



City Council Meeting Schedule July 2020

City Council passed Resolution 20-08 on June 23, 2020, which temporarily designates the location for regular, special and study session meetings to the virtual location until Benton County enters into Phase 3 of the Governor's Safe Start Reopening Plan. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

The July 14, 2020 City Council Workshop meetings will be done online via Zoom. Public comments are not taken at Council Workshops. Registering does allow you to join the workshop via the Zoom app and by phone.

Registration link https://us02web.zoom.us/webinar/register/WN_evoVZjAWQB2E-PYhgQQb0Q.

July 7, 2020

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

July 14, 2020

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Police Department Annual Update
2. City of Kennewick Police Power 101
3. City Attorney's Office Annual Update
4. Fire Department Annual Update

July 21, 2020

Tuesday, Time TBD

COUNCIL RETREAT

Hilton Garden Inn -701 N. Young St

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

July 28, 2020

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Rock Blasting Ordinance
2. Public Works Annual Update
3. WWTP Phase II Update
4. Management Services Annual Update

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

Council Workshop Coversheet



| | | | |
|--------------------|---------------------------------|--------------|------------|
| Agenda Item Number | 1. | Meeting Date | 07/14/2020 |
| Agenda Item Type | Presentation | | |
| Subject | Police Department Annual Update | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | |
| Department | Police Department | | |

| | |
|---------------|-------------------------------------|
| Info Only | <input checked="" type="checkbox"/> |
| Policy Review | <input type="checkbox"/> |
| Policy DevMnt | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Summary

The Police Department will provide a yearly update to council and staff. Topics will include:

1. KPD's policies and training related to current events.
2. Overview for the police department.

Through

Trevor White
Jul 01, 13:03:29 GMT-0700 2020

Dept Head Approval

Ken Hohenberg
Jul 01, 15:25:14 GMT-0700 2020

City Mgr Approval

Marie Mosley
Jul 09, 14:19:16 GMT-0700 2020

Attachments:

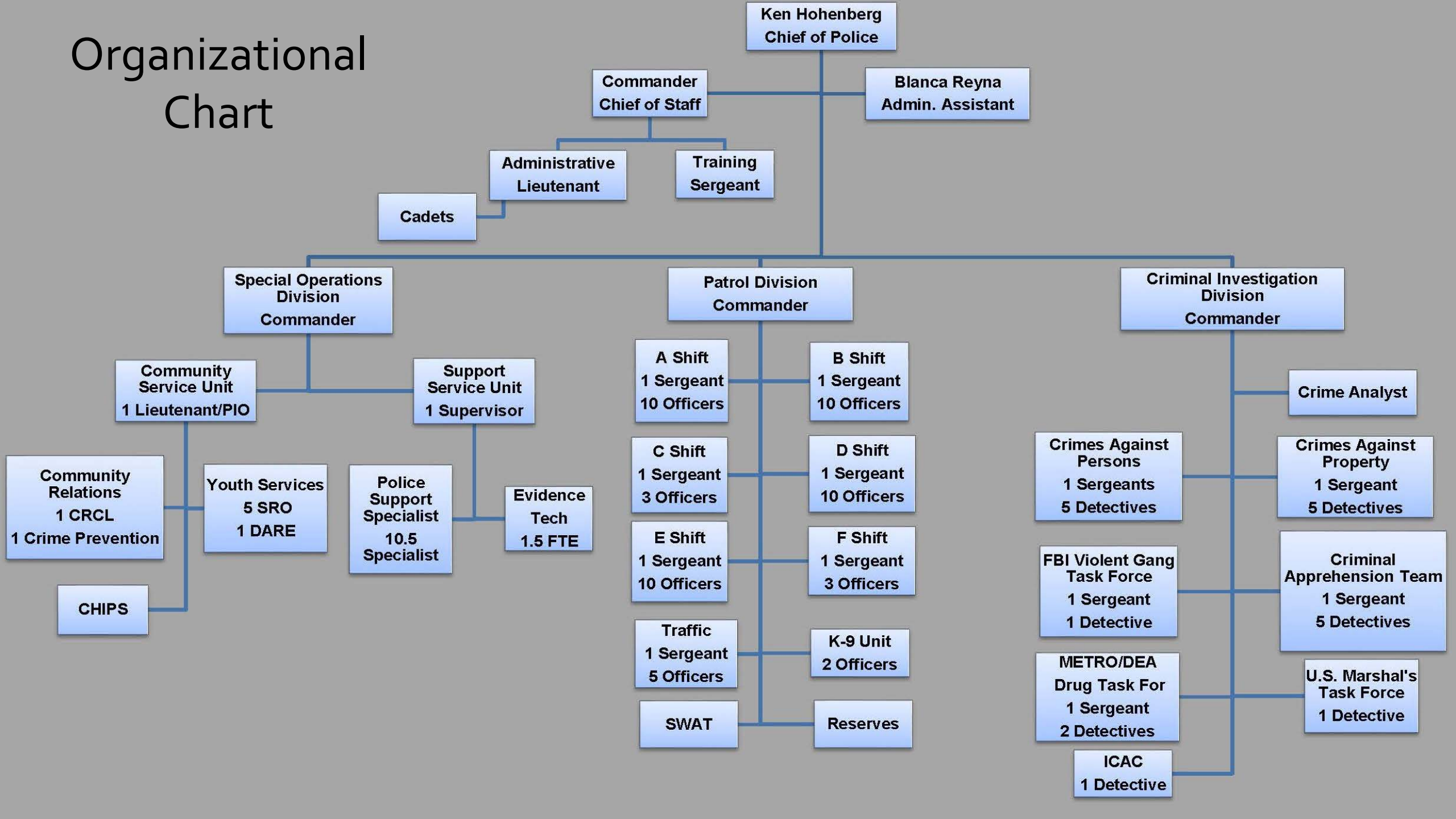
Presentation



Kennewick Police Department

July 14, 2020

Organizational Chart



Patrol Division

"We will provide excellent public service and ensure the safety and wellbeing of our community and one another through the empowerment of each employee." = **Public Safety**

Patrol

- Calls for Service: 107,305
- Community Presentations: 70 (Approximately)
- Notice of Infractions: 7,407
- Traffic Stops: 11,269 (Patrol Only)
- Misdemeanor Arrests: 2,452
- Felony Arrests: 446
- Warrant Arrests: 1,008
- Field Contacts: 4,035 (Includes self-initiated)
- Citizen Ride-Along requests 129
- Crime Prevention Referrals 4,002

SWAT

- Full Team Activations: 14 (3 in Kennewick)
- On-Duty Activations: 63 (24 in Kennewick)
- Limited Team Activations: 9 (3 in Kennewick)
- Barricaded suspect incidents: 51 (22 in Kennewick)
- Search warrants served (both persons/property crimes): 29 (8 in Kennewick)
- Other (Vehicle Takedowns, HR, Assist, Rescue Team): 6 (0 in Kennewick)

Patrol Division – cont.

K-9 (Apprehension)

- K-9 Calls: 35
- K-9 Tracks: 8
- K-9 Apprehensions: 15
- K-9 Building Searches: 9
- K-9 Assists: 17 – helping area agencies with K9 work
- K-9 Article Search: 1

K-9 (Narcotic Detection)

- K-9 Calls: 93
- Alerts/Finds: 28
- Meth: 19.14 pounds
- Cocaine: 9.24 grams
- Heroin: 2.37 pounds
- Paraphernalia: 10 items

Patrol Division – cont.

Traffic Unit

- Vehicle Collisions: 2,980 (Including non-reportable collisions)
- Distracted Driving Infractions: 521
- School Zone Infractions: 704
- DUI Arrests: 132
- DWLS Arrests: 765
- Fatality Collisions 2

Mobile Outreach Team – (Tracked Since April 2019)

- Kennewick Call/Contact Responses: 788
- Kennewick MOT Field Time: 1,668.9 hours

Reserves

- Reserve Hours: 266

Criminal Investigations Division

Caseload Volume by Unit

| | <i>Persons Unit</i> | <i>Property Unit</i> | <i>CAT</i> | <i>2019 Total</i> |
|-----------------------------------|---------------------|----------------------|------------|-------------------|
| • Cases assigned | 301 | 398 | 326 | 1025 |
| • Cases cleared | 342 | 174 | 295 | 811 |
| • Open investigations | 18 | 28 | 6 | 52 |
| • Cases cleared – Arrest | 50 | 67 | 201 | 318 |
| • Cases cleared – Exceptionally | 20 | 8 | 1 | 29 |
| • Cases cleared – Leads Exhausted | 64 | 91 | 24 | 179 |
| • Cases cleared – Unfounded | 32 | 6 | 2 | 40 |
| • Search warrants executed | 77 | 78 | 80 | 235 |



Special Operations Division

The Kennewick Police Department Special Operations Division includes Police Records, Evidence, Youth Services, Crime Prevention, Crime Resistant Community Living (CRCL), Citizens Helping in Police Services (CHIPS) and the coordination of all Special Events within the City of Kennewick to include Water Follies, 4th of July Fireworks and the Benton/Franklin County Fair.

Records

The Police Support Specialists Division manages all police records for all divisions within the Kennewick Police Department. Our unit also processes concealed weapons permits, enters warrants and court orders into WACIC/NCIC, provides logistical support to our Prosecuting and City Attorney's Offices and gathers internal information related to public records requests.

