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Operator: Good day and welcome to the President's Commission on Law Enforcement and the Administration of Justice Conference Call. At this time, I would like to turn the conference over to Director, Phil Keith. Please go ahead.

Phil Keith: Thank you and good afternoon, and thank you for joining us today. I call the President's Commission on Law Enforcement and Administration of Justice to order. On behalf of Attorney General Barr, we thank you for joining us today for this important commission teleconference meeting.

Certainly hope that everyone had a healthy and safe Easter weekend. We also appreciate your continued patience and understanding as we continue to work on the commission.

We're starting our fourth week of teleconferences and we've just - they will continue this method of convening through the remainder of April and perhaps into May. As the landscape changes, we will certainly keep you informed to the best of our ability.

And on to business. So, the commission at this point, I would ask Executive Director, Dean Kueter, to conduct the roll call of commissioners.

Dean Kueter: Thank you, Mr. Chairman. And before I call the roll, I just, once again, like to remind

everyone that this event today is open to the press. And for any members of the media on the phone call, if you have any questions or need clarification on anything, please contact Kristina Mastropasqua in the Justice Department's Public Affairs Office.

And with that, I'll begin the roll. Commissioner Bowdich? Commissioner Clemmons?
Commissioner Evans?

D. Christopher Evans: Here.

Dean Kueter: Commissioner Frazier? Commissioner Gualtieri?

Robert Gualtieri: I'm here.

Dean Kueter: Commissioner Hawkins? Commissioner Lombardo?

Regina Regina Lombardo: Here, Dean. Thank you.

Dean Kueter: Commissioner MacDonald?

Erica MacDonald: Good afternoon. Present.

Dean Kueter: Commissioner Moody?

Ashley Moody: I'm here.

Dean Kueter: Commissioner Parr?

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price?

Craig Price: Good afternoon. I'm here.

Dean Kueter: Commissioner Ramsay?

Gordon Ramsay: Here.

Dean Kueter: Commissioner Rausch?

David B. Rausch: I'm here.

Dean Kueter: Commissioner Samaniego?

John Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood?

James Smallwood: Here.

Dean Kueter: Vice Chair Sullivan?

Katie Sullivan: Here.

Dean Kueter: And Commissioner Washington?

Donald W. Washington: Here.

Dean Kueter: That concludes the roll call, Mr. Chairman.

Phil Keith: Thank you, Dean. Can everyone hear on this call? Anyone breaking up on the call?

Okay, thank you. Any other announcements, Dean?

Dean Kueter: No, sir, we're good to go.

Phil Keith: Thank you. Our focus this week continues to be on crime reduction and today we're going to be discussing a troubling topic of domestic violence and sexual assault. All the commissioners should have agendas and bios for this week and we will post the testimonies as soon as we've received them. Again, I appreciate your patience as we continue to adjust based on the challenges we experience.

As we have previously done, we encourage commissioners to take notes during the panels and we will open up questions at the end of the testimony.

Our first distinguished panelist is Director Matthew Gamette, Laboratory System Director for the Idaho State Police Forensic Services. Director Gamette, thank you for joining us today. You're now recognized.

Matthew Gamette: Thank you. My name is Matthew Gamette and I am a Laboratory System Director

for the Idaho State Police Forensic Services. I oversee three regional laboratories and over 50 scientists and staff. I currently chair the Consortium of Forensic Science Organizations representing over 21,000 forensic science practitioners and am immediate past-president of the American Society of Crime Laboratory Directors.

I have worked as a forensic scientist for 18 years. I will talk today regarding forensic labs and law enforcement working collaboratively on domestic abuse and sexual assault investigations and focus on four key areas of recommendations.

The first key area is meeting the resource needs of forensic providers. As identified in the NIJ 2019 Forensic Lab Needs Assessment Report to Congress, forensic labs require a minimum of an additional \$640 million annually to balance incoming requests with reports.

I recommend that the President's budget make an even greater financial investment in forensic science. Grants such as Coverdell and CEBR must be authorized and appropriated at higher levels. And traditional law enforcement grants such as Byrne JAG should be increased and made more available to forensic labs.

Law enforcement investigators need more access to forensic labs and disciplines. We are losing the ability to perform disciplines such as trace analysis because they're expensive. So investigators, in many instances, are not trained to collect those types of evidence and courts do not have it to consider.

I recommend not only funding instrumentation and personnel for these withering forensic disciplines, but national training centers and programs to ensure properly trained forensic examiners.

I recommend comprehensive forensic evidence collection and packaging training programs for law enforcement taught by forensic science practitioners. Forensic scientists can train officers at POST or through partnerships like the OJP funded RISS network.

Officers must also know what services their lab can provide. Further, as technology is more transferred into field applications, scientists must work collaboratively with law enforcement for implementation.

The most successful and quality applications of field instrumentation for drug detection, DNA, and breath alcohol are highly coordinated with scientists. I recommend that we develop easier ways for officers to ask questions of lab scientists in real-time. This requires cultural change and technology. Backlogs are real and require resources.

Right now, in this country, for every one case we report, we get 1.5 cases back into the laboratory. To solve DNA backlogs, we need more scientists, bigger facilities, and funding. Turnaround time is directly proportional to lab staffing. I recommend using tools like the NIJ WVU FORESIGHT tool that calculates how many lab staff are needed to produce a desired turnaround time. Getting better lab turnaround times speeds investigations and reduces recidivism.

Controlling backlogs also requires controlling intake. I recommend evaluating submission policies with labs collaboratively to determine what is needed for investigation and prosecution. I cannot emphasize enough the importance of meeting in triage teams with the lab, investigators, and prosecutors participating collaboratively in the evidence selection process.

A paramount recommendation is the development of electronic data exchange between the law

enforcement, the lab, and court case management systems. Labs need to know when cases are no longer being investigated or prosecuted so they can stop work on one case and move onto the next critical case.

The second set of recommendations is for sexual assault response. I recommend that each state have a working group, more trained SANE and SART teams, and funding for state-level SANE and SART coordinators.

Evidence collection must be done by trained nurses to maintain the best evidence. Every state should have a mechanism to notify survivors of their kit location and testing status. Each state must have a sexual assault kit tracking system, perform an independent audit of how many kits they have, where those kits are located, and the lab status of every kit.

At least 60,000 kits still exist in the United States that have still not been submitted for testing. Laws for kit collection, testing, and retention in most states are confusing for law enforcement and forensic labs. Labs are often required to decide if it is appropriate to test a kit when federal law protects the right of a survivor not to report a crime, yet some state laws still require kit testing.

The lab should not be the arbiter of the law, potentially violating either state or federal statute. I recommend national standardization of these kits to SAFER working group recommendations to eliminate state-to-state variations of kit components.

We must consider all forensic disciplines, like standard toxicology testing for drug-facilitated sexual assault, not just DNA analysis. For productivity and speed, labs are processing kits for DNA in an assembly-line format or outsourcing those kits to private labs. Most labs are limiting the number of samples tested per kit. We must develop lab infrastructure to process all kits, test

all probative evidence in each kit, and ensure each eligible sample is entered into CODIS. CODIS entry can only be done in public laboratories.

Finally, there must be more robust documentation of law enforcement actions to follow up and resolve CODIS hits.

The third recommendation is criminal intelligence. Forensics labs have an incredible amount of actionable and time-relative data. The recommendations of the recent OJP report on Promising Practices in Forensic Lab Intelligence should be highly considered by this group.

Data is available that is not being leveraged to predict emerging drug threats, gun crime, DUI driving trends, et cetera. I recommend focus groups to develop infrastructure that share this data from labs with fusion centers, HIDTA's, and state and federal agencies. Labs play a critical but mostly unexplored role in criminal intelligence.

The fourth set of recommendations is related to quality assurance and risk management. Since the vast majority of forensic science is performed in the nation's state and local law enforcement agencies, this commission should recommend that states require accreditation of forensic providers and certification of forensic scientists. This includes recommending funding to educate, train and competency test all forensic practitioners.

Part of the accreditation is implementation of evolving international and national standards in the lab protocols. A particular concern is accreditation in the growing world of digital forensic laboratories that are critical in the investigation and prosecution of domestic violence and sexual assault cases.

Finally, this commission should recommend more federal research and development funding and a federal research strategy for forensic science in the United States. Most forensic science laboratories cannot do foundational or applied research or technology transfer. More must be done on the federal level to support the practice of forensic science by bolstering foundational research and finding more efficient ways to implement validated technologies in the laboratory.

I appreciate the time that I've had to present today and the attention of the commission to these important issues.

Phil Keith: Thank you, Director Gamette for your valuable testimony and your service. Our next panelist is Kim Garrett who is the CEO of Palomar which is Oklahoma City's Family Justice Center. Miss Garrett, thank you for joining us today. You're recognized.

Kim Garrett: Thank you for this opportunity. My name is Kim Garrett. I'm the CEO and founder of Palomar. I'm a licensed, mastered social worker with 20 years experience in working with crime victims, and I've worked within two law enforcement agencies -- Oklahoma City Police Department and Reno Police Department.

The impact of domestic violence is significant. We know that in the U.S. there are more than 10 million victims annually of domestic violence. And in 2018, Harvard declared domestic violence a U.S. public health epidemic.

We know that you cannot have safe communities if you do not have safe homes, and domestic violent crimes have a tremendous fiscal impact on law enforcement agencies. A conservative estimate in Oklahoma City showed a fiscal impact of over \$9 million in one year for dispatch, patrol, crime scene investigation, homicide, detectives, and other resources.

And while those costs are significant, it does not include incarceration, social services, and the long-term impact on families and children.

We know that 75% of children who witness domestic violence will grow up to repeat the same behavior. If one person in the family chooses to use violence, within four generations, 18 people will continue the cycle.

Generational violence is multiplying rapidly and it's too big of an issue for any one profession to combat alone. So, we've got to come together to improve outcomes.

The family justice center model began in San Diego in 2002 and rapidly grew into a best practice and evidence-based model. And there are over 130 family justice centers across the United States.

In 2015, Oklahoma City Police Department brought agencies together, under one roof, to form the first integrative collaborative in our community to help victims of domestic violence, sexual assault, stalking.

Law enforcement's leadership was directly related to our level of success and the city recently approved a \$38 million expansion for this model.

Prior to our development, many of these professionals had never worked together, or even met, despite the fact that they worked on the same cases. Agencies were giving out brochures and phone numbers for coordinating services. And families were unintentionally falling through the cracks, creating more cases.

Our collaborative model brought diverse professionals together such as prosecutors, child and animal welfare, mental health, local police departments, sheriff's office, the U.S. Attorney's office, U.S. Marshalls, ATF and dozens of non-profits including advocacies, civil/legal groups, food and basic needs, child care, therapy, and medical and forensic services into one building working collaboratively.

Partners have said that what used to take seven weeks of coordinating between professionals now takes seven minutes, thanks to physically working in the same location. High-risk team meetings are conducted regularly to ensure rapid collective response on cases with high legality.

And the outcomes we've seen to date are undeniable. With on-site forensic exams and support services for survivors, detectives have improved casework with an increase of 38% of cases being filed with the district attorney's office.

We've seen an 8.4% reduction in domestic-related calls to 911. And literally, lives have been saved. For the past 20 years, Oklahoma's consistently ranked in the top worst states for women killed by men. And in 2018, we went down to 20th, our best ranking ever.

We know that violence is predictable. And if it's predictable, it's preventable. It's a matter of resources and priorities.

So, my recommendation number one is family justice center models need to be elevated as a priority for long-term federal funding, ideally develop funding opportunities specifically for multi-agency teams within a family justice center to create new positions including a prosecutor, therapist, civil/legal attorney, detective, and advocate.

Recommendation number two is develop shared consent to share information. For victims who choose to get wraparound services in a collaborative model, there should be an option of shared consent.

Current federal funding policies and rules are not written in consideration of collaborative models. At the same time, while federal funding required many agencies to collaborate, they have direct policies preventing or greatly restricting information sharing.

We recently had a triple homicide in our state that was domestic-related. ATF reached out to advocates to see if the victim disclosed anything that could be helpful in their investigation.

Advocates could not have predicted this request. And since they did not specifically have a release for ATF, they could not share information.

We recommend the federal level develops a task force of diverse leaders from professions who interface with crime victims including law enforcement, attorneys, medical, advocates, and therapists, and work together to develop a shared informed consent for collaborative models.

My third recommendation is increasing federal resources to support state efforts in combatting domestic violence through "Project Safe Neighborhoods", or PSN.

Oklahoma County has a high prosecution caseload with 1800 domestic cases being filed in 2018. They only have three state prosecutors.

We expanded our partnerships to a federal level and reached out to the U.S. Attorneys' office,

Western District, in May of 2018. They found Title 18, Section 922, which federally prohibits domestic violence abusers who are subject to a victim protective order or have been previously convicted of a misdemeanor of domestic violence, from possessing a firearm. This is significant as the presence of a gun in a domestic violent situation increases the risk of a homicide by 500%.

At the same time, the U.S. Attorneys' offices were tasked with revitalizing PSN, a grant to reduce violent crime. "Operation 922" was born and brought together -- AUSA's, ATF, U.S. Marshalls, local law enforcement, state prosecutors, and non-profit advocates.

PSN funds have been used to pay for a state prosecutor who is cross-deputized as an AUSA. And other money was used to cross designate a law enforcement officer with ATF.

Outcomes to date include 99 cases charged, 85 guilty with an average sentence of 81 months. Thirty-five percent of those offenders were known gang members and they've seized over 153 firearms.

There are dozens of successes and lives have been saved because of this partnership. Since federal entities can move for detention immediately until trial, defendants are not able to bail-out and harass, intimidate or injure their victims.

Further, since the prosecution is based on possession of the weapon, you do not need to have a victim cooperate or testify, thus it reduces their trauma while simultaneously increasing their safety.

I recommend increasing federal resources to support state and local efforts through "Project Safe Neighborhoods."

Thank you for your time and consideration and feel free to contact me if you need more information.

Phil Keith: Thank you, Ms. Garrett, for your informative testimony and service to the Oklahoma City community. Our next panelist is Mr. Richard Hertel, who is the elected Prosecuting Attorney for Ripley County, the 80th Judicial Circuit in Indiana. Thank you, Mr. Hertel, for joining us. You're recognized.

Richard Hertel: Thank you, Mr. Commissioner. My name is Rick Hertel. I am the Prosecuting Attorney in Ripley County, southeast Indiana. My jurisdiction is rather rural and small, about 30,000 people. We only have four attorneys in the office. I try a lot of cases. My jury trials' about 85 at this point in time. I do a fair amount of teaching throughout the country for state organizations as well as the National District Attorneys Association.

I screen cases, I meet with victims. I handle arraignments, plea hearings, sentencings, the whole gamut at this point in time with the small office that I work in.

Just briefly, domestic violence cases are obviously very different. I don't mean to reiterate some of the things that the group knows at this point in time, but in domestic violence cases, we are dealing with much more witness intimidation than generalized crimes. We're dealing with a power and control dynamic that is not in any other types of crimes.

Many times -- in fact, most times -- the victim still is in love and loyal to his or her perpetrator. We're dealing with recantation and we're dealing with the idea of evidence-based prosecution.

Sex assault is also very different because we're dealing with an acquaintance, a friend, or often an intimate partner. The weapons here are drugs or alcohol instead of knives or guns. An understanding of trauma and the neurobiology of trauma is extremely important.

Moving along to my recommendations. There are 10 of them. I have supplied the commission with those in writing at this point in time. Not to read through those, but to summarize them.

Number One: enhance training for law enforcement responding to domestic violence. In order to get victims onboard with their prosecution, we've got to train police officers about domestic violence, having them understand that dynamic. We've got to teach them to be meticulous in collecting evidence, to gathering witness statements, because the key to prosecuting these successfully is getting the victim to cooperate. And if they won't cooperate, to corroborate their testimony in some way, shape or form.

I've listed a couple of ideas out and that's the pretext phone calls, having the victims, at times, make a phone call to his or her perpetrator, monitoring defendants' jail calls, reading the letters and emails going out of the jail, and working with the medical component as well to talk about injury or lack of injury. The corroboration is the key.

Recommendation Number Two: development of specialized prosecutors or law enforcement responding to domestic violence or sexual violence. And coming from a group of only four attorneys in the office, how do I make a unit of that? Well, the unit may be of one person, but maybe that person then handles all of the sexual violence, all of the domestic violence, the human trafficking as well as the child abuse cases.

