

1 THE HONORABLE JAMES L. ROBART

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6 UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 CITY OF SEATTLE

13 Defendant.

CASE No. C12-1282JLR

**MEMORANDUM REGARDING
FORCE INVESTIGATION TEAM
TRAINING CURRICULUM AND
MATERIALS**

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16 In compliance with the Second Year Monitoring Plan, the Seattle Police Department
17 (“SPD”) prepared and submitted its FIT Training Plan (the “Plan”) to the Monitor and the
18 Parties—all of whom concur and recommend that this Court approve the Plan, which sets forth
19 the training that FIT investigators will receive, commencing with this Court’s approval and
20 ending by November 1, 2014. ¹ The Plan is submitted herewith as Exhibit A.
21

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23
24 ¹ As noted in the Second Year Monitoring Plan, “SPD will create a FIT Training Schedule and
25 Course Offerings Work Plan, including training provided by third parties, consistent with
[Consent Decree ¶ 115], the updated policies on use of force, and the review of the use of force,
and best practices.” The date for full compliance set forth in the Monitoring Plan is November 1,

1 FIT is the acronym for the Force Investigation Team. The Consent Decree and the FIT
2 Manual previously approved by the Court, (Dkt. No. 107, 115), created a new independent, inter-
3 disciplinary team to investigate the highest level uses of force (Type III and above) and for
4 officer-involved shootings, in-custody deaths, and serious assaults on officers.

5 FIT is comprised of highly trained professionals who will receive training specific to
6 their new responsibilities. All FIT and OPA investigators have attended a two-day training on
7 administrative investigations taught by the former head of the LAPD's FIT team, Kris Pitcher,
8 and by the LAPD Police Commission's Assistant Inspector General in charge of the Use of
9 Force Section, Django Sibley. A brief summary of that training is submitted herewith as Exhibit

10 B. All FIT investigators must have either seen the LAPD presentation in person or on videotape
11 before responding to their first FIT case. This training focused on the many ways that an
12 investigation geared toward determining whether officer performance was consistent or
13 inconsistent with Department policy and, in any event, what the Department can learn from a
14 force incident in terms of practice, policy, tactics, and procedure regardless of whether any
15 violations of policy occurred can be substantially more complex, nuanced, and far-reaching than
16 standard criminal investigations.
17

18
19 FIT investigators will complete, by November 1, 2014, an array of additional courses that
20 focus on the development of the superior investigative skills that FIT investigators will need to
21 conduct the multi-faceted inquiry that an administrative investigation entails. These courses
22 include, among others:
23

24 2014. Consent Decree ¶ 115 states: "SPD will create a FIT training curriculum and procedural
25 manual."

- 1 • An 8-hour course on officer-involved shooting investigations, an outline of which is
2 attached hereto as Exhibit C;
- 3 • A 4-hour scene and evidence processing course, the use of force training that all
4 sworn personnel will be receiving in 2014, an outline of which is attached hereto as
5 Exhibit D;
- 6 • The 40-hour advanced crisis intervention training program on which SPD is
7 collaborating with the Crisis Intervention Committee (“CIC”); and
8
- 9 • A 12-hour training course in interviewing techniques.

10 Newly assigned FIT detectives will, for at least four months, be provided with in-service training
11 and mentoring by a senior FIT detective.

12 Taken together, these courses comprise a training program that appropriately stresses the
13 importance of investigating an incident from the time that an officer was dispatched or observed
14 possibly criminal activity until the incident has concluded. Each critical decision made along the
15 way, and particularly each use of force, are investigated to inform the later determination, by the
16 Force Review Board, if it was objectively reasonable, necessary, and proportional to a threat or
17 perceived threat to the officer. The broad investigations also inform the Force Review Board’s
18 later determinations regarding whether a particular use of force was consistent with the
19 Department’s policies and training. A FIT investigation thereby wholly displaces the prior
20 homicide investigations, which focused solely on the use of force.
21

22 The curriculum set forth in the attached Exhibits is a welcome and notable
23 step forward toward full and effective compliance with the Consent Decree sometime in the future. We
24 respectfully ask for the Court’s approval of the FIT training materials attached hereto.
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DATED this 2nd day of June, 2014.



Merrick J. Bobb, Monitor

It is so approved:



JAMES L. ROBART
United States District Judge

DATE: June 13, 2014

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CERTIFICATE OF SERVICE

I certify that on the 2nd day of June, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

- | | |
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DATED this 2nd day of June, 2014.

/s/ Carole Corona
Carole Corona

EXHIBIT A



Seattle Police Department

Force Investigation Unit

| | |
|---|-----------------|
| Force Investigations | Effective Date: |
| Training Schedule and Course Offering Work Plan | |

I. Training of Force Investigations personnel

FIT Investigations must be thorough, unbiased, and objective reviews of the Seattle Police Department's most serious use of force incidents. To accomplish this, FIT must be staffed with experienced investigators who are trained in the technical aspects of homicide investigations, the specifics of force applications, and the methods and practices necessary to conduct high quality administrative investigations. FIT investigators must be trained to comprehensively analyze officer involved shootings and use of force incidents from the moment an officer is dispatched or on-views an incident until the conclusion of that incident. Force Investigations personnel will be trained to ensure that all uses of force that are contrary to law or policy are identified and appropriately resolved, and that their investigations allow the use of force board to identify trends or patterns of policy, deficiencies in strategy or tactics, training or equipment deficiencies, or positive lessons related to the use of force.

