



CITY OF KIRKLAND
Kirkland Police Department
11750 NE 118th Street, Kirkland, WA 98034
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Cherie Harris, Chief of Police
Date: January 7, 2022
Subject: POLICE USE OF FORCE DASHBOARD

RECOMMENDATION:

It is recommended that the City Council receive the first of two presentations on the Police Strategies third-party evaluation & analysis of the Department's use of force data as well as the creation of an interactive public facing use of force dashboard. The first presentation will focus on the Police Strategies methodologies used for evaluation, with some high-level results presented. The second presentation will be much more focused on the results of the analysis for Kirkland use of force incidents and recommendations that come from that analysis.

BACKGROUND DISCUSSION:

After the tragic murder of George Floyd on May 25, 2020 by a Minneapolis Police Officer, the Kirkland Police Department actively engaged in reviewing use of force policy, procedures and training. The use of force by Officers is a matter of critical concern, both to the public and the law enforcement community. The Department recognizes and respects the value of human life and dignity without prejudice to anyone. Vesting Officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests. To increase transparency and accountability, the Department posted a new "Frequently Asked Questions" section on the City website outlining the Kirkland police use of force policies. This included a link to the Department's policy manual; a "8 Can't Wait" response and the Kirkland Police Guild Commissioned Officers Collective Bargaining Agreement.

In June 2020, City Manager Triplett, Deputy City Manager Lopez and Chief Harris began meeting with members of the Right to Breathe Association. Many of the discussions between June and September 2020 were specific to their lived experiences and the Department's use of force protocols and reviewing policy language. Right to Breathe provided input on policies that included their support for reinforcing de-escalation tactics throughout the Department's manual and removing authorization to utilize a Lateral Vascular Neck Restraint as well as discontinuing the annual training conducted to certify Officers on the use of the technique.

On July 7, 2020, Chief Harris and Deputy Chief Aksdal provided a memorandum and presentation to the City Council, on the Department's policy and procedures on use of force. This included a review of changes made after the murder of George Floyd and receiving

community comments, questions and recommendations regarding use of force policies. In addition, Staff developed an internal draft use of force dashboard to begin the discussion on what data to collect and report to ensure transparency and accountability.

On August 4, 2020, the City Council passed Resolution 5434. As part of the transparency strategies outlined in Section 1 of R-5434, the City Manager was directed to develop a police use of force public dashboard. In addition, under the accountability strategies outlined in Section 2 of R-5434, the City Manager was directed to contract with a third party to conduct a use of force data evaluation and analysis.

On February 16, 2021, Chief Harris provided the City Council a memorandum that contained a preliminary review of use of force incidents involving persons of color that occurred in 2019, and 2020. This memorandum included a summary of consultants who conduct use of force policy and data review. In addition, Staff presented a review of key considerations and best practice review that included what use of force data is currently collected and what is not collected to comply with proposed legislation that would require mandatory reporting to the Washington State Attorney General. The Legislature later passed Senate Bill 5259, directing the Attorney General to contract with an institution of higher learning for use of force reporting and convene an advisory group to submit recommendations regarding use of force data collection by April 1, 2022 and issue an RFP. Data collection is expected to begin sometime in the third quarter of 2022.

On April 29, 2021, the City signed a contract with Police Strategies LLC a third-party vendor to provide both data evaluation and analysis, as well as develop a public facing interactive use of force dashboard.

On May 18, 2021, Chief Harris provided the City Council a memorandum that contained a preliminary review of use of force incidents involving persons of color that occurred during the first quarter of 2021. Due to the important related discussions that occurred during the Council Study Session, there was not sufficient time to provide the use of force presentation.

On June 1, 2021, Chief Harris provided the City Council with a presentation on the preliminary review of use of force incidents involving persons of color that occurred during the first quarter of 2021.

In several of these presentations the Department has highlighted that the data shows a racial disparity between the percentage of use of force on people of color when evaluated against the Kirkland population percentages as the primary metric. Understanding all the factors involved, including race, is the key to ensuring the Department provides appropriate training and ongoing review of policies and procedures. The use of force analysis and public facing webpage will be additional tools that will help the Department's commitment to continuous improvement and the safety of all community members.

Use of Force evaluation and analysis conducted 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 (IAPro/Blue Team).

- 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; 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

- As reported in the January 19, 2021, City Council meeting, when a use of force response occurs that results in death, great bodily harm or substantial bodily harm, an investigation independent of the Department must be completed per RCW 10.114.011. In these circumstances, the Chief of Police requests mutual aid by the Independent Force Investigation Team King County (IFIT-KC). The King County Prosecuting Attorney reviews all deadly force incidents for criminal charging and the King County Executive's Office conducts Inquest Hearings to determine what actions occurred and whether the law enforcement officer complied with training and policy.

Use of Force Review Board

- In addition to the IFIT investigation and the Inquest process, a Department "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 peer is considered a member of the Department in a similar classification as that of the involved Officer)
- 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.

Use of Force data evaluation and analysis to complete a public facing dashboard conducted by Police Strategies LLC:

On April 29, 2021, the City signed a multi-year contract with Police Strategies to 1) conduct a use of force evaluation and analysis of data previously collected from 2016 – 2020 as well as future data in 2021-2022, and 2) develop a public facing interactive use of force dashboard. Police Strategies was selected due to their ability to both analyze data and publish an interactive public facing use of force dashboard. No other third-party contractor could provide all of these services in one contract. Police Strategies have completed use of force analysis and evaluation of 91 other police agencies in eight different states. This allows them to compare the Department to a number of other agencies as they examine when, where, how and why force is used by Officers. In addition, many of their contracts also included racial and demographic disparity studies of law enforcement data.

Partnering with the Center for the Study of Crime and Justice at Seattle University, Police Strategies provides their contract agencies with a "Police Force Analysis System" (PFAS). The purpose of the PFAS is to craft evidence-based best practices and closely monitor officer behavior in the field, creating a much more comprehensive risk management tool to improve training, policies and practices. Many use of force data collection systems only include the use of deadly force, serious bodily injury or the discharge of a firearm. Police Strategies reviews and collects 150 fields of data for all types of physical force and use of weapons. Police Strategies also examines all of the relevant information immediately before, during and after an application of force. All data extracted from the Department's use of force reporting was standardized by Police Strategies to compare practices with other agencies in their system.

To conduct this analysis, the Department provided Police Strategies with the use of force data contained in the IAPro/Blue Team reporting software program as well as all Officers incident reports and narratives. Duplications were identified in the way in which Officers were reporting use for force that created the appearance that there were more incidents of use of force than actually occurred. For example, an Officer completing their report would inadvertently list a witness Officer as having used force, instead of listing that Officer as a witness.

Police Strategies worked directly with Administrative Commander Melissa Petrichor to synthesize the data. The initial process of collecting and synthesizing the data took several months and was laborious. But the final product will provide a consistent framework for future analysis and

evaluation. Kirkland currently includes both “use of force” and “show of force” in the total number of use of force incidents. To allow “apples to apples” comparisons with other national and regional agencies, Police Strategies analyzed all the “use of force” incidents, but not the “show of force” incidents. Many departments don’t require the documentation of an Officer’s “show of force”. Kirkland Officers are required to report a “show of force” if they drew their firearm or taser but gained compliance and did not utilize a weapon. Separating use of force and show of force incidents is different than the Department’s previously submitted staff work. The data depicted in this table was submitted as part of the July 7, 2020 presentation on use of force to the City Council and included both the “use” and “show” of force. Separating these two data fields will result in a reduction in the number of reported “use of force” incidents:

Year	Calls for Service	Use of Force	Percentage	Arrests
2017	45,564	95	0.2%	2040
2018	49,418	90	0.18%	1790
2019	48,029	99	0.2%	1786

The use of force analysis and evaluation combined with the use of force dashboard will provide an evidence-based system to evaluate the totality of the circumstances.

However, the Department will continue to ensure that the show of force is reported by Officers in the IAPro/Blue Team software system. Show of force data will also be incorporated into the public facing dashboard with a filter in order to view them separately from officer use of force.

