

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, Police Chief Jon Weiks, Fire Chief Brian Hurley, Police Commander Jay Mason, Assistant Fire Chief Shawn Crimmins, Detective Lieutenant Jennifer Kolb, Training Lieutenant Ken Driver, and Police Administrative Services Manager Laura Wohl.

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

APPROVAL OF MINUTES: PUBLIC HEALTH & SAFETY COMMITTEE, MARCH 8, 2022:

MOTION: Councilmember Jefferson moved, seconded by Chair Dahlhoff, to approve the minutes of March 8, 2022 as published. Motion carried unanimously.

POLICE DATA 2021: Police Chief Weiks reported the briefing is an ongoing review of policing reform actions enacted last year. The committee requested a review of police data each year. He invited questions during the presentation.

Police Chief Weiks displayed a pie chart of the department's 2021 budget. The budget was approximately \$8 million. Approximately 96% of the budget is comprised of salary and benefits for police personnel, fleet, IT, and jail costs. The 2021 budget reflect 4% for jail expenses because of COVID-19 and the closure of courts during the year.

Police Chief Weiks displayed the 2022 Tumwater Police Department organizational chart. The department includes 33 commissioned personnel, 2 limited commissioned staff (Service Transport Officers/Code Enforcement), and six non-commissioned personnel. In 2021, the department hired one employee with three employees leaving the department (2 resignations, 1 retirement). The department worked with the City's Human Resources Department on four separate hiring processes in 2021.

Chair Dahlhoff commented on the expansion of the City with proposed annexations of county islands and the possibility of employing police body cameras versus dash cameras and accompanying legal requirements for tracking data. She asked how those factors affect the department in terms

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of staffing and capabilities. Police Chief Weiks responded that the department hired a management analyst and one of the first tasks is assisting the department complete a study on staffing factored both on growth and annexations. In addition to staffing, the department will require more space, which will be included in the study.

Police Chief Weiks reported in 2021, the department operated with two positions vacant throughout the year with 31 commissioned officers with one officer assigned to light duty. Two Sergeants spent significant time on FMLA leave as well as three officers attending the basic law enforcement academy and subsequent participation in the department's field training program. At times last year, the department was operating at a capacity of 25 commissioned officers. Currently, the department's operating capacity is 28 commissioned officers with two vacancies. One officer is nearing completion of the law enforcement academy and two officers are assigned to long-term light duty.

Police Chief Weiks reviewed the operational level of the department's patrol division. The top working areas include calls for service, arrests, and incidents. Calls for service in 2021 totaled 17,455. Each year, traffic related issues are the number one call for service followed by area checks. In 2020, calls for service totaled 17,238. Many question the impact of COVID and police reform on calls for service. The number of calls for service lowered somewhat but the department has reinforced to the community the importance of calling for service when needed. In 2019, the department received 18,906 calls for service. The reduction in calls for service during the pandemic was not significant.

Chair Dahlhoff asked about the possibility providing more details on calls for service for suicides, overdoses of fentanyl, and mental health issues. Police Chief Weiks said the request requires some extensive work to document, as some of the issues surrounding mental health calls are not coded mental health but are the result of other types of calls creating difficulty in tracking incidents. However, it is a topic to address in the near term.

Police Chief Weiks reported on the number of arrests during 2020 and 2021. In 2019, arrests totaled 1,088 with the amount dropping by half in 2020 and 2021 because of the closure of courts and the impact on jails. Many arrests did not occur because of the lack of jail space. In many cases, arrests were referred to the courts.

Other types of incidents included theft with 2,142 reports completed in 2021 and 2,751 reports completed in 2019.

The department's core value of engaging the community include self-initiated activity. Last year, the department's self-initiated activities totaled

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4,948. Self-initiated activities include park checks, area checks, driving through neighborhoods and businesses, conducting follow-up on cases under investigation, stops during patrols when alerted by community members, and conducting traffic details. Business checks are important and the department encourages staff to engage with the business community. In 2021, business engagement activities totaled 1,631. Field interviews have decreased because of police reform and COVID. Field interviews include social contacts with community members or when investigating suspicious or criminal activity. In 2019, field interviews totaled 1,800. In two years, the number has been cut in half and is reflective of the reduction of arrests with much crime detected by proactive efforts of police officers.

