

**Company:** FBI ACS Only account  
**Conference Title:** Enforcement and the Administration of Justice  
**Conference ID:** 5260050  
**Moderator:** Dennis Stoika  
**Date:** 6/9/2020

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 Casey and good afternoon and thank everyone 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.

I know all the Commissioners, working group members, and federal staff are praying for our country's healing right now. We're at one of those pivotal moments in our history, and the intersection of our work with the Commission and what's happening in cities across the country provides us a unique opportunity to contribute.

I know that the competing demands on your time, Commissioners, are unprecedented. And the Attorney General, his leadership team, the entire Commission staff, and certainly Vice-Chair Sullivan and I are so appreciative that you continue to make your work on this historic Commission a priority.

In terms of the protests that have often turned violent, Attorney General Barr recently said that voices of peaceful and legitimate protest have been hijacked by violent radical elements. Groups

of outside radicals and agitators are exploiting this situation to pursue their own separate violent and extremist agenda. He went on to say we cannot allow this lawlessness and violence to continue, and to echo the words precisely, he said that these actions undercut the urgent work and the needs to be done through constructive engagement between affected communities and law enforcement leaders to address legitimate grievances.

I also want to reiterate a point I raised last week. As you know in preparation for our hearings on community engagement, we invite nearly 30 organizations involved in community engagement and civil rights to testify before this Commission. While some of the organizations have provided written testimony for our consideration, others have not and most of those we invited have declined to personally deliver their testimony during a hearing.

I want to record the - excuse me, I want the record to reflect that we've invited the following organizations to testify before this commission: the Vera Institute, the ACLU, the Leadership Conference on Civil and Human Rights, the Anti-Defamation League, the Human Rights Campaign, the National Action Network, the Center for Policing Equity, the Equal Justice Initiative, the Jewish Council for Public Affairs, the Sikh Coalition, the Innocence Project, the Mid-Atlantic Chapter of the Innocence Project, the National Urban League and Urban League of Central Florida, the Brennan Center, Families Against Mandatory Minimums, the National Coalition to Abolish the Death Penalty, the National Coalition for Black Civic Participation, the Legal Action Center, the Aleph Institute, the National Association of Criminal Defense Lawyers, the Racial Equity Institute, Not in Our Town, Lambda Legal, the League of United Latin American Citizens, the Lawyer's Committee for Civil Rights Under Law, the National Association of Civilian Oversight of Law Enforcement, and the Voices of East African Women.

Of that list and to date, only the Urban League of Central Florida, the National Association of

Criminal Defense Lawyers, the Racial Equity Institute, the National Association of Civilian Oversight of Law Enforcement, and the Voices of East African Women have agreed to participate in person during our conference, all for this hearing.

The President's Commission on Law Enforcement and the Administration of Justice remains committed to hear from a wide range of viewpoints and we'd still be interested in hearing from the organizations I've just mentioned. Of those organizations that are not able to or choose not to participate in our teleconferences, we'd still like them to submit written testimony. We will continue our outreach to these organizations to ensure their voices are heard and ensure all Commissioners have these documents.

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 today I'd like to remind everyone 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 will call the roll. Commissioner Bowdich.

David Bowdich: Here.

Dean Kueter: Commissioner Clemmons.

James Clemmons: Here.

Dean Kueter: Commissioner Evans.

Christopher Evans: Here.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Present

Dean Kueter: Commissioner Gualtieri.

Robert Gualtieri: I'm here.

Dean Kueter: Commissioner Hawkins.

Gina Hawkins: I'm present.

Dean Kueter: Commissioner Lombardo.

Regina Lombardo: I'm here, thank you.

Dean Kueter: Commissioner MacDonald.

Erica MacDonald: Good afternoon, present.

Dean Kueter: Commissioner Moody.

Ashley Moody: I'm here.

Dean Kueter: Commissioner Parr.

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price.

Craig Price: Good afternoon, I'm here.

Dean Kueter: Commissioner Ramsay.

Gordon Ramsay: Here.

Dean Kueter: Commissioner Rausch.

David 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: I'm here.

Dean Kueter: And Commissioner Washington.

Donald Washington: Here.

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

Phil Keith: Thank you, Dean, are there any other announcements to be made today?

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

Phil Keith: Thank you. All Commissioners should have the bios and testimony for this panel, and as a reminder we'll be posting all these materials on the Law Enforcement Commission website. We again want to acknowledge the work of the Commissioners, the working groups, certainly the witnesses, and the federal staff toward meeting the goals of this historic Commission. On behalf of Attorney General Barr we thank each of you.

As noted on previous calls, we encourage our Commissioners to take notes during the testimony of the panelists, And we will then open for questions from Commissioners after the last witness. This will be our only hearing this week, today our panelists will continue our focus on community engagement.

Our first distinguished panelist today is Mr. Glen Gilzean, president and CEO of the Central Florida Urban League. Mr. Gilzean has a distinguished career and has received six gubernatorial appointments during his time. Last year he was named one of Central Florida's CEOs of the year.

Thank you, Mr. Gilzean for joining us today. You're recognized.

Glenton Gilzean: Thank you Mr. Chair and members of the Commission. Good afternoon. The importance of this Commission has never been greater than it is now. As the president and CEO of the Central Florida Urban League, I applaud President Trump, Attorney General Barr for having the foresight to launch this Commission long before the murder of George Floyd. As members of this great committee, your longstanding efforts and dedication to finding solutions to these pressing issues affecting our country will ensure that as Americans, we'll emerge stronger and more united than ever before.

