

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF SEATTLE

Defendant.

CASE No. C12-1282JLR

**THE SEATTLE POLICE
MONITOR'S FIFTH
SEMIANNUAL REPORT**

The Seattle Police Monitor's Fifth Semiannual Report is attached.

THE SEATTLE POLICE MONITOR'S FIFTH
SEMIANNUAL REPORT
Case No. C12-1282JLR

Merrick J. Bobb, Monitor
Police Assessment Resource Center
PO Box 27445
Los Angeles, CA 90027
(213) 623-5757



SEATTLE
POLICE
MONITOR

Fifth Semiannual Report
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EXECUTIVE SUMMARY

In the Fourth Semiannual Report in December 2014, the Monitor described in detail how the Seattle Police Department ("SPD") will look and function when it has reached full and effective compliance with the Consent Decree.¹ Over the last six months, Chief Kathleen O'Toole has continued to lead the SPD's efforts to become that department – and, in doing so, has validated the Mayor's choice of her as the right person to reform the Department, encourage police proactivity, and fight crime intelligently and efficiently.

Progress

Policy Development & Self-Correction

Progress in some important areas of the Consent Decree has solidified. Last year, there were some complaints and litigation about whether SPD's use of force policy, endorsed by the Department of Justice and City of Seattle (the "Parties") and approved by the Court in December 2013, was too onerous or impractical. This year, constructive discussions with SPD officers, the Department of Justice, the able representatives of City Attorney Pete Holmes' office², SPD command staff, the police officers' unions, the Community Police Commission ("CPC"), and others led to limited, surgical revisions to the SPD policies relating to the subject of force now pending before the Court.

After some minimal clarifications based on officer and community feedback, the use of force policy addressing when officers may and may not use force is now proposed to run two pages.³ The force policy's straightforward

¹ Fourth Semiannual Report at 7–12.

² Jean Boler, who has epitomized steadiness from the earliest days of the Consent Decree process, has recently left her position as Chief of the Civil Division in the City Attorney's Office. The people of Seattle will miss her dedication to police reform, and the Monitor and his Team will miss her reasonableness and warmth.

³ See Dkt. 204 at 3–4 ("SPD Manual Section 8.200, aptly captioned 'Using Force,' is the policy that sets the standard for when officers may and may not use force. After some minimal clarifications based on officer feedback, that section now runs barely more than two pages.").

focus on de-escalation, proportionality, necessity, and reasonableness continue to guide officer conduct, as nearly all of its specific provisions remain unchanged. The few updates made provide officers with greater clarity and respond to specific lessons learned during the policy's first year on the books. Some changes to

Proposed changes to force-related policies are limited, surgical, and evidence-based.

related policies that address the important administrative aspects of force – including the reporting, investigation, and review of force incidents – were also necessary.

All of the proposed use-of-force-related policy revisions are evidence-based – informed by real-world experience, actual SPD trends, and objective data, not hypotheticals or unsubstantiated claims. The Monitor and Parties listened to, and incorporated feedback from, the community groups and SPD officers alike who experience the realities of these policies on the ground. SPD provided several forums for officers to provide input, with CPC also offering avenues for officer feedback. These and other voices were heard and, where appropriate, incorporated into the revised policies.⁴ The Seattle community can remain proud that other law enforcement agencies are looking to the Seattle policy's emphasis on de-escalation and rigorous force reporting and review as a national model.⁵

Training

Progress continues in other areas. The Education and Training Section is continuing to produce and implement high-quality training programs. Throughout 2015, SPD officers will receive important, scenario-based training on de-escalation, tactical communication, use of force skills, leadership, bias-free policing, and several other topics that build on the foundation of 2014's strong training in those areas.⁶ The Monitor agrees with U.S. Department of Justice Principal Deputy Assistant Attorney General Vanita Gupta that "[a]s the Seattle Police Department implements this training, it is taking a vital step forward toward compliance with the consent decree."⁷ This training, so far, has been well-conducted and well-received by officers – and has received national attention.⁸

The success in training is all the more noteworthy in light of the Section's consistently constrained resources. Those limitations will need to be promptly addressed by the City and Department so that there is no backsliding in the crucial area of officer training going forward.

The Education & Training Section continues to produce and implement high-quality training programs – which is noteworthy in light of the Section's constrained resources.

Information & Data

Progress has extended to areas that had previously lagged behind. For the first several months of 2014, there was little progress toward a Data Analytics Platform ("DAP") that would "enable the Department to capture, aggregate,

⁴ See Dkt. 208.

⁵ See Samuel Walker, "The Community Voice in Policing: Old Issues, New Evidence." (2015) (Presentation) (Conference, Moving Beyond Discipline: The Role of Civilians in Police Accountability (NACOLE and Seattle University)), *available at* <https://nacole.org/wp-content/uploads/WalkerSeattlePaperFeb4.pdf> (calling SPD force policies "a historic" moment in policing, where for the first time "the two principal antagonistic stakeholders – community representatives and police rank and file and union leaders – were involved in a structured process that gave each a voice over . . . standards for police officer use of force").

⁶ Dkt. 191.

⁷ Press Release, U.S. Department of Justice, U.S. Attorney's Office, W.D. Wash. (Apr. 16, 2015), *available at* <http://www.justice.gov/usao-wdwa/pr/justice-department-applauds-adoption-police-department-wide-tactical-de-escalation>.

⁸ Matt Apuzzo, "Police Rethink Long Tradition on Use of Force," *N.Y. Times* (May 4, 2015), <http://www.nytimes.com/2015/05/05/us/police-start-to-reconsider-longstanding-rules-on-using-force.html>.

parse, and visualize data about officer performance.”⁹ This year, an impressive and high-quality Request For Proposals (“RFP”) for the DAP was released. Bids from vendors have been received. A finalist is slated to be selected by September, and construction of the platform will begin. After what had been more than a year and a half of debate, delay, and false starts before she arrived, Chief O’Toole and her project management team now have the major technology initiative heading in the right direction. There has been a welcome change at the top of SPD’s IT Unit with the selection of Greg Russell, who worked for many years for Amazon, as the Department’s civilian Chief Information Officer.

Last year, SPD had not yet begun collecting information on stops and detentions of civilians as required by the policy approved by the Court in January 2014.¹⁰ This meant that the Department still did not know with certainty

A high-quality RFP for a Data Analytics Platform for capturing and analyzing information about officer performance has been released.

who, when, and how its officers were stopping and detaining civilians. Chief O’Toole assigned to a first-class implementation team the project of figuring out how to collect the constitutionally-required information about stops in an efficient and technologically nimble manner. That project team worked through bureaucratic challenges, embraced innovative solutions, and implemented a promising technological platform that builds upon the in-car computing system that officers already use.

In March 2015, SPD began piloting a program for the collection of information on stops in the East Precinct. There, reporting on *Terry* stops takes five minutes if completed in conjunction with an arrest, with reporting on a stop not leading to an arrest taking only slightly longer. The Monitoring Team has every reason to believe that the Department-wide rollout of stops documentation and information collection will be a success and have minimal to no effect on officer productivity and capacity, though the Monitor and Department of Justice will be watching that closely.

Crisis Intervention

The collection of information on police contacts with those in behavioral crisis has also begun. As of May 15, all officers are required to document contacts with such individuals. The initial results are promising. In the first week alone, officers documented more than 70 such contacts – an average of ten per day. In that initial data collection, the Department for the first time could see patterns of behavior and identify those who frequently use scarce public resources. Indeed, SPD identified seven such individuals – some of whom SPD could see, again for the first time, move from one precinct to the next. Through this data, and by working with social service providers, SPD may be able to link such individuals to the optimal resources.

Elsewhere, the Monitor is encouraged that some early evidence suggests that crisis intervention training (“CIT”) may be making a difference. According to a survey conducted by the Crisis Intervention Committee (“CIC”) with Seattle University, more than 90% of officers rated their 2014 crisis training as “excellent” or “very good.” Moreover, nearly 77% of SPD personnel indicated support for utilizing the CIT concept as part of SPD’s law enforcement. Those officers who have received crisis training are more confident when handling situations with

The project team tasked with getting SPD to collect information on whom, when, and how officers are engaging in stops and detentions has charged through bureaucracy and embraced innovative solutions.

⁹ Fourth Semiannual Report at 5.

¹⁰ Dkt. 118.

subjects exhibiting behavioral challenges. One member of the CIC, a stakeholder from Swedish Hospital, recently noted that SPD officers are more compassionate now and write better reports. The Monitor hopes that more robust and objective data will affirm these early successes.

Transparency

SPD has earned national praise for another technological innovation: the use of an automated video blurring technology that allows SPD to post videos from the body cameras in its 12-camera pilot project on YouTube while

Body cameras should be rolled to all SPD officers on a permanent basis as rapidly as possible. The stakes are too high to engage in abstract discussions or mere conjecture uninformed by real-world experience.

protecting the privacy and the identities of private citizens.¹¹ That technical solution stemmed from Chief Operating Officer Mike Wagers engaging a then-anonymous SPD critic on Twitter. The critic was transformed into a partner who assisted SPD, along with other experts in a so-called “hackathon” in December 2014, with developing solutions for ensuring that body cameras simultaneously advance officer accountability, preserve privacy, promote transparency, and are not needlessly costly.¹²

Thus, on the core issue of body cameras, SPD is pioneering pragmatic solutions that jurisdictions across the country are seeking to emulate.

More than four years of discussion, public engagement, and collaboration on body cameras in Seattle has now resulted in a sound policy governing body camera use and a widely-praised method for promoting privacy, transparency, accountability, and administrative efficiency.

Accordingly, the Monitor strongly believes that body cameras should be rolled out to all SPD officers on a permanent basis as rapidly as possible.¹³ If adjustments to policy, training, or internal processes are necessary in the area, they should be based on lessons learned from the field going forward. In this era of heightened scrutiny on law enforcement accountability, the stakes are far too high to engage in abstract discussions or mere conjecture uninformed by real-world experience.

Maintaining Proactive Policing

Meanwhile, SPD is embracing several new mechanisms for delivering law enforcement services in a more focused, targeted, and efficient manner. The Department and the Mayor’s office are working closely to implement new law enforcement strategies to address crime in Seattle’s downtown core.¹⁴ Likewise, SeaStat – the analytical forum that Chief O’Toole implemented early in her tenure “to guide SPD’s efforts to address crime trends quickly and deploy

¹¹ See, e.g., Tom McCay, “Seattle is Showing Everyone the Right Way to Use Police Body Cameras,” Mic.com (Mar. 2, 2015), <http://mic.com/articles/111638/seattle-is-showing-everyone-the-right-way-to-use-police-body-cameras>; Ansel Herz, “Seattle Police Department Leader Gets Transparency Award for Bodycam Program,” *The Stranger* (Mar. 5, 2015), <http://www.thestranger.com/blogs/slog/2015/03/05/21834935/seattle-police-department-leader-gets-open-government-award-for-bodycam-program>; Martin Kaste, “Transparency vs. Privacy: What to Do With Police Cameras Videos?” NPR.org (Dec. 19, 2014), <http://www.npr.org/2014/12/19/371821093/transparency-vs-privacy-what-to-do-with-police-camera-videos>; “Seattle Police Share Body-cam Videos on YouTube,” *Today* (Mar. 5, 2015), available at <http://www.hulu.com/watch/760698>.

¹² See Lily Hay Newman, “Seattle Police Held a Hackathon to Figure Out How to Redact Body Cam Video Streams,” *Slate* (Dec. 22, 2014), <http://www.geekwire.com/2014/seattle-police-holding-first-ever-hackathon-help-improve-video-redaction-process/>.

¹³ See Dkt. 3-1 ¶ 173(c).

¹⁴ See Daniel Beekman & Steve Miletich, “Seattle tackles drug dealing, disorder in downtown core,” *Seattle Times* (Apr. 21, 2015), <http://www.seattletimes.com/seattle-news/crime/seattle-tackles-drug-dealing-disorder-in-downtown-core/>; Jeff Burnside, “Seattle police praised for cracking down on downtown crimes,” KOMOnews.com (Apr. 15, 2015), <http://www.komonews.com/news/local/Seattle-police-praised-for-cracking-down-on-downtown-crimes-300017771.html>.

resources effectively”¹⁵ – has become substantially more embedded into the Department’s daily operations. SPD is continuing to implement micro-community policing plans across 55 Seattle communities.¹⁶

Together, these initiatives are encouraging signs that the Department’s “activity [is] reflect[ing] a commitment to proactive, safe policing” and that SPD is not attempting to address unconstitutional policing issues by unacceptably reducing policing.¹⁷ Although discussions about the use of Seattle’s Law Enforcement Assisted Diversion (LEAD) program in the new downtown initiative will continue, the recent arrest and coordinated prosecutions of more than 100 individuals in the Pike-Pine corridor, commonly referred to as “the Blade” or the “9 ½ Blocks,” with apparently minimal use of force is an anecdotal indication that the Consent

Decree and current use of force policy are striking the right balance among public safety, officer safety, and constitutional use of force. It is likewise encouraging that crime was reportedly down across the city by 12 percent over the first part of 2015.¹⁸

Ongoing Challenges

Supervision

The Consent Decree requires the implementation of new processes and ways of doing business that promote accountability. The goal is for those systems to be capable of ensuring and maintaining accountability well after monitoring ends, regardless of who else might lead SPD in the years to come. Because the skills and attitudes of today’s command staff shape and guide the SPD of tomorrow, the strength and quality of SPD leadership who are actively implementing those reforms now is important. Officers of all ranks must unify behind the new SPD that is emerging.

In March, Chief O’Toole made significant personnel changes at the top ranks of the Department. To fill four of the five Assistant Chief ranks, she conducted a nationwide search, considering both internal and external candidates. She selected two candidates from within SPD, promoting Lesley Cordner to oversee compliance with the Consent Decree and Steve Wilske to head patrol. She also selected two candidates, Boston’s Robert Merner to oversee detectives and Yakima’s Perry Tarrant, to head up special operations, from outside the Department. Brian Maxey, formerly of the City Attorney’s office, has joined the executive management team in the SPD. New captains were selected for patrol, training, and OPA, among others. As of mid-April 2015, the dust began to settle as the new appointees assumed their duties.

Civil service protections and Washington state law sharply limit the Chief’s ability to change SPD leadership quickly and thoroughly – which prevents the cultivation and promotion of the next generation of promising sergeants and lieutenants.

Chief O’Toole faced difficult circumstances on assuming the lead of the SPD, an organization where some prior senior leadership had disputed DOJ findings and the necessity of reforms. Civil service protections and Washington state law sharply limit the Chief’s ability to change Department leadership quickly and thoroughly,

¹⁵ Fourth Semiannual Report at 4.

¹⁶ See Natalie Swaby, “Seattle police connect with community online,” KING5.com (Apr. 22, 2015), <http://www.king5.com/story/news/local/seattle/2015/04/22/seattle-police-nextdoor/26165525/>.

¹⁷ Fourth Semiannual Report at 11.

¹⁸ Amy Clancy, “Seattle Property Crimes Down 13 Percent,” KIROtv.com (May 19, 2015), http://www.kirotv.com/news/news/seattle-property-crimes-down-13-percent/nmKYM/#_federated=1.

particularly at the rank of Captain, which prevents the SPD from cultivating and promoting the next generation of promising sergeants and lieutenants.

This limitation of the Chief's authority is likely to impact the ability of SPD's command staff to implement the elements of the Consent Decree that remain. The Consent Decree contemplates that responsibility for constitutional policing requires greater accountability at the supervisory level.¹⁹ These new paradigms of accountability and responsibility demand close attention at the precinct or unit level. Each sergeant must keep informed and actively manage the day-to-day performance of each officer under his or her span of control. Each lieutenant must be informed and manage the performance of each sergeant, and the captain likewise is accountable for everything that happens at a given precinct or unit. All of this presupposes captains who are fully conversant with the letter and spirit of the Consent Decree and are committed to the change in culture contemplated by the Decree.