Traffic stops have remained consistent through the last several years. With new police reform legislation, response to calls has changed with at least two officers on scene. Response by backup officers has increased.

The cornerstone of all successful police agencies is the training program. The department's training is comprised of four core components of the police academy, 14-week field training, department training, and external training. Training hours in 2021 totaled 6,639 hours. Within the patrol division, all officers received a maximum of 59 hours of training totaling 3,176 hours of department internal training. Components of that training included 11 hours on firearms, 11.5 hours on defensive tactics, 1 hour on emergency vehicle operations, 19.5 hours on patrol tactics, and 16 hours on other various topics, such as legislative updates, prosecutor and domestic violence updates, less lethal platforms, first aid and CPR, bias-based policing, and use of force.

External training focuses on certifications, development of officers, instructor development, career development, and succession planning. During 2021, the department offered 3,463 hours of external training on 54 different courses.

The department's investigations division managed 220 cases in addition to other assignments in 2021. The division conducted 21 background checks, handled 61 public records requests specific to investigations, handled 300 prosecuting attorney office requests, conducted seven employment verification backgrounds, received 85 adult protective service referrals and investigated 41 of those referrals, received 32 child protective service referrals and investigated 29 of those referrals, provided 8 community presentations, and participated in 12 community events.

Chair Dahlhoff recommended providing information at a future meeting on the process of how the department receives adult and child protective service (APS & CPS) requests and the investigative process.

In response to the request, Detective Lieutenant Kolb reported referrals are

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received via fax and email. All referrals are reviewed, as well as identifying potential repeats and incidents handled by the patrol division. She determines which APS and CPS cases are referred to Detectives for investigation. Many referrals are information only for the department, such as assaults between two clients residing at the Hampton Alzheimer's Special Care Center. Those particular incidents are not considered a police issue. CPS referrals not assigned are typically because they occurred in another jurisdiction or had been previously investigated.

Police Commander Mason added that some referrals are duplicates or are not criminal in nature. Duplicate referrals often occur when a mandatory reporter reports an incident to multiple agencies. Lieutenant Kolb coordinates those referrals to ensure the case is reviewed or appropriate resources are provided.

Councilmember Jefferson inquired as to whether thefts in cargo have increased. Lieutenant Kolb said thefts of cargo trailers were occurring mostly in the Mottman Industrial Park involving U-Hauls trailers. That trend was nationwide because of how the company operates its program by enabling customers to drop off keys. Many of the cargo theft trailers were U-Hauls, as well as some thefts of personal cargo trailers. The department was able to identify the perpetrators and referred charges to the Prosecutor's Office. Since then, incidents have decreased.

Councilmember Jefferson said information on trends would be useful, such as controlled substance incidents, homicide, sexual offense, and abuse referrals. Police Chief Weiks advised that the committee is scheduled to receive additional in-depth information and trends at a future meeting.

Police Chief Weiks reviewed the status of the School Resource Officer (SRO) program. During 2021, the program experienced some fluctuations in the schools because of the pandemic with schools switching between remote and hybrid teaching environments. When schools returned to in-person instruction, assigned SROs served a vital function by working closely with school administration to help navigate the schools and students through the transition to in-person learning environments. In 2021, the model of the program changed. Previously, one SRO was assigned to both high schools and one SRO assigned to both middle schools with assistance to elementary schools when needed. In 2021, the program reverted to splitting the district at the request of the Tumwater School District with one SRO assigned to the Black Hills High School area and one SRO assigned to Tumwater High School area.

COVID has also affected traffic around schools. Between bus driver shortages and parents not wanting their children using public transportation, problems have occurred at schools in the district. SROs have been important in the coordination between school administrators and the school

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district to assist in mitigating traffic impacts.

Chair Dahlhoff referred to her participation in TOGETHER and YWCA meetings and questions about SROs checking on youth truancy. She asked for a committee discussion on the possibility of the department placing the SRO program under the umbrella of community outreach as the pandemic has changed the way SROs are working with schools. Police Chief Weiks suggested forwarding the information to him so he can address the issues.

Police Chief Weiks reviewed the status of the K9 Program. Both the pandemic and police reform have reduced the number of K9 activities. In 2021, the K9 unit was deployed 22 times or approximately half of the previous two years. K9 James serves as an ambassador for the department. Tumwater's K9 unit is one of the best K9 teams in the county and the state. Unfortunately, K9 James was injured recently as well as nearing the end of his service life. The department has initiated a process for replacement of K9 James along with a new handler in 2022. The process requires approximately one year for selection of the new handler, a new dog, and training. The department anticipates K9 James returning to department to complete this year until early 2023. K9 James suffered a significant leg injury and is unable to return to service at that time.

Police Chief Weiks reviewed the status of the department's evidence program. In 2021, 1,584 items were logged as evidence. Over the last two years of the pandemic with the closure of courts, the department's Evidence Technician had an opportunity to work on disposal of items. Over the last two years, the department was able to dispose of more items than it received. The evidence room currently houses over 10,000 items with space limitations for guns, refrigerated items, and audio-visual equipment. With the opening of courts and an increase in cases, the department has experienced an increase in the surrender of weapons. The department has been able to accommodate the increase with other space options, such as rental of storage space or using space in the City's maintenance facilities when the new Operations and Maintenance Facility opens.

During 2021, the department referred 702 cases to the Prosecutor's Office, processed 1,089 public disclosure requests representing a 25% increase, and processed 1,306 firearms transfers and concealed carry permits. The number of public disclosure requests would have been much higher if the department lacked the ability to access insurance reports from insurance companies online.

Code Enforcement activities in 2021 included 54 new cases, closure of 61 cases, with 11 pending cases remaining. One of the largest cases involved a \$2 million fine to the owner of the brewery property, which resulted in the owner agreeing to renew the voluntary correction agreement with the City.

Police Chief Weiks reviewed the number of use of force incidents for years

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2017 through 2021:

- 2021 – 43
- 2020 – 57
- 2019 – 73
- 2018 – 77
- 2017 – 67

A more detailed review on use of force is scheduled at the June meeting.

Police Chief Weeks reviewed community complaints and outcomes following investigation during 2021:

- Too abrupt during a traffic stop - conduct exonerated
- Would not listen during a trespassing call for service - conduct exonerated
- Abuse of position involving a child custody issue - conduct exonerated
- Derogatory language during a reckless driving call – conduct sustained with officer assessed 1 day off without pay

Internal complaints during 2021 included:

- Inappropriate relationship – conduct exonerated
- Inappropriate on-duty contact with a citizen – conduct not sustained
- Not wearing seatbelt - safety sustained with letter of reprimand issued

Councilmember Agabi requested additional information on the specific type and hours for use of force and de-escalation training. Police Chief Weeks advised that the use of force review in June would also include additional information on those training topics.

**POLICE REFORM
LEGISLATIVE
UPDATE:**

Police Chief Weeks reported House Bill 1719 addressed one of the major concerns by local police agencies with respect to 2021 police reform involving the unintended consequences of affording fewer options for less lethal actions by the police. Legislators in 2022 corrected the legislation with House Bill 1719 rewriting some of the definitions with reinstatement of some tools. On March 4, 2022, the department conducted refresher training of supervisors and officers. All platforms are back in service at this time with all tools available to officers.

House Bill 1735 on use of force was signed on March 4, 2022 creating a clear definition of de-escalation tactics and reinstituting the ability for use of force when required or necessary for community care-taking functions, such as assistance to fire and medical emergency services or assistance

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during child protective custody incidents, mental health evaluations, and other incidents previous legislation prohibited. A key component of House Bill 1735 was the removal of language requiring law enforcement to leave an area if no criminal crimes were committed.

