



Sierra Vista City Council
Work Session Agenda
July 14, 2020

1. Call to order

Mayor Mueller called the July 14, 2020 City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Jon Kosmider, Deputy Police Chief

2. Discussion regarding Police Education and Training

[Subject Management Presentation](#)
[Subject Management](#)

Mayor Mueller stated that the work session was specifically requested by Council Member Wolfe on police training/education and explained how the work session would run. Mr. Potucek stated that over a long period of time, it has taken a tremendous commitment on the part of the Council, the six police chiefs that he has had the privilege of serving with as well as the community to bring the Police Department to where it is. Some of the highlights that have occurred over that period of time are the implementation of amongst the highest hiring standards in the State of Arizona for police officers, implementation of the client services training program back in the 90's, the implementation on the part of the Council of the Citizens Police Academy, the pursuit and attainment of Commission on the Accreditation of Law Enforcement Agencies (CALEA) certification and standards that are ongoing and the implementation of body cameras. All these not only take up commitment but certainly a lot of spare dollars go into those things as well. The Police Department has made strides through the years, but given the incidents that have occurred recently, it is proper for the City to review its standards as CALEA calls for this anyway and it is certainly proper for the Council to review those standards as well.

Mayor Mueller thanked Mr. Potucek for his comments and noted that it is important to highlight

that there has been concrete command over the years by Council upon funding the police force at an adequate level so that one, the City may have quality officers, and two, that they have the right procedures. He added that the CALEA process is not cheap and it took the City several years to go through all the processes that are required and that includes funding, which was committed by the previous Councils. He further added that body cameras are expensive and continues to be because the evidence must be kept on hand. The current Council has shown that they are committed to making sure that the City has the best policing in the community.

Police Chief Thrasher stated that the best course of action is to provide information on how policies and procedures are developed regarding use of force, which is called subject management in the City of Sierra Vista. All Department policies, procedures, and training, including justification for use of force are guided by three main things along with the Department's culture:

- Case Law states that the minimum constitutional standards are decided by the federal courts, federal courts of appeal and the US Supreme Court. The courts interpret the Constitution and police officers' actions as government employees.
- Arizona State Statutes, a State codification of standards by state legislatures. These match the federal constitution requirements.

State laws that have passed that are deemed unconstitutional by the courts and have had to change. There are also several laws on the books in Arizona that have been deemed unconstitutional; therefore, the Police Department must stay up on those standards as well.

- Accreditation standards, best practices as determined by accreditation organizations.

The Sierra Vista Police Department is accredited by the Commission on Accreditation of Law Enforcement Agencies, which is international and is the only one that has regional accreditation and state-level accreditation. This is the only accreditation that goes across countries and wrapped into all of this is the Department's culture, which also influences the policies and procedures in how they are going to interact with the public.

- Justification for use of force, case law – constitutional standards
 - o Tennessee vs. Garner, 471 U.S. 1 (1985)

This was the first time that the Fourth Amendment was applied, unreasonable seizure standard due to police use of force. In 1985 there was a Statute in Tennessee that allowed officers to use all necessary means to effect an arrest of a suspect that flees or forcibly resists arrest. This is based on common law fleeing felon rule, which stated that deadly force is allowed against a fleeing felon no matter what. The court stated that this cannot be the standard and decided in this case that the officer must have direct knowledge that the suspect has used deadly force against somebody and can articulate and has reasonable probable cause that if the person is not immediately apprehended that they will do this again. This is the classic scenario of a terrorist-type of situation.

- o Graham vs. Connor, 490 U.S. 386 (1989)

This is a big case regarding all use of force due to an officer making an arrest based on suspicion and previous history. During the arrest, the officer did not interpret the individual's behavior as a medical issue and thought that drugs were involved. The individual was injured and sued under Section 1983 of the federal rules for violation of civil rights. The case was

dismissed at the district court because malice could not be proven on the part of the officers. This case went up to the Supreme Court on appeal where it was overturned on the Fourth Amendment, reasonable standard. It was decided that it is not whether the officer had malice, it is whether or not the officer's actions were objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Currently the main criticism in Graham is that an officer could have no contact, but if those actions would have been done by another officer that did not have the long time basis than the regional officer, then it would have been ok. It also states that an officer can be trying to do the best he/she can, but misapplied standards/use of force, it can be deemed unreasonable and unconstitutional even if the officer does not have contact.

