

HEARING NINE

Community Engagement

May 28–June 18, 2020

The following summary is intended to provide an overview and highlights of the testimony and discussion during the hearings. For a full and detailed account of the hearings, please refer to the [Commission website](#) and the audio recordings and transcripts located there.

Community Engagement, June 9, 2020

First Panelist: *Glen Gilzean, President and CEO, Central Florida Urban League*

Highlights:

- The Central Florida Urban League provides services in 19 counties, holding two-thirds of Florida's population. It focuses on the "three E's": education, employment, and entrepreneurship. Its community justice programming, funded by the Florida Office of the Attorney General, is aimed at preventing youth criminal behavior through tutoring, mentoring, and skills training.
- African-American youth are still disproportionately represented in Florida's juvenile justice system, but over the last five years there has been a 20.4% decline in African-American youth offenses and a 26% decline in African-American youth arrests.
- Following youth participation in Urban League programming, 85% of parents reported positive changes in their child's behavior and 94% of residents and stakeholders reported improved law enforcement–community behavior.
- The Central Florida Urban League has worked for years to bridge the gap between the community and law enforcement.

Recommendations:

- The officer who murdered George Floyd and the three others who stood idly by must be held accountable and prosecuted to the full extent of the law.
- We must refrain from grouping the terrible actions of the few with the kindness and bravery of many
- We must begin with a common foundation that brutality, violence, and discrimination toward any individual person or group will not be tolerated.

Second Panelist: *Norman Reimer, Executive Director, National Association of Criminal Defense Lawyers (NACDL)*

Highlights:

- NACDL has submitted five broad categories of recommendations: Police accountability and transparency, overcriminalization and its impact on policing, law enforcement and technology, use of force, and interrogation practices.
- The defense lawyer has a front-row seat to how policing is carried out, and has seen firsthand the system racial and ethnic injustice that infects policing and the criminal justice system; no

participant in the criminal justice system better understands why hundreds of thousands across the U.S. are urgently calling for police reform.

- To be a noble profession, as it is called to be, policing must first be a profession—it must have professionalism. This means training, certification, de-certification when appropriate, and well-crafted professional standards. Those standards should embrace the role of guardian, not warrior.
- The entire world is different than it was when this Commission started—while actual practices may not have changed, public awareness has. Much like the invention of the instant replay altered the perception of sports without changing the rules of the games, the video of what happened in Minneapolis has changed policing. The reality of what happens in communities' daily interaction with police is unchanged.
- Embrace the change in policing. Cast a broader net. Seek community involvement. There is no dearth of proposed corrective measures, including the recommendations of the last administrations Task Force on 21st Century Policing.

Recommendations:

- While the use of force, including deadly force, is the prerogative of law enforcement when essential to apprehend or prevent escape by those who pose a threat to public safety, use of force must never be authorized or condoned against a non-violent suspect or any person under restraint. Gratuitous use of force should be treated as a crime, and disqualifies an individual from continued service.
- It is the duty of members of a profession to police themselves. Police officers who observe unprofessional conduct should be required to report it or held to account. I'm a lawyer; I can be disbarred if I fail to report a violation of professional standards.
- The groundswell of support for reform can be an opportunity to reimagine the role of law enforcement in a civil society. The Commission should seize it by proposing the kind of bold reforms that will transform the profession.

Third Panelist: *Deena Hayes-Green, Founder and Director, Racial Equity Institute*

Highlights:

- I'm going to use stories and metaphors, which can be a helpful way to think about race and racism.
- One is the groundwater approach to understanding structural racism. If you live near a lake and you see a dead fish, you might have all kinds of questions about what happened to that fish. But if half the fish in the lake were floating belly-up, you would ask questions about the lake: What's in the water?
- We do a lot of work addressing individual needs, conditions, and behavior; we do less work looking at our systems and institutions and the ways they create, perpetuate, and maintain inequalities.
- Racism is a structural issue; as we have seen from [The New York Times/N. Hannah Jones'] 1619 Project, its origins are more than 400 years old. Black people were enslaved for 250 years, and Native people were warred upon and annihilated, while white people were building a nation.

