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Transcription results:

- S1: 04:19 Our last presentation for the afternoon is Superintendent Drew Evans of the BCA. We've asked him to abbreviate his comments a bit, and we will bring him back again at a later date to finish up anything he's not able to get today. And then we have made a promise to the public that we will have public comment, and so we do want to reserve some time at the end for that. As a consequence, we probably will not have time for the working group to have very many questions subsequent to this, but the superintendent will be available, and as I said, I promise he will come back at subsequent meetings. So, if you could hold your questions, that would be great that would allow the public comment part to take place. Now without further ado, Superintendent Evans.
- S2: 05:08 Both chairs and members of this committee, I'd like to start by again thanking all of you for taking the time out of your really busy schedules. As I know, this is an important topic and we really take-- appreciate you taking the time to do this. As the commissioner noted, I will tell all of you on this panel, I certainly will be available for any questions as you're working through this work outside of this if you want to talk one on one, as others have said, I'm happy to do that at any time. As the commissioner said, my name is Drew Evans. I'm the superintendent of the Bureau of Criminal Apprehension. I oversee all of our operations at our three main divisions from our investigations division that does criminal investigations across the state of Minnesota and a variety of different context to our forensic science services, which does all the forensic laboratory work for the state of Minnesota along with a couple other of labs that exist, but we cover the entire state. And then in just our Minnesota Justice Information Services, which houses all the criminal history records for the state of Minnesota, fingerprints, 50 different databases that law enforcement, criminal justice, community access across Minnesota.
- S2: 06:08 For today, and I'll go as quickly as possible through this, our investigations division staffs the entire state of Minnesota. And as it's been alluded to today, this is a large state covering a large geographical area and very diverse area in terms of our communities all across Minnesota. The maps that you see up are how we staff our investigations division homicide section and that's comprised of approximately 20 agents stationed at all over the state. Where you see those stars are our field offices for us across the state so they can quickly respond to emergencies in situations such as officer-involved shootings. The white line that you see is how we divide our regional offices which oversee these agents that are assigned. The group that covers these is our homicide unit that conducts the actual investigations. They investigate major crimes against persons, death investigations, abductions, kidnappings missing persons, conflict of interest cases is when a peace officer or public official is accused of a particular crime.
- S2: 07:11 The screen, it will also investigate those cases as we're asked to a number of occasions each and every year, and then officer-involved shootings that we're here to talk about today. I'll go through this piece quickly, but it's important for you to have this information and you'll have these printouts if you don't already so that you can

ask additional questions as you may have. The other really critical component of these investigations is our laboratory. We operate two main facilities, one out of St. Paul and one out of Bemidji, and they conduct the forensic analysis of these cases. We are an internationally accredited laboratory, and that's important, and it's important for some of the things that have been alluded to here at different points today. It means that we have a very strong quality system in place so that we are doing everything that we can so the public and law enforcement and prosecutors can count on the examinations that we're doing day in day out.

S2: 08:02

It also creates a very strict and stringent protocol about what examinations we can do, and sometimes what we can't do as well in an investigation. It may be requested by prosecutors because those processes and procedures are spelled out in accordance with our accreditation which is at NAB International, and we just received site visit which is 20 auditors coming to our location. We had zero findings, meaning our laboratory is operating according to our quality system manual. This is our quality assurance system, and what is important about this as you can see, it's a system from our perspective, it's not one thing that we do. We do audits internally, reviews, training, corrective action when we discover an issue within our laboratory, etc. This is our current scope of accreditation. I won't go through all those. One of the things that's important for you to understand, though, is this. Our crime scene team is also falls under our accreditation, meaning we hold ourselves to the highest standards. Same thing with our digital multimedia evidence that looks at evidence related to that as well in our investigations division.

S2: 09:05

Our role and one of the things that I want to make really clear to this committee here today to the public and to everybody is that we are there to gather facts. The question was talked about earlier about the bifurcated role in terms of whether a prosecutor be completely responsible. Our role is to gather the facts, our goal is to not determine if the shooting was justified. We don't clear police officers, we don't say a shooting was justified or unjustified. We simply are there to make a determination and try to get to the truth as to what occurred, and then those facts are presented to a prosecutor for review. That's what we've always done, that's what we will always continue to do in these investigations. We do not make a decision as to whether or not the force was justified. The separate bullet that you see there as if there are two investigations that are ongoing, oftentimes police will be responding to our particular crime, and then a shooting may occur. We separate those investigations and even if we're assisting another jurisdiction with a homicide investigation, for example, we put up a wall between those investigations so that the officer-involved shooting investigation is treated separately and information is not shared in that case.

S2: 10:11

One of the things that's unique that I think has been touched on a little bit in earlier in different pieces today, from the pain that you saw from the community that was here today, that from the mothers, from the families, from others that are involved in this, we have very many different interests when every one of these shootings may occur. From the community that you heard today, from the family members from the involved peace officer and the interest that they have in terms of what just occurred with them and their interest going forward, the profession as a whole. I think that's part of what many people are here trying to figure out today as a path forward so that we can see positive change to reduce the number of shootings as was mentioned right from the beginning, agency involved in the mechanism, whenever one of these happens, and especially if it's a controversial situation, trying to manage the internal agency, the community and their politicians as well, and then the prosecutors. One thing that I think was clear, but is important to note, again, is we have 87 independently elected county attorney's in the state. The BCA works with each and

every one of them on these types of investigations and the needs, and the interests of those prosecutors may change depending on what they need to make their determination as was noted here today.

S2: 11:20

The subject of the investigation is a peace officer, and it is unique in terms of these types of investigation because, in any particular investigation, that peace officer who used deadly force may be a witness, a suspect, and a victim, or all three at the same time. And so the way that we proceed through them, it's often been noted that this is like any other investigation, but it's not. We're investigating an individual that you and everybody here as the public is provided different levels of use of force when it comes to the actual statutes that guide when they may use it. The BCA conducts criminal investigations, we don't conduct internal affairs investigations, we don't conduct an administrative review. When we're looking at these cases, we're looking at the criminal statutes, much like the United States Attorney's Office noted, that's the type of investigation we're doing. We look at the state criminal investigative or the state criminal statutes in Minnesota. We look at that force as was noted here today. If it's a federal case, sometimes we're working in conjunction with our federal partners that the FBI and the United States Attorney's office, they look at the federal statutes.

S2: 12:21

However, every one of these cases should and would be recommended for everyone that we do an administrative review. I don't know of any agency that doesn't do that after to see if their use of force complied with the policies and procedures of their own organization from there, and obviously there's civil litigation that comes along with a lot of these investigations. I'll give you just a real quick lay of the land, and these charts are mainly for you to review at a different time, and I can get these to you. I think it was noted earlier, but since 2015 to 2019, this is a map of the officer involved shooting incidents and use of force investigations we've conducted at the BCA across Minnesota. As you can see, they're not limited to any particular jurisdiction. They happen across our entire state. 68 of those incidents were in counties other than Ramsey and [inaudible], our two largest jurisdictions in this state, with [inaudible] Minneapolis, and St. Paul.

S2: 13:14

Here to date, the BCA has investigated 17 officer involved shootings across Minnesota, and as you can see, we've had one in [inaudible] and Ramsey County. The rest have been in counties outside of those two counties. And as you can see this year, which is not unusual, it can bounce around as you saw from the map, most of them have been in the northern half of the state. This is data that we collect as part of a state agency, and this is not limited to the BCA's investigations. This is state-wide data that people are required to provide to us. The yellow bar that you see are fatal officer involved shootings across the state-wide during this time period. The white is a wounded, so that was there. The other category comprises a whole bunch of other stuff, and part of that is we need to hone in across the state on use of force reporting, and as you can see, better reporting gives us better information.

S2: 14:09

Officer involved shooting data state-wide in this, unarmed is that bar graph on the far left for people that were. The yellow bar is those that were armed with a firearm at the time of the shooting. The white is a edged weapon, and the grey is unknown or armed. Again, the reason that there's more unknown here is this is data being provided to the BCA. These are not investigations that we've conducted. It comes from a different reporting set. The terms of the workload that the BCA has employed, this is a bar graph that you can see from 2012 to 2018. The number of hours our agents have been working on these types of investigations. As you can see, it's a steady climb in the number of actual hours spent on investigations in Minnesota. This is a bar graph as well that shows the OIS investigation hours by month. The mean line going through the middle shows a steady climb. So this has been a significant amount

of work for the BCA in terms of what we've looked at, and part of that is driven by changes in process and procedure internally to do things that take just additional time.

S2: 15:12

And one example of that would be previously we had officers who did not directly witness or hear or see portions of the investigation, for example. They would write a report. We'd review it and determine if they needed to be interviewed. Currently we're interviewing all officers that came to the scene. The bodycam video, video from dashcams, etcetera, has exponentially increased the amount of time we spend on these investigations, as we have to watch those videos live, real time, to determine if there's anything pertinent on there. This is a chart of the officer involved shootings that the BCA has investigated by year. You can see we were doing eight 2013, and it kind of stays in that area. You jump in 2016, that's when we started doing essentially all officer involved shooting for the state of Minnesota, with a few outliers with the Minneapolis police department and St. Paul police departments during that time frame.

S2: 16:05

Because I said for a time I'm going to go through this, you're going to have a policy discussion. We put the statutes up here that we're looking at. 609066 and 60906 are the use of force and deadly use of force statutes of Minnesota that pertain to peace officers. You can review those at a different time, and we will have plenty of time to talk. The process that we go through at the BCA is we are requested by the local agency to do the investigation. That's how it works, that's how it works in every jurisdiction across the state. We determine if our crime scene will go. If our crime scene team is activated, if somebody is injured or hit during that incident, the crime scene team's going to go to collect forensic evidence. If it was an intentional shooting at somebody and nobody is hit, we will still go but we'll make a determination whether or not crime scene will provide pertinent information. So we work through there. Determining on where it is determines the number of agents. If it's one shooter in a very rural area of Minnesota where there's no video, there's not many witnesses, it may be a limited number of people that are needed.

S2: 17:01

If it's in downtown Minneapolis at bar close with hundreds of people at the time, we're going to need a lot of agents so that we can talk to the people that are there. They'll make that determination based on what we have. We ask each agency to designate a contact person from the agency to liaison with the BCA. I will tell you from my experience with these investigations that there is no other investigation that is more chaotic at the beginning phases of the investigation than an officer involved shooting. Somebody's been shot, somebody's been injured, there's a lot of peace officers on the scene, there's a lot of information flowing, and it takes us some time to get to somebody that can actually inform us as to what occurred. They will provide us with specific details so we can start determining what we need to do. We ask the requesting agency because we're not on scene and the law enforcement agency is that we need them to secure all of the evidence on the scene, and basically what that means is the law enforcement is going to set up a perimeter and they're going to lock down the evidence that maybe in this state, with all the weather that we experience, they're going to need to lock down evidence for wind, rain, snow, everything that we encounter along the way, and then we will process that evidence.

