



## MAJOR CITIES CHIEFS ASSOCIATION

January 18, 2021

The Honorable Carolyn B. Maloney  
House Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairwoman Maloney,

On behalf of the Major Cities Chiefs Association (MCCA), I write in response to your letter requesting information surrounding law enforcement officers who engaged in unlawful activity at the U.S. Capitol. As leaders in local law enforcement, the MCCA appreciates the Committee's engagement and demand for the instigators and perpetrators to be held accountable to the fullest extent of the law.

The attack on 6 January was an affront to our democracy. As events unfolded, the MCCA released a statement<sup>1</sup> condemning the actions of the perpetrators and those who incited violence through provocative statements and misinformation. Additionally, individual members of the Association publicly voiced their disdain for the unlawful actions that took place. We are a Nation of laws and as servants of the law, we must always protect and stand against those who would act against it.

Over the course of the past week, we have heard harrowing stories from U.S. Capitol Police and Washington DC Metropolitan Police officers who demonstrated immense courage in the face of madness and held their ground to protect you and your colleagues<sup>2</sup>. We owe them our support and our thoughts and prayers go out to Officer Brian Sicknick, his family, friends and colleagues, as well as the officers who sustained injuries.

Through open-source reporting, we now know that several current and former local law enforcement officers, fire fighters and military members engaged in unlawful behavior and violated their oath of office. Our members have universally condemned the violence and have initiated a plethora of joint investigations with our federal partners in an effort to bring to justice all of the individuals who attacked our nation's Capitol, including members of law enforcement who not only violated criminal statutes, but also violated

<sup>1</sup> Major Cities Chiefs Association, "MCCA issues statement on today's events at the U.S. Capitol," Jan 6, 2021, <https://twitter.com/MjrCitiesChiefs/status/1346985446341971969>

<sup>2</sup> NPR, "D.C. Metro Police Describe Being First Responders To Insurrection At The Capitol," Jan 16, 2021, [https://www.npr.org/2021/01/16/957695863/dc-metro-police-describe-being-first-responders-to-insurrection-at-the-](https://www.npr.org/2021/01/16/957695863/dc-metro-police-describe-being-first-responders-to-insurrection-at-the-capitol)

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their solemn oath to support and defend the Constitution of the United States against all enemies foreign and domestic. While federal charges are being levied, the MCCA implores Congress to review and update the domestic terrorism statute. While prosecuting ideologically motivated acts of violence inspired by foreign terror groups is readily achievable, the same cannot be said for domestic terrorists.

Every MCCA member is concerned about the potential for violence in the upcoming days and beyond. While the MCCA provides a collaborative forum for urban chiefs, sheriffs and other law enforcement executives, it does not issue directives or mandates. Each member is independently responsible for the policies and procedures of his/her agency and as such, the MCCA encourages the Committee to engage with those agencies and our federal partners for specifics regarding the investigation and prosecution of those who engaged in criminal behavior on 6 January.

### **1. What steps are you taking to ensure that member chiefs of police identify and take appropriate action against any personnel who participated in the attack on the Capitol on January 6, 2021?**

The MCCA recommends every member agency work with our federal partners in evaluating tips and leads to identify officers or anyone else who engaged in unlawful behavior. Upon positive identification and acting within the confines of state law, member agencies should seek to terminate officers who engaged in criminal activity. Further, the MCCA encourages every member agency to work with their labor representatives.

The use of valuable technology like facial recognition has supplemented law enforcement's efforts in identifying the criminals and to the Association's knowledge, MCCA members who have been made aware of their off-duty officers' involvement, have taken swift action in accordance with state law and labor agreements.

As stated above, the use of technology is necessary in assisting law enforcement investigations. Facial recognition is a valuable tool that generates leads and helps further investigations. Its use increases public safety and makes law enforcement operations more effective and efficient. While there have been legitimate concerns raised regarding the technology's use, proper oversight and governance policies can and have mitigated these concerns.

