



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**Governor's Task Force on Independent Investigations of
Police Use of Force**

Meeting Minutes

Thursday, July 23, 2020
6:00pm-9:00pm
Microsoft Teams Meeting

Facilitator: LueRachelle Brim-Atkins

Task Force Members Present: Emma Catague, Jordan Chaney, Livio De La Cruz, Monisha Harrell, Jay Hollingsworth, Sanetta Hunter, Katrina Johnson, Chris Jordan, Pastor Walter Kendricks, Teri Rogers Kemp, Ben Krauss, Darrell Lowe, Nina Martinez, Brian Moreno, Kimberly Mosolf, Tyus Reed, Tim Reynon, Eric Richey, Pua Savusa, James Schrimpsher, Andre' Taylor, Teresa Taylor, Spike Unruh, Waldo Waldron-Ramsey

Task Force Members Absent: None

Advisory Group Members Present: Monica Alexander, Craig Bill, Jim Bloss, Frank Cuthbertson, Toshiko Hasegawa, Rob Huss, John Hutchings, Deborah Jacobs, Maria Sigüenza, Sharon Swanson, Yasmin Trudeau

Advisory Group Members Absent: Ed Prince

Task Force Staff Present: LueRachelle Brim-Atkins, Sonja Hallum, Leah Landon, Dontae Payne

Guests: Steve Strachan, WASPC; Leslie Cushman, I-940 Campaign

Welcome

LueRachelle Brim-Atkins welcomed everyone to the meeting and introduced herself to attendees. She reminded everyone that the meeting was being televised via TVW and a recording would be available after the meeting. LueRachelle reminded participants to mute themselves until they were ready to speak. LueRachelle also reminded people to use the "raise your hand" function when possible, and to do their best to provide equal time to each other to speak.

Review of Ground Rules

LueRachelle reviewed the ground rules the group had discussed at the previous meeting. Any feedback from members had been incorporated into the version presented during the meeting. The ground rules are available on the Governor's website.

Meeting Overview

LueRachelle invited Sonja Hallum to provide an overview of the meeting. Sonja reminded members that the purpose of the task force is to hear from those most impacted by police use of force. The task force is to provide input and recommendations on how to improve the current process. This work will lead to the legislation requested by the Governor in the next legislative session, and this work will go hand in hand with the work the legislature is working on as well. The current meeting will focus on the current investigation system, and will be followed by a discussion. At the next meeting, the group will discuss institutional racism and bias and how it impacts investigations. Meetings following that will review models in other jurisdictions. Sonja ended by thanking members for being part of the task force.

Introductions

LueRachelle introduced the Advisory Group, and asked Leah to invite each person to provide an introduction. Advisory Group members were called on individually in alphabetical order, and given 1 minute to provide an introduction. Members were asked to share their name, who they represent, and their city of residence.

Presentation on I-940 Background

- Presenters: Steve Strachan, WASPC & Leslie Cushman, I-940 Campaign
- LueRachelle introduced Steve and Leslie to the group, and asked participants to hold their questions until the end of the presentation.
- Leslie provided an overview of the I-940 background, including the history and implementation. Leslie recognized those on the task force and advisory group who also helped with the I-940 campaign.
 - Leslie added that the one gap she sees in the current process is that an investigation conducted by police or other law enforcement, is not sufficient.
- Steve introduced himself, and provided background on his organization, the Washington Association of Sheriffs and Police Chiefs (WASPC). Steve expanded on some of the topics Leslie discussed, and WASPC's position on those specific items. Steve added that WASPC has been supportive of, and involved, in alternatives to arrest and mental health education. WASPC continues to support expansions of these as well. Steve added that a lot of progress has been made, but there is still work to be done and WASPC is looking forward to being part of that process.
- Task Force and Advisory Group members were given the opportunity to ask questions of Steve and Leslie at the end of their presentation.

