

**Written Testimony of Brian Marvel
President, Peace Officers Research Association of California (PORAC)**

**President's Commission on Law Enforcement and Administration of Justice
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Chairman Phil Keith, Vice-Chair Katharine Sullivan and Members of the Commission: Thank you for holding this hearing to collect insight on best practices for policing throughout the country, and thank you for giving the [Peace Officers Research Association of California \(PORAC\)](#) the opportunity to speak and engage on this matter.

The tragic and unnecessary deaths of Mr. George Floyd, Mr. Eric Garner, Ms. Breonna Taylor and countless others are simply inconsistent with the mission, standards and goals of law enforcement. As peace officers our role is to serve and protect — a responsibility that we cannot fulfill without the trust of the communities we have sworn an oath too. When that trust is broken by officers whose actions are inconsistent with the missions and goals of our profession, we too are outraged—and we have a duty to intercede, an obligation to speak out and a moral imperative to hold those officers accountable.

Our nation is at a critical tipping point. We have a real opportunity to challenge ourselves to find meaningful solutions that can make lasting impacts in the communities we serve across this nation. We are eager and ready for the opportunity to work together with lawmakers, advocates and stakeholders from across the country to create a more just and equitable criminal justice system that works for all.

For those who are unfamiliar with our organization, PORAC represents more than 77,000 public safety and peace officers across California and is composed of more than 920 public safety associations. Founded in 1953 as a federation of state, local and federal law enforcement agencies, PORAC is now the largest such statewide association in the nation.

PORAC is proud of our long history as one of the nation's forward-thinking and innovative public safety organizations. In 1959, just six years after its founding, PORAC became the first association to develop a "peace officers standard setting agency," now known as Peace Officers Standards and Training (POST). The rest of the nation soon followed suit.

We carry that same energy and focus of reform into the present day. Just this last year, California took a comprehensive look at how we could change our policies to minimize the use of force. We spent over a year surveying best practices nationwide and collecting input from legislators, the American Civil Liberties Union

(ACLU), our attorney general, diverse experts and impacted stakeholders. We made the table as big as possible to include everyone who wanted a seat, and together, all stakeholders had a hand in developing a legislative package to address our shared goal of protecting all Californians.

We were successful with the passage of two bills, [Assembly Bill 392](#) and [Senate Bill 230](#). AB 392 changed the standard for lethal force by a peace officer to only justifiable “when necessary in defense of human life.” SB 230 established new statewide reporting requirements, higher training standards, uniform guidelines for when officers are authorized to use force, and specific policies across all departments requiring de-escalation, an officer’s duty to intercede, rendering medical aid, proportional use of force and more. Together, these two laws represent the most significant change in California’s use of force policies since 1872 — and provide a framework of the principles that should be embodied in a federal reform bill. As California is one of the largest and most diverse states in the nation, we know from our own experience that enacting federal legislation is achievable, but it will require genuine listening and collaboration.

Overview of PORAC’s Immediate Recommendations — Being Proactive in our Approach

As our federal leaders continue the dialogue about improving the practice of law enforcement, and respect for law enforcement, throughout our communities, PORAC respectfully offers our experience and knowledge to help develop the best path forward. Our three immediate recommended policy priorities include:

1. **National Standards:** Establishing new national standards for training, recruitment, and the use of force.
2. **Funding:** Aligning funding for law enforcement departments with the standards we want our law enforcement officers to uphold.
3. **Community Programs:** Placing an increased focus on, and funding for, mental health, addiction and homeless services in America.

Peace officers are an integral part of the communities they serve — and we believe that smart policies along these lines can mitigate force by law enforcement in our country, begin to restore trust in and respect for law enforcement and ultimately lead to safer and stronger communities.

Establishing National Standards for Recruitment, Training & Use of Force

To truly improve public safety outcomes, we need to recruit, license, train, and retain the best men and women for the job – and we need every officer to continuously meet high standards for how they protect their communities.

Recognizing the tremendous responsibility officers have to make split second life or death decisions under incredible scrutiny, and the impact those decisions can have, we must do more to ensure our officers, both prospective and current, have the mental fitness and emotional empathy to carry out their duties impartially. We need to take a deep dive into the kind of individuals we deem qualified to pursue a career in law enforcement, and into the training those prospective officers must receive before being certified to practice law enforcement in our communities.

One of the most vital changes we can make to the nation's law enforcement policies is to implement new national standards for training and recruitment, as well as implementing a national standard for how and when officers are authorized to use force.

As it stands now, each state, locality, and sometimes even agency has its own set of standards for training, recruitment, and authorizing the use of force. Yet, we live in an increasingly nationalized media and political environment. When law enforcement does something wrong in one state, it affects all of us. Implementing collaborative national standards will ensure that peace officers across the nation are held to the same high standard of conduct and improve the role peace officers play in our communities.

