



North Carolina Task Force for Racial Equity in Criminal Justice

Working Group #2

Meeting #1

Date: 3 August 2020

Time: 1:00 PM EST

Chairperson: Erik A. Hooks

In Attendance: Hooks, Erik; Gartin, Billy; Pittman, Kerwin; Dyer, Karen; Earls, Anita; Welty, Jeff; Wells, Talley; Robinson, Michael; Maxwell, Deborah Dicks; Wind, Angelica; Letteney, John; Spolar, Ellen; Sabin, Greg; Stein, Josh

Members Not In Attendance: Clemmons, James

MEETING MINUTES

I. Welcome

Task Force Co-Chair Earls: Welcomed the members of the Working Group and thanked them for joining the meeting despite the impending storm. She also emphasized the importance of the Task Force and their goal of making systemic recommendations. She mentioned how many commissions were appointed after race riots in 1943, none of which produced structural change, reminding the group that it is not a given that they will create actual change.

Working Group Chairperson Hooks: Thanked Justice Anita Earls and also welcomed the group. He asked the staff members to briefly introduce themselves.

Jeff Welty: is the substantive staff lead for this Working Group. He is an attorney at NCDOJ, where he is head of the Special Prosecutions and Law Enforcement section.

Chairperson Hooks: Asked Attorney General Josh Stein to give some words of wisdom to the group once he joined the call.

Attorney General Josh Stein: Said he was excited for what the group will get done. He apologized for being a little late to the meeting. He said the group will have many ideas to consider, and that if after a couple of meetings they have ideas they want to pass on to the whole Task Force, they should. He said he doesn't want the group to feel the pressure of the calendar, he said they should feel free to keep working on ideas that need more consideration as well.

Chairperson Hooks: Thanked Attorney General Stein for those words, and then asked Jeff Welty to call on the other staff members so they didn't miss anyone. Welty called on Greg Sabin next.

Greg Sabin: Is the Working Group's administrative staff lead. Sabin is on the Attorney General's staff at the Department of Justice and his role is to help navigate the resources, technology and scheduling the Working Group will use.

Ellen Spolar: Was introduced next. Spolar is the project manager for the Task Force and does many things to help the group function.

Jasmine McGhee: Is one of the staff co-leads of the Task Force. McGhee said she is there to help with anything the group may need.

Jean-Paul Jacquet: Is one of staff the co-leads of the Task Force as well. He said the co-leads are very committed to this work and excited to be a part of the team.

Hooks: Said they have some outstanding staff members helping with this Working Group. He said he spoke with them about setting the norms and expectations of the group.

Welty: Introduced the professional facilitation team from NCCJ, including Karen and Michael who were in this meeting, as well as Ivan who was not in the meeting.

II. Setting of Group Norms

Michael Robinson: Asked everyone to state what they need from the group in order to seamlessly move forward and to make sure that their opinions feel valued and heard.

Chairperson Hooks: Said true collaboration, even in disagreement, in various issues is important. He said those areas of disagreement may be far smaller than they think, so collaboration is important, as well as educating one another when there is disagreement.

Billy Gartin: Said he is at the meeting to learn just as much as to offer an opinion based on his expertise. Gartin said one of the things he's learned thus far in the Task Force is a difference in perspective. He said he is looking forward to getting a true understanding out there and to better everyone in the state.

Kerwin Pittman: Said the Working Group is tasked with undertaking a paradigm shift in helping North Carolina be a better state.

Talley Wells: Agreed, and said respect for different opinions and building on each other's ideas is important.

Deborah Dicks Maxwell: Said she wants everyone to come together and collectively work for positive change for citizens who have been impacted by these things for many years. She said the group doesn't need to be disrespectful to people's opinions during this process.

Angelica Wind: Said she'd add that they are all there to change something that has historically not worked. Wind said this requires everyone to come to the table presenting their opinions with the best intentions.

John Letteney: Said he too understands and appreciates everything that's been said. Letteney said that they can learn from one another and their different experiences. He said he wants to focus on meaningful change, not just change for change's sake, and he wants to focus on North Carolina's specific issues, since other states have different issues than our state.

Michael Robinson: Said he gathered from everyone that they want to come with the best intentions, acknowledge one another's difference of experience and opinions, and keep the discussion framed in a way that allows everyone to be heard.

III. Opening Brainstorming Session

Karen Dyer: Moved everyone into their first brainstorming session. She said they've been asked this question before, but they will ask it again. She said they would like the group to take a minute to talk about what they want to make sure the Task Force considers.

Chairperson Hooks: Encouraged everyone to speak their hearts and their truth, and to utilize the assigned topic areas to discuss ideas.

Billy Gartin: Said his expertise is in the realm of the use of force, particularly the selection and application of force by a police officer. He said although police officers wear uniforms, they are also human beings and he wants the group to structure these ideas in a way that is possible for them to make a decision in a split second.

Angelica Wind: Said the group should consider reinvesting in communities and what that looks like.

Kerwin Pittman: Said he would like the group to dive deeper into a system called 211, which would be like 911 but for calls where the person is not in immediate danger, and is an alternative to sending law enforcement out to every call. He also encouraged consideration of the CAHOOTS model used in Oregon to address mental health issues; he stated that the program saves the law enforcement department there money.

Talley Wells: Said there has to be something for people when there is a crisis, such as having robust mental health services. He said that often the intellectual and developmental disability autism community are left out in some discussion of crisis intervention. He also said the school-to-prison pipeline, particularly the interaction between schools and law enforcement, is something to focus on, where there is a lot of potential for how these interactions could change to avoid arrests and taking students out of schools.

John Letteney: Said there is a great opportunity for school resource officers to build relationships with students and faculty in schools if it is done correctly. He said in many schools SROs do very little law enforcement and much more mentoring, teaching and counseling. He said to the extent that it is structured appropriately, it lets students see officers as the helpers that they are, instead of just enforcers.

Deborah Dicks Maxwell: Said the group really needs to look at this relationship between SROs and schools, making sure that administrators are charged with doing what they are supposed to, and not relying on SROs for discipline within schools. She said she is supportive of true mental health professionals for people with mental health issues as arrest diversion.

Karen Dyer: Said this is very important to voice these ideas and concerns to the forefront. Dyer asked Jeff Welty to talk about the Working Group's assignment

IV. Review of Topics Assigned to Working Groups

Jeff Welty: Introduced the topic areas assigned to the Working Group.

- Use of force encompasses things like neck holds, but also vehicular pursuit or pedestrian pursuit policies.
- Investigations could include which offenses are prioritized, like traffic or marijuana enforcement, and how drug investigations should be handled.
- Community Policing involves how law enforcement is equipped and deployed, and what community activities they are involved in.
- Pre-arrest Diversion and alternatives to arrest involves ways to prevent people from entering the justice system, particularly minors, people with disabilities and minor offenses.
- Those first four topics were assigned in the executive order.
- School Resource Officers and Reimagining public safety came after the executive order. Welty said reimagining public safety and reinvesting in communities means big questions as far as what should and shouldn't be the responsibility of law enforcement officers. He also said decriminalization could also fit into that topic, as well as root causes of issues that lead to arrest and entrance into the justice system.

Jeff Welty: Asked whether the Working Group needs clarification on any assigned topic or wants to address additional topics other than the six already listed in the agenda.

Justice Earls: Said investigations seems to involve the general issue of instances where police are not investigating cases that maybe should be.

Talley Wells: In regard to use of force, he said it would be helpful to get information on the North Carolina current laws on use of force, as well as what is available for pre-arrest diversion.

Jeff Welty: Said the staff could gather information and experts to speak on issues like this as the group tackles these issues, so they need to know what the groups wants the staff to bring in for them in order to make decisions.

Chairperson Hooks: Suggested getting a primer or briefer on use of force law in North Carolina for the group to have appropriate context on the issue. Additionally, Hooks said independent criminal investigations into police shootings or misconduct and internal affairs investigations are topics he can add to based on his professional background.

John Letteney: Said they need to look into what the requirement is for basic use of force investigations. He said he isn't convinced that agencies across the state does internal investigations every time force is used. He said deadly force scenarios are investigated, so they have good data on that specific issues. But, short of deadly force, there isn't a standard practice for investigating force.

Angelica Wind: Said she's interested in how investigations are done when there is a language barrier, whether there is a different language involved or someone involved who is nonverbal.

Kerwin Pittman: Said the group needs to look into asset forfeiture, since the state doesn't currently track cash forfeiture. He said this is necessary in order to reallocate resources properly. Pittman said they should also look into qualified immunity for officers, involving determining whether officers act in good faith.

V. Explanation of SharePoint Page

Administrative Staff Lead Greg Sabin: Explained and demonstrated online resources and repositories available to members of the Working Group.

- Explained the Task Force member landing page in the SharePoint. He said it houses any information the Task Force will need, including the calendar for meetings and the living documents folder, which is where the meeting schedule is updated as it changes.
- He also showed the Working Group page, where each group has its own folder which holds the documents specific to the discussion of that group. These folders houses agendas and documents the groups need as well as the meeting minutes.
- He showed the group the idea bank, which is a resource of potential ideas that have been sent to the Task Force from many places, like news outlets, studies and recommendations from Task Force members. This idea bank allows the group to research and information on ideas quickly.

VI. Timeline and Work Plan

Substantive Staff Lead Jeff Welty: Summarized the timeline and draft work plan for the Working Group. The draft work plan will be sent to Working Group members after the meeting together with a survey asking whether additional meetings will be needed.

- The group has two meetings set up in August and an initial due date for recommendations to the Task Force on August 28. The group then has two meetings scheduled in September after getting feedback from the Task Force on initial recommendations, and then another due date on October 9 for revised recommendations to the Task Force. Welty said after that there is a process for further feedback and revision after that.
- This may not be enough meetings for them to come up with recommendations. He said that staff could send out a revised work plan after the meeting, with a poll to see how the group feels about the meetings and schedule.

Karen Dyer: Said the group should talk about where they want to start in the discussion, as well as what resources they need to plan future meetings.

VII. Discussion of Reimagining Public Safety/Reinvesting in Communities/Investigations (45 Minutes)

The facilitators led a discussion about reimagining public safety and reinvesting in communities and whether that was the right place for the Working Group to start its work.

Chairperson Hooks: He selected the idea of focusing on reimagining public safety and reinvesting in communities and investigations, to listen to the various concerns and perspectives of the community with regard to those issues. This is a good opportunity for the law enforcement professionals in the group to listen to the public and gain insight to their perspective.

John Letteney: Suggested that the group seek clarity in what we expect in public safety and how to accomplish that. Then, what part of that public safety umbrella do we expect law enforcement to handle. He said when there are others systems not addressing mental health properly, it increases calls to the police for issues involving those with mental health issues. He said when looking at reimagining public safety, a prime place to start is looking at what law enforcement does now that they do not want them to do.

Angelica Wind: The group should consider the public perception of what public safety is and what it isn't. She said it's important to consider how we know when communities are safe, and the Task Force's role in getting there.

Kerwin Pittman: The investigation topic needs it's own meeting by itself, in fact all the topics do. He said each of these topics are heavy and need delving into. He encouraged the consideration of new models for public safety and reinvesting in communities.

Attorney General Stein: Agrees with everyone. He said if they think about everything law enforcement officers are asked to do, it is more than any other profession. He said they are not educated for all of the roles they need to fulfill on the job now, such as social work and mental health work.

He said they'd be better served if there were sections of departments who were trained specifically in issues like mental health. He said they need to make sure they're sending the right people out for the right problem

Talley Wells: Interested in what the things are that if law enforcement or victims had, would improve the experiences they have in calls like crisis calls.

Chairperson Hooks: Every community is different and departments are different. He said he wants to make sure they have a balance. He said as funding has gone away from mental health resources over the years, and he has not seen police department's funding increase in turn. He said it isn't his experience that departments have excess funding.

John Letteney: There isn't a study at most municipal agencies into funding changes over the years. He said departments respond to the needs of their communities and where that community expects the department to be. He said some communities expect more of certain enforcement than others, such as traffic or crime, and that how departments are staffed and funded is dependent on what the community wants.

Deborah Dicks Maxwell: The public generally has a misconception about who will follow the recommendations of the Task Force, since there is a city police system as well as a Sheriff's office in each county. She asked how they will get all law enforcement agencies to listen to their recommendations.

Justice Earls: Noted that after December 1, this Task Force continues on with the mandate that they will implement the recommendations they are making. She said she does think that for whatever recommendations they make, they should have a recommendation for implementation along with it.

Attorney General Stein: One idea can have multiple implementations, such as urging counties and cities to do something while also urging legislators to make these cities and counties to do something.

Ellen Spolar: There is a chart in the SharePoint that can be used to look at ways to implement the ideas that the group comes up with.

Talley Wells: A reality the Task Force has to face is that many decisions they are discussing are local decisions. He said it would be important to get transparency in data on law enforcement issues like arrests, convictions in certain demographics. He said it would be helpful to have a dashboard on issues like that.

