

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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

The City of Seattle's Court-approved Phase II Sustainment Period Plan ("Sustainment Plan," Dkt. 444) includes a commitment to provide seven quarterly reports addressing the City's sustained compliance with the Consent Decree. The purpose of the reports is to update the Court on the City's efforts to sustain compliance with the Consent Decree and to drive reform beyond the requirements of the Consent Decree. The Sustainment Plan provides that each quarterly report will include recent data on use-of-force and crisis intervention practices, an update on the Seattle Police Department's Force Review Board and Unit, and a discussion of relevant activities of the Office of Police Accountability. This is the second quarterly report.

I. BACKGROUND

During Phase II, the City must maintain compliance with the Consent Decree for two years.

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

8 Audits: Since March, the parties and the Monitor have collaborated on developing
 9 methodologies for the Department’s audits. Starting after the Mayor’s appointment of the City’s first
 10 Inspector General for Public Safety, her office began to contribute as well. As attachments to this
 11 quarterly report, the City is filing SPD’s first two completed audits:

12 Type I and II Force Reporting, Review, and Investigation Audit. In the first audit, the
 13 Department found evidence demonstrating that it continues to comply with its reporting, review, and
 14 investigation obligations for Type I and II uses of force under paragraphs 100-111 of the Consent
 15 Decree. Further, the findings of the audit demonstrate that SPD has made substantial progress and
 16 improvement when measured against the benchmarks for completeness and thoroughness of review
 17 and investigations that were established by the Monitor’s Phase I Assessments.¹

18 Supervision (General) Audit. The results of the second audit demonstrate sustained
 19 compliance with Paragraphs 153, 154, and 155 of the Consent Decree. The Department has an
 20 adequate number of first line supervisors to respond to the scene of uses of force and investigate.
 21 Current staffing policy has achieved unity of command (i.e., officers have consistent, clearly
 22

23 ¹ See Monitor’s First Systemic Assessment (Dkt. 231); Monitor’s Seventh Systemic
 Assessment (Dkt. 360).

1 identified supervisors who work the same scheduled work week). Finally, new sergeants receive
2 new supervisor training before they assume their supervisor role, and no cases after more than 60
3 days. Pursuant to the Sustainment Plan, SPD will again audit compliance with these requirements
4 in November 2019.

5 For both audits, the Department of Justice and the Monitor reviewed a sample of the
6 underlying data and concluded that the Department has demonstrated sustained compliance with the
7 Consent Decree. A summary of their findings can be found in the Validation section at the end of
8 each of the City's audit reports.

9 Policy Reviews: The SPD Audit Policy and Research Section ("APRS") is reviewing all
10 Department policies on a three-year cycle. The Consent Decree-mandated policies will be reviewed
11 annually. Since March, in consultation with its stakeholders, the Monitor, and DOJ, SPD has
12 completed revisions to its Bias-Free Policing policy, Crisis Intervention policy, Use of Force policy,
13 and Voluntary Contacts, Terry Stops, and Detentions policy. The first three policies in this list were
14 previously approved by the Court. SPD's proposed revisions to its Voluntary Contacts, Terry Stops,
15 and Detentions policy are being submitted concurrently with this filing, per the Sustainment Plan.
16 (Dkt. 496.) The Department of Justice and the Monitor reviewed and approved SPD's revisions to
17 each of these policies. After the Consent Decree ends, SPD will continue to participate in national
18 efforts to identify best police practices and incorporate those findings into its policies.

19 Outcome Reports: In addition to the audits and policy reviews, SPD will continue the
20 practice it began in 2016 of publishing periodic reports summarizing policing data for the public.
21 These "outcome reports" demonstrate the concrete effects of SPD's work under the Consent
22 Decree, such as reductions in serious uses of force. During this quarter, SPD was responsible for
23 reporting on its crisis intervention practices.

1 The crisis intervention outcome report, which is also being filed today, contains SPD's annual
2 review and analysis of all contacts with members of the public who are in crisis. Crisis contacts
3 result from a request from the community (dispatched) or officer-initiated behavior (on-view).
4 Dispatched crisis contacts—i.e., requests from the community—for the first six months of 2018,
5 were up 26% over the first six months of 2017. On-viewed crisis contacts were up by nearly 30%
6 in the first six months of 2018 relative to the same time period in 2017.

7 While the increase in the number of crisis incidents suggests opportunities for expanding
8 supportive services for this vulnerable population, there is no indication that the increase in crisis
9 contacts is straining SPD's resources or leading to worsened outcomes; this accomplishment is
10 largely due to the fact that SPD's officers are particularly well equipped to address circumstances
11 involving people in crisis. All SPD officers receive at least eight hours of annual crisis intervention
12 training, and on average 60% of the officers assigned to 911 response were "CIT certified,"
13 receiving more than forty hours of crisis intervention. An officer certified in crisis intervention
14 tactics was on scene in nearly 80% of calls for service that resulted a crisis contact.

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

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

19 This section provides quarterly data on SPD's use-of-force and crisis intervention practices. It
20 does not undertake to analyze or contextualize the data, because the Sustainment Plan, approved by
21 the parties and the Court, sets forth a series of annual audits and outcome reports which contain the
22
23

Department's analyses.² Also it is not methodologically sound to infer trends or draw comparisons based on one quarter of cross-sectional data. The time period covered is the third calendar-year quarter of 2018, which runs from July 1, 2018, to September 30, 2018.

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

A. Use of Force

Six hundred and five uses of force were reported in Q3 2018. Because of the way "use of force" is defined, a single incident often results in multiple reported uses of force.

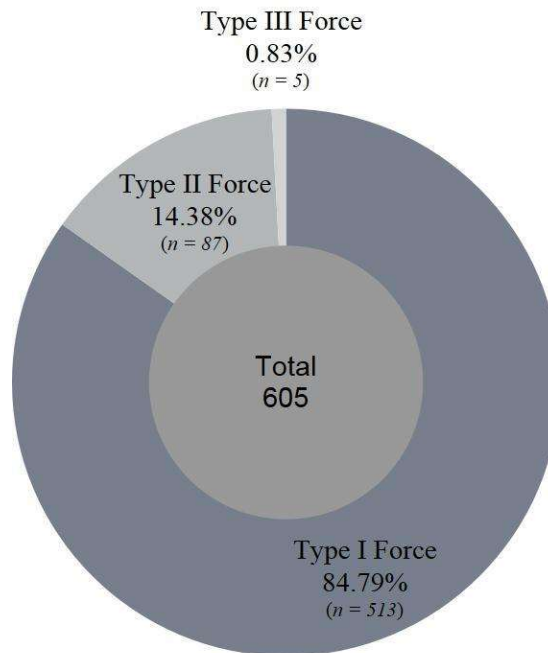
Figure 1. Use of Force By Quarter

	2017 Q3	2017 Q4	2018 Q1	2018 Q2	2018 Q3	Total
Type I Force	328	337	389	462	513	2,029
Type II Force	101	54	117	75	87	434
Type III Force	5	2	6	10	5	28
Type III - OIS	1	13	2			16
Total	435	406	514	547	605	2,507

² See, e.g., Reporting, Review, and Investigation of Use of Force Report (October 2018) (attached hereto); Supervision Report (October 2018) (attached hereto); Crisis Intervention Program Report (October 2018) (Dkt. 495); 2018 Stops and Detentions Annual Report (June 2018) (Dkt. 458-1); Community Engagement Report (May 2018) (Dkt. 452-1).

In the third quarter of 2018, five hundred thirteen (85%) of the reported applications of force involved no greater than low-level, Type I force.³ Eighty-seven (14%) involved Type II force and 5 (less than 1%) involved Type III force. There were no officer-involved shootings. *See* Figure 2 below.

Figure 2. Q3 2018 Types of Force Used:



In the context of overall encounters with the community, force is used rarely. Between January and July 2018, the computer-aided dispatch (“CAD”) database recorded 103,553 unique events to which officers were either called by a dispatcher or which officers observed or were alerted to while on patrol. Three hundred eighty-three of these events involved one or more reportable applications of force. That means slightly more than one third of one percent of all

³ The types of force are defined in Title 8 of the SPD manual. In brief: Type I is low-level force that may involve transitory pain. Type II force causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Type III force causes or is reasonably expected to cause great or substantial bodily harm.

events involved any use of force. Fifty-three (five one-hundredths of one percent) of the 103,553 unique CAD events ultimately involved a use of force greater than Type I (i.e., Type II or Type III).

