



KENT POLICE DEPARTMENT PROFESSIONAL STANDARDS REPORT 2023

SERVICE – PROFESSIONALISM – INTEGRITY





Memorandum

DATE: March 14, 2024

TO: Chief Rafael Padilla

FROM: Commander Phil Johnson

RE: 2023 Professional Standards Report

The purpose of the annual Professional Standards Report is designed to provide greater insight and transparency into law enforcement activity conducted by the police department and outline steps to better our current practices. It also can provide information to the community on how citizen complaints are handled, report regarding the subsequent results of investigations conducted by the department, and address policy reviews that are the center of these investigations.

The Professional Standards Report covers the following categories:

- Complaints
- Internal Investigations
- Divisional Investigations
- Use of Force
- Bias-Based Policing
- Pursuits/Eluding
- Collisions

The overall goal of the Kent Police Department is to provide efficient and effective police services to our citizens. By making a concerted effort to hold ourselves accountable to our department's values of Service, Professionalism, and Integrity, and with the cooperation and confidence of the community we will continue to earn their trust and maintain legitimacy while meeting their needs and expectations. This information can be a mechanism to demonstrate transparency to the community while also helping increase understanding of the difficult and critical role our officers must fulfill.


Rafael Padilla, Chief of Police

03-21-24
Date Received

Complaints - Supervisor Citizen Contacts

The department recorded and documented 27 complaints in 2023. All staff within the department provide service to the public which includes handling situations when complaints are made. Any employee of the Police Department can receive a complaint from the public, so the process we use to handle them can be done at any time. A complaint may be filed against the department as a whole or an employee, by e-mail, in person, by telephone, or by mail. All complaints are handled at the appropriate organizational level and in a timely manner. The Department's goal is to properly document each complaint to show transparency regarding what happened, what steps were taken, and memorialize the outcome of each incident. This process helps ensure a professional and ethical environment while identifying trends in our overall service provided to the community we serve, and identifying areas of potential improvement.

The department uses a Supervisor Citizen Contact Summary to properly document the content of each complaint made. The goal is always to reach a conclusion of resolving and/or satisfying the individual initiating the complaint. However, when that goal is not attained or even plausible, we also document those situations. When it is resolved without their satisfaction, or when additional contact by the individual is highly probable, the complaint is forwarded up the Chain of Command for further contact. The Chief of Police may need to review if there is a need for a subsequent Divisional or Internal Investigation to be initiated.

These 27 complaints are handled in the manner as outlined in policy as an Initial Inquiry. An Initial Inquiry may be conducted when the alleged conduct, as reasonably understood by the investigating officer, is less serious than that which would warrant a Divisional or Internal Affairs Investigation; are violations of policy or procedure that can be corrected by a supervisor through counseling or the lowest level of discipline; there is reasonable doubt as to the validity of the complaint; or it is obvious the alleged conduct would not constitute a violation of law or policy even if committed.

KPD Supervisor Citizen Contacts for 2023	
General Categories of 2023 Complaints	
Arrest with the use of force	0
Bias-Based	3
Courtesy Issues	4
Service Issues	20
Total:	27

Dispositions	Explanation of Dispositions	# of Complaints in each category
Resolved/Satisfied	When the initial investigation reaches an acceptable conclusion for both the department and the individual making the complaint where both parties are satisfied, and the situation is concluded.	7
Closed/Not Satisfied	When the initial investigation reaches an acceptable conclusion or uncovers that the complaint is not substantiated and the individual making the complaint is not satisfied with the outcome but knows that the situation has been concluded.	15
Additional Contact with Others Likely	When the initial investigation concludes, the supervisor handling the issues suspects that the	3

	situation will continue and/or will be presented to an employee of a higher rank.	
Pending Additional Contact	When the initial investigation uncovers that further investigation will likely occur by someone else other than the supervisor taking the complaint.	2

Review and Analysis of Complaints

In 2023, we found that 7 of the 27 complaints were resolved where the individual making the complaint was satisfied. Over half of the complaints made by the public ended with the individual making the complaint being unsatisfied with the outcome. 9 of those incidents revolved around service issues, 3 around courtesy, and the last 3 involved the allegation of bias-based enforcement. The review and analysis of the bias-based incidents will be discussed in detail later in this report.

Analyzing the complaints that ended as being Closed/Not satisfied, there was a trend identified that appears to occur because of our current internal processes. For example, most of the service-related complaints ending in Closed/Not Satisfied, were either when an individual made the complaint and wanted the police to arrest someone where probable cause for a crime did not exist, or the individual lodged a complaint but was unresponsive with the supervisor trying to initiate contact with them to address their concerns. The way conclusion data is currently collected and labeled may provide a false perception that the police department might not be providing great customer service to the public. A change made to our current form, providing more detailed conclusion options, should be initiated to clear up this dynamic and accurately reflect the outcomes of these types of situations.

When analyzing the categories of "Pending Additional Contact" or "Additional Contact to Other Likely" seems to be confusing and similar in nature to the issue just cited. Out of those 5 incidents falling into these categories, it included incidents where our officers were counseled, asked to go back and fix issues with their initial response, or in one case the situation was already being handled by Risk Management as a part of an existing claim against the City of Kent. Better defining our conclusionary boxes would clean up the true outcomes of these incidents. Furthermore, we currently do not have a mechanism to clearly show when a complaint was handled in this fashion, but it ends up as a Division or Internal Investigation. In those incidents, the form ends up being incorporated within the overall investigation. The only current tracking mechanism for this is to look at each individual investigation which is not technically cross-referenced to the Citizen Contact Summary. This correction to this tracking process will be examined in 2024.