By inviting me to speak today, you're demonstrating that the Commission is seeking testimony and input from across the country: major cities and small communities. We all face different realities and I appreciate your recognizing that fact.

A little history of the Urban League movement. The Central Florida Urban League is a proud affiliate of the national Urban League movement, which was founded in the early 20th century to assist African-Americans who have fled the segregational South only to discover that racial discrimination has no geographical boundaries.

Its first agency opened in 1910 in New York City and is headquartered there today leading its efforts of local affiliates through the development of programs and public policy research. Today there are 90 affiliates in 36 states, the District of Columbia, directly impacting the lives of more than two million people nationwide.

On August 5, 1977, the leaders of the black community in Orlando, Florida organized the Central Florida Urban League. The great State of Florida has six additional Urban League affiliates and

the Derrick Brooks charity to make up the Florida Consortium of Urban Leagues. Together, our organization provides services in 19 counties across the State of Florida, representing two-thirds of Florida's population.

Adapting to the new realities in both society and our community, the Central Florida Urban League has honed its mission to focus on the three Es: education, employment, and entrepreneurship. And as one great person has mentioned to me before, a/k/a my mom, she said "Baby, ain't nobody gonna hire you if you can't read, and ain't nobody gonna invest in you if you don't have any work experience."

So these pillars guide us as we make a difference in the fight to end generational poverty. To realize our three Es, we run programs that solely focus on community justice and job training. Over 36 years, the Florida Office of the Attorney General has funded a cornerstone of our community justice programming, aimed at preventing youth engaged in criminal behaviors through tutoring, character building, anger management, employability skills, training, team summits, and community law enforcement meetings.

These programs are critical and have delivered results. While African-American youth are still disproportionately represented in Florida's juvenile justice system, over the last five years there has been a 20.4% decline on average in the number of offenses by African-American youth, and a 26% decline on average in the number of African-American youth arrested.

Furthermore, 85% of parents surveyed reported positive changes in their child's behavior following program participation, and 94% of residents and stakeholders surveyed reported an improved relationship between law enforcement and the community.



As mentioned before, these programs have proven results. Like so many around the country and the world, I am both angry and saddened by George Floyd's murder. Unlike many injustices that have occurred before, the murder of George Floyd has led us to a tipping point. This is evidenced by the protests and vigils, not just across central Florida, but around the world. We have witnessed a demand for change in the black community, and this demand for justice is being echoed by our brothers and sisters regardless of race, culture, or creed.

The officer who murdered George Floyd and the three others who stood idly by and must be held accountable and prosecuted to the full extent of the law. With that said, I know that these individuals do not represent all the brave men and women of law enforcement. Whether local, state, or federal, I have had the honor of working with many of these heroes throughout my career. In fact, officers from our very own Orlando Police Department marched and chanted alongside peaceful protesters this past weekend.

We must refrain from grouping the terrible actions of few with the kindness and bravery of the many. The Central Florida Urban League has worked for years to bridge the gap between our community and law enforcement. Whether it's arranging for officers to meet with citizens over a cup of coffee, or honoring the legacy of the late Lieutenant Deborah Clayton through numerous youth mentorship programs, I'm extremely proud of the strong relationships that we have built with the Orlando Police Department and the Orange County Sheriff's Office. Both law enforcement entities have worked diligently within our communities for years to earn both our trust and respect.

We will continue to work alongside with one another for the betterment of our community. There's no easy solution to this crisis. What I do know is that we must work together and also engage in meaningful conversations. And during these conversations, we must ask the tough questions.

The Central Florida Urban League will be working with our partners in the community to educate the public about systemic racism. We will also ensure to hold those accountable who continue to promote discrimination or hatred of any kind.

The road forward will not be easy, but as a society we must begin with a common foundation that brutality, violence, and discrimination toward any individual person or group will not be tolerated. Our children will look back on our actions today as a turning point, guiding us towards a better tomorrow. Thank you for your time and I can answer any questions that you may have. Also want to take a personal privilege while I still have the floor to give a shout-out to America's favorite sheriff, who's also a Commissioner here, and America's favorite state attorney general, who's also a member here. Thank you.

Phil Keith: Thank you, Mr. Gilzean for testimony today and certainly your leadership. Our next distinguished panelist is Mr. Norman Reimer, who is the executive director of the National Association of Criminal Defense Lawyers. Mr. Reimer's had a highly successful career dedicated to public defense reform and injustices that contribute to mass incarceration and disparate impact on communities of color. He has nearly three decades of criminal defense attorney experience. He served as an adjunct professor at the New York Law School. He also graduated with honors from New York University Law School. Mr. Reimer, thank you for joining us today, and you're recognized.

Norman Reimer: Thank you, Chairman and Commissioners. As noted, I'm Norman Reimer, I'm the executive director of the National Association of Criminal Defense Lawyers of NACDL as we call ourselves. It's a professional association of the entire criminal defense bar in this country, including public defenders, private lawyers in all realms of practice, so small, solo, mid-size, big firm, and military defenders. In addition to our direct membership we have approximately 90

affiliates in virtually every state, many counties also within the states, and in some other countries.

In our written testimony, in addition to providing context, NACDL has submitted five broad categories of recommendations and several specifics within those categories. The categories are police accountability and transparency, over-criminalization and its impact on policing, law enforcement and technology, use of force, and interrogation practices.

