



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

Tuesday, October 6, 2020

2:00-5:00pm

Zoom Meeting

Facilitator: LueRachelle Brim-Atkins

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

Task Force Members Absent: Nina Martinez, Spike Unruh, Chris Jordan, Brian Moreno

Advisory Group Members Present: Jim Bloss, Rob Huss, Deborah Jacobs, Sharon Swanson, Yasmin Trudeau, Maria Sigüenza, Toshiko Hasegawa, Ed Prince

Advisory Group Members Absent: Frank Cuthbertson, Monica Alexander, John Hutchings

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

Guests: Adam Hall, Todd Foglesong, Rep. Jesse Johnson, Rep. Bill Ramos, Sen. Manka Dhingra, Sen. Jamie Pedersen, Rep. Roger Goodman, Rep. My-Linh Thai, Rep. Debra Lekanoff, Rep. Debra Entenman, Rep. John Lovick, Erik Kiffe

Welcome

LueRachelle Brim-Atkins welcomed everyone to the meeting and stated that the meeting was being recorded and livestreamed on TVW and reminded attendees to use the Raise Your Hand function when they would like to speak and asked that people remain muted until invited to speak. LueRachelle then reminded the participants that we are stolen lands and to keep that in mind and that the ground rules for these meetings are still in place over video and in the chat room. Additionally, she shared a quote from Yia Vargas.

Review of Ground Rules

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

- **Livio De La Cruz** volunteered to read the ground rules.

Meeting Overview

LueRachelle invited **Sonja Hallum** to discuss the changes to today's meeting format.

- Sonja Hallum started by welcoming task force members and guest legislators from the House and Senate.
- Today's meeting will provide the opportunity for legislators to give their thoughts and plans on the upcoming session regarding police use of force and, for task force members to offer insight and ask questions.

Legislative Updates and Q&A with State Senators

LueRachelle invited Senators Dhingra and Pedersen to introduce themselves

Senator Pedersen began by thanking the task force for being invited to the meeting and for the important investigative work that is being done regarding addressing systemic racism in our policing.

- He then provided insight to his background and time spent in the legislator.
- He shared that he felt an overwhelming sense of regret that he had served for three years as the chair of this committee and had not made work in this area of more of a priority. When the protests and the public conversations and outpourings of anguish from the community started he is seeing how important it is for us to address these issues and is now doing his best change that and is hopeful that the hearts of his colleagues have been touched and are inspired to do something different and interrupt some of those patterns that have infected our criminal justice system and try to make change in a way that will bring justice and equity to our communities.
- One piece of this work that he was drawn to is the question of decertification and the legal process by which someone who is licensed by the state to carry a badge and a gun and enforce our laws loses that privilege.
- He has a bill for a complete code revision draft to reform the system that has been distributed to the task force.
- He is hoping over the course of the next month to get input from a wide variety of stakeholders and to incorporate that input into the final proposal that will get introduced in December and that the legislature will consider in the next session.

Senator Dhingra thanked the task force for being invited and thank Senator Peterson for introducing her.

- She is focusing on mandating intervention training and looking at potential impeachment disclosures which are outlined in the three bills that were given to the task force.

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

October 6, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

- The bills involve taking a look at what happens from the time a law enforcement officer is hired and any changes in their job description thereafter. The accounting, responsibility, intervention and reporting that is required both to the Criminal Justice Training Commission as well as to the prosecutors so that information can be used in trials.
- She stated that throughout her time as a prosecutor, she has worked with many great police but, that doesn't take away from the fact that we have a lot of data of incidents that are simply not acceptable. We need to be very clear on our expectations of what we want from law enforcement officers and empowering others to be able to step in and report when they see that the quality we expect is not being met. All of this is in the peer intervention bill.
- The second bill about potential impeachment disclosures is about a technical legal issue regarding the responsibility that prosecutors have to disclose potential impeachment evidence and tying that back to when incidents happen and requiring law enforcement agencies and officers to report that and then requiring that if they ever change jobs that that agency then be required to contact the local attorney's office to find out whether or not someone's on that list.

Q&A

LueRachelle invited task force members to use the Raise Your Hand feature to ask the Senators questions and provide input on their comments.

- **Jay Hollinsworth** asked if the revisions that Senator Pedersen is promoting would deal with an officer who was involved in an unjustified shooting that was deemed to be unjustified by his superiors and he also had policy violations of the local jurisdictions policy manual.
- How do we deal with police organizations and sheriffs that don't necessarily respond in a timely manner for the reports for police officers' infractions?
 - **Senator Pedersen** responded stating the answer to the first question is yes that is the one of the points depending on the nature of the incident it could result in mandatory decertification or permissive decertification by the Commission pending on how it played out and, with respect to the data collection, there is a \$10,000 penalty on the local Department for failure to provide the information that they're supposed to forward.
- **Jay Hollinsworth** asked a follow-up question about these bills with regards to the case of Ian Birk who shot John T. Williams. He stated the conditions of these bills were met and asked if there any way to work retroactively and end the certification of the officer.
 - **Senator Pedersen** responded that he thinks it would be possible for somebody to make a complaint as the legislator doesn't have any time bar so if those facts are out there then there is nothing that would prevent the Commission from considering that case and imposing consequences

- **Kim Mosolf** asked if the investigative function would be looking at potential revocation of certification. As it stands it's the employing agency of the officer or the Commission.
 - **Senator Pedersen** responded stating that is correct and that the bill and vision is that a private citizen or group of citizens might bring that to the attention of the Commission. The bill right now says that any individual can bring a complaint to the attention of the Commission unlike current law where the Commission has to wait until after a local employing agency has gone through its entire process including any appeals and can't do anything unless there is a final disciplinary order against an officer as soon as the facts have been provided.
- **Kim Hosolf** had a follow-up question asking if these investigations that the Commission is going to be pursuing are real substantive investigation of the facts or, is it looking to see if there's been prior determination that they made a false statement or some other determination.
 - **Senator Pedersen** stated that sections of the bill that have to do with the mandatory and permissive certification are some of those where the finding by an appropriate court.
- **Livio De La Cruz** commented that he likes the premise of the decertification bill and agrees that we cannot rely on local departments alone to make the call as to whether an officer should be allowed to continue working as an officer and that profession and role needs to be held to a higher standard.
- **Waldo Waldron-Ramsey** shared that the legislature has great reluctance on retroactivity and stated that “if you don't correct the injustices of the past, the people will not have any respect for the law.” Waldo asked if amongst the private conversations of the legislator, if there's been any shift in that thinking.
 - **Senator Pedersen** responded saying that, as it's drafted right now, the bill would permit reconsideration of the continued certification of an officer for acts that happened long before the bill was enacted so, it is in that sense retroactive. The Legislature is having active conversations about the statute of limitations.
- **James Schrimphser** first asked Senator Dhingra about tackling Brady Reform and if there has been any discussion about making sure that consistent process meets a certain standard where there is due process as well as recourse. Secondly, he asked Senator Pedersen if he ever considered putting term limits on commissioners. He did not see any change to the RCW concerning a loophole around elected sheriffs that cannot be decertified even if there's cause.
 - **Senator Pedersen** responded to James's 2nd question saying that that is absolutely worth looking into as we have right now I believe that the appointments are for six year terms but as we move to greater community presence there's been some suggestion that we might be better off having a maximum of 2 three year terms or something like that.
 - **Senator Dhingra** responded to James' 1st question by first explaining what the Brady Reform is saying that Brady is the name of the case that imposes an ethical

obligation on prosecutors to disclose any potential impeachment evidence on any of the witnesses including law enforcement. To the 1st question itself, she states it comes down to the prosecutor's ethical obligations due to close potential impeachment versus what may happen at the agency level or with the officer.

- **James Schrimsher** stated he will share research/information about Oregon and their statute with Brady or impeachment statute that was a good compromise between law enforcement and prosecutors.
- **Puao Savusa** asked a clarifying question regarding retroactivity around these certifications was wondering if in their discussion surrounding these certification and that process if the actions of the professional or law enforcement officer's actions being considered when they are engaging in misconduct off duty or is it only relative to when they're actually on duty.
 - **Senator Pedersen** stated that the draft does include the potential actions that could lead to decertification have to do with job performance but there are some things that would that could lead to the certification that happen off the job including felony convictions and other kinds of crimes.
- **Tim Reynon** commented that the draft bill shows there's 17 board members and between 6-8 are either law enforcement or civilians. The task force believes the makeup of the CJTC needs to be a majority or, supermajority if possible, of community members.
 - **Senator Pedersen** responded saying that the panels should consist of two out of three community members.
- **Monisha Harrell** shared a recent event that occurred in Seattle about an off-duty officer that used their position to intimidate a citizen that made a complaint against them. The officer got a lawn chair and sat outside that citizens place of employment as payback. This might be an example of cause for decertification.
- **Jim Bloss** asked Senator Dhingra regarding potential impeachment disclosure, in line 14 of the bill draft speaks about the officer's law enforcement agency is to be the entity that determines whether the incident may be subject to potential impeachment disclosure.
 - Senator Dhingra responded it's not actually the Washington Association of crossing attorneys that determines what those standards are anything that was to James previous point that we should look at what Oregon has done to see how we can further explain that.
- **Jim Bloss** asked Senator Pederson if the certification and decertification includes all peace officers, State Patrol, County, municipal, local levels, auxiliary and volunteers.
 - Senator Pedersen replied stating yes, everyone who is certified or needs to be certified to do your job and you are potentially subject to decertification
- **Jim Bloss** asked if it is in their checklist of criteria that the CJTC allows those exemptions examples for candidates that have former military experience.
 - **Senator Pedersen** stated that's a question he doesn't have the answer to and will have to look at that and find out.

