanyl—it sounds like you understand how serious this is? Would you actually support that?

Mr. BROWN. I certainly understand what the scheduling is for the products that are illegal under Federal law. I'm just not familiar with the clean distinction that you were making or other related bills, but it is certainly a serious problem.

Mr. FITZGERALD. Thank you, Madam Chair. I yield back.

Mr. JORDAN. Would the gentleman yield?

Mr. FITZGERALD. Madam Chair, I would yield my balance of my time to Mr. Jordan.

Mr. JORDAN. I thank the gentleman for yielding.

Mr. Bowman, I just wanted to follow-up on where we were earlier. Will you commit to getting us an answer to the—we had six or seven questions in our November letter to you. Will you commit to getting answers to those questions to us since main Justice has not? We know you received the letter, and it is from all 19 Republicans. Can we get an answer from you sometime soon?

Mr. BROWN. I'll certainly go back and look at that request again that came in November.

Mr. JORDAN. No, asking will you respond? Will you give us an answer to those questions?

Mr. BROWN. I will coordinate any response with the department.

Mr. JORDAN. I thank the gentleman for yielding.

Mr. FITZGERALD. Madam Chair, I would yield my last five seconds to Mr. Biggs.

Mr. BIGGS. Madam Chair—

Ms. JACKSON LEE. Well, I will be generous. The time past—

Mr. BIGGS. I am just going to do a couple unanimous consents.

Ms. JACKSON LEE. I will yield to the gentleman for unanimous consents.

Mr. BIGGS. I appreciate that. Thank you, Madam Chair.

I first want to submit for the record a Yahoo News piece entitled: "White House Fact-Checked over Bogus Claim on GOP Defunding Police," and then also PolitiFact: "Scott Falsely Accuses GOP of Defunding Police," those two articles without objection, if possible.

Ms. JACKSON LEE. Mr. Biggs, without objection, so ordered.

[The information follows:]

MR. BIGGS FOR THE RECORD

National Review

White House Fact-Checked over Bogus Claim on GOP Defunding Police

Caroline Downey

July 8, 2021 · 2 min read

The *Washington Post* has fact-checked the erroneous claim made by some Democratic politicians and White House Press Secretary Jen Psaki that the GOP, rather than progressives, had advocated to [defund the police](#).

It [awarded](#) three “Pinnochios” to the claim, which means they discovered “significant factual error and/or obvious contradictions,” giving it a rating of “mostly false.”

The authors explain their reasoning: “In this case, there’s not even a line item to attach to the White House’s claim that Republicans are trying to defund the police.”

- ADVERTISEMENT -

Some Democrats had asserted that the American Rescue Plan spearheaded by President Biden contained a provision to increase funding for law enforcement, so by rejecting it many Republicans indirectly and by default supported “defunding the police.”

However, the *Washington Post* clarifies that Republican legislators received no definitive confirmation that the aid would be funneled to police departments.

“The American Rescue Plan devoted \$350 billion to ‘state and local aid,’ a pot of money that was designed for a variety of budget-plugging purposes. Among those is keeping police, teachers and emergency medical technicians at work, but going strictly by the bill text, lawmakers had no guarantee that police would get a slice of the pie,” the publication states.

The assessment adds that it is misleading to equate not voting for potential funding with voting to reduce or eliminate funding for the police force, repudiating Psaki's [affirmation](#) before reporters.

"What's more, voting against a one-time infusion of cash is not the same as voting to cut funding, so there is little basis to claim that Republicans are trying to 'defund the police'," it continues.

The newspaper writes that the fact-checkers would have assigned the accusation a four-Pinocchio rating, meaning it is an outrageous, blatant, and confirmed lie, if not for one legislative gray area.

It argues that Psaki's and the Democrats' claim would be more valid if they framed the talking point around the COPS program, which some Republicans did vote to cut funding for under the previous administration.

[COPS](#) is a community policing program that provides direct financial support for the hiring of career law enforcement officers and to state and local police law enforcement to improve policing strategies and tactics, curb crime, and advance public safety.

Scott falsely accuses GOP of defunding police

IF YOUR TIME IS SHORT

- Congressional Republicans unanimously opposed the \$1.9 trillion American Recovery Act.
- The law sends \$350 billion to localities and gives them wide discretion on how to spend it.
- The law allows, but does not require, localities to spend some of the money on essential workers such as police.
- Nothing in the law cuts funding to police departments.

[See the sources for this fact-check](#)

In last fall's campaigns, Republicans thundered often inaccurate charges that Democrats wanted to defund police departments.

U.S. Rep. Bobby Scott, D-Va., is flipping the script and saying that all congressional Republicans voted to defund police this year when they opposed a \$1.9 trillion stimulus plan.

"Every Republican in Congress voted to defund police when they voted against the American Rescue Plan," Scott [tweeted](#) on July 12.

Scott represents Virginia's 3rd congressional district, stretching from Norfolk and parts of Chesapeake north through Newport News and west through Franklin.

His claim, echoing a Democratic talking point, melts under scrutiny. Here's why.

The Facts

The term "defunding police" arose after the 2020 killing of George Floyd by a Minneapolis police officer. Many advocates say it does not mean abolishing police, but rather reallocating some of the money and the duties that have traditionally been handled by police departments.

For example, instead of dispatching police for routine calls involving drug abuse or mental health issues, advocates say it would be better to send officials from social service departments who have training in treating people with those problems. Some of the funds going to police, they say, would be better spent treating mental illness and addiction. Theoretically, that would allow police to put more focus on violent crime.

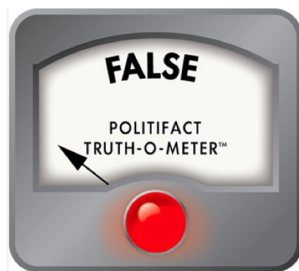
The defund police movement became an attack line for Republicans in 2020, and many Democrats, including President Joe Biden, repeatedly disassociated themselves from it. Moderate Democrats, including [Sen. Mark Warner](#) and [Rep. Abigail Spanberger](#) of Virginia, said progressives' calls for defunding police were a large reason congressional Democrats didn't win as many seats as expected last fall.

The [American Rescue Plan](#) passed Congress in March 2021 with no Republican support. The \$1.9 trillion COVID-19 relief package provides aid to individuals, small businesses, nonprofits and the tourism industry. Included in that amount is \$350 billion to help state, local and tribal governments recoup revenues they lost because of the coronavirus crisis. The law gives governments choices for using the money, including providing "premium pay to essential workers or provid(ing) grants to employers of essential workers during the COVID-19 emergency."

In other words, the law does not require governments to spend the aid on essential workers such as police, teachers or medical technicians; it gives them the option to. When lawmakers voted on the bill, there was no guarantee that localities would funnel some of the money to police departments. And the bill did not cut funding to any department. So a vote against the bill giving the states and localities a one-time injection of extra cash was not tantamount to a vote to defund police.

Republican leaders never mentioned police funding in their list of reasons for voting against the bill. They [criticized](#) the cost of the package, charged that it was filled with Democratic pet projects, and said [only a small portion of the money was](#) specifically designated for spending on the coronavirus vaccines.

FEATURED FACT-CHECK



By Warren Fiske • August 1, 2022

Scott's explanation

We asked Scott's office to back up his statement. Austin Barbera, his press secretary, wrote in an email that the act "was intended to replace lost revenue during the pandemic and to continue to keep emergency services and cops on the job – among other things."

Barbera sent an [NBC article](#) noting that communities in at least 10 congressional districts represented by Republicans who opposed the bill are using some of its relief funds to help their police departments.

He also noted that House Republicans unanimously voted against a separate, [\\$1.9 billion bill](#) to secure the U.S. Capitol after the Jan. 6 insurrection. The measure passed the House on a 219-212

vote and is pending in the Senate. Among other things, it would cover costs the Capitol Police and other security forces incurred in quelling the riot.

"These are just two examples of how House Republicans have all voted against funding the police just this year," Barbera said.

It should be pointed out, however, that the bill would offer one-time supplements to the security forces and pay for a long list of capital improvements. Opposing the bill does not rise to a vote to take away existing funding.

Finally, we should note that House Speaker [Nancy Pelosi](#) and [Cedric Richmond](#), a senior White House adviser, have also accused Republicans of defunding police by opposing the stimulus plan.

Our ruling

Scott tweeted, "Every Republican in Congress voted to defund the police when they voted against the American Rescue Plan."

The \$1.9 trillion stimulus dedicates \$350 billion to compensating state, local and tribal governments for lost revenues during the coronavirus crisis. The law gives the governments wide flexibility in using the money, and one option is to spend it on essential workers or their departments.

But the bill never guaranteed that the money would go to essential workers — including police and their departments — when Republicans voted against it. And there's a huge difference between voting against a possible one-time cash injection into police departments and cutting their existing funding, as Scott implied.

We rate Scott's statement False.

Our Sources

Bobby Scott, [Twitter](#), July 12, 2021.

Email from Austin Barbera, press secretary for Scott, July 16, 2021.

Brookings, "What does 'defund the police' mean and does it have merit?" June 19, 2020.

PolitiFact Virginia, "[Mark Warner says he opposes defunding police, contrary to Daniel Gade's claims](#)," June 22, 2020.

Congress.gov, [H.R. 1319](#), [H.R. 3237](#), 117th Congress.

The Hill, "[Warner blames Democratic losses on 'defund the police'](#)," Nov. 14, 2020.

The Washington Post, "[Spanberger sparked a debate about 'defund police attacks,'](#)" Nov. 11, 2020.

PolitiFact, "[How much goes to COVID-19 vaccines in the stimulus bill?](#)" Feb. 26, 2021.

Mitch McConnell, "Democrats Using Crisis to Check off Unrelated Liberal Priorities," March 2, 2021.

NBC, "[House Republicans who opposed Covid aid still see funds flow to local police departments,](#)" July 1, 2021.

CNBC, "[House passes \\$1.9 billion Capitol security bill that faces Senate roadblocks,](#)" May 20, 2021.

The Washington Post, "[The White House's slipshod claim that Republicans are defunding the police,](#)" July 7, 2021.

FactCheck.org, "[Democrat Makes Misleading 'Defund the Police' Claim,](#)" July 6, 2021.

Nancy Pelosi, "[House Republicans vote to defund police - again,](#)" June 29, 2021.

Cedric Richmond, [Fox News Sunday interview](#), June 27, 2021.

Mr. BIGGS. Thank you.

Ms. JACKSON LEE. Let me, also, now introduce into the record—Members, I am going to take the opportunity to indicate that Mr. Biggs received an answer, or a letter response dated December 22 regarding letters that have been the same on the question concerning a memorandum issued by Attorney General Garland and entitled: “Partnership Among Federal, State, Local, Tribal, and Territorial Enforcement to Address Threats Against School Administrators.”

This was signed by an assistant attorney general from the Department of Justice and the memorandum responds to concerns about violence, threats of violence, and other criminal conduct.

The comment, in particular, the Justice Department has no greater responsibility than keeping the American people safe, and to that end the department has taken action in a wide range of contexts to keep American people safe by preventing violence and threats of violence.

It includes a widespread on jobs, election officials, workers, judges, law enforcement officers, prosecutors, flight crews, and flight attendants. It is not a stranger to violence and the Justice Department has a responsibility to keep them safe.

By unanimous consent I will submit this letter into the record as a response that has been given to the Republican.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD



U.S. Department of Justice

Office of Legislative Affairs

*Office of the Assistant Attorney General**Washington, D.C. 20530*

The Honorable Andy Biggs
 U.S. House of Representatives
 Washington, D.C. 20515

DEC 22 2021

Dear Representative Biggs:

We write in response to your letters of October 7, 2021, October 13, 2021, October 25, 2021, November 1, 2021, November 3, 2021, and November 19, 2021 concerning a one-page memorandum issued by Attorney General Garland on October 4, 2021 entitled "Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement To Address Threats Against School Administrators, Board Members, Teachers, and Staff." The memorandum responds to concerns about violence, threats of violence, and other criminal conduct. It calls for partnership and coordination between federal and non-federal officials in assessing and addressing violence and threats of violence. And, in doing so, the memorandum makes absolutely clear in the first paragraph that "spirited debate about policy matters is protected under our Constitution." These protections clearly and importantly cover debate concerning school board policies. As the Attorney General reaffirmed in congressional testimony, it is the right of parents to be involved in the education of their children, and it is "the role of the First Amendment to protect their ability to be involved."

The Justice Department has no greater responsibility than keeping the American people safe. To that end, the Department has taken action in a wide range of contexts to keep the American people safe by preventing violence and threats of violence. These include, among others, efforts to protect the safety of those who are threatened because of the jobs they hold—namely, election officials and workers; judges; law enforcement officers; prosecutors; flight crews and flight attendants; Members of Congress; and school administrators, board members, teachers, and staff. The Justice Department's efforts are aimed at identifying, and, where appropriate, prosecuting violence and threats of violence that violate federal law.

Thank you for your interest in our efforts to protect all people in the United States from violence and threats of violence. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Peter S. Hyun
 Acting Assistant Attorney General

Ms. JACKSON LEE. With that, I yield five minutes to the gentleman from California, Mr. Lieu, for his questioning.

Mr. LIEU. Thank you, Chair Sheila Jackson Lee, for holding this important hearing. My first elected position I was a city council member, and it is very clear that most police funding are funded by local cities, counties, and States.

President Biden last week told America that Democrats support funding the police. We also took actions to execute that because actions speak louder than words.

The American Rescue Plan provided massive amounts of funding to local governments to fund police departments, prevent layoffs, and hire additional police officers. Every Democrat voted for it and Democrats passed the American Rescue Plan that funded police departments, and President Biden signed it.

The following Republicans on the House Judiciary Committee voted no on the American Rescue Plan. The Republican Judiciary Member from Ohio District 4 voted no to fund the police in the American Rescue Plan:

The Republican House Judiciary Member from Ohio District 1 voted no to fund the police in the American Rescue Plan.

The Republican House Judiciary Member from Texas District 1 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from California District 50 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Colorado District 4 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Florida District 1 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Louisiana District 4 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Arizona District 5 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from California District 4 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Florida District 17 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Wisconsin District 7 voted no to fund the police and the American Rescue Plan.

The Republican Judiciary Member from Kentucky District 4 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Texas District 21 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from North Carolina District 9 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Minnesota District 7 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Indiana District 5 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Wisconsin District 5 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Oregon District 2 voted no to fund the police and the American Rescue Plan.

The Republican House Judiciary Member from Utah District 4 voted no to fund the police and the American Rescue Plan.

Actions speak louder than words.

Now, I would like to talk about a second topic which are school boards. Republicans now are somehow justifying threats against school board Members. Shame on them. My wife is a school board member. Under her leadership as President of the school board last year her school district was voted the best in that area by two

newspapers. She also got death threats and she had to talk to a local detective about those death threats.

You do not have a right to violently threaten school board Members. You do not have the right to engage in violence against them. Republicans on this Committee who defend that, shame on them. I applaud the Department of Justice for going after people who engage in violent death threats against school board Members and who want to take violence and actions of violence against school board Members.

Now, my question to Mr. U.S. Attorney. Thank you for your service. The former President of the United States made racist phrases like king flu. He also told minority Members of Congress to go back to our country. We saw a stunning rise in hate crimes against Asian Americans. Can you say if that happened in your area and what steps you are taking to reduce the hate crimes against Asian Americans?

Mr. BROWN. Thank you, Congressman. We are absolutely seeing a rise in hate crimes and hate-based incidences throughout my district. I think it's a national problem, but we're seeing it here specifically. We've had a number of crimes against religious institutions as well. Just last night, actually, I convened with my Federal law enforcement partners a meeting with the leaders from various houses of worship throughout our district and indeed throughout our State to make sure that they were aware of these rises in threats and where of the resources that the Federal government could help provide to identify people that are making threats in their communities and against their houses of worship.

We continue to prosecute hate crimes very, very seriously in this district. I have had a number of cases in the five months since—

Ms. JACKSON LEE. The gentleman's time has expired. If you can wrap up. Gentleman's time is expired.

Mr. BROWN. —where they are committing these offenses. Thank you.

Ms. JACKSON LEE. Thank you so very much and thank the gentleman.

I will now introduce our second panel of Witnesses. Accordingly, I ask that you summarize—this concludes the first panel of today's hearing. I would like to thank U.S. Attorney Brown for participating in this hearing.

Attorney Brown, your testimony, your patience was most appreciated and also your commitment to public service and the work that you're doing in your district in Seattle. Again, we thank you and the Department of Justice.

We will now take a short recess to set up our second panel of Witnesses. The Subcommittee will stand in recess for five minutes.

[Recess.]

Ms. JACKSON LEE. The Subcommittee will reconvene to hear the testimony of our second panel. I will now introduce our second panel of Witnesses.

First, Chief Eddie Garcia is the 30th Police Chief of the police department in Dallas and the first Latino to serve in this position in the department's 140-year history. He was previously with the San Jose Police Department for his entire 29-year career, where he rose through the ranks and was appointed chief in 2016. Chief Gar-

cia earned a Bachelor of Science in criminal justice management from Union Institute and University. He also attended the De Anza College, where he studied Administration of Justice.

Mr. Thomas Abt currently Chairs the Council on Criminal Justice Violent Crime Working Group and recently directed the National Commission on COVID-19 and Criminal Justice. Prior to joining the Council, Mr. Abt served as a Senior Research Fellow at the Harvard Kennedy School and held leadership positions in the New York Governor's Office and the Office of Justice Programs at the U.S. Department of Justice. He received his Bachelor of Arts in economic from the University of Michigan and received a law degree with honors from Georgetown University.

Mr. Charles Fain Lehman is a Fellow at the Manhattan Institute for Policy Research, working primarily on the policing and public safety initiative, and contributing editor of *City Journal*. He was previously a staff writer with *The Washington Free Beacon* and has been published in *The Wall Street Journal*, *National Review*, and the *New York Post*. Mr. Lehman received a Bachelor of Arts in history from Yale University.

The Honorable Sylvester Turner is currently serving his second term as Mayor of Houston, Texas. Mayor Turner recently announced his One Safe Houston plan to combat violent crime and respond to the needs of victims while building healthier communities. He previously served for 27 years in the Texas House of Representatives. He is an honor graduate of the University of Houston and earned a law degree from Harvard University.

As a moment of personal privilege, I am so very proud to host my Mayor, the Mayor of the city of Houston, who is more than what the definition of a mayor is. As part of the major city mayors, as part of the mayors of large cities, he has confronted every form of natural disaster that you could imagine—from horrific Hurricane Harvey and a number of other rising floods to, of course, the pandemic that hit Houston and Texas very hard, and as well, on the other side of it, a rage of crime, to which none can be attributed because of the hard work of his police department, his first responders, and as well, he and his city council.

So, I am very glad to welcome America's mayor, for all that he exhibits and symbolizes in fighting the fight on behalf of the people of Houston.

Mayor Turner, we welcome you here today.

The Honorable Satana Deberry serves as the elected District Attorney for Durham County. She previously served as a criminal defense attorney. She previously, also, was from the North Carolina Department of Health and Human Services, a general counsel, and executive director of the nonprofit North Carolina Housing Coalition. Ms. Deberry received her Bachelor of Arts in sociology from Princeton University, a Juris Doctor from Duke University School of Law, and a Master's in Business Administration from Duke University Fuqua School of Business.

Welcome.

Ms. Jerika L. Richardson is a Senior Vice President for equitable justice and strategic initiatives at the National Urban League. Previously, Ms. Richardson was a Deputy Executive Director and Senior Advisor and secretary to the New York City Civilian Complaint

Review Board. She has also served as Chief of Staff in the Office of the Counsel to the Mayor of New York City; special advisor to the mayor, and senior spokesperson for the U.S. Attorney's Office in the Southern District of New York. She holds a Juris Doctorate from the University of Michigan Law School and a Bachelor of Arts in English from Spelman College.

Let me also thank the President and CEO, Marc Morial, of the National Urban League, who continues to work and respond to the calls of Congress and to continue to fight for the wide breadth and spread of justice, equality, and economic opportunity for the people of America and African Americans.

So, thank you again, Ms. Richardson, for your presence here today.

We welcome our distinguished Witnesses and we thank them for their participation.

I will begin by swearing in our Witnesses. I ask all Witnesses testifying in person to rise. I ask all Witnesses testifying remotely to turn on your audio loudly and make sure that I can see your face and your raised hand while I administer the oath.

Do you swear or affirm, under penalty of perjury, that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Thank you.

Let the record reflect that the Witnesses have answered in the affirmative.

Thank you, and you may be seated.

Please note that your written statement will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in 5 minutes.

To help you stay within that timeframe, there is a time light on your table and on your screen. When the light switches from green to yellow, you have 1 minute to conclude your testimony. When the light turns red, it signals those 5 minutes have expired.

I now recognize the mayor of the city of Houston, Mayor Turner, for 5 minutes.

STATEMENT OF SYLVESTER TURNER

Mr. TURNER. Good morning. Let me start off by thanking you, Chair Jackson Lee, my Congresswoman. So, thank you for having me.

Ranking Member Biggs, Members of the Subcommittee on Crime, Terrorism, and Homeland Security, as well as the other persons on this distinguished panel, as we engage in a dialog on reimagining public safety in the COVID-19 era, there are no easy answers and no single initiative standing by itself that can adequately address rising crime.

In Harris County, for example, the criminal case backlog is nearly 100,000 cases since Hurricane Harvey and COVID. Domestic violence has doubled since 2019. There are way too many guns on the streets. The Texas legislature passed HB 1927, permitless carry, which became law on September 1st of last year, against the testimony of major city police chiefs. Violent crime is a public health crisis made worse by the pandemic and easy access to guns, which

demands a comprehensive, holistic response, all-hands-on-deck approach.

A month ago, on February 2nd, I, along with members of the Houston City Council, community leaders, and law enforcement agencies announced the One Safe Houston plan, a public safety initiative aimed at holistically addressing, and in some cases rebuilding, the public safety ecosystem in Houston, Harris County. In the city of Houston, we need more police officers, a minimum of 600. We have budgeted the resources to add additional police cadet classes and via overtime. In the interim, we are adding 125 officers per day. These officers are being deployed to areas based on the crime data and analytics. To keep our parks and greenspaces safe, we are adding more park rangers.

Let me add that, after the murder of George Floyd in June of 2020, the city of Houston increased its police budget by 13 percent. Houston is, roughly, 600 square miles, twice the size of Chicago. To complement our police officers, technology is a must. We are adding to our network of cameras to deter soft crimes like road rage, shootings, and others; greater use of ShotSpotter; license plate readers; and enhancing our forensic center. More Federal grants for more technology would be helpful.

We confiscated over 6,400 guns last year, and about 3,700 guns were stolen from people's vehicles. There are way too many guns on our streets. We are budgeting \$1 million on a robust gun buyback initiative, and we will evaluate its effectiveness.

The plan also looks to address crisis intervention in two areas identified by the Citizens Commission on Police Reform, organized after the murder of George Floyd. We are fully implementing it. In fact, I am going even further. 20-one million dollars has been allocated to our behavioral health programs; namely, Crisis Call Diversion Program, a 24-hour coverage program aimed by directly connecting callers with mental health providers; Mobile Crisis Outreach Teams, deploying non-law enforcement teams of behavioral health professionals to deal with nonviolent interventions; Crisis Intervention Response Teams, specially trained police officer paired with mental health professionals, and a Clinician Officer Remote Evaluation using telemedicine.

Additionally, we have seen a substantial uptick in domestic violence-related crimes that often lead to homelessness. As a result, we have made an investment of \$10 million for sexual and domestic abuse responses through our Domestic Abuse Response Teams. These programs provide specifically for training two-person mobile teams, consisting of one HPD officer and one victim advocate, responding to high-risk domestic violence crime scenes at the request of the primary responding police units. This program is working extremely well.

Other key components of the One Safe Houston initiative include \$2.5 million for the implementation of Cure Violence and Credible Messengers Program, using community influencers and disrupters; \$1 million to expand the existing successful Community Reentry Program. I might add, our numbers are more impressive than the State, 4 percent recidivism compared to 20-plus percent. We need more dollars there.

We are engaging in our youth initiative opportunity to provide this coming year up to 15,000 summer jobs to students ages 16–24. Opportunity is a vital component to keeping our city youth off the streets during summer breaks and providing them with access to quality earning and learning opportunities.

With the exception of the summer youth initiative, the cost of the One Safe Houston program is \$45 million, paid for by ARPA dollars. So, let me thank you for your resources.

Then, I look forward to this hearing.

[The statement of Mr. Turner follows:]

Mayor Sylvester Turner

Written Testimony—House Judiciary, Crime Subcommittee
Hearing on “Reimagining Public Safety in the COVID-19 Era”
Tuesday, March 8, 2022

Good morning. I would like to begin by thanking you, Chairman Nadler, Ranking Member Jordan, Members of the Subcommittee on Crime, Terrorism, and Homeland Security as well as the other persons on this distinguished panel as we engage in dialogue on “Reimagining Public Safety in the COVID-19 Era”.

It goes without saying, violent crime across our nation is increasing, especially in major cities like Houston.

There are no easy answers and no singular initiative standing by itself that can adequately address rising crime. The impacts of the COVID-19 pandemic have added to the stresses that create conditions that have led to increases in crime.

Unfortunately, the increase in homicides during the first month of 2022 - including assaults on police officers as well as citizens - is a sobering reminder that we must continue to do more as a community to combat our increasing crime challenges.

Let’s be clear: Violent Crime is a public health crisis made worse by the pandemic. Domestic violence cases have more than doubled since 2019 and more people are experiencing mental health distress leading to interactions with police resulting in dangerous or deadly outcomes.

The state of Texas in its last legislative session passed HB 1927 which took effect on September 1 of last year—allowing unlicensed, or permit-less carry of a firearm—bypassing all training and safety precautions previously required to carry a

concealed weapon. This irresponsible act alone has made policing much harder and adding too many guns on our streets.

Other factors contributing to this spike include widespread social anxiety, economic uncertainty, mental health concerns, the increased presence of illegally owned firearms, and particularly in Houston, a strained court system plagued by criminal case backlogs that impact the pretrial release and prosecution of violent offenders.

A month ago, on February 2, I along with members of the Houston City Council, community leaders and law enforcement agencies announced the **One Safe Houston** plan, a public safety initiative aimed at holistically addressing public safety through community-wide efforts.

I often tell Houstonians we simply ask too much of our police, and as president of the African American Mayors Association, I have heard similar concerns from my colleagues in respect to the demands on their police departments.

In the City of Houston, we have committed the resources to adding additional police cadet classes and 125 officers per day on overtime. However, I firmly believe to combat violent crime, we will not be able to police our way out of these problems; rather, we need a holistic strategy.

Mr. Chairman and members of this committee, it is going to take all of us working collaboratively, from the federal government all the way down to local government to keep our nation's cities safe. Specific to Houston, our **One Safe Houston** crime reduction initiative, a \$45 million investment totally funded by the American Rescue Plan focuses on four (4) key areas:

- Violence Reduction and Crime Prevention

- Crisis Response Teams
- Youth Outreach Opportunities
- Key Community Partnerships

Specifically, the plan looks to address crisis intervention in two areas identified by a citizen Commission on Police Reform organized after the murder of Houstonian George Floyd. I am proud this plan fully funds the recommendations on crisis interventions, and in fact goes further. I would like to highlight the following:

- Of the \$45 million plan, \$21 million has been allocated towards behavioral health programs, namely:
 - Crisis Call Diversion Program (CCD)—a 24-hour coverage program aimed at directly connecting callers with mental health providers
 - Mobile Crisis Outreach Team (MCOT) – deploying non-law enforcement teams of behavior health professionals to deal with non-violent interventions
 - Crisis Intervention Response Teams (CIRT) – specially trained police officers paired with a mental health professional deployed to mental health related interventions
 - Clinician Officer Remote Evaluation (CORE) – a tele-med program designed to give up to 80 officers immediate access to emergency access to behavioral health professionals

Keep in mind, as the largest city in a state that leads the nation in uninsured residents, we often ask police to respond to behavioral health situations. With the ARPA dollars provided by the Biden-Harris Administration, our police, clinicians, and behavioral health experts are better equipped with the tools and resources to respond to these situations.

Additionally, we have seen a substantial uptick in domestic violence related crimes that often lead to homicides. As a result, we have made an investment of \$10 million for sexual and domestic abuse responses through our Domestic Abuse Response Teams (DART) program.

- This program provides for specially trained, two-person mobile teams consisting of one HPD officer and one victim advocate responding to “high risk” domestic violence crime scenes at the request of the primary responding police unit trained to perform on-scene danger assessments.

At my direction and beyond the recommendations of the Commission’s report, the DART program has expanded to provide wrap around services to the victim, including housing and supportive services and targeted cultural outreach to communities as well as added forensic nurse services.

Other key components of the **One Safe Houston** initiative include:

- \$1 million robust gun buyback initiative
- \$2.5 million for the implementation of the CURE Violence and credible messengers programs
- \$1 million investment to expand the existing successful community re-entry network program

As you may see, the programs we are investing in listen to and engage community and neighborhood leaders. It also provides opportunities to our youth. Since I have been mayor, the City of Houston has partnered with both private and public sector businesses to provide paid summer internships to youth ages 16-24 through the Hire Houston Youth program. During its inaugural year in 2016, we offered only 450 jobs at the City of Houston. The program has grown exponentially to over 11,500 jobs in the public and private sector. Providing these

opportunities is a vital component to keeping our city's youth off the streets during summer break and providing them access to quality earning and learning opportunities.

Mr. Chairman, we are in a public health crisis, but I believe Houston is poised to lead the nation with a blueprint that addresses this crisis through law enforcement, public health practitioners and community partners working together. It will take all of us to address and reduce crime in our communities.

With the collaboration of all stakeholders, including business owners, faith-based leaders, and organizations that work with those experiencing family violence and mental illness, I am confident that we will reduce violence and emerge as **One Resilient City – One Unified City – One Safe Houston.**

Ms. JACKSON LEE. The gentleman yields back. Thank you very much.

Let me, before introducing and recognizing Mr. Abt, introduce Ms. Madeline Brame, who is Chair of the New York Victims Rights Reform Council and State Director of BLEXIT for New York, who also will be providing testimony for us today.

Thank you very much again, Mayor Turner.

Now, I yield 5 minutes to Mr. Abt. He is now recognized.

STATEMENT OF THOMAS ABT

Mr. ABT. Chair Jackson Lee, Ranking Member Biggs, and the Members of the Subcommittee, thank you for the opportunity to speak today.

During the coronavirus pandemic, violent crime has surged. In 2020, homicide rose by 29 percent, the largest one-year increase in at least 50 years, while violent crime overall increased by 5 percent. In 2021, homicides and other violent crimes continued to climb, but the pace of the increase, at least for homicide, slowed to 5 percent. Property and drug crime declined in both years.

These numbers, and the suffering behind them, are deeply disturbing. At the same time, rates of violent crime remain well below the highs of the eighties and nineties. We must respond urgently to this epidemic of violence, but we need not panic.

Across the country, violence has surged in cities large and small. It increased in cities led by Democrats and in those led by Republicans. It rose in blue states and, also, in red ones. The effect appears to be national, and not driven by local circumstances.

By all accounts, it is community gun violence, meaning violence perpetrated with firearms in public settings, that is driving the increase. It is difficult to know for certain why community gun violence spiked, but experts have settled on three likely factors.

The first is the pandemic itself, which disproportionately impacted the communities where gun violence concentrates.

A second factor is the social unrest caused by high-profile incidents of deadly police force.

A third factor is a substantial increase in legal gun purchases where a larger share of weapons fell into the wrong hands, and did so more quickly than before.

While a large body of rigorous research and public opinion polling supports additional requirements for owning and carrying a deadly firearm, that is not the focus of my testimony today. My focus here is on the nonpartisan, fact- and evidence-informed solutions that can give cities relief right now.

These solutions reflect the consensus reached by the Council on Criminal Justice's Violent Crime Working Group, a diverse body of law enforcement officials, community violence and public health experts, advocates, and leading researchers.

Study after study shows that crime, and especially violence, concentrate among small networks of individuals and locations. Not surprisingly, the strategies associated with the strongest antiviolence outcomes have one thing in common. They focus on these small numbers of people and places.

Some of these focus strategies involve law enforcement. In systematic reviews of hotspot and problem-oriented policing, research-

ers have examined dozens of evaluations and found these approaches to be effective.

Other strategies prevent violence without law enforcement. For instance, credible messengers can mediate disputes, connect individuals to much-needed supports, and use community events to promote nonviolent norms.

Tellingly, the intervention associated with the strongest effects does not focus exclusively on police or nonpolice solutions. Instead, it brings cops and communities together.

Focused deterrence, also known as the Gun Violence Intervention or Ceasefire, creates partnerships among resident, service providers, and law enforcement. These partnerships engage high-risk individuals and groups; provide specialized supports and deploy targeted sanctions as a last resort.

The key message here is that effective violence reduction includes law enforcement but does not stop there. Cities must complement policing with strong community-based approaches, giving voice to the residents and neighborhoods that experience violence every day.

I want to conclude with an observation about politics, along with a concrete proposal that puts politics aside. Our public conversation about criminal justice is polarized. Increasingly, it is all about tough policing and prosecution, or it is policing and prosecutors who are the problem. This “us versus them” framing is destructive because everything we know about reducing violence tells us that we need law enforcement, but we need community and other partners as well.

The truth is we can have safety and justice at the same time. We can reduce violence and promote change simultaneously. We have to reject these “either/or” choices and insist on “both/and options,” as the Council’s Task Force on Policing did last year, bringing police and civil rights leaders together around a comprehensive set of reforms.

Our cities need help, and they need it now. Congress should take the \$5 billion for community violence intervention strategies in the Build Back Better Act, supplement it with \$1 billion in support for highly focused, evidence-informed law enforcement strategies, and pass these measures immediately in a standalone bill.

This nonpartisan proposal would be embraced by violence intervention organizations, law enforcement agencies, and the public at large. It would also signal a new era of cooperation around the crucial issue of public safety in America.

Thank you.

[The statement of Mr. Abt follows:]

Written Testimony**Submitted by**

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Before the

United States House of Representatives
House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security

Regarding

“Reimagining Criminal Justice in the Covid-19 Era”

March 8, 2022

Chairwoman Jackson Lee, Ranking member Biggs, and members of the Crime, Terrorism, and Homeland Security Subcommittee, I am Thomas Abt, Senior Fellow at the Council on Criminal Justice¹ and Chair of its Violent Crime Working Group². Thank you for the opportunity to speak before you today on “Reimagining Criminal Justice in the Covid-19 Era.”

During the coronavirus pandemic, violent crime has surged. In 2020³, homicides rose by 29 percent to a total of nearly 18,000 souls lost. That was the largest one-year increase in at least 50 years. Violent crime generally increased by 5 percent, while property and drug crime declined. In 2021⁴, homicide and other violent crime rates continued to rise, but the pace of the homicide increase slowed to 5 percent, while property and drug crime declined again. As economists Phillip Cook and Jens Ludwig recently noted⁵, while the total number of reported serious crimes may have fallen during the pandemic, the social harms resulting from those crimes increased significantly because of the rise in violence, especially murder.

As my colleague Adam Gelb has noted⁶, increased homicide will also lead to increases in our prison populations. From 2019 to 2021, according to his updated calculations, just the increase in people sent to prison for murder will occupy a prison bed for 13.4 million days, or compressed into a single year, enough to fill 74 500-bed prisons.

¹ Council on Criminal Justice. “Council on Criminal Justice.” Accessed March 4, 2022. <https://counciloncj.org/>.

² Council on Criminal Justice. “Violent Crime Working Group.” Accessed March 4, 2022. <https://counciloncj.org/violent-crime-working-group/>.

³ Federal Bureau of Investigation National Press Office. “FBI Releases 2020 Crime Statistics.” Press release, September 27, 2021.

<https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2020-crime-statistics>.

⁴ Rosenfeld, R. & Lopez, E. “Pandemic, Social Unrest, and Crime in U.S. Cities: Year-End 2021 Update.” Washington, D.C.: Council on Criminal Justice, 2021. <https://counciloncj.org/crime-trends-yearend-2021-update/>.

⁵ Cook, P. & Ludwig, J. “Gun violence, and the fear of gun violence, distort the lives of millions of Americans.” N.d. Accessed March 4, 2022.

<https://www.vitalcitynyc.org/articles/gun-violence-is-the-crime-problem>.

⁶ Gelb, A. “America’s surge in violence: Why we must reduce violent crime for prison reform to work.” Editorial. *USA Today*, March 9, 2021.

<https://www.usatoday.com/story/opinion/2021/03/09/why-reducing-violence-essential-prison-reform-work-column/4626310001/>.

These numbers, and the suffering behind them, are deeply troubling. At the same time, it is important to note that violent crime rates, including murder, remain well below the peaks they reached in the late 1980s and early 1990s. We must respond urgently to this epidemic of violence, but we need not panic.

The rise in violence has occurred in cities all around the country. Violence surged in large cities and small ones. It went up in cities led by Democratic mayors, and also those led by Republicans. It rose in blue states, and also in red ones. The effect appears to be national and not driven by local circumstances, at least not primarily. That does not mean that local leaders have no agency when it comes to controlling crime and violence – far from it – but those efforts mitigate these broader forces and cannot eliminate them entirely.

It is also important to observe what type of violence that is rising. By all accounts, it is community gun violence, that is violence perpetrated with firearms in public settings. This type of violence has always concentrated in our poorest, most marginalized communities, and it continued to do so over the past two years. To be clear, other forms of violence are present and may even be increasing modestly, but it is community gun violence, committed by and against young men of color, that is driving this surge in serious violence.

Understanding Recent Increases in Community Gun Violence

It is difficult to know for certain why community gun violence spiked during the pandemic, but most experts have settled on three likely factors. The first is the pandemic itself, which disproportionately impacted the marginalized communities where gun violence concentrates. At the same time, the pandemic strained the institutions charged with keeping the peace, such as police, courts, treatment agencies, and community-based groups. Controlling violence depends in large part on proactively engaging those at the highest risk for violence, and such outreach was interrupted by the ongoing risk of infection.

While COVID-19 has presented major challenges, violence actually started increasing in the United States in 2015. Further, violence did not increase⁷ in most other high-income nations during the pandemic. This means that the pandemic is not the only explanation for why violence has increased.

A second factor is the social unrest caused by high-profile incidents of police force against unarmed civilians. In the weeks immediately after George Floyd was murdered in Minneapolis, Minnesota, community gun violence spiked precipitously in poor communities of color around the country. The same thing happened in 2014, when Michael Brown was killed by police in Ferguson, Missouri. This violence was not associated with protests or protesters, but instead concentrated among the small sets of individuals and groups already at high risk for crime and violence.

⁷ Nivette, A., Zahnw, R., Aguilar, R., Ahven, A., Amram, S., Ariel, B., Burbano, M., et al. 2021. "A Global Analysis of the Impact of COVID-19 Stay-at-Home Restrictions on Crime." *Nature Human Behaviour* 5 (7): 868–77. <https://doi.org/10.1038/s41562-021-01139-z>.

Such incidents, and the controversy that follows, drive a wedge between law enforcement and the communities they are supposed to serve. When this happens, violence flourishes, both because police refrain from proactively preventing and investigating crime⁸, and because community members cooperate less⁹ with law enforcement.

The third factor is a substantial increase in legal gun purchases that began with the pandemic and continued throughout. In 2020, Americans purchased approximately 23 million guns – a 64 percent increase¹⁰ from the year before. While the vast majority of these weapons are owned and operated lawfully, recent data¹¹ from the Bureau of Alcohol, Tobacco, Firearms and Explosives suggests that the number of guns whose “time to crime” – the time from when a firearm was legally purchased to when it was recovered after a crime – was six months or less increased by 90 percent. In short, during the pandemic, there were more guns, more of which fell into the wrong hands, and they did so more quickly.

Evidence-Informed Strategies for Reducing Community Gun Violence

While a large body of rigorous research and public opinion polling supports additional commonsense requirements for owning and carrying a deadly firearm, that is not the focus of my testimony today. My focus here is on nonpartisan, fact- and evidence-informed solutions to community gun violence that Congress can authorize and appropriate to give cities relief right now. These solutions reflect the consensus reached by the Council’s Violent Crime Working Group, a diverse body of law enforcement officials, community violence and public health experts, advocates and activists, and leading researchers.

Study after study^{12,13,14} finds that crime, and especially violence, concentrates among small networks of people and places. This is true for every city in the United States. In Oakland¹⁵, for instance, 60 percent of murders occur within a social network of approximately 1,000 to 2,000 individuals—about 0.3 percent of the city’s population. In Boston¹⁶, 70 percent of all shootings over three decades concentrated in areas covering five percent of the city.

Perhaps not surprisingly, the strategies associated with the most immediate, measurable, and concrete anti-violence outcomes have one thing in common: they focus on these small numbers of

⁸ Cassell, P. 2020. “Explaining the Recent Homicide Spikes in U.S. Cities: The ‘Minneapolis Effect’ and the Decline in Proactive Policing.” SSRN Scholarly Paper ID 3690473. Rochester, NY: Social Science Research Network. <https://papers.ssrn.com/abstract=3690473>.

⁹ Ang, D., Bencsik, P., Bruhn, J., & Derencourt, E. 2021. “Police Violence Reduces Civilian Cooperation and Engagement with Law Enforcement.” SSRN Scholarly Paper ID 3920493. Rochester, NY: Social Science Research Network. <https://doi.org/10.2139/ssrn.3920493>.

¹⁰ Fisher, M., Burman, M., Spolar, C., Rozsa, L. & Tran, A. “America on Edge: Covid Lockdowns, Protests and Election Strife Led to Record Gun Sales.” *Washington Post*. Accessed March 4, 2022. https://www.washingtonpost.com/national/record-gun-sales-us-2020/2021/01/18/d25e8616-55a9-11eb-a931-5b162d0d033d_story.html.

¹¹ Arthur, J. & Asher, R. 2022. “The Data Are Pointing to One Major Driver of America’s Murder Spike.” *The Atlantic*. January 10, 2022. <https://www.theatlantic.com/ideas/archive/2022/01/gun-sales-murder-spike/621196/>.

¹² Green, B., Horel, T., & Papachristos, A. 2017. “Modeling Contagion Through Social Networks to Explain and Predict Gunshot Violence in Chicago, 2006 to 2014.” *JAMA Intern Med.*, 177 (3): 326–333. doi:10.1001/jamainternmed.2016.8245.

¹³ Sherman, L. 2007. “The Power Few: Experimental Criminology and the Reduction of Harm.” *Journal of Experimental Criminology* 3 (4): 299–321. <https://doi.org/10.1007/s11292-007-9044-y>.

¹⁴ Weisburd, D. 2015. “The Law of Crime Concentration and the Criminology of Place.” *Criminology* 53 (2): 133–57. <https://doi.org/10.1111/1745-9125.12070>.

¹⁵ Corsaro, N., & Engel, R. 2015. “Most Challenging of Contexts.” *Criminology & Public Policy* 14 (3): 471–505. <https://doi.org/10.1111/1745-9133.12142>.

¹⁶ Braga, A., Papachristos, A., & Hureau, D. 2010. “The Concentration and Stability of Gun Violence at Micro Places in Boston, 1980–2008.” *Journal of Quantitative Criminology* 26 (1): 33–53.

people and places. Any strategy, or set of strategies, intended to curb community gun violence in the short run must adopt these principles of concentration and focus.

Some of these focused strategies involve law enforcement. Most researchers give improved policing some credit for the long declines in violent and other crime that occurred in the 1990s and 2000s. In systematic reviews of hot spots¹⁷ and problem-oriented¹⁸ policing, researchers examined dozens of rigorous evaluations and found these approaches to be effective. In New York City, for instance, targeted “gang takedowns”¹⁹ recently reduced gun violence in and around public housing communities by one third.

These police-based strategies work best when focused on specific crime problems, in partnership with community and other stakeholders. Strong police oversight and management is necessary in order to limit these approaches to only the highest-risk people and places. Overly broad and aggressive policing strategies are not particularly effective, trigger community resistance, and have too many negative collateral consequences.

Other strategies prevent crime and violence without law enforcement. Cognitive behavioral therapy (CBT) can teach high-risk individuals to manage emotions, address conflicts constructively, and think carefully in order to avoid criminal and violent behavior. A systematic review²⁰ found that such programs reduced criminal recidivism by 25 percent, with one of five programs cutting recidivism by more than half. In Chicago, randomized controlled trials have demonstrated that one CBT program²¹ reduced arrests for violent crimes among youth by half, while another²² reduced shooting and homicide arrests among high-risk individuals by 80 percent.

Place-based crime prevention strategies that address blight, add streetlights, and change foot and car traffic patterns, among other tactics, can prevent crime and violence by altering the physical environment of crime-prone locations. In Philadelphia²³, the removal of trash, the grading and seeding of land, and the planting of trees in vacant lots to create park-like settings was associated with a 17 percent decrease in violent crime and a nine percent decrease in crime overall. In New York City²⁴, installing temporary street lights corresponded with a 36 percent reduction in nighttime index crimes – a finding reinforced by systematic reviews²⁵ of the strategy.

¹⁷ Braga, A., Turchan, B., Papachristos, A., & Hureau, D. 2019. “Hot Spots Policing of Small Geographic Areas Effects on Crime.” *Campbell Systematic Reviews* 15 (3): e1046. <https://doi.org/10.1002/cl2.1046>.

¹⁸ Hinkle, J., Weisburd, D., Telep, C., & Petersen, K. 2020. “Problem-Oriented Policing for Reducing Crime and Disorder: An Updated Systematic Review and Meta-Analysis.” *Campbell Systematic Reviews* 16 (2): e1089. <https://doi.org/10.1002/cl2.1089>.

¹⁹ Chalfin, A., LaForest, M., & Kaplan, J. 2021. “Can Precision Policing Reduce Gun Violence? Evidence from ‘Gang Takedowns’ in New York City.” *Journal of Policy Analysis and Management* 40 (4): 1047-1082. <https://doi.org/10.1002/pam.22323>.

²⁰ Lipsey, M., Landenberger, N., & Wilson, S. 2007. “Effects of Cognitive-Behavioral Programs for Criminal Offenders.” *Campbell Systematic Reviews* 3 (1): 1–27. <https://doi.org/10.4073/csr.2007.6>.

²¹ Heller, S., Shah, A., Guryan, J., Ludwig, J., Mullainathan, S., & Pollack, H. 2017. Thinking, Fast and Slow? Some Field Experiments to Reduce Crime and Dropout in Chicago. *Quarterly Journal of Economics* 132(1):1-54. doi: 10.1093/qje/qjw033.

²² READI Chicago: A Heartland Alliance Program. (2021). *READI Chicago Evaluation Finds Reductions in Shootings and Homicides*. Heartland Alliance. <https://www.heartlandalliance.org/wp-content/uploads/2021/07/READI-Chicago-Mid-Study-Analysis-May-2021-FV.pdf>.

²³ Branas, C. South, E., Kondo, M., Hohl, B., Bourgois, P., Wiebe, D., & MacDonald, J. 2018. Citywide cluster randomized trial to restore blighted vacant land and its effects on violence, crime, and fear. *PNAS* 115 (12). <https://doi.org/10.1073/pnas.1718503115>.

²⁴ Chalfin, A., Hansen, B., Lerner, J., & Parker, L. 2019. “Reducing Crime Through Environmental Design: Evidence from a Randomized Experiment of Street Lighting in New York City.” Working Paper 25798. Working Paper Series. National Bureau of Economic Research. <https://doi.org/10.3386/w25798>.

²⁵ Welsh, B. & Farrington, D. 2008. Effects of improved street lighting on crime. *Campbell Systematic Reviews* 4 (1): 1-51. <https://doi.org/10.4073/csr.2008.13>.

Outreach by “credible messengers” to individuals at the highest risk for violence is an important component of many models for reducing community gun violence. Also described as violence intervention or interruption, frontline workers mediate disputes, connect individuals to much-needed supports and services, and use community events and media campaigns to promote nonviolent cultural norms. The evidence concerning street outreach is promising but mixed - neighborhoods in Chicago²⁶, New York City²⁷, Los Angeles²⁸, and Philadelphia²⁹ experienced significant reductions in shootings after implementing such programs, while communities in Baltimore³⁰ and Pittsburgh³¹ reported increases in gun violence. A chronic lack of consistent funding has hampered the development of this important strategy, and additional funding, if properly directed, should further professionalize this field and improve results.

Tellingly, the intervention associated with the strongest effects on gun violence does not focus exclusively on police or non-police solutions; instead it brings cops and communities together to prevent gun violence. Focused deterrence, also known as the Gun Violence Intervention or Ceasefire, creates partnerships among community residents, service providers, and law enforcement officials. These partnerships identify high-risk people and social networks, communicate directly their commitment to stop the violence, provide specialized supports and services, and deploy targeted law enforcement sanctions as a last resort. In Boston³², the strategy reduced youth homicide by 63 percent. In Oakland³³, it cut gun homicides by 31 percent and group-involved shootings by 43 percent. A systematic review³⁴ of the strategy reported favorable results in 22 of 24 studies.

It is important to reiterate that effective violence reduction includes law enforcement but does not stop there. Cities cannot simply arrest their way out of increasing gun violence. Instead, cities must complement policing and other enforcement strategies with strong community-based ones as well, giving voice to residents of the most impacted neighborhoods.

It is also important to acknowledge that no single intervention, whether led by police or community members, can stop violence all by itself. In many cities, specific anti-violence programs succeed in isolation, while violence citywide remains high. For broad and sustained declines in violence, cities need collaborative efforts that leverage multiple strategies at once. Such collaboration is

²⁶ Skogan, W., Hartnett, S., Bump, N., & Dubois, J. 2009. Evaluation of CeaseFire-Chicago. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/grants/227181.pdf>.

²⁷ Delgado, S., Alsabahi, L., Wolff, J., Alexander, N., Cobar, P., & Butts, J. 2017. The effects of Cure Violence in the South Bronx and East New York, Brooklyn. In *Denormalizing Violence: A Series of Reports From the John Jay College Evaluation of Cure Violence Programs in New York City*. New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York.

²⁸ Brantingham, P., Sundback, N., Yuan, B., & Chan, K. 2017. GYRD Intervention Incident Response and Gang Crime 2017 Evaluation Report. Retrieved from: https://www.juvenilejusticeresearch.com/sites/default/files/2020-08/GRYD%20IR%20and%20Gang%20Crime%20Report_FINALv3.pdf.

²⁹ Roman, C., Klein, H., Wolff, K., Bellamy, M., & Reeves, K. 2017. Philadelphia CeaseFire: Findings from the Impact Evaluation. *Temple University*. Retrieved from: https://cvg.org/wp-content/uploads/2020/03/SummaryofPhilaCeaseFireFindingsFormatted_Jan2017.pdf.

³⁰ Buggs S., Webster D., & Crifasi C. 2022. Using synthetic control methodology to estimate effects of a *Cure Violence* intervention in Baltimore, Maryland. *Injury Prevention* 28: 61-67.

³¹ Wilson, J. & Chermak, S. 2011. “Community-Driven Violence Reduction Programs.” *Criminology & Public Policy* 10 (4): 993–1027. <https://doi.org/10.1111/j.1745-9133.2011.00763.x>.

³² Braga, A., Kennedy, D., Waring, E., & Piehl, A. 2001. Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston’s CeaseFire Operation. *Journal of Research in Crime and Delinquency* 38 (3): 195-225.

³³ Giffords Law Center. A Case Study in Hope: Lessons from Oakland’s Remarkable Reduction in Gun Violence. 2019. <https://giffords.org/lawcenter/report/a-case-study-in-hope-lessons-from-oaklands-remarkable-reduction-in-gun-violence/>.

³⁴ Braga, A., Weisburd, D., & Turchan, B. 2019. “Focused Deterrence Strategies Effects on Crime: A Systematic Review.” *Campbell Systematic Reviews* 15 (3): e1051. <https://doi.org/10.1002/cl2.1051>.

difficult under normal circumstances, but appears especially hard to achieve in the current hyperpolarized political environment.

A Roadmap for Reducing Community Gun Violence Now

Articulating and then translating a city's anti-violence vision into action requires clear and consistent leadership to put all the pieces together in a coherent way. Last summer, the Council created a Violent Crime Working Group to help cities do just that. Members brought different perspectives to the table but shared an intense commitment to saving lives by stopping violence. In January, we released our final report³⁵, which outlines ten essential actions every city should take to reduce gun violence now. Here, I will describe just a few.

First, for any city facing high rates of crime, preserving life by preventing lethal or near-lethal violence must be at the top of the policymaking agenda. Local leaders must avoid the devastating human and economic costs of such violence. Every lost soul is priceless, and a single gun homicide costs as much as \$17 million³⁶ in direct and indirect costs. Progress should be measured in clear, concrete terms: fewer homicides and non-fatal shootings. Annual reductions of 10% are an impactful yet realistic goal.

To achieve this, law enforcement agencies must keep a consistent focus on preventing violence, not just making arrests. Effective management means rewarding officers for outcomes like reduced victimization, rather than outputs like the number of pedestrian or car stops. Similarly, non-law enforcement partners such as community-based service providers and their funders should maintain a focus on anti-violence outcomes, not outputs such as services delivered.

Next, as noted above, city leaders should acknowledge that community gun violence concentrates among small sets of key people and places and focus their engagement on them. They should begin with a rigorous problem analysis using police and hospital data to map out the locations and social networks where violence clusters. Analyses like these are critical to creating a shared understanding of a city's violence challenge and guiding collaborative efforts.

Based upon these analyses, city leaders should create strategic plans for engaging key individuals and addressing key locations. Supports and services must be offered so disconnected, at-risk community members have something better to say "yes" to, but it must also be made clear that further violence will not be tolerated. Police can disrupt cycles of violence to cool identifiable "hot spots," but such short-term actions must be supplemented by investments to change the nature of these violent locations and the communities in which they are located.

In communities impacted by gun violence, Post-Traumatic Stress Disorder can be more common³⁷ among residents than among veterans of the wars in Afghanistan, Iraq, or Vietnam. Because of this, it is crucial for city leaders to emphasize healing with trauma-informed

³⁵ Violent Crime Working Group. 2022. "Saving Lives: Ten Essential Actions Cities Can Take to Reduce Violence Now." Washington, D.C.: Council on Criminal Justice. <https://counciloncj.org/10-essential-actions/>.

³⁶ DeLisi, M., Kosloski, A., Sween, M., Hachmeister, E., Moore, M. & Drury, A. (2010). Murder by numbers: monetary costs imposed by a sample of homicide offenders. *The Journal of Forensic Psychiatry & Psychology* 21 (4): 501-513, DOI: 10.1080/14789940903564388.

³⁷ Beckett, L. 2014. "Americans in Violent Neighborhoods Are Developing PTSD at Rates Similar to Combat Veterans." *Mother Jones* (blog). <https://www.motherjones.com/politics/2014/02/ptsd-among-wounded-americans-in-violent-neighborhoods/>.

approaches³⁸. Agencies working with victims and survivors should be careful to deliver services in ways that do not retraumatize their clients. Law enforcement officers also experience trauma and can benefit from such approaches as well.

Also, without clear and consistent buy-in from city leaders, plans tend to stay on the shelf. To avoid this, cities suffering from high rates of violent crime should have permanent offices dedicated to violence reduction operating inside the mayor's office, with senior leadership reporting directly to the mayor. These units, such as the Office of Gang Reduction and Youth Development (GRYD)³⁹ in Los Angeles, should act as the hub for a city's anti-violence efforts.

Finally, cities must hold themselves fully accountable using rigorous research and reliable data. Whatever strategies are chosen, they should be backed up by evidence of effectiveness. Then, those strategies must be monitored and evaluated to see if they actually stop violence and save lives. Leaders must embrace a learning culture that is able to recognize when strategies are not working and shift course—without starting over from scratch.

Recommendations for States and the Federal Government

In addition to guidance for cities, the Working Group provided recommendations for states and the federal government, who can play strong supporting roles through legislation and regulation, messaging and convening, executive action, and especially grantmaking. There are currently several proposals being considered in Congress to increase investment in anti-violence strategies that work, including \$5 billion for evidence-informed community violence intervention strategies included in the Build Back Better Act. The Working Group's recommendations include the following.

First, most federal taxpayer dollars invested in anti-violence strategies should be spent on those that are informed by rigorous research and evidence. At the same time, some resources must be made available for localities to pursue or enhance “promising” or “emerging” strategies and to experiment with new approaches for effectively reducing violence. Relatedly, while sound grant management is essential, many smaller organizations struggle to meet strict federal grant requirements. New funding arrangements – such as mini-grants, intermediary or pass-through arrangements, and fiscal sponsorship – should be made to ensure these applicants have an opportunity to participate.

Second, the federal government should also build local capacity by funding an increased array of training and technical assistance to advance the implementation of evidence-informed strategies. Localities should be encouraged to refrain from “going it alone” – launching major initiatives without consulting outside experts on best practices. Peer-to-peer learning is another important means of sharing best practices, and the federal government should encourage such learning through the establishment of information-sharing networks.

³⁸ University of California San Francisco Division of Trauma Recovery Services. “Trauma Recovery Center.” Accessed March 4, 2022.

<https://divisionoftraumarecovery.ucsf.edu/trauma-recovery-center/>.

³⁹ Tremblay, A., Herz, D., Zachery, R., & Kraus, M. 2020. “The City of Los Angeles Mayor's Office of Gang Reduction and Youth Development (GRYD) Comprehensive Strategy.” GRYD Research and Evaluation Briefs, no. 1.

https://www.juvenilejusticeresearch.com/sites/default/files/2020-08/GRYD%20Brief%201_GRYD%20Comprehensive%20Strategy_6.2020.pdf.

Third, many local efforts to reduce violence are stymied by a lack of available, reliable, and shareable data. Similarly, many important research questions relevant to violence reduction remain unanswered. With local resources devoted to addressing immediate needs, the federal government should make long-term investments in improving the quality and quantity of both data and research related to violence reduction, which ultimately will accelerate progress at the local level.

Conclusion

I want to conclude with some general observations about politics along with one concrete proposal that puts such politics aside.

The public conversation about criminal justice in America is hyperpolarized, with the public being presented with a false choice between absolutes: it is all about tough policing and prosecution, or it is the police and prosecutors who are the problem. It is #DefundthePolice versus #BacktheBlue. Some leaders push back on this frame, but this either/or construct shapes the dominant criminal justice narratives in our country. This “us versus them” dynamic is profoundly destructive to sound anti-violence efforts because everything we know about violence reduction tells us that we need law enforcement, but we need community and other partners as well. And most importantly, we know that a single approach will not work – we need everybody to work together. Unfortunately, the current conversation makes these collaborative partnerships nearly impossible.

The fact is, we can have safety and justice at the same time. We can reduce violence and promote reform simultaneously. We can be tough when the circumstances call for it and be empathetic and supportive to achieve our goals as well. We have to reject either/or choices and insist on both/and options, as the Council’s Task Force on Policing⁴⁰ did last year in forging common ground between police and civil rights leaders on a comprehensive set of law enforcement reforms. We have to remember that it is about solving a deadly serious problem, not winning an abstract argument. It is about bringing people back together, not pulling them apart.

Polling indicates that most Americans oppose⁴¹ “defunding” the police, but support⁴² reasonable reforms. More than 60 percent of those surveyed also believe that “violent crime is a big problem today.” Both the science and the public are saying the same thing: we can improve our justice systems while controlling violence.

Our cities need relief now. I urge Congress to take the \$5 billion in funding for evidence-informed community violence intervention strategies that was included in the Build Back Better Act, supplement that funding with \$1 billion in support for highly focused, evidence-informed law enforcement anti-violence strategies, and pass these measures immediately in a standalone bill. This nonpartisan proposal would be embraced by both violence intervention organizations, law

⁴⁰ Council on Criminal Justice. “Task Force on Policing.” Accessed March 4, 2022. <https://counciloncj.org/ftp/>.

⁴¹ Parker, K. & Hurst, K. 2021. “Growing share of Americans say they want more spending on police in their area.” Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/10/26/growing-share-of-americans-say-they-want-more-spending-on-police-in-their-area/>.

⁴² Zhou, L. 2021. “A majority of voters see an urgent need for police reform following the Chauvin verdict.” *Vox*. <https://www.vox.com/2021/5/3/22406099/police-reform-chauvin-congress>.

enforcement agencies, and the public at large. It would also signal a new era of cooperation around the crucial issue of public safety in America.

Thank you.

About the Council on Criminal Justice

The Council on Criminal Justice works to advance understanding of the criminal justice policy choices facing the nation and build consensus for solutions that enhance safety and justice for all. Independent and nonpartisan, the Council is an invitational membership organization and think tank, serving as a center of gravity and incubator of policy and leadership for the criminal justice field. The Council is a catalyst for progress based on facts, evidence and fundamental principles of justice. Above all, the Council is founded on the belief that a fair and effective criminal justice system is essential to democracy and a core measure of our nation's well-being. For more information, visit <https://counciloncj.org/>.

About the Violent Crime Working Group

Composed of a diverse range of leaders representing community organizations, law enforcement, the public health sector, and academia, the Violent Crime Working Group is dedicated to addressing the most pressing and challenging issues concerning crime, violence, and justice. The Group was launched in July 2021 and issued its final report, "Saving Lives: Ten Essential Actions Cities Can Take to Reduce Violence Now,"⁴³ in January 2022. Before releasing the report, the Group met 11 times, consulted with dozens of leading experts in the field, produced three reports on national crime trends, held three live public web events, and issued seven bulletins highlighting key policy findings. For more information, visit <https://counciloncj.org/violent-crime-working-group/>.

About the Task Force on Policing

The Task Force on Policing was launched in November 2020 by the Council on Criminal Justice. Its mission was to identify the policies and practices most likely to reduce violent encounters between officers and the public and improve the fairness and effectiveness of American policing. In May 2021, the Task Force released its final report, "The Path to Progress: Five Priorities for Police Reform"⁴⁴, urging jurisdictions to adopt key reforms in order to reduce racially biased policing, limit use of force, and restore trust between law enforcement and communities. The Task Force also assessed over two dozen policies and developed 16 assessment briefs, ranging from de-escalation and procedural justice training to duty-to-intervene policies and internal police functions. For more information, visit <https://counciloncj.org/tfp/>.

⁴³ Violent Crime Working Group. 2022. "Saving Lives: Ten Essential Actions Cities Can Take to Reduce Violence Now." Washington, D.C.: Council on Criminal Justice. <https://counciloncj.org/10-essential-actions/>.

⁴⁴ Task Force on Policing. 2021. "The Path to Progress: Five Priorities for Police Reform." Washington, D.C.: Council on Criminal Justice. <https://counciloncj.folecon.com/policing/assessing-the-evidence/five-priorities/>.

Ms. JACKSON LEE. Mr. Abt, perfect. You have finished, and we thank you for your testimony.

It is now my pleasure to yield 5 minutes, and to have Chief Garcia recognized for 5 minutes.

STATEMENT OF EDGARDO “EDDIE” GARCIA

Chief GARCIA. Thank you, Chair Jackson Lee, Ranking Member Biggs, and distinguished Members of the Subcommittee. Thank you for the opportunity to participate in today’s hearing.

I appear before you today as the chief of police in Dallas, Texas, and it is also my privilege to testify on behalf of the Major Cities Chiefs Association. The MCCA is a leader in national policy debates on policing reform. They have consistently called for an approach that is evidence-based, sustainable, and thoughtful, and remain steadfast in our commitment to help increase accountability and rebuild trust between law enforcement and the communities we serve.

Reform efforts cannot be nationalized. Local law enforcement needs to—what works in one city may not work in another. Police departments must have the flexibility to advance reforms that meet the unique needs of their community.

We have taken several steps in Dallas to promote accountability and build trust with our community. Some of the things we’ve implemented are early warning systems to address troublesome behavior on the front end. We’re also onboard with the use of an evaluation tool and platform that enables us to measure the effectiveness of some of the policies, which will include a public-facing dashboard to promote transparency. The RIGHT Care Program, which partners law enforcement, fire, EMS, and clinicians to assist individuals who are experiencing a mental crisis.

Dallas established the Office of Integrated Public Safety Solutions to support non-law enforcement efforts to address violent crime; and all new recruits now take a course on the history of policing as part of their academy, to understand the historical shortcomings of our profession.

MCCA Members are strong proponents of community and relational policing whose strategies are dependent on law enforcement being present in the community. I’m a blue-collar chief and frequently go on patrol with my officers. This allows me to interact with and hear directly from the community outside of the more traditional avenues.

All stakeholders, including elected officials, must push back on calls to defund the police. I have yet to find a neighborhood impacted by violent crime in Dallas, regardless of language spoken, racial makeup, or socioeconomic status, that has ever asked me for less policing. Defunding would have a disastrous consequence and hurt the communities most in need.

We must appropriately balance reform with crime-fighting efforts. The most recent MCCA violent crime report clearly showed that America is experiencing a violent crime wave. The current outlook in Dallas is not akin to other major cities. Violent crime in Dallas decreased in 2021, and this year to date, we have 300 less victims of violent crimes. This is not by chance, but by the local

support of our plan and the amazing work and sacrifices of the men and women of the DPD that this has been made possible.

Our crime-fighting strategy is centered on a Violent Crime Reduction Plan. The plan relies heavily on science and data and was developed in conjunction with criminologists from the University of Texas at San Antonio. The short-term strategy in the plan focuses on hotspot policing to address the most violent offenders in the most violent parts of the city. The plan's midterm strategies will include Dallas PD working with other stakeholders to alter a location's criminogenic nature by strengthening the neighborhood and reinvesting in the community. The plan's long-term strategies emphasize focused deterrence to change the behavior of high-risk offenders through provision of services and community violence interventions, and when necessary, fulsome action.

In the city of Dallas, we use the weed-and-seed mentality. Although it has been necessary to involve my SWAT narcotics teams and crisis response teams in certain areas of our city to reduce violent crime, our community affairs teams are working equally as hard to ensure our neighborhoods don't only see us in moments of trauma. We recognize that a reduction in violent crime which results in less community trust is not success.

To reduce crime, we also need help from our elected leaders. In Dallas, we are fortunate to have a strong and unwavering support from our mayor, Eric Johnson, who's been advocates for smart, data-driven strategies while also implementing community-based public solutions. I don't believe there is a mayor in America who is more supportive of law enforcement than Mayor Johnson.

That, also, means he understands that we can't ask or expect our police officers to do everything. Mayor Johnson created a Task Force on Safe Communities, which recommended proven strategies to remediate blight, improve lighting, and teach both children and adults to resolve conflicts before they turn violent. The Dallas City Council has supported the mayor's plan by allocating millions of dollars in funding to our budget to those programs.

Using this layered approach, we have seen some of the most significant crime reductions in neighborhoods where we're deploying both our Violent Crime Reduction Plan strategies and the Mayor's Task Force on Safe Communities programs.

For example, violent crime is currently down 50 percent in the city's most violent grids. Perhaps most remarkably, we are reducing crime in those areas while making fewer arrests. These community-centric efforts are, and should be, in addition to, not in lieu of, enforcement efforts.

The strong relationship between Dallas PD and our Federal partners has also contributed to our success. Despite the rise in crime, violent and chronic offenders continue to cycle through the criminal justice system. MCCA Members have found to pursue Federal charges for violent criminals to be a successful strategy and proper deterrent. To support these efforts, Congress must have the capacity in the U.S. Attorney's Office to support additional prosecutions, as appropriate.

The goal of reimagining public safety should be building safe and prosperous communities. The success we have achieved in Dallas

demonstrates that this is possible when these efforts are made. Police officers are supported, and stakeholders work together.

I look forward to any questions that you may have.

[The statement of Chief Garcia follows:]



TESTIMONY OF

**EDDIE GARCIA
CHIEF OF POLICE
DALLAS, TEXAS**

Appearing on Behalf of the
MAJOR CITIES CHIEFS ASSOCIATION

BEFORE THE

**HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELND SECURITY**

**“REIMAGINING PUBLIC SAFETY IN THE
COVID-19 ERA”**

March 8, 2022

Introduction

Chairwoman Jackson Lee, Ranking Member Biggs, and distinguished members of the Subcommittee:

Thank you for the opportunity to appear before the Subcommittee today. In addition to being Chief of the Dallas Police Department, I also am here on behalf of the Major Cities Chiefs Association (MCCA). The MCCA is a professional organization of police executives representing the 79 largest cities in the United States and Canada. The Association's mission is to provide a forum for police executives from large population centers to address the challenges and issues of policing, influence national and international policy that affects police services, enhance the development of current and future police leaders, and encourage and sponsor research that advances this mission.

This hearing will focus on reimagining public safety in the COVID-19 era. These efforts must not come at the expense of law enforcement, especially considering how the scourge of violent crime is plaguing communities across the country. While MCCA members are constantly developing new and innovative approaches to public safety, it will be difficult to bring about sustainable change if the public continues to be victimized by unprecedented levels of gun violence, carjackings, and other violent crime.

My testimony will provide an on-the-ground, local law enforcement perspective on what is driving the current violent crime situation in America's urban centers. More specifically, I will discuss how all federal, state, and local stakeholders can work together to address these challenges and institute meaningful public safety reform.

Policing Reform

The MCCA is a leader in national policy debates on policing reform. The Association established a Police Reform Working Group in October 2020 and, in January 2021, released a comprehensive report that addressed the use of force, training, data collection and reporting, independent investigations, accreditation standards, and no-knock warrants, amongst other topics.

The MCCA has consistently called for an approach to reform that is evidence-based, sustainable, and thoughtful. Every day, MCCA members work to protect and serve their communities while implementing professional law enforcement practices that are fair, equitable, transparent, and procedurally just. Furthermore, the MCCA remains steadfast in its commitment to help increase accountability and rebuild trust between law enforcement and the communities we serve.

As Congress and the Administration continues efforts to advance policing reform, they must avoid trying to "nationalize law enforcement." While reform should revolve around some general principles, every community is different, and the specific policies or initiatives that work in one community may not work in another. As such, local police departments must have sufficient flexibility to put forth reforms that account for the unique needs of their communities.

