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TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: June 25, 2020

RE: **City of Ketchikan Statement Regarding Recent National Events and Ketchikan Police Department Practices**

At its meeting of June 18, 2020, the City Council deferred to the City Council meeting of July 2, 2020 consideration of a motion accepting staff's June 10, 2020 draft statement regarding recent national events and Ketchikan Police Department practices. The City Council deferred consideration of the statement pending its review and possible modification by a committee comprised by Councilmembers Chapel, Gage and Kiffer.

Attached for City Council review is the committee's alternative statement.

The motion that will be before the City Council for consideration at its meeting of July 2, 2020 is detailed below:

"Move by Chapel, seconded by Zenge the City Council accept staff's June 10, 2020 draft statement regarding recent national events and Ketchikan Police Department practices and direct the City Manager to publish such statement as may be modified by the City Council and in what forums the City Council determines appropriate."

The Ketchikan City Council and the Ketchikan Police Department stand united against racism and the hatred that fuels it.

Unfortunately, the City Council also recognizes that Ketchikan, like many communities, has a history in which members of our community have suffered from racism in many forms.

In the first part of the twentieth century, Ketchikan was a segregated city. White families lived to the north of Ketchikan Creek and Native, Asian and other minorities lived to the south of Ketchikan Creek. The Stedman Street area south of the Creek was called "Indiantown." Even in some official city documents. It was not unusual for stores north of the Creek to have window signs reading "No Dogs or Indians." It is a history that many would like to forget or pretend didn't exist, but we cannot do that.

Initially, Ketchikan schools were not segregated but by the 1920s, the School Board had segregated the schools and it took a lawsuit by the family of Irene Jones to allow mixed race students to attend non-Native schools in 1929. A Bureau of Indian Affairs school continued to operate in Ketchikan but with the coming of statehood, all of Ketchikan's schools were finally, completely desegregated.

The last Alaskan to face the death penalty was a Ketchikan man named Nelson Charles who murdered his mother-in-law. Charles was executed during a time when no white men charged with first degree murder faced the death penalty in Alaska. The fact that people of color were disproportionately executed throughout the territorial history led Alaska to ban capital punishment when it became a state in 1959.

Ketchikan is not alone in how it treated minority residents during its history and with people of color representing a higher percentage of people in Alaska prisons today than their percentage of the population, it indicates there remain systemic issues that need to be addressed. We recognize that is the case.

There are people in this community who believe that Natives and other minorities are still not treated fairly by the system. The Ketchikan City Council hears those concerns and - in light of the nation-wide discussion over policing and the effects that policing is having, particularly in communities of color - we pledge to do everything in our power to ensure that the City Government and Police Department are responsive to all members of the community.

We will ask the Tongass Historical Museum to review our community's history to provide and clarify the Historic Landmarks rooted in Black history, and Asian history, along with Native Historic Landmarks. We will also ask members of the community to suggest ways that we can better commemorate the histories of Ketchikan's people of color, without whom Ketchikan would not be the community it is today. We will also seek to promote the stories of those people in our school system so that we won't hear "wow, I was never taught about that" ever again.

It is our responsibility to our community to teach our children about those who helped create the community they live in: To acknowledge the past, and through education create a community of understanding, compassion, and healing

As a Council it is egregious to us when anyone in our community has to fight to be heard, to raise their voices so loud to point out injustice in numbers like we have seen over the last couple months to bring attention to injustice being committed in our community. We the council will use this time to educate ourselves in our own history of discrimination. We all condemn all police brutality and declare racism a public health crisis.

We also recognize the role systemic racism and inadequate oversight played in the murder of George Floyd and others. As such, we have begun to review our own officer training and policies. We have identified the initial areas of improvement.

Those include revisiting our use of force policy, modifying the body cam policy that makes it clear when body cameras should be activated, additional de-escalation training and mental health first aid training.

We also pledge to seek community involvement in this process to ensure that community concerns are heard and taken into consideration. We pledge to make sure, going forward, that the Ketchikan Police Department reflects the professionalism of its finest members and addresses the concerns of its members of our community.

We recognize that additional training for the Police Department and other staff will take the reallocation of resources and we pledge to make that happen.

We also pledge to the make the City Government and the Police Department records as open as we legally can to ensure that the community can have transparency.

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TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: June 10, 2020

RE: City of Ketchikan Statement Regarding Recent National Events and Ketchikan Police Department Practices

At the City Council meeting of June 4, 2020, the City Council directed staff to prepare a statement to be publicly released that reflects the City Council's position on recent national events and its expectation on how the Ketchikan Police Department and its officers are to conduct themselves in their interactions with residents of the community.

