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Moderator: Dennis Stoika

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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 call over to Phil Keith. Please go ahead sir.

Phil Keith: Thank you Travis and good afternoon and thank everyone 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 each of you for joining us today for this important Commission teleconference meeting.

Today we will conclude our witness panels on recruitment training and retention with today's teleconference focused specifically on retention. As I mentioned yesterday, this is Police Week. If you did not get a chance to watch the candlelight vigil last night. I urge you to take a look at that program, that web site if you will. Attorney General Barr provided compassionate remarks that are quite moving.

The AG's video is also on the main Justice home page, and I would encourage you to take a look. It speaks volumes about his support for law enforcement, and especially those heroes who gave it all with personal sacrifices.

At this time I would ask our Executive Director Dean Kueter to conduct a roll call of Commissioners.

Dean Kueter: Thank you Mr. Chairman. And before I call the roll I would just like to remind everybody that once again today's event is open to the press. And for any members of the media on the call, if you have any questions or any clarification on anything please contact Kristina Mastropasqua in the Justice Department's Public Affairs office. And with that I will begin the roll call.

Commissioner Bowdich?

Man: Deputy Bowdich will be here momentarily.

Dean Kueter: Commissioner Clemmons?

James Clemmons: Present.

Dean Kueter: Commissioner Evans.

Christopher Evans: Here.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Here.

Dean Kueter: Commissioner Gualtieri.

Robert Gualtieri: I am here.

Dean Kueter: Commissioner Hawkins.

Gina Hawkins: Present thank you.

Dean Kueter: Commissioner Lombardo.

Woman: Director Lombardo will be joining momentarily.

Dean Kueter: Commissioner MacDonald.

Erica MacDonald: Good afternoon. Present.

Dean Kueter: Commissioner Moody.

Ashley Moody: I am here.

Dean Kueter: Commissioner Parr.

Nancy Parr: I am here.

Dean Kueter: Commissioner Price.

Craig Price: Good afternoon. I am here.

Dean Kueter: Commissioner Ramsay.

Gordon Ramsay: Here.

Dean Kueter: Commissioner Rausch.

David Rausch: I am here.

Dean Kueter: Commissioner Samaniego.

John Samaniego: I am here.

Dean Kueter: Commissioner Smallwood. Vice-Chair Sullivan.

Katharine Sullivan: Hi everyone I am here.

Dean Kueter: And Commissioner Washington.

Donald Washington: Here.

Dean Kueter: Mr. Chairman, that completes the roll call.

Phil Keith: Thank you. Any other announcements?

Dean Kueter: No sir we are good to go.

Phil Keith: Thank you. All commissioners should have the bios and testimonies for this panel. And
as a reminder we will posting all these materials on the Law Enforcement Commission website.

Once again we continue to acknowledge everyone's commitments, efforts, and contributions to meet the goals of this historic Commission. On behalf of Attorney General Barr, we thank each of you.

As noted on previous calls, we encourage Commissioners to take notes during the testimony of the panelists. We will then open up for questions from the Commissioners after the last witness is finished. Our first distinguished panelist today is Director Bill Johnson who is an executive director of the National Association of Police Organizations or commonly referred to as NAPO.

NAPO represents some 1,000 professional police associations and units and more than 241,000 sworn officers throughout the United States. Director Johnson has an impressive legal career, including serving as a prosecutor and former law enforcement officer.

Director Johnson is one of the strongest advocates for rank-and-file law enforcement in the country. We are fortunate to have him here today. Thank you for joining us Director Johnson. You are recognized.

Bill Johnson: Thank you very much Mr. Chairman, Director Keith. And Assistant to Attorney General Sullivan, Executive Director Kueter, and distinguished Commissioners. As Chair Keith indicated, my name is Bill Johnson and I serve as Executive Director for NAPO.

I am presenting these remarks today on behalf of our members across the United States. I sincerely hope that these remarks may prove of value to the Commission during deliberations and fact finding and ultimately to its report to the President of the United States.

It is no secret these are extraordinarily challenging times, today, for American law enforcement officers. And this was true even before the current public health emergency. Again, a great sense of disappointment and lack of support that is the feeling out there. A feeling of misunderstanding and a concern that they are often deliberate false, and mischaracterization of the men and women who are out there doing police work and are serving as law enforcement officers.

Aside from increases in violent crime and today's health concern, there also seems to be an increasingly open and hostile and aggressive willingness to engage in confrontation with law enforcement officers on the front line.

This is in addition to the "normal" risks and dangers of the job. All of this directly impacts our recruitment and especially the retention of good and qualified officers. And thank you for the opportunity, we have submitted the written testimony as well as several supplements that I hope will be of interest.

But just perhaps one anecdotal note if I may be allowed. We have seen within our own membership and our board of directors which is comprised of men and women from around the country. And these folks who have been serving as law enforcement officers for decades.

As you know, law enforcement tends to be a familial business in the sense that there is a very strong, or it is very common to have a very strong family tie through the generations. I may serve a law enforcement officer, my father may have served, my uncle may have served, my cousins may have served, my mother may have served. And that has always been a source of pride and integrity and essentially is something that is passed down.

Now for the first time in my life -- and I have been involved in this for about 30 years at this point -

- the men and women who are, you know, in their 50s maybe near 60 years old who have sons and daughter who are looking at work. For the first time they are telling their own children not to go into law enforcement. To find something else. That it is just not worth it anymore.

And this is something we have not seen before and of particular interest, I think, to this panel and for the Commission. That is something that is out there. It is a real sense out there and it directly impacts -- detrimentally impacts -- retention and recruitment of law enforcement officers.

I want to talk about three broad areas that we hope, that we suggest may help alleviate these concerns. The first is officer mental health and wellness. And we believe this directly relates to the retention of well qualified and healthy officers.

As we have noted, and I am sure other witnesses have described to different working groups as well as to the panel, officers are forced to deal with a career's worth of human misery throughout their working life. This is what passes for normal in their work world.

The work that they do takes a tremendous toll on their minds and their bodies. A tremendous toll on their minds and bodies and many of our officers suffer from mental health concerns and from PTSD.

We recommend, and we ask the Commission to recommend, that every officer in this nation should have access to a peer mentoring program. We cannot overstate the importance of this, a confidential peer monitoring services to supporting law officers' mental health and wellness. This directly impacts retaining those officers. Good and healthy officers.

As you know, the COPS Office has released two excellent reports that we cite in our testimony

from last year. The Law Enforcement Mental Health and Wellness Act Report to Congress and the Law Enforcement Mental Health and Wellness Program: Eleven Case Studies.

Without going into detail just refer to our written recommendation which in turn relates to the recommendations in the Law Enforcement Mental Health and Wellness Act Report numbers 13, 14, 15 and 18. We would strongly ask or urge that this Commission adopt and make part of their final report to the President of the United States.

It deals with the expansion of peer support programs to ensure that all officers have access to it. Looking at alternative models and supporting them. Involving rank-and file groups in this, that is the important part, we feel. And improving privacy protection for officers who are seeking assistance.

Our officers, just like anyone else, feel more comfortable admitting their concerns and asking questions and are more likely to take advantage of mental health services when they know they will be confidential.

We strongly support in particular Recommendation 18 of that study and also the needs to enact legislation and make all communications by officers to crisis counseling services, including peer services, confidential.

One further recommendation that I wish to emphasize would be to amend the federal rules of evidence, to Rule 501 which deals with the privileges in federal courts to exclude from introduction into evidence in federal proceeding statements made by officers in the context of the critical incident debrief.

Supporting the mental health and wellness of officers in providing these resources not only helps protect their mental health and wellness but saves lives, quite literally, and helps agencies retain good, experienced, qualified officers.

The second broad area which we touched on briefly is the public perception of law enforcement officers. Unfortunately as recent history shows, public figures and the mass media seem to -- sometimes it's done as political expedience or sometimes use it as a means to garner attention. Not everyone obviously but a lot.

By painting officers as brutal or racist or corrupt. And, not this administration, but the previous administration routinely talked about phrases, such as we all know that or we need to acknowledge that or history shows that, then go into officers in the U.S. criminal justice system are biased or racist or flawed or corrupt.

And some, again not all, but some other elected or appointed officials in the media would take a cue from this and, in our view, cynically and opportunistically jump in.

I would like to make three points briefly on this. This Commission and by extension the Attorney General and the President of the United States have an unparalleled opportunity to reclaim the bully pulpit in the rightful and accurate defense of the men and women who are doing their level best every day but basically execute a difficult and dangerous job.

President Trump, Attorney General Barr, and, prior to, Attorney General Sessions have in fact been doing this. We ask this Commission to recognize the public value of this. The public support and encourage similar public support at every level of our body politic.

The second point would be that programs such as "Comply then Complain," and we detail that a little bit about that in our written submission, those should be encouraged by the Commission in every U.S. jurisdiction. It is a great opportunity to build bridges amongst the men and women who serve as well as communities that they do serve. Encourage open, understanding cooperation and that also helps improve retention.

And finally, just as our example: Our own TOP COPS program. We have been doing that for 28 years now. The Department of Justice has been a great support for that. It's open to all. It's not a NAPO program although we run it. It's open to officers throughout the United States. We don't care if you are a member or not.

Any jurisdiction state, local, federal, tribal, county, et cetera. It's a great way to show the very good things that men and women throughout this country are doing at every level and to let the public know that these men and women deserve our support. So we would encourage participation and publicity for that as well.

And finally, one other - the final area in which we mentioned briefly regarding encouraging retention. We urge the Commission to recommend protecting officers' right and ensuring officers are protected during both workplace and critical incident investigations

Officers, like any other human beings, like to treat others the way they themselves are treated. And if they - if we expect them to treat others with impartiality and fairness and equity, we have to provide those same working conditions in their own workplaces. Otherwise we can't reasonably expect them to exhibit and provide these qualities to the public.

From our view, NAPO is a labor group but this is not a labor issue. It is a public safety issue and it

is a workplace issue. And specifically for this Commission, it is a retention issue. We feel there is a serious need for the implementation of minimal national standards and procedures to guide those state and local law enforcement agencies and officers during investigations, administrative hearings, and reviews.

From the management point of view this also helps provide a roadmap for managers in internal affairs. Sometimes some managers - again not all - but some may say that by providing a certain bill of rights for police officers under investigation, you know, "I can't get rid of the bad cops," and that just not true.

I can tell you from my end of it. If there is a bill of rights in place whether it is statutorily or procedurally, and those rights are honored, then there is nothing really that a union or a lawyer can do to try to get that officer's job back if it is right and just that an officer be terminated or disciplined or whatever it is.

If these rights are enumerated by law and those rights are honored that really helps safeguard, not just the officer, but the agency itself. To show that we did this right by the book. The justice or the - the justice, the righteousness of the discipline should stand.

The second area that we look at is collective bargaining. I always like to, kind of tweak a little bit, my friends at the IACP by reminding them that they started out as the National Union of Chiefs of Police of the United States and Canada. And so there's nothing to be afraid about collective bargains or unions or having employees have a say in their working conditions. We recommend that the Commission supports granting all law enforcement officers in all 50 states the right to discuss workplace issues with their employers. And I refer to the public safety Employer-Employee Cooperation Act that is contained as part of our exhibit submitted to this Commission.

And then finally regarding this retirement benefit, we talked about this briefly in our written testimony, but this is an issue of prime concern. If you're looking at retaining well-qualified officers - both recruiting or retaining them -- the traditional benefits, the pensions that were crafted specifically for public safety should be honored and kept in place. It's the type of job that cannot realistically be done after 30 or 40 years at the same level it was when we first hired the men and women coming in the job. And the pensions that were developed to support law enforcement officers and families recognized that. And another reason why is that many officers across the United States -- perhaps 40% or more -- are not participating in Social Security. And so they have to rely on their pension benefits to the exclusion of Social Security benefits.

For those who do participate in the Social Security program, we recommended repeal of the government pension offset in the Windfall Elimination Program -- Provision rather. Those programs and provisions operate to take away from the retirees or their surviving spouses benefits that they have already earned.

I know we've been asked to keep this short. I apologize for somewhat rushing through this, so I would refer you to my written testimony as well as submissions attached thereto. I sincerely appreciate the opportunity to share these insights with you. I hope that you find them of value, and would welcome any questions or follow-up - thank you.

Phil Keith: Thank you Director Johnson for your commitment and service to law enforcement and for your valued testimony here today.

Our next distinguished panelist is Sheriff Mark Napier from Pima County, Arizona. Sheriff Napier has spent 40 years in law enforcement starting as a police officer in Iowa, serving in leadership

roles in Tucson and Glendale police departments prior to becoming the 34th sheriff of Pima County, Arizona. Sheriff Napier currently serves as the elected Vice President of both Major County Sheriffs of America and Arizona Sherriff's Association. He personally knows the struggle and challenges for law enforcement and especially issues related to our border security. Sheriff Napier, thank you for joining today, and you're recognized.

Mark Napier: Thank you Director Keith and Commissioners. It's an honor and privilege to be able to testify before you this morning about something that I have an incredible passion for, and that's the rebirth of the Law Enforcement Assistance Administration, and with that, the Law Enforcement Education Program, both of which have a clear and compelling nexus to retentions of law enforcement officers under these challenging times. In way of background, the Law Enforcement Assistance Administration was part of the prior Law Enforcement Commission under the Johnson Administration of about 1967. The Law Enforcement Assistance Administration provided a platform for research and policy and practice implementation and examination.

As you recall, in the 1960s there was a pronounced move to professionalize law enforcement. There was the professional model of law enforcement, kind of, being given birth in the turbulent time of the '60s. Also, there was a move to address some very difficult crime problems of the time. Keep in mind, this was the 1960s during the Vietnam War and there was a lot of turbulence in society and a lot of focus on crime and civil disorder.

The Law Enforcement Assistance Administration also became part of the Law Enforcement Education Program, and this was incredibly important to law enforcement officers, especially in the 1970s. In the 1970s, about 100,000 law enforcement officers were able to obtain an undergraduate or graduate degree at about 1,000 institutions of higher learning as a direct result of funding from the LEEP. This program was finally dissolved in about 1982. The reason this

sticks in my mind is because I became a police officer in 1981 and was despondent about this being dissolved and not being one of those things that might have actually compelled me to further retention in law enforcement. As fate would have it, I hung out for about another 40 years.

We have the benefit today of many autopsies of the prior LEEA effort and they can guide us now. We know that there were many successes with respect to the LEEA. One of those was the victim witness movement, an inclination to understand victimology and the unique needs and protections that should be afforded to victims and witnesses of crime. There were significant advancements in technology -- body armor, law enforcement equipment -- that also came out of the LEEA, and again, the idea of enhancing the professional standards of law enforcement. When I became a police officer, we were still kind of just expected to respond to calls for service. You still had this very white-male profession, larger people that are able to come in and address crime in a very proactive way. That has evolved significantly over the last several decades.

Out of the LEEA in the 1960s and 70s, there was a movement for more strategic law enforcement enforcement activities. Unfortunately with the LEEA, we know from the autopsies that are available to us now, we know that this is an over-focus on enforcement, and this eroded to some degree the public confidence in the LEEA at the time. It also became -- as many Federal programs do -- overly bureaucratic.

Block grants were used to send large funding streams out to individual contractors or to large municipalities, and we really lost a localized focus. And it was really too much of a blank check approach with no loopback or accountability to LEEA funding -- which again eroded public support and eventually probably the death of the program.

And much was dictated from the Federal level which offered a lot of relevance for local law

enforcement leaders. We found that the research was interesting, perhaps and even compelling, but not practical in implementation. And there was really no planning or engagement on the part of practitioners. This is a huge point because this was being dictated coming downstream rather than from a ground-up approach.

Today we have an amazing opportunity as part of the President's Commission, and I would like to speak to two focuses. One being the rebirth of the LEEA as a research body and the reimplementation of the LEEP as an education platform. With the LEEA, we have the unique opportunity to fund some focused research in best practices policies for law enforcement. These are needed now more than they were in 1967 under the original President's Commission under the Johnson Administration.

The problem, currently, is we have a fragmented approach. We have IACP and PERF and universities coming out with very fragmented research efforts and we have little to no engagement of practitioners. So we'll end up with compelling research or recommendations that have really no practical applications.

As part of the new LEEA and the focused effort towards research, we can address many current challenges in law enforcement to come up with best practices that will be compelling to Millennials and will aid in the retention of those people because they look to law enforcement very differently than I did nearly 40 years ago. We need to address racial disparities in the criminal justice system, obviously gun violence, the way that we outreach and communicate with minority communities, law enforcement community relations, specifically to minority communities which have been eroded over the last decade significantly. We need not look past Ferguson, Missouri to see that.

The President has spoken very passionately about criminal justice reforms, so I think there's unique opportunity to do some meaningful, focused research into criminal justice reform that's not guided by political ideology or predisposed answers. We need to look at control of and suppression of violent crimes, drug education, the address of the opioid crisis.

Last night alone, my deputies administered NARCAN to save the life of an opioid overdose. We're never going to arrest our way through these problems because obviously the issue of over-incarceration -- near and dear to my heart -- in border county, the U.S./Mexico border, is how we address border and immigration issues at the local levels.

We have a national challenge with respect to hiring, recruiting, and retention, and I think this research would aid in retention as law enforcement officers look to a more meaningful career, better community engagement, than they have in the past. We need to look at how we police special populations and drawing more women into law enforcement. Law enforcement as a body is still too white and too male.

The other speaker who spoke about officer wellness. We know that we're now killing ourselves to three to five times the rate that the bad guys are killing us. Mental health resources for law enforcement still have attached to them a the stigma and a lack of support in the community, and that adds to this tragedy of law enforcement suicide.

We also are not addressing the expectations of Millennials in law enforcement. They have a different expectation of what a law enforcement career should be about and how law enforcement interacts with the community, much differently than I might have had in the 1980s, in that timeframe. And we need to look at support for the law enforcement officer's family.

Under the LEEA, this focused research must be in partnership and cobranded with academic institutions and think tanks and practitioners. Otherwise, we end up with research that's very hard to implement. And it cannot be a blank check or fostered by block grants as it has in the past. What we search to do is to have research and it comes back with actionable items and recommendations with a follow-up loop and implementation option.

This will add significantly to recruitment and retention as Millennials want a career with purpose and they see social interaction differently and would certainly engender greater community support which also adds to retention and recruitment.

Secondly the establishment of the LEEP, I would recommend a 75% tuition reimbursement for those seeking degrees. This should be administered at a Federal level so there's no local interference or inability on a local level to administer the program. This has obvious implications with recruitment, retention, the professionalism of law enforcement. It most certainly would appeal to Millennials who are under the crushing burden of student loan debt. And it also addresses the societal expectations of law enforcement as these have evolved to expecting more professional, more well-rounded law enforcement officers than we have in the past.

Clearly the military enjoys success under this with the GI Bill. Much of their recruitment is people going into the military for those benefits. This also would be great to reach out to minorities and disadvantaged communities that may see higher education is blocked to them and see a pathway in law enforcement as a way to obtain their college degree. And it may make the career more appealing to those of color and from disadvantaged communities.

Online education makes this easier than it has ever been. I have been an online educator with Boston University for the last 15 years. Most of my students are non-traditional students, meaning

working adults. We would just require a three-year commitment after the last payment of tuition reimbursement. I'd like to make clear that this has very worked very well in the past with more than 100,000 law enforcement officers benefiting from that.

My clear recommendation to the Committee is the rebirth of the LEEA with focused research on policy and practice, cobranded with academic institutions, think tanks, and practitioners with actual material, with a follow-up loop, and a more localized funding stream than we've had in the past.

The second recommendation would be the establishment of the LEEP -- the Law Enforcement Education Program -- with reimbursement for college degree-seeking law enforcement personnel employed by local, state, and federal law enforcement with a three-year commitment after payment. By that time, I think we've got three to five years -- maybe longer -- out of a person more likely to stay in law enforcement, and this clearly benefits recruitment and retention.

I would strongly urge the Commission not to miss this opportunity. Please do not - it would be a travesty not to have the LEEA and LEEP as part of the Commission's recommendation to the President and Attorney General Barr. This worked 50 years ago, and it will work better today. The challenges are the same.

In conclusion, I would ask the Commissioners to refer to the written testimony. There is plenty of historical information out there regarding the prior efforts that can guide our current efforts. This would be a win for the Commission and for the President of the United States. This would be wildly popular from all sides of the political divide. COVID unfortunately or fortunately provides another opportunity to look at law enforcement practices. They are challenged now more than they ever have been and another way to say thanks to law enforcement is a law enforcement

education program.

This is a compelling time. I would strongly hope that the Commission would not miss this opportunity. The prior effort under the Johnson Administration did not. We had a good LEEA and a LEEP that benefited law enforcement greatly under the prior efforts.

That concludes my remarks, and I very much appreciate the opportunity to speak with the Commission today. Thank you.

Phil Keith: Thank you Sheriff Napier for your valued testimony and for your leadership of law enforcement in our country.

Mark Napier: Thank you.

Phil Keith: Our next distinguished panelist is from the Baltimore Police Department, Commissioner Michael Harrison. Commissioner went to Baltimore from New Orleans Police Department where he rose through the ranks and served as Superintendent there for four years, leaving a substantial footprint from his leadership. In addition to his distinguished law enforcement career, he served eight years in the Louisiana Air National Guard and he holds a Master's Degree from Loyola University. He serves on the Executive Board of the Police Executive Research Forum and is an active member of NOBLE. Commissioner Harrison, thank you for joining us today. You are recognized.

Michael Harrison: Good afternoon, Chairman Keith, Vice-Chair Sullivan, and members of the Commission. My name is Michael Harrison. As has been said, I am commissioner of the Baltimore City Police Department. So I thank you for your invitation to participate in the panel and

to present to you this afternoon.

Just a little bit on background. As you've heard, I've the honor of having led and now lead two major American city police departments, New Orleans and now Baltimore. Both cities in my first year struggled with high levels of violent crime, mainly shootings and murders. And I entered into the leadership role in both departments there as superintendent and now as commissioner in the second year of a federally-mandated consent decree.

Baltimore struggles with attrition as it now outpaces hiring, as did New Orleans in my first year, which made us look at why officers leave departments pre-retirement, or those who voluntarily leave the department as opposed to retirement. What we found then, and what we continue to find now, and certainly this is probably a perspective of urban police departments, what I have found is that officers leave pre-retirement because of five main reasons, and I'll give you what they are.

Number one is working conditions. Facilities, vehicles, the equipment, technology, performance inefficiency, you know, outdated and antiquated facilities that are nonfunctional, vehicles that are outdated and unproductive, equipment that is outdated and cannot give the officers the efficiency that the modern police department culture actually requires, and performance and efficiency enhancements that some of our more affluent neighborhoods might have access to that some of our urban police departments struggle to get because of budgetary restraints and other issues.

Those are the things that I have found in two major urban police departments that really is the number one factor that officers either stay or either leave; the level of comfort in having the kinds of working conditions that foster the environment that makes it a good place to come and a good place to stay.

Number two, upward mobility, actually having an attainable career track with professional development at all levels to cultivate and groom the leaders who always prepare them for the next level. I found then and I'm finding now that there were no systems to be able to prepare people for the next level through promotion and the next level of advancement and having an actual career track that's laid out for an individual so that they can track how they promote up through an organization and how they actually have access to that.

We found that that hurt us there. We are able, through consent decree compliance, to create an employment opportunity or an advancement opportunity for the members of that department so that we can track their progress through the organization upwards and laterally through the organization.

Number three, fairness, equity, and transparency in the hiring, selection, promotion, and disciplinary processes. I found that many people leave and the reason they cite through exit surveys is that the fairness or lack thereof, the equity or lack thereof, and transparency or the lack thereof in how we hire select people for either specialized assignment, select people for promotions and/or awards and how we deal with the disciplinary process.

