



2021 Monitoring Plan and Methodology

A primary role of the Monitoring Team is to advise the United States District Court for the Western District of Washington on the progress of Seattle to meet the requirements of the federal Consent Decree. The Consent Decree requires that the Monitoring Team obtain the Court's approval for its areas of focus and activities, and to do this the Monitoring Team, in collaboration with the United States Department of Justice and Seattle accountability partners, developed a 2021 Monitoring Plan.¹

The 2021 Monitoring Plan, and its accompanying Methodology, sets key actions and timelines as well as measures for documenting progress around four areas: Evaluating the status of compliance, improving accountability, advising on innovation and risk management, and supporting re-imagining public safety.

Evaluating the Status of Compliance

To evaluate the status of compliance with the Consent Decree, the Monitoring Team is working with the parties and stakeholders to update the Court and the community on where SPD is in its compliance regarding:

- **Use of Force:** In this area, the Monitor will assess whether use-of-force outcomes comply with SPD's Use of Force Policies, which incorporate the requirements of the Consent Decree. The Monitor will also assess whether SPD has continued to thoroughly examine officer uses of force consistent with SPD policy and the terms of the Consent Decree. In addition, the Monitor will conduct an in-depth examination of SPD's force used at protests and demonstrations in 2020 and make findings regarding compliance with the Consent Decree requirements related to use of force, use of force reporting, investigation and review, and constitutional policing generally.
- **Crisis Intervention:** In this area, the Monitor will review SPD's training in the areas of crisis intervention, de-escalation, and scenario-based integrated tactics training. Reporting in this area will also describe the training provided to dispatchers with respect to identifying calls for service regarding individuals in crisis, as well as evaluate deployment and supervision. