

**City Council Study Session
March 30, 2015 - 5:30 PM
Council Chambers
AGENDA**

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I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Use of Force Review and Commendations, Inquiries and Allegations of Misconduct (30 Minutes Presentation)* (Stocker)

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Low Impact Development Initial Briefing (15 Minutes Presentation 15 Minute Discussion)* (Carlaw)

IV. OTHER DISCUSSION ITEMS

V. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

**Denotes attachments included in the agenda packet.*



AGENDA BILL APPROVAL FORM

Agenda Subject:

Use of Force Review and Commendations, Inquiries and Allegations of Misconduct (30 Minutes Presentation)

Date:

March 25, 2015

Department:

Administration

Attachments:

[2014 Use of Force](#)

[2014 CIA Analysis update](#)

Budget Impact:

\$0

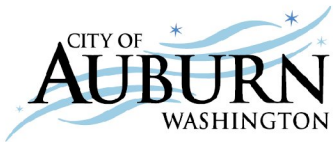
Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Stocker

Meeting Date: March 30, 2015

Item Number: AN.3

**POLICE DEPARTMENT
MEMORANDUM**



DATE: March 30, 2015

TO: Mayor and Auburn City Council Members

FROM: Auburn Police Department

SUBJECT: 2014 Annual Response to Resistance Summary

The purpose of this annual report is to document and summarize all response to resistance as submitted in the reports furnished by police officers in the Auburn Police Department during the 2014 calendar year. This report illustrates comparable statistics from 2013 and previous years, which will add context and possibly identify trends. The report will compare response to resistance forms vs. use of force allegations; types of injuries sustained by both suspect and officer; and force used when presented with different scenarios (i.e. officer about to be assaulted, property about to be damaged, etc.).

In 2014, Auburn Police Officers responded to 89,350 CAD incidents (71,512 in 2013) and completed 18,174 case reports (16,321 in 2013.) Officers made 5,189 arrests (4,414 in 2013) with 2,940 of those arrestees being booked into jail (2,293 in 2013), and issued 9,495 infractions/citations (7,718 in 2013).

There were 96 Use of Force Incidents in 2014 compared to 98 in 2013. Of these 96 occasions to use force, 85 suspects were involved. Of the 85 suspects, 35 reported injuries. All injuries were minor scrapes, bruises, small lacerations from going to the ground, K-9 bites, and one broken bone.

Auburn Police Officers were compelled to use force once in every 931 CAD incidents, once in every 189 case reports completed, once in every 54 physical arrests, and once in every 31 physical bookings. See below table for ratio comparison from 2013.

Only .11% of contacts resulted in a use of force.

	2013	2013 Ratio (98)	2014	2014 Ratio (96)	Force Frequency Change
CAD	71,512	1/729	89,350	1/931	-28%
Cases	16,321	1/166	18,174	1/189	-14%
Arrests	4,414	1/45	5,189	1/54	-20%
Bookings	2,293	1/23	2,940	1/31	-35%

Of the 96 reported use of force incidents, there were zero allegations of inappropriate and/or excessive applications of force.

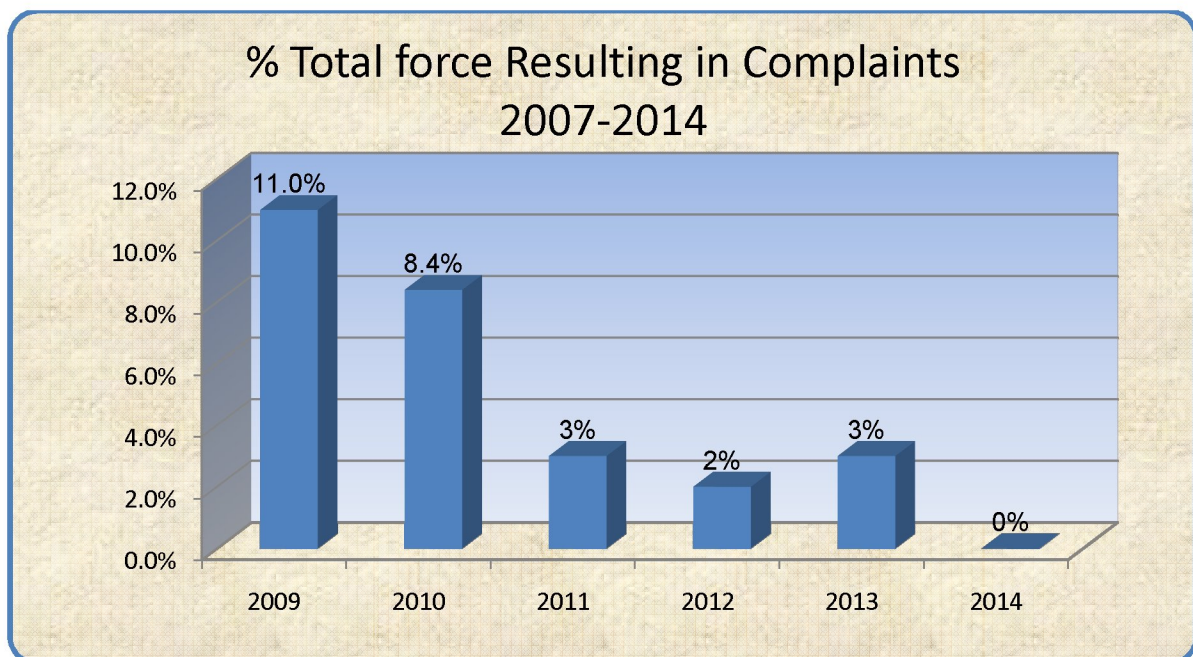
RESPONSE TO RESISTANCE COMPARISON

There were 96 Response to Resistance Incidents documented in 2014, which is a decrease from 2013.

The Auburn Police Department reports uses of force using a *Response to Resistance* form. The following chart is a snapshot comparison of total excessive force allegations for each year compared to the amount of force incidents.

