

# **Changing the Narrative: Effective Representation of Law Enforcement Clients**

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## **REPRESENTING YOUR LAW ENFORCEMENT CLIENTS IN THE COURTROOM AND BEYOND**

Representing law enforcement clients effectively requires a multifaceted approach that extends beyond the courtroom. Lawyers who work with law enforcement agencies must navigate legal complexities while also managing public perception, community relations, and legislative matters. Lawyers represent their clients in the following domains:

### **1. Courtroom Representation:**

- **Thorough Preparation:** Lawyers must diligently prepare for each case, understanding all relevant laws, precedents, and evidence.
- **Effective Communication:** Clearly and persuasively communicate the facts of the case to judges and juries, ensuring the best possible presentation.
- **Understanding Police Procedures:** Familiarize themselves with law enforcement protocols, practices, and training, enabling them to explain the reasoning behind officers' actions when necessary.

### **2. Media Relations:**

- **Proactive Communication:** Establish a consistent and transparent

channel of communication with the media to ensure accurate reporting of events.

- Addressing Concerns: Respond promptly to media inquiries and public concerns with sensitivity and respect, fostering trust and credibility.
- Managing Crisis: In times of controversy or crisis, lawyers should work closely with law enforcement agencies to develop a cohesive public relations strategy to mitigate damage and maintain public trust.

### **3. Community Engagement:**

- Listening and Dialogue: Engage with community members to understand their concerns and experiences related to law enforcement and address these issues constructively.
- Community Outreach: Organize outreach programs, town halls, and workshops to foster positive relationships between law enforcement and the public.
- Promoting Transparency: Advocate for increased transparency within law enforcement agencies to build trust and accountability.

### **4. Legislative Advocacy:**

- Policy Expertise: Stay informed about legislative developments and propose changes that could benefit law enforcement agencies and the communities they serve.
- Collaboration: Work with lawmakers and community leaders to shape legislation that addresses the needs and concerns of both law enforcement and the public.
- Education: Educate legislators about the complexities and challenges faced by law enforcement, helping them make informed decisions on relevant issues.

## **5. Conflict Resolution and Mediation:**

- Mediation Skills: When appropriate, encourage alternative dispute resolution methods to resolve conflicts outside of the courtroom, fostering positive community relationships.
- Negotiation: Negotiate with opposing parties to find mutually beneficial solutions rather than resorting to adversarial approaches whenever possible.

## **6. Professional Ethics:**

- Upholding Integrity: Maintain the highest ethical standards and ensure that the conduct of law enforcement clients aligns with legal and professional norms.
- Balance of Interests: Advocate for the interests of law enforcement clients while also acknowledging and respecting the rights and concerns of the public.

Ultimately, effective representation of law enforcement clients involves a delicate balance between legal expertise, effective communication, empathy, and a commitment to fostering positive relationships between law enforcement and the communities they serve. By employing these strategies, lawyers can better navigate the complex landscape of representing law enforcement clients in multiple contexts and contribute to a more just and equitable system.

## **STRATEGIES YOU CAN USE TO WORK WITH YOUR LAW ENFORCEMENT CLIENTS**

Representing law enforcement clients effectively goes beyond just courtroom advocacy. Lawyers representing law enforcement must consider their role in the media, the community, and the legislative process to better serve their clients' interests. Here are some key strategies to achieve this:

### **1. Transparency, Open Communications and Accountability:**

Promote transparency and accountability within law enforcement agencies. Encourage clients to be forthcoming about their actions and demonstrate a commitment to addressing any misconduct or errors. This can foster public trust and support. Encourage your law enforcement clients to proactively share information about their activities, policies, and initiatives. Encourage the use of data-driven practices and transparency in reporting statistics related to law enforcement activities. Clear data can help debunk misconceptions and support their actions with evidence. This can help build trust with the community and minimize misunderstandings.

### **2. Community Engagement:**

Encourage law enforcement clients to engage with the community regularly. Building positive relationships with the public can help improve community perceptions and allow law enforcement to address concerns more effectively.

### **3. Training and Education:**

Advocate for comprehensive training for law enforcement officers on matters such as de-escalation techniques, cultural sensitivity, and communication skills. Well-trained officers are less likely to face legal challenges, and it reflects positively on the agency. Organize workshops, town halls, or community forums where law enforcement officers can engage with the public. These events can help bridge the gap between law enforcement and the community and dispel misconceptions about their roles.

### **4. Media Relations:**

Develop a proactive media strategy to disseminate accurate and timely information about law enforcement actions. This can counter misinformation and prevent the spread of rumors, which may harm the agency's reputation. Develop a strong media relations strategy to handle both routine communication and crisis situations. Ensure that law enforcement agencies are equipped to respond promptly and accurately to media inquiries, addressing concerns with empathy and clarity.

### **5. Crisis Management:**

Support efforts to provide law enforcement officers with crisis intervention training. This equips them to handle challenging situations involving mental health issues with more empathy and de-escalation techniques. Have a crisis management plan in place for potential incidents that may attract media attention or community backlash. A well-prepared response can mitigate damage and maintain public confidence.

## **6. Legislative Advocacy:**

Stay informed about proposed legislation that could impact law enforcement operations. Advocate for laws that support their clients' missions while respecting the rights and needs of the community. Engage with lawmakers and provide expert insights on law enforcement matters. Participate in the legislative process to advocate for laws that support law enforcement's objectives and protect their interests. Lawyers can work with policymakers to shape legislation that is fair and beneficial to both the community and law enforcement.

## **7. Collaboration with Community Organizations:**

Work with community organizations and leaders to address concerns and find common ground. Lawyers can facilitate dialogues that lead to understanding and bridge the gap between law enforcement and the public. Facilitate partnerships between law enforcement agencies and community organizations. Collaborative efforts can lead to more effective solutions for local issues and foster a sense of shared responsibility.

## **8. Ethical Representation:**

Uphold the highest ethical standards in all aspects of representation. Demonstrating integrity and professionalism enhances credibility and trust in both the lawyer and the law enforcement client. Emphasize the importance of maintaining high ethical standards and professionalism within law enforcement agencies. Demonstrating commitment to integrity can enhance public trust.

## **9. Sensitivity to Social Issues:**

Stay informed about social issues and public sentiment. Lawyers should be aware of current events and how they may impact law enforcement practices and public perception. Advocate for the establishment of mechanisms that allow community members to provide feedback and voice their concerns about law enforcement practices. This shows a willingness to listen and adapt to community needs.

## **10. Diversity and Inclusion:**

Encourage law enforcement clients to promote cultural competence and diversity within their agencies. This can help in understanding and addressing the unique concerns of various communities they serve.

Encourage diversity and inclusion within law enforcement agencies. A diverse workforce can help build trust and understanding within the community and improve communication.

## **11. Post-Incident Support:**

Provide support to law enforcement officers involved in critical incidents, such as officer-involved shootings. This includes legal representation, counseling, and guidance to navigate the aftermath.

## **12. Preventative Measures:**

Advise law enforcement clients on proactive measures to prevent potential legal issues or controversies. This can include policy reviews, internal investigations, and risk assessments. These can help reduce incidents and improve public perception.

### **13. Use of social media:**

Help law enforcement clients leverage social media platforms to share positive stories, community engagement initiatives, and achievements. This can counteract negative narratives and build a more balanced public perception.

By taking a comprehensive approach to representing their lawyers can assist law enforcement clients in building positive relationships with the media, the community, and legislative bodies. Through proactive communication, transparency, and community engagement, they can help shape a more constructive narrative surrounding law enforcement while promoting public safety and trust. By adopting these strategies, lawyers representing law enforcement clients can better serve their clients' interests and contribute to improving relationships between law enforcement agencies and the communities they serve. Effective representation involves not only winning cases in court but also fostering positive interactions and communication in various spheres of influence in the community.

#### **SOME EXAMPLES OF THESE STRATEGIES AT WORK**

##### **1. Transparency, Open Communications and Accountability- Body Worn Cameras:**

One of the most significant Examples of Transparency and open communication is the increasing adoption of Body Worn cameras. Resulting in

- Reducing Use of Force incidents
- Improved accountability
- Enhancing public trust



- Evidence in court
- Training and performance improvement

A law enforcement client must work closely with their attorney to ensure that not only are the legal interests of the client protected, but the public perception of that law enforcement client does not suffer as the result of a violent encounter captured on body camera footage.

The timing and method for the release of the footage is certainly debatable, but the release of the footage sooner is being mandated across jurisdictions to build community trust. Many departments have now mandated the release of this video within set time periods following violent incidents to help foster transparency and accountability.

- Fort Worth Police Department – timeline for release 72 hours
- Dallas Police Department – timeline for release 72 hours
- Austin Police Department - timeline for release 60 days
- Arlington Police Department - timeline for release 24-48 hours

## **2. Community Engagement through Community Policing:**

Encourage your law enforcement departments to have a Community Policing Division within the department. Community policing enhances the department's connection to the community in a positive manner. The Foundation for a successful community policing department is just getting out in the neighborhoods and knocking on doors, talking to people, spending time at community meetings, neighborhood association meetings, visiting Elderly facilities. Fostering law enforcement interactions that are positive.

## **A. Objectives of Community Policing:**

One of the main objectives in Community Policing is building an alliance with the community. The Community Policing officer shall introduce themselves to the community. Getting out of their units and walking up to members of the community is essential. Bicycles may also be used as a method of introducing themselves to the community. The officers shall ask community members what their problems and/or concerns are within the community. Officers should show sympathy and compassion for the community no matter how small the problem may seem to the officer. Officers should ask the community for input on how the Officer can help resolve the problem. Officers shall make every effort in attempting to resolve the community's problem. Officers will supply the community with a cell phone number so that the officers may be contacted while in the field. The Officers shall advise the community to contact them with any non-emergency problems that may occur.

Additionally, they serve to build a better community. Policing objectives are to identify and help solve the problems within the community. The community's problems may not be what the law enforcement office believes are the biggest problems in the community, but to the community, it is important. It is the officer's job to help solve these problems such as: abandoned vehicles, abandoned buildings/residences, non-working streetlights, unsightly yards, etc.

