

Company: FBI ACS Only account

Conference Title: President's Commission on Law Enforcement and the Administration of Justice

Conference ID: 6387592

Moderator: Dennis Stoika

Date: June 23, 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 sir.

Phil Keith: Thank you Nick. 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.

This week we have three Commission hearings. Each will provide the Commissioners with a unique opportunity to learn of the challenges facing law enforcement officers and community members alike, exploring policing cultures and shifts, as well as use of force. Our Attorney General and his leadership team have been focusing a great deal of time and effort to support the work of this Commission as well as provide guidance on addressing continued lawlessness as we continue to see in some parts of our great country.

We have kept our Attorney General informed about the many challenges our Commissioners are facing in their local jurisdictions and their continued commitment by the Commissioners to make the work of this historic Commission a priority. At this time, I'd ask the Executive Director Dean Kueter to conduct the roll call of Commissioners.

Dean Kueter: Thank you Mr. Chairman, and before I call the roll call I would just like to once again remind everyone that today's event is open to the press. And for any members of the media on the call if

you have questions or any 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. Commissioner Clemmons.

James Clemmons: Here.

Dean Kueter: Commissioner Evans.

Male: Commissioner Evans will be joining shortly.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Present.

Dean Kueter: Commissioner Gaultieri. Commissioner Hawkins.

Gina Hawkins: Present, thank you.

Dean Kueter: Commissioner Lombardo.

Regina Lombardo: I'm here, Dean, thank you.

Dean Kueter: Commissioner MacDonald. Commissioner Moody. 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: Oh I'm here, thank you.

Dean Kueter: And Commissioner Washington.

DonaldWashington: Here.

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

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

Dean Kueter: No sir we are good to go.

Phil Keith: We again want to acknowledge the work of the Commissioners, working groups, witnesses, as well as the federal staff toward making 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 make notes during the testimony of the panelists. We'll then open for questions from Commissioners after the last witness.

Our first distinguished panelist today is Dr. Robin Engel who is a professor at The University of Cincinnati. She also serves as the Director of the International Association of Chiefs of Police UC Center of Police Research and Policy. Dr. Engel's work includes establishing academic-practitioner partnerships in policing with expertise and empirical assessments of police behavior, police use of force and police minority relations, police supervision and management, criminal justice policies, criminal gangs, and crime reduction strategies. She has served as the principal investigator for over 70 contracts and grants and has provided as a statistical and policy consulting for international, state, and municipal law enforcement agencies. Thank you for joining us today Dr. Engel. You're recognized.

Robin Engel: Thank you Director Keith and thank you to the Commission. I am honored to provide testimony to you today based on my experiences in over 25 years as a researcher studying police behavior and evaluating police strategy. But I also speak to you today as a former Vice President for Safety and Reform at the University of Cincinnati where for over three years I oversaw the top to bottom reform efforts of a campus law enforcement agency after a fatal officer-involved shooting of an unarmed black male during an off-campus traffic stop for a minor equipment violation.

And so with that I recognize first of course that our law enforcement community and our communities at large are facing very challenging times in addition to an unprecedented pandemic and economic crisis unfolding. We are also seeing major social unrest across our communities. And as a result the efforts have intensified to identify solutions to reduce the frequency and severity of violent encounters between the police and the public.

We find ourselves in a similar situation after an officer-involved shooting in Ferguson in 2014. Although the intensity and the impact on law enforcement in our community feels much greater this time around. At that time the President's Task Force on 21st Century Policing produced a final report in 2015. And they identified six main pillars impacting the law enforcement profession and provided over 150 recommendations and proposed actions for reform.

And while this work provides a promising roadmap and a path forward and we should engage in revisiting these promising practices. But I caution this Commission to recognize that many of the proposed recommendations are not evidence based. And it's because in part the need for rigorous data collection and assessment to take a look at and better understand the impact of the reforms and the real world application has not been prioritized.

This was confirmed by a literature review conducted by Cynthia Lum. Her colleagues found a substantial lack of research supporting most of the Task Force recommendations. Without evidence, it's difficult to prioritize which of these reform efforts should be moving forward. And this recognizes realities in American policing. Most reform efforts specifically thought to reduce use of force are largely divorced from even the expectation that they are evidence based. Law enforcement executives are responsible for crisis management and regardless of the available scientific evidence to support those critical decisions they're often judged by the speed rather than the quality of their response to various stakeholder demands.

And so what we need to do I believe is threefold. Build on previous efforts. We need to generate the political will necessary to mandate and implement policing reforms. Provide the necessary technical assistance, training, and oversight for agencies that need additional resources to implement the reforms. And then finally, develop a comprehensive plan to systematically test the impact of these proposed solutions to ensure their effectiveness and make routine adjustments based on accumulating evidence.

My testimony today focuses on the third consideration, specifically as it relates to the police use of force. And that is documenting the significant gaps in our knowledge regarding effectiveness and providing three specific recommendations about how to move forward. My preference - excuse me - my premise is that if our profession is serious about reducing racial and ethnic disparities in police outcomes, reducing the frequency and severity of police use of force, improving police community relations and perceptions of police legitimacy, and enhancing the overall effectiveness of our practices, then we have to heavily invest in scientific testing and evaluation of reform efforts.

