

## Task force staff

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## Introduction

In June 2020, Gov. Jay Inslee convened a task force of community, law enforcement, and other members to provide recommendations to the governor which would be used as input in the development of legislation on independent investigations of police use of force. This report contains the final recommendations of the task force as well as the task force meeting schedule, voting process, and statements from task force and advisory group members.

Task force and advisory group members provided input into areas of focus for the investigation and prosecution systems. During the 12 task force meetings, members heard from presenters within Washington and across the world. They engaged in discussions with experts from Canada, England and Wales, Chicago, New York and San Francisco. Members reviewed legal and policy considerations, and the history of racism in policing. Members also met with several members of the Washington State Senate and House of Representatives. The task force discussed the recommendations and all recommendations receiving a majority vote of the task force members are included in this report.

The task force was assisted in its work by Dr. Todd Foglesong and Matthew Torigian from the Munk School of Global Affairs and Public Policy at the University of Toronto and the K&L Gates Law Firm in Seattle, as well as many other individuals and experts whose contributions were greatly appreciated.

## Recommendations

### Overview

The task force recommends the creation of an independent, statewide agency that will be responsible for investigating police use of force and other serious incidents involving police. An advisory board of community members should provide input on the hiring of the agency director and a special prosecutor.

### Purpose of the legislation

The majority of task force members agreed that the following items are important and are the purpose of the legislation being put forth for the 2021 legislative session. The majority of task force members recommend that the legislation emphasize the following:

- Investigations be conducted through an anti-racist lens.

- The investigation process must be fair, thorough and unbiased.
- Community and government entities with a role in the investigation should be transparent.
- Police must treat the family of the person killed or injured with respect and dignity.
- Investigations must be credible and completed in a timely manner.
- The director, investigators and all staff must be people of high integrity and character.

- Acknowledge the history of systemic racism in our criminal justice and policing systems.
- The investigation unit should be led by a director whose values and background ensure he or she actively works against racism, will call out racism and take action if identified in any investigation, will use a multi-sector lens to develop strategies, understands and is able to collaborate with others including the community, understands trauma informed interviewing and will ensure the investigations will be fair, thorough and impartial. Investigations should be trauma-informed, with an understanding of mental health.
- Pursuit of systemic justice.
- The organization shall be accountable to community led anti-racist organizations.
- Independent investigations are those that do not involve police investigating police.

## Purpose of the agency

The majority of task force members recommend that the purpose of the agency be to:

- Conduct independent, fair and thorough criminal investigations of police use of force that are transparent and accountable.
- Establish real and lasting change in policing.

## Organization and structure

The majority of task force members recommend the following regarding the agency conducting investigations of police use of force:

- The agency be a separate cabinet agency under the Office of the Governor.
- The agency should have one headquarters office with regional response teams responsible for being first on-site to secure the scene.

## Types of cases and prioritization

### Cases to be investigated

The majority of task force members recommend that the agency conduct investigations of all police incidents involving:

- Deadly/lethal force
- In-custody deaths
- Serious use of force/bodily harm

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- Sexual assault  
Ability to expand scope in the future
- Retroactive investigations/audits

### Order of prioritization

The majority of task force members recommend that if prioritization of cases is necessary, the following order be used:

**Top priority:** Deadly/lethal force, in-custody deaths, retroactive investigations.

**Medium priority:** All other cases within the scope of cases to be investigated, including sexual assault committed while on-duty or in-custody.

### Scope of the investigation

The majority of task force members recommend that the investigative agency have the authority to investigate the following:

- All circumstances surrounding the incident.
- The use of force, as well as any criminal misconduct uncovered during the investigation.
- The investigators must have reasonable guidance to allow the flexibility to look at prior events as needed.
- The officer's history.

## The director

### Hiring requirements

The majority of task force members recommend the following requirements be considered during the hiring of the agency's director:

- Must be with community/advisory board input.
- No current or former commissioned law enforcement.
- Must include a background check that includes social media and affiliations to check for racial bias.

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- Must include conflict of interest vetting.
- Must include a check of prior disciplinary action and bias complaints.

## Qualifications

The majority of task force members recommend that the following be minimum qualifications for those seeking the position of the investigative agency's director:

Civilian

Trustworthy

Experienced in investigations

Experience and understanding of mental health issues

- Experience and understanding of trauma-informed interviewing
- Experience with community leadership
- Legal experience or background
- Skills in anti-oppression and anti-racist analysis and addressing systemic inequities
- Experience working with Black, Indigenous, and People of Color<sup>1</sup> communities

## Training requirements

The majority of task force members recommend that once hired, the director should take part in the following trainings and training topics:

- Additional training determined by the evolving needs of Washington residents
- Conflict resolution
- Crisis intervention
- Critical race theory timeline<sup>2</sup>
- De-escalation

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<sup>1</sup> Elsewhere in this report the term BIPOC is used to refer to Black, Indigenous, and People of Color.

<sup>2</sup> B. Demczuk, *Critical Race Theory Timeline* (2018)

<https://www.governor.wa.gov/sites/default/files/Dr.BernardDemczukCriticalRaceTheoryTimeline.pdf>

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  - Force science<sup>3</sup>
  - Homicide investigations
  - Knowledge of Washington practices regarding criminal investigations • Implicit and explicit bias training
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<sup>3</sup>The definition of force Science used by the task force is the study of the actual physical and psychological dynamics of all force encounters through research of human behaviors during rapidly unfolding, high-stress confrontations.

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- Intercultural competency
- Interviewing techniques
- Sexual assault investigations
- The use of a racial equity lens
- Tribal sovereignty and the history of Native Americans with the justice system
- Undoing institutional racism training

## The investigators

The majority of task force members recommend that:

- The agency be prohibited from hiring current and former law enforcement officers.
- There should be a five-year ramp-up period, during which former law enforcement may serve with the agency if they are at least 24 months removed from commissioned service and have a clean disciplinary record.

## Hiring requirements

The majority of task force members recommend several requirements for consideration during the hiring of the agency's investigators:

- Must include a background check that includes social media and affiliations to check for racial bias.
  - Background check should screen for hate group affiliations.
- Must include conflict of interest vetting.
- Must include a check of prior disciplinary action and bias complaints.
- The advisory board should provide input on the hiring process and hiring goals such as diversity, though not necessarily on each individual hiring decision.