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Transcription results:

- S1: 00:00 Some people are stronger than others. Some people go into a depression and become recluse. Some people will lose their job, some will drop out of school, some will become homeless. It is a ripple effect because there is no certain amount of grief, there is no standard of how to grieve and how grief should affect you, but there is grief and there is consequences and a ripple effect to that grief. And we have talked about bringing forth some actionable plans that a lot of you guys that are in position to do that, and we're still waiting. So, yes, it is a ripple effect and we have to be mindful of us as black people, we don't reach out as much as we should as far as our mental health issues. But I can say that my phone is always on and I get those phone calls late at night from women I don't even know, because they don't know where to go, what to do. And here in Minnesota, unfortunately, we don't have a wide selection of black mental health facilities or workers. And we have always felt like, "I'm not fina tell Kathy my business. She don't understand where I'm coming from." So we need to talk to people like us, because it's always been that scenario that, "It ain't that bad. Oh, that's an exaggeration." But it's real and it's our reality. And our community is traumatized. The rent here is ridiculous. We got homeless women, black women, we got children that are taken out of the home unnecessarily.
- S1: 02:11 We have mass incarceration of our black women and children, our children are treated differently in school, they are dragged out of school more than other ethnicities. It's a wide range of things that has their ripple effect even without police brutality, but that causes some of these issues as well, because now you don't have the man in the house. Now the woman is fending for the children. And then she's not working, she's depressed, she don't know which way to go, the kids are not going to school, CPAs come in, you can't pay the rent, you're getting put out. It's just a long list of things that happen when there is police brutality, and our communities are not equipped to deal with all these situations that's going on right today. So, it is a ripple effect and thank you for that great question.
- S2: 03:10 So, to answer your question as well, one of the things that we do in California with the Oscar Grant Foundation, after the loss of my son, there was several different emotions that I went through. And from going through those things, the anger, the frustration, going to court and just seeing the injustice that was done, and just different things, my family, my brother, Cephas Johnson and I, we vowed to work to do something in the communities. And so, what we decided to do is I work with the women and every year I host different events and have them come out for a weekend of getaway to try to encourage them, to try to empower them, to try to let them know to not give up, because one of the things that happens, and happened even on the platform when my son was killed, his friends witnessed that. And from that, I saw the increased drinking. I saw the increased anger, the frustration, just them not knowing what to do. They saw their friend killed, and because of that, we started what we call counseling sessions. I had several pastors, a licensed psychologist come and we would meet with them to try to help them, because oftentimes, people who have witnessed such tragedies do not get the help that they need. Mothers, we don't

know how to cope. How do we pick up and go on from here? There's not a lot of programs offered to help, and so my brother and myself, we decided that we would help whichever ways that we could. And that was by letting families know when we find out. Oftentimes, my brother and his wife is the first point of contact that will go there, and then I will go there after and just sit with the family, okay, and find out what is it they need from us. What can we do to help them? Because that's not offered through the states, or if it is, it's not very known to people. You have to dig for those things. So there should be something set up where families can go to get the counseling, the help that they need in a crisis situation like that. And so, again, my family, we do this every year and I've been with so many different families who have lost their loved ones. Encouraging them, helping them to go through the process of losing a loved one.

S3: 06:37 I want to thank the panelist, Ms. [inaudible]. We're up against a little bit of pressure in terms of time, but let me recognize Ms. Smith Baker.

S4: 06:49 I just have one question and that is are there any policies or procedural changes that you haven't talked about that you would want this body to consider, related to this issue?

S1: 07:03 One policy that I would like to see implemented is a state and federal database or officers involved in the fatality, we would like to have a registry where their names would be on a registry, and we would know where they are, because what happens is an officer will not be charged or acquitted, and they will go to a different municipality, and we would like to know where they are. You have a sex registry where people are listed as sex offenders and it's true that some of them, they're not guilty. They take a plea bargain or there will be a situation where it was consensual sex and they want to charge their man at their end or if it's a black man having intercourse with a white woman and her parents say, "Oh, no. Go to the police and call it rape." and they end up on a registry. And even though an officer is acquitted, they were involved in a fatality and they need to be-- we need to know where they are, period. We need a database just like a sex offenders registry. We need a database to know where these officers are relocating to. Because they go from one municipality to another. Different state, same job. And unfortunately, some of them kill again and they get off again. But we really would know who's in our neighborhoods, who's policing our neighborhoods. So yeah, that's one.