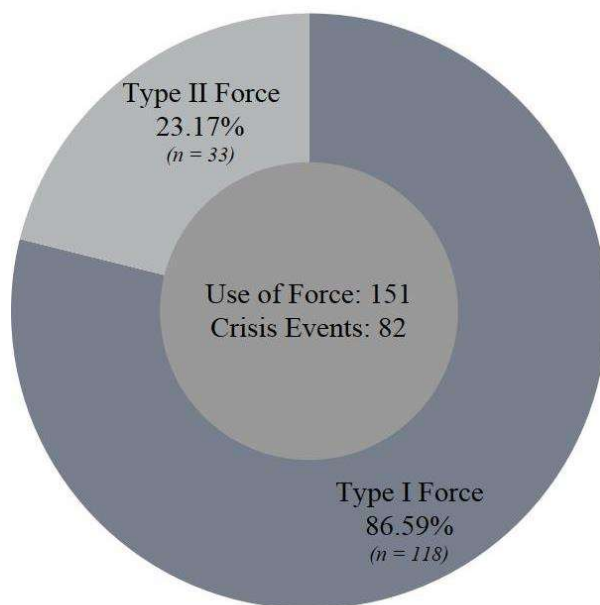
The demographic characteristics of subjects of force for the quarter are presented below in Figure 3.

Figure 3. Q3 2018 Race of Subjects of Force

Subject Race	% of Total	UoF Count
White	43.80%	265
Black or African American	27.27%	165
Not Specified	22.15%	134
Asian	4.30%	26
Hispanic or Latino	1.82%	11
Nat Hawaiian/Oth Pac Islander	0.66%	4
Total	100.00%	605

B. Crisis Intervention and Use of Force

During the third quarter of 2018, officers reported 2,866 incidents involving a person in crisis. Officers used force in eighty-two of those incidents (less than 3%). The breakdown of types of force used in crisis responses is similar to the breakdown for all uses of force, although Type II force is slightly more frequent.

Figure 4. Q3 2018 Use of Force in Crisis Events:

Out of the eighty-two crisis incidents in the quarter, 14% were resolved by voluntary commitment or by referral to or notification of a community or social service support agency or shelter. The most common disposition was a decision to detain the person for their own safety under the Involuntary Treatment Act (33%). The second most common resolution was “No Action Possible or Necessary,” which means the person in crisis had left the scene or did not pose an imminent threat of self-harm or harm to others (21%). *See Figure 5 below.*

Figure 5. Q3 2018 Disposition of Crisis Contacts:

	Disposition	% of Total
	Emergent Detention/ITA	33.01%
	No Action Possible or Necessary	20.59%
	Resources Declined	16.02%
	Subject Arrested	11.37%
	Chronic Complaint	7.33%
	Voluntary Committal	7.26%
	Mobile Crisis Team	7.19%
	Unable to Contact	3.84%
	Mental Health Agency or Case Manager Notified	2.27%
	DMHP Referral	2.06%
	Crisis Clinic	1.01%
	Drug/Alcohol Treatment Referral	0.66%
	Shelter Transport	0.31%
	Geriatric Regional Assessment Team	0.07%

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

III. SPD Force Review Board and Unit

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

of force.

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

By policy, the FRB reviews all cases in which Type III force is used, including all officer involved shootings. The FRU, comprised of a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II uses of force. When certain factors are present in a Type II case—such as the use of less-lethal tools or use of a canine—the FRU places it on the calendar to be reviewed by the FRB. In the third quarter of 2018, the FRB and FRU reviewed 50 cases.

Number of Cases Reviewed By Quarter:

Quarter	FRB	FRU
Q1 (1/1/18-3/31-18)	41	9
Q2 (4/1/18 – 6/30/18)	41	10
Q3 (7/1/18-9/30/18)	45	5

A total of 174 officers were involved in the 50 cases reviewed by FRU and FRB this quarter. The numbers below represent the number of officers involved across the cases, aggregated, and the determination by FRB and FRU as to whether each officer's actions were approved as consistent with policy and training.

Q3 2018 Most Serious Type of Force Used in Each Case

Type I	0
Type II	44
Type III	6

Officer Involved Shooting	0
In-Custody Death	0
Total	50

Q3 2018 Force Review Findings by Officer:

Approved	90
Not Approved	0
Referred to OPA	54
N/A ⁴	30
Total	174

Of all uses of force reviewed by the FRB and FRU in 2018, the involved officer's use of force was found to be reasonable, necessary, proportional, and in conformance with the Department's Use of Force Policy in 90 of the uses of force reviewed. In 54 instances, a matter was referred to OPA, and the FRB/U made no determination, per policy; of the 54 referrals to OPA, the chain of command generated 49, and OPA initiated 5.

