



STATE OF WASHINGTON

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

Meeting Minutes

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

Facilitator: LueRachelle Brim-Atkins

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

Task Force Members Absent: None

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

Other: Sen. Manka Dhingra, Rep. Debra Entenman, Governor Jay Inslee, David Postman, Rep. Roger Goodman

Welcome

LueRachelle Brim-Atkins welcomed everyone to the meeting and introduced herself to attendees. LueRachelle informed participants that they would be muted for the beginning of the meeting and when they are called on to speak, they would need to unmute themselves. LueRachelle briefly discussed the need for a power analysis for the group and that our goal is to address potential discrepancies in power is to set time limits for participants when they speak, to ensure everyone has an equal amount of time.

LueRachelle introduced Governor Inslee who welcomed Task Force Members, and thanked them for taking part in the Task Force. Governor Inslee said his hope is the Task Force will be able to develop recommendations on different ways the state can move forward with this work. Governor Inslee said one of the first questions the group would need to answer is if there needed to be an entirely new system, or if the current system could be modified. The Governor further

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reiterated the need for a credible process that is trustworthy and transparent, with investigations that are done in a timely manner.

Meeting Overview

LueRachelle told members that the purpose of the present meeting is to set the foundation for the work the group would be completing.

Leah Landon provided a brief overview of how to use the “Raise Your Hand” function in Microsoft Teams. For those who do not have that feature, they were asked to use the chat function to let Task Force staff know when they have a question or comment.

LueRachelle introduced Sonja Hallum, Senior Policy Advisor to Governor Inslee. Sonja thanked members for being part of the task force, and let members know that the Advisory Group would be joining at the second meeting. Sonja provided a brief overview of the task force structure (24 members total, comprised of community members and law enforcement). The 12 member advisory group will be comprised of non-voting members and their information can be found on the Governor’s website. Sonja added that the Task Force would be meeting every other week, for a total of 10 meetings. The group’s recommendations will be used to develop legislation that will be put forward in the next legislative session.

Introductions

Task Force members were called on individually in alphabetical order, and given 1 minute to provide an introduction. Members were asked to share their name, who they represent, and their city of residence. Following Task Force member introductions, Leah Landon welcomed introductions from other Task Force Staff, and David Postman, Chief of Staff for Governor Inslee.

Coordination with Legislative Work

LueRachelle invited Sen. Manka Dhingra, Rep. Debra Entenman, and Rep. Roger Goodman to introduce themselves to the Task Force. The legislators provided a brief overview of the items they are hoping to address in the upcoming legislative session (police tactics, training, accountability, etc.), and reiterated to members that this work is a priority for them. Task Force members were given time to ask questions of the legislators and their upcoming work.

Task Force Ground Rules

LueRachelle explained that the ground rules are intended to be self-governing, and that their purpose to of the ground rules is to guide the discussions and members’ interactions with each other. The first draft of ground rules was created by Task Force Staff by collecting responses from members on what grounds rules they felt should be included. LueRachelle read through the first draft of ground rules before inviting members to discuss the document and ask questions.

- Jordan Chaney provided a definition of “Oppression Olympics” for the group.
 - LueRachelle provided additional clarification on the term, adding that one example is “my pain is worse than your pain”.

- Andre' Taylor added that when you ask someone to come to the table and expect them to eliminate historical trauma, that is impossible. Room needs to be made for this at the table, and people who are closest to the problem are also closest to the solution.
- Tim Reynon agreed that he liked the ground rule on active participation and a willingness to collaborate. Tim added that in previous work, a barrier to getting work done has been people coming to the table who are set in their opinions. Tim added that the group has to be willing to listen and collaborate with others to get work done.
- Livio De La Cruz added that in previous work people were too entrenched, and one of his key concerns is how we keep this work on task and as productive as possible. Livio added that he likes the wording of “using an anti-racist lens”, as the spirit of anti-racism is recognizing that we can't just get rid of the harm, we also have to push forward to heal the harm.
- Ben Krauss thanked the group for taking time to talk through the ground rules. He added that he liked the ground rules around showing empathy, allowing time for people to talk, and then finally, using objective facts when possible.
- Nina Martinez added that she felt it was important that all members have time to share their comments and that everyone should have equal time.
- Chris Jordan reiterated that he likes the ground rules around using an anti-racist lens, as well as centering the voices of disproportionately impacted communities. Chris added that the anti-racist lens includes recognition of where we are. Chris went on to say that one of the ground rules includes not changing the deepest heartfelt beliefs of others, and that he is not sure about this as some of the beliefs within our society are that black lives do not matter or deserving of justice. Thus, there are fundamental beliefs that should be challenged and uprooted. Chris added that this has to do with power, and that power is not distributed evenly and the group's work should work to address this. Chris ended by saying that for those involved in this work, it will require people to be allies and the choices on whether or not to pursue this work or de-silo this work, could put lives on the line.
 - LueRachelle reiterated that it seems Chris does not like the ground rule of around not changing beliefs. Brian Moreno added that maybe the goal is not to change the beliefs, but to have people be understanding and recognize that this understanding may change beliefs in the process.
 - Teri Rogers Kemp added that she does not believe that we should set out to change another's belief or mind. Members should be aware of their beliefs and that those may cause hurt to others. Thus, we should be willing to challenge our expression of beliefs. Especially if they are not going to add to the discussion or resolution.
- Emma Catague asked to add to #14, that for those who are bilingual it may be more difficult to express themselves. In some cases, people may not express themselves because they are unsure of how to do it in English.
- Katrina Johnson added that she feels it is important to make sure everyone has equal time, and as the group moves forward into the work, we need to make sure to give others time to not just react, but to be able to respond in a meaningful way.