S2: 09:09 One of the policies that's going on in California is AB392, which would raise the standard for the use of deadly force or discharge of firearms, and I think that across the country that that should be looked at and implemented where we don't just use that fear for justification. Justification of shooting a civilian. But that needs to change and we need to raise that bar where we can no longer just accept the officer feared for his life and then just say that that was justified because of that. And so AB392 is trying to raise that bar so you just cannot say that it was reasonable fear and you shot, so I think that AB392 in other states as well could help eliminate or can help reduce the officer involved shooting. So, I think that that's a bill that really needs to be looked at and maybe reworded a little bit in some areas to decrease the use of force that we're currently using against civilians.

S3: 10:44 So, I want to say thank you to our panelists, Ms. Castile, Ms. Johnson. We appreciate your testimony very much. You've helped contribute to our process and we appreciate it quite a lot.

S2: 10:56 Thank you.

S3: 10:56 Thank you very much.

S5: 10:57 [inaudible].

S3: 11:00 Okay. I guess we're not quite done.

S5: 11:04 Sorry about that, but I really feel like this part is really critical to get into the record. Ms. [inaudible], can you tell us what was the experience like working with the authorities who were investigating your son's shooting? What was that experience like?

S1: 11:22 The investigation?

S5: 11:23 Yeah, the investigation aspect. What was that like? So, whomever those authorities were that were investigating the actual shooting, what was it like with them working with you?

S1: 11:35 Well, it was a lot going on at that period of time. But they brought in the Department of Justice and they did an investigation, but that was when Obama was president, but then when Trump got into office they killed the investigation because they investigated Falcon Heights and the deadly use of force and so forth and so on. But we never got the final product because Trump killed the investigations. And I think the DOJ was investigating several shootings at that time. They had just saw it going off like jackrabbits around 2016. They was killing everything that moved, pretty much. But yeah. The investigation, it was really, really difficult because we really wanted a independent investigation because in Minnesota, everybody friends. This is Minnesota nice where everybody know everybody and don't nobody want to prosecute. They friends. So, we really needed an independent investigation because from the beginning, Yanez went home. All his friends came to the crib. They was kumbaya, telling him what to say, what not to say. And when he got there, he testified, and he told about three, four, five lies, but that didn't matter. But we really needed an independent investigation because we could see that it was going left as far as the investigation part was concerned.

S1: 13:27 But the BCA, they kept in touch pretty much, and they were pretty much forthcoming about what they were developing and things of that nature. It just was the beginning of how that process went with the police going home instead of going to jail. If I killed somebody, whether it was self-defense, I was scared for my life, or whatever the case may be, I'm going to jail. I'm not going to go home. My friends aren't going to be able to come over and say, "Girl, look here. You know you can say you was in fear for your life. Don't say nothing. This is how it went down. He did this, and you said this." It was crazy. And that's the way it is. I'm being honest right now. Don't ask me no questions if you don't want me to tell the truth. And yeah, the BCA, they fumbled and stumbled a little bit, and we need to have independent because when you investigating your friends, you're going to try to do everything you can possibly do not to send them to jail. So yeah. We need independent investigations throughout these police shootings.

S1: 14:41 The whole situation with Philando was hard. It was difficult. I adored my son, and I did everything humanly possible to protect my son and teach him the right things to do, go to school. Get a job. Don't go to jail. If you can't afford it, you don't-- you don't need it if you can't afford it. Don't run with that person. Don't do this. Don't do that. Stay straight in the narrow. I did everything I could, and my son was still killed. He wasn't shot once. He was shot five times, shot at seven, seat belted in his car. Where was he going to go, Lord? And out of all the things that happened throughout his little, short driving career, he still respected that man's authority. He said, "Sir, I must tell you I have a weapon in the car." And you know what's so hurtful about it, I told him. I said, "When you got people in the car, you tell them you got a gun. We don't

want no misunderstandings." I told him that, and it got him killed. I got my son killed because I told him to be honest.

[silence]

S1: 16:37

Oh my God.

S2: 16:46

If I could say anything, we look at it oftentimes as when the prosecutor is working to convict a police officer, we always call it-- it's a conflict of interest because how can you want to put away your friend who you've ran with for years? You can't do it honestly. You cannot do it.

[silence]

S2: 17:36

It's important to know that our judicial system, our policing is flawed. And we have to come up with some strategies to change how we're policing. And when that is done, we'll see a decrease in officer-involved shootings, when we're real and we want to see a real change occur and not just talk about it. Thank you.

S5: 18:17

[We have a request?] for time. We're going to take one minute to transition to a prosecutor panel and [inaudible] proceedings.

S3: 18:30

So we'll take just a few minute break to allow the prosecutor panel to come forward at this time.

[silence]

S3: 23:06

Okay, I think we'll resume here. Thank you for reconvening. Our next set of presentations will be on the role of prosecutors and deadly force investigations. I'm oftentimes reminded that the role of the prosecutor is a varied one. They are officers of the court, they are seekers after justice, and that they are an integral part to the decision-making process, both in terms of investigations, the decision to proceed with court proceedings, and actually the deliberations that lead to a judicial judgment. With us today we have Allison Goldberg from the Institute for Innovation and Prosecution out of the John Jay College of Criminal Justice. After Alisson has presented we will have two local county attorneys. Mike Freeman from the Hennepin County Attorney's Office and John Choi from the Ramsey County Attorney's Office. Both of them the elected officials running their prosecutor's office. We'll end our conversation with Anders Folk, was the first assistant US Attorney who will talk in regards to Federal law. So, Ms. Goldberg, please proceed.

S9: 24:35

Okay. Thank you so much for having me today and for hosting this forum. I think it's a super important conversation and commend you all for having it. And I'll make my remarks quite brief and then I'll just excuse myself to catch a plane. But thanks for having me. So my name's Allison and I'm a policy-- Or maybe just closer. Sorry about that. So I'm a policy advisor at the Institute for Innovation and Prosecution at John Jay College. And we're a research center - a think tank of sorts - and our mission is really to advance prosecutor reform and criminal justice reform. And, specifically, we do that through collaborative platforms with elected prosecutors, their senior staff, policy experts, and directly impacted community members. And as we all know, this issue, deadly use of force - use of force, more broadly - is just one of the most challenging issues. And so we are fortunate to convene a working group first in February 2018, and it was a year-long process with many folks in this room. 50 experts from across the country including Ms. Johnson, Ms. Castile, Clarence Castile, Ron Davis, John Choi, Mike Freeman, and other family members, prosecutors, and experts from across the country. And it was incredibly challenging conversations, but ultimately everyone convened around the shared goals of finding ways to reduce use

of force and to provide a path to accountability for unjustified force. Much as you all are trying to do. So kudos for doing this on a state-wide system level.

S9: 26:07

The culmination of that work was a tool kit specifically for prosecutors and communities by prosecutors and communities. And it provides a series of actionable and adaptable steps for prosecutors to take in communities to advocate for. Again, to reach these goals of preventing and addressing use of force, and founded on the principals of independence, timeliness, and transparency. So, I've brought some of the tool kits for you, so I hope you have it in front of you. But if not, it's available online and I'm happy to share those resources as well. To get to that product, first, we came together and addressed the challenges. So, to borrow a phrase from Ron Davis, "The process is the product, and the challenges are no small feat to address." So, we know some of these statistics; 1,000 people - a disproportioning people of color - are killed every year by police. And in the decade between 2005 and 2015, only 54 officers were prosecuted for an on-duty shooting. And nearly half of those resulted in acquittal or dismissal. But behind each of these statistics, we have to remember, there's family members - Ms. Johnson, Ms. Castile - so grateful for their testimony today. And so, the workgroup was really founded in having these numbers, being conscious of the data, but remembering the humans very impacted by it. And this pain and this frustration, we tried to channel it and to harness it into action. So, one's addressing the challenges, rather than getting lost in the sorrow, we tried to say, "Okay. Now how do we address it?" So, part of our process, we had this first hearing in February 2018, and then we broke into subcommittees focused on specific action. And those included data, investigation, law, prevention, and race. And for the purpose of this hearing, I'll talk specifically about investigation - which I think is one of the focuses of today - but happy to answer questions about any of these other pieces as well because I think they're all one piece of the puzzle. So, the culmination was this roadmap which I think you have in front of you and is also up on the screen. And again, it includes action for prosecutors to take before an officer-involved critical incident occurs, after an officer-involved critical incident occurs. And it asks specific questions with specific steps, timeline for prosecutors to do both within their offices with their staff in terms of policy and protocol but also more broadly within their jurisdiction, harnessing their power as elected officials, as community conveners, and as senior law enforcement officials. So you'll see some of these key steps in the roadmap and again, happy to answer any questions. But we really relied on expertise of behavioral scientists and social scientists who were also part of the working group who gave us the key kind of insight that you need steps to be measurable, actionable, and timely. So we tried to include those as you guys move forward with your recommendations. I think that was really helpful tips for us to keep in mind. Start with the broad and then really get down to granular.

