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Council grills police chief about controversial arrest

By STEVE HUNTER

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A controversial video about how a Kent police officer took a Black man into custody caused the Kent City Council to put Police Chief Rafael Padilla on the hot seat for more than two hours during a recent Committee of the Whole virtual meeting.

The body-worn camera of the officer shows him swearing at the man, taking him to the ground and putting his knee on the man's shoulder for failing to obey his command to stop walking away as he investigated a potential

domestic violence incident. Lying face down on the ground, the man told the officer he had trouble breathing and that his shoulder hurt. Padilla said the officer had his knee on the man's shoulder for a little more than two minutes.

Council members asked Padilla to address the video at the Jan. 26 Committee of the Whole meeting after most of them recently received the video in an email. The incident is from April 10, 2020. Padilla agreed to answer any questions from the council.

"It didn't violate policy or law, but some things we did not do well," Padilla told the council

before walking them through the video that included taped comments from the chief. "It is very disturbing."

The chief said policy updates were done after command staff reviewed the video.

The incident

The incident began with a report by a witness of a possible domestic violence issue between a man and a woman shoving each other at the Safeway parking lot in the 200 block of Washington Avenue South.

An officer in the former Kmart

parking lot saw a vehicle come into the lot with its headlights off and park. A man walked out of the vehicle and the officer said he matched the suspect's description of the fight across the street.

"Hello, Kent Police," the officer said as he walked up to the man.

"I don't trust you," the man responded.

"Stop right there, stop right there!" the officer said.

"I don't trust you," the man said again.

"I don't give a (expletive)," the officer said. "I'm telling you to stop."

The officer told the man he saw

him drive over to the lot with the headlights off.

When the man refused to stop walking away, but ended up backed up to a fence, the officer told the man he was going to be put in handcuffs. He took the man to the ground from behind and put his knee on the man's shoulder.

Padilla explained to the council why the officer took action.

"The male had driven the car around to the backside of Kmart with the headlights off, so the officer thinks he's trying to hide the car," Padilla said. "Using foul

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REI to RIP: Demolition begins of former Kent headquarters

By STEVE HUNTER

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It marked an outdoor adventure of a different sort when crews began demolishing the former REI headquarters in Kent this week to make room for two new warehouses.

REI, the specialty outdoor retailer that opened its headquarters in Kent in 1988, announced last year that employees would transition to working from home or small remote campuses. The company, founded in 1938 in Seattle, had planned to move in 2020 to a new site in Bellevue, but sold that property, and in December, sold the Kent site at 6750 S. 228th St.

Chicago-based Bridge Development Partners bought the 15.8 acres from REI for \$24.6 million, according to King County property records.

Bridge Point Kent 300 plans to feature a 258,499-square-foot building with 36-foot clear heights, 32 exterior docks, 27 stalls for trailer parking, 296 stalls for car parking and two drive-in doors, according to a company press release. A second proposal is for a 50,529-square-foot building that will feature 32-foot clear heights, 11 exterior docks, 102 stalls for car parking and two drive-in doors.

Demolition of the four buildings on the site is expected to take 30 to 60 days, according to a Bridge Development spokesperson. The new project is scheduled to be completed and ready for occupancy in the first quarter of 2022.



STEVE HUNTER, KENT REPORTER

Crews began this week demolishing the former REI headquarters in Kent, 6750 S. 228th St. Two warehouses will replace the former office buildings.

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Proud Boys member with local ties charged in D.C. riots

By STEVE HUNTER

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Ethan Nordean, a member of the Proud Boys with ties to Auburn and Des Moines, will be transferred to the District of Columbia from Seattle for further proceedings in the complaint against him for obstructing or impeding an official proceeding related to the Jan. 6 riots at the U.S. Capitol.

Chief Judge Beryl Howell for U.S. District Court for the District of Columbia ordered Nordean on Monday, Feb. 8, to be transferred from the Western District of Washington by the U.S. Marshals Service, according to court documents. On Monday, Nordean remained in the federal prison in SeaTac. For security reasons, the Marshals

Service doesn't release specifics about the date of the transfer.

Federal prosecutors charged Nordean Feb. 3 with obstructing or impeding an official proceeding, aiding and abetting and knowingly entering or remaining in restricted building or grounds and violent entry and disorderly conduct on Capitol grounds, according to a Feb. 3 U.S. Department of Justice news release. If convicted as charged, Nordean could face about 30 years in prison.

Nordean, 30, aka Rufio Panman, is from Auburn, according to several media reports. He is the son of Mike Nordean, owner of Wally's Chowder House in Des Moines and Wally's Drive-In in Buckley.

According to charging documents, Nordean is the

self-described "Sergeant of Arms" of the Seattle Chapter of the Proud Boys, a group self-described as a "pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists."

It is alleged that Nordean was observed marching at the front of a group of known Proud Boys shortly before the riot began. It is further alleged that Nordean was among those who entered the U.S. Capitol building after rioters, including certain persons associated with the Proud Boys, forced entry into the Capitol by means of destruction of federal property. It is also alleged that Nordean was near the front of the crowd of rioters, who collectively approached, confronted and vastly outnumbered Capitol

Police.

Mike Nordean posted a statement on Wally's website about his son's arrest.

"My son, Ethan, was arrested on Feb. 3 for his involvement in the Capitol siege," Mike Nordean said. "We have tried for a long while to get our son off the path which led to his arrest today - to no avail. Ethan will be held accountable for his actions."

"I want to thank our customers for their continued grace and support. We appreciate it more than you know. I also want to thank all of the employees of Wally's Restaurants for the care and respect they give our customers - and each other."

