



**PUBLIC HEALTH & SAFETY COMMITTEE
MEETING AGENDA**

Online via Zoom

**Tuesday, January 11, 2022
8:00 AM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes - September 21, 2021 & November 9, 2021
- [4.](#) Selection of Committee Chair (John Doan)
- [5.](#) Code Enforcement Program Update (Jon Weiks)
6. Additional Items
7. Adjourn

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**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 Michael Althausen and Angela Jefferson.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Police Chief Jon Weiks, Police Commander Jay Mason, Fire Chief Brian Hurley, Fire Captain Shawn Crimmins, and Police Administration Supervisor Laura Wohl.

Others: Mayor Pete Kmet.

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

**APPROVAL OF
MINUTES: JUNE 8,
2021 AND AUGUST
10, 2021:**

VOTE: A voice vote by the committee unanimously approved the minutes of June 8, 2021 and August 10, 2021 as published.

POLICE REFORM LEGISLATION: Police Chief Weiks reported the ongoing briefing is on recent police reform legislation. The previous briefing covered Senate Bill 5476 on mental health, House Bill 1054 on tactics and equipment, and House Bill 1031 on use of force. The briefing will provide information on the duty to intervene (Senate Bill 5066), state oversight and accountability legislation (Senate Bill 5051), and address questions on the possible impacts to the Tumwater Fire Department.

Police Chief Weiks invited questions.

Councilmember Althausen asked for any information with respect to any recent changes to policies and/or implementation actions since the last meeting.

Chair Dahlhoff said she considered the role of the committee for supporting law enforcement with the changes moving forward, as well as communicating to the community the amount of work completed by the Police Department in response to the legislation. She asked whether the department is tracking the timelines and related efforts and if the department has considered ways to communicate information to the community. Police Chief Weiks said he plans to address those questions during the briefing.

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Police Chief Weiks reported Senate Bill 5066 covers the duty to intervene. The legislation has three components of: (1) duty to intervene if another officer uses excessive force, (2) duty to provide first aid to anyone injured as a result of use of force, and (3) duty to report excessive force to a supervisor. It is important to note that the three components are not new, as the Tumwater Police Department has always had a duty to intervene and a duty to report policies since 2011. Most agencies across the state have similar policies. The duty to provide first aid has been required since 1988. However, what has changed with the legislation is important because the duty to intervene is based on department policies of the witnessing officer, which represents a change.

During a response to a mutual aid incident, the department must consider its rules of engagement and whether the responding departments have different use of force policies. As with any written policy, the implications of implementing practices are much more difficult. In conjunction with recent legislation, some undefined exemptions to the rule were inadvertently created. The duty to intervene is defined except for *de minimis or technical in nature* situations. The legislation does not provide a definition, which has created issues for law enforcement in attempting to define those two situations and how they would be applied. Fueling the issue further is the push to decertify officers when the duty to intervene has been employed.

One example of a change in policy is sending more than one officer to a call because of the possibility for use of force. If an officer or officers must use force, both officers should be on scene, as both would have knowledge of the situation and whether it would be necessary to apply force. Prior practices typically involved an officer responding to a scene and if assistance was needed, a second officer responded. However, the second officer would not have the benefit of fully understanding the situation, which now creates problems under the new legislation. Most use of force incidents are instantaneous and are not preplanned. When incidents require use of force, a second arriving officer assisting another officer is not aware of the entire situation and might employ use of force, which the initial officer might believe is unnecessary or vice versa. As a result of those types of situations, the police department has instigated a deliberate response to most calls resulting in fewer officers available to handle other calls.

Police Chief Weiks responded to Councilmember Althaus's comments regarding the new standards on the duty to intervene and the connection to decertification. The new standards do not change how the department prioritizes calls; however, it is a factor that is considered. Call prioritization is based on the type of call. Today, for those calls

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that might involve the need for police action, the response by both officers is coordinated to ensure they arrive on scene simultaneously.

Councilmember Althausen asked whether the new standards drive the linkage between the standards and duty to intervene and the connection between decertification. Police Chief Weiks affirmed that interpretation. Councilmember Althausen added that the concern is that if the duty to intervene is not followed under the new standards it could serve as a prerequisite for decertification. Essentially, the new standards requires another “set of eyes” analyzing the problem in order to make a joint decision on whether force is necessary.

Police Commander Mason cited an example to provide some clarity. The goal is to have multiple officers for mutual assistance and to ensure all officers have the same knowledge base surrounding the incident. One of the challenges is responding to an incident involving the subject and another officer who initially responded. Upon approach to the scene, the second officer witnesses the first officer delivering a punch to the subject creating a situation whereas the second officer does not have the information necessary to ascertain whether the punch was necessary. That situation creates another cognitive element officers must consider. It is important to provide all the tools necessary for officers to be successful. One tool is slowing the process and having officers respond simultaneously to ensure they both have the same degree of knowledge when responding to an incident. Under the new scenario, resource management for the department is much different.