S9: 29:13

And I'll just pull out one example. So as we've been talking about today, keeping in touch with the family is super important. So within 24 hours, we would say make that contact. Does your office offer victim resources is one key question we have on here. If not, make sure you're connecting them with other resources. And there's been research that in seven states, people with criminal records are banned from accessing victim services, and so that's something you need to consider to make sure that there's equitable access and opportunity and again, that victims aren't criminalized and that they have equitable access to resources. And then keeping them engaged throughout. We gave the guideline of once a month, and that's based on insight, for example, of how John [Choy?] was in touch with the Castile's. Stephanie Morales is a prosecutor from Portsmouth, Virginia. Gave her personal number. So, these are some concrete ways to really make the process as restorative as possible. And then specific suggestions for the investigations-- and these are also-- there's a concrete checklist

which is up on the right-hand side of the screen. But again, we kind of give this chronology and specific timeframes and steps we think prosecutors should be meeting. So, before an incident occurs, create an independent bureau. So, you'll have officers working only on officer-involved critical incidents. They're not involved with other cases in your office, and they don't work with local law enforcement on any other cases. So, that can kind of reduce this perspective that prosecutors and police are one in the same and ensure that there's a level of independence. Before an incident occurs, have set standards of timeliness, and this was really based on a question that Miss Johnson asked a prosecutor in the room. How long does it take your office to typically indict a subject or run forensics or close a case? And we heard from some families, they were waiting years for any answers when that just wouldn't happen in any other case. So, making sure that you have standards of timeliness. Again, not presuming guilt or that the force was not justified but that you're making sure you're doing your due diligence.

S9: 31:22

And then also develop mechanisms of transparency. So again, this goes right in line with timeframe, but have specific deadlines of when you'll be releasing evidence. So, as we've seen in the news across the country, video footage, both from police cameras or from witness video, it often gets to the media before the family even has a chance to see it. So, if your office has that, we suggest 10 days, you're releasing it to the public and 24 hours before any evidence is shared with the public, you're reviewing it with the family. They have a chance to review, to ask questions, so they're not learning about the context of how they lost their loved one from anyone other than the person overseeing the investigation. And then you'll also-- At the close of the investigation, you're explaining how and why you made your decision. So again, some force might be-- there may be instances where force is justified. You're going to explain that. But also, if there was some evidence of wrong-doing, whether department protocol was violated, but there was department blockade or a state statute doesn't allow for it, you're going to explain what potential obstacles to accountability were, and you're going to advocate for a [form?]. And then if you do find criminal wrong-doing, you'll file charges and proceed as a normal case. So again, the goal of the toolkit was to not presume any assumptions about whether force was justified or not but to reduce any instances of force and then to provide a path to accountability when force is not justified, ensuring that family, community, the public is informed throughout. So.

S3: 33:01

[inaudible] your plane.

S9: 33:02

Thank you. Yes. My plane is very soon, so I'll pause. But happy to answer questions. I know that was very brief, and I rambled a bit. But I'll pause.

S3: 33:15

Any advice on the releasing of videotape? I've had a lot of officers and investigators say, "Until we talk to the witnesses on the scene, we don't want to release video because that'll help people shape the story." Any reaction?