Since late 2015, the FRB/U has generated recommendations for all systemic issues identified during its discussions of force incidents. Once the FRB or FRU identifies an issue and determines that policy, procedure, training, or other action is appropriate, the recommendation is entered into SPD's workflow management system (IAPro) and the Assistant Chief of the Professional Standards Bureau then assigns it to the appropriate bureau chief for consideration. Recommendations that have significant budget implications, that arise from high-profile cases, and those that stem from officer-involved shootings go through an additional step: they are reviewed directly by the Deputy Chief of Operations or Command Staff as appropriate, and then distributed to the appropriate bureau chief. The Professional Standards Bureau ensures that all

⁴ In the cases reviewed by FRB/U, 30 officers were involved in tactics and decision making who did not use force. In reviewing the actions of these officers, FRB/U made no findings on the use of force.

1 recommendations receive a response; if a unit commander does not implement the
 2 recommendation then the commander provides a response to the Professional Standards Bureau
 3 Assistant Chief in closing out the assignment.

4 Examples of FRB recommendations implemented or adopted this quarter include:

- 5 • Add a SWAT subject matter expert in a non-voting capacity to FRB when reviewing force
 6 cases involving SWAT-specific tactics;
- 7 • FRB identified areas for improvement related to homicide detectives interviews of witness
 8 officers and, as a result, additional training was provided to the homicide unit. The training
 9 focused on probative questioning and the “PEACE” model of investigative interviewing; and
- 10 • The field training officer unit established guidelines and expectations for the plainclothes
 11 checkout phase of student officer evaluation to improve safety and enable quick
 12 identification as a police officer.

11 **IV. Office of Police Accountability**

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

17 During the third calendar-year quarter of 2018 (July 1, 2018, to September 30, 2018), OPA
 18 received 365 contacts. Contacts include “external” complaints from members of the community
 19 and “internal” referrals from SPD employees (primarily the chain of command). Eighty-four
 20 percent of the contacts in the third quarter were external and 16% were initiated internally by
 21 SPD. Inappropriate use of force was the most frequent misconduct allegation made to OPA, and
 22 it comprised 20% of all allegations received. One hundred thirty-nine of 365 contacts received
 23 by OPA in Q3 of 2018, or 38%, were classified for investigation. In ten percent of the cases in

1 which findings were issued in the third quarter, OPA recommended that at least one allegation be
2 sustained. The Chief of Police did not overturn any OPA recommended findings.

3 In addition to investigating allegations of misconduct, OPA recommends policy changes
4 to SPD when its investigations indicate that issues with Department policy, rather than actions of
5 individual officers, gave rise to a complaint. Those investigations result in a finding of “Not
6 Sustained – Management Action” and form the basis of OPA’s management action
7 recommendations. In the third quarter of 2018, OPA issued five new management action
8 recommendations. In addition, the revised Voluntary Contacts, Terry Stops, and Detention policy
9 submitted to the Court concurrently with this report incorporates several of OPA’s
10 recommendations.

11 **V. Labor Negotiations**

12 The City filed a memorandum on October 29, 2018 (Dkt. 491) addressing the tentative
13 agreement reached between the City and the Seattle Police Officers Guild

14 **VI. Conclusion**

15 The Department’s audits on supervision and use-of-force reporting, review, and investigation
16 demonstrate continued compliance with the relevant portions of the Consent Decree. The
17 Department’s crisis intervention report contains outcome data (rather than compliance analysis), but it
18 also provides a positive picture with respect to sustainment, because it shows that use-of-force rates in
19 crisis incidents remain extremely low and illustrates the efficacy of SPD’s crisis intervention training
20 for officers. In addition, the report shows an increase in members of the community calling SPD for
21 assistance when someone is in crisis. Rather than outpacing resources, this unexpected increase has
22 been managed due to the Department’s staffing levels and robust training program.

1 DATED this 31st day of October, 2018.

2 For the CITY OF SEATTLE

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CERTIFICATE OF SERVICE

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

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

/s/ Kerala Cowart
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