



**Statement of James P. McDonnell, Sheriff of Los Angeles County  
on behalf of the Major County Sheriffs of America & the National  
Sheriff's Association**

**Before the House Committee on the Judiciary  
Subcommittee on Crime, Terrorism, Homeland Security, and  
Investigations**

**“Challenges Facing Law Enforcement in the 21<sup>st</sup> Century”**

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Chairman Gowdy, Ranking Member Jackson Lee, distinguished members of the Subcommittee, thank you for inviting me to testify this morning on behalf of the Major County Sheriffs of America (MCSA) and the National Sheriff's Association (NSA).

I am currently serving my first term as Sheriff of Los Angeles County and have been in law enforcement for 36 years. I began my career with the Los Angeles Police Department (LAPD) working there for 29 years, where I held every rank from Police Officer to second in command under Chief Bill Bratton. For five years after I left the LAPD, I was the Chief of Police for the City of Long Beach, California before being elected Sheriff of Los Angeles County. Today I run the largest Sheriff's Department in the country where I oversee over 19,000 employees and manage an annual budget of over \$ 3 billion dollars. The Los Angeles County Sheriff's Department provides general law enforcement policing services to 40 contract cities, 90 unincorporated communities, 216 facilities, hospitals, clinics and parks located throughout the County, nine community colleges of the Los Angeles Community College District, the Metropolitan Transit Authority (buses, light rail and Metrolink train service) and the 47 Superior Court Houses of the Los Angeles Superior Court (largest single unified trial court system in the

United States, operating almost 600 courtrooms with more than 500 judges). As part of our court operations we operate the largest enforcement of civil law (evictions, wage garnishments etc) in the United States. LASD also provides services such as laboratories and academy training to other law enforcement agencies within the county. Additionally, LASD operates the largest jail system in the nation and is responsible for securing approximately 18,000 sentenced and pre-sentenced felony and misdemeanor inmates daily in 7 custody facilities which include providing food, education services as well as medical and mental health treatment.

I am a member of two important professional associations that I am representing here today; the Major County Sheriffs of America and the National Sheriff's Association. The MCSA is an association of elected Sheriffs representing our nation's largest counties with populations of 500,000 people or more. Collectively, MCSA members serve over 100 million Americans. The MCSA and NSA have worked diligently on behalf of their member agencies to identify and address challenges facing local law enforcement and are committed to advancing legislative issues that will enhance the safety of our communities.

The challenges facing law enforcement in the 21<sup>st</sup> Century are extremely complex and ever evolving. Some of these are new twists to old problems and some are new, sophisticated challenges that 20 years ago we could not have imagined nor even prepared for. As such, we are struggling to adjust to some very fast paced changes that are challenging our ability to do our jobs and to protect public safety.

**Restoring Public Trust:** High profile incidents like those in Ferguson and other places have rocked public confidence and have exasperated some of the challenges we were already facing.

Our first priority will be to do our best to reach out to our communities and to look at ways that we can restore this community confidence in us and to where we can work with all the stakeholders to find areas where we can better address the issues that we all face that perhaps can use a different formula and different response than we did in years past.

Community engagement requires commitment at all levels in a local law enforcement agency. It requires commitment from agency leadership to reach out and meet with leaders from the diverse communities in their jurisdiction. These relationships are not built overnight, but through dedication and consistency, the relationships become resilient. Trust is built one day at a time. Trust is built one situation at a time. Furthermore, a robust community engagement effort also requires commitment from dedicated engagement units/teams. These supervisors and deputies are the faces of our law enforcement agencies in the community. They attend the events; they host law enforcement-led roundtables; they host citizen academy classes; they teach cultural awareness to other law enforcement officers; and, most importantly, over time, they become the first point of contact for family members, teachers, or coaches if they observe something that is not right.

