

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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

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 that 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 sixth quarterly report.

Over the past quarter, the parties and the Monitor have worked closely together on SPD's Comprehensive Use of Force Review ("UoF Review"). This assessment analyzes the force used by SPD throughout 2018 to determine whether it is constitutional, lawful, and complies with the Consent

1 Decree. The unconstitutional force documented by DOJ in its investigation is what brought about the
2 Consent Decree, and the UoF Review is a testament to the remarkable reforms accomplished over the
3 past seven years.

4 The process for the parties and the Monitor's collaboration on the UoF Review is set forth in
5 the Sustainment Plan: DOJ, SPD, and the Monitor will "collectively select a statistically valid sample
6 of cases for review . . . [and] evaluate those cases independently with the assistance of subject matter
7 experts." Dkt. 444 at 6. The findings of the UoF Review demonstrate that SPD continues to meet and
8 exceed the Consent Decree requirements. In nearly every incident reviewed, DOJ and the Monitor
9 concurred with SPD that the force used was reasonable, necessary, and proportional.

10 Additional important findings are contained in the Crisis Intervention Program Report.
11 Delivering services to and engaging with individuals in behavioral crisis is a challenge that SPD and
12 other City agencies face daily. In 2011, DOJ's investigation determined that SPD used force too readily
13 with this vulnerable population. Today's report describes how SPD now provides robust training to
14 equip officers to meet this challenge, including a forty-hour course in crisis intervention that has been
15 completed by a majority of officers who respond to calls for service. As a result, SPD currently uses
16 force in less than 2% of its contacts with people in crisis.

17 Finally, SPD's Part II Stops and Detentions Audit demonstrates that SPD continues to conduct
18 stops and frisk with appropriate legal justification and in compliance with the Consent Decree.
19 Notably, as reported recently in its annual report on stops and detentions, SPD does not use "stop and
20 frisk" as an enforcement tactic. Dkt. 547-1 at 1. More than two-thirds of SPD's Terry stops are
21 conducted in response to a 911 call (or other request for service), and more than a quarter of all stops
22 lead to an arrest. *Id.* at 5, 21.

1 During the past quarter, SPD completed its Comprehensive Use of Force Review and Part II
2 of its Stops and Detentions Audit. Both audits are being submitted to the Court concurrently with this
3 report.

4 SPD's Comprehensive Use of Force Review:

5 As described above, this report evaluates whether SPD's use of force is lawful and complies
6 with SPD's Use of Force policies corresponding to paragraphs 69-90 of the Consent Decree.
7 Within the City, there are two entities that make findings in this regard: SPD's Force Review Board
8 (FRB) and the independent Office of Police Accountability (OPA). The Force Review Board
9 serves a critical internal accountability role within SPD. It is comprised of a select group of
10 personnel who are specially trained to investigate officer uses of force. The UoF Review compiles
11 FRB's findings on the uses of force it reviewed in 2018: whether the officer took reasonable
12 efforts to de-escalate prior to using force, whether the force was reasonable, necessary, and
13 proportional, and whether the force conformed. When FRB identifies a policy violation, it sends
14 the incident to OPA.

15 The UoF Review also documents OPA's findings for cases it received in 2018. OPA
16 receives allegations of misconduct against SPD employees from the public, as well as from FRB
17 and SPD chain of command, and is responsible for investigating them. OPA has a civilian director
18 and a mix of civilian and sworn investigators. In 2018, OPA reviewed 168 cases, involving 448
19 alleged violations of SPD's use of force policies. Of those 448 alleged violations, OPA sustained
20 twenty allegations, comprising twelve uses of force by eleven unique officers. In context, that
21 means out of all 2,252 uses of force in 2018, only twelve (or 0.5%) were determined to be out of
22 policy.
23

1 These findings demonstrate that the Department has sustained compliance with the Consent
 2 Decree force requirements. In its 2011 investigation, DOJ determined that SPD used
 3 unconstitutional force in 20% of incidents involving Type II and Type III force. DOJ Findings
 4 Letter at 4. During Phase I, the Monitor studied SPD's uses of force and determined that it
 5 complied with policy—a higher bar than that applied by DOJ—more than 99 percent of the time.
 6 *See Monitor's Ninth Systemic Assessment*, at 8. Today's findings demonstrate that SPD's progress,
 7 documented by the Monitor in Phase I, has been sustained and continued.

8 Another important indication of how the Department interacts with the community is the
 9 overall level of force. Key among today's findings, consistent with prior years' reports, is that the
 10 use of force overall remains rare. In 2018, officers reported using force of any type 2,252 times, a
 11 rate of just over one quarter of one percent (0.26%) of all dispatches, and of these uses of force, as
 12 in prior years, the overwhelming majority (83%) involved no greater than the lowest type of
 13 reportable force (such as a complaint of pain with no sign of injury or the pointing of a firearm).
 14 The most serious, Type III, force—defined as force that causes or may be reasonably expected to
 15 cause substantial bodily injury—remains extraordinarily rare, occurring only 25 times in 2018, or
 16 0.006% of all CAD events.³

17 These findings, when compared to those of DOJ in 2011 and the Monitor in 2017,
 18 demonstrate that SPD has sustained a dramatic reduction in the use of serious force. DOJ's 2011
 19 investigation found that there were 1,230 incidents involving a serious (Type II or III) use of force
 20 in the 28-month period from January 1, 2009, to April 4, 2011. DOJ Findings Letter at 4. In its
 21

22 ³ A “CAD event” is a unique incident, given a unique identifying number, logged in
 23 response to a call from the public or a report from an officer in the field of an incident or event
 requiring their response.

1 Use of Force Assessment, the Monitor found that there 487 incidents involving a serious use of
 2 force—a sixty percent reduction—in the 28-month period from July 1, 2014, to October 31, 2016.
 3 Dkt. 383 at 31-32. The UoF Review shows that SPD has maintained this reduced level of serious
 4 force: there were 454 incidents involving a serious use of force in the 28-month period from
 5 January 1, 2017, to April 30, 2019.

6 The use of force by Seattle police officers continues to be an empirically rare occurrence.
 7 This finding shows that that officers continue to implement, in practice, the de-escalation training
 8 and tactics that have brought Seattle into full and effective compliance with the Consent Decree.

9 The Department of Justice and the Monitor validated the UoF Review and concluded that for
 10 nearly all of the incidents out of a statistically representative sample, the force used was reasonable,
 11 necessary, and proportional. A summary of their findings can be found in the validation section at the
 12 end of the report.

13 SPD's Part II Audit on Stops and Detentions:

14 This audit evaluated the data on temporary, investigative detentions known as *Terry* stops.⁴
 15 Its findings demonstrate that the vast majority of stops and frisks conducted by SPD officers meet
 16 constitutional requirements. Detectives from SPD's Audit, Policy, and Research Section (APRS)
 17 conducted a review of a random, statistically representative sample of all contacts reported as *Terry*
 18 stops during the period. They determined that, in 96% of the stops, the officer's report (called a
 19

20 ⁴ An investigative stop, or "Terry stop," is a temporary, investigative detention. It occurs
 21 when an officer briefly detains a person for the purpose of investigating a crime. A Terry stop falls
 22 short of an arrest and does not require probable cause, but it does require that the officer be able
 23 to identify specific, objective facts which support a reasonable suspicion that the person
 committed, is committing, or is about to commit a crime. An officer may conduct a frisk, or pat-
 down, as part of a stop only if the officer has reasonable suspicion that the subject is armed and
 dangerous. The legal authority for investigative stops and frisks was explained by the U.S.
 Supreme Court in *Terry v. Ohio*, 392 U.S. 1 (1968).

1 “Terry template”) contained a narrative that documented reasonable suspicion for the stop. There
2 was adequate reasonable suspicion for 97% of frisks. It is important to note that, for the remaining
3 stops and frisks reviewed by APRS, for which adequate documentation for the stop or frisk was
4 lacking in the Terry Template, the basis for the officer’s reasonable suspicion may have been
5 documented in the general offense report or captured in other parts of the investigative file, such
6 as on the officer’s body-worn video. Those materials, however, were not reviewed by APRS.

7 The Department of Justice and the Monitor independently validated the Department’s Part II
8 Stops and Detentions Audit. Based on their review of a sample of the Department’s Terry templates,
9 DOJ and the Monitor concluded that the Department has demonstrated sustained compliance with
10 paragraphs 140-44 of the Consent Decree. A summary of their findings can be found in the validation
11 section at the end of the report.

12 Policy Reviews: The SPD Audit Policy and Research Section (“APRS”) reviews all
13 Department policies on a three-year cycle. The Consent Decree-mandated policies are being
14 reviewed annually. SPD’s proposed revisions to its Voluntary Contacts, Terry Stops, and
15 Detentions Policy are being submitted concurrently with this filing, per the Sustainment Plan. The
16 Department of Justice and the Monitor reviewed and approved SPD’s revisions to this policy. After
17 the Consent Decree ends, SPD will continue to participate in national efforts to identify best police
18 practices and incorporate those findings into its policies.

19 The proposed revisions to SPD’s Voluntary Contacts, Terry Stops, and Detentions Policy
20 are also discussed in the City’s motion seeking the Court’s approval of the policies. (Dkt. 587.)
21 The revisions are minimal and clarifying in nature. Several changes are made to clarify the policy
22 on treatment of non-arrested companions when an officer is making an arrest. The policy addressing
23 the scope and duration of a Terry stop contains added language to make it clear that pointing a

1 firearm at an occupied vehicle (even if not at a specific person) is one example of an action that
2 further limits a subject's freedom during a Terry Stop. Throughout, the term "sergeant" is replaced
3 by "supervisor," because in some instances a lieutenant carries out the required screening of the
4 temporary detention.

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

10 The 2019 Crisis Intervention Program Report, which is being filed with this report, contains
11 SPD's annual review and analysis of all contacts with members of the public who are in crisis.
12 Crisis contacts result from a request from the community (dispatched) or officer-initiated behavior
13 (on-view). Although crisis contacts increased substantially from 2017 to 2018—a trend identified
14 by SPD in last year's Crisis Intervention Program Report—the number of contacts in the first six
15 months of 2019 was 11% fewer than the same period in 2018. The recent decrease in the number
16 of crisis incidents may suggest that supportive services are increasingly reaching this vulnerable
17 population in some precincts. SPD is partnering with King County Public Health and other care
18 coordinators in the public health and public safety realms to share data on behavioral crisis.

19 A critical resource in these efforts is the fact that SPD's officers are particularly well
20 equipped to address circumstances involving people in crisis. All SPD officers receive at least eight
21 hours of annual crisis intervention training, and on average 63% of the officers assigned to 911
22 response were "CIT certified," receiving more than forty hours of crisis intervention. An officer
23 certified in crisis intervention tactics was on scene in nearly 82% of calls for service that resulted

1 in a crisis contact.

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

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

6 This section provides data on SPD's use-of-force and crisis intervention practices for the third
7 calendar-year quarter of 2019, which runs from July 1, 2019, to September 30, 2019. The report
8 does not undertake to analyze or contextualize the data for two reasons. First, it would be
9 speculative to infer trends or draw comparisons based on one quarter of cross-sectional data.
10 Second, the Sustainment Plan, approved by the parties and the Court, sets forth a series of annual
11 audits and outcome reports which contain the Department's analyses and conclusions. As
12 contemplated in the Sustainment Plan, the Department's recent Use of Force Annual Report was
13 submitted to the Court on January 31, 2019, and the next annual report is due to the Court on January
14 10, 2020.

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

20 *A. Use of Force*

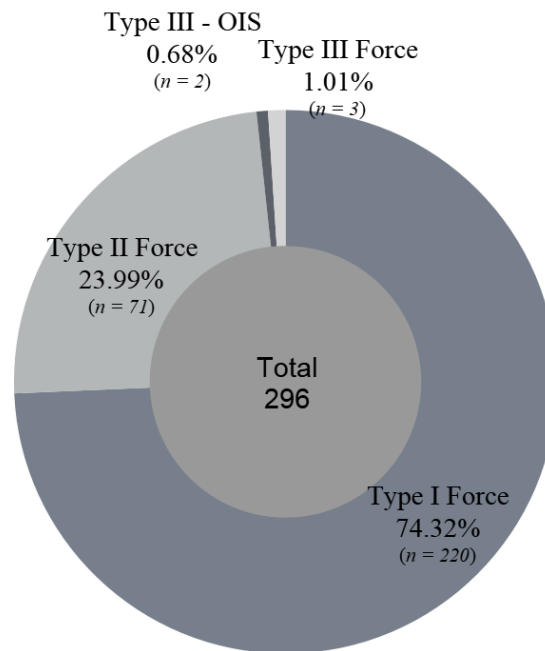
21 Two hundred and ninety-six uses of force were reported in Q3 2019. Because of the way
22 "use of force" is defined, a single incident often results in multiple reported uses of force.
23

In the third quarter of 2019, two hundred and twenty (80%) of the reported applications of force involved no greater than low-level, Type I force.⁵ Seventy-one (19%) involved Type II force. There were two officer-involved shootings. See Figures 1 & 2.

Figure 1. Use of Force By Quarter

	2018 Q2	2018 Q3	2018 Q4	2019 Q1	2019 Q2	2019 Q3	Total
Type I Force	477	528	462	292	259	220	2,238
Type II Force	84	99	67	71	77	71	469
Type III Force	10	2	4	2	1	3	22
Type III - OIS			1	6	3	2	12
Total	571	629	534	371	340	296	2,741

Figure 2. Q3 2019 Types of Force Used:



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.

In the context of overall encounters with the community, force is used rarely. During the third quarter of 2019, the computer-aided dispatch (“CAD”) database recorded 97,475 unique events to which officers were either called by a dispatcher or which officers observed or were alerted to while on patrol. One hundred and five of these events involved one or more reportable applications of force. That means approximately one tenth of one percent of all events involved any use of force. Sixteen (approximately one one-hundredth of one percent) of the 97,475 unique CAD events ultimately involved a use of force greater than Type I (i.e., Type II or Type III).

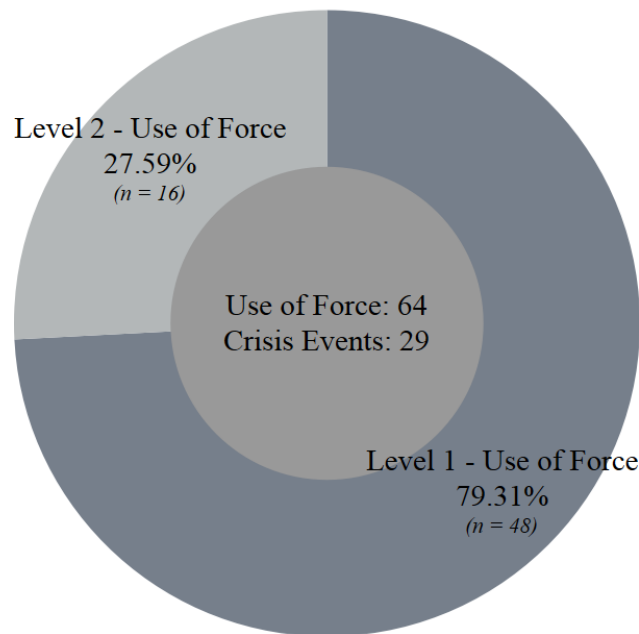
The demographic characteristics of subjects of force for the quarter are presented below in Figure 3.

Figure 3. Q3 2019 Race of Subjects of Force

Subject Race	% of Total	UoF Count
White	40.88%	121
Black or African American	30.74%	91
Not Specified	20.95%	62
Hispanic or Latino	4.05%	12
Asian	3.38%	10
Grand Total	100.00%	296

B. Crisis Intervention

During the third quarter of 2019, officers reported 2,406 incidents involving a person experiencing a behavioral crisis. Officers used force in 29 of those incidents (less than 2%). The breakdown of types of force used in crisis responses is similar to the breakdown for all uses of force, although Type II force is slightly more frequent.

Figure 4. Q3 2019 Use of Force in Crisis Events:

Of all the incidents involving a subject experiencing a behavioral crisis, approximately 21% 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 (36%). 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 (19%). See Figure 5 below.

Figure 5. Q3 2019 Disposition of Crisis Contacts:

	Disposition	% of Total ..
	Emergent Detention / ITA	36.37%
	No Action Possible / Necessary	18.58%
	Chronic Complaint	3.41%
	Voluntary Committal	5.78%
	Unable to Contact	2.12%
	Shelter Transport	0.04%
	Drug / Alcohol Treatment Referral	0.08%
	Arrested (requires arrest report)	9.02%
	Case Manager / MH Agency Notified	1.21%
	CCORS (Children's Crisis Outreach Response System)	0.04%
	Courtesy Transport	1.70%
	Crisis Clinic (Crisis Connections)	0.46%
	Crisis Response Bulletin Referenced	0.33%
	CSC / CDF (Crisis Solution Center / Crisis Diversion Facility)	1.54%
	Detox	0.25%
	DMHP / Referral (DCR)	0.91%
	MCT (Mobile Crisis Team)	5.49%
	Other	5.61%
	Resources Offered / Declined	9.98%
	Shelter	0.04%
	Social Service / Alcohol and Drug / Treatment Referral	0.08%
	Spruce Street	0.04%

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.

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 third quarter of 2019, the FRB and FRU reviewed 37 cases.

Number of Cases Reviewed By Quarter:

Quarter	FRB	FRU
Q4 (10/01/18-12/31/18)	59	20
Q1 (1/01/19-3/31/19)	28	11
Q2 (4/01/19-6/30/19)	20	14
Q3 ⁶ (7/01/19-9/30/19)	23	15

⁶ One of the cases in the third quarter is a 10% case (a Type I or II case reviewed by FRB for quality control) that is counted twice in this chart, because both FRU and FRB reviewed it in the third quarter.

A total of 133 officers were involved in the 37 cases reviewed by FRU and FRB this quarter. The numbers below represent the number of officers involved across the cases, aggregated, and the determination by FRB and FRU as to whether each officer's actions were approved as consistent with policy and training.

Q3 2019 Most Serious Type of Force Used in Each Case

Type I	0
Type II	34
Type III	2
Officer Involved Shooting	2
In-Custody Death	0
Total	38

Q3 2019 Force Review Findings by Officer:

Approved	99
Not Approved	0
Deferred to OPA	1
N/A ⁷	33
Total	133

For all 99 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 one instance, a matter was deferred to OPA, and the FRB/U made no determination, per policy. The referral to OPA was made by FIT.

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, 33 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.

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:

- Adding tape, color-coded by squad, with officers' name and badge number to the back of bicycle uniform helmets to enable better identification of officers in video of the incident.
- Modifying the current hospital guard policy to require that a supplemental report be completed if a hospital guard is canceled prior to booking or charging. This information will now be documented so that people reviewing an incident are informed as to who made the decision and why the decision was made.
- Identifying body-worn video from an incident and recommending it as a training video for purposes of scene coordination, time, distance, shielding, and contact team formation. The Board forwarded it to the Training Unit, which has incorporated it into 2020 training.

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.

1 During the third calendar-year quarter of 2019, OPA received 270 contacts. Contacts include
2 “external” complaints from members of the community and “internal” referrals from SPD
3 employees (primarily the chain of command). Seventy-eight percent of the contacts in the fourth
4 quarter were external and 22% were initiated internally by SPD. Professionalism was the most
5 frequent misconduct allegation made to OPA, and it comprised 25% of all allegations received.
6 Seventy-three of 270 contacts classified by OPA in Q3 of 2019, or 27%, were classified for
7 investigation. Two contacts were classified for Rapid Adjudication, meaning there will be
8 discipline with no investigation.

9 In 10% of cases in which findings were issued in the third quarter, OPA recommended
10 that at least one allegation be sustained. The Chief of Police overturned one OPA recommended
11 finding in the third quarter.

12 In addition to investigating allegations of misconduct, OPA recommends policy changes
13 to SPD when its investigations indicate that issues with Department policy, rather than actions of
14 individual officers, gave rise to a complaint. Those investigations result in a finding of “Not
15 Sustained – Management Action” and form the basis of OPA’s management action
16 recommendations. In the third quarter of 2019, OPA issued three new management action
17 recommendations.

18 **V. Conclusion**

19 The recent assessments of SPD’s use of force and *Terry* stops provide powerful evidence of
20 continued constitutional policing in Seattle. In addition, the Crisis Intervention Program Report shows
21 that SPD uses force rarely in its interactions with people experiencing behavioral crisis. Today’s
22 findings show that SPD has maintained compliance and continued to pursue progress in the critical
23 areas that were identified in DOJ’s 2011 investigation and which led to the Consent Decree.

1 DATED this 31st day of October, 2019.

2 For the CITY OF SEATTLE

3
4 PETER S. HOLMES
Seattle City Attorney

5 s/ Kerala T. Cowart
6 Kerala T. Cowart, WSBA #53649
7 Assistant City Attorney
8 Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
9 Phone: (206) 733-9001
Fax: (206) 684-8284
Email: kerala.cowart@seattle.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 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:

Brian T. Moran	bmoran@usdoj.gov
Christina Fogg	Christina.Fogg@usdoj.gov
Gregory Colin Narver	gregory.narver@seattle.gov
Kerry Jane Keefe	kerry.keefe@usdoj.gov
Peter Samuel Holmes	peter.holmes@seattle.gov
Jeff Murray	jeff.murray@usdoj.gov
Matthew Waldrop	James.waldrop@usdoj.gov
Ronald R. Ward	Ron@wardsmithlaw.com
Timothy D. Mygatt	timothy.mygatt@usdoj.gov
Gary T. Smith	gary.smith@seattle.gov
Hillary H. McClure	hillarym@vjmlaw.com
Kristina M. Detwiler	kdetwiler@unionattorneysnw.com
Merrick Bobb	mbobb@pacbell.net
Bruce E.H. Johnson	brucejohnson@dwt.com
Eric M. Stahl	ericstahl@dwt.com
David A. Perez	dperez@perkinscoie.com
Anna Thompson	annathompson@perkinscoie.com

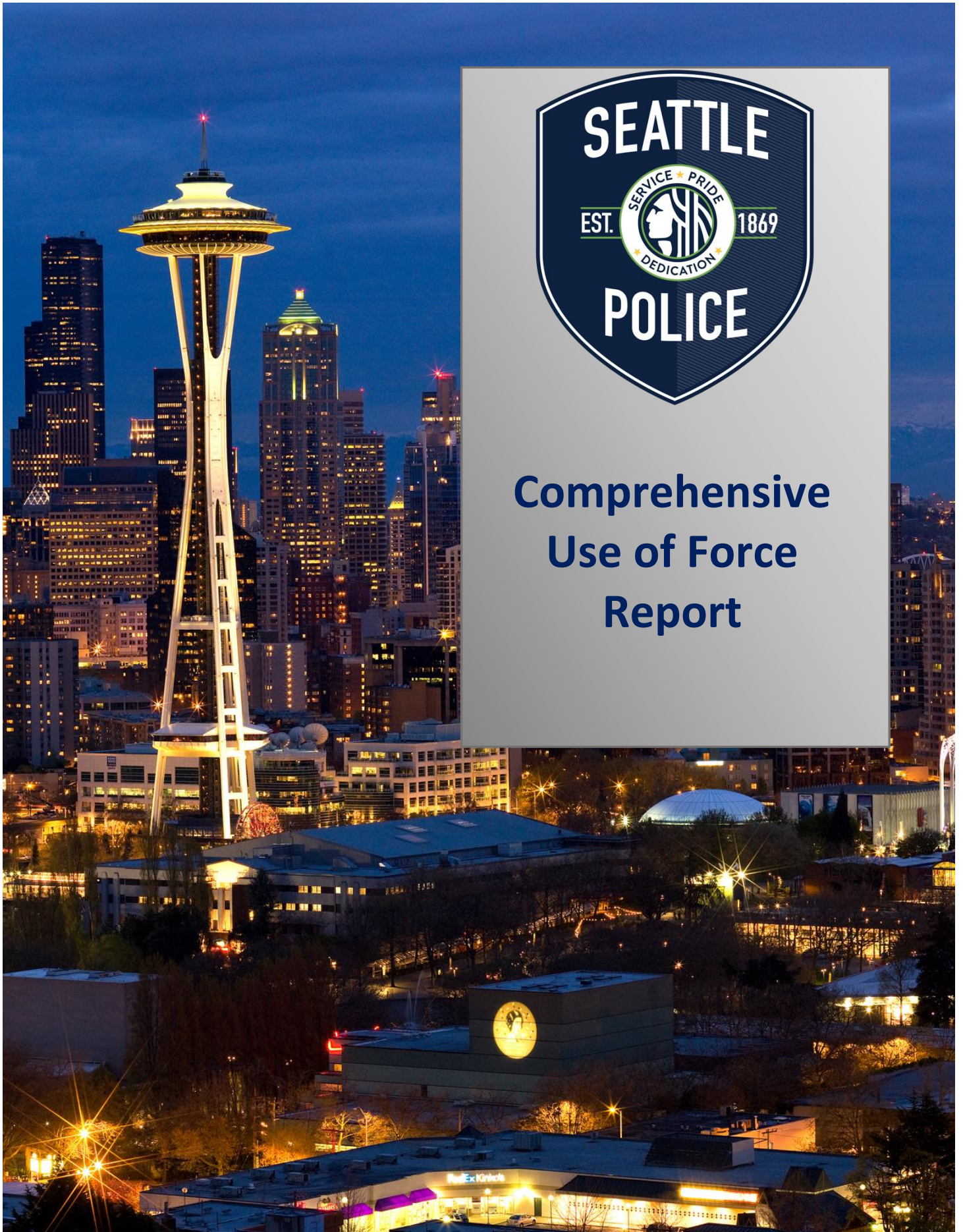
DATED this 31st day of October, 2019, at Seattle, King County, Washington.

/s/ Kerala Cowart
Kerala Cowart, WSBA #53649
Assistant City Attorney
E-mail: kerala.cowart@seattle.gov

COMPREHENSIVE USE OF FORCE REPORT



Comprehensive Use of Force Report



OVERVIEW

What is in this report?

This report assesses whether the Seattle Police Department's use of force and its Force Investigation Team (FIT)'s investigation of force continue to comply with the Consent Decree. Each year, SPD publishes an annual report, providing insight into SPD's use of force for the prior calendar year. On January 31, 2019, SPD produced its annual Use of Force Report which details SPD's use of force for 2018. This report is not intended to duplicate the analysis of SPD's 2018 use of force that is detailed in the annual Use of Force Report.

In this report, SPD reviews the use of force incidents from 2018. SPD compares its use of force numbers and rates from 2018 to previous years' uses of force and the Monitor's Ninth Assessment. Utilizing the advanced analytical capability available through the Data Analytics Platform (DAP), **Section I** of this report presents aggregate statistics regarding use of force events and applications, filtered across assignment, subject demographics, call types, and other discrete measures.

Key among the findings, consistent with prior years' reports, is that the use of force overall remains rare: ***over the time period examined here, officers reported using force of any type 2,252 times, a rate of just over one quarter of one percent (0.26%) of all dispatches, and of these uses of force, as in prior years, the overwhelming majority (83%) involved no greater than the lowest type of reportable force (such as minor complaints of transient pain with no objective signs of injury, or the pointing of a firearm).***¹ ***SPD officers reported one use-of-force for every 383 officers dispatched.***

Further, the use of the most serious types of force, force that causes or may be reasonably expected to cause substantial bodily injury, remained extraordinarily rare, occurring only 25 times in 2018, .006% of all CAD events.

These findings, when compared to those of the U.S. Department of Justice (DOJ) in 2011 and the Monitor in 2017, demonstrate SPD's sustained and dramatic reduction in the use of serious force. The 2011 DOJ investigation that led to this Consent Decree found a pattern of force that was unnecessary and excessive. In his Ninth Systemic Assessment, the Monitor evaluated SPD's compliance with the provisions of the Consent Decree that address officer use of force. The Monitor determined that SPD has significantly reduced both the frequency and the level of force

¹ In calendar year 2018, 863,372 unique dispatches (responses by sworn officers) were logged in response to 400,804 unique Computer Aided Dispatch (CAD) Events. CAD is the Department's database for recording communications, including the date, time, and location of each incident, how the case was received (911 or "on-view"—an officer viewing activity and initiating a contact with an individual), the case type, and the disposition.

