

Fatal Force

In police shootings, a fight to know who pulled the trigger

OFFICERS FROM AI

names were disclosed by police departments in news reports. In a handful of cases, names came to light through lawsuits or leaks to the news media. Where the names remained unknown, The Post contacted the departments and requested the officers' identities.

In 145 fatal shootings, the departments declined to release the names to The Post, citing pending investigations, state or federal records laws, agreements with police unions or department policies. In another 65 fatal shootings, the departments did not respond to multiple requests for information.

Since a grand jury in Missouri declined to indict Ferguson police officer Darren Wilson in the fatal shooting of Michael Brown in 2014, the public has demanded more accountability and transparency from police. Knowing an officer's name, for example, may reveal whether that officer has been involved in prior shootings or has been sued over the use of force.

Last year, after reviewing fatal shootings by Philadelphia police, the Justice Department urged departments to release information on critical incidents, including shootings, within 72 hours. The Justice Department report said public mistrust was partly due to the police department's "lack of transparency" in officer-involved shootings. A presidential task force last year also said that "agencies should communicate with citizens and the media swiftly, openly, and neutrally" about serious incidents. Neither report specified that officers' names should be released, but officials involved said that the intent of both reports is that departments disclose them.

Some police officials argue that officers' names should be withheld until investigations into shootings have been completed. Among departments that declined to release officers' names, pending investigations were the most commonly cited reason, accounting for about 60 fatal shootings.

Other departments said the names should never be released. In 22 shootings, departments said their policies prevented public disclosure. In an additional 17 killings, police officials said they release the names only if the officers are criminally charged. In 14 fatal shootings, police officials said that releasing the names would endanger their officers. In 32 other shootings, departments gave a range of reasons for not disclosing the names, including that they were not subject to public-records laws.

Policing experts say there is little consensus among departments on the release of information after an officer fatally shoots someone while on duty. Nearly 700 departments had fatal shootings by officers in 2015, a small portion of the more than 18,000 agencies nationwide.

"I think police chiefs and departments have a wide variety of responses, and we have not found any model policies or standards," said Chuck Wexler, executive director of the Police Executive Research Forum, which advises police chiefs around the country on policy issues.

In Chicago, the department releases the names of officers only if they are charged criminally in shootings, a concession the city's police union negotiated more than two decades ago. Similar rules apply in states such as New Jersey. In the District of Columbia, the Metropolitan Police Department said its practice is to withhold the name of anyone involved in a shooting by police, including witnesses or victims. The only time a name is released is if that person is charged with a crime or is deceased, police said.

Federal agencies, whose officers killed 33 people last year, say they are prohibited by the federal Privacy Act from releasing the name of any agent unless that person has been charged with a crime. In California, the courts have ruled that officers' names are public record except where there have been threats against departments or officers.

"The name creates that true accountability," said Sheriff Joseph Lombardo of the Las Vegas Metropolitan Police Department, which for decades has publicly identified officers involved in all shootings. "Once the name is put to the person or the act, it's very hard for an organization to avoid the tough questions about that individual's past."



JAHU CHIKWENDU/THE WASHINGTON POST

Shielding names

Police chiefs who favor disclosure have faced a backlash from police unions, which have increasingly appealed to lawmakers to prohibit or delay the public release of the names of officers involved in shootings. In a handful of states, the tension has pitted the public, police and state lawmakers against one another in a struggle to pry loose the officers' names or keep them secret.

The release of officers' names is typically governed by state open-records laws. The laws in most states give departments wide discretion to withhold information for a variety of reasons, including exemptions for material used in investigations and restrictions on releasing personnel records.

In Oregon, lawmakers in the state House in February passed a bill that would have allowed police departments to withhold for 90 days the names of officers who have received threats. The bill, which stalled in a state Senate committee, was proposed after a bounty was posted online for the state trooper who in January killed Robert "LaVoy" Finicum, 54, a leader of the group of anti-government activists who occupied buildings at the remote Malheur National Wildlife Refuge at the start of the year.

The author of the proposal, a 31-year police veteran turned legislator, said the law was designed to be used sparingly.

"I can't think of a single instance in my time as a cop where I would have used this," said Jeff Barker, a Democrat from Aloha, Ore.

In Phoenix, police unions objected when the department there released the name of the officer who fatally shot Romain Brisbon, 34, in December 2014. Officer Mark Rine said he thought Brisbon was holding a gun, but the object turned out to be a pill bottle, according to police. After the department



Marquesha McMillan, 21, was fatally shot while allegedly trying to rob a D.C. liquor store in 2015. Norma Shorter, top, McMillan's great-aunt, said police gave her no information. "We haven't even found out how many officers it was," she said. "If I were to find out anything, it would make me feel better."



John Paul Quintero, 23, of Wichita, son of Santiago Quintero, below, was shot and killed in front of his father by a Wichita police officer responding to a report of a fight. Only by chance did the family learn the name of the officer who allegedly fired the fatal shots.

identified the officer, the Arizona Police Association, a trade group for police, pushed a bill that would have required police departments to wait 90 days before identifying an officer involved in a shooting. A version of the legislation passed in the state House but was vetoed by Arizona Gov. Doug Ducey (R) in March 2015. Ducey said he was swayed by police chiefs who said they wanted to be able to name officers more quickly to address public demands for transparency. Rine could not be reached for comment.

In February, state lawmakers in Virginia defeated a bill that would have made the names of all police officers exempt in all circumstances from disclosure under the state's public-records law. Some lawmakers and police union officials had argued that the dangers officers faced from the release of their names outweighed the public's right to know.

