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**UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS**

**ADDENDUM 21:  
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**Jon Cryer:** Hello! And welcome to the *Undisclosed Addendum*. I am Jon Cryer, and you are listening to the podcast about all things *Undisclosed*.

In this latest episode of *Undisclosed* – ‘Time and Distance’ – Susan and the team took issue with the Georgia Supreme Court’s finding that the cell phone evidence in the Joey Watkins case placed him in the vicinity of the murder of Isaac Dawkins. By painstakingly going over every possible scenario that could occur in the space-time continuum that we understand ourselves to live in, the team may have proved otherwise.

With us today are two of the hosts of *Undisclosed*: We have Colin Miller – he’s an associate dean and professor of Law at the University of South Carolina School of Law, and he blogs at *Evidence Prof Blog*.

Hello, Colin!

**Colin Miller:** Hey Jon. How’s it going?

**Jon Cryer:** Really good! And I wanted to spend a moment and thank you for hosting the *Addendum* last week – you have brought an air of professionalism to a show heretofore known for its amateurishness. [laughs] So I do thank you for that.

**Colin Miller:** Well, thanks for all *you* do. I think that you bring an interesting perspective, and I’m today getting over a cold, so please excuse my hoarseness as I talk.

**Jon Cryer:** Oh, no! It’s great, you also sound a little bit nasal – it’s wonderful.

**Susan Simpson:** [laughs]

**Jon Cryer:** Also with us today is Susan Simpson. She’s an associate at the Volkov Law Group and blogs at *The View from LL2*.

Hey Susan, how are you?

**Susan Simpson:** Hey!

**Jon Cryer:** Is your brain tired from having done last week’s episode?

**Susan Simpson:** Actually, yeah. It was a little bit--

**Jon Cryer:** [laughs]

- Susan Simpson:** This week was a little more hectic than usual.
- Jon Cryer:** Well, it was absolutely a virtuoso performance of cell phone analyzing. I've said this before that doing a season of *Undisclosed* without Susan Simpson analyzing cell phone records is like going to a *Superman* movie where he *doesn't fly*. [laughs]
- It's like, you and cell phones is like watching a cheetah run at full speed. It's...
- Susan Simpson:** [laughs] I just wish there weren't so many cases that involve them.
- Jon Cryer:** [laughs] Yes! It's true, it's true. You're doing what God intended you to be on this earth *for*.
- Susan Simpson:** [laughs]
- Jon Cryer:** So thank you Susan.
- Also with us today are Connie Walker and Monica Bell. Connie Walker is an award-winning investigative reporter for *CBC National News* in Canada, and is currently the host of the acclaimed investigative podcast, *Missing and Murdered: Who Killed Alberta Williams?* In December 2013, Walker launched *CBC Indigenous*, which has become a leading voice for coverage of aboriginal issues at *CBC News*. Walker grew up in the Okanese First Nation in Saskatchewan – I hope I pronounced that correctly?
- Connie Walker:** No, you did not!
- Jon Cryer:** Oh! I did not!
- Connie Walker:** [laughs]
- Jon Cryer:** See, I was hoping to seem like one of those cool people who just tosses off the names of First Nation tribes, and just knows exactly how to pronounce them. But sadly I am *not* that person ... [laughs]
- Connie Walker:** I can help with that. It's '*Okanese*'
- Jon Cryer:** Oh! *Okanese*. Okay! I got it. So it's just like it's spelled.
- Connie Walker:** Pretty much!
- Jon Cryer:** Okay. So that was a good job on the transliteration, Canadians. [laughs] Thank you for your help.
- Also with us is Monica Bell. Monica Bell is a Climenko Fellow and lecturer in Law, and a PhD candidate in Sociology and Social Policy at Harvard. As a lawyer and a sociologist, she studies policing, police-community relations in the context of poverty, and the intersection of police regulation with race, family housing, and social services provision.

Thank you for being on the show, Monica!

**Monica Bell:**

Thanks so much for having me. I'm absolutely thrilled to be part of this.

**Jon Cryer:**

Oh, well thank you! We're thrilled to have you.

Now, I wanted to ask you, Connie, can you tell us a little bit about the *Missing and Murdered* podcast, and how the case came to you?

**Connie Walker:**

Yeah. I'm really excited to be here, as well, and to be chatting to you guys about our podcast. It actually, you know, started with an email from a former RCMP officer who is now retired, and for those of you who aren't familiar, 'RCMP' stands for Royal Canadian Mounted Police. So, we got an email last October, and the subject said, "Alberta Williams Murder". And I clicked it open, and it was just one sentence long, and it said, "She was murdered by..." and it named a person. And when I read the email I didn't know who sent it at first, and I responded right away asking to talk to him, and I was able to chat to him that very afternoon.

And I was *shocked* when I found out that it was a former RCMP officer who had sent us the email. And the reason he sent it to us is because *CBC News*, for the last couple of years, we'd been investigating the cases of missing and murdered Indigenous women in Canada. And for your audience, you might not be familiar with this issue at all, but in Canada Indigenous women face disproportionate rates of violence, and there are estimates over 1,200 missing or murdered Indigenous women cases across the country. And some people actually believe that number is as high as 4,000.

And so, our podcast is looking into the-- Kind of a deep dive into one of the cases -- into the case of Alberta Williams -- but also hoping to kind of shed light on the bigger issues that are at play.

**Jon Cryer:**

Now, in investigating it-- I have listened to about the first four episodes, and it's taken a very interesting turn. You've done something unusual for a journalist, which is brought your own perspective growing up Indigenous in Canada. How has that affected your reporting on this story?

**Connie Walker:**

Yeah. It was a difficult decision to *do* that because I think that typically when I'm reporting as an investigative reporter, and I'm doing a more traditional story that would be on our national newscast, or on a national radio program, you know, a journalist is kind of there to talk about and guide people through the story but not offering any of their own perspectives or experience, usually. And it's very much, I think, a different format when you're doing a podcast. I really think it's amazing, because you get a chance to provide this kind of context that you don't normally get to do in traditional media.

And right from the very first episode I wanted to be transparent about the fact that *I'm* Indigenous myself, and I grew up on a reserve, and I'm very familiar with the issues Indigenous women face in this country because I'm one of them!

