

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	Case No. 2:12-cv-01282-JLR
Plaintiff,	)	
	)	CITY OF SEATTLE’S JULY 2018
v.	)	QUARTERLY REPORT
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	
_____	)	

The City of Seattle’s Court-approved Phase II Sustainment Period Plan (“Sustainment Plan,” dkt. 444) includes a commitment to provide seven quarterly reports addressing the City’s sustained compliance with the Consent Decree. The purpose of the reports is to update the Court on the City’s efforts to sustain compliance with the Consent Decree and to drive reform beyond the requirements of the Consent Decree. The Sustainment Plan provides that each quarterly report will include recent data on use-of-force and crisis intervention practices, an update on the activities of the Seattle Police Department’s Force Review Board and Unit, and a discussion of relevant activities of the accountability organizations—the Office of Police Accountability, the Office of the Inspector General for Public Safety, and the Community Police Commission. This is the first of those reports, for the period ending July 31, 2018.

1 **I. BACKGROUND**

2 During Phase II, the City must maintain compliance with the Consent Decree for two years.
3 In addition, the City must demonstrate the ability to identify and address any obstacles to further
4 reform. To these ends, the Sustainment Plan provides that the City will conduct three sets of self-
5 assessments to self-verify whether it is continuing to comply with the Consent Decree: Audits, Policy
6 Reviews, and Outcome Reports (explained below). The Plan sets out more than two hundred deadlines
7 detailing when the City must complete each step of each assessment through January 2020. Since the
8 Court approved the Sustainment Plan on March 13, 2018, the Seattle Police Department (“SPD”) has
9 timely met all of the milestones set forth in the plan.

10 Audits: Since March, the parties and Monitor have worked together designing methodologies
11 for the City’s audits of its crisis-intervention practices, its Type I and Type II use-of-force
12 investigation and reporting practices, and its compliance with the supervision requirements of the
13 Consent Decree. SPD is well underway in gathering data for these three audits.

14 Policy Reviews: The SPD Audit Policy and Research Section (“APRS”) is reviewing all
15 Department policies on a three-year cycle. The Consent Decree-mandated policies will be reviewed
16 annually. Since March, in consultation with its stakeholders, the Monitor, and DOJ, SPD has
17 completed revisions to its Bias-Free Policing policy, Crisis Intervention policy, and its Use of Force
18 policies. SPD’s Bias Free and Crisis Intervention policies have already been approved by the Court,
19 and its proposed revisions to its Use of Force Policy Force are being submitted concurrently with
20 this filing, per the Sustainment Plan. The Department of Justice and the Monitor have reviewed
21 and approved SPD’s revisions to its policies. After the Consent Decree ends, SPD will continue to
22 participate in national efforts to pinpoint best police practices and incorporate those findings into its
23 policies.

1 Outcome Reports: In addition to the audits and policy reviews, SPD will continue the
 2 practice it began in 2016 of publishing periodic reports summarizing policing data for the public.
 3 These “outcome reports” demonstrate the concrete effects of SPD’s work under the Consent
 4 Decree, such as reductions in serious uses of force. Since the Court approved the Sustainment Plan,
 5 the City has filed two outcome reports with the Court. The first report describes the Department’s
 6 recent community engagement initiatives, as well as efforts to recruit police officers who reflect the
 7 Seattle community. The second report contains SPD’s second annual review and analysis of all
 8 Terry stops and detentions.¹ It showed that SPD does not use no-suspicion “stop and frisk” tactics
 9 that are used in some other jurisdictions. Almost 85% of SPD stops occur when officers are
 10 dispatched to an incident via 911. Fewer than 10% of SPD stops are conducted by patrol officers
 11 walking (or cycling) a beat without being dispatched.

12 Even after the Consent Decree is complete and federal oversight has ended, the City will
 13 continue to conduct the audits, policy reviews, and outcome reports on regular cycles to ensure that
 14 reform continues and that the Department remains accountable to the public.

