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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.

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

The focus of today's hearing will be on the use of force and cultural change within the policing profession. We have joining us today a uniquely qualified panel of subject matter experts with a tremendous amount of experience and leadership in changing the landscape and operational environment of law enforcement. Their individual and collective leadership experiences represent the best in practices cultural change and compliance. We're looking forward to hearing from them today.

At this time, I'll 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'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 call the roll. Commissioner Bowdich. Commissioner Clemmons.

James Clemmons: Present.

Dean Kueter: Commissioner Evans.

Christopher Evans: Here.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Here.

Dean Kueter: Commissioner Gualtieri. Commissioner Hawkins.

Gina Hawkins: Present, thank you.

Dean Kueter: Commissioner Lombardo. Commissioner MacDonald.

Erica MacDonald: Good afternoon, present.

Dean Kueter: Commissioner Moody.

(Lyn Gidner): General Moody is on her way in right now. This is (Lyn Gidner) at the Office of the Attorney
General. She'll be right in.

Dean Kueter: Thank you. Commissioner Parr.

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price.

Craig. Price: Good afternoon, I'm here.

Dean Kueter: Commissioner Ramsay.

Gordon Ramsay: Here.

Dean Kueter: Commissioner Rausch.

David Rausch: I'm here.

Dean Kueter: Commissioner Samaniego.

John Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood.

James Smallwood: I'm here.

Dean Kueter: Vice-Chair Sullivan.

Katharine Sullivan: Here, thank you.

Dean Kueter: And Commissioner Washington.

Donald Washington: Here.

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

Phil Keith: Thank you. Any other announcements, Dean?

Dean Kueter: No, sir, we are good to go.

Phil Keith: Thank you. We want to acknowledge the continuing commitment of Commissioners, the working groups, certainly our witnesses, and the federal staff, working toward meeting the goals of this historic Commission. On behalf of Attorney General Barr, we thank each of you for your contribution.

As noted on previous calls, we encourage Commissioners to take notes during the testimony of the panelists. We'll then open for questions from the Commissioners after the last witness.

Our first distinguished panelist today is former Los Angeles County Sheriff James McDonnell. Sheriff McDonnell has served in senior executive leadership positions in three of the largest policing agencies in the country, including assistant chief of police for the Los Angeles Police Department, chief of police for Long Beach Police Department and sheriff for the Los Angeles County Sheriff's Department. He was elected sheriff in Los Angeles County in 2014 and worked with 18,000 employees to restore the culture of professionalism and respect. He is a known leader among law enforcement professionals and we're pleased to hear from him on ways to change law enforcement culture.

Thank you for joining us today Sheriff McDonnell, you're recognized.

Sheriff McDonnell: Thank you very much, Chairman Keith, Vice-Chair Sullivan, and distinguished members of the Commission. Thank you for the honor and opportunity to testify today.

When it comes to policing culture, I think the first question we must ask is, where does it come from and what influences it. And I believe there are two important points here. First, national conversations about police culture often frame it as a universal experience. But policing in the United States is primarily a local function, with almost 18,000 police agencies serving our country. Nationally, we share profession-wide cultural norms. Each agency, however, has a unique operating environment and culture. And there are cultures within cultures. They exist at the department level as well as within each division, each shift, and so on, down to the smallest unit. So policing is a hyper-local issue.

Second, a great many forces influence policing cultures, including law, policy, special orders, best practices, and supervision, among others. But the most important influence is the officers who socialize our newest members. How many of us remember hearing "Hey kid forget what they told you in the academy? This is the way we do it on the street". So, if we want to transform policing culture, we must ensure that the officers are passing down the values that we want the next generation to learn.

The next important question I think we must ask about policing culture is, what values do we want officers and the police in culture to embody. And even more specifically, what values can we promote to try and eliminate excessive uses of force? This is a big question that deserves much discussion. I'll address a few points that I hope will help your consideration of these issues.

The first issue I want to address is outputs versus outcomes. By default, we tend to value what we can measure. So, we champion outputs like citations, field interviews, and arrests, and other measures of productivity. If you're busy, you must be doing the right thing according to conventional wisdom. As a result, we measure and value numbers instead of results. But we need to ask ourselves, did all of that activity improve the community, reduce crime, or increase the community's quality of life and satisfaction? Or did we actually alienate the community by our very actions?

Shifting focus to outcomes, meaning did we achieve a result that the community wants, would better serve our communities and address officer morale as well.

If we were a corporation making a product nobody wanted, we would not survive. Likewise, in the public safety arena, we must work with our communities to identify important issues, set priorities, and create a meaningful feedback loop. This will ensure that we're adjusting as needed to meet and hopefully exceed the public's expectations.

The next issue I want to address is accountability. We must re-engineer our systems of accountability to incentivize a culture that refuses to accept mediocrity, brutality, or disrespect for the law or the public. In policing as in other fields, officers have been reluctant to interfere with the way their colleagues handle incidents. However, sometimes officers must step in and take control, not only to hold each other accountable but to save a career and certainly and most importantly, for everyone's safety. Training can begin to address this issue. Ultimately, however, holding officers accountable for ignoring misconduct will send a clear message that will effect cultural change.

Another obvious critical issue begins with getting the right people on the team. Are we recruiting enough officers who will uphold our values and carry the profession forward in a manner that would make us all proud? In my experience, we needed roughly 100 applicants to get four people who are qualified to start the academy and only three out of the four would graduate. That translates to roughly a 97% washout rate. Even then, problem recruits slip through the cracks. The retention of chronically problematic employees has also been a concern for all of us for generations. Too often collective bargaining agreements, unreasonable union intervention, civil service boards, and even sympathetic judges enable problem employees to keep working. This system frustrates peers, supervisors, and managers, all who are prevented from effectively dealing with a problem officer. This often creates the perception that departments condone misconduct when the reality is that their hands are often tied.

In addition to weeding out problem employees, we need to be able to attract and retain exemplary employees who will promote our values and provide the highest level of service to our communities. That means incentivizing officers who maintain the highest levels of moral and ethical character, both on and off duty. We can do this in a number of ways. We need to create opportunities for specialized training and assignments by fostering positive leadership development and by supporting in advanced educational incentives and offering compensation commensurate with the public's high expectations for public safety professionals.

Another important cultural factor that is often overlooked is improving support for mental health. We conduct extensive training to screen candidates during the hiring process, including psychological screening. But the focus on officers' mental health often ends there. Throughout their careers, officers repeatedly deal with traumatic situations, unspeakable violence, erratic schedules, and chronic stress. It may take an officer's behavior crossing the line before management realizes a need to intervene. By then it may be too late for the officer, their family, and the community. Mid-career evaluations and ongoing mental health support could address issues before they become a crisis. Making these evaluations mandatory would overcome the stigma officers may associate with seeking professional help.

Providing sufficient training and mentoring for officers so that they're equipped to uphold our values is another important issue. Simply hiring someone and assuming they will catch on eventually is a recipe for failure. After only six months in the academy and a brief period with a training officer, these young adults are now responding to 911 calls. They often face volatile situations that are emotionally charged and involve alcohol, drugs, or mental illness. Despite the odds, they succeed in roughly 98% of the cases where no use of force is used. In fact, of those relatively few cases where force is used, as many as 70% of those involve someone who's impaired by alcohol and/or drugs and is experiencing a mental health crisis.

In the instances where force is employed, we believe that additional de-escalation techniques and emerging technologies will help improve how those events unfold and result in a safer outcome for both the officer and the involved individual.

Another cultural issue is the fundamental question about who takes responsibility for particular incidents. This is an issue now under great, great scrutiny. Police departments never want to ignore any call for help from the community. While admirable on its face, this characteristic means that we often overextend ourselves. Police agencies have taken on complex issues that we're not always the best equipped to treat, such as homelessness. That said, simply reassigning these roles outside of police departments is an incomplete solution. Requiring mental health workers or social workers to respond to situations that frequently turn violent could jeopardize everyone's safety. In the three departments where I have served, we address this concern with hybrid teams and that might be a good compromise. For example, we form mental evaluation teams consisting of a professional mental health clinician and a specially trained officer. As a result, in over 90% of the cases where these units responded, the individual is transported to a treatment facility without a use of force or incarceration. As you're well aware, such a high success rate is rare and dealing with people experiencing a mental health crisis.

In conclusion, I hope these ideas will help inform the important work that this Commission is doing. The last few weeks have been incredibly challenging for officers around the country who are committed to public service. That is especially true for the families of officers who have made that ultimate sacrifice. The good news that I believe will be acknowledged in time, is that the vast majority of officers are extraordinary people who do their very best under the most challenging conditions in our society. They too support accountability and reforms because they take great pride in their work and in achieving the highest standards. They're committed to this profession for the reason that cause them to join in the first place, a strong desire to help others. A more complete set of my remarks are summarized in the written testimony to this Commission. I'd be happy to take any questions when it's appropriate.

Thank you again for this opportunity.

Phil Keith: Thank you, Sheriff McDonnell, for your testimony today and for your decades of leadership and service.

Sheriff McDonnell: Thank you, sir.

Phil Keith: Our next distinguished panelist today is Dr. Ronal Serpas who is a retired superintendent of police of the New Orleans Police Department and currently a professor at Loyola University in the Department of Criminal Justice. Dr. Serpas has been successful change agent implementing organizational-wide transformation, advancing community policing, and implementation of justice and legitimacy principles in the delivery of police services. In addition to his services as superintendent of New Orleans, he also served as the police chief of the Metro Police Department in Nashville, Tennessee, and chief of the Washington State Patrol. Dr. Serpas has been a noted leader for more than two decades in creating innovative changes in recruitment, retention, promotion, patrol deployment, criminal investigation, disciplinary investigation, use of force policies, and investigation of the use of force.

Thank you for joining us today, Dr. Serpas. You're recognized.