Councilmember Althausen remarked that the approach appears to be positive unless the outfall of the new approach includes more staff time, more overtime, or less response to other calls for service. Police Commander Mason said the department has strived for leanness and efficiency throughout the delivery of service. With the recent changes, that model has been challenged. The issue is whether the department’s budget should be increased to ensure sufficient number of officers for response.

Councilmember Jefferson said it appears police response is now a team approach rather than individually. She asked whether the City is at risk of lawsuits if something should happen where only one officer is on scene and has not reacted because of the lack of a second or third officer. Police Chief Weiks advised that the scenario is always a possibility; however, officers would engage when necessary as officers have a duty to protect. He noted that the recent action to add a sixth sergeant is in response for the need for supervision because supervisors are now monitoring calls much closer and providing initial direction.

Chair Dahlhoff asked about those situations where other agencies have

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not implemented policies in response to the new standards and Tumwater police officers respond to a mutual aid incident. Police Chief Weiks explained that local police departments are in constant contact. An example of response under the new standards involved the Tumwater Police Department recently providing assistance during an Olympia downtown demonstration by covering the westside of Olympia with Olympia Police Department responding to the downtown demonstration. Mixing of departments is not occurring to the extent possible. However, if assaults were occurring, both departments would respond. The goal in response is to reduce the risk for all officers and departments while ensuring citizens and property are protected.

City Attorney Kirkpatrick added that the region's police advisers, city attorneys, and the Thurston County Prosecutor's Office are working closely to circulate all policies between the agencies. The policies are not identical but are operationally equivalent. The group continues to meet weekly on the changes and as new information becomes available, the policies are adjusted. All agencies in the region are working together to ensure all policies are in coordination operationally. Additionally, all jurisdictions are at risk of exposure because of police response. However, actual liability for the City occurs when police response is not in compliance with statutes.

Police Chief Weiks reviewed changes to duty to provide first aid. One of the concerns by officers is the inclusion of the provision stipulating "at the earliest safe opportunity." The statute includes no definition to define "at the earliest safe opportunity," as it could have many different meanings to different people. The inclusion of ambiguous terms create issues for the department. In response, the department provided officers with mass casualty bags and continues to work closely with the Fire Department to provide care.

Other changes pertain to reporting. The new law requires the department to provide notice to the Criminal Justice Training Center (CJTC) of any disciplinary decisions resulting from an officer's failure to intervene or failure to report. By December 1, 2021, the CJTC in partnership with the Washington Sheriffs and Police Chiefs Association and other organizations representing officers are required to develop a model policy for distribution throughout the state to law enforcement agencies. Following the release of the model policy, the department with assistance from the region's group will determine if any changes are required to existing policies. By January 31, 2022, all law enforcement agencies must have an adopted policy. For the Tumwater Police Department, compliance with the law will require only an update. By December 31, 2023, all law enforcement officers completing the basic law enforcement academy must receive training on the duty to intervene.

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When provisions on the duty to intervene were adopted in state law, much attention was generated and command staff at Tumwater Police Department began an in-depth review of the ongoing discussions. One subject of importance was the discussion surrounding culture and training. As previously shared with the committee about the extent of training provided by the department, command staff determined that the training in response to the new provisions in state law has been lacking on intervention by officers. The department trains to intervene in most types of scenarios but never in the context of intervention between officers. Consequently, Commander Mason researched available training for officer-to-officer intervention. In late 2020, the department presented information to the Council on Georgetown University's Active Bystandership for Law Enforcement (ABLE) project that prepares officers to successfully intervene to prevent harm and to create a new law enforcement culture that supports peer intervention. That training is now offered at the basic law enforcement academy. The Council approved a budget amendment to include the training for the department. ABLE training is scheduled for later in the year and into next year. The department will offer refresher courses every year.

Councilmember Althaus asked about incidences similar to a recent incident in the City of Kent whereby the policy prevented police response to calls involving self-harm or attempted suicide if the individual is alone in a house and not presenting a threat to anyone else. An individual in Kent acted on the threat and committed suicide. He asked about the department's policy in terms of response to those types of incidents. Police Chief Weiks explained that those situations are very difficult and most agencies experiencing issues within the community have typically released blanket statements on the type of incidents that would or would not generate a police response. The Tumwater Police Department has communicated to the community the importance of calling the police department regardless of the type of incident. What has changed within the department is how the department monitors those calls and determines the appropriate level of response. Supervisors triage all calls. Any call not generating a police response includes an automatic follow-up with the caller advising them of the reason for no response. During the call, the department offers other resources to address the issue. It is difficult to answer the question directly because of numerous factors existing with each call. Each situation can change with a moment's notice. Supervisors monitor and make decisions and attempt to provide a resource if no police response occurs. This is one aspect of the new law that is concerning to officers as officers want to serve and help people; however, because of restrictions on use of force situations involving suicidal individuals, it is now difficult for police officers to respond as many situations require use force to restrain the individual for their own safety. Those are

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factors the department must now consider where previously, those factors were not considered, and the department initiated an automatic response.