"The culture is not one of respect for law enforcement anymore. It's really, 'How, how can we get these guys? What can we do?' ... Police officers are much more in jeopardy. There's no nefarious intent behind the bill," State Sen. John A. Cosgrove Jr. (R-Chesapeake), who sponsored the bill, told The Post in February.

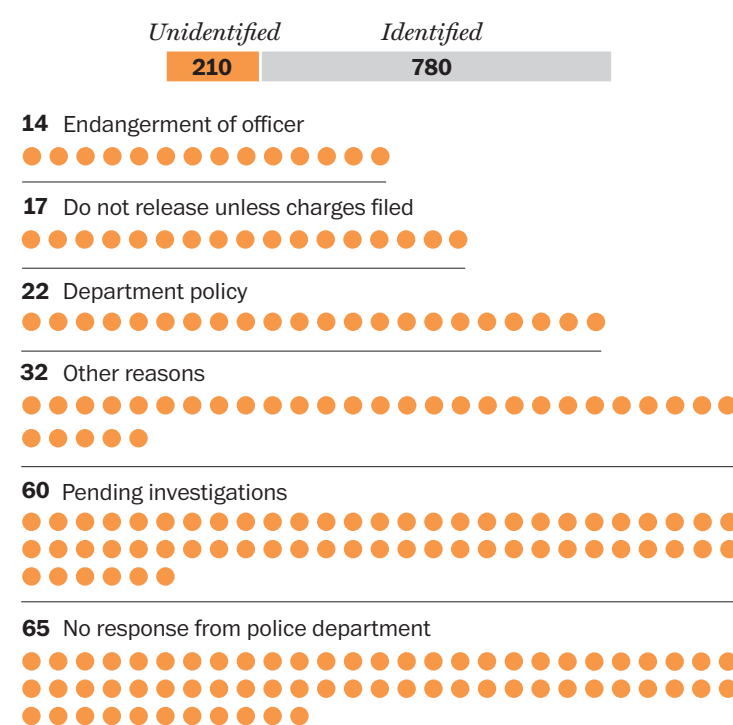
The battle over names is also playing out in Pennsylvania, where then-Philadelphia Police Commissioner Charles H. Ramsey decided last July to begin identifying any officers involved in shootings within 72 hours.

"It tells the public you have nothing to hide," said Ramsey, who served as deputy superintendent in Chicago and police chief in the District before taking over in Philadelphia. "When you're reluctant to release the names, it builds mistrust."

Ramsey, who retired last year, has been on both sides of the disclosure debate over a long career. He said his views evolved

Unidentified police officers involved in fatal shootings

About 1 in 5 of the people fatally shot by police in 2015 were killed by police officers who have not been publicly identified for various reasons, according to a Washington Post analysis of police shooting data. Here is a breakdown of why officers in 210 shootings remain publicly unidentified.



Source: Washington Post database of fatal police shootings

STEVEN RICH AND CRISTINA RIVERO/THE WASHINGTON POST

while he was chairing President Obama's task force on policing and heard citizens talk about high-profile shootings by police.

But just hours after Ramsey announced that he would follow the task force's recommendation to quickly release officers' names in his own city, the local police labor union, the Fraternal Order of Police Lodge 5, filed an unfair-labor-practice charge, saying that Ramsey had made the change without negotiating with the union. The matter is pending.

The union went further, pushing a bill on the issue in the state legislature. The proposal would bar the release of officers' names unless they are criminally charged in shootings or if the release of the information would put the officers or their families at risk.

The bill passed the House in November but is stuck in a Senate committee. Union officials declined to comment.

Ramsey, who as a young police officer shot and killed a person during a drug raid, said it is unrealistic to think there is anonymity when an officer pulls the trigger. Police unions seem to have two standards for disclosure, Ramsey said.

"When the action of an officer is deemed to be heroic, there's not any pushback from the union on releasing a name," he said.

Fighting for disclosure

In more than 30 shootings, departments contacted by The Post refused to release officers' names as a matter of policy.

In the District, police used to identify officers involved in fatal shootings, Ramsey said. That practice ended after Ramsey resigned from the D.C. department in 2006.

"We never release the names of

anybody involved in a shooting, not the officers, not witnesses, not suspects, unless they are deceased or charged with a crime," said Lt. Sean Conboy, a D.C. police spokesman. Conboy said that has always been the practice and that he is unaware of a time when the department disclosed officers' names.

That policy has left Norma Shorter with unanswered questions.

Shorter's great-niece Marquesha McMillan died in October in a shootout with police after she and a male companion allegedly tried to rob Morris Miller Wines and Liquors in Northwest Washington. Police said that when they arrived, McMillan, 21, began shooting at officers, reloading her gun twice. Officers returned fire, killing her.

Her accomplice was arrested and slapped with federal robbery and gun charges.

Shorter, 63, said she is struggling to understand how her great-niece — a once-diligent college student and star basketball player — ended up in a gunfight with police. When McMillan died, Shorter said, she was nearly halfway through a degree in exercise science at the University of Maryland Eastern Shore but had stopped classes and was working part time as a custodian at FedEx Field in Landover.

Shorter said that a week after the shooting, she visited the police station in the district where McMillan died and asked for a meeting with the commander. She told police that she wanted to find out whether the officers involved had a history of using deadly force. After she waited for a half-hour, she said, a desk officer told her that nobody would meet with her.

"I asked, 'When will you know



JEFF TUTTLE FOR THE WASHINGTON POST