We had to, and we continue now, in Baltimore had to create systems and processes of accountability and transparency that give clear and concise guidelines and objective criteria for selection of assignments, selection for rewards, and selection for promotion and equitable outcomes regarding discipline.

You heard one of the earlier speakers talk about the discipline. We have to create systems that have a disciplinary process that's strong and flexible but not overly punitive but it has to be fair

and it has to be equitable for people who commit the same violations that we now use disparate punishment going to different people for committing the same violation.

We found that that's likely to be the number three reason why people leave, because they believe that there is a disparate process in the disciplinary process, a very lack of transparency in the selection for specialized assignments, and/or for promotions, and there's no career track on how to promote upwards in an organization.

Number four, support from the administration. When the administration, and certainly officer wellness falls right into this category, we've already heard that this afternoon. How do we treat and promote and preserve the whole person to make sure that we're getting the maximum from our employees, that they're giving the maximum, that they are performing to the highest standard, and that we can help them maintain their career and maintain both their physical and mental health as we send them out and put them in harm's way every single day to protect and serve the people of our city.

And so we have to make sure that we are getting support from the administration to make sure that we give the officers the tools they need. Those tools are sometimes not technology and sometimes not equipment and/or facilities, but rather physical support, mental support.

And then, lastly, pay. Believe it or not pay is not number one. We found that it is number five, after upward mobility, transparency and equity in the promotional process, upward mobility, support from the administration, and now pay. We have to make sure that we deal with issues like pay compression or the steps between them, structural design where a subordinate could potentially earn more than superiors, depending on how we work and pay overtime and off-duty assignments.

And we have to make sure that there's pay equity across jurisdictions, whereas officers in one jurisdiction make close to what officers in a nearby jurisdiction or a surrounding region would make. Likewise, the sergeants and lieutenants kind of follow so that people will not look to other agencies for a career path. We actually built that within our own organization and we created pay equity so that there's no reason to leave to go somewhere else because of the reason of pay.

These are the issues and they are more prevalent than the management of generational differences, as you heard earlier, because our Millennial members have very different professional goals, needs, and ambitions than, for example, our Generation Xers or our Baby Boomers. There are exponentially different needs for Baby Boomers than for Millennials.

Understanding those generational differences and creating management structures and support from the organizations that support and hears from the organization and creates policies, processes, and protocols that allows them to speak to us so that we can know what it is our members need and design a department that helps them with those career paths so that we can retain them.

So in conclusion, while I gave you the five main issues that negatively or positively affect retention, I'll conclude by giving you the seven overall scenarios that have to be addressed to create high-performing agencies that can overcome generational differences, inequity, disparity, overly harsh grouping, and ever-evolving practices that I've outlined in my prior plan which you can find.

Number one, and this is seven points of alliteration that makes it easy to remember, is crime, crime reduction; number two, capacity; number three, culture; number four, community; number

five, compliance; number six, connectivity; and, number seven, communication.

So my recommendations to the Commission on Law Enforcement would be for this body to advocate for more resources to implement the kinds of working conditions that offer support, both human and technological and financial support, to improve working conditions, to improve capacity building, to improve our community engagement where we can do three things: build relationships that were never built, improve on good relationships, and repair broken relationships.

Improve our technological advancements and improve our officer wellness programs that police departments critically need in order to change the environment and the culture that fosters increased performance that ultimately leads to crime reduction. And finally, with an effective internal and external communication strategy that focuses on all of the aforementioned, we can improve morale which improves job satisfaction, which we all know improves retention.

So for more information about my crime and department transformation plan, please visit my agency's website, www.baltimorepolice.org. And again I thank you for attention this afternoon. I welcome any questions that you might have.

Phil Keith: Thank you, Commissioner Harrison, for your valued testimony today and certainly to your service to law enforcement.

My last distinguished panelist today is Tempe Chief Sylvia Moir. Chief Moir is a California native and began her career with the Sacramento Police Department. Chief Moir has more than 30 years of service as a police practitioner, serving as the chief of police in two different departments. She's held many other law enforcement leadership roles throughout her career,

including currently serving as the president of the Police Executive Research Forum.

Thank you for joining us today. Chief Moir, you are recognized.

Sylvia Moir: Thank you. Good afternoon, Chair Keith, Vice-Chair Sullivan, and Commissioners. I am grateful for the opportunity to speak with you about police officer retention. I am Sylvia Moir and I currently serve as the police chief in Tempe, Arizona.

In my testimony, I hope to provide an uncontaminated perspective on the law enforcement officer retention struggle and the efforts, many edgy and unique, that are being undertaken to combat this problem. In our time today I will describe what has been discovered broadly, what approaches we have taken specifically in Tempe, and what may be nationally implemented in our effort to retain police officers in the service of their communities.

So what has been discovered broadly? Law enforcement agencies have reported that despite salary and benefit improvements, retaining police officers remains a challenge. As a result of a national survey and a physical convening of police representatives in late 2018, the Police Executive Research Forum, PERF, identified five key findings in the law enforcement retention problem.

One is to rethink and realign incentives. Remarkably, in 1997 there were primarily three generations in the workplace but as of 2017, there are five generations in the workplace with Millennials soon to be the majority and Generation Z now entering this workforce.

Agencies need to ensure their incentives appeal to the changing needs and motivations of today's police officers because we've recognized that today's incentives differ from those of the

past. Flexible scheduling systems are more popular among younger officers today.

Number two, broaden officers' experiences and skill-building options. Officers may not see the same beat or patrol schedule as a long-term option. Introducing opportunities to broaden officers' experiences can expose officers to other areas of the department and expand their perspective.

Number three, focus on career planning and development early on in an officer's career. Gone are the days that an officer has to wait five years to gain education, training, and exposure. This focus early in the career shows that retention programs are needed that reach officers within the first five years of their careers. Career-planning opportunities and development plans can help officers envision a long-term career for themselves with their agency and perhaps stay in the profession of policing.

