

Federal Judicial Center
Off Paper Episode 17:
Listening to Black Officers

Mark Sherman: From the Federal Judicial Center in Washington D.C., I am Mark Sherman and this is *Off Paper*.

In the aftermath of the killing of George Floyd by Police Officer Derek Chauvin while other officers looked on, the role of law enforcement in American society is being challenged and its value in black communities in particular questioned. The very visible killing of yet another unarmed black man by police sparked a national outcry that has reverberated from the streets to legislatures.

Female Voice: I almost felt a betrayal and hurt because it was a police officer. We expect, at least I expected personally, a lot more from police officers. I watched it on TV, it was just so blatant and callous that it just made me gasp for a minute. But first I just felt betrayed. I said there was nothing in anybody's oath that could make that right.

Mark Sherman: Discussions have focused on the role of local police departments and policies played in these continued killings. But U.S. Probation and Pretrial Services officers also perform an important law enforcement function and are greatly impacted by the discussions and the decisions ultimately made.

U.S. Probation and Pretrial Services officers carry badges and are trained to carry firearms and pepper spray. They interact with police, federal investigators, prosecutors, and jail and prison officials regularly. U.S. Probation officers conduct searches and seizures and can make arrests. They conduct investigations of those arrested or convicted which include interviews of defendants and their family members. The information they gather is used by courts to determine whether a defendant will be released or detained for trial and to determine appropriate sentences, and these officers are responsible for proactively supervising and providing support to high risk individuals in the community. In doing so, keeping the community safe.

More recently Rayshard Brooks, an unarmed 27-year-old African American man killed by Atlanta Police just a few weeks after Mr. Floyd's death, was one of 4.5 million people on probation and parole in the United States. Mr. Brooks was married with four young children, was on local probation when he was shot in the back by Police Officer Garrett Rolfe as he attempted to flee for reasons many want to speculate about. African American people have unique history with the police fraught with such interactions and have described often feeling anxious, frightened, or even angry and resentful during such stops.

Male Voice: When I saw it unfold, I had a feeling of sadness. Also I thought this could have realistically been me. That's what I thought as a black male. Even though I might or some might consider me somewhat to be an accomplished individual from a professional I guess standpoint, I felt that it could have been me.

Mark Sherman: As the author, lawyer, and commentator Van Jones recently remarked, "It is safe to assume that Brooks did not want to go back to jail over sleeping in his car or failing a sobriety test, lose everything he had and be forced to start his life over again." What this tells us is that Probation and Pretrial Services work is inextricably linked to issues of law enforcement and community relations and how officers doing such work impact the lives of and are perceived by African Americans and people of color more generally. They have both an impact on these issues and are impacted by them.

The news media have reported many stories recently about how killings like those of Mr. Floyd and Mr. Brooks and the resulting mass protest taking place across the country and the world have been difficult for black law enforcement officers causing them to struggle with conflicting feelings. But there's been little if any reporting about how African American probation or pretrial officers have been affected. Today on *Off Paper* we explore these issues. To help us do so, I'll be joined

by three recently retired African American chief U.S. Probation and Pretrial Services officers who will talk about their lives and careers.

Yador Harrell served as a Chief U.S. Probation officer in the Northern District of California for 11 years and Chief U.S. Probation and Pretrial Services officer in the Northern District of Alabama for just under two years. Belinda Alexander-Ashley was the Chief U.S. Probation and Pretrial Services officer in the Western District of Pennsylvania for seven years. Tony Anderson served as Chief U.S. Probation and Pretrial Services officer for the Eastern District of Tennessee for 13 years.

They'll share their views about what must change in probation and pretrial work if black people, officers, clients, and communities are to obtain what the author and historian Richard Kluger has called *Simple Justice* when describing the history of desegregation in education or, in this case, perhaps justice that is simply fair. Stay with us. It's an honor and privilege to have these three former chiefs take a break from their lives in retirement to talk with us today. Welcome to all of you.

All: Thank you, Mark.

Mark Sherman: I want to begin by asking each of you where you grew up and what your lives were like as kids, teenagers, and young adults before you even got into your careers. I'm

particularly interested in hearing about your perceptions of police and law enforcement as you were growing up and what influenced those perceptions.

Yador Harrell served as Chief U.S. Probation officer in the Northern District of California for 11 years, and Chief U.S. Probation and Pretrial Services officer in the Northern District of Alabama for just under two years. Before that he was an officer in the Southern District of Ohio, a senior officer and supervisor in the Eastern District of Arkansas, and deputy chief in the District of Nebraska. He began his career as a drug treatment and mental health counselor in Montgomery County, Ohio. Chief Harrell was a member of the Administrative Office of the U.S. Courts chiefs' advisory group and chaired the Federal Judicial Center's advisory committee on probation and pretrial services education. He retired in April of this year. Yador Harrell, what was your early life like?

Yador Harrell: In order to explain my view on this topic, I first need to provide you with some context. I spent the first four and a half years of my formative life growing up in a de facto, segregated, deep red state. This state in particular did not care for individuals from underrepresented demographics and/or populations. Unfortunately, this state had a history that I was not yet familiar with but I was born into. This state had a history that included an individual by the name of

Bull Connor who on a leash holds his dogs and batons on freedom riders, a history where Martin Luther King wrote his famous *Letter from Birmingham Jail* on the margins of a newspaper because they wouldn't allow him to have actual writing paper in his cell.

A state where they had a history where four beautiful young ladies had their lives extinguished as a result of the 16th Street Baptist Church bombing. A state that had a history where the former governor blocked the doors of the University of Alabama to prevent integration and where peaceful demonstrators, in an effort to exercise their constitutional rights by marching across the Alabama River on the Edmund Pettus Bridge, were beaten mercilessly.