COMPREHENSIVE USE OF FORCE REPORT

used. A comparison of DOJ's 2011 findings, the Monitor's 2017 findings, and the findings of this report is instructive:

- DOJ found that there were at least 1,230 incidents involving a serious (Type II or III) use of force in the 28-month period from January 1, 2009, to April 4, 2011. DOJ Findings Letter at 4.
- The Monitor found that there 487 incidents involving a serious use of force—a sixty percent reduction—in the 28-month period from July 1, 2014, to October 31, 2016. Monitor's Ninth Systemic Assessment at 31-32, Dkt. 383.
- Since that time, SPD has maintained this reduction. There were 454 incidents involving a serious use of force in the 28-month period from January 1, 2017, to April 30, 2019.

In short, the use of force by Seattle police officers is an empirically rare occurrence, and serious uses of force are exceedingly rare. Officers continue to implement, in practice, the de-escalation training and tactics that have brought Seattle into full and effective compliance with the Consent Decree between the City of Seattle and DOJ, while maintaining a high level of engaged, proactive law enforcement activity.

In addition, this report evaluates whether SPD's use of force complies with SPD's policies corresponding to paragraphs 69-90 of the Consent Decree. SPD's Force Review Board (FRB) and Force Review Unit (FRU) conducted this evaluation and **Section II** of this report describes their findings.

This report compiles FRU's and FRB's findings for the uses-of-force they reviewed in 2018: whether the officer took reasonable efforts to de-escalate prior to using force, whether the force was reasonable, necessary, and proportional, and whether the force conformed to other Use of Force policy requirements. All force used by SPD officers is reviewed by the Chain of Command. For Type II and III force, FRU and FRB provide an additional layer of review to ensure that force applied by Seattle police officers is consistent with the mandates of Department policy. Additionally, as a forum for reviewing policies, training, tactics and equipment, the FRB provides the opportunity for experience and review to continually drive Department operations and practices. These processes of critical self-analysis help to ensure that the department is policing the community it serves effectively and constitutionally through self-regulation.

FRB is the hub of internal accountability and is comprised of a select group of SPD personnel who are specially trained to investigate officer uses of force. They review select Type I and Type II uses of force, and all Type III uses of force. The FRB meets regularly to determine whether a use of force investigation was thorough and complete, whether the force complied with SPD policy, whether any broader, systemic issues need to be addressed with respect to policy, training, tactics, equipment, or otherwise. The FRU is comprised of a captain, lieutenant, sergeant, and two detectives. This unit reviews all Type I uses of force to ensure the documentation is thorough and complete, and reviews all Type II uses of force for compliance with policy, law, tactics, and

training. Thus, all force is reviewed by the Chain of Command, and all serious (Type II and Type III) uses of force are reviewed by either FRU or FRB for compliance with policy, law, tactics, and training.

Overall, ***the FRB found that the involved officers' use of force was reasonable, necessary, proportional, and otherwise in conformance with Department's Use of Force Policy in 323, (98.4%) of the 328 instances a determination was reached.*** Across the 42 cases reviewed by the FRU, the involved officers' use of force was approved in all instances.

This report also documents the Office of Police Accountability's (OPA's) role in determining whether the force used was within policy. This report reviews the cases that were received by OPA during 2018, the number of allegations, and OPA's findings for each allegation. OPA reviewed 168 cases in 2018, involving 448 alleged violations of use of force policies. Of those 448 alleged violations, OPA "sustained" twenty allegations, comprising twelve uses of force by eleven unique officers. Of these, OPA recommended finding that six uses of force were not reasonable, necessary, and proportional; the remaining sustained allegations involved the failure to de-escalate. In context, that means out of all 2,252 uses of force in 2018, only twelve (or 0.5%) were determined to be out of policy.

These conclusions are in stark contrast to the DOJ's 2011 findings. DOJ determined that SPD used unconstitutional force in 20% of incidents involving Type II and Type III force. DOJ Findings Letter at 4. This report's findings are consistent with the progress documented by the Monitor in Phase I. The Monitor concluded then that force complied with SPD policy more than 99 percent of the time. See Ninth Systemic Assessment at 8. These 2017 findings by the Monitor supported the Court's finding that SPD had achieved full and effective compliance with the Consent Decree.

The FRU/FRB are also responsible for providing feedback related to the work of SPD's Force Investigation Team (FIT). **Section III** of this report analyzes the training and provides FRB's findings regarding the work of the Force Investigation Team, a specialized unit comprising experienced detectives, sergeants, and commanders that responds to and investigates all serious force incidents. In 2018, FIT investigated 18 Type III use-of-force incidents, including 2 officer-involved shootings. FIT also investigated four unintentional firearm discharges that did not result in any injuries, five in-custody deaths of subjects in the custody of the King County Jail or the Washington State Patrol, and one investigation of a serious criminal assault by a subject on a Seattle police officer. In SPD's Annual Use of Force Report, SPD briefly described these 28 separate events.

This report looks at those incidents from a different perspective: did FRU and FRB find that the FIT investigations were complete and compliant with SPD's policies corresponding to paragraphs 25, 102, and 112-118 of the Consent Decree? Overall, the FRB found that all of FIT's investigations met their expectations. For a number of investigations, FRB identified minor deficiencies, challenge areas, and recommended systemic improvements. However, none of

COMPREHENSIVE USE OF FORCE REPORT

these deficiencies impacted the FRB's ability to perform its responsibilities to determine whether a Use of Force investigation was thorough and complete; whether the force was consistent with SPD policy, training, and core principles; and ensuring the Department remains abreast of evolving best practices.

What if this report doesn't answer my questions?

The Seattle Police Department released its annual [Use of Force](#) Report in January 2019. The Annual Report goes into greater detail about SPD's use of force in 2018. In addition, SPD conducted a Type I and Type II Use of Force Reporting, Review, and Investigation Audit which was filed with the Court on July 31, 2019. The Department also continues to release to the City's open data portal, <http://data.seattle.gov>, the use of force data described in Section I of this report, and maintains updated interactive dashboards through which the public can explore for itself officers' use of force, parsed across demographic and geographic fields. The Department cautions of the inherent hazard that data can be subject to differing interpretations and lead to differing conclusions depending on the sophistication of the analysis and the potential for confirmation bias; SPD provides this data with the hope that, as new technology has created opportunity for increasingly sophisticated inquiries internally, providing greater transparency of its data externally creates greater opportunity for SPD and the community to work collaboratively to drive the policies and priorities of this department.

SECTION I: USE OF FORCE

A. Policies and Overview of Force

The Seattle Police Department's Use of Force Policies are published, collectively, as [Title 8 of the SPD Manual](#) and are available to the public on the SPD's homepage. 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 proportional 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, oleoresin capicum (OC) spray, firearms, 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.

Force is classified and reviewed by type:

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, the use of compliance holds without sufficient force to cause pain, and unresisted handcuffing. Officers are not required to report or investigate this level of force.

Type I – Actions which “causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun.” This is the most frequently reported level of force. Examples of Type I force, generally used to control a person who is resisting an officer’s lawful commands, include a “soft takedown” (controlled placement), a strike with sufficient force to cause pain or complaint of pain, or an open hand technique with sufficient force to cause complaint of pain. Type I uses of force are screened and investigated by a sergeant and reviewed by the Chain of Command; the Force Review Unit (FRU) provides quality assurance.

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 and/or the use of any of the following weapons or instruments: conducted electrical weapons (CEWs, or Tasers), OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, and vehicles. 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 FRU. Cases flagged by the FRU for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases (already reviewed by FRU) are also analyzed by the Force Review Board (FRB).

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, and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team (FIT), and analyzed by the FRB.

B. Quantitative Overview of Force

SPD documents its uses of force as the combination of an incident, an officer, and a subject. Depending on how many officers used force during an incident, one incident may be associated with multiple use of force reports. Officers must document *each* reportable use of force; a single incident may therefore include multiple uses of force. For example, if in the course of one incident, Officer A pointed a firearm, Officers B and C used a hard-takedown maneuver to bring a subject under control, followed by Officer A handcuffing the subject who then complained of pain, the incident would be documented as one incident, involving three officers, comprising four applications of force, two (the pointing of a firearm and subsequent complaint of pain by Officer A) would be classified as Type I, and two (the hard take-down by Officers B and C) would be

COMPREHENSIVE USE OF FORCE REPORT

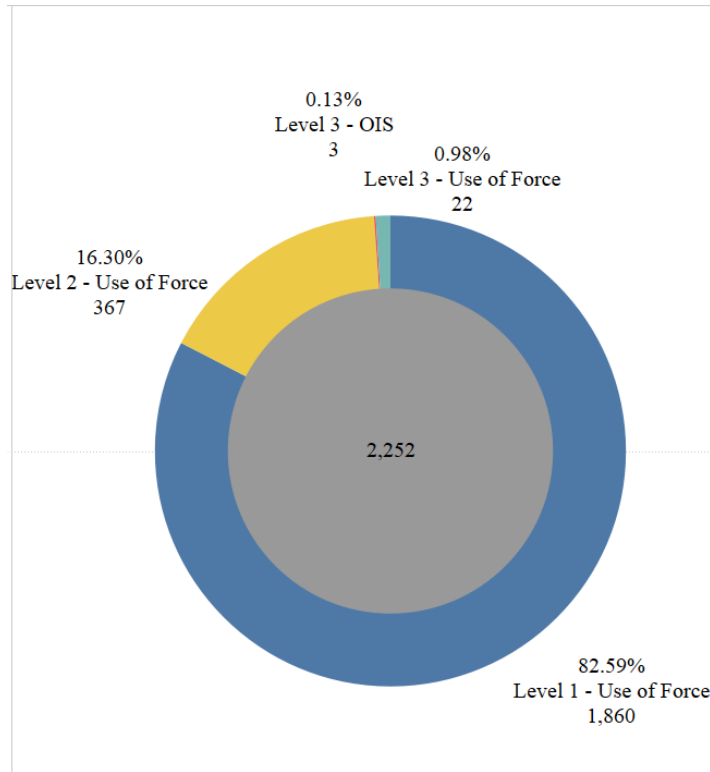
classified as Type II. Because force is investigated and reviewed at the level commensurate with the highest level of force used, the incident would be reviewed as a Type II incident

Between January 1 and December 31, 2018, officers were dispatched (either responsive to a 911 call for service or an on-viewed incident) **868,381** times in response to **400,804** unique CAD events.² Over this same period, officers reported using force at some level (Type I, II, or III) **2,252** times in association with **1,385** unique CAD events.

Viewed in the context of overall activity, this means that approximately one-quarter of one percent (0.26%) of all officer dispatches, and approximately one-third of one percent (0.35%) of CAD events, resulted in any reportable use of force.

² A "CAD event" is a unique incident, given a unique identifying number, logged in response to a call for service from the public ("dispatch") or a report from an officer in the field of an incident or event requiring their response ("on-view"). CAD Events are classified as "DISPATCH" when in response to a Call for Service and "ONVIEW" when reported by an officer in the field.

1. Use of Force by Type of Force³



**Figure 1: Force Counts by Year
(January 1 – December 31, 2018)**

Figure 1 shows the breakdown of use of force, by type, over the calendar year reported. Of the 2,252 uses of force reported during 2018, 1,860 (83%) involved no greater than low-level, Type I force. This represents an increase in Type I reporting relative to 2017, in which 76.5% of all reported force was classified as Type I. However, of the 1,860 Type I uses of force reported, a **full nine-tenths (92%) involved nothing greater than a complaint of pain alone, with no objective sign of injury**. The year-over-year increase is likely due in large part to the reporting of handcuffing discomfort as Type I force.

To address this concern, Court-approved policy revisions that went into effect in January 2019 now eliminate handcuffing discomfort as a Type I use of force, requiring it instead to be separately tracked.⁴ In addition, in 2018 the Department began using a new style of aluminum handcuffs with beveled edges and other features designed to make them less uncomfortable; the Department will track the effectiveness of this new equipment on complaints of pain in next year's report.

Type II force increased slightly in 2018 (three additional uses of force as compared with 2017), though it comprised a smaller share comprising (16.30%) of all force reported in 2018 as compared with 21.53% of all force reported in 2017.

³ Throughout this section, the figures and tables refer to "levels" of force. Levels of force are the equivalent of type of use of force. For instance, Level I is a Type I use of force; Level II is a Type II Use of Force.

⁴ In 2017, 480 of the Type I uses of force were handcuffing discomfort. In 2018, 805 of the Type I uses of force were handcuffing discomfort. As of August 3, 2019, SPD officers have reported 594 Type I uses of force and reported 503 handcuffing discomfort incidents in 2019. Under the previous policy, SPD would have reported 1,097 Type I uses of force. Initial data indicates that SPD will see a significant decrease in the Type I uses of force in 2019.

COMPREHENSIVE USE OF FORCE REPORT

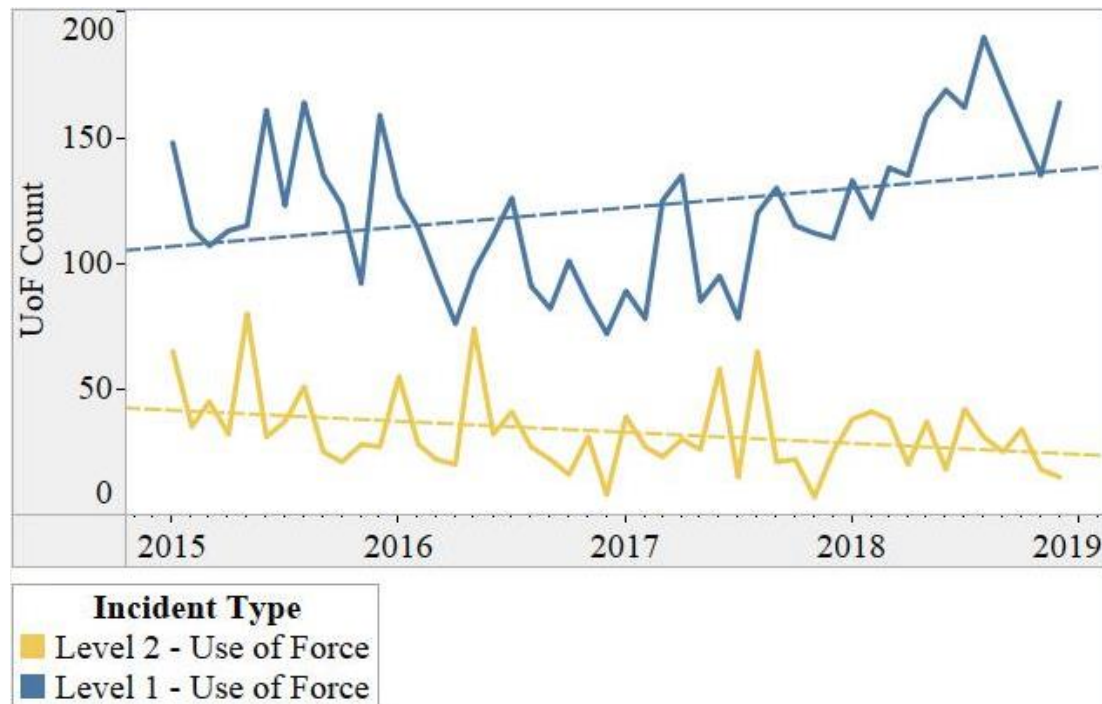
In total, 25 Type III uses of force, across 14 separate incidents, were reported in 2018. While the small number and extreme infrequency of these incidents does not lend this category to statistical trend analysis, in 2018, there were eight fewer Type III uses of force across two fewer incidents as compared with 2017.

For purposes of showing trends over time, Table 1 shows all use of force reported between January 1, 2015 and December 31, 2018; Figure 2 shows a time series analysis of use of force trends, citywide, over a five-year time period dating back to 2014.

Table 1: Use of Force Counts by Year (January 1, 2015 – December 31, 2018)

Incident Type	2015		2016		2017		2018	
	UoF Count	% Change	UoF Count	% Change	UoF Count	% Change	UoF Count	% Change
Level 1 - Use of ..	1,573		1,203	-23.5%	1,292	7.4%	1,860	44.0%
Level 2 - Use of ..	477		381	-20.1%	364	-4.5%	367	0.8%
Level 3 - Use of ..	20		20	0.0%	12	-40.0%	22	83.3%
Level 3 - OIS	15		5	-66.7%	21	320.0%	3	-85.7%
Grand Total	2,085		1,609	-22.8%	1,689	5.0%	2,252	33.3%

A time series analysis of Type I and Type II force over this four-year period, citywide, is shown in Figure 2. Type III force continues to occur so infrequently as to be considered a statistically random event and is therefore not subject to statistical trend analysis. Type I uses of force appeared graphically to be trending upwards. Whether the observed increase in Type I force in 2018 was statistically meaningful, attributable to the reporting of handcuff discomfort as Type I force, or perhaps a normal fluctuation of the data over time cannot be determined from this data set or data period.

Figure 2: Use of Force Trends Citywide (2018)

C. Use of Force – Less Lethal Devices

As defined in SPD Manual Section 8.050, less lethal devices are “devices designed and intended to apply force not intended nor likely to cause the death of a subject or great bodily harm.” Approved/Department-issued devices include conducted electrical weapons (Taser), impact weapons (baton), and Oleoresin Capsicum (OC) spray. In addition, vehicle related tactics and canine deployments are tracked as less lethal tactics; hobble restraints, which can be used to restrain a subject’s feet, and Noise Flash Diversionary Devices (NFDDs), a device typically used by SWAT which cause a large flash and a noise and are intended to disorient, but not make contact with, a subject are also tracked in this category. A breakdown of incidents involving one or more less lethal tools is provided in Table 2.

COMPREHENSIVE USE OF FORCE REPORT

Table 2: Less-Lethal Deployments (January 1, 2015 – December 31, 2018)

		2015		2016		2017		2018	
		Count	% Change	Count	% Change	Count	% Change	Count	% Change
Baton	Baton – Expandable – Impact	3			-100.0%				
	Baton – Expandable – Control/Pressure Point	1		2	100.0%	1	-50.0%		-100.0%
	Baton – Straight – Impact	2		1	-50.0%	1	0.0%		-100.0%
	Baton – Straight – Control/Pressure Point	2		1	-50.0%	2	100.0%	1	-50.0%
	Total	8		4	-50.0%	3	-25.0%	1	-66.7%
Canine	Canine	4		7	75.0%	8	14.3%	12	50.0%
	Total	4		7	75.0%	8	14.3%	12	50.0%
OC	Balls - OC	3		1	-66.7%		-100.0%		
	Chemical Agent – OC Spray	32		17	-46.9%	35	105.9%	10	-71.4%
	Total	35		18	-48.6%	35	94.4%	10	-71.4%
Taser	Electronic Control (ECD / Taser)	31		32	3.2%	34	6.3%	32	-5.9%
	Total	31		32	3.2%	34	6.3%	32	-5.9%
Total		77		61	-20.8%	80	31.1%	55	-31.3%

In his Ninth Assessment, the Monitor found that SPD's use of less-lethal instruments had declined significantly between July 2014 and October 2016; he noted that SPD officers used their batons 23 times in 28 months. In 2018, SPD officers reported using a baton *once, and not as an impact device*. The Monitor also noted in his Ninth Assessment that SPD officers reported using Tasers approximately seven times per month between July 2014 and August 2015. In 2018, SPD reported using Tasers 32 times, *fewer than three times per month*. Although there were four more canine deployments in 2018 than in 2017, the canine bite ratio stayed the same at 1.6%. As SPD continues to improve and evolve its tactics and de-escalation training, the use of implements continues to go down, with less-lethal tools used 31.3% less often in 2018 as compared with 2017.

SECTION II: FORCE REVIEW

A. FORCE REVIEW UNIT/FORCE REVIEW BOARD RESPONSIBILITIES

The Force Review Board is a select group of Seattle Police Department personnel who meet regularly to make determinations as to (1) whether a use of force investigation is thorough and complete; (2) whether the force was consistent with SPD policy, training, and core principles; and (3) with the goal of continual improvement and ensuring the Department remains abreast of evolving best practices, whether any recommendations are made or other issues need to be addressed with respect to policies, tactics, training, supervision, equipment, or otherwise.

The FRB is composed of standing members selected by the Assistant Chief of the Professional Standards Bureau. Only standing members of the FRB may participate in both deliberating and voting during board sessions. These standing members include one representative from the

Training Section, three representatives from the Patrol Operations Bureau, one representative from the Audit, Policy & Research Section, and one representative from the Investigations Bureau. The Captain of the Force Review Unit (or Assistant Chief of Professional Standards in the case of an officer involved shooting review) is the standing Chair and casts the final vote if the Board's vote is evenly split. A quorum of four voting members must be present for the Board to review completed cases.⁵

The FRB includes a non-voting member from the Crisis Intervention Team. The Crisis Intervention Team member answers questions and raises issues related to a subject's mental health status, services they might be receiving, as well as assisting the FRB in determining if an officer used appropriate tactics in de-escalation. Where appropriate, subject matter experts from specialty units (e.g. Canine, SWAT, Communications, or the Range) attend an FRB to answer any unit-specific questions that may arise.

Case selection for the FRB is determined by policy and handled by the Force Review Unit. Every completed Use of Force investigation is forwarded to the FRU using IAPro and Blue Team, a paperless computer system. These cases include Type I, Type II, Type III uses of force, and Firearm Discharges (both intentional and unintentional discharges). By policy, the FRB reviews all Type III cases.

The FRU, comprising a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II use of force reports. FRU staff and FRB members undertake the same inquiry, and apply the same standard of review, as the FRB when reviewing cases. FRU staff and FRB members attend the same annual training involving the objective analysis of force, which ensures that the FRU is conducting a thorough review of their cases consistent with the reviews conducted by the Board.

Consistent with SPD policy, Type II cases are sent to the FRB by the FRU when any of the following factors are involved:

- Possibility of misconduct;
- Significant policy, training, equipment, or tactical issues;
- When FIT was contacted for consultation and declined to respond or investigate;
- When less-lethal tools were used on the subject;
- When a canine makes physical contact with the subject;
- When the subject is transported to an emergency room.

⁵ Other observers to the Force Review Board may include captains and higher-ranking SPD personnel, the Department's Executive Director of Legal Affairs, representatives from the City Attorney's Office, the DOJ, the Monitoring Team, the Office of the Inspector General, and a representative from OPA. In cases involving an officer involved shooting, a citizen observer appointed by the mayor's office also attend. These observers may attend FRB meetings, but they are not permitted to vote.

COMPREHENSIVE USE OF FORCE REPORT

All cases that do not meet the criteria for FRB review are reviewed by the FRU detectives and their chain of command. The FRU captain makes the final determination based on the FRU's reviews and recommendations. Bifurcating Type II use of force cases allows the FRB to focus its efforts on the more significant cases, such as Officer Involved Shootings, Type III investigations, and serious Type II cases. Additionally, a random 10% of cases reviewed each month by FRU are presented to the FRB for a second independent review – a mechanism to ensure quality control.

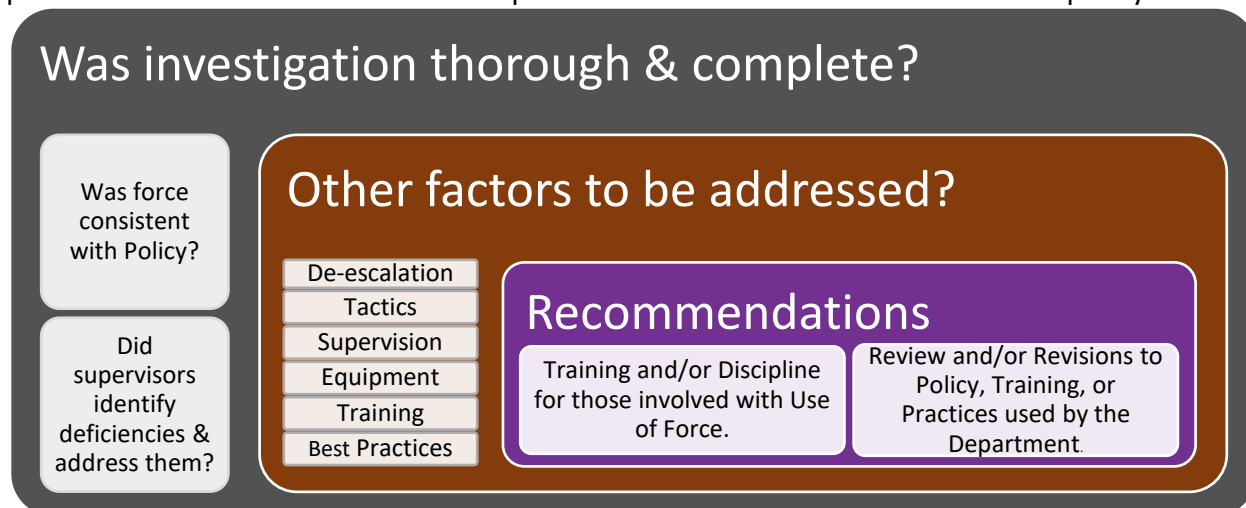


Figure 3: Force Review Protocol

Figure 3 describes the review process for both FRU and FRB. Both look to ensure that the investigation was thorough and complete, providing all material evidence. Both answer the core inquiries of whether the force was consistent with policy, including an affirmative obligation to de-escalate when safe and feasible to do so, and if there were issues with the force, and whether supervisors appropriately identified those issues. The FRU considers, and the FRB discusses, all pertinent factors surrounding the force, including the tactics used and supervision at the scene. FRU and FRB determinations are documented, and any issues identified are referred to the appropriate commander for follow-up. If policy violations are suspected, the incident is immediately referred to OPA, or to the chain of command if appropriate under Manual Section 5.002, by the FRB Chair or designee, if the incident has not already been referred by the reviewing chain of command.

It is important to understand what an FRB finding means relative to the question of whether the force was constitutional. As the United States Supreme Court has long held, whether any use of force is lawful under the Constitution is a case-specific determination, based on the perception of a reasonable officer under the totality of the circumstances present at the time the force is applied. While the courtroom is generally the forum for determining the *legality* of a use of force, the Force Review Board is a mechanism by which members analyze the broader question of whether the force meets the requirements of policy and training that hold officers to a higher standard of conduct – and care should be taken not to conflate the two. Importantly, SPD policy incorporates both federal and state constitutional thresholds, but holds officers to a substantially higher level of performance and scrutiny consistent with community expectations. Simply put, a finding that force is out of policy does *not* equate to a finding that the force violated the

Constitution, but a finding that the force was in policy *does* mean that, in the view of the reviewers, it was also lawful.

Every use of force is thoroughly and critically reviewed. While this section provides data and statistics about the frequency and distribution, it is the substantive review of each force case by the chain of command, the Force Review Unit, and the Force Review Board that determines whether force is in or out of SPD policy. If any reviewer in the chain of command or the FRU, or if the FRB by consensus, finds an indication of a policy violation, whether related to the force or otherwise, that case is required to be referred to the Office of Police Accountability for further review and a determination about whether there is any policy violation, and if so, the level of recommended discipline. In addition, the OPA Director or his designee sits in on all FRB discussions, and has the prerogative to take for further review any case regardless of whether the FRB separately refers.

B. OVERVIEW OF 2018 CASES REVIEWED BY FRU/FRB

In 2018, the Force Review Unit reviewed a total of 42 cases; the Force Review Board reviewed a total of 187 cases. (Note: “Cases” are based on a single General Offense number, or CAD event; cases may thus involve more than one officer, or more than one use of force, each of which is separately considered.) As ten percent of cases reviewed by the FRU are randomly selected for further review by the FRB, those cases are double-counted here. In total, of the 187 cases reviewed by the FRB, seven cases had also been reviewed by the FRU and are counted twice.

Table 3 shows the 187 cases reviewed by the FRB broken down by the highest force level in each case.⁶

Table 3: Breakdown of Cases Reviewed by FRB by Type⁷

Type II	167
Type III	15
OIS	4
In-Custody Death	1
Total	187

⁶ Again, completed cases are investigated and reviewed at the highest level of force used. A Type III case, accordingly, may also involve Type II or Type I force; a Type II case may also include Type I force.

⁷ The cases reviewed by FRB in 2018 include incidents that occurred in 2017; the numbers in this chart reflect the cases reviewed during 2018 and do not account for the date of the incident.

COMPREHENSIVE USE OF FORCE REPORT**C. FORCE REVIEW UNIT/FORCE REVIEW BOARD DETERMINATIONS**

In 2018, a total of 753 officers were involved in the 229 cases reviewed by FRU and/or FRB. The aggregate number of officers includes officers who were reviewed in connection with their tactics and decision-making, even if those officers did not individually apply force. The numbers below represent the number of officers involved across the cases, aggregated, and the determination by FRB and FRU as to whether each officer's actions were either approved as consistent with policy or deferred while under review by OPA.

