

**STATEMENT OF ALFRED A. MONTOYA
DEPUTY ASSISTANT UNDER SECRETARY FOR HEALTH (USH) FOR
OPERATIONS
VETERANS HEALTH ADMINISTRATION (VHA)
DEPARTMENT OF VETERANS AFFAIRS (VA)
BEFORE THE SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

**"ENSURING VA'S SECURITY: HOW CAN CONGRESS
BEST SUPPORT VA'S LAW ENFORCEMENT?"**

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Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee, thank you for this opportunity to discuss VA's law enforcement and how Congress can best support VA personnel in their efforts to serve and protect Veterans, employees, and visitors on VA property. Your past support has been imperative in ensuring we accomplish our mission, and we look forward to continuing that close collaboration as we implement the fiscal year (FY) 2025 President's Budget. I am joined today by Chiefs Troy Brown, VA's Senior Security Officer; Brandy Soto, of Little Rock, Arkansas; and George Chester, of Detroit, Michigan. Also, wanted to recognize VA Police Chief Troy Covington, of Martinsburg, West Virginia; and Major Mark Moran, a physical security specialist who are sitting in the audience.

Police Staffing

VA's police force plays a significant role in ensuring the security of VA facilities by providing specialized law enforcement. However, in FY 2022, the Department faced significant retention challenges. In direct response, VA published a Shortage Occupation Blueprint for Police the following year, outlining strategies for recruitment and retention, to include maximizing incentives, marketing the total rewards of a VA police officer career, and implementing employee referral awards programs. VA also modernized and standardized VA Police position descriptions, pay grades, and required staffing levels. However, each facility Director remains responsible for developing a comprehensive staffing plan suited for their facility's specific requirements. During their preparations, the facility leadership incorporates core Department requirements and applies evidence-based staffing methodology, considering factors like Vulnerability Assessment Risk Scores, the number of serious incidents, crime levels, real-time threats, population density, and community needs.

Recruiting qualified candidates for law enforcement positions can be challenging, especially with competition from other industries. Additionally, negative media coverage and public sentiment toward law enforcement can deter individuals from pursuing careers in policing. In response, VA has a dedicated team for recruiting and marketing VA police as an employer of choice, using local initiatives and groups, virtual career

fairs and open houses, email marketing campaigns, and more. The team also created a targeted marketing campaign and timeline for communications related specifically to law enforcement for 2024. After the downturn in FY 2022, VA successfully reversed the trend, with a 7.4% net increase (+278) in police officers in FY 2023, the highest growth rate in recent years. This growth has continued in FY 2024, with a 5.1% growth rate through April 30, 2024, adding 206 officers and bringing the total to 4,255 officers currently onboard. Efforts to retain officers in FY 2024 are showing promising results, with losses at the midpoint of the year running 20% less than FY 2023 and 25% less than FY 2022.

Chain of Command

While individual police officers report directly to their corresponding medical centers, VA centralized its national police operations within VHA, under the Office of the Assistant USH for Operations. Eighteen Veterans Integrated Service Network (VISN) security officers are responsible for daily law enforcement and security operational oversight for their respective VISNs. The senior and deputy security officers within the Directorate of Law Enforcement serve as the principal security and law enforcement advisors, providing operational guidance to the VISNs and overseeing law enforcement and security operational oversight across all VA medical centers (VAMC), including adherence to corresponding policy and program requirements.

Accountability and oversight mechanisms are essential for any law enforcement agency to uphold transparency, integrity, and trust within the community. While the operational oversight of a VA police service rests with the VAMC Director, the Office of Security and Law Enforcement (OS&LE) measures the effectiveness of VA Police programs through police program inspections. OS&LE leads the policy and oversight for the police program, including the police service units managed at each VA facility/property. OS&LE and other oversight and accountability mechanisms involve internal and external bodies tasked with monitoring the conduct of law enforcement officers, investigating complaints of misconduct or abuse, and ensuring compliance with legal and ethical standards. Recommendations may include policy reforms, training improvements, disciplinary actions, or other measures aimed at enhancing accountability and promoting public confidence.

Other law enforcement agencies (such as Federal, state, and local police) fall outside the VA police force's chain of command, though continued coordination with those agencies is crucial for efficient and effective enforcement of laws and public safety. This coordination involves sharing information, resources, and expertise to address complex issues that may transcend jurisdictional boundaries. It also facilitates collaboration on joint operations, task forces, and initiatives aimed at combating various forms of crime.