We've got to teach these prosecutors and the law enforcement community all about the trauma and the neurobiology of trauma, finding relevant evidence, keeping the victims engaged and

dispelling myths about sexual violence.

The key is training these prosecutors and creating these units to handle, specifically, these types of crimes as opposed to general crimes, even in the small jurisdictions like mine.

Recommendation Number Three: commit to trauma and inform victim-centered and offender-focused sexual and domestic violence prosecution. We've got to understand that trauma affects everyone differently. We've got to understand that the offender is responsible for whatever that trauma is. The victim has to be the centerpiece of the prosecution. While he or she is not driving the train, they've got to be an integral part of it.

Prosecutors and police officers have also a greater responsibility than this one particular victim, and that's community safety. But we've got to take into account what this victim is feeling in this particular case, what the hopeful resolution for them is as well.

And in offender-focused, offenders are targeting his or her victim. We've got to prevent attempts at victim-blaming from defense attorneys and that's turning the focus on the offender as opposed to the victim.

Recommendation Number Four: pre-trial motions. Prosecutors need to be filing these. They need to understand what is admissible and what is inadmissible. We've got to train the prosecutors better, how to protect the victim, filing protective order violations, filing bond revocations, filing rape shield protections, filing motions to allow admissible hearsay into specific trials and/or hearings.

In the same breath, we've got to admit evidence of 404(b) which is a prior bad act of the

defendant in whatever circumstances we're able to do that. So, pre-trial motions, protecting the victim, and outing the defendant at particular times and when appropriate.

Recommendation Number Five: engage in more meaningful multi-disciplinary collaboration. We all think that law enforcement or prosecutors are the only two players in this. We've got to involve advocates. We've got to involve medical examiners in both of these.

If there is a chain broken, whether it be from the advocate, whether it be from the prosecutor, the deterioration of the case, the evidence, and most importantly this victim, is compromised completely. The idea is to share resources to educate each other and to evaluate and adapt as we need to.

As mentioned earlier by one of the other panelists, the use of a SART in Indiana, every county is required, or at least a jurisdiction - a regional jurisdiction - is required to have a SART. If one is not created, one should be created. The prosecutor should attempt to oversee this and stay engaged throughout that. But the collaboration between the different entities and the different players in the system is terribly important.

Recommendation Number Six: recognize and prevent and respond to witness intimidation. As I mentioned earlier, witness intimidation in domestic violence and sexual violence cases is prevalent more so than most other generalized crimes. It's got to be addressed early on from law enforcement. Law enforcement needs to let victims know what, in fact, witness intimidation is and how they can go about reporting it in a safe and secure manner.

Prosecutors need to be filing additional charges for violation of protective orders for witness intimidation, filing bond revocations as well.

Recommendation Number Seven: the attempt to obtain more accurate data. And I know some of the major metropolitan areas, the bigger jurisdictions, actually have some analysts. Jurisdictions like mine do not have the funding to employ an analyst to look at why sexual violence is so underreported, why domestic violence is so underreported.

The idea here is to increase collaboration, again, to exchange data with the advocacy centers, with the medical profession when appropriate, and certainly with law enforcement and the prosecutor's office. The idea is to find out why these cases are not being reported, why prosecutors aren't filing them, why these cases are being dropped, or why they're being lost from a state's standpoint.

Recommendation Number Eight: ensure unbiased and well-informed standards for charging and prosecuting sex crimes cases. We need to ask prosecutors why they're not filing. And if they're not filing because of an initial impression that they don't like the victim, or they don't like the facts of the case, that's not good enough. We've got to look a little bit deeper and say, "Has this case been adequately investigated by law enforcement?"

We see with the untested rape kits throughout the country, and what can happen when there's not adequate investigation on the front end of these. The prosecutors cannot turn a blind eye merely because they don't like a victim or they don't like the particular setup of facts.

And then secondly, we've got to prevent the speculation or prediction about the outcome. Prosecutors, at times, tend to say, "We're not going to prosecute this because a jury would not convict in this matter." But we've got to look a little bit deeper in that as whether or not a jury should convict based on the facts, based on expert testimony, based on all of the evidence.

Those are the things that need to be looked at.

Recommendation Number Nine: develop a comprehensive and measurable definition of success in a sexual violence case. My belief is some cases absolutely need to be tried. The process is as important as the outcome. By that, I mean, were best practices employed throughout the start of this case -- investigation, the charging decisions, the grand jury, or however a charge is filed in whatever, whose station it is -- and were those best practices used throughout plea negotiations, trial time, meeting with the victim. All of those things. Because we may not like the outcome of the case but sometimes the process is as important.

And lastly, recommendation number 10. We need enhanced training on prosecuting alcohol-facilitated sexual assault. And why do I say that? Because alcohol is the most common weapon that is used in sexual assault and sexual violence. Alcohol makes victims vulnerable. It affects their memory. It affects their judgment and their physical ability.

Oftentimes these cases lack corroborating evidence and juries tend to at times not want to believe a victim who was intoxicated and who has difficulty remembering certain things about what happened. There is a disconnect and a feeling of at times about belief and the veracity of an account given by a victim.

I'm sorry to wrap with you fast but I had 10 of those - thank you Commissioners for the time.

Phil Keith: Thank you, Mr. Hertel for your testimony. And for the many years of service you've provided.

Our last panelist today is Chief Robert Hawkins who is the Chief of Police for Muscogee Creek

Nation. Chief Hawkins thank you for joining us today. You're recognized.

