

**Questions for the Record from Senator Charles E. Grassley for Dr. Tre Pennie, President and
Executive Director of the National Fallen Officer Foundation
U.S. Senate Judiciary Committee
“Law Enforcement Officer Safety: Protecting Those Who Protect and Serve”
July 26, 2022**

1) Your testimony focused heavily on the “defund the police” movement and the general distrust and disdain that has developed in some corners in our society for law enforcement. In your experience, what effect has this movement had on retention and recruitment of law enforcement officers?

The “defund the police” movement has had a devastating impact on law enforcement and its ability to retain and recruit police officers. Many active police officers have faced “burnout” and mental anguish associated with the nationwide riots, attacks, and public ridicule. Some officers have expressed feeling demoralized by the anti-police sentiment and some have even committed suicide.

Over the last 2 years, there has also been a mass-exodus of police officers leaving the profession due to retirements and resignations. This trend has led to existing officers being required to work mandatory shifts to cover the manpower shortages.

It has also become increasingly difficult for police agencies to recruit new police officers, especially minorities. This comes at a critical time in society, when “police legitimacy” is at an all-time low in the Black community and more minority officers are needed to help bridge the gap.

2) We know that voluntary resignations and early retirements have become more and more prevalent due to tension between the law enforcement profession and some communities in our country. In your view, how can we reverse this trend to encourage more young people to engage with the law enforcement profession?

Unfortunately, this trend will take time to reverse because of the damage created by the “defund the police” movement. In the interim, police agencies must work to improve their community-policing models by positively interacting with minority communities. On the other hand, they must play an active role in their own success and deterring crime.

The federal government should support this initiative by ensuring that adequate resources are available for police to facilitate community engagement. As greater investments are made in community engagement, police officers will have more productive interactions. The federal government should also support initiatives that will help to equip the community with the necessary tools to empower themselves against crime.

Active community engagement will help promote law enforcement visibility and create a sense of safety for the community. This will also provide direct connections between the police and the community; which will help build trust, so citizens will feel comfortable in reporting criminal activity in their community.

It is also important to develop programs like: safety seminars, junior police academies and student engagement programs to allow students to interact with police, so that police can start “planting seeds” early in life about the police-community relationship.

3) You testified that prosecutors on the federal and local level have failed to prosecute radicalism against police officers. What effect does this lacking response have on officer morale, and what effect does it have on the propensity for more violence by these radical groups?

When prosecutors fail to prosecute, criminals become emboldened to commit new crimes. As officers grow frustrated with having to arrest the same offender over and over again, their morale decreases. The revolving door of the criminal justice system gives police the impression that the system doesn't work. As this perception persists, police officers become more reactive to crime as opposed to being proactive; which ultimately hurts the communities. The by-products of this process could include: higher response times to crime, lower quality of work, and a widening divide between the police and the community.

Likewise, the failure of the federal government to prosecute radical and extremist groups poses a grave threat to police officers and our homeland security interests. It is important to remember that radical groups are agenda-driven and have no legitimate basis, thus their ultimate goal is to "bring it all down". If society continues to ignore or excuse their illegal behaviors, they will capitalize on the anarchy and will strain the limits of the government.

It is also important for Congress to properly define what constitutes "radical" behavior and to establish penalties for addressing violations. Radical groups are well aware of existing criminal policies and understand how to create loopholes under the guise of civil rights.

4) Where have you seen the most significant demands to defund the police, and what effect have those demands had on specific law enforcement agencies around the country?

The most significant demands to "defund the police" came from the inner-city communities, however, the loudest voices making those demands didn't even live in those communities. Black communities across the country were exploited for personal gain by radical groups and it was unfair to people that didn't have the resources to leave. Unfortunately, that radical demand has had a devastating impact on communities of color across the country where murder and violent crime are now skyrocketing.

5) Is legal gun ownership responsible for the sudden spike in crime in 2020 or the 20 year high in attacks on police in 2021?

No... Legal gun ownership has nothing to do with the spike in violent crime, especially in our inner-city communities where crime is centrally located.

It's important that we properly frame these arguments because the reality is that there are nearly 400 million guns in circulation and regardless of what restrictions are put in place, people who want guns will get them. In fact, in many communities, it is easier to buy a gun off the streets than it is to buy cigarettes in a store.

