



City of Tacoma Mayor Marilyn Strickland
Ryan Webster, Chair, and Keith James, Former Chair, Citizen Police Advisory
Committee
Chief Donald Ramsdell, Tacoma Police Department
Interim City Manager Elizabeth Pauli
Interim City Attorney Bill Fosbre
747 Market Street
Tacoma, WA 98402

Re: Police Department Policies and Accountability – Request to Discuss

Dear Mayor Strickland and Chair Webster:

AMERICAN CIVIL
LIBERTIES UNION OF
WASHINGTON
FOUNDATION
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JEAN ROBINSON
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

After hearing concerns from Tacoma community members¹ about the Tacoma Police Department (Department), the American Civil Liberties Union of Washington (ACLU) submitted a Public Records Act request to the Department in September 2015. The request sought records from January 2010 to September 2015² relating to use of force, biased policing, and civilian complaints and oversight. We reviewed the records and have identified several concerns, outlined below. We respectfully request a meeting with you to discuss these issues.

1. Use of force

The records we reviewed included (a) Department policies on use of force, including use of deadly force and Tasers, (b) complaints from community members about uses of force, (c) the City's response to those complaints, and (d) annual reports describing use of force incidents. Based on the records, we are concerned that the Department is not taking sufficient steps to prevent situations where force, in any amount, is necessary.

Records suggest that the Department takes a hindsight-oriented approach to reviewing use of force incidents, and almost always reaches a conclusion justifying the amount of force used. In multiple incidents, community members felt disrespected by the officers' treatment. In some instances, these situations escalated to use of force. But the Department rejects nearly all civilian complaints about unnecessary force.

¹ The community members' concerns were described in a December 2015 letter from the ACLU to the City.

² The time period for some of the requests was later narrowed. We understand that the City may have revised its policies and procedures since the time of our request, and therefore documents we mention in this letter may be out-of-date. The specific records are mentioned for illustrative purposes to aid in evaluating the current policies and practices of the Department. We plan to submit a public records request limited to obtaining updated policies on the topics discussed above.

This presents a troubling pattern. It undermines the community's perception of the complaint process and leads community members to doubt that the Department takes use of force incidents and community complaints about them seriously. Moreover, the pattern can increase community skepticism about the City's efforts to improve policies and procedures regarding use of force. We request the opportunity to discuss actions the City can take to reduce such harms.

A particular concern was the use of Tasers, as many civilian complaints related to that issue. The records suggest that police officers used Tasers when they were viewed as authorized under Department policy, rather than evaluating alternatives that could have avoided using a Taser altogether. For example, in 2012, Tacoma officers tazed and handcuffed an innocent deaf woman after she called 911 for their help because she was being beaten. She specifically told dispatch she was deaf, yet police reports describe her as "ignoring" their commands. Police told her to go outside to meet them and when she did, she was tazed in the ribs and stomach, then fell to the pavement. A news article about the incident noted significant discrepancies in the official police version of the events leading up to complainant's arrest.

Another Taser incident involved an African American teenager at the Tacoma Mall. An officer pulled a 15-year-old girl to the ground by the hair, slammed her against the pavement, and then tazed her. Still another incident involved a young man who was at a bus stop when he threw a cigarette into the street. The officer ended up tazing the man in the face. These cases suggest that de-escalation methods could have avoided the use of force, especially given the minor nature of the conduct leading to police involvement. In certain situations, de-escalation can serve to prevent serious injury, including death, of both citizens and police officers.

More recently, a young woman lost her life in an encounter with Tacoma police in January 2016, in a situation that began as a call for police to check on the family's well-being. Training on effective yet respectful methods of communication, and an improved understanding of mental health issues³, would serve to both de-escalate situations and decrease tensions between officers and community members.

Records indicate that Tacoma's Deadly Force Review Board has two members of the community on it. Civilian involvement on this Board has been a way for civilians to voice concerns about specific officer conduct. As an example, a civilian member on the Review Board expressed concern with an officer's mischaracterization of another officer's statement, as well as with officers embellishing their second-hand accounts of a deadly force situation. Continued civilian involvement on the Board can be helpful in building community trust in the Department, but that alone is not sufficient.

