



City of Tukwila
**Community Services
 and Safety Committee**

- ◆ Cynthia Delostrinos Johnson, Chair
- ◆ De'Sean Quinn
- ◆ Zak Idan

Distribution:	
C. Delostrinos Johnson	Mayor Ekberg
D. Quinn	D. Cline
Z. Idan	R. Bianchi
K. Kruller	C. O'Flaherty
K. Hougardy	A. Youn
	L. Humphrey

AGENDA

MONDAY, JUNE 7, 2021 – 5:30 PM

FOSTER CONFERENCE ROOM
 (6300 Building, Suite 100)

**THIS MEETING WILL NOT BE CONDUCTED AT CITY FACILITIES
 BASED ON THE GOVERNOR'S PROCLAMATION 20-28.**

**THE PHONE NUMBER FOR THE PUBLIC TO LISTEN TO THIS
 MEETING IS: 1-253-292-9750, Access Code 635842680#**

Click here to: [Join Microsoft Teams Meeting](#)

For Technical Support during the meeting call: 1-206-431-2179.

Item	Recommended Action	Page
1. BUSINESS AGENDA		
a. Public defense program presentation. <i>David Kirshenbaum and Timothy Goss, Kirshenbaum & Goss, Inc. David Cline, City Administrator</i>	a. Discussion only.	Pg.1
b. 2020 Police Department Annual Report. <i>Eric Drever, Police Chief</i>	b. Discussion only.	Pg.25
c. Update on Police reform/Law Enforcement Training and Community Safety Act (LETCSA). [Continued from May 17, 2021 Community Services and Safety Committee meeting.] <i>Eric Drever, Police Chief</i>	c. Discussion only.	Pg.59
d. Use of Force review. [Continued from May 17, 2021 Community Services and Safety Committee meeting.] <i>Eric Lund, Deputy Police Chief</i>	d. Discussion only.	Pg.111
e. Update on Fire Advisory Task Force and funding request for consultation services. <i>Norm Golden, Deputy Fire Chief</i>	e. Forward to 6/14 C.O.W. Meeting.	Pg.117
2. MISCELLANEOUS		

Next Scheduled Meeting: *June 21, 2021*



The City of Tukwila strives to accommodate individuals with disabilities.

Please contact the City Clerk's Office at **206-433-1800** (TukwilaCityClerk@TukwilaWA.gov) for assistance.



INFORMATIONAL MEMORANDUM

TO: Community Services and Safety Committee

FROM: David Cline, City Administrator

CC: Mayor Ekberg

DATE: ~~May 11, 2021~~ [May 27, 2021](#)

SUBJECT: Prosecution and Public Defense Services

ISSUE

During the 2021-2022 budget process and review of 2021-2022 contract for services, Councilmembers requested a presentation from the contractors that provide the City with Prosecution Services and Public Defense Services.

BACKGROUND

Prosecution Services – Planned for May 17, 2021 Committee Discussion

The Walls Law Firm has provided Prosecution Services to the City of Tukwila for many years, as a subcontractor for the Kenyon Disend law firm. In mid-2018 when Kenyon Disend discontinued providing Prosecution Services, the City contracted directly with the Walls Law Firm for the remainder of 2018 and then conducted a Request for Qualifications process from which the Walls Law Firm was selected to continue providing Prosecution Services from 2019 to the present. The contract for Prosecution Services runs concurrent with the biennial budget.

Public Defense Services – Planned for June 7, 2021 Committee Discussion

Kirshenbaum & Goss has provided Public Defense Services to the City of Tukwila for many years. Significant changes have been made to the program as Public Defense Standards were adopted by the Washington State Supreme Court effective January 1, 2015, which delineate the number of cases each attorney can handle per year and mandates that compensation include administrative and training costs. In addition to the Public Defense Standards the federal court decision, *Wilbur v. Mt. Vernon* also mandated substantial changes with new reporting and monitoring requirements. Beginning in 2013 the City has applied for and been awarded grant funds from the Washington State Office of Public Defense. These funds have allowed the City to provide interpreter services for attorney-client appointments, an investigator to gather case information, and a social services liaison to assist clients in connecting with services. The contract for Public Defense Services also runs concurrent with the biennial budget.

DISCUSSION

The May 17 presentation will walk through the process taken from the point of police contact with an individual to the conclusion of prosecution outlining the various options and outcomes throughout the process. The June 7 presentation will walk through the process taken from when public defense becomes involved in a case to the conclusion.

RECOMMENDATION

Information Only

ATTACHMENTS

PowerPoint Presentation

[Prosecution Questions and Responses](#)
[Public Defense Questions and Responses](#)



TUKWILA PUBLIC DEFENDER

CITY COUNCIL PRESENTATION

THE ROLE OF THE PUBLIC DEFENDER

- ▶ “There can be no equal justice where the kind of trial a man gets depends on the amount of money he has. He is entitled to a lawyer with the time, resources, experience, training, and commitment for which a person with means would pay. For if a poor defendant requires a comparable trial to his wealthier counterpart to ensure equal justice, and the quality of the lawyer dictates the quality of the trial, equal justice can only be guaranteed where the poor person has access to the same level of representation as the person who can afford to hire counsel.” Keynote Address: Reclaiming Our Rightful Place: Reviving the Hero Image of the Public Defender 2014

COURT

Notice of Appointment

Court

- Notice of Appearance (NOA) Tells court we are attorney or record for defendant

Prosecutor

- Send request for discovery
- Asks city to provide police report and other evidence they intend to use against defendant

Client

- Initial call
- Confirm contact information
- Answer initial questions
- Set appointment

Analyze Police report

- Facts
- Legal Issues
- Credibility
- Client's version

- Private Investigator
- Social Worker referral
- Immigration referral

Conversation with the Prosecutor

- Pertinent Facts / Legal Arguments
- Collateral information

- Progress in treatment
- Progress at work
- Criminal history
- Housing situation
- Etc.

Set for trial



Lack of Resources leads to an
uneven playing field.

Financial Strain

Inability to Post Bail
Unable to maintain a job
Unable to find childcare
Unable to meet LFOs > start cycle again

Homelessness

Unable to receive mail
Unable to receive government assistance
Basic needs are not being met
Resort to crime to meet needs or warrant issued for missing court notice > start cycle again.

Chemical Dependency Issues and Mental Health Issues

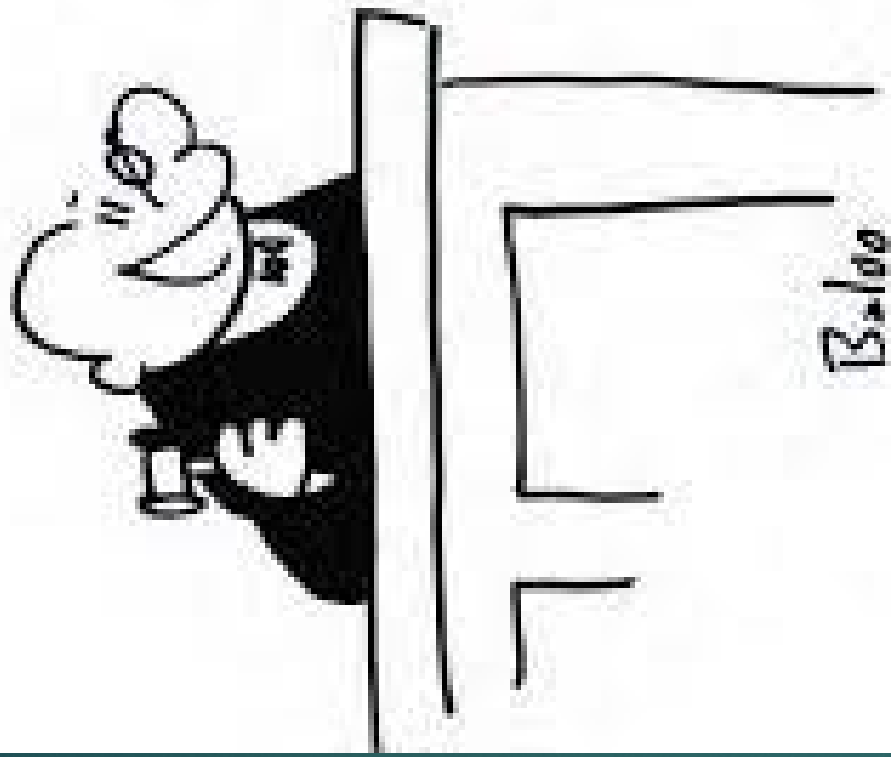
Limited access to treatment due to insurance coverage
Long waiting lists due to insurance coverage
Lack of contact information to ensure treatment progress is made
Resort to crime to cope with addiction or mental illness > start cycle again



Advocating for our clients



Challenges and Issues with the Public Defense System



"Now, then — would you prefer a speedy trial or an accurate trial."


Balancing Caseload



True peace is not
merely the absence
of tension: it is the
presence of justice.

Martin Luther King, Jr.





Understanding the nature of the work
Educating clients on expectations
Diligent communication



Communicating with Incarcerated Clients



Zoom meetings


Client calls

Private break out rooms during court

Paperwork exchange facilitated by jail staff



Feedback for Prosecutors



Keep it up.

Punishment = last resort

Acknowledging that improvement is the goal



Increasing our Power

RAP SHEET



COLLEGE APPLICATION DENIED

Lex



Acknowledge collateral consequences and mitigate

Legally limit misdemeanor data dissemination

City of Tukwila – Public Defense Questions

4.5.21

1. What challenges or issues have you experienced with the public defense system?

The cases that we are confronted with in Municipal Court are misdemeanor and gross misdemeanors, so by their very nature, while they can be serious charges, they are not felonies. It is a challenge to keep the playing field balanced. Clients who cannot afford to hire a private attorney often lack the resources wealthier defendants can rely on to minimize the impact of a criminal case on their lives. For instance, it is mandatory in this state to arrest and book somebody charged with a domestic violence assault. Domestic Violence is a crime that impacts the population as whole, not just poor people. If bail is set in such a case, an individual who can afford to post it can pursue every option in their defense while continuing to meet their other obligations. A poor client, unable to post bail, is under tremendous pressure to resolve the case as quickly as possible in order to get out of custody. This often means pleading guilty and giving up their chance to take their case to trial.

Even when public defense clients are not in custody, they are confronted with different issues than the well situated. Many defendants, rich or poor, find themselves in municipal court because of either chemical dependency, mental health issues, or both. While it is true that the Affordable Care Act makes treatment more available, that is substantially different than immediately available. Long waiting lists to get a bed date for an indigent client is different than immediate access to those who have private insurance. Those who can immediately access treatment are more likely to be successful soon and get their lives back to normal. A chemically dependent public defense client often times continues to get in trouble while waiting for a bed date. They are often homeless, continue to use, steal for food or to feed their addiction and end up back in jail.

Public defense clients often are balancing keeping their jobs, taking care of dependents and making court appearances. Often, their address and other contact information change making it difficult for us to maintain contact with them. Missed court dates can lead to getting arrested on a warrant. Lacking the resources to post bail, they are forced to work out a resolution of their case that may be far less favorable than the options we could have originally arranged for them. Perhaps the biggest challenge public defenders face is trying to level this uneven playing field.

2. How are you advocating for your client to the prosecutor once you see how charges are filed? What workup are you doing to get to a fair resolution?

Advocating for our clients begins by taking a look at the strength of the City's case. This typically starts with analyzing the police report. Do the facts as they are presented support the charges filed? Are there legal issues, like search and seizure violations? How credible are the witnesses involved?

Next, we need to talk to our client to get their side of situation. Sometimes their version is consistent with the allegations, sometimes it is not. When it's not, we will generally get our investigator involved so that we can interview witnesses. It's important to know if there are witnesses who can support our client's version of events. It's equally important to know when a witness may be harmful to our case. We also review videos from stores, police body cameras and other sources to determine whether they are consistent with the statements in the police report.

Once we have a thorough understanding of the case, we discuss it with the prosecutor. It is at this point we explain additional mitigating factors like a client's lack of criminal history or positive steps they have taken since the original incident. In some instances where our case is very strong or our client is uninterested in a settlement, we simply tell the prosecutor that if they won't dismiss the case, we are setting it for trial. More often there is negotiation with an eye towards minimizing the impact on our

clients. This may include examining steps a client can take to invest in themselves such as treatment or counseling that will lead to a favorable outcome and will minimize the risk of reoffending.

3. How do you balance managing your caseload while also leaving work at work?

This can be difficult because often our clients are not always available to discuss things during regular business hours. It is inevitable that you answer emails and set up appointments at times that you would normally consider off hours. The best way not to take your work home with you is by not setting yourself up for stressful situations. By returning calls and emails, you reduce stress because you and your client are prepared when you go to court. Educating your clients so they have reasonable expectations is also important. Experience goes a long way to easing stress.

4. How are you meeting with clients and keeping them informed when they are incarcerated? What does that look like during covid?

Prior to the pandemic we would schedule a time to visit with our clients in jail. Since Covid we set up appointments to see and talk with our client on Zoom. While it is not ideal, the jail staff does give us privacy while we are talking with our clients. They are also helpful with providing our clients with plea paperwork and making sure we get the paperwork back so we can utilize it in court when needed. We also accept collect calls from the jails. This allows our clients to call us for a confidential conversation at no cost to them.

5. Do you have any feedback about prosecutors?

Although we frequently disagree with the prosecutor on specific cases, the prosecutor's general approach fits with the philosophy of the Court. Tukwila Municipal Court is not a punitive court by its nature. While punishment is handed out, it is always a last resort. The preference is to put the defendants in a better position than when they were first charged with a crime. The prosecutor has bought into this mentality.

6. If you had more power in public defense, what would you do with it?

One of the most frustrating things about these cases is the collateral consequences that occur when our clients resolve their criminal cases. While the jail time and court costs are the obvious penalties a defendant faces, the impact on their lives can be significantly more far reaching. A criminal conviction for even a misdemeanor offense can have a devastating effect on a person's employability, housing options, immigration status, drivers' license and even their ability to volunteer at their children's school. Even in cases where we reach agreements that will lead to the dismissal of charges, we see our clients lose their jobs or place to live. Rather than giving misdemeanor defendants a path to follow to better circumstances, these collateral consequences trap them in a loop where their prospects for a better life are diminished, increasing the likelihood that they will reoffend.

If we had the power, we'd change this system by legally limiting the manner in which data from misdemeanor cases can be used against those charged. In the information age we live in, access to court data is readily available. However, it is often misinterpreted and disproportionately impacts persons of color. A thoughtful system which at the very least prohibited using this information against a person who was never even found guilty, would go a long way towards making the justice system more just.



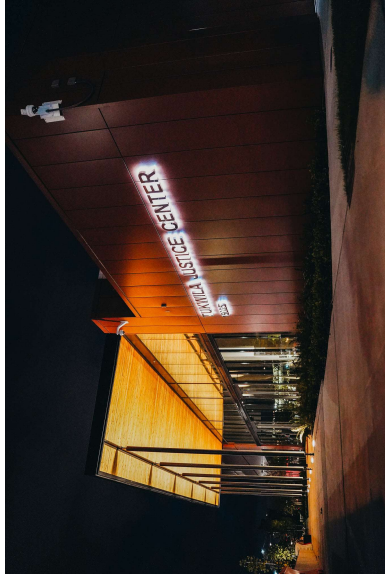
PRESENTED TO COMMUNITY SERVICE AND SAFETY COMMITTEE

June 7, 2021

By
Eric Drever
Chief of police

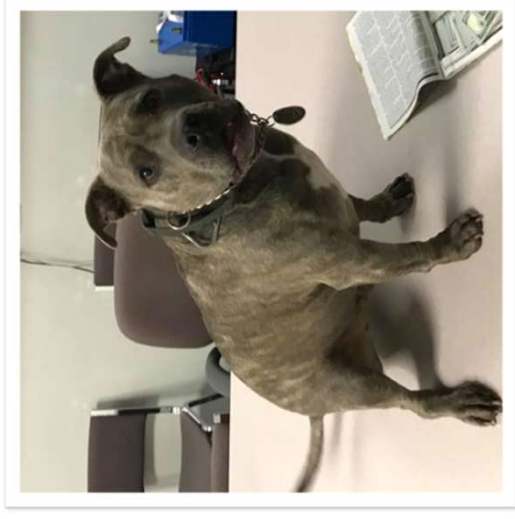
2020 HIGHLIGHTS

- COVID-19 Emergency Command Operation
- Homeless outreach
- Law Enforcement Training and Community Safety Act (LETCSA)
- Valley Independent Investigative Team (VIIT)
- Accreditation
- Recruitment and Retention
- Officer Safety/Wellness
- School Engagement
- Justice Center Move



INVESTIGATION DIVISION

- Narcotics Detection K9 Team assisted with seizures of cash and drugs
- Human trafficking emphasis
- Regular information sharing meetings with patrol and external stakeholders
- Major Crimes Unit
 - 316 cases were assigned
- Valley Investigations Team membership



PATROL DIVISION

- Staffing challenges
- Response to pandemic, riots
- Received 30,000+ calls for service
- 6785 cases taken by officers
- 1257 cases completed via online reporting
- Continued focus:
 - Tukwila International Boulevard
 - Central Business District
 - Other hotspots
- De-escalation training
- Internal and external communication



SUPPORT OPERATIONS DIVISION

- Processed 3588 records requests
- 1638 hours approximately spent on records request
- 3321 evidence and property processed
- Completed 90% of all-evidence inventory and successfully moved to Justice Center
- Digitized cases from 2005-2006 and loaded them into Laserfiche
- 7889 police reports processed



PROFESSIONAL STANDARDS DIVISION

- 24-hour training requirement for all sworn personnel achieved
- Development and implementation of LETCSA-required training
- Accreditation