Despite these impediments, Chief O'Toole has done an outstanding job assembling a new leadership team of sworn and civilian personnel from within and from outside the SPD. The Monitoring Team, Parties, Chief O'Toole, and her leadership group have all pledged to act, whenever possible, in the spirit of collaboration and collective problem-solving.

At least some officers have a ways to go before there is universal acceptance of the Consent Decree as the way that Seattle does policing.

Changing SPD Culture

Although more officers appear to be fully embracing the Consent Decree's objectives, at least some of the rank-and-file, first-level supervisors, and more senior officers have a ways to go before there is universal acceptance of the Consent Decree as the way that Seattle does policing. In some instances, we have heard some SPD officers characterize policies and procedures necessary to ensure constitutional policing as temporary and sure to change once the Consent Decree is done. Especially in the areas of the Early Intervention System and training, we continue to see elements of the SPD fail to explore what approaches to basic law enforcement and accountability issues have worked for other agencies and might benefit Seattle. The Department and its officers will need to continue toward fully embracing an ongoing commitment to the objectives of the Consent Decree as the way that SPD does business going forward.

Force Review Board

One specific area where more progress is still needed is the Force Review Board ("FRB"), which reviews all significant uses of force by SPD officers. The Monitor's prior reports have noted its evolution.²⁰ The "quality, rigor, and integrity of the review progress" has indeed improved notably since the Board began operating.²¹

The Force Review Board's progress seems to have plateaued in the last six months.

However, although some good work has certainly continued and the Chief's new command staff has just started to implement some extremely promising changes, FRB's progress seemed to plateau in the last six months. The FRB continues to appear uncomfortable concluding that force was "out of policy," particularly in cases where Board members agree that force was "reasonable." Some FRB members have sometimes taken the position that, so long as force was "reasonable," it was consistent with SPD policy. Likewise, FRB members have at times mired themselves in

¹⁹ See Fourth Semiannual Report at 56 & n.168 ("Various of the Consent Decree's provisions provide that SPD ensure that its system of supervision allow for strong and consistent oversight of employee performance and of important incidents or events such as use of force incidents and Terry stops.").

²⁰ Fourth Semiannual Report at 37-47; Third Semiannual Report at 48-57; Second Semiannual Report at 19-30.

²¹ Fourth Semiannual Report at 40 (quoting Third Semiannual Report at 49).

convoluted policy and factual interpretations in order to conclude that force was “in policy” or generally “reasonable.”

“Reasonableness” is certainly an important concept – along with necessity, proportionality, and de-escalation – that is squarely reflected both as a core principle and within the specific provisions addressing officer use of force in SPD policy.²² However, the more specific policy provisions embrace reasonableness and yet go further – to provide more specific guidance and clearer expectations on what reasonableness means for a Seattle Police Department

The FRB is being overhauled with the goal of making it more productive and accountable.

officer policing within the Seattle community. “Reasonableness” is, therefore, is an integral part of SPD policy, not an independent override.

Going forward, the FRB will need to redouble its efforts to lead SPD toward an understanding that, to remain a member of the Department in good standing, an officer must adhere to the specific letter and the core principles of SPD’s policies. The Monitoring Team will continue to work with SPD and the Parties to ensure that expectations are clear and that policies hold officers and command staff accountable.

Again, although new command staff is making changes, the sometimes protracted, convoluted deliberations by the Board – seemingly impervious to significant efforts of command staff in charge of coordinating the Board and leading Board discussions to guide and streamline them – has led, at least in part, to the Board not considering as many cases as it should have in order to keep pace with officer activity. A backlog of unreviewed cases had developed.

Under Assistant Chief Cordner and Acting Captain Gregg Caylor, the FRB is being overhauled with the goal of strengthening its productivity and accountability. The FRB is responsible for much more than deciding if a given use of force is or is not in policy. As the Monitor has maintained from day one, the Board should be giving each officer-involved shooting or use of force on the docket a thorough and dispassionate analysis of whether the force could or should have been avoided and how similar events might be handled differently in the future. It must not shirk from deciding that a given matter is out of SPD policy.

Early Intervention System

Another area in which cultural progress must still be made is the Early Intervention System (“EIS” or “EI system”). The EIS constitutes a critical new way for SPD supervisors to do their jobs on a daily basis – requiring them to “use high-quality data to evaluate trends in officer performance and construct high-quality, non-disciplinary intervention plans” for officers who could benefit from targeted professional development.²³ Numerous departments have implemented robust EIS programs²⁴, and there are the voluminous materials available on how to

²² See, e.g., Dkt. 107-1 at 3 (“The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event”); *id.* at 6 (“Officers shall only use objectively reasonable force”); *id.* at 7 (listing “[f]actors to be considered in determining the objective reasonableness of force”); Dkt. 107-1 at 3 (“An Officer Shall Use Only the Degree of Force That Is Objectively Reasonable, Necessary Under the Circumstances, and Proportional to the Threat or Resistance of a Subject”).

²³ Fourth Semiannual Report at 10; see generally Third Semiannual Report at 76–89 (describing the Early Intervention System, formerly known as the “Performance Mentoring Program” or “PMP”).

²⁴ See, e.g., Metropolitan Police Department [Early Intervention] Standard Operating Procedures (2007), available at https://go.mpdonline.com/GO/SOP_PPMS_and_SSP.pdf; Cincinnati Police Department Order 16.111 (Rev. 2013), available at <http://www.cincinnati-oh.gov/police/assets/File/Procedures/16111.pdf>; Charlotte-Mecklenberg Police Department, Early Intervention System: A Tool to Encourage & Support High Quality Performance—A Guidebook for the Public and Our Employees on What We Do and Why We Do It (2005), available at <http://www.cops.usdoj.gov/files/RIC/Publications/e090676.pdf>.

implement EIS processes.²⁵ Indeed, EI systems have been recommended as “a best practice in police accountability” by “a wide range of organizations” for at least 34 years.²⁶

Nevertheless, EIS has been the source of substantial cultural anxiety. Officers have worried that the non-disciplinary system would somehow lead to them unfairly getting “dinged” or singled out. At least until recently, supervisors have seemed to view EIS as an obligatory or onerous bureaucratic process, or this year’s accountability “add-on,” rather than as a fundamental new approach to managing officer performance on a day-to-day basis. Because it has been a lightning rod within the Department, the result was a sometimes ungainly, 14-month process of getting a high-quality EIS up and running in which, until very recently, no member of the senior command staff asserted clear ownership, or investment, in making this core new process a success.

Because it has been a source of cultural anxiety within SPD, the process of getting the Early Intervention System running was a sometimes ungainly, 14-month process.

Importantly, Chief O’Toole, Deputy Chief Carmen Best, and Assistant Chiefs Cordner and Wilske have all signaled their strong support of an EIS that will function according to best practices, be informed by the lessons learned from other agencies that use such a process to manage and develop officers, and be guided by facts and evidence. Under their leadership, EIS is finally getting off the ground and will be fully up and running Department-wide as of June 19. The important messages that the EIS is non-disciplinary and intended for proactive performance management and development will now need to filter down to captains, lieutenants, sergeants, and officers alike.

Upcoming Assessments on Effectiveness of Reforms

Upcoming, formal assessments will consider whether the various requirements of the Consent Decree have been translated from paper to practice across SPD’s precincts.

The Court-approved Monitoring Plan for this year provides for the Monitoring Team to conduct 15 formal, independent assessments of “the extent to which various Consent Decree’s provisions have taken root in the real world.”²⁷ These assessments will seek to determine if the policies and procedures – that now exist on paper and have been the subject of hundreds of hours of training – have really taken hold in the field. That is, the Monitor and Department of Justice must independently verify whether the various requirements of the Consent Decree are in fact “being carried out in practice.”²⁸

The assessments will be methodologically rigorous studies of how SPD is performing in the areas addressed by the Consent Decree: from the use of force; to force reporting, investigation, and review; to the quality of OPA’s investigations; to SPD’s stop and detention practices; to how the Department interacts with persons in crisis.²⁹ Part of the focus will be on trends within and among the individual precincts – to determine whether the reforms

²⁵ See, e.g., Samuel Walker et al, Office of Community Oriented Policing Services, U.S. Dept. of Justice, “Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide” (2003) at 3, available at <http://www.cops.usdoj.gov/files/RIC/Publications/e07032003.pdf>; T. Bertoia, “Developing an Early Intervention System for Police Misconduct in a Law Enforcement Agency,” NSW Police Integrity Commission, at 4–5 (Aug. 2008); S. Walker, et al, Police Executive Research Forum, “Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors” (2006).

²⁶ Samuel Walker, “Introduction to Early Intervention Systems,” in *Critical Issues in Policing: Contemporary Readings* 248 (7th Ed.) (2015); see U.S. Civil Rights Commission, *Who is Guarding the Guardians?* 80 (1981).

²⁷ Dkt. 195 at 7.

²⁸ Dkt. 3-1 ¶ 184.

²⁹ See Dkt. 195.

and objectives of the Consent Decrees are indeed becoming embedded across the Department.

Even as these systemic assessments are conducted, the Monitor and his Team continue – as they have from the beginning of the monitoring effort – to visit precincts, speak with command staff, talk with patrol officers, review force incidents and investigations, and remain deeply enmeshed in the day-to-day activities of SPD and its officers. Because of this sustained, in-depth interaction with all quarters of the Department, we can say that, while some resistance from officers remains, we have begun to see more individuals within the SPD embracing the Consent Decree requirements as merely a baseline for building and enriching Seattle’s 21st Century policing. Nonetheless, the fifteen assessments will be systemic – that is, not focused on individual cases in isolation but on patterns and trends of SPD conduct over time. The Monitoring Team suspects that some of the assessments will reveal the great change underway at the SPD while others show that challenges remain. Regardless, the Monitor and Department of Justice will follow the facts where they lead and report to the Court as objectively, fairly, and rigorously as possible on SPD’s progress.

As the Monitor and Court have stressed in the past, the requisite cultural change in how policing is accomplished in Seattle will be measured in significant part by greater trust and cooperation from across all segments of the City’s population.³⁰ The bedrock of the Consent Decree remains enhanced public confidence and increased trust by the community in the SPD. Improving the SPD’s internal mechanisms for engaging in critical self-analysis of its performance – like force investigation, force review, and early intervention – is vital to expanding that confidence.

Periodic accounts of problems or uses of force are not by themselves conclusive evidence that nothing has changed. The true test remains whether SPD has the structures and culture in place to manage the risk of unconstitutional policing and objectively address officer performance.

Still, even in healthy, accountable police agencies, officers might from time to time perform poorly. They can sometimes make mistakes or bad decisions. As SPD makes further progress under the Consent Decree, it is, for better or for worse, quite possible that community and media accounts will continue to surface now and again about an officer engaging in potential misconduct, problematic behavior, or poor performance. To the community, the Monitor, and to the rank-and-file officers executing their duties ably, fairly, and constitutionally, those accounts are, of course, dispiriting and concerning. As a result, it can be tempting to conclude that nothing has changed. Likewise, officers in high-functioning departments engaged in constitutional policing will in some instances need to use reasonable force when confronted with threats to public and officer safety.

Periodic accounts of problems or serious uses of force are not by themselves conclusive evidence of either SPD’s progress or lack of progress. Real reform is hard work. It rarely proceeds in straight lines. The true test has been and will remain whether SPD has the systems, policies, structures, and culture in place to manage for itself the risk of unconstitutional policing – and whether, through those systems, SPD holds officers and supervisors rigorously accountable through fair and transparent processes, critically analyzes officer and departmental performance based on unbiased evidence and objective data, and proactively identifies and seriously addresses performance issues and trends.

SPD, like any police department, is not permanently consigned to be only what it has been in the past.

³⁰ Fourth Semiannual Report at 11; Third Semiannual Report at 6–7; Second Semiannual Report at 47; First Semiannual Report at 18.

Organizational cultures change. New leadership can energize. Frayed relationships can mend. Old and rigid approaches can give way to dynamic innovation. The remainder of this report describes SPD's progress toward transforming in the manner required by the Consent Decree, as well as the areas that must still be addressed. Progress must continue on the Data Analytics Platform, active and constructive supervision of officers across ranks, improved community trust, and institutionalized systems that provide thorough, fair, and well-reasoned investigations that form the basis for unbiased analysis of each use of force.

Real reform is hard work. It rarely proceeds in straight lines.

In the last semiannual report, the Monitor signaled that if SPD “continue[d] on the path that it is now . . . [it] is likely to get the job done.”³¹ That optimism results from confidence in Chief O’Toole and her command staff and the unflagging commitment to police reform by the Mayor’s office, City Attorney, City Council, and Department of Justice. Although significant work on implementing and refining Consent Decree reforms remains, SPD has moved closer in the last six months to where it needs to be. There is still significant work ahead, but the SPD is positioned to be a leader in the national reform effort. While many departments are struggling with where to start, SPD is well underway.

³¹ Fourth Semiannual Report at 12.

A Note on the Format of This Report

As the Monitor noted upon filing the Third-Year Monitoring Plan in March 2015, and references at various points during this report, the Consent Decree process is now at the stage at which “the Monitor and DOJ must independently verify whether the various requirements of the consent decree are ‘being carried out in practice.’”³² This entails the Monitoring Team “conduct[ing] some 15 separate assessments on the extent to which various Consent Decree[] provisions have taken root in the real world.”³³ Each of these assessments will cover a major area of the Decree, including force investigations, stop and detentions, OPA investigations, and many others.³⁴

At the conclusion of each assessment, the Monitoring Team will file a public report with the Court on its findings. Therefore, the Monitor will have occasion between now and March 2016 to update the Court and the public on SPD’s progress in detail across all major areas of the Consent Decree.

As such, this semiannual report – filed, as always, pursuant to the Monitor’s obligations under paragraphs 173 and 196 of the Consent Decree – endeavors to provide a slightly broader overview of where SPD currently stands than some of the Monitoring Team’s prior reports. Neither the length of the report nor the level of detail of its discussions, or the omission of some relevant issues, reflect anything other than the Monitor and his Team aiming to present here an overall report on where SPD currently is and summarize the most salient successes, and challenges, witnessed over the last six months. The Monitor looks forward to updating the Court in greater detail, and with greater regularity, on SPD’s substantive progress in the reports to come.

³² Dkt. 195 at 7 (citing Dkt. 3-1 ¶ 184).

³³ Dkt. 195 at 7.

³⁴ See Dkt. 195 at 27–48.

I. USE OF FORCE

A. Policy Updates³⁵

Pending before the Court are narrow updates and revisions to the various SPD policies that relate to the subject of force – including policies on the use, reporting, investigation, and review of force. The updates are the culmination of constructive discussions with SPD officers of all ranks, DOJ, the City, the police officers' unions, and community groups including the Community Police Commission ("CPC").

The relatively limited changes to the policies are all evidence-based – informed by real-world experience, actual SPD trends, and objective data, not hypotheticals or unsubstantiated claims. They originate with the analysis of hard data on use of force and its review; officer listening sessions and focus groups conducted by SPD Patrol; officer comments on force provided to SPD's Audit, Policy & Research division; lessons learned by the Force Review Board ("FRB") and Force Investigations Team ("FIT"); separate officer and community input sessions by the Community Police Commission; and the ongoing observations of the Parties.

Of particular note is that revisions to the officer use of force policy are minimal – with the focus remaining on ensuring that officers attempt to avoid force through de-escalation and, if force becomes necessary, that officers use force that is reasonable and proportional.

³⁵ This discussion quotes, excerpts, and adapts substantially from the Monitor's Memorandum Submitting Updated Force-Related Policies, Dkt. 204.

