



CITY OF KIRKLAND
Kirkland Police Department
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Chief of Police
Mike St. Jean, Deputy Chief of Police
Todd Aksdal, Deputy Chief of Police
Melissa Petrichor, Administrative Commander

Date: May 5, 2021

Subject: USE OF FORCE DASHBOARD

RECOMMENDATION:

It is recommended that the City Council receives an update on the Department's preliminary review of use of force incidents that occurred in the first quarter of 2021 and the development of a public facing use of force dashboard. This memo was originally included as part of the May 18, 2021 Council R-5434 study session, along with the School Resource Officer dashboard and the human services dashboard memos. The Council elected to defer the dashboard reviews on May 18 and focus on a more detailed community responder discussion. The Council concurred with the City Manager suggestion of providing the individual dashboard briefings at subsequent Council meetings under the R-5434 special presentation item on the Council agendas. The use of force dashboard is the first such special presentation.

BACKGROUND DISCUSSION:

On February 16, 2021, Chief Harris provided the Council a memorandum with the following preliminary review of use of force incidents involving persons of color in 2019 and 2020:

Use of Force evaluation and analysis by the Department

Current Reporting and Review Procedures

- Department members are required to document any use of force including the display of weapons to gain compliance. Documentation includes writing a case report in the records management system as well as a use of force report in the department's use of force tracking system.
- Sergeants and Corporals (the involved Officer's supervisor) conduct the initial review of all case reports and use of force reports. The supervisor can either send the use of force report back for additional investigation or approve it. Once supervisors are satisfied with the documentation, they forward the use of force reports to their assigned Lieutenant with input on any policy and training issues.

- Lieutenants are responsible for conducting the second review on all use of force reports. Lieutenants can either close the use of force report with a finding on policy compliance or request additional investigation. Additional investigation may include additional review by Department subject matter experts, such as the Supervisor assigned to the Less Lethal Training Unit for a Taser deployment, sending the report back for additional documentation or having the incident reviewed by the Chief of Police for assignment as an Internal Investigation.
- Policy violations and training issues that are identified during the use of force review process are addressed via documented coaching and counseling, remedial training and/or formal discipline.
- The Administrative Lieutenant drafts an annual use of force report as part of the Washington State Sheriff's and Police Chief's Association Accreditation process. That report is provided to the Risk Management Lieutenant for review and distribution to Supervisors in each of the training units such as the firearms instructors, less-lethal instructors and defensive tactics instructors.
- Supervisors and Lieutenants receive internal training on reviewing and approving use of force reports as well as attending WCIA sponsored classes specific to their role in the process.

Deadly Force Investigation

- When a use of force response occurs that involves deadly force, the Chief of Police requests mutual aid from an outside law enforcement agency to conduct an independent criminal investigation. The outside law enforcement agency takes responsibility for conducting the investigation and forwards their findings directly to the King County Prosecuting Attorney's Office for review. As reported in the January 19th, 2021 City Council meeting, an Independent Force Investigative Team (IFIT-KC) is in the final stages of development by Interlocal Agreement (ILA).

Use of Force Review Board

- A Use of Force Review board is convened when an Officer uses force that results in either death or serious bodily injury to another.
- The Board is composed of the Administrative Lieutenant, a Deputy Chief or a Lieutenant not involved in the Officer's chain of command, a certified instructor for the type of force used, a non-administrative commissioned supervisor and a peer of the Officer who used force. A member of the Department in a similar classification as that of the involved Officer is considered a peer.
- The Board thoroughly reviews all available information and develops a written report to the Chief of Police that includes recommendations for training, equipment and/or policy violations.
- The Chief of Police reviews the written recommendations of the Board and makes the final determination as to whether the employee's actions were within policy. The Chief of Police will determine whether additional actions, investigations or reviews are appropriate.
- The Chief of Police may direct a Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

Early Warning System

- The Department utilizes an early warning system to alert supervisors and members of command staff if an employee reaches a preset threshold on certain types of incidents in a rolling 12-month period.
- Use of Force entries are part of the Department's early warning system. If an Officer is involved in six (6) use of force incidents within a rolling 12-month period, their supervisor receives an automated email that triggers additional review of all the specific reports during that time period. This includes the actual use of force and or the show of force by drawing a firearm or Taser. This threshold was set during training conducted by the Department's vendor "IA Pro – Blue Team" a nationally recognized software solution utilized to catalog use of force reporting.

