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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, Michael, and good afternoon to everyone and thank you for joining us today. I call the President's Commission on Law Enforcement and the 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 panel is community trust and respect for law enforcement. Last week's hearings were robust and the witnesses provided a great deal of information and facts for this Commission to deliberate and discuss.

We also had a very productive executive session yesterday where Commissioners had a candid conversation on all the issues facing - many issues facing law enforcement, criminal justice system in our communities, including the use of force considerations. On behalf of Attorney General Barr, he wanted to extend his special thanks to the Commissioners and federal staff members for making the executive sessions productive and providing guidance for working groups to continue their work and deliberations by this Commission.

This time I will ask our Executive Director Dean Kueter to conduct a roll call of Commissioners.

Dean Kueter: Thank you Mr. Chairman again. And before I call the roll, I would just 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 questions or need clarification on anything please contact Kristina Mastropasqua in the Justice Department's Office of Public Affairs.

And with that I will call the roll. Commissioner Bowdich?

Woman 1: Joining momentarily.

Dean Kueter: Commissioner Clemmons?

James Clemmons: Present.

Dean Kueter: Commissioner Evans?

D. Christopher Evans: Here.

Dean Kueter: Commissioner Frazier?

Frederick Frazier: Present.

Dean Kueter: Commissioner Gualtieri? Commissioner Hawkins?

Gina Hawkins: Present. Thank you.

Dean Kueter: Commissioner Lombardo?

Woman 2: The Director will be joining momentarily.

Dean Kueter: Commissioner MacDonald?

Erica MacDonald: Good afternoon. Present.

Dean Kueter: Commissioner Moody?

Richard Martin: This is Richard Martin, chief of staff for Commissioner Moody attending on her behalf.

Dean Kueter: Commissioner Parr?

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price?

Craig Price: Good afternoon. I'm here.

Dean Kueter: Commissioner Ramsay?

Gordon Ramsay: I'm here.

Dean Kueter: Commissioner Rausch?

David Rausch: I'm here.

Dean Kueter: Commissioner Samaniego?

John Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood? Vice-Chair Sullivan?

Katharine Sullivan: Here.

Dean Kueter: And Commissioner Washington? Mr. Chairman, that concludes the roll call.

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

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

Phil Keith: Thank you. We again want to acknowledge the continuing commitment of our Commissioners and certainly the working groups and witnesses, those today and those that appeared before the Commission at previous hearing, and certainly the federal staff towards making the goals of this historic Commission. Again, 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 and we'll then open for questions from Commissioners after the last witness.

Our first distinguished panelist today is Officer Brian Marvel, president of Peace Officers Research Association of California and a police officer with the San Diego (California) Police Department. After joining the San Diego Police Department in 1999, he served 10 years in patrol operations in several divisions. He

has worked in several specialized assignments that include the demonstration control unit, the psychiatric emergency response team, and eight years as a terrorism liaison officer.

He is a veteran and adjunct faculty professor at San Diego Regional Police Academy. His first elected PORAC position in 2015 was president of the San-Diego-Imperial Counties chapter of PORAC. In 2017 Brian was elected President of PORAC. He serves on the Governor's Medal of Valor Board. And thank you for joining us President Marvel. You're now recognized.

Brian Marvel: Thank you, Chairman Keith, Vice-Chair Sullivan, and members of the Commission. Thank you for giving the Peace Officers Research Association of California (PORAC) the opportunity to speak and engage on this matter.

A little background on my organization, PORAC represents more than 77,000 public safety officers across California and is composed of over 920 public safety associations.

We were founded in 1953 as a federation of state, local, and federal law enforcement associations. PORAC is now the largest statewide association in the nation.

It's no secret that peace officers and the very profession of public safety are currently facing a crisis of confidence across the United States. The death of Mr. George Floyd in Minneapolis has sparked a nationwide reckoning of our policing in America and launched a discussion on how we can move forward as a nation.

PORAC strongly believes that policing and public safety must be predicated on trust and respect that goes both ways.

Community members must be able to trust that peace officers who will act lawfully, judiciously, and carefully. Peace officers must be secure in the knowledge that community members respect their positions and duties. Law enforcement is and always will be dangerous and difficult work leading to many police vacancies, unfortunately.

Sadly, we are seeing a rise in the general disrespect for law enforcement among younger generations, which only makes police work more dangerous and difficult.

While it has always been a largely thankless job, it becomes something more troubling over time.

For example, recently in Washington D.C. we saw a white male protestor by the name of Gary Wicks hurl racial slurs at African-American officers before attempting to claim he was the victim. When called out on this by the local paper, he had no comment or desire to apologize.

In New York, Samantha Shader wasn't content to protest peacefully. She decided to firebomb four NYP officers sitting in a van. When friends were interviewed about the incident, they didn't believe the allegations.

If you go online and search "disrespect for police" there are literally over 17 million results. I believe this points to a larger societal issues in which no one is accountable for their actions.

I say as a society we shouldn't tolerate this. This only provides a convenient excuse to target officers. Being respectful of police and other authority figures should be the norm. We need to support those who protect us rather than railing against them at all opportunities.

We have some policy solutions that we would like to recommend. PORAC believes two immediate policy

changes can begin to rebuild the bonds of trust and respect between peace officers and the communities they serve.

The first, implementation of new national standards for training, recruitment, and the use of force.

Second, making sure the funding and resources to meet these increased standards with the goal to attract only the best possible peace officers and candidates. As it stands now each state, locality, and sometimes even agency has it's own set of standards for training, recruitment, and use of force yet we live in an increasing nationalized media and political environment.

When law enforcement does something wrong in one state it affects all of us, even when we are 1,000 miles away. Implementing collaborative national standards on the use of force, de-escalation, and other training and a high bar for recruitment, perhaps modeled after my own state California with Assembly Bills 392 and Senate Bill 230, will ensure that peace officers across the nation are held to the same high standard of conduct. In turn, this will create more nationwide trust in law enforcement and prevent peace officers in one state from being tarred by the actions of peace officers in another.

Additionally, a major part of any national standard of police conduct should include the immediate abandonment of all formal or informal quota systems that tie in officer's access to tickets, arrests, and traffic stops. PORAC supports the use of alternative standards for measuring officer success tied to positive policing outcomes reported either by an officer or a member of the community following an interaction. This new more holistic approach will lead to a more two-way trust and respect between law enforcement in communities they serve.

National standards for recruitment, training, and the use of force are, however, ineffective if not coupled with the funding and resources needed to ensure adequate implementation. National standards must be

accompanied by the federal funding needed for state and local law enforcement agencies to succeed in these initiatives. I have always lived by this belief; you can gauge elected official's priorities by how they fund them. If public safety is a priority it will receive the funds it needs for success.

In conclusion, all hope is not lost. We did not get into this situation overnight, and, while it cannot easily be fixed, PORAC believes a good-faith policy efforts such as the ones I discussed can and will lead to renewed respect for law enforcement in America. What is needed now is calm thoughtfulness and a real willingness from both sides to engage in dialogue. We should foster an approach focused on being respectful, courteous, and grateful to those peace officers charged with protecting us. They deserve it. Every day they put their lives on the line when they leave their homes enforcing laws and maintaining peace and order in our communities.

All changes won't occur today, tomorrow, or even next year, but it should always be our goal. Thank you for allowing me to speak on this issue.

Phil Keith: Thank you President Marvel for your valued testimony and for your service to law enforcement and certainly to our country as a veteran. Our next distinguished panelist today is Dr. Paul Lilly who was the judge in Brown County, Texas in 1994. Only 25 years of age, he was selected the county chief of police for the Dallas area suburb community of Kaufman, a city of approximately 10,000 residents and the county seat of Kaufman County. This made Chief Lilly the youngest chief of police within the state of Texas at the time. Today he is leading instruction practitioner of special policing environments, geographic and problem-oriented policing ideologies, and public integrity investigations.

In 2018, Dr. Lilly was elected the county judge of Brown County Texas. Dr. Lilly was sworn in office January 1 of 2019 and now presides as the chief executive officer of the county government as well as presides over the county criminal court.

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

Dr. Paul Lilly: My pleasure. Thank you. It's an honor to speak to you today, especially on subject that's also dear to my heart. I should start off by telling you that I have also spent 10 years as a professor so limiting me to seven minutes would be very difficult if I didn't read directly off my paper here, my script, so I'm going to try to stick to it as best I can.

As I was introduced, my name is Dr. Paul Lilly. I'm a 32 year veteran of law enforcement. 23 years of those have been at the rank of chief of police. I have served in county, city, and special policing environments including public schools, universities, and hospitals. I also hold a doctorate in psychology and criminology. And, like I said, have been an associate professor for the past decade.

The only reason I mention this is it has - my direct experience has a direct impact to justify the knowledge and wisdom that I have about a topic that I hold very dear to my heart. Of course, what I would like to speak to you briefly about today is forming community trust and police relations. In fact I feel the topic that I'm about to discuss is of such importance that it has far-reaching influences well beyond a simple public trust and community relations. And what I infer there is specifically into the realm of use of force.

Speaking about the importance of the appearance of law enforcement officers today: in the past decade or so there has been a trend to uniform our law enforcement, most especially at the local levels, what is often described as battle dress uniforms. These, of course, are just as the name describes. A uniform that is designed to be worn when in fact a person is going into battle or to at the very least a very dangerous situation where additional equipment outside the norm is required to subdue, basically to put it plainly, an enemy force.