**Recruitment and Retention:** All law enforcement agencies are facing the problem of hiring and retaining qualified men and women to serve in law enforcement. This crisis is not just a local issue, it effects federal and state agencies. With recent high profile incidents, videos of law enforcement actions going viral, recent targeted assassinations of law enforcement personnel and other negative second guessing of the press and local officials has made recruiting and hiring qualified men and women a real challenge. Combine this with the fact that gone are the days of

finding young men and women who are wanting to take on a career and stay for 30 plus years and you are looking at a serious issue. Added to that is the difficulty of hiring minorities and women, who look at this negative atmosphere, and simply do not find the occupation to be appealing.

Adding more concern is that in many jurisdictions around the country there are either significant pension crisis, and/or pension reform efforts that have, or will have reduced the pension formulas for employees at all level of government service. This also serves as a disincentive and creates a level of future uncertainty in prospective employees.

**Body Worn Cameras:** Fast evolving technology like body worn cameras present new dynamics to policing that could not have been imagined 20 years ago. Although body worn cameras have been around for the last several years a sample done in 2013 funded by the Office of Community Oriented Policing and conducted by the Police Executive Research Forum (PERF) found that 75 percent of law enforcement agencies did not use body worn cameras. That was before the events of the last few years. Recently, some law enforcement agencies have jumped into the body camera experiment based on the perceived benefits for using body-worn cameras, including better evidence documentation and increased accountability and transparency, but a report by the National Institute of Justice (NIJ) notes many other factors that law enforcement executives must consider such as: privacy issues, officer and community concerns, data retention and public disclosure policies, and financial considerations. The costs of implementing body worn cameras include not only the cost of the cameras, but also any ancillary equipment, data storage and management, training, administration and disclosure.

**Social Media:** Social media presents a host of issues and challenges for law enforcement in the 21<sup>st</sup> century from activist organizations sudden protests, gang recruitment tools, terrorism indoctrination, chilling crimes committed live on various social media platforms, to human trafficking, scams, and personal security issues for the public and law enforcement.

Despite the growth of some positive developments in social media, there are some serious threats that law enforcement must address. According to the Department of Justice, ISIS is so adept in its use of social media for propaganda and recruitment that most cases of domestic terrorism can now be traced to social media platforms. This presents enormous challenges for local and state law enforcement. Although the federal government primarily handles the monitoring of such activities, it's local and state law enforcement that ultimately has to deal with the terrorist event as we are the first responders. As I will discuss later in dealing with counter terrorism, we are finding ourselves, outgunned and sometimes completely unaware of the threats in our own neighborhoods.

Another group are anarchists or those who use social media to research peaceful protests and will mix in to turn an ordinary peaceful expression of one's constitutional rights into a melee or riot. This presents a serious challenge for all involved. Anarchists and those opportunists who relish the chaos of such events are not new to the American discourse, but social media has given them a way to coordinate nationwide and reach thousands in a single key stroke.

Law enforcement around the world are seriously behind the curve in both training, equipment and specialists who can monitor and intercept these types of activities before an incident occurs.

Resources are key here, the question comes will there ever be enough.

**Unmanned Aerial Vehicles (UAV):** The use of unmanned aerial vehicles in law enforcement is a growing phenomenon. Many law enforcement agencies are looking at the use of these UAV's as a cheaper replacement to fixed wing aircraft or helicopters now in service, or as a way to get the benefits of fixed wing aircraft or helicopters for a fraction of the cost. Helicopters and other aircraft have been in use commonly by law enforcement since the 1950's. They have been used to assist officers on the ground to see things and get a better operational view of situations on the ground. More and more, they have been used by law enforcement to assist in search and rescue and to help evacuate people in fires and other emergency situations.

However, when law enforcement looked to use UAV's in the same manner as we use helicopters today, a host of objections were raised due to a lack of information about them. In California a state senator introduced legislation a few years ago, looking to prohibit law enforcement from putting missiles or to arm law enforcement UAV's. This state senator who watched how the military was using UAV's wanted to make sure we would not be shooting missiles during car chases or other activity. This kind of misinformation has led to serious challenges and obstacle to law enforcement.

Additionally, the laws have not kept up with the private use of UAV's. Recently, UAV's have flown over fires and other critical emergency operations that have hampered first responders and prevented water carrying helicopters from operation for fear of striking a UAV. These type of scenarios will continue to grow resulting in serious loss of life and or property.

**Encryption:** With the advent of new encryption methods for communications devices, American Law Enforcement is rapidly losing the capability to lawfully obtain information necessary to protect the public from crime and violence. Moreover, advocates for enhanced privacy now seek to impose further barriers and restrictions that prevent law enforcement from obtaining historically lawfully accessible information, even when it's needed to stop violent criminals and to save lives.

Law enforcement officials' ability to lawfully access digital evidence has been severely hamstrung by technological advancements and non-technological barriers to access. We in the law enforcement community find ourselves in a new age where criminals and terrorists enthusiastically operate beyond the confines of the law through encrypted networks, applications and mobile devices.

Law enforcement leaders embrace encryption and respect privacy rights. Police agencies have themselves been the victim of unlawful intrusions, cyber-attacks and the theft of sensitive data. To protect privacy and unreasonable searches, police are trained to follow strict procedures and required by law to obtain court orders when obtaining evidence that is protected. These established laws and procedures have served Americans well, and represent the balance between individual rights and protection of the public.

New measures designed to safeguard data security and privacy have thrown off the balance and have had an unintended result – they prevent local emergency responders from helping persons in danger and apprehending subjects who pose a threat to the public we serve. Both encryption technologies and proposed privacy measures have crossed over the point of balance and go to such extremes that police and sheriffs are prevented from discharging our most fundamental duty – protection of the public.

When sheriffs have a court approved warrant or there is an immediate threat of grave harm, service providers should respond with urgency, but that is not the reality we now face. Until the recent refusal by Apple to assist the FBI with a phone recovered by the San Bernardino terrorists, the public did not realize that police routinely face delay and roadblocks when attempting to obtain information from service providers and cellular device manufacturers – even when that information is needed to save lives and has been directed to be provided through a court order.

**Equipment and facilities:** One huge challenge we face as sheriffs are outdated and aging jail infrastructure. Most of our facilities nationwide were designed in the last century and many like my largest was designed in the 1960's and 1970's. It's mostly taboo to speak about the need for more or new jails as poll after poll has shown that the public is not supportive of funding new jails, but the reality is that we must.

The population that we now house is vastly different than that in the 1950's or even the 1980's. Our jails were mostly built to house misdemeanor inmates for a very short period of time or felony inmates awaiting adjudication. Today's inmates are far more challenging. There are many more suffering from mental illness, which I will go into more depth later. Our inmates are less healthy and we have challenges trying to convert jails to become Americans with Disabilities Act (ADA) compliant which leads to expensive lawsuits and costly retrofits. Many jails were not built with "yard space" nor were they built with classrooms or any proper space to do any type of meaningful rehabilitation. In some states like my own, California has implemented a "realignment" program where due to state prison overcrowding laws were changed so that certain felony convictions are now sentenced to the county jails instead of state prison. We have one inmate sentenced to 26 years in the county jail that was built to house inmates for a few months. We have hundreds of inmates serving more than 5 years in our jail. The average sentence in the Los Angeles County Jail system is 2.6 years.

Our facilities were not designed or built for this type of long term stay. The inmates who are felons are more violent and dangerous than what our facilities were designed for. Many more in need of maximum security cells or special mental health treatment space are instead housed in cells not designed for this purpose.

This is not just a California problem. This is a nationwide problem that is only going to get worse as now we face a growing opioid problem that will again tax our jail infrastructure and challenge the criminal justice system to find the right facilities to house and treat this population that cannot be diverted and are in the system.

