



City Hall remains closed during Governor Inslee’s “Healthy Washington - Recovery Roadmap” order, a consequence of the Covid-19 pandemic. The public is invited to attend the meeting virtually by using the ZOOM Meeting access information below -

Please click the link below to join the webinar:

CALL TO ORDER

Roll Call: Bitetto, Brown, Hamilton, Hayden, Hochstatter, Neuman and Reed

REGULAR BUSINESS

1. Impacts from the 2021 Legislative Session on Policing Policies and Practices
2. Police Body Worn Cameras Update

CITY ADMINISTRATOR REPORT

AGENDA SETTING

1. Council Meeting Agenda Calendar
2. Council Committee Meeting Calendar

EXECUTIVE SESSION

ADJOURNMENT

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

SUBJECT: Impacts from the 2021 Legislative Session on Policing Policies and Practices

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Policy Impacts from the 2021 Legislative Session

STAFF CONTACT: Brad Moericke, Police Chief

SUMMARY BACKGROUND:

Tonight we will be updating the council on the many policy changes and impacts on policing as a result of the past legislative session.

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: 6/28/2021 COMMITTEE RECOMMENDATION:
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STAFF RECOMMENDATIONS/MOTION:



POLICY IMPACTS

2021 Legislative Session

HB 1054

Police Tactics

Effective July 25, 2021

- Prohibits use of chokeholds or neck restraints “LVNR” in any circumstance. **Sumner already banned them last year**
- Limits/prohibits use of tear gas (not OC spray)
 - May still be used in hostage or barricaded subject)
 - Very limited use in riots with approval from highest elected official.
- Bans use of “Military Equipment” **Definition unclear, will need to divest of one automatic rifle.**
- All police officers must be reasonably identifiable **We already meet this requirement for uniformed patrol.**
- Extremely limits vehicle pursuits
 - Must have Probable Cause that a person in the vehicle has committed or is committing: a violent offense (limited), a sex offense, escape OR reasonable suspicion of DUI.
 - The officer must have authorization to initiate the pursuit from a supervisor that is **present**. **Very problematic**
 - Only exception is agencies with fewer than 10 officers
- Prohibits firing a weapon at a moving vehicle w/narrow “imminent threat” exception. **Similar**



HB 1310

Use of Force

Effective July 25, 2021

Repeals prior statutes and replaces with:

- Officers may only use force where there is PC to make an arrest or prevent an escape OR
- Protect against imminent threat of bodily injury to the officer, another, or the person against whom the force is being used.
- Authorizes deadly force only when necessary to protect against an imminent threat of serious physical injury or death.
- Creates a duty of care for all peace officers:
 - Requires an officer to exhaust available and appropriate de-escalation tactics *prior* to using any physical force (time, distance, cover; leaving the area if no imminent harm or crime committed).
 - Use the least amount of force necessary to overcome resistance under the circumstances; terminate use of force as soon as necessity ends; have less lethal options available; when possible use less lethal options prior to use of deadly force.



HB 1310

Use of Force

Continued

- Prohibits an officer from using **any** force tactics prohibited by agency policy or law, except to protect own life or that of another person
- Requires the Attorney General (AG) to develop a model policy on officer use of force by July 1, 2022,

AND

- Requires **all** law enforcement agencies to adopt the AG model policy on use of force OR a policy “consistent” with the AG’s model policy AND submit copies of all policies to the AG’s Office. Report any changes to department use of force policy to the AG’s Office within 60 days of any changes.
- AG’s Office required to publish on its website the status of all law enforcement agencies’ use of force policies.



SB 5259

Law Enforcement Use of Force Data Collection

Effective July 25, 2021

- Requires the AG to contract with a state college to administer a state-wide law enforcement use of force reporting system
- Establishes the minimum criteria on the types of force incidents to be reported (all but empty hand)
- Establishes the minimum data elements to be reported (who, what, when, where + demographics)
- **Authorizes the AG to require additional interactions and data elements to be reported
- Mandates all WA law enforcement agencies to report all required interactions and data elements in the **format** and **timeframe** established by the AG's Office.

This bill will undoubtedly impact staff time/resources.



SB 5066

Duty to Intervene

Effective July 25, 2021

- Requires all general authority officers who witness another general authority officer using or attempting to use excessive force (not allowed by agency policy or law) to intervene, if able, to end or prevent the use of excessive force. [We already have a similar policy.](#)
- Requires all general authority officers who witness or have a reasonable belief that another general authority officer has committed wrongdoing (conduct contrary to law or agency policy) to report such wrongdoing. [We already have a similar policy.](#)
- Incorporates duty to render first aid.
- Prohibits discipline or retaliation for intervening or reporting as required.