Quotes from the case are as follows, which is how most policies are dealt with:

- The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus "must embody an allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.
- The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The court did state that if an officer is deciding to take someone into custody and if the officer has probable cause to make the arrest, the ability to use a reasonable amount of force to maintain that arrest goes along with it. This is based on the resistance of the subject. The terms used by the courts are:

- o Totality of the circumstances - consider all the facts and circumstances for each situation.
- o Was the use of force objectively reasonable under the totality of circumstances based on?
 - o Severity of the crime
 - o Immediacy of the threat to the safety of the officer or others
 - o Is the person actively resisting arrest or attempting to evade arrest by flight?

Police Chief Thrasher stated that the officers are tested every year on these three standards to include the Department's policies and laws. The officers need to understand that just because they are called to a scene does not necessarily mean that they have the right to do anything. The arrest must be made on legal justification.

- Justification for Use of Force
 - o Arizona State Law Definition ARS 13-105(32)

The reasonable standard comes from the courts stating that a reasonably well-trained officer when faced with similar circumstances could make the same decision. Based on a reasonable standard, even a technique that is untrained can be deemed reasonable under federal law.

- o Arizona State Law Definition ARS 13-105(14)

State Law defines physical force and it does not include deadly force, which is defined as force that is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury.

Officers are trained to hit major muscle groups with their baton, but in a deadly force situation, if the officer is authorized to use deadly force, hitting someone on the head with the baton could be considered deadly force. It is the manner of its use and not the tool because a lot of the tools that the police officers have can be used in a manner that could cause death or a serious physical injury. It is up to the officers and the trust that they are given to understand when they can and cannot use a tool in that manner.

oArizona State Law Definitions ARS 13-105(39)

Serious physical injury includes physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss of protracted impairment of the function of any bodily organ or limb.

oArizona State Law Definitions ARS 13-105(409)

State Law justifies physical force in law enforcement when:

- A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape.
- A reasonable person would believe the arrest or detention to be lawful.

Police Chief Thrasher stated that when the officers are arresting someone, they are told why.

Council Member Wolfe stated that she believes that it is important for Council to know that the manual does not use a reasonable person standard and that there is an officer standard, a higher standard. Police Chief Thrasher added that it is a standard that is used by Case Law. The interpretation of a reasonable person in the use of physical force in law enforcement is the reasonable officer.

oArizona State Law Definitions ARS 13-410

The use of deadly force by a peace officer against another is justified pursuant to Section 13-409 only when a peace officer reasonable believes that it is necessary to defend himself/herself or a third person from what the peace officer reasonable believes to be the use or imminent use of deadly physical force. The rest of ARS 13-410 to effect an arrest or prevent the escape from custody of a person whom the peace officer reasonable believes:

- Has committed, attempted to commit, is committing, or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.
- Is attempting to escape by use of a deadly weapon.
- Tennessee versus Graner Standard, through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

Police Chief Thrasher noted that the Tennessee versus Graner Standard is a very high standard to be used with terrorist-type situations or an active shooter situation.

Council Member Calhoun stated that she noticed that the information refers to felons committing a felony and asked about in a case where it is not a felony, but it is a crime. Police Chief Thrasher stated that with a misdemeanor, an officer can start to arrest. It has to do with the resistance that they provide, i.e. active aggression where they attacked the police officer, defensive resistance. The active aggression in attacking a police officer is a felony. The police

officers can defend themselves under the previous part of the Arizona Revised Statute.

- Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.

Police Chief Thrasher stated that he does not like this justification because it states that the officers just must be armed. The direction given to the officers during training is that inside a crowd control, their use of force is limited to direction by command staff unless there is a direct threat to their life or the life of another person.