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

October 6, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

Legislative Updates and Q&A with State Representatives

LueRachelle welcomed State Representatives Debra Entenman, Roger Goodman, Jesse Johnson, Debra Lekanoff, John Lovick, Bill Ramos, My-Linh Thai, and invited each Representative to give an overview of bills they're currently working on.

- **Rep. Debra Entenman** is working on several pieces of legislation such as police reform and independent prosecutions.
- **Rep. Roger Goodman** is working most closely with Senator Pederson on the “Decertification” or, “Police Accountability” bill. He intends to be the House sponsor for the companion bill.
- **Rep. Jesse Johnson** is co-chair on the police leadership team with Representative Goodman and is currently working on a statewide use of force accountability bill that would implement a statewide standard for use of force and is working very closely with the Washington coalition for police accountability on that bill as well as a police tactics bill which would include banning the use of things like chokeholds and neck restraints and more.
- **Rep. Debra Lekanoff** is the only Native American woman to serve in this state legislature and had worked with counsel member from Puyallup Tim Reynon on other projects. Her focus engaging with her colleagues on being able to expand police training and looking at education requirements for our police forces and also engaging with the tribes across the state on how we can better streamline tribal state and local opportunities to collaborate and work together with them on bills that our team is engaged with while coordinating Tim with our tribal police Chiefs and urban organizations
- **Rep. John Lovick** spent almost four decades in law enforcement. He was a proud Washington State Patrol trooper for 31 years and was the elected Sheriff of Snohomish County. He's working closely with Senator Dhingra on her bill for potential impeachment disclosure and the duty to intervene. He also has a bill being drafted that deals with lying on a report and was able to get a bill out of the house last year but couldn't get it over the finish line that had to do with the use of force and data collection.
- **Rep. Bill Ramos** is focusing on accountability and transparency for police officers and law enforcement agencies by setting up a public facing database one could easily access disciplinary actions against law enforcement officers, use of force, as well as other similar types of records.
- **My-Linh Thai** serves as the vice chair of the Civil Rights and Judiciary Committee in the House and is looking at the issue of qualified immunity. Rep. Thai is currently in conversations with the closest US stakeholders to this issue and is examining what States such as Colorado and Connecticut have done as far as the legislation.

Q&A

LueRachelle invited task force members to use the Raise Your Hand feature to ask the Representatives questions and provide input on their comments.

