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

Phil Keith: Thank you and good afternoon. And thank you everyone for joining us today.

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

As you know, this week's series of teleconferences will be focused on juvenile justice and the juvenile justice system and today's hearing will focus on how law enforcement addresses juveniles involved in crime. At this time I'll ask our Executive Director Dean Keuter to conduct a roll call of commissioners.

Dean Keuter: Thank you, Mr. Chairman, and before I call the roll, once again I'd like to remind everybody that today's event is open to the press, and for any members of the media on the call, if you have any questions or need clarification on anything, please contact Kristina Mastropasqua in the Justice Department's Office of Public Affairs. And with that I'll begin the roll. Commissioner Bowdich?

Commissioner Bowdich: I'm here.

Dean Keuter: Commissioner Clemmons?

Commissioner Clemmons: I'm here.

Dean Keuter: Commissioner Evans? Commissioner Frazier?

Commissioner Frazier: Present.

Dean Keuter: Commissioner Gaultieri? Commissioner Hawkins?

Commissioner Hawkins: Present. Thank you.

Dean Keuter: Commissioner Lombardo?

Female: Joining momentarily.

Dean Keuter: Commissioner MacDonald?

Commissioner MacDonald: Present. Thank you.

Dean Keuter: Commissioner Moody? Commissioner Parr?

Commissioner Parr: I'm here.

Dean Keuter: Commissioner Price?

Commissioner Price: Good afternoon. I'm here.

Dean Keuter: Commissioner Ramsay?

Commissioner Ramsay: Here.

Dean Keuter: Commissioner Rausch?

Commissioner Rausche: I'm here.

Dean Keuter: Commissioner Samaniego?

Commissioner Samaniego: I'm here.

Dean Keuter: Commissioner Smallwood?

Commissioner Smallwood: I'm here.

Dean Keuter: Vice-Chair Sullivan?

Phil Keith: Let the record show the vice-chair will be joining the call momentarily. She's just getting off another call.

Dean Keuter: Yes, sir. And Commissioner Washington?

Commissioner Washington: Here.

Dean Keuter: Mr. Chairman, that concludes the roll call.

Phil Keith: Thank you, Dean. Are there any other announcements today?

Dean Keuter: No, sir. We are good to go.

Phil Keith: Thank you. All commissioners should have received the bios and testimony for this panel and, as a reminder, we'll be posting all of these materials on the Law Enforcement Commission website. Once again, we continue to acknowledge everyone's commitment, effort, and contributions to meet the goals of this historic commission.

On behalf of General Barr, we thank each of you. As noted, on previous calls, we encourage commissioners to take notes during the testimony of the panelists and we will open for questions from commissioners after the last witness.

Our first distinguished panelist is Superintendent Addison Davis, who is school superintendent of the Hillsborough County Public Schools in Florida. Joining the superintendent is Chief John Newman. He's the Chief of Security and Emergency Management for the school system.

Commissioners please note that the superintendent will offer testimony but due to the time constraints in his schedule, Chief Newman will be sitting in for questions. Superintendent Davis has spent a career in a number of schools throughout Florida, starting as a teacher and working his way up to vice-principal, principal, and then the leadership of school systems.

He's also served in the Duval County school system as well and he's been credited with making remarkable changes with every system he's been associated with in his career. Thank you for joining us today, commissioners - excuse me, Superintendent Davis and Chief Newman. Superintendent Davis, you are now recognized.

Addison Davis: Thank you and good afternoon, chairman, commissioners, and the working group members. My name is Addison Davis. I am the proud superintendent of Hillsborough County Public Schools, the seventh-largest school district in the nation and the third-largest in the state of Florida.

Hillsborough County Public Schools serves over 220,000 students, 249 school sites, and employs nearly 25,000 teachers, staff, and support personnel. The purpose of my testimony today is to urge you to consider initiating a standardized threat assessment instrument that is accessible to all school districts in our nation.

This instrument should be one that prescribes to an accepted school-based threat assessment model and it must include the development of threat assessment teams. The members of these threat assessment teams must include the participation of law enforcement, school personnel, and other school-based practitioners whenever (inaudible) a threat and around a school campus exists.

In response to the tragic mass shooting at Marjory Stoneman Douglas High School in Florida on February 14, 2018, Florida Governor Rick Scott signed state senate bill 7026, the Marjory Stoneman Douglas High School Public Safety Act into law on March 9, 2018.

