



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5724**  
**July 14, 2020**  
**Study Session**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5724: Police Operations Report	<input checked="" type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Receive Report	<input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Police
<b>STAFF:</b>	Ed Holmes, Police Chief and Mike Seifert, Personnel and Training Sergeant
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Use of Force Memo, February 26, 2020 2. Use of Force Policy
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

### SUMMARY

Given the recent death of George Floyd at the hands of former Minneapolis police officers, there have been protests across the country along with calls for reforms in policing. Locally, Mercer Island community members have asked questions regarding the Mercer Island Police Department's policies and training in the areas of use of force, de-escalation, and accountability. The purpose of this agenda bill is to provide the Council with an overview of the Mercer Island Police Department's ("MIPD") commitment to building and maintaining public trust. This Agenda Bill will highlight the Department's hiring process, the initial training officers receive, policies related to use of force and anti-biased policing, ongoing training, and accountability.

#### HIRING PROCESS

##### Public Safety Testing

MIPD Candidates are initially selected through an outside company, Public Safety Testing ("PST"). At PST, the candidates begin their process by taking the written Law Enforcement Officer Selection Tool test and the Washington State Physical Ability Test. The standards for this test are matched to the entrance test that candidates must take to be accepted into the Basic Law Enforcement Academy.

Candidates are invited to the MIPD Oral Boards based on their written test scores provided by PST (scores on the Physical Abilities Test are only categorized as pass/fail). The MIPD Oral Boards consist of a series of interview questions designed to help determine if the candidate is a good fit for a career in law enforcement. Those candidates that pass the Oral Boards are given a combined total score of their written test score and interview score to create the Civil Service candidate eligibility list.

#### Civil Service Eligibility List

Candidates on the Civil Service Eligibility list are put through an extensive background investigation performed by MIPD employees who have received specific law enforcement pre-employment background investigation training. Background investigations assist the department in determining how the candidate will perform the job of a police officer in a way that is consistent with MIPD values. Part of this vetting process seeks to determine if the candidate has a history of discrimination. All law enforcement background investigations include a polygraph examination to determine if the candidate was truthful throughout the investigation process. One of the newer tools available to the background investigator is the Intercultural Sensitivity Measure provided by PST. This measure seeks to provide a calculated value assessment of the candidate's attitudes, beliefs, and opinions towards cultures different than their own.

Candidates who successfully complete the background investigations remain on the Civil Service Eligibility List. From this list, the Chief is allowed to interview the top five candidates for each open position. Candidates who are invited for a Chief's Interview sit down with the Police Chief and Command Staff for a conversational style interview. The Chief and Command Staff then decide from the pool of candidates who will be given a conditional offer of employment. Candidates that receive a conditional offer must then successfully complete a Psychological and Medical exam to receive an Unconditional Offer of Employment.

#### **INITIAL TRAINING**

New MIPD officers are hired on with an 18-month probationary period. During this period, the officers are consistently challenged and tested to help ensure that they will be effective police officers that live up to MIPD standards and values. This training period is usually broken into the following phases:

- Pre-Academy Training,
- Basic Law Enforcement Academy,
- Post-Academy Training,
- Phase 2 Field Training, and
- Phase 3 Field Training.

Pre-Academy training occurs between the officer's initial hire date and the start of Police Academy (this period varies due to significant delay in academy registration). During this time, the new officers receive various assignments in both the Services and Operations sections of the department. They are exposed to all aspects of the MIPD and trained in the areas that will prepare them for the foundation of police work taught in the Academy.

At the Basic Law Enforcement Academy (BLEA), officers receive the Washington State mandated training which requires 720 hours of instruction in the following blocks:

Criminal Investigations, Law, and Procedures	Cognitive Command
Crisis	De-escalation techniques
Patrol Tactics & Traffic	Firearms
Control and Defensive Tactics	Plato's Guardians-Philosophical Warriors

These blocks are designed to equip student officers with a base-level understanding of their responsibility to the communities they serve, standards to uphold, and education for effective community-oriented policing. The overall objective of BLEA is to provide student officers with exceptional training to ensure they have the knowledge and skills to safely and effectively protect the life, liberty, and property of the people they serve.

#### Post-Academy Training (Two Weeks)

MIPD instructors, in different areas, use this period to confirm that appropriate learning occurred and was maintained by the student officers at BLEA and refines the student officers' learning in accordance with MIPD policies, practices and procedures, and addresses any subjects that were not covered by BLEA.

#### Phase 2 Field Training Officer (14 Weeks)

During Phase 2, the student officer is paired for approximately one month with three different experienced Field Training Officers ("FTO"). Each FTO receives specialized training in how to educate, train, and evaluate student officers in order to prepare the student to operate as a solo police officer. During Phase 2, FTOs and shift supervisors have the authority to recommend that the student officer continue to the next training step, receive remedial training, or have their employment terminated.

#### Phase 3 (18 Months)

Phase 3 consists of operating as a solo officer until the completion of the student's 18-month probationary period. During this phase, the student officer is given the opportunity to work as a solo officer, but is encouraged to seek assistance with difficult or novel calls from senior officers and supervisors on shift. The student officer will continue to receive monthly evaluations from the shift supervisor. These monthly evaluations highlight strong and weak areas of performance as well as any remedial action taken with the student officer. The monthly evaluations are then shared with the Operations Commander and the Personnel and Training Sergeant. Prior to the end of the officer's probationary period, the monthly evaluations are presented to the Chief for review.