Council Member Benning asked if the number of participants affect the level of aggravation for that reasonable officer. Police Chief Thrasher stated that he is correct. Each situation is going to be different and determined by the facts of each case. Several assailants have a factor, size of the suspect and of the officer matter.

- Accreditation
 - o Commission on the Accreditation of Law Enforcement Agencies (CALEA)

Police Chief Thrasher introduced Jennifer Charest, CALEA Administrator, who is vital to the program and came on board as the Police Department was in the middle of its self-assessment. Ms. Charest is a graduate of Michigan State Law School and has been through all the training and serves a lot of times as a role player during training. She also helps to write the policies in conjunction with the CALEA standards and makes sure that there is proof of the accreditation process. Every year they come and look at the policies and do an in-person assessment. Every year there is a conference where there is a hearing to testify to be reaccredited.

CALEA started in 1979 through the International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriffs' Association (NSA), and the Police Executive Research Forum (PERF). This is a nonprofit organization that is made up of 21 commissioners from law enforcement, the public sector, and the private sector. They go through an entire process in developing the standards.

Police Chief Thrasher explained that there has not been an Arizona State Accreditation until recently. It was probably within the last three years that they developed a State Accreditation that has less standards. The Sierra Vista Police Department has taken a step back and is waiting to see how those standards develop before getting on board with that. These almost match CALEA standards. CALEA develops standards, does literary reviews, evidence-based practices, analytical research, and they have a Standards Review Interpretation Committee that goes through these regularly and post changes to the standards and put them out for public comment.

There are 743 total accredited law enforcement agencies, Canada, United States, Mexico, Barbados and 12 Arizona accredited law enforcement agencies. Arizona used to have more, and the Tucson Police Department used to be accredited and dropped it when they got their new chief. Phoenix Police Department recently dropped their accreditation due to the amount of work that is involved with staying accredited. The Sierra Vista Police Department had its initial accreditation in 2014 and reaccredited in 2017. The next reaccreditation is in 2021 and they look at the policies every year.

- Thirteen standards on use of force and use of force reporting

- 1.3.1 A reasonable force when force is used to accomplish lawful objectives
- 1.3.2 A deadly force only when the officer reasonable believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
- 1.3.3 A written directive governs the discharge of warning shots

Police Chief Thrasher stated that the Department does not allow warning shots because they account for every round that goes down range and it is too dangerous to not know where that round is going to go. There has been debate within the last 10 years whether, or not to use warning shots, but he is not convinced that it would de-escalate a situation.

- 1.3.4 Less lethal weapons by agency personnel

Police Chief Thrasher stated that these are tasers, bean bags, pepper balls.

- 1.3.5 specific procedures for ensuring the provision of appropriate medical aid after use of lethal or less lethal weapons, and other use of force incidents as defined by the agency.

Police Chief Thrasher stated that the officers do not provide medical aid after using force.

- 1.3.6 Written reports submitted whenever an employee discharges a firearm, for other than training or recreational purposes; takes action that results in, or is alleged to have resulted in injury or death of another person; applies force through the use of lethal or less lethal weapons; or applies weaponless physical force at a level defined by the agency.
- 1.3.7 The agency has a written procedure for the administrative review of each report required by standard 1.3.6
- 1.3.8 A written directive requires that any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be removed from line-duty assignment, pending an administrative review.

Police Chief Thrasher stated that the officer does not have to go on administrative leave, they just must come off the street. The Department adds into this counseling as part of the process.

- 1.3.9 A written direction that only weapons and ammunition are authorized by the agency be used by agency personnel in the performance of their responsibilities. This also applies to off-duty officers. They are not hard duty weapons and are usually smaller, but they are required to get those inspected and qualified with and carry, Department approved as part of the standard
- 1.3.10 A written directive requires that only agency personnel demonstrating proficiency in the use of agency-authorized weapons be approved to carry such weapons.
- 1.3.11 At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approve lethal weapons and electronic controlled weapons that the employee is authorized to sue.
- 1.3.12 A written directive requires that all agency personnel authorized to carry lethal and less lethal weapons be issued copies of and be instructed in the policies described in standards 1.31 through 1.35 before being authorized to carry a weapon. The issuance and instruction are documented.