SPECIAL OPERATIONS DIVISION

- Continued homeless taskforce effort
- Continued work with International Rescue Committee
- Second year of “Bully Proof” student program by SRO
- Co-responder program proposal drafted
- Pedestrian and Bicyclist Safety grant
- Traffic:
 - 488 traffic infractions
 - 126 criminal traffic cases
 - Assisted with traffic safety during several protests



REGIONAL PARTNERSHIPS

- Special Weapons and Tactics
- Civil Disturbance Unit
- Puget Sound Auto Theft Task Force
- Valley Narcotics Enforcement Team
- Valley Independent Investigation Team
- Valley Hostage Negotiation Team



RECOGNITION/PROMOTION

- EMPLOYEE OF THE YEAR
 - Rebecca Hixson
- EMPLOYEE OF THE QUARTER
 - Chris Dunn
 - Kenneth Etheridge
 - Ana Beard
 - Larry Hann
 - Christina Titialii
 - Henry Linehan
 - Patrick Hisa
 - Jon Thomas
- LIFE SAVING MEDALS
 - Officer Oziel Arjona
 - Officer Kellie Greenhill
 - Officer Isaiah Harris
 - Commander Todd Rossi
 - Officer Jon Thomas
 - Officer Peter Tiemann
 - Officer Aaron Zwicky
- MERITORIOUS SERVICE MEDAL
 - Officer Kenneth Etheridge
- PROMOTION
 - Commander Dale Rock
 - Sergeant Isaiah Harris
 - Sergeant Ceith Cullens

STATISTICS

	2020	2019	2018
Population	21,229	20,198	20,144
Calls For Service	28,646	30,189	31,266
Crimes Against Persons			
Murder	3	2	3
Rape	31	24	19
Robbery	64	70	69
Aggravated Assault	50	61	58
TOTAL CRIMES AGAINST PERSONS	148	157	149
Crimes Against Property			
Arson	13	1	4
Burglary	223	184	272
Larceny	2,295	2,744	2,614
Auto Thefts	547	488	579
TOTAL CRIMES AGAINST PROPERTY	3,078	3,417	3,469

STATISTICS

	2020	2019	2018
Population	21,229	20,198	20,144
Budget	17,682,031	18,962,996	17,966,627
Police Staff:			
Commissioned	78 *	78	78
Non-Commissioned	21 *	20	19
Calls For Service	28,646	30,189	31,266
Traffic Citations/Infractions Issued	838	1,890	1,486
Reported Vehicle Accidents:			
Injury	149	209	177
Fatal	4	2	2
Non-Injury (not including hit-and-run)	292	428	446
Injury hit-and-run	7	23	13
TOTALS	452	662	638

**During the year, the department operated with seven frozen commissioned positions and one frozen non-commissioned position.*

BUDGET

ONLY INCLUDES GENERAL FUND				
Expenditures	2020 Expenses	2019 Expenses	2018 Expenses	2017 Expenses
Police Operations	\$ 15,323,581	\$ 16,078,989	\$ 15,155,622	
Jail	\$ 1,069,946	\$ 1,626,355	\$ 1,579,506	
Dispatch	\$ 1,174,997	\$ 1,152,470	\$ 1,131,133	
King County Animal Control Services	\$ 113,507	\$ 105,182	\$ 100,365	
Total Expenditures	\$ 17,682,031	\$ 18,962,996	\$ 17,966,627	
ONLY INCLUDES GENERAL FUND				
Revenue Category	2020 Revenue	2019 Revenue	2018 Revenue	2017 Revenue
Contracted Services	\$ 98,904	\$ 108,939	\$ 289,770	
Grants	\$ 133,142	\$ 240,355	\$ 272,979	
Response Generated	\$ 158,082	\$ 195,616	\$ 185,970	
Total Revenues	\$ 390,128	\$ 544,910	\$ 748,719	
ANNUAL BUDGET FIGURES				
Budget Category	2020 Budget	2019 Budget	2018 Budget	2017 Budget
Police Operations	\$ 16,946,733	\$ 16,502,365	\$ 15,804,875	
Jail	\$ 1,100,146	\$ 1,626,355	\$ 1,633,405	
Dispatch	\$ 1,212,591	\$ 1,177,353	\$ 1,168,917	
King County Animal Control Services	\$ 131,250	\$ 125,000	\$ 118,852	
Total Budget (Post Amendment)	\$ 19,390,720	\$ 19,431,073	\$ 18,726,049	

THANK YOU!

Tukwila Police Department



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Annual Report
20



Mission Statement

We, the members of the Tukwila Police Department, are committed to being responsive to our community in the delivery of quality services. We recognize our responsibility to maintain order, while affording dignity and respect to every individual. Our mission is to improve the quality of life for all through community partnerships and problem solving to promote safe, secure neighborhoods.

TUKWILA POLICE DEPARTMENT



LEADERSHIP—EXCELLENCE—ACCOUNTABILITY—DEDICATION



CHIEF'S MESSAGE



The Honorable Mayor Allan Ekberg, Tukwila City Council, and Tukwila Community:

On behalf of the members of the Tukwila Police Department, thank you for your support as we responded together to address the challenges that impacted our nation in 2020. Communities around the world were incapacitated by the Covid-19 pandemic, while at the same time our country experienced civil unrest and political divide not seen for decades. In partnership with the community, the Tukwila Police Department established itself at the forefront of law enforcement, as it embraced the City's core values of being "Professional, Responsive, and Caring" to the Tukwila Community.

The Department remained committed to building trust and reducing crime in our community through community engagement. In 2020, we implemented several strategies to achieve our engagement goals, beginning with improving standards and processes for establishing transparency and accountability. Members of the Tukwila Police Department were pivotal in the administration of policy and the implementation of training at a regional level for compliance with I-940 and the Law Enforcement Training and Community Safety Act (LETCSA). The Valley Independent Investigative Team (VIIT) members are considered experts on independent transparent investigations and helped other agencies stand up their teams. During the year, the Department searched for and added community members to VIIT to assist with the review of independent investigations. The same VIIT assigned community members were asked to participate in our newly created Use of Force Review Board.



In addition to the above strategies, other community engagement activities included: engaging homelessness in the City with empathy and providing resources to those in need, while ensuring the safety of everyone in the community; participating in the T3AMS Juvenile Theft 3 diversion program, which continued to show a reduction in recidivism by its participants; conducting "Bullyproof" training for Foster High School students. Many of our other standing engagement activities needed to be cancelled due to the pandemic. Community Academy, Night Out Against Crime, Shop with a Cop, Touch a Truck, and other Community gatherings were impacted.

The Tukwila Police Department began the process of accreditation through the Washington Association of Sheriffs and Police Chiefs (WASPC). Accreditation establishes accountability and improves processes through adoption of established best practices in law enforcement. The Department is on track to be certified as an accredited agency in the Fall of 2021.

Recruitment and retention remained a priority for the department in 2020, although recruitment continued to be an issue nationally and we felt the impacts in Tukwila as well. Due to budget restrictions associated with the pandemic, the Department ended the year down 10% of its commissioned staff. Addressing attrition in staffing with a renewed focus on quality recruitment efforts, we hired applicants that share our values to best serve the community. Part of the recruitment efforts included a national search for a new Chief of Police after Chief Bruce Linton retired at the end of September. We thank Chief Linton for his leadership and contributions, and wish him the best in his retirement from law enforcement.

September also marked the official move into the new Justice Center for the Police Department and the Court. Due to the pandemic, the Justice Center was unable to open its door to the public in 2020. We look forward to the community utilizing designated spaces in the Justice Center for their purposeful gatherings in 2021.

The Tukwila Police Department is committed to building upon our relationships with the community and finding new ways to meet their needs through creative communication and listening to the community through our engagement efforts.

We thank you for the continued opportunity to serve Tukwila!

I nvestigation

The year 2020 was a challenging one for the Investigations Division, the Tukwila Police Department, the City and many others. The impacts of the COVID-19 pandemic, political turmoil associated with the 2020 elections, and the social unrest that spanned mid-spring through the fall presented us with challenges not previously faced. Members of the Investigations Division remained committed to the Department and City vision, mission, and values. We adapted our work model to include teleworking and maximized the use of available technology to collaborate and remain effective despite social distancing recommendations and mandates. Detectives from the Major Crimes Unit investigated all types of felony crime that occurred in 2020 and continued working cases that remained open from previous years including unsolved "cold cases". Other cases such as missing persons are regularly handled by this unit when they require detailed investigative efforts and special attention. During 2020, 316 cases were assigned to the Major Crimes Unit for investigation. Many of these cases were filed with the King County Prosecutor, while some remain open, and others were closed for various reasons. In general, felony crime in the city was slightly lower than 2019.



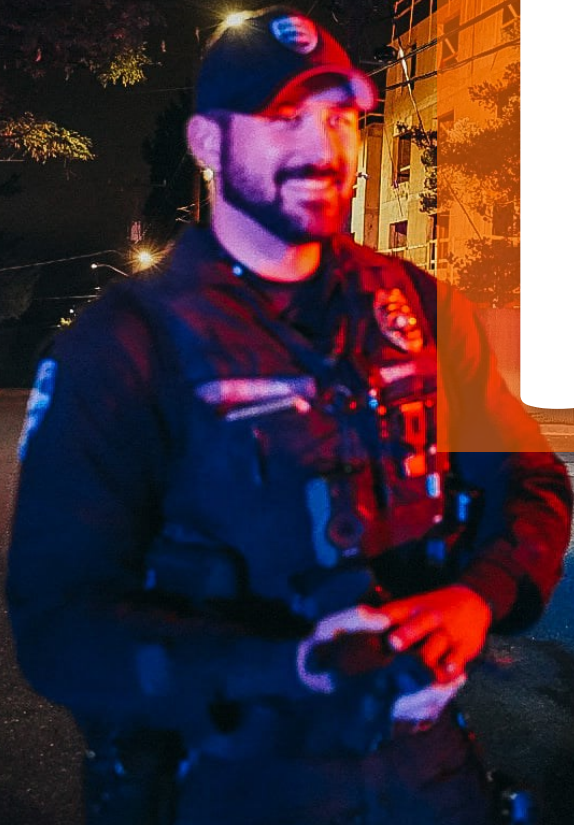
ns Division



The Tukwila Anti-Crime (TAC) Detectives remained active in both local, regional, and nationwide investigations. Local and regional narcotics and human trafficking investigations are the primary focus of the team, but some investigations lead to interstate and occasionally international investigations. Larger investigations often require the assistance of our regional, state, and federal partners as the complexity, scope, and persons involved in the investigation exceed what the unit is capable of handling on its own. For a second year in a row, our narcotics detection K9 team was responsible for the location and seizure of more than \$1,000,000 in cash suspected to be the profits of illegal narcotics activity. In addition to cash, illicit drugs including heroin, cocaine, fentanyl, and others were located and seized during numerous investigations. Beyond their duties as detectives, several personnel within the Division have additional duties with regional teams and specialties within the Police Department. These additional duties include serving as members of the Valley SWAT Team, Valley Civil Disturbance Unit, Valley Hostage Negotiations Team, Valley Narcotics Enforcement Task Force, Valley Independent Investigative Team, and multiple instructor positions vital to the training of a modern police department.

During the year, we said farewell to the TAC Team and Major Crimes Unit Sergeants, as well as our Domestic Violence Victim Advocate as each retired, with 30, 23, and 14 years of dedicated service to the city and department. In addition to retirements, we congratulated Detective Ceith Cullens as he was selected for promotion and returned to the Patrol Division to serve as a new Patrol Division Sergeant.

PATROL DIV



Despite the challenges, the division continued to work as a team providing professional services to the community.



The Patrol Division was challenged in ways that were unprecedented in the history of the Tukwila Police Department. Not only did the officers have to handle the everyday challenges of their jobs, they also had to navigate through riots, a worldwide pandemic, and a move of operations to the new Justice Center all while still providing professional services to the community they serve. The Patrol Division received more than 30,000 calls for service and took 6785 cases that were documented. Online reports became more prevalent as a way for the community to report crimes. Officers and sergeants took a total of 1257 online reports this year. De-escalation training was a

VISION



major focus of the officers. This training is evident by the decrease in the number of times officers had to use force in the course of their duties. Officers used force almost 19% less in 2020 than they did in 2019. The Patrol Division continued to allocate resources that targeted crime hotspots within the city. Patrol officers continued their close working relationships with other divisions within the department, other agencies, and business owners to target and address criminal activity. Bike patrols, foot patrols, speed enforcement, business checks and targeted patrols helped reduce and deter crime. During 2020, the Patrol Division struggled to

maintain their staffing levels. Injuries, illness, and departure from the department affected the division's ability to remain fully-staffed. Patrol had to be supplemented by other divisions to maintain minimum staffing. Despite the challenges, the division continued to work as a team providing professional services to the community. Moving to the new Justice Center allowed members of the Tukwila Police Department to communicate more frequently between divisions. This ability to communicate on a day-to-day basis with other divisions allowed officers to be engaged in a case from the beginning of the process until the end.

SUPPORT SERVICES DIVISION

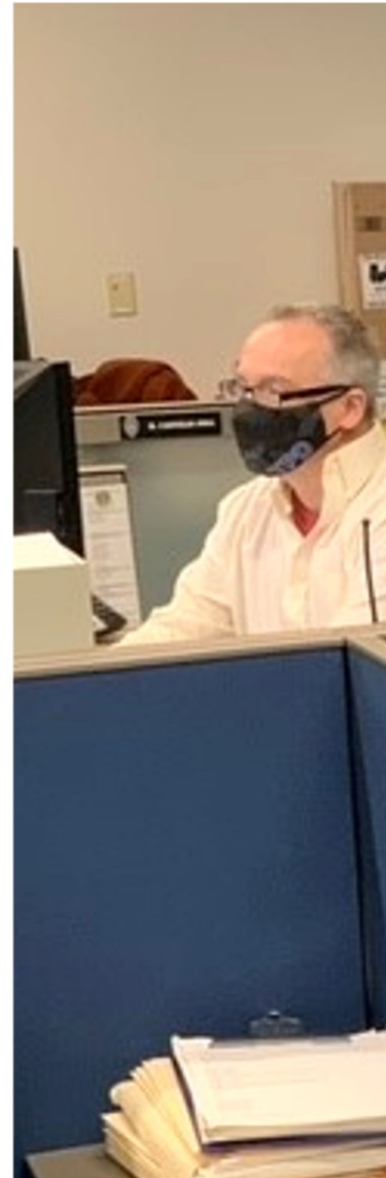
The Support Operations Division, comprised of two units, adds value to the Tukwila Police Department daily by meeting records and evidence needs. This group of 13 people extends help to the Department, community members, Puget Sound residential members, other law enforcement agencies, City staff, prosecutors, defense attorneys, Washington State Patrol staff and many others.

The Records Unit processed 7,889 police reports in 2020, handled records retention requirements and provided statistical data for the National Incident-Based Reporting System (NIBRS). They administered 107 concealed pistol licenses, 815 firearm transfers, and one dealer's license. Staff also processed 3,588 records requests, which took approximately 1,638 hours of time. In addition, they processed warrants and court mandated orders, reviewed and sorted 159 boxes of records per retention requirements.

The Evidence Unit ensured the proper security and chain of custody for property and evidence items taken in by the Tukwila Police Department. In 2020, 3,321 items of evidence and property were processed, 4,780 items were destroyed and 113 items were

donated. The unit continuously received, stored, and disposed of items taken into custody. Items were purged as cases got adjudicated, when they were no longer needed as evidence due to expiration of the statute of limitations, or when they were no longer needed to be held per statute such as found property.

One of the Division's goals in 2020 was to focus on recruitment and retention strategies to address department staffing shortages. They accomplished this goal by hiring a second evidence technician, applying for and receiving a grant for a 12-month disposition specialist position, and hiring a records specialist to fill a position vacated through retirement. The second goal was to leverage technology to improve workplace efficiency and communication. They were able to digitize cases from 2005-2006 and loaded them into Laserfiche, the records management system. They also accomplished the goal of meeting all legal requirements by completing 90% of an all-evidence inventory, and successfully moving from City Hall to the Justice Center with no lapse in service, and processing 2006, 2007 and 2008 records for disposition.







Officer being trained on applying tourniquet and deep wound packing.

P ROFESSIONAL S

The Professional Standards Unit (PSU) is responsible for training, the purchasing and inventory of equipment, intake of new officers, and policy development and implementation. The unit is staffed with a commander, a sergeant and a training officer. In 2020, the training officer digitized all training records to help with the elimination of paper files. She handled all the training needs for the department including fees and travel arrangements. The Training Unit also ensured that officers achieved the 24-hour training requirement for all sworn personnel. They were also responsible for the development and implementation of new training to meet the requirements of the Law Enforcement Community Safety Act that was passed in the state legislature. To meet these requirements, a patrol tactics cadre was chosen for this important task. The cadre designed training based on the requirements of the Washington State Criminal Justice Training Center (WSCJTC) guidelines. The Tukwila Police Department led the way to develop its own in-house training which was approved by the WSCJTC. Three 8-hour classes were designed, and training began in October. Much of the training was completed online because of COVID-19 restrictions. The Training Unit successfully navigated this task to meet our training requirements. This included our first aid and crisis intervention training.

The PSU was instrumental in the move to the Justice Center. The PSU sergeant supervised the relocation of all police department equipment and organization to the new facility. He was also part of the committee to oversee the successful transition. The PSU also added a new utility terrain vehicle to the fleet as well as completed a rebuild and deployment of the police department rescue boat. PSU also was able to convert quartermaster to an online approval process.

The Tukwila Police department hired three new officers in 2020. Two were entry level and one was a lateral hire. The PSU ensured that these officers were trained not only in the academy, but also filled shortfalls in CJTC training due to COVID to ensure that these officers were prepared to go into field training program.