Law enforcement is entrusted with a solemn responsibility that must be taken seriously. From academy recruits to the chief, we must hold ourselves to the highest standards and have zero tolerance for any action that jeopardizes public safety or violates the trust of the communities we serve. When these standards are breached, it casts a shadow over the hundreds of thousands of

officers who put on their uniforms every day to serve their fellow citizens and keep their communities safe. As law enforcement executives, MCCA members must ensure that if misconduct occurs, it is dealt with decisively, and the individuals responsible are held accountable.

Here are a few examples of steps we've taken in Dallas to promote accountability throughout the department and build trust with the community. The Dallas Police Department has implemented an early warning system that takes a data-driven approach to notify police leadership of officers who display signs of conduct that may require further attention. Once these officers are identified, we can conduct further evaluations and provide the officer with the support needed to mitigate potential future issues. This system allows us to address any concerns on the front end before it results in action that either poses a risk to community members or diminishes the reputation of the police department.

Dallas PD utilizes a Police Use of Force system that examines how and why officers use force and provides a holistic view to help identify both high risk and exemplary behavior. This system includes an evaluation tool that allows us to measure the effectiveness of policies and training and assess the impacts of any implemented reforms. Dashboards included in the system can also be made public, and this data provides a detailed look into the use of force practices. The Police Use of Force systems improves police-community relations by educating the community and providing detailed and accurate information on policing practices. This transparency, in turn, promotes mutual trust and respect.

Law enforcement must continue to work tirelessly to build strong relationships with the community. It is much easier to navigate a crisis and bring about change when the public trusts law enforcement and knows their concerns will be taken seriously. For this reason, MCCA members are strong proponents of community and relational policing. Fruitful community engagement is dependent on being present. I consider myself a "blue-collar chief," and I routinely go out on patrol with my officers. One of many benefits is that these patrols allow me to interact with and hear directly from community members outside of the more traditional law enforcement-community engagement avenues.

All Dallas police recruits now undergo instruction on the history of policing. This course aims to arm incoming officers with a more solid foundation as it relates to the history of the profession and how it has shaped police work today. This knowledge is important since history of any kind often repeats itself if not fully understood and appreciated. Moreover, firmly understanding our past can and should better inform our pathway forward to a more successful and brighter future in policing. Dallas PD partners with the University of North Texas to provide this training, and thus far, three recruiting classes have completed the course.

As work on policing reform continues, all stakeholders, including elected officials, must push back on calls to defund the police. Defunding can have disastrous consequences and hurt the communities most in need. The reality is that communities in major cities, especially those most impacted by the increase in violent crime, don't want fewer police in their communities. I have not met a neighborhood impacted by violent crime in Dallas, regardless of language spoken, racial makeup, or socio-economic status, that has ever asked me for less police. As President Biden said

in his State of the Union address, “We should all agree: the answer is not to defund the police. The answer is to fund the police with the resources and training they need to protect our communities.”¹

Finally, we must appropriately balance reform with crime-fighting efforts, given the ongoing rise in violent crime. We cannot create a situation where reforms make it impossible for officers to do their jobs. Nor can we put restrictions in place that prevent law enforcement from taking the proactive action that is instrumental in decreasing violent crime. Reform and public safety are not mutually exclusive.

The Rise in Violent Crime

The sustained increase in violent crime is disproportionately impacting MCCA members. The brave officers in these cities have continued to work tirelessly to tackle this challenge head-on to keep our communities safe. However, more must be done to support them, crime victims, and impacted communities.

According to the latest MCCA Violent Crime Survey, there were 9,548 homicides in major cities in 2021, a roughly 6% increase from 2020. However, when comparing homicide numbers over the past few years, the data clearly shows that America is in the middle of a violent crime wave. For example, in 2021, homicides were up approximately 49% compared to 2019 and 53% compared to 2018. These numbers are devastating and illuminate the unprecedented challenges local law enforcement has had to contend with over the past few years.²

Dallas Violent Crime Reduction Plan

Dallas is unique in the fact that we are one of the few major cities where violent crime decreased last year. This trend has continued into 2022, and our violent crime thus far is down roughly 17% year to date. This would not be possible without the exemplary work of the officers and staff of the Dallas Police Department. I’d like to take a moment and use this platform to publicly thank them for the incredible work they do every day to keep our city safe.

Following my appointment to serve as the Chief of Police in February 2021, my team and I developed a Violent Crime Reduction Plan. The plan relies heavily on science and crime data and was developed in conjunction with criminologists. It includes short-term, mid-term, and longer-term strategies to reduce violent crime, and Dallas PD began implementing the plan in May 2021. Given the success of this plan thus far, I believe it serves as a blueprint for how we can reimagine public safety in a way that properly balances enforcement and accountability, the provision of social services, community-based alternatives, and other initiatives to break the cycle of violence.

The short-term strategies in the plan focus on hot spots policing. We broke the city of Dallas down into microgrids and focused on the roughly 50 grids responsible for 10% of all violent crime in the city. Based on crime analysis and mapping, DPD deployed a highly visible police presence to these grids at the times when violence is most often reported. In addition, DPD teams focused on surveilling, deterring, and arresting repeat violent offenders on other high-crime grids. These hot

¹ “Remarks of President Joe Biden – State of the Union Address As Prepared for Delivery,” *The White House*, March 1, 2022. <<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/01/remarks-of-president-joe-biden-state-of-the-union-address-as-delivered/>>

²The MCCA’s Violent Crime Reports can be found here: <<https://majorcitieschiefs.com/resources/>>

spots are reviewed and adjusted as needed every 90 days. This approach has been successful, and the mix of engagement and enforcement has driven down violent crime in these grids by 50%.

The plan's mid-term strategies consist of Place Network Investigations. These consist of a variety of government agencies, non-profit and community-based groups, and other stakeholders working together to address crime and drivers of crime in a given location. Place Network Investigations combine traditional law enforcement efforts with code enforcement, abatement, environmental design changes, and other actions. By strengthening the neighborhood and reinvesting in the community, these strategies seek to alter a location's criminogenic nature.

The longer-term strategies included in the plan emphasize focused deterrence and urban blight abatement. Focused deterrence seeks to change the behavior of high-risk offenders through a combination of incapacitation, community involvement, and alternatives to violence. This consists of continued engagement between law enforcement and high-risk offenders, including providing these individuals with social services, education, and job training. Community violence interventions are also a key component of DPD's focused deterrence strategy. The police department will continue to work closely with other city agencies, non-profits and community groups, and other leaders in the community to implement this portion of the strategy.

Part of the reason this plan has been so successful is the strong relationship between Dallas PD and our federal partners. We have a remarkable relationship with the FBI, DEA, ATF, and US Marshals offices in the city. We're in constant communication, and these agencies have molded their own operations to support Dallas PD's crime plan. Having Special Agents in Charge in our federal partners' field offices who prioritize supporting local law enforcement efforts to address violent crime is invaluable. I strongly encourage other local police departments to make sure you build relationships with the federal law enforcement leadership in your jurisdiction.

I cannot emphasize enough that my fellow chiefs, regardless of the size of their department or jurisdiction, should look at the data and work closely with criminologists to develop a violent crime reduction plan that meets the unique needs of their community. These plans must properly mix community input, community engagement, and enforcement action focused on taking violent offenders off the street. Together, this will help drive down violent crime. Congress should consider providing additional grant funding or other assistance to help local law enforcement develop and implement violent crime reduction plans.

Federal-Local Law Enforcement Partnerships

As mentioned earlier, local and federal partnerships are crucial in addressing increases in violent crime. MCCA members enjoy close working relationships with their federal partners and frequently collaborate with them to address guns, gangs, and other threats via task forces and other joint efforts. These efforts have been successful and should be expanded. However, federal resources are limited, so Congress must provide these agencies with the requisite resources to ensure they're able to continue to provide this support. Furthermore, MCCA members have found programs that promote federal-local law enforcement collaboration to address violent crime, such as Project Safe Neighborhoods, to be valuable.

Similarly, Congress must support efforts to build the capacity of US Attorney's Offices. There is either no permanent US Attorney or a lack of urgency to support local law enforcement efforts to

fight violent crime in some jurisdictions. MCCA members have found pursuing federal charges for violent criminals to be a successful strategy, especially considering the challenges described above with local district attorneys. By increasing the capacity of US Attorney's Offices, we can increase federal prosecutions of violent criminals, which will serve as a powerful deterrent.

Support for Law Enforcement

One of the most troubling recent violent crime trends is the rise in attacks on law enforcement officers. According to FBI data, 73 police officers were feloniously killed in 2021, a nearly 60% increase from 2020 and the highest total recorded in a decade.³ In addition, another 25 officers have been shot and killed in 2022.⁴ MCCA member agencies have lost four officers in the line of duty thus far in 2022, and many others have been injured. The increase in violence directed towards law enforcement officers represents a complete disregard for the job officers do, the critical role they play in our communities, and the sanctity of life. Far too often, the perpetrators are violent offenders with lengthy criminal histories and previous felony convictions. In some incidents, the suspects were out on bond. The violence being directed towards police officers must stop immediately.

In recent years, anti-law enforcement rhetoric and actions related to de-policing and defunding have left officers feeling vilified and negatively impacted morale in some law enforcement agencies. If officers don't feel supported, they may disengage from our communities. To address rising violent crime, we need officers to engage now more than ever, from both a proactive policing perspective and community engagement perspective.

Law enforcement already has a tough job. When you combine that with these other challenges, it is clear why support for the law enforcement professional has never been more vital. Supporting law enforcement should not be political. Here in Dallas, the support of our mayor and city council have been an instrumental part of our efforts to reduce violent crime. The MCCA encourages elected officials at every level of government to follow suit, express their unequivocal support for law enforcement, and ensure officers have the necessary tools to keep our communities safe.

Law Enforcement Staffing Challenges

Local law enforcement agencies are facing a variety of staffing challenges, which have complicated the law enforcement response to violent crime. Law enforcement officers are frustrated by the current situation. Increases in violent crime, the failure of other elements in the criminal justice system to hold violent and repeat offenders accountable, and anti-police rhetoric have devastated officer morale. Police officers are retiring at an alarming rate, and many are leaving for smaller police departments. As a result, several MCCA member agencies are understaffed by hundreds of officers.

³ "Law Enforcement Officer Deaths: 01/01/2021—12/31/2021" *Federal Bureau of Investigation*, January 1, 2022. <<https://crime-data-explorer.fr.cloud.gov/pages/le/leoka>>

⁴ "Official Line-Of-Duty Fallen Heroes: January 2022 Report," *National Law Enforcement Officers Memorial Fund*, January 31, 2022. <<https://twitter.com/NLEOMF/status/1488212238687256580>> See also: "Official Line-Of-Duty Fallen Heroes: February 2022 Report," *National Law Enforcement Officers Memorial Fund*, February 28, 2022. <<https://twitter.com/NLEOMF/status/1498404746553704448>>

MCCA members hold our officers to the highest standards and have stringent hiring criteria to ensure we employ unbiased, service-minded professionals. This can further shrink candidate pools and, in some instances, exacerbate existing recruitment and retention challenges.

Understaffing has immensely impacted the day-to-day operations of law enforcement agencies. For example, some MCCA members have had to disband specialized units and can no longer conduct proactive policing to address violent crime. Call response times have increased in other agencies, and large portions of some workforces only have a few years of law enforcement experience.

Understaffing has also created other staffing challenges, such as requiring officers to work mandatory overtime or canceling days off, leading to officer burnout. MCCA members are taking various approaches to try and address these challenges. Examples include offering signing and retention bonuses or increasing civilian hiring for administrative operations to ensure enough sworn officers are available to respond to calls for service.

Continuity of leadership is another challenge. The average tenure of a major city police chief has decreased significantly, and the current turnover rate is unprecedented. Since January 2020, more than half of the MCCA's member agencies have experienced a change in leadership. This is detrimental to public safety overall, and frequent turnover can make it incredibly difficult to institute reform or change an organization's culture. As a result, law enforcement agencies must support leadership development efforts. These initiatives will help ensure interested and qualified officers have opportunities to rise through the ranks based on merit.

Criminal Justice System Accountability

Police are just one component of the criminal justice system. The shortcomings of other elements in the system have produced a situation where violent and chronic offenders cycle through the criminal justice system. This undoubtedly contributes to the rise in violent crime, especially since these offenders continue to face no consequences for their actions. Our criminal justice system needs transparency, criminals need deterrents and accountability, and victims deserve justice.

The challenges with the lack of accountability manifest themselves in several ways. In some cities, there is a reluctance on the part of district attorneys to prosecute certain crimes. This includes some violent and gun crimes, such as a felon in possession of a firearm. Other MCCA members have reported that district attorneys and judges are not following sentencing guidelines. Finally, probation supervision has decreased, and some parole officers are unwilling to act when offenders violate the terms of their release.

Many areas throughout the country have implemented varying degrees of bail reform. Unfortunately, the impact of these policy changes is yet another example that highlights how a lack of accountability affects public safety. The MCCA strongly believes common-sense reform is needed to provide relief to non-violent offenders who pose a minimal risk to public safety. These individuals should not be held pre-trial simply because of their socio-economic status. However, some of these reform efforts have gone too far. As a result, in many major cities, violent offenders, including homicide suspects, and repeat offenders, are frequently released on either PR or very low bonds. The failure to remand these individuals allows them to continue to prey on our communities and contributes to cycles of retaliatory violence. There is a need for additional

transparency throughout the criminal justice system so the American people can see how the actions of elected district attorneys and judges are impacting violent crime in their communities.

Major cities across the country have also encountered a marked increase in the number of juveniles committing violent crimes, especially carjacking. This trend presents a unique set of challenges. As a society, we must do everything in our power to provide our youth with opportunities and resources. At the same time, repeat juvenile offenders, or those who commit serious, violent crimes must be held accountable. However, in many MCCA member jurisdictions, few of these juveniles face serious consequences. Instead, they are almost always released immediately instead of being placed in juvenile halls or other programs. As a result, there is no deterrent stopping other juveniles from engaging in similar or more dangerous behavior. The lack of accountability also leads juveniles to commit crimes they may not have otherwise. For example, MCCA members have indicated that gangs are pressuring juveniles to carry out shootings or having them hold older gang members' firearms. This is because even if these juveniles are caught, there likely won't be any consequences.

The Dallas County District Attorney was elected on a reform and social justice platform. While we do not see eye to eye on everything, we have a good, open relationship. I truly believe that he does not turn a blind eye to violent crime. The District Attorney can do more to enforce some lower-level crimes, which may allow action to be taken before these offenders escalate to more serious offenses. Still, overall, I believe he'll hold people accountable. When we disagree, we can have a frank conversation about what happened and why. However, no matter what happens, I tell my officers that we need to focus on what we can control, and we won't let the police department be the broken part of the system. Dallas PD must continue to do its job, even if that means taking action against the same offenders multiple times.

The situation in Dallas is not akin to other major cities. Some of my MCCA colleagues continue to experience significant challenges with judges and prosecutors in their jurisdiction. Make no mistake, the failure of the criminal justice system to hold violent offenders accountable drains law enforcement resources, hurts officer morale and the public's perception of law enforcement, and is detrimental to public safety and the rule of law. As a result, any effort to reimagine public safety must account for the entire criminal justice system, not just the police.

Reopening the Courts and Addressing Case Backlogs

More must be done to fully reopen our judicial system. In many MCCA member jurisdictions, warrants are being signed, and people are being arrested, but suspected offenders are waiting months for a trial. The COVID-19 pandemic also exacerbated existing case backlogs in courts across the country. Congress should consider providing additional funding to address the shortage of prosecutors, defense attorneys, and courtrooms that have contributed to the current situation.

The backlog in the courts is compounding the current violent crime situation. When coupled with the continued release of violent and repeat offenders pending trial, the long delay for a hearing increases the amount of time during which these individuals may continue to prey on the community or become victims of retaliatory violence. In some jurisdictions, due in part to case backlogs, district attorneys and judges are allowing violent offenders to plead down to less serious charges just to get cases moving.

The Need for Additional Resources

Addressing the various challenges highlighted throughout this testimony will require an influx of resources and a public commitment to support law enforcement. Police departments need assistance to address staffing shortages, enhance forensic and investigative capabilities, and provide services and support to victims of violent crime. Law enforcement also needs additional resources to support constitutional and procedurally just proactive policing efforts. These efforts will be critical in driving down violent crime. Unfortunately, proactive policing has become a luxury for many departments contending with high murder rates and low staffing.

Developing and implementing the policies, training, and other changes needed to advance policing reform is costly. For example, a CBO analysis of the *George Floyd Justice in Policing Act* found that implementing the provisions in that bill would cost law enforcement agencies “several hundred million dollars annually.”⁵ Policing reform cannot become an unfunded mandate, especially since many local law enforcement budgets are already overburdened.

The MCCA suggests that legislation or executive action on policing reform take an approach that is more carrot than stick. Relying on grant penalties to encourage compliance is not the most effective approach and may dissuade local police departments from applying for these grants. Further, the MCCA recommends that Congress provide new funding to support policing reform efforts. Adding more carveouts to existing grant programs chips away at the discretionary funding available to law enforcement agencies, which may hinder efforts to fight crime.

Recently, the Administration has emphasized that state and local governments may use the funding provided in the *American Rescue Plan* to help address violent crime. Unfortunately, despite the Administration’s guidance, officials in major cities have dedicated limited, if any, *American Rescue Plan* funding for law enforcement purposes. As such, the MCCA strongly encourages Congress to provide additional funding specifically for law enforcement and fully fund both COPS Hiring Grants and the Byrne JAG Program through the FY 2023 appropriations process.

Conclusion

Law enforcement is currently in the midst of one of the most challenging periods in the history of our noble profession. Violent crime rates have steadily risen over the past few years. A lack of accountability has emboldened criminals, and brazen attacks on law enforcement officers have become disturbingly commonplace. At the same time, police departments continue to focus on building trust and increasing accountability, all while protecting our communities and offering the highest level of service possible. The goal of reimagining public safety should be building safe and prosperous communities. The success we’ve achieved in Dallas demonstrates how this is possible when investments are made, police officers are supported, and stakeholders work together.

Thank you again for the opportunity to participate in today’s hearing, and I look forward to answering any questions you may have.

⁵ “Letter to the Honorable Jason Smith re: *H.R. 1280, the George Floyd Justice in Policing Act of 2021*,” Congressional Budget Office, March 9, 2021. <https://www.cbo.gov/system/files/2021-03/Hon_Jason_Smith_Response_Letter_0.pdf>

Ms. JACKSON LEE. The gentleman's time has expired. Thank you very much, Chief Garcia. We thank you for your testimony. I am now pleased to recognize Ms. Brame for 5 minutes.

STATEMENT OF MADELINE BRAME

Ms. BRAME. Hello. Good morning. Thank you for having me. Thank you for holding this meeting.

My name is Madeline Brame. I am the Chair of the Victims Rights Reform Council. I'm also the State Director of BLEXIT New York. I'm also the mother of a homicide victim.

My son, Sergeant Hason Correa, U.S. Army, Afghanistan war, retired veteran, was killed in 2018 in Harlem, New York. Hason survived the battlefield of Afghanistan, but was killed right here on the streets of New York. Hason was killed by four people he did not know, nor had he done any harm.

The four people consist of two brothers, a sister, and their friend. All four were apprehended. They are between the ages of 35 and 40 years old. The three men are currently still being held on Rikers Island, being held without bail, awaiting trial.

The sister, the female, Mary Saunders, was being held on a \$750,000 bail for 14 months, up until bail reform took effect in 2019, when a judge reduced Mary's bail to \$12,000 because the judge stated that Mary had children and she needed to be home with her family. Also, the district attorney informed me that they felt sorry for her.

Mary has been out on bail for over two and a half years, coming and going as she pleases. She's home with her family. She works. She has no monitoring, no supervision, and no ankle bracelet. There is nothing standing between me, my grandchildren, or the public to protect us or deter any type of—anything that can possibly happen.

This case is ongoing. It's been on the calendar in Manhattan Criminal Court for four years, and I've been faced with a lot of delays, and trauma and torture, and unanswered questions, trying to fight to get justice for my son.

My son served this country. He deserves way better than what he is getting. This entire incident was captured on video. So, there's no assumption of who these people are.

My grandchildren are afraid to even come to New York to visit me because they're afraid that the bad lady is going to kill them.

No one should have to be subject to this. No one should have to live in a society where there's complete lawlessness. This bail reform in New York has decimated the Black and Brown communities. It's like a runaway train that's crashing right into our communities, leaving a trail of dead bodies and victims in its wake. It's an atrocity. It's a disgrace, and it needs to be rolled back in its entirety, or at least allow judges to determine dangerousness of these people before they let them out.

I do agree that there needs to be some form of criminal justice reform because everybody that goes to jail does not belong in jail. Some people are just career criminals. When you have people with 44 priors, 176 priors, 83 priors, and you continuously arrest them and let them out, that sends a direct and clear message to those

criminals that you have a free pass to continue on your crime spree, which hurts people—all right?—and which leaves victims.

No one pays attention. No one gives the victim any consideration, right? We're here and we're suffering. We're actually going through a torturous experience because no one will listen; no one cares. There are no rights protecting us. It's out of control. It is out of order. It's just dead wrong.

I hear a lot of stuff on this panel today about reimagining what public safety should look like. I didn't hear not one person say anything about empowering the people in the Black communities, right, helping them to be self-sustainable, to help them get on their own feet, to rise themselves up out of poverty and not be so dependent on all these different programs and all these different "credible messengers."

That's another thing. They're here in New York, but I have not seen one positive outcome of their effectiveness. We see them when it's time for there to be a couple of events and—

Ms. JACKSON LEE. Ms. Brame, if you could wrap up? Your time has expired.

Ms. BRAME. Thank you, ma'am.

Ms. JACKSON LEE. Thank you. Let me offer to you my sympathy for your loss. We all feel that pain.

Ms. BRAME. Thank you so much.

[The statement of Ms. Brame follows:]

March 5, 2022

My name is Madeline Brame, Chairwoman of the Victims Rights Reform Council, State Director of BLEXIT New York and mother of a homicide victim.

On October 18, 2018 my oldest son, Sgt. Hason Correa, US Army Afghanistan War Retired Veteran as brutally stabbed to death in Harlem, NY by 4 people he did not know nor had he done any harm. Sgt. Correa was kicked, punched, stomped and stabbed 11 times and died from a fatal stab wound through his heart at the scene. Sgt. Correa's father, Wesley Correa, was also kicked, punched, stomped and stabbed 12 times by the 4 when he tried to come to Sgt. Correa's aid, he barely survived the attack with life threatening injuries that led to a series of emergency surgeries that resulted in life long disabilities. The entire incident was captured on hi-def video.

Of the 4 defendants 3 of them are siblings; 2 brothers, James & Christopher Saunders; 1 sister, Mary Saunders and their male friend Travis Stewart. All 4 are charged and indicted with 1st Degree Gang Assault & 2nd Degree Murder. The 3 men have an additional charge & indictment for 1st Degree Attempted Murder. All 3 men are repeat predicate violent felony offenders with long criminal histories. 1 of the men were on Parole for a previous violent assault at the time of the murder of Sgt. Correa. Mary Saunders had no criminal history. All defendants are between the ages of 34-37 years old.

All 4 defendants have been apprehended and were being held at Rikers Island Correctional Facility. The 3 men are currently being detained without bail pending trial. Mary Saunders was granted bail by a Manhattan Criminal Court Judge, Judge Ward after being held without bail for several months, of \$250,000. Unable to make bail Mary Saunders was remanded and held on

Rikers Island, Rose M. Singer Center for approximately 14 months, several bail reduction applications were denied because of the heinousness, brutality, evidence and her significant exposure to the homicide until December 18, 2019 when Mary's Legal Aids submitted another bail reduction application in front of another Manhattan Criminal Court Judge Ellen Biben based on Mary being a mother and had no prior criminal history. Facts that were established and argued months prior in front of Judge Ward on previous bail reduction applications that were denied. Judge Ellen Biben, viewed the video and conferenced with council and the DA and decided to reduce Mary's bail from \$250,000 down to \$12,000 in light of the new Bail Reform legislation, her children and her likelihood of coming back to court. Also \$12,000 is what the family had for bail. 1 month prior Mary Saunders was viewed as a heinous, brutal, savage killer, which a video clearly shows. Somehow all of the facts no longer mattered and Mary Saunders was bail out of Rikers Island on December 23, 2019 in time to spend Christmas with her family while Sgt. Correa's 3 small children visited their fathers grave to lay a wreath at Calverton National Cemetery, Calverton, NY.

Mary Saunders has been free for over 2 years. Free to come and go as she pleases, work, be home with her family and children. Free to run, kill again or attack me or my family at any given moment. There is nothing standing between her, me, my grand children or my family. Who is anybody to strip judges of discretion to determine dangerousness when the months prior Mary Saunders was determined dangerous. None of the circumstances or evidence of the homicide changed. The video and 33 witnesses will testify to the fact that this woman held Sgt. Correa's are while Travis Stewart held the other are while James Saunders stabbed Sgt. Correa multiple times in the torso. After Sgt. Correa managed to break away and run into the street for his life Mary Saunders chased him into the street with his back turned, tripped him and participated in

the kicking punching and stomping while James Saunders continued to stab Sgt. Correa all over his body 11 times, with the final stab to his heart. As well as stood there and watched the 3 men attack Wesley Correa and stab him 12 times. Then run away and leave 2 bodies in the street for dead. No remorse, no fear, no regard for human life. The original ADA on the case who has since retired, Jessica Troy, informed me the “court felt sorry for her (Mary Saunders)”!

This case has been postponed, adjourned, cancelled and full of all kinds of shenanigans from the Manhattan DA’s office for almost 4 years. There are been 4 judges, 2 AdA’s that stepped down, 1 grief counselor stepped down and the judge who reduced Mary’s bail is no longer on the bench. The case is no closer to trial then from day 1. The DA’s office attempted to blame COVID for all the delays, however all of these issues happened before COVID. It wasn’t until last week after being informed the case was moved back to the original part with court dates set for next month that Manhattan DA’s office has homicide cases on the calendar that haven’t been tried since 2016, 2017, 2018 etc. and that they had to do the oldest cases first and work their way up to 2018, the year Sgt. Correa was murdered. Sgt. Correa’s has now been reduced and disrespected down to being acknowledged by the year he was killed.

Bail Reform has been a complete disaster. Dead bodies and victims all across NYS. 1000’s of criminal elements roaming the streets free to do whatever they want to whomever they want with no consequences. What kind of society can survive with complete lawlessness. RE FUND NYPD and out all of the anti gang, anti TASC forces, SWAT, ATF, National Guard. We will need them all to clean up the mess, death and destruction left from the complete train wreck of Bail Reform that crashed right into the black and brown community.

Ms. JACKSON LEE. Thank you so very much.

Let me now recognize Mr. Lehman for 5 minutes for his testimony before the Committee.

STATEMENT OF CHARLES FAIN LEHMAN

Mr. LEHMAN. Thank you, Madam Chair. Thank you to the Committee for the invitation to speak to you today about the future of American policing.

While I am sure some of my fellow guests will call on you to redefine the role of the police in our society, I'm here to challenge the idea that reimagination per se is good. My case is a simple one. Police are an effective means for controlling crime. Any significant reduction in their number or responsibilities would cause substantial loss to public safety.

Crime imposes enormous costs on our society. According to one recent estimate, crime produced monetary and quality-of-life losses equivalent to \$2.6 trillion in 2017 alone. This is before the dramatic increase in certain offenses over the past two years, including the unprecedented 25 percent spike in homicide.

Crime has significant long-term costs. One study estimates that victimization leads to losses of up to 13 percent of earnings as much as four years after the fact. These costs are borne disproportionately by our most disadvantaged citizens. In 2020, for example, the Black homicide rate was 10 times the White homicide rate.

To reimagine policing in practice means reducing the number of police officers or reallocating their responsibilities to other government agencies. I sincerely doubt that we can make such changes without increasing crime's already exorbitant cost.

First, police are among the most effective tools for crime control. Decades of research supports the proposition that hiring more officers, deploying more officers in a given area, and investing more investigations causally reduces crime. One widely studied estimate finds that, for each dollar spent on policing, society reaps \$1.63 in social savings and crime prevented.

Second, armed officers are needed for the risks of police work. Advocates of reimagination expect to send police to only the most dangerous calls. In a country of 400 million guns, predicting danger in advance is a real challenge.

In Philadelphia, for example, dispatchers routinely misassign mental health calls as crimes, and crimes as mental health calls. In 2019, 15 officers were killed, and thousands assaulted during routine activities like traffic stops or handling mentally ill individuals. Recent deaths of social workers sent in such situations highlight the dangers of even mundane policing.

Third, it is more efficient to concentrate responsibility for public order in a single agency rather than unbundling it across many agencies. Divvying up police duties among smaller groups of social workers, violence interrupters, and other civilian employees inevitably leads to excess demand for some agencies and slack capacity in others. Centralizing responsibilities preserves a more responsive civil service, key to both controlling crime and engaging the public.

In contrast to the proven effectiveness of police, proposals to reimagine policing are generally either misguided, lacking evidentiary support, or just only a small fraction of what police do.

The most popular reimagination is the replacement of police with “community violence interruption,” a strategy which, as President Biden put in his State of the Union Address, involves “trusted messengers breaking the cycle of violence and trauma and giving young people hope.”

Yet, violence interruption programs routinely show mixed efficacy, reducing only some measures of violence in some areas, and even sometimes resulting in increases in violence. As Texas A&M University, crime-focused economist Jennifer Doleac put it, “the evidence on the strategy is extremely weak. We basically have no idea if it works. But even the correlational studies aren’t consistently finding beneficial facts, which should give us pause.”

Another popular idea is to shift mental health and homelessness-related calls to a separate civilian agency. Model implementations like Eugene, Oregon’s CAHOOTS program have existed for a long time. They do not, in fact, pick up much police work. Only 5–8 percent of Eugene’s calls for police service are fully diverted to CAHOOTS, and the agency spends most of its time on welfare checks and transport. An average of just 3 percent of 911 calls to police across nine major cities are for mental and medical illness.

Lastly, many insist that municipal dollars spent on policing would be better spent on housing, education, or social services. This argument depends, invariably, on misleading estimates of the true level of police funding. Across all levels of government, police account for less than 3 percent of spending, a relatively small sum that would not obviously yield greater returns if diverted to other budget functions.

This is not to say that there are no nonpolice interventions that can reduce crime. There’s great promise in approaches that reduce public disorder, including greening public spaces, clearing vacant lots, and increasing street lighting. These interventions, as with any that works by facilitating community self-policing, are backstopped by strong and effective law enforcement. It is good to better equip, better train, and better oversee our police officers, but we should never imagine that we can dramatically reduce their footprint or replace them entirely. To reimagine policing invariably means a new wave crime, a wave that will crush our worst-off citizens for decades to come.

Thank you for your consideration, and I look forward to your questions.

[The statement of Mr. Lehman follows:]

**Statement before the Crime, Terrorism, and Homeland Security Subcommittee,
House Judiciary Committee, United States Congress**

A Hearing on "Reimagining Public Safety in the COVID-19 Era"

March 8, 2022, 10:00 am ET
Zoom Video Webinar

Statement by

Charles Fain Lehman

Fellow, Manhattan Institute for Policy Research
Contributing Editor, *City Journal*
52 Vanderbilt Avenue
New York, NY 10017

Charles Fain Lehman is a fellow at the Manhattan Institute for Policy Research, working primarily on the Policing and Public Safety Initiative, and a contributing editor of *City Journal*. He has spoken on public safety before the House of Representatives, at universities including Cornell and Carnegie Mellon, and in the *Wall Street Journal*, *National Review*, *New York Post*, and other notable outlets. He was previously a staff writer with the *Washington Free Beacon*, where he covered domestic policy from a data-driven perspective.

The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as an Institute scholar, the views represented today are solely my own, not my employer's.

Statement

Thank you to the committee for the invitation to speak to you today about the future of American policing. While I am sure many of my fellow guests will call on you to redefine the role of the police in our society, I am here to challenge the idea that “reimagination” is good. My case is a simple one: police are an effective means for controlling crime. Any significant reduction in their number or responsibilities would come at substantial loss to public safety.

Crime imposes enormous cost on our society. According to one recent estimate, crime produced monetary and quality-of-life losses equivalent to \$2.6 trillion in 2017 alone.¹ This was before the dramatic increase in certain offenses over the past two years, including an unprecedented 25 percent spike in homicide.² Crime has significant long-term costs: one study estimates that victimization leads to losses of up to 13 percent of earnings as much as four years after the fact.³ These costs are borne disproportionately by our most disadvantaged citizens: In 2020, for example, the black homicide rate was 10 times the white homicide rate.

To “reimagine” policing in practice means reducing the number of police officers, or reallocating their responsibilities to other government agencies. But I sincerely doubt that we can make such changes without increasing crime’s already exorbitant cost.

First, police are among our most effective tools for crime control. Decades of research supports the proposition that hiring more officers,⁴ deploying more officers in a given area,⁵ and investing more in investigations causally reduces crime.⁶ One widely cited estimate finds that for each dollar spent on policing, society reaps \$1.63 in social savings from crime prevented.⁷

Second, armed officers are needed for the risks of police work. Advocates of “reimagination” expect to send police to only the most dangerous calls. But in a country with 400 million guns,⁸ predicting danger in advance is a real challenge. In Philadelphia, for example, dispatchers routinely misassign mental health calls as crimes and crimes as mental health calls.⁹ In 2019, 15 officers were killed and thousands assaulted during routine activities like traffic stops or handling mentally ill individuals.¹⁰ Recent deaths of social workers sent in to such situations highlights the dangers of even mundane policing.¹¹

Third, it is more efficient to concentrate responsibility for public order in a single agency, rather than “unbundling” across many agencies. Divvying up police duties among smaller groups of social workers, violence interrupters, and other civilian employees inevitably leads to excess demand for some agencies and slack capacity in others. Centralizing responsibilities preserves a more-responsive civil service, key to both controlling crime and engaging the public.¹²

In contrast to the proven effectiveness of police, proposals to “reimagine” policing are generally either misguided, lacking in evidentiary support, or address only a small fraction of what police do.

The most popular “reimagination” is the replacement of police with “community violence interruption,” a strategy which, as President Biden put it in his State of the Union address, involves “trusted messengers breaking the cycle of violence and trauma and giving young people hope.”¹³ Yet violence interruption programs routinely show mixed efficacy, reducing only some measures of violence in some areas, and even sometimes resulting in increases in violence.¹⁴ As Texas A&M University crime-focused economist Jennifer Doleac put it, “the evidence on this strategy ... is extremely weak. We basically have no idea if it works. But even the correlational studies aren’t consistently finding beneficial effects, which should give us pause.”¹⁵

Another popular idea is to shift mental health and homelessness-related calls to a separate civilian agency. Model implementations like Eugene, Oregon’s CAHOOTS program have existed for a long time. But they do not, in fact, pick up much police work: Only 5 to 8 percent of Eugene calls for police service are fully diverted to CAHOOTS, and the agency spends most of its time on welfare checks and transport.¹⁶ An average of just 3 percent of 911 calls to police across nine major cities are for mental or medical illness.¹⁷

Lastly, many insist that municipal dollars spent on policing would be better spent on housing, education, or social services. This argument depends invariably on misleading estimates of the true level of police funding. Across all levels of government, police account for less than 3 percent of spending, a relatively small sum that would not obviously yield greater returns if diverted to other budget functions.¹⁸

This is not to say that there are no non-police interventions that can reduce crime. There is great promise in approaches that reduce public disorder, including greening public spaces, clearing vacant lots, and increasing street lighting.¹⁹ But these interventions, as with any that works by facilitating community self-policing, are backstopped by strong and effective law enforcement.²⁰ It is good to better equip, better train, and better oversee our police officers. But we should never imagine that we can dramatically reduce their footprint or replace them entirely. To “reimagine” policing invariably means a new wave of crime, a wave that will crush our worst-off citizens for decades to come.

Notes

¹ Ted R. Miller et al., "Incidence and Costs of Personal and Property Crimes in the United States, 2017," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, October 6, 2020), <https://doi.org/10.2139/ssrn.3514296>.

² Jeff Asher, "Murder Rate Remains Elevated as New Crime Reporting System Begins," *The New York Times*, March 16, 2021, sec. The Upshot, <https://www.nytimes.com/2021/03/16/upshot/murder-rate-usa.html>.

³ Anna Bindler and Nadine Ketel, "Scaring or Scarring? Labour Market Effects of Criminal Victimisation," *Journal of Labor Economics*, December 17, 2021, <https://doi.org/10.1086/718515>.

⁴ William N. Evans and Emily G. Owens, "COPS and Crime," *Journal of Public Economics* 91, no. 1 (February 1, 2007): 181–201, <https://doi.org/10.1016/j.jpubeco.2006.05.014>; Steven Mello, "More COPS, Less Crime," *Journal of Public Economics* 172 (April 2019): 174–200, <https://doi.org/10.1016/j.jpubeco.2018.12.003>; Aaron Chalfin et al., "Police Force Size and Civilian Race" (National Bureau of Economic Research, December 14, 2020), <https://doi.org/10.3386/w28202>.

⁵ Jonathan Klick and Alexander Tabarrok, "Using Terror Alert Levels to Estimate the Effect of Police on Crime," *The Journal of Law and Economics* 48, no. 1 (April 1, 2005): 267–79, <https://doi.org/10.1086/426877>; Sarit Weisburd, "Police Presence, Rapid Response Rates, and Crime Prevention," *The Review of Economics and Statistics*, December 16, 2019, 1–45, https://doi.org/10.1162/rest_a_00889.

⁶ For a review of the relevant literature see Anthony A. Braga, "Improving Police Clearance Rates of Shootings: A Review of the Evidence" (New York, NY: Manhattan Institute for Policy Research, July 20, 2021), <https://www.manhattan-institute.org/improving-police-clearance-rates-shootings-review-evidence>.

⁷ Aaron Chalfin and Justin McCrary, "Are U.S. Cities Underpoliced? Theory and Evidence," *The Review of Economics and Statistics* 100, no. 1 (March 2018): 167–86, https://doi.org/10.1162/REST_a_00694.

⁸ Aaron Karp, "Estimating Global Civilian-Held Firearms Numbers" (Small Arms Survey, June 2018), <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-BP-Civilian-Firearms-Numbers.pdf>.

⁹ Jerry H. Ratcliffe, "Policing and Public Health Calls for Service in Philadelphia," *Crime Science* 10, no. 1 (March 2, 2021): 5, <https://doi.org/10.1186/s40163-021-00141-0>.

¹⁰ Criminal Justice Information Services Division, "2019 Law Enforcement Officers Killed and Assaulted" (Federal Bureau of Investigations), accessed March 4, 2022, <https://ucr.fbi.gov/leoka/2019/home>.

¹¹ see e.g. Kyle Morris, "Baltimore Safe Streets Social Worker Killed in Quadruple Shooting," *Fox News*, January 22, 2022, <https://www.foxnews.com/us/baltimore-social-worker-killed-quadruple-shooting>; Emily Crane, "Illinois Child Welfare Worker Fatally Stabbed during Home Visit," *New York Post* (blog), January 6, 2022, <https://nypost.com/2022/01/06/illinois-child-welfare-worker-fatally-stabbed-during-home-visit/>; Debora Villalon, "Social Worker Allegedly Killed by Teen She Was Trying to Help," *KTVU FOX 2*, March 23, 2020, <https://www.ktvu.com/news/social-worker-allegedly-killed-by-teen-she-was-trying-to-help>.

¹² For sharing this insight I thank professor Jonathan Caulkins, H. Guyford Stever University Professor of Operations Research and Public Policy, Heinz College, Carnegie Mellon University.

¹³ Politico Staff, "Full Text: Biden State of the Union 2022 Transcript," *POLITICO*, March 1, 2022, <https://www.politico.com/news/2022/03/01/biden-state-of-the-union-2022-transcript-full-text-00013009>.

¹⁴ In Chicago, a community violence reduction intervention had no significant effect on gang homicides: Wesley G Skogan et al., "Evaluation of CeaseFire-Chicago" (National Institute of Justice, March 2008), <https://nij.ojp.gov/library/publications/evaluation-ceasefire-chicago>; In New York, a "Cure Violence" intervention had a significant effect in only one of two treated neighborhoods: Sheyla A. Delgado et al., "The Effects of Cure Violence in the South Bronx and East New York, Brooklyn," *Denormalizing Violence* (New York, NY: Research and Evaluation Center at John Jay College of Criminal Justice City University of New York, October 2017), <https://johnjayrec.nyc/wp-content/uploads/2017/10/CVInSoBronxEastNY.pdf>; In Pittsburgh, violence rose in treated neighborhoods following implementation: Jeremy M Wilson et al., *Community-Based Violence Prevention: An Assessment of Pittsburgh's One Vision, One Life Program* (Santa Monica, CA: RAND, 2011), https://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND_MG947-1.sum.pdf.

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¹⁶ "CAHOOTS Program Analysis" (Eugene Police Department Crime Analysis Unit, August 21, 2020), <https://www.eugene-or.gov/DocumentCenter/View/56717/CAHOOTS-Program-Analysis>.

¹⁷ Cynthia Lum, Christopher S. Koper, and Xiaoyun Wu, "Can We Really Defund the Police? A Nine-Agency Study of Police Response to Calls for Service," *Police Quarterly*, July 22, 2021, 10986111211035002, <https://doi.org/10.1177/10986111211035002>.

¹⁸ For the sources of this estimate, see Charles Fain Lehman, "Policing Without the Police? A Review of the Evidence" (New York, NY: Manhattan Institute for Policy Research, April 12, 2021), <https://www.manhattan-institute.org/policing-without-police-review-evidence>.

¹⁹ Michelle Kondo et al., "Effects of Greening and Community Reuse of Vacant Lots on Crime," *Urban Studies (Edinburgh, Scotland)* 53, no. 15 (November 2016): 3279–95, <https://doi.org/10.1177/0042098015608058>; Michelle C. Kondo et al., "The Association between Urban Trees and Crime: Evidence from the Spread of the Emerald Ash Borer in Cincinnati," *Landscape and Urban Planning* 157 (January 2017): 193–99, <https://doi.org/10.1016/j.landurbplan.2016.07.003>; Frances E. Kuo and William C. Sullivan, "Environment and Crime in the Inner City: Does Vegetation Reduce Crime?," *Environment and Behavior* 33, no. 3 (May 1, 2001): 343–67, <https://doi.org/10.1177/0013916501333002>; Charles C. Branas et al., "Citywide Cluster Randomized Trial to Restore Blighted Vacant Land and Its Effects on Violence, Crime, and Fear," *Proceedings of the National Academy of Sciences* 115, no. 12 (March 20, 2018): 2946–51, <https://doi.org/10.1073/pnas.1718503115>; Charles C. Branas et al., "Urban Blight Remediation as a Cost-Beneficial Solution to Firearm Violence," *American Journal of Public Health* 106, no. 12 (December 2016): 2158–64, <https://doi.org/10.2105/AJPH.2016.303434>; Aaron Chalfin et al., "Reducing Crime Through Environmental Design: Evidence from a Randomized Experiment of Street Lighting in New York City" (National Bureau of Economic Research, May 6, 2019), <https://doi.org/10.3386/w25798>.

²⁰ Charles Fain Lehman, "The Community's Credible Threat," *City Journal*, July 1, 2021, <https://www.city-journal.org/communities-cannot-replace-police>.

Ms. JACKSON LEE. Thank you, Mr. Lehman, for your testimony. Your time having expired, we now recognize Ms. Deberry for 5 minutes.

STATEMENT OF SATANA DEBERRY

Ms. DEBERRY. Thank you, Chair Jackson Lee, Ranking Member Biggs, and the Members of the Subcommittee.

Also, to Ms. Brame, as a mother of Black children myself, my heart breaks for the loss of you and your family.

Over the past two years, some communities, including Durham, North Carolina, where I am the elected district attorney, have seen a perfect storm of challenges contribute to a devastating rise in violence. A once-in-a-lifetime pandemic has disrupted support systems and strained institutions and organizations that respond to and try to prevent violence.

The year 2020 saw the largest single year increase in poverty ever recorded in the United States. Increases in poverty are closely linked to increases in crime, as stress and desperation make people more likely to see crime as their best or only option.

At the same time, Americans purchased guns in record numbers, more than 40 million over the last two years, worsening this country's existing gun epidemic. In 2020, nearly purchased firearms were used in more crimes than usual. Yet, many states have embraced policies that ease access to, and regulation of, guns.

We have also seen eroded trust and confidence in the criminal legal system, particularly between law enforcement and people of color, who are more likely to be killed by police, subjected to low-level arrests that provide no public safety benefit, and at the same time, see so many violent crimes in their own neighborhoods go unsolved. When trust is fractured, victims and witnesses are less likely to report crimes or participate in investigations, making communities less safe.

As a prosecutor, I am responsible for pursuing justice, and I care about the safety of my community—where I live and my children go to school—just as much as anyone else in law enforcement. We can achieve safety through common-sense, evidence-based reforms.

We have to stop pretending reform is a real threat to public safety and recognize how overreliance on prosecution and incarceration may make us less safe. We do not need to choose between reform and public safety. Those two objectives are inherently linked.

The United States incarceration rate is second to none. We spend around \$115 billion a year on policing. If more incarceration equaled less crime, we'd be the safest country in the world.

While prison is warranted in individual serious cases, there's little evidence that prison reduces recidivism and at least some evidence that incarceration makes individuals and communities more prone to crime, among a range of other harms for residents.

Meanwhile, evidence is mounting that prosecuting and incarcerating fewer people is in line with public safety. A 2021 study looked at 35 jurisdictions, including mine, that elected reform-minded prosecutors and found our policies had no significant effect on crime, including murder. Reforms studies included reducing cash bail or pretrial detention, declining to prosecute certain low-level offenses, and diverting people who need treatment out of court.

Another recent study of the Suffolk County District Attorney's office found that not prosecuting certain individuals for nonviolent misdemeanors reduced their likelihood of being charged with future offenses within two years by 64 percent.

Like many communities, Durham saw an increase in homicides last year, even as most other types of crime and overall violent crime were down. There is no evidence that the rise in homicides and gun violence in communities across the Nation is a result of criminal legal system reforms. I do not say this to trivialize the recent increase in violence, but, rather, to underscore how pervasive, tragic, and unacceptable it is, and how badly we need better solutions.

In 2020, cities with higher poverty and unemployment rates experienced greater increases in crime, suggesting much of the increase was due to economic stress and inequality, rather than reform. Both cities that rejected and pursued reforms saw similar increases in homicides and violent crimes.

Blaming reform-minded prosecutors for increases in violent crime is misguided and misinformed. Many of my peers and I have structured our offices and policies entirely around more effective prosecution of violent offenses. If someone commits a serious crime, and there is sufficient evidence of their guilt, they will be prosecuted. We cannot prosecute cases that are never charged, nor can we prosecute our way out of violent crime.

We know what works to reduce violence. Proven and promising studies already exist. We need to work together and invest in these solutions long term.

Homicide rates in the United States are below—homicide clearance rates in the United States are below 50 percent, and even lower for other crimes like sexual assault and rape. The strongest deterrent to crime is the likelihood of being caught, not the severity of the sentence. When so few people are caught, that deterrent effect is minimized. We must work alongside law enforcement and invest in solving and prosecuting serious cases. Meanwhile, we should divert and deflect cases that do not impact public safety.

We need to address the proliferation of guns through effective policies, impose waiting periods and increase training, and limit access to guns for young people.

Thank you.

[The statement of Ms. Deberry follows:]

Durham County District Attorney Satana Deberry

Written testimony for U.S. House Judiciary Committee – Subcommittee on Crime Hearing on “Re-imagining Public Safety in the Covid-19 Era”

Over the past two years, some communities, including Durham, North Carolina, where I am the elected district attorney, have seen a perfect storm of challenges contribute to a devastating rise in violence:

A once-in-a-lifetime pandemic has disrupted support systems and strained institutions and organizations that respond to and try to prevent violence.

The year 2020 saw the largest single-year increase in poverty ever recorded in the U.S. [Study after study](#) has shown that increases in poverty are closely linked to increases in crime because extreme poverty creates stress and seeds desperation, making people more likely to see crime as their best or only option.

At the same time, Americans purchased guns in record numbers. Nearly 23 million guns were purchased in 2020 and nearly 20 million were purchased in 2021, the highest and second-highest years on record. Data from the Bureau of Alcohol, Tobacco, Firearms and Explosives found that in 2020, newly purchased firearms were used in [more crimes](#) than usual, suggesting that the increase in gun purchases is connected to increases in some gun crimes. Yet, many states have embraced policies that ease access to and regulation of guns.

We have also seen eroded trust and confidence in the criminal legal system, particularly between law enforcement and people of color, who are more likely to be killed by police, subjected to low-level arrests that provide no public safety benefit, and, at the same time, see so many violent crimes in their own neighborhoods go unsolved.

When trust is fractured, victims and witnesses are less likely to report crimes or participate in investigations – making communities less safe.

As a prosecutor, I am responsible for pursuing justice and I care about the safety of my community – where I live and my children go to school - just as much as anyone else in law enforcement. We can achieve safety through common sense, evidence-based reforms.

We have to stop pretending reform is the real threat to public safety and recognize how over-reliance on prosecution and incarceration may make us less safe. We do not need to “choose” between reform and public safety - those two objectives are inherently linked.

The United States’ incarceration rate is second-to-none. We spend around \$115 billion dollars a year on policing which is more than every country but the U.S. and China spend on their militaries. If more incarceration equaled less crime, we’d be the safest country in the world.

While prison is warranted in individual, serious cases, there is little evidence that prisons reduce recidivism and at least some evidence they make individuals more likely to commit crimes after release, according to a [2011 paper](#). High community incarceration rates can actually lead to increased crime, and a range of other harms throughout the community, [a 2008 study](#) found.

Meanwhile, evidence is mounting that prosecuting and incarcerating fewer people is in line with public safety.

A 2021 [study](#) looked at 35 jurisdictions, including Durham, that elected reform-minded prosecutors and found our policies had no significant effect on crime – including murder. Reforms studied included reducing cash bail or pretrial detention, declining to prosecute certain low-level offenses, and diverting people who need treatment out of court.

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Like many communities, Durham saw an increase in homicides last year, even as most other types of crime and overall violent crime were down. There is no evidence that the rise in homicides and gun violence in communities across the nation is a result of criminal justice reforms.

I do not say this to trivialize the recent increase in violence – but rather to underscore how pervasive, tragic, and unacceptable it is – and how badly we need better solutions.

In 2020, cities with higher poverty and unemployment rates [experienced](#) greater increases in crime, suggesting much of the increase was due to economic stress and inequality, rather than reform. Both cities that rejected *and* pursued reforms saw [similar increases](#) in homicides and violent crime. Some cities that have elected – and re-elected – reform-minded prosecutors have seen no change or even a decrease in homicides/violent crime rates.

Blaming reform-minded prosecutors for increases in violent crime is misguided and misinformed. Many of my peers and I have structured our offices and policies entirely around more effective prosecution of violent offenses. In my office, we have enhanced coordination with law enforcement in the most serious cases, so that we are building stronger cases together, sometimes even before charges are filed. This has resulted in more homicide convictions, convictions years-old cold case sexual assaults, and improved communication about the small number of people responsible for violence in our community.

If someone commits a serious crime and there is sufficient evidence of their guilt, they will be prosecuted. But we cannot prosecute cases that are never charged. Nor can we prosecute our way out of violent crime.

We know what works to reduce violence - proven and promising strategies already exist. But we need to work together and invest in those solutions long-term.

Homicide clearance rates in the United States are [below 50%](#), with most peer countries in Europe boasting rates of [above 80%](#). Clearance rates are even lower here for other crimes like rape. The strongest deterrent to crime is the likelihood of being caught, not the severity of the sentence. When so few people are caught, that deterrent effect is minimized. We must work alongside law enforcement and invest in solving and prosecuting serious cases. Meanwhile, we should divert and deflect cases that do not impact public safety.

We need to address the proliferation of guns through effective policies that impose waiting periods,

increase required training, and limit access to guns for young people and individuals at significant risk of harming themselves or engaging in violence. These measures, coupled with a public health approach to preventing violence are key to confronting the proliferation of guns in our country.

We need better data. It's difficult to fix what we can't measure, and we don't have a system that can even tell us how many shootings there are in America. Funding to better collect and analyze data across the legal system is greatly needed to build trust and make evidence-based decisions. In my office, we worked with Duke University researchers to develop and participate in a first-of-its-kind study of how plea arrangements are made in prosecutors' offices. This will provide valuable information to my staff and the public about our decisions and case outcomes – but it is not something we would be able to do without our research partners.

Lastly, but most importantly, we must invest in our communities and address the root causes of crime, including economic instability, housing insecurity, and mental illness.

We must reduce financial stress on our communities. Research shows people experiencing negative income shocks are less inclined to behave violently when they receive timely financial assistance.

We must reinvest in and expand promising anti-violence strategies, like violence interrupters and programs that add structure, mentorship and opportunities for youth. [Evidence shows](#) that investing in neighborhoods themselves – by greening vacant lots, providing adequate lighting, and removing exposure to pollutants like lead – prevent crime while otherwise benefiting residents.

As Durham's district attorney and as a Durham resident, I want the best for my community. I want my neighbors not only to be safe, but to thrive. That is why I am working to advance common sense, evidence-based reforms that keep people out of the criminal legal system who don't need to be there, and allow us to more aggressively and effectively focus on what make us unsafe.

Ms. JACKSON LEE. Thank you very much, Ms. Deberry. Your time has expired. Thank you for your testimony.

We now recognize Ms. Richardson for 5 minutes.

STATEMENT OF JERIKA L. RICHARDSON

Ms. RICHARDSON. Chair Jackson Lee, Ranking Member Biggs, Chair Nadler, Ranking Member Jordan, and the Members of this Committee, thank you for the opportunity to testify today on reimagining public safety in the COVID-19 era.

My name is Jerika Richardson, and I join you in my capacity as a senior vice President for equitable justice and strategic initiatives at the National Urban League, where I lead the organization's advocacy and strategic work on civic engagement, police reform, criminal justice reform, and other justice-related areas. I bring you greetings on behalf of our President and CEO, Marc H. Morial.

Today, I come before you as a former journalist reporting the stories of communities and families affected by the criminal justice system, as a former senior spokesperson for the U.S. Attorney's Office in the Southern District of New York, as a former chief of staff for the Office of the Counsel to the Mayor of the city of New York, and as the former deputy executive director and senior advisor and secretary to the New York City Civilian Complaint Review Board, the Nation's largest, independent police oversight agency.

I have witnessed the testimony of people on the ground, as well as the law enforcement community, municipal executives, and those entrusted with executing the law in pursuit of a just society. Now, as a member of a historic legacy civil rights organization, I have the opportunity to advocate for the pressing issues we face today.

Founded in 1910, the National Urban League has long worked to lift barriers to opportunity for Black people and people of color in this country and find solutions to keep our communities safe by advocating for a more just criminal legal system.

In the face of a pandemic and the second wave of the civil rights movement, it was clear to us that a new framework was needed to rethink the way we handle public safety. In response to this need, the National Urban League released its 21 Pillars for Redefining Public Safety and Restoring Community Trust. Our 21 Pillars present a plan to transform policing and move us closer to a more equitable and just system.

In developing the pillars, we consulted with policing experts and activists, conducted research on evidence-based practices, and most importantly, incorporated direct feedback from our 91 grassroots affiliates by conducting a comprehensive survey which covered all aspects of policing and captured critical information about what is happening in our communities.

Our 21 Pillars are focused on five themes that redefine public safety from the ground up.

Our first theme recognizes that, first and foremost, community trust must be restored for true change to occur through truth, reconciliation, and empowerment.

Theme two acknowledges that community trust goes hand-in-hand with holding those accountable who have been entrusted with authority to protect and serve.

Our third theme emphasizes working to uproot divisive policing policies. While we recognize that change takes time, we also recognize that we cannot afford to wait.

Therefore, we advocate for urgency and transparency, reporting standards, and data collection in our fourth theme.

Finally, we highlight that standard for hiring, evaluation, and promotions in public safety must be improved in our theme five.

Our Nation is now facing a critical moment when political divisiveness has stalled the conversion of the social justice activism of 2020 to legislative and policy change. Public safety and community police relations must be addressed together.

In order to break the cycle of violence, the National Urban League recommends that Congress support well-established community-based gun violence intervention programs for Federal, State, and local funding; break the “Iron Pipeline”; repeal Federal restrictions that prevent tracing crime guns to help solve crime, and fund programs addressing the root causes of violence in the community, including healthcare and mental health intervention; survivor and victim services; family trauma services; intimate partner violence prevention, and community justice action funds.

The National Urban League will do everything it can to break the cycle of harm in our communities, including hosting convenings in the next year with stakeholders from every background to discuss what else communities can do to address these pressing issues.

Thank you for your time. I look forward to this discussion and any questions you may have on our 21 Pillars. Thank you.

[The statement of Ms. Richardson follows:]



**Written Statement of
Jerika Richardson, Senior Vice President for Equitable Justice & Strategic Initiatives
National Urban League**

**The Subcommittee on Crime, Terrorism, and Homeland Security
*Reimagining Public Safety in the COVID-19 Era***

March 8, 2022

Chairwoman Jackson Lee, Ranking Member Biggs, and Members of this committee, thank you for the opportunity to testify today on *Reimagining Public Safety in the COVID-19 Era*. My name is Jerika Richardson, and I join you in my capacity as the Senior Vice President for Equitable Justice and Strategic Initiatives at the National Urban League, where I lead the organization's advocacy and strategic work on civic engagement, police reform, criminal justice reform, and other justice-related work. I bring you greetings on behalf of our President and CEO Marc Morial.

I come before you as a former journalist, reporting the stories of communities and families affected by the criminal justice system; as a former senior spokesperson for the U.S. Attorney's Office in the Southern District of New York; as a former Chief of Staff for the Office of the Counsel to the Mayor of New York City, and as the former Deputy Executive Director and Senior Advisor and Secretary to the New York City Civilian Complaint Review Board – the nation's largest independent police oversight agency.

I have witnessed the testimony of people on the ground as well as the law enforcement community, municipal executives, and those entrusted with executing the law in pursuit of a just society. And now, as a member of a historic legacy civil rights organization, my previous roles converge on the pressing issues we are here to discuss today.

Founded in 1910, the National Urban League has long worked to lift barriers to opportunity for Black people and People of Color in this country and find solutions to keep our communities safe by advocating for a more just criminal justice system.

In the face of a pandemic and the second wave of the Civil Rights Movement, it was clear to us that a new framework was needed to rethink the way we handle public safety. In response to this need, the National Urban League released its 21 Pillars for Redefining Public Safety and Restoring Community Trust. Our 21 Pillars presents a plan to transform policing and move us closer to a more equitable and just system.

In developing the pillars, we consulted with policing experts and activists, conducted research on evidence-based practices, and, most importantly, incorporated direct feedback from our 91 grassroots affiliates by conducting a comprehensive survey which covered all aspects of policing and captured critical information about what is happening in our communities.

Our 21 Pillars are focused by 5 themes that redefine public safety from the ground up. Our first theme recognizes that, first and foremost, community trust must be restored for true change to occur through truth, reconciliation, and empowerment. Theme 2 acknowledges that community trust goes hand-in-hand with holding those accountable who have been entrusted with the authority to protect and serve.

Our third theme emphasizes that we must work from the inside out to redesign public safety by uprooting divisive policing policies. While we recognize that change takes time, we also recognize that we cannot afford to wait. Therefore, we advocate for urgency in transparency, reporting standards, and data collection in our fourth theme.

Finally, we highlight that standards for hiring, evaluation, and promotions in public safety must be improved in theme 5.

Our nation is now facing a critical moment when political divisiveness has stalled the conversion of the social justice activism of 2020 to legislative and policy change. Community-police relations continue to sour as the volume of guns in circulation has increased. These issues must be addressed together, and this plan sets a roadmap for how we can address them today.

In order to break the cycle of violence we must: support well-established community-based gun violence intervention programs with federal, state, and local funding; break the "Iron Pipeline"; repeal federal restrictions that prevent tracing "crime guns" to help solve crime; and fund programs addressing the root causes of violence in the community, including healthcare and mental health intervention, survivor and victim's services, family trauma services, intimate partner violence prevention, and community justice action funds.

The National Urban League will do everything it can to break the cycle of harm in our communities. We will be hosting convenings in the next year with stakeholders from every background to discuss what else communities can do to address these pressing issues.

Thank you - I look forward to this discussion and your questions on our 21 Pillars and work to curb violence in our communities.

Ms. JACKSON LEE. The gentlelady's time has expired.

I thank all the Witnesses for their important statements today.

We will begin our 5-minute questions, which I will begin with recognizing myself for 5 minutes.

Again, Mayor Turner, let me thank you for one of the single most potent documents that I have seen in responding to the vicious cycle of crime across America, dealing with violence reduction and crime prevention. You have put forward enhancing city park security, crime suppression teams as it relates to police officers, illegal firearms. Yet, you have also recognized the rise in domestic violence by multicultural domestic violence prevention and outreach—something very near and dear to me, as the author of the Violence Women Act—and Mobile Crisis Outreach Teams as relates to mental health. I know that we will work together on a buyback program as well. We look to vigorously respond to that crisis.

Tell me how the permitless carry affected the crime rate in Houston, and maybe even Texas.

Mr. TURNER. Madam Chair, it exacerbated, really, a bad situation. This bill took effect September 1st of last year. The Major Cities Police Chiefs, a major law enforcement organization, testified against it. When you look at this, you see that when these sorts of measures have taken effect, it increases crime anywhere from 11–13 percent. So, this allows people without a license, permit, or training to be able to have their guns, and it just has proliferated that problem.

When the bill was being debated, many law enforcement personnel indicated and testified that, if the legislature passed it, this would cause people to be shooting even at law enforcement personnel. It would increase crime. It would create even a greater market for these guns and add to the gun proliferation.

So, I just don't see any inherent value from permitless carry House Bill 1927.

Ms. JACKSON LEE. Can the Federal government help in bringing down gun violence with local communities?

Mr. TURNER. There's no question about that. I made reference to our reentry program, the dollars that we are investing in that. I would say, with the exception about our summer youth program, all of the initiatives in the One Safe Houston plan are currently being paid for by the ARPA dollars. Forty-five million dollars in the American Rescue dollars are being used to put forth this plan. So, but for those dollars, we would not be able to engage in this comprehensive, holistic approach.

The reentry program has reduced recidivism in the city of Houston down to 4 percent. So, we need to expand that. That compares to the State average of a little more than 20 percent.

Then, technology. The city of Houston is 640 square miles. Chicago has 275 square miles. So, even with more police, we can't cover the geographical area effectively without utilization of more technology. So, even additional funding, additional grants in that space would be a tremendous help.

Ms. JACKSON LEE. I just have a short moment. I just want to get a yes or no. Did the pandemic have an impact, in your impression, of the rise in violent crime?

Mr. TURNER. Yes, without question.

Ms. JACKSON LEE. Thank you very much.

Madam Deberry, let me thank you again for your service.

I have a question because I believe that justice is judges, the district attorney, policing. It seems my friends on the other side have misconstrued the idea of defund to mean to eliminate the presence of police as opposed to the creative policing of adding in so many different elements to stop crime.

In particular, I want to refer to the Ahmaud Arbery case, which is not your case. I want to have you express the role of a district attorney. That case was derailed because of the inaction of a district attorney in, one, standing for justice, as well as holding officers accountable when necessary—not being against police officers. In this instance, it wasn't police officers, but it was people acting in the pale of law.

What is the importance of ensuring that your office prosecutes the cases that address the human dignity and civil rights of individuals as relates to crime issues or the accountability of policing? Madam District Attorney?

Ms. DEBERRY. Thank you for that question. I think it goes to this question, who will watch the watchers? District attorneys are there to make sure that everybody in our community is safe. It is important that, as an elected official, I am responsible to my community when there are rogue actors and to bring those rogue actors to justice. So, it is really important that the district attorney, not just work cooperatively with law enforcement to keep our community safe, but also to keep our community safe when there are bad actors.

Ms. JACKSON LEE. So, to not do a breach of trust in the community, I believe.

Ms. DEBERRY. Absolutely.

Ms. JACKSON LEE. Thank you both. Thank you, Mayor Turner, for your testimony and response to my questions.

Now, I recognize you, Mr. Biggs, for 5 minutes.

Mr. BIGGS. I thank you, Madam Chair.

Ms. Brame, thank you for being here today. I appreciate your testimony. I read your statement. I express my condolences to you for the loss of your son as well.

Ms. BRAME. Thank you.

Mr. BIGGS. We anticipated hearing from your mayor, Eric Adams, today from New York City, but he is not here. So, I wanted to ask you, if he were here, what would you tell him, recognizing that very little has been said about victims today, victims of crime, whatever? What would you tell Mayor Adams, had he appeared today?

Ms. BRAME. Well, actually, I would form it in a question. I would ask Mayor Adams, what or how is more of the question—how would he go about ensuring justice for the mothers and families of homicide victims, not just justice, but a swifter justice? Not waiting seven years, six years, four years to get justice for our loved one. How would he go about it? How would he go about it? Yeah. How can he assure us that we will get timely justice for the murder of our loved one? That would be my question to him.

Mr. BIGGS. Has a trial date been set for the defendants in the murder of your son?

Ms. BRAME. They keep moving, they keep moving the date. They keep moving the date. They keep calendars linked. They keep postponing. They have since sent it back down to the court that it originally, the court or part that it originated from. So, now, we are back on calendar for next month. One of the other defendants are now putting in an application for bail.

Mr. BIGGS. I see. Well, I appreciate your testimony.

I think it is imperative that, as we talk about police and violent crime, that we can't forget the victims, the families—

Ms. BRAME. Yeah.

Mr. BIGGS. —the communities that are harmed by violent crime.

I appreciate you so much being here today, Ms. Brame. Thank you.

Ms. BRAME. Thank you for having me.

Mr. BIGGS. Mr. Lehman, you released a report—well, before I get to that, testimony has been heard today that not prosecuting for certain misdemeanors is a policy that may work overall to reduction of crime. Having been a former defense attorney and a prosecutor, I am interested in that, because I see in some communities where they do not prosecute any misdemeanors—for instance, in shoplifting cases where there is less than a thousand dollars theft. How does that help to bring safer communities? Or does it?

Mr. LEHMAN. I think there is a big difference between policies that focus on reducing misdemeanor prosecution at the margins and policies which issue a blanket repudiation of misdemeanor prosecution per se.

The study to which I believe Ms. Richardson alludes—now it may not have been Ms. Richardson; I forget who alluded to it—that looked at Rachael Rollins' prosecution, nonprosecution policy in Boston, concerns itself with whether or not an office that already mostly did not prosecute misdemeanants, if they reduced further their prosecution of misdemeanants on sort of a very narrow margin, what that effect would be, what the effect would be on their likelihood of recidivity.

It shows that they are less likely to recidivate if they're not prosecuted. I think that's a useful insight about what happens with a very specific class of misdemeanants who are on the margins of being prosecuted versus not. We should be very wary about generalizing in the way that, for example, the Manhattan District Attorney has, district attorneys in San Francisco and Los Angeles have, to the idea that not prosecuting misdemeanor offenders, in general, is good for lowering crime in a community. I don't think that's well established.

Mr. BIGGS. You stated in a piece you wrote that, "civilian 'alternatives' both stand on shaky evidentiary ground and, more important, are not well suited to the fundamental function of stopping crime." Why do these alternatives stand on shaky evidentiary ground?

Mr. LEHMAN. Well, as I alluded to in my testimony, I think that many of the most popular alternatives are lacking in just sort of basic support in the evidence. Either the research isn't there, or where we have done the research, the research has resulted in, has shown no effect or little effect by comparison to the strong efficacy of policing.

The programs which are touted as “proven,” like “community violence intervention,” as, again, the President alluded to the “proven” program, I think lack in basic evidentiary support that we would just expect before we dramatically transition how we handle law enforcement.

Mr. BIGGS. I am sorry to cut you there, but my time has expired.

Madam Chair, I have three pieces that I would like to submit for the record.

One entitled, “Budget deal cuts Philadelphia police funding while increasing spending on housing and education.” That is from Channel 6, ABC.

One is the Budget Office, City of Philadelphia, indicating their police budget.

One is entitled—this is from VPM, an NPR station—that is entitled, “PolitiFact VA: No, Republicans Didn’t Vote to ‘defund the police.’”

Ms. JACKSON LEE. The first one, would you reread that one, please?

Mr. BIGGS. I’m sorry. Yes. This is a story from Channel 6, ABC, in Philadelphia that says, “Budget deal cuts Philadelphia police funding while increasing spending on housing and education.”

Ms. JACKSON LEE. Well, I am glad you put that in because, obviously, reimagining means you fund housing, education, and policing. So, thank you for that.

Mr. BIGGS. Yes.

Ms. JACKSON LEE. Without objection, those are submitted into the record.

[The information follows:]

MR. BIGGS FOR THE RECORD

7/14/22, 3:58 PM Philadelphia budget deal cuts police and fire funding while increasing spending on housing, education and criminal justice reform - ...

POLITICS

Budget deal cuts Philadelphia police funding while increasing spending on housing and education

By Katherine Scott

Thursday, June 18, 2020

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MORE VIDEOS

Philadelphia City Council and Mayor Jim Kenney reached a deal on a budget for the 2021 fiscal year late Wednesday night.

PHILADELPHIA (WPVI) -- Philadelphia City Council and Mayor Jim Kenney reached a deal on a budget for the 2021 fiscal year late Wednesday night.

City Council gave its preliminary approval to the \$4.9 billion budget, which could reduce



The new budget will also help implement reforms inside and outside of the department, including body cameras for police officers, implicit bias training for police and an equity manager for the department.

The city had originally projected a \$649 million shortfall because of reduced income and spending related to the COVID-19 pandemic, which has affected more than 24,000 residents. That number grew to a projected \$749 million shortfall.

"It is extremely disappointing that at this time we are not able to move forward with some of the crucial investments I proposed back in March, before the pandemic and resulting economic downtown were felt in Philadelphia. And it pains me that this budget reduces some City services and eliminates hundreds of jobs," said Mayor Jim Kenney.

The proposed budget will also fund \$1.35 million for the arts in Philadelphia.

"The lack of access to affordable housing, health care, living-wage jobs and healthy foods has been exposed by these crises - along with many problems. We cannot go back to that old normal," Council President Darrell L. Clarke said. "We need to create a 'New Normal' and address these disparities head-on. I believe this budget is an important start toward doing that."

The budget includes an increase in Non-Resident Wage and Net Profit Tax to 3.5019%, an increase to the Parking Tax from 22.5% to 25%, and a pension bond debt restructuring that will generate savings of about \$80 million, according to the budget package.

"In short, thanks to Council's leadership, I believe this budget will accomplish the goal I laid out on May 1: we will keep all Philadelphians safe, healthy, and educated while maintaining core municipal services that our residents rely on daily. Just as importantly, the most difficult decisions were made through a lens of racial equity. The budget intentionally limits the impact of service delays or cuts on people of color, who are disproportionately impacted by the virus and already suffering from decades of systemic inequality," said Kenney.

The mayor thanked members of city council for reaching the deal and said this was the most difficult budget process he's experienced.

The budget could get final approved by city council on June 25.

Philadelphia Fraternal Order of Police President John McNesby released the following statement regarding the city's proposed budget Tuesday morning:

"Once again, our city leadership has turned its back on the residents and police department of this great city. Cutting \$33 million from the police department is both reckless and irresponsible under the guise of police reform.

This spending plan will devastate any efforts by the police department to engage and fund numerous community outreach programs. Our political leadership is tone deaf and blind to

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7/14/22, 3:59 PM Philadelphia budget deal cuts police and fire funding while increasing spending on housing, education and criminal justice reform ...
residents of Philadelphia."

Read more on the budget proposal [HERE](#).

Below is a breakdown of the highlights of the city's preliminary 2021 budget:

POLICE

- The deal calls for a \$33.3 million cut in funding to the proposed Philadelphia Police Department budget, which would bring it approximately 4% below funding for the current year.
- The mayor agreed to eliminate the proposed \$19 million increase. An additional \$14 million was cut from the police budget by transferring funding for crossing guards and public safety enforcement officers to the Managing Director's Office.
- The reduction in spending also calls for reforms within the department that include: Body cameras for officers, bias training, engaging mental health professionals for police-assisted diversion and an equity manager for the police force.
- In addition, \$400,000 will be spent to create a police oversight commission, and additional funds for public defenders.

FIRE

- The Philadelphia Fire Department will have its proposed budget cut by \$5.8 million, bringing the department's budget to this year's level.

MANAGEMENT

7/14/22, 3:59 PM Philadelphia budget deal cuts police and fire funding while increasing spending on housing, education and criminal justice reform - ...

- The wage tax for non-residents will increase to 3.5019% for a one year period, and will not seek a reduction in wage taxes for residents. The city says that increase would come to about \$1 per paycheck for someone making \$50,000/year.
- The parking tax will rise from 22.5% to 25% for one year.
- A committee will be created with the goal of reducing the city's parking tax to 17% in 2022.

INCREASED SPENDING

- The proposed budget does call for spending increases.
- The 'New Normal Budget Act' would set aside \$25M to address disparities that came to the forefront during the unrest that followed the death of George Floyd. City officials want to use that money for health care, affordable housing, anti-poverty efforts, job training and more.
- \$20 million would be invested into the 'Housing Trust Fund.'
- \$1.45 million would be set aside for adult education.
- \$1.35 million that was slated for elimination would be restored to the city's Cultural Fund and African-American Museum.
- \$825,000 in funding would be earmarked for criminal justice reform, specifically for re-entry services.



Budget Office

CITY OF PHILADELPHIA

- **Contained Labor Costs.** The City has negotiated one-year labor contracts with its four unions (FOP, DC47, DC33, and IAFF). The City and Union leadership cooperated to quickly negotiate these contracts with modest increases to ensure Philadelphia's workforce would be on the job and compensated for the increased risk frontline employees now face. Additionally, current conditions are not conducive to full contract negotiations. The City utilized the original FY21 Labor Reserve of \$40 million to cover the costs of the new contracts. The FY21 Budget also incorporates increases for non-represented civil servants at the same rate (2%) as the contract with DC47.
- **Restructuring Pension Debt.** The City will restructure its pension obligation debt to postpone General Fund debt service into future years, reducing the FY21 General Fund payment by \$74 million, but increasing payments in future years of the Plan.

Targeted Cost Saving Initiatives

- **Public Safety**
 - To address fiscal challenges and issues with equity in law enforcement, the Philadelphia Police Department's budget was reduced by \$33 million. This reduction includes shifting \$14 million funding for some activities, including crossing guards, outside the Police Department. The remaining \$19 million reduction will leave funding at the FY20 level for the Police Department. Implicit bias training, anti-racism training, and the continued roll-out of body worn cameras will occur. The Department will reduce overtime expenses (partially enabled by the expectation that the City will host fewer large special events in the coming year, as well as a reduction in court overtime). The adopted version of the budget also included funding inside and outside of the Police Department to improve equity in policing, including funding for a dedicated Deputy Inspector General, a Police Oversight Commission and an Equity Manager within the Police Department.
 - The Philadelphia Fire Department will maintain the FY20 funding level, and thus will not pursue expansions funded in the original FY21 budget, like a dedicated HazMat unit.
 - Anti-Violence efforts led by the Managing Director's Office will be restructured, focusing on programs with proven results in Philadelphia, like the Community Crisis Intervention Program and launching evidence-based initiatives like Group Violence Intervention. Planned blight remediation to support anti-violence efforts will not occur, along with a reduction in funding for demolitions.
 - The Philadelphia Department of Prisons will reduce spending, to reflect the significantly reduced prison population (a 19% reduction in the in-facility

7/14/22, 4:11 PM

PolitiFact VA: No, Republicans Didn't Vote to "Defund the Police" | VPM



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NEWS →

PolitiFact VA: No, Republicans Didn't Vote to "Defund the Police"



Presented by


 Written by
[Warren Fiske](#)

 Heard On
[PolitiFact](#)

July 22 2021, 09:59

Rep. Bobby Scott (second from left) speaks at a 2015 criminal justice forum. (Photo: Craig Carper/VPM News)

Speaker: Bobby Scott

Statement: "Every Republican in Congress voted to defund the police when they voted against the American Rescue Plan."

Date: July 12**Setting:** Twitter

In last fall's campaigns, Republicans thundered often inaccurate charges that Democrats wanted to defund police departments.

7/14/22, 4:11 PM

PolitiFact VA: No, Republicans Didn't Vote to "Defund the Police" | VPM

POLITICS

U.S. Rep. Bobby Scott, D-Va., is flipping the script and saying that all congressional Republicans voted to defund police this year when they opposed a \$1.9 trillion stimulus plan.

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"Every Republican in Congress voted to defund police when they voted against the American Rescue Plan," Scott [tweeted](#) on July 12.

Scott represents Virginia's 3rd congressional district, stretching from Norfolk and parts of Chesapeake north through Newport News and west through Franklin.

His claim, echoing a Democratic talking point, melts under scrutiny. Here's why.

The Facts

The term "defunding police" arose after the 2020 killing of George Floyd by a Minneapolis police officer. Many advocates say it does not mean abolishing police, but rather reallocating some of the money and the duties that have traditionally been handled by police departments.

For example, instead of dispatching police for routine calls involving drug abuse or mental health issues, advocates say it would be better to send officials from social service departments who have training in treating people with those problems. Some of the funds going to police, they say, would be better spent treating mental illness and addiction. Theoretically, that would allow police to put more focus on violent crime.

7/14/22, 4:11 PM

Politifact VA: No, Republicans Didn't Vote to "Defund the Police" | VPM

The defund police movement became an attack line for Republicans in 2020, and many Democrats, including President Joe Biden, repeatedly disassociated themselves from it. Moderate Democrats, including [Sen. Mark Warner](#) and [Rep. Abigail Spanberger](#) of Virginia, said progressives' calls for defunding police were a large reason congressional Democrats didn't win as many seats as expected last fall.

The [American Rescue Plan](#) passed Congress in March 2021 with no Republican support. The \$1.9 trillion COVID-19 relief package provides aid to individuals, small businesses, nonprofits and the tourism industry. Included in that amount is \$350 billion to help state, local and tribal governments recoup revenues they lost because of the coronavirus crisis. The law gives governments choices for using the money, including providing "premium pay to essential workers or provid(ing) grants to employers of essential workers during the COVID-19 emergency."

In other words, the law does not require governments to spend the aid on essential workers such as police, teachers or medical technicians; it gives them the option to. When lawmakers voted on the bill, there was no guarantee that localities would funnel some of the money to police departments. And the bill did not cut funding to any department. So a vote against the bill giving the states and localities a one-time injection of extra cash was not tantamount to a vote to defund police.

Republican leaders never mentioned police funding in their list of reasons for voting against the bill. They [criticized](#) the cost of the package, charged that it was filled with Democratic pet projects, and said [only a small portion of the money was](#) specifically designated for spending on the coronavirus vaccines.

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Scott's explanation

We asked Scott's office to back up his statement. Austin Barbera, his press secretary, wrote in an email that the act "was intended to replace lost revenue during the pandemic and to continue to keep emergency services and cops on the job – among other things."

Barbera sent an [NBC article](#) noting that communities in at least 10 congressional districts represented by Republicans who opposed the bill are using some of its relief funds to help their police departments.

He also noted that House Republicans unanimously voted against a separate, [\\$1.9 billion bill](#) to secure the U.S. Capitol after the Jan. 6 insurrection. The measure passed the House on a 219-212 vote and is pending in the Senate. Among other things, it would cover costs the Capitol Police and other security forces incurred in quelling the riot.

"These are just two examples of how House Republicans have all voted against funding the police just this year," Barbera said.

It should be pointed out, however, that the bill would offer one-time supplements to the security forces and pay for a long list of capital improvements. Opposing the bill does not rise to a vote to take away existing funding.

Finally, we should note that House Speaker [Nancy Pelosi](#) and [Cedric Richmond](#), a senior White House adviser, have also accused Republicans of defunding police by opposing the stimulus plan.

7/14/22, 4:11 PM

PolitiFact VA: No, Republicans Didn't Vote to "Defund the Police" | VPM

Our ruling

Scott tweeted, "Every Republican in Congress voted to defund the police when they voted against the American Rescue Plan."

The \$1.9 trillion stimulus dedicates \$350 billion to compensating state, local and tribal governments for lost revenues during the coronavirus crisis. The law gives the governments wide flexibility in using the money, and one option is to spend it on essential workers or their departments.

But the bill never guaranteed that the money would go to essential workers — including police and their departments — when Republicans voted against it. And there's a huge difference between voting against a possible one-time cash injection into police departments and cutting their existing funding, as Scott implied.

We rate Scott's statement False.

Sources

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Email from Austin Barbera, press secretary for Scott, July 16, 2021.

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PolitiFact Virginia, "[Mark Warner says he opposes defunding police, contrary to Daniel Gade's claims](#)," June 22, 2020.

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[police](#)," Nov. 14, 2020.

The Washington Post, "[Spanberger sparked a debate about 'defund police attacks'](#)," Nov. 11, 2020.

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FactCheck.org, "[Democrat Makes Misleading 'Defund the Police' Claim](#)," July 6, 2021.

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Ms. JACKSON LEE. Thank you so very much.

I am now pleased to recognize Ms. Bass for 5 minutes.

Oh, Mr. Nadler, I am sorry, for 5 minutes.

Chair NADLER. Thank you, Madam Chair.

Ms. JACKSON LEE. The Chair of the Full Committee.

Chair NADLER. Thank you, Madam Chair.

Chief Garcia, would more resources for law enforcement result in less crime?

Chief GARCIA. Thank you for your question, sir. With a plan, absolutely.

Chair NADLER. Okay. How do you balance enforcement with community engagement?

Chief GARCIA. Well, it's one of those things that we talk about here in the city of Dallas, that we have a weed-and-seed approach. Basically, what that means to us is that taking the criminal element off the street and those that are preying on our communities, while at the same time building community trust, are not mutually exclusive terms.

As necessary avenues for my SWAT teams, narcotics teams, crisis response teams, gang units to be in our area of violent crime, my Community Affairs Division is working just as hard to ensure our neighborhoods don't always just see them in the moments of, in a moment of trauma. Those two have to be balanced. Both those things are absolutely necessary. Both are in addition to, and not in lieu of, each other.

Chair NADLER. Can you explain how you use data to inform your strategies to address violent crime?

Chief GARCIA. Yes, sir. One of the things that we did here long ago was team up with criminologists, Dr. Mike Smith and Rob Tillyer at the University of Texas, San Antonio; and using doctors that have studied criminology in this time period for techniques and plans that actually work, that have shown success. We want to be data-driven here and utilizing that will be incredibly important. Obviously, as I alluded to earlier in my statement, having support from our city leaders is absolutely crucial.

One thing that I didn't highlight is the morale of the department. Let's face it, in the last couple of years, the men and women, the honorable men and women that serve this country and serve their communities have seemed vilified, and morale has been down in a lot of the departments. That's not something we talk about very often, but human beings with low morale disengage at a time when we need them to engage even more. So, we've worked hard on that here. I believe other chiefs do work equally as hard to ensure that's accomplished.

Then, being able to utilize the era we're in. As also mentioned earlier, a small percentage of people in a small percentage of locations are responsible for a large amount of crime. That's what we're concentrating on. By reducing the violent crime in those areas, it has helped reduce violent crime in the city overall. That's been part of the reason that we were able to establish what we established.

Chair NADLER. Thank you.

Mr. Abt, would you like to comment on Mr. Lehman's testimony?

Mr. ABT. I would be happy to.

I think maybe I will just comment on one specific area, which is his criticism of the evidence base in support of community violence programs, specifically street outreach programs. The evidence there I would describe as mixed but promising.

There is, there is a number of studies out there, many of which show that when these programs are implemented well they reduce crime and violence. Sometimes when they are not implemented well, not surprisingly, they are not effective.

It is true that the evidence base for these programs is not as strong as the evidence base for law enforcement. That is not necessarily a reflection of how well they work or don't work; that's a reflection of the massive investment in policing and police research.

I think the key here is that we shouldn't be talking about defunding police, we should be talking about funding these community violence interventions, and to give them more, more support. I don't think you need to raid police budgets to do that.

I would also note that Mr. Lehman has voiced his support in his testimony and other places for lots of nonpolice-based approaches. I think there is a surprisingly amount, a large amount of consensus here, which is that we need both end strategies: We need police and nonpolice solutions at the same time, working together.

Chair NADLER. Okay. Back to Chief Garcia.

In 2021, you were able to reduce the homicide rate along with the arrest rate. Can you explain how reform and public safety can coexist and they are not mutually exclusive?

Chief GARCIA. Absolutely. No question that we need to adapt. Now, we talk about reimagining oftentimes. I am not quite certain what that means. If reimagining means that law enforcement reaches out, absolutely.

When I started in this profession 30 years ago, we would have never thought that an officer would be wearing a body-worn camera which now we see in most every major city in America. Now, is that reimagining or is that adapting? I call it adapt, and there is a myriad of other things that in law enforcement has changed in the last 30 years, but I believe that is true.

If by reimagining you mean defunding the police, absolutely not. I believe that police chiefs and city governments are doing their jobs to adapt to the communities' needs. So, we are looking at that and balancing out to know that if a community needs to trust its police department. At the same time, the police department needs to take the criminal element off the street, but they're not [inaudible]. You need to work just as hard on both areas to make sure that we are doing our best to work with our communities, building trust, and working with our city governments to ensure that we re-invest in the communities that have been ignored for far too long. I don't think anyone is arguing. I think those are some ways that we can, that we can work on those two areas.

Chair NADLER. Thank you very much.

My time has expired. I yield back.

Ms. JACKSON LEE. The gentleman's time has expired.

Now, Mr. Chabot, you are recognized for 5 minutes.

Mr. CHABOT. Thank you, Madam Chair.

Mr. Lehman, or is it Lehman, could you pronounce that last name for me, please.

Mr. LEHMAN. "Leeman." Thank you.

Mr. CHABOT. It is "Leeman." Okay. Thank you.

Mr. Lehman, I noted—

Mr. LEHMAN. It is "Leeman." Thank you.

Mr. CHABOT. —that you were chomping at the bit there to respond to Mr. Abt when he was making some comments. Could you go ahead and I'll give you the time here to comment.

Mr. LEHMAN. Well, so, I think the most important—I agree with Mr. Abt that it must come down to the program implementation. There are clearly instances of pure violence or violence interruption that have been efficacious. There are as many, if not more, instances of pure violence that showed no effect in relatively long-time studies or, in certain instances, result in or at least are associated with an increase in violent crime.

That said, I do not think this is merely a matter of money. It is a matter of program complexity. The idea that trusted sources can go into a community and intercede in longstanding or very hot gang feuds assumes a great deal of efficacy on the part of these unarmed civil servants.

It is a very hard thing to do to talk people out of incitement of violence, to actively bring them into that process. So, when we are asked to lean more heavily on community violence interruption as a tool, what we are saying is really take something that is more complex and which can be hurt in complexity, means it will be on average less efficacious.

I agree with what Mr. Abt said we should use instead. Many people say we should use it instead of, frankly, the more straightforward approach of putting cops on blocks that deter crimes. So, to see it my way, I needed to respond.

Mr. CHABOT. Thank you very much.

Mr. Lehman, in your statement you had a number of, I thought, very good points. So, I am going to give you an opportunity to just briefly expound upon a couple of them.

One thing that you said was—and they are calling this thing reimagining police, so we will use their term. You said, "To reimagine policing in practice means reducing the number of police officers or reallocating the responsibilities to other government agencies. But I sincerely doubt that we can make such changes without increasing crime's already exorbitant cost."

What cost is there to the public due to crime? So, what are they, what, how is this dangerous that they are talking about here?

Mr. LEHMAN. Yeah, absolutely. I allude to estimates that peg the total cost of crime in 2017 alone at \$2.6 trillion. There are higher estimates that are based on willingness to pay surveys.

Those costs are distributed over a number of different categories: Damage to property, loss of life, loss of health or well-being, and degradation of quality of life. Importantly, those impacts are both personal and global, short run, and long lasting.

What I mean by that is being victimized by crime—and I allude to this in my testimony—has been shown to have durable impacts on just taking advantage of government benefits and your long-term wage potential. Being victimized by crime harms children's test scores in the vicinity of crime victimization.

The impact of crime reverberates for the individual of the crime and then outwards in the community. Public safety is an essential component of any community's thriving. So, I think it is important that we understand steps that might take us away from public safety will have those longer impacts on communities.

Mr. CHABOT. Thank you. Are you familiar with the term "qualified immunity"?

Mr. LEHMAN. Yes.

Mr. CHABOT. Okay. Let me ask you about that real quickly. This is one of the Democrats' great ideas on this Committee and in Congress, to take away police qualified immunity.

Essentially, what that says is this: We all know that law enforcement officers because of the nature of their job sometimes come in physical confrontation with people. You may have a drunk driver. There is some potential for there to be some sort of physical involvement there.

A domestic violence case, when they go to a home to break up someone who may be violent with a spouse. There are all kinds of opportunities.

Now, as long as the police under current law are following the way they were trained, they are not violating someone's civil rights, that sort of thing, they are immune from being personally sued.

What the Democrats want to do is allow law enforcement officers to be sued personally for any types of engagements with the public. That would mean that the police officers' kids' college funds, the equity in their home, their pension could all be at risk from a bunch of greedy lawyers.

Does that seem like a good idea to you?

Mr. LEHMAN. Just briefly in the remaining time, I think that often qualified immunity's impact is overstated by both sides. Its uses are overstated.

That said, increasing the transaction cost of policing, increasing the risks to which officers are exposed, will necessarily lower their willingness to engage in local policing. So, therefore, I am concerned about exposing them to personal liability, or more frequently exposing the departments in the cities to dealing with the costs of that liability which are driving insurance raises and harmful to [inaudible].

Mr. CHABOT. Madam Chair, my time has expired, and I yield back.

Ms. JACKSON LEE. I appreciate the discourse that the gentleman had on qualified immunity. Let me be very clear. It is a misinterpretation of that we are promoting in our reasonable response to holding law enforcement accounting while also building police-community relationships.

So, I thank you very much for your words.

Mr. BROWN. Madam Chair, whose time are you using when you comment on—

Ms. JACKSON LEE. Mine.

Mr. BROWN. Your time.

Ms. JACKSON LEE. I am using mine. Thank you so very much.

Mr. BROWN. Very good. Okay.

Ms. JACKSON LEE. Thank you. The Dean, but you are back. So, Ms. Dean will be recognized for 5 minutes. Thank you so very much.

Ms. DEAN. Thank you, Madam Chair. I am sure there are many others entitled to the title “the Dean.”

Thank you again for this important panel discussion and the expert testimony that we are hearing.

To Ms. Madeline Brame, my deepest and sincere sympathy for the loss of your son. I know those words don’t go far enough.

I am a Member from Pennsylvania, alongside my other Member here from Pennsylvania, suburban Philadelphia. As the United States grapples with a global pandemic, we still continue to battle the American pandemic: Gun violence.

According to the research from the Council on Criminal Justice, the number of homicides in 2021 increased by 5 percent from 2020, and 44 percent from 2019. In 2021, in my city, Philadelphia metro area suffered a terrible toll of gun violence, with fatal and nonfatal shootings at levels not seen for decades. Sadly, we are on pace to continue that trend this year.

Mayor Turner, I would like to start with you. I was particularly interested in the legislation you talked about because I am a former State representative in Pennsylvania where we saw such attempts at legislating the bill that you talked about, H.B. 1927. You called it an irresponsible Act in your testimony.

For me, I feel like it’s more like a slap in the face to all those who are victim and survivors of gun violence across the State of Texas or elsewhere.

Can you share in a more maybe granular way from your expert eyes the impact of allowing unlicensed carry of firearms across your state?

Mr. TURNER. Well, when you have a creation of irresponsible use on the parts of, on the part of many people, there is no license, there is no permit, and there is no training.

We recently had a shooting, a fatal shooting for example, of a 9-year-old in the City of Houston, a person who was a victim himself of crime. The person was fleeing, and he pulled his gun and he started shooting, thinking that the person who victimized him had gotten into this moving truck. That was not the case.

So, it is very important for people, when they are going to have their weapons and they are going to use them, to have the proper training.

I was in the legislature for 27 years. Up until last year, we had said, we said no in Texas to permitless carry. Police organizations, major police chiefs, and others in the State said no. If you do it, it will add to crime by 11–13 percent.

It came into effect on September 1 of last year, and it has exacerbated our problems.

Ms. DEAN. Thank you for that. It makes no sense. It is counter-intuitive that we would have no requirement of training or expertise with permitless carry. So, thank you for lifting that issue.

Mr. Abt, I read and heard with interest that you talked about why it is important that we approach this both as law enforcement and with community-based approaches. We often hear, and I am sad to hear it, and I loved that you tried to pull politics out of this.

It is not about red cities, blue cities, Democrats, or Republicans. Very often we hear on the other side of the aisle the old chestnut that this is about Democrat cities. It is a destructive conversation that is going on.

Could you give us more explicit information about why it has got to be both: It has got to be good law enforcement and good community-based approaches?

Mr. ABT. Absolutely. It should be obvious to all Americans that both parties are responsible for promoting public safety. We have had increases over the past year of 5 percent in homicides under the Biden Administration. Last year in 2020 under the Trump Administration there was an increase of 29 percent in homicide. There is more than enough blame and more than enough responsibility to go around.

I think it is important to understand that there is a science to violence reduction. There are literally hundreds of studies on the subject. If you add up the lessons of those studies one by one by one, you see that there are four basic principles, or three basic principles of violence reduction.

The first is to be focused, focused on the highest risk people and places.

The second is your point, that we must be balanced. We have to give people things to say yes to, as well as to say no to. There have to be carrots and there have to be sticks.

The third is fairness. Ultimately, if the system is not perceived as fair, it cannot effectively fight crime and violence.

Ms. DEAN. Thank you very much.

I know my time has expired. I yield back.

Ms. JACKSON LEE. The gentlelady yields back.

I now recognize Mr. Tiffany for 5 minutes.

Mr. TIFFANY. Thank you, Madam Chair.

Ms. Brame, I have a question for you in regards to—bear with me just a second. I am going to pull up.

Ms. Brame, in 2007, the District Attorney for Milwaukee County, who is still there, said, and this is a direct quote from him, “Is there going to be an individual I divert or I put into the treatment program who is going to go out and kill somebody? You bet. Guaranteed. It is guaranteed to happen. It does not invalidate the overall approach.”

Have you heard that kind of talk from prosecutors in your city?

Ms. BRAME. Gee, I haven’t heard any talk of treatment from prosecutors in New York. I haven’t heard any talk of it. That is something that I would—

Mr. TIFFANY. So—

Ms. BRAME. Go ahead.

Mr. TIFFANY. Have you had experience where a prosecutor has not prosecuted someone who should be?

Ms. BRAME. Yes.

Mr. TIFFANY. So, you have seen someone being weak on crime by not prosecuting a heinous crime. Is that correct?

Ms. BRAME. Yes. Also, a judge.

Mr. TIFFANY. Thank you.

Mayor Turner, you said COVID contributed to, contributed to crime in your city. Is that accurate?

Mr. TURNER. That is. That is correct.

Mr. TIFFANY. Were Houston schools shut down for a period of time?

Mr. TURNER. Houston schools were closed for a period of time. Then we strongly encouraged them to reopen, yes.

Mr. TIFFANY. How long ago did they reopen, do you know, Mayor?

Mr. TURNER. They were open all the way through 2021 in this academic year. We strongly encouraged all our school districts to remain open.

Mr. TIFFANY. So, they were closed the 2020–2021 school year?

Mr. TURNER. In the 2021 period they closed down. Starting I think right around April of 2020. Remained closed through the remainder of that school year. Then in the following school year they did open up.

Mr. TIFFANY. Yeah. The devastation that has happened as a result of closing schools has just been awful. We knew better by April of 2020 that should not happen.

Mr. Lehman, are police in retreat? Is there an impact of police being in retreat, which I think they are?

Mr. LEHMAN. Yes. Certainly, we have survey evidence from major departments as well as my experience talking to officers that they have a sense of, for lack of a term, being under fire. I think the greatest concern in many departments, not all of them, but many departments, is that they lack the support of those in positions of leadership.

As a result, we reduce both the number of levels of police staffing in many major cities. Many major cities saw declines in their overall staffing last year. We know that the number of cops is directly relating to the crime level.

Also, their willingness to be proactive, to be out on the beat, to confront somebody who they think is a problem before they are a problem. It is likely both variables have gone down.

Mr. TIFFANY. Yeah. So, Mr. Lehman, I believe until both major parties come out and say, and do, more than just lip service in saying they support the police, that it is going to be hard for the police to not continue to be in retreat.

Would you agree with that? Until they know that the public sentiment is behind them, which we are hearing, including with documents that are behind me here, until we hear that unequivocally isn't it going to be hard for police to be able to offer good, constructive, safe policing that keeps our communities safe?

Mr. LEHMAN. I think if police officers have a sense that they are not supported by civilian leadership, they are less willing to engage in the most challenging parts of police work, the most vital parts of police work. Also, people are less willing to be and remain police officers, which contributes to a long-run staffing crisis.

Mr. TIFFANY. Yeah. I would just close with this: We just heard from the gentlewoman from Pennsylvania that she said rejected this notion that there's red cities, blue cities. You know what, it is very clear, in Democrat-run cities across America crime has skyrocketed: Seattle, Portland, Minneapolis, Madison, and Milwaukee. You name it, wherever the political machine is run by Democrats

we have seen an explosion in crime. You can try to deny that. It is the case.

Ms. JACKSON LEE. Now, pleased to recognize Ms. Bass for 5 minutes.

Ms. BASS. Thank you, Madam Chair. As always, thank you for having this hearing today.

I wanted to ask Ms. Deberry if she would talk about cities where crime has increased where there has been reform, and cities where crime has increased where there has not been reform. I also would like to ask Ms. Richardson the same thing.

Is there a big difference, is what I am looking for? Cities that have had reforms, do they have an explosion in crimes, and cities that do not, has crime gone down?

Ms. DEBERRY. Yes. Ms. Bass, we see no difference in cities that have reform or don't have reform, in cities that are, and places that are rural or urban. I mean, North Carolina we have 100 counties. There has been an increase in violence across all 100 counties, irrespective of whether there are criminal legal reforms in process or not.

Ms. BASS. So, if the reforms—then if there is no evidence for reforms leading to an increase in crime, what is the reason that crime has increased in both areas?

Ms. DEBERRY. Well, I think the pandemic itself has cut off resources to people who are the most vulnerable in our community. We know that poverty drives violence. We have seen since 2022 the largest increase in poverty in history.

We also have seen an explosion in gun sales, and that legal guns are now used in many crimes.

I think, also, as a prosecutor, we see fewer people willing to come forward and talk about what is happening in their communities out of fear of retaliation.

Ms. BASS. Thank you. Thank you.

Ms. Richardson?

Ms. RICHARDSON. I would agree with that assessment. Thank you for the question.

The National Urban Leagues represent communities across this country, in urban, growing suburban areas, and we have seen a dramatic increase in violent crime everywhere. So, I think it is important for us to look to the underlying factors of that.

Obviously, we know about the root causes and challenges in our community. The pandemic really laid bare a lot of inequities that we see. It resulted in job insecurity, in instability. It represented and reflected in more homelessness and housing issues, as well as mental health and trauma.

I would argue that we are not just seeing those in the community generally, but we are also seeing those issues in law enforcement as well. So, I think it is critically important that we focus on addressing these root causes and putting more funding and resources into social services.

Ms. BASS. Thank you.

Ms. RICHARDSON. You are welcome.

Ms. BASS. Thank you.

Mr. Mayor, good to see you, even on screen. I understand that in your city you have a problem with homelessness, just like in Los

Angeles, and that you have had a significant reduction. I wanted to know (1) was there an association with crime in the unhoused population? (2) What have you been able to do that has made it so different?

Mr. TURNER. The answer is yes. We have reduced homelessness by about 55–57 percent. Even in the last year we have reduced—

Ms. BASS. Can you come to Los Angeles?

Mr. TURNER. So, but it is a correlation, it is a network of 100 different groups, organizations that have a coalition of the homeless that have come together. Houston and Harris County have placed unprecedented funding in reducing it. It is not just about providing a housing unit, but wrap-around supportive services. So, that program is working well.

Ms. BASS. Was there an association in the unhoused population and criminal activity?

Mr. TURNER. There was.

Ms. BASS. Have you been able to reduce that as well?

Mr. TURNER. The answer is yes.

It is also a part of our crisis intervention where the focus is on addressing the homeless situation as well as mental behavior health issues, because that also runs rampant within this particular community.

Ms. BASS. Did you increase your arrest rate and increase the number of officers? Did that contribute to that reduction as well?

Mr. TURNER. Congresswoman Bass, we have instituted police reforms. We have increased the police budget in 2020, as well as in 2021. At the same time, we are seeing rising crime.

So, we have never defunded. In fact, in June of 2020, we increased our policy budget by 13 percent, and we also instituted the reforms. What we are seeing is a huge criminal case backlog because during Hurricane Harvey many of our courts were taken offline. Then, of course, during COVID many of our courts were taken offline. Now we have seen a proliferation of guns all over the place. When you add all those elements in, even with increasing the police budget, crime has gone up.

Ms. BASS. So, gun reform would be helpful then, huh?

Mr. TURNER. Absolutely. No question.

Ms. BASS. Thank you. Thank you.

I think my time is up.

Ms. JACKSON LEE. The gentlelady's time has expired.

It is now my pleasure to yield 5 minutes to the gentleman Mr. Massie.

Mr. MASSIE. Thank you, Madam Chair.

Mr. Abt, can you talk to us about the linkage between literacy or high school graduation rates and juvenile delinquency or incarceration?

Mr. ABT. I think there might be some, some correlation. I have to say that literacy is not the most important thing when you are talking about violence reduction. What you are talking about are individuals who are deeply disconnected from education, deeply connected to the criminal justice system. You need this sort of all-hands-on-deck approach for those individuals.

Literacy generally, of course, is extremely important, but it is not central to violence reduction.

Mr. MASSIE. How is education correlated, or why did they lose interest or become disconnected from the educational system?

Mr. ABT. This is a, this is a grand debate in violence reduction. When we talk about root causes, accesses to opportunity, poverty, inequality, other things like that, these are all correlated with rates of violent crime. Obviously, they are connected.

In terms of what yields the most direct, measurable, and concrete outcomes in terms of saving lives this year, next year, the following year, you have to focus on where the problem is concentrated. So, obviously, we need massive investments, I believe, in education housing, educate—literacy and these other things.

They are not a substitute for the immediate interventions that we need right now.

Mr. MASSIE. Thank you.

Mr. Lehman, can you speak to this topic? Is it just a correlation or is there causation between lack of literacy or lack of high school diplomas, graduation, tied to incarceration rates or juvenile delinquency?

Mr. LEHMAN. I can't, I think, make any sounder claims that Mr. Abt, although I agree with everything he said. Certainly, the complexity of handling, the question of handling the root causes of an offender, risk of offending. He is right that those individuals who take up the overwhelming majority of criminal justice resources in terms of frequency of offense the primary problem is not just access to education, it is not just any one particular vector.

So, I think certainly there is a correlation. I think that there are many other levers that one could pull other than education, even while saying education is very important in general in society.

Mr. MASSIE. So, according to the National Adult Literacy Survey, 70 percent of all incarcerated adults cannot read at a fourth-grade level. I think there is probably more than just correlation. I think there is some causation there.

If literacy corresponds to access to better jobs, to higher-paying jobs, then obviously, income levels are tied to crime as well. The lack of opportunity, as you mentioned, is a factor.

Mayor Turner, how long were your schools shut down during COVID?

Mr. TURNER. They were shut down, I believe, starting in April of 2020, through the rest of that academic year. I think in the following academic year they started, they reopened. We encouraged them all to reopen.

Mr. MASSIE. Do you think the lack of the educational opportunity or the number of people who sort of tuned out maybe at the high-school senior level, or maybe at the third-grade level is going to have any effect on crime in your city?

Mr. TURNER. Well, I tie education and opportunity together. If people are falling behind and not getting what they need from an educational point of view, it certainly puts them at a disadvantage and reduces the number of opportunities that are made available. It could lead to increased crime.

I think the more people that receive education, the better they will be. I do think it is one of the deterrents to crime.

Mr. MASSIE. I think one of the worst policies that was adopted during the last two years in terms of trying to mitigate COVID was

taking a set of our citizens, our kids, and depriving them of educational opportunities, in some cases for two years. This is going to have a long tail. This will affect crime.

This is, this is going to create a pandemic of lack of opportunity because these kids, a lot of them have dropped out. They are not going to be literate. They are going to be behind in every category, not just literacy but basic math, basic civics. I think it is a tragedy. I think the people who caused this need to be called to answer, and they need to own up for what they have created and their contribution to crime in this country by depriving our kids of an education.

I yield back.

Ms. JACKSON LEE. The gentleman yields.

Ms. Scanlon, Pennsylvania.

Ms. SCANLON. Thank you, Madam Chair.

Mr. Abt, you mentioned in your testimony that ATF data indicates that gun sales have soared during the pandemic. For thousands of guns sold in 2020, the time to crime was six months or less.

Can you explain what that means?

Mr. ABT. Sure. A huge number of guns were legally purchased during the pandemic. Actually there was a 64 percent increase from the year before.

The time to crime is the time from when a gun is legally purchased to the time it shows up in a crime scene and the commission of a crime. That measurement is usually a long time. The average was 8.3 years in 2019. It fell to 7 years in 2020. The reason is because a surprisingly large number of guns went from the legal market into the Black market, into the hands of criminals, within six months. In fact, that share, that share of guns increased by 90 percent.

Ms. SCANLON. So, is it fair to say that the increased access to guns has played a role in the rise in violent crime in recent years?

Mr. ABT. I think it is a reasonable conclusion. If you look at the ATF data and then you look at what the local police data is showing in city after city after city where you are seeing surges in the illegal carrying of firearms, it is hard not to put the two together.

Ms. SCANLON. In your testimony, you mentioned a study that was done in Philadelphia in which the restoration of blighted and vacant lots was associated with a reduction in violence and crime. In other words, investing in neighborhoods to remove trash and restore vacant lots was associated with a reduction in violence.

Can you talk about this type of place-based crime prevention strategy?

Mr. ABT. Absolutely.

Place-based strategies that address blight, add streetlights, change foot and car traffic patterns, among other tactics can be effective in reducing crime and violence. As you noted, in Philadelphia, removing trash, seeding land, and planting trees in vacant lots is associated with a 17 percent increase in—decrease, excuse me, in violent crime.

In New York City, installing temporary streetlights reduced nighttime crimes by 36 percent.

So, these place-based crime prevention tactics can work.

Ms. SCANLON. So, as we encourage localities to adopt evidence-informed strategies to reduce violence, can you talk about how the Federal government can support these efforts by funding technical assistance, training, and information sharing opportunities?

Mr. ABT. Absolutely.

One of the key powers that the Federal government has in this space, because crime fighting is primarily a local exercise, is its grant-making power. That just doesn't—that doesn't just mean handing over dollars to localities to do whatever they want. It means specifically funding these evidence-informed strategies that have been proven to work.

As you noted, funding the training and technical assistance so that we have sound implementation of these things.

Finally, I would note that one of the biggest challenges, long-term challenges to our violence reduction efforts is the lack of good data. It's not sexy, but it is incredibly important. We need to massively invest in our criminal justice data systems and help our local police agencies collect better data if we are going to be more effective over the long run.

Ms. SCANLON. In the remaining time, your testimony mentioned that overheated political rhetoric has presented the public with a false choice between absolutes, whether it is Black Lives Matter vs. Blue Lives Matter, that one has to choose between responsible community law enforcement and chaos. Most Americans know that is a false choice.

They know it from their own common sense and personal experience, that effective violence reduction efforts require law enforcement and working with community partners to make sure we have safety and justice for everyone.

Can you talk about how this divisive rhetoric, pitting Americans against each other rather than looking for solutions, hurts efforts to reduce violence?

Mr. ABT. Sure. You can look to the research which shows that there is a number of "soft on crime interventions" that are effective.

You can look at the evidence that shows that a number of targeted but tough interventions are also effective.

You can look at the fact that there is no city in the United States that has either arrested its way out of violence or simply programmed its way out of violence.

Or you can just look to the experience of law enforcement practitioners all over the country like myself. I have never been involved in an anti-crime effort that was successful if it didn't have strong collaboration. It never happens. We need to promote at the national level a collaborative atmosphere so that we can actually let the people on the ground work across silos and get the job done.

Ms. SCANLON. Thank you. My time has expired. I yield back.

Ms. JACKSON LEE. The gentlelady's time has expired.

I am now recognizing Mr. Jordan for 5 minutes.

Mr. JORDAN. Thank you, Madam Chair.

The previous colleague just talked about overheated political rhetoric. I would say the most overheated political rhetoric in this area has been defund the police, that slogan. That is certainly not coming from, from our side of the, of the aisle.

Mr. Lehman, let me just ask you this. This is where I was with my opening statement earlier. Just common-sense things.

When you defund the police should you be surprised when you get more crime?

Mr. LEHMAN. Broadly speaking, no. I would expect a reduction in police funding to result in, be associated with increase in crime.

Mr. JORDAN. Yeah, I think every American is there.

When you don't prosecute bad guys should you be surprised when you get more crime?

Mr. LEHMAN. Depending on the definition of bad guys, no. Certainly, I think there are margins on which we could prosecute less, and there are margins on which we should probably prosecute more. Particularly with the heinous, serious, or repeat offenders, if you decline to prosecute them you just expect them to continue to do what they have been doing.

Mr. JORDAN. Yeah.

When political leaders and leaders in the media say that rioters and looters, people who destroy buildings, attack police officers, and take property, when rioters and looters are called peaceful protesters, should we be surprised if that leads to an increase in crime?

Mr. LEHMAN. I would be surprised if it led to a large scale or longer running increase in crime. It certainly would contribute to sort of a decaying social norms. I think in the short run it almost certainly places pressure on civilian law enforcement authorities to spend less of their time and energy on responding to violence, responding to the rioting, sort of to give up a police precinct for example, as happened in Seattle.

So, certainly it is a margin type matter in some specific cases.

Mr. JORDAN. Yeah. If police aren't going to respond, they are just going to let it happen, doesn't that send a message that I can get away with that in the future as well?

Mr. LEHMAN. Sure. Absolutely.

Mr. JORDAN. I mean, that is exactly what happened the entire summer of 2020.

What about bail reform, the left's bail reform efforts? When you have that kind of bail reform, should you be surprised when you get more crime?

Mr. LEHMAN. Well, that depends on what the bail reform does. The ability to get bail is not necessarily the best predictor of ability of risk of re-offending or risk of flight. Moving away from cash bail is not totally crazy.

That said, how you define and design it matters a lot. If as, for example, in New York State, judges are unable to remand people on the basis of their risk to the community, that is a pretty poorly designed bail reform implementation in my opinion.

Mr. JORDAN. Yeah.

Mr. LEHMAN. If you are erring against keeping dangerous prisoners, dangerous criminals behind bars, it is a bad way to do it.

Mr. JORDAN. I guess, I always come from the messages sent. So, if you have fewer cops on the street, I don't know how anyone cannot conclude that is going to result in more crime.

If you are, if you are letting bad guys out and not having the type of bail we have traditionally had, you are not prosecuting vio-

lent criminals and other people who break the laws, if you are telling people that you can take up to \$1,000 in merchandise and not get prosecuted for that, I don't know how that doesn't contribute to more crime.

Mr. LEHMAN. Yeah. It almost certainly contributes. The question comes down to where it contributes and how it contributes. I think it is almost certainly the case. Some jurisdictions in California have seen an increase in shoplifting, some jurisdictions in California have not seen an increase in shoplifting. We tend to blame that either on progressive prosecution, or on California's changes to the felony threshold.

We see similar changes in other jurisdictions that do not lead to larger cases of shoplifting. My suspicion is in that case there's exceptional factors, prosecutorial strategies and lenience, and the felony threshold all contribute to an environment in which shoplifting is easier to do, the costs of shoplifting are lower.

Mr. JORDAN. Yeah.

I think that's an example of exactly what we are talking about. If you ratchet back the capacity of the criminal justice system, you should expect that the margin, that the people who are most likely to offend will offend more.

Mr. JORDAN. Yeah, of course. I guess I always start from the premise I don't—in my mind bad guys aren't stupid. I mean, they are just bad. So, if they see, oh, we are not going to be prosecuted. We can go shoplift and not be prosecuted, there are less cops on the street, when the rioters and looters were called peaceful protesters, in that environment I don't know how that doesn't contribute to more crime. That is exactly what we see.

Isn't crime up in just about every major urban area, particularly violent crime?

Mr. LEHMAN. Specifically violent crime. We also see large increases in motor vehicle theft, other kinds of property offenses, although not all property offenses. Yes, in general.

By the way, those kinds of offenses are telling me, specifically shootings and homicides because it is concentrated among the most crime-prone populations,—

Mr. JORDAN. Right.

Mr. LEHMAN. —people who are getting into these.

Mr. JORDAN. Yeah. I yield back.

Ms. JACKSON LEE. Thank you for your questioning.

Mr. Cicilline, you are now recognized for 5 minutes.

Mr. CICILLINE. Thank you. Ms. Deberry and Ms. Richardson, you both observe that crime is up across the country irrespective of the political affiliation of the political leadership, the victims of crime, or the part of the country, that this is a problem that is occurring across the country. Is that right?

Ms. DEBERRY. That is correct.

Mr. CICILLINE. Ms. Richardson?

Ms. RICHARDSON. Yes.

Mr. CICILLINE. Okay. So, it seems to me you also both spoke about root causes of crime. You talked about things like, of course, the pandemic, mental health, housing, healthcare, stress on families, and resources for police.

So, my question to both of you, if there was a piece of legislation called the American Rescue Plan, and you were serious about responding to crime, and it provided significant investments in mental health, and in healthcare, and in housing, and also 380 or 350 billion dollars that was available for our police departments, would you say that kind of legislation would actually be an effective response, and someone who was serious about doing something about crime would support that? Is that fair to say?

Ms. DEBERRY. That's fair to say.

Mr. CICILLINE. Ms. Richardson?

Ms. RICHARDSON. Yes.

Mr. CICILLINE. Would it surprise you to learn that every single Republican in the entire House of Representatives, despite the speeches, and as Mr. Tiffany said, the lip service, voted against exactly those strategies?

So, I say to you, Ms. Brame, I really express my condolences for your loss. You deserve a serious conversation about what we can do to support safer communities rather than the kind of fear you have gotten, unfortunately, from some of my colleagues.

So, I really want to talk about gun violence and, specifically, ghost guns, which seem to be a growing problem. This is where firearms are untraceable and can be easily built at home from a gun kit. They are appearing in crimes across this country.

So, Mr. Deberry, I will begin with you. What problems do ghost guns create for law enforcement responding to gun crimes? How are they a threat to public safety? What should we do about it?

Ms. DEBERRY. Well, I would say ghost guns are certainly an evidentiary problem in the prosecution of violent crime. Homicides and shootings are the most complicated cases to prosecute. They are very dependent on physical evidence. The fact that physical evidence and ability to trace that physical evidence to a particular defendant, it is difficult to prosecute that.

I would say that what we need is, certainly, tougher gun laws and the ability to background check for anybody who buys a gun, and red flag laws, and other things that would make sure that guns only land in the hands of people who are trained to use them, and people that the police can trace those guns back to, and not in the hands of young people.

Mr. CICILLINE. Thank you.

Mr. Abt, understanding that law enforcement alone cannot solve the problems of violence and violent crime—and, as I say, when I was mayor my chief always said that the partnership with the community is such a central part of their work—what policing practices, such as hotspot policing or targeted interventions, are you finding the most effective at responding to violent crime?

Would you speak some to the role of the relationship between the community and the police in terms of trust and how effective that is as a tool to fight violent crime in our communities?

Mr. ABT. Absolutely. First, I just want to echo your observation about the Institute for the Study and Practice of Nonviolence and their collaboration with the Providence Police Department. It is well-known to us in the violence reduction field, and it was, and it remains successful.

Look, in terms of the role of improving confidence and trust in the criminal justice system, it is pretty simple: Prosecutors and police need evidence to hold gun offenders accountable. If people don't trust law enforcement, then they won't talk to you, and they won't testify in court.

It is not surprising that in the most violent cities we see the worst police-community relationships, and also the lowest homicide clearance rates. So, reforms to policing and other parts of the justice system, if they improve that trust, if they restore that confidence, that will ultimately lead to lower crime rates.

That is why we need to control crime and to make reasonable reforms to the system at the same time. We don't need to abolish or defund the police. We do need to help them improve.

Mr. CICILLINE. Thank you. You know what, I take a lot of pride in the work that was done in my State and my city, some of the best police departments in the country who really invested in becoming fully integrated in the community, and serve on housing boards and YMCA boards, and became trusted, respected Members of the community so that victims of crime, witnesses to crime have comfort in sharing information with the police.

So, I thank you for that. Thank you for recognizing the Institute. I yield back.

Ms. JACKSON LEE. Time has expired. Thank you for your questioning.

Now, I am pleased to yield 5 minutes to the Congresswoman from Missouri, Congresswoman Bush, the Vice Chair of this Subcommittee.

The Congresswoman is recognized for 5 minutes.

Ms. BUSH. St. Louis and I thank you, Chair Jackson Lee, for convening this important hearing.

What too many of my colleagues do not want us to talk about, what they don't want us talking about is that as they trip over each other rushing to see lies and right-wing talking points about police funding, they are saying nothing about the rise of violence by the police. Even after millions of people marched in our streets demanding an end to police brutality, there were only 15, one five, 15 days in 2021 in which police officers didn't kill someone. Last year broke the record for police killings in this country, 1,055 deaths by law enforcement. That is likely an undercount.

In Missouri, Black people are almost five times more likely to be killed by police compared to White people. Year after year, despite increases in police budgets, St. Louis has led the country in police killings per capita.

Police violence is so pervasive, many Black and marginalized people avoid calling the police when they are undergoing some of the most difficult emergencies.

I came to Congress to save lives. I will not back down from that, no matter what some of my colleagues on this Committee say. So, let's get the truth of what health-informed and evidence-based public safety needs to look like.

In St. Louis, our community has taken meaningful steps to transform public safety as a public health issue. Last year we started a 911 diversion program that has diverted mental health-connected violence, drug overdose, and trespassing calls to licensed

and trained practitioners. Before it started, there were few options for people in crisis: A trip to the emergency room, spending a night in jail, or receiving no help at all.

In the almost one year since implementation, our 911 diversion program answered nearly 700 calls with 75 percent not resulting in a response by law enforcement. The program saved, saved 2,000 hours of police and EMS time. At the same time, despite no increases in the local police budget, homicides and gun assaults also fell, fell back down by more than 25 percent.

These are the kinds of programs that have saved lives in St. Louis, in Denver, in Eugene, Oregon, and in communities across our country. So, when some of my colleagues try to tell you that transforming public safety, that would mean when you call 911 no first responder will answer, that is a lie.

When there is an emergency and you need help, no one will show up; that is what they tell you, but that is a lie.

When they tell you that the police need military grade weapons and equipment, like MRAP, to keep us safe, that is a lie.

I want us to build a future where communities don't fear for our lives when we call for help. I want trained professionals to come and help when you are undergoing a mental health crisis without fear of death. That is what I will continue to champion.

It is for this reason that I introduced H.R. 4914, the People's Response Act, to ensure that the Federal government is supporting our cities, supporting States, and community-based organizations and launching and scaling, scaling up our public health alternatives to policing. Let's make sure this is the truth that we are talking about today.

So, Mr. Abt, can you provide examples of noncarceral, community-based intervention programs that have been successful in curbing community violence?

Mr. ABT. Absolutely.

Cognitive behavioral therapy, also known as CBT, can teach high-risk individuals to manage emotions, address conflicts, and think ahead to avoid criminal or violent behavior.

In Chicago, one CBT program reduced arrests for violent crimes among youth by half, while another reduced shooting and homicide arrests among high-risk individuals by 80 percent.

We have talked a lot about the community violence strategies known as cure violence or street outreach. By my count, there has been approximately four or five evaluations that are positive and showing positive effects of that intervention. There's one or two that are showing negative effects.

So, the balance of the evidence is in favor of those programs.

We also talked about placement-based crime prevention.

We haven't talked about hospital-based violence prevention, which is another promising strategy.

Again, I think we have to stop having this either/or conversation. The police need to be at the table. The community needs to be at the table. Service providers need to be at the table. We all need to work together.

Ms. BUSH. Thank you, Mr. Abt.

I agree that to achieve community safety we need to prioritize fully funded programs and services that are proven to work. I im-

plore my colleagues on this Committee to support the People's Response Act with deep respect.

Thank you. I yield.

Ms. JACKSON LEE. The time of the gentlelady has expired. Thank you so very much.

It is now my privilege to yield 5 minutes to the gentlelady from Texas, Ms. Escobar. Thank you for your patience.

Ms. ESCOBAR. Thank you so much, Madam Chair. I would like to express my gratitude to all our panelists who are sharing their wisdom with us today.

To Ms. Brame, wanted to express my sincerest condolences on the loss of your child. I cannot imagine.

This is such a critical hearing and such an important conversation. It is deeply unfortunate that we have colleagues on the other side of the aisle who use opportunities for real solutions-based policy, use these opportunities instead for their performance politics.

I am so fortunate. I represent El Paso, Texas. El Paso is on the U.S.-Mexico border, but it has also been one of the safest communities in America for decades. I believe much of that is the result of community-based policing, and much of what has been discussed today in terms of really looking at a holistic approach to addressing crime and troubling increases in crime.

One of the things, though, that I think is important to look at is the research. As you talked about earlier, so important to look at the research. So, I want to examine two key factors today.

First, let's look at research that demonstrates that, that when we invest in families and communities that plays a positive role in addressing crime. That means investing in healthcare, in pre-K, making sure that we are creating green spaces, that we have summer jobs programs, et cetera.

The second component of keeping communities safe is looking at the role that guns play. We know that since 2020, more Americans have been buying guns at a rate unlike what we have seen in prior years. Those guns, no doubt, are playing a serious role in the lack of safety in communities. In fact, it is not just impacting communities across the country, but it is impacting our military.

Last week I participated in an Armed Services Committee hearing where we talked about servicemember suicide. What was key in that? It was access to guns. These are not government-provided guns, these are guns that serviceMembers are now easily able to buy in communities.

Now, despite these facts, despite knowing that if you invest in people, families and communities, that increases safety, and that by limiting access to guns, making sure they don't get into the wrong hands, that increases safety, what are my Republican colleagues' strategies? More guns and fewer programs to support families.

That is not just bad policy, it is not just failed policy, it is not just making us less safe, but it is policy that is actually deadly. That is the Republican strategy.

Mayor Turner, I want to ask you, because you are a mayor in the State of Texas, since permitless carry became law you stated earlier that you have seen crime increase. Can you tell me what you are hearing on the ground in your community, especially from

law enforcement, since guns became so readily and easily accessible in Texas?

Mr. TURNER. Based on the testimony that was given before the legislature, before H.B. 1927 was passed, warning legislators that if they passed the bill it will lead to more crime, violence, and not just against people in the communities but even against law enforcement itself, it seemed as though what they warned against has turned out to be true.

H.B. 1927 went into effect on September 1st of last year. There are a lot more guns on the street. There are people who I hear with these guns, no license, no permit, and no training. It has just it has exacerbated already a bad problem that existed within our cities.

Ms. ESCOBAR. Thank you, Mayor Turner. It proves the research is true: When more guns are on the street, homicides go up.

Mr. Abt, a really quick question in my remaining 20 seconds.

If we were to turn down the volume, look at holistic solutions, and stop creating an either/or situation, could America solve its crime problem?

Mr. ABT. I think we absolutely can meaningfully reduce violence in America if we could get the political consensus around the programs, studies, and policies that work. We know what to do. We just need the political will to do it.

Ms. ESCOBAR. We look at the research. Thank you so much.

Madam Chair, I yield back.

Ms. JACKSON LEE. Thank you. The gentlelady's time has expired. Thank you.

Now, I am pleased to recommend and to recognize the gentleman from Tennessee, Mr. Cohen, for 5 minutes.

Unmute, Mr. Cohen. We want to hear you.

Mr. COHEN. Thank you so much.

Ms. JACKSON LEE. Thank you.

Mr. COHEN. I appreciate and thank, appreciate the hearing and the Witnesses.

A comprehensive approach to combating crime is essential. That includes not only increasing funding for police and law enforcement, but also other strategies that help reduce violence in our communities. Sometimes that is balancing funds and balancing programs.

Mayor Turner, the sentiment behind One Safe Houston plan was an express recognition that we aren't simply going to police our way out of the increase in crime that we have seen. The police do play a vital role in addressing that crisis.

Can you expand on the importance of a holistic approach to public safety, sir?

Mr. TURNER. Thank you. I appreciate that question.

There is no one strategy that is going to effectively reduce crime. It must be holistic. So, in One Safe Houston we are adding more police, more active boots on the ground in overtime, more park rangers. We are utilizing more technology to augment our men and women on the police, on the police force.

We have the gun buy-back program. Too many guns, so we are doing that. We will look at and will measure the effectiveness of that particular program.

Then, at the same time, we are investing \$21 million in our crisis intervention because police can't do it all. So, we are addressing mental behavior, health issues, substance abuse, and homelessness.

Domestic violence has doubled since 2019, so we are putting \$10 million into the domestic abuse response program. That's been lauded by many people even in this area.

On the community side, we have to work with them. Community messengers' program to help build back trust between the community and law enforcement. We are investing in our summer youth program with a goal of adding, providing 15,000 summer jobs this summer.

So, it takes all that, Congressman, to make it work. So, we are adding more to police but, at the same time, we are investing in the community because they have to be on the same page fighting crime. Can't be either/or. It has got to be law enforcement and community establishing that trust, and everybody working to bring down crime in our cities.

Mr. COHEN. Thank you, Mayor Turner.

Let me ask you this. Do you know, have you had an opportunity to use some of that \$350 billion that was made available through the American Rescue Plan, the largest investment ever by the Federal government in helping communities hire police?

Mr. TURNER. The answer is yes. The cost of the One Safe Houston plan that I announced in February, a month ago, is \$45 million, separate and apart from the summer youth program. Every one of those dollars, those \$45 million, are coming from the American Rescue plan. For the ARPA funding, we would not be able to fund police, add the technology, provide more park rangers, address the crisis intervention, have our community partners at the table.

If you took those dollars away, police would fall short, and we would fall short. So, let me thank Congress for the \$45 million that we are using on the One Safe Houston strategy.

Mr. COHEN. Thank you, Mayor Turner.

I am sure you know that Congresswoman Jackson Lee, and Congressman Green, and Congressman Garcia all voted to that as to the Democratic Caucus. None of our Republicans that like to scream about, I think five or six Members of our caucus who talked about defunding the police, less than 2 percent of our caucus, none of the Republicans voted for that money, the largest investment ever in police and policing.

So, thank you, Mayor Turner.

Also, thank you for the Houston Cougars not playing as good as they could have and allowing the Tigers to have another win.

Mr. TURNER. Thank you, sir.

Mr. COHEN. You have a great team and a great coach.

Chief Garcia, what do you think about community policing and how that can help in this situation?

Chief GARCIA. Thank you for the question, sir.

One of the things that always heartens me, I have been doing this job for 30 years, getting police inside the process is something that law enforcement has been involved in since day one. It's really being part of the community, ensure that the community are working with them. Which is what every honorable law enforcement of-

ficer, particularly in Dallas and the rest of this country, does every day.

It is reaching out. It is ensuring that they know and see us in a time of non-trauma, as well as solving a problem, as well as making sure that they are not fearful, ensuring that their kids feel safe walking the street, ensuring that they feel safe coming home from work. So, humanizing each other through that process.

That we can do a good, a well enough job where individuals can see us through the uniform, see us as brothers, sister, fathers, wives, husbands, and we see our community in the same fashion. Again, having that mindset while at the same time ensuring that they are safe and ensuring that the criminal element is not there to hurt them are not mutually exclusive.

So, again, the concept is not new. We just need to continue to work with them.

Mr. COHEN. Thank you, Chief.

As I understand it, you have promoted accountability in your department to better protect and build trust with the community. Have the reforms, like increased accountability measures and deeper training practices enhanced the effectiveness of your program at all?

Ms. JACKSON LEE. The time of the gentleman has expired.

You will be happy to have the Chief answer in writing, Mr. Cohen?

Mr. COHEN. Yes. I would look forward to that. Thank you, Chair.

Ms. JACKSON LEE. Thank you for your wonderful questions. Thank you so much.

Mr. Biggs, do you have any closing comments?

Mr. BIGGS. I do. I just have a few, Madam Chair, if that is all right.

Ms. JACKSON LEE. There are some airplane dates that you need to be cognizant of. So, if you can abbreviate them.

Mr. BIGGS. Oh.

Ms. JACKSON LEE. Airplane dates of Witnesses.

Mr. BIGGS. Oh, okay. I will go fast. That is right.

Ms. JACKSON LEE. Yes, please.

Mr. BIGGS. I will go fast.

Just wanted to say thanks to all the Witnesses, particularly Ms. Brame, who had to leave earlier because she had a work commitment. She wanted me to express her gratitude that she was able to testify.

I will just, I will submit additional documents for the record, then, Madam Chair. I will give you that list offline. Appreciate that.

Then I will, in deference to our Witnesses who need to leave, I will yield to you.

Ms. JACKSON LEE. Thank you. I think one of them is Mr. Abt.

Let me thank the Republican colleagues for their participation in this hearing. Again, we acknowledge the loss of our colleague and continue to offer prayers to his family.

Let me, as I thank the Witnesses, Mr. Abt, I am just going to get you in an abbreviate marathon response.

You heard the discourse here today. Some were confused about defund, reimagining. I think this was a perfect hearing, if I might

say, on the question of what happened to use during COVID? Why are we in the midst of this surge of violence? Why do we not seem to find a common ground on guns instead of using the Second Amendment.

Can you just succinctly say that the value of accountability, trust, and the idea of looking for ways to bring down crime creatively, the mental health crisis, and the way that we have heard Mayor Turner speak of is a pathway that you think can work?

Mr. ABT. Yes. Thank you. Thank you for the question.

I think it is clear from the testimony, both from the Democratically-called Witnesses and the Republican-called Witnesses, that there is common ground here. That if we work collaboratively funding both law enforcement and community-based approaches, we can be successful.

Ms. JACKSON LEE. I think that should be the heading of the hearing and, as well, it should be the closing of the hearing.

I want to thank Chief of Police Garcia from Dallas, Texas.

Mr. Abt, thank you.

Mayor Turner, thank you for bringing the national and local perspective together and for showing us what is really working in Houston. To the people of Houston, I offer to them my commitment to continue working for those final solutions which I know we can achieve.

Madam Satana Deberry, thank you for the leadership you are giving in the District Attorney's Office.

Ms. Richardson, please thank the National Urban League for your work.

Again, we are sorry for the loss of Ms. Brame, and want her to know that we are concerned for her as well.

Mr. Lehman, thank you again for the presentation that you made.

With that in mind, this concludes today's hearing. Thank you to our distinguished Witnesses for attending.

Without objection, all Members will have 5 legislative days to submit additional written questions for the Witnesses, or additional materials for the record. We will look forward to that.

The hearing is now adjourned.

[Whereupon, at 2:01 p.m., the Subcommittee was adjourned.]

APPENDIX

PROCEEDINGS

1 THE COURT CLERK: No. 16 on the Tap A calendar,
2 Indictment No. 3916 of 2018, Mary Saunders.

3 Appearances, please.

4 MS. TROY: For the People, Jessica Troy.

5 MS. HARDY: Kathleen Hardy, Legal Aid Society for
6 Ms. Saunders. Also with....

7 MS. SAMPEUR: Jane Sampeur, S-A-M-P-E-U-R.

8 Good afternoon, everybody.

9 THE COURT: Good afternoon.

10 We put this on for another bail application,
11 correct?

12 MS. HARDY: Yes.

13 THE COURT: All right.

14 Let me see counsel, and I'll hear you on that.

15 (Discussion held off the record.)

16 (Record resumed.)

17 THE COURT: **We had a conference at the bench. This**
18 **matter is on for a bail application. The Court has reviewed**
19 **counsel's submission as well as we discussed that at the**
20 **bench, but let me first hear from counsel. As I said, I**
21 **have reviewed your submission so you can just summarize your**
22 **submission, what your request is.**

23 MS. HARDY: Yes, Judge. I will briefly summarize
24 what I've already asked for in the previous submission as
25 well as the first bail application that was made in this

PROCEEDINGS

1 case.

2 Judge, we are requesting that the Court set
3 monetary bail in the amount of \$12,000 cash with a
4 personally secured bond of \$120,000 with ten percent cash
5 down or an unsecured bond in any amount. And in addition to
6 that we're asking for electronic monitoring as soon as it
7 becomes available, surrender our client's passport, a
8 curfew, a restriction on her travel and as well as a
9 requirement that she be working.

10 Briefly, Judge, my client is not a flight risk.
11 She turned herself in twice on this case. On the morning
12 after this incident, she went to her job and got a message
13 that the police were looking for her. She went directly to
14 the police station and cooperated with the police. She was
15 released. For ten days, she did not hear anything; and as
16 soon as she was contacted again by the police she
17 surrendered herself a second time.

18 A second reason that she's not a flight risk, your
19 Honor, is her family. She has two children, Christopher and
20 Shiann (phonetic). I'm sorry, Christian. I said
21 Christopher. I apologize, Judge. She's involved with every
22 facet of their lives. And in the video that we submitted to
23 the Court there are three educators attesting to the fact
24 that our client is very involved parent; that she is
25 constantly at the school; that she has been involved in

PROCEEDINGS

1 organizing after school classes on her own for Computer
2 Science as well as other involvement. She also takes care
3 of her mother and her sister.

4 Finally, Judge, she is employed and has been we've
5 been told by her employer he intends to keep her job open
6 for her.

7 I know the Court has looked at all of the letters
8 that we have submitted to her.

9 THE COURT OFFICER: Yes, I have.

10 MS. HARDY: And, finally, Judge, in terms of the
11 individualized determination of what is the appropriate bail
12 in this case, our client and her family do have \$12,000 cash
13 that they could make in this case.

14 So I would just close by saying that the idea that
15 she would fail to return and flee abandoning her children or
16 her stepmother is not consistent with the person who's
17 described in this video, and the conditions that the defense
18 has set forth are sufficient to ensure her return to
19 court.crime.

20 THE COURT: All right. People.

21 MS. TROY: Your Honor, I'm going to ask that the
22 bail that was put in place at the last bail hearing by
23 Judge Ward in the amount of \$250,000 cash be maintained. We
24 also request, your Honor, to set a \$500,000 insurance
25 company bond or \$750,000 partially secured surety bond.

PROCEEDINGS

1 Your Honor, we do not dispute that Ms. Saunders has
2 not get a criminal record at this time. We do not dispute
3 that she hasn't been in trouble or that she's been employed
4 or that she has a family.

5 Judge, it is not a minor point, however, that she
6 was involved in a gang assault and a brutal murder. While
7 she's facing 25 years to life on the murder and even if
8 she's only convicted of gang assault, she's still facing
9 five to 25 on that. This is an extremely brutal, very
10 serious crime. And as your Honor is aware it's all captured
11 on video. Judge, we feel this is a strong case, and that
12 the individual's exposure is very significant. And that as
13 a result of that she poses a flight risk.

14 Your Honor, I understand that the video and the
15 letters that were written on Ms. Saunders' behalf are
16 compelling, but at the same time the People have to remain
17 cognizant of the flight risk that's presented here simply
18 because of how serious a case this is and what this
19 individual is facing.

20 And, Judge, you know, I would just point out that
21 in the video which I know your Honor reviewed Ms. Saunders
22 is clearly on this video. She's clearly part of the
23 incidents that lead up to this gang assault. Her brother is
24 very clearly brandishing a weapon. It's very clear on the
25 video that he repeatedly stabbed the decedent in this case.

PROCEEDINGS

1 The decedent was stabbed 11 times. And for all of that
2 Ms. Saunders very clearly participates, punches and kicks
3 the victim, and as the victim is trying to flee and escape
4 the situation she's running after him and tries to catch
5 him, continues to chase him across --

6 THE COURT: I've seen the video.

7 MS. TROY: -- the street.

8 So, your Honor, we strongly object to any bail
9 being set that's lower than the \$250,000 cash the Judge has
10 already set.

11 THE COURT: We've conferenced this case. It's been
12 submissions on this case which the Court has reviewed, and
13 the Court must do an individualized determination under the
14 rubric of the new law because the next adjournment would be
15 after the effective date of that law. Counsel is correct.
16 It's a different analysis under the new law or the restraint
17 following that analysis.

18 The People are correct. The crime is a very
19 serious crime, and the video is actually one of the clearest
20 videos I've seen. It's a compelling video, and it does show
21 Ms. Saunders' involvement. It's serious. And her exposure
22 as a result of that is serious, and that is a factor that
23 the Court can consider.

24 On the other hand, the Court must also consider her
25 history and her activity. And this is her first arrest, and

PROCEEDINGS

1 she as a family. The Court is very compelled that there are
2 very significant, collateral consequences to a minor and
3 slightly older child. There's disruption in both their
4 education as a result of this tension, and that is
5 concerning to the Court and I think a factor that the Court
6 can and should consider. It also goes to the risk of flight
7 to avoid prosecution.

8 So for those and other reasons based on the record
9 presented to the Court the Court will modify the bail. This
10 is a qualifying offense, and a very serious offense; but
11 bail will be set in the amount of \$120,000 insurance company
12 bond, \$120,000 personally secured surety bond with a ten
13 percent collateral, two financially responsible obligors,
14 and a 72-hour surety order with respect to that surety bond
15 or a \$25,000 cash alternative. Those are the three forms of
16 bail.

17 In addition, the Court will set certain
18 non-monetary conditions that the Court finds unnecessary to
19 ensure her return and also part of the least restrictive
20 alternative which, of course, is the analysis. There will
21 be a 9:00 p.m. curfew unless there is a work or
22 school-related event that requires altering that curfew, and
23 that could be done on permission of the Court. She's not to
24 travel outside of New York City again except on permission
25 of the Court, and that permission will be granted on an

PROCEEDINGS

1 as-needed basis. But it must be compelling work or
2 family-related reason, and it must only be on prior
3 permission from the Court. And she must surrender her
4 passport. It should be surrendered to the People during the
5 pendency of this case.

6 And counsel represented that she can resume her
7 employment. There's one of the letters that's from one of
8 the managers I think. So that would be an additional
9 condition that she maintains that or some type of employment
10 while she's out.