And again, although I was not yet familiar with that history, I do know what it feels like to grow up under generational systemic inequality. To have my first images as a child is of men, white men, walking down the street or marching down the street in white robes with funny white caps. Then to turn the news on and see individuals that look like me being beaten, having hoses turned on them, and then you juxtapose that to watching the news about the Vietnam War and knowing that my father is serving in the military and coming back in body bags. Then as an adult you realize that, although as a country we went through the Emancipation Proclamation, we had Jim crowism. But

when my father came back to the states he still wouldn't have his fair and equal socialization.

So you see this imagery, and this is how things are formed. Then you fast forward to today and I see an individual for 8 minutes and 46 seconds with their knee on the neck of George Floyd and they extinguished his life. So just as a child when I watched the news and I saw these men in these robes and these funny hats and I asked my mother why. Today I still have to ask myself why.

Mark Sherman: So, Yador, let me ask you. You ended up eventually going into U.S. Probation and Pretrial. Significant, though it's certainly not exclusive, law enforcement function, and so I'm wondering what drew you to that.

Yador Harrell: Thanks, Mark. It's a great question. The reality is even at that early age I realized somehow I had to be a change agent. How could I affect positive change in the community? Initially it was looking at going into law enforcement. You can't change a system if you're not in the system. So I wanted to look at that. Of course, I think, young kids and everybody explored. You looked at the police force and the FBI and the other agencies, but I was fortunate enough to have an internship in college. I had the opportunity to intern for probation and I realized that a probation officer actually had the opportunity to live in both worlds. You're not really

law enforcement. You're not really social work. But you're right there in the middle.

Then I realized that I had the opportunity when I wrote my precinct's investigation reports that I could give these individuals actual realistic conditions that could change the trajectory of their lives. Part of that was plugging them into the right programs to make them successful. The individuals that some people think aren't that great can do amazing and accomplish amazing things if just given an opportunity.

Mark Sherman: Tony Anderson served as Chief U.S. Probation and Pretrial Services officer for the Eastern District of Tennessee for 13 years. Before that he was an officer, supervisor, and deputy chief in the Western District of Michigan for 10 years. He began his career as a police officer in Wilmington, North Carolina, and went on to work as a North Carolina drug and alcohol law enforcement agent and North Carolina probation and parole officer before joining U.S. Probation and Pretrial Services. Chief Anderson was a member of the Administrative Office's chief advisory group and served as the group's liaison to the FJC's probation and pretrial services education advisory committee. He retired in 2019.

Tony Anderson: I grew up in Winston-Salem, North Carolina. I was adopted at approximately one year of age by a widow who had lost her husband, a World War II veteran, to cancer. My

mother was a loving, wise, hardworking, and well-respected in and outside of the community we lived. So I grew up during the desegregation movement in a predominantly African American neighborhood. Most of the adults in my neighborhood were educators, the neighborhood house, the range of laborers who worked at R.J. Reynolds Tobacco Company. Some worked as plumbers, carpenters, attorneys, nurses, doctors, and in predominantly black-owned cab and bus companies. So the children in the neighborhood were a representation of the group of adults who had varying levels of education, experience, and socioeconomic status.

It's important for me to note that I grew up only one and a half, maybe two miles from Winston-Salem State. At the time a Teacher's College, it's now Winston-Salem State University. And 20 minutes from North Carolina A&T where one of the first civil rights sit-ins was initiated. I had to walk through the Winston-Salem State University campus everyday to get to and from elementary school. My observations and interactions with young black college students reinforced my pride for being black in America *and* it helped me learn early on that going to college was not just a dream but it was a reality for young black male like myself.

During the time that I grew up they had what you call salt and pepper teams. What that essentially was was a black cop and

a white cop. They were required to work together because, as absurd as it seems or it might sound, African American cops were not allowed to arrest a white man. So they kind of I want to say worked in tandem with one another. And it probably wasn't a good idea during those times for a white man to arrest a black man in a predominantly black neighborhood.

When this salt and pepper team came around, people acted differently. The people who I knew to be rough and tough and probably on the cusp of being somewhat unruly straightened up a little bit when this team came around. I liked and was attracted to the power that they represented. They had relationships with people in the neighborhood. Like I said, a wide range of people respected them. There was probably a small segment of the population that probably didn't have a lot of respect for them. But as I began to get older and understand how law enforcement worked, this is probably what attracted me to thinking about going into the law enforcement field.

Mark Sherman: Belinda Alexander-Ashley was the Chief U.S. Probation and Pretrial Services officer in the Western District of Pennsylvania for seven years. Before that she was an officer in the Northern District of Oklahoma for 11 years and a senior officer and supervisor in the Eastern District of Missouri for four years. Before that, for five years she was a police officer in Tulsa, Oklahoma. She retired in 2018.

Belinda Alexander-Ashley: I grew up in Tulsa, Oklahoma. We were the place where the 1921 race riots occurred. And I grew up just miles from Black Wall Street, that whole area. So I was very aware of what had had happened in the violent history there. In my family, my dad was a police officer, my uncle was a police officer, myself. One of my brothers and my brother-in-law are still there. So we had a history.

But my father was very, very particular. He wanted to be a part of changing the community in a positive way. So that's his way of contributing and he taught us that's what he believed in. So it wasn't unusual for me and my brother both to go into the police profession. But he believed that's the only way that you could make a change, is if you were a part of it. And it wasn't the best system but it's what we had.

