



# LAW ENFORCEMENT LEADERS

## To Reduce Crime & Incarceration

**Civil Rights Under the Trump Administration: The First 100 Days**

**April 6, 2017**

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**Steering Committee Member, Law Enforcement Leaders to Reduce Crime and Incarceration**

Dear Honorable Members of the U.S. House of Representatives:

I have served in law enforcement for three decades. As the former Chief of Police of the Greenville Police Department in North Carolina and a Steering Committee Member of the national group Law Enforcement Leaders to Reduce Crime and Incarceration,<sup>1</sup> I am grateful for the opportunity to present to you today and I thank you for your attention to this critical issue.

Throughout his campaign and now in office, President Donald Trump pledged to reduce crime and violence. This is commendable. The safety of our communities should be a top priority for any administration, but the difficult task is determining how best to prevent crime.

My decades of experience in law enforcement have convinced me of a sobering reality: today's crime policies, which too often rely only on jail and prison, are simply ineffective at keeping crime down. Public safety does not come from locking up every offender. Rather, it comes from smart, targeted policies that lock up the right offenders.

Furthermore, over-incarceration has created new challenges. Imprisoning so many people comes at a great cost not only to taxpayers, but also to our communities. Unnecessary incarceration exacerbates economic inequality and racial disparities, and hinders economic opportunity in the communities that need it most. Today, one in three black men can expect to be incarcerated during their lifetimes. As many Americans have arrest records as have college diplomas – approximately one-third of the adult working-age population.<sup>2</sup> Sixty percent of prisoners reentering society face long-term unemployment.<sup>3</sup>

That's why our group, Law Enforcement Leaders to Reduce Crime and Incarceration, which brings together nearly 200 police and prosecutors – across party lines and from all 50 states – formed. We urge for policy changes that bolster effective policing and reduce unnecessary incarceration. Among our key priorities, and what will be the focus of my remarks today, is the importance of strengthening law enforcement-community ties to decrease crime.

Trust between law enforcement and the public is essential. Communities rely on police and prosecutors to protect them from crime and injustice. We, in turn, rely on community support and cooperation in reporting crime, providing information, and ensuring safety. But in too many neighborhoods across the country, this vital relationship is strained.

When I became Chief of the Greenville Police Department, I found morale was low, the crime rate was unacceptable, and the relationship with community members was in need of repair. Satisfaction with policing services in the city was divided among racial demographics and trust was wavering. This distrust was negatively impacting our department's ability to provide for the safety of all the city's residents. In order to address this, I invited key community stakeholders – including groups that had traditionally not worked together – to participate in shaping the department's mission and strategic plan development. I knew that when community stakeholders are actively engaged and have a voice in how they are policed, we can build solid relationships. The benefits of this process were almost immediately noticeable. Citizen complaints decreased while communication increased, and the overall relationship between the Greenville community and police department changed for the better—all this was occurring as crime reduced dramatically, most notably violent crime.

Policies that unfairly profile certain groups or in the case of using police to enforce federal immigration laws, actively encourage targeting them, undermine this critical partnership. This comes at the expense of public safety. For example, according to Law Enforcement Leaders member and Los Angeles Police Chief Charlie Beck, reports of rape have fallen by 25 percent and domestic violence complaints by 10 percent among the his city's Hispanic residents since January, compared with the same period last year. He credits this with heightened concerns among immigrants that contact with law enforcement may lead to deportation.<sup>4</sup> Fear of law enforcement results in real victims denied safety and justice; and enables violent offenders to avoid accountability.

Last month, on my return home from a family trip to Paris, I was detained by U.S. Customs and Border Patrol for because “my name was used as an alias by someone on some watch list.” If we have time during this panel I can elaborate on the significance of such a detention of a US citizen by CBP.

During the first 100 days of his administration, President Trump has continued to pledge his support for law enforcement and prioritization of public safety. In February, he signed an executive order creating a “Task Force on Crime Reduction and Public Safety.” His Attorney General, Jeff Sessions, last month announced greater prioritization of federal enforcement of gun crimes; and, most recently, the administration announced the creation of a national commission on drug addiction and the opioid abuse.<sup>5</sup> At the same time, President Trump has suggested he may send federal agents into cities struggling to fight violence, Attorney General Sessions has lauded treatment as a late solution to addiction, and the Department of Justice is undergoing a review of grants and consent decrees that impact local law enforcement and their communities across the country.<sup>6</sup>

