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**Sheriff**

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**Office of the Sheriff**

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Constitutional Sheriffs and Peace Officers Association

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Remarks by Sheriff David A. Clarke Jr., Milwaukee County, Wisconsin to the Honorable Members of the United States Senate Committee on the Judiciary, Washington, D.C.:

Good morning, Chairman Grassley and members of the Senate Judiciary Committee.

I am David A. Clarke Jr., Sheriff of Milwaukee County, Wisconsin, and I am honored to address you today about a frequent news topic: American policing at the local level.

These hearings are focusing on the confirmation of possibly the next Attorney General of the United States, Ms. Loretta Lynch. I wish her well.

I want to spend some time critiquing outgoing Attorney General Eric Holder's tenure at the United States Department of Justice, and use that as the framework for a way forward.

I have met Eric Holder in smaller settings, enough to get a feel for him as a person, and I found him to be a gentleman, polite, very capable and competent. However, I have been shocked after listening to him over time. He has left me, quite frankly, with a different view of the United States Department of Justice, and it isn't very flattering.

The mission statement of the USDOJ says...***To enforce the law and defend the interests of the United States according to the law...let me repeat that...according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; AND to ensure impartial administration of justice for ALL Americans.***

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In my 37 years in law enforcement, I viewed the US Department of Justice as an ally in the pursuit of justice. Local law enforcement has always been on the front lines in preventing and controlling crime, and seeking just punishment for those guilty of unlawful behavior, as the mission statement of the DOJ indicates.

What I have witnessed from the Department of Justice under the leadership of Attorney General Eric Holder, has been almost hostility toward local law enforcement. I have seen this in both public statements made about the profession, and in some of the policy decisions which treat police officers as adversaries, instead of allies, in the pursuit of justice. Partnering with local law enforcement agencies AND ensuring the fair treatment of all Americans in the pursuit of justice are not mutually exclusive. We CAN have both at the same time.

What we all witnessed in Ferguson, Missouri back in August, was a tragedy... an unfortunate incident for Officer Darren Wilson AND Citizen Michael Brown. What followed, however, compounded that tragic situation, as people from across the United States converged on Ferguson to exploit the situation for self-serving purposes. Suffice it to say that America did NOT witness its finest hours in the days, weeks and months following the Ferguson, Missouri police-related use of force incident.

What was called for at the moment the USDOJ inserted itself early into the incident, was an appeal to reasonableness, responsible rhetoric and cautioning against a rush to judgment. Instead, some very powerful people made statements that only heightened rising tensions. Inflammatory language about racism, racist cops and racial profiling by police was used in public statements by Attorney General Eric Holder, as he shared his personal anecdotal accounts of being racially profiled by police in the past.

Unfortunately, race is, has been, and always will be an explosive issue in America. What is not needed in volatile situations, is to have people in high profile positions pour fuel on an already smoldering fire.

The incendiary rhetoric used by Eric Holder created a pathway for the false narrative that then became the rallying cry for cop haters across America, and sparked unjustified hatred toward America's law enforcement agencies and officers.

Without a shred of evidence, a broad brush has been used to unfairly malign the reputation of the profession of policing in the United States. The accusation has been made that our communities' finest systematically engage in the practice of targeting young black men because of the color of their skin. That claim is patently false, and I reject out of hand the mere suggestion of it. If I am wrong, then show me the evidence.

Officers at the local level put on their uniforms and go out every day to make their communities better and safer places to live. Without them, our communities would

collapse into utter chaos. Police need to be confident that the US Department of Justice has their backs, as they fairly and evenly enforce society's rules. The world that officers operate in is complex, dynamic, uncertain and one where, unfortunately, things can and do go wrong. When that happens, the American law enforcement officer needs to know that after a thorough and transparent investigation, the facts and evidence of a particular case will be applied to the rule of law standard for a decision about their actions. After putting their lives on the line, they do not deserve a standard of false narratives, preconceptions, misconceptions, emotional rhetoric or racial demagoguery from a ranting mob.

Author and scholar Thomas Sowell, in a thought-provoking piece on the rule of law said: *If people who are told that they are under arrest, and who refuse to come with the police, cannot be forcibly taken into custody, then we do NOT have the rule of law, when the law itself is downgraded to suggestions that no one has the power to enforce.*

So where do we go from here? How do we get beyond the damaged relationship between the US Department of Justice and local law enforcement, so we can move forward and focus our efforts on protecting American communities and ensuring justice?

My suggestion for the next US Attorney General of the United States is to articulate clearly, a renewed commitment to rebuilding trust with local law enforcement. That involves open lines of communication with an emphasis on listening to the suggestions of law enforcement executives. And for our nation's sake, please stop undermining the character and integrity of the American law enforcement officer.

Next, resist the urge at the federal level to interfere with local police training standards. Are cops perfect? No, in fact, far from it, but they are our communities' finest. I will resist attempts by the USDOJ to dictate one-size-fits-all local law enforcement training standards. Every community is unique in what will work, and what will not work.

Lawyers at the Department of Justice are ill-equipped in the area of local police training. We already have state standards for training, tailored toward what works in each individual state. Additionally, in Milwaukee County I am elected by and accountable to the people if they do not approve of my training policies. Police chiefs have mayors and other oversight boards for accountability. We do not need another layer of bureaucracy.

And finally, I want to speak on two emerging issues on the radar screen in criminal justice: sentencing and prison reform.

Any discussion about reform in these two areas that does not include a counterview about the consequences of a short-term technical fix and its impact on crime victims, will have catastrophic consequences on already stressed Black and Hispanic communities. Artificially reducing prison populations or altering sentencing

practices is short-sighted. If these policies fail, the loser will be my people, Black people living in impoverished, crime-ridden communities.

The recidivist nature of criminals will cause more minorities to be victimized by violence, similar to what happened this past summer in Milwaukee to Sierra Guyton, a 10-year-old girl shot in the head and killed while on a school playground. The shooters were career criminals, felons in possession of firearms, who got into a gun fight on a playground. Both had received light sentences for previous felony acts.

The Black community does not have the support structures in place for an influx of career criminal inmates sent back into the community from prison, or to deal with the habitual criminals who currently reign terror in neighborhoods. People cannot find meaningful work, poverty is generational, parents have to send their kids to failing K-12 schools, and the family structure is in tatters. Adding more crime and violence to that mix will only bring more misery to the overwhelming number of decent, Black law-abiding citizens just trying to get through life against already great odds.

A more advisable criminal justice policy reform approach is to attack the pathologies that increase the likelihood of criminal behavior. The best prison and sentencing reform is to enact policies that reduce unemployment, improve K-12 public education, reduce father-absent homes, and send a message that criminal behavior will be met with severe consequences. That is called accountability for unwanted behavior. Reform that simply lowers the bar is nothing more than normalizing criminal behavior.