Number four, promote work-life balance. Creative shift scheduling can help officers have a sense of control over their schedules and provide for a more even distribution of time off. This is of significant appeal to today's police officers.

And the fifth finding, focus on officer wellness. There's a recognition that officer wellness encompasses more than just physical health. It incorporates and encompasses mental and emotional well-being of police officers. Many successful agencies are starting wellness programming in the academy and continuing it throughout an officer's career.

So what vital approaches have been taken here in Tempe? Well the message employed in Tempe began with a recognition of key factors in law enforcement. First is that sworn law enforcement officers possess a unique identity and coping mechanisms given their governmental authority and given the rigors of the high-stakes worded way of approaching

employee development as changing and fixing individual deficiencies as limiting and fundamentally negative.

The tactic in Tempe was borne out of an appreciative inquiry construct and recognition that entrants into policing today want something individualized to suit their uniqueness and where they derive meaning. So the first thing - four things that I will note and the first is this. The Tempe Police Department created development plans.

The development plan process is quite simply an ongoing interaction and exploration that forms the basis for a living and guiding document for the employee. The employee answers 11 key questions that help inform this interaction and this plan.

The approach that we have taken in this development plan allows for officers to have open discussions with their direct supervisor about their current work, their career goals, and this actually triggers the social dynamic of the supportive organizational culture.

It also provides an opportunity to strengthen the contribution of the employee and a plan distinct from the employee appraisal system. The plan is also part of the conversation and the development interactions that we have based on what we call skip levels. The employee doesn't just interact with their direct supervisor, they interact with those that are one, two, three, or even four rungs above them in the hierarchy.

Number two, the Tempe Police Advisor Program. This program connects a tenured officer with a new hire with the intent of providing support and guidance. The advisor and new officer are joined while the new hire enters what we call our pre-academy. And this connection remains through the academy and through their first year of service at a minimum. The advisor guides

the new officer through understanding the police culture, the climate of the organization, and adjusting to the distinctiveness of the law-enforcement profession. This distinctiveness has been described quite appropriately and articulately by the three prior speakers.

Number three, the Human Performance Team. Synchronization of specialty support to address much of what impacts an officer along the continuum from financial, spiritual, physical, psychological, and, first responder specific medical, specialty. All officers in the Tempe Police Department are issued iPhones and they're given access to a variety of screened apps. This includes things such as policies, guidance, our leadership and management platforms, and really quite remarkably agency-specific information and live access to mental health clinicians. Our officers also have access to medication apps and mindfulness apps to enrich themselves as they carry out their work.

And fourth, Tempe police created equity and testing. We adjusted the application and testing process for specialty assignments and promotion with input from labor groups and from officers across the organization. This rapidly diminished the perception of institutional cronyism and emphasized fairness.

So what can be nationally implemented? Suggestions for national implementation must start with an appreciation for reframing the source of incentive ideas to include an openness of what today's officers want in their organization and in the profession. The strategies that I will describe have -- most of them have no cost.

Number one, explore the organizational climate, what daily life looks like and sounds like in the organization. Make alterations that are people-centered. Give employees voice and place dignity and respect at the core.

Number two, acknowledge that the high stakes and complex environment of police officers requires different efforts to fortify officer wellness.

Number three, identify and eliminate conditions that give rise to where supervisors default to a norm of identifying and solving deficiencies in employees. Rather, create a document in a process like the development plan described before to empower officers to be part of their career success.

Four, evaluate options for officers to serve in temporary duty assignments to experience other parts of the organization and the profession of policing.

Five, consider an advisor program pairing tenured officers with new hires.

Six, implore - pardon me, explore and evaluate flexible scheduling.

And number seven, examine testing processes to create equity in action. I encourage this commission to consult the PERF guide referenced earlier for more information on this and the recruiting topic and I appreciate this opportunity. This concludes my testimony. Thank you.

Phil Keith: Thank you Chief Moir for your service, leadership, and for your valued testimony today. Commissioners, we are now open for questions for the witnesses. Commissioners with questions please state your name prior to your question and direct the question to a specific panelist or to the entire panel. Just as a reminder to the Commissioners, your mics are hot at all times. Now, Commissioners with questions for our panelists?

James Clemmons: Commissioner Clemmons.

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

James Clemmons: Yes sir. Thank you sir. To the panelists, thank you for your dedication and work and for the service that you provide. As I listened there are really a lot of questions. But there's two that are real pertinent that I haven't heard any mention of. I understand the perspective on retention and keeping those good officers we have. But dealing with the climate that we are -- in the climate that we're in today and the perception of law enforcement in our communities, how do we recruit those minorities into our profession when we have not really put a lot of emphasis on the concerns that they have and the fear that they're dealing with in the community? I'll give you an example.

When law enforcement officers walk into schools and places like that when the kids are 5 and 6 and 8-year-olds they want to be law enforcement officers as we poll them. But as they 16, 15, and a little older and listening to the rhetoric from community and family, their attitude changes towards us. So it's real important how we do that recruitment.

And the other issue is that a lot of times our studies, our protocols, our best practices are coming from those large agencies and we have a lot of small agencies who don't have the opportunity for upward mobility and moving up through the ranks. So when they have those opportunities they do actually leave our small agencies and go on forward. So any members of the panel can tap on that concept and give some insight on what they believe will be best practices and how smaller agencies that normally don't have a voice have an opportunity to learn from those perspectives.

Michael Harrison: Commissioner, this is Mike Harrison from - Commissioner Michael Harrison from Baltimore. Both in New Orleans and here in Baltimore we have that - we had that issue because both cities were under consent decrees and work needs to have massive holistic reform to turn the department into a high-performing department of accountability coming from a department that had very little accountability and high levels of citizen mistrust and bad relationships.

And so what I did there and here also was hired a consulting firm to really rebrand our image and rebrand our department to be – so the marketing tool for recruitment was more in line with the vision and mission, the new vision and mission of the department. And so we went away from the very militaristic, old school policing recruitment model of, you know, helicopters and tanks and SWAT teams and all the tactical impressions that you would see when you think about a police department. And we went with a very softer human, humanistic look with, you know, the officer in a neighborhood, you know, the background of what the neighborhood really looks like, the kids on a playground with police officers.

