

**President's Commission on Law Enforcement and the Administration of Justice  
Hearing on Community Trust and Respect for Law Enforcement  
July 8, 2020**

**Statement of Michael McHale, President, National Association of Police Organizations**

*This testimony focuses on community education programs, such as “comply, then complain”, hiring programs to address agency diversity, establishing national standards for transparent citizen complaint processes and officer due process, protecting officers against violence, and rejecting the call for defunding police.*

Chairman Keith, Executive Director Kueter, and distinguished members of the Commission, thank you for inviting me to speak today on this vitally important issue. My name is Mick McHale. I am a Police Officer at the Sarasota Bradenton International Airport and recently retired as an Administrative Sergeant in charge of the Canine, Marine Patrol, Traffic Unit and Honor Guard for the City of Sarasota Police Department in Sarasota, Florida. I also serve as the President of the National Association of Police Organizations (NAPO) and President of the Southwest Florida Police Benevolent Association.

As a national coalition of police unions and associations, NAPO represents over 241,000 sworn law enforcement officers from across the country. I am here to testify on their behalf.

I would first like to address the situation in which we find ourselves today: Unequivocally, what happened to George Floyd was egregious. There was no known legal justification, self-defense justification, or moral justification for the actions of the officer. We, as rank-and-file officers, support improving policing practices to ensure what happened to Mr. Floyd is never repeated. However, in the weeks since this horrible incident, rank-and-file police officers have uniformly been vilified and abused. While some leaders and politicians stand up and recognize the dedicated and ethical services of the men and women in law enforcement, the entire premise of the national dialogue thus far has largely been that all cops are bad.

It was just 6 weeks ago that officers were being praised for their commitment to duty, bravery and sacrifice while serving on the front lines of the coronavirus pandemic. Now those same brave officers are being summarily thrown under the bus.

The consistent drumbeat by politicians, of distrust of the police, absolutely helps engender attacks on officers and encourages the public not to comply with police commands. It is becoming more and more common for persons who come in contact with the police to resist, obstruct, interfere, thwart and even attack officers. This is an unacceptable environment in which officers find themselves and it is impacting not just officer morale, but also retention, hiring, and officer safety and wellness. It is an environment that will not be changed by simply passing police reform legislation.

NAPO sincerely appreciates the opportunity to work with the Commission, the Department's COPS Office, the Attorney General and other appropriate stakeholders to advance the goal of safer encounters, and a conscious, higher public satisfaction with America's officers and agencies. Working with the COPS Office, NAPO intends on releasing a public service announcement promoting "comply, then complain." In Florida, departments have had success engaging the community by utilizing the services of community leaders to educate their particular constituencies or congregations to do just this. Confrontations and obstruction go down, so long as the citizen believes that a complaint the next day will be treated seriously, investigated, and evaluated fairly.

Further, police unions and associations should play an active part in these liaisons as they represent the officers who interact with these communities on a daily basis. It is the relationship between the community and the officers serving them that matters most. We also need to incorporate safe environments for violent criminals to turn themselves in to police. This promotes officer and community safety and is a proven way to de-escalate potentially violent situations

These efforts are more important now than ever. NAPO believes that this initiative will benefit the men and women who do so much incredible work each day protecting us and safeguarding our country.

**Recommendation: Support efforts like NAPO's to educate the public on "comply, then complain" or similar programs that has law enforcement agencies, police unions and associations engage communities on respecting law enforcement, the law and how to have safe encounters with law enforcement.**

To increase community trust, there has been a growing call from community leaders across the nation for police departments to hire more officers from the communities being served and that reflect the makeup of the communities they serve in. The requirement that candidates have a four-year college degree can be a hindrance to achieving that goal. Departments should be more flexible in their education requirements by creating programs that allow individuals to become officers while working towards meeting the education requirement. Departments can also use work experience to augment years in school to help potential candidates meet such requirements, much as they do with individuals who have served our country in the military. If departments want to look more like the communities they serve, they must provide opportunities for members of the community to become officers and be promoted within the department. This will improve community relations and lead to increased respect for officers on the street.

For example, take the [Los Angeles Police Department Cadet Program](#), which provides volunteer, leadership and vocational opportunities for youth through the age of 18, at which time they are eligible to apply to be an officer with the LAPD or earn scholarship money to go to college.

**Recommendation: Create a best practices program through the COPS Office to help agencies establish programs to hire from within the communities they serve, including Cadet Programs like that in Los Angeles, and educational programs that provide funding to help candidate officers earn a two or four-year degree. It is important that these programs**

**augment but do not take away much needed funding from the COPS Hiring Program, which must remain focused on its original intent of helping state and local agencies hire, rehire and retain qualified officers.**

There has never been a more challenging time in our nation's history for law enforcement officers. The crimes and physical dangers, assaults, and risks have always been with us. The National Law Enforcement Officers Memorial includes the names of officers killed in the line of duty as far back as 1786. The psychological toll on officers and their families as a result of confronting human misery and evil day after day has also been an associated risk for those in law enforcement. But today, many elected officials, including prosecutors and judges, academicians and media personalities, vocally and doggedly identify and highlight the police as though law enforcement is the sole source of racial and social injustice.

No one of us would condone shielding officers who have committed crimes, yet we must remain vigilant in protecting an officer's legitimate due process rights. These rights are crucial and necessary to preserve the integrity of the criminal justice system as a whole, particularly when media and political pressure lead to an irrational rush to judgment aimed at condemning law enforcement before all the facts are known.

We rightfully demand that officers treat others with impartiality, fairness, equity and justice. We expect officers to engage in dialogue and to do their best to consider all sides of a situation before making a judgment. Yet if officers are deprived of this same respect and worth within their own workplaces, we cannot reasonably expect them to exhibit and provide these qualities to the public they serve once they walk out the precinct doors.

There is a serious need for the implementation of national standards and procedures to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluation of citizen complaints. Too often law enforcement officers are subjected to the whim of their departments or local politics during internal investigations and administrative hearings. Some states, such as Florida, specifically protect officer due process in statute, and many individual collective bargaining agreements contain a Bill of Rights for member officers. But law enforcement officers in less than twenty states have been granted statutory bills of rights granting comprehensive procedural protections to officers in the complaint investigation and disciplinary process. These rights need to be uniform and guaranteed to officers throughout the country.

Further, national standards for complaint investigation and disciplinary processes would provide greater transparency and accountability to internal investigations, thus increasing public trust.

**Recommendation: Enact a national "Law Enforcement Officer Bill of Rights". Please see the [Law Enforcement Officer's Procedural Bill of Rights Act](#), which recognizes officer due process rights as well as sets forth guidelines for openly processing citizen complaints, and the attached fact sheet on this proposal. Respect for law enforcement must include respect for officers' due process rights during both workplace and critical incident investigations.**

In addition to supporting the legitimate workplace and adjudicative rights of officers, we urge the Commission to ensure greater protections for officers against violence perpetrated against them. Officers are targets for disgruntled individuals who harbor hatred for the profession and blame them for all of society's ills and for policies that the officers themselves have no control over. We have seen this most recently in the riots that have rocked cities across the country where officers have been targeted, injured, and even killed in the ensuing violence.

In general, law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. According to a recent report from the COPS Office on officers shot in the line of duty in 2019, 32 officers were shot and 11 died as a result of being ambushed and another 84 officers were shot and 14 died in situations where the offender acted without warning in a premeditated/calculated manner taking an officer by surprise.

We believe there should be increased penalties on those who harm, or target for harm, public safety officers. Increased penalties make important differences in the attitudes of criminals towards public safety officers and can ensure protection for the community.

**Recommendation: Enact new federal criminal provisions to address: (1) the assault and murder of and federally-funded local law enforcement officers, such as those officers whose agencies receive aid from the federal DOJ or DHS; and (2) the assault and murder of state and local officers engaged in the protection of federally recognized civil rights, such as those officers attacked while safeguarding protests.**

Two examples of such legislation which NAPO strongly supports are: [the Back the Blue Act \(S. 1480 / H.R. 5395\)](#) and [the Protect and Serve Act \(H.R. 1325\)](#).

To further promote the protection of officers off duty, NAPO also supports the [LEOSA Reform Act](#), which will ensure that the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented. In a time when law enforcement officers are being targeted for violence simply because of the uniform they wear, allowing officers to carry their firearms off-duty for the protection of themselves, their families and our nation's communities is important to further the protection of officers who serve and protect others. LEOSA is not only a vital protection for officers, but it also recognizes the commitment to protect the well-being of the communities they serve.

**Recommendation: Support expanding the Law Enforcement Officers Safety Act as laid out in the LEOSA Reform Act and ensure that it is fairly and broadly implemented across all 50 states.**

Lastly, the calls to defund or even completely dismantle police departments across the United States are dangerously misguided at best, and a cynical attempt to create a power vacuum to be exploited at worst. Police officers know as well as anyone else, and better than most, the urgent need for better housing, health care, jobs creation and social services in marginalized communities. But that does not mean that the vital services for protection of life and property that police departments provide should be cut. It's a false choice. We need good, effective, ethical

and vigorous enforcement of just laws. We also need greater job opportunities, better schools, better access to mental health care and renewed infrastructure. We should be demanding both.

As recent experiments in several cities across our country have demonstrated, the withdrawal or prohibition of traditional police services has not resulted in anything like a peaceful utopia of brotherhood and plenty. Rather, the real-world consequences are a marked uptick in violent crime, the flight of local businesses, and the fright and despair of community members as their neighborhoods are overwhelmed by outsiders armed with an abundance of political slogans but with no ties to the people who live there.

We therefor urge the Commission to roundly reject calls for defunding or abolishing the police. Instead, recognize that the men and women who serve their communities as police officers are a vital and indispensable part of protecting and enhancing the health, safety and welfare of our towns, cities and states.

**Recommendation: Fully fund the COPS Hiring Program to allow localities to hire additional officers to focus on community policing, developing relationships with the communities they are sworn to protect and serve.**

**Recommendation: Fully fund the Mentally Ill Offender Treatment and Crime Reduction Act to ensure officers, departments and the communities they serve have the tools and training necessary to improve responses and outcomes to interactions with persons affected by mental illness and substance abuse.**

Defunding or abolishing police departments will not increase community trust or improve public safety. But by ensuring departments have enough officers to dedicate to community policing and by improving the ability of officers to recognize and properly respond to mental health and substance abuse crises, we can help to build essential partnerships with all sectors of the communities we serve.

I appreciate the opportunity to share these insights with you, and urge you to carefully consider them moving forward, as the Commission's recommendations will greatly impact our officers, their families, and the American public we serve.