II. Approved FIT Manual Training Requirements

The current FIT manual includes the following mandatory and elective training requirements.

Mandatory Training:

1. Seattle Police sponsored (Homicide) 8 hr basic Officer Involved Shooting Course
2. Seattle Police sponsored (CSI) 4 hr basic Scene and Evidence processing course
3. Yearly Street Skills training offered to patrol officers

Elective Training:

1. Defensive tactics-force options
2. Crisis Intervention training
3. Investigative skills training
4. Bio-mechanics of force incidents
5. Cognitive and Other Recognized Interviewing Techniques
6. Advanced Photography
7. Advanced Crime Scene processing

III. Course Outline

In order to accomplish the intended result of ensuring that FIT personnel are prepared to investigate their assigned cases with the greatest skill and thoroughness possible, the following outline and schedule has been developed. Note that the specific courses used to fulfill the different aspects of the required training will likely change over time as better training is identified, and as some courses cease to be offered. The schedule applies to current sworn FIT personnel. Additional sworn personnel who join the unit in the future will complete this training as soon as logistically feasible, but no later than six months after assignment to FIT. Detectives who have already taken a required course prior to assignment to FIT will not need to re-take that course.

1. In Service Training
 - Newly assigned detectives will be paired with a senior detective for a minimum of four weeks upon assignment to the unit. During this time, they will work with and shadow the senior detective, review the FIT manual, and review completed FIT and other OIS investigations.
2. Seattle Police sponsored (Homicide) 8 hour basic Officer Involved Shooting Course
 - This course will be offered through the Washington Homicide Investigator's Association, and FIT personnel will complete this course no later than May 31, 2014.
3. Seattle Police sponsored (CSI) 4 hour minimum basic Scene and Evidence processing course
 - This course will be scheduled no later than June 15, 2014.
4. Seattle Police Department Street Skills
 - All FIT personnel will attend this training as required each year.
5. Crisis Intervention training
 - All FIT personnel will attend the 40 hour comprehensive CIT training course. This training should be completed by June 30, 2014, and in no case later than October 31, 2014.
6. Administrative Investigation training
 - FIT personnel will attend at least 8 hours of training covering administrative investigations prior to being assigned a FIT case for investigation. In-person attendance or video review of the training provided by LAPD Captain Kris Pitcher and Mr. Django Sibley on April 24-25, 2014, satisfies this requirement. An important element of this training is the analysis of each force incident in its totality, from the initial dispatch or on-view of the incident through the conclusion of that incident.
7. Bio-mechanics of force incidents
 - FIT personnel will attend the Force Science Certification Course. FIT personnel who have not already attended will complete this training by August 31, 2014.
8. Cognitive and Other Interviewing techniques
 - At least 12 hours of training in cognitive and other recognized interviewing techniques is required. FIT personnel who have not already attended will complete this training by October 31, 2014.

EXHIBIT B

Use of Force Investigation Training

Time: 0800-1630, April 24 and 25, 2014.

Place: Seattle Police Headquarters, 610 5th Avenue, Seattle, WA.

Presenters: Kris Pitcher and Django Sibley

Day 1

Core Principles of Force Investigation

The need for impartial, comprehensive fact-gathering as bedrock of force-management system. Importance of process-based approach to investigation, with integrity designed into that process. Achieving legal and Consent Decree compliance.

Administrative Investigations

What are they, and what are the differences between criminal and administrative investigations? Value of robust administrative investigations as essential component of effective force management. Understanding role of investigation within administrative process, and understanding needs of end-users.

Investigative Procedures (this is the longest section of the training, and covers all major stages of the investigative process in its sub-sections).

A) The Immediate Aftermath of an Incident.

Steps to be taken by field supervisors to secure evidence pending response of specialist investigators. Preliminary measures to secure crime scene and physical evidence therein, preserve officers' testimonial evidence, challenges raised by on-going tactical situations, hot pursuit of outstanding suspects, etc. Notification protocols to ensure timely response of necessary investigative resources.

B) Managing Crime Scenes

Comprehensive overview of effective crime scene management and collection of evidence.

C) Managing Involved and Witnessing Personnel

Preservation of officer's testimony prior to interview.
Separation/monitoring of officers, when/whether to release officers from duty prior to interview, exposure of officers to video and crime-scene

evidence prior to interview, etc. Preservation and collection of physical evidence from individual officers (weapons, clothing, injuries, etc.).
Ensuring officer welfare.

Day 2

D) Managing Witnesses

Identification and management of non-employee witnesses. Canvassing, media appeals, release of information to media, witness-to-witness contamination, timeliness of interviews, etc.

E) Interviewing

Effective model of interviewing. Documentation of interviews. Timing of interviews. How to manage introduction of other sources of evidence in interview process (e.g., other witness accounts, video evidence). How to avoid contamination of witness accounts by interviewers.