And this, quite frankly, is where our profession continues to fall short. Many of the recommendations that are being promoted currently to reduce police use of force, you may be surprised to learn, are not supported by a strong body of empirical evidence demonstrating their effectiveness. And I'll mention to you five of the most common recommended reforms: police body worn cameras, de-escalation policies and training, implicit bias training, early intervention systems and civilian oversight of police. These reforms are not informed by a strong body of evidence. In most cases the evidence is generally thin and nearly non-existent.

Now in my written testimony, I document the lack of evidence for these five widely known reforms. But I'd like to focus just specifically on de-escalation policies and training today. Now we all know that this is widely recognized as a common sense approach and designed specifically to reduce the frequency and severity of the use of force. And while heavily endorsed by citizens, politicians, academics, et cetera, what we found is that the de-escalation policies and training have not been

systematically studied. And they're not without critics. There are some that are concerned that we may actually reduce officer safety if we embrace these types of training and policies.

So we looked at a systematic review -- multi-disciplinary -- to see what the evidence showed. And in fact we found a very limited number of studies that have looked at the impact of de-escalation training. And more specifically in policing there were none. Not one empirical study that tested the impact of de-escalation training.

Now that's changing. We have now four studies underway. One of those has produced some findings and two will be producing findings this summer. But what's surprising about these studies is that they're generally finding that while we have noticed a change in officers' attitudes and knowledge about de-escalation skills, we are not finding an impact on their actual behavior in terms of reduction in the frequency or severity of force. And that of course is quite concerning when we recognize that some of our reform efforts are not having the intended impact.

And so what do we need to do moving forward. I have three specific recommendations. First we need to work to standardize and mandate the collection of use of force data. That should continue; that work is ongoing and should continue. But we also have to prioritize the collection of additional information during those police-citizen encounters.

Secondly, we really need to focus on scientific standards regarding the analysis of use of force data. This has to be established and additional research methods using new approaches and new data need to be supported. And again I document all of these approaches in my written testimony.

Finally I will note the importance of prioritizing this type of work specifically and particularly for de-escalation policies and training. Because of the wide variation in the training concepts, the content, the delivery method and dosage across these trainings, we need to better understand their effectiveness and their possible unintended consequences.

So I will conclude by noting as we move forward we need to better understand and systematically assess the impact of all reform efforts. This work must be prioritized. It has to be supported at the federal, the state, and local levels. This is the only way that we transform our field from best practice to evidence-based practice. And this has the greatest opportunity for us reducing officer and citizen injuries and fatalities and needs to be our collective priority.

Thank you for your time today, and I'm happy to answer questions later in the session.

Phil Keith: Thank you Dr. Engel for your testimony today and for your leadership for the criminal justice profession. Our next distinguished panelist today is retired Chief Michael Ranalli, chief of police for the Glenville (New York) Police Department. Chief Ranalli is retired from Glenville in 2016 after serving 10 years as chief. Chief Ranalli rose through the ranks of the Colonie (New York) Police Department before becoming chief in Glenville. He is a subject matter expert on various legal issues including search and seizure, use of force, and civil liberties. He served as president of the New York State Association of Chiefs of Police and a member of IACP's Professional Standards, Image, and Ethics Committee.

He has a wealth of experience on various issues that we as a profession are dealing with and we're honored to have him join us today. Thank you for joining us Chief Ranalli. You're now recognized.

Michael Ranalli: Thank you Chairman Keith and the Commission. It is truly an honor to be here. Of course there's a lot to talk about today in this current climate. But what I do want to first start out by saying is that 90% of what I'm going to share with you today is exactly what I would have said three weeks ago prior to the latest tragedy. It's a complicated area. As I note in my written testimony I have spent basically my entire adult life dedicated to the criminal justice field.

I started at the Colonie Police Department when I was 22 years old. I went to law school. I was a patrol officer, became a police trainer and even though I became a chief and I'm very proud of my work as a chief at heart I am a trainer. And I have spent most of my life trying to figure out ways to get officers to do the right things for the right reasons. And it's just very, very complicated. It's very difficult. And when it comes to use of force one of the problems is there's so many - just misunderstandings. People do not understand the reality of many aspects of force.

And the doctor's testimony actually kind of sets the stage for the single issue that I only have time to address, and that is the Graham standard or the objective reasonableness standard. And, you know, as I have watched the issues be addressed in California last year and now the current House bill that would remove the objective reasonableness and change it to necessary, essentially as a last resort.

And my concern is this. And I'm going to go through and I can assure you that my testimony and my opinion is not about trying to get officers off. What I am concerned about is, and what I do in my current position in working for a policy company and continuing to train police officers, is to get officers to focus on what's the root cause. We don't want to have knee-jerk reactions to situations and come up with blame, say, or come up with a quickly created remedy that we feel will work. Oh I did something so now I feel better. And that's what I'm afraid of with the Graham standard.