We touch on specific topics that can elevate policing practices insofar as they interact with the criminal legal system, which is the aspect of policing as to which the defense bar has relevant insight. Prior to assuming my responsibilities at NACDL, I practiced criminal defense for more than 25 years and during that time, I did have the honor to work with many leaders of the criminal justice system to make it better, fairer, and more humane.

Some of my responsibilities included having the honor to lecture for law enforcement including divisions of federal law enforcement, prosecutorial agencies, and the NYPD academy. I've spent my entire career working in the trenches of the criminal justice system.

The defense lawyer has a front row seat at how policing is carried out in every community in this country. And from that perspective, I can tell you that no participants in the criminal justice better understand why hundreds of thousands if not millions, from Maine to California, from Washington to Florida, are exercising their First Amendment rights to urgently call for policing reform.

There is no criminal defense lawyer in this nation, not one, who has not seen firsthand the systemic racial and ethnic injustice that infects policing and the criminal justice system at every stage. As we see what's going on in this nation, it is - was at least for me - invaluable to reflect on

what the Attorney General said when he launched this Commission on January 22, less than five months ago. He charged the Commission with studying the ways to make American law enforcement, I quote, "the most trusted and effective guardians of our communities." He said the purpose was to restore public confidence in law enforcement and to study what is the cause of diminished respect for law enforcement. He also, and rightfully, referred to law enforcement as a noble profession.

In the circle of my life and my work, I have enjoyed many relationships with law enforcement officers whose dedication, humanity, and self-sacrifice is beyond reproach. I have no doubt that they went into law enforcement with noble intentions. But as a professional in another field, what I personally have learned through a lifetime of experience in criminal justice, and what all of us can plainly see in the vast, unprecedented, nationwide, multi-racial, multi-cultural outpouring of frustration, is that policing must establish the hallmarks of the true profession if it is to be, as the Attorney General asked, a noble profession.

A true profession must have transparency, accountability, and indeed professionalism.

Professionalism means training, certification, de-certification when appropriate, and adherence to well-crafted professional standards. Those standards should embrace the role of the police officer as a guardian, not as a warrior, not as a combatant, but as a guardian. That value should be reflected in standards that govern the use of force. The use of force, including deadly force, is the prerogative of law enforcement when essential to apprehend or prevent escape by those who pose a risk to public safety. But the use of force, let alone deadly force, against a non-violent suspect or any person who is under restraint, must never be authorized or condoned. Gratuitous use of force for infliction of injury is a crime and should be treated as such, and it certainly disqualifies an individual from continued service.

Another hallmark of a profession is the duty of members of that profession to police themselves. In my own profession, I am subject to disbarment, which is the legal profession's equivalent of decertification, if I know that another lawyer has violated professional standards, such as to call into question their honesty, trustworthiness, or fitness to perform the duties of a lawyer, and I fail to report it. Policing needs the same kind of standards if it is to be truly worthy of being considered a noble profession.

Police officers who observe unprofessional conduct should be required to report it or they themselves should be held to account. I am sure that whatever the Commission thought its task was when it started, it must be viewing its task through a different lens now. The entire world is different now than it was five months ago. While actual practices may not have changed one iota over decades, public awareness has. The whole nation, in fact much of the world, has put policing under a microscope as never before.

I'm old enough to remember a seminal moment in another profession. While observing something in an athletic context can scarcely be compared with the horror of observing the loss of a human life, sometimes a metaphor can be helpful. In 1967, in a game known as the Ice Bowl, while trailing in the game with 16 seconds to go, the Green Bay Packers stunned the Dallas Cowboys with a game-ending touchdown scored by the Packers' quarterback, Bart Starr, on a quarterback sneak. But that one was the first year that videotape made it possible to view a play in slow motion replay.

And that videotape revealed that the touchdown was made possible by a remarkable block by an unheralded Packers' lineman named Jerry Kramer and his book *Instant Replay* became a best seller, which was made possible by that videotape replay. The videotape did not change what had actually happened or what had been happening since football began. But it changed the

perception.

The video of what happened in Minneapolis did not alter what happened, and for some communities the reality of what happens in their daily interaction with the police did not need to be documented by that one video. But make no mistake about it, for millions who have been skeptical but complacent, and millions more who have been trusting and unwilling to question the work of those who wear a badge, that videotape has changed everything. Policing will never be viewed the same.

I urge this Commission to embrace this change. Cast a broader net. Seek community involvement. Listen with open minds and open hearts. There is no dearth of proposed corrective measures that can restore the honor of the law enforcement profession. I think NACDL's contribute something, but there are so many others that are out there including, quite candidly, the recommendations of the last administration's Policing in the 21st Century group.

The groundswell for significant reform can be an opportunity to imagine, to reimagine the role of law enforcement in a civil society. The Commission should not shrink from that opportunity. It should seize it by proposing the kind of bold reforms that will truly transform the profession. And I'll just end by noting that just earlier today the Texas governor, Republican governor Greg Abbott, speaking in Houston, said that the George Floyd death is something that is going to change the arc of the future of the United States. I suggest that this Commission could change the arc of policing in the United States. Thanks very much.

Phil Keith: Thank you, Mr. Reimer for your commitment to service and certainly your testimony here today. Our last distinguished panelist today is Ms. Deena Hayes-Green, who is the founder and director of the Racial Equity Institute, which is the coalition working to create racial equity within

our society. Ms. Hayes-Green has spent the last two decades focusing on the structure and impacts of race and racism within institutions in our society. In addition to the work on racial injustice, she served five terms as a Gulf County School Board member, and she is currently the chair of the board. Ms. Hayes-Green, thank you for joining us and you're recognized.

