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City declines to move forward on pay hike for grocery workers

By STEVE HUNTER
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Grocery store workers in Kent apparently won't be getting any hazard pay ordinance from the Kent City Council.

A majority of council members at their April 13 virtual Committee of the Whole meeting said they oppose the city requiring businesses to raise pay for workers, are concerned other occupations would want pay increases and consider it to be a union issue.

Grocery store employees recently testified at council meetings and sent emails to council members requesting a pay hike of \$5 per hour through a hazardous pay ordinance due to COVID-19. The cities of Seattle, Burien, Edmonds and Olympia have approved pay-increase measures. The King County Council approved a measure for stores in unincorporated areas of the county.

"I hear what they're asking for, COVID-19 had an impact to everybody no matter the work

force," Councilmember Bill Boyce said at the April 13 meeting. "But this could open the door to Pandora's box. It's a slippery slope who you say yes or no to, and it's outside the realm of the council. ...I support unions, and this is something to fall back on the union."

Councilmember Satwinder Kaur was the only one who voiced potential support for an ordinance to raise pay during the pandemic.

"Grocery workers came to the council to ask for assistance,"

said Kaur, who requested that the council discuss the issue at its meeting. "I'm in favor of looking at this, and limit it to employees at the larger stores."

Bryan Gilderoy, a produce clerk at the Kent East Hill Fred Meyer store who has led the drive to get the council's support for a pay hike, came away disappointed with the council discussion.

"My team and I have watched the committee meeting and are shocked by the news," Gilderoy said in an April 16 email. "We are

shaking our heads with disbelief that the council is so out of touch with this issue. We just don't understand why Edmonds, Olympia, Burien, Seattle, unincorporated King County and others were able to see the need for this ordinance but Kent does not and decided to label it as a union issue. We are not just fighting for the union shops, we are fighting for everyone."

Gilderoy said there are over 11 grocery stores in the Kent city

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Mother's fight for justice leads to \$4.4M settlement in son's death

City agrees to payment after 2017 fatal police shooting.

By STEVE HUNTER
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As Sonia Joseph stood in the same park where nearly four years ago her 20-year-old son died from shots fired by a Kent Police officer, she described the fight she fought that led the city of Kent to pay \$4.4 million to her family to settle a civil rights lawsuit.

"This whole process isn't fair," Joseph said on the afternoon of April 15 during a press conference held by the family attorney at Canterbury Park on the East Hill. "Someone's life is wrongfully taken and a settlement doesn't bring them back. It's about raising the bar and holding the cities and their representatives and officers accountable."

Giovonn Joseph-McDade died on June 24, 2017 after a short pursuit. Police observed him driving a vehicle with expired registration and began to chase him after Joseph-McDade didn't pull over. At the end of the chase, Officer William Davis claimed that Joseph-McDade tried to run him over, so he fired at him on a residential cul-de-sac near Canterbury Park at 99th Avenue South and South 244th Street. Joseph-McDade died from multiple gunshot wounds in his car that ended up in the park just down the road.

The parents of Joseph-McDade filed a civil rights lawsuit in May 2020 in U.S. District Court in Seattle against the city of Kent and the Kent Police Department alleging officers wrongfully killed Joseph-McDade. The case was scheduled to go to trial in August, but the city of Kent reached out to Joseph to settle and a judge serving as a mediator helped the two sides reach an agreement.

Joseph said she discovered it takes a hard fight with lots of hurdles and steps, "to just prove the innocence of our loved ones and to humanize them."

"It's not about money but

justice and accountability and making sure officers don't continue to murder folks and they get real justice as far as criminal prosecution," Joseph said.

A six-member King County inquest jury decided in December 2017 that Davis believed Joseph-McDade posed a threat of death or serious injury bodily injury before Davis fatally shot him. Joseph protested in court the inquest process, especially that she could have no legal representative in court to represent her son. King County later changed the inquest process and has had not held another inquest since that case as the process remains tied up in the courts after several cities, including Kent, filed motions against the new process the county proposed.

The Joseph family later decided to file a civil lawsuit against the city of Kent. The family received a break in the case in February when a federal judge ruled there was enough evidence presented by the attorneys for the Joseph family that the shooting might not have been justified and a jury should decide. The evidence presented showed Joseph-McDade drove at a slow speed and not the high speed the officer claimed.