The PSU was responsible for developing, implementing, and updating department policies to ensure that the department provides professional service to the community. To this end, they had also been working to become an accredited agency through the Washington Association of Sheriffs and Police Chiefs (WASPC). They started the process of reviewing and updating policies to WASPC standards. This accreditation process is scheduled to be completed in the summer of 2021. Accreditation will ensure that the Tukwila Police Department meets the highest standards and is in line with state and national policies and laws. It will not only guarantee quality service, but also helps with funding opportunities through grants.

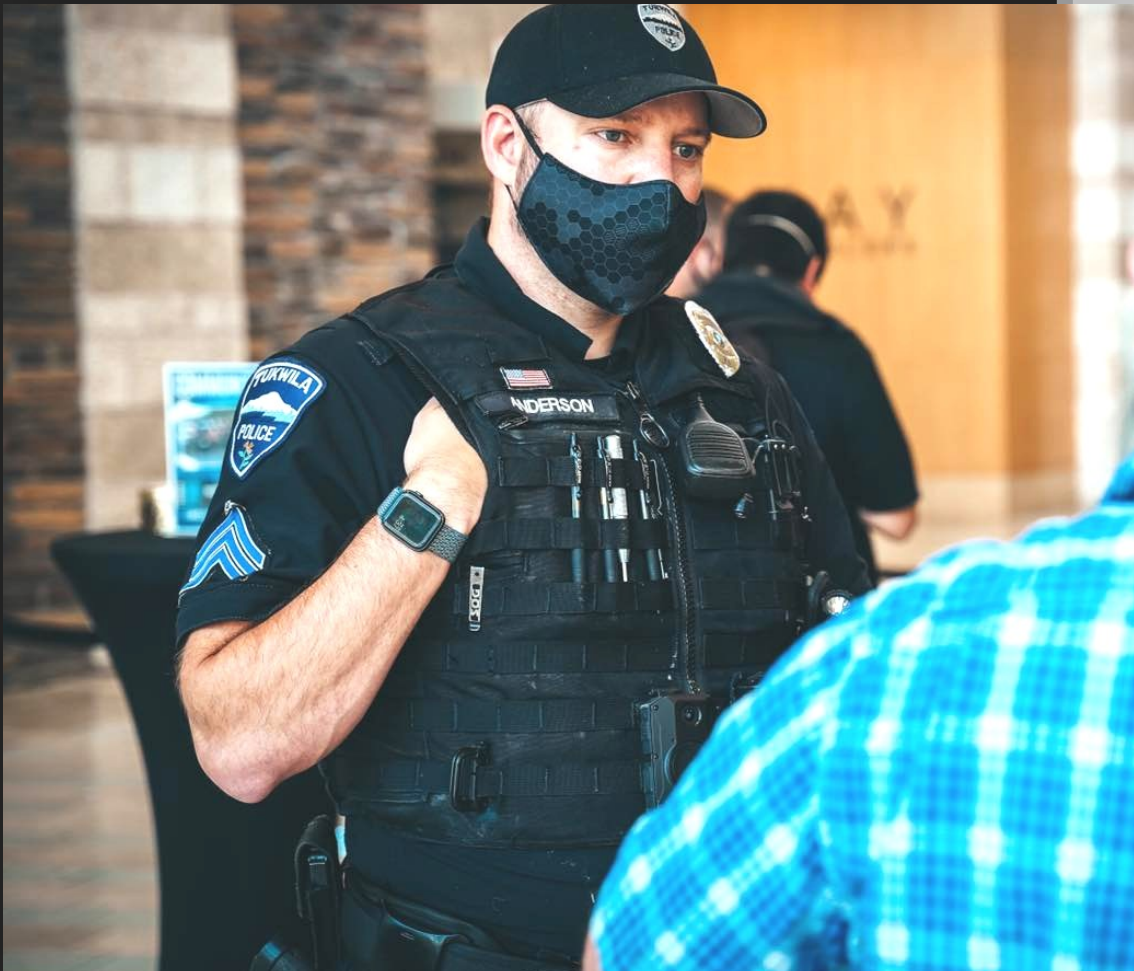
TANDARDS Division



Special Operations

As was the case for nearly everyone, 2020 presented incredible challenges to the Community Police Team (CPT) and the Community Liaison Officer (CLO) program. The year began as any other for the team as they participated in several neighborhood meetings, where they collaborated with the residents and worked to prioritize and aggressively pursue the criminal activity. The CPT/CLO taught orientation classes at the International Rescue Committee that comprised of international refugees new to the United States with the goal of familiarizing themselves with American police. The team also continued their outreach efforts to the Tukwila homeless population to help get them off the streets and into stable housing. Then March came and the world changed. The teams jumped to the forefront of the COVID pandemic response as they contacted every homeless individual in the city who were most at risk for serious infection of the virus. They distributed

sanitizer and masks and directed people to safe, socially distant shelters when available. Community and neighborhood meetings moved to Zoom, Microsoft Teams, and email as the team continued to go out of their way to maintain close ties to the community. Utilizing this model, CPT detectives along with TAC detectives and the patrol division were able to work with residents of an apartment complex to single out an apartment that was dealing in narcotics and stolen goods. With the help of the residents, the problem individuals were sought out, arrested and prosecuted. A search warrant of the apartment yielded drugs, stolen property, and a number of arrests of tenants and others associated with the



room. As the pandemic lingered on, the Community Liaison Officer worked with our many houses of worship regarding safely reopening to in person congregations amid state guidelines. CPT also drafted, submitted and was awarded a substantial grant from the Washington Traffic Safety Commission for a Pedestrian and Bicyclist Safety program to be implemented in 2021. The grant is to assist in improving safety, particularly in the Tukwila International Boulevard corridor. Finally, they also assisted in envisioning and drafting a proposal for a co-responder program which would embed a mental health professional to improve the Tukwila Police Department's response to those experiencing mental health crisis. The Community Police Team and Community Liaison Officer look forward to 2021 to continue to bridge the divisiveness in our society and increase the trust and legitimacy in the Tukwila Police Department and policing as a whole.

ons DIVISION

The Traffic Unit is responsible for traffic safety and enforcement in the city, the investigation of traffic collisions, and criminal traffic investigations. The unit consists of four officers and one sergeant. In 2020, the Traffic Unit wrote 488 traffic infractions and handled 126 criminal traffic cases. They investigated numerous serious injury collisions to include fatality collisions. Not only does they take care of traffic related issues, they also handle patrol calls during periods of high call volume. The Traffic Unit has focused on residential speed enforcement throughout the year. Due to the COVID 19 pandemic, the unit has been pulled away from their primary duties on several occasions to assist with patrol shortages. They provided escort services, allowing for safe movement of people involved with several protests that occurred in the City of Tukwila. Additionally, traffic officers provided training to department members in RADAR/LIDAR, defensive tactics, firearms, and collision investigation.



EMPLOYEE OF THE YEAR

Senior Manager Rebecca Hixson



PROMOTION



Commander
Dale Rock



Sergeant
Isaiah Harris



Sergeant
Ceith Cullens

EMPLOYEES OF



52 Chris Dunn
Records Specialist



Kenekth Etheridge
Officer



Ana Beard
Evidence Lead



Larry Hann
Detective



LIFE SAVING MEDALS

- Officer Oziel Arjona
- Officer Kellie Greenhill
- Officer Isaiah Harris
- Commander Todd Rossi
- Officer Jon Thomas
- Officer Peter Tiemann
- Officer Aaron Zwicky



MERITORIOUS SERVICE MEDAL

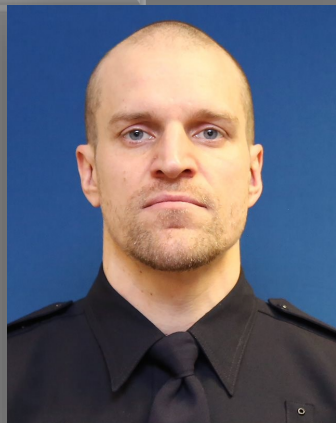
Officer Kenneth Etheridge



THE QUARTER



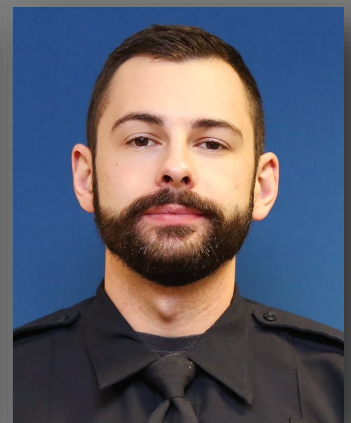
*Christina Titalii
Records Specialist*



*Henry Linehan
Detective*



*Patrick Hisa
Detective*



*Jon Thomas
Officer*

CRIME IN TUKWILA

	2020	2019	2018
Population	21,229	20,198	20,144
Calls For Service	28,646	30,189	31,266
Crimes Against Persons			
Murder	3	2	3
Rape	31	24	19
Robbery	64	70	69
Aggravated Assault	50	61	58
TOTAL CRIMES AGAINST PERSONS	148	157	149
Crimes Against Property			
Arson	13	1	4
Burglary	223	184	272
Larceny	2,295	2,744	2,614
Auto Thefts	547	488	579
TOTAL CRIMES AGAINST PROPERTY	3,078	3,417	3,469

The Tukwila Police Department submits its crime data through the Washington Association of Sheriffs and Police Chiefs (WASPC). WASPC then sends the state's crime data to the FBI. The FBI has mandated that all reporting starting in 2021 is done via the National Incident-Based Reporting System (NIBRS) rather than the Uniform Crime Reporting (UCR) standards. In previous annual reports, UCR data was reported, but in compliance with the FBI, we are now reporting NIBRS data. The same categories are used, and the 2017 and 2018 data was updated to NIBRS standards in this report. The numbers reported here are pulled from the WASPC website; additional data points are researched for analysis.

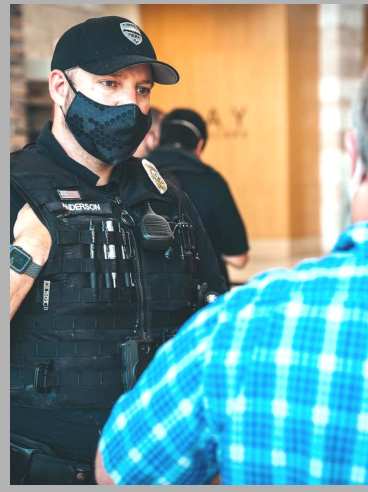
COMPARATIVE TOTALS WITH 3- YEAR COMPARISON

	2020	2019	2018
Population	21,229	20,198	20,144
Budget	17,682,031	18,962,996	17,966,627
Police Staff:			
Commissioned	78 *	78	78
Non-Commissioned	21 *	20	19
Calls For Service	28,646	30,189	31,266
Traffic Citations/Infractions Issued	838	1,890	1,486
Reported Vehicle Accidents:			
Injury	149	209	177
Fatal	4	2	2
Non-Injury (not including hit-and-run)	292	428	446
Injury hit-and-run	7	23	13
TOTALS	452	662	638

*During the year, the department operated with seven frozen commissioned positions and one frozen non-commissioned position.

BUDGET

ONLY INCLUDES GENERAL FUND			
Expenditures	2020 Expenses	2019 Expenses	2018 Expenses
Police Operations	\$ 15,323,581	\$ 16,078,989	\$ 15,155,622
Jail	\$ 1,069,946	\$ 1,626,355	\$ 1,579,506
Dispatch	\$ 1,174,997	\$ 1,152,470	\$ 1,131,133
King County Animal Control Services	\$ 113,507	\$ 105,182	\$ 100,365
Total Expenditures	\$ 17,682,031	\$ 18,962,996	\$ 17,966,627
ONLY INCLUDES GENERAL FUND			
Revenue Category	2020 Revenue	2019 Revenue	2018 Revenue
Contracted Services	\$ 98,904	\$ 108,939	\$ 289,770
Grants	\$ 133,142	\$ 240,355	\$ 272,979
Response Generated	\$ 158,082	\$ 195,616	\$ 185,970
Total Revenues	\$ 390,128	\$ 544,910	\$ 748,719
ANNUAL BUDGET FIGURES			
Budget Category	2020 Budget	2019 Budget	2018 Budget
Police Operations	\$ 16,946,733	\$ 16,502,365	\$ 15,804,875
Jail	\$ 1,100,146	\$ 1,626,355	\$ 1,633,405
Dispatch	\$ 1,212,591	\$ 1,177,353	\$ 1,168,917
King County Animal Control Services	\$ 131,250	\$ 125,000	\$ 118,852
Total Budget (Post Amendment)	\$ 19,390,720	\$ 19,431,073	\$ 18,726,049



As I go about
 Every step al
 Help me mak
 In this world ea
 Give me a heart
 A mind that kno
 Give me the eyes and
 The truth as i
 Give me protection
 Strength to fa
 Help me to stand
 To daily d
 Give me the courage
 Compassion for
 Help me lift up the on
 Give a hand to those
 Give me grace to f
 To give my li
 Let your strong har
 Protect the ones th





my duty, God,
along the way
to make a difference
each passing day
to be concerned,
knows what is right,
ears to see and hear
in Your sight,
from things unseen,
face each test,
for law and order,
to my best.
to defend the weak,
those oppressed,
ones who've stumbled,
who are distressed,
face my final hour,
life in service.
and loving heart
that I hold dearest.



2020 City Council

Council President De'Sean Quinn
Council Member Verna Seal
Council Member Kathy Hougardy
Council Member Kate Kruller
Council Member Thomas McLeod
Council Member Zak Idan
Council Member Cynthia Delostrinos Johnson



City Administration

Allan Ekberg, Mayor
David Cline, City Administrator



Police Administration

Bruce Linton, Chief of Police (Through September 30, 2020)
Eric Drever, Interim Chief of Police (Beginning October 1, 2020)
Eric Lund, Acting Deputy Chief
Todd Rossi, Commander
Kraig Boyd, Commander
Dale Rock, Commander
Rebecca Hixson, Senior Manager



INFORMATIONAL MEMORANDUM

TO: Community Services and Safety Committee

FROM: Chief of Police Eric Drever

BY: Chief of Police Eric Drever

CC: Mayor Ekberg

DATE: May 10th, 2021

SUBJECT: Police Reform / LETCSA Updates

ISSUE

In both 2020 and 2021 legislative reform, focused on law enforcement, has changed how law enforcement agencies operate. The Tukwila Police Department has made changes to comply with the reform already enacted and is working to implement new policy to comply with bills that were recently passed in legislative session.

BACKGROUND

The Tukwila Police Department is partnered with neighboring agencies as part of a regional team (VIIT) for conducting independent investigations of officer involved use of deadly force. In January of 2020 the Law Enforcement Training and Community Safety Act (LETCSA) was implemented, requiring changes to how officer involved use of deadly force would be investigated. VIIT was instrumental with setting the standard for compliance with LETCSA and continues to lead by helping other agencies establish their Independent Investigative Teams. Now also, with the recent legislative session concluded, law enforcement reform is at the forefront of passed legislative bills and agencies are working diligently to establish policy that is in compliance with the new reform.

DISCUSSION

Tukwila has established itself as being fully compliant with LETCSA, along with the partnered agencies VIIT. A new bill introduced by the Governor's Office will establish a non-law enforcement independent investigative team that will take over investigations of officer involved use of deadly force. We are still waiting to see how the new team will be implemented and the impacts that it will have on the current independent investigative teams, such as VIIT. Additionally, new police reform out of the recent legislative session has mandated changes for law enforcement agencies. The Valley agencies' Chiefs and City Attorneys are meeting on May 19th to jointly work on uniform policy that will bring all agencies in compliance and allow for a shared understating and interpretation of the reform for law enforcement.

FINANCIAL IMPACT

There will be financial impacts of the new reform; however, most impacts will not be realized until we implement and monitor the changes required by the unfunded legislative mandates. The Tukwila Police Department is working with other Washington agencies and WASPC to track the financial impacts for potential reimbursement by the State,

RECOMMENDATION

Information Only

ATTACHMENTS

WAC 139-12 LETCSA

VIIT Policy

Policy Considerations from 2021 LEG Session

WASPC Reform Statement

Chapter 139-12 WAC
LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT—INDEPENDENT
INVESTIGATIONS CRITERIA (LETCSA)

NEW SECTION

WAC 139-12-010 Purpose. In 2015 the U.S. Department of Justice issued a final report from the 21st Century Task Force on Policing. A core focus of that report addressed strategies for improving relationships, increasing community engagement, and fostering cooperation. The report recommended clear and comprehensive policies on the use of force, training on the importance of de-escalation, crisis intervention and mental health, the provision of first aid, and recommended external and independent investigations in officer involved shootings resulting in injury or death. Initiative 940 and SHB 1064 incorporated those recommendations and these WACs implement the requirement of an independent investigation that is completely independent of the involved agency. The goal of this requirement is to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone.

Ultimately, this is about the sanctity of all human life; the lives of police officers and the lives of the people they serve and protect. The preservation of life should be at the heart of American

policing. RCW 9A.16.040 provides a legal justification for officers whose use of deadly force meets the "good faith" standard. RCW 10.114.011 requires that where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The independent investigation is a criminal investigation and state law requires an "independent investigation" completely independent of the involved agency.

[]

NEW SECTION

WAC 139-12-020 Definitions. Best practices - For the purpose of this chapter, best practices are defined as methods, techniques, and procedures that have consistently shown by research and experience to produce superior results and are established or proposed as a standard, suitable for widespread adoption in the law enforcement profession.

Completed investigation - The final work product of the IIT for the purpose of informing the prosecuting attorney's charging decision. An independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies.

Deadly force - As set forth in RCW 9A.16.010, "deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Evanescent evidence - Physical evidence that may be degraded or tainted by human or environmental factors if left unprotected or unpreserved for the arrival of the independent investigative team (IIT); identification and contact information for witnesses to the incident; photographs and other methods of documenting the location of physical evidence and location/perspective of witnesses.

