



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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

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

Meeting Minutes

Thursday, October 1, 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 Schrimpsker, 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

Welcome

LueRachelle Brim-Atkins welcomed everyone to the meeting and acknowledged that we are sitting on stolen lands and shared a story about indigenous people and how we fail to stop and think about what we lose when we do not stop and think about what took place in the past, and what can happen when we disregard the contributions of others. She went on to share a quote from Dr. Martin Luther King Jr., additionally, 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.

Review of Ground Rules

LueRachelle asked for a volunteer to review the ground rules. The ground rules are available on the Governor's website.

- **Jordan Chaney** volunteered to read the ground rules.

- **LueRachelle** asked if there were any ground rules the group wanted to make sure to focus on during the meeting.
 - **John Hutchings** said Rule #11, goes along with the quote LueRachelle had just shared about the silence of friends.
 - **Livio De La Cruz** said he wanted to emphasize 11, and no silent objectors.
 - **LueRachelle** added that we want to hear from everyone, and if you have something to say we want to hear it.

Meeting Overview

LueRachelle invited **Sonja Hallum** to discuss the changes to the remaining task force meetings.

- Sonja Hallum said that today's meeting would be for people to provide comments and feedback, and that we would be trying to incorporate more of this into additional meetings so people can share ideas that may not necessarily be part of the agenda. After spending some time on this, we will move into the questions Teri posed.
- On October 6, we will be joined by legislators from both the House and Senate. This is an opportunity for members to have a dialogue with those people, to discuss what they are working on and issues outside of independent investigations.
- On October 15th the group will have presentations from K&L Gates law firm, as well as a someone who has experience with homicide investigations.
- October 29th and November 5th, we will talk about recommendations. At the previous meeting there was discussion of a chart, and someone had said they had already started working on. Sonja asked whoever had this to forward if possible and added that her and Leah would be getting a version out shortly.
 - The goal is to determine the most useful format for members, and how we can help support the conversation on the 29th and 5th. Sonja invited comments and feedback but added that this would also be discussed at the next meeting.
- Nina Martinez said a presentation on investigation as mentioned and Nina asked who would be providing the presentation and asked if there was a particular case that would be presented on.
 - Sonja said no, and that we are still working on identifying someone to present on this. She added that it would not be a look at any specific case but more of the specifics of what goes into an investigation.
- Monisha Harrell said that we should be cognizant of the different types of thinkers, and some people like to think out loud while others like to sit on it and think for a while. It would be helpful to get out a list of key decision points in advance so those who are process thinkers have time to consider before having to make decisions.
 - Sonja said this was helpful and Tuesday we would try to share a preliminary list of things that had been identified as being needed for the bill draft. Members would then be asked to review and share if the format is helpful and how they would like

to move forward. Any additional information on helpful documents and information that people would like prior to the discussions, is welcomed.

- Monisha said starting to think about the key decision points would be helpful and when the Governor kicked the task force off, he provided three potential decision points, so just knowing what these are in particular is helpful.
 - Sonja agreed and said the discussion on 10/15 would be very helpful for this and the memo is not ready yet, but it should be done soon, and the goal is to put together some visuals to help the group better track the information.
- Nina added that when the homicide investigator presents, it would be helpful to have information in advance on what they will discuss as well as the process.
 - Sonja said when she finds this person and speaks with them, she will ask. Sonja added that the CJTC may be able to help supply training materials or manuals.
 - Monica said this was something the CJTC could help with.

Comments and Reflections

Task Force and Advisory Group members were invited to reflect and provide comments on the process thus far.

- Jay Hollingsworth clarified a comment he had made in the previous meeting about the collective bargaining agreement with the Seattle Police Officers Guild. Jay added that his comment was incorrect, and the agreement does not supersede any other laws. Jay added additional information on Section 18.2, and in Jay's email sent prior to the meeting this is discussed in further detail.
 - LueRachelle thanked Jay for providing the correct information, and thanked Spike Unruh for bringing up the discrepancy as well.
- Ben Krauss read a prepared statement.
 - I have thought deeply about comments, statements and the tone shared during these calls. I have quietly listened to the impassioned thoughts and feelings of others. I have not responded on multiple occasions including the last call, because each person sharing deserves the right to communicate their perspective, and I wanted time to discern what I heard over these days and weeks.

During the last call, several Task Force members reaffirmed the need to be transparent and clearly state each of our positions. I humbly present a perspective as a member of this Task Force and State of WA citizen.

Police officers are members of our communities, citizens of this state, mothers, fathers, sons, daughters, brothers, sisters, and friends.

Our kids play sports together, we shop in the same stores, and our kids go to school together.

Police deserve the same Respect and Dignity that everyone deserves. They are important members of our communities.

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

I believe we need to focus on Empathy for everyone, regardless of our differences.

If we want REAL change, it also has to come from within the law enforcement community.

I have heard the term “murder” used when describing the police use of deadly force. According to the definition in the State of Washington RCW, Murder in the first degree (RCW 9A.32.030) includes the following elements:

- *(a) With a premeditated intent to cause the death of another person*
- *(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and*
- *(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.*

I am concerned that the term murder has been used on these calls without taking into account the unique facts of each distinct lethal force encounter, and the rights of due process afforded as part of constitutionally guaranteed rights.

