

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE

MINUTES OF VIRTUAL MEETING

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CONVENE: 8:00 a.m.

PRESENT: Chair Leatta Dahlhoff and Councilmembers Peter Agabi and Angela Jefferson.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Police Chief Jon Weiks, Fire Chief Brian Hurley, Water Resources & Sustainability Director Dan Smith, Police Commander Jay Mason, Communications Manager Ann Cook, Dr. Oliver Bowers, Police Management Analyst, Police Detective Jennifer Kolb, and Police Services Specialist I Ashleigh Clark.

CHANGES TO AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES: PUBLIC HEALTH & SAFETY COMMITTEE, APRIL 11, 2023:

MOTION: **Councilmember Jefferson moved, seconded by Chair Dahlhoff, to approve the minutes of April 11, 2023 as presented. A voice vote approved the motion.**

FIRE STATION T1 KITCHEN PROJECT: Fire Chief Hurley briefed members on a proposed budget amendment to utilize additional funds from the Facility Reserve Fund to upgrade and remodel the kitchen at Fire Station T1.

Fire Station T1 was fully occupied in 2000. Personnel on duty range between six and 12 employees. Six personnel occupy the station 24 hours a day.

Fire Chief Hurley displayed a photograph of the existing kitchen. The photo depicted some countertop issues and the overall wear and tear of the kitchen over the years. A range hood system was installed in 2021 to help purify the air in the station. Over the years, the kitchen sink has experienced small leaks. The current configuration of the kitchen constricts movements through the kitchen.

Staff is working with an architect to develop a new kitchen design. Fire Chief Hurley shared conceptual renderings of the new design opening up the kitchen and promoting a better flow. An island is enlarged and positioned under the new range hood. An additional area has been designed for recycling and garbage.

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In the current budget biennium, funds are included for remodeling work at Fire Station T2; however, staff deferred work at this time freeing up \$40,000. A floor project was budgeted for Station T1, which was scaled to reduce costs by replacing carpet with a solid surface. Savings from the project will be used for the kitchen remodel providing a total budget of \$90,000. The architect's estimate for the project is approximately \$125,000 requiring additional funds from the Facility Reserve Fund.

City Administrator Doan advised that the City is pursuing some work using some funds from the Facility Reserve Fund leaving a balance of \$1.2 million. The goal is to retain a balance of \$2 million. Some funds were allocated for the Crosby House and several other facility projects. He anticipates the fund rebuilding given the pace of construction projects in the City. The Fire Department also included funds in the prior biennium budget for the kitchen project. Unspent funds were returned to the general fund.

Fire Chief Hurley reported the next steps include working with the Facilities Department to identify a contractor to identify the cost of project to align with the project projections by the architect. He encouraged members to contact him to schedule a tour of the station.

Councilmember Jefferson supported the proposed project. She inquired about the City's experience with the architect and the possibility of securing a second bid. Fire Chief Hurley explained the architect provided an estimate for the project. Staff will work with a contractor to prepare a final bid. The architect has worked successfully with the City on other projects.

City Administrator Doan reported the request is approval of the design concept and support for spending some Facility Reserve Funds. Staff will present a budget amendment at the end of the year. Chair Dahlhoff acknowledged the request.

2022 POLICE DATA/USE OF FORCE BRIEFING:

Police Chief Weiks reported the briefing covers the Police Department's 2022 budget, personnel, staffing levels, use of force, data for each division within the agency, and responses to questions from the committee from last year's presentation.

Approximately 96% of the department's budget is allocated to salaries, benefits, fleet, and jail costs. Approximately 5% or \$900,000 was not spent because of salary savings, benefit savings, and the reduced amount of jail costs the department has experienced over the last several years.

Police Chief Weiks referred to the department's 2022 and 2023 organizational charts. In 2023, the department an authorized level of 33 commissioned positions, several limited commission positions, and 6 non-commissioned positions. In 2022, the department hired three employees and two individuals retired from the department. In 2022, the Department hired

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Dr. Oliver Bowers as the agency's Management Analyst, Samuel Hammon as a Police Officer, and Ashleigh Clark as a Police Services Specialist I.

In 2022, the department was never at full staffing of 33 commissioned positions with 28 commissioned positions filled.

The department's workload includes calls for service, arrests, and incidents. In 2022 calls for service totaled 18,737 for patrol only excluding detectives or School Resource Officer calls. The types of calls for service include suspicious activity as the number one call at 2,635 calls, 2,447 calls for follow-up, and traffic complaint calls of 2,333. The department has experienced a decrease in arrests as the pandemic is ending and because of recent changes in policing. Arrests last year totaled 437. Of those, 110 arrests were for assault, 96 arrests were for warrants, and 54 arrests were for theft.