And just to get as I noted in there I'm not going to read my testimony but I just do want to start out with my little fact pattern about, I have struggled with trying to get law enforcement officers to understand the concepts of objective reasonableness. And then coincidentally one day I was driving to one of those classes that I was going to teach. And I'm driving down a one-way street in a city. And I detect rapid motion out of my peripheral vision. And this is very rapid. This entire thing that I'm describing was over before I even said my first five or six words.

And detecting that motion my big brain took over, my reaction, my emergency reaction that as a human being we all possess to potential threats, years and years of driving experience and of training and driver's education courses comes to the front. It might be a child, it might be a dog, it might be something that I could potentially injure or kill. So without cognitively thinking I slammed on my brakes. And then as I watched I saw a plastic shopping bag blow across in front of my car. And as I sat there I had one of those *huh* moments realizing that what I just saw is objective reasonableness in action. This is *Graham v Connor*.

Was it necessary for me with hindsight to slam on my brakes? No it wasn't. However under all those circumstances because of what the threat could have been was it reasonably – reasonable, excuse me - for me to do that and I daresay the answer is yes it would be. So that had set the tone for me because here's what is a knee-jerk reaction for police chiefs, for legislative changes, let's just make it necessary. That will fix the problem. And ladies and gentlemen I tell you that will not fix the problem. We are still human beings.

In everyday life, in professional sports, we acknowledge that human beings are limited in their capabilities and are fallible. Every professional sport has instant replay. Referees, umpires have a chance to consult with each other and change a call and make it better. Police officers have to operate under extremely difficult environmental situations. And they have to make the right call. So it's somewhat hypocritical or it's somewhat - it just doesn't jive that we're willing accept certain aspects.

So some people would say, well wait a minute you're talking about taking a life, how can you compare a sport to that? But the severity of an outcome doesn't change the innate capabilities that human beings have. So you can't take that away. Well officers should be trained so that they don't respond that way. Well that's one thing I would love to see as far as it's one of my recommendations is that, as a local police chief I can tell you that budgeting was always interesting.

One of the very first things that would always be cut from our budgets and from many of my peers' budgets would be training. It's discretionary spending. It's not necessary. You're going to have to figure out a way to do it. Okay fine. Now coupled with, that just referring to Dr. Engel's comments which are spot on is that, well what about the training we're giving? Is it really changing or is it flawed? I see some tragedies occur. And I look at and I try to watch the testimony if there's a trial. I try to follow up on these to see what the root causes are. And you hear some of the training, the artifacts that may still exist that need to be removed from modern law enforcement.

So the only recommendations I can make in the limited time I have left because my alarm is telling me that the virtual hook will be coming out shortly is that, you know, and understand change is good. We do need to change. We need to focus on improving law enforcement. But changing a standard that allows human beings - that recognizes human beings is not going to accomplish that.

So what I tried to do in my trainings is to try and teach officers what the risks are and to mitigate those. If the only person at risk is the person in crisis -- if the only person causing the risk is the person at risk -- then you don't need to be running into that situation. You need to stand down and provide that person with the help so that you do not get into one of those Graham standards.

We need to be able to train people appropriately with the proper tools to make decision making under scenario-based situations, whether it be virtual or otherwise. And it has to be again, evidence-based as the doctor said so I will just defer to her. But anyway that's about all I really have time for right now. And I thank you very much for this opportunity. And sorry to get a little wound up here. But this is my passion and this is what I do. And trying to speak for seven minutes is far more difficult than trying to speak for seven hours. So thank you very much. I'll be around for questions afterwards.

Phil Keith: Thank you Chief Ranalli for your testimony today and thank you for your many years of service to law enforcement.

Our next distinguished panelist is Chief Terry Sult who is the chief of police for the Hampton (Virginia) Police Department. Chief Sult has had a distinguished law enforcement career serving as chief of police in Gastonia, North Carolina and Sandy Springs, Georgia before his appointment as chief in Hampton. Since joining Hampton he's implemented body worn cameras and is working now to upgrade the 911 communication center, an area where he has significant expertise from his tenure in Sandy Springs.

Chief Sult holds a Bachelor's Degree in Criminal Justice as well as a Master's in Business Administration. He is also graduated from the Senior Management Institute of Policing from Harvard University's Kennedy School of Government. Chief Sult thank you for joining us today. You are now recognized.

Terry Sult: Thank you very much for this opportunity. And I'm going to be echoing a number of things that Dr. Engel and Chief Ranalli have talked about because I do very much concur that we really need to define the problem. And we need to do that through evidence-based policing models. And I also think the objective reasonableness test is very much on point. The one thing that many folks tend to forget is that chiefs define what reasonableness is through policies and training and then legislatures come in with laws. That's what defines reasonableness.

What is often also characterized by some recommendations is, you know, let's move to some standard that is not consistent with law or differs from law. And when you do that it takes away from the reality of civil liability and things along those lines that we have to deal with on a daily basis.