In addition to tasking the newly established Marjory Stoneman Douglas Act High School Public Safety Commission with investigating the incident and formulating a recommendation, he also mandated specific protocols and procedures to be established across the state to assist schools in providing safe and secure learning environments for all teachers, staff, and students.

On January 2, 2019, the Marjory Stoneman Douglas High School Public Safety Commission submitted an initial report to Florida Governor DeSantis. Incorporated in this report were findings and recommendations.

As it relates to the behavior and threat assessment, the Marjory Stoneman Douglas High School Public Safety Commission recommended the development of a statewide behavior threat assessment process and provided accountability, identified stakeholders to include law

enforcement, emphasize behavior indicators that had the potential to manifest into threats of violence.

After the Marjory Stoneman Douglas Commission hearings and findings, we conducted a review of existing mental health processes to determine if the findings noted by the Marjory Stoneman Douglas Commission were applicable to our districts with regards to a threat assessment process. Our district identified several areas for improvement in the implementation of the threat assessment protocol.

Before 2019, threat assessments were documented via an antiquated paper-based format and formula. A paper-based system is problematic in many ways, chiefly the student mobility rate makes it difficult to share threat and suicide assessment information across sites in such a large school district.

Site-based teams are at a disadvantage as they are not quickly informed of students, of new students, who have exhibited concerning behaviors and district leaders are challenged with ensuring that the appropriate individualized management plans with identified resources are created and enacted.

The lack of consistency in the way that protocols were implemented also translated into disparate reporting across all school sites. The lack of mandated law enforcement participation when conducting a threat assessment of a student was very inconsistent as well.

The district took steps to address these issues. First was to ensure that all protocols were followed and communication of the student interventions and outcomes shared with appropriate stakeholders in a timely manner. Second was to comply with the new legislation and school board policy that requires that threat assessment teams be established at all school sites within our school district.

Also to mandate a school resource officer, a law enforcement officer, as part of the threat assessment team is critical to ensuring a viable solution to issues revealed in a threat assessment triage.

To that end, the district's mental health team, in collaboration with the district's safety school specialist, reviewed and refined its comprehensive threat assessment protocol to align with the state recommendations to follow the comprehensive school threat assessment guidelines.

Based on this model, Hillsborough County Public Schools now adheres to the following recommendations. We established a multi-disciplined threat assessment team, defined prohibited and concerning behaviors, we created a central reporting mechanism to determine the threshold of law enforcement intervention, established assessment protocols, developed risk management options, create and promote safe school climates, and conduct training for all stakeholders within the organization.

Training was required to ensure fidelity of the implementation. We clearly defined the process and governance concerning student behaviors that may indicate the need for threat assessment so the specific services can be deployed. This clarity of oversight of the threat assessment protocols has resulted in better consistency and quality assurance in reporting (inaudible) from one school site to the next across grade-level bands.

Contracted solution, behavior threat assessment. In order to improve the efficiency, effectiveness and accountability of the district's current behavior threat assessment process, the district sought out and contracted with a national consultant who provided a pointed combination of consultancy along with training and web-based tools that are evidence-based and align with the national threat assessment center recommendations.

The adopted behavior threat assessment solution was based on the Virginia model referenced in the national threat assessment center and compiled with district protocol, along with the state legislative requirements. The national consultant worked with the district staff to customize the tools of its behavior threat assessment solution to meet the needs of our district, our schools, and the students before tools were rolled out to any of our school sites.

The behavior threat assessment solution urges a case management approach with three key steps to attain a best practice risk assessment and adds a fourth planning and step to mitigate risk. Number one, document a student threat incident and follow immediate and critical protocols for imminent risk. Two, gather, share, and consider data from various sources, from school records to social media, to make informed decisions.

Number three, consider key questions for asking risk level and determining the next steps for intervention. Number four, prepare student supervision action plan to monitor and address underlying issues, hence to mitigate risk. Systems generated email, text alerts, increasing visibility to accountability of school-based threat assessment teams as well as district administrators and law enforcement according to district and state policies.

Likewise, teams will be able to create robust reports, to analyze trends, and guide decision-making. This underlying electronic assessment tool is assisting district and school-based threat assessment teams to implement a consistent structured approach to recognize and responding to and help and prevent acts of violence within our school district.

This platform and solution lends itself very well to a standardized assessment instrument. The question is about funding. The cost to move from a paper-based system to a comprehensive digital platform that allows the information sharing, multiple levels of accountability, and effective mental health service solution is expensive for any school district, but these platforms are a necessity to ensure the safety and the well-being of our students and staff, as well as providing the mechanism

to provide the exact mental health service to a student whose behavior rises to a level of interdiction.