Deena Hayes-Green: Thank you Chairman Keith and members of the Commission. I would also like to recognize Sheriff James Clemmons and Chief Gina Hawkins from my home state of North Carolina.

Again, my name is Deena Hayes-Green. I'm representing the Racial Equity Institute, which is based in Greensboro, North Carolina, but we work all over the country. We only work where we're invited. Our work is all word of mouth; we do not do any outreach or solicit work at all. People come to our programs, our presentations, our workshops and they're exposed to an analysis of race that for them has been very useful in going back to their organizations and having more productive and effective conversations about the impact of race and racism in our society and the specific work that they do.

We work in the private sector and we work in the public sector. We work with agencies including law enforcement, education, health care, philanthropy and non-profits, transportation, municipalities, wherever someone is really committed to trying to struggle together to figure out what this is.

I'm going to use some stories and some metaphors because I think it would be helpful along with the brilliant testimony that you've already received from the other two panelists, that I think will be really helpful way to think about race and racism. One of the approaches that the Racial Equity Institute uses is what we call the groundwater approach to understanding structural racism.

The groundwater approach begins with the fish in the lake story, and it goes like this. We say if you live near a lake and you wake up and you see a fish floating belly up dead, as our brains are meaning-making machines, we would have all kinds of questions about what happened to the fish. What is injured by an angler? Was it injured by a jet ski or some other motorized equipment? What happened to that fish?

But if you woke up one morning and half or all or so many fish in the lake are floating belly-up dead, now it's time to ask questions about the lake. What's going on in that water?

And so the fish in the lake are symbolic of individuals and institutions. We do a lot of work trying to address individual needs, individual conditions, and individual behavior. We do less work on looking at our systems and our institutions and the ways in which they operate. There's an epidemiologist that says you can take every individual who's at risk: who's at risk of committing a crime, who's at risk of dying of diabetes, who's at risk of being removed from their home and put into foster care, and that's important to address those needs, but it will do virtually nothing to solve our problem because the new population of fish will continue to enter the at-risk environment, the lake, the system, the institutions at an unaffected rate forever.

And so while we're working on individuals, if we're not simultaneously trying to examine our systems and our institutions and the ways in which they operate that create, perpetuate, and maintain inequities, we will be doing what we do forever and our gaps will only widen. What we also know about how our systems operate is that the majority of the freshwater on the planet that's not in glaciers and icecaps is actually in the groundwater.

So we believe that racism is a groundwater issue. It's a structural and cultural issue. Its origins



are over 400 years old, as we've learned from the 1619 Project and other scholars that from 1619 to 2019, that's 400 years. How have we spent that time? Well, from 1619 to 1865, we spent that time - if you are someone who's been racialized as black today you would have been enslaved. So that's two and a half centuries of the enslavement of black people, the annihilation and wars with native people, and white people are building a nation.

Another 100 years, from 1865 to 1965, of Jim Crow saying you're not enslaved but you have no rights. You don't have the right to eat here, sleep here, you don't have the right to be a member of the American Bar Association, the American Medical Association, to be a member of the police department, to be a firefighter and to respond to fires across the city. If you can join the firefighters then you have to do that in your own neighborhood. You can't watch movies here. You can't sleep in this hotel. That's 346 years of systemic exclusion for people of color, particularly African Americans in this country. So, when law enforcement encounters people in communities who have been so situated by that three and a half century history, three and a half centuries of history between us.

It is very difficult to build trust without addressing the environment that creates toxic, violent, traumatic experiences between law enforcement and members of those particular communities.

So, our groundwater approach also begins to identify and unpack three observations. One, racial inequity exists in every system across the United States, every major system. Health care. Human services. Transportation. Housing. Banking and finance. Labor and employment. Education. It exists in every system without exception and we have the data. That says this is systemic. Individual behavior cannot explain that pattern across the country, across the region, in every system, and in every institution.

Number two, socioeconomic status is these outcomes are not explained by your socioeconomic status because racial inequity exists in every income level and every education level. So, while higher education, workforce development, and home ownership are very important, they're not adequate responses to a systemic problem. They cannot close the gap.

The third observation is that our systems are causing this in ways. One of our colleagues in Charlotte, North Carolina is Judge Lou Trosch. Judge Trosch tells the story of two young men that were in his courtroom. They were defendants in an armed robbery that had been committed.

He said he called his first case in. He said the bailiff brings in a young man. He's in, you know, the detention center outfit with the security. And he said it was very unusual to have so many people pile into the courtroom for a first appearance. But he comes to find out that this young man had never been in trouble before. He was an average student. His pastor was there. Family members. His parents were there to testify to this young man's character and behavior.

So, Judge Trosch listened to all this. He said put his back in detention and he said let our court counselors go and verify that this information is correct and we'll decide what the pretrial terms will be. He said he calls the co-defendant and he says, you know, a period of time passes and he looks over at the bailiff and, you know, he's got a pretty full docket., And he says, you know, can you bring the co-defendant in. he bailiff says he didn't have anybody else in custody.

So Judge Trosch says, well, where's the co-defendant? And there was a young man in the courtroom who Judge Trosch thought, like others did, that this was the co-defendant's family member because he was -- the second young man was well represented by family, other friends, people coming in with folders full of letters of recommendation and affirming this young man's reputation.

