

**RESOLUTION NO. 21-015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT TOWNSEND, WASHINGTON, APPROVING THE FINAL REPORT OF THE AD HOC COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY, DIRECTING THE CITY MANAGER TO IMPLEMENT THE RECOMMENDATIONS, AND SUNSETTING THE COMMITTEE**

**WHEREAS**, the City Council formed the Ad Hoc Committee on Law Enforcement and Public Safety in July 2020; and

**WHEREAS**, the Committee finished its work and forwarded its final report to the full City Council on January 25, 2021; and

**WHEREAS**, the report includes five findings and eleven recommendations; and

**WHEREAS**, the recommendations include scheduling joint meetings with other governmental agencies, forming a Race and Social Justice Advisory Board, working with US Congressional and State Legislative delegations for changes to state and federal law, and considering law enforcement priorities;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Port Townsend, Washington that:

1. The City Council approves and adopts the Final Report of the Ad Hoc Committee on Law Enforcement and Public Safety.
2. The City Manager is directed to implement the recommendations of the report.
3. The Ad Hoc Committee on Law Enforcement and Public Safety has completed its work and will cease meeting.

**ADOPTED** by the City Council of Port Townsend, Washington, at a regular meeting thereof, held this 16<sup>th</sup> day of February 2021.

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Michelle Sandoval  
Mayor

***Attest:***

***Approved as to form:***

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Joanna Sanders, MMC  
City Clerk

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Heidi Greenwood  
City Attorney

## **Findings and Recommendations of the Ad Hoc Committee on Law Enforcement and Public Safety**

### **Introduction:**

The Port Townsend City Council formed the Ad Hoc Committee on Public Safety and Law Enforcement in response to nationwide calls for greater police accountability and social justice. The City Council charged the Committee with evaluating the Port Townsend Police Department's ability to adapt to the Port Townsend's community values and making recommendations for the future of public safety in Port Townsend.

Though recent events spotlighted law enforcement transparency and accountability, the work of evolving policing into a form relevant to today's values and principles is not new. On December 18, 2014, President Barack Obama, in response to serious incidents between law enforcement and communities, formed a task force to "identify best practices and otherwise make recommendations . . . on how policing practices can promote effective crime reduction while building public trust." The task force identified six pillars of 21<sup>st</sup> century policing:

1. Building Trust and Legitimacy;
2. Policy and Oversight;
3. Technology and Social Media;
4. Community Policing and Crime Reduction;
5. Training and Education; and
6. Officer Wellness and Safety.

In their May 2015 *Final Report of the President's Task Force on 21<sup>st</sup> Century Policing*, the task force made 59 recommendations and 92 action items focused on the six pillars. The task force also published the *Implementation Guide for Moving from Recommendations to Action*. This guide contains concrete steps on how communities can implement the task force recommendations.

Based on the many learning sessions and discussions with community members that have occurred over the last several months, the Port Townsend City Council on Public Safety and Law Enforcement makes the following findings and recommendations:

### **Findings:**

1. The Port Townsend Police Department has already implemented many of the best practices for 21<sup>st</sup> century policing, including a focus on de-escalation, a requirement that officers intervene if they see a fellow officer using illegal force, and a use of force decision model. However, in line with the Police Department's commitment to continuous improvement, there are always opportunities for growth.

2. The Port Townsend Police Department budget includes funding for a full-time community services officer and a full-time navigator. These two positions show the Department's and the City's commitment to community policing and crime reduction through alternate means to the traditional criminal justice system. The Police Department also includes a School Resource Officer who works in conjunction with the Port Townsend School District and works to reduce crime through early

intervention, to provide safety training and resources in line with the needs of the School District, and to establish positive contacts with community members, particularly youth.

3. The Port Townsend Police Department, as advocated by President Obama's task force, is dedicated to community policing and sees themselves as guardians rather than warriors. In addition to extensive training in de-escalation techniques, the Police Department pioneered the R.A.D. (Rage, Aggression, and Delirium) protocol with East Jefferson Fire and Rescue. The R.A.D. protocol uses interdepartmental resources to ensure safe and healthy interactions between public safety personnel and those in mental health or chemical dependency crisis.

4. Lexipol is a good choice for Police Department policy based on the cost and the service provided.

5. Many of the issues presented to the Committee require action by other partners. For example, changes to qualified immunity will require US Supreme Court or US Congressional action. Change to the police department collective bargaining agreement will require cooperation with the police union.

## **Recommendations:**

1. The Ad Hoc Committee strongly recommends the City Manager and the new Chief of Police form a public safety citizens board that represents a broad cross-section of Port Townsend residents, including different ages, races, ethnicities, genders, sexual orientations, and religious affiliations. This board should operate under the supervision of the Chief of Police and assist the police department in reviewing and implementing the local recommendations and action items from President Obama's Task Force on 21<sup>st</sup> Century Policing. Additionally, the board should also assist the Chief of Police in ensuring that Lexipol policy changes are consistent with the values of Port Townsend. Finally, the body should research other creative solutions for law enforcement, including diversion programs, and should reach out to neighboring jurisdictions to ensure consistency in law enforcement policy and procedures across jurisdictional lines.

2. The Port Townsend Chief of Police should work with the Port Townsend School Board and the Jefferson County Prosecutor's Office to ensure that the position of the School Resource Officer remains relevant to and meets the needs and policies of the Port Townsend School District, including the use of a uniform and equipment while on School District property, and whether and to what extent the School Resource Officer will have the power to refer criminal charges to the Prosecutor's Office.

3. The City Manager and the City Council should engage with Port Townsend's US Congressional delegation and State Legislative delegation to on state and national law enforcement policy. This can include recommended changes to qualified immunity to limit its abuse or a parallel state cause of action that limits qualified immunity. The City Manager and the City Council should also engage with state and national leaders to advocate for and implement a national and state-wide system of police accountability so that officers who violate policy or are subject to discipline in one jurisdiction are not able to conceal their bad actions and obtain law enforcement employment in another jurisdiction. Finally, the City Manager and the City Council should engage with state and national leaders to work on decriminalizing possession of small amounts of entheogens and other controlled substances and driving with a suspended license in the third degree.

4. The City Manager and the Chief of Police should engage with the union representing the officers of the Port Townsend Police Department to ensure that officers have and use all required safety equipment and receive all the appropriate training and support. The City Manager and the Chief of Police should also ensure that City police officers have the appropriate mental and physical health support to ensure they can do their jobs with fairness and equity. The City Manager and the Chief of Police should engage with the Police Department union to draft and implement a policy of inclusion and diversity. This policy should discourage membership and sympathy with white nationalist or white supremacist organizations.

5. The City Council and the City Manager should continue to support community policing efforts by ensuring that all officers receive ongoing training and skill development in de-escalation techniques, the R.A.D. protocol, and other evidence-supported best practices. The Police Department should regularly consult with local service providers, such as Dove House, Discovery Behavioral Healthcare and others, to ensure that officers receive the best training in domestic violence, de-escalation, and assistance for individuals in crisis.

6. The City Manager and Chief of Police should support communication and transparency by the Port Townsend Police Department. Police officers should engage with the greater community in more than just crime prevention efforts; directing their energies in only crime prevention fails to leverage the skills and abilities of officers in other areas of public safety. Police officers should be visible in the community and get to know community members as individuals by finding creative ways to engage with community members in more social settings.

7. The City Council shall schedule joint meetings with the Jefferson County leadership, including the Sheriff, the Jefferson County Prosecuting Attorney, and Board of County Commissioners. These meetings should include discussions on law enforcement policy, including consistent policy, use of equipment, such as body cameras, and training for Sheriff's deputies and City police officers.

8. The City Council shall form an advisory board to discuss social and racial justice and possible solutions.

9. The City Council shall work with the City Manager and Chief of Police to expand the Community Services Officer and Navigator programs in the 2022 and future budgets.

10. The City Council shall consider a resolution regarding the priority for the enforcement of laws criminalizing the possession of entheogens.

11. The Police Department should continue to review Lexipol suggested policy changes prior to implementation to ensure that policies reflect the values, standards, and expectations of the people of Port Townsend and incorporate locally adopted policies.

## **Background:**

The Committee came to these findings after several months on the Committee's approved work plan, which included study sessions on the following topics:

- the Police Department budget;

- the roles of the school resource officer, police navigator, and community service officer;
- Police Department policy and policy options;
- police collective bargaining; and
- effects of qualified immunity.

During the meetings of the Ad Hoc Committee, the Committee and the public learned about many aspects of the Port Townsend Police Department.

The Committee first focused on the Police Department budget and the Committee learned that the Port Townsend Police Department budget and full-time employee counts are consistent with or smaller than other cities of similar size:

- The Police Department budget is 37% of the City's general fund and 11% of the total City budget.
- This budget includes two large contracts with Jefferson County and Jeffcom for jail and dispatch services.
- The City has 15 sworn police officers, while Gig Harbor and Poulsbo, two local cities with comparable populations to Port Townsend, have 20 sworn officers and 28 sworn officers, respectively.

The Committee also learned about the various alternatives used by the Police Department, including the Department's Community Services Officer and the Department's Navigator as well as many of the programs for mental health and addiction recovery available in the area. The Port Townsend Police Department's full-time Community Services Officer works on parking, special events, animal control, and other non-criminal matters. The Police Department Navigator focuses on de-escalation and referring individuals in crisis to needed services, including behavior services and addiction treatment.

The Committee heard a briefing on Lexipol, the company the City uses to formulate the City's extensive Police Department Policy Manual. Lexipol is a nationwide company that provides comprehensive police policy manuals and training. Each Lexipol policy is reviewed by a Port Townsend Police Department staff member who ensures the policy is consistent with Port Townsend policy, values, and culture. Each change is then approved by the Chief of Police, and all members of the Department must review and acknowledge the policy change. During the policy briefing, the Committee also reviewed the Police Department's use of force policy. The policy uses a use of force decision model that trains officers to assess a situation and determine the appropriate level of force using threat factors, with an emphasis in de-escalation after threat factors have been resolved.

