



STATE OF WASHINGTON  
**OFFICE OF THE GOVERNOR**

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)

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

**Meeting Minutes**

Thursday, September 17, 2020  
1:00-5:00pm  
Zoom Meeting

Facilitator: LueRachelle Brim-Atkins

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

**Task Force Members Absent:** Tyus Reed

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

**Advisory Group Members Absent:** Craig Bill, Ed Prince

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

**Guests:** Todd Foglesong, Joseph Martino, Nickie Buchok, and Monica Hudon

**Welcome**

**LueRachelle Brim-Atkins** welcomed everyone to the meeting and acknowledged that we are sitting on stolen lands and shared a quote from Angela Davis. LueRachelle asked people to use the Raise Your Hand function when they would like to speak and asked that people remain muted until invited to speak.

LueRachelle said that feedback had been received from task force members and Sonja would be providing more information on this in a few minutes. LueRachelle asked people to hold space in their hearts for those who have been impacted by this work and encouraged members to take care of themselves.

**Review of Ground Rules**

**LueRachelle** invited Dontae to review the ground rules. The ground rules are available on the Governor's website.

**LueRachelle** added that there was a request to reinstate the chat box, and the group would be voting on whether they would like it reopened or not. A poll was put on the screen and participants asked to vote.

- 21 (75%) voted yes to re-add the chat box.
- 7 (25%) voted no to re-add the chat box.
- As the majority voted yes, LueRachelle informed members that the chat box would be available at the next meeting as it can not be added mid-meeting.

**Monisha Harrell** provided context to the request to reopen the chat box. Monisha said that there is a lot of information and the chat box is another way for folks to add to the conversation without disrupting the presentation. Monisha added that some participants may speak English as a second language and seeing things in a written format may make it easier for them to understand. Monisha added that whatever is in the chat box is subject to public record, but it is an opportunity for people to connect visually and through audio.

## Meeting Overview

**LueRachelle** invited **Sonja Hallum** to provide an overview of the meeting. Sonja said she had received questions about future meetings and how everything is working and if decisions on recommendations had already been made.

- **Sonja** reminded the group that the purpose of the task force is to develop recommendations to provide to the Governor on independent investigations of police use of force. The recommendations will be used as the basis for a bill for the 2021 legislative session.
- **Sonja** added that there had been a request from other members to talk about specific issues, and a survey had been sent to get feedback from other members on what they would like to talk about and see moving forward.
  - There was a preference to keep the content of the meetings we have, the responses on what to do with additional meetings was less clear, though there is a desire for an additional meeting with legislators. Sonja added that this meeting would be scheduled and at that time members can share their concerns as well as ask questions.
  - Based on survey responses, time is being provided during the current meeting to talk about issues that members want to talk about. We ask that during the conversation is followed. For the remainder of the meeting, we will hear from Ontario's Special Investigations Unit and the relationship between them and community/family members, and issues around transparency. Following the meeting we will send an additional meeting for members to fill out, at which time they can share additional information on recommendations.
  - At the next meeting, the group will hear from K&L Gates Law Firm. They will talk to the group about some of the legal issues that should be considered as we think about a new agency and how to move forward. We will also talk about referrals for prosecution, and the technical components needed for an investigation and prosecution.
  - The remaining two meetings will focus on recommendations that will be used as the basis for the bill.

- **Sonja** added that after the task force decides on recommendations, those will be given to the Governor and these recommendations will form the basis of the bill that will be introduced during the 2021 legislative session.
- **Questions:**
  - **Kim Mosolf** said she heard that based on the results of the survey, there would be an additional meeting with legislators. **Kim** asked about the feedback Sonja received from multiple task force members that was requesting additional time, and potentially another meeting, to focus on the questions Teri sent. Given that session does not start for a few months, there is time to talk about this. **Kim** added that these questions should be built into each individual agenda so that we are analyzing every decision point from these questions.
    - **Sonja** said it was asked in the survey if people wanted to discuss these questions. **Leah** brought up the survey results and reviewed them with members.
      - There was a desire to talk about these questions, but there was not a clear consensus on having an additional meeting. **Sonja** added that additional feedback that this has been a large time and workload increase, and this is why we have been careful about scheduling additional meetings without member input. **Sonja** reiterated that this is an important conversation and it should be part of each discussion.
    - **Monisha** said the letter that was sent and signed by 13 people to task force staff was their response to the survey.
      - **Sonja** said we have an hour and a half during this meeting to discuss this topic, and if an additional meeting is desired it can still be scheduled. In addition, the meetings on recommendations are available for members to talk about whatever issues they want to talk about in addition to the recommendations.
      - **Monisha** said Sonja had mentioned that she was hearing from others who were not comfortable sharing things, and, in those cases, the larger group may not benefit collectively. **Sonja** clarified that she is not hearing that, but that some people are less comfortable sharing things in a larger group setting but may be more willing to do so via a post-meeting survey. Monisha encouraged people to share their views during the meetings, recognizing that things come to us before or after, but part of being on the task force is throwing ideas out and receiving feedback on those. Task forces should be interactive, and surveys are one direction. A member may bring something up in a survey that we do want to discuss, and the group does not know that because they have not seen the results of the survey.
        - **Sonja** agreed with these comments and said there are 6-8 hours in the meeting with recommendations to have these additional conversations. Members will be able to reflect on individual discussions as well as recommendations.

