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BEFORE THE  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**July 13, 2021**

Good afternoon Chairman Pappas, Ranking Member Mann and members of the Subcommittee. Thank you for the opportunity to discuss the governance and accountability of the police force at the Department of Veterans Affairs (VA). I am accompanied today by Mr. James Ward, Executive Director/VA Chief of Police, Office of Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP), and Ms. Tammy Czarnecki, Deputy Assistant Under Secretary for Operations, and Mr. Troy Brown, Senior Security Officer, both colleagues from the Veterans Health Administration (VHA).

**Introduction**

VA police officers are Federal law enforcement officers who serve a critical role in securing facilities and protecting patients, visitors and employees, as well as VA property. Congress has conferred enforcement and arrest authority upon VA police. VA police have jurisdiction related to events that occur, or began, on VA property, consistent with agreements or other consultation with affected Federal, state or local law enforcement agencies. VA police operate primarily at VHA facilities and Veterans Benefits Administration offices that are co-located with VHA facilities and also provide security and law enforcement for numerous VA national cemeteries.

Ensuring physical security at VA facilities requires VA police officers to balance safety and security concerns with providing an open and welcoming health care environment for our Nation's Veterans. The VA police force's primary responsibilities are to deter and prevent crime, maintain order and investigate crime (ranging from misdemeanor to felony offenses) that occur within the jurisdiction of the Department. VA policy requires VA police to maintain agreements and liaise with local, state and Federal law enforcement agencies for development and implementation of law enforcement capabilities. However, VA police are generally our frontline staff with each Veteran. How VA police address law enforcement and safety issues is a critical component of the customer service culture instilled at each individual facility. Due to the complexity of policing within a health care setting, VA police have a dual reporting structure. Operationally, for day-to-day operations, the Chief of Police reports to the Medical Center Director, but for law enforcement oversight, the Chief of Police reports to HRA/OSP. This reporting structure ensures VA police have the support, resources and

expertise of health care operational leaders as well as the expertise of law enforcement leadership to guide decision-making in a health care setting.

### **VA Police Modernization Initiative**

Since the release of the December 2018 VA Office of Inspector General Report, *Inadequate Governance of the VA Police Program at Medical Facilities*, VA has clarified roles and responsibilities between HRA/OSP and VHA with respect to VA police. VA established a Police Governance Council (Council), co-chaired by HRA/OSP and VHA, with representatives from across the Department. The Council serves as the oversight and decision-making body for police operations. Moreover, the Department created a new office in HRA/OSP to assist with strategy, policy and oversight of police matters, and VHA hired a permanent Senior Security Officer at VA Central Office. In addition, plans are underway to hire senior security officers in each of the 18 Veterans Integrated Service Networks (VISN) across the country.

In collaboration with VHA, HRA/OSP created non-traditional law enforcement training opportunities for health care professionals and community first responders. Verbal De-escalation training was developed to improve communications between Veterans and community partners to reduce conflict, mitigate verbal confrontation and improve the overall customer experience for our Veterans. In addition, HRA/OSP developed the Suicide Prevention and Awareness for First Responders course. This course partners VHA health care professionals with VA police officers and educates community first responders on approaches to communicate with Veterans in crisis. Over the past 2 years, there have been over 100 confirmed saves of Veterans in crisis who had an interaction with a community first responder.

During the Coronavirus Disease 2019 pandemic, VHA and HRA/OSP partnered to develop creative solutions to continue the education of VA police officers via virtual training. A Curriculum Development Committee meeting was held in April 2021 to explore additional virtual training opportunities to offer valuable law enforcement and non-law enforcement curricula in the most conducive format to our customers. Virtual law enforcement training pilots will continue this fiscal year with advanced division training courses that are tailored for a virtual training environment.

VA has entered into an agreement with the Department of Homeland Security to use the Modified Infrastructure Survey Tool (MIST) as a risk assessment data tool for use during security and risk assessment operations. MIST will be implemented initially at VA medical centers and incrementally expanded to identify vulnerabilities and reduce risk to all facilities under the Department's purview. VA has a draft policy that outlines system-wide requirements for implementing vulnerability and risk assessments of VA owned and leased critical infrastructure and key resources, as well as personnel.

VA continues to improve use of force incident tracking and analysis. VA revised and updated VA Form 0867h, *VA Police Use of Force Reporting Form*, and mandated its use and collection across the VA police enterprise. When a use of force event

occurs, VA police field unit Chief, or designee, completes Form 0867h and submits it to HRA/OSP for review. HRA/OSP shares the incident with VHA for administrative action, if warranted. VA is improving processes to ensure transparency between VHA and HRA/OSP for law enforcement-related incidents. As a short-term solution, VA created an electronic database for information sharing relative to police misconduct investigations. Today, both HRA/OSP and VHA personnel, with the need to know, have access to this database. In December 2020, VA stood up a Professional Standards/Internal Affairs working group. This group consists of representatives from the three VA Administrations, as well as HRA/OSP, to collaborate and determine the needs, processes, ownership and funding for a comprehensive law enforcement information management system. This system will allow for tracking and analysis of VA police operations to include training management, use of force, officer misconduct and will be structured according to Department of Justice standards for use of force, police misconduct and internal affairs. Once authorizations and operating parameters are established, VA will develop a Statement of Work, conduct a solicitation and award a contract.

