



TO: Elizabeth A. Pauli, City Manager
FROM: Mayor Victoria Woodards
Melanie Harding, Chief Policy Analyst to the Mayor
COPY: City Council and City Clerk
SUBJECT: Resolution - Establishing communications procedures for any death that occurs while in police custody – June 30, 2020
DATE: June 25, 2020

SUMMARY AND PURPOSE:

A resolution directing the City Manager to establish communications procedures for any death that occurs while in police custody.

COUNCIL SPONSORS:

Mayor Victoria Woodards, Deputy Mayor Blocker, and Council Member Hunter

BACKGROUND:

High-profile cases in Tacoma and across the nation have raised questions regarding the impacts of implicit bias and systemic racism in policing and lead to calls for increased transparency and communications from law enforcement agencies and the government bodies that oversee them.

The Equity and Empowerment framework, adopted by the City Council in 2014, makes equity a consistent guiding principle across the entire organization and calls out specific goals to guide operational and policy decisions, including a commitment to equity in policy making.

A Black resident of Tacoma, Manuel Ellis, died in Tacoma Police custody during an incident which ensued on March 3, 2020. The City Manager and Mayor were notified by Tacoma Police by email on the morning of March 4. Under a City policy establishing independent investigations for deaths in custody, Tacoma Police also communicated that the Pierce County Sheriff's Department had been asked to handle the investigation of the death. A media release went out from the Pierce County Sheriff's Office on March 4, 2020, which provided notice of the death in custody and an account of the events that took place on March 3, 2020. The Tacoma News Tribune reported on the Death in Custody on March 4, 2020¹ and March 5, 2020.² The Pierce County Sheriff's Office did not provide updates to the Mayor or City Manager related to the status of the investigation until June 2020. According to standard procedures for independent investigations, the Tacoma Police Department did not get any updates on the substance of the investigation.

In a press conference held on June 4, 2020, the Ellis family noted a lack of communication from public officials regarding the death of Mr. Ellis. They indicated a belief that attention was drawn to Mr. Ellis's case only after their

¹ <https://www.thenewstribune.com/news/local/crime/article240885381.html>

² <https://www.thenewstribune.com/news/local/crime/article240926376.html>



work with the Tacoma Action Collective and their individual efforts to raise awareness, the death of George Floyd, and the rise of demonstration activity across the nation as well as in Tacoma.

Mayor Woodards is requesting a resolution establishing a communications protocol for any death that occurs while an individual is in the custody of Tacoma police or as the result of the use of deadly force by Tacoma police.

The City is developing a long-term approach to reforming the City's criminal justice system and establishing an anti-racist recovery plan. This ongoing process will involve the City's Citizen Police Advisory Committee, and it will incorporate feedback from Tacoma residents, the Project Peace Executive Board, key stakeholders, community leaders, those most impacted by systemic racism, and experts in reform. Simultaneously, there are interim policy changes and process improvements we can take immediately to improve transparency and accountability in our criminal justice system. Establishing a process for communications for any death occurring in police custody or as the result of the use of deadly force by Tacoma police is one such action. If approved by the City Council, this communications protocol is intended to be established as an interim process subject to review and refinement as the City works through formal and comprehensive reform.

The resolution would direct the City Manager, following any death occurring in police custody or as the result of the use of deadly force by Tacoma police, to:

- Notify the Mayor and City Council of the death as soon as practicable;
- Provide the Mayor and City Council with an account of events, the names of involved officers, and the race of the decedent as that information is made available;
- As soon as practicable, seek confirmation as to whether the matter requires an independent investigation pursuant to I-940 and SHB 1064. If an independent investigation is required pursuant to state law, the City Manager will seek confirmation as soon as practicable from the independent investigation team that a family liaison has been assigned;
- Provide the Mayor with contact information for the deceased person's next of kin as soon as possible once the next of kin has been notified of the death of their loved one; and
- Confirm that any Community Trauma Response Team has been advised.

Further, the resolution would confirm Mayor Woodard's commitment to contact the family of any person who dies in Tacoma police custody within 24-hours of her receiving their contact information to express condolences for the family's loss, and it shall identify these actions as a Mayoral responsibility going forward.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This resolution was prompted by feedback from the loved ones of Manuel Ellis, whose life was lost in police custody. This is an interim policy that can be evaluated and changed based on community feedback given during comprehensive work on systems transformation.

2025 STRATEGIC PRIORITIES:

This resolution will strengthen and support a safe city with healthy residents.



ALTERNATIVES:

The Council could choose to not establish a communications protocol for death that occur in police custody.

EVALUATION AND FOLLOW UP:

The resolution would direct the City Manager, following any death occurring in police custody or as the result of the use of deadly force by Tacoma police, to:

- Notify the Mayor and City Council of the death as soon as practicable;
- Provide the Mayor and City Council with an account of events, the names of involved officers, and the race of the decedent as that information is made available;
- As soon as practicable, seek confirmation as to whether the matter requires an independent investigation pursuant to I-940 and SHB 1064. If an independent investigation is required pursuant to state law, the City Manager will seek confirmation as soon as practicable from the independent investigation team that a family liaison has been assigned;
- Provide the Mayor with contact information for the deceased person's next of kin as soon as possible once the next of kin has been notified of the death of their loved one; and
- Confirm that any Community Trauma Response Team has been advised.

STAFF/SPONSOR RECOMMENDATION:

Mayor Woodards, Deputy Mayor Blocker, and Council Member Hunter support Council consideration of this resolution.

FISCAL IMPACT:

There is no known fiscal impact at this time.