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May 22, 2017

The Honorable Trey Gowdy
Chairman, House Judiciary Subcommittee on
Crime, Terrorism, Homeland Security, and Investigations
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Sheila Jackson Lee
Ranking Member, House Judiciary Subcommittee
Crime, Terrorism, Homeland Security, and Investigations
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

RE: 5/17/17 Hearing on Challenges Facing Law Enforcement in the 21st Century

Dear Chairman Gowdy and Ranking Member Jackson Lee:

On behalf of The Constitution Project (TCP), we write to submit materials for your consideration as you examine how Congress can best support law enforcement officers nationwide. Indeed, there are challenges that law enforcement officers face in the 21st century, but perhaps none more urgent than establishing (and in many cases, rebuilding) trust with the communities they serve.

The topic of strained police-community relations has, unfortunately, become deeply politicized. However, there is consensus that the situation requires real changes in police culture and training, a need for meaningful discussions between communities and law enforcement agencies, and federal support.

In late 2015, TCP convened a bipartisan, blue-ribbon [Committee on Policing Reforms](#). The Committee focused its attention on two specific topics: the use of body-worn cameras by law enforcement and the use of military equipment by state and local law enforcement. Specifically, the Committee examined the constitutional, legal, and policy concerns implicated in these trends in American policing. The Committee—comprising over 30 former and current law enforcement, prosecution, judicial, and military personnel, community leaders, and legal scholars—issued recommendations to guide policymakers and law enforcement agencies. Attached to this letter are the Committee's reports ([Demilitarizing America's Police: A Constitutional Analysis](#) and [Guidelines for the Use of Body-Worn Cameras by Law Enforcement](#)) for your review. These reports are, to our knowledge, the only comprehensive reports on these topics issued by both law enforcement and civil liberties experts working together.

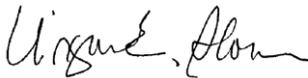
Specific to the May 17, 2017 hearing, we were troubled by comments made by Members of Congress and witnesses regarding the U.S. Department of Defense's 1033 program and the President's Executive Order 13688, which establishes an interagency Law Enforcement Equipment Working Group co-chaired by the Secretary of Defense, Attorney General, and Secretary of Homeland Security. The Working Group's recommendations are accepted by many law enforcement agencies nationwide and call for modest, but necessary, reforms to the 1033 program and similar programs that govern the federal transfer of military equipment to state and local law enforcement. These changes are critical in providing much-needed transparency, oversight, and accountability.

We also hope Congress will consider our report's consensus recommendations presented for police body worn cameras as it contemplates federal funding for Fiscal Year 2018. Thus far, federal funding has often directed funds toward state and local police departments with deeply flawed policies for body camera use. This risks rushed adoption of large-scale programs with counterproductive policies and serve as poor examples for other localities.

More broadly, we are concerned with recent legislation that undermines efforts to build trust between law enforcement agencies and the communities they serve. We know we are not alone. Just last week, a [letter](#) signed by over thirty law enforcement officers was sent to the House Judiciary Committee to express their concern with recent legislative and executive actions that serve to undermine that trust. A number of law enforcement officers also sent [this letter](#) to the House Judiciary Committee opposing H.R. 115, or the Thin Blue Line Act. Increasingly, law enforcement officers are calling upon Congress to focus on policies such as those providing for de-escalation and crisis intervention training, mental health services for officers, implicit bias training, and data collection on fatal and excessive use-of-force incidents. We could not agree more.

As you consider challenges facing police officers in the 21st century, we urge you to read the reports and consensus recommendations from our Committee on Policing Reforms. We are ready to assist your office to advance policies that will have a meaningful impact on police-community relations. If you have any questions or comments, please contact Madhu Grewal, Senior Counsel, at (202) 580-6939 or mgrewal@constitutionproject.org.

Sincerely,



Virginia E. Sloan
President



Madhuri S. Grewal
Senior Counsel

cc: Members of the United States House Judiciary Committee, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations