

THE HONORABLE JAMES L. ROBERT

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

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF SEATTLE

Defendant.

CASE NO. C12-1282-JLR

**MEMORANDUM SUBMITTING
UPDATED THIRD-YEAR
MONITORING PLAN**

In March 2015, this Court approved the Third-Year Monitoring Plan. Dkt. 196. That Plan “formalize[d] expectations and deadlines for the third year” of monitoring, “delineat[ing] immediate and intermediate range tasks essential to the Department’s anticipated compliance with the consent decree entered into by the City and the United States Department of Justice on July 27, 2012.” Dkt. 195 at 1 (internal parentheticals omitted).

Based on the progress of the Seattle Police Department (“SPD”) in some important areas and a more refined, evidence-based sense of “aggressive but realistic dates” for various compliance-related tasks, the Monitor and Parties have agreed that this Court’s approval of an updated Third-Year Monitoring Plan (the “Updated Plan”), attached hereto as Exhibit A, would continue to promote steady progress toward realizing the consent decree’s objectives.

MEMORANDUM SUBMITTING UPDATED
THIRD-YEAR MONITORING PLAN - I
Case No. C12-1282-JLR

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

1 The Updated Plan primarily addresses two areas. The first relates to the timing of some
2 milestones relating to the “systemic assessments of SPD’s progress” that will allow the Monitor
3 and Department of Justice to “independently verify whether the various requirements of the
4 consent decree are ‘being carried out in practice.’” Dkt. 195 at 7 (quoting Dkt. No. 3-1 ¶ 184).
5 Many of the initial assessments that have gotten underway have involved, and will continue to
6 involve, review of internal investigation files. Dkt. 195 at 30–36 (force reporting and force
7 investigation); *id.* at 37–38 (OPA investigations); *id.* at 28 (officer use of force). In some
8 instances, the processes necessary for the Parties and Monitor to work together to identify a
9 sample of investigations for review and to produce and transmit associated paper, image, video,
10 and audio files of those investigations has been time- and labor-intensive. Although the Updated
11 Plan shifts some of the specific dates during which some assessments will be conducted or when
12 the Court will receive a formal report on an assessment’s findings, it still commits the Parties and
13 Monitor to collaborating toward completion of the “15 separate assessments on the extent to
14 which various Consent Decree[] provisions have taken root in the real world.” Dkt. 195 at 7.

15 The Updated Plan also incorporates some adjustments in SPD’s training schedule. All
16 training previously contemplated by the Department will still take place in the coming months.
17 *See* Dkt. 195 at 17–21; Dkt. 191; Ex. A at 3–7. Indeed, training on individual defensive tactics
18 and force reporting has already been completed. *Id.* at 3, 5. Other training addressing de-
19 escalation tactics and firearms is ongoing. *Id.* at 4. Programs on team tactics, defensive tactics,
20 crisis intervention, and supervision are slated to begin by September 1. *Id.* at 4–6. Confident
21 that SPD’s “Education and Training Section is continuing to produce and implement high-quality
22 training programs,” Dkt. 212 at 5, the Monitor recommends that the Court approve the
23 adjustments in the timelines for some other training initiatives – including a course on de-
24 escalation tactics in team scenarios and integrated, scenario-based training on search and seizure

1 and bias-free policing – to allow continued collaboration and curricula refinement in those
2 important areas.

3 The Updated Plan also, in parenthetical notes throughout the document, reflects those
4 deadlines that have been previously met or where progress is actively underway.

5 Because the Updated Plan remains “a pragmatic plan that endeavors to set aggressive but
6 realistic dates for compliance,” Dkt. 195 at 10, the Monitor respectfully seeks the Court’s
7 approval of the Updated Third-Year Monitoring Plan.


8 DATED this 13th day of July, 2015.

9 
10

11 Merrick J. Bobb, Monitor
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 The Court hereby approves the Updated Third-Year Monitoring Plan filed herewith as
2 Exhibit A.

3
4 DONE IN OPEN COURT this 17th day of July, 2015.

5
6 
7 THE HONORABLE JAMES L. ROBART
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMORANDUM SUBMITTING REVISED
EARLY INTERVENTION SYSTEM POLICY - 4
Case No. C12-1282-JLR

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

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, 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	<u>michael.diaz@usdoj.gov</u>
Jonathan Smith	<u>jonathan.smith2@usdoj.gov</u>
Kerry Jane Keefe	<u>kerry.keefe@usdoj.gov</u>
Michael Johnson Songer	<u>michael.songer@usdoj.gov</u>
Rebecca Shapiro Cohen	<u>rebecca.cohen@usdoj.gov</u>
Emily A. Gunston	<u>emily.gunston@usdoj.gov</u>
Puneet Cheema	<u>puneet.cheema2@usdoj.gov</u>
Timothy D. Mygatt	<u>timothy.mygatt@usdoj.gov</u>
Christina Fogg	<u>christina.fogg@usdoj.gov</u>
Jean M. Boler	<u>jean.boler@seattle.gov</u>
Peter Samuel Holmes	<u>peter.holmes@seattle.gov</u>
Brian G. Maxey	<u>brian.maxey@seattle.gov</u>
Gregory C. Narver	<u>gregory.narver@seattle.gov</u>
John B. Schochet	<u>john.schochet@seattle.gov</u>
Rebecca Boatright	<u>rebecca.boatright@seattle.gov</u>
Annette L. Hayes	<u>annette.hayes@usdoj.gov</u>

DATED this 13th day of July, 2015.

/s/Stefanie Jaswal
Stefanie Jaswal

MEMORANDUM SUBMITTING REVISED
EARLY INTERVENTION SYSTEM POLICY - 5
Case No. C12-1282-JLR

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

EXHIBIT A

UPDATED THIRD-YEAR MONITORING PLAN

(Covering March 2015 through March 2016)

INTRODUCTION TO THE UPDATED THIRD-YEAR MONITORING PLAN MATRIX

This Third-Year Monitoring Plan Matrix provides significant detail on the array of objectives that SPD will be working toward throughout the third year of monitoring (covering the time period of March 2015 through March 2016), as well as on the various assessments and systemic analyses that the Monitoring Team will be conducting to assess whether the various provisions of the Consent Decree have become effective in practice.

The format of the Monitoring Plan is consistent with the Second-Year Monitoring Plan. Primary objectives, reflected in bold print in the more darkly shaded rows, are the broader achievements, accomplishments, or assessments that will be executed during the upcoming year. Each such objective is tied to a requirement in or objective of the Consent Decree, consistent with ¶¶ 172 & 173(a) of the Decree. Below those objectives, in the more lightly shaded and indented rows, are the key results or milestones that must be met during the third year of monitoring in service of each broader achievement, accomplishment, or assessment. An un-shaded box appears below many of these key results or milestones. These areas often indicate how the Monitoring Team and DOJ, under their independent enforcement obligations, will assess whether the SPD has achieved the attendant key result and/or realized the associated milestone. In other instances, this formatting corresponds to a “note” that provides additional explanation about the objective, key result, or milestone delineated above it.

Policy		Deadline
Policy Review		
Ongoing Policy Review	<p>“With the assistance of the Monitor, SPD will review each policy, procedure, training curricula and training manual required by the Settlement Agreement 180 days after it is implemented, and annually thereafter (on a regularly published schedule), to ensure that the policy or procedure continues to provide effective direction to SPD personnel and remains consistent with the purpose and requirements of the Settlement Agreement and current law.” (§ 180.)</p> <p>SPD, with the assistance of the Monitor and in collaboration with the DOJ, will have completed the annual review of the use of force policies. The Monitor will file any proposed revisions agreed to by the Parties with the Court indicating approval and/or disapproval in the manner outlined in the Consent Decree. (§§ 177-181.)</p> <p>SPD, with the assistance of the Monitor and in collaboration with the DOJ, will have completed the annual review of the bias-free policing and stops and detentions policies. The Monitor will file any proposed revisions agreed to by the Parties with the Court indicating approval and/or disapproval in the manner outlined in the Consent Decree. (§§ 177-181.)</p> <p>SPD, with the assistance of the Monitor and in collaboration with the DOJ, will have completed the annual review of the crisis intervention policies. The Monitor will file any proposed revisions agreed to by the Parties with the Court indicating approval and/or disapproval in the manner outlined in the Consent Decree. (§§ 177-181.)</p> <p>SPD, with the assistance of the Monitor and in collaboration with the DOJ, will have completed the annual review of the EIS policies. The Monitor will file any proposed revisions agreed to by the Parties with the Court indicating approval and/or disapproval in the manner outlined in the Consent Decree. (§§ 177-181.)</p> <p>SPD, with the assistance of the Monitor and in collaboration with the DOJ, will have completed the annual review of the OPA Manual and two related policies (addressing the reporting of misconduct and non-retaliation) filed concurrently with the Court. The Monitor will file any proposed revisions agreed to by the Parties with the Court indicating approval and/or disapproval in the manner outlined in the Consent Decree. (§§ 177-181.)</p>	<p>April 10, 2015 (Completed May 11, 2015)</p> <p>April 10, 2015 (Completed May 11, 2015)</p> <p>April 24, 2015 (Completed May 22, 2015)</p> <p>May 4, 2015 (Completed May 4, 2015)</p> <p>September 10, 2015</p>