- **Chris Jordan** said he appreciated the layout of the remaining meetings and appreciates what Monisha talked about. Chris said he wanted to bring up the question of independent investigative and prosecutorial body. A unique challenge in the US is that we elect our prosecutors and if you have these charges, if no one is willing to prosecute it, or if they intentionally sabotage, how can you have justice. Chris said a critical part of the conversation for him is having a body that does criminal investigations as well as prosecutions. There needs to be a serious and independent infrastructure that is independent from the political leanings of where it is placed, and there needs to be security for effective prosecution. Chris added that in looking at priorities and challenges he has done his own background research and taking his own notes and getting into detail on the items. There needs to be detail on the specific recommendations we are making, and without doing this we will miss out on certain pieces. Chris added there needs to be a survey that goes into specificity on where people stand on granular issues so we can compare and what needs to be discussed and focus our time on where we don't agree.
  - **Sonja** added that the next meeting would be on legal issues and prosecution and will include the legal issues that may impact how the system is created and structured. Sonja agreed that we need to go into more detail and in the two meetings on recommendations, that we should get into that detail.
  - **LueRachelle** thanked Chris for doing his homework and research.
- **Nina Martinez** said she wanted to share we need more time, but in addition, can there be side conversations and meetings? Is this allowable or is it subject to public disclosure? Apart from the task force meetings, in addition having more work sessions. In other groups there are work sessions to allow for more homework together.
  - **Sonja** said if there are meetings it would be ideal to share these and make them public.
- **Teri Rogers Kemp** said this is a difficult topic to discuss and one of the opinions she has put out there is the process of the task force has her watching institutional racism play out. Teri asked how many people can vote on the task force. Teri added the group is voting in secret, and she does not know of the 75% vote was just taken who voted which way. In conversation, Teri said she is willing to be persuaded and she is willing to listen to her fellow members. She added that she is concerned about any person on the task force being able to vote in secret. Feedback is given to facilitators and leaders and those are the people framing the questions for the survey. Teri said she is interested in true transparency and she is interested in learning from her fellow task force members, their thoughts. Teri added that she wanted to send comfort to the families of Manuel Ellis and George Floyd. This task force was announced in the days following their cases, and the importance of our recognition of our own shortcomings when it comes to bias, all of us are affected. Transparency is looking at the individual and calling it out for what it is. In the end, the only way for us to get to a true consensus is if we are transparent, we all are affected by racism and have the potential right down to the membership. It is critical that we know who is voting and why they are voting in the way that they are. We should not be afraid to have this difficult conversation about race.

- **Sonja** said it is a majority vote of the task force members and added that the full list of task force and advisory group members is available on the website.
  - **Teri** asked about the makeup of the task force and advisory group together and asked how many black and brown people are on the groups, versus white people. The reason for the question is to be able to look at this through an anti-racist lens and we need to lift up the voices of black and brown members.
    - **Sonja** added that this is why the task force is built the way it is, and she does not have the numbers, but the vast majority of task force members are people of color.
    - **Teri** also requested that black people be referred to as black people, and she would like to know how many black people and Latinos are on the task force.
- **Jay Hollingsworth** reminded people that we are fighting police union contracts and said the Seattle police union contract says any law is superseded by the union contract, and this means they are above the law. We need to make sure the investigative force has ultimate authority.
- **Emma Catague** thanked Teri and Monisha for their explanation of their concerns, and as someone who is bilingual, sometimes it takes time for her to understand and by the time she does, the conversation has moved on. One of the things she would like to raise, is that Teri mentioned the Advisory Group and Task Force, and the Advisory group is not supposed to vote? Emma asked how many law enforcement officers, community members, and legislators are participating in the task force and advisory group.
  - **Sonja** said the task force members are the voting members, and advisory group members do not vote. Advisory group members are to bring expertise from their work in the area into the conversation. When voting on recommendations, it will be task force members only. There are four law enforcement representatives, and one representative from the Prosecutor's Association on the Task Force. On the advisory group, there are at least two, but Sonja added she will need to double check. Sonja added that there are no legislators on the task force, and this is in part, why legislators are being invited to a future meeting. It is our hope that the work will be coordinated with the legislature though.
    - **Emma** asked if any community members are family members of someone who has been killed.
      - **Sonja** said yes.
- **Ben Krauss** asked if he is supposed to be talking about family members and interactions with the community.
  - **Sonja** said there is a break later, and the discussion on families and communities would follow that break.
- **Tim Reynon** mentioned that in a previous task force he was on, they ran out of time to have the difficult conversations and create the consensus recommendations. His fear is that by only having two meetings where we are having free-flowing discussions, we are not going to be able to get the work done and come up with some truly consensus recommendations that will allow for recommendations that are a truly independent body and something the public can trust. At the end of the day we have one opportunity to do this right.