The probationary period allows for a thorough evaluation of the new officer's performance, and also allows for termination of an officer's employment if it is determined that the officer is unfit or unable to perform the job. Key indicators that lead to termination include violent, unsafe, abusive, and/or discriminatory behaviors.

### **POLICIES**

Department policies are primarily written, maintained, and kept up to date by Lexipol, a firm that specializes in writing contemporary policies for police departments. Lexipol employs a team of attorneys and industry experts that constantly review legislation and best practices and provide its client agencies with accompanying policies, procedures, and guiding framework.

#### Daily Training Bulletins

Lexipol also provides an education system, Daily Training Bulletins ("DTB"), to assist with making sure that officers are learning, understanding, and complying with the most current policies. DTBs present scenarios, highlight applicable policies and then provide a test question to confirm understanding. The Training Sergeant can use the Lexipol online interface to track and verify that officers are completing assigned DTBs.

#### Use of Force Policy

The MIPD Use of Force Policy says that officers shall only use the amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. MIPD's policy does not allow for the use of neck restraints except for

deadly force encounters. MIPD policy requires, when feasible, a verbal warning be given prior to the use of deadly force. It is MIPD's policy to require any officer who observes another officer using excessive force to intercede and prevent the use of that unreasonable force. Officers must also promptly report the observations of excessive force to a supervisor. MIPD policy recognizes that shooting at a moving vehicle is rarely effective. Officers are only authorized to shoot at a moving vehicle when that vehicle presents a deadly threat to the officer or others and the officer believes there are no other reasonable means available to avert the deadly threat of the vehicle.

MIPD policy requires that officers only use the amount of force that reasonably appears necessary and follow the US Supreme Court's standard of "objective reasonableness" (*Graham v. Connor*, 490 U.S. 386 (1989)). It is not reasonable to require an officer to exhaust "all other means" because in some cases it might be argued that the officer could have run away from the situation, or simply not responded to a call if it sounds likely that deadly force could be required. This is clearly not good for public safety. Additionally, by setting the bar so high (exhaust all other means), it will most certainly result in unmanageable second-guessing of the officer's actions. Any force that officers use must meet the standard of reasonableness, which has been upheld by our country's highest court. Officers have a variety of force options depending on what the situations dictates. While not specifically identified as a "continuum," the range of options includes mere officer presence through deadly force. Again, any option of force used must be reasonable.

MIPD policy strictly prohibits biased-based policing. The MIPD is committed to providing law enforcement services to the community with due regard for the racial, cultural, and other differences of those served. MIPD policy states that officers will provide law enforcement services and enforce the law equally, fairly, objectively and without discrimination toward any individual or group. Officers are also responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor. Officers receive annual training aimed at preventing biased policing.

## **ONGOING TRAINING**

RCW 43.101.095 requires all certified peace officers in the state of Washington to annually complete a minimum of 24 hours of continuing training. MIPD Officers are well trained and typically receive more training than the State-mandated minimum. Training topics include Anti-Biased Policing, De-Escalation, Use of Force, and Crisis Intervention.

The MIPD partners with other agencies, specifically those within the Coalition of Small Police Agencies (CSPA), to recruit quality instructors to teach different aspects of Anti-Bias Based Policing. These classes include in-depth instruction on implicit bias, cultural awareness, and the history of policing in different communities.

MIPD officers also receive extensive introductory and annual training in Crisis Intervention. Eligible MIPD officers have received an average of 42.5 hours per officer of Crisis Intervention training. This training helps to prepare law enforcement personnel to respond to people experiencing a mental health crisis. This training includes legal aspects, mental health disorders, interpersonal relations necessary to effectively work with the mentally ill, and intervention strategies for dealing with both low and high-risk situations. The MIPD strives to enroll all officers into the comprehensive 40-hour Crisis Intervention Training course as soon as it is appropriate for their level of development.

The MIPD works to include de-Escalation concepts into all use of force training. Best practices teach that de-escalation is an integrated response to all potential situations that may result in the threat of or use of force. MIPD officers are taught to de-escalate all interactions and situations when possible, by using effective

communication, and utilizing tactics that create appropriate distance, time and shielding. Through integrated use of force and de-escalation training, MIPD officers are given skills to accurately assess situations with the goal of resolving problems with minimal use of force.

## **ACCOUNTABILITY**

Despite MIPD's best efforts to leave all citizens feeling treated with respect and in a fair manner, MIPD does receive some complaints. While the number of complaints is small, all complaints are taken seriously and investigated. Most complaints center on the way an officer was perceived by a citizen during a contact. Minor complaints serve as an important reminder regarding good customer service skills. More serious sustained complaints result in the involved officer receiving appropriate discipline. This discipline can range from coaching/counseling, retraining, verbal warning, written reprimand, suspension, and/or termination. The complainant is provided with the results of the completed investigation.

MIPD very rarely must use force, averaging one physical, hands-on use of force application every other year over the past six years. A Use of Force report is required anytime physical force is used as well as anytime an officer points a firearm at someone to gain the individual's compliance. All applications of force are reviewed and investigated. If deadly force is used, a criminal investigation will be completed by an outside team, as well as a separate administrative investigation to determine if policies and procedures were followed. Depending on the results of these investigations, officers could face additional training, discipline, and the filing of criminal charges against the officer if warranted.

The Mercer Island Police Department greatly values the trust this community has given its police department. Throughout the hiring process, the ongoing training, and the accountability measures, the police department recognizes the importance of maintaining this trust. The police department is steadfast in its commitment to providing a high level of service that has helped to keep this one of the safest communities in the region.

## **RECOMMENDATION**

Receive Report