Some commentators continue to advance the notion that SPD's "use of force policy" is seventy, eighty, or ninety pages in length and must therefore be overly complex. That remains false. SPD Manual Section 8.200, aptly captioned "Using Force," is the policy that sets the standard for when officers may and may not use force. After

Some commentators continue to advance the notion that SPD's "use of force policy" is ninety pages in length and too complex. That remains false.

some minimal clarifications based on both officer and community feedback, that section now runs barely more than two pages. The remainder of the force-related policies address either what happens after an officer has used force or general, though important, principles and concepts applicable throughout a number of policies – not whether the officer can or cannot use force in the first instance. Although the reporting, investigation, and internal review policies are also vital to internal accountability and the Consent Decree, those procedural manuals neither guide nor constrain an officer's determination as to whether to use force in the field. Accordingly, any ongoing or future representations that the "use of force policy" is too long or complex are simply not grounded in reality.

Any policy must balance concision with clarity and broad applicability – guiding officers across innumerable unforeseen circumstances yet being specific enough to allow the Department to effectively hold officers accountable for poor decision-making or substandard performance. SPD's force-related policies continue to seek this important balance.

Among the more noteworthy updates are:

Setting forth de-escalation as a standalone policy section. The Monitor has elsewhere criticized SPD for failing to hold officers accountable for the failure to de-escalate.³⁶ The Department argued that having a standalone "de-escalation policy" – rather than de-escalation serving as one requirement in the officer force policy – clarifies that even officers whose force is reasonable, necessary, and proportional may be held accountable for failing to attempt to de-escalate during an incident in the sequences of events leading to force being used.

Clarification of requirements to apply force to a handcuffed, non-compliant subject. In a few instances, officers and sergeants complained that getting non-compliant, handcuffed subjects out of the back of police cars was taking too long because the force policy was read to prohibit all physical force against handcuffed subjects unless the subject needed to "be immediately stopped to prevent injury, or escape, [or] the destruction of property."³⁷ The new policy permits application of force to a handcuffed, non-compliant subject so long as "reasonable attempts to gain voluntary compliance have failed" and that the removal is "subject to supervisor approval." In exigent circumstances (attempts to self-injure, escape, or destroy property), removal can occur regardless of the extent of prior attempts or supervisor approval.

Clarification on prohibitions on use of less-lethal instruments. Previous language caused confusion for some officers about when they could use less-lethal instruments. The new policy clarifies, by separating pre-existing content into two distinct policy provisions, that less-lethal tools may be prohibited for two distinct reasons: (1) the physical condition of the subject (e.g., the subject is visibly pregnant, elderly, apparently pre-adolescent, visibly frail, or is known or suspected to have physical disabilities), and (2) environmental or situational circumstances (e.g., the subject is in an elevated position, a

³⁶ Fourth Semiannual Report at 5.

³⁷ Dkt. 107-1 at 7.

position where he could drown, is operating a vehicle, or is handcuffed or restrained).

Changes to Force Review Board structure and operations. To address the volume of force cases that FRB must review, the new policy calls for SPD's Force Review Unit ("FRU") to play a more active role in ensuring that the cases that FRB considers are, by and large, the most significant and serious force applications. Likewise, the Board is now composed of a more streamlined group of individuals selected by the Assistant Chief of Compliance and Professional Standards.

Revision of Manual Preface. The prior manual preface was used by some to support the position that conduct violating a particular policy provision should nonetheless be found "in policy" so long as it was "reasonable" under the circumstances. The revised Preface eliminates the language, which appropriately emphasizes that SPD's force policy already embraces objective reasonableness as a critical principle and goes further – to provide more specific guidance and clearer expectations on what reasonableness entails for an SPD officer policing within the Seattle community.

The force-related policies were submitted to the Court on the understanding that, once investigation of recent incidents occurring within the context of demonstrations or crowd situations have been fully investigated, SPD will – as with force occurring in any other context – analyze its performance and use of force in the critical and comprehensive manner that its policies require. Anticipated changes to crowd management policy and protocols can be based upon real-world, critical investigation and review of actual SPD performance in the field.

Likewise, the Department will need to revise and update the Procedural Manual addressing Force Investigation Team ("FIT") investigations to reflect the many working protocols and internal guidelines that it has established in its first year and a half in operation.

B. Training

High-profile incidents have recently focused national attention on police training, especially with respect to use of force³⁸ and bias-free policing.³⁹ Even before police training in these areas was subject to elevated public scrutiny, the Mayor and other city leaders appropriately focused on the importance of such training.⁴⁰ As a result, SPD has been leading the way on embracing new approaches to training in those areas since early 2014.

³⁸ See, e.g., Seth Stoughton, "How Police Training Contributes to Avoidable Deaths," *Atlantic* (Dec. 12, 2014), <http://www.theatlantic.com/national/archive/2014/12/police-gun-shooting-training-ferguson/383681/> ("Use-of-force training should also emphasize de-escalation and flexible tactics in a way that minimizes the need to rely on force, particularly lethal force."); Marc Santora, "Mayor de Blasio Announces Retraining of New York Police," *N.Y. Times* (Dec. 4, 2014), <http://www.nytimes.com/2014/12/05/nyregion/mayor-bill-de-blasio-retraining-new-york-police-dept-eric-garner.html> (noting that NYPD's "department-wide retraining effort in the wake of Mr. [Eric] Garner's death" would "include[e] learning 'de-escalation' techniques"); Gene Johnson & Eric Tucker, "After Ferguson, a push for more 'de-escalation' training," *AP* (Nov. 29, 2014), *available at* <http://www.bostonglobe.com/news/nation/2014/11/29/after-ferguson-some-push-for-more-escalation-police-training/HtXM7gUmKYT9Fx1Qwd8PxL/story.html> ("Departments around the country have in recent years stepped up their training in 'de-escalation' ...").

³⁹ See, e.g., Sarah Green, "Training Police Departments to be Less Biased," *Harvard Business Review* (Mar. 6, 2015), <https://hbr.org/2015/03/training-police-departments-to-be-less-biased> (describing implementation of training on subconscious or implicit bias in law enforcement agencies across the United States); Leon Neyfakh, "The Bias Fighters," *Boston Globe* (Dec. 21, 2014), <http://www.bostonglobe.com/ideas/2014/09/20/the-bias-fighters/ITZh1WyzG2sG5CmXoh8dRP/story.html> (same); Tami Abdollah, "Police agencies line up to learn about unconscious bias," *PoliceOne* (Mar. 9, 2015), <http://www.policeone.com/patrol-issues/articles/8415353-Police-agencies-line-up-to-learn-about-unconscious-bias/> (same).

⁴⁰ Liz Jones, "Seattle Police Reforms Shift to Officer Training," *KUOW.org* (Feb. 5, 2014), <http://kuow.org/post/seattle-police-reforms-shift-officer-training> (quoting Mayor Murray as calling 2014 the "year of training").

The President's Taskforce on 21st Century Policing noted in its March 2015 report that "training on use of force should emphasize de-escalation," including "shoot/don't shoot scenarios and the use of less than lethal technologies."⁴¹ SPD is already doing this. De-escalation training – which included instruction on specific skills, strategies, tactics, and approaches that officers can deploy in the real world to slow down fast-moving situations, defuse situations, and ensure the kind of tactical superiority that comes from having multiple SPD officers on the scene or preserving sufficient distance or cover from a subject – was a primary focus of several training programs and modules during 2014.⁴²

SPD is leading the way nationally on integrated, scenario-based training on de-escalation and bias-free policing.

The focus on de-escalation has continued into 2015. Throughout 2015, SPD officers will receive important training on de-escalation, tactical communication, and scenario-based use of force skills, which build on the foundation of 2014's strong training in those areas.⁴³ In particular, starting in May 2015, the Department began a four-hour, Court-approved course on "Tactical De-escalation" that was paired with firearms training. Both courses put further meat on the bones of what de-escalation means to the Seattle community.⁴⁴ This training, which was audited by both DOJ and the Monitoring Team's subject matter experts, so far has been well conducted and well-received by officers. Here, too, SPD has received some national attention.⁴⁵

Likewise, SPD has been leading the way on bias-free policing training. The President's Task Force recommended that police departments provide "training [that] incorporates content around recognizing and confronting implicit bias and cultural responsiveness."⁴⁶ It also suggested the need for research on "how law enforcement agencies and training programs can integrate community members into this training process."⁴⁷ On these fronts, SPD is also leading the way. Near the end of 2014, all sworn personnel of the SPD received training on bias-free policing that included training on subconscious or implicit bias.⁴⁸ One feature of that training was the participation of the Community Police Commission as part of the training itself – with commissioners providing a "20-minute presentation focusing on how issues relating to procedural justice, fairness, and bias-free policing have impacted the communities that they represent. . . ."⁴⁹ The President of SPOG called the training the best that he received last year,⁵⁰ and the Monitoring Team and Parties have heard positive feedback from officers across ranks on the training.

As the Monitor noted when recommending approval of the Plan, SPD's Court-approved "2015 Training Plan reflects a significant advancement" that "builds upon the core training that officers received in 2014."⁵¹ The Plan is a result of SPD "embrac[ing] a more methodical, forward-looking approach to determining its training needs and crafting a training plan for providing such instruction."⁵²

⁴¹ President's Task Force on 21st Century Policing, "Interim Report of the President's Task Force on 21st Century Policing" [*hereinafter* President's Task Force Report] at 21 (Mar. 2015), http://www.cops.usdoj.gov/pdf/taskforce/interim_tf_report.pdf.

⁴² Fourth Semiannual Report at 20–22.

⁴³ Dkt. 191.

⁴⁴ Dkt. 199.

⁴⁵ Matt Apuzzo, "Police Rethink Long Tradition on Use of Force," *N.Y. Times* (May 4, 2015), <http://www.nytimes.com/2015/05/05/us/police-start-to-reconsider-longstanding-rules-on-using-force.html>.

⁴⁶ President's Task Force on 21st Century Policing, "Interim Report of the President's Task Force on 21st Century Policing" at 57 (Mar. 2015), http://www.cops.usdoj.gov/pdf/taskforce/interim_tf_report.pdf.

⁴⁷ *Id.* at 54.

⁴⁸ See Fourth Semiannual Report at 88–92.

⁴⁹ *Id.* at 89.

⁵⁰ Ansel Herz, "Seattle Police Union President to Cops: Get With the Times or Get Out of This City," *The Stranger* (Feb. 18, 2015), <http://www.thestranger.com/blogs/slog/2015/02/18/21739167/seattle-police-union-president-to-cops-get-with-the-times-or-get-out-of-this-city>.

⁵¹ Dkt. 191 at 1–2; see generally Dkt. 195 at 4–5 (summarizing 2015 training).

⁵² Fourth Semiannual Report at 106.

In the area of use of force, officers will receive in 2015 nearly 40 hours of additional training on individual and team de-escalation tactics, defensive tactics, and less-lethal force options.⁵³ Likewise, officers will receive 8 hours of integrated, scenario-based training – as well as ongoing training in roll calls prior to the starts of shifts – addressing search and seizure, stops and detention, and bias-free policing. CPC has been collaborating since January with SPD on follow-up training in these areas to be provided to officers later in 2015, and the Monitoring Team will expect that other community groups and stakeholders similarly collaborate with SPD on curriculum development in the area.⁵⁴ As detailed elsewhere in this report, SPD officers and dispatchers alike will receive further crisis intervention training.⁵⁵ As it did in 2014, the Monitoring Team, along with DOJ, will be attending and evaluating SPD training throughout the upcoming year.

Officers will receive nearly 40 hours of additional training on de-escalation, defensive, and less-lethal tactics and force options in 2015.

The success of SPD training remains significant. As recently as 14 months ago, SPD training plans – when they existed at all – consisted of just 10 pages of overly general material. The substance of that training tended to focus on highly technical skills, such as how to effectuate particular physical maneuvers, rather than on scenario-based application of real-world strategies and Department policy and principles. There has demonstrably been “a sea change in the depth, rigor, and sophistication of SPD’s approach to training officers.”⁵⁶

The success in training has been all the more impressive in light of the ongoing and significant limitations on resources available to the Education and Training Section. SPD’s curriculum developers are overextended. Its limited number of trainers must devote significant amounts of overtime to ensure that all officers get the instruction that they need. SPD, along with the City, must recognize that the level, amount, size, and scope of training conducted in 2014 and 2015 is a “new normal,” not a temporary “blip.” The training that SPD provided officers prior to the consent decree was insufficient for providing the scenario-based drills, policy instruction, skill maintenance, and professional and leadership development that SPD officers deserve and require. The Department must find a way to permanently perpetuate its recent and so far successful training paradigms and requirements, especially with regard to resources.

Especially with respect to resources, SPD and the City must recognize that the level, amount, size, and scope of training conducted in 2014 and 2015 represents a “new normal,” not a temporary “blip.”

SPD still needs to make additional progress in some important areas related to training. First and foremost, “for one of the first times in its history, the Department will offer specialized training for its supervisors.”⁵⁷ The 24-hour training – conducted in three phases over the remainder of the year – will go beyond SPD-specific training on policy and procedure and address more general issues about the responsibilities of SPD leaders, coaching and mentoring, and managing and holding accountable officers under a supervisor’s charge.⁵⁸ The Monitor has been working closely with the Parties to consider the necessary scope and substance of this important training for SPD supervisors.

Second, when monitoring began, some uncertainty existed as to whether, and when, officers had successfully

⁵³ Dkt. 195 at 17–19.

⁵⁴ *Id.* at 19–20.

⁵⁵ *Id.* at 23.

⁵⁶ Fourth Semiannual Report at 105 (quoting Third Semiannual Report at 21).

⁵⁷ Dkt. 195 at 4.

⁵⁸ See *id.*

completed what training. SPD adopted a manual-based process for logging employee completion of training requirements. As of January 1, 2015, SPD is a user of Cornerstone, a “talent management, learning, and performance management software” application that the City is implementing across several city departments.⁵⁹ The use of this program, which is targeted for integration into the Department’s Data Analytics Platform, should automatize and make substantially more sophisticated SPD’s tracking of its employee’s training and professional development.

Progress remains in the areas of supervisor training, tracking missed training sessions, and internally assessing the effectiveness of education programs.

Especially now that SPD has a solid technological footing for identifying officers who miss or fail to complete Department-mandated training, the Department appropriately ensured that the cases of more than 30 officers who appeared to miss training were forwarded to OPA for full misconduct violations. Just as teachers, doctors, pilots, lawyers, and countless other professions require completion of specified, mandatory training as a condition of continued employment, the participation of police officers in continuing education and skill retention initiatives is vital. SPD must hold its officers rigorously accountable for not taking training requirements seriously, and the Department must likewise hold members of the command staff accountable for any failures to not hold officers under their charge accountable for failing to attend necessary training. Pursuant to the Court-approved Monitoring Plan, SPD is currently working on a policy memorializing expectations relating to completing training and disciplinary consequences for the failure to do so.⁶⁰ The Monitor looks forward to the successful resolution of the issue.

Finally, as the Monitor and DOJ have previously noted in its approval of Training lesson plans, the Education and Training Section must more objectively and systematically assess the effectiveness of its training, both through surveys of the trainees and in other scientific ways. Only in CIT, where the surveys and other assessments were performed by the State Academy or outside entities, has the Department gotten hard data about the effectiveness of its training.

C. Body Cameras & Transparency

Agencies across the country are adopting body cameras because they promote accountability. As many as 6,000 police departments across the United States use body cameras⁶¹ – including 8 of the 10 largest metropolitan areas in the U.S.⁶² The number of jurisdictions that are currently implementing or piloting the use of body cameras is significant.⁶³ A diverse group of political leaders support for the widespread adoption of body cameras.⁶⁴

⁵⁹ Cornerstone OnDemand, www.cornerstoneondemand.com (last visited Apr. 26, 2015). The Monitoring Team has established a good working relationship with City of Seattle Chief Technology Officer Michael Mattmiller, former Microsoft senior strategist. The Team has been pleased that SPD is increasingly a part of City-wide technology initiatives and strategic planning. It expects SPD’s new relationship with the City will continue in the wake of the appointment of Greg Russell, a civilian with many years of experience as a Vice President of Amazon, as SPD’s Chief Information Officer. The Monitor is optimistic that a new era with respect to SPD’s IT management has finally arrived.