- Leah edited the document to reflect edits during the meeting, and sent an updated version to members after the meeting. Additions/wording changes were highlighted in the updated document.

Guiding Principles

LueRachelle asked Leah to put the Guiding Principles on the screen for members to review. Like the Ground Rules, these were drafted using feedback from members who responded to the pre-meeting survey. The guiding principles are intended to be reflected in the final work product provided to the Governor’s Office. LueRachelle reviewed the first version of the document before asking for feedback from members.

- Darrell Lowe said due process should be provided to all with no rush to judgement.
 - Monisha Harrell added to this, saying that oftentimes the victim is villainized, and they are also not getting due process. The victim should not be villainized in order to lessen accountability.
- Jay Hollingsworth said one of the things he has observed in his community is that there has been instances recently where 940 was ignored. Those people who were part of the arresting team were also state troopers, but then they went and also worked on the investigation. Jay asked if the group would look retroactively in any way.
 - The group added an additional guiding principle to reflect this feedback.
- Teri Rogers Kemp added to the due process guiding principle, and said that due process is given to the defendant and that the victim does has rights. With regards to the media, this does not just villainize the victim, it is a tactic that is used to taint the public and this ends up tainting the jury pool while also negatively affecting the victim, defendant, and their families.
 - Teresa Taylor emphasized that with 940 there was a lot of work done around this item, specifically the victim and their family.
- Nina Martinez added that she has concerns about who is being chosen to serve from the community on the investigative teams. This guiding principle was updated to reflect that community members should be unbiased.
 - Jordan Chaney added that this was important and should be discussed.
 - Monisha clarified that when they said “unbiased”, they meant they did not want law enforcement picking people who may be biased in a certain way, such as a retired police officer. It should be someone who is fair and open-minded.
 - Katrina Johnson added that the community rep needs to have credibility and ties to the affected community.
- Livio De La Cruz expressed concern that the group was drifting into the weeds and that he hopes the group can stay focused and staying on time.
- Kimberly Mosolf said it was interesting that independence was mentioned so many times, but there were no additional comments on it. Kim added she would like to see additional clarification on why independence is important. Leah added additional wording to his guiding principle.
- Brian Moreno added that we need to examine all the place where bias could be in the process, and then aim to remove it. Brian went on to say that the independence guiding principle should also be defined.

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- Jordan Chaney said that the investigation should be conducted from a trauma-informed approach that is sensitive to mental health and allows people to participate in a way that does not negatively affect them.

Discussion

LueRachelle proposed two questions to the group and asked members to answer either one, or both questions. Members were given 1 minutes and 30 seconds to respond (a timer was set for 1 minute and 20 seconds to give members time to wrap up their comments).

Questions:

1. What should the task force be addressing to improve independent investigations and prosecution?
 2. Why are these issues important to you and those that you represent?
- **Jordan Chaney:** There is racial terror in his community, and when he thinks about the independent investigation and what is important, there is a failure around leadership to be transparent and communicate with the community.
 - **Emma Catague:** There is disparity in how this community is represented and in some times there is a misunderstanding of laws. In addition, the language barrier may lead to people just agreeing but not understanding. Emma hopes the independent investigations will help address some of these issues.
 - **Livio De La Cruz:** Right now, the status quo, has people feeling like officers are immune from their crimes, or consequences for killing citizens. Livio said one of the things really motivating him is wanting to change that status quo, and a real change in the trends and a desire for accountability.
 - **Monisha Harrell:** We do not have independent investigations. It is hard to improve on something you do not have. Having law enforcement investigate each other is not independent and unbiased, we have to create this.
 - **Jay Hollingsworth:** We need to look at the potential for prosecution and address the immunity clause. Currently, there is a clause that prevents prosecution but there are other state laws that impede the creation of real change. How do we make law enforcement live up to the law the way we do as citizens? Jay added that his motivation comes from his community and standing up for those shot by police and not wanting to see this happen to another family.
 - **Sanetta Hunter:** Sanetta agreed with Monisha that we do not have an independent system and the police cannot continue to investigate themselves. Sanetta added that this is important to her as she is watching what is happening to her own people, and her own son was assaulted by an officer. Sanetta has had to explain to her son as law enforcement herself, that this is not supposed to happen and not how it is supposed to be.
 - **Katrina Johnson:** Katrina also agreed that we have yet to see an independent system and our job on the task force is to build something that will bring about transparency and resolve the discord. Another issue is having a special prosecutor. Some of the prosecutors are finding out something is not justified, but still not prosecuting cases. We need someone who is not “in bed” with law enforcement. Katrina added that she is here

because she is an impacted family member, and does not want this to keep happening to others.

- **Chris Jordan:** Chris added that the US is the only country in the world that elects its prosecutors and the discourse around who is subject to the law is politicized. This is just the tip of the iceberg when it comes to the system being entrenched in white supremacy. We need a completely independent infrastructure. In addition, independent investigations should be added to the Washington State Constitution.
- **Pastor Walter Kendricks:** Walter agreed with what had been said and that there is currently not an independent process. We also need to understand that the system in place is not broken, it is working as it was meant to. Walter added that these issues are important to him because these issues have been happening for 400 years, and enough is enough. We also need to look at this is not just people of color, if you don't have money, you can forget about it.
- **Teri Rogers Kemp:** Even now the way the RCW is written, police officers have a tool of plausible deniability and if there is even one chance that someone from the KKK can become a member of law enforcement and they can kill someone and likely get away with it, that is not right.
- **Ben Krauss:** Everyone's humanity needs to be honored and respected.
- **Darrell Lowe:** Darrell said the task force should be focused on filling in the gaps of 940, such as clarifying language. As law enforcement, they do want to do this right.
- **Nina Martinez:** Nina said she does not have a lot of confidence with the current role prosecutors have, and work on this should hold prosecutors accountable to act. LCA has done a lot of work working with families of those killed, and all of these people are important. Nina mentioned Joshua Flores who was killed and he had a history of mental illness and needed help. Instead of needed help he was killed. This has to stop and it is not right.
- **Brian Moreno:** Brian said we are not here to guess, we are here to learn from the work and experiences of others and come out with a process that truly represents the community and those impacted by it. Brian added that the barriers and challenges put people in this system that they never should have been in to begin with and this is a standard we cannot accept.
- **Kimberly Mosolf:** Here in a professional rate as those with mental health issues and illnesses are being killed at a largely disproportional rate. Kim agreed that we currently do not have an independent system and this is where we missed the boat on 940. How do we ensure a quality and reliable investigation with real community involvement?
- **Tyus Reed:** Tyus echoed what others said about the current process is not really in existence. People want to see action. We need a system in place where if an officer kills or hurts someone, they will be investigated just like anyone else. Tyus added that the officers who killed Manuel Ellis are still just on leave.
- **Tim Reynon:** Tim said we need to define what independence is and what it looks like. There should not be a question on what this is, but it should be rooted in transparency and credibility. This issue is important to Tim because he has experienced it and we need to give the families who have lost loved ones justice. When police officers investigate themselves there is no credibility, and we need to reestablish this trust.

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- **Eric Richey:** Eric said in Whatcom County they have a history of prosecuting police officers when they commit crimes and no one is above the law.
- **Pua Savusa:** Pua reiterated that independent investigations need to be done by a viable and credible entity to complete these. These issues are important because she has watched her people navigate a system they do not understand because it was not built for them. Pua added that a lot of young people are impacted but we often do not see them at the table to talk about the issue.
- **James Schrimsher:** James added that he likes the topic of mental health and the trauma-based investigations. We need to fill the gaps on 940, and try to build upon this, and continue to evolve. James added that he is here to be part of the solution and try to work with those at the table to try to not only come up with an immediate solution, but to evolve the process into something that can be a model moving forward.
- **Andre' Taylor:** Andre' said that this country respects force, and even for 940 the fight and struggling leading to it was hard. He added that it is a different time and that Black Americans are arming themselves because of the fear of being killed. The time for fear is over with.
- **Teresa Taylor:** Teresa asked members to think about what Darrell Lowe said and that we should focus on the gaps in 940 and not necessarily start all over. At the end of the day though, they want a transparent process.
- **Spike Unruh:** Spike said the group should give 940 a chance to work, and the current work is important to him because sometimes the use of deadly force is necessary and they want to make sure the investigation is timely, transparent, and done well, and garners the respect and trust of the community.
- **Waldo Waldron-Ramsey:** We need to concentrate on the creation of an independent agency that uses a racial-equity lens to investigate these cases. This is something the NAACP has been fighting for over 100 years.

Closing Comments and Adjournment

LueRachelle thanked the group for their time, and added that she is encouraged. LueRachelle adjourned the meeting.