S9: 33:30

Yeah. I think that's an important consideration. And that was a point of lengthy discussion in the working group of how you ensure the integrity of the investigation while also ensuring transparency. And so, 10 days is what we recommended based on other researcher report and other standard investigations that don't involve officers. And we think within 10 days, that's a reasonable timeframe to interview witnesses, to go through the evidence, to ensure the family has a chance to see it. And if, for whatever reason, you set these timeframes in your office and then you're not abiding by them, just make sure to keep the family up to date. So there might be an instance where, in fact, the investigation is not moving forward, for whatever reason. It's still worthwhile to call the family or issue a press release to say why that's happening and

to guarantee that you are committed to justice and ensuring any loss of life is accounted for. And I'll just cite really quickly a few models that we draw on where there's more information, and this is also in the toolkit, but. San Francisco's DA office has an independent investigative bureau. And they have not filed any charges against an officer, but one really promising practice is that after every instance of use of force, they released a report detailing their investigative findings, to the extent they could while still respecting due process for the officer. And then the New York Attorney General's office, we actually had a representative from that team as well as a family member of the person who was lost. And throughout their investigation, they provided written pamphlets to the family and to local organizers about that process. So I think really independence, timeliness, transparency, those are three principals that we would just advocate prosecutors consider. Any other questions?

S3: 35:15

Any questions?

S10: 35:16

So, are there any jurisdictions right now currently utilizing the toolkit? And have they had to actually put into effect? And has it bore out through that particular experience? Or did you all have to go back and tweak it?

S9: 35:35

Yeah. John just reminded me, it's for communities as well. So, I'll start with that piece. So for the Queens DA raise-- I live in New York, and the Queens just had their first primary election for a DA in 60 years. And advocates including Valerie Bell, who lost her son Sean Bell in 2006, she was using the toolkit to guide questions and debates during the DA primary election. So that was very exciting. And we saw some of the candidates start to incorporate one of these policies as they were saying if they were elected into office. So, the [inaudible] was just released this past February. So, it's still a bit early but I'm on my way to grad school and I hope that I can do research getting some local jurisdictions to implement this and then to evaluate moving forward. And we do recommend any prosecutors who adopt it to continually evaluate to make sure there's no unintended consequences or this doesn't fit with their local priorities.

S3: 36:28

So, Mr. Chairman, she needs to get to the airport.

S9: 36:32

I'm sorry.

S3: 36:33

And so, moving forward, the other three panels would do their presentations. And if [you'll?] just record questions and we'll do questions at the end of their presentations.

S9: 36:42

And two of them were on the working group. So, they can answer questions as well. Thank you so much. Sorry I have to leave.

S11: 36:50

Commissioner, thank you. I'm Mike Freeman. I'm the elected Hennepin county attorney, the largest jurisdiction in Minnesota. And I first want to commend Commissioner Harrington and Attorney General Olson for having this meeting. It needs to be done. We need to discuss deeply the topics here. We need to look at them seriously. And that's what I hope to do with this discussion. I think they've already earned their pay for today and bringing us back again. So, thank you very much. In Hennepin county attorney's office, we have over 200 lawyers and 200 staff and \$60 million budget. We issue 10,000 adult felonies and 5,000 juvenile felonies, a year. We're not proud that it's that large a number but that's some indication of what we do in a county that-- it has suburban areas, rural areas and in the city areas. There was a discussion this morning that was incorrect. I don't say this with pride but to set the record straight. I have prosecuted cops and found them guilty. One of first-degree assault. One of second-degree assault. And one of third-degree assault. As well as two police officers for sex crimes. I've also failed to [inaudible] charge with [inaudible] rescued a cop who shot at a car for no reason at all and found not guilty, which