We did grow up in that area. I was aware of racism that went on. But for me, my father did not bring that home. He didn't talk a lot about what was going on in the job. He tried to protect us. Then when I came on the police department, I had a sense of trying to protect our history as well because they were hardworking people. The one thing he taught us was that he wanted us to be proud of who we were and that we worked hard for that.

So as a woman especially, we weren't treated the same. They didn't have the same expectation in the police department

for women as they did men. Now I did pretty much everything I could think of to have my stats high, to make sure I took care of the community. I tried to be fair because this was the same community that I grew up in. I opted to work in the same community where I was at. I wanted to make a difference there as well and see what was going on. And like Tony and Yador, I thought I could make a difference. I believe I did and brought fairness there, and I think that was respected.

I actually got into probation through the police department. It was a young lady that was a captain. She was actually captain for my brother. She had just been watching. I did not know at the time that she watched the way that I worked. And she said I think you could be more impactful if you go to the probation office. I thought at first, I said, you're trying to get rid of me? But she really wasn't. She gave me some sound advice. It was hard to tell my dad who'd been there for over 30 years to tell him that I wanted to go to probation, but he understood. He knew the captain who had told me that. She said this is something I would have done had I known about probation and what the long-term effects.

Because in the police department we have short-term effects. We take people to jail. Sometimes we don't see them in that long-term capacity, but we could in probation. She thought I had the personality to impact people long term and to

follow and maybe give them a sense that somebody cared for them and wanted to see them succeed. That's how I was drawn to probation. At her urging I did apply and eventually got on. It was a good decision because I did enjoy and still do enjoy the impact that we can have on the people returning from prison.

Mark Sherman: I want to continue this discussion very much about your career pathways. Eventually the three of you became leaders in U.S. Probation and Pretrial Services. You really rose to the top of the profession. It would be helpful to sort of do an even deeper dive into how you got there. I want to turn your attention now to an opinion piece that appeared in the *New York Times* just the other day. It was written by Major David Hughes who is a black police officer in Southeastern Virginia. He wrote the following. I'd like to read it to you and get your reactions to it.

He writes: When I entered the police force in Virginia in 1987, I was one of the few black officers in my department. On my first day on patrol I was paired with an experienced white officer. As we prepared to hit the streets, he went over what he expected from me as a rookie. Then as he pulled away from the curb, he added offhandedly: Oh, if I call someone the N word tonight, don't get upset. It's not directed at you. It's directed at them.

I was taken aback, but I didn't say anything. It was only my second week on the job. I was young. I remember thinking to myself I probably won't have this job long. That first night set the tone for what was to come. I kept my job and climbed the ranks over three decades in part because I learned how to navigate a racist system.

Mark Sherman: Tony Anderson, you began your career as a police officer. So does David Hughes' story feel at all familiar to you in terms of your own experience either as a police officer, or probation officer, or both?

Tony Anderson: As a police officer going back to 1984, I was coming into the department on the heels of them having had a race riot. In my case, I had a white training officer who I would consider to be a really good training officer. I never saw from him any issues that caused me any consternation or any talk about race. He was all about doing the right thing for everybody. So I had an exceptional training officer if I might put that plug in at this time. But there were some other officers that just so happened to be white that he would caution me to be careful about because he knew that they saw things a little differently than he did.

I had a relationship with a wide range of people, you know, to me. That was necessary for me not only to be able to do my job, but it was also necessary for me to be safe in the

community because there were a lot of times where people in the community kept you from getting hurt. So I would say that that is probably the foundation that I had in terms of coming to the police department.

I had some of my African American colleagues who tell me to watch out for a particular captain, that the captain may have not been partial towards African American officers. But I was always treated, in my opinion, fairly. But I did see a lot of injustices and it does, like the gentleman wrote, cause you a lot of times to wonder if you are in some respect not being true to your own race when you see things and hear things like what you described. But anytime I had a situation that caused me that type of conflict, I basically let it go.

Mark Sherman: I want to turn to Yador because you came up through the ranks of U.S. Probation and Pretrial in a different way. You were not sort of a police officer or patrol officer. But I'm also wondering, as you were listening to that little excerpt from David Hughes' piece, what that brought to mind to you in terms of your own experience, Yador?

Yador Harrell: I think it's the common experience that individuals of color -- kind of like Tony was talking about. It's that dichotomy or duality that you experience as an individual of color. Going back and listening to that, it takes me, it harkens me all the way back to my first job in southern

Ohio when I was out in the field with a supervisor that was from Kentucky. So we were looking for a residence and we can't quite find it. I'm driving down the street and, because I had already covered that area, I knew where I was going. He looked at me and said, Boy, where are you going? So when he said, boy, where are you going, I immediately pulled the government car over to the side. I parked it and put the car in park and I said, who are you calling a boy? I said: I haven't been called a boy since I was 18. The last person that called me a boy was my mother. I'm not a boy. I'm a man. Who are you speaking to?

After that I think he realized that I'm like, hey, I'm not going to put up with this. But the reality is that, when you are a person of color, you constantly have to fight through all these limitations and these constrictions. You have to make certain decisions over the course of your career about I might want the approval of the boss and my peers but I first have to be true to myself. I can't take all this time to try to impress people that don't even like me or trust me anyway. The reality is that you have to be confident enough on yourself to develop your own self-approval.

One thing that my parents said to me a long time ago is that the more you try to conform to others, the less they'll applaud who you really are and that you'll never be popular until you're authentic. Then my grandfather always talked about

be a trailblazer. Not just another one in a long lineup. But the reality is we also realize that trailblazers sometimes aren't successful and they don't go far because they're the first ones.

So growing up in and through the system I had to realize that I had to make the decisions about how I wanted to be viewed, how do I want to do certain things. So then when you get into certain positions of authority and you work your way up through the ranks, going from a supervisor to a deputy chief to a chief, you learn certain skill sets when you're a person of culture. That you have to realize that you understand that you have to have this context mastery that other individuals don't. That you, because of who you are, have to speak with this very clear precision and have this clear calculated form of thought before it ever becomes a spoken word. Because you realize anything and everything that you say is going to be turned around, scrutinized, and contorted to say that's not what you said.

So you develop all these skill sets realizing this is what is going on during the course of your career. You deal with issues with individuals that are not of culture will never have an idea about. Oftentimes it's amazing how something that's an allegation becomes actionable when you're a person of color that people want to look into and they want to investigate.

But, for me, there's truth to that statement. It's that you have to look at the duality. You have to look at the dichotomy. Tony kind of alluded to it. We're in a very unique dynamic. We often worship in the same communities where our clients live. We often shop and we go back because the reality is that it's community-based supervision. You can't supervise a community if you're not in the community. So most officers of color will go back to the community that they supervise. They will ingrain themselves into the community and then they become part of the community. And that's why I think some officers of color are more successful, because then that's when the mother, the grandmother, the aunt are willing to tell you. Because they say, hey, such and such is messing up. I want you to help them. I don't want them to get in trouble. Then we intervene and we do different things.

So there's a certain skill set that we have. It's probably not the right way of putting it but Tony, me, Belinda and other people of culture, we have to be somewhat linguistically ambidextrous if you will. We have to be able to speak different languages on different levels of society to say I can relate to my client in the community without putting them or their family down, and at the same time I can talk to the Chief United States District Court judge. That's a skill set that a lot of individuals don't have. So for me growing up, those are

skillsets that you have to learn. Those are some of the things that you have to adapt to. And throughout the course of my career, if something I did helped position somebody else to get to where they need to be, then I think I did my job.

Mark Sherman: Belinda Ashley, coming to you, you came up professionally somewhat similarly to the way Tony did. Starting in traditional law enforcement, the police department in Tulsa. However, there was an important difference between yours and Tony's experience in that this was really very much a part of the family business for you. Your dad, many family members were police officers. But again, sort of harkening back to David Hughes' piece in the *New York Times*, I wonder whether there was anything from that piece that struck a chord with you in terms of your own experience.

Belinda Alexander-Ashley: I think it did. I learned to navigate the system as well. You have different ways of communicating with different people. In the community, that was the same. But on the police department, I mean I had it a little bit different because like when I was in a training academy and things were different. My father actually came out to watch when we had exercises and we did testing. That put a lot of pressure on me, but it also made me stand up and recognize that I had to make decisions for myself. Because a couple of times or sometimes the classmates would get together

and I remember on one occasion they wanted us to say that there wasn't supposed to be a test because it wasn't announced. I knew it was. I got kind of in hot water with some of the officers because I would not go along with that. I knew what it was. I was prepared for the test. I want to start my career that way. They got used to that and I wasn't asked.

When I got on in the field training and then after released on my own one of the officers asked me where do you stand, are you going to honor the blue line. I said if it's true, if you won't be doing nothing that you can't say in court because I'm not going along with that. And they honored that. They respected that. I don't know because the other officers were not treated that way. But because I had family there, they honored that. They respected that because they didn't want to deal with the family.

I recognized, because of that, a lot of other people were treated very differently. If they didn't go along with things, things were a lot different. So it was a little bit different for me personally, but there were different conditions. People were treated very differently when they were of color, and there were some times as a woman. There weren't very many women. On the midnight shift, I was it.

Mark Sherman: This is *Off Paper*. I'm Mark Sherman. I'm talking with former chief U.S. Probation and Pretrial Services

officers Yador Harrell, Belinda Ashley, and Tony Anderson about their lives and careers, how they have been affected by racism over the years, and what they've learned. We're going to take a short break. When we return, I'll ask the chiefs about their reactions to the killing of George Floyd and the resulting national and worldwide protests. Back in a moment.

Lori Murphy: Hi. I'm Lori Murphy, host of the FJC's *In Session: Leading the Judiciary* podcast. I want to tell you about an episode I think you'll enjoy. In Episode 15 I talked with Stanford professor Dr. Jennifer Eberhardt, author of *Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do*.

Dr. Eberhardt and I discussed the negative impacts of racial bias and how awareness and thoughtful action can help remedy those impacts. If you subscribed to *Off Paper*, this episode of *In Session* will appear as a bonus episode in your feed. Listen to *In Session: Episode 15: Understanding and Combating Racial Bias* and tell us what you think.

Mark Sherman: Belinda Ashley, when you heard about the killing of Mr. Floyd, how did you react? Did this time feel different to you?

Belinda Ashley: Yes, it did. I can't tell you how badly I felt. I almost felt a betrayal and a hurt because it was a police officer. We expect, at least I expected personally, a

lot more from police officers. But I couldn't imagine what it could be that you would think it would be okay to sit with your knee over eight minutes on a man's neck and with your hands in your pocket and think that's okay. And if it wasn't worse than that, to have officers around in the area watching and not stop it. It's just something inside said, no, silence is no longer an option for me. It just hurt so badly to watch that.

But the one thing that came out of that for me that was so good is to hear the protest, the people coming out and supporting the multicultural support. This was different. It was to watch it on TV. It was just so blatant and callous that it just made me gasp for a minute. But first I just felt betrayed. I said there was nothing in anybody's oath that could make that right. But, like I said, I couldn't fathom what that man felt or his family felt going through that.

