



MEMORANDUM

DATE: February 12, 2021

TO: Steve Watson, Chief of Police

FROM: Brian Stephens, Captain

SUBJECT: Shooting Review Board Review of John Seiger OIS

On February 03, 2021, I convened a Use of Force/Shooting Review Board as per EPD policy 302. As stated in the policy a Division Commander shall sit as the Chair of the board and this Commander shall select five use of force review board members. For this review board I sat as the Chair and the following members were chosen as board members:

Arcata Police Chief Brian Ahearn – Chief Ahearn was appointed the Chief of Arcata Police Department on November 07, 2018. Chief Ahearn worked for the San Diego Police Department from 1986-2018 and obtained the rank of Captain. While at San Diego PD, Chief Ahearn worked Patrol, Investigations, 7 years as a Training Officer and Academy Coordinator, 2 years as the Commanding Officer of Internal Affairs Investigations to include administrative investigations of Officer Involved Shootings (OIS) and was the liaison to the Citizens' Review Board on Police Practices and Homicide Investigations at the Command Officer Level to include OIS and in-custody death investigations.

Cal Fire Chief Rhett Imperiale – Chief Imperiale is currently the Division Chief, Resource Management, California Department of Forestry and Fire Protection. He has 30+ years of combined law enforcement experience (Cal Fire, Local Police Department and Military). He has received approximately 3000+ hours of criminal investigation/law enforcement training. Chief Imperiale has been a Field Training Officer since 2008, responsible for training academy law enforcement graduates. Chief Imperiale is a California Peace Officer Standards and Training (P.O.S.T.) Certified Firearms instructor (since 2005), including P.O.S.T. Tactical Rifle Instructor. Chief Imperiale is an Associate Faculty member at the College of the Redwoods where he teaches Firearms, Ethics, Leadership and Professionalism, and Rules of Evidence for the Basic P.O.S.T. Police Academy.

Mobile Intervention Services Team (MIST) Officer Ryan Swanson – Officer Swanson is employed by the Eureka Police Department and is a member of the Community Safety Enhancement Team (CSET). Officer Swanson served almost 20 years in the United States Marine Corp and retired in 2014. Officer Swanson is responsible for addressing three major issues in the City of Eureka; homelessness, addiction and mental health. Officer Swanson is a member of the Humboldt County Sheriff's SWAT Crisis Negotiator Team and has completed all levels of Crisis Intervention Training. (CIT). Additionally, Officer Swanson had received the

ICAT (Integrating Communications Assessment and Tactics) training and attended the Suicide by Cop prevention seminar hosted in Eureka last year.

Melinda Ciarabellini, Chief's Advisory Board Member –Melinda has been serving as a member of the Chief's Advisory Board since April 2019. She retired from the Humboldt County Sheriff's Office as a Captain and Jail Administrator after serving for 30 years. Melinda was the Program Manager of the team that assisted in the design, construction and transition of the new Correctional Facility. Upon retirement, Melinda was elected and served six years on the Eureka City Council. Melinda has been a member of the Rotary Club of Southwest Eureka for 17 years and serves as an Early Literacy Volunteer at Grant Elementary School. Melinda has a BA degree in Sociology and a MA degree in Education from Humboldt State University.

Dr. Jason L. Meriwether, Chief's Advisory Board Member – Dr. Meriwether is the Vice President for Enrollment Management at Humboldt State University and has published topics such as adult learning, student retention, digital learning & social media engagement, student affairs fundraising and hazing prevention. Dr. Meriwether is author of *Dismantling the Hazing Phenomena in Greek Letter Organizations*, published in 2020. Dr. Meriwether earned his Ph.D. in Educational Administration with a specialization in Higher Education Leadership at Indiana State University.

Prior to February 3rd, all board members were provided links to all materials that were publicly released which included the Internal Review Investigation and all videos. On February 3rd, I provided the board with a paper copy of the Internal Review Report as well as the Use of Force Policy and the Use of Force Review Board Policy. Additionally, all materials associated with both the Internal Review Process as well as the Criminal and CIRT reports were available for review.

Upon completing the review of requested materials, videos, and discussion among board members, which included clarifying questions that I was able to answer as the Chair of the board, the review board concurred with the findings of the Internal Review Investigation. Those findings are as follows:

- **Policy 300 – Use of Force** – All officers were found to have performed their duties within policy.
- **Policy 311 – Firearms** – All officers were found to have performed their duties within policy.
- **Policy 414 – Hostage and Barricaded Subject** – All officers were found to have performed their duties within policy.
- **Policy 418 – Mental Illness Commitments** – All officers were found to have performed their duties within policy.
- **Policy 450 – Portable Audio/Video Records** – Two officers, as identified in the report, were found to have violated this policy. The board, as well as the internal review investigators, found that there was no malicious intent behind these two violations. One officer forgot to turn his camera on upon arrival (Stress Related) and the second officer turned his off during the incident for unknown reasons. However, we recovered the video from this officer's camera through a Record-After-The-Fact function and found there was no malicious intent in turning it off.
- **Policy 465 – Crisis Intervention Incidents** – All officers were found to have performed their duties within this policy.

The board did not bring forward any other policies for consideration or discussion.

During the review and discussion, I explained to the board that the investigators who conducted and completed the Internal Review Report were asked to use hindsight and their access to all the known facts that came about as a result of the investigations, not those just known to the officers at the time of the use of force, and look for any discrepancies or areas for improvement that should be addressed. Those were presented in the Internal Review Report and discussed during our review. I explained to the panel that the department was already addressing those issues through changes in training, adding additional training, more collaboration among specialty units and acquiring new body worn cameras. Our old fleet of cameras had met their end of life which contributed to some of the recording issues that occurred during this critical incident. We deployed our new fleet of body worn cameras on February 05, 2021. The new cameras have a longer battery life at 12 hours and greatly improved recording capabilities. The board appreciated the department's review of these issues and the manner by which they were being addressed. The board had no further recommendations as it relates to these topics.

In closing, the board provided perspective on the incident and the investigation. The board felt the internal investigation was complete, thorough and one member stated they had never seen that level of dissection of a critical incident.

The board felt the department did everything possible to resolve this incident without having to use force and this was a very tragic incident for all involved.

The board mentioned several times that they were impressed by the amount of time that was put into this incident in seeking a peaceful resolution. The officers involved in the incident showed a great amount of restraint and patience as they worked through the incident. The board also stated that the officers acted ethically and professionally.


This memorandum will be forwarded and attached to the Internal Review Report.



Chief Brian Ahearn



Division Chief Rhett Imperiale



Officer Ryan Swanson



Melinda Ciarabellini



Dr. Jason L. Meriwether