happens in this business. In the officer-involved shootings, I've considered a number of those cases and charged one [inaudible] which was the most difficult case in my 20 years as a prosecutor. It's very difficult because the standard is very high. Police officers are granted the capacity to use weapons in their job and that is the standard of there and we have to prove that beyond a reasonable doubt. And let me say also to some folks from this morning or otherwise, why don't we charge more cops? Let me just hit it right on the head. Because we cannot charge a case unless there is sufficient admissible evidence to [convict?] beyond a reasonable doubt. I will not charge a case until that standard has been met. [It's?] hire the most prosecutors in the country but I believe in it. Because you ruin a person's name by merely charging it. This is not coddling police officers. We ask them to do a very difficult job. A job frankly, I would not want to do. But in order for us to charge it, according to our ethics and our standards, we must have, in my view, sufficient admissible evidence beyond a reasonable doubt before charging. So, I just kind of want to set the record straight quickly. Part of presentation of the record, but will not be before you today, is a protocol, a detailed one, indicating relationships between police and prosecutors in doing these cases. One of the reasons I wrote that is because it's been publicly well discussed my difficulties with some of the members of the Minneapolis police department and some members of the BCA over the [inaudible] case. I'm pleased to say we have resolved those difficulties. In the most recent two police officer shootings, the relationships have been very good. Minneapolis Police have come forward in both of those cases and the BCA with new agents had done an exemplary job. So, it didn't do me any pleasure to publicly criticize cops, but it was part of my job. So, I've done it and I'm hoping I won't have to do it again. It's not because police are perfect. They have a very difficult job. But if they're going to get in the way of me doing my job and I can't convince them to come and voluntarily to tell us the story of what happened, I will subpoena them before an investigative Grand Jury and make them. And thankfully, I haven't had to use that tool in the last three cases. Thank you, Chief Rondo. And by the way, I want to say Arradondo was the first person in his department who volunteered to come in in all of the cases. And Chief, we appreciate your integrity.

S11: 40:57

We know the police officer-involved shooting cases are the most difficult cases we do because the public is so interested and because it brings so many conflicting motives and emotions, and each one of them have intense [inaudible]. I share these remarks with a profound commitment of our office to deal fairly, transparently, and professionally as we can in each case we see. We assign our most experienced people and allocate all resources necessary to reach justice. In my work, I would suggest to you that we have learned a couple of things that I would like to share with you as kind of an overall outline as we look at this process. Number one, each country attorney and attorney general's office, when they undertake a police-involved shooting case should make the decision themselves and not rely on a Grand Jury. Relying on a Grand Jury to decide the charging decision has been in practice Minnesota for at least 40 years, including the Hennepin County attorney's office. I discontinued that process three years ago. Here's the problem. Anything that is presented to the Grand Jury is confidential by Grand Jury rules. Anybody who testifies even the name of most of the people who you present is not public. And so, if you have a police-involved shooting case and the Grand Jury says, "No bill," which means no charge, that's all I can say. I can't even tell exactly what was presented. In the Jamar Clark case, which was the most thoroughly investigated case in my memory ever, with a very extensive BCA investigation and an FBI investigation, when I chose not to make the charge, and it was my decision, every piece of evidence I reviewed was put up on our website. All the police records, the autopsy, all of the video, every piece of evidence we looked at was there for people to decide. I also put up the speech I gave detailing my reasons

for not charging and the legal standard, and a bibliography so that you could follow what was in those reports. We felt we owed that to the people.

S11: 43:19

Someone suggested that perhaps I should reopen the Jamar Clark investigation. As you all know, there is no statute of limitations in homicides. Well, in homicide reviews. In this case, we had a very extensive investigation. The feds did not charge, I did not charge, and no new evidence has come forward to suggest that we should reopen it. Accordingly, my answer to people who say, "You ought to reopen it," the answer is no because there's no new evidence. And that is the only legal reason for me to reopen it. Number two, the investigation should not be conducted by the same department that employs the officers who are involved in the shooting. To it, Shakopee cop shouldn't investigate a Shakopee case. It should be some other police entity. In this state, it's usually the BCA because of their expertise or sometimes a local sheriff's office. You just can't have someone investigating their own. Number three, the ultimate decision in the investigation including what steps should be taken must be arrived at collaboratively between the law enforcement and the prosecutors, but ultimately, because we are the people who have to make the decision, it should be the prosecutor. The investigation must be as thorough and complete as possible. Every theory must be explored. Every fact examined as [inaudible] as justice requires. This may take quite a while but I am much happier justice rushed is justice denied just as justice ignored is justice denied. We have to do this right. You have to know when I tell you that we have reviewed everything. Senior prosecutors and I have looked at it that you can count on my decision. Ultimately, accountability is enhanced because I'm elected every four years and voters don't like what I did. They won't elect me, and they almost didn't last time. It's also by not using a grand jury, we are transparent. You know what we looked at. You can make your own decision.