11 Anything further? What is the next date, People?

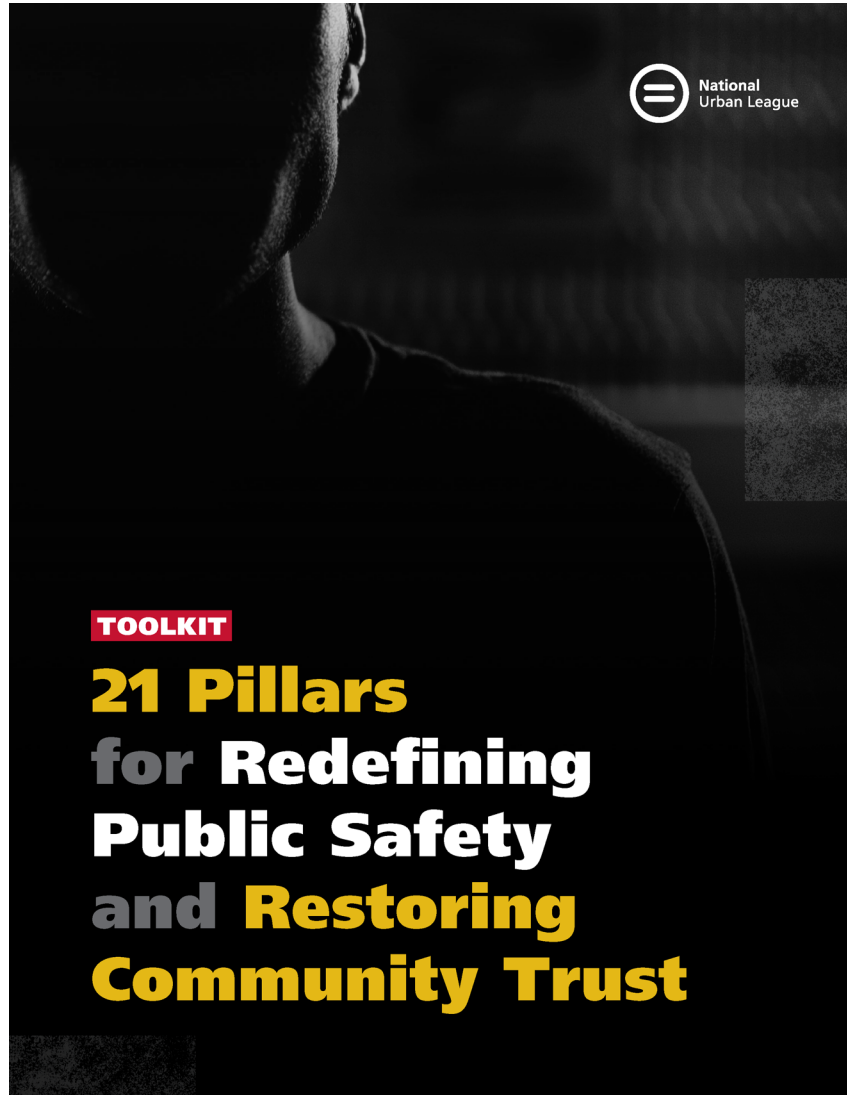
12 MS. TROY: Judge, we have a DNA report, and I have
13 requested file to get it over to the defense. Judge, I
14 think it would be best for all of us to put this on for a
15 control date.

16 THE COURT: Another control date in January.
17 January 15th for control.

18 * * * * *

CERTIFIED TO BE A TRUE AND
ACCURATE TRANSCRIPT OF THE
PROCEEDINGS.

21 _____
22 SARAH MAXEY
23 SENIOR COURT REPORTER
24
25



ABOUT EQUITABLE JUSTICE & STRATEGIC INITIATIVES

The National Urban League's Equitable Justice & Strategic Initiatives Division (EJSI) was created in response to the social justice uprising of 2020 to lead our efforts in areas of civic engagement, census and redistricting, voting rights, criminal justice reform, ending gun violence, combating extremism, and more. Under the leadership of our President and CEO Marc H. Morial, EJSI was established in September 2020 and quickly mobilized League resources to respond to the need to increase the National Urban League's advocacy on justice issues on the national, state, and local levels.

Equitable Justice & Strategic Initiatives Division Team



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Contents

4	Letter From National Urban League President & CEO
5	About the Toolkit
6	Preamble
8	<u>Theme 01: Collaborate with Communities to Build a Restorative System</u>
10	Examples of State and Local Action
11	<u>Theme 02: Accountability</u>
13	Examples of State and Local Action
14	<u>Theme 03: Change Divisive Police Policies</u>
16	Examples of State and Local Action
17	<u>Theme 04: Require Transparency, Reporting & Data Collection</u>
19	Examples of State and Local Action
20	<u>Theme 05: Improve Hiring Standards & Training</u>
21	Examples of State and Local Action
22	Sample Law Enforcement Policies
23	Sample Legislation
24	National Urban League Affiliates
26	References
30	Appendix

LETTER FROM NATIONAL URBAN LEAGUE PRESIDENT & CEO



In 2020, fissures in American policing erupted and the public demanded attention and action to end injustice. The National Urban League developed its *21 Pillars for Redefining Public Safety and Restoring Community Trust*, offering a path forward for meaningful change that affirms that Black Lives Matter.

The acquittal of Trayvon Martin's murderer in 2013 gave rise to the Black Lives Matter movement. Since then, thousands of Americans have died at the hands of police with Black people six times more likely to be killed. We need answers. We need relief.

When police officers killed George Floyd and Breonna Taylor, the world rallied and marched in protest and in solidarity, seeking an end to the senseless loss of Black lives at the hands of those sworn to protect and serve. The murder conviction of officer Derek Chauvin delivered personal accountability for one officer's behavior. Now, we seek justice by redefining the systems that encourage that behavior.

The Pillars are for the community, by the community. Our framework has been developed with deep engagement with our network of 91 affiliates, as well as activists, political leaders, public safety experts, advocates, and legislators. I am proud to share that our Pillars reject the status quo of policing of old and reimagine a national public safety standard that transforms safety culture in a systematic way.

Five key themes outline the change we need and are explained throughout this booklet. We encourage you to use this comprehensive framework as a blueprint for your advocacy on the local, state, and national level.

- 01 Collaborating with communities to build a restorative system
- 02 Demanding accountability
- 03 Changing divisive policing policies
- 04 Requiring transparency, reporting and data collection
- 05 Improving hiring standards and training

The National Urban League cannot fully realize its mission and vision amid the current state of policing. The effects of unjust policing often reverberate beyond the criminal justice system, undermining social progress. We created the *21 Pillars for Redefining Public Safety and Restoring Community Trust* to present firm and straight-forward solutions that can guide us to a future where public safety allows all people to feel safe.

Marc H. Morial
President & CEO
National Urban League



ABOUT THE TOOLKIT

The killings of Breonna Taylor, George Floyd, Daniel Prude and more had a catalyzing effect on the nation, and the world in 2020. Their legacies sparked the social justice uprising of a generation. We expressed our demands for justice through protests and rallies in the street, through grassroots organizing, and through virtual and social media teach-ins. We all took part in a long-overdue national discussion about systemic racism and police violence—from the streets to corporate boardrooms to the halls of law and justice. Our conversations revealed justice requires equity, and equity requires accountability. The *21 Pillars for Redefining Public Safety and Restoring Community Trust* address each of those needs.

Policing in America is, and has always been, a primary entry point to the criminal justice system, particularly for Black men and people of color. The system of old has clear links to slavery, the Black Codes and Jim Crow laws. The system is now represented by police brutality and mass incarceration. Policing in America has been synonymous with public safety, only for some in this country. However, now is the time to support the bold notion that all people should feel safe in their homes and communities, and that the public safety system reflects the needs of all.

For too long communities around the nation, particularly Black communities, have had their lives, safety, and freedom threatened by discriminatory and violent policing tactics, followed by a punitive criminal-legal system. Violent divisive practices are permitted in many police departments. Furthermore, we have very little data on the amount of harm caused by police, instead we rely on the chance officers have functioning body-worn cameras. When incidents do occur, we consistently learn of red flags after the fact—an officer was previously terminated from another department, this is not their first questionable use of lethal force, or they have a clear bias against Black and brown people. Eventually, officers who unnecessarily severely injure or kill often escape accountability and the nation is left grappling with our system. We find no redress in the courts, families and communities are left grieving, and the officer in question remains a police officer. This system must be re-envisioned.

This Toolkit serves as a resource for organizers and community leaders on the local, state, and national levels to elevate our movement of protest to policymaking. We believe that by providing resources and model legislation and policies, and by elevating the solutions already underway, we can support community leaders, activists, and elected officials in their efforts to redefine public safety and restore community trust.

The 21 Pillars are intended to serve as a policy menu where you identify what would best work in your community. Each reform included is not ideal for each community, and some communities have already addressed some of the reforms. Community discussion and activation is critical here. We suggest you review the 21 Pillars and prioritize what would best serve your state or community and devise your plan of action accordingly.

The 21 Pillars are organized into five themes. For each theme, the Toolkit identifies relevant examples of state and local action taking place. The final section of this Toolkit includes sample legislation and police policies from around the country that can be helpful where you are.

The current system of policing is working as designed, and it is working against us. It must be transformed and redefined. We believe this Toolkit will prove valuable as you push for transformational change in your community.

If you have any questions about this toolkit or want assistance or support for your reform efforts, please contact the National Urban League's Equitable Justice & Strategic Initiatives team at equitablejustice@nul.org.

Jerika Richardson
SVP, Equitable Justice & Strategic Initiatives
National Urban League

Preamble

The National Urban League's **21 PILLARS** is a comprehensive framework for advocacy that redefines public safety and restores community trust—paving a way beyond the status quo. Our forward-thinking plan centers on five key themes that are fundamental to the protection and preservation of life, dignity, and trust, while also building safer communities.

We recognize that, first and foremost, community trust must be restored for true change to occur through truth, reconciliation, and empowerment (Theme 01). Community trust goes hand-in-hand with accountability for those who have a duty and authority to protect and serve (Theme 02). We must work from the inside out to redesign public safety by uprooting divisive policing policies (Theme 03). Finally, though we recognize that change takes time, it also takes attention to detail and learning. Therefore, we advocate for transparency, reporting standards, and data collection (Theme 04). Standards for hiring, evaluation, and promotions in public safety must be refined and enhanced. (Theme 05). Public safety must be transformed, structurally and fundamentally.

For too long the lives, safety, and freedom of communities around the nation, particularly Black communities, have been threatened by discriminatory and violent policing. Our communities deserve to feel safe in their homes, in their cars, and on their streets, including safe from police violence. The 21 Pillars is a vision of what is possible—a path forward. Public safety must be re-envisioned.

The effects of unjust policing often reverberate beyond the criminal justice system, undermining social progress. The 21 Pillars take a holistic approach to public safety, the restoration of trust between communities and law enforcement, and a path forward for meaningful change. We encourage you to utilize our framework as a tool for your advocacy work on the ground—from grassroots organizing, to the legislative halls of government in cities and states, to the U.S. Capitol.

Since 1910, the National Urban League has promoted economic empowerment and equity through education and job training, housing and community development, workforce development, entrepreneurship, health, and quality of life. Yet social parity, economic empowerment, and civil rights cannot be achieved in a world of unjust policing. Our *21 Pillars for Redefining Public Safety and Restoring Community Trust* present solutions that will move us closer to a world where community safety is real, and not aspirational.

Key Themes

- 01 COLLABORATE WITH COMMUNITIES TO BUILD A RESTORATIVE SYSTEM**
- 02 ACCOUNTABILITY**
- 03 CHANGE DIVISIVE POLICING POLICIES**
- 04 REQUIRE TRANSPARENCY, REPORTING, & DATA COLLECTION**
- 05 IMPROVE HIRING STANDARDS & TRAINING**

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Collaborate with Communities to Build a Restorative System

Theme **01**



The first theme addresses the core of policing: public safety must serve the people. Currently, the system inspires safety for some and doubt for others. This theme aims to lift the veil, to expose the truth about policing in America, to empower communities to engage richly in the policymaking process, and to lay the groundwork for community reinvestment. Find the truth: identify the bad policies. Expose the truth: engage with the public to address them. Resolve the truth: new policy must replace old policy to move on from the status quo.

PILLAR 01

EMPOWER COMMUNITIES TO RE-ENVISION PUBLIC SAFETY IN AN EQUITABLE AND JUST WAY

Truth and Reconciliation: Find justice for over-policed communities by studying the complex and long history of racism and policing in the United States and leveraging findings to draw policy that [reconciles the past with the present and future](#).¹

Reinvest in our communities by supporting and funding asset-based approaches such as [cure violence model program](#)² and [restorative justice](#)³ programs, and social services that build upon existing assets and that address fundamental needs, including stable and safe housing, food, and job insecurity. Reinvest in our communities by supporting and funding the expansion of, and equitable access to, an excellent education; and substance misuse and mental health and wellness services.

Change the culture of law enforcement response to crises by reorganizing response units.

Establish [public safety innovation grants](#) for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just, and equitable public safety approaches.⁴



PILLAR 02

END BROKEN WINDOWS POLICING AND IMPLEMENT COMMUNITY POLICING MODEL

Decriminalize and/or establish diversionary programs for low-level offenses, including drug possession, public intoxication, loitering, jaywalking, disorderly conduct, and sex work. [Shift police time](#) and public resources from these arrest-focused activities.⁵

Emphasize prevention and problem-solving over [ticket and arrest quotas and criminalization](#).⁶

Reimagine evaluation metrics for officers to focus ratings on community engagement, community feedback, and social service referral, in addition to safety and case resolution metrics.

Require collaboration with community members on decision-making, implementation, and evaluation of recruitment and hiring, training, and all departmental policies, practices, and priorities.

Establish community solutions by [conditioning federal funding](#) to state and local law enforcement.⁷

**PILLAR 03****PROHIBIT PROFILING BASED ON RACE, ETHNICITY, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, OR IMMIGRATION STATUS**

Codify antidiscrimination policies at the state and local level.⁸

Require the development of written bias-free policing policies with community input that provide guidance on [bias-free policing](#),⁹ implicit bias, cultural competency, and [procedural justice](#).¹⁰ The policies must include [actual as well as perceived personal characteristics](#).¹¹

[Condition federal funding](#) to state and local law enforcement to adopt policies to combat and discourage racial, religious, and discriminatory profiling.¹²

PILLAR 04**ADDRESS THE NEEDS OF INDIVIDUALS EXPERIENCING MENTAL HEALTH CRISES**

Invest in [comprehensive crisis response programs](#) that are responsive to overlapping public health and safety concerns.¹³

Establish state and local mental health and wellness advisory groups, staffed by safety personnel, social workers, and mental health providers.

Require [crisis intervention](#) and de-escalation training for all officers, first responders, and public-facing staff.¹⁴

Theme

01

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 2: ENDING BROKEN WINDOWS POLICING AND CODIFYING SOCIAL EQUITY

Colorado: Passed [legislation](#) to legalize marijuana. The legislature later passed the "[Marijuana Social Equity Bill](#)" intended to support cannabis businesses owned by people who qualify as social equity licensees, primarily people most impacted by the drug war. Decriminalizing low level crimes that do not threaten public safety are one way to begin the process of ending broken windows policing.

New York: Passed [legislation](#) to legalize marijuana that creates a social equity program designed to allocate business licenses to people and families harmed by marijuana enforcement. The bill's equity policy would also allocate tax revenues generated by the new marijuana industry to fund community grants and community health programs.

MUNICIPAL ACTION

PILLAR 1: REALLOCATING FUNDS FROM POLICE FOR COMMUNITY

Milwaukee, Wisconsin: [LiberateMKE](#), a coalition of 25 civil rights and advocacy groups in Milwaukee, is working to reallocate city resources and increasing funding for summer jobs for young people, affordable quality housing and nonviolence prevention.

PILLAR 1: TRAINING INITIATIVES

Multi-City Efforts: The [National Initiative for Building Community Trust and Justice](#) is a six-city effort to promote equitable and just policing by implementing officer training on procedural justice and implicit bias and developing a reconciliation process designed to address community distrust and historical tensions between police and communities. The project is taking place in Stockton, CA, Pittsburgh, PA, Minneapolis, MN, Gary, IN, Fort Worth, TX, and Birmingham, AL.

PILLAR 4: NON-POLICE CRISIS INTERVENTION

Eugene and Springfield, Oregon: The [Cahoots \(Crisis Assistance Helping Out on The Street\)](#) program in Eugene and Springfield Oregon is a mobile crisis intervention team designed as an alternative to police response for non-violent crisis. Their services include substance abuse, housing crisis, and conflict resolution and mediation.

Accountability

We must hold our agents of public safety and the system to which they belong to a high standard of public accountability. For us, that means holding individual officers accountable in the court of law for behavior that violates their oath and finding justice by changing the culture that promotes or encourages dangerous patterns and practices. Theme 02 uproots the culture from the outside-in. You'll see later that Theme 03 uproots the culture from the inside-out.



PILLAR 05

◀ HOLD POLICE ACCOUNTABLE IN COURT

End **qualified immunity** for law enforcement. Close the open legal questions that shield officers from accountability when they violate a civilian's constitutional rights.¹⁵

Amend the federal criminal statute to change the mens rea requirement in federal law—**18 U.S.C. Section 242**¹⁶—from “willfulness” to a “recklessness” standard to allow appropriate prosecution of an officer.

Make it a crime for a federal law enforcement officer to engage in a sexual act with an individual who is under arrest, in detention, or in custody. **Prohibit consent** as a defense to prosecution for unlawful conduct. Incentivize states to set the same standards.¹⁷

PILLAR 06

▶ PREVENT POLICE UNION CONTRACTS FROM BLOCKING ACCOUNTABILITY

Remove all **disciplinary matters** from the scope of **police union contract negotiations**.¹⁸

Require community representation at police union contract negotiations.

At the state level, repeal “**Police Bill of Rights**” laws.¹⁹

Stop **police union influence** over politics by limiting political contributions from police unions.²⁰

OFFICERS FIRED FOR MISCONDUCT FROM 2006 TO 2017 THAT WERE REHIRED ON APPEAL



Source: Washington Post reporters requested the names of officers who were terminated and those who were reinstated after they contested their firings through arbitration or other appeals from 2006–2017.

PILLAR 07**INVESTIGATE POLICE MISCONDUCT**

Appoint fair and impartial [special prosecutors](#) to investigate police misconduct.²¹

Fully utilize the use of [pattern and practice investigations](#) of police departments. Grant the Department of Justice (DOJ) Civil Rights Division subpoena power and enhance funding for such investigations.²²

Establish a DOJ task force to coordinate the investigation, prosecution, and enforcement efforts of federal, state, and local governments in cases related to law enforcement misconduct.

On the state level, create a grant program for state attorneys general to develop authority to conduct independent investigations into problematic police departments.

PILLAR 08**CREATE OR STRENGTHEN INDEPENDENT ALL-CIVILIAN COMMUNITY-BASED REVIEW BOARDS WITH FINAL AUTHORITY**

Create diverse [community-based review](#) boards that receive, investigate, and resolve all civil complaints of police misconduct.²³

Require all review boards, police departments, and other law enforcement agencies to abide by a [uniform discipline matrix](#) with standardized penalties.²⁴

Ensure boards have adequate funding and subpoena and [administrative prosecutorial powers](#) that will enable them to investigate complaints, advise on needed policy changes, and serve as the final determinant on officer discipline thoroughly and independently.²⁵

Theme 02 | EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 5: ENDING QUALIFIED IMMUNITY

Colorado: Passed [legislation](#) effectively ending qualified immunity at the state level by allowing individuals to sue officers in state court, if those officers violate the Colorado Constitution's Bill of Rights or "fail to intervene" when those rights are violated. The Acts states that qualified immunity is not a defense to officer liability.

PILLAR 6: REPEAL OFFICER BILLS OF RIGHTS

Maryland: The state was the first to [repeal](#) its Law Enforcement Officer's Bill of Rights Law. Other jurisdictions are also considering similar measures.

PILLAR 7: STATES ATTORNEYS GENERAL STEPPING IN AS SPECIAL PROSECUTORS

Minnesota: In the murder trial for former police officer Derek Chauvin, Minnesota Attorney General Keith Ellison [led the prosecution](#) rather than the local county prosecutor. Derek Chauvin was convicted of second-degree murder.

New York: Passed [legislation](#) giving the New York state Attorney General the ability to investigate and potentially prosecute incidents when a person dies in custody or after an encounter with a police officer.

MUNICIPAL ACTION

PILLAR 5: ENDING QUALIFIED IMMUNITY

New York City, NY: New York City Council passed [legislation](#) ending qualified immunity on the municipal level by establishing a local right to be free from excessive force and unreasonable searches and seizures and also allowing individuals to sue police for the deprivation of that right, while stating "qualified immunity or any other substantially equivalent immunity" will not shield officers from responsibility.

PILLAR 6: RENEGOTIATING POLICE UNION CONTRACTS

Austin, Texas: The [Austin Justice Coalition](#), a racial justice advocacy group in Austin led a grass-roots organizing campaign and [participated](#) in the negotiation of the police union contract between the City Council and the police union. This pressure resulted in the City Council voting against the proposed police union contract due to concerns over accountability.

PILLAR 7: DEPARTMENT OF JUSTICE PATTERN OR PRACTICE INVESTIGATION

Seattle, Washington: In December 2010, the ACLU of Washington and 34 other civil rights and community-based organizations [requested](#) that the Civil Rights Division of the Department of Justice investigate whether the Seattle Police Department has engaged in a pattern or practice of violations of civil rights by using unnecessary and excessive force against residents. In March 2011, the Department of Justice [launched](#) an investigation.

PILLAR 8: POLICE REVIEW BOARDS

Detroit, Michigan: The [Detroit Board of Police Commissioners](#) is comprised of 11 members, 7 of which are elected by the people of Detroit. The Board is empowered with subpoena, disciplinary, and policy review authorities.

New York, NY: The [New York City Civilian Complaint Review Board](#) has independent prosecutorial powers that were used and led to the administrative firing of Daniel Pantaleo, the officer who killed Eric Garner.

Change Divisive Police Policies

Theme **03**

Policing culture is codified by the statutes, policy manuals, patrol guides, and attitudes that encourage it. Theme 03 changes the rules that dictate how the agents of public safety behave. Limit use of force. Remove police from schools. Take away the tanks, armor, and weapons meant for war. End the culture of civil forfeiture. Theme 03 uproots the culture from the inside-out.



PILLAR 09

REVISE USE OF FORCE POLICIES

Require that **deadly force** be used only as a last resort.²⁶

Require officers employ verbal and non-verbal **de-escalation techniques**²⁷ in all circumstances with the goal of preventing or minimizing uses of force, and only use force that is necessary under the circumstances and **proportional** to the threat.²⁸

Change the standard to evaluate whether law enforcement use of force was justified from whether the force was "reasonable" to whether the force was "necessary."

Condition grants on state and local law enforcement agencies establishing the same use of force standard.²⁹

PILLAR 10

BAN CHOKEHOLDS, NO-KNOCK WARRANTS & SHOOTING AT MOVING VEHICLES

Ban the following uses of force: **chokeholds and carotid holds, no-knock warrants, and shooting at moving vehicles**.³⁰

Condition law enforcement funding for state and local governments banning chokeholds and carotid holds, no-knock warrants, and shooting at moving vehicles.³¹




PILLAR 11

ELIMINATE POLICE FROM SCHOOLS

Break the **school-to-prison pipeline** by removing police officers from schools in deep and ongoing consultation with students, teachers, and families.³²

Train all building staff to be able to **de-escalate and handle disruptive behavior** in school, including administrative staff, custodial staff, and paraprofessionals.³³

Staff schools with appropriate human and social service professionals such as counselors, youth development specialists, social workers, mental health and wellness practitioners, community interventionists, and **restorative justice coordinators**.³⁴



PILLAR 12

DEMILITARIZE THE POLICE FORCE

Limit the [transfer of military-grade equipment](#) to state and local law enforcement and encourage the return to the federal government military equipment already received.³⁵

[Restrict local and state police departments](#) from purchasing or utilizing military weapons.³⁶

PILLAR 13

BAN CIVIL ASSET FORFEITURE

Prohibit law enforcement from [seizing property and cash](#) from an individual unless the person is convicted of a crime and the state establishes by clear and convincing evidence that the property is subject to forfeiture.³⁷

Stop permitting and incentivizing local and state police to engage in civil asset forfeiture by ending the federal [Equitable Sharing program](#).³⁸

Theme

03

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 10: BANNING NO KNOCK WARRANTS

Maryland: Passed [legislation](#) restricting no-knock warrants, banning chokeholds, restricting circumstances when officers can shoot at a moving vehicle and establishing a state-wide use of force standard.

PILLAR 12: DEMILITARIZING LOCAL POLICE

Montana: Passed [bipartisan legislation](#) blocking law enforcement from receiving weaponized drones or aircraft, grenades, silencers, and armored vehicles and requires police to notify the public before purchasing (with state/local funds) any item.

PILLAR 13: ENDING CIVIL ASSET FORFEITURE

New Mexico: The state [legislature](#) unanimously passed a bill ending state's civil asset forfeiture program. When the city of Albuquerque failed to comply, an Albuquerque resident filed a federal lawsuit against the city and U.S. District Judge [ruled](#) the practice unconstitutional causing Albuquerque to end its civil asset forfeiture program.

MUNICIPAL ACTION

PILLAR 9: POLICE DEPARTMENT MANUAL CHANGES

Seattle, Washington: The Seattle police department [manual](#) requires officers utilize [de-escalation tactics](#) that take communication, time, distance, and shielding into consideration and only use force that is objectively reasonable, necessary, and proportional to the threat or resistance.

PILLAR 10: BANNING NO KNOCK WARRANTS

Louisville, Kentucky: The Metro Council unanimously passed "[Breonna's Law](#)," an ordinance banning no-knock warrants.

PILLAR 11: ELIMINATING POLICE FROM SCHOOLS

Oakland, California: Led by the efforts of the [Black Organizing Project](#), the city of Oakland School Board unanimously passed the [George Floyd Resolution](#). The Resolution eliminates the Oakland School Police Department and reinvests its \$6 million budget into a new safety plan focused on supporting students and fighting the school-to-prison pipeline.

Require Transparency, Reporting & Data Collection

Theme 04

Theme 04 acknowledges the reality that we need data to make lasting changes to our systems. Our country has 18,000 police departments and no national data collection standard for how police behave in our communities. We envision a public safety system that collects data on police misconduct and use-of-force, collects and analyzes video and audio evidence, audits police budgets, and serves as a check for the privacy concerns of the community. This data will inspire the policy changes of the future.

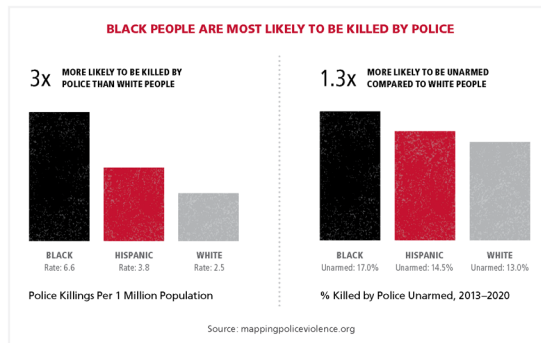
PILLAR 14

COLLECT DATA ON POLICE MISCONDUCT AND USE-OF-FORCE

Create and audit a national [citizen database of complaints against police](#), which examines patterns in complaint investigations, including patterns in the quality of investigations, findings, and discipline rendered.³⁹

Develop a [national police misconduct registry](#)⁴⁰ that includes [use of excessive force](#),⁴¹ racial profiling, sexual assault, assault, perjury, falsifying a police report, and planting or destroying evidence, to prevent problematic officers who are fired or leave one agency from moving to another jurisdiction without any accountability.

Require the Attorney General to collect data on investigatory actions and detentions by federal law enforcement agencies, the racial distribution of drug charges, the [use of deadly force](#) by and against law enforcement officers, and traffic and pedestrian stops and detentions.⁴²





Pillar 14 (cont.)

Mandate uniform FBI reporting and audit of lethal force incidents involving any law enforcement officer.⁴³

Require state and local law enforcement agencies to report use of force data, disaggregated by race, sex, disability, religion, and age.⁴⁴

Pillar 15

▲ MANDATE USE OF DASHBOARD AND BODY-WORN CAMERAS AND PROVIDE ACCESS TO FOOTAGE

Require all federal police officers to wear functioning body-worn cameras and all federal law enforcement vehicles to have functioning dashboard cameras.⁴⁵

Create uniform and national standards for the use and activation of body-worn and dashboard cameras, and direct access to footage for relevant prosecutorial and oversight bodies.

Prohibit footage tampering and unauthorized access to recorded footage.⁴⁶

Require state and local law enforcement to use existing federal funds to ensure the universal use of police body-worn and dashboard cameras.

Pillar 16

CONDUCT FINANCIAL AND OPERATIONAL AUDITS OF POLICE DEPARTMENTS

Require regular and publicly available audits covering operations, budget, management, staffing structures, and policies and procedures.⁴⁷

Pillar 17

REQUIRE TRANSPARENCY AND COMMUNITY INPUT WITH PREDICTIVE POLICING, FACIAL RECOGNITION AND ANY NEW TECHNOLOGIES

Mandate community input and independent assessment of potential biases before law enforcement deploys any predictive policing or facial recognition technology, and require community input on the implementation of any policing technologies.⁴⁸

Ensure policing technologies' impact on privacy concerns is in accordance with constitutional safeguards.

Theme

04

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 14: DISCLOSING POLICE MISCONDUCT

New York State: Led by the efforts by [Communities United for Police Reform](#), New York state repealed [Section 50-a](#) of the state Civil Rights Law and allowing the public disclosure of police officers misconduct records under public records laws.

California: Passed [legislation](#) requiring records to be released when officers are found to have committed certain types of misconduct, including sexual assault and use of force.

PILLAR 15: BODY-WORN CAMERA DISCLOSURES

New York State: State Attorney General Letitia James [announced](#) that her office will expedite and proactively release (in advance of any request) police BWC footage in all cases of law enforcement misconduct investigated by her office.

PILLAR 17: BANNING FACIAL RECOGNITION SOFTWARE FOR POLICE DEPARTMENTS

Virginia: Passed [legislation](#) banning local law enforcement and campus police departments from using facial recognition technology.

MUNICIPAL ACTION

PILLAR 14: DISCLOSING POLICE MISCONDUCT

Chicago, Illinois: In Chicago, the nonprofit Invisible Institute launched the [Citizens Police Data Project](#), a database of citizen complaints against Chicago police officers. Pillar 15: Body-worn Camera Disclosures

Washington, D.C.: The Washington D.C Council passed an [emergency resolution](#) that mandates public release of all body-worn camera recordings of the D.C. Metro Police within five days.

PILLAR 17: BANNING FACIAL RECOGNITION SOFTWARE FOR POLICE DEPARTMENTS

San Francisco, California: The San Francisco Board of Supervisors passed the ["Stop Secret Surveillance" ordinance](#) which bans the purchase and use of facial recognition technology by city personnel, requires city departments to submit surveillance technology policies for public vetting, and requires city agencies to get city approval before purchasing other kinds of surveillance technologies, such as automatic license plate readers and camera-enabled drones.

Improve Hiring Standards & Training

Theme **05**



Our public safety system is only as strong and representative as the agents it employs. We deserve high quality officers who meet and exceed high standards and reflect the communities that they serve. It's simple: good officers should be honored and promoted. Those who abuse the public trust, should not. Public safety departments should prove that they are effective by seeking periodic accreditation and should be required to maintain accreditation to ensure their policies keep their communities safe. Theme 05 completes the feedback loop for redefining public safety and restoring community trust.

PILLAR 18

ADOPT A NATIONAL POLICE ACCREDITATION SYSTEM

Adopt and implement a [national police accreditation system](#) with evidence-based conditions of accreditation.⁴⁹

[Condition law enforcement funding](#) for local and state governments on jurisdictions meeting accreditation requirements.⁵⁰

PILLAR 19

EXPAND THE NATIONAL DECERTIFICATION INDEX

Track all decertified police officers and officers who have been fired or resigned due to police misconduct by expanding the [National Decertification Index](#) to cover all law enforcement agencies and include officers who have been fired or resigned due to police misconduct.

Require [the use of the National Decertification Index](#) in making hiring decisions to prevent officers who have been fired or resigned due to misconduct from being [rehired in another jurisdiction](#).⁵¹

[Condition law enforcement funding](#) for local and state governments on jurisdictions using and contributing to the Index.⁵²

PILLAR 20

STRENGTHEN POLICE HIRING STANDARDS AND IMPROVE TRAINING TO BUILD INTEGRITY AND TRUST

Develop police recruiting and [hiring standard recommendations](#) that include comprehensive work and criminal history, and encourage other checks such as polygraph tests and psychologist interviews.⁵³

Invest in periodic and rigorous [police training](#) that emphasizes the preservation of life and includes training in peer intervention, crisis intervention or critical response training, de-escalation and use of force training, [procedural justice](#),⁵⁴ and implicit bias training.⁵⁵

PILLAR 21

INCREASE DIVERSITY & EQUITY IN BOTH THE LEADERSHIP AND RANKS OF LOCAL, STATE & FEDERAL LAW ENFORCEMENT

Create a workforce that contains a [broad range of diversity](#) including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.⁵⁶

Implement best practices for recruitment, training, and outreach to improve the diversity as well as the cultural and linguistic responsiveness of law enforcement agencies.

Theme 05 | EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 20: MAINTAINING POLICE PERSONNEL RECORDS

Pennsylvania: Passed [legislation](#) requiring each department to maintain “separation records” for all law enforcement officers who leave a police department. The separation record must include circumstances surrounding employee’s departure, any criminal charges, and complaints against an officer. All state law enforcement hiring must review a candidate’s “separation record” in its review of the candidate.

MUNICIPAL ACTION

PILLAR 20: TRAINING PROGRAMS

Oakland, California: Oakland (CA) Police Department requires procedural justice and police legitimacy [training programs](#) for every police officer. The course focuses solely on understanding the impacts of poor treatment of community members and giving officers practical principles to inform how they treat the community.

Chicago, Illinois: The National Initiative for Building Community Trust & Justice worked with Chicago Police Department’s Education and Training Division to develop a three-day [procedural justice training program](#) for law enforcement that addresses the theory and implementation of procedural justice as well as the role implicit bias plays in police-community interactions.

PILLAR 21: DIVERSITY IN HIRING AND PROMOTION

New York City, NY: The New York City Mayor Bill DeBlasio signed the [“Diversifying NYPD Senior Leadership” executive order](#) requiring that the New York Police Department conduct a meaningful interview of at least one qualified applicant for each open position who is of a race that is underrepresented in senior positions.

Sample Law Enforcement Policies

The appendix contains sample law enforcement policies covering use of force, de-escalation principles, and racial profiling

Camden County New Jersey: Use of Force Policies

The Camden County Police Department use of force policy only authorizes deadly force as a last resort and requires officers use force proportional to the circumstances.

► [Use of Force Policies](#)

Seattle Police Department Manual: Use of Force Policies

The Seattle Police Department manual requires that police officers use minimum amount of force and provides specific guidelines for the types of force and tools authorized for a given level of resistance. The manual also includes a separate de-escalation policy which requires officers use de-escalation tactics and details factors officers should consider.

► [Use of Force Core Principles](#)

► [Use of Force: De-Escalation](#)

New York Police Department: Departmental Policy Prohibiting Racial Profiling and Bias-Based Policing

The New York Police Department prohibits actual or perceived race, color, ethnicity, or origin from being used as a motivating factor for any law enforcement action.

► [NYPD Racial Profiling Policy](#)

Sample Legislation

The appendix contains sample legislation covering police discipline and accountability, body-worn cameras, use of force, de-militarization, and facial recognition technology.

Maryland Police Accountability Act of 2021

Police Discipline and Law Enforcement Programs and Procedures (HB670)

Summary: Repealing the Law Enforcement Officers' Bill of Rights; prohibiting a police officer from preventing a citizen from recording the officer's actions if the citizen is otherwise acting lawfully and safely; establishing the Maryland Loan Assistance Repayment Program for Police Officers and the Maryland Police Officers Scholarship Program; requiring the Police Training and Standards Commission to take certain actions in response to violations of a certain Use of Force Statute; requiring each county to have a police accountability board; etc.

Body-Worn Cameras, Employee Programs, and Use of Force (SB71)

Summary: Requiring certain law enforcement agencies to require the use of body-worn cameras by July 1, 2023, for each law enforcement officer that regularly interacts with the public; requiring a certain body-worn camera to automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button; requiring each law enforcement agency to establish a certain system to identify police officers who are at risk of using excessive force and to provide appropriate responses to reduce the risks; etc.

Surplus Military Equipment and Investigation of Deaths Caused by Police Officers (SB600)

Summary: Prohibiting a law enforcement agency from receiving certain equipment from a program operated by the federal government for the transfer of surplus military equipment; requiring a law enforcement agency to notify the Independent Investigative Unit in the Office of the Attorney General of an alleged or potential police-involved death of a civilian by a certain time; establishing the Independent Investigative Unit in the Office of the Attorney General to investigate alleged or potential police-involved deaths of civilians; etc.

Search Warrants and Inspection of Records Relating to Police Misconduct (HB178)

Summary: Requiring that an application for a certain no-knock search warrant be approved in writing by a police supervisor and the State's Attorney; requiring a certain no-knock search warrant to be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances; requiring a certain custodian to allow inspection of certain records by certain persons; providing that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a personnel record for certain purposes; etc.

Montana Police Military Equipment Law 2015

This **Act** establishes standards and limits for local law enforcement acquisition and use of certain equipment and requires a local law enforcement agency to provide public notification.

City of Somerville Ban On Facial Recognition Technology 2019

This **city ordinance** bans facial recognition technology.

NATIONAL URBAN LEAGUE AFFILIATES

Akron, Ohio
Akron Community Service Center
& Urban League

Alexandria, Virginia
Northern Virginia Urban League

Alton, Illinois
Madison County Urban League

Atlanta, Georgia
Urban League of Greater Atlanta

Aurora, Illinois
Quad County Urban League

Austin, Texas
Austin Area Urban League

Baltimore, Maryland
Greater Baltimore Urban League

Battle Creek, Michigan
Southwestern Michigan Urban League

Binghamton, New York
Broome County Urban League

Birmingham, Alabama
Birmingham Urban League

Boston, Massachusetts
Urban League of Eastern Massachusetts

Buffalo, New York
Buffalo Urban League

Canton, Ohio
Greater Stark County Urban
League, Inc.

Charleston, South Carolina
Charleston Trident Urban League

Charlotte, North Carolina
Urban League of Central Carolinas, Inc.

Chattanooga, Tennessee
Urban League of Greater
Chattanooga, Inc.

Chicago, Illinois
Chicago Urban League

Cincinnati, Ohio
Urban League of Greater
Southwestern Ohio

Cleveland, Ohio
Urban League of Greater Cleveland

Columbia, South Carolina
Columbia Urban League

Columbus, Georgia
Urban League of Greater Columbus, Inc.

Columbus, Ohio
Columbus Urban League

Denver, Colorado
Urban League of Metropolitan Denver

Detroit, Michigan
Urban League of Detroit
& Southeastern Michigan

Elizabeth, New Jersey
Urban League of Union County

Elyria, Ohio
Lorain County Urban League

Englewood, New Jersey
Urban League for Bergen County

Farrell, Pennsylvania
Shenango Valley Urban League

Flint, Michigan
Urban League of Flint

Fort Lauderdale, Florida
Urban League of Broward County

Fort Wayne, Indiana
Fort Wayne Urban League

Gary, Indiana
Urban League of Northwest
Indiana, Inc.

Grand Rapids, Michigan
Grand Rapids Urban League

Greenville, South Carolina
Urban League of the Upstate, Inc.

Hartford, Connecticut
Urban League of Greater Hartford

Houston, Texas
Houston Area Urban League

Indianapolis, Indiana
Indianapolis Urban League

Jackson, Mississippi
Mississippi Urban League

Jacksonville, Florida
Jacksonville Urban League

Jersey City, New Jersey
Urban League of Hudson County

Kansas City, Missouri
Urban League of Greater Kansas City

Knoxville, Tennessee
Knoxville Area Urban League

Las Vegas, Nevada
Las Vegas-Clark County Urban League

Lexington, Kentucky
Urban League of Lexington-
Fayette County

Little Rock, Arkansas
The Urban League of the State
of Arkansas

Long Island, New York
Urban League of Long Island, Inc.

Los Angeles, California
Los Angeles Urban League

Louisville, Kentucky
Louisville Urban League

Affiliates (cont.)

Madison, Wisconsin Urban League of Greater Madison	Philadelphia, Pennsylvania Urban League of Philadelphia	Stamford, Connecticut Urban League of Southern Connecticut
Memphis, Tennessee Memphis Urban League	Phoenix, Arizona Greater Phoenix Urban League	Tacoma, Washington Tacoma Urban League
Miami, Florida Urban League of Greater Miami	Pittsburgh, Pennsylvania Urban League of Greater Pittsburgh	Tallahassee, Florida Tallahassee Urban League
Milwaukee, Wisconsin Milwaukee Urban League	Portland, Oregon Urban League of Portland	Tampa, Florida Urban League of Hillsborough County, Inc.
Minneapolis, Minnesota Minneapolis Urban League	Providence, Rhode Island Urban League of Rhode Island, Inc.	Tucson, Arizona Tucson Urban League
Morristown, New Jersey Morris County Urban League	Racine, Wisconsin Urban League of Racine & Kenosha, Inc.	Tulsa, Oklahoma Metropolitan Tulsa Urban League
Nashville, Tennessee Urban League of Middle Tennessee	Rochester, New York Urban League of Rochester	Warren, Ohio Greater Warren-Youngstown Urban League
New Orleans, Louisiana Urban League of Louisiana	Sacramento, California Greater Sacramento Urban League	Washington, D.C. Greater Washington Urban League
New York, New York New York Urban League	Saint Louis, Missouri Urban League of Metropolitan St. Louis	West Palm Beach, Florida Urban League of Palm Beach County, Inc.
Newark, New Jersey Urban League of Essex County	Saint Petersburg, Florida Pinellas County Urban League	White Plains, New York Urban League of Westchester County
Norfolk, Virginia Urban League of Hampton Roads, Inc.	San Diego, California Urban League of San Diego County	Wichita, Kansas Urban League of Kansas, Inc.
Oklahoma City, Oklahoma Urban League of Greater Oklahoma City	San Francisco, California Urban League of the Greater San Francisco Bay Area	Wilmington, Delaware Metropolitan Wilmington Urban League
Omaha, Nebraska Urban League of Nebraska, Inc.	Seattle, Washington Urban League of Metropolitan Seattle	Winston-Salem, North Carolina Winston-Salem Urban League
Orlando, Florida Central Florida Urban League	Springfield, Illinois Springfield Urban League, Inc.	
Peoria, Illinois Tri-County Urban League	Springfield, Massachusetts Urban League of Springfield	

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TABLE OF CONTENTS

PURPOSE.....	2
POLICY	2
PROCEDURES	4
CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.....	4
CORE PRINCIPLE #2: Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.....	4
CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.....	5
CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.	8
CORE PRINCIPLE #5: Officers must promptly provide or request medical aid.	9
CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.	9
NOTIFICATIONS REGARDING USES OF FORCE	10
REPORTING REQUIREMENTS & REAL-TIME REVIEW.....	11
INTERNAL AFFAIRS USE OF FORCE REVIEW	13
USE OF FORCE DATA COLLECTION & ANALYSIS	14
TRAINING REGARDING USE OF FORCE.....	15
DEFINITIONS	16

PURPOSE

1. The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of New Jersey regarding the use of force and to comply with the provisions of this directive. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

POLICY

2. This directive applies to all officer uses of force. This directive establishes guidelines for officers with regard to use of force. This directive applies to all uses of force, whether officers are on- or off-duty. This directive complements the Critical Decision-Making model (CDM) that is the core of the Department's use of force training. CDM provides officers with an organized way of making decisions about how they shall act in any situation, including situations that may involve potential uses of force.

3. This directive recognizes constitutional principles, but aspires to go beyond them. The Fourth Amendment requires that an officer's use of force be "objectively reasonable." *Graham v. Connor*, 490 U.S. 386 (1989). Under this standard, an officer may only use force that a reasonable officer would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions that officers are forced to make under rapidly evolving and often unpredictable circumstances, but it does not provide specific guidance on what to do in any given situation.

The Constitution provides a "floor" for government action. This Department aspires to go beyond *Graham* and its minimum requirements. Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this directive is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

The Department's core use of force principles are as follows:

CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.

CORE PRINCIPLE #2: Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

CORE PRINCIPLE #5: Officers must promptly provide or request medical aid.

CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.

4. Officers will be disciplined for violations of this directive. This directive is not intended to create or impose any legal obligations or bases for legal liability absent an expression of such intent by a legislative body, court, or agency. Nevertheless, officers have an affirmative, individual duty to ensure compliance with this directive and with applicable state and federal laws. This applies to the officer's own conduct, as well as observation or knowledge of the conduct by other employees. This directive reinforces the responsibility of officers to take those steps possible to prevent or stop illegal or inappropriate uses of force by other officers. Actions inconsistent with this directive may result in disciplinary action, up to and including termination. At the same time, officers whose actions are consistent with the law and the provisions of this directive will be strongly supported in any subsequent review of their conduct regarding the use of force.

PROCEDURES

CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.

5. Officers *may* use force for the following legitimate law enforcement objectives:

- a. To effect lawful law enforcement objectives, such as to effect a lawful seizure (an arrest or detention) or to carry out a lawful search;
- b. To overcome resistance directed at the officer or others;
- c. To prevent physical harm to the officer or to another person, including intervening in a suicide or other attempt to self-inflict injury;
- d. To protect the officer, or a third party, from unlawful force; or
- e. To prevent property damage or loss.

6. Officers *may not* use or threaten to use force for the following reasons:

- a. To resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement objectives;
- b. To punish a person or to retaliate against them for past conduct or to impose punishment;
- c. To prevent a person from resisting or fleeing in the future;
- d. To force compliance with an officer's request, unless that request is necessary to serve officer or public safety, or criminal adjudication; or
- e. Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

CORE PRINCIPLE #2: Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

7. Officers will use de-escalation and force-mitigation tactics and techniques whenever safe and feasible to do so. It should be every officer's goal to resolve all situations without using force. To make this more likely, officers must use de-escalation and force-mitigation tactics and techniques whenever doing so will not put the officer or another person at undue risk.

- a. Officers will receive substantial training on the Critical Decision-Making (CDM) model, as well as when and how to appropriately use de-escalation and force-mitigation, including but not limited to *Tactical Communication*, *Tactical Positioning*, and *Time as a Tactic*.

8. Officers will provide clear instructions and warnings whenever feasible before using force. Whenever safe and feasible, officers should not use force immediately when encountering noncompliance with lawful verbal directions. Instead, whenever safe and feasible, before using force, officers should:

- a. Provide clear instructions and warnings;
- b. Seek to communicate in non-verbal ways when a verbal warning would be inadequate (such as when the person does not speak English, or is unable to hear or understand warnings);

- c. Indicate the consequences of refusing to comply with a mandatory order, including that force will be used unless the person complies; and
 - d. Give the person a reasonable amount of time to comply.
9. **Officers must consider an individual's mental, physical, or other incapacities.** Officers must, when feasible, consider whether a person's failure to comply with an officer's command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, officers should consider whether specific techniques or resources would help resolve the situation without force.
10. **Officers should not exercise force unless it is necessary and as a last resort.** Officers should exhaust all other reasonable means before resorting to the use of force. Using force only as a last resort means that officers not engage in unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes needed. Using force only as a last resort also means that an officer shall not use force if a safe alternative would achieve the law enforcement objective.

CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.

11. **Officers must evaluate all the circumstances facing them in the field to determine whether force is appropriate and what amount is proportionate.** Officers encounter a wide range of situations in the field, but the sanctity of human life should be at the heart of every decision an officer makes. When force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances. In general, the greater the threat and the more likely that the threat will result in injury or death, the greater the level of force that may be immediately necessary to overcome it. Consistent with training, some of the factors that officers should consider when determining how much force to use include:
- a. The risk of harm presented by the person;
 - b. The risk of harm to the officer or innocent citizens by using force;
 - c. The seriousness of the law enforcement objective;
 - d. Whether further de-escalation techniques are feasible, including the time available to an officer to make a decision, and whether additional time could be gained through tactical means;
 - e. If there is a practical, less harmful alternative available to the officer;
 - f. Mental or physical disability, medical condition, and other physical and mental characteristics; and
 - g. Whether there are other exigent/emergency circumstances.
12. **As a situation changes, officers must reevaluate the circumstances and continue to respond proportionately.** Over the course of an encounter, the circumstances and threats an officer faces may change. Consistent with training and the CDM process, while using force, officers must continually assess the effectiveness, proportionality, and necessity of their actions.

13. This Department trains officers on the following range of force options. The force options available to an officer fall along a continuum. Officers are not required to exhaust one type of force before moving to a greater force. Sound judgment and the appropriate exercise of discretion will always be the foundation of officer decision making in the broad range of possible use of force situations. This Department trains its officers on the following force options, from least to greatest force:

- a. Police Presence (*least*)
- b. Verbal Control Techniques
- c. Physical Contact
- d. Holding Techniques
- e. Compliance Techniques
- f. Control Instruments
- g. Physical Force
- h. Impact Weapons
- i. Canine Apprehension
- j. Conducted Energy Devices
- k. Deadly Force (*greatest*)

14. The level of resistance that an officer encounters is a key factor in determining the proportionate amount of force. It is not possible to determine ahead of time what the proportionate level of force is for every possible situation that officers may face. Nevertheless, one of the key factors in determining what level of force is necessary and proportionate in a given situation is the level of resistance that an officer encounters. In general, the less resistance an officer faces, the less force the officer should use. The types of resistance officers may encounter fall along a continuum, from a cooperative person to an active assailant. Consistent with training, the following general rules apply when officers are exercising judgment in determining what level of force is necessary and proportionate:

- a. **Cooperative Person:** When dealing with a cooperative person, officers may rely on police presence and/or verbal control techniques, but should not use greater force.
- b. **Passive Resistor:** When dealing with a passive resistor, officers may rely on police presence, verbal control techniques, holding techniques, compliance techniques, and/or control instruments, but greater force, such as physical force, impact weapons (batons), and Conducted Energy Devices (CEDs), should not be used.
- c. **Active Resistor:** In general, when dealing with an active resistor, in addition to the options available for passive resisters, properly trained personnel may use canine apprehension if the canine handler has probable cause to believe that the person has committed a crime, and less intrusive means of apprehension have been exhausted or under the circumstances would be unavailable or ineffective. Further guidance may be found in Department directive CCV4C5.
- d. **Threatening Assailant:** In general, when dealing with a threatening assailant, officers have all use of force options, other than deadly force, available to them, including impact weapons (such as batons or less lethal ammunition) and CEDs. Although a range of force options are generally available, particular options can be used only if proportional to the threat faced. For example:
 - CEDs and less lethal ammunition may be discharged only in response to resistance that poses a substantial risk of serious physical injury.

- e. **Active Assailant:** In general, when dealing with an active assailant, officers have all force options available, though deadly force should only be used as a last resort and in strict accordance with the guidance below, *see* Core Principle #4.

15. **When an individual engages in certain aggressive actions, he/she is considered an assailant, not a resistor.** When a person uses force, threatens to use force, or otherwise acts in an aggressive manner that increases the likelihood that they may cause physical injury to an officer or to another person, that person is no longer considered cooperative or even a resistor, but instead becomes an assailant. Flight from an officer does not, on its own, qualify a person as an assailant (*see* Section 24 below for more information).
16. **When an individual's actions pose an imminent danger, he/she is considered an active assailant, not a threatening assailant.** The difference between a threatening assailant and an active assailant is how immediate a threat the assailant poses to the officer or another person. When the person poses an *imminent danger*, the person is considered an active assailant. When the threat exists but does not amount to imminent danger, the person is considered a threatening assailant.
17. **Special requirements must be met before an officer may display a firearm.** Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of an officer's firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to actual force. At the same time, however, unnecessarily or prematurely drawing a firearm can limit an officer's options in controlling a situation, will create great anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Accordingly, officers should only display their firearms in appropriate tactical situations and using the following principles as guidance:
 - a. **Pointing a firearm.** Consistent with training, officers may point a firearm at a person only when circumstances create a reasonable belief that it may be immediately necessary for the officer to use deadly force. When the officer no longer reasonably believes that deadly force may be immediately necessary, the officer shall, as soon as practicable, secure or holster the firearm.
 - b. **Unholstering a firearm.** Consistent with training, officers may unholster or otherwise display a firearm only when circumstances create a reasonable belief: (1) that the officer is permitted to point a firearm at a person, *or* (2) that unholstering or displaying the firearm may itself help establish or maintain control in a potentially dangerous situation.
18. **Persons under an officer's control should be positioned in a way so that their breathing is not obstructed.** After gaining control of a person, officers should position the person in a manner to allow the person to breath unobstructed. This means that officers should not sit, kneel, or stand on a person's chest or back, and whenever feasible should not force the person to lie on his or her stomach.
19. **In addition to this directive, specific weapons directives remain applicable.** In addition to the requirements of this directive, officers may only use weapons in a manner consistent with specific Departmental weapons policies, such as directive CCV3C3 (Weapons & Ammunition), directive CCV4C3 (Conducted Energy Devices – Tasers), and other relevant directives.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

- 20. Deadly force includes, but is not limited to, use of a firearm.** Deadly force is force that an officer knows or should know creates a substantial risk of causing death or serious bodily harm. Deadly force includes, but is not limited to, firing a firearm in the direction of another person. Depending on the circumstances, deadly force also includes other potentially lethal tactics, such as:
- a. Firing of a firearm at a vehicle, building, or structure in which another person is believed to be; or
 - b. Applying a chokehold or similar technique.
- 21. Threatening deadly force does not necessarily constitute deadly force.** A threat to cause death or serious bodily harm, such as by displaying a firearm, does not constitute deadly force, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary.
- 22. Strict requirements must be met before an officer may use deadly force.** As discussed above, when feasible, officers should try to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using deadly force. There are, however, occasions when deadly force is necessary to protect officers or members of the public. An officer may use deadly force only when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.
- a. If feasible, an officer should identify himself/herself and state his/her intention to shoot before using a firearm.
 - b. Officers shall not use deadly force if the officer reasonably believes that an alternative will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement purpose at no increased risk to the officer or another person.
- 23. Strict additional requirements must be met before an officer may use deadly force against a moving vehicle.** While any firearm discharge entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle, unless the officer reasonably believes:
- a. There exists an imminent danger of death or serious bodily harm to the officer or another person; *and*
 - b. No other means are available at that time to avert or eliminate the danger.
- 24. Strict additional requirements must be met before an officer may use deadly force against a fleeing suspect.** An officer may use deadly force to prevent the escape of a fleeing person only if *all* of the following conditions are met:
- a. The officer has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; *and*

- b. The suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; *and*
- c. The use of deadly force presents no substantial risk of injury to innocent persons.

25. There are specific circumstances in which the use of deadly force is prohibited. In general, officers may not discharge their weapons as a signal for help or as a warning shot, nor may they use deadly force in the following situations:

- a. Solely to prevent property damage or loss;
- b. Solely to prevent the destruction of evidence (for example, under no circumstances shall an officer use a chokehold, or any lesser contact with the neck area, in order to prevent the destruction of evidence by ingestion, unless life threatening to the actor);
- c. Solely to disable moving vehicles; or
- d. Against a person who poses a threat only to themselves (and not to others).

CORE PRINCIPLE #5: Officers must promptly provide or request medical aid.

26. Officers have a duty to provide prompt medical care. Officers shall always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, officers shall request medical aid (such as by contacting emergency medical services) and provide appropriate medical care consistent with the officer's training (such as by providing first aid and/or transportation to an emergency medical facility).

27. Officers have a duty to continuously monitor individuals for potential medical intervention after a use of force. Out of respect for the sanctity of life, officers shall closely monitor persons against whom force was used for signs that they require medical assistance. This responsibility applies during transportation and throughout custody. Officers should pay particular attention to persons believed to be pregnant, children, the elderly, and physically frail individuals.

CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.

28. Officers have a duty to prevent and stop illegal and inappropriate uses of force by other officers. Every employee has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force. Any employee who observes an officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events *before* the fellow officer does something that makes any official action necessary. Officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately. Similarly, any employee who observes an officer using force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events and *stop* the use of force.

- a. If a supervisor observes such a violation, the supervisor must issue a direct order to stop the violation.

29. Employees have a duty to report illegal and inappropriate uses of force by other officers.

Any employee who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive must:

- a. Notify a supervisor as soon as possible; *and*
- b. Submit an individual written report to a supervisor before reporting off duty on the day the officer becomes aware of the misconduct.

30. Employees are prohibited from retaliating against an employee who intercedes in or reports illegal or inappropriate uses of force. No employee may retaliate, in any form, against another employee who intercedes in or reports a violation of this directive, or who cooperates with an investigation into a possible violation of this directive.

NOTIFICATIONS REGARDING USES OF FORCE

31. Officers must immediately notify the Department of all firearm discharges. All firearm discharges by an officer must immediately be reported to the Department's Real-Time Tactical Operations and Intelligence Center and to the Camden County Prosecutor's Office. This requirement includes any discharge while an officer is off duty and all unintentional discharges, but does not include discharges during training and/or qualification sessions or recreational discharges.

32. Officers must immediately notify the Department of all critical use of force incidents. All use of force by an officer that results in death or serious bodily injury, and uses of a firearm by an officer that result in an injury of any degree, must immediately be reported to the Professional Standards Division and to the Camden County Prosecutor's Office.

- a. This notification shall occur before any investigation of the incident is undertaken, other than to secure the scene and to render medical assistance as required.
- b. The Prosecutor's Office shall conduct the subsequent investigation into the use of force in accordance with the New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5. The Prosecutor's Office is also responsible for the necessary notifications to the Division of Criminal Justice ("DCJ"). DCJ may supersede the investigation where there may be a conflict or if the matter is better handled at the state level.
- c. When a prosecutor's detective or investigator, assistant prosecutor, or the prosecutor is involved in the use of force incident, DCJ shall be the lead investigating agency.
- d. If DCJ becomes the lead investigating agency, a shooting response team consisting of DCJ investigators and members of the New Jersey State Police Major Crimes Unit shall normally conduct the investigation.

33. Officers must report all other uses of force through the chain of command. All other use of force incidents—those that do not result in death or serious bodily injury and do not involve the discharge of a firearm—shall be reported through the appropriate Departmental chain of command.

REPORTING REQUIREMENTS & REAL-TIME REVIEW

34. All employees must complete their reports accurately and completely. All employees are responsible, at all times, for accurately and completely describing the facts and circumstances concerning any use of force incident, including articulating specific facts to explain an officer's own decision to use force. The Department may impose discipline for any substantial omissions or misrepresentations.

35. Every use of force greater than physical contact must be documented and reported. Whenever an officer uses a degree of force greater than physical contact, the officer must complete the following reports and submit them through the appropriate Departmental chain of command:

- a. A State of New Jersey—Use of Force Report; *and*
- b. A Department Blue Team—Use of Force Report; *and*
- c. An investigation report and/or supplementary report regarding the nature of the underlying incident (and indicating that the officer has completed Use of Force Reports), with the following conditions:
 - In accordance with New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5, supervisors shall not require officers deploying force that results in death or serious bodily harm, being investigated by the Attorney General's Office, a county prosecutor's office, or DCJ to submit investigation or supplemental reports. Officers are still required to submit Use of Force reports.
 - Only the New Jersey Attorney General's Office, a county prosecutor's office, or DCJ can order such reports. An officer's statements to these entities can suffice as their report of the incident.
 - Officers not directly involved in the use of force, but who have indirect involvement (*e.g.*, secondary responders, assisting responders, witnesses, etc.), may be required to submit investigation reports upon approval of the lead investigating agency (*i.e.* New Jersey Attorney General's Office, Camden County Prosecutor's Office, or DCJ).
- d. A Conducted Energy Device Deployment Review Report (if a CED is used);
- e. An Informational Report (if a CED is used); *and*
- f. A Police Use of Deadly Force—Attorney General Notification Report (if applicable).

36. The following additional reporting requirements apply to an officer's actions that do not involve physical contact or greater force under Section 35. An officer who takes any of the following actions, if not otherwise reportable under Section 35, must create a written incident report and/or supplementary report capturing the relevant facts and circumstances for each of the following situations:

- a. Every intentional discharge of a firearm not for training or recreational purposes;
- b. Every instance where an officer unintentionally discharges a CED or firearm, regardless of the reason;
- c. Every instance where an officer takes an official action that results in or is alleged to have resulted in death or injury to another person.

37. Supervisors have specific responsibilities as part of each use of force review. The approving Sergeant (or other supervisor) and Watch Commander shall review all reports for accuracy and completeness and shall promptly address any issues, including: policy changes, training needs, weapons or equipment issues, or discipline (*i.e.* an administrative review). Recommendations to modify policy, apply remedial training beyond what can be performed by the supervisor, change weapons, equipment, or tactics, or apply discipline shall be thoroughly documented and forwarded through the chain of command.

a. Sergeants have the following responsibilities:

- Ensure all required paper reports and related documents are complete and submitted, review them for accuracy and completeness, and either reject and return for immediate corrections or approve;
- Review all relevant documents and information, including body-worn camera video and photographs, in order to assess the underlying incident and complete an Administrative Review Report;
- Log into Blue Team, review the submitted Blue Team Report, and either reject and return for corrections or approve; *and*
- Assemble all reports and relevant documents and immediately submit them to the Watch Commander.

b. Watch Commanders have the following responsibilities:

- Review all submitted reports, body-worn camera video, photographs, and any other relevant information or documents;
- Log into Blue Team, review the submitted Blue Team Report, and either reject and return for corrections or approve;
- Complete the Use of Force Command Review Report and forward it to Executive Command personnel;
- Scan and attach the Use of Force Command Review Report and all submitted documents to the Blue Team report; *and*
- Forward the Blue Team Report with attachments to the Internal Affairs Unit in Blue Team and forward all paper documents to the Internal Affairs Office (2nd Floor) via inter-office mail.

38. Use of force records shall be retained and available according to state law. All use of force reports shall be retained as required by the New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules. Use of force reports are subject to discovery and access through the New Jersey Open Public Records Act.

INTERNAL AFFAIRS USE OF FORCE REVIEW**39. Use of force incidents will be reviewed by Internal Affairs according to set procedure.**

Once a Use of Force Administrative Review Packet has been completed and submitted from the Watch Commander to Internal Affairs, the following procedure will be followed:

- a. Review the Use of Force Administrative Review Packet to ensure all relevant documents are attached and signed, including:
 - Command Review Report
 - Sergeant Administrative Review
 - Incident Report
 - Use of Force Card
 - Use of Force Report
 - Blue Team Report
 - CAD Ticket
 - Arrest Report (if applicable)
 - Tickets/Summons
 - Impound Report
 - Victim Notification Report
 - Medical Discharge Forms (if applicable)
 - Victim Notification Form
 - Photographs
 - Any other additional documentation
- b. Review the Command Review Report for the Watch Commander's findings and whether the officer(s) involved followed Department policy and procedures;
- c. Review the Sergeant's Administrative Review for its findings and whether the officer(s) utilized the Critical Decision-Making model;
- d. Review the Incident Report to gain a situational understanding of the reason force was utilized;
- e. Review the officer's body-worn camera footage to ensure the force was necessary, proportionate, and reasonable;
- f. Compare the officer's actions as displayed on the body-worn camera footage with the officer's Incident or Additional Information Report, Use of Force Report, and Blue Team Report (repeat for all officers who utilize force in each incident);
- g. Review all other body-worn camera footage, including from responding officers, to gain a full panoramic view of the incident;
- h. Upload and link all documents into IAPro, along with all body-worn camera footage, Audio Log Transmissions, Blue Team Reports, witness officers involved, and Administrative Review forms;
- i. If there are no issues identified with the incident or the Administrative Review Packet, the incident is routed (via IAPro) and the hard copy of the Review Packet is provided to the Internal Affairs Commander for review;
- j. If there are any issue(s) identified with any application of force, documentation, or body-worn cameras, the Watch Commander (who reviewed the incident) and the reviewing supervisor are contacted and made aware of the issue(s) and provided a date as to when the issue(s) must be resolved and corrected;
- k. If training issues are identified, the issues are brought to the attention of the Internal

Affairs Commander (once the issue is confirmed, the Professional Development and Training Division is contacted, via an EIS Request for Training, for corrective actions);

- I. If any criminal or rule violations are identified, an Internal Affairs complaint is generated. Rule infractions are forward to Command Level for investigation. Criminal or serious violations are investigated within the Office of Internal Affairs.

USE OF FORCE DATA COLLECTION & ANALYSIS

40. The Department shall collect and analyze use of force data. This Department collects, analyzes, and makes public data regarding uses of force. The Department does so in order to ensure our enforcement practices are fair, non-discriminatory, and involve the minimum amount of force necessary to accomplish a legitimate law enforcement objective.

41. The Professional Standards Division shall issue an annual use of force report and analysis.

- a. The Professional Standards Division is responsible for completing an annual use of force summary report in a manner prescribed by the Camden County Prosecutor. This summary report shall be published and made available to the public upon request.
- b. The Professional Standards Division is responsible for completing an annual analysis of the previous calendar year's use of force incidents, Department polices, and use of force practices. Examples of some analytical categories may include, but are not limited to:
 - Use of force by time of day and day of week;
 - Use of force by type of location (*e.g.*, business, residential, or industrial);
 - Use of force by type of incident;
 - Use of force by officer/detective involved;
 - Use of force by division, bureau, unit;
 - Use of force by person's actions;
 - Use of force by type (*e.g.*, deadly force);
 - Use of force resulting in injury to personnel;
 - Use of force resulting in injury to actors;
 - Use of force resulting in arrests;
 - Percentage of use of force vs. total number of custodial arrests.
- c. The Professional Standards Division's annual analysis is designed to: (1) identify any broad patterns or trends that could indicate policy ineffectiveness, training needs, equipment upgrade needs, and/or policy modification needs; and (2) identify any pattern or practice of behavior by particular officers that could warrant intervention, remediation, and/or re-training.

TRAINING REGARDING USE OF FORCE

- 42. All officers shall be issued this directive and receive use of force training.** Prior to being authorized to carry a weapon, all personnel shall receive training regarding use of force and a copy of this directive. The training and issuance of the directive shall be documented and forwarded to the training unit.
- a. A certified instructor shall train all employees who are or may be assigned to duties that require the application of less lethal force.
 - b. Training in the use of chemical or natural agents, such as oleoresin capsicum (OC), mace, gas, etc., shall include procedures for the treatment of persons exposed to such chemical/natural agents, as well as safe handling and storage procedures.
 - c. Prior to being authorized to carry and use less lethal ammunition or control and restraint techniques, employees must demonstrate proficiency in the deployment and/or use of such authorized less lethal ammunition and approved control and restraint techniques.
- 43. The Department shall conduct semiannual use of force trainings.** Use of force training shall be conducted semiannually, in concert with the Attorney General's Guidelines. This training must:
- a. Reflect current standards established by statutory and case law, as well as state, county, and Departmental policies, directives, and guidelines;
 - b. Be scenario based;
 - c. Include the use of force in general, levels of force, the use of deadly force, definitions of critical terms, critical decision making, crisis recognition and response, tactical communications, operational safety tactics, the limitations that govern the use of force and deadly force, and all applicable aspects of Departmental directives;
 - d. Integrate the Integrating Communications Assessment and Tactics Training Guide, published by the Police Executive Research Forum; and
 - e. Be documented (electronically is permitted) each time it is conducted, listing all personnel being trained.
- 44. Officers have an ongoing obligation to review Department directives and trainings on use of force.** All officers have an ongoing obligation to review the Department's use of force directives and training materials, and to seek clarification any time they have questions or need guidance. This ongoing review may take place via formal supervisor-led training sessions as well as through mentoring opportunities to reinforce the content and philosophies.

DEFINITIONS

1. Active Assailant: A person who is using or imminently threatening the use of force against another person, with or without a weapon, in an aggressive manner that poses an imminent danger to an officer or another person.
2. Active Resistance: A person who is uncooperative and fails to comply with directions from an officer, and instead attempts to avoid physical control and/or arrest by creating distance between themselves and the officer or the officer's reach. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.
3. Canine Apprehension: A properly trained police canine may be used to apprehend an Active Resister whenever the handler has probable cause to believe the person has committed a crime, and less intrusive means of apprehension have been exhausted or, under the circumstances, determined to be ineffective or unavailable. Additional guidance may be found in Department directive CCV4C5.
4. Chokehold: Sometimes referred to as a Neck or Carotid Restraint, a chokehold is a technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air. A Carotid Restraint is a technique that applies direct pressure to the carotid artery (on the side of the neck) restricting the flow of blood to the brain and causing a temporary loss of consciousness.
5. Compliance Techniques: Physical techniques that involve the use of non-impact pressure to sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Compliance techniques include joint manipulation and pressure point techniques, but do not include any technique that restricts blood flow to carotid arteries, causing a person to lose oxygen to the brain.
6. Conducted Energy Devices (CED): A CED is any device approved by the New Jersey Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person. Additional guidance may be found in Department directive CCV4C3.
7. Control Instruments: Tools (such as a baton) applied with non-impact pressure to joints and sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Additional guidance may be found in Department directive CCV3C3.
8. Cooperation: Responsiveness to and compliance with officer requests.
9. Critical Decision-Making Model: The Critical Decision-Making model or "CDM" is an organized way of making decisions about how an officer will act in any situation, including situations that may involve potential uses of force.
10. Deadly Force: Force that an officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm. Deadly force is not limited to firing a firearm in the direction of another person, but also includes other particularly dangerous tactics as discussed in Section 20 of this directive.
11. De-escalation (De-escalation Techniques): Actions taken by an officer meant to stabilize a situation and reduce the immediacy of a potential threat so that a potentially dangerous situation with voluntary compliance and without resorting to force.

12. Employee: Any employee of the Camden County Police Department, full or part-time, sworn and non-sworn.
13. Holding Techniques: Holding techniques include a firm grip or grab of an arm, wristlocks, come-along holds (<i>i.e.</i> escort holds that are not elevated to compliance techniques), controlled take-downs, and pins against the ground or objects, as well as any combination of the above.
14. Imminent Danger: Imminent danger describes threatened actions or outcomes that are immediately likely to cause death or serious bodily harm to an officer or another person, unless action is taken. In order to be <i>imminent</i> , the person threatening danger must have the means/instruments and opportunity/ability to cause death or serious bodily harm. The threatened harm does not have to be instantaneous. The period of time involved is dependent on the circumstances and facts of each situation and is not the same in all situations.
15. Impact Weapons: Weapons designed to establish control by means of applying mechanical impact to a person to disable elements of his or her musculoskeletal structure. Impact weapons include batons and less lethal ammunition. The Department trains officers to avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available. Additional guidance may be found in Department directive CCV3C3.
16. Officer: Also known as a law enforcement officer. Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by a public safety agency and is authorized to carry a firearm under N.J.S.A. 2C:39-6.
17. Oleoresin Capsicum Spray: Also known as OC Spray or Pepper Spray, this is an inflammatory chemical agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. Direct exposure to a person's eyes will likely result in the eyes closing, tearing, and swelling. When inhaled, a person experiences choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. As a result of these symptoms, a person may experience nausea or temporarily impaired thought processes, or may become disoriented or lose his or her balance.
18. Passive Resistance: A person who is not cooperative, in that the person fails to comply (in a non-movement way) with verbal or other direction from an officer.
19. Physical Contact: Routine or procedural contact necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.
20. Physical Force: Forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.
21. Police Presence: Police presence established through identification of authority and proximity to the person.
22. Proportionate Force: Actions, including de-escalation and force, which correspond appropriately with the particular circumstances confronting the officer.
23. Professional Standards Division: Division within CCPD that includes the Internal Affairs

Section, which is responsible for the investigation of all internal complaints, and the Quality Assurance Section, which is responsible for managing the department's in-service training curriculum as well as completing various audits of department processes.
24. Real-Time Tactical Operations and Intelligence Center: The RT-TOIC maintains a real-time awareness of conditions of certain places within the Department's integrated technology platform and monitors the tactical deployment of all Department assets in the field to ensure compliance with the Department's weekly crime reduction plan. RT-TOIC also deploys virtual patrollers utilizing the Department's CCTV camera system, and manages police dispatch and 911 functions.
25. Substantial Risk: A substantial risk is one that is foreseeably likely to occur. That is, the risk is one that a reasonable officer in the same circumstances should anticipate as the likely outcome.
26. Tactical Communication: Verbal communications techniques that are designed to avoid or minimize the use of force. Such techniques include attempts to exercise persuasion, advice, instruction, and warning prior to the use of physical force.
27. Tactical Positioning: Making advantageous use of positioning, distance, and cover to isolate and contain a person and avoid the need to resort to force.
28. Threatening Assailant: A person who is using or threatening the use of force against another person, with or without a weapon, in an aggressive manner that may cause physical injury. Examples may include: (1) a person who puts an officer in fear of a battery by advancing on the officer in a threatening manner or closing the distance between the assailant and the officer, thereby reducing the officer's reaction time, and (2) a person who fails to disarm, thereby increasing the likelihood the person's actions are likely to cause physical injury.
29. Time as a Tactic: Establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.
30. Verbal Control Techniques: Consists of persuasion, advice, instruction, and warning in the form of verbal statements or commands that may result in compliant behavior. Whenever it is safe and feasible, officers shall attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.

Seattle Police Department Manual
Adrian Diaz, Chief of Police

8.000 - Use of Force Core Principles

Effective Date: 04/15/21

This section outlines the Seattle Police Department's core principles relating to the use of force. These general core principles provide the foundation for the more specific policies governing the application, reporting, investigation and review of force. The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply these core principles reasonably in unanticipated situations.

It is the policy of the Seattle Police Department that officers hold the highest regard for the dignity and liberty of all persons. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.

The Seattle Police Department is committed to protecting people, their property and rights while providing the best in public safety and service. The proper use of force is essential for ensuring impartial policing and for building trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by police officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.

The Department seeks to manage use of force by officers beyond the *Graham v. Connor* (1989) standard and its minimum requirements by establishing further parameters for the application of force and to offer explicit direction to officers. Sound judgment, the appropriate exercise of discretion, and the adherence to Department policy will always be the foundation of officer decision-making in the broad range of possible use of force situations.

8.000 - POL

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution, Laws of the United States, Laws of the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting All Human Life and Property and Maintaining Civil Order

It is the policy of the Seattle Police Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with minimal reliance upon the use of physical force.

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary may endanger themselves, the community and fellow officers.

2. When Safe, Under the Totality of the Circumstances, and Time and Circumstances Permit, Officers Will Use De-Escalation Tactics to Reduce the Need for Force

Additional guidance on how to reduce the need to use force may be found in **8.100**.

3. Sometimes the Use of Force Is Unavoidable, and an Officer Must Exercise Physical Control of a Violent, Assaultive, or Resistive Individual to Make an Arrest, or to Protect Members of the Public and Officers from Risk of Harm

In doing so:

- Officers will recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.

Additional guidance on how to reduce the need to use force may be found in **8.100**.

- Officers will take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy.

- Officers will continually assess the situation and changing circumstances and modulate the use- of-force appropriately.

4. An Officer Will Use Only Force That Is Objectively Reasonable, Necessary, and Proportional to the Threat or Resistance of a Subject

Definitions of objectively reasonable, necessary and proportional may be found in [8.050](#)

Guidance on when force is authorized may be found in [8.200](#)

5. Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force

The officer's justification will be reviewed to determine whether or not the force used was in or out of policy.

Failure to adequately document and explain the facts, circumstances, and inferences when reporting force may lead to the conclusion that the force used was out of policy.

Additional guidance on reporting force may be found in [8.400](#).

6. The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. This includes:

- Force prevention efforts,
- Effective tactics, and
- Objective review and analysis of all incidents of reportable force

Additional guidance on the Department's review of force may be found in [8.500](#).

7. A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety

Uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community.

Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- Explaining actions to subjects or members of the public, when feasible
- Offering reasonable aid to those affected by a use-of-force
- Treating subjects, witnesses, and bystanders with professionalism and courtesy
- Department follow-up with neighbors or family to explain police actions and hear concerns and feedback
- Department follow-up with the involved officer(s) and support, as needed, throughout the process

Seattle Police Department Manual
Adrian Diaz, Chief of Police

8.100 - De-Escalation

Effective Date: 04/15/21

De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible, de-escalation techniques including scene management and team tactics that utilize time, distance, and shielding, will still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.

De-escalation tactics and techniques are actions used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. See definition of de-escalation in [8.050](#).

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved. De-escalation is reviewed and evaluated under the totality of the circumstances present at the time of the incident.

1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force

- (a). Officers will conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.
- (b). Team approaches to de-escalation are encouraged and will consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the subject. Where officers use a team approach to de-escalation, each individual officer's obligation to de-escalate will be satisfied as long as the officer's actions complement the overall approach.
- (c). Selection of de-escalation options will be guided by the totality of the circumstances with the goal of attaining voluntary compliance; considerations include:

Communication

Using communication intended to gain voluntary compliance, such as:

- Verbal persuasion

- Advisements and warnings (including TASER spark display to explain/warn prior to TASER application), given in a calm and explanatory manner.

- Exception:** Warnings given as a threat of force are not considered part of de-escalation.

- Clear instructions

- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision making

- Avoiding language that could escalate the incident. Taunts and insults are prohibited.

- Use of pattern interrupts, when appropriate

- Consideration of whether any lack of compliance is a deliberate attempt to resist rather than a perceived physical or psychological inability to comply based on factors including, but not limited to:

- Medical conditions

- Mental impairment

- Developmental disability

- Physical limitation

- Language barrier

- Drug interaction

- Behavioral crisis

- Fear or anxiety

Time

Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

- Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members
- Avoiding or minimizing physical confrontation, unless necessary (for example, to protect someone, or stop dangerous behavior)
- Calling extra resources or officers to assist, such as CIT or Less-Lethal trained officers

Distance

Maximizing tactical advantage by increasing distance to allow for greater reaction time.

Shielding

Utilizing cover and concealment for tactical advantage, such as:

- Placing barriers between an uncooperative subject and officers
- Using natural barriers in the immediate environment



PATROL GUIDE

Section: General Regulations		Procedure No: 203-25	
DEPARTMENT POLICY PROHIBITING RACIAL PROFILING AND BIAS-BASED POLICING			
DATE ISSUED: 06/02/16	DATE EFFECTIVE: 06/02/16	REVISION NUMBER:	PAGE: 1 of 2

1. Members of the service are reminded that the New York City Police Department is committed both to the impartial enforcement of law and to the protection of constitutional rights. To reinforce these commitments and to ensure that all members of the service engage only in constitutionally sound policing practices, the Department prohibits the use of racial and bias-based profiling in law enforcement actions. Conducting enforcement activities in an unbiased manner fosters and strengthens relationships between police officers and members of the community, and inspires confidence in, and support for, policing efforts.

2. Police-initiated enforcement actions, including, but not limited to, arrests, Level 3 Terry stops, frisks, searches, summonses, and motor vehicle stops, must be based on the standards required by the Fourth and Fourteenth Amendments of the U.S. Constitution, Sections 11 and 12 of Article I of the New York State Constitution, Section 14-151 of the New York City Administrative Code, and other applicable laws.

3. Race, color, ethnicity, or national origin may not be used as a motivating factor for initiating police enforcement action. When an officer's decision to initiate enforcement action against a person is motivated even in part by a person's actual or perceived race, color, ethnicity or national origin, that enforcement action violates Department policy unless the officer's decision is based on a specific and reliable suspect description that includes not just race, age, and gender, but other identifying characteristics or information.

4. The law confers on police officers the authority to stop, question, and if warranted, frisk an individual whom an officer reasonably suspects has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. Police officers must be able to articulate the factors which led them to take enforcement action, in particular those factors leading to reasonable suspicion for stopping, questioning, and, if appropriate, frisking a person, or probable cause for arresting or issuing a summons to a person. Individuals may not be targeted for any enforcement action, including stops, because they are members of a racial or ethnic group that appears more frequently in local crime suspect data. Race, color, ethnicity, or national origin may only be considered when the stop is based on a specific and reliable suspect description that includes not just race, gender, and age, but other identifying characteristics or information. When an officer carries out a stop based on reasonable suspicion that a person fits such a description, the officer may consider the race, color, ethnicity, or national origin of the suspect, just as the officer may consider the suspect's height or hair color. In accordance with Department policy, when a stop is not based on a specific suspect description, however, race, ethnicity or national origin may not be used at all as a motivation or justification for the stop.

5. Section 14-151 of the New York City Administrative Code and Department policy prohibit bias-based profiling and include demographic categories in addition to race, color, and national origin. The Administrative Code and Department policy prohibit the Department and individual officers from intentionally engaging in bias-based profiling, which is defined as "an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived race, national origin, color, creed, age, alienage or citizenship status, gender, sexual

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PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
203-25	06/02/16		2 of 2

orientation, disability, or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity." With respect to race, color, ethnicity and national origin, the standards of conduct described in paragraphs "3" and "4" must always be met by the Department and its officers.

6. Commanding officers will continue to ensure that self-inspections are conducted within their commands regarding stop, question, and frisk activity. The Quality Assurance Division will continue to monitor compliance with self-inspection protocols in all of its command inspections and will continue to audit stop, question, and frisk activity Department-wide.

7. Commanding officers will ensure that members of their command comply with the Department's policy regarding investigative encounters as per Patrol Guide 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops."

HOUSE BILL 670

E4

(1lr1071)

ENROLLED BILL
— Judiciary/Judicial Proceedings —

Introduced by **The Speaker (By Request – Police Reform and Accountability in MD,
Workgroup to Address)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~**Police Reform and Accountability Act of 2021**~~ *Maryland Police Accountability*
3 *Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures*

4 FOR the purpose of repealing the Law Enforcement Officers' Bill of Rights; ~~providing that~~
5 ~~the Police Department of Baltimore City is an agency and instrumentality of the City~~
6 ~~of Baltimore, instead of the State; providing that certain police officers have the~~
7 ~~authority conferred under a certain provision of law; requiring that an application~~
8 ~~for a certain search warrant be approved in writing by a police supervisor and the~~
9 ~~State's Attorney; altering a certain ground for issuance of a certain search warrant;~~
10 ~~repealing a certain ground for issuance of a certain search warrant; authorizing a~~
11 ~~judge to issue a certain "no-knock" search warrant only under certain circumstances;~~
12 ~~requiring that an application for a certain search warrant contain certain items;~~
13 ~~altering the number of days within which a certain search and seizure shall be made;~~
14 ~~providing that a warrant to search a residence shall be executed between certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



~~times, absent certain circumstances; imposing certain restrictions on a police officer~~
~~when executing a search warrant; requiring a police officer to take a certain action~~
~~and provide certain information to certain individuals at the commencement of a~~
~~certain stop, with a certain exception; providing that a police officer's failure to~~
~~comply with a certain requirement may be grounds for a certain disciplinary action~~
~~against the officer and may not serve as the basis for the exclusion of certain evidence~~
~~under a certain rule; prohibiting a police officer from prohibiting or preventing a~~
~~citizen from recording the police officer's actions if the citizen is otherwise acting~~
~~lawfully and safely; providing that an individual attending a certain institution of~~
~~higher education is exempt from paying tuition under certain circumstances;~~
~~requiring an individual who has received a certain exemption from tuition payment~~
~~to pay a certain value to a certain institution under certain circumstances;~~
~~establishing the Maryland Loan Assistance Repayment Program for Police Officers;~~
~~requiring the Office of Student Financial Assistance in the Maryland Higher~~
~~Education Commission to assist in the repayment of certain loans owed by certain~~
~~eligible individuals; requiring the Office to adopt certain regulations; specifying that~~
~~funds for the Program shall be provided in the State budget; requiring the Office to~~
~~submit a certain report to the General Assembly on or before a certain date;~~
~~establishing the Maryland Police Officers Scholarship Program; providing for the~~
~~purpose of the Maryland Police Officers Scholarship; requiring the Office to publicize~~
~~the availability of the Maryland Police Officers Scholarship; establishing the~~
~~eligibility of the Maryland Police Officers Scholarship; requiring a certain recipient~~
~~to repay the Commission under certain circumstances; establishing the amount of~~
~~the annual scholarship award; requiring the Governor to include a certain~~
~~appropriation in the State budget for the Maryland Police Officers Scholarship;~~
~~requiring the Commission to use a certain appropriation for a certain purpose;~~
~~requiring the Office to publicize the availability of the Maryland Police Officers~~
~~Scholarship; requiring the Commission to submit a certain report on or before a~~
~~certain date; altering the limits on liability of a local government and the State and~~
~~its units for claims arising from tortious acts or omissions or violations of~~
~~constitutional rights committed by a law enforcement officer; requiring the State~~
~~Public Information Act Compliance Board to receive, review, and resolve certain~~
~~complaints filed from a certain custodian, issue a certain decision, and issue a certain~~
~~order under certain circumstances; requiring a certain custodian to allow inspection~~
~~of certain records by the United States Attorney, the Attorney General, the State~~
~~Prosecutor, and a State's Attorney; providing that a certain record is not a personnel~~
~~record for a certain purpose, with a certain exception; authorizing a certain custodian~~
~~to deny inspection of certain records; requiring a certain custodian to deny inspection~~
~~of a certain record under certain circumstances; requiring a custodian to notify a~~
~~certain person in interest when a certain record is inspected; prohibiting a certain~~
~~custodian from disclosing the identity of a certain requester to a certain person in~~
~~interest; altering the membership of the Maryland Police Training and Standards~~
~~Commission; requiring the Commission to develop and administer certain tests and~~
~~training programs on certain matters for citizens individuals who intend to qualify~~
~~to participate as a member of a certain administrative charging committee and~~
~~citizens who are appointed to serve as members of the Commission; requiring the~~
~~Commission to take certain actions in response to certain violations of a certain Use~~

1 of Force Statute; ~~requiring the Commission to develop a test and training for implicit~~
 2 ~~bias, require certain law enforcement agencies to use the implicit bias test at a~~
 3 ~~certain time, and require certain police officers to complete implicit bias testing and~~
 4 ~~training at certain times; requiring the Commission to revoke the certification of a~~
 5 ~~police officer under certain circumstances; requiring the Commission to create a~~
 6 ~~certain database;~~ altering a certain requirement for police officer certification that
 7 an individual submit to a psychological evaluation to require that an individual
 8 submit to a mental health screening by a certain professional; adding as a
 9 requirement for police officer certification that an individual submit to a certain
 10 physical agility assessment; requiring a police officer, as a condition of certification,
 11 to submit to a mental health assessment and a physical agility assessment at a
 12 certain time for a certain purpose; establishing that prior marijuana use is not a
 13 disqualifier for certification as a police officer and may not be the basis for
 14 disqualifying an applicant for a position as police officer; ~~establishing certain~~
 15 ~~requirements for an individual who applies for a position as a police officer;~~ requiring,
 16 at certain intervals beginning on a certain date, a law enforcement agency that
 17 maintains a SWAT team to report certain information to the Governor's Office of
 18 Crime Prevention, Youth, and Victim Services using a certain format; requiring the
 19 Commission, in consultation with the Office, to develop a standardized format that
 20 certain law enforcement agencies shall use in reporting certain data relating to the
 21 activation and deployment of certain SWAT teams to the Office and to certain local
 22 officials; requiring a law enforcement agency to compile certain information as a
 23 report in a certain format and to submit the report to the Office no later than a
 24 certain date following the period that is the subject of the report; requiring the Office
 25 to analyze and summarize certain reports of law enforcement agencies and to submit
 26 a report of the analyses and summaries to the Governor, the General Assembly, and
 27 each law enforcement agency before a certain date each year; providing that, if a law
 28 enforcement agency fails to comply with certain reporting requirements, the Office
 29 shall report the noncompliance to the Commission; providing that the Commission
 30 shall contact a certain law enforcement agency and request that the agency comply
 31 with certain reporting requirements under certain circumstances; providing that, if
 32 a certain law enforcement agency fails to comply with certain reporting requirements
 33 within a certain period after being contacted by the Commission, the Office and the
 34 Commission jointly shall make a certain report to the Governor and the Legislative
 35 Policy Committee of the General Assembly and publish the report on its website;
 36 ~~requiring each law enforcement agency to require the use of body worn cameras on~~
 37 ~~or before a certain date; requiring that a certain body worn camera automatically~~
 38 ~~record and save certain video footage; requiring law enforcement agencies to submit~~
 39 ~~certain reports to the Commission; requiring the Commission to post certain~~
 40 ~~information on its website; prohibiting the Governor's Office of Crime Prevention,~~
 41 ~~Youth, and Victim Services from making certain funds available under certain~~
 42 ~~circumstances; requiring each law enforcement agency to post in a certain location~~
 43 ~~an explanation of certain procedures; altering a certain provision of law requiring~~
 44 ~~each law enforcement agency to establish a certain early intervention policy to~~
 45 ~~require a system instead of a policy, repeal the requirement that the system be~~
 46 ~~confidential and nonpunitive, and alter the purpose and function of the system;~~
 47 ~~requiring the Commission to develop guidelines for a certain early intervention~~

1 ~~system; establishing the Independent Investigative Agency as an independent unit~~
 2 ~~of State government for a certain purpose; authorizing the Independent~~
 3 ~~Investigative Agency to employ certain police officers and civilians for a certain~~
 4 ~~purpose; requiring that a certain shooting or other incident be investigated by a~~
 5 ~~certain investigative agency; requiring a law enforcement agency to notify a certain~~
 6 ~~investigative agency of a certain shooting or other incident at a certain time and~~
 7 ~~cooperate with the investigative agency in a certain investigation; requiring a certain~~
 8 ~~investigative agency to submit a certain report to a certain State's Attorney and~~
 9 ~~publicize the report at a certain time; requiring the Governor to annually include~~
 10 ~~certain funding in the State budget; requiring each police officer to sign a certain~~
 11 ~~pledge; providing that a police officer may only use certain force establishing certain~~
 12 ~~use of force standards; requiring a police officer to take certain steps to gain~~
 13 ~~compliance and de-escalate conflict under certain circumstances; requiring a police~~
 14 ~~officer to intervene to prevent or terminate the use of certain force by a certain police~~
 15 ~~officer; requiring a police officer to render certain first aid to a certain subject and~~
 16 ~~request certain assistance at a certain time; requiring a police supervisor to respond~~
 17 ~~to the scene of a certain incident and gather and review certain recordings; requiring~~
 18 ~~a police officer to document certain incidents in a certain manner; requiring a law~~
 19 ~~enforcement agency to adopt a certain policy; requiring a police officer to undergo~~
 20 ~~certain training; requiring a police officer to sign a certain training completion~~
 21 ~~document; providing that a police officer may only use deadly force for a certain~~
 22 ~~purpose; requiring all police officers to undergo less-lethal force training and be~~
 23 ~~trained and equipped with certain less-lethal weapons; prohibiting a police officer~~
 24 ~~from shooting at a certain vehicle except under certain circumstances; prohibiting a~~
 25 ~~police officer from using a chokehold, neck restraint, or a certain other type of~~
 26 ~~restraint; prohibiting a law enforcement agency from acquiring a certain armored or~~
 27 ~~weaponized vehicle receiving certain equipment from a surplus program; requiring~~
 28 ~~a law enforcement agency to have a written de-escalation of force policy; prohibiting~~
 29 ~~a police officer from knowingly and willfully violating certain provisions of this Act;~~
 30 ~~prohibiting a police officer from recklessly violating certain provisions of this Act;~~
 31 ~~authorizing a person to file a certain civil action for a certain use of force; requiring~~
 32 ~~each law enforcement agency to develop and implement a certain program to protect~~
 33 ~~the mental health of police officers; establishing certain requirements for a certain~~
 34 ~~program; requiring each law enforcement agency to develop a policy to minimize~~
 35 ~~certain costs to police officers; establishing certain penalties for a violation of certain~~
 36 ~~provisions of this Act; requiring the Governor's Office of Crime Prevention, Youth,~~
 37 ~~and Victim Services to withhold grant funding from a certain law enforcement~~
 38 ~~agency; establishing that a certain provision of law shall be known as the Maryland~~
 39 ~~Use of Force Statute; requiring the Maryland Police Training and Standards~~
 40 ~~Commission to submit a certain annual report to the Governor and General~~
 41 ~~Assembly; requiring each law enforcement agency to establish and implement a~~
 42 ~~certain police discipline process with certain requirements; requiring each law~~
 43 ~~enforcement agency to post the police discipline process on the agency's public~~
 44 ~~website; requiring certain members of trial boards and administrative charging~~
 45 ~~committees to receive certain training; prohibiting a law enforcement agency from~~
 46 ~~negating or altering certain requirements of a and policies established in accordance~~
 47 ~~with certain provision provisions of law through collective bargaining; providing for~~

1 the establishment, composition, and duties of an administrative charging committee;
 2 requiring that on completion of a certain investigation, a law enforcement agency
 3 forward the investigatory files for certain matters to an administrative charging
 4 committee; requiring that a certain allegation proceed in accordance with the policies
 5 and procedures of a certain law enforcement agency; providing that the meetings of
 6 an administrative charging committee are not subject to the requirements of the
 7 Open Meetings Act; requiring each county to have a police accountability board to
 8 take certain actions; providing for the membership, staffing, budget, and procedures
 9 of a police accountability board; ~~establishing requirements for a certain complaint~~
 10 ~~filed with a police accountability board~~ requiring a police accountability board to
 11 make a certain report and recommendations annually; authorizing an individual to
 12 file a certain complaint with a certain law enforcement agency; establishing
 13 requirements for a certain complaint; requiring each county to have a certain
 14 administrative charging committee; providing for the membership of certain
 15 administrative charging committees; requiring that there be at least one statewide
 16 administrative charging committee applicable to certain law enforcement agencies;
 17 requiring an individual to receive certain training prior to serving as a member of an
 18 administrative charging committee; requiring a certain law enforcement agency to
 19 forward certain investigatory files to a certain administrative charging committee at
 20 a certain time; requiring and authorizing an administrative charging committee to
 21 take certain actions at certain times; requiring an administrative charging
 22 committee to meet at certain times; requiring a member of an administrative
 23 charging committee to maintain confidentiality relating to a certain matter at a
 24 certain time; requiring the Maryland Police Training and Standards Commission to
 25 develop and adopt, by regulation, a certain disciplinary matrix for a certain purpose;
 26 requiring each law enforcement agency to adopt a certain disciplinary matrix;
 27 requiring a certain chief to offer certain discipline to a certain police officer at a
 28 certain time; ~~requiring~~ authorizing certain discipline to be imposed under certain
 29 circumstances; requiring a certain matter to be referred to a trial board under certain
 30 circumstances; ~~requiring a police officer to be provided certain items and notified of~~
 31 certain information before a trial board proceeding begins; requiring each law
 32 enforcement agency to establish a certain trial board process; authorizing a small
 33 law enforcement agency to use the trial board process of another law enforcement
 34 agency under certain circumstances; providing for the membership of a trial board;
 35 requiring an individual to receive certain training prior to serving as a member of a
 36 trial board; requiring that proceedings of a trial board be open to the public, with
 37 certain exceptions; authorizing a trial board to administer oaths and issue subpoenas
 38 under certain circumstances; providing that a complainant has the right to be
 39 notified of and attend a certain hearing, with certain exceptions; ~~providing that a~~
 40 law enforcement agency has the burden of proof by a preponderance of the evidence in
 41 certain proceedings; ~~providing that a police officer may be disciplined only for cause;~~
 42 providing for the appeal of a trial board decision; providing that a trial board decision
 43 that is not appealed is final; authorizing ~~and requiring~~ a certain chief to impose a
 44 certain emergency suspension under certain circumstances; ~~requiring and~~
 45 authorizing a certain chief to terminate the employment of a certain police officer;
 46 providing that a certain police officer is entitled to receive back pay under certain
 47 circumstances; providing that a police officer may be required to submit to certain

tests, examinations, or interrogations under certain circumstances; authorizing a
 certain law enforcement agency to commence an action that may lead to a certain
 punitive measure under certain circumstances; providing that the results of a certain
 test, examination, or interrogation are not admissible or discoverable in a certain
 proceeding under certain circumstances; ~~providing that forfeiture of a law~~
~~enforcement officer's pension may be imposed as a disciplinary action under certain~~
~~circumstances;~~ requiring a law enforcement agency to designate a certain victims'
 rights advocate for a certain purpose; providing for the duties of a victims' rights
 advocate; requiring each law enforcement agency to create a certain database;
~~requiring a certain investigating unit to review a certain complaint at a certain time;~~
~~requiring an administrative charging committee to take certain actions within a~~
~~certain time period; requiring a certain process of review to be completed within a~~
~~certain time period; requiring the Maryland Police Training and Standards~~
~~Commission to adopt certain regulations; providing that a certain police officer and~~
~~a complainant have the right to representation may have the assistance of a~~
~~representative in connection with certain proceedings; prohibiting the taking of~~
 certain adverse employment actions against a police officer because the police officer
 took certain actions; prohibiting the denial of a police officer's right to bring suit
 arising out of certain duties; providing that a police officer has certain rights to
 engage in political activity; prohibiting a law enforcement agency from prohibiting
 secondary employment by police officers; ~~prohibiting certain records from being~~
~~expunged or destroyed; authorizing a law enforcement agency to adopt certain~~
~~regulations; authorizing a court to order the forfeiture of pension benefits, in whole~~
~~or in part, for a law enforcement officer who is convicted of a qualifying crime;~~
~~requiring the Attorney General or the State's Attorney to file a certain complaint in~~
~~circuit court; establishing certain findings that shall be made when entering an order~~
~~requiring the forfeiture of benefits; requiring the forfeiture order to indicate the~~
~~amount of benefits forfeited; requiring a court to consider certain factors when~~
~~determining the amount of benefits subject to forfeiture; authorizing a court to order~~
~~a law enforcement officer subject to a forfeiture order to request a return of~~
~~accumulated contributions to be used for restitution relating to a qualifying crime;~~
~~providing that certain forfeiture provisions do not apply to certain contributions~~
~~made, service earned, or crimes committed before a certain date;~~ requiring the
 Emergency Number Systems Board to conduct a certain study and submit a certain
 report; ~~providing for the application of a certain provision of this Act;~~ requiring a
 certain publisher, in consultation with and subject to the approval of the Department
 of Legislative Services, to correct certain cross-references and terminology and
 describe a certain correction in a certain manner; ~~providing for the intent of the~~
~~General Assembly that the Maryland Higher Education Commission adopt certain~~
~~regulations; providing for a delayed effective date for certain provisions of this Act;~~
~~providing for the application of certain provisions of this Act; making certain~~
~~provisions of this Act contingent on the taking effect of another Act;~~ making
 conforming changes; defining certain terms; and generally relating to police reform.

44 BY renumbering

45 Article – Public Safety

46 Section 1–101(c) and (d) and 3–101(e), respectively

- 1 to be Section 1-101(d) and (e) and (c), respectively
- 2 Annotated Code of Maryland
- 3 (2018 Replacement Volume and 2020 Supplement)
- 4 BY repealing
- 5 Article – Public Safety
- 6 Section 3-101 through 3-113 and the subtitle “Subtitle 1. Law Enforcement Officers’
- 7 Bill of Rights”
- 8 Annotated Code of Maryland
- 9 (2018 Replacement Volume and 2020 Supplement)
- 10 ~~BY repealing and reenacting, with amendments,~~
- 11 ~~The Public Local Laws of Baltimore City~~
- 12 ~~Section 16-2(a) and 16-3~~
- 13 ~~Article 4 – Public Local Laws of Maryland~~
- 14 ~~(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)~~
- 15 ~~BY repealing and reenacting, with amendments,~~
- 16 ~~Article – Criminal Procedure~~
- 17 ~~Section 1-203(a)(2)(vi) 1-203(a)~~
- 18 ~~Annotated Code of Maryland~~
- 19 ~~(2018 Replacement Volume and 2020 Supplement)~~
- 20 ~~BY adding to~~
- 21 ~~Article – Criminal Procedure~~
- 22 ~~Section 1-203(a)(7)~~
- 23 ~~Annotated Code of Maryland~~
- 24 ~~(2018 Replacement Volume and 2020 Supplement)~~
- 25 BY adding to
- 26 Article – Criminal Procedure
- 27 Section 2-109
- 28 Annotated Code of Maryland
- 29 (2018 Replacement Volume and 2020 Supplement)
- 30 BY repealing and reenacting, without amendments,
- 31 Article – Education
- 32 Section 18-101
- 33 Annotated Code of Maryland
- 34 (2018 Replacement Volume and 2020 Supplement)
- 35 BY adding to
- 36 Article – Education
- 37 Section ~~45-106-11~~ 18-3701 through 18-3705 to be under the new subtitle “Subtitle
- 38 37. Maryland Loan Assistance Repayment Program for Police Officers”; and
- 39 18-3801 through 18-3807 to be under the new subtitle “Subtitle 38. Maryland
- 40 Police Officers Scholarship Program”

1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2020 Supplement)

3 ~~BY repealing and reenacting, with amendments,~~
4 ~~Article – Public Safety~~
5 ~~Section 3–203, 3–207(g), 3–209, 3–215, 3–511, and 3–516~~
6 ~~Annotated Code of Maryland~~
7 ~~(2018 Replacement Volume and 2020 Supplement)~~

8 ~~BY adding to~~
9 ~~Article – Public Safety~~
10 ~~Section 3–207(j) and (k), 3–508, and 3–523 through 3–526~~
11 ~~Annotated Code of Maryland~~
12 ~~(2018 Replacement Volume and 2020 Supplement)~~

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 5–303(a)
16 Annotated Code of Maryland
17 (2020 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – State Government
20 Section 12–104(a)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2020 Supplement)

23 ~~BY repealing and reenacting, without amendments,~~
24 ~~Article – General Provisions~~
25 ~~Section 4–101(a) and (e)~~
26 ~~Annotated Code of Maryland~~
27 ~~(2019 Replacement Volume and 2020 Supplement)~~

28 ~~BY adding to~~
29 ~~Article – General Provisions~~
30 ~~Section 4–101(g) and (l)~~
31 ~~Annotated Code of Maryland~~
32 ~~(2019 Replacement Volume and 2020 Supplement)~~

33 ~~BY repealing and reenacting, with amendments,~~
34 ~~Article – General Provisions~~
35 ~~Section 4–101(g) and (i), 4–1A–04, 4–311, and 4–351~~
36 ~~Annotated Code of Maryland~~
37 ~~(2019 Replacement Volume and 2020 Supplement)~~

38 BY adding to
39 Article – Public Safety

Section 3-101 through ~~3-113~~ *3-114* to be under the new subtitle "Subtitle 1, Police Accountability and Discipline"; 3-207(i) and (k), ~~3-508, 3-523, and 3-524~~ *and 3-508*
Annotated Code of Maryland
 (2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3-203, 3-207(a)(16) and (g), 3-209, 3-212, 3-215, ~~3-511, 3-514, 3-515, and~~
~~3-516~~ *3-514, and 3-515*
Annotated Code of Maryland
 (2018 Replacement Volume and 2020 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~20-210~~
Annotated Code of Maryland
 (2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That Section(s) 1-101(c) and (d) and 3-101(e), respectively, of Article – Public Safety of the
 Annotated Code of Maryland be renumbered to be Section(s) 1-101(d) and (e) and (c),
 respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-101 through
 3-113 and the subtitle "Subtitle 1, Law Enforcement Officers' Bill of Rights" of Article –
 Public Safety of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 as follows:

~~Article 4 – Baltimore City~~

~~16-2,~~

~~(a) The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the [State of Maryland] CITY OF BALTIMORE. The purpose generally of the department shall be to safeguard the lives and safety of all persons within the City of Baltimore, to protect property therein, and to assist in securing to all persons the equal protection of the laws. The department shall have, within the boundaries of said city, the specific duty and responsibility to preserve the public peace; to detect and prevent the commission of crime; to enforce the laws of this State, and of the Mayor and City Council of Baltimore not inconsistent with the provisions of this subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused of violating such laws and ordinances; to preserve order at public places; to maintain the orderly flow of traffic on public streets and highways; to assist law enforcement agencies of this State, any municipality of the United States in carrying out their respective duties;~~

1 and to discharge its duties and responsibilities with the dignity and manner which will
2 inspire public confidence and respect.

3 ~~16-3.~~

4 (a) All police officers of the department, including such other members thereof
5 who may be designated by the Commissioner from time to time to exercise the powers and
6 duties of police officers, shall ~~be peace officers and shall have the same powers, with~~
7 ~~respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs,~~
8 ~~constables, police and peace officers possessed at common law and have in their respective~~
9 ~~jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in~~
10 ~~those areas outside the corporate limits of Baltimore City owned, controlled, operated or~~
11 ~~leased by the Mayor and City Council of Baltimore, and against whom criminal process~~
12 ~~shall have issued, may be arrested upon the same in any part of the State by police officers~~
13 ~~of the department, as constituted and established by this subtitle.] HAVE THE AUTHORITY~~
14 ~~CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE~~
15 ~~ANNOTATED CODE OF MARYLAND.~~

16 (b) All police officers of the department shall have and enjoy all the immunities
17 and matters of defense now available, or such as hereafter may be made available, to
18 sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against
19 them in consequence of acts done in the course of their official duties.

20 Article — Criminal Procedure

21 ~~1-203.~~

22 (a) ~~(2) (vi) (1) IN THIS SUBSECTION, "NO-KNOCK SEARCH~~
23 ~~WARRANT" MEANS A SEARCH WARRANT THAT AUTHORIZES THE EXECUTING LAW~~
24 ~~ENFORCEMENT OFFICER TO ENTER A BUILDING, APARTMENT, PREMISES, PLACE, OR~~
25 ~~THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER'S AUTHORITY~~
26 ~~OR PURPOSE.~~

27 ~~(2) A circuit court judge or District Court judge may issue forthwith a~~
28 ~~search warrant whenever it is made to appear to the judge, by application as described in~~
29 ~~paragraph (2) (3) of this subsection, that there is probable cause to believe that:~~

30 ~~(i) a misdemeanor or felony is being committed by a person or in a~~
31 ~~building, apartment, premises, place, or thing within the territorial jurisdiction of the~~
32 ~~judge; or~~

33 ~~(ii) property subject to seizure under the criminal laws of the State~~
34 ~~is on the person or in or on the building, apartment, premises, place, or thing.~~

35 ~~(2) (3) (i) An application for a search warrant shall be:~~

- 1 ~~1. in writing;~~
- 2 ~~2. signed, dated, and sworn to by the applicant; and~~
- 3 ~~2. accompanied by an affidavit that:~~
- 4 ~~A. sets forth the basis for probable cause as described in~~
- 5 ~~paragraph (1) of this subsection; and~~
- 6 ~~B. contains facts within the personal knowledge of the affiant~~
- 7 ~~that there is probable cause.~~
- 8 (ii) ~~An application for a search warrant may be submitted to a judge:~~
- 9 ~~1. by in-person delivery of the application, the affidavit, and~~
- 10 ~~a proposed search warrant;~~
- 11 ~~2. by secure fax, if a complete and printable image of the~~
- 12 ~~application, the affidavit, and a proposed search warrant are submitted; or~~
- 13 ~~2. by secure electronic mail, if a complete and printable~~
- 14 ~~image of the application, the affidavit, and a proposed search warrant are submitted.~~
- 15 (iii) ~~The applicant and the judge may converse about the search~~
- 16 ~~warrant application:~~
- 17 ~~1. in person;~~
- 18 ~~2. via telephone; or~~
- 19 ~~2. via video;~~
- 20 (iv) ~~The judge may issue the search warrant:~~
- 21 ~~1. by signing the search warrant, indicating the date and~~
- 22 ~~time of issuance on the search warrant, and physically delivering the signed and dated~~
- 23 ~~search warrant, the application, and the affidavit to the applicant;~~
- 24 ~~2. by signing the search warrant, writing the date and time~~
- 25 ~~of issuance on the search warrant, and sending complete and printable images of the signed~~
- 26 ~~and dated search warrant, the application, and the affidavit to the applicant by secure fax;~~
- 27 ~~or~~
- 28 ~~2. by signing the search warrant, either electronically or in~~
- 29 ~~writing, indicating the date and time of issuance on the search warrant, and sending~~
- 30 ~~complete and printable images of the signed and dated search warrant, the application, and~~
- 31 ~~the affidavit to the applicant by secure electronic mail.~~

1 ~~(v) The judge shall file a copy of the signed and dated search~~
 2 ~~warrant, the application, and the affidavit with the court.~~

3 ~~(vi) 1. An IF APPROVED IN WRITING BY A POLICE~~
 4 ~~SUPERVISOR AND THE STATE'S ATTORNEY, AN application for a search warrant may~~
 5 ~~contain a request that the search warrant authorize the executing law enforcement officer~~
 6 ~~to enter the building, apartment, premises, place, or thing to be searched without giving~~
 7 ~~notice of the officer's authority or purpose BE A NO-KNOCK SEARCH WARRANT, on the~~
 8 ~~[grounds] GROUND that there is [reasonable suspicion to believe] CLEAR AND~~
 9 ~~CONVINCING EVIDENCE that, without the authorization[;~~

10 ~~1. the property subject to seizure may be destroyed, disposed~~
 11 ~~of, or secreted; or~~

12 ~~2.] the life or safety of the executing officer or another person~~
 13 ~~may be endangered.~~

14 ~~2. AN APPLICATION FOR A NO-KNOCK SEARCH~~
 15 ~~WARRANT UNDER THIS SUBPARAGRAPH SHALL CONTAIN:~~

16 ~~A. A DESCRIPTION OF THE CLEAR AND CONVINCING~~
 17 ~~EVIDENCE IN SUPPORT OF THE APPLICATION;~~

18 ~~B. AN EXPLANATION OF THE INVESTIGATIVE ACTIVITIES~~
 19 ~~THAT HAVE BEEN UNDERTAKEN AND THE INFORMATION THAT HAS BEEN GATHERED~~
 20 ~~TO SUPPORT THE REQUEST FOR A NO-KNOCK SEARCH WARRANT;~~

21 ~~C. AN EXPLANATION OF WHY THE AFFIANT IS UNABLE TO~~
 22 ~~DETAIN THE SUSPECT OR SEARCH THE PREMISES USING OTHER, LESS INVASIVE~~
 23 ~~METHODS;~~

24 ~~D. ACKNOWLEDGMENT THAT ANY POLICE OFFICERS~~
 25 ~~WHO WILL EXECUTE THE SEARCH WARRANT HAVE SUCCESSFULLY COMPLETED THE~~
 26 ~~SAME TRAINING IN BREACH AND CALL-OUT ENTRY PROCEDURES AS SWAT TEAM~~
 27 ~~MEMBERS;~~

28 ~~E. A STATEMENT AS TO WHETHER THE SEARCH~~
 29 ~~WARRANT CAN EFFECTIVELY BE EXECUTED DURING DAYLIGHT HOURS AND, IF NOT,~~
 30 ~~WHAT FACTS OR CIRCUMSTANCES PRECLUDE EFFECTIVE EXECUTION IN DAYLIGHT~~
 31 ~~HOURS; AND~~

32 ~~F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE~~
 33 ~~PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY~~

1 INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE
 2 PREMISES, IF KNOWN.

3 ~~[(2)] (4)~~ The search warrant shall:

4 ~~(i) be directed to a duly constituted police officer, the State Fire~~
 5 ~~Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire~~
 6 ~~Marshal and authorize the police officer, the State Fire Marshal, or a full-time~~
 7 ~~investigative and inspection assistant of the Office of the State Fire Marshal to search the~~
 8 ~~suspected person, building, apartment, premises, place, or thing and to seize any property~~
 9 ~~found subject to seizure under the criminal laws of the State;~~

10 ~~(ii) name or describe, with reasonable particularity:~~

11 ~~1. the person, building, apartment, premises, place, or thing~~
 12 ~~to be searched;~~

13 ~~2. the grounds for the search; and~~

14 ~~3. the name of the applicant on whose application the search~~
 15 ~~warrant was issued; and~~

16 ~~(iii) if warranted by application as described in paragraph [(2)] (3) of~~
 17 ~~this subsection, authorize the executing law enforcement officer to enter the building,~~
 18 ~~apartment, premises, place, or thing to be searched without giving notice of the officer's~~
 19 ~~authority or purpose.~~

20 ~~[(4)] (5)~~ ~~(i) The search and seizure under the authority of a search~~
 21 ~~warrant shall be made within [15] 7 calendar days after the day that the search warrant~~
 22 ~~is issued.~~

23 ~~(ii) After the expiration of the [15-day] 7-DAY period, the search~~
 24 ~~warrant is void.~~

25 ~~[(5)] (6)~~ ~~The executing law enforcement officer shall give a copy of the~~
 26 ~~search warrant, the application, and the affidavit to an authorized occupant of the premises~~
 27 ~~searched or leave a copy of the search warrant, the application, and the affidavit at the~~
 28 ~~premises searched.~~

29 ~~[(6)] (7)~~ ~~(i) The executing law enforcement officer shall prepare a~~
 30 ~~detailed search warrant return which shall include the date and time of the execution of~~
 31 ~~the search warrant.~~

32 ~~(ii) The executing law enforcement officer shall:~~

1 ~~1. give a copy of the search warrant return to an authorized~~
 2 ~~occupant of the premises searched or leave a copy of the return at the premises searched,~~
 3 ~~and~~

4 ~~2. file a copy of the search warrant return with the court in~~
 5 ~~person, by secure fax, or by secure electronic mail.~~

6 ~~(7) (8) (i) IN THIS PARAGRAPH, "EXIGENT CIRCUMSTANCES"~~
 7 ~~RETAINS ITS JUDICIALLY DETERMINED MEANING.~~

8 ~~(ii) A WARRANT TO SEARCH A RESIDENCE SHALL BE EXECUTED~~
 9 ~~BETWEEN 8:00 A.M. AND 7:00 P.M., ABSENT EXIGENT CIRCUMSTANCES.~~

10 ~~(iii) WHILE EXECUTING A SEARCH WARRANT, A POLICE OFFICER~~
 11 ~~SHALL BE CLEARLY RECOGNIZABLE AND IDENTIFIABLE AS A POLICE OFFICER,~~
 12 ~~WEARING A UNIFORM, BADGE, AND TAG BEARING THE NAME AND IDENTIFICATION~~
 13 ~~NUMBER OF THE POLICE OFFICER.~~

14 ~~(iv) A POLICE OFFICER EXECUTING A SEARCH WARRANT SHALL~~
 15 ~~USE A BODY CAMERA DURING THE COURSE OF THE SEARCH IN ACCORDANCE WITH~~
 16 ~~THE POLICIES ESTABLISHED BY THE POLICE OFFICER'S LAW ENFORCEMENT~~
 17 ~~AGENCY.~~

18 ~~(v) UNLESS EXECUTING A NO-KNOCK SEARCH WARRANT, A~~
 19 ~~POLICE OFFICER SHALL ALLOW A MINIMUM OF 30 SECONDS FOR THE OCCUPANTS~~
 20 ~~OF A RESIDENCE TO RESPOND AND OPEN THE DOOR BEFORE THE POLICE OFFICER~~
 21 ~~ATTEMPTS TO ENTER THE RESIDENCE, ABSENT EXIGENT CIRCUMSTANCES.~~

22 ~~(vi) A POLICE OFFICER MAY NOT USE FLASH BANG, STUN,~~
 23 ~~DISTRACTION, OR OTHER SIMILAR MILITARY STYLE DEVICES WHEN EXECUTING A~~
 24 ~~SEARCH WARRANT, ABSENT EXIGENT CIRCUMSTANCES.~~

25 *Article – Criminal Procedure*

26 2-109.

27 (A) AT THE COMMENCEMENT OF A TRAFFIC STOP OR OTHER STOP, ABSENT
 28 EXIGENT CIRCUMSTANCES, A POLICE OFFICER SHALL:

29 (1) DISPLAY PROPER IDENTIFICATION TO THE STOPPED INDIVIDUAL;
 30 AND

31 (2) PROVIDE THE FOLLOWING INFORMATION TO THE STOPPED
 32 INDIVIDUAL:

- 1 (I) THE OFFICER'S NAME;
- 2 (II) THE OFFICER'S ~~BADGE NUMBER~~ IDENTIFICATION NUMBER
3 ISSUED BY THE LAW ENFORCEMENT AGENCY THE OFFICER IS REPRESENTING;
- 4 (III) THE NAME OF THE LAW ENFORCEMENT AGENCY THE POLICE
5 OFFICER IS REPRESENTING; AND
- 6 (IV) THE REASON FOR THE TRAFFIC STOP OR OTHER STOP.
- 7 (B) A POLICE OFFICER'S FAILURE TO COMPLY WITH SUBSECTION (A) OF THIS
8 SECTION:
- 9 (1) MAY BE GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTION
10 AGAINST THE OFFICER; AND
- 11 (2) MAY NOT SERVE AS THE BASIS FOR THE EXCLUSION OF EVIDENCE
12 UNDER THE EXCLUSIONARY RULE.
- 13 (C) A POLICE OFFICER MAY NOT PROHIBIT OR PREVENT A CITIZEN FROM
14 RECORDING THE POLICE OFFICER'S ACTIONS IF THE CITIZEN IS OTHERWISE ACTING
15 LAWFULLY AND SAFELY.

16 Article - Education

- 17 ~~15-106.11.~~
- 18 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
19 ~~INDICATED.~~
- 20 ~~(2) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE~~
21 ~~PUBLIC SAFETY ARTICLE.~~
- 22 ~~(3) "TUITION" MEANS THE CHARGES IMPOSED BY AN INSTITUTION OF~~
23 ~~HIGHER EDUCATION FOR ALL CREDIT BEARING COURSES REQUIRED AS A~~
24 ~~CONDITION OF ENROLLMENT AT THE INSTITUTION.~~
- 25 ~~(B) AN INDIVIDUAL ATTENDING A PUBLIC INSTITUTION OF HIGHER~~
26 ~~EDUCATION IS EXEMPT FROM PAYING TUITION IF THE INDIVIDUAL:~~
- 27 ~~(1) IS ENROLLED IN A 4-YEAR DEGREE PROGRAM IN CRIMINAL LAW,~~
28 ~~CRIMINOLOGY, OR CRIMINAL JUSTICE;~~
- 29 ~~(2) IS ELIGIBLE FOR IN-STATE TUITION; AND~~

1 ~~(3) INTENDS TO BECOME A POLICE OFFICER AFTER GRADUATION.~~

2 ~~(C) AN INDIVIDUAL WHO HAS RECEIVED AN EXEMPTION FROM TUITION~~
 3 ~~PAYMENT UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE~~
 4 ~~INSTITUTION THE TOTAL VALUE OF THE TUITION EXEMPTION RECEIVED IF THE~~
 5 ~~INDIVIDUAL FAILS TO:~~

6 ~~(1) EARN A 4-YEAR DEGREE IN CRIMINAL LAW, CRIMINOLOGY, OR~~
 7 ~~CRIMINAL JUSTICE WITHIN 7 YEARS AFTER STARTING THE PROGRAM; AND~~

8 ~~(2) WORK AS A POLICE OFFICER FOR AT LEAST 5 YEARS DURING THE~~
 9 ~~8-YEAR PERIOD AFTER GRADUATION.~~

10 ~~(D) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL ADOPT~~
 11 ~~REGULATIONS TO IMPLEMENT THIS SECTION.~~

12 18-101.

13 (a) In this title the following words have the meanings indicated.

14 (b) "Commission" means the Maryland Higher Education Commission.

15 (c) "Office" means the Office of Student Financial Assistance.

16 (d) "Secretary" means the Secretary of Higher Education.

17 SUBTITLE 37. MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR POLICE
 18 OFFICERS.

19 18-3701.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 21 INDICATED.

22 (B) "ELIGIBLE EMPLOYMENT" MEANS TO WORK AS A POLICE OFFICER IN
 23 THE STATE FOR AT LEAST 2 YEARS.

24 (C) "HIGHER EDUCATION LOAN" MEANS A LOAN THAT IS OBTAINED FOR
 25 TUITION FOR UNDERGRADUATE STUDY LEADING TO A DEGREE IN CRIMINAL LAW,
 26 CRIMINOLOGY, OR CRIMINAL JUSTICE.

27 (D) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE
 28 PUBLIC SAFETY ARTICLE.

1 (E) "PROGRAM" MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT
2 PROGRAM FOR POLICE OFFICERS.

3 18-3702.

4 (A) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR
5 POLICE OFFICERS IN THE STATE.

6 (B) THE OFFICE SHALL DISTRIBUTE FUNDS FROM THE PROGRAM TO ASSIST
7 IN THE REPAYMENT OF A HIGHER EDUCATION LOAN OWED BY A POLICE OFFICER
8 WHO:

9 (1) RECEIVES A GRADUATE, PROFESSIONAL, OR UNDERGRADUATE
10 DEGREE FROM A PUBLIC COLLEGE OR UNIVERSITY IN THE STATE;

11 (2) OBTAINS ELIGIBLE EMPLOYMENT; AND

12 (3) SATISFIES ANY OTHER CRITERIA ESTABLISHED BY THE OFFICE.

13 18-3703.

14 (A) THE OFFICE SHALL ADOPT REGULATIONS TO CARRY OUT THIS
15 SUBTITLE.

16 (B) THE REGULATIONS SHALL INCLUDE A LIMIT ON THE TOTAL AMOUNT OF
17 ASSISTANCE PROVIDED BY THE OFFICE IN REPAYING THE LOAN OF AN ELIGIBLE
18 INDIVIDUAL, BASED ON THE INDIVIDUAL'S TOTAL INCOME AND OUTSTANDING
19 HIGHER EDUCATION LOAN BALANCE.

20 18-3704.

21 THE GOVERNOR SHALL INCLUDE AN ANNUAL APPROPRIATION OF AT LEAST
22 \$1,500,000 IN THE STATE BUDGET FOR THE PROGRAM.

23 18-3705.

24 SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE OFFICE
25 SHALL REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1 EACH YEAR ON THE
26 IMPLEMENTATION OF THE PROGRAM.

27 SUBTITLE 38. MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.

28 18-3801.

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “ELIGIBLE INSTITUTION” MEANS A PUBLIC SENIOR HIGHER EDUCATION
4 INSTITUTION IN THE STATE.

5 (C) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
6 PUBLIC SAFETY ARTICLE.

7 (D) “SERVICE OBLIGATION” MEANS TO WORK AS A POLICE OFFICER IN THE
8 STATE NOT LESS THAN 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.
9 18-3802.

10 (A) THERE IS A MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.

11 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TUITION ASSISTANCE
12 FOR STUDENTS:

13 (1) ATTENDING A ~~4-YEAR~~ DEGREE PROGRAM ~~IN CRIMINAL LAW,~~
14 ~~CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE STUDENT’S
15 ~~CAREER IN LAW ENFORCEMENT~~ AT AN ELIGIBLE INSTITUTION WITH THE INTENT TO
16 BE A POLICE OFFICER AFTER GRADUATION; OR

17 (2) WHO ARE CURRENTLY POLICE OFFICERS ATTENDING A ~~4-YEAR~~
18 ~~DEGREE PROGRAM IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT
19 ~~WOULD FURTHER THE POLICE OFFICER’S CAREER IN LAW ENFORCEMENT~~ AT AN
20 ELIGIBLE INSTITUTION.

21 (C) THE OFFICE SHALL PUBLICIZE THE AVAILABILITY OF THE MARYLAND
22 POLICE OFFICERS SCHOLARSHIP.

23 18-3803.

24 (A) THE OFFICE SHALL ANNUALLY SELECT ELIGIBLE STUDENTS AND
25 OFFER A SCHOLARSHIP TO EACH STUDENT SELECTED TO BE USED AT AN ELIGIBLE
26 INSTITUTION OF THE STUDENT’S CHOICE.

27 (B) A RECIPIENT OF THE MARYLAND POLICE OFFICERS SCHOLARSHIP
28 SHALL:

29 (1) BE A MARYLAND RESIDENT OR HAVE GRADUATED FROM A
30 MARYLAND HIGH SCHOOL;

1 (2) BE ACCEPTED FOR ADMISSION OR CURRENTLY ENROLLED AT AN
 2 ELIGIBLE INSTITUTION AS A FULL-TIME OR PART-TIME UNDERGRADUATE OR
 3 GRADUATE STUDENT PURSUING A COURSE OF STUDY OR PROGRAM ~~IN CRIMINAL~~
 4 ~~LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE
 5 RECIPIENT'S CAREER IN LAW ENFORCEMENT;

6 (3) SIGN A LETTER OF INTENT TO PERFORM THE SERVICE
 7 OBLIGATION ON COMPLETION OF THE RECIPIENT'S REQUIRED STUDIES; AND

8 (4) SATISFY ANY ADDITIONAL CRITERIA THE COMMISSION MAY
 9 ESTABLISH.

10 (C) A CURRENT POLICE OFFICER SHALL BE ELIGIBLE FOR A MARYLAND
 11 POLICE OFFICERS SCHOLARSHIP IF THEY MEET THE ELIGIBILITY CRITERIA UNDER
 12 SUBSECTION (B) OF THIS SECTION.

13 18-3804.

14 THE RECIPIENT OF A MARYLAND POLICE OFFICERS SCHOLARSHIP SHALL
 15 REPAY THE COMMISSION THE FUNDS RECEIVED AS SET FORTH IN § 18-112 OF THIS
 16 TITLE IF THE RECIPIENT DOES NOT:

17 (1) SATISFY THE DEGREE REQUIREMENTS OF THE ELIGIBLE COURSE
 18 OF STUDY OR PROGRAM OR FULFILL OTHER REQUIREMENTS AS PROVIDED IN THIS
 19 SUBTITLE; OR

20 (2) PERFORM THE SERVICE OBLIGATION TO WORK AS A POLICE
 21 OFFICER FOR AT LEAST 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.

22 18-3805.

23 THE ANNUAL SCHOLARSHIP AWARD SHALL BE 50% OF THE EQUIVALENT
 24 ANNUAL TUITION AND MANDATORY FEES OF A RESIDENT UNDERGRADUATE
 25 STUDENT AT THE ELIGIBLE INSTITUTION.

26 18-3806.

27 THE GOVERNOR SHALL ANNUALLY INCLUDE IN THE BUDGET BILL AN
 28 APPROPRIATION OF AT LEAST \$8,500,000 TO THE COMMISSION TO AWARD
 29 SCHOLARSHIPS UNDER THIS SUBTITLE, AND THE COMMISSION SHALL USE:

30 (1) \$6,000,000 FOR SCHOLARSHIPS TO STUDENTS INTENDING TO
 31 BECOME POLICE OFFICERS AFTER GRADUATION; AND

1 (2) \$2,500,000 FOR SCHOLARSHIPS FOR EXISTING POLICE OFFICERS
 2 TO ATTEND AN ELIGIBLE INSTITUTION AND REMAIN A POLICE OFFICER AFTER
 3 GRADUATION.

4 18-3807.

5 THE OFFICE SHALL:

6 (1) PUBLICIZE THE AVAILABILITY OF MARYLAND POLICE OFFICERS
 7 SCHOLARSHIPS; AND

8 (2) TO THE EXTENT PRACTICABLE, AWARD SCHOLARSHIPS UNDER
 9 THIS SUBTITLE IN A MANNER THAT REFLECTS ETHNIC, GENDER, RACIAL, AND
 10 GEOGRAPHIC DIVERSITY.

11 Article — Public Safety

12 ~~3-523.~~

13 ~~(A)~~ (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 ~~(2)~~ "EMPLOYEE ASSISTANCE PROGRAM" MEANS A WORK-BASED
 16 PROGRAM OFFERED TO ALL POLICE OFFICERS THAT PROVIDES ACCESS TO
 17 VOLUNTARY AND CONFIDENTIAL SERVICES TO ADDRESS THE MENTAL HEALTH
 18 ISSUES OF A POLICE OFFICER STEMMING FROM PERSONAL AND WORK-RELATED
 19 CONCERNS, INCLUDING STRESS, FINANCIAL ISSUES, LEGAL ISSUES, FAMILY
 20 PROBLEMS, OFFICE CONFLICTS, AND ALCOHOL AND SUBSTANCE ABUSE DISORDERS.

21 ~~(3)~~ "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
 22 ~~3-201~~ OF THIS TITLE.

23 ~~(4)~~ "POLICE OFFICER" HAS THE MEANING STATED IN § ~~3-201~~ OF THIS
 24 TITLE.

25 ~~(B)~~ EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE ACCESS TO AN
 26 EMPLOYEE ASSISTANCE PROGRAM OR A MENTAL HEALTH PROGRAM FOR ALL
 27 POLICE OFFICERS THAT THE LAW ENFORCEMENT AGENCY EMPLOYS.

28 ~~(C)~~ THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION
 29 SHALL PROVIDE POLICE OFFICERS ACCESS TO CONFIDENTIAL MENTAL HEALTH
 30 SERVICES, INCLUDING:

31 ~~(1)~~ COUNSELING SERVICES;

- 1 ~~(2) CRISIS COUNSELING;~~
 2 ~~(3) STRESS MANAGEMENT COUNSELING;~~
 3 ~~(4) RESILIENCY SESSIONS; AND~~
 4 ~~(5) PEER SUPPORT SERVICES FOR POLICE OFFICERS.~~

5 ~~(D) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS SUBTITLE, AS~~
 6 ~~PART OF THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, EACH~~
 7 ~~LAW ENFORCEMENT AGENCY SHALL PROVIDE TO ALL POLICE OFFICERS THE~~
 8 ~~AGENCY EMPLOYS A VOLUNTARY MENTAL HEALTH CONSULTATION OR COUNSELING~~
 9 ~~SERVICES BEFORE THE POLICE OFFICER RETURNS TO FULL DUTY FOLLOWING ANY~~
 10 ~~INCIDENT INVOLVING:~~

- 11 ~~(1) A SERIOUS INJURY TO THE POLICE OFFICER;~~
 12 ~~(2) AN OFFICER INVOLVED SHOOTING;~~
 13 ~~(3) AN ACCIDENT RESULTING IN A FATALITY; OR~~
 14 ~~(4) ANY USE OF FORCE RESULTING IN A FATALITY OR SERIOUS~~
 15 ~~INJURY.~~

16 ~~(E) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION~~
 17 ~~SHALL INCLUDE A COMPONENT DESIGNED TO PROTECT THE MENTAL HEALTH OF~~
 18 ~~POLICE OFFICERS DURING PERIODS OF PUBLIC DEMONSTRATIONS AND UNREST.~~

19 ~~(F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO~~
 20 ~~PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT MINIMAL COST~~
 21 ~~TO A POLICE OFFICER.~~

22 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 23 ~~as follows:~~

24 Article – Courts and Judicial Proceedings

25 ~~5-303.~~

- 26 (a) (1) [Subject to paragraph (2)] EXCEPT AS PROVIDED IN PARAGRAPHS
 27 (2) AND (3) of this subsection, the liability of a local government may not exceed \$400,000
 28 per an individual claim, and \$800,000 per total claims that arise from the same occurrence
 29 for damages resulting from tortious acts or omissions, or liability arising under subsection
 30 (b) of this section and indemnification under subsection (c) of this section.

1 (2) The limits on liability provided under paragraph (1) of this subsection
 2 do not include interest accrued on a judgment.

3 (3) IF THE LIABILITY OF A LOCAL GOVERNMENT ARISES FROM
 4 INTENTIONAL TORTIOUS ACTS OR OMISSIONS OR A VIOLATION OF A
 5 CONSTITUTIONAL RIGHT COMMITTED BY A LAW ENFORCEMENT OFFICER, THE
 6 FOLLOWING LIMITS ON LIABILITY APPLY:

7 (1) ~~1.~~ SUBJECT TO ITEM 2 OF THIS ITEM AND ITEM (II) OF
 8 THIS PARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND
 9 NONECONOMIC DAMAGES MAY NOT EXCEED A TOTAL OF \$890,000 FOR ALL CLAIMS
 10 ARISING OUT OF THE SAME INCIDENT OR OCCURRENCE, REGARDLESS OF THE
 11 NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD; AND

12 ~~2.~~ A. THE LIMITATION ON NONECONOMIC DAMAGES
 13 PROVIDED UNDER ITEM 1 OF THIS ITEM SHALL INCREASE BY \$15,000 ON OCTOBER
 14 1 EACH YEAR BEGINNING OCTOBER 1, 2022; AND

15 ~~B.~~ THE INCREASED AMOUNT SHALL APPLY TO CAUSES
 16 OF ACTION ARISING BETWEEN OCTOBER 1 OF THAT YEAR AND SEPTEMBER 30 OF
 17 THE FOLLOWING YEAR, INCLUSIVE; AND

18 (II) ~~1.~~ THE LIMITATION ESTABLISHED UNDER ITEM (I) OF
 19 THIS PARAGRAPH SHALL APPLY IN A PERSONAL INJURY ACTION TO EACH DIRECT
 20 VICTIM OF TORTIOUS CONDUCT AND ALL PERSONS WHO CLAIM INJURY BY OR
 21 THROUGH THAT VICTIM; AND

22 (II) ~~2.~~ IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE
 23 TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC
 24 DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER ITEM
 25 (I) OF THIS PARAGRAPH, REGARDLESS OF THE NUMBER OF CLAIMANTS OR
 26 BENEFICIARIES WHO SHARE IN THE AWARD.

27 Article – State Government

28 12–104.

29 (a) (1) Subject to the exclusions and limitations in this subtitle and
 30 notwithstanding any other provision of law, the immunity of the State and of its units is
 31 waived as to a tort action, in a court of the State, to the extent provided under paragraph
 32 (2) of this subsection.

1 (2) (i) ~~[The]~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 2 PARAGRAPH, THE liability of the State and its units may not exceed \$400,000 to a single
 3 claimant for injuries arising from a single incident or occurrence.

4 (ii) IF LIABILITY OF THE STATE OR ITS UNITS ARISES FROM
 5 INTENTIONAL TORTIOUS ACTS OR OMISSIONS OR A VIOLATION OF A
 6 CONSTITUTIONAL RIGHT COMMITTED BY A LAW ENFORCEMENT OFFICER, THE
 7 FOLLOWING LIMITS ON LIABILITY SHALL APPLY:

8 1. ~~A.~~ SUBJECT TO ITEM B OF THIS ITEM AND ITEM 2
 9 OF THIS SUBPARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND
 10 NONECONOMIC DAMAGES SHALL MAY NOT EXCEED A TOTAL OF \$890,000 FOR ALL
 11 CLAIMS ARISING OUT OF THE SAME INCIDENT OR OCCURRENCE, REGARDLESS OF
 12 THE NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD; AND

13 ~~B.~~ THE LIMITATION ON NONECONOMIC DAMAGES
 14 PROVIDED UNDER ITEM A OF THIS ITEM SHALL INCREASE BY \$15,000 ON OCTOBER
 15 1 EACH YEAR BEGINNING OCTOBER 1, 2022; AND

16 ~~C.~~ THE INCREASED AMOUNT SHALL APPLY TO CAUSES
 17 OF ACTION ARISING BETWEEN OCTOBER 1 OF THAT YEAR AND SEPTEMBER 30 OF
 18 THE FOLLOWING YEAR, INCLUSIVE; AND

19 ~~2.~~ ~~A.~~ THE LIMITATION ESTABLISHED UNDER ITEM 1
 20 OF THIS SUBPARAGRAPH SHALL APPLY IN A PERSONAL INJURY ACTION TO EACH
 21 DIRECT VICTIM OF TORTIOUS CONDUCT AND ALL PERSONS WHO CLAIM INJURY BY
 22 OR THROUGH THAT VICTIM; AND

23 ~~B.~~ 2. IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE
 24 TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC
 25 DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER ITEM 1
 26 OF THIS ITEM, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES
 27 WHO SHARE IN THE AWARD.