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

October 6, 2020 - Meeting Minutes

Prepared By: Leah Landon, Task Force Staff

- **Jordan Chaney** had a comment on Rep. Johnson’s demilitarization bill and expressed his support and interest in the vision of the bill and how important it would be for the community. He also had a question for Rep. Ramos. While he thinks more oversight is a good idea, he wondered what other ideas he had that’s in line with this since there’s already so much film/recordings being released.
 - **Rep. Johnson** was grateful for Jordan’s comments and stated that he’s mostly looking into the equipment police use and how the police show up in terms of their actual clothing. His goal for the bill is for it to go beyond I940 and look into police training and weapons used. He wants to see “peace officers” instead of “police officers”.
 - **Rep. Ramos** responded to Jordan’s question and stated that while police officers know that they’re being watched now more than ever before, their actions aren’t changing. The bills he’s working on are to create more transparency within the departments and agencies as well as while the officers are on the street.
- **Sanetta Hunter** commended all the Representatives on the work they’re doing in their committees and bills they’re working on. Sanetta first asked how much community involvement is being included in this process. Secondly, Sanetta asked about the availability of information for citizens such as past behaviors, citations, allegations, etc. for police officers.
 - **Rep. Goodman** responded saying he’s aware of the current public disclosure process being taking a long time. The goal of this legislation would be to post that information to a website making it readily available at all times instead of having to go through a lengthy public records request.
- **Jim Bloss** asked if there would be bill numbers available soon as it would be helpful to the task force to track progress once the Legislature is in session.
 - **Rep. Goodman** replied saying these bills are in the preliminary stages, but they are working closing with the Senate and other committees on bill language and review and the task force can expect bill numbers and further communication in December.
- **Jay Hollinsworth** commented that the idea of a bill to ban tear gas should happen as it’s already banned, he thinks it’s already banned by the US Military so why can’t it be banned here? Additionally, Jay commented that qualified immunity is near and dear to him and the fact that the officers can use excessive force and superior force in law enforcement encounters is disturbing. Jay also expressed concerns that records provided by police unions can be so easily scrubbed.
 - **Rep. Goodman** thanked Jay for his comments and stated that one of the bills would essentially ban all teargas and any chemical irritants used by the police except for pepper spray. Regarding qualified immunity, which Rep. Thai is taking the lead on, there is no qualified immunity doctrine or afebrile doctrine in the federal courts. Those seeking compensation for plaintiffs’ and attorneys’ fees for being victims of police misconduct. Police have been held immune from liability if they are following the law.

- **Waldo Waldron-Ramsey** inquired about the independent investigation legislation the Rep. Entenman is working on. Waldo had two questions: one, does the Representative have anyone in the Senate that's doing a parallel bill in conjunction, and secondly, what public support challenges the Rep. Entenman is encountering.
 - **Rep Entenman** thanked Waldo for the question and stated that at this time she does not have anyone from the Senate working on the legislation working with her at the time though, she is open to having the partnership. As far as what challenges are coming up, it's mainly the prosecutors that are trained to work with the police and are resistant to the idea of bringing up charges against them
- **Pastor Walter Kendricks** directed a question to Rep. Thai asking what the biggest obstacle they've dealt with is regarding the issue of qualified immunity for law enforcement officers.
 - **Rep. Thai** stated that in their assessment, the biggest challenge is getting law enforcement officers to have the same goal and support of protecting the public and creating safety instead of fear. Another challenge is holding those in power accountable for their actions.
 - **Rep. Lovick** added that in his fourteen years of serving on the legislature, he's never seen so much time spent on bills as has been put forth from the policing policy leadership team and the quality of the work that they're doing is tremendous. He also stated that in his almost four decades in law enforcement that 99.9% of these men and women go to work every day wanting to protect their community and want to keep us safe in our schools, in our homes, and on our streets and they don't walk bad guys out there and wants to recognize that many of the brave men and women who go out there every day are outstanding people and urges that we don't forget that as we go through this process.
- **Puao Savusa** stated that the ACLU and I-90 task force has its own proposal to change the legal standard for prosecuting police officers and for holding them accountable in civil suits. Puao and wanted to know where in the process this is at and if the Representatives are going to be asking the task force to weigh in on those issues. Puao also had a question for Rep. Johnson if they had anymore updates that haven't already been given regarding the police tactics and policies as it relates to banning chokeholds and chemical irritants. Additionally, Puao had a question for Rep. Ramos regarding the public facing database and how long that information would be available before it would be redacted.
 - **Rep. Johnson** stated that there is a lot of work being done within these bills regarding the questions that Puao asked and there is certainly going to conflict with many of the current collective bargaining agreements and possibly the civil service laws. To avoid any oversight, they're working Rep. Goodman and Senator Pederson and Rep. Benjamin on independent prosecution. He also reiterated that in terms of the police tactics bill, it will include the banning of all chokeholds and neck restraints and also ban no knock warrants, tear gas, chemical irritants, the use of unleashed police dogs against any person, the use of firing at a moving vehicle and the use of vehicular hot pursuits.