Robert Hawkins: Well, thank you, sir, and good afternoon. As you said, my name is Robert Hawkins, I am the Chief of Police for the Muscogee Creek Nation Lighthorse Tribal Police Department in Oklahoma. I have 23 years law enforcement experience -- 9 as a criminal investigator, and 11 as Chief of Police. I have served on the state and tribal jurisdiction side.

Today I will be discussing how tribal law enforcement handles cases of domestic violence and sexual assault. From communicating with advocates on the tribal and stateside, working with other local, state, and federal law enforcement agencies, how evidence is processed, and what law enforcement can do to improve the dealings with these crimes.

As we know, when law enforcement responds to a domestic violence and/or a sexual assault , all avenues of the incident are put in play -- such as the well-being of the victim, identity and/or number of suspects, location of the crime, and the safety of the officers responding to the call.

Investigating domestic violence and sexual assault cases on tribal land can be and is difficult at times. This is due to the issues we have with jurisdiction. The Muskogee Creek Nation tribal boundaries span 11 counties, approximately 7200 square miles. The city of Tulsa is our largest area within our jurisdiction. We have a total population in the metropolitan area of Tulsa of about 1.1 million. So things can get rather complex when it comes to having to figure out our jurisdictional bounds.

Our tribal law enforcement jurisdiction consists of restricted and trust lands and properties held by the tribe. So to determine where the crime occurs plays into what law enforcement agency, whether it's tribal, state, or federal, has jurisdiction to prosecute the suspects in the crime. What

helps my agency with the issues of jurisdiction is that we hold a cross-deputization with most - all of the municipal and county law enforcement agencies within the Creek nation boundaries.

That is about 42 law enforcement agencies that we are cross-commissioned with. Having these cross-commissions enables my agency as well as the state-side jurisdiction agencies to deal with any crime that has occurred on tribal and non-tribal lands and properties. My department has a very good working relationship with all these agencies, which makes for a safer environment for the officers of all the agencies involved, as well as the victims of any crime.

Also, another factor in which agency has - I'm sorry let me back up. A factor that has - that determines jurisdiction in dealing with these cases is who is involved in the crime. Without getting into criminal jurisdiction in Indian Country laws, jurisdiction is determined by whether the crime is committed by a native on non-native, native on native, non-native on native, or non-native on non-native.

However, the Violence Against Women Act allows a tribal agency to prosecute a non-native perpetrator who committed a domestic violence and/or sexual assault on a native female victim. Last year the Muscogee Creek Nation was the first tribe to successfully prosecute a non-native suspect in tribal court on domestic assault against a female tribal citizen.

So as you can see, investigating these crimes has - is - any crime committed in Indian Country, is rather complex.

When it comes to domestic violence and sexual assault cases, the Creek Nation takes them very seriously. And I can speak for many of the other tribes in the state of Oklahoma that deal with the same cases. Just speaking to the other four large tribes: The Cherokee, Choctaw, Chickasaw,

and Seminole nations, in reference to domestic violence and sexual assault cases, our agency's calls of this nature are approximately 30%. Which as you can see is significant.

So what's important for law enforcement on the tribal side is to have good collaboration with local, state, and federal agencies, but most important with the advocates from their family violence and sexual assault programs.

When my officers respond to one of these calls, once we secure the scene and the victim, and if medical personnel is needed and are called, we contact our advocates with the tribe's family violence and sexual assault department. Keep in mind this just isn't for our native victims. This is for all victims of these crimes.

Of course, if the crime occurs off tribal land, the jurisdictional agency, as well as the Oklahoma Department of Human Services, would be contacted and respond to the crime scene. At which time they would take control of the incident.

However, my agency responds to all calls outside of jurisdiction when it comes to our citizens. While on scene my officers and the advocates do a lethality assessment on the victim. The victim is assessed, then taken to be medically checked if need be. Officers and advocated - I'm sorry. Officers and advocates make sure the victim is safe, whether it's in the victim's home or taking them to a shelter. If a sexual assault has occurred, then the victim is advised of what needs to be done, and if consent is given, the victim is taken to our tribal medical center, where a sexual assault exam is conducted by the tribe's certified SANE nurse.

At that point, the investigation gets into high gear. In the course of the investigation, my investigations division is called to the scene immediately and after the call is received. They

process the scene thoroughly, precisely, and completely. My agency follows protocols when handling evidence.

One: Whatever it is, that's collected and stored.

Two: How long will evidence be stored?

And, you know, evidence can be stored as long as possible while this investigation is ongoing. A precise chain of custody and complete and thorough documentation of all evidence.

All evidence is collected and is stored in our evidence room until it can be sent to the lab for analysis. Sexual assault evidence is sent to the lab as soon as possible. Our practice is to have it to the lab within 24 hours. That's going to be - along with the rape kit and everything that goes along with the sexual assault.

I have a very good investigations division, and they communicate well with outside jurisdictional agencies. Any evidence or information gathered at a scene, whether a domestic violence or sexual assault case, where the jurisdiction lies with the local or state agency, a report is generated. As an agency assist, and all items and documentation is turned over to that agency. And sexual assault cases, which fall under the major - the Federal Major Crimes Act, our investigators will contact the FBI and relay information to them since we are required by federal law to do so.

Most crimes though when we contact the FBI will have to have occurred on our tribal land, restricted or trust properties. The FBI will send their sex crimes agent to meet with my investigators and conduct their protocol investigation of the incident. There are typically no issues

with my investigations division when it comes to the collection and processing of evidence and working and collaborating with other agencies.