28 ~~SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 29 ~~as follows:~~

30 ~~Article—General Provisions~~

31 ~~4-101.~~

32 ~~(a) In this title the following words have the meanings indicated.~~

33 ~~(e) "Board" means the State Public Information Act Compliance Board.~~

1 ~~(H) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE~~
 2 ~~PUBLIC SAFETY ARTICLE.~~

3 ~~[(G) (J)] "Political subdivision" means:~~

- 4 ~~(1) a county;~~
- 5 ~~(2) a municipal corporation;~~
- 6 ~~(3) an unincorporated town;~~
- 7 ~~(4) a school district; or~~
- 8 ~~(5) a special district.~~

9 ~~[(G) (K)] (1) "Public record" means the original or any copy of any~~
 10 ~~documentary material that:~~

11 ~~(i) is made by a unit or an instrumentality of the State or of a~~
 12 ~~political subdivision or received by the unit or instrumentality in connection with the~~
 13 ~~transaction of public business; and~~

14 ~~(ii) is in any form, including:~~

- 15 ~~1. a card;~~
- 16 ~~2. a computerized record;~~
- 17 ~~3. correspondence;~~
- 18 ~~4. a drawing;~~
- 19 ~~5. film or microfilm;~~
- 20 ~~6. a form;~~
- 21 ~~7. a map;~~
- 22 ~~8. a photograph or photostat;~~
- 23 ~~9. a recording; or~~
- 24 ~~10. a tape.~~

25 ~~(2) "Public record" includes a document that lists the salary of an employee~~
 26 ~~of a unit or an instrumentality of the State or of a political subdivision.~~

1 ~~(3) "Public record" does not include a digital photographic image or~~
 2 ~~signature of an individual, or the actual stored data of the image or signature, recorded by~~
 3 ~~the Motor Vehicle Administration.~~

4 ~~(L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN~~
 5 ~~INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES~~
 6 ~~THAT:~~

7 ~~(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF~~
 8 ~~THE PUBLIC AND THE INDIVIDUAL;~~

9 ~~(2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,~~
 10 ~~ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND~~

11 ~~(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN;~~

12 ~~4-1A-04.~~

13 ~~(a) The Board shall:~~

14 ~~(1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve~~
 15 ~~complaints filed under § 4-1A-05 of this subtitle from any applicant or the applicant's~~
 16 ~~designated representative alleging that a custodian charged an unreasonable fee under §~~
 17 ~~4-206 of this title;~~

18 ~~(2) issue a written opinion as to whether a violation has occurred; and~~

19 ~~(3) if the Board finds that the custodian charged an unreasonable fee under~~
 20 ~~§ 4-206 of this title, order the custodian to reduce the fee to an amount determined by the~~
 21 ~~Board to be reasonable and refund the difference.~~

22 ~~(B) THE BOARD SHALL:~~

23 ~~(1) RECEIVE, REVIEW, AND RESOLVE COMPLAINTS FILED FROM ANY~~
 24 ~~CUSTODIAN ALLEGING THAT AN APPLICANT'S REQUEST OR PATTERN OF REQUESTS~~
 25 ~~IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH;~~

26 ~~(2) ISSUE A WRITTEN DECISION AS TO WHETHER THE APPLICANT'S~~
 27 ~~REQUEST OR PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH;~~
 28 ~~AND~~

29 ~~(3) IF THE BOARD FINDS THAT THE APPLICANT'S REQUEST OR~~
 30 ~~PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH, BASED ON THE~~
 31 ~~TOTALITY OF THE CIRCUMSTANCES INCLUDING THE NUMBER AND SCOPE OF THE~~

1 ~~APPLICANT'S PAST REQUESTS AND THE CUSTODIAN'S RESPONSES TO PAST~~
 2 ~~REQUESTS AND EFFORTS TO COOPERATE WITH THE APPLICANT, ISSUE AN ORDER~~
 3 ~~AUTHORIZING THE CUSTODIAN TO:~~

4 ~~(1) IGNORE THE REQUEST THAT IS THE SUBJECT OF THE~~
 5 ~~CUSTODIAN'S COMPLAINT; OR~~

6 ~~(11) RESPOND TO A LESS BURDENSOME VERSION OF THE~~
 7 ~~REQUEST WITHIN A REASONABLE TIME FRAME, AS DETERMINED BY THE BOARD;~~

8 ~~(b)(c) The Board shall:~~

9 ~~(1) study ongoing compliance with this title by custodians; and~~

10 ~~(2) make recommendations to the General Assembly for improvements to~~
 11 ~~this title;~~

12 ~~(c)(d) (1) On or before October 1 of each year, the Board shall submit a~~
 13 ~~report to the Governor and, subject to § 2-1257 of the State Government Article, the~~
 14 ~~General Assembly;~~

15 ~~(2) The report shall:~~

16 ~~(i) describe the activities of the Board;~~

17 ~~(ii) describe the opinions of the Board;~~

18 ~~(iii) state the number and nature of complaints filed with the Board;~~

19 ~~and~~

20 ~~(iv) recommend any improvements to this title;~~

21 ~~4-311.~~

22 ~~(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a~~
 23 ~~personnel record of an individual, including an application, a performance rating, or~~
 24 ~~scholastic achievement information;~~

25 ~~(b) A custodian shall allow inspection by:~~

26 ~~(1) the person in interest;~~

27 ~~(2) an elected or appointed official who supervises the work of the~~
 28 ~~individual; for:~~

1 ~~(2) an employee organization described in Title 6 of the Education Article~~
2 ~~of the portion of the personnel record that contains the individual's:~~

3 ~~(i) home address;~~

4 ~~(ii) home telephone number; and~~

5 ~~(iii) personal cell phone numbers~~

6 ~~(4) THE UNITED STATES ATTORNEY;~~

7 ~~(5) THE ATTORNEY GENERAL;~~

8 ~~(6) THE STATE PROSECUTOR; OR~~

9 ~~(7) A STATE'S ATTORNEY.~~

10 ~~(c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
11 ~~RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF~~
12 ~~MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
13 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
14 ~~DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS~~
15 ~~SECTION.~~

16 ~~(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL~~
17 ~~RECORD FOR THE PURPOSES OF THIS SECTION.~~

18 ~~4-251.~~

19 ~~(a) Subject to [subsection (b)] SUBSECTIONS (B), (C), AND (D) of this section, a~~
20 ~~custodian may deny inspection of:~~

21 ~~(1) records of investigations conducted by the Attorney General, a State's~~
22 ~~Attorney, a municipal or county attorney, a police department, or a sheriff;~~

23 ~~(2) an investigatory file compiled for any other law enforcement, judicial,~~
24 ~~correctional, or prosecution purpose; [or]~~

25 ~~(3) records that contain intelligence information or security procedures of~~
26 ~~the Attorney General, a State's Attorney, a municipal or county attorney, a police~~
27 ~~department, a State or local correctional facility, or a sheriff; OR~~

28 ~~(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,~~
29 ~~RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT~~

1 ~~BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,~~
 2 ~~A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.~~

3 ~~(b) A custodian may deny inspection by a person in interest only to the extent~~
 4 ~~that the inspection would:~~

- 5 ~~(1) interfere with a valid and proper law enforcement proceeding;~~
- 6 ~~(2) deprive another person of a right to a fair trial or an impartial~~
 7 ~~adjudication;~~
- 8 ~~(3) constitute an unwarranted invasion of personal privacy;~~
- 9 ~~(4) disclose the identity of a confidential source;~~
- 10 ~~(5) disclose an investigative technique or procedure;~~
- 11 ~~(6) prejudice an investigation; or~~
- 12 ~~(7) endanger the life or physical safety of an individual.~~

13 ~~(c) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN~~
 14 ~~SUBSECTION (A)(4) OF THIS SECTION BY:~~

- 15 ~~(1) THE UNITED STATES ATTORNEY;~~
- 16 ~~(2) THE ATTORNEY GENERAL;~~
- 17 ~~(3) THE STATE PROSECUTOR; OR~~
- 18 ~~(4) A STATE'S ATTORNEY.~~

19 ~~(d) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~
 20 ~~CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION~~
 21 ~~(A)(4) OF THIS SECTION:~~

- 22 ~~(1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR~~
- 23 ~~(2) TO THE EXTENT THAT THE RECORD REFLECTS:~~
- 24 ~~(i) MEDICAL INFORMATION;~~
- 25 ~~(ii) PERSONAL CONTACT INFORMATION OF THE PERSON IN~~
 26 ~~INTEREST;~~

1 ~~(HH) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN~~
2 ~~INTEREST; OR~~

3 ~~(IV) WITNESS INFORMATION;~~

4 ~~(E) A CUSTODIAN SHALL NOTIFY THE PERSON IN INTEREST OF A RECORD~~
5 ~~DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION WHEN THE RECORD IS~~
6 ~~INSPECTED, BUT MAY NOT DISCLOSE THE IDENTITY OF THE REQUESTOR TO THE~~
7 ~~PERSON IN INTEREST.~~

8 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
9 ~~as follows:~~

10 Article – Public Safety

11 SUBTITLE 1. POLICE ACCOUNTABILITY AND DISCIPLINE.

12 3-101.

13 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “ADMINISTRATIVELY CHARGED” MEANS THAT A POLICE OFFICER HAS
16 BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE PROCEEDING.

17 (C) “DISCIPLINARY MATRIX” MEANS A WRITTEN, CONSISTENT,
18 PROGRESSIVE, AND TRANSPARENT TOOL OR RUBRIC THAT PROVIDES RANGES OF
19 DISCIPLINARY ACTIONS FOR DIFFERENT TYPES OF MISCONDUCT.

20 (D) “EXONERATED” MEANS THAT A POLICE OFFICER ACTED IN
21 ACCORDANCE WITH THE LAW AND AGENCY POLICY.

22 ~~(E) “INDEPENDENT INVESTIGATIVE AGENCY” MEANS THE AGENCY~~
23 ~~ESTABLISHED UNDER § 3-102 OF THIS SUBTITLE.~~

24 ~~(F) (E)~~ “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
25 3-201 OF THIS TITLE.

26 ~~(G) (F)~~ “NOT ADMINISTRATIVELY CHARGED” MEANS THAT A
27 DETERMINATION HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE
28 OFFICER IN CONNECTION WITH ALLEGED MISCONDUCT.

29 ~~(H) (G)~~ “POLICE MISCONDUCT” MEANS A PATTERN, A PRACTICE, OR
30 CONDUCT BY A POLICE OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

1 (1) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE
 2 CONSTITUTION OR LAWS OF THE STATE OR THE UNITED STATES;

3 (2) A VIOLATION OF A CRIMINAL STATUTE; AND

4 (3) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND
 5 POLICIES.

6 ~~(H)~~ (H) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
 7 TITLE.

8 ~~(I)~~ (I) “SERIOUS PHYSICAL INJURY” HAS THE MEANING STATED IN §
 9 3-201 OF THE CRIMINAL LAW ARTICLE.

10 ~~(J)~~ (J) “SUPERIOR GOVERNMENTAL AUTHORITY” MEANS THE
 11 GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.

12 ~~(K)~~ (K) “UNFOUNDED” MEANS THAT THE ALLEGATIONS AGAINST A
 13 POLICE OFFICER ARE NOT SUPPORTED BY FACT.

14 3-102.

15 ~~(A) THE INDEPENDENT INVESTIGATIVE AGENCY IS ESTABLISHED AS AN~~
 16 ~~INDEPENDENT UNIT OF STATE GOVERNMENT FOR THE PURPOSE OF INVESTIGATING~~
 17 ~~USE OF FORCE INCIDENTS INVOLVING POLICE OFFICERS.~~

18 ~~(B) THE INDEPENDENT INVESTIGATIVE AGENCY MAY EMPLOY SWORN~~
 19 ~~POLICE OFFICERS AND CIVILIANS TO CONDUCT ITS WORK.~~

20 ~~(C) A SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER INCIDENT~~
 21 ~~INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR~~
 22 ~~SERIOUS PHYSICAL INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT~~
 23 ~~INVESTIGATIVE AGENCY.~~

24 ~~(D) A LAW ENFORCEMENT AGENCY SHALL:~~

25 ~~(1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY~~
 26 ~~ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER~~
 27 ~~INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING~~
 28 ~~DEATH OR SERIOUS PHYSICAL INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY~~
 29 ~~BECOMES AWARE OF THE INCIDENT; AND~~

1 ~~(2) COOPERATE WITH THE INDEPENDENT INVESTIGATIVE AGENCY IN~~
 2 ~~THE INVESTIGATION OF THE INCIDENT.~~

3 ~~(E) (1) ON COMPLETION OF AN INVESTIGATION UNDER THIS SECTION,~~
 4 ~~THE INDEPENDENT INVESTIGATIVE AGENCY SHALL SUBMIT A REPORT CONTAINING~~
 5 ~~THE FINDINGS OF THE INVESTIGATION TO THE STATE'S ATTORNEY WITH~~
 6 ~~JURISDICTION OVER THE MATTER.~~

7 ~~(2) AFTER THE STATE'S ATTORNEY MAKES A DECISION WHETHER OR~~
 8 ~~NOT TO PROSECUTE, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL PUBLICIZE~~
 9 ~~THE REPORT.~~

10 ~~(F) THE GOVERNOR ANNUALLY SHALL INCLUDE FUNDING IN THE STATE~~
 11 ~~BUDGET SUFFICIENT TO PROVIDE FOR THE FULL AND PROPER OPERATION OF THE~~
 12 ~~INDEPENDENT INVESTIGATIVE AGENCY.~~

13 ~~3-103.~~

14 ~~(A) EACH COUNTY SHALL HAVE A POLICE ACCOUNTABILITY BOARD TO:~~

15 ~~(1) HOLD QUARTERLY MEETINGS WITH HEADS OF LAW~~
 16 ~~ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH LAW ENFORCEMENT~~
 17 ~~AGENCIES AND THE COUNTY GOVERNMENT TO IMPROVE MATTERS OF POLICING;~~

18 ~~(2) APPOINT CIVILIAN MEMBERS TO CHARGING COMMITTEES AND~~
 19 ~~TRIAL BOARDS;~~

20 ~~(3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY~~
 21 ~~MEMBERS OF THE PUBLIC; AND~~

22 ~~(4) (I) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF~~
 23 ~~DISCIPLINARY MATTERS CONSIDERED BY CHARGING COMMITTEES; AND~~

24 ~~(II) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A~~
 25 ~~REPORT TO THE GOVERNING BODY OF THE COUNTY THAT:~~

26 ~~1. IDENTIFIES ANY TRENDS IN THE DISCIPLINARY~~
 27 ~~PROCESS OF POLICE OFFICERS IN THE COUNTY; AND~~

28 ~~2. MAKES RECOMMENDATIONS ON CHANGES TO POLICY~~
 29 ~~THAT WOULD IMPROVE POLICE ACCOUNTABILITY IN THE COUNTY.~~

1 ~~(B) (1) (i) SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE~~
 2 ~~MEMBERSHIP OF A POLICE ACCOUNTABILITY BOARD SHALL BE DETERMINED BY THE~~
 3 ~~LOCAL LEGISLATIVE BODY GOVERNING BODY SHALL:~~

4 1. ESTABLISH THE MEMBERSHIP OF A POLICE
 5 ACCOUNTABILITY BOARD;

6 2. ESTABLISH THE BUDGET AND STAFF FOR A POLICE
 7 ACCOUNTABILITY BOARD;

8 3. APPOINT A CHAIR OF THE POLICE ACCOUNTABILITY
 9 BOARD WHO HAS RELEVANT EXPERIENCE TO THE POSITION; AND

10 4. ESTABLISH THE PROCEDURES FOR RECORD KEEPING
 11 BY A POLICE ACCOUNTABILITY BOARD.

12 (ii) AN ACTIVE POLICE OFFICER MAY NOT BE A MEMBER OF A
 13 POLICE ACCOUNTABILITY BOARD.

14 (2) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF A POLICE
 15 ACCOUNTABILITY BOARD SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL
 16 DIVERSITY OF THE COUNTY.

17 (C) (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A POLICE
 18 ACCOUNTABILITY BOARD SHALL INCLUDE:

19 (i) THE NAME OF THE POLICE OFFICER ACCUSED OF
 20 MISCONDUCT;

21 (ii) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT
 22 IS BASED; AND

23 (iii) CONTACT INFORMATION OF THE COMPLAINANT OR A
 24 PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE
 25 FOLLOW-UP.

26 (2) A COMPLAINT NEED NOT:

27 (i) INCLUDE IDENTIFYING INFORMATION OF THE
 28 COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR

29 (ii) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF
 30 PERJURY.

1 (D) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A POLICE
 2 ACCOUNTABILITY BOARD SHALL BE FORWARDED TO THE APPROPRIATE LAW
 3 ENFORCEMENT AGENCY WITHIN 3 DAYS AFTER RECEIPT BY THE BOARD.

4 ~~3-104, 3-103.~~

5 (A) AN INDIVIDUAL MAY FILE A COMPLAINT OF POLICE MISCONDUCT WITH
 6 THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER WHO IS THE
 7 SUBJECT OF THE COMPLAINT.

8 (B) (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A LAW
 9 ENFORCEMENT AGENCY SHALL INCLUDE:

10 (I) THE NAME OF THE POLICE OFFICER ACCUSED OF
 11 MISCONDUCT;

12 (II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT
 13 IS BASED; AND

14 (III) CONTACT INFORMATION OF THE COMPLAINANT OR A
 15 PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE
 16 FOLLOW-UP.

17 (2) A COMPLAINT NEED NOT:

18 ~~(I) INCLUDE IDENTIFYING INFORMATION OF THE~~
 19 ~~COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR~~

20 ~~(II) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF~~
 21 ~~PERJURY.~~

22 ~~3-105, 3-104.~~

23 (A) (1) EACH COUNTY SHALL HAVE ONE ADMINISTRATIVE CHARGING
 24 COMMITTEE TO SERVE COUNTYWIDE LAW ENFORCEMENT AGENCIES AND LOCAL
 25 LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY.

26 (2) A COUNTY ADMINISTRATIVE CHARGING COMMITTEE SHALL BE
 27 COMPOSED OF:

28 (I) THE CHAIR OF THE COUNTY'S POLICE ACCOUNTABILITY
 29 BOARD, OR ANOTHER MEMBER OF THE ACCOUNTABILITY BOARD DESIGNATED BY
 30 THE CHAIR OF THE ACCOUNTABILITY BOARD;

- 1 ~~(II) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS:~~
2 ~~1. A RESIDENT OF THE COUNTY;~~
3 ~~2. NOT EMPLOYED BY THE OFFICE OF THE PUBLIC~~
4 ~~DEFENDER; AND~~
5 ~~3. NOT CURRENTLY REPRESENTING A PARTY AS AN~~
6 ~~ATTORNEY IN A CRIMINAL MATTER PENDING IN A COURT IN THE COUNTY;~~
- 7 ~~(III) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE~~
8 ~~JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS:~~
9 ~~1. A RESIDENT OF THE COUNTY;~~
10 ~~2. NOT EMPLOYED BY THE OFFICE OF THE STATE'S~~
11 ~~ATTORNEY; AND~~
12 ~~3. NOT CURRENTLY REPRESENTING A PARTY AS AN~~
13 ~~ATTORNEY IN A CRIMINAL MATTER PENDING IN A COURT IN THE COUNTY;~~
- 14 ~~(IV) (II) ONE CIVILIAN TWO CIVILIAN MEMBERS SELECTED BY~~
15 ~~THE COUNTY'S POLICE ACCOUNTABILITY BOARD; AND~~
- 16 ~~(V) (III) THE LEAD ATTORNEY FOR THE SUPERIOR~~
17 ~~GOVERNMENTAL AUTHORITY OF THE COUNTY TWO CIVILIAN MEMBERS SELECTED BY~~
18 ~~THE CHIEF EXECUTIVE OFFICER OF THE COUNTY.~~
- 19 (B) (1) THERE SHALL BE AT LEAST ONE STATEWIDE ADMINISTRATIVE
20 CHARGING COMMITTEE TO SERVE STATEWIDE AND BI-COUNTY LAW ENFORCEMENT
21 AGENCIES.
- 22 (2) A STATEWIDE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE
23 COMPOSED OF:
- 24 ~~(i) A DESIGNEE OF THE ATTORNEY GENERAL WHO IS NOT~~
25 ~~EMPLOYED BY THE OFFICE OF THE ATTORNEY GENERAL, THE OFFICE OF THE~~
26 ~~STATE PROSECUTOR, OR THE OFFICE OF THE UNITED STATES ATTORNEY;~~
- 27 ~~(ii) A DESIGNEE OF THE PUBLIC DEFENDER OF MARYLAND~~
28 ~~WHO IS NOT EMPLOYED BY THE OFFICE OF THE PUBLIC DEFENDER;~~
- 29 (i) THREE CIVILIAN MEMBERS APPOINTED BY THE GOVERNOR;

1 (II) ONE CIVILIAN MEMBER APPOINTED BY THE PRESIDENT OF
2 THE SENATE; AND

3 (III) ONE CIVILIAN MEMBER APPOINTED BY THE SPEAKER OF THE
4 HOUSE.

5 ~~(III) A DESIGNEE OF THE GOVERNOR'S LEGAL COUNSEL;~~

6 ~~(IV) ONE CIVILIAN APPOINTED BY THE GOVERNOR; AND~~

7 ~~(V) ONE CIVILIAN JOINTLY APPOINTED BY THE SPEAKER OF~~
8 ~~THE HOUSE AND THE PRESIDENT OF THE SENATE.~~

9 (C) BEFORE SERVING AS A MEMBER OF AN ADMINISTRATIVE CHARGING
10 COMMITTEE, AN INDIVIDUAL SHALL RECEIVE TRAINING ON MATTERS RELATING TO
11 POLICE PROCEDURES FROM THE MARYLAND POLICE TRAINING AND STANDARDS
12 COMMISSION.

13 (D) ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT MADE BY A
14 MEMBER OF THE PUBLIC AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT
15 AGENCY SHALL FORWARD TO THE APPROPRIATE ADMINISTRATIVE CHARGING
16 COMMITTEE THE INVESTIGATORY FILES FOR THE MATTER.

17 (E) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:

18 (1) REVIEW THE FINDINGS OF A LAW ENFORCEMENT AGENCY'S
19 INVESTIGATION CONDUCTED AND FORWARDED IN ACCORDANCE WITH SUBSECTION
20 (D) OF THIS SECTION;

21 (2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS
22 SUBJECT TO INVESTIGATION SHALL BE:

23 (I) ADMINISTRATIVELY CHARGED; OR

24 (II) NOT ADMINISTRATIVELY CHARGED;

25 (3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN
26 ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX
27 ESTABLISHED IN ACCORDANCE WITH ~~§ 2-106~~ 3-105 OF THIS SUBTITLE;

28 (4) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO
29 THE MATTERS COVERED IN THE COMPLAINT OF MISCONDUCT;

1 (5) AUTHORIZE A POLICE OFFICER CALLED TO APPEAR BEFORE AN
 2 ADMINISTRATIVE CHARGING COMMITTEE TO BE ACCOMPANIED BY A
 3 REPRESENTATIVE;

4 ~~(4)~~ (6) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS
 5 FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND

6 ~~(5)~~ (7) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE
 7 LAW ENFORCEMENT AGENCY, THE POLICE OFFICER, AND THE COMPLAINANT.

8 (F) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (E) OF
 9 THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:

10 (1) REQUEST INFORMATION OR ACTION FROM THE LAW
 11 ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING
 12 REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF SUBPOENAS;

13 (2) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED,
 14 MAKE A DETERMINATION THAT:

15 (I) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE
 16 UNFOUNDED; OR

17 (II) THE POLICE OFFICER IS EXONERATED; AND

18 (3) RECORD, IN WRITING, A ANY FAILURE OF SUPERVISION THAT
 19 CAUSED OR CONTRIBUTED TO A POLICE OFFICER'S MISCONDUCT.

20 (G) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL MEET ONCE PER
 21 MONTH AND ADDITIONALLY OR AS NEEDED.

22 (H) A MEMBER OF AN ADMINISTRATIVE CHARGING COMMITTEE SHALL
 23 MAINTAIN CONFIDENTIALITY RELATING TO A MATTER BEING CONSIDERED BY THE
 24 ADMINISTRATIVE CHARGING COMMITTEE UNTIL FINAL DISPOSITION OF THE
 25 MATTER.

26 ~~3-106, 3-105.~~

27 (A) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
 28 SHALL DEVELOP AND ADOPT, BY REGULATION, A MODEL UNIFORM DISCIPLINARY
 29 MATRIX FOR USE BY EACH LAW ENFORCEMENT AGENCY IN THE STATE.

30 (B) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM STATE
 31 DISCIPLINARY MATRIX.

1 (C) (1) WITHIN 15 DAYS AFTER AN ADMINISTRATIVE CHARGING
2 COMMITTEE ISSUES AN ADMINISTRATIVE CHARGE AGAINST A POLICE OFFICER, THE
3 CHIEF OF THE LAW ENFORCEMENT AGENCY SHALL OFFER DISCIPLINE TO THE
4 POLICE OFFICER WHO HAS BEEN ADMINISTRATIVELY CHARGED IN ACCORDANCE
5 WITH THE DISCIPLINARY MATRIX.

6 (2) THE CHIEF MAY OFFER THE SAME DISCIPLINE THAT WAS
7 RECOMMENDED BY THE ADMINISTRATIVE CHARGING COMMITTEE OR A HIGHER
8 DEGREE OF DISCIPLINE WITHIN THE APPLICABLE RANGE OF THE DISCIPLINARY
9 MATRIX, BUT MAY NOT DEVIATE BELOW THE DISCIPLINE RECOMMENDED BY THE
10 ADMINISTRATIVE CHARGING COMMITTEE.

11 (3) IF THE POLICE OFFICER ACCEPTS THE CHIEF'S OFFER OF
12 DISCIPLINE, THEN THE OFFERED DISCIPLINE SHALL BE IMPOSED.

13 (4) IF THE POLICE OFFICER DOES NOT ACCEPT THE CHIEF'S OFFER
14 OF DISCIPLINE, THEN THE MATTER SHALL BE REFERRED TO A TRIAL BOARD.

15 (5) AT LEAST 30 DAYS BEFORE A TRIAL BOARD PROCEEDING BEGINS,
16 THE POLICE OFFICER SHALL BE:

17 (I) PROVIDED A COPY OF THE INVESTIGATORY RECORD;

18 (II) NOTIFIED OF THE CHARGES AGAINST THE POLICE OFFICER;

19 AND

20 (III) NOTIFIED OF THE DISCIPLINARY ACTION BEING
21 RECOMMENDED.

22 ~~3-107, 3-106.~~

23 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
24 EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN
25 ACCORDANCE WITH THIS SECTION TO ADJUDICATE MATTERS FOR WHICH A POLICE
26 OFFICER IS SUBJECT TO DISCIPLINE.

27 (2) A SMALL LAW ENFORCEMENT AGENCY MAY USE THE TRIAL BOARD
28 PROCESS OF ANOTHER LAW ENFORCEMENT AGENCY BY MUTUAL AGREEMENT.

29 (B) A TRIAL BOARD SHALL BE COMPOSED OF:

1 (1) AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE
 2 OR A RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT, APPOINTED
 3 BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY;

4 (2) A CIVILIAN WHO IS NOT A MEMBER OF AN ADMINISTRATIVE
 5 CHARGING COMMITTEE, APPOINTED BY THE COUNTY'S POLICE ACCOUNTABILITY
 6 BOARD; AND

7 (3) A POLICE OFFICER OF EQUAL RANK TO THE POLICE OFFICER WHO
 8 IS ACCUSED OF MISCONDUCT APPOINTED BY THE HEAD OF THE LAW ENFORCEMENT
 9 AGENCY.

10 (C) BEFORE SERVING AS A MEMBER OF A TRIAL BOARD, AN INDIVIDUAL
 11 SHALL RECEIVE TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM
 12 THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

13 (D) PROCEEDINGS OF A TRIAL BOARD SHALL BE OPEN TO THE PUBLIC,
 14 EXCEPT TO PROTECT:

15 (1) A VICTIM'S IDENTITY;

16 (2) THE PERSONAL PRIVACY OF AN INDIVIDUAL;

17 (3) A CHILD WITNESS;

18 (4) MEDICAL RECORDS;

19 (5) THE IDENTITY OF A CONFIDENTIAL SOURCE;

20 (6) AN INVESTIGATIVE TECHNIQUE OR PROCEDURE; OR

21 (7) THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL.

22 (E) A TRIAL BOARD MAY ADMINISTER OATHS AND ISSUE SUBPOENAS AS
 23 NECESSARY TO COMPLETE ITS WORK.

24 (F) A POLICE OFFICER WHO IS THE SUBJECT OF A TRIAL BOARD MAY BE
 25 COMPELLED TO:

26 (1) TESTIFY;

27 (2) PRODUCE FINANCIAL RECORDS RELATING TO INCOME AND
 28 ASSETS; AND

1 ~~(3) SUBMIT TO A POLYGRAPH EXAMINATION.~~

2 ~~(6) A COMPLAINANT HAS THE RIGHT TO BE NOTIFIED OF A TRIAL BOARD~~
 3 ~~HEARING AND, EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~
 4 ~~RIGHT TO ATTEND A TRIAL BOARD HEARING.~~

5 ~~(G) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LAW~~
 6 ~~ENFORCEMENT AGENCY HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE~~
 7 ~~EVIDENCE IN ANY PROCEEDING UNDER THIS SUBTITLE.~~

8 ~~(H) A POLICE OFFICER MAY BE DISCIPLINED ONLY FOR CAUSE.~~

9 ~~(H) (G) (I) (1) WITHIN 30 DAYS AFTER THE DATE OF ISSUANCE OF A~~
 10 ~~DECISION OF A TRIAL BOARD, THE DECISION MAY BE APPEALED BY THE EMPLOYEE:~~

11 ~~(I) IF THE TRIAL BOARD IS FROM A LOCAL LAW ENFORCEMENT~~
 12 ~~AGENCY, TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE LAW~~
 13 ~~ENFORCEMENT AGENCY IS LOCATED; AND~~

14 ~~(II) IF THE TRIAL BOARD IS FROM A STATEWIDE OR BI-COUNTY~~
 15 ~~LAW ENFORCEMENT AGENCY, TO THE CIRCUIT COURT FOR ANNE ARUNDEL~~
 16 ~~COUNTY.~~

17 ~~(2) AN APPEAL TAKEN UNDER THIS SUBSECTION SHALL BE ON THE~~
 18 ~~RECORD.~~

19 ~~(H) (H) (J) A TRIAL BOARD DECISION THAT IS NOT APPEALED IS FINAL.~~

20 ~~3-108, 3-107.~~

21 ~~(A) (1) PENDING AN INVESTIGATORY, ADMINISTRATIVE CHARGING~~
 22 ~~COMMITTEE, AND TRIAL BOARD PROCESS, THE CHIEF MAY IMPOSE AN EMERGENCY~~
 23 ~~SUSPENSION WITH OR WITHOUT PAY IF THE CHIEF DETERMINES THAT SUCH A~~
 24 ~~SUSPENSION IS IN THE BEST INTEREST OF THE PUBLIC.~~

25 ~~(2) AN EMERGENCY SUSPENSION WITHOUT PAY UNDER THIS~~
 26 ~~SUBSECTION MAY NOT EXCEED 30 DAYS.~~

27 ~~(3) A POLICE OFFICER WHO IS SUSPENDED WITHOUT PAY UNDER~~
 28 ~~THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF AN ADMINISTRATIVE~~
 29 ~~CHARGING COMMITTEE DETERMINES NOT TO ADMINISTRATIVELY CHARGE THE~~
 30 ~~POLICE OFFICER IN CONNECTION WITH THE MATTER ON WHICH THE SUSPENSION IS~~
 31 ~~BASED.~~

1 ~~(B) (1) PENDING AN INVESTIGATORY, ADMINISTRATIVE CHARGING~~
 2 ~~COMMITTEE, TRIAL BOARD, AND CRIMINAL PROSECUTION PROCESS, THE CHIEF~~
 3 ~~SHALL IMPOSE AN EMERGENCY SUSPENSION WITHOUT PAY IF THE POLICE OFFICER~~
 4 ~~IN QUESTION IS CRIMINALLY CHARGED WITH:~~

5 ~~(I) A FELONY;~~

6 ~~(II) A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF~~
 7 ~~DUTIES AS A POLICE OFFICER;~~

8 ~~(III) A MISDEMEANOR RELATED TO DOMESTIC VIOLENCE; OR~~

9 ~~(IV) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT,~~
 10 ~~OR MISREPRESENTATION.~~

11 (B) (1) A CHIEF OR A CHIEF'S DESIGNEE MAY SUSPEND A POLICE OFFICER
 12 WITHOUT PAY AND SUSPEND THE POLICE OFFICER'S POLICE POWERS ON AN
 13 EMERGENCY BASIS IF THE POLICE OFFICER IS CHARGED WITH:

14 (I) A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THIS
 15 ARTICLE;

16 (II) A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF
 17 DUTIES AS A POLICE OFFICER; OR

18 (III) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT,
 19 OR MISREPRESENTATION.

20 (2) A POLICE OFFICER WHO WAS SUSPENDED WITHOUT PAY UNDER
 21 THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF THE POLICE OFFICER IS
 22 FOUND NOT GUILTY OF THE CRIMINAL CHARGE OR CHARGES ON WHICH THE
 23 SUSPENSION WAS BASED CRIMINAL CHARGE OR CHARGES AGAINST THE POLICE
 24 OFFICER RESULT IN:

25 (I) A FINDING OF NOT GUILTY;

26 (II) AN ACQUITTAL;

27 (III) A DISMISSAL; OR

28 (IV) A NOLLE PROSEQUI.

29 (C) (1) THE CHIEF SHALL TERMINATE THE EMPLOYMENT OF A POLICE
 30 OFFICER WHO IS CONVICTED OF OR A FELONY.

1 (2) THE CHIEF MAY TERMINATE THE EMPLOYMENT OF A POLICE
2 OFFICER WHO:

3 (1) RECEIVES A PROBATION BEFORE JUDGMENT ~~FOR~~ FOR

4 (4) A FELONY; OR

5 (2) (II) ~~A~~ IS CONVICTED OF:

6 1. A MISDEMEANOR COMMITTED IN THE PERFORMANCE
7 OF DUTIES AS A POLICE OFFICER;

8 (2) A MISDEMEANOR RELATED TO DOMESTIC VIOLENCE; OR

9 2. MISDEMEANOR SECOND DEGREE ASSAULT; OR

10 (4) 3. A MISDEMEANOR INVOLVING DISHONESTY, FRAUD,
11 THEFT, OR MISREPRESENTATION.

12 (D) (1) IN CONNECTION WITH A DISCIPLINARY MATTER UNDER THIS
13 SUBTITLE, A POLICE OFFICER MAY BE REQUIRED TO SUBMIT TO BLOOD ALCOHOL
14 TESTS, BLOOD, BREATH, OR URINE TESTS FOR CONTROLLED DANGEROUS
15 SUBSTANCES, POLYGRAPH EXAMINATIONS, OR INTERROGATIONS THAT
16 SPECIFICALLY RELATE TO THE SUBJECT MATTER OF THE INVESTIGATION.

17 (2) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A TEST,
18 EXAMINATION, OR INTERROGATION ~~DESCRIBED IN~~ UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION AND THE POLICE OFFICER REFUSES TO DO SO, THE LAW
20 ENFORCEMENT AGENCY MAY COMMENCE AN ACTION THAT MAY LEAD TO A PUNITIVE
21 MEASURE AS A RESULT OF THE REFUSAL.

22 (3) (1) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A TEST,
23 EXAMINATION, OR INTERROGATION ~~DESCRIBED IN~~ UNDER PARAGRAPH (1) OF THIS
24 SUBSECTION, THE RESULTS OF THE TEST, EXAMINATION, OR INTERROGATION ARE
25 NOT ADMISSIBLE OR DISCOVERABLE IN A CRIMINAL PROCEEDING AGAINST THE
26 POLICE OFFICER.

27 (II) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A
28 POLYGRAPH EXAMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
29 RESULTS OF THE POLYGRAPH EXAMINATION ARE NOT ADMISSIBLE OR
30 DISCOVERABLE IN A CRIMINAL OR CIVIL PROCEEDING AGAINST THE POLICE
31 OFFICER.

1 ~~(E) IN CONNECTION WITH A DISCIPLINARY MATTER UNDER THIS SUBTITLE,~~
 2 ~~FORFEITURE OF A POLICE OFFICER'S PENSION MAY BE IMPOSED AS A DISCIPLINARY~~
 3 ~~ACTION IN ACCORDANCE WITH § 20-210 OF THE STATE PERSONNEL AND PENSIONS~~
 4 ~~ARTICLE.~~

5 ~~3-100, 3-108.~~

6 (A) (1) A LAW ENFORCEMENT AGENCY SHALL DESIGNATE AN EMPLOYEE
 7 AS A VICTIMS' RIGHTS ADVOCATE TO ACT AS THE CONTACT FOR THE PUBLIC WITHIN
 8 THE AGENCY ON MATTERS RELATED TO POLICE MISCONDUCT.

9 (2) A VICTIMS' RIGHTS ADVOCATE SHALL:

10 (I) EXPLAIN TO A COMPLAINANT:

11 1. THE COMPLAINT, INVESTIGATION, ADMINISTRATIVE
 12 CHARGING COMMITTEE, AND TRIAL BOARD PROCESS;

13 2. ANY DECISION TO TERMINATE AN INVESTIGATION;

14 3. AN ADMINISTRATIVE CHARGING COMMITTEE'S
 15 DECISION OF ADMINISTRATIVELY CHARGED, NOT ADMINISTRATIVELY CHARGED,
 16 UNFOUNDED, OR EXONERATED; AND

17 4. A TRIAL BOARD'S DECISION;

18 (II) PROVIDE A COMPLAINANT WITH AN OPPORTUNITY TO
 19 REVIEW A POLICE OFFICER'S STATEMENT, IF ANY, BEFORE COMPLETION OF AN
 20 INVESTIGATION BY A LAW ENFORCEMENT AGENCY'S INVESTIGATIVE UNIT;

21 (III) NOTIFY A COMPLAINANT OF THE STATUS OF THE CASE AT
 22 EVERY STAGE OF THE PROCESS; AND

23 (IV) PROVIDE A CASE SUMMARY TO A COMPLAINANT WITHIN 30
 24 DAYS AFTER FINAL DISPOSITION OF THE CASE.

25 (B) EACH LAW ENFORCEMENT AGENCY SHALL CREATE A DATABASE THAT
 26 ENABLES A COMPLAINANT TO ENTER THE COMPLAINANT'S CASE NUMBER TO
 27 FOLLOW THE STATUS OF THE CASE AS IT PROCEEDS THROUGH:

28 (1) INVESTIGATION;

29 (2) CHARGING;

1 (3) OFFER OF DISCIPLINE;

2 (4) TRIAL BOARD;

3 (5) ULTIMATE DISCIPLINE; AND

4 (6) APPEAL.

5 ~~(C) (4) THE INVESTIGATING UNIT OF A LAW ENFORCEMENT AGENCY~~
6 ~~SHALL IMMEDIATELY REVIEW A COMPLAINT BY A MEMBER OF THE PUBLIC~~
7 ~~ALLEGING POLICE OFFICER MISCONDUCT.~~

8 ~~(2) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL REVIEW AND~~
9 ~~MAKE A DETERMINATION OR ASK FOR FURTHER REVIEW WITHIN 30 DAYS OF~~
10 ~~COMPLETION OF THE INVESTIGATING UNIT'S REVIEW.~~

11 ~~(3) THE PROCESS OF REVIEW BY THE INVESTIGATING UNIT THROUGH~~
12 ~~DISPOSITION BY THE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE~~
13 ~~COMPLETED WITHIN 1 YEAR AND 1 DAY AFTER THE FILING OF A COMPLAINT BY A~~
14 ~~CITIZEN.~~

15 ~~3-110, 3-109.~~

16 A POLICE OFFICER WHO IS THE SUBJECT OF A COMPLAINT OF POLICE
17 MISCONDUCT AND A COMPLAINANT HAVE THE RIGHT TO REPRESENTATION MAY
18 HAVE THE ASSISTANCE OF A REPRESENTATIVE IN CONNECTION WITH PROCEEDINGS
19 UNDER THIS SUBTITLE.

20 ~~3-111, 3-110.~~

21 (A) A POLICE OFFICER MAY NOT BE DISCHARGED, DISCIPLINED, DEMOTED,
22 OR DENIED PROMOTION, TRANSFER, OR REASSIGNMENT, OR OTHERWISE
23 DISCRIMINATED AGAINST OR THREATENED IN REGARD TO THE POLICE OFFICER'S
24 EMPLOYMENT BECAUSE THE POLICE OFFICER:

25 (1) DISCLOSED INFORMATION THAT EVIDENCES:

26 (I) MISMANAGEMENT;

27 (II) A WASTE OF GOVERNMENT RESOURCES;

28 (III) A DANGER TO PUBLIC HEALTH OR SAFETY; OR

1 (IV) A VIOLATION OF LAW OR POLICY COMMITTED BY ANOTHER
 2 POLICE OFFICER; OR

3 (2) LAWFULLY EXERCISED CONSTITUTIONAL RIGHTS.

4 (B) A POLICE OFFICER MAY NOT BE DENIED THE RIGHT TO BRING SUIT
 5 ARISING OUT OF THE POLICE OFFICER'S OFFICIAL DUTIES.

6 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICE
 7 OFFICER HAS THE SAME RIGHTS TO ENGAGE IN POLITICAL ACTIVITY AS A STATE
 8 EMPLOYEE.

9 (2) THIS RIGHT TO ENGAGE IN POLITICAL ACTIVITY DOES NOT APPLY
 10 WHEN THE POLICE OFFICER IS ON DUTY OR ACTING IN AN OFFICIAL CAPACITY.

11 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LAW
 12 ENFORCEMENT AGENCY MAY NOT PROHIBIT SECONDARY EMPLOYMENT BY POLICE
 13 OFFICERS.

14 (2) A LAW ENFORCEMENT AGENCY MAY ADOPT REASONABLE
 15 REGULATIONS THAT RELATE TO SECONDARY EMPLOYMENT BY POLICE OFFICERS.

16 ~~3-112, 3-111.~~

17 A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE
 18 REQUIREMENTS OF THIS SUBTITLE THROUGH COLLECTIVE BARGAINING.

19 ~~3-113, 3-112.~~

20 ~~A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION~~
 21 ~~OF MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
 22 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
 23 ~~DISCIPLINARY DECISION, MAY NOT BE:~~

24 ~~(1) EXPUNGED; OR~~

25 ~~(2) DESTROYED BY A LAW ENFORCEMENT AGENCY.~~

26 A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION
 27 OF MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS
 28 INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A
 29 DISCIPLINARY DECISION, MAY NOT BE:

30 (1) EXPUNGED; OR

1 **(2) DESTROYED BY A LAW ENFORCEMENT AGENCY.**

2 **3-113.**

3 **(A) THE INVESTIGATING UNIT OF A LAW ENFORCEMENT AGENCY SHALL**
 4 **IMMEDIATELY REVIEW A COMPLAINT BY A MEMBER OF THE PUBLIC ALLEGING POLICE**
 5 **OFFICER MISCONDUCT.**

6 **(B) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL REVIEW AND MAKE**
 7 **A DETERMINATION OR ASK FOR FURTHER REVIEW WITHIN 30 DAYS AFTER**
 8 **COMPLETION OF THE INVESTIGATING UNIT'S REVIEW.**

9 **(C) THE PROCESS OF REVIEW BY THE INVESTIGATING UNIT THROUGH**
 10 **DISPOSITION BY THE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE**
 11 **COMPLETED WITHIN 1 YEAR AND 1 DAY AFTER THE FILING OF A COMPLAINT BY A**
 12 **CITIZEN.**

13 **3-114.**

14 **THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL**
 15 **ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

16 **SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read**
 17 **as follows:**

18 **Article – Public Safety**

19 3-203.

20 (a) The Commission consists of the following members:

21 (1) the President of the Maryland Chiefs of Police Association;

22 (2) the President of the Maryland Sheriffs Association;

23 (3) the Attorney General of the State;

24 (4) the Secretary of State Police;

25 (5) the agent in charge of the Baltimore office of the Federal Bureau of
 26 Investigation;

27 (6) one member representing the Maryland State Lodge of Fraternal Order
 28 of Police;

- 1 (7) one member representing the Maryland State's Attorneys' Association;
- 2 (8) ~~the~~ Chair of the Maryland Municipal League Police Executive
3 Association;
- 4 ~~(9) the President of Maryland Law Enforcement Officers, Inc.,~~
- 5 ~~(10) (9)~~ the Police Commissioner of Baltimore City;
- 6 ~~(11) (10)~~ the President of the Police Chiefs' Association of Prince George's
7 County;
- 8 ~~(12) (11)~~ a CIVILIAN representative from the Wor-Wic Program Advisory
9 Committee – Criminal Justice; AND
- 10 ~~(13) two members of the Senate of Maryland, appointed by the President of~~
11 ~~the Senate;~~
- 12 ~~(14) two members of the House of Delegates, appointed by the Speaker of~~
13 ~~the House; and~~
- 14 [(15)] ~~(12)~~ the following individuals, appointed by the Governor with
15 the advice and consent of the Senate:
- 16 (i) ~~three~~ police officers, representing different geographic areas of
17 the State;
- 18 (ii) ~~one individual~~ CIVILIAN with expertise in community policing
19 WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT;
- 20 [(iii)] ~~(11)~~ one ~~individual~~ CIVILIAN with expertise in policing
21 standards WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT;
- 22 [(iv)] ~~(11)~~ one ~~individual~~ CIVILIAN with expertise in mental health
23 ~~WITHOUT WHO DOES NOT HAVE~~ RELATIONSHIPS TO LAW ENFORCEMENT; and
- 24 [(v)] ~~(11)~~ [two] ~~NINE~~ THREE citizens of the State ~~without WHO~~
25 REPRESENT DIFFERENT GEOGRAPHIC AREAS OF THE STATE AND DO NOT HAVE
26 relationships to law enforcement.
- 27 (b) (1) The term of an appointed member is 3 years.
- 28 (2) The terms of the appointed members are staggered as required by the
29 terms provided for members of the Commission on October 1, 2016.

1 (3) At the end of a term, an appointed member continues to serve until a
2 successor is appointed and qualifies.

3 (4) A member who is appointed after a term has begun serves only for the
4 remainder of the term and until a successor is appointed and qualifies.

5 (c) Except for the appointed members, a member of the Commission may serve
6 personally at a Commission meeting or may designate a representative from the member's
7 unit, agency, or association who may act at any meeting to the same effect as if the member
8 were personally present.

9 [(d) The members of the Commission appointed from the Senate of Maryland and
10 the House of Delegates shall serve in an advisory capacity only.]

11 3-207.

12 (a) The Commission has the following powers and duties:

13 (16) to require, for entrance-level police training and, as determined by the
14 Commission, for in-service level training conducted by the State and each county and
15 municipal police training school, that the curriculum and minimum courses of study
16 include, consistent with established law enforcement standards and federal and State
17 constitutional provisions;

18 (i) training in lifesaving techniques, including Cardiopulmonary
19 Resuscitation (CPR);

20 (ii) training in the proper level and use of force AS SET FORTH IN
21 THE MARYLAND USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE;

22 (iii) training regarding sensitivity to cultural and gender diversity;
23 and

24 (iv) training regarding individuals with physical, intellectual,
25 developmental, and psychiatric disabilities;

26 (g) The Commission shall develop and administer:

27 (1) a training program on [the Law Enforcement Officers' Bill of Rights
28 and] matters relating to police procedures for ~~citizens~~ **INDIVIDUALS** who intend to qualify
29 to participate as a member of a [hearing board under § 3-107 of this title] **TRIAL BOARD**
30 **OR ADMINISTRATIVE CHARGING COMMITTEE UNDER § 3-525 SUBTITLE 1 OF THIS**
31 **TITLE; AND**

1 (2) A TRAINING PROGRAM ON MATTERS RELATING TO POLICE
2 TRAINING AND STANDARDS FOR CITIZENS WHO ARE APPOINTED TO SERVE AS
3 MEMBERS OF THE COMMISSION.

4 (J) THE COMMISSION SHALL:

5 (1) ~~(H)~~ HOLD LAW ENFORCEMENT AGENCIES ACCOUNTABLE FOR
6 VIOLATIONS OF THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE; AND

7 ~~(H)~~ (2) WORK WITH THE COMPTROLLER AND THE
8 GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO
9 ENSURE THAT STATE GRANT FUNDING IS WITHHELD FROM A LAW ENFORCEMENT
10 AGENCY THAT VIOLATES THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS
11 TITLE;

12 ~~(2)~~ REVOKE THE CERTIFICATION OF A POLICE OFFICER WHO HAS
13 BEEN;

14 ~~(H)~~ FOUND TO HAVE VIOLATED THE USE OF FORCE STATUTE
15 UNDER § 3-524 OF THIS TITLE;

16 ~~(H)~~ CONVICTED OF A FELONY;

17 ~~(HH)~~ CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR
18 RELATING TO TRUTHFULNESS AND VERACITY; OR

19 ~~(IV)~~ PREVIOUSLY FIRED OR RESIGNED WHILE BEING
20 INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE; AND

21 ~~(3)~~ CREATE A STATEWIDE DATABASE TO TRACK POLICE OFFICER
22 DE CERTIFICATIONS DUE TO IMPROPER USE OF FORCE.

23 (K) THE COMMISSION SHALL:

24 (1) DEVELOP A TEST AND TRAINING FOR IMPLICIT BIAS, SUBJECT TO
25 THE AVAILABILITY OF IMPLICIT BIAS TESTING STANDARDS THAT ARE GENERALLY
26 ACCEPTED BY EXPERTS IN THE FIELD OF POLICE PSYCHOLOGY;

27 (2) REQUIRE ALL LAW ENFORCEMENT AGENCIES TO USE THE
28 IMPLICIT BIAS TEST IN THE HIRING PROCESS;

29 (3) REQUIRE ALL NEW POLICE OFFICERS TO COMPLETE IMPLICIT
30 BIAS TESTING AND TRAINING; AND

1 **(4) REQUIRE ALL INCUMBENT POLICE OFFICERS TO UNDERGO**
 2 **IMPLICIT BIAS TESTING AND TRAINING ON AN ANNUAL BASIS.**

3 3-209.

4 (a) The Commission shall certify as a police officer each individual who:

5 (1) (i) satisfactorily meets the standards of the Commission; or

6 (ii) provides the Commission with sufficient evidence that the
 7 individual has satisfactorily completed a training program in another state of equal quality
 8 and content as required by the Commission;

9 (2) submits to a [psychological evaluation] **MENTAL HEALTH SCREENING**
 10 **BY A LICENSED MENTAL HEALTH PROFESSIONAL;**

11 **(3) SUBMITS TO A PHYSICAL AGILITY ASSESSMENT AS DETERMINED**
 12 **BY THE COMMISSION;**

13 [(3)] **(4)** submits to a criminal history records check in accordance with §
 14 3-209.1 of this subtitle; and

15 [(4)] **(5)** (i) is a United States citizen; or

16 (ii) subject to subsection (b) of this section, is a permanent legal
 17 resident of the United States and an honorably discharged veteran of the United States
 18 armed forces, provided that the individual has applied to obtain United States citizenship
 19 and the application is still pending approval.

20 (b) The certification of a police officer who fails to obtain United States citizenship
 21 as required by subsection (a)(4)(ii) of this section shall be terminated by the Commission.

22 (c) The Commission may certify as a police officer an individual who is not
 23 considered a police officer under § 3-201(f)(3) of this subtitle if the individual meets the
 24 selection and training standards of the Commission.

25 (d) Each certificate issued to a police officer under this subtitle remains the
 26 property of the Commission.

27 **(E) AS A CONDITION OF CERTIFICATION, A POLICE OFFICER SHALL**
 28 ~~**ANNUALLY**~~ **SUBMIT TO A MENTAL HEALTH ASSESSMENT EVERY 2 YEARS AND ~~A AN~~**
 29 **ANNUAL PHYSICAL AGILITY ASSESSMENT TO ESTABLISH CONTINUING FITNESS TO**
 30 **CARRY OUT ~~THE DUTIES OF THE OFFICER'S ASSIGNED DUTIES AS~~ A POLICE OFFICER.**

31 **(F) PRIOR MARIJUANA USE IS NOT A DISQUALIFIER FOR CERTIFICATION AS**
 32 **A POLICE OFFICER.**

1 3-212.

2 (a) ~~(1)~~ Subject to the hearing provisions of subsection (b) of this section, the
3 Commission may suspend or revoke the certification of a police officer if the police officer:

4 ~~[(1)]~~ ~~(I)~~ violates or fails to meet the Commission's standards;

5 ~~(II)~~ VIOLATES THE MARYLAND USE OF FORCE STATUTE UNDER
6 ~~§ 3-524 OF THIS TITLE; OR~~

7 ~~[(2)]~~ ~~(III)~~ knowingly fails to report suspected child abuse in violation of §
8 5-704 of the Family Law Article.

9 (2) THE COMMISSION SHALL REVOKE THE CERTIFICATION OF A
10 POLICE OFFICER WHO WAS:

11 (I) CONVICTED OF A FELONY;

12 (II) CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR
13 RELATING TO TRUTHFULNESS AND VERACITY; OR

14 (III) PREVIOUSLY FIRED OR RESIGNED WHILE BEING
15 INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE.

16 (b) (1) Except as otherwise provided in Title 10, Subtitle 2 of the State
17 Government Article, before the Commission takes any final action under subsection ~~[(a)]~~
18 ~~(A)(1)~~ of this section, the Commission shall give the individual against whom the action is
19 contemplated an opportunity for a hearing before the Commission.

20 (2) The Commission shall give notice and hold the hearing in accordance
21 with Title 10, Subtitle 2 of the State Government Article.

22 (c) A police officer aggrieved by the findings and order of the Commission may
23 take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

24 (D) THE COMMISSION SHALL CREATE A STATEWIDE DATABASE TO TRACK
25 POLICE OFFICER DECERTIFICATIONS DUE TO IMPROPER USE OF FORCE.

26 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
27 as follows:

28 Article – Public Safety

29 3-215.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) "Permanent appointment" means the appointment of an individual who
3 has satisfactorily met the minimum standards of the Commission and is certified as a police
4 officer.

5 (3) "Police administrator" means a police officer who has been promoted to
6 first-line administrative duties up to but not exceeding the rank of captain.

7 (4) "Police supervisor" means a police officer who has been promoted to
8 first-line supervisory duties.

9 (b) An individual may not be given or accept a probationary appointment or
10 permanent appointment as a police officer, police supervisor, or police administrator unless
11 the individual satisfactorily meets the qualifications established by the Commission.

12 (c) ~~(1) AN INDIVIDUAL WHO APPLIES FOR A POSITION AS POLICE~~
13 ~~OFFICER SHALL:~~

14 ~~(i) UNDER PENALTY OF PERJURY, DISCLOSE TO THE HIRING~~
15 ~~LAW ENFORCEMENT AGENCY ALL PRIOR INSTANCES OF EMPLOYMENT AS A POLICE~~
16 ~~OFFICER AT OTHER LAW ENFORCEMENT AGENCIES; AND~~

17 ~~(ii) AUTHORIZE THE HIRING LAW ENFORCEMENT AGENCY TO~~
18 ~~OBTAIN THE POLICE OFFICER'S FULL PERSONNEL AND DISCIPLINARY RECORD~~
19 ~~FROM EACH LAW ENFORCEMENT AGENCY THAT PREVIOUSLY EMPLOYED THE~~
20 ~~POLICE OFFICER.~~

21 ~~(2) THE HIRING LAW ENFORCEMENT AGENCY SHALL CERTIFY TO THE~~
22 ~~COMMISSION THAT THE LAW ENFORCEMENT AGENCY HAS REVIEWED THE~~
23 ~~APPLICANT'S DISCIPLINARY RECORD.~~

24 ~~(d)~~ (D) A probationary appointment as a police officer, police supervisor, or
25 police administrator may be made for a period not exceeding 1 year to enable the individual
26 seeking permanent appointment to take a training course required by this subtitle.

27 ~~(e)~~ (E) A probationary appointee is entitled to a leave of absence with pay
28 during the period of the training program.

29 ~~(f)~~ (F) PRIOR MARIJUANA USE MAY NOT BE THE BASIS FOR
30 DISQUALIFYING AN APPLICANT FOR A POSITION AS A POLICE OFFICER.

31 3-508.

5 (3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
6 3-201 OF THIS TITLE.

9 (5) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS
10 TITLE.

16 (B) EVERY 6 MONTHS, BEGINNING JULY 1, 2022, A LAW ENFORCEMENT
17 AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING
18 INFORMATION TO THE OFFICE USING THE FORMAT DEVELOPED UNDER
19 SUBSECTION (C) OF THIS SECTION:

31 (i) THE NUMBER OF ARRESTS MADE, IF ANY;

- 1 (II) WHETHER PROPERTY WAS SEIZED;
- 2 (III) WHETHER A FORCIBLE ENTRY WAS MADE;
- 3 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM
- 4 MEMBER; AND
- 5 (V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED
- 6 OR KILLED BY A SWAT TEAM MEMBER.
- 7 (C) THE COMMISSION, IN CONSULTATION WITH THE OFFICE, SHALL
- 8 DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY
- 9 SHALL USE IN REPORTING DATA TO THE OFFICE UNDER SUBSECTION (B) OF THIS
- 10 SECTION.
- 11 (D) A LAW ENFORCEMENT AGENCY SHALL:
- 12 (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS
- 13 SECTION FOR EACH 6-MONTH PERIOD AS A REPORT IN THE FORMAT REQUIRED
- 14 UNDER SUBSECTION (C) OF THIS SECTION; AND
- 15 (2) NOT LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING THE
- 16 6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:
- 17 (I) THE OFFICE; AND
- 18 (II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION
- 19 SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM
- 20 THAT IS THE SUBJECT OF THE REPORT; OR
- 21 2. IF THE JURISDICTION SERVED BY THE LAW
- 22 ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE SUBJECT OF
- 23 THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE OFFICER OF
- 24 THE JURISDICTION.
- 25 (E) (1) THE OFFICE SHALL ANALYZE AND SUMMARIZE THE REPORTS OF
- 26 LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS
- 27 SECTION.
- 28 (2) BEFORE SEPTEMBER 1 EACH YEAR, THE OFFICE SHALL:
- 29 (I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF
- 30 THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF
- 31 THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §

1 2-1257 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT
2 AGENCY; AND

3 (II) PUBLISH THE REPORT ON ITS WEBSITE.

4 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
5 REPORTING PROVISIONS OF THIS SECTION, THE OFFICE SHALL REPORT THE
6 NONCOMPLIANCE TO THE COMMISSION.

7 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE
8 COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST
9 THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

10 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
11 REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING
12 CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE OFFICE AND
13 THE COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
14 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
15 ASSEMBLY.

16 ~~3-511.~~

17 ~~(A) On or before January 1, 2016, the Maryland Police Training and Standards~~
18 ~~Commission shall develop and publish online a policy for the issuance and use of a~~
19 ~~body-worn camera by a law enforcement officer that addresses:~~

20 ~~(1) the testing of body-worn cameras to ensure adequate functioning;~~

21 ~~(2) the procedure for the law enforcement officer to follow if the camera~~
22 ~~fails to properly operate at the beginning of or during the law enforcement officer's shift;~~

23 ~~(3) when recording is mandatory;~~

24 ~~(4) when recording is prohibited;~~

25 ~~(5) when recording is discretionary;~~

26 ~~(6) when recording may require consent of a subject being recorded;~~

27 ~~(7) when a recording may be ended;~~

28 ~~(8) providing notice of recording;~~

29 ~~(9) access to and confidentiality of recordings;~~

- 1 ~~(10) the secure storage of data from a body-worn camera;~~
- 2 ~~(11) review and use of recordings;~~
- 3 ~~(12) retention of recordings;~~
- 4 ~~(13) dissemination and release of recordings;~~
- 5 ~~(14) consequences for violations of the agency's body-worn camera policy;~~
- 6 ~~(15) notification requirements when another individual becomes a party to~~
7 ~~the communication following the initial notification;~~
- 8 ~~(16) specific protections for individuals when there is an expectation of~~
9 ~~privacy in private or public places; and~~
- 10 ~~(17) any additional issues determined to be relevant in the implementation~~
11 ~~and use of body-worn cameras by law enforcement officers.~~
- 12 ~~(B) ON OR BEFORE JANUARY 1, 2025, EACH LAW ENFORCEMENT AGENCY~~
13 ~~SHALL REQUIRE THE USE OF BODY-WORN CAMERAS.~~
- 14 ~~(C) A BODY-WORN CAMERA THAT POSSESSES THE TECHNOLOGICAL~~
15 ~~CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST 60 SECONDS OF~~
16 ~~VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING THE RECORD~~
17 ~~BUTTON ON THE DEVICE.~~
- 18 ~~(D) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
19 ~~REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION~~
20 ~~THROUGH COLLECTIVE BARGAINING.~~
- 21 ~~3-514.~~
- 22 (A) Each law enforcement agency shall require a [law enforcement] POLICE
23 officer who was involved in a use of force incident in the line of duty to file an incident
24 report regarding the use of force by the end of the officer's shift unless the officer is disabled.
- 25 (B) (1) ON OR BEFORE MARCH 1 EACH YEAR, EACH LAW ENFORCEMENT
26 AGENCY SHALL SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS
27 COMMISSION THE NUMBER OF USE OF FORCE COMPLAINTS MADE AGAINST ITS
28 POLICE OFFICERS DURING THE PREVIOUS CALENDAR YEAR, AGGREGATED BY
29 NUMBERS OF COMPLAINTS ADMINISTRATIVELY CHARGED, NOT CHARGED,
30 UNFOUNDED, AND EXONERATED.

1 (2) ON OR BEFORE JULY 15 EACH YEAR, THE MARYLAND POLICE
 2 TRAINING AND STANDARDS COMMISSION SHALL POST ON ITS WEBSITE AND SUBMIT
 3 TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE
 4 GOVERNMENT ARTICLE, A COMPENDIUM OF THE INFORMATION SUBMITTED BY LAW
 5 ENFORCEMENT AGENCIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

6 (3) IF A LAW ENFORCEMENT AGENCY HAS NOT SUBMITTED THE
 7 REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY JULY 1 FOR
 8 THE PREVIOUS CALENDAR YEAR, THE GOVERNOR'S OFFICE OF CRIME
 9 PREVENTION, YOUTH, AND VICTIM SERVICES MAY NOT MAKE ANY GRANT FUNDS
 10 AVAILABLE TO THAT LAW ENFORCEMENT AGENCY.

11 3-515.

12 (a) (1) Except as provided in [subsection (b) of this section] PARAGRAPH (2)
 13 OF THIS SUBSECTION, each law enforcement agency shall post all of the official policies of
 14 the law enforcement agency, including public complaint procedures and collective
 15 bargaining agreements;

16 [(1)] (I) on the website of the Maryland Police Training and Standards
 17 Commission; and

18 [(2)] (II) on the agency's own website, if the agency maintains a website.

19 [(b)] (2) A chief may prohibit the posting under this [section] SUBSECTION of
 20 administrative or operational policies that if disclosed would jeopardize operations or create
 21 a risk to public or officer safety, including policies related to high-risk prisoner transport
 22 security measures, operational response to active shooters, or the use of confidential
 23 informants.

24 (B) EACH LAW ENFORCEMENT AGENCY SHALL POST IN A PROMINENT
 25 PUBLIC LOCATION AN EXPLANATION OF THE PROCEDURES FOR FILING;

26 (1) A COMPLAINT OF POLICE OFFICER MISCONDUCT; AND

27 (2) A REQUEST TO OBTAIN RECORDS RELATING TO AN
 28 ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A POLICE
 29 OFFICER UNDER THE PUBLIC INFORMATION ACT.

30 3-516.

31 (a) Each law enforcement agency shall establish a [confidential and nonpunitive]
 32 DATA-BASED early intervention [policy for counseling officers who receive three or more
 33 citizen complaints within a 12-month period] SYSTEM, BASED ON GUIDELINES
 34 DEVELOPED BY THE COMMISSION, TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK

1 ~~FOR ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE ALL OFFICERS~~
 2 ~~WHO ARE IDENTIFIED WITH RETRAINING AND BEHAVIORAL INTERVENTIONS,~~
 3 ~~REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF~~
 4 ~~THE USE OF EXCESSIVE FORCE.~~

5 ~~(b) THE COMMISSION SHALL DEVELOP GUIDELINES FOR AN EARLY~~
 6 ~~INTERVENTION SYSTEM REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.~~

7 ~~(c) A policy described in this section may not prevent the investigation of or~~
 8 ~~imposition of discipline for any particular complaint.~~

9 ~~3-522.~~

10 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 11 ~~INDICATED.~~

12 ~~(2) "INDEPENDENT INVESTIGATIVE AGENCY" MEANS AN~~
 13 ~~INDEPENDENT UNIT OF STATE GOVERNMENT THAT MAY EMPLOY SWORN POLICE~~
 14 ~~OFFICERS AND CIVILIANS FOR THE PURPOSE OF INVESTIGATING USE OF FORCE~~
 15 ~~INCIDENTS INVOLVING POLICE OFFICERS.~~

16 ~~(3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §~~
 17 ~~3-201 OF THIS TITLE.~~

18 ~~(4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
 19 ~~TITLE.~~

20 ~~(5) "SERIOUS INJURY" HAS THE MEANING STATED IN § 3-201 OF THE~~
 21 ~~CRIMINAL LAW ARTICLE.~~

22 ~~(B) A SHOOTING INVOLVING A POLICE OFFICER OR OTHER INCIDENT~~
 23 ~~INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR~~
 24 ~~SERIOUS INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT INVESTIGATIVE~~
 25 ~~AGENCY.~~

26 ~~(C) A LAW ENFORCEMENT AGENCY SHALL:~~

27 ~~(1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY~~
 28 ~~ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR OTHER~~
 29 ~~INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING~~
 30 ~~DEATH OR SERIOUS INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY BECOMES~~
 31 ~~AWARE OF THE INCIDENT; AND~~

1 ~~(2)~~ COOPERATE WITH THE INDEPENDENT INVESTIGATIVE AGENCY IN
2 ~~THE INVESTIGATION OF THE INCIDENT.~~

3 ~~(b) (1)~~ ON COMPLETION OF AN INVESTIGATION UNDER THIS SECTION,
4 ~~THE INDEPENDENT INVESTIGATIVE AGENCY SHALL SUBMIT A REPORT CONTAINING~~
5 ~~THE FINDINGS OF THE INVESTIGATION TO THE STATE'S ATTORNEY WITH~~
6 ~~JURISDICTION OVER THE MATTER.~~

7 ~~(2)~~ AFTER THE STATE'S ATTORNEY MAKES A DECISION WHETHER OR
8 NOT TO PROSECUTE, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL PUBLICIZE
9 ~~THE REPORT.~~

10 ~~(e)~~ THE GOVERNOR ANNUALLY SHALL INCLUDE FUNDING IN THE STATE
11 BUDGET SUFFICIENT TO PROVIDE FOR THE FULL AND PROPER OPERATION OF THE
12 INDEPENDENT INVESTIGATIVE AGENCY.

13 ~~3-524.~~

14 ~~(A)~~ THIS SECTION SHALL BE KNOWN AS THE MARYLAND USE OF FORCE
15 ~~STATUTE.~~

16 ~~(b) (1)~~ IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 ~~INDICATED.~~

18 ~~(2)~~ "DEADLY FORCE" MEANS ANY FORCE THAT IS LIKELY TO CAUSE
19 ~~DEATH OR SERIOUS INJURY.~~

20 ~~(2)~~ "DESTRUCTIVE DEVICE" HAS THE MEANING STATED IN § 4-501 OF
21 THE CRIMINAL LAW ARTICLE.

22 ~~(2)~~ "FIREARM SILENCER" HAS THE MEANING STATED IN § 5-621 OF
23 THE CRIMINAL LAW ARTICLE.

24 ~~(3) (1)~~ "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED
25 ~~IN § 3-201 OF THIS TITLE.~~

26 ~~(4) (5)~~ "LESS LETHAL WEAPON" MEANS A WEAPON THAT IS
27 ~~EXPECTED TO CREATE LESS RISK OF CAUSING SERIOUS INJURY OR DEATH.~~

28 ~~(5)~~ "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS
29 TITLE.