Analyzing the complaints in this same category in addition to courtesy issues; many complaints were resolved simply because all officers are outfitted with body-worn cameras. In many cases, including all courtesy-related issues; the camera footage allowed the supervisor handling the complaint to watch exactly what transpired which showed the information alleged was different or completely inaccurate to the actual professionalism demonstrated by our officers.

In conclusion, a 2024 goal of the Professional Standards division is to address the apparent need to relabel and redesign what the conclusionary data should capture on our current form to clean up the data from these incidents reflecting the true outcome of each complaint. This will benefit the department and the public by accurately showing why the incident ended the way it did and not reflect or give the perspective that a complaint was not handled to their satisfaction. We also see the need to standardize the documentation

process when complaints are handled within the department and document all the incidents when they occur.

Internal Affairs Investigations

Internal Affairs Investigation Definition - An Internal Affairs Investigation is conducted when it is determined that the conduct if proven, would constitute a serious violation of law, a serious violation of Department or City policy or procedure, or serious poor performance of the employee, or when it is determined, before the initiation of the investigation, that more than a written reprimand may be imposed if the allegations are sustained. Examples of the types of allegations handled at the Internal Affairs level include but are not limited to: repeated and/or serious violations of department policy; repeated and/or serious instances of poor performance; biased-based policing; sexual harassment; reports of excessive force or inappropriate uses of force; untruthfulness; violations of the law or criminal activity; or neglect of duty.

Completed KPD Internal Affairs Investigations for 2023			
IA #	Description	Disposition	Action Taken
22-001	Use of Force	Sustained	Termination
22-003	Discipline/Insubordination	Sustained	Letter of Reprimand
22-004	Seatbelt Violation/Accident	Sustained	Letter of Reprimand
22-006	Trespassing	Not Sustained	N/A
22-007	Seatbelt Usage/Cell Phone Usage	Sustained	Resigned/Terminated Probationary Period/ Prior to Discipline Imposed
23-001	Code of Conduct	Sustained	Terminated
23-002	Malicious Mischief DV, Code of Conduct	Not Sustained	N/A
23-003	Seatbelt Violation/Accident	Sustained	1 Day Suspension, Training
23-004	Vehicle Accident	Sustained	2 Week Suspension, Training

Pending KPD Internal Affairs Investigations Going into 2024			
IA #	Description	Disposition	Action Taken
22-005	Injury to Public Record	Pending	N/A
23-005	Code of Conduct, BWC Violation	Pending	N/A

Review and Analysis of Internal Affairs Investigations and Complaints

In 2023, there were 5 Internal Affairs Investigations initiated by the Kent Police Department. One of the investigations was not sustained, three were sustained, and one is still pending as the investigation was completed and provided to the Chief of Police at the end of December. As mentioned in the 2022 end-of-year report, 6 investigations were still pending heading into 2023. 5 of those investigations were completed while 1 is still pending involving multiple officers and is set to be completed in 2024. Only 2 pending investigations carried over into 2024 which is significantly less than the year prior.

Analyzing the 9 investigations completed this calendar year, 4 revolved around motor vehicle accidents and seat belt usage. Two of these incidents were carried over from 2022 which were addressed in last year's report. The 2 incidents in 2023 involving this topic involved 1 officer where significant progressive discipline was given to help curb the behavior. The officer was also given significant remedial training and coaching. In review, there does not appear to be any trends regarding motor vehicle accidents and the lack of seat belt usage. Our current processes and standards have had a positive effect on correcting this behavior and assisting our employees directing them to the path of future success.

Another trend that was found, was that 3 investigations ended with the termination or resignation of the employee involved. One resignation occurred after an employee did not complete their probationary period and was involved in another seat belt violation incident. Another investigation involved the use of deadly force from 2021 where the employee was found to have acted outside of both law and policy. Both of those investigations were carried over from 2022. The last investigation centered around the recorded conduct of an employee who portrayed the department in a negative light. The positive outlook from these outcomes was our policies and procedures, currently in place allowed us to uncover the truth and protect the integrity of the department.

Lastly, during 2023 our department began the process of reorganizing the workflow surrounding our Internal Affairs Process and formulating our Professional Standards concept. This will benefit both our efficiency and accountability as an agency moving forward.

Divisional Investigations

Divisional Investigation Definition: A Divisional Investigation is conducted to address issues or complaints related to misconduct, quality of service, or performance-related deficiencies that warrant more than an Initial Inquiry. Examples of issues addressed at the Divisional Investigation level include but are not limited to rudeness or inappropriate

language; unresponsiveness to duties, deadlines, or requests; inconsistent enforcement measures; or failure to comply with departmental policies, procedures, or directives.

Review and Analysis of Divisional Investigations

In 2023, one Divisional Investigation was initiated by the Police Department. The investigation was conducted in relation to an officer-involved motor vehicle accident. The officer was responding to a call for service where CPR was in progress due to the victim being rescued from the water at Lake Meridian. The officer drove off the roadway within the park with the intent to quickly get to the victim. In the process, the officer damaged the patrol vehicle. The purpose of the investigation was to determine whether that specific decision was necessary and warranted based on the known circumstances. The investigation concluded with a non-sustained finding.