Note: Under policy, the FRU/FRB do not make findings on any matter that is under investigation by the Office of Police Accountability. It is thus important to emphasize that, for matters listed as "deferred" to OPA, FRU/FRB made no finding as to whether the issue under consideration is in or out of policy. In addition, for all matters on which FRU/FRB makes a "disapproved" finding that the officer did not comply with policy, the case is immediately referred to OPA. After OPA conducts its independent review, then OPA makes a recommended finding to the Chief of Police, who makes the ultimate determination for the Department.

1. Use of Force

FRU and FRB analyze whether an officer's use of force was reasonable, necessary, and proportional. A breakdown of FRU/FRB determinations with respect to officers' use of force is presented in Table 4.

Table 4: Force Review Findings by Officer⁸

	FRB	FRU	Total
Approved	323	101	424
Disapproved	5	0	5
Deferred	158	0	158
Total	486	101	587

Across 187 cases reviewed by the FRB, the involved officers' use of force was found to be reasonable, necessary, proportional, and otherwise in conformance with Department's Use of Force Policy in 323, (98.4%) of the 328 instances a determination was reached. In five instances, the FRB disapproved of the use of force; in 158 instances, where a matter had been referred to OPA prior to FRB review, the FRB determination was deferred, per policy, to OPA. Across the 42 cases reviewed by the FRU, the involved officers' use of force was approved in all instances.

⁸ Each of the counts in Tables 4 through 6 represents a finding on an individual application of force by an officer. As noted above, a "case" can involve multiple applications of force by multiple officers.

2. De-Escalation

The Department's de-escalation policies require officers to de-escalate a situation where safe and feasible to do so, within law enforcement priorities, prior to using force. A breakdown of FRU/FRB determinations with respect to officers' efforts to de-escalate is presented in Table 5.

Table 5: Did Officer Make Reasonable Efforts to De-Escalate

	FRB	FRU	Total
Yes	383	82	465
No	5	0	5
Not Feasible	172	40	212
Deferred	23		
Total	583	122	705

The FRB reviewed the de-escalation efforts of 583 officers. The FRB found that only five officers, less than 1%, did not de-escalate as required. In addition, the FRB found that 383 officers, or 66% did attempt to de-escalate, and de-escalation was not feasible for 172 officers, or 30% of officers. In 23 instances, the determination was deferred pending review by OPA. Of the 42 cases reviewed by the FRU, the involved officers' tactics and decision making were approved in all of the 122 instances considered. In considering FRU findings, however, it should be remembered that FRU has an obligation to refer to the FRB any Type II case that may involve misconduct or significant policy or tactical issue; as it is the FRB findings that are recorded as the determination of the case, these numbers should not be surprising.

D. REFERRALS TO OPA BY FRU/FRB

SPD chain of command regularly refers potential policy violations to OPA before the case reaches FRU/FRB. Also, FRU and FRB have an obligation to refer to OPA any serious policy violation, including any violation around use of force, unless already referred by the chain of command. In addition, the OPA Director sits on the FRB, and can independently take any case for further investigation. While OPA will separately report out on its intakes, investigations, and determinations for 2018, a breakdown of FRU/FRB OPA referrals is presented in Table 6. It should be noted that the numbers reported below refer only to referrals made by the FRB or FRU; they do not include OPA referrals from the reviewing chain of command, subjects, or by third-party complainants.

Table 6: OPA Referrals

	FRB	FRU	Total
ICV	2	0	2
Use of Force	8	0	8
Other	14	1	15
Total	24	1	25

COMPREHENSIVE USE OF FORCE REPORT

As shown, a total of 24 OPA referrals were made, eight of which were related to potential violations of the use of force policy (which includes de-escalation). Two related to a violation of the ICV policy; an additional 14 related to other, non-force-related policies. Again, because FRU is required to refer to the FRB any Type II cases that involve a potential force-related policy issue or misconduct, the absence of any referrals regarding the use of force from FRU to OPA is to be expected.

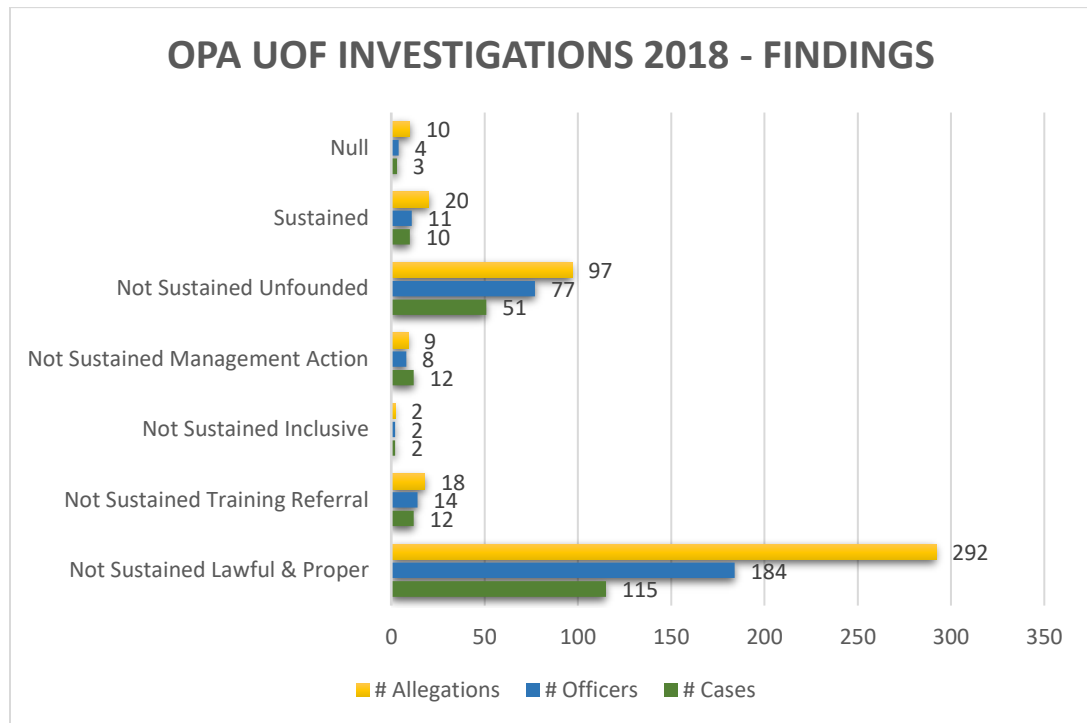
OPA INVESTIGATIONS AND RECOMMENDED FINDINGS ON ALLEGATIONS OF FORCE-RELATED MISCONDUCT

The Office of Police Accountability has authority over allegations of misconduct against SPD employees. OPA receives complaints from members of the public as well as referrals from SPD, as referenced above. OPA investigates these complaints and, depending on the outcome of its investigations, makes recommended findings to the Chief of Police. OPA documents the initiation, classification, and recommended findings for all complaints or referrals it receives in its electronic case management system, IAPro, the same system utilized by the FRU, though FRU does not have access to OPA's investigations.

From all sources—including community member complaints as well as FRB, FRU, and SPD chain of command referrals—OPA received 168 cases, involving 240 unique officers and 448 allegations of violations of the SPD's Use of Force Policies in 2018.⁹ Table 7, below, breaks down OPA's findings for use of force cases it received in 2018. Out of 448 allegations of violations of the Use of Force Policies in 2018, OPA sustained twenty allegations – less than 4% of all allegations. The sustained allegations were associated with 12 uses of force and eleven unique officers.¹⁰ That is, only twelve uses of force by eleven officers out of 2,252 uses of force and nearly 1400 sworn personnel were found by OPA to have violated SPD's Use of Force Policies in 2018. See table 7, below.

⁹ As of October 28, 2019, OPA was still investigating 10 allegations of use of force violations. Because OPA has not made any official findings in these allegations, they are not included in this analysis.

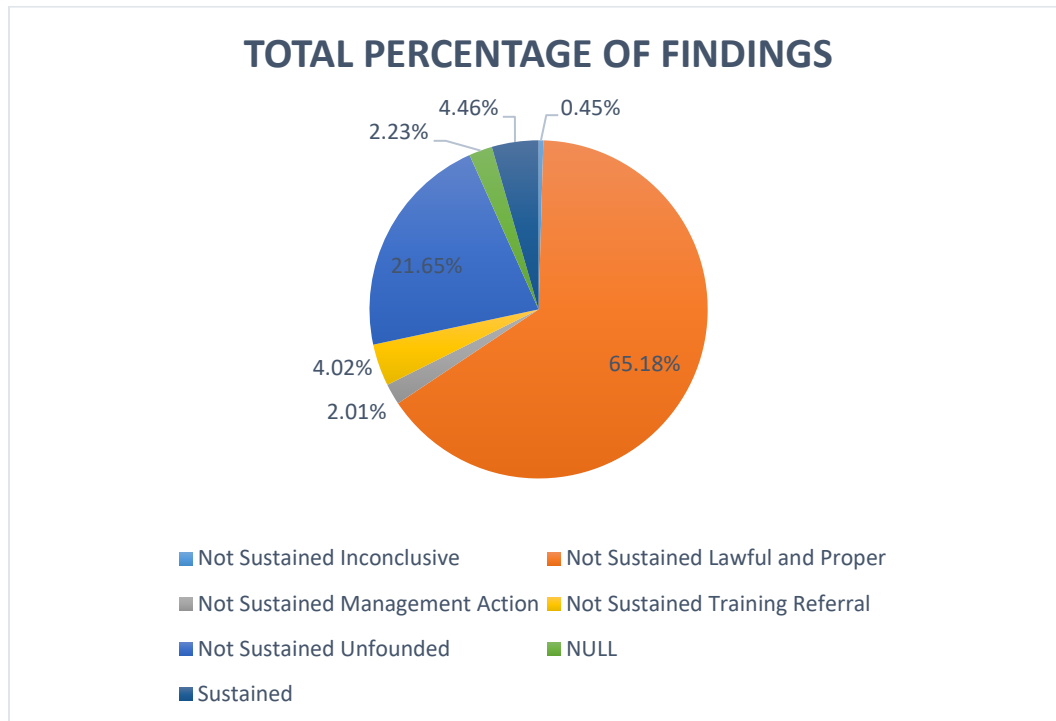
¹⁰ The total number of sustained allegations is higher, because some uses of force and some officers had sustained allegations for violations of multiple different policy provisions.

Table 7: OPA Findings 2018

OPA also found that 87% of all use of force allegations were either unfounded or not sustained because the officers' actions were lawful and proper. See Table 8, below:

COMPREHENSIVE USE OF FORCE REPORT

Table 8: OPA Findings based on Allegations in 2018



In short, while each alleged violation of SPD's Use of Force Policies is investigated and reviewed by OPA, overall the number of "sustained" violations by Seattle police officers continues to be very rare. These findings demonstrate that officers continue to implement, in practice, their training and the use of force policies that have brought Seattle into full and effective compliance with the use of force principles set forth in paragraphs 69-90 of the Consent Decree.

As described above, the overall rate of force used by SPD officers continues to be extremely low. When compared to the findings of the Monitor's Ninth Systemic Assessment (Dkt. 383 at 2-4), the rates of Type III force, Taser use, and baton use have continued to decline. Critically, out-of-policy force is exceedingly rare. Across 187 cases reviewed by the FRB, the involved officers' use of force was found to be reasonable, necessary, proportional, and otherwise in conformance with Department's Use of Force Policy in 323, (98.4%) of the 328 instances a determination was reached. In addition, the FRB reviewed the de-escalation efforts of 583 officers and found that only five (less than 1%) unique officers did not de-escalate as required.

OPA's findings also demonstrate sustained compliance with the requirements at paragraphs 69-90 of the Consent Decree. Only eleven officers out of nearly 1400 sworn personnel were found by OPA to have violated SPD's Use of Force Policies, including the de-escalation policy.

SECTION III: FORCE INVESTIGATION

A. INVESTIGATION OF TYPE III USE OF FORCE

Investigation of Type III uses of force, including officer involved shootings (OIS), are governed by Manual Sections 8.400 and by the FIT Manual, a comprehensive guide for conducting thorough, complete investigations, interviews, and analysis.

The Force Investigation Team is responsible for investigating all Type III uses of force by Seattle officers. FIT also investigates serious assaults against officers, any discharge of a firearm by an officer, in-custody deaths (both within SPD custody or, by agreement with the King County Jail, any deaths occurring in the jail, while in the custody of the King County Jail, or within 72 hours of release of the jail), and any use of force incident in which the supervisor believes there was misconduct in the application of the force.

FIT consists of a captain, a lieutenant, a sergeant, and six detectives. The team is deliberately decentralized from SPD headquarters, and is instead located in the same building as the Crime Scene Investigation Unit and the State Crime Lab at Airport Way Center. This location facilitates ease of access to the Evidence Section, the Crime Lab, the Photo Lab.

Table 9 shows a breakdown of total FIT responses from 2014 to 2018. Response total reflects all responses by the FIT team, including non-force-related incidents (e.g., assisting an outside agency, in-custody death, or assault on officer investigation). The number of officers reflects the total number of officers who used force at any level (Type I, II, or III) across all incidents investigated by FIT; because each force case is investigated according to the highest level used in that incident, one FIT case can include multiple uses of force at lower levels as well.

Table 9: Total FIT Responses (2014-2018)

Year	Responses	Number Of Officers	OIS (Fatal)	Returned to Patrol	In-Custody Death	Unintentional Discharge	Potential Misconduct
2014	46	70	9 (5)	8	2	3	2
2015	26	50	5 (2)	3	2	3	2
2016	32	49	4 (2)	4	1	2	2
2017	26	49	6 (3)	3	5	1	1
2018	28	61	2 (2)	0	5	4	4

Of the 28 incidents that FIT investigated in 2018:

- Fourteen involved Type III use of force by one or more Seattle Police Officers, two of which were Officer Involved Shootings (OIS), both of which were fatal;
 - Four involved force that, after investigation, was reclassified as Type II;
 - Four were unintentional firearm discharges that did not result in any injuries;
-

COMPREHENSIVE USE OF FORCE REPORT

- Five concerned an in-custody death, four of which involved subjects in King County Jail custody, and one of which involved a subject in Washington State Patrol custody (none involving any SPD use of force);
- One required FIT to investigate a criminal assault by a subject on a Seattle Police Officer.

B. FIT INVESTIGATIONS 2018

This report provides the findings of the FRB which critically examines the work of the Force Investigation Team. The Force Review Board analyzes the investigations of the Force Investigation Team and raises concerns and provides feedback for FIT investigations. The FIT investigations that pertain to this report are investigations of the use of force by SPD officers in 2018. This review compiles the results of FRB's findings related to issues with the scene prior to FIT's arrival, scene control and processing, interviews of involved persons, implications for training, policy, and equipment as identified by FIT, presentation to the FRB, issues identified by the FRB regarding the FIT investigation, and whether FIT personnel were subjects of OPA investigations.

Of the 18 FIT investigations involving SPD uses of force in 2018, the FRB found the following:

1. Issues Prior To FIT's Arrival On-Scene:

Of the 18 cases, 6 were approved with no issues. 12 had minor issues, including:

- In an officer involved shooting case, the patrol supervisors did not read the Public Safety Cards to the involved officers in a timely manner
- In a reported loss-of-consciousness incident, the sergeant screened the use of force with both involved officers at the same time
- In two cases, incident scenes were not completely controlled prior to FIT's arrival
- In two cases, the supervisor had not Mirandized the subject on the audio recording
- In two cases, statements from officers lacked some details and descriptions of the incidents
- In 3 cases, the supervisors received an OPA referral
 - One sergeant mis-categorized the type of force, identifying it as Type II when it was actually a Type III
 - One sergeant failed to respond to the scene
 - One sergeant did not properly screen the use of force
- In one canine case, the sergeant did not properly screen the arrest and document the screening
- In one case, the duty captain screened an incident with SWAT while missing information

- In one case, the sergeant did not accurately describe the force nor screen properly with FIT, resulting in a delayed call-out response
- In one case, an on-duty sergeant volunteered as a Seattle Police Officers' Guild representative for the involved officer rather than fulfilling their tasks as an on-duty sergeant.

The FRB noted that ***none of the above issues were material to the case***, nor did they impact the effectiveness or quality of the FIT investigation or the outcomes of the FRB's findings. The FRB did not find any issues with the other 6 cases.

2. Scene Investigation:

- In 12 of the 18 FIT investigations, FIT responded to the scene and took proper scene control. Of the 6 remaining investigations, FIT's response to the incident was delayed for various reasons, such as the severity of the subject's injuries was not identified until the subject arrived at the hospital and the scene had been cleared;¹¹
- The FIT detectives did a thorough canvas for private video cameras in all 18 cases, even if FIT detectives were not called to the initial scene. FIT detectives collected all relevant, private video.

3. Follow-Up Investigation:

- In 13 of the 18 cases, FIT recorded their interviews with the subjects. In the other 5 cases, subject interviews were not possible as two subjects were deceased, and 3 were unavailable. The FIT detectives photographed the subject's injury in 16 cases. In the two cases where photographs were not obtained, the subjects were deceased, and SPD relied upon the photos provided by the King County Medical Examiner's office.
- In all 18 cases, the FIT detectives thoroughly canvassed for civilian witnesses, and located and interviewed civilian witnesses in all but two of the cases.
- Of the 18 FIT investigations, FIT detectives interviewed involved officers and significant witness officers in-person, and FIT obtained written statements obtained from other witness officers. FIT took or obtained photographs for all officer injuries.

¹¹ If an injury is identified as a Type II, FIT is not required to respond. Some Type III injuries are not realized until at the hospital where for example, a sore finger can be x-rayed and learned to be fractured, thereby requiring a FIT response.

COMPREHENSIVE USE OF FORCE REPORT

4. Evidence:

- In each of the 18 cases, FIT detectives collected, documented, and analyzed all relevant evidence. In each case, all scenes were photographed even if the FIT response was delayed. FIT detectives secured and downloaded all in-car video and body-worn video.

5. Case Completion:

- In four of the 18 cases, FIT detectives completed their investigations in the allotted time. Of the 14 investigations that required additional time, the Assistant Chief granted extensions, consistent with policy, which were documented in the case files.

6. Case Thoroughness and FRB Review:

- All 18 FIT cases were found to be complete and contained all basic information. More importantly, all material information needed for the Force Review Board's review was included. FRB concluded that each FIT interview of the involved officers included all material questions and appropriate follow-up questions.
- In each of the 18 FIT cases, the FRB determined the FIT presentations at the FRB were neutral and included all relevant material for the FRB. Of the 18 cases reviewed, the FRB found only two cases with minor issues related to the FIT investigation.
- Lastly, the FIT investigation is charged with identifying issues or deficiencies in Department Training, Department Policy, and Equipment. In seven of the 18 cases, FRB noted that FIT had requested either additional research and review on existing policies or identified issues not addressed by policies. In 16 cases, FIT identified issues related to equipment malfunctions or defects.

Overall, the FRB found FIT's investigations met their expectations. While minor deficiencies were noted, ***none of these deficiencies impacted the FRB's ability to perform its responsibilities to determine whether a Use of Force investigation was thorough and complete; whether the force was consistent with SPD policy, training, and core principles; and ensuring the Department remains abreast of evolving best practices.***

These findings demonstrate that FIT has continued to thoroughly examine Type III officer uses of force consistent with SPD policy and the terms of the Consent Decree. ¶¶ 95, 102, 114-118.

C. FIT TRAINING

The Consent Decree requires that FIT personnel must possess the skills and expertise necessary to investigate and identify unlawful or out-of-policy force and to adequately inform the Force Review Board of their investigations. During the first phase of the Consent Decree, the Monitor approved the policy governing FIT, the FIT manual, and FIT training. Since then, SPD has continued to improve upon the training for its FIT detectives. In its FIT policy, SPD recognizes that “FIT investigations must be thorough, unbiased, and objective reviews of the Seattle Police Department’s most serious use of force incidents. To accomplish this, FIT must be staffed with experienced investigators who are trained in the technical aspects of homicide investigations, the specifics of force applications, and the methods and practices necessary to conduct high quality administrative investigations.” FIT Manual, Administration, Section I. The FIT manual outlines mandatory training, but notes that “the specific courses [identified in the manual] used to fulfill the different aspects of the required training will likely change over time as better training is identified, and as some courses cease to be offered.” FIT Manual, Administration, Section II.

SPD has reviewed the training received by its FIT detectives and the training manual. Each new FIT detective is required to complete in-service training on cognitive interview techniques, conducted by senior FIT detectives, photography by SPD’s video unit, and crime scene processing by SPD’s CSI. In 2018, SPD’s FIT officers, from Captain to Detectives attended the WAHA Officer Involved Shooting Investigations Training, SPD’s internal FRB training, the Force Science Certification Course, the California Homicide Investigation annual training, and forensics training, along with the mandatory training that each SPD sworn officer is required to attend. In addition, this year FIT provided training to its detectives on audio processing using a new software program.

SPD is continuously seeking to ensure its FIT detectives have the most up-to-date training available so they are well-equipped to thoroughly and impartially investigate their fellow officers. In 2019, one of the FIT detectives will be attending the PEACE¹² training to become a certified trainer in this field and will provide in-service training for new detectives, ongoing training for current detectives, and training for the department as required. Another FIT detective has attended multiple trainings on video forensics. He is currently certified nationally as a video analyst under LEVA (Law Enforcement and Emergency Services Video Association). He will provide initial training for new detectives on the capabilities and limitations of video evidence, provide ongoing refresher training for current detectives and the

¹² PEACE is an interviewing technique. It stands for Preparation and Planning, Engage and Explain, Account, Closure and Evaluate (PEACE).

COMPREHENSIVE USE OF FORCE REPORT

department as requested. In addition, in collaboration with the Office of the Inspector General, the Community Police Commission, and the Office of Police Accountability, SPD will be bringing a new investigating interview training to the department. FIT detectives will be participating in this training.

These findings demonstrate that FIT personnel and policies continue to comply with the training and qualification requirements of paragraphs 115 and 116 of the Consent Decree.

D. OPA INVESTIGATIONS AND RECOMMENDED FINDINGS ON FIT INVESTIGATIONS

OPA did not receive any cases involving allegations against FIT officers in 2018

CONCLUSION

As explained in the Monitor's Ninth Systemic Assessment, lowering the overall rate of force is not a requirement of the Consent Decree, and overall numbers by themselves do not establish whether the Consent Decree's force requirements have become effective in practice. Dkt. 383 at 7. That being said, SPD agrees with the Monitor that the overall level and rate of force are important components of the Department's interactions with the public. In addition to the Consent Decree reports such as this one, SPD annually publishes a report with detailed use of force data.

This report finds that the use of serious force continues to be far lower (by more than 60%) than the level found in the 2011 DOJ investigation which led to this Consent Decree. (It is not possible to compare low level Type I force to pre-Consent Decree numbers, because SPD did not gather data on Type I force before the Consent Decree.) All force, including overall levels of force as well as the rate of force relative to contacts with the public, has remained rare and consistent with the findings in the Monitor's Ninth Systemic Assessment of Phase I. These numbers demonstrate that the Department continues to use force rarely and that the number of serious uses of force has continued to decline.

The Consent Decree imposes extensive substantive requirements with respect to how force is used. ¶¶ 69-90. In this area, SPD has gone far beyond sustained compliance and demonstrated extraordinary progress. Before the Consent Decree, DOJ determined that 20% of SPD's Type II and III force incidents were unconstitutional. In 2017, the Monitor found that fewer than 2% of force incidents violated SPD policy. See Ninth Systemic Assessment at 8. That progress is even

more striking than it might first appear, because SPD policy sets a much higher bar than the minimum requirements imposed by the Constitution. SPD demonstrates in this report that it continues to improve upon its record of using only the force that is reasonable, proportional, and necessary under the circumstances.

In addition, the Force Investigation Team continues to perform timely, thorough, and rigorous investigations of the most serious uses of force in compliance with the Consent Decree. ¶¶ 95, 102, 114-118.

ADDITIONAL LINKS

The Department remains committed to providing the public with as much transparency and accessibility into its data as it can within the bounds of the privacy interests of the community we serve. Additional information queries can be explored relating to stops and detentions, use of force, crisis responses, and crime statistics at <http://www.seattle.gov/police/information-and-data>.

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.¹³

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

¹³ 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, are therefore unaffected by the Court's May 21, 2019 Order.

COMPREHENSIVE USE OF FORCE REPORT

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" 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. DOJ and the Monitoring Team requested and received a randomly generated sample of force case files for the time period from January 1, 2018 through December 31, 2018. The sample set was comprised of 53 Type I use of force case files; 50 Type II use of force case files; and 14 Type III use of force 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 officers' use of force and its intersection with SPD's policies and training regarding the same. DOJ and the Monitoring Team subsequently conferred about their findings and, based on their Phase II reviews, concluded as follows:

- Out of the randomly selected sample of force incidents, DOJ and the Monitoring Team determined that all but two were reasonable, necessary, and proportional. The City of Seattle has demonstrated that it has sustained compliance with the requirements of the Consent Decree, including uses of force by SPD officers over time and across incidents, and in subsequent investigation and review of the uses of force by the chain of command, consistent with SPD's policies and training regarding the same.
- DOJ and the Monitoring Team noted generally satisfactory investigation and review of the underlying use of force by the chain of command, including identifying and making appropriate referrals for additional officer training, or referrals to the Office of Police Accountability, where necessary.
- Similarly, the Force Review Board and Force Review Unit appropriately and thoroughly reviewed uses of force to confirm that SPD officer made reasonable efforts to de-escalate prior to using force, that the use of force was reasonable, necessary and proportional, that reporting and investigation of the use of force by the chain of command was complete and timely, and to determine whether the use of force ultimately complied with SPD policies and training.
- The caliber of investigations conducted by the Force Investigation Team was also satisfactory. FIT detectives consistently took control of a scene upon arrival and canvassed the area for witnesses and privately-owned video. The FIT detectives generally asked the relevant material questions during their interviews with officers

and witnesses. The FIT presentations to the FRB contained the material information needed for the Board's review and deliberation, and appropriately identified issues related to training, policy, and equipment.

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 to give attention to these matters going forward:

- DOJ and the Monitoring Team had concerns with the cases in our sampled review set involving police use of canines. In each of the cases reviewed, there were one or more issues related to: the decision to deploy the canine, the length of the canine bite, and the lack of an appropriate warning announcement to notify a subject that a canine was being deployed. With technical assistance from the Monitor, SPD had already recognized these issues and had recently revised its canine policy and manual in response. SPD believes the revised canine policy and training manual will improve the quality of canine deployments going forward. Additionally, SPD has conducted off-site training for its canine unit, and made changes to the canine unit's oversight, leadership, and reporting obligations. It is our understanding that the Office of Inspector General is also planning to conduct an audit of the canine unit in the coming months. Additionally, we suggest that, to the extent it is not already doing so, SPD track deployment and bite statistics, including bite ratios, across the department's canine handlers. This data could provide information about any developing patterns about the canines and their handlers.
 - In several of the cases reviewed by DOJ and the Monitoring Team, it appeared that attempts at de-escalation were not always present or there was a lack of understanding of what constitutes de-escalation. For instance, an officer simply giving commands to a subject is not de-escalation under SPD policy 8.100. In one of these cases, the failure to understand de-escalation was identified by the Office of Police Accountability and referred back to SPD as a management action. SPD subsequently incorporated OPA's recommendation into the most recent revisions to the use of force policies. We would additionally suggest that SPD continue to emphasize de-escalation in its training, making sure officers understand what kinds of communication qualify as attempts at de-escalation.
 - DOJ and the Monitoring Team were concerned that, in some instances, a sergeant who ordered or supervised the use of force also took a role in investigating and reviewing that same use of force. SPD indicated it had recognized this issue and was deploying additional sergeants to address this concern.
-

COMPREHENSIVE USE OF FORCE REPORT

- In a majority of the Type II cases we reviewed, the chain of command requested and received extensions to complete their investigation and review of the use of force. Under current policy, all use of force reports must be forwarded to the Force Review Unit within 30 calendar days of the date the force was used. SPD may want to consider changing this policy to allow 40 calendar days for the chain of command to complete its investigation and review of the use of force.