Training Initiatives

The Law Enforcement Training Center (LETC), responsible for all VA law enforcement education, is accredited by the Federal Law Enforcement Accreditation, fostering consistency in Federal law enforcement training and ensuring compliance with accreditation to instill public confidence in VA's law enforcement. LETC hosts an extensive catalog of courses that support and develop students and staff. Examples of initial training include Introduction to Supervision, Police Program Inspection, Evidence Custodian, Firearms, Ground Defense and Recovery, and Managing Police Services for Executives. Beyond internal mechanisms, VA built alliances by partnering with and providing training to law enforcement agencies within the National Institutes of Health, the Department of Commerce, the Department of the Army (civilian), the Department of the Navy (civilian), the Department of the Navy (Active Duty Master at Arms), the Department of the Air Force Security Forces (Active Duty), and the Bureau of Prisons.

Fitness for Duty

Law enforcement agencies typically have specific physical and psychological fitness standards that candidates must successfully complete before receiving a formal job offer. VA police officers must be capable of arduous physical exertion, including emergency evacuations, assisting victims, and intervening in disturbances. Applicants must demonstrate upper and lower body strength, good distant vision, unaided hearing; and have complete and functional limbs and emotional and mental stability. VA policy also includes criteria for annual physical and psychological examinations for VA police officers to determine their continued physical and psychological suitability to perform the functional requirements of the position. All VA police officers, criminal investigators, supervisors, and chiefs undergo annual examinations to assess their ability to perform essential job functions. These examinations must be completed within 12 months of the previous examination. VA requires examinations by an agency physician to determine if an officer or applicant meets those standards.

In response to immediate concerns that prompt a physical or psychiatric examination or results from a routine annual examination, officers' credentials are reviewed to determine if temporary action, such as suspending arrest or firearm authority, or identifying alternate assignments, are necessary pending an outcome. When an employee fails a physical or psychiatric examination, reasonable accommodation procedures apply, including provisions for alternate job searches. If reasonable accommodation is unsuccessful after a failed physical or psychiatric examination, the employee may be removed from Federal service due to medical inability to perform.

In addition to providing access to support services such as counseling, peer support programs, and employee assistance programs to address both physical and mental health concerns, VA police recently established a health and wellness office. It offers a personalized, proactive, and employee-centered approach to well-being. The Whole Health approach focuses on what matters most to the officers: personalized

health planning, coaching, well-being programs, and complementary and integrative health options. In March 2024, VA initiated targeted pilots at four sites to establish a collaborative culture of well-being and resilience. These pilots aim to integrate Whole Health into officers' daily practices and empower them to take charge of their health and live their lives to the fullest.

Compensation

Like other Federal law enforcement agencies, VA's police force follows the General Schedule (GS) classification and pay system, which has 15 grade levels. Each police officer position is assigned a grade based on the level of difficulty, responsibility, and qualifications required. Entry-level police officers typically start at the GS-5 or GS-6 grade, while more experienced officers or those in supervisory roles may be placed at higher grades, such as GS-7 or GS-9. Each GS grade has a base salary range with ten step rates. As officers gain more experience through years of service and acceptable performance, they progress through the steps within their assigned grade, earning higher salaries. Locality payments authorized under title 5, United States Code, are added to GS base salaries as a geographic-based percentage rate to reduce the pay disparity between GS workers and non-Federal workers in each locality pay area to the extent the President authorizes each year by Executive order. By law, the pay disparity for each locality pay area is calculated using non-Federal salary data from the U.S. Bureau of Labor Statistics salary surveys, and the extent to which pay disparities are reduced each year may be limited by the President or Congress. An employee's locality pay rate is based on the geographic location of the employee's official worksite. Special salary rates (SSRs) are higher rates of pay that VA may establish (with OPM concurrence) to obtain or retain the services of police officers under a special VA authority in title 38, United States Code. Medical Center directors have the discretion to use SSRs for police officers to help attract and retain qualified personnel in areas where the standard GS rates may not be competitive with other local, state, and federal law enforcement agencies.

One common challenge is ensuring that compensation is competitive enough to attract and retain qualified personnel. Additionally, there may be discrepancies between Federal agencies or regions, leading to retention issues in certain areas. Over the past year, VHA implemented an enterprise-wide approach for addressing compensation challenges for police officers under the Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics Act of 2022 by directing mandatory reviews of special rates and implementation of a 15% Critical Skills Incentive. The Drug Enforcement Administration faces similar challenges and may also offer specialized pay incentives for certain roles. The Federal Bureau of Investigation typically offers competitive pay scales, and the nature of their work and prestige can attract top talent. Like these agencies, VA seeks to attract and retain qualified personnel.