15 **II. Use-of-Force and Crisis Intervention Data**

16 This section provides 2018 data through the current month on SPD’s use-of-force and crisis
 17 intervention practices. In addition to the numbers below, comprehensive data on these topics are
 18 available to the public through the Department’s “dashboards” on its webpage at
 19 <https://www.seattle.gov/police/information-and-data/public-data-sets>. The public dashboards can be
 20 used to analyze and display data from numerous, disparate sources within SPD through a data analytics

21 ¹ All of the data underlying this report can be accessed and downloaded at
 22 <https://data.seattle.gov/Public-Safety/Terry-Stops/28ny-9ts8> Additionally, in April 2018, SPD
 23 added to its website a new interface that allows the public to more easily review and understand
 the data on Terry stops: <https://www.seattle.gov/police/information-and-data/terry-stops/terry-stops-dashboard>

platform (“DAP”).

A. Use of Force

The City last reported data on use of force to the Court in January 2018 (Dkt. 442). This report updates the data through July of 2018. One thousand and seventy-four uses of force were reported in this period. Because of the way “use of force” is defined, a single incident often results in multiple reported uses of force.

Use of Force By Year:

	2014	2015	2016	2017	2018	Grand Total
Type I Force	1,159	1,554	1,177	1,272	870	6,032
Type II Force	502	477	375	355	185	1,894
Type III Force	24	20	20	15	17	96
Type III - OIS	23	15	5	21	2	66
Grand Total	1,708	2,066	1,577	1,663	1,074	8,088

Note: Numbers for 2018 are for January through Mid-July only.

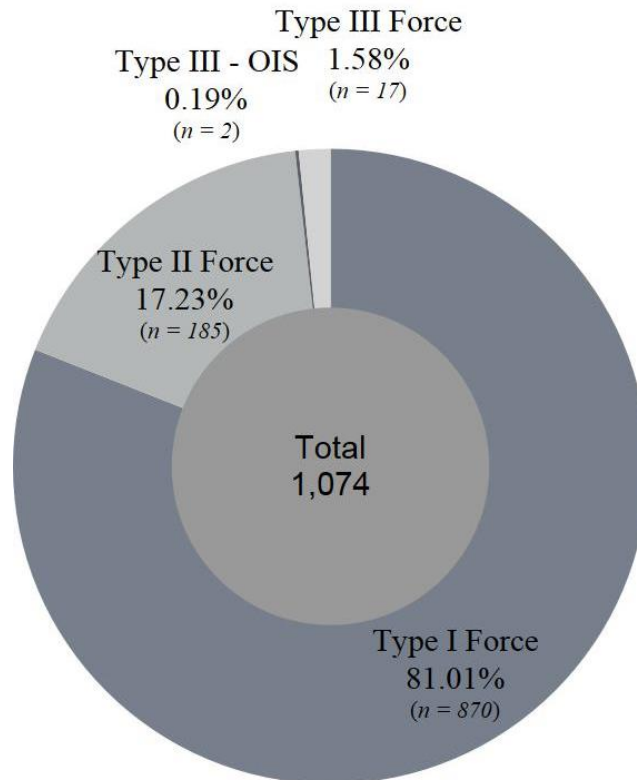
Generally speaking, uses of force by SPD officers decreased from 2014 to 2016, and appear to have stabilized since (although it too early to consider 2018 data relative to prior years). While there was an initial increase in Type I uses of force between 2014 and 2015, it was accompanied by declines in the use of more serious types of force.

In 2018 to date, eight hundred seventy (81%) of the reported applications of force involved no greater than low-level, Type I force.² One hundred eighty-five (17.2%) involved Type II force

² The types of force are defined in Title 8 of the SPD manual. In brief: Type I is low-level force that may involve transitory pain. Type II force causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Type III force causes or is reasonably expected to cause great or substantial bodily harm.

and seventeen (less than 2%) involved Type III force. One incident in 2018 resulted in two officer-involved shootings, leading to one fatality.