Note:

For all “Ongoing Policy Review” deadlines outlined above, the Monitor and Parties agree that – given the dynamic and iterated collaboration necessary – the above deadlines might, in some instances, need to be extended by a brief interval. Accordingly, if all of the Monitor, Department of Justice, and City of Seattle agree that a deadline extension for one of the “Ongoing Policy Review” areas is warranted, the deadline may be exceeded by an interval agreed upon by each of the Monitor, Department of Justice, and City of Seattle not to exceed 30 days from the target deadlines provided above. If any of the Monitor, DOJ, or the City do not agree that an extension is warranted, the deadlines outlined above will remain in place, effective, and enforceable. If an extension of greater than 30 days of any “Ongoing Policy Review” deadline is necessary, then one of the Parties will petition the Court for a further extension. It is contemplated that this arrangement will allow for good-faith collaboration while preserving the Court’s, and the Monitor’s oversight function.

Ongoing Implementation

Terry Stops & Detentions

SPD will begin collecting information on stops and detentions provided for by the Court-approved policy on stops and detentions and its Order thereafter. (Dkt. Nos. 118 & 150 at 6). (¶ 144.)

May 15, 2015

(Completed; implemented May 15, 2015)

Assessment:

The collected data must be accurate, encompass all of the information outlined in the Court’s Order of June 5, 2014 (Dkt. 150), and must be regularly accessible to an officer’s supervisor in such a way that, by the end of each shift, a supervisor will be able to obtain and review his/her supervisees’ incident reports and any other reports that document the basis for investigatory stops and detentions to determine if they were supported by reasonable suspicion and consistent with SPD policy, federal, or state law; and determine if the officer requires review of agency policy, strategy, tactics, or training. (Dkt. 144.)

SPD must have provided e-learning-based training for officers and stops and detentions documentation and information collection.

April 30, 2015

(Completed; implemented and in session through June 15, 2015)

Training

Deadline

Assessment Procedure:

For each individual training class or block across each of the areas outlined below, the Monitor and DOJ will assess the draft training curricula, materials, and/or plan to determine whether they, among other things: (i) are consistent with both the letter and spirit of the current SPD policies and the implicated provisions of the Consent Decree; (ii) provide officers clear expectations and guidance; (iii) incorporate best practices in adult education; and (iv) cover the topics and substance to which the Parties, Monitor, and SPD had previously agreed.

The Monitor will recommend that the Court either approve or disapprove of each of the training courses listed below, describing the grounds for such approval or disapproval. (See ¶ 177.)

The Monitor and Parties will attend training sessions for instructors and offer feedback where necessary. On an unannounced basis, the Monitoring Team will attend a sampling of in-person classroom and other trainings to assure quality and consistency with approved training materials, curricula, and objectives.

As a general and ongoing obligation and commitment, the SPD Education & Training Section will provide the Monitor and Parties with monthly reports about the status of the completion of each of the requisite training classes or blocks listed as part of this Monitoring Plan.

For the training required of the Force Review Board and the Force Investigation Team, please see "Review & Investigation of Force" section.

Note on Deadlines:

For all deadlines associated with Training in this section below, the Monitor and Parties agree that – given the dynamic and iterative collaboration necessary – the deadlines might, in some instances, need to be extended by a brief interval to allow for the completion of high-quality training programs consistent with best law enforcement and adult education practices. Accordingly, if all of the Monitor, Department of Justice, and City of Seattle agree that a deadline extension for any of the training initiatives outlined below is warranted, the deadline may be extended by an interval agreed to by each of the Monitor, Department of Justice, and City of Seattle not to exceed 30 days from the deadlines set forth below. If any of the Monitor, DOJ, or the City do not agree that an extension is warranted, the deadlines set forth below will remain in place, effective, and enforceable. If an extension of greater than 30 days of any "Training" deadline is necessary, then one of the Parties will petition the Court for a further extension. It is contemplated that this arrangement will allow for good-faith collaboration while preserving the Court's, and the Monitor's, oversight function.