Of the 18,737 calls for service, department personnel completed 2,359 incident reports with most related to theft (526), informational reports (275), and vehicle prowls (236).

Police Chief Weiks explained that an arrest warrant is issued when a person fails to appear for a court hearing. When charges are referred to the Prosecutor's Office, the office processes and files the charge to include notification to the defendant of the requirement to appear in court at a certain date and time. For serious crimes, the department can request an arrest warrant from the court for crimes of homicide, robbery, or other crimes the department has established for probable cause to arrest the suspect.

Proactive policing engages the community through self-initiated activities, such as business checks, field interviews, traffic stops, and providing backup to other officers. Those activities totaled 12,140 during 2022. Although the numbers have decreased, much of the decrease is attributed to police reform and COVID. Self-initiated activities include officers visiting parks, conducting area checks around businesses, visiting neighborhoods, or completing follow-up interviews. Officers are encouraged to visit and interact with community members at businesses or throughout the community.

The department's four components of annual training include the basic police academy, the department's Field Training Program, department training, and external training. In 2022, training focused on Active Bystandership Training for Law Enforcement (ABLE) as a result of police reform legislation. The training focuses on the duty to intervene. In 2022, the department introduced the ABLE training program and provided eight hours of training for all personnel in the department. The department continues to provide follow-up and refresher training each year to help officers understand and be prepared to intervene when needed.

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In 2022, the internal training program provided 59 hours for each employee comprised of firearm training, defensive tactics, emergency vehicle operations, patrol tactics, and other categories of legal updates, prosecutor and domestic violence updates, less lethal options, CPR/First Aid, bias-based policing, use of force, and ABLE training.

In 2022, the department's external training program provided 3,900 training hours on instructor development, recertification, career development, succession planning, basic law enforcement academy, and high-risk areas. Last year, employees attended 58 different courses.

In 2022, investigations totaled 262 cases and several additional assignments. Larger investigations included an attempted ATM theft at a local credit union. Detectives worked with ATF and the FBI to identify two individuals who tried to dismantle and remove the ATM from the credit union location causing the near destruction of the building from fire. Both suspects were charged and apprehended by the federal government. Department detectives are working with the FBI on the intentional damage to one of the area's electric substations. Other assignments the investigations unit completed in 2022 include 23 background checks for return firearms, ride along programs, 31 public record requests, 200 Thurston County Prosecutor's Office requests, 11 employment background investigations, 102 adult protective service referrals with 29 investigated, 36 child protection service referrals with 32 referrals investigated, 6 community presentations, and 14 community events.

The School Resource Officer (SRO) Program in 2022 was the first full year of the program since the COVID pandemic despite the national movement around police reform and removing SROs from schools. In the Tumwater community and the Tumwater School District, strong support continues for the SRO Program. In 2022, the support was evident by the additional contract update by the school district committing \$500,000 over the next three years to help fund the salary and benefits for one SRO. The program continues to thrive and is a state and national leader in how the department interacts with the schools and with students.

The K9 program was difficult in 2022 as the number of deployments reduced to 18. K9 James experienced health issues and suffered a significant leg injury rendering him unable to serve for several months. K9 James is also nearing the end of his retirement age. In 2022, a new K9 team was established of K9 Thor and K9 Officer Chase Grimmert because of the uncertainty of K9 Thor returning to duty. K9 Officer Grimmert completed over 400 hours training with K9 Thor and the team became operational in December 2022. Most of the decrease in K9 activity was because of constraints from the Blake court decision and police reform. At this time, K9 Thor is certified for seeking evidence and is not certified for narcotics

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detection. K9 James is the only police dog in Thurston County that is K9 certified.

In 2022, the department processed/received 1,666 items of evidence, disposed of 3,129 items of evidence, and implemented a new digital evidence management system in conjunction with the new in-car camera system reducing the number of evidence items significantly. Although evidence items have been reduced to 8,500, the department has limited space for guns especially in response to legislation focusing on emergency protection orders and confiscation of guns. The department is working on alternative plans to afford sufficient space for gun storage.

Administrative staff processed and referred 667 cases to the Thurston County Prosecutor's Office, processed 1,537 firearm transfers and conceal carry permits, and processed 1,093 public records requests. Some public records requests can be processed quickly with others requiring multiple hours or days. The department tracks requests and works closely with the City Administrator and the Mayor in terms of staffing capacity to ensure prompt response for public records requests.