The MCCA strongly believes that technology and the public are the greatest force multipliers when it comes to preventing and disrupting terrorist attacks and

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addressing violent crime. In recent years there has been a push by elected officials at the local, state and federal levels to prohibit law enforcement from using facial recognition technology. Blanket prohibition is shortsighted and hampers ongoing efforts to bring attackers and violent criminals to justice. We call on Congress to continue to collaborate closely with local law enforcement organizations like the MCCA, as well as other stakeholders including civil right and civil liberties groups, to ensure that any legislation or regulatory action does not prevent law enforcement from carrying out the vital responsibility of protecting our communities. Thoughtful deliberation can lead to an approach that balances public safety and civil liberties and includes safeguards to prevent abuse of this critically important technology.

### 2. What steps are you taking to ensure that member chiefs of police prevent their forces from participating in their personal capacities at future insurrectionist or seditious events leading up to the Inauguration?

It is every American's right, including public safety employees to exercise their First Amendment rights however, there is distinct line between first amendment protections and criminal conduct. Peace officers are keenly aware of the difference and those who cross the line are unsuitable for public service and should face severe administrative and criminal sanctions.

The detection and identification of insurrectionists and seditionists remains difficult as law enforcement faces challenges on a regular basis from encrypted communications and barriers to access. The dramatic increase in encrypted communications seen just last week is a testament to the ongoing challenge the MCCA and our public safety partners have discussed for years<sup>3</sup>.

Congress's failure to act has enabled industry giants to flaunt the law and operate with impunity. At the expense of public safety, including your personal safety as a Member of Congress, this is wholly unacceptable. The MCCA implores Congress to once and for all address the "going dark" issue which has made our ongoing investigations into 6 January challenging, and has severely hampered our ability to detect other planned insurgent activity, not to mention our ability to combat everyday violent crime.

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<sup>3</sup> Barbara Ortutay, ABC News, "WhatsApp growth slumps as rivals Signal, Telegram rise," Jan 14, 2021, <https://abcnews.go.com/Technology/wireStory/whatsapp-growth-slumps-rivals-signal-telegram-rise-75237016>



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- 3. What steps are you taking to assist member chiefs of police in ensuring that officers who endorse violent extremism or white supremacist ideologies do not compromise or degrade the law enforcement response to expected violence across the country at the Inauguration?**

To be clear, officers who subscribe to violent extremism, racism, and hate have no place in our profession. When officers with that mindset are identified, swift action must be taken. Our members have made it abundantly clear that officers also have a duty to intervene and report those who embrace violent extremism or white supremacy.

The MCCA recommends requiring all law enforcement agencies to conduct training on the use of force, de-escalation, the duty to intervene, implicit bias, procedural justice, and racial, religious, and cultural sensitivity. This training should be evidence based and incorporate minimum standards that are developed with input from the community and other relevant stakeholders. These standards, however, must provide police departments with sufficient flexibility to shape their specific training curriculums to address the unique needs of their community.

The MCCA provides a collaborative forum for the advancement of public safety through a myriad of ways including research and government engagement. Members of the Association are regularly afforded opportunities to share experiences and strategies including after action briefings. The attack on 6 January will be thoroughly reviewed by the membership to gain a better understanding of the short falls and lessons learned. Every incident must be seen as an opportunity to understand, prevent, disrupt and respond to future attacks.

- 4. What steps are you taking to support Washington, D.C., a member city of your organization, in the wake of the January 6 attack and in light of threats of violence against the Inauguration in the days leading up to January 20, 2021?**

Since the 1890s, members of outside law enforcement agencies from across the nation have provided vital support to the Washington DC Metropolitan Police Department (MPD) during the presidential inaugural events. While things are different this year due to the pandemic and the attack on the Capitol, there are approximately 95 law enforcement agencies from across the country who are providing officers to assist and support MPD with its security responsibilities during the inauguration. Those partner agencies include several members of the MCCA. In



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addition to physical security, the MCCA continues to facilitate information/intel sharing as well as membership convened conference calls enabling chiefs to learn from one another's experiences. The MPD is a valued member of the Association and whatever assistance Chief Contee requires, the MCCA will do its best to support.

On behalf of the 78 members of the Major Cities Chiefs Association, thank you for the opportunity to respond. Your safety is important, and I encourage every member of the Committee to be in regular contact with your local police or sheriff department. Should you require any additional information from the MCCA, don't hesitate to contact the Association's Executive Director Laura Cooper [cooper@majorcitieschiefs.com](mailto:cooper@majorcitieschiefs.com).

Sincerely,

Art Acevedo  
Chief, Houston Police Department  
President, Major Cities Chiefs Association

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