To this date, we have a 92% solve rate on sexual assault and a 90% solve rate on domestic violence. This is all in part of the working relationship we have with the advocates and other law enforcement agencies.

As for what law enforcement could do better when handling these types of calls. First thing, advanced training for law enforcement officers is essential. This helps them become better educated on what they can do in how to handle domestic violence and sexual assault cases.

We also need to ensure the victims receive law protection from harm. Meaning whatever needs to be done to help the victims to obtain protective orders and/or a safe haven. It's important that the victims know they are safe and we're going to protect them.

Next one, increase victim, community, and officer safety. When we have an incident where domestic violence or a sexual assault has occurred, our victim of course is looked upon by our officers. We issue what we call watch orders on residences of the victims, increasing patrols throughout our communities, and in doing so with more numbers of officers. By being seen, citizens feel more safe.

Encourage victims to report the crimes when they happen. Too many times officers have arrived at a scene of a domestic or sexual assault and was told that it wasn't the first time the incident has occurred. Victims should be urged to report the crime each time so that law enforcement can apprehend the perpetrator and the courts can prosecute to the full extent of the law.

Fifth one is to encourage victims and witnesses to cooperate with officers and investigators so that a solid case can be made against the perpetrator.

Sixth, all offenders need to be held accountable for their actions. If you commit the crime, you do the time, as the saying states.

The last one, law enforcement needs to strengthen its trust - or strengthen the trust between their agency and the communities they serve. Community outreach is a great way to provide information about what resources law enforcement can provide to a victim of domestic violence or sexual assault. Being involved in the community will make the community, the public, trust officers and make citizens feel safe.

Really this is, you know, it's a complex when it comes to dealing with any crime on tribal lands, just because of your jurisdictional issues and then having to know, you know, did the crime occur between a native or non-native, native or native -- it just goes on from there. I can talk all day on this but I'm sure you all don't want to hear me ramble on. But that's all I have -- I thank you all for giving me this opportunity to speak today. Thank you.

Phil Keith: Thank you, Chief Hawkins for your very good testimony and for your service. Next, we'll go out for questions. As previously noted, commissioners with questions, please state your name prior to your question and direct the question to the specific panelist you have a question for or you have a - if a response is from the entire panel, please state so.

Just as a reminder to the commissioners your mics are on at all times. Thank you.

Commissioners with questions for our panelists?

Nancy Parr: Hi, this Nancy and I have a question for Chief Hawkins and probably also Richard. And maybe Kim. You mentioned, Chief, about the lethality assessment and here in Chesapeake where I am the elected Commonwealth Attorney, my police department, we trained our police department to conduct the lethality assessment protocol at every call they received for a domestic violence and my chief was very receptive to that training. We were the second jurisdiction in Virginia to implement that. We have encouraged all Commonwealth Attorneys in Virginia to talk to their chiefs and sheriffs so I am interested in your or anybody else's thoughts on the lethality assessment protocol. As I understand there's a couple of different protocols out there but your thoughts on that and whether you think that should be something that is nation-wide.

Robert Hawkins: Well, I do. I believe that it should be. I mean it's a very useful tool. It gets us down to - you know, when it comes to a domestic assault or sexual assault, it gives us a better idea of what happened. You know, it's definitely something that my officers use when in, you know, when it comes to the prosecution side of it, you know, when we put our report together and we send it up, I mean, that's a huge part of what our prosecutors looking at to our attorney general for the tribe. And so, yes, it's very useful. I think it should be implemented across the nation and I mean every agency has different protocols when it comes to it but, you know, I don't want to say universally but for the most part it would be the same methods of use for it. If that makes sense.

Nancy Parr: Yes, yes. Thank you.

Richard Hertel: This is Rick Hertel. I'm the prosecutor in Indiana, District Attorney Parr. We have asked and we have trained our law enforcement in our county to do that, however, it's not fully adopted and when it's not adopted, the prosecutor's office where I am, handles the lethality assessment immediately after the arrest with the victim and we produce that assessment to use at arraignments and initial hearings for bond purposes. It's not as good when we do it a day or two

days later after the arrest. It's better that the law enforcement agency does it out on the scene and making that assessment then, but at times we cannot get all law enforcement to do it. If it was a requirement I think that would be beneficial.

Nancy Parr: All right. Thank you.

Kim Garrett: Hi, this is Kim. I'd like to say something. In Oklahoma, a few years back, we actually implemented it as a state law. Which I'm sure that contributes to our high success of LAPs being done by law enforcement but it implemented the 11 initial questions from the original study and connects survivors on scene immediately with advocates if they screen to a certain level.

I think it's been really helpful for detectives also to get some of the information from the LAP assessments as far if, like, if children were involved they can, you know, add another charge, different things like that. And I believe it's directly increasing victim safety by connecting them with the resources on site.

I will say, a backlash to it is some officers don't like people using their cellphones on scene. That is something I've heard universally from officers so I don't know how you could troubleshoot that if departments could give officers, you know, department-issued cellphones or things like that I think that would be helpful but that's been our experience.

Nancy Parr: All right. Thank you very much.

Kim Garrett: You're welcome.

Craig Price: Director Keith, this is Craig Price, I have a question.

Phil Keith: Yes, commissioner, you're recognized.

Craig Price: This is for Director Gamette from Idaho. He still on the call?

Matthew Gamette: Yes, sir.

Craig Price: Hey. Good afternoon. I went to the FBI NA with Colonel Willis back in 2008 we've been friends ever since so tell him 'hi' when you see him, if you would.

Matthew Gamette: I will.