Stops and Detentions Audit

October 2019

Introduction

The Sustainment Plan that governs the Seattle Police Department's obligations with respect to demonstrating that it is maintaining full and effective compliance with the terms of the Consent Decree between the City of Seattle and the United States Department of Justice requires, in each of 2018 and 2019, the Department to issue a report documenting its audit and review of Consent Decree requirements relating to Stops and Detentions. This report is separate from the Department's earlier-released outcome [report](#), published on May 31, 2019, that provides fuller analysis as to all stops and detentions between January 1 and December 31, 2018.

This Report is Part II of the Seattle Police Department's audit focusing specifically on data surrounding police-civilian contacts that involve the stop and limited detention of an individual. Known as a *Terry* stop,¹ such contact is authorized under law and policy for purposes of investigating, based on an officer's reasonable suspicion, whether the individual is engaging, has engaged, or is about to engage in criminal activity. During the course of a *Terry* stop, an officer may develop probable cause to arrest a subject, but probable cause is not required to make the initial stop, nor does a stop that is based on probable cause to arrest fall within the category of a *Terry* stop.

The Seattle Police Department's Part I report, filed with the Court on March 7, 2019, focused on *Terry* stops occurring between January 1 and June 30, 2018. In its first report, detectives from SPD's Audit, Policy, and Research Section (APRS) conducted a review of approximately one-third of all contacts reported as *Terry* stops during the period. Based on a methodology agreed to between the City, SPD, the Monitoring Team, and DOJ, detectives followed an audit instrument originally developed by the Monitoring Team during its work towards its Tenth Systemic Assessment on Stops, Search, and Seizure. They sought to determine whether SPD officers adequately documented their investigatory stops and searches, and whether those stops were supported by reasonable suspicion and consistent with SPD policy, federal or state law. In that audit, SPD found that 77.6% of stops were confirmed as *Terry* stops. Of 1,084 stops identified as *Terry* stops, 93.5% of all cases adequately documented the basis to establish reasonable suspicion. Two hundred and twenty-eight (21%) of these 1,084 stops also involved a documented weapons frisk. Based on the four corners of the narrative reports provided, 38 of those cases (16.7%) lacked separate articulated reasonable suspicion for the frisk. As explained below, for the cases without adequate documentation in the four corners of the *Terry* Template, the basis

¹ In *Terry v. Ohio*, 392 U.S. 1 (1968), the United States Supreme Court held that such brief detentions are authorized under the Fourth Amendment when, under the totality of circumstances, an officer has reasonable suspicion to believe that criminal activity is afoot.

for the officer's reasonable suspicion may well have been documented in the GO report or captured in other parts of the investigative file, such as on the officer's body-worn video.

In this Part II Audit, SPD, for purposes of simplicity and consistency, replicated the methodology utilized in the Part I Audit, over a representative sample of cases for the second half of 2018 (July 1, 2018 - December 31, 2018). The SPD Audit, Policy, and Research Section conducted a review of 517 cases from the second half of the year. APRS reviewers answered the same series of questions posed in Part I of this report, following the audit instrument originally developed by the Monitoring Team during the course of its work towards its Tenth Systemic Assessment on Stops, Search, and Seizure and sought to determine whether SPD officers adequately documented the basis for investigatory stops and searches and whether those stops were supported by reasonable suspicion and consistent with SPD policy, federal or state law.

In this Part II Audit, SPD found:

- 69.32% of stops ($n = 357$) were confirmed as *Terry* stops
- 22.52% of those cases identified as *Terry* stops were actually probable cause detentions
- Of the 357 stops identified as *Terry* stops, officers adequately documented the reasonable, articulable suspicion in 96.08% of cases.
- Seventy-seven (21.57%) of these 357 stops also involved a documented weapons frisk. Only two, (2.6%) lacked separate articulated reasonable suspicion for the frisk.

Following the Part I Audit, SPD sought to confirm how reliable its raters were— in other words, did the raters consistently reach the same conclusions about the same set of facts? As a result, in this Part II Audit, SPD sought to validate the findings from the Part I Audit by assessing a reasonable person's ability to agree (interrater reliability) (1) that a *Terry* Stop occurred, and (2) whether the standard of Articulate, Reasonable Suspicion (ARS) for the stop and the frisk was met. SPD utilized a diverse cross-section of reviewers from outside of the Seattle Police Department who received uniform instruction and training on *Terry* stops. The reviewers were provided a sample of cases to review and answer a series of questions modeled after the Monitor's data collection instrument utilized in his Tenth Systemic Assessment. SPD's goal with this validation was to inquire whether the outcomes may be used to calculate future audit samples. SPD found:

- 77.63% of all reports rated were confirmed as *Terry* Stops, a difference of just .07% when compared with the analysis done in Part I of this report
- 94.24% of all reports contained sufficient reasonable, articulable suspicion for the stop, a difference of just .79% when compared with the analysis done in Part I of this report

In addition to these quantitative findings, this Audit Report provides updates as to the Department's continued training on stops and detentions.

One preliminary point should be emphasized. Whether a Constitutional seizure has occurred, and whether the officer has reasonable suspicion for the stop, is an inherently complex determination, based on the totality of the circumstances available to the officer at the time of the stop, and dependent on both the content of the information available and the quality of that information. No bright-line rule can be applied. Whether the facts and circumstances give rise to reasonable suspicion in a given case is reviewed under a "reasonable officer" standard, guided by sets of principles and exceptions that continue to be driven by case law. Because the "reasonable officer" standard is one on which reasonable minds can, and often do, differ, it would be unusual to find, consistently, complete unanimity of opinion among reviewers.

This audit is intended to root out whether, systemically, officers are meeting policy expectations with respect to both the quality and the documentation of *Terry* stops and detentions. All reviewers were instructed to restrict their assessment to the "four corners" of a report template, rather than the totality of the case file that would be before a court for constitutional determination (including all reports, video footage, etc.). These audits are *not* intended to be the Department's determination as to whether each stop or frisk, individually, would withstand a Constitutional challenge.

Consent Decree Requirements

The Consent Decree contains five paragraphs setting forth specific obligations of SPD relating to Stops and Detentions, as follows:

140. SPD will revise, as necessary, the Social Contact, *Terry* Stop, & Arrest Policy, Section 6.220, to ensure that the definitions of Social Contact and *Terry* stops explicitly conform to constitutional requirements. Specifically, the policy will (1) define Social Contacts and non-custodial interviews as encounters that are voluntary and consensual; and (2) prohibit investigatory stops where the officer lacks reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

Note: SPD met this requirement during Phase I of the Consent Decree. Original revisions to Manual Section 6.220, were approved by the Court on August 11, 2015 (dkt. 211). Subsequent revisions to this policy were approved on November 19, 2018 (dkt. 501). This Consent Decree requirement remains complete.

141. SPD will continue to require that officers be able to specifically and clearly articulate reasonable suspicion when they conduct investigatory stops or detentions, or conduct field interviews for *Terry* stops.

142. SPD will provide all SPD patrol officers with in-service training on an annual basis, based on developments in applicable law and SPD policy, sufficient to address the following topics:

- (a) the importance of police-community contacts for effective policing and community relations and trust;
- (b) Fourth Amendment and related law; SPD policies, and requirements in this Agreement regarding investigatory stops and detentions;
- (c) First Amendment and related law in the context of the rights of individuals to verbally dispute officer conduct;
- (d) legal distinction between social contacts, non-custodial interviews, and investigatory *Terry* stops;
- (e) distinction between various police contacts according to the scope and level of police intrusion; and
- (f) the facts, circumstances, and best practices that should be considered in initiating, conducting, termination, and expanding an investigatory stop or detention, including when an individual is free to leave, and when an officer might identify him or herself during a contact.

143. Additionally, SPD will provide all officers with regular roll call trainings regarding social contacts, non-custodial interviews, and investigatory stops and detentions.

Note:

During Phase I of the Consent Decree, training plans that cover these topics were developed by SPD, reviewed by DOJ and the Monitoring Team, and approved by the Court. The Sustainment Plan does not call for any particular training updates, although the Department routinely reviews and updates training each year. The training presented on these topics follows training previously reviewed and approved.

144. Consistent with SPD policies and procedures, absent exceptional circumstances, by the end of each shift, a supervisor will continue to obtain and review his/her supervisees' incident reports and any other reports that document the basis for investigatory stops and detentions to determine if they were supported by reasonable suspicion and consistent with SPD policy, federal, or state law; and determine if the officer requires review of agency policy, strategy, tactics, or training.

Audit Findings

Objective 1 – Articulating Reasonable Suspicion (Paragraphs 141 and 144)

Assess whether SPD officers are specifically and clearly documenting reasonable suspicion when they conduct investigatory stops or detentions, or conduct field interviews for Terry stops.

A. Methodology

Detectives within SPD's Audit, Policy, and Research Section were selected as inspectors to review cases from the second half of 2019, using an efficient sample (i.e., simple random type) calculated from characteristics identified by oversampling in Part I of this audit.

The source data for APRS's audit comprised a set of 517 randomly selected templates² (reports) of investigatory stops occurring between July 1, 2018 and December 31, 2018. These stops represent 11.5% of all stops ($n = 4,512$) reported during this period. The sample was calculated according to best practice guidance for sampling in social science research, obtained from *Practical Sampling*³. A simple random sample was calculated utilizing the key characteristic (p) of articulated reasonable suspicion (ARS) for the stop. The size of the sample was selected to efficiently represent the characteristics of the universe of cases (an exploratory oversample reported in year one, was used to define sample parameters⁴) how often SPD officers failed to adequately document reasonable suspicion for a stop.

Inspectors were provided a set of written instructions. They all reviewed Department policy prior to beginning the inspection. The inspectors were asked to conduct a "four corners" assessment of the quality of documentation contained within the *Terry* template, and after reading each template, respond to a series of questions administered using a web-based survey tool

² In 2015, the Seattle Police Department introduced a computerized template that allowed it to capture, as part of its Records Management System, fielded and narrative data around *Terry* stops, including the purpose of the stop and metrics that capture the officer's status (on duty or off duty, years of service), the date, time, and location of the stop, and the duration of the stop.

³ See Henry, G. T. (1990). *Practical sampling* (Vol. 21). Sage.

⁴ "Exploratory research is generally conducted to provide an orientation or familiarization with the topic under study. It serves to enlighten the researcher about salient issues, helps focus future research on important variables, and generates hypotheses to be tested. Descriptive research is the core of many survey research projects where estimates of population characteristics, attributes, or attitudes are study objectives... Exploratory research is often a preliminary activity leading to a more rigorous descriptive or analytical study... Broad coverage is more important in many exploratory research projects than reducing error." Henry (1990), p. 48.

constructed from the instrument used by the Monitoring Team in conducting its Tenth Systemic Assessment on Search and Seizure.

B. Audit Results - July to December 2018

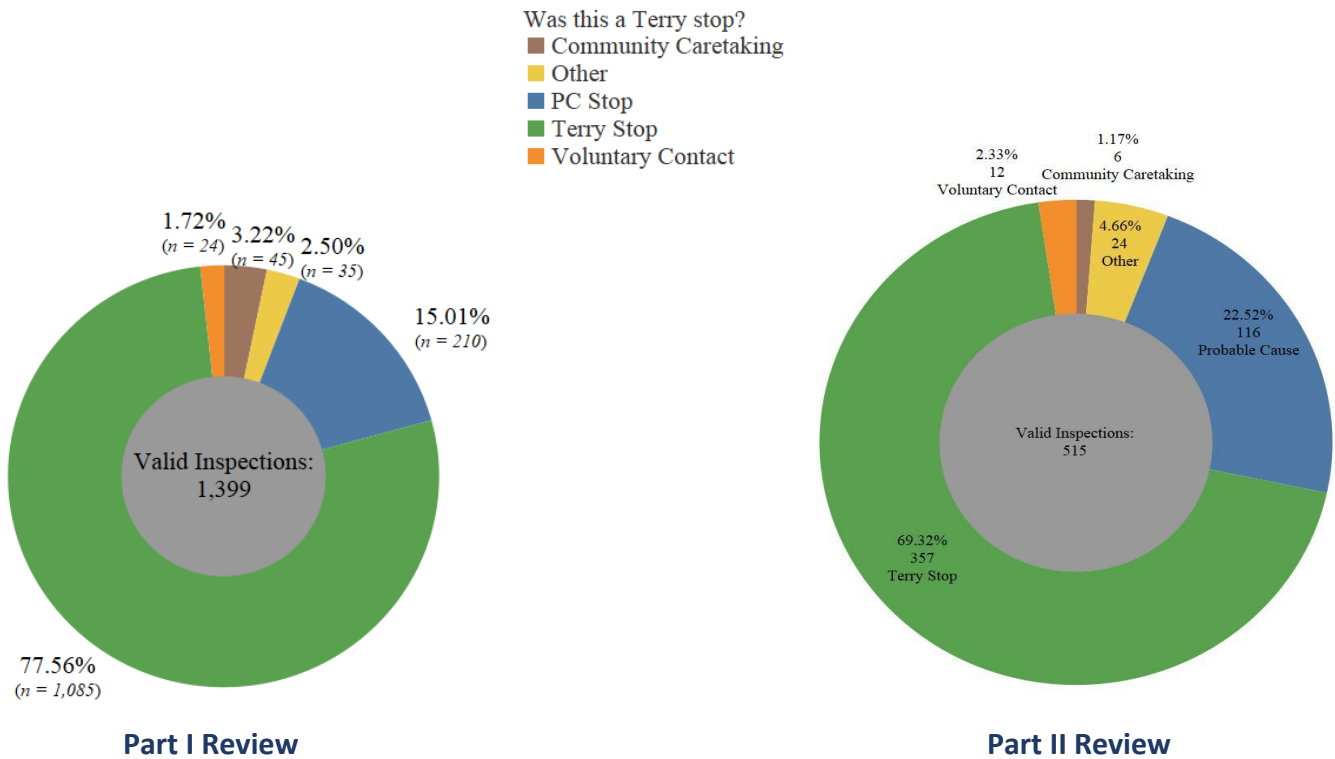
In Part I of this audit, SPD reviewed *Terry* templates from January 1 – June 30, 2018. To ensure that SPD reviewed an entire year of *Terry* stops, SPD conducted an audit of its *Terry* templates from the second half of 2018, July 1 – December 31, 2018. During the Part I Audit, SPD utilized an oversampling of reports and reviewed approximately one-third of all reports for the first half of the year. In Part I, SPD acknowledged that a sampling of 33% of all cases was likely excessive and sought to determine what an efficient sample would be. In that Audit, SPD determined that an efficient sample for future reports would be 6.5%.

For this Part II Audit, SPD utilized its findings from Part I and drew an efficient sample of templates using the key characteristics identified in the oversampling during the Part I Audit. SPD extracted 517 of the 4,512 *Terry* templates completed during the second half of 2019, from its the legacy Records Management System, Versaterm.⁵ Detectives from the APRS, Audit Squad conducted the same inspection used in Part I of this Audit. They reviewed the *Terry* templates and answered a series of questions about the completeness of the templates.

Was This a *Terry* Stop?

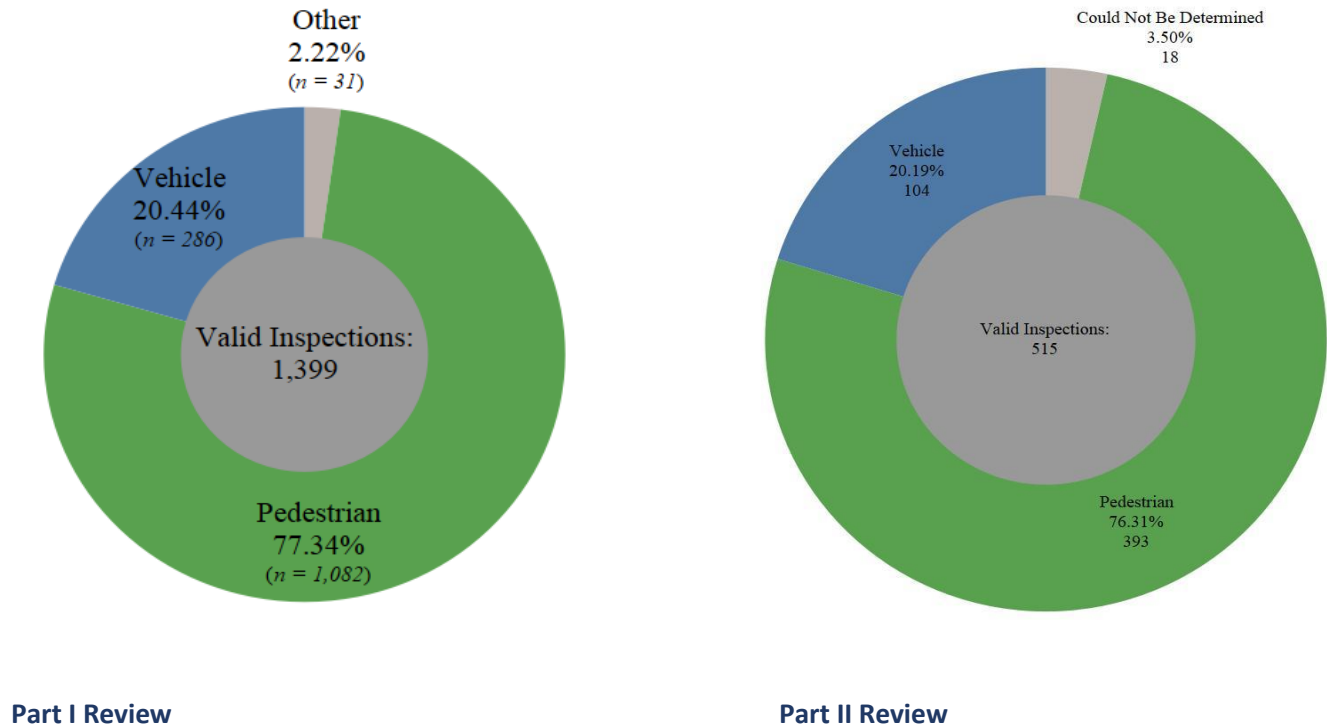
Of the 515 inspections that APRS completed, APRS detectives confirmed 69.32% of all cases as *Terry* stops as compared with 77.56% during Part I of this Audit. During this Part II Audit, APRS detectives identified 22.52% of all cases as *Probable Cause* (PC) detentions which is 7.5% higher than the findings in Part I of this Audit. Figure 1, below, shows the findings in this Audit (Part II) as compared with the Part I Audit.

⁵ Two (2) of the sampled reports appeared to be duplicates, as they contained the same combination of report number, date and subject name, and they both involved an anonymous subject. These were removed from the analysis.

Figure 1: Terry Part I vs. Terry Part II

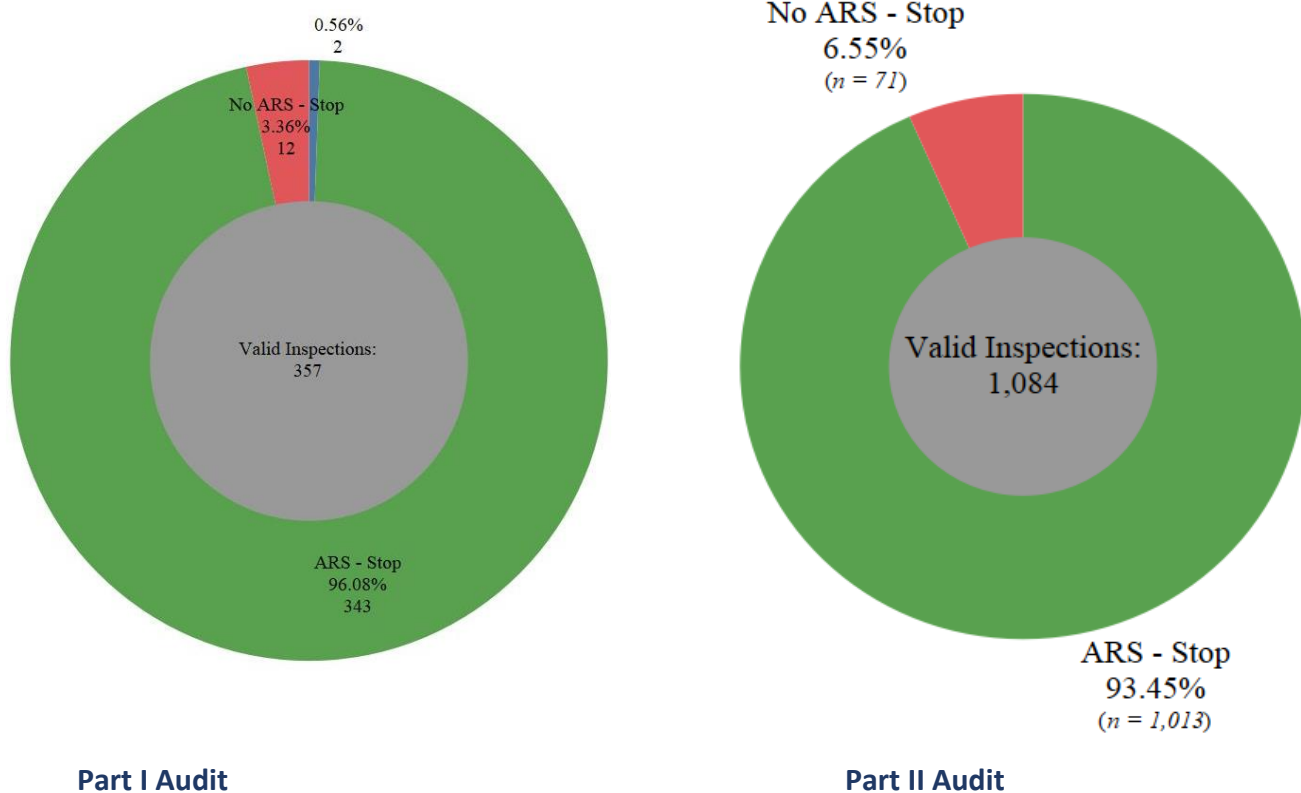
The remaining stop-types were within 1% to 2% of the findings from Part I, except *Other* stops, which were identified nearly twice as often as in Part I.

Type of Stop found a similar distribution between the Part I and Part II, with 76.31% (77.34% in Part I) identified as *Pedestrian Stops* and 20.19% (20.44% in Part I) *Vehicle Stops*. The remaining eighteen (3.5%) could not be determined from the information available in the officers' *Terry* template.

Figure 2: Part I vs. Part II Type of Stop

Did Officers Sufficiently Document Reasonable Articulate Suspicion for the Stop?

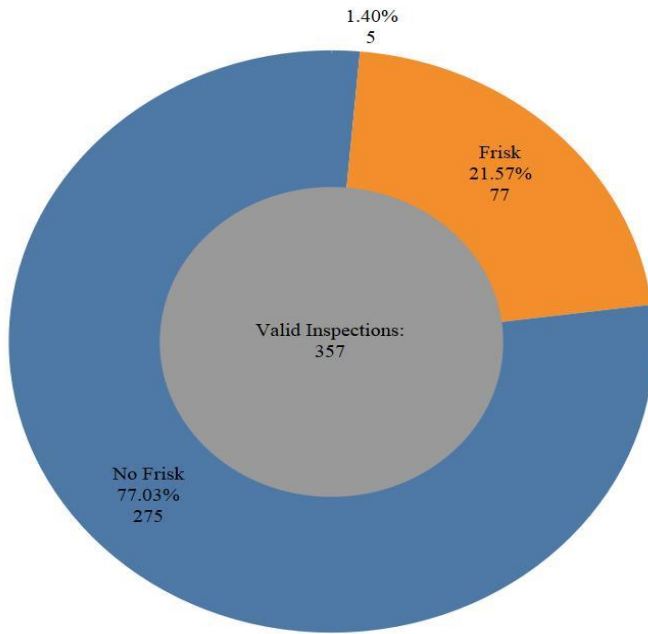
APRS detectives inspected the 357 stops identified as *Terry* stops to determine whether officers adequately documented reasonable, articulable suspicion for the stop. APRS detectives found that 96.08% of all *Terry* templates adequately documented reasonable articulable suspicion, as compared with 93.45% of all *Terry* templates in Part I of this audit. When comparing the findings from the second half of the year to the first half of the year, the APRS detectives found only 3.36% of all *Terry* templates did not document reasonable, articulable suspicion during the Part II Audit, approximately half as many as compared with the Part I Audit – 3.36% were lacking reasonable, articulable suspicion in Part II compared with 6.55% in Part I. See Figure 3

Figure 3: Reasonable Articulate Suspicion

In the Part I Report, SPD reported on the 71 cases where inspectors did not find reasonable, articulable suspicion was adequately documented to justify the *Terry* stop. Those reasons ranged from “incomplete documentation” to “facts did not establish criminal activity that had been, was, or would soon be occurring.” Also in the Part I Report, SPD reported the squads with the highest numbers of templates lacking reasonable, articulable suspicion for the *Terry* stop. In this Part II report, inspectors found only 12 cases where the *Terry* templated lacked reasonable, articulable suspicion. Given the small number of cases, SPD did not want to summarize the data as the results could be misleading.

Did A Frisk Occur and Did Officers Document Reasonable, Articulate Suspicion for the Frisk?

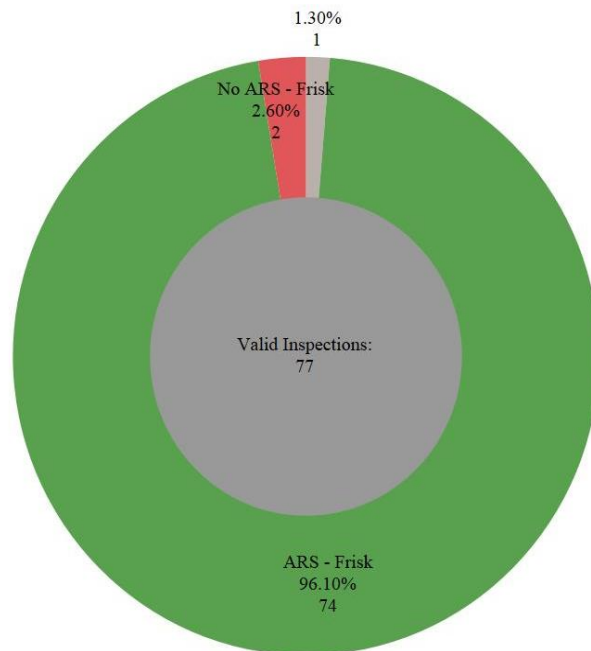
Of the 357 verified *Terry* stops in this Part II Audit, APRS detectives identified 21.57% ($n = 77$) as including a search, or “frisk”, of the subject. See Figure 4. During Part I of this Audit, inspectors identified 21% of the stops included a frisk of the subject.

Figure 4: Frisks in Part II

Of these 77 templates that identified a frisk, APRS detectives deemed that 96.1% ($n=74$) included sufficient documentation to determine reasonable suspicion for the frisk, an increase of 12.8% as compared with Part I of this Audit. SPD recognizes that this is a significant increase and will continue to monitor this data point in future audits. Inspectors were unable to determine, within the four corners of the template, reasonable suspicion for the frisk in the remaining 3.6% ($n=3$) of cases. See Figure 5.

In the Part I Report, SPD reported on the 38 cases where inspectors did not find reasonable, articulable suspicion was adequately documented to justify the frisk of a subject. The Part I report also noted the squads with the highest percentages of templates lacking reasonable, articulable suspicion for the frisk. In this Part II report, inspectors found only 3 cases where the *Terry* templated lacked reasonable, articulable suspicion for the frisk. Given the small number of cases, SPD did not want to summarize the data as the results could be misleading.

As found in the Part I Audit and in the Monitor's Tenth Assessment on Stops, Searches and Seizures, officers continue to adequately document reasonable, articulable suspicion for their *Terry* stops and frisks in



SPD's *Terry* template. SPD officers completed *Terry* templates for interactions which were not found to be *Terry* stops, a pattern which was also noted in the Part I Audit and the Monitor's Tenth Assessment. In SPD's Part I Audit, SPD identified this as an ongoing issue and clarified training and policies in early 2019 to minimize over-reporting of contacts that are not, in fact, *Terry* stops. The Seattle Police Department wants to ensure that its officers' time is used effectively; unnecessarily documenting a non-*Terry* interaction within a *Terry* template creates unnecessary work for officers. In its future Audits, SPD will continue to track whether officers are only documenting those stops which meet the definition of a *Terry* stop.