Karen Dyer: This is a great consensus to start talking about this issue. She asked what the Working Group needs to address this topic.

Angelica Wind: The group needs to know what other communities out there have already started conversations and dialogue across the country on this issue.

Jeff Welty: Asked if the group would want data and information on what kind of calls law enforcement receives now, to get a scope of the demand. The group said yes.

He said there are three main models on addressing mental health and substance abuse issues:

1. Additional training for police officers or crisis intervention team model
2. Co-responder model where law enforcement is sent out with mental health professionals
3. Law enforcement is not involved, where dispatch involves only mental health professionals or community workers

He asked if it would be helpful to bring people from those models in to speak on them. The group said yes.

Chairperson Hooks: Cautioned that some jurisdictions just list calls as a call for service and may not determine whether it involved a mental health response. He said that would be a data gap that may exist as an issue. Hooks also said the speaker they get to speak on responding to calls with someone other than law enforcement should touch on how liability would function in the issue should there be violence involved if there isn't an officer present.

Kerwin Pittman: Said he would like the group to look into the 211 system and become familiar with how it functions to see how they could implement that. Pittman also said he'd like to see how they could access or create a statewide database on use of deadly force incidents in North Carolina.

Talley Wells: Said he wants to hear about what is working and not working involving SROs in schools and partnerships between justice departments and schools.

Chairperson Hooks: Suggested resources for speakers on that issue including Billy Lassiter and Judge J. Corpening.

Deborah Dicks Maxwell: Asked if there was a way to access statistics of calls to law enforcement.

Kerwin Pittman: Said a topic they should talk about is body camera footage. He said they should look into implementing standards of using body camera footage so that they can be used in investigations.

Jeff Welty: Asked for clarification on whether Pittman was focusing on the deployment of body cameras or if he was talking about public access to the footage.

Pittman: Said he was focused on the first issue but that the latter also is involved in that issue.

Karen Dyer: Asked if there was a question that needed to be answered.

Michael Robinson: Reminded everyone that one of the main focuses of the Task Force is to look specifically at how people of color are impacted by law enforcement. He said that is important to keep in mind when looking for data and statistics.

VIII. Volunteers/Assignments for Next Meeting (10 Minutes)

Chairperson Hooks: thanked the group for being responsive and collaborative.

- He noted that Billy Gartin had insight on Use of Force, that Deborah Dicks Maxwell had insight on Pre-arrest Diversion and other Alternatives along with Angelica Wind, Talley Wells had insight on appropriate use of SROs, Kerwin Pittman on Reimagining Communities.
- He sought these and other volunteers for members to research the topics to be discussed at the next meeting of the Working Group, and to prepare proposals regarding those topics.

John Letteney: Volunteered as well.

Deborah Maxwell: Asked if they will receive this information in written form.

Chairperson Hooks: Deferred to Jeff Welty and the staff members to figure out assignments for these volunteers and asked Letteney what topic he'd like to focus on.

John Letteney: Said he could offer perspective on Use of Force information. He said community policing is a passion of his, how they structure, train, lead and hold accountable their staff members. He said he was also happy to help with SROs as well.

Jeff Welty: Said their next steps are revising the meeting schedule and getting volunteers set up to establish speakers and research on their topics.

Chairperson Hooks: Said that he sincerely appreciates everyone's participation and thanked them for serving in this Working Group. He said he looks forward to their collaboration, and he said they are taking the Tropical Storm seriously and will be getting out public safety messages out concerning the storm.

Next meeting: Monday, August 17, 2020 at 1:00pm

DATA TEAM REQUESTS/QUESTIONS

1. Data on deadly use of force and other uses of force by NC police departments
2. Data and information on the types of calls for law enforcement that happen in NC to gauge what issues are dealt with most often
3. Data on arrests and convictions of demographics on people of color and the disabled community in NC
4. Data on mental health responses by law enforcement to calls (if applicable)

RESEARCH QUESTIONS

1. What are the current NC laws/regulations regarding use of force, including neck holds, vehicular and pedestrian pursuit, etc.
2. How can the Task Force incentivize the implementation of the recommendations they put forth so that cities and counties follow their guidelines?
3. What are law enforcement officers handling that they shouldn't be?
4. How will the issue of liability be handled if calls were responded to by non-police officials, like mental health professionals or community workers and violence were involved?

SPEAKER SUGGESTIONS

1. Which action items should the Working Group prioritize? Which are most readily attainable?
2. Structural interconnectedness from one Working Group to another