This sole Divisional Investigation in 2023 was related to the 2 Internal Investigations involving motor vehicle accidents previously discussed. The investigation touches on the trend of officer-involved accidents, directly involving inattention, which will be discussed later on in this report. There was no apparent failure of policy to discuss pertaining to Divisional Investigations.

Use of Force

Use of Force- Law enforcement encounters rapidly evolve and are not static. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their initial response to calls, their tactical positioning, or using other de-escalation tactics, to decrease the likelihood of needing to use physical force.

Process- Each use of force is reviewed by their direct supervisor and is forwarded up the employees' chain of command to ensure the application is within policy. If determined that the use of force was excessive and/or outside of policy, the Chief of Police may initiate either a Divisional or Internal Affairs Investigation based on the facts and circumstances known at the time. This process is used to ensure the actions of the police department hold to current law, policy, and best practices.

The Kent Police Training Unit publishes a report each year analyzing the use of force by commissioned officers and corrections officers from the preceding year. The data used in the report is gathered from the Use of Force (UOF) Report forms filled out by officers using force during each incident. Each Use of Force incident and form authored by an officer is reviewed by the officer's direct supervisor and forwarded through their respective chain of command to the Assistant Chief of each respective Division. The purpose of this process is to ensure the actions of our officers hold to current law, policy, and best practices.

The data collected from the UOF report forms provides a breakdown of the demographics of each person that force was used upon, the circumstances in which force was used, and what type of force techniques were used and their effectiveness. This provides for a more refined analysis of the information available from each use of force incident. This tabulated data is then used to assist in determining if there is a need for a revision in our current training as it relates to defensive tactics, deadly force, and/or related policies.

In 2023, the Kent Police Department documented a total of 757 times an individual officer used force during an incident. There was a total of 1,355 individual force techniques performed during those incidents. The total number of Use of Force Incidents were not

specifically tabulated due to our current data collection methods. However, in 2023 the police department had 93,112 calls for service or CAD incidents generated. Looking at the case numbers listed on the Use of Force Forms authored by our officers, there appears to be 334 unique case report numbers associated with UOF forms authored. There were 24 unique incident numbers generated by corrections staff. Using the data collected for the year, the Kent Police Department and Corrections staff used force on less than 1 percent (0.003) of the calls for service that our staff responded to or assisted with while having those subjects within our custody. Regarding the 93,112 calls for service, current data collection processes include any and all computer-aided dispatched calls without excluding incidents that might involve information-only broadcasts or phone reports.

Types of Use of Force Used by KPD 2023				
Type of Force Used:	#	Effective	Not Effective	Effective %
Handcuffing (noncompliant)	282	281	1	99.6%
Chemical	12	10	2	83.3%
Counter joint	211	204	7	96.7%
Firearm	34	32	2	94.1%
Hairhold	11	11	0	100.0%
Impact	5	3	2	60.0%
Intentional striking	7	5	2	71.4%
K9	4	3	1	75.0%
Pit	11	10	1	90.9%
Punches/kicks	10	7	3	70.0%
Shove	39	39	0	100.0%
Swarming	455	452	3	99.3%
Tackle	56	56	0	100.0%
Taser (<i>Drive Stun</i>)	24	21	3	87.5%
Taser dart (<i>Dart Mode</i>)	17	8	9	47.1%
Other	177	170	7	96.0%

Highest Level of Force Used		
Deadly	7	1%
Intermediate	143	19%
Non-Deadly	599	79%

Use of Force by Subject Demographics

Ethnicity	#	%
American Indian/Alaskan Native	14	2%
Asian /Pacific Islander	82	11%
Black	256	34%
Hispanic	128	17%
White	241	32%
Other/Unknown	37	5%

Gender	#	%
Male	583	77%
Female	166	22%
Other	6	1%

Impairments	#	%
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Did Not Appear Impaired	142	17%
Alcohol	97	11%
Drugs	196	23%
Mental Illness	169	20%
Unknown	240	28%

Review and Analysis of Use of Force Events

In 2023, the Kent Police Department documented a total of 757 times an individual officer used force during an incident. There was a total of 1,355 individual force techniques performed during those incidents. The total number of Use of Force Incidents were not specifically tabulated due to our current data collection methods. However, in 2023 the police department had 93,112 calls for service or CAD-generated incidents. Looking at the case numbers listed on the Use of Force Forms authored by our officers, there appear to be 334 unique case report numbers associated with the use of force incident. There were 24 unique incident numbers generated by corrections. Using the data collected for the year, the Kent Police Department and Corrections staff used force on a subject less than 1 percent (0.003%) during calls for service where our staff responded to or had individuals within our custody. This data tracking aspect will be an area of interest for change in 2024.

The Kent Police Department emphasizes the use of de-escalation tactics throughout its operations in the field and through training. The goal of all officers is to conduct interactions with the community, utilizing communication, procedures, and tactics that will serve to de-escalate the potential for violence and reduce instances of use of force or reduce the level of force used. The desired outcome for any arrest or enforcement situation is voluntary compliance on the part of the community members being contacted. de-escalation tactics, even when applied most effectively, will not always be successful. Ultimately, compliance or non-compliance by a community member is the most influential determining factor as to the outcome of these incidents. It is also recognized that in dynamic, fast-evolving, and volatile situations, the time available to safely engage in de-escalation techniques, or the ability for the officer(s) to perceive all potential de-escalation options or strategies that possibly could exist, may not be available or feasible at that moment. Determining the success of de-escalation is difficult as it could be measured in different ways. It could be that force was not used or it could be when an appropriate level of force was used to diffuse a situation. At what point and level force was used, or whether other options were considered and implemented to reach a safe and successful outcome. Also, it could be that officers were able to reduce the level force being used as the incident evolved. The training unit continues to provide all sworn personnel with de-escalation training on a yearly basis, incorporating the concept into training scenarios when applicable, which meet or exceed state-mandated training requirements.