Analysis of 2019-2020 Use of Force Incidents Involving Persons of Color or Unknown Race

- Deputy Chief St Jean and the Deputy Chief Aksdal recently conducted additional reviews of all use of force incidents from 2019 and 2020 involving persons of color or unknown race.
- There were 39 use of force incidents in 2019 and 2020 involving persons of color or unknown race. Those incidents were documented in 77 individual use of force reports. (Individual officers are required to document their own use or display of force in a separate use of force report for each incident. If more than one officer uses or displays force during an incident, there will be more than one report generated to thoroughly document an incident.)
- Dispatched calls for service accounted for 28 (72%) of the 39 uses of force.
- The remaining 11 (28%) were associated with incidents that were observed by officers, not all are considered self-initiated activity as in some instance they were flagged down by community members.
- A show of force (only) safely resolved 18 (46%) of the incidents (the display of a Taser or firearm only.) In these incidents, no other use of force was applied.
- The remaining 21 (54%) use of force incidents involved one or more applications of a force technique.
- Injuries to subjects were observed or reported in six (15%) of the incidents. There were no observed injuries or complaints of pain in the remaining 33 (85%) of incidents.
- All 39 use of force incidents have previously been reviewed by at least a Sergeant or Corporal and their Lieutenant following the procedures previously discussed in this memo.
- Two of the 39 incidents were found to contain policy violations or training issues:
 - During the first incident, the reviewing Lieutenant requested that the Supervisor of the Firearms Training Unit review an Officer's deployment of a rifle. The Supervisor of the Firearms Training Unit determined that the rifle deployment was out of policy and that the Officer had not followed training and best practices when he pointed his rifle at a subject who was being taken into custody, instead of keeping his rifle pointed towards the ground. Having no other similar training, policy violations or history of discipline, the Officer received documented coaching and counseling as well as remedial training as a result of this incident. When the Deputy Chief's reviewed this incident, they disagreed with the finding that the officers decision to deploy the rifle was out of policy but

agreed with the finding that the officer had not followed training and best practices when he pointed his rifle at the subject.

- During the second incident, Officers located a subject that was wanted on a misdemeanor warrant and had fled from officers in his vehicle on multiple occasions in the preceding days. The subject was observed parked near the pumps at a gas station, located just outside the Kirkland City limits. Officers utilized their patrol cars to put pressure on the front and rear bumper of the subject's car to prevent him from fleeing again. The subject refused to exit his car and a prolonged standoff ensued. Eventually, the subject started his car and began ramming the patrol cars in front of and behind him in order to create enough space to flee. While he was ramming the patrol cars, the on-scene Sergeant directed an Officer to break one of the car windows using a less lethal munitions launcher. Once the subject had created enough room, the subject fled. The Officers did not pursue him. A short time later the car was located at a grocery store. The on-duty Sergeant requested assistance from the Washington State Patrol (WSP) in case the subject tried to flee again. The subject did in fact flee, driving out of the City and was pursued by WSP Troopers. The on-duty Sergeant had authorized the deployment of spike strips and a Kirkland Officer was able to successfully deploy spikes on the subject's vehicle as Troopers pursued him. The subject eventually entered I-405 traveling southbound (the wrong way) in the northbound lanes. He collided with a Trooper who was traveling northbound and was taken into custody. The review of this incident included analysis by the Supervisor of the Less Lethal Training Unit as well as the Supervisor of the Emergency Vehicle Operations Unit and was coordinated by the Investigations Lieutenant. The Supervisor of the Less Lethal Training unit found that the deployment of the less lethal munitions launcher to break the window was out of policy. Department policy did not allow for deployment on inanimate objects. However, he recommended that the policy be amended to reflect the agency's past practice of utilizing less lethal munitions on inanimate objects to safely resolve barricaded subject calls. The Supervisor of the Emergency Vehicle Operations unit found that the tactic of using the patrol cars to pin the subject's car had not been trained by the Department and was not reasonable given that the subject was wanted for a misdemeanor warrant at the time of contact. The Supervisor also found that the authorization and the deployment of the spike strips was a violation of policy because the pursuit itself was not within policy. The final investigation was reviewed by the Chief of Police. The Officers who executed the pin tactic and deployed spike strips received documented coaching and counseling. The Sergeant received formal discipline for failing to provide appropriate command and control of the incident.
- During the initial review process, Officers were found to have acted within policy in the remaining 37 use of force incidents. The Deputy Chiefs agreed with those findings.