Prior to Jan. 6, Nordean reportedly posted on social media

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Arrest

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language, that's completely unacceptable, it doesn't de-escalate things at all and he has been spoken to about that."

Padilla said the male suspect was upset he was being asked to stop, but said that the law required him to stop.

"If an officer is investigating a crime and the male is involved in the crime, he must obey lawful orders," Padilla said. "When he doesn't stop, he's technically violating law."

Padilla said the officer also might have been in danger because he didn't know if the man was looking to run or fight.

With the man on the ground, the officer told him to quick resisting.

"I can't even breathe right now," the man said. "I'm not resisting, you put my arm behind my back."

The man continued to talk.

"You didn't say please," the man said. "You don't look at me like a human being like you are. ...can you get off my shoulder. I can't breathe."

There are sounds on the video of the man struggling to breathe.

Padilla said the two officers on the scene decided to hold their position until backup arrived. The second officer was at the man's side to help hold him down.

"He says he's choking, and his breathing is impacted to a degree, but he's clearly still breathing because he's able to talk," Padilla said.

That comment led Councilmember Marli Larimer to question Padilla later in the meeting because she said she has read that just because someone is able to talk doesn't mean they aren't having trouble breathing.

Chief apologizes about statement

Padilla appeared at the Feb. 2 virtual council

meeting to apologize to Larimer and the council for what he said and what he emphasized several times at the Jan. 26 discussion.

"I need to come to you tonight and apologize," Padilla said. "I provided some misinformation last week during my presentation and our in-depth discussion on the use-of-force incident that we watched on the video. When I stated that if you are able to talk, then you can breathe, I was absolutely 100% incorrect. That's outdated information and a misnomer and I am wrong and I apologize for that."

"I also want to thank Councilmember Larimer for pointing that out and holding me accountable for that so I could come back and get it correct," Padilla said.

Padilla said the training message sent out to officers is correct — that simply because you can talk does not mean you can get enough oxygen to sustain life.

"I'm deeply sorry for that and I want to make sure that the public is aware I am correcting the message," the chief said.

'Disturbing' video

Back to the video, Padilla said during the committee meeting discussion the incident was tough to see.

"It's disturbing and hard to watch, but neither officer is on his neck," Padilla said. "The technique doesn't look great and it's unpleasant to be held down, but there's no punches or kicks."

Padilla said paramedics checked out the man, and he had a cut on his chin from being taken down, but no other injuries. The chief, however, didn't agree with the man being held on the ground for more than two minutes.

"It was a huge mistake on our part," he said. "I don't like that the male was on the ground for an extended period of time. I don't know if that was necessary."

The woman involved in the incident outside of Safeway didn't want to talk to police, and video from the store showed pushing between the couple, but didn't indicate which one was the aggressor. Police arrested the man for investigation of obstructing and took him to the city jail. Officers later found out he had a suspended driver's license.

Padilla said the use of force during the incident was reviewed.

"We called a meeting and updated our training to get people off the ground sooner, and the language and attitudes are not what we want to see," Padilla said. "It's a huge win for transparency because of body-worn cameras. ...We changed training for every officer, how to talk to people, how to relate to people."

Councilmember Zandria Michaud asked the chief about the department's protocol when a suspect cannot breathe.

Padilla said officers need to check if there is a medical emergency going on. He said every officer was shown the video of the incident in an effort to be better on the job. He said the man shouldn't have been on the ground in that position so long. He said the officer also could have done a better job explaining to the man why he was being detained and should have told the man about the potential charges up front.

Councilmember Satwinder Kaur asked Padilla about how many officers have been disciplined over use-of-force issues.

Padilla said since he became chief in 2018, he has terminated one officer about a use-of-force issue and fired another officer for disregard of human life over a medical issue.

Council support

After the lengthy discussion, the majority of council members thanked Padilla for speaking to them and said they supported him as



Kent Police Chief Rafael Padilla.

COURTESY PHOTO, KENT POLICE

chief.

"We do have a good police department and I strongly believe in our chief," Councilmember Bill Boyce said. "He is not the type to run away from issues or say all is perfect. I liked that he took that tape and had everybody look at it for a lesson learned."

Michaud agreed.

"People ask me what I think about our chief," Michaud said. "I said 'where are you going to find a chief willing to talk to council members?' He doesn't have to do that, so I appreciate that. I feel better after this conversation."

Padilla responded that "being in the hot seat comes with this job."

That hot seat continued when a resident during the public comment period of the Feb. 2 council meeting criticized the chief and called it "disturbing" the way Padilla defended his officers.

"Chief Rafael Padilla erroneously defended the actions of his officers on one of the body-cam videos during the City Council meeting on Jan. 26," said Mauricio Lopez Gonzalez of Kent. "Chief Padilla excused his officer's response to a Black man who stated that he couldn't breathe by stating that if he could talk he could

breathe. But the research points to a very different reality, and thankfully, a council member pointed that out to Chief Padilla during the council meeting. Now I'm left wondering, how can I trust that the Kent Police Department is taking our humanity seriously?"

Gonzalez asked the mayor and council to make sure Padilla implements new training policies.

"The Kent PD claims to

serve with compassion, professionalism, respect, and integrity," Gonzalez said. "But the body-cam footage dated 4/9/2020 of the Black male who couldn't breathe ... does not show evidence of compassion, professionalism, respect, or integrity. ... I ask you today, with a heavy heart, to please hold the Kent Police Department accountable to their mission, values and principles. Our humanity depends on it."

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