Be and you will see where this can be a conflict with the ability of an officer much less an entire agency to foster trusting and lasting relationships in the communities they serve.

Many agencies also permit their officers to wear additional battle dress gear such as exterior tactical vests and other equipment, which in my opinion is aggressive in nature for routine patrol.

Due to my very limited time today I will be frank. It is my professional opinion the way in which we uniform our police officers has a direct correlation between how the officer behaves and how the officer is perceived and trusted by the community. Enclothed cognition is a term used in psychology today to describe the systematic influence that clothes have on the wearer's psychological process. The term was introduced in 2012 by Dr. Hajo Adam and Dr. Galinsky. The experiment conducted by the two doctors found that physically wearing a physician-style lab coat increased selective attention compared - excuse me, compared to wearing a painter's coat of a similar nature and not wearing a lab coat at all.

Thus both authorities, both doctors include - conclude that the current research suggest a basic principle of enclothed cognition. It depends on both the symbolic meaning and the physical experience of wearing the clothes and in short, the experiments confirmed that clothes systematically influence a wearer's psychological process. I have no reason to believe that this wouldn't be the same nature to our law enforcement officers today.

I realize that my time is short and I will be very happy to come back at any other time and continue this discussion. But I will conclude at this time by stating if we dress our officers as if they are going into combat at the very least SWAT or tactical type of environment, that is exactly how most of them will behave. One can't help but wonder if this would cause a more aggressive behavior potentially resulting in more inappropriate conduct on behalf of our officers. It is certainly a possibility worthy of greater study.

Further let me pose a question to you: if you were the victim of a crime and called the police for assistance, would you be more willing to trust and feel more comfortable with an officer if he or she is dressed in the traditional sharp, crisp police uniform or if they are dressed in a battle dress style uniform with all the exterior SWAT vest and accessories? Certainly worth consideration.

Lastly, there is also the ability and willingness of the officer to empathize with the community or better yet the victim of a crime and in my opinion, we do not teach empathy enough to our law enforcement officers today. Based on the aforementioned study it's far less likely that the average officer would display such empathetic traits. We must find ways to communicate and emphasize with the communities we serve. Loyalty and trust within our communities will be more difficult on both parties, the police and the community, if our officers are dressed as if they are going to war.

I can't state this enough: we are not at war with our communities.

Our profession is not that of soldiers or warriors but rather of noble peacekeepers.

I thank you for your time.

Phil Keith: Thank you Judge Lilly for your testimony today and certainly for your service. Our next distinguished panelist today is Mr. Mick McHale who is President of the National Association of Police Organizations, commonly referred to as NAPO. President McHale is currently a police officer at the Sarasota Bradenton International Airport and recently retired as the administrative sergeant in charge of the canine, marine patrol, traffic unit, and honor guard for the City of Sarasota Police Department.

Officer McHale began his career with Sarasota PD in 1990 and has served as a patrol officer as well a narcotics detective for 10 years prior being promoted to sergeant. Mr. McHale also served as a

commissioner with the State of Florida Criminal Justice Standards and Training Commission. He did that for six years while being appointed as a rank-and-file representative by the then Governor Charlie Crist. Thank you for joining us today President McHale. You're recognized.

Mick McHale: Chairman Keith, Executive Director Kueter, thank you for the opportunity to participate today. As a national coalition of police unions and associations, NAPO represents over 241,000 sworn law enforcement officers from across the country. I am here to testify on their behalf.

My written statement includes additional details on the issues and recommendations I'm going to discuss. I would like to first address the situation which we find ourselves today. Unequivocally what happened to George Floyd was egregious. I know of no legal self-defense or moral justification for the actions of the officer. We as the rank-and-file officers support improving policing practices to ensure what happened to Mr. Floyd is never repeated.

However, in the week since this horrible incident, rank-and-file officers have been continuously vilified and abused. While some leaders and politicians stand up and recognize the dedicated and ethical services of the men and women in law enforcement, the constant premise of the national dialogue thus far has largely been that all cops are bad.

It was just six weeks ago that officers were being praised for their commitment to duty, bravery, and sacrifice while serving on the frontlines of the coronavirus pandemic. Now those same brave officers are being regularly thrown under the bus. The nonstop drumbeat by many politicians and most media of distrust of the police absolutely helps engender attacks on officers and encourages the public not to comply with police commands.

As a result, it is far more common for persons who come in contact with the police to resist, obstruct,

interfere, and in some cases even attack officers. This is a corrosive environment that is impacting not just officer morale but also retention, hiring, officer safety, and wellness. It is an environment that will not be changed by simply passing reform legislation.