My office respectfully submits the following draft statement for City Council consideration.

On behalf of the City of Ketchikan, the City Council offers the statement below regarding recent national and local conversations concerning law enforcement and the associated community response.

"It is the mission of the Ketchikan Police Department, together with all the residents of the City, to make our community a safe place within which to live and work" (Ketchikan Police Department mission statement).

The Ketchikan Police Department strives to provide the best police service it can to our community. Many of the Department's officers and dispatchers were born and raised in Ketchikan, and have now dedicated their lives both on and off the job to helping make Ketchikan a better place. The City of Ketchikan's officers have sworn an oath to "perform the duties of police officer upon which I am about to enter faithfully and impartially and will do even and exact justice to all persons therein to the best of my ability." The Ketchikan Police Department works diligently to adhere to these words and maintain the public's trust. The City Council is committed to ensuring this level of service is delivered through the application of the Department's community policing philosophy as well as the continued review and training in best policing practices and the respectful treatment of all persons.

The Ketchikan City Council is saddened by recent national events involving law enforcement and will not tolerate racism or brutality in any form. We support the rights of all citizens to demonstrate lawfully and peacefully to

have their voices heard and we are dedicated to ensuring the rights of all residents are protected and upheld. The City Council thanks the citizens of Ketchikan for being respectful to each other during recent community gatherings and demonstrations.

Ketchikan is made strong because of our diverse cultures and compassion for our neighbors and fellow residents. The City Council thanks the community for their efforts in partnership with the Ketchikan Police Department to make Ketchikan a safer, better place for all to live, work, and enjoy.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended the City Council adopt the motion accepting staff's June 10, 2020 draft statement regarding recent national events and Ketchikan Police Department practices and directing the City Manager to publish such statement as may be modified by the City Council and in what forums the City Council determines appropriate.

Recommended Motion: I move the City Council accept staff's June 10, 2020 draft statement regarding recent national events and Ketchikan Police Department practices and direct the City Manager to publish such statement as may be modified by the City Council and in what forums the City Council determines appropriate.

"UNAPPROVED"

June 18, 2020

Discussion of a Proposed Ordinance to Amend the Ketchikan Municipal Code to Make it Unlawful to Discriminate Based on Race, Color, Age, Religion, Sex, Marital Status, Changes in Marital Status, Pregnancy, Parenthood, Disability, Sexual Orientation, Gender Identity, Gender Expression, Ethnicity, or National Origin – Councilmember Gage

Councilmember Gage felt this conversation should have taken place a long time ago not in 2020. She said this is one of those discussions where if you don't live it, you don't know it and you can't speak to it. She said she has heard things from other disabled people that she was told 25 years ago. She indicated discrimination is a slippery slope, and if we allow it in any capacity it allows for the destruction of our constitution and the rights of all individuals. She said it was time Ketchikan joined Juneau, Sitka and Anchorage, and at some point the State will catch up.

Mayor Sivertsen asked for a show of hands to direct the city attorney to move forward with an Ordinance to Amend the Ketchikan Municipal Code to make it unlawful to discriminate, and at least four hands were shown.

Budget Transfer – Restoration, Purchase and Installation of Mosaic Piling Cap Sculptures – Terry Pyles

Moved by Flora, seconded by Bergeron the City Council authorize a \$25,000 budget transfer from Appropriated Reserves of the CPV Fund to the Tourism & Economic Development Department's Port Piling Cap Sculptures Capital Account to fund the restoration, purchase and installation of four existing mosaic piling cap sculptures created by local artist Terry Pyles for display adjacent to the Port on pilings at Daly Float parallel to Berth I.

Manager Amylon indicated as a point of clarification this will be brought back as a budget amendment for final approval at the July 2, 2020 Council meeting.

Motion passed with Chapel, Bergeron, Coose, Kiffer, Gage, Zenge and Flora voting yea.

Phase I Procurement of Signposts, Signpost “Fish” Art, Interpretive Panels and Wayfinding Vinyl Sign Decals – Salmon Walk

Moved by Bergeron, seconded by Zenge the City Council authorize staff to move forward with Phase I procurement of signposts, signpost “fish” art, interpretive panels and wayfinding vinyl sign decals for the Salmon Walk at an estimated cost of \$23,915 as detailed in the Museum Director's report dated June 10, 2020; and approve funding from the Tourism & Economic Development Department's 2020 Downtown Visitor Amenities Capital Account.

Motion passed with Chapel, Bergeron, Coose, Kiffer, Gage, Zenge and Flora voting yea.