In 2022, code enforcement opened 38 cases, closed 37 cases, and continued 12 pending cases. Many of the pending cases are large involving the brewery property and other large property cases. Some cases involve seniors and officers are working closely with those who require more time. Often the department relies on community resources to help them bring properties into compliance. The code enforcement program is a complaint-driven process. The focus is to ensure compliance rather than focusing on fines or penalties.

With the advent of COVID and police reform in 2021 and 2022, use of force incidents are similar in number. In 2022, 42 uses of force incidents were documented.

In 2022, the department received four system complaints. One was for conduct that was exonerated. A citizen complained on two separate occasions about unlawful Terry Stops. Both incidents were reviewed and found to be lawful. A conduct complaint was filed against an officer who failed to investigate two incidents. After review of the complaint, the department determined that one of the incidents was never reported to the department and the second incident did not occur in the City of Tumwater. The finding was determined to be unfounded.

A third complaint was a use of force compliant by an individual the department has dealt with multiple times who has violated a protection order numerous times. The individual was hiding in a closet within an apartment. The officer drew their weapon but upon verification that the individual was unarmed, the firearm was withdrawn and secured. The actions by the

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officers were exonerated. An unfounded ruling was because of the person's complaint that the officers had assaulted his children, which was deemed unfounded as the officers did not have physical contact with the children. A fourth complaint was for conduct by a complaint from a citizen who was upset that the department provided victim resources to their partner during a domestic violence incident without providing similar resources to the individual. Because the individual refused to talk with the officers at the time of the incident, the complaint was ruled as unfounded.

During 2022, the department was subject to three internal complaints/investigations involving conduct, which was sustained. The situation involved an inappropriate item viewed by a supervisor in an office. The situation was addressed by the supervisor and was transferred as an internal investigation as a policy violation. The employee received a letter of reprimand for their actions.

The second incident was safety related to an improperly stored weapon. The action was out of character for the employee. The issue was addressed through verbal counseling.

The third incident was conduct-related based on allegations by another employee deemed to be of no merit. A letter of reprimand was issued for the incident.

In 2023, legislation resulted in 30 bills relevant to law enforcement. The bills were reviewed by the department. Currently, the department is updating all policies to reflect the changes. Draft policies were forwarded to the Police Guild for review for finalization by the deadline of July 23, 2023.

ESB 5352 is a vehicle pursuit bill. The legislation improves the ability for law enforcement to conduct a vehicle pursuit. The legislation was effective on May 3, 2023. Prior law prohibited vehicle pursuits unless probable cause was first established, as well as pre-approval of the pursuit by a supervisor. The standard was lowered to 'reasonable suspicion' and notification to a supervisor with supervisor oversight. Police Chief Weiks said he does not envision the new pursuit law providing much difference to community members as the law limits the ability for officers to pursue people suspected of crimes affecting the community. The department has discussed the issue with legislators. The community will continue to experience incidents with suspects fleeing a scene of a crime by vehicle. Although recent legislation is a work in progress, legislation is not at the level that is required for effective policing.

The Blake bill is 48 pages with many appendages touching different aspects of policing. The bill addresses a conviction that resulted in Blake legislation whereas the person has to possess the substance knowingly to be a

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chargeable crime. The legislation changed possession to reflect a crime as a gross misdemeanor. However, efforts continue by law enforcement and prosecution because the issue has created a public health crisis. Emphasis had been placed on the importance of treatment; however, treatment is not readily available for most offenders. Multiple sentencing structures exist dependent upon the type of drug. The department's response to persons in possession of narcotics consists of three approaches. The first is taking no enforcement action. The second is referring action to the Thurston County Prosecutor's Office for charging consideration or accessing community-based resources, such as the Thurston County LEAD Program. The third is physical arrest of the person.

Police Chief Weiks provided examples of how each option is employed.

Police Chief Weiks introduced Dr. Bowers to address previous committee requests on calls for service involving suicide, fentanyl overdoses, and mental health, and trend analysis information involving narcotics, homicides, and sex offenses and abuse.

Dr. Bowers reported data exists but requires a process of developing an accurate report of the committee's request to extract data that is relevant to the requests. One example is calls for service data involving suicides, which is reflected as a single data point that does not provide an accurate depiction of the state of suicides within Tumwater in terms of attempts, completed suicides, or calls related to attempts. Calls for suicides have been consistent for the past three years reflecting 169 calls, 163 calls, and 168 calls for service over the last three years. Although calls for service are consistent it does not reflect an accurate picture of the actual circumstance of each incident. He invited Councilmembers to meet with him to review data points in depth. The same situation applies to fentanyl overdoses because although there was an increase in overdoses, a single data point lacks the number of overdoses prevented by the use of Naloxone, deaths, or survivability.