Force Report Comparison 2007-2014

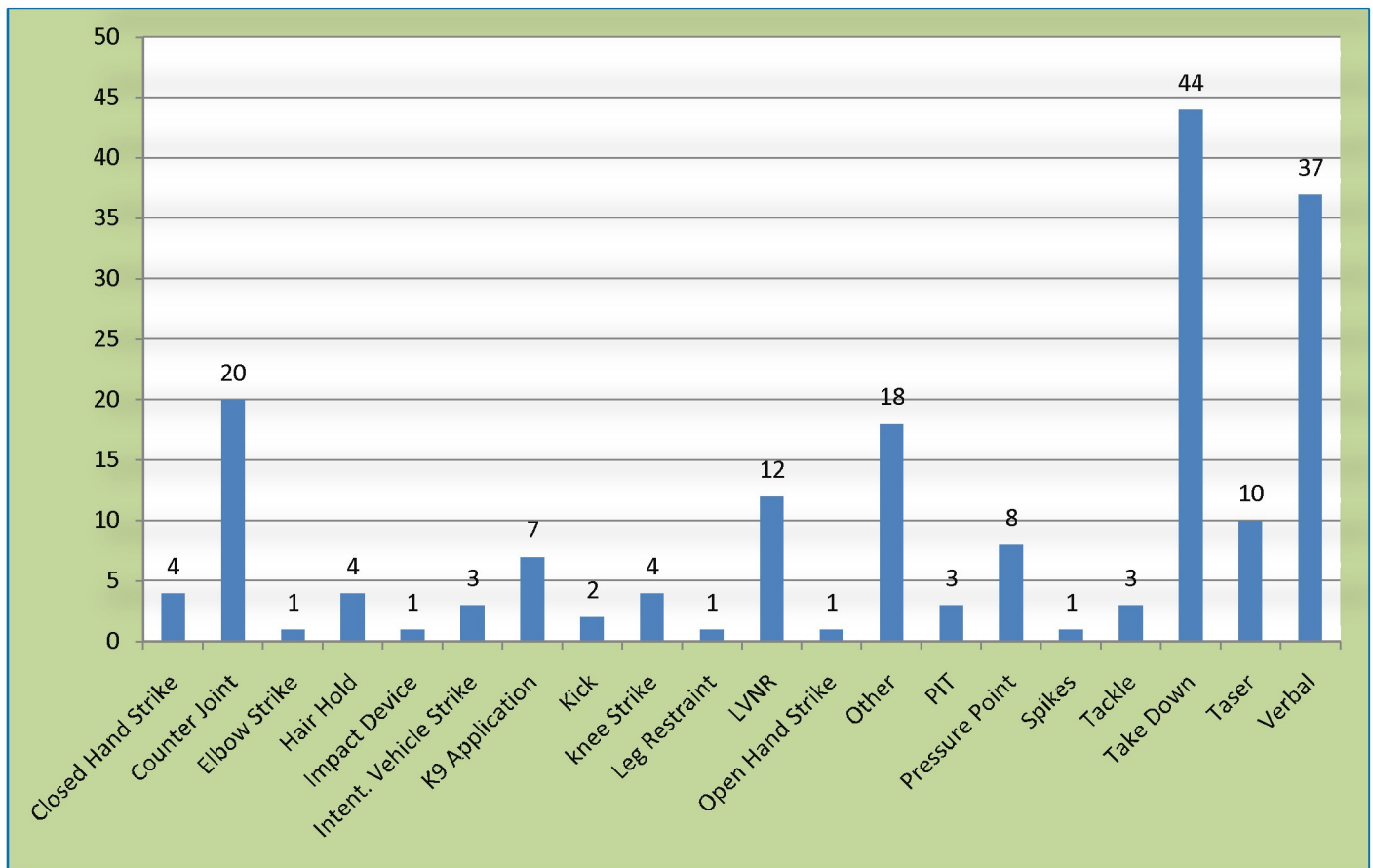
Year	Use of force Incidents	Excessive Force Allegations	Sustained Allegations
2009	132	15	0
2010	107	9	1
2011	113	3	0
2012	94	2	0
2013	98	3	1
2014	96	0	0



Types of Force Used

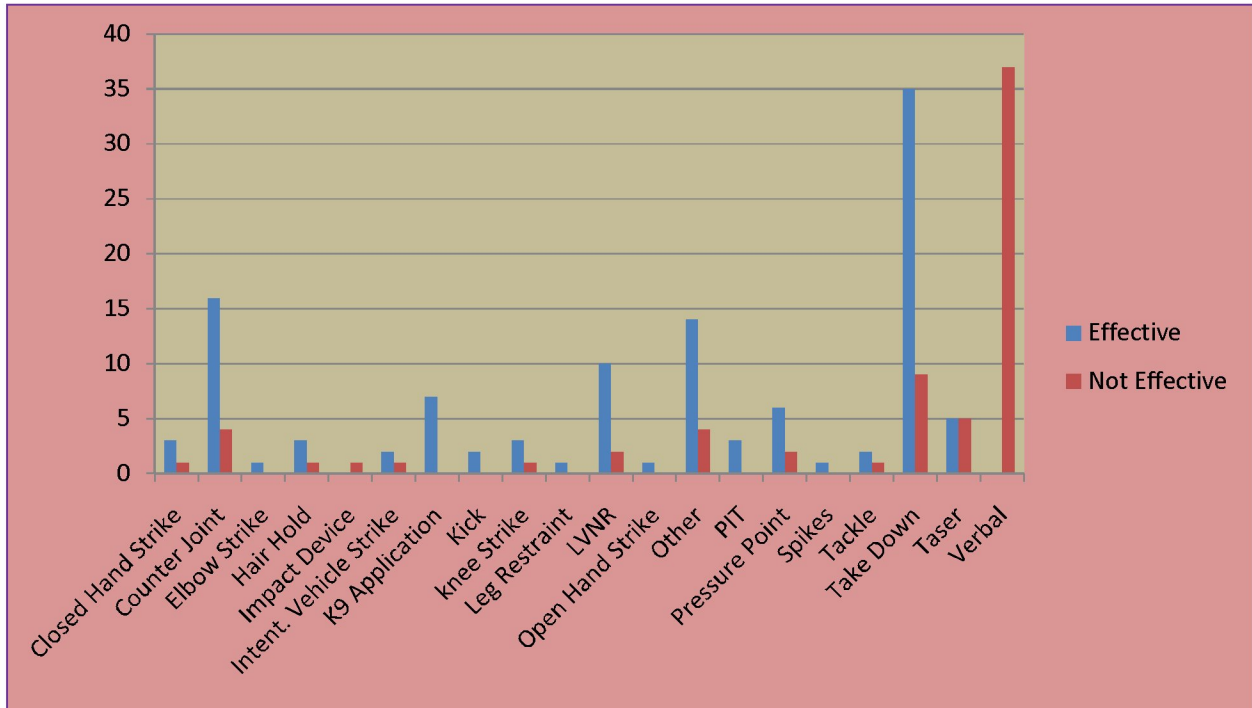
The use of force types listed below are techniques that the officers are trained to use depending on the type of resistance they are receiving, among other factors as well. Take Down is by far the most used type of force our officers use which is also the least forceful type of force. **LVNR** is Lateral Vascular Neck Restraint, is not considered a “choke hold” and is widely used across the country. **PIT** is Pursuit Immobilization Technique, is used during pursuits in an attempt to end the pursuit as quickly as possible in order to reduce potential injury and take the suspect into custody. An **Intentional Vehicle Strike** is authorized by policy in certain situations which entails the officer striking a suspect vehicle with his/her patrol car at slow speed in order to pin the vehicle so that it cannot continue to flee.

