

July 3, 2019 – Use of Force Review

Requesting Agency: Poulsbo Police Department

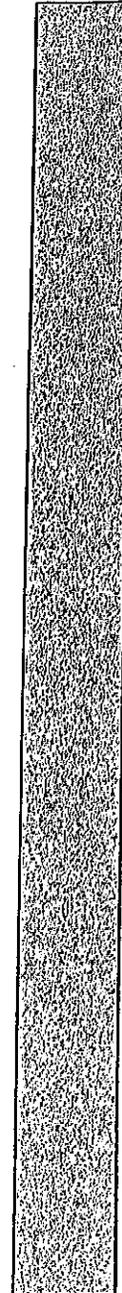
Requesting Official: Dan Schoonmaker, Chief of Police

Involved Employee: Craig Keller, Police Officer

Report Date:

Board Members:

- Captain James Mjor, Washington State Patrol
- Sergeant Brian George, Washington State Patrol
- Ms. JoAnn Schlachter, Poulsbo Community Member
- Officer Vince Sivankeo, Lakewood Police Department
- Chief Sam White, Elwha Police Department



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Preamble

The Poulsbo Police Chief Dan Schoonmaker assembled a Use of Force Review Board to conduct an administrative review into the July 3, 2019 use of force by Poulsbo Police Officer Craig Keller resulting in the death of Mr. Stonechild Chiefstick.

The objective of the review board was to determine whether Officer Keller's use of force complies with Poulsbo Police Department policy. The following report summarizes the findings of the Board. The report also provides recommendations to enhance the department's operations and accountability.

The Use of Force Review Board comprised of a diverse group selected from the Poulsbo Community and Puget Sound Region. They included law enforcement leaders, use of force experts, a civilian civic leader, and enrolled members of federally recognized tribal communities¹.

Each board member personally committed to review the case objectively and through an impartial lens. The board's findings and recommendations were based on a thorough examination of the evidence and are not influenced by the presumed or known wishes of any party.

During the review process, the board examined the following materials:

- Poulsbo Police Department policy manual,
- Criminal case file, including officer and witness statements,
- Public Safety Testing (PST) Fact Finding Report, and
- Kitsap County Prosecuting Attorney Chad M. Enright's charging decision.
- Poulsbo Police Department Training Records

¹ Resumes

Events of July 3, 2019 – Shooting

The following synopsis provides the reader a summary of events on July 3, 2019 based on facts and consistencies noted from eyewitness account of events. It is important to note, Officer Keller did not know many of the events leading up to his encounter with Mr. Stonechild Chiefstick.

On July 3, 2019, the City of Poulsbo held its annual fireworks celebration at Muriel Iverson Williams Waterfront Park in Poulsbo, Washington. Mr. Chiefstick was in attendance. Several attendees reported strange behavior by Mr. Chiefstick. Poulsbo Police Officer Miulli, who told Mr. Chiefstick people had complained about his behavior and he was checking to see if Mr. Chiefstick was okay. Mr. Chiefstick appeared to be under the influence of drugs or alcohol but was polite and cooperative with Officer Miulli.

Following the conversation with Officer Miulli, Mr. Chiefstick continued to mingle with the crowd at the park. A group of celebration attendees reported that Mr. Chiefstick came up to them and asked, "What did you say?" The group told Chiefstick that they were not talking to him. They believed Mr. Chiefstick appeared to be under the influence and was "staring people down."

According to witnesses, Mr. Chiefstick's right hand went into his right pocket and removed an 8-inch long yellow and black handled Phillips head screwdriver which he held in his hand in a lower "stabbing" motion. Mr. Chiefstick lunged towards one of the men in the group. A woman in this group got up to locate a police officer. She found Poulsbo Community Service Officer Nicholas San Gil. Officer San Gil notified Officer Craig Keller that Mr. Chiefstick had lunged at someone with a screwdriver. Officer Keller radioed Kitsap 911 and requested assistance. Officer Keller, Officer San Gil, Reserve Officer David Lom and Detective Lee Wheeler approached Mr. Chiefstick who was standing nearby in the park.

As mentioned in Kitsap County Prosecutor Chad Enright's report, Assault in the Second Degree is defined in RCW 9A.36.021 as occurring when one "assaults another with a deadly weapon." A screwdriver is a deadly weapon under RCW 9A.04.110(6). "Deadly weapon" includes any device "which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm." Officer Keller had probable cause to arrest Mr. Chiefstick for assault. Officer Keller, made contact with Mr. Chiefstick. He attempted to grab Mr. Chiefstick by the arm as he spoke to him. A scuffle ensued as Mr. Chiefstick attempted to flee.

Witness statements collected by the independent investigation team and summarized by Prosecutor Chad Enright in his decision provide a description and details what happened next. Mr. Chiefstick turned back toward the officers, took a fighting stance with the screwdriver held

like a knife, and thrust the screwdriver towards the officers. Officer Keller fired two rounds at close distance from his duty firearm, both of which struck Mr. Chiefstick.

The threat from Mr. Chiefstick stopped, handcuffs were applied to secure him, and first aid was provided. Additional emergency medical services were requested and responded to address injuries to Mr. Chiefstick. Mr. Chiefstick died before reaching a hospital.

Forensic pathologist Emmanuel Q. Lacsina, M.D. determined Mr. Chiefstick's cause of death as multiple (2) penetrating gunshot wounds to the head and torso and acute methamphetamine intoxication².

A recap of all the evidence and witness statements is beyond the scope of this report. Readers wishing to know more are encouraged to review the report of the independent investigation team and Prosecutor Enright's decline decision.

Poulsbo Police Department Policy Review

The Poulsbo Police Department subscribes to the Lexipol Knowledge Management System, which is a public safety web-based policy management and training platform used by a large number of police agencies. The company provides standardized policies based on best business practices. The company employs a team of researchers who continuously work to update the policy manual to ensure it addresses new case law, criminal procedures, techniques, trends or best practices.

The Use of Force Review Board examined Officer Keller's actions during the July 3, 2019 incident in light of the following policies relevant to the case:

TRAINING POLICIES

Policy 207 – Training³

Policy 207.4 is a general training policy, which includes a provision the Poulsbo Police Department develop a training plan to ensure certain training requirements are met. This includes the following training relevant to this incident:

- All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training (CIT) every three years.
- All sworn members will successfully complete an annual in-service training program on the department's use of force and deadly force policies.
- All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.

² Pacific Northwest Forensic Pathologists autopsy report – pg. #1

³ Poulsbo Police Department Policy – pg. #36-39

Policy 304 – Conducted Energy Devices (Taser)⁴

Policy 304.9 – Training, requires that all personnel who are authorized to carry a Taser must successfully complete initial department-approved training and participate in proficiency training annually thereafter.

Policy 306 - Firearms⁵

Policy 306.6 – Firearms Training and Qualification, requires all Poulsbo Police Department members who carry a firearm while on-duty are required to successfully complete training and qualifications at least annually with their duty firearms.

Policy 303 – Control Devices and Techniques⁶

In the Lexipol policy manual, “control devices” is a catch all phrase for all tools, techniques and devices not covered elsewhere, such as firearms and Taser. Tools in this section include baton, OC Pepper spray and kinetic energy projectiles. Policy 303.9 – Training for Control Devices, requires that personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

The board reviewed the Poulsbo Police Department training records, cross checking the records for the involved officers with training requirements relevant to this incident. The following chart depicts the recent training in each pertinent category for Officer Keller, Community Service Officer San Gil, Reserve Police Officer Lom, and Detective Wheeler, at the time of the July 3, 2019 incident:

	Use of Force	Defensive Tactics	Weapon Qualification	Taser	OC Spray	Less Lethal	C.I.T.
Officer							
Keller	5/1/19	5/25/18	4/13/19	6/12/19	5/25/18	4/13/19	11/2/18
San Gil	5 - 19	5/6/19	4/13/19	1/5/19	5/6/19	4/13/19	
Lom	5/11/19	5/28/19	4/13/19	4/13/19	5/6/19	4/13/19	12/22/18
Wheeler	5/17/19	6/27/19	6/8/19	1/15/19	6/27/19	4/13/19	12/24/18

In addition to classroom and practical training, the Poulsbo Police Department subscribes to the Lexipol Daily Training Bulletins (DTBs) service. The DTBs are monthly, scenario-based training bulletins linking directly to the department policy manual. The DTBs cover a variety of important policy topics such as use of force (UOF), use of deadly force, UOF reporting medical considerations. Employees read and take a test pertaining to a section of the policy manual every day. The DTBs are an effective way to ensure policies integrate into the culture and with the practices of the organization. Officer Keller successfully completed eleven of the twenty-three 2019 DTBs issued by the Poulsbo Police Department prior to July 3, 2019.

⁴ Poulsbo Police Department Policy – pg. #64-69

⁵ Poulsbo Police Department Policy – pg. #80-89

⁶ Poulsbo Police Department Policy – pg. #59-63

EQUIPMENT POLICIES

Policy 1021.3.5 - Equipment Specifications⁷

Policy 1021.3.5 (b) Equipment Specifications - Mandatory Equipment, provides a list of the equipment that officers must carry while in uniform and on-duty. In addition to the standard tools of law enforcement, such as a firearm and handcuffs, this section requires that either a Taser or a pepper spray aerosol can must be carried. Officer Keller, Reserve Officer Lom and Community Service Officer San Gil were in compliance with policy. Detective Wheeler was not carrying either a Taser or a pepper spray aerosol can and thus was not in compliance with policy.

USE OF FORCE POLICIES

Rules on police use of force in the United States are primarily governed by the US constitution (notably the 4th and 8th amendments), state constitutions, state and federal case law and agency policy. A complete treatise on the subject is beyond the scope of this report but it is impossible to overstate the impact of two US Supreme Court cases on setting the boundaries for police use of force.

- *Tennessee v. Garner*, 471 U.S. 1 (1985) concluded that deadly force could not be used unless an officer had probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officers or others.
- *Graham v. Conner*, 490 U.S. 386 (1989) set the basic legal standard for determining legality of any use of force by a law enforcement officer. The officers' actions have to be "objectively reasonable" from the perspective of a reasonable officer on the scene, including the same information the involved officer knew at the time.

An agency's policy must align with these federal case law benchmarks. The Poulsbo Police Department's Lexipol policy manual mirrors the federal case law on police use of force.

Policy 300.3 Use of Force⁸

This policy sets the general expectations for any type or level of force, from minimal control tactics through deadly force:

Officers shall use only that 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.

⁷ Poulsbo Police Department Policy -- pg. #567-568

⁸ Poulsbo Police Department Policy -- pg. #42-43

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Policy 300.4 - Deadly Force Application⁹

This policy covers that level of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes the use of firearms.

An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.¹⁰

POLICY 300.3.2 – FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE¹¹

As mentioned previously, the US Supreme Court set the standards for appropriate use of force by law enforcement as "objective reasonableness." The court specified four specific factors, sometimes referred to as the Graham factors, which assist in determining reasonableness. The factors are:

- The severity of the crime
- Whether the subject was an immediate threat to the officers or others
- How the subject was actively resisting arrest (seizure)
- How the subject was attempting to evade arrest by flight

Although not required, nor all inclusive, evaluating an incident in light of these factors provides a good framework for in determining whether a particular use of force was justified. Recognizing that the reasonableness analysis is "not capable of precise definition," the US Supreme Court explained that a "*proper application requires careful attention to the facts and circumstances of each particular case.*"

The Pousbo Police Department incorporates the Graham reasonableness factors and provides additional guidance in Policy 300.3.2. The Use of Force Review board evaluated each of the factors listed in the policy to determine the reasonableness of force used by Officer Keller resulting in the death of Mr. Chiefstick on July 3, 2019. The following is a summary of the Board's findings for each factor:

1. Immediacy and severity of the threat to officers or others.

⁹ Pousbo Police Department Policy – pg. #45-46

¹⁰ Pousbo Police Department Policy – pg. #45

¹¹ Pousbo Police Department Policy – pg. #43-44

Officer Keller was aware that Mr. Chiefstick had reportedly threatened an attendee of the fireworks display and thus had probable cause to arrest Mr. Chiefstick for assault. Recognizing the severity of the threat, Officer Keller requested additional officers respond to assist him. When Officer Keller attempted to detain or arrest Mr. Chiefstick, Mr. Chiefstick broke free, turned toward the officers, brandished a screwdriver and lunged. These actions presented an immediate and severe threat. The rapid evolving situation combined with the proximity of the numerous civilians attending the fireworks show enhanced the danger of Mr. Chiefstick's actions.

2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

Mr. Chiefstick was immediately uncooperative when confronted by Officer Keller and three other uniformed, marked and identified Poulsbo Police Officers. Mr. Chiefstick attempted to evade arrest, stopped and turned toward Officer Keller in a fighting stance while yielding a dangerous weapon in a dangerous manner toward Officer Keller.

3. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

The board felt age and fatigue were not a factor. Mr. Chiefstick negated the officer's four-to-one advantage by wielding a dangerous weapon and lunging toward Officer Keller in a fashion consistent with inflicting harm.

4. The effects of drugs or alcohol.

Multiple citizens reported Mr. Chiefstick was behaving as if he was under the influence of alcohol and/or drugs. State toxicology reports post shooting indicated Mr. Chiefstick blood contained methamphetamine. The Pathologist diagnosis (autopsy report) lists "Acute methamphetamine intoxication" in addition to gunshot wounds.

5. Subject's mental state or capacity.

In the Officer Keller's brief body camera footage, Chiefstick can be seen walking through and over people's items. He is stepping over blankets and chairs. He does not respect people's personal space. Witnesses report Chiefstick was staring people down and had pulled out a Phillips-head screwdriver on several occasions, intimidating celebration attendees with the object.

6. Proximity of weapons or dangerous improvised devices.

Mr. Chiefstick was armed with a screwdriver. A screwdriver in the State of Washington is a deadly weapon and capable of inflicting lethal injuries.

The board noted that many eyewitness observations indicate the weapon they observed was a knife and the weapon was in a position consistent with a fighting stance. Additionally,

the distance from Mr. Chiefstick to Officer Keller vary from a couple of feet to ten feet, but many recount Mr. Chiefstick was waving the dangerous weapon feet or inches from innocent citizens and children.

7. The degree to which the subject has been effectively restrained and his ability to resist despite being restrained.

Officers attempted to detain Mr. Chiefstick. However, he successfully resisted, breaking free of Officer Keller's grasp and fleeing a short distance. When Mr. Chiefstick stopped and turned toward officers with the screwdriver, it is reasonable to interpret his fighting stance as intent to continue his resistance.

8. The availability of other options and their possible effectiveness.

Mr. Chiefstick reported to have assaulted citizen(s) at the third of July event prior to Officer Keller's contact with him. One option is for Officer Keller to do nothing. The board determined this option is not a reasonable expectation by the public. Further evidence were the accounts from concerned citizens reporting Mr. Chiefstick's demeanor and assaults they reported to law enforcement leading to Officer Keller's contact with him.

The encounter with Mr. Chiefstick was very dynamic. The incident progressed rapidly and ended in a matter of seconds. Officers confronted with a dangerous weapon within close proximity. It is important to note and is reasonable, an officer must assess the totality of the circumstances and make a decision that is objectively reasonable. The board explored other tools available to Officer Keller:

1. Personal weapons, hands on

Officer Keller attempted this approach when Mr. Chiefstick was not yielding the dangerous weapon and was found to be unsuccessful.

2. OC spray (pepper spray)

Due to the close proximity of Mr. Chiefstick to Officer Keller, yielding a dangerous weapon, and believed to be high on drugs and/or intoxicated, OC spray is trained to be a less effective tool and will likely still result in Mr. Chiefstick use of the dangerous weapon.

3. Taser

Officer Keller made a split second decision as Mr. Chiefstick yielded a dangerous weapon. It is important to note, three witness officers immediately went to or considered their firearm in response to Mr. Chiefstick's dangerous actions. In the very few seconds Officer Keller had to react to a dangerous weapon, the board determined a Taser was not a reasonable tool.

4. Baton

Officer Keller made a split second decision as Mr. Chiefstick wielded a dangerous weapon. Drawing a baton and opening the tool takes more time. The board determined a baton was not a reasonable tool when faced with a dangerous weapon.

An attempt to use several officers to safely and effectively remove Mr. Chiefstick from the large group is a reasonable approach by the officer(s) involved. After a dangerous weapon was displayed and an attempt to assault Officer Keller was made, the board determined there was no reasonable option than the use of lethal force.

9. Seriousness of the suspected offense or reason for contact with the individual.

There was probable cause to arrest Mr. Chiefstick for Assault 2nd degree, a dangerous, and felony offense.

10. Training and experience of the officer.

Officer Keller is a five-year veteran of the Poulsbo Police Department after serving 15 months with the Port Gamble S'Klallam Police Department. Officer Keller's training was current by Poulsbo Police Department Policy. Additionally, he was current on all training as required by Washington Administrative Code (WAC).

11. Potential for injury to officers, suspects, and others.

Mr. Chiefstick produced a screwdriver and began swinging or thrusting it toward officers, citizens and children within arms' reach. The board determined it was reasonable to perceive a screwdriver as a dangerous weapon and likely to inflict deep puncture wounds capable of hitting vital organs in rapid succession.

12. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

Mr. Chiefstick resisted arrest, attempted to flee and attempted to attack Officer Keller with a screwdriver. Commands were given to Mr. Chiefstick to stop and to drop the dangerous weapon. Autopsy report indicates Mr. Chiefstick's face displayed gunpowder residue indicating he had made it within feet of Officer Keller's firearm while displaying a dangerous weapon in a manner consistent with doing harm to Officer Keller.

13. The risk and reasonably foreseeable consequences of escape.

Mr. Chiefstick's actions and behavior were alarming and threatening to citizens and their families leading them to report his actions to law enforcement. The mission of the Poulsbo Police Department states in part to safeguard the lives, property and rights of all people. It is reasonable to believe, Mr. Chiefstick's actions left unattended to by law enforcement would result in an assault on a citizen(s).

14. The apparent need for immediate control of the subject or prompt resolution of the situation.

Officer Keller had probable cause to arrest Mr. Chiefstick for Assault 2nd degree, a dangerous felony. Allowing Mr. Chiefstick's actions to continue is not a reasonable expectation of the public. Mr. Chiefstick's actions potentially affected hundreds of adult and youth citizens prior to contact by law enforcement. Citizen(s) contacted law enforcement with a reasonable expectation law enforcement intercepts and stops the crime committed by Mr. Chiefstick.

15. Whether the conduct of the individual confronted no longer reasonably appears to pose an imminent threat to the officer or others.

Actions and conduct by Mr. Chiefstick reasonably becomes more concerning after initial contact by Officer Keller. Mr. Chiefstick displays a dangerous weapon, ignores commands to drop the weapon, and appears to take an aggressive stance while holding the dangerous weapon in a manner reasonably interpreted as a display of intent to use. Then, advances toward Officer Keller. It is reasonable to interpret Mr. Chiefstick's action as a continuation of imminent threat to Officer Keller and the citizens surrounding him.

16. Prior contact with the subject or awareness of any propensity for violence.

The board identified no information to indicate Officer Keller had previous contact with Mr. Chiefstick. Additionally, there is no indication Officer Keller was aware of the day's events and contacts by other citizens, first responders or law enforcement during and leading up to the 3rd of July event.

However, Poulsbo Police Officer interaction with Mr. Chiefstick prior to Officer Keller's contact was noted as cooperative. Those interactions conducted by Poulsbo Police officers were conducted with no probable cause for arrest and ended peacefully.

17. Any other exigent circumstances.

The board concluded there were no reasonable safe means to carefully detain Mr. Chiefstick and protect the citizens. The board found it reasonable; if Mr. Chiefstick was not apprehended, he posed a threat of serious physical harm to the officer(s) or others.

It is important to note the objective standard looks not at what was in the mind of the particular officer, but whether the officer's conduct reflects what a hypothetical reasonable officer would have done under the same circumstances. In this case, three additional law enforcement employees from the Poulsbo Police Department were present with Officer Keller. While not the "hypothetical reasonable officer" of the *Graham* case, the Board considered it informative that each officer came to the same conclusion about the threat presented by Mr. Chiefstick:

- Officer San Gil stated his observations after Officer Keller closed the distance and contacted Mr. Chiefstick,

"A brief struggle ensued, but the suspect pulled away quickly and as he became free, he pulled a screwdriver out of his pocket. Keller and I moved away from the suspect approximately ten feet to gain some space fearing the suspect would cause serious bodily injury or death to any one of us. He held the screwdriver in a threatening manner and he now posed a clear risk of injury or serious bodily harm to not only Officer Keller and I, but all the people that were in close vicinity... Had Officer Keller not had lethal cover, I would have drawn my weapon as well."¹²

- Detective Wheeler stated his observations after Officer Keller closed the distance, contacted, and struggled to control Mr. Chiefstick,

"...I observed a black and yellow handled screwdriver in the suspects hand...His feet were fairly wide apart, his knees were bent slightly, and his upper body was slightly hunched over in an aggressive fighting stance. There were citizens right next to his feet and to his right side. There were more citizens behind him and to his left on the other side of the sidewalk." "Based on my training and experience, his advancement and position of the screwdriver indicated to me he was going to attack and attempt to injure or kill Officer Keller. I was in fear for Off.(Officer) Keller's life..."¹³ The PST investigators asked Detective Wheel why he thought Mr. Chiefstick was moving forward just prior to the shooting by Officer Keller, "To attack us... he was definitely in attack mode."¹⁴

- Reserve Officer Lom stated his observations after Officer Keller closed the distance, contacted, and struggled to control Mr. Chiefstick,

"I was immediately concerned for the safety of the citizens around us and for myself and the other officers in attempting to disarm the male because there were so many people close to us and the suspect had a deadly weapon that placed everyone in danger." "The suspect was in a position such that he could easily have brought down the weapon on people around or the officers."¹⁵

The calculus of reasonableness must allow for fact, police officers are often forced to make split-second decisions in circumstances, which are tense, uncertain, and rapidly evolving.

It is the belief of the board, the Poulsbo Police Officers on-scene, and Officer Keller in particular, reasonably believed Mr. Chiefstick was an immediate threat to safety to themselves and citizens attending the fireworks display in City of Poulsbo on July 3, 2019. Therefore, the board concluded evidence and consistencies noted between officer observations and witness accounts would

¹² K19006823 Officer San Gil Statement.pdf, pg. #2

¹³ K19006823 Detective Lee Wheeler's Statemnt.pdf, pg. #3

¹⁴ PST Investigations Fact-Finding Report – pg. #26

¹⁵ K19006823 Reserve Officer David Lom statement.pdf, pg. #1

indicate a reasonable officer in the same situation, with the same circumstances, would have applied the same use of force as Officer Keller.

Additional Training Requirements Considered by the Use of Force board

Washington Administrative Code (WAC) 139.09.020 requires law enforcement officers, reserve peace officers, and certified tribal police officers shall complete an annual two-hour online crisis intervention course as well as the “*enhanced CIT program*” post January 1, 2008. Officer Keller, Detective Wheeler and Reserve Officer Lom were required to have C.I.T training and were in compliance with the WAC at the time of this event. Community Service Officer San Gill is not required to have this training per the WAC.

Findings

The board thoroughly reviewed the case file provided in its entirety and asked for and received follow-up information. The review was based on eyewitness citizen perspectives, officer reports and statements. A reasonable officer standard was applied to the situation and what Officer Keller reasonable knew at the time the force was utilized.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

Therefore, the Use of Force Review Board was unanimous in finding the employee's actions were within department policy and procedure.

Recommendations

Poulsbo Police Department Policy 301.4.2 sets out the responsibilities for the Use of Force Review Board. These include the ability to recommend additional investigations or review disciplinary investigations, training reviews to consider, specific to training development and/or policy reviews. While the board maintains the recommendations would likely not have changed the outcome of this event, the board proposes the following recommendations:

1. Training:

The PST investigation report noted that Officer Keller, “*Outside of qualifiers (firearm), Keller said he had attended practical firearms training put on by the department. This training included transition drills (long gun to pistol, pistol to long gun), cover, concealment, and moving while shooting drills. Keller did not recall receiving practical firearms training involving the use of or transition to a Taser.*”¹⁶

While the Board found a Taser application in this dangerous situation was not a viable option, transitional firearm training is an industry standard. We recommend adding

¹⁶ PST Investigations Fact-Finding Report – pg. #29

instruction to include, but not limited to firearm transition to Taser training and Taser transition to firearm training. Weapon transitional training mitigates error and use of an improper tool, mitigate weapon confusion, and/or increase officer confidence. When Taser training expands to include situational awareness and de-escalation, it can mitigate the use of lethal force.

2. Equipment, Policy 1021.3.5 ~ Equipment Specifications¹⁷:

The board recommends review of this policy. During large community events, requiring higher than normal staffing levels it is not unusual to utilize personnel from specialty assignments. When performing a law enforcement function during an event similar to the 3rd of July Poulsbo celebration, uniformed officers should review and adhere to the mandatory equipment required as duty gear.

3. Crisis Intervention Training

The Washington Administrative Code (WAC) 139.09.020 requires all law enforcement, reserve peace officers, and certified tribal police officers complete an annual two-hour online crisis intervention course as well as the "*enhanced CIT program*." While the WAC does not require a community service officer attend, if the agency deploys the employee in a law enforcement or security capacity it is reasonable to believe they could encounter a person in crisis.

The board recommends any Poulsbo Police Department personnel who could respond to a person in crisis then be required to adhere to the WAC 139.09.020. Recommend adding this requirement to the Poulsbo Police Department Policy.

4. Policy 342.1 - Behavioral Health Navigator Program¹⁸

The board recommends adding a Behavioral Health Navigator (Police Navigator) to operational plans and planning during large events. Operating as a team, civilian and police, or independently can provide uniformed law enforcement an assistant trained in behavioral health crises or with behavioral health conditions and who are in need of connection to services.

¹⁷ Poulsbo Police Policy, pg. #567-568

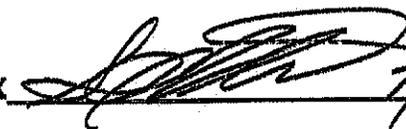
¹⁸ Poulsbo Police Policy, pg. #251-256

Board Member Concurrence:

By signing, board member concurs with the recommended use of deadly force finding:

Therefore, the Use of Force Review Board identified the employee's actions were within department policy and procedure.

X  07.30.2020
Captain James R. Major II, Washington State Patrol

X  7/29/2020
Chief Samuel L. White, Elwha Police Department

X  7/28/2020
Sergeant Brian George, Washington State Patrol

X  07-30-2020
Officer Vince Sivankeo, Lakewood Police Department

X  7/29/2020
JoAnn Schlachter, Citizen – Poulsbo

Attachments:

- Resumes