

**Written Testimony of Brian Marvel
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**Hearing before the Senate Judiciary Committee
“Police Use of Force and Community Relations
United States Senate
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Introduction – Who We Are

Chairman Graham, Ranking Member Feinstein, and distinguished members of this Committee: Thank you for holding this hearing on policing in the United States, and thank you for giving the Peace Officers Research Association of California (PORAC) the opportunity to weigh in at this critical juncture. We are ready, and look forward, to the opportunity to work together with lawmakers and stakeholders from across the country to create a more just and equitable criminal justice system.

PORAC represents more than 77,000 public safety and peace officers across California, and is composed of over 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 agency in the nation.

PORAC is proud of its 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.

We carry that spirit of reform into the present day. In 2009, we became one of the first major law enforcement associations in the nation to offer its full support for body-worn cameras (BWC) as a measure to increase our accountability to the community. Just this last year, PORAC worked with activists, community groups, and lawmakers to tackle use of force issues in California, an effort which resulted in a unified solution, and a reasonable use of force standard; a solution which we will subsequently discuss in more detail. In addition, PORAC has recently collaborated with Congressman Lou Correa to develop H.R. 5251, the Improving Community Safety Task Force

Act. This bill brings together a variety of stakeholders to conduct a comprehensive review of violence directed at and involving law enforcement.

The tragic and unnecessary death of Mr. George Floyd in Minneapolis is simply inconsistent with the mission, standards, and goals of law enforcement.

We were sickened by what we saw. 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 has an opportunity to channel this righteous anger into action and lasting reform. That is why we feel compelled today to submit this testimony.

The discussion of law enforcement reform is wide-ranging and can encompass many views. PORAC respectfully proposes several reforms:

1. **National Standards.** Establishment of baseline national standards for policing to cover training, recruitment and use of force.
2. **Mental Health.** Increased focus on, and funding for, mental health services in America, including increasing the partnering of law enforcement with social workers and mental health professionals – a partnership essential to good policing.
3. **Funding.** Increased funding for law enforcement, as opposed to defunding police, to provide the resources necessary to improve training, enhance recruitment and allow for community policing.

We note reports that the President will issue an Executive Order today including a pilot program to provide for mental health professionals and social workers to accompany law enforcement on

calls. This is a concept PORAC has long supported, and which has been a success in San Diego. We urge the Committee to consider the proposal embodied in the Supporting the Health and Safety of Law Enforcement Act, H.R. 2696, introduced by Representative Josh Harder. This bill would establish a fully funded pilot program to facilitate cooperation and coordination between law enforcement and community mental health centers. We urge this Committee to include this, or a similar proposal, in its package of law enforcement reforms.

Raising the Bar – Establishing National Standards

PORAC believes that one of the most vital changes to law enforcement policy, and one that can and should be made immediately, is the implementation of full national standards on the use of force, training and recruitment.

As it stands now, each state, locality, and sometimes even agency has its own set of standards in these areas. For example, in a review of the Minneapolis police department's use of force policies, PORAC found several provisions that have been eliminated in the state of California. PORAC believes that implementing national standards, based off of the existing and proven standards under which California law enforcement operates, can ensure that public safety officers everywhere can be held to the same high standard of conduct.

We urge the Committee to take a close look at two pieces of legislation passed last year in California that can provide a roadmap and benchmark for a nationwide use of force standard – and training. AB 392 and SB 230 were developed in a truly collaborative manner.¹ As the leaders in California law enforcement, PORAC spent more than a year surveying all of the proven best practices from around the country, collecting input from legislators, the American Civil Liberties Union, our Attorney General, diverse experts, and impacted stakeholders from throughout the state. Together, we worked to produce America's an innovative policy on the use of force.

However, while a lawful standard may change, as it did under AB 392, that does not mean the behavior of a peace officer is automatically modified. In almost all instances of the use of deadly

¹ Text of [AB 392](#) and [SB 230](#).

force, a decision is made in a split second, without time for reflection. In these circumstances, officers rely most fully on the reflexes instilled and reinforced during their training. That is why the passage of AB 392 was accompanied by SB 230, a companion bill that provides the resources and training policies to meaningfully implement AB 392 on a comprehensive and statewide level. Provisions in SB 230 include:

- A mandate for every California law enforcement officer to receive the most robust training in the nation strictly designed to minimize the use of force.
- A requirement for every law enforcement officer to adhere to specific, publicly available guidelines for when they are authorized to use force.
- The establishment of specific policies across all law enforcement departments requiring de-escalation, an officer's duty to intercede, rendering medical aid, proportional use of force, and more.
- Detailed requirements for reporting all instances when force is used.
- A specification that use of force policies and training are considered in legal proceedings.