Craig Price: The question I have for you is I understand the traditional tasks and services that are provided by crime labs. I work with the state. Have for my whole career. And one of the charges of the commission I think is to look at ways that we can really expand into the future in some big thinking ideas. And with them, I'm going to put you on the spot just a little bit, but. With the topic of rapid DNA, what is the general consensus of the forensic community in regards to increasing organization crime labs on rapid DNA and do you see that fitting in anywhere into the future?

Matthew Gamette: Yes, so. I will say that we work very hard - the forensic community works very hard to get legislation passed federally to implement the rapid DNA technology into crime laboratories and then also into booking stations and other venues. While I'm very supportive of the technology, the technology is still developing and evolving. I'm also supportive of the FBI's initiatives to make sure that that technology is implemented well into not only the forensic science community but also into law enforcement applications. The last thing that we want is to misidentify someone leading to an exoneration or something like that. So I think we can all agree

that technology implementation needs to be done well. It can be done well, I think the FBI's doing an amazing job of implementing that technology. It's not as fast, I think, as any of us want. But there is that, you know, that burden that we all have to make sure that we're identifying the right people and not putting innocent people behind bars.

So, I think there is a heavy use - there should be a heavy use for this technology. I look forward to the day when it can be used in booking stations, and used in crime scenes and other things, it's a very quick technology, as you're very well aware, but I'm also excited about other DNA technologies that are quickly evolving. Like the use of molecular genealogy, for example, to be able to solve crimes. I'm looking forward to a day when there won't be any DNA crimes that are unsolved because we're able to identify the perpetrators on all these crimes.

Craig Price: Thank you for your comments.

Regina Lombardo: Hi. It's Commissioner Lombardo with ATF, I have a question and a comment.

First, the comment is to Kim Garrett and the question I believe should probably go for Richard Hertel but I'm open to whoever can answer. Kim, I appreciate your work that you do on these types of cases. Being with ATF I'm very familiar with Capital Violation 922 and the issue that we face on domestic violence and crimes or misdemeanors. They're not easy to prosecute those cases. So thank you for that.

The question I have - for the panel or for Richard. Just, I know recently, I've seen this past week we saw a female police officer in Indianapolis Metropolitan police was shot and killed responding to a domestic violence call. It was pretty heartbreaking to see. She was very young. But I know that we've seen such an increase in domestic violence calls as well as, you know, even in my own agency some of the issues that we've been facing with much of the country right now that's

under stay at home orders -- especially this past month. How is - has this situation exacerbated the condition for victims who are at home with abusive partners? So that's kind of the first question.

And pretty much, do you have any recommendations on what we can learn in real-time to better protect the victims of domestic violence, especially during this pandemic. But also, you know, would you imagine perhaps in the future? Anybody who can maybe offer some guidance, or comments, suggestions. I'm open to that. Thank you.

Richard Hertel: This is Rick Hertel. My only comment is it is a tragedy that happened in Indianapolis.

Some of the smaller jurisdictions like mine have seen a small bump in the domestic violence calls since the stay at home order went into effect. I know that our local shelter that covers about six regional counties has been out in full force with radio ads, newspaper ads, and pushing that they are still open, they are still accepting victims of domestic violence so I think that's one start to make sure that the centers are still taking people and accepting people given the time that we live in.

Also, even though there is - I don't know about a reluctance. There is minor hesitation about making arrests on all sorts of crimes now by bringing someone into the jail who may be infected. If there are domestic situations they are the highest charged of really about everything, emotionally-wise, we're still encouraging the officers to make that arrest and let the judge make that determination at an initial hearing or arraignment whether or not there should be an OR, a bond set, and what sort of protective order should be given. So, that's our push from my jurisdiction.

Kim Garrett: I'll say it from Oklahoma City, we've seen a 28% increase in calls to 911 that are

domestic-related in the past few weeks. We've really had to pivot to respond to that with closures for COVID and so we've implemented texting services, drive-up, where clients can get basic needs, forms, anything like that that they need. We've also partnered with law enforcement and advocate groups to do a video to say we're still here. We're working harder than ever to make sure you can connect with resources and we're actually contacting intentionally every day different news outlets to run stories to keep it at the forefront of people's mind that we're all still here and providing resources.

Regina Lombardo: Well, I appreciate both the answers. Like I said it's been -- even for our own agency and questions in trying to put out, you know, good guidance for our workforce as well. So I appreciate that. Thank you.

Phil Keith: Other commissioners with questions?

Ashley Moody: This is Ashley Moody from Florida. I have a question for Professor Gamette.

Phil Keith: Yes ma'am you are...

Ashley Moody: Director Gammett, I really appreciated your testimony I thought it was extremely valuable and over the past few decades our technology has advanced. It's been imperative that our labs keep up both with staffing and training. And one of the major challenges I see that as new technologies are developed by private companies, vetting of such technologies is having to be done - I know it's probably being done through federal labs but on a state by state basis, determining whether they're good technology - specifically related to digital forensics. And I think if anything comes out of this area in terms of our commission I think a recommendation on how best federal labs and state labs can work in a way that is more efficient and how we are better

prepared to vet new technologies, to solve crimes and share that, and assist other more smaller local jurisdictions that don't have access to a lot of this technology.

And so I was wondering if this is something that you foresee of being the future of how we have relationships between federal and state labs? In addition, I'd really liked your recommendation of having interfaces of case statuses with labs to cut down on unnecessary testing or unnecessary labor when we have such backlog.

I can tell you, I'm the Attorney General now in Florida but as a former judge I have to continue cases repeatedly because of back-ups in labs. And I loved that suggestion. Do you know if there's a jurisdiction now that is already interfacing between labs and either case systems within the prosecutor's office or clerks?

