

## TESTIMONY OF RONALD L. DAVIS

*Senate Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts  
Tuesday, November 17, 2015  
Washington, D.C.*

---

### ***Introduction***

Chairman Cruz, Ranking Member Coons, and distinguished Members of the Committee – the Department of Justice (the Department or DOJ) greatly appreciates the opportunity to participate in today’s hearing.

Our nation’s police, sheriffs and other law enforcement officers are dedicated public servants who provide invaluable service to our nation. They deserve our highest praise for keeping our neighborhoods safe, our families secure, and dangerous criminals behind bars. It is critical that they have the tools and support they need to do their jobs effectively and safely. For this reason, building on her years of experience as a prosecutor, Attorney General Lynch has made support for state and local law enforcement among her highest priorities.

DOJ invests substantial resources to support police, sheriffs and other law enforcement agencies around the country – to advance effective policing, ensure officer and public safety, and bolster trust between law enforcement and the communities. The Department employs a variety of tools toward these ends, including funding, equipment, training, technical assistance, and enforcement actions.

### ***Supporting State and Local Law Enforcement with Funding for New Officers, Equipment, Training, Convenings, and Research***

The Department supports state and local law enforcement agencies by providing them funding and resources to aid them in protecting their communities.

Since 2009, the Department has awarded over \$2 billion in local grants through its Office of Community Oriented Policing Services (COPS). These funds have created or preserved positions for more than 10,000 officers at nearly 2,600 agencies. Nearly half of these positions were funded through \$1 billion in economic stimulus funding designed to save jobs during the economic downturn. In the last fiscal year alone, COPS awarded more than \$113 million in grants to hire or save 915 officer positions.

For Fiscal Year 2016, the Administration has requested an additional \$303 million for the COPS Office to continue the important mission of advancing public safety through community policing. In recent comments before the International Association of Chiefs of Police, the President reiterated his commitment to law enforcement by increasing funding for the COPS Office. The President told the more than 14,000 law enforcement officers in attendance that he

has asked Congress “to increase funding for the COPS program so we can hire even more police officers and make sure you have the training and equipment you need. That’s what I value.”

In addition to enabling agencies to hire or retain officers, COPS funding has enhanced crime-fighting technology, supported crime-prevention initiatives, and provided training and technical assistance sought out by local leaders. COPS has also funded valuable research on a wide range of issues from countering violent extremism and reducing gang activity and drug-related violence to school and campus safety and building community partnerships. For example, just last month, COPS released two research reports, one addressing ambush attacks against police<sup>1</sup> and another presenting models for protecting the physical and psychological health of officers<sup>2</sup>.

The ambush research report follows an in-depth after action assessment of a high profile ambush in Tampa. The Tampa report reconstructs events that followed the shooting of two officers during a late-night traffic stop in the summer of 2010, focusing on the 96-hour manhunt for the suspect, and includes findings and recommendations that offer valuable lessons learned and best practices that can assist the law enforcement community nationwide. In addition, at the request of the sheriff of the Las Vegas Metropolitan Police Department, the COPS Office is currently conducting an after action assessment of the tragic June 2014 ambush of two officers who were simply sitting and enjoying lunch in a Las Vegas restaurant. Last month, the COPS Office also released a report on four case studies that offer an opportunity to better understand the significance and value that officer wellness programs present in successfully reducing officer sickness, injuries, and deaths associated with poor health or traffic-related accidents. The four case studies serve as models for safety, health, and wellness programs and each offers practical strategies that have shown positive results.

The President has strongly condemned violence against police officers and recently underscored that, “Targeting police officers is completely unacceptable – an affront to civilized society.” The entire Department of Justice shares this view as is evidenced by the projects funded across the branches of the Department. In May, the President signed into law the Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015, which establishes a nationwide alert system to warn about threats to police officers. This Administration is dedicated in its work to ensure the safety our nation’s 800,000 honorable men and women in uniform.