Good faith standard - As set forth in RCW 9A.16.040, "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have

believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual."

Great bodily harm - As set forth in RCW 9A.04.110, "great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

Independent investigative team (IIT) - A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. An IIT is created when multiple law enforcement agencies enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function, provided it is not the involved agency.

Initial incident response - This is the period in time immediately following a police use of deadly force incident, and prior to the arrival of the IIT, when involved agency personnel on scene and other first responders immediately take actions to render the scene

Valley Independent Investigative Team

Protocol



Partnered Agencies:

Auburn Police Department

Des Moines Police Department

Federal Way Police Department

Kent Police Department

Port of Seattle Police Department

Renton Police Department

Tukwila Police Department

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MISSION

To thoroughly and objectively investigate the most serious incidents involving police officers, including but not limited to:

- **Officer involved shootings.**
- **In-custody deaths or life-threatening injuries.**
- **Death or life-threatening injuries of a police employee.**
- **Investigations as directed by the Board of Chiefs**

GOALS OF THE RESPONSE TEAM

- A. To promote public trust by conducting consistent professional and transparent multi-jurisdictional investigations of serious incidents involving police officers.
- B. To maximize the availability of the latest technological equipment and use of investigative techniques.
- C. To consolidate and share the skills of the most experienced supervisors and investigators.
- D. To conduct thorough investigations as expeditiously as is feasible under the circumstances.
- E. To adhere to the protocols established in the Law Enforcement Training and Community Safety Act (LETCSA) WAC 139-12.

VALLEY INDEPENDENT INVESTIGATIVE TEAM ADMINISTRATION

- A. The governing body of the Valley Independent Investigative Team (VIIT) is the Executive Board. The VIIT Executive Board is comprised of the Chiefs of Police of the participating law enforcement agencies. The Executive Board elects their Board Chair. The Chair is the primary point of contact for the VIIT Administrative Lead.
- B. From among the VIIT Partnering Agencies, the Executive Board shall designate one Assistant/Deputy Chief as the VIIT Administrative Lead. That assignment is usually a two-year rotation. The rotation time may be different as dictated by the Assistant/Deputy Chief's home agency and the Executive Board.
- C. Each participating agency shall designate one police leader from their agency to be their agency's VIIT Commander. It is desirable that selected VIIT Commanders show a keen interest in investigations, and preferably have prior investigations experience. VIIT Commanders must have mid-management level, or higher, decision-making authority.
- D. From among the VIIT Commanders, the Executive Board shall designate one Commander as the Team's Lead Commander. That assignment is usually a two-year rotation. The rotation time may be different as dictated by the Commander's home agency and the Executive Board.

TEAM MEMBERS/RESPONSIBILITIES

ADMINISTRATIVE LEAD

- A. The Administrative Lead is responsible for the administrative oversight of VIIT and managing the team's compliance with the *Law Enforcement Training and Community Safety Act* (LETCSA) {Chapter 139-12 WAC} The VIIT Administrative Lead will report regularly to the Executive Board regarding the activities of VIIT.

LEAD COMMANDER

- A. The Lead Commander has the overall responsibility to manage and coordinate assigned incidents, as well as ensure the readiness and training of the Team. The Lead Commander may delegate these tasks to the Assistant Commander or to the Team Trainer. The Lead Commander reports to the VIIT Administrative Lead.

ASSISTANT COMMANDER

- A. The Assistant Commander shall be a member of VIIT, appointed by the Lead Commander. The responsibilities of the Assistant Commander include:
 - 1. Maintaining records of Team call-outs.
 - 2. Managing the financial transactions and records of the Team.
 - 3. Preparing the Team's annual report.
- B. In the absence of the Lead Commander, the Assistant Commander will be designated as the Lead Commander.

TEAM TRAINER

- A. The Team Trainer may either be a Supervisor or a Detective assigned to the unit by their respective agency. The Team Trainer will be responsible for:
 - 1. Arranging, coordinating, and documenting all training for the Team.
 - 2. Maintaining the Team personnel records, roster, and equipment inventory.
 - 3. Providing support to the Assistant Commander in preparing the annual report.

TEAM COMMANDERS

- A. The VIIT Commander from each agency is responsible for coordinating the personnel and administrative issues and needs of the individual team members from their agency. Team members ultimately report to their agency's Commander for personnel and labor issues, administrative matters, and personal equipment.

TEAM SUPERVISORS

- A. Team Supervisors shall be first-line supervisors holding the rank of Sergeant or equivalent, and shall be assigned by the Lead Commander to respond to and supervise specific components of an incident. Investigative Team Supervisors shall be selected from the VIIT member agencies.
- B. At the direction of the Lead Commander, a VIIT Supervisor shall respond to, and take direct charge of, the crime scene investigation. When multiple VIIT Supervisors respond, one will be designated as the Lead Supervisor. The Lead Commander may also assign VIIT Supervisors to oversee other investigative components as dictated by the complexity of the investigation.

INVESTIGATORS

- A. A minimum of twenty (20) Investigators should be assigned to VIIT. Investigators will work specific tasks at the direction of a VIIT Supervisor or VIIT Commander.
 - 1. One Detective will be designated as the Lead Investigator for each incident. Criteria for being designated as the Lead Investigator will follow the standard as set forth in Chapter 139-12 of the Washington Administrative Code.

NON-COMMISSIONED EVIDENCE TECHNICIANS

- A. Non-Commissioned Evidence Technicians may help with documenting, collecting, packaging, and transporting of evidence, as well as the processing of the crime scene, based on their unique training and experience. Non-Commissioned Evidence Technicians may also be involved in the collection of various data.

STAFFING

- A. Administrative Lead - 1
- B. Lead Commander – 1
- C. Assistant Commander – 1
- D. Other Commanders – 1 per VIIT Agency
- E. Investigative Supervisors – 1 per VIIT Agency
- F. Investigators – 20.

This list represents the minimum number of personnel each agency is responsible for assigning to the Valley Investigations Team. Agencies may elect to increase their assigned personnel depending on staffing and agency goals. The actual number may vary as dictated by the needs and direction of each agency's Chief of Police.

1. Auburn Police Department, 3 Detectives
2. Des Moines Police Department, 2 Detectives
3. Federal Way Police Department, 3 Detectives
4. Kent Police Department, 3 Detectives
5. Port of Seattle Police Department, 3 Detectives
6. Renton Police Department, 3 Detectives
7. Tukwila Police Department, 3 Detectives
8. Non-Commissioned Evidence Technicians (assigned at the discretion of VIIT Agency Commanders)

INVOLVED AGENCY LIAISON

At any scene, involved agency Liaisons shall be assigned to provide support to the Lead Investigator. It is preferred that the Liaisons be current Team Members or Supervisors. The Liaisons may be tasked to assist with logistics and coordinate communications between the Lead Commander, Lead Supervisor, Lead Detective, and the Involved Agency. See Appendix A-OIS Standards.

ACTIVATION

- A. The Involved Agency Chief of Police, or his/her designee, shall make the request for VIIT via their department procedures.
- B. The Administrative Lead and Lead Commander, per VIIT call-out instructions, will be notified of the request.
- C. VIIT call-out procedures will be utilized to notify VIIT members of activation.
- D. Other than filling the role as the involved agency Liaison, VIIT members from the involved agencies will not be activated or involved in the independent investigation.
- E. The Lead Commander shall assign a Lead Supervisor and Lead Investigator.
 - a. The Lead Investigator must have a *WSCJTC IIT Qualified Lead Investigator certificate* in order to be assigned as the Lead Investigator. (This requirement is waived by the WSCJTC until January 2021.)
- F. The Lead Commander will assign a family liaison to the family of the subject involved.
- G. The Lead Commander will notify the appropriate Non-Law Enforcement Community Representative of the investigation.

CONFLICT OF INTEREST

- A. A conflict of interest statement will be filled out and signed by each participating VIIT member and the non-law enforcement community member prior to being involved with each investigation.

- B. The conflict of interest statements will be reviewed by the VIIT Administrative Lead or VIIT Lead Commander with the non-law enforcement community representative within 72 hours of the incident.
- C. If the Administrative Lead or VIIT Lead Commander determine that a conflict of interest exists for one of the VIIT members, that member will be excluded from the investigation.

AUTHORITY

- A. Once authorization for the activation of VIIT to investigate an incident is established, VIIT shall have exclusive authority concerning the investigation of the incident.

INVOLVED AGENCY RESPONSIBILITIES

- A. The Involved Agency shall:
 - 1. Be part of the VIIT Agreement or part of a Mutual Aid Agreement.
 - 2. Ensure proper crime scene protection.
 - 3. Make the initial request for VIIT.
 - 4. Provide a liaison.
 - 5. Make all involved department personnel available to VIIT.
 - 6. Indemnify VIIT participating agencies and their employees.
 - 7. Be responsible for all reasonable investigative expenditures.
 - 8. Coordinate appropriate security measures with the Lead Commander and be responsible for the cost of security until the suspect is available for booking. It is understood that special circumstances may dictate that other non-involved agencies can provide assistance and security upon request of the Involved Agency's Chief of Police.
 - 9. Make all documents, reports, and information available to VIIT in accordance with Federal and State law.
 - 10. Allow use of space and equipment as needed by VIIT, and as allowed by law.

COSTS

- A. Each Member Agency shall be responsible for their employees' wages and associated costs. Any non-routine costs must be approved by the Involved Agency's Chief of Police or his/her designee prior to incurring the costs and, upon said approval, shall be the responsibility of the Involved Agency.

EVIDENCE STORAGE

- A. All evidence shall be stored under the control of the Lead agency until such time the incident has completed the legal process. Once all legal processes are complete, all evidence shall be turned over to the Involved Agency. The Involved Agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.

CASE FILES

- A. All original reports, statements, and other documentation should be maintained under the lead agency case number, provided by the Lead Investigator's agency to VIIT. Each agency shall be responsible for pulling their own case number, used for document tracking purposes. Once completed, reports, statements, and any other documentation shall be turned over to the lead agency for inclusion in the final report. Original documentation will be turned over to the Lead Agency's Records Unit. Copies of all case files shall be made available to the Involved Agency upon completion of a VIIT investigation. This copy will be provided to the Involved Agency as an electronic file.

TEAM ADMINISTRATIVE RECORDS

- A. Records shall be maintained of all Team activity including:
 - 1. Call-outs
 - 2. Team training
 - 3. Team Roster and contact number changes

CORE TRAINING

BASIC TRAINING

- A. The following classes, or their equivalent, are recommended for all Investigators assigned to VIIT:
 - 1. Criminal Investigation
 - 2. Basic Homicide Investigation
 - 3. Force Science Institute
 - 4. Crime Scene Investigation
 - 5. Training on Interviewing and Interrogation
 - 6. Officer Involved Shooting Investigation
 - 7. In-Custody Death Investigation
- B. Participation in these courses may be waived by the Agency VIIT Commander based upon experience of Investigators and/or on-the-job-training.

ON GOING TRAINING/CONFERENCES

The following has been recommended by VIIT Command Staff for current VIIT Investigators:

- A. Regular attendance at either the Washington Homicide Investigators Associations yearly conference or the Oregon/Washington Lawman's Association conferences. Both organizations provide training on a case study basis, including lessons learned from major homicide and officer involved shooting cases.
- B. Other related training seminars, conferences, or on-going training offered by the Washington State Criminal Justice Training Commission (WSCJTC).

IN-SERVICE TRAINING

- A. VIIT shall strive to maintain a Team of highly skilled and trained Investigators.
- B. VIIT will train together as a Team each quarter.
- C. Team members are expected to attend quarterly training sessions. Team members may be excused from training with approval from the Commander or Supervisor from their home agency. A notation in the training record should be kept for all attendees. An attendance list will be forwarded to the Commander and Supervisor of each VIIT Agency for their tracking purposes.

APPOINTMENT/SELECTION OF TEAM MEMBERS

APPOINTED MEMBERS

- A. The Administrative Lead shall be appointed by the Executive Board
- B. Lead Commander shall be appointed by the Executive Board.
- C. The Assistant Commander shall be appointed by the Lead Commander.
- D. The Team Trainer shall be appointed by the Lead Commander.

SELECTION of VIIT TEAM MEMBERS

- A. VIIT Investigators and Non-Commissioned Evidence Technicians will be assigned to the team by their own department:
 - 1. The applicants employing agency Commander shall ensure the applicant meets minimum standards.
 - 2. Qualified applicants shall be evaluated and approved by their employing agency.
 - 3. Each agency is required to follow the requirements set forth in WAC 139-12 for selection of VIIT members, which states that the non-law enforcement community representative for that agency will participate directly in the vetting, interviewing, and/or selection of IIT investigators.

PREREQUISITES

- A. Investigators and Non-Commissioned Evidence Technicians must be from an agency that is a party to the VIIT Agreement.
- B. A commitment of three years to VIIT from the Investigator, Non-Commissioned Evidence Technician, and the Employing Agency (excludes promotion or other similar circumstance).
- C. Commitment to attend quarterly training.
- D. Willingness to be on-call and reasonably available for call-outs.
- E. Two years' experience preferred as a current or former Investigator at the time of application.

REMOVAL FROM TEAM

- A. Members of the Team may be removed upon recommendation of the Administrative Lead to the employing agency's Chief of Police or his/her designee.

EQUIPMENT

- A. VIIT member agencies shall work together to ensure VIIT has the necessary equipment to support the mission and goals of the Team. Agencies will supply each Team Member with basic safety equipment to adhere to current WISHA or OSHA Personal Protective Equipment (PPE) rules.
- B. Specialized equipment belonging to the involved agency may not be used by VIIT unless: 1 - no reasonable alternative exists; 2 - the equipment is critical to carrying out the independent investigation; and 3 - the use is approved by the VIIT Commander. If the equipment is used, the non-law enforcement community representatives on the VIIT must be notified about: 1 - why it needs to be used; and 2 - the steps taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment.
- C. The Employing Agency will provide Investigators assigned to VIIT with a jacket and a cell phone. The jacket will be an all-weather jacket with a Police logo on the front and back.
- D. A VIIT ID card will be provided to all members. The card may be FEMA compliant and will display the following information:
 - 1. Valley Investigations Team
 - 2. Member's name
 - 3. Member's rank
 - 4. Member's employing agency
 - 5. Photograph of member

INCIDENT REVIEW

- A. After a VIIT activation, an incident review will be conducted as soon as practical; typically, the next working day after the primary scene investigation is concluded. The review will be scheduled by the Lead Commander. The review will be facilitated by the Lead Commander or Lead Supervisor. The purpose is to review each Investigator's involvement in the case and assign any additional investigative tasks that may need to be completed. The review will be attended by the Commanders and Supervisors from each VIIT Agency involved in the investigation. If a VIIT Agency was not able to take part in the investigation, it is still recommended that they attend the review. The Lead Investigator may or may not attend this review, depending on the status of the investigation.

COORDINATING WITH INVOLVED AGENCY

- A. The Involved Agency will provide an Investigator and Supervisor to act as Liaisons.
 - 1. The Lead Investigator, Lead Supervisor, and the Liaisons will maintain contact during the investigation.

2. Each agency will ensure all communication is handled through the Liaisons, Lead Investigator, or Lead Supervisor, except for Chief-to-Chief contact regarding the incident.
- B. The Team will prepare a briefing for the Involved Agency's administration.
1. It is suggested that this briefing be completed within the first 72 hours of the incident, in coordination with the Involved Agency's Chief of Police, and adhering to LETCSA rules on disclosure to the involved agency
 2. The non-law enforcement community representative will be invited to attend all VIIT briefings to the involved agency.
 3. This briefing should contain background information, an update on the status of the investigation, and what remains to be accomplished.
 4. This briefing should be prepared and conducted by the Lead Supervisor. It is not recommended that the Lead Investigator take this responsibility as it detracts from completion of the investigation.
 4. Under no circumstances will information be released that may compromise a VIIT investigation.
 5. After the VIIT investigation has been completed, the Lead Commander may schedule a full case review for the Involved Agency. This review is intended to brief the Involved Agency's Command Staff and Legal Department on what occurred during the incident, what investigative steps were taken, as well as answer any questions the Involved Agency may have about the investigation.

DEFINITIONS

INVOLVED FATAL OR INJURY INCIDENT

- A. An incident in which a Member Agency law enforcement employee is a Subject Officer and that incident results in a fatality or serious injury to another party; or
- B. An incident in which a Member Agency law enforcement employee is the recipient of a serious injury or is killed.

LAW ENFORCEMENT EMPLOYEE

- A. This Protocol applies to employees and to certain other people affiliated with law enforcement agencies that are members of the VIIT Agreement, as follows:
 1. Full-time, part-time, and hourly sworn and unsworn law enforcement personnel, whether on-duty or off-duty.
 2. Reserve law enforcement personnel who are on-duty or who are acting actually, apparently, or purportedly for a law enforcement purpose at the time of the incident.
 3. Temporary employees and volunteers, whether paid or unpaid, who are on-duty or who are acting actually, apparently, or purportedly for a law enforcement purpose at the time of the incident.

SUBJECT OFFICER

- A. A person whose act is reasonably believed to be a "proximate cause" of a fatality or serious injury to another person.

PROXIMATE CAUSE

- A. A cause which, in a natural and continuous sequence, produces an injury or fatality, and without which cause the injury or fatality would not have occurred. The ability to reasonably foresee the injury or fatality is not a factor relevant to this definition.

FATAL OR SERIOUS INJURY

- A. For the purpose of this Protocol, fatal injury shall mean death. Serious injury shall mean bodily injury, which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

INVOLVED AGENCY

- A. The agency or agencies whose officer(s) were involved in the incident.

