



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

**City of Kenmore
Regular City Council Meeting Agenda
7:00 p.m., Monday, July 20, 2020**

This meeting will be 100% virtual via Zoom.

Log in for the Meeting:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/84275014550>

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 312 626
6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 842 7501 4550

International numbers available: <https://us02web.zoom.us/j/84275014550>

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please contact the City Clerk at kchelin@kenmorewa.gov.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. MOMENT OF SILENCE

- A. Fallen Officer in the Line of Duty - Bothell Police Officer Jonathan Shoop

VI. CITIZEN COMMENTS NOT RELATED TO THE AGENDA

- A. This is an opportunity to express your views on issues that are important to you and to the community. Please email comments to the City Clerk at kchelin@kenmorewa.gov by 5:00 p.m. on Monday, July 20, 2020. All comments received will be forwarded to the Council for consideration. You can also use the "raise hand" feature in Zoom during the Citizen Comment portion of the meeting or by calling in. The 3-minute limit still applies.

VII. PRESENTATION AND COMMUNITY DISCUSSION

- A. Community Discussion Regarding Policing: Obama Foundation Commit to Action - Brandon Moen, Police Chief and King County Sheriff Mitzi Johanknecht
[Agenda Item](#)

VIII. COMMUNITY DISCUSSION CITIZEN COMMENTS

- A. This is an opportunity to express your views on issues on the presentation. Please email comments to the City Clerk at kchelin@kenmorewa.gov by 5:00 p.m. on Monday, July 20, 2020. All comments received will be forwarded to the Council for consideration. You can also use the "raise hand" feature in Zoom during the Citizen Comment portion of the meeting or by calling in. The 3-minute limit still applies.

IX. STAFF REPORT

X. COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

- A. Parliamentary Procedure- City Council

XI. ADJOURNMENT



Kenmore Police Department Memorandum

Date: July 10, 2020

To: City Manager Rob Karlinsey, Mayor Baker, and Kenmore City Council Members

From: Police Chief Brandon Moen

Subject: July 20th Council Meeting Presentation

On June 8th, 2020, Mayor Baker and the Kenmore City Council adopted the Obama Foundation's Mayors Pledge as a commitment to action regarding police use of force policies. As part of this pledge, the Mayor and Council pledged to:

1. **REVIEW** your police use of force policies.
2. **ENGAGE** your communities by including a diverse range of input, experiences, and stories in your review.
3. **REPORT** the findings of your review to your community and seek feedback.
4. **REFORM** your community's police use of force policies.

As part of this pledge, we have been providing information to the city and to the public via social media regarding specific questions related to the use of force policies of the King County Sheriff's Office (KCSO) and Kenmore Police. Two listening sessions have already been hosted by the Council, and the July 20th council meeting is intended to provide further details, and solicit additional input from the community. King County Sheriff Mitzi Johanknecht is scheduled to join me for this presentation.

8 Can't Wait Policy Recommendations:

Many questions from the community have revolved around the *8 Can't Wait* website hosted by the Campaign Zero organization. The site makes eight immediate policy recommendations for police agencies to enact. In reviewing these recommendations, the policies of the King County Sheriff's Office and Kenmore Police do meet these recommendations, which are detailed below. Excerpts from the related portion of the KCSO General Orders Manual (GOM) are included.

- **Ban chokeholds & strangleholds:**
GOM Chapter 6.00.050- "*Members shall not make any physical application or maneuver to the neck region that restricts blood or air flow (i.e., choke holds, sleeper holds, carotid submission holds, lateral vascular neck restraint, etc.), except as a last resort to protect the member(s) or others from an immediate threat of death or serious bodily injury. Any and all variations of these maneuvers may be considered deadly force when applied to the neck region.*"
- **Require de-escalation:**
GOM Chapter 6.00.025- "*When safe and feasible members shall use de-escalation tactics in order to reduce the need for force...De-escalation is a deliberate attempt to minimize or avoid the use of force to resolve a law enforcement incident*"

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using communication, tactics and actions. Examples of De-escalation goals include calming agitated subjects, providing additional time for responses, and positioning to reduce risk."