City of Ketchikan Statement Regarding Recent National Events and Ketchikan Police Department Practices

Moved by Chapel, seconded by Zenge the City Council accept staff's June 10, 2020 draft statement regarding recent national events and Ketchikan Police Department practices and direct the city manager to publish such statement as may be modified by the City Council and in what forums the City Council determines appropriate.

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June 18, 2020

Councilmember Chapel thanked staff and the Police Department for putting together this draft statement. She indicated she would like to see modifications made to the statement to include strength and action items before the Council takes action. She felt it fell short of the community's primary concerns.

Manager Amylon indicated his office was given the task of putting together a statement from the Council relative to issues that were going on in the lower 48. He indicated his office did not receive any direction or suggestions on what they Council would like to see. He suggested the Council form a committee to put together a statement that would be agreeable to the Council.

Councilmember Chapel felt this Council may not be the most appropriate group to assist in this conversation, but felt it should come from people of color.

Manager Amylon said if the statement provided tonight does not reflect what would be collectively a Council position, he would respectfully suggest that you draft something and bring it back to the Council for approval. He felt that would be more effective rather than staff going back and try and do modifications that still may not be what the Council is looking for.

Councilmember Chapel indicated she would be willing to put something together, but in all fairness there are a lot of models out there that this statement could be based on. She said there is nothing more important than human lives and our local people need that reassurance from our Police Department that their lives are safe in their hands. She cited the community feedback on this issue and what their position at this point is has been loud and clear.

Manager Amylon said he works at the direction of the Council, and if the Council wants to direct him as to how to proceed with this statement he can do that.

Councilmember Coose felt the statement as presented was fine for this community, and didn't feel we should work this to death. He said this nation is one nation under God and everybody is equal.

Councilmember Gage said from her perspective this statement could be improved, noting she has gone through several letters from many different Police Departments all over the United States and it is very hard to find one that fits this community. She said these are hard conversations, and a lot of people don't want hear it.

Councilmember Kiffer said it was hard to hear all the conversations, but he would be willing to be part of a committee to put something together that would better meet some of the concerns he has heard tonight.

Mayor Sivertsen said things have changed over the years, but he was very proud and feels completely safe with Ketchikan's Police Department. He felt it was unfortunate what has happened in other community's in regards to recent events. He said he was comfortable with the current statement, and this statement may be adjusted in the future as times change. He said as we talk about use of force, he felt from his experience each situation is accessed when the officer arrives, because each incident is different. He said he didn't want anything written in this statement that would hamper our Police Department from doing the right thing.

Moved by Kiffer, seconded by Gage to defer until the July 2, 2020 City Council meeting.

Motion to defer passed with Zenge, Chapel, Flora, Bergeron, Coose, Kiffer and Gage voting ye.

Mayor Sivertsen asked for a show of hands to form a committee to bring back a revised draft statement. Councilmember Chapel, Gage and Kiffer volunteered for the committee.

"UNAPPROVED"

June 4, 2020

Mary Maley said she was here on behalf of the citizens of Alaska for the recall of Governor Dunleavy. She requested the use of either Berth I or III to operate a recall Dunleavy petition drive. She informed the Center for the Recall Dunleavy has developed protocols to collect signatures safely. She indicated she can provide a copy and consult with the EOC regarding those plans. She said they would like to operate this petition signature drive during the weekends in June. She encouraged the Council to approve her request and allow the citizens of Ketchikan to be heard.

Hannah Bayles thanked the Council for all their efforts that have been put in place to the response to the COVID pandemic. She said she would like the City of Ketchikan to make a public statement explaining the policies that actively help combat oppression, including training plans for all city employees. She indicated she would also like to see a statement regarding our law enforcements programs and training regarding the complacency our nation has in regards to serving people of color. She stated our community projects law enforcement as role models, and she believes it is necessary that they use that platform to denounce racist systemic oppression. She encouraged the City to use this time to utilize all resources available to fight for equity for everyone in our community.

Jason Baldwin spoke to the issue regarding people of color. He stated he would also like to request the City to condemn the murder of George Floyd, and for the Police Department to provide some guidelines on how they would handle a similar case if it happened in Ketchikan. He said he was proud of Ketchikan through this pandemic.

Mayor Sivertsen indicated the recent events that were triggered by the tragic death of Mr. Floyd has created an outcry for Cities to review and reform their current procedures. He indicated black lives do matter, and though we are geographically a long ways from Minnesota as people and individuals we are all connected. He said as he watched the reactions that are occurring because of this in other cities, he feels fortunate to live in Ketchikan. He stated as a whole Ketchikan is an outstanding community, and we do not support racism, violence, abuse or brutality. He thanked Police Chief White for his leadership of our Police Department, and the improvements he has made to promote a greater connection with the community he serves.