Funding opportunities for behavior threat assessment instruments must be made available if we expect real transformational change in regard to how we identify the threat assessment made by our students. Though the threat assessment solution I have described is aligning with existing efforts within the district and required by state statute and state law, it is not financially supported for our state.

Many districts across the nation are unable to bear financial strain are acquiring these kinds of tools as a way to identify students who may do harm to self or may do harm to others. For a district our size, the annual cost is approximately \$230,000 per year.

So overall, Hillsborough County Public Schools has taken a proactive strategic approach to school safety. We have implemented many harm mitigation, target hardening projects at all of our campuses that address gaps and vulnerabilities identified at our sites.

We have adopted all of our recommendations that came out of the Marjory Stoneman Douglas Commission and subsequent legislation and are consistently and constantly seeking ways to improve how to make our district as safe as possible.

We enjoy and foster a great working relationship with our local law enforcement and public safety partners. However, the creation and funding of a standardized national threat assessment that is accessible to all school districts that prescribes to an accepted school-based threat assessment model is - to include the participation of law enforcement is essential.

In the aftermath of so many violent and horrific tragedies on school campuses across our nation, I strongly urge you to consider funding the provision of such a tool to all public schools in our nation. And I appreciate your efforts and the opportunity to speak to this pressing issue.

Phil Keith: Thank you, Superintendent Davis, for your testimony and certainly your service to educating our nation's children.

Addison Davis: Thank you.

Phil Keith: Our next distinguished panelist - thank you. Our next distinguished panelist is a career law enforcement leader, retired lieutenant Mo Canady, who is Executive Director of the National Association of School Resource Officers Association, otherwise known as NASRO.

NASRO is the world's leader in school-based policing practices and training. Executive Director Canady spent his career in law enforcement at the Hoover, Alabama Police Department with his last 12 years serving as a supervisor of the school services division.

Executive Director Canady is committed to keeping children safe while in the schools and we're pleased to have him here with us today. Director Canady, thank you for joining us. You're recognized.

Mo Canady: Well good afternoon, Commissioners. It's a pleasure to be speaking before you and testifying before you today. And I specifically want to thank Director Phil Keith, the Chair of the Commission along with Katie Sullivan, the Vice-Chair, and Dean Kueter, the Executive Director of the Commission for asking me to testify today. So it really is an honor to testify on behalf of our 10,000 plus members and it really is our members that bring the expertise to this arena. I'm just honored to be the spokesperson for them today.

I'd like to bring context -- some context to my written testimony -- by looking at this from an issue of problems versus solutions or problems and solutions. And I would like to certainly bring your attention to another document that you should've received and that is NASRO's Standards and Best Practices Recommendations that were put together almost two years ago. And again, this comes from about 30 years of combined experience in this field.

One of the first things that I have to bring to your attention is that one of our concerns is the lack of standardization or best practices being followed across the country in the arena of school-based policing. When we see problems that pop up, we see a media story. It's usually pretty easy to connect it back to an issue of not following best practices that have been laid out.

One of those best practices issues -- and it is exactly what we base our training on -- is what we refer to as the Triad Concept of school-based policing, one that is critically important and that involves three things. It involves the SRO as a law enforcement officer, which is the foundation of the Triad. It's the foundation of what they do.

But it also involves the issue of operating in the role of informal counselor, also operating in the arena of education. Now operating in that arena of education doesn't necessarily mean they have to be in a classroom presenting some type of curriculum to the students.

Being involved in the education process can happen in the hallway. It can happen in the lunchroom. It can happen through interactions with students. The same with informal counseling. We believe these are three critical concepts to being successful as an SRO and you will find again that is a part of our written best practices.

Another problem that we face in this field -- and we have for a while -- is the issue of who is the SRO. Who is an SRO? I dealt with this issue shortly after the Sandy Hook tragedy as a fairly new Executive Director for this association. And I was asked repeatedly by media outlets, should SROs

be armed? As a person who was an SRO for half of my law enforcement career, I struggled with that question being asked. I thought surely everyone knows what an SRO is and I realized pretty quickly they did not. So that is a problem.

One of the solutions is to make sure that when we in law enforcement are assigning someone as an SRO or when someone asks us what an SRO is, that we truly know what the definition is and it involves three things and you'll find it in my written testimony. It involves three important points.

One, that the SRO is a sworn certified law enforcement officer. Two, that we're deploying them into the school environment in a community-based policing approach. And then thirdly, that it's a collaborative effort, that there is a good relationship between the school district and law enforcement agency and that that's also memorialized through a memorandum of understanding..