The Report Executive (Report Exec) system is an incident based, commercial off-the-shelf reporting system. VA police personnel Nationwide use Report Exec to document non-criminal and criminal incidents/investigations occurring on VA property. VA has made significant progress with Report Exec to ensure use of force information is recorded completely and accurately. Report Exec was modified to include a clearer and more accurate set of options for officers to select the type of force used in an incident. Officers can now document more than one level of force used and the ability to identify the highest level of force used. A VISN identifier was also added allowing reports to be examined at the police officer, facility or VISN level.

Since transferring the Report Exec platform to the cloud, the program is operating fully within its intended use, and very few issues have developed. Furthermore, a process has been established to mitigate any issues encountered through real time interface with HRA/OSP staff, as well as contracting and vendor representatives. The current, full-time project lead monitors the system daily to ensure peak performance and availability from the application. Other responsibilities include assisting field personnel with application questions and minor system configurations specific to each station, as needed. The accuracy of the data is affected by the report reviewing procedures managed by each station's Chief of Police and/or their designee. This process helps reduce errors in the reporting procedures and improve the accuracy of the data being entered into the system.

### **Use of Contractors**

Many VA police services use unarmed contractors for non-law enforcement functions such as security guards at clinics and other leased spaces. These contractors may also perform identification checks at entrances, staff screening stations, conduct dispatch and/or alarm monitor duties and provide administrative support to VA police services. VA police service contractors have no law enforcement responsibilities or

authority. The use of armed contract security is prohibited on VA property as the only entities allowed to carry firearms on VA-controlled or owned property are VA police and on-duty local, state or Federal law enforcement officers (e.g. police, sheriff, etc.) acting in furtherance of their official duties.

### **VA Police Staffing Model**

To ensure VA medical facilities can determine the appropriate number and composition of VA police officers, VA is refining a staffing model, decision tool and policy directive. Facilities across the country will be able to use these resources to tailor staffing levels based on requirements and facility footprint. The staffing model and decision tool are undergoing refinements to account for community-based outpatient clinics and annexes, and the policy is undergoing formal Department-wide review. This will instruct VA Administrations and Staff Offices to adhere to the policy across the enterprise. The policy sets minimum staffing standards, as determined by the staffing decision-making tool, and provides flexibility to the Medical Center Director to assess risk and make appropriate hiring decisions.

### **Hiring, Pay Structures and Salary Reviews**

To address staffing challenges, VA developed the Police National Strategic Recruitment Plan (the Plan), which was released to the field in December 2020. This Plan provides hiring data, industry market analysis, compensation comparisons and recruitment and retention strategies. These strategies include using direct hire authority. In addition to the release of the Plan, VA is implementing annual reviews of special salary rates (SSR) to ensure competitive pay for VA police officers. VA is currently reviewing facility submissions to determine the need for new or adjusted SSRs (Title 38 authorizes VA to (1) provide special rates of pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of personnel at non-Federal facilities in the same labor market; (2) to achieve adequate staffing at particular facilities; and (3) to recruit personnel with specialized skills which are difficult or demanding). VA also developed a centralized position description (PD) structure for VA police officers. This structure allows VA police officers to progress from a General Schedule (GS)-5 to a GS-14 with standard PDs across the enterprise, opportunities to specialize their law enforcement careers, and the potential to compete for one of three senior executive positions under VA's Security and Law Enforcement portfolios.

In order to graduate as many police officer students as possible and address academic failures at the VA Police Officer Standardized Training (POST) academy, VA analyzed the police onboarding process from vacancy announcement through the training start date. Based on the data analysis, academic failure was identified as the leading cause of graduation failure. To mitigate academic failure, the Basic Entry Level Training (BELT) was designed as a pre-course assessment with remedial training, if needed, before an officer candidate begins POST. Initial evidence suggests that the BELT assessments and remedial training are reducing the academic failure rate. Further analysis will be conducted to determine if other mitigating efforts can be implemented to improve graduation rates.

## **Implementation of COMPACT Act Section 205**

All VA police officers receive their training at the VA Law Enforcement Training Center (LETC) in North Little Rock, Arkansas. The VA LETC embraces a 21st Century, Veteran-centered policing framework that emphasizes the use of non-physical techniques to ensure the safety of patients, visitors and staff to maintain order at VA facilities. VA police are taught the necessary skills to resolve incidents in a humane and respectful manner.

Currently, VA provides much of the training required in section 205 of the *Veterans Comprehensive Prevention, Access to Care and Treatment (COMPACT) Act* at the VA LETC. During the 400-hour VA POST Course, VA police officers receive 56.6 hours of training devoted to behavioral science. Courses include the following: Veterans Justice Outreach; Suicide Awareness and Prevention; Substance Abuse; Mental Health and Mental Illness; and VA Police Response to Individuals in Crisis. VA police officers attend this training within 1 year of being hired as a VA police officer. Within 5 years of receiving their POST training, all VA police officers must attend the VA POST Recertification Course (POST-R). All of the behavioral sciences field courses stress the importance of de-escalation and provide alternatives to law enforcement action through treatment options. VA police officers must also complete monthly training, including Suicide Prevention, Suicide by Cop and Crisis Intervention Training, as part of their overall training requirements. VA is using the courses already in place at the VA LETC as the foundation for an implementation plan that includes all the required elements in section 205.

## **Conclusion**

VA looks forward to this opportunity to further enhance efforts to strengthen the VA police force. Our objective is to give our Nation's Veterans the high-quality care they have earned and deserve while keeping them safe within our facilities. Chairman Pappas, we appreciate this Subcommittee's continued support and encouragement in identifying and resolving challenges as we find new ways to care for Veterans. This concludes my testimony. My colleagues and I are prepared to respond to any questions you may have.