- **Waldo Waldron-Ramsey** asked for clarification, as he understood that the advisory group does not vote, but it sounded like they did vote during the meeting on the chat box. Is there a limitation on when they can vote or was that a mistake?
  - **Sonja** said the advisory group should not be voting members.
  - **Leah** said the survey done during the meeting was anonymous and therefore advisory group members did vote, but it can easily be redone, and advisory group members asked to not vote.
  - **Sonja** added she does see a distinction between providing input and voting, and when she is thinking of the voting she was thinking of the recommendations and the point is well taken.
  - **LueRachelle** asked the group if the earlier vote should be redone.
    - **Waldo** said he thinks Teri brought up the original question about who is voting, but to be fair, if only task force members are to be voting, the vote should be redone.
    - **Teri** said Waldo is correct and she is not sure with the surveys who is making the recommendations, and it could be the advisory group members making recommendations and then the facilitators picking those. Teri added that the task force members should have more control over the task force so they know what is happening and this is another example of institutional racism.
      - **Sonja** clarified that all surveys have been provided to members, except for the final survey that closed the night before. All respondents who included their names have been provided in the surveys as well. There have been no votes on recommendations and members will all be talking with one another and voting at that time on the recommendations.
- **Nina Martinez** said she represents a Latino organization and in 2019 out of 41 homicides 10 were Latino, and they are very committed to meeting with as many families as they can. Nina added that many of the victims had mental health issues, they were dealing with a mental health breakdown. Nina asked the task force to focus on mental health as a priority. Nina added that when she has seen investigative reports, she has noticed that it is hardly even mentioned, there are hardly any mental health experts that weigh in. Another trend that has been noticed is that many times police have multiple calls with people and they know they have mental health issues. There is a prejudice against people with mental health issues, and the team should consider this as they move forward.
- **Livio De La Cruz** said it was a clarifying question and he is eager to get into the substance. Livio said he really like Chris Jordan's spreadsheet, and this is a great starting point for a group discussion. It has been discussed that we don't want the independent agency to not be filled with law enforcement, but what does it mean to be law enforcement? We need to grapple with the specifics of these rules a bit more. It sounds like there is virtual consensus for certain things, but then you look at the surveys and it is different. This indicates that people are not following the ground rules, and are keeping dissent to themselves. The format provides its own challenges, but this should not be an excuse.

- **James Schrimsher** reiterated what Tim said, and added that it has been his experience that it takes time to have conversation, and to work through these issues and develop consensus. James added he understands the frustration of the voting, but on each of the surveys it asks for your name and every task force member should be including their name in the manner of transparency. James thanked Sonja for the legal study on the constitutionality of the things being discussed, and this is needed to move forward with recommendations.
- **Jim Bloss** thanked Nina for her comments on mental illness. Jim added that he is here on behalf of NAMI Washington, the National Alliance on Mental Illness and he has spent two decades examining the interface between the law/justice/corrections and mental illness. Jim added it strikes him that behavioral illness and stigma could actually be the topic of this group and that mental health and racial bias often go together.
- **Spike Unruh** said there was a statement earlier in the meeting about police unions and read from the Seattle Police Officers Guild (Article 18.1). this reading indicates that the provisions of state and federal law prevail. Spike added that the unions are not the enemy.
  - **LueRachelle** clarified that what she heard was that state and federal law prevail over the contract. Spike said this was correct.
  - **LueRachelle** thanked Spike and said there was a lot of misinformation about this.
    - **Jay** said his reading of the Seattle Police Officer's Guild contract is different and he would clarify and get back to the group.
    - **Spike** said he was reading from the 2020 contract for the Seattle Police Officer's Guild.
- **Monisha** thanked James for his actions to promote transparency. We should be signing surveys, as the results provided should have names attached to them. When legislators vote we always know who they are and how they vote. When you know who supports something as well, this helps provide additional perspective and data. If you look at a vote and see that the minority of the vote was black, we can dig into why a certain group of people are voting a certain way. It is not whether you won the vote, it is are we missing something in the vote that we are not addressing.
- **Yasmin Trudeau** thanked the group and for the ability to be honest and upfront. We are part of flawed institutions and we are addressing the flaws as they come up. As an advisory group member, she sees her role, especially as an agency that has been contemplated for taking in investigations, as being to provide honest feedback. If folks feel uncomfortable or there is more or less the advisory group should be doing, she welcomes that feedback.
- **Waldo** added that as the facilitators, when we look at the surveys, are there a lot that have no name?
  - **Leah** said off the top of her head she would think no more than 25%, but it is not many. She added that she would go look and get a hard number.
  - **Sonja** added that many people do put their names down.
- **Brian Moreno** asked how they will walk through the responses and perhaps there is an opportunity for task force members to engage in between meetings to talk about the

results. It would be helpful to unpack from the dissent, and work to identify a pathway forward.

- **Sonja** said the reason the surveys were delayed is because her and Leah have been struggling to take all of the comments made during the meetings and pull out recommendations and suggestions, and combine this with the survey feedback so at the time of discussing recommendations it could all be looked at together in a grouping by concept. It has been challenging to do this and put it all into a document that is not unwieldy. We will still try to figure out a way to compile it all, so that can be used at least as a starting point. There are pieces that haven't been heard yet, such as the legal issues, and these need to be available for the conversation.
- **Brian** asked what they could be doing in terms of homework to be better prepared.
  - **Sonja** said in each meeting there is allotted time, and this was where we had hoped the group could start talking about the meat of the recommendations. By doing any homework that will allow people to have a more robust discussion. The hope is that in the final two meetings they will be able to put each of the pieces together, and until we see it as a whole package it is hard to see what is missing.
- **Leah** provided the number of survey responses with names:
  - **Pre-Meeting Survey:** 22 responses, all with names
  - **Post- Meeting #2 Survey:** 7 responses, all with names
  - **Time Extension Survey:** 15 responses, all with names
  - **Post-Meeting #4 Survey:** 19 responses, 3 without names
  - **Post-Meeting #5 Survey:** 16 responses, 3 without names
- **Sanetta Hunter** added she does not have a problem putting her name on surveys, but some people may be uncomfortable. Is it more important to know how people really feel, versus them saying what they think they need to say? Are we interested in the truth or who said it?
  - **Monisha** said the truth and who said it, otherwise you should not sit at the table.
  - **Emma** agreed with Monisha.
  - **Jordan Chaney** said as a group we cannot mince words and we have realize it will get messy so we can really steer this thing. We have a vehicle we are steering and it isn't necessarily going to be done but it will be due, but even with how Spike came out in defense of unions, we are trying to correct the system and getting our feelings out of the way will help us direct this. Long after this season is done, our feelings will have evaporated and people will still be dying. We should keep our minds on that. The more truth we have the closer we will get. We are not looking for an enemy, we need to keep it aligned with the truth and remove our own biases we might be in better shape.
- **Dontae** reminded people of the ground rules, and that they contain a specific rule about no silent objectors. If you are very much opposed to something it is your duty to step up and say something.



- **Waldo Waldron-Ramsey:** Dontae made a good point, and he believes in the truth, but he likes what Monisha said. Waldo asked Monisha to explain why this is important.
  - **Monisha** said we are battling a huge issue. We are trying to save lives on all sides and the only way we can get at it is transparency and accountability. If we as a group cannot meet these, we cannot solve a system that has it. We have to come to the table with all of our truths and center transparency and accountability. If that means being uncomfortable and having to challenge the way we present and perceive things, so be it. If this were a commission on any other topic, we might be able to give a little. When you accept the responsibility to be here, you accept with that that there will be moments where you need to bring yourself to bear. We have to be comfortable with this discomfort and embrace it.
- **Teri Rogers Kemp** added that she still does not know even of those who have named themselves she still has not seen the surveys. Today we still do not have all the results from all the surveys with all people attached to their responses. While we may have names on surveys, it is important to have this conversation knowing the positions of the fellow task force members. Teri thanks James Schrimsher and said she has been mindful in her work of the constitutional issues and that we need to be mindful of these and a lot of people do not have the same understanding of these issues.
  - **Sonja** clarified that other than the survey that closed the previous night, everything has been sent out. If there is something else that is needed let us know, but we have no other information.
  - **Leah** added that the email was sent two days ago and on the Excel sheet there are multiple tabs at the bottom of the sheet associated with each survey. Clicking on one tab will take you to that survey's responses. Names are in the left column and following a row will show you all the responses for that person. Leah added that if there is anything, she can do to make these more accessible for people, to let her know.
- **Livio De La Cruz** said the survey participation rate is bad, and he is guilty himself of missing surveys. We need to do better to get the response rates higher. Livio asked staff to pester members and remind them to respond to surveys. If people can't find survey answer and results, reach out the task force staff. Livio said he did not know if the survey responses were on the Governor's website, and he was not sure if they should go there, but that could be an idea.
  - **LueRachelle** also encouraged people to participate in the surveys when they get them.
- **LueRachelle** asked Leah to post the two survey questions and clarified that only task force members should vote.
  - **Sonja** added that anyone who would like to still respond to an earlier survey, that they can ask for the link and we can get that sent out.

**Results - Vote on Chat Box:**

**Question:** Would you like to open the chat box, keeping in mind that it is subject to public record and will be livestreamed on TVW.

<b>Name</b>	<b>Vote</b>
Jordan Chaney	Yes
Ben Krauss	No
Emma Catague	Yes
Chris Jordan	Yes
Sanetta Hunter	Yes
Teresa Taylor	No
Eric Richey	Yes
Nina Martinez	Yes
Kimberly Mosolf	Yes
Puao Savusa	Yes
Waldo Waldron-Ramsey	Yes
Teri Rogers Kemp	Yes
Walter Kendricks	Yes
Jay Hollingsworth	Yes
Monisha Harrell	Yes
Spike Unruh	No
Tim Reynon	Yes
Katrina Johnson	Yes
James Schrimpsheer	Yes
Darrell Lowe	Yes
Livio De La Cruz	Yes
Brian Moreno	Yes

**Results - Vote on Extra Meeting:**

**Question:** Would you like an extra meeting added to discuss the five questions posed by Teri Rogers Kemp?

<b>Name</b>	<b>Vote</b>
Jordan Chaney	Yes
Ben Krauss	No
Emma Catague	Yes
Chris Jordan	Yes
Sanetta Hunter	Yes
Teresa Taylor	Yes
Eric Richey	No
Nina Martinez	Yes
Kimberly Mosolf	Yes
Puao Savusa	Yes
Waldo Waldron-Ramsey	Yes
Teri Rogers Kemp	Yes