So it's very important that we get this definition right on the front end because I have learned that not everyone who calls themselves an SRO fits the definition of an SRO, so we have to be careful with that.

The number one goal of an SRO really should be to bridge the gap between law enforcement and youth. Some may think that no, the number one goal should be to defend the campus or guard the door. But really, it should be to bridge the gap and build positive relationships with students, with faculty, and with the students' parents.

We're learning in many instances where those positive relationships have led to an exchange of information and, quite frankly intelligence, that comes to the SRO that allows them to initiate an investigation that in many cases has stopped potential acts of school violence.

You will see in my written testimony that I referred to the adverted school violence database with the National Police Foundation, and you'll see an example of just one piece of information from that

database where the relationship between the SRO and the student was vital in helping to resolve that problem before there was gunfire or violence.

Another problem is the issue of the selection process. I think this has gotten better over the years. NASRO has certainly had a very loud voice on this, but it's important that we're selecting the right officer for this position. This is the most unique position in law enforcement. I'm not necessarily suggesting the most important, but it is certainly the most unique.

One of the things that happens at times is that agencies will select, quite frankly, the wrong person. They'll sometimes select the person that they're wanting to retire or the person that maybe they can't figure out a way to fit in any other assignment, and that's always a mistake. One key factor here for law enforcement executives to note is that the school resource officer is going to become one of the most well-known officers in the community, for better or for worse, and that certainly should be underscored any time we're selecting an officer.

One other problem I'd like to address is the issue of the lack of training or improper training. The solution to that is specialized and specific training for officers who are going to be assigned in an education environment. When you think about combining law enforcement and education together, it can be quite a collision if we don't have the right pieces in place and training is a big piece.

One of the things we wanted to make sure that officers coming through our basic course and understood was adolescent brain development. We believe that the more officers understand about that issue, the better opportunity they have to deescalate an issue. They need to know as much as they can about school law, about emergency operations plans, and of course about active shooter response. Every SRO needs to be properly trained and prepared to deal with that.

They also need to understand the issues around adolescent mental health. We're already concerned with what that's going to look like when school begins again and the issues that students

are going to have. And so SROs really do need to have a good understanding of that. They don't have to be experts, but we find that it's important to get adolescent mental health training specifically to SROs, and we offer that in a one-and-a-half-day workshop that has become critically important.

So again, kind of looking at those critical factors of selection, selecting the right officer, making sure they're specifically trained, and making sure there's good collaboration between the school district and the law enforcement agency - thank you very much.

Phil Keith: Thank you Director Canady for your testimony and certainly for your service in law enforcement and keeping our children safe in schools. Our next distinguished panelist is Sheriff Bill Waybourn from Tarrant County, Texas. Sheriff Waybourn spent his adult life serving our country from the time he started with the Air Force in 1978 and serving 31 years as the Chief of Police in the Dalworthington Gardens Texas Police Department, and now being the sheriff of Tarrant County Texas. He is recognized by his peers as a leader of law enforcement and continues his leadership role with the National Sheriffs' Association and Texas Sheriffs' Association as well as other professional organizations.

Chief Waybourn, thank you for joining us today. You're recognized.

Bill Waybourn: Thank you, Chairman. It's an honor and privilege to be here with you and to visit about these things that are so vitally important to the next generation as well as our generation as we go about trying to do something about our juvenile delinquency system and what do we need to do and where do our focuses need to be?

I am honored to be the Tarrant County Sheriff. It is the 15th largest county in the United States. We have a little over two million people in the county. We have a juvenile detention center which is not

under my authority, but we work in close proximity with them and deal with juveniles on a daily basis.

In Texas as a whole, we do incarcerate some 50,000 juveniles a year. In Tarrant County alone, it's something under 4,000 that are incarcerated. And what we're finding with these kids that are coming into the system is nothing new really, but it's not being addressed very well.

70% of these juveniles that come into our custody are from fatherless homes; 40% are generally duly involved with child protective services, and 70% of them are diagnosed or involved in the mental health world at some level, and 70% have a substance abuse program.

It is believed that most of these juveniles, of course, have been through some traumatic event in their life or have seen things that probably the people on these phone calls have never seen or could fathom. They have seen a lot of life as it were.

But just like our adult offenders, they often have, are repeat offenders and they have been in trouble for a very, very long time. The juvenile generally has a high truancy rate and has a low priority of education, of course. But that's very similar to our adult rate that's in the county jail right now. Because 80% of the adults that we house today don't possess a high school education; 80% don't have a father in their life, and 80% are motivated by some substance abuse.