SB 5066

Duty to Intervene

Continued

- Requires law enforcement agencies to report to the Criminal Justice Training Commission (CJTC) any discipline resulting from an officer's **failure** to intervene or report as required.
- Requires CJTC to develop written model policy on above by December 2021 and **all** departments to adopt their own policy by June 1, 2022.
- CJTC must provide duty to intervene training by December 2023.



HB 1088

Impeachment Disclosures

Effective July 25, 2021

Requires each county prosecutor to adopt written protocols by July 1, 2022, addressing the following:

- The types of misconduct that must be disclosed.
- How the information must be disclosed and maintained.
- When and why an officer may be removed from a “Brady” list
 - Protocols reviewed every 2-years
 - Agencies must disclose within 10 days
 - Prior to hiring ANY officer with previous experience, must inquire about Brady disclosures



HB 1267

Office of Independent Investigations (OII)

Effective July 25, 2021

- Creates the OII within the Governor's Office designated as a "limited authority law enforcement agency" (all investigators must be civilians). **Big change**
- Beginning July 1, 2022, the OII is authorized (but not required) to investigate the use of deadly force by any law enforcement officer after July 1, 2022.
- Designates the OII as the "lead investigative body" for any use of deadly force investigation it **chooses** to conduct.
- Requires all law enforcement agencies to immediately notify OII of any use of deadly force incident.
- Requires law enforcement to relinquish the scene of an incident to the OII if they **choose** to take over.
- Creates a duty for agencies to comply with requests for information from OII.



HB 1089

Audits of Independent Investigations

Effective July 25, 2021

- Under current law, each jurisdiction has their own independent force investigation team (I-940). For us, it is a county-wide multi-jurisdictional team PCFIT.
- This bill authorizes the State Auditor to conduct a process compliance audit of **any** independent deadly force investigation (except the new state's OII).
- ** At CJTC request, authorizes the State Auditor to conduct an audit of any law enforcement agency to ensure that the agency is in compliance with **all** laws, policies, and procedures governing training and certification of peace officers employed by the agency.
- Prohibits the Auditor from charging the law enforcement agency for the audit pursuant to this bill. However, staff time in preparation to and in response to an audit is costly and unfunded.



SB 505 I

Decertification

Effective July 25, 2021

Currently, all WA Peace Officers are “certified” by CJTC and that certification can only be revoked following an agency investigation and determination that an officer was “dishonest” or has been convicted of a felony. This bill:

- Vastly expands and establishes criteria for **mandatory** and **discretionary** de-certification of peace officers.
- Authorizes CJTC to **suspend** certification with no time limitations or place a certification in “probationary” status for up to 2 years. **Employer may not take adverse action based on suspension!**
- CJTC may conduct it’s own investigation into allegations of improper conduct – independent of any employing agency investigation.



SB 505 I

Decertification

Continued

- CJTC may issue public recommendations regarding law enforcement agencies' command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters.
- Expands requirements relating to pre-hire background checks. (always a good thing)
- Requires law enforcement agencies to report to CJTC within 15 days of occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime.
- Changes the composition of the commission from 16 to 21 members, eliminating some law enforcement positions and adding 7 civilian (non-law enforcement) positions. (Big change)



SB 505 I

Decertification

Continued

- Authorizes CJTC to impose a civil penalty up to \$10,000 for the failure by an officer or an employing agency to timely and accurately report information to CJTC.
- Requires law enforcement agencies to retain personnel records for the duration of the officer's employment plus a minimum of 10 years thereafter. (big change)
- Requires CJTC to maintain a publicly searchable, machine readable, and exportable database on certifications and discipline.
- Specifies that the CJTC shall have the sole authority to provide basic law enforcement training.
- Requires law enforcement agencies to conduct and complete administrative investigations when officer retires or resigns prior to completion.
- Prohibits law enforcement agencies from considering application for employment unless applicant waives all prior confidentiality agreements.



HB 1223 Uniform Electronic Recordation of Custodial Interrogations Act

Effective January 1, 2022

- Requires that **any** custodial interrogation of an adult for a felony offense OR a juvenile for **any** offense that takes place in a jail or police facility must be **audio** and **video** recorded to be admissible.
- Custodial interrogations that occur in a police vehicle or school must be audio recorded at a minimum.
- Officers must document any exceptions in report, and agency must have a policy and procedures in place to implement the act by its effective date.
 - Limited exceptions: spontaneous statements, exigent circumstances, refusal by interviewee, interviews outside of WA, safety concern (confidential informants), equipment malfunction.

This bill is a “de-facto” body cam requirement. We will need to upgrade audio and video capabilities in our two interview rooms and rely on body camera for booking/BAC area.