30 ~~(6)~~ "SERIOUS INJURY" MEANS PERMANENT IMPAIRMENT OR
31 ~~DISFIGUREMENT.~~

1 ~~(6) (i) "LETHAL FORCE" MEANS ANY FORCE THAT CREATES A~~
 2 ~~SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, WHETHER OR NOT~~
 3 ~~INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY.~~

4 ~~(ii) "LETHAL FORCE" INCLUDES:~~

5 ~~1. THE DISCHARGE OF A FIREARM AT A PERSON;~~

6 ~~2. A STRIKE TO A PERSON'S HEAD, NECK, STERNUM,~~
 7 ~~SPINE, GROIN, OR KIDNEYS USING ANY HARD OBJECT;~~

8 ~~3. A STRIKE TO A PERSON'S HEAD AGAINST A HARD,~~
 9 ~~FIXED OBJECT;~~

10 ~~4. A KICK OR STRIKE TO A PERSON'S HEAD USING A KNEE~~
 11 ~~OR FOOT;~~

12 ~~5. A STRIKE TO A PERSON'S THROAT;~~

13 ~~6. A KNEE DROP ON THE HEAD, NECK, OR TORSO OF A~~
 14 ~~PERSON IN A PRONE OR SUPINE POSITION;~~

15 ~~7. A MANEUVER THAT RESTRICTS BLOOD OR OXYGEN~~
 16 ~~FLOW TO THE BRAIN, INCLUDING CHOKEHOLDS, STRANGLEHOLDS, NECK~~
 17 ~~RESTRAINTS, NECK HOLDS, AND CAROTID ARTERY RESTRAINTS;~~

18 ~~8. ANY CONTACT WITH THE NECK THAT MAY INHIBIT~~
 19 ~~BREATHING OR BLOOD FLOW, OR THAT APPLIES PRESSURE TO THE FRONT, SIDE, OR~~
 20 ~~BACK OF THE NECK;~~

21 ~~9. THE DISCHARGE OF A LESS-LETHAL KINETIC IMPACT~~
 22 ~~PROJECTILE LAUNCHER AT A PERSON'S HEAD, NECK, CHEST, OR BACK; AND~~

23 ~~10. MORE THAN ONE DISCHARGE OF AN ELECTRONIC~~
 24 ~~CONTROL DEVICE ON A PERSON;~~

25 ~~(7) "POLICE OFFICER" MEANS:~~

26 ~~(i) A POLICE OFFICER AS DEFINED IN § 3-201 OF THIS TITLE;~~
 27 ~~OR~~

28 ~~(ii) A SPECIAL POLICE OFFICER AS DEFINED IN § 3-301 OF THIS~~
 29 ~~TITLE;~~

1 ~~(8) "PROPORTIONAL" MEANS NOT EXCESSIVE IN RELATION TO A~~
2 ~~DIRECT AND LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

3 ~~(9) "SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN §~~
4 ~~3-201 OF THE CRIMINAL LAW ARTICLE.~~

5 ~~(10) "TOTALITY OF THE CIRCUMSTANCES" MEANS ALL CREDIBLE~~
6 ~~FACTS KNOWN TO A POLICE OFFICER, OR THAT COULD HAVE BEEN ASCERTAINED BY~~
7 ~~THE POLICE OFFICER THROUGH VISUAL OBSERVATION, TOUCH, OR AUDIBLE~~
8 ~~MECHANISMS UNDER THE CIRCUMSTANCES CONFRONTING THE POLICE OFFICER~~
9 ~~LEADING UP TO AND AT THE TIME OF THE USE OF FORCE, INCLUDING:~~

10 ~~(I) ACTIONS OF A PERSON AGAINST WHOM THE POLICE~~
11 ~~OFFICER USES FORCE; AND~~

12 ~~(II) ACTIONS OF THE POLICE OFFICER.~~

13 ~~(c) (1) EACH POLICE OFFICER SHALL SIGN AN AFFIRMATIVE WRITTEN~~
14 ~~SANCTITY OF LIFE PLEDGE TO RESPECT EVERY HUMAN LIFE AND ACT WITH~~
15 ~~COMPASSION TOWARD OTHERS.~~

16 ~~(2) A POLICE OFFICER MAY ONLY USE THE FORCE THAT IS~~
17 ~~OBJECTIVELY REASONABLE AND APPEARS TO BE NECESSARY UNDER THE~~
18 ~~CIRCUMSTANCES IN RESPONSE TO THE THREAT OR RESISTANCE BY ANOTHER~~
19 ~~PERSON.~~

20 ~~(2) (i) A POLICE OFFICER MAY NOT USE FORCE AGAINST A PERSON~~
21 ~~UNLESS THE FORCE IS NECESSARY FORCE AND PROPORTIONAL TO:~~

22 ~~1. PREVENT AN IMMINENT THREAT OF PHYSICAL INJURY~~
23 ~~TO A PERSON; OR~~

24 ~~2. EFFECTUATE AN ARREST OF A PERSON WHO THE~~
25 ~~OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A CRIME, TAKING~~
26 ~~INTO CONSIDERATION THE SERIOUSNESS OF THE ALLEGED CRIME.~~

27 ~~(ii) A POLICE OFFICER MAY USE FORCE ONLY AFTER~~
28 ~~EXHAUSTING REASONABLE ALTERNATIVES TO THE USE OF FORCE, AND ONLY UNTIL~~
29 ~~THE USE OF FORCE ACCOMPLISHES A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

30 ~~(iii) A POLICE OFFICER SHALL CEASE THE USE OF FORCE AS~~
31 ~~SOON AS:~~

1 ~~1. THE PERSON ON WHOM FORCE IS USED;~~

2 ~~A. IS UNDER THE POLICE OFFICER'S CONTROL; OR~~

3 ~~B. NO LONGER POSES AN IMMINENT THREAT OF~~

4 ~~PHYSICAL INJURY OR DEATH TO THE POLICE OFFICER OR TO ANOTHER PERSON; OR~~

5 ~~2. THE POLICE OFFICER DETERMINES THAT FORCE WILL~~

6 ~~NO LONGER ACCOMPLISH, OR IS NO LONGER REASONABLE AND PROPORTIONAL TO~~

7 ~~ACCOMPLISH, A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

8 ~~(2) A POLICE OFFICER MAY NOT USE LETHAL FORCE AGAINST A~~

9 ~~PERSON UNLESS:~~

10 ~~(i) LETHAL NECESSARY FORCE IS USED AS A LAST RESORT TO~~

11 ~~PREVENT IMMINENT THREAT OF DEATH OR SERIOUS PHYSICAL INJURY TO THE~~

12 ~~POLICE OFFICER OR ANOTHER PERSON;~~

13 ~~(ii) THE USE OF LETHAL FORCE PRESENTS NO SUBSTANTIAL~~

14 ~~RISK OF INJURY TO A THIRD PERSON; AND~~

15 ~~(iii) ALL REASONABLE ALTERNATIVES TO THE USE OF DEADLY~~

16 ~~FORCE HAVE BEEN EXHAUSTED.~~

17 ~~(3) (4) A POLICE OFFICER SHALL:~~

18 ~~(i) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE~~

19 ~~STEPS TO GAIN COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING~~

20 ~~PHYSICAL FORCE;~~

21 ~~(ii) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE~~

22 ~~BY ANOTHER POLICE OFFICER BEYOND WHAT IS OBJECTIVELY REASONABLE UNDER~~

23 ~~THE CIRCUMSTANCES AUTHORIZED UNDER PARAGRAPHS (2) AND (3) OF THIS~~

24 ~~SUBSECTION;~~

25 ~~(iii) RENDER BASIC FIRST AID TO A PERSON INJURED AS A~~

26 ~~RESULT OF POLICE ACTION AND PROMPTLY REQUEST MEDICAL ASSISTANCE; AND~~

27 ~~(iv) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE~~

28 ~~OFFICER OBSERVED OR WAS INVOLVED IN.~~

29 ~~(4) (5) A POLICE SUPERVISOR SHALL:~~

- 1 ~~(I)~~ RESPOND TO THE SCENE OF ANY INCIDENT DURING WHICH
- 2 ~~A POLICE OFFICER USED PHYSICAL FORCE AND CAUSED PHYSICAL INJURY; AND~~
- 3 ~~(II)~~ GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A
- 4 ~~USE OF FORCE INCIDENT.~~
- 5 ~~(5) (6)~~ A LAW ENFORCEMENT AGENCY SHALL:
- 6 ~~(I)~~ HAVE A WRITTEN DE-ESCALATION OF FORCE POLICY; AND
- 7 ~~(II)~~ ADOPT A WRITTEN POLICY REQUIRING SUPERVISORY AND
- 8 ~~COMMAND LEVEL REVIEW OF ALL USE OF FORCE INCIDENTS.~~
- 9 ~~(6) (7)~~ A POLICE OFFICER SHALL:
- 10 ~~(I)~~ UNDERGO TRAINING ON WHEN A POLICE OFFICER MAY OR
- 11 ~~MAY NOT DRAW A FIREARM OR POINT A FIREARM AT A PERSON AND ENFORCEMENT~~
- 12 ~~OPTIONS THAT ARE LESS LIKELY TO CAUSE DEATH OR SERIOUS INJURY, INCLUDING~~
- 13 ~~SCENARIO BASED TRAINING, DE-ESCALATION TACTICS AND TECHNIQUES, AND~~
- 14 ~~REASONABLE ALTERNATIVES TO DECREASE PHYSICAL INJURY; AND~~
- 15 ~~(II)~~ SIGN A TRAINING COMPLETION DOCUMENT STATING THAT
- 16 ~~THE OFFICER UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF~~
- 17 ~~FORCE STATUTE.~~
- 18 ~~(7)~~ A POLICE OFFICER MAY ONLY USE DEADLY FORCE TO STOP AN
- 19 ~~IMMINENT THREAT OF DEATH OR SERIOUS INJURY TO THE OFFICER OR ANOTHER~~
- 20 ~~PERSON.~~
- 21 ~~(8)~~ ALL POLICE OFFICERS SHALL:
- 22 ~~(I)~~ UNDERGO LESS LETHAL FORCE TRAINING; AND
- 23 ~~(II)~~ BE TRAINED AND EQUIPPED WITH LESS LETHAL WEAPONS
- 24 ~~THAT MAY ASSIST THE OFFICER IN CONTROLLING RESISTANT OR ASSAULTIVE~~
- 25 ~~BEHAVIOR.~~
- 26 ~~(9)~~ A POLICE OFFICER MAY NOT:
- 27 ~~(I)~~ DISCHARGE A FIREARM AT A MOVING VEHICLE UNLESS:
- 28 ~~1.~~ THE VEHICLE IS BEING USED AS A DEADLY WEAPON
- 29 ~~TOWARD THE OFFICER OR ANOTHER PERSON; AND~~

1 ~~2. DEADLY FORCE IS THE ONLY REASONABLE MEANS~~
2 ~~AVAILABLE TO STOP THE THREAT; OR~~

3 ~~(H) USE A CHOKEHOLD, NECK RESTRAINT, OR ANY OTHER TYPE~~
4 ~~OF RESTRAINT THAT RESTRICTS BLOOD FLOW OR BREATH ON ANOTHER PERSON.~~

5 ~~(10) (9) A LAW ENFORCEMENT AGENCY MAY NOT ACQUIRE A~~
6 ~~SURPLUS ARMORED OR WEAPONIZED VEHICLE RECEIVE THE FOLLOWING,~~
7 ~~WHETHER ASSEMBLED OR IN PARTS, FROM A SURPLUS PROGRAM;~~

8 ~~(I) AN ARMORED OR WEAPONIZED;~~

9 ~~1. AIRCRAFT;~~

10 ~~2. DRONE; OR~~

11 ~~3. VEHICLE;~~

12 ~~(H) A DESTRUCTIVE DEVICE;~~

13 ~~(HH) A FIREARM SILENCER; OR~~

14 ~~(IV) A GRENADE LAUNCHER.~~

15 ~~(D) (1) A POLICE OFFICER MAY NOT KNOWINGLY AND WILLFULLY~~
16 ~~VIOLATE SUBSECTION (C) OF THIS SECTION.~~

17 ~~(2) A POLICE OFFICER WHO KNOWINGLY AND WILLFULLY VIOLATES~~
18 ~~SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON~~
19 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.~~

20 ~~(E) (1) A POLICE OFFICER MAY NOT RECKLESSLY VIOLATE SUBSECTION~~
21 ~~(C) OF THIS SECTION.~~

22 ~~(2) A POLICE OFFICER WHO RECKLESSLY VIOLATES SUBSECTION (C)~~
23 ~~OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT~~
24 ~~TO IMPRISONMENT NOT EXCEEDING 5 YEARS.~~

25 ~~(D) (1) A POLICE OFFICER WHO USES LETHAL FORCE AGAINST A PERSON~~
26 ~~IN A MANNER INCONSISTENT WITH SUBSECTION (C) (2) OR (3) OF THIS SECTION THAT~~
27 ~~RESULTS IN DEATH MAY BE CHARGED WITH MANSLAUGHTER OR MURDER UNDER~~
28 ~~TITLE 2, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.~~

1 ~~(2) A POLICE OFFICER WHO USES LETHAL FORCE AGAINST A PERSON~~
 2 ~~IN A MANNER INCONSISTENT WITH SUBSECTION (C)(2) OR (3) OF THIS SECTION THAT~~
 3 ~~DOES NOT RESULT IN DEATH MAY BE CHARGED WITH RECKLESS ENDANGERMENT~~
 4 ~~OR ASSAULT UNDER TITLE 3, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.~~

5 ~~(E) (1) A PERSON MAY SEEK RELIEF BY FILING WITH ANY COURT OF~~
 6 ~~COMPETENT JURISDICTION A CIVIL ACTION FOR DAMAGES ARISING OUT OF THE USE~~
 7 ~~OF FORCE BY A POLICE OFFICER IN A MANNER INCONSISTENT WITH SUBSECTION~~
 8 ~~(C)(2) OR (3) OF THIS SECTION.~~

9 ~~(2) A PERSON IS NOT LIMITED TO OR PRECLUDED FROM PURSUING~~
 10 ~~ANY OTHER LEGAL REMEDY BY PROCEEDING UNDER THIS SUBTITLE.~~

11 ~~(F) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND~~
 12 ~~VICTIM SERVICES SHALL WITHHOLD GRANT FUNDING FROM A LAW ENFORCEMENT~~
 13 ~~AGENCY THAT VIOLATES SUBSECTION (C) OF THIS SECTION.~~

14 ~~(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE MARYLAND POLICE~~
 15 ~~TRAINING AND STANDARDS COMMISSION SHALL SUBMIT A REPORT TO THE~~
 16 ~~GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE~~
 17 ~~STATE GOVERNMENT ARTICLE, THAT:~~

18 ~~(1) LISTS THE LAW ENFORCEMENT AGENCIES THAT VIOLATED~~
 19 ~~SUBSECTION (C) OF THIS SECTION DURING THE PRECEDING 1-YEAR PERIOD; AND~~

20 ~~(2) DESCRIBES THE NATURE OF EACH VIOLATION.~~

21 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 22 ~~as follows:~~

23 ~~Article—Public Safety~~

24 ~~§ 525.~~

25 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 26 ~~INDICATED.~~

27 ~~(2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §~~
 28 ~~3-201 OF THIS TITLE.~~

29 ~~(3) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
 30 ~~TITLE.~~

1 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH LAW~~
 2 ~~ENFORCEMENT AGENCY SHALL ESTABLISH AND IMPLEMENT A DISCIPLINE PROCESS~~
 3 ~~THAT:~~

4 ~~(1) IS OPEN AND TRANSPARENT;~~

5 ~~(2) INCLUDES AN ADMINISTRATIVE CHARGING COMMITTEE AS~~
 6 ~~SPECIFIED IN § 3-201 OF THIS TITLE;~~

7 ~~(3) INCLUDES THE USE OF A TRIAL BOARD THAT INCLUDES AT LEAST~~
 8 ~~ONE THIRD MEMBERSHIP BY CIVILIANS WITH VOTING POWER;~~

9 ~~(4) BEFORE DISCIPLINARY ACTION IS TAKEN AGAINST A POLICE~~
 10 ~~OFFICER, PROVIDES THE RIGHT TO A TRIAL BOARD FOR THE POLICE OFFICER;~~

11 ~~(5) PROHIBITS THE USE OF A TRIAL BOARD FOR THE DISCIPLINE OF A~~
 12 ~~POLICE OFFICER WHO HAS RECEIVED A CONVICTION OR PROBATION BEFORE~~
 13 ~~JUDGMENT FOR A CRIME; AND~~

14 ~~(6) REQUIRES THE CHIEF OF THE AGENCY TO DETERMINE DISCIPLINE~~
 15 ~~FOR A POLICE OFFICER WHO HAS RECEIVED A CONVICTION OR PROBATION BEFORE~~
 16 ~~JUDGMENT FOR A CRIME.~~

17 ~~(C) EACH LAW ENFORCEMENT AGENCY SHALL POST THE POLICE~~
 18 ~~DISCIPLINE PROCESS ESTABLISHED IN ACCORDANCE WITH THIS SECTION ON THE~~
 19 ~~AGENCY'S PUBLIC WEBSITE.~~

20 ~~(D) CIVILIAN MEMBERS OF EACH TRIAL BOARD AND ADMINISTRATIVE~~
 21 ~~CHARGING COMMITTEE SHALL RECEIVE TRAINING ADMINISTERED BY THE~~
 22 ~~MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON MATTERS~~
 23 ~~RELATING TO POLICE PROCEDURES.~~

24 ~~(E) EACH COUNTY SHALL HAVE AN INDEPENDENT AGENCY THAT~~
 25 ~~INVESTIGATES AND REVIEWS COMPLAINTS OF POLICE MISCONDUCT FILED BY~~
 26 ~~MEMBERS OF THE PUBLIC.~~

27 ~~(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
 28 ~~REQUIREMENTS OF THIS SECTION THROUGH COLLECTIVE BARGAINING.~~

29 ~~3-526.~~

30 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 31 ~~INDICATED.~~

1 ~~(2) "ADMINISTRATIVELY CHARGED" MEANS THAT A POLICE OFFICER~~
 2 ~~HAS BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE~~
 3 ~~PROCEEDING.~~

4 ~~(3) "EXONERATED" MEANS THAT A POLICE OFFICER ACTED IN~~
 5 ~~ACCORDANCE WITH THE LAW AND AGENCY POLICY.~~

6 ~~(4) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §~~
 7 ~~3-201 OF THIS TITLE.~~

8 ~~(5) "NOT ADMINISTRATIVELY CHARGED" MEANS THAT A~~
 9 ~~DETERMINATION HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE~~
 10 ~~OFFICER IN CONNECTION WITH ALLEGED MISCONDUCT.~~

11 ~~(6) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
 12 ~~TITLE.~~

13 ~~(7) "SUPERIOR GOVERNMENTAL AUTHORITY" MEANS THE~~
 14 ~~GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.~~

15 ~~(8) "UNFOUNDED" MEANS THAT THE ALLEGATIONS AGAINST A~~
 16 ~~POLICE OFFICER ARE NOT SUPPORTED BY FACT.~~

17 ~~(b) (1) AN ADMINISTRATIVE CHARGING COMMITTEE CONSISTS OF:~~

18 ~~(i) THE DIRECTOR OF INTERNAL AFFAIRS OF THE LAW~~
 19 ~~ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER WHO IS SUBJECT TO~~
 20 ~~INVESTIGATION, OR THE DIRECTOR'S DESIGNEE;~~

21 ~~(ii) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL~~
 22 ~~AUTHORITY OF THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER OR~~
 23 ~~THE HEAD ATTORNEY'S DESIGNEE, IF THE DESIGNEE IS A MEMBER OF THE~~
 24 ~~MARYLAND BAR;~~

25 ~~(iii) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS A~~
 26 ~~MEMBER OF THE MARYLAND BAR;~~

27 ~~(iv) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE~~
 28 ~~JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS A MEMBER~~
 29 ~~OF THE MARYLAND BAR; AND~~

30 ~~(v) ONE CIVILIAN REPRESENTATIVE SELECTED BY THE POLICE~~
 31 ~~ACCOUNTABILITY BOARD FOR THE JURISDICTION WHERE THE ALLEGED~~
 32 ~~MISCONDUCT OCCURRED.~~

1 ~~(2) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL~~
 2 ~~AUTHORITY OR THE HEAD ATTORNEY'S DESIGNEE SHALL SERVE AS THE CHAIR OF~~
 3 ~~AN ADMINISTRATIVE CHARGING COMMITTEE.~~

4 ~~(C) (1) ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT~~
 5 ~~AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT AGENCY SHALL FORWARD TO~~
 6 ~~AN ADMINISTRATIVE CHARGING COMMITTEE THE INVESTIGATORY FILES FOR ALL~~
 7 ~~MATTERS INVOLVING:~~

8 ~~(I) ALLEGATIONS OF MISCONDUCT MADE BY A MEMBER OF THE~~
 9 ~~PUBLIC; AND~~

10 ~~(II) ANY ALLEGATION RELATING TO DISHONESTY, THE~~
 11 ~~VIOLATION OF A CRIMINAL STATUTE, SEXUAL HARASSMENT, OR RACIAL~~
 12 ~~HARASSMENT.~~

13 ~~(2) AN ALLEGATION NOT SPECIFIED UNDER PARAGRAPH (1) OF THIS~~
 14 ~~SUBSECTION SHALL PROCEED IN ACCORDANCE WITH THE POLICES AND~~
 15 ~~PROCEDURES OF THE LAW ENFORCEMENT AGENCY.~~

16 ~~(D) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:~~

17 ~~(1) REVIEW THE FINDINGS OF A LAW ENFORCEMENT AGENCY'S~~
 18 ~~INVESTIGATION CONDUCTED AND FORWARDED IN ACCORDANCE WITH SUBSECTION~~
 19 ~~(C) OF THIS SECTION;~~

20 ~~(2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS~~
 21 ~~SUBJECT TO INVESTIGATION SHALL BE:~~

22 ~~(I) ADMINISTRATIVELY CHARGED; OR~~

23 ~~(II) NOT ADMINISTRATIVELY CHARGED;~~

24 ~~(3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN~~
 25 ~~ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX;~~

26 ~~(4) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS~~
 27 ~~FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND~~

28 ~~(5) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW~~
 29 ~~ENFORCEMENT AGENCY.~~

1 ~~(E) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (D) OF~~
 2 ~~THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:~~

3 ~~(1) REQUEST INFORMATION OR ACTION FROM THE LAW~~
 4 ~~ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING~~
 5 ~~REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF SUBPOENAS; AND~~

6 ~~(2) IF THE POLICE OFFICER IS NOT CHARGED, MAKE A~~
 7 ~~DETERMINATION THAT:~~

8 ~~(i) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE~~
 9 ~~UNFOUNDED; OR~~

10 ~~(ii) THE POLICE OFFICER IS EXONERATED.~~

11 ~~(F) NOTWITHSTANDING TITLE 3 OF THE GENERAL PROVISIONS ARTICLE,~~
 12 ~~THE MEETINGS OF AN ADMINISTRATIVE CHARGING COMMITTEE ARE NOT SUBJECT~~
 13 ~~TO THE REQUIREMENTS OF THE OPEN MEETINGS ACT.~~

14 ~~Article — State Personnel and Pensions~~

15 ~~20-210.~~

16 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 17 ~~INDICATED:~~

18 ~~(2) "ACCUMULATED CONTRIBUTIONS" MEANS THE AMOUNTS~~
 19 ~~CREDITED, INCLUDING INTEREST, TO A LAW ENFORCEMENT OFFICER'S INDIVIDUAL~~
 20 ~~ACCOUNT IN THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT~~
 21 ~~OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.~~

22 ~~(3) "FINAL ADJUDICATION" MEANS FINAL DISPOSITION OF ALL~~
 23 ~~CHARGES THAT CONSTITUTE A QUALIFYING CRIME FROM WHICH NO FURTHER~~
 24 ~~RIGHT TO APPEAL OR REVIEW EXISTS.~~

25 ~~(4) "LAW ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL WHO IS A~~
 26 ~~MEMBER, FORMER MEMBER, OR RETIREE OF:~~

27 ~~(i) THE STATE POLICE RETIREMENT SYSTEM;~~

28 ~~(ii) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM; OR~~

29 ~~(iii) A LOCAL PENSION SYSTEM FOR EMPLOYMENT AS A SWORN~~
 30 ~~LAW ENFORCEMENT OFFICER.~~

1 ~~(5) "QUALIFYING CRIME" MEANS ANY OF THE FOLLOWING CRIMINAL~~
2 ~~OFFENSES THAT WERE COMMITTED IN THE COURSE OF THE PERFORMANCE OF A~~
3 ~~LAW ENFORCEMENT OFFICER'S DUTIES;~~

4 ~~(1) A FELONY; OR~~

5 ~~(1) PERJURY OR ANOTHER MISDEMEANOR RELATING TO~~
6 ~~TRUTHFULNESS AND VERACITY;~~

7 ~~(B) THIS SECTION DOES NOT APPLY TO:~~

8 ~~(1) ACCUMULATED CONTRIBUTIONS MADE BEFORE JULY 1, 2022;~~

9 ~~(2) ANY SERVICE EARNED BEFORE JULY 1, 2022; OR~~

10 ~~(3) A QUALIFYING CRIME COMMITTED BEFORE JULY 1, 2022;~~

11 ~~(C) BENEFITS UNDER THIS DIVISION II OF THIS ARTICLE OR A LOCAL~~
12 ~~PENSION SYSTEM PAYABLE TO A LAW ENFORCEMENT OFFICER ARE SUBJECT TO~~
13 ~~FORFEITURE IN WHOLE OR IN PART IN ACCORDANCE WITH THIS SECTION IF THE LAW~~
14 ~~ENFORCEMENT OFFICER IS FOUND GUILTY OF, PLEADS GUILTY TO, OR ENTERS A~~
15 ~~PLEA OF NOLO CONTENDERE TO A QUALIFYING CRIME;~~

16 ~~(D) (1) IF THE FINAL ADJUDICATION OF CHARGES RESULTS IN~~
17 ~~CONVICTION OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT~~
18 ~~OFFICER'S RETIREMENT ALLOWANCE MAY BE FORFEITED IN WHOLE OR IN PART IN~~
19 ~~ACCORDANCE WITH THIS SECTION;~~

20 ~~(2) ON CONVICTION OF A LAW ENFORCEMENT OFFICER, THE~~
21 ~~ATTORNEY GENERAL OR THE STATE'S ATTORNEY SHALL FILE A COMPLAINT IN~~
22 ~~CIRCUIT COURT TO FORFEIT THE LAW ENFORCEMENT OFFICER'S BENEFITS IN~~
23 ~~WHOLE OR IN PART;~~

24 ~~(E) THE COURT MAY ENTER AN ORDER REQUIRING THE FORFEITURE, IN~~
25 ~~WHOLE OR IN PART, OF THE LAW ENFORCEMENT OFFICER'S BENEFITS IF THE COURT~~
26 ~~FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:~~

27 ~~(1) THE LAW ENFORCEMENT OFFICER WAS CONVICTED OF A~~
28 ~~QUALIFYING CRIME;~~

29 ~~(2) THE LAW ENFORCEMENT OFFICER WAS A MEMBER OF THE STATE~~
30 ~~POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION~~
31 ~~SYSTEM, OR A LOCAL PENSION SYSTEM; AND~~

1 ~~(3) THE QUALIFYING CRIME FOR WHICH THE LAW ENFORCEMENT~~
 2 ~~OFFICER WAS CONVICTED WAS COMMITTED WHILE THE LAW ENFORCEMENT~~
 3 ~~OFFICER WAS AN ACTIVE MEMBER OF THE STATE POLICE RETIREMENT SYSTEM,~~
 4 ~~THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION~~
 5 ~~SYSTEM.~~

6 ~~(F) (1) AN ORDER REQUIRING FORFEITURE OF BENEFITS SHALL~~
 7 ~~INDICATE THE AMOUNT OF BENEFITS TO BE FORFEITED.~~

8 ~~(2) WHEN DETERMINING THE AMOUNT OF BENEFITS TO BE~~
 9 ~~FORFEITED, THE COURT SHALL CONSIDER:~~

10 ~~(I) THE SEVERITY OF THE CRIME;~~

11 ~~(II) THE AMOUNT OF MONETARY LOSS SUFFERED BY THE~~
 12 ~~STATE, A COUNTY, A POLITICAL SUBDIVISION, OR A PERSON AS A RESULT OF THE~~
 13 ~~CRIME;~~

14 ~~(III) THE DEGREE OF PUBLIC TRUST PLACED IN THE LAW~~
 15 ~~ENFORCEMENT OFFICER; AND~~

16 ~~(IV) ANY OTHER FACTORS THE COURT DETERMINES RELEVANT.~~

17 ~~(G) A COURT MAY ORDER A LAW ENFORCEMENT OFFICER SUBJECT TO A~~
 18 ~~FORFEITURE ORDER ISSUED UNDER THIS SECTION TO REQUEST A RETURN OF THE~~
 19 ~~LAW ENFORCEMENT OFFICER'S ACCUMULATED CONTRIBUTIONS, IN WHOLE OR IN~~
 20 ~~PART, TO BE USED FOR RESTITUTION RELATING TO A QUALIFYING CRIME.~~

21 SECTION 5, ~~7,~~ 6, AND BE IT FURTHER ENACTED, That on or before December
 22 31, ~~2021~~ 2022, the Emergency Number Systems Board shall study and report to the House
 23 Judiciary Committee and the Senate Judicial Proceedings Committee, in accordance with
 24 § 2-1257 of the State Government Article, regarding whether certain types of calls for
 25 9-1-1 service should be diverted to a person or entity other than law enforcement agencies.

26 SECTION 8, 7, AND BE IT FURTHER ENACTED, That ~~Section 4 of this Act §~~
 27 ~~5-303 of the Courts and Judicial Proceedings Article, as enacted by Section 3 of this Act,~~
 28 ~~and § 12-103 of the State Government Article, as enacted by Section 3 of this Act,~~ shall be
 29 construed to apply only prospectively and may not be applied or interpreted to have any
 30 effect on or application to any claim arising from a tortious act or omission or violation of a
 31 constitutional right committed by a law enforcement officer on or before ~~September 30, 2021~~
 32 ~~June 30, 2022.~~

33 SECTION 9, AND BE IT FURTHER ENACTED, That ~~Section 5 of this Act shall be~~
 34 ~~construed to apply prospectively to any Public Information Act request made on or after~~

1 ~~the effective date of this Act regardless of when the record requested to be produced was~~
2 ~~created.~~

3 SECTION ~~6, 10, 8~~ AND BE IT FURTHER ENACTED, That ~~Section 4-6 of this Act~~
4 ~~shall Title 3, Subtitle 1 of the Public Safety Article, as enacted by Section 3 of this Act, shall~~
5 be construed to apply only prospectively and may not be applied or interpreted to have any
6 effect on or application to:

7 (1) any bona fide collective bargaining agreement entered into on or before
8 ~~September 30, 2021~~ June 30, 2022, for the duration of the contract term, excluding any
9 extensions, options to extend, or renewals of the term of the original contract; or

10 (2) a disciplinary matter against a law enforcement officer based on alleged
11 misconduct occurring before ~~the effective date of this Act~~ July 1, 2022.

12 SECTION ~~7, 11, 9~~ AND BE IT FURTHER ENACTED, That the publishers of the
13 Annotated Code of Maryland, in consultation with and subject to the approval of the
14 Department of Legislative Services, shall correct, with no further action required by the
15 General Assembly, cross-references and terminology rendered incorrect by this Act.
16 Cross-references to the term "law enforcement officer" as formerly stated under § 3-101(e)
17 of the Public Safety Article of the Annotated Code of Maryland shall be redesignated as
18 cross-references to the term "law enforcement officer" as stated under § 1-101(c) of the
19 Public Safety Article. The publishers shall adequately describe any such correction in an
20 editor's note following the section affected.

21 SECTION ~~12, 10~~ AND BE IT FURTHER ENACTED, That it is the intent of the
22 General Assembly that the Maryland Higher Education Commission adopt similar
23 regulations for determining award calculations for the Maryland Police Officers Repayment
24 Program under Title 18, Subtitle 35 of the Education Article as the award calculation
25 regulations in COMAR 13B.08.02.06 for the Janet L. Hoffman Loan Assistance Repayment
26 Program under Title 18, Subtitle 15 of the Education Article.

27 SECTION ~~8, 13~~ AND BE IT FURTHER ENACTED, That ~~Sections 1, 2, and 6 of this~~
28 ~~Act shall take effect October 1, 2021, July 1, 2022.~~

29 SECTION ~~14~~ AND BE IT FURTHER ENACTED, That, ~~except as provided in~~
30 ~~Section 13 of this Act, this Act shall take effect October 1, 2021.~~

31 SECTION 11. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
32 take effect July 1, 2022, contingent on the taking effect of Chapter _____ (S.B. 71) of the Acts
33 of the General Assembly of 2021, and if Chapter _____ (S.B. 71) does not take effect, Section
34 4 of this Act, with no further action required by the General Assembly, shall be null and
35 void.

36 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in
37 Section 11 of this Act, this Act shall take effect July 1, 2022.

SENATE BILL 71

E2, E4

(1lr1465)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Sydnor~~ Senators Sydnor, Smith, Waldstreicher, Jackson, Carter, Hough, Lee, West, and Hettleman

Read and Examined by Proofreaders:

Proofreader._____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Police Officers Testimony Presumption of Inadmissibility~~
3 ~~(Maryland Police Accountability Act of 2021)~~

4 Maryland Police Accountability Act of 2021 – Body-Worn Cameras, Employee
5 Programs, and Use of Force

6 FOR the purpose of ~~providing that a knowing and willful failure of a certain police officer~~
7 ~~to activate a body-worn camera creates a rebuttable presumption that certain~~
8 ~~testimony is inadmissible in a certain proceeding; providing that a certain~~
9 ~~presumption may be rebutted by a certain showing; requiring certain law~~
10 ~~enforcement agencies to require the use of body-worn cameras by certain law~~
11 ~~enforcement officers on or before a certain date; requiring all law enforcement~~
12 ~~agencies of a county in the State to require the use of body-worn cameras by certain~~
13 ~~law enforcement officers on or before a certain date; requiring certain law~~
14 ~~enforcement agencies to develop and maintain certain policies; establishing the Task~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.*Italics indicate opposite chamber / conference committee amendments.*

~~Force on Statewide Body Camera Implementation; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring a certain body-worn camera to automatically record and save a certain amount of video footage at a certain time; prohibiting a law enforcement agency from negating or altering certain requirements or policies through collective bargaining; altering a certain provision of law requiring each law enforcement agency to establish a certain early intervention policy to instead require a system to identify police officers who are at risk of engaging in certain behavior; requiring each law enforcement agency to provide access to a certain employee assistance program for certain police officers; establishing certain requirements for a certain program; requiring each law enforcement agency to develop a policy to provide access to certain services at no cost to a police officer; requiring each police officer to sign a certain pledge; establishing certain use of force standards; requiring a police officer to take certain steps to gain compliance and de-escalate conflict under certain circumstances; requiring a police officer to intervene to prevent or terminate the use of certain force by a certain police officer; requiring a police officer to render certain first aid to a certain subject and request certain assistance at a certain time; requiring a police supervisor to respond to the scene of a certain incident and gather and review certain recordings; requiring a law enforcement agency to adopt a certain policy; requiring a police officer to undergo certain training; requiring a police officer to sign a certain training completion document; prohibiting a police officer from intentionally violating a certain provision of law, resulting in serious physical injury or death to a person; establishing certain penalties; providing that a certain sentence may be separate from and consecutive to or concurrent with a certain other sentence; altering the termination date for the Law Enforcement Body Camera Task Force; altering the duties of the Task Force; requiring the Task Force to submit an additional report of its findings and recommendations on or before a certain date; providing for a delayed effective date for certain provisions of this Act; providing for the application of this Act; defining certain terms; providing for the termination of a certain provision of this Act; and generally relating to testimony of police officers, body-worn cameras, employee programs, and use of force.~~

BY adding to

~~Article — Criminal Procedure~~

~~Section 2-109~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2020 Supplement)~~

BY repealing and reenacting, with amendments,

~~Article — Public Safety~~

~~Section 3-511 and 3-516~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2020 Supplement)~~

1 BY adding to
 2 Article – Public Safety
 3 Section 3-523 and 3-524
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2020 Supplement)
 6 BY repealing and reenacting, with amendments,
 7 Chapter 309 of the Acts of the General Assembly of 2020
 8 Section 1(f) and (g) and 2

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 10 That the Laws of Maryland read as follows:

11 **Article—Criminal Procedure**

12 ~~2-100,~~

13 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 14 ~~INDICATED,~~

15 ~~(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §~~
 16 ~~3-201 OF THE PUBLIC SAFETY ARTICLE,~~

17 ~~(3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE~~
 18 ~~PUBLIC SAFETY ARTICLE,~~

19 ~~(B) THIS SECTION APPLIES TO A POLICE OFFICER WHO IS REQUIRED TO USE~~
 20 ~~A BODY-WORN CAMERA WHILE ON DUTY BY THE LAW ENFORCEMENT AGENCY THAT~~
 21 ~~EMPLOYS THE POLICE OFFICER,~~

22 ~~(C) (1) THE KNOWING AND WILLFUL SUBJECT TO SUBSECTION (D) OF~~
 23 ~~THIS SECTION, THE INTENTIONAL FAILURE OF A POLICE OFFICER TO ACTIVATE A~~
 24 ~~BODY-WORN CAMERA, IN VIOLATION OF THE POLICY OF THE LAW ENFORCEMENT~~
 25 ~~AGENCY THAT EMPLOYS THE POLICE OFFICER, CREATES A REBUTTABLE~~
 26 ~~PRESUMPTION THAT ANY TESTIMONY OF THE POLICE OFFICER SOUGHT TO BE~~
 27 ~~INTRODUCED IN A CRIMINAL PROSECUTION RELATING TO THE INCIDENT THAT WAS~~
 28 ~~NOT RECORDED IS INADMISSIBLE,~~

29 ~~(D) (2) THE PRESUMPTION IN SUBSECTION (C) OF THIS SECTION MAY BE~~
 30 ~~REBUTTED BY A SHOWING THAT:~~

31 ~~(1) (i) THE BODY-WORN CAMERA WAS NOT ACTIVATED DUE TO A~~
 32 ~~MALFUNCTION OF THE CAMERA;~~

- 1 ~~(II) THE POLICE OFFICER WAS:~~
- 2 ~~1. NOT AWARE OF THE MALFUNCTION; OR~~
- 3 ~~2. NOT ABLE TO FIX THE MALFUNCTION BEFORE THE~~
- 4 ~~INCIDENT; AND~~
- 5 ~~(III) THE LAW ENFORCEMENT AGENCY'S DOCUMENTATION~~
- 6 ~~SHOWS THAT THE POLICE OFFICER CHECKED THE FUNCTIONALITY OF THE~~
- 7 ~~BODY-WORN CAMERA AT THE BEGINNING OF THE POLICE OFFICER'S SHIFT; OR~~
- 8 ~~(2) IT WAS UNSAFE, IMPRACTICAL, OR IMPOSSIBLE FOR THE LAW~~
- 9 ~~ENFORCEMENT OFFICER TO ACTIVATE THE BODY-WORN CAMERA.~~

10 Article - Public Safety

11 3-511.

12 (A) IN THIS SECTION, "LAW ENFORCEMENT AGENCY" HAS THE MEANING

13 STATED IN § 3-201 OF THIS TITLE.

14 (B) On or before January 1, 2016, the Maryland Police Training and Standards

15 Commission shall develop and publish online a policy for the issuance and use of a

16 body-worn camera by a law enforcement officer that addresses:

- 17 (1) the testing of body-worn cameras to ensure adequate functioning;
- 18 (2) the procedure for the law enforcement officer to follow if the camera
- 19 fails to properly operate at the beginning of or during the law enforcement officer's shift;
- 20 (3) when recording is mandatory;
- 21 (4) when recording is prohibited;
- 22 (5) when recording is discretionary;
- 23 (6) when recording may require consent of a subject being recorded;
- 24 (7) when a recording may be ended;
- 25 (8) providing notice of recording;
- 26 (9) access to and confidentiality of recordings;
- 27 (10) the secure storage of data from a body-worn camera;

- 1 (11) review and use of recordings;
- 2 (12) retention of recordings;
- 3 (13) dissemination and release of recordings;
- 4 (14) consequences for violations of the agency's body-worn camera policy;
- 5 (15) notification requirements when another individual becomes a party to
6 the communication following the initial notification;
- 7 (16) specific protections for individuals when there is an expectation of
8 privacy in private or public places; and
- 9 (17) any additional issues determined to be relevant in the implementation
10 and use of body-worn cameras by law enforcement officers.

11 (C) (I) (I) THIS PARAGRAPH APPLIES TO:

- 12 1. THE DEPARTMENT OF STATE POLICE;
- 13 2. THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT;
- 14 3. THE HOWARD COUNTY POLICE DEPARTMENT; AND
- 15 4. THE HARFORD COUNTY SHERIFF'S OFFICE.

16 (ii) ON OR BEFORE JULY 1, 2023, A LAW ENFORCEMENT
17 AGENCY TO WHICH THIS PARAGRAPH APPLIES SHALL REQUIRE THE USE OF
18 BODY-WORN CAMERAS, SUBJECT TO THE POLICY ON THE USE OF BODY-WORN
19 CAMERAS DEVELOPED BY THE LAW ENFORCEMENT AGENCY, BY EACH LAW
20 ENFORCEMENT OFFICER EMPLOYED BY THE LAW ENFORCEMENT AGENCY WHO
21 REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC AS PART OF THE LAW
22 ENFORCEMENT OFFICER'S OFFICIAL DUTIES.

23 (2) ON OR BEFORE JULY 1, 2025, A LAW ENFORCEMENT AGENCY OF A
24 COUNTY, OTHER THAN A LAW ENFORCEMENT AGENCY DESCRIBED IN PARAGRAPH
25 (1) OF THIS SUBSECTION, SHALL REQUIRE THE USE OF BODY-WORN CAMERAS,
26 SUBJECT TO THE POLICY ON THE USE OF BODY-WORN CAMERAS DEVELOPED BY THE
27 LAW ENFORCEMENT AGENCY, BY EACH LAW ENFORCEMENT OFFICER EMPLOYED BY
28 THE LAW ENFORCEMENT AGENCY WHO REGULARLY INTERACTS WITH MEMBERS OF
29 THE PUBLIC AS PART OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES.

30 (D) (1) A LAW ENFORCEMENT AGENCY DESCRIBED IN SUBSECTION (C) OF
31 THIS SECTION SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT

1 WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING AND
 2 STANDARDS COMMISSION UNDER SUBSECTION (B) OF THIS SECTION FOR THE USE
 3 OF BODY-WORN CAMERAS.

4 (2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1)
 5 OF THIS SUBSECTION SHALL SPECIFY WHICH LAW ENFORCEMENT OFFICERS
 6 EMPLOYED BY THE LAW ENFORCEMENT AGENCY ARE REQUIRED TO USE
 7 BODY-WORN CAMERAS.

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) There is a Task Force on Statewide Body-Camera Implementation.

10 (b) The Task Force consists of the following members:

11 (1) one member of the Senate of Maryland, appointed by the President of
 12 the Senate;

13 (2) one member of the House of Delegates, appointed by the Speaker of the
 14 House;

15 (3) the Secretary of Information Technology, or the Secretary's designee;

16 (4) the Secretary of Budget and Management, or the Secretary's designee;

17 (5) the Secretary of General Services, or the Secretary's designee; and

18 (6) the following members, appointed by the Governor:

19 (i) one representative of the Maryland Municipal League;

20 (ii) one representative of the Maryland Association of Counties;

21 (iii) one representative of the Maryland Chiefs of Police Association;

22 (iv) one representative of the Maryland Sheriffs' Association;

23 (v) one representative of the Governor's Office of Homeland
 24 Security; and

25 (vi) one representative of the Governor's Office of Crime Prevention,
 26 Youth, and Victim Services;

27 (c) The Governor shall designate the chair of the Task Force.

1 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
2 ~~provide staff for the Task Force.~~

3 ~~(e) A member of the Task Force:~~

4 ~~(1) may not receive compensation as a member of the Task Force; but~~

5 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
6 ~~Travel Regulations, as provided in the State budget.~~

7 ~~(f) The Task Force shall:~~

8 ~~(1) study and make findings on the implementation and feasibility of~~
9 ~~requiring the use of body-worn cameras by law enforcement officers in counties and~~
10 ~~municipalities throughout the State, consistent with the requirements of Section 1 of this~~
11 ~~Act; and~~

12 ~~(2) make recommendations regarding requiring the use of body-worn~~
13 ~~cameras by counties and municipalities based on its findings.~~

14 ~~(g) On or before July 1, 2022, the Task Force shall report its findings and~~
15 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
16 ~~Government Article, the General Assembly.~~

17 ~~SECTION 2-2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~October 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and~~
19 ~~6 months and, at the end of December 31, 2022, Section 2 of this Act, with no further action~~
20 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

21 ~~(E) A BODY-WORN CAMERA THAT POSSESSES THE REQUISITE~~
22 ~~TECHNOLOGICAL CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST~~
23 ~~60 SECONDS OF VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING~~
24 ~~THE RECORD BUTTON ON THE DEVICE.~~

25 ~~(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
26 ~~REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION~~
27 ~~THROUGH COLLECTIVE BARGAINING.~~

28 ~~3-516.~~

29 ~~(a) Each law enforcement agency shall establish a confidential and nonpunitive~~
30 ~~early intervention [policy for counseling officers who receive three or more citizen complaints~~
31 ~~within a 12-month period] SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK~~
32 ~~OF ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THE OFFICERS~~
33 ~~WITH TRAINING, BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER~~
34 ~~APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.~~

1 (b) A [policy] SYSTEM described in this section may not prevent the investigation
 2 of or imposition of discipline for any particular complaint.

3 3-523.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 5 INDICATED.

6 (2) "EMPLOYEE ASSISTANCE PROGRAM" MEANS A WORK-BASED
 7 PROGRAM OFFERED TO ALL POLICE OFFICERS THAT PROVIDES ACCESS TO
 8 VOLUNTARY AND CONFIDENTIAL SERVICES TO ADDRESS THE MENTAL HEALTH
 9 ISSUES OF A POLICE OFFICER STEMMING FROM PERSONAL AND WORK-RELATED
 10 CONCERNS, INCLUDING STRESS, FINANCIAL ISSUES, LEGAL ISSUES, FAMILY
 11 PROBLEMS, OFFICE CONFLICTS, AND ALCOHOL AND SUBSTANCE ABUSE DISORDERS.

12 (3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
 13 3-201 OF THIS TITLE.

14 (4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS
 15 TITLE.

16 (B) EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE ACCESS TO AN
 17 EMPLOYEE ASSISTANCE PROGRAM FOR ALL POLICE OFFICERS WHOM THE LAW
 18 ENFORCEMENT AGENCY EMPLOYS.

19 (C) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION
 20 SHALL PROVIDE POLICE OFFICERS ACCESS TO CONFIDENTIAL MENTAL HEALTH
 21 SERVICES, INCLUDING:

22 (1) COUNSELING SERVICES;

23 (2) CRISIS COUNSELING;

24 (3) STRESS MANAGEMENT COUNSELING;

25 (4) RESILIENCY SESSIONS; AND

26 (5) PEER SUPPORT SERVICES FOR POLICE OFFICERS.

27 (D) (1) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS
 28 SUBTITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AS PART OF THE
 29 EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, BEFORE A POLICE
 30 OFFICER RETURNS TO FULL DUTY, A LAW ENFORCEMENT AGENCY SHALL PROVIDE:

1 (I) A VOLUNTARY MENTAL HEALTH CONSULTATION AND
 2 VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE
 3 OFFICER IS INVOLVED IN AN INCIDENT INVOLVING AN ACCIDENT RESULTING IN A
 4 FATALITY; AND

5 (II) A MANDATORY MENTAL HEALTH CONSULTATION AND
 6 VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE
 7 OFFICER IS INVOLVED IN AN INCIDENT INVOLVING:

8 1. A SERIOUS INJURY TO THE POLICE OFFICER;

9 2. AN OFFICER-INVOLVED SHOOTING; OR

10 3. ANY USE OF FORCE RESULTING IN A FATALITY OR
 11 SERIOUS INJURY.

12 (2) A MENTAL HEALTH CONSULTATION AND COUNSELING SERVICE
 13 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONFIDENTIAL.

14 (E) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION
 15 SHALL INCLUDE A COMPONENT DESIGNED TO PROTECT THE MENTAL HEALTH OF
 16 POLICE OFFICERS DURING PERIODS OF PUBLIC DEMONSTRATIONS AND UNREST.

17 (F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO
 18 PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT NO COST TO A
 19 POLICE OFFICER.

20 3-524.

21 (A) THIS SECTION SHALL BE KNOWN AS THE MARYLAND USE OF FORCE
 22 STATUTE.

23 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 24 INDICATED.

25 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
 26 3-201 OF THIS TITLE.

27 (3) "POLICE OFFICER" MEANS:

28 (I) A POLICE OFFICER AS DEFINED IN § 3-201 OF THIS TITLE;
 29 OR

1 (II) A SPECIAL POLICE OFFICER AS DEFINED IN § 3-301 OF THIS
 2 TITLE.

3 (4) "SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN §
 4 3-201 OF THE CRIMINAL LAW ARTICLE.

5 (C) EACH POLICE OFFICER SHALL SIGN AN AFFIRMATIVE WRITTEN
 6 SANCTITY OF LIFE PLEDGE TO RESPECT EVERY HUMAN LIFE AND ACT WITH
 7 COMPASSION TOWARD OTHERS.

8 (D) (1) A POLICE OFFICER MAY NOT USE FORCE AGAINST A PERSON
 9 UNLESS A POLICE OFFICER UNDER SIMILAR CIRCUMSTANCES WOULD BELIEVE THAT
 10 UNDER THE TOTALITY OF THE CIRCUMSTANCES, THE FORCE IS NECESSARY AND
 11 PROPORTIONAL TO:

12 (I) PREVENT AN IMMINENT THREAT OF PHYSICAL INJURY TO A
 13 PERSON; OR

14 (II) EFFECTUATE A LEGITIMATE LAW ENFORCEMENT
 15 OBJECTIVE.

16 (2) A POLICE OFFICER SHALL CEASE THE USE OF FORCE AS SOON AS:

17 (I) THE PERSON ON WHOM THE FORCE IS USED:

18 1. IS UNDER THE POLICE OFFICER'S CONTROL; OR

19 2. NO LONGER POSES AN IMMINENT THREAT OF
 20 PHYSICAL INJURY OR DEATH TO THE POLICE OFFICER OR TO ANOTHER PERSON; OR

21 (II) THE POLICE OFFICER DETERMINES THAT FORCE WILL NO
 22 LONGER ACCOMPLISH A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

23 (E) A POLICE OFFICER SHALL:

24 (1) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE STEPS
 25 TO GAIN COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING PHYSICAL
 26 FORCE;

27 (2) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE BY
 28 ANOTHER POLICE OFFICER BEYOND WHAT IS AUTHORIZED UNDER SUBSECTION (D)
 29 OF THIS SECTION;

1 (3) RENDER BASIC FIRST AID TO A PERSON INJURED AS A RESULT OF
2 POLICE ACTION AND PROMPTLY REQUEST APPROPRIATE MEDICAL ASSISTANCE; AND

3 (4) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE
4 OFFICER OBSERVED OR WAS INVOLVED IN.

5 (F) A POLICE SUPERVISOR SHALL:

6 (1) RESPOND TO THE SCENE OF ANY INCIDENT DURING WHICH A
7 POLICE OFFICER USED PHYSICAL FORCE AND CAUSED SERIOUS PHYSICAL INJURY;
8 AND

9 (2) GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A USE OF
10 FORCE INCIDENT.

11 (G) A LAW ENFORCEMENT AGENCY SHALL:

12 (1) HAVE A WRITTEN DE-ESCALATION OF FORCE POLICY; AND

13 (2) ADOPT A WRITTEN POLICY REQUIRING SUPERVISORY AND
14 COMMAND-LEVEL REVIEW OF ALL USE OF FORCE INCIDENTS.

15 (H) A POLICE OFFICER SHALL:

16 (1) UNDERGO TRAINING ON WHEN A POLICE OFFICER MAY OR MAY
17 NOT DRAW A FIREARM OR POINT A FIREARM AT A PERSON AND ENFORCEMENT
18 OPTIONS THAT ARE LESS LIKELY TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY,
19 INCLUDING SCENARIO-BASED TRAINING, DE-ESCALATION TACTICS AND
20 TECHNIQUES, AND REASONABLE ALTERNATIVES TO DECREASE PHYSICAL INJURY;
21 AND

22 (2) SIGN A TRAINING COMPLETION DOCUMENT STATING THAT THE
23 OFFICER UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF FORCE
24 STATUTE.

25 (I) (1) A POLICE OFFICER MAY NOT INTENTIONALLY VIOLATE
26 SUBSECTION (D) OF THIS SECTION, RESULTING IN SERIOUS PHYSICAL INJURY OR
27 DEATH TO A PERSON.

28 (2) A POLICE OFFICER WHO VIOLATES PARAGRAPH (1) OF THIS
29 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
30 IMPRISONMENT NOT EXCEEDING 10 YEARS.

1 (3) A SENTENCE IMPOSED UNDER THIS SUBSECTION MAY BE
 2 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR
 3 ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SUBSECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 5 as follows:

6 Chapter 309 of the Acts of 2020

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 8 That:

9 (f) The Task Force shall:

10 (1) study options for the economical storage of audio and video recordings
 11 made by law enforcement body-worn cameras; and

12 (2) make recommendations for storage considering the budgets of State,
 13 county, local, and campus law enforcement jurisdictions;

14 (3) STUDY AND MAKE FINDINGS ON THE IMPLEMENTATION AND
 15 FEASIBILITY OF REQUIRING THE USE OF BODY-WORN CAMERAS BY POLICE OFFICERS
 16 IN COUNTIES AND MUNICIPALITIES THROUGHOUT THE STATE; AND

17 (4) MAKE RECOMMENDATIONS REGARDING REQUIRING THE USE OF
 18 BODY-WORN CAMERAS BY COUNTIES AND MUNICIPALITIES BASED ON ITS FINDINGS.

19 (g) On or before December 1, 2020, AND DECEMBER 1, 2022, the Task Force shall
 20 report its findings and recommendations to the General Assembly, in accordance with §
 21 2-1257 of the State Government Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 23 1, 2020. It shall remain effective for a period of [1 year] 3 YEARS and, at the end of June 30,
 24 [2021] 2023, this Act, with no further action required by the General Assembly, shall be
 25 abrogated and of no further force and effect.

26 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
 27 effect July 1, 2022.

28 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
 29 3 of this Act, this Act shall take effect June 1, 2021.

SENATE BILL 600

E2

(1lr1691)

ENROLLED BILL
— Judicial Proceedings/Judiciary —

Introduced by **Senator Smith**

Read and Examined by Proofreaders:

Proofreader._____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Office of the Attorney General Maryland Police Accountability Act of 2021 –~~
 3 ~~Office of the State Prosecutor – Surplus Military Equipment and Investigation~~
 4 ~~and Prosecution of Deaths Caused by Police Officers~~

5 FOR the purpose of *prohibiting a law enforcement agency from receiving certain equipment*
 6 *from a certain surplus program*; requiring a ~~certain law enforcement agency to notify~~
 7 ~~the Office of the Attorney General of a certain incident involving the death of a~~
 8 ~~person caused by a police officer at a certain time; requiring the Attorney General to~~
 9 ~~investigate certain incidents involving the death of a person caused by a police~~
 10 ~~officer; requiring the Attorney General to transmit a certain report to a certain~~
 11 ~~State's Attorney at a certain time; requiring a certain State's Attorney to notify the~~
 12 ~~Attorney General whether the State's Attorney intends to prosecute a certain case~~
 13 ~~at a certain time under certain circumstances; requiring the Attorney General to~~
 14 ~~prosecute a certain police officer under certain circumstances certain State's~~
 15 ~~Attorney to provide a certain investigatory file and certain information to the Office~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.*Italics* indicate opposite chamber/conference committee amendments.

~~1 of the State Prosecutor under certain circumstances; authorizing the State~~
~~2 Prosecutor to prosecute a certain law enforcement officer for certain offenses under~~
~~3 certain circumstances; authorizing a certain prosecution to include certain crimes~~
~~4 under certain circumstances; establishing the Task Force on Independent~~
~~5 Investigations Involving Deaths Caused by Law Enforcement Officers; providing for~~
~~6 the composition, chair, and staffing of the Task Force; prohibiting a member of the~~
~~7 Task Force from receiving certain compensation, but authorizing the reimbursement~~
~~8 of certain expenses; requiring the Task Force to develop a certain blueprint for~~
~~9 independent investigation of certain incidents and make certain recommendations;~~
~~10 requiring the Task Force to report its findings and recommendations to the Governor~~
~~11 and the General Assembly on or before a certain date; defining a certain term;~~
~~12 providing for the termination of certain law enforcement agency to notify the~~
~~13 Independent Investigative Unit within the Office of the Attorney General of a certain~~
~~14 incident involving the death of a person caused by a police officer; police-involved~~
~~15 death of a civilian at a certain time; requiring a law enforcement agency to cooperate~~
~~16 with the Independent Investigative Unit in connection with a certain investigation;~~
~~17 establishing the Independent Investigative Unit within the Office of the Attorney~~
~~18 General; requiring the Independent Investigative Unit to investigate certain incidents~~
~~19 involving the death of a person caused by a police officer; police-involved deaths of~~
~~20 civilians; authorizing the Independent Investigative Unit to investigate certain crimes~~
~~21 related to police misconduct; providing that the Independent Investigative Unit shall~~
~~22 have the authority to act in a certain manner when conducting a certain investigation;~~
~~23 requiring the Independent Investigative Unit to transmit a certain report to a certain~~
~~24 State's Attorney at a certain time; requiring, subject to a certain exception, that a~~
~~25 certain report remain confidential through the adjudication of a certain criminal~~
~~26 case; authorizing the Independent Investigative Unit to detail certain police officers~~
~~27 and employ certain personnel for a certain purpose; requiring the Governor to~~
~~28 annually include certain funding in the State budget; providing that certain funds~~
~~29 shall supplement and may not supplant certain other funding; defining certain terms~~
~~30 a certain provision; and generally relating to the Office of the Attorney General State~~
~~31 Prosecutor; surplus military equipment and investigation of deaths caused by police~~
~~32 officers.~~

33 BY repealing and reenacting, with amendments,
 34 Article – Public Safety
 35 Section 3-521
 36 Annotated Code of Maryland
 37 (2018 Replacement Volume and 2020 Supplement)

38 BY adding to
 39 Article – Public Safety
 40 Section 3-523
 41 Annotated Code of Maryland
 42 (2018 Replacement Volume and 2020 Supplement)

43 ~~BY adding to~~
 44 ~~Article – Public Safety~~

1 ~~Section 3-523~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2018 Replacement Volume and 2020 Supplement)~~

4 BY adding to
 5 Article – State Government
 6 Section 6-106.2
 7 Annotated Code of Maryland
 8 (2014 Replacement Volume and 2020 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 10 That the Laws of Maryland read as follows:

11 ~~Article – Public Safety~~

12 ~~3-523.~~

13 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 14 ~~INDICATED.~~

15 ~~(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §~~
 16 ~~3-201 OF THIS TITLE.~~

17 ~~(3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS~~
 18 ~~TITLE.~~

19 ~~(B) A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE OFFICE OF THE~~
 20 ~~ATTORNEY GENERAL OF ANY ALLEGED OR POTENTIAL INCIDENT INVOLVING THE~~
 21 ~~DEATH OF A PERSON CAUSED BY A POLICE OFFICER AS SOON AS THE LAW~~
 22 ~~ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT.~~

23 Article – Public Safety

24 3-521.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) “DESTRUCTIVE DEVICE” HAS THE MEANING STATED IN § 4-501 OF
 27 THE CRIMINAL LAW ARTICLE.

28 (3) “FIREARM SILENCER” HAS THE MEANING STATED IN § 5-621 OF
 29 THE CRIMINAL LAW ARTICLE.

30 [(2)] (4) “Law enforcement agency” has the meaning stated in § 3-201 of
 31 this title.

1 ~~[(3)] (5)~~ “Surplus program” means a program operated by the federal
 2 government for the transfer of surplus military equipment to a law enforcement agency.

3 (b) On or before February 1 each year, the Department of State Police shall submit
 4 a report on the acquisition of equipment by law enforcement agencies through surplus
 5 programs within the preceding calendar year to the Governor and, in accordance with §
 6 2-1257 of the State Government Article, the General Assembly.

7 (c) The Department of State Police shall include in a prominent location on its
 8 public website a link to the Defense Logistics Agency’s report listing excess Department of
 9 Defense property transfers to law enforcement agencies through the Law Enforcement
 10 Support Office.

11 (D) A LAW ENFORCEMENT AGENCY MAY NOT RECEIVE THE FOLLOWING
 12 EQUIPMENT FROM A SURPLUS PROGRAM:

13 (1) A WEAPONIZED:

14 (I) AIRCRAFT;

15 (II) DRONE; OR

16 (III) VEHICLE;

17 (2) A DESTRUCTIVE DEVICE;

18 (3) A FIREARM SILENCER; OR

19 (4) A GRENADE LAUNCHER.

20 3-523.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 22 INDICATED.

23 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
 24 3-201 OF THIS TITLE.

25 (3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
 26 TITLE.

27 (B) A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE INDEPENDENT
 28 INVESTIGATIVE UNIT WITHIN THE OFFICE OF THE ATTORNEY GENERAL OF ANY

1 ~~ALLEGED OR POTENTIAL INCIDENT INVOLVING THE DEATH OF A PERSON CAUSED BY~~
 2 ~~A POLICE OFFICER POLICE-INVOLVED DEATH OF A CIVILIAN AS SOON AS THE LAW~~
 3 ~~ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT.~~

4 (C) A LAW ENFORCEMENT AGENCY SHALL COOPERATE WITH THE
 5 INDEPENDENT INVESTIGATIVE UNIT IN CONNECTION WITH THE INVESTIGATION OF
 6 AN INCIDENT INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE OFFICER
 7 POLICE-INVOLVED DEATH OF A CIVILIAN.

8 Article – State Government

9 6-106.2.

10 (A) IN THIS SECTION, “POLICE OFFICER” HAS THE MEANING STATED IN §
 11 3-201 OF THE PUBLIC SAFETY ARTICLE.

12 ~~(B) THE ATTORNEY GENERAL SHALL INVESTIGATE ALL ALLEGED OR~~
 13 ~~POTENTIAL INCIDENTS INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE~~
 14 ~~OFFICER.~~

15 ~~(C) (1) WITHIN 15 DAYS AFTER COMPLETING AN INVESTIGATION~~
 16 ~~REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL~~
 17 ~~SHALL TRANSMIT A CONFIDENTIAL REPORT TO THE STATE'S ATTORNEY OF THE~~
 18 ~~COUNTY THAT HAS JURISDICTION TO PROSECUTE THE MATTER THAT:~~

19 ~~(i) CONTAINS DETAILED INVESTIGATIVE FINDINGS; AND~~

20 ~~(ii) INDICATES THAT:~~

21 ~~1. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS~~
 22 ~~OCCURRED AND THAT PROSECUTION OF THE MATTER IS RECOMMENDED;~~

23 ~~2. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS~~
 24 ~~NOT OCCURRED; OR~~

25 ~~3. THE ATTORNEY GENERAL DOES NOT RECOMMEND~~
 26 ~~PROSECUTION.~~

27 (B) THERE IS AN INDEPENDENT INVESTIGATIVE UNIT WITHIN THE OFFICE
 28 OF THE ATTORNEY GENERAL.

1 WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING AND
 2 STANDARDS COMMISSION UNDER SUBSECTION (B) OF THIS SECTION FOR THE USE
 3 OF BODY-WORN CAMERAS.

4 (2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1)
 5 OF THIS SUBSECTION SHALL SPECIFY WHICH LAW ENFORCEMENT OFFICERS
 6 EMPLOYED BY THE LAW ENFORCEMENT AGENCY ARE REQUIRED TO USE
 7 BODY-WORN CAMERAS.

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) There is a Task Force on Statewide Body-Camera Implementation.

10 (b) The Task Force consists of the following members:

11 (1) one member of the Senate of Maryland, appointed by the President of
 12 the Senate;

13 (2) one member of the House of Delegates, appointed by the Speaker of the
 14 House;

15 (3) the Secretary of Information Technology, or the Secretary's designee;

16 (4) the Secretary of Budget and Management, or the Secretary's designee;

17 (5) the Secretary of General Services, or the Secretary's designee; and

18 (6) the following members, appointed by the Governor:

19 (i) one representative of the Maryland Municipal League;

20 (ii) one representative of the Maryland Association of Counties;

21 (iii) one representative of the Maryland Chiefs of Police Association;

22 (iv) one representative of the Maryland Sheriffs' Association;

23 (v) one representative of the Governor's Office of Homeland
 24 Security; and

25 (vi) one representative of the Governor's Office of Crime Prevention,
 26 Youth, and Victim Services;

27 (c) The Governor shall designate the chair of the Task Force.

1 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
2 ~~provide staff for the Task Force.~~

3 ~~(e) A member of the Task Force:~~

4 ~~(1) may not receive compensation as a member of the Task Force; but~~

5 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
6 ~~Travel Regulations, as provided in the State budget.~~

7 ~~(f) The Task Force shall:~~

8 ~~(1) study and make findings on the implementation and feasibility of~~
9 ~~requiring the use of body-worn cameras by law enforcement officers in counties and~~
10 ~~municipalities throughout the State, consistent with the requirements of Section 1 of this~~
11 ~~Act; and~~

12 ~~(2) make recommendations regarding requiring the use of body-worn~~
13 ~~cameras by counties and municipalities based on its findings.~~

14 ~~(g) On or before July 1, 2022, the Task Force shall report its findings and~~
15 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
16 ~~Government Article, the General Assembly.~~

17 ~~SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~October 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and~~
19 ~~6 months and, at the end of December 31, 2022, Section 2 of this Act, with no further action~~
20 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

21 ~~(E) A BODY-WORN CAMERA THAT POSSESSES THE REQUISITE~~
22 ~~TECHNOLOGICAL CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST~~
23 ~~60 SECONDS OF VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING~~
24 ~~THE RECORD BUTTON ON THE DEVICE.~~

25 ~~(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
26 ~~REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION~~
27 ~~THROUGH COLLECTIVE BARGAINING.~~

28 ~~3-516.~~

29 ~~(a) Each law enforcement agency shall establish a confidential and nonpunitive~~
30 ~~early intervention [policy for counseling officers who receive three or more citizen complaints~~
31 ~~within a 12-month period] SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK~~
32 ~~OF ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THE OFFICERS~~
33 ~~WITH TRAINING, BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER~~
34 ~~APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.~~

1 ~~(a) There is a Task Force on Independent Investigations Involving Deaths Caused~~
 2 ~~by Law Enforcement Officers.~~

3 ~~(b) The Task Force consists of the following members:~~

4 ~~(1) one member of the Senate of Maryland, appointed by the President of~~
 5 ~~the Senate;~~

6 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~
 7 ~~House;~~

8 ~~(3) the Attorney General, or the Attorney General's designee;~~

9 ~~(4) the State Prosecutor, or the State Prosecutor's designee;~~

10 ~~(5) the President of the Maryland State's Attorneys' Association, or the~~
 11 ~~President's designee; and~~

12 ~~(6) the Superintendent of State Police, or the Superintendent's designee.~~

13 ~~(c) The Task Force shall elect the chair of the Task Force.~~

14 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
 15 ~~provide staff for the Task Force.~~

16 ~~(e) A member of the Task Force:~~

17 ~~(1) may not receive compensation as a member of the Task Force; but~~

18 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
 19 ~~Travel Regulations, as provided in the State budget.~~

20 ~~(f) The Task Force shall:~~

21 ~~(1) develop a blueprint for the independent investigation of potential~~
 22 ~~incidents involving the death of a person caused by a police officer; and~~

23 ~~(2) make recommendations regarding the establishment of an independent~~
 24 ~~agency responsible for investigating incidents involving the death of a person caused by a~~
 25 ~~police officer in the State.~~

26 ~~(g) On or before December 31, 2021, the Task Force shall report its findings and~~
 27 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
 28 ~~Government Article, the General Assembly.~~

29 ~~SECTION 2. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 30 ~~October 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and~~

1 ~~1 month and, at the end of June 30, 2022, Section 2 of this Act, with no further action~~
 2 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~
 3 *SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect*
 4 *October 1, 2021.*

Approved:

 Governor.

 President of the Senate.

 Speaker of the House of Delegates.

SENATE BILL 178

P3, E4

(1lr1057)

ENROLLED BILL
— Judicial Proceedings/Judiciary —

Introduced by **Senator Carter**

Read and Examined by Proofreaders:

Proofreader._____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~**Public Information Act — Personnel Records — Investigations of Law**~~
3 ~~**Enforcement Officers**~~4 ~~*(Anton's Law)*~~5 ~~**Maryland Police Accountability Act of 2021 — Personnel Records —**~~6 ~~**Investigations of Law Enforcement Officers**~~7 ~~*(Anton's Law)*~~8 ~~*Search Warrants and Inspection of Records Relating to Police Misconduct*~~9 ~~*(Anton's Law)*~~

10 FOR the purpose of ~~establishing that a certain record relating to an administrative or~~
11 ~~criminal investigation of misconduct by a law enforcement officer is not a personnel~~
12 ~~record for purposes of certain provisions of the Public Information Act; authorizing~~
13 ~~a custodian to deny inspection of records relating to an administrative or criminal~~
14 ~~investigation of misconduct by a law enforcement officer; requiring that an~~
15 ~~application for a certain no-knock search warrant be approved in writing by a police~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.*Italics* indicate opposite chamber / conference committee amendments.

supervisor and the State's Attorney; repealing a certain ground for issuance of a
 certain no-knock search warrant; requiring that an application for a certain
 no-knock search warrant contain certain items; requiring that a certain no-knock
 search warrant be executed between certain times under certain circumstances;
 altering the number of days within which a certain search and seizure shall be made;
 imposing certain restrictions on a police officer when executing a search warrant;
 requiring a certain custodian to allow inspection of certain records by the United
 States Attorney, the Attorney General, the State Prosecutor, and a certain State's
 Attorney; providing that a certain record is not a personnel record for a certain
 purpose, with a certain exception; authorizing a certain custodian to deny inspection
 of certain records; requiring a certain custodian to ~~deny inspection of~~ redact a certain
 record in a certain manner under certain circumstances; authorizing a custodian to
 redact a certain record in a certain manner under certain circumstances; requiring a
 custodian to notify a certain person in interest when a certain record is inspected;
 prohibiting a certain custodian from disclosing the identity of a certain requestor to
 a certain person in interest; requiring a law enforcement agency that maintains a
 SWAT team to report certain information to the Governor's Office of Crime
 Prevention, Youth, and Victim Services using a certain format; requiring the
 Maryland Police Training and Standards Commission, in consultation with the
 Office, to develop a standardized format that certain law enforcement agencies shall
 use in reporting certain data relating to the activation and deployment of certain
 SWAT teams to the Office; requiring a law enforcement agency to compile certain
 information as a report in a certain format and to submit the report to the Office not
 later than a certain date following the period that is the subject of the report; requiring
 the Office to analyze and summarize certain reports of law enforcement agencies and
 to submit a report of the analyses and summaries to the Governor, the General
 Assembly, and each law enforcement agency before a certain date each year and
 publish the report on its website; providing that, if a law enforcement agency fails to
 comply with certain reporting requirements, the Office shall report the noncompliance
 to the Commission; providing that the Commission shall contact a certain law
 enforcement agency and request that the agency comply with certain reporting
 requirements under certain circumstances; providing that, if a certain law
 enforcement agency fails to comply with certain reporting requirements within a
 certain period after being contacted by the Commission, the Office and the
 Commission jointly shall make a certain report to the Governor and the Legislative
 Policy Committee of the General Assembly; defining certain terms; providing for the
 application of this Act; and generally relating to ~~personnel records and the Public
 Information Act~~ search warrants and inspection of records relating to police
 misconduct.

40 BY renumbering

Article — General Provisions
 Section 4 — 101(e) through (j), respectively
 to be Section 4 — 101(f) through (k), respectively
 Annotated Code of Maryland
 (2019 Replacement Volume and 2020 Supplement)

- 1 ~~BY repealing and reenacting, without amendments,~~
- 2 ~~Article – General Provisions~~
- 3 ~~Section 4–101(e)~~
- 4 ~~Annotated Code of Maryland~~
- 5 ~~(2019 Replacement Volume and 2020 Supplement)~~

- 6 ~~BY adding to~~
- 7 ~~Article – General Provisions~~
- 8 ~~Section 4–101(e) and (f)~~
- 9 ~~Annotated Code of Maryland~~
- 10 ~~(2019 Replacement Volume and 2020 Supplement)~~

- 11 ~~BY repealing and reenacting, with amendments,~~
- 12 ~~Article – General Provisions~~
- 13 ~~Section 4–311 and 4–351~~
- 14 ~~Annotated Code of Maryland~~
- 15 ~~(2019 Replacement Volume and 2020 Supplement)~~

- 16 BY repealing and reenacting, with amendments,
- 17 Article – Criminal Procedure
- 18 Section 1–203(a)
- 19 Annotated Code of Maryland
- 20 (2018 Replacement Volume and 2020 Supplement)

- 21 BY repealing and reenacting, without amendments,
- 22 Article – General Provisions
- 23 Section 4–101(a) and (c)
- 24 Annotated Code of Maryland
- 25 (2019 Replacement Volume and 2020 Supplement)

- 26 BY adding to
- 27 Article – General Provisions
- 28 Section 4–101(i) and (l)
- 29 Annotated Code of Maryland
- 30 (2019 Replacement Volume and 2020 Supplement)

- 31 BY repealing and reenacting, with amendments,
- 32 Article – General Provisions
- 33 Section 4–101(i) and (j), 4–311, and 4–351
- 34 Annotated Code of Maryland
- 35 (2019 Replacement Volume and 2020 Supplement)

- 36 BY adding to
- 37 Article – Public Safety
- 38 Section 3–523
- 39 Annotated Code of Maryland
- 40 (2018 Replacement Volume and 2020 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 2 ~~That Section(e) 4-101(e) through (i), respectively, of Article – General Provisions of the~~
 3 ~~Annotated Code of Maryland be renumbered to be Section(e) 4-101(f) through (k),~~
 4 ~~respectively.~~

5 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland read
 6 as follows:

7 Article – Criminal Procedure

8 1-203.

9 (a) (1) IN THIS SUBSECTION, “NO-KNOCK SEARCH WARRANT” MEANS A
 10 SEARCH WARRANT THAT AUTHORIZES THE EXECUTING LAW ENFORCEMENT OFFICER
 11 TO ENTER A BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED
 12 WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY OR PURPOSE.