⁶⁰ Dkt. 195 at 21.

⁶¹ Jon Schuppe & Andrew Blankstein, “LAPD Skid Row Shooting Brings Focus to Body Camera Technology,” NBCNews.com (Mar. 2, 2015), <http://www.nbcnews.com/news/us-news/lapd-skid-row-shooting-brings-focus-body-camera-technology-n315731>; accord Zusha Elinson, “Police Use of Body Cameras Raises Questions Over Access to Footage,” *Wall St. Journal* (Apr. 28, 2015), <http://www.wsj.com/articles/police-use-of-body-cameras-raises-questions-over-access-to-footage-1430253877>.

⁶² Perry Bacon Jr., “Obama Police Commission Sidesteps Most Controversial Reforms,” nbcnews.com (Mar. 2, 2015), http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2015/3/6/tpd_body_cams_to_mak.html.

⁶³ See, e.g., Robert Allen, “20 Detroit police officers to test new body cameras,” *Detroit Free Press* (Mar. 11, 2015), <http://www.latimes.com/local/lanow/la-me-ln-body-cameras-20150318-story.html>; Kate Mather, “LAPD expects to start deploying body cameras this summer,” *L.A. Times* (Mar. 31, 2015), <http://www.latimes.com/local/lanow/la-me-ln-lapd-body-cameras->

The use of body cameras has been associated with substantial decreases in use of force and citizen complaints. In Oakland, California, the number of use of force incidents decreased by nearly 75% in the 6 years since the police department there began implementing body cameras.⁶⁵ In San Diego, the use of body cameras by 600 officers led complaints to fall by 40.5% and officer use of “personal body” force – or officers going “hands-on” with subjects – to fall by some 46.5%.⁶⁶ Rialto, California saw a 50% reduction in use of force over a one-year period and only a single citizen complaint during the same period.⁶⁷ The Rialto camera study found that “shifts without cameras experienced twice as many incidents of use as force as shifts with cameras.”⁶⁸ Similarly, in Mesa, Arizona, officers using body cameras had 65% fewer complaints than non-users – and saw a 60% decline in their own complaints as compared to the year before using the cameras.⁶⁹

As many as 6,000 agencies use body cameras – which have been associated with substantial decreases in use of force and citizen complaints.

In isolation, body cameras are not “a silver bullet for improving the way police interact with citizens.”⁷⁰ No single measure can be. However, as the Monitor has noted previously, jurisdictions using body cameras have found that they help to resolve conflicts in testimony, affirm good officer-decision-making, create a substantially more detailed and credible record of what transpired in confrontations and critical incidents, promote increased public confidence, and allow a department to more closely and accurately consider the implications of an officer’s performance for training and policy.⁷¹

20150331-story.html; Olivia Marcus, “Washington, D.C., to Make Cops Wear Cameras,” *U.S. News & World Report* (Mar. 19, 2015), <http://www.usnews.com/news/articles/2015/03/19/washington-dc-to-make-cops-wear-cameras>; Bearishelle Edme, “Dayton Police look to move forward with body cameras,” *wdtn.com* (Mar. 18, 2015), <http://www.usnews.com/news/articles/2015/03/19/washington-dc-to-make-cops-wear-cameras>; Keli Dugan, “Body cameras a go for Mobile Police Department in Tuesday’s City Council recap,” *AL.com* (Mar. 24, 2015), http://www.al.com/news/mobile/index.ssf/2015/03/body_cameras_a_go_for_mobile_p.html; Dalia Dangerfield, “Tampa police body cameras make debut,” *baynews9.com* (Mar. 6, 2015), http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2015/3/6/tpd_body_cams_to_mak.html.

⁶⁴ See Kendall Breitman, “White House Backs Body Cameras for Cops,” *Politico.com* (Sep. 16, 2014), <http://www.politico.com/story/2014/09/police-body-cameras-white-house-support-110996.html> (summarizing President Obama’s “support [of] the use of video technology . . . , both body-worn and vehicular” and “recognition of the numerous benefits of making cameras available to law enforcement officers”); Brianna Keilar, “Hillary Clinton to call for mandatory police body cameras,” *CNN.com* (Apr. 29, 2015), <http://www.cnn.com/2015/04/29/politics/hillary-clinton-police-body-cameras/> (noting call for “every police department in the country to use body cameras to ‘increase transparency and accountability’”); Jordain Carney, “Paul pushes police body cameras,” *The Hill* (Mar. 30, 2015), <http://thehill.com/blogs/floor-action/237368-paul-pushes-police-body-cameras> (quoting statement of Senator Rand Paul (R-Ky.) that “[t]he use of body cameras helps officers collect and preserve evidence to solve crimes, while also decreasing the number of complaints against police”); Dan Roberts, “Republicans show support for criminal justice reform in rare bipartisan push,” *Guardian* (Apr. 16, 2015), <http://www.theguardian.com/us-news/2015/apr/16/republicans-criminal-justice-reform-police-shootings> (noting support for body cameras and other reforms among political conservatives).

⁶⁵ “Oakland Mayor Says Police Body Cameras Have Cut Use-Of-Force Incidents Significantly in 5 Years,” *KPIX* (Dec. 17, 2014), <http://sanfrancisco.cbslocal.com/2014/12/17/oakland-mayor-says-police-body-cameras-have-cut-use-of-force-incidents-by-60-in-4-years-jean-quan-oakland-police-department-opd-officer-involved-shooting/>.

⁶⁶ Tony Perry, “San Diego police body camera report: Fewer complaints, less use of force,” *L.A. Times* (Mar. 18, 2015), <http://www.latimes.com/local/lanow/la-me-ln-body-cameras-20150318-story.html> (quoting Deputy Chief as saying that “[b]ody-worn camera technology is a win-win for both the officer and the community”).

⁶⁷ Tony Farrar, “Self-Awareness to Being Watched and Socially-Desirable Behavior: A Field Experiment on the Effect of Body-Worn Cameras on Police Use-of-force,” *Police Foundation* (Mar. 2013), <http://www.policefoundation.org/content/body-worn-camera>.

⁶⁸ *Id.* at 8.

⁶⁹ Michael D. White, Office of Justice Programs Diagnostic Center, U.S. Dept. of Justice, *Police Officer Body-Worn Cameras: Assessing the Evidence 21* (2014) (summarizing Mesa Police Department, On-Officer Body Camera System: Program Evaluation and Recommendations (2013)), [available at http://ojpdiaagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf](http://ojpdiaagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf).

⁷⁰ Justin T. Ready & Jacob T.N. Young, “Three Myths About Police Body Cams,” *Slate* (Sept. 2, 2014), http://www.slate.com/articles/technology/future_tense/2014/09/ferguson_body_cams_myths_about_police_body_worn_recorders.html.

⁷¹ Fourth Semiannual Report at 52–53; Second Semiannual Report at 14.

Concerns have understandably been raised about the privacy implications of body camera technology. Unlike other types of surveillance cameras or dashboard-mounted, in-car video systems, body-worn cameras potentially “give officers the ability to record inside private homes and to film sensitive situations that might emerge during calls for service.”⁷² The possible public disclosure of such video leads to concerns about how long video will be retained, how it is stored, and the manner in which the video is disclosed or made public.⁷³ Some communities, including immigrant communities, might hesitate to contact the police in the presence of a body camera. Some officers also may feel that the cameras, at least in some circumstances, intrude on their personal privacy.

Focused administrative policies governing body camera use and video disclosure are essential to balance accountability and privacy concerns. Such policies should set parameters that address both interests while ensuring that officers reliably use the cameras when they should. In short, policies matter. Indeed, the Mesa study

Seattle has tackled the challenges that all agencies face in balancing accountability and privacy interests by collaborating on a body camera policy that incorporates real-world lessons learned and by pioneering a technological solution that is garnering national praise.

found that overall camera use declined by 42% when it changed to a policy that provided officers with more discretion as to when to record events.⁷⁴

Seattle is not alone in considering the relationship among accountability, transparency, and privacy. The other 6,000 agencies using body cameras in some capacity are needing to navigate the same waters. However, Seattle’s implementation of a body camera pilot program has earned national praise for nimbly “seek[ing] a middle ground” that serves the interests of both police accountability and citizen privacy.⁷⁵ It has done so in multiple ways.

First, SPD consulted community stakeholders, including the American Civil Liberties Union (ACLU) and the CPC; national experts, including the body-worn video expert for the International Association of Chiefs of Police (IACP); the Monitoring Team; representatives from other agencies that have implemented body camera programs; and materials from the Department of Justice’s Community Oriented Policing Services Office (COPS) and Police Executive Research Forum (PERF). The resulting policy incorporates real-world lessons, expert recommendations, and the concerns and input of the Seattle community.

Second, SPD pioneered an innovative mechanism for balancing the transparency interests inherent in Washington’s broad public disclosure laws and personal privacy interests. In 2011, SPD determined that body cameras would violate the Washington Privacy Act.⁷⁶ Subsequently, the purported tensions between the state’s privacy and disclosure law prevented a pilot program from proceeding.⁷⁷ SPD managed to break the impasse

⁷² Police Executive Research Forum/Community Oriented Policing Services, U.S. Department of Justice, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* 11 (2014).

⁷³ *Id.* at 15–19.

⁷⁴ Michael D. White, Office of Justice Programs Diagnostic Center, U.S. Dept. of Justice, Police Officer Body-Worn Cameras: Assessing the Evidence 8–9 (2014) (summarizing Mesa Police Department, On-Officer Body Camera System: Program Evaluation and Recommendations (2013)), available at <https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>.

⁷⁵ Tom McCay, “Seattle is Showing Everyone the Right Way to Use Police Body Cameras,” *Mic* (Mar. 2, 2015), <http://mic.com/articles/111638/seattle-is-showing-everyone-the-right-way-to-use-police-body-cameras>; see Ansel Herz, “Seattle Police Department Leader Gets Transparency Award for Bodycam Program,” *The Stranger* (Mar. 5, 2015), <http://www.thestranger.com/blogs/slog/2015/03/05/21834935/seattle-police-department-leader-gets-open-government-award-for-bodycam-program>.

⁷⁶ Seattle Police Department Response to Statement of Legislative Intent #56-1-A-1: Body-Mounted Camera Pilot Project (Sept. 8, 2011), available at http://clerk.seattle.gov/~public/meetingrecords/2011/etcr20110908_3a.pdf.

⁷⁷ See, e.g., Josh Kerns, “Seattle Police Department delays body camera experiment over privacy concerns,” *MyNorthwest.com* (May 13, 2014), <http://mynorthwest.com/11/2520153/Seattle-Police-Department-delays-body-camera-experiment-over-privacy->

through an innovative collaboration geared toward finding a technological mechanism that would allow interested citizens to view video but do so in a manner that does not impermissibly intrude on the privacy of individuals who happened to be captured on video.

Specifically, in the Fall of 2014, a then-anonymous Seattle resident made some 30 public-disclosure requests under Washington's public disclosure laws for, among other things, more than 1.5 million SPD videos.⁷⁸ After SPD Chief Information Officer Mike Wagers reached out to the resident via Twitter, the resident met with SPD officials and "agreed to drop the request in exchange for a promise from police officials to open up their efforts at transparency."⁷⁹ The Department quickly did precisely that, convening a so-called "hackathon" on December 19, 2014. The "hackathon" focused on developing mechanisms to quickly redact the faces, identifying personal characteristics, audio, or license plates from SPD videos so that the Department can efficiently and effectively comply with Washington's privacy laws and its public disclosure laws.⁸⁰ Several individuals and groups demonstrated proposed technological fixes. SPD's willingness to partner with critics to reach pragmatic solutions is laudable and should serve as a model for working through other difficult problems in the future.

SPD's willingness to partner with critics to reach pragmatic solutions is laudable and should serve as a model for working through other difficult problems in the future.

The solution that SPD ultimately adopted involves a promising automatic process that blurs images into a kind of super-soft "melted focus"⁸¹ and mutes sound as necessary. The technology helps alleviate the need for more than five employees to work full-time on manually examining and redacting video footage. It also allows the Department to distribute video footage more widely and more quickly. Notably, this includes posting the blurred video from body cameras on YouTube, which has garnered significant national praise.⁸²

This innovative approach has not entirely eliminated issues surrounding public disclosure of body-worn video. The ACLU and other groups have called for greater restrictions surrounding dissemination of videos to protect privacy interests. The Washington State Legislature has been considering potential mechanisms for re-calibrating the balance between unfettered public access to video and the privacy of individuals captured in law enforcement video. Until such recalibrations are made, SPD will almost certainly need to continue expending substantial

concerns; Josh Felt, "Bruce Harrell's Fight for Body Cams," *SeattleMet.com* (Feb. 2, 2015), <http://www.seattlemet.com/news-and-profiles/articles/bruce-harrells-fight-for-body-cams-february-2015>.

⁷⁸ Jennifer Sullivan, "Man drops massive records requests, will help Seattle police with video technology," *Seattle Times* (Nov. 20, 2014), <http://www.seattletimes.com/seattle-news/man-drops-massive-records-requests-will-help-seattle-police-with-video-technology/>; Mike Carter, "YouTube channel showcases Seattle police videos," *Seattle Times* (Feb. 25, 2015), <http://www.seattletimes.com/seattle-news/man-drops-massive-records-requests-will-help-seattle-police-with-video-technology/>; Eric Pfeiffer, "How a Seattle Programmer Used Public Records Laws to Push Police to Fix a Surveillance Video Tech Headache," *Government Executive* (Jan. 8, 2015), <http://www.govexec.com/state-local/2015/01/seattle-police-camera-video-redaction/102483/>.

⁷⁹ Eric Pfeiffer, "How a Seattle Programmer Used Public Records Laws to Push Police to Fix a Surveillance Video Tech Headache," *Government Executive* (Jan. 8, 2015), <http://www.govexec.com/state-local/2015/01/seattle-police-camera-video-redaction/102483/>.

⁸⁰ See Taylor Soper, "Seattle Police holding first-ever hackathon to improve video redaction process," *GeekWire* (Dec. 5, 2014), <http://www.geekwire.com/2014/seattle-police-holding-first-ever-hackathon-help-improve-video-redaction-process/>; Lily Hay Newman, "Seattle Police Held a Hackathon to Figure Out How to Redact Body Cam Video Streams," *Slate* (Dec. 22, 2014), <http://www.geekwire.com/2014/seattle-police-holding-first-ever-hackathon-help-improve-video-redaction-process/>.

⁸¹ Chris Matzyszyk, "Police launch blurry YouTube channel for bodycam footage," *CNet.com* (Mar. 1, 2015), <http://www.cnet.com/uk/news/police-force-launches-blurry-youtube-channel-for-bodycam-footage/>.

⁸² See, e.g., "Seattle Police Share Body-cam Videos on YouTube," *Today* (Mar. 5, 2015), available at <http://www.hulu.com/watch/760698>; Jessica Glenza, "Seattle police post blurry body-camera videos to YouTube in transparency bid," *Guardian* (Mar. 9, 2015), <http://www.theguardian.com/us-news/2015/mar/09/seattle-police-posting-body-camera-footage-youtube-transparency>.

resources on responding to public disclosure requests – and may be required to provide some videos that some in the community believe should not be available to the public. Nonetheless, SPD's willingness to work with the Seattle community on calibrating the balance between transparency and privacy has been noteworthy and commendable.