HB 1140

Juvenile Access to Attorneys

Effective January 1, 2022

Requires that an officer **must** provide a juvenile access to an attorney **prior** to any waiver of rights **if**:

- Detains a juvenile on probable cause for any criminal offense
- Any custodial interrogation
- Requests consent to search person, property, dwelling, or vehicle.
- The right to access an attorney cannot be waived. Any statement made or search without first providing the juvenile with access to an attorney and getting a valid waiver may be suppressed.
- State Office of Public Defense responsible for providing accessible attorneys.



SB 5476

Blake Decision

“Fix”

- Amends the Uniform Controlled Substances Act to specify that **knowing** possession of a controlled substance is a simple misdemeanor. **Effective now, sunsets July 1, 2023. The City’s recent ordinance now preempted.**
- Law Enforcement must divert to a “referral for assessment and services” an individual found in possession of controlled substances at least **twice** before a violation can be referred for prosecution. **Tracking and sharing information is a challenge.**
- Modifies the drug paraphernalia statute to remove reference to paraphernalia used to store, conceal, inject or otherwise introduce controlled substances into the human body. Essentially only paraphernalia used to manufacture drugs is illegal. **The City’s recent ordinance is preempted.**
- Requires the state Health Care Authority to establish a statewide substance use recovery services plan. **Just not enough providers.**



SB 5135

Unlawfully Summoning Police

Effective July 25, 2021

- Establishes a new civil cause of action for damages against any person who knowingly causes a law enforcement officer to arrive at a location to contact another person with the intent to:
 - infringe on the other person's constitutional rights;
 - unlawfully discriminate against the other person;
 - cause the other person to feel harassed, humiliated, or embarrassed;
 - cause the other person to be expelled from a place in which the other person is lawfully located; or
 - damage the other person's reputation or financial, economic, consumer or business prospects.
- A prevailing plaintiff may recover economic and non-economic damages, including punitive damages and attorney fees and costs.



Other Legislation

- **HB 1320** – Repeals 137 existing statutes and consolidates and amends laws relating to various protection orders. Highly technical 320-page bill!! **This bill will require policy and changes to forms that reference specific RCWs.**
- **SB 5055** – Establishes a rotating pool of “specialized” law enforcement grievance arbitrators within PERC. Goal of having more consistent outcomes.
- **HB 1214** – Requires school districts to adopt certain policy and procedures regarding safety and security. Requires agreements with Law Enforcement (SRO’s) be submitted to OSPI.
- **HB 1227** – Modifies the criteria authorizing law enforcement to take a child into protective custody without a court order.



Other Legislation

Continued

- **HB 1477** - Establishes a Statewide 9-8-8 Behavioral Health Crisis Response Line with an additional tax on phone lines to fund the crisis hotline centers and response services.
- **SB 5038** - Bans open carry of firearms or any weapon within 250 feet of any public demonstration
- Several bills revise DOL policies: Driver licenses will be valid for 8 years. Allows for remote picture capture for renewals. Drivers have 30 days (not 15) to respond to a traffic infraction. No license suspension for failure to pay fines.
- A number of bills address corrections reforms. Most expand current early release “reentry plans” for offenders.
- The 22-23 biennium state budget provides 20M to off-set costs of implementation of police reform legislation for cities and counties on a per-capita basis.



SUBJECT: Police Body Worn Cameras Update

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Council Study Session BWC Update

STAFF CONTACT: Brad Moericke, Police Chief

SUMMARY BACKGROUND:

Chief Moericke will update the Council on the current status of the Body Worn Cameras program.

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: 6/28/2021 COMMITTEE RECOMMENDATION:
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STAFF RECOMMENDATIONS/MOTION:

Authorize the Chief to move forward with preferred vendor.

BODY CAMERA UPDATE

Sumner City Council
Study Session June 28,
2021



SINCE THE MARCH 8TH STUDY SESSION

- Full draft policy posted to Sumner Connects page on April 28th to solicit public input and promoted on social media & e-news.
(<https://connects.sumnerwa.gov/body-worn-cameras>)
- May 3rd Council passes Resolution #1582, authorizing the use of body worn cameras by SPD officers and authorizing the Chief to develop operational policies and commence procurement process.
- May 10th to June 7th 4 SPD officers conducted a “field trial” of Axon Body 3 cameras. Four cameras assigned to 4 different officers. 60+ videos
- Good quality videos, positive feedback from the officers on the easy of use.



CORE + PLAN

- Axon has a program that combines new Taser 7 and Axon Body 3 Cameras as a bundle, both using Evidence.com cloud storage.
- Annual review of issued Tasers found 12 out of 24 were model year 2015 or prior (no longer “supported”) and 7 of those had malfunctioning LED displays.
- Mistaken Taser deployment incident on April 11, 2021, in Brooklyn Center, Minnesota, caused a review of Taser carry and other issues, such as resemblance of appearance. (black versus neon yellow)
- Advantages of bundling includes, cost savings, discounts, complete Taser upgrades for entire patrol force, access to Taser data.



ANNUAL COSTS OF THE CORE+ PLAN

\$34,344	Based on \$159.00 per officer, per month
\$1,944	Redaction assistant licenses
\$2,400	Additional users Evidence.com licenses (5 for records, Chief etc.)
\$3,500	Estimated Sales Tax
\$42,188	in equal annual payments for 5 years = \$210, 940

- Cost does not increase over the course of the agreement, unless additional items are added.



CITY COUNCIL AGENDA CALENDAR**Updated June 21, 2021**

CA – CONSENT AGENDA ES – EXECUTIVE SESSION NB – NEW BUSINESS
UB – UNFINISHED BUSINESS P – PRESENTATION PH – PUBLIC HEARING PR - PROCLAMATION

8/18 – All Staff Meeting

JULY 6 (Tuesday) (RCM) Canceled**JULY 12 (SS)**

- Library Update
- City Hall Reopening Update
- Community Food Bank Presentation

JULY 19 (RCM)

CA Resolution No. XXXX Approving Interlocal Agreement with the Washington State Auditor
 NB Ordinance No XXXX – Budget Amendment
 NB Body Worn Camera Purchase Agreement

JULY 26 (SS)

- Housing Action Plan Prioritization
- Houston Rd Annexation Discussion
- Main Street Visioning Discussion

AUGUST 2 (RCM)

Director Authority Clean-Up
 NB Resolution No. XXXX - ILA SSHAP agreement

AUGUST 9 (SS)**AUGUST 16 (RCM)**

Resolution No. XXXX – Housing Action Plan Prioritization

AUGUST 23 (SS)

Pending

MISC.	MISC.	WHITE RIVER RESTORATION PROJECT
ROW Vacation Code Amendment	Library Property Surplus	PH - Surplus Utility Property South of 24 th Street East
LEOFF 1 Policies	Contract Approval Code Amendment	UB - Resolution No. XXXX - Surplus Utility Property South of 24 th St E
PH / Ordinance ROW Vacations SBLSD (6)	Temporary Use Permit – Food Trucks	PSA Golf Course Extension
Sign Code Update	Juneteenth Holiday Code Amendment	BNSF Agreement
Raffle Repeal SMC 904	Update electronic signatures code	CWA Agreement
CTR Ordinance Update	Zoning Code Text Amendment IC	CA - Water Rights Cost Reimbursement Agreement
Development Agreement Code updates		

JUNE 2021

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5
	4:00 PM Public Works Committee (Virtual)	5:30PM Finance Committee (Virtual)	6:00PM Planning Commission (Virtual)		
7	8	9	10	11	12
6:00PM Regular Council Meeting (Virtual)		CANCELLED 6:30PM Design Commission (Virtual)	4:30PM Forestry/Parks Commission (Virtual)		
14	15	16	17	18	19
6:00PM Study Session (Virtual)		5:00PM Public Safety (Virtual)			
21	22	23	24	25	26
6:00PM Regular Council Meeting (Virtual)		CANCELLED 5:00PM CD Committee (Virtual)	5:30PM Arts Commission (Virtual)		
28	29	30			
6:00PM Study Session (Virtual)	6:00PM American Rescue Plan Act Committee (Virtual)				

*Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.*

Name: Michelle Converse, CMC

Title: City Clerk

City of Sumner
1104 Maple Street
Sumner, Washington 98390
Ph: (253) 299-5500 Fax: (253) 299-5509
Website: **www.sumnerwa.gov**

JULY 2021

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3
			MOVED TO 7/8 6:00PM Planning Commission (Virtual)		
5	6	7	8	9	10
CITY HALL CLOSED HOLIDAY OBSERVED	4:00 PM Public Works Committee (Virtual) 6:00PM CANCELLED Regular Council Meeting (Virtual)	5:30PM Finance Committee (Virtual)	4:30PM Forestry/Parks Commission (Virtual) 6:00PM Planning Commission (Virtual)		
12	13	14	15	16	17
6:00PM Study Session (Virtual)		6:30PM Design Commission (Virtual)			
19	20	21	22	23	24
6:00PM Regular Council Meeting (Virtual)		5:00PM Public Safety (Virtual)	5:30PM Cultural Arts Commission (Virtual)		
26	27	28	29	30	31
6:00PM Study Session (Virtual)		5:00PM CD Committee (Virtual)			

*Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.*

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