For another 100 years, Jim Crow systematically excluded people of color from places, professions, and opportunities. Law enforcement encounters people in communities situated by those three and a half centuries of history. It is very difficult to build trust without addressing that environment.

- Our groundwater approach identifies and unpacks three observations:
 - Racial inequity exists in every system in the United States: Health care, human services, transportation, housing, finance, labor, education. Individual behavior cannot explain those patterns.
 - Racial inequity exists at every income and education level; socioeconomic status cannot explain these outcomes either, nor close the gaps.
 - Our systems perpetuate this inequity.
- One of our colleagues, a judge, tells a story of two young men in his courtroom, defendants in the same armed robbery, neither in trouble before, both well represented by friends and family, who had participated equally in the holdup. One was detained, one was out—and anyone he tells this story to knows the race of the person who was detained. By keeping race on the table, this judge administers justice more equitably.

Recommendations:

- If racial inequity exists in every system, in every state, it must exist in law enforcement; but as we survey law enforcement about the impact of race on their work, we get the collective response that they do not believe race impacts the work that they do. You cannot do something about something you don't see.
- Provide the contextual information that law enforcement officers need to know—why people are differently situated and what they're going to encounter, so they can collect and analyze data in ways that let us see the inequity in our institutions and systems.

Question-and-Answer Session, June 9, 2020

Q: [Ashley Moody for Mr. Gilzean]: Could you shed some light on what you believe has had the biggest impact in trying to change disproportionate minority involvement in the criminal justice system? One biggest thing that has made a difference?

A: [Gilzean]: The ability for trust. When I served on the Pinellas County school board, the sheriff allowed his deputies to come and mentor and work with our youth. We developed a reading and writing program, where students could get to know deputies just as mentors in plain clothes, not knowing they were law enforcement officers, and that environment really helped build trust. Trust starts with a conversation.

Q: [David Rauch for Ms. Hayes-Green]: Does your organization have a standardized training that could be provided to law enforcement? These systemic issues are critical for officers to hear, not only in their initial training but in in-service as well.

A: [Hayes-Green]: We do have a law enforcement specific curriculum; I believe, like you, that it needs to be integrated across their careers. We have two long-term law enforcement officers on our training staff. Not all law enforcement personnel struggle with racial equity anti-racism work, but the people who struggle with it most are law enforcement. We have been brought to tears by their testimony, their

feedback and check-ins during the two-day workshop. And we have repeatedly had to call in superiors and ask them not to come back.

Q: [Gina Hawkins for Ms. Hayes-Green]: Can you explain in depth about the importance of combined training with law enforcement in the community, in addition to law enforcement specific training?

A: [Hayes-Green]: The community model brings together representatives from multiple institutions: child welfare, healthcare, education, law enforcement, the faith community. So that law enforcement can see that it's not just you—that racial inequity exists across a continuum of systems. Part of the structural disadvantage is that they all have a different name for it. In education they call it the achievement gap. The community model is helpful so that law enforcement doesn't feel singled out.

Q: [Erica McDonald for Mr. Gilzean and Ms. Hayes-Green]: As part of the Juvenile Detention Alternative Initiative in Minnesota, we relied heavily on school resource officers. Kids found themselves in the juvenile justice system for problems that could have been resolved at the school level, and our school resource officers were instrumental in helping that happen. But in the wake of the loss of George Floyd, there's been a call to eliminate school resource officers and I'm concerned about how that will impact children of color and their involvement with juvenile justice.

A: [Hayes-Green]: We're on this pathological pendulum swing. All of us want our children to be safe and secure in our communities. We've been so unresponsive to the school to prison pipeline, to the shootings that are part of a larger pattern. Some collective leadership is going to have to provide education and training to our school resource officers. 80% of the cases our judicial representatives are dealing with could and should have been handled in the schools. How do we define the line between a principal's authority to deal with a student and when SROs get involved? How can we have them there effectively, to be truly student-centered safety officers?

A: [Gilzean]: I completely agree.

Q: [Sheriff Clemons for Ms. Hayes-Green]: When you're doing this training, are you doing it separately for law enforcement officers? And if you're bringing them together with the community, what other stakeholders are at the table? Because people are tired of talking. It seems like all we ever do is put together these groups, but at the end of the day, we don't have solutions.

A: [Hayes-Green]: We do have a community model. It has been used by a group in Charlotte called Race Matters for Juvenile Justice; the former Charlotte-Mecklenburg police chief Rodney Monroe, Judge Trosch, and Clerk of the Superior Court Elisa Chinn-Gary coordinated the effort to bring cross-system stakeholders together; they've been doing this for seven or eight years. I remember we finished a workshop for an economic mobility task force on a Tuesday at 5:00 and at 4:00 Keith Lamont Scott had been shot and killed by Charlotte police. And I got emails from the leadership of the task force to say that, had we not just had that workshop, they would not have known how to situate this crisis in their community. They immediately responded with partnerships to come together and address the core issues. And we know that education and home ownership and savings accounts can't close these inequity gaps. It's a complex problem that we've applied simple solutions to that have not worked, and we need to elevate our conversation and our analysis.

Q: [Nancy Parr for Mr. Reimer]: You made an analogy to disbarment. In Virginia, unfounded complaints against lawyers are not public information. Were you suggesting that every complaint made against a police officer should be public information, or just those that are founded? And are you recommending some sort of oversight committee to look at the complaint and decide whether it's founded? Unfortunately people make false complaints, and not just against police officers. I would be very concerned about every complaint being open to the public.

And then, in all of our professions there are some people who have implicit or explicit bias. Does your association do training in implicit bias?

A: [Mr. Reimer]: To take the second question first, yes, we do training; we have been annually conducting a Race Matters Seminar. And I will echo what one of the other panelists said—systemic racism is rife throughout society. It's not limited to law enforcement. And the legal profession, all professions, have to address it.

On the issue of complaints, I do note that every state handles complaints against lawyers differently. In Virginia I understand complaints are reviewed by both lawyers and laypersons, so there is a level of independence that is different from a police department investigating its own members. Depending on who investigates, the composition and level of independence of that body, you could certainly make a distinction between an unfounded and an unsubstantiated complaint. Unfounded means that an investigation has found that the officer did not engage in misconduct. If it's unsubstantiated, the problem is that in many situations people are afraid to follow up on complaints with the police department. And when it's an individual's word against a police officer's, often that will lead to something being unsubstantiated.

In New York, they're on the verge of repealing the secrecy law that protects misconduct records. They're going to make everything available except confidential information regarding an individual's home, telephone number, things like that.

If you look at the high-visibility police killings just in the last couple of years, there's a pattern of individuals who have unfounded—or, I would say, unsubstantiated—complaints against them. That's the kind of transparency you need. We're recommending that we put police officers in the same category as every other public official, so that records are available under Freedom of Information laws. And so that judges and district attorneys have that information.

Q: [Commissioner Price for Mr. Gilzean]: You mentioned that law enforcement needs to separated rioters from peaceful protestors. What is your recommendation on that topic?

A: [Gilzean]: I think it's not just law enforcement's responsibility to call out agitators, but the community and the peaceful protestors. I've seen videos where you see community people say "This person is coming into my community and leaving bricks or whatever and using that to take a peaceful protest in a different direction."

Q: [Commissioner Price for Mr. Reimer]: What changes to the rest of the criminal justice system do you think are important, outside police reform?

A: [Reimer]: The Commission doesn't have time to hear all I have to say on the subject. But closely related to the work of this commission—we need to engage in a nationwide process of decriminalization. We shouldn't be criminalizing disfavored social behaviors. We shouldn't be bringing people into the criminal justice system when their underlying issue is mental illness, substance abuse or addiction, or homelessness. Those are things we've dumped into the system and diverted resources that should be used more productively.

Secondly, this system woefully underfunds criminal defense. At least 80-90% of people accused of a crime in this country are not able to hire a lawyer. The system that provides representation isn't even funded by the state in some places.

And we need sentencing reform because more and more data is showing that very long sentences do not decrease recidivism, they increase it, they break up communities, they destroy families.