The possibility of needing to refine policy based on lessons from the field should not deprive Seattle's diverse communities, SPD, and its officers from the demonstrated benefits of body cameras with respect to accountability and transparency.

Since the start of the year, twelve officers in the East Precinct have been using body cameras. Systems from two manufacturers have been tested for a period of 90 days each. At the conclusion of the pilot program, SPD will make a determination about which system better meets the Department's and officer's needs and will consider whether any refinements in body camera policy are necessary to reflect lessons learned during the pilot. In the meantime, the Monitoring Team has heard directly from officers participating in the pilot program that the body cameras are easier, better, and more reliable than the in-car video ("ICV") system and are serving as valuable tools in the field.

The SPD pilot program is slated to end in July 2015. While the Monitor appreciates the potential resources implicated, the Monitor strongly believes that body cameras need to be rolled out to all SPD officers throughout the Department on a permanent basis as immediately and rapidly as possible because they provide a more robust and unbiased factual record of citizen encounters, enhance the quality of force investigations, permit more comprehensive investigation and adjudication of civilian complaints, provide supervisors with invaluable information about officer tactics and training, and enhance transparency.⁸³

More than four years of discussion, public engagement, and collaboration on body cameras in Seattle has resulted in a sound working policy governing body camera use and a widely-praised, innovative method for simultaneously furthering transparency and privacy. As SPD, and law enforcement agencies across the country, continue to learn lessons about using body cameras and gain experience in balancing accountability, transparency, and privacy interests, adjustments to policy may be required down the road. The possibility of such future adjustments should not deprive Seattle's diverse communities, the Department, and its officers from the demonstrated benefits with respect to accountability and transparency associated with body camera technology. The time for permanent use of on-officer cameras by all SPD officers is now.

The time for permanent use of on-officer cameras by all SPD officers is now.

D. Force Investigation Team ("FIT")

The Force Investigation Team ("FIT") remains the dedicated, specially-trained unit that "investigates serious use of force by SPD officers."⁸⁴ In previous reports, the Monitoring Team has noted that "[t]he rigor and depth of an average FIT investigation represents a sea change from the SPD's formerly perfunctory force investigations."⁸⁵

Over the last six months, we have continued to find that investigators are generally doing a better job of covering all the bases in a typical force investigation – finding and interviewing all relevant witnesses, retrieving all video, following up with officers, and the like. The Force Review Board, like the Monitoring Team, is not regularly finding

⁸³ See Dkt. 3-1 ¶ 173(c).

⁸⁴ Fourth Semiannual Report at 31; see ¶ 112 *et seq.*

⁸⁵ Fourth Semiannual Report at 33.

material lines of inquiry are going unexplored during FIT investigations. The investigations appear to provide a well-developed record upon which subsequent decision-makers can make well-supported findings.

FIT investigators are generally doing a better job of covering all the bases in a typical force investigation.

The Monitor primarily reviews FIT investigations in order to be able to fully understand and monitor deliberations about force incidents before the FRB – not to provide real-time critiques to FIT on each and every one of its investigations. Currently, the Monitoring Team is conducting a methodologically rigorous assessment of the “quality, rigor, completeness, and timeliness of Force Investigation Team investigations”⁸⁶ of incidents that occurred between July 1 and December 31 of 2014 for which the investigations closed by March 2015.⁸⁷ Nonetheless, the Team’s ongoing familiarity with FIT investigations has suggested at least a few important areas on which FIT must still make some progress.

First, in its interviews of officers and witnesses, FIT continues to ask inappropriately leading and suggestive questions. These questions either “suggest . . . the answer desired”⁸⁸ or introduce information or facts not previously established in the interview and potentially unknown to the subject being interviewed.⁸⁹ The harmful effects of suggestive questioning are well-known. “Even seemingly innocuous, subtle suggestive questioning can alter people’s reports of an event they witnessed just a few minutes earlier”⁹⁰:

When a questioner asks a leading question of a respondent, observers may . . . infer that the questioner had an evidentiary basis for the question. Hence, observers will treat the question as conjectural evidence for the view of the respondent implied by the question. In addition, observers who listen to respondents answer leading questions may be misled by the answers because, in an effort to cooperate with the questioner, respondents may supply behavioral evidence that misrepresents their actual personalities.⁹¹

In short, using leading questions can lead the interviewed subject to create false memories and complicate efforts to secure an objective, impartial record of what occurred during an incident.⁹²

The Monitor has previously cited the use of inappropriately leading and suggestive questions as an area of concern,⁹³ and it has raised the issue with FIT and its Captain. During the last six months, the Monitoring Team has continued to see the inappropriate use of leading or suggestive questioning in some cases. FIT detectives sometimes introduce facts that they have not established that the interview subject independently knows or is

⁸⁶ Dkt. 195 at 8; see *id.* at 33–34.

⁸⁷ Dkt. 195 at 33.

⁸⁸ Washington Courts, “Glossary of Terms,” (last visited Apr. 22, 2015), http://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.termguide.

⁸⁹ Matthew P. Gerrie, et al, “False Memories,” in *Psychology and Law: An Empirical Perspective* (2005), 223–25 (collecting research which “demonstrate[s] that simply exposing participants to subtle postevent suggestions can lead them to report that they have seen nonexistent details”).

⁹⁰ *Id.* at 223.

⁹¹ William B. Swann, Jr., et al, “Where Leading Questions Can Lead: The Power of Conjecture in Social Interaction,” 42 *Journal of Personality & Social Psychology* 1025, 1025 (1982) (emphasis in original).

⁹² See, e.g., Elizabeth F. Lotus, “Leading Questions and the Eyewitness Report” 7 *Cognitive Psychology* 560, 560 (1975) (concluding that leading questions “can introduce new—not necessarily correct—information, which is then added to the memorial representation of the event, thereby causing its reconstruction or alteration”); Peter Pirolli & John Mitterer, “The effect of leading questions on prior memory: Evidence for the coexistence of inconsistent memory traces,” 38 *Canadian Journal of Psychology* 135, 135 (1984) (summarizing prior studies that “found that memory can be altered by leading questions that presuppose information inconsistent with original[]” memories).

⁹³ Fourth Semiannual Report at 32 (“The interview of the involved officer and any other witnesses must not contain leading questions or any other coaching of the witness to give particular answers”); Second Semiannual Report at 42 (calling for decreased reliance on leading questions in force investigation interviews).

aware of. Likewise, detectives at times ask questions in a manner that seems geared toward eliciting responses that would help make the involved officer's actions reasonable or within policy.

Because leading and suggestive questioning decreases the objectivity and reliability of FIT's important internal investigation and, ultimately, provides a disservice to involved and witness officers, as well as civilian witnesses, the practice must stop. In response to the Monitoring Team's concerns, the Department has recently engaged Dr. Ronald P. Fisher, a psychologist at Florida International University specializing in cognitive interviewing, to review FIT interviews and make recommendations. The Monitoring Team looks forward to reviewing those findings and recommendations. Meanwhile, the Team is focusing on this, and many other issues, in its Force Investigation Assessment, which is ongoing.⁹⁴

Because leading and suggestive questioning decreases the objectivity and reliability of FIT investigations, the practice must stop.

Second, the Monitoring Team has become concerned about the potential lack of objectivity observed during some FIT presentations to the FRB – and, indeed, about the utility of such FIT presentations at all. For many FIT investigations, despite the expectation that FRB members have reviewed the force investigation materials prior to the Board, the Captain of FIT has been providing a presentation about the case before the full Board. The tone and manner of these presentations have, too often, veered too closely to advocacy rather than neutral presentations of facts to a deliberative body. Conclusions about the intent, motive, and purpose of officers are expressed as facts rather than subjective conclusions. Some facts are presented as settled conclusions when they are, in fact, supported by some officer statements but disputed or contradicted by other officers or witnesses.

Third, even more troubling is the tendency of FIT to express opinions in its written materials and oral presentations to FRB as to whether officer conduct was in or out of policy. Because it is within the FRB's purview to assess the relevant force-related policy questions, the tendency by FIT to state its policy opinion is unwarranted and unwise.

FIT must continually recommit to ensuring that all of its investigations are impartial, thorough, complete, and fair.

The Monitoring Team questions the utility of FIT presentations to the Board in the first instance. As this report elsewhere notes, the amount of time and resources necessary for FRB discussions of force has become a significant concern. If the FIT presentations do little more than summarize written material and introduce overly subjective interpretations of those facts, the Team wonders if simply having FIT in attendance at meetings to answer Board member questions or discuss various factual points may be more satisfactory going forward. The Parties and Monitor have committed to discussing this practice when considering forthcoming revisions and updates to the FIT Manual.

In these, and in other areas, FIT must continually recommit to ensuring that all of its investigations are impartial, thorough, complete, and fair. This is what the Monitor and Parties will be looking for as consideration soon turns to whether FIT "has or has not performed satisfactorily under the direction of the Professional Standards section of the Department" rather than under OPA.⁹⁵ That determination will be informed substantially by the results of the FIT assessment currently underway.

⁹⁴ See Dkt. 195 at 33.

⁹⁵ *Id.* at 6.

E. Force Review Board (“FRB”)

At the time of the 2011 investigation that precipitated the Consent Decree, SPD’s “internal affairs department (its Office of Professional Accountability ‘OPA’) d[id] not provide the intended backstop for the failures of the direct supervisory review process,” with problems with OPA “render[ing] the system an additional deficiency contributing to the pattern or practice” leading to the Decree.⁹⁶ The Monitor has elsewhere observed that “the Consent Decree requires SPD to break conclusively with the days where OPA was the only mechanism of critical analysis within the Department – and where deficiencies in OPA investigations could eliminate the lone opportunity for accountability.”⁹⁷

No viable, long-term accountability system can depend solely on the good will of one person or entirely on the good efforts of one entity.

Notwithstanding the Monitoring Team’s ongoing professional and personal respect for current OPA Director Pierce Murphy, no viable, long-term accountability system can depend solely on the good will of one person or entirely on the good efforts of one entity. Indeed, Seattle has witnessed the dangers of placing too much hope on a single person or accountability structure.⁹⁸

Accordingly, “the provisions of the Consent Decree create multiple review bodies, such as the FRB, to enhance accountability within the Department, and allow the Department to self-assess, learn, and continually improve its own processes.”⁹⁹ To this end, the Monitor has repeatedly stressed the importance of the Force Review Board (“FRB” or the “Board”) to compliance with the consent decree and to SPD being a department with several, high-quality accountability mechanisms.

FRB must serve as “the hub of internal accountability and innovation with respect to use of force.”¹⁰⁰ It reviews force incidents classified by policy as more serious to accomplish two separate but equally important objectives. First, the Board reviews investigations of force incidents to determine – presuming that the investigation is thorough and complete – whether an officer’s application of force was in or out of policy.¹⁰¹ Second, regardless of whether the officer’s application of force at the moment that it was applied was consistent or inconsistent with policy, the Board reviews the incident to consider “implications” to the Department “for training, policy, practice, procedure, supervision, and the like.”¹⁰²

In prior reports, the Monitor has noted the FRB’s sustained improvement over time in becoming the place where the Department engages in critical self-analysis about force – and the ongoing challenges it needs to face to get there:

⁹⁶ United States Department of Justice, Civil Rights Division and U.S. Atty’s Office, W.D. Wash., Investigation of Seattle Police Department (Dec. 16, 2011) [*hereinafter* “2011 Findings Letter”] at 5, available at http://static.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/5436d96ee4b087e24b9d38a1/1412880750546/spd_findletter_12-16-11.pdf; see *id.* at 24 (“OPA Has Not Provided the Necessary Accountability”).

⁹⁷ Dkt. 204 at 18.

⁹⁸ See 2011 Findings Letter, App’x D at 7 (“[C]oncerns about the independence of the OPA Director have arisen in our investigation from a broad range of persons and communities. An OPA Director . . . must remain objective and welcoming of any criticism of SPD practices from persons of good will.”).

⁹⁹ Dkt. 208 at 6.

¹⁰⁰ Fourth Semiannual Report at 5; *accord* Third Semiannual Report at 54 (characterizing the FRB as needing to be the “hub for internal innovation and critical analysis” of force).

¹⁰¹ Dkt. 3-1 ¶ 123 (requiring that Board review force investigations to determine “whether the force used is consistent with law and policy” and “whether the investigation is thorough and complete”).

¹⁰² Fourth Semiannual Report at 37–38; *accord* Dkt. 3-1 ¶ 123 (requiring that Board consider “whether there are tactical, equipment, or policy considerations that need to be addressed”).

- The Team's December 2013 report noted that it was "greatly pleased with the [FRB's] progress in 2013" in becoming a forum where SPD "think[s] critically, challenge[s] traditional assumptions where appropriate, and consider[s] not just how things have always been done but challenge the Department to think of new and better ways to conduct law enforcement."¹⁰³ Still, "[d]espite substantial progress in broadening the scope of the [Board's] review" of incidents, significant work remained, and the Monitor made several specific recommendations.¹⁰⁴
- The Monitor's June 2014 report observed that "[a]lthough room for improvement still remains, the Department's continuing efforts" on the FRB "represent a significant area of progress."¹⁰⁵
- The December 2014 report similarly found that, once again, "[t]he quality of the [FRB]'s reviews and critical analysis of force incidents continues to improve overall," though "several systemic issues are preventing progress" in some crucial respects.¹⁰⁶

The Monitoring Team has similarly and consistently praised the hard work and dedication of Board members in reviewing and discussing force incidents throughout our previous reports.

Although the Department has been working impressively quickly in the past several weeks to make some extremely significant changes, progress at the FRB has plateaued in the last six months. This does not mean that

In some instances, the Board has difficulty finding that an officer violated SPD policy when the officer's force may have been reasonable at the moment that it was used but the officer used tactics elsewhere that were contrary to the SPD Manual.

good work has stopped. It most certainly has not. Board members remain far more willing now than at the start of the monitoring process to engage in critical, thoughtful discussions about force that analyze the whole of the incident rather than only the specific moment at which an officer has applied that force.

However, the plateauing that we see is the failure to make the additional progress necessary to get the Board to where the Department needs it to be. The most troubling issue relates to the ongoing reluctance of the Board to find that a use of force was out of policy. In particular, the Board has some difficulty resolving cases where an officer's force, at the moment that it was used, may have been reasonable, necessary and proportional but the officer violated another SPD policy – either in the events leading to the force or one of the SPD Manual's more specific guidelines with respect to the force application itself.

In some instances, Board members engage in convoluted interpretations of policy, extended philosophical conversations about the importance and meaning of concepts like "intent" and the meaning of "may," or unrealistic and implausible interpretations of facts.

In a number of other instances, Board members seem to revert to their own intuitive sense of what could have been reasonable under the circumstances. Indeed, in some cases, this view of "reasonableness" as a policy override has been expressly articulated. On at least a few occasions, the Board has cited language contained in the Preface to the SPD Manual to avoid initiating processes that might result in officer discipline. Until recently, that language provided, in relevant part:

¹⁰³ Second Semiannual Report at 20, 23.

¹⁰⁴ *Id.* at 20, 25–31.

¹⁰⁵ Third Semiannual Report at 48.

¹⁰⁶ Fourth Semiannual Report 37.

Policies, procedures, mission statements, and priority statements exist to maintain high levels of professional conduct. **Deviation from these written standards may be acceptable under certain circumstances, but must be reasonable;** and any actions must ultimately reflect the Department's mission statement and priorities.¹⁰⁷

Some Board members, citing this Preface or the “reasonableness” concept generally, argue that conduct that violates a particular policy should nonetheless be found “in policy” so long as the force, at the moment that it was applied, was objectively reasonable under the circumstances. The Monitoring Team has also heard the idea that all reasonable force must necessarily be “in policy” articulated among other command staff and rank-and-file officers – regardless of whether some of the officer’s tactics or decisions during the incident ran contrary to express SPD policy.