EMPLOYER AGENCY

- A. The agency that employs the Subject Officer(s). In many cases, the Involved Agency will also be the Employer Agency.

INVESTIGATIVE TEAM

- A. The Investigative Team is comprised of Investigators from various law enforcement agencies throughout South King County who are assigned to VIIT and whose primary responsibility is to conduct a criminal investigation of an incident.

MEMBER AGENCY

- A. A law enforcement agency who is part of the VIIT Agreement and who has reviewed and signed an acknowledgement agreeing to the terms of this Protocol.

INVOCATION OF THIS PROTOCOL

AUTOMATIC AND IMMEDIATE

- A. Upon the occurrence of a law enforcement-involved fatal or serious injury incident, this Protocol is effective upon the activation of VIIT. Such incidents may include, but are not limited to, the following:
 1. Intentional and/or accidental shootings, including police tactical incidents involving specialized response teams.
 2. Intentional and/or accidental use of any other dangerous or deadly weapon.
 3. Assaults upon law enforcement officers or assaults on other law enforcement employees who are on-duty or are acting in a law enforcement capacity.

4. Where a law enforcement officer has applied force on an individual and that individual stops breathing, either during the application of force or immediately thereafter.
5. Any fatal or serious injury to a subject in police custody.
6. Any fatal or serious injury of an inmate at any participating agency jail facility, that occurs as a result of use of force by a jail employee or law enforcement officer.
7. Vehicular collisions involving police gunfire directed at a suspect or a suspect vehicle.
8. Vehicular collisions which result in a serious injury or fatality, or that involves the use of vehicle(s) by police as a "legal intervention" technique intended to apprehend a suspect. "Legal intervention" includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by contact.
9. Vehicular collisions that involve serious injuries or a fatality that occur during a police pursuit. The serious injury or fatality may be to the suspect, an officer, or other third party.
10. Vehicle collisions not covered by this Protocol include the following:
 - a. Off-duty, non-sworn law enforcement employees who are not, at the time of the incident, acting for an actual, apparent, or purported law enforcement purpose.
 - b. Law enforcement involved vehicle collisions that result in serious injuries or a fatality that do not involve police gunfire, legal intervention, or a pursuit.

- B. VIIT responses to agencies outside of King County or not party to the VIIT Agreement will be considered on a case-by-case basis.

SPECIAL DEPLOYMENT

- A. While formed primarily to investigate officer-involved incidents, VIIT may be deployed for non-officer involved incidents at the request of the Involved Agency's Chief of Police or his/her designee and/or the discretion of the VIIT Executive Board.

INVESTIGATION AND RESPONSIBILITIES

THE CRIMINAL INVESTIGATION

- A. The criminal investigation has investigative priority over the administrative investigation, and it begins immediately after an incident has occurred. The criminal investigation is performed by VIIT.
- B. The goal of the criminal investigation is to objectively investigate and develop all available relevant information about the incident.
- C. To determine presence or absence of criminal liability on the part of those involved in the incident, specifically:
 1. To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
 2. If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and
 3. If criminal conduct does exist, determine the degree of crime(s), the existence of any factual or legal defenses to that crime, and the presence or absence of any factors which could mitigate or aggravate punishment for that crime.

- D. To provide factual information to the Employer Agency's management for its internal use. While the criminal investigators do not direct their investigative attention to administration concerns, it is recognized that the criminal investigation's results are of interest to agency management for its internal use, and those results are fully available for that purpose, unless otherwise prohibited by law.
- E. VIIT shall follow the rules of law that apply to all criminal proceedings, including constitutional, statutory, and case law regarding rights which are covered by the 4th, 5th, 6th, and 14th Amendments of the United States Constitution.
- F. The investigation shall be performed in a manner that provides both the appearance and the reality of a thorough, fair, complete, and professional investigation which is free of conflicts of interest.

JURISDICTIONAL DETERMINATION

- A. Use of the VIIT is at the discretion of the Chief of Police of the Involved Officer(s). No Chief of Police is obligated to use VIIT, regardless of the circumstances involving any particular incident.
- B. In general, whenever an officer from a VIIT Agency is involved in an on-duty incident, regardless of the city in which the incident occurred, VIIT will respond and investigate. There may be circumstances when the investigation is shared concurrently with an outside agency. Since all scenarios cannot be anticipated, investigative decision-making may be decided after consultation with agency heads and VIIT Command.
- C. When officers from a single VIIT Agency or multiple VIIT Agencies are involved in an incident, VIIT conducts the investigation.
- D. When officers from a single VIIT Agency or multiple VIIT Agencies are involved in an incident outside the VIIT boundaries, VIIT conducts the investigation.
- E. If officers from a VIIT Agency and an outside agency are involved in an incident, VIIT reserves the right to conduct the investigation for the VIIT Agency's officer(s). The outside agency may or may not conduct a concurrent investigation.
- F. If outside agencies are involved in an incident within the VIIT boundaries, the outside agencies will conduct the investigation, unless the VIIT Executive Board Chair or Administrative Lead, after consulting with the Chief of Police of the city in which the incident occurred, approves their request for VIIT to conduct the investigation.

VEHICLE COLLISION INCIDENTS

- A. Collisions meeting the criteria outlined in this Protocol shall be investigated by the Team's criminal investigators and may be joined by collision investigation specialists. Collision investigation

specialists who join the Team have the primary responsibility for documentation, collection, and preservation of physical evidence.

- B. If the fatality or serious injury results from a collision that was an intentional use of force (i.e., use of “legal intervention techniques”) or if vehicle movement was merely incidental to a fatality or serious injury which was caused by non-vehicular means, the collision investigation specialists may be used by the Team for that phase of the investigation. The collision investigation specialists’ role will be limited to investigation of physical movement of the vehicle(s) and to collision reconstruction.

SCENE SECURITY

- A. Each Involved Agency has initial responsibility for immediately securing the crime scene(s) within its territorial jurisdiction. This responsibility includes preservation of the integrity of the scene(s) and its/their contents, access control, and the identification of witnesses. Responsibility may be changed by mutual agreement as the investigation progresses.

SCENE PROCEDURES – INVOLVED AGENCY RESPONSIBILITIES

- A. Emergency life-saving measures have the first priority.
- B. If a person, who has sustained serious injuries, is transported to a hospital, an officer should accompany that person in the same vehicle in order to:
 1. Locate, preserve, safeguard, and maintain the chain of physical evidence, taking into consideration inclement weather.
 2. Obtain a dying declaration, spontaneous statement, and/or statement of then-existing or previous mental or physical state.
 3. Maintain custody of the person if he/she has been arrested.
 4. Provide information to medical personnel about the incident, as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
 5. Identify relevant people, including witnesses and medical personnel.
 6. The accompanying officer of the involved agency will be relieved by a non-involved agency as soon as is practicable.
- C. The scene(s) must be secured immediately, with a perimeter established for each scene a sufficient distance away to safeguard evidence. In most circumstances, an inner (evidence) perimeter and an outer (control) perimeter are preferable.
- D. Access to the scene(s) shall be limited to only those officials who must enter for an investigative purpose. Written reports are required from those who enter.
- E. A responding officer will be assigned to establish a written entry log, as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
- F. When not needed for live-saving efforts, entry by fire and ambulance personnel should be restricted to the absolute minimum necessary to perform the needed duties.

- G. If any type of weapon or instrument was involved in the incident, the supervisor at the scene shall promptly see to the security of such items following the below listed guidelines:
1. Responding supervisors/officers should not handle, remove, make safe, or secure any Subject Officer's weapons unless it is absolutely necessary. If the area is secure, weapons or instruments shall be left in place and undisturbed.
 2. If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed in place prior to removal, if possible.
 3. If a Subject Officer still has personal possession of a weapon he/she used in the incident, the firearm should be issued a new weapon at the same time or as quickly as possible.
 4. If the responding supervisor/officer for any reason determines the need to take possession of a Subject Officer's weapon or instrument prior to the VIIT Investigators arrival, the weapon should be photographed and documented in the condition it was found prior to being removed from the Subject Officer.
 5. If a firearm is found in an unsafe condition, officers shall identify the potential hazards and inform the VIIT Investigators.
 6. Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence and shall otherwise maintain the chain of evidence.
 7. Whenever possible, the Involved Officer's shoulder-fired weapons shall be secured in a police vehicle at the scene.
 8. All collected weapons or instruments shall be transferred to the VIIT Investigators upon their arrival, along with the information required in this section.
 9. Suspect's weapons should be left, as is, at the scene and protected in place until VIIT Investigators arrive. If circumstances require removal of the weapon for safety reasons then an officer should photograph the weapon in place, collect it as is, and place it in a box. The weapon should be secured in a police vehicle until VIIT Investigators arrive.
- H. Any other physical evidence at the scene that is in danger of being contaminated, destroyed, or removed must be promptly and effectively observed, recorded, and then protected for subsequent collection. Evidence adhering to live participants (such as bloodstains), footprints, and fingerprints, volatile substances, various types of trace evidence, and firearms discharge evidence are examples. This may lead to the collection of the Involved Officer's uniform and other equipment worn at the time of the incident.
- I. Except as provided in this section, weapons and instruments will not be disturbed in any way. Any handling of weapons and instruments shall be minimal, to preserve the exact state of the weapon or instrument when received.
1. Firearms that do not need to be retained in Evidence storage, as determined by the VIIT Investigators, will be returned to a designated representative of the Employer Agency promptly after testing has been completed. VIIT Investigators recognize that prompt return of the involved Officer's handguns is important, and will return them as soon as possible.
- J. The transporting and sequestering of involved Officer(s) shall be conducted as follows:
1. Subject Officer(s) will be relieved of their duties at the scene as promptly as possible and taken to their station. Officer(s) not involved in the incident shall be assigned to accompany the involved Officer(s), either in a group or individually. Subject Officer(s) should be driven to the Police Station by an uninvolved officer. Witness Officers may remain at the scene or be

transported to their Station to brief VIIT Investigators. This should be at the direction of the Witness Officer's supervisor. If a witness officer is impacted by the event to the extent that it would be better to remove them from the scene, the above removal protocol should be followed for the Witness Officer(s).

2. If circumstances prohibit removal of all witnesses and Subject Officers from the scene at once, the Subject Officer(s) should be removed first.
3. An uninvolved officer shall remain with the Subject Officer(s). The sequestering officers are present to ensure the Subject Officer(s) have privacy, that their needs are met, and to maintain and observe chain of custody over evidence worn or carried by the involved Subject Officer. This officer will document that the involved Subject Officer's clothing and equipment remained in the same condition and/or any changes that occurred prior to the items being turned over to VIIT Investigators. They should not be present during confidential (privileged) conversations.
4. Subject Officer(s) should not discuss the case among themselves, with other witness officers, or with sequestering officers.

CUSTODIAL DEATH SCENES

- A. When an incident occurs in a jail facility or other location where inmates may have witnessed something, inmates should be identified and separated, if possible, pending interviews by VIIT Investigators.

INTERVIEWING LAW ENFORCEMENT EMPLOYEES

- A. Generally, it is the intent of VIIT Investigators to obtain details of any officer-involved incident as soon as possible after the event by interviewing and obtaining reports and statements from witness officers.
- B. VIIT Investigators should be aware that agency policies, union agreements, and officer's constitutional rights may delay access to these statements and shall make reasonable efforts to identify and comply with these issues.
- C. VIIT Investigators do not have the authority to issue "Garrity" orders to Involved Officers. This can only be done by the Involved Officer's Agency Chief of Police or his/her designee.
- D. Before a "Garrity" order is given to an Involved Officer by his/her employer, the VIIT Investigators should be given a reasonable amount of time to talk to witnesses, review evidence, and consult on the facts of the case.
- E. Compelled statements of officers cannot be used by VIIT for the investigation and are prohibited from the investigation. If any member of VIIT receives prohibited information, the investigator receiving the prohibited information must immediately report it to their supervisor and the member must discontinue participation in the investigation. The information will be removed and/or isolated from the remaining investigation unless the prosecutor of jurisdiction deems such action unnecessary.
- F. In custody interviews will be conducted in accordance with all Federal and State laws applicable to in custody interrogations.

- G. Involved Officers will be interviewed separately.
- H. Interviews may be recorded upon agreement between the parties involved. After an interview is recorded, a transcript of the recording will be prepared and reviewed by the VIIT Investigator who conducted the interview for content and context accuracy.
- I. Law enforcement employees have the same rights and privileges regarding VIIT interviews that any other citizen would have, including the right to consult with a legal representative prior to the interview and the right to have the representative present during the interview.

INTOXICANT TESTING

- A. Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When VIIT Investigators determine that a law enforcement employee's state of sobriety is relevant to the investigation, they have these options:
 - 1. Obtain the blood and/or urine sample by valid consent.
 - 2. Obtain a search warrant to obtain the samples.
 - 3. When applicable, utilize the provisions of Title 46 RCW for vehicle driving incidents.

AUTOPSY

- A. At least one member of VIIT's primary investigative team should attend the autopsy.
- B. The autopsy pathologist will receive a complete briefing prior to the post-mortem examination. This briefing, will include all information known at that time which may be relevant to the cause, manner, or means of death.
- C. For autopsies conducted in King County, the King County Medical Examiner has the responsibility to document and collect all evidence.

THE PROSECUTOR'S OFFICE

The King County Prosecutor's Office (Prosecutor's Office) has the following roles in VIIT investigations:

- A. Assist and advise VIIT on various criminal law issues, which may arise, such as: Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses, and search warrants.

Upon completion of the VIIT investigation, the investigation report will be sent to the Prosecutor's office for review. The prosecutor's office will analyze the facts of the incident as well as relevant law to determine if criminal laws were broken.

REPORT WRITING

- A. All personnel involved in the criminal investigation shall complete reports documenting their participation. This includes investigators assigned to VIIT and first responders. All completed reports will be routed to the designated VIIT Supervisor. The VIIT Supervisor will provide all reports to the VIIT Lead Investigator as soon as possible.
- B. Upon completion of a VIIT Investigator's report, it will be his/her responsibility to get that report to the designated VIIT Supervisor for review and approval.
- C. Should an Investigator's agency require them to complete a report under his/her agency's case-reporting system, that Investigator should write a report titled "Agency Assist". The Investigator's follow-up report shall be completed under the OSA case number.
- D. All VIIT follow-up reports will be completed as soon as practical. Prompt completion and distribution of reports is essential.

PUBLIC INFORMATION/MEDIA RELEASES

- A. To effectively communicate with media outlets, VIIT will conduct a press release as soon as is practicable after the incident. Press releases to update the Public will then be conducted weekly until the investigation is provided to the Prosecutor's Office for review.
 - Nothing in this agreement prevents the Chief of Police of the involved agency to issue their own public statements.
- B. Prior to the release of any information to the public, a copy of the intended press release will be provided to the involved agency, non-law enforcement community representative, and the family liaison.
 - C. It is important that the Involved Agency PIO inform the media that the investigation is being conducted by the Valley Investigations Team. Specifically, VIIT asks that PIO's do NOT identify the lead agency as the investigative agency.

ACCESS TO REPORTS AND EVIDENCE

- A. Material that is created or collected at the request or direction of VIIT criminal investigators (including the Crime Lab) will be made available in a timely manner to those agencies that have a need or as allowed by law .
- B. Examples of material referenced above are:
 1. Reports; written and collected.
 2. Access to physical evidence.
 3. Photographs, diagrams, and videotapes.
 4. Audio recordings.

- C. When VIIT Investigators and/or representatives from the Prosecutor's Office conclude that the physical evidence collected by the criminal investigators is no longer needed for criminal law purposes, the originating agency shall be notified of that decision so it can assume responsibility for preservation of such evidence as needed or required.
- D. At the conclusion of the investigation, the non-law enforcement community representative will be provided access to the completed investigation report.

PUBLIC DISCLOSURE REQUESTS (PDR's)

- A. Information from Public Disclosure Requests will only be released in accordance with State law. It is desirable to provide the involved agency all reports as soon as practical, and in compliance with LETCSA.

CONFIDENTIALITY

- A. All investigations conducted by V.I.T.T. shall be treated as confidential.

safe and provide or facilitate life-saving first aid to persons at the scene who have life threatening injuries.

Involved agency - The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "involved agency."

Member Agency - Each of the agencies that enters into a written agreement to investigate police use of deadly force in their geographical region.

Necessary - As set forth in RCW 9A.16.010, "necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

Prosecutor's review - The period of time when the IIT presents a completed investigation to the prosecutor, who then reviews all the facts and makes a charging decision.

Substantial bodily harm - As set forth in RCW 9A.04.110, "substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

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NEW SECTION

WAC 139-12-030 Independent investigation criteria.

There are five principles that are fundamental to enhancing public trust in the integrity of independent investigations involving police use of deadly force:

- Independence;
- Transparency;
- Communication;
- Credible process; and
- Credible investigators.

Standards are necessary for the involved agency and the public to assess whether the actions taken by the IIT are independent, transparent, credible, and communicated in a manner that results in a compliant and complete investigation and builds public trust.

(1) **Independence.**

(a) Independence is essential to the integrity and objectivity of the investigation. Maintaining independence is achieved through compliance with rules and regulations designed to prohibit undue influence, and the appearance of undue influence, by the involved agency in the investigation.

(b) Standards for an investigation completely independent of the involved agency:

- Once the involved agency personnel and/or other first responders have rendered the scene safe and provided or facilitated life-saving first aid to persons at the scene who have life-threatening injuries, the involved agency will immediately call the IIT. Then the primary focus of the involved agency shifts to the protection and preservation of evanescent evidence in order to maintain the integrity of the scene until the IIT arrives. Once the IIT arrives, and the IIT commander has the appropriate resources on scene, the involved agency will relinquish control of the scene to the IIT.