But today I want to focus on something that's been touched on by the previous instructors or the speakers here. And that is, what's the root cause. When we talk about use of force and we're really talking about making sure that we're professional in our law enforcement careers whether you're in a sheriff's department, police department, or wherever. And we can do all the de-escalation training.

We can be trained to the best of our abilities. We can have all the datasets we want. But at the end of the day if we do not consider the second half of the equation we're never going to solve the problem.

And the second half of that equation is, when we apply force we're only applying force against an act of resistance with some type of non-cooperation with police. And at the end of the day we need to look at what that dynamic is and engage with that segment of society to address the causes that create these unlawful or unwanted or undesirable behaviors.

At the end of the day some of it can be mental illness training. You know as I'm sitting looking at the suggested questions to consider in our comments today, you know, how do we deal with the social ills - mental illness, substance abuse, and homelessness. There's real opportunity for promise there of an approach, at the end of the day, to our mental illness problem that we're trying to address. As you know, cops have been tasked with all the social ills that are square pegged and don't fit in a round hole, mental illness being one of them. I go far enough back to remember when mental illness was de-institutionalized and some of the outcomes we're dealing with today were predicted back then. And that's been 40 years ago.

But what we look at is that we have an individual who's going through a mental illness for years. And they get into a crisis and the first thing we do, we call the cops. But keep in mind the cops are not allowed to have any type of information regarding to their previous history. We're restricted by HIPAA from the crisis centers from telling us anything. And then obviously there's an unpredictable encounter that occurs at that point.

I do think that where we can win this is some type of funding, research, development of a model, and then add the training to that and some type of co-response or some type of deferral to social service agencies and free up some of the time the officers have to maybe even perfect their training in other areas. When we look at things that we spend an awful lot of money in training on these

various different segments, and what we find out is that we're in a new paradigm. We see a high turnover rate. We see the average tenure of an officer on the street is about three years which means we have rookies teaching rookies.

And for all that training that we put into these officers in implicit and explicit bias and the variable different things that came out of the 21st Century Policing report we have to completely redo and turn over and get repetitive with those because we constantly have turnover. And what are the causes of that? Well some of it is the aspect of loyalty based versus experience based. It used to be in my generation you were loyalty based and you would go to an organization and expect to spend your entire career there.

But now we have officers that come in and they spend three to seven years and they're ready for the next experience. I really don't want to admit this but we've had three or four officers that have gone to the fire department. They'd been a cop for a while and now they want to see what the fire department does.

At the end of the day we have to consider those things. And in our recruiting we need to be open and honest about our hiring practices. We need to search for biases that are hidden within our own systems. We have looked at some situations here in Hampton where we found that in one of our tests we did not allow candidates to use calculators. When they come through high school they're given a iPad or a Chromebook and that's what they deal with every day. And we issue them a cellphone which has a calculator in it. So why not let them use the calculator. We found a lot more diverse groups passing these tests when that occurred.

Then we looked at the written tests. And we found that there was a demographic difference in those written tests. And we stepped them aside looking for a better solution for that. And we have found that we have not lost in the quality of the candidates we're getting but we're getting more diverse candidates so that's part of the approach.

I want to focus just a minute on what I was originally talking about. And, you know, I could spend time on how we might integrate education, how we might integrate social services through community service centers, that concept, the role that businesses play. And I'll touch base on that if I have time at the end of my time. But we need to be able to confront our brutal realities. There's a thing called the Stockdale paradox from the book Good to Great. And General - Admiral Stockdale stated that you must be able to retain the faith that you'll prevail in the end regardless of the difficulties. But you also have to confront the most brutal facts to be able to prevail.

And sometimes we don't look at that. My city right now is 51% African-American. But 100% of the shootings, people shot, and the suspects, and the homicides which are up over 100% this year are African-American on African-American. When our focus and our priorities in the community are guns, gangs, and drugs because of the violence that's occurred and occurring around those things, and then within the shootings, it's 100% minority, then the encounters that we're going to have on the street and that have the highest risk of turning ugly are going to be disproportionately leaning towards the minority community.

So if we don't engage the factors that lead our youth down these paths then we're just going to see more and more use of force out there. And as Chief Ranalli said, you know, we're not going to - we're still going to be dealing with the same problem ten years from now or dealing with the same issues.

There's a lot of things that we need to do better. We have to communicate better with the public. You know in our business we have often dealt with the perception and the reality of crime. Well, now we have a broader problem. When you talk about the technical problems that are in our community and I ask what the biggest problem is facing police officers of our candidates and I interview every one of them, and we're about a 400 person organization here, every single one of them, these candidates coming in say social media. Because the first 15-second sound bite defines

the issue. When that goes out and we don't manage that message well, then we are dealing with the resistance that occurs down the road with other encounters that we have.

So we have to find a better way to communicate the realities so that we can manage the perceptions and we need to find better ways to educate the public as well as our own staff. And I think that is something that we don't necessarily look at. We don't look at the underlying problems.