Unlike the juvenile offender, however, right now we have in the Tarrant Country area is only 45% - "only," that's a large number - 45% of our population are clients of mental health. So we are dealing with several varieties of things here. You know, on average though, one of the things that we can look at is right now to house a juvenile in Tarrant County's detention center costs between \$300 and \$345 a day and that's the ratio to the person watching over them, the school that's being provided to them, and continuous counseling. But \$300 to \$345 per day comparatively to the county

jail where an adult offender only costs \$75 a day. So there's a high mark up there of resources being poured into this child once they're incarcerated.

Many of these juveniles that we are seeing today, we are seeing an uptick in violent crimes including murder, aggravated robbery, sexual assaults, violence on family members, and burglary of a habitation, and other types of assaults. These are the typical juveniles coming into the system.

And many juveniles -- there are many, many juveniles that are filed on outside of the system in Texas in Tarrant County. A lot of times they're filed on by the agency that arrested them and released to parent so they never see juvenile from that perspective, and they're released to their parents.

Again, we're a fast-growing country so we expect those numbers to absolutely rise. As in my experience, some of the things that we review is the staggering statistic that both juvenile and adult offenders 70 to 80% grew up in homes without fathers. In fact, I interviewed a Juvenile Probation Officer Supervisor just a few days ago who has five Probation Officers working for her. They have a caseload of 150, and the question I asked was how many fathers could you identify in those 150 cases? The answer, sadly, was one.

And so they had this issue of being out there without that particular mentor in their life, and of course instability of homes that come from that and the instability of a working mother who may be working two and three jobs to keep up or possibly a single parent that may be involved in criminal activity themselves and the child is not a priority as they grow up.

And it's also in my - in some of the cases here in the greater Tarrant County area that we have seen that has simply been overlooked is the kids in school from K through 5 where we see a high truancy rate at an early age. That we see the start then, but we don't get urgent about it until middle school or high school.

In extreme cases, a lot of these kids that come into juvenile detention are coming from foster situations, both formal and informal foster homes. And when I say informal foster homes, I'm talking about a grandparent or great-grandparent or possibly another relative or friend that these kids are bouncing from home to home to home.

And unfortunately in Texas, they do that bouncing around often are involved in the juvenile justice system as well as the child protective system, we see that happening and we see that the termination or holding the parent finally accountable the child will be eight or nine years old. And that has resulted in Tarrant County right today that we have between 350 and 400 children between the ages of 8 and 17 that are up for adoption and nobody is adopting them.

In fact, those children are likely to stay in perpetual foster care until their 18th birthday. But unfortunately, 70% of them will be involved in either the adult system or the juvenile system by the time they hit that age and they will be partaking of mental health commodities. But many of these kids end up on the street.

In fact, in a recent study by the University of Texas -- at the direction of the governor -- found that 79% of the children that are caught up in human trafficking come directly out of our foster care program and they are out there, of course, being trafficking all over the nation.

And nationwide there are an estimated 100,000 juvenile orphans in this situation and many that are on the street and, of course, get caught up in human trafficking.

While there are good intentions and so forth like that, there was things that, if I may just set out for a moment, is that the areas where I see children gaining and heading down that wrong path, of course that is unsafe or unstable home, where values that are being presented in that home lead to delinquency.

The second area that I see right now, that I see that children sharpen their skills - the number one area that they do it, is once they are incarcerated, the road is decided almost. They start going down a horrific road because they're with like-minded peers and often see delinquent behavior as simply a rite of passage of going to a detention center.

Also, we have another organization - good organization that they tried the group homes where they lump these orphans in together - these kids on foster care are temporarily removed from homes where they go to these group homes and again they meet peers that are like-minded and similar stories and experiences. And often these kids are prone to the runaways and resort to criminal activity just to survive day-to-day.

But I'll also say our juvenile mental health facility is another place - it's another breeding ground where skills are and like-mindedness occur. And of course, there's one other place that I dare to mention, but I believe it's there, is the alternative school where we have kids that are considered suspended and bad because they've acted up, and all of a sudden they're at an alternative school and, again, with like-minded other kids that decide and reinforce those bad intentions.

But with all that said, those places are still some of the things that we have to have as last resorts, but they should be a very, very, very last resort. As I think that is some of the recommendations that I would love to see is that, of course, as we do this, is trying to figure out and bring resources to bear that help homes become more stable, to help people come together, and including the non-profits and the churches being involved to try to bring that together to help stabilize a home and often mentor a parent that may need some help.

