THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. CITY OF SEATTLE, Defendant.	Case No. 2:12-cv-01282-JLR **CITY OF SEATTLE'S JULY 2019 QUARTERLY REPORT**

Once the Court declared the City had achieved full and effective compliance with the Consent Decree, a new phase began in which the City must demonstrate its ability to sustain its progress. The Court-approved "Sustainment Plan," Dkt. 444, includes a commitment to provide seven quarterly reports updating the Court on the City's progress. The Sustainment Plan provides that each quarterly report will include recent data on use-of-force and crisis intervention practices, an update on the Seattle Police Department's Force Review Board and Unit, and a discussion of relevant activities of the Office of Police Accountability. This is the fifth quarterly report.

I. BACKGROUND

During Phase II, the City must maintain compliance with the Consent Decree for two years. The City must also demonstrate the ability to identify and address any obstacles to further reform. To

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these ends, the Sustainment Plan provides that the City will conduct three sets of self-assessments to verify whether it is continuing to comply with the Consent Decree: Audits,[1] Policy Reviews, and Outcome Reports. The Plan sets out more than two hundred deadlines detailing when the City must complete each step of each assessment through January 2020. On March 13, 2018, the Court approved "the Sustainment Plan and the attached matrix of deadlines as the governing documents for the parties' and the Monitor's conduct of Phase II of the Consent Decree." Court's Order (Dkt. 448). Thus far, the City has successfully and timely met all of the milestones set forth in the plan.

Audits: Throughout the Sustainment Period, the parties, the Monitor, and the Office of Inspector General for Public Safety (OIG) have collaborated on developing methodologies for the Department's audits and assessments. Thus far, in keeping with the Sustainment Plan deadlines, the City has filed six such audits or assessments, each of which documents compliance with specific paragraphs in the Consent Decree.[2] These documents, and the independent verification of DOJ and the Monitoring Team, demonstrate sustainment compliance with these requirements.

During the past quarter, SPD completed Part II of its Audit of Type I & II Force Reporting, Investigation, and Review. In addition, OIG conducted an independent assessment of SPD's Force Review Board. Both assessments are being submitted to the Court concurrently with this report.

[1] The audits required by the Sustainment Plan are not audits in a formal sense, because they do not follow auditing guidelines nor are they conducted by an outside body. Rather, in keeping with the two phases set out in the Consent Decree, the parties and the Monitor agreed that these reports would be largely comprised of assessments conducted by SPD in order demonstrate SPD's ability to engage in critical self-analysis and to identify and address any obstacles to further progress that may arise.

[2] The audits completed thus address the following requirements: Supervision (Dkt. 497-2); Reporting, Investigation, and Review of Type I & II Force (Dkt. 497-1); Crisis Intervention and Use of Force (Dkt. 511); Stops and Detentions (Dkt. 547-1); Early Intervention System (Dkt. 550-1); and Racial Disparities (Dkt. 554-1).

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SPD's Audit on the Reporting, Investigation, and Review of Type I & II Force – Part II:

This audit demonstrates sustained compliance with Consent Decree requirements regarding the reporting, review, and investigation of Type I and II force. These requirements are set forth in paragraphs 100-111. They establish extensive obligations regarding how and when Type I and Type II force must be documented and reported to a supervisor by the involved officer. *See* ¶¶ 100-03. In addition, detailed requirements for a prompt, thorough, and objective investigation by a supervisor of all Type II force are spelled out in paragraph 104. The Consent Decree also provides that a robust review process must be undertaken by the chain of command and SPD's specialized force review bodies (i.e., the FRU and FRB). *See* ¶¶ 107-111.

In addition to evidence of continued compliance, the audit findings also demonstrate consistent, sustained performance when compared to the benchmarks for completeness and thoroughness of review and investigations that were established by the Monitor's Phase I Assessments.[3] *See* Exhibit A at 19 (discussing Type I case acceptance rate). For Type II force, the findings are consistent with a substantial improvement when compared to the Monitor's in-depth examination for Type II reporting in the Seventh System Assessment. *Id*. at 21 (discussing Type II case acceptance rates). Among Type II force cases, only 4.1% were returned to the field by the Force Review Unit for additional information. *Id.*

The Department of Justice and the Monitor independently validated the Department's Type I & II Use of Force Reporting, Investigation, and Review Audit. Based on their review of a sample of the Department's use-of-force case files, DOJ and the Monitor concluded that the Department has

[3] *See* Monitor's First Systemic Assessment (Dkt. 231); Monitor's Seventh Systemic Assessment (Dkt. 360).

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demonstrated sustained compliance with paragraphs 100-111 of the Consent Decree. A summary of their findings can be found in the validation section at the end of the report.

OIG's Assessment of SPD's Force Review Board:

The Consent Decree requirements for SPD's Force Review Board (FRB) are contained in paragraphs 119-125. These requirements have been incorporated into SPD's Policy Manual at 8.500-POL-4.

Following the methodology used by the Monitor in the Second Systemic Assessment, OIG assessed the FRB's composition and training for compliance. OIG also examined whether FRB, in accord with policy, reviewed Type II cases that meet certain requirements (such as use of a less lethal tool or a canine) and all Type III cases. The assessment concluded that FRB met the composition and training mandates and that, during the study period, FRB reviewed 232 out of 233 required cases.[4]

OIG also evaluated FRB's deliberations. It found that FRB held robust discussions. The Board "welcomed internal debate and dissent"; displayed a high level of professionalism, and "took their responsibilities seriously." FRB's deliberations addressed all required elements of cases as spelled out in Seattle Police Manual 8.500-POL-4.1.

In addition to compliance findings, OIG's report provided suggestions for all of the assessed areas. These suggestions are aimed toward enhancing the effectiveness and efficiency of the FRB. For example, FRB often refers recommendations on policy, equipment, or training issues to SPD command staff or supervisors for follow up. Although approximately 70% of the recommendations during the survey period were reported by SPD as having been implemented, there was no formal

[4] The one case not reviewed was pending before OPA. As OIG observed, however, it is still possible to review aspects of a case pending before OPA. The Board has since changed its practice and now reviews such cases without discussing or voting on the specific issues before OPA.

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process to follow up on recommendations that were not implemented. OIG suggested that SPD adopt such a process. OIG also described a potential tension between the Board's two functions: (1) to determine whether an officer's conduct violated policy, and (2) to identify lessons learned for the Department as a whole. Potential solutions identified by OIG include changing the template for FRB findings to allow greater distinction between individual officer action and hypothetical actions, encouraging more candid analysis of systemic issues. OIG also noted SPD and OPA's ongoing efforts to address minor policy violations within the chain of command as performance deficiencies, rather than referring them to OPA.

Policy Reviews: The SPD Audit Policy and Research Section ("APRS") reviews all Department policies on a three-year cycle. The Consent Decree-mandated policies are being reviewed annually. SPD's proposed revisions to its Use of Force Policies are being submitted concurrently with this filing, per the Sustainment Plan. The Department of Justice and the Monitor reviewed and approved SPD's revisions to each of these policies. After the Consent Decree ends, SPD will continue to participate in national efforts to identify best police practices and incorporate those findings into its policies.

The proposed Use of Force Policy revisions are discussed at length in the City's motion seeking the Court's approval of the policies. (Dkt. 569.) A majority of the revisions are not substantive in nature, but rather endeavor to clarify, consolidate, and bring greater uniformity to force-related terms and definitions. Many of the proposed changes are the result of collaboration with or suggestions identifying areas of focus from OPA and OIG. The most important substantive changes are found in a new policy within section 8.300 that is specific to SPD's canine unit. This policy was a joint effort of Deputy Chief GarthGreen, APRS, the FRB, OPA, DOJ, and the Monitor, in consultation with OIG. All of these entities participated in the discussions surrounding the need

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for a canine policy and contributed in various ways to its development. The Monitor, in particular, provided substantial technical assistance in drafting the policy.

The policy clarifies and formalizes SPD's practices involving patrol canines. It includes specific language governing when officers are required to release a canine's bite. 8.300-POL-1(13) (Bite must be released "at the first possible moment the canine can be safely released."). The policy also places restrictions on canine deployments, providing that, in the absence of explicit supervisor authorization, canines will be used to search for or apprehend a subject only in investigations of enumerated felony crimes and misdemeanors that present a potential for violence. 8.300-POL-1(3) (listing out specific felonies and misdemeanors). Significantly, the new policy defines a canine-officer team as a "single officer unit." 8.300-POL-1(6). In other words, officers cannot consider the dog as a second, back-up officer. Rather, canine officers must request back-up when needed in the same way that other officers do—that means one officer with a dog will not initiate contact with a subject if it is feasible to summon back-up.

Outcome Reports: In addition to the audits and policy reviews, SPD has continued the practice it began in 2016 of publishing periodic reports summarizing policing data for the public. These "outcome reports" demonstrate the concrete effects of SPD's work under the Consent Decree, such as reductions in serious uses of force. During this quarter, SPD was responsible for reporting on stops and detentions.

The 2019 Stops and Detentions Annual Report, which was filed with the Court on May 31, 2019, contains SPD's annual review and analysis of temporary, investigative stops (called *Terry* stops) that SPD officers conducted in 2018. Using data analysis capabilities that are available to any member of the public through SPD's public-facing dashboards (*https://www.seattle.gov/police/information-and-data/terry-stops/terry-stops-dashboard*), the Report breaks down SPD stops citywide,

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precinct-by-precinct, and sector-by-sector. This data provides a picture of where SPD's stops occur, the type of police activity during which stops occur, the perceived demographics (gender and ethnicity) of the persons stopped and the officers stopping them, and when those stops result in frisks, recovery of weapons, or arrests.

The report demonstrates that SPD does not use the no-suspicion "stop and frisk" tactics that have been decried in other jurisdictions. The vast majority of stops (over 70%) occurred when officers were dispatched to an incident via 911. In the remaining stops, the officer witnessed ("on-viewed") activity or behavior that led to the officer's decision to stop an individual. It is noteworthy that there was an 18.5% increase in Terry stops between 2017 and 2018, and this increase was largely the result of 911 calls leading to a stop. Importantly, the percentage of stops that resulted in an arrest increased by 41% between 2017 and 2018.

The annual report does not assess the lawfulness of SPD's stops and detentions. That topic was thoroughly addressed in a recent audit of SPD's stops and detentions, which was conducted with the Monitor and DOJ's validation. The audit demonstrated that the vast majority of stops and frisks conducted by SPD officers meet constitutional requirements. (Dkt. 547.) Together, that audit and the annual report demonstrate that SPD conducts *Terry* stops under limited circumstances and in a lawful manner.

It is also important to note that, while the Stops and Detentions Annual Report includes raw data on perceived race and ethnicity, the report does not analyze the magnitude or causes of unwarranted racial disparities. Throughout 2019, SPD has been engaged in an effort to study and analyze racial disparities in police contacts, including in stops and detentions. This topic deserves sustained study and nuanced treatment, and under the Sustainment Plan it is the subject of two in-depth reports. The first report, Part I, was submitted to the Court in April 2019. (Dkt. 554-1.). Part

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II is due at the end of this year.

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

II. Use-of-Force and Crisis Intervention Data

This section provides data on SPD's use-of-force and crisis intervention practices for the second calendar-year quarter of 2019, which runs from April 1, 2019, to June 30, 2019. The report does not undertake to analyze or contextualize the data for two reasons. First, it would be speculative to infer trends or draw comparisons based on one quarter of cross-sectional data. Second, the Sustainment Plan, approved by the parties and the Court, sets forth a series of annual audits and outcome reports which contain the Department's analyses and conclusions. As contemplated in the Sustainment Plan, the Department's recent Use of Force Annual Report was submitted to the Court on January 31, 2019, and the next annual report is due to the Court on January 10, 2020.

In addition to the numbers below, comprehensive data on these topics are available to the public through the Department's "dashboards" on its webpage at *https://www.seattle.gov/police/information-and-data/public-data-sets*. The public dashboards can be used to analyze and display data from numerous, disparate sources within SPD through a data analytics platform ("DAP").

A. Use of Force

Two hundred and fifty-two uses of force were reported in Q2 2019. Because of the way "use of force" is defined, a single incident often results in multiple reported uses of force.

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In the second quarter of 2019, two hundred and two (80%) of the reported applications of force involved no greater than low-level, Type I force.[5] Forty-seven (19%) involved Type II force. There were three officer-involved shootings. *See* Figures 1 & 2.

Figure 1. Use of Force By Quarter

	2018 Q2	2018 Q3	2018 Q4	2019 Q1	2019 Q2	**Total**
Type I Force	477	528	458	267	202	1,932
Type II Force	84	98	67	73	47	369
Type III Force	10	2	4	7		23
Type III - OIS			1	6	3	10
Total	571	628	530	353	252	2,334

[5] 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.

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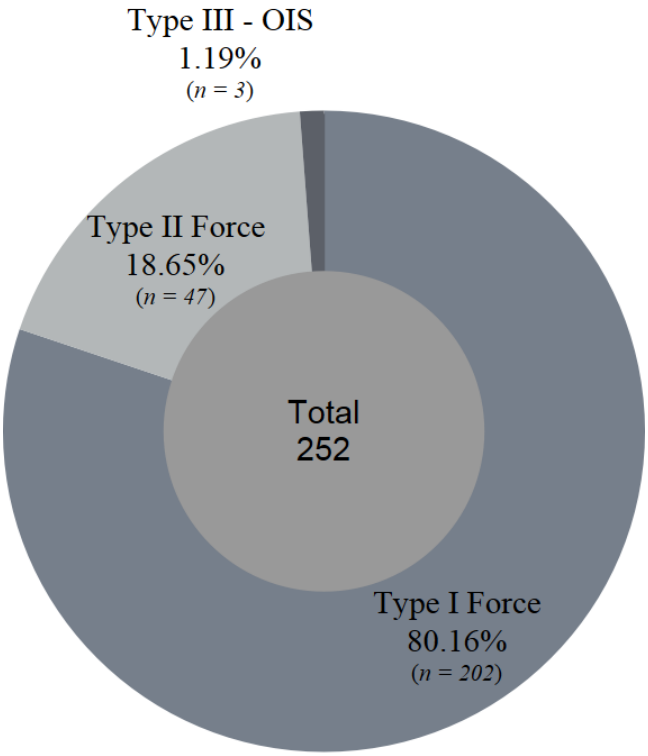
Figure 2. Q2 2019 Types of Force Used:



In the context of overall encounters with the community, force is used rarely. During the second quarter of 2019, the computer-aided dispatch ("CAD") database recorded 103,966 unique events to which officers were either called by a dispatcher or which officers observed or were alerted to while on patrol. Two hundred and twenty-five of these events involved one or more reportable applications of force. That means approximately two tenths of one percent of all events involved any use of force. Thirty-eight (approximately four one-hundredths of one percent) of the 103,966 unique CAD events ultimately involved a use of force greater than Type I (i.e., Type II or Type III).

The demographic characteristics of subjects of force for the quarter are presented below in Figure 3.

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Figure 3. Q2 2019 Race of Subjects of Force

Subject Race	% of Total	UoF Count
White	32.54%	82
Black or African American	29.76%	75
Not Specified	28.57%	72
Hispanic or Latino	3.97%	10
Nat Hawaiian/Oth Pac Islander	2.38%	6
Asian	1.98%	5
American Indian/Alaska Native	0.79%	2
Grand Total	100.00%	252

B. Crisis Intervention

During the second quarter of 2019, officers reported 2,432 incidents involving a person experiencing a behavioral crisis. Officers used force in 29 of those incidents (less than 2%). Of all the incidents involving a subject experiencing a behavioral crisis, approximately 17% were resolved by voluntary commitment, calling the mobile crisis team, or by referral to or notification of a community or social service support agency or shelter. 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 (18%). *See* Figure 5 below.

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Figure 5. Q2 2019 Disposition of Crisis Contacts:

Disposition	% of Total
Emergent Detention / ITA	33.14%
No Action Possible / Necessary	17.86%
Subject Arrested	10.04%
Resources Declined	9.57%
Chronic Complaint	8.48%
Voluntary Committal	7.19%
Mobile Crisis Team	6.37%
Unable to Contact	3.63%
Mental Health Agency or Case Manager ..	1.80%
Crisis Clinic	0.63%
DMHP Referral	0.47%
Shelter Transport	0.43%
Drug / Alcohol Treatment Referral	0.31%
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 investigates the incident and then 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.

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FRB is "the Department's hub of internal accountability, analysis, and continual improvement with respect to force." *Monitor's Second Systemic Assessment*, Dkt. 247 at 4. 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. In the second quarter of 2019, the FRB and FRU reviewed 34 cases.

Number of Cases Reviewed By Quarter:

Quarter	FRB	FRU
Q3 (7/1/28-9/30/18	45	5
Q4 (10/01/18-12/31/18)	59	20
Q1 (1/01/19-3/31/19)	28	11
Q2[6] (4/01/19-6/30/19)	20	14

A total of 128 officers were involved in the 34 cases reviewed by FRU and FRB this quarter. The numbers below represent the number of officers involved across the cases,

[6] Q2 numbers include six 10% cases. Two 10% cases were counted twice, as both the FRB and FRU reviewed them in 2019 Q2. One 10% case was reviewed by FRU in March and by the FRB in April. One 10% case was reviewed by FRU in June and is scheduled for a Board in July.

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aggregated, and the determination by FRB and FRU as to whether each officer's actions were approved as consistent with policy and training.

Q2 2019 Most Serious Type of Force Used in Each Case

Type I	0
Type II	31
Type III	1
Officer Involved Shooting	2
In-Custody Death	0
Total	34

Q2 2019 Force Review Findings by Officer:

Approved	85
Not Approved	0
Referred to OPA	14
N/A[7]	29
Total	128

For 85 of the officers reviewed by the FRB and FRU in the second quarter of 2019, the force used was found to be reasonable, necessary, proportional, and in conformance with the Department's Use of Force Policy. In 14 instances, a matter was referred to OPA, and the FRB/U made no determination, per policy. Of the 14 referrals to OPA, the chain of command generated 9 of them, and OPA added additional allegations of excessive force to 2 of the cases during the intake process.

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

[7] In the cases reviewed by FRB/U, 29 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.

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

Examples of FRB recommendations implemented or adopted this quarter include:

- FIT identified training issues with scene presentation for a case. After the crime scene tape was already in place, officers walked on the inner scene in order to mark shell casings, which is contrary to best practices for evidence preservation. On FRB's recommendation, the Training Unit developed a new FIT eLearning.
- FRB identified systemic issues with canine deployments that led to the following:
    - A new, interim policy directive governing patrol canines that took effect on March 20, 2019.
    - Two 90-minute counseling sessions between the Assistant Chief and the entire canine unit to discuss the new directive and to review expectations for avoiding bites and minimizing the length of bites.
    - Six canine officers receiving outside training with the longer-term goal of improving training within the unit by developing a structured training cadre.
    - A new proposed policy for patrol canines (discussed above), which is a more robust version of the interim directive, and which is being submitted to the Court concurrently with this report.

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- Several recommendations led to proposed revisions in the Use of Force policies which are being submitted to the Court concurrently, including:
    - Revising 8.300-POL-11(11) to require that fired blue nose sponge round and cartridges be collected by FIT and placed into evidence
    - Revising definition of "impact weapon" in 8.050 to clarify that a hard surface is a potential impact weapon.

IV. Office of Police Accountability

The Office of Police Accountability ("OPA") has authority over allegations of misconduct against SPD employees relating to SPD policy and federal, state, and local law. It investigates and makes recommended findings to the Chief of Police. The organization is led by a civilian director and deputy staff, while its investigations are currently carried out by SPD sergeants. OPA is continuing to civilianize its investigators.

During the fourth calendar-year quarter of 2018, OPA received 239 contacts. Contacts include "external" complaints from members of the community and "internal" referrals from SPD employees (primarily the chain of command). Seventy-seven percent of the contacts in the fourth quarter were external and 23% were initiated internally by SPD. Professionalism was the most frequent misconduct allegation made to OPA, and it comprised 19% of all allegations received. Eighty-three of 239 contacts classified by OPA in Q2 of 2019, or 35%, were classified for investigation. In 13 of the 97 cases in which findings were issued in the fourth quarter (14%), OPA recommended that at least one allegation be sustained. The Chief of Police did not overturn any OPA recommended findings in the second quarter.

In addition to investigating allegations of misconduct, OPA recommends policy changes to SPD when its investigations indicate that issues with Department policy, rather than actions of individual officers, gave rise to a complaint. Those investigations result in a finding of "Not

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Sustained – Management Action" and form the basis of OPA's management action recommendations. In the second quarter of 2019, OPA issued seven new management action recommendations.

V. Office of Inspector General for Public Safety

Still in its first year of existence, OIG has laid a strong foundation to carry out its important role in Seattle's police accountability system. The legal authorities of OIG (including unfettered access to SPD operations and the power to audit and report on any aspect of SPD's operations) resemble the Monitor's more than those of any previous police oversight official in Seattle.

Under the leadership of the first Inspector General for Public Safety, Lisa Judge, OIG has created a new, highly functioning office from the ground up—including hiring essential staff, creating a budget, and defining its mission, internal protocols, and policies. Reinforcing its commitment to transparency, OIG developed a detailed audit workplan for 2019 which is publicly available on its website.[8] The workplan is also attached to this report as Exhibit C. In addition, OIG has accomplished several key milestones, including: completing the Force Review Board assessment described above; doing a detailed review of certain aspects of SPD's firearms inventory controls; and conducting an audit of SPD's compliance with Seattle's Police Intelligence Code (Seattle Municipal Code Ch. 14.12), a local law that governs the Department's ability to collect or maintain certain sensitive information about members of the public.

VI. Conclusion

The recent assessments of SPD's stops and detentions practices and the Force Review Board demonstrate that the City has continued to comply with those portions of the Consent Decree. SPD's force review entities are scrutinizing the chain of command's use-of-force investigations; referring

[8] http://www.seattle.gov/Documents/Departments/OIG/Annual/OIG2019WorkPlan040419.pdf

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possible misconduct to OPA; and identifying and helping to address systemic challenges. In addition, the accountability organizations outside the Department are more effective than they have ever been.

DATED this 31st day of July, 2019.

For the CITY OF SEATTLE

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2019, 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, 2019, at Seattle, King County, Washington.

