



TESTIMONY OF

CHIEF ART ACEVEDO
CHIEF OF POLICE
HOUSTON, TEXAS

PRESIDENT
MAJOR CITIES CHIEFS ASSOCIATION

BEFORE THE

PRESIDENT’S COMMISSION ON LAW
ENFORCEMENT AND THE ADMINISTRATION
OF JUSTICE

“RESPECT FOR LAW ENFORCEMENT
AND THE RULE OF LAW”

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Introduction

Thank you for the opportunity to testify today before the President's Commission on Law Enforcement and the Administration of Justice. My name is Art Acevedo and I am the Chief of Police in Houston, Texas—the most ethnically diverse metropolitan area and the 4th most populous city in the United States. It is also my privilege to testify as President of the Major Cities Chiefs Association (MCCA).

The Major Cities Chiefs Association is a professional organization of police executives representing the largest cities in the United States and Canada. The MCCA provides a unique forum for urban chiefs, sheriffs and other law enforcement executives to share ideas, experiences and strategies. The MCCA also serves as a collaborative forum for the advancement of public safety through innovation, research, policy development, government engagement, community outreach, and leadership development.

As leaders in criminal justice, the MCCA recognizes the last comprehensive review of the criminal justice system occurred more than 50 years ago. A contemporary examination of the entire system is overdue, and while this Commission is focused specifically on law enforcement and the administration of justice, the work you have undertaken is welcomed and warranted. We urge the Administration to expand the Commission to include other non-governmental stakeholders and academia in its ongoing review.

Today's hearing is intended to focus on the trend of diminished respect for law enforcement and the laws we enforce. Specifically, how under-enforcement of the law impacts public safety, public perception, resources and officer morale, as well as the rule of law. There is no easy solution however, respect begins with fairness and equity, and that in turn necessitates transparency that goes well beyond the role of local law enforcement.

Criminal Justice System Transparency

The criminal justice system is complex and it is imperative that we acknowledge the police are just one component. The system is deeply interconnected with the courts, judges, prosecutors, and probation, just to name a few, and while the police are only one component, we are the most visible.

Injecting transparency into every facet of the criminal justice system is long overdue. Local law enforcement has and will rightfully continue to be scrutinized; however, the public also has the right to know what goes on behind closed doors relative to the actions taken by judges and district attorneys. As a society, we must make better informed decisions that can only come with systemwide transparency.

Reform Efforts

Bail reform is one of the most significant and contentious elements of the current criminal justice reform debate. We are all familiar with the inequity of holding pre-trial offenders in jail simply because of their socioeconomic status and inability to make bail. Common sense reform is needed to provide relief to non-violent offenders who pose a minimal risk to public safety. Reform is

achievable, but we have seen local government and activist efforts across this nation take it too far.

The theory that many activists subscribe to is the proposition that it is unconstitutional to hold offenders, even murder suspects, pre-conviction. The promulgation of this position runs contrary to common sense and comes at the expense of community safety. Judges must have the ability to remand into custody dangerous individuals, so they do not have the ability to cause further harm to victims, intimidate witnesses, and continue to threaten the public. Our nation must inject transparency into the prosecutorial and judicial components of the criminal justice system to afford the American people the opportunity to hold elected district attorneys and judges accountable for their actions. Below are a few illustrative examples from MCCA members of individuals who have been released pre-trial only to continue preying on local communities:

A convicted sex offender who was out on bond for continuous sexual abuse of a child in Harris County was recently arrested for murder and kidnapping in southwest Louisiana. He has been accused of shooting and killing a 17-year-old girl, 18-year-old boy, and kidnapping a 14-year-old.

In New York City, a career criminal was being held on bail for skipping a court date in a grand larceny and criminal possession of stolen property case prior to being released pre-trial. Since his release, he has been rearrested for burglarizing a newsstand, 4 separate drug offenses, and a grand larceny where he snatched the purse of a 70-year old elderly female. He was only able to continue his crime spree because despite his lengthy criminal history, he was repeatedly released pre-trial after being arrested for each of these additional offenses.

Washington D.C. does not have a bond system and arrestees are only held if they are dangerous and/or a flight risk. The bar to hold arrestees is very high and oftentimes the decision on whether or not an individual should be released is based on the underlying charge without considering the individual's criminal history. As of May 2020, there were 23 people accused of gun related homicides on pretrial release in the District. Data on shootings in the District supports the notion that not enough gun/violent offenders are being held. Compared to the same period last year, there has been a 17% increase in number of shootings and a 31% increase in gun related homicides.

Risk-Based System

To help address the current shortfalls in the bail system, the MCCA supports implementing a risk-based system. Under this system, an individual risk assessment would be conducted for each person charged with a crime who is being considered for release. The criteria that would be assessed should be informed by a combination of social scientists, mental health professionals, and criminal justice experts. At minimum, however, these assessments must take into account the crime(s) committed, public safety threat posed, the proclivity to reoffend, and the risk of flight. Furthermore, since previous behavior is the biggest indicator of future behavior, any assessment must factor in the accused's criminal history.

Such an assessment would bring about a more informed approach to determining an individual's pre-trial status. It would indicate if an individual is low risk and should be released pre-trial, as well as help to identify potential flight risks who may require additional conditions, such electronic monitoring, home confinement, or supervised release.