As we enter the next 100 days under the new administration, I urge our political leaders to take steps to improve public safety, strengthen justice, and develop partnerships between communities and law enforcement. Specifically, Law Enforcement Leaders recommends five concrete steps President Trump and Congress can take to help achieve this goal, laid out in our publication *Fighting Crime and Strengthening Criminal Justice: An Agenda for the New Administration*, issued in February.<sup>7</sup> They are:

- **Prioritize fighting violent crime.** President Trump signed an executive order creating a Justice Department “Task Force on Crime Reduction and Public Safety.” Law Enforcement Leaders urges the President to target federal grants to local police toward programs that prevent violent crime. We also encourage Attorney General Sessions to focus federal prosecutorial enforcement and prosecution on serious and violent crimes. We know that

expending resources on harsh penalties for non-violent drug offenses does not help us bring down crime.

- **Enact federal sentencing reform.** Last session, Law Enforcement Leaders, along with the Major Cities Chiefs Association, Major County Sheriffs Association, National District Attorneys Association, and the International Association of Chiefs of Police, endorsed the Sentencing Reform and Corrections Act – bipartisan legislation to reduce some mandatory minimum sentences for non-violent drug offenses.<sup>8</sup> We urge reintroduction of this bill and urge Congress to pass and the President to sign the measure this year.<sup>9</sup>
- **Increase mental health and drug treatment.** Our group was encouraged by the White House’s announcement of a national commission on drug addiction and the opioid abuse. We urge additional steps to make treatment programs a centerpiece of federal public safety efforts. Law enforcement knows from our experience that treatment – not arrests and incarceration – is what brings down drug use. Specifically, we ask for more grants to local police for treatment programs and to train officers to recognize when people are suffering from mental health or drug abuse issues and are in need of treatment instead of arrest.<sup>10</sup>
- **Bolstering community policing.** The Justice Department’s Office of Community Oriented Policing Services provides vital support to state and local law enforcement to fund “community policing,” which helps reduce crime while strengthening partnerships between police and communities. Law enforcement urges the President and Congress to request and provide more funding for these programs.<sup>11</sup>
- **Expanding recidivism reduction programs.** Law enforcement believes that programs to help prisoners returning to society will help them stay away from future crime and out of prison. We urge the Attorney General to support and expand in-prison job training and education programs in federal correctional facilities.<sup>12</sup>

By following the recommendations above, President Trump and Congress will support and augment our efforts and help us better protect the country.

Thank you for your time and attention to this issue. We look forward to working with you to improve the safety and wellness of our nation and communities.

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<sup>1</sup> To learn more about Law Enforcement Leaders to Reduce Crime and Incarceration, see our website at [www.lawenforcementleaders.org](http://www.lawenforcementleaders.org).

<sup>2</sup> John R. Emshwiller and Gary Fields, *As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime*, WALL STREET JOURNAL (Aug. 18, 2014), <https://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>; NATIONAL CENTER FOR EDUCATION STATISTICS, DIGEST OF EDUCATION STATISTICS tbl.104.30 (2014), [https://nces.ed.gov/programs/digest/d14/tables/dt14\\_104.30.asp](https://nces.ed.gov/programs/digest/d14/tables/dt14_104.30.asp).

<sup>3</sup> See Marc Mauer, *Addressing Racial Disparities in Incarceration*, 91 PRISON J. 87S, 88S (2011); JOAN PETERSILIA, NAT'L INST. OF JUSTICE, WHEN PRISONERS RETURN TO THE CMTY.: POLITICAL, ECONOMIC, AND SOCIAL CONSEQUENCES, SENTENCING AND CORRECTIONS: ISSUES FOR THE 21ST CENTURY 3 (2000), <https://www.ncjrs.gov/pdffiles1/nij/184253.pdf> (finding that one year after release as many as 60% of former inmates are not employed in the legitimate labor market).

<sup>4</sup> Steve Gorman, *L.A. Police See Drop in Latino Reports of Crime Amid Deportation Fears*, REUTERS (Mar.21 2017), <http://www.reuters.com/article/us-california-immigration-idUSKBN16T07O>.

<sup>5</sup> Press Release, The White House, Presidential Executive Order on a Task Force on Crime Reduction and Public Safety (Feb. 9, 2017) <https://www.whitehouse.gov/the-press-office/2017/02/09/presidential-executive-order-task-force-crime-reduction-and-public>; Press Release, Dep't of Justice, Attorney General Jeff Sessions Delivers Remarks on Efforts to Combat Violent Crime and Restore Public Safety Before Federal, State and Local Law Enforcement (Mar. 15, 2017), <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-efforts-combat-violent-crime-and-restore>; Press Release, The White House, President Donald J. Trump Signs an Executive Order Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis (Mar. 29, 2017), <https://www.whitehouse.gov/the-press-office/2017/03/30/president-donald-j-trump-signs-executive-order-establishing-presidents>.