S2: 18:03

We ask too that they identify and if people don't want to stay at the scene, they're more than welcome to leave, but we want to talk to, obviously, all witnesses. And so we ask them to identify all witnesses at the scene so we have an opportunity to interview them as to what they say. Sorry, I went one too fast. All officers should be removed from the scene, and they are brought to the law enforcement agency typically. It might be, if it's in greater Minnesota, a secure location where they can

operate from there. We ask for the secure all duty weapons involved. The security means we want to be the ones as the BCA that is taking that firearm from the involved officer. We want to empty that so we know how many rounds were in the gun at the time. What we have, we'll take care of that at the scene. We want to inform the officers as to what the procedures are that are going to follow. We ask that they assist in obtaining any information that may be needed to preserve evidence and witnesses, whatever that may be, and we don't want that through a formal statement. We often talk about this as a public safety statement. This is what happened, this is how many rounds, this is where I shot, this is where evidence is so we can properly process that scene, and that's important for us to have.

S2: 19:07

All the officer's clothing you'll see on the next page. we want them to stay in their uniform at the time, but we need to collect their entire uniform, depending on what happened for evidence in the case. We ask that they do not change any clothing, as we said. And again, like anybody in any other case, we ask that nobody discuss the incident and what occurred. We want to get a clean rendition and version from them as to what they saw, what they heard, what they were perceiving at the time of the shooting. We take pictures of the police officer out on the scene at the time or as they were so that the prosecutor can understand what that peace officer looked like at the time of the encounter. we'll often take that evidence, especially if it's the uniform, for evidence. If it's a close encounter or there's a physical altercation with that officer and the subject. We'll document for injuries that we look through for here. We need [inaudible], we make examine them. This is an individual officer that was before he used deadly force. And so in this instant, we're documenting what those injuries are prior to him changing out of that clothing.

S2: 20:09

I'm going to go through this very quickly at a high level. Our crime scene teams come out of two locations, Bemidji and St. Paul. The screen that you see on the righthand side is - I do want to hit on one thing - we are very cognizant of what it means for any of our community members across Minnesota to be laying deceased in an area in public. And so we use screens like that to protect them because we do have to process up to the deceased person before we remove them from the scene to treat them with the dignity and respect that they deserve, that any of us deserve when we're working through that. But at the same time, we do need to make sure we process the evidence correctly and we'll be trying to remove people from the scene as quickly as we can with that. And its instruction that we've made to our crime scene team. What our crime scene team does do is we document video of diagrams and collect evidence at that area and we identify pertinent evidence to the investigation that's going to answer questions that we have as to what occurred at the time. That may include reconstruction. We look for bloodstain patterns, bullet holes, document items through diagramming that may not have forensic value but may have value to actually trying to understand where people were positioned, where they were at the time, what happened, and then, again, collect that fleeting evidence. As I noted, we have weather that changes quickly in this state and so sometimes, we have to work very quickly with that.

S2: 21:27

We identify blood, ammunition, all types of different things that you would expect to see. We also look for other items of evidence that help us understand what may have occurred at that time or the events leading up to it. That could be photo IDs, documentation, information that would explain the events leading up to the actual shooting event itself. We do a lot of shooting reconstruction. Our laboratory does shooting reconstruction, not only for officer-involved shootings but also in homicide and other shooting cases. And, really, what we're trying to do is determine exactly what happened in that. This is an example. These are not slides from officer-involved shootings. All this was a shooting and we're determining through a laser what the

path of the bullet was that struck the, in this case, unfortunately, a child that was laying on that bed. We want that so we can reconstruct the events to tell the prosecutors a story as to what occurred. These are examples of diagramming. I don't have it up here now. We've invested in Leica 3D scanning technology that we scan the room with a laser that overlays photographs so we can put the grand jury, we can put individuals, we can put the prosecutor in the scene in a diagram that's measured much like you'd see on a Zillow, for example, in a home 3D diagram. The difference is ours is actually measuring the scene as it goes. We're documenting defects. This is a SWAT team from here documenting bullets. As you can see, in this situation, we're not collecting anything, we're just documenting the actual sequence of that.

S2: 22:52

This is kind of difficult for you to see on here, but there's a rod in that trailer and it's showing the entry or exit - I don't know on this particular situation - of the round as it's going inside or out of that. Same thing here on this door, trying to document the sequence of events. And we're really trying to reconstruct the sequence of shots fired so that we can determine what happened.

Bloodstain pattern. This can become important in officer-involved shootings, trying to evaluate and analyze the blood that may be on an officer's clothing, et cetera. Firearm section looks at all of our firearms' distance determination to determine, is the information provided to us consistent with the scene so that we can recreate, again, going back as to what occurred. And this is an example of connecting and we go through and identify the firearms by the peace officer's fire, trying to show which firearm fired which shot, which will help us recreate which officers fired in that particular instance.

