



ATTORNEY GENERAL LESLIE RUTLEDGE

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Testimony Before President's Commission on Law
Enforcement and Administration of Justice
Panel on Rule of Law and Respect For Law Enforcement
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Thank you Commissioners for the opportunity to provide testimony on the critical topics of the Rule of Law and respect for our law enforcement communities.

As the Chief Legal Officer of the state of Arkansas, I represent more than three (3) million Arkansans and nearly 10,000 certified law enforcement officers, who put their lives on the line to protect and serve our communities every day. In June, sixteen of my fellow state attorneys general and I wrote to President Trump, Attorney General Barr, and Congressional Leadership stressing the urgency and importance of maintaining the rule of law, and to encourage our federal leaders and partners to resist the temptation to capitulate to the “defund the police movement.”¹ While we are a people always ready and willing to exercise our First Amendment freedoms, we must not do so at the expense of the rule of law or succumb to pressure from the blatant attempt to demonize one of the most respected positions of public service in this nation. I applaud this administration and President Trump’s leadership to unify our country, without compromising those principles that serve as the foundation of our legal system.

As a defender of the Constitution and an advocate for federalism, I firmly believe that every state should be given the opportunity to incubate programs that work best for their own locale. Policies that might work in states with large metropolitan cities are usually not transferable to mostly rural states, like Arkansas. One of the fundamental principles of the rule of law is that all persons must be treated equally in the justice system. To paraphrase Samuel Adams, *from the farmer to the favorite, there shall be one rule of Justice for all*. While police brutality cannot and should not be tolerated, the illegal actions of a very few cannot be the catalyst that is used to dictate and disrupt the safety, lives and stability of Americans. Any effort to “defund” our policing agencies across the country will likely have a lasting impact on the progress that has been made to lower crime rates. Instead of knee-jerk policy reactions to impassioned concerns, we should explore meaningful and sensible solutions to prevent future tragedies and to improve the relationships with law enforcement and the communities they serve. For the leadership of our country to be able to offer assistance, leaders must first understand the problems their state and local partners face.

¹ Georgia Department of Law letter to President Trump, Attorney General Barr, Speaker Pelosi, Leaders McConnell, McCarthy, and Schumer; addressing the need to maintain the rule of law, and reject the defund the police movement signed by seventeen state attorneys general. (06/24/2020)

Recommendation: Law enforcement agencies must work to create stronger community partnerships.

I have the honor of annually visiting with law enforcement officers in all of Arkansas's seventy-five counties multiple times throughout the year. One of the most common themes these officers tell me is that "I was called to protect and serve and I want to go home to my family safely at the end of each shift." These are the same sentiments that can be understood and are shared by all Americans. Police officers are individuals and should be treated as such. They should be judged by their actions not because of the profession they have chosen. Respect for police officers and the rule of law begins at home and is taught by example. We ask the men and women in blue to address some of the most horrific and heinous crimes that the common citizen cannot fathom. Our officers are typically the first on the scene for domestic violence disputes, car accidents, child and elder abuse disturbances, and increasingly drug overdose and drug related offenses. To strengthen the trust in this most noble profession, there must be a public and private partnership. We cannot expect parents to teach their children the importance of respecting those in authority, while elected leaders are demonizing their law enforcement agencies to gain political favor in times of crisis. We must implore methods of reconciliation to help restore the faith of the community that those officers responding to situations are there to help them, not hurt them. Similarly, our community leaders must sit down with local law enforcement to further develop that relationship. The safety of our citizens and our officers does not have to be diametrically opposed.

Recommendation: Provide easier accessibility and increased funding for law enforcement training.

The notion that defunding the police will somehow solve the problems we are faced with today is simply a fallacious theory to a much more complex problem our first responders face on a daily basis. Police and sheriffs' departments in both rural and urban settings are operating on underfunded budgets. Arkansas is largely a rural state and some of our law enforcement agencies operate with a staff of ten persons or fewer. At the same time, these officers are expected to police a territory of over 500 squares miles with extremely limited resources. The officers who serve these communities are usually overworked and underpaid, resulting in high turnover rates. Arkansas law requires that all active officers receive twenty-four hours of continuing education per year. In comparison, licensed attorneys are required to obtain twelve hours of continuing education. In their efforts to meet these minimum requirements, our police chiefs and sheriffs must make sure they are setting aside valuable resources to pay for the training, lodging, and travel costs to send their officers to education centers, while trying to balance manpower concerns against training. While I offer free training twice a year, in various geographic locations, I believe training - even free training - would be one of the first things that would be cut from budgets of our law enforcement agencies should this movement of defunding be adopted. Without adequate funding, our law enforcement agencies would not be able to participate in continuing education and training, which is desperately needed in the ever-changing world of policing.