So, Judge Trosch listens to his attorney also talk about what a good student he is. Great athlete. Good sportsmanship. Never given his family a hard time. Doesn't belong to a gang. Hasn't been involved in drugs. Never suspended from school. And so Judge Trosch asked, you know, what's going on?

They had decided to rob a local McDonalds. They watched Oceans 11 or Oceans 13, put on a ski mask and tried to holdup a local McDonalds. Judge Trosch says, well, who's idea was this? The young man said, both of us thought of the idea. He said, you know, did you have the gun or did he have the gun? He said, we both had a gun. They were pellet guns but they looked like Glocks. People were afraid for their lives.

So, Judge Trosch couldn't figure out why this young man was out because in North Carolina, and this may be true across the nation, the consequence for armed robbery is mandatory detention. So why is one person out and another person is detained? So, Judge Trosch asked some questions. You know anyone he tells this story to knows the race of the person who was detained and the race of the person who came in with their family, even though they committed the same crime, had the same background and profile, that one was out and one was not.

So, Judge Trosch asked himself, how many times has this occurred in my courtroom and I never noticed it? How many times did I just figure there was a reason why one was detained and one wasn't. And so his practice of keeping race on the table allows him to administer justice more equitably. And it is those kinds of situations that we have to use as models and examples and tools and resources to us today.

If racial inequity exists in every system across the United States and the State of North Carolina

then it's got to exist in law enforcement. And as we survey law enforcement about the impact of race on their work, we collectively get a response back that they do not believe that race impacts the work that they do.

And I will close by saying you cannot do something about something you can't see. So, my recommendation is that we spend time providing the contextual information that law enforcement officers need to know. Why people are differently situated and what they're going to encounter, to be able to collect and analyze data and cross-analyze that data in ways that let us see the inequity in the decisions we are making in our systems and institutions, and to see law enforcement officers and personnel as potential social change agents.

So, thank you. I'm also available for questions. .

Phil Keith: Thank you Ms. Hayes-Green for your most valued testimony for us today and certainly for your service to our society. Commissioners, we are now open for questions to the witnesses.

Commissioners with a question, please state your name prior to your question and direct the question to a specific panelist or the entire panel.

Just as a reminder to the Commissioners, your mics are hot at all times. Thank you and with that, Commissioners, we'll entertain questions for our panelists.

Ashley Moody: Mr. Chairman, this is Ashley Moody from Florida. I have a question from Mr. Gilzean.

Phil Keith: Yes, ma'am, you're recognized.

Ashley Moody: Thank you so much for your testimony. And for those Commissioners that are not familiar

with Florida's Coalition of Urban Leagues, I can tell you they do incredible work across our state. So proud of what they're doing to improve the lives of so many and proud to be associated with them. Thank you for your testimony.

I will start off by saying when I began my legal career decades ago, I started as a private lawyer, you know, commercial litigation, and went on to being a federal prosecutor. We did not deal with juvenile crimes as a federal prosecutor. And I know the AUSA who is on the line will appreciate that. And so when I became a state judge especially assigned to the juvenile arena, I was shocked to see the disproportionate minority impact on our juvenile justice system.

It was something that I really did not have an in-depth knowledge of based on my previous legal experience and we went to set about working with organizations in the area trying to affect that, change that. .And I know that the Urban League has had such a long tenure of digging in, rolling up their sleeves and trying to make a difference. You heard the testimony expound upon my Mr. Gilzean.

And I know there's no silver bullet. That's why these Commissioners are a part of this Commission. They want to dig in. They want to roll up their sleeves. They want to make a difference here as part of this group. But I was hoping, Mr. Gilzean, you might shed some light on what you believe has been the biggest impact in trying to change that disproportionate minority involvement in the criminal juvenile system.

If you could name one biggest thing that has made a difference for this Commission to determine whether that's being done in other parts of the nation, what would that be?

Glenton Gilzean:           General, thank you so much for that question. So, my answer would be the ability for trust. When I had the pleasure of serving on the school board our sheriff allowed us to - serving on the

Pinellas County School Board almost eight years ago - and one of the things, he opened up his door, he allowed his officers, his deputies, to actually come and mentor and work with some of our youth.

We developed a reading and writing program where - and it's funny because I realize in some areas they're doing this as well - but we developed a reading and writing program knowing that officers have to write the reports. And a lot of schools in the south side of Pinellas County were in desperate need of improvement, especially with their reading scores.

So, what we developed on Saturdays is where deputies would come in and work with our students in plain clothes. And that gave the students the ability just to get to know the individuals as mentors and then at the end of the cycle they put on their uniforms and they said like no way. I didn't know you were an officer or a deputy sheriff.

And that particular environment really helped build trust. I think far too often we try to talk to communities versus being engaged with the communities. And then using that as an opportunity to grow from a foundation and a starting point. So, the answer, General, would be, one thing we have to do, the common denominator needs to be trust and that starts with a conversation.

Ashley Moody: Thank you sir, and thank you Mr. Chairman.

Phil Keith: Thank you. Other Commissioners with questions.

David Rausch: Yes, this is David Rausch.

Phil Keith: Commissioner Rausch, you're recognized.

David Rausch: Yes, I want to thank all three of the panelists today. Excellent testimony. Obviously critical information at a critical time for us. Ms. Hayes-Green, I would like to know if your organization has a standardized training that could be provided to law enforcement. I think the message of the systemic issue is critical for law enforcement to hear in their initial training but additionally for our in-service as officers are trained throughout our country. Just curious if that training, if there's something that could be provided?