Finally, the Committee learned about police department collective bargaining and qualified immunity. A police department's collective bargaining process is governed by interest arbitration. Interest arbitration means that if the parties cannot agree on wages, hours, and working conditions, then an arbitrator will determine the provisions of the contract. During this same meeting, the Committee discussed qualified immunity as a defense to claims against the City and individual officers. Qualified immunity is a defense available only to individuals, not the City, and only for claims of violations of 42 U.S.C. § 1983.

Even before the creation of the Ad Hoc Committee, the Port Townsend Police Department had implemented many of the reforms called for nationwide; both Chief Michael Evans and Interim Chief

Troy Surber had committed the Police Department to adopting and implementing the evidence-based best practices identified by President Obama's task force. The Port Townsend Police Department was the first agency on the Olympic Peninsula to deploy body cameras. The Police Department requires that officers report every use of force, and every use of force is reviewed by a member of command staff for compliance with policy and law. Officers are required to intervene if they observe another officer using illegal force. Furthermore, in excess of Washington State standards, the Port Townsend Police Department developed a crisis intervention training that focuses on verbal and physical de-escalation and provides an additional 40 hours of training beyond the state standard. Additionally, the Police Department developed and deployed the R.A.D. protocol. This follows many of the recommendations of President Obama's Task Force on 21<sup>st</sup> Century Policing and helps to ensure that the Police Department safely responds to community members in crisis with the most appropriate services.

In short, the Port Townsend Police Department's commitment to continuous improvement and the adoption of best evidence-based industry practices allows the Department to stay ahead of the community-oriented and progressive policing policies national curve. In the spirit of continuous quality improvement, this Committee hopes that the Port Townsend Police Department maintains that culture and continues to evolve to meet the needs and reflect the values of Port Townsend residents.

**CITY OF PORT TOWNSEND  
MINUTES OF THE COUNCIL AD HOC COMMITTEE ON PUBLIC SAFETY AND LAW  
ENFORCEMENT OF JANUARY 25, 2021**

**CALL TO ORDER**

The Council Ad Hoc Committee on Public Safety and Law Enforcement met in regular session on January 25, 2021 in Council Chambers at 540 Water Street. Mayor Michelle Sandoval called the meeting to order at 5:03 p.m.

**ROLL CALL**

Councilmembers present at roll call were Pamela Adams, David Faber, Amy Howard, Monica MickHager, Owen Rowe, and Michelle Sandoval with Ariel Speser excused.

Staff members present were City Manager John Mauro, City Attorney Heidi Greenwood, Interim Police Chief Troy Surber, and City Clerk Joanna Sanders.

**CHANGES TO THE AGENDA**

There were none.

**APPROVAL OF MINUTES: JANUARY 11, 2021 SPECIAL MEETING**

There was unanimous approval of the minutes.

**COMMENTS FROM THE PUBLIC**

There were none.

**ITEMS FOR DISCUSSION**

**Review Final Report**

City Attorney Heidi Greenwood reviewed the changes made to the report since the last meeting. Mayor Sandoval led the discussion of desired language modifications to each recommendation, including additions for who had responsibility for carrying out each of the recommendations. Following a discussion regarding the different functioning of a Police Department administrative committee versus a Council advisory body, it was recorded that the City Manager and Police Chief would work to better define the reporting relationship and operational versus policy decisions. In addition, the word "advisory" was removed in some instances.

There was a desire to work with the Port Townsend School District Board when considering the policy changes. It was also suggested that Council and the City Manager be involved in engaging legislators. When discussing how to address the

language on decriminalizing possession of small amounts of controlled substances and addressing entheogens, Ms. Greenwood reported that other jurisdictions have it made a lower enforcement priority versus decriminalization. There were interests in addressing this in policy as well as concerns of employee alliances with white supremacy and white nationalist organizations similar to the oath taken by Council and police officers. It was noted that the City would not be able to ensure that behavior is not happening.

There were questions about the process for amending Lexipol policies. Specifically mentioned were the relationship with ICE as documented in Lexipol Policy 4.2 and further documenting in the policy placing a low priority on enforcement of possession of entheogens.

*Motion: Ariel Speser moved to approve recommending to City Council the Final Report and Action Items for review and approval. Pamela Adams seconded.*

*Vote: motion carried unanimously, 6-0 by voice vote.*

**SET AGENDA FOR NEXT MEETING AND CONFIRM DATE MONDAY, FEBRUARY 22, 2021 AT 5 P.M.**

*Motion: Monica MickHager moved to approve recommending sunseting the Committee. David Faber seconded.*

*Vote: motion carried unanimously, 6-0 by voice vote.*

**ADJOURN**

There being no further business, the meeting adjourned at 6:40 p.m.

Attest:

Joanna Sanders, MMC  
City Clerk