Ronal Serpas: Good afternoon. Thank you, Chief Keith, Vice-Chair Sullivan, members of the Commission, working group members, and my colleagues before me today. Thank you for the very kind introduction, Director Keith. I'm also a lifetime member of the IACP having served as an elected vice president, chair of the Community Policing Committee, inaugural co-chair of the Research Committee and in 2017, at the 124th Annual Conference I was designated by the membership as only the fifth honorary President of the IACP, an honor which I carry very seriously in my heart. I was also a member of the Major City Chiefs Association for 10 years. Today, I represent Law

Enforcement Leaders to Reduce Crime & Incarceration as the executive director and founding co-chair. LEL was founded in October of 2015.

Thank you for the opportunity to submit this written testimony as well as other documents we have submitted to include a letter on June 9, 2020. We are certainly at a crossroads in American policing, and it's a career and a path that many of us chose and I'm incredibly proud of to this day. I have two sons-in-law and both of them are active police officers in the United States today in very large police departments. I get to watch them as they grow in their careers just as someone else watched us as we grew in our careers.

One of the things about Law Enforcement Leaders to Reduce Crime & Incarceration ,LEL, that excites me is that we have over 200 members who are current and former police chiefs, sheriffs, federal and state prosecutors, corrections officials, and attorneys general from all 50 states. And from all sides of the political spectrum. We're led every day by our team lead Taryn Merkl, who is a former United States Attorney for the Eastern District of New York and our senior research associate and federal coordinator Sunwoo Oh. They do a fabulous job in helping us to produce the positions that we take to advance reasonable, rational changes in law enforcement to reduce crime, our ultimate purpose, and to reduce incarceration.

On the question of police use of force which I was asked to talk about, we all know, many of us, that one use of force that was inappropriate doesn't represent a whole department. But these events do and will invariably perpetuate or cause deep distrust in our communities. And those of us who have chosen a law enforcement career know that it's the trust in the community that produces information and support for us to solve crimes for police and prosecutors to be able to hold accountable people who have committed a crime against another person. Without trust in the community, we can't have that occur and it's against our purposes. At a minimum, we recommend that police agencies and municipalities that receive federal funds should be required to adopt the policies that are incorporated in the guidelines in the National Consensus Policy and Discussion

Paper on Use of Force published by the IACP and 11 other significant law enforcement leadership and labor organizations in 2017. It's a good start; it's a solid start.

Similarly, we support and agree that police agencies and municipalities that receive federal funds should be required to track uses of force by law enforcement and submit that data to a national database. In fact, we've learned recently in 2018, the FBI launched such an effort, but recently reported that only 40% of jurisdictions have submitted use of force data. As a specific recommendation, we must do better. And we may even should consider conditioning receiving any federal funds received by state, county, or local government would require those governments to ensure that their police agency is reporting to the national database, but more importantly, as a whole of government response, ensure at the local, state, or county government has provided the police department and the chief the resources necessary to produce the data to report to the FBI.

And the idea of increasing police accountability, much of what Sheriff McDonnell said I would agree with and echo and put an exclamation point on a couple of things. The federal government could and should encourage and where possible require localities to undertake reforms to the collective bargaining agreements and civil service protections to promote individual officer accountability. Police labor contracts, state and local laws, and civil service rules that unduly protect offices or continue to be a reflection of the early 1900s ideology of labor and management. For those who are subject to internal discipline, undermine accountability, public confidence, and leadership. It's not that labor groups advocating for the pay, health care, pension, et cetera - that is not the issue. But what is the issue is negotiating for disciplinary procedures, accountability of the chiefs assignment of officers. Those are the critical issues that need to catch up with today's times. And what we can do by that, we hope, would be create a culture within organizations that discourages -- that encourages actually -- individual offices to take responsibility for their actions. Oftentimes, what results is a battle between labor and management over sanctions of discipline and not the merits of the misconduct. And those misconduct that impacts the efficiency and effective delivery of police service are the issue.

In addition, the federal government should encourage accountability and transparency by establishing a national database of officers who have been terminated or resigned due to misconduct while being investigated. Even-handed investigations are required, but we also should have the ability for any police chief anywhere in America to have a better sense of who they may be hiring. But as we know, the 50 states have many different standards for certifying officers. So perhaps we should consider a baseline of behavior that would trigger decertification. This baseline then should include, not limited to, any employee, any officer who was fired, terminated, or resigned while under investigation for these things. Any inappropriate use of force, failure to intervene inappropriate use of force, instances of untruthfulness in the workplace, false or inaccurate reports, and a willing -- failing -- to notify a supervisor of observed misconduct.

I have very many good friends who are professional pilots and they remind me of why creating these rules and policies for a safe place for officers make sense. Pilots are trained that if a co-pilot advises and sees information to the pilot that puts the plane and its passengers in jeopardy and the pilot doesn't react in the expected way, the co-pilot is required to take control of the plane, to right the ship, if you will. That represents a culture that protects and provides safety for someone who will point out where someone else is not doing the duties as expected. And that's what these policies I'm speaking about, I think, from my experience provide. If officers know that the responsibility to correct fellow officers' behavior is not a matter of being ostracized, but it's being seen as a matter of respect and a culturally safe place, not unlike a co-pilot, we might find where officers are more willing to help police each other to police the community. We deserve investigations that are even-handed for citizens and officers at the same time. And I think these changes could help create the culture necessary.

When it comes to this notion that has been receiving a lot of attention of defunding of the police, I think we have to be very careful to remember that community policing is built upon developing relationships. Community policing takes resources. Many of us who have been police chiefs in

small cities, medium cities, or large cities know that the community has very different demands from one block to the next, from one neighborhood to the next, from one part of town to the next. As Dr. Alexander Weiss and his associates noted in the DOJ COPS report on staffing models just a couple of years ago, it's believed that a police officer would need up to 40% of their day, not on a call for service, or not on administrative time, to properly deploy and use the principles of community policing and problem-solving. In fact, the National Academy of Sciences has just recently reported that community policing can have a positive impact on creating community support. We should also consider that the investments made in the community policing Collaborative Reform and Technical Assistance Center is also very crucial in continuing the notions of community policing and problem-solving. Those two-note - those two ideas by themselves require a very careful consideration by councils and legislatures around the country. It's difficult to have community policing as your stated goal on one end of the spectrum and then on the other spectrum discuss the notion of defunding police that would actually respond to those designs.

Final point, I agree community policing, I mean, I agree with Sheriff McDonnell. The police of America has become the mental health first care deliverers in this nation. Police officers are noble people. They're not doctors and nurses. They're not trained as social workers. They are not meant to be the people who are providing first order of business response from the government mental health care. When that happens, usually two options are available to the officer. One is to arrest the person or to leave the scene. Very few cities have a model like Tucson, Arizona, which is an excellent model of how how people can be diverted from the criminal justice system before they ever get into a court of law or before prosecuting. These are the kind of relationships that help. We continue to believe that the policing metrics of the future should look a bit more like the Office of Justice Programs and Bureau of Justice Statistics recent work on the CompStat 360 framework.

When it's all said and done, I have been proud all my life to be a police officer. My father was a police officer. Everybody in my family has been a police officer more than 100 years. Police reform

while crucial is not criminal justice reform. Police working alone cannot make a community safe. We all have to be in the same area pulling in the same direction to make communities safe.

With that I submit the written documents as attached earlier and look forward to any questions I might be able to answer.

Phil Keith: Thank you, Dr. Serpas, for your testimony today and thank you for the many years of service to law enforcement.

Our next distinguished panelist is retired Denver Police Department Chief Robert C. White. Chief White started his law enforcement career in 1972 with the Metropolitan Police Department in Washington, DC. He rose to the position of Assistant Chief before retiring from the Metropolitan Police Department in 1995. Following his work in Washington, he was chief of police in Greensboro, North Carolina for five years, chief of police and the first chief of police for the Louisville Metropolitan Police Department for nearly a decade. He was chief in Denver for seven years and most recently served as interim chief in Asheville, North Carolina. Chief White has more than 40 years of experience in law enforcement focusing on increasing transparency, work efficiency, key partnerships between police officers and communities they serve.

Chief White, thank you for joining us today and you're recognized.

Robert White: Thank you. Good afternoon, Chairman Keith, Vice-Chair Sullivan, and distinguished members of the Commission. Thanks for allowing me this opportunity to testify. First of all, I apologize for not having a written testimony in front of you. I was just released from the hospital a couple of days ago as a result of a long painful total knee replacement and just hadn't had the time to put that together, but that will certainly be forthcoming.

I was asked to provide insight on police culture and the use of force. My testimony will focus mainly on community involvement with the police. I'm mindful of Sir Robert Peel's principle that police are the public in the public are the police. An acceptable principle for almost 200 years. This means, where possible, we have a shared responsibility. Simply put, community must have a hand in what we do and how we do it. Please note, there's a difference in a community having a hand and what we do and how we do it versus just having a voice. A voice means we hear you. A hand means you have a seat at the table and you're part of helping develop, making decisions that impact their lives.

I believe today's police culture requires a change in what we do and even how -- and even to some extent what we value. This cry for change must include empowering the community. This starts with police chiefs and sheriffs understanding that they are also the voice for the community and they must understand the community's expectations as well as the officers' expectations.

Officers' expectations: officers are trained on policies, procedures, and legal law. Officers perform those duties equipped with that level of training. Community's expectations: they expect officers not only to perform those duties that are legal but also ensure that the actions are not just legal but are absolutely necessary.

I believe that we must raise the bar in training officers to ensure that necessity is included in making legal decisions. In other words, one might say just because it's legal doesn't make it always necessary. In Denver, for example, residents have had a seat at the table participating in shaping police policies that impacted their lives. To name a few, use of force policy, data-driven policy, hiring policy, the awards committee, and even the selection of district commanders. Why would they come in on this district commander selection processes? I think we all know the district commanders are the ones that probably have and those individuals that work under them probably have the greatest impact on the communities that they serve. So, the decision was made to go to the 13 council members that we have in Denver and offer them an opportunity to be part of a

process that will help determine who the seven district commanders would be. The promise was that either they could sit on a committee, or they could have one of their constituents sit on the committee. So that committee was formed with the assistance of a deputy chief who was not a voting member. And the commitment that I made as relates to that was, you give me 12 recommendations and I will select seven of those individuals to be district commanders. That process actually worked extremely well. And most of those members have a district commander absent being promoted, pretty much stayed in that position during my entire tenure in Denver.

Also want to kind of briefly comment on this use of force policy. That is something that is near and dear to us as police officers but certainly to the community at large. Early on, we sent, through various venues, we send out copies of our original use of force policy. Giving the community an opportunity to weigh in on any changes or thoughts that they had as relates to that. After receiving that information, along with attending several community meetings, giving them the same opportunity, we formulated the new use of force policy that we thought would be something that was acceptable to the men and women of our department as well as the community. Well, unbeknownst to me at that particular time, there were some challenges as it relates to that. So, from there we actually pulled the use of force policy. They consist of many of the critics in our community, many of the activists in our community., many of the citizens to just support what the police do every single day and including our union. After four and a half months I believe we came up with a policy that was really relatively acceptable to everyone.

Much of the work of our partnership has resulted in the establishment of critical policies under the use of force policy. Such as duty to intervene. Eliminating the choke-hold policy. And only using deadly force if your life or someone else's life is in immediate danger.

It also should be noted that in most departments at some point during the year have an award ceremony and traditionally in the many departments that I have worked in officers have been known to receive an award for a justified shooting. I know that in the world that we live in there is no such

thing as a good shooting but there are justified shootings. And officers under these certain circumstances have received an award for some of these shooting.

In addition to that we created what we call the Preservation of Life Award. Simply put that means that when an officer is involved in a situation given the de-escalation training and all the other skills that they have been afforded to, even though they would have been justified in taking a life but the decision was made not to take their life. Those officers are recipients of the Preservation of Life Award which is a very highly distinguished award in our community.

It is my recommendation that police departments examine the relationship they have with the community for the purpose of ensuring that the community has a seat at the table, helps shaping policies and procedures that impact their lives.

Again I want to thank you for this opportunity. And I look forward to answering any questions that you might have.

Phil Keith: Thank you Chief White for your service and certainly for your valued testimony today. Our next distinguished panelist today is Director Erik Gabliks who is the Director of the Oregon Department of Public Safety Standards and Training. He has served with the department since 1991 and has been the director for the past 8 years. He began his public safety career in 1980 with the Monmouth County (New Jersey) Sheriff's Department. He holds a bachelor's degree in fire service administration from Western Oregon University and a Master's in Public Policy Administration from the Mark O. Hatfield School of Government at Portland State University. He is also a graduate of the 77th session of the Federal Bureau of Investigations law enforcement executive development program.

Thank you for joining us today Director Gabliks. You're recognized.

Erik Gabliks: Thank you Mr. Chair. And thank you members of the Commission for the opportunity to share information with you this afternoon. Our agency, if you're wondering what the Department of Public Safety is, in many states across the country we are the equivalent of a POST agency, Peace Officer Standards and Training.

What's unique about our organization is that we serve a larger base than just police officers. We also serve corrections and probation, 911, private security, fire, and polygraph examiners.

The base for our organization goes back to the Crime Commission Report from 1967 that was created under President Johnson's administration which was doing much of the work that we are doing here today.

As we look at policing in the United States, use of force and changing culture, we have to start by looking at hiring. We are looking across the country and each community in our nation is looking for men and women from diverse backgrounds to serve as law enforcement officers.

What we need to do is to use character-based hiring strategies. We need to complete thorough background investigations for the people we are looking to hire. And then we also have to make sure that we have thorough psychological screening which is completed by a board-certified psychologist in either police or public psychology. As part of that screening, we need to include a discussion on cultural competence.

Once we've hired that individual we send them to training academy. In the State of Oregon all the men and women working as police officers whether they are working for a city, county, state, tribal, or university police agency come to our centralized academy.

A newly-hired officer has 18 months from date of hire to be certified by the state. The initial part of that is a 16-week basic police training program here with our facility.

We are in the process of revamping our entire basic police course. What we were doing was fine for years but we needed to change to meet the needs of our community as in our stakeholders. And we're approximately 2/3 through with our revision.

One of the things that you will find of interest is that you won't find community policing as a stand-alone class in our basic police course. The reason, in Oregon community policing is a philosophy and culture that we police by so community policing values are embedded throughout the entire curriculum.

One of the most significant changes in our revision of training is that we now are almost 50% scenario-based training. We have moved away from, and excuse the term, death by PowerPoint, sitting in classrooms and sharing slides with students to having our students, newly hired officers, practice their skills in hands-on scenarios under the watchful eye of our instructors.

Scenario-based training is integral to our academy and we think it should be a part of every basic recruit academy.

We also use role players, community members that come in and help us make those scenarios realistic and we would encourage that for all training academies.

One of the other things that we've embraced in our police training programs is transparency, not only by using role players, but also having members of the public participate in our curriculum development committees.

We also have invited the public, the media, community leaders, and elected officials to come and visit the academy and sit in on the courses that we offer. Again we are training the men and women

that are going to protect and serve them and their communities. We have nothing to hide and we have gotten great value out of that partnership.

The other thing that we suggest as part of your review is that we move away from large blocks of training. For example, use of force just for three days. But instead, go to smaller blocks of instruction where we interweave different aspects into use of force training such as de-escalation, communications, ethics, integrity into all those scenarios. It shouldn't be just use of force and then you're done, we move on. We need to weave those themes throughout the whole basic training program.

One of the key success factors that we don't often talk about in the hiring and the retention of a newly hired officer or a seasoned officer is the role of a field training officer and their first-level supervisor. Especially for a newly hired officer, the field training officer is the one that makes it stick. The academy provides a basic level of training, the field officer is the one that brings real-life experiences and on the job scenarios to that new officer or that new recruit's portfolio of things that they are going to do in the future.

We need to make sure that the field training officers and the first-level supervisors that we're hiring and promoting are there for the right reason because they play an important role in the cultural change of law enforcement.

We need to be careful that mainly the training classes do not become just a check-the-box training experience. We need to cover bias, people in crisis, use of force, and we need to make sure that people teaching those classes as well as the people that are having people attend those classes are supportive of both the learner and the need for that training. Nothing diminishes training more than a person that says, you are just here to check the box and don't worry about what you learned in the academy, and you heard that earlier from Sheriff McDonnell, I'll teach you how to do it here.

The academies are based on evidence-based facts that allow us to do training in a professional manner.

Nationally we need to do more to support evidence-based policing. While on the job experience is important, there is a growing body of knowledge that also needs to be considered in police decision making. Whether the issue is crime, community livability, or public trust, training data and academic research provides objective guidance in developing and implementing fair, transparent, and effective policing practices.

That said, policing as a profession still needs more rigorous scientific evaluation to help identify and monitor the impacts of traditional and emerging strategies on public safety, community relations, vulnerable populations, BIPOC communities, and the allocation of limited resources.

One of the other things that we would suggest is that research be conducted with the police not just on the police.

As we look to change culture we also have to look at professional standards and you've heard some other panel members share this. Not only do we have to hire right, we need to retain the right people, and we need to fire the wrong people.

In the State of Oregon, police officer certification is mandatory for more than 5,500 men and women that serve in that profession in our state. On an annual basis our organization reviews more than 300 professional standards cases and approximately 50 officers lose their professional certification in our state on an annual basis.

Our work is done with partnership with the employing agencies. We are the state licensing body.

Our national partner organization, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) was very visionary more than 15 years ago when it created the National Decertification Index, which in essence is a pointer system where state enter their decertification records into a system and then flags the state hiring a new officer to look.

An example of that from Oregon is an officer that was convicted of a crime, decertified by our agency, and months later was applying to be a police officer in the state of Alaska. The pointer system brought him to us and that person was not hired. Amazingly that individual that was decertified in Oregon a year and a half later was applying to be a police officer in the mid-West and the decertification index again identified that Oregon had an issue and that person was prevented from being a police officer.

The IADLEST system has worked well but there are challenges. Not every state certifies, not every state decertifies, not every state is able to enter people into the database. One of the things that you should consider is taking that database to a national level with federal funding assigned to a federal agency so that it becomes a valuable tool for all of our states and all of our citizens.

NDI currently contains more than 28,000 actions reported by 45 certifying agencies.

As we look at some recommendations for you, obviously more scenario-based training for basic in-service and advanced officers is always a recommendation. I share that because the first thing that gets cut during tough financial times is training and we are going into tough financial times. We need to shape culture to professional standards and accountability. We already mentioned the National Decertification Database. We should support more studies in evidence-based policing and a starting point for this could be to include funds for agencies to employ crime analysts in small and mid-sized agencies.

I share that because most of the research is done at populations of 100,000 and more, and in Oregon that only would apply to three cities. 75 of our cities are midsized and 75% of our police departments have less than 10 officers so that will be a valuable tool for those nonmetro organizations if you will.

Finally, for funding technology for training organizations such as ours and POSTs across the country. Use of force decision making systems, digital learning platforms are expensive but also very innovative and very realistic, and we need to be able to embrace that technology and funding would assist.

So I thank you for your time and I will stand by for questions at the end.

Phil Keith: Thank you, Director Gabliks for your testimony and your leadership. Our last distinguished panelist today is Volusia County (Florida) Sheriff Michael Chitwood. Sheriff Chitwood is a second term - excuse me, is a second-generation law enforcement officer with more than three decades of experience in policing.