In my opinion, "armed" and well-informed citizens have the greatest potential to mitigate the outcomes of violent crimes because they have the ability to respond to threats immediately as opposed to waiting for police response.

6) Are more attacks on police with firearms illegal firearms or illegally *possessed* firearms? In other words, is the problem of gun violence against police a "who" or a "what"?

As it relates to shooting violence against police, data suggested that more officers are killed and injured with unregistered and unlicensed guns. However, this does preclude the fact that licensed guns have been

used in many of these attacks. With this in mind, it is not about the “what” or the gun itself, it’s about the “who” and the individual motivations to use the gun in commission of the assault on the police.

In my opinion, greater concern should be directed towards understanding human behavior and the contributing factors to police violence. We need to understand how often these attacks occur, so that we can better evaluate strategies to reduce risks. We also need to understand who is committing the attacks, so that we can better frame “prison reform” discussions. This data can help us protect our society from criminals that are incapable of being rehabilitated.

From:

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To: Senator Thom Tillis

**Questions from Senator Thom Tillis
for All Witnesses**

1. Do you agree that the *Protect and Serve Act* will successfully deter attacks on our brave men and women in blue? Why or why not?

I completely support the *Protect and Serve Act*, which would make it a federal felony to assault a law enforcement officer on the highway as long as the interstate commerce requirement is satisfied.

Based on the significant number of police officers that are assaulted and killed each year during traffic stops, this bill would allow for greater accountability in prosecuting those offenders.

Due to the unpredictability of road traffic and unexpected risks posed by occupants in vehicles, police officers are often vulnerable during these attacks because they are caught off guard. This bill will serve as a deterrent to offenders that seek to attack police officers on our highways and will make a strong statement in acknowledging the dangers that police officers have faced in conducting traffic stops since the 1920’s Prohibition Era.

In my opinion, S.774 takes appropriate caution in not overstepping state jurisdiction, while also providing access for federal prosecution “referral” should intervention be warranted due to state prosecution impediments.

2. Other than the *Protect and Serve Act*, what other actions can Congress take to support law enforcement and stop these senseless and violent attacks?

- A. Other than the *Protect and Serve Act*, another action that Congress can take to stop the senseless and violent attacks on police is to classify police officers a “protected class” under 18 U.S.C. §249 – Hate Crimes Act. Hate crimes provides federal penalties for criminals who attack individuals because of their race, color, religion, nationality, gender, sexual orientation or disability. The statue denotes that the individual would not have been attacked, but for the existence of those qualifying demographics.

In consideration of the Hate Crimes Act, I recommend that police officers “in uniform” be protected under the clause “only” if they are attacked because of their status as police officers – qualifying the “uniform” as the special designation in place of the traditional demographics (race, color, sex, national origin, etc.)

- B. In recognizing the menacing role that social media plays in inciting violence against police and our Homeland Security interests, it is imperative that Congress establish some level of federal oversight of the social media companies.

Based on the current model of “global connectivity” through social media, Americans are not only at risk of being manipulated by domestic radical groups, they are also vulnerable to the influences of “foreign actors” using these platforms to incite violence domestically.

America can no longer allow these companies to regulate themselves because the safety and security of our country is at risk. Congress must establish protocols for requiring the social media companies to monitor, restrict and remove radicalized content.

Based on the history of radicalized content being used to incite violence nationwide, the social media companies must now have a “duty to report”. This mandate would require the social media companies to notify law enforcement of impending threats to police and our homeland security interests.

In the past, the social media companies have hidden behind the *First Amendment* freedom of speech and privacy protections to avoid removing nefarious content or sharing information with law enforcement.

However, freedom of speech does not protect against “fighting words” as outlined in *Chaplinsky v. New Hampshire (1942)* nor does it grant wide-ranging privacy protection in cases of “terrorism” as provided by Patriot Act provisions.

It is important for Congress to ensure that threatening images and written content conveyed threatening messages are properly addressed to protect our citizens from domestic attacks including: the BLM riots, George Floyd riots, Jan. 6 attack and other large-scale events organized on their platforms.