And so when we talk about disproportionate rates of violence, and we talk about where this comes from, it's something that I've had firsthand experience in. And I was questioning whether or not to include that in the podcast, because it's not typically a journalist's role to include their personal story, but I felt like it would help people understand the context a little bit better. And what *my* understanding of the context is, based on my unique experience.

And it's something... I mean, I don't know what you guys think about including that, or not. It's something that seems to blur the lines a little bit, but it was something that I felt like was important to do in this story in particular.

**Colin Miller:**

Connie, in terms of the podcast, one of the things with the history and the context and the personal histories... You go into the residential schools there in Canada, and could you explain a bit of that to the audience? And also how you might see it relating to some of these issues you're dealing with on the podcast?

[07:49]

**Connie Walker:**

Sure. I think that there's a really long history of this troubled relationship between Indigenous people – and I'm sure in the United States, Native Americans – and settlers who came to Canada and the United States – and it's similar in Canada, where Indigenous people were here, and then settlers came over, and there has been a really troubled relationship for 500 years in Canada.

And I think that we're only starting *now*, in the last few years to kind of *explore* that relationship. Which sounds incredible, because obviously it's been ongoing for so long, but I think that we're just kind of starting to scratch the surface of some of these issues like murdered and missing Indigenous women.

And it's great that it's capturing attention, and it's great that people care and a national inquiry was called by the federal government to look into this issue – and it's underway now – but I think it's *really* important to try and paint the picture and show people where these issues come from. What is at the root of these issues.

And residential schools is obviously a huge thing – and it *was* a huge thing in the United States as well. But in Canada-- So, for 100 years the federal government funded these schools where Indigenous children were taken from their homes and taken from their parents and taken from their communities and placed in these boarding schools – essentially called 'residential schools', that were often run by churches. They were not allowed to leave, they were sometimes given a new name, they were not allowed to speak their Indigenous language or practice any of their culture.

The goal of these residential schools was to 'kill the Indian in the child' and to assimilate Indigenous people to better integrate into Canadian society. So, you can imagine, like a four-year old or a five-year old, or a six-year old being taken away from their family and housed in these schools, and that that happened for a hundred years in Canada. And we *know* now that Indigenous people and children faced horrific abuse in these schools. That it wasn't only what some describe as 'cultural genocide' – in terms of stripping the culture away from communities and families – but also terrible physical abuse and horrifying sexual abuse. And those stories have only started to come to light, really, within the last 10 or 15 years.

And because so many people started coming forward with these tales of abuse that they experienced during their time in residential schools, and they started filing class-action lawsuits that the government actually came together and settled these lawsuits and came up with this 'Indian Residential School Settlement'. So, they paid each survivor of a residential school, you know, a lump sum payment of \$10,000, and if they experienced other abuse, then they would be forced to kind of recount very specific details of that abuse for more money, essentially.

And I think that it's important to understand how residential schools and the impact of having that trauma and abuse affected the children who went, but also continues to affect their families and their communities in Canada. Including *my* family and *my* experience. And we see those effects manifesting in these disproportionate rates of violence against Indigenous men, and also Indigenous women, which is what our podcast deals with.

But we also see it in every other aspect of Indigenous life in Canada. You know, we're more likely to be involved in the child welfare system, we're more likely to live- 76% of kids on reserve in the Prairie Provinces live in *poverty*. You know, there are severe housing issues, water issues. And I think that there are probably similar issues with Native American communities in the United States, because there's a similar history. But I think that even in Canada, we're just starting to learn about this history. And sorry for going on and on and on.

**Jon Cryer:** No! It's incredibly illuminating. I was curious – what *was* the rationalization at the time that the schools were instituted? What was the rationalization for their existence? Were people saying, "We need to 'help' these impoverished Native Peoples?"

**Connie Walker:** Yeah it was. The goal was assimilation, basically. That they were seen as '*savages*', and that they needed to become '*civilized*'. And so, "We'll take their children and strip away their culture and who they are, and they'll better integrate into Canadian society." And I think it's important to be transparent about *that* was the goal, which, you know, obviously had a huge impact and toll on the families and communities, but that they *failed*. That there are many Indigenous Nations in Canada that are thriving, and that the resilience of our communities and our families is the story of residential schools, really.

We did a Truth and Reconciliation Commission in Canada and the Justice Murray Sinclair – who was the head of that – at the end of it, he gave a final report, and he said that the story of residential schools is really about the resilience of children, and it's about the story of survival. And that this is something that needs to be understood in Canada. But it also needs to be understood that it's not only these social issues that we often hear about in the media, but we need to *be* actually representing and celebrating the successes and the fact that these residential schools failed in their attempt to assimilate Indigenous people.

**Jon Cryer:** And just out of curiosity, when were they instituted and when were they phased out?

**Connie Walker:** Well the *last* school didn't close until 1997.

**Jon Cryer:** Oh my gosh.

**Connie Walker:** Yeah. People think about it as something that happened, you know, decades and decades ago – and it *was* decades ago – but the last one didn't close until 1997. And they were in operation for 100 years. And by the end, probably the last 20 years or so, it was mostly still funded through the federal government, but the churches didn't run them anymore – they were largely run by Native organizations, so that was a little bit different – but they really were in existence for a really long time.

**Jon Cryer:** And I had a question about-- And I don't know how this plays into the Alberta Williams case, in particular, but when you have a population that's under extreme duress from the government, how does that affect their faith in policing, and in the government in general? Because one of the things that we've been discussing in the Joey Watkins case is, he had basic faith in the system. The teenagers of Rome, despite their interactions with police – and perhaps Monica, you can comment on this – despite their interactions with police in his particular social group, they still had basic faith in the system. He felt, he was innocent and that the system would prove that out.

Do Indigenous peoples in Canada – I mean obviously you don't speak for *all* Indigenous people – but is that a cultural phenomenon that they – do they buy into the system? Or is there a different lack of faith?

**Connie Walker:** It's complicated. But that's part of what we talk about in the podcast, that there is this troubled relationship with police as well. Because during residential schools, the police were often the ones that were forcibly removing children from their homes. And you hear all kinds of horrifying stories about children literally being ripped out of their parents' arms, or trying to hide to get away from the police or the people from the school who came to take them away. And it was often the RCMP who was involved in that. So that was something that they were involved in, and a really troubled relationship for a really long time. But also, children

ran away from the schools, obviously, right? Like, it was horrifying abuse. And they ran away and they tried to get home.

And I don't know if you know The Tragically Hip? It's a Canadian band?

**Jon Cryer:** Sure!

**Colin Miller:** Yeah.

**Connie Walker:** Yeah! So their lead singer is somebody called Gord Downie, who was recently diagnosed with a brain tumor. He's going to die. It's not able to be treated. And in the last six months he's dedicated this time in his life to raise awareness to residential schools, and in particular, about the story of one boy who ran away from a residential school – his name was Chanie Wenjack – and he ran away, and he died alongside the railroad track. He was trying to walk the hundreds of kilometers to get home.

And when children ran away from residential schools, it was often the RCMP who found them and brought them back to the school. So there is a distrust of police in Indigenous communities. I remember as a child growing up on the reserve. If the cops would drive by, we would jump in the ditch. We were like, "Oh! There's the cops!" I'd had no idea why. You know, like there wasn't any particular reason, it was just that's what you *did* when you were playing outside... Was that a normal reaction? I guess...

So, there's a very, very troubled relationship; not a lot of trust. And we tried to explore that a lot in the podcast. And it manifests in like, families of missing and murdered Indigenous women saying that their loved ones' cases weren't taken seriously by police. We talked to, you know, one mother who said she reported her daughter missing, and the police said, "Oh, she's probably out partying. She'll come back in a few days." And she said, "No, I want to report her missing". And so, police not investigating cases very thoroughly, or at *all*, sometimes. And there have been even terrible allegations made against police, about abusing – physically and sexually abusing – Indigenous women in Canada. And that's something that was just brought to light in the last few years. So it's a very troubled relationship.

**Jon Cryer:** Monica, I imagine this sounds very familiar to a lot of the areas that you've been researching.

[17:03]

**Monica Bell:** Yes, it absolutely does. You know it's interesting. Throughout my listening to the Joey Watkins case, I have been really fascinated by the complexity of the class-race-geography story. And a lot of what Connie was talking about in the context of Indigenous women in Canada certainly maps onto the African-American experience, which I've done a lot of research and writing on.

But in the context of Joey Watkins, you know, it's in Georgia. And these are not people of color. And so, this sort of *trust* in the system at the same time is based on-- I mean, you had, you know, I think about Adam Cagle, one of the witnesses who moved to Thomasville, Georgia in order to escape constant harassment by the police. And the story just gets really complicated, but in the context of African-Americans, even specifically in Georgia, W.E.B. Du Bois was writing in 1904 about this serious distrust between African-Americans and the police. And not even just the police but the entire *system*. Believing it wouldn't work, believing there was no recourse in it for the issues they were dealing with, but also believing that the system was really structured to reinforce racial hierarchy.

So, one of the consistent questions that I've been having as I've been listening to the podcast throughout the season is just how to think about how race and class and geography operate in understanding these problems of policing that are really cross-cutting. They're crossing

*national* borders. They're certainly crossing racial borders and class borders. So... That's what I've been thinking about.

**Jon Cryer:**

Yeah. One thing that struck me about Connie's podcast was the sound of resignation in the voices of all the relatives of Alberta Williams. In the resignation that her murder would never be adequately solved. It was really heartbreaking to listen to.

**Connie Walker:**

It *is* heartbreaking, and I think that, like, you can understand that because it's been 27 years. And you know, police are always limited about what they can say to the family, or to the media, or to anyone about an open investigation, but you know, we talked to her brother and he was like, "It was nice to listen to the podcast 'cause at least you get a sense of what's happening!" He said, you know, "We haven't heard from the RCMP in years." Even five, eight years ago, there was nothing! Not even a blip from them about *anything* involving Alberta's case.

But also, just in terms of the media coverage, her disappearance wasn't reported on at the time except to say there was an *ad* in the classified section that said: "Missing woman: Alberta Williams, last seen..." And there was maybe a short article when her body was found, but that was kind of the extent of the coverage.

And I think that for a lot of families they have felt ignored, not just by police, but by the media. And that there has been this indifference from society as a whole about what's happened to their loved ones.

And I think, just listening to you talk about your research, I see so many parallels between the Indigenous experience in Canada and in the African-American experience in the States. And I think that that's something that's really important to discuss and important to make those connections.

**Susan Simpson:**

That's one marked difference with the way that things have played out. Well, in Georgia and in Joey's case. Is that, the issue of the victim being ignored is *not* something that's experienced in these cases.

**Jon Cryer:**

Yeah, it's the *total opposite* situation. You have a situation where the police *very aggressively* – perhaps *too* aggressively – pursued their particular agenda in this particular case. I mean, you know, it's total opposite.

[21:40]

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**Susan Simpson:**

I was kind of struck by listening to a lot of the audio tape that at least on three occasions, there are times when officers from not just Floyd County, even, sometimes Rome – they're talking to witnesses, and they repeatedly emphasize how there's a mother crying every day: "I just see her crying, and now I've got to solve this murder".

Which always struck me as a little *odd*. Like, of *course* a mother's sad. Why are you going around telling witnesses there's always a mother crying? I guess it's like emotional... Trying to, I don't know, get them on board solving the case? But it was a very common theme throughout the investigation.

**Monica Bell:**

Yeah, it's interesting, too, thinking about that drawing upon the *mother* – the image of the mother as a humanizing factor. You know: "It's really important that we do something about this incident because there's a mother crying."

You know, I've done some research on African-American mothers in DC, and one of their consistent complaints is that when they *do* call the police, the police sometimes – depending

on who it is – of course it's more complicated than a general story – but they often don't show those kinds of concerns.

So, basically their tears don't *matter*, and I think that's a way in which you see this distinction that you were talking about, where there's that kind of a hyper-aggressive focus on helping the victim, or responding to the concerns of the victim's family *here* that drove a certain type of really aggressive policing and investigation.

**Connie Walker:**

That's actually something that attracted us to the Alberta Williams case. Was that it actually runs *counter* to the narrative that we often see, which is that police are indifferent, or really not as aggressive in their investigations of missing and murdered indigenous women.

Because the only reason that we're doing this story is because a former RCMP officer cared *enough* that after he retired--

**Monica Bell:**

Mm-hmm.

**Connie Walker:**

You know, almost 30 years later was still thinking about this case, that he sent an email to the national broadcaster – the national public broadcaster – out of frustration, saying that this is still unsolved, and "We always felt like we know who did it."

And I think that when you're talking about the Joey Watkins case, and about how police-- We do kind of explore some of that in our podcast as well, because the officer that came forward actually also shared his notebooks with us – his police notebooks about the investigation at the time. And that's something that's, you know, unprecedented in Canada – as far as we can tell. But we actually got to see that there *was* an investigation going on, and who they talked to, and when they talked to them, and where their kind of investigation-- How it unfolded.

And it's similar in that they identified a suspect right away. And he's spoken to us about how and why that's happened. And when we've kind of gone back now, 27 years later, to talk to people, there are some things that they ruled out completely, that we were able to find because the suspect in Alberta's case told police that he saw Alberta get into a truck at the end of the night with a mysterious white guy. And that was something that police just never believed. They just never believed there was a white guy in a truck – they thought that that was just totally a made up story.

And in our investigation we were able to find *three* people who said they saw – other than this suspect – who said they saw Alberta get into a truck at the end of the night. And with two or three white guys.

So, I think that it's really frustrating in some ways, because it's been 27 years, and--

**Monica Bell:**

Mm-hmm.

**Connie Walker:**

And it's really hard to rely on people's memories of what happened even when they were eyewitnesses and they are sure they saw what they saw – that all the little disparities are really-- You wish you had *cell phones* or video surveillance, that you can rely on. Although I guess I'm learning that cell phones are not--

[laughter]

**Jon Cryer:**

Well no, they're accurate for *some* things! And, you know, what Susan has discovered is that in many respects they make it *nearly* impossible for Joey Watkins to have been anywhere *near* the scene of the crime. So you know, they *do* have certain uses--

- Susan Simpson:** They are a data point that you can take in.
- Jon Cryer:** Yes.
- Susan Simpson:** It's just how it's getting used that's the problem.
- Jon Cryer:** Yes. And remember, incoming calls are not useful for location information! [laughs]
- Susan Simpson:** Only for the AT&T system then.
- Jon Cryer:** [crosstalk] Only incoming calls--
- Susan Simpson:** [crosstalk] That we know of.
- Jon Cryer:** Yes. But I was going to talk about, in terms of the RCMP, are they known for – and I'm sure this varies across the country – but are they known for particularly aggressive policing? Or, for the opposite, I mean, your interview with the RCMP officer in question, he seems very diligent and *not* aggressive. But of course that's only from what I heard on the podcast. Is that an issue across Canada?
- [26:44]
- Connie Walker:** You know, I mean I guess, I think the difference between these two cases, is that it seems like in Joey's case that police had a theory that they were just going to make *work*, in some ways. And I think that the difference with Alberta Williams' case is that they had a theory, and they were like, "We can't make it work". So, it's just going to stay unsolved, right? Like, they couldn't--
- I asked him once, I was like: "Did you ever feel like you were *so* certain you know who did it, you're *so* certain you have the right person?" and he *still*, even after listening to the podcast and the other things that we've uncovered that they didn't investigate at the time, he *still* says he's certain. And I asked him, I said: "Did you ever feel like you were close to making an arrest?" and he said, "No. We just never had enough. We really believed this. I wasn't the only one that believed it, we all felt really strongly".
- We spoke to one of his colleagues who sent us also some of *his* notes and talked about how they were pretty sure about what had happened, but they just never had enough to lay charges, so they never did. So, I mean I think that you're right in that it's not a uniform thing across the country. Certainly there are cases where the RCMP can be criticized for that, but in this particular case they believed something quite strongly but they never felt they had the evidence. And so it's *still* an unsolved murder 27 years later.
- Jon Cryer:** See, in America we have two sort of competing impulses in terms of what we want from our police: We want a professional, diligent force, but we also want our freedom, but we also have an authoritarian impulse in the United States – a sort of 'frontier justice' thing. And that often comes into play in more rural areas because police have a little more... There's less people around to check their authority.
- I think, Monica, this has been a big area of your study.
- Monica Bell:** Well, it's an area I'm actually writing about now. One of the 'solve-all's' that some people throw around about reforming the police is consolidating very small police forces so that you

at least have some sort of organizational check over people. Because part of the bigger issue I think comes out in all of these cases in that – and it sounds like it may be an issue in Canada as well – is police departmental culture. So, it's not necessarily that-- The story isn't about individual police officers that become unhinged – it is to *some* degree...

But the bigger story is what kind of incentive structures are we creating? What kind of culture exists within departments? And when you have super small departments in which certain police officers can have individual authority that maybe exceeds what we *want*, basically that's an issue that comes up in part because they don't have people there to check them. And they don't have the sort of institutional structure to surround and control that. So that's something that I've been thinking about a lot as well, that people are proposing.

**Jon Cryer:**

Well in the Joey Watkins case, many of the teenagers in town talk with *fear* of Stanley Sutton; that he was a *constant* presence. And that seems atypical to urban settings. But I don't know. Perhaps... That's just my own impression – am I correct in that, Monica?

**Monica Bell:**

Well, you know, it's a little more complicated than that.

So, a lot of the research I've done with young people has been in Baltimore. So, I've led a study – a youth participatory action research study – in Baltimore in the summer of 2015, and my team was talking to young people throughout the city about their police interactions, and we were hearing things that sounded like what the young people were saying about Stanley Sutton, but it wasn't just be about *him*; it would be about certain *units*. You know, sometimes it would be about particular officers, but with a random assortment of officers it wasn't just *one person*.

And I think this is just a size issue. With the kind of basic concern – this idea that police authority can really affect people's daily lives and cause this fear of authority. That's really sounded very similar to me. Even if it wasn't just about kind of one massive figure. The way I interpret Stanley Sutton is, isn't not *about* him. It is I think to some degree his personality, and the crickets, and all of that, but--

**Jon Cryer:**

[laughs]

**Monica Bell:**

But at the end of the day, he is a product of a system that allowed him to use his authority in this particular way. And so I'm hoping that, you know, in all of these stories we're remembering that. There's structures that allow this to happen, more so than just bad, charismatic actors.

**Susan Simpson:**

And I get the sense that there's just this weird tension, almost, between the express dislike of the "*po-lice*" – as they're called in Rome – and an overall trust that remains in the system. Because they'll say, like: "Oh, don't get involved in that, stay away from the police, don't trust the police, don't trust Stanley" but Joey's conviction they trusted.

**Monica Bell:**

Mm-hmm.

**Connie Walker:**

They put weight behind it because it happened.

**Susan Simpson:**

Yes. So even though, like, they can express concern or suspicion, or a lack of trust in individual *parts* of the system, they still don't have a skepticism of an actual outcome – of the final product, I guess.

[32:06]

**Monica Bell:**

And I think this is the real difference between what I saw among young people in Baltimore and what we see in the Watkins case. And I think, frankly, that the more I suspect structural racism issues and the historical issues really come to bear. Because it takes a long time. I think it really takes generations to get to a point you think this entire system-- And where all this happened, one of the things you said earlier, Connie, that really stuck with me was: "This is just the way it was – we just got into the ditch, we didn't know why, we didn't know what we were fearing." Well, I would chalk that up to culture that's embedded over time.

Now, I don't think what we have in the Floyd County situation is a space where people have that long-term generational mistrust of the system that would allow them to say: "Well, okay, this entire *system* doesn't work." But I think in the African-American context, and it sound like maybe in the context of Indigenous folks in Canada, that you have a similar – you might have that sort of generational issue.

**Connie Walker:**

For sure. And that was one of the things that we asked the RCMP officer who came forward about, was just, what was the relationship like back in 1989 in Prince Rupert, British Columbia? Because, Prince Rupert – if you're not familiar – is in *northern* British Columbia – and it's a kind of port city, but you know, really high Indigenous population and then obviously the non-Indigenous. And he said, for policing, it was kind of an 'us and them' mentality. And that despite that, he maintains, that Alberta's case was investigated thoroughly. But it was actually just last year that the head of the RCMP was at a meeting with Indigenous leaders in the capital of Canada – in Ottawa – and he admitted that there are racist police officers in his force.

**Monica Bell:**

Mm-hmm.

**Connie Walker:**

And he said: "*I know* there are racists in my police force, I don't *want* them here." And they've also not admitted to investigating these cases as well as they should have.

I think that we're just getting to a point now where there's transparency about some of those issues that, you know, these conversations weren't happening five or ten years ago. And, like, trying to understand how that culture is changing is really interesting. And what's *leading* to the change. I think it has a lot to do with the coverage of these stories, and the shift to digital has kind of given space for these voices – including Indigenous voices in Canada – to be heard. And that there's a recognition now, because we're not relying on traditional forms of broadcasting and like, the evening newscast, and what white editors are deciding is important.

Now we actually have metrics. You can find out how many people are downloading *Undisclosed*. You can find out how many people are interested in the Joey Watkins case. And same thing with the shift to digital. So I think that gives the space for voices that weren't given the opportunity before and maybe that's helping to lead these conversations that we're having.

**Monica Bell:**

An interesting analogue: The leader of the International Association of Chiefs of Police, the ICP here in the US recently, just in October apologized for the racism against minorities in the US. So, it's kind of a similar analogue to what you were talking about. And yeah, absolutely the democratization of voice about what's going on is an important factor there.

[36:55]

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**Jon Cryer:**

Well also, *of course* there are racists on police forces. There are racists *everywhere*. I think racism – and by the way, it sounds like a horrible term, you know it's obviously freighted with a lot of negative weight, but human beings are tribal animals, you know, and racism comes up

emotionally in people, you know, without even realizing it, and you can't outlaw a thought or an attitude – you can say, "Yeah that attitude is ugly", which is *is*... But you can't make it, you know, against the law for people to have those feelings to serve on police forces. You know?

**Connie Walker:**

But you have to be very careful how it impacts their *job*.

**Jon Cryer:**

Exactly. Yeah. You have to provide a check and a balance and make sure that it isn't affecting their job.

**Connie Walker:**

Another case that just unfolded in Canada was a really well-known Inuit artist was found dead in a river in Ottawa. And police initially gave interviews that no foul play was suspected, almost-- Really, really quickly after her body was found. And then an Ottawa City police officer went online and made some racist comments about her disappearance and her death, and it was revealed that the person who was making the comments was a police officer working on the force that was supposedly investigating her death.

And now, after this came to light and he was put on suspension, and his comments were investigated, now they're saying this *is* a suspicious death and they are investigating and asking people to come forward with information.

So, I think that you have to be really careful about, obviously, acknowledging that there are these ideas out there. But it's so implicit in everything that you're doing, and especially as somebody who works in law enforcement or who's part of the judicial system, like, you have to be really, really careful about how that impacts their job and how it impacts their investigations.

**Monica Bell:**

I think this goes back to the point, though, that everyone has some sort of pathology along some sort of lines, but what we have to focus on is creating structures so that these things don't matter. Because I don't want to get into the business of thinking, "Oh, well, police officers and prosecutors, the real problem is that they're individually racist and they're bad actors" and I don't think that's right.

There are many people who go into policing, have the best of intentions, go into it for public service, maybe because some of the structures we've created and the resource issues, they develop tunnel vision, and focus. I think there are many different layers of this issue and I want to be careful not to make it about, kind of, individually racist officers, as opposed to about structures that create disparate outcomes.

Because sometimes those structures lead to what we see in the Joey Watkins case. Which doesn't, on its face, look like racism, but actually authoritarianism run amok and ways that we see play out – in particularly negative ways for minorities in general.

So, you know, it's really just that kind of correction to focus on the structure and cultural context.

**Jon Cryer:**

Yeah. Well, Monica, I wanted to ask you about-- I mean police are organizations. I mean they are big organizations, they're small organizations. I wanted to ask you about the effect of organizations on police tunnel vision. Because they are workplaces. They are workplaces like any workplace. And, what do you think are the sociological causes that make police stick to a theory? And obviously there's you know, entertainment – we play up: "Oh, he had a hunch! You know, he was a cop with a hunch!" and he stuck to it, you know? [laughs]

What do you think are the things at play that may make police ignore information?

**Monica Bell:** I think that there are *so many* that it's going to be a little difficult for me to get through all of them. [laughs]

**Jon Cryer:** Okay! [laughs] Well, just the top--

**Monica Bell:** [laughs] I'll make some broad strokes. So, one thing as you noted, police departments or organizations that operate in local administrative agencies, and people work together and they develop 'small group' culture. And then on top of that is the ethos of what we think police are. So, police are really the 'guardians' of our public safety, and the people that we sort of *deify* in the policing world are people, as you notice, who have the hunch and always get that 'bad person'.

And because of all of that-- And it comes out through the media, it comes out through the stories we all tell each other about policing from an early age, it comes out with police officers being in *schools*, and all of this. That whole kind of cultural conception of police really affects individual officers. People who go into policing want to be that hero.

And they see themselves in that light often, but then are confronted with the reality of the work that they do every day, which is really difficult to gather enough evidence. It's really difficult to get witnesses to talk to you. You know, it's just really very difficult work. And when you're confronted with the gap between your conception of what you're supposed to be doing and the reality of what's confronting you, it's just really hard not to try to make a case.

And then when on top of that, to be police officer is seen as a sort of *art*, you know, being a certain type of person rather than a set of specific *skills* or ways of doing the job. So, when it's the type of person who has an idea and they follow it and they always get the right person... If that's the idea of what a police officer is supposed to be, it's difficult, I think, for many officers to avoid developing tunnel vision.

So, basically the very idea of going with their gut instinct, that equals tunnel vision. And so in that type of environment it's very easy to develop, and then on *top* of that you're confronted with the pressures of the organization, so the pressures to move cases, the fact that many police departments lack resources, they really don't have a lot of-- They don't have the same resources and time to investigate in the way that, many people have been investigating through *Undisclosed* and through other podcasts, these really serious cases.

And so, when you combine all of these issues-- So, the culture in policing in general, small group departmental culture in general, resource issues related to both money and time, then the sort of individual psychology of policing, I think you have really a devil's brew that leads to tunnel vision many times, and I think it's actually surprising.

I mean, I think there are many instances of tunnel vision that we have not yet uncovered, and it's perhaps even surprising that some officers are able to avoid it, given those constraints.

**Connie Walker:** How successful are the ones who are aware? How successful do you think they are in being able to avoid it? Because that was one thing that came up in our investigation, is that Gary is quick to say, "We never wanted to get tunnel vision" but identified a suspect very early on and everything led back to him. "We investigated other avenues, *but*, you know." So he's obviously very aware of that, but even if they're aware, how successful are they to make sure that they're not falling into that rut?

**Monica Bell:** I mean part of the problem here – it's really hard to evaluate that, right? I mean, the way you would *know* if you start off with a suspect and then *change* them a lot of times. But sometimes they *do* know the person early because of... And so it's really hard to know that.

I think trying to develop an ethos – really at the training level, but really try to reinforce consistently in the departments that, “You should be second-guessing yourself constantly” and that we’re not going to punish you if you’re taking longer on a case because you’re second-guessing yourself.

Those kind of incentive structures need to be dismantled in order to really *do* some about tunnel vision.

[45:31]

**Susan Simpson:**

And the bigger problem *there*, for dismantling it, is the prosecutors don’t *want* them second-guessing themselves, don’t *want* them doing this “Maybe, maybe not” dance, because that creates Brady material that they have to turn over.

**Monica Bell:**

Right. Absolutely. Absolutely.

[47:04]

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**Jon Cryer:**

Also, as a police officer and a prosecutor, you’re living in this fog of data points. You’re getting data points of varying degrees of reliability from all over the place. And you have to use *some* human instinct to pick through those. And if you’re constantly questioning your human instinct you’re left with just a *fog*. And I don’t know how you find clarity in that situation.

I mean, interestingly, the RCMP officer who brought Alberta Williams’ case to you, obviously was very dogged. That’s something that stayed in his mind after all these years. That’s something you *want* in a police officer. You know? We *want* so many of these qualities. We want an inquisitive mind. We want someone who latches on to a mystery and *wants* to find the perpetrator. Who *wants* to do good. And all these things are good, but they also contribute to a single-minded tunnel vision that can lead to the wrong person.

In the Alberta Williams case, there’s two very strong possibilities, but they’re very divergent. You’ve got the Highway of Tears, which very well could mean that there could have been *several* serial killers who have been preying on Indigenous women in Canada, *or* you have an equally plausible scenario of a family member who got into a terrible situation and overreacted. You know, those are *both*--

**Connie Walker:**

There’s a *third* possibility. You have to keep listening.

**Jon Cryer:**

Oh, I’ve got to keep listening! I’m only up to *four*. We got to the residential school part and my heart was breaking, and I had to stop. So, it’s really your fault, Connie.

[laughter]

**Connie Walker:**

No, it is true. I mean I think that’s what it makes it really interesting. And for me, at least, as a journalist covering these stories it’s a compelling mystery, right? You get caught up in it.

But, I think providing context was really the most important thing for me, because there are hundreds of families like Alberta’s, and I’m sure, like, with the Innocence Project you see that there are so many people who *deserve* this amount of attention and this amount of investigation into their cases.

And so it’s really important to kind of look at those structural things, and look at the bigger picture and see how we can identify what the issues are outside of the individual cases. Which is, I guess, Monica, what your work is really all about.

**Jon Cryer:**

So, a big part of this week's episode of *Undisclosed* was that at some point the police and prosecutors must have realized that the cell tower evidence actually was *clearing* Joey of the crime, and yet they continued with the case.

Now, it sounded like there was some disparity in when they claimed to have found out that information and when they may well have gotten it. Is that correct, Susan?

[50:33]

**Susan Simpson:**

Well not so much *claimed*... It's just the only thing left in the file shows in September, so like, very late in the game it was Air Touch at time of the crime and then Verizon bought them, so it was Verizon by then. But Verizon sent over the locations with that cover sheet saying: "Here they are *again*". There's no indication other than that 'again' that would make you think they had it before then. Which is why I originally thought they didn't even have a clue before they were ready to make an arrest, essentially.

But, from the GBI file it's pretty clear – I mean, *blatantly* clear, that, yeah, they *did* have the locations. Yeah, they *did* test them out. Yeah, they did look into it. Yeah, they even got a report into what towers were involved... If they were, quote: "overlapping somehow". And yet they did a very good job of removing every trace that would indicate that had ever happened.

Which to me suggests it has to be intentional. Because the way those files work, and they're very- it's a bunch of notes, bunch of officers, kind of interrelated – to not even leave a *suggestion* of a gap means it wasn't just a paper taken out, it was someone went through and purged that whole file. To me.

**Jon Cryer:**

But I think that to fight the institutional *inertia* at that point, like, let's say they did in fact have the realization that the cell phone evidence was making it very likely that the guy they were close to arresting was *not* the criminal in question... I've never been, you know, a policeman or a prosecutor--

**Susan Simpson:**

But that drive test was not-- That drive test was a *month* after Sutton came on the case.

**Jon Cryer:**

So you think they had that definitively? I mean, because, again, you know, this is what year? This is 2000, or 2001? Baltimore had for the first time used cell phone evidence in 1999, right there? I mean, this is still very, very *new* for police officers.

**Susan Simpson:**

But they *had* it. The GBI file shows they had it and they got the records, and then they lost all of them. Which, there's two parts: 1) we know they wouldn't have been favorable to their case, because they can't be. And 2) the fact that they lost everything. If it had been even ambiguous they'd have left it in there and used it as some way to spin it as an argument in their favor.

But, given the distances involved, it's pretty clear what they found is that Kingston Tower just *can't* be close to the murder scene because the mountains are in the way. So, that's a hard fact, no matter how you want to fudge the data, and, like: "Oh, it's ambiguous". It's a pretty solid reality point right there that I think they must have struggled with and ultimately just decided to ignore.

But what's interesting on the point of tunnel vision and abandoning it: There is a note from the Rome Police file that was written right after we know that test was done-- Sorry, it's the Floyd County file. But it's Sutton talking about wanting to go do some interviews, and he says: "I talked to Moser about it. Moser didn't see the point." Which makes me wonder if Moser was no longer seeing the point in investigating it because Moser saw the cell phone records and realized this was not going to happen.

- Jon Cryer:** Yeah, I just wonder, there's also: We're assuming that both organizations – Rome PD and Floyd County – had the exact same information. That their information coverage was perfect. You know, again, these are human beings involved, and we don't know who had what information.
- So was it Moser who did the drive test?
- Susan Simpson:** No, it was Tommy Shiflett. The GBI file says that it's Sutton and Tommy Shiflett doing it. I don't know for a fact that Rome got it, but...
- Jon Cryer:** Got it. It seems like a picture of this has been coming out over the whole season of *Undisclosed* that there was no dissuading Sutton from finding that Joey Watkins had committed this murder.
- Susan Simpson:** Sutton could have seen someone else do the murder, and he would have still thought Joey had done it.
- Jon Cryer:** [laughs] Yes. One thing that I thought also was very valuable about Connie's podcast was that having the perspective of law enforcement, that they *are* willing to talk. And I really wish that Rome PD and Floyd County Sherriff's department would speak with *Undisclosed*, and they could clear up a *lot* of what exactly happened in the Joey Watkins case.
- Susan Simpson:** I do too! And if there's any people out there from the Floyd-Rome agencies who would like to talk we'd love to hear from you.
- Connie Walker:** That's not common, actually at all, in Canada. I mean, because we're doing these unsolved cases, it's actually very difficult to get police to say *anything* about them. Because even though some of them are 27 years old or even longer, they're still considered open if they've never been solved. It's like, they don't have this 'cold case' distinction.
- So, for an active RCMP officer to talk about any of it is really unlikely. We do eventually get an interview with a *current* RCMP officer who speaks more about the bigger picture, but he told us that Alberta's case – since our podcast has started airing they've received new information and that it's now considered very active, which is something.
- He wouldn't talk to us back in the summer before the podcast had started airing, but for Gary to speak out the way that he did, and to send a tip to CBC is unheard of. I've never encountered that in an ongoing investigation in that way.
- So it doesn't often happen here either.
- Jon Cryer:** Well, Floyd County, if you're *so* confident in your case against Joey Watkins, that's *closed* according to you guys. So, feel free to talk to us about it.
- Susan Simpson:** Yeah. That's not going to work. [laughs]
- Jon Cryer:** [laughs] I'm *trying* here, Susan!

[55:40]

- Susan Simpson:** Yeah I know, they just made it very clear that-- I mean, this is not just police officers, this is the DA has made it very clear she does *not* want to talk to me, does *not* want to meet with me. So, that's not going to happen.
- Jon Cryer:** Now I wanted to get to some social media questions, because the cell phone episode obviously lit the internet on fire--
- Susan Simpson:** [laughs]
- Jon Cryer:** I have some really good ones.  
  
Here is from 'Green at the Machine' who says, "As cell pings have been raised in *habeus* already and have already proved innocence, what can be done? Since the Georgia Supreme Court has accepted a fact that seems provably wrong, is there any recourse?"
- Susan Simpson:** Not for the cell phone stuff. I mean, that's done and done. It's over.
- Jon Cryer:** Any aspect of the cell phone stuff?
- Susan Simpson:** Not in relation to the actual science and what it shows. Like the fact that Joey is provably innocent is meaningless.
- Jon Cryer:** Wow. Okay.  
  
"If Joey gets a new trial, can they use this week's summary of cell recordings in closing arguments? The jury would get it."
- Susan Simpson:** They *could*... But I don't see them taking this to retrial. [laughs] The case is *gone*. They have no case. They only got it through the last time because of the little combination of unfortunate factors for Joey. But this is not a case you could bring again.
- Jon Cryer:** I got another one. This is from 'Meredith Bliss' who asks: "Did Heath have a cell phone? If so, were records pulled for his trial? Any chance those might place Wilson at Isaac's wreck?"
- Susan Simpson:** No. No cell phone there. So nothing to go on for that. I do wish they'd gotten records for *Joey Rhodes'* cell phone. But they didn't.  
  
An interesting fact is that apparently Wayne Benson, the eyewitness, says that at some point Officer Weekes, one of the officers kind of tangentially involved in the case, came to his house and asked for his cell phone number. And he didn't know why, and didn't know what it was for. Which, to me only makes sense if they wanted to pull *his* cell phone records, to find out perhaps even more about what time exactly he called. But that didn't happen.
- Jon Cryer:** Well it either didn't happen or it disappeared from the files.
- Susan Simpson:** Yeah. [laughs] Or if it *did* happen, yeah.