13 (2) A circuit court judge or District Court judge may issue forthwith a search
 14 warrant whenever it is made to appear to the judge, by application as described in
 15 paragraph [(2)] (3) of this subsection, that there is probable cause to believe that:

16 (i) a misdemeanor or felony is being committed by a person or in a
 17 building, apartment, premises, place, or thing within the territorial jurisdiction of the judge;
 18 or

19 (ii) property subject to seizure under the criminal laws of the State is
 20 on the person or in or on the building, apartment, premises, place, or thing.

21 ~~[(2)] (3)~~ (i) An application for a search warrant shall be:

22 1. in writing;

23 2. signed, dated, and sworn to by the applicant; and

24 3. accompanied by an affidavit that:

25 A. sets forth the basis for probable cause as described in
 26 paragraph (1) of this subsection; and

27 B. contains facts within the personal knowledge of the affiant
 28 that there is probable cause.

29 (ii) An application for a search warrant may be submitted to a judge:

- 1 1. by in-person delivery of the application, the affidavit, and
2 a proposed search warrant;
- 3 2. by secure fax, if a complete and printable image of the
4 application, the affidavit, and a proposed search warrant are submitted; or
- 5 3. by secure electronic mail, if a complete and printable image
6 of the application, the affidavit, and a proposed search warrant are submitted.
- 7 (iii) The applicant and the judge may converse about the search
8 warrant application;
- 9 1. in person;
- 10 2. via telephone; or
- 11 3. via video.
- 12 (iv) The judge may issue the search warrant:
- 13 1. by signing the search warrant, indicating the date and time
14 of issuance on the search warrant, and physically delivering the signed and dated search
15 warrant, the application, and the affidavit to the applicant;
- 16 2. by signing the search warrant, writing the date and time of
17 issuance on the search warrant, and sending complete and printable images of the signed
18 and dated search warrant, the application, and the affidavit to the applicant by secure fax;
19 or
- 20 3. by signing the search warrant, either electronically or in
21 writing, indicating the date and time of issuance on the search warrant, and sending
22 complete and printable images of the signed and dated search warrant, the application, and
23 the affidavit to the applicant by secure electronic mail.
- 24 (v) The judge shall file a copy of the signed and dated search
25 warrant, the application, and the affidavit with the court.
- 26 (vi) **1. [An] IF APPROVED IN WRITING BY A POLICE**
27 **SUPERVISOR AND THE STATE'S ATTORNEY, AN application for a search warrant may**
28 **contain a request that the search warrant [authorize the executing law enforcement officer**
29 **to enter the building, apartment, premises, place, or thing to be searched without giving**
30 **notice of the officer's authority or purpose] BE A NO-KNOCK SEARCH WARRANT, on the**
31 **[grounds] GROUND that there is reasonable suspicion to believe that, without the**
32 **authorization].**

1 1. the property subject to seizure may be destroyed, disposed
 2 of, or secreted; or

3 2.1 the life or safety of the executing officer or another person
 4 may be endangered.

5 2. AN APPLICATION FOR A NO-KNOCK SEARCH WARRANT
 6 UNDER THIS SUBPARAGRAPH SHALL CONTAIN:

7 A. A DESCRIPTION OF THE EVIDENCE IN SUPPORT OF
 8 THE APPLICATION;

9 B. AN EXPLANATION OF THE INVESTIGATIVE ACTIVITIES
 10 THAT HAVE BEEN UNDERTAKEN AND THE INFORMATION THAT HAS BEEN GATHERED
 11 TO SUPPORT THE REQUEST FOR A NO-KNOCK SEARCH WARRANT;

12 C. AN EXPLANATION OF WHY THE AFFIANT IS UNABLE TO
 13 DETAIN THE SUSPECT OR SEARCH THE PREMISES USING OTHER, LESS INVASIVE
 14 METHODS;

15 D. ACKNOWLEDGMENT THAT ANY POLICE OFFICERS WHO
 16 WILL EXECUTE THE SEARCH WARRANT HAVE SUCCESSFULLY COMPLETED THE SAME
 17 TRAINING IN BREACH AND CALL-OUT ENTRY PROCEDURES AS SWAT TEAM
 18 MEMBERS;

19 E. A STATEMENT AS TO WHETHER THE SEARCH WARRANT
 20 CAN EFFECTIVELY BE EXECUTED DURING DAYLIGHT HOURS AND, IF NOT, WHAT
 21 FACTS OR CIRCUMSTANCES PRECLUDE EFFECTIVE EXECUTION IN DAYLIGHT HOURS;
 22 AND

23 F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE
 24 PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY
 25 INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE
 26 PREMISES, IF KNOWN.

27 3. A NO-KNOCK SEARCH WARRANT SHALL BE EXECUTED
 28 BETWEEN 8:00 A.M. AND 7:00 P.M., ABSENT EXIGENT CIRCUMSTANCES.

29 [(3)] (4) The search warrant shall:

30 (i) be directed to a duly constituted police officer, the State Fire
 31 Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire
 32 Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative
 33 and inspection assistant of the Office of the State Fire Marshal to search the suspected

1 person, building, apartment, premises, place, or thing and to seize any property found
 2 subject to seizure under the criminal laws of the State;

3 (ii) name or describe, with reasonable particularity:

4 1. the person, building, apartment, premises, place, or thing
 5 to be searched;

6 2. the grounds for the search; and

7 3. the name of the applicant on whose application the search
 8 warrant was issued; and

9 (iii) if warranted by application as described in paragraph [(2)] (3)
 10 of this subsection, authorize the executing law enforcement officer to enter the building,
 11 apartment, premises, place, or thing to be searched without giving notice of the officer's
 12 authority or purpose.

13 [(4)] (5) (i) The search and seizure under the authority of a search
 14 warrant shall be made within [15] 10 calendar days after the day that the search warrant
 15 is issued.

16 (ii) After the expiration of the [15-day] 10-DAY period, the search
 17 warrant is void.

18 [(5)] (6) The executing law enforcement officer shall give a copy of the
 19 search warrant, the application, and the affidavit to an authorized occupant of the premises
 20 searched or leave a copy of the search warrant, the application, and the affidavit at the
 21 premises searched.

22 [(6)] (7) (i) The executing law enforcement officer shall prepare a
 23 detailed search warrant return which shall include the date and time of the execution of the
 24 search warrant.

25 (ii) The executing law enforcement officer shall:

26 1. give a copy of the search warrant return to an authorized
 27 occupant of the premises searched or leave a copy of the return at the premises searched; and

28 2. file a copy of the search warrant return with the court in
 29 person, by secure fax, or by secure electronic mail.

30 (8) (1) IN THIS PARAGRAPH, "EXIGENT CIRCUMSTANCES" RETAINS
 31 ITS JUDICIALLY DETERMINED MEANING.

1 (II) WHILE EXECUTING A SEARCH WARRANT, A POLICE OFFICER
 2 SHALL BE CLEARLY RECOGNIZABLE AND IDENTIFIABLE AS A POLICE OFFICER,
 3 WEARING A UNIFORM, BADGE, AND TAG BEARING THE NAME AND IDENTIFICATION
 4 NUMBER OF THE POLICE OFFICER.

5 (III) 1. THIS SUBPARAGRAPH APPLIES TO A POLICE OFFICER
 6 WHOSE LAW ENFORCEMENT AGENCY REQUIRES THE USE OF BODY-WORN CAMERAS.

7 2. A POLICE OFFICER EXECUTING A SEARCH WARRANT
 8 SHALL USE A BODY-WORN CAMERA DURING THE COURSE OF THE SEARCH IN
 9 ACCORDANCE WITH THE POLICIES ESTABLISHED BY THE POLICE OFFICER'S LAW
 10 ENFORCEMENT AGENCY.

11 (IV) UNLESS EXECUTING A NO-KNOCK SEARCH WARRANT, A
 12 POLICE OFFICER SHALL ALLOW A MINIMUM OF 20 SECONDS FOR THE OCCUPANTS OF
 13 A RESIDENCE TO RESPOND AND OPEN THE DOOR BEFORE THE POLICE OFFICER
 14 ATTEMPTS TO ENTER THE RESIDENCE, ABSENT EXIGENT CIRCUMSTANCES.

15 (V) A POLICE OFFICER MAY NOT USE FLASHBANG, STUN,
 16 DISTRACTION, OR OTHER SIMILAR MILITARY-STYLE DEVICES WHEN EXECUTING A
 17 SEARCH WARRANT, ABSENT EXIGENT CIRCUMSTANCES.

18 Article – General Provisions

19 ~~4-101.~~

20 ~~(a) In this title the following words have the meanings indicated.~~

21 ~~(b) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101~~
 22 ~~OF THE PUBLIC SAFETY ARTICLE.~~

23 ~~(c) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN~~
 24 ~~INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES~~
 25 ~~THAT:~~

26 ~~(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF~~
 27 ~~THE PUBLIC AND THE INDIVIDUAL;~~

28 ~~(2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,~~
 29 ~~ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND~~

30 ~~(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN;~~

31 ~~4-311.~~

1 (a) ~~Subject to subsection (b) of this section, a custodian shall deny inspection of a~~
 2 ~~personnel record of an individual, including an application, a performance rating, or~~
 3 ~~scholastic achievement information.~~

4 (b) ~~A custodian shall allow inspection by:~~

5 (1) ~~the person in interest;~~

6 (2) ~~an elected or appointed official who supervises the work of the~~
 7 ~~individual; or~~

8 (3) ~~an employee organization described in Title 6 of the Education Article~~
 9 ~~of the portion of the personnel record that contains the individual's:~~

10 (i) ~~home address;~~

11 (ii) ~~home telephone number; and~~

12 (iii) ~~personal cell phone number.~~

13 (c) ~~(1) A EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
 14 ~~A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF~~
 15 ~~MISCONDUCT BY A LAW ENFORCEMENT OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
 16 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
 17 ~~DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS~~
 18 ~~SECTION.~~

19 ~~(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL~~
 20 ~~RECORD FOR THE PURPOSES OF THIS SECTION.~~

21 ~~4-351.~~

22 (a) ~~Subject to subsection (b) of this section, a custodian may deny inspection of:~~

23 (1) ~~records of investigations conducted by the Attorney General, a State's~~
 24 ~~Attorney, a municipal or county attorney, a police department, or a sheriff;~~

25 (2) ~~an investigatory file compiled for any other law enforcement, judicial,~~
 26 ~~correctional, or prosecution purpose; for;~~

27 (3) ~~records that contain intelligence information or security procedures of~~
 28 ~~the Attorney General, a State's Attorney, a municipal or county attorney, a police~~
 29 ~~department, a State or local correctional facility, or a sheriff; OR~~

1 ~~(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,~~
 2 ~~RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT~~
 3 ~~BY A LAW ENFORCEMENT OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
 4 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
 5 ~~DISCIPLINARY DECISION.~~

6 ~~(b) A custodian may deny inspection by a person in interest only to the extent~~
 7 ~~that the inspection would:~~

- 8 ~~(1) interfere with a valid and proper law enforcement proceeding;~~
- 9 ~~(2) deprive another person of a right to a fair trial or an impartial~~
 10 ~~adjudication;~~
- 11 ~~(3) constitute an unwarranted invasion of personal privacy;~~
- 12 ~~(4) disclose the identity of a confidential source;~~
- 13 ~~(5) disclose an investigative technique or procedure;~~
- 14 ~~(6) prejudice an investigation; or~~
- 15 ~~(7) endanger the life or physical safety of an individual.~~

16 4-101.

17 (a) In this title the following words have the meanings indicated.

18 (c) "Board" means the State Public Information Act Compliance Board.

19 (d) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE
 20 PUBLIC SAFETY ARTICLE.

21 [(i)] (j) "Political subdivision" means:

- 22 (1) a county;
- 23 (2) a municipal corporation;
- 24 (3) an unincorporated town;
- 25 (4) a school district; or
- 26 (5) a special district.

1 ~~[(i)](K)~~ (1) "Public record" means the original or any copy of any
 2 documentary material that:

3 (i) is made by a unit or an instrumentality of the State or of a
 4 political subdivision or received by the unit or instrumentality in connection with the
 5 transaction of public business; and

6 (ii) is in any form, including:

7 1. a card;

8 2. a computerized record;

9 3. correspondence;

10 4. a drawing;

11 5. film or microfilm;

12 6. a form;

13 7. a map;

14 8. a photograph or photostat;

15 9. a recording; or

16 10. a tape.

17 (2) "Public record" includes a document that lists the salary of an employee
 18 of a unit or an instrumentality of the State or of a political subdivision.

19 (3) "Public record" does not include a digital photographic image or
 20 signature of an individual, or the actual stored data of the image or signature, recorded by
 21 the Motor Vehicle Administration.

22 (L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN
 23 INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES
 24 THAT:

25 (1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF THE
 26 PUBLIC AND THE INDIVIDUAL;

27 (2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,
 28 ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND

1 **(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.**

2 4-311.

3 (a) Subject to subsection (b) of this section, a custodian shall deny inspection of a
 4 personnel record of an individual, including an application, a performance rating, or
 5 scholastic achievement information.

6 (b) A custodian shall allow inspection by:

7 (1) the person in interest;

8 (2) an elected or appointed official who supervises the work of the
 9 individual; or

10 (3) an employee organization described in Title 6 of the Education Article of
 11 the portion of the personnel record that contains the individual's:

12 (i) home address;

13 (ii) home telephone number; and

14 (iii) personal cell phone number.

15 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 16 **RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF**
 17 **MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS**
 18 **INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A**
 19 **DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS**
 20 **SECTION.**

21 **(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL RECORD**
 22 **FOR THE PURPOSES OF THIS SECTION.**

23 4-351.

24 (a) Subject to [subsection (b)] SUBSECTIONS (B), (C), AND (D) of this section, a
 25 custodian may deny inspection of:

26 (1) records of investigations conducted by the Attorney General, a State's
 27 Attorney, a municipal or county attorney, a police department, or a sheriff;

28 (2) an investigatory file compiled for any other law enforcement, judicial,
 29 correctional, or prosecution purpose; **for**

1 (3) records that contain intelligence information or security procedures of
 2 the Attorney General, a State's Attorney, a municipal or county attorney, a police
 3 department, a State or local correctional facility, or a sheriff; OR

4 (4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,
 5 RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT
 6 BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,
 7 A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.

8 (b) A custodian may deny inspection by a person in interest only to the extent that
 9 the inspection would:

10 (1) interfere with a valid and proper law enforcement proceeding;

11 (2) deprive another person of a right to a fair trial or an impartial
 12 adjudication;

13 (3) constitute an unwarranted invasion of personal privacy;

14 (4) disclose the identity of a confidential source;

15 (5) disclose an investigative technique or procedure;

16 (6) prejudice an investigation; or

17 (7) endanger the life or physical safety of an individual.

18 (C) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN
 19 SUBSECTION (A)(4) OF THIS SECTION BY:

20 (1) THE UNITED STATES ATTORNEY;

21 (2) THE ATTORNEY GENERAL;

22 (3) THE STATE PROSECUTOR; OR

23 (4) THE STATE'S ATTORNEY FOR THE JURISDICTION RELEVANT TO
 24 THE RECORD.

25 ~~(D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~
 26 ~~CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION~~
 27 ~~(A)(4) OF THIS SECTION;~~

28 ~~(1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR~~

~~(2) TO THE EXTENT THAT THE RECORD REFLECTS:~~

~~(I) MEDICAL INFORMATION;~~

~~(II) PERSONAL CONTACT INFORMATION OF THE PERSON IN INTEREST;~~

~~(III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN INTEREST; OR~~

~~(IV) WITNESS INFORMATION.~~

~~(D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CUSTODIAN:~~

~~(1) SHALL REDACT THE PORTIONS OF A RECORD DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION TO THE EXTENT THAT THE RECORD REFLECTS:~~

~~(I) MEDICAL INFORMATION OF THE PERSON IN INTEREST;~~

~~(II) PERSONAL CONTACT INFORMATION OF THE PERSON IN INTEREST OR A WITNESS; OR~~

~~(III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN INTEREST; AND~~

~~(2) MAY REDACT THE PORTION OF A RECORD DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION TO THE EXTENT THAT THE RECORD REFLECTS WITNESS INFORMATION OTHER THAN PERSONAL CONTACT INFORMATION.~~

~~(E) A CUSTODIAN SHALL NOTIFY THE PERSON IN INTEREST OF A RECORD DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION WHEN THE RECORD IS INSPECTED, BUT MAY NOT DISCLOSE THE IDENTITY OF THE REQUESTOR TO THE PERSON IN INTEREST.~~

Article – Public Safety

3-523.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.

1 (3) "NO-KNOCK SEARCH WARRANT" MEANS A SEARCH WARRANT
2 AUTHORIZING ENTRY INTO A BUILDING, AN APARTMENT, A PREMISES, A PLACE, OR A
3 THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER'S AUTHORITY OR
4 PURPOSE.

5 (4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS
6 TITLE.

7 (5) "SWAT TEAM" MEANS A SPECIAL UNIT COMPOSED OF TWO OR
8 MORE POLICE OFFICERS WITHIN A LAW ENFORCEMENT AGENCY TRAINED TO DEAL
9 WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND HAVING SPECIAL
10 EQUIPMENT AND WEAPONS, INCLUDING RIFLES MORE POWERFUL THAN THOSE
11 CARRIED BY REGULAR POLICE OFFICERS.

12 (B) A LAW ENFORCEMENT AGENCY SHALL REPORT THE FOLLOWING
13 INFORMATION RELATING TO SEARCH WARRANTS EXECUTED BY THE LAW
14 ENFORCEMENT AGENCY DURING THE PRIOR CALENDAR YEAR TO THE GOVERNOR'S
15 OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES USING THE FORMAT
16 DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

17 (1) THE NUMBER OF TIMES A NO-KNOCK SEARCH WARRANT WAS
18 EXECUTED IN THE PREVIOUS YEAR;

19 (2) THE NAME OF THE COUNTY AND MUNICIPAL CORPORATION AND
20 THE ZIP CODE OF THE LOCATION WHERE EACH NO-KNOCK SEARCH WARRANT WAS
21 EXECUTED;

22 (3) FOR EACH SEARCH WARRANT EXECUTED, THE NUMBER OF DAYS
23 FROM THE ISSUANCE UNTIL THE EXECUTION OF THE SEARCH WARRANT,
24 DISAGGREGATED BY WHETHER THE SEARCH WARRANT WAS A NO-KNOCK SEARCH
25 WARRANT;

26 (4) THE LEGAL BASIS FOR EACH NO-KNOCK SEARCH WARRANT
27 ISSUED;

28 (5) THE NUMBER OF TIMES A SEARCH WARRANT WAS EXECUTED
29 UNDER CIRCUMSTANCES IN WHICH A POLICE OFFICER MADE FORCIBLE ENTRY INTO
30 THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED
31 SPECIFIED IN THE WARRANT;

32 (6) THE NUMBER OF TIMES A SWAT TEAM WAS DEPLOYED TO
33 EXECUTE A SEARCH WARRANT;

1 (7) THE NUMBER OF ARRESTS MADE, IF ANY, DURING THE EXECUTION
 2 OF A SEARCH WARRANT;

3 (8) THE NUMBER OF TIMES PROPERTY WAS SEIZED DURING THE
 4 EXECUTION OF A SEARCH WARRANT;

5 (9) THE NUMBER OF TIMES A WEAPON WAS DISCHARGED BY A POLICE
 6 OFFICER DURING THE EXECUTION OF A SEARCH WARRANT; AND

7 (10) THE NUMBER OF TIMES A PERSON OR DOMESTIC ANIMAL WAS
 8 INJURED OR KILLED DURING THE EXECUTION OF A SEARCH WARRANT,
 9 DISAGGREGATED BY WHETHER THE PERSON OR ANIMAL WAS INJURED OR KILLED BY
 10 A POLICE OFFICER.

11 (C) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN
 12 CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,
 13 AND VICTIM SERVICES, SHALL DEVELOP A STANDARDIZED FORMAT FOR EACH LAW
 14 ENFORCEMENT AGENCY TO USE IN REPORTING DATA TO THE GOVERNOR'S OFFICE
 15 OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES UNDER SUBSECTION (B) OF
 16 THIS SECTION.

17 (D) A LAW ENFORCEMENT AGENCY SHALL:

18 (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS
 19 SECTION FOR EACH 1-YEAR PERIOD AS A REPORT IN THE FORMAT REQUIRED UNDER
 20 SUBSECTION (C) OF THIS SECTION; AND

21 (2) NOT LATER THAN JANUARY 15 EACH YEAR, SUBMIT THE REPORT
 22 TO:

23 (i) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,
 24 AND VICTIM SERVICES; AND

25 (ii) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION
 26 SERVED BY THE LAW ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT;
 27 OR

28 2. IF THE JURISDICTION SERVED BY THE LAW
 29 ENFORCEMENT AGENCY IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE
 30 OFFICER OF THE JURISDICTION.

31 (E) (1) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND
 32 VICTIM SERVICES SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW
 33 ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.

1 (2) BEFORE SEPTEMBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF
2 CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL:

3 (1) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF
4 THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF
5 THIS SUBSECTION TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY, AND, IN
6 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
7 ASSEMBLY; AND

8 (II) PUBLISH THE REPORT ON ITS WEBSITE.

9 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
10 REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME
11 PREVENTION, YOUTH, AND VICTIM SERVICES SHALL REPORT THE NONCOMPLIANCE
12 TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

13 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE MARYLAND
14 POLICE TRAINING AND STANDARDS COMMISSION SHALL CONTACT THE LAW
15 ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE
16 REQUIRED REPORTING PROVISIONS.

17 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
18 REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING
19 CONTACTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
20 WITH A REQUEST TO COMPLY, THE GOVERNOR'S OFFICE OF CRIME PREVENTION,
21 YOUTH, AND VICTIM SERVICES AND THE MARYLAND POLICE TRAINING AND
22 STANDARDS COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
23 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
24 ASSEMBLY.

25 SECTION ~~3~~ 2, AND BE IT FURTHER ENACTED, That this Act shall be construed
26 to apply prospectively to any Public Information Act request made on or after the effective
27 date of this Act regardless of when the record requested to be produced was created.

28 SECTION ~~4~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.



AN ACT ESTABLISHING STANDARDS AND LIMITS FOR LOCAL LAW ENFORCEMENT ACQUISITION AND USE OF CERTAIN EQUIPMENT; AND REQUIRING A LOCAL LAW ENFORCEMENT AGENCY TO PROVIDE PUBLIC NOTIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Limitations on excess property provided to local law enforcement -- definitions. (1) A law enforcement agency may not receive the following property from a military equipment surplus program operated by the federal government:

- (a) drones that are armored, weaponized, or both;
- (b) aircraft that are combat configured or combat coded;
- (c) grenades or similar explosives and grenade launchers;
- (d) silencers; or
- (e) militarized armored vehicles.

(2) If a law enforcement agency purchases property from a military equipment surplus program operated by the federal government, the law enforcement agency may only use state or local funds for the purchase. Funds obtained from the federal government may not be used to purchase property from a military equipment surplus program.

(3) For purposes of this section, "law enforcement agency" means a law enforcement service provided by a local government as authorized in Title 7, chapter 32.

Section 2. Public notification. If a law enforcement agency requests property from a military equipment surplus program, the law enforcement agency shall publish a notice of the request on a publicly accessible website within 14 days after the request.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part

of Title 7, chapter 32, and the provisions of Title 7, chapter 32, apply to [sections 1 and 2].

- END -

I hereby certify that the within bill,
HB 0330, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 330
INTRODUCED BY N. SCHWADERER

AN ACT ESTABLISHING STANDARDS AND LIMITS FOR LOCAL LAW ENFORCEMENT ACQUISITION AND
USE OF CERTAIN EQUIPMENT; AND REQUIRING A LOCAL LAW ENFORCEMENT AGENCY TO PROVIDE
PUBLIC NOTIFICATION.

CITY OF SOMERVILLE
ORDINANCE NUMBER 2019-16
IN CITY COUNCIL: June 27, 2019

BAN ON FACIAL RECOGNITION TECHNOLOGY

Be it ordained by the City Council, in session assembled, that Chapter 9 of the Code of Ordinances of the City of Somerville, is hereby amended by adding to the existing Article III a new Section 9-25 as follows.

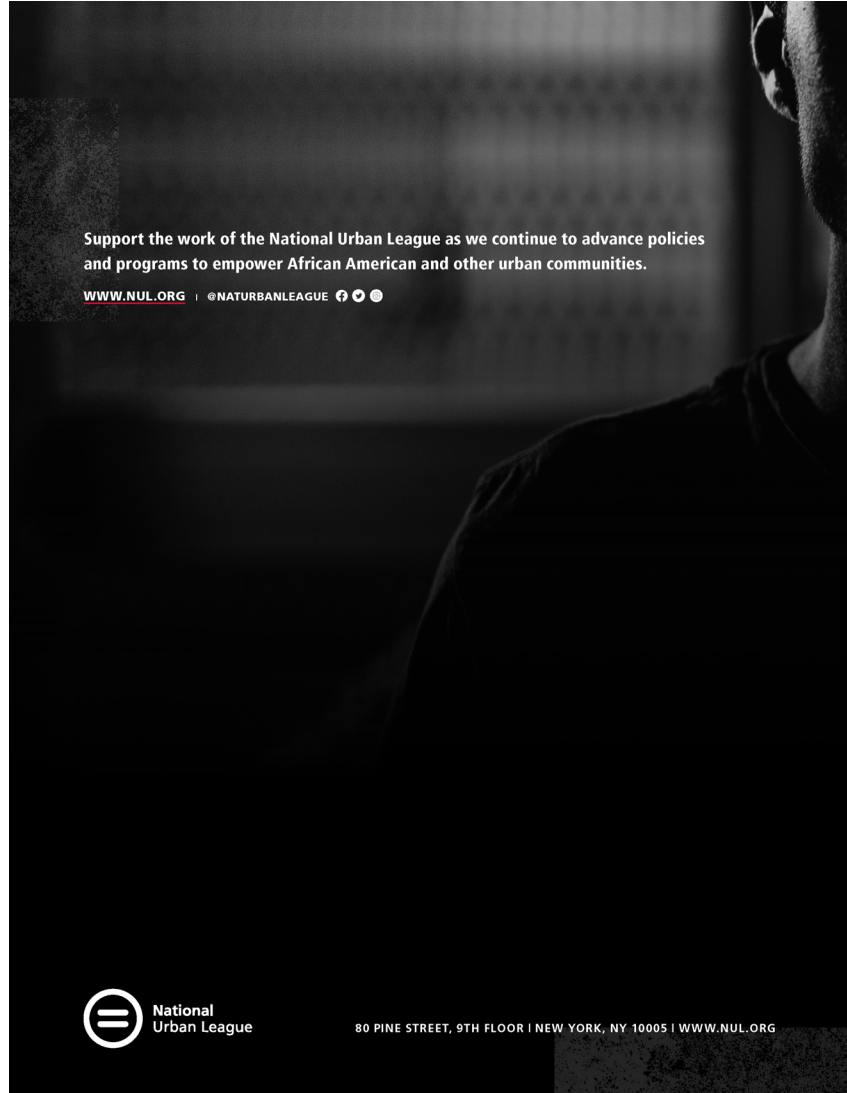
Section 9-25. Banning the usage of facial recognition surveillance technology.

- (a) Definitions.
 - (1) *Face surveillance* shall mean an automated or semi-automated process that assists in identifying or verifying an individual, based on the physical characteristics of an individual's face.
 - (2) *Face surveillance system* shall mean any computer software or application that performs face surveillance.
 - (3) *Somerville* shall mean any department, agency, bureau, and/or subordinate division of the City of Somerville.
 - (4) *Somerville official* shall mean any person or entity acting on behalf of the City of Somerville, including any officer, employee, agent, contractor, subcontractor, or vendor.
- (b) Ban on Government Use of Face Surveillance.
 It shall be unlawful for Somerville or any Somerville official to obtain, retain, access, or use:
 - (1) Any face surveillance system; or
 - (2) Any information obtained from a face surveillance system.
- (c) Enforcement.
 - (1) *Suppression*: No data collected or derived from any use of face surveillance in violation of this ordinance and no evidence derived therefrom may be received in evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the City of Somerville.
 - (2) *Cause of Action*: Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the City and, if necessary to effectuate compliance with this Ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.
 - (3) The City will address alleged violations of this ordinance in accordance with its usual practices, applicable law and contractual obligations.




- (4) Nothing in this section shall be construed to limit any individual's rights under State or Federal law.


Approved:

President, City Council



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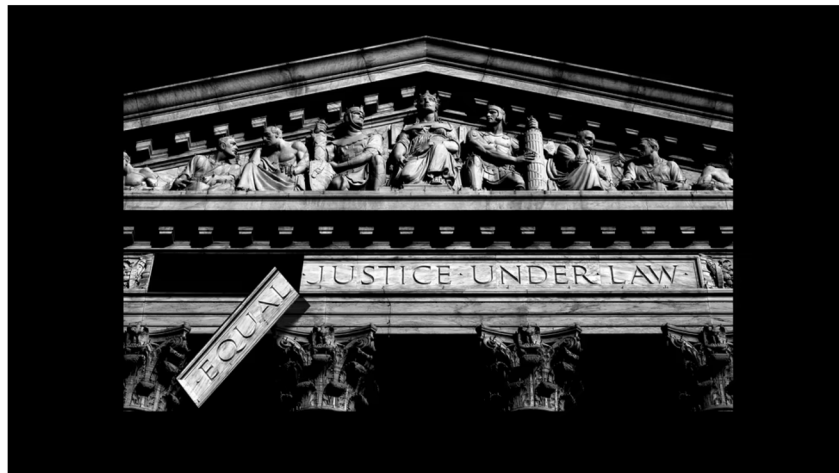
Read *The Atlantic's* continuing coverage of Russia's war on Ukraine here.

IDEAS

The Who-Cares-If-You're-Innocent Project

Republicans want to blame the rise in crime on liberal permissiveness, which includes, in their view, the right to counsel.

By Adam Serwer



The Atlantic; Getty

MARCH 7, 2022

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About the author: *Adam Serwer is a staff writer at The Atlantic, where he covers politics.*

At the close of Nina Morrison's confirmation hearing, Democratic Senator Sheldon Whitehouse of Rhode Island had a question. "Does 'tough on crime' include convicting the innocent?"

"No, Senator, it does not," replied Morrison, who has been nominated for a judgeship on the U.S. District Court for the Eastern District of New York.

The rest of the hearing prior to Whitehouse's query indicated otherwise. Morrison, who has dedicated her career to the Innocence Project, and helped free dozens of people who were wrongly convicted, found herself being blamed by Republican senators for a rise in crime that began when Donald Trump was still in office. The fact that the Innocence Project's work is exonerating those who *did not commit the crime they were convicted of* didn't matter.

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Senator Ted Cruz of Texas said to Morrison that the rise in crime was “the direct result of the policies you’ve spent your entire lifetime advancing.” Missouri’s Senator Josh Hawley told Morrison, “I will oppose you and anyone else the administration sends to us who do not understand the necessity of the rule of law.” Hawley’s definition of the “rule of law” apparently includes sending people to prison for crimes they did not commit, not all that surprising for someone who believes democracy is when you encourage a mob to overturn an election that your preferred candidate lost.

Republicans want to blame the rise in crime on liberal permissiveness, copying a political playbook that worked extraordinarily well from the 1960s to the turn of the century. As *HuffPost’s* Jennifer Bendery writes, the attack on Morrison is related to the Republicans’ war against liberal prosecutors, who have been elected on promises to be lenient on crimes like marijuana possession and to prosecute police misconduct. They also don’t like that President Joe Biden has nominated more defense attorneys as judges than his predecessor, bringing a needed balance to a federal bench stacked with former prosecutors.

Republican senators are likely to attack Ketanji Brown Jackson, Biden’s nominee to replace Justice Stephen Breyer on the Supreme Court, on similar terms. In his written questions to Jackson during her prior nomination, to the D.C. Circuit Court of Appeals, Republican Senator Ben Sasse of Nebraska asked whether Jackson’s “work as an Assistant Federal Public Defender would result in more violent criminals—including gun criminals—being put back on the streets?” Jackson would be the first public defender appointed to the Supreme Court in its history, in part because of arguments like these, which imply that due process protects only criminals. Jackson, for her part, responded that “the primary concern of lawyers who work as public defenders is the same as that of the Framers who crafted the Sixth Amendment of the Constitution.”

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The Who-Cares-If-You're-Innocent Project - The Atlantic



Read: Biden's likeliest Supreme Court pick

Preventing wrongful convictions *shouldn't* be a partisan culture war issue and hopefully will not become one as a result of ambitious Republicans doing Trump impersonations; most states have wrongful-conviction laws, and some right-wing groups, like the Cato Institute, have done admirable work on criminal-justice issues. But nonetheless, some on the right believe that the justice system should prioritize efficient incarceration over certain culpability. That is, they believe it's more important that the system be good at locking people up than good at making sure those who get locked up are actually guilty. The rhetoric at Morrison's hearing reflects a view among some conservatives that America's criminal-justice system is too easy on defendants, and that the Constitution's due-process protections could use a couple of passes with a black Sharpie.

The 2019 case *Garza v. Idaho*, which involved a defendant whose attorney did not file an appeal despite his request, because the defendant had earlier signed a waiver agreeing not to appeal, offers an illustration of this position. In that case, a majority found that the defendant's Sixth Amendment rights had been violated. Three justices—Clarence Thomas, Neil Gorsuch, and Samuel Alito—dissented, with Gorsuch joining part of Thomas's dissent suggesting that the 1963 case *Gideon v. Wainwright*, which guaranteed a right to counsel for those who could not afford to pay, should be overturned. "The Court has read the Constitution to require not only a right to counsel at taxpayers' expense, but a right to *effective* counsel," Thomas complained, adding that "the right to counsel is not an assurance of an error-free trial or even a reliable result ... Our ever-growing right-to-counsel precedents directly conflict with the government's legitimate interest in the finality of criminal judgments."

On the one hand, it is true that human fallibility means that a mistake might be made at trial that does not compromise the integrity of the entire process. But on the other hand, the idea that a "reliable result" in a criminal trial is less important than "the finality of criminal judgments" turns Thomas's argument into a long-winded paraphrase of Stephen Colbert's quip that "due process is just a process that you do."

The core of this assertion is that at the time of the nation's founding, lawyers were not as regularly a part of the process as they are now, and that the Sixth Amendment guarantees a right to pay an attorney to represent you, not to have one in the first place. Public defenders today are popularly understood as an essential part of the legal

7/14/22, 12:35 PM

The Who-Cares-If-You're-Innocent Project - The Atlantic

system, and the *Gideon* decision was unanimous, but the idea of a right to counsel was once incredibly unpopular, and remains so among some conservative elites. Not until 1932 did the Supreme Court begin interpreting the Sixth and Fourteenth Amendments as requiring states to provide defense counsel in cases involving the death penalty, and not until 1963, in *Gideon*, did the Court find a right to an attorney in other cases. Before then, as the Vanderbilt law professor Sara Mayeux writes in *Free Justice*, many attorneys thought that the idea of public defenders “smacked of communism and would lead to the socialization of the legal profession.”

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Thomas’s lengthy explication of the history of the right to counsel begins with a recitation of English common law and then grows thin when he gets to 1932. That’s when the Supreme Court overturned the wrongful convictions of the nine Black “Scottsboro Boys,” who were falsely accused of raping two white women. The case, *Powell v. Alabama*, was the first to establish a right to counsel in death-penalty prosecutions. By the time of *Gideon*, the necessity of representation in criminal trials, given the evolution of the legal system, was clear to all of the justices, in part because what passed for trials in the Jim Crow South illustrated how the system worked in practice, and not just in the abstract. As Mayeux writes, both the evils of segregation and a Cold War–era politics that wanted to contrast American due process with the arbitrary nature of Soviet show trials created the political climate in which the public-defender system emerged.

7/14/22, 12:35 PM

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It's worth noting here that Thomas is correct—if selectively concise—about the history of the right to counsel, which, based on his originalist philosophy, leads him to suggest that *Gideon* should be overturned. Originalists often maintain that their approach is the only one that respects the rule of law. But in the present, where legal proceedings are much more complex than in the 18th century and prosecutors possess a tremendous amount of coercive power, legal proceedings in America would be far more lawless without a right to counsel than they currently are. Forcing people who cannot afford counsel to represent themselves would defeat the entire point of the due-process guarantees in the Constitution, which are meant to *prevent* arbitrary imprisonment and punishment. Hardly anyone who can afford a lawyer goes without one—including lawyers. For example, John Eastman, the former Thomas clerk who may be in legal jeopardy because of his role in plotting Trump's attempt to overthrow the 2020 election, is not scribbling “WE'RE A REPUBLIC NOT A DEMOCRACY” on scraps of paper and sliding them across a table. He has a lawyer.

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“Reason and reflection, require us to recognize that, in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him,” Justice Hugo Black wrote in the *Gideon* decision. “This seems to us to be an obvious truth.” Not so anymore. As the attorney Lisa Needham writes at *Balls and Strikes*, “The common thread of these

lines of attack is that poor people do not deserve the same constitutional protections afforded to everyone else.”

Read: Innocence is irrelevant

But, as Mayeux writes, “By the end of the twentieth century, the Supreme Court could observe that it was virtually impossible for ‘an unaided layman’ to prevail in court; every criminal defendant required ‘a guide through complex legal technicalities.’ Under modern conditions, ‘the assistance of counsel’ was nearly ‘a requisite to the very existence of a fair trial.’” Of course, that’s only a problem if you care whether most trials are fair.

The Founders wrote the Constitution’s due-process protections specifically with an eye toward preventing “judicial despotism” through “arbitrary methods of prosecuting pretended offenses, and arbitrary punishments upon arbitrary convictions,” as Alexander Hamilton wrote in “Federalist No. 83.” Benjamin Franklin famously paraphrased Sir William Blackstone’s maxim that “it is better a hundred guilty persons should escape than one innocent person should suffer.” Those attacking the Constitution’s due process protections and the attorneys who uphold them are employing the reverse logic, that the purpose of the criminal-justice system is to act as a rubber stamp on imprisonment for those who lack the virtue to be wealthy enough to afford representation. Cruz’s and Hawley’s attacks on Morrison go even further, suggesting that destroying the lives of innocent people is worth cutting a few points in the crime rate.

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Finality is not something the American criminal-justice system has much trouble with. Fans of *Law & Order* might have the impression that wily defendants and their corrupt lawyers are constantly getting away with crimes, but in practice, trials are extremely rare; upwards of 90 percent of state and federal prosecutions are settled by plea bargain, a process that did not exist at the time of the founding. Originalists know that but tend to accept plea bargains because trials in every case would render the system nonfunctional, and unlike environmental regulations or voting-rights laws, the conveyor belt of mass incarceration is one aspect of government they don't want to toss a wrench into.

Most of those convicted cannot afford a lawyer and are served by a public-defender system that is typically starved of resources even in the bluest of states, and that must survive deliberate attempts to sabotage it in red ones. Even with the obstacles they face, they tend to be good at their jobs. Nevertheless, this is not a system overly concerned with culpability, which is part of why organizations like the Innocence Project exist in the first place.



But if you believe that the government should be indifferent to whether most of those it deprives of life or liberty are actually responsible, then the last people you want on the federal bench are judges like Nina Morrison, who believes that the Constitution's due-process protections should actually mean something for those who cannot afford representation from white-shoe law firms. The shame is that they don't mean as much

7/14/22, 12:35 PM

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to the senators considering her nomination, or to many of her would-be colleagues on the bench.

Adam Serwer is a staff writer at *The Atlantic*, where he covers politics.

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Revealed in court: 9-year-old accidentally shot, killed by robbery victim lost life over \$20, prosecutors say

Suspect released from jail on \$100,000 bond

Tony Earls appeared in a Harris County courthouse, where it was also revealed that the suspect who robbed him only got away with \$20.

HOUSTON – The man charged in the shooting death of an innocent 9-year-old girl who was riding in a truck with her family has bonded out of jail Thursday evening, the Harris County Sheriff's Office confirmed.

His release comes hours after a judge denied lowering his bond of \$100,000 during a court appearance in a Harris County courthouse, where it was also revealed that the suspect who robbed him only got away with \$20.

The Houston case has captured the attention of people across the country, with questions arising about victims fighting back, innocent lives being lost, and the laws surrounding when a crime victim can fire his or her weapon.

RELATED: [Innocent 9-year-old dies after being shot while in family's vehicle;](#)
[ATM robbery victim charged in her accidental shooting, police say](#)



Arlene Alvarez was shot while riding in a vehicle with her family. (KPRC)

According to Houston police, around 9:45 p.m. Monday, Tony Earls was with his wife at the Chase Bank ATM drive-thru in the 2900 block of Woodridge when they were approached by an unknown man and robbed.

While the suspect was fleeing on foot, Earls pulled out a gun and began shooting, also aiming at a pickup truck he thought the suspect had gotten into, police said.

The truck, however, was not involved in the robbery and was occupied by five members of the Alvarez family who were headed to Spanky's restaurant on Telephone Road.

Arlene, who was sitting in the rear passenger seat, was shot in the head.

Her father, Armando Alvarez, said he told his entire family who were in the vehicle at the time of the shooting to duck down, but Arlena had on headphones and could not hear him.

Arlene was rushed to Memorial Hermann Hospital as Earls went home. When he called the police to report his robbery, he learned of the child being hit.

He returned to the scene, surrendered his gun, and was taken into custody.

Arlene, surrounded by love and family members, was removed from life support the following day and died.

Her family [held a press conference Wednesday morning](#), with the family's attorney calling for justice and accountability.



Family of Arlene Alvarez demands justice

RELATED: [This was not self-defense': Arlene Alvarez's family demands justice for 9-year-old killed after robbery, accidental shooting at Chase Bank ATM](#)

A balloon release was held in her honor that evening.

Earls was charged with aggravated assault with a deadly weapon and his bond was set at \$100,000. During his court appearance Thursday, his attorney argued that the bond should be reduced because, they felt, Earls was just trying to protect himself and his wife.

"It was unfortunate for both families, but there is one family that lost a child, it was senseless it was tragic, quite frankly it's happening way too much and I think Houston has always been good at taking care of each other whether its hurricanes or floods or freezes and our community needs to stop this," said Sepi Zimmer, prosecutor.

HPD officials and prosecutors confirmed surveillance of Earls being robbed at gunpoint, but have not yet released the footage. HPD said it is investigating the possibility that the person who robbed Earls is the same person who killed Mary Jane Gonzalez in October at the same bank branch.

Rick Ramos, attorney for the Alvarez family, said they are pleased with the judge's decision.

Charges could also be upgraded.

KPRC 2 legal analyst Brian Wice discussed the law as it relates to a crime victim taking action with a gun.

"You have the right to use deadly force to protect yourself or defend yourself against an aggravated robbery," Wice said. "You don't have carte blanche to act recklessly, that is

fire blindly into the night at a suspect who no longer presents a threat and has turned on his heel and run.”

The owners of Spanky's restaurant heard about what happened to Arlene and wanted to help. On Monday, the restaurant is donating 30% of all dine-in, delivery and to-go sales to the family.

8/9/22, 1:16 PM

Houston Announces \$44 Million Plan to Tackle Violent Crime



The Forum: Should the Government Forgive Student Loan Debt? »

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Houston Announces \$44 Million Plan to Tackle Violent Crime

More than \$44 million is being allocated by officials to tackle rising violent crime in Houston, particularly an ongoing surge of homicides that the mayor says has made residents feel like they're living in a "city under siege."

By [Associated Press](#)

Feb. 2, 2022

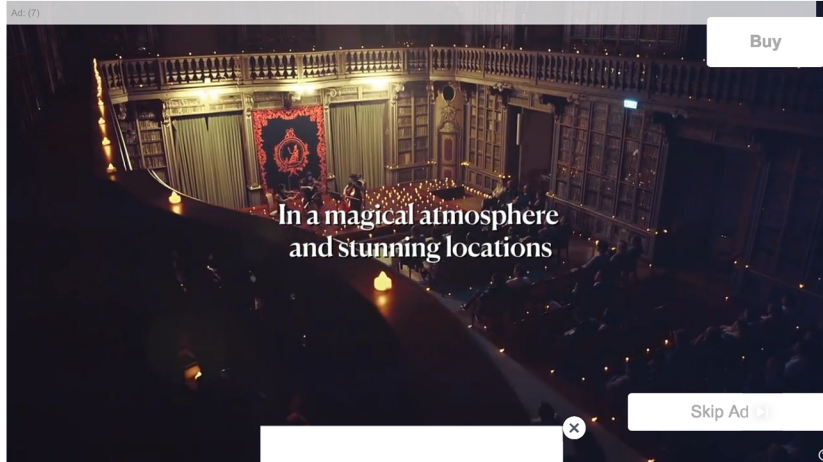


By JUAN A. LOZANO, Associated Press

HOUSTON (AP) — More than \$44 million is being allocated by officials to tackle rising violent crime in Houston, particularly an ongoing surge of homicides that the mayor said Wednesday has made residents feel like they're living in a "city under siege."

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8/9/22, 1:16 PM

Houston Announces \$44 Million Plan to Tackle Violent Crime

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"Violent crime is a public health crisis, made worse by many factors, including the pandemic and too many guns on our streets," Houston Mayor Sylvester Turner said during a news conference.

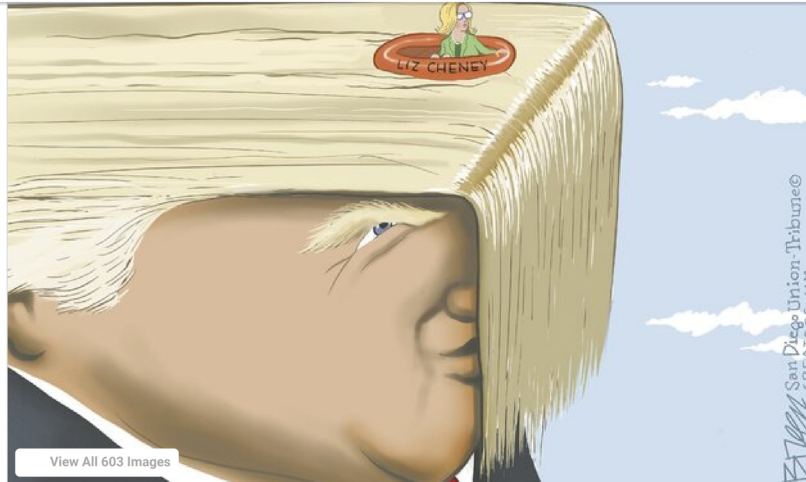
The new initiative includes \$5.7 million to pay for overtime for 125 officers, \$1 million for a gun buyback program, \$1 million for a program that helps formerly incarcerated individuals get job training, housing and other needs, \$2.5 million for a program to deploy outreach workers and violence interrupters to mitigate conflicts in neighborhoods and \$3 million to help reduce domestic violence.

Houston, the nation's fourth largest city, is not alone in dealing with a jump in violent crime during the pandemic. Homicides in the U.S. in 2020 increased nearly 30% over the previous year, the largest one-year jump since the FBI began keeping records. Gun violence already on the rise during the pandemic is spiking anew, and beleaguered cities, including [New York](#) and Los Angeles, are struggling with how to manage it.

Political Cartoons

8/9/22, 1:16 PM

Houston Announces \$44 Million Plan to Tackle Violent Crime



While overall crime in Houston dropped by 3.4% in 2021, homicides increased by more than 18% last year to 479. In comparison, Los Angeles, which is larger than Houston, had 397 homicides last year.

In 2020, homicides in Houston increased by 44%. So far this year there have been 48 homicides in Houston, a 30% increase compared to the same time last year.

"Since the beginning of the year, our city has felt anything but safe and at times we have felt like a city under siege because of a violent crime wave that is sweeping across the country," Turner said.

Last month, Houston police dealt with 11 homicides in one weekend and "we're still trying to recover from that," said Houston Police Chief Troy Finner.

The police chief said it was going to take an effort by the entire community — residents, businesses, civic leaders — to work together and bring down the violent crime in Houston.

"We cannot do it alone," Finner said.

Turner said the city's efforts to reduce violent crime will just be "standing still" if the backlog of court cases in Harris County, where Houston is located, is not substantially reduced. The backlog got as high as 100,000 cases last year and county officials have said they have been working to reduce it.

The city's new initiative comes after a deadly and dangerous week for local law enforcement, including the fatal shooting of a Houston-area c [redacted] Houston police officers being wounded in a shootout.

8/9/22, 1:16 PM

Houston Announces \$44 Million Plan to Tackle Violent Crime



Earlier Wednesday, leaders in Harris County touted a \$50 million program that they say is also part of a holistic approach to combating violent crime that also includes increasing law enforcement funding. The county program, approved last year, is focused on reducing and preventing crime in some of the hardest hit neighborhoods by tearing down abandoned structures and improving street lighting and other infrastructure.

On Wednesday, workers tore down a two-story apartment building that had been abandoned since August 2020 and where deputies have been dispatched to multiple times to deal with various violent crimes, said Harris County Sheriff Ed Gonzalez.

"We're never going to arrest our way out of crime. It's something we're just going to have to tackle from different areas and this is an example of that today," Gonzalez said.

Follow Juan A. Lozano on Twitter: <https://twitter.com/juanlozano70>

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BROOKINGS

Report

Want to reduce violence? Invest in place.

Hanna Love Tuesday, November 16, 2021

The recent rise in violent crime in the United States has added another compounding layer of hardship to a nation struggling to rebuild from the events of 2020. While overall crime rates went down between 2019 and 2020, the number of murders increased by nearly 30%, largely driven by increases in firearm homicides.^[1]

As with any headline-grabbing trend, these reports unleashed a flurry of theories—largely unsubstantiated—for what is driving the increase, with many blaming summer protests and “low morale” among police (recycled versions of the repeatedly debunked “Ferguson effect” theory).^[2] Others blame rising crime on the “defund the police” movement (despite the fact that most police budgets increased in the last year) or on progressive prosecution practices in cities such as Baltimore, San Francisco, and Philadelphia (theories that have also been debunked). The most obvious, and intuitive, strain of these theories acknowledges that the nation was in the middle of a pandemic that saw high unemployment, economic distress, and increased social isolation converge to increase violence.

But in taking a step back from the conjecture, it is important to note that murder rates in 2020 were nowhere near the highest they’ve ever been and that increases were mostly concentrated in disinvested and structurally disadvantaged neighborhoods that had high rates of gun violence to begin with. Additionally, an extensive body of evidence has already established the risk factors that lead to violence—as well as the solutions that are most promising to alleviate it. Despite what headlines might suggest, these risk factors have nothing to do with protests, and the solutions do not have to depend on increasing punishment.

To understand the causes of—and potential solutions to—violence in the U.S., one must pay attention to the long-standing relationship between *violence* and *place*. Within cities, gun violence is concentrated in a small set of disinvested neighborhoods, and within these neighborhoods, such violence is even more concentrated within a small set of “micro-geographic places,” like particular streets.^[3] This is a well-established trend that holds in every city or non-urban setting in which it has been studied.^[4] And when it comes to solutions, a growing body of evidence also demonstrates the promise of micro-level place-based interventions (such as rehabilitating vacant lots or increasing the number of community organizations) in significantly decreasing violence within these neighborhoods.^[5]

In recent months, policymakers have given growing attention to the intersection between violence and place, with the Biden-Harris administration’s comprehensive plan to address gun violence setting aside funding for evidence-based community violence interventions (such as violence interrupters) and other community-based programs such as increasing summer employment opportunities, counseling availability, and wraparound services for youth living in disinvested areas. But, as Dr. Eugenia C. South recently pointed out, what’s missing from that plan is a mechanism to encourage “focused investment in the high-risk places that allow violence to thrive.” In other words, there are community interventions to treat the symptoms of violence, but not to transform the neighborhood conditions that create it.

This brief interrogates the relationship between place, violence, and policy, and takes a holistic approach in examining both the place-based factors that influence violence as well as the promising non-carceral place-based approaches to address it (i.e., approaches that require actors outside of the criminal legal system to implement). By investigating this relationship along four key dimensions of community well-being—including a place’s economic health, built environment conditions, social environment, and civic infrastructure—this brief shines light on the role that sectors outside of the criminal legal system (including the fields of community development, economic development, placemaking, and workforce development, among others) can play in supporting communities to not only reduce violence, but to thrive.

On “violence” and “crime”: Most of the research and evidence in this paper operationalizes “violence” using reported rates of violent crime. However, many forms of violence are not considered “crimes” and many “crimes” themselves are social constructs shaped by the norms and interests of a given society. As Alec Karakatsanis recently wrote in the Yale Law Journal, “a society makes choices about what acts or omissions to render worthy of different kinds of punishment”—meaning some crimes, like marijuana usage, lose their criminality over time, whereas other crimes, like crack cocaine distribution, carry disproportionate levels of punishment due to their association with a certain race or class.

The relationship between place, policy violence, and violent crime

Decades of research have established that violence is spatially concentrated within America, disproportionately occurring within a select set of high-poverty disinvested neighborhoods—and within these neighborhoods, a select set of streets.^[6] These are also places where the proportion of people of color is highest and indicators of structural disadvantage (such as poverty, lower educational attainment, and high unemployment) cluster.^[7]

These neighborhood conditions directly stem from what my colleagues Andre Perry and Tawanna Black, among others, have called “policy violence.” For instance, a robust body of evidence demonstrates the connection between state-sponsored racial segregation and rates of violence. An analysis of historically redlined areas found that even after adjusting for the socio-demographic factors, “the same places that were imagined to be areas unworthy of economic investment by virtue of the races, ethnicities, and religions of their residents are more likely to be the places where violence and violent injury are most common almost a century later.”^[8] A study of 103 major metropolitan areas found that from 1970 to 2010, racial segregation substantially increased the risk of homicide victimization for Black people.^[9] Numerous studies have found that concentrated poverty, densely crowded housing, and a high density of alcohol outlets, mortgage foreclosures,

and vacant buildings and lots are directly associated with higher rates of violence.^[10] This in turn causes a range of other negative community impacts: People living in high-crime neighborhoods have higher death rates from stress-responsive diseases, are more likely to withdraw from neighborhood social and civic life, and are more likely to have pre-term births, which have lasting implications for children's development across the community.^[11]

Yet, rather than address these place-based drivers of violence with investments to mitigate them, the criminal legal system status quo has often been to police markers of place-based poverty even further—to disastrously harmful effects. The 1980s-era “broken windows” theory is the most notorious of these examples, which led to overpolicing low-level offenses in communities of color and was ineffective at reducing violent crime; in fact, some cities and counties have found that by *stopping* prosecution of these kinds of low-level nonviolent crimes, violent crime rates actually went down.^[12] A similarly misguided approach was adopted in New York City with the unconstitutional practice of “stop and frisk,” which led to young men and women reporting increased rates of anxiety and depression, withdrawing from civic life, dropping out of school, and experiencing lasting distrust of police systems.^[13]

Different manifestations of place-based policing have taken root nationwide—including strategies such as hot spots policing, predictive policing, “place-based investigation units,” “ShotSpotter” gun detection technology, and enforcement-based foot patrol in high-crime neighborhoods—many of which have been found to be less effective than non-carceral alternatives in reducing violence and have led to untold harm in communities of color, including the killing of Breonna Taylor in Louisville, Ky.

The approach that many policymakers seem to be missing is that to address spatially concentrated violence, we must actually support and invest in those communities most at risk to it. This task inherently requires those outside of the criminal legal system to take on violence mitigation as an integral component of their work.

A holistic look at place-based drivers of—and solutions to—violence

A look at four key dimensions of community well-being can inform our understanding of how place-based factors influence violent crime and, in turn, how a holistic approach to addressing these factors can provide promising non-carceral alternatives for community safety.

1. The built environment (or physical conditions) of a neighborhood is strongly associated with rates of violence.

The most consistent evidence on the relationship between violence and place exists in the realm of housing and vacancies, with numerous studies finding that the renovation of housing, vacant buildings, land, and lots in disinvested communities significantly reduces violent crime rates.^[14] For instance, in Philadelphia, researchers found that structural repairs to homes of low-income owners in majority-Black neighborhoods were associated with a 21.9% reduction in total crime.^[15] Another study in Philadelphia found that efforts to transform and clean vacant lots in high-poverty neighborhoods led to a 29% reduction in violent crime.^[16]

Evidence also finds that other improvements to the public realm—such as urban greening and tree canopy programs in urban neighborhoods—reduce violent crime, particularly adolescent gun violence.^[17] In one Philadelphia neighborhood, a population-based case-controlled study conducted between 2008 and 2014 found that the presence of street lighting, painted sidewalks, public transportation, and parks was associated with at least 76% decreased odds of a homicide.^[18]

These findings point to the need for urban planning, design, and placemaking practitioners to understand the intersections between gun violence and the physical attributes of a community—and to invest in safe streets, parks, and vacant lot remediation not only as a tool to create great places, but to support safe and thriving communities. Some communities, such as Brownsville, Brooklyn, have already begun to integrate holistic understandings of safety within their placemaking practices—engaging young people to map their levels of safety in different places within their neighborhood and launch creative placemaking projects to promote an overall safer neighborhood. The city of Milwaukee engaged in a placemaking process to promote public safety and social

cohesion through extending a neighborhood trail to connect residents of Harambee (a predominantly Black and low-income neighborhood) and Riverwest (one of the Milwaukee's most racially and economically diverse neighborhoods) to arts and outdoor space.

2. Economic disadvantage within a community—including income inequality—contributes to higher rates of violence.

Aside from the physical conditions of a neighborhood, a place's economic health has a significant influence on violent crime. Numerous studies have found that neighborhoods with higher poverty and unemployment rates (often due to systemic disinvestment and public and private sector abandonment) have higher rates of violent crime, and that income inequality within a neighborhood is associated with higher rates of violence.^[19] For example, Brookings research demonstrates that boys born into poverty are over 20 times more likely to be incarcerated than those born to wealthy families, and that economically isolated neighborhoods worsen these trends. In Los Angeles, for instance, the incarceration rate for people who grew up in in Westwood, Santa Monica, or Sierra Madre (wealthier neighborhoods) is essentially zero, whereas in neighborhoods in South L.A. or Compton (more economically and racially segregated neighborhoods), the rate is close to 7%.^[20]

But the directionality between a place's economy and rates of violence goes both ways; by enhancing economic opportunity and reducing inequality within neighborhoods, places can significantly reduce crime. For instance, evidence shows that youth workforce development and employment programs, including summer jobs programs, can reduce youth involvement in violence by as much as 35% or 45%.^[21] Universal basic income pilots have also been found to reduce crime and create numerous other community benefits.^[22] This indicates a strong role for city leaders and economic development stakeholders to increase resources (including leveraging the influx of American Rescue Plan funding) in youth programming and workforce development efforts in those neighborhoods most impacted by crime.

Some cities have already begun to see progress in reallocating criminal legal system funding to workforce development in high-crime neighborhoods. Indianapolis, for instance, revamped its community safety grants to fund community organizations in its highest-crime neighborhoods, with funds for job training, mentoring, and housing programs. Philadelphia also expanded its violence prevention efforts to fund employment and career support among other community-based investments. Building Blocks DC, which provides grants for community-based organizations to lead skill-building and neighborhood revitalization efforts in Washington, D.C. neighborhoods most impacted by gun violence, is another promising example.

However, for communities to see truly transformative results, other sectors and city agencies—not just those that are explicitly violence-prevention-based—will need to come together to address the root causes of violence and poverty, not only through workforce development but also through coordinated efforts to enhance economic opportunity and connectivity within and between neighborhoods.

3. Social connections between neighbors play a critical role in either mitigating or worsening violence.

Just as the physical and economic characteristics of a neighborhood shape rates of violence, so too do rates of social cohesion among residents. A robust body of evidence demonstrates the relationship between social cohesion and violent crime, with neighborhood attachment (residents' feeling of belonging to a neighborhood) and social cohesion associated with lower violent crime rates.^[23]

The evidence linking social relationships and community cohesion with reduced violence forms the basis for many community violence intervention programs (like those uplifted in the Biden administration's plan). One particularly successful example is Advance Peace, a violence prevention program that hires formally incarcerated residents to build relationships with the small number of people responsible for gun violence in communities. The program contributed to a 20% drop in gun homicides in Stockton, Calif. between 2018 and 2020 and a 22% drop in Sacramento between 2018 and 2019.^[24] Similar “peace-keeping” or “violence-interrupting” programs have contributed to significant

declines in violence in high-crime neighborhoods in Los Angeles, Washington, D.C., Chicago, and Baltimore. As community leaders involved in Minneapolis' violence interruption program wrote in The Washington Post, "We know our young people, and they know us...We represent one of the strongest bastions of moral authority left in these areas: the Black church. We draw on the power of congregation—of family, of friends and of community—to try to interrupt the violence."

Research has also found that increasing the number of spaces for informal contact between neighbors is linked to a greater sense of safety for people in urban areas.^[25] This speaks to the importance of investing in "third places"—such as parks, cafes, community centers, and restaurants—within areas that disproportionately lack access to them as a means to further the social cohesion that helps prevent crime. Some cities are already testing innovative practices to transform their community spaces into places for healing and community support; Baltimore, for instance, is training librarians to deescalate conflict and support residents experiencing trauma from high crime rates and violence, in hopes of ensuring that libraries remain safe city spaces.

4. Civic infrastructure—particularly grassroots organizations—will be critical in combatting violence.

Nearly every non-carceral place-based solution to violence requires the leadership and dedication of civic and community-based organizations to succeed. As researchers at the Urban Institute recently pointed out, community-based organizations have long been testing "alternative, bottoms-up" solutions to safety in high-crime geographies—relying on their connections and community relationships to reimagine the relationship between place and violence.^[26] Examples of these grassroots efforts are plentiful, and the researchers and activists behind Interrupting Criminalization and Project Nia are assembling a community-sourced data base of such community-led safety efforts. The challenge, however, is that while city resources are plentiful for increasing police presence in high-crime neighborhoods, cities routinely fail to fund and support the community infrastructure (like these grassroots organizations) that stabilize communities.

Aside from the importance of community-based and civic organizations in leading anti-violence programs, research indicates that the mere presence of community-based organizations within a neighborhood leads to reductions in violent crime. Princeton sociologist Patrick Sharkey found that in any given city with 100,000 people, “every new organization formed to confront violence and build stronger neighborhoods led to about a 1% drop in violent crime and murder.”^[27] Sharkey contends that community-based institutions driven by residents and local organizations are effective in reducing violence, but the country has never provided them with the same resources that it does to law enforcement or the criminal legal system. The Biden-Harris administration is moving in the right direction to change this through increased funding for community-based organizations, but it will not be sufficient unless cities fundamentally change their valuation of community-led safety efforts.

Looking outside the criminal legal system for answers

The intersection between place and violence is long-standing and persistent—even amid yearly fluctuations in crime rates—and our nation will be stuck in a self-replicating cycle of violence if we do not look outside of the criminal legal system to address it. Localities such as Oakland, Calif. are beginning to recognize this and invest significant resources in building up “comprehensive community safety infrastructure” through coordinating systems. However, such efforts will require often-siloed city departments and practitioners to work together to test integrated safety strategies outside of the criminal legal system.

Just as improving public health requires interventions beyond traditional health care, reducing homicides and forms of violence demands that all those that consider their work “place-based” (including economic development, community development, and workforce development practitioners, among others) embrace the role they must play in reducing violence and supporting communities to thrive. If the causes of violence exist outside of the criminal legal system itself—rooted in inequities such as poverty, unemployment, segregation, and poorly maintained infrastructure—then we must all look outside of the criminal legal system for solutions to address it.

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3/6/22, 10:36 PM

Want to reduce violence? Invest in place.

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3/6/22, 10:28 PM

Houston to Hire More Police, Park Rangers to Tackle Violent-Crime Wave - Bloomberg

CityLab

Houston to Hire More Police, Park Rangers to Tackle Violent-Crime Wave



Sylvester Turner *Photographer: F. Carter Smith/Bloomberg*

By Joe Carroll

February 2, 2022, 3:07 PM EST

Houston plans to hire more police and park rangers while devoting more money to overtime pay for cops amid a violent crime wave in the fourth-largest U.S. city.

The first step will be to immediately deploy 125 more officers and recruit more trainees to the city's police academy, Mayor Sylvester Turner said Wednesday in a flurry of tweets.

3/6/22, 10:28 PM

Houston to Hire More Police, Park Rangers to Tackle Violent-Crime Wave - Bloomberg

“These additional officers will be deployed primarily based on data driven, evidence-based analysis of when and where the most violent crimes are occurring and to provide more visibility toward crime deterrence and rapid response to crimes in progress,” Turner wrote.

The announcement comes just days after three officers were wounded in a daytime shootout, and a suburban cop was murdered in a separate incident. In 2022, Houston has had more murders than New York, Chicago or Los Angeles as of Jan. 23 data, according to local media reports.

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OPINION | COMMENTARY

The Patriot Act Wasn't Meant to Target Parents

The Biden administration is abusing federal laws and agencies as instruments of political repression.

By F. James Sensenbrenner

Oct. 12, 2021 6:28 pm ET




A school-board meeting in McCandless, Pa., Aug. 25.

PHOTO: ALEXANDRA WIMLEY/ASSOCIATED PRESS

As principal author of the Patriot Act and chairman of the House Judiciary Committee during its consideration, I find it necessary to remind the Biden administration that the Patriot Act doesn't apply to parents' behavior at school-board meetings.

In recent months, parents across the country have expressed their views on issues ranging from pronoun selection and Critical Race Theory to the medical basis of certain Covid restrictions and age-inappropriate, sexually explicit curricular materials. Parents have a right—indeed an obligation—to participate actively at school-board meetings to ensure the safety and well-being of their children. In Virginia's Loudoun and Fairfax counties, moms, dads, and teachers shocked by X-rated reading lists, race-based indoctrination, and anti-Christian instruction have made their voices heard.

 OPINION: POTOMAC WATCH


Here Comes Biden's Vaccine Mandate



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Rather than embracing a renaissance of spirited and nonviolent civic engagement, Virginia gubernatorial candidate Terry McAuliffe recently said: “I don’t think parents should be telling schools what they should teach.” Democrats’ hostility toward parents seeking a voice in their children’s education is not new. Of greater concern is the recent attempt to weaponize our criminal laws to eliminate these voices.

When asked this week whether the Patriot Act should be used to monitor parents at school-board meetings, White House press secretary Jen Psaki responded: “The attorney general has put out a letter. They will take actions they take, and I would point you to them for more information.” Ms. Psaki’s nonresponse—and Attorney General Merrick Garland’s memorandum directing federal counterterrorism agents to monitor parents at local school-board meetings—is emblematic of the Biden administration’s unparalleled effort to transform federal laws and agencies into instruments of domestic political repression.

The Patriot Act was enacted into law following the mass terrorist attacks of Sept. 11, 2001. Its central purpose was to prevent additional foreign terrorist attacks on American soil by enhancing the collection and sharing of foreign intelligence information, restricting terrorist financing, and enhancing border security. The legislation defined terrorism as unlawful acts of violence or acts dangerous to human life intended to intimidate or coerce a civilian population or to affect the conduct of government by “mass destruction, assassination, or kidnapping.” Some provisions, particularly Section 215 and the issuance of National Security Letters, occasioned spirited and necessary debate to ensure against their misuse

by federal agencies.

When considering the Patriot Act, I sought a bipartisan consensus that was reflected in its unanimous committee approval. Aware of potential abuse—and over the objection of the Bush administration—I ensured the legislation contained sunset provisions and wrote a bill to amend and reauthorize the Patriot Act in 2005. In 2015, I was the author of the USA Freedom Act, which restored the original intent of the Patriot Act by reforming key federal surveillance authorities.

Freedom of expression is a touchstone of self-government. Our laws and jurisprudence draw a clear distinction between acts of terrorism calculated to influence a civilian population and the robust expression of views that sustains democratic self-government. This awareness has informed legislative consideration of the Patriot Act and subsequent revisions.

When debating the Patriot Act and other federal antiterrorism laws, nobody in either chamber of Congress could have imagined these laws would be turned against concerned parents at local school board meetings. Yet on Oct. 4, Mr. Garland issued the memorandum that will live in infamy. It directs the Federal Bureau of Investigation and U.S. attorneys to develop “strategies for addressing threats against school administrators, board members, teachers, and staff.” This memorandum followed a Sept. 29 National School Boards Association letter to President Biden urging the administration to use the Patriot Act to monitor parents at school board meetings.

Federal agencies lack roving jurisdiction to investigate and prosecute noncriminal conduct. They also lack authority to invoke federal antiterrorism laws to chill protected expressive conduct. The Justice Department’s school-board memorandum violates the letter and spirit of federal law approved by bipartisan, bicameral congressional majorities. Unless it is immediately withdrawn, the memorandum will chill free speech, undermine civil liberties, erode public confidence in federal law enforcement, divert resources from actual terrorist threats, and weaken congressional support for key antiterrorism laws. All of these developments would make Americans less free, less secure and less safe.

Ours is a government of limited and enumerated powers. The attorney general is America’s top law-enforcement officer; his words have consequences. The press

secretary speaks on behalf of the White House. Mr. Garland's memorandum and Ms. Psaki's silence speak volumes about this administration's approach to the constitutional rights of all Americans. Mr. McAuliffe's hostility toward Virginia's parents must not be backed by oppressive and unlawful federal mandates calculated to stifle free speech throughout the country.

Members of Congress have an obligation to ensure laws they write are faithfully applied, not intentionally subverted. Congress should demand the immediate withdrawal of the school-board memorandum, bar the appropriation of funds to implement it, and directly challenge the administration's efforts to misuse federal laws to silence political opposition. Respect for our laws, Constitution and citizens demands no less.

Mr. Sensenbrenner, a Republican, served as a U.S. representative from Wisconsin, 1979-2021, and chairman of the House Judiciary Committee, 2001-07.

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