Some ways to address that is what I mentioned before, you know, community service centers where you have a one-stop-shop to have police officers but not only that social services, mental health counselors, child protective services. You got a one-stop-shop associated with that.

When you look at the schools, look at the academies model that came out of Nashville. Hampton adopted that a couple of years ago. We have a law and public safety academy.

But the more and more we deal with things, we deal with a lot of talk in our communities but we don't deal with a lot of do. In the academy's approach, it is a lot of do because at the end of the day if you're going to deal with our youth and you're going to minimize the negative impacts that we have, reduce the violent culture that we have with our youth, then you have to create true opportunity. And that is not solely a police problem.

But with the schools and you get into the academies, in our law and public safety academy we will train you to be a police dispatcher and walk out of that school certified with a high school education. Certified as a dispatcher and walk into a \$42,000 a year job with benefits. That creates opportunity.

And it's not just policing. It's all different kinds of areas including the STEM models and the businesses associated around STEM.

But if you create opportunity, you create jobs and you create future expectations. With jobs, you create a career. And with a career, you create a future, and then that cycle continues to the next generation.

So in summary, I'll just leave you with this one thought. We are not reinventing the wheel. We started this process a long time ago. We have to be willing to constantly evolve towards better policing. We have to weed out the bad apples. We have to hold ourselves accountable.

But just as Chief Ranalli said, we have gotten away from holding the individual accountable be it, police officer or criminal, holding them accountable for their own actions. We have to get back to recognizing that and doing that. We also have to adopt the principles that are contained in the President's Task Force on 21st Century Policing. I don't care what your politics are. If you look at how that committee was set up and how that Task Force was set up, it is a very dynamic group. And if you were in professional policing before there were zero surprises that came out of the report.

And I will echo again for the final time as I shut my big mouth that Dr. Engel is exactly right. If we're going to get better we have to evidence-based information on outcomes so that we can adopt the best practices.

And I thank the Commission for your time and the efforts that you're going through.

Phil Keith: Thank you Chief Sult for your service and for your testimony today.

The last distinguished panelist today is Chief Jeff Kruithoff who is the chief of police for the Springboro (Ohio) Police Department, a position he's held since 2002 after retiring from the Battle Creek (Michigan) Police Department as chief of police and director of police and fire services. He has a master's degree in public administration and is a graduate of the 165th Session of the FBI National Academy. He has served as an incident commander for the State of Ohio and is now rapid

response chaplin of the Billy Graham and Evangelical Association. He is currently serving in his fourth governor's appointment in Ohio and has received numerous recognitions including the Ohio Police Executive of the Year in 2014.

Thank you for joining us, Chief Kruithoff. You're recognized.

Jeff Kruithoff: Thank you, Director Keith. I do appreciate and I'm very honored to be able to speak to the panel today. I suspect you have heard about every imaginable viewpoint during your hearings and you clearly have important work ahead of you. And I do hope that the incidents in the last three weeks hasn't drawn you away from looking at the entire police profession and law enforcement, not just the issues of use of force and our interaction with minority communities.

I'm in my 47th year of the criminal justice system. I happen to be a product of the Omnibus Crime Bill of 1970 which helped pay for my college tuition so - but I am still struggling with why does American law enforcement have problems with dissatisfaction among the people that we guard.

And I've seen the level of conflict that we have going on in our country many times. So I have just a few points for your consideration. The first I think everything boils down to wording and phrases.

And I think it's important for us to just to abandon that whole term community-oriented policing. It's just a political - it's become just a political talking point. Effective community-oriented policing is nothing more than community-oriented government. And it really needs to be reframed with this reality. I cringe when I hear an elected official say well we have community-oriented policing because we have officers dipping ice cream cones for kids in neighborhoods. That's great community relations, but it's not community-oriented policing.

If you go back to Robert Trojanowicz and, being from the State of Michigan we spent a lot of time with Professor Trojanowicz, the father of community-oriented policing, the definition of community-

oriented policing is solving community problems via unlimited partnerships using a common problem-solving model. Because even the simplest of neighborhood crime or disorder issues likely involve other areas of local government or county government to resolve. And it's a little discouraging sometimes when they want to leave all of those at the footsteps of the police because there seems to be always an interest in changing policing when the other institutions of government have stayed the same.

And that's almost across the board. You have had some courts that have instituted drug courts or veterans courts and those are all good. But a lot of the angst against the criminal justice community is not just the police. It's what's occurred after the arrest with the implicit biases and discrimination that people feel from the court systems or from the prosecutor's office or parole, probation, and everything else. Because in my career I've seen police agencies have really significantly changed while other services provided from the city halls in our country have really remained unchanged.

And many times, these changed police departments in trying to do what the communities want have put us into more friction and conflict with those other government functions that just want to kind of keep going along as they've been getting along. And that just needs to stop.

So secondly, and I think you've heard a common theme already today, and that's to support the overhaul of training of police officers from top to bottom. We've heard from Dr. Engel and clearly there's a lot of little cottage industries that pop up. Particularly in the last three weeks I'm hearing from training companies I've never heard of before as if they have long experiences training things like implicit bias or racial relations when in fact they just formed three weeks ago because a couple of retired cops got together and thought they could put a schedule together.

We, in Ohio, people can put themselves through the police academy. I'm not too sure that's a good idea. Because many of these academies don't teach the subtleties of implicit bias, racial diversity,

human interaction, interpersonal communication skills, body language. Those lessons that become pretty core skills for a police officer as he goes through his career.

Some police agencies have moved to a second abbreviated academy experience two years after an employee starts his job. I think that's a great idea. Because now all the excitement of riding around in a car with lights on it and a siren and walking around in a uniform is done. They've had some practical experience. And that's a great environment then to start teaching them those softer human skills that they're going to need to be effective policemen.

And because the reality is for many communities that once the training in the academy is done it's just financially beyond the means of many communities to continue that.

And our training becomes reactive and not proactive. We have an incident that occurs; well, let's sensitize everybody to positional asphyxiation. We have an incident occurs; let's sensitize everybody to how tasers can kill people.

And I want to point back to just one training model because it's more a training philosophy than a training program. It's supported by the FBI National Academy Associates. It's called the Officer Resiliency Model. And it's based on the Air Force model of Mission Ready.

And it's really comprised of four points. And this is not something that you just send an officer to when they got involved in an incident. This is a training philosophy that you train this officer to have competency in all four of these components. First of all, that he's mentally fit and has ability to cope with unique mental stressors and they're not driven by adrenaline. And you can only do that by making sure they're mentally filled to have the skills and have the confidence that they can address whatever the situation is. Physically ready, the ability to adopt and sustain a healthy lifestyle. They have confidence in their physical ability to meet any challenge. They don't operate from a position of fear in their interactions with others.

The third area is socially ready. That's a huge area in my mind because police officers have confidence that their interactions with everyone from the CEO of a Fortune 100 company to the elderly, their interactions with the homeless, the drug-addicted, the disenfranchised, will be positive and will be guardian in nature because they have been trained on how to have that personal charisma and social fitness.

And then finally, spiritual fitness. Their ability to operate from a core set of beliefs and principles. So that drives their decisions.

And we go back to, do we hire police officers for what's in their head or in their heart? And I think too many times we get away with trying to hire people because of their intelligence. They have a college degree. We want to hire them for what they have in their head. And we don't pay attention to what they have in their heart. We can pay - we can teach people what's in their head. We can't really teach people for what's in their heart.

And so I think I'd just - the benefit of being the last speaker is when it comes to police training I think I can say ditto because it needs to be based on good research, that the training is effective. There needs to be training that the officers have taken some kind of competency exam at the end of it.

Next, and this is a sore spot that I see, is that the police use of force as retribution becomes a crime and not merely the violation of department policy. I've seen many times, and if you go back to the Department of Justice report from the Cleveland Police Department here in Ohio, how many times the use of force was implemented because the person was an uncooperative jerk or where no verifiable threat occurred. And it's long past the time to show that this is criminally wrong behavior. I've talked to a lot of police officers since the incident in Minnesota.

And a whole bunch of the officers, they just feel a bully cop bent on teaching a person a lesson motivated by - motivated that force. It's wrong and it should be criminalized everywhere.

And my fourth point is that, and this is something that is not well received in Ohio, but that police administrators in our country need to have the ability to see a police officer decertified. There are some several states that have that ability, not universally done. Unfortunately in my police career, I've had to discharge dozens of officers. I've had no problem that these discharged officers had access to arbitration and due process.

But when that decision is made it was very discouraging to see them just head down the road 60, 70 miles, and go to a small rural or suburban police department because those people did not deserve to wear a badge. They had done something that showed they didn't have that core skill to be able to do that. States are pretty willing to give you permission to be a police officer and certify you to be a police officer. But many states are pretty loath to retract that position.

I don't have any issue with due process. But this four, five, six bites of the apple when you're trying to get rid of the toxic officer is just unacceptable. A day has to come where a police chief and a union president are able to stand side-by-side in agreement that certain people should not be able to continue to represent a community because he violated the oath of that office.

I think, fifth, the professional policy systems that should be instituted in every police agency. I know that this is going to ring well for Michael Ranalli because he works for Lexipol. We are a Lexipol agency. I was appalled that an agency that I've always held up to respect in Minneapolis going back to Chief Olson back in the early 2000s was an agency that still permitted chokeholds and an agency that still was not sensitized to the issue of positional asphyxiation. That's just inconceivable to me because most agencies that I'm aware of ripped that out of their policies 10, 15, 20 years ago.

And then finally probably the most controversial issue that I've had in my career is how these small and ill-equipped police departments, they just need to have a viable alternative to having their own police agency. The liability exposure of a police officer is the same whether you have one police officer going out on a Friday evening or you've got 85 police officers going out in a precinct. Unfortunately, the infrastructure cost to maintain a well-trained and capable police officer is often beyond the means of a small village or township.

So the question remains should you even be in the law enforcement business? There's a lot of examples. This is a uniquely American policing model that we follow. The number of agencies that we have in the country, the number of small agencies that we have in the country, we have 50-some agencies in the country consist of just a police chief. That's ludicrous.

In 2008, when we went through the recession, every industry was challenged to - on the way they do business. And in law enforcement, we did not do that. We just continued to do business the way we were even though economically it makes absolutely no sense.

So that's my final point because it's just a giant wakeup call to many of the police professionals in our country when a small suburban police department like Ferguson changed the national debate. And now one incident out of Minneapolis is going to change this debate for the continuing years to come.

So I am very, very pleased to have had this opportunity. I thank you so much for the time this morning. And I wish you Godspeed on your efforts.

Phil Keith: Thank you Chief Kruithoff for your testimony today and certainly your leadership for many decades.

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.

Now, we'll entertain questions from our Commissioners.

Gordon Ramsay: Mr. Chair, this is Gordon Ramsay.

Phil Keith: Commissioner you're recognized.

Gordon Ramsay: Thank you very much. I appreciate all the presenters today. And this is specifically for Dr. Engel. Hello, Dr. Engel. Quick question on have you seen research on arbitration, excessive force related to departments with binding arbitration, nonbinding arbitration, or no union?

Robin Engel: Thank you, Chief Ramsay. No, I have not seen any research in that area. But certainly, I believe it is needed. And unfortunately, I think most of my responses to questions are going to be, I wish we had research in that area. Yes, we need more evidence in that area.

But we are evidence thin, unfortunately, in our discipline.

Gordon Ramsay: Thank you.

Phil Keith: Other Commissioners with questions?

James Clemmons: Commissioner Keith, Sheriff Clemmons.

Phil Keith: Commissioner, you're recognized.

James Clemmons: Yes. I'd like to echo the comment previously made by welcoming and thanking our presenters for today. And to our last presenter, this question and comments are to everyone but I'd like to stay with what our last presenter said. We can spend all the money and all the hours and all the training that we want to and if we don't know what's in the hearts of these officers, that training is not doing us any good.

We would be naïve to think that all the ills of what happened in society are not infiltrating our agencies because these individuals we're hiring are coming from the same communities and the same areas where we had successes and failures in our communities.

However, what research has been done to look at where these officers are as far as training? You can teach me how to stand in an intersection and wave traffic through. But you don't know how I'm going to react when that person comes up to me while I'm dealing with a situation.

So I don't see where training is going to stop that bad actor from doing the things that he or she wants to do. So how do we navigate through that?

Michael Ranalli: Director Keith.

(Crosstalk)

James Clemmons: That was for any of the panelists that wanted to...

Michael Ranalli: Okay.

James Clemmons: ...jump in there. Sorry about that.

Phil Keith: Dr. Engel would you like to start the conversation?

Robin Engel: Sure. I'll take a stab at this one. Absolutely recognize that there are issues regarding officer intent and goodness of heart and those kinds of things.

But having said that, first, we do know a little bit about our recruiting methods and the types of individuals that we are recruiting and different types of recruiting campaigns that can bring a different type and quality of officer into the profession.

But once in that profession we also need to think about all of the different mechanisms and not just training but of course, supervisory oversight, accountability mechanisms, all the ways that the individuals are indoctrinated into the profession to really have an impact.

And one of the studies that's actually very interesting to me, it just came out, Greg Ridgeway from University of Pennsylvania has put forth a study that looked at incidences in NYPD when two officers are involved and only one of the officers shoots in that situation.

They found that officers that were recruited into the profession later so that they were older when they started the academy were significantly less likely to shoot. In fact, their odds of shooting were 10 times - I believe it was 10 times less per year later when they started. Indicating to me that, you know, thinking about life experiences and the other things that you bring into the academy with you, of course, matter. And so we need to really be refocusing on our recruitment efforts. And then of course, what happens as they proceed through the profession.

I would never recommend, you know, just based on one study that we change and upend our whole recruiting system. But there is some accumulating evidence to suggest that these things would make a difference.

Phil Keith: Thank you Dr. Engel.

Michael Ranalli: Director Keith.

Phil Keith: I think I heard Chief Ranalli.

Michael Ranalli: Yes sir if I may.

Phil Keith: You're recognized.

Michael Ranalli: Sheriff, I cannot answer the question directly as to, you know, how do we weed them out. I've hired a lot of people in my career or been part of the process I should say.

And it's very, very difficult to discern, you know, the walk from the talk. And so that's very difficult. But one of the things that really has for me, been a training issue for years and as we - as preparing for this I'm also preparing for a webinar that I'll be doing in a couple weeks on duty to intercede.

And one of the main points, and I just did this with a group of agencies virtually this last week. One of the main points is this phrase that has always bothered me. It was just a matter of time before that guy did what he did, fill in the blank in quotation marks.

And how many times that has been said after a tragedy. And what that tells us is that this - the propensities for certain acts were known by peers.