S2: 23:49

Function testing, we do look at all their firearms to ensure that they're operating within the policy standards for that agency. So, we look and say that it wasn't modified, there was nothing done to that firearm, it's operating correctly. And then test fire the weapon from there. We do GSR or gunshot residue, when it makes sense to, in particular for pattern recognition and distance determination for them. We may process [Layton?] prints like we do in any other investigation. Our biology section that does all kinds of very detailed serology and biology DNA testing. We use them in these cases on a regular basis. And these are all the different areas we may have. From guns, items collected at the scene, to gun belts and the police officer in certain situations to determine whether or not DNA was transferred in there. We also look at and this become an area we've recently heavily invested in, is digital multimedia and video analysis. Video has really created a challenge for us and all the video that's out there. And that's not just body-worn cameras.

S2: 24:46

Especially in our cities and our larger cities, we have a lot of people that have ring doorbells. They have their own surveillance system. We are taking surveillance systems on a very regular basis. So that they have captured the actual shootings that have occurred that necessitates a skill level and expertise that we've had to change internally. And we've recently completely retrofitted our video suite to be able to analyze evidence such as this, review in-depth from there. We'll need a search warrant, when necessary for these. This is a criminal investigation that we noted and so we want all the clothing preserved at the hospital of the person that was shot. We do ask that a blood [dried?] is drawn at the hospital, we will deal with the legal process at that time from the person that was shot. We also asked for a blood draw from the officer involved in each one of these investigations. We asked that agencies don't take a formal statement. The BCA wants to be the one taking the statement from the officer as the investigating agency.

S2: 25:41

We also asked the agency not to give any statements to the press, until we can determine what information happened. The reason for this particular board is this is one of those cases as I noted that's very chaotic and there's a lot going on. We want to make sure that when we're communicating with the public that we are sharing only information that we know to be true at the time of those statements going out. So that way there's never a situation we have to retract or change information being provided at that time. The investigation itself; we meet with the officer, you saw pictures before. We take toxicology; blood draw from the officer if they'll provide one to us at that time. We interview, this is if you-- I was holding a basic investigation class this slide would be up there because this is basic police work in many ways. We do a neighborhood [combat?]. In some of our neighborhoods, we've torn knockdown over hundreds of doors in neighborhoods. In particular, Minneapolis, where we have dense housing and roads to determine did anybody see anything? Did anybody hear anything? Did anybody see anything leading up to that event? 911 and audio logs, we take all the radio traffic, and we compile that as part of this. All video, body cams, businesses, dash cams, homes, whatever it may be, we do from there.

S2: 26:53

Social media, is not something we actively go out and look at. But we certainly, as it goes out, if there's something that's pertinent to us, we're going to follow up on that to determine if there's any relevance. Digital evidence becomes important. Cell phones from the issuing agencies or the government-issued cell phones are all taken from the officers and analyzed as part of this process. We do a lot of search warrants and subpoenas for information that we need to get. We collect all training records at this point in time, which can be very voluminous but we do that so the prosecutor has the ability to do that. And then notification next of kin. One thing that's often asked of us is a notification that took a while to be able to talk to the next of kin. We're working with the medical examiner's office to identify in these cases exactly who the next of kin is and who should get the death notification. That sometimes takes time, as we don't know people. And so we need to work through that process. To do that, we're working on as quickly as possible. It's one of those things that's at the top of our checklist to make contact, talk to the family, talk to the family about what's going on.

S2: 27:53

And it's one of those areas, through work, that several have done including the work from John Jay College that we continue to look at how can we better communicate communicate with families, not just after this happens, but throughout the investigation, ensure that they know what information we know at any given time. Oftentimes, I'm asked, "Do you read police officers Miranda?" We don't typically read Miranda, but we read a criminal investigation warning which is a warning form informing them it's a criminal investigation, and it's not an internal affairs investigation. This is a release if they need medical records.

Some of the issues-- and I'll get in real quickly here is timing of the statement. Most peace officers in this state, it is a voluntary interview. It's up to the officer as to whether or not they want to provide an interview to us in these investigations. They're almost all waiting a couple days before they provide that. There's a lot of discussion about waiting at least one to two sleep cycles in the profession. And so that's the advice that they often get from the people advising them and their attorneys. They're almost always represented in this state by a union and attorney.

S2: 28:54

And in particular, there's two or three groups that represent peace officers across the state. We work with those attorneys to work through the issues, and we request an interview in each [inaudible]. We ask the officers in that interview to explain their use of force. And we're determining are those actions consistent with those use-of-force statutes as we noted. Why was deadly force-- that's really what we're trying to get to,

the facts as to what occurred and then the why so the prosecutor can make a determination as to what they're going to do from there.

We look to gather a truthful and complete statement. We just ask that peace officers tell us the truth as to what occurred in that situation, and they will inform us through that. And it's often done in what is referred to as a cognitive interview technique. We ask what happened. They provide us a full rendition as to what occurred, and then we ask follow-up questions based on the information that's provided to us to really get to the heart as to what occurred.

S2: 29:44

We often have them draw diagrams for us because it really gives us a layout, explains their statements so that we can really understand where people were at the time, medical information, all the stuff that we've talked about from there. We typically don't do a follow-up interview. But there are times where we learn information where it's important to talk to people more than one time.

After that's done, the case file is turned over to the county attorney. I think they've covered this fairly well today, but they can decide to charge. They can decide to decline. They can go to a grand jury or take a [hybrid?] approach. Once that adjudication is completed, the complete case file, whatever that is, is provided to the agency at that point in time. That's when they get that to do their internal investigation. They're able to move forward with that from there. I'm going to come back to this in just a minute because I want to hit this a little bit out of order. There's a high demand for officer-involved shooting in the investigations. And I'll go into this a minute. But after that happened, we've been trying to time, especially in high-profile cases, that the release of the public information if we hear from a prosecutor is going to be declined that we try to time it with that so that the prosecutor can provide public data right away. But we have to work through the Minnesota Data Practices Act. There's often a lot of data that needs to be redacted in these cases, and it takes a lot of time to do. Undercover officers are some examples. 911 callers from [inaudible] emergencies, body-camera video, photographs that are offensive to the common sensibilities, we need to go through that carefully so we make sure the proper data is released.

S2: 31:11

Couple of things that we've been working on over the last few years, and I really welcome the opportunity and appreciate the opportunity to present here because we're often talked about in these situations, but we haven't had the opportunity to really talk in a public setting about the work that we're doing every day. But we do hear from the community, and we do make changes as are appropriate within our process as they come up. We have a new policy on the investigative process that we implemented in 2017 to really detail, to create consistency in that whole big map that you saw of Minnesota to ensure our agents are doing these investigations the same in Baudette, Minnesota as they are in Minneapolis, Minnesota in terms of the process and procedure. The video and video analysis that we've been doing, we stood up this section as I said to be able to process that video in-house from there and do it more quickly and do it on our timeline, not an expert that may we may or may not be able to get to our video in a timely fashion.

S2: 32:03

We have a fairly robust internal audit process to make sure each step of the way-- I think it was said earlier from John Jay College that one of the recommendations is to give pieces of information as it becomes available, that is what we have worked out with [inaudible] and [Ramsey?] [Coney?], we provide them with that. But we want to make sure that, that entire case file gets turned over appropriately and we internally audit that. A lot of you have talked about bias training. The BCA's no different. It's made up of human beings and so certainly, we've implemented our own bias training

for peace officers but also when it comes to investigations. A couple years ago, we had in an expert, for example, on bias in a criminal investigation and ensure that you're being open-minded in all of our criminal investigations so that we're looking at all cases very holistically in that process. Our current goal at the BCA is a 60-day turnaround time. The two county attorneys mentioned that they want to do it expeditiously. That's a goal. Obviously, if it takes more time or there's a road-block we run into, but so far, we've been able to get fairly close to that turnaround time with our investigations.

S2: 33:04

We have talking-- And we've been doing this for quite some time, that we have immediate contact with prosecutors in these investigations. We are telling them what we are doing, and we're asking, "Is there anything else that you see that we haven't done or that you'd like us to see do?" We've been doing that for several years with these investigations as we saw the importance to try to shrink that timeline investigation from there. No longer utilizing our local agencies, some of the stuff that's been talked about today, we are an independent investigation body. We're an independent organization that doesn't report to the agencies that we're assisting in any case, and so we have no longer utilized them when it comes to doing certain portions of the investigation that they're more than capable of with good homicide investigators from Minneapolis, but we want to ensure that there is no appearance of working together on a case, and as its been noted, that we're spinning anything in a particular way. We also, at the BCA, that we're talking most about our investigations process but we also look at this holistically as well with us, as many of you do in the profession. We've had partners with the Police Executive Research Forum to bring in de-escalation training and model for de-escalation called, ICAT, Integration, Communication, Assessment, and Tools, and that's been done as a train-the-trainer across the state of Minnesota.

S2: 34:18

And when we did that, we typically aren't engaged in use-of-force training at the BCA. When we train a lot of police officers on leadership and 200-plus programs. 8,000 peace officers went through our programs last year. But the reason we did it here, is we look at it just what your work or you're doing here today. If we can reduce the number of officer-involved shootings across Minnesota by giving tools, such as this, to our law enforcement partners, that's good for everybody. That's good for our public. That's good for the men and women of law enforcement each day. And so we've been doing that for the last couple of years. Some of the current issues - and I'm happy to, providing time - is viewing dash-cam by peace officers after an incident occurred. I will tell you,-- I sit on the ASCIA which is the Association of State Criminal Investigative Agencies. It's the BCAs of the states across-- 48 of the 50 states are members. I sit on our use-of-force investigation committee. We talk about these issues regularly, as to what the right practice is. There's no agreement, across the country, as to whether or not a peace officer should be allowed to watch a video after an officer-involved shooting or not.

S2: 35:20

The position of the BCA has been in our policy, is that if it is left to the BCA, we'll allow the officer to watch the video after they have provided an initial statement to us. They will provide the statement, they're allowed to watch the video with their attorney and provide any clarifying information that they wish. The reason that that's our position is that we believe if they see something they did not reasonably interpret at the time, that they will be forced to say different than what their memory may recollect. So they saw something and they do it. That being said, most-- I shouldn't say most. A number of agencies across Minnesota have it that they allow peace officers to watch that video prior to providing a statement. In Minnesota, the reason that we and that's what our policy says, is that if the agency allows for that to occur, that we let them administer that portion of the policy. The reason that's our policy at

the BCA is Minnesota requires you if you have bodycams in your agencies to have an open hearing on your policy and to what your policy is with your governing body.

S2: 36:22

And so that gives that community the opportunity to review that portion of the policy and weigh in with any concerns they may have at that time. Release of the video to the public has been mentioned here several times today. I will tell you from both the prosecutors that were here today and the situations, those prosecutors did not want the video released. The BCA is the investigating body and we don't release evidence and other criminal investigations of any sort. The video is evidence. That being said, we understand the needs of communities across Minnesota to have those discussions as to whether or not they need to release video, and we would like to consult with the prosecutor as we did in those cases to say, "We're doing our investigation. Let's talk to the prosecutor about whether or not they have concerns about releasing that video," because they're the ones that are going to have to use that. Use of outside experts across many of our cases are now involving outside experts that are use of force experts looking at the Graham v. Connor standards in relation to our Minnesota statute.

S2: 37:19

Some of the things that I just want to-- and put these in here because for your work, I think you've actually heard this echoed a few times today. I support broad protocol agreements among prosecutors across Minnesota. I think that's a good thing so we have an agreement as to what those may look like and what that should be so that we're on the same page if we're in any county across Minnesota. One of the things we've been exploring currently is a victim-witness coordinator position embedded in the BCA so that families have access to resources. Families have the ability to have direction on an ongoing basis. Our agents are really good at communication upfront and then they get busy with other cases. We need witness [inaudible] coordinators that can have that ongoing dialogue with families to make sure that their needs are met from there. Broader awareness when it comes to this. This is a great first opportunity-- and I know I'm trying to truncate the comments to make it fit within this time period. But the public doesn't always know what this is, and there's no secrets in our process. We want our process to be well-known in the public so that they know what we're doing and why we're doing it when we're investigating one of these. There are ways that we can do that through greater transparency, public link to case files on our website, for example, video-aligning our process, possibly access to our policy. So everybody has not only the opportunity to review but provide any input that they may want to myself or through our commissioner's office. And with that, I will turn over to any quick questions if you may have them.

S1: 38:45

Yeah. Absolutely. Way earlier in your slides, Superintendent, there was a comment about agency liaison to the BCA. Can you explain what that does - I think it kind of goes well with the conversation earlier today - and the trust issues that we've heard about today as well.

S2: 39:05

So, the liaison that we have in that slide is the liaison that we need to be getting us whatever information we need along the way. So, it may be coordinating witness interviews for a large agency like MPD, for example, that's spread out. They're getting training records. They're coordinating all the different pieces that we need to ensure we have access to that. All agencies across Minnesota really do an across-the-board excellent job from our perspective at getting us the information that we request and we need so we can proceed with a thorough, complete, independent investigation that's free from any influence of any agency or [inaudible].

S1: 39:40

And they have no impact on the investigation. They're just gathering information for you, basically. Right?

- S2: 39:46 Yeah. Sure. If only working at our request and providing us information, we are conducting the investigation. They do not participate in the investigation. Thanks for the clarification.
- [inaudible] [inaudible], though you'll see [inaudible] other readings [inaudible] explore that [inaudible] other questions. I do appreciate everyone [inaudible] the question so that we can actually [inaudible] the whole thing [inaudible] open public [inaudible]. So we've got a couple people that I know that wanted to. [inaudible] right now.
- S3: 40:31 Co-chairs Ellison and Harrington, my name is Rich Neumeister. In 1976, there were a number of shootings by law enforcement officers that were deaths in Minneapolis and throughout the state. And as someone who's been around a long time here at the legislature, as a citizen, I represent nobody. I help a lot with policy. I was not here on that particular issue, but I was here hearing about the deadly force statute proposal. 1976, it was proposed. '77, it was proposed. It finally passed in 1978. If you look at the end of a statute, it tells you how many times at least something has been passed. 1980-something was one which dealt with gender name changes. Rather than the old statutes, you should put men, da-da-da. So it was changed gender-neutral.
- S3: 41:31 In 1980-- or 2001, when it clarified the statute that for certain officers, it would be not considered deadly force. I point that out as an example that shares with you, I think, the broader kind of thing that brought people here today that why your meeting didn't start on time. These kinds of issues, in my judgment, and in many, have not been addressed by the legislature in trying to bring up those norms that were adopted in the '70s and '60s and maybe talked about once in a while to the 21st century. That's in the expectations that we in the public in general expect. And I also think professional, too. I mean, I'm someone who's talked to a lot of professionals in law enforcement and I know that they've changed their views about being more transparent, more accountable. Because I've had to fight a lot of those folks and institutions over the 40 years. So I've seen that changed. So I think that's a challenge to you and the suggestions that you have to make.
- S3: 42:44 Now today, for two hours, hour and a half, whatever it may be, there was a group aching out to you to be heard. And you heard them for two hours, hour and a half, whatever. But what I would like to suggest is reach out to them and expand your time a little bit, not today, but have some folks other time. Rather than you take a look at the agenda. Looks pretty structured. And for the general public person who doesn't know the system well like I would and some other people. "What the hell? They want to really hear from us?" Or whatever. Now I don't know-- those are the groups and those people represented. I don't know all the interaction that happened between Mr. Ellison and Mr. Harrington and other people. There were some assertions to that. But I think those are in some important things. So I think you need to reach out to that, those folks. Roberta Alpine.
- S3: 43:41 The issue of mental illness needs to be addressed. And I hope that those people that are not-- I've known Roberta for decades. Independent ombudsmen. Those people that weren't here need to be brought back and testifying and all that. The other kind of comment is how your structure is I noticed that-- I'm familiar with these type of meetings over the years. And sometimes they're contracted out sometimes they're not. I see that there probably contract folks doing some of the data gathering or whatever. What's important when you hear the testifiers today talk about AB legislation in California, that's their like senate file, house file, AB, we learn from other states. So that when you hear that, I hope there's staff that pick up on that and get that piece of legislation - what are they talking about? - so it can go on the website or

it can be given to the broader community can get an understanding what's being talked about but also for the 14, or whatever, 13 folks that are on this committee.

S3: 44:52

I heard about the 45-day thing and the testimony with Freeman. So all I'm saying is, when research is done and comments are made about what other states do or what other studies do or whatever, someone needs to go and grab them so the public can have a good idea what is being discussed. After all this is done, I think there needs to be a little bit of time for feedback, whatever your final recommendations are. Now, folks can talk about the start of this, did it hit hiccup? Yes, it sure did and I think folks here learned some things. By as I spoke to one of your colleagues, Mr. [Treverence?], brought up some of the discussion, some of the descriptions of words that were used and part of the folks who came and made comments about racial bias or-- I forget what it was.

S3: 45:52

Chief Wise when he was talking about that implicit bias test. I think that's something to talk about and bring it out and let everybody, you know? So I think it's important, at the end of all this, that there be a set of time for people to make some comments or written statements to whatever your recommendations are, because Senator Ingerbrigsten raised a little point and I shared with him afterwards so if you see me skirting out earlier I was saying to him, "Yeah, you brought up the other entity in the room. That's not talked about here but that's the legislature. And all the little interest groups because I thought many of them; associations, police chiefs, sheriff's association, league of Minnesota cities, if they don't want a certain kind of policy that involves for accountability and transparency of law enforcement, they'll be there.

S3: 46:42

Denny Flaherty wouldn't be there but I know Mr. Peters will be." But all I'm saying is that there has to be some consensus and some understanding and all that because all this will be for waste and it should not be. We should not have to wait another 10 years, 20 years, or 30 years for something to happen. 21st century is out there. Folks can make some differences.

For me, I have some personal point of views on it. I'll just illustrate one because it's not my intention to deal with recommendations, my own personal. But I was very much involved in the body cam debate. I was literally for Peggy Scott's bill which was for more transparency. Then you had [Cornegs'?] bill which was backed by a lot of the law enforcement entities. Private in the home, but little bit of transparency when it happens on public streets just like dash cams. And what happened, a lot of the community groups testified but they didn't have 100 and 1,000 people, lobbyist association. I can go on and on [inaudible]. Police chief says, "Rich, I don't want to hear about that. I've--" or legislator, "Oh, Rich I've heard from my city councilman da-da-da-ta-da. We need privacy. Privacy sometimes equates secrecy

S3: 48:03

and so after the session, I asked for all the emails and I got a lot of stuff and there was a lot of discussion. And one of the things I found out on bodycams, as for release, there are three basic ways how bodycam data can be released, in general, to the public. One of them was issue bodily harm. The police chiefs were [lobbying?] for bodily harm, which was the [laws?] for some type of standard. The Minnesota police officers were great bodily harm, which was tougher than hell to release. Then Ron Latz, who was a senator, still is, came up with, well, substantial bodily harm. So, since 2016, I've been going to many police departments asking for body camera videos, under the realm of substantial bodily harm. I'm not fighting them.

[inaudible]. Yeah. Okay. Okay. I'm not fighting them. I just say it should be public, [tut tut tut tut ta?], and I get it. But there's a lot of folks that aren't going to get it. I'm not fighting them. I'm not going to take them to the mat with it. That's another issue.

- S3: 49:12 But the bottom line is is that each agency has their own interpretation of what the law would be. So no matter whatever law and suggestions you make, it's going to be important that it be done uniformly. So when I asked for substantial bodily harm video, I don't get the whole-- I get the whole thing that documents what happened and use the force. But then as I said to Police Chief, it's very hard to pronounce her last name, I apologize, to the Police Chief of Minneapolis, "I only get 30 seconds on each side." So, Mr. Chairmen, thank you for the opportunity to make some comments. I'm just a lowly citizen who observe this process and been in this building since '78 doing a lot of stuff that I've done on my own. And I just hope that today you try to become as transparent as you can be, get information out there. And particularly those folks that were here today, try to reach out to them. Thank you.
- S4: 50:19 [inaudible] you guys want to speak?
- S5: 50:30 Isak Aiden Family: Yeah. So, we were actually at the house live streaming everything. And the reason that we felt we needed to come and actually speak out to you guys is when we were hearing all the information about how the BCA discusses-- how the BCA conducts their investigation. Hearing exactly what-- I'm sorry, what's your name? Drew. Yeah, what Drew was saying. Every protester that was here today, I can say, in a perfect world, we would agree if the BCA was doing exactly what they said they would be doing. So the reason I felt like I had to leave my house and come here and address this situation, the reason every single person is mad is because the BCA hasn't been doing exactly what they're saying. Two things that I picked up from Drew's segment was consistency and following Minnesota state law. We're not seeing that happen. We're seeing some cases like the Hughes case, bodycam footage being released within five days of the shooting.
- S5: 51:34 And we're having situations like my brother's case where it's been over a month and a half and we're not getting information. The Data Practices Act allows agencies of that data to choose when they release that data. So, if the BCA wanted, they can decide to release the body cameras to the general public or the family. And me and my sister, we both agree that personally, we don't want our brother getting killed execution-style all over the internet and being released to the general public. But we'll have to accept that because when the case is closed, that will be released to every person. So what we have been fighting the BCA on was just getting some transparency to see what's actually happening. And in a perfect world, what the BCA strives to do is what we all want. A fair and transparent investigation where the families are being communicated to, where the public is being informed about what's going on with the case.
- S5: 52:33 It's heartbreaking to be getting information of our brother straight from the media. And one thing I wanted to also point out was the BCA is not being as sterile as they possibly can. So one thing Drew stated was, they tried to get a personal statement from everyone at the scene. They tried to collect all evidence relating to the shooting or whatever happened in that incident. But the fact that all the interviews for my brother's case had been completed and now we're waiting on autopsy reports, concerns me. Because after my brother's shooting, around 3:00 AM I went to the BCA and spoke with Mike Phill and Scott Mueller. That's when I told them that I was at the scene. I asked for information on what's happening on my brother. They gave me very little insight but took down my contact information, my phone number, my ID and stated that they would like to take a personal statement from me.
- S5: 53:31 This was 3:00 AM, July 3rd. I still have not got any contact from the BCA. The BCA does not want to take a personal statement.

And about three weeks ago, when we walked back in there to try to get more information, we stated that I was at the scene. Why am I not being scheduled to be one of the people who's interviewed to see what actually happened? And it amazes me that one of the agents was surprised. And he was all like, "Wait. You were at the scene?" He was like, "Oh, I did see a press conference you mentioning that you were at the scene." So that really concerns me if the people leading my brother's investigation don't know what actually happened at the scene. And they're trying to be as thorough as possible and I understand that. But he had a lot of resources. I personally have been reaching out to him. And for him to be surprised that I was at the scene after I told him countless times that I was at the scene, is just wrong. We don't feel like what Drew addressed is actually what's happening in our brother's case and many other cases.

S5: 54:37

We're not seeing that consistency and we're not seeing that the law is being followed as they should. Because Minnesota state law requires that officers involved in a police shooting, as soon as they're put on paid administrative leave, for their names to be released. We had to go to the BCA and fight them to actually get the officer's involved, their names released. We also had to fight the BCA to release my brother's car. For those of you guys who don't know the incident did not take place in my brother's car but my brother's car was towed. We don't understand why his car was being towed. And basically, we had to go to the BCA and fight them on that for a couple of days. And they were like, "Your brother's car is not relevant to the situation. So therefore, we're releasing that." And we were told that it was locked up of evidence. But no pictures were taken. We don't know what was taken out of the car. We don't know if the car has been looked through. And they're not being transparent about that.

S5: 55:36

We understand that this is a pending investigation and there are certain things that you guys have to keep private. But I honestly believe, and I don't know if some of you guys will agree is, the family comes first in any situation involving deadly shootings. The family has to be notified first. If you guys are not comfortable with releasing footage to the public, have the family sign up disclosure agreement. There's a lot of stuff that you can do to make sure that the footage stays between the BCA and the family. Because the only thing we want to see is what happened to our brother. We have not been getting any sleep. No transparency. No information's being released. We have to physically go out of our way to try to get information. So in a perfect world, what the BCA wants to do is what the whole community wants. But we're not seeing that met. We're not seeing what they plan to do actually happen.

S5: 56:31

And the reason we came out today and protested was because time and time and again, we're calling the BCA out on not addressing these issues and not doing a thorough investigation. Nothing happens. None of the agents are being held accountable. So, we feel like we have to go out of our way, every single time, to address this issue. And once the issue is addressed, it just ends there. So we need to see the BCA do a better job of that they strive to do because they have everything down. They have everything they need to do to do a fair and impartial investigation. But the fact that they pick and choose when to release body cameras for [certain?] situation and decide when they want to pick and choose Minnesota state law, that is what the community is fighting against. That is why the community does not trust the BCA. We want to believe that the BCA will do a fair and impartial investigation because that takes stress away from us. We don't want to be at the house knowing that the BCA might be tampering with evidence. Doing all those negative stuff that a lot of people addressed here. We honestly love, in a perfect world, to be sitting back and know that our brother's case is in the hands of honest people who actually want

to get justice for him. And, actually hold anyone involved in his wrongful death, accountable. So, we would honestly, actually sleep at night if we knew that was being done. But the fact that we're going out of our way to try to get information and all that is why we were here protesting today.

S6: 58:06

So, I kind of want to backtrack a little bit and tell you a little bit about who [inaudible] was. And I want to start off by reading this text message that I received from my brother's best friend who currently served in South Korea and is now stationed in Germany. So, he said, "Whenever I had an issue, Izak was the first person, aside from my family, I would consult with. He was a friend and a brother that was mature, generous and would go out of his way to help you whether it was just advice you or even loan you a couple of grand. There was even a time I had to go to the emergency and he waited all night at the hospital to make sure I was okay. That's just the type of person he was. For him, family always came first. And he treated his friends as family as well. After family, came his religion. He was always the kind of friend who always advised you to remember God and your relationship with him without imposing his beliefs on you.

S6: 59:00

And third, came his career. Izak was one of the smartest kids I grew up with. He graduated high school with the highest ACT scores of his class. When he went on to college, whenever he wasn't in class or work, he would come with me to the library to study. Even after hours of studying he would still be motivated. Along with going to school, he always looked for an opportunity to keep moving forward. That led him to investing in the stock market in his late teens. And eventually, starting his own business at the age of 22. Izak will always be remembered as a successful and self-driven person. And I feel blessed to have called him my best friend." So, I'm going to go on to talk a little bit about my brother. And then I also want to, like I said, backtrack and kind of talk about what you, Mr. Castile, said about the program that you guys provide. As well as reference something Reverend Johnson said. As well as-- I'm sorry. I don't know your name. Rhonda. Rhonda. As well as what you said about community policing.