Police Chief Weiks emphasized the department has a good culture and the changes represent ways of pursuing better outcomes.

Police Chief Weiks cited SB 5051 on state oversight and accountability legislation. The legislation affects the department more than the other legislation affecting both officers and other City departments. The in-depth legislation has many elements.

The legislation changes the makeup of the CJTC currently comprised of 11 members representing interests identified by state law. Recent legislation expands the Commission membership to 21 members by adding members external to law enforcement. The Governor is required to appoint members, which is creating problems for CJTC to complete some tasks, as the change has become effective requiring the attendance of at least 10 members to attain a meeting quorum because of the membership change enacted by the legislation. Last month, the Commission scheduled a meeting but was unable to attain a meeting quorum. Eventually, the Governor will appoint members to include some community members.

The legislation also addresses police officer certification and includes requirements for pre-hiring screenings, provides overview on personnel files and access, and speaks to restricting nondisclosure agreements. This section of the legislation has not affected the department because the department's current background process is extremely thorough and difficult with the goal to hire the best applicant. One new change requires the department to contact every single court a lateral police officer applicant may have engaged with during previous employment with another agency. The contact is to ascertain possible Brady violations, such as any past actions that would have affected the applicant's character as a witness. The background effort must be documented. Previously, the department's practice has always included solicitation of an applicant's prior police department records. The nondisclosure agreement provision prohibits the use of nondisclosure agreements, which may affect decertification and the termination of an employee. In many departments, the practice has been allowing an employee to resign in lieu of termination with a nondisclosure agreement prohibiting the release of any information by either party. The new law expressly prohibits the use of any form of nondisclosure agreement. All information is subject to reporting under the new law.

Officer decertification previously occurred at the request of the department or by the CJTC. The legislation is aimed at not relying on

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departments to address accountability. Instead, the state will provide the oversight by establishing circumstances where officers must be decertified, when decertification can be denied, when decertification can be revoked or suspended, and specific actions required by CJTC. The legislation also addresses probation and remedial training and includes requirements for CJTC. Should the CJTC decertify an officer, the department, as an employment agency cannot terminate the officer based solely on the decertification. However, the likelihood that an officer would be decertified without violating a department policy is unlikely, but it could happen. The new law is very clear that the department would be unable to terminate the employee who has been decertified.

The new legislation includes information on how an officer can be recertified and whether it is possible to receive recertification. A mandatory denial or revocation prevents an officer from ever serving as a police officer in the state. In those instances, CJTC cannot overturn the decertification.

The new legislation requires mandatory notification to CJTC within 15 days of any employment separation action to include reasons for resignation or retirement and the findings of any internal or external investigation. Mandatory reporting to the CJTC is required within 15 days of learning of any occurrence of any death or serious injury caused by the use of force. The requirement could result in multiple investigations resulting in multiple outcomes creating different findings.

Mandatory reporting to CJTC is required within 15 days of learning of an officer being charged with a crime. Departments must have policies that require officers to report any criminal charges, convictions, pleas, or depositions to the agency. The department's current policy has been in place prior to the legislation and does not impact the department other than reporting within 15 days.

Police Chief Weiks added that the CJTC received no additional funding or staffing resources to respond to the new legislation. The CJTC's ability to handle the volume of work is not possible at this time. Based on communications with the CJTC, the department will require the department to continue current practices with exception of submitting required reporting. It is likely additional funding will be required for the CJTC to assume the additional responsibilities.

Mayor Kmet referred to the department's database that tracks the use of force incidents. He asked whether the department plans to maintain the database regardless of new state requirements. Police Chief Weiks affirmed the department's intent to continue maintaining the database as it provides important information.

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Chair Dahlhoff noted that the department's use of force numbers were higher because of the City's higher threshold. She asked whether the legislation would have any impact on reporting. Police Chief advised that officers do not employ more force, but often use force quicker and at much lower levels. Historically, the department resolves issues quicker with less force. The legislation will change the department's outcomes significantly because the ability of using force has been removed. The department is already experiencing drastic reductions in the use of force but injuries may be increasing to individuals because law enforcement is not responding, especially when it involves civil issues or mental health situations.