Matthew Gamette: Yes, I'll take the second question first if that's okay. So that's really important that laboratory information management systems work with the law enforcement systems and also the court systems. I mention the court systems because when cases resolve we need to know about them. So we're no longer investing our resources to test unnecessary cases. In our state we have implemented a laboratory information management system, where our prosecutors, our courts, and our law enforcement agencies can see what's going on with their cases. Once they log it electronically, they can see the case status, the analyst that's working on it, and we did that specifically for the lawyers and for the courts, so that they knew how long to anticipate that their case would be in the laboratory when they could expect results.

We also implemented on the back-end the ability for them to directly pull their reports and all of the case notes, everything associated with the case, through a secure portal. So those prosecutors and law enforcement agencies have immediate access to all of that data that feeds

into the court system.

Your comment about the digital forensic labs and the lab tech transfer piece - the Department of Justice, through the National Institute of Justice has implemented the FLNTWG the Forensic Laboratory Needs Technology Working Group, which is a group of about 30 state and local practitioners, mostly lab directors, that are looking at how to successfully implement technologies into the laboratory. So looking at foundational research and then correct transfer into the labs.

So that's a really important development by the department that we really hope will continue because that interface with the state and locals is so important. But the piece I think is really critical is looking at these technologies that are coming that will help us with rape kits, that will help us solve cases, and implementing them in the proper way. And we look at it as almost a - at the federal labs or a group, a collaborative group can validate the technology, and then it's almost a granting program that here's the instrument, here's the validation, you're a small lab, now you're ready to go. Just do a quick check of the instrument and you're up and running. And that's what I hope would be a recommendation of this committee is that collaborative approach to validations.

Ashley Moody: Thank you. I think that's extremely important and could make a huge different in efficiency...

(Crosstalk)

Ashley Moody: ...using the resources that are dedicated both nationally and by states to solve crimes. I think that's an important recommendation and I hope the commission will give that serious consideration.

(Crosstalk

Phil Keith: Other commissioners with questions?

Gordon Ramsay: Mr. Commissioner, this is Gordon Ramsay.

Phil Keith: Go ahead, Commissioner Ramsay.

Gordon Ramsay: Question for Director Gamette about rapid DNA. You touched a little bit on it with Commissioner Price. Is there more that needs to be done from your perspective to assist in the success of rapid DNA in our country?

Operator: You will now be placed into the conference.

Matthew Gamette: I think the FBI is working very hard on the implementation into the booking station environment. I know that their plan is to transition that more into a crime scene environment. We're monitoring those developments literally on a daily basis. Laboratories are collaborating with the manufacturers. I know that there's a validation study going on in the State of West Virginia. Oh, I'm sorry, Kentucky where they're looking at sexual assault kits.

I know that there's work going on in Arizona where they're looking at it more in the booking station environment. So, there is, there are at least four maybe more laboratories that are working directly with the manufacturers to make these instruments, make the application happen. I know there is still significant work that remains but there is a lot of work going on in this area.

Gordon Ramsay: What are the inhibitors right now for, that's holding back, the use and success?

Matthew Gamette: I think some of it is regulation, some of it is the FBI wanting to make sure that the technology and all of the IT infrastructure behind the scenes is working correctly and that it's giving us the results that we want. I think that those are the main things, and then the technology itself is being developed so that it can analyze these things like mixed samples. The technology works really well at this point with single-source samples such that you would find at a booking station environment.

When you're only looking at one individual or a single-source bloodstain, something of that nature. It's a little bit more challenging on the mixture interpretation that we do in the laboratory environment, or that you would be faced with at a crime scene where there's multiple contributors of samples.

Phil Keith: Thank you very much. Other Commissioners with questions? Other Commissioners with questions? If not, let me close by thanking our panel again for your time and most valuable testimony and responses to the questions from the Commissioners. On behalf of the Attorney General and his leadership, team staff, Rachel Bissex and Jeff Favitta, and all the Commissioners, your contributions you've provided is most sincerely appreciated and which assist the Commission in the deliberations and the work. But we also want to thank our Federal Program Staff with their continued efforts, to make the Commission work well, and the FBI for their continued support for providing the teleconferencing network the Commission is using weekly.

Before we end the call today, just a reminder to the Commissioners that we have two additional calls this week. Wednesday, April the 15th, that call will be a little later in the day, from 4 pm to 5:30. We will have the technology panel focusing on lawful access as well as contraband cell

phone and other security technology issues in jails and prisons. Then on Thursday, April the 16th, from 2 to 3, we'll be hearing from panelists regarding strategies and practices for law enforcement and technology used in crime reduction.

Are there any comments or questions from Commissioners?

Commissioner Clemmons: Chairman Keith, Commissioner Clemmons.

Phil Keith: Yes. You're recognized.

Commissioner Clemmons: I just wanted to let you know that I was on the call. I apologize. I logged in late but I did not want to interrupt the testimony and I wanted to thank those that testified today for their testimony and for their work in our profession. Thank you.

Phil Keith: Thank you, Commissioner Clemmons. Other Commissioners?

Frederick Frasier: This is Frederick Frasier. Just to ditto his remarks. I've been on here the whole time too. I was a few minutes logging on.

Phil Keith: Thank you, Commissioner, for joining us today. If there are no further business issues before us today, the present issue is adjourned and thank, thank you again, Commissioners, for your dedication and commitment. Please be safe.

Frederick Frasier: Thank you.

Operator: Thank you, ladies and gentlemen. You may now disconnect.