<sup>6</sup> Mark Berman & Matt Zapposky, *Trump Says He May Send 'The Feds' to Chicago. Federal Agents are Already There*, THE WASHINGTON POST (Jan. 25 2017), [https://www.washingtonpost.com/news/post-nation/wp/2017/01/25/trump-says-he-may-send-the-feds-to-chicago-federal-agents-are-already-there/?utm\\_term=.0ba881a20116](https://www.washingtonpost.com/news/post-nation/wp/2017/01/25/trump-says-he-may-send-the-feds-to-chicago-federal-agents-are-already-there/?utm_term=.0ba881a20116); Press Release, Dep't of Justice, Attorney General Jeff Sessions Delivers Remarks on Efforts to Combat Violent Crime and Restore Public Safety Before Federal, State and Local Law Enforcement (Mar. 15, 2017), <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-efforts-combat-violent-crime-and-restore>; Memorandum from Jeff Sessions, Attorney General to the Heads of Department Components & United States Attorneys on Supporting Federal, State, Local and Tribal Law Enforcement (Mar. 31, 2017), <https://www.justice.gov/opa/press-release/file/954916/download>.

<sup>7</sup> LAW ENFORCEMENT LEADERS TO REDUCE CRIME AND INCARCERATION, FIGHTING CRIME AND STRENGTHENING CRIMINAL JUSTICE: AN AGENDA FOR THE NEW ADMINISTRATION (2017).

<sup>8</sup> Sentencing Reform and Corrections Act of 2015, S.2123, 114th Cong. (2015). See also Letter from Nat'l Dist. Attorneys Ass'n to Mitch McConnell, Majority Leader, U.S. Senate & Harry Reid, Democratic Leader, U.S. Senate (Apr. 26, 2016), <http://www.ndaajustice.org/pdf/NDAA%20Support%20Letter%20on%20Sentencing%20Reform%20and%20Corrections%20Act.pdf>; Letter from Major Cities Chiefs Ass'n to Chuck Grassley, Chairman, Senate Comm. on the Judiciary & Patrick Leahy, Ranking Member, Senate Comm. on the Judiciary (Oct. 13,2015) <https://www.judiciary.senate.gov/imo/media/doc/2015-10-13%20Major%20Cities%20Chiefs%20Association%20to%20Judiciary%20%20Sentencing%20Reform%20and%20Corrections%20Act.pdf>; Press Release, Major Cty. Sheriffs' Ass'n, MCSA Supports Revised Sentencing Reform and Corrections Act (May 2016),

<https://www.judiciary.senate.gov/imo/media/doc/20160511%20MCSA%20to%20Grassley%20-%20Sentencing%20Reform%20and%20Corrections%20Act.pdf>; Letter from Int'l Ass'n of Chiefs of Police to Mitch McConnell, Majority Leader, U.S. Senate & Harry Reid, Democratic Leader, U.S. Senate (May 11, 2016), <http://www.theiacp.org/portals/0/documents/pdfs/LetterofSupportforS2123.pdf>.

<sup>9</sup> States have proven that reforming mandatory minimum can successfully reduce prison populations and crime simultaneously. For example, Michigan eliminated mandatory sentencing for most nonviolent drug offenses in 2002. Over the next decade, the state decreased its prison population by 14% while seeing a 16% decrease in the violent crime rate. In 2010, South Carolina ended mandatory minimum sentencing for drug possession and enacted other reforms, and in the next four years saw a 9% decrease in the prison population and a 17% decrease in violent crime. See generally GREGORY NEWBURN, AM. LEGISLATIVE EXCH. COUNCIL, THE STATE FACTOR (Mar. 2016), <https://www.alec.org/app/uploads/2016/03/2016-March-alec-CJR-State-Factor-Mandatory-Minimum-Sentencing-Reform-Saves-States-Money-and-Reduces-Crime-Rates.pdf>. For Michigan, compare PAIGE M. HARRISON & ALLEN J. BECK, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2002 4 tbl.4 (Jul. 2003),

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<http://www.bjs.gov/content/pub/pdf/p02.pdf> (showing 50,591 prisoners incarcerated Michigan in 2002) *with* E. ANN CARSON & DANIELA GOLINELLI, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2012 23 tbl.17 (Sept. 2, 2014)