The Monitoring Team disagrees. It is true that the reasonableness of an officer’s noncompliance with policy may well be an appropriate mitigating factor when the Department determines whether and what discipline or remedial actions should be taken with respect to the officer. However, when it comes to whether a given officer’s performance violated policy, something can only be in or out policy. The Monitor is pleased that SPD has revised the Manual’s preface to reflect that “[i]t is the responsibility of each member of the Department to comply with the Manual’s rules and provisions.”¹⁰⁸

In numerous areas of public life, more specific administrative policy defines, clarifies, and makes more uniform how government representatives should apply their discretion in the real world.¹⁰⁹

As with numerous areas of public life, SPD policies define, clarify, and make more uniform how its officers should apply their discretion in the real world.

Indeed, although law enforcement agencies may have different types of policies or frameworks governing force, most force policies are “explicitly norm-based” attempts to capture some of the subtleties” to create “workable standards to be used on the street.”¹¹⁰

The experience of other police agencies validates the importance of a police agency’s policies on force to be more specific, clear, and pragmatic – so that officers in the field can respond quickly and effectively. When police agencies first adopted more detailed and pragmatic internal rules on force in the 1960s and 1970s, agencies in New York, Oakland, Omaha, Kansas City, Los Angeles, Dallas, and Memphis, among others, saw notable decreases in the number of officer-involved shootings.¹¹¹ When the Philadelphia Police Department “took the unique step of *abolishing* its restrictive deadly force policy, leaving officers free to operate” only on general legal provisions in 1974, “police shootings increased an average of 20 percent per year until 1980, when a reform administration reinstated the former policy” leading to a 67 percent drop in shootings after one year.¹¹² In short, administrative policies that are more precise, detailed, and informed by the needs of the local community than more generic legal constructs have been in place for decades elsewhere and have a proven impact.

¹⁰⁷ Seattle Police Manual Preface (emphasis added).

¹⁰⁸ Dkt. 204 at 20.

¹⁰⁹ See Kenneth Davis, *Discretionary Justice: A Preliminary Inquiry* 223 (1971) (“Our best administrative agencies do not allow subordinates to go in all directions in deciding multifarious cases; they pull toward uniformity by issuing precise and detailed rules . . . [The problems of police] can and should be guided by detailed and meaningful rules—rules that will be realistic and enforced . . .”).

¹¹⁰ William Terrill, 22 *Justice Quarterly* 107, 110–111 (2005) (discussing so-called “force continuum” policies); see Samuel Walker, National Institute of Justice, “Police Accountability: Current Issues and Research Needs” at 5 (2006) (“[A]dministrative rulemaking is a basic feature of modern management, if not all public and private sector organizations”).

¹¹¹ Michael D. White, “Assessing the Impact of Administrative Policy on Use of Deadly Force by On- and Off-Duty Police,” 24 *Evaluation Review* 295, 296 (2000).

¹¹² *Id.* at 296–97 (emphasis added).

All SPD officers must now understand that to remain a member of the SPD in good standing requires adherence to the specific letter and the core principles of the SPD's policies. "Reasonableness" is an important concept that is squarely reflected as a core principle and within the specific provisions addressing officer use of force in SPD policy.¹¹³ Necessity, proportionality, and de-escalation are also important principles and concerns.¹¹⁴ The more

The concept of "reasonableness" is an integral part of SPD's force policy – not an independent override.

specific policy provisions embrace reasonableness as a critical principle and yet go further – to provide more specific guidance and clearer expectations on what reasonableness means for a Seattle Police Department officer policing within the Seattle community.

In short, reasonableness is an integral part of SPD policy, not an independent override. The Monitor will not be in a position to certify that SPD is in full and effective compliance with the Consent Decree unless and until the Department demonstrates the ability to apply and hold officers accountable under the specific provisions of SPD's use of force policy rather than only the concept of reasonableness.

Thus, FRB members must no longer hesitate to find that cases are inconsistent with SPD policy. It needs to set the example for the rest of the Department by embracing a consistent, rigorous posture with respect to Department policy. The Monitor looks forward to working with the Parties in the coming months to identify additional, concrete, and fair mechanisms for holding officers accountable in those instances where the force applied may have been reasonable but other aspects of the officer's performance during the force incident violated SPD policy provisions.

One effect of the FRB sometimes going to great lengths to find officer performance "in policy" is that engaging in such convoluted deliberation requires time and resources. In part because of this, FRB gets through fewer cases than it should in order to keep up with the general use of force activity level within the SPD, which is still approximately 1.5 uses of force per day. The slow pace has resulted in a backlog of unreviewed force cases. For a use of force that happens today, it would currently take at least six months – if not seven or eight – for the Board to consider it. That delay decreases the ability of FRB to be a body that identifies systemic trends or issues in real-time. Meanwhile, SPD has been needing to spend significant amounts of overtime on those participating in the FRB. The Monitor is optimistic that some recent changes to FRB, discussed below, will eliminate the backlog and increase the efficiency of the Board.

The Monitor is optimistic that some recent changes to the FRB will eliminate a backlog of unreviewed force cases that has accumulated and increase the efficiency of the Board.

Room for improvement remains in other areas. The Monitoring Team continues to find, as it did in the Fourth Semiannual Report¹¹⁵, FRB members failing to systematically address whether a failure to de-escalate constitutes a violation of policy. Likewise, there remains no real system for meaningful and coordinated "follow-up on broader policy, training, procedure, business process, and other systemic issues that the FRB flags and discusses in meetings."¹¹⁶ The Monitor hopes that recent changes in the structure of the Board's deliberations and that the implementation of new administrative processes might be the catalyst for real improvement in these areas.

¹¹³ See, e.g., Dkt. 107-1 at 3 ("The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event"); *id.* at 6 ("Officers shall only use objectively reasonable force . . ."); *id.* at 7 (listing "[f]actors to be considered in determining the objective reasonableness of force").

¹¹⁴ Dkt. 107-1 at 3 ("An Officer Shall Use Only the Degree of Force That Is Objectively Reasonable, Necessary Under the Circumstances, and Proportional to the Threat or Resistance of a Subject").

¹¹⁵ See Fourth Semiannual Report at 41–43.

¹¹⁶ *Id.* at 43.

It should be noted here that the current speed of progress can in no way be attributed to any absence of sustained, impressive, and good-faith efforts by the leadership of the Board. The head of the Force Review Unit was responsible for establishing the Unit at its inception in February 2014. That Unit has managed to implement – from the ground up – the tracking systems and internal processes without which the Board simply could not function at

The stalling of progress at FRB cannot be attributed to any absence of sustained, impressive, and good-faith efforts by Board leadership.

any level. Likewise, the head of Force Review has allowed the Board to freely and fully debate the incidents – and sought, sometimes unsuccessfully, to get them to avoid belaboring minor or insignificant issues.

Additionally, the Board does not necessarily see the effects of what they are doing – which compromises Board morale and fails to communicate the importance of the Board to the reform process. It has been dispiriting for Board members when the same issues arise again and again, they make the same recommendations for the Department to change its practices, and they receive no feedback on how their recommendations have been addressed. One Board member expressed the belief that, until a Chief or Assistant Chief became an active participant and demonstrates to the Board that its opinion matters, the Board would not improve and that “this will be as good as it gets.” Encouragingly, Chief Cordner has been in attendance since she came into her current position. It will continue to be the task of Chief O’Toole’s new leadership team to ensure that the Force Review Unit has the institutional support it needs to inspire improvement and progress.

The Monitoring Team is supportive of the recent changes to the FRB, codified in a revised policy submitted to the Court on May 11, 2015.¹¹⁷ A smaller group of individuals, selected by the Assistant Chief of Compliance, has been appointed to serve on the Board. Those appointees will receive training focusing on the investigation and review of force incidents. The Force Review Unit, and the FRB Captain, will screen less-serious uses of force – sending serious force, as well as a random sample of other force cases, to the FRB to ensure that significant force is reviewed in a timely manner but that lessons from lower-level force cases will still be captured and subject to follow-up. The Board’s charge will be to determine rigorously whether officer performance was consistent or inconsistent with SPD policy – and what an officer’s performance means for Department policy, procedure, training, and processes. The Monitor looks forward to seeing this updated policy meaningfully and swiftly implemented so that FRB can once again make progress toward becoming the hub of the Department’s critical self-analysis.

F. Crisis Intervention

The SPD’s interactions with individuals experiencing behavioral crisis – including mental illness, substance abuse disorders, or other personal and behavioral issues or concerns – remain a primary focus of the Consent Decree.¹¹⁸ Pursuant to this year’s Monitoring Plan, SPD conducted an internal assessment of its responses to calls and incidents involving individuals in crisis.¹¹⁹ Although the Department will need to collect more precise and comprehensive statistics about the whole spectrum of its crisis response efforts, its initial assessment revealed some important trends in the crisis intervention area.

First, SPD officers are making what appear to be crisis contacts thousands of times each year, and the number is growing. SPD reports that its dedicated Crisis Response Unit (“CRU”, a specialized team that follow up on crisis events and may be called out to the scene) received over 4,800 cases in 2014 – an increase of over 30% as compared

¹¹⁷ See Dkt. 204.

¹¹⁸ See Fourth Semiannual Report at 76 (defining and summarizing “crisis intervention”).

¹¹⁹ Seattle Police Department, Crisis Intervention Program Report 2014 (May 1, 2015); see Dkt. 195 at 6, 23 (requiring assessment of SPD responses to crisis intervention incidents).

to 2013.¹²⁰ High-priority calls – where a subject is in imminent danger of injury or death – increased approximately 50% in 2014.¹²¹

Also noteworthy is SPD's report that slightly more than 50% of the Department's applications of force involved subjects impaired by either mental illness or drugs or alcohol over the past year.¹²² Although this is lower than the 70% estimated by the Department at the start of the Consent Decree process¹²³, this data reinforces that success in handling crisis calls is critical to the Department's overall success in managing its use of force and community interactions properly.

Early information collected from the rollout of an electronic form for all SPD officers to log contacts with crisis-eligible individuals has been revealing. In the first week where the technology was deployed in the field, 73 contacts were logged. Approximately 10% of contacts – just within the first week – were repeat subjects, meaning that SPD officers had previously interacted with them in just that same week. SPD hopes that they will be able to identify these individuals and coordinate with the Crisis Intervention Committee ("CIC") and social service providers on appropriate responses.

Although more and higher-quality data is necessary, it appears that SPD officers are making thousands of crisis contacts each year – with at least 50 percent of SPD force applications involving subjects affected by mental illness or substance abuse.

SPD has recognized the importance of the crisis work and dedicated additional resources and focus over the past six months. We applaud the efforts. Nonetheless, the Department will need to take significant steps to ensure that officers with specialized crisis training are called to the scenes of incidents whenever possible so that their skills can be used in the field in a manner that has the potential to influence the outcome of situations.

Policy Changes to Solidify the Structure of Crisis Intervention Efforts & Training

As of the Monitor's December 2014 report, the SPD had assigned a lieutenant part-time to oversee crisis intervention efforts. Although the lieutenant was dedicated and talented, more personnel were needed to manage such a large and complex issue. The Department responded by making important revisions to policy and appointing a full time sergeant to act as the crisis intervention coordinator ("CIT Coordinator"). A patrol lieutenant is also assigned to oversee the coordinator and all crisis intervention issues as the Commander of the Crisis Intervention Unit. The Assistant Chief of Patrol Operations and Assistant Chief of Compliance and Professional Standards Bureau both list the success of crisis intervention efforts as part of their job descriptions. The Crisis Intervention Unit also is made up of a team of three Seattle Housing Authority liaison officers and the CRT. Accordingly, SPD has made clear that it is intending to take crisis intervention seriously.

Additional policy changes included clarifying that the first responding officer is the "primary" officer on the scene, still responsible for securing the scene and documenting the incident. This will ease the burden on the CIT-Certified officers who will still take the lead at the scene. These are commonsense changes that improve the department's response to these incidents, while keeping the core structure of the "Memphis model" upon which

¹²⁰ Seattle Police Department, Crisis Intervention Program Report 2014 (May 1, 2015) at 5.

¹²¹ *Id.*

¹²² *Id.* An "application of force" refers to a singular act of physical coercion by an officer and does not equate to an incidence of force. For example, if more than one officer applies force in a single incident, or one officer applies two levels of force, once force incident could count for multiple applications of force. Over a one-year period between April 2014 and March 2015, the Department's 2,051 applications of force were purported to be distributed across 1,028 force incidents.

¹²³ 2011 Findings Letter at 4.

Seattle's CIT Program is based.

The Department leads and helps to organize the CIC, an interagency advisory committee composed of regional mental and behavioral health experts, social service providers, clinicians, community advocates, academics, other law enforcement agencies, the judiciary, and members of SPD. The effectiveness of the CIC is critical to provide a feedback loop from the community about how SPD is performing with people in crisis and to provide a platform for leveraging the resources and coordination of multiple agencies to improve services for those who suffer from mental illness and drug and alcohol addiction.

All SPD officers and dispatchers are continuing to receive crisis intervention training, with certified experts receiving even more.

Since the addition of the personnel mentioned above, the Department has been more active in promoting communication among the CIC members, solidifying a governance structure, and attempting to generate energy within the CIC to fulfill its mission. This will be an ongoing task, and we will continue to monitor CIC's progress.

SPD also continues to invest resources in the training of personnel related to interacting with those in crisis. The Education and Training Section continues to develop new courses that will be incorporated into the standard portfolio of training that officers receive every year. Thus, all officers will receive basic training related to crisis intervention. A 40-hour class will continue to be offered to officers who volunteer to become CIT-Certified. SPD has gained some indication that the crisis-focused training is having a difference. In a recent survey of officers conducted by the CIC with Seattle University, "confidence in handling behavioral crisis incidents increases with the level of CIT training."¹²⁴

The CIT-Certified officers will receive a mix of courses specifically developed for those receiving this highest level of training and perhaps training at the State's Training Academy. Dispatchers will receive another year of specifically-tailored training as well. A 40-hour class will continue to be offered to officers who volunteer to become CIT-Certified.

Overall, we are satisfied with the infrastructure and resources provided by the SPD to address crisis intervention efforts. Accordingly, the focus of our monitoring has shifted to whether the infrastructure is influencing whether and how individuals with crisis training and experience are responding to incidents in the field.

Staffing In The Field

One challenge facing the SPD relates to the logistics of staffing enough volunteer CIT-Certified officers – who receive more substantial training but are not part of the dedicated Crisis Response Team – so that they are able to respond to crisis incidents on any and all shifts, as required by Paragraph 130 of the Consent Decree.

SPD reports that approximately 35 percent of its sworn officers (461 of 1,333) have been certified, that 40 percent of those on patrol are certified, and that it continues to recruit and train more officers to increase this percentage.¹²⁵ This is a slight increase from what was reported for the Monitor's First Semiannual Report in April 2013, where 404 out of 1,261 officers, or 32 percent, were considered certified.¹²⁶

CIT-Certified officers are not evenly dispersed throughout the Department. The percentages of CIT-Certified

¹²⁴ Jacqueline B. Helfgott, et al, "Seattle Police Department Crisis Intervention Team Culture Survey" [hereinafter "SPD CIT Culture Survey"] at 3 (May 21, 2015).

¹²⁵ Seattle Police Department, Crisis Intervention Program Report 2014 (May 1, 2015) at 3.

¹²⁶ First Semiannual Report at 12–13.

officers reported for each precinct range from a low of 31 percent in the North precinct to a high of 59.1 percent in the West Precinct. Staffing is organized into three watches (First, Second, and Third). Staffing ranges from a low of approximately 20 percent on the Third Watch at Southwest, to an unusually high 92 percent on the First Watch at South.