C. Supervision

By policy, supervisors are required to review their officers GOs and Street Checks that document *Terry* stops made during the shift to determine if they are supported by reasonable suspicion and are consistent with SPD policy and federal and state law. See Manual Section 6.220(11). The system by which *Terry* stops are entered, and reports processed, is such that *Terry* templates cannot enter the reporting database until the entirety of the "parent report" (GO, Street Check, or Follow Up) to which they are attached is approved by a supervisor. In other words, this requirement is "fixed" by way of the technical configuration.

For 12 (3.36%) of the stops and 3 (3.6%) of the frisks, the auditors identified a lack of articulated reasonable suspicion when reviewing the *Terry* template by itself. However, it is likely that even that small number of cases does not reflect the number of times a *Terry* stop lacked reasonable suspicion. It is possible that in at least some of these instances, the information substantiating reasonable suspicion was located in another source or document. This is because while this review was based (as was the Monitor's initial assessment) on a "four corners" review of the *Terry* template alone, in real life, supervisors have available to them, at the time they are reviewing the stop, additional material, including the parent report, its narrative, and video/audio footage of the incident. Accordingly, even when a *Terry* template appeared incomplete during this review, a supervisor may have been able to see additional justification for the stop or additional information through additional documents available to that supervisor. In fact, it is likely this was the case for at least some of the small number of incomplete templates identified in this review as some expressly referenced additional material in other locations. For this reason, it is also not possible to assess from this review whether supervisors were appropriately referring officers who failed to provide complete narratives to the Office for Police Accountability.

SPD has already take steps to address the issue of template completeness and supervisory review of template completeness. In May 2019, SPD implemented a new records management system, Mark43. This new system's user interface contains major improvements, most notably: (1) *Terry* reporting is more integrated into the system as a mainstream report type which will allow reports to be submitted and reviewed more easily and efficiently; and (2) the report cannot be submitted until officers have entered text into the narrative box requiring justification for the stop or frisk.

These results demonstrate that the Department remains in sustained compliance with Paragraph 144 requirements with respect to supervision. The numbers reported here show sustained systemic compliance on the part of the officers with respect to documenting reasonable suspicion for stops and frisks, and do not indicate a lack of supervision. A very small percentage of cases (3.36%) lacked documentation of reasonable suspicion. In addition, SPD's record management systems, both Versaterm and Mark43, are configured such that these cases could not be reported *without* supervisor review, and because of this system design, the data show that supervisors review and approve 100% of all Terry Templates.

Objective 2 – Training (Paragraphs 142 and 143)

Assess whether SPD is continuing to provide all Patrol officers with in-service training with respect to Terry stops on an annual basis, based on developments in applicable law and SPD policy.

As noted in other reports, SPD has implemented the ICAT (Integrating Communications, Assessment, and Tactics) model for learning. SPD is increasingly delivering training in different formats and decentralized under different “core” blocks of training, reinforcing skills learned across different situations. This is true of SPD's training on stops and detentions. In 2018, the annual training on stops and detentions was delivered as part of SPD's CIT Autism training, and, principles around *Terry* stops and detentions were interwoven into Tactical De-Escalation and Less Lethal Recertification training scenarios presented through in-person training. These trainings are required for all sworn employees. Concepts include officers' legal authority to be at the location of an incident and the lawful purpose for a contact. Where applicable, concepts related to de-escalation and the use of force are also reinforced.

The scenario-based training provides opportunities for officers to practice articulating the underlying reasons for a given contact or seizure and emphasizes the importance of officers' clear explanations of the circumstances of an incident, whether in writing their reports, screening arrests, or providing complete and convincing testimony in court. Concepts are delivered with a focus on experiential learning, accomplished via instructor-facilitated discussion, and utilizing informational slides and interactive exercises based on written or video presentation of realistic scenarios.

In addition, training specific to stops and detentions remained a core topic of SPD's Post-BLEA (Basic Law Enforcement Academy) training, a seven-week program required for all student officers following their graduation from the Washington State Criminal Justice Training Academy, prior to entering Field Training. SPD provided 11 sessions of Post-BLEA training in 2018, attended by 100% of student officers.

In Post-BLEA training, student officers attend courses that include both classroom instruction and scenario-based training. One block of instruction covers Foundational Principles, an eight-hour

block of instruction tailored for new officers that covers core concepts around law, policy, stops and detentions. This course provides student officers the opportunity to practice articulating the underlying reasons for a given contact or seizure. Concepts are delivered with a focus on experiential learning, accomplished via instructor-facilitated discussion utilizing informational slides as well as interactive exercises based on written or video presentation of realistic scenarios.

SPD training records confirm that of the 1,286 sworn personnel required to complete this training, 1,242 attended; of the 44 who did not complete this training, 38 were excused due to unavailability (e.g. military deployment, long-term medical leave, retirement). One hundred percent of student officers attended the required post-BLEA training.

During 2019, SPD is delivering eLearning modules covering search and seizure issues, stops, and detentions, which all sworn employees are required to complete. In addition, all sworn personnel must attend a four-hour CIT block of instruction including extensive discussion of case law, constitutional protections, and search and seizure authority. Also in 2019, SPD sergeants will conduct roll call training covering *Terry* stops.

In 2020, SPD's Education and Training Section will be offering two focused training modules addressing these issues, "Legal Updates" and "Search and Seizure." The Education and Training Section will also include instruction and discussion regarding stops, detentions, and search and seizure, where applicable, in many other portions of training curricula, including classroom training, scenarios, and eLearnings.

In sum, SPD continues to provide and require extensive and high-quality training on stops and detentions and nearly 100% of its officers have completed this training (with the exception of officers who are on long-term leave). SPD continues to meet and exceed the requirements of paragraphs 142 - 143 of the Consent Decree by teaching and reinforcing these concepts in multiple classes and shifting the scope of roll call training into more in-person scenario-based training.

Additional Research—Interrater Reliability⁶

As discussed above, during the Part I Audit, the Seattle Police Department (SPD) Audit Policy and Research Section (APRS) conducted an oversampled audit of the 4,341 *Terry* stops reported during the first half of 2018. SPD sought to determine what an efficient sample would be, both for this Part II Audit and for future audits, that would allow SPD to obtain a valid result without requiring SPD to review one third of its *Terry* templates each year. SPD recognized the initial audit could be vulnerable to rater bias. Without confirming that other, non-SPD, raters could

⁶ SPD has written a technical report that describes in more detail our findings in this section. This report is available upon request.

agree what good or bad articulation of reasonable suspicion looked like, the calculation of an efficient sample using Part I findings remained speculative.

To validate its findings from the Part I report, SPD calculated and drew an new, efficient sample of *Terry* templates ($n = 514$) from the 4,341 *Terry* stops reported in the first half of 2018 to compare the findings of this study with the findings in Part I of this Audit.

SPD then solicited volunteer raters from a nationwide call to academic and practitioners' communities. SPD selected ten volunteers from three different sub-groups: three law enforcement officers from a large municipal police department in western Washington State, three Masters of Arts / Sciences in Criminal Justice (MACJ / MSCJ) students or recent graduates from two accredited institutions of higher learning, and four PhD students / degreed raters.

All raters were provided with an hour-long training on the 5th, 7th or 12th of August and were given until the 30th of August to complete the task. The raters were provided two PDFs of the reports which contained a partially-crossed, random sampling of 300 of the 514 reports, in addition to 25 additional randomly selected cases. They were also provided a link to a SurveyMonkey data entry form. They were asked to review the *Terry* templates and complete a survey about each template in SurveyMonkey, answering four questions: was this a *Terry* stop? Was there reasonable articulable suspicion for the stop? Was there a frisk? And was there reasonable articulable suspicion for the frisk?

In total, SPD received 2,978 complete surveys for the *Terry* stops, twenty-two (22) short of the expected 3,000. All raters completed between 295 and 300 surveys, with missing surveys observed across all rating sub-groups. Missing surveys were not believed to significantly influence the result and were treated as user / system missing in SPSS. SPD calculated a reliability analysis, across all 2,978 surveys and across 10 reviewers, to determine how frequently the reviewers agreed with one another on the four question. SPD observed agreement between 65% and 68%, except for Question 4 – reasonable, articulable suspicion for the frisk. SPD observed 99% agreement on that question. Generally, agreement at 70% or higher is considered “acceptable” in most social science research situations.

SPD then observed that limiting the analysis to the latter 250 surveys submitted by each rater improved agreement. SPD also determined that one rater was dragging down the measures of agreement. By limiting its analysis to latter 250 surveys and eliminating one rater improved agreement significantly. As seen in Table 1, the 9 raters agreed between 68.5% and 74.9% of the time on three of the four questions. Agreement on the fourth question was observed near unanimous at 98.6%. These calculations are reflected in Table 1.

Table 1

Question	Rate of Agreement	# of Raters
Was this a Terry Stop?	.720	9
Was there ARS for the stop?	.679	9
Was there a Frisk?	.685	9
Was there ARS for the Frisk?	.986	9

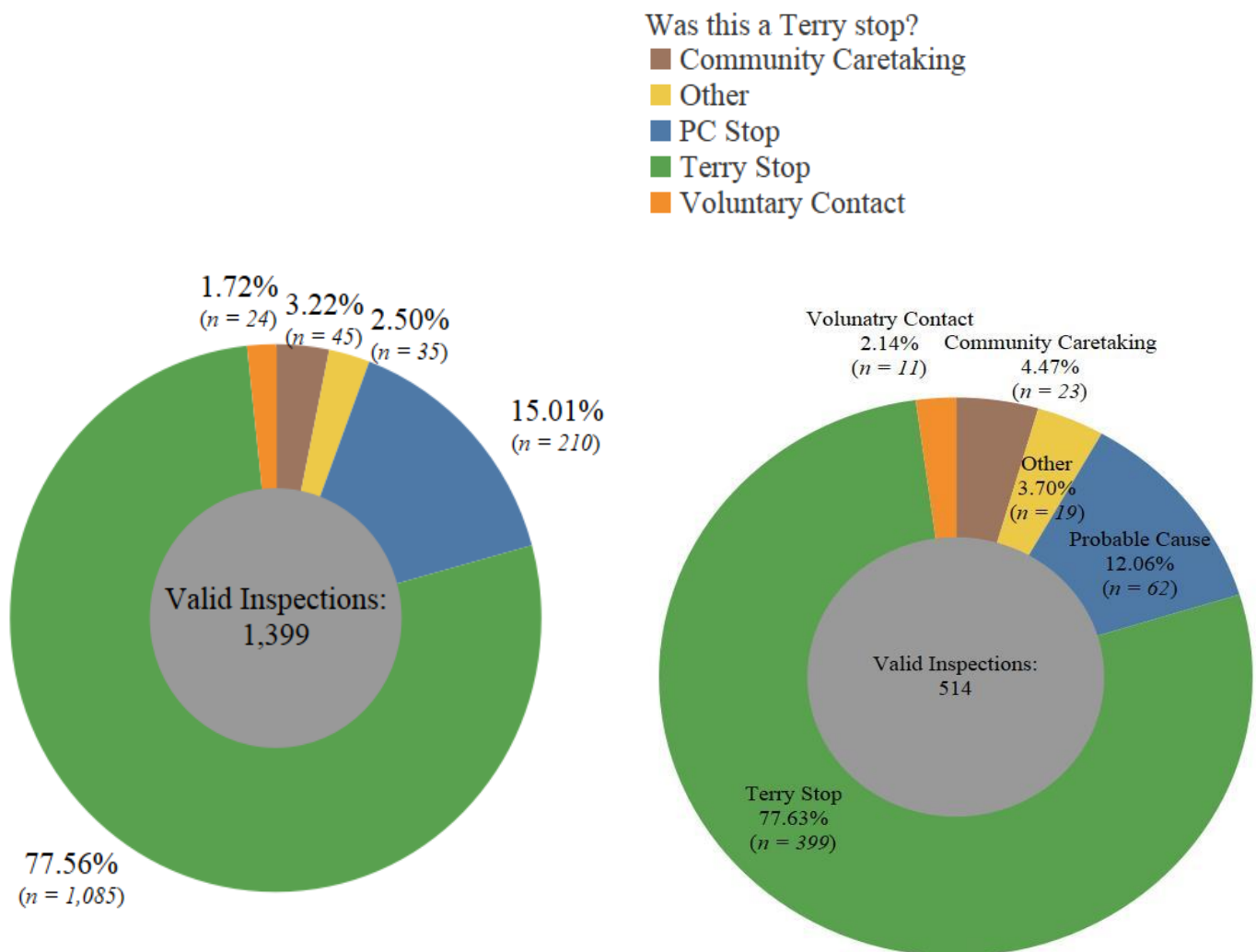
Not only did SPD find that consistency within the three subgroups of raters (law enforcement officers, (MACJ / MSCJ) students, and PhD students / degreed raters), SPD also found consistency between the three subgroups, confirming SPD's findings that raters who are adequately trained to identify a *Terry* stop can agree whether a report contains adequate articulation of reasonable suspicion. This validation agreement between raters means any one rater can be exchanged for another, and SPD would still find that they will generally agree with the other raters.

Was This a *Terry* Stop?

In the Part I Audit, as discussed earlier in this report, SPD APRS raters confirmed that 77.56% of all *Terry* templates were in fact *Terry* stops. The remaining 22.44% of oversampled reports were identified as a combination of *Probable Cause* (15.01%), *Community Caretaking* (3.22%), *Other* (2.50%) or *Social Contacts* (1.72%). (see Figure 1)

As SPD sought to confirm the reliability of those findings from the Part I Audit, it asked the 10 non-SPD raters, discussed in this section, to answer the same questions when reviewing their samples of cases. These raters showed similar results to the raters in Part I. These raters found that 77.63% of all reports rated were confirmed as *Terry* Stops, a difference of just .07%. Slightly fewer *Probable Cause* detentions were identified by these raters, 12.06%. The remaining stop types remained within 1.5% difference. See Figure 6.

Figure 6— Oversample vs. Composite Sample



Did Officers Sufficiently Document Reasonable, Articulate Suspicion?

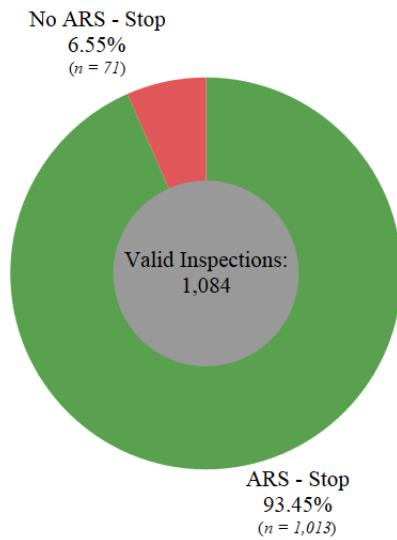


Figure 7 – Oversample

The ten raters found that 94.24% of all *Terry* templates contained sufficient reasonable articulable suspicion for the stop. In the Part I report, the raters found that 93.45% of *Terry* templates contained reasonable articulable suspicion for the stop. The difference between the two sets of raters was only .79%.

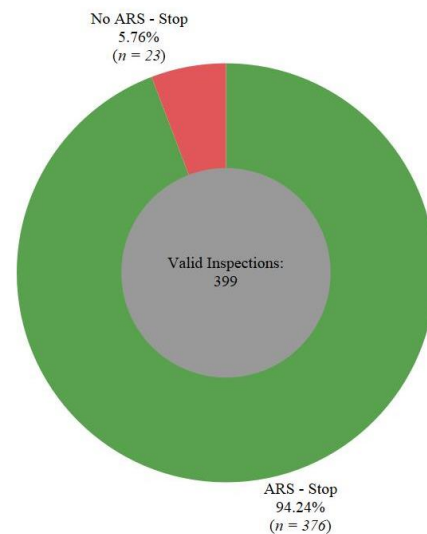


Figure 8 - Composite Sample

Did a Frisk Occur?

Of the 399 confirmed Terry Stops, the ten raters identified frisks in 28.07% of the *Terry* stops. One of these ratings contained “null” frisk information. SPD considers this to be a data quality error, but has retained the observation for internal consistency. The raters in Part I of this Audit identified frisks in 21% of all stops - , 7% fewer than the ten raters. (see Figure 9)

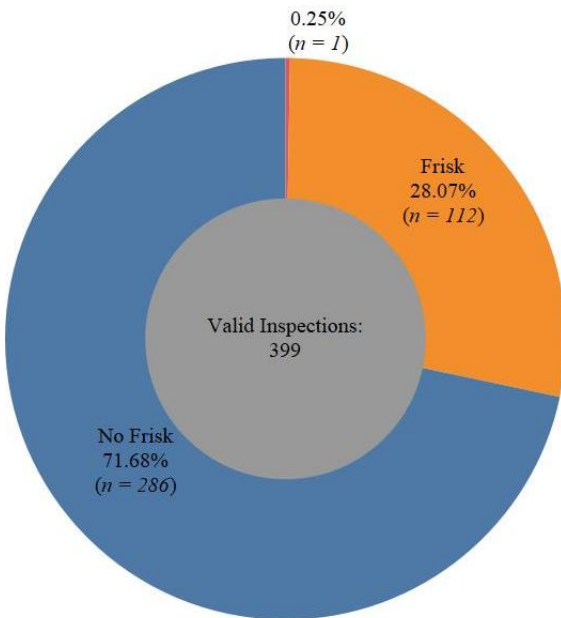
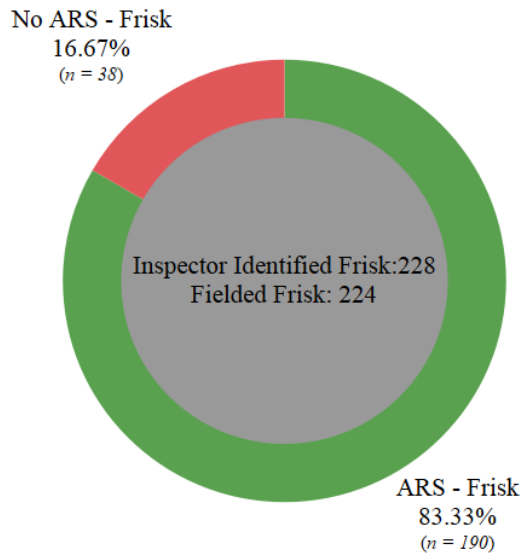


Figure 91 - Composite Sample

Was ARS for the frisk sufficiently documented?

The largest difference between the findings of the ten raters and the Part I Audit raters was observed in the reasonable, articulable suspicion (ARS) for the frisk. (see Figures 10 and 11)

Figure 10 - Oversample

The ten raters found only 6.25% of templates lacked sufficient justification for the frisk. In the Part I Audit, raters found 16.67% without sufficient justification, a 10.42% difference.

Given the efficient sample underlying the composite group was calculated based on the key characteristic of ARS for the stop, some variation in secondary research question is expected.

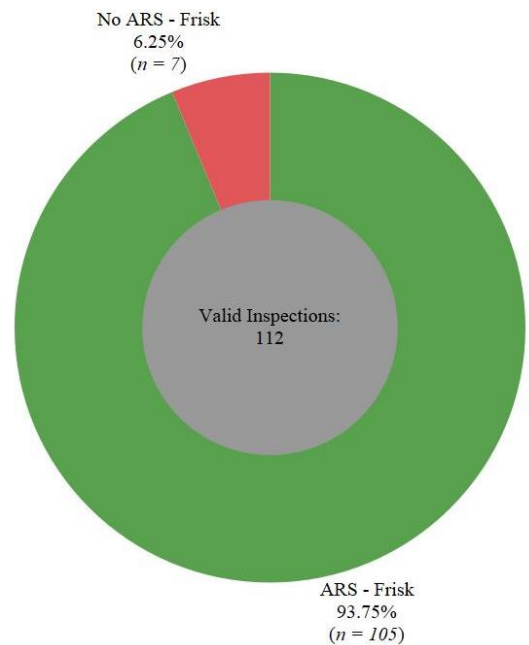


Figure 11 - Composite Sample

In Part I of this Audit, SPD noted that one purpose of the Audit was to provide descriptive characteristics of *Terry* stop data sufficient to calculate an efficient and sufficiently precise sample for future analyses. The interrater reliability findings in this Part II Audit will further that goal by assisting SPD with calculating an efficient and sufficiently precise sample for its future Stops and Detentions Audits. Those future audit procedures will err on the conservative side and rely more heavily on the results of the oversampling and composite sample.⁷

CONCLUSIONS AND NEXT STEPS

Consistent with its obligations under the Sustainment Plan, the purpose of this exploratory analysis was two-fold: first, to review a full year of *Terry* templates to ensure that the Department is continuing to demonstrate that, systemically, officers are specifically and clearly documenting reasonable suspicion when they conduct investigatory stops or detentions, conduct field interviews pursuant to *Terry* stops, and searches in the course of these stops; and (2) to ensure that the Department continues to provide training to its officers with respect to *Terry* stops on an annual basis, based on developments in applicable law and SPD policy.

The results of these analyses show that, in the vast majority of cases, SPD officers continue to specifically and clearly document their reasonable suspicion for a stop or frisk. These findings demonstrate that SPD has maintained compliance with the requirements of paragraphs 140-44 of the Consent Decree, which address stops and detentions. With the implementation of the new records management system, SPD anticipates that future audits provide even better insight into the basis for an officer's stop and their decision to frisk.

⁷ On May 7th of 2019, the department implemented a New Records Management System with a specific report for *Terry* stops, the Field Contact Report. This platform utilizes contextual menus to focus the officers to articulate their reasonable suspicion for the stop, for the frisk and complete a full narrative. This report utilizes active error checking and requires officers to comply with reporting.

DOJ and MT Validation Section

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.⁸

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 research and analysis or "look behind" of the City's review.

In January 2019, DOJ and the Monitoring Team conducted a validation of the City's Phase II, Part I audit of this topic and confirmed that the City demonstrated sustained compliance in this area. In the interest of continual improvement, DOJ and the Monitoring Team identified the following as areas for the City to focus on during Phase II, Part II of this review: (1) some of the *Terry* templates lacked a description of the subject who was stopped, and; (2) some *Terry* templates were incomplete on their face and required reference to additional documents in order to assess their constitutionality. Dkt. 547-1 at pp. 33-34.

During this follow-up assessment, the City demonstrated that, after the sample set examined in this review, it streamlined the *Terry* template process by implementing a new records management system (Mark43) with a specific report for *Terry* stops that will ensure that officers articulate the basis for their reasonable suspicion in a full narrative of the stop in the body of the *Terry* template.

⁸ 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.

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. DOJ and the Monitoring Team also requested and received a randomly generated sample of stops templates for the time period July 1, 2018, 2018 to December 31, 2018. The sample set was comprised of 226 *Terry* stop templates. DOJ and the Monitoring Team, together with their subject matter experts, reviewed these stop templates for compliance with the terms of the Consent Decree relating to stops and detentions and SPD's policies regarding the same. Based on their Phase II, Part II reviews, DOJ and the Monitoring Team concluded as follows:

- The City of Seattle has demonstrated that it continues to sustain compliance with the stops and detentions requirements of the Consent Decree and SPD's policies, including requirements that SPD officers report all *Terry* stops through a *Terry* template and that supervisors will review such reports by the end of that shift, absent exceptional circumstances. DOJ and the Monitoring Team have concluded that officers are consistently satisfying these reporting requirements. Further, DOJ and the Monitoring Team have found that the number of *Terry* stops supported by documented, articulable, reasonable suspicion was consistent with SPD's findings.
- DOJ and the Monitoring Team recognize that officers appear to be using appropriate discretion in deciding when to effectuate an arrest after a *Terry* stop. Further, when officers determine that there are not grounds for additional detention, officers appear to be releasing the subject in a prompt manner.

In the interest of continuous improvement, 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 strongly 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:

- A small handful of *Terry* templates reviewed by DOJ and the Monitoring Team did not contain a sufficient narrative setting out why their *Terry* stop was supported by articulable reasonable suspicion; indeed, the basis for the officers' suspicion was not, in fact, articulated. These deficiencies in the narratives prevented reviewers from determining whether the officer's suspicion was reasonable. DOJ and the Monitoring Team encourage SPD to again emphasize the importance of this narrative portion of the *Terry* template through additional training and/or roll calls.



**Crisis Intervention
Program Report
October 2019**

Introduction

Since 2014, in collaboration with the Department of Justice and community partners, the Seattle Police Department has become widely recognized as a model for delivering meaningful and compassionate police services to individuals in behavioral health crises, helping to drive best practices around the nation.¹

In keeping with its commitment to transparency, accountability, and data-driven practice, over the past three years SPD has published annual reports detailing its work around crisis intervention, both in response to increasing numbers of crisis calls for service and proactively by SPD's Crisis Response Unit, which seeks to keep individuals in frequent or chronic crisis connected with appropriate service providers. This reports builds on prior years' reports and presents updated data around crisis incidents, deployment and distribution of officers with advanced Crisis Intervention Training, Use of Force in crisis incidents, and disposition of crisis incidents.

In addition, this report fulfills a key requirement under the court-ordered plan (Sustainment Plan) that sets forth the schedule by which SPD, now in full and effective compliance with all of its commitments under the Consent Decree, is to demonstrate during this next phase that it is sustaining performance across all topical areas of the Consent Decree. With respect to Crisis Intervention, the Sustainment Plan requires three separate reports over 2018-2019: an annual Outcome Report of crisis contacts, to be filed in October of both 2018 and 2019, and a comprehensive evaluation of use of force in crisis incidents, to be filed in December 2018. This report meets the 2019 deadline of the former.

With respect to data concerning crisis calls, officer deployment, and disposition, the time period studied for this report extends from January 1, 2018 to June 30, 2019. For discussions concerning training, this report covers a study period of January 1, 2018 to December 31, 2018, to account for the annual training cycle.

Data used in this report is sourced to the extent possible from the Data Analytics Platform, a comprehensive enterprise-wide platform that consolidates data from multiple unique source systems and allows for ad hoc reporting and analysis. In support of the ongoing mission of the Crisis Response Unit to manage its more than 11,000 annual contacts with

¹ See, e.g., Critical Issues in Policing: Guiding Principles on Use of Force (Police Executive Research Forum, 2016) (highlighting the Seattle Police Department's crisis intervention training).

persons in crisis, the Department has customized in DAP a suite of specialized data sets specific to this Unit:

- The Crisis Events data set allows the user to view information regarding crisis events by officer, squad, unit, precinct/section, and bureau of the officer, as well as the location of the event. Information as to whether the responding officer is CIT certified is also available.
- The CAD (Computer Aided Dispatch)² Events to Crisis Events data set combines the functionality of both the CAD Events data set and the Crisis Events data set to allow the user to view all CAD Events with an associated Crisis Template Figure 1).
- The Crisis Events to Use of Force data set combines the functionality of both the Crisis Events data set and the Use of Force data set to allow the user to view all Crisis Events with an associated Use of Force incident.
- The Crisis Response Team data set combines selected functionality of Crisis Event and CAD information along with General Offense and Street Check information to allow the user to review information regarding events that are routed, notified, or assigned to the Crisis Response Team for follow up investigation.

In addition, the Department provides a public-facing, [online](#) dashboard that allows the public to explore for itself this subset of SPD responses. This dashboard provides aggregated information of the over 40,000 crisis calls to which SPD officers responded over the last three and a half years.

The Consent Decree contains eight paragraphs setting forth SPD's obligations with respect to Crisis Intervention; all are addressed in this report.

² A "CAD event" is a unique incident, given a unique identifying number, logged in response to a call from the public ("Call for Service") or a report from an officer in the field, "on-view," of an incident or event requiring their response. CAD Events are classified as "DISPATCH" when in response to a Call for Service and "ONVIEW" when reported by an officer in the field.

I. Training

SPD will continue its work in providing training in verbal tactics with the goal of reducing the use of force against individuals in behavioral or mental health crisis, or who are under the influence of drugs or alcohol, and to direct or refer such individuals to the appropriate services where possible. ... SPD will continue to provide Crisis Intervention training as needed to ensure that CI trained officers are available on all shifts to respond to incidents or calls involving individuals known or suspected to have a mental illness, substance abuse, or a behavioral crisis (“individuals in crisis”).

Consent Decree, ¶ 130.

SPD officers who do not receive the [40 hour CIT Certification Training) will receive basic training on crisis intervention. This training should include a subset of topics and training methods included in the CI training, and will also explain the circumstances in which a CI trained officer should be dispatched or consulted, and how situations involving impaired subjects should be addressed when a CI trained officer cannot respond.

Consent Decree, ¶ 134.