- 1.3.13 Annually, the agency conducts an analysis of its use of force activities, policies, and practices and reported to CALEA.

Police Chief Thrasher stated that the chaordic control hold has not been authorized in the Department since the late 80's except in deadly force situations. Officers are not trained with it. He added that years ago, an officer got in a struggle with suspect and got put in a choke hold and was choked out and he did not know how to get out of it. The Department had to go back and re-evaluate the training program to make sure that there is some familiarization with the hold, how it is put on and how to escape from it as well.

- Policy and Procedure Manual (PPM) 2.8.8

The Department has a Subject Management Review Board. In 2010 the name was changed from use of force to subject management and part of that is due to the cultural issue. The Department wants to get the officers more into the mind set of that they are trying to manage behavior and not go out and use force. Use of force is nationally the term that is used, but subject management is the real goal. The officers are not going out for a fight, they are going out to be able to serve and protect, and then if they must detain somebody that they are able to control their behavior.

In response to Council Member Pacheco, Police Chief Thrasher stated that the Subject Management Review Board is chaired by a lieutenant and the Department has a defense attack instructor on it and other Department members, corporal and above that are reviewing the subject management. The use of force reporting goes to Ms. Charest, who documents it in the data base and used to provide the analysis at the end of the year. He further stated that this is a change of mindset.

- Subject Management

Officers were taught at the police academy that use of control methods were to be used on subject resistance, but that it is not the right way to view these issues. The subject resistance and the level of resistance is looked at.

- Justification for use of force

The control technique used by the officers is reasonable and that is based on the totality of the circumstances, objective reasonableness – size, stature, skill level and subject along with the tools available.

- Levels of resistance are as follows:
 - Psychological intimidation
 - Resistive dialogue
 - Passive physical resistance
 - Defensive physical resistance
 - Active physical aggression
 - Aggravated active physical aggression (deadly force)
- Control techniques are as follows:
 - Officer presence/verbal persuasion

Police Chief Thrasher stated that officer presence, and verbal persuasion is 90 percent of what the Department's officers do. Officers spend a lot of time on tactical communications in field training. He explained procedural justice and noted that people want to be able to explain themselves; therefore, the officer allows them to do that from the beginning before asked for identification.

- Handcuffing and restraints
- Soft empty hand control, i.e. pressure points, and control holds, etc.
- Hard empty hand control, i.e., strikes, kicks, etc.

Police Chief Thrasher stated that he does not like the hard-empty hand control because inevitably the officer gets hurts more than the suspect. He added that the taser was put in between the softy empty hand and hard empty hand control because those types of injuries were less by using the taser. However, the Ninth Circuit Court of Appeals determined that the taser is an intermediate level of weapon and it cannot be used in instances where looking at preventing going into a hard-empty hand control.

- Chemical agents

Police Chief Thrasher stated that chemical agents have not been used in three years.

- Taser
- Impact weapons

Police Chief Thrasher explained that the taser locks up the muscles and it must be within 20 feet. Impact weapons can be anything used to strike, but it is typically the baton that is on most officer's belt.

- Pepper ball system

The pepper ball system can be used in two ways. One, it can be used as a chemical agent only and two it can be used as an impact weapon for pain compliance.

- Bean bag

The bean bag is a high level of force because it is a 12-gage shot gun that shoots out a bean bag that can do a lot of damage. These are used when deadly force could be justified.

- Police service dog
- Deadly force

Anything can be used as deadly force and not just a firearm.

- Historical control technique training

Use of force continuum, a traditional way of describing control techniques. It was found that continuum usually leads to the use of force because if dialogue does not work, the officer will step it up instead of doing a re-evaluation. This caused misunderstanding in application of control techniques.

Police Chief Thrasher stated that the Department started to get rid of this years ago and started

training with a more decision- making model of which there are a lot.

○Current Control Technique Training

Police Chief Thrasher displayed a model started by Chief Vance and Chief Montgomery. The model is from the Police/Detective Research Foundation that he based off the United Kingdom. It starts off in the middle with ethics, values, proportionality, and human life – core values. It then moves to client service – everyone will be given the best possible service. This is the culture that is dealt with in building a Department. He added that titles make a difference now that car computers are used. The officer must collect information while responding and it is a quick process.

Council Member Benning stated that a lot of people will state that it was in the heat of the moment and believe that the officers gets carried away in what they are doing. He asked if this model mitigates the officers' heat of the moment. Police Chief Thrasher stated that it can happen, but this model can mitigate it. The core values help in what the Department is trying to do in serving the community. From day one in the police academy, the officers are told that they are not allowed to have emotions and that when someone is fighting with an officer, that person is not fighting with the officer, they are fighting the uniform or the authority that the officer represents. However, in the heat of the moment can occur, but they train officer on de-escalation – once force is applied to get control, the officer needs to step back. This is an important part of the training in everything the officer does.

○De-escalation

The use of a control technique to get compliance and then step back. The de-escalation technique is new, and it is what officers have been trained to do during their career, and it is a new buzz word. This is the strategic slowing down of an incident in a manner that allows officers more time, distance, space, and tactical flexibility during dynamic situations.

Police Chief Thrasher stated that when he was asked by Council Member Wolfe about the de-escalation policy, he explained that the Department does not have a policy that is labeled as de-escalation, but it is throughout everything that the officers do. This has been a part of the Department for a long time and most chiefs get upset when officers need to be trained on de-escalation. The Department used to call it verbal judo in tactical communications, but de-escalation is emphasized throughout subject management policy and training and is a part of every control technique. It is not just how the officer talks, but it is also how they stand and facial expressions. However, officers need to have their hands placed where they can defend themselves within a certain distance of a person.

○Neck Restraints

Police Chief Thrasher stated that there are three basic types of neck restraints. He added that every officer will end up sometimes in a combination of arm/neck hold, wrestling's half-nelson (legal in high school wrestling).

Chokeholds are the respiratory neck restraint by using direct mechanical compression or pressure over the anterior (front) structures of the neck. Arizona Post Lesson Plan and every Department known lists this as deadly force.

The Carotid Control Technique gets misrepresented as a choke hold in the press and around the country. This is not a respiratory neck restraint. It is a vascular neck restraint employing bilateral compression of the carotid arteries and jugular veins at the side of the neck that results in diminished cerebral cortex circulation. It takes about 20/30 seconds to regain consciousness and the idea is to gain control. A lot of agencies have used this technique, i.e., the Phoenix Police Department and recently suspended the policy on it. The Chandler Police Department still allows it as part of their less than deadly situation.

The reason why the Sierra Vista Police Department in the 1980's limited those deadly force situation because in that dynamic, knock out, drag out in trying to get the carotid, they can be put into the choke hold and cause some serious damage. One of the reasons why this is trained on familiarization, and not to perfection is because the more that the officers are trained on it, the more the officers become familiar with it and will be more likely to use it in situations where is not deemed right.

Other neck restraint are the wrestling's Half-nelson and combination arm/neck hold that do not restrict breathing or circulation and do not risk serious damage to structure of the neck. These are authorized as control holds under soft-empty hand control.

Police Chief Thrasher noted that a knee hold is not a technique that has been taught to the Department's officers and he does not know of any agency that uses that technique. The officers learn handcuffing where they may put a knee in the should blades or the small of the back once they get control and then they let off. However, can the knee slip off onto the neck is possible, but to hold someone there is not something that is acceptable unless there is deadly force type of situation. The Department teaches its officers to disengage and not be stuck in one spot and be able to move.

- oUse and discharge of firearms

Officers will not discharge their firearms except to protect themselves or another person from imminent death or serious physical injury. This is the same language in the policy that states that the Carotid Control Technique will only be used in deadly force situations.

Police Chief Thrasher stated that the policy will include choke holds because not every type of deadly force is listed out; although, the officers know this.

- oShooting at moving vehicles

The policy prohibits shooting at moving vehicles unless it is necessary to do so to protect the life of officer or others. The Policy directs officers to shoot at the perpetrators using deadly force toward the officer or others, not the structure of the vehicle. It is not used to disable the vehicle and requires a risk-benefit analysis by officers.