Our equipment challenges don't just end at the jail. We also have challenges in dealing with sophisticated and well-armed terrorists domestic and foreign. I will highlight this later on in my testimony, but regular front line law enforcement officers who will engage terrorists such as those in Boston, Orlando or San Bernardino are facing men and women who are armed with high capacity assault rifles, pressure cooker and or pipe bombs, like the type thrown at police in the Boston terror attacks. Today's front line law enforcement officers do not have the body armor to stop an assault weapon nor can our vehicles withstand a hit from a pipe bomb.

We need to find the right combination of providing the protective equipment the modern law enforcement needs and the sensitivity of the public we serve.

**Opioid epidemic:** According to the Centers for Disease Control (CDC) 91 people die every day as a result of an opioid overdose. The CDC states that drug overdose deaths and opioid-involved deaths continue to increase in the United States. The majority of drug overdose deaths (more than six out of ten) involve an opioid. Since 1999, the number of overdose deaths involving opioids quadrupled. From 2000 to 2015 more than half a million-people died from drug overdoses.

This is a staggering number of deaths related to this epidemic and it only is getting worse. Once again according to CDC, from 2002–2013, past month heroin use, past year heroin use, and heroin addiction have all increased among 18-25 year old's. The number of people who started to use heroin in the past year is also trending up. Among new heroin users, approximately three out of four report abusing prescription opioids prior to using heroin. The increased availability, lower price, and increased purity of heroin in the US have been identified as possible contributors to rising rates of heroin use. According to data from the DEA, the amount of heroin seized each year at the southwest border of the United States was approximately 500 kg during 2000–2008. This amount quadrupled to 2,196 kg in 2013. Heroin-related deaths more than tripled between 2010 and 2015, with 12,989 heroin deaths in 2015. The largest increase in overdose deaths from 2014 to 2015 was for those involving synthetic opioids (other than methadone), which rose from 5,544 deaths in 2014 to 9,580 deaths in 2015. One of these synthetic opioids, illegally-made fentanyl, drove the increase. It is often mixed with heroin and/or cocaine as a combination product—with or without the user's knowledge.

In the most recent report from the CDC issued in May of this year, there is now a huge rise in the number of Hepatitis C infections as a direct result of the epidemic. When those infected come into the criminal justice system they are among the most expensive and most challenging inmate to treat and provide health care for.

This is a major health and criminal justice crisis. Not only have we seen a rise in the number of deaths from fentanyl, those that survive the use of these synthetic opioids are another factor in the number of mentally ill we are seeing in our streets, in our criminal justice system, and sadly in our jails.

**Grants:** With an increased threat environment, law enforcement has continually been tasked to do more with less. Cost implications coupled with a heightened security environment is simply unsustainable. In an era of deep budget cuts and lack of federal funding, state and local law

enforcement does not have the necessary funds, and most recently access to necessary lifesaving equipment.

Grant programs such as the State Homeland Security Grant Program (SHSP) and the Urban Areas Security Initiative (UASI) work to address gaps in local agencies capabilities for responding to terrorist threats. Other programs such as the Edward Byrne Memorial Justice Assistance Grant Program (JAG) have a broader focus of providing critical funding to support a range of different program areas. Over the past few fiscal years, law enforcement has seen a steady decline in federal grant funding and most recently, police grants typically have at least a 25% match so the communities in the greatest need due to financial distress do not have the financial ability to accept the grant due to cost implications.

In 1994, the Bureau of Justice Assistance (BJA) began to administer the State Criminal Alien Assistance Program (SCAAP), which “provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the reporting period.”

Despite SCAAP program funding, it does not fully reimburse actual detention costs associated with the incarceration of illegal criminal aliens. Instead, data received by all applicant agencies is combined to determine each applicant’s relative percentage of the total SCAAP allocation. Consequently, it is not uncommon for most agencies to receive SCAAP reimbursement of only a few percentage points of the actual costs incurred. Historically, the total amount of reimbursements received have been drastically reduced every year, especially since 2008. For example, in San Bernardino County, the SCAAP reimbursement in 2008 was \$2,324,814. In 2015, the reimbursement was reduced by over 80% to \$425,559.