It will be the Community Policing deputy's responsibility to help resolve these problems by:

- Removing abandoned vehicles

- Sealing abandoned buildings
- Repairing streetlights or adding streetlights to poorly lit areas
- Cleaning unsightly yards and fields

Misdemeanor crime related problems such as traffic control, loud noise/music complaint, loitering, etc. will be taken care of by the Community Policing Officers. The officer may issue verbal warnings or citations to resolve these problems. Major crime-related problems such as: burglary, theft, drug activity, prostitution, etc. will be forwarded to the detective bureau for further investigation. The Community Policing Unit, with the assistance of the community, will attempt to identify the violators of these crimes.

Officers can earn the trust of the community by helping them solve problems. With the earned trust of the community, officers will be able to get more information from the community on the major crimes and whereabouts of violators. As the community gives information of illegal activity to the law enforcement Office, the alliance between the community and the law enforcement Office will grow stronger as we help each other solve these problems.

## **B. Duties/ Assignment for a Community Policing Officer:**

- Introduce yourself to the community and build an alliance with them.
- Attend community meetings and listen to the community's concerns.
- Provide and teach various information to the kids and administrators at the school in the parish.

- Form a partnership with companies, businesses, and other agencies throughout the parish.
- Speak in front of large and small groups on a variety of topics.
- Patrol the community via car, bicycle, or foot.
- Assist the on duty shifts with calls for service.
- Enforce the laws.
- Conduct field interviews.
- Input all contact information into the Sheriff's Office database (field interview system, arrestee system, etc.).
- Provide the community with the highest quality of police service.
- Always be professional and courteous.

**C. Popular Departmental community events orchestrated by Community Policing:**

- Trick or treating at law enforcement headquarters or a substation.
- Holiday gatherings for the members of the public at headquarters or a substation
- Easter egg drop out of the helicopter.
- At least Monthly Go to neighborhoods and talk to neighbors and kids with popcorn machine.
- Shop with a cop at Christmas time
- Back to school events
- Veteran events
- Summer Camp visits to a substation or to see police equipment.
- Faith and Blue - partnering with Churches to have community events.

**3. Media/Social Media Relations through a Departmental Public Information Officer**

A departmental public information officer is beneficial to any law enforcement Department. That public information officer should work hand in hand with the department's attorney for media statements made on behalf of the Department.

You should encourage your law enforcement client to recognize that media is not something that a department should start engaging in after a crisis. A Departmental proactive media presence coupled with a relationship built up over time between the Department and the local media is a critical factor to keeping a department in a positive light with its media presence.

In addition to the relationship with traditional media the department should have an agency website, Facebook, and X (formerly Twitter) maintained by the Public information officer for a consistent and cohesive messaging.

#### **A. Suggested website content:**

- Contact information for all departments.
- Public record request portal
- "How to" and public tools information
- Statements about "who we are."
- How to participate
  - Reserves
  - Reporting
  - Volunteers
- Suggestions for improvement/praise
- Recruitment & job opportunities pages

- Crime reporting and tips.

### **B. Suggested Facebook strategies:**

- maintained and relevant
- Providing information on events held and to be held.
- Photographs
- Community policing events
- Providing notices of community information

### **C. Suggested X (formerly Twitter) Strategies:**

- Emergency alerts
- Amber alerts
- Public feedback
- Community partnership highlights
- Education and Awareness
- Transparency
- Traffic updates
- Crime updates
- Wanted persons.
- Event promotion
- Recruitment

## **4. Legislative Advocacy-An attorney's access to information can be invaluable in this area:**

No one in this group can downplay the impact of Legislative advocacy on defending law enforcement clients. State's legislatures have been particularly active in addressing policing policy since George Floyd was

killed in May 2020. From May 2020 to May 2022 more than 4,500 bills were considered by legislatures across the country—marking states taking a significant new role in law enforcement policy, accountability, and oversight. An attorney can stay informed and keep their law enforcement client's informed of legislation through the following non-exclusive lists:

- Maintain activity with legal Groups such as the FDCC help to educate lawyers on issues being raised in other jurisdictions.
- Newsletters
- Legal publications
- Law journals
- Legal blogs
- Bar Associations
- Continuing legal education
- Networking
- Governmental relations
- Industry groups
- Online forums
- RSS feeds
- Practice management software that tracks legislative updates
- Podcasts and webinars

## **5. Collaboration with Community Organizations involving public/private arrangements:**

One Example of collaborating with community organizations is to enter public private partnerships with non-profit community organizations to help address crime related issues through a collaborative process by entering MOUs or CEAs. These relationships build stronger community support and demonstrate how law enforcement is serving the community

and helping to protect the community, not just making arrests and incarcerating individuals.

Attached are examples of a law enforcement agency Memorandum of Understanding and/or Cooperative Endeavor Agreements evidencing public private agreements that when entered into helps to foster a more positive public perception of law enforcement and its place in the community.

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