And also, you know, I think that we should consider as I've heard already some great best practices and things across the nation, is that I think we need to take a look at something as controversial as school uniforms that may have a positive effect at least on the standards that we have.

And we also may consider from a law enforcement perspective is continue to partner with the schools and consider expanding that SRO program that you just heard spoke of greatly is expanding it to make sure that it's in the elementaries where kids know that they're going to be safe and see that police officer as that mentor and as that counselor.

I also think from a law enforcement perspective is that free time, children's free time that are in these troubled homes, when they leave school at three o'clock and they head someplace and between 7:30 p.m. statistically, we know they're getting into trouble out there.

We need to train specific officers to target delinquents in their neighborhood on evening shift-type arrivals where they're working from 3:00 p.m. to 11:00 p.m. and they need to be out there to help those children and be basically the SRO on the beat that's out there in the community that follows these kids home and have someplace to be. So that they can work with the SRO officer and have a network of what kids they need to be helping and looking for.

I'm sorry, also that we need to fund resources of after school programs including things like police athletic leagues. We also need to give this officer that's out there the resources that he can bring to bear, like getting a scholarship and a basketball team or baseball team and have them be able to bring other resources to bear to make these kids fill up their time with positive things and to be able to mentor them.

But he also needs to have at his fingertips, where's the food bank because often we find these kids have no food in the house, and that they don't have other things that are just basic needs and this officer could be that. And it sounds like a social worker, but law enforcement is in that world and it is in our best interest.

But if we can take the resources that we're spending on a child that is now incarcerated, those big dollars and if we were able to spend those on the front-end when they're coming up and be able to tend to it there, and also reexamine our foster program and parents that are involved with that, to hold them accountable earlier and quicker and maybe not terminate those parent's rights when they're 9 and 10, but maybe look at, hey we tried for the first three years your child was alive, and we're going to give the child an opportunity and not the parent. Because I think often we do the other.

But in my 40 years of experience, those are some of the things that I see and I think it is an opportunity as our generation passes the torch and I have hope that law enforcement can play that critical role in shining the light on simply the forgotten children that we later call delinquents. Thank you and I am privileged to be with you today.

Phil Keith: Thank you, Sheriff, for your testimony, and thanks again for your great service to law enforcement and certainly as a veteran to our country. Our last distinguished panelist today is Deputy Chief Thomas Lemmer from the Fraternal Order of Police Lodge No. 7 and the Chicago Police Department.

Similar to our other witnesses today, he has a long and distinguished career in law enforcement spanning nearly four decades, as well as being a committed life learner, researcher, and educator. For his work in the area of juvenile delinquency intervention, he's been the recipient of both the Chicago Crime Commission's Star of Distinction Award and the Illinois Bar Association's Law Enforcement Award.

He's been elected to the School Councils in the Chicago area and serves on the Illinois Juvenile Justice Leadership Council. Chief Lemmer thank you for joining us today, and you are recognized.

Thomas Lemmer: Thank you very much. I would like to thank the President and the Attorney General for establishing this Commission and I would like to thank each of the commissioners for their time and commitment to this important work. I would also like to thank the Fraternal Order of Police National President Patrick Yoes and Chicago FOP Lodge 7 President Kevin Graham for their commitment to the law enforcement profession.

The FOP is the world's largest organization of sworn law enforcement officers with more than 330,000 members, and I am honored to speak today on their behalf regarding the challenges of juvenile crime. The goal of the modern police agency is crime prevention such as particularly relative to juvenile crime. Police officers are instinctively protective of children.

When juveniles are engaged in delinquency, police officers seek the most effective intervention approaches. Even when the arrest of a juvenile is seen as necessary, police officers see the value and regularly make use of diversion as an outcome approach. Under Illinois law, police can make use of a process known as a station adjustment and return the youth home without the filing of a formal court case and often with the referral to support services or programming.

As indicated in my written testimony, there are four recommendations that I would like to bring forward to the commission. First, it is recommended that we once again acknowledge the core role of the juvenile court structure. All juvenile delinquency intervention beyond the young person's self-motivation to actively participate, relies upon the existence of a support structure to guide the youth towards positive change when home, schools, or community programs are unable to reach the youth resistant to change.

It falls to the juvenile court to provide the structure essential for the needed change to have any chance to occur. The reality is that a great many youths, particularly those deeply involved in gang activity and drug dealing, may not yet be in a place where they are ready to willingly engage in

services. Absent follow-up monitoring by the police or the juvenile court system, such youths simply drop out and do not receive the services needed.