PORAC supports unified and heightened national recruitment standards, longer and more robust training programs prior to an officer's certification, more stringent mental health screenings, enhanced implicit and explicit bias training for both prospective and current officers, expanded training on de-escalation tactics and hiring practices that seek to mirror the demographics of communities served by individual departments.

Additionally, a major part of any national standard of police conduct should include the immediate abandonment of all formal and informal quota systems that tie an officer's success to tickets, arrests and traffic stops. PORAC has long held that quota systems, either formal or informal, have only served to disproportionately impact communities of color and other minority groups. Statistically and historically, these groups and communities have been targeted by command staff attempting to meet frequently arbitrary numbers that are not at all indicative of an officer's success in keeping the peace.

Aligning Funding with Our Missions and Goals for Law Enforcement

National standards for recruitment, training, and the use of force are, however, ineffective if not coupled with the funding needed to ensure adequate implementation. National standards must be accompanied by the federal funding needed for state and local law enforcement agencies to comply.

Addressing Mental Health, Addiction & Homelessness

Among the most overlooked factors in tragic and deadly law enforcement encounters are the issues of how and when peace officers respond to calls relating to individuals dealing with a mental health diagnosis, drug addiction, or homelessness. In the absence of a proactive and comprehensive approach to addressing the mental health, addiction, and homelessness crises plaguing far too many Americans, law enforcement officers have been forced onto the frontlines of these complex challenges.

The sad reality of this unacknowledged crisis is that, for all the training peace officers receive, we are not equipped to serve as full-time mental health professionals or social workers. Yet, we are constantly tasked to do so. Too often, peace officers are put into dangerous situations that require professional mental health assistance. Sadly, some of these situations end in tragedy.

According to the National Alliance on Mental Illness, nearly two million individuals with mental health issues are jailed every year. Severe mental illness is present in anywhere from 25%-50% of fatal encounters with law enforcement nationwide, and a report from the Los Angeles Police Department found that 37% of all officer involved shootings included a mental health component.

PORAC believes that one of the most important ways to improve public safety outcomes is to address the mental health, addiction and homeless crises in this country. There is a nationwide need for more mental health centers, more mental health workers, and increased access to mental health programs for those in crisis. Additionally, PORAC supports increasing funding for programs that partner law enforcement officers with mental health and social work professionals when interacting with at-risk members of our communities.

Conclusion — Starting a New Chapter in Policing

As a proud member of our nation's law enforcement community, I recognize that there are flaws in our system and areas where we absolutely must improve. Since its inception, law enforcement has been in a constant state of reform. PORAC has a long history of advocating for victims' rights, higher training and recruitment standards,

fair trials and parole hearings, the elimination of quotas and more community-based policing – to name a few. We have made progress, but we are also facing new challenges.

We've recently seen huge declines of dedicated men and women wanting to start their careers in law enforcement. They realize that law enforcement is a dangerous and unappreciated line of work. In a recent [survey](#) of 10,000 officers, only 7% said they would recommend law enforcement as a career. We've seen attitudes, tones and aggressions change towards law enforcement. Conversations and deliberations have turned into screaming matches and disrespectful slurs — making a difficult and complicated job even more complex. Disrespect toward law enforcement has become a cultural norm nationwide. It has become acceptable to yell racial slurs at African American officers. In New York, we saw people defending the actions of a woman who firebombed a parked car filled with four NYPD officers.

Our nation's law enforcement community has challenges that we must address – but they are challenges that we cannot begin to address if we cannot recruit and retain good men and women into the profession. Collectively, we all must work hard to change the narrative around policing in this country – which will require us to shine a light on the good and rebuild what is broken. We should foster an approach focused on being respectful, courteous and grateful to those charged with putting their lives on the line to keep our families safe.

What is needed now is a calm and thoughtful dialogue. To make real progress, we must seek counsel from those whose backgrounds, beliefs and experiences are different from our own, which is why PORAC encourages its members to participate in programs like [Game Changers](#) or [Coffee with a Cop](#) to bring together community members, law enforcement and diverse stakeholders to discuss community problems and formulate possible, localized solutions. It is through actions and initiatives like these and others that we can help hold ourselves and our communities accountable.

Implementing national training, recruitment and use of force standards – among other policies – will improve the practice of community policing. But we also need support from our communities and lawmakers to provide the resources and willpower necessary to ensure new policies and programs succeed.

Let me just end by reiterating our fundamental belief that police officers are an integral part of a community, not separate from those we serve. While we may not have the ultimate answer on solving systemic racism or inequality issues in our country, we are committed to playing a role in finding a lasting solution to better our law enforcement agencies to better serve our communities. We again thank this Commission for the opportunity to

be part of this vital conversation, and to provide our own thoughts on how to best reform and improve law enforcement practices.

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