Police Chief Weiks invited engagement by the committee to enable the department to provide the information. He encouraged members to meet with Dr. Bowers to review specific information.

Councilmember Jefferson commented that despite the overall increase in fentanyl and drug use, her interest is tracking those statistics in Tumwater compared to other cities and whether the City is experiencing an increase in the number of incidents. Dr. Bowers said the rates have increased in the City of Tumwater; however the numbers are based on population density and are not as high as other jurisdictions, such as Pierce County that has experienced a three-fold increase.

Councilmember Agabi said his questions pertain to police pursuit and police conduct and he plans to follow up with Police Chief Weiks.

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Chair Dahlhoff said her interest in terms of trends is linking incidents in the community to existing services, as well as the demographics of overdoses to link to existing services that support specific age groups.

Police commander Mason said some of the information is not police-specific data but is more community health-specific. That data has been very difficult to identify. In terms of fentanyl overdoses, the City experienced at least 10 fentanyl overdose deaths in 2022. Fine-tuning the number is challenging because of different avenues providing sources of data.

Chair Dahlhoff commented on securing possible data from Thurston County from Public Health and the Coroner's Office. Each jurisdiction has its unique character and culture and it is important to identify those features in Tumwater as it informs the Council when establishing the budget, when allocating funds, or when budgeting for the Police Department. She suggested staff could inform the committee as to current trends to help members ask targeted questions, such as the specification of information that the committee should address to be proactive rather than reactive.

Councilmember Jefferson added that the ages of those who have died from fentanyl would be helpful in terms of whether more victims are younger.

The committee agreed to follow-up with their respective questions with Dr. Bowers.

Police Commander Mason provided a review on the use of force statistics.

The department has utilized the Police Strategies 'Police Force Analysis System' since 2016. Police Strategies has processed data for the department since 2014. The department documented over 30,000 contacts in the field last year. Of those, the department captured 42 specific use of force incidents. Of those 42 incidents, Police Strategies processed 15. The discrepancy is the department's policy to capture use of force at a lower level than Police Strategies. Police Strategies captures use of force for physical contact or actual deployment of a tool, while the department captures use of force when a firearm is presented or a less lethal tool is presented but not used. Police Strategies is an independent organization. The department provides data on an annual basis affording the ability to evaluate data and identify trends. Each incident of use of force is documented and routed through the chain of command and is reviewed by the Police Commander. Any use of force of level incident 2 (low ready tool or guiding body weight technique) or below is reviewed by the Police Commander. All other use of force incidents above level 2 are reviewed by both the Police Commander and the Use of Force Board of four boardmembers.

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Police Chief Weiks noted that the use of the program is the same program the Attorney General's Office has been tasked to use across the state.

Police Commander Mason explained how the analysis counts use of force incidents. The analysis considers the following factors:

1. **Incident** – Each subject that has force used against them by one or more officers is counted as one incident.
2. **Officer** – Each individual officer who uses force at least once during the time period is counted as one officer.
3. **Use of Force** – When an individual officer uses force against one subject, it is counted as one use of force.
4. **Force Tactic** – The number of specific force tactics that an individual officer uses against one subject.

An example is two officers using force three times against two subjects. The two officers used a total of seven force tactics.

In 2022, the department documented 15 specific incidents of use of force. Police Commander Mason explained that the department trains for multiple officer arrests because it is safer for both individuals and officers. 2022 data reflects a decrease in the number of use of force incidents. Because of the difference in reporting between law enforcement agencies, the department reviews Tumwater and regional data but lacks a good subset of statewide data to compare with Tumwater data.

Police Commander Mason reviewed specific information on the 15 incidents to include the type of tactics utilized, threat level of subjects, and type of crime, gender, race, age, and residence. Of the 15 uses of force last year, three involved citizens identifying Tumwater as their area of residence and 12 individuals lived outside the area or identified themselves as not having a home.

Police Chief Weiks emphasized that the 15 uses of force occurred during a minimum of 30,000 contacts reflecting a .02% use of force rate. Use of force is not as common and as frequent as reflected in the media.

Chair Dahlhoff shared that following last year's presentation she met with Commander Mason and Dr. Bowers to review the committee's questions. The information was informative and helped guide her moving forward. She recommended each member schedule time to review the information to become better informed about what is occurring within the community.

Police Chief Weiks invited and encouraged members to meet with staff to answer any questions.

ADJOURNMENT: With there being no further business, Chair Dahlhoff adjourned the meeting at 9:11 a.m.

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