NAPO appreciates the opportunity to work with the COPS Office, the Attorney General, and the appropriate stakeholders to advance the goal of safer encounters in a conscious higher public satisfaction with America's officers and agencies. Working with the COPS Office, we intend on releasing a public service announcement promoting the model of Comply then Complain.

In Florida, there have been departments who have great success engaging the community by utilizing the services of community leaders to educate their particular constituents or congregations to do just this. Confrontations and obstructions go down so long as the citizen believes that a complaint the next day will be treated seriously, investigated, and evaluated fairly.

Police unions and associations must play an active part in these efforts as they represent the officers who interact with the communities on a daily basis. It is this relationship between the community and the officer serving them that matters most. We also need to support safe environments for suspects to turn in themselves into the police. This promotes officer and community safety and is a proven way to de-escalate potentially violent situations.

We recommend that the Commission support efforts like NAPO's to educate the public on Comply then Complain or similar type programs that allow agencies, unions, and associations to engage with communities on respecting law enforcement, the rule of law, and how to have safe, peaceful, and mutually respectful encounters. Today there is a growing call for police departments to hire more officers from the communities they serve and to better reflect their community's makeup.

A common requirement that candidates have a college degree can be a hindrance to achieving that goal. Departments should be more flexible in their education requirements by creating programs that allow individuals to become officers while working towards meeting the education requirement. Departments can also use the work experience to help potential candidates meet such requirements much as they do with individuals who have served our country in the military.

There has never been a more challenging time in our nation's history for law enforcement officers. The crimes and physical dangers, assaults, and risk have always been with us but today many elected officials, including prosecutors and judges, academics, and media personalities insist on identifying the police as the law enforcement as the sole source of society's ills. No one of us would condone shielding officers who have committed crimes. Yet, we must remain diligent to protect an officer's legitimate due process rights.

These rights are crucial and necessary to preserve the integrity of the criminal justice system as a whole, particularly when media and political pressure lead to irrational rush to judgment either condemning law enforcement before all the facts unknown.

There is a serious need for the implementation of national standards and procedures to guide agencies, officers and complainants wanting internal investigation and administrative hearings. Some states such as Florida provide specific guidelines via statutes and many individual collective bargaining agreements contain similar procedural requirements. Still, law enforcement officers in fewer than 20 states have procedural protections in the complaint, investigation, and disciplinary process. These rights ought to be uniform for all officers throughout the country.

National standards for complaint investigation and disciplinary processes would also provide greater transparency and accountability to internal investigations thus increasing public trust. We recommend enacting a national law enforcement investigatory procedures law that recognizes officer's due process

concerns as well as set forth guidelines for the transparent processing of citizen complaints.

In addition to supporting the legitimate workplace and adjudicated rights of officers, we know there is a commission to ensure greater protection of officers against violence perpetrated against them. In general, law enforcement officer assaults, injuries, and deaths have increased sharply in recent years.

According to a recent report from the COPS Office on officers shot in the line of duty in 2019, 32 officers were shot and 11 died as a result of being ambushed. Another 84 officers were shot of which 14 died in situations where the offender acted without warning in a premeditated, calculated manner taking an officer by surprise.

We recommend to the establishment of increased penalties for those who harm or target to harm public safety officers. Increased penalties make important differences in the attitudes of criminals towards public safety officers and can ensure protection of the community. I have given examples of such policy recommendations in my written testimony. To further promote the protection of officers off duty, we also recommend expanding the Law Enforcement Officer Safety Act to ensure it is both fairly and consistently implemented across all 50 states.

Lastly, the calls to defund or even abolish police departments across the country are dangerously misguided at best. Police officers know as well as anyone else and better than most the urgent need for better housing, healthcare, jobs creation, and social services in marginalized communities. But that does not mean the vital services for protection of life and property that police departments provide should be cut. It's a false choice.

We need good, effective, ethical, and vigorous enforcement of just laws. We also need greater job opportunities, better schools, better access to mental healthcare, and renewed infrastructure. We should be

demanding both.

We urge the Commission to unequivocally reject calls for defunding or abolishing the police. Instead recognize that the men and women who serve their communities as police officers are a vital and indispensable part of protecting and enhancing the health, safety, and welfare of our town, city, and state.

We recommend fully funding the COPS Hiring Program to allow localities to hire additional officers focused on community policing, developing relationships with the community they protect and serve.

We also recommend fully funding the Mental Ill Offender Treatment in Crime Reduction Act to ensure officers, departments, and communities have the tools and training necessary to improve outcomes of interactions with persons affected by mental illness and substance abuse.

Defunding or abolishing police departments will not increase community trust or improve public safety. By ensuring departments have enough officers to dedicate to community policing and by improving the ability of officers to recognize and promptly respond to mental health and substance abuse crisis, we can help to build essential partnerships with all sectors of the communities we serve.

I greatly appreciate the opportunity to share these insights with you. Thank you.

Phil Keith: Thank you President McHale for your testimony here today and certainly for your service to law enforcement. Our last distinguished panelist today is Lieutenant Christopher Cook from the Arlington (Texas) Police Department. Lieutenant Cook is an award-winning speaker and subject matter expert in the field of social media and media relations for public safety. As lieutenant for the Arlington Police Department, he oversees the Public Information Office as the Arlington Police Department's public and media relations strategist since 2011.

Lieutenant Cook serves as the current chair of the Public Information Officers Committee for the Major City Chief's Association and he is the current Vice President of the National Information Officers Association and will step up to the president position for that association in 2021. Thank you for joining us today Lieutenant Cook. You're recognized.

Christopher Cook: Thank you, Commissioners. I appreciate the opportunity to come before you. I will not read my testimony that has been submitted in writing and rather focus on the few minutes that we have to kind of talk about what I believe will get us past some of these moments that we've all encountered over the past - certainly the past few months in aftermath of George Floyd and really if you talk about - if you look back towards Ferguson and even beyond, some of the issues that our communities continue to struggle with. I really believe that public sentiment it varies depending on what time of history someone is looking at on law enforcement.

But certainly in the current time period that we're at with the civil unrest that we're seeing and really, you know, the calls that many of my colleagues have already spoke about to defund police or to change a direction for law enforcement, it's certainly evident across the country there is a lot of conversation going on. And so I think it's more important than ever, even though this Commission was formed last fall with President Trump signing this into law. I think that we are at a pivotal point in our country as it relates to how communities view police, the level of respect or lack thereof for law enforcement duties, and I think it provides a unique opportunity for all of our agencies to really analyze how do we message our communities? How do we build and bolster trust and support?

You know, for years there has been various training components that have come across I'm sure almost every executive's desk from procedural justice, fair and impartial policing. There is a lot of different programs out there. De-escalation. But at the end of the day one of the things that I see as a public

information officer leading our media team that it doesn't matter what we've done in the past if the community doesn't know what we are doing. If the community doesn't know what we've done, where we've come from, what we do to try to put us on the most advantageous position that there is for our officers that are out there answering calls, it's all for nothing. Because when you see an incident that occurs and certainly in the time frame that we are in right now every agency is being called upon what are you doing to prevent something like that from happening? What are - how are our police trained in the various communities across America?

And so it goes back to law enforcement being a relational business and you have to focus on your public messaging. You have to ensure that you have a strategic communication plan that has measures and objectives and how your message penetration is going down to every segment in your community. It's not just that you should be on Facebook or Twitter or Instagram or Snapchat. It's more of, okay, my strategic communication plan, what do I want to accomplish? What do I want the community to know about how our officers treat people when they are on traffic stops? Or what is the expectation when we respond to a call for service?

And all of that can be achieved through a strong media team, through a strong public information office. And I know that the vast majority of agencies out there, they may not even have a PIO. They may – they're small departments. They may have someone that maybe does it as an ancillary duty. Or they may have someone that does it as the need arises. But I think that the Commission can heed some of these recommendations and review these proposals that I placed in my written testimony about humanizing our profession, providing really a roadmap, a guide book for every single agency to consider how are they going to communicate with their public. How are they going to highlight the acts of compassion and heroism and the feel-good stories that are out there? Because we cannot rely on the media.

And there are certainly some great media out in the country. I know a lot of law enforcement feel like right

now they are being picked on because it seems like every time you turn on the news there's an adverse or negative story. But quite contrary there is a lot of good people in the media world as well but unfortunately, the good stories just sometimes do not get fed out or don't get told.

So it's incumbent upon chief executives, it's incumbent upon the executive team and public information officers to make sure that they are conveying these real and authentic stories because there is great police work being done every single day that proves the value of policing. If people see officers as humans, if they value the relationship with the police officers that are serving them then there is going to be more support for budgetary items. There is going to be more community support, and even when you have a controversial incident that plays out on Facebook or a viral video or on the news, you know, there is - the more community support that you have on the front end, the better you are going to be able to navigate that as an agency where people are going to want to wait and see the facts.

And so in my written testimony, I talk about humanizing the badge and how we get there. I talk about creating a brand and that a brand is a lot more than the patch that we wear. It's a lot more than the vehicle graphics that the officers drive around in the community. It's really about the image or the message that the community looks at when they hear your agency's name or when they are pulled over on a traffic stop or when we are responding to their home or place of business for a call. That's what brand is all about. It's about how we want to be known by.

I also talk about the strategic communication plan and that some of the important facts that need to be in them, because, you know, many agencies embark on five-year, you know, strategic plans but unfortunately in my tenure at Major City Chiefs and IACP and looking, a lot of times the communication components are missing. And it may not be intentional but I think it's one of the most important aspects that goes into a strategic plan. It's how we are going to message the community. How we're going to build strong relationships that are really meaningful and genuine and authentic.

I also talk about, it's a team approach. Every single citizen in your community needs to know how they can get involved. They need to know what kinds of programs we 'e doing. They need to be an ally because we all know that police departments cannot reverse crime rates alone. It's a shared responsibility between officers and citizens.

We also talk about youth mentoring and how important it is because a lot of these incidents that you see that portray across the country they deal with our young people and it's about teaching them that it's a two-way street between dignity and respect and that we have to earn their trust to police every single day.

And then that last thing that's really important that I want to mention for the sake of time is critical incident management. This is probably the most important aspect that I put in my paper because when you see these incidents that play out on television sometimes, you know, they could be criminal in nature.

Sometimes they could actually be a righteous incident. However, because force was used it looks really ugly. It looks really damning and so at the end of the day there is a lot of community question that comes in. And I think it's very, very important to realize that you have to be out in front of that, and there is some key strategies that I have placed in there because no matter what happens in Arlington, Texas in can affect every single agency not only in the United States we are even seeing globally now.

And so with that I will yield my time back and I appreciate the opportunity to testify before this esteemed Commission.

Phil Keith: Thank you Lieutenant Cook for your testimony and certainly for your service to law enforcement. Commissioners, we are now open for questions for our panelists. Commissioners with a question, please state your name prior to your question and direct the question to a specific panelist or to all panelists. Just as a reminder to the Commissioners, your mics are hot at all times. With that we will open for

questions from Commissioners to our panelists.

James Smallwood: Mr. Chair, this is Commissioner Smallwood.

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

James Smallwood: This is for the second speaker. I think I may have missed some of what you said. You were referring to essentially the clothing we wear making us feel like we're going to war and the image portrayed to the community. Is that in reference to items like load-bearing vests?

Paul Lilly: To a degree, yes. And now I don't have a published study yet but if we were to commission a study, which I would love to see happen especially in the realm of academia, as to how the load-bearing vest or anything other than the external vest which appears the same as a uniform shirt, what impact of trust and how that would impact the trust level and the comfortableness that the community feels when corresponding with that officer. That would be a fascinating study and I have a feeling that's going to occur very, very soon.

So not that it's not comfortable to carry your gear on that. Trust me I was an officer for 20 - for actually over 30 years - but we have to look at the imagery that it projects and I don't think it helps us in today's state.

James Smallwood: Would you feel the same way about load-bearing vests that have, you know, a uniformed shirt on the top but the bottom half has the MOLLEs that you can attach things to? I guess there is a lot of medical evidence that supports moving the weight off of the hips and onto the shoulders and chest area to prevent back injuries and as you know having been an officer for 25 years or more, that's a significant issue for officers as they age. For us I firmly believe that our community doesn't really care what we look like. They care about how we treat them and we should be treating them with the utmost level of

professionalism and at the same time if we can avoid that kind of risk on our future medical health we should take all those measures to do that.

So I'm curious as to what your opinion is on those that do resemble uniform shirts but also allow you to shift the weight up.

Dr. Paul Lilly: So I guess I'm not envisioning which one specifically you are talking about. I guess I was...

James Smallwood: There is one that resembles a uniform shirt exactly except it also has on the bottom of the shirt - the bottom third of the shirt there is a set of MOLLEs that you can attach, you know, like your handcuffs or anything that has a significant amount of weight to it to the shirt instead of the belt and then the top half of it just looks like a shirt...

((Crosstalk))

Dr. Paul Lilly: Right. That's not what I'm referring to. What I'm referring to is like - I'm actually still in active reserve here in Texas and I did my 24 hours this past weekend and some of my fellow law enforcement officers from a sizeable Sheriff's office here in Texas, they had extra magazines for their rifles attached to their outer vest and all and it just absolutely - to me it would be terrifying if I were a victim of a crime, especially a violent crime, and this person came into my house dressed like they just climbed out of a, you know, a military vehicle and then that person tries to get down on a knee and empathize with me.

Now it sounds to me like what you're describing is not. That's outside the particulars that I have envisioned and that I have seen. I would love to see something like you described but at the moment here in North and Central Texas I haven't seen a vest like that.

James Smallwood: I think Austin has deployed something similar to what I'm talking about and I appreciate your comments and just for the Commission's sake, I think we need to be very careful about saying the way we are dressed gives us an idea that we are ready to go to war. I think officers are trained for an extensive period of time before they go to the street, were measured, were tested and I don't think anything that we are wearing would dictate the direction of our decision making and just for the Commission's edification I think it's important we keep that consideration, but thank you for your comments.

Mick McHale: You bet. And unfortunately, the research states just the opposite of that, unfortunately.

Phil Keith: Thank you Commissioner Smallwood. Other Commissioners with questions?

Craig Price: Director Keith, this is Craig Price.

Phil Keith: Commissioner Price, you're recognized.

Craig Price: I have a follow-up question to Commissioner Smallwood for the same speaker. And I didn't write it down so if I have it wrong please correct me, but I think at some point in your testimony you had mentioned that officers that are dressed in a manner other than what would be a traditional police uniform (inaudible)... in the work that you have done

Phil Keith: Commissioner Price, you were breaking up. Michael, are we having a problem here on the line?

Operator: I'm looking into that as we speak.

Phil Keith: Commissioner Price, could you restate your question, please?

Craig Price: Yes, I can. Sorry about that. This is for the gentleman that just answered Commissioner Smallwood's question, and I didn't take notes in your testimony so I apologize if I heard this a little bit wrong but I think a statement or a statement near this was made that officers who are wearing the uniforms that you explained are more aggressive in nature cause those officers to act more aggressive towards people. And my question is, is there data to support that or is that your opinion based on your years of experience in your work that you've done?

Dr. Paul Lilly: Well, there is the recent study that I cited and this is Dr. Lilly by the way. There is the recent opinion that I studied, it hasn't been a topic specific for law enforcement but it was for professionals in general. What I would love to do, and I guess what I didn't emphasize property, what I would love to see happen as I would love to see the Commission commission specifically a study say of the last year's worth of use of force complaints at any select chosen, randomly chosen, however they want to do so, departments and see how many officers were actually dressed in a battle dress uniform as opposed to a traditional law enforcement uniform. I think the results would be very eye-opening and that's not a difficult study to conduct and I would urge the Commission to consider something like that. There is a whole host of research universities that would be delighted to take up that project.

Craig Price: Okay. Thank you for clarifying, sir. Thank you.

Phil Keith: Thank you. Other questions from Commissioners?

David Rausch: Phil, David Rausch.

Phil Keith: Commissioner Rausch, you're recognized.

David Rausch: Thank you. And this is a question for all the panelists. So, you know, we've heard a lot about what officers do and their response and what they respond to and the call for defund and now that we kind of have an idea what that means is as we're hearing from, you know, I guess it means different things from different parts of the country. But what we're hearing is basically reassigning calls that law enforcement has had to handle because of literal defunding of other programs and so it falls on law enforcement. But - so the conversation is well take that money away from law enforcement and give it to these other entities to respond. I just kind of would - I would like to hear the thoughts on each of the panelists on that movement. You know, is that the right direction and how does that play into the current condition atmosphere.

Phil Keith: Thank you, Commissioner. We'll start with Brian if he is on the call. He may have had to jump off the call. President Brian Marvel, are you still on the call? Okay. Then we'll jump down to President McHale.

Mick McHale: Thank you. The experience that I have seen personally is within the state, within the police departments that I'm aware of, many times when they faced a reduction even in their budget during financial crisis, some of the first units that were eliminated were the community-based policing teams that were specifically created to interact with different areas within their community and basically also extend those duties to be big brothers, big sisters, taking underprivileged children of all colors, after-school programs, tutoring programs, transporting them to and from social activities to include major sporting events, things of that nature. When faced with the minimization or the reduction in their budget those unfortunately that were - many of the programs that were the first to go. Also school resource officer programs, DARE programs.

So I mean we've already experienced that type of change when it wasn't a public outcry to defund a police department, and I think in some of your major cities what you're seeing and the reports are still being calculated that's advertised on a regular basis and speaking directly with the officers that provide the

service, we looked at New York City, the elimination of the plain clothes street crimes has an immediate impact on the violent crimes that they are experiencing on the streets.

So I think the area where someone just simply is of the belief that they are going to cripple or minimize the ability to provide public safety by expressing a position of defunding is a serious issue that we need to rise up and challenge directly.

Phil Keith: Thank you. We will jump to Judge Lilly.

Dr. Paul Lilly: I concur with it. I don't know how I could say it better than it was just stated, other than I would like to also state if there is any defunding, if that does occur, and if it occurs nationally obviously it's already occurring but if it occurs nationally, I would hope that one of the areas that they would divert some of those funds to would be areas that would then relieve the responsibility of law enforcement particularly in the field - my specifically chosen secondary profession of psychology which of course I'm talking about mental health. That would be the only thing that I would add to what the gentleman just stated.