Use of Force

Individual Defensive Tactics Skills	SPD commits to a 4-hour training addressing individual defensive tactics. Topics that will be addressed by the course may include, but are not limited to: recognizing the level of threat or resistance being offered by a subject; reviewing de-escalation decision points; handcuffing techniques; sprawl techniques to defend against a level change by a subject and an attempted takedown of the officer; and dynamic drills addressing all of the foregoing.	Start: February 15, 2015 End: April 15, 2015 (Completed)
-------------------------------------	---	--

	<u><i>Implicated Consent Decree Provisions:</i></u> ¶¶ 69-72, 88-90, 127-129	
De-Escalation: Individual Tactics	SPD commits to a 4-hour training addressing individual de-escalation skills. Topics that will be addressed by the course may include, but are not limited to: recognizing the level of threat or resistance being offered by the subject; the importance of verbal and nonverbal communication in the escalation and de-escalation of incidents; the strategic use of cover, concealment, shielding, and calling for backup; and the modulation of force according to threat level.	Start: April 15, 2015 End: September 15, 2015 (Ongoing)
	<u><i>Implicated Consent Decree Provisions:</i></u> ¶¶ 69-72, 127-129	
Individual Firearms	SPD commits to a four-hour training addressing individual firearms training. Topics that will be addressed by the course may include, but are not limited to: recognizing the level of threat or resistance being offered by a subject; concepts training on when to draw and present a firearm; the use of clear and concise verbal commands and persuasion to de-escalate, including in conjunction with or before the drawing of a weapon; using the weapon in conjunction with weapon-mounted light or flash light to aid threat recognition; the strategic use of cover; and proper movement techniques to clear a doorway.	Start: April 15, 2015 End: September 15, 2015 (Ongoing)
	<u><i>Implicated Consent Decree Provisions:</i></u> ¶¶ 70-72, 78, 127-129	
Taser	SPD commits to training new and existing users on the new X2 model of Taser in an 8-hour, in-class training that courses on individual drills, team skills, and scenario-based training. Topics to be addressed may include, but are not limited to: the operation of the X2 Taser; review of Taser policy, including situations and subjects for which use is prohibited or problematic; post-deployment practices and procedures; force reporting procedures after Taser deployment; and the roles and responsibilities of a Taser operator in a less-lethal team.	Start: September 15, 2015 End: December 31, 2015
	<u><i>Implicated Consent Decree Provisions:</i></u> ¶¶ 69-70, 79-83, 127-129	
Team Tactics & Defensive Tactics	SPD commits to an 8-hour, substantially scenario-based training addressing defensive tactics in the context of a team. Topics to be addressed may include, but are not limited to: threat assessment and force modulation in a team environment; the use of team tactics and backup to control suspects; the use of time, distance, and shielding and team tactics to de-escalate a subject in crisis; and the proper use of shields in a tactical environment.	Start: August 15, 2015 End: December 1, 2015
	<u><i>Implicated Consent Decree Provisions:</i></u> ¶¶ 70-72, 127-129	

Team Tactics & Firearms	SPD commits to an 8-hour training that integrates team tactics and firearms training in order to recognize and respond appropriately to “active shooter” incidents and scenarios. Topics that will be addressed may include, but are not limited to: recognizing active shooter incidents; assessing threat levels; concepts related to indoor and outdoor movement; and team firearm skills.	Start: September 1, 2015 End: February 1, 2016
	<u>Implicated Consent Decree Provisions:</u> ¶¶ 70–72, 127–129	
De-Escalation: Team Tactics	SPD commits to a 4-hour course that specifically addresses de-escalation strategies and techniques in the context of team operations.	Start: January 2, 2016 End: May 1, 2016
	<u>Implicated Consent Decree Provisions:</u> ¶¶ 70–72, 127–129	
Use of Force Reporting	SPD will provide a training course that will provide further guidance on the reporting requirements associated with Type I force advanced in the SPD Manual and in the Consent Decree.	Start: February 15, 2015 End: April 15, 2015 (Completed)
	<u>Implicated Consent Decree Provisions:</u> ¶¶ 100–102	
Terry Stops & Bias-Free Policing		
Integrated Scenario Training	SPD commits to 8 hours of search & seizure and bias-free policing training that builds on the training provided in 2014 in a more scenario-based training environment. Topics to be addressed may include, but are not limited to: de-escalation skills; cross-cultural communication; procedural justice; distinctions between social and investigatory detentions.	Start: January 2, 2016 End: May 1, 2016
	<u>Implicated Consent Decree Provisions:</u> ¶¶ 138–149	
Roll Call Training	“SPD will provide all officers with regular roll call trainings regarding social contacts, non-custodial interviews, and investigatory stops and detentions.” (¶ 143.) SPD will provide the Parties and the Monitor with a plan for delivering roll call trainings related to the stops and detentions policies (hereinafter “Bias-Free Policing and Stops and Detentions Roll Call Training Plan”). The plan should include specific outlines of the topics to be covered and the messages to be conveyed during the roll call trainings.	Ongoing April 1, 2015 (Completed)