There was a little bit of, you know, what cops do all day every day in the backdrop. But the overarching theme was, we're looking for a different type of person to come in to our police department focusing probably on people who live in our cities could be members of our police department. And so we really had to think about who are the professionals that know how to do that and create the kind of digital and mainstream marketing strategy to attract a core demographic, what they think the police department should be and we went after those people in a very, very, very smart systematic, scientific kind of way. But we had to hire a marketing firm to do it. Not something we could do on our own.

James Clemmons: Thank you sir.

Phil Keith: Other panelists?

Bill Johnson: This is Bill Johnson. May I respond also?

Phil Keith: Okay.

Bill Johnson: Thank you and thank you Commissioner Clemmons for your question. I think regarding kind of combating the rhetoric that that he mentioned, the kind of the false views that are sometimes prevalent in communities, one of the things that I know that the COPS Office has been working on and our group has been very happy, along with a whole bunch of other national groups from all sides of the – all management labor all over the country, has been working with the COPS Office is reaching out and kind of using the skills and the competence and the - what's the word I'm looking for? The different groups of the community and the faith-based community that have - that enjoy the confidence of members of the community.

There's this - a faith-based initiative that we hope to go – working on it right now but hope to bring live this fall, but kind of the concept of one congregation, one precinct, one congregation, whatever the faith-based community may be in your county but working with your department, your office, and trying to find -- there's got to be some, even the smallest group bridge that exists already -- and then building on that as a foundation.

I think from our end, it's something that shows itself in a law enforcement sphere. You know, we're talking about today with law enforcement, the perception of law enforcement, and how that impacts recruiting and retention. And it's bigger than that, it's bigger than that. I think American law enforcement, we see the problems in law enforcement where the men and

women who are doing the job - and you pointed to this in your remarks, Commissioner - when you're a little kid you look at the officers, the deputies like that's who I want to be. And maybe by the time you're a teenager or a young person like, you know, I don't think I trust them. And it's kind of - it's true in law enforcement but it's true in American society. And I think American law enforcement reflects this because we're part of society that we see other people as the other. We don't see them as a man or a woman from our own community.

And we're eager or willing to look at someone who's a law enforcement officer because they wear the uniform. That's all we see is the uniform and so we make assumptions about them that they're biased or they work for a corrupt agency or they're brutal or they're racist and are not going to treat me fairly. So to break that down we have to do our part but society itself we need maybe to be the catalyst that breaks down those false views across society that start in law enforcement.

So that's one example that we're working with within the U.S. Department of Justice's COPS Office. The complies and complains program that we mentioned in our testimony is another way that with community groups whether it's faith-based, or media or community, it's men and women in the community realize the deputies and officers have a job to do and they just want to get home tonight too. And they don't want anybody to get hurt, they don't want to get hurt, they don't want you to get hurt. We don't want anybody to get upset more than they have to be.

But then we also understand that mistakes are made or officers and deputies can make a mistake. They can be at fault. And I think if men and women in the community realize that, all right I need to go along with what the officer's asking me to do at this moment whether it's a traffic stop whatever it may happen to be, a warrant, whatever it may be. But if I also know that

if I feel I've been treated unfairly that I can make a complaint tomorrow and I know it's going to be taken seriously and investigated impartially and transparently -- I think as one of the other witnesses indicated the importance of that -- I think that goes a long way also in helping to combat the false views that may be obstructing within your county or any county in the United States, qualified men and women from seeking employment or viewing themselves as a future law enforcement officer.

James Clemmons: Thank you sir.

Phil Keith: Thank you Director. Thank you Director. I think I heard Sheriff Napier.

Mark Napier: Yes, Mr. Chairman, Commissioner Clemmons, thank you for the question. I think that's the crux of what I was aiming at with the LEEA. Keep in mind that it was formed in the 1960s when times were more turbulent arguably than they are now. The problem then was, much as Commissioner Clemmons points out, is these were directed at very large agencies.

When you speak about flexible scheduling and other things, these may not be something that an agency of 50 sworn people could even adopt. So you have to -- you have research into best practices. How do you better outreach to minority communities? How do you better attract people of color and people from socioeconomically disadvantaged backgrounds into law enforcement so that the body of law enforcement in any respective community without respect to size is more reflecting of that community which builds community trust?

When you look at law enforcement officers that look more like the community they serve it engenders more community support. But the crux of this has got to be a research arm that brings with it actionable research that is co-branded with academics and think tanks and

practitioners so that it is relevant to the agency head of an agency of 50 people but also relevant to an agency head a 1,500 people like myself because that's where we were lost - and if you look at the autopsies of the LEEA in the past - that's where we lost our focus.

It was too focused on these huge block grants. I was formerly a peer reviewer for a Department of Justice on federal grant programs. I know that New York City got funded. Why? Because they had \$125,000 a year grant writer, where a very small community would reach out to somebody they would say, "Hey Ed, try to write this thing up." They may have an excellent idea that will never ever get funded because they lack the capacity to submit a compelling grant application.

So we have to have that research element that reaches down to the ground level in actionable research that we could put together as best practices to address some of these disparities in how we reach out to minority communities, how we engage minority communities. And as a follow up to that and I'll conclude my remarks with the LEEP, which I'm very passionate about. I've been an educator all my life outside of law enforcement. I will tell you that an educated law enforcement officer is a better law enforcement officer. They have a - it kind of rounds the box, if you will. Where - I know going through my graduate studies at Boston University, I had to embrace things as part of my studies that I would have never entertained in my banter with my fellow peers in law enforcement about restorative justice, about, you know, many of these sociological strains that prompt crime. I would have never entertained these ideas had I not been compelled to get a formal education.

So the LEEP will equip our current law enforcement officers to better address these issues but also entice into our profession those people who may not otherwise have higher education as something on their radar screen due to crushing student loan debt or other things. So we can attract these minority and disadvantaged people into our profession as an enticement. Much

like the military does with the GI Bill. I can see this as a pathway to being my higher education, so I may entertain a profession that I otherwise wouldn't. And as we make less white, less male our profession, that social interaction among the peers also smooths some of these things out and engenders more support in the community.