But this is a different time. I recognized right after that this was a very, very different time. People are recognizing that this is not okay. This is not okay for law enforcement to engage in, that we have got a problem. I love our officers. I'm in that family. My family are still in the law enforcement field. Some people are brushing with a broad stroke. They're saying all police officers, they're all brushed with the same stroke and they are all bad. But that is not the case. We have great officers out there doing great things, but

we have an undercurrent of officers that are not doing something right. This was one of those cases that this cannot stand. I could no longer just think. This was just something so appalling that I just could not sit still after that.

About the one good thing that has come out of that, a lot of my friends, a lot of people at church, and across I have a lot of white friends, a lot of different races, they're engaging in a conversation now with me. They're talking about it, asking questions. What do you feel? Do you really have to have those conversations with your kids? How can it be that in this day and age this is still happening? They did not recognize that we have to navigate differently as African Americans to just be on the job.

I remember at one time being interviewed for a job on the phone and somebody not being able to pick up that I was an African American. The reason I say that, they invited me down. I had my master's degree and I had my bachelor's degree at that point. They said: Oh, you sound like you're a great candidate. I want you to come down and fill out the paperwork. This was a small company in Tulsa, Oklahoma.

I got down there, went in the door, and it was like a deer in the headlights. They looked at me and said we don't have a position open. I explained to him. I said I just got off the phone with somebody and he told me to come down and fill out the

paperwork. They turned me around and said, no, we don't need you. And you talking about angry and appalled. So I know this stuff exists.

But George Floyd was very different. In all these things I've gone through of navigating the systems, you learn to get over the anger. You learn that you have to feed your family. But with George Floyd, this was totally different. I can't tell you how it touched something inside of me, but it has touched off a conversation. That's where I'm hoping, with probation and pretrial services, that that's where we'll be starting to talk openly, honestly, and to give people a safe space to talk because I'm recognizing that people do want to talk about it.

People in different cultures want to talk to African Americans about what it is that they have to do, what they face, how they speak to their children, what you anticipate on the streets when you're just walking, or how people will address you. Because sometimes in stores people follow you around. They want to know about that. And some did not know. They were sheltered enough not to realize nor thought that was anything they could care about. That's what it did for me. It's now made me more engaged. To have so many people out and supporting the effort, I think this is a good thing.

Mark Sherman: Tony Anderson, same thing. I want to ask you sort of what your reaction was. What do you think all of

this means for black probation and pretrial officers who are currently still in the system and on the job?

Tony Anderson: When I saw it unfold, I had a feeling of sadness similar to what Belinda shared. I felt that the United States is too great of a country to continue to have racial issues, inequality, and social unrest without making forward progress. It's important to note that I've never received any training on a local, state, or federal level that is similar to the technique used on Mr. Floyd. I've never witnessed anyone put a knee on an individual's neck and use that technique to include full body weight of two other officers on an individual that is handcuffed.

Also I thought this could have realistically been me. That's what I thought as a black male. Even though I might or some might consider me to be somewhat of an accomplished individual from a professional I guess standpoint, I felt that it could have been me. While it might be hard to believe that the treatment of black and brown people by some law enforcement officers is not just limited to a particular category, that's what I thought. Or socioeconomic status. To me Mr. Floyd's situation and the death of other brown and black people while in police custody is not about politics. Instead it is about culture that time and time again views brown and black people as a threat to life, current status, and privilege.

This issue with Mr. Floyd, in my opinion, is a humanitarian issue. If you're a human being and you have any fiber within you that has empathy for other people, you couldn't help but look at that and feel bad for him and his family. As it relates to how probation and parole on a federal level, even on state level, the law goes forward. I have to say to you that in all honesty I struggled with that question because I believe there is already a significant amount of disparity in the federal probation and pretrial services system.

I completed 23 years of service in December of 2019. I'm thankful for all the opportunities that I had been afforded as an officer, a CESPO, deputy chief, and chief. However, if we're going to be honest and have this conversation and talk about George Floyd, race is attached to the question of how probation and pretrial services must evolve. I think the topic of race has to be broached because the U.S. Probation and Pretrial Services officers provide services to the public along with a range of other stakeholders.

We know that the court is the primary stakeholder for both probation and pretrial services, then the rest of the stakeholders. We talked about the defendant/offender population, the U.S. Attorney's Office, Marshals Service, public defender, panel attorneys, and the BOP fall in those categories as stakeholders as well. But what no one seems to talk about,

in my opinion, is there is no formal instruction offered in this area of race. But the U.S. Probation and Pretrial Services Officers, to include my position as chief, should look like the community/the nation it serves. And I don't believe that it looks that way.

Mark Sherman: Yador Harrell, same line of questions.

Yador Harrell: Thank you, Mark. No rationally thinking individual could have watched that and not been angry and/or upset about it. But the reality is that the past still remains the most reliable test of the present and the future. That's just a reality. Inequality is not new. Police brutality is not new. What is new or what is newish, because we saw this during the Rodney King thing, is that the rest of America and the rest of the world can now see on TV and social media what disadvantaged individuals had seen for themselves with their own eyes and bear witness to and had no recourse. That's just the reality.

We're trying to make this too complicated. The greatest complexity is found in its simplicity. We have eyes, we see what happened. Do not allow the media or other individuals to hide and normalize hate and say this is okay. We talked about it earlier on in the session. In the mid '50s and the '60s we had the same thing. This militarized police and police brutality. Water hoses, dogs, batons, beating individuals down.

When is enough? When are we going to stop asking why and when are we going to take action? That's just the reality. And I think, if we're going to be honest with ourselves, individuals of culture - whether they're black, brown, or Asian - in the system are angry. But they don't have a way to voice that anger without retribution, without retaliation.

As Tony alluded to, we have not sat down and had a session where we said we're actually going to really look at race-based diversity education, that we're going to look at racial justice, that we're going to look at other things. We need to set up a mechanism to say that, hey, not only on paper do we want our districts to be reflective of the clientele that we serve, we want the mindset to be reflective of the clientele that we serve. That just because somebody looks different from me doesn't mean that's bad. The reality is that whoever you are, you will always struggle to understand somebody that does not look like you. You don't have that same shared experience. But until you take the opportunity to leave the comfort of your office and go into that community, you'll never know how that community feels.

I think we fall short and we fail to cross-train our officers when we don't say we're going to put individuals that might not look like that community in that community so they have a frame of reference. You can't just have individuals that

look like their clients. You'll never cross-train, you'll never professionally develop individuals, and get them to where they need to be. This is beyond culture.

But I like what Dr. Carr, the director of Africana Studies at Howard, said. He said it's culture. Culture is learned behavior that is so deeply ingrained in individuals that you do it subconsciously. At this point some people have been raised subconsciously to do things that they don't even know is wrong because they never had the opportunity to have somebody to correct them. We've never created an avenue. We never created a venue to just say, hey, we're actually going to sit down and have this conversation.

I think the theory is individuals of culture from underrepresented populations inside the districts right now, they're fearful that if I say something about race, if I say something about implicit bias, somehow I'm going to be targeted and I don't have a safe avenue to address that issue. So I think we need to go back and say, hey, I'm going to create a safe environment. I'm going to give you the opportunity to discuss these issues so we don't have to see someone's knee on someone's neck for 8 minutes and 46 seconds for somebody to get upset and angry, for the world to now say enough is enough. We have to say that it should have never happened in the first place. We talk about reentry. Let's stop talking about no

entry by getting into the community training staff and doing better. That's just my view on the point.

Mark Sherman: Former Chief U.S. Probation and Pretrial Services Officers Yador Harrell, Belinda Ashley, and Tony Anderson are my guests. They're sharing their reflections as African Americans who spent their careers as probation and pretrial officers and, in the cases of both Chief Anderson and Chief Ashley, as police officers before that.

We're going to take another break. When we come back, we'll get their thoughts about how federal probation and pretrial services must evolve to better meet the needs of black officers' clients in communities. You're listening to *Off Paper*.

Yador Harrell: It is not easy when you're an individual of color and you go into a meeting and nine times out of ten you're the only one that looks like you. It's very difficult to be courageous and to talk about other things but we need individuals that are willing to elevate, to go in those positions, to be a trailblazer and realize that, hey, I might not accomplish what I wanted to but I've developed enough individuals behind me that I can pass that baton on to that individual and hopefully have them carry forward the dream and the issue and make it possible for other individuals to continue to come into the system. But again, if we're not willing to

first have the conversation, we're not going to get to where we need to be.

Male Voice: Support for this program comes from FJC Probation and Pretrial Services Education. At FJC Probation and Pretrial Services Education, we believe transformative education and training are essential to the administration of justice. We use proven learning methods to inform, engage, and inspire the people we serve to reach individual and organizational excellence. Visit us at fjc.dcn/p&p.

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Mark Sherman: Yador Harrell, you served for a number of years as chief probation officer in two very different districts. In your opinion, what are the most important issues of racism currently affecting federal probation and pretrial services and the federal judiciary writ large? In your view, what must the system do to evolve?

Yador Harrell: Thank you, Mark. What I would have to say is the reality is that people in positions of power, the change makers, have to be willing to do what you're courageous enough to do right now, Mark. It's to at least have the discussion, to have the conversation. If we do not want to become a product of our own low expectations, we have to be willing to deconstruct and reverse engineer everything that we've been doing.

We have to go back and we have to look at our hiring, promotions, retention, ongoing fair employment practices. That's some of the things that the officers that are still within the system are saying, that how uncomfortable it is when they initially interview for a job and there's nobody on the panel that looks like them. Then when they go up for promotions, there's nobody on the panel that looks like them; that has shared experiences with them. I'm not saying that they're going to get the job just because the individual looks like them, but they know that after the interview somebody is going to be at that table to say: Hey, let's look at this and let's take this into perspective. This is what this individual brought. You're looking totally at their grade point average. I'm looking at their accomplishments and what they've done.

We also have to be willing to look at moving back to the center. We have to stop being so law enforcement-oriented. We have to look at data mining. We have to examine the data on

current hiring practices, promotions, and retention practices where race may have played a role. We also have to look at forming advisory groups. We have to look at retired probation officers and pretrial services officers and have them stay as service liaisons to existing entities within the judiciary - like the administrative office, like the office of Personnel Management, like the Federal Judicial Center and local districts - to help create a culture of diversity and inclusion. It wouldn't hurt if we had a diversity and inclusion rep in each circuit. What about having a governance council to talk about things and work alongside the chief advisory group?

Then we also have to look at education. We have to have true race-based diversity education. Maybe the FJC in their infinite wisdom with your leadership, Mark, could look at racial justice and leadership curriculum. We can look at implicit bias. Look at other things. What we need to also do is that we need to look at how can we retrain our EDR coordinators and managers so they can actually look at race-based implicit bias. Can we create a fair avenue for staff to voice race-based discrimination issues? Then can we protect those employees to voiced race-based concerns so they are not retaliated against or looked on unfavorably?