Walter Kendricks	Yes
Jay Hollingsworth	Yes
Monisha Harrell	Yes
Spike Unruh	No
Tim Reynon	Yes
Katrina Johnson	Yes
James Schrimpsheer	Yes
Darrell Lowe	No
Livio De La Cruz	Yes
Brian Moreno	Yes

## Transparency, Community Relations, and Oversight

- **LueRachelle** introduced Todd Foglesong to the group.
- **Todd** provided a brief introduction to how oversight and transparency interact with community relations.
  - The relationships between the investigative body and community, and how community is defined matters as each type of community has a different relationship with the process. The group also needs to consider if media relations is included in this.
  - For transparency, one thing to consider is if the provisions for transparency are designed to ensure the access to information, or to ensure accountability, etc. is this body you are contemplating going to be responsible, accountable and trusted, or will it be capable of getting the information it needs? Some organizations use the publication of outcomes, or education about the process as a means of responding to criticism.
  - On oversight, Todd added that he is not sure what mechanism the group is considering to ensure their work is done well. Are they worried about competence, choices, or discretion? Whatever oversight arrangement you create, you have to know what it is about. Because these investigations tend to require expertise, you might want to think about oversight that does not replicate the expertise, maybe something that is community-based and harnesses their knowledge and expectations.
    - You also have to consider if you want real-time community oversight. Todd mentioned another model that has a group of citizens and reviews a certain number of cases each year. This allows for the community to be involved and balance expectations.

## Ontario Special Investigations Unit

LueRachelle introduced Joseph Martino, Monica Hudon, and Nickie Buchok and asked them to tell the group more about themselves.

- Joseph, Monica, and Nickie each provided brief overviews of their roles at the SIU before taking questions.
  - Monica: Media Relations

- Nickie: Affected Persons Program
- Joseph: Director
- **Q&A:**
  - **Jordan Chaney** said he doesn't recall the community outreach and affected persons program being mandated by law and asked if they are just doing it.
    - **Joseph** said yes, there is nothing that mandates them to do this by law but there is a consensus that it is something they should do, and they have obtained some funding for the associated roles.
    - **Jordan** said even the intent communicates a lot, and one of his ideas with community engagement is at the point of impact, police use of force, it does not necessarily stop at the homicide. It extends and keeps going into how we are treating the survivors and community. Jordan asked Monica and Nickie what they are seeing as psychological, spiritual, and emotional impacts as they work with people. The lack of involvement in the current system makes it feel personal, and how do we remove that? How can we have our agencies create a short and brief humanizing statement about the victim? And providing mental health and grief counseling throughout the investigation and beyond. As much as we create an independent agency, people in there will still have their biases, more urgently, if we have things that humanize the victim and we have things that treat the victim and family with a level of dignity and respect, the same way as if Native friends are killed, we should still be human about this process. Do you see a reduction in psychological, spiritual, and emotional impact by staying in contact with people affected by police use of force?
    - **Nickie** said it is a mixed bag, sometimes offering support does help lessen the impact, but sometimes it doesn't matter. Typically, those who support police and have a loved one who is killed by police that shakes up their world view. If they don't feel like they can trust the police, now what do they do. Having someone sit down with you and talk about their role and what others do it very helpful. Usually the emotional pieces as well come a few weeks or months later.
    - **Monica** added that when someone dies it isn't just the family that is affected. The SIU has been doing updates to the community to help them understand what is going on, and what might be impeding their progress. This seems to help a lot.
    - **Jordan** asked if they have seen the public become divisive over the way the media releases are worded.
      - **Monica** said yes, there is terminology that media have not liked, and they have made an effort to be better about verbiage. An issue a lot of media have is they do not put out a lot of information in the beginning, and they have to explain that they may not have all of the information for awhile and they have an investigation to consider.
  - **Jim Bloss** said we want the kind of organization that will get to the whole truth, was the use of force that took place necessary and if not, to what level of accountability

should the officer be held? So how do we get there? What is the minimum organization necessary in order to get an independent investigation done?