Along with AB 392, SB 230 is the biggest change to California policing policies and restrictions since the 19th century. These new policies have only been in place for less than a year. They will take longer to fully evaluate. But, PORAC is encouraged by early signs of success.

PORAC believes these policies, developed and implemented as part of a collaborative and inclusive process, can and should serve as the building blocks for a national use of force standard.² Given the federal funds to enact these policy changes, and coupled with a national recruiting standard that ensures only the best take on the responsibility and duty of keeping the peace, as well as an extension of the time an officer spends in the academy from one year to two years, these reforms will improve law enforcement outcomes across the country. Only by eliminating the

² While PORAC understands that the Justice in Policing Act includes a national use of force standard in the form of the PEACE Act, PORAC believes that the specific standard included in that bill would be problematic and counterproductive. The PEACE Act establishes a hindsight standard that will second-guess split second decisions made by peace officers rather than work to limit the use of force. PORAC believes that a standard like the one in AB 392, which is a more balanced approach, is a better approach.

confusing and often inadequate patchwork of use of force, training, and recruitment policies that currently exist can the American public regain confidence in law enforcement nationwide.

Better Outcomes for Those in Crisis

Perhaps the most undiscussed factor in deadly law enforcement encounters, yet one of the most important, is mental health. Law enforcement officers are, inadvertently, on the front lines of the mental health crisis in America.

PORAC believes that one of the most important ways to reduce police use of deadly force is to address the mental health crisis in this country, a crisis that extends beyond law enforcement. 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.

According to the National Alliance on Mental Illness, nearly two million individuals with mental health issues are jailed every year, and nearly 15% of men and 30% of women jailed have a serious mental health issue. Mental health situations, often undiagnosed and unknown to the responding peace officer, account for nearly 10% of all calls to the police. Some of our officers estimate that as many as half of the first responder calls they see are related to mental health issues. 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 peace officer shootings included a mental health component.³

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 social workers yet are constantly asked to do so. While many police departments in California and across the country have fledgling mental health programs designed to provide the most qualified assistance, we are far from meeting the needs of those community members in mental health crises. Too often, peace officers are put into

³ Mike Maciag, "The Daily Crisis Cops Aren't Trained to Handle," *Governing*, May 2016, <https://www.governing.com/topics/public-justice-safety/gov-mental-health-crisis-training-police.html>.

dangerous situations that require professional mental health assistance. And, sadly, these situations end in tragedy.

PORAC supports initiatives to expand and improve the safety net and support systems for those dealing with a mental health diagnosis. In the long run, these types of programs will meaningfully reduce the burden on well-meaning law enforcement officers who are simply not trained to counsel those in crisis.

Programs to facilitate cooperation and coordination between law enforcement and community mental health centers, and which place social workers with law enforcement officers as they respond to calls, are necessary to ensure peace officers are able to effectively serve those with mental illnesses.

Conclusions – A New Day for Law Enforcement

PORAC recognizes the real crisis of confidence in law enforcement among the communities we serve. It is on us to work with our communities, lawmakers, and other stakeholders to repair that breach in trust. Fortunately, and as our track record clearly shows, we like to think this is among the tasks PORAC is best suited to tackle.

Implementing national standards on the use of force, training and recruiting will greatly contribute to a reduction in use of force incidents nationwide. California's AB 392 and SB 230 provide a blueprint for how to make those standards a reality. Working off that foundation, PORAC believes that Congress should immediately move to create a national standard. In addition, PORAC believes that additional funding aimed at improving the ability of law enforcement to respond to individuals in mental health crises, and at improving training and recruitment is critical. Together, these common-sense solutions will begin to rebuild the reputation of law enforcement in America, and prevent unnecessary fatalities, such as George Floyd's.

Let PORAC reiterate our fundamental belief that peace officers are an integral part of a community, not separate from those we serve. We do not have the absolute answer on how to end

systemic racism in our communities and our nation. We may not have the solution for ending the cyclical and crushing nature of generational poverty that exists in communities across the country. But, we will always be on the lookout for those answers, and will always be ready to learn and grow as law enforcement officers. Until the day we do find that magic cure for our societal ills, PORAC will keep working with our neighbors and communities to do and be better. We again thank this Committee for the opportunity to be a part of this vital conversation, and to provide our own thoughts on how best to reform and improve law enforcement practices moving forward.