In summation, I simply cannot quietly standby and not clearly state that police officers deserve the same Respect and Dignity that everyone deserves. I am ready to listen to anyone else’s position on this.

- Jordan Chaney said he respected what Ben said, and what he is referring to is having empathy and respect for humans, it is adding a humanizing touch. Jordan added that he markets himself as a poet, and understands when words are used, when they are not, and why they are not. In this forum, this is not a court of law, people who use the language they use to process how they are grieving, and the way they view their relatives being killed, their breath being taken, their voices being stifled, what can we do to express their pain? Other than communicate with the words they have. No one is here talking about breaking windows, we are targeting a system that is murdering us, our friends and our family. Jordan added that he personally, his first mentors were police officers and he is at odds with them, but he speaks truth to them. if he sees a body riddled with bullet holes and a daughter crying, asking a prosecutor if her father felt any pain, there is something fundamentally wrong with the process. So, if the words used come across as disrespectful on this other side, there are no lives being taken and if it was police officer’s lives being taken, murdered or killed, justice would be served swiftly. We should not stray from what we are after, we should not get caught up in the semantics, we are addressing a system that does not care what words are used or how much we scream or breathe.
- Monisha Harrell said she appreciated Ben’s words, and she said those are feelings that she is glad to hear coming out. Monisha said she is hoping that more of this is shared in real time with this task force. It feels as though there are some who have been really silent in this process. If there are feelings, Monisha encouraged people to bring them out in real time so they can be addressed. She added that not everyone has the same understanding of the law and language, but we understand what they are saying. Let’s get to the point where we are listening for the intent and not necessarily get hung up on the words. We need to look to understand how we are trying to address this systematic problem and get to solutions.

Governor’s Task Force on Independent Investigations of Police Use of Force

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

- Teri Rogers Kemp said the only thing she did not hear Mr. Krauss say, that it is very important for her as a criminal defense attorney that regardless, anyone who is alleged to have committed a crime or accused of that has the right to due process and this includes police officers. Police officers should have the benefit of an investigation lead to either charges or no charges, and every person has the right to due process and the presumption of innocence. Teri asked Ben how he felt about the word homicide, as when someone else takes the life of another human, from the beginning it is characterized as a homicide but it is not done this way when it is a police officer who is suspected. It is important to call it what it is, a homicide, it uplifts the entirety of society, uplifts, and allows us to recognize the sanctity of human life. If a homicide has been committed, we must call it that. Teri asked if Ben felt the same way.
 - Ben said if police are involved in a lethal force encounter, a homicide investigation is conducted and during the course of this it is determined if the use of force was justified, or unjustified. When police kill someone, it is a homicide investigation.
 - Teri asked if Ben and other members of law enforcement take issue with calling it a homicide, which is a crime, though it has not been determined as justified or not.
 - Ben said it is his understanding that a homicide investigation is conducted and said that he would ask a current law enforcement practitioner to verify that.
 - Darrell Lowe said yes, it is a homicide, and there is not angst over it being called that. Though being a police officer, it is not considered a crime until it is determined that there is criminal conduct. Yes, it could be deemed justified at the conclusion, but just because the investigation is occurring does not mean a crime has occurred and only once a crime has been identified would it be called such. The distinguishing difference is by law a law enforcement officer can justifiably commit homicide, there are some manners in which a civilian can do this as well, but it is a homicide investigation just like it would be for a civilian.
- Pua Savusa told Ben she appreciates his thoughts, and said she wanted to emphasize what Monisha and Jordan had said. This is a system issue and we cannot individualize it as it takes away from what we are trying to do. When somebody decides to join or become a police officer, you are carrying a legacy with you, they came from salve catchers and that is bigger than any individual officer. We need to stay focused on that, and not get caught up in the semantics. She added that she has personalized things, but also realizes how that can limit the group.
- John Hutchings applauded Ben for having the courage to speak up. John added that like Monisha said, not everyone has an understanding of the semantics and nuances of laws. A house does not get robbed, it gets burglarized, but that is a semantic of the law. It takes the nuance of listening to understand where people are coming from.
- James Schrimpscher applauded the group for having such an open conversation. Ben brought up some valid points that James agrees with, but others brought up valid points as well. James said he does take exception with one comment, his profession is honorable and goes back further than the country. There has always been an authority that enforces

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

the law. They were historically called peace officers, and were tasked with keeping the peace. James added that some people wearing badges have done less than honorable things, and did things that were wrong, but a police officer in this day in age stands for what is right and they take their oath seriously. James asked the group to consider that when an officer is forced into a deadly force encounter, this weighs heavily on you well past the encounter. This can come back at any given time, the use of force is not used lightly though sometimes the perception is that it is. It is not done lightly, and it stays with you for years. James applauded Ben for recognizing this and that officer experience these feeling and emotions.

