

Chief's Advisory Committee

March 30, 2021 at 2:30 p.m.

Zoom Meeting Participants: Chief Bieber, Captain Braman, Captain Buttice, Brooke Bouchey, Roger Esparza, Earl Gooding, Kanasha Henderson, Noah Leavitt, Ruthell Martinez, Dick Morgan, Steve Moss, Curtis Phillips, Roberto Rodriguez

Absent: Sandy Garcia

1) **Chief's Welcome**

- 2) **Tattoo Alteration**—Brooke Bouchey requested clarification on the Walla Walla Police Department's policy regarding officers with tattoos that were identified and flagged by the military and other law enforcement agencies as unacceptable. Is an objectionable tattoo cause not to hire an individual if they are unable to justify it? Chief Bieber noted a symbol can have several meanings. Last year Officer Small altered the Scout Sniper tattoo that he obtained years ago as part of his tribute to fellow Scout Sniper squad member Claudio Patino who died in battle in the Middle East (during the same battle in which Officer Small was severely wounded). Last year the double S portion of the tattoo was changed to a honeycomb pattern which now underlies Claudio Patino's name. Chief Bieber did not ask Officer Small to alter his tattoo, since our policy simply required objectionable tattoos to be covered while on duty.

Officer Small came to Chief Bieber shortly after the controversy began and asked if he should alter the tattoo. Chief Bieber responded he should only alter the tattoo for Officer Small – not for Chief Bieber, not for the Department, not for the City, and not for certain community members who were demanding it. Chief Bieber stands behind that statement still today, just as Chief Bieber stands behind his decision to hire Officer Small in the first place with full knowledge of the tattoo and of what it represented to Officer Small.

There was one person in the City government who really wanted to persuade/pressure Officer Small to alter the tattoo, even though he was advised by legal counsel and by Chief Bieber not to get involved. In order to stop this person from speaking with Officer Small, Chief Bieber reached out to a friend who knows retired General and Secretary of Defense James Mattis to see if General Mattis would have a conversation with Officer Small about the situation. General Mattis called Chief Bieber within a half an hour of being contacted with the request. General Mattis drove over from Richland the next day and had a personal conversation with Officer Small. A few days later Officer Small made his own decision to alter the tattoo and outlined those reasons in the letter to the community he issued soon afterwards. Officer Small and General Mattis remain in contact.

During the hiring process the WWPDP looks deeper into a candidate's background than just about profession does. If there was an impactful issue, it would have been found prior to hiring while completing the polygraph and background interviews. We do not want a blanket policy of not hiring someone simply due to a tattoo. The thought process behind the existence of a tattoo was the important element. As far as Chief Bieber is concerned, this situation is no longer an issue.

- 3) **Any funding options for body/dash cameras**— Government grants are the WWPDP's primary source of funding for critical yet unfunded needs. At this time there are no grants available through the Federal Government for acquiring body and dash cameras. Chief Bieber keeps logging onto the U.S. Department of Justice site to check if this has changed. Washington State has not finalized a budget yet, but, to Chief Bieber's knowledge, there is no funding anticipated for acquisition of body or dash camera grants. A five-year contract with Axon would cost roughly \$1.2 million. It would be great if a non-profit agency would fund the purchase of the needed body and dash cameras; still non-profits do not tend to provide funding for government agencies.
- 4) **Legislative Update**—Chief Bieber attended a webinar yesterday that was put together by the Washington Association of Sheriffs and Police Chiefs (WASPC). WASPC is watching the more impactful reform bills. The Legislature adjourns on April 25.

1054 – The legislative proposal still bans MRAPS but they are working on an amendment to allow them. While large cities have the budget to purchase a non-military version of these vehicles, small cities have limited budgets and their only option is acquiring a surplus military version. The proposal bans chokeholds and LVNR in all cases. It bans pursuits except for probable cause for violent offenses, sex offenses; or reasonable suspicion for DUI. The bill is full of unintended consequences (i.e., mandatory domestic violence arrest).

5051 – Oversight and Accountability

Overhaul of the Criminal Justice Training Commission (CJTC) – Overhaul of Decertification – adds suspension of certification and/or retraining – agencies cannot terminate an officer based solely on an action by CJTC (i.e., long-term suspension or even decertification).

5259 – Use of Force Data Collection (bill requested by the Attorney General's Office)

Requires local law enforcement agencies to submit data in the format established by the Attorney General and Washington State University (who is administering the data collection). WASPC is requesting funding for local agencies to complete this mandate.

1267 – Office of Independent Investigations

Creates a Governor’s Task Force and places it within his office. There is a long-term goal of relying on non-law enforcement officers to complete homicide investigation (law enforcement versus civilian investigators). The viability of prosecution if handled by civilians will create issues. The underlying crime is not the focus; the independent investigation on the officer involved shooting takes priority, such as there is still an underlying criminal act that led to the use of deadly force. If this bill passes, it will result with laymen investigating officer involved shootings and a secondary, concurrent investigation can be completed by a SIU. (Currently when a law enforcement agency has an officer involved shootings, none of that agency’s officers are involved in the investigation. The investigation is completed by another law enforcement agency.) Having two reports completed with differing findings can create reasonable doubt. There can be unintended consequences coming out of this.

1310 – Use of Force

Limits use of force to effect an arrest, protect against criminal conduct where there is probable cause to make an arrest, prevent escape, protect against imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

5263 – Felony Bar

Limits use of felony defense statute (RCW 4.24.420) by law enforcement. Finding beyond a reasonable doubt that the person injured or killed committed a felony. Creates a separate standard for officers and civilians. Adds a criminal trial to determine that a crime was or was not committed before the civil trial goes forward. This will create financial burdens to local jurisdictions and force risk pools to litigate even more issues while defending a claim.

5066 – Duty to Intervene

Excessive force intervention (intervening officer might not be in position to witness suspect’s actions that allow the level of force being used) – requirement to render first aid. Wrongdoing – report. Model policy by WASPC, Criminal Justice Training Commission, Washington State Patrol, and Department of Labor.

Blake Decision –Due to the word “knowingly” not being listed in the statute, the Washington State Supreme Court determined that simple possession of drugs (methamphetamine, cocaine, etc.) is no longer against the law. There has been no significant movement by the Legislature to fix the statute by adding “knowingly” to it.

- 5) **Ethnicity and/or race data for calls for service or crime suspects/victims**— The census data has ethnicity data because their personnel are allowed to ask the question.

Ethnicity is not listed on identification and law enforcement officers are not allowed to ask. Chief Bieber is not interested in guessing and providing data that is extremely flawed. We can work on pulling ethnicity crime statistics that are listed on crime reports.

- 6) **Differential Call Response—Meeting with City Manager and Mayor**—Noah Leavitt, Steve Moss, Curtis Phillips, and Chief Bieber met with City Manager Nabel Shawa and Mayor Scribner to discuss information the workgroup has received about various programs, especially Olympia's, and to discuss where we might be headed with Differential Call Response. Chief Bieber is gathering data about the number of Calls for Service (where the 9-1-1 caller or law enforcement indicated there may be mental health element), so we can make informed decisions on what type of program might work best for Walla Walla (if any). Chief Bieber will be discussing with Comprehensive Mental Health and the Walla Walla Fire Department on how we can best link with their existing programs.
- 7) **Anything for the Good of the Order**—Steve Moss requested an overview of the local 9-1-1 system be placed on the next advisory committee agenda.
- 8) **Next Meeting**—April 27, 2021, from 2:30 p.m. to 3:30 on Zoom platform.

The March 30, 2021, meeting adjourned at 3:30 p.m.
Submitted by Deborah Minter