In 2017, the Education and Training Section (ETS) and the Crisis Response Unit (CRU) began delivering ‘e-module’ CIT training to be able to deliver classroom-based training more efficiently, in both time and cost. E-module training can be viewed from any networked SPD computer and allows officers to revisit the curriculum as they wish to access resources provided. In addition, consistent with the ICAT (Integrating Communications, Assessment, and Tactics) model for learning, SPD is increasingly delivering CIT/de-escalation training in different formats and decentralized under different “core” blocks of training, reinforcing skills learned across different situations.

Table 1 shows a breakdown of training blocks during 2018 that included a CIT component, the number of eligible³ employees who completed the training. One employee was referred to the Office of Police Accountability for failure to complete training.

³ “Eligible” employees exclude employees who are on extended leave or otherwise unavailable for training, per Human Resources determination. Where no HR reason is apparent, the issue is referred to OPA, which conducts the investigation into whether there is a breach of policy.

Table 1: Training Delivery and Attendance

Course	Required Attendees	Completed Course	Unexcused Absences⁴
Extreme Risk Protection Order (.5 hours)	All Sworn	1364	1
Resilience (6 hours)	All Sworn	1314	1
Autism and Law Enforcement (2 hours)	All Sworn	1314	0
Active Threat Response and De-Escalation Tactics (2 hours)	Officer/Detectives and Sergeants	1150	10

To be considered “CI trained,” SPD officers will be required to undergo a 40-hour initial comprehensive CI training, and eight hours of in-service CI training annually thereafter. SPD’s CI training will continue to address field evaluation, suicide intervention, community mental health resources, crisis de-escalation, and scenario exercises. The training may include on-site visitation to mental health facilities and interaction with individuals with a mental illness. Additionally, the CI training will provide clear guidance as to when an officer may detain an individual solely because of his/her crisis.

Consent Decree, ¶ 133.

SPD continues to send officers to the 40-hour CIT Certification course, administered by the Washington State Criminal Justice Training Commission (WSCJTC). Although seats are limited (to accommodate all agencies in King County), in 2018, 83 SPD officers attended this program.

Officers who attend the 40-hour class are still required to complete the current SPD training cycle CIT training.

⁴ Unexcused absences from mandatory training do not automatically lead to a referral to OPA. Of the unexcused absences identified here, only one, for the Active Threat Response and De-Escalation Tactics Training, was referred to OPA. All other unexcused absences were handled as a Frontline Supervisor Investigation.

SPD will ensure that all dispatchers are appropriately trained to identify calls for service involving individuals in crisis and dispatch CI trained officers to the crisis event.

Consent Decree, ¶ 135.

The Communications Section continues to deliver a three-hour Crisis Intervention Identification Course to all new personnel hired into the Section, and roll-call training throughout the year. In 2018 topics of roll-call training included:

- Autism and Law Enforcement
- Designated Crisis Responders and Mental Health Professionals

II. Overview and Distribution of Crisis Incidents, City-Wide

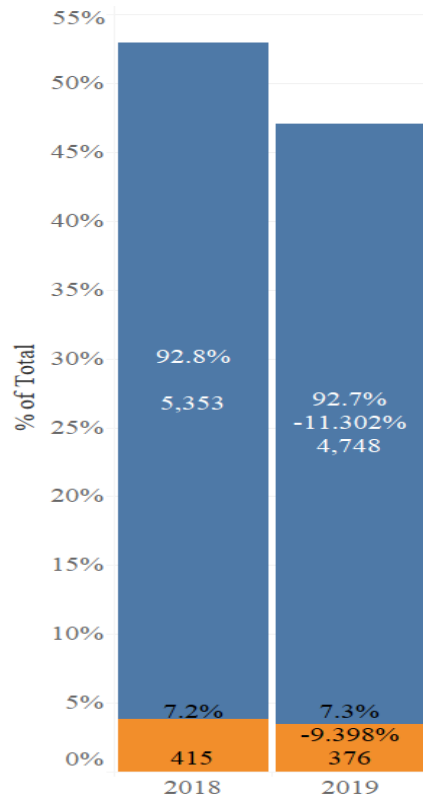
Between January 1, 2018 and June 30, 2019, officers reported **16,574** contacts with people believed to be in behavioral crisis. See Table 2.

Table 2: Total Crisis Template Entered, 2018 and Jan 1 – June 30, 2019.

Reported Date/Time		Grand Total
2018	2019	
11,450	5,124	16,574

When comparing the first six months of 2018 to the first six months of 2019, SPD has seen a decrease in crisis contacts of 11% (n=648). See Figure 1. Between January 1, 2018 and June 30, 2019, 92.3% (15,312) of all reported crisis contacts originated from a call for service to which an officer was dispatched; officers self-initiated (“on-viewed”) the contact in 7.6% (1,262)⁵ of crisis reports. These numbers are consistent with the numbers reported in the 2018 Crisis Intervention Program Report.

⁵ Call time is used, derived from the “Original Time Queued” (OTQ) of the underlying call, in place of Reported Date / Time. Reported Date / Time is often reflective of when the officer wrote the crisis template and is believed to be temporally distinct from the time when the contact occurred. OTQ is logged by the 911 Communications Center, at the time the call is queued in the CAD system and is believed to be a reliable date / time stamp, suitable for temporal analysis.

Figure 1: Crisis Contacts by On-View vs. Dispatch Jan-June 2018 and 2019

The decrease in the number of crisis incidents is positive, and potentially reflects the expansion of supportive services for this vulnerable population, including the greater number of officers with CIT training.

Crisis contact reports remain fairly evenly distributed across the days of the week, between 13% and 15%. See Figure 2.

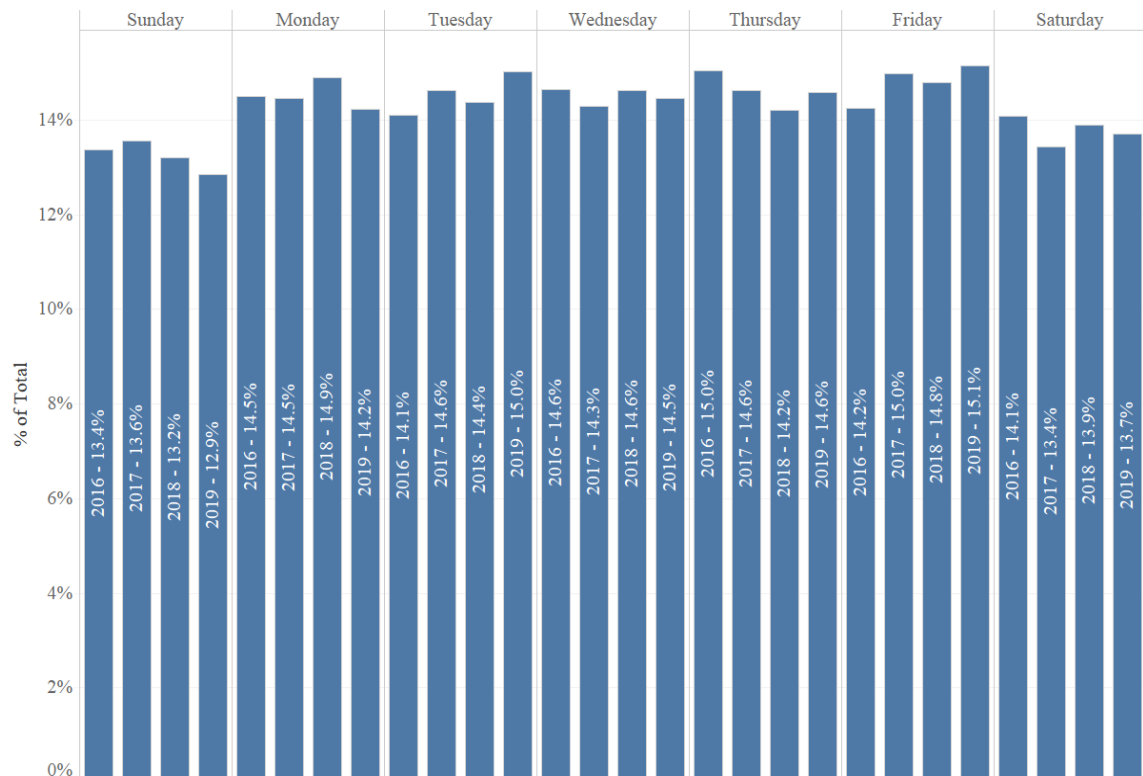
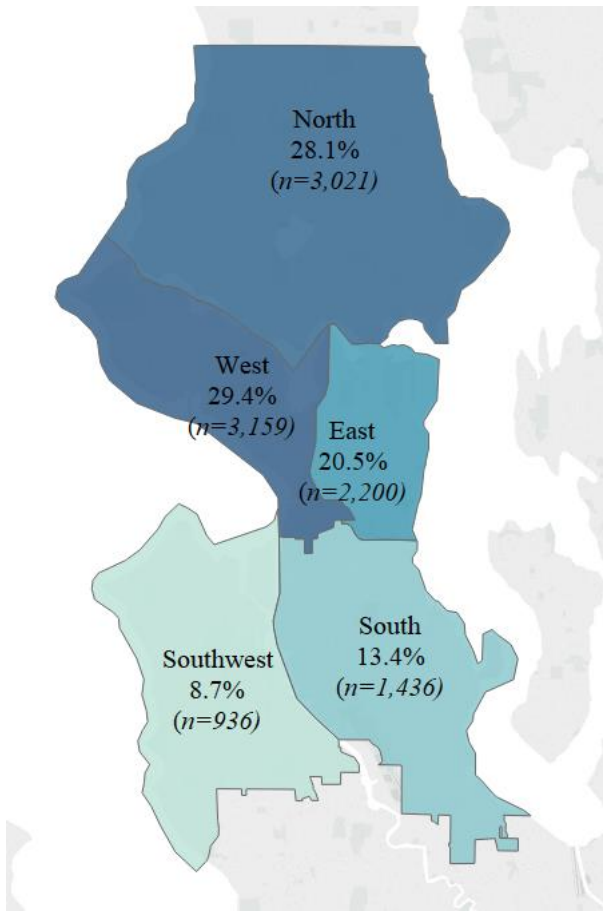
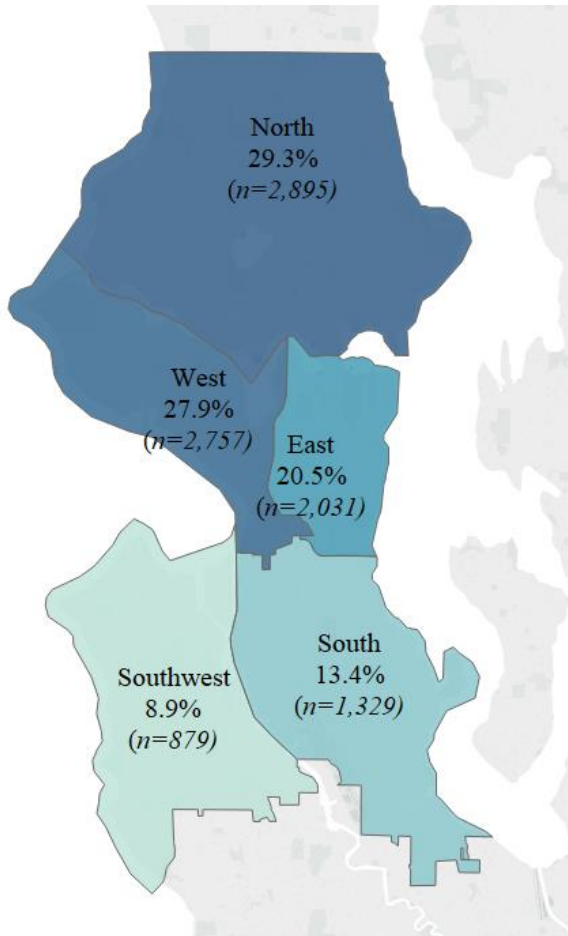
Figure 2: Distribution of Crisis Contacts By Day of Week

Figure 3: Distribution of Total 2018 Crisis Contacts by Precinct

Virtually all crisis contacts can be mapped to a location in the City of Seattle. As shown in Figure 3, in 2018 the largest concentration of crisis contacts occurred in the West Precinct (29.4%) just slightly more than occurred in the North Precinct where the largest concentration of crisis contacts occurred in 2017. Fewer than 9% of all crisis contacts were reported in the Southwest Precinct, which is consistent with the Southwest Precinct's crisis contacts in 2017.

While the distribution of overall crisis contacts remains fairly stable, in 2018, the North Precinct (2,895) officers were *dispatched* to more crisis events than the West Precinct (2,757). This is consistent with the 2017 distribution and indicates that West Precinct officers on-view a significant number of crisis events. See

Figure 4.

Figure 4: Dispatched Crisis Contacts by Precinct, 2018

Comparing complete years, 2017 over 2018, dispatched crisis events increased in every precinct. South Precinct saw the largest increase in dispatched crisis events (+34.2%). The East Precinct reported a 22.2% increase in requests for response that resulted in officers documenting an interaction with a person believed to be experiencing behavioral crisis. Southwest Precinct reported the third highest increase (+18.5%), followed by West (15.6%). Though the North Precinct had the largest share of dispatched crisis calls overall, it had the smallest amount of increase in calls from 2017 to 2018 (3.9%).⁶ See Figure 5.

⁶ When reporting on population data (not a sample), any observed difference is believed to be a real and true difference. Statistical significance testing is not required or appropriate. The meaning of the difference may be interpreted within the context of a properly formulated research question, however. See Carver, R. (1978). The case against statistical significance testing. *Harvard Educational Review*, 48(3), 378-399; Johnson, D. H. (1999).

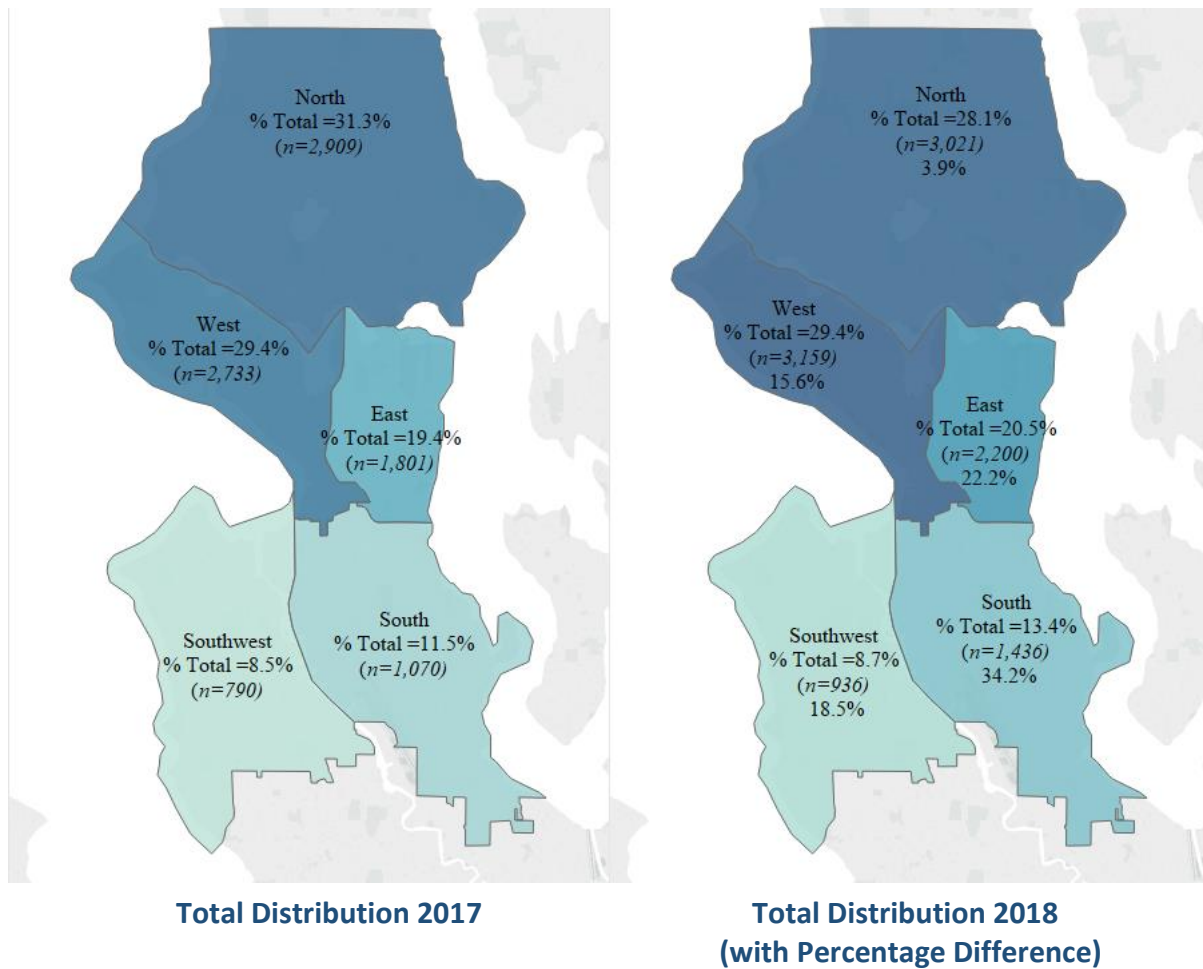
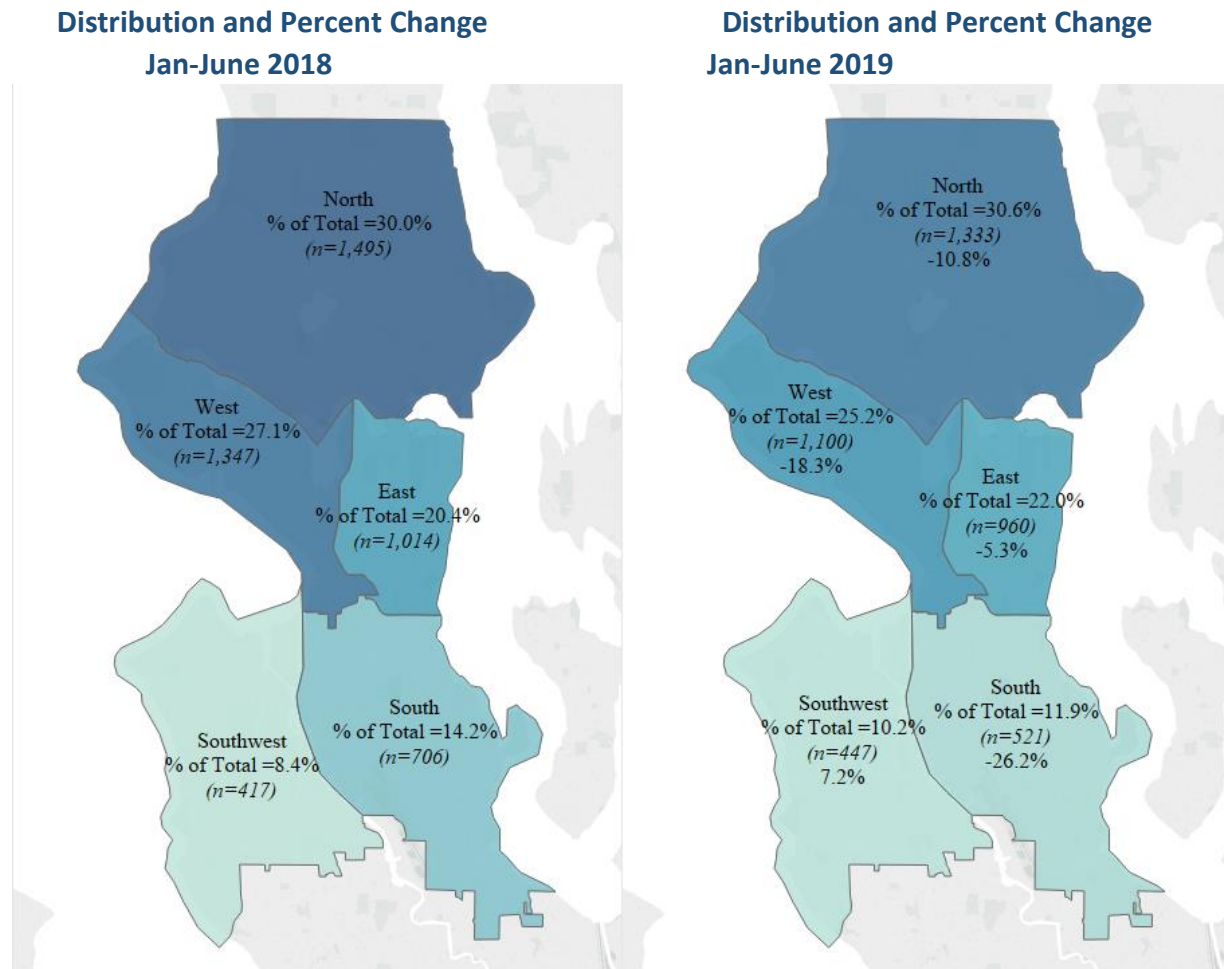
Figure 5: Percentage Change in Dispatched Crisis Calls by Precinct, 2017-2018

Figure 6 presents a comparison of total percentage of dispatched crisis calls, the count of dispatched calls, and percentage of change by precinct between January and June 2018 (left) relative to the same time period in 2019 (right).

Figure 6: Percentage Change in Dispatched Crisis Calls by Precinct (Jan-June 2017-2019)

While the relative distribution of crisis events remained relatively unchanged, all precincts except Southwest reported decreases in dispatched calls to crisis events over the first six months of 2019. The most notable change was observed in the South Precinct, which reported a 26.2% decrease in dispatched crisis contacts in the first half of 2019.

Are Behavioral Crisis Contacts Increasing?

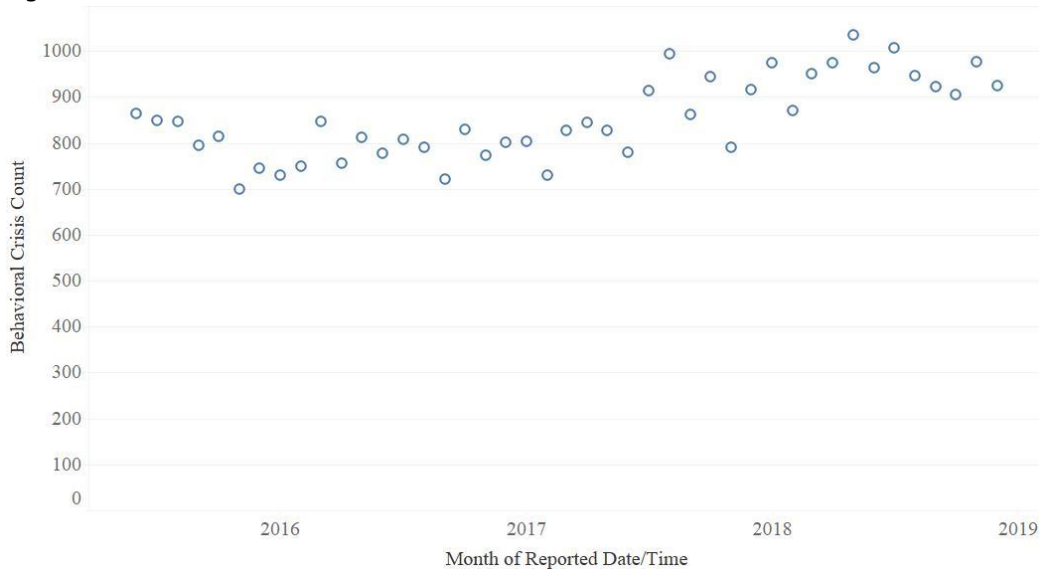
In 2018, SPD officers reported 11,450 crisis contacts, an 11.9% increase over the 2017 (see Table 3). A simple year-over-year comparison reveals the number of crisis contacts have grown for the last three years (noting that 2017 saw 9.0% more crisis contacts than 2016, as see in Table 3.). As this is based on all the data available for the time period, not a sample, this observed difference is said to be real and true.⁷

Table 3

2017		2018	
Crisis Count	% Change	Crisis Count	% Change
10,234	9.0%	11,450	11.9%

When the number of reports are viewed month-by-month in a scatterplot (see Figure 7), a visual pattern emerges. It appears that crisis reporting, while somewhat variable, has form.

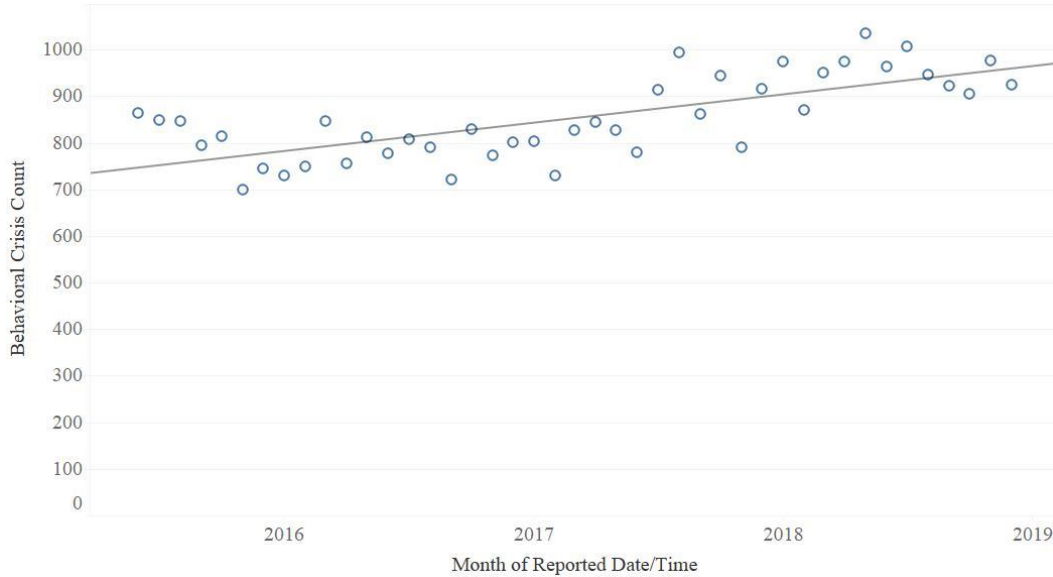
Figure 7



⁷ Statistical significance testing is not always appropriate, particularly when working with population data. The debate over the efficacy and propriety of statistical significance testing is well represented in the literature. Many peer-reviewed scientific publications can be found, online, including at [Google Scholar](https://scholar.google.com/).

A regression⁸ helped refined this observation. Beginning with a simple regression, sometimes referred to as a linear trendline regression, the pattern is supported empirically. (see Figure 8)

Figure 8

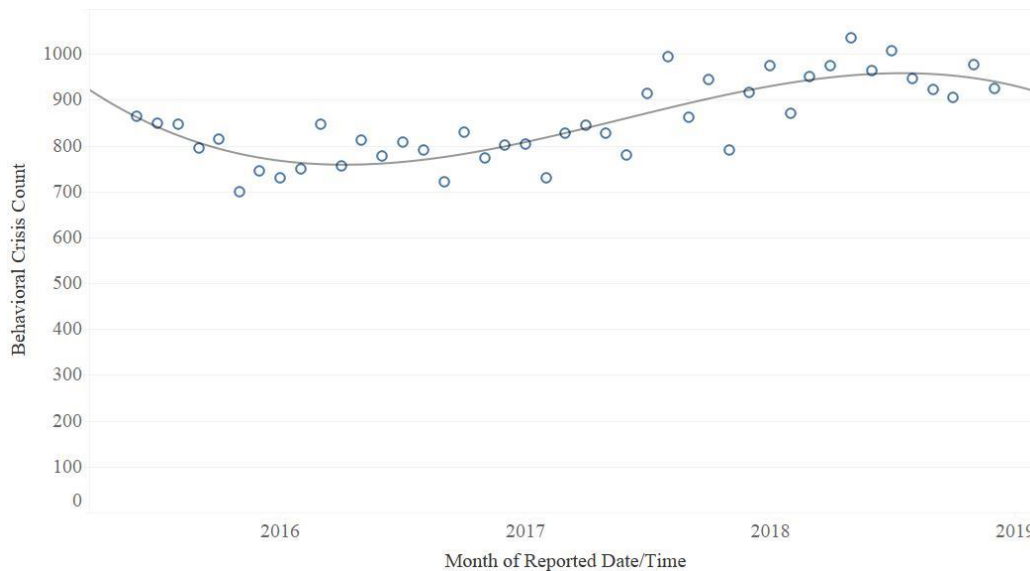


When taken together, three and a half years of crisis contact reports demonstrate a continuous, linear increase. While a straight line can be drawn between the points, it is important to understand how closely related those points are or how well the model fits. This simple linear regression model exceeds the minimum threshold for acceptance,⁹ and more than 50% of the effect can be explained by a single dimension, the date. This means, as time increases, SPD can expect the count of crisis contacts to increase. The line does not appear to fit well at all points along the time series. An introduction of some additional dimensions in the model would provide a better fit. (see Figure 9)

⁸ A simple regression may be defined as a “*linear model* in which one variable or outcome is predicted from a single predictor variable...” A multiple regression as “an extension of *simple regression* in which an outcome is predicted by a linear combination of two or more predictor variables...” (see *Discovering Statistics Using IBM SPSS Statistics* 4th Edition by Any Field, 2015)

⁹ The commonly accepted threshold for statistical significance is <.05.