COPS is also working with the major law enforcement organizations<sup>3</sup> on a Comprehensive Law Enforcement Review that will be released in early 2016. This project was

---

<sup>1</sup> George Fachner and Zoe Thorkildsen, *Ambushes of Police: Environment, Incident Dynamics, and the Aftermath of Surprise Attacks Against Law Enforcement*, available at <http://ric-zai-inc.com/Publications/cops-p340-pub.pdf>.

<sup>2</sup> Joseph B. Kuhns, Edward R. Maguire, and Nancy R. Leach, *Health, Safety, and Wellness Program Case Studies in Law Enforcement*, available at <http://ric-zai-inc.com/Publications/cops-p332-pub.pdf>.

<sup>3</sup> The Major County Sheriffs’ Association, National Sheriffs’ Association, Fraternal Order of Police, Major Cities Chiefs Association, International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, Association of State Criminal Investigative Agencies, and Police Executive Research Forum.

undertaken at the request of the major law enforcement agencies. The Comprehensive Law Enforcement Review seeks to summarize what is understood about the current state of law enforcement from research, empirical evidence, and practice in eight thematic areas: police legitimacy and public trust; crime reduction strategies; efforts to fight terrorism; alternatives to incarceration; officer wellness and safety; technology; federal initiatives and policy reform; and the future of policing. The project has involved over 80 individuals actively serving in state and local law enforcement.

The COPS Office has also worked in partnership with major law enforcement organizations to conduct executive sessions on topics ranging from preventing violent extremism, handling mass casualty events, use of force, policing near military bases, to constitutional policing and officer safety. These sessions provide professional perspectives on substantive policing issues affecting law enforcement professionals across the country, and can then be summarized to enable others to benefit from such insights.

The Department's Office of Justice Programs (OJP) has also invested heavily in supporting local policing, particularly through the work of the Bureau of Justice Assistance (BJA). The State and Local Law Enforcement Assistance appropriation, which funds BJA's programs, provides over \$1.1 billion per year for a variety of state and local criminal justice needs. BJA has trained over 21,300 officers through its VALOR program, launched in 2010 in response to attacks against officers in the line of duty. Every line of duty death is tragic. The VALOR program aims to save lives by helping officers to identify armed subjects, recognize emerging threats, and de-escalate potentially violent encounters. It also addresses law enforcement wellness issues that directly impact an officer's safety. Additionally, a partnership under the VALOR program, the Advanced Law Enforcement Rapid Response Training (ALERRT) program, has provided active-shooter training for approximately 70,000 officers with BJA's support since 2002. Since 1999 the Bulletproof Vest Partnership has provided more than 1.2 million vests to law enforcement officers and personnel. OJP's National Institute of Justice (NIJ) continues to improve the equipment performance standard and compliance testing program to help ensure that the vest worn by the men and women of law enforcement perform as needed. Modern police body armor is credited with saving over 3,100 officers lives, since it was introduced into practice as the result of NIJ-funded research in 1975. The BJA-funded Blue Courage program provides support and continuing education to law enforcement officers on a range of topics, including judgment, integrity, leadership, and stress management. During the last fiscal year, it served more than 2,200 officers from 358 agencies.

BJA has funded important new technology, awarding more than \$23.2 million in grants to 73 local and tribal agencies across 32 states this past September to expand and study the use of body-worn cameras in support of the Administration's Community Policing Initiative. BJA also produced a much-needed toolkit on body-worn cameras, to assist local agencies in implementing the new technology in a way that enhances officer and public safety and strengthens relationships between law enforcement personnel and community members. Furthermore, BJA supports 45 sites through its Smart Policing Initiative, a program that brings together law enforcement leaders and researchers to employ evidence-based practices that target local crime challenges.

Last year, DOJ launched the Violence Reduction Network (VRN) to coordinate data-driven best practices on the most pressing violence problems at each site. These collaborations continue to produce tangible results. In Wilmington, Delaware, for example, police are focusing on improving clearance rates for homicide cases; the clearance rate before VRN was only about 10 percent. Today, it's about 50 percent.