After extracting the use of force data from the Department’s incident reports and officer narrative statements, Police Strategies analyzed the data utilizing the following algorithms:

- **Force Factor Analysis:** Force Factor examines the proportionality of force to resistance to identify potential excessive uses of force. An Officer using a higher level of force against a lower level of resistance may be able to control a subject faster but could lead to higher injury rates for those subjects. The reverse would also be true in that a lower level of force against a higher level of resistance could lead to higher injury rates for Officers.
- **Force Justification Analysis:** The constitutional standards for all police uses of force are outlined in the United States Supreme Court case of *Graham V. Connor*, 490 U.S. 386 (1989). This case set an objective reasonableness standard; based on the seriousness of the crime being investigated, the level of threat to the officer or others, the level of resistance and whether the subject fled from the officer. Police Strategies research indicates that a low “Force Justification Score” (i.e. incidents where subjects were not committing serious crimes, did not pose a significant threat to the officer or others, did not present a high level of resistance, and did not flee) are at higher risk of being found to be legally unjustified or unnecessary. A high “Force Justification Score” might indicate the suspect assaulted the Officer prior to the use of force.
- **Force Sequence Analysis:** Each time the force-resistance dynamic changes in a use of force incident a new sequence is coded. Incidents that have more force sequences are an indication that the officer(s) are having difficulty controlling the subjects due to higher levels of resistance and/or ineffective use of force tactics.
- **Force Tactics Analysis:** Each type of physical force tactic and weapon used was analyzed to evaluate its effectiveness and impacts.

After the initial analysis by Police Strategies, additional information was collected to include arrest data to further provide an evaluation of race, gender and the age of those involved in use of force incidents. Key findings include:

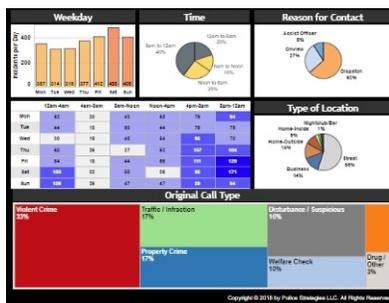
- Use of Force incidents are linked to arrests – there is a strong correlation between the total number of uses of force incidents and the number of arrests Officers make. When the number of arrests changes, it's expected that the number of uses of force would change at the same rate.
- Most Officer decisions to use force were low discretion – over the last five years;
 - 67% of Kirkland Officers who used force were responding to a dispatched call for service
 - 27% of subjects were fleeing
 - 61% of subjects were threatening or assaulting officers or others
 - 99% of subjects were physically resisting
 - 91% of suspects were committing some type of crime or infraction
- 82% of all force incidents involved only the use of physical force and no weapons
- 59% of all force incidents involved a protracted struggle between the officer(s) and subject.

The preliminary analysis of use of force incidents indicates that Officers take a significant amount of time to attempt to gain compliance by utilizing de-escalation techniques, displaying patience and are less likely to utilize weapons such as their Taser before attempting to physically control a resistant subject. Police Strategies will provide training on utilizing their algorithms as a more comprehensive early warning system and risk management tool to adjust policies, procedures and training to ensure Officers are utilizing force appropriately.

Public Facing Use of Force Dashboard

In addition to providing analysis and evaluation of the Department's use of force, Police Strategies have taken all of the data and built interactive use of force dashboards. Members of the public will be able to view individual dashboards containing the following categories:

- Date, time & location of use of force incidents.
- Age, race, gender of subjects and crimes involved in the incidents.
- Officer force tactics to include type of force used and number of Officers involved.



The individual dashboards utilize maps, graphs and tables to present the data in a format that can be filtered by a single or multiple data fields. The Department intends to update the analysis on an annual basis.

Additional examples of existing dashboards, including the King County Sheriff's Department, can be found on the Polide Strategies website: <http://policestrategies.com/pfas/>

NEXT STEPS:

Police Strategies will provide a detailed presentation at the January 18th, 2022 City Council Study session to explain their methodologies to analyze and evaluate the Department's use of force. The second presentation, tentatively scheduled for February 1, will highlight the Kirkland results of using this methodology.