Councilmember Althaus added that the department also defines force differently than other jurisdictions. For example, an officer placing their hands on their holster is defined as a low level use of force whereas other jurisdictions might not report those types of incidents. The department defines use of force at a much lower level so that the data triggers the tracking of those incidents. He asked whether the state is delegating the definition of use of force to local departments. Police Chief Weiks explained that the lower level of use of force defined by the department is used not only to track data but it provides the department with a higher level of review. Based on recent changes in state law, the department is constantly reviewing all changes, which may result in different ways of reporting. As the state continues to provide definitions, the department will continue to adjust with periodic updates to the committee.

Councilmember Althaus asked whether the CJTC has been tasked to define standards for use of force or whether legislation will need to codify the proposed standards. Police Chief Weiks said at this time, many discussions are underway on use of force standards and it likely would require action by the Legislature with the CJTC, Attorney General's Office, or other law enforcement associations to engage in collaborative efforts to develop use of force standards.

Police Chief Weiks reported other changes pertain to records retention requirements for officer personnel files. The legislation requires the CJTC to retain permanent records and it provides CJTC with the ability to fine departments in cities up to \$10,000 for the failure to report timely. Citizen complaints on departments can bypass the department and go directly to the CJTC to investigate complaints. The legislation also speaks to hearings, proceedings, decertifications, social networking, and provides the CJTC with the sole authority to provide basic law enforcement training in the state. A lawsuit has been filed against the legislation.

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Police Chief referred to no blanket policies in the department as the department relies on the community to call when needed. The department will monitor all calls and recontact callers if no police response is forthcoming. The department does not plan to release a blanket statement on police response. It is important to continue communicating with the community. With the addition of a management analyst, the department will be able to provide the community with more information.

Police Chief referred to the updated policies provided earlier to the committee. He encouraged members to contact him with any questions.

Fire Chief Hurley briefed members on some Fire Department basic policy and directives and recent data collected. The Fire Department is developing a responder safety directive comprised of two elements involving medical response from the Thurston County Medical Program Director for guidelines on patient treatment and care and the department's directives for staff operations. The fire department and the police department have a good working relationship with the fire department working with the police department through the issues caused by the new legislation. Calls that have historically included law enforcement response are no longer an automatic today. Many of those calls involve suicide threats, drug overdose, or behavioral emergency events. The fire department developed some practices and policies for fire department response with a goal for fire responders to undertake an assessment as to whether the situation is safe for response. The department can obtain information in a number of ways through 911 dispatch on information shared by the caller or any previous incidents that might have occurred at the same address. Some addresses could be marked because of safety concerns. The department plans to reach out to TCOMM to ascertain any concerns associated with a particular address. The department may also contact the reporting party to obtain more information.

As outlined by the Police Chief, the importance of having sergeants and supervisors is a practice the fire department is adopting by having fire department supervisors contact police supervisors to discuss situations that may or may not require a response. The assessment will help the department make determinations about whether it is safe to respond to a scene. In terms of suicide calls, the fire department may or may not be able to respond depending on the circumstances. In some circumstances the department may not respond but will attempt to provide some form of assistance. The department is working with TCOMM to identify potential unsafe incidents. In cases of no response, TCOMM will close the call based on safety reasons.

Fire Captain Crimmins said the legislation was effective in July and the

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police department has met with the fire department to outline the police department's limitations. Since the first of August, safety is a factor that will affect response countywide. The Tumwater Fire Department has not experienced any no response calls. In Thurston County, it has occurred eight times when no response was provided for various reasons. For responses that normally involve law enforcement, the department has received seven calls that would have involved the fire department.

Fire Chief Hurley pointed out that the fire department is in the process of evaluating ongoing assessments as calls are reviewed, which is both stressful and uncomfortable for staff when law enforcement historically responded as well. Any incidents where personnel feel threatened, the police will respond.

The committee agreed to pursue follow-up questions with the police department off-line rather than including updates on policing as an ongoing agenda item each month.

Councilmember Althaus spoke to potential gaps in response to incidents involving mental health issues and that perhaps an additional set of programs or services might be necessary to address a population that has needs that might be unmet.

Mayor Kmet reported the feedback from Medic One is that the programs lack the resources for expanding the scope of existing services and would require additional funding. The City has one-time funding for response to policing reform laws of approximately \$100,000. One item of discussion with the Council is whether the City should consider contracting for behavioral services support.

Police Chief Weiks said the issue is being discussed at the state level as police reform eliminates tools from police departments to respond to those situations without providing tools for mental health resources to fill the gaps.

Mayor Kmet shared that he, Police Chief Weiks, and other local mayors are meeting with several legislators to discuss some of the concerns generated by new police laws and potential solutions.

ADJOURNMENT: With there being no further business, Chair Dahlhoff adjourned the meeting at 9:07 a.m.

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CONVENE: 8:00 a.m.

PRESENT: Chair Leatta Dahlhoff and Councilmembers Michael Althausen and Angela Jefferson.

Staff: Fire Chief Brian Hurley, Police Chief Jon Weeks, Police Commander Jay Mason, Communications Manager Ann Cook, and Police Administration Supervisor Laura Wohl.

Others: Mayor Pete Kmet.

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

APPROVAL OF MINUTES: OCTOBER 12, 2021:

MOTION: **Councilmember Jefferson moved, seconded by Councilmember Althausen, to approve the minutes of October 12, 2021 as presented. Motion carried unanimously.**

THURSTON COUNTY LEAD: Police Commander Mason reported the LEAD program originated within the Seattle Police Department approximately 10 years ago. The Law Enforcement Assistant Diversion (LEAD) program has been successful in many law enforcement agencies because of its ability to adapt to the needs of each community and law enforcement agency. Recent police reform changes, as well as the inability to book individuals into jail because of COVID have changed the environment substantially for the Police Department. LEAD is a program that can assist the Department as it maneuvers through a variety of changes.

Police Commander Mason introduced Joe Avalos and Jason Bean-Mortinson with Thurston Mason Behavioral Health Administrative Service Organization (TMBH-ASO). Both individuals have worked with the Tumwater Police Department to assist with adapting the program for the Department to ensure the program is successful for both the Tumwater community and for Tumwater police officers.

Mr. Avalos said he serves as the Chief Operating Officer of the TMBH-ASO and as the Director of the Olympic Health and Recovery Services (OHRS), which is contracted by Thurston County to deliver the LEAD program in Thurston and Mason Counties.

Mr. Bean-Mortinson said he serves as the Program Manager for the Thurston County LEAD program.

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The LEAD program has been successfully adapted by many communities throughout the nation and internationally. Mason County has implemented LEAD efforts over the last 18 months. The program has been successful to date. Efforts recently began to implement the LEAD program in Thurston County in July. Thurston County completed some pre-work with involvement by many stakeholders and workgroups. The initial scope of the program focuses on the City of Tumwater, City of Lacey, and the unincorporated areas of Thurston County. Since July, the program has received 40 referrals with many of the referrals from the Tumwater Police Department.

With input from Police Commander Mason and the Department, the team is exploring the possibility of expanding the program to other local jurisdictions to include the City of Yelm. The program focuses on harm reduction and long-term case management for individuals experiencing frequent contact with law enforcement or other first responders. Results to date have been promising with active engagement by participants with many able to establish stable housing, seek employment, and enter volunteer treatment services.

The program has some flexible funding sources and can assist individuals in obtaining IDs, obtain clothing to support employment interviews, provide rental assistance, and other services that support basic needs of individuals. Most clients are dealing with substance use, extreme poverty, no homes, and mental health issues. Because of the funding flexibility, the program is able to make amazing strides for many individuals.

Mr. Avalos added that many of the individuals participating in the program are ready to make a change in their lives. Peers and case managers are incrementally helping clients make decisions to improve their lives by participating in treatment or secure housing. Historically, that has not occurred over the last decade in Thurston County.

Mr. Bean-Mortinson said he has been providing treatment services and related support services in the community for the last 20 years. During those 20 years, he has often been frustrated because some individuals are unable to participate in a traditional treatment model, which limits their options. Many people are struggling and need additional support and some midway options to reach the point where they can commit and make changes.

To date, feedback from the participants has been positive. The goal of the program is adaptability with each jurisdiction. Several police officers have been actively participating and submitting many

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referrals. When people are homeless, it is often difficult to locate them to engage them in services. Services offered through the program are community-based with case managers visiting individuals at their location, which is often difficult when they might be living in the woods, near a restaurant, or near retail establishments.

The team composition includes a substance abuse paraprofessional capable of providing an assessment as the outreach coordinator, a certified peer case manager who work with the individuals on a long-term ongoing basis. The ideal situation is to have some degree of contact and engagement within 30 days of the original outreach. That can often require multiple outreaches to develop trust. Many individuals referred to the program are distrustful of the system and traditional options, which has required numerous contacts. Most of the individuals accept some help and engage in some services. Once an individual enters the program, stability typically occurs from 90 days to six months. However, the program is open-ended allowing people to remain engaged as long as they need support.

Mr. Avalos noted that because LEAD is delivered by OHRS, a connection is offered to other services provided by OHRS, such as the 24/7 crisis line, 24/7 mobile crisis team, designated crisis responders, and other housing-based programs to ensure individuals receive appropriate services.

Mr. Bean-Mortinson reported the program is also well established with traditional treatment providers. The teams work with local providers and have good relationships to help facilitate placement of individuals as needed.

Councilmember Jefferson asked about the biggest challenge facing program teams and ways community leaders could support the program. Mr. Bean-Mortinson explained that the largest challenge is connecting to individuals because it continues to be a major frustration for case managers. Many of the individuals are homeless or live in different jurisdictions. The crisis response unit in Olympia has assisted in identifying individuals who receive services in downtown Olympia. Another major challenge is the current housing market and the lack of affordable housing or other supportive housing options. Today, the availability of housing is insufficient to meet the need.

Councilmember Jefferson inquired as to the potential success of the program if housing was available. Mr. Bean-Mortinson advised that because the program is fairly new, many individuals are transitioning from homelessness. In other programs, the lack of housing after

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completing inpatient treatment is a major predictor for an individual's long-term success. Northwest Resources estimates approximately 20% of its clients have been successful in securing housing following discharge from inpatient treatment. A housing program offered to all clients increased the success rate to 80%. The lack of a safe place at night is a huge determining factor. More recently, some individuals are not following the traditional pathway of developing addiction issues that eventually progresses to homelessness. Rather, many individuals are experiencing economic challenges that have lead to homelessness and then they begin using drugs as a way of coping with homelessness. The program continues to experience challenges when transitioning a person to permanent housing. It is much easier to provide transition support and locate temporary placements; however, the long-term permanent and affordable option is extremely difficult to find.

Mr. Avalos added that during the legislative session, legislators allocated funding for rental assistance through the ASO's specifically for those individuals exiting inpatient facilities or needing long-term rental assistance. The funding source is available but inventory is lacking for placement of individuals. The community, as a whole, is competing for the same limited housing inventory.

Councilmember Althaus commented on the positive recidivism data at the beginning phase of the program. He asked how the program envisions the next five years in terms of both data results and in outreach/connections. Mr. Avalos advised that the team would be expanded in response to the Blake Decision, which changed possession laws and included funding to enhance programs, such as LEAD. The intent is to double the team by the first quarter of 2022. The five-year plan speaks to the importance of easy access to the LEAD team along with necessary support services within a reasonable timeframe, e.g., housing, treatment, supportive employment, etc., as the ultimate goal is sustained success with individuals achieving a happy and productive life without becoming homeless or addicted to drugs.

Mr. Bean-Mortinson stressed the importance of providing open and easy access to all community referrals within the expanded capacity. Currently, the program is limited in scope and accepting referrals on an as-approved basis. It would be important to open the program to the community.

Police Commander Mason noted that most models within the LEAD program are typically in a reactive mode by responding and reacting to individuals experiencing a crisis. The turning point is through

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future proactive outreach, which is currently beyond the scope. Referrals today from agencies represent only 10% of the need because of the importance of working through the new process slowly to ensure the program is effective. Additionally, identifying a proactive response is important for both the program and for law enforcement agencies to enable proactive engagement rather than in a reactive mode.

Chair Dahlhoff reported she is able to participate in the LEAD meetings as a representative of the City on the Thurston County Opioid Response Task Force. As part of the five-year goals, she recommended a review of referrals, eligibility, and partnerships with service providers, tribes, schools, and other nonprofits. She is also interested in learning more about Harm Reduction Model training to afford an opportunity for Tumwater staff, elected officials, and the community to learn more about the program. An educational component could help minimize stigma experienced by many individuals.

Mr. Avalos and Mr. Bean-Mortinson encouraged members to contact them with any questions and to provide feedback.

**POLICING IN
TUMWATER
SUMMARY OF
RECOMMENDATIONS
UPDATE:**

Police Chief Weiks reported the *Tumwater Police Department –A Report to the Community* was presented to the committee in January 2021. The report included a list of 16 recommendations. He provided an update on the status of each recommendation.

Section 1: Police Department Philosophy & Mission

Recommendation: Post the Police Department's Mission Statement and Philosophy on its website so that the public is more aware of the Department's guiding principles. *Status: The recommendation is on hold pending completion of the redesign of the City website.*

Section 4: Police Officer Hiring Process

Recommendation: The Tumwater Police Department should continue to look for opportunities to incorporate the recommendations similar to the Tumwater Fire Department IDEA (Inclusion, Diversity, Equity, Accessibility) Team into its hiring process to expand opportunities for diverse candidates. *Status: DEI is continuously evaluated by Public Safety Testing, the company conducting the Department's tests. Public Safety Testing incorporates those values within the testing process.*

Section 5: Police Officer Hiring Process

Recommendation: The City should commit to the standards of the ABLE Project including the requirements for training at a cost of \$16,000.