S11: 45:31

We just heard something about video evidence. It is an appropriate subject for the public to see. It must be carefully preserved and all facts surrounding it must be properly investigated. Key video must be made available to the public for viewing by the investigative agency as soon as practicable. The public should know it no later than 45 days. That's the standard under California law. That seems to me to be the longest period of time. Obviously, in many cases, we release it before it but you potentially really impact witnesses if the video is on every TV station played again and again and again before that witness is contacted. We encourage the legislature and the rules committee to reexamine the laws governing when and how police may use deadly force. Clarifying the statutes and jury instructions will [inaudible] fairness and consistency in how officer-involved shootings are handled in the courts. They will also ensure that police officers across the state are uniformly trained at legal standards. Let me say to you, drafting the jury instructions on our most recent case was one of the most challenging things we've ever did to have it absolutely perfectly done because the defendant had good counsel and we wanted to do it fairly. Victim-family concerns are critical and all efforts must be taken to keep the families up to date with the status of the investigation and the timing of the ultimate decision about charging. I have not set specific dates or times or places. I think we can leave that up to the professionalism of the folks involved and I've got to say the victim-witness people who work in the [inaudible] attorney's office are the most compassionate, decent folks I've ever met. They speak four different languages. We reached out to people immediately and worked with the families on this as very best we can. The constitutional rights of all witnesses including police officers must be strictly adhered to. All witnesses are a strong urge to cooperate as completely as possible. So, a full understanding of all the facts concerning the incident are known to investigators and prosecutors. We need to know everything and we need to evaluate everything and sometimes that takes quite a while. Finally, the investigation and the prosecutorial

decision must be completed as expeditiously as justice permits. The public is urged to give these professionals the time they need to do the job right, please. We can't be rushed. We put a lot of pressure on the investigators to do it. We have specially assigned attorneys at least two, if not three, on every case for which their entire duties are just that case. But we got to look at it. Excuse me for being quite as emphatic as I've been. I've spent a lot of my professional life working on these cases. I'm very glad you're here. We're open to considering lots of discussions. John is going to share something that he and I had talked about in terms of additional reforms if need be. We need to have this discussion. We need to be candid about it. We need to be open with each other. And we need to debate. No one can just be holding that little area close at heart and disregard everyone else's thoughts. This is important stuff folks. These are very hard cases. They tear our communities apart. The victims' families, as you've heard eloquently today, are really torn apart. And we not only have to handle them properly, we have to ensure we reduce those numbers as much as we can. And that's a topic for another session. Thank you, Mr. Chairman.

S12: 49:26

John Choi: Thank you, Chair Harrington and Chair Ellison and all of you members of the committee and the public that's participating here today. I want to kind of continue where kind of, Mike left off in terms of what he was kind of asking us to think about and to focus on. I don't want to be here 10 years from now and still be talking about these hard issues around how we deal with police-involved shootings and fatalities in this country, in this community, in this state. I'm so glad that you all had the opportunity to listen to the words of Valerie Castile and also to [Wanda Johnson?] because I think some of the things that they were talking about are so critical for the work that all of you are going to undertake. At the end of the day, you're going to come up with some solutions or some recommendations for others to start enacting. And as Mike talked about, I think it's so critical for us to recognize that we have to get outside of ourselves. As I was listening to [Wanda?], I just had a lot of memories about recognizing the journey that I've been on. I'm a different person than I am about eight years ago. Little did I know that when I came into this office, a big part of my professional life would be working on these types of issues and thinking about what's right and how to navigate all of this. So, as I thought about all of this, I think a big part of it-- there's a difference between leadership and management. Leadership is about doing the right thing. Managers do things right. And so, all of us in this room will do things right if we think about our own interests, right, or our own perspectives. And I think it's so critical that we figure out ways to see things from other perspectives. And I want to thank both Chair Ellison and Chair Harrington? because you said something out loud that I don't really think has been said out loud by people in the law enforcement community or at prosecution. And I haven't also heard it from community as well. But this notion that we want to reduce the numbers of people who are being killed by police shootings, and we also want to reduce the numbers of police officers killed in the line of duty. I believe actually those things can occur together. But what needs to happen, I think, are some fundamental changes about how we look at our own selves, in terms of how we do our jobs. And I think there are some grounding principles as the role of-- so I'm here today to talk about the role of prosecution. And one of the things that I think is just absolutely critical, and this is not so much that-- you can't necessarily pass a law about this, but it's about this notion that prosecutors have an important role to be independent. That our institution has to be independent. That when we are making a decision, despite the fact that we work very closely with the police on a day-to-day basis, that if we get a case involving a police officer, we have to figure out ways to protect that and to uphold that independence. So as a part of that process thing, we have to ask ourselves, do we have a conflict of interest? And more and more people in this community, in my community, are talking about the conflicts that exist when for