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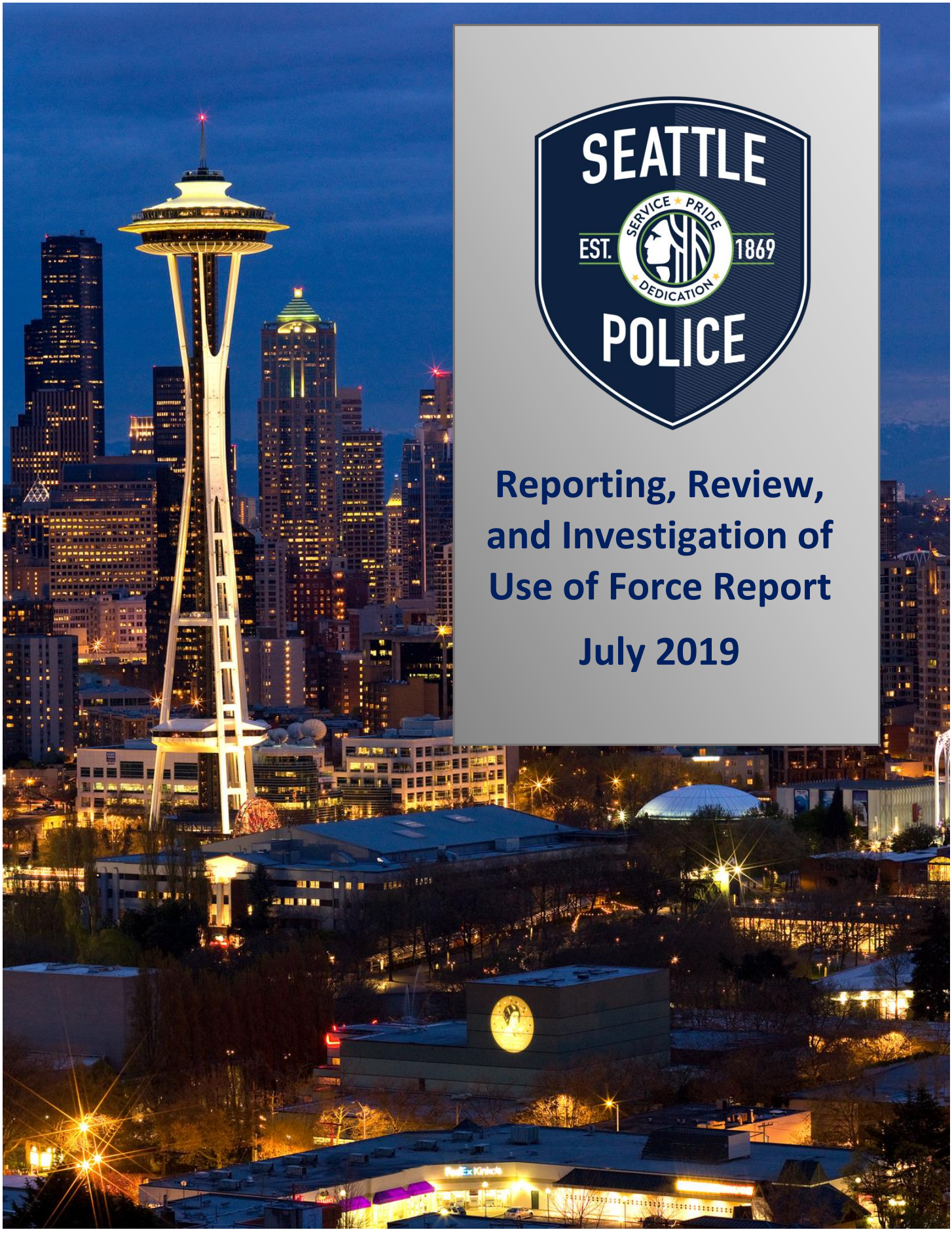

Reporting, Review, and Investigation of Use of Force Report

July 2019

Introduction

In October of 2018 the City filed the first of two reports covering "Reporting, Review and Investigation of Use of Force" (sustainment matrix deliverables 25 and 33). Under the first installment of this report just six months of Type I and three months of Type II force reporting, review and investigation, for the calendar year 2018. This follow-on report is reflective of complete data from the study period, one full year of Type I and II force. As this is a follow-up report, the informational sections are as reported in Part I and figures are updated with complete data.[1]

Under Paragraph 223 of the Consent Decree, the Court retains jurisdiction over this matter "until such time as the City has achieved full and effective compliance and maintained such compliance for no less than two years." On January 10, 2018, the Court entered an order finding the Department to be in "full and effective compliance" as of the date of the Order, thus commencing at that point the two-year "sustainment period." Dkt. #439. The Court further ordered the parties and the monitor to "meet, confer, and prepare a plan for discharging their obligations under the Consent Decree" during this two-year period.

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On March 13, 2018, the Court entered an order approving the Sustainment Period Plan developed pursuant to the Court's January 10th order. This plan, and an attached matrix of deadlines, became the governing documents for this Sustainment Period.

As relates to SPD's obligations under the Consent Decree, the matrix contains deadlines for SPD self-reporting or assessment of specific topical areas ("Commitments") of the Consent Decree. These assessments and associated deadlines are provided below:

Sustainment Matrix Deliverable Nos.	Systemic Report/Audit/Assessment	Filing Deadline
6	Community Engagement	May 31, 2018
114 120	Stops and Detentions – Outcome Report	June 30, 2018 May 31, 2019

[1] No comparative analysis between the periods is possible. The period of Type II force is not equal between years 1 and 2. The characteristic counts (e.g. returned force, complaints, etc.) are low, too volatile at the weekly level and too few at the monthly level to support ARIMA approaches to forecasting and trend analysis.

Sustainment Matrix Deliverable Nos.	Systemic Report/Audit/Assessment	Filing Deadline
134 142	Stops and Detentions – Audit Report	January 31, 2019 October 31, 2019
99 111	Crisis Intervention – Outcome Report	October 31, 2018 October 31, 2019
172 180	Supervision	October 31, 2018 November 30, 2019
25 33	Force Reporting, Review, and Investigation – Type I	October 31, 2018 October 31, 2019
42 50	Force Reporting, Review, and Investigation – Type II	October 31, 2018 July 31, 2019
105	Crisis Intervention/Use of Force	December 15, 2018
56 62	Use of Force – Outcome Report	January 31, 2019 January 10, 2020
79	Force Review Board	July 31, 2019
71	Use of Force - Comprehensive	October 31, 2019
194 202	Early Intervention	March 15, 2019 December 1, 2019
156	Bias-Free Policing – Disparity Review (Use of Force and Search/Seizure)	April 30, 2019
164	Bias Free Policing – Disparity Review (Use of Force/Search and Seizure/other activity)	December 31, 2019

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Consistent with schedule set forth in the Sustainment Plan, this report focuses on the Department's continued compliance with the Court-approved policies set forth in Manual Sections 8.400 and 8.500 as they relate to the reporting, investigation, and review of Type I and II use of force (Sustainment Matrix Nos. 25, 33, 42 and 50).[2] This report assesses, for the defined time period, whether the reporting, investigation, and review of force are being conducted completely, thoroughly, timely, and according to the policies and procedures that were put in place under the Consent Decree. This report addresses points raised in the Monitor's First and Seventh Systemic Assessments—addressing, respectively, Force Investigation and Review and Type II Force Investigation and Review—

[2] Methodologies for a comprehensive qualitative review of Type I, II, and III use of force will be submitted according to timelines set forth in the Sustainment Plan.

and the Monitor's September 8, 2017 Compliance Status Report, Dkt. #416, as well as continued compliance with Paragraphs 100-111 of the Consent Decree. This report also discusses SPD's efforts to incorporate the feedback provided by the Monitor and DOJ as part of their validation of Part I of this report.

SPD Policies on the Reporting, Investigation, and Review of Force

A. Classification of Force

The Seattle Police Department's Use of Force polices are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.[3]

Consistent with Paragraphs 91-125 of the Consent Decree, force is classified, documented, investigated and reviewed according to level of severity, described as below:

De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Examples including using hands or equipment to stop, push back, separate or escort, and the use of compliance holds without sufficient force to cause pain. Officers are not required to report or investigate this level of force.

Type I – Force that causes transitory pain, the complaint of transitory pain, disorientation, use of a hobble restraint, deployment of a blast ball away from people (bang-out), or

[3] The most recent revisions to SPD Manual Title 8 were approved by the Court on August 14, 2018, and December 12, 2018. Under the Sustainment Matrix, the next round of proposed revisions to Title 8 are due to the Court on July 31, 2019.

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intentionally pointing a firearm at a person (un-holstering or displaying a firearm without intentionally pointing it at a person or simply displaying any weapon, is not a reportable use of force). This is the most frequently reported level of force. Type I uses of force are screened by a sergeant and reviewed by the chain of command and the Force Review Unit.

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Examples include a hard take-down or and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, deployment of K-9 with injury or complaint of injury causing less than Type III injury. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the Force Review Unit. Cases flagged by the Force Review Unit for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board.

Type III – Force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, officer-involved shootings (regardless of injury), and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team, and analyzed by the Force Review Board.

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B. Review of Force – Chain of Command

As set forth in 8.400 and 8.500, force is reported, investigated, and reviewed as follows.

For Type I incidents, officers are required to screen the use of force with an on-duty supervisor (usually sergeant) where practical, prior to a subject being booked or released. If there is any uncertainty or concern as to the reason or nature of the force, or existence of any injury, the sergeant is required to respond immediately to the scene, unless impractical. Prior to the end of their shift, the officer will upload and flag in-car video (ICV) and body-worn video (BWV) with the incident number and complete a use of force report in Blue Team, including a brief narrative entry describing what occurred, a description of the force used, explain why the force was necessary, and document who screened in the incident, where the screening occurred, and any other facts of note. The investigating supervisor (sergeant) will review the documentation as soon as practicable, and direct the officer to provide more information if needed. Sergeants, in turn, are required to provide a brief summary of their investigation in Blue Team and forward the packet, via Blue Team, to the reviewing lieutenant.

For Type II incidents, officers are required to notify and review the incident with an on-duty sergeant. The officer uploads and flags ICV and BWV with the incident number, completes a General Offense Report if appropriate, and completes a Type II Use of Force Report in Blue Team prior to the end of shift. The officer includes in that report:

- the name and serial number of the involved officer, any witness officers, and any other identified witnesses;
- a detailed description of the circumstances and the law enforcement objective that led up to the contact;
- a detailed description of the words, actions, or behaviors of the subject that precipitated the need for force;
- a detailed description of any force clearly observed being used by other officers during the incident;
- a detailed description of any injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided; and
- the name and serial number of the sergeant who screened the incident.

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For Type II incidents, a sergeant is required to respond to the scene, to assess the subject's injuries, and determine whether the subject's injuries are consistent with the force reported. The sergeant interviews the subject, confirms that appropriate medical aid is offered, and obtains basic case information. The sergeant identifies and secures evidence to enable them to summarize the use of force and the surrounding circumstances; such evidence includes physical evidence, audio and video recordings, photographs, and documentation of the presence or absence of injuries. The sergeant also attempts to locate and interview relevant civilian witnesses. The sergeant then completes a Use of Force Report in Blue Team, summarizing the incident, the investigation, and relevant evidence, and forwards the investigation to the Administrative Lieutenant, who – for Type II investigations – is responsible for completing the investigation.

For both Type I and Type II investigations, the following is determined and documented in IAPro:

- Whether the force report is thorough and complete;
- Whether the force used was necessary and objectively reasonable;
- Whether the force used was consistent with Department policy;
- Whether any concerns were sufficiently addressed;
- Identification of any additional concerns and action taken to address them.

The reviewing lieutenant then forwards the force packet to the captain (or acting captain designee), who conducts a similar inquiry but also determines whether the reviewing lieutenant's findings are supported by a preponderance of evidence.

One important point should be noted with respect to the review of Type I force. The Consent Decree requires that an involved officer document all Type I use of forces and that a supervisor review the report, screen the subject of force orally and in person unless impractical. Consent Decree ¶¶ 100-01. It further requires the supervisor to evaluate the incident, determine whether the force was correctly classified as Type I, and take appropriate action to address any concerns or misconduct. *Id.* ¶ 102. As a matter of policy, SPD has gone further than the requirements of the Consent Decree and set forth a chain of command review of Type I force up through the rank of captain or acting captain.

C. Review of Force – Force Review Unit/Board

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The findings of the Force Review Unit and Board are the basis of this Audit. These entities review all uses of force and determine, among other things, whether the force was reported, reviewed, and investigated appropriately and whether it was compliant with SPD policy, and consistent with SPD training, and core principles. Their findings and analysis as to the reporting, review, and investigation of force, aggregated over the study period, constitute the Audit. Following chain of command review, all Type I and Type II cases are sent to the Force Review Unit, a select group of personnel (comprising a captain, a lieutenant, a sergeant, and two detectives) who received specialized training in the review of force. For Type I cases, the FRU reviews the force documentation to provide quality assurance for thoroughness and completeness, and reviews the chain of command's determination with respect to the reasonableness of the use of force. For Type II cases, the case is reviewed up the unit chain of command – detective to sergeant to lieutenant to captain, each of whom is separately tasked to identify any training, tactical, or policy concerns.

If a serious policy violation is found at any point during a Type II review, separate and apart from the chain's and FRU's responsibilities to refer the matter to the Office of Police Accountability, the FRU is further required to refer the case to the Force Review Board (FRB) for further discussion and review.[4]

Like members of the FRU, the FRB is a select group of SPD personnel who are specially trained to investigate officer uses of force. The FRB meets regularly to make

[4] The Force Review Board reviews all Type III uses of force.

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.

The FRU also refers to the FRB Type II cases involving either the use of a less-lethal tool or physical contact between the subject and a police canine, or cases in which FIT was contacted for a Type III use of force screening but declined to respond or investigate. Further, for purposes of quality assurance of the FRU's work, an additional 10% of Type II cases are randomly selected and forwarded to the FRB for full FRB review.

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Source Data Integration and Analysis

Data for this report is sourced from the Data Analytics Platform, a comprehensive enterprise-wide platform that consolidates data from multiple unique source systems and allows for ad hoc, integrated, and dynamic reporting and analysis. The approach described herein reflects a process of structuring data for the systems for review and oversight of use of force that have been in place since 2014.

The DAP consists of three primary and essentially interconnected technical and management systems: 1) a data warehouse, 2) a User Interface (UI), and 3) a system of data governance to assure quality data and analytics.[5] In this environment, data flow from the transactional systems used to support the delivery of police service (Police Data Systems, or PDS), through an Extract Transform and Load (ETL) process, to populate a Data Warehouse (DW) and a user interface (UI) through which information is returned to the field for analysis and use as a supervisory and systems oversight resource.

Police Data Systems (PDS) (e.g. Records Management Systems, Computer Aided Dispatch, etc.) serve to accurately capture a record of activity or behavior in the field, as faithfully

[5] DG is an ongoing process of identifying, investigating / analyzing, remediating, mitigating and monitoring for common data quality issues certain common errors and critical errors essential to relating and counting data. PDS systems support the business of police service delivery and are designed to produce the ideal data for analysis. As part of the mitigation and monitoring phase of the DG cycle, special packages of software check for "bad data" as records matriculate into the warehouse in a process called error handling. At this stage of the BI cycle, insight about the nature of the data is applied to continual improvement of the quality of the data and the resulting analysis.

as possible.[6] Once an officer enters a record into one of the several PDS used to administer the business, the warehousing process engages to query new and changed records through ETL. This process occurs once a day in the early morning, when load on the servers and infrastructure is at a period low. As it is the nature of policing to evolve records, new information is constantly entered, and as such, data must be updated in the warehouse.

The final phase of the warehousing process populates the UI online data store, Tableau Server, with business translated Tableau Data Source (TDS) for use in analysis. As part of the development process used to construct the DAP, business analysts investigated business processes and captured documentation to assure fidelity and complete understanding of the more than 1400 individual data elements present in the DAP. The most visible application of this documentation is the in semantic layer. Every TDS translates the database names used to make the warehouse operate without conflict, into business names. Each dimension and measure is labeled with an intuitive and unique name that corresponds to a document called the Data Tractability Matrix (DTM) – a catalogue of every data element, its origin, translation, error handling, and eventual business representation in the semantic layer.

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The DAP is a business intelligence system built for domain-specific users (e.g. sociologists, criminal justice researchers, psychologists, legal scholars, etc.), professional analysts, and researchers. Once warehoused, documented and presented in the TDS, data are diverted to internal, external and collaborative research projects to better understand the underlying systems, business processes and insights present in the data. Professional researchers and analyst employed by the Department utilize the data to answer ad hoc questions pertinent to public policy or strategic planning, generate special reports on topics involving advanced research methods, and operationalize the insights generated by our network of more than forty researchers around the world.

In addition to contributing to the public policy and strategic planning process with guidance based in an empirical understanding of the business and the environment it operates in, Key Performance Indicators (KPIs) are used to identify, understand, and cycle issues back to the field for near-real-time management. Dashboards are used to monitor areas identified for their strategic importance to the Department (*e.g*. interactions with

[6] Subject Matter Experts (SME's) from the Department's Performance, Analytics & Research consult on the configuration and change management of PDS, assuring that data is granulated to the appropriate level for the intended method of analysis and that survey effects (e.g. fatigue, frustration, impression management and observer bias, etc.) are controlled.

community members in behavioral crisis, use of force, constitutional policing). In addition, specialty units, such as the Crisis Response Unit (CRU), are able to request and operate special reports used to manage their area of the business and general supervision or management tools are provided to promote healthy interactions between supervisor and subordinates.

This discussion of reporting, investigation, and review of Type I and II Uses of Force, FRB and FRU relies in large part on SPD's already existing data management and reporting system. The data flow for processing the reporting, investigation, and review of use of force is processed through commercial off-the-shelf PSD software, IAPro and Blue Team. Blue Team is a web-based application that serves as the central collection point for all Use of Force documentation by the officer using force and the investigating, reviewing, and approving chain of command. Officers enter information about the event in a web form and submit the report to a supervisor for investigation, review and approval by the chain of command. Once the chain completes their documentation, the report is submitted to the Force Review Unit (FRU), at which point the record matriculates from the Blue Team application into IAPro. The DAP runs once a day to collect new and updated records from a variety of transactional systems, including IAPro / Blue Team. Once the record matriculates from the Blue Team application into IAPro and is assigned a file number, the DAP consumes the record and relates it to other data held in the warehouse.

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As part of its ongoing efforts to implement management best practices, in May of 2018, the Department began a rapid development process to create a custom software application to capture *un*structured data relating to force reporting, investigation, and review to allow for heightened transparency and accountability around the administrative processes for critical review of force. Leveraging the already existing DAP and Tableau technology, the new software supports an automated workflow process to streamline reporting of all audit elements going forward, including elements relating to process. While the Blue Team (BT) / IAPro Commercial Off the Shelf (COTS) solution collects most of the data related to Use of Force and Force Review some gaps exist; as relevant here, data related to the quality of documentation and review, as well as the FRB findings, were not routinely available for reporting. To address this gap, this new process fields many of the Quality Control (QC) metrics that are captured in unfielded documentation attached to the use of force records.

The system employs an Oracle database and "front end" in a platform called APEX. The application generates a queue as reports process out of the Blue Team workflow tool. As FRU/FRB conduct oversight and quality control review of the records, they select the appropriate case in the APEX system and document their review. Once a review is

complete and submitted to the database, DAP runs to "pick up" completed reviews and relate them to the more than 1400 individual data elements housed there.

To increase insight into force reporting, investigation, and review, SPD developed a new Force Inspection Form, which is generated for every FRU review of a use of force. The form is modeled upon forms currently being used in FRU that are designed to ensure that all Consent Decree, policy elements, and timelines associated with force investigation and review are considered and captured by the FRU. In addition, as automated through the custom application, additional information necessary to contextualize or explain "no" answers (such as would appear in the "notes" column of the template forms) is captured in structured form through drop-down options triggered upon entry of "no" response.

If the use of force review packet is returned to the chain of command for correction on any point, that too is noted in this form, which accompanies that transaction in the notes appended to the record in IAPro. Aggregate measures derived from this form are used to assess the ongoing health of the force review and oversight infrastructure and make policy or procedural changes where necessary.

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Between the first report, submitted to the court on October 31st of 2018, and the writing of this report, some enhancements were made to the FRU application. In addition to addressing some minor *bugs*,[7] enhancements were made to close gaps related to reporting of subject disposition and medical aid. The proposed scope of enhancements for version two included an automated queuing of assessments. Due to workflow limitations between BlueTeam and IAPro and resource constraints within the public safety support team at Seattle IT, this enhancement was not possible. As a result, assessments must be manually queued in the application. This manual process necessitates data entry of paper assessment documentation, used to bridge the functionality, and results in several duplicate entries identified in this analysis and logged with the DG program for remediation.

Audit Methodology

The scope of review for reporting, investigation and review of Type I and Type II uses of force comprised all completed use of force investigations between January 1 and December 31 2018. The objective for this audit is to determine whether officers' reporting and documentation of force, and the chain of command investigations as to the

[7] For example, some labels in the beta release of the application were amended to clarify language.

same, complies with the use of force policies corresponding to paragraphs 100-111 of the Consent Decree over the selected timeframe.

Information captured, and analyzed, relating to the reporting of Type I force comprise:

- General incident information (General Offense number, IAPro number, Precinct/Section, date of incident, date investigation close, type of force);
- Employee information (name, serial number, assignment, reviewing sergeant and sergeant assignment); and
- Completeness of report (summary/narrative of incident, description of force used, articulation as to why force was necessary, location of force on the subject's person, whether (and with whom/when) the force was screened, whether ICV of the incident exists).

Information captured, and analyzed, relating to the chain of command review of Type I force comprise, as to the sergeant:

- Whether the screening sergeant reviewed the documentation as soon as practicable and directed the officer to supply more information, if needed;
- Whether the sergeant screened all Type I uses of force in person where practical.
- If not practical, whether the supervisor screened Type I uses of force prior to the subject being booked, released, or otherwise have their contact concluded;
- Whether the sergeant reviewed the officer's classification of force and corrected it when necessary.
- Whether the sergeant addressed any concerns with the involved officers;
- Whether the sergeant referred any misconduct related to use of force to OPA; and
- Whether the sergeant forwarded the report, with the sergeant's own review, to the next level reviewer.

Information captured, and analyzed, relating to the chain of command review of Type I force comprise, as to the lieutenant:

- Whether the lieutenant reviewed and approved the involved employee's use of force report;
- Whether the lieutenant reviewed and approved the supervisor's investigation;
- Whether the lieutenant reviewed and approved the use of force;
- If the lieutenant did not approve any of the above, whether the lieutenant took appropriate action (such as giving feedback or making an OPA referral);
- Whether the lieutenant documented their review in Blue Team; and
- Whether the lieutenant referred any misconduct related to use of force to OPA, if not already done.

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Information captured, and analyzed, relating to the chain of command review of Type I force comprise, as to the captain or designee:

- Whether the captain or designee approved the lieutenant's analysis;
- Whether the captain ensured issues/concerns identified were addressed;
- Whether the captain approved the force as consistent with policy;
- If captain did not approve any of the above, whether the captain took appropriate action (such as giving feedback or making an OPA referral);
- Whether the captain reviewed timeline compliance (or noted an extension); and
- Whether the captain referred misconduct related to use of force to OPA, if it had not already been done.

Type II uses of force cases follow a similar, but more robust process. In addition to the general incident information described above, information captured, and analyzed, relating to the investigation of Type II force comprise, as to the sergeant:

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- Whether the sergeant gathered all required information as soon as practicable;
- Whether the sergeant screened all Type II uses of force in person where practical;
- If not practical, whether the sergeant screened Type II uses of force prior to the subject being booked, released, or otherwise have their contact concluded;
- Whether the sergeant classified the force or reviewed the officer's classification of force and corrected it when necessary;
- Whether the sergeant addressed any concerns with the involved officers;
- Whether the sergeant referred any misconduct related to use of force to OPA; and
- Whether the sergeant forwarded the documentation to the administrative lieutenant.

Information captured, and analyzed, relating to the chain of command review of Type II force comprise, as to the administrative lieutenant:

- Whether the administrative lieutenant reviewed the involved employee's use of force report;
- Whether the administrative lieutenant reviewed the sergeant's documentation;
- Whether the administrative lieutenant reviewed the use of force;
- Whether the administrative lieutenant documented their review in Blue Team; and
- Whether the administrative lieutenant referred any misconduct related to use of force to OPA, if it had not already been done.

Information captured, and analyzed, relating to the chain of command review of Type II force comprise, as to the watch commander:

- Whether the watch commander reviewed and approved the involved employee's use of force report;
- Whether the watch commander reviewed and approved the sergeant's documentation;
- Whether the watch commander reviewed and approved the use of force;
- If watch commander did not approve any of the above, whether the watch commander took appropriate action (such as giving feedback or making an OPA referral);
- Whether the watch commander documented their review in Blue Team;
- Whether the watch commander referred any misconduct related to use of force to OPA, if it had not already been done.