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Extend ABLE training to all Department personnel to establish cultural changes throughout the Department.

Status: Training costs were approved as a budget enhancement in mid-2021. The Department is on schedule to complete the training during the first quarter of 2022. Most of the Department's training is scheduled a year in advance. To accommodate the training, the Department adjusted the schedule to include ABLE training, as well as I-940 and Law Enforcement Training and Community Safety Act (LETCSA) training.

Section 6: Washington State Initiative 940 (LETCSA)

Recommendation: With the new requirements under LETCSA, and the need for intervention training, additional budget should be provided to enable officers to complete all required training in a timely manner at a cost of \$91,200. *Status: This funding was approved as a budget enhancement and training is underway. The Department's instructors completed the train the trainer program and reported the Tumwater Police Department had implemented most of the core principles of the I-940 training prior to I-940. The Department believes the training can be included as part of the regular training regiment moving forward.*

Section 7: Police Department Data Collection & Statistics

Recommendations: Annual presentation of police data to the City Council Public Health & Safety Committee. *Status: The committee will receive a presentation on police data in March 2022 and each March thereafter.*

Approval of a Police Management Analyst position as soon as revenues permit. *Status: The position was approved and the Department is currently in the recruitment process with the job opening posted. The position should be filled by the first part of March 2022.*

Section 8: Community Engagement Recommendations:

Recommendations: Tumwater Police Officers should continue to look for opportunities to interact positively with residents and businesses in our community to build trust and relationships. *Status: The recommendation is a component of the Department's core values and is part of the Department's expectations of officers each day. The Department believes strongly in community relationships and staff have been doing a good job of connecting with the community.*

The Department should increase its social media presence to improve communication with the community. Filling the frozen front office

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position would enhance this ability. *Status: The recommendation is a three-phased approach comprised of completing the City's website redesign, hiring of the Police Management Analyst, and approval of the frozen staff position.*

The Department should expand its Volunteer Program. *Status: The recommendation is currently under consideration as supervision and office space is necessary, which speaks to the need of budgeting and the allocation of time.*

Section 9: School Resource Officer (SRO) Program

Recommendations: Add an agenda item to the annual Tumwater School Board/City Council meeting to evaluate the efficacy of the SRO program. *Status: The recommendation will be addressed during the agenda setting process for the next regular joint meeting of the City Council and the Tumwater School Board.*

Because of the value of having access to human services to assist students and families, the City should continue to support TOGETHER! or other providers in making those services available and in partnership with the SROs.

Section 10: Code Enforcement

Recommendations: The Department should provide an annual update to the Public Health and Safety Committee about Code Enforcement. *Status: The committee will receive an update in January 2022 with updates on a rotating basis each January.*

Update the City webpage to clarify options for reporting code violations. *Status: The recommendation is pending the redesign of the website and hiring of the Police Management Analyst.*

Chair Dahlhoff inquired about the review process for the new website. Communications Manager Cook explained that the City is working with City's CMS providers. She offered to share some concept designs of the new website with Chair Dahlhoff.

Section 11: Complaints

Recommendations: The Mayor should annually review all complaints and disposition of those complaints and report this information to the City Council's Public Health and Safety Committee for review. *Status: the information will be forwarded to the Mayor during the first quarter each year followed by the Mayor providing a report to the Council.*

Update website to make complaint reporting more apparent. *Status: Action is pending website redesign.*

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Section 12: Police Equipment

Recommendations: Affirmed that the Department will not obtain any weapons, vehicles, or surveillance equipment from the military. *Status: The Department had previously implemented a policy prior to police reform legislation.*

Conduct a study and report back to the Council in 2021 on the effectiveness, issues, and costs associated with vehicles and body cameras. *Status: The Department completed the work with the committee in May 2021. As technology and demands continue to move forward, the committee will receive periodic updates.*

Section 13: Use of Force

Recent Actions: Implemented use of Police Force Analysis System to add independent external review of the TPD uses of force and to provide in-depth trend analysis.

Updated Policy 404 regarding VNR applications - moved to deadly force encounters.

Updated Policy 404 regarding the duty to intervene requirement when members observe an officer using excessive force.

Recommendation: Update Policy 404 to specifically address choke holds. *Status: The Department updated Policy 404 in July 2021 to ban both chokeholds and vascular neck restraints in accordance with new laws.*

Upon completion of the annual review by the Police Chief and Commander of use of force, this information should be presented to the Council's Public Health and Safety Committee for review. *Status: The update is scheduled for the June committee meeting each year.*

Section 14: Mental Health Response

Recommendation: Explore regional model for alternative response to mental health and human service calls. *Status: The committee received an introduction of the recommendation with the LEAD program. The Department is taking a different approach by monitoring impacts of the new legislation and assessing available mental health resources. Over the next several months, efforts will increase in terms of alternative response.*

Section 15: No – Knock Warrants

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Recommendations: Update policy to reflect that the application for, and use of, a no-knock warrant may only be done with the approval of Police Chief.