- **Joseph** said at the end of the day, if you do not have a good and thorough investigation you have nothing. You need to do a professional and competent investigation. We try to hire good investigators, and we have some powers of law to help us obtain the information we need. You need to consider the powers you give the body to gain information (subpoena power, summons power, etc.). the SIU has a duty to cooperate as well as certain rules of engagement for those involved. Joseph added that those who cause injury or death do not have to speak with the SIU or provide their notes to investigators. In short, media outreach and affected persons programs are pivotal to the work.
- **Jim** asked if Joseph would continue providing a short list of things that are necessary. Joseph said they would, but two big things they would consider are a duty to comply and an act within the police services act.
- **Brian Moreno** said we are looking at a lot of this monolithically and from what Todd Foglesong said, it sounds like he may be encouraging us to separate some of these things out (transparency, accountability, etc.). Does it need to be a single entity that is supporting each of these or could it be some sort of enhanced package that communities could pull from.
  - **Todd** said he does not think there are established answers to this, but the only example he knows of is in England where the unitary board performs many of these functions. The autonomy from government is managed through a Board. Spreading the responsibility produces more power. Todd added that it is great to have a law that compels compliance.
- **Leah created a poll to ask members if they wanted to stay in a larger group discussion or move to breakouts.**
  - **Livio De La Cruz** asked if the agency has direct funding to help with services such as funerals, if so, does that come from the agency budget? Livio added that if local departments are on the hook for paying for some of these services, it may be an additional mechanism to influence the numbers.
    - **Nickie** said the SIU does not have a budget for this. In Ontario there are various programs they can use depending on the community. Whether the individual had extended benefits through their employer, they can use that. Fortunately, in Ontario, most people receive services. Many affected persons do not qualify for any services at the beginning of the investigation due to contributory behavior (if you play a role in your death you are deemed ineligible). The SIU is trying to work around this, but they are not quite there. Nickie added that at the SIU does not use the term “victim” until charges are laid, until that time they refer to them as an “affected person”.
    - **LueRachelle** asked if there was found to be police misconduct, can those funerals paid retroactively.
      - **Nickie** said no, but there are ways victims can seek compensation, though this is usually in the form of suing the police.

- **Joseph** asked about the crime victims compensation program and if affected persons would be eligible for that.
  - **Nickie** said there used to be a crime victims compensation board but the Government did away with this in 2018.

**A poll was conducted asking if people would like to remain in a large group discussion or move to breakout rooms. The group decided to stay in the large group discussion (67% voted to stay in the large group and 33% voted to move to breakout rooms.**

- **Kim Mosolf** asked if the use affected person instead of victim is the case for all crime, or just for police use of force. Kim also asked what the SIU's feeling of responsibility to how the victim is characterized in the media. Here we often see the media immediately flooded with negative information about the victim, such as arrest records, so how does the SIU navigate that?
  - Regarding terminology, **Joseph** said it was something they do at the SIU. The SIU tries to use as neutral of language as possible. It seems law enforcement uses victim more than the SIU.
    - **Monica** said they use the word complainant in the news releases, this means the person who died or was seriously injured. No information other than age or where the person is from is provided.
    - Regarding character assassination, **Monica** said their policy is to only release names when they have permission from the family or next of kin. There are times when information leaks out. The SIU releases the persons name, and no other details than age of location. People will character assassinate and the SIU tries to step back, stay neutral, and just give the facts.
      - **Joseph** added that they limit what the police force can say. The Director can complain about leaks or misinformation, though they do try to keep it as neutral as possible.
      - **Kim** asked if the SIU is looking at a police officer's history and conduct. Joseph said yes, though in some cases they may have trouble getting their hands on this information.
- **Waldo Waldron-Ramsey** asked if people who are killed are referred to ask victims in ordinary cases, and if so, why not for police use of force cases? For Todd, Waldo asked for examples of community oversight.
  - **Joseph** said the person who has been seriously injured or killed is the "affected person" and the police would refer to the person they impacted not as a victim. If they have committed a crime to another person, they would be the victim.
    - **Waldo** clarified that he was saying that someone killed by the police is an affected person, but someone killed by another civilian is a victim. Why is it different for the police?
      - **Joseph** said he might be right and they may need to reconsider this. Maybe they have failed to strike the neutral stance, and they should reexamine this.
      - **Monica** said going the neutral way covers all the cases they investigate and provided an example.

- **Chris Jordan:** Chris thanked Nickie for her work. Chris added that the affected persons program allows for objectivity and allows the investigators to focus on the case. Without this program, there is no infrastructure to address the needs of the family. For Nickie and Joseph, are there cases where family members are material witnesses, and given the dynamic where it may compromise the investigation or evidence... on the piece about the language, where neutral language becomes a part of the problem, this is a serious issue we have, the conversations about language are central. Chris added that he does not like complainant, and if he has been shot and killed, that is not acceptable to him. In the public we say victim because, if something has been stolen from you or you have been killed, you are a victim. The legal question is about who committed the crime, but you have suffered. Recognizing and centering around the suffering of people... circling back to the question for Nickie and Joseph, recognizing that there are families that are material witnesses, can you talk about what kinds of support are necessary for people to be able to participate in the investigation? And, once we make this law we wont have much power to ask for seconds, if there were additional resources that you had at your disposal, what would you want to be able to provide to families that are impacted by police violence?
  - **Nickie** said there are two major areas, grief/trauma counseling and clinical therapy. Many affected persons have natural coping skills and eventually they do not need clinical intervention, but if the money would be available to them. the second would be money for funerals. Sometimes the strides we need to take to get funerals funded is tremendous and when you are grieving you don't want to be dealing with that. The SIU having the ability to tap into those funds, would be fantastic. Money for practical considerations as well, for example if the police are executing a warrant and they rip the door off the hinges and they shoot and kill someone, a lot of times, this is crime scene cleanup, and this is not covered for police involved shootings or incidents. Whether the complainant did something to cause their own death or not, their partner should not have to be cleaning their blood off the wall.
    - **Chris** thanked Nickie for this, there is a gap that is not being address.
    - **Joseph** reiterated what Chris said about language and said this is a vexing issue. He added that in one case he referred to something as a weapon that would have been better referred to as a cultural artifact. It is ignorance on his part, and just being lazy about language. We have to realize all the different audiences out there, and we have gotten better but we are always learning. He added language is key and symbolic and the SIU does not want to send the wrong message.
      - **Chris** said he appreciated this. The police are put on paid leave for 6-9 months, the family should be put on paid leave for at least the same amount of time as the officers are, as they have lost someone.
- **Teri Rogers Kemp** with regard to what Monica said about the person who shot several others until shooting himself, here in America there is a presumption of innocence. This carries throughout the entire proceeding. Teri added she would hesitate to not call this person not a victim, there are many times he may prevail in a trial and so the approach, and looking at this through the lens that they deserve what happened to them or are not a victim invades the jury and the right to be presumed innocent. It is important to underscore that individuals who are killed are the victim of a homicide and it is necessary