And one of the biggest obstacles to overcome. This is - you know, I can't speak empirically - this is just my own anecdotal beliefs and experiences and, you know, a lifetime of speaking with other law enforcement professionals.

But we have to get past this, I'm not his boss or her boss. That's not - you know we have to have this duty to intercede is far more than just stopping say a use of force from happening. The duty is to say we need to police each other, no pun intended. We need to police each other.

And if somebody is not cut out for this job, we have to get them out. The point was asked - a question was asked about arbitration. I'm in a heavily union state here in New York. And arbitration can make things very, very difficult.

So our goal was to try and bring enough charges against somebody that they would just leave.

But it's - so for me, I feel that it's very, very important that we instill a culture of, hey, we don't want you doing that. This is our house here too. These are our people. We don't want you doing that and if people don't belong then we need to get them out.

Thank you.

Gina Hawkins: Director Keith, Chief Hawkins.

Phil Keith: Yes Commissioner.

Gina Hawkins: I do have something I want to ask. But first I want to foremost appreciate everyone's input, recommendations. I want to take a little bit of privilege one and being surprised and excited about Chief Sult. He is not only one of my mentors. He used to be one of my chiefs in the past so very thank you for being here. We're surprised to see him as a subject matter expert.

But I want to ask him and any other panelists. We've had many recommendations. Can you please share the importance, or if there's a recommendation to have accreditation as a standard for all law enforcement entities in our nation and how impactful that may or may not be?

Terry Sult: Well Chief Hawkins, did you read my - I mean my notes? Have you got your notes? I didn't do a report but it's actually something I kind of skipped over here. Because accreditation I think is extremely important.

And there needs to be an accreditation standard. The one thing that's a little disappointing is the lack of agencies across the country that are not accredited.

But I also think that we need to look at what that accreditation standard is and how we are evaluated. Typically, and the organization I'm currently in has been accredited since 1988. But when we are evaluated ,we're going through a reevaluation or reaccreditation right now. We tend to look at policies and procedures and we look at paper documentation to see if we're flowing or doing, walking the walk that we have put down in writing.

And there needs to be a little more in-depth review if you will, inspection of what agencies are doing. Being policing in Atlanta area with Chief Hawkins before, she can tell you that you could go one county out in any direction in that area and find a multitude of variance in the way people or agencies police and officers police.

And so even though they may be accredited they're still not - they might have the paper down but they are not necessarily practicing what they preach. So we need to kind of focus on that a little bit more.

Phil Keith: Thank you, Chief. Other panelists want to respond to Commissioner Hawkins' question? If not, other questions from our Commissioners? Other questions from our Commissioners to the panelists?

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 and his leadership team of Rachel Bissex and Jeff Favitta and all these Commissioners, your contributions provided today are most sincerely appreciated and will assist the 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 web site. We update it regularly when information is available for posting.

Just as a reminder, there'll be two additional hearings this week. Tomorrow, Wednesday, the 24th, we'll hear from a great panel on the use of force and culture. And then on Thursday, the 25th, we'll entertain a panel on faith-based culture.

And Commissioner Hawkins just to address your issue on accreditation, we will entertain a panel next Tuesday on accreditation.

Gina Hawkins: Thank you, sir.

Phil Keith: Any - yes ma'am. Any questions or comments from Commissioners?

David Rausch: Phil this is David Rausch.

Phil Keith: Commissioner you're recognized.

David Rausch: Thank you. I think what we've heard today is excellent. Definitely gives us a lot to think about and in terms of the issue of use of force. And I think, you know, just to highlight again that I think it's important that as we continue to work we've got to weave this topic in and make sure that

it is highlighted in our effort. There are a lot of things that need in terms of going forward. And I think Dr. Engel pointed out some excellent points in terms of the need to actually do research behind the reformation efforts that are going on.

Phil Keith: Thank you, Commissioner. Other Commissioners with comments?

Craig Price: Director Keith, this is Craig Price.

Phil Keith: Commissioner, you're recognized.

Craig Price: Thank you. I just like to take the opportunity to support what Director Rausch just mentioned about weaving these topics in and I think that clearly with where we're at and everything that's going on, I think that they certainly worthy of further discussion that could allow us to dive in deeper into the topic, the topics at hand. And I would also encourage, I know I mentioned it at our last meeting, but I would also say again that I think that there's a lot of value in giving us the opportunity to meet in person and have these discussions.

And it's just tough when we're limited to an hour, you know, everybody's at home. There's a lot of things obviously going on here too but when we're apart from home and have the opportunity to be in the same room and really dive in deep on some of these topics. I think that there's a lot of value that can potentially come from that, that we might otherwise, might otherwise miss. Thank you.

Phil Keith: Thank you Commissioner Price. We'll certainly entertain that. Other Commissioners? Thank you, and if there's no further business before us today, The President's Commission is adjourned. Thank you again, Commissioners, and our witnesses for being here today. And Commissioners, as always, we thank you for your commitment to this historic Commission.

Operator: Thank you, ladies and gentlemen, this concludes today's presentation. You may now disconnect.

Craig Price: Thanks Phil.