Analysis of All First Quarter 2021 Use of Force Incidents

- Deputy Chief St Jean and Deputy Chief Aksdal recently conducted additional reviews of all use of force incidents that occurred during the first quarter of 2021.
- There were 15 use of force incidents in the first quarter of 2021. Those incidents were documented in 30 individual use of force reports. (Individual officers are required to document their own use or display of force in a separate use of force report for each

incident. If more than one officer uses or displays force during an incident, there will be more than one report generated to thoroughly document an incident.)

- Dispatched calls for service accounted for 11 (73%) of the 15 uses of force.
- The remaining four (27%) were associated with incidents that were observed by officers.
 - Two of the four incidents started when officers made traffic stops after observing in-progress domestic violence court order violations.
 - One incident occurred when an officer attempted to contact a person who had an active felony arrest warrant.
 - One incident occurred when an officer made a traffic stop for driving under the influence and the driver attempted to drive off when she was told that she was under arrest.
- The race / ethnicity listed for subjects involved in the 15 use of force incidents was:
 - White (12), Black (one), Hispanic (one) and Asian / Pacific Islander (one).
- A show of force (only) safely resolved six (40%) of the incidents (the display of a Taser, less lethal munitions launcher or firearm only). In these incidents, no other use of force was applied.
- The remaining nine (60%) use of force incidents involved one or more applications of a force technique.
- Injuries to subjects were observed or reported in two (13%) of the incidents. There were no observed injuries or complaints of pain in the remaining 13 (87%) of incidents.

The following list depicts this written summary:

UOF 1st Quarter of 2021
15
Total UOF Reports for the 39 Incidents
30
UOF Associated with Dispatched CFS
11 total or 73%
UOF Associated with Officer On-view
4 total or 27%
UOF Reports Found to Have Policy Violations or Training Issues
2 (training issues)
Racial Breakdown of 39 UOF Incidents
Black = 1
Hispanic = 1
White =12
Asian / Pacific Islander = 1
Incidents Resolved by Weapon Display Only
6 total or 40%
Incidents Involving an Application of Force
9 total or 60%
Incidents Involving a Taser Discharge
0 total or 0%
Incidents Involving a Firearm Discharge

0 total or 0%
Incidents Involving a Less Lethal Launcher Discharge
0 total or 0%
Incidents Involving Injuries to Suspects Observed or Reported
2 total or 13%
Nature of Injuries
Fatality = 0
Transitory Red Marks = 1
Scrapes or Abrasions = 0
Laceration =1
Complaint of Pain with No Observable Injury = 0
Incidents Involving No Injuries to Suspects Observed or Reported
13 total or 87%

All 15 use of force incidents have previously been reviewed by at least a Sergeant or Corporal and their Lieutenant following the procedures previously discussed in this memo. One of the incidents was assigned for additional review by a training cadre. After reviewing the event, the cadre head agreed that the incident was within policy but recommended remedial training for two officers because their tactics were not consistent with current training and best practices. That training will be scheduled and conducted by the training cadre. After the training is complete, it will be documented in the use of force tracking system. The Deputy Chiefs agreed with both the finding that the incidents were within policy and with the cadre head's recommendation for remedial training.

During the initial review process, officers were found to have acted within policy in all 15 use of force incidents. The Deputy Chiefs agreed with those findings during their review of the use of force incidents that occurred in the first quarter of 2021.

NEXT STEPS:

The Department recently signed a contract with Police Force Strategies, an outside consultant for use of force analysis and dashboard development. Police Force Strategies has recently reviewed use of force and created dashboards for the King County Sheriff and the Spokane Police Department. All the data from 2018, 2019, 2020 will be provided to the consultant for both analysis and development of an interactive use of force dashboard. Additional data analysis will occur by the consultant, on an annual basis. An overview of this memo and the next steps by Police Force Strategies will be the subject of the special presentation.