Presentation on the Current Investigative Process

- Monica Alexander, Manager, Advanced Training Division, Criminal Justice Training Commission
- Monica provided an overview of the current investigative process in Washington since the implementation of I-940. The PowerPoint is available on the Governor's website.
- Questions were held until the discussion portion of the meeting.

Discussion

LueRachelle asked members to limit their comments and questions to three minutes or less. Members were told they could ask questions of Monica, or answer one of the four questions below.

Responses by Question:

What do members see as strengths of the current investigative system?

- **Rob Huss:**
 - There are a lot of resources across the state that allows people to do their work.
- **Spike Unruh:**
 - The current process utilizes local teams which allows for a quick response.
 - Community members are involved in the team.
 - Requires significant training.

What do members think is missing?

- **Livio De La Cruz:**
 - The community representative should have someone they can reach out to that will help them navigate the investigation process.
- **Chris Jordan:**
 - There is no current set of laws that hold law enforcement liable for criminal actions while on duty, and the current laws are not applied equally.
- **Jordan Chaney:**
 - There should be a mental health or grief counselor assigned to each family, including children, immediately. This should be paid for the department responsible for the death.
- **Nina Martinez:**
 - There needs to be data collection on police use of force.
 - There needs to be a centralized investigation process.
- **John Hutchings:**
 - There should be mandatory body cams for all officers.
- **Spike Unruh:**
 - Missing auditing of investigations to ensure they are being done properly.

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What do members think could be improved upon?

- **Katrina Johnson:**
 - Community members who participate in investigations are not paid for their time.
 - Community members should not be selected by law enforcement as this may be a conflict of interest.
- **Livio De La Cruz:**
 - Community reps should receive compensation.
 - Community representatives should also receive training to prepare them for what they may see.
 - Community representatives sign a confidentiality agreement, but if they see something being done incorrectly, there needs to be a mechanism for escalating malpractice.
- **Monisha Harrell:**
 - If other members of the investigative team are compensated, so should the community members.
 - Monisha added that there is a lot of data missing that we need, we need to know how much is being paid out in settlements and lawsuits. We need to know if we get this right, how much we will be saving.
 - There needs to be an entirely independent system.
- **Kimberly Mosolf:**
 - Kim said that she wants to move the group into a conversation of what the improvements and a new system would look like. If we move away from the current system, this would address a lot of the issues that have been raised.
- **Andre' Taylor:**
 - Community representatives should be compensated.
- **Jordan Chaney:**
 - The prosecutor should come from a different county.
 - There is a lack of communication in the current process and this leads to a lack of transparency and distrust.
 - The officer should not be able to return to work until the investigation has been completed. The current investigation assumes the officer is innocent and the body on the ground is guilty.
- **John Hutchings:**
 - Communication is lacking in the current process.
- **Emma Catague:**
 - The investigative system needs to have a better understanding and more emphasis on culture.
- **Spike Unruh:**
 - Education and outreach to the community on how the process works.
 - Training and funding to smaller agencies to help offset costs.
 - Some sort of enforcement mechanism may help agencies get new policies in place immediately.
- **Ben Krauss:**

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- Police officers investigating their own clearly does not work and does nothing to restore public trust.
- We need a comprehensive independent agency that will restore public confidence that is built on the following five components:
 - Create a full-time police accountability officer within the AGO.
 - This agency will complete all investigations into police misconduct.
 - Create a Washington State Office of Police Accountability to oversee the investigative body.
 - This should have a cross-section of stakeholders.
 - This has potential to be the first in the nation for investigations into all serious misconduct and all serious use of force cases.
- **Livio De La Cruz:**
 - Livio added that there was a lot of agreement in the room that there needs to be an independent agency, whether it is in the Office of the Attorney General or not. Livio added that the Attorney's General's office is a political office and this could be used to undermine the trust in the agency.

What do members see as challenges with the current system?

- **Katrina Johnson:**
 - The current system is not entirely independent.
- **Livio De La Cruz:**
 - Livio expressed concern over the community representative's ability to voice concern about the way an investigation is handled.
 - Monica said there is nothing that prohibits them from taking their concerns to the Police Chief or Sheriff. If the community member sees a problem, they should speak out about this and should speak up to the IT Commander, Chief, or Sheriff.
 - Livio asked what happens if they speak out to the wrong people, do they risk breaching their confidentiality agreement?
 - Monica said they will not want to reach out to the involved agency, and speaking to the agency overseeing the investigation will not breach confidentiality.
- **Andre' Taylor:**
 - What recourse do we have for people not complying with the 940 investigative process?
 - Leslie Cushman said the solution is to have a completely independent investigative body.
 - Andre' also asked what limits the community member has when it comes to the investigation.
 - Monica responded that based on how the WAC is written, the community member has full access and this is why they sign a confidentiality agreement.

- Andre' asked what happens if a community member reports something, if there is anything to protect them from being shut out, and added that they are not necessarily there to be part of the team.
- **Nina Martinez:**
 - Police are still investigating police, and there is a lack of consideration for those with mental health issues.
 - Nina added that all investigations since the implementation of I-940 should be reopened because there is little faith in how they were handled.
 - Nina said she supports the independent system, but some people say police officers are the only people who know what police officers are going through so they need to be involved, but this is not necessarily true. There are other entities that do not have their involvement.
 - Communication is lacking.
 - Many of the Latinos killed had mental health issues and we need to be conscious of this and figure it out. Law enforcement should not be killing people in mental health crises.
 - Victims should not be shamed by the media.
 - Collective bargaining
- **Darrell Lowe**
 - When a family loses a loved one, they have a right to information and know what is going on, but there comes a time in the investigation when it is out of the hands of the investigator and they are waiting on results from the crime lab and this takes time.
- **John Hutchings:**
 - The role of the media is as watch dogs of law enforcement and the government.
 - Managing community expectations (unions, executive management, advocacy groups, etc.)
 - Union and labor contracts
 - Rush to judgement on the part of the media, law enforcement, those involved in the incident, advocacy groups.
 - Legislative bi-partisan support will be difficult to obtain for anything new.
- **Pastor Walter Kendricks:**
 - The current system is not independent.
- **Frank Cuthbertson:**
 - The current system is not independent and can't be because there will always be a conflict of interest among law enforcement agencies.
- **Jay Hollingsworth:**
 - There needs to be an independent state agency to do these investigations.
- **Tyus Reed:**
 - There needs to be an independent state agency that polices the police.
- **Spike Unruh:**
 - A lack of trust among community members because it has taken so long to implement the system.
- **Rob Huss:**

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- Robb added that the current COVID-19 pandemic has made training difficult for agencies.
- Rob said that his agency is currently going through the process of selecting community members for the Tacoma case and one of the things they have done is sent information to the Pierce County community seeking interested people and explaining that they are being asked to take charge of the investigation. The document also explains the role they will be asked to take and what it will look like. WSP has had a number of people respond expressing interest, and they have had the opportunity to engage three people at this point. Overall it has been a helpful process, but there is still a lot to learn.
- **Frank Cuthbertson:**
 - The need for an independent entity comes from jurisdictions working across entities. How can you not have a conflict of interest within the counties?
- **Eric Richey:**
 - There has to be law enforcement involved and law enforcement training to successfully prosecute a case. The investigators have to follow all laws and the constitution, if they don't, the case cannot go forward. Eric added that he is currently prosecuting a case and he can say it has to be done well to be prosecuted. Eric also mentioned that the Washington Association of Prosecuting Attorneys (WAPA) is split on the need for an independent entity.