The department continued to increase training in use of force and deadly force, including policy and legal updates, defensive tactics, firearms training and qualifications, and less lethal training. In 2023, the department Defensive Tactic (DT) Instructors and Training Unit convened and started a back-to-basics approach for our program. The department invested in the training unit by adding another training officer position which increased the capacity to deliver internal training. The DT cadre started briefing trainings on a bi-monthly basis to patrol as well as incorporating scenario-based DT back into session training. These training concepts have been needed as over the past two years we have hired a lot of new officers all of which are in the patrol division.

In 2023, there were fewer injuries to officers (35% decrease) and suspects (21%) than in 2022. As previously mentioned, a contributing factor to this decrease has been an emphasis on de-escalation tactics performed during incidents there was a high potential of force being used. This becomes more indicative of a fact when the City of Kent experienced increasing levels of violent crime. When injuries occurred, medical treatment was provided when necessary or governed by law by summoning the fire department and medical personnel to the scene. A large majority of injuries reported during these incidents were minor injuries such as, but not limited to, scrapes, bruises, and sprains.

The department emphasizes the use of alternative methods of dealing with situations involving impaired individuals such as those suffering from mental health issues. The Department employs a Sergeant who works directly with FD CARES, a team consisting of a social worker and a nurse. This team is available to all officers in the department. The CARES team and KPD officers work together similar to our Co-Responder Model. When residents and subjects suffering from some sort of mental illness are identified and have a high propensity to deal with law enforcement, the Co-Responders proactively engage and follow up with those individuals to help them. This means that they provide resources to assist them with their everyday lives. This approach is an attempt to solve issues before they escalate and relieve some of the burden of calls for service that normally would be handled by patrol officers. We also recently started a partnership with Project Be Free which is an organization used to provide resources for those involved in domestic violence situations. This program is not only designed to assist victims and their families but helps curb the repeat domestic violence incidents that naturally occur by removing the victim(s) into a better situation and potentially away from their abusers. Both programs are examples of other ways we proactively de-escalate potential situations to avoid a potential police response.

There were 35 uses of force reported as being ineffective by both sworn officers and corrections. This was a decrease from 2022. The most frequent force technique that was deemed ineffective was the application of Taser in dart-mode which was effective 47.1% of the time. While this appears to be a high failure rate, it is consistent with historical trends as darts have a higher failure rate due to the distance of application, clothing worn, and the overall movement of subjects and/or officers. The department's taser policy was reviewed and updated during an annual review to clean up language making it clear when and in what circumstances it can be used. Another trend seen with the use of tasers in 2023 was in a very small number of incidents, an officer holding both a taser in one hand and a firearm in the other during a use of force incident. The training division was made aware of these incidents, and it became an area of emphasis in 2024.

The most frequently reported use of force was Swarming, Counter-Joint, and Handcuffing. This accounted for almost 70% of all techniques used during the year. In 2021 with the push for police reform, the department made the decision to start tracking non-compliant handcuffing and added it as a force technique. However, the department did not recognize the technique as an actual use of force but simply added it for data collection purposes. In 2024, this data collection practice will be suspended.

There were 2 officer-involved shootings in 2023 with a total of 5 officers directly involved. In both incidents, the suspect was armed and physically attacking the officers involved. Officers rendered aid, secured the scene, made the appropriate notifications, and completed the required steps as governed by law. In 2023, in collaboration with Command Staff and the KPOA union, parties were brought together to develop an all-inclusive policy and standard operating procedure as it pertained to deadly force situations. Checklists for each

rank of staff and roles taken within these incidents were developed and distributed to all staff. These checklists serve as a guide and reminder of all responsibilities and tasks that need to be completed when incidents occur like these. This effort and organization proved to be instrumental in ensuring all aspects of the law were abided by in a time of tragedy and staff felt there was clear direction to what needed to be completed. This developed model by the police department has been requested and disseminated all over the state of Washington to help everyone navigate these high-profile and difficult situations.

There were an additional 29 uses of firearms documented when pointing a firearm at someone. Upon a thorough review of the data collected, we found an additional 58 instances where officers pointed a firearm at someone. This was done by searching forms where the technique was coded in the "other" category. In 2024, we plan on conducting a review of this data tracking dynamic and will be either expanding options for staff to report on this technique and/or conducting education on how to properly fill out the form. Another cause of this is due to the high volume of new staff brought into the department over the past two years.

Lastly, looking at all use-of-force incidents, there was only 1 incident in which the use of force was investigated and fell outside of policy with our Corrections Staff. That was handled by the Commander at the Jail and ended with performance counseling. After a careful review of all sworn officers, there were 25 incidents where coaching and counseling occurred. Many of the reasons for this were the way force was used or the timing and manner it was applied. Within these incidents, the officer followed policy, but the officer's actions may not have been the best way to act within the specific situation. This proactive approach to assist and coach officers before something else may happen has proven to be a beneficial approach with our young officers. Another reason for the coaching or counseling was the officers failed to activate their body-worn cameras due to various reasons. Although these incidents violate policy, the facts and circumstances surrounding these incidents showed that there were contributing factors as to why they occurred and not due to being malicious or intentional.