- **Require warning before shooting:**
GOM Chapter 6.00.005- "Clear direction and verbal commands shall be given when feasible." A recent Special Order (2020-03) expanded on this policy, adding: "If safe and feasible, members shall identify themselves as a police officer or sheriff's deputy and issue a verbal warning before discharging their firearm".
- **Requires exhaust all alternatives before shooting:**
GOM Chapter 6.00.045- "Members shall exhaust every reasonable means of apprehension before resorting to the use of deadly force."
- **Duty to intervene:**
GOM Chapter 3.03.015- "Failure to report a member's possible misconduct (including excessive or unnecessary use of force against a person)...may result in discipline up to and including termination." A recent Special Order (2020-03) expanded on this policy, adding: "Members have a duty to intervene to prevent harm if they observe other member/s using force that is clearly beyond what is reasonable under the circumstances, and such force is likely to cause substantial bodily harm, when in a position to do so. Any member observing an act of excessive, unnecessary force shall also notify a supervisor, when it is safe and feasible to do so."
- **Ban shooting at moving vehicles:**
GOM Chapter 6.00.050- "Members shall not shoot at a moving vehicle, unless: a) deadly physical force is being used against the member or another person by means other than a moving vehicle; or b) the moving vehicle poses an imminent and identifiable threat of serious physical harm to the member or others from which there is no reasonable means of escape. For the purposes of this section, members shall attempt to move out of the path of an oncoming vehicle, if possible, rather than discharge their firearm; and shall not intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms. Members shall not discharge their firearms at a fleeing vehicle unless a member reasonably believes, and can articulate reasons therefore, why the necessity for immediate apprehension outweighs the danger to the public that is created by discharging a firearm."
- **Require use of force continuum:**
GOM Chapter 6.03.000- "Less lethal weapons are tools designed to assist deputies to gain control of a physically resistant, or aggressive or violent subject(s) who poses a threat of physical harm to themselves, to the deputy(s) or to other persons or property. Less lethal weapons have been adopted for use by the Sheriff's Office but are not intended to be a substitute when lethal force is necessary. Sworn personnel shall successfully complete training on less lethal weapons prior to using them. All applications of less lethal weapons shall conform to the principles outlined in the training and certification program, consistent with the RCW definition of necessary force (RCW 9A.16.010) and the Use of Force Policy (GOM 6.00.000)."
- **Require comprehensive reporting:**
GOM Chapter 6.01- "It is the policy of the Sheriff's Office to promptly report and to thoroughly investigate any use of force or critical incident. Whenever a member uses deadly force, physical force, a Conducted Electrical Weapon (TASER), chemical agent or Pepper Spray, reporting is mandatory by the member using force and any member witnessing the use of force. Failure to report the use of force, when required, is a violation of this policy. Supervisory notification and supervisor response to the scene is required for all incidents outlined in this policy unless expressly exempted."

Complete Use of Force Policy:

The KCSO General Orders Manual is available on-line, and it elaborates on the policies above. The use of force policy is in chapter 6 of the document. <https://www.kingcounty.gov/depts/sheriff/about-us/manual.aspx>

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Kenmore Police Department Memorandum

Training

Kenmore officers have on-going mandatory training programs that include Crisis Intervention, De-escalation Training, and LEED Training (*Listen and Explain with Equity and Dignity*), which are principles of Justice Based Policing efforts. Crisis Intervention Training (CIT) in particular prepares officers to assist people in crisis for emotional, developmental, or behavioral health crises. Our officers attend 40-hours of CIT training, rather than the minimum 8-hours required.

Additional de-escalation training teaches our officers techniques to calm tense encounters to reduce the potential for use of force. Our officers attended Implicit Bias Training last year to help them learn and recognize how bias and stereotyping affects communities of color. King County added \$1.3 million for bias awareness and de-escalation training for 2019-20.

Our officers exceed state requirements for annual training, and the King County Sheriff's Office is a model agency for the breadth of training that it requires of its employees. In 2019, Kenmore officers averaged in excess of 80 hours of training, exceeding the 24 hours required by state law.