F) Processing Physical Evidence

What to test, and how to test it. Ballistics and weapons-related evidence to clothing analysis, injuries, autopsies, vehicles/traffic-type issues, etc.

G) Presentation of evidence.

How to compile and present investigative materials for reviewers/end-users. File preparation, audio/visual presentations, reconstructions, etc.
How to present conflicting and ambiguous evidence.

EXHIBIT C

Seattle Police CSI basic Scene and Evidence Processing Course Outline – May 28, 2014

0800-1000

Crime Scene Photography

Covered by: Sgt. Stampfl

1000-1200

Sketching

Covered by: Det. Garry Jackson and Det. Kim Biggs

1200-1300

Lunch

1300-1500

Officer Involved Shootings

1st half: Protocols/Expectations/working with FIT, covered by Sgt. Stampfl

2nd half: CSI case presentation for OIS, covered by Det. Lisa Haakenstad

1500-1600

Evidence Packaging Overview

Covered by: Det. Lisa Haakenstad and Det. Garry Jackson

EXHIBIT D

Satellite training provided by the
WASHINGTON HOMICIDE INVESTIGATORS ASSOCIATION



RESPONDING TO AND INVESTIGATING OFFICER INVOLVED SHOOTINGS

(course outline)

The Eight Elements of an OIS Response

- 1) Scene Response
 - a. Intensified scene investigation
- 2) On-scene Shooting Officer statement plan
 - a. Public Safety Statement
- 3) Use of Garrity admonished Statements
 - a. The department must have a plan/ policy in place before the incident
- 4) Transparency/Public Accountability Strategy
 - a. The need for public participation
 - b. Coroner's Inquests
 - c. Grand Juries
 - d. Prosecutorial review
- 5) Shooting Officer post-incident care
 - a. Legal
 - b. Personal and emotional survival
- 6) Media/Public Relations management plan
 - a. First strike approach
 - b. Single point of contact (PIO)
- 7) Internal Review for policy/procedure compliance determination
 - a. Shooting review boards
 - b. Training needs
 - c. Equipment
- 8) Plan for a Criminal Investigation (of the shooting officer(s))
 - a. Bifurcated or parallel
 - b. Outside agency
 - c. Task Force approach

Review of Revised Code of Washington (RCW) section 9A.16.040

- 1) The Washington legal standards regarding force

Officer Involved Shootings in general

- 1) OIS procedures are VERY agency and jurisdiction specific
 - a. Local norms

- b. Form of government
- c. Form of agency management
- 2) OIS investigations are arguably the most important work we do.
 - a. Societal fallout
 - b. Learning from each incident
- 3) Officer is generally the victim
 - a. Very few officers actually decide to fire
 - i. Reacting to a threat to themselves or to some other person
- 4) Agencies must have plans in place before the incident happens

The four phases of the Officer Involved Shooting Response and Investigation (overlap)

- 1) Stabilization phase
 - a. Medical aid
 - b. Suspect apprehension
 - c. Additional recourses
 - d. Scene security
 - e. Scenes
 - i. The primary scene
 - ii. The hospital
 - iii. The investigations office (as a scene)
 - f. Identify witnesses (all)
 - g. Union issues/representation
 - h. Incident Command System (ICS)
 - i. Public Safety Statement
 - i. Statement taker MUST immediately act on the information
 - j. Gag orders and separating involved personnel
 - i. Collusion image
 - k. Handling shooting officer(s)
- 2) Investigation phase
 - a. At Scene
 - i. Crime scene processing
 - 1. Scene security
 - 2. Additional personnel or specialists
 - a. Crime Lab (time issues)
 - 3. Evidence recovery
 - 4. Scene mapping & diagraming
 - 5. Ground placards
 - 6. Elevated photography
 - 7. Perspective photography
 - b. Secondary scenes
 - i. Hospitals

- ii. Police facility
 - iii. Handling the shooting officer
 - 1. P.O. Bill of Rights
 - 2. Garrity
 - 3. Video
 - 4. Preliminary Interview
 - 5. Photos
 - 6. Firearms exchange
 - 7. Appointment for statement
- 3) Follow-up Phase
- a. Post Incident Screening (mental health professional exam or screening)
 - b. Replacement firearms test
 - c. Schedule for return of the firearm
 - d. Canvassing
 - e. 9-1-1 calls and radio traffic review
 - f. Cellular phone processing
 - g. Critical Incident Stress Management (CISM)
- 4) Presentation phase
- a. Briefing the Chief/Sheriff
 - b. Press conferences
 - c. Department website use
 - d. Firearms Review Boards
 - e. Prosecutorial Review
 - f. Coroner's Inquests

The OIS that leads to a Criminal Investigation of the Officer(s)

- 1) Bifurcated investigations
- 2) Garrity tainted material
- 3) Case master

Unintentional Discharges and Animal shootings

- 1) Level of response
- 2) Policy
- 3) Community impact
- 4) Liability

Force Science Institute

Sample case presentation

Questions and Discussion