"On June 24, 2017, Giovonn Joseph-McDade was tragically taken from this world by the hands of Kent Police Officer William Davis," said family attorney Craig Sims at the April 15 press conference at the park. "Today we stand in the very place where Giovonn took his last breath to proclaim without apology that we have obtained a small measure of justice and more importantly to reclaim Giovonn's legacy. ...This settlement is significant because it serves as an acknowledgment of responsibility by the city of Kent."

Bailey Stober, city communications manager, issued a statement April 14 that announced the settlement.

"We maintain that the officers involved acted within Kent Police Department policies and



STEVE HUNTER, KENT REPORTER

Sonia Joseph receives a hug prior to a press conference about the \$4.4 million settlement the family received from the city of Kent after a police officer fatally shot her son in 2017.

Washington state law," Stober said. "Investigations have been conducted, including assembling a King County inquest jury, and concluded confirming our officers acted within department policies, state law and the scope of their authority."

"This is a case that we were fully prepared to litigate and defend but recognize in the best interest of the family, the officers involved and our community we need to resolve the matter and attempt to bring closure to those involved."

Sims said his team was ready for trial as well.

"We too stood ready to fully prosecute this civil case and

present our investigation to the jury, an investigation that I believe ultimately would have led to the conclusion that Officer William Davis was unjustified in killing Giovonn," Sims said.

Sims said that the city should look again at information discovered by his investigators and fire the two officers involved. Officer Matthew Rausch initiated the pursuit and Davis joined in the pursuit.

"We can ask the city of Kent, the mayor and police chief to hold the officers accountable based upon information known right now and fire both of the officers," Sims said.

Both officers were placed on paid administrative leave during the shooting investigation led by the Des Moines Police, but later returned to active duty.

In addition to the money, part of the settlement includes a memorial bench to Joseph-McDade to be placed at Canterbury Park by the city of Kent.

"Sonia really wanted the memorial bench and we were able to get that for her," Sims said.

Others who spoke at the press conference praised the dedication by Joseph to pursue the case and to help get police reform

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Police chief says department recruiting has been "stifled"

By CAMERON SHEPPARD
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Kent Police Chief Rafael Padilla raised issues April 20 at the Kent City Council meeting regarding the department's effort to recruit new officers and how the pandemic has "stifled" the department's ability to recruit and make connections in the community.

Padilla and city council members emphasized the need to recruit officers of color to

make a more diverse police force that is more representative of the community's demographics.

As of April 16, the Kent Police Department is just under 80 percent white officers, while only 42.7 percent of the population of Kent is made up of white people.

Other data indicates that 10 percent of the recent Kent Police Department applicants were Black, and 4 percent of the officers hired in the last two years were Black.

This can be compared to the fact that a little more than 60 percent of the recent Kent PD applicants were white, while 74 percent of the officers hired in the last two years were white.

Padilla also said that rates of female officer applicants are down to half of what they were in recent years. Only 12.3 percent of recent KPD applicants were female.

Councilmember Bill Boyce said the department's recruiting efforts could use "improvement."

Padilla said the department is reviewing its recruiting policies and protocols to increase the amount of applicants and to encourage more BIPOC applicants to apply. He said the department arranged a deal with the police union to give bonus pay incentives to officers who are bilingual.

He also said the department has changed some of their uniform policies that would have prohibited applicants with certain tattoos or hair styles.

The department has also changed a policy that prohibited applicants who may have used marijuana. Now applicants can still apply if they have not used marijuana for a year before applying.

Padilla said a large hindrance to their recruiting process has been that schools are closed and many of their programs and connections that help build interest among students to be police officers have been non-existent.

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City to pay \$4.4M settlement in police shooting from liability fund

By STEVE HUNTER
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The city of Kent will pay the \$4.4 million settlement to the family of Giovonn Joseph-McDade from its liability fund, an insurance paid by the city to cover such cases.

The amount of the settlement was determined between the two sides after meeting with a mediator.

Kent also has paid \$652,000 so far to the Seattle law firm of Keating, Bucklin & McCormack to represent the city and two police officers in the civil rights lawsuit as well

as an earlier King County inquest trial, according to Bailey Stober, city communications manager.

The parents of Joseph-McDade, who was fatally shot by a Kent Police officer in 2017 after a short pursuit, filed the suit in 2020 and reached an agreement with the city announced April 14.

“Insurance covers everything above our self-insured retention (similar to a deductible), which during 2017 was \$250K,” Stober said in an email. “Quick math would be \$4.4M settlement, plus \$652,228 equals \$5.052M.