Deena Hayes-Green: Yes sir and I agree wholeheartedly. We do have law-enforcement specific education and I believe like you that it needs to be integrated across their careers so that they're just part of professional development throughout their careers. We have two law enforcement personnel as part of our training staff.

One is a retired 27-year captain with a major metropolitan police department and one is 17 years with the sheriff's department in the county. We have had some amazing experience with law enforcement officers and so I'm going to say that our dual challenge is that not all law enforcement personnel struggle with racial equity anti-racism work.

But the people who struggle the most with it are law enforcement. So, we have been brought to tears by some of their testimony, some of their feedback, and check-in during the two-day workshop. And they are the group that we have repeatedly had to call in their superiors to ask them to not come back because they have struggled so much.

And so we have both of those realities but we do have law enforcement specific curriculum.

David Rausch: Thank you.

Phil Keith: Other Commissioners with questions?

Gina Hawkins: Yes, this is Gina Hawkins.

Phil Keith: Commissioner Hawkins, you're recognized.

Gina Hawkins: I really want to thank all the presenters but I did want to ask, thank you, Ms. Hayes-Green for coming on and sharing. To add onto that, I know I have something scheduled, we're trying to schedule something, but can you also share on top of being law-enforcement specific, the importance of the combined training with law enforcement in the community.

Because the data that is shared, is programs that have to have that combined effort to hear all sides and to understand it as a whole So, although, for example, I'm going to be scheduling additional training with you, law-enforcement specific, but I do believe that the importance of different levels because we are just members of the community just as everyone on this call is, of integrating this training in the two-day program.

Can you explain a little bit in depth that so they can understand it?

Deena Hayes-Green: Yes ma'am and thank you. So, the community model brings together representatives from multiple institutions. From child welfare. From healthcare. From education. From law enforcement. From the faith communities. So that law enforcement can see that it's not just you.

As a matter of fact there was an article that came out about the bias in preschool that said bias isn't a police problem, it's a preschool problem because suspension and expulsion in early childhood programs occur at three to four times the rate of K through 12 combined.



And so Chief Hawkins, it is really important to see that racial inequity exists across a continuum of systems. Part of the structural disadvantage is that they all have a different name for it. So, I sit on the North Carolina DMC/RED task force, we're dealing with disparities in juvenile justice.

I'm also the chair of the school board. We're dealing with disparities in education. We call it the achievement gap. They call it RED. So, it's very difficult to see these as sort of these systemic patterns and arrangements. And so the community model is really, really helpful so that law enforcement doesn't feel singled out.

And because of the last 20 years they're, you know, the hyper-sensitivity makes it very difficult to sit in a workshop talking about race when you're the topic of conversation anytime people in the public encounter you. And so it does allow them to sort of lower their, you know, armor to be in the room with everyone else who is struggling with this as well.

Gina Hawkins: Thank you.

Phil Keith: Other Commissioners with questions.

Erica MacDonald: This is Commissioner MacDonald. May I ask a question please?

Phil Keith: Yes ma'am. You're recognized.

Commissioner MacDonald: I think this question is most appropriately addressed to Mr. Gilzean and Ms. Hayes-Green but, you know, if our other panelist wants to comment. Prior to the U.S. Attorney here in Minnesota I was a judge in Minnesota for a little over eight years. And I was one of the presiding judges in

our juvenile justice docket.

And I worked hard. I was then a part of the Juvenile Detention Alternative Initiative here in Minnesota, recognizing the disproportionate impact on our children of color and them being detained when white children were not. And it was disturbing and we worked hard to come up with alternatives and risk assessments. And one of the things we really relied on were our school resource officers that were in our schools.

Because what we saw is from some schools, rather than it being taken care of at schools, kids found themselves in the juvenile justice system when it could have been easily resolved at the school level. And our school resource officers were instrumental in helping that happen.

But after the wake of the horrific tragedy that we are all mourning today, the loss of George Floyd, there's been a call to eliminate school resource officers. And I'm really concerned about how that will impact our children of color and their involvement with the juvenile justice system.

What are y'all's thoughts on this and what should we be looking at with respect to our school resource officers?

Deena Hayes-Green: Yes, I think this is another challenge that, you know, we're on this pathological pendulum swing. I totally understand school safety. I believe all of us want to be and want our children to be safe and secure as we do in our homes and in our communities.

I think we have less people with very little choices to make because we've been so unresponsive to the school-to-prison pipeline, to, you know, the shootings that, you know, are part of a larger pattern. And so I do think that some collective leadership is going to have to pull this in the middle and help provide the

kind of training and education to our school resource officers.

Because we just signed a school justice partnership in North Carolina trying to remedy the huge number, I think it's 80% of the cases, that our judicial representatives are dealing with are situations that should have been and could have been handled in schools.

And so how do we define that line between, you know, a principal's authority or school based personnel's authority to deal with a student and when SROs get involved. So, I don't think it's as simple as, you know, whether we have them there or not.

How can we have them there effectively and for them to be truly student-centered safety officers in our school system?

Glenton Gilzean:           And for the sake of time, I completely agree.

Phil Keith:           Thank you Mr. Gilzean.

Erica MacDonald:       Thank you. That was a very enlightening response and thank you to all three panelists for your testimony today. Greatly appreciated.

Deena Hayes-Green:    Thank you.

James Clemmons:      Director Keith, Sheriff Clemmons.

Phil Keith:            Yes Commissioner Clemmons. You're recognized.