These are some of the things that we need to do. The reality is I saw it, I'm sure Tony saw it, I'm sure Belinda saw

it. Individuals of culture. When you sit down and you look at training individuals creating a district and improving it, and you have interviews and you set up a fair and transparent competitive process, and you have subject matter experts sitting on your panel and then you select individuals based on their knowledge and skills and abilities and accomplishments and not some ambiguity about the individual has all these great abilities but a proven track record, and then you try to promote that individual and the court tells you no, that creates issues within the system because then the best candidate isn't selected. The one that can implement that change to have things go, have the district go where it needs to be, isn't going to happen.

So until we're willing to have a very honest and true conversation about this, until we're willing to put the right people in the right positions to do the right jobs that we want to effectively change, we're not really going to progress. We're really not going to move forward as a system. And we have to realize that, hey, this is an imposter syndrome. Just because I look different from you doesn't mean I shouldn't have this job. As a unit executive of color, I should never have to apologize for being in a room that I know I belong in. It is not easy when you're an individual of color and you go into a

meeting and nine times out of ten you're the only one that looks like you.

It's very difficult to be courageous and to talk about other things. But we need individuals that are willing to elevate, to go in those positions, to be a trailblazer and realize that, hey, I might not accomplish what I wanted to but I've developed enough individuals behind me that I can pass that baton on to that individual and hopefully have them carry forward the dream and the issue and make it possible for other individuals to continue to come into the system. But again, if we're not willing to first have the conversation, we're not going to get to where we need to be.

Mark Sherman: Thank you. Belinda, I want to turn to you. You were the chief probation and pretrial officer in the Western District of Pennsylvania which is based in Pittsburgh. I wonder sort of what your view is about how the system needs to evolve in order to improve.

Belinda Ashley: I agree wholeheartedly with Yador and his feelings. I think we also need to step back and, in my opinion, the AO needs to at least tell the staff across the nation what their position is on racism, what they are willing to do about it, what actions, and how they feel about it. Because not everybody may be understanding that racism is not a place where we're going and we want to eliminate it, but we got to start

somewhere. I believe that it's got to start at the top and let people know where exactly do we go. Then we need people to be courageous. Just like Yador said, we have to be courageous and being able to have those conversations. They have to be honest so that people don't feel like they're going to be retaliated against; that they're not going to see promotions because they really share what they really feel.

The most areas that I think that we can evolve in that I saw is hiring and promotions. I wanted that transparent process as well so I included a lot of staff. If you're not trained on what to look at, how you are to engage people, I just look at them beyond just the color of their skin or whether they fit into your group. We have to get beyond that. We have to look at the qualifications. I don't know that anybody that I know of was actually trained in that so that they understood and understood the position of the AO. I know we have policies and procedures but not everybody understands what that means, how to interpret. I want people that look like me so they're going to be successful. It depends on what you're doing.

So that to me I think would be a great help for us to start to evolve top-down. People start to actually be courageous enough to tell what their position is. This is not anything that we're going to tolerate. We're going to go forward. And we're going to do some things differently. You don't have to

point people out, but just say certain behaviors will not be tolerated. And we move forward. Then we give people a safe space to talk about that because I know and what I've heard from other officers that are still there is that they want a safe place that they can speak. They can really tell the truth about what they're experiencing, how they are viewed from other people who are working in their district or in their office. They have a safe place that they can actually tell somebody I'm not being treated -- wait, I'm being pressured to do certain things or to not have a voice at all.

So those are the kind of things that I think we need to start off with and then have that advisory committee like Yador was talking about. We have to have people included in that from a lot of nationalities. People of color but also of other nationalities start to share experience so they have that understanding, that deep understanding of what experiences did they have. Because in talking to people, especially from church and other areas of my life, I realized they don't have a clue about what we actually experience. What conversations we have with our children about, okay, how do you engage with police officers? When you're walking down the street and somebody may engage you or call you names, and that happens, we have to deal with that and not feel devalued.

So I think sharing those experiences, at least for me, has been very positive - when people start to say I'm going to start paying attention a little more, I'm not going to do certain things that maybe would be interpreted other ways. Because sometimes people are just doing things. They're not thinking. But now, at least the ones I've talked to, they'd like that. So I think that would be helpful for the probation and pretrial officers to know and have that person and even have that advocate there to say this is not what we want to see. Or if people have a place to complain.

And like I said, the rest of it is pretty similar to what Yador was talking about. It's developing that training or reviewing the practice and procedures. I think they can work through those types of things to see across the nation what policies because we're all from different parts of the nation but we have very similar stories. That should not be happening. That tells me we have a systemic problem that we probably need to address. I don't know the answers to all of it, but I know that the people who are there are probably able to give some opinions and start to really have a deep conversation. And I'm not talking about a surface conversation with no action. We have to now take action and say these are the things we're going to put in place. If we don't know and it doesn't work out the

first time, we just scrap that and go do something else that makes it better.

I'm not going to say that every solution is going to be perfect, but we've got to start to have some action behind just the talking and the review. So I do like the idea of having these advisory committees, have an advocate, but they have to have the authority to put some things in action to actually make some change.

Mark Sherman: Tony Anderson, again, in your mind and based on the experiences that you've had over the course of a long career starting out in more traditional law enforcement and then for many years in the United States Probation and Pretrial, what are some of the things that you think need to happen in probation and pretrial for the system to evolve and to improve?

Tony Anderson: Belinda and Yador have touched on, in my opinion, a range of areas that relate specifically to this topic. I'm sure, like me, they can go back and remember. When I first became involved or became a panel member in a number of promotional and hiring processes, there was always at least one panel member who would attempt to hire or promote someone who would help maintain the disparity, if you will, that I previously discussed to meet his or her own self-serving purpose.