He started his career in 1988 with the Philadelphia Police Department. After a decorated 17-year career with the Philadelphia PD for which he received 58 official commendations for valor or bravery, heroism, and merit, Sheriff Chitwood began his career as police chief in Shawnee, Oklahoma, and then to the Daytona Beach, Florida, where he spent a decade bringing more crime-fighting technology, community-based policing strategies to the department.

He was elected Sheriff of Volusia County in 2016 and was re-elected to his position just this month.

Sheriff Chitwood is a graduate of the 204th session of the FBI National Academy and also serves as the secretary for the Police Executive Research Forum.

Sheriff Chitwood, thank you for joining us today and you're recognized.

Michael Chitwood: Mr. Chairman, distinguished panel members, COP director and staff, I want to thank you for this opportunity. And just let me tell you, everything that we heard so far is spot-on when it comes to the challenges that face us. But I think what we really have to look at is what is the mission of all of us in American policing and I think that mission is to challenge the conventional thinking on the use of force.

And what I mean by that is, what is American policing going to look like from here on out? Are we going to be guardians or do we have a warrior mentality, and what does that mean for us?

Well, I would like to do this thing anecdotally. As the police chief in Daytona Beach, I had a great honor of implementing a lot of the initiatives that the Police Executive Research Forum put forth. We used a model in Philadelphia and Commissioner Ramsey is a member of the Philadelphia Police Department in this panel.

And over a five-year period the Daytona Beach Police Department - when a story was done by the Tampa Bay Times, the Daytona Beach Police Department was the least likely to use force in the entire state and I was proud of that. Six to 8 million visitors a year. We implemented things such as the guiding principles - 30 guiding principles on use of force with PERF and it was broken down into policy, training and tactics, equipment, and information exchange.

When I became sheriff I thought this is going to be easy. I mean I did it in Daytona. I can do it with an organization two and a half times my size. In my first six months I encountered six police shootings. All of them were lawful. Some of them were extremely lawful but really awful as well.

And I reached back into a trip that I had taken with the Police Executive Research Forum to Scotland to study how do the police in Scotland do these things. How do they police a nation without guns? Now of course they don't have the gun problem we have but what is their mentality that they use? And one of the things that they used that we instilled here in Volusia County was a critical decision-making model.

What are the values and the ethics, the proportionality on use of force, and the sanctity of human life? Are those involved in every decision that your organization is going to make?

So PERF came in, they studied our culture. They studied our policies, our procedures, and our training. They gave me a 90-page report that we then implemented. And after the implementation, we trained the entire organization. We trained consistently on this critical decision-making model for everything that we do. We look at these guiding principles: the sanctity of human life, duty to intervene, and we rolled it out.

In 2019, for the calendar year of 2019, the use of force in Volusia County dropped by 50%. I had two police shootings. Both shootings the suspect opened fire on us, wounding one of my deputies in the head -- thank God he survived -- and we exchanged gunfire with them.

We gave out 24 de-escalation awards which is compatible to a Valor award. So if you stop an active shooter we are going to pin a Valor medal on you. If you prevent a shooting through these de-escalation methods and the big method for us was time, distance, and cover. You know, anecdotally a mother calls us and says, "My son is having a mental crisis and he is waving a samurai sword around and he wants the cops to kill him. He's going to kill a cop if you go in that room." And what do we do in American policing, "Step aside, ma'am. We got this under control." And we walk through the door and 20 seconds later this guy is dead. And the mother questions us and says, "And I called you for help and now my son is dead." And our answer to mom is, "Well,

this is the way we've always done it." And that's what the challenge is with affecting a warrior mentality and rethinking the use of force.

In reality, what we should be doing is time, distance, and cover. Take the time, get as much information as possible. Use our values - the proportionality of force and the sanctity of human life - going forward as you try to as we move forward through this. And there was a lot of be learned from that Scotland trip.

You know, when I became a sheriff when you applied here the first thing they do is run you up to the range and test your firearm proficiency. If you passed that test with a high score you were allowed to move through the process. If you didn't, they washed you out. And I said to myself, this is ridiculous, there is so much more to policing. So we took that out.

You know, some police - our police academy had "competence in the line of fire" over every classroom. We took that off; "enter to learn, leave to serve". And then we started to redesign our training division, We started to do more tactical-based training. We started to do more screening of our applicants and it's more of a series of interviews because I want to see what is your critical reasoning and thinking ability. Do you have the ability to think on your feet? Do you have empathy? Do you have compassion? Are you able to back off the edge when these things happen? And I just to reiterate that everything you heard today from the previous folks talking is exactly the direction that we need to move the needle with American policing.

And if you get the chance, I don't know if you have that body of research. PERF has done a ton of research. I have been a member since I think 1998. There is a lot of good information there. The 30 guiding principles I think you need - we need to look at these things and they need to be implemented throughout the country. One of the problems I face here in Florida is we have regional police academies. So I get a kid who graduates after 770 hours in the state-run academies and comes to me and he has no de-escalation training. There is no talk about race in policing in

America. So I have to spend another 12 to 14 weeks in the classroom to indoctrinate that young man or that young woman into what the values and the ethics of our organization are going to be.