Information captured, and analyzed, relating to the chain of command review of Type II force include, as to the captain or designee:

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- Whether the captain approved the lieutenant's analysis;
- Whether the captain ensured that any issues/concerns identified were addressed;
- Whether the captain approved the force as consistent with policy;
- If the captain did not approve any of the above, whether the captain took appropriate action (such as giving feedback or making an OPA referral);
- Whether the captain made a conclusion as to timeline compliance (or noted an extension);
- Whether the captain referred any misconduct related to the use of force to OPA, if it had not already been done.

Findings

A. Overall Distribution of Use of Force and Force Review

Between January 1 and December 31, 2018, a total of 868,372 officers were *dispatched to* or *on-viewed*[8] a total of 400,804 distinct events.[9]

In 1,384 (.35%) of these incidents, a total of 621 officers reported using force at some level, resulting in 2,250 reported uses of force.[10] Approximately 83% (1,859) of reported force was classified as Type I; 16% (366) of force was classified as Type II; the remaining 1.1% (25) of force was classified as Type III.[11]

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Table 1: Distribution of Force by Type[12]

Type of Force	Use of Force Count	%
Type I	1,859	82.6%
Type II	366	16.3%
Type III	22	1.0%
Type III – OIS	3	0.1%
Grand Total	2,250	100%

[8] All police activity begins with the creation of an event in SPD's 's Computer Aided Dispatch (CAD) system. These CAD Events are classified by how they are initially received and aggregated, for the purpose of analysis, into "dispatched" and "on-viewed" classifications. Dispatched events are created when a community member requests police service. On-viewed calls are created when an officer observes behavior or activity that may represent a hazard to public safety, an opportunity to assist the public or a crime that has or is about to occur.

[9] Dispatches, or the unique combination of an officer assigned to a unique CAD Event, represent the most granular base unit of workload and thus the denominator of the use of force rate. For the purposes of this analysis, it is assumed, whenever an officer is engaged in the delivery of police service, the potential for reportable force exists. Following implementation of the New Records Management System (NRMS), Mark 43 ("Mk43"), an arrest rate of use of force is possible to calculate. Future analysis will explore, in depth, the benefits and limitations of both measures.

[10] Use of force count refers to the number of officers using either a Type I, Type II, or Type III use of force; case count refers to the number of distinct events (General Offense numbers) involving one or more uses of force.

[11] In reviewing the data for this report, SPD noticed a typo in the data reported in the October 2018 report. In that report, SPD identified 1059 officers as reporting uses of force. This number is incorrect. The number of officers who reported force during the period of that report is 523.

[12] Note: Case Count and Officer Count are not column totals. These measures represent distinct counts of report numbers & officer serial numbers in the system.

Two Type III incidents involved an officer-involved shooting (OIS) in which three officers used Type III force. *See* Table 1. As is discussed in further detail throughout this report, SPD reported 1,384 use of force *cases.* Each case may have multiple types of reportable uses of force. With the exception of a notable increase in the proportion of Type I force reporting, as discussed in the Departments 2019 Annual Use of Force Report, this distribution of use of force remains relatively consistent with past trends. The Department continues to monitor and assess the root cause of the increase in force reporting and will detail any findings in future reports.

The FRU was established to support the FRB and offer maintenance and operational support for the IAPro / Blue Team suite of systems. The FRB reviews Type III and Type III – OIS force, certain types of serious Type II force, as well as a random selection of Type II force (10%) and conducts these reviews at the case level. FRU processes use of force Quality Assurance (QA) assessments according to this model and records their findings, as well as any findings of the FRB, in the FRU application described earlier in this report.

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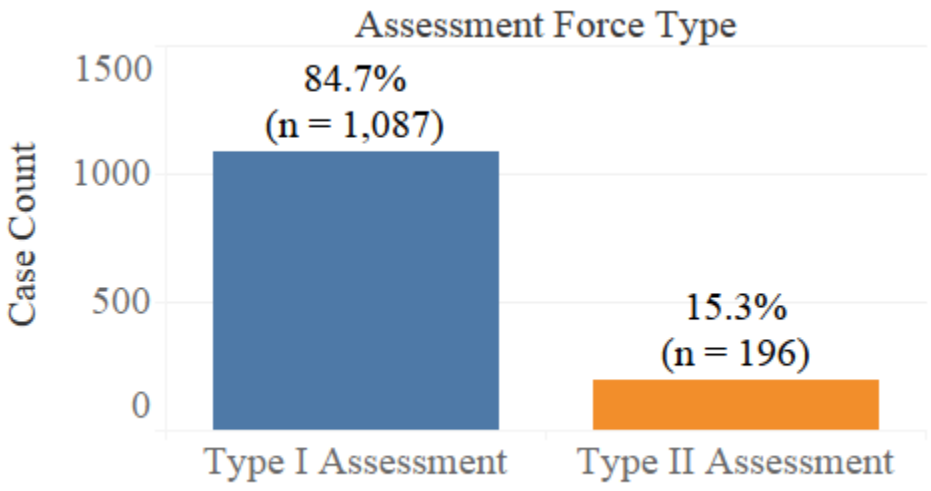
This report includes force cases (Type I and II) that occurred and were closed during the calendar year 2018, and then loaded into the assessment tool for data entry.[13] Of the 1,370 Type I and Type II cases involving at least one reportable use of force, 1,283 (94%) cases were entered for assessment. Those cases are the population for this report.

Of the 1,283 cases FRU assessed, 84.7% cases were assessed as Type I; 15.3% were assessed at Type II.[14] *See* Figure 1.

[13] Future versions of the FRU Application will synchronize the queue with the business, enabling real-time data entry of use of force assessment. Currently, the process is dependent on a manual "load" into the assessment tool, which must take place several weeks before the data is pulled for analysis, to allow time for the FRU to manually enter hardcopy assessments used to maintain the workflow. While only 1,283 assessments were available for analysis, all use of force during this period were subject to and completed assessment.

[14] Again, one incident may involve multiples types/uses of force. For example, if two officers report using Type II force to bring a subject into custody and a third officer reports using Type I force associated with the transport of the subject, all three uses of force would be included and reviewed under the same GO and assessed under a Type II case.

Figure 1: Distribution of Closed Use of Force Cases by Type



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Roughly six percent (6%)[15] of the cases contained some combination of Type I and II force. Because FRU assesses cases at the highest level of force used in the incident, these cases were reviewed as Type II cases and included 71 total Type I uses of force. *See* Table 2.

Table 2: Distribution of Force Review Cases by Type[16]

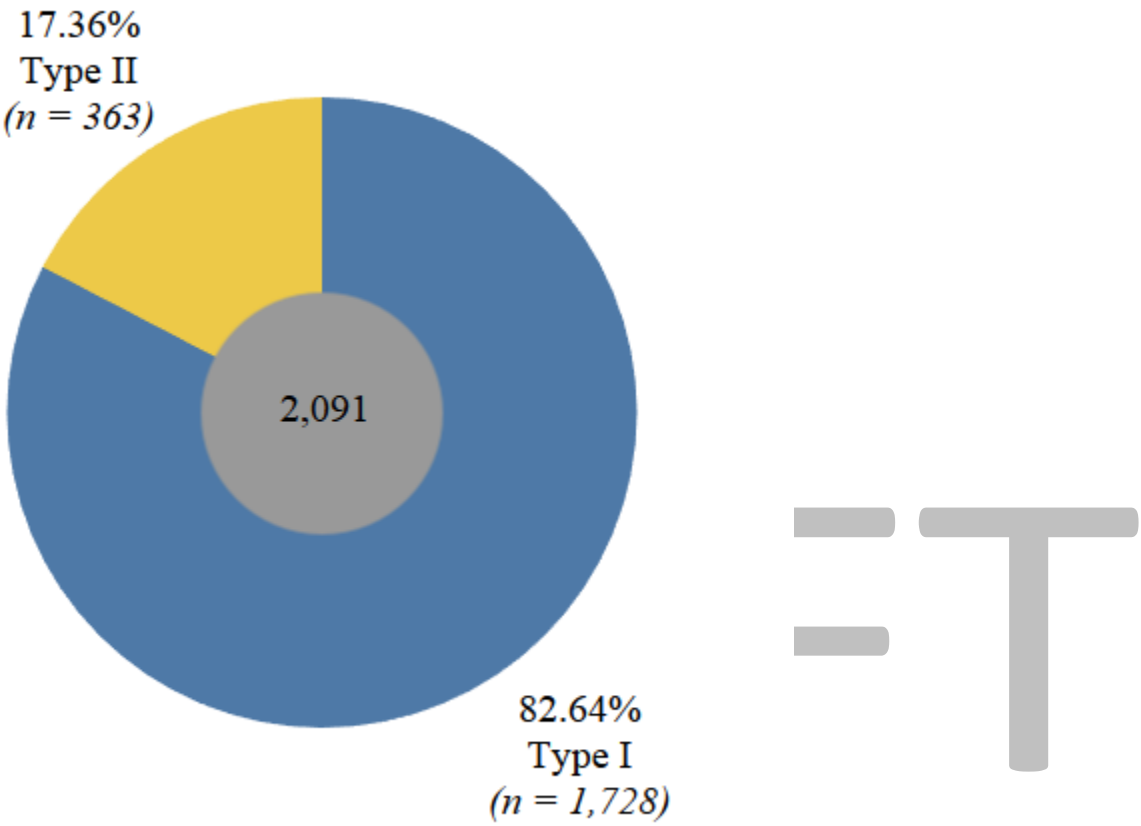
	Type I Assessment	Type II Assessment
Type I	1,087	71
Type II	2	196

Across these 1,283 cases, a total of 2,091 Type I or II uses of force were reported. Of these 2,091 uses of force, 1,728 (83%) were classified as Type I; 363 (17%) were classified as Type II. *See* Figure 2.

[15] Note: Part I reporting identified 3.3% of incidents as containing some combination of Type I and II force. This is due to the unequal periods of Type I (6 months) and II (3 months) involved in the initial report.

[16] Table 2 also shows that two uses of force were classified as Type II, while FRU assessed them as Type I cases. Those file numbers are 2018UOF-0046 and 2018UOF-0479. These uses of force were classified initially as Type II but after FRB reviewed them, FRB assessed them to be Type I uses of force.

Figure 2: Breakdown of Closed Use of Force Assessments by Classified Type



B. Case Quality - Reporting

FRU and FRB review use-of-force reports and determine whether the report is complete and if it was documented, screened, and reviewed in accordance with policy.[17] They also evaluate the thoroughness of the investigation. Some minor deficiencies may result in the case being returned to the field for correction; however, in the event of substantive defects in quality of the investigation or the substance of the report FRU / FRB takes appropriate corrective action.

Of the 1,087 Type I cases where FRU conducted a Type I assessment, 5 cases (.5%) involved duplicates. These were treated as data quality errors and removed from this

[17] Type I force, occurring with a Type II under the same case, are only reviewed for completeness.

portion of the analysis. Of the new population (1,082), 144 (13.3%) cases were returned to the chain of command for additional information. (see Table 3).

Given SPD's practice of processing uses of force as a case and the one-to-many relationship between a case and its potentially-multiple force reports, a single deficiency in one report will result in the entire case, including all associated reports, being returned. In other words, it cannot be assumed that all of the force reports contained in the 13.2% of cases returned were deficient; the true rate is likely lower.

With a full year of data, FRU's final *acceptance* rate for Type I cases in 2018 was 87% which matches the finding reported in the Monitor's First Systemic Assessment on Force Investigation and Reporting, and which the Court relied upon to find the Department to be in full and effective compliance.[18] *See* Table 3. Accordingly, this result demonstrates SPD's maintained compliance with paragraph 100 of the Consent Decree.

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Table 3: Case Acceptance Rate, Type I

		Case Count
Type I Assessment	Accepted	938
	Returned	144
Total		1,087

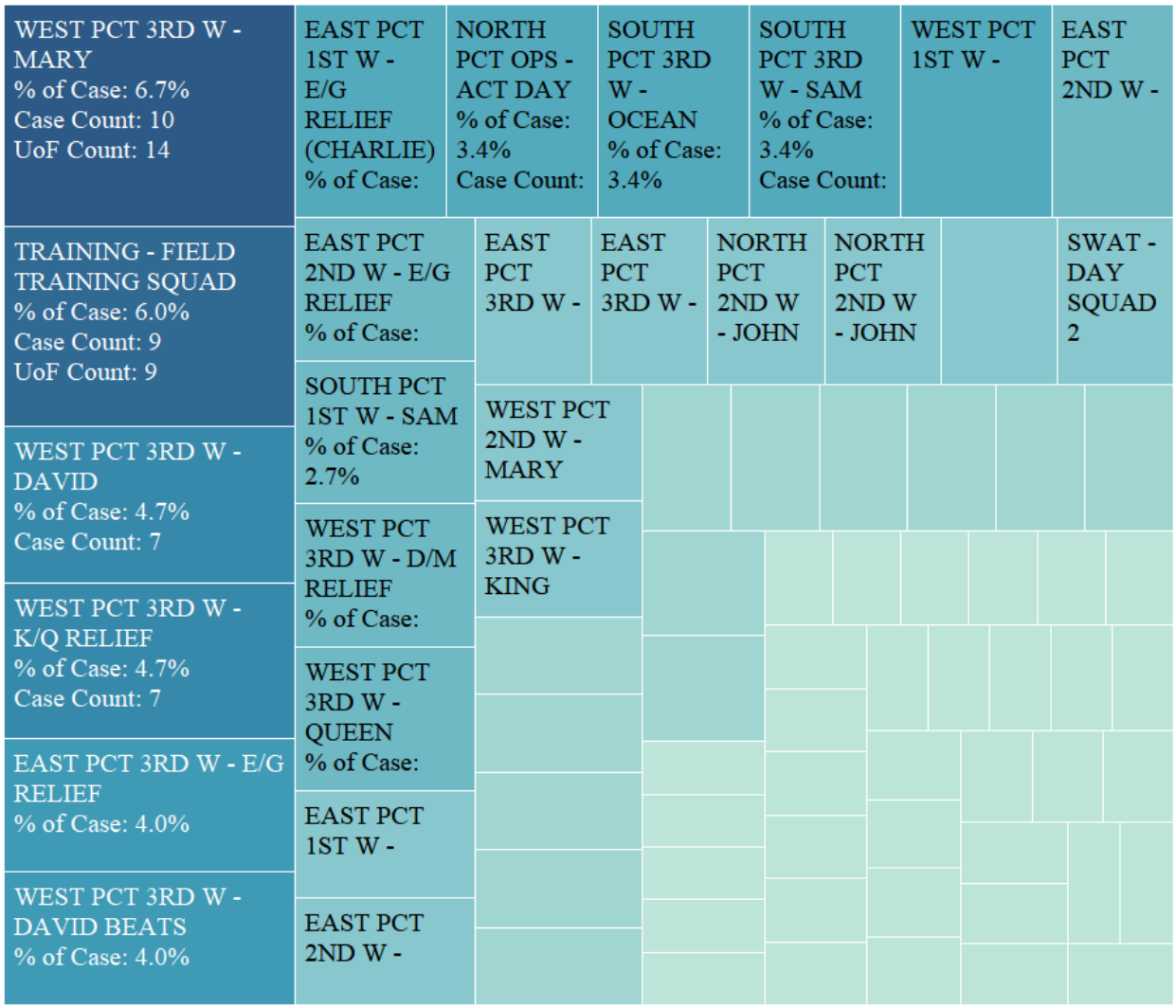
No immediate trend or clustering by precinct[19] was observed of returned cases. Of the cases FRU returned to the chain of command, they were roughly speaking, evenly distributed across the precincts. *See* Figure 3.

Some minor differences were observed between the first and the second report, with regard to Type I force returned for quality. In the first report, the Field Training Squad saw the largest percentage of returned cases. With a full year of data, West Precinct 3rd Watch – Mary Sector was observed with the most returned cases (10), a very small percentage of their overall force reports.

[18] See Monitor's First Systemic Assessment on Force Investigation and Reporting at 50.

[19] Two concepts of "precinct" are used in analysis of force and force review. For the purposes of this report, focused on supervision, review and accountability of use of force, the precinct as a "functional assignment" rather than a physical location is used. It should be noted, with some exceptions, when a use of force occurs near a geographic precinct boundary, officers from multiple precincts may be involved.

Assignment of Officer, Type I



Among Type II force (*n = 196*), eight (8) cases 4.1%,[20] were returned to the field. *See* Table 4.

Table 4: Case Acceptance Rate, Type II

		Case Count	% of Cases
Type II	Accepted	188	95.9%
	Returned	8	4.1%
Total		196	100.0%

These results show improved performance over the 2016 findings used to support the Monitor's determination that SPD was in initial compliance with paragraphs 103-111.[21] The Monitor's Seventh Systemic Assessment examined the reporting and investigation of Type II uses of force occurring in the study period of January 1, 2016 through March 31, 2016. *See* Dkt. 360 at 8. That report concluded that only 63 percent of the investigative files compiled by sergeants were thorough or adequate and that only 54 percent were thoroughly and accurately written. It identified this as an improvement area going forward. *Id.* at 19-20. The Seventh Assessment found that four of the 27 incidents reviewed did not include all material evidence gathered. *Id.* at 21.

For these reasons, SPD has demonstrated that it has not only sustained but improved its performance in this area.

C. Case Quality – Review and Investigation

The review and oversight infrastructure operated by the Department includes three levels of field review and a final QA / selective review phase operated by FRU / FRB. The three field review levels exist to investigate, review, and approve force.

FRU / FRB QA documented and reported when the investigations and chain-of-command reviews of the uses of force were incomplete. They returned those cases to the chain-of-command to complete. FRU may return a case to the chain of command for more than one reason which is reflected in Table 5. Of the 144 Type I cases that FRU returned, 179 total required fields of information were missing: ninety (90) body diagrams were missing,

[20] Note: this rate is down from 9.6%, as reported in Part I.
[21] Monitor's Seventh Systemic Assessment at 7.

twenty-seven (27) investigations and reviews were not included in Blue Team comments, and seven (7) were missing the level of force.

Table 5 Type I Returned Reasons

Type 1 Retured Reasons	
Null	1
Investigation/Review not in BT Comments	27
Missing Investigation/Review	12
Body Diagram	90
Force Not Listed	7
Other	42
Total	179

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Of the eight Type II cases, involving 10 uses of force, that FRU returned, six (6) were returned as missing documentation of the force on the Blue Team "Body Diagram." The remaining four (4) were returned for other reasons identified in Table 6. As with the Type I cases, a case may have been returned for multiple reasons.

Table 6: Type II Returned Reasons

Type II Returned Reasons	
Diagram	6
Force Reporting	2
Force Review	1
Other	1
Total	10

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As noted in the October 2018 report, SPD's FRU conducts its quality assurance role, returns cases, when necessary, to the chain of command, and assists with training and education for the chain-of-command. For example, FRU noticed missing information in 18-0578, a SWAT case. Specifically, the report was missing the body diagram and there was an inquiry from the SWAT lieutenant about a BWV equipment related issue. The case was updated and the equipment issue forwarded to the department's BWV training coordinator. The Type II incidents that were returned in 2018 are listed in Table 7.

Table 7: File numbers for the Type II Returned cases

File Number	Reason	UoF Count
2018UOF-0119	Diagram	1
2018UOF-0317	Diagram	1
2018UOF-0318	Diagram	1
2018UOF-0319	Diagram	1
2018UOF-1284	Diagram	1
2018UOF-1880	Diagram	1
2018UOF-0519	Force Reporting	1
2018UOF-0578	Force Reporting	1
2018UOF-0085	Force Review	1
2018UOF-0578	Other	1
		10

D. Timeline Compliance

Policy affords the chain of command 30 days to complete Type I and Type II reviews of use of force, absent an extension from the Bureau Chief. Overall, review of all but 3.6%[22] of Type I cases was completed within 30 days; in all but four of those instances, the

[22] Note: up from 2.87% reported in Part I.

timeline extension was documented. A majority (71.7%) of Type II cases[23] exceeded the 30-day review period; however, in all cases an extension was documented.

As reported in the October 2018 report, the amount of Type II cases exceeding the 30-day period appears to be due to the Department's new body worn video (BWV) policy. By policy, the review of Type II force requires the administrative lieutenant to view all BWV footage, which can take a significant amount of time depending on the volume of video.[24] To examine the impact of BWV review on Type II reviews, a comparison was run between two months in 2017 and 2018 (BWV training began in September 2017 and was completed in mid-February 2018; by March, all patrol officers had deployed with body cameras). On average, reviews of Type II cases in March 2017 took 19 days; in March 2018, that averaged increased to 34. Similarly, in May 2017 (excluding May Day incidents), Type II reviews averaged 25 days; in May 2018, that average increased to 41 days. (Generally, SPD responds to more incidents in May than in March, which likely explains the seasonal variation.)

Because BWV is still a relatively new requirement, at present it is too early to recommend a policy revision to lengthen the review period. To investigate further, the Force Review Unit and Board will, moving forward, start recording the reason provided by supervisors for granting extensions, so that the reasons can be analyzed in the future.

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Changes Implemented since October 2018

As part of the October 2018 report, the DOJ and the Monitoring Team provided technical assistance based upon their audit and review of a selection of Type I and Type II cases. They recommended that SPD give attention to three areas. SPD has implemented operational and policy changes that begin to address their recommendations.

- The DOJ and Monitoring Team noticed that precinct captains routinely delegated reviewing authority of Type I uses of force to the precinct operations lieutenant and worried that delegation could become wide-spread. In response, SPD has proposed policy changes which would allow the precinct captains to delegate reviewing authority to their operations lieutenants only.

[23] Note: down from 77.5% reported in Part I.

[24] For example, if two police units, each with two officers, responded to a scene before BWV, there would be 2 ICV's to review. With BWV, that same response would have 2 ICV's to view and 4 BWV. A call that took one hour to clear, would have two hours of ICV and four hours of BWV for a total of 6 hours for video review, compared to only 2 hours of video review before BWV.

- The DOJ and Monitoring Team recommended that the captains' reviews more thoroughly discuss the adequacy of the lieutenants' reviews. In response, SPD changed the review template used by captains to prompt more analysis and is developing a use of force review training for lieutenants and captains that will occur in 2019.
- The DOJ and the Monitoring Team expressed concerns about "cut and pasted" reviews done by the chain of command and assumed this resulted from too many Type I use of force reports, many which arose from complaints of handcuffing pain. SPD's policy regarding handcuffing pain changed on January 19, 2019. SPD has seen a reduction in Type I uses of force reports with the change. From January 1, 2018 to June 30, 2018, SPD officers reported 848 Type I uses of force, inclusive of 359 reports of handcuffing pain. During the same period in 2019, SPD officers reported 490 Type I uses of force and 442 "handcuff discomfort only." As anticipated, early reports indicate that the numbers of Type I use of force reports will decline with the change in handcuffing policy.

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LIMITATIONS

While drafting this report some data anomalies were identified. We are in process of reconciling the data and will make programmatic corrections where applicable to correct them. The assessments have not been performed on all 2018 uses of force. During analysis of the data it was noted that 101 Cases involving 156 uses of force were not loaded into the assessment tool. While a case may have more than one classification of force type, the assessment for the entire case is conducted at the highest level for the entire case. The count of these cases is undergoing analysis. During the analysis of the data it was noted that some assessments were not conducted at the highest level. There are 11 Type I use of force cases that have duplicate assessments for a total of 22 assessments. Not all the subjects are loaded into the assessment data.