Over the past several years, OJP has also worked with COPS, in partnership with the Major Cities Chiefs Association (MCCA), to support the Officer Safety and Wellness (OSW) Group. The OSW Group brings together representatives from law enforcement, federal agencies, and the research community to address the significantly high number of officer gunfire fatalities and to improve officer safety and wellness. NIJ is currently studying the tragic fact that law enforcement officials are committing suicide. As part of this effort, NIJ is evaluating best practices regarding suicide prevention out in the field and will share this information so that lives can be saved.

### ***Promoting Effective Policing and Meaningful Reform Where Trust Has Eroded or Problems Exist***

Addressing mistrust that exists between the police and the communities they serve is vital to advancing public safety. Mistrust breaks down collaboration, impedes the sharing of information, leads to less effective policing, and ultimately can put officer safety and the community at risk. Given the unprecedented national conversation around policing today, the Department views this moment as an important opportunity to collaborate and achieve meaningful, lasting reform.

In addition to providing officers with the resources they deserve, as previously mentioned, the Department also has an array of other tools at its disposal to use where trust has eroded between law enforcement officers and the communities they serve. These tools—ranging from data-driven assessment and targeted interventions to in-depth investigations—are means toward the same principal goal: ensuring strong communities where officers and residents work together to combat crime consistent with shared values. And in deploying these tools, DOJ ensures that there is appropriate communication and coordination among each of its relevant components.

One tool, designed to tackle discrete criminal justice challenges, is the OJP State and Local Help Desk and Diagnostic Center (the Center). This resource provides hands-on technical assistance, with a focus on data analysis and evidence-based solutions. The Center has helped communities across the country with a variety of objectives, such as improving homicide clearance rates and improving management of juveniles in detention facilities. For example, in July 2015, investigative supervisors and homicide prosecutors from the Wilmington Police Department (WPD) participated in a peer exchange with the Richmond, Virginia Police Department and shadowed its investigative teams. As a result of all of these combined efforts, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) established a Matchpoint ballistic imaging system within WPD. This system eliminated the backlog of ballistic matches and comparisons, which are now obtained within minutes as opposed to weeks and months; the

State Prosecutor's Office and the WPD established a case review process for all homicide and shooting cases, and the homicide clearance rate for 2015 cases is currently 50 percent and increasing. The Center has also been helpful to law enforcement leaders committed to ensuring fair and impartial policing and improving relations with area residents. For example, in January 2015, at the request of the Minneapolis Police Department (MPD), the Center completed an assessment of MPD's officer oversight and discipline process. The Center identified weaknesses in MPD's early intervention system—a data-tracking tool that helps identify officers who need additional support, as well as department-wide practices that must be corrected—and issued recommendations that were welcomed by MPD. In implementing these recommendations, MPD showed its commitment to promoting transparency and public engagement, to institutionalizing accountability, and to doing so in a way that will benefit officers and help them perform their jobs more effectively.

Sometimes, local leaders seek a more holistic approach to improving police-community relations. Recognizing this, last year DOJ launched the National Initiative for Building Community Trust and Justice, a three-year, \$4.75 million project designed to support local officials in building trust between minority communities and law enforcement while also ensuring effective crime-fighting. Led by their mayors and police chiefs, cities across the country applied to this competitive program, and six pilot cities were selected: Birmingham, AL; Fort Worth, TX; Gary, IN; Minneapolis, MN; Pittsburgh, PA; and Stockton, CA. These cities are partnering with researchers from the John Jay College of Criminal Justice, Yale Law School, UCLA, and the Urban Institute to develop new programs and establish best practices with a focus on procedural justice, implicit bias, and racial reconciliation—elements essential to enhancing trust throughout our criminal justice system.

[See written statement of Vanita Gupta]

Although some circumstances warrant a pattern-or-practice investigation, in other circumstances the Department employs another critical tool: the Collaborative Reform Initiative for Technical Assistance, run through the COPS Office. The Department created Collaborative Reform in 2011 for police departments willing and able to institute effective reforms voluntarily. At a law enforcement agency's request, COPS examines key operational areas—including training, internal investigations, use of force, and racial profiling—and provides recommendations for reforms that will enhance public safety and public trust. For example, in 2012, COPS published the results of its in-depth analysis of five years of officer involved shootings involving the Las Vegas Police Department. The police department implemented nearly every reform recommendation, achieving a significant decline in officer-involved shootings of unarmed suspects, along with improvements in public safety and community relations. Collaborative Reform efforts are underway across the country, in Spokane, WA; Philadelphia, PA; St. Louis, MO; Salinas, CA; Calexico, CA; and Fayetteville, NC.