Other Responses and Comments:

- **Yasmin Trudeau:**
 - Yasmin said the AG's Office has started reaching out to agencies that started an investigation since the implementation of the new process. The survey just went out and once they have results they will be sharing those with the group.
- **James Schrimsher:**
 - James asked Monica about the conflict of interest form the CJTC is working on. James also asked for the CJTC's thoughts on the level of training of community members, and if those community members should be considered as part of the investigative team.
 - Monica said they are not asking jurisdictions to create their own conflict of interest document, but there is nothing wrong with creating their own while they await the release of the CJTC's form. Monica added that she is going by what the WAC says, and based on that, the community member is to be fully involved and imbedded within the team. Monica said there is nothing wrong with training and trying to make sure the community members are prepared for what they might see and more knowledgeable in the area.
- **Katrina Johnson:**

- Katrina asked for clarification on the securing of a weapon before administering first aid. Monica said it is making sure the weapon is holstered and any other weapons are out of the way so no one else will get hurt.
- **Jim Bloss:**
 - Jim asked about the control and use of agency equipment as it pertains to the use of the Washington State Patrol's drones. Jim asked if there are tight controls and oversight on the use of the drones.
 - Monica said there are very tight restrictions, and they are only used for collision investigations, as it is a fast way to recreate a scene.
- **Chris Jordan:**
 - Chris said he can't think of any issue more important and more serious than people being killed, and to think there are not enforcement mechanisms for enforcing when people are killed unjustly, is beyond comprehension.
 - Chris asked how this whole thing of making policing accountable actually work, and asked him to provide examples of any laws or mechanisms that currently exist to hold officers and executives financially liable for violent crimes, or any kind of crime.
 - Chief Lowe said laws apply to everyone, both police officers and the general public. Any loss of life is tragic, but we have to look at the facts that occur, and the laws are the laws for everyone. If an officer violates the law, they are held to the same standard. If it is found that an officer is criminally liable it is up to the prosecutor to bring forward charges.
 - Chris added that in the medical profession, when there are issues with malpractice they are held liable for their actions. Chris clarified that there seem to be no specific laws in place that address what officers do and this seems to exempt them.
 - Chief Lowe said the laws are applied equally to everyone and there is not a different set for police officers.
 - Chris added that there should be a much more serious standard for those who walk through communities every day with guns in their hands.
- **Sanetta Hunter:**
 - Sanetta agreed that the laws are not applied equally and citizens do not have qualified immunity.
- **Emma Catague:**
 - Emma said there is no way to get the perfect investigative team and a lot of communities will not understand what is done. Emma added that victims are always the ones who get blamed. Emma expressed frustration that we have been here before and we are back and there is nothing that is guaranteed to come out of this other than an recommendation.
- **Pastor Walter Kendricks:**
 - Both the officer and the victim are people. Pastor Kendricks asked how we put a value on human life, and discussed this concept a bit further.
- **Jay Hollingsworth:**
 - We need an independent state agency. Jay asked if we can do everything we need to do within the title of this task force as there has to be additional training. Many

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of Jay's constituents discuss the need for a two-year degree, mental health and bias assessments and these are issues beyond the work of this task force.

- **Tyus Reed:**

- Tyus said he was learning a lot and trying to learn more and understand where everyone is coming from. Tyus added that he feels there is a need for an independent state agency that polices the police. Life is priceless, and Tyus asked what the argument against an independent state agency would be.
 - Katrina Johnson responded that from what she has heard, the argument against this would be money. It is the funding and the time it would take to create the independent entity. The battle is getting people to appreciate all human life.
 - James Schrimphser added that he agrees that all life is priceless, and evolving the investigative process to a completely independent entity is going to take time. What do we do in the meantime? We have the rules we came up with in the meantime through I-940. James added that in all professions, we should strive to do better and be better in what we do.

Closing Comments and Adjournment

LueRachelle asked members to continue thinking about the four questions, and avoid "this or that" thinking. LueRachelle then thanked the group for their time, and added that the staff would work on exporting the chat for everyone. LueRachelle adjourned the meeting.