



TESTIMONY OF

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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”**

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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 to 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>