As detailed further below, there remains insufficient data to indicate if this coverage level is sufficient or effective. SPD reports that when force is used on persons in behavioral crisis or impaired by drugs or alcohol, certified officers are involved approximately 50 percent of the time. However, this does not provide any detail about how often CIT-Certified officers are responding to incidents generally – including instances when no force is used. Likewise, although there is at least some anecdotal evidence that SPD may be seeing some positive effects from CIT,¹²⁷ there is no hard data currently for assessing either how CIT-Certified officers are influencing behavioral crisis situations when they do respond or the reasons for why CIT-Certified officers are not present for about half of the incidents in which force is applied to individuals in crisis.

SPD has reported anecdotally that, given the large number of crisis calls, CIT-Certified officers are very stretched and busy. SPD continues to recruit officers to become certified to attempt to increase its coverage. In addition,

A recent survey found that SPD personnel are highly supportive of utilizing the crisis intervention concept in law enforcement.

SPD is looking into ways to make crisis coverage more efficient – by working with dispatch to ensure that CIT officers are called out only to actual crisis calls (as opposed to misidentified ones), ensuring that CIT officers are present at all high risk calls, and exploring a mechanism to allow some low level calls to be handled by non-certified officers to relieve some of the burden on certified officers.

Despite the need for ongoing refinement, a recent survey of SPD officers concluded that “[t]here is general support for the CIT model among SPD Personnel with 76.8% of personnel surveyed indicating support for utilizing the CIT concept in law enforcement.”¹²⁸

Data Collection & Analysis of Crisis Issues

An overall objective of the Consent Decree was to provide training and programs that might reduce the level of use of force applied to individuals in behavioral crisis. Although all of the efforts to date to create an infrastructure, policies and procedures, training and deployment of skilled officers is laudable, those initiatives will not move the ball forward much in terms of the Consent Decree until it is demonstrated that officers are handling use of force in an appropriate manner with respect to crisis populations. To date, the Monitoring Team have not received any systemic information or hard data either way, positive or negative, to test whether SPD is handling crisis interventions better. The Monitor hopes to see a significant improvement in this regard over the next six to twelve months – so that good work of CIT-trained officers might be validated, as appropriate, and systems can be adjusted or tweaked as necessary based on real-world evidence.

The Monitoring Team would expect the best information about crisis intervention efforts to come from three sources. First, the force review process should be assessing crisis incidents to determine whether they were handled appropriately. Currently, it appears that the process – whether in the chain of command or at the Force Review Board – is not considering incidents from a crisis intervention perspective. Given the importance of this issue, the Monitoring Team is concerned that not even anecdotal information is being fed back to the crisis

¹²⁷ Jonah Spangenthal-Lee, Seattle Police Department, SPD Blotter, “Officers Use Crisis Training, Less-Lethal Tools When Teen with Knife Tries to Force Police to Shoot Him,” (May 20, 2015), <http://spdblotter.seattle.gov/2015/05/20/officers-use-crisis-training-less-lethal-tools-when-teen-with-knife-tries-to-force-police-to-shoot-him/>.

¹²⁸ SPD CIT Culture Survey at 3.

intervention team and CIC to help assess progress. The Force Review Unit should work with the Crisis Intervention Unit over the next several months to develop a better, more regularized process for considering how use of force is being applied to individuals in crisis, whether CIT-Certified officers handled those incidents, and whether the force was consistent not just with the Department's general use of force policy and training but with crisis training.

Second, sergeants are the front-line supervisors of field work related to crisis incidents. Thus, we would like to see the crisis intervention team be able to obtain richer, more specific feedback from supervisors about the quality of work officers are exhibiting in the crisis area – backed up by examples from incident reports, anecdotes from debriefings, and videos.

Initial results of collecting information on all officer interactions with individuals in crisis are extremely promising.

Third, in May 2015, the Department rolled out a mechanism to collect information about officer interactions with individuals experiencing behavioral crisis using the existing in-car computing infrastructure. The data collection instrument was designed with the help of the CIC and researchers, as well as feedback from front line officers. It is beginning to capture data for every contact made with someone in crisis – even where no force is used. As noted previously, the initial collection of information about SPD interactions with individuals in crisis has been minimally time-consuming for officers and has real promise for connecting individuals in crisis with responses and services that they need.

The initial results are promising. In the first week alone, officers documented more than 70 such contacts, an average of over 10 per day. In that initial data collection, the Department for the first time could see patterns of these individuals' behavior and identify those who frequently use these scarce public resources. For example, the Department identified seven such individuals, some of whom SPD could see for the first time move from one precinct to the next. Through this data, and by working with the CIC providers, SPD may be able to direct such individuals to the optimal resources.

With the availability of new data about crisis interactions not culminating in force, more focused review of crisis issues in the context of force review, and greater emphasis on crisis issues among first-line supervisors, we hope to see a detailed story emerging about how the SPD is doing with regard to crisis issues in the next six months. It will be realistic to expect the Department to be able to report, with a high degree of confidence and specificity:

- How many crisis encounters the Department is having?
- How many crisis encounters result in the use of force?
- How many incidents are being handled by CIT-Certified officers and to what degree? (i.e., were Certified officers merely present or did they actively take the lead at the scene?)
- How skillfully the crisis situations were handled?

The Monitor continues to be encouraged by SPD's efforts to build an infrastructure to support crisis intervention work and to make crisis response a priority. However, much more will need to be known with greater certainty to be sure that the crisis infrastructure is making a difference on the ground and in the real world. This is where the proverbial rubber meets the road.

II. STRUCTURES OF CRITICAL SELF-ANALYSIS

A. Data Analytics Platform ("DAP")

When the Consent Decree began, the Department faced the task of fundamentally changing the manner in which its officers report and supervisors investigate and review critical incidents like use of force and stops. This required an end of the days where "reporting exist[ed]—if it existed at all—on paper stuffed, unreviewed, in file cabinets or entered into an unreliable, inaccurate, and incomplete legacy database."¹²⁹ Likewise, to better manage officer performance and engage in proactive officer development, the SPD would need to be able to access and analyze information about what its officers are doing reliably and efficiently.

The Monitor's last semiannual report, in December 2014, noted that SPD had reached a significant milestone: the collection of force data in a uniform, systemic, modern electronic format.¹³⁰ The Department is also collecting basic information necessary to effectuate the Early Intervention System on areas like vehicle collisions, lawsuits, accidental firearms discharges, canine deployment, and others. Now that the Department has all but completed its transition to more reliable and electronic data tracking in a number of areas, which is a major milestone, it is prepared to make significant advances in the way collected data will be analyzed and used.

The Department is now engaged in the process of selecting a vendor to develop and implement a comprehensive Data Analytics Platform ("DAP"). Once developed, the DAP will consolidate and manage data provided by a variety of transactional systems related to police calls and incidents, citizen interactions (including use of force incidents and Terry stops), administrative processes, training, and workforce management.¹³¹ It will provide SPD with reporting and analytical capabilities that will greatly enhance the Department's ability to manage for itself the risk of unconstitutional policing.

¹²⁹ Fourth Semiannual Report at 26.

¹³⁰ *Id.* at 30.

¹³¹ See Third Semiannual Report at 38–39 (describing functionality of the DAP, formerly referred to as the "BI System").

The Monitor's "increasing confidence" in SPD's ability to use accurate data to manage officer performance and the risk of unconstitutional policing has continued to expand during the last six months.¹³² In August of 2013, the Honorable Judge James Robart granted the City an extension until March 1, 2015 to "get the process right" in developing a Request For Proposals ("RFP") for the construction of the DAP.¹³³ Chief O'Toole then appointed new leadership to the Department's DAP team, which was tasked with working in partnership with the City, DOJ, and the Monitoring Team, to develop the RFP.

SPD is preparing to make significant advances in the way collected data about officer performance will be analyzed and used.

In developing the RFP, the Department drew upon previous work conducted by PricewaterhouseCoopers in 2013, which provided a high-level assessment of the department's technology needs.¹³⁴

The Price Waterhouse Coopers 2013 report (the "2013 PWC Report") revealed a variety of deficiencies within the SPD IT landscape. Many of the issues identified pertained to the integrity, quality, and basic reliability of SPD's data and systems.¹³⁵

In response to the 2013 PWC Report's findings, the SPD sought to better understand the deficiencies in its data systems. In late 2014, and early 2015, SPD retained the services of an information technology research and consulting firm, Gartner. The Department asked Gartner to perform a more comprehensive "gap analysis" to identify what issues will need to be addressed within the underlying data systems that will provide data into the DAP environment.

Gartner determined that not all data desired for the DAP is currently available in SPD systems. Indeed, a number of gaps in data quality and integrity that must be remedied to ensure the successful implementation of the DAP.

Using the information gleaned from the 2013 PWC Report and its ongoing analysis from the Gartner Group's study, SPD engaged in a collaborative process to refine an RFP. The strength of the ultimate RFP, released in early February 2015, is a testament to the Department's ability to utilize outside expertise to inform its internal decision-making. Prior iterations of SPD leadership may have insisted upon conducting its own, independent research on technology gaps or to resist incorporating criticism from third parties into the RFP. Current leadership has instead demonstrated the ability to efficiently manage a large project by utilizing outside expertise when warranted. As released, the RFP is an impressive, detailed, and straightforward document that paints a realistic picture of the opportunities and challenges that any vendor will face.

Proposals in response to the RFP were due to the City by April 13, 2015. The contract is expected to be awarded by September. The RFP contemplates that the first phase of the DAP – relating to core consent decree-related functions – will be completed within eighteen months from the awarded vendor's commencement of work. In other words, it is possible, and in fact a goal of the Department, to separate (both conceptually and financially) and prioritize those tasks that clearly would aid the Consent Decree process and those that, while supportive of proactive 21st century policing, are not as closely related to the Consent Decree.

¹³² Fourth Semiannual Report at 5.

¹³³ 8/19/2014 Status Conference Transcript at 23.

¹³⁴ PricewaterhouseCoopers, "Seattle Police Department: Proposed Development of a Business Intelligence System—Executive Summary" (Dec. 6, 2013), *available* at http://www.seattle.gov/police/compliance/docs/BI_Reports/SPD_BI_ExecSummary_FINAL.pdf.

¹³⁵ *Id.*

Even as the vendor procurement process unfolds, SPD will be engaged in a parallel effort to remedy the identified data and systems gaps. This effort will include performing a number of system enhancements and modifications to existing SPD information technology systems, as well as implementing business process improvements around the use of those systems.

Likewise, during the development of the DAP, the Monitoring Team will continue to be moving forward with data analyses to assess the progress of the Department in compliance with the Settlement Agreement.

B. Early Intervention System (“EIS”)

An Early Intervention System (“EIS” or “EI system”) is a non-disciplinary, institutionalized process for supervisors to identify officer performance trends that may benefit from intervention or other formal professional development. The EIS “provides a basis for affirmative, non-disciplinary supervisor intervention to assist officers in performance and career development.”¹³⁶

EI systems are not new. The Miami-Dade Police Department created one of the first modern early intervention systems in 1981,¹³⁷ the same year that the U.S. Commission on Civil rights recommended that all law enforcement agencies have such systems to identify potentially problematic performance trends.¹³⁸ In Pittsburgh, like other agencies that have successfully implemented consent decrees, “the early warning system is

An Early Intervention System is the centerpiece of the Police Bureau’s reforms in response to the [DOJ] consent decree.”¹³⁹

a non-disciplinary,
institutionalized process for
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formal professional
development.

SPD technically had an EIS in place at the start of the Consent Decree – but the 2011 Department of Justice investigation of SPD “f[ou]nd systemic deficiencies in SPD’s Early Intervention System” as it then existed.¹⁴⁰ The performance “thresholds” necessary for officers to reach for a supervisor to initiate an informal performance review were “far too high.”¹⁴¹ When interventions occurred, they occurred “far too late” and “far too long after the triggering incident, which diminishes the effectiveness of the intervention and the ability to remedy an officer’s behavior.”¹⁴² Furthermore, supervisor review of officer performance for the EIS was “superficial at best,” and follow-up to determine if intervention had changed performance did not occur.¹⁴³ Thus, SPD’s system seemed more akin to those EI “systems appear[ing] to be essentially symbolic gestures with little substantive content.”¹⁴⁴

¹³⁶ Fourth Semiannual Report at 69.

¹³⁷ Chris Moore, California POST, “Early Intervention Programs in Large Law Enforcement Agencies: Addressing At-Risk Behavior of Sworn Personnel” at 4 (2003).

¹³⁸ Tim Prenzler, *Police Corruption: Preventing Misconduct and Maintaining Integrity* 119 (2009).

¹³⁹ Robert C. Davis, et al, “Turning Necessity into Virtue: Pittsburgh’s Experience with a Federal Consent Decree” at 37 (2002); see Samuel Walker & Carol A. Archbold, *The New World of Police Accountability* 148–49 (2014) (outlining requirements of early warning system in Oakland, California Consent Decree involving private litigants).

¹⁴⁰ 2011 Findings Letter at 22.

¹⁴¹ *Id.* at 22.

¹⁴² *Id.* at 22, 23.

¹⁴³ *Id.* at 23.

¹⁴⁴ Samuel Walker, et al, National Institute of Justice, U.S. Department of Justice, “Early Warning Systems: Responding to the Problem Police Officer” at 7 (July 2001), <https://www.ncjrs.gov/pdffiles1/nij/188565.pdf>.

The Court approved a dramatically overhauled EIS policy on March 10, 2014.¹⁴⁵ A Summer 2014 “go-live” date for the system needed to be scrapped because the Department’s interim performance database solution, IAPro, did not yet capture the whole of information necessary to effectuate the policy.

EIS is a “best practice in accountability.”¹⁴⁶ A number of jurisdictions implementing consent decrees have implemented EIS Systems.¹⁴⁷ Numerous guides – many of which are cited in the footnotes of this and previous of the Monitor’s semiannual reports – are available that provide detailed information on how to implement a system and train supervisors and line officers alike in what they are. Nonetheless, as previously noted, SPD’s slow progress during the 14-month implementation was due in part to its inclination to assume that lessons learned and best practices from other agencies are not applicable in Seattle.

SPD’s slow progress in implementing a dramatically overhauled EIS was due in part to an inclination to assume that lessons learned from other agencies were not applicable in Seattle.

A January 1, 2015 “go-live” date¹⁴⁸ was scrapped because important details relating to supervisor and officer training, as well as those associated with “the workflow and ‘paperwork’ associated with assessing an officer’s performance,” had not been adequately addressed.¹⁴⁹ Final adjustments to the EIS policy have been made in light of lessons learned during the implementation process.¹⁵⁰

After much additional work and discussion, the EIS is being rolled out across the Department over a 30-day period. By June 19, EIS will be up and running Department-wide. This is an important milestone. For the first time, SPD will have not merely a mechanism for responding to problematic or deficient performance that has

Chief O’Toole and her senior command have signaled their strong support of an EIS that will serve as a centerpiece for the new way that SPD and its supervisors proactively manage officer performance.

already occurred but also a means for identifying officers who might benefit from behavioral intervention before a problematic performance trend, bad habit, or personal issue affecting performance might culminate in an especially troubling incident. The Court-approved policy and Program finally lets SPD manage officer performance affirmatively and proactively.

Chief O’Toole, Deputy Chief Carmen Best, and Assistant Chiefs Cordner and Wilske have all signaled their strong support of an EIS that will function according to best practices, be informed by the lessons learned from other agencies that use such a process to manage and develop officers, and be guided by facts and evidence. Assistant Chiefs Cordner and Wilske will be meeting personally with Captains and Lieutenants to brief them on the EIS – and advancing it as an integral new means by which the Department will develop officers and manage performance. This is an encouraging sign.

¹⁴⁵ Dkt. 125; see Third Semiannual Report at 76–89 (describing Court-approved EIS policy).

