



Culture of Accountability Report – Kirkland Police Unwanted Subject

NORCOM Culture of Accountability Risk Management: *NORCOM follows other high-consequence industries including healthcare, aviation, rail, nuclear power, and emergency response in its approach to managing risk and preventing adverse outcomes. Human Factor experts have concluded that there will be five human failures for every 100 actions. Human failures can be the result of a mistake, system design, and/or reckless behavior. The Culture of Accountability approach recognizes that all humans are destined to make mistakes and that some will drift into at-risk behavioral choices regardless of how well a system is designed. Incidents are analyzed by focusing on system design and behavioral choices as opposed to focusing on errors and outcomes. This methodology has yielded outstanding improvements in safety in high consequence industries by encouraging employees to self-report mistakes, identifying system issues that create bad outcomes, and reducing at-risk behavior.*

Scope:

This Culture of Accountability Report details the events surrounding an Unwanted Subject incident that occurred at Menchie's Frozen Yogurt in Kirkland. While this report is purposefully clinical and grounded in clarifying fact, NORCOM's primary concern is always the safety of all persons at the scene and that of the officers responding to the incident.

Subject:

The report below presents NORCOM's preliminary fact-finding regarding the handling of an Unwanted Subject incident at 11308 NE 124th Street on Wednesday, November 7, 2018 at 1727 hours.

Agencies and Units Involved:

Kirkland Police Patrol Units: 4K3, 4K4, 4K7

Bottom Line:

NORCOM processed a 911 call from a business owner regarding an unwanted person. NORCOM's call receiver did not act of racial bias in handling the call. NORCOM's call receiver followed standard procedures in asking the caller to give a description of the person. These standard procedures require the call receiver to ask the race, gender, and general description of the person. The call receiver implied a suggested outcome, i.e., moving the subject along. When a caller reports a crime, NORCOM policy directs call receivers not to imply or guarantee an outcome to the caller. The policy is not clear on incidents, such as this, where the caller does not report a crime. The NORCOM call receiver did not accurately relay the caller's exact language that his employees were "scared." Instead the call receiver relayed that the caller's employees were "uncomfortable." Responding police officers relied, at least in part, on the call receiver's description.

Summary:

Calls from the public reporting an Unwanted Subject or Trespass are quite common and occur with great frequency in all the police jurisdictions we serve. From January 1, 2017 to November 20, 2018, NORCOM processed a total of 5,704 Unwanted Person calls and 1,704 trespass calls for its 6 police agencies.



Preliminary analysis shows that 42.50 percent of these calls were people reporting unwanted or trespassing white males or white females, and 15.46 percent of calls involved black males or black females. The balance of other calls involved a wide range of races and, in some cases, there was insufficient data within the research documentation to determine race and/or gender.

At 1727 hours on November 7, 2018, the owner of Menchie's called NORCOM to report a suspicious person at their store in the Totem Lake area of Kirkland. The owner stated the person seemed suspicious because he was sitting in the corner, was at the location for over 30 minutes without buying anything, and kept looking at the phone and employees, scaring them.

NORCOM obtained the address and details about what was occurring. At that point, the call receiver offered, *"we can have officers there and tell him to move along."* The call receiver then appropriately asked for a description of the person including his race, physical characteristics, and a brief clothing description. The call receiver also asked the business owner *"do you want him trespassed or do you just want them to tell him to move along?"*

NORCOM policy states *"When answering a call for a theft complaint (shoplifting) or other crimes at a business, please refrain from asking if the Reporting Party would also like the subject trespassed."* Menchie's business owner did not report a specific crime, only that a suspicious person was in their store. NORCOM does not have a specific policy or directive that addresses trespass questioning when the caller is not reporting a crime. On a technical level, the call receiver did not violate this policy. The call receiver could have worded this more neutrally as it implied that police would remove the subject regardless of the circumstances they discovered on scene. More importantly, NORCOM's policy follows sound principles. Those principles may apply even when there is no report of a crime. NORCOM will work with its law enforcement agencies to consider the principles on which the policy is based and whether to change the scope of the policy.

Findings:

1. The call receiver followed standard protocol at NORCOM and 911 centers throughout the nation by asking the caller for a description of the person. It is standard procedure for the call receiver to ask for race, gender, and related factors. This procedure is for officer safety for officers to identify the subject of the call upon arrival on scene.
2. The call receiver made a statement during the call that implied a specific result where they could have made a more neutral statement. It is not NORCOM policy to promise or imply any result with respect to reports of a crime. This matter did not involve a crime and the policy did not strictly apply. The call receiver's statement could have been more neutral and formal, and NORCOM and its law enforcement agencies need to evaluate whether to broaden the policy to include situations involving unwanted persons who have not committed a crime.
3. The call receiver also should have documented exactly what the owner was reporting. The owner stated two times that the employees told him they were "scared;" however the dispatcher entered the call stating that the caller reported his employees were "uncomfortable". Responding officers relied on the call receiver's statement in responding to the call.
4. The call receiver did not act out of racial bias. The call receiver asked the question about "moving along" before she knew the race of the person.



Conclusion: NORCOM will provide more training and coaching to address these areas of concern, and will check the call receiver's future performance for compliance with procedure in all respects. NORCOM has a Quality Assurance Specialist who routinely reviews calls for policy compliance. The Quality Assurance Specialist will include review of Unwanted Subject calls in future reviews. NORCOM will counsel the call receiver to present comments in a professional and neutral tone.