Evidence

The Evidence/ Property Division has one full time employee and one part time Police Support Specialist and utilizes our Police Cadets when necessary. In addition to assisting with crime scene processing, the unit is responsible for managing all property and evidence collected by our police officers. They also facilitate the transfer of all evidence for adjudication.



Special Operations Division

Youth Services

Last year we added two additional school resource officers to the middle schools, which has turned out to be very beneficial to student safety. Our relationship with the Kennewick School District continues to get stronger each year. We provide monthly training to include conducting tabletop drills in our schools as well as school walk troughs. We also participate in Student Threat Assessment teams, who collectively work to keep our students safe from internal threats. The safety of our students remains one of our highest priorities.

Community Relations

Building relationships with community members and identifying crime trends is an essential tool to gaining public trust and being committed to public safety. Our growing social media presence has proven to be an effective way to communicate what is occurring, what we are doing about the issue and what we want the public to know in real time. Our Crime Resistant Community Living Program continues to grow and we have collaborated with our local police agencies to increase awareness through our collaborative training. In addition, our Citizen's Academy is a great way to educate our public and is a gateway into our Citizens Helping in Police Services volunteer program. In addition to providing public presentations, citizen ride alongs and outreach opportunities we also track sex offenders who live in Kennewick and conduct public notifications and meetings when necessary. Lastly, we have been very engaged in Mental Health Court and Drug Court.

Office of the Chief

The Office of the Chief, also known as the Administrative Division, is the smallest division in the Kennewick Police Department but has the most influence on the organization. The complexities of police administration specific to budget and policy in an organization our size requires attention to detail and forethought.

- Division Commander – Commander Trevor White
- Administrative Lieutenant – Lieutenant Christian Walters
- Training Supervisor – Sergeant Trever Davis

Office of the Chief

2019 Statistics

- Total Pre-Employment Background Investigations – 90
- Police Officer Candidate Backgrounds completed – 64
- Police Cadet Backgrounds – 15
- Police Support Specialist Backgrounds – 9
- Other Backgrounds – 2

2019 New Employees

- Officers hired – 6
- Police Support Specialists hired – 3
- Police Cadets hired – 2

Office of the Chief

2019 Statistics (continued)

Policy and Review

- Use of Force incidents – 67
 - Administrative review(s) – 1
- Vehicle pursuits – 12
 - Collision Involved – 2
- Police Vehicle collisions – 12
 - Preventable – 8
 - Not Preventable – 4
- Compliments – 201 (does not count community appreciations at KPD)
- Citizen Complaints – 11
 - Sustained – 2
 - Not Sustained – 3
 - Exonerated – 3
 - Unfounded – 5

Council Workshop Coversheet



| | | | |
|--------------------|------------------------------------|--------------|------------|
| Agenda Item Number | 2. | Meeting Date | 07/14/2020 |
| Agenda Item Type | Presentation | | |
| Subject | City of Kennewick Police Power 101 | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | |
| Department | City Attorney | | |

| | |
|---------------|-------------------------------------|
| Info Only | <input checked="" type="checkbox"/> |
| Policy Review | <input type="checkbox"/> |
| Policy DevMnt | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Summary

In response to inquiries by city council members as well as concerned citizens, the City Attorney's Office has prepared the attached presentation to provide an overview of the city's authority to take action through its police department and the limitations placed upon that authority through state law.

Through

Selena Swearingen
Jul 08, 13:55:15 GMT-0700 2020

Attachments: Presentation

Dept Head Approval

Lisa Beaton
Jul 08, 14:05:30 GMT-0700 2020

City Mgr Approval

Marie Mosley
Jul 09, 14:23:04 GMT-0700 2020



City of Kennewick Police Power 101

Application to present day questions

City of Kennewick

Police Power 101

- **Wash. Const. art. XI, § 11. Police and Sanitary Regulations**
- Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

City of Kennewick

Police Power 101

- **35A.11.020. Powers vested in legislative bodies of non-charter and charter code cities**
- Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.
- The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law.

City of Kennewick

Police Power 101

- **35A.12.020. Appointive officers--Duties—Compensation**
- The appointive officers shall be those provided for by charter or ordinance and shall include a city clerk and a chief law enforcement officer.
- **35A.21.030. Mandatory duties of code city officers**
- Except as otherwise provided in this title, every officer of a code city shall perform, in the manner provided, all duties of his or her office which are imposed by state law on officers of every other class of city who occupy a like position and perform like functions.

City of Kennewick

Police Power 101

- **35A.21.161. Regulation of activities and enforcement of penal laws**
- All code cities shall observe and enforce, in addition to its local regulations, the provisions of state laws relating to the conduct, location and limitation on activities as regulated by state . . .

