

June 9, 2020

Recently, the City of Mountlake Terrace has received a number of inquiries about our Police Department policies and procedures in the aftermath of the killing of George Floyd in Minneapolis by police.

We appreciate your desire to learn more and have prepared responses to the questions we received.

Question: Has the city adopted the recommendations of President Obama’s 2015 Task Force on 21st Century Policing, and if so, where can I find this information?

Yes. The Police Department incorporated the Task Force recommendations as part of the department’s goals in 2016, and continue to use and report on them today. The recommendations focus on six areas (“pillars”) of policing:

- Building Trust and Legitimacy
- Policy and Oversight
- Technology and Social Media
- Community Policing and Crime Reduction
- Training and Education
- Officer Safety and Wellness

These pillars serve as the blueprint for policing and have been reviewed in City Council meetings 12 times since they were first introduced at the [July 18, 2016](#) City Council meeting. Most recently, they were reviewed as part of the [2019 Year End Report](#) to the City Council on February 27, 2020 along with information about use-of-force and bias-based policing. You can find more information in the Department’s policy manual.

Question: What is the Police Department’s commitment to anti-racist policing and training?

DEPARTMENT POLICY 402.2

The Mountlake Terrace Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

In addition to this policy, commission personnel have annual in-service training in this area. The Department also received accreditation through the Washington Association of Sheriffs and Police Chiefs (WASPC) that requires policy addressing bias-based policing and actual proof that the Department is practicing that policy. Proof consists of police reports, interviews with officers and members of the community.

Question: How is the Police Department addressing diversity of the police force, and what training and accountability measures do they take?

DEPARTMENT POLICY 1000.1

In accordance with applicable federal, state, and local law, the Mountlake Terrace Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

It is the city's intent that the organization is representative of the diverse Mountlake Terrace community, and we hope that is what you see too.

Question: What is our city doing to show this commitment and prevent what happened to George Floyd and countless other black men and women from happening here?

300.2 POLICY

The force response by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may respond with reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to respond with force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer responding with force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee respond with force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Officers shall respond with only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Officers receive annual training at the Criminal Justice Training Commission regarding de-escalation techniques. Additionally, they receive quarterly training in the proper use of force. What happened in Minneapolis is not legal or justifiable. It is a crime.

Question: Does our Police Department reflect the demographics of our city and if it doesn't, what is being done to address this in future hiring?

1000.1 POLICY

In accordance with applicable federal, state, and local law, the Mountlake Terrace Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

The city's demographics are included in the 2019 Police Department Report linked [here](#).

Question: What training do our officers undergo to address systemic racism in policing? What policies are in place that hold officers accountable to the people?

Commissioned personnel are required to attend regular training on bias through the Washington State Criminal Justice Training Commission. This training covers implicit bias research, key findings, and implicit biases towards police among males of color.

Topics covered in the course include:

- What is implicit bias?
- What does implicit bias look like in the real world?
- What causes implicit bias?
- How is implicit bias measured?
- How does implicit bias affect the person who holds the bias?

- How does implicit bias affect the attitudes and behaviors of the affected group?
- How does implicit bias affect community-police interactions and trust?
- How can the potential impact of implicit bias on policing be reduced?

Question: What does the department need from the community and city to best serve this community so that we can also advocate for resourcing our department adequately to address these future issues.

Support during these times. A measured, logical approach to dealing with this tragedy in Minneapolis is critical. Police throughout this country have millions of contacts with community members daily, and the vast majority of these interactions end in a reasonable and even positive manner. The unnecessary and excessive actions of a few should not set the entire narrative, but rather start a conversation on how to address what has led to these injustices.

Question/Comment: Police Departments should speak out against police brutality and the city should take the following steps with our own MLT Police Department:

- *Ban the use of knee and choke holds as acceptable practice.*
The Department does not utilize chokeholds. The Lateral Vascular Neck Restraint is not to be confused with chokeholds. It is a high level of force which is recognized by and trained for at Criminal Justice Training Commission (CJTC). Its use must be “objectively reasonable” under the Graham v Connor standard. It is not what we saw in Minneapolis.
- *Create a use of force continuum with at least 6 levels of steps and clear rules on escalation.*
The “force continuum” is a much misunderstood concept. In years past, the force continuum was used in a linear format beginning at officer presence/ verbal commands and proceeding through in line form into deadly force at the end of the continuum. It invited the misunderstanding that officers must begin at the beginning, then proceed up the continuum before employing higher levels of force. This was not then and is not now the case. Officers utilize force in reaction to the actions of the individual they are dealing with. Hence an officer may have to immediately utilize significant or even deadly force immediately based upon the threat levels he/she encounters. This is precisely what Graham v Connor sets forth. Accordingly, the Department now teaches a “force response” model, as does the Criminal Justice Training Commission. In this, the actions of the individual influence the actions of the officer, which is exactly what Graham v Connor states. Having said this, our Chief points to the consistent oversight and review by command staff of all use of force situations, annual use of force and WASPC accreditation standards.
- *Ensure that officer misconduct information is not shielded from the public and deny re-certification if it is determined that their use of deadly force was unwarranted by federal guidelines.*

The information regarding officer conduct is outlined in the state's Public Records Act that is available to the public. For the most part, the termination of any officer for misconduct is a record that may be reviewed.