So strongest terms possible, my friends. We need an LEEA and we need the LEEP because it addresses recruitment, retention, and better support for law enforcement. Thank you for the opportunity to respond.

Phil Keith: Thank you, sir.

Sylvia Moir: Commissioners, this is Sylvia Moir, if I may speak briefly, sir.

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

Sylvia Moir Thank you, sir. In response to Commissioner Clemmons' question, irrespective of agency size, procedural justice should be normalized in every police department across this nation. Procedural justice perspective argues that legitimacy of the police is linked to public judgment about fairness of the processes through which the police make decisions and exercise authority. And perhaps what the Commissioner is highlighting is once youth reach adolescence their judgment begins to change about this fairness in process. Procedural justice is relevant - as relevant to retention as it is to recruiting. It is as relevant to the profession of policing in how we engage with all communities as it is to this very important retention conversation that we are talking about and this chapter that this Commission is going to author. So I would argue that procedural justice as an internal and an external demonstration must be pursued more vigorously. Thank you, Mr. Chair.

Phil Keith: Thank you, Chief. Other questions from Commissioners? Other questions from Commissioners?

Frederick Frazier: Hey, this is Commissioner Frazier. I'd like to direct a question to Sherriff Napier.

Phil Keith: Yes, you're recognized.

Frederick Frazier: Okay. And hi, Bill. I just wanted to say hi, how are you doing? Haven't talked to you in a long time. But this question is going to the Sherriff. Sherriff, have you had a chance to look at Senate Bill 16 in Texas?

Mark Napier: Commissioner Frazier, Mr. Chairman, no, I have not specifically looked at that bill. I've looked at a lot of autopsies of the prior LEEA, but I've not specifically looked at that bill.

Frederick Frazier: When you get a chance, pull it up online. I wrote that bill and that is a tuition reimbursement bill for the State of Texas for law enforcement. We do a five-year commitment on that bill. And the state - it starts in 2021 with the state money going into it. I couldn't agree with you more on the retention and recruitment for the Millennials. And I did a program here in our police department in Dallas. I was trying to keep track of how many bachelor's degree officers we had. And we went significantly -- about six years ago -- over the 50% mark. And then when Ferguson took effect and many other things in our nation, our struggles became a reality. Officers didn't want to be in the - want to be - they don't want to be officers anymore. They went into different programs. They went to different career paths.

And then when they left, that - our degrees left with them. So when I wrote the tuition

reimbursement bill -- which is a mimic of the GI Bill -- it's just reversed, right, because you get it while you're at the end, not at the - as the GI works. It's going to bring - a lot of the officers that we're seeing in the academy right now already know about the bill. And it's - and the word has passed so fast that you heard a lot of folks in colleges - and you're going to see a lot of folks now when they come out -- like you said, with massive debt -- and also, they're going to come out - they're not going to have a career path because this pandemic is going to put the recession into - it's all going to be uphill for them. So you have another - you have another group of college students that you can affect with bills like this. I agree with you. This is our chance and an opportunity to do something with it nationwide.

Mark Napier: Commissioner Frazier, Mr. Chairman. I couldn't agree more. I'll go one step further. I see this - because a lot of the people that are in my profession now that have reached leadership roles - many of them in my current department have high school diplomas and I'm not disparaging that. But I see every day the lack of roundness in the way that they think through problems. And as we better educate our young officers -- like we did in the '70s through this previous effort under the Johnson Administration -- we're going to see that trickle-up effect as they become sergeants, as they become lieutenants, as they become agency heads. Because they were able to get an undergraduate or graduate education while employed as a practitioner in law enforcement, they also become an academic in the science of criminal justice. And that will better equip this profession that we all love and have committed ourselves to, not for the current snapshot but rather for a whole generation into the future. Because the people that we educate under this program will be our future leaders. And there are going to be new challenges as we go forward.

So I'm obviously very passionate about this. And I wish I were more adept at explaining how important I see the LEEEA and the LEEP as part of - if we miss this opportunity, it will be a

travesty. This absolutely has to be part of the recommendation to go forward to the President. The President could show a big win on this that, you know, we created a mini-GI Bbill for cops, we're going to engage in best practices approaches, we're going to reach out to minority communities, and we're going to make a better-equipped law enforcement body to meet the challenges of the current climate. It's a win-win all the way around. I thank you for the question.

Frederick Frazier: Yes. Well, when you get a chance, pull that bill up. It's Senate Bill 16 in Texas by Kelly Hancock. And I think you'll enjoy looking at how that was written.

Phil Keith: Thank you. Thank you, Commissioner, and thank you, Sheriff for your response. Other commissioners for questions? Hearing no further questions, let me close by thanking our panelists once again for joining us today. Your time and testimony is most valued. We certainly appreciate your responses to questions from our commissioners. On behalf of the Attorney General and the leadership team of Rachel Bissex and Jeff Favitta, and all the Commissioners, your contribution provided today are most sincerely appreciated and will assist the Commission in our deliberations and work.

Also, please check the President's Commission page for additional updates of documents and information on the main Justice website. We'll update it regularly as we receive information. Just as a side note for our commissioners, the next Wednesday panel call will be a little bit later. It will not be at 2. It will more likely be at 3 or 3:30 pm Eastern Standard time. I just wanted to give you a little heads up as we're trying to accommodate one of our panel members. But we'll follow up with an e-mail as we normally do on Friday to you.

Just for the record, let the record reflect that Commissioner Smallwood joined the call. We also want to thank the FBI for their continued use of their teleconference network and support, as

well as all the federal program staff who are supporting the work of this Commission. Are there are any questions or comments from the Commissioners? If there's no further business before us today the President's Commission is adjourned. Thank you, Commissioners, for your continued dedication and commitment. Have a great weekend.

Man 1: Thank you, sir.

Man 2: Thanks, Phil.

Woman 1: Thank you.

Man 3: Thanks, Phil.

Man 4: Thank you.

Phil Keith: Thank you very much.

[End of segment]