Update policy to reflect that officers must be in uniform & clearly identify themselves as law enforcement officers when serving a no-knock warrant. *Status: The new legislation has banned no-knock warrants. The Department updated the policy to reflect the ban.*

Section 16: DWLS3

Recommendation: Include DWLS3 arrest data in annual report to the Public Health & Safety Committee. *Status: Data will be included with the annual March report to the committee.*

Councilmember Althaus asked how the report was communicated to the community. Police Chief Weiks advised that the report was forwarded to all individuals who participated in the Citizens Police Academy for the last seven years, as well as to some community groups. The report was posted on the City's website and the Department's Facebook page.

Mayor Kmet noted that the City Council never officially accepted the report and consequently the report has been utilized in support of internal operations. The issue is the committee's expectation as to the direction on the report.

Chair Dahlhoff commented that the report was shared during a round of meetings with some organizations and non-profits with a majority of the Council attending the first several meetings. She received positive feedback from many organizations as the representatives indicated they were not aware of the work the Police Department was undertaking. Her intent is not losing the work completed by the Police Department. She supports sharing the information with the community.

Mayor Kmet encouraged the committee to consider next steps in terms of sharing or publicizing the report to the community.

Councilmember Jefferson supported sharing the report with the community. She suggested adding a cover letter and an update on progress to date.

Mayor Kmet encouraged the committee to time the options for sharing the information during the first round of reports the committee is scheduled to receive in early 2022.

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Councilmember Jefferson inquired about the success by the Fire Department in implementing IDEA recommendations. Fire Chief Hurley offered to provide some hiring data that reflects improvement in the diversity of the applicant pool. Candidates that have been interviewed are much more representative of the community than in the past. He offered to schedule a presentation on the data to date. Because of the pandemic, the IDEA Team has not held any meetings. The intent is to reconvene the testing and recruitment committees to compile a report.

Mayor Kmet asked about Police Department's statistics in terms of diversity of the workforce. Police Chief Weiks advised that the Department's workforce align with the makeup of the community. Mayor Kmet recommended the Police Department consider including some information as part of the March presentation to the committee.

ADDITIONAL ITEMS: Chair Dahlhoff asked about the City's current status of COVID restrictions, vaccinations, and state and federal mandates. Mayor Kmet responded that he has directed the City Administrator to require vaccinations of all City employees. He is unsure as to the status as the City has been negotiating with several of the City's unions. He expects that all employees will be vaccinated by the end of the year, similar to the state policy. He does not anticipate any significant impacts to the organization; however, some employees may elect not to receive the vaccination.

ADJOURNMENT: **With there being no further business, Chair Dahlhoff adjourned the meeting at 8:58 a.m.**

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

TO: Public Health & Safety Committee
FROM: John Doan, City Administrator
DATE: January 11, 2022
SUBJECT: Selection of Committee Chair

1) Recommended Action:

Select a committee chair.

2) Background:

Following the appointment of Council committees, each committee must select a chair. The Committee should confirm the meeting day and time. The Public Health and Safety Committee currently meets at 8:00 a.m. on the second Tuesday of the month.

3) Policy Support:

VISION | MISSION | BELIEFS

Our Mission:

In active partnership with our community, we provide courageous leadership and essential municipal services to cultivate a prosperous economy, a healthy natural environment, vibrant neighborhoods, and a supportive social fabric.

4) Alternatives:

No process for selection is prescribed in the Council rules.

5) Fiscal Notes:

There is no fiscal cost associated with selecting the chair.

6) Attachments:

None.

TO: Public Health & Safety Committee
FROM: Jon Weiks, Chief of Police
DATE: January 11, 2022
SUBJECT: Code Enforcement Program Update

1) Recommended Action:

No action is requested. This is for discussion only.

2) Background:

During our 2021 conversations, the committee requested to add a yearly update of the Code Enforcement Program. As such, we identified January as the month this will be accomplished each year. Lieutenant Ken Driver and Administrative Manager Laura Wohl will provide the committee an overview of the program's operating philosophy/goal, 2021 stats, and general types of cases.

3) Policy Support:

2020 Strategic Priority: *"Continue to develop a code enforcement program"*

4) Alternatives:

This is for discussion only.

5) Fiscal Notes:

No fiscal notes.

6) Attachments:

No attachments.