¹⁴⁶ Samuel Walker, “What a Good Police Department Looks Like: Professional, Accountable, Transparent, Self-Monitoring” at 2 (2014), available at <http://samuelwalker.net/wp-content/uploads/2014/10/WHAT-A-GOOD-POLICE-DEPARTMENT-Final.pdf>.

¹⁴⁷ Police Executive Research Forum, “Civil Rights Investigations of Local Police: Lessons Learned” at 6 (July 2013), available at http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf.

¹⁴⁸ Fourth Semiannual Report at 70.

¹⁴⁹ *Id.* at 74–75.

¹⁵⁰ See Dkt. 202 (submitting updated EIS policy to Court and recommending approval); Dkt. 203 (approving updated EIS policy).

Also noteworthy has been recent progress in finalizing some minor revisions on the EIS policy, completion of a practical “toolkit” and Frequently Asked Questions resource for sergeants to consult when considering officer performance histories, and solidification of the processes by which the Performance Review Committee (“PRC”) – which will oversee EIS and ensure standard application of performance assessments across precincts and officers – will operate.

Although the EIS will be fully up and running by June 19, the Monitor will be watching it closely. EIS is currently considered an SPD Human Resources (“HR”) responsibility. Although the Monitoring Team has faith in the abilities and dedication of the Human Resources Sergeant currently assigned to coordinate EIS, the location of the EIS in HR sends the wrong message about the importance of the system in managing and supervising officers. In other agencies, even if its is not administered more squarely within the core of the Department’s operational structure,¹⁵¹ “command staff and the chief meet . . . to review the behavior of officers above threshold levels.”¹⁵² In those places, EIS quickly becomes seen as a core means of doing business and ensuring the professional development of officers. It is unclear whether EIS can function as a core operational system while being housed within HR. If SPD chooses to keep EIS in HR, it will need to ensure that supervisors understand the importance of the EIS to their supervisory responsibilities to get the EIS to where the Consent Decree requires.

The EIS will be up and running by June 19. Time will tell whether current business practices, leadership, and training on the system are adequate to carry out the EIS policy and comply with the related provisions of the Consent Decree.

In the Fourth Semiannual Report in December 2014, we noted that “the EIS Work Group has done little advance thinking about the more difficult supervision challenges that lie ahead.”¹⁵³

Although SPD diligently attempted to prepare basic training materials for supervisors during the last six months, for a variety of reasons, supervisors will not be receiving the full scope of information that they need to engage in structured, fulsome reviews of officer performance until the topic is covered in the context of comprehensive supervisor training later in the year. They have, however, received electronic-based training and roll call training.

Likewise, in the December 2014 report, we noted that IAPro cannot automatically effectuate the Court-approved EIS policy.¹⁵⁴ Instead, manual processes and defined business workflows would need to be in place in order for sergeants to efficiently conduct reviews of officer performance, command staff to review intervention plans, and the like.¹⁵⁵ Despite repeated calls on SPD to think through the dry, mechanical, and often granular “business process” issues that are likely to arise when the EI system is up and running, SPD has not appeared to have systematically done so. Time will tell as to whether the EIS processes need to be further developed for SPD and its officers from a day-to-day workflow and business practice perspective.

Along those lines, the Monitoring Team and DOJ both have concerns about whether the mechanisms are in place to ensure that supervisors are carrying out the basic requirements of the EIS policy. For instance, one such

¹⁵¹ Chris Moore, California POST, “Early Intervention Programs in Large Law Enforcement Agencies: Addressing At-Risk Behavior of Sworn Personnel” at 4 (2003) (San Jose); Las Vegas Metropolitan Police Department, “Internal Affairs” (last visited Apr. 23, 2015), <http://www.lvmpd.com/Sections/InternalAffairs/tabid/176/Default.aspx> (Las Vegas).

¹⁵² Samuel Walker, et al, “Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Chief Executives” (2005) at 11–12 (Pittsburgh).

¹⁵³ Fourth Semiannual Report at 73.

¹⁵⁴ *Id.* at 74.

¹⁵⁵ See Fourth Semiannual Report at 74–75.

requirement is for sergeants to survey officer performance information once per week. Lieutenants, as with any other policy, are the supervisors in charge of ensuring that sergeants are complying with this critical responsibility. At least as of late April, no mechanism or system was in place by which a lieutenant could confirm independently, or at least review a sergeant's representation, that the required reviews occurred. If a primary problem in the 2011 DOJ investigation was that the review of officer performance was "superficial," the new EIS system will need to have adequate mechanisms for eliminating perfunctory reviews going forward.¹⁵⁶

The Monitoring Team looks forward to seeing the EIS up and running and will stand at the ready to provide SPD with technical assistance on solving problems or addressing issues that come up during its initial months.

¹⁵⁶ 2011 Findings Letter at 23.

III. DISCRIMINATORY POLICING

A. Policy Updates¹⁵⁷

Pending before the Court are proposed updates to SPD's bias-free policing and Terry stop policies. The minimal changes to the policies reflect discussions among SPD, the Parties, the community, and the Monitor over the last 14 months as the Department has worked toward turning policy into practice.

The lone substantive change in the updated stop policy involved removal of ambiguous language concerning completed misdemeanors as the foundation for a stop and clarifications on how civil infractions should be handled.

Similarly the only updates to the bias-free policing policy involves the insertion of language aimed toward ensuring that SPD's consideration of disparate impact issues are sufficiently mindful of institutional bias issues and that SPD engage in ongoing and dynamic two-way consultation with community partners, including but not limited to the CPC, to analyze disparate impacts, their causes, and possible solutions where possible but that both entities can conduct their own, independent inquiries in the area as necessary.

¹⁵⁷ This section quotes, excerpts, or adapts substantially from Dkt. 205.

B. Stops & Detentions

The Department's, stops and detentions policy¹⁵⁸ provides important protections against the risks of discriminatory policing.¹⁵⁹ However, those protections must be translated from paper into practice.

During the 2011 Department of Justice investigation that led to the Consent Decree and during much of the monitoring so far, SPD had no clear idea of when or how often officers were stopping civilian subjects or whether the bases for those stops were legitimate. This was a problem for several reasons. It puts the Department at a disadvantage when attempting to resolve lawsuits or citizen's complaints. It permits far less effective management and deployment of personnel because the Department remains unaware of what geographic or patrol areas are high-volume or low-volume stops areas. It also prevents SPD from considering whether officer stop activity is disproportionately impacting some individuals more than others.

The approved policy specifically requires that officers document all Terry stops, including documenting a number of critical elements and descriptions of the interaction, the person stopped, and the basis for the stop.¹⁶⁰ The process of gathering this data has only recently begun. The Department's interim officer

Initial results from a pilot project on information collection about stops and detentions of civilians have been encouraging.

performance database system, IAPro, does not yet offer a solution for collecting stops information. Accordingly, SPD admirably undertook to develop its own method to collect stops and detentions data.

The task of determining how vital information on stops and detentions could be collected required self-initiation and in-house expertise that understood the real-world implications of collecting stops data for Seattle's patrol officers. It also required working through a number of supposedly intractable logistical or technological problems and finding creative solutions or systems compromises – precisely the type of “[p]rogress and pragmatic innovation” that the Monitor has long noted “must not be merely tolerated but energetically pursued” across all areas of the Department.¹⁶¹

The superior project management team that Chief O'Toole assembled to guide the project quickly identified advantages of, at least for now, using SPD's existing in-car computer system to collect the necessary information. Because officers already use the system to log important information about law enforcement and crime activity, using it eliminates the need for officers to waste time and resources logging duplicative information in separate systems by auto-filling a number of basic fields or data elements.

In March 2015, the Department began a 30- to 60-day pilot program to test the technological solution in the East Precinct. The duration of the pilot is flexible to ensure that ample data is collected to make an initial assessment regarding the functionality of SPD's Terry stop collection methods. Although the pilot period remains ongoing, initial results have been encouraging. The East Precinct has reported that the estimated time for officers to enter the required Terry stop information has been five minutes in almost all instances – which is consistent with the experience of the many other urban police departments that are capturing data on subject stops.

¹⁵⁸ Seattle Police Manual 6.220, Dkt. 116 at 11, *available at* <http://www.seattle.gov/police-manual/title-6---arrests-search-and-seizure/6220---voluntary-contacts-terry-stops-and-detentions>.

¹⁵⁹ See *generally* Fourth Semiannual Report at 85–98 (describing important features of new stops and detentions and bias-free policing policies).

¹⁶⁰ See Dkt. 143 at 6.

¹⁶¹ Second Semiannual Report at 6.

The Department's efforts to create an effective stop and detentions data collection tool have been laudable. As police agencies across the nation contemplate how to collect such data, SPD's innovative approach to utilize existing computer systems and processes with which officers are already familiar may well provide a useful model. The Monitor is extremely encouraged by the Department's self-initiation in this area.

The Monitoring Team looks forward to full implementation of the stops and detentions policy, which will permit the Department to better manage its resources, officer performance, and potential risks. Later this year, the Monitor will conduct a quantitative and qualitative analysis of SPD stops to determine "whether SPD officers are 'specifically and clearly articulat[ing] reasonable suspicion when they conduct investigatory stops and detentions, or conduct field interviews for 'Terry stops' in a manner consistent with SPD policy, the Constitution, and federal law."¹⁶²

The Monitor is extremely encouraged by SPD's self-initiation in the area of collecting information by officer stops of civilians.

¹⁶² Dkt. 195 at 40 (quoting Consent Decree ¶ 140).

IV. COMMUNITY OUTREACH

A. Monitoring Team Outreach

The Monitoring Team has consistently emphasized the integral role played by the community to the reform effort. Continuous dialogue with the community will continue to be required to engender public trust – and to gauge whether the community is beginning to see the results of reforms implemented as a result of the consent decree.

Since the last semiannual report in December 2014, the Monitor and members of the Monitoring Team have engaged, made formal presentations, or participated in meetings and panels involving a broad spectrum of Seattle citizenry. A representative list of individuals, organizations, and activities with which the Monitoring Team has been engaged over the past six months includes, but is not limited to the following:

- SPD East African Advisory Council
- SPD African-American Advisory Council
- SPD East Precinct Community Council
- SPD North Precinct Advisory Council
- Monitoring Team panel presentations at the University of Washington Law School hosted by Dean Kelley Testy and its Diversity Committee

- Monitoring Team panel presentations at Seattle University Law School hosted by Dean Annette Clark
- Community forums hosted by members of the Seattle City Council and by aspirants for Seattle City Council, in the upcoming elections
- Community forum hosted by Councilman Bruce Harrell at the Filipino Community Center
- Monitoring Team member presentation with Captain John Hayes of SPD at the Police, Law and the Community class of Professor Terrence Carroll, Seattle University Law School.
- Attendance of presentation on the SPD reform process by SPD Chief Kathleen O'Toole at the Rainier Club, at the invitation of the Rainier Club president and an internal club committee.
- Attendance of a number of forums on the reform process, hosted by the Loren Miller Bar Association (state-wide African American lawyers group)
- Attendance, participation and presentations at the Seattle City Council Public Safety Committee meetings
- Attendance of SPD Foundation Dinner
- Meetings with precinct Patrol persons and command supervisors at SPD Precincts city-wide
- Meetings and "ride-a-longs" and roll calls at various SPD district precincts
- Attendance at community meetings and events at area churches
- Attendance at the SPD Formal Promotional Ceremony
- Ongoing Attendance at CPC Board meetings and at several of the CPCs works groups and their appearances at community forums city-wide

As is apparent from the foregoing, the Monitor and Monitoring Team has continued to maintain active and continued engagement with the parties to the Settlement Agreement, Community Police Commission, the Seattle Human Rights Commission, the command and patrol officers of the SPD, the Downtown Business Association, the American Civil Liberties Union, the Seattle City Council, the Seattle Office of Civil Rights, and community members and organizations, the OPA Director, and the OPA Auditor. The Monitor wholeheartedly believes that continued, far-reaching, and ongoing community engagement is vital to achieving the objectives and goals embodied in the Consent Decree.

B. Community Police Commission ("CPC")

The work of the Seattle Community Police Commission has continued diligently during the last six months, and the Monitoring Team and CPC continue to enjoy a collaborative relationship.

As noted elsewhere in this report, CPC has continued to work over the last six months with SPD's Education and Training Section to discuss upcoming training curricula and facilitation. In 2015, the CPC will focus on bias-free policing training. It is likely that supervisors will receive specialized training in this area, with sworn officers receiving additional training that builds upon last year's well-received course in the area. The ongoing incorporation of CPC into training development, including potentially serving as a focus group for the curriculum, continues to benefit the Department. CPC, along with other community groups, also provided valuable feedback and recommendations as part of the review of the use of force and bias-free policing policies.

The Memorandum of Understanding, ratified concurrent to the Consent Decree, specifically charged the

CPC with assessing SPD's community engagement efforts. That assessment role is continuing, with research, data collection, and analysis on three specific areas:

- SPD's recruitment, hiring, basic training, promotion, and retention of officers from racial, ethnic, and immigrant and refugee communities;
- SPD's relationships with racial, ethnic, and immigrant and refugee communities; and
- SPD's external communications with racial, ethnic, and immigrant and refugee communities, for which they recently hired a communications specialist.

In April and May 2015, CPC partnered with community-based organizations to host eight public listening sessions to gather information for the assessment. Sessions were conducted in 15 languages other than English. CPC also visited five SPD Demographic Advisory Councils to engage in discussion with the community. It plans to release a final report on its assessments in September 2015 and subsequently return to community groups to share the findings and seek additional input on how to strengthen SPD's community engagement. The final product, contemplated for completion in late 2015 or early 2016, is intended to be a report containing recommendations, action steps, and implementation plans for strengthening SPD's community engagement going forward. This was specifically called for in the Memorandum of Understanding that established the CPC – and was professionally accomplished to the benefit of all stakeholders and members of the Seattle community.

CPC is beginning a process of reviewing and making recommendations for improvements to OPA's website – assessing its web analytics and the City's internal search functions to determine ways to better support public online access. It intends to collaborate with OPA to ensure useful online availability of OPA case information. CPC continues to collaborate with the OPA Director in exploring new options for partnering with community-based organizations to facilitate access to and awareness of the complaint process. This, too, was part of the Memorandum of Understanding that established the CPC.

Monitoring Team Staff

Merrick Bobb
Monitor

Matthew Barge
Deputy Director

Peter Ehrlichman
Deputy Monitor

Ronald Ward
Assistant Monitor

Joseph Brann
Senior Police Expert

Julio Thompson
Marnie Carlin MacDiarmid
Ian Warner
Esq.

Joseph Doherty
Ellen Scrivner
Ph. D.

Brian Center
Senior Consultant

Carole Corona
Jeffrey Yamson
Executive Assistants

CERTIFICATE OF SERVICE

I certify that on the 15th day of June, 2015, 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 attorneys of record:

J. Michael Diaz	michael.diaz@usdoj.gov
Jonathan Smith	jonathan.smith2@usdoj.gov
Kerry Jane Keefe	kerry.keefe@usdoj.gov
Michael Johnson Songer	michael.songer@usdoj.gov
Rebecca Shapiro Cohen	rebecca.cohen@usdoj.gov
Emily A. Gunston	emily.gunston@usdoj.gov
Puneet Cheema	puneet.cheema2@usdoj.gov
Timothy D. Mygatt	timothy.mygatt@usdoj.gov
Christina Fogg	christina.fogg@usdoj.gov
Annette L. Hayes	annette.hayes@usdoj.gov
Jean M. Boler	jean.boler@seattle.gov
Peter Samuel Holmes	peter.holmes@seattle.gov
Brian G. Maxey	brian.maxey@seattle.gov
Gregory C. Narver	gregory.narver@seattle.gov
John B. Schochet	john.schochet@seattle.gov
Rebecca Boatright	rebecca.boatright@seattle.gov

DATED this 15th day of June, 2015.

/s/ Carole Corona
Carole Corona