to respect this. With regard to racism, what parameters do you have in place within your office to make sure the office is free from anti-racist and anti-oppressive beliefs/biases in the investigation. In America, someone can be shot and killed and because they had an incident a few years ago, they are not deserved of the presumption that they are a victim as in the case with the person who shot several people and then obviously mentally ill, shot and killed himself. So what parameters do you have in place in Ontario to guard against racism and bias in the investigation?

- **Joseph** said come October 1, the unit will be under a legal obligation to begin collecting race-based data for those who have been seriously injured or killed as well as on subject officers. The goal is to unearth potential racism in the operations of law enforcement. They will use this data moving forward to assess how they are doing as an issue and any systemic issues that need to be addressed. Previously there has not been a systematic approach as maybe there should have been. In the past they have offered cultural competency training, and every person is offered this training. They have managers constantly on the look out for racial bias. There have been incidents where this has occurred and discipline as well as training have been provided.
- **Nina Martinez** asked about the reports on the SIU website, and all the reports and incidents are on the website. Nina asked how to know which reports are related to police officer shootings.
  - **Joseph** said someone else recently raised this, and they divide the cases into three categories (shootings, vehicle-related, or custody-related), the file number indicates which category it falls into.
  - **Monica** said it is not detailed in the Director's reports, but on the status page it says which category each case falls into. Monica added it may be worth them doing this on the Director's Report page.
  - **Nina** added that the transparency is something she has been fighting for and things is important. Nina went on to ask what psychological first aid is, as this is listed on their website on the affected persons page.
    - **Nickie** said this is an all-encompassing word for emotional support and is used when someone is in crisis (de-escalation, breathing techniques, etc.). this has to do with making sure the person is safe and before you leave them, that they have someone with them. This typically happens during a death notification.
- **Spike Unruh** asked if they would consider that the involved officer can also be a victim.
  - **Joseph** said oftentimes in incidents they investigate the officer will be injured themselves during the interaction. They do not investigate the circumstances around injuries inflicted by civilians though.
- **Kim Mosolf** asked how the SIU treats social media. There have been some recent cases where an officer's social media evidenced some troubling views. Does the SIU use this information or proactively look for it?
  - **Joseph** said they are trying to give their investigators training on how to maneuver with social media. Sometimes you can find some relevant information about attitudes and motivation or potential bias, but we are probably not doing enough to



comb the data that may be out there. They may be doing it on an ad hoc basis, but they certainly get word all the time from the community where they will be informed that something is out there and they will review it.

- **Monica** said she will scan Twitter once in awhile and it is easy to miss stuff. It would be nice to have additional resources so people could be dedicated to scanning social media for information.
- **Joseph** recommended that having an arm that is proficient in doing online investigations would be helpful and they may be playing catch up in this area.
- **Sonja Hallum** asked if there are any lessons learned, recommendations, or takeaways in this area to share with the group?
  - **Joseph** said independence is crucial, the criticism of the SIU is that they do have ex-police officers working as part-time investigators. People say that it is still police investigating police and they do not have confidence in this system. They are trying to get a better balance in the makeup of investigators. He added that the former police officers are often the most aggressive and may take offense to bad policing and can spot it more quickly. You also want to ensure the body has effective power. The tendency will be for the police force to resist, and you need to make sure you have the legal power to do what you need.
  - **Sonja** asked if there are any lessons learned as it pertains to working with families and the community.
    - **Monica** said if there are policies and procedures in place that are well thought out and can be explained to the public. When they have questions, you have good solid reasons and can explain it to them. Monica went on to provide an example of this.
- **James Schrimpsheer** asked what system was in place prior to the SIU, and the SIU only focuses on the use of force incident that led to the death of a civilian?
  - **Joseph** said they would investigate an injury or death of a police officer caused by another police officer but otherwise, they do not investigate incidents not caused by police. Prior to the SIU, it was a third-party police service that was brought in to investigate.
  - **James** said he asked the first question because we have outside attorneys providing input and saying maybe the IIT should take on certain things, and trying to broaden the scope. James said he was wondering if during their infancy, they experienced the same issue.
    - **Joseph** said no, their scope has always been clear and narrow. Now some would like to see it broadened but in terms of what the law says it is quite clear.
- **Waldo Waldron-Ramsey** asked Todd to answer his question.
  - **Todd** said there are not many examples, and there are no oversight bodies of the type we are discussing. There are some panels and oversight bodies that do not have very firm legal foundations and are operating by convention and custom. The most well studied example is the panel in Philadelphia that looks at those cases that do not move forward for prosecution. This panel also seems to have been supported by law enforcement. Todd said he would try to find additional examples.