Of that, the city has already covered all expenses to date (the \$652K). So, our insurer will cover the \$4.4M payment as well as ultimately reimburse the city for city costs in excess of the \$250K.”

Stober said it is unknown how much the payment might raise insurance costs next year.

“Our program renewal date is Jan. 1 and preparations for that renewal begin in September,” he said.

In 2019, the city’s worker compensation insurance rates were hiked 17% and the deductible raised

by \$100,000 after a \$1.1 million claim because of the on-duty death in 2018 of Kent Police Officer Diego Moreno. Moreno, 35, was killed in 2018 when, after laying out a strip of spikes to slow a fleeing pickup, he was inadvertently struck by a pursuing Kent Police SUV.

The city’s annual premium in 2019 jumped to \$80,184 from \$68,674. The city’s self-insured retention (similar to a deductible) increased to \$600,000 per loss from \$500,000.

The city paid \$1.1 million to the state Department of

Labor & Industries to fund Moreno’s pension, which went to his widow. The city paid the claim (from its worker comp fund) and insurer Safety National provided reimbursement (of the amount more than the \$500,000 deductible), once the claim closed.

The \$4.4 million amount in the Joseph-McDade case was determined between the two sides.

“The settlement was reached through confidential mediation between the parties with a former judge acting as the mediator,” Stober said.

Attorney Craig Sims,

who represents the Joseph-McDade family, said it’s a challenge to determine an amount.

“The value of life you can’t put a number on it,” Sims said during an interview at a press conference April 15 he organized to announce the settlement. “We reached a settlement with the help of mediator.”

Sims said city leaders feared they might lose the civil rights suit.

“That is why they decided to settle at a value of \$4.4 million which is not a negligible amount, let’s be clear, it’s not,” Sims said.

Shooting

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measures passed this session by the Legislature.

Katrina Johnson, a cousin of Charleena Lyles who was fatally shot by Seattle Police in 2017, met up early on with Joseph.

“I’ve stood by Sonia and her family since we were outside the Kent Police Station demanding answers into his death,” Johnson said. “Today is bitter sweet, but it’s a victory and needs to be celebrated because when one family wins, we all win. It gives me hope that

someday soon maybe my family will get the same kind of closure that their family is getting today. It will never bring our loved ones back but it’s a step in the right direction.”

Johnson said the efforts for police reform need to keep going and that Joseph has led that fight.

“We will continue to fight, we will never quit or give up and we will be relentless so that no one else will ever go through what our families are going through,” Johnson said. “Sonia, I salute you because you have fought hard and your family has been dedicated to demanding justice for Giovonn.”



STEVE HUNTER, KENT REPORTER

Friends and relatives of Giovonn Joseph-McDade begin to arrive for a press conference April 14 at Canterbury Park in Kent.



STEVE HUNTER, KENT REPORTER

Katrina Johnson speaks about the role Sonia Joseph played in seeking justice for Giovonn Joseph-McDade.

City

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limits that a law will affect if targeted at larger stores with more than 300 workers nationwide. He said Trader Joe’s employees are already getting hazard pay thanks in part to the efforts of passing hazard pay in

Seattle. He said six out of the 11 larger grocery stores in Kent are union.

“Their parent companies are multi-billion dollar companies who have made billions,” Gilderoy said. “They have given out to upper management billions in bonuses in this pandemic while we only ‘enjoyed’ \$2 hazard pay for about the

first four months. Our last payment was mid-May of 2020. Fred Meyer has issued three \$100 store credit bonuses to us since then.”

Councilmember Les Thomas said he opposes a city-imposed pay hike.

“It doesn’t seem like we as a government should be involved in business,” Thomas said.

Council members Brenda Fincher, Marli Larimer, Zandria Michaud and Toni Troutner agreed the union should handle the issue.

Gilderoy said the union has tried to negotiate hazard pay increases.

“Fact is the city council called this a union matter,” he said. “Well what about the non-union

stores, and what about the grocery workers in those stores? If the city council had actually returned the phone calls and emails from UFCW21 (the union) they would have known that UFCW has been bargaining an emergency contract for over a year now with little to no progress.”

Despite the setback,

store employees plan to continue their fight. He said 280 workers have signed a petition for the council to approve the pay increase.

“Our next steps are to reach out to individual city council members, speak at the next city council meeting and have an informational drive,” Gilderoy said.

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