And I think that that, as I travel around and meet with different organizations whether it's the NAACP, whether it's the young Democrats or Republicans or young people in our community, that is one of the big things that they constantly ask is how do you hire? How do you screen? And what are the values that you're portraying to the men and women at your hiring that should be there to protect us? We shouldn't have to fear them.

So with that I'll yield the rest of my time and like I said I would love to get those two bodies of work to you - the guiding principles from PERF and the results of our trip to Scotland which again was just eye-opening to see how they recruited. How they trained. How they handled mentally ill people armed with knives, bricks, bats, and throwing petrol bombs at them. It was a complete - it put the American policing model on its head. So thank you.

Phil Keith: Thanks Sheriff Chitwood for your service and for your most valued testimony here today. Commissioners, we are now open for questions to 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 our Commissioners, your mics are hot at all times. Thank you Commissioners and now we'll entertain questions for our panelists.

Frederick Frazier: Hey Keith. This is Frazier. I have got a quick question and this could go for most of the panelists. It doesn't have to go for someone in particular. But I keep hearing the database model and how it's going to be so important for hiring. I guess I'm not understanding that portion of it. I could see how, you know, the history I mean it's already going to be there from the background check. So can somebody explain that?

Phil Keith: Thank you, Commissioner. Let me start off with Director Gabliks from Oregon.

Erik Gabliks: Thank you, Commissioner and I appreciate the question. And one of the things that we see often, and I believe a lot of you on the Commission with your backgrounds have seen similar things, which is background investigations are expensive and they are timely. Not every organization has the ability to send, for example, a background investigator from Oregon to Florida if we are looking to hire a person that's currently working there.

A lot of our agencies do have the funds but that decertification data place is, in essence, a tool that we could look at to see if men and women in the profession or coming into the profession may have a revocation issue in another state.

The other thing, I think that it's important to have this broader discussion which is other professions are already doing this. If you look at the medical profession you could look up where nurses have worked. I think it will be important. And one of the things that we are looking at in our state is to be a database repository for backgrounds so that we can see if an individual in our state, for example, has applied at four agencies and maybe was hired at the fourth one because they changed the answers from the first three. So just another tool for us to make sure that we are hiring the right people for the right reasons.

Phil Keith: Thank you, Director. Can I ask Professor Serpas to respond?

Ronal Serpas: Yes, sir. Thank you for the question. A national database would help create what I suggested be a baseline so that any officer terminated or resigned while under investigation for these core principle violations, another city, another agency, another county could know about it at the quick click of a computer screen.

And I agree with the director from Oregon. You know, we hired hundreds of people, thousands of people in my career, as the other chiefs and the background investigation process is laborious. It's time intensive. And a lot of people just don't tell you the truth.

And if you were able to screen out people through a quick look at a decertification list, it would not only be smart. It would also help enhance the profession overall for those people who do slip through the background checks and then you read about them in a newspaper story two years later that they have been fired or whatever the case may be.

Phil Keith: Thank you. Let me ask Sheriff McDonnell for your comments.

James McDonnell: Yes. You know, I think it's a great source of intel and while some organizations as was stated do have the resources to be able to do a deep dive, not everyone does. And what we see often is particularly those individuals that left under a cloud from some of the bigger cities end up going to a smaller jurisdiction that doesn't have the resources, and you start to see patterns over time where a particular agency who is less onerous on the background ends up with a lot of people that have prior histories that the chief would not be proud of had they known at the time of hire.

Phil Keith: Thank you, Sheriff. And Chief White?

Robert White: Yes. I pretty much ditto what was said. The other thing that's really challenging, there are some agencies when we are trying to get the applicants history from some of those other agencies that they had worked in, they refuse to give that information. They say legally they just can't release all the information. So a national database would help eliminate that and we get a lot cleaner selection and end up getting the right people for the various police departments.

Phil Keith: Thank you, Chief. Other questions from Commissioners for our panelists? Other questions for our panelists from our Commissioners? Hearing no further questions let me close by thanking our

panelists once again for your time and your most valuable testimony today and the responses to the questions from our Commissioners. On behalf of the Attorney General, his 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 their deliberations and their work.

Also please check the President's Commission page for additional updates and documents and information on the main Justice website. We'll update it regularly when information is available for posting.

Just as a reminder to our Commissioners, our last hearing of this week will be tomorrow, the 25th. We will entertain a panel on faith leaders and community engagement.

Are there any questions or comments from Commissioners?

Chief White: No. Thank you for the opportunity...

(Crosstalk)

Erik Gabliks: ... to be in here.

Chief White: Yes. Thank you for your (inaudible).

Phil Keith: Thank you all. Any questions, comments from Commissioners? If there is no further business for us today the President's Commission is adjourned. Thank you again, Commissioners, for your dedication and the panelists for your testimony today. Be safe.

Chief White: Thank you...

(Crosstalk)

Group: Thank you.

Operator: Thank you, ladies and gentlemen. This concludes today's conference. All participants may now disconnect.