

**Statement of Mr. Ronald L. Davis**

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## **Introduction**

Good Morning Chairman Nadler, Ranking Member Collins, and distinguished Committee members. My name is Ronald Davis and I'd like to thank you for the privilege of testifying today. I had the distinct honor of serving as the Director the United States Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) in the Obama Administration. I also served as the Executive Director of the President's Task Force on 21st Century Policing. Before my service in the federal government, I spent close to 30 years in local policing. Twenty years with the Oakland police department and over 8 years as police chief for the City of East Palo Alto, California.

As a 28 year police veteran, I know firsthand the complex, challenging and dangerous nature of being a police officer. As a police chief, I had to tell a wife that her husband, one of my outstanding police officers, was shot and killed in the line of duty. I've seen the day-to-day toll being a police officer takes on so many. I've lost colleagues to suicide and these tragedies are growing at an exponential rate. I've also seen firsthand communities decimated by crime and violence. And I've had to knock on too many doors to tell a mother that her child was shot and killed by gang violence.

But I've also witnessed the true strength and resilience of a community and police department that work together to fight violence. In Oakland and East Palo Alto, CA - two beautiful cities with strong communities - both have made tremendous progress in reducing crime and violence. How they achieved that success is worthy of discussion and reinforces how police and communities working together using effective evidence-based policing practices can impact crime and violence.

I've also experienced a lot of notable changes in my years of police work. Since my first day in the police academy in 1985, policing has made advances in technology, crime reduction strategies, diversity, training, and in community policing. Let no one deny the progress the policing profession has made over the past three decades.

I have no doubt that the overwhelming majority of police officers in this country are brave and honorable public servants. But if we are being honest, we must also admit that these efforts have not been enough and many troubling practices have not changed. We are still over-policing communities of color. There are still significant and unjustified disparities in police stops, arrests, citations, fines, and prison populations. And we still rely on the police to solve problems they are neither trained nor equipped to resolve.

I do not believe the vast majority of police officers are engaged in police brutality, but when tragedies such as the killing of unarmed black people occur, I question why so many of the victims are people who look like me. I've been racially profiled by the police. I've experienced discrimination in both my personal and professional life. I can't help but wonder if these shootings, regardless of their legality, stem from implicit bias, our society's fear of black men, racism or a combination.

As a black man, I see my children in the faces of the young men and women of color who have been killed by the police and who have been victims of police brutality. For black parents, teaching our children "what to do when stopped by the police" is a mandatory course for young people of color in this nation. I can't deny the reality that I have to protect my children from potentially deadly encounters with people whom I respect and who wear the same uniform that I wore for close to 30 years.

In many ways the varying perspectives I face, and the conflicts they create, are not that different from the diversity of opinions we hear as a nation and the political discourse they have created around black lives and police brutality. In response to these differences, many choose to ignore, deny or try to change differing perspectives and the truths they represent rather than trying to understand varying viewpoints and reconcile our differences. I tried to do this in my own life and I've learned we cannot solve the problems we face concerning police and race if we continue to lie to ourselves about the nature of the problem. Real reconciliation can only occur when it

starts with the truth, no matter how inconvenient it may be; no matter the level of discomfort it may cause. The truth may hurt, but selective ignorance is fatal.

We must learn the history of policing in this country and the role police have played in enforcing discriminatory laws. The truth is, significant racial disparities still exist in our policing and criminal justice systems. Many of the systems and practices in policing that exist today were designed in the 1950s and '60s to enforce discriminatory laws and oppress black Americans who are still being and feeling oppressed at this very moment. Despite the efforts of good officers, the continued use of these draconian operational systems and practices allow structural racism to remain and spread, and it allows racist officers to operate with impunity. While we should acknowledge that the vast majority of cops are not racist, we must also acknowledge that there are, in fact, racist police officers.

If we are to achieve real and sustainable reform in law enforcement, our focus must shift from the police (those individuals sworn to uphold the law) to policing systems (the policies, practices, and culture of police organizations). In other words, it's not just about a few bad apples - the barrel is rotten.