Figure 9

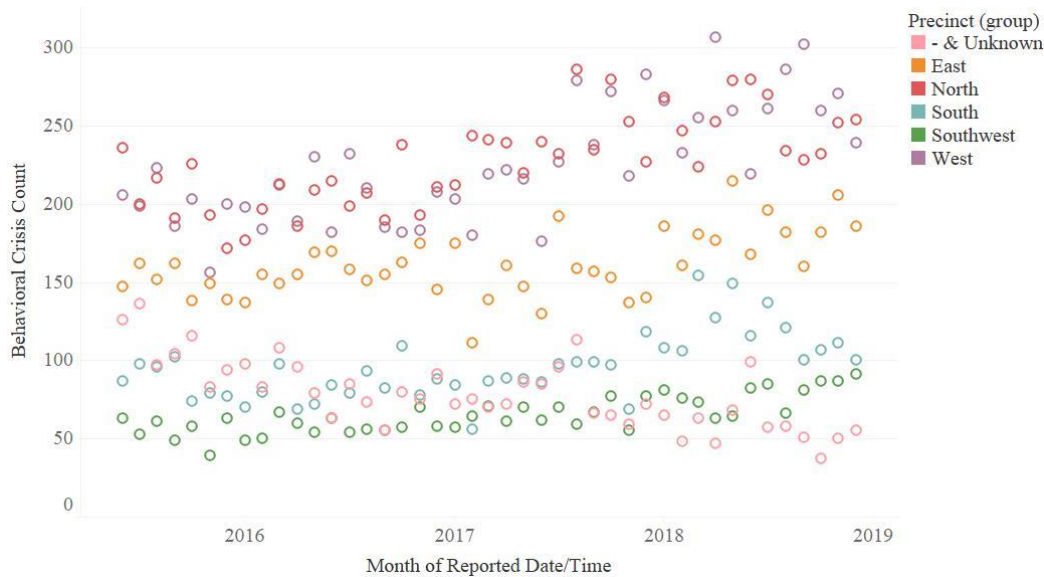


The best fit can be found with a curvilinear model, suggesting a more wavelike form. A continuous trend, as seen in the linear trend, would theoretically continue to increase forever. More realistic, however, is that, like other phenomena in the criminal justice system, crisis contacts will ebb and flow as environmental and political changes occur.

Other observations suggest some geographic variability is to be expected. We further refined our observations by adding one additional dimension to the model, using the Seattle Police Department's precincts. The Seattle Police Department has five precincts, which divide the city into five geographic areas (North, West, East, South, Southwest). Each precinct is a self-contained area of operation, commanded by a captain and staffed with lieutenants, sergeants and police officers. Some detectives and detective sergeants are assigned here as well. The precincts are primarily responsible for responding to calls for service within the geographic area.

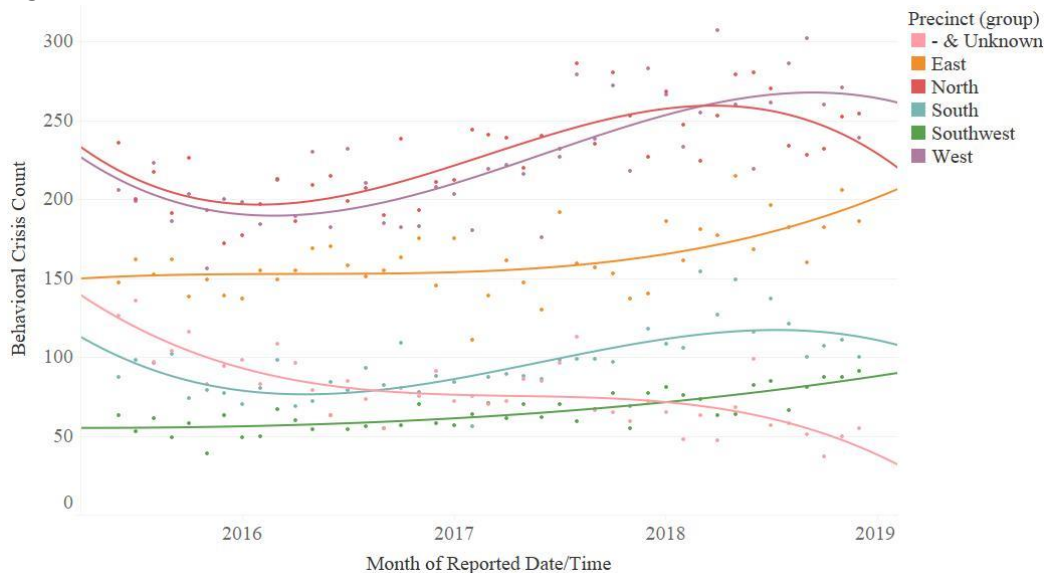
Figure 10, below, is a scatterplot of behavior crisis calls for each precinct from January 1, 2016 to June 30, 2019. While some patterns may be visible in a two-dimensional scatterplot, with the addition of the precinct as new dimension on the scatterplot, the pattern is obscured.

Figure 10



However, when utilizing the curvilinear model, all six (including the “unknown” and missing) precincts demonstrate significant and well-fit trends. These observations demonstrate that, while crisis contact reporting is increasing citywide, the increases cannot be explained when looking at the month or the precinct. Visually, it appears the North, West and South precinct areas follow a similar pattern to citywide pattern. (see Figure 11)

Figure 11



In at least two areas of the city, East and Southwest Precincts, this trend appears to be continuing and may continue into 2019. In the North, West and South Precincts, this trend appears to have broken and either leveled or begun to subside.

We can say that crisis contacts increased in 2018 from 2017. It is difficult to ascertain this constitutes a pattern and is a concern. Whether this trend is concerning depends on an understanding of the underlying issues. Police officers responding to community members in behavioral crisis are generally responding to a call for service. As SPD's training related to crisis response has improved, SPD officers may have an enhanced ability to identify persons in crisis and may be reporting their crisis contacts more accurately.

III. Staffing and Deployment of CIT Officers

A. Staffing

Staffing of CIT certified¹⁰ personnel in the Operations Bureau¹¹ increased by 11.93% between January 2017 and June 2019. This significant, large effect trend¹² is shown in Figure 12. On average, 63% of personnel assigned to and responsible for 911 response were CIT certified, during the study period.¹³

¹⁰ CIT Certification is a voluntary certification maintained under the "Memphis Model." Officers must receive a 40-hour training and elect to be part of the certification group.

¹¹ Because the Operations Bureau (which includes Patrol (911 response units), the Anti-Crime Team, and the Crisis Response Unit) is the response bureau to dispatched crisis calls, this analysis focuses exclusively on this Bureau.

¹² $r^2 = .58$, $p < .0001$

¹³ SD = 4.6%, Skewness = -.07, Kurtosis = .89

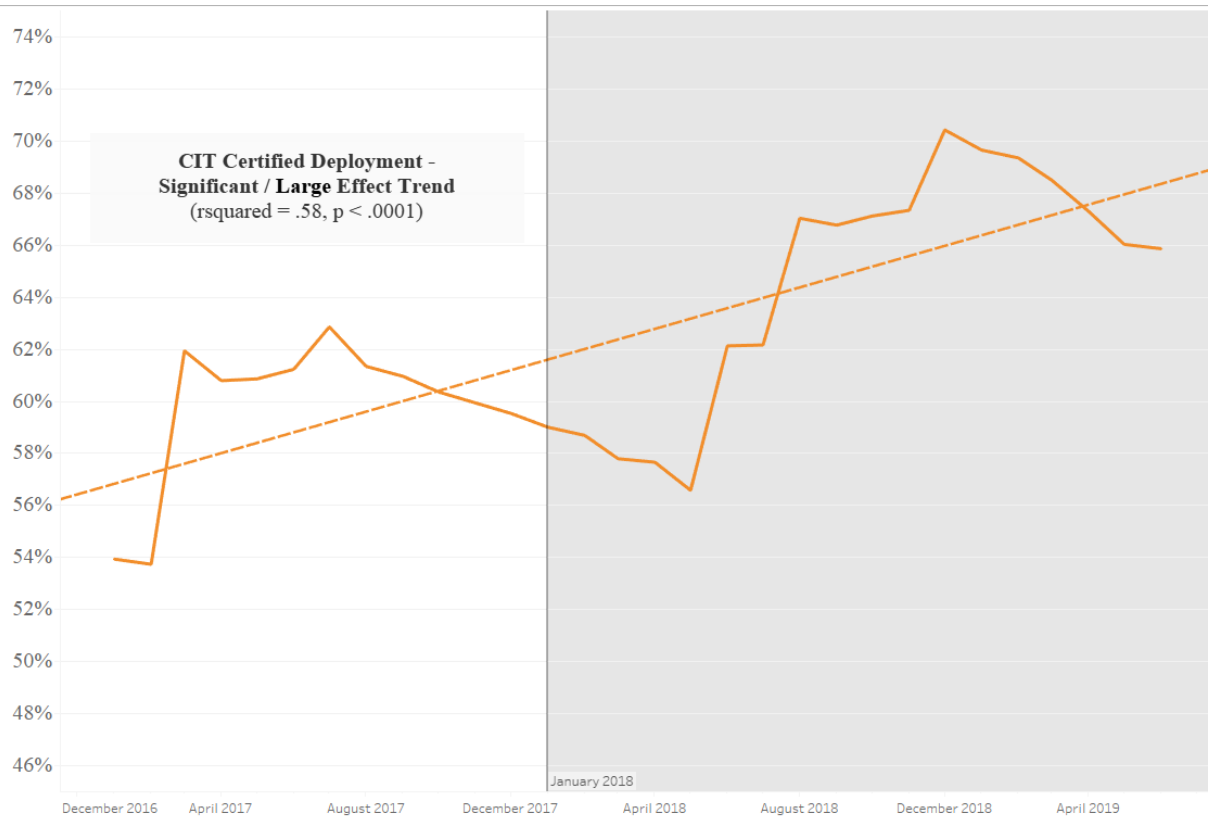
Figure 12: CIT Certified Staffing Over Time – Operations Bureau

Figure 13 shows the average daily deployment of CIT certified officers between January 1, 2016 and June 30, 2019. On average, 62% of deployed resources were CIT certified.¹⁴¹⁵ First Watch 911 response units reported the highest average daily deployment of CIT certified officers, a normal¹⁶ 68.3%. Third Watch 911 response units were observed to deploy the smallest proportion of CIT certified personnel, with a daily average rate of 57.4% of the watch.¹⁷

¹⁴ SD = 8.9%, Skewness = -.34, Kurtosis = -.0

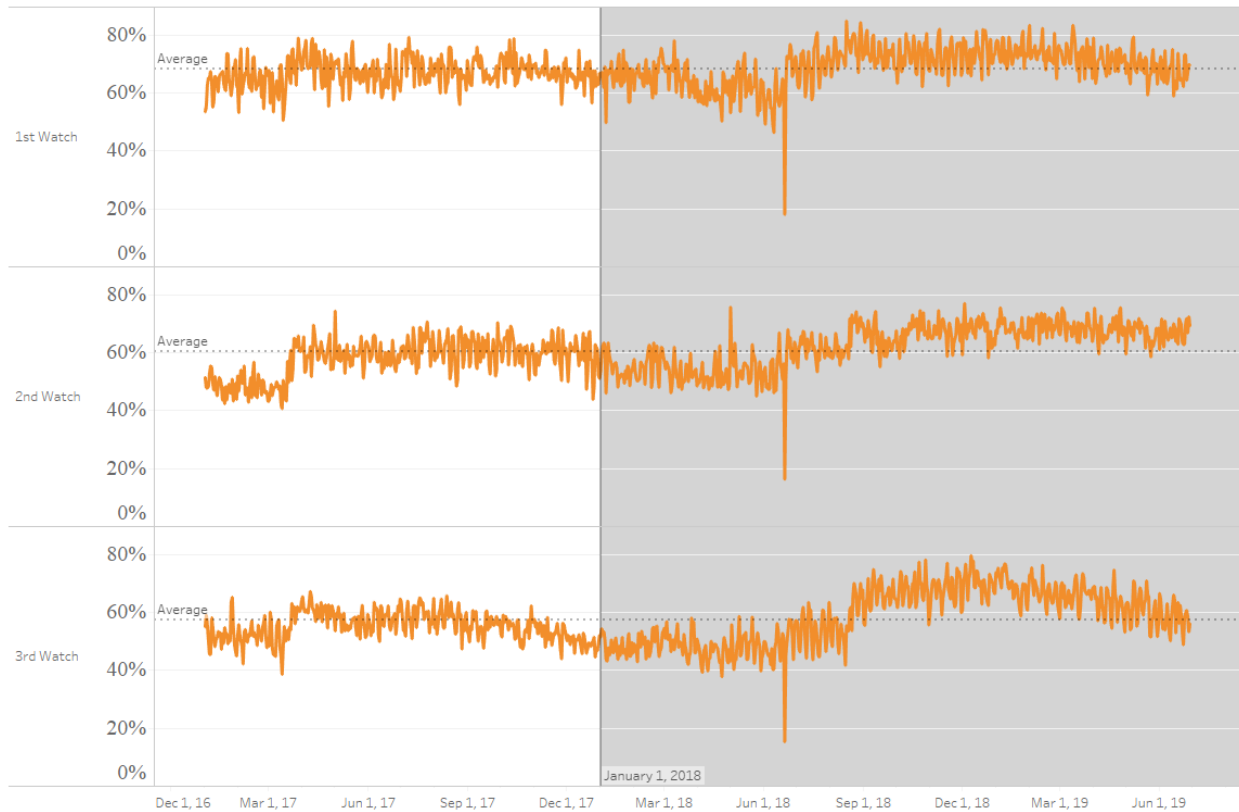
¹⁵ A data quality issue has been identified occurring June 20th, 2018 and has been logged with the Data Governance Process as DGAL #398

¹⁶ SD = 6.4, Skewness = -.7, Kurtosis = 3.8

¹⁷ SD = 8.5, Skewness = .1, Kurtosis = -.1

These numbers exceed those saturation levels for CI certified staffing generally accepted in law enforcement practice and in the academic literature (which vary between 10% of a department overall¹⁸ to 25% of patrol.¹⁹)

Figure 13: Average Daily Deployment – 911 Response Units



During the study period, the South Precinct reported the highest number of deployed CI certified personnel (72.7%), followed by the Southwest Precinct (70.3%). The East Precinct deployed the fewest CIT certified personnel, 60.9%. Across rank of dispatched personnel, cumulatively, Police Sergeants were found with the highest rate of certification (80%), followed by Police Officers (73.6%), Acting Police Sergeants (57.1%), and Police Lieutenants (42.9%). These data are presented in Tables 3 and 4, respectively.

¹⁸ Morabito, M.S., M. Watson, J. Draine. (2013). "Police Officer Acceptance of New Innovation: The Case of Crisis Intervention Teams", *Policing: An International Journal of Police Strategies and Management*, 36:2; 421-436.

¹⁹ Watson, A.C., M.S. Morabito, J. Draine, and V. Ottati. (2008). "Improving Police Response to Persons with Mental Illness: A Multi-Level Conceptualization of CIT." *International Journal of Law and Psychiatry*. 31(4): 359-368.

Table 3: CIT Staffing By Precinct

	CIT Certified
SOUTH PCT	72.7%
SOUTHWEST PCT	70.3%
NORTH PCT	66.2%
WEST PCT	62.0%
EAST PCT	60.9%
Grand Total	65.8%

Table 4: CIT Staffing By Rank

	CIT Certified
POLICE SERGEANT	80.0%
POLICE OFFICER	73.6%
ACTING POLICE SERGEANT	57.1%
POLICE LIEUTENANT	42.9%
Grand Total	65.8%

B. Deployment

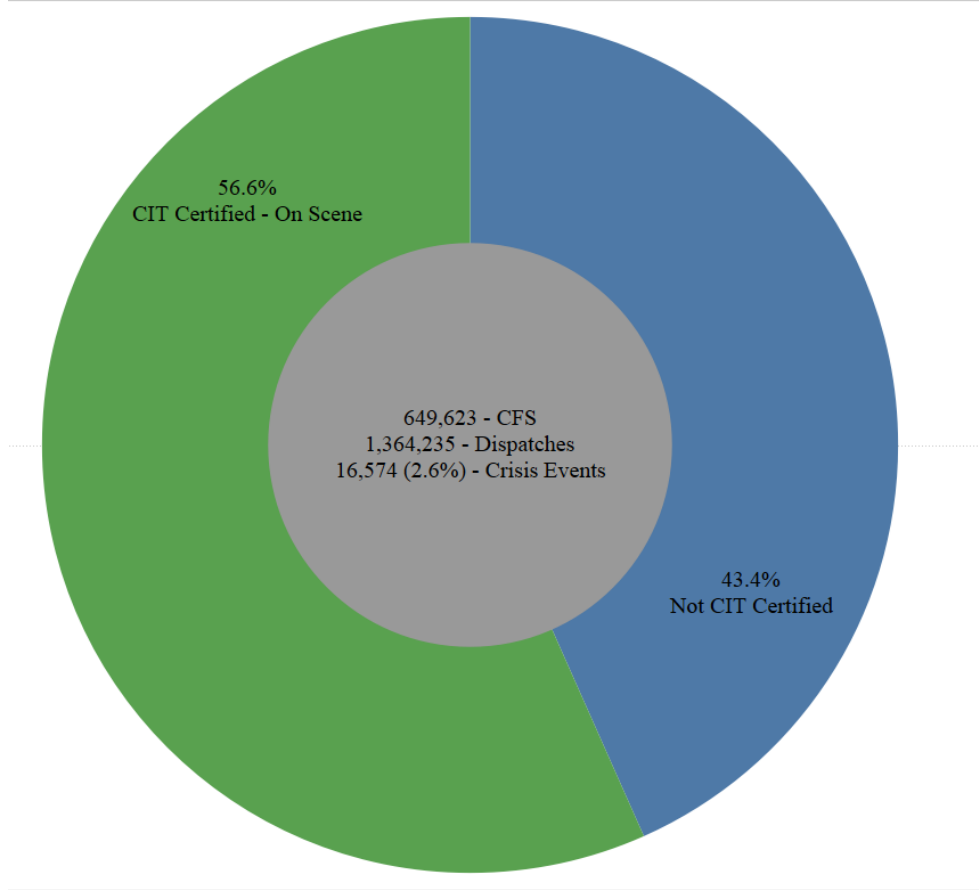
SPD will maintain its program of dispatching CI trained officers to incidents or calls involving individuals in crisis.

Consent Decree, ¶ 131.

CI trained officers will take the lead, when appropriate, in interacting with individuals in crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek the input of CI trained officers on strategies for resolving the crisis event where it is reasonable and practical to do so.

Consent Decree, ¶ 132.

Between January 2018 and June 30, 2019, the Department dispatched **1,364,235** officers to **649,623** total Calls for Service (CFS). Across these 649,623 calls for service, at least one CIT certified officer was on scene more than half the time (56.6%). See Figure 14.

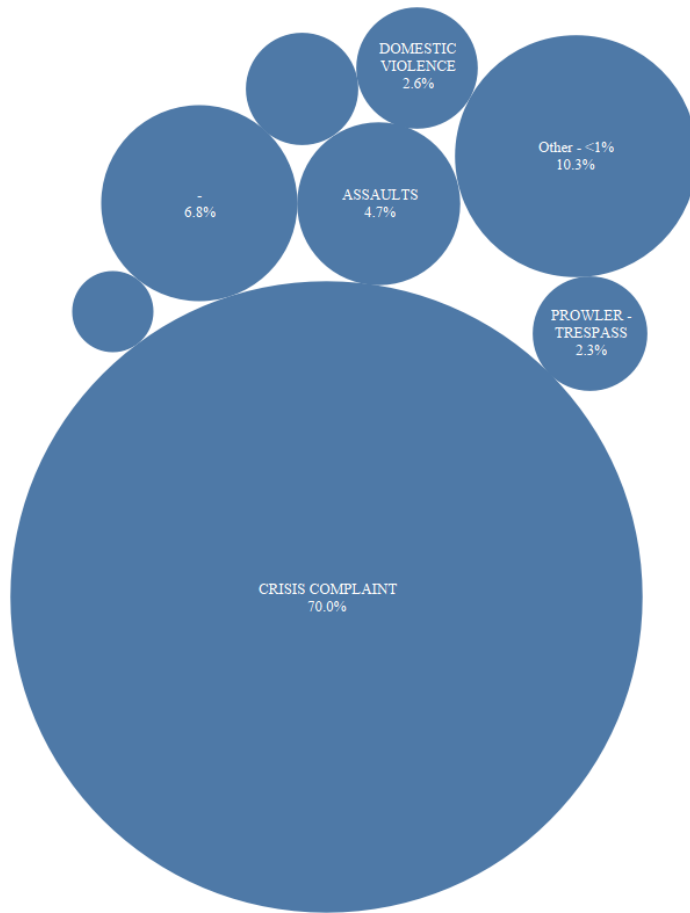
Figure 14: Breakdown of Total Responses By Officer Certification

Of the 649,623 total calls for service during this study period, **16,574** (2.6%) resulted in the documentation of at least one crisis contact.²⁰ A CIT-certified officer was on-scene in 82% of these events.

Over 40% of all crisis contacts occurred during the Second Watch operational period.²¹ A CIT-certified officer was on-scene 86.6% of the time. Just over 25% of all crisis contacts occurred on First Watch; of those, a CIT-certified officer was on-scene in 80.9% of the time. The remaining 33% of crisis contacts across the city occurred during the Third Watch shift, and a CIT officer was on-scene during 77.5% of those contacts.

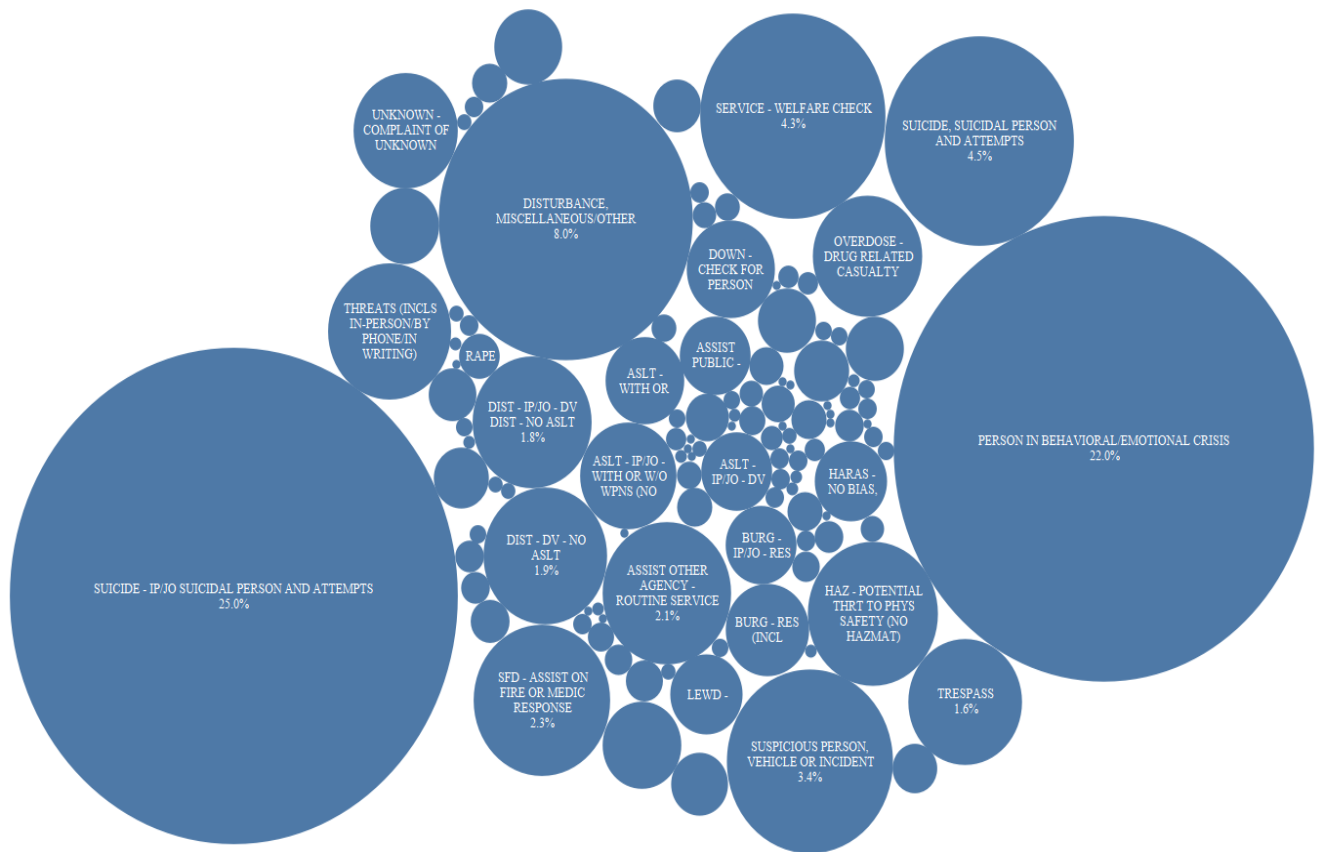
²⁰ As Seattle's population grows, CFS have been trending up for several years. Observations of the crisis rate, controlling for inflation in call volume, suggest the observed effect in crisis contacts is not related to an overall increase in call volume.

²¹ The SPD operates a 24-hour schedule, with 6 overlapping (early and late) 9.5 hour shifts, organized into 3 "Watches." This is done to accommodate shift change and briefings. At any given time, at least one full watch (half of the previous and half of the next) are "in service" and available for calls.

Figure 16: Distribution of Crisis Responses by Final Call Type

When SPD's Communications Center receives a call related to a crisis incident, more than 50% (52.1%) of those calls during the study period were eventually closed as crisis or suicide-involved. Another 8.0% were closed as "DISTURBANCE ...OTHER," and no other final types represented more than 4.5% of the calls. See Figure 16. As seen in Figure 17, below, most incoming calls involving crisis response during the study period were initially identified as "Person in Behavioral/Emotional Crisis" (22%), "Suicidal Person" (25%), and "Disturbance, Misc." (8%).

Figure 17: Distribution of Initial Call Type Across Incidents Closed as Crisis Complaints



IV. Dispositions/Outcomes of Crisis Events

SPD will continue and expand its tracking of information regarding SPD's interactions with individuals in crisis and provide this data to SPD's current CI Team. SPD will consult with the CIC to determine what interactions result in data collection, and the types of information to be collected based on the level of interaction. Subject to the CIC's review and recommendations, and applicable law, SPD should gather and track the following data:

- a) Date, time and location of the incident;*
- b) Subject's name, age, gender and address;*
- c) Whether the subject was armed, and the type of weapon;*
- d) Whether the subject is a U.S. military veteran²²;*
- e) Complainant's name and address;*
- f) Name and badge number of the officer on scene;*
- g) Whether a supervisor responded to the scene;*
- h) Techniques or equipment used;*
- i) Any injuries to officers, subject, or others;*
- j) Disposition; and*
- k) Brief narrative of the event (if not included in any other document).*

Consent Decree, ¶ 137

The data collected for this report show that SPD continues to comply with Paragraph 137. First, SPD Manual Section 16.110 requires that officers document all contacts with subjects who are in any type of behavior crisis with the above data, where available.²³ After an interaction with a community member who is in crisis, an officer must complete a behavioral crisis report answering questions about the subject's behavior, the outcome or "disposition" of the interaction, perceived demographic characteristics (where appropriate/possible), and other information. This documentation is now completed through SPD's new Mark43 Records Management System (NRMS), which is configured with a template designed to capture certain data in structured fields, as shown in Figure 18.