The COPS Office also funds a Critical Response for Technical Assistance program that provides targeted technical assistance to law enforcement agencies dealing with high-profile events, major incidents, or sensitive challenges of varying need. Through subject matter experts, interviews and direct observations, and extensive research and analysis, the COPS Office helps state and local law enforcement agencies improve their policies and procedures, operating

systems, and professional culture. The Department has engaged in Critical Response work in Baltimore, Ferguson, Detroit, San Diego, New Orleans, Tampa, and Pasco, Washington. Often COPS publishes a report of findings and recommendations that hold the potential to benefit other law enforcement agencies facing similar issues.

### ***Key Principles in DOJ's Approach to Effective Policing and Building Trust***

Whether through the work of the Diagnostic Center, the Civil Rights Division's enforcement actions, or the COPS Office's comprehensive technical assistance, the Department has identified practices that promote effective, constitutional policing and increase trust between law enforcement and the community. These are consistent with best practices advanced by professional organizations like the Police Executive Research Forum (PERF), the International Association of Chiefs of Police (IACP), and the Major City Chiefs Association (MCCA).

They are also consistent with the work of the President's landmark Task Force on 21st Century Policing, a diverse group of law enforcement experts, individual rights advocates, and community leaders tasked with developing recommendations to strengthen trust and reduce crime. In May, the Task Force, staffed by the COPS office, provided its final report to the president, issuing 59 specific recommendations and action items focused on six primary pillars: building trust and legitimacy, policy and oversight, technology and social media, community policing and crime reduction, training and education, and officer wellness and safety.<sup>4</sup> The Task Force made clear that only a multi-faceted approach, shaped by committed engagement from police officers and residents alike, can achieve meaningful reform.

### ***Federal Law Enforcement Agencies***

The Department's law enforcement components, including ATF, FBI, DEA, and USMS, are also involved in assisting and supporting state and local officials to address key crime and public safety initiatives. For example, these DOJ agencies were recently embedded with the Baltimore Police Department (BPD), and along with the support of US Attorney Rod Rosenstein, created a task force working in the Homicide Section to help solve 2015 homicides and reduce crime by leveraging federal resources such as crime labs, gun tracing capabilities, and technology.

Since the inception of the FBI's Safe Streets Violent Crime Initiative in 1992, Safe Streets Task Forces, a partnership between federal law enforcement and state and local agencies, have been and continue to be at the forefront of the FBI's campaign against violent gangs and violent crimes throughout the nation. The success of this initiative has been predicated on their ability to apply short-term reactive strategies with long-term sophisticated techniques while cooperating in a task force environment with other federal, state and local counterparts. Through the efficient use of the Enterprise Theory of Investigation, Safe Streets Task Forces pursue violent gangs and violent crime through sustained, multi-jurisdictional, coordinated

---

<sup>4</sup> [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

investigations that support prosecutions under United States Code, Titles 18 and 21, including violations such as racketeering, Hobbs Act (commercial robberies), drug conspiracy and firearm violations. Currently, there are 164 Safe Streets Violent Gang Task Forces, 45 Safe Streets Violent Crime Task Forces and 15 Safe Trails Task Forces.

In addition, the Civil Rights Division and FBI work closely with state and local law enforcement in investigating hate crimes, human trafficking, and crimes committed under color of law throughout the United States.

### *Conclusion*

State and local law enforcement agencies carry out their selfless responsibilities with professionalism, integrity, and uncommon valor. The Department is committed to using its resources and expertise to support them—in their vital efforts to protect the public, in safeguarding individuals' constitutional rights, and in building strong relationships with community members.

The Department looks forward to continuing to collaborate with the distinguished Members of this Committee and this Congress. Thank you, Mr. Chairman, once again, for providing Department of Justice officials with an opportunity to testify this afternoon. We look forward to your questions.