- oExamples

Police Chief Thrasher provided examples of the use of Carotid Technique or chokehold as well as shooting at moving vehicles.

Anthony Isom, Greater Huachuca Area NAACP President stated that many of the tenets in the Police Department's policy agree with the NAACP's beliefs. He suggested that the City appoint a citizen review board that would keep police accountable for their actions. Such boards are

common in many larger cities across the United States to review complaints brought by the community about law enforcement agencies.

Council Member Benning asked Mr. Isom about the NAACP's vision for a citizens' review board. Mr. Isom stated that the citizen review board will work with the police Department and the city to review actions as necessary, but policies and procedures must be established for vetting those people that are on the review board to look at the excessive use of force and to make sure that the policies in place recognize both the civilians and the police Department as well as city government. Otherwise the review board could be manned totally by police officer and government officials with no civilian input and that promotes distrust and non-transparency. The review boards must vet the members. This is not an easy process because people must be impartial. The drawbacks are that the workload of the review board is high, people get burned out and the cost is expensive.

Mayor Mueller noted that the subject of the meeting is not police review boards. The work session is about the training and policies of the Police Department.

Council Member Wolfe asked about police officer resiliency standards. She stated that it is important because of deadly force and asked how the officers are being taken care of to make sure that mentally they are in a good state of mind to understand when deadly force can be used and when they should not. Police Chief Thrasher explained that the Department has a peer support policy/critical incident policy regarding deadly force situations, and it does not have to be a deadly force situation. The Department looks at cumulative PTSD issues in dealing with some of the things that they do, i.e., chokehold. The policy is in conjunction with the Fire Department and if issues are recognized, the Department can send the officer for counselling. There is also the Employee Assistance Program referred to as a substance use program. The Guardian Tracking Program includes all entries, good and bad, including significant and emotional events. Also, a flag is if the officers has so many subject management reports during the year. The Department reviews all of those to make sure that there is no issue with the officer. Every time that an officer pulls out a handgun, they must fill out a Use of Force Report.

Council Member Wolfe asked if Council could have the compiled stats by the Department due to CALEA standards. Police Chief Thrasher stated that they are public record and these stats area part of the CALEA report. The Department's analysis is more in depth than the CALEA report.

Council Member Benning asked if the Department is a part of the FBI reporting data base. Police Chief Thrasher stated that there is crime reporting to the FBI. In 2019, the FBI initiated a Use of Force Database and it is limited to data for deadly force or force that results in serious physical injury. The Sierra Vista Police Department has not had any to report to them, but it is slowly moving toward the National Use Data Base. Arizona has a State Law for law enforcement that allows for provision of information for background checks. The employee's file includes everything. Arizona Post can report and take the certification if an officer violates Arizona Post Rule. The State Law is to prevent the hiring of an officer with issues.

Council Member Pacheco asked if the fatality review board reviews police officer issues. Police Chief Thrasher stated that the fatality review board is for domestic violence and does not have to do with police use of force.

Council Member Pacheco asked how the fatality review board interacts with police use of force. Police Chief Thrasher stated they recommend training in officers dealing with domestic violence

situations and the board does not have any type of mandate. The Department participates as a partner. Use of force involves a serious injury or death and those are investigated by the City's Human Resources Department and sent to the County Attorney for review.

In response to Council Member Pacheco, Police Chief Thrasher stated that the CALEA report is a public record and can be requested.

Council Member Calhoun stated that she has never seen this, but she has heard of police officers, when making a stop, putting their hand on their holster. Police Chief Thrasher stated that a lot of this is where they put their hands. They cannot put them in their pockets because they cannot get them out. On approaching a vehicle, the officers do not know who they are dealing with. There are a lot of officers that are shot during traffic stops, and a lot of time the holster is just a place to rest their hand, and in a place where the officer can react.

Council Member Calhoun asked on behalf of a constituent about the probability of a bad situation occurring when an officer is already at a heightened level when getting into a situation with an aggressive person. Police Chief Thrasher stated that he does not believe so, based on the training. He added that he believes that it is a perception based on TV. The officers want to talk them down, particularly those with mental health issues. He further added that 90 percent of what the officers do is officer presence, verbal persuasion. Every officer, while they are prepared, will deal with it if they need to, but they do not want to and are trying to get compliance verbally.

In response to Council Member Calhoun, Police Chief Thrasher stated that under a court, officers would have probably been justified in using deadly force, but they did not have to because of the decision-making process. The training is important; however, the first thing that gets cut during the budget process in the Police Department is training because almost all their budget is in personnel. The Department has refused to cut out training from six police chiefs down because training is what keeps the Department out of trouble.

Police Chief Thrasher stated that he does not like to hear that the most important thing is to go home at night. If that were true, the officers would not be doing this job. The officers have a job to do as safely as possible and the Department wants to make sure that the officers have all the tools and training/ability to make those decisions so that they can get the best outcome and go home at night and still protect the public. An officer is going to take reasonable risk to do their job.

In response to Council Member Calhoun, Mayor Mueller stated that the purpose of the work session was to discuss needed change to the policy.

Mayor Mueller asked Council Member Wolfe if she had a proposal, specifically in the three areas that she had asked to have reviewed. Council Member Wolfe stated that she met with Police Chief Thrasher and discussed most of the NAACP's issues, and the changes that he proposed to be changed in the manual are good.

Mayor Mueller asked Police Chief Thrasher to list specifically what he plans to change in the policy. Police Chief Thrasher stated that the definitions need to be made clear for Carotid Technique and Chokehold. Also added to the definitions should be the Department of Justice's definition of de-escalation in addition to the traditional form of de-escalation. There also needs to be added the de-escalation philosophy to the Department's philosophy, which is all a part of the officers' training because this would then reinforce that.

Police Chief Thrasher stated that the addition of, “the philosophy of de-escalation is emphasized in all subject management; however, once an officer decides to use force,” before “the Control Technique Section, once an officer determines to use physical force, a control technique will be used dependent on a reasonable officer’s perception of resistance.” This would reinforce everything that the officer does, every step.

Police Chief Thrasher recommended adding Chokeholds to the Carotid Control Techniques definition because they are different and changing it to the same definition used for using a firearm. Currently the Carotid Control Technique is not authorized except if an officer is faced with a deadly force situation and there is confusion on what that means. Therefore, he is recommending, “the Carotid Control Technique and Chokeholds are not authorized except to protect the officer or another person from imminent death or physical injury.” This is the same statement used for firearms and it is his belief and recommendation to not take any tools away from somebody in a deadly force situation. A situation could be to use a chokehold or to shoot them. It is important to let the officer know that they have the ability to do whatever they can to save their life or the life of a third party if they need to, while at all time trying de-escalate.

The policy currently states that officers should not discharge weapons at a moving vehicle unless it is necessary to protect a life of another or the officer and in such cases, a shot should be directed at the perpetrator and not the structure of the vehicle. Part of the officers’ training is to reinforce the risk benefit, analysis and the inherent dangers and to specify that in policy he recommends, “officers should not discharge weapons at a moving vehicle unless it is necessary to do so to protect the life of the officer or others and should be mindful of inherent dangers at shooting drivers of vehicles that are in motion.

Police Chief Thrasher stated that he forwarded to Council the power point on training on the duty to intervene, which is the big deal in Minneapolis – the duty to intervene by the other officers that is actually a federal requirement. The officers are trained on this every year. He recommended putting this into the policy and the Subject Management Policy and in the Code of Conduct. Under the laws, when there is a realistic opportunity, officers have a duty to intercede when fellow officers violate the constitutional rights of a person including the unreasonable use of a control technique. He added that the reason why he is suggesting this is because it is for any constitutional violation.

Mayor Mueller asked Council Members if they had any objections to Police Chief Thrasher making the appropriate amendments. There was consensus by Council.

Mayor Mueller asked Police Chief Thrasher to take the time to make the appropriate amendments and to include the changes in the Executive Report to Council.