If we draw from a medical model, it's as if we wrote a prescription for the involved young person, but that young person never received the medicine or failed to take the full dose as prescribed. How can we expect the services to work if the young person never actually received them?

Recommendation two, a multi-layered community response is needed. We must not be drawn into a false choice of deciding between juvenile court and complete deflection to community-based programs. We are in need of all-of-the-above response.

Such efforts should include one, robust prevention programming that increases the ability of parents to effectively respond in the home. Two, effective child welfare monitoring whenever neglect or abuse is detected. Three, deflection with voluntary program options for first-time non-violent youth. Four, diversion programming options that do include service completion requirements and appropriate re-engagement collaboration efforts by police, juvenile probation, or prosecutors for those youth with emerging patterns of delinquency.

Five, intervention support for efforts for youths unable or unwilling to meet service engagement requirements to include juvenile court itself. And lastly, six, the formal filing of delinquency petitions seeking court intervention with all youth that are involved with serious acts of violence or chronic patterns of delinquency harmful to the community.

Recommendation three is the need for a balanced approach to juvenile records expungement. We need to encourage the states to delay automatic expungement of juvenile arrests and court records until the individual has reached adulthood and has successfully completed all disposition requirements.

While there are valid concerns that a juvenile record lingering into adulthood can have negative consequences, expunging these records while youths are still youths is problematic. Doing so leaves police and social service workers blinded as they seek to identify the intervention approaches appropriate for those youths.

Consider again the medical model. What may be symptoms indicating a minor ailment perhaps a cold and correctly diagnosed at an urgent care center, may also be the early signs of a more serious illness requiring far deeper care. If after each visit/arrest, we are wiping the medical/arrest history clean then those seeking to identify the most effective treatment approaches will only detect cases with emerging levels of seriousness after serious, even violent, offending has already occurred.

There are no *Men In Black* memory wiping devices and, even when those in the system have forgotten, the involved youth remember. Some juvenile offenders will equate the system's memory loss with the notion that they're involvement in delinquent acts is not a problem giving them false confidence that they can continue in their problem behaviors without the risk of serious consequences.

In Chicago during 2016, a young person aged 10 to 17 who had not been arrested had a risk of being murdered of just 0.4 in 10,000. A similar youth arrested just once had a murder risk of 15 in 10,000, 38 times higher. And a youth arrested four times had a risk of 64 in 10,000, a full 160 times higher than the youth who had not been arrested.

Of course, it is not the arrest that raises the risk. The increased risk comes from contact with others, some of whom are inclined toward violence. Expunging juvenile arrest records does nothing to lower the victimization risk for the involved youth, it only conceals that risk from police and others seeking to identify the need for intervention approaches.

Finally, recommendation four. We must address the contributing adult factor. A significant portion of violent crime involving juvenile offenders in Chicago and countless towns and cities across the country, have gang connections, particularly to the respect to the most established gangs and those actively involved in the drug trade. These organizations can be multi-generational in nature and they are controlled by adults with extensive criminal histories.

Currently, these gangs have an incentive to seek out juveniles to perform the basic criminal activities of the gang. Juveniles can be easily influenced and their use can help adults shield themselves from legal accountability. A harsh secondary reality from the view of the adults controlling a gang: when necessary juveniles are more easily replaced and are expendable.

On August 28, 1994, a 14-year old girl named Shavon Dean was murdered as she played near the front of her home in Chicago. Had she lived, Shavon would now be a 39-year old woman. Sadly, beyond her family, few probably would recognize her name. The nickname Yummy, by which her 11-year old killer Robert Sandifer was known, is more widely remembered and it remains a haunting reminder to many veteran police officers, the Dean family, and countless older community members of the worst that can come from juvenile crime.

Prior to Shavon's murder, Yummy at age 11, had already been involved in a drug trade of a major Chicago street gang and he had already been arrested 40 times including for drug crimes and armed robbery. He had been prosecuted in juvenile court eight times for felony offenses and twice sentenced to probation.

On that August evening in 1994, Sandifer had been assigned by older gang members to shoot at a group of boys who were believed to be rival gang members. Yummy shot one boy in the hand and one bullet went past the group of boys and struck Shavon in the head, killing her. And yet, the maiming of one boy and the murder of a 14-year old girl, and an act of extreme gang violence by an 11-year old was not the end of the story.