CONCLUSIONS

This report provides the necessary evidence that the Department continues to comply with its reporting, review, and investigation obligations for Type I and II uses of force under paragraphs 100-111 of the Consent Decree. Indeed, the findings of this audit demonstrate that SPD has made substantial progress and improvement when measured against the benchmarks for completeness and thoroughness of review and investigations that were established by the Monitor's First and Seventh Assessments. With a robust reporting tool now embedded into the DAP for measuring policy requirements around force review and investigation, the Department will continue to monitor the system for trends that emerge;

as identified in this report, specific attention should be giving timeline requirements with respect to Type II investigations, whether policy adjustments are needed, and whether extensions are founded in light of the overall workload of the chain.

The first report indicated that 6.7% Type I cases were returned to the chain-of-command for additional information. Based on a full year of data, 13.3% of cases were returned for additional information. This disparity is likely the result of the limited population of data utilized in the initial report. SPD's operational tempo, across all measures of performance, is at a yearly low shortly after the first of the year and reaches its maximum around July. SPD will continue to monitor the data to fully understand this dynamic but is reassured that most of the cases that were returned were for minor reasons, such as an incomplete body diagram.

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VALIDATION

In Phase I of the work of under the Consent Decree, DOJ and the Monitoring Team reviewed SPD's compliance with the requirements of the Consent Decree through 10 assessments, covering the roughly six topic areas of the Consent Decree: force investigation and reporting, crisis intervention, supervision, Early Intervention System ("EIS"), use of force, and stops and bias policing. By the end of 2017, the Monitoring Team and DOJ found the City of Seattle to be in compliance with each area. On that basis, the Court issued a finding of "full and effective compliance" with the requirements of the Consent Decree. By the terms of the Consent Decree, the City of Seattle is now required to demonstrate that it has sustained compliance with those requirements for a period of two years. [25]

During this Phase II of the Consent Decree work, the City of Seattle has taken over the lead role in conducting assessments of the six core topic areas of the Consent Decree. By taking this lead role, SPD must demonstrate not only sustained compliance, but also a willingness and ability to critically self-assess their own progress in these areas, which are central to effective and constitutional policing.

[25] Although the Court found that the City has fallen partially out of full and effective compliance with the Consent Decree in its May 21, 2019 Order, the Court did not find that the City has fallen out of compliance in any area covered in the Phase II Sustainment Plan. See Dkt. 562 at 2. The Court indicated that it "remains hopeful that the City can complete these assessments and discharge these areas of the Consent Decree within the two-year sustainment period." *Id.* These assessments, and DOJ's and the Monitoring Team's review of these assessments, is therefore unaffected by the Court's May 21, 2019 Order.

This does not mean, however, that the work of DOJ and the Monitoring Team is done. In Phase II, DOJ and the Monitoring Team will review the City's proposed methodologies for each audit and will conduct their own independent analysis or "look behind" of the City's review.

For this audit, DOJ and the Monitoring Team consulted with SPD and ultimately approved the methodology used by SPD in conducting its own self-assessment. Further, DOJ and the Monitoring Team requested and received a randomly generated sample of force case files, comprised of 10% of all Type I use of force cases from the period from July 1, 2018 to December 31, 2018 (69 case files) and 20% of all Type II use of force cases from the period from July 1, 2018 to September 30, 2018 (15 case files). DOJ and the Monitoring Team, together with their subject matter experts, reviewed these case files for compliance with the terms of the Consent Decree relating to use of force reporting and investigation and SPD's policies regarding the same. DOJ and the Monitoring Team subsequently conferred about their findings and concluded as follows:

- The City of Seattle has demonstrated that it has thus far sustained compliance with the reporting and investigation requirements of the Consent Decree as they relate to Type I and Type II level uses of force.

- DOJ and the Monitoring Team continue to find that overall the quality of review and investigation was satisfactory in general and, in some instances, high. With distinct exceptions, the officers and their chain of command's performance in review and investigation was satisfactory.

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DOJ and the Monitoring Team encourage SPD, and the Inspector General who will take over the audit function for this topic area in the future, to give attention to these matters going forward:

- Though satisfactory overall, chain-of-command reviews occasionally overlooked or misevaluated issues relevant to use of force. SPD should continue its efforts to improve the quality and consistency of its reviews of Type I and Type II uses of force.

- During the first audit period, our sampled cases revealed a pattern of Captains' delegating review of Type I uses of force. Notably: (1) SPD policy currently permits delegation of job responsibilities (Policy 1.020(4)); (2) when delegation was used it was uniformly to an Operations Lieutenant in the same chain of command (ensuring continuity of leadership/oversight); and (3) we did not see a diminution in the quality of review in those conducted by Operations Lieutenants. Nonetheless, we were concerned that an unfettered ability to

delegate in the use-of-force review context could be used differently in the future and could have adverse consequences to oversight and continuity of leadership. This delegation pattern continues to be present during this review. Accordingly, we have proposed revisions to SPD policy to ensure appropriate limitations on delegation in this important area.

- In their reviews of both Type I and Type II uses of force in the sampled set, Captains did not always explicitly discuss the adequacy or appropriateness of the Lieutenant's review. While all parts of the chain of command should evaluate the reasonableness and propriety of the force itself, they must also serve as a check on the adequacy of review in the levels below them. We encourage Captains to expressly state what they have done to verify their lieutenants have also done their jobs in appropriately investigating and reviewing force.

- On occasion, chain of command reviews of Type I uses of force failed to mention whether the reviewing lieutenant's analysis was approved. This is a critical step in the force review process that helps ensure that the department's expectations are being met. This critical step also helps with the development of subordinate personnel. SPD should make sure this requirement is completed.

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Seattle Office of Inspector General

Force Review Board Assessment

Phase II Sustainment Period Plan, *U.S. v. City of Seattle*, 12 Civ. 1282 (JLR), Dkt. 444

July 31, 2019

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Non-GAGAS Statement

This is a non-audit product of the Office of Inspector General (OIG). As such, OIG is not bound by Generally Accepted Government Auditing Standards (GAGAS); however, OIG has followed GAGAS standards regarding the sufficiency and appropriateness of evidence.

Summary

In furtherance of the sustainment effort, OIG undertook this assessment of the Force Review Board (Board) from April to June 2019. OIG determined the Board generally met the requirements of Seattle Police Department (SPD) Policy 8.500, which reflect the tenets of the Settlement Agreement between the City of Seattle and U.S. Department of Justice on police accountability. Board composition and training mandates were fulfilled. In a review of five Board meetings, OIG found the Board had satisfactory discussions that covered all elements of the policy.

OIG identifies opportunities for improvement in encouraging robust Board deliberations and following up on implementation of Board recommendations. OIG offers a range of suggestions which may enhance the effectiveness and efficiency of the Board.

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Seattle Office of Inspector General

Review Authority and Scope

On January 10, 2018, the City was found by the federal Court to be in "full and effective compliance" with the Seattle Police Department (SPD) Consent Decree.[1] On March 13, 2018, the Court approved a two-year Sustainment Period Plan (Plan). The Plan calls for, among other things, an assessment by SPD of the Board.

As the Board already performs a review function within SPD, the department reasoned the most objective assessment of the Board would come from an outside party. SPD requested that OIG perform the assessment required by the Plan. OIG accepted the responsibility with the approval of the U.S. Department of Justice (DOJ) and the federal court-appointed Monitor (Monitor).

The goal of this effort was to "assess the current state of the Board and its compliance with Paragraphs 119-125 of the Settlement Agreement as addressed by SPD Policy 8.500."[2] The Settlement Agreement and SPD Policy 8.500 - *Reviewing Use of Force* identify elements of Board activities necessary for "timely, comprehensive, and reliable" use of force review.[3]

Essentially, the Board serves two primary functions: (1) ensuring individual accountability for officer performance and (2) providing lessons learned for continual improvement of the department. To assess the Board's ability to fulfill these functions, OIG modeled portions of its assessment on the original Board assessment conducted by the Monitor in 2015, titled the *Second Systemic Assessment*. This assessment is based on Board activities that occurred in calendar years 2018 and 2019.

The assessed areas can be summarized into five chapters:

- Board Composition;
- Board Training;
- Review of All Required Cases;
- Board Deliberations; and
- Effectiveness of Board Recommendations.

[1] *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR). On May 21, 2019, the federal court found that SPD was partially out of compliance with the Consent Decree regarding certain accountability systems. However, in the same order, the judge wrote, "The court does not find that the City is out of compliance with any of the areas listed in the Phase II Sustainment Plan that are covered by the Audits." Thus, at the time of this assessment by OIG, SPD was still in compliance with the Consent Decree with regard to Force Review Board activities.

[2] See Appendix A, *Approved Methodology*, pg. 28.

[3] Settlement Agreement, Paragraph 119.

Methodology

OIG utilized a variety of methodologies, including observing five meetings of the Board with eight incidents under consideration; reviewing Board member training records; analyzing and validating past Board recommendations; and interviewing 18 present and past Board members.

For the meeting observations, OIG assessed Board deliberations using a template adapted from the tool used by the Monitor in the *Second Systemic Assessment*. The Monitor's assessment spanned an observation period of three months, from June 2, 2015 to August 25, 2015, and included 13 meetings of the Board. The OIG assessment is a follow-up that observed eight cases over five weeks. Although the shorter observation period limited the ability of OIG to analyze how Board case review may have changed over time, OIG added Board member interviews allowing OIG to consider impressions of Board effectiveness over time from those who have firsthand experience with many cases and Board history.

The OIG methodology approved by DOJ and the Monitor can be found in Appendix A.

Background

The following is a summary of how force is classified and reviewed by SPD. This overview is meant to provide context for readers unfamiliar with SPD classification and review of force.

SPD Force Classification

Whenever SPD personnel use force, SPD policy requires review of that force to ensure compliance with policy. The level of this review varies depending on the severity of the force used. SPD classifies force using four categories: *de minimis* force, Type I, Type II, and Type III. Details about each of these categories can be found in Appendix B.

In general, Type I force involves brief pain to the subject. It also includes use of specific equipment that does not otherwise result in physical harm, such as use of a hobble restraint or pointing of a firearm at a subject. Type II force is force that causes, or is reasonably expected to cause, physical injury greater than temporary pain, but less than great or substantial bodily harm. Examples of Type II force include use of TASERs, physical injuries such as scrapes or bruises, and use of impact weapons. Type III force is force that causes, or is reasonably expected to cause, great bodily harm or death. Lethal force, any force that results in loss of consciousness, and any force that results in serious injury are examples of Type III force. Additionally, cases that involve potential criminal conduct by the officer or serious policy violations relating to the use of force are escalated to Type III for purposes of review.

Force Review Board

Force Review Board Members

The Board is a designated group of SPD personnel who meet regularly to review certain uses of force. Voting members include representatives from Patrol Operations; Training Section; Audit, Policy and Research Section; and Investigations Bureau. The Force Review Unit (FRU) Captain is the standing chair of the Board, but the Deputy Chief or an Assistant Chief may also chair the Board.

Regular observers of the Board include the Director of the Office of Police Accountability and the Inspector General for Public Safety. Other authorized observers include SPD personnel with the rank of captain or higher and representatives from the Legal Unit. In the case of officer involved shootings, a civilian observer appointed by the Mayor attends the associated Board, and a representative from the involved officer's union may also attend. For all cases, the Board may enlist the aid of subject matter experts (SMEs) to provide information about specialized units, tactics, or other topics, but these experts are not permitted to stay for deliberations unless they also happen to be Board members. All other individuals must obtain permission from the Assistant Chief of the Professional Standards Bureau before attending the Board.

Force Review Board Activities

The Board does not investigate uses of force. Administrative use of force investigations are conducted by the chain of command or the Force Investigation Team (FIT), depending on the level of force used. The quality of those investigations is not within the scope of this assessment, but will be assessed in forthcoming review by SPD, DOJ, and the Monitor.

By policy, the Board is charged with determining whether a given administrative investigation of force is thorough and complete.[4] The Board votes on whether the use of force was consistent with policy, training, and core principles, and considers whether there are any issues that need to be addressed regarding supervision, department policy, training, equipment, or best practices.

[4] This does not include administrative investigations conducted by the Office of Police Accountability, which investigates allegations of misconduct. It also does not include criminal investigations.

The Board reviews all Type III investigations,[5] as well as specific sub-categories of Type II investigations, including:

- Serious policy violations;
- Scenes where FIT was contacted for a Type III screening and declined to investigate (typically because FIT deemed it to not be a Type III incident);
- Use of less-lethal tools on a subject;
- Canine contact with a subject; and
- Ten percent of all other Type II investigations.

The Force Review Unit Captain and Lieutenant can refer other cases to the Board at their discretion,[6] as can the Chief of Police.[7]

The Force Review Unit

The Force Review Unit gathers information on uses of force within SPD. The Unit conducts an administrative review of all Type II uses of force and coordinates logistics for Force Review Board meetings. The Unit also issues the Force Review Board findings reports and tracks the implementation status of recommendations made by the Board. As noted earlier, the Force Review Unit Captain is the standing chair of the Force Review Board.

Results

The following is a discussion of the five main assessment areas.

Board Composition

OIG finds that SPD met Board composition requirements, including use of subject matter experts where appropriate.

Details

OIG attended five sessions of the Board as part of this assessment. At each session, the Board met the composition requirements outlined by 8.500-POL-4, including:

- One supervisor from the Training Section;
- Three representatives from the Patrol Operations Bureau;
- One representative from the Audit, Policy and Research Section; and
- One representative from the Investigations Bureau.

[5] Certain firearm discharges can receive an expedited review without presentation to the full Board, at the discretion of the Assistant Chief. These cases are limited to unintentional discharges that do not strike people or cause concerns for public safety, and discharge at an animal. See 8.500-POL-5, *Use of Force – Expedited Summary Review*.
[6] SPD 8.500-POL-3.9
[7] SPD 8.500-POL-4.2

The Board was also attended by a representative from the Crisis Intervention Team, although this representative does not have a voting role.

When needed, the Board employed SMEs to provide applicable information for the cases at hand. Experts consulted by the board during the observed sessions included a firearms instructor who provided information about the type and nature of training provided to officers. Board members also had varied backgrounds that could inform the discussions. For example, when reviewing a crowd management case, the Board benefited from the insights of a member who had significant experience working on bicycle patrols in the downtown Seattle area. Since Board members rotate, SPD should have an articulated process for continuing to ensure subject matter coverage.

Other Observations

The Board may benefit from additional perspectives and input. For example, the Board currently does not have a representative or sitting expert from the Communications Section. OIG observed one case in which insight into the training and tactics of dispatch personnel would have resulted in more informed deliberation by the Board.

The Board also does not have a representative who is charged with considering the community perspective. OIG recognizes that the Board is not a public-facing body and that the confidential nature of its deliberations is crucial to achieving the type of self-reflective analysis desired by the accountability partners. However, when deliberating use of force incidents, it is worth considering how the officers' actions may be interpreted by the community and any attendant harm that might be done to public trust in SPD.

Input from Board Members

OIG conducted structured interviews with 18 of the past and current Board members who served in 2018 and 2019. The purpose of these interviews was to add additional context for OIG ratings of required elements, gather Board member perspectives on the effectiveness of the Board process, and identify areas where Board members perceive opportunities for improvement. Inclusion of this information is not in and of itself an endorsement by OIG of the viewpoints expressed, but rather a chance to convey candid feedback from members and provide background and context to more fully inform the assessment.

While the Board met required composition elements, OIG interviews suggest that the Board may benefit from broader representation. Interviewees felt that precincts or patrols without a Board representative are at a disadvantage in understanding Board expectations regarding chain of command use of force investigations, and they may not benefit from lessons learned by the Board in a timely fashion. OIG observed that there is currently no representative from the South precinct on the Board. According to SPD, they have been working for several months to secure a participant from South Precinct and have identified a candidate.

Interviewees suggested several ways of increasing communication about Board activities. For example, the Board could ensure that all five precincts have representatives on the Board who might be able to disseminate appropriate information about Board operations and decision-making. Some members commented that previous iterations of the Board allowed patrol to sit in. However, with one exception, Board members acknowledged that leaving attendance completely open might stifle discussion.

Suggestions

- Ensure all precincts have at least one Board representative to provide a dedicated resource and conduit for information to improve chain of command investigations and to disseminate lessons learned in a timely manner.
- Evaluate ways in which Board decision-making processes could be made more transparent to SPD in a way that preserves the quality and confidentiality of Board discussions.

Board Training

OIG finds that the Board met minimum training requirements established by 8.500-POL-4, and that some members had exceeded these requirements by attending tactics training beyond those required for their position.

Details

Per 8.500-POL-4, members of the Board must attend a minimum of eight hours of annual Force Review Board training, as well as all required department training, and must have received training in crisis intervention techniques. Familiarity with current patrol tactics assists the Board in critically evaluating use of force incidents.

OIG requested and reviewed the training records for all Board members since the beginning of 2016 (from January 1, 2016 to April 14, 2019). As part of this review, OIG verified that all Board members attended mandatory department training for calendar year 2018 and year-to-date 2019. OIG also confirmed that all Board members had either attended the 2018 Force Review Board annual training or were scheduled to attend make-up training.[8]

According to SPD, all sworn personnel undertake a mandatory eight hours of crisis intervention training as part of their initial department training, and all personnel who were hired before the requirement was instituted attended the training retroactively. This would give all Board members the required amount of crisis intervention training by default. That initial eight-hour training was not contained in the records reviewed by OIG,

[8] One member had been appointed to the Board after the 2018 training had occurred and was scheduled to attend one-on-one training with the Captain of the Force Review Unit.

which only extended to the beginning of 2016. OIG confirmed via records review that all Board members attended the department 2018 crisis intervention training, which focused on autism and law enforcement.

Certain Board members interviewed by OIG said Board members should receive more training regarding patrol tactics. They asserted that, as several Board members do not serve in a direct patrol capacity, the Board would benefit from more exposure to the current tactics and techniques taught to patrol personnel. Some interviewees requested additional training or briefings regarding less-lethal tools and associated SPD tactics to better evaluate whether officers were complying with SPD policy and training.

Based on OIG review of training records, patrol officers, sergeants, and detectives were required to attend four in-person tactics courses in 2018 that were not required for lieutenants and above.[9] OIG identified that two of the three patrol representative lieutenants had pursued training beyond the minimum requirements by attending tactics training that was only mandatory for sergeants. There are also other means of gaining exposure to current tactics, such as working in the Training Section.

Suggestions

- Poll Board members to determine if increased training for any less lethal tools or specialty unit tactics would be beneficial. This could include consideration of the role of subject matter experts.
- Assess the various ways in which Board members receive knowledge of patrol tactics and how SPD can systematically ensure that existing and incoming members will remain current as patrol tactics change.

Review of All Required Cases

OIG finds that while the Force Review Unit and Force Review Board reviewed 99.6 percent of required cases during the period of review, one Type III canine case was not reviewed by either the Unit or the Board.

Details

Per 8.500-POL-4, the Board must review all Type III incidents, as well as certain sub-categories of Type II incidents referred by the Force Review Unit. OIG reviewed SPD records to compare all Type II and Type III force incidents that occurred in 2018 to the cases

[9] These courses are Crowd Control/Firearms/Defensive Tactics, Firearm/Advanced Rescue Tactics, Less Lethal Recertification/Defensive Tactics Core Principles Review, and Active Threat Response/De-escalation Tactics. Lieutenants and above attend an abbreviated overview of these courses that do not always feature the hands-on portion of training, per SPD.

reviewed by the Force Review Unit and the Board in 2018 and early 2019. OIG found that, with one exception, the Board reviewed all required cases (232 out of 233).

The case not reviewed by the Board was a Type III canine bite incident that occurred in August 2018. SPD stated this case was not presented to the Board, but rather was deferred to OPA in consultation with OPA Director Myerberg. SPD explained that, at the time of this incident, standard Board practice was not to discuss any aspect of an active OPA investigation.

Declining Board review for the referenced Type III case appears to be inconsistent with 8.500-POL-3 and 8.500-POL-4, which states all Type III cases "will" be reviewed by the Board, and all cases involving physical contact between a canine and a subject "shall" be referred to the Board. Further, the Sustainment Plan states, "Court-approved SPD policies mandate that all Type III uses of force be investigated by SPD's Force Investigation Team ('FIT') and reviewed by SPD's Force Review Board ('FRB')."[10]

Two of the core functions of the Board, as outlined in 8.500-POL-4, are as follows: "Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics," and "Monitor all aspects of the Department's use-of-force practices with the goal of continual improvement." By not reviewing this incident, SPD may have missed opportunities to identify and resolve policy, equipment, or training issues that may affect future use of force incidents.

OIG has observed that the Board now discusses use of force incidents related to active OPA investigations, including officer involved shooting cases. In each case, the Board has been able to discuss aspects of the case, including broader organizational issues, without voting on the specific issue under investigation.

Board Deliberations

Overall, OIG finds that the Board met requirements to discuss all areas mandated by policy.

- **The Board welcomed internal debate and dissent and maintained a high level of professionalism.**
- **Board members took their responsibilities seriously, expressing strong belief in the overall value of the Board and dedicating significant time to research and preparation.**

SPD should examine ways to enhance the depth of critical analysis with respect to de-escalation, tactics, and decision-making.

[10] Sustainment Plan, pg. 5.

Details

SPD Policy 8.500-POL-4.1 requires the Board to consider certain elements for each incident, including whether the following occurred:

- The chain of command investigation was thorough and complete;
- The force used was consistent or inconsistent with law, SPD policy, training, and core principles;
- The Board considered if there are any issues that need to be addressed regarding de-escalation, supervision, equipment, tactics, training, policy, or other department best practices;
- The chain of command has appropriately identified and taken actions to correct any observed deficiencies;
- Uniform standards were applied in use of force practices;
- There were any noted deficiencies, including trends or patterns, concerning policy, training, equipment, or tactics; and
- The Board's discussion considered the use of force with an eye towards continual improvement of the departmental use of force practices (as opposed to an incident-specific level of discussion).

OIG assessed the decision-making and deliberations of the Board through two major mechanisms. First, OIG observed five Board meetings and assessed the discussion of each incident using a scoring matrix.[11] Three members of OIG observed each Board meeting and discussed each case before developing an overall rating. Second, OIG interviewed multiple past and current members of the Board to gather their input.

Board Observation and Assessment – Methodological Considerations

To assess the quality of Board discussions, OIG observed five successive meetings of the Board from April 23, 2019 to May 21, 2019, covering eight different use of force incidents. The meetings covered a range of different types of force, including crowd management, an officer-involved shooting, physical takedowns, and use of the 40 mm less-lethal launcher.[12]

Although observing Board meetings was a necessary part of this assessment, the technique had inherent limitations:

1) The time frame for this assessment necessitated a small sample size of five meetings;
2) The scheduling of two or fewer incidents per meeting resulted in the review of only eight incidents during the assessment period;

[11] This matrix is a slightly modified version of the tool used by the Monitor in the *Second Systemic Assessment*.

[12] The 40 mm launcher fires a foam round. The incident reviewed by the Board was the first time patrol personnel had used the launcher in the field (it has previously been used by specialized units, such as SWAT).

3) The range of cases selected by SPD, while highlighting a variety of scenarios, may not reflect the typical slate of cases reviewed by the Board, such as the review of "ten percent" of Type II incidents; and
4) The presence of observers who do not normally attend and the unusual opportunity for those observers to ask questions of subject matter experts may have affected Board discussion.

An issue with the sample size of this assessment is the relative inability to determine whether observed issues are indicative of patterns or are simply outliers. OIG expects that, as in any system, there will be outliers. The strength of a system lies in its ability to learn from any inadequate instance and not repeat it. A longer-term analysis of the Board, perhaps in the form of a performance audit, would give OIG greater confidence in determining whether observed issues are indicative of larger trends, and whether the Board appropriately recognizes and responds to these incidents.

Observed Deliberations Were Thorough with Some Limitations

The overall assessment of OIG is that the Board, in almost every case, discussed the information categories required by policy. OIG noted the quality and rigor of many reviews. Each incident reviewed received an overall discussion or adjudication rating of "adequate"[13] or better. However, the Board did not always discuss issues at a depth to which OIG felt was adequate. OIG highlights noteworthy trends and concerns below.

OIG comments and suggestions are not meant to second-guess or question the ultimate decisions made by the Board, but rather to address the richness of the process and the thoroughness of discussion leading up to those decisions. OIG defers to SPD's expertise in Board decisions about force, but offers suggestions so that issues attendant to uses of force, such as de-escalation and proportionality, are fully explored.

Board Professionalism and Willingness to Engage in Critical Discussion

Board members demonstrated a high degree of professionalism in their efforts. Members tasked with presenting cases were well prepared, delivering objective summaries of events and identifying relevant video segments for the Board to consider. It was clear the ensuing discussion was based on careful prior review of files, as Board members would often reference specific segments of officer statements or chain of command investigations. Board members returned to case files repeatedly throughout their deliberations,

[13] The term "adequate" is used by OIG in this document as a rating based upon the initial scale developed by the Monitor in the *Second Systemic Assessment*. The scale used in that initial evaluation, and again by OIG here to maintain consistency, includes the following: 1) thorough, accurate, unbiased, and complete; 2) adequate; or 3) inadequate.

demonstrating a commitment to accuracy and fact-based analysis (notwithstanding some speculative discussion, as referenced below).

Board members informed OIG that they spend many hours preparing for Board meetings in addition to their normal responsibilities. Board members estimated that between six to eight hours of preparation was needed prior to an average meeting. This work consists of detailed review of case files and body-worn video in order to identify any major issues that were not flagged by the chain of command investigation.

OIG was encouraged by the willingness of Board members to engage in debate, hear alternate perspectives, and voice dissent. For example, the Board had an extended debate during one meeting over whether officers had deployed appropriate tactics in terms of how they arrived on a scene. It was clear certain Board members had diverging opinions deriving from a combination of differing experiences and philosophies. The resulting debate, while heated, remained respectful and confined to the issues at hand.

Interviews with Board members reflected the value that members place on vigorous discussion. Most interviewed members commented that some of the most effective parts of the Board are the diversity of experiences, and that the Board is able to have disagreements in a productive and professional setting.

Speculation Regarding Officer State of Mind and Decision-Making

OIG found that the Board engaged in speculative discussion in four of the eight assessed incidents. By "speculation," OIG is not referring to considerations of alternate tactics, which OIG encourages as part of any critical analysis of how SPD can improve. Rather, OIG characterized "speculation" as theorizing about what the involved officers were thinking or why certain decisions were made. This most frequently occurred when the Board was considering how officers assessed threats and determined what level of force to use. Speculation is undesirable in these circumstances because the Board members may be incorrect in their interpretation and assumptions, leading to a flawed evaluation of the incident. The perception of the involved officer is critical in evaluating force decisions and cannot be supplied via Board speculation and supposition.

For example, OIG observed Board discussion of one case in which officers chased a shoplifting suspect. The subject got on their knees and raised their hands in the air, but the officers performed a takedown resulting in the head of the subject striking the pavement. The Board engaged in lengthy speculation about whether the suspect might have been part of a larger shoplifting ring and officers' intentions to possibly perform a gentler takedown. However, this information was not contained in the officers' own statements regarding their decision-making and use of force.

The Board also speculated about officer state of mind when reviewing a case involving deployment of the 40 mm less lethal launcher. OIG observed extensive discussion concerning officer perceptions and the decision-making about when to fire the 40 mm round. Not all the conversation was supported by officers' written statements. Conversely, the Board did not engage in extensive discussion of potential alternative scenarios. For example, the Board did not discuss how officers could have approached the situation if the 40 mm launcher had not been available. This latter form of theorizing might have been productive for identifying lessons learned or training issues.

In a Board review of an officer-involved shooting, the Board speculated at length regarding why officers chose to pursue a fleeing subject. Board discussion was hindered by insufficient information on officer decision-making from the FIT investigation. Consequently, instead of being able to evaluate the merits of officers' decisions, the Board was left to speculate about why officers made certain choices. The Board ultimately recognized the information deficit and made a series of referrals to FIT in order to improve the quality of future investigations.[14] However, time spent on extended speculation may have resulted in missed opportunities to review proportionality and tactics prior to the foot pursuit in greater depth.

Significantly, in each referenced case, Board members would eventually recognize the speculative nature of the discussion and re-direct the conversation to focus on what the officers wrote in their statements. Thus, OIG determined that no formal Board decision was based on conjecture. However, a large amount of discussion time was spent on speculation rather than concrete analysis of facts at hand, and incomplete information provided an incomplete basis for evaluation of the underlying issues.

Crisis Intervention Techniques

The Board did not always fully consider the impact of cognitive impairment or mental health crisis when deliberating about whether officers deployed sufficient de-escalation tactics or considering whether de-escalation was feasible.

For example, in the case involving the 40 mm launcher discussed above, the involved officers were familiar with the subject and were aware that the subject had a history of mental health crisis. However, Board deliberations did not adequately address whether communication with the subject during the incident was effective. The Board also did not evaluate the subject and the subject's response through the lens of crisis intervention principles.

[14] OIG noted that the Board has made very similar recommendations to FIT in the recent past, as discussed in the *Recommendations* chapter.

In a second case discussed in more detail below, officers encountered a subject who appeared to be cognitively impaired. The Board did not acknowledge the possible impairment and how it may have affected the subject's interactions with officers. Further, elements of the scene also indicated that the subject may have been suffering from a mental health or cognitive concern, which was also not addressed by the Board. Assessing how much training the Board receives regarding interacting with persons with cognitive impairment and whether this training is sufficient may be helpful.[15]

Even when including these elements in the discussion does not change the conclusion of the Board regarding officer decision-making, doing so is an opportunity to identify organizational improvements, such as training recommendations or reminders.

De-Escalation

Another issue in the case referenced immediately above was the Board's evaluation of whether de-escalation tactics were safe and feasible.

In this incident, four officers handcuffed an elderly individual, who may have been experiencing cognitive issues, under the belief that the individual may have been an intruder in a residence. When officers began to apply the handcuffs, the individual loudly stated that they had a shoulder injury and began repeatedly exclaiming in pain. The individual resisted the handcuffing and officers applied control holds to complete the maneuver.

The individual had complied with all officer instructions up to the point of handcuffing. The officers ultimately determined that the individual had not committed any crime and was in fact the homeowner, releasing the individual at the scene. In the chain of command investigation, the precinct captain requested that the officers involved be given feedback that discretion could be applied when determining whether to use handcuffs.[16] For example, officers could use two handcuffs, or not apply handcuffs at all, depending on their evaluation of the scene.

Despite the Board acknowledging the officers had made less-than-ideal tactical decisions which caused them to feel more threatened by the presence of the individual, the Board did not find issue with the de-escalation techniques used by officers. Of greater concern, the Board disagreed with the feedback offered by the precinct captain regarding discretion

[15] This case involved officers responding to a call regarding a potential wellness check and/or burglary. Upon arrival at the location (a residence), officers noted that the door was open, a window appeared to be broken, and the stove was on. While the Board identified these signs as indications that a burglary may have been in progress, it is also important to note that these could be indications of a person experiencing a change in mental status such as stroke or dementia.

[16] OIG notes the discussion failed to account for assessing a proper legal basis for handcuffing.

and rejected the idea of evaluating existing training practices to determine if officers could be better prepared to handle such an issue in the future.

OIG would have liked to see the Board discussion of de-escalation include a deeper analysis of how the subject's mental state may have affected the person's ability to comply with officer demands. Additionally, the Board could have made a stronger connection between the tactical decisions of the officers and the creation of an environment in which the officers felt they had to use force to protect themselves.

To give an alternate positive example, OIG witnessed a different Board discussion that successfully made such a connection. The relevant case involved a foot chase occurring after the subject fled the initial scene, where he had been mistakenly released by non-SPD security personnel. The Board spent an extended amount of time discussing how the officer's tactics in approaching the initial scene and talking with the security personnel contributed to the eventual foot chase and takedown. Such in-depth discussions are beneficial in identifying opportunity for wider department improvements.

Without further study, OIG cannot determine why the Board appeared to depart from its ordinarily introspective focus in the first referenced case. However, it is worth noting that in the Board member interviews, at least one Board member stated that the Board is not in agreement on key definitions, such as what "de-escalation" means. Ensuring the Board has a common understanding of such critical concepts may help to diminish future concerns. OIG interviews with Board members identified two additional themes that may underlie some of the observed Board behavior.

Tension Between Board Purpose and Potential for OPA Referral

OIG found that Board members did not have a consistent understanding of the purpose of the Board and SPD policy does not provide clarity. While SPD Policy 8.500 – *Reviewing Use of Force* includes broad statements such as "the Department learns important lessons from every significant force incident," the section of policy describing Board activities lists topics to be discussed without clearly stating the purpose of review (see list at the start of this section).[17] The list ranges from policy violations to best practices.

A detailed description of the Board laid out by the Monitor in the *Second Systemic Assessment* states:

> [The Board] serves two broad functions. The first is to review force investigations, critically consider them, and reach a determination as to 'whether the specific conduct' during a force incident amounts to possible 'misconduct under SPD policy' such that an internal,

[17] SPD Policy 8.500 – *Reviewing Use of Force*. See opening preamble, and 8.500-POL-4 for policy on Board activities.

> administrative investigation by the Office of Professional Accountability [OPA] should be initiated [...] the Board's second general function [...] is to consider what the Department can learn from force incidents.[18]

When interviewed by OIG, Board members often articulated one of these purposes, rather than both. For example, several members stated that the purpose of the board was to analyze both the force used and the investigation conducted by the chain of command. These Board members emphasized that the Board was there to provide accountability, ensure that the existing force review process is effective, and offer relevant recommendations or findings. Other Board members noted that while the Board was supposed to review uses of force, it was also an opportunity to look at the incident more broadly and identify areas for improvement regarding SPD policies and systems.

To paraphrase the sentiments of several Board members, it appears that the Board wrestles with reconciling its two obligations: to review the use of force from the perspective of a reasonable officer at the time of the event, and to apply the benefit of hindsight to determine how SPD might improve its operations in similar future situations. Board members argued that it is difficult to do the latter while worrying about incurring unintended punitive action against officers.

By example, one Board member related an experience of reviewing a case and highlighting one officer's actions. The intent of the Board member was to clarify how officers were trained and possibly identify broader lessons learned for the future. However, an OPA referral resulted from the discussion. The Board member stated that this outcome would decrease willingness to engage in similar discussions going forward.

Some Board members stated that the Board will "hold back" from certain discussions that have a high likelihood of resulting in a referral to OPA for a minor policy violation. These members stated that if the chain of command, OPA, and OIG had reviewed the case without identifying a minor policy issue,[19] SPD personnel would have trouble understanding why the Board initiated a referral.

Without weighing in on the merits of a particular OPA referral, any negative impact on the quality of Board discussion – and therefore the quality of Board review – diminishes the utility of the Board to SPD. Some of the most useful Board insights occur during robust discussion of alternate scenarios, i.e., when the Board is applying hindsight to evaluate how

[18] *Second Systemic Assessment*, pgs. 2-3.

[19] Board members emphasized to OIG that if the Board identifies major misconduct, the Board should initiate an OPA referral – and OIG observed the Board undertaking just such an action during the period under review. However, members pointed out that due to chain of command investigations, it is unusual for a case involving major misconduct to reach the Board without an OPA investigation already underway.

SPD could better address such scenarios in the future. For example, OIG observed lengthy conversations during the assessment in which Board members debated such topics as different techniques for arriving at a particular high-risk location, or how an officer could have improved coordination with retail security.

OIG understands that SPD is working with OPA on alternative methods to address minor misconduct within the chain of command without compromising oversight or accountability. These changes, if adopted, may alleviate some of the inherent disincentives in the process.

SPD may also consider adjusting the template used to facilitate Board deliberation to more clearly delineate between assessment of individual officer actions and discussion of hypotheticals used in analysis of systemic issues.

Quality of Force Investigation

As discussed in the *Background* section of this report, use of force incidents are first investigated by either the relevant chain of command or FIT prior to being reviewed by the Board. It is notable that the Board had concerns regarding the quality of the force investigation in four of the eight observed cases. In one case, the Board recommended training feedback be provided for the chain of command due to extensive areas of concern.[20]

If the Board is not supplied with the proper facts and information, it cannot effectively identify underlying issues and form appropriate recommendations to address those concerns. Although use of force investigation is outside the scope of this assessment, it is concerning that so many issues of insufficient investigation surfaced over five Board meetings. The forthcoming use of force investigation assessment will provide useful information as OIG continues to monitor this issue.

Suggestions

- Produce a clear mission statement regarding the purpose of the Board and ensure consistent understanding of key concepts, such as de-escalation, used in Board deliberations.
- Review the template used to facilitate Board discussions and consider distinguishing the discussion of individual actions from discussion of hypothetical alternatives with the goal of systemic improvement.

[20] In this case, Board concerns with the chain of command investigation included incomplete reviews by the Admin Lieutenant, lack of sufficient analysis on the part of the Watch Commander and Captain, and failure by the chain of command to identify unclear and insufficient officer statements.

- Evaluate ways to mitigate Board concerns regarding OPA referrals for minor misconduct. This step may not be necessary given forthcoming work with OPA regarding the minor misconduct investigation process.

Effectiveness of Board Recommendations

OIG finds that SPD does not have a formal process to assess implementation of Force Review Board recommendations.

Board recommendations are not systematically shared with SPD personnel, limiting improvement opportunities.

SPD should follow up on implemented Board recommendations to ensure that the desired changes are achieved.

Details

Board insights are a crucial mechanism of improvement for SPD, as identified in the Monitor's *Second Systemic Assessment*:

> "Other areas of SPD need to take seriously the FRB's referral – treating the response to referrals of issues from the FRB with the utmost of importance and urgency…SPD must benefit Department-wide from the FRB's critical analysis and robust discussion of force."[21]

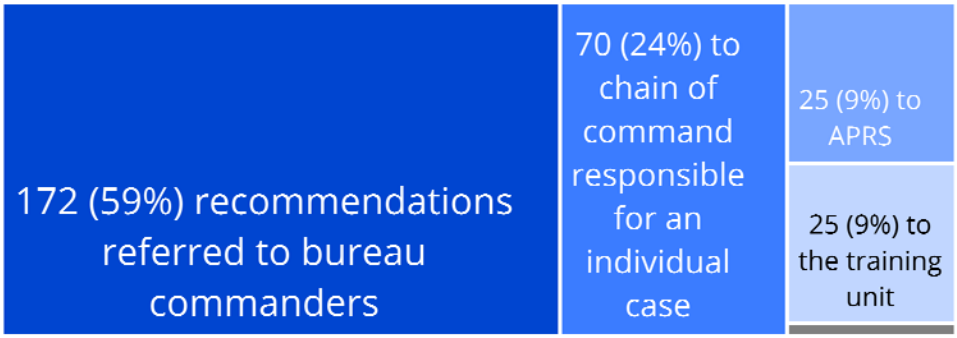
Indeed, SPD policy regarding the Board mandates that policy, equipment, and training issues are referred for follow up.[22] These recommendations are not binding – the recipients can disagree or decline to implement the recommendation – but recipients are expected to explain the reasons for any disagreement. SPD reported to OIG that there is no follow up conducted to ensure that recommendations are implemented as reported.

OIG reviewed 294 recommendations made by the Board from January 1, 2018 until April 22, 2019. Of the 294 recommendations reviewed by OIG, 172 (59 percent) were referrals to Bureau Commanders, 70 (24 percent) went to the chain of command responsible for an individual case, 25 (9 percent) went to the Training Section, and 25 (9 percent) went to the Audit, Policy, and Research Section. See Exhibit 1, below.

[21] *Second Systemic Assessment*, pg. 18.

[22] See SPD 8.500-POL-4.13: "The FRB Chair will refer policy, equipment, and training issues to the Assistant Chief of the Professional Standards Bureau as an FRB Action in Blue Team."

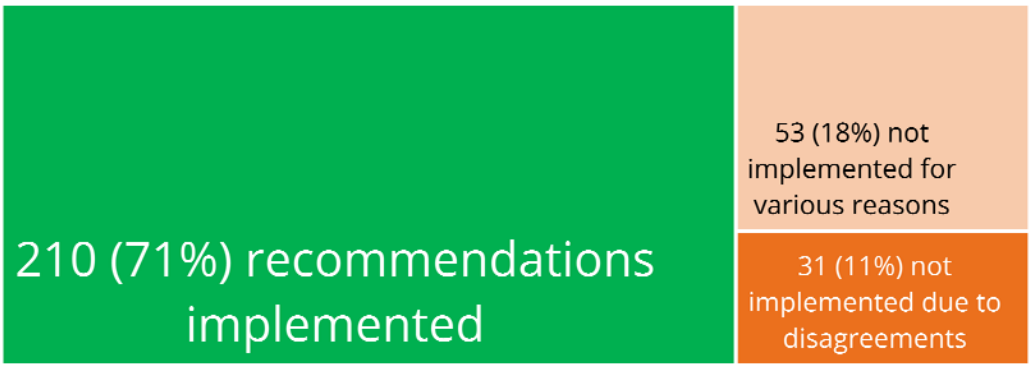
Exhibit 1: Recipients of 294 Recommendations by the Force Review Board



Source: List of Board recommendations provided by SPD to OIG.

Based on review of recipient responses to recommendations, OIG determined that 210 (71 percent) of the recommendations were reported as implemented, although OIG was not able to verify implementation from SPD documentation (see Exhibit 2). Of the 84 recommendations not implemented, OIG found that 31 (11 percent) were not implemented because the recipient disagreed with the substantive nature of the recommendation. Of the 31 recommendations not implemented over substantive disagreement, a single individual was responsible for 20 instances.

Exhibit 2: Implementation Status of 294 Recommendations



Source: List of Board recommendations provided by SPD to OIG.

When faced with a significant number of recommendations that have not been implemented, SPD should evaluate and address the root cause. Reasons may include resource concerns, misunderstandings about the intent of a recommendation, or disagreement with the recommendation. When non-implementation of a significant recommendation is based upon disagreement, the Board should ensure that the underlying priorities are addressed. Failure to implement important recommendations may require intervention by the Chief.

Suggestion

- Analyze recommendation implementation status to identify trends. If there are a significant number of non-implemented recommendations, evaluate and address the root cause.

SPD Does Not Have a Formal Process for Follow-Up on Recommendations

SPD relies on the information reported by recommendation recipients to update its tracking of recommendation status. Recipients sometimes upload supporting documents to Blue Team, but this is not required standard practice. Without following up on implemented recommendations, SPD cannot have a reliable understanding of whether a recommendation has achieved the desired impact.

As part of its due diligence, OIG selectively sampled 28 of the 210 recommendations reported as implemented in order to verify implementation. OIG was able to verify that SPD had implemented 13 (46 percent) of the recommendations in the sample. SPD was not able to provide documentation to substantiate that the other 15 (54 percent) had been implemented. Examples of recommendations OIG was unable to verify include training recommendations for the Canine Unit, reminders about working with non-SPD agencies and task forces, and feedback on chain of command use of force investigations.

The accuracy of reporting recommendation implementation is not at issue. Rather, the Board or appropriate body within SPD should take responsibility for demonstrating the recommendation was implemented as intended. For example, the respondent may have misinterpreted the intent of the recommendation. Alternatively, the recommendation may have been implemented as written, but the intended change may not have been achieved because the correct root cause was not targeted. If the recommendation failed to accomplish the intended change, the underlying issue will not be resolved.

OIG is not alone in identifying the need for SPD to follow up on recommendations. In the *Second Systemic Assessment*, the Monitor stated the following:

> [The Monitor] previously identified some problems with the Department 'lack[ing] a mechanism for following up on the broader policy, training, procedure, business process, and other systemic issues that the FRB flags…[23]

The need for recommendation follow-up is more broadly recognized as part of any effective internal control system. The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*, for example, states:

[23] *Second Systemic Assessment*, pg. 18.

> [There must be] a follow-up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action.[24]

The Government Accountability Office's *Standards for Internal Control in Federal Government*, which sets standards for how agencies should manage themselves, echoes the need to follow up on recommendations and reported deficiencies, noting that the resolution process ends only when:

> ...action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action. Management, with oversight from the oversight body, monitors the status of remediation efforts so that they are completed on a timely basis.[25]

The Government Accountability Office emphasizes a resolution to the underlying problem, rather than compliance with the exact text of a recommendation. Management should strive to ensure the core issue is resolved rather than relying on testimony that the recommendation was implemented.

During the assessment period, OIG found one instance of a significant recommendation that was made twice in 2018 and then again during the review period, indicating that the identified problem persists.

On June 22, 2018, the Board requested that the following feedback be provided to FIT:

> FIT did not consistently ask the involved officers during their interviews exactly why they shot. The Force Review Board noted that the cognitive portion of the interview often resulted in the involved employee stating in detail what they did. The Board believed that the follow-up questions should have focused more on why the officers took certain actions.

Similarly, shortly thereafter on July 2, 2018, the Board recommended that the following feedback be provided to FIT:

> The FIT interviews did not ask probative questions. Most of the follow-up questions appeared to be leading rather than open-ended to gather additional facts...

These actions were both reported as implemented on July 25, 2018, with feedback being relayed to FIT in a June 2018 meeting with an Assistant Chief. OIG requested documentation or other evidence supporting the implementation status of these recommendations but was informed that no documentation was available.

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[24] The Institute of Internal Auditors, *International Standards for the Professional Practice of Internal Auditing (Standards)*, 2500.A1.

[25] Standards for Internal Control in the Federal Government, pgs. 68-69.

On May 7, 2019, the Board recommended feedback to FIT that appears substantially similar to the two recommendations offered in 2018:

> ...it would have been helpful for the review of this incident if the FIT interviewer had focused on the critical aspects of the incident after conducting the cognitive interview with the involved officers. Additionally, running through the questions included in Type II UOF officer statement templates (legal authority, lawful purpose, contact/de-escalation, decision made, etc.) and the FRB PowerPoint of review topics would have ensured the officers provided the specific information the Board considers during its review.

OIG was present for the May 7, 2019, discussion and observed that the Board was concerned with the same issues regarding FIT interviews that the Board raised in its 2018 recommendations. FIT performs a critical role for the department in investigating its most severe uses of force. If SPD cannot ensure that Board recommendations for a key area are implemented, then the Board significantly reduces its ability to achieve change within the department.

Board Findings Are Not Widely Distributed, Which May Limit Opportunity for Improvement

After each meeting of the Board, the Force Review Unit prepares a findings report. This report is distributed to SPD captains, some lieutenants, and those individuals or chains of command specifically affected by a recommendation in the report. Some lieutenants and sergeants on the Board do not receive a copy of the findings report.

Board members stated that captains forward the findings report at their discretion, and most patrol personnel are only alerted to Board actions if they are the subject of a recommendation. Interviewees maintained that, as a result, patrol personnel are often unclear about the activities of the Board, except when they are the subject of punitive action.

Per OIG interviews with Board members, the limited distribution of Board findings hinders the ability of the Board to communicate its conclusions or broader lessons learned to the rest of SPD. Board members perceive that the lack of broad distribution contributes to a "rumor mill" regarding Board actions and potentially diminishes the trust of department personnel in the Board.

Multiple interviewed Board members praised the communication model of OPA as an alternative distribution method. OPA sends a regular digest of its summarized investigation activities, which OPA calls "Case & Policy Updates," which includes any relevant trends or major conclusions to SPD personnel. Board members commented this regular communication allows SPD personnel to feel more comfortable with OPA activities due to increased familiarity.

In reviewing SPD policy, OIG observed that SPD already requires the Board to produce a monthly report that, among other elements, includes information on "themes, trends and

learning opportunities identified".[26] This report is to be distributed by precinct captains as roll-call training and via email throughout the precinct. Given that Board members appeared to be unaware of this report – including patrol representatives who would presumably receive copies – it seems that SPD could improve the content and distribution of this report.

Suggestion

- Enhance distribution of Board insights and lessons learned to all SPD personnel while respecting the privacy of officers involved in the incidents.

Conclusion

OIG finds that, overall, the Board met its requirements in terms of SPD Policy 8.500, which reflect the tenets of the Settlement Agreement. Board composition and training mandates were fulfilled. In its review of five Board meetings, OIG raters generally agreed that the Board had adequate discussions which covered all elements of the policy.

However, OIG identified opportunities for growth. The two purposes of the Board are individual accountability and systemic improvement. The fact that discussing alternative courses of action for an incident can lead to identification of potential minor policy violations acts as a disincentive for robust and critical discussion.

Thorough discussions can provide opportunity for organizational improvement, which can enhance public trust in the work of SPD. The Department should evaluate how to mitigate Board concerns about making OPA referrals for minor misconduct in order to ensure the Board can maintain its role in identifying systemic improvements.

OIG identified two action items:

1) **SPD should examine ways to enhance the depth of critical analysis with respect to de-escalation, tactics, and decision-making.** Consideration of alternative approaches to force encounters is an important way for the Board to provide a means for continued systemic improvement.

2) **SPD should follow up on implemented Board recommendations to ensure that the desired changes are achieved.** SPD does not have a formal system for follow up on the implementation of Board recommendations, as was previously noted by the Monitor in the *Second Systemic Assessment*. The ability to observe and track implementation efforts is critical to achieving and demonstrating sustained improvement.

[26] See SPD 8.500-POL-2, *Use of Force – Command Review of Force*, Part 15.

In the interest of continuous improvement, OIG identified several suggestions for SPD to consider:

Board Composition

- Ensure all precincts have at least one Board representative to provide a dedicated resource and conduit for information to improve chain of command investigations and to disseminate lessons learned in a timely manner.
- Evaluate ways in which Board decision-making processes could be made more transparent to SPD in a way that preserves the quality and confidentiality of Board discussions.

Board Training

- Poll Board members to determine if increased training for any less lethal tools or specialty unit tactics would be beneficial. This could include consideration of the role of subject matter experts.
- Assess the various ways in which Board members receive knowledge of patrol tactics and how SPD can systematically ensure that existing and incoming members will remain current as patrol tactics change.

Board Deliberations

- Produce a clear mission statement regarding the purpose of the Board and ensure consistent understanding of key concepts, such as de-escalation, used in Board deliberations.
- Review the template used to facilitate Board discussions and consider distinguishing the discussion of individual actions from discussion of hypothetical alternatives with the goal of systemic improvement.
- Evaluate ways to mitigate Board concerns regarding OPA referrals for minor misconduct. This step may not be necessary given forthcoming work with OPA regarding the minor misconduct investigation process.

Board Recommendations

- Analyze recommendation implementation status to identify trends. If there are a significant number of non-implemented recommendations, evaluate and address the root cause.
- Enhance distribution of Board insights and lessons learned to all SPD personnel while respecting the privacy of officers involved in the incidents.

Seattle Office of Inspector General

Appendix A: Approved Methodology

The following is the OIG methodology used for this assessment, as approved by the Monitor and DOJ.

Summary

On January 10, 2018, the City was found by the federal Court to be in "full and effective compliance" with the Seattle Police Department (SPD) Consent Decree. On March 13, 2018, the Court approved a two-year Sustainment Period Plan. The Plan calls for, among other things, an audit by SPD of the Force Review Board ("Board"). In furtherance of this, OIG proposes the following methodology for the Board audit scheduled to commence in April 2019.

OIG has reviewed the Settlement Agreement, Sustainment Plan, Seattle Police Department (SPD) Policy 8.500 - Reviewing Use of Force, and the *Second Systemic Assessment* conducted by the Monitor. OIG proposes the following methodologies for assessing the current state of the Board and its compliance with Paragraphs 119 – 125 of the Settlement Agreement as addressed by SPD Policy 8.500.

OIG will assess whether the Board has reviewed all applicable cases by comparing the population of cases that occurred in calendar year 2018 to the cases presented to the Board. This analysis will include both a consideration of whether the Board reviewed all required Type II and Type III cases, as well as a ten percent sample of other Type II cases.

The composition of the Board, including the availability of subject matter experts, as well as Board training requirements will be assessed through a combination of physical observation and a review of applicable training records.

The quality and comprehensiveness of Board reviews will be assessed through a combination of physical observation and interviews. OIG will attend no less than five Board meetings during the period of review. Three OIG personnel will evaluate Board composition, deliberations, and decision-making using a prescribed template. OIG will supplement these observations with interviews of Board members.

OIG will assess SPD implementation of Board recommendations by reviewing all recommendations issued in calendar year 2018. OIG will conduct validation testing on a sample of recommendations marked as "implemented." To provide additional context, OIG will interview Force Review Unit and SPD command staff responsible for Board recommendation tracking and implementation.

In accordance with standard OIG practice, OIG will share its draft results with SPD as the subject of the assessment. OIG will provide the department an opportunity to provide both feedback and a written response. Due to time and resource limitations, OIG will be

conducting this assessment as a special project rather than a full-scale performance audit.[27]

Scope of Assessment

The Sustainment Plan as approved by the Court contemplates that SPD will model each audit on the assessment of the same topic area that was conducted by the Monitor during the pre-compliance phase of the Consent Decree, although the SPD reviews may be of more limited size and scope as to the data or time period sampled.

This Board assessment is modeled after the systemic assessment of the Board conducted by the Monitor.[28] Consistent with the Sustainment Plan, this methodology focuses on continued department compliance with the procedural aspects of the Court-approved policies set forth in Manual Policy 8.500 concerning the Board.

There are differences between the Settlement Agreement and current SPD policy regarding the composition and chairing of the Board, as well as the type of cases reviewed by the Board. The relevant sections of Policy 8.500 were submitted to the Court by the Monitor and approved by the Court. OIG understands that for the purposes of the composition and chairing of the Board, Policy 8.500 is the guiding document. Thus, when Policy 8.500 differs from the Settlement Agreement regarding requirements or includes additional detail, OIG will base criteria on Policy 8.500.

Please refer to Attachment II for a table with each applicable paragraph of the Settlement Agreement and corresponding SPD policy, along with the testing methodology proposed by OIG.

Timeline

The OIG assessment will be conducted in accordance with the following deadlines established by the Sustainment Plan:

- 3/30/2019: Draft methodology submitted to DOJ/Monitoring Team by OIG
  - 4/16/2019: Feedback due back to OIG
- 6/15/2019: Draft results submitted to DOJ/Monitoring Team by OIG
  - 7/02/2019: Feedback due back to OIG
- 7/31/2019: Final OIG report filed with Court.

[27] OIG audits are conducted in accordance with the Generally Accepted Government Auditing Standards (GAGAS), which outline specific requirements regarding staffing, planning, directing, performing, and reporting audit work. GAGAS is published by the Government Accountability Office and is considered to be best practice for government audits.

[28] Seattle Police Monitor. *Second Systemic Assessment: Force Review Board*, November 2015

Cases Reviewed by the Board

Per Paragraph 119 of the Settlement Agreement, the Board is required to conduct timely, comprehensive, and reliable reviews of all Type II and Type III uses of force. With respect to Type II cases, SPD Policy 8.500-POL-3.9 only requires the Force Review Unit to refer a subset of Type II cases to the Board, including the following cases:

- Serious policy violations
- Cases in which FIT was contacted for a Type III screening and declined to respond or investigate
- Cases in which less-lethal tools (such as a Taser) were used on the subject
- Cases in which a canine made physical contact with the subject.

The Force Review Unit is also to consider issues such as severity of injury and severity of the crime in determining whether to refer a case for Board review (SPD Policy 8.500-POL-3.9). In addition, the Board is to review an additional ten percent random sample of Type II cases (SPD Policy 8.500-POL-3.10).

OIG will assess whether the Board is reviewing all required cases, as well as the timeliness of its reviews, by comparing the population of Type II and Type III cases against the cases reviewed by the Board. (Please note that the comprehensiveness of reviews will be assessed through means discussed in a subsequent section titled *Board Deliberations and Decision-Making*.) OIG will do the following:

1. Review the population of Type III incidents that occurred in calendar year 2018, and ensure all cases were either presented to the Board or are scheduled for Board review.[29]
2. Review the population of Type II incidents that occurred in calendar year 2018, and ensure all incidents that fall in the subset specified above were either presented to the Board or are scheduled for Board review.[30]
3. Interview the Force Review Unit Captain and applicable staff to determine the Force Review Unit methodology for obtaining the ten percent random sample of other Type II incidents.
4. Request and review documentation from the Unit indicating that this methodology was followed for a sample of Board meetings that occurred in 2018.

[29] Complex cases that occurred near the end of 2018 may not yet have been presented to the Board. The Board also does not review King County Correctional Facility in-custody deaths, investigation of other agency officer-involved-shootings, or unintentional or animal firearm discharges undergoing expedited summary review under 8.500 POL-5.
[30] Ibid.

Board Composition and Training

Paragraphs 120 through 122 of the Settlement Agreement contain provisions regarding Board composition, training, and expertise.[31] OIG will observe the composition of the Board at no less than five meetings of the Board and evaluate whether the attendees meet the requirements laid out by Policy 8.500-POL-4. OIG will note whether the following attendees are present:

- Chair (Force Review Captain or any Assistant Chief)
- Supervisor from the Training Section
- Three or more representatives from the Patrol Operations Bureau
- One representative from the Audit, Policy, and Research Section
- One representative from the Investigations Bureau

OIG will also determine whether the Board has sufficient subject matter expertise available to conduct effective deliberations. For example, if the Board is reviewing an incident involving a canine, the Board may have questions that require a canine subject matter expert. This determination will be made for each incident discussed by the Board and will be a qualitative decision made by OIG auditors in consultation with the Inspector General.

OIG will assess composition and expertise using a template modeled after the protocol established by the Monitor in the *Second Systemic Assessment*. Please see Attachment I for a copy of the template.

Board Member Training

OIG will review the training records for all Board members for the past twelve months (3/1/2018 - 2/28/2019) and determine whether the requirements outlined in the Settlement Agreement and Policy 8.500-POL-4 have been met. OIG will evaluate whether:

- All Board members have attended at least eight hours of training in the past twelve months, including legal updates regarding the use of force and curriculum used by the Training Section regarding use of force (Settlement Agreement Paragraph 121);
- All Board members attended all required Department training in the past twelve months (Policy 8.500-POL-4); and
- All Board members have received the eight-hour initial course in crisis intervention techniques (Policy 8.500-POL-4).

Board Deliberations and Decision-making

Paragraphs 123 and 124 of the Settlement Agreement describe the elements that the Board should include in each reviewed use of force incident. SPD Policy 8.500-POL-4 adds detail to the requirements referenced in the Settlement Agreement, such as an explicit

[31] The table in Attachment II crosswalks the Settlement Agreement language with the requirements of Policy 8.500-POL-4. The OIG assessment is based on the requirements of Policy 8.500-POL-4.

consideration of de-escalation tactics. OIG will determine whether the Board is conducting comprehensive reviews of each incident, including the requirements specified by both the Settlement Agreement and Policy 8.500-POL-04, through a combination of physical observation and interviews with Board members.

Observation

To assess the quality of deliberations regarding specific incidents, OIG will attend no less than five meetings of the Board during the period of review. OIG will use a modified version of the review protocol established by the Monitor in the *Second Systemic Assessment*, as discussed previously. The template scores multiple aspects of the review process used by the Board, including case presentation, board makeup, board deliberations, follow-up and reporting, and an overall assessment of each case brought before the Board. Specific elements of the OIG review include, per the elements of Policy 8.500-POL-4.1:

- Whether the chain of command's investigation is thorough and complete;
- Whether the force used was consistent or inconsistent with law, SPD policy, training, and core principles;
- Whether the Board considered if there are any issues that need to be addressed regarding de-escalation, supervision, equipment, tactics, training, policy, or other department best practices;
- Whether the chain of command has appropriately identified and taken actions to correct any observed deficiencies;
- Whether uniform standards were applied in use of force practices;
- Whether there are any noted deficiencies, including trends or patterns, concerning policy, training, equipment, or tactics; and
- Whether the Board's discussion considered the use of force with an eye towards continual improvement of the departmental use of force practices (as opposed to an incident-specific level of discussion).
- Whether, if applicable, subject matter experts were available to provide to Board with technical knowledge to assist with deliberations.

Three members of OIG will score the presentation and deliberation of each incident presented to the Board during the designated meetings. If the rater selects a score of "No," or "UTD" (Unable to Determine) is applied, the rater will need to cite specific reasoning. The raters will review and compare results at the conclusion of each Board meeting. If there is disagreement and the raters cannot come to a mutual decision, the Inspector General will be consulted for a final determination. The Inspector General can also clarify any technical or legal questions the OIG team may have regarding a specific incident.

The intention of OIG in scoring each incident is not to second-guess specific decisions made by the Board, but rather to evaluate whether the Board's system of review, including its

deliberations, fulfill the requirements of Paragraphs 123-124 of the Settlement Agreement and the requirements SPD set for itself in Policy 8.500-POL-4.

At the conclusion of the observation period, OIG will review the consolidated template data and conduct trend analysis. The outcomes will be included in the final report, along with a discussion of relevant qualitative observations. OIG does not anticipate that any advanced statistical methodology will be necessary due to the type of data collected and the length of the observation period.

Interviews

OIG proposes conducting structured interviews with Board members to gather input and perspectives regarding the quality of discussion, the effectiveness of the review process, and any identified opportunities for improvement. This feedback will assist OIG in determining whether the Board is conducting thorough reviews in accordance with Settlement Agreement paragraph 123, based on the Board members' self-evaluation. OIG may conduct follow-up interviews as appropriate. The results of these interviews will be summarized in a matrix and any trends will be noted in the final report.

Board Recommendations and Effectiveness

Paragraph 125 of the Settlement Agreement refers to the ability of the Board to issue recommendations regarding policy, equipment, or training, as well as referrals to OPA if misconduct is discovered. The Monitor's *Second Systemic Assessment* flagged recommendations as a priority issue for future observation, noting that if Board recommendations are not put into practice, "all of the good work of the Board in reviewing and identifying issues will be for naught."[32]

OIG will review the universe of Board recommendations made in calendar year 2018 (1/1/2018 - 12/31/2018) and summarize results regarding implementation status and timeliness of implementation. This summary will include any noted patterns of recommendations that were declined or otherwise not implemented by SPD.

After reviewing the complete body of recommendations, OIG will select and validate a small sample of recommendations reported as "implemented." Validation will consist of gathering evidence, including documentation and conducting interviews as appropriate, to ensure the recommendation was implemented as described. The exact size and nature of the sample will depend on the contents of all recommendations. The OIG report will include the results of the validation testing.

OIG also plans to interview SPD staff responsible for maintaining and monitoring Board recommendations, as well SPD command staff who play key roles in the implementation process. These interviews will provide contextual information that will help OIG determine

[32] Seattle Police Monitor. *Second Systemic Assessment: Force Review Board*, November 2015. pg. 4.

the effectiveness of the current recommendation and implementation process. If relevant, OIG will reference these interviews in the OIG assessment report.

Review with SPD

At the conclusion of the OIG assessment, OIG will communicate the results of the assessment to SPD. The department will be given a set time window to offer feedback and provide a written response.

Attachment II to Methodology: Settlement Agreement, SPD Policy, and OIG Oversight Crosswalk[33]

Settlement Agreement Language	SPD Policy Excerpts	OIG Test of Policy
119. SPD has established a use of force committee. For purposes of this Agreement, this committee is referred to as the Use of Force Committee ("UFC"). SPD may rename the committee. This committee will conduct timely, comprehensive, and reliable reviews of all Type II and Type III uses of force.	8.500-POL-4.1: The FRB will conduct timely, comprehensive, and reliable reviews of Type II cases referred by the FRU, and all Type III cases.	OIG will observe the composition of the Board at no less than five meetings of the Board and evaluate whether the attendees meet the requirements laid out by Policy 8.500-POL-4.
120. Committee Membership: The UFC will consist of: an Assistant Chief or his designee (who will chair the Committee); supervisors from the Training Section; one representative from each involved precinct, selected by each precinct captain; and a representative from the PSS. The Chair may include any subject matter experts the Chair feels would be helpful in reviewing particular incidents.	8.500-POL-4.6: The Force Review Captain is the Standing Chair of the FRB The Deputy Chief or any Assistant Chief (or designee) may chair the FRB as required by Departmental needs. The Chair has operational control of the FRB. 8.500-POL-4.3: The FRB shall be comprised of the following: • One supervisor from the Training Section • Three representatives from the Patrol Operations Bureau	OIG will use a checklist on each case to ensure that the board is comprised according to SPD policy. The checklist will ensure each case is heard by the required number and type of representatives to the board.

[33] This attachment was included in the approved methodology.

	• One representative from the Audit, Policy and Research Section • One representative from the Investigations Bureau	
121. Training: Each member will receive a minimum of eight hours of training on an annual basis, including legal updates regarding use of force and curriculum utilized by the Training Section regarding use of force.	8.500-POL-4.5 Each Standing FRB Member is Required to Attend a Minimum of 8 Hours of Annual FRB Training Basic annual training for FRB standing members will focus on use-of-force practices, including but not limited to: • Legal updates regarding use-of-force • Use-of-force investigation • Curriculum utilized by the Education and Training Section regarding use-of-force and de-escalation Standing members must also, at a minimum: • Attend all required Department training • Receive training in Department Crisis Intervention techniques • 8-hour initial course • Additional refresher training as required by the Crisis Intervention Team program, in consultation with the Captain of the	OIG will review the training records for all Board members for the past twelve months (3/1/2018 - 2/28/2019) and determine whether the requirements have been met.

	Education and Training Section	
122. The UFC may consult with other advisors as necessary.	8.500-POL-4.8: Consultants include any subject matter experts, beyond Standing Members, whom the Chair feels would be helpful in reviewing particular incidents.	OIG's checklist will evaluate, if applicable, whether subject matter experts were available to provide the Board with technical knowledge to assist with deliberations
123. Review: The UFC will review each use of force packet to determine whether the findings from the chain of command regarding whether the force used is consistent with law and policy and supported by a preponderance of the evidence, whether the investigation is thorough and complete, and whether there are tactical, equipment, or policy considerations that need to be addressed.	8.500-POL-4.1: The FRB will conduct timely, comprehensive, and reliable reviews of Type II cases referred by the FRU, and all Type III cases, and will determine: • Whether the investigation is thorough and complete. • Whether the force was consistent or inconsistent with SPD policy, training, and core principles. • Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding, among other concerns: o De-escalation o Supervision o Equipment o Tactics o Training o Policy o Department best practices • Review each use-of-force packet to determine whether the chain of command has	OIG will evaluate each case before FRB and determine: • Whether the chain of command's investigation is thorough and complete; • Whether the force used was consistent or inconsistent with law, SPD policy, training, and core principles; • Whether the Board considered any issues that need to be addressed regarding de-escalation, supervision, equipment, tactics, training, policy, or other department best practices; • Whether the chain of command has appropriately identified and taken action to correct any observed deficiencies; • Whether uniform standards were applied in use of force practices; • Whether there are any noted deficiencies, including trends or patterns, with regards to

	appropriately identified and taken actions to correct any deficiencies in the way the incident was handled • Confirm that uniform standards are applied in Use-of- Force practices • Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics • Monitor all aspects of the Department's Use-of-Force practices with the goal of continual improvement	policy, training, equipment, or tactics; and • Whether the Board's discussion considered the use of force with an eye towards continual improvement of the departmental use of force practices (as opposed to an incident-specific level of discussion). • Whether, if applicable, subject matter experts were available to provide to Board with technical knowledge to assist with deliberations.
124. Review of FIT Investigations: The review of FIT investigations is the same as for Type II investigations, except the FIT investigation review will be chaired by a Deputy Chief. The Monitor and SPD will explore ways to include others in the review of FIT investigations, including civilian observers. Consistent with current practice and the provisions above, the UFC will document its findings and recommendations for FIT investigations. Unless an extension is granted by the Chair, the review should be conducted within seven	8.500-POL-4.12: Type III Use-of-Force Investigations Will Be Presented to the FRB by the Captain of the Force Investigation Team, or Their Designee	OIG will review all cases before the board in the same manner and will assess the same requirements of the board.

days of the FIT presentation to the UFC.		
125. Corrective Action: The UFC will not make recommendations concerning discipline; however, the Chair of the UFC is obligated to ensure a referral to OPA is made if potential misconduct is discovered in the review process. Should policy, equipment, or training deficiencies be noted in the review process, the UFC Chair will ensure that they are brought to the attention of the relevant commanding officer for appropriate action. The Bureau Commander of the officer involved with the use of force will have the final responsibility regarding retraining or recommending discipline to the Chief.	8.500-POL-4.10: FRB Chair Shall Refer Serious Policy Violations to OPA. The FRB will not make recommendations concerning discipline. 8.500-POL-4.13: The FRB Chair Will Refer Policy, Equipment, and Training Issues to the Assistant Chief of the Professional Standards Bureau. Individual training recommendations will be referred to the chain of command of the involved officer for follow-up.	OIG will review the entirety of Board recommendations made in calendar year 2018 (1/1/2018 - 12/31/2018) and summarize results concerning implementation and timeliness. This summary will include any noted patterns of recommendations that were declined or otherwise not implemented by SPD.

Seattle Office of Inspector General

Appendix B: Force Classification

The following table is based on SPD Policy 8.400 – *Use of Force Reporting and Investigation*. It summarizes how SPD classifies different possible injuries into categories of force.

Category	Threshold
De Minimis	• Physical interaction meant to separate, guide, and/or control that is not reasonably likely to cause pain or injury
Type I	• Transient Pain • Disorientation • Aiming of firearm at a subject • Deployment of a Blast Ball away from people • Complaint of pain during the application of handcuffs • Use of a hobble restraint
Type II	• Physical injury (greater than temporary pain) • Reasonably expected to cause physical injury • Complaint of injury • Use of CEW (TASER) • Use of OC spray • Use of impact weapon causing less than Type III injury • K9 deployment with less than Type III injury or complaint of less than a Type III injury • Vehicle tactics causing less than Type III injury • Deployment of Stop Sticks against a vehicle, other than a motorcycle, and regardless of any injury or vehicle contact but not causing Type III injury • Pursuit intervention technique • Deployment of a Blast Ball toward people causing less than Type III injury
Type III	• Great bodily harm • Substantial bodily harm • Deadly force • Loss of consciousness • Intentional application of neck and carotid holds • Criminal conduct by officer(s) related to the use of force • Serious policy violation related to the use-of-force • Use of Stop Sticks against a motorcycle • Impact weapon strike to the head

Source: SPD 8.400-POL-1, last updated 5/7/2019 at time of this report.

Appendix C: DOJ and Monitoring Team Review

VALIDATION – DOJ AND MONITORING TEAM REVIEW

In Phase I of the work of under the Consent Decree, DOJ and the Monitoring Team reviewed SPD's compliance with the requirements of the Consent Decree through 10 assessments, covering the roughly six topic areas of the Consent Decree: force investigation and reporting, crisis intervention, supervision, Early Intervention System ("EIS"), use of force, and stops and biased policing. By the end of 2017, the Monitoring Team and DOJ found the City of Seattle to be in compliance with each area. On that basis, the Court issued a finding of "full and effective compliance" with the requirements of the Consent Decree. By the terms of the Consent Decree, the City of Seattle is now required to demonstrate that it can sustain compliance with those requirements for a period of two years.[34]

During Phase II of the Consent Decree work, the City of Seattle has taken over the lead role in conducting assessments of the six core topic areas of the Consent Decree. By taking this lead role, SPD must demonstrate not only sustained compliance, but also a willingness and ability to critically self-assess their own progress in these areas, which are central to effective and constitutional policing.

This does not mean, however, that the work of DOJ and the Monitoring Team is done. In Phase II, DOJ and the Monitoring Team are reviewing the City's proposed methodologies for each audit and are conducting their own independent analysis or "look behind" of the City's review.

For this audit, DOJ and the Monitoring Team consulted with SPD and the Office of Inspector General ("OIG") and ultimately approved the methodology used by the OIG in conducting the assessment. DOJ and the Monitoring Team, together with their subject matter experts, conducted a comprehensive review of the activities of SPD's Force Review Board ("FRB") to assess compliance with the Consent Decree. This included consulting with leaders of the FRB regarding their work, reviewing the force reports and investigative files FRB was considering, and observing the FRB

[34] Although the Court found that the City has fallen partially out of full and effective compliance with the Consent Decree in its May 21, 2019 Order, the Court did not find that the City has fallen out of compliance in any area covered in the Phase II Sustainment Plan. See Dkt. 562 at 2. The Court indicated that it "remains hopeful that the City can complete these assessments and discharge these areas of the Consent Decree within the two-year sustainment period." *Id.* These assessments, and DOJ's and the Monitoring Team's review of these assessments, is therefore unaffected by the Court's May 21, 2019 Order.

meetings dealing with those incidents over a five-week period in April and May 2019. DOJ and the Monitoring Team subsequently conferred about their findings and, based on their Phase II reviews, concluded as follows:

- The City of Seattle has maintained compliance with the Consent Decree, including, in most instances, adequate reviews of Type II cases referred to the FRB and Type III uses of force investigations by the Force Investigation Team.
- The Board has continued to improve since its inception, especially in the quality of its documentation, and in most instances appropriate referrals to OPA.

In the interest of continuous improvement, however, DOJ and the Monitoring Team offer the following technical assistance to SPD based upon issues spotted during their respective reviews. Although none of these issues rose to the level of systemic non-compliance with the terms of the Consent Decree, DOJ and the Monitoring Team encourage SPD, and the Inspector General, who has taken over the audit function for this topic area, to give attention to these matters going forward:

- There were a number of instances in which the Chair affirmatively prompted responses from the Board members for each discussion question, which seemed to stifle more organic conversation among members of the Board.

- For reviewed cases involving crowd control and management, SPD should continue to use a tailored set of prompt questions to be used for these encounters, and modify the prompt questions related to de-escalation. The default prompt questions could offer greater assistance to the Board in furthering their review and discussion of crowd control and management.

- The Board should continue to review the applicable policies and training standards relevant to the case being reviewed. DOJ noted that the relevant policies were projected on a screen during the June 17, 2019 Board meeting and this change did prompt more fulsome discussion among the Board.

- SPD should consider, consistent with OIG's conclusions in the Force Review Board Assessment, whether revisions to SPD policies concerning the Board's requirement to refer minor policy violations to the Office of Police Accountability would be beneficial. DOJ and the Monitoring Team believe that eliminating this referral requirement would allow for more productive and candid discussions by the Board about underlying policies, officers' decisions, training needs, equipment concerns, how certain types of calls and situations are handled, and new approaches being used by other law enforcement agencies. This change could result in more meaningful organizational learning and more robust discussion about the critical questions facing the Board.

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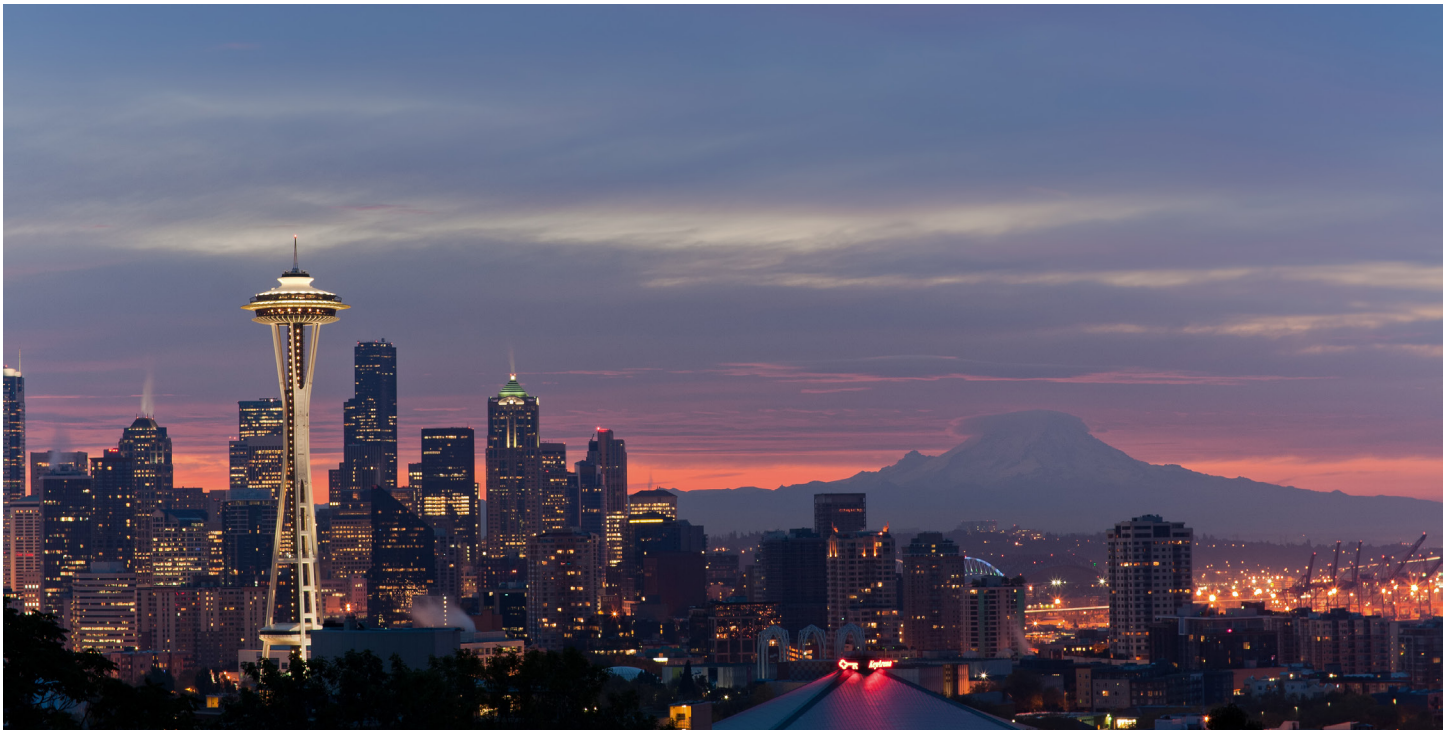

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2019 Annual Work Plan

April 4, 2019

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Establishment of the Office of Inspector General

The City of Seattle Office of Inspector General for Public Safety (OIG) was established in 2017 by Ordinance 125315 (the policy accountability ordinance) to help ensure the delivery of constitutional, accountable, effective, and respectful police services to the people of Seattle. OIG works closely with two other civilian-led departments that provide oversight to the Seattle Police Department (SPD) - the Community Police Commission (CPC) and the Office of Police Accountability (OPA). OIG provides systemic oversight by auditing and reviewing the management practices and policies of SPD and OPA to ensure the City maintains its course in prioritizing police reform in accordance with the goals of the 2012 federal consent decree.[1]

Lisa Judge was confirmed by the City Council on April 30, 2018, as the inaugural Inspector General (IG). The office opened in mid-May and has now been operational for six months. The IG's vision is for an oversight agency that objectively and effectively supports informed, compassionate policing. The credibility of OIG as an effective agent for sustained reform requires (1) a fundamental commitment of the team to objectivity and accuracy, (2) empathy for community concerns and perspectives on policing, and (3) an understanding of law enforcement principles, law, and tactics for safe and effective policing.

Primary OIG Functions

In fulfilling the duties established by Ordinance 125315, OIG conducts audits, reviews, investigations, and policy work, all informed by community engagement and stakeholder partnerships (see Figure 1, OIG structure).

1. Audits

OIG audits are guided by the Generally Accepted Government Auditing Standards (GAGAS), also known as the Yellow Book. These standards provide a rigorous framework for conducting consistent, objective audits of SPD. At times, OIG may also conduct reviews, studies, or special projects not governed by GAGAS; these may be performed by either audit staff or policy analysts. An audit plan is included as a component of the OIG work plan, but it should be recognized that audit priorities can shift throughout the year as new information becomes available.

1 *United States of America v. City of Seattle*, 12. Civ. 1282 (JLR)

2. Classification and Investigation Review

OIG investigations staff perform reviews and/or certifications of OPA classifications and investigations, a function that was performed by an OPA Auditor prior to implementation of the accountability ordinance. This body of work entails reviewing OPA complaints for appropriateness of classifications and certifying whether investigations are thorough, timely, and objective. In addition, in the event a complaint is received about an OPA staff member, OIG may conduct the investigation when a conflict of interest prevents OPA from doing so.

3. Data-Driven Policy Work

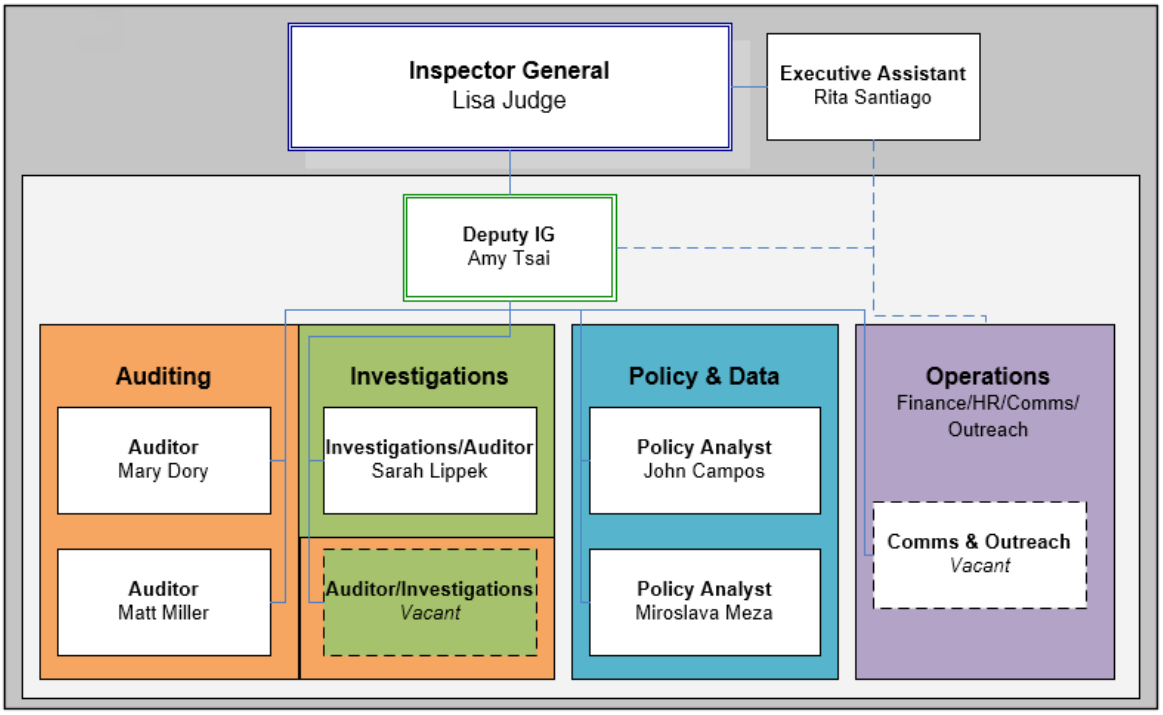
OIG serves as a clearinghouse for identifying innovations and best practices in policing and criminal justice. OIG will convene meetings, symposiums, and forums to discuss and share developments and improvements in law enforcement accountability and oversight. Specifically, OIG will identify and disseminate information on management policies, personnel practices, organizational structures, and information technology systems that can provide public safety while protecting civil liberties and maintaining community trust.

OIG seeks to objectively and effectively support informed, compassioante policing.

4. Partnerships and Outreach

Effective communications and outreach are essential to supporting the work of OIG. Increasing OIG understanding of community issues and concerns will be one of the first operational priorities of 2019. In cooperation with CPC, OIG will promote conversations between community and police about police reform, best practices, and how to decrease misconduct through the use of models consistent with constitutional policing strategies and tactics.

Figure 1: OIG Organizational Chart



Work Plan Requirements

OIG is charged with creating an annual work plan and submitting it to the Council by January 1.[2] The IG may modify the work plan during the year to accommodate emergent issues, taking into account budget constraints and the need to balance a range of priorities.

This work plan addresses priority areas identified by OIG, in addition to suggestions offered by other stakeholders. Where OPA and CPC suggestions are not incorporated into the work plan, the work plan provides an explanation of the decision as per Ordinance 125315.

Areas of Interest

Among the duties identified in the police accountability ordinance, OIG is charged with conducting audits and reviews of SPD operations. The purpose is to determine whether SPD is delivering "constitutional, professional, and effective police services consistent with best practices, and meeting its mission in a way that reflects the values of Seattle's diverse communities."[3] Out of the City's three police oversight entities, the audit and review function is an authority and responsibility that is unique to OIG.

Audits are both an important oversight tool employed by OIG and one of the most resource-intensive of OIG functions. This is in part because OIG aims to conduct high-quality audits that conform to federal standards and because the subject of the audits, SPD, is a large, complex entity.[4]

The police accountability ordinance identifies fifteen areas for potential audit or review. These areas reflect a history of community concerns, issues identified by the federal consent decree, and SPD practices that have drawn public attention. This work plan describes the activities of OIG in 2018 relative to these areas and identifies topics for which OIG intends to devote staff and resources in 2019. Specific projects for which reports will be produced are further described in the Audit and Special Projects sections. It should be noted that the list below is a starting point for discussion and is not meant to be exhaustive; the auditing and review authority of OIG extends broadly to "any and all SPD and OPA operations, and criminal justice system operations that involve SPD or OPA."[5]

Grouped by common categories, the areas identified by the police accountability ordinance include the following:

- **Administrative investigation unit processes such as force review and collision review;**

  In 2018, OIG attended Force Review Board meetings on a weekly basis. Use of force is a subject of central interest to the consent decree and has undergone significant scrutiny.

2 Ordinance 125315, 3.29.240.F
3 Ordinance 125315, 3.29.270.A
4 SPD has a 2019 adopted budget of $398.5 million and over 2,100 full-time equivalents (Ordinance 125724).
5 Ordinance 125315, 3.29.200.E

In 2019, OIG will continue to observe and evaluate the effectiveness of SPD administrative investigation unit processes in meeting the goals of the consent decree. There is no specific project on this topic planned at this time for 2019, but OIG participation in force-related activities continues to significantly inform the work of the office and its understanding of SPD internal processes.

- **SPD crime data and SPD's overall crime data collection and reporting practices, technology, and systems of data collection, management, and analysis;**

  In 2018, OIG attended SeaStat meetings on a biweekly basis and began meeting with SPD to better understand the new Data Analytics Platform (DAP) and its potential uses. SPD's sophisticated data collection and reporting tools present an incredible opportunity to use data to support effective policies, practices, and strategies. It is also a challenge to filter the extensive data and use the information meaningfully and accurately. In 2019, OIG expects to onboard analytical staff who will help assess the accuracy and effectiveness of SPD data use and identify areas for future inquiry.

SPD's sophisticated data collection and reporting tools present an incredible opportunity to use data to support effective policies, practices, and strategies.

- **Recruitment, hiring, post-Academy and in-service training, promotions, assignments, use of overtime, secondary employment, deployment, and supervision, including command and front-line supervisory functions;**

  In 2018, OIG staff attended numerous post-Basic Law Enforcement Academy trainings for new officers and participated in patrol ride-alongs. SPD takes great pride in its training program, and in 2019 OIG looks forward to continuing to work with SPD to provide feedback on training curricula.

  In 2019, OIG will engage in discussions with CPC and OPA on their collective charge under the police accountability ordinance to provide input to SPD on the formation of a secondary employment office, with recognition of and respect for potential collective bargaining implications. As discussed in the audit plan, in 2019 OIG will conduct an audit of SPD officer retention. This is consistent with the mandate of the police accountability ordinance for OIG, in partnership with CPC, to periodically evaluate the diversity of SPD's work force and assess if there are unfair impediments to hiring and retaining diverse and skilled officers.

- **The effectiveness of any early intervention or performance mentoring system in supporting improved officer performance and mitigating misconduct;**

  SPD's early intervention system (EIS) is a subject of the consent decree. In 2018, OIG met with the Monitoring Team to learn about the Monitoring Team's oversight work and how it intersects with OIG present and future responsibilities. While EIS is a subject being addressed in the consent decree sustainment plan, in 2019, OIG will support SPD's efforts to explore options for alternative effective peer intervention systems.

- **The acquisition of, uses, and significant changes to tactical equipment, vehicles, facilities, and uniforms;**

  In 2018, OIG reviewed some of SPD's asset management practices with SPD. There is no equipment audit planned for 2019, but OIG will monitor any issues that arise in the course of its oversight activities.

- **The accuracy and thoroughness of video recording reviews and the appropriate recording and retention of video recordings;**

  The implementation of body-worn cameras provides an unprecedented view of day-to-day patrol operations. As a newly instituted practice, the body-worn camera program is not yet ripe for auditing in 2019. As video footage is viewed in the course of OIG duties, systemic concerns will be noted and addressed.

- **Patterns of practice indicating disparate impact in SPD deployment of officers, uses of force, re-classifications of force; stops, arrests, searches, and interactions with those in behavioral crisis; and incidents of significant concern to the public, such as those involving injury or death in police custody or the management of demonstrations;**

  Disparate impact in stops and detentions, and SPD interactions with individuals in behavioral crisis, are topics that will be explored by OIG in 2019. These are two areas that have a profound impact on community trust. OIG efforts in these areas will include examining how community and police can better interact when an officer's use of force results in significant injury or death. The sentinel event review methodology employed by the airline and healthcare industries for tragic events provides one possible approach to building community trust through asking and answering questions that matter the most to community and identifying system issues that contribute to undesired outcomes.[6]

- **Patterns in complaints and misconduct outcomes; assessment of the appropriateness and effectiveness of imposed discipline in sustained misconduct cases; and evaluation of grievance and appeal outcomes and whether overturned findings or discipline suggest opportunities to improve OPA processes and SPD training;**

  OIG has an audit and investigations specialist dedicated to conducting the classification and investigation reviews of OPA that were previously performed by the City's OPA Auditor. The Interim OPA Auditor will remain on retainer for assistance with the transition until the beginning of 2019 and will generate a final report of past Interim OPA Auditor activities in February 2019.

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6 See, e.g., NIJ, Sept. 2014, "Mending Justice: Sentinel Event Reviews," https://www.ncjrs.gov/pdffiles1/nij/247141.pdf. Sentinel event review is dis¬-cussed further in the Special Projects section of this work plan.

OIG conducts the classification and investigation reviews of OPA previously performed by the OPA Auditor.

In addition to these classification and investigation duties, in 2019 OIG intends to review OPA processes and outcomes for opportunities for systemic improvements. This includes evaluating the effectiveness of the OPA complaint system in achieving a fair, appropriate outcome and fostering effective, respectful policing. OIG will also begin to study the impact of OPA's civilian and sworn staffing mix. With the recent ratification of the police officers guild contract, the effect of the new disciplinary grievance system remains to be seen. OIG has not scheduled an audit for 2019 as the new system has yet to be implemented, but will monitor issues as they emerge and consider the topic for 2020. OIG may further explore aspects of SPD's disciplinary system compared to nationwide practices in early 2019, and will track discipline recommendations and appeal processes for trend analysis.

- **Assessment of inquests, federal and local litigation, and their final outcomes, patterns relating to civil claims and lawsuits alleging SPD misconduct, payout amounts over time, units disproportionately represented as subjects of claims and lawsuits, related training, and review of the investigation of the underlying incidents described in such claims and lawsuits;**

  Pursuant to Ordinance 125315 directives, OIG intends to conduct analyses of any patterns and trends of disproportionality or other concerns compared to previous years, including from reviews of inquests, claims, or lawsuits alleging SPD misconduct.

- **Evaluation of appropriate SPD records retention, and conformity to public disclosure, open access to information, and privacy standards;**

  Particularly with the implementation of body-worn cameras, SPD ability to respond to public disclosure requests will continue to experience resource pressures. There is no audit of public records planned in 2019, but OIG intends to continue to monitor SPD public disclosure performance as an area of known risk.

OPA has broad authority to examine all SPD operations.

- **All SPD and OPA policies, regulations, practices, budgets, and consultant contracts**

  This category recognizes the broad authority of OIG to examine all SPD operations. Throughout the year, OIG will continue to review SPD policies and operational units for areas of concern and take into consideration feedback and observations from its police accountability partners. In 2018, SPD was of great assistance in helping to provide OIG with facility and data access, on-site meetings, demonstrations, and trainings, in addition to answering OIG questions about technology challenges, security clearance requirements, and substantive questions about SPD practices. SPD's cooperation allowed OIG to promptly commence its work in 2018, including the start of its first police intelligence audit.

AUDIT PLAN

Overview of Audit Planning Process

The audit plan is a component of the overall OIG work plan focused specifically on audits to be conducted by OIG. The audit plan reflects OIG audit priorities for the coming year but may be modified as circumstances change and new information becomes available.[7]

The OIG risk assessment approach to auditing focuses efforts where they are needed most.

OIG takes a risk management approach to auditing. The audit plan is derived from a continuous risk assessment process, which helps to maximize the effectiveness of OIG resources and to focus OIG efforts on areas with greater impacts to the City and its residents.

Risk assessment has two components: potential impact and likelihood of the impact occurring. OIG prioritizes risks that have a high potential impact if the risk did manifest and a high likelihood of occurring.

In the OIG operating environment, high impact risks include, but are not limited to, those that involve potential loss of life, damage to public trust, and weakening of accountability systems or major reforms. Likelihood is evaluated through a variety of factors, including past incidents and the strength of any preventative or mitigating systems.

The risk assessment process for the OIG audit plan considers information from a wide variety of sources, such as:

- Information gathered by OIG staff through the course of prior projects or on-going activities;
- Systematic review of SPD organizational units and policies;
- Input from community members;
- Referrals or work plan requests from stakeholders;
- Prior audits completed by OIG itself, the City Auditor, or audit entities in other jurisdictions;
- Reports and internal analyses produced by the City or relevant partners; and
- Media reports and investigations.

OIG reviews the relevancy, validity, and reliability of information sources when assessing risk and developing the audit plan.

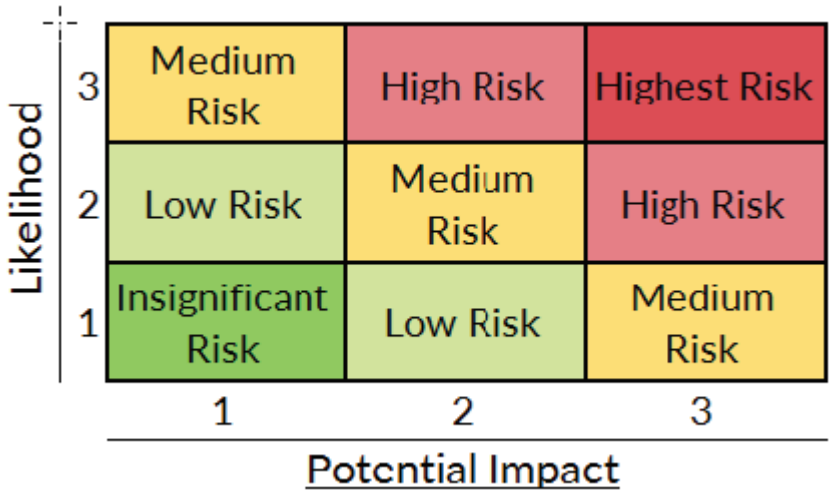
On occasion, the OIG audit team may conduct special projects that are not performance audits. In these cases, the team has determined that the topic or request is best served through some other format, such as a summary of best practices. However, special projects are still subject to rigorous standards of criteria selection, evidence review, and quality control.

7 If the work plan is amended during the year, OIG will notify the Council, CPC, OPA, Mayor, and the Seattle Police Department, and will update the version of the plan posted on the OIG website.

Risk Assessment Matrix

OIG assesses all potential risks according to a decision matrix. See Figure 2, below. Likelihood and potential impact are rated on a one to three scale, with three being the highest or most severe rating. The combined rating sets the overall risk priority level. The final audit plan is determined by the IG after consultation with the Deputy IG and OIG audit staff.

Figure 2: Risk Assessment Matrix



Source: OIG risk matrix.

OIG will undertake intelligence and surveillance projects in 2019 mandated by the Seattle Municipal Code.

Mandated Projects

OIG has undertaken two projects that are required by municipal code.

- **Audit of Collection of Information for Law Enforcement Purposes**

  Pursuant to Seattle Municipal Code Chapter 14.12.330, OIG will, on a biannual basis, determine whether the Seattle Police Department is complying with Chapter 14.12 of the Municipal Code regarding the collection of private sexual information and other restricted information.

  Informed by the audit, OIG will work with CPC to review and recommend improvements to the police intelligence auditor Chapter 14.12 SMC, pursuant to Resolution 31753.

- **Surveillance Review**

  Pursuant to Seattle Municipal Code Chapter 14.28.060, OIG will review the Seattle Police Department's use of surveillance technology and the extent to which the department is in compliance with Chapter 14.18 of the Municipal Code. In 2018, OIG attended the SPD surveillance technology community meetings held by the City to answer community questions and obtain public input about proposed acquisition of new surveillance technologies by SPD.

2019 Audits

In addition to the preceding two mandated subjects, OIG plans to initiate the following performance audits in 2019.

In 2019 OIG will examine whether SPD is effectively retaining officers and command staff.

- **Mutual Aid and Use of Specially Commissioned Officers**

  The preliminary objective of this audit is to determine whether the Seattle Police Department ensures its reform efforts and commitments are carried out when mutual aid agreements are activated and in the use of specially commissioned officers. Potential impacts associated with this topic include use of force, bias, improper consideration of immigration status, and discipline.

- **Canine Deployment**

  The preliminary objetive of this audit is to determine whether the Seattle Police Department is deploying canines in a manner consistent with department policy and the goals of the consent decree. This audit was added as a priority for the work plan in response to recent canine deployments reviewed by the Seattle Police Department Force Review Board.

- **Officer Retention**

  The preliminary objective of this audit is to determine whether the Seattle Police Department is effectively retaining officers and command staff. Potential factors associated with this topic include officer safety, staffing, use of force, discipline, and supervision.

2019 Reviews

At times, OIG will perform non-audit reviews that do not follow all GAGAS requirements. This may occur for a variety of reasons, such as limited time or scope.

- **Sustainment Plan Force Review Board Assessment**

  At the request of SPD and with the agreement of the U.S. Department of Justice and federal Monitoring Team, OIG is conducting the assessment of the Force Review Board identified in the Court-approved Phase II Sustainment Period Plan (U.S. v. City of Seattle, Case No. 2:12-cv-01282-JLR, Document 444-1, Attachment A).

- **Asset Management Review**

  OIG has conducted a review of SPD asset management practices in response to an OPA complaint that was referred to OIG.[8] This particular issue is included as part of the OIG work plan because it has a close nexus with the OIG authority to review "the acquisition of, uses, and significant changes to tactical equipment, vehicles, facilities, and uniforms." (Ord 125315, §3.29.270.A.7)

8 Non-audit reports such as responses to complaints will sometimes be included in the annual work plan when they address a topic of public interest identified in the police accountability ordinance.

Horizon Projects

OIG is monitoring the following topics and will prioritize them if one of the planned projects is not conducted. Other topics may be added to the list as the year progresses.

- Officer supervision;
- Adequacy of training facilities to meet SPD needs;
- Effectiveness of body-worn video technology and SPD policies regarding its use;
- Transportation of individuals in custody who are physically uncooperative;
- Discipline and appeal processes;
- Hiring and recruitment processes; and
- Coordination of SPD with mental health, substance use, and housing resources.

Special Projects

The Inspector General has identified three special projects for 2019, as described below.

- **Interrogation Practices**

  A recent court case[9], as well as longstanding efforts of criminal justice reform groups, continue to highlight issues with police interview and interrogation practices that employ deception and/or use techniques not grounded in current social science research. Such practices in other jurisdictions have been linked to false confessions, as well as missed opportunities to identify actual perpetrators. OIG will coordinate a collaborative project with a variety of partners, including CPC, SPD, national and local Innocence Project offices, Seattle ACLU, and social science experts to identify best practices regarding effective interviewing techniques that best capture reliable information from victims, witnesses and suspects, to provide SPD officers with additional investigative skills. The project will identify scientifically-based interview techniques that will be supported by policy recommendations and appropriate training. In the Fall of 2018, OIG met with the national Innocence Project and obtained the organization's support for a symposium on interrogation practices that will be part of the collaborative project.

The national Innocence Project is partnering with OIG to bring a symposium on interrogation practices to Seattle.

9 People v. Sanchez, 2018 IL App. (1st) 143899.

- **Peer Intervention**

Peer intervention programs for police officers, for example the New Orleans EPIC (Ethical Policing Is Courageous) Program, have gained attention from police departments and professional associations in the last couple of years as an innovative approach to reducing situations that result in complaints against officers and/or occurrences of officer misconduct.

Sentinel event reviews look at improving systems to minimize the likelihood of future tragedies.

Significant social science research has been done on the issue of the "bystander effect." Research has demonstrated that failing to intervene can create an atmosphere of tacit acceptance of wrongful conduct. Training SPD officers to be "active bystanders" teaches officers to recognize when a situation may be escalating into unnecessary force or unprofessional conduct and empowers officers to intervene to redirect the situation. Doing so can greatly improve service delivery and build trust with the community, and provides officers a mechanism to protect each other and the reputation of SPD.

An effective peer intervention program provides officers with training and tools. A good peer intervention program can benefit the community by reducing the likelihood that law enforcement officers will react inappropriately or unprofessionally in a high stress or heated situation. It can also benefit officers and SPD by acknowledging the realities of human nature in a high stress or frustrating encounter, affording officers the training and tools to step in and assist each other in de-escalation and avoidance of unprofessional behavior or misconduct.

OIG presented a proposal for this program to SPD in 2018. In 2019, OIG will work with SPD and other partners to develop and implement a peer intervention program.

- **Sentinel Event Review**

An event resulting in death, significant injury to a member of the public, or that involves public perception of improper policing can have a lasting negative impact on a police department. It can also undermine critical relationships with community. One avenue to foster community understanding of such an event, and to critically assess the incident to determine ways to prevent future similar events, is a thorough external review process involving community members and subject matter experts. The health care and aeronautics industries have long used such processes as a non-punitive means to examine the systemic failures and defects that contribute to or allow tragic events to happen. While individual responsibility is a critical component in addressing community concern with a tragic incident, systemic analysis and improvement are critical to minimizing the likelihood of similar future tragedies. OIG will continue to explore the feasibility of a review board to engage in a comprehensive, methodical, in-depth examination of

incidents involving significant force, pursuits resulting in significant injury, and other such events.

Sentinel event reviews are just one means that OIG is exploring for how to improve community-police understanding. SPD has requested that OIG consider providing a family liaison service to help coordinate information-sharing to families whose family member was involved in a high-profile incident and who do not

Policy Work

- **Discipline and appeal processes trend analysis**

  The process from complaint initiation to potential discipline, appeal, and arbitration is of notable public interest, and has caught the attention of the Court as well (see, e.g., Document 504, Order to Show Cause Whether the Court Should Find that the City has Failed to Maintain Full and Effective Compliance with the Consent Decree). OIG is diagramming the complaint and disciplinary system to illustrate the process, general timelines, and areas where there is opportunity for public visibility into the process.

- **Evaluation of SPD Disparity Review Methodology**

  As part of the Consent Decree Phase II Sustainment Period Plan, SPD is in the process of conducting a disparity review of stops, searches, and seizure; use of force; and other law enforcement activity. OIG provided an independent evaluation of the SPD statistical methodology for its disparity review. This evaluation was initiated after the filing of the original OIG work plan and has already been completed; it is reported in this OIG work plan due to its nexus with the OIG authority to review disparate impacts in matters such as stops and arrests (Ord 125315, §3.29.270.A.9) and to highlight OIG efforts to maintain critical oversight efforts post-consent decree.

- **SPD Audit Policy & Research Section (APRS) Process Improvements**

  APRS is the SPD unit charged with conducting regular reviews of SPD policies and performing internal compliance audits. OIG policy staff will be assisting APRS with mapping unit processes to improve the efficiency and effectiveness of APRS policy staff. OIG also intends to help APRS audit staff with improving their audit practices. When APRS improves its efficiency, the accountability system benefits from having a more productive partner. This work plan item also relates to the OIG charge to look for ways to increase the effectiveness of SPD and related criminal justice system processes. (Ord 125315, §3.29.200.K)

Inter-Agency Requests

want to be contacted by SPD. That function is not necessarily within the mandate for OIG, but OIG will work with SPD in 2019 to identify possible solutions.

CPC and OPA have requested that OIG conduct certain projects in 2019. Below is a list of the requests and the determination of whether OIG will undertake them in 2019. OIG responses fall into the following four categories:

1. **Accept** – OIG will undertake a project on this topic in the current audit year.
2. **Deferred** – OIG recognizes that the topic is appropriate for OIG oversight, but reasons exist why it is not feasible to perform in the current audit year, e.g., availability of sufficient data to audit, OIG resource constraints.
3. **Declined** – OIG will not undertake the project.
4. **Assess** – OIG will take a preliminary assessment of the subject and evaluate it as a potential future audit.

Some requests touch on areas of concern that are currently being scrutinized by the federal Monitor and United States Department of Justice. For such areas, OIG will have a more active oversight role in the future.

Community Police Commission

OIG looks forward to continuing to collaborate with CPC in 2019.

- **[Accepted] Racial Disparity**

  CPC has asked OIG to explore the dynamics that may account for racial differences in officer stops and frisks and in officer perceptions of subjects in behavioral crisis. OIG will look further into this subject with its policy analyst staff who will be hired in early 2019. In addition, after SPD has had an opportunity to research the identified disparities in more detail and take any necessary action, this may be a timely subject to audit in 2020 to assess SPD implementation of the changes and the effectiveness of its practices.

- **[Accepted] Coercive Interrogations**

  OIG is in discussions with the Innocence Project (NY) regarding bringing a symposium to Seattle in 2019 on interrogation practices and welcomes CPC's continued collaboration in a workgroup formed for this topic. In 2018, CPC held a one-day session on deceptive practices attended by OIG staff and others. Planning will commence in early 2019 to engage experts in the field and coordinate the workgroup.

OIG will review SPD's interactions with other law enforcement partners.

- **[Accepted] Federal Taskforce Collaboration**

  CPC requests that OIG examine the implications of SPD's involvement in responding to federal requests for information which involve undocumented people within Seattle. SPD's data

management and sharing practices, including for regional task forces, will be considered as part of the OIG surveillance review scheduled for 2019.

- **[Deferred/Assess] SPD Responses to Demonstrations**

  CPC requests an audit or review of SPD use of force in arrests at demonstrations. While crowd management, crowd control, and use of force are timely topics for police reform, OIG does not have the resources to add this topic to the work plan at this time; however, elements of this request will be considered in the planned audit of mutual aid agreements and specially commissioned officers. Additionally, SPD is currently amending its use of force procedures. Any changes would need to be implemented for a period of time before OIG could conduct an audit or review of its effectiveness.

- **[Assess] Assessment of Force Review Board**

  SPD is currently amending its use of force procedures. Any changes would need to be implemented for a period of time before OIG could conduct an audit or review of its effectiveness. OIG observes Force Review Board meetings and will respond if OIG identifies any discrepancies that suggest the need for a more immediate audit.

- **[Assess] Audit or Review 911 Dispatch Center**

  CPC requests review of 911 Center response times, call classifications and assignments, and SPD response times to shelters. OIG does not have the resources to add this topic to the work plan at this time. However, OIG will continue to evaluate opportunities to work on this subject in 2019. For example, SPD and Seattle Fire Department joint response and finding ways to better connect individuals with needed services is a subject that may have relevance to officer responses to individuals in crisis.

- **[Accepted] SPD Litigation Review**

  In 2019, OIG intends to analyze any patterns of disproportionality for vulnerable populations over time in inquests, claims, or lawsuits alleging SPD misconduct. CPC also requested an update on the Force Review Board recommendation referred to OIG to provide a family liaison outside of SPD. Participation by OIG in a family liaison capacity would severely limit the ability of OIG to provide oversight over such a function. OIG will explore alternatives with SPD. Lastly, CPC suggested that OIG be informed about the Carl Wingate/ Cynthia Whitlatch case and gaps in policy and practice identified by CPC. OIG will outreach to CPC in 2019 to discuss this case in greater detail. (Case name as referenced in CPC request. Please note that this issue is in regards to the William Wingate case.)

Office of Police Accountability

- **[Assess] Supervisor Handling of Minor Misconduct**

  OPA requests OIG to consider a 2020 audit of revisions in

supervisory handling of minor misconduct allegations. Significant changes in the handling of misconduct cases would be a good candidate for auditing. OIG will continue to monitor this issue in 2019.

- **[Accepted] Review of Special Police Officer Commissions**

  OPA requests OIG to review policies and practices governing the limited law enforcement authority of Special Police Officer Commissions which generate numerous OPA complaints each year. OIG has incorporated this request into its 2019 work plan as part of a larger consideration of SPD's interactions with other law enforcement partners.

- **[Assess] Training Roll-Out for Use of Force Policy Changes**

  OPA requests OIG to assess the adequacy of the training process for rolling out use of force policy changes. This is an important and necessary topic. To the extent that OIG capacity allows, OIG will monitor the issue and if it appears to be time critical, OIG will reevaluate it for potential inclusion in the 2019 work plan.

Highlights from 2018

At six months from initial creation of the office, OIG has recorded the following milestones:

- **Standing up a new office**
  - Created operational infrastructure and secured future permanent office space for a new independent office;
  - Advocated for additional staffing capacity in 2019 in the first City budget for OIG; and
  - Worked with SPD to obtain security clearances and access to SPD data systems.
- **Building collaborative partnerships**
  - Participated in establishing and hosting the first quarterly collaboration meetings with the accountability entities and SPD as mandated by the police accountability ordinance;
  - Conducted site visits to Los Angeles, Oakland and New York City Offices of Inspector General, as well as other oversight entities and police reform organizations in those jurisdictions, to inform

the establishment of the office, build relationships, and exchange information; and

- Engaged with the federal Monitor and team members, DOJ, and SPD on their work on the sustainment plan.

- **Examining and improving OIG understanding of SPD systems and community concerns**
  - Attended all of the 2018 SPD surveillance community meetings hosted by the City to obtain community input on proposed new SPD technology;
  - Participated in patrol ridealongs and attended numerous SPD new officer trainings;
  - Received in-depth introductions from SPD for the Data Analytics Platform and new Records Management System; and
  - Regularly attended Force Review Board meetings and SeaStat.
- **Progressing on reform efforts**
  - Delivered a peer intervention program recommendation to SPD, establishing buy-in for a 2019 workgroup;
  - Established a collaborative endeavor with CPC, the national and regional Innocence Project offices, the Seattle ACLU, and recognized experts on improving police interrogation practices;
  - Began conversations with accountability partners on establishment of a system of sentinel event review, with an accompanying public education component, for critical incidents involving SPD;
  - Transitioned Interim OPA Auditor work for classification and investigation review and certification from a contract consultant to OIG staff;
  - Reached an agreement with OPA for the timing and process for migrating from individual OPA classification review to quarterly reviews;
  - Established a process for OIG handling of complaints where a potential conflict of interest prevents OPA from dealing with the case;
  - Created an intake process for receiving misconduct complaints; and
  - Began work on the first mandated OIG audits.
- **Presenting to partners**
  - Participated in the Regional National Association for Civilian Oversight of Law Enforcement conference in Seattle, including moderation of a panel by Inspector General Judge;

Standing up a new Office of Inspector General took place with the generous assistance of the Legislative and Executive Branch.

- Delivered a presentation on Seattle's police accountability system to a New York University School of Law externship class for the Policing Project; and
- Presented on the purpose of OIG at new-sergeant and sergeant in-service trainings.

The creation of a new and independent department from whole cloth, without an established system for human resources, finance, or information technology support, was a significant challenge. OIG would like to acknowledge considerable assistance from the Legislative Department, the Information Technology Department, and Department of Finance and Administrative Services, for their assistance in providing interim services that allowed the office to begin establishing necessary infrastructure. In 2019, administrative, human resource, and finance, functions will begin to be assumed by OIG staff.

OIG looks forward to serving the people of Seattle with its police accountability work in 2019.

Attachment 1: Work Plan Addendum

April 4, 2019

For each OIG work plan item with a deliverable report, Table 1 below identifies 1) the page(s) of the work plan that describe the project, 2) relevant citations for the body of work, and 3) anticipated start and completion dates.

Table 1. OIG Work Plan Items with Report Deliverables

Page	Relevant Citations	Work Plan Item	Anticipated Start	Estimated Completion	Comments
		AUDITS/REVIEWS			
9	3.29.240.E; SMC 14.12.310	Police Intelligence Audit	Q4 2018	Q1 2019 & Q3 2019	Q3 will be a mid-year status update memo.
9, 14	Ord 125679	Surveillance Annual Review	Q1 2019	Q4 2019	This review also relates to the CPC request re: SPD data sharing for regional taskforces
10, 16	Requested by OPA; 3.29.270.A.9	Mutual Aid/Specially Commissioned Officers Audit	Q1 2019	Q3 2019	
10	3.29.270.A.9-11	Canine Deployment	Q2 2019	Q1 2020	Added to work plan
5, 10	3.29.270.C	Officer Retention Audit	Q3 2019	Q1 2020	
10	3.29.270.A.2	Sustainment Plan Force Review Board Assessment	Q1 2019	Q3 2019	Added to work plan
10	3.29.270.A.7	Asset Management Review	Q4 2018	Q2 2019	Added to work plan
		SPECIAL PROJECTS			
11, 14	Requested by CPC; 3.29.200.K	Interrogation Best Practices	Q4 2018	Q3 2019 and 2020 symposium	This project also relates to the CPC request re: interrogations.
5, 12	3.29.270.A.5; 3.29.200.K	Peer Intervention Program	Q4 2018	Dependent on SPD	
6, 12	3.29.200.K; 3.29.200.J	Sentinel Event Review	Q2 2019	Q2 2020	This item also relates to the SPD request to identify an appropriate family liaison entity/approach; OIG will work with OPA on that point.
		POLICY PROJECTS			
13	3.29.200.I.3	Discipline and appeal processes trend analysis	Q1 2019	Q2 2019 (process mapping) & Annual Report	
13	3.29.270.A.6	Evaluation of SPD Disparity Review Methodology	Q1 2019	Q1 2019	Added to work plan

table continues on next page

Table 1, Continued. OIG Work Plan Items with Report Deliverables

Page	Relevant Citations	Work Plan Item	Anticipated Start	Estimated Completion	Comments
		OPA OVERSIGHT			
6	3.28.860	OPA Auditor final report	Q4 2018	Early Q2 2019	
3, 6	3.29.250.A	Quarterly classification review	Q2 2019	Qtrly after migration	Currently OIG is reviewing every classification with the objective of migrating to quarterly review
3, 6	3.29.270.D; 3.29.200.F	OPA classification and investigation reviews	Ongoing	See Annual Report below	Under Ord 125315, former OPA auditor reports are incorporated into the annual report.
		ANNUAL REPORT			
	3.29.270.D.4; 3.29.410.G; 3.29.460.A	Recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws;	Ongoing	Annual report; joint CPC mid-year report	
5, 10, 15	3.29.240.G; 3.29.270.D.6	OIG review of officer-involved shootings, in-custody deaths, and other cases of significant public concern	Ongoing	Annual report	OIG attends Force Review Board weekly and officer-involved shooting scene investigations. OIG will also assess the CPC request re: Force Review Board for any immediate concerns.
7, 14	3.29.270.D	Disproportionality or other trends in inquests, claims and lawsuits	Q1 2019	Annual report	This item also relates to the CPC request re: disparity patterns in misconduct inquests, claims, and lawsuits.
7	3.29.270.D.8; Resolution 31753 §4	OPA sworn and civilian staff study	Q1 2019	Annual report; Q4 2019	Res. 31753 calls for a study by Dec. 31, 2019, but OPA low civilian hiring numbers through mid-year will limit availability of data.

Attachment 2: Work Plan Amendments

The OIG work plan is a product that will be continually amended throughout the year as information becomes known and risk conditions change. Attachment 2 provides a guide to work plan edits that have occurred since the January 1, 2019 filing.

1. January 23, 2019 –

- Added disciplinary process flowcharting (p.7, 13) and non-substantive corrections.

2. April 4, 2019 –

- **AUDITS:**
  - Added Canine Deployment as a priority audit (retention audit will be delayed to accommodate the workload impact)
  - Added two reviews:
    1. Sustainment Plan Force Review Board Assessment
    2. Asset Management Review
  - Added Supervision Audit as a horizon topic
- **SPECIAL PROJECTS:**
  - Changed expected date of collaborative Interrogation Symposium from 2019 to 2020
- **ADDED POLICY PROJECTS:**
  - Added details on discipline and appeal processes trend analyses
  - Added Evaluation of SPD Disparity Review Methodology
  - Added SPD Audit Policy & Research Section (APRS) Process Improvements
  - Modified description of CPC request regarding federal taskforce collaboration which will be addressed as part of the OIG surveillance review, as opposed to the OIG mutual aid audit.