Public safety decisions should not be political. Rather, they need to be transparent and based on science and evidence. Far too often we have seen judges and prosecutors who view themselves as reformers and social justice advocates make decisions based upon political opinions and biases, and not on what is best to ensure the safety of the American people.

Justice Delayed is Justice Denied

While the 6th Amendment to the U.S. Constitution, in part, ensures the right to a speedy and public trial by an impartial jury, cases are not moving quickly enough, and our court system is operating inefficiently. There must be more overall investment as the shortage of prosecutors, defense attorneys, and courtrooms has led to crushing caseloads and an inability to fulfill legal and ethical obligations. The consequences are especially acute for indigent defendants. The failure to make investments in the prosecutorial and court system has created backlogs across our nation. For example, in Harris County, Texas, over 1,500 suspects charged with murder have yet to be tried. This backlog, coupled with a penchant to release violent suspects pending trial, as previously illustrated, has led to the murder and injuring of an untold number of Americans.

Resources and Morale

Local law enforcement has been tasked with doing more, but with less resources. For example, law enforcement's responsibilities have expanded over the years as local, state, and federal elected officials have neglected to address challenges such as homelessness, mental health, and addiction. Current calls to defund the police and/or structurally reorganize will continue to place officers and executives in impossible situations.

The call to defund the police in order to address the social and economic ills of the nation, prior to actually addressing the underlying causes of these disparities, is largely a false equivalence. As illustrated in one MCCA member city, police respond to an average of 1.2 million calls for service annually that disproportionately originate from communities of color who are already grappling with the socioeconomic challenges plaguing many American communities. To simply defund the police without a concerted effort to address the root causes behind emergency calls for service is wrought with strategic missteps that could ultimately increase the need for police services in the poorest of communities. Social psychologists have noted calls to defund the police without making strides to improve causal factors would strip away a critical resource. Building healthy communities, thereby lessening the need for police presence and intervention, must occur prior to any discussion regarding the defunding of American law enforcement.¹

History has shown that underfunding police can have disastrous consequences for the communities most in need. Appropriate police funding is more critical now than ever before to ensure that police agencies have the funding for investments in technology that provides accountability (body worn cameras), recruitment (hiring unbiased service minded professionals), and training (cultural competency, implicit bias, de-escalation).

¹Sault, S. "To fix racism we need to start measuring it, says this psychologist."
<https://www.weforum.org/agenda/2020/01/this-psychologist-is-using-science-to-beat-racism/> (2020, January 23).

Morale in law enforcement is low and there are many contributing factors—COVID-19, civil unrest, lawlessness, lack of consequences for criminal behavior, and vilification by the public and elected officials have all taken a toll. The men and women in law enforcement are second to none and they need support. As illustrated by the murder of Mr. George Floyd, policing, like the rest of society still has too many bad apples within our ranks. However, it is important to acknowledge the overwhelming majority of police officers in our nation are good people and faithful public servants who put their uniform on every day willing to make the ultimate sacrifice for the people they swore to protect and serve. We all must judge each other through the prism and content of our individual hearts and actions, and not through the prism of color or the uniform we wear.

Relational Policing

Mutual trust and respect between law enforcement and the public is crucial to good policing. Law enforcement must balance upholding the law while showing compassion and assisting those in need. While the nature of the job requires law enforcement to sometimes take actions that are unpopular, it is critically important that these actions are taken with the highest level of respect and professionalism. Doing so will aid in our never-ending efforts to build and maintain trust with the communities we serve and protect.

The civil unrest currently occurring throughout the country is a sobering reminder of how quickly bad policing can undermine that trust and respect. Overwhelmingly, MCCA members have heard from their communities—we don't want less police, we want better policing. It is imperative that law enforcement work tirelessly—in both good times and bad—to build strong relationships with the communities they serve. It is much easier to navigate a crisis when the public trusts law enforcement and knows their concerns will be taken seriously.

Relational policing requires law enforcement to adopt an attitude of service. Law enforcement should be a positive influence and force for good. While police must continue to demonstrate strong leadership, it must be in partnership with, not at the expense of, the community. Fruitful community engagement is dependent on being present. Executives and officers cannot build community trust sitting behind a desk or the steering wheel of a patrol car. We must tirelessly engage the communities we serve and treat every encounter as an opportunity to connect and establish a positive impression that leads to a life-long trusting relationship.

MCCA member agencies support a myriad of community policing initiatives like police athletic leagues, school mentoring, toy and food drives, as well as non-traditional programs that foster positive and long-lasting community-law enforcement relations. Police should look to engage with leaders in the community beyond the conventional religious, nonprofit, and business leaders; sit down with activists, rappers, athletes, and other pillars of the community. These individuals wield significant influence and have platforms that can be used for good.

Conclusion

It remains a challenging time for law enforcement executives. We are having to balance the equitable enforcement of the law, support officers' wellbeing and safety, and continue to build community trust. Accountability is the lynchpin of those efforts and we must hold ourselves to the highest standards and always strive to do better.

Our criminal justice system is too interconnected to simply focus on one cog. A piecemeal approach to transparency will never deliver the fairness and equity the American people richly deserve and desire. While the police have, and will rightfully continue to be under the microscope, systemwide transparency is needed to strengthen the foundation of respect for not just the police, but for the entire criminal justice system.