We understand that Tacoma has been working on use of force issues since the date of our records request. We would like to meet with you to discuss methods for reducing use of force incidents, while also increasing officer safety, through policy reforms others have adopted or recommended. A key component of improved policies is a

³ Tacoma's work on Project PEACE is an encouraging development.

top-down emphasis on de-escalation, accompanied by appropriate training and supervision. The Department should also regularly examine patterns in civilian complaints to identify practices where additional improvement is needed. We have worked with other jurisdictions in Washington on these issues and would welcome the opportunity to share the information we have gathered with the City of Tacoma.

2. Biased Policing

The records also raised concerns about implicit bias and the Department's ability to address it under the current practices and procedures. For example, the Department sustained zero complaints of police bias or racial profiling, despite regularly receiving complaints about this issue, and despite national and local evidence that implicit bias has been a common problem in law enforcement. We appreciate that the Citizen Police Advisory Committee has examined this issue and encourage ongoing efforts to address it.

The Department does not thoroughly document race-related information, which makes it difficult to meaningfully evaluate police bias. For instance, while Taser incidents were of significant concern to racial minorities, police often failed to report the race of the individual who police shot with a Taser. Requiring officers to document race in all use of force reports would allow the Department to evaluate its own practices – a first step toward reducing implicit bias.

In addition, the Department's policy prohibiting profiling based "solely" on race constitutes a de facto policy allowing profiling based on race if an officer has at least one other reason (however inconsequential) for the action. The policy impairs accountability and hinders the Department from uncovering, and ultimately addressing, inherent bias. The Department should acknowledge that implicit bias exists. It should also engage in constructive conversations, both internally and with community members, to address this issue. Other police departments in Washington (such as Seattle, policy located at <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing> and attached) have updated their biased policing policies to recognize implicit bias, and we urge Tacoma to do the same.

3. Procedures for Civilian Complaints and Oversight

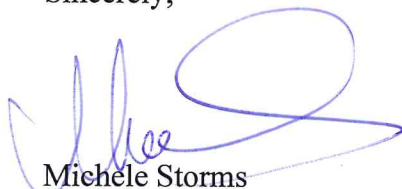
The records indicate that the Internal Affairs unit of the Department investigates community complaints and recommends to the Chief what the disposition will be (sustained, exonerated, unfounded, etc.) We are concerned that the vast majority of complaints were ruled exonerated, unfounded, or not sustained. As noted above, community confidence in the complaint process may be eroded if there is virtually no chance of having a legitimate complaint ruled sustained. We encourage Tacoma to regularly review whether its civilian complaint process could be improved in light of this concern. Additionally, other forms of obtaining in-depth community input should be considered, particularly obtaining such input from communities of color in Tacoma.

We recognize that Tacoma revised its civilian oversight system in May 2015 and that the Citizen Police Advisory Committee advises the Department on its police policies. The Committee is authorized to review completed complaint investigations to identify processes and policies that may help prevent reoccurring problems. In performing these functions, the Committee may wish to consider the concerns outlined above regarding use of force and biased policing.

Conclusion

We recognize that with the passage of time some of the things discussed in this letter may have changed.⁴ Nevertheless, our community partners continue to express concern with police practices in Tacoma. We are hopeful that this letter will open the door to further discussions and an exchange of ideas on how to best move forward. The desired result is to advance a better, more trusting relationship between members of the community and the police who serve these communities. We plan to call Mayor Strickland's office in a week to discuss scheduling a meeting with us and community allies regarding these matters.

Sincerely,



Michele Storms
Deputy Director of the ACLU of Washington

Cc: Cathy Nguyen, The People's Assembly
David Nash-Mendez, Staff Liaison to Citizen Police Advisory Committee
Diane Powers, Director, Office of Equity and Human Rights
Pastor Gregory Christopher

⁴ We are aware that a goal of Project PEACE was to make the Police Department's policies available online by the end of 2016, but have not seen the policies posted yet.