House Bill 2037 is a partner to House Bill 1735 and includes a definition for physical force effective March 17, 2022, as well as the ability for officers to conduct Terry stops (authorized stopping and detaining of someone based on suspicions that the person has been involved in illegal activity). Prior police reform legislation changed the action to a probable cause standard making it difficult to execute a stop and detainment.

House Bill 5919 addressed pursuit and was passed by the Senate; however, after the House added amendments, the bill failed to pass. The House included some amendments and returned to the bill to the Senate, which did not act on the bill because of the amendments. Law enforcement is operating under the 2021 legislation whereby law enforcement can only pursue a suspect for a violent offense. Approval by a supervisor is necessary prior to initiation of a pursuit.

Several laws were introduced on body cameras and none progressed through the legislative process in either chamber.

REGIONAL FIRE AUTHORITY UPDATE:

City Administrator Doan advised that the update will provide the committee with information on the status of efforts by the Regional Fire Authority Planning Committee. The committee plans to initiate some community conversations soon.

Fire Chief Hurley reported a regional fire authority (RFA) is comprised of multiple local governments combined into a single independent government entity created by voters. The RFA has the authority, ability, and responsibility to provide fire and emergency medical services to the respective jurisdictions as well as having the ability to impose taxes and collect fees and charges. The state currently has 13 RFAs with two located in Thurston County: West Thurston Regional Fire Authority serving Littlerock, Rochester, Grand Mound areas, and Southeast Thurston serving Yelm, Rainier, and Bald Hills areas.

The planning committee is meeting twice a month with Tumwater represented by Councilmembers Dahlhoff (Committee Chair), Swarthout, and Althaus. The City of Olympia is represented by three Councilmembers in addition to each Fire Chief and local Union Presidents serving as ex-officio members. The City of Lacey elected not to participate in the RFA process.

The planning committee is developing a plan on RFA governance, staffing, funding, and service provisions. The planning committee established some

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subcommittee to focus on specific tasks. Both City Councils must approve the RFA Plan and the placement on the ballot for consideration by voters.

By October, a complete plan is scheduled defining governance, financing, services, and service levels. Through the end of the year and into February 2023, the councils will have the opportunity to review the plan, deliberate, and receive feedback. Both Councils must approve the plan and place the measure on the ballot by late February 2023 for election on the April 2023 ballot.

If approved by voters, the RFA would become effective August 1, 2023. The April ballot measure is necessary because creation of the RFA must occur prior to October 1, 2023 to enable the RFA to impose and collect taxes beginning on January 1, 2024.

Next steps include a Council briefing on April 19, 2022. Information on the RFA planning process is available on the City's website, as well as supporting documents, meeting minutes, and meeting agendas. The City of Olympia's website includes a link to Tumwater's website. Planning is in progress for public workshops throughout the process to receive input from the public and share information on the proposed RFA.

City Administrator Doan added that the state of current fire and emergency medical response in the county and by each jurisdiction is available on the website in the form of a study. The study was presented in November prior to the pandemic. The pandemic derailed early RFA efforts.

Chair Dahlhoff encouraged members to ask questions during the Council's worksession because of the time restraint to assist the committee in defining how the plan is presented to the community.

In response to questions, Chair Dahlhoff explained that if voters approve the measure, the Tumwater Fire Department and the Olympia Fire Department would be removed under the umbrella of each city and become a separate entity.

City Administrator Doan added that similar to other regional entities, such as Animal Services and LOTT Clean Water Alliance, relationships between those entities and local governments are through interlocal agreements for shared uses of different resources and processes. Ultimately, the RFA would be accountable to both communities. Part of the challenge of the committee is identifying the governance structure of the RFA.

ADJOURNMENT: With there being no further business, Chair Dahlhoff adjourned the meeting at 9:01 a.m.