NORCOM Training will develop more training on Unwanted Subject and Trespass calls that will be presented to all NORCOM Telecommunicators. NORCOM's Training Coordinator and NORCOM's Police Liaison will work with Police Operations to review all policies and procedures related to Unwanted Subject calls. NORCOM will work with participating police agencies to evaluate whether to make an amendment to NORCOM's procedures for Unwanted Subject calls.

Incident Chronology – Kirkland Police Unwanted Subject

The following is a report in detail regarding an Unwanted Subject call at 11308 NE 124th Street occurring at 1727 hours on Wednesday, November 7, 2018.

CALL ANSWERED AT 0:00:00 INTO THE CALL

- 17:27:45 NORCOM receives a call from the owner of the Menchie's Frozen Yogurt.
- 17:28:02 The owner reports that he is not on site. He explains that there is a male, in the store who has been sitting in a corner for at least 30 minutes and has not made any purchases. He also states that his employees are scared because the male looks suspicious.
- 17:28:38 Call Receiver asks if the male has any weapons.
This is the correct first question to ask according to NORCOM training, as weapons are a safety issue and of paramount importance to the safety of responding officers and citizens involved.
- 17:28:54 Call Receiver enters into the Computer Aided Dispatch (CAD) call that the employees called the owner and said the male is making them "uncomfortable." The owner had stated twice that the employees were "scared" and did not use the word "uncomfortable" in describing his concerns.
- 17:29:13 Call Receiver says, "We can have the officers there and tell him to move along."
The only things known about the male's description at this point are his sex and he does not appear to have any weapons.
- 17:29:15 Call Receiver asks for a description and the race of the male.
This is the correct next question in obtaining a subject description according to NORCOM training. NORCOM asks about characteristics in the order of most obvious or recognizable and most permanent and therefore hardest to change. Sex and race come first, and then age, then height and weight. By contrast, clothing is a lower priority because a subject can remove or cover up their clothing.
- 17:30:21 Call Receiver asks, "do you want him trespassed or do you just want them to go there and tell him to move along?"



17:30:25 The owner responds to the question with “Just tell him to move along.”

POLICE PATROL UNITS RESPOND AT 00:04:20 INTO THE CALL

17:32:05 4K4 announces on the NCPOL2 radio channel that he will “head over to the Unwanted.” *NCPOL2 is the main radio channel assigned for Kirkland Police. 4K4 is “self-dispatching” or assigning to himself the Unwanted Subject call. NORCOM protocol on self-dispatched incidents is to refrain from giving call details over the radio unless extenuating circumstances exist.*

17:32:34 4K3 states on NCPOL2 to “put mine in pending and I’ll head that way as well.” *4K3 is asking the Telecommunicator to put his current call in pending and instead show him responding to the Unwanted Subject call with 4K4. A pending call is one awaiting completion and may be waiting for an officer to start handling or to finish writing a report. It is common practice for officers to place lower priority calls in pending to respond to a higher priority call.*

17:33:13 4K7 states he is wrapping up and will respond in place of 4K3. 4K3 acknowledges and the Telecommunicator makes the appropriate changes in the computer system.

17:36:22 4K3 states he is closer to the Unwanted Subject call than 4K7 and requests the Telecommunicator assign him back onto the call. The Telecommunicator complies.

17:36:28 4K7 was cleared off the call.

17:37:26 4K3 states he is in the area.

17:37:51 4K4 arrives.

17:41:20 4K3 switches from the NCPOL2 radio channel to the NCDATA channel to run a name. *The NCDATA channel is for non-emergency radio traffic used to ask NORCOM to assist searching various databases for information. 4K3 is indicating that he has a name and wants the NORCOM NCDATA Telecommunicator to check the name in the FBI’s National Crime Information Computer (NCIC) system, the Washington Crime Information Center (WACIC) as well as the Department of Licensing (DOL) to see if there are any warrants, court-issued protection orders, or anything else connected with the name he has. This is standard procedure for police contacts.*

17:42:38 4K3 asks the Telecommunicator on the NCDATA channel to run the name, giving only a first and last name. *Typically, an officer will run a name using a last name, first name, middle initial, and date of birth. In this case, the officer did not provide all that information and acknowledged that fact. The Telecommunicator, in response, replies “I’ll take a look,” indicating that she intends to check all the databases she has available to find the middle initial and date of birth. This is a common interaction between officers and the NCDATA channel.*



17:46:12

The Telecommunicator on the NCDATA channel informs 4K3 that she found information matching the information provided, and that person is clear. 4K3 tells NCDATA that the male has left, and he just wanted the information for the call.

“Clear” means that the databases such as NCIC, WACIC, and DOL do not have any warrants, orders, or anything creating a safety issue or necessitating further investigation.

18:03:54

4K3 states on the NCPOL2 radio channel he is “code four” and clear of the scene.

4K3 is indicating he is safe and no longer on the location. He is still not clear of the call because he is writing a report. This is routine and normal.

18:55:59

4K3 clears the call FF and closes the call out.

Clearing the call FF, or “frank” indicates that the officer took a Field Interview Report or FIR. A FIR is a record of a police officer’s stop of an individual or vehicle used to document the parties involved and nature of police contact. FIRs are routine with these types of incidents.