James Clemmons: Yes, I'd like to thank the panelists today for their commentary and the valuable information that they're presenting towards us today. And this question is to Ms. Green. Thank you ma'am for being on the call. Thank you for the work that you're doing here in North Carolina with all the rest of us.

I too was a part of that commission that worked with the juvenile partnership. My question to you is, as we are seeking as sheriffs, police, lawyers, judges, all of us in the criminal justice profession, as we seek to work in our communities to foster even better relationships than we already have done, as I look at building the framework for racial equity, my question is, when you're doing this training, are you doing the training separately for law enforcement officers with one group separate for the community?

And if you're bringing those together, what other stakeholders are at the table when you're performing this training so that we all have the understanding, we all have that voice, and we all could work together to disavow this racial discrimination and the racial inequity of what we've having, not only in our state but throughout our nation because it doesn't just stem within the community and law enforcement.

It's in the business world and it in every walk of life that we deal with. But in our particular state and other states, how do we bring those stakeholders to the table? Because the thing that I see is people are tired of talking. And it seems like that's all we've ever done, is put together these groups. Put together these individuals in our think tanks.

But yet at the end of the day we don't have solutions. How do we develop solutions?

Deena Hayes-Green: Yes, sir. Thank you Sheriff Clemmons and I think as Chief Hawkins was describing our particular process, we do have a community model. This model has been something that has been used by a group in Charlotte called Race Matters for Juvenile Justice. And it occurs in the

collaboration with the former Chief, Rodney Monroe of the Charlotte-Mecklenburg Police Department, Judge Trosch and Clerk of Superior Court, the Honorable Elisa Chinn-Gary coordinated this effort to bring these cross-system stakeholders together. They started with the Executive Director of Social Services. They brought in the faith community. They brought in Novant Health and the local healthcare system in addition to the school system and the police department.

And they've been doing this for seven or eight years, this community model where they're bringing in representatives from other systems so that they can see together the systemic arrangement, nature, and pattern of racial inequity. I remember we finished a workshop on a Tuesday at 5:00 and at 4:00 Keith Lamont Scott had been shot and killed by Charlotte police.

And I remember shortly after that - this was a group of stakeholders that were pulled together. Charlotte was named one of the 49 cities on metropolitan analysis around economic mobility. And so this was the economic mobility task force that had just gone through the workshop.

And so they get out of the workshop and then, you know, they are confronted with this crisis in their community. And I remember getting emails from the leadership of that task force to say had we not just had this experience together we wouldn't have known how to frame this or situate this.

They immediately responded with the partnerships, with the banking industry, with some of the other systems' leaders there, to come together and to address the core issues there. And not just the programmatic issues. I'm a passionate advocate for education but I know that education can't close these inequity gaps. I know that home ownership can't close it.

We know that savings accounts can't close it. And so we have a very complex problem that we've applied very simple solutions to that have not worked. And you're right. People feel like we've been talking about

this for a long time. And I think we need to elevate our conversation and our analysis so that we can really get to some effective solutions once we've identified the root cause of the problem.

James Clemmons: Thank you ma'am. I appreciate it.

Nancy Parr: Hi, this is Nancy Parr. I have a question.

Phil Keith: Yes, ma'am. You're recognized Commissioner Parr.

Nancy Parr: Mr. Reimer, I hope I'm pronouncing your name correct. I have a question. So, my background is I am the elected prosecutor for my city, Chesapeake, Virginia. And when you were talking, you were talking about misconduct complaints in internal affairs.

And I'm not disagreeing with you. That could be done in a much better way, I think. But you made an analogy to disbarment and disciplinary proceedings for lawyers. And so I only know how the Virginia State Bar works but in Virginia unfounded complaints made against lawyers are not public information.

There's no database for that because they've been unfounded. And that the disciplinary committees are made up of lawyers and laypersons so there's a mixture of input and insight into the complaints when they are filed. So, when you were talking about that, are you suggesting that every single complaint made against a police officer should be public information or those that are founded?

And are you recommending that there be some sort of - I've heard it referred to as an oversight committee or review panel - to look at the complaint to decide on a finding of whether or not it's a founded complaint and whether anything needs to happen. I just - I mean I know that unfortunately people make false complaints and not just against police officers. They make false complaints against doctors and

lawyers.

They make false complaints against defendants and when we find that out we get rid of the charges. I mean people do that. People make false complaints. So, you know, I would be very concerned about every complaint being a public - being open to the public.

And then the thing I would ask, so when you're answering all of these, if you were - you know, I think too, that we all - in every - in all of our professions there is at least some people who have either explicit bias or implicit bias. And no disrespect to you or defense attorneys. I have many good friends and I've worked with them 30 some years.

But I have heard in various implicit trainings I've been to - implicit bias trainings - that, you know, there may be, you know, there are some defense attorneys out there that may represent different clients differently and it may be on an implicit bias. So, does your association, do y'all do training in implicit bias?

Norman Reimer: Yes, thank you. All great questions. Let me take the last one first. Yes, we do training. We have annually been conducting what we call a Race Matters Seminar which is a two-day program. And I will be the first one to acknowledge, echoing what one of the other panelists said today is, racism is - systemic racism is rife throughout our society.

It's not limited to law enforcement. And the defense bar, the entire legal profession, and all professions have to address it. So, that's sort of - no question there. On the issue of complaints, first of all I do note that every state handles complaints against lawyers differently.

And in the case, in Virginia from what I understand, complaints are reviewed by both lawyers and laypersons. So, there is a level of independence there which is different when it is the police department

itself investigating the complaint of one of its own members.