RADAR and Other Resources

For several years, Kenmore has been part of the RADAR program (Response Awareness De-escalation and Referral). One of the goals of the program is to decrease use-of-force incidents between police and individuals with behavioral health issues and/or developmental disabilities. The program has become a model for other law enforcement agencies, and has expanded into a five-city partnership (North Sound RADAR) that includes Kenmore, Shoreline, Lake Forest Park, Bothell, and Kirkland. The program shares information among the departments about community members who may be at increased risk of violence or uses of force, and offering connections to services and resources through a Mental Health Professional (MHP) Navigator. These MHP Navigators accompany officers in outreach efforts, focusing on moving people into community-based and long term systems of care that reduce reliance on the crisis and criminal justice systems. More information on RADAR, including Kenmore's RADAR annual report summary, can be found at:

<https://www.kenmorewa.gov/services/public-safety/north-sound-radar-program>

Kenmore Police also can utilize other resources in the region, such as the Mobile Crisis Team and Crisis Solutions Center, both programs facilitated by the King County Department of Community and Human Services and Mental Illness and Drug Dependency (MIDD) program. Geographical distance from downtown, risk or danger to civilian employees, and persons unwilling to accept help often are the largest barriers to the use of these programs.



Kenmore Police Department Memorandum

KCSO Use of Force Review Criteria

The physical use of force by an officer is evaluated by criteria established by applicable case law, such as the US Supreme Court decision in *Graham v. Connor* (490 U.S. 386- 1989), which set the “objectively reasonable” standard for law enforcement use of force review. Along these lines, uses of force are scrutinized at every level of review by asking supervisors and command staff to take into account questions such as these:

- Was the amount of force and methods used **objectively reasonable** to effect the lawful purpose intended?
- Did employee have legal authority to be where the use of force occurred?
- Did statements sufficiently articulate probable cause or reasonable suspicion for detention?
- If there was an opportunity, did the employee use de-escalation skills?
- Were there any reasonable alternatives to the use of force?

There is a lengthy review process for all uses of force, which is outlined in the General Orders Manual. This includes involvement of multiple members of my chain of command, the Internal Investigations Unit (IIU), and the Office of Law Enforcement Oversight (OLEO). For incidents involving the deadly use of force, additional review and investigation is enacted, adding the involvement of the Administrative Review Team (ART), outside agency investigators, the KC Prosecutor’s Office, etc. The implementation of I-940 investigative requirements is in-process, and includes community member involvement.

Kenmore Police Uses of Force

I have researched the past 5+ years of use of force incidents involving Kenmore officers. It is important to note that the KCSO definition of a reportable use of force is broad, and can range from something as substantial as the use of a firearm, Taser, or pepper spray, or as little as an arrest that resulted in a complaint of pain without any visible injury. In other words, a reportable use of force could entail a Taser application with no injury, a handcuffing that resulted in a complaint of pain without any visible injury, or a scraped knee during a scuffle.

From 2015 through mid-2020, there have been 15 incidents that involved reportable uses of force by Kenmore Officers. During this 5.5 year period, officers have responded or on-viewed in excess of 59,000 incidents. This means that force was used in 0.0254% of the incidents or on-views conducted by officers here.

Of the 15 incidents, the type of force used consisted of the following:

- 33% Taser application (5)
- 27% Take down/push (4)
- 20% Control hold (3)
- 13% Pointing a firearm (2)
- 7% Pepper spray application (1)

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The type of calls/incidents that resulted in force being used varied:

- 33% Fight/disturbance (5)
- 20% Domestic Violence (3)
- 13% Traffic Stop (2)
- 7% Shots Fired (1)
- 7% Stolen Vehicle (1)
- 7% Disorderly Conduct/Hazard (1)
- 7% Threats/Unknown Circumstance (1)
- 7% Suicidal Subject (1)

The types of injuries sustained during these uses of force were either scrapes, a bloody lip (single occurrence), and/or complaint of pain.

The gender of the involved subjects was 80% male, and 20% female. The subject race breakdown was 73% white, 13% black, and 13% Hispanic.

There is also additional context to the situations officers encountered. For instance, of the Taser applications, one incident involved a *"completely naked adult male who had physically attacked an adult male roommate and was... attempting to arm himself with a knife."* Another Taser application involved a suicidal male *"who had slashed his wrists and stabbed himself in the chest."* This same subject then charged at officers, while foaming at the mouth and was *"covered in blood from his chest down to his feet."*

As part of my presentation on 7/20, I will provide this use of force data visually and with additional context.

Meeting Format

For the 7/20 meeting, additional public comment will be taken following my presentation, after which Sheriff Johanknecht and I will be available for questions from the Council.

I look forward to answering your questions and providing further information to assist you in reviewing use of force policies as they relate to the City of Kenmore.