City of Kennewick

Police Power 101

- **RCW 39.34.180**
- Per RCW 39.34.180 local government is responsible for the costs relating to arrest and prosecution of adult misdemeanors committed within its boundaries, it can fulfill that obligation through its own courts or by Interlocal Agreement.
- Kennewick has its own municipal code that is enforced through its police department.
- Kennewick contracts with Benton County for District Court Services, Public Defense Services and Jail Services

City of Kennewick

Police Power 101

- ***City of Auburn v. Gauntt, 174 Wash.2d 321 (2012)***
- Per *City of Auburn v. Gauntt, 174 Wash.2d 321 (2012)* cities do not have the authority to prosecute violations of state statutes. A city can either adopt the RCW section by reference in its code or can adopt its own municipal code version.

City of Kennewick

Police Power 101

- **RCW 38.40.120. Authorized military organizations**
- **No organized body** other than the recognized militia organizations of this state, armed forces of the United States, students of educational institutions where military science is a prescribed part of the course of instruction or bona fide veterans organizations **shall associate themselves together as a military company or organize or parade in public with firearms:** PROVIDED, That nothing herein shall be construed to prevent authorized parades by the organized militia of another state or armed forces of foreign countries. Any person participating in any such unauthorized organization shall be guilty of a misdemeanor.

City of Kennewick

Police Power 101

- **Challenges to Enforcement of RCW 38.40.120:**
- City has not adopted this RCW by reference or its own version in its code
- Any investigation would need to be referred to the County for review
- There is no case law interpreting this statute

City of Kennewick

Police Power 101

- **RCW 9.41.270(1)** simple open public carry is lawful in Washington – with certain exceptions and restrictions -
- It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, **in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.**

City of Kennewick

Police Power 101

- Identification of Individuals through a *Terry* stop, based upon open carry alone not permitted per ***State v. Tarango* 7 Wash.App. 425, 436-437 (2019)** - To conduct a *Terry* stop, an officer must have reasonable suspicion of criminal activity based upon specific and articulable facts known to the office at the inception of the stop. The presence of a firearm in public is insufficient, standing alone to support an investigatory stop. "Since openly carrying a handgun is not only not unlawful, but is an individual right protected by the federal and state constitutions, it defies reason to contend that it can be the basis, without more for an investigative stop."

City of Kennewick

Police Power 101

- Federal Circuit Court of Appeals precedent recognizes that state government has broad leeway to regulate public carrying of firearms – open carry and concealed carry
- Per RCW 9.41.290 Washington state preempts the field of firearms regulations:
 - Kennewick is prohibited from adopting a more restrictive code related to open carry
 - “Cities or towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with this chapter. Such local ordinances shall have the same penalty as provided for by law. **Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed regardless of the nature of the code, charter, or home rule status of such city, town, county or municipality.**”

City of Kennewick Police Power 101



Council Workshop Coversheet



| | | | |
|--------------------|--------------------------------------|--------------|------------|
| Agenda Item Number | 3. | Meeting Date | 07/14/2020 |
| Agenda Item Type | Presentation | | |
| Subject | City Attorney's Office Annual Update | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | |
| Department | City Attorney | | |

| | |
|---------------|-------------------------------------|
| Info Only | <input checked="" type="checkbox"/> |
| Policy Review | <input type="checkbox"/> |
| Policy DevMnt | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Summary

As a part of the biennial budget process, the City Attorney's office has prepared the attached presentation which describes the scope and complexity of the office, the services provided as well as some of the outcomes for 2019.

Through

Selena Swearingen
Jul 08, 10:11:44 GMT-0700 2020

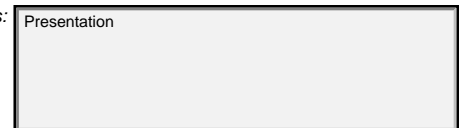
Dept Head Approval

Lisa Beaton
Jul 08, 11:22:03 GMT-0700 2020

City Mgr Approval

Marie Mosley
Jul 09, 14:24:59 GMT-0700 2020

Attachments: Presentation



2020 Report

City Attorney's Office

Lisa Beaton, City Attorney
Jessica Foltz, Assistant City Attorney II

July 14th, 2020

Who We Are

- Lisa Beaton, Kennewick City Attorney
 - Civil Division
 - Jessica Foltz, Assistant City Attorney
 - Selena Swearingen, Legal Assistant
 - Criminal Division
 - Laurencio Sanguino, Assistant City Attorney
 - Tyler Grandgeorge, Assistant City Attorney
 - Christina Perez, Legal Assistant
 - Bianca Orozco, Docket Clerk
 - Risk Management
 - Dan Lemieux, Risk Management Coordinator