And I think ultimately, you know, a fair answer to your question is, depending upon who investigates, what the composition of that body is, what the level of independence of that body is, you could certainly make a distinction between an unfounded and an unsubstantiated complaint.

Unfounded means that an independent investigation has been conducted. That's one thing. And it was found that the officer did not engage in misconduct. But if it's unsubstantiated the problem that you have is that first of all in many situations people are afraid to follow-up with their complaints with the police department.

In many, many situations when it's an individual's word against the police officer's word, we know from endless experience that oftentimes that will lead to something being unsubstantiated on the grounds that that's not enough. So, the short answer is, I understand your point.

I will tell you that in New York they're on the verge of repealing the secrecy law that protects the misconduct records. They're going to make everything available but they are going to statutorily provide the no confidential information regarding an individual's home, telephone number, things like that.

And nothing that's not related to public complaints. That's the key, is public complaints. And I think if you look at some of the high visibility killings that have taken place, police-related killings in the last - just the last couple of years. You see that there's a pattern of individuals who have unfounded, or at least I would say, unsubstantiated complaints against them. And that's the kind of transparency that you need. It's, you know, what we're seeking to do, and what we're recommending is that you basically put the police officer in the same category as you put every other public official so that records are available under Freedom of Information laws. And so that people, when they're adjudicating cases, district attorneys when they're



making a decision about what to charge and what level of bail to ask for, and judges when they decide cases, they ought to know about this. And I certainly agree. You might have, you know, a one-off where there's a been complaint and nothing - and wasn't found to be anything but when you have people that have repeatedly gotten complaints of excessive force, no action is taken, no finding is made, and then a tragedy results. Or, more commonly, not the tragedies that make the front page and get our attention like the one that just happened, but they lead to other less deadly but no less consequential results for the people who are the victim of that.

Nancy Parr: All right, thank you.

Phil Keith: Thank you. Commissioner Price, you're recognized.

Craig Price: Yes, thank you, sir. Good afternoon, I appreciate everybody's well-thought out testimony today. I do have two questions. And I'll just lay them both out. One's for Mr. Gilzean and one is for Mr. Reimer. First question for Mr. Gilzean, I believe you mentioned that one of the things that need to be done is law enforcement needs to separate rioters from peaceful protestors. I've been in law enforcement for over two decades and don't have a lot of experience in this but have some. I'm just curious on what your recommendation would be on that particular topic.

And then the second question would be for Mr. Reimer is that, in regards to your work, what changes to the rest of the criminal justice system do you think are important outside of just the police reform?

Glenton Gilzean: Commissioner, thank you for that question. I think it's not just law enforcement's responsibility to see agitators and call them out. I think it's also the community and also the peaceful protestors. I've witnessed a couple of videos where you see community people say, "I

can't believe this person is coming into my community and leaving whatever, bricks or whatever, and then ultimately using that as a way to take a peaceful protest and go into a different direction." So, my answer to you, sir, is that it's not just law enforcement's responsibility to identify the agitators but it's also the community's responsibility, too. And call them out and make sure that they're held accountable, as well.

Craig Price: Thank you. And now, Mr. Reimer?

Norman Reimer: Thank you. Yes, thank you very much for the question and I think if I understand your question it's besides policing, is that correct?

Craig Price: Yes, sir.

Norman Reimer: What changes would I recommend? Yeah, so, I mean, the Commission doesn't have time to hear all that I have to say on that subject. But I'll pick a couple that I actually think do relate to the work of this Commission particularly closely. First of all, we need to engage in a nationwide process of decriminalization. We shouldn't be criminalizing behaviors that are disfavored social behaviors that are not classic crime. We shouldn't be bringing people into the criminal justice system when their underlying issue is a mental health issue or substance abuse or addiction, homelessness. These are things that we've dumped this into first the police and then into the criminal justice system. And thereby diverted resources that could and should be used in more productive ways.

Secondly, without a doubt, the system woefully underfunds the defense function. And to be clear about that, it's important to recognize that perhaps 80-90% of all people who are accused of a crime in this country if not even more than 90% are not able to hire a lawyer. They are provided

either a public defender or an appointed attorney. And the system that provides those services are radically, woefully underfunded in almost every jurisdiction in the country. In many places, it isn't even funded by the state or it's only partially funded. So that's another big area.

We absolutely need to have sentencing reform because more and more data is becoming available to show us that very long sentences actually do not decrease recidivism, they increase recidivism. They break up communities, they destroy families, and particularly when you're dealing with people who are getting into the system when they're, let's say, 25 years or younger, they should not be serving these God-awful sentences. That's not something that the police departments can do anything about. But you asked the question so I will highlight those as three just for openers.

Craig Price: Thank you very much.

Phil Keith: Other Commissioners with questions? Other Commissioners with questions? Hearing no further questions, let me close by thanking our panelists once again for your time and your most valuable testimony 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 contributions provided today are most sincerely appreciated and will assist this Commission in the deliberations they undertake and the work they do.

Also, please check the President's Commission page for additional updates of documents and information on the main Justice website and we'll update it regularly when we receive information to post.

And we also want to thank our FBI partner for their continued use of their teleconference network

and support and certainly the support of the federal program staff for this Commission. Are there any questions or comments from Commissioners? Hearing none, thank you for your robust questions today. If there's no further business before us today the President's Commission is adjourned. Thank you again, Commissioners, for your dedication and your commitment. Please be safe.

Man: Thank you.

Woman: Thank you.

Woman: Thank you.

Man: Thank you.

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