- Livio De La Cruz said there have been good comments and whenever he thinks about these issues, none of this would be a problem if it weren't for racism, and he wants to bring the group back to this. The way that racist attitudes have influenced policing and what people think are good ideas about how to uphold the law, racism was the underlying current and has influenced attitudes that law enforcement carry with them. Livio shared a story about a Black Lives Matter protest in England and the way the police interact with people.
- Chris Jordan said one thing that gets erased is that there is a power imbalance. Chris talked about a recent experience where a police officer came up to him and said "if you don't trust me how am I supposed to trust you?" and Chris said he did not have a gun. It is not a two-way street. Chris added that he has read articles on how death anxiety plays into policing, and similar to what James was speaking about, about how fear an anxiety in relation to dealing with fatal encounters manifest. When you compare this to the statistical picture, about who is more likely to die in a law enforcement encounter, statistically, it is not the officer. We need to understand the anxiety, but not forget what it is like for the civilian who is not armed, of what it is like for Tamir Rice, Breonna Taylor, and for everyday regular black people who are just trying to exist. What is really disturbing about these conversations, is that statistically the anxiety the officers feel in relation to the violence and who is most likely to die is actually not rational and we have to start to break down some of that.
- Frank Cuthbertson said as we are struggling to figure out the next step we need to sometimes appreciate some victories. When you look at justifiable homicide and the use of force statute, what that did based on work of people in this group, and sacrifices from family members, the law changed the standard, and it become more manageable. People look at Washington as a kind of leader because the standard changed to good faith and not a showing of malice. For us as we try to stand up this new entity, really the question is how we can be involved in making sure the good faith standard is upheld both locally and within the new entity.
- Jim Bloss said he has been doing some studying on racial bias and there is conscious and unconscious bias. The latter can start as early as kindergarten but could start earlier. When children get together, and they see the differences. When you are gathering together you gather with those who make you feel most comfortable because they are the same. From the beginning, the unconscious bias builds. Jim added that he understands that we need to understand the conscious bias, and we could cut some others some slack emotionally,

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

periodically language is going to slip and a little bit of the unconscious bias may come out and we may say something we would not have said had we really thought about it.

- Nina Martinez said she has a Board Member who is a retired police officer and it was important to them to bring on someone with that insight to make them stronger as they do this work. One of the things he asked the other night, is what is the perspective of law enforcement, and she had to say she doesn't know because she has not heard from law enforcement. Nina added that she has heard more today than she has in the past and it is important to her for this to continue, and she wants to hear from law enforcement and the prosecutors. Lastly, Nina said she feels frustrated that the terminology of using murder is a trigger, but she has to think of the people who have lost someone to police use of force or violence and it bothers her, and we are here as well to think about the people who have lost loved ones. It is important we keep talking and working together.
- Tim Reynon echoed what Nina said about the importance of hearing from everyone. He had the opportunity of working on the 2016 task force, as well as working on HB 1064 and what we learned is that we need to come together, and when we do that, we produce much better products. We need to hear from everyone in order to understand where each person is coming from. We are all on the task force for a reason, to come up with solutions that are going to impact generations to come. We have a high responsibility, and we all need to be a part of it. Tim added he is grateful that we are starting these conversations, as he was concerned that we were heading towards the 2016 task force's path, which ended in a divided group and he does not want to see that happen again.
- Livio De La Cruz said he keeps reflecting on the insidious nature of racism and how it has impacted decisions and how on they face they look benign. How racism impacts decisions and on the ground interactions and knowing this is a factor, for this particular agency that we are talking about, how can we protect the agency against this? Livio added that he thinks it is important to insulate the agency from the existing culture that is out there. Law enforcement has a lot built into it and it is difficult to disentangle from those. As a result, in order to insulate this agency, that is why there is a push to limit law enforcement involvement, and to have a fresh perspective. The first director will set the tone and attitudes, and the culture of the agency.
- Ben Krauss said he went up to Toronto in 2018 and was trained on a use of the tool called the intercultural competency tool which measures bias and they employ it for members of the Toronto Police Department. There are tools that are out there that can be used as screening tools during staff selection. Ben said he would recommend we consider this and leverage it.
- Walter Kendricks said he has been at every meeting and has been relatively silent, he has tried to listen to all perspectives. To him this is an issue of morality and is more so, an issue of humanity on both sides. We are all products of our environments and experiences, and it is a shame in many respects it is a shame that it is the year 2020 and for many people, we are still battling systemic racism. Both police officers and people who are subjected to violence, and arrests at the hands of law enforcement. It is a moral issue, and maybe it is a matter of the heart where we would look at people's humanity as we are dealing with them. whether they have done something wrong or are accused of something,

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

it is hard to believe that the people we entrust to keep the peace and serve and protect, in many instances it is not to serve and protect, it appears as though it is, but some of our officers seek and destroy, and it is painful to see these things. It is hard to see that we have to address the issue of systematic racism in this group. That we did not come with open minds or hearts, that we brought our biases with us. Walter said he is praying that somehow, the group can accomplish the work they have been charged with. That we come up with recommendations that will take us into the future and allow everyone to be treated fairly. This is bigger than all of us, we have to do this for the sake of humanity.

- Chris Jordan said he believed we can get there, and the group can do this. Chris shared a quote that was recently tweeted. Effectively if an officer can kill a civilian with impunity, if there is no substantive infrastructure independent of police to assess and address these crimes, no matter who you are, you do not have any rights. An officer can kill you for no reason, make up a story convincing enough for their fellow officers, and you have no rights. This is what black people have been trying to say for centuries. You have privileges, you may be granted the privilege of riding your bike, of breathing, of speaking back to an officer. But so long as there is no independent infrastructure to address crimes committed by officers, no one in our society has actual rights. This became clear when you come to the 4th amendment and what happened to Breonna Taylor. You supposedly have the right to be protected from unlawful search and seizure, the government right now says we will negotiate that in court. So, when we get there we will determine if the search and seizure is lawful or not. What happens if you do not make it to court? What happens if you are killed in that interaction? What happens if your life is taken away? There is nothing to hold them accountable and you do not have rights. That is the scale and significance of what we are trying to do. We are trying to give civilians the right to live in our country and that every single member of our country has that right. Racism and all these things are a fundamental part of how we have gotten this far, but Chris added that he wants to make the point that the scale of what this is something that affects everyone.

Open Group Discussion

- LueRachelle invited Teri Rogers Kemp to say a few words.
- Teri Rogers Kemp said she thinks it is important that we affirmatively and actively confront our humanness, and that all of us have implicit and explicit bias. The issue is how do we keep it from infecting our independent investigative team? The questions all speak for themselves, with regard to whether we get through all of the questions, Teri said she was leaving this to her fellow members as she feels the discussion will drive itself. Teri added that she wants her fellow members to know that she approaches this with love and that she understands and recognizes that she needs love and forgiveness and will continue to encourage that everyone approaches it from this perspective.
- LueRachelle said the group would spend approximately 30 minutes on each item to make sure they could spend time on each item.

Questions:

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

- What parameters would you put in place to make sure the Director of this new independent office will manage the workplace so that it is anti-racist and anti-oppressive for every investigation?
 1. Livio De La Cruz said he thinks it is daunting to look at this and suggested to members to work backwards from their vision of how this will work in practice, and then work backwards, and look at what the director can do to rectify this, and what can we do from there. It all ties back to culture and people being mindful of the people in these positions and making sure the process, and how hiring and firing is done, the vetting and screening, are all important. Livio added that he would like to craft a guiding document that is a vision document that is for the Director to take and run with. We can do something creative that can inform how the director sees their job.
 2. Brian Moreno said Livio nailed it, it is broad and for the group to get tactical and for the group to sit down and write an in-depth job description versus the group looking at what goals, specifically short- and long-term, if the short-term it makes sense to have the lead investigator going out and assisting IITs with the investigation, then the goals of the organization are different than conducting its own investigations, the goals are to look at the integrity, and processes, to look at what would skew the integrity of the investigation. It is more of a fact-finding perspective and relying on the technicians themselves. This might be a short-term step to get us to a place where there is more accountability and community buy in. until long term if it makes sense, having significant staff and regional offices. But without knowing the vision and the goals it makes it more difficult to get into this.
 3. Yasmin Trudeau said that in legislation there is a possibility of putting in intent language, and it is limited and a guiding principle, but there is an opportunity to get the intent of the group codified.
 4. Jim Bloss said he thinks there are at least two levels to think about. One is putting the director in place; we are talking about an independent group that will be structured in a way that will help pick a director who will have the right morals and outlook themselves. Secondly, the person running the show often does not have a say in who the people are, the selection of the folks who are going to be part of the investigative group, you would think the director would have to take part in this process.
 5. Darrell Lowe asked to answer questions 2 and 3, and said the investigative requirements in order to recognize bias, motive, etc. should be a standard part of the investigation, as they work through the process, if bias is apparent it will reveal itself and the investigation component of it should include a social media search for all involved parties as part of standard practice. Darrell added that he thinks 3 goes back to a thorough and comprehensive background check that also includes a thorough screening of open-source information pertaining to social media as well as face-to-face interviews with references, neighbors, etc. much like background checks used for high level elected officials or government officials and this should

catch most of it, not everything, but these would be appropriate first steps as we start to put in the requirements for this institution.

6. Teri Rogers Kemp said the first question has to be how racism and oppression gets into an investigation. Teri added she knows there will be a meeting on how investigations play out, but she is trying to get to how integral one person is in defining the investigation and delivering the report to a prosecutor. Even if briefly, could Chief Lowe or Chief Schrimpsheer tell the group what happens in an investigation from A-Z? Also, isn't that a way that racism and oppression get into an investigation and is that how a director would look to stop it?
 - Darrell Lowe said he takes exception to assuming racism occurs in investigations, this is an overly broad assumption and inaccurate based on his experiences. The investigation should follow a defined outline, starting with physical evidence, witness statements, forensic evidence, etc. there should be a checklist the investigators follow and like in most systems there should be checks and balances. As was pointed out earlier, the director should be a non-voting member who is there to ensure the process is followed. The investigation should take you where it takes you, you follow the evidence and follow up on it. This ultimately gets presented to a prosecutor. If racism and oppression are seen here that is part of the oversight and supervision of the investigators, and it is no different if you have an investigator who is overly invested in a case and sometimes you have to pull them out when they are no longer objective. The goal of the investigator is to be objective and follow the evidence.
 - James Schrimpsheer said he agreed with Chief Lowe, and that the investigation should be a fact-finding mission. There should be checks and balances and they as leadership, at least now, they should be looking for a loss of objectivity. One of the founding items in the constitution is that everyone is presumed innocent until proven guilty, and we have to stay focused on where the facts go. Is that done all the time? No. but what we can do is really emphasize that this needs to be a fact-finding mission with objective goals and principles.
7. Jay Hollingsworth asked how do we hire a director that has been hired that has completed all of the anti-racism and anti-bias trainings, those are some of the parameters we need to put in place to make sure the director is strong on these issues. Jay said they should also write an essay of their life experiences and dealing with people of color. In addition, there are management training programs to put in place so they can manage the workplace to make it a social justice office, where people feel comfortable to work.
8. Brian Moreno said we can make recommendations about the high level values and principles the entity ought to have. Education is a good example, there is a school in the Tri-Cities where every teacher is certified in trauma-informed care. They understand that every student has their own journey and things to work through. At a minimum you are going to want your own training and credentials and things to

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

work through that establish credibility and buy-in, so you know investigations are being carried out through the correct lens. Is there a bias existing in questions being asked in interviews that may cloud the investigation?

9. Monisha Harrell said there seems to be a dispute amongst the collective about whether we think there is racism or bias built into our system. Monisha said she believes racism is imbedded in the country, and why would we think that law enforcement is immune to it. She added that with great power comes great responsibility and the reason law enforcement is under the microscope is that law enforcement has the ability to take life and liberty. The entity with the most power does have the most responsibility. It is a fact that since Monday evening we have seen an increase in membership to white supremacist organizations. It is uncomfortable but we have to understand that racism is what we are dealing with as a country and that is why this moment is so important. It is not an individual knock on one person who is participating in this work, but what we are talking about is accountability and what is our responsibility towards minimizing these impacts. To go back to question 1, racism should be a disqualifying factor for anybody working for this director, and for the director. We must be able to state that directly, it cannot be a slap on the wrist. If you can take life and liberty, racism has to be a disqualifying factor. We also saw how it is not working with Ontario. They do not look into motivations. Chief Lowe said looking into social media as a standard practice, and this would be revolutionary. Ontario when we asked them this question, they said they don't do it. They are an independent investigative body that has been in place for a long time. Just because we think something should be we have to state it, declare it, and put it into action. Accountability also has to be in this director's role, and they have to be accountable to a body and we need to decide who that body is.
10. Chris Jordan said brought up how opportune it would be to bypass fundamental questions about what racism is and just skip over to where it does not exist in our society. Chris added that he appreciated Monisha bringing up that racism is endemic and is within everything. Chris shared an article called Predatory Policing with the group. The article talks about the conversion of police violence into justifiable force and there is a recursive effect. Every time a Breonna Taylor happens and there is no accountability, it sends a message back into the legal system that they will not be held accountable for their actions. This culture contributes to an ongoing and escalating system of violence against black people. There are entire city budgets structured around disproportionately policing and criminalizing black and indigenous people. You create people by prosecuting for low level crimes and criminalizing poverty, then expanding this throughout communities. When someone resists arrest you say they are a meth addict and that is why they die. It is a recursive system, that is what racism is and it flows through everything. as much as we want to create a positive culture, we have to have actual checks and balances. There should be an oversight body with impacted families and community members, and they should identify the director as well as the initial set of investigators to work with the director. An ongoing civilian oversight board needs to work with the director overtime and throughout their work.

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

11. Jordan Chaney circled back to racism, anti-oppression and how do we screen for this and filter it out. Not just for the director but for law enforcement. Jordan said what he is feeling from some of his colleagues, with respect to who people are and the path they have chosen as police officers, they lead their work with integrity, and we can see the passion for your work. It is respectable. This task force was formed in the wake of George Floyd being murdered by a police officer. It is a very racist symbol and it illustrates the problem we are looking at. We can't get away from it, why are we being disproportionately killed versus any other group? We can't shy away from calling it racist or oppressive. Lying about it will only gaslight us. The first headline about this was about racial justice, and we should not forget that is what this is about. How do we catch this ghost? I do not know why there is any reason. We cannot separate, like Chris said. It is so glaringly hot in the justice system because it is killing us. If not by the death at traffic stops, but the anxiety. We are criminalizing and demonizing, we have death anxiety when we see police officers. It takes more than an apology, you traumatized the community, and there should be some respect there. We as a community feel that we are being killed and there are statistics to prove it. This is the thing we are here for. We won't get to the solution though, with warm fuzzies and mincing words.
12. Deborah Jacobs thanked everyone for talking about the op-ed she wrote on death anxiety. One thing she wanted to affirm that Chris said, and that is the difference between fear and anxiety. Fear is when you are immediately facing danger. Anxiety is a pervasive worry about danger. Police culture builds towards that and lifts it up, so that it is even worse than it would biologically be any way. The psychological impacts of this dynamic such as black, brown, and Latino people is profound and there is plenty of science to pick this up. In terms of picking a director, that first thought is to do a really deep dive on their lifetime of social media and look for signs of trouble there. Deeper backgrounding that is race-centered, but that includes all "isms" such as sexism and ableism. Another thing is having a majority of black and brown people on the hiring committee. It is something where you have to think hard about the standards and where a line is crossed and where it is not so people can have those expectations. Training is important but it needs to be an ongoing part of the agency.
13. James Schrimpscher said that trauma-informed was mentioned, and in the last few years there has been a trend towards trauma-informed investigations. James added that the director should have some sort of law enforcement experience. We all have to come together to solve this, and this means that this organization has to have buy in from everyone, including law enforcement. A director not having LE experience could be a barrier to that buy in.
 - LueRachelle asked why he thought there might not be buy in.
 - James said there would always be a question about the investigation and the direction. It would be a self-inflicted wound to set up a situation where you are allowing this to always come up.

14. Ben Krauss said doing internet searches, is important. Kind of like a credit check. You can go back over 10 or 20 years and look at someone's credit history, there are tools now to let you do this with social media. Regarding the brutal history, a lot of people are not aware of it. Ben added that Germany acknowledges the Holocaust in a very sober way. America is not this way with their history, and a component of this new agency should be to help get there. We need to get people up to speed. Ben added that he never learned much of this until later in his life, but this new division or agency will need training, and ongoing training to get them up to speed.
- What investigation requirements would you put in place so that the investigators were vigilant about identifying and recognizing any racial bias and motive of the involved officer? To what extent should the criminal investigation include social media and prior bias complaints?
 1. Chief Lowe said the investigation should follow prescribed protocols and formats. The checks and balances for recognition of bias, should be the responsibility of the director or supervisor of the group/unit. Case updates should be provided as is common practice. As far as social media, this should be done as part of any investigation as well as part of the background for anyone who will be employed by this group.
 2. Chris Jordan said white supremacy and oppression are endemic and there are many thresholds. The selection process for the director and investigators needs to be comprehensive enough to tease out all the different layers. To have an anti-racist director, we need to have someone who has worked throughout their lifetime to actively address and counteract, the conventional, everyday forms of white supremacy that exist in our culture. We need to see evidence of the work they have done from multiple angles. The same is true for investigators and we should really look at a multi-sector lens, and different kinds of expertise that could converge. How to address racism and violence should be an ongoing, active part of the research and work.
 3. Jim Bloss said background investigations all the way back to training, and the selection process, as well as what the CJTC may have come up with should be included. There is also a lie detector process involved and this is done with every officer that goes through the CJTC. Something that isn't always done but should be is perhaps to make sure that there are people who are called to testify who knew the individual before they became a law enforcement officer, people who would know about any biases the officer might have.
 4. Livio De La Cruz said he wants to make sure that the agency is empowered to fire people for cause of bigotry. The agency should be able to fire people for expressing bigoted views, or for having views that could be perceived as such, particularly against marginalized groups. We need to ensure that the agency has a sophisticated understanding of critical race theory.
 5. John Hutchings said there must be training and ongoing training for the director and investigators. Everyone has a bias blind spot, and we must be aware of what that is. Social media should be included in investigations, as well as prior complaints that

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

may show a history or pattern of racial bias. The investigatory team must also work at their own pace to get to the truth.

6. Yasmin Trudeau said that we have had many losses in our communities, and it cannot be sustainable to put all of our trust in one person. We should consider collaboration in this process, there is no reason there has to be one decision maker. Sometimes we assume we have to stick to something because that is the way it has always been but looking for all of this in one person may be difficult.
 7. Kim Mosolf said there is an opportunity for making decisions collaboratively. The investigation should absolutely include social media and prior complaints, it should also include prior conduct complaints against an officer, not just ones that could be seen as having a bias. Can we look at their history of policing through that greater lens?
 8. Monica Alexander agreed that it will take a broad person to qualify as the director. The most important selection we make from the beginning though is the director, and what is their background? We ask a lot of one person, but they will staff this agency in a way that brings these values to the table.
 9. Emma Catague thanked everyone for the discussion and added that we need to be able to have certain words, like for her when we talk about homicide, there may not be a direct translation to different languages. We need to be mindful that we have to use simple words that are easier for people to understand or may translate more directly. A glossary may also be helpful. We know that the law and the system does not have emotion. When they deal with victims or survivors, they do not care about the feelings of these people and this is another issue. How do we incorporate this more?
 10. Sharon Swanson added the President recently signed an order making it harder to teach critical race theory, as well as other things that may make it more difficult to teach these different topics.
 11. Ben Krauss thanked Emma for the reminder, and there should absolutely be a team that goes with the investigative team and works with the family. There needs to be a trauma element that is co-dispatched to incidents.
 12. Deborah Jacobs added that doing this work overtime, you may end up having relationships with people and there should be an expectation that there is an ongoing conflict check, or a term-limit.
 13. Frank Cuthbertson said it may be instructive to look at the Tacoma case of Benny Branch. The investigation took a year and was just completed. Available on the city of Tacoma website is the prosecutor's assessment and decision not to charge. This gives you a chance to see how biased the investigations and prosecutors can be in dealing with these situations. Frank added that he was disappointed by the degree of bias.
- If persons with law enforcement background must be involved in the investigation due to their special skills, what are your ideas to select staff and investigators who do not have a

bias toward police, including screening out white nationalists and white nationalist sympathizers?

1. Jay Hollingsworth said the special skills happen through experience as well as classroom and training. Everyone who works for the agency should go through the CJTC's training program. Jay added he would like to review the syllabus and look at the skills needed for investigations. Having experienced people to kick us off, or at least at the director's position, having advisors that are detectives who have the skills to make investigations in a professional manner could be useful.
2. Brian Moreno said you need subject matter expertise. You need to have the right expertise though asking questions as well. Briana asked what definitions we can rely on, and what counts as being categorically "racist"? what are the definitions that will allow us to look at these things concretely.
3. Jim Bloss said when we are thinking about these people and we think law enforcement, we think people with guns and including the kind of background and experience you would need. Jim added that he recently met a black woman who has a law enforcement background who was an investigator, and she is now doing insurance investigations. She has the kind of background that would almost fit perfectly for this agency.
4. Katrina Johnson asked why the group is thinking that law enforcement is the only group that can only do investigations. Why is the group not looking into training up folks in communities for these positions? There are investigators in different fields, if this new agency has law enforcement then we are just keeping up the status quo. As an impacted family member, this would be no different than what is already happening and there would be no trust.
5. Monisha Harrell said she agrees with Katrina, and there are other professions that have the skills and tools needed to do an investigation that can be prosecutable. There are entire skills designed to provide these trainings. We are stuck in the small mindedness of what we have today, and not considering what can be. We can create a pipeline of investigators who can do this job.
6. Chris Jordan said all of these different skill sets combined are what we need. There are all sorts of investigators. We need computer scientist and all sorts of overlapping expertise. we need to address and counteract the monopoly of who has the deciding power of if/when a crime was committed. Chris added that this investigative body needs to be able to reopen cases. We also need to work and recruit to bring together skills from different places. We need to bring together a new pipeline. This at all times need to be a supermajority of civilian leadership and oversight.
7. Walter Kendricks said that what we are attempting to do is legislate morality. We need to find someone to head this organization who has impeccable trust. Be they law enforcement, a judge, male, female... the first criteria is their character and their trust. Then we need to empower that person to pick the staff that they work with. Because of our history it is really hard for people of color to trust whatever decision comes down. If we find qualified people though and empower them to get to the

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

October 1, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

truth. We need to have a trauma team assigned to whoever has lost someone, for as long as we can possibly keep them there.

8. Frank Cuthbertson said we need to be realistic with what we talk about when we think about independent investigations. Community members are not out there with the IIT making sure the team is secured and all of that. As soon as the offense happens, folks in law enforcement are going to work together to protect each other and get their story straight. Each officer is writing a report at the time of the incident, you have to be able to see when that report was entered. Was it entered immediately or after everyone talked and got their story straight? You need some expertise to flesh out what is going on.
9. James Schrimpsheer reminded people that straight out of college and straight out of training, it does take time to build technical experience. Recognizing that there is distrust, some of the toughest critics are police officers. This may be because they have the technical knowledge and they know when someone is lying. James added that we should focus on the character and background, there is still a learning curve. From personal experience, it takes a long time to be able to process what you are looking at and being able to interview someone who has just been through a traumatic experience. It takes time to develop those hard skills.
10. Livio De La Cruz said there is a challenge, and a bit of a puzzle. It does take years to build experience, but it is very important that the initial investigations are also high quality. If people do not have a positive perception of the first few investigations, then they will just write the agency off.
11. Ben Krauss said it is important that we have trauma care in place for victims and their families. This should be part of the investigation, and run in parallel with the investigation. The people offering this trauma-informed care should also be highly trained.
12. Katrina Johnson said if it is going to take years for people to be able to go on scene and grapple with what they are seeing, how do we know that people aren't able to understand what is happening here? We are selling people short and implying that they are ill-equipped. We are saying the only people sufficient to do these investigations are law enforcement officers. There will be no trust from families, they will not put their trust in an entity that is run by law enforcement, because law enforcement is responsible for what happened to their loved one.
13. Yasmin Trudeau asked how much time and training it takes for an investigator to be sent on the scene.
14. Monica Alexander said that for WSP, you had to be on for about 5 years before you could even attempt to be a detective. If people are willing to learn and train, they can do this. There is training out there, and people can learn. A law enforcement consultant in the beginning may be helpful as well. It is hard work, but as Katrina said, who are we to assume that people will be traumatized? Some people will be, but others will walk right into it just like she did.

15. Brian Moreno said we need to stay focused on the system and not the actors. Facing a budgetary cut and revenue shortage, how realistic is legislation if we are looking for 20-30 investigators in various regional offices? Brian added that he is not sure the resources are available for this especially with the other issues needing funding. What would it look like to draft some of these recommendations, but also drafting what year one would look like? This could be a jumping point to get us to where we want to be.
 16. Emma Catague added that we have to require that everyone, whether they have expertise or not, they must go through continuing education. We can have everyone staffing this, but it does not matter if they are an expert, they need to continue to understand the victims, survivors, and communities. We need to pick people who are willing to learn and continue learning.
 17. Monisha Harrell said she wants the group to understand that we are not talking about an endless supply of money that the government has. On day one, Monisha asked how much we are currently paying out of the general fund for things we could prevent like wrongful death. We talk about defunding certain law enforcement entities because we know that for every dollar we cut out of education, we spend \$10 in the criminal justice system. We may spend a little money propping up this agency in the moment, but what we save in the future will be more money and more resources. If it is not now that we use these resources, when will it be? We have the money; it is where we choose to spend it.
- How can we recognize and address the interplay of ableism, and the stigma, fear, and pathology of people with mental health differences, and in particular how these are present in uses of deadly force against Black and Brown people?
 1. Livio De La Cruz said this is the reason we don't want law enforcement in the agency, or if they need to be, to cap it. The attitudes that allow and see a lot of the violence and think it is acceptable. The other aspect to addressing this is having an investigative team and legal standard that pushes back against the standard. We need a legal system that pushes back so that the standard is no longer acceptable.
 2. Jim Bloss said his son is living with a mental illness, though he is not a person of color. He has been in and out of institutions six or seven time and has been involved with the police. Jim brought up a past case of a Black man running in the street who was mentally ill, and how this was a double whammy. There is a lot of homicide involved in the process. Racial bias and the stigma of mental illness is a double whammy.
 3. Kim Mosolf said that as much as we emphasize the importance of race as we should be, this same difference exists for those with mental illness. This stigma and assumption that a person acting in a way we don't recognize is dangerous, is inaccurate. There are ways of working with folks that allows for de-escalation and this is important. In the context of an investigation you have to be looking at the officer through the lens of bias or stigma against those with mental illnesses as well.
 4. Jay Hollingsworth said that mental health is one of the most under dealt with issues in the United States. Handling mental health issues should be taken away from
Governor's Task Force on Independent Investigations of Police Use of Force

police officers, and mental health experts should be interacting with these people and getting them the help they need. Jay added that the mental health of the police officer is also important. When they shoot someone, they are on administrative leave and stay at home. They need to talk to a mental health professional to help them work through and process the situation. There should also be a mental health component in the training, and this should be ongoing.

5. Katrina Johnson said it comes back to seeing the humanity of people. Those with mental health issues are loved and deserving of life and this seems to be missed when law enforcement shows up to the scene. Katrina added that when her cousin was killed, law enforcement thought it was funny and she ended up being killed. When we deem people as unworthy of life or help, it is real to them. We are not here to refute whatever they are going through. If you are not equipped to do that, or if you can not show up for these people in a meaningful way, then you should not be there. It boils down to seeing humanity in people. We need to address that when we start talking about investigations and who we want to hire. You don't get over your family member getting killed, your life changes forever and you will never be the same person ever again. Katrina added that if anything happens, if someone breaks into her house, she will never call the police. That incident trickles down and impacts the next generation.
 6. Teresa Taylor said she had put a comment in the chat, and throughout the conversation there has been a focus on the role law enforcement might play and the expertise law enforcement has, and she wanted to add that the same level of concern has not been expressed with regards to the making sure that everyone employed by this agency should be the best of the best, and have the same intense vetting. The outcome of these investigations should be of the highest quality and highest integrity. The officers having the investigation done on their work should also be able to have trust in the process.
 7. Darrell Lowe said that during the provided administrative leave for an officer, the officer is required to check in with a mental health professional prior to returning to work. If in the opinion of that professional additional time is needed, then that time is provided. The Department also does a critical incident debriefing with all people involved, including 911 dispatchers and support personnel. There are also departments that offer and encourage yearly check ins with mental health professionals.
 8. Chris Jordan said that there is a lot that happens where you are traumatized in an intense environment that may cloud your judgement and may impact your ability to receive intense criticism. The ability to be held to a high standard and not be rattled, we need people who understand this and have experience being in this position.
- Please identify any laws that must be created, amended, or repealed in order to accomplish the outcomes of #'s 1, 2, 3, and 4.
 1. Jim Bloss said he is involved with advocacy and does a lot of legislative work. There are legislative stakeholder groups that are put together to pull together

information like this. This is a good question for the legislators when they come talk to the group.

2. Deborah Jacobs said it has been a great but heavy meeting and added that she didn't feel like she was in the right headspace for this and asked if the body would consider talking about this later via email or survey.
3. Teri Rogers Kemp said this would be fine, and that the group should put in writing the law the group thing should be created, amended, or repealed to accomplish the outcomes discussed.
4. Walter Kendricks said he feels the group's pain, and said he was praying with and for Katrina. Making progress is painful and encouraged the group to keep working.
5. Ben Krauss thanked the group for the engaging and forthright conversation.

Closing Comments and Adjournment

LueRachelle thanked Teri for posing the questions, and thanked the group for their participation. LueRachelle said a survey would be coming out asking people to identify their race to help answer the previous Leah would follow up with a survey to allow people to submit responses to question 5.