There were 4 incidents where during the Use of Force Review deemed a use of force fell outside of policy. These incidents were handled with performance correction or counseling, or up to being removed from being in a specialty position. These incidents were not elevated to the level of a Divisional or Internal Investigation due to the circumstances of why they were deemed outside of policy. A couple of incidents revolved around not activating their body-worn camera during the use of force incident for different reasons. The officer who was removed from a specialty assignment was for the actions that transpired before the use of force, and not the actual application of force. One incident involved multiple officers where one had used the light on his pistol to illuminate the interior of a tent while everyone was attempting to arrest a suspect. The officer ended up pointing his firearm at the suspect which was within policy during a portion of the incident. However, he continued to use the light on his pistol as a source of light and continued to point it at the suspect which eventually fell outside of policy. The Assistant Chief directed performance counseling for the officer and staff who reviewed the Use of Force Incident. These incidents provide proactive examples of how the department does not just focus on the application of force but takes into account other factors within each situation where corrective action and learning can take place before a trend starts to develop within our staff.

In summary, our training division continues to take the approach of being proactive in its approach to training staff with de-escalation tactics and the application of the use of force. At the end of 2023, the Defensive Tactics cadre began the process of developing a DT

manual to assist staff within the department. It will serve to provide conceptual advice, guidance, and command intent on how the department wants our officers to respond to these potentially volatile situations. In 2024, the department will be moving our Use of Force forms into a digital format within Axon Standards which provides more feasible tracking and changing of the form for the reasons cited in this report. The goal for both approaches is to minimize statistical inaccuracies and provide a much more robust approach to how our staff responds to use-of-force situations.

Bias-Based

The Kent Police Department prohibits the use of bias-based profiling or partaking in any bias-based policing. More specifically, the department strictly prohibits employees from using race, ethnicity, nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliations with any other similar identifiable group from being the basis for providing different levels of law enforcement services or the enforcement of the law.

One way of evaluating allegations of bias-based conduct stems from the contacts made by members of the Kent Police Department during calls for service. Complaints are memorialized through the documentation of complaints using our Citizen Contact Summary forms. Further information is obtained from internal investigations conducted and the actions and work seen by the City and County Prosecutor's Office.

Each complaint made is investigated by the direct supervisor of the involved employee or someone from their chain of command. The supervisor contacts the complainant, speaks to the involved officer(s), and reviews other materials associated with the incident including any body-worn camera footage. The information obtained and investigated is reduced to writing into a Citizen Contact Summary form. This form is forwarded up the chain of command to the Assistant Chief of their respective Division. If there is any evidence to suggest that bias-based activity occurred, it will result in a formal investigation at the direction of the Deputy Chief and/or Chief of Police. This process allows multiple supervisors to review the complaint to ensure the creditability of our processes. The following three incidents were investigated as complaints were generated with allegations of bias-based policing.

Bias-Based Policing Complaints for KPD 2023				
Contact Date	Incident Date	Allegation	CAD/Case#	Status
02/15/2023	02/15/2023	Bias-Based	KP230011077	Closed/Not Satisfied
10/09/2023	10/09/2023	Bias-Based	KP230072026	Closed/Not Satisfied
11/29/2023	05/07/2023	Bias-Based	KP230030882	Closed/Not Satisfied

Review of Complaints/Incidents

In 2023, the department continued its practice of taking all complaints pertaining to bias-based policing seriously to not only ensure transparency with the community but also to hold our staff accountable to the highest standards possible. There were three complaints made this year suggesting staff might have partaken in bias-based conduct. The Assistant Chiefs of each division regularly review Use of Force Reports, pursuit critiques, and major case reports. They found no further incidents or actions by their officers that could be characterized as bias-based policing. There were no Divisional or Internal Investigations

that involved this topic and after consulting with the Prosecutor's office, no further suspected violations or activity were reported.

The three complaints brought forth were fully investigated by the involved officer's chain of command and were eventually all settled as closed. Each complainant was not satisfied with the outcome.

The first incident was documented in a case report on file. The officer involved was suspected of mistaking a female's identity and accused of doing this because of her race. During that contact, the officer inquired if the female was the witness he spoke to prior, and the female suggested the officer was racist because of the misidentification. When the Sergeant spoke to the complainant, she also claimed the officer refused to provide his badge number. The Kent Police Department outfits all sworn personnel with body-worn cameras which were active during this contact. A review of the camera footage refuted the allegation and showed the officer was professional and what the officer was accused of, did not occur.

The second incident was documented in a case report on file. Multiple officers were involved in an incident who responded to a situation where firearms were drawn. One of the involved subjects was a minority who later reported to her mother that the officers pointed their firearms at her for no reason. She claimed she wasn't involved with the incident and insinuated that it occurred because of her race. The officers' Commander spoke to the mother of the involved party and explained that what was reported did not specifically match what was documented and recorded on camera. The Commander offered to have the involved party and her mother come to the police department to review the videos to foster a better relationship with those affected and to be transparent with the handling of the situation. The involved parties declined and began making comments as written in the memo that "All police and the other officers who have malintent (paraphrase) will never change." The content of the allegations was unfounded, but the complainant did not appear to be satisfied documented by the Commander.

The third incident was also documented in a case report on file. Multiple officers involved in this incident responded to a dispute where one involved party made comments that he was going to shoot his neighbor. The officers investigated the situation, developed probable cause to impound a vehicle belonging to the complainant, and applied for a search warrant to recover a shotgun. The firearm was retrieved during the subsequent search. The complainant claimed the officers conducted this investigation and impounded his vehicle solely based on his race. He also claimed the officers disregarded the actions of his neighbor because of his race and that his neighbor was white.

The Commander supervising the officers conducted an investigation which included the review of the body-worn camera footage from the incident. The Commander found no deviation from Kent Police Department policy or any violations of law by the officers involved. The video showed the officers responded to a 911 call of a crime in progress where threats to assault and shoot another person were made. Upon arrival, they saw a loaded shotgun inside an illegally parked vehicle, in violation of state law, and the vehicle was registered to the person who had made the threat. Officers appropriately impounded the vehicle and requested a search warrant to seize the evidence. Evidence seals were placed on the vehicle in accordance with department policy. The complainant was then able to retrieve his vehicle from the impounding tow company after the warrant had been served. There was no evidence of any racial bias directed toward the complainant by any Kent Police Officer, nor any indication officers ever physically saw or spoke to the

complainant in person during the investigation. The single interaction that an officer apparently had with the complainant was by phone and the officer was both patient and polite during the call.

The annual review of this topic did not uncover any concerning behavior by our staff. It also did not expose any failures in policy. Since 2018, the department has benefited from using body-worn cameras giving supervisors the ability to replay and capture the actions of our staff when complaints like this arise. As cited above, the video footage allows the department to be fully transparent with the community showing how our officers are conducting themselves. The use of body-worn cameras in situations such as these helps protect the integrity of the department when false allegations are brought forth. Furthermore, it allows the department to spend less time getting to the truth of the matter.

Traffic Infractions - Discretionary Traffic Stops

Another common way police agencies attempt to learn whether bias-based policing is occurring is through a systematic way of analyzing the enforcement of laws where officer discretion can occur. Discretionary traffic stops are a common metric for this. The Kent Police Department utilizes the SECTOR system where officers electronically issue infractions during these traffic stops. Currently, the department is in the process of trying to capture all discretionary traffic stops, whether an infraction is issued or not, to provide a more robust analysis of the enforcement conducted. We hope to be able to start providing this type of data in 2024.

In 2023, 2,108 traffic infractions were issued by the police department. 404 of these infractions were issued during discretionary traffic stops. 1,680 infractions were issued as the result of an at-fault driver during a traffic collision. Historically, when a collision occurs, the issuance of an infraction to the at-fault driver occurs when fault can be determined. Analyzing infractions issued during these types of incidents and the frequency in which collisions occur within the City of Kent, can provide somewhat of a baseline regarding the demographics of those utilizing our roadways and the individuals that we serve. The following table is a demographic breakdown of the at-fault drivers in collisions who received infractions in 2023. If the officer could not distinguish the race of the individual, the designation of "unknown" was placed in the box for race.

Demographic Breakdown of the At-Fault Drivers in Collisions:							
	Male	%	Female	%	X	Total	%
White	384	23%	252	15%	1	636	38%
Black	175	10%	121	7%	0	296	18%
Hispanic	200	12%	93	6%	0	293	17%
Asian/Pacific Islander	115	7%	81	5%	0	196	12%
A. Indian	0	0%	0	0%	0	0	0%
Unknown	169	10%	90	5%	0	259	15%
Total	1,043	62%	637	38%	1	1,680	

The following depicts the 2023 infractions issued during discretionary traffic stops by the Kent Police Department. 404 of these infractions were issued solely during discretionary traffic stops last year.

Demographic Breakdown of Tickets from Traffic Stops:						
	Male	%	Female	%	Total	%
White	111	27%	32	8%	143	35%
Black	63	16%	18	4%	81	20%
Hispanic	57	14%	17	4%	74	18%
Asian/Pacific Islander	46	11%	18	4%	64	16%
A. Indian	0	0%	1	1%	1	1%
Unknown	32	8%	9	2%	41	10%
Total	309	76%	95	24%	404	

Review of Traffic Infractions/Discretionary Traffic Stops

Since 2020 and through the plethora of police reform laws passed within the State of Washington, we have seen a significant decrease in discretionary traffic stops. The new laws and the significant public scrutiny focused on the profession consequently placed fear in many officers who chose not to conduct traffic stops. Many left the profession altogether. At the same time, Law Enforcement experienced a significant increase in violators not stopping when signaled to do so after more restrictive pursuit laws went into effect. There were other deflating factors that added to the lack of enforcement and more focus on just handling calls for service. Another contributing factor is the significant increase in violent crime experienced within the city which results in a significant decrease in discretionary time for our officers. In 2022, the national average of police officers per capita was 2.31 officers per 1,000 people. In Washington, the average was 1.36 officers. The City of Kent has around 1.1 officers per 1,000 people along with having one of the highest crime rates in the state. This dynamic has had a significant impact on officer's time to even conduct traffic enforcement.

The City of Kent is one of the most diverse cities in the United States. An example of this is a recent study conducted by Wallethub which compared and ranked over 500 cities around the United States in terms of key indicators of ethnic diversity measuring residents' ethnicity and race, language, and birthplace. The City of Kent ranked 5th in the entire nation under their metrics.

American Community Survey Demographics for Kent, WA	
Race and Hispanic Origin	Percentage
White	40.78%
Asian	22.41%
Black or African American	12.93%
Two or More Races	10.39%
Other Race	9.89%
Native Hawaiian or Pacific Islander	2.89%
Native American	0.71%

The American Community Survey (ACS) is an ongoing survey that provides data every year which gives communities the current information they need to plan investments and services. These numbers are commonly relied upon, but there are reasons why they should be considered as a relatively close estimate of the actual makeup of a city. Looking at the tabulated data above, the demographics of the City of Kent basically mirrors the percentage of infractions issued to individuals within these incidents broken down by their race. The one

trend that appears when parsing out the data of discretionary traffic stops from at-fault driving infractions is the difference in frequency of citing between males and females (14 % swing). However, the overall race demographic remains relatively the same proportionately. Considering 10 percent of the drivers cited for infractions were labeled as unknown, if those individual's race were known it could sway the percentages further and remain somewhat similar to at-fault drivers being cited for infractions.

This was the department's first attempt to try to gather and analyze discretionary stops and enforcement in collaboration with DEI efforts within the city. So far, significant strides have been made to develop internal processes for the collection of this data that would be deemed clean and accurate to the actual enforcement and/or discretion used by the department. This collection process is an area of emphasis in 2024 so we can accurately report how we are doing and be fully transparent with the community we serve.

In summary, the department is very sensitive to bias-based complaints and its enforcement of the laws set forth by legislation and monitors them closely. This review found no evidence of bias-based policing or any trends that would be concerning to the department or the community in 2023.

Vehicle Pursuits

Vehicle Pursuit – A "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

It is the policy of the Kent Police Department to document all pursuits initiated by completing a case report and pursuit form. The pursuit forms are submitted to their supervisor for approval and critique. A Patrol Commander is responsible for holding an after-action critique for all vehicle pursuits which is then sent to the Patrol Assistant Chief for final review. The data collected is analyzed and intended to identify potential trends and provide information as to the circumstances under which pursuits, and the decisions therein, occur. This report is intended to present information that is useful in determining if the pursuits are meeting organizational objectives and Command intent. The department recognizes these events are of significant interest to the community.

Each pursuit was analyzed for multiple criteria collected including the reason for the pursuit, length, time duration of the pursuit, how the pursuit was terminated, collisions related to the pursuit, and how many pursuits resulted in an injury to any party. A change to the data collection methods in 2023 resulted in not including the time of day for the pursuit, due to current legislation, and for simplicity; the reason for the pursuit was separated into the two categories of either reasonable suspicion of a violent crime or DUI.

This data should be contextualized with the Washington State Legislature's passing of Senate Bill 5352. These reforms changed the threshold to be met before a pursuit is initiated and added more pursuable crimes. The changes in legislation impacted several data points in this report when comparing the more restrictive legislation of 2022.

There were 44 Vehicle Pursuits initiated by Kent Police officers in 2023.

Vehicle Pursuits Initiated by KPD 2023		
Reason		
Reasonable Suspicion for Violent Offense	27	61%
Suspicion of DUI	17	39%
Total:	44	

In 2023, 21 pursuits (48%) were discontinued by officers or by on-duty supervisors. The following is tabulated data regarding how all pursuits concluded in 2023.

All Pursuit Conclusions by KPD in 2023		
Termination Reasons for 2023		
Officer Discontinued	14	32%
Supervisor Discontinued	7	16%
Suspect Gave Up	5	11%
Collision	9	20%
PIT	10	23%
Other (Vehicle Pin, Fled on Foot, Off-Road)	3	7%

In addition to this data, the overall number of pursuits involving some sort of collision was 16 (36%) which was an increase from 2022. In 2022, 19% of pursuits involved a collision, and 28% in 2021. This collision stat pertains to the number of patrol vehicles involved in a collision during a given pursuit in which the collision did not necessarily end the pursuit.

The following tabulated data shows the injuries sustained by all parties that were affected by the pursuits that occurred within the City.

Injuries by Pursuits		
No Injuries Involved	38	86%
Injuries Involved	6	14%

Breakdown of those Injuries by Involvement:	
Injuries to Officer	0
Injuries to Suspects	5
Injuries to 3 rd Parties	1

Another aspect of our pursuit data that was tracked was the distance of each pursuit. In 2023, the average length of a pursuit was 6.33 miles. The average duration was about 5 minutes and 37 seconds. The longest distance of a pursuit was 59 miles documented in a

case report on file. That incident involved a suspect wanted in a shooting with injuries. The shortest pursuit was 0.01 miles involving a suspect who was arrested for suspicion of DUI.

Length of Time for Vehicle Pursuits in 2023	
Length of Pursuit	
Less than .3 miles	1
.3 to .5 miles	3
.5 to 1 mile	3
1.1 to 2 miles	6
2.1 to 4 miles	10
Over 4 miles	21
Total:	44

Review and Analysis of Vehicle Pursuits -2023

As stated, the department was involved in 44 pursuits in 2023. For reference, there were 21 pursuits in 2022, 52 pursuits in 2021, and 116 pursuits in 2020. 2023 showed an increasing trend from 2022 after a 3-year decline in the preceding years. The main contributing factor to this was the legislation change moving the threshold from probable cause for a violent crime to needing reasonable suspicion in order to initiate a pursuit. The increase in violent crime experienced within the City of Kent and the change in legislation provided officers the ability to immediately address violent offenders and naturally increased the total amount of pursuits our officers were involved in. This increase in violent crime also increased the overall reasons for our pursuits due to the nature of the crimes committed, the danger the suspect poses to the community, and the frequency in which these crimes occurred.

As mentioned above, there was an increase in collisions involved during pursuits. A trend that contributed to this increase was the frequency of suspects intentionally ramming into or through patrol vehicles in attempts to flee. This was seen even when reasonable escape routes were made available to the suspect. Even with this increase in reckless behavior, 5 suspects out of 44 pursuits were injured, and 1 uninvolved motorist. Overall, 86% of pursuits in 2023 did not result in an injury to anyone involved. This is a significant increase from 2022 where 62% of pursuits did not end in injuries.

When analyzing the outcomes of these pursuits we continued to follow the trend of discretion being used by our officers self-terminating these incidents more often than having been directed to by a supervisor. In 2023, 21 pursuits (48%) were self-terminated either by the initiating officer or on-duty supervisor. 66% of these discontinued pursuits were done by the officer. In 2022, 9 pursuits (43%) were discontinued by officers or sergeants. Officers accounted for 6 of these terminations. This trend is directly impacted by the amount of training delivered to staff by our EVOC group and consistent messaging added to the education provided to officers by leadership regarding their need to weigh the public's safety first when determining to pursue a suspect. There were no pursuits in 2023 where discipline was levied.

There are many variables during a pursuit that make the outcome unpredictable. The need for training our staff is a necessity and paramount to make sure we do everything we can as a department to help protect everyone involved. In the summer of 2023, EVOC instructors provided training for all officers at Pacific Raceways. This training included Stop Stick certification to comply with the state's legislation requirement and a focus on providing basic driving skills by navigating a rigorous backing course.

All attendees were updated on the recent legislation changes with pursuits including the addition of DV Assault crimes to the pursuable violent crimes list, the change to Reasonable Suspicion for pursuable crimes, and the overall requirements needed during a pursuit. Attendees were instructed to perform and go through a pursuit scenario, requiring everyone to perform a risk assessment analysis to correctly conclude a pursuit necessary to apprehend the suspect. Everyone was required to drive the track within the scenario, maintaining safe EVOC driving while demonstrating good decision-making. Valley Comm assisted with this scenario-based training by designating a dedicated dispatcher to assist with radio traffic. This overall training program provided realism for the officers. By providing training repetitions to our officers better prepares them for when these actual incidents occur. In 2023, the department's policies that deal with pursuits were updated and revised where necessary to stay in line with this new legislation and Command Intent.

After a careful review, the department continues to take a proactive approach to address the need for officer training as it pertains to vehicle pursuits, provides clear direction and instruction for officers to consistently weigh the need to continue a vehicle pursuit and self-terminate once the risk to the public outweighs the need to apprehend the suspect. The department continually monitors its policies to make sure they are in line with the law and the current direction intended by the Command Staff.

Employee Collisions

All officer-involved vehicle collisions are reviewed and investigated as governed by policy. It is the responsibility of the employee involved to immediately notify the on-duty supervisor when they are involved in a vehicle collision. The supervisor is required to investigate the vehicle accident or can delegate that responsibility to a traffic officer. The investigation is documented in a fashion so an accident review can be performed. The Commander overseeing the involved officer conducts a review of the documentation to ensure all relevant information about the incident is obtained and presented. The Commander then prepares his/her findings after evaluating all available data and classifies the collision as 'Preventable' or 'Non-Preventable'. This report is presented to the Assistant Chief or up to the Chief of Police. A final decision is made to close the matter, initiate a formal Divisional or Internal Investigation, provide corrective action and/or discipline. Corrective action or discipline provided depends on many factors, including but not limited to, the employee's previous driving history, the amount of damage, and the degree of inattention involved. This process ensures all levels of command review every officer involved vehicle accident making sure there is oversight and corrective action taken when appropriate.

In 2023, there were 19 vehicle accidents forwarded through this process. Two were elevated into an Internal Affairs Investigation, and 1 to a Divisional Investigation. Those three investigations involved the same employee which was discussed in the previous sections of this report. All three investigations deemed the vehicle collisions were preventable and discipline ranged from remedial training to a two-week suspension. The department took a very specific approach to remedial training which was consistent and pointed to the specific areas of concern to correct the behavior.

The remaining 16 vehicle collisions were handled internally within the employee's respective division. 8 of the 16 vehicle collisions concluded with the finding of preventable. 5 of the accidents occurred while the officer's emergency lights and/or sirens were activated. 2 of these accidents occurred while attempting to navigate intersections while driving to a call for service. The other 3 involved inattention once they arrived on the scene. There was a total of 4 preventable accidents that occurred while backing up or failing to place their vehicle in park.

Without the data to compare to prior years, the trends appear to be three-fold. Officer inattention, emergency vehicle operation, and driving in reverse or backing. Historically these driving mishaps appear each year due to the size of our agency, the number of hours spent driving by our employees, and the volume of calls for service our staff respond to. These topics are consistently and specifically addressed each year during department EVOC training as seen in 2023.

Kent Police Policy specifically outlines progressive discipline as it pertains to officer-involved accidents. Discipline is administered based on the number of preventable accidents an employee has been involved in during the preceding 2-year period. All officers involved in accidents experienced their first or second accident which either resulted in counseling or a verbal reprimand.

Motor vehicle-related accidents and collisions are one of the leading causes of death for law enforcement in the U.S. The Kent Police historically takes a proactive approach through training and messaging from leadership to help keep our officers safe and aware of their habits while operating motor vehicles during their normal duties. Discipline is also used to help remind staff of their mishaps, which can be viewed as severe in some circumstances. The goal of that accompanied with consistent and repetitive training is to help officers respond, navigate, and arrive safely to every call for service so they can in turn help and increase the safety of our community.