<http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf> (showing 43,594 prisoners incarcerated Michigan in 2012). *UCR Data Online*, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012, and showing the Michigan violent crime rate per 100,000 people was 540.7 in 2002 and 454.5 in 2012). For South Carolina, *compare* PAUL GUERINO, ET AL., BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2010 14 app. tbl.1 (2011), <http://www.bjs.gov/content/pub/pdf/p10.pdf> (showing 23,578 prisoners incarcerated in South Carolina in 2010) *with* E. ANN CARSON, BUREAU OF LABOR STATISTICS, PRISONERS IN 2014 3 tbl.2 (2015), <http://www.bjs.gov/content/pub/pdf/p14.pdf> (showing 21,401 prisoners incarcerated in South Carolina in 2014). *Compare UCR Data Online*, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012 and showing the South Carolina violent crime rate was 602.2 per 100,000 people in 2010) *with UCR Data Online*, CRIME IN THE UNITED STATES, 2014 tbl.5 (2015), <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014> (showing the South Carolina violent crime rate was 497.7 per 100,000 people in 2014).

<sup>10</sup> Several police departments have created successful programs to divert people with drug and mental health issues out of the criminal justice system and into the treatment they need. In 2011, Seattle instituted the Law Enforcement Assisted Diversion (“LEAD”) program, which encourages officers to bring low-level drug arrestees to treatment rather than booking. LEAD participants are 58% less likely to be rearrested compared to those arrested and booked. Similarly, Miami-Dade County provides training for police officers to better prepare them to help people experiencing serious mental health issues. The average daily jail population decreased 38% as a result. See SUSAN E. COLLINS ET AL., UW LEAD EVALUATION TEAM, LEAD PROGRAM EVALUATION: RECIDIVISM REPORT 3-5 (Mar. 27, 2015), [http://static1.1.sqspcdn.com/static/f/1185392/26121870/1428513375150/IEaD\\_EvalUaTiOn\\_4-7-15.pdf?token=xTmZUgmk4HTY3bnogXuOi8Uows%3D](http://static1.1.sqspcdn.com/static/f/1185392/26121870/1428513375150/IEaD_EvalUaTiOn_4-7-15.pdf?token=xTmZUgmk4HTY3bnogXuOi8Uows%3D). See also ELEVENTH JUDICIAL CIRCUIT: MIAMI DADE CTY., FLA., ELEVENTH JUDICIAL CRIMINAL MENTAL HEALTH PROJECT: PROGRAM SUMMARY 2-3 (2014), <http://4realchange.org/wp-content/uploads/2014/10/CMHP-program-Description-2014.pdf> (average daily census in county jail system decreased from 7,800 to 4,800 inmates).

<sup>11</sup> Dallas adopted community policing in 1993. In the nearly quarter-century since, both violent and property crime rates have plunged to greater degree than nationally. Atlanta adopted community policing in 2010, and, according to an annual survey, only two years later residents felt better protected by police than at any other time in the previous decade. See David Brown, Dallas Police Department City Council Retreat (Jan. 15, 2015), [http://dallascityhall.com/government/DCH%20documents/DpD\\_Retreat2015-R\\_011515.pdf](http://dallascityhall.com/government/DCH%20documents/DpD_Retreat2015-R_011515.pdf). For Dallas crime information, *compare UCR Data Online*, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1985 to 2012 and showing Dallas had a violent crime rate of 1,743.3 and property crime rate of 8,883.7 per 100,000 people in 1993) *with UCR Data Online*, CRIME IN THE UNITED STATES, 2015 tbl.8 (2016), <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015> (Dallas had 9,038 violent crimes, 44,791 property crimes, and a population of 1,301,977 in 2015). National: *Compare UCR Data Online*, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (national violent crime rate of 747.1 and property crime rate of 4,740 per 100,000 people in 1993) *with UCR Data Online*, CRIME IN THE UNITED STATES, 2015 tbl.1 (2016), <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-1> (national violent crime rate of 372.6 and property crime rate of 2,487.0 per 100,000 in 2015) to calculate a 50% decrease in violent crime rates and 48% decrease in property crime rates nationally. See also Press Release, City of Atlanta, Citizen Survey Reveals Satisfaction with Atlanta Police Department at Historically High Level (Mar. 16, 2012), <http://www.atlantaga.gov/index.aspx?recordid=759&page=672>.

<sup>12</sup> A study by the Rand Corporation found that federal and state inmates who participate in education programs have a 43% lower recidivism rate than inmates who do not receive education.