Police Chief White indicated the Ketchikan Police Department makes it their highest goal to provide the most professional services to our community. He said since he has been the police chief they have worked hard to gain the community's trust and to keep it. He said they have a hiring procedure in place to hire the best officers they can, and then provide training for them. He indicated over half of our officers are from Ketchikan, noting because of this they have a vested interest in the community. He informed overall the Police Departments priority is to ensure the rights of all of citizens at all times, and we are here to make Ketchikan a safe place to live, work and enjoy life.

CONSENT AGENDA

Mayor Sivertsen suggested moving several items to the Consent Agenda, including; Appointments to Boards and Commissions; Change Order No. 1 (final) to Contract No. 19-41 regarding the Berth III Fender Replacement by Western Dock & Bridge; A budget transfer for supplemental COVID-19 pandemic financial contribution to the Alaska Municipal League; Change Order No. 1 (final) to Contract No. 20-05 regarding the Creek Street Viewing Platform by BAM, LLC; Staff to prepare a draft letter in response to the University of Alaska's proposed elimination and merger of the University of Alaska Southeast; Ordinance No 20-1912 regarding the impoundment of abandoned property in the Ketchikan Municipal Code Chapter 9.60 in first reading; Propose topics for PeaceHealth Ketchikan Medical Center quarterly presentation to the

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June 4, 2020

Councilmember Gage said Ketchikan is an interesting place and includes multi-cultural groups that live in our community. She felt it is extremely important that we allow people to assemble and safely protest in order to express their views. She indicated we need to be aware of our privilege regardless of whether or not we intentionally oppress a group of people, and we need to understand there are some groups who are marginalized and oppressed in multiple ways. She commended the groups for being respectful with their protest. She also commended the Police Department as they have come a long way, although there is always room for improvement. She encouraged everyone to remember we have the right to speak and that we live in a democratic society. She indicated she did not run for office to carry the baggage of her predecessors, and felt in order to make good decisions we need the communities input.

Councilmember Bergeron echoed comments made by Mayor Sivertsen that he was glad he lived in Ketchikan, noting he has been and worked all over the world. He said in some of those places you want nothing to do with the police as there is corruption, but we don't have that here. He said we are lucky to live where we do, and while this pandemic is going on we are lucky we don't live in New York City or a high density urban environment. He said while living in Ketchikan he has had some semblance of a life, and this is one the best places to be. He said as we talk about opening up our economy he felt the Council has taken a reasonable and responsible step tonight to try and open up Ketchikan for business with these small cruise ships. He stated Alaska has the lowest number of COVID-19 cases because we have mandate 10.1, and now we are augmenting that a little bit, but he felt responsibly. He said he appreciates what Mayor Sivertsen and staff has done during this crisis.

Councilmember Chapel said she wants to give a shout out to wastewater for their COVID-19 testing with Biobot Analytics which allows us to potentially identify a community outbreak. She also gave a shout out to Public Works for their collaborative and can do attitude. She thanked the Water Department for their lower testing levels. **She felt it would be appropriate for the City to release a statement on what is happening down South. She said she would like the City to release a public statement which indicates we support people's right to peacefully and lawfully protest, and that our Police Department continues to act in an appropriate manner and abide by policing best practices. She indicated she would like the Council to make a commitment to stand by the pledge; "liberty and justice for all". She clarified when people say black lives matters it doesn't mean they are saying other lives don't, and if that is your interpretation you're missing the message.**

Mayor Sivertsen asked for a show of at least four hands to have staff release a public statement as requested during persons to be heard, and at least four hands were shown.

Councilmember Zenge said families come and talk to her while she is at the mall about what they are going through which may include losing their job. She informed some people are actually moving in together to share costs. She felt when we sit down to talk about the distribution of the CARES Act Relief funding that our priority is to get it out to the people and businesses in the community who need it. She encouraged the Council to start thinking about how to distribute this money.

Councilmember Kiffer he said he kind of likes the mask as it creates sort of a barrier to communication which is a good thing for him because when people are talking he is not talking so much himself and is actually listening more. He said he put a post out to the public asking them what they think. He said he received over 400 responses and is working his way through them.

Councilmember Flora said he was looking forward to the meeting in regards to the disbursement of the CARES Act Relief funding. He said we need to get this money out into the community. He