Quickly identified as the murderer, a massive police response led the gang to hide Sandifer and, concerned that Yummy might talk to police if caught and then implicate those who had given him the order to move forward, led the gang to order two other juveniles, gang members Derrick, age 14, and Craig Hardaway, age 16, to kill Sandifer.

Sandifer was picked up by the Hardaway brothers from a safe house and he was told that he was going to be moved out of the city. Instead, Yummy was taken just nine blocks from where he had been picked up, and under a neighborhood railroad viaduct, he was executed, not for killing Shavon. He was executed because of the danger he represented to those who had sent him. No adults were ever prosecuted in the murders of Dean or Sandifer, and the shield held.

Rarely are the adults are the root of the pushes and pulls of juvenile delinquency held accountable. Existing prosecutorial approaches involve the placement of additional charges that rely heavily on the full cooperation and testimony of the involved juvenile. Many juveniles in these circumstances do not cooperate based upon the belief and the false promises of solidarity from the gang, and still others do not cooperate based upon fears of retaliation.

Such was the case with the Hardaway brothers. Due to the limitations of the existing statutes, they are infrequently charged, and, as such, they are of diminished value in deterring criminally motivated adults from continuing to make use of juveniles to further their own criminal objectives. It is highly recommended that the commission encourage legislation mandating sentence enhancements for use at both the federal and state prosecutorial levels whenever adult offenders are convicted of felonious crimes with non-family member juveniles as accomplices.

The sentence enhancement approach would not require the charging with separate offense, rather only the inclusion, as part of the factual basis of the offense charge, proof that a co-offender to the adult was a juvenile at the time of the crime.

Such enhancements should be on a graduated scale, ranging from an additional non-concurrent year, for any non-violent felony offense, and up to an additional 20 years for any violent crime resulting in the death of a victim. I refer you back to my written testimony for additional information.

In closing, I share the enthusiasm for the work of the Commission expressed by National FOP president Patrick Yoes, and I would like to once again thank the members of the commission and the members of the juvenile justice and youth crimes working group for your efforts and the opportunity to speak to you today. I look forward to answering any questions that you may have.

Phil Keith: Thank you Chief Lemmer for your valued testimony, and certainly for your distinguished service to law enforcement. Commissioners, we are now open for questions for the witnesses. Commissioners with a question, please state your name prior to your question and direct that question to a specific panelist or to the entire panel. This is a reminder to the commissioners, your mics are hot at all times.

And again, Chief Newman will be responding to questions for Superintendent Davis as his schedule required him to drop off the call after his testimony. Thank you, and commissioners we are now open to the panelists.

Dave Bowdich: Hey Chairman Keith, this is Dave Bowdich. Can you hear me?

Phil Keith: Yes sir, Director. You are recognized.

Dave Bowdich: All right. I just wanted to thank our speakers today. I think what's most impressive from some of them was their passion about the topic, in particular Sheriff Waybourn was very impressive and not only is it impressive, but what you had to say and your passion about the topic, but when I

look at the fact that you put your money where your mouth is both personally and professionally, it's extremely impressive.

And I just wanted to say thank you to you all because, what we see time and time again is whether we are working on a violent crime case, a drug case, or a terrorism case, much of it boils down to a lack of a stable foundation for these kids and they never had good accountability and they never had – some kids are raised and some kids just grow up and a lot of them just grew up.

So I just wanted to say thank you to the folks that spoke today. I thought it was an excellent, excellent use of our time during the last hour.

Phil Keith: Thank you, Commissioner. Other commissioners with questions or comments? Other commissioners with questions or comments? There are no further questions. Let me close by thanking our panelists once again for your time and your most valuable testimony and responses to the commissioners.

On behalf of the Attorney General and his leadership team of (Rachel Bissick) and (Jeff Avida), and all the commissioners, your contribution provided today are sincerely appreciated and will assist the commissioners in their deliberations and work.

Before we close just a reminder to the Commissioners, that our last hearing for the week will be tomorrow. Please also check the President's Commission page for additional updates of documents and information on the Main Justice website and we'll update it regularly when information is available for posting.

Are there any questions or comments from Commissioners?

Katharine Sullivan: Yes, please, Mr. Chairman, it's Katie Sullivan, and I just wanted to announce myself here. I joined at approximately 2:11 p.m. or 2:12 p.m.

Phil Keith: Thank you madam chair. So noted. Any other questions or comments from commissioners? If there is no further business before us today, The President's Commission is adjourned.

Operator: This concludes today's call. Thank you for your participation. You may now disconnect.