What We Do-Civil Division

- Advice & Training to Council, City Manager, Department Heads, Contract Service Providers (Animal Control), and Staff;
 - 134 formal work orders completed in 2019.
(number does not include telephone or email consultations or advice)
- Contract Drafting and Review;
- Code Amendment Drafting and Review;
- Defend City in Administrative Appeals;
- Risk Management and Insurance Program;
- Public Records Act responses and review;
- Litigate Claims on Behalf of the City;
- Litigate Drug Asset Forfeiture Cases;
- Litigate Code Enforcement Cases & Judicial Abatement;



What We Do-Risk Management

- Processes Claims For and Against the City;
- Facilitates and Assists Insurance in Recovering Third Party Claims to Mitigate City's Capital Loss Due to Damage;
- Assists WCIA in Acquiring the Information They Require to Negotiate, Settle, or Litigate Liability Claims;

By The Numbers-2019 Stats

- ❖ Liability Claims: 41 Total Claims Filed
- ❖ Third Party Billing Claims: 40 Total Claims Billed for a Total of \$164,229.45
 - ❖ A total of \$137,634.41 was recovered for the City (84% success rate for recovered claims)
 - ❖ 11 Claims remain pending resolution



What We Do-Criminal Division

- Criminal Prosecution of Adult Misdemeanors and Gross Misdemeanors;
- Criminal Prosecution of Juveniles 16 years or older for Traffic Offenses;
- Contested Traffic Infractions for citizens 16 years or older;
- Barking Dog Cases Initiated by Citizens;
- Advise KPD on Charging and Legal Matters;
- Criminal Case Screenings;
- Case Settlement & Negotiation;
- All Pre-Trial, Trial, and Appeals Court Appearances for Criminal Causes;
 - Assistant City Attorneys appear in court 4-5 days a week and handle hundreds of cases a week.



Statistical Data Compilation

Criminal Division

- Statistics are compiled for cases that were entered into our internal case management system and acquired from Benton County District Court (BCDC) between January 1, 2019 through December 31, 2019
- These numbers may differ from KPD or BCDC statistics based on factors used to track the statistic.
- Some statistics have a footnote to explain variables in the statistic that could affect accuracy.



Criminal Division Statistics

| Statistic | Total Number |
|---|--------------|
| Criminal Cases Filed in BCDC for Kennewick | 3,587 |
| Criminal Case Files Opened in the City Attorney's Office | 2,820 (79%) |
| Pre-Trials/Sentencings/Other Hearings | 16,707 |
| Trial Readiness & Bench Trial Hearings | 440 |
| Jury Trials Called Ready | 29 |
| Calendared Witness Interviews* | 103 |
| Weapon & Property Forfeiture Hearings | 15 |
| Barking Dog Complaints Received in City Attorney's Office | 32 |
| Barking Dog Complaints Resulting in Infractions Filed | 10 |
| Screening Decisions Made** | 1,007 |
| Infraction Cases Filed in BCDC for Kennewick | 13,029 |
| Contested Hearings Held for Kennewick Cases | 2,892 (22%) |

Not all requests result in calendaring. Hundreds of additional calls are made and letters are sent out annually in attempts to make contact with uncooperative victims or witnesses. **KPD lost some date due to a technical issue for about a 2 month period. On average that is an additional 200-250 cases not included in the above number.*

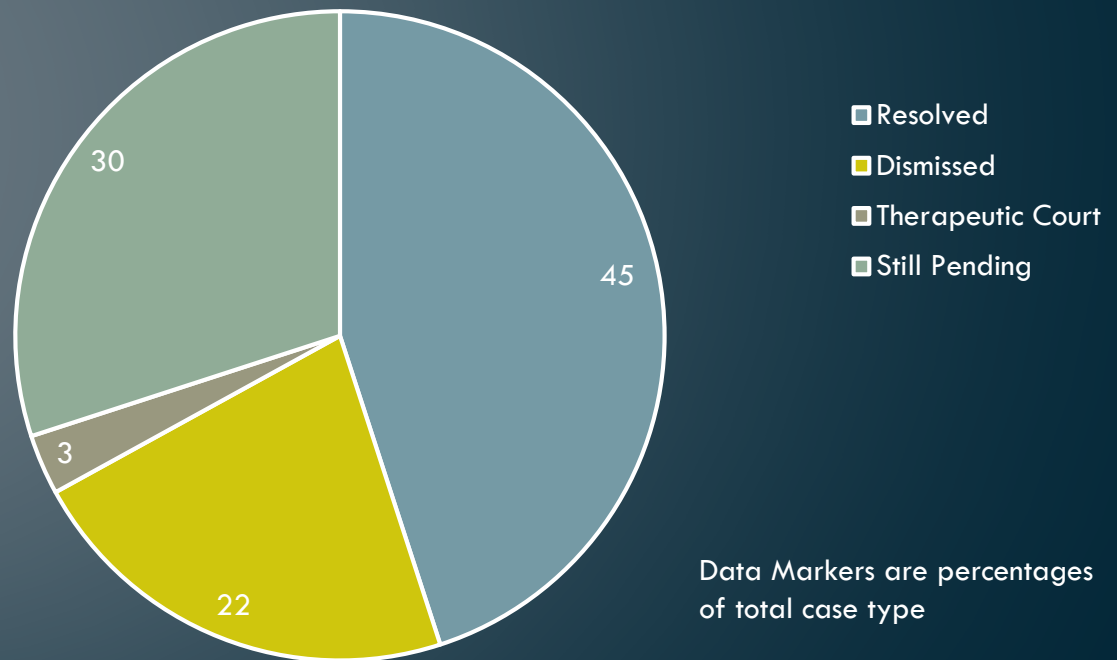
CRIME SPECIFIC DATA – DV Related

- Assault and Assault-DV
- Violation of NCO – many are DV
- Harassment and Cyberstalking

Total # 291

Total # 148

Total # 29



Data Markers are percentages of total case type

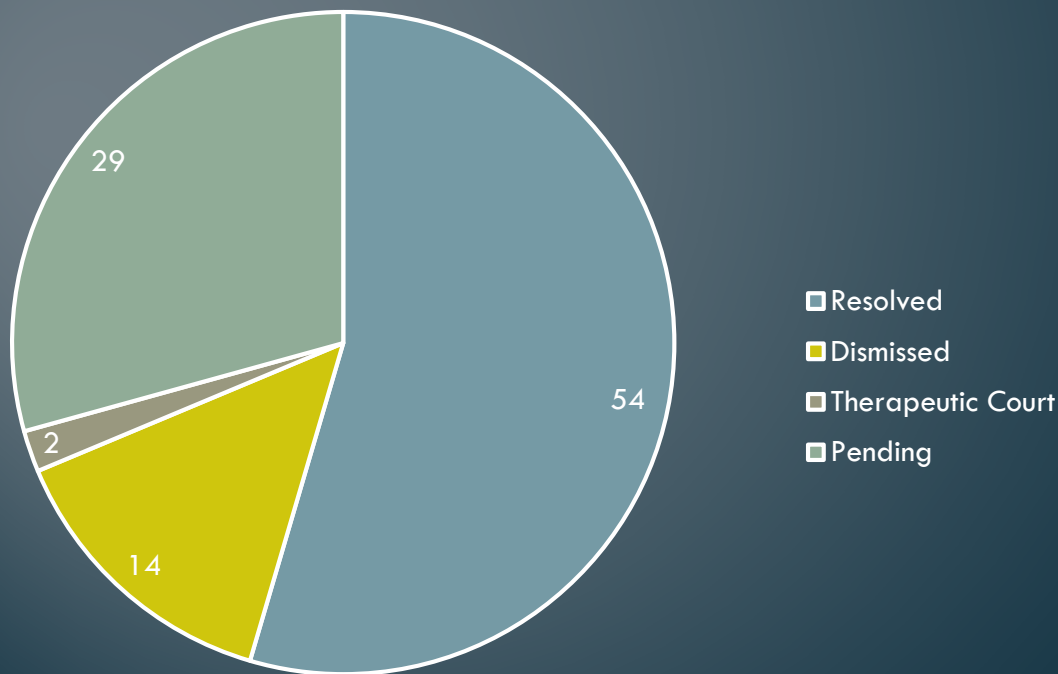
CRIME SPECIFIC DATA – Property Related

- Theft /Vehicle Prowl
- Destruction of Property
- Hit and Run

Total # 460

Total # 96

Total # 72



Data Markers are percentages of total case type

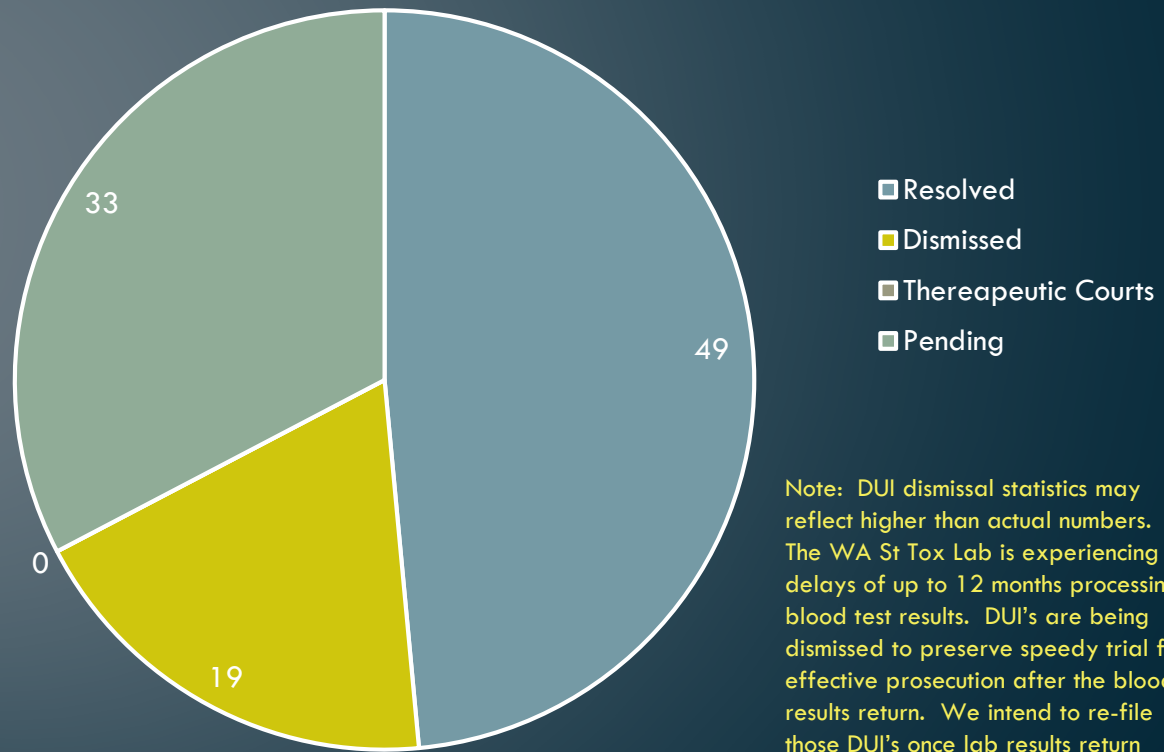


CRIME SPECIFIC DATA – Driving: Alcohol Related

• DUI & NEG DRIVING 1ST

Total # 135

- Due to a 10-12 month backlog at the Washington State Toxicology Lab where blood is tested, some of these may be dismissed and refiled in another statistical year for final prosecution.



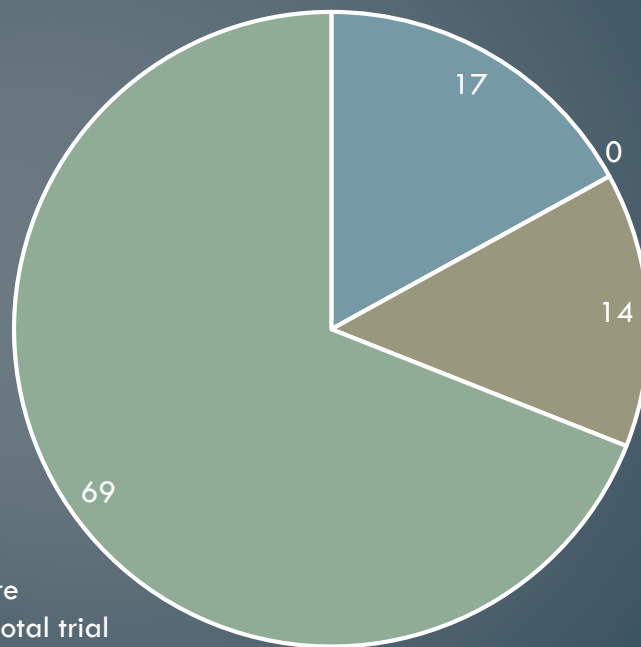
Note: DUI dismissal statistics may reflect higher than actual numbers. The WA St Tox Lab is experiencing delays of up to 12 months processing blood test results. DUI's are being dismissed to preserve speedy trial for effective prosecution after the blood results return. We intend to re-file those DUI's once lab results return positive-many in different statistical reporting years.



Data Markers are percentages of total case type

Jury Trial Overview

Outcomes-29 Called Ready for Trial



Data Markers are percentages of total trial called ready

- Resolved Prior to Trial Commencing
- FTA at Trial-Warrant Issued
- Continued & Reset for Trial
- Verdict Rendered After Trial



Questions?



Council Workshop Coversheet



| | | | |
|--------------------|-------------------------------|--------------|------------|
| Agenda Item Number | 4. | Meeting Date | 07/14/2020 |
| Agenda Item Type | Presentation | | |
| Subject | Fire Department Annual Update | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | |
| Department | Fire Department | | |

| | |
|---------------|-------------------------------------|
| Info Only | <input checked="" type="checkbox"/> |
| Policy Review | <input type="checkbox"/> |
| Policy DevMnt | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Summary

2020 Fire Department presentation addressing the scope, complexity, opportunities and path forward for the department.

Through

Dept Head Approval

City Mgr Approval

Chad Michael
Jul 08, 15:20:08 GMT-0700 2020

Marie Mosley
Jul 09, 14:26:07 GMT-0700 2020

Attachments: Presentation

Committed to serving the community since 1907



2020 City Council Presentation

Safe Community/High Quality of Life



- What we do
- How we do it
- Why we do it



Well Trained, Professional, and Compassionate



We make a difference each
and every day



Our Scope



- Population, Area, Demand, and Make-up
- Core Services
- Divisions
- Successes





Complexity

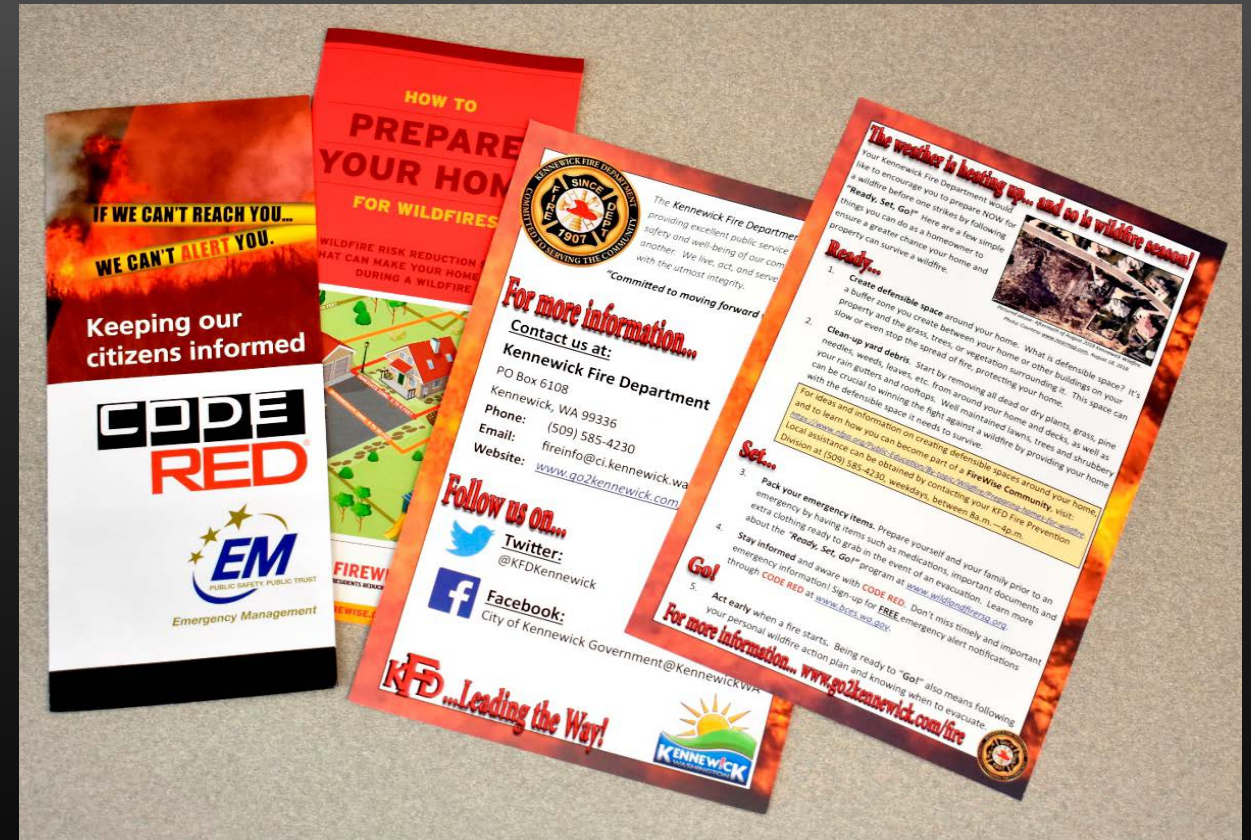
- Rapid changes in our industry
- The increasing technical nature of the work we do
- The unknowns
- The services we provide
- Protecting our people
- Meeting demand



Opportunities



- Proactive work through data
- Develop a roadmap
- Evaluate our deployment plan
- Refine and improve partnerships
- Prepare for growth and increasing future demand
- Actively recruit
- Stay focused on best practices
- Educate our community





The Path Forward

- Move from a high-quality department to a world-class organization
- Establish measureable goals in all areas of our department
- Position ourselves well to meet both current and future demands





City Council Meeting Schedule August 2020

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August 4, 2020

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

August 11, 2020

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Cable Franchise Ordinance
2. Parks & Recreation Update
3. Finance Update
4. Citizen Budget Survey Results

August 18, 2020

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

August 25, 2020

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Three Rivers Campus Update
2. Committee Updates

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

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August 2020
Updated 07/09/20