- **Rep. Ramos** clarified that public postings would occur once the disciplinary action is taken, not at the complaint stage. The question about redaction hasn't yet been thought over but will now consider it.
- **Livio De La Cruz** commented that overall his feelings towards what he's heard for the Representatives and the goals behinds the legislation being presented is positive. He also added that for us to see the change we want in the culture the people hindering that change need to be removed and/or fired from their position.
 - **Rep. Ramos** agreed with Livio on the importance of make these cultural changes and stated how important is to create the public facing interface he's working on as it will help create transparency and accountability.
 - **Rep. Lekanoff** thanked Livio for his comments and added that one way the tribal communities are working towards accomplishing these cultural changes are having the officers trained in the tribe they will be serving in to help establish trust and relationships between the community and the officer and also integrating the officer by having them involved in summer camps and summer academies, etc.
- **Teresa Taylor** reminded the Representatives of the importance of I940 and the allotted funding for police to be trained within the seven-year time period. Teresa also asked if there was any pending legislation addressing the issue of reducing officer suicide and PTSD and the importance of having programs in place for officers to get support when they're faced with traumatic events.
 - **Rep. Lekanoff** stated they've heard about the shortfalls and that was one of the questions they're looking at in her training and education bill. She wants to increase the training time to a longer period than the current length of five months.
 - **Rep. Goodman** said that there is a funding issue and they're facing a budget deficit because of the pandemic response and the economic shutdown so the deficit may be cut in half. The Legislature is going to have to fill a hole when the next session begins. However, there is still an urgent need to accelerate the training that came out of I940.
- **Jordan Chaney** present an idea to the Representatives and members of the task force. While working with the family of Gordon Whitaker who was killed by the Police Department seven months ago and Gordon's daughter, Juliet. Gordon's family has had almost no communication or contact from the prosecutor, police department, or coroner over this seven-month period. Jordan wants to see legislation that goes beyond the police us of force and carries over to the psychological and emotional impact on the family that's affected. Jordan has put together the "Juliet Standard" that contains components of family and community support, communication from the police agencies and police chief and funding for mental health therapy and grief counseling.
 - **Rep. Goodman** thanked Jordan for his comments and agreed all parties need to be treated with honor and dignity. He also added that the CJTC are now employing procedural justice training which is a concept for not only law enforcement, but by any person of authority to approach each person as a human being.

Recommendations Chart

LueRachelle moved the discussion on and requested that **Sonja Hallum** go over the Recommendations Chart.

- **Sonja Hallum** stated that there are only three meetings left and the recommendations chart will be a helpful tool for compiling all ideas and recommendations.
- The next meeting will focus on legal issues and private investigations and how they connect to prosecutions.
- The final two meetings will consist of conversations and decisions of recommendation from the task force.
- **Leah Landon** displayed a draft of the chart for the task force to view while Sonja discussed how it works.
- There will be a poll taken after Q&A as to whether the chart will used or not.

Comments and Q&A

- **Monisha Harrell** stated she likes the chart and thought it would be helpful and asked how it would be used.
 - **Sonja Hallum** replied that there would be more discussion on how it would be used after the poll is taken but, there are two ways it could be used.
 1. Use the chart personally to organize thoughts and what is important to each member.
 2. Use the checkboxes to compile the most important topics among the task force to guide future discussions and structure final recommendations.
- **Kimberly Mosolf** asked if the information put into the chart would be anonymous.
 - **Leah Landon** stated that she could include identifiers with the responses or, make it anonymous depending what's decided.
 - **Sonja Hallum** stated they could provide options for both manner of responses depending on the use of the chart.
- **Waldo Waldron-Ramsey** asked how he could give additional feedback within the chart to avoid being constrained to the existing format.
 - **Leah Landon** directed the members to the "Other" checkbox within each cell of the chart which can be used to input that type of feedback.

Poll: is the Recommendations Chart useful?

- **Leah Landon** launched the poll.
 - 16/21 responded (**Jordan Chaney** was not present at time of poll but stated in the Zoom comments that he liked the chart. This was counted as a "yes" vote.)
 - 100% of responses were in favor of the chart

How should the Recommendations Chart be used?

- **Sonja Hallum** invited members to discuss their thoughts and ideas on how the chart should be used.
- **Livio De La Cruz** stated he thinks the chart will be a useful tool for keeping the task force on track and grounded.
- **LueRachelle** stated that there is a general agreement in the Zoom chat about Livio's comments.

Poll: "Do you want the meetings on recommendations to..."

1. "Use the worksheet responses to structure the recommendation meeting discussions"
2. "Use the worksheet for task force members to organize and consider potential recommendations but have an unstructured conversation during the meetings"
3. "Other"

- **Leah Landon** launched the poll
 - Poll received responses from 19/21 task force members

- **Poll Results**

1. 75%
2. 17%
3. 8%

Closing Comments and Adjournment

Meeting was adjourned.