Recommendation: Increase law enforcement training and resources for crisis intervention.

Consistent with President Trump's Executive Order on June 16, 2020, our policing agencies need more adequate training to address two of the most significant crises our nation has had to deal with in the last twenty years...the opioid crisis and mental health crisis intervention. Unfortunately, these two issues overlap more often than not. In recent history, our country has seen an explosion in opioid misuse and abuse. Arkansas has been hit particularly hard by this crisis. There are approximately sixty-two opioid pills for every man, woman and child in Arkansas; a statewide population that is smaller than that of the city of Los Angeles alone. The disproportionate impact of the opioid abuse epidemic has spilled over to illicit drug use in our state and has further strained our rural law enforcement agencies, which are already underfunded and understaffed. These officers need the valuable training on opioid misuse and addiction to properly identify those citizens that might qualify for diversionary sentencing, a program that has a proven track record in our state. Arkansas has the good fortune of having forty-nine drug court programs throughout the state. This program is a voluntary option for non-violent offenders, and upon completion of the program can lead to all criminal charges against the defendant being dismissed. This is an approach that is intended to alleviate the growing burden on our jails and prisons. The average cost per day to participate in a drug court program is merely a fraction, approximately one-tenth, of what it would cost per day to house the same offender in a correctional facility. Similarly, these agencies need more adequate training and options for citizens battling with mental health disorders. Too often, our law enforcement officers are left with no option but to incarcerate individuals suffering from a mental health crisis. I hear input from the officers of my state who admit that this is not the correct approach for persons suffering a mental health breakdown; however, these officers are not aware of the resources that are available and they do not have the proper training to de-escalate the immediate danger to the individual or their community. Our governor has created Crisis Stabilization Units in four strategic locations throughout our state. Arkansas has also created two jurisdictions with Mental Health courts in counties in which there are also Crisis Stabilization Units. These Mental Health Courts are modeled after the successful Drug Court diversion programs in our state and offer voluntary sentencing alternatives for individuals who commit offenses and suffer from mental illness. While this has had a positive impact on decreasing the number of incarcerations and convictions of individuals with mental health conditions, this is still in the pilot project phase and continued funding is always a primary concern. The programmatic structure will vary state by state, these diversionary sentencing options can be universally applied to police departments across the nation to alleviate overcrowding prison populations and give citizens suffering from drug addiction and mental health illnesses an opportunity to rehabilitate and once again become productive members of society.

Finally, we must address the ability for law enforcement agencies to police their own and feel confident that when a bad officer is terminated, they will not be able to forum shop for another law enforcement job in another agency. Law enforcement supervisors should be able to discipline officers for bad conduct and terminate when they see fit. Officers who report misconduct should be able to do so without fear of retribution and that their complaints of unfitness for duty will be taken seriously. I am proud to say that Arkansas has a robust decertification and reporting process for unethical law enforcement behavior. We have created by statute, a reporting process to eliminate bad officers, while preserving the due process rights for those officers who have been wrongfully accused of ethical and professional violations. Officers found to have violated the

ethical and professional rules of conduct are then reported to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). As the President declared in his Executive Order, this must become a more standardized practice across all policing agencies in order to restore faith and trust in our justice system, while also maintaining safety and the rule of law.

As Arkansas's Chief Law Enforcement Officer, I speak with authority and with grave concern regarding the "defund the police" movement and the growing lack of respect for our nation's peacekeepers. I hope that while this heated debated continues, more people will be made aware of the difficulties and lack of funding police officers already must endure every day. Politicizing policing is a dangerous practice that could have negative and irreversible effects on many communities and individuals. I believe this is an opportunity for civil discourse not civil disobedience and a time for us to find common ground so we can all begin to work together. While there are some who should never have had the honor of wearing the badge, the majority of our law enforcement officers are deeply patriotic model citizens who serve their communities bravely, selflessly, and honorably every day.