	SPD will provide the Parties and the Monitor with a Year-End Report on Bias-Free Policing and Stops and Detention Training. It should: (i) detail what roll call trainings were given and where they were given during the time period covered by the "Bias-Free Policing and Stops and Detentions Roll Call Training Plan"; and (ii) discuss the efforts by "SPD leadership and supervising officers" to "continue to reinforce to subordinates that discriminatory policing is an unacceptable tactic, and officers who engage in discriminatory policing will be Subject to discipline." (¶ 150.)	December 15, 2015
Crisis Intervention		
Crisis Intervention Sustainment Training	All non-CIT-Certified SPD sworn personnel will complete 8 hours of what was previously entitled advanced crisis intervention training. The specific topics to be addressed will be finalized with the Crisis Intervention Committee, Parties, and the Monitor.	Start: February 15, 2015 End: December 15, 2015 (Ongoing)
<u>Implicated Consent Decree Provisions:</u> ¶¶ 130-137, 127-129		
	All CIT-Certified SPD sworn personnel will complete 8 hours of sustainment training on crisis intervention. It is currently anticipated that this will consist of a mix of SPD-created and identified courses at the Washington State Criminal Justice Training Commission.	Start: September 1, 2015 End: December 15, 2015
<u>Implicated Consent Decree Provisions:</u> ¶¶ 130-137, 127-129		
	All communications dispatchers personnel will complete sustainment training on crisis intervention. The training will build upon and expand the training provided to dispatchers in 2014 on recognizing crisis incidents and dispatching trained officers to the scenes of such incidents.	Start: June 15, 2015 End: December 15, 2015
<u>Implicated Consent Decree Provisions:</u> ¶¶ 130-137, 127-129		
Supervisor		
Type I Force Review	SPD will provide a training course that will provide further guidance on the reporting requirements associated with Type I force advanced in the SPD Manual and in the Consent Decree. Supervisor Sustainment Day 2 – Critical Analysis of Force	Start: September 1, 2015 End: November 30, 2015

<u>Implicated Consent Decree Provisions:</u> ¶¶ 100-102		
Coaching & Mentoring	SPD will provide training to supervisors on coaching and mentoring skills. Supervisor Sustainment Day 1 – Management and Leadership	Start: July 13, 2015 End: September 1, 2015
<u>Implicated Consent Decree Provisions:</u> ¶¶ 109, 144, 150-152, 156		
Tactical Leadership & Incident Command	SPD will provide training on the foundational tactical leadership needed to manage routine tactical situations. Supervisor Sustainment Day 3	Start: October 15, 2015 End: December 30, 2015
<u>Implicated Consent Decree Provisions:</u> ¶¶ 69-89		
Various Topics	This training will, among other things, provide supervisors with critical legal updates; use of force lessons learned from the Force Review Board; information about personnel management, OPA, BlueTeam, and EIS; and provide additional guidance on supervisory responsibility with respect to the Bias-Free Policing policy. Supervisor Sustainment Day 3	Start: October 15, 2015 End: December 30, 2015
<u>Implicated Consent Decree Provisions:</u> ¶¶ 69-89, 119-125, 144, 149-152, 153-156, 157-163, 164-168		
Missed Training		
Tracking Missed Training	SPD will establish and codify a process and procedure for ensuring that an officer's failure to complete required training is fairly and timely addressed by the officer's chain of command. SPD will continue to track each employee's successful completion, or lack of completion, of training requirements, transitioning from a spreadsheet-based system to the use of the Cornerstone talent, learning, and performance management software.	Deadline for first draft of policy: May 1, 2015 (Draft policies provided 3/26 and 5/15) Deadline for final draft of policy: July 27, 2015
<u>Implicated Consent Decree Provisions:</u> ¶¶ 128, 130-137, 142-144, 147-152, 156		

Structures of Critical Self-Analysis		Deadline
EIS	The EIS policy approved by the Court will be implemented. (¶¶ 157-163; Dkt. No. 125.)	May 15, 2015 (Completed; policy approved 5/11/15 (Dkt. #205))
	The EIS Review Committee will have (i) established written procedures and protocol for reviewing performance intervention plans for consistency, fairness, and rigor; and (ii) established a process for overseeing sergeants and other supervisors whose officers reach the performance thresholds established by the SPD EIS policy. (See Fourth Semiannual Report at 73-74.)	May 11, 2015 (Implemented with on-going review)
	The EIS Review Committee will ensure all necessary mechanisms are in place for supervisors to review, as regularly as necessary or wanted, data and information related to EIS for all of the officers under their command.	May 11, 2015 (Implemented with on-going review)
	All supervisors will have completed e-learning training on EIS approved by the Monitor and Parties. (See Fourth Semiannual Report at 73.)	May 11, 2015 (Completed April 24, 2015)
	All SPD sworn personnel will have completed e-learning modules on the new EIS policy (procedures) and processes – including how to conduct assessments, construct an intervention plan, and use both VA Pro and manual-based processes to review objective data on officer performance.	May 14, 2015 (Completed April 24, 2015)
	SPD, the Parties, and the Monitor will revise and add to, as appropriate, the indicator criteria and threshold levels set forth in the Performance Mentoring Program (now referred to as “Early Intervention System”) policy (3.070-PO1-2) approved by the Court. (Dkt. No. 125.) The discussion will be based on quantitative evaluation and assessment of data on officer performance that has been certified as accurate and complete.	Start of consideration September 1, 2015 Deadline for revised policy November 1, 2015

Data Analytics Platform ("DAP")	SPD will ensure that it has systems in place that permit the Department to address areas of personnel management encompassed by the Consent Decree using accurate and rigorous data and information. (Dkt No. 127 at 33-34; see Fourth Semianual Report at 62-68; Third Semianual Report at 35-43; Second Semianual Report at 6-14.)	RFP Deadline: March 15, 2015 <i>(Completed: RFP published February 18, 2015)</i>
		Deadline for Beginning of Vendor Implementation: September 30, 2015
	The current DAP Work Group and Steering Committee will complete and issue a request for proposals (RFP) for a Data Analytics Platform ("DAP") vendor. The RFP will substantially reflect the work, opinions, and counsel of independent outside consultants engaged by SPD to re-evaluate potential underlying source systems. The RFP will be staggered or phased to prioritize those areas of personnel management addressed or otherwise encompassed by the Consent Decree, including use of force, stops and detentions, and crisis intervention incident reporting and review, administrative investigations (such as OPA and FII), and early intervention.	March 15, 2015 <i>(Completed: RFP published February 18, 2015)</i>
	The City, after awarding a contract to the entity that it believes to be the most successful proposer, will begin implementation of the DAP, with prioritization of those areas of personnel management addressed or otherwise encompassed by the Consent Decree. The subsequent timetable will be substantially informed by the selected vendor.	September 30, 2015 <i>(In progress)</i>
Crisis Intervention Committee ("CIC")	SPD, in partnership with the CIC, will evaluate CII policy revisions and crisis intervention training for all key personnel in 2015, including: (i) advanced training for non-crisis intervention "certified" officers; (ii) additional training for certified officers; and (iii) refresher training for dispatchers. (¶¶ 130-137)	December 31, 2015
	SPD will conduct an assessment in partnership with the CIC of its CRI and CII responses, including, but not limited to: (i) the distribution of CII-certified officers throughout the Department; (ii) the regularity, quality, and nature of response to critical incidents by the Crisis Response Team ("CRT"); (iii) roughly how many crisis incidents are being handled by SPD officers; and (iv) approximately how well the community stakeholder referral system is working with respect to officers knowing how to connect subjects to social service providers. (¶¶ 130-137)	May 1, 2015 <i>(Completed May 1, 2015)</i>

SPD will complete the survey of officer views of the CIC and report to the CIC Parties and Monitor on the results.	June 1, 2015 (Completed May 21, 2015)
SPD will begin collecting information on mental health contacts.	May 15, 2015 (Mental Health Contact Form implemented on May 15, 2015.)
<u>Assessment:</u> The collected data must be accurate and provide the Department with necessary information on the nature and extent of officer interactions with individuals in behavioral crisis.	
SPD must consider whether officers require any additional training to provide the required information on mental health contacts. If SPD personnel require such training, a training initiative will be designed and implemented.	April 30, 2015 (Training implemented and e-learning session through June 19, 2015.)

Review & Investigation of Force		Deadline
Force Review Board	"Each member [of the UOFRB] will receive a minimum of eight hours of training on an annual basis, including legal updates regarding use of force and curriculum utilized by the Training Section regarding use of force." (§ 121.)	December 15, 2015
	SPD will create a training program for the members of the Use of Force Review Board which will include a set of minimum performance expectations, attendance requirements, legal updates, training curriculum utilized by the Training Section regarding use of force, and other important topics.	July 31, 2015 <i>(Implemented and in progress.)</i>
	<u>Assessment:</u> The Monitor and DOJ will assess the draft training materials to determine whether they are consistent with both the letter and spirit of the current use of force and review of the use of force policies (SA §§ 119-125), the recommendations provided in the Monitor's Semiannual reports, and best practices. New Board members will be trained on a rolling basis and within a reasonable time of being named to serve on the Board.	
	SPD will train members of the UOFRB upon approval by the Court of the UOFRB training materials; will ensure that their participation is recorded and tracked; and will notify the Parties and Monitor as soon as all members of the UOFRB have been trained using the approved curriculum.	December 15, 2015
	SPD should generate a written report twice per year that: (i) inventories the "lessons learned" at the Use of Force Review Board; (ii) indicates what responses or changes in training, policy, procedure, or administration have been effectuated as a result of those lessons; and (iii) responds to recommendations that the Monitor has made about the UOFRB contained in the Monitor's Semiannual Reports. The report should be made available to the Parties, SPD, and the Monitor.	Reports due: June 30, 2014 December 31, 2014
FIT	By June 1, 2015, the Monitor and the Parties collaboratively will determine whether FIT has or has not performed satisfactorily in Professional Standards. If both the Monitor and the Parties are satisfied with FIT's performance, then the Monitor will provide final approval of the FIT Manual and FIT will not be transferred to OPA. If either the Monitor or either of the Parties have concerns about the ability of FIT to meet the compliance requirements of the Settlement Agreement because of its present location, that entity must memorialize its concern and, after invoking the dispute resolution provisions (§§ 177-178) of the Consent Decree, move the Court to transfer FIT to OPA.	September 24, 2015 (extended deadline from Second-Year Monitoring Plan)

Assessment:

As noted in the Second-Year Monitoring Plan, (Dkt. No. 127 at 41), this review will include, but not be limited to an examination of the thoroughness of the investigations, how closely the policies and Manual have been adhered to, an assessment of the qualifications, skills and experience of the officers assigned to FIT, whether the FIT investigations have appropriately identified potential criminal behavior, policy violations or other misconduct, whether FIT appropriately refers misconduct and criminal matters to the proper investigatory authority, whether FIT is able to maintain separation of exposed and unexposed teams as required by the Settlement Agreement, whether FIT is meeting relevant investigatory deadlines, whether any problems arise related to *Garrity*, whether the Chain of Command is appropriately involved in assessing performance, and whether the FIT investigations provide suitable foundations for the Department to consider officer performance, tactics, and equipment issues generally. FIT investigations will be expected to extend beyond the officer's immediate use of force to encompass an examination of events, decisions and tactics that led up to the use of force incident, including officer involved shootings. The review will also include an assessment of the extent to which FIT has accommodated and supported the role of OPA in FIT investigations. Most importantly, the review will be able to take advantage of the "FIT Report" Assessment reference elsewhere in this Monitoring Plan.

FIT will provide ongoing training to its investigators, both in-house and provided by third parties, consistent with paragraphs 112-118 of the Consent Decree, the updated policies on use of force and the review of the use of force, and best practices. It is expected that the training will both reinforce and build upon the FIT training conducted in 2014.

Deadline for first draft of plan: April 10, 2015

Deadline for final draft of plan: July 27, 2015

Deadline for completion of training: November 1, 2015

Supervision		Deadline
Span of Control	<p>The City will provide and SPD will deploy an adequate number of qualified field/first-line supervisors (typically sergeants) to assure that the provisions of this Agreement are implemented. SPD will employ sufficient first-line supervisors to assure that first-line supervisors are able to:</p> <ol style="list-style-type: none"> 1) respond to the scene of uses of force as required by this Agreement; 2) investigate each use of force (except those investigated by PHE) in the manner required by this Agreement; 3) ensure documentation of uses of force as required by this Agreement; and 4) provide supervision and direction as needed to officers employing force." (S.A. ¶ 153.) <p>SPD and the City will certify that it has reached temporary and partial compliance with paragraph 153 of the Consent Decree to the extent that it is employing a sufficient number of first-line supervisors, and in a manner that ensures that the provisions of the Agreement <i>will</i> be effective as of the day of the certification are implemented. The certification will expressly indicate the provisions of the Agreement that, because they are not yet effective, are necessarily not part of the analysis upon which the certification rests.</p>	January 15, 2015 (Complete)
	<p>SPD and the City will certify that it has reached compliance with paragraph 155 of the Consent Decree because it is employing sufficient first-line supervisors to ensure implementation of the provisions of the Agreement, including provisions related to Early Intervention stops and detentions and bias free policing.</p>	September 30, 2015
Supervision of Sergeants	<p>Precinct commanders and watch lieutenants will continue to closely and effectively supervise the first-line supervisors and officers under their command, particularly whether commanders and supervisors identify and effectively respond to uses of force." (S.A. ¶ 156.)</p>	January 15, 2015 (Complete)
	<p>SPD and the City will certify that it has reached temporary and partial compliance with paragraph 156 of the Consent Decree to the extent that its commanders and lieutenants are effectively supervising sergeants with respect to the provisions of the Agreement <i>will</i> be effective as of the day of the certification are implemented. The certification will expressly indicate the provisions of the Agreement that, because they are not yet effective, are necessarily not part of the analysis upon which the certification rests.</p>	January 15, 2015 (Complete)
	<p>SPD and the City will certify that it has reached compliance with paragraph 156 of the Consent Decree because it is adequately overseeing first-line supervisors and that all of the provisions relating to supervision of the Agreement, including provisions related to Early Intervention stops and detentions and bias free policing,</p>	September 30, 2015

Assessments, Reviews, and Reporting		Deadline
<p><u>Note:</u> For all deadlines associated with the Assessments in this section below, the Monitor and Parties agree that the deadlines might, in some instances, need to be extended by a brief interval to allow accommodate unforeseen circumstances or presently unexpected, minor delays. Accordingly, if all of the Monitor, Department of Justice, and City of Seattle agree that a deadline extension for any of the assessments outlined below is warranted, the deadline may be extended by an interval agreed to by each of the Monitor, Department of Justice, and City of Seattle not to exceed 15 days from the deadlines set forth below.</p>		
Application of Force		
Use of Force Data Systemic Assessment	<p>The Monitoring Team will assess collected data on use of force (including Type I, Type II, and Type III uses of force and officer-involved shootings) by SPD officers.</p> <p><u>Description of Assessment:</u> The Consent Decree called for SPD to revise its use of force policies (§ 71) consistent with <i>Graham v. Connor</i> and other constitutional imperatives and guided by several expressly defined principles (§ 70). The Court approved the revision in December 2013. (Dkt. No. 115.) As of January 1, 2015, all SPD officers should have received the initial, comprehensive use of force training. (Dkt. 187 at 24.)</p> <p>The Monitor must ensure that the policy revisions are “being carried out in practice.” (§ 184.) This assessment will use the Department’s use of force reporting and data to examine and assess trends in officer use of force. It will not involve the qualitative review of officer force; instead, it will analyze aggregate, statistical trends in the nature, circumstances, and features of force that SPD officers are using. Such quantitative analysis is necessary to provide the context for conducting targeted and meaningful qualitative analysis of the Department’s use of force. Thus, the assessment is a necessary component of conducting a sufficiently rigorous and focused assessment of individual force incidents, even if various quantitative results or analyses might not directly or by themselves establish partial or full compliance.</p> <p><u>Implicated Consent Decree Provisions:</u> §§ 69–90, 153</p>	January 18, 2016
	<p>The Monitoring Team will provide a detailed accounting of the methodology that to be used for the Use of Force Data Assessment.</p> <p><u>Note:</u> The provision of this methodology, as well as the Monitoring Team conducting the Use of Force Data Assessment on the timetable outlined here, is contingent on the Monitor’s findings in the Force Reporting Assessment indicating that reporting is sufficiently reliable and accurate as to allow high-quality statistical analysis to be undertaken.</p>	May 22, 2015