Force Types Used in 2014



Effective vs Not Effective

Not every type of force is always effective and at times multiple types of force are used on one person during the same incident.

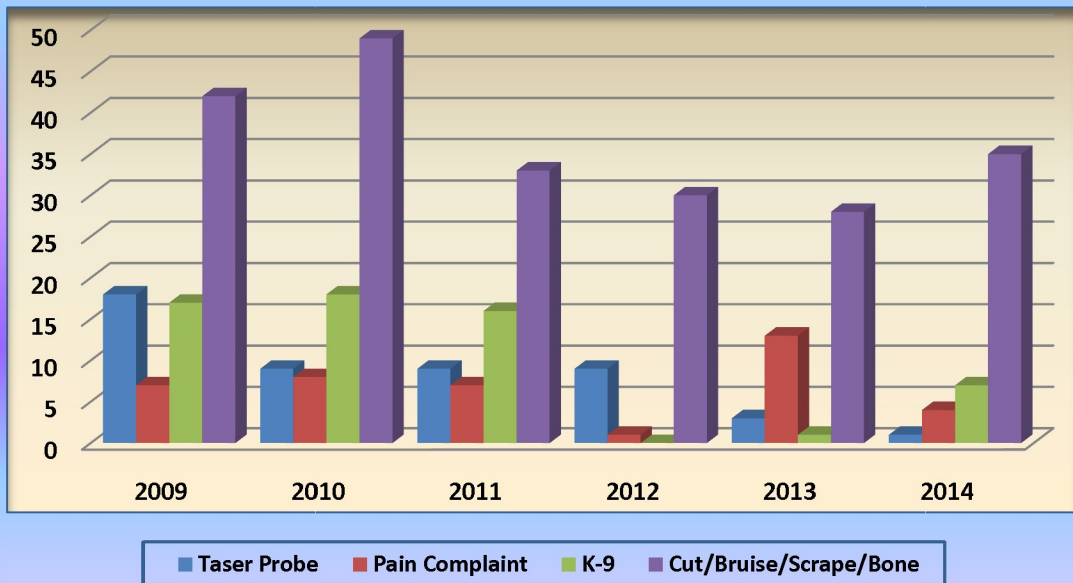


Force Used Resulting in Injuries

In 2014, injuries were reported for the suspect in 36% of force incidents and this is down from previous years. Officers received minor injuries in 6% of the incidents, and this too is lower than historical records.

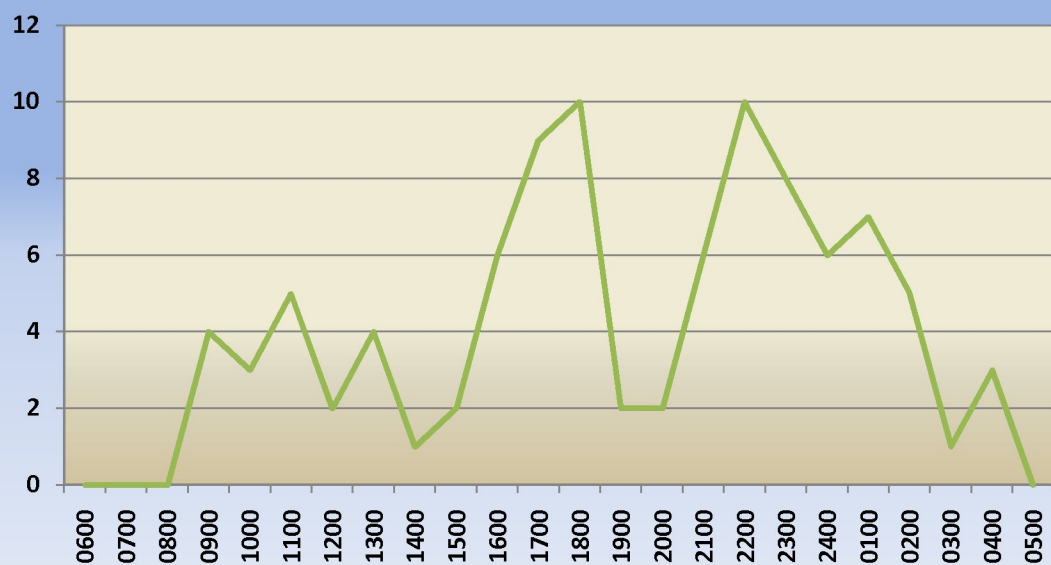
	Total Force Incidents	Suspect Injuries	Officer Injuries	% of total of suspect injuries
2009	132	63	5	48%
2010	107	47	13	44%
2011	113	51	10	45%
2012	94	38	9	40%
2013	98	39	8	40%
2014	96	35	6	36%

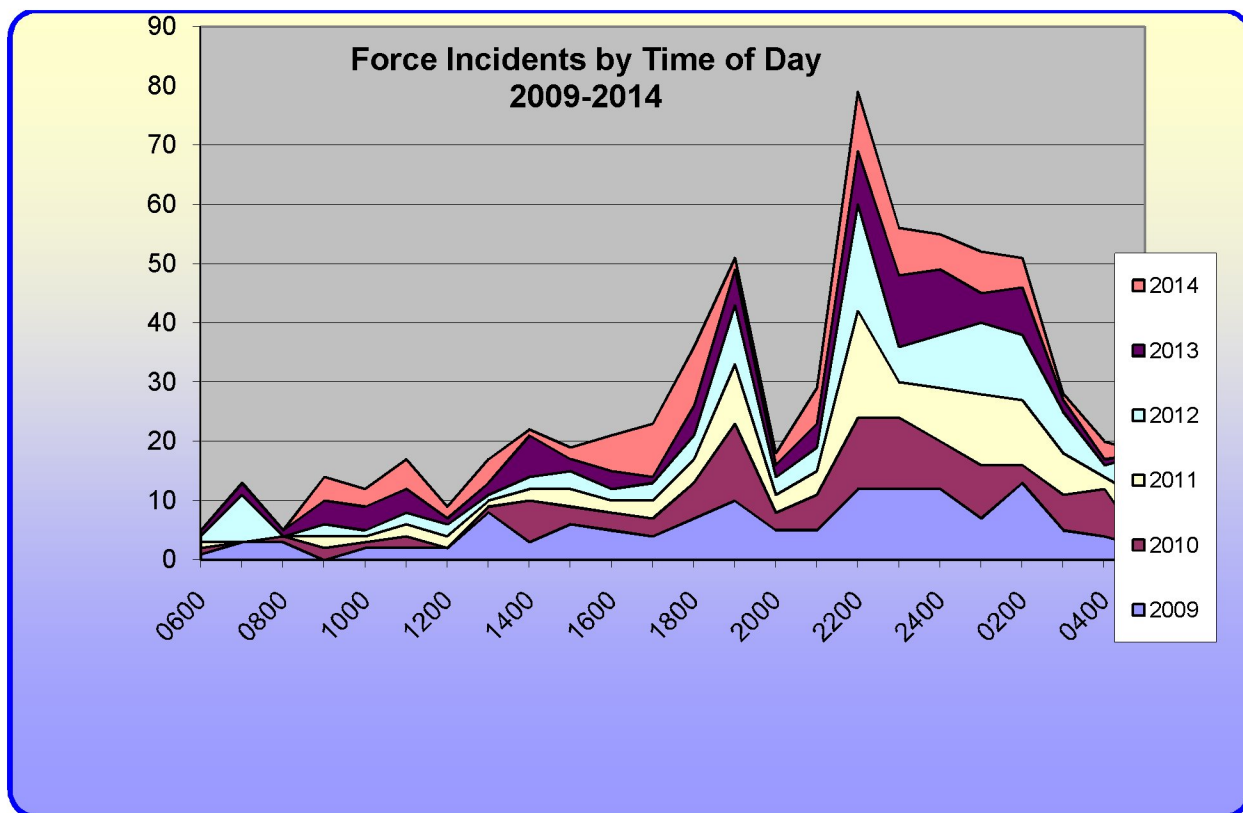
Suspect Injury By Type 2009-2014



Time of Day

2014 Incidents By Time of Day





The above charts depicts the Auburn Police Department use of force incidents by time of day. As in all previous years documented, the majority of the occasions that officers are compelled to use force occur between the hours of 1800 and 0200.

Reason for Use of Force

	Officer About to be Assaulted	Fighting Stance	Other About to be Assaulted	Subject With Weapon	Muscular Tension/Pulled Away	Subject Trying to Flee	Refusing Commands	Other
2009	22	14	10	1	123	44	109	35
2010	14	22	3	0	99	41	94	42
2011	25	0	3	1	?	77	88	17
2012	15	13	5	0	52	23	53	7
2013	15	19	3	1	96	29	77	22
2014	10	7	1	0	103	30	67	20

The above chart shows the reasons that an officer(s) used force on a subject. Most of the time there are multiple reasons for use of force on one subject. In 2014, there were 238 documented reasons why an officer(s) used force.

Summary

It is clear from the report, that Auburn Officers contact many subjects throughout the year and make many arrests. The most compelling stats in this report are that the calls for service, arrests, and bookings are up considerably and, by percentage, the use of force is down. This is due to the training the officers receive and the quality of personnel we have working for the Auburn Police Department. We, as a department, work hard to train our officers in de-escalation techniques and the officers do a great job influencing behavior. Officers have recently received 40 hours of Crisis Intervention Training and train every year in defensive tactics.

**POLICE DEPARTMENT
MEMORANDUM**



DATE: March 30, 2015

TO: Mayor and Auburn City Council Members

FROM: Auburn Police Department

SUBJECT: 2014 Annual Commendations, Inquiries and Allegations of Misconduct Analysis (CIA)

This annual analysis of the CIA investigations provides the administration of the agency and the public we serve a review of agency personnel conduct from an analytical perspective and possibly through the eyes of our community. Our **Vision Statement** calls for us to be a premier agency that is trusted, supported, and respected. Our **Mission Statement** requires that our department will "provide professional Law Enforcement services to our community." To meet these demands, we must be a disciplined and a well-regulated organization. One method by which to determine our success is to evaluate our CIA process. This report illustrates how well the Auburn Police Department is perceived to be following our Vision and Mission statements, as well as our Manual of Standards.

Summary of 2014

In 2014, Auburn Police Officers responded to 89,350 (71,512 in 2013) CAD incidents and completed 18,174 (16,321 in 2013) case reports. Officers made 5,189 (4,414 in 2013) arrests, with 2,940 (2,293 in 2013) of those arrestees being booked into the SCORE Jail. Officers also issued 9,495 (7,718 in 2013) infractions/citations. All of this activity accounts for only a portion of the personal contacts with our community members that are made by our police officers throughout the year.

As outlined in the Auburn Police Department Manual of Standards (MOS), the CIA system provides a standardized means of reporting, investigating, and documenting Commendations, Inquiries, Internal Investigations and Collision Reviews.

Commendations

A **Commendation** is used to recognize actions or performance by members of the police department who act or perform in a manner that is outstanding or beyond what is normally expected. The Commendation process recognizes employees for Professionalism, Exemplary Job, Exemplary Actions, Life Saving and Heroism.

Year	<i>Total Commendations</i>	<i>Involved Employees</i>	<i>Letter of Commendation</i>	<i>Medal of Distinction</i>	<i>Medal of Valor</i>
2009	73	156	10	0	0
2010	114	209	2	0	0
2011	47	67	3	1	0
2012	32	48	0	0	0
2013	41	58	0	0	0
2014	52	126	3	0	0

<i>Year</i>	<i>External Source</i>	<i>Internal Source</i>
2009	60	13
2010	86	28
2011	34	13
2012	24	8
2013	29	12
2014	42	10

The majority of our commendations come from citizens who took the time to recognize one or more officers due to their exemplary and professional work. These commendations range from officers doing speeches at the schools, to helping someone change a tire, to going above and beyond to investigate someone's case.

Employee Investigations

There are two ways a complaint can be categorized and investigated: Supervisory Inquiry and Internal Investigation.

A Supervisory Inquiry involves a complaint made regarding the quality of service delivery. These complaints vary in degree from complaints regarding an employee's demeanor, tardiness, complaints related to customer service, or the nature of a department practice. The employee's immediate supervisor typically handles this type of complaint, but a commander might also take charge of it.

An Internal Investigation involves a complaint of a possible violation of department standards, written directives, City policies or applicable Civil Service Rules. These allegations include, but are not limited to, complaints of bias based policing, excessive force, alleged corruption, insubordination, breach of civil rights, false arrest, and other types of allegations of serious misconduct. In the event that an allegation of criminal misconduct is reported and appears to have merit, a simultaneous **criminal investigation** will be initiated.

Internal Investigations

Year	CAD Incidents	Internal Investigations	Inv. With Misconduct	Total Employees	Emp. With Misconduct	Violations Reported	Violations with Misconduct
2009	75,552	27	15	42	15	51	19
2010	73,329	21	5	27	5	36	6
2011	62,488	22	18	32	23	32	23
2012	65,750	13	11	24	19	26	22
2013	71,512	11	8	15	8	19	12
2014	89,350	5	3	5	3	12	9

Total allegations generated by internal and external sources

	External Sources	Internal Sources	Total Combined
Total Allegations	5	7	12
Sustained Misconduct	3	6	9

The above table shows that 60% of the allegations received from external sources resulted in a finding of misconduct. 86% of the allegations that were initiated from internal sources resulted in findings of misconduct.

Supervisory Inquiries

Year	Supervisory Inquiries	Inquiries with Unacceptable Performance	Violations Initially Reported	Involved Employees	Employees with Unacceptable Performance
2009	21	7	25	33	9
2010	27	6	34	32	6
2011	25	9	32	32	9
2012	21	9	32	20	9
2013	11	7	14	13	7
2014	25	5	45	34	4

Even though inquiries are up this year compared to last, the amount with “unacceptable performance” is considerably down by percentage.

Allegations

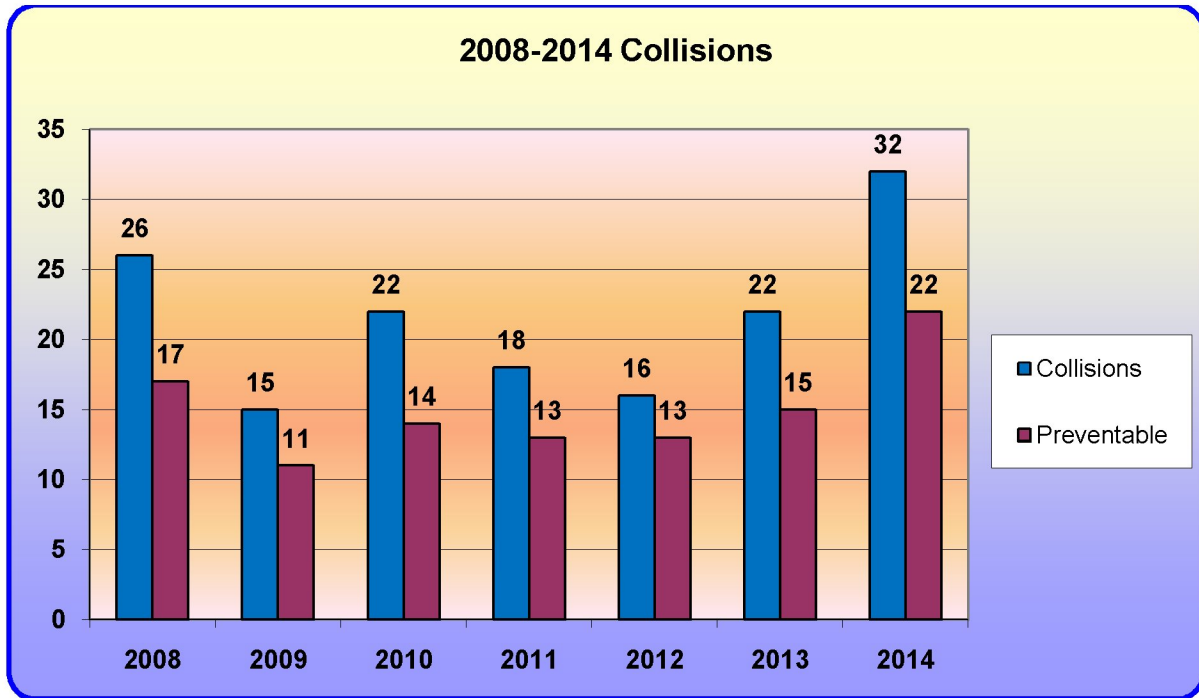
The following table depicts the total combined allegations for all the Supervisory Inquiries and Internal Investigations for 2014. It should be noted that Supervisory Inquiries can result in findings of Acceptable Performance or Unacceptable Performance, and Internal Investigations can result in findings of Misconduct or No Misconduct, among others. For the purpose of this combined report, all findings will be labeled as Misconduct or No Misconduct.

Allegation	Total	No Misconduct	Misconduct
Violation of General Policy	9	3	6
Discourtesy	15	12	3
Neglect of Duty	8	7	1
CORE Values/Professionalism	3	1	2
Bias Policing	1	1	0
Collision – fail to report	1	1	0
Conduct Unbecoming	11	10	1
False Arrest	1	1	0
Unlawful Search and Seizure	7	7	0
RCW Violation	1	0	1
Totals	57	43	14

Criminal Investigations

There were no criminal investigations in 2014.

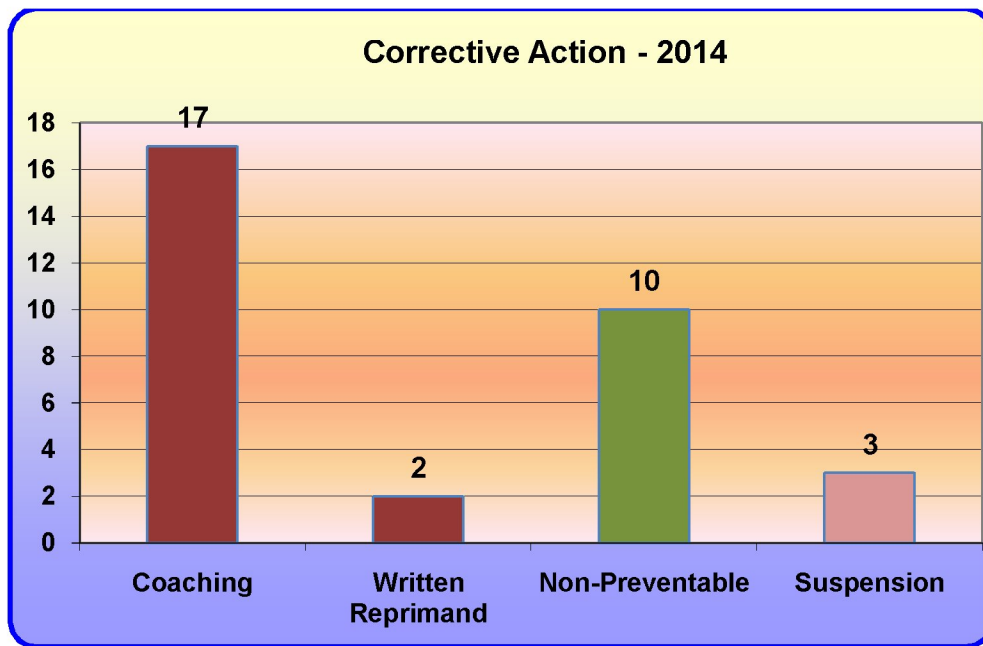
Collisions



In 2014, there were 32 collisions involving APD employees. 22 of the 32 collisions were determined to be preventable on the part of the officer. The average years of service of the officers involved in collisions is 6.5 and the average age of the officer was 37. 20 of the collisions that occurred were officers who have 4 years or less of service with Auburn PD. The preventable collisions were attributed to officers with an average of 5.2 years of service.

In reviewing the 22 collisions, which were determined through a Collision Review Board to be preventable, "driver inattention" was apparent in most cases, by either watching for suspects or looking at vehicle equipment inside the car. If the drivers had been more attentive, they would not have collided with another vehicle, curb, tree, etc. All 2014 collisions (preventable and non-preventable) are categorized as follows:

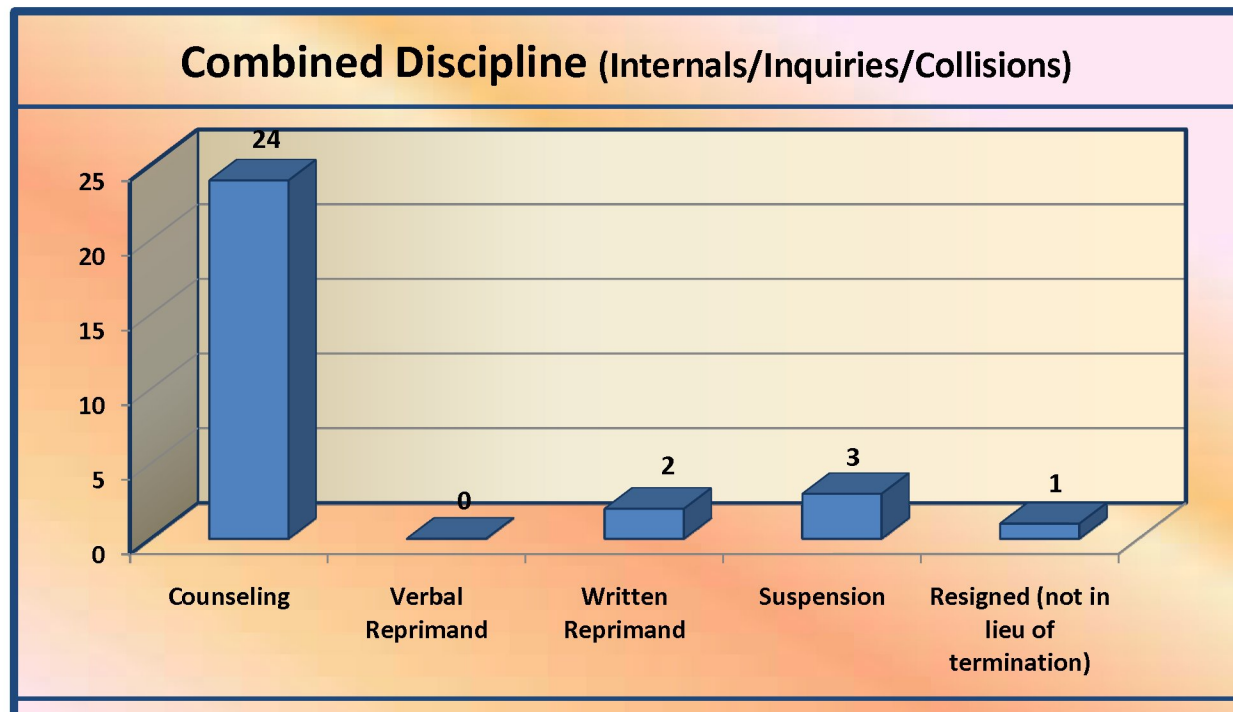
- 9 - Driver Inattention
- 1 - Fail to clear intersection
- 6 - Improper Backing
- 6 - Poor Tactics
- 10- Other driver at fault



This chart depicts the corrective action dispensed to the employees in preventable collisions. Some officers also received additional training where it was appropriate.

Actions Taken

The following chart depicts action taken for misconduct, whether from an Internal Investigation, Supervisory Inquiry, or Preventable Collision.



Outside Agency Investigations

To ensure that our investigations are unbiased, there are times when an outside agency may be asked to investigate serious allegations of misconduct made against agency staff, especially those that may be of a criminal nature. In the years 2007-2010, there were no investigations assigned to an outside agency. Between 2011 and 2012, three criminal investigations were investigated by outside agencies. In 2013, outside agencies investigated three officers under two incidents. Those agencies presented the information to the respective prosecutors without influence from the Auburn Police Department or the City of Auburn. The King County Prosecutor's Office filed Assault charges on one incident and the employee resigned in lieu of termination. In the second incident of alleged excessive use of force, the prosecutors determined that no crime was committed. In 2014, there were no outside investigations. It is the practice of the Auburn Police Department to err on the side of caution and allow outside agencies to objectively investigate serious allegations of misconduct. In our view, this provides Auburn citizens with confidence and allows for unbiased transparency into actions, activities, and decisions made by the Auburn Police Department.

Grievances

There were no grievances in 2014.

Conclusion

A review of the frequency of incidents for 2014 regarding alleged misconduct by employees of the Auburn Police Department does not appear to raise any specific concerns. The data revealed in this analysis shows a decline in some areas and an increase in others. The most notable positive mark is the percentage of misconduct totals to the total allegations is very low. In addition to that, the number of allegations and found misconduct when compared to the actual number of contacts Auburn Police Officers encounter each year is extremely low. The data revealed for 2014 illustrates that the Auburn Police Department is successful in striving to perform by the standards of our CORE values and provide professional police services to the City of Auburn.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Low Impact Development Initial Briefing (15 Minutes
Presentation 15 Minute Discussion)

Date:

March 23, 2015

Department:

CD & PW

Attachments:

[Low Impact Development PowerPoint
Presentation](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion only.

Background Summary:

The City has been issued a municipal stormwater permit by the Washington State Department of Ecology (modified permit effective January 16, 2014). A requirement of that permit is to control runoff from new development, redevelopment and construction sites. An element of controlling runoff from development sites will include making Low Impact Development (LID) techniques the preferred and commonly-used approach for stormwater management.

The staff briefing will cover the regulatory background bringing us to this point, how Low Impact Development compares to traditional stormwater management methods, our plan for assessing and amending City stormwater requirements (including City Council and public involvement), and the proposed schedule for implementation.

This is an initial briefing, beginning a process that will culminate with Council adoption of new policy, code, and standards, making Low Impact Development the preferred stormwater management technique in Auburn.

Pursuant to the City Council request on March 16, 2015 for additional information about the City of Auburn's National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit, the presentation will include an overview of the NPDES permit requirements. The presentation will also include the new permit requirements that went into effect following the Pollution Control Hearings Board decision and settlement agreement with Ecology on the 2012 appeal by the Coalition of Government Entities (13 municipalities including Auburn).

Reviewed by Council Committees:

Councilmember:

Staff: Carlaw

Meeting Date: March 30, 2015

Item Number: DI.B

Low Impact Development

City Council Study Session Presentation
March 30, 2015

Presentation Overview

- ❖ Review of National Pollutant Discharge Elimination System Municipal Stormwater Permit
- ❖ What is Low Impact Development?
 - What are our regulatory requirements?
 - Plan for compliance
 - Council and Public Involvement Process
 - Schedule



National Pollutant Discharge Elimination System (NPDES)

- ❖ Authorized by the Federal Clean Water Act (CWA)
- ❖ Intended to protect and restore waters for “fishable, swimmable” uses
- ❖ Controls water pollution by regulating point sources
- ❖ Authority to oversee the program in WA was delegated to the Department of Ecology
- ❖ Phase I Permits – municipalities with population > 100,000
- ❖ Phase II Permits – municipalities < 100,000

Auburn has a Phase II Permit

The Federal Municipal NPDES Permit requires:

- ❖ Public Education and Outreach
- ❖ Public Participation / Involvement
- ❖ Illicit Discharge Detection and Elimination
- ❖ Construction Site Runoff Control
- ❖ Post Construction Runoff Control
- ❖ Pollution Prevention / Good Housekeeping

The Washington Permit adds:

- ❖ Total Maximum Daily Load (TMDL) Compliance (another CWA program)
- ❖ Monitoring

Failure to comply with the Phase II requirements puts the City at risk for fines and 3rd party lawsuits, and jeopardizes our ability to secure grants and loans

Appeal of New NPDES Requirements

- ❖ In 2012, 13 municipalities (including Auburn) and other entities appealed new requirements proposed by the Washington Department of Ecology for Phase II Municipal Stormwater Permits.
- ❖ In 2013, the Pollution Control Hearings Board decision on the appeal, and a subsequent settlement agreement between Ecology and the plaintiffs, resulted in the following additional permit requirements for Auburn:
 - Changes to the Watershed-scale stormwater planning condition
 - New or revised definitions for Conveyance system, Discharge point, Outfall, Receiving waterbody or receiving waters

Conclusion: the new regulations had little impact on Auburn's stormwater management program because it had already incorporated these requirements

Low Impact Development (LID)

DI.B



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Stormwater Management Methods

Traditional urban stormwater management practices

- ❖ Construct centralized storm facilities that collect & remove runoff quickly
- ❖ Clear & grade the site to facilitate development, not stormwater management



Low impact development practices

- ❖ Smaller scale storm facilities
- ❖ Decentralized and distributed
- ❖ Integrated within the landscape



Low-Impact Development (LID)

“A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.”

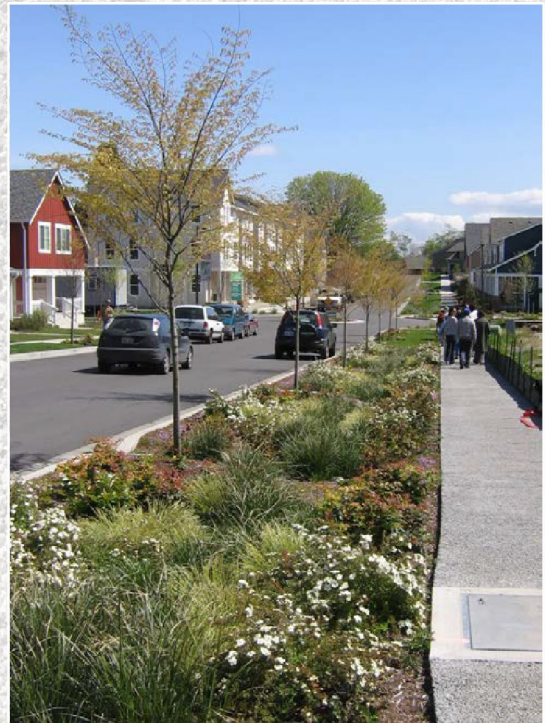
*Low Impact Development Technical Guidance Manual for Puget Sound,
WSU Extension and the Puget Sound Partnership*

LID Stormwater Facilities

- ❖ Reduce volume thereby minimizing high flows
- ❖ Remove pollutants from stormwater
- ❖ Replenish streams and wetlands through shallow groundwater
- ❖ Reduce the size of conventional stormwater facilities
- ❖ Increase open space
- ❖ Visually attractive
- ❖ Can result in construction and maintenance cost savings
- ❖ Can increase densities

Bioretention

Required Best Management Practice (BMP), unless infeasible



Permeable Pavement

Required BMP (unless infeasible)



DI.B



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Rain Gardens (small projects only)



Dispersion

Required BMP (unless infeasible)



Downspout Dispersion

Required BMP (unless infeasible)



Sheet Flow

Required BMP
(unless infeasible)



Vegetated Roofs

BMP – City may opt to allow or require



DI.B



Rainwater Harvesting

BMPs – City may opt to allow or require



DI.B



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Minimal Excavation

BMP – City may opt to allow or require



Western WA Phase 1 & Phase II NPDES Permit Overview

- ❖ LID will be required, where feasible
- ❖ Review & amend local codes & standards
- ❖ Site & subdivision scale requirements
- ❖ Small, medium and large projects

Development Code Review & Amendment Goals

- ❖ Reduce impervious surface
- ❖ Protect native vegetation
- ❖ Reduce stormwater runoff
- ❖ Make LID the preferred and commonly used approach



Code Amendments Related to Site Design Principles

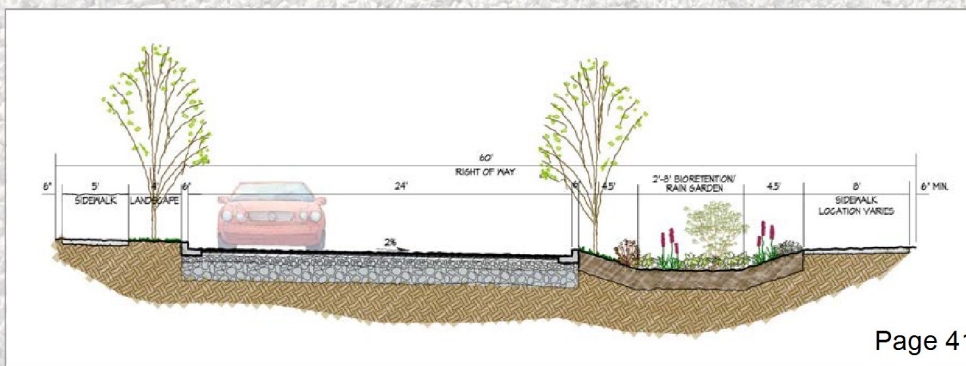
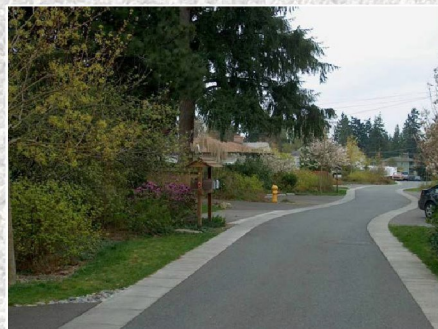
Key principles to be considered during code changes

- ❖ Reduced road width
- ❖ Changes in road layout and orientation
- ❖ Clustering
- ❖ Higher building & smaller footprints
- ❖ Parking regulations
- ❖ Landscaping using bioretention

Narrow Roads



Changes in Road Layout & Orientation



Clustering

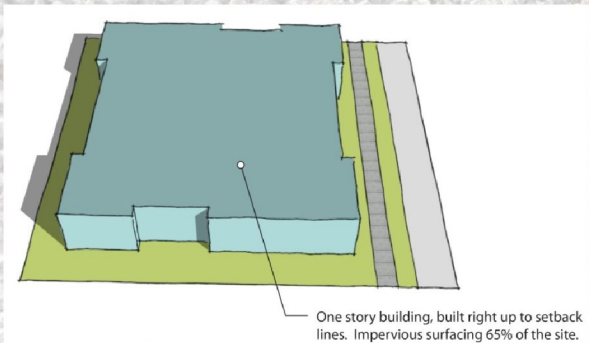


Conventional Design



Low-Impact Design

Taller Buildings with Smaller Footprints



Parking Regulations



Required Landscaping Used as Bioretention



Development Code Review & Amendment

Steps

- ❖ Assemble Team
- ❖ Understand LID topics to Address
- ❖ Review Existing Codes & Standards
- ❖ Fill in the Gaps
- ❖ Engage elected officials and public to review and revise proposed codes and standards
- ❖ City Council adopts new codes and standards
- ❖ Implement LID



Core Team

Community Development and Public Works

- ❖ Storm Drainage
- ❖ Development
- ❖ Permitting
- ❖ Planning
- ❖ Transportation
- ❖ Building



Schedule

2015

Review City code and documents

Internal stakeholder input

Propose updates

2016

Meetings with external stakeholders

Draft updates

Technical, legal, external review

Council and public input

Adopt revisions, prepare tools & guidance, train staff

2017

Implement updated requirements beginning 1/1/17

Implementation

The change to LID will represent a paradigm shift that will affect the way we do business

- ❖ Education and Training
- ❖ Inspection
- ❖ Maintenance
- ❖ Cost (short & long term)



Comments and/or Questions?

