

The death of George Floyd by a Minneapolis police officer will go down in history as one of the most profound American tragedies in a year defined by tragedy. There may be different reasons for that conclusion, starting with the graphic nature of the incident. Others might even say it was the way it played out not just on the national stage but because of social media the international stage as well. Still others might say it is simply the most startling, indisputable evidence of police brutality toward African Americans and it was caught on camera. Whatever the reason one might entertain in this particular instance, it does represent prima facie evidence that we need to consider some reform in law enforcement in this country. I would even add that while we are taking a closer look at law enforcement in particular, I suggest we should also look at the criminal justice system in general. The criminal justice system is composed of law enforcement (police), prosecution (state attorneys), the courts (judges), and corrections (jails and prisons.) I like to remind people that the system is intended to be a check and balance structure. A comprehensive look at the entire system is thus more in order.

Candidate Joe Biden drew from his many years in the United States Senate to propose comprehensive reforms, including ending private prisons, cash bail and mandatory-minimum sentencing. While vice-president-elect Kamala Harris as Attorney General for California was able to shape her perspective of comprehensive reform when she faced the many competing interest in the system and began by listening. Biden and Harris, as a first step in reform plan to convene a meeting with activists, police chiefs and civil rights advocates “to determine how we move forward.” My comprehensive reform recommendations come from a unique perspective as a black police officer in the deep south.

Police departments have been allowed to operate independently, the way they see fit, and in too many instances without community input. For the most part they have lived up to the universal motto “protect and serve”. The general public and their communities were quite satisfied, as long as police arrested the “bad guys” and maintained the image of keeping our streets safe. And many of these communities were quite tolerant when police officers occasionally mishandled situations or even abused their authority. To be fair there were many outcries from the African American community. But in some instances, there were also suspicions and doubts of those concerns by the majority community. Consequently, there was no serious attempt to address those concerns.

Police departments around this country are no different from other large organizations. The vast majority of police officers are good officers who take their duties of protecting and serving seriously. They do not hesitate to protect citizens and the community at large; in many instances at personal risk to themselves. But then there is a small minority of officers who would not fall in the “good” officer category. These officers usually have a variety of challenges in their personality. Those challenges range from being overly aggressive, oppressive, and prejudiced. In the past we have seen these actions manifest themselves in public from the Rodney King to the George Floyd tragedies. A number of these incidents could have been avoided if law enforcement officers and law enforcement leadership had been more aggressive in culling out those individuals who are unsuited to serve as police officers. These proactive measures will necessitate the exercise of courage, tenacity, and creativity to ensure we do not put these “bad” officers in a position to abuse constituents of the community.

It is certain that some of the rank-and-file police officers who work on a daily basis with these “rogue” police officers know who they are, and what habits and behavior patterns they exhibit. However, rank-and-file police officers too often exercise this protective notion of confidentiality that historically was used to keep certain information about individual officers from the command staff. Moreover, they did not want to be perceived as being called an informant, snitch, or rat amongst their fellow officers. These officers must be convinced it is not in their best interest to keep the names of these rogue police officers’ secret. It is clear that these rogue officers have tarnished the badge, undermined law enforcement integrity, and caused a significant portion of the community to lose confidence, trust and faith in law enforcement.

Law enforcement leadership will have to do some soul searching and reflecting as well. Police Chiefs and Sheriffs who know who some of these risky law enforcement officers are and for many reasons, are not proactive enough to take action. One illegitimate reason is they want to be perceived by the rank-and-file officers as “one of the boys.” That attitude and philosophy have allowed many of the questionable officers to continue to discredit the agency, their fellow officers and law enforcement in general. That must change.

Law enforcement leadership must be creative enough to bring on board police unions and other collective bargaining units that protect questionable officers. It is clear the union’s purpose is to protect employees both good and bad. I submit a law enforcement officer who falls in the category of “bad” has powers and authority that are too deadly to fall within the framework of union and collective bargaining protection. These “bad” officers have a license to kill. It is in the best interest of all involved, that we remove these officers who could be a threat. That could mean reassignment, transfer, or termination. There is no process or concession that should allow a person to wear a badge and carry a gun in our community if that person is unsuited for the position.

On the prosecution and court side of the criminal justice system there is also a pattern of disparate treatment and sentencing of African Americans indicating some bias. There have been studies and reports that clearly indicate African Americans are generally sentenced to longer terms of incarceration than white defendants when the conditions of those sentences are the same.

These disparities have been reported under the heading of “implicit biases”. If the biases are in fact implicit, meaning that the bias is unconscious, then the whole notion of the pursuit of justice in our criminal justice system will need new, creative and innovative approaches to the prosecution and sentencing process. In the absence of such reform the results will be clear: justice is for whites only and a mere myth for others.

The investigation of law enforcement’s (police) deadly encounters with citizens should be investigated by an entity where there is no question or suspicion of their lack of objectivity.

The investigation is usually conducted by the state attorney’s office in the particular circuit where the incident occurred. However, the state attorney's office and law enforcement interact closely, on nearly a daily basis, to ensure that arrested defendants being considered for prosecution are given a fair trial. This requires them to work together constantly and harmoniously. The occurrence of a deadly encounter by law enforcement immediately changes that working relationship from cooperative to investigatory, resulting in suspicions and questions by many in

the community. The human part of that transitional relationship could be most challenging: it could cause the individuals to be hesitant, biased, or otherwise affected by the previously close relationship. Therefore, it is my respectful opinion that we take this opportunity to review the handling of all law enforcement deadly encounters. I believe there should be consideration given to the possibility of the Attorney General's office handling all cases where deaths occur. Wherever possible we should consider moving the investigations of law enforcement in deadly encounters out of the jurisdiction where they occurred. In Florida for example I do not recommend the Florida Department of Law Enforcement because of their ongoing working relationship with the State Attorney's offices throughout the state. Any conflict of interest can mean a miscarriage of justice.

We have come to a time in our history in minority households where women are terrified when their African American men leave the home. Even a trip to the grocery store or a routine errand elicits fear. Wives, mothers, sisters, daughters all wait with bated breath until their husbands, sons, fathers return home. Their fear and concerns are focused on the possibility of a routine police stop or detainment that could turn into a tragic confrontation, leaving their loved one dead on the side of the road.

That fear – for the safety of black males – is serious and real. It appears greater today than at any time in recent history and permeates the black community. It is similar in magnitude to the fear created by the more explicit and threatening racism of the past against mostly black males. Understanding this is fundamental to moving forward.

I sometimes ask myself how did we get here? When a segment of our community worries more about a police confrontation than the dangerous criminal elements present in our communities. It feels like you can parallel this situation with history when the Ku Klux Klan was a threat to blacks. A time when the Ku Klux Klan was lynching black males at an alarming rate and there was nothing that could be done. At the time there was no justice, no mercy, and no peace in black communities.

In conclusion, it is imperative we take this opportunity to come together and reform our criminal justice system. We are the richest country, number one military power and arguably the most culturally advanced place in the world. We must include community input and law enforcement cooperation so we can get to a position of trust where there is no question about the integrity of our system. In turn, we again, can become the beacon of the world when it comes to justice, mercy, and peace.

IF WE DO NOT TAKE ADVANTAGE OF THIS OPPORTUNITY FOR MEANINGFUL REFORM IT WILL BORDER ON APPEARING TO BE CRIMINAL NEGLIGENCE.