- Jon Cryer:** Here's another one: This is from 'Eddie' who's at 'Wiz Ed' who says, "Were there any speed traps or traffic cams on any of the highways that may have captured something that night?"
- Susan Simpson:** Not that I've ever seen suggested. I don't think that was something they had in place in Rome.
- Jon Cryer:** Yes, we've got another one: This is from 'Chef Johnny F' who says, "What if any CCTV exists in both cases? Lots of places mentioned, i.e. the Texaco garage." Either asking if there's the Coke plant, you know, they might have had security cameras. Is there *any* existent security footage?
- Susan Simpson:** No, and I wish-- I think *that* could have been a very valuable route for them to take back then. And I wish someone had thought to go to, like, the gas station across from Floyd College, and pull *those* records.
- Or, in the Wilson case, pull the parking lot footage. I'm sure they had some kind of CCTV *somewhere* along that stretch. That stretch was very built up, had a lot of retail area. There wasn't really all that much around the Highway 27 shooting, so there's less opportunity there. But *especially* in the Wilson case. They did *nothing* they could have easily done to confirm various aspects of the story.
- Jon Cryer:** Another one from 'Chef Johnny F' says: "Did Isaac make any calls to the police whilst driving?"
- Susan Simpson:** No. He did have a cell phone and they pulled that, and pulled the records, but there had not been any calls since the previous day.
- Jon Cryer:** I've got another one from 'Amanda Yost', "In the 'Charm City' episode of Season 1 you talked a lot about how gunshot residue is an unreliable test if someone has fired a gun. But you seem to place a lot of importance in this episode on the fact that it was not done to determine if Heath Wilson fired from his car. Is it only unreliable on someone's hands?"
- Susan Simpson:** For me the significance of *that* is less what the results would've-- I mean, without knowing what they hypothetically did and did not do, and what the results show, it's hard to really make a conclusion.
- But it's more the fact that they had faith in that kind of evidence, and they seized the car, saying they were going to do it and then... *Nothing*.
- It makes me wonder what was going on in the investigation if they *didn't* decide to do GSR testing, why not, and if they *did*, what happened to it?
- Jon Cryer:** We've also got a question from 'Dave Dawson' who says: "Where can I get a copy of Leigh Patterson's response filing for the Supreme Court case?"
- Susan Simpson:** Good question. I'll put a link up somewhere. [laughs] On the website.
- Jon Cryer:** Okay, got it. Connie, Monica, do you have any questions for Colin and Susan?
- Connie Walker:** I just have to say, it's amazing how active and engaged your audience is with these really specific questions. And we've been getting information from people who've been listening to

Alberta's podcast, and one of them was just totally unexpected because we've been talking about this 'truck' that she was apparently seen in after she disappeared, and there have been all these descriptions of it, you know, how it had maybe had a back seat in the back or it was a crew cab, or an extended cab. And we basically got an *essay* the other night from someone who for some reason is this expert on Toyota cabs from the 1980s, and how they used to make this one that was called an 'extra' cab, and they stopped making it in 1989, and he basically gave us the dimensions and exactly how, you know, this is probably the truck that Alberta would have been seen in.

So it's incredible that there's this level of engagement. I think about these stories... I think as a journalist I think it's amazing.

**Susan Simpson:** Yeah, it's always great to have a sort of access or greater exposure to the people involved in the case – a community involved – which, you know, people in Rome are hearing this, and some have come forward. I wish more had. But also to sort of tap into the *larger*, non-direct community of people who have random knowledge, like about Toyota cabs.

**Connie Walker:** Mm. [laughs]

**Monica Bell:** I've a question: I'm trying to figure out why it is that Rex Abernathy, that's the lawyer's name, right?

**Susan Simpson:** Yeah.

**Monica Bell:** Why doesn't he understand the cell phone evidence?

**Susan Simpson:** [laughs]

**Monica Bell:** Like what's the theory behind that? Because I didn't come away from it with the same sense I had last season that there's some reason that the lawyer didn't understand.

**Susan Simpson:** I have *no idea* why he doesn't understand it. There'll be more on that when we get into the appeals and what happened in the *habeus*. And Rex Abernathy was deposed on this very issue, which I still can't say *why* he didn't understand it, but it makes it very clear he didn't have a clue what was going on.

**Monica Bell:** Hm. Okay.

**Connie Walker:** I have a question around production, if that's allowed?

**Jon Cryer:** Sure! [laughs]

**Connie Walker:** How far ahead are you guys in terms of your production of the episodes?

**Colin Miller:** [laughs]

- Connie Walker:** Do you know what's happening in the final episode already? Or is it kind of like a road map?
- Susan Simpson:** We have a rough idea of what's going to-- A very rough idea of what's going to happen, *when*. Especially as we get closer to the end of the season. But that's about all. [laughs]
- Jon Cryer:** But you guys keep *adding* shows. You keep saying, "Oh wait! Oh, we need another! We need another!" Don't get me wrong, I love it. I love the show.
- Susan Simpson:** We're definitely capped at 24. So we have three more episodes to go.
- Monica Bell:** No! No, it's not enough!
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- Jon Cryer:** [laughs] Well thank you guys so much for being on the show, it was such a pleasure. Connie, thank you for bringing us *Missing and Murdered*, it's a terrific podcast, it's beautifully produced. And you know, it seems to be getting some results.
- Connie Walker:** Yeah, I know, I appreciate coming on the show. It's been quite a journey and I think that having this kind of podcast format allows for a flexibility that I don't often get in my job, so I'm really appreciative of that. And that people are hearing Alberta's story, 'cause that really is the most important thing.
- Jon Cryer:** Yes. Monica, if you're looking for a new podcast in the downtime before- if there's another season of *Undisclosed*, check out *Missing and Murdered*, it's beautifully done.
- Monica Bell:** Great... I'm two episodes in. So...
- Jon Cryer:** See if you can make it through *four*- [laughs] That's the big test! 'Cause it'll break your heart.
- Monica Bell:** I don't know if I need that, but-
- Jon Cryer:** [laughs] Yes, at this moment, you might not need that. Do it when you're strong. Okay? Listen when you're strong. Okay thank you Monica, thank you Connie, and thank you Colin and Susan once again for a great *Addendum*.
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