2018 Types of Force Used:



In the context of overall encounters with the community, force is used rarely. Between January and July 2018, the computer-aided dispatch (“CAD”) database recorded 231,348 unique events to which officers were either called by a dispatcher or which officers observed or were alerted to while on patrol. Six hundred fifty-seven of these events involved one or more reportable applications of force. That means less than one third of one percent of all events involved any use of force. Ninety-five (four one-hundredths of one percent) of all CAD events ultimately involved a serious use of force (Type II or Type III). These rates are effectively the same as those reported in SPD’s January 2018 Annual Report (dkt. 443 at 11) and the Monitor’s Ninth Assessment (dkt. 383 at 34).

The demographic characteristics of subjects of force in 2018 are also consistent with previous years.

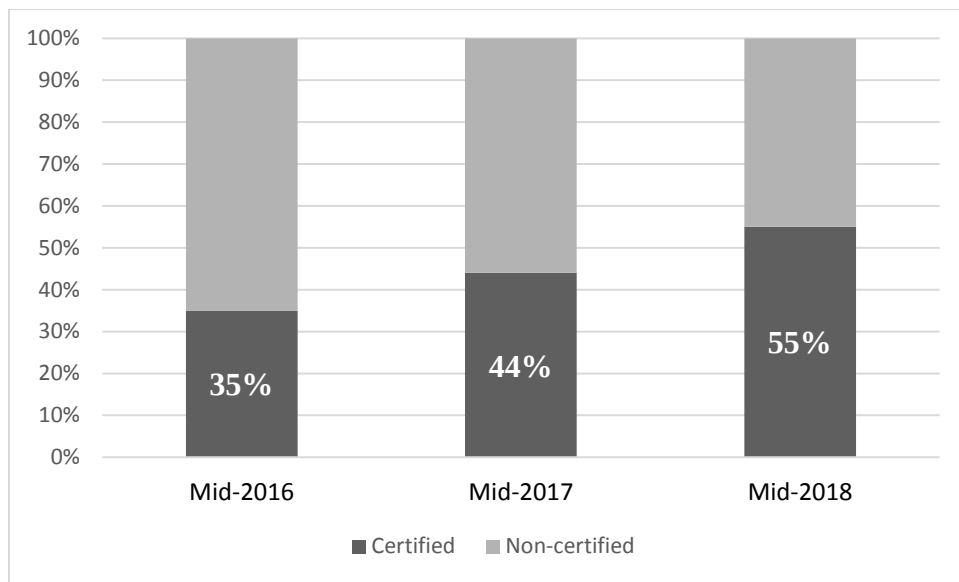
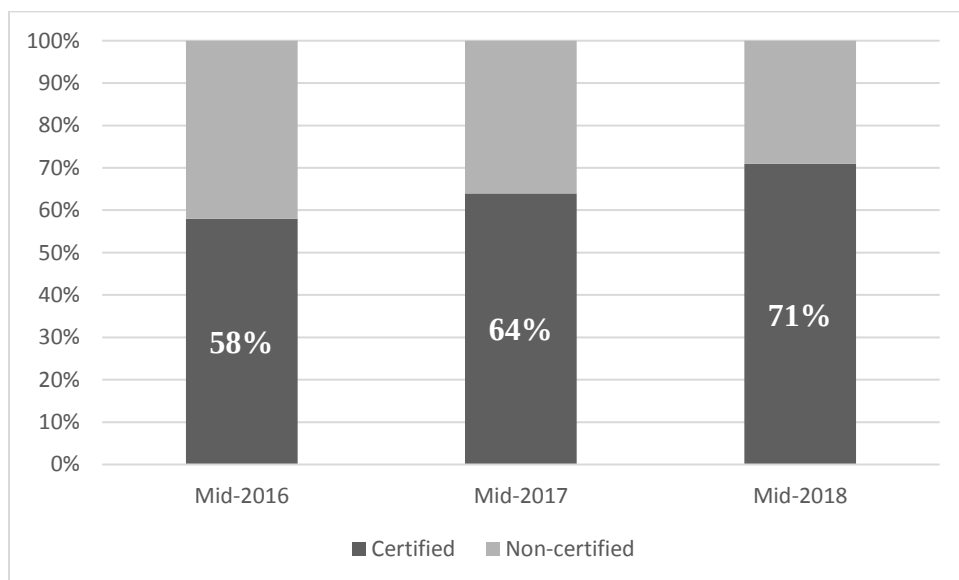
2018 Race of Subjects of Force

Subject Race	% of Total
White	43.32%
Black or African American	29.29%
Not Specified	19.05%
Hispanic or Latino	4.08%
Asian	2.94%
American Indian/Alaska Native	0.66%
Nat Hawaiian/Oth Pac Islander	0.66%
Grand Total	100.00%

B. Crisis Intervention and Use of Force

The City last reported on crisis intervention to the Court in August 2017. Dkt. 411-1. This quarterly report includes information for January through July of 2018.

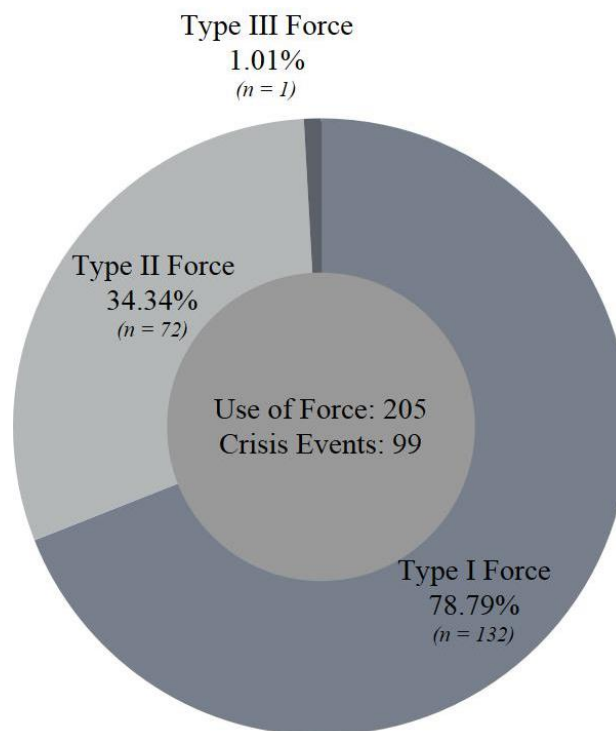
As described in previous reports (*see, e.g.*, dkts. 411-1, 272), many of the changes SPD has made under the Consent Decree are directed toward building officers' crisis intervention and de-escalation skills. Since the City's last report to the Court, the percentage of officers certified in crisis intervention (*i.e.*, who completed a forty-hour course in crisis intervention offered by the Washington State Criminal Justice Training Commission) has continued to increase.

Crisis Intervention Certification—All Sworn Officers:**Crisis Intervention Certification—Patrol Officers:**

Between January and July 2018, officers responded to approximately 6,134 incidents involving a person in crisis. Officers used force in ninety-nine of those incidents (1.6%). This rate of force in crisis situations is consistent with the period covered in the City's last report to

the Court (see dkt. 411-1 at 16) and the period reported on by the Monitor in its Fifth Assessment (see dkt. 272 at 15), demonstrating sustained management of a high volume of crisis cases without resorting to the use of force. The breakdown of types of force used in crisis responses is similar to the breakdown for all uses of force.

Use of Force in Crisis Events:



Out of the 6,134 crisis incidents in 2018, more than twenty percent were resolved by voluntary commitment or by referring the person in crisis to a community or social service support agency, which is in line with the data reported in SPD's 2016 Crisis Intervention Program Report. (See dkt. 411-1 at 13.) The most common disposition was a decision to detain the person for their own safety under the Involuntary Treatment Act (33%). The second most common resolution was "No Action Possible or Necessary," which means the person in crisis had left the scene or did not pose an imminent threat of self-harm or harm to others (20%).

2018 Disposition of Crisis Contacts:

	Disposition	% of Total
	Emergent Detention/ITA	32.66%
	No Action Possible or Necessary	20.34%
	Resources Declined	15.28%
	Subject Arrested	9.75%
	Voluntary Committal	9.02%
	Chronic Complaint	7.32%
	Mobile Crisis Team	6.94%
	Unable to Contact	3.55%
	DMHP Referral	2.38%
	Mental Health Agency or Case Manager Notified	2.16%
	Drug/Alcohol Treatment Referral	0.95%
	Crisis Clinic	0.83%
	Shelter Transport	0.41%
	Geriatric Regional Assessment Team	0.08%

Note: Percentages total more than 100% because a crisis contact often leads to more than one disposition.

III. SPD Force Review Board and Unit

The SPD Force Review Board (“FRB”) and Force Review Unit (“FRU”) review all uses of force to determine if they were compliant with SPD’s Use of Force Policy. A brief summary of internal review is provided here, while the complete procedures are specified in Title 8 of the SPD Manual. After using Type I force, an officer must screen the incident with a sergeant and complete a use of force report. The sergeant begins the investigation of the incident and, if necessary, elevates the review up the chain of command. Type II uses of force are reviewed in depth first by an administrative lieutenant, through the chain of command to the section captain, and then by the Force Review Unit (described below). Type III uses of force are investigated by a specially trained unit called the Force Investigation Team. The Force Review Board (described below) provides an additional layer of review for all Type III uses of force, to include officer-involved shootings, and the most serious Type II uses

of force.

The FRB is a select group of SPD personnel who are specially trained to investigate officer uses of force which meets regularly to make determinations as to (1) whether a use-of-force investigation is thorough and complete; (2) whether the force was compliant with SPD policy, and consistent with training, and core principles; and (3) whether any broader, systemic issues need to be addressed with respect to policy, tactics, equipment, or otherwise.

By policy, the FRB reviews all cases in which Type III force is used, including all officer involved shootings. The FRU, comprised of a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II uses of force. When certain factors are present in a Type II case—such as the use of less-lethal tools or use of a canine—the FRU places it on the calendar to be reviewed by the FRB. Thus far in 2018, the FRB and FRU reviewed 89 cases.

Number of Cases Reviewed By Year:

YEAR	FRB	FRU	Total
2016	171	83	254
2017	133	52	185
2018 (1/1 – 6/30/18)	70	19	89

In 2018, a total of 294 officers were involved in the 89 cases reviewed by FRU and FRB. The numbers below represent the number of officers involved across the cases, aggregated, and the determination by FRB and FRU as to whether each officer's actions were approved as consistent with policy and training.

2018 Force Review Findings by Officer:

Approved	166
Not Approved	4
No Determination Due to OPA Referral	60
N/A ³	64
Total	294

Of all uses of force reviewed by the FRB and FRU in 2018, the involved officer's use of force was found to be reasonable, necessary, proportional, and in conformance with the Department's Use of Force Policy in 166 of the uses of force reviewed. In four instances, the FRB or FRU disapproved of the use of force. In 60 instances, a matter was referred to OPA, and the FRB/U made no determination, per policy.

Since late 2015, the FRB/U has generated recommendations for all systemic issues identified during its discussions of force incidents. Once the FRB or FRU identifies an issue and determines that policy, procedure, training, or other action is appropriate, the recommendation is entered into SPD's workflow management system (IAPro) and the Assistant Chief of the Professional Standards Bureau then assigns it to the appropriate bureau chief for consideration. Recommendations that have significant budget implications, that arise from high-profile cases, and those that stem from officer-involved shootings go through an additional step: they are reviewed directly by the Deputy Chief of Operations or Command Staff as appropriate, and then distributed to the appropriate bureau chief. The Professional Standards Bureau ensures that all recommendations receive a response; if a unit commander does not implement the

³ In the cases reviewed by FRB/U, 64 officers were involved in tactics and decision making who did not use force. In reviewing the actions of these officers, FRB/U made no findings on the use of force.

1 recommendation then the commander provides a response to the Professional Standards Bureau
 2 Assistant Chief in closing out the assignment.

3 **FRB Recommendations By Year:**

4

	2016	2017	2018 - YTD
5 Recommendations resulting from FRB reviews	130	268	145
6 Number of Recommendations that have been closed	130	264	82
7 Number of Recommendations open	0	4	63

8 **FRB Recommendations By Area:**

9

Classification	2017		2018 - YTD	
	Number	Percentage	Number	Percentage
10 APRS – Equipment	10	3.7%	2	1.3%
11 APRS – Policy	16	5.8%	13	5.9%
12 Bureau Commander Referral	216	80.5%	115	78.6%
13 Education and Training Section – Training recommendation	26	9.7%	14	9.6%

14 In 2018, FRB made 145 recommendations to the chain of command in the areas listed
 15 below. FRB makes an equipment recommendation to APRS when it identifies equipment that the
 16 Department does not own and which could improve safety or efficacy. A policy recommendation
 17 to APRS identifies an area in the SPD Manual that warrants consideration for revision. For
 18 example, many of the proposed revisions to the Use of Force Policy filed with the Court today
 19 originated as FRB recommendations. When specific feedback or additional training for an
 20 individual officer is appropriate, FRB makes a bureau commander referral. FRB makes a training
 21 recommendation when an issue would be best addressed through a change to training curriculum.

22 Some of FRB's recommendations are addressed quickly by the relevant Bureau, while others
 23 generate long-term projects that take months or even years to complete. Accordingly, the impact of

FRB's recommendations on the Department is illustrated by the recommendations it made in 2017, which have had time to move through the system. Of the 268 recommendations made by FRB in 2017, some were not feasible for staffing or budget reasons, others were not implemented because the command staff disagreed, and some were determined to duplicate previous recommendations or no longer be timely. However, for 205 (76%) of the recommendations, a specific, concrete action was taken that addresses the recommendation. Examples of FRB recommendations recently implemented include:

- Regular audits of OC spray supply, additional training on TASER arc tests, and a new protocol that must be followed by officers who no longer wish to carry a TASER, to ensure that these less-lethal options are available when officers need them;
- Requirement that all precincts have a dedicated back-up administrative lieutenant trained to the same level as the full-time administrative lieutenant to increase consistency in use-of-force investigations; and
- Changes to the cards used by the Force Investigation Team to conduct interviews to clarify that officers involved in uses of force must be separated from each other before giving a statement.

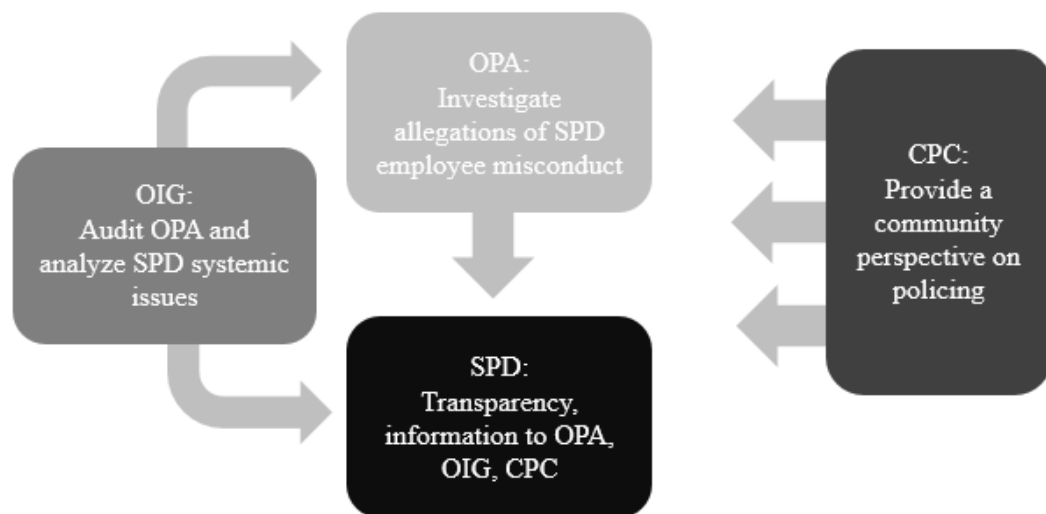
Another role of the FRU and FRB is to refer any policy violations by officers to OPA, if the chain of command has not already done so. In 2018 thus far, the FRB has made seventeen OPA referrals, four of which relate to potential violations of the use-of-force policies. The other referrals relate to the in-car video policy or other, non-force-related policies.

Referrals to OPA:

	2017		2018	
	FRB	FRU	FRB	FRU
ICV	1	0	2	0
Use of Force	8	0	4	0
Other	9	0	11	2
Total	18	0	17	2

IV. Accountability Organizations

The City enacted a new Accountability Ordinance into law in 2017. Some of the Ordinance's provisions have begun to take effect, while other provisions are subject to collective bargaining. The ordinance established a three-part system for holding SPD accountable comprised of the Office of Police Accountability, the Office of the Inspector General for Public Safety, and the Community Police Commission.



A. Office of Police Accountability

The Office of Police Accountability (“OPA”) investigates allegations of misconduct by police officers. The organization is managed by a civilian director and staff, while its investigations are carried out by sworn officers who serve two-year rotations.

As a result of the completed contract negotiation between the City and the Seattle Police Management Association, OPA has recently begun implementing the provision of the Accountability Ordinance that requires civilianizing its command staff. A new civilian director of investigation will start in August, and OPA is in the process of hiring civilian investigative supervisors.

1 The last report to the Court about OPA was the Monitor's Fourth assessment, filed in January
 2 2016. (Dkt. 259-1.) Since then, when OPA has recommended that allegations against an officer be
 3 sustained, SPD has almost always followed that recommendation and imposed some form of
 4 discipline. In 2017, OPA completed 357 investigations comprising 1,032 separate allegations of
 5 misconduct. In approximately 28% of the cases it investigated OPA recommended at least one
 6 sustained finding. SPD followed OPA's recommended findings in all but one case in 2017, and in
 7 all but two instances thus far in 2018.

8 In 2018, OPA has completed more than 140 investigations. Of the cases classified for
 9 investigation in 2018, approximately 95 involved one or more allegations of force, for a total of
 10 257 allegations of force. This year, OPA has sustained twelve use-of-force allegations.

11 In addition to investigating allegations of misconduct, OPA recommends policy changes
 12 to SPD when its investigations indicate that issues with Department policy, rather than actions of
 13 individual officers, gave rise to a complaint. Those investigations result in a finding of "Not
 14 Sustained – Management Action" and form the basis of OPA's Management Action
 15 Recommendations (MARs). In 2017, SPD revised its policy on in-car and body-worn video and
 16 its policy on use of department vehicles in response to OPA's recommendations.⁴ The revised use-
 17 of-force policies submitted to the Court today also incorporate several of OPA's recommendations.

18 *B. Office of the Inspector General for Public Safety*

19 The first Inspector General for Public Safety, Lisa Judge, was appointed by the City Council
 20 and confirmed on April 30, 2018, to a six-year term. Still in its early months of existence, the new
 21 Office of Inspector General for Public Safety (OIG) has been working to stand up its office,
 22

23 ⁴ *Management Action Recommendations*, Office of Police Accountability,
<https://www.seattle.gov/opa/management-action-recommendations> (last update July 6, 2018).

1 including vision, budget, staffing, and operations. Among other logistical tasks, OIG has developed
2 internal protocols, onboarded essential management staff, worked with Human Resources to create
3 position descriptions, established IT support, and set up a temporary, physical office.

4 Laying a foundation for its auditing responsibilities, OIG has begun working with SPD to
5 ensure access to necessary data, conduct tours of SPD facilities, attend force review board
6 meetings, participate in ridealongs, and identify relevant trainings.

7 *C. Community Police Commission*

8 The CPC has supported SPD's sustainment efforts by providing feedback regarding policy
9 reviews and audits that are part of the Sustainment Plan. It continues to work on its responsibilities
10 under the Settlement Agreement and Memorandum of Understanding.

11 With passage of the Accountability Ordinance, the CPC became a permanent body with a
12 broader mandate. Under the leadership of Co-Chairs Rev. Harriett Walden, Enrique Gonzalez, and
13 Isaac Ruiz, and Executive Director Fe Lopez, the CPC has been working to build capacity. On the
14 staff side, the CPC has recently hired a Policy Supervisor, a Policy Analyst, a Community
15 Engagement Supervisor, and a Communications Advisor. In the past month, the CPC welcomed three
16 new commissioners, and the CPC continues to work with the City Council and Mayor Durkan to fill
17 remaining open seats.

18 The CPC has established workgroups to focus on topics important to the community, such as
19 police practices that make community members feel safer and more respected, system improvements
20 to support people living with mental illness or substance use disorders in their interactions with police,
21 and changes to the composition of the police workforce to include more candidates who are multi-
22 lingual or have work experience or educational background providing important skills needed in
23

1 policing today. The CPC has also convened a group of stakeholders to examine potential external
2 processes for investigating serious and deadly uses of force.

3 **V. Labor Negotiations**

4 The parties to the labor negotiations continue to meet, including multiple sessions this
5 week, and have made significant progress toward an agreement. While the status of specific deal
6 terms must remain confidential during negotiations under state law, it is important to note that the
7 parties are in voluntary discussions about the implementation of the City's Accountability
8 Ordinance including further civilianization at OPA, and the establishment of the Office of the
9 Inspector General, as well as the full implementation of Body Worn Video. Consistent with the
10 process that occurred last year when the City and the Seattle Police Management Association
11 successfully negotiated an agreement, the City will be prepared to provide the Court a detailed
12 description of any agreements reached as requested.

13 **VI. Conclusion**

14 The data on use of force and crisis intervention practices demonstrate that the City has
15 continued to comply with those portions of the Consent Decree. SPD's force review entities are
16 scrutinizing the chain of command's use-of-force investigations; referring possible misconduct to
17 OPA; and identifying and helping to address systemic challenges. In addition, the accountability
18 organizations outside the Department are more effective than they have ever been.

19 Sustaining and continuing the City's progress in police reform is a top priority for the City and
20 for SPD. Seattle Interim Police Chief Carmen Best was nominated as the next police chief on July 17,
21 2018. Chief Best is a veteran of the City's compliance efforts under the Consent Decree, and, upon
22
23

1 being nominated, Chief Best reaffirmed the importance she places on reform.⁵

2 DATED this 31st day of July, 2018.

3
4 For the CITY OF SEATTLE

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23 ⁵<http://spdblotter.seattle.gov/2018/07/17/interim-chief-carmen-best-nominated-to-be-seattles-next-police-chief/> A public hearing on Chief Best's nomination is scheduled for August 1, with the Committee vote to take place on August 8, 2018.

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED this 31st day of July, 2018, at Seattle, King County, Washington.

/s/ Kerala Cowart
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Assistant City Attorney
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