**Human Trafficking:** Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Human trafficking affects individuals across the world, including here in the United States, and is commonly regarded as one of the most pressing human rights issues of our time. Human trafficking affects every community in the United States across age, gender, ethnicity, and socio-economic backgrounds.

The crisis that is human trafficking has been a source of concern and effort for the last few years. Over that time, we have seen enormous recognition of the problem, efforts by states to protect juvenile victims of this crime, and very successful coordination by local state and federal law enforcement agencies to work together. But much more can be done. There are still an estimated 14,500 to 17,500 people trafficked in the United States every year.

Recently in Los Angeles County we conducted a joint operation with local police agencies, state agencies and various federal law enforcement agencies. During the three-day statewide operation, the Taskforce arrested 142 individuals on solicitation charges and 36 others on suspicion of trafficking, plus rescued 28 commercially and sexually exploited children and 27 adult victims. To date, the Taskforce has rescued 120 children and 42 adult victims of human trafficking. These efforts complement other county anti-trafficking initiatives, including the Law

Enforcement First Responder Protocol for Commercially Sexually Exploited Children. This important program involves a coordinated multi-agency effort to identify and respond to trafficked minors using a victim-centered approach that avoids arrest and detention and prioritizes services.

This is just a sample of the type of operations that sheriff departments and all law enforcement work on to protect those in our society, but more that needs to be done.

Below are some ideas that could help our efforts to combat this terrible crime.

- **Separate Grant Funding for Sex and Labor Trafficking:** Current grant funding predominantly combines labor and sex trafficking together; however, these two types of investigations and victim needs are distinct and unique. Separate grant funding would allow individual regional teams to specialize and excel in the two distinct crimes and victim needs.
- **Funding for Regional Enforcement Efforts:** Currently, a larger portion of Federal grants are dedicated toward service providers and victim centered programs. Although these programs are vitally important, additional funding is needed to better support basic law enforcement efforts, such as the detection, identification and apprehension of human traffickers as well as the development of an intelligence sharing data platform for human trafficking suspects and victims.
- **Funding to Support Cyber-Based Operations:** As the sex trafficking industry continues to gravitate from the sidewalk to the cyber world, the demand for more current technology and investigative technological expertise increases. Federal funding to support the purchase of electronic devices and training for this aspect of trafficking enforcement is vital for law enforcement to keep pace with current cyber enforcement techniques and procedures for enforcing trafficking violations that are perpetuated on.

**Terrorism:** Acts of domestic or foreign inspired terrorism has become a reality in the way we live in America. From the attacks on 9/11 to the attacks in Orlando, San Bernardino, or Boston just to name a few, the law enforcement community must be prepared to be not only the first responder, but also build trust among the local communities that may provide the tip of an upcoming terrorist attack. Former FBI director Comey testified earlier this month that there were some 1,000 home grown violent extremist investigations ongoing, and “some 2,000 plus” cases of people in contact with terrorists abroad. Simply put, the FBI does not have the kind of resources to monitor each and every one of these people and if or when they decide to act, it is not usually the FBI that is the first responder, but instead local and state law enforcement.

As I stated earlier, standard issue vests and fleet patrol cars are no match for high powered assault weapons, pipe bombs or worse. The importance of the 1033 program is critical to providing the nation’s first responders with the equipment and supplies to ensure public safety.

The Law Enforcement Support Office (LESO) military surplus and federal grant programs are examples of a good partnership between the federal government and local government entities. It

is fiscally responsible and assists in equipping our nation's law enforcement with equipment that saves lives. In areas of our nation that are fiscally stressed, it is potentially the only way their law enforcement officers would ever receive that type of support. The transfer of equipment from federal inventory saves taxpayers a significant amount of money, simply because federal surplus items have already been purchased once. In fact, many of the same items that they receive through federal assistance programs have been used by law enforcement agencies for decades.