Police Chiefs and Sheriffs are legally required to report police misconduct that results in termination of the officer to the state's Criminal Justice Training Commission for decertification. The use of any force found to be excessive would be grounds for both termination and decertification.

The decision is also reported to the County Prosecutor for consideration of charges and or the issuance of a "Brady Finding" which calls into question the officer's suitability to testify in any court proceeding.

- *Establish a Citizen Review Board to hold our Police Department accountable.*
Under Washington law, community oversight of police discipline ("civil service commissions") was transferred to the state's Public Employment Relations Commission (PERC) in the 1970s. Today, local civil service commissions are limited primarily to oversight of the police testing and interview process to ensure it is objective rather than political.

The city had a Police Advisory Board for a number of years to help with community programs such as National Night Out. However, during the Great Recession the city was unable to continue with the board.

Question: What is the Police Department's policy regarding the use of body worn cameras?

At this time the city uses mobile audio and video in all patrol vehicles. Officers are also equipped with a microphone worn on their uniform. This system catches a significant number of officer interactions with community members.

The city does not currently use body cameras primarily due to the cost of redacting the video (e.g., blocking images of non-participants) as required by state law. All data generated by the body worn cameras is required to be stored for at least 60 days under state law, and this requires appropriate storage space, logistics and personnel to edit the video subject to public disclosure laws.

Question: Tell us about Police de-escalation training.

See above responses. Additionally, after the passage of I-940, the Washington State Criminal Justice Training Commission created and adopted rules for the training requirements of the legislation and established criteria for independent investigations of deadly force. This legislation was renamed the Law Enforcement Training and Community Safety Act (LETCSA) in 2019.

Question: Tell us about the Police Department's bias prevention training.

If you look at page 40 of the [2019 report](#) you will find reference to bias based policy and training. The training occurs at a minimum of once annually for all commissioned employees, but in reality occurs much more frequently. In addition to the training, supervisor and command review of all reports occurs, in part, specifically for this reason. That is to make sure any misconduct is identified and addressed immediately.

Statistical data of race as it relates to force is available and consistent with other statistical information. As stated previously, all force response reports are highly scrutinized by supervisors and command staff. Any indication of bias will be identified and addressed immediately. Simply put, bias based policing is not tolerated. Additional responses are shown above.

Question: I was reassured to read of the LETCSA curriculum & Patrol Tactics training that all officers are required to go through, as well as the Crisis Intervention training. Additionally reassuring were the policies on officer reviews with supervisors, data logging, and the statistics on the use of force being used by officers while conducting police work. For those officers on that have higher numbers of force applications and arrests, are they continually being assigned to a particular area or shift where & when crime is highest and that is why their arrests and force applications are significantly higher than the rest of the force?

In regards to higher arrest statistics for three officers, there are many factors that influence force response numbers. However, in this situation these officers indeed work night shifts and their style of policing can be described as proactive. Every force response was heavily scrutinized and determined to be within policy.

If so, doesn't that present an issue for supervisors in that these officers would be under higher, more consistent, stress and thus more likely to use force/ make mistakes/ burn out? How does the department control shifts and areas of the city where officers are assigned to guard against these issues?

As an agency we are very cognizant of the issues you call attention to. There are real risks of emotional and physical fatigue in this field. In order to reduce these risks we have procedures limiting the number of hours any employee may work. Supervisors and employees are trained to recognize the signs of fatigue in themselves and partners, and are encouraged to notify appropriate personnel. The City of Mountlake Terrace has an employee wellness program and participates in the employee assistance program, making services accessible to employees who may need it. As an agency we do our best to mediate these concerns.

In regards to shifts/areas, shifts are based on seniority, which is governed by the Police Guild's collective bargaining agreement. That said, department administration reserves the right to modify hours of work based on a number of issues, performance being one. The City of Mountlake Terrace is approximately 4 square miles in area. Although officers are assigned an

area of responsibility, more often than not Officers spend their shifts responding to calls for service throughout the City and do not remain confined to a geographical area.

Question: In the [report to the City Council](#) in February 2020, traffic infractions and arrests were broken down by race, but there wasn't any statistical data on the race of subjects involved in the incidences of force recorded in 2019.

In regards to statistical data as it relates to race and use of force, in 2019 officers used force to apprehend or control 30 individuals. Of the 30 individuals, 4 were African-American. I assure you, this data was not omitted from the year-end report purposefully. Our goal is to be as transparent as possible. All community members have access to the same information we have. Sometimes it just requires someone to ask the question, like you, if it cannot be easily located on the website. Moving forward this information will be included in the Police Department annual report.

Question: I understand that force applications happen during arrest. Of all the arrests there should be statistical data to show *which subjects* force applications were used on.

See previous response, above. We agree and will include this data in future publications.