Focusing on the policing system does not ignore or excuse the misconduct of individual police officers. To the contrary, the stronger the policing system, the more likely bad officers will be identified and removed from service. The stronger the policing system, the more likely the culture of police organizations will reject officer misconduct and embrace accountability and transparency. And the stronger the policing system, the more likely recruitment and hiring practices will focus not only on hiring diverse, qualified candidates who reflect the communities they serve, but also on hiring candidates who see themselves as members of that community.

These are not new problems or ideas. Much work has been done over the past ten years to improve our policing practices and systems, including the seminal work of the President's Task Force on 21st Century Policing.

With that being said, Mr. Chairman, my concern today is not that we haven't made progress in our policing practices. My concern is that this progress has stopped and we are now erasing that progress with DOJ's current efforts to head back to the policing practices of the '90s.

I was a street cop in Oakland during the '80s and 90s and I can tell you firsthand that this nostalgia for the policing practices of those years is misplaced. As an Oakland officer I worked in specialized units, including as an undercover officer purchasing narcotics, that resulted in thousands of arrests of mostly young black men of color while simultaneously watching the homicide rate climb to over 170. I also witnessed how these policing practices destroyed communities of color and the future of thousands of young men of color by treating drug addiction as a crime and with unfair sentencing practices. We now know that these practices and tactics did not work, and they caused significant collateral damage.

Through the adoption of community policing and the use of evidence programs such as Operation Ceasefire and focused deterrent strategies, the homicide rate in Oakland has dropped more than 40%. And, Oakland has done this while reducing arrests and improving community trust. In East Palo Alto, a city of less than 40,000, experienced 42 murders in 1992 and was dubbed the murder capital of the United States. Today, it averages less than 3 a year. This long term gain was based on the police and community working together and implementing evidence based policing practices such as model reentry programs and community-based social programs that addressed the root causes of crime and violence. Again, not only did crime and violence decrease, but there was a reduction in arrests, and community trust increased dramatically.

Evidence-based programs are effective and they work without causing the collateral damage of mass and disparate incarceration rates. Why would we want to go backwards when we have learned so much over the past three decades?

Policing practices, like in any other profession, must be based on science and evidence and not politics and ideological views.

There will always be those who will argue that the draconian tactics of the 90s did work. For me, it depends on how you define “work.” If work is that a lot of people went to jail and statistical crime numbers went down for a couple of months, then maybe it worked. But in our democracy, public safety is not just the absence of crime; it also includes the presence of justice. This idea, taken from Dr. Martin Luther King’s quote on peace, should serve as the foundation for how we evaluate all policing practices and our criminal justice system.

In the words of Dr. Jerome Skolnick, author of *Justice Without Trial: Law Enforcement in Democratic Society*, “...democratic policing is concerned not only with the ends of crime control, but also with the means used to achieve those ends.” The American policing system is, by design, local and decentralized so that it is concerned with the means to achieve crime control, and that it operates consistent with its community values. This system is without a doubt the most unique policing system in the world and it is the most difficult to change and reform. So, it is especially disheartening to hear the Attorney General of the United States attack local prosecutors for their criminal justice reform efforts and for responding to their local communities. It is even more disappointing to hear a United States Attorney give a political speech blaming the shooting of six police officers in Philadelphia on a local prosecutor.

Officer safety must remain a priority and we must continue to work to develop strategies that save officers’ lives - both from the dangers in the field and the dangers from the profession. More cops die from suicide than are shot and killed in the field. We know officer safety is directly linked to community safety. I applaud both the Obama and Trump Administrations for their efforts in this area.

However, when we do discuss officer safety, I urge that we avoid the temptation to connect the dangers of this job to a prosecutor's decision to charge cases, or the notion that those who oppose police misconduct somehow oppose the police and encourage violence. Policing reform is not anti-police nor does it threaten officer safety. To the contrary, the stronger the relationship between the police and community, the safer both are. We need to develop real solutions to enhance officer safety and not pretend that the dangers go away if there are no police critics. There always has been and always will be critics of the police. This is not just a reality, it is quite frankly a necessity.

Police have awesome power, even more than elected officials and judges. On the streets, we have the power to detain a person and deny their free movement, and the ability to use force - even deadly force - without any judicial or legislative interventions or oversight. The notion that any group with such power should not be evaluated, scrutinized, and criticized when mistakes are made is counter to our very democracy. Yet, too many times we see the attempt for communities to oversee their police and hold them accountable as disrespect. Trust is the highest form of respect, but it can only be achieved through accountability which is the greatest form of support.

Many people like to tout that they "support" law enforcement. Some start and end their speeches with how they respect and support the men and women of law enforcement. That's great, please keep doing that. But real support requires actions that both meet and extend beyond the rhetoric. Don't say you support law enforcement and local control of police, and then threaten to take away grant funds if local police don't enforce federal immigration laws. Or attack locally elected mayors and prosecutors for taking much needed actions to reduce our obsession to incarceration and reform our criminal justice system. Don't talk about making sure officers have what they need and then vote against funding the COPS Office programs to hire and train cops, or support new and innovative community policing programs.

Don't demand communities increase their level of respect for law enforcement while advocating for policies that we know will destroy the community's trust in the police and place officers in untenable positions. For example, it was the police officers and their union in New York that warned against the tactic of stop, question and frisk, but it was embraced nonetheless. And as soon as it went bad, the officers were blamed. Now, the Justice Department is advocating a return to those same types of policies, ignoring the lessons of the past and voices from the field; and placing officers, again, in untenable positions.

This is why this hearing, Mr. Chairman, is so important. We need to discuss the role the federal government, especially the Justice Department, plays in policing practices and in maintaining our decentralized policing model. As you know, there are an estimated 16,000 to 18,000 local, state and tribal law enforcement agencies in the United States. The vast majority of these agencies have less than 100 officers and do not have the capacity to conduct the research and development necessary to evaluate crime strategies, identify best practices, develop policies and guidelines, or spark the innovation necessary to develop even more effective strategies.

Through its grant programs, civil rights enforcement, and technical assistance and training initiatives, the Justice Department can fill this gap to ensure every police agency, whether they have four deputies or 40,000 cops, have access to the best policing practices and policies in the industry. Every police officer, regardless of whether their department can afford it or not, receive the training necessary to meet to their mandate to protect and defend and uphold the Constitution of the United States. And ensure every police officer and police agency are held to these standards.

Over the past three years, however, DOJ has abdicated this responsibility and taken steps backwards, including the Sessions' memo which ended the Civil Rights Office pattern and practices investigations and the COPS Office voluntary reviews and assessment of police departments.



In fact, DOJ has refused to release several COPS reviews that have been completed despite the jurisdictions repeated requests to receive their report. DOJ has also stepped away from the recommendations of the President's Task Force on 21st Century Policing, which is very disconcerting considering the recommendations in this report came from the field and remain embraced by the field.

Let me close with a Winston Churchill quote: "Those who fail to learn from history, are doomed to repeat it." When it comes to policing practices we must not repeat the mistakes of our past. It is time to write a new chapter. The recommendations outlined below are small steps in that direction.

1. Rescind the "Sessions" memo pertaining to consent decrees and restore programs that provide organizational assessments and after action evaluations/reports for agencies that request such assistance.
2. Work collaboratively with local law enforcement agencies and communities to develop & implement evidence-based strategies to enhance public safety.
3. Restore funding to train officers and deputies in implicit bias and procedural justice.
4. Increase funding for NIJ to expand its capacity to evaluate and develop effective crime reduction strategies. We need more research.
5. Cease all efforts to force local law enforcement agencies from engaging in immigration enforcement.
6. Work with local prosecutors, instead of criticizing them, to reform the criminal justice system.
7. Expand the efforts to develop strategies to enhance officer safety and wellness.
8. Enact the "End Racial Profiling Act."

Thank you, Mr. Chairman.