Council Member Calhoun suggested another meeting with Police Chief Thrasher to discuss a review board, mental health, the community and trust, and racial equity in the community. Mayor Mueller asked Council Member Calhoun to be more specific because mental health and racial equity are big subjects.

Council Member Calhoun asked if the officers have racial equity training. Police Chief Thrasher stated that the officers have bias training every year. This is to understand one’s bias because everyone has them and to recognize that, but the key in the training is to make sure that the bias does not influence their duties.

Council Member Calhoun stated that the community and trust will take more discussion. Mayor Mueller stated that it will most like include subject i.e., police academy and things that are done to build trust.

Mayor Pro Tem Gray asked for the standards to be laid out for the common officer in Sierra Vista. Police Chief Thrasher stated that the basic thing is that everyone must meet the minimum standards set by the State, which is the Arizona Peace Officers standards and training. By Statute, they are outlined by administrative code, the minimum standards to be a police officer, i.e., high school diploma, 21 years old, drugs that they used, juvenile indiscretion and etc.; however, Departments/cities can set higher standards, which is what Sierra Vista does with the college requirement.

As a part of the process, if a person meets the minimum standards of Post and City, they will then take a physical fitness test, Cooper for applicants that are not certified and if they are, they take a peace office physical aptitude test. The reason why the applicants take the Cooper test, which are pushups, sit ups and a run, is because they have to go to the academy and they have to make sure that they do not get hurt at the academy and are in physical shape. The applicants will then take a written exam that they have to pass and if they get through that, they then fill out a background package, which is very extensive that gets reviewed by a commander to determine whether or not they will get an interview. They are also looked at to see if they will fit in the Department's culture and then go before an oral board, comprised of five people. Four of the individuals are Department employees and Human Resources. The purpose of this is to make sure that they meet the minimum standards, and most importantly to see if they will fit into the culture of the Department. After this they take a polygraph test and the packet comes through the command staff, by both commanders, the deputy chief and the police chief to see if the applicant meets the standards and if they do, they sign off as recommending an offer and it is then sent to the City Manager for approval. Once they get a conditional offer, they then go through a physiological and medical exam. If they pass these, they will get a final offer and going to the academy.

Lastly, he stated that it is easier to train a nice person to be tough than a tough person to be nice when it comes to use of force. The most important part of all the process, is not the academy because it is just basics, it is the field training. There are two things that the Department is trying to do. One is orientation, which explains how they do their job and the biggest and most important is socialization into the culture. Socializing that into client service mentality and service mentality.

Mayor Mueller stated that there is also socialization into the community because Sierra Vista is different. Police Chief Thrasher stated that he is correct and noted that the biggest concern that he always has when hiring a lateral officer is if they will fit into the culture based on the culture that they were already socialized into. He shared that he learned at Fort Collins Police Department that when getting someone from another agency, to send someone to that agency to look at the files, and to determine their culture. This is how an examination of the agency that they came from is done. He further stated that he believes that Sierra Vista is the epitome of community-based policing. He added that he does not like the national definition because those are for big agencies and Sierra Vista Police Department responds to everything.

Council Member Pacheco asked for future discussion on officer from multiple agencies who respond to calls in Sierra Vista who interact with the citizens, but do not have the same training as the officers from Sierra Vista. Police Chief Thrasher stated that all that can be done is to show by example because the Department does not have any control over other agencies.

Mayor Mueller suggested sharing what the Department is doing with the Sheriff Department.

Police Chief Thrasher that they share information during the quarterly meetings, but it is up to the agency to operate in a way. However, if another agency is on a City scene, they may end up being directed to do something differently, but if Sierra Vista is on their scene, then it is the same way.

Mayor Mueller made a comment to Mr. Isom about the quality of the Sierra Vista Police Department. He shared that he knew about a young lady that applied for the police force, who went through all the processes and decided to drop out (unknown why she decided to drop out); however, she is now a very successful FBI agent.

3. Adjourn

Mayor Mueller adjourned the July 14, 2020 work session of the Sierra Vista City Council at 5:00 p.m.

Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk