



INFORMATIONAL MEMORANDUM

TO: Community Services and Safety Committee

FROM: Chief of Police Eric Drever

BY: Chief of Police Eric Drever

CC: Mayor Ekberg

DATE: May 10th, 2021

SUBJECT: Use of Force Review

ISSUE

With the goal of providing transparency and accountability to the public regarding the Tukwila Police Department's use of force, the Police Department has created a Use of Force Review Board that will review all use of force by the department.

BACKGROUND

For accreditation purposes and best practices in law enforcement, the Tukwila Police Department conducts an annual review and analysis of all use of force by the members of the department. The review consists of acquiring stats and tracking use of force throughout the calendar year. That collected information is then analyzed by the Deputy Chief of Police, who then prepares a report regarding the analysis. The report is then forwarded to the Chief of Police for review and inclusion with accreditation proofs.

DISCUSSION

With honoring the intent behind police reform efforts to provide transparency and accountability, the Tukwila Police Department has taken the initiative to establish a Use of Force Review Board. The Board consists of TPD Use of Force Experts, TPD Administration, and Community Members that are selected as part of our Independent Investigation Team for officer involved use of deadly force. The Board reviews each use of force individually for compliance with Department policy, training, and appropriate level of force used. The review helps to identify areas where the department can improve their training, processes, and means for accountability. The Deputy Chief will then prepare a summary of the findings of the Board for presentation to the Chief of Police, who will subsequently present the findings to Council. Once presented to Council, the reports will be published for the public.

FINANCIAL IMPACT

There is no financial impact at this time for implementing this program.

RECOMMENDATION

Information Only

ATTACHMENTS

Use of Force Review Memorandum
Use of Force Review Board Memorandum



City of Tukwila

Police Department

Allen Ekberg, Mayor

Eric Drever, Interim Chief of Police

MEMORANDUM

TO: Eric Drever, Interim Chief
FROM: Eric Lund, Acting Deputy Chief
DATE: February 3, 2021
SUBJECT: 2020 Use of Force Statistics and Analysis

Attached are statistics for the year 2020 concerning the department's use of force applications. The following is an analysis of the statistics to determine if there is any training, equipment, policy issues, or trends that need to be addressed.

All uses of force have been documented in AIM (Administrative Investigations Management) since 2018. All uses of force are required to be reported by the officer that uses force. A sergeant may be required by policy to respond to the scene. For each use of force reported, the sergeant will complete a review of the officer's report, view any body worn camera (BWC) video, and forward his/her recommendations to the division commander. The commander will also review the use of force by reviewing the same documents and BWC videos. The commander will forward his/her review to the Deputy Chief. The Deputy Chief will read the reviews of the sergeant and commander and determine if the use of force was within policy and reasonable. If there are any policy violations or other inconsistencies, the Deputy Chief can escalate the use of force review to an internal investigation. Each use of force is reviewed by multiple levels of the organization.

This data is entered into AIM (Administrative Investigations Management). According to the statistics, there were 54 uses of force in the year 2020. This is a 15% reduction in use of force incidents from 2019 (64) and a 35% reduction from use of force incidents in 2018 (84). To further contrast, 2016 had a total of 260 use of force incidents reported, which was the year prior to Tukwila PD purchasing and deploying body worn cameras. In four years, use of force incidents have **decreased 79%**. Other changes that Tukwila PD has made that contributed to the reduction is increased training in de-escalation, patrol tactics, and crisis intervention training related to mental illness.

In each incident, an officer can use several types of force depending on the circumstances and behavior or the subject. Low level uses of force were the highest total force applications. This includes the officer using physical strength, take downs, counter-joint moves, or strikes and/or punches. 72% of the use of force incidents involved at least some physical strength or control. The numbers for low-level uses of force in 2020 were very similar to the numbers in 2019.

Regarding higher level uses of force, the TASER was deployed 5 times (9%). There was one application each of VNR, OC Spray, and 40mm less lethal (all 1.8%). It should be noted that VNR use was suspended by Chief Linton in June of 2020 and was -restricted to use only during a lethal force encounter (The VNR application in 2020

occurred in March.) There were 9 applications of VNR in 2019. This represents a nearly 90% reduction in VNR applications. TASER applications remained similar (5 vs 4). OC Spray and 40mm less lethal usage were both 0 in 2019 but increased to 1 application each in 2020.

The number of subjects that were reported to be armed with a weapon or have immediate access to a weapon increased in 2020 to 16% of all incidents. In 2019, the percentage was 5%.

Overall, the number of subjects that were reported to have injuries after a use of force reduced from 37% in 2019 to 31% in 2020, a 6% reduction.

In analyzing the statistics, I did not identify any unusual or emerging trends, aside from the aforementioned reduction in the use of higher levels of force. I also did not identify any equipment or training issues that may have an impact or change any future use of force totals. I do not recommend any changes to the current policies regarding use of force that would have an impact on these statistics or that needs to be addressed.



City of Tukwila

Police Department

Allan Ekberg, Mayor
Eric Drever, Chief of Police

MEMORANDUM

TO: Eric Drever, Chief of Police
FROM: Eric Lund, Deputy Chief
DATE: April 6, 2021
SUBJECT: 2020 Use of Force Review

The Tukwila Police Department conducted a review of the use of force incidents that occurred in 2020. The review was led by Acting Deputy Chief Lund. The review occurred over 3 separate days over Microsoft Teams (due to COVID). The review included a PowerPoint presentation explaining department policies, training and some basic level explanations of force and common terms that are used in law enforcement. Department members that participated were Officer Eric Hines, Detective Erik Kunsmann, and Sergeant Isaiah Harris, who all have extensive training and knowledge in defensive tactics.

The department has several community representatives that had already been selected to participate with the Valley Independent Investigative Team. The participants were Sean Goode, Sharon Myklebust, Allan Howard, and Ross Dworman. The review consisted of a basic overview of the incident which included the type of call, type of force used, injuries sustained, how the use of force was reviewed, and the disposition for the report. If body-worn camera footage was available, a clip of the force used was shown to the group. After the video was shown, the community reps were encouraged to ask questions about each incident.

We spent approximately 6 hours reviewing all 54 use of force incidents from 2020. The meetings took place on February 23, March 9, and March 16, 2021. The discussions were very informative and there was a high level of participation and interaction.

Some of the questions and comments that were asked:

- Many of the use of force incidents involved the crime of shoplifting where the offenders ran. One of the community reps had concerns about force being used for property crimes and the amount of time officers spent dealing with shoplifting calls.

- One of the incidents involved a male suspect in crisis, who stopped breathing. An AED was brought to the scene by one of the officers and it did not have a battery in it. The community rep asked about our process to ensure that AED's were properly maintained so that they are ready to deploy.
- One of the reps commented that he was pleased to see our officers show compassion after using force.
- It was also noted that they were happy to see that there were multiple levels of review by supervisors and command staff.

When an officer records an interaction with the public, they are required to assign a category to it. Depending on the category, the amount of time the video is recorded changes. These retention periods were created in accordance with state guidelines:

- Misdemeanor – 5 years
- Felony – 8 years
- Infraction – 26 weeks
- Other – 26 weeks
- Death Investigation – 99 years

There was an issue that was discovered when the review was being prepared and it involved the retention period for certain videos. It was discovered that some of the incidents where force was used involved people that were in crisis or might not have necessarily committed a crime. The officers were labeling the videos as "Other" in accordance with policy at the time. The issue was that video was being automatically deleted in 26 weeks when labeled "Other". This could be problematic if there was any legal action related to the force used. Several of the body camera videos had been automatically deleted prior to the Use of Force Review being prepared.

To fix this issue, the department created a "Use of Force" label. The retention period for "Use of Force" is set at 8 years. Now, when any force is used, officers are required to label the video "Use of Force" and that video will be retained in accordance with state guidelines.

Another issue that was found, was that some uses of force had not been reviewed at all. These incidents were reassigned to sergeants to conduct reviews and complete the process.

Overall, the review was very positive and encouraging, especially the participation by the community representatives.

The department is already planning to conduct a review of use of force incidents that occurred in the first quarter of 2021. This should occur in late April or early May.