- No member of the involved agency may participate in any way in the investigation of police use of deadly force conducted by the IIT, with the following exception:

- Specialized equipment belonging to the involved agency may not be used by the IIT unless: 1 - no reasonable alternative exists; 2 - the equipment is critical to carrying out the independent investigation; and 3 - the use is approved by the IIT commander. If the equipment is used, the non-law enforcement community representatives on the IIT must be notified about: 1 - why it needs to

be used; and 2 - the steps taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment.

- No information about the ongoing independent investigation of police use of deadly force will be shared with any member of the involved agency, except limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation so that they can manage the internal administrative investigation and communicate with their community about the progress of the investigation.

- If the chief or sheriff of the involved agency requests that the IIT release the body cam video or other investigation information of urgent public interest, the IIT commander should honor the request with the agreement of the prosecutor of jurisdiction.

(2) **Transparency.**

(a) Transparency is the critical element of procedural justice that allows community members to assess whether the process of the investigation is conducted in a trustworthy manner and complies with the standards for the five listed principles.

(b) Standards for the transparency of an independent investigation:

- The policies and operating procedures of the IIT will be available to the public.

- The names of the members, supervisors, commanders, and non-law enforcement community representatives on the IIT will be available to the public.

- A minimum of two non-law enforcement community representatives will be assigned to each IIT to:

- a. Participate directly in the vetting, interviewing, and/or selection of IIT investigators. (Existing teams will have until January 2021 to provide necessary information about the qualifications of current IIT investigators to the non-law enforcement community representatives for review.)
- b. Review conflict of interest statements submitted within 72 hours of the commencement of each investigation by the investigators;
- c. Be present at the briefings with the involved agency(s) chief or sheriff;
- d. Have access to the investigation file when it is completed;
- e. Be provided a copy of all press releases and communication to the media prior to release; and
- f. Review notification of equipment use of the involved agency.

- The non-law enforcement community representatives must sign a binding confidentiality agreement at the beginning of each police use of deadly force investigation that remains in effect until the prosecutor of jurisdiction either declines to file charges or the criminal case is concluded.

- If the confidentiality agreement is violated, the non-law enforcement representative may be subject to prosecution under RCW 9A.76.020 (Obstructing a law enforcement officer) and chapter 10.97 RCW, Washington State Criminal Records Privacy Act. For the purpose of this chapter, "criminal background information" is the same as "criminal history information" as defined in RCW 10.97.030(4).

- The commander or other representative of the IIT will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.

- When an independent investigation is complete the information will be made available to the public in a manner consistent with applicable state law.

(3) **Communication.**

(a) Communication is key to enhancing the public's perception of police legitimacy and fairness. A lack of open communication leads to suspicion and damages trust.

(b) Standards for communication during an independent investigation:

- A family member of the person against whom deadly force has been used will be notified as soon as they can be located by either the involved agency or the IIT, whichever is faster.

- A member of the IIT will be assigned as a family liaison within the first twenty-four hours and keep the family, or a representative of the family's choice, apprised of all significant developments in the independent investigation and will give the family and the involved agency advance notice of all scheduled press releases.

- Neither the involved agency nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.

- If the person against whom deadly force is used is, or is believed to be a member of a federally recognized tribe:

- The involved agency will notify the governor's office of Indian affairs (GOIA) in accordance with RCW 10.114.021.

- A member of the IIT will be assigned as a tribal liaison within the first twenty-four hours and keep the tribe (or a representative of

the tribe's choice) apprised of all significant developments of the investigation.

(4) **Credibility.**

(a) In order for investigations to be viewed as credible it is critical to demonstrate that the procedures followed are consistent, known to the public, and rooted in best practices for homicide investigations, with particular attention focused on those unique areas of evidence relevant to the officer's decision-making process. Equally important is the credibility of the investigators. Training, a history of ethical behavior, and demonstrated impartiality are critical to maintain confidence in the investigation.

(b) Standards for a credible independent investigative process:

- After life-saving first aid has been provided, members of the involved agency and other first responders at the scene will:

- Secure the incident scene and maintain its integrity until the IIT arrives.

- The perimeter must be clearly marked and protected.
- Evanescent evidence must be located and preserved, consistent with best practices published annually by the criminal justice training commission.

- The independent investigation will follow accepted best practices for homicide investigations published and annually updated by the WSCJTC.

- An involved agency conducting a timely internal administrative investigation for compliance with department policy and procedures is critical to maintaining public trust and is separate and distinct from the independent investigation required by the LETCSA. To allow the involved agency to move forward with the administrative investigation in a timely fashion, the independent investigation required by LETCSA must be conducted in a manner that does not inhibit the involved agency from doing so. To accomplish this:

- The IIT commander must create and enforce firewalls, which is a process to prevent information sharing between the IIT from the involved agency, and train all team members to observe them to ensure no member of the IIT receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.

- The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish "prohibited content" to the IIT.

- If any member of the IIT receives prohibited information, the investigator receiving the prohibited information must immediately report it to their supervisor and the member must discontinue participation in the investigation. The information will be removed and/or isolated from the remaining investigation unless the prosecutor of jurisdiction deems such action unnecessary.

(c) The standards for credible investigators include:

(i) Appointed Members.

The chiefs and sheriffs who sign a written agreement to support and participate in the IIT shall appoint:

- The IIT leadership team, which may include an IIT commander, assistant commander, or co-commander.

- At least two non-law enforcement community representatives who have credibility with and ties to communities impacted by police use of deadly force. The Chiefs and Sheriffs of each regional team shall create a transparent process for soliciting names and creating a roster of individuals willing to serve in this capacity. The IIT community representatives must be chosen from this list by the chief(s) and/or sheriff(s).

- All IIT leadership shall be commissioned peace officer(s), with previous experience in criminal investigations.

- The IIT supervisors shall be recommended by their agency to the IIT commander.

(ii) Selection Process for IIT Members.

The IIT leadership shall:

- Ensure all applicants meet all time, rank, and training prerequisites described in chapter xxx WAC.

- Ensure that qualified applicants are interviewed by a panel, which includes the non-law enforcement community representatives and other members of the IIT selected by the IIT commander.

- All applicants shall be interviewed using criteria pertinent for the position of an IIT investigator. The same questions should be asked of each applicant.

- At the conclusion of the panel the IIT commander shall consider the recommendations of the panel and select those best suited for the needs of the IIT.

(iii) Requirements for IIT Investigators.

- Applicants for the position of investigator must be employed by a member agency of the IIT.

- The applicant shall be a commissioned peace officer in the state of Washington with previous experience as a detective or

investigator, or have special skills or experience necessary for the team.

(iv) Periodic Appointment Review.

The chief or sheriff of a member agency, and the IIT commander shall review the appointment of their IIT members who have served three years for possible rotation or replacement.

(v) Training Requirements.

The credibility of an individual assigned to an IIT is grounded in two elements: training and experience in criminal investigations. Since some IIT members were chosen because of their experience in criminal investigations, it is important to clearly define expectations for both training and experience, and acknowledge the relationship between those two elements.

IIT members who do not meet the training requirement are eligible to participate on the IIT, but not in a lead position.

Civilian IIT members (i.e. Crime Scene Investigators, Evidence Technicians, etc.) are not required to obtain the Qualified Lead Investigator certificate, but the IIT leadership shall establish reasonable non-commissioned training requirements through their IIT protocol.

The CJTC will issue an "IIT Qualified Lead investigator certificate" to ensure that those who are assigned to a lead investigator role for an IIT meet the training requirements listed below by the end of 2020.

To obtain an IIT Qualified Lead Investigator certificate, candidates must:

- Provide proof of at least three years of uninterrupted experience as a certified peace officer, crime scene investigator, or related expertise in a discipline relevant to investigations.

- Provide proof of successful completion of the prescribed training classes, (or appropriate equivalent experience), listed in this chapter.

(A) Basic training classes:

- Basic homicide investigation;
- Interviewing and interrogation;
- LETCSA Violence De-escalation and Mental health training.

IIT Members who have two years or more of relevant, full-time criminal investigative work experience may substitute their work experience for the required Basic Training classes. County Sheriffs, Police Chiefs, and IIT Commanders are encouraged to promote continuing education as a best practice for all members assigned to the IIT.

(B) Advanced training classes.

A minimum of eight hours of training annually may include, but is not limited to, the following criminal investigation topics:

- Advanced homicide investigation techniques;
- Advanced interviewing and interrogation;
- Officer-involved shooting investigation;
- In-custody death investigation;
- Excited delirium and positional asphyxia;
- Bloodstain pattern analysis;
- Crime scene photography/videography and
- Other related training, seminars, and conferences or on-going training as offered by WSCJTC or other training venues on an as available basis.

(C) In-service training.

• All IIT members shall receive priority registration to LETCSA training, required homicide investigations training, and recertification every three years.

- The IIT shall train as a unit at least annually.

(vi) Demonstrated History of Honorable Behavior.

Investigators assigned to an IIT are expected to have a work history free of a sustained finding of serious misconduct and/or a

pattern of sustained complaints and a personal history free of demonstrable bias or prejudice against community members that may be impacted by the police use of deadly force.

Examples of disqualifying sustained misconduct and/or personal history include, but are not limited to:

- Discrimination of any type, based on protected classes identified under RCW 49.60.030(1).
- Theft, fraud, dishonesty, and abuse of authority including, but not limited to: Theft, falsifying an official police record or making a false statement, serious ACCESS (a centralized computer enforcement service system) violations, obtaining or disclosing confidential information, and excessive use of force.
- Dishonorable behavior including, but not limited to: Harassment, bullying, aggressive or intimidating behavior, or threats of violence, including domestic violence.

(vii) Conflicts of Interest.

Within 72-hours of the commencement of each investigation, investigators and non-law enforcement community representatives, must complete a "conflict of interest" assessment tool regarding any connection to the officers being investigated. The assessment (created by WSCJTC) will include questions about prior interactions or

relationships with officers being investigated, and will address social conflict, work conflict, and bias. The conflict assessment will be reviewed and discussed by the non-law enforcement community representatives and the IIT commander. The conflict of interest assessments for investigators and non-law enforcement community representatives will be developed at the March 2020 summit and adopted by the Commission at the June 2020 meeting.

[]



MAJOR POLICY CONSIDERATIONS FROM THE 2021 LEGISLATIVE SESSION

CONDENSED SUMMARY VERSION

This is a summary of police reform laws passed by the Washington Legislature¹.

HB 1054 – Tactics – effective date July 25, 2021

- Prohibits the use of a chokehold or neck restraint in any circumstance.
- Prohibits no-knock warrants.
- CJTC to develop a model policy for the training and use of canine teams.
- Prohibits the use of tear gas except in three circumstances: harm posed by a riot, barricaded subject or hostage situation.
- Prior to deploying tear gas, the law enforcement officers must: exhaust available and appropriate alternatives, obtain authorization from a supervising officer, announce the intent to use tear gas; and allow sufficient time and space for the subject(s) to comply.
- Prior to deploying tear gas (for a riot outside a correctional facility), the law enforcement agency also receives authorization from the highest elected official of the jurisdiction in which the tear gas is to be used.
- Prohibits use or acquisition of “military equipment” and agencies must return or destroy any “military equipment” by December 31, 2022.
- Law enforcement agencies to submit an inventory of “military equipment”, to WASPC by November 1, 2021 WASPC to report to the Governor and Legislature by December 31, 2021.
- Requires uniformed peace officers are reasonably identifiable (e.g., name badge).
- Defines a vehicular pursuit and prohibits a vehicular pursuit unless the officer has probable cause that a crime (violent or sex offense) has/is committed and reasonable suspicion of driving under the influence, necessary for the purpose of identifying or apprehending the person, poses an imminent threat to the safety of others and the officer receives authorization to engage in the pursuit from a supervising officer
- Prohibits a law enforcement officer from firing a weapon at a moving vehicle

Key Considerations:

- Chokeholds and neck restraints are prohibited even where the use of deadly force is justified.
- The requirement to obtain authorization from the highest elected official could be misinterpreted.
- The term “violent offense” relating to vehicular pursuits may cause a misinterpretation of the requirements of the bill.

¹ **Nothing in this document should be interpreted as legal advice.** WASPC does not provide legal advice. Legal advice should be sought from, and provided by, your legal advisor.

HB 1310 – Use of Force – effective July 25, 2021

- Authorizes a law enforcement officer to use deadly force only when necessary to protect against an imminent threat of serious physical injury or death
- Requires an officer exhaust available and appropriate de-escalation tactics prior to using any physical force.
- When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances,
- Terminate the use of physical force as soon as the necessity for such force ends
- By July 1, 2022, the Attorney General will develop and publish a model policy on law enforcement use of force and de-escalation tactics
- Requires law enforcement agencies to submit their model policies to the Attorney General.
- Requires the Attorney General, by December 31st of each year, to publish on its website a report of the model policy
- Requires basic training provided by the CJTC to be consistent with the use of force requirements and limitations of the bill and the Attorney General’s model policy on the use of force and de-escalation.

Key Considerations:

- It is unclear how the Duty of Reasonable Care created in this bill intersects with the Public Duty Doctrine.
- It is unclear how the exception to the use of prohibited tactics interacts with the prohibition on chokeholds and neck restraints in HB 1054.

SB 5051 – Decertification – effective July 25, 2021

- Establishes criteria for mandatory CJTC de-certification of peace officers and corrections officers
- CJTC may conduct investigations into allegations of improper conduct – independent of any employing agency investigation,
- CJTC may issue public recommendations regarding law enforcement agencies’ command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters
- Expands requirements relating to prehire background checks
- Requires law enforcement and corrections agencies to report to CJTC within 15 days of occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime.
- Authorizes the CJTC to impose a civil penalty up to \$10,000 for the failure by an officer or an employing agency to timely and accurately report information to the CJTC
- Requires law enforcement and corrections agencies to retain personnel records for the duration of the officer’s employment plus a minimum of 10 years thereafter
- Requires the CJTC to maintain a publicly searchable, machine readable, and exportable database
- Specifies that the CJTC shall have the sole authority to provide basic law enforcement training

Key Considerations:

- There is no limitation on how long the CJTC can suspend certification.

SB 5066 – Duty to Intervene – July 25, 2021

- Requires any identifiable general authority Washington law enforcement officer who witnesses another law enforcement officer using or attempting to use excessive force to intervene to end and/or prevent the use of excessive force and report to their supervisor
- Incorporates the duty to render first aid into the newly created duty to intervene
- Prohibits law enforcement agencies from imposing discipline or retaliate in any way against a peace officer for intervening in good faith or reporting in good faith as required by the bill
- Requires law enforcement agencies to send notice to the CJTC of any disciplinary action resulting from a law enforcement officer's failure to intervene or failure to report
- Requires the CJTC to develop a written model policy on the duty to intervene by December 1, 2021
- Requires the CJTC to provide duty to intervene training by December 31, 2023 to all law enforcement officers who completed basic law enforcement training prior to January 31, 2022

Key Considerations:

- The definition of excessive force appears to not take into consideration different perspectives from different officers on the same scene (tensing up, furtive movements, weapons, etc.).

HB 1267 – Office of Independent Investigations – effective date July 25, 2021

- Creates the Office of Independent Investigations (OII) within the Office of the Governor
- Establishes certain requirements and qualifications of investigators
- Designates the OII as the lead investigative body for any investigation it chooses to conduct under its jurisdiction
- Requires the CJTC to give priority training registration to OII personnel
- Requires the OII to conduct analysis and research
- Requires all law enforcement agencies to immediately notify the OII of any incident
- Requires that the scene of an incident subject to the jurisdiction of the OII if requested
- Requires the OII Advisory Board to assess whether the jurisdiction should be expanded to conduct investigations of other types of incidents committed by involved officers, (e.g., in-custody deaths, and sexual assaults by law enforcement officers)

Key Considerations:

- It is necessary for existing independent investigation teams to remain in place to conduct independent investigations of the use of deadly force by a law enforcement officer if/when the OII chooses to not take up an investigation.
- It remains unclear what, if any, ability an involved agency has to conduct an investigation into the underlying conduct for which the involved officer(s) were present.

HB 1089 – Audits of Investigations – effective July 25, 2021

- State Auditor with the CJTC, to conduct a process compliance audit of any deadly force investigation
- Authorizes audit procedure on any law enforcement agency to ensure that the agency follows all laws, policies, and procedures governing the training and certification of peace officers employed by the agency.
- Prohibits charging a law enforcement agency for any costs associated with audits

Key Considerations:

- Compliance audits may be conducted on investigations for several previous years.

SB 5476 – State v Blake – effective immediately and July 1, 2021

- Requires the Health Care Authority to establish a statewide substance use recovery services plan
- Requires each behavioral health administrative services organization to establish a recovery navigator program to provide community-based outreach, intake, assessment, connection to services and case management and recovery services
- Amends the Uniform Controlled Substances Act to specify that knowing possession of a controlled substance, counterfeit substance, or legend drug without a prescription constitute a simple misdemeanor
- Law enforcement officers are required, in lieu of jail booking and referral to the prosecutor, to offer a referral to assessment and services
- Modifies the drug paraphernalia statute to remove reference to paraphernalia used to test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body
- Encourages prosecutors to divert simple possession charges to assessment, treatment, or other services
- Requires basic law enforcement training to include training on interactions with persons with substance use disorders
- Appropriates approximately \$88 million for substance use disorder prevention, assessment, treatment, and recovery services

Key Considerations:

- Agencies should clarify and advise officers of their requirement to divert possession offenses in instances where treatment services are not imminently available in a particular community.
- WASPC is working to assemble a list of substance use treatment providers around the state to assist agencies in knowing what treatment services are available when diversion is required.

Other Police Reform Measures

HB 1223 – Uniform Electronic Recordation of Custodial Interrogations – effective January 1, 2020

- Requires that any custodial interrogation of an adult for a felony offense, or a juvenile of any offense, be electronically recorded.
 - must be both audio and video in cells, jails, law enforcement offices.
 - other location must be by audio at a minimum.
- Establishes limited exceptions to the electronic recording requirement and
- Limits admissibility of statements requiring electronic recording where electronic recordings were not made.

Key Considerations:

- The new law doesn't require body worn cameras which would be the most reasonable way to comply with the requirements

HB 1140 – Juvenile Access to Attorneys – effective January 1, 2022

- Requires juvenile (under the age of 18) access to an attorney for consultation prior to a juvenile waiving any constitutional rights if the officer questions a juvenile during a custodial interrogation, detains a juvenile based on probable cause of involvement in criminal activity; or requests that a juvenile consent to an evidentiary search of their person, property, dwelling, or vehicle.
- Prohibits a juvenile from waiving their right to be provided access to an attorney.
- Prohibits any statement made by a juvenile from being admissible in a court proceeding unless the juvenile was provided access to an attorney. Requires the State Office of Public Defense to provide access to attorneys for juveniles contacted by law enforcement.

Key Considerations:

- The number of juveniles requiring access is underestimated.

HB 1088 – Potential Impeachment Disclosures/"Brady List" – effective July 25, 2021

- Requires each county prosecutor, to develop and adopt a written protocol no later than July 1, 2022 regarding:
 - the types of conduct that must be disclosed,
 - how Brady/PID disclosure information should be shared and maintained, and
 - what circumstances an officer may be removed from the Brady/PID list.
- Requires local Brady/PID protocols to be reviewed every two years,
- Requires the CJTC to provide online Brady/PID disclosure training,
- Requires law enforcement agencies to report Brady/PID disclosures within 10 days,
- Requires a law enforcement agency, prior to hiring an officer with previous law enforcement experience, to inquire and verify whether the officer has ever been subject to a Brady/PID disclosure.

Key Considerations:

- It remains unclear what, if any, circumstances an officer may be removed from the Brady/PID list.

HB 1320 – Protection Orders - effective July 25, 2021 and July 1, 2022

- Consolidates and amends laws governing protection orders for domestic violence; sexual assault; stalking; anti-harassment; vulnerable adults; and extreme risk
- Amends provisions relating to the recognition of Canadian DV protection orders
- Revises provisions related to orders to the surrender and prohibition of weapons, revocation of concealed pistol licenses, unlawful possession of firearms, and DV no-contact orders.
- Establishes responsibilities for school districts regarding students who are subject to protection orders
- Repeals 137 existing statutes relating to protection orders

Key Considerations:

- This is a highly technical 320-page bill that moves and combines certain statutes related to protection orders, while also making substantive changes in the process.

SB 5055 – Grievance Arbitration Panels – effective July 25, 2021

- Establishes a rotating pool of not less than 9 and not more than 18 law enforcement grievance arbitrators at the Public Employment Relations Commission (PERC)
- Requires all grievance arbitrations involving law enforcement personnel, as defined in the bill, relating to disciplinary action, discharge, or termination to be conducted through the PERC pool of law enforcement grievance arbitrators at PERC
- Grandfathers existing collective bargaining agreements from the provisions of the bill as of July 25, 2021 from the provisions of the bill unless/until such agreement is reopened, renegotiated, or expires.

Key Considerations: None

SB 5259 – Law Enforcement Data Collection – effective July 25, 2021

- Requires the Attorney General to contract with an institution of higher education to establish and administer a Washington law enforcement use of force reporting system
- Establishes certain interactions for which use of force reporting is required
- Establishes minimum data elements to be reported for relevant interactions
- Authorizes the Attorney General to require additional interactions and data elements to be included in the use of force reporting program
- Requires all Washington law enforcement agencies to report to the program all data for all covered interactions through incident reports or other electronic means in the format and time frame established by the Attorney General

Key Considerations:

- This is legislation that may increase local costs that are not provided for in the state budget.



Washington Association of **SHERIFFS & POLICE CHIEFS**

Law Enforcement Reform Recommendations 2020-2021

Washington's law enforcement leaders acknowledge the hurt, trauma, and anger caused by a history in which our profession has often failed to live up to our own ethical ideals, particularly in our relationships with communities of color, and we recognize our responsibility to address racial inequality.

We are committed to work with policy makers, community groups, and other stakeholders to improve the public service of law enforcement in our state. Change is necessary and we support meaningful reform and a conversation about law enforcement that focuses on transparency and accountability, reduces barriers to discipline and termination, and ensures a fair and more equitable criminal justice system. We do not present these recommendations as the only credible options for reform, rather as our contribution to the larger conversation.*

Use of Force:

- Standardize the use of force policies and training centered on the cornerstone principle of the sanctity of human life.
- Require all law enforcement officers to intervene and report to their agency whenever another law enforcement officer uses excessive force.

Transparency and Accountability:

- Expand wellness, resiliency and mental health support for law enforcement and corrections officers.
- Support accreditation (best practice audits) for law enforcement and corrections agencies.
- Support civil service reforms to increase diversity and flexibility to hire and promote deputies and officers.
- Establish interventions for troubling patterns and behaviors among law enforcement officers.
- Explore models for an independent statewide deadly force investigative agency.
- Facilitate the implementation and use of body cameras.
- Provide greater authority for Chiefs and Sheriffs to dismiss officers who betray the public's trust.
- Enable de-certification of officers who use excessive force and other serious breaches of the public's trust.
- Require all Washington law enforcement agencies to submit data on the use of deadly force.

Defining the role of law enforcement:

- Establish state and local programs to build relationships and trust between law enforcement and the community.
- Establish clear expectations for state investment in programs to address mental illness, substance use, and other adverse events that are shown to increase the likelihood of future criminal justice involvement.

* *These recommendations are abbreviated summaries of the official recommendations adopted by WASPC. The full text of each recommendation, along with recommended legislation to accomplish each, are available at www.waspc.org/reforms*



INFORMATIONAL MEMORANDUM

TO: Community Services and Safety Committee

FROM: Chief of Police Eric Drever

BY: Chief of Police Eric Drever

CC: Mayor Ekberg

DATE: May 10th, 2021

SUBJECT: Use of Force Review

ISSUE

With the goal of providing transparency and accountability to the public regarding the Tukwila Police Department's use of force, the Police Department has created a Use of Force Review Board that will review all use of force by the department.

BACKGROUND

For accreditation purposes and best practices in law enforcement, the Tukwila Police Department conducts an annual review and analysis of all use of force by the members of the department. The review consists of acquiring stats and tracking use of force throughout the calendar year. That collected information is then analyzed by the Deputy Chief of Police, who then prepares a report regarding the analysis. The report is then forwarded to the Chief of Police for review and inclusion with accreditation proofs.

DISCUSSION

With honoring the intent behind police reform efforts to provide transparency and accountability, the Tukwila Police Department has taken the initiative to establish a Use of Force Review Board. The Board consists of TPD Use of Force Experts, TPD Administration, and Community Members that are selected as part of our Independent Investigation Team for officer involved use of deadly force. The Board reviews each use of force individually for compliance with Department policy, training, and appropriate level of force used. The review helps to identify areas where the department can improve their training, processes, and means for accountability. The Deputy Chief will then prepare a summary of the findings of the Board for presentation to the Chief of Police, who will subsequently present the findings to Council. Once presented to Council, the reports will be published for the public.

FINANCIAL IMPACT

There is no financial impact at this time for implementing this program.

RECOMMENDATION

Information Only

ATTACHMENTS

Use of Force Review Memorandum
Use of Force Review Board Memorandum



City of Tukwila

Police Department

Allen Ekberg, Mayor

Eric Drever, Interim Chief of Police

MEMORANDUM

TO: Eric Drever, Interim Chief
FROM: Eric Lund, Acting Deputy Chief
DATE: February 3, 2021
SUBJECT: 2020 Use of Force Statistics and Analysis

Attached are statistics for the year 2020 concerning the department's use of force applications. The following is an analysis of the statistics to determine if there is any training, equipment, policy issues, or trends that need to be addressed.

All uses of force have been documented in AIM (Administrative Investigations Management) since 2018. All uses of force are required to be reported by the officer that uses force. A sergeant may be required by policy to respond to the scene. For each use of force reported, the sergeant will complete a review of the officer's report, view any body worn camera (BWC) video, and forward his/her recommendations to the division commander. The commander will also review the use of force by reviewing the same documents and BWC videos. The commander will forward his/her review to the Deputy Chief. The Deputy Chief will read the reviews of the sergeant and commander and determine if the use of force was within policy and reasonable. If there are any policy violations or other inconsistencies, the Deputy Chief can escalate the use of force review to an internal investigation. Each use of force is reviewed by multiple levels of the organization.

This data is entered into AIM (Administrative Investigations Management). According to the statistics, there were 54 uses of force in the year 2020. This is a 15% reduction in use of force incidents from 2019 (64) and a 35% reduction from use of force incidents in 2018 (84). To further contrast, 2016 had a total of 260 use of force incidents reported, which was the year prior to Tukwila PD purchasing and deploying body worn cameras. In four years, use of force incidents have **decreased 79%**. Other changes that Tukwila PD has made that contributed to the reduction is increased training in de-escalation, patrol tactics, and crisis intervention training related to mental illness.

In each incident, an officer can use several types of force depending on the circumstances and behavior or the subject. Low level uses of force were the highest total force applications. This includes the officer using physical strength, take downs, counter-joint moves, or strikes and/or punches. 72% of the use of force incidents involved at least some physical strength or control. The numbers for low-level uses of force in 2020 were very similar to the numbers in 2019.

Regarding higher level uses of force, the TASER was deployed 5 times (9%). There was one application each of VNR, OC Spray, and 40mm less lethal (all 1.8%). It should be noted that VNR use was suspended by Chief Linton in June of 2020 and was -restricted to use only during a lethal force encounter (The VNR application in 2020

occurred in March.) There were 9 applications of VNR in 2019. This represents a nearly 90% reduction in VNR applications. TASER applications remained similar (5 vs 4). OC Spray and 40mm less lethal usage were both 0 in 2019 but increased to 1 application each in 2020.

The number of subjects that were reported to be armed with a weapon or have immediate access to a weapon increased in 2020 to 16% of all incidents. In 2019, the percentage was 5%.

Overall, the number of subjects that were reported to have injuries after a use of force reduced from 37% in 2019 to 31% in 2020, a 6% reduction.

In analyzing the statistics, I did not identify any unusual or emerging trends, aside from the aforementioned reduction in the use of higher levels of force. I also did not identify any equipment or training issues that may have an impact or change any future use of force totals. I do not recommend any changes to the current policies regarding use of force that would have an impact on these statistics or that needs to be addressed.



City of Tukwila

Police Department

Allan Ekberg, Mayor
Eric Drever, Chief of Police

MEMORANDUM

TO: Eric Drever, Chief of Police
FROM: Eric Lund, Deputy Chief
DATE: April 6, 2021
SUBJECT: 2020 Use of Force Review

The Tukwila Police Department conducted a review of the use of force incidents that occurred in 2020. The review was led by Acting Deputy Chief Lund. The review occurred over 3 separate days over Microsoft Teams (due to COVID). The review included a PowerPoint presentation explaining department policies, training and some basic level explanations of force and common terms that are used in law enforcement. Department members that participated were Officer Eric Hines, Detective Erik Kunsmann, and Sergeant Isaiah Harris, who all have extensive training and knowledge in defensive tactics.

The department has several community representatives that had already been selected to participate with the Valley Independent Investigative Team. The participants were Sean Goode, Sharon Myklebust, Allan Howard, and Ross Dworman. The review consisted of a basic overview of the incident which included the type of call, type of force used, injuries sustained, how the use of force was reviewed, and the disposition for the report. If body-worn camera footage was available, a clip of the force used was shown to the group. After the video was shown, the community reps were encouraged to ask questions about each incident.

We spent approximately 6 hours reviewing all 54 use of force incidents from 2020. The meetings took place on February 23, March 9, and March 16, 2021. The discussions were very informative and there was a high level of participation and interaction.

Some of the questions and comments that were asked:

- Many of the use of force incidents involved the crime of shoplifting where the offenders ran. One of the community reps had concerns about force being used for property crimes and the amount of time officers spent dealing with shoplifting calls.

- One of the incidents involved a male suspect in crisis, who stopped breathing. An AED was brought to the scene by one of the officers and it did not have a battery in it. The community rep asked about our process to ensure that AED's were properly maintained so that they are ready to deploy.
- One of the reps commented that he was pleased to see our officers show compassion after using force.
- It was also noted that they were happy to see that there were multiple levels of review by supervisors and command staff.

When an officer records an interaction with the public, they are required to assign a category to it. Depending on the category, the amount of time the video is recorded changes. These retention periods were created in accordance with state guidelines:

- Misdemeanor – 5 years
- Felony – 8 years
- Infraction – 26 weeks
- Other – 26 weeks
- Death Investigation – 99 years

There was an issue that was discovered when the review was being prepared and it involved the retention period for certain videos. It was discovered that some of the incidents where force was used involved people that were in crisis or might not have necessarily committed a crime. The officers were labeling the videos as "Other" in accordance with policy at the time. The issue was that video was being automatically deleted in 26 weeks when labeled "Other". This could be problematic if there was any legal action related to the force used. Several of the body camera videos had been automatically deleted prior to the Use of Force Review being prepared.

To fix this issue, the department created a "Use of Force" label. The retention period for "Use of Force" is set at 8 years. Now, when any force is used, officers are required to label the video "Use of Force" and that video will be retained in accordance with state guidelines.

Another issue that was found, was that some uses of force had not been reviewed at all. These incidents were reassigned to sergeants to conduct reviews and complete the process.

Overall, the review was very positive and encouraging, especially the participation by the community representatives.

The department is already planning to conduct a review of use of force incidents that occurred in the first quarter of 2021. This should occur in late April or early May.



INFORMATIONAL MEMORANDUM

TO: Community Services & Safety (CSS)

FROM: Chief Jay Wittwer

BY: Deputy Chief Norm Golden

CC: Mayor Ekberg

DATE: June 7, 2021

SUBJECT: Fire Advisory Task Force / CPSM Report Update

ISSUE

Update on activities of the Fire Advisory Task Force and the Center for Public Safety Management (CPSM) Report review. The group is asking for the City Council to support hiring consulting services to provide a neutral party to help move the process forward and to provide a timeline for completion.

BACKGROUND

The CPSM report was presented to the Committee of the Whole on March 8, 2021. The report provided recommendations for improving fire services in the city. An internal work group was formed to evaluate the report recommendations and determine strategies to provide high-level, financially sustainable fire services. The city will form a Fire Advisory Task Force (Task Force) to work in a co-creative space with the community to present options to the Council.

The internal work group is providing an update on their work since March 8, 2021. The group meets weekly and is working from a Chartering Document, previously shared with the Council on April 26, 2021, to define the scope of this project. The group agrees that our purpose is not to “get rid” of the fire department, but to determine how best to provide a high-level, financial sustainable fire services. Maintaining our current response staff, equipment, and capabilities is the starting point of our project.

The group has solicited potential regional partners to gauge interest in partnering to provide services as alternatives to retaining fire services in-house. The next step is to form a Task Force to evaluate the options and present them to the Council. This community task force will be comprised of Subject Matter Experts (SMEs), residents, business representatives, local leaders, etc.

The group has identified the main options for providing fire services to the City of Tukwila. The threshold decision is whether to continue to provide services as a city department, standing up our own regional fire authority, or to partner with another organization. Then there are options to explore within each of these options.

City of Tukwila

- Provide a municipal fire department (current practice).
- Establish a Regional Fire Authority within our own city.
- Establish new revenue sources such as a Fire Benefit Charge and/or a Levy Lid Lift.

Partnerships

Enter a contract for services.

Annex into an existing Regional Fire Authority (RFA).

Regional Fire Authority (RFA) – These are special purpose districts created under RCW 52.26. An RFA establishes a municipal corporation with independent taxing authority through a property tax levy as well as a Fire Benefit Charge (FBC). An RFA requires a vote of the people (simple majority), and the FBC requires a 60% supermajority that is renewable every 6 years, 10 years, or can be voted in as a permanent funding source. RFAs are fairly new in Washington State as they were authorized in 2004. The first RFA is the Valley Regional Fire Authority (Auburn, Algona, and Pacific) established in 2007. Currently there are three RFAs in King County, three in Snohomish County, and about eight more throughout the state.

DISCUSSION

Consulting Needs

The group explored the options for consultants with experience in working with emergency services and particularly working with cities on fire services and exploring options such as contracting for services, annexing to a current agency or formation of Regional Fire Authorities. The group believes engaging consulting services for this process would be beneficial to the city.

Financial Consultant Bill Cushman and Facilitator Karen Reed are two consultants who do have extensive local experience in this arena and we are recommending contracting with them to assist the City. The group did explore other consultant firms such as [Berk Consulting](#) and [Emergency Services Consulting International \(ESCI\)](#), but these firms are more focused on strategic plans for emergency services.

Bill Cushman is a financial consultant with extensive experience in municipal finance. Mr. Cushman has over 50 years of budget analysis, developing financial planning models, and strategic financial planning. Mr. Cushman has worked specifically with many fire service providers on mergers and formation of Regional Fire Authorities. A Financial Analyst is needed to provide “apples-to-apples” comparison projections for the Task Force to evaluate.

Karen Reed (principal of Karen Reed Consulting, LLC) provides facilitation services for organizations looking for sustainable delivery models. Ms. Reed has extensive experience facilitating and negotiating multi-stakeholder public policy matters. Ms. Reed is very experienced in working with fire service providers associated with Fire Services contracts and RFAs, and has worked with Bill Cushman on many of the projects in our area.

Mr. Cushman and Ms. Reed have teamed up to successfully guide cities such as Lynnwood, Renton, and currently Mill Creek on exploring and implementing fire services through contracts and forming Regional Fire Authorities. They have also worked with Fire Districts and Fire Authorities on Sustainability Assessments, and Strategic Fire Service options in Snohomish, King, and Pierce County.