Through executive action and not legislation, the Obama administration recalled certain 1033 controlled military surplus equipment. While the ultimate goals of law enforcement remain the same: to protect the public; to solve, deter and respond to criminal acts; and to enforce the law in a responsible and constitutional manner, the Administration sought to inappropriately legislate through perception at the cost of public safety.

In San Bernardino, all items obtained through the 1033 program by the Sheriff's Office are used solely by specialized divisions and personnel. Prior to acceptance of this equipment, it receives Board of Supervisor's approval.

The recall of certain types of controlled equipment will undoubtedly leave America's law enforcement less prepared and at a disadvantage to protect local communities against terror attacks and dangerous situations.

**Mental Health:** This is one of the fastest growing and most challenging issues facing law enforcement in this century. I have already laid out some of my concerns about this in other parts of my testimony concerning the growing numbers and the inadequate facilities, but now I want to bring it full circle.

Ever since the deinstitutionalization of the mentally ill that occurred in the 1960's jails and prisons have become the defacto mental health hospitals, and front line law enforcement officers have become the option of last resort for many of those suffering from mental health issues.

We have talked about the statistics for years. We in Los Angeles County for instance, used to tell everyone who would listen that our jail was the largest mental health care provider in the nation. That is a failure of the criminal justice system nationwide.

The problem has existed for years and is now getting worse. Almost 1/3 of my jail population suffers from some sort of mental health issue. On any given day upwards of 5,000 inmates are in need of treatment. As I stated earlier in my testimony, our facilities were not designed for this population and we certainly do not have the proper space to treat these inmates/patients, nor do we have the adequate number of mental health professions to provide proper care.

Every city and county in America needs help. Here is how.

We need to reexamine how first responders approach and deal with people having a mental health crisis. Sheriff's deputies and police officers with little to no training in mental health treatment or co-occurring substance abuse disorders respond to a call for service, then once on scene have no place to take a person other than jail is nothing more than a failure of the system.

Are there times when jail is the best or most appropriate option? Yes, but it is our experience that those may be few and far between.

The first step is to provide Crisis Intervention Training to all first responders, both law enforcement and fire department personnel (paramedics). This training brings together law enforcement, first responders, mental health professionals and those with mental health issues to better understand and deal with those in crisis.

The second step is to begin a nationwide expansion of a highly successful program of teaming up mental health professionals with law enforcement officers that work as an intercept first responder team. In Los Angeles County for instance we have had these teams since the 1990's. Some other major cities and counties throughout the nation have some variation of this program and they are highly successful, but seriously overworked and understaffed. Most cities and counties that operate such a program cannot provide the service 24-7 and in many places because of the geography it becomes very difficult to respond in a timely manner. However, in our experience when a team such as this is called to a scene, we have been able to divert the individual away from the criminal justice system and into proper mental health treatment facilities in 99% of the encounters. We have just obtained critical funding from our County to expand this program to provide for more teams and more coverage. In Los Angeles County alone in areas policed by the sheriff's department, 911 calls involving people with mental illness have grown 55% since 2010.

In order to address this increase nationwide calls for service we, like other jurisdictions, need more resources to expand these teams and we need help to expand proper mental health treatment centers.

The third step, is diversion. That would include better training of district and city attorneys as well as defense attorneys. There should also be dedicated mental health courts that could recommend better options for those in suffering from mental illness than jail or prison.

Lastly, we need to have an adult conversation about what to do with those suffering from mental illness that do end up in the criminal justice system and in our jails and prisons. As I stated earlier, our facilities across the nation are not built for, nor were designed to, house this type of population let alone provide treatment. We as a nation need to see clearly that not everyone suffering from mental illness or other disabilities can be diverted and that some will end up in our jails. As such, we need to provide the most humane, modern and safest setting for them, so they can receive the treatment and help they need.

I want to thank the Subcommittee and its staff for all of their hard work and for affording me the opportunity to testify before you today. The MCSA and NSA seek to be a positive sources of ideas and I thank the Chairman for his commitment to collaboration and willingness to engage local law enforcement.