This happened a few times when I was a supervisor and deputy chief and I had limited options to make the process fair. I did have two chiefs actually, one retired and then another chief replaced that chief, that I had open dialogue with. I could go to a safe place, like Belinda and Yador mentioned, and I could talk about what I saw. I even took the opportunity, not to be challenging but using as much diplomacy as I could, to try to point out what I might view as a problem in the hiring or the promotional process in hopes that the other members of the panel would see maybe some of the things that I saw as a problem. So I would say that first of all.

The other thing that I would say is as a chief probation officer, and Yador touched on these areas as well, it seems that brown and black chiefs in my opinion have to have a different set of skills to tap into when it comes to hiring and promoting individuals to work in the office. You go into it not having it mapped out, but you go into it understanding that every decision that you make is going to be scrutinized. You have to have a good court which, fortunately, I had a great court that gave me autonomy to hire whoever I felt like I needed to hire. If I needed to justify hiring that individual, I was always able to go and identify tangible reasons why I felt that this person may not be the most qualified for the job but would be the best candidate for what I needed for my district. If that makes any

sense. So I will say to you that you, as a chief, you go into it with that kind of a mindset. It's unfortunate but that's kind of what it's like or what life in the professional ranks or as an executive for federal probation and pretrial services is like particularly for a chief of color.

Mark Sherman: So, Yador, I'm interested to hear your reaction to what Tony just said because it sort of goes to this double standard. Right? That for African American chiefs in the experience of at least you three, that in the experience of the African American chief there's a double standard and the expectations are different. There might even be greater liberty at the top to overrule a decision that you may have made; whereas, perhaps that would not have been the case had you been white. I just wonder what your reactions are to that.

Yador Harrell: Mark, you're spot on with your summary. The reality is that there is this duality. It's this dichotomy that chiefs of color know going in that anything and everything you say will, as Tony indicated, be scrutinized. So you, as I stated earlier, sit down and systematically come up with a process that is fair; that follows the exact employment guidelines, the guide to judicial policies. Every question that you ask, everybody that you have on your panel is a subject matter expert, you go through it and you get their opinion. They write up their recommendation. They give it to you. You

then write it up. You go ahead and aggregate the information and submit it to the court knowing the full time in the back of your mind the court may or may not accept that recommendation from you just because you might be the one that made that recommendation.

The other thing that people aren't willing to talk about - and I think just to be honest - is that I would encourage judges, magistrate, and Article III judges to not serve as references for anyone that is applying for a position internally in their district unless that individual is applying for a chief job outside of their district. Because what that says to the unit executive is that this judicial authority is attempting to usurp their judicial authority to have you preselect a candidate that in most cases is not the best qualified individual. It puts you under all kinds of stress and pressure, but you realize that. Sometimes you have to be courageous enough to say, hey, this isn't the best candidate, this is the individual that we want to go with.

So, yes, at the end of the day, we know that there is a double standard. We know that we will constantly be second-guessed. Whatever we say will be scrutinized, contorted, turned around, and that we will be judged differently. So that is just a harsh reality that chiefs of color from underrepresented populations have to realize. But the sad part is that it says

if somehow some way along the line the court interviewed us, the court selected us based on our knowledge, skills and ability and accomplishments, and then to turn around and say, hey, you're the unit executive that I selected but we're going go ahead and make all the decisions for you. I can't cook the dinner if you don't let me buy the ingredients.

Mark Sherman: I want to ask Belinda whether what Yador has just said and what Tony was talking about earlier reflected your experience as a chief in the Western District of Pennsylvania.

Belinda Ashley: Absolutely. I think Tony and Yador both were spot on. I did find myself scrutinized a lot more. I found myself going over policies and procedures second guessing myself because I knew I had to defend just about any decision. Anything that come up, I had to be able to defend it. And I know I'd be under a lot of scrutiny. So, yes, that was consistent with what I saw.

Mark Sherman: In a way that a white chief would not. Is that what you're saying?

Belinda Ashley: Absolutely. Yes.

Mark Sherman: So what the three of you are then saying, and I'll ask you individually, bottom line is that there need to be some mechanisms and some policies and some attitude adjustments put in place so that that is no longer the case. Belinda, is that what you're proposing?

Belinda Ashley: Yes. Absolutely.

Mark Sherman: Yador?

Yador Harrell: I agree 100 percent that we have to put other things in place. Give us the same latitude, the same respect, and the same professional courtesy that you give individuals that don't look like us.

Mark Sherman: Tony Anderson?

Tony Anderson: So, Mark, I owe a great debt and gratitude to the judges in the Eastern District of Tennessee as well as the judges in the Western District of Michigan for giving me the autonomy to advertise, hire, train, and select any applicant that I believed would add value to the district and staff. But what comes along with that that Belinda and Yador are touching on is you also have to have the creativity to come up with processes that you may have to show justification for. But I don't believe that my white colleagues had to go through the same process.

Mark Sherman: Well, Tony Anderson, Belinda Ashley and Yador Harrell, I want to thank you all so much for talking with us.

Tony Anderson: Thank you.

Yador Harrell: Thank you, Mark.

Belinda Ashley: You're very welcome. And thank you.

Mark Sherman: If you liked this episode, don't forget to check out the *In Session* podcast *Biased: Uncovering the Hidden Prejudice of What We See, Think, and Do*.

Off Paper is produced by Shelly Easter. The program is directed by Craig Bowden. Our program coordinator is Anna Glouchkova. And, remember, you can subscribe to both *Off Paper* and *In Session* wherever you get your podcasts. I'm Mark Sherman. Thanks for listening. See you next time.

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