Another key consideration is maintaining pay parity and equity across different roles and levels within an organization. This involves conducting regular market analyses and salary surveys to ensure compensation aligns with industry standards and

internal pay scales are consistent. Failure to do so can lead to pay compression, where the difference in pay between entry-level and experienced employees becomes too small, potentially causing dissatisfaction and high turnover among tenured staff. Moreover, considering the total compensation package, including base salary, benefits, bonuses, and other retention and critical skills incentives, is crucial. These additional components can attract and retain top talent, particularly in competitive job markets or specialized fields. Striking the right balance between fiscal responsibility and competitive compensation is an ongoing challenge but essential for maintaining a skilled and motivated workforce. Organizations must continually evaluate and adjust their compensation strategies to adapt to changing market conditions, labor trends, and organizational needs.

Retirement Benefits

VA police personnel are part of the Federal Employees Retirement System (FERS), a retirement plan that provides benefits from three different sources: a Basic Benefit Plan, Social Security, and the Thrift Savings Plan. Eligibility for retirement is determined by age and the number of years of creditable service. In some cases, employees must have reached the Minimum Retirement Age (MRA), ranging from 55 to 57 years old, depending on their year of birth, to receive retirement benefits. Through the plan, if employees retire at MRA with at least 10 but less than 30 years of service, their benefit will be reduced by 5% for each year they are under the age of 62, unless they have 20 years of service, and their benefit starts when they reach age 60 or later.

There are four variations of accessing retirement benefits available through FERS, detailed below:

- An **immediate retirement** benefit starts within 30 days from the date the employee stops working.
- The **early retirement** benefit is available in certain involuntary separation cases and voluntary separations during a major reorganization or reduction in force.
- The **deferred retirement** benefit is available if an employee leaves Federal service before they meet the age and service requirements for an immediate retirement benefit and have completed at least 5 years of creditable civilian service. Deferred retirement benefits may be paid earlier if the employee completed at least 10 years of service.
- The **disability retirement** benefit is available to an employee who becomes disabled while employed for at least 18 months due to a disease or injury, and the disability is expected to last at least 1 year. The agency must certify that it cannot accommodate the employee due to their medical condition and that it considered them for reassignment within the same agency, at the same grade level, and within the same commuting area.

There are no proposed changes or enhancements to FERS.

Federal security forces whose primary duties involve the investigation, apprehension, and detention of persons who are suspected or convicted of certain

criminal offenses, are classified as Law Enforcement Officers (LEO). The personnel that meet the statutory requirement for LEOs received enhanced retirement benefits as compensation for having a mandatory retirement age of 57. This mandatory retirement age is critical to maintain a “young and vigorous” corps of officers but may result in experienced LEOs retiring at an early age when it may be in the interest of the Government to retain these employees.

VHA police do not meet the statutory requirements of LEO as the principal duties of VHA police are to protect property and prevent criminal offenses from occurring. There are no proposed changes to the statutory definition of LEO.

Building Security

The guiding philosophy for security in VA calls for an open campus environment with layered security. VA facilities are to be open and inviting for Veterans and their families, providing safe and secure environments of care and service. However, sensitive and high-risk areas, such as pharmacies, warehouses, certain research or clinical laboratories, and other areas as determined by local risk assessment, must have increased physical security and perimeter control. Determining necessary protection levels for Federal activities is complicated, considering campus visitors' access needs, current and future threats, specific policy requirements, and construction design standards. VA facility Directors are the deciding officials for accepting risk. VA has established policies and procedures to assist facility Directors in making these determinations for a successful physical security program.

Effective physical security requires planning for protection of persons, resources, and property; preventing criminal loss or theft of vulnerable supplies, equipment, and property; and the practical and economical application of technical security aids to augment optimal use of police officers (such as Security Surveillance TV and screening stations). For detecting concealed weapons, VA facilities may establish walk-through metal detection screening stations (magnetometers) and the use of hand-held metal detectors. Establishing a metal detector screening station requires a threat evaluation indicating the community is experiencing a marked degree of street violence, that a sizable number of patients and employees habitually bear concealed weapons, an assessment of employee concerns for safety and security in the workplace, and the dedication of no less than two fully armed VA police officers to operate this fixed post at all times.

Conclusion

Madam Chair and Ranking Member Mrvan, thank you again for the invitation to join you for this important discussion. VA's police force remains committed to upholding our mission of deterring and stopping crime, maintaining order, and investigating crimes that may have occurred. We appreciate your continued support and collaboration through appropriate authorities and budget authorizations. My team and I look forward to your questions.