Timeline

The internal work group would like to bring the consulting team onboard and gather information over the next three months to provide to the Task Force. We will simultaneously implement the recruitment and appointment process to ensure an effective Task Force with a membership that is representative of the community and that meetings are ready to commence without further delay.

Fire Marshal Services

Improvements to the Fire Marshal's Office (FMO) was part of the CPSM recommendations. Due to current staffing issues within the FMO and the continued demand for fire permit services, The group is interested in exploring various options for providing these services. These options could include additional staff or redirection of existing staff, increased fees for cost recovery of services, and possible partnerships with another FMO as a more sustainable service model.

The Fire Marshal and Finance Director are working on these ideas and will be presenting options to the Community Services & Safety Committee at a future date for a recommendation to the Council.

FINANCIAL IMPACT

The financial request for the two individual consultant contracts (Facilitation Services and Financial Analysis) are each within the Mayor's budget authority. A budget amendment up to \$80,000 (\$40,000 each) will be needed to fund this request.

RECOMMENDATION

The Council is being asked to approve the proposal for consultation services, and consider this item at the June 14, 2021 Committee of the Whole meeting.

The Council is also being asked to approve the timeline for information gathering and continued work on establishing the community Fire Advisory Task Force.

ATTACHMENTS

Chartering Document
April 26, 2021 Informational Memo
Bill Cushman Biography
Karen Reed Resume



INFORMATIONAL MEMORANDUM

TO: Committee of the Whole
FROM: David Cline, City Administrator
BY: Jake Berry, Public Safety Budget Analyst
CC: Allan Ekberg, Mayor
DATE: 04/26/2021
SUBJECT: Fire Advisory Task Force Internal Working Group

ISSUE

Now that the City has received CPSM's Operations & Data Report, an internal working group has been established to distill the knowledge contained within the report, augment it with our own, and then apply it with the goal of providing a high-quality Fire Service to the Community at a sustainable cost. The purpose of this memorandum is to inform the CSS of the formation of this working group and the process it intends to use to carry-out its mission.

BACKGROUND

Mandated by Council via Ordinance 2621, the Fire Department commissioned CPSM to provide an independent review of Fire's budgetary and management practices. CPSM presented their findings to Council on March 8th and subsequent discussions were held during the March 15th CSS meeting.

DISCUSSION

At the direction of the Mayor, an internal working group consisting of Mayor Allan Ekberg, City Administrator David Cline, Finance Director Vicky Carlsen, Fire Chief Jay Wittwer, Deputy Fire Chief Norm Golden, HR Director Juan Padilla, Local 2088 President James Booth, and Public Safety Budget Analyst Jake Berry has been established. This group will work closely with City Council and Community Services and Safety Committee members as well as Tukwila Staff from other departments to gain their input and to leverage their knowledge.

With the ultimate goal of providing a high-quality Fire Service at a sustainable cost, the group will evaluate the recommendations (both specified and implied) contained within the CPSM report and determine which are reasonable priorities from a contractual, data, and time-based standpoint.

The group will research and evaluate other teams that have created value-driven processes so that we can learn from their achievements and challenges. We understand that change is desired immediately but we believe this issue is too important to rush.

Community Engagement

The working group plans to seek the assistance and input of the Community. Because the group values the advice and knowledge of the Community, we would like to formally invite Community members to actively participate in some of our discussions. These Community members will be selected via a Boards and Commissions type process. To include a diverse set of knowledge we will seek representatives from our business and residential Communities by reaching out to civic groups, multi-family groups, business developers, and other groups as the Committee directs. Applications to join our discussions will be sent to these groups and then, once received, will be presented to the Committee for vetting and acceptance. The group would also like to invite a

representative from another Fire Department within Zone 3 to provide an expert third-party perspective.

The purpose of including such a large and diverse set of experts and stakeholders is to foster a co-creative space that will allow for the collaborative development necessary to achieve our primary goal.

Financial Sustainability

The term “Financial Sustainability” has become a hot topic since the release of the CPSM report and the Group would like Committee’s input on how we define this term. What does Financial Sustainability mean to the Committee? What are the associated service-level implications?

High-Level Process

Once we have defined Financial Sustainability and Community Engagement, the group will evaluate the 37 stated recommendations (as well as some unstated recommendations found within the report) to determine which meet the following criteria:

- Reasonable: as CPSM’s Mr. Iacona stated, not all of the recommendations will make sense for Tukwila
- Not Bargaining Related: because the Local 2088 contract runs through 2022, we will focus on those recommendations that can be accomplished in the meantime
- Impactful: based on cost (or savings) and the return to the Community
- Label as either Policy or Procedure-Related: to determine involvement and timeline

From the recommendations that remain, we will identify those that are easiest to accomplish, the “low hanging fruit”. Tackling these tasks first will allow us to test and refine our process and prepare us for the larger tasks.

Attachment #1 is a table containing questions the group has received from Council as well as the group’s response to each of the questions. We will include an updated version of this table with each update to CSS and the Council.

The Mayor stated to the working group that providing a high-quality Fire Service at a sustainable cost is one of the City’s highest priorities and has drafted a team charter to guide the group and to frame its actions and responsibilities. That charter is included as Attachment #2.

FINANCIAL IMPACT

None at this time.

RECOMMENDATION

We ask that Committee approves the formation of this Task Force and the updated Charter. With Committee approval, the Group will present to C.O.W on April 26th to seek their input and approval. This will allow the group to begin recruiting Task Force members in May.

ATTACHMENTS

1. CPSM Operational & Administrative Analysis: Council Question Follow-Up & Parking Lot
2. Fire Department Financial Sustainability Project Chartering Doc

Chartering Document

A Chartering Document allows for a mutually agreed upon understanding of what a team effort and purpose is.

TEAM name: Fire Advisory Task Force

Background:

The Tukwila Fire Department and Administration share the common goal of ensuring robust community engagement regarding the necessary financial support to sustain Tukwila Fire service. Our focus is to advise City policy officials (the City Council) on options and opportunities to enable and sustain fire services to the City of Tukwila. We will rely on a data-driven focus to ensure optimum response to questions, inform members and help drive informative outcomes. It is the intent of the team to consider and present multiple options to help identify operational fire service funding models while considering best practices to ensure an effective and efficient service to the community.

Team Objective:

To advise the City Council and the public on financial recommendations and fire operational models to facilitate a common understanding of service options. With the ultimate objective to seek a sustained financial model that achieves public support through:

- Shared Value-Driven Process
- Co-Created Work Plan
- Communication
- Collaboration
- Cooperation
- Data Informed Analysis
- Defined operational models
- Engagement with public
- Financial modeling
- Support of the public
- Vote of the public

Overview

The team will meet regularly to review and provide oversight on data acquired, operational models to be considered, along with financial aspects and matching revenue needs and solutions. Appropriate community outreach shall be conducted to inform the public and seek public acceptance while incorporating community criteria into decisions.

Team Configuration

The team shall have several members comprising of those roles deemed necessary, members may consist of union representation, fire administration, city administration, City Council representatives, project manager, finance, fire personnel, business community representation, and public/community participants.

The Mayor can help to identify and appoint the business community member(s) and the Council, through the council president, can be asked to do the same for community member(s). Recommendations will be accepted by all team members.

Participation by City Council representatives is recommended based on specific roles of Council members. For example, these representatives might include Council President, Finance Committee Chair, and Community Services and Safety Chair. The Council may also choose representatives based on past experience working on fire studies.

The team seeks to include a large and diverse set of experts and stakeholders to foster a co-creative space that will allow for the collaborative development necessary to achieve our goal of providing a Community-supported and financially sustainable Fire Department model.

The expected duration of the team’s activity

The team shall continue in existence until a preferred outcome is achieved and the 2023/2024 biennium budget is approved or if a resolution is achieved sooner.

Team Organization

The team will choose a chair and/or co-chairs to help facilitate meetings, this position may rotate, based on volunteers. Each team member is an equal in the process and all due decorum and respect is expected. Team creation generally goes through a process of Forming, Storming, Norming and Performing, thus each individual member is expected to help each other through this process. Sub-teams can be formed for specific tasks; while it is the duty of the sub-team to report back to the overall team often to keep all team members informed.

Time Expectations

Team should meet no less than every-other-week, and likely more during formation and critical times.

In Scope: The expectations & deliverables of the team

Major areas to understand / deliver information on include:

- Co-Create a Timeline and Workplan
- Value identification and agreement
- Seek all necessary data to drive a data-informed decision
- Provide a definition to required funding
- Define where required funding can be achieved from
- Receive and review public comment
- Visit with community members to share work effort and outcomes
- Produce justification of selected outcome
- Advise the full City Council on progress and outcomes
- Seek council support on decision points
- Inform the community of progress and outcomes
- Promote the desired outcome with the public/community

Out of Scope: Items the team is not to consider

- Collective Bargaining Issues

Team members (fill in as members are identified)

The following team members have committed to participate on this team:

	Organization/Group	Team Member Name
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...		

Reporting Hierarchy

The team is self-actuating equals, if an issue comes up that the team cannot resolve, the mayor can make a final decision. The team seeks to build a collaborative environment that fosters creative and innovative thinking and that honors the perspectives and ideas of all members.

Team Principles

This team's members are bound by and subject to the City's code of ethics policy, TMC 2.95, Code of Ethics for Employees and Appointed Officials.

Bill Cushman - Biography

Bill Cushman began his association with municipal finance fifty years ago armed with a degree in English Literature from the University of Washington, followed by several years at various endeavors, including a year as a disk jockey at KISW, FM, 99.9 on your radio dial, the field of technical writing seemed like a natural fit.

He was first introduced to municipal finance as a novice technical writer and budget “analyst” for the City of Everett in 1971. After a two-year stint in the same role with the data processing department at PACCAR, he returned to Everett where he was named Computer Services Manager in 1976 and then Finance and Budget Director in 1978 remaining in that role for the next 25 years.

Retiring after 30 years’ service with Everett, Bill was recruited by the largest fire district in Washington, Snohomish County Fire District 1 where he oversaw financial matters for 15 more years. The highlight of the SnoCo FD1 gig was the development of strategic financial planning models that allowed the Fire Commissioners and the Fire Administrative to work in concert to develop long-range financial and organizational programs with a high level of confidence that their common goals would be met with success.

In 1993 while still with Everett, and continuing for the next 20 years, Bill was invited by organizations such as the Washington Association of Cities, Washington Finance Officers Associations, Washington Fire Chiefs’ Association, and Washington Fire Commissioners’ Association to lecture and present seminars about strategic financial planning. During this time, he handed out more than 3,600 copies of a simplified planning model to introduce the audience to some of the basic concepts involved with setting long-range goals and targets that incorporate the financial resources required to bring the envisioned plans to a satisfactory conclusion.

The final application with SnoCo FD1 was to prepare financial plans and documents that resulted in the creation of the South Snohomish County Regional Fire Authority, a consolidation of SnoCo FD1 and the City of Lynnwood, an effort that was artfully managed by Karen Reed who oversaw all the planning and logistical requirements to bring the program to a successful voter-approved completion in 2019.

Bill also provided the financial documentation that brought the City of Monroe and Fire District 3 and Fire District 7 into a merger that was followed by the additional merger with Fire District 8 and the City of Lake Stevens, creating a new agency, Snohomish Regional Fire and Rescue.

Other agencies that have benefitted from the financial models provided by Bill Cushman include North County Regional Fire Authority, City of Arlington, City of Mill Creek, City of Kenmore, City of Bothell, Woodinville Fire, Northshore Fire, City of Marysville, Marysville Fire, City of Brier, and about 35 more municipal corporations which would be tedious to enumerate.

He is currently engaged by Whatcom County Fire District 21 with goal setting and financial planning and the setting of fire tax levies. Also under contract is the City of Mill Creek in assisting them in seeking alternative service provisions with a neighboring fire authority. Lewis County Fire 6 is in the process of establishing a strategic budgeting process that incorporates most of the planning models available and which would serve as the basis for a critical analysis of Tukwila Fire over a period 2021 through 2027.



Karen Reed

Karen Reed Consulting, LLC

4951 S.W. Forney Street Seattle, WA 98116

(206) 932-5063 | cell: (206) 948-3556 | kreedconsult@comcast.net

- Public Process Facilitation
- Multi-Agency Negotiations
- Interlocal Agreements
- Strategic Planning

EXPERIENCE:

KAREN REED CONSULTING, LLC, Seattle, WA

Principal/Owner August 2003 – Present. Karen’s consulting practice focuses on facilitation and negotiation of multi-stakeholder public policy matters. Her clients include counties and cities in Western Washington, state and regional government agencies, and nonprofit organizations.

Recent projects include:

- ***Snohomish County Fire Districts 4 and City of Everett Regional Fire Authority Facilitation*** (2021-ongoing). Facilitate discussions between three agencies seeking voter approval to form a regional fire authority.
- ***City of Mill Creek Fire Service Options*** (2021-ongoing) Providing strategic advice to City on fire service delivery options.
- ***City of Mill Creek Park Properties Development Visioning*** (2021-ongoing). Facilitate efforts to develop multi-acre public property for park and recreation purposes.
- ***Arlington-North County Regional Fire Authority Annexation*** (2020-2021). Facilitate discussions between two jurisdictions to secure voter approval for annexation.
- ***North Whatcom Regional Fire Authority*** (2020) Facilitate discussions between two fire districts for potential ballot measure to create a regional fire authority.
- ***Seattle Public Utilities Customer Review Panel*** (2013-ongoing) Facilitate 9-member citizen panel advising utility in development and ongoing updates of its 6-year strategic business plan, which links capital and operating budgets to utility rates.
- ***Seattle City Light Review Panel*** (2010-ongoing) Facilitate citizen panel charged with providing advice in the development and ongoing updates of the utility’s 6-year strategic business plan linking capital investment and operations to rates.
- ***Everett Fiscal Sustainability Advisory Committee*** (2020). Facilitate citizen task force charged with assessing options to strengthen City’s financial sustainability.
- ***Graham Fire Department Public Education*** (2020). Assist fire department in developing public education plan related to benefit charge ballot measure.
- ***Medina Council Retreat*** (2016, 2018, 2020, 2021). Develop and facilitate Council retreat.
- ***Monroe Court Options Study*** (2020). Analyze court service delivery options for cities of Monroe, Lake Stevens and Sultan.
- ***Snohomish County Housing Affordability Taskforce*** (2018-2020). Facilitated taskforce charged with developing recommendations to increase regional housing affordability.
- ***South Sound 911 Governance*** (2018-2019) Facilitated regional governance discussion between Pierce County and group of cities regarding oversight of regional 911 call center.
- ***City of Bothell Municipal Court Options Study*** (2019). Analyzed local courts service options.
- ***City of Bothell Council Teambuilding*** (2018 – 2019). Teambuilding facilitation.

- ***SNO911-SERS Merger Steering Committee Facilitation*** (2018) Facilitated successful merger discussions between the two regional 911 call centers in Snohomish County.
- ***Kitsap Regional Council Retreat*** (2018) Facilitated retreat for regional council.
- ***Renton Parks Citizen Advisory Committee*** (2017-2018) Facilitated 16 member citizen group tasked with developing recommendations to City for a potential parks ballot measure.
- ***SNOCOM-SNOPAC Consolidation*** (2016-2018) Facilitated discussions leading to the January 2018 consolidation of the two 911-call centers in Snohomish County.
- ***Lynnwood-Fire District 1 Regional Fire Authority Planning Committee*** (2016-2017) Facilitated work of elected official committee and staff group to develop finance and operations plan for proposed regional fire authority; approved by voters in August 2017.
- ***King County Land Conservation Task Force*** (2016) Facilitated 25-member task force providing recommendations on county executive proposal to expand green spaces preservation.
- ***Snohomish County Dept. of Emergency Management Strategic Plan*** (2015-2016) Facilitated staff leadership project to develop department strategic plan; drafted plan.
- ***Auburn Mayors' Homelessness Task Force*** (2015-present) Facilitated community task force to develop recommendations to respond to homelessness in the city.
- ***Tacoma Property Crimes Reduction Task Force*** (2015) Facilitated blue ribbon panel tasked with recommending strategies for reducing property crime in the city.
- ***Renton Regional Fire Authority Public Education*** (2015) Assisted city with developing public communications plan that led to voter approval of the fire authority.
- ***Mercer Island Town Center Visioning and Development Code Project*** (2015-2016) Provided strategic advice, analysis and communications materials for land use code revision effort.
- ***Redmond Community Homelessness Task Force*** (2015) Facilitated community task force charged with making recommendations to address homelessness.

KING COUNTY, Seattle, WA

Special Project Manager, Office of Management and Budget, January 2003-July 2003; Director's Office, Dept. of Natural Resources and Parks, February 2002-December 2002.

- Facilitated blue ribbon task force on County general fund budget crisis.
- Developed business plan for transformation of King County parks system. Facilitated citizen task forces charged to recommend parks system funding options; led staff team negotiating transfer of dozens of county parks and recreation facilities to local agencies.

CITY OF BELLEVUE, Bellevue WA

Assistant City Manager for Intergovernmental Relations 1998-June 2001

Intergovernmental Relations Manager October 1993 through 1997

- Directed government relations for the City at regional, state and federal levels, and negotiated service contracts on behalf of Bellevue and suburban cities.

PRESTON THORGRIMSON SHIDLER GATES & ELLIS, Seattle WA

Attorney, January 1986 to July 1992.

- Practice in municipal law and finance.

EDUCATION:

STANFORD LAW SCHOOL, Stanford, CA

Juris Doctorate, 1985

POMONA COLLEGE, Claremont, CA B.A., magna cum laude, Economics and Public Policy, 1982