²² The term "veteran" has since been changed in SPD's reporting format to "served in the military" at the request of the CIC, as some veterans do not identify as such. The "served in the military" data does not distinguish between the United States military or the military of another country.

²³ By law, complainants are not required to give their names, for example, nor are subjects unless arrested. Often, particularly in the case of emergent detentions, officers are not able to obtain subjects' names, age, gender, or address.

Figure 18: Disposition Options

The screenshot displays a web form titled "Behavioral Crisis" with a blue header. The form contains several input fields and dropdown menus, each with a help icon (question mark in a circle). The fields are: "Crisis Contact Start" (MM/DD/YYYY and HH:mm), "Contact Contact Resolved" (MM/DD/YYYY and HH:mm), "Exhibiting Behavior & Nature of Crisis" (dropdown), "Weapon or Force Involved" (dropdown), "Officer Techniques Used" (dropdown), and "Crisis Disposition" (dropdown). Below these fields are three sections: "SUBJECT", "OTHER INVOLVED NAME", and "LOCATION", each with a "+ SUBJECT", "+ OTHER INVOLVED NAME", and "+ LOCATION" link respectively.

Compliance with this requirement is audited, daily, by the Crisis Response Unit Supervisor, who reviews each template submitted for completeness and thoroughness; in addition, the Crisis Intervention Coordinator and Commander review significant incident reports (see [SPD Manual Section 15.350](#)) as they are issued to ensure that where there are indications of crisis incidents, a template has been submitted.

Across the 18-month study period, the most frequent disposition noted was “Emergent Detention / ITA” (30.3%) followed by “No Action Possible or Necessary” (18.3%), cumulatively accounting for more than half of all templates. In just 8.9% of cases the officer indicated the subject was arrested.

Comparisons of dispositions in for the entire year of 2018 compared with the entire year of, and over the first six months of 2019 compared with the first six months of 2018, are shown in Figure 19 and 20, respectively.

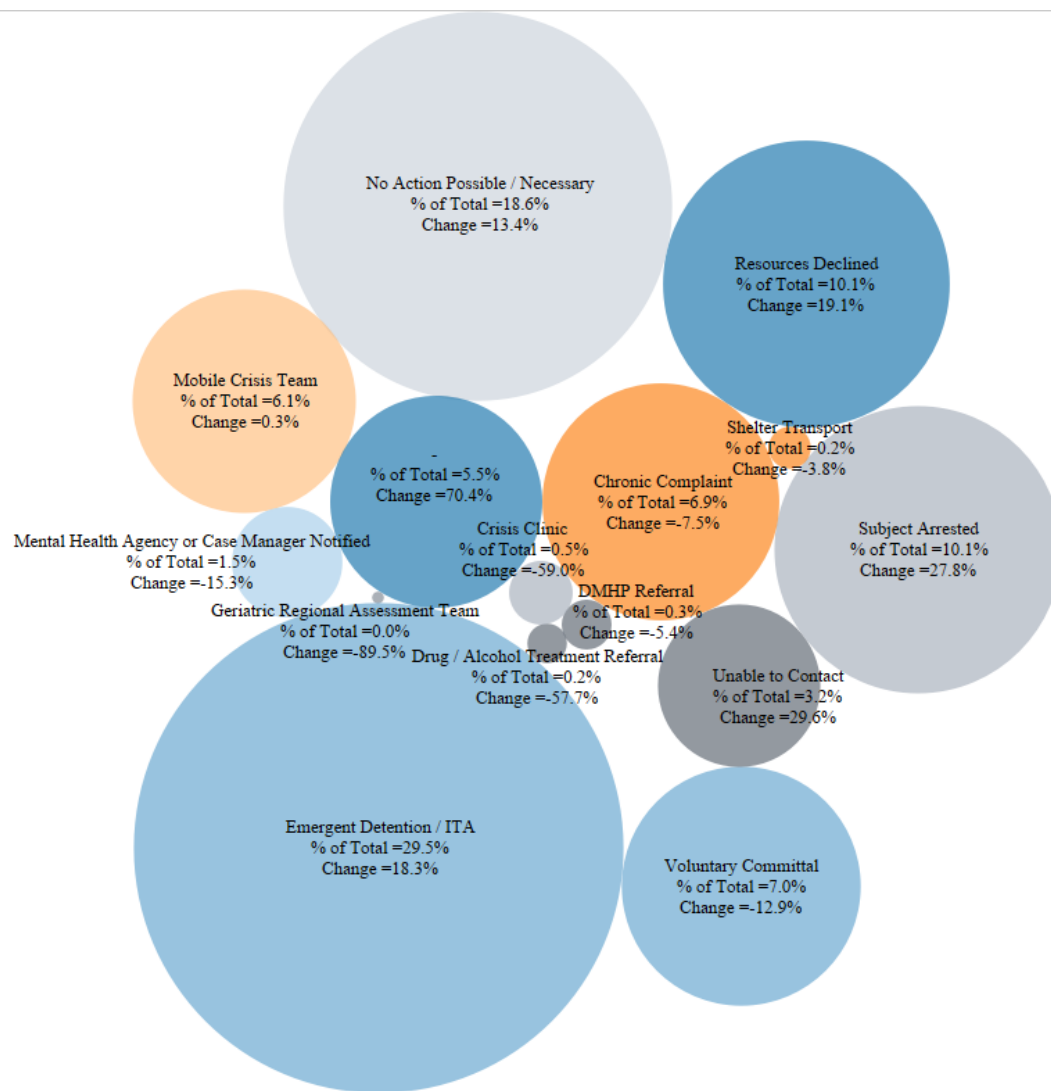
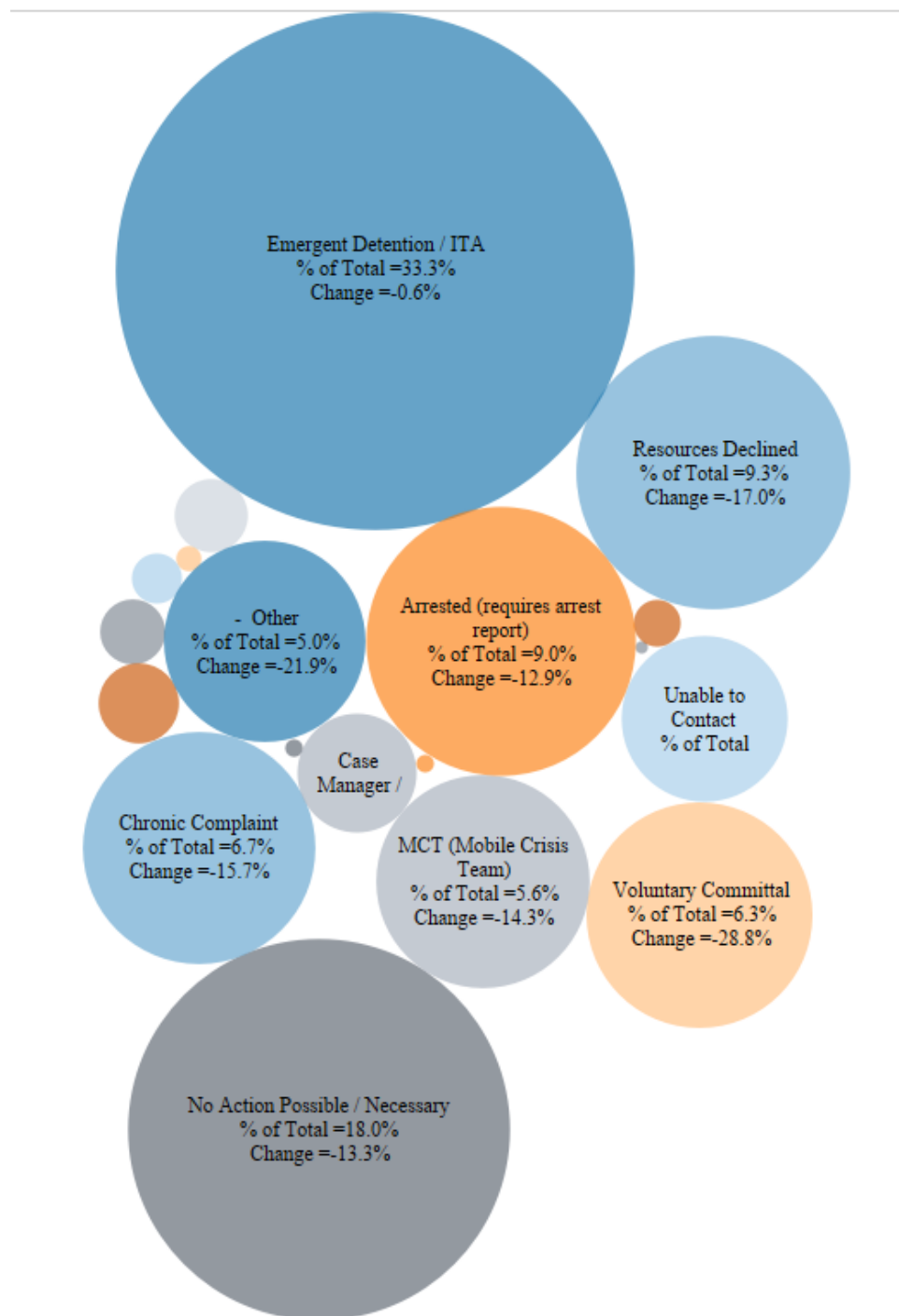
Figure 19: Total Disposition Distribution and Percent Change (2017-2018)

Figure 20: Total Disposition Distribution and Percent Change (Jan-June 2018 to Jan-June 2019)



Consistent with previous years, a full third of the total dispositions of crisis incidents during the first half of 2019 were Emergent Detentions. Although the number of incidents

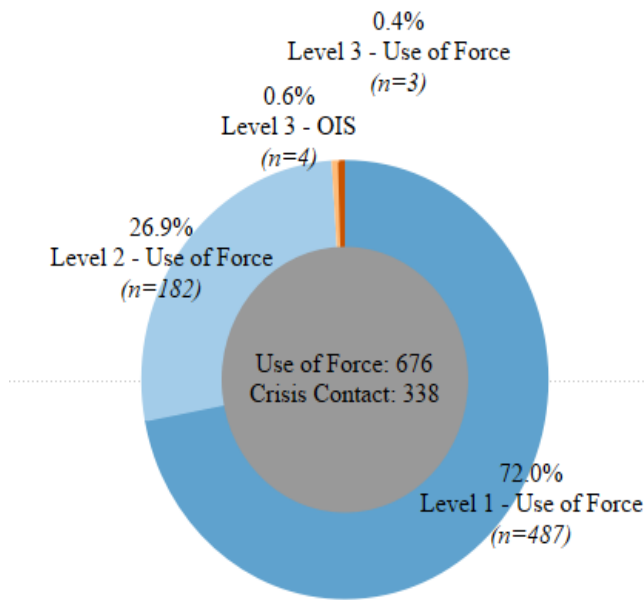
was lower during the first six months of 2019 as compared with the first six months of 2018, overall dispositions of crisis incidents remained proportionately consistent. Between 2018 and 2019, dispositions of “Emergent Detentions...” and “No Action...” decreased by 0.6% and 13.3% respectively but remained approximately 30% and 18% of the total numbers of dispositions. The number of incidents with the disposition “Resources Declined” decreased 17% over that same period but remained consistently 10% of the total. Likewise, the disposition “Subject Arrested” accounted for the same 9% of all crisis incident dispositions as in 2018, despite a decrease of 12.9% in the number of incidents.

V. Use of Force

Of the 16,574 crisis contacts reported between January 1, 2018 and June 30, 2019, reportable force occurred in just 338 (2%) of all crisis contacts, comprising 676 total uses of force. The rate of force over the 18-month period remained relatively stable at 2% and did not support trend analysis.²⁴

A breakdown of the 676 reported uses of force across these 338 incidents is shown in Figure 21.

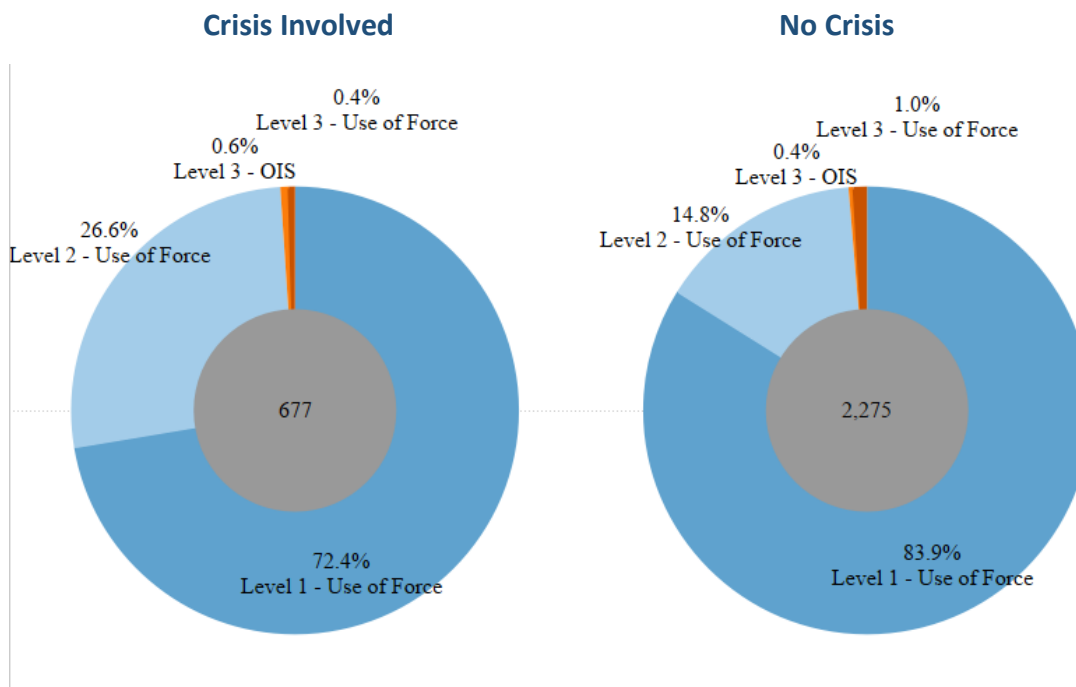
²⁴ While reportable force occurred in just 2% of crisis contacts, crisis was reported in approximately 25% of all use of force.

Figure 21: Force By Level Across Crisis Incidents

Similar to City-wide use of force distributions, 72% of force reported associated with a crisis contact was classified at the lowest level, Type I. Just seven uses of force (1%) were classified at the highest level, Type III, including four officer involved shootings.

Consistent with the previous report's study period (Jan 2017-Jun 2018), the data indicate that Type II uses of force make up a larger distribution of the type of force, compared with the SPD's Type II use of force in non-crisis incidents. In the current study period, Type II Use of Force accounts for 26.6% of all Use of Force when crisis is involved while Type

II Use of Force accounts for just 14.8% of Use of Force when there is no crisis involved. See Figure 22.

Figure 22: Force by Type Across Crisis Incidents

SPD will continue to monitor Type II force in crisis incidents and, if warranted, explore further in its next report. The Monitor, in his Fifth Assessment, stated “There is not established number or clear national standard to use as a guidepost to determine if the number or rate of force incidents in crisis intervention incidents is reasonable. Indeed, to our knowledge, [at the time of his report] SPD is the only agency in the nation that is currently tracking this statistic with any level of detail.” While SPD notes that Type II Uses of Force increased from 2017 to 2018, SPD did not find any indication that the Uses of Force were unlawful, unwarranted, or unreasonable. SPD will continue to monitor uses of force to determine whether this is an anomaly or a trend and may adjust its policies and training accordingly.

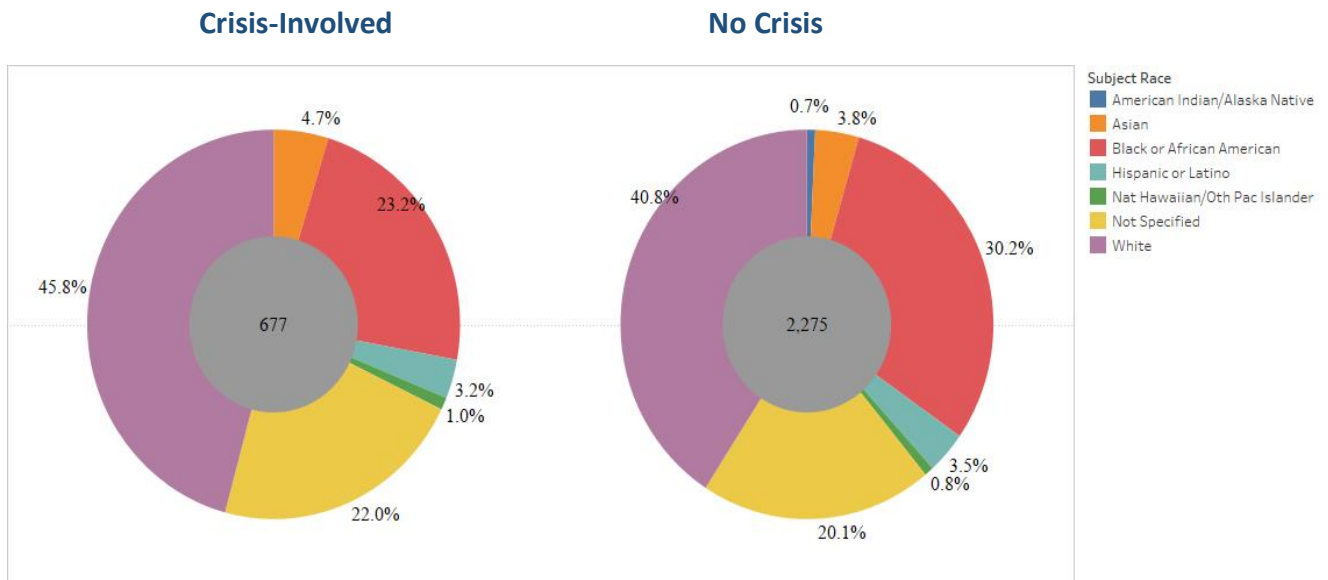
As shown in Table 6, little difference was observed between crisis-involved and non-crisis involved use of force and officer certification. In both cases, the observed certification rate for involved officers was 22%-23%. In the previous report, approximately 20% of involved officers were certified.

Table 6: Distribution of CIT-Certified/non-CIT-Certified Officers Using Force in Crisis/No Crisis Events

	Crisis Involved	No Crisis	Grand Total
Certified	23.3% (406)	76.7% (1,333)	100.0% (1,739)
Not Certified	22.3% (271)	77.7% (942)	100.0% (1,213)
Grand Total	22.9% (677)	77.1% (2,275)	100.0% (2,952)

Figure 24 shows a comparison of the demographics of subjects of use of force subjects²⁵ in crisis-involved and non-crisis incidents over the 18-month study period.

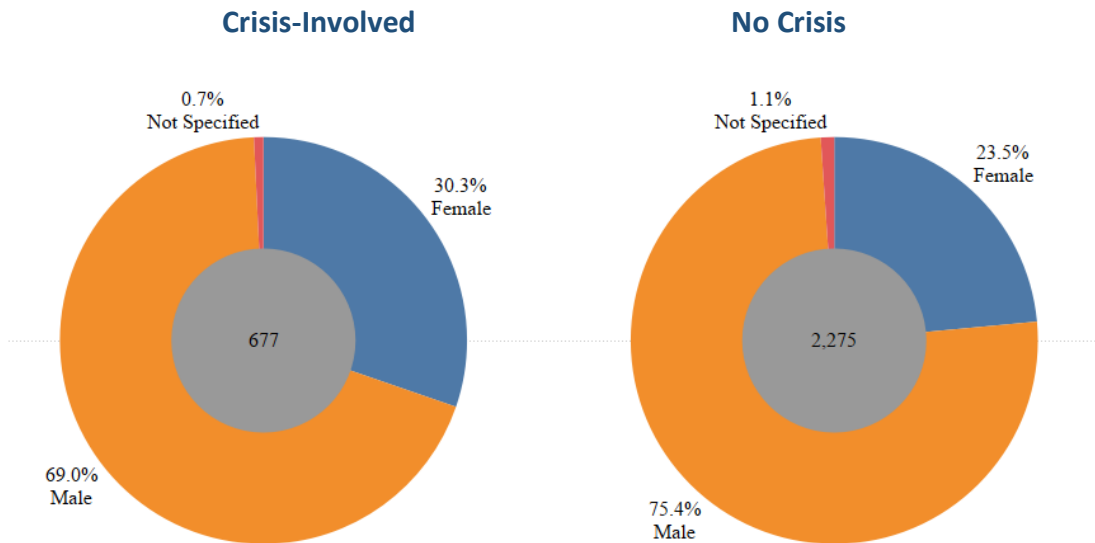
²⁵ Community members are not often required to be identified in a crisis contact. Given the large amount of unrecorded data, demographic details are not presented within the context of all crisis contacts but as a representation of subjects of Use of Force, instead.

Figure 24: Subject Demographics

In both comparison groups (crisis-involved and non-crisis incidents), subjects identified as “White” make up the largest portion of both distributions (45.8% and 40.8% respectively) and are marginally overrepresented in crisis-involved incidents. Conversely, subjects identifying as “Black or African American” were slightly underrepresented (23.2% and 30.2%). In both groups, approximately 20% were listed as race, “Not Specified.” These over- and under-representations, although slight, may be a fruitful topic for future study.

The distribution of gender, shown in Figure 25, shows female subjects were slightly overrepresented in crisis-involved incidents compared with non-crisis involved incidents (30.3% and 23.5%). Between 69% and 75.4% of all uses of force, regardless of whether the incident involved a crisis complaint, involved a subject identified as male.

Figure 25: Subject Gender



VI. Drug Use and Crisis Events

As noted in our Crisis Intervention Program Report from October 2018, data from both the Seattle Fire Department and the King County Medical Examiner showed a rising trend in the number of incidents involving the use of methamphetamine – a category of narcotic known to cause violent and erratic behavior. Other departments around the country are likewise reporting, anecdotally, an increase in the intensity of crisis incidents that they suspect to be linked to the rise in methamphetamine. Within SPD, qualitative readings of select crisis contacts, interviews with Crisis Response Unit (CRU) staff, and quantitative observations of Type II force occurring with a crisis contact further suggested a possible relationship between drug use and people experiencing behavioral crisis in the community.

To answer this question, SPD proposed analyzing its own crisis data with data related to drug use. Direct measurements of drug use are not feasible. SPD obtained data related on overdose deaths from King County Public Health (KCPH) as proxy for illicit drug use. KCPH is the agency responsible for maintaining such data in King County.²⁶ KCPH volunteered to share their data with SPD, which included county-wide overdose deaths between June 1, 2015 and December 31, 2018. These data consisted of monthly counts of overdose deaths where heroin, prescription opiates, fentanyl, methamphetamine, cocaine and benzodiazepines contributed to the cause of death. King County Public Health shares their data on the [King County Fatal Overdose Dashboard](#).

SPD utilized its monthly counts of behavioral crisis events, including counts of reportable uses of force²⁷ from the DAP, for the same time frame. SPD hypothesized that:

Drug use, specifically methamphetamine, is responsible for the observed increase in crisis contact reporting, specifically those events resulting in a reportable use of force.

²⁶Per the King County Public Health Medical Examiner's Office: "The mission of the King County Medical Examiner's Office (KCMEO) is to investigate sudden, unexpected and unnatural deaths in King County with the highest level of professionalism, compassion and efficiency, and to provide a resource for improving the health and safety of the community consistent with the general mission of Public Health." www.kingcounty.gov/depts/health/examiner/role.aspx

²⁷ A logical association was created through the underlying common report ID and the month and year of both the BCC report and the use of force report. Currently, technical limitations of siloed data collection systems do not allow for a native relationship or linking between use of force and crisis data. The DAP team is currently exploring an enhancement that combined probabilistic matching (rather than strict character to character) and logical join elements to increase confidence in the crisis to use of force conversion rate.

With data that is conceivably linked, for example, drug use is often an attempt to self-medicate and can result in an acute crisis condition, SPD tested its hypothesis using time series analysis methods.

SPD analyzed the relationship between all crisis reporting and county-wide overdose deaths, across all precincts and drug types. We discovered, while an apparent relationship exists between drug overdose deaths (specifically methamphetamine and prescription opiates) and crisis reporting in the East Precinct and at the citywide level, the relationship is weak. The relatively poor fit of this model is likely due to the use of county-wide overdose death data and the relatively low frequency of those occurrences (compared to crisis contact reporting). None of the other precincts demonstrated any direct relationship between drug overdose deaths and crisis contact reporting. Rather, SPD noticed that overdose deaths and decreases in crisis contacts occurred concurrently.

Our analysis, available upon request, suggests that for every death where prescription opiates are listed in the cause of death, a decrease of 7.5 crisis contacts, citywide, can be observed during the same month (i.e. *at lag zero*). Additionally, for every methamphetamine overdose death, East Precinct officers reported 1.18²⁸ fewer crisis contacts, in the same month.

This is the first of many approaches the Department will undertake to better understand the increase in crisis incidents. While SPD was unable to find a clear and satisfying result to the question, SPD does believe that this negative result is still valuable. In the future, we will attempt to find better proxy measures of drug use and explore new methods of analysis. In doing so, SPD hopes to build upon relationships forged with King County Public Health and other partners in the public health/ public safety realm.

VII. Conclusion and Next Steps

SPD will review the outcome data generated through the process described [in paragraph 136], and may use the data for developing case studies for roll call and CI training, recognizing and highlighting successful individual officer performance, developing new response

²⁸ One statistical model, Ljung-Box Q, suggests that this East Precinct analysis is on the borderline for demonstrating a statistical link between methamphetamine and crisis contacts (Ljung-Box Q = .047). This statistic, intended to confirm the random nature of the time series prepared for modeling, compares the series to random data. Where a significant difference can be observed ($p < .05$), the time series is significantly different from random noise and may not be suitable for forecast modeling.

strategies for repeat calls for service, identifying training needs for the annual in-service CI training, making CI training curriculum changes, or identifying systemic issues that impeded SPD's ability to provide an appropriate response to a behavioral crisis event.

Consent Decree, ¶ 137

The Seattle Police Department, through the data collected in these outcome reports, recognizes the significant increase in resources dedicated to responding to individuals in crisis. SPD also recognizes that, while officers are trained and equipped to respond to crisis incidents and individuals in crisis, most police officers are not experts in addressing the needs of those suffering from crisis events. As part of the 2020 budget proposal, SPD is seeking to add four additional mental health professionals to its staff, allowing for one mental health professional per precinct. If funded, these four additional mental health professionals will work directly with the Seattle Police Department Crisis Response Unit (CRU). The CRU works to connect individuals in crisis to resources to help address their physical and mental health needs and divert them from the criminal justice system. The addition of four MHPs will greatly expand the Department's ability to work with community members before they reach acute stages of behavioral crisis.

The data analytics platform (DAP) continues to be utilized by the Crisis Intervention Team Coordinator (CIT coordinator) to implement and sustain the SPD Crisis Intervention Program on a weekly basis. The CIT coordinator utilizes the information to identify trends, volume, emerging high utilizers of police services (often undiagnosed / underserved mental health resource consumers), etc. The CIT Coordinator utilizes this information to inform the community service providers / Behavioral Health Organization (BHO) who are responsible for providing care and funding for this vulnerable population. Through the DAP, the CIT coordinator can articulate gaps in the emergency mental health care system from anecdotal stories to data-based accounting of what SPD is encountering in the field. This ability has proven invaluable in allowing SPD to drive meaningful discussions with the Crisis Intervention Committee around SPD policies, practices, and strengthening relationships with community care partners.

The DAP also informs the work of the CRU while performing their function of creating response plans for those disproportionate utilizers of SPD services. The DAP allows for almost 'real time' analysis on the effectiveness of the plan which was created and disseminated. Additionally, the high-utilizer dashboard displays information which assists the CRU in identifying cyclical crisis patterns.

This capacity demonstrates that not only is the Department in continuing compliance with paragraph 137 of the Consent Decree, but it is analyzing, and leveraging, its data in increasingly sophisticated and innovative ways.

On May 7, 2019, the Department successfully transitioned from its previous records management system to Mark43, a new model for capturing more complete and consistent data around its community contacts. This system includes more granular data elements than the previous system. In addition, SPD reengineered the system to continue to feed these data to the DAP. Efforts are currently underway to integrate case management, alert, and response plan maintenance in the system and to develop methods (business process and data analysis) to identify and manage the population of high utilizers identified by CRU in an effort to assure consistent service to this population.