

**FIRCREST CITY COUNCIL
STUDY SESSION AGENDA**

**MONDAY, JUNE 15, 2020
6:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Modifications**
5. **Initial review of existing police use-of-force policies; discussion of next steps**
6. **Discussion of options for summer events during COVID recovery**

AGENDA ITEM: Initial Review of Existing Police Use-of-Force Policies; Discussion of Next Steps

FROM: Scott Pingel, City Manager

BACKGROUND: In relation to the June 5th anti-racism and Black Lives Matter protest and march that came through Fircrest, and discussion at the June 9th City Council meeting, City staff were asked to provide information on the City's police use-of-force policies in relation to the 8 policies put forward by Campaign Zero at the 8cantwait.org website. Per 8cantwait.org, these policies are needed now in order to reduce police use of force and police brutality.

Below are listed the 8 policies along with the sections of the Fircrest Police Policies regarding use-of-force as well as the section on misconduct that most closely relate to those 8 policies. This is not to say that the current police policies match or cover the 8 policies, but it provides a reference point for what we do have in place currently.

1 – Ban Chokeholds and Strangleholds: Allowing officers to choke or strangle civilians results in the unnecessary death or serious injury of civilians. Both chokeholds and all other neck restraints must be banned in all cases.

Related Fircrest Police Policy 02.02.09 Deadly Force – Neck Holds: Neck holds must be considered potentially lethal, because of this, they may be considered as an alternative to the use of a firearm when the use of deadly force is permitted by law.

Neck holds may be used in self-defense or defense of others whenever the force used or attempted to be used against the officer or another is potentially lethal or creates a substantial risk of serious bodily harm.

Neck holds will not be used by officers for routine control of a person already in custody, or already restrained.

2 – Require De-escalation: Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.

Related Fircrest Police Policy 02.02.00 Level of Force: Members of the Fircrest Police Department will only use that amount of force which is reasonable and necessary to effect an arrest or assume control over any given situation. An employee may use deadly force only when they reasonably believe that the action is in defense of human life, including the employee's own life, or in the defense of any person in immediate danger of serious physical injury.

State Statute (1-940 and RCW 43.101.450 Violence De-escalation Training) requires all law enforcement officers in the State of Washington undergo de-escalation training each year.

3 – Require Warning Before Shooting: Require officers to give a verbal warning in all situations before using deadly force.

Related Fircrest Police Policy 02.01.00 Use of Force and 02.02.07 Deadly Force – Warning Shots: 02.01.00: The Fircrest Police Department places its highest value on the life and safety of its officers and the public. The Departments policies, rules, and procedures are designed to ensure that this value guides the use of force by police officers.

The citizens of Fircrest have vested in their police officers the power to carry and use firearms in the exercise of their service to society. This power is based on trust and, therefore, must be balanced by a system of accountability. The serious consequences of the use of firearms by police officers necessitate the specification of limits for officer's discretion; there is often no appeal from an officer's decision to use a firearm. Therefore, it is imperative that every effort must be made to ensure that such use is not only legally warranted, but also rational and humane.

The basic responsibility of police officers to protect life also requires that they exhaust all other reasonable means for apprehension and control before resorting to the use of force. Police officers are equipped with firearms as a means of last resort to protect themselves and others from the imminent threat of death or serious bodily harm.

Even though all officers must be prepared to use their firearms when necessary, the utmost restraint must be exercised in their use. Consequently, no officer will be disciplined for discharging a firearm in self-defense, or in defense of another when faced with a situation that the involved officer feels imminently threatens life or serious bodily injury. Just as important, no officer will be disciplined for not discharging a firearm if that discharge might threaten the life or safety of an innocent person, or if the discharge is not clearly warranted by the policy and rules of the department.

Above all, this department values the safety of its employees and of the public. Likewise, it is believed that police officers should use force with a high degree of restraint. Therefore, it is the policy of this department that the use of force is never to be considered routine and only that amount of force which is reasonable and necessary will be employed to effect an arrest or assume control over any given situation.

02.02.07: A police officer is not justified in using his firearm to fire warning shots.

4 – Requires Exhaust All Alternatives Before Shooting: Require officers to exhaust all other alternatives, including non-force and less lethal force options, prior to resorting to deadly force.

Related Fircrest Police Policy 02.01.00 Use of Force: [See above in #3.](#)

5 – Duty to Intervene: Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.

Related Fircrest Police Policy Index C – Duty to Report Misconduct: Officers knowing of other officers who are violating the law will report such knowledge to the Chief of Police. Officers

who know of others who are violating any department rule or policy will report the violation to the Police Chief.

6 – Ban Shooting at Moving Vehicles: Ban officers from shooting at moving vehicles in all cases, which is regarded as a particularly dangerous and ineffective tactic. While some departments restrict shooting at vehicles to particular situations, these loopholes allow for police to continue killing in situations that are all too common. 62 people were killed by police last year in these situations. This must be categorically banned.

Related Fircrest Police Policy 02.02.0 Deadly Force – Against Vehicles: Officers will not discharge a firearm at a moving vehicle unless it is absolutely necessary to do so to protect against an imminent threat to the life of the officer or others.

7 – Require use of Force Continuum: Establish a Force Continuum that restricts the most severe types of force to the most extreme situations and creates clear policy restrictions on the use of each police weapon and tactic.

Related Fircrest Police Policy 02.02.00 Level of Force: [See above in #2.](#)

8 – Require Comprehensive Reporting: Require officers to report each time they use force or threaten to use force against civilians. Comprehensive reporting includes requiring officers to report whenever they point a firearm at someone, in addition to all other types of force.

Related Fircrest Police Policy 02.04.01, 02, 03, 04 Use of Force Classification and 02.06.00, 01, 02 Reporting Use of Force: 02.04.01 – Use of Force Classification – Class 2: Injurious use of (a) personal physical force, (b) baton or impact weapon or (c) chemical agent shall be classified as CLASS 2 use of force. Injurious means any injury which requires hospital or physician treatment.

02.04.02 – Use of Force Classification – Class 3: Destruction of injured or dangerous animals shall be classified as CLASS 3 use of force.

02.04.03 – Use of Force Classification – Class 4: Use of deadly force; i.e., firearm, vehicle, or other deadly weapon, whether or not injuries result, including non-intentional discharge, shall be classified as CLASS 4 use of force.

02.04.04 – Use of Force Classification – Class 5: Use of deadly force, i.e., firearm, vehicle, or other deadly weapon, resulting in a fatality, including non-intentional discharge, shall be classified as CLASS 5 use of force.

02.06.00 – Reporting Class 1 & Class 2 Use of Force: Department members using force will detail the use of force in the official reports of the incident and will, in addition, notify a supervisor of such use as soon as practical after the occurrence.

In the event of a class 2 use of force, a supervisor will respond to the scene and/or hospital and will document the findings on a supplemental report. If during the supervisor's review of class 2

use of force, the supervisor determines there was a violation of the policies of use of force, the matter will be referred to the Chief of Police for Internal Investigations Sufficiency Review.

02.06.01 – Reporting Class 3 Use of Force: The department member using such force will prepare an appropriate report detailing the entire incident, paying particular attention to the circumstances requiring the immediacy of the situation.

A department supervisor shall respond to the scene of any class 3 use of force. The supervisor will conduct an independent investigation of the facts and circumstances of the incident and will document the findings on a supplemental report. If during the supervisor's review, the supervisor determines there was a violation of the policies for Use of Force, the matter will be referred to the Chief of Police for Internal Investigations Sufficiency Review.

02.06.02 – Reporting Class 4 & Class 5 Use of Force: The department member using such force will prepare an appropriate report detailing the entire incident.

Any department member on the scene at the time of the occurrence, who is witness to or participates in the occurrence, will also prepare an appropriate report.

The department member's supervisor and the Chief of Police shall respond to the scene and shall determine which support services, including, but not limited to investigative and identification personnel, would be beneficial to the reporting and investigation of the occurrence. Pierce County Sheriff Investigation and Identification units will be utilized for these services. The supervisor or Chief of Police shall request these units as appropriate. The Chief of Police or supervisor will also notify the city attorney in the case of any officer involved shooting incident.

AGENDA ITEM: Summer Events and Playgrounds Discussion

FROM: Scott Pingel, City Manager

BACKGROUND: Pierce County entered Phase 2 of the Governor’s Safe Start Plan on June 5th. Tacoma-Pierce County Health Department recently provided guidance for reopening playgrounds and restrooms. As far as I know, University Place never closed their playgrounds, and Pierce County, Lakewood, Steilacoom, Fife, and Dupont have already opened or are opening their playgrounds this weekend. Generally, each of them plans to post the guidance from the Health Department and rely on voluntary compliance with the guidelines. Essentially, allow people to govern themselves. Enforcement of safe guidelines will be difficult in any situation. To this point, we have only played the role of educator with the public, and that task has mostly fallen to our police officers as they observe our parks. We are not in a position to force compliance with guidelines. Again, the general approach of our neighboring jurisdictions seems to be to provide the guidance and let people govern themselves. Whatever our approach, it also applies to what we do with summer events as well.

If garnering a significant level of compliance is a requirement, it will not be possible for City staff to accomplish that task with participants and residents, in which case, it may be best to cancel events for the summer and leave playgrounds closed until at least phase 3 of the Safe Start Plan. If we are willing to rely on voluntary compliance, understanding that there will be non-compliance, then we will be diligent about providing safe guidelines and opening the playgrounds and planning modified summer events. Regardless of our approach, City staff will need to play a role in making sure guidelines are clear, provide reminders, make announcements, and continually try to persuade people to comply with Health Department guidance. City staff, the Council and any volunteers also need to ensure that we provide good examples by distancing and wearing masks as appropriate.

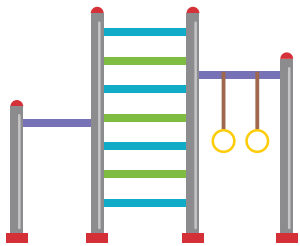
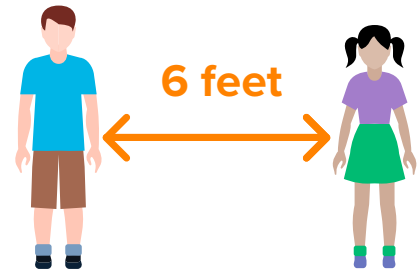
City staff are seeking Council input.

Attachment: [TPCHD Playground Guidelines](#)

Have fun. Play safe.

Practice physical distancing.

Don't stand in groups.
Keep 6 feet between people.



Play on equipment in groups of 5 or less.

Keep children from different households 6 feet apart.
Wash hands or use hand sanitizer after using.

Bring other games like balls and frisbees to play with.

You can still have fun in open park spaces.



Wash your hands often.

If you don't have access to a sink,
use hand sanitizer.



Stay home if you are sick.
Learn more about COVID-19
at tpchd.org/coronavirus.