instance, when police investigate other police officers and when prosecutors make those decisions involving those police that you work with on a daily basis. And so as a part of all of that, I think that notion of always upholding that independence regardless of who's making that decision, whether it's the attorney general, whether it's a prosecutor, whoever, the United States Attorney, that is the most fundamental important thing that the prosecutor has to preserve. And Mike and I have many conversations about this, and I've had other conversations with other elected officials. But if it takes creating some other agency or some other person to preserve that independence-- and it's not just about actual conflict. I can say to myself; I don't know this officer. We don't have a relationship. I know that I can make that decision independently. And that's what I've done. But if there are people out there, and there are growing numbers of people, that can't believe that or don't believe that then it's a conversation worth having. And so, I would encourage this community to think about those things that could ensure that whoever ultimately makes the decision, the final decision, about whether or not an officer's use of force was justified, unjustified, whether a crime has been committed, to think about how to preserve that function. Because that function is the most important thing. I feel like in my work, I've done the best that I could with every decision. I've come to a place in my life where I don't care about the political consequences of those decisions. I will easily stand to make the right decision. If it costs me my job, for me, that is the right thing to do. But in another context that might not be the case. And so, as you think about that, I think that's a really, really important part of all of this.

S12: 55:32

I think another important part of principle, that's just as important as you think about this, is human dignity. And we throw that word around a lot. I've seen it in the 21st century of policing models. But I think really what it means is that we need to make sure that-- and Wanda was talking a lot about this and so was Valerie, about making sure that we have proximity to the communities that we're serving. And we serve everyone, including those who are impacted by police violence. This morning was uncomfortable for many of us in this room. But I think we got to start getting used to that. And we have to start listening to those voices. We have to start getting proximate to that pain and that anger. And I think there's another underlying part of all this, which is race. And so, all of us in this room, I encourage all of you to think about that. It's been talked about a lot, I think in terms of responsible transparency. That's another value and principle that we should be thinking about in the context of how you might want to do your work in terms of recommendations that you might want to make. But I've come a long ways on that. I used to think that releasing video was not a good idea, at all. As I've matured in this process, what I've come to realize is that, ultimately, what we need to protect is the investigation. And so how do we protect that investigation? Well, the way that I would see it is, if the BCA or the investigative agency whoever that might be, when they have finished all of their critical interviews, I think if the law enforcement leader of that community believes that it's appropriate to release the video, I believe that it should be. That might make my job more difficult, but it's not about me. Now, we also have to think about the person who might be accused of a crime. But at the end of the day, I've seen cases play out. And I don't believe that those videos getting out, negatively has an impact on those cases or influence a jury in a particular way.

S12: 57:55

I think another final thing about all of this is about the procedural fairness. The process really truly matters as well. And so as you think about how we develop how all of this works, I think it needs to be articulated in rules and laws. So that we can be held accountable to that. On a final note, I just want to address three things that-- I think I addressed one of them about who makes the prosecutorial decision. I just want to make it very clear that I'm very open to conversations in that area. And I want

to preserve the independence of that final prosecutorial decision. And it's not just about what it is. It's about also perceptions. And so if we can legitimize and raise up that decision, I think it's ultimately really, really critical. There's a lot of discussion about could we change laws? Could we do something differently? And one of the things I want to encourage all of you-- I mean politically, I just don't know what laws could actually be changed here in the state of Minnesota. And I haven't come to the conclusion that any particular law, there's a magic bullet there that would make things different or better for all people involved. But one of the things that I have come to believe, and Ron Davis has really helped me kind of think about this because I've had the fortune of being in the same room with him on talking about these issues, but how we train officers matters. There are parts of this country where de-escalation is not accepted. I'm glad that in Minnesota, for the most part, people in power believe that we need to train for de-escalation so that time, space, and distance is your friend. That there's nothing wrong with retreating.