- **Teri Rogers Kemp** when the SIU is looking at an incident or shooting caused by a police officer, do you look to see if there is any motivation other than underlying crime or call, or response. For instance, do you investigate whether there is a motive for the homicide other than responding to a call and an incident escalated?
  - **Joseph** said the SIU does not do this in every case, if there is some reason in the immediate circumstances to look at this they may go there. The legal circumstances is they look at the immediate circumstance around use of force, but if there is some reason to believe there is some underlying impetus they will go beyond those circumstances, but it does not happen very often.
  - **Teri** asked if they believe this is an appropriate part of an investigation for a police officer involved homicide?
    - **Joseph** said he would like to think about this a bit more as it is an important question. Joseph added that the blessing and curse of the SIU is its very narrow focus. In a way the director's job is easy, it is to say yes or no to laying charges, but there are other policing issues that should be looked at, but that is not their role. There is a complaints body in Ontario and in some cases, they will refer to this body to do a deeper look.
- **Monisha** said she wanted to give a specific example and ask if the SIU would investigate it. In the George Floyd case, the officer who killed him worked at the same business and there was documentation that they had a history. Would the SIU investigate this officer's history?
  - **Joseph** said yes, this was a perfect example of when you would want to look at the history because it is of clear relevance to the current incident.
  - **Monisha** said in another case, lets say you have an officer and the person they kill happens to be a black or brown person and they have a history with a white supremacist organization. Would you consider that relevant to the case and would you investigate that?
    - **Joseph** said yes, the short answer is yes. This is very relevant to understanding the dynamics of the specific incident.
    - **Monisha** said whenever you present a case to the prosecutor, they always want to know the motive and this is why she is questioning this. And looking at the motive from all sides is important.
    - **Joseph** said yes, if they ever have evidence of a history, they will look at it.
    - **LueRachelle** added that in some cases social media has been useful.
    - **Joseph** said yes, they may need to be more systematic about this.
- **Chris Jordan** thanked Monisha for running the case examples and added that this is important to understanding how everything works. Chris said an idea he has is that the agency should automatically receive all disciplinary records.
  - **Joseph** said he agrees with this, if he could create it, the Director would be like a super chief, because h would have the exact same access to disciplinary files. When they do internals, they have easy access to all of this, they just go grab it and look at it. We should not be in these debates back and forth. They should be in the exact same position as the chief of police when they are in these investigations. They

should be able to grab the files when they want them. this view has not held sway, but this is something Washington may want to consider.

- **Chris** said on the compliance side of things, he thinks this agency should have the power to freeze funding until they address compliance issues. Chris asked what the strongest tool the SIU has to illicit compliance is.
  - **Joseph** said it is the statutory duty to comply in the police services act. This compels people to cooperate, but it is vague. The new legislation that is coming makes it a provincial offense not to comply and check in in 6 months for an update. Joseph added that the SIU often finds it difficult to get cooperation from paramedics, though they are often important witnesses. They show up to scenes and are talking to police and will hear utterances, but oftentimes they will not cooperate, and they have no power to compel them to do so. They have tried to argue that paramedics should be compelled, but this is also something Washington should think about.
- **Chris** asked what happens if someone does not comply with the laws.
  - **Joseph** said currently they may go public, because nothing gets a chief's attention like bad press. In the new legislation the thinking is the SIU would be able to lay provincial offense charges and they would be prosecuted like any other offense. The theory is this will be of some deterrent value and chiefs will think twice before refusing to comply. He added that the punishment is up to a \$10,000 fine in 6 months imprisonment. Joseph added that in some cases they have laid obstruction of justice charges, though this has been done very rarely and is tough to prove in court.
- **Nina Martinez** asked how leadership is selected for the agency.
  - **Joseph** said he was appointed; he was there as a deputy director and they ran a competition to fill the position and asked him to continue serving. He is currently on a 2-year appointment, but there have been broad competitions. The position is a cabinet appointment, on the recommendation of the Attorney General.
    - **Nina** asked if Joseph then oversees and hires staff. He said yes.
- **Yasmin** said in Washington the AGO is not a cabinet agency, and asked if he could elaborate on the organization in Ontario.
  - **Joseph** said their system is completely different, in Ontario the Government in power forms their cabinet and the AG is on the cabinet. The Premier appoints the AG, and other members of the cabinet. Though they are independent and do not interfere, at the end of the day, they are technically an agency under the AG.

## Closing Comments and Adjournment

**LueRachelle** said a survey would be coming out asking people to identify their race to help answer the previous question on the racial breakdown of task force members. LueRachelle thanked Joseph and his team for returning and talking to the group again, and thanked task force members for their commitment and dedication. She added that her and task force staff appreciate all the feedback, and the flexibility of everyone.

**Joseph** thanked the group and said they are learning as well and have more things to think about within the SIU.