Phil Keith: Thank you. And is Lieutenant Cook still with us?

Christopher Cook: Yes, sir.

Phil Keith: Your response, please, to Commissioner Rausch.

Christopher Cook: Yes, sir. I appreciate it. So I'm going to answer from kind of a PIO perspective. Now bear in mind I'm a sworn lieutenant as well with about 25 years of experience and worked a lot of times on the streets. And I think a lot of this. when I hear these types of calls on defunding, I think it goes back to our narrative and unfortunately there is some political agendas. There is some false narratives that are being

pushed. A good example is, you know, school resource officers or having armed police officers in a school setting. I think when I hear that in my community and luckily it hasn't transpired here but I have seen it in North Texas where there is calls to the west of us in Forth Worth. I think it goes back to countering those false narratives. And what is the real purpose? Why do we have officers in a school setting?

So I think we've got to do a really good job at messaging back to our community on the value proposition of why we have school resource officers in our school setting. That it's not there to be a military-style security guard. They are there to build relationships. They are there to build rapport with young people. They are there to support them on the football field during a football game, and we have a ton of youth programs like that.

And so it goes back to countering some of these false narratives and certainly we need to acknowledge as a profession, there are certain types of calls that we've been involved in that resulted in a deadly force encounter and it - what comes to mind is more on the mental health type calls - that the question is always, you know, rises somebody will ask, why did we respond to that call anyway? Why were the police going to that type of call?

So I certainly think that people are open to hearing proposals on how do we limit the exposure to have adverse or negative outcomes when it comes to loss of life. But then there are some on the other end of the spectrum, Commissioner like , you know, I read in the PERF clips yesterday where they are going to do a pilot project in California to have social workers potentially respond to family violence calls and I shake my head on stuff like that because we already know the cycle of violence. We already know what the research says on when people are victims of domestic abuse and then how dangerous and risky those calls are for officers already. And so having someone that's a civilian respond I think could be problematic at best.

But I think it goes back to really countering these false narratives, restating our value proposition, and why

we think it's relevant to have officers responding to these types of calls or in these certain school settings.

Phil Keith: Thank you Commissioner Rausch for the question and thank you, panelists. Other Commissioners with questions?

David Rausch: Phil, I had one more if I can.

Phil Keith: You're recognized Commissioner Rausch.

David Rausch: Okay. And this is to Officer McHale. Interesting conversation you had with us about complaints investigations and that process. I'm curious if there are any best practices that are currently in place that we can point to or look at as we consider your recommendation?

Mick McHale: Well, as I stated in my written statement and my oral testimony I could speak of experience in the state of Florida. You know, we are governed by FDLE, the Criminal Justice Standard Training Commission which is by state statutes mandate certain activity or certain behaviors that are committed by police officers and sustained requires that the department head report those actions to the commission. And in Florida the commission is the authority that oversees our ability to be part of the profession so it would be the commission that controls your certificate and as stated in my biography for lack of a better term, I was an appointed commissioner.

We have 19 commissioners of which six are rank and file and a civilian. And that commission has a vast amount of experience, mostly managerial, but we come together in probable cause panels and recommendations to the full commission and oftentimes the commission takes a position of greater discipline than the local agency. It has clear transparency as to how the complaint was filed, how it was investigated. That complete investigation is reviewed by the commission and then a recommendation is

made by the staff of FDLE (Florida Department of Law Enforcement) to the commission as to whether a letter of acknowledgment that the proper discipline was applied or in many cases additional discipline has to be applied to the individual.

I could tell you factually as a union president, I decertify more officers than officers that were given a second chance or given an ability to continue in the profession. So I mean those are the examples that I speak of. I know here it's worked for many years in the state of Florida and it continues to work. Whereas the individuals are provided the due process through their - whether or not you have a collective bargaining agreement or not so, you know - the blame that oftentimes takes place is that the unions are protecting bad cops is inappropriate because I don't know any union in the nation that hires police officers.

Phil Keith: Thank you. Other Commissioners with questions. Hearing no further questions let me close by thanking our panelists once again for your time, your most valuable testimony and responses to questions from our Commissioners. On behalf of the Attorney General, his leadership team of Rachel Bissex and Jeff Favitta, and all the Commissioners, your contributions provided today are most sincerely appreciated and will assist this Commission in their 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 when information is available for posting.

I would like to thank again the FBI for use of their teleconference network and the support that they provide to this Commission.

Any questions or comments from Commissioners?

If there is no further business before us today, the President's Commission is adjourned. Thank you again,

Commissioners, for your continued dedication and commitment to the work of this Commission.

Man 1: Thanks, Keith.

Operator: Thank you ladies and gentlemen for your participation. This concludes today's teleconference. You may now disconnect.