

# Serious and Deadly Force Investigation Taskforce

## Third Meeting Summary

June 14, 2018

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Seattle, Washington 98101

*Allotted times are suggestions.*

**Attendees:** Jim Graddon (Co-Chair), André Taylor (Co-Chair), Captain Gregg Caylor, Leslie Cushman (by phone), Lisa Daugaard (by phone), Willard Jimerson Jr., Josh Johnson, Lisa Judge, Mark Larson, Jim Maher, Myerberg, Sweetwater Nannauck, Lorena Sepin

**Community Police Commission Staff:** Fé Lopez, Karen Chung, Roxana Pardo Garcia Mark Larson

**Guests:** Anne Bettsworth (Office of Police Accountability), Brittany Cirineo (Department of Justice), Deborah Jacobs (King County Office of Law Enforcement Oversight), Brianna Thomas (Office of the Inspector General), Adrienne Wat (King County Office of Law Enforcement Oversight)

### I. **Perspective of Law Enforcement Officers** (1 – 1:50pm)

*Hear from law enforcement officers about their thoughts and expectations in the investigation process and their experiences as officers in Seattle.*

- Captain Gregg Caylor (Force Investigation Team, Seattle Police Department)
- Sergeant George Davisson (Force Investigation Team, Seattle Police Department)
- Detective Steve Corbin (Force Investigation Team, Seattle Police Department)
- Officer Michael Virgilio (Patrol, Seattle Police Department)
- Sergeant Heidi Tuttle (Patrol, Seattle Police Department)

The SPD officers identified the following characteristics of the current investigation process in conversation with the Taskforce:

- The Force Investigation Team (FIT) and Force Review Board (FRB) process are not overbearing or unnecessarily stressful.
- Upon a shooting, the following individuals are present at the scene: a city-appointed attorney, the FIT team, and a guild representative. The presence of these people is comforting for officers.
- One officer remarked that he had a positive experience in the aftermath of a Type III use of force. FIT detectives contacted them every day that they were on administrative leave to ensure they were OK and to keep them up to speed on the process.
- It is key that the interview take place in the least stressful environment.
- FIT detectives clarified that FIT deals with the physical aspects of the investigation. There is a peer support team that attends the scene and is present at the office to support officers throughout the process.

- Upon a Type III use of force, the involved officer will be brought to the FIT office to provide a statement. As long as the officer is physically able to provide a statement, they must provide a statement on the day of the use of force.
- One officer remarked that FIT's involvement in supporting officers and keeping them updated on the process was a lot like "wraparound services" by FIT, and that these services were very valuable.
- Officers stated that officers used to not seek psychiatric services in the past following a use of force. By making attending psychiatric services at least once mandatory, officers can feel better about going.
- Good people have lost careers because of bad choices and lack of empathy in history of policing.

The Taskforce asked what it was like to police communities of color, and whether it was different from policing white communities.

- An officer stated that while they do not understand the backgrounds of everyone, they would never go to a community and treat them differently because they don't understand it. They would try their best to understand what's going on. Officers can use discretion.

What's different about this moment?

- Training in Seattle is eons ahead of most other jurisdictions. It's very common that people come to this force from somewhere else who are surprised.

Are we doing a better job of placing people than we did historically?

- Now it's who we can get to hire on. Officer identified the difficulty in recruiting officers to the force.

What are strengths and weaknesses of investigation model? Are there improvements we can make?

- Prior to FIT, the homicide did the investigations of major uses of force. Those detectives may have investigated one shooting every couple of years. They rotated around. Now, a unit of 6 people is solely dedicated to high-level uses of force and officer-involved shootings.
- Goal in FIT is to tell the entire story rather than one side of the story.
- Previously if there was a serious use of force, a sergeant would come speak with the officer, the officer would write their statement, and it would done. The investigation really focused on the moment force was applied and that was it. Now it's a expansive system.
- There were initial reservations of having civilians at the scene, but it has been a great partnership. There are times Dir. Myerberg and Tonia Winchester from OPA would ask questions and it would obvious to FIT. However, law enforcement officers are not the only audience, and having civilians involved helps law enforcement explain things better to community. It is critical to have that kind of feedback and conversation.
- FIT has been in operation since 2014. In the year, there were 42 investigations. Deadly force: 8 shootings in first year, average around 5 per year.
- The FIT team does not currently have an officer who is a person of color.
- FIT is precluded from making any conclusions about analysis. Any kind of statement or conclusion that shows any bias must be removed. There are no conclusions or analysis.

## II. **Review of Investigation Flow Chart (1:50 – 2:10)**

### *Walkthrough of flow chart by OPA*

Director Andrew Myerberg of OPA walked through a flow chart of what happens when there is a Type III use of force.

- One purpose of OPA is to ensure FIT investigations are conducted fairly and impartially. At any time during the process, OPA can identify that there is misconduct in the investigation. If that happens, OPA can investigate.
- Trust building and building processes is a function of OIG.
- Some civilian protections built into the current investigation process are the Office of the Inspector General, who is on the scene, as well as the Community Police Commission, who can review closed cases.

### III. **Survey of External Investigation Models** (2:10 – 2:55)

#### *Presentation and discussion on external investigation models in other jurisdictions*

Karen Chung from the Community Police Commission presented case studies of independent investigation models in Wisconsin, Connecticut, and Utah. The presentation provided background and details regarding the models in addition to outcomes, pros, cons, community reception, and proposed reforms to the current law. The presentation also provided snapshot summaries of other models, and identified questions for the Taskforce's consideration in its deliberation on the best path for Seattle.

### IV. **Break** (2:55 – 3:10pm)

### V. **Metrics for Success** (3:10pm – 3:50pm)

*Discuss the Taskforce's metrics for a successful investigation model. What values and technical expectations should a new investigation adhere to?*

In the interest of time, the Taskforce postponed this conversation for the next meeting.

### VI. **July Work Plan** (3:50 – 4pm)

*Determine the work plan between the third and fourth meeting, and the agenda for the fourth meeting.*

The Taskforce identified the following topics for the 4<sup>th</sup> meeting agenda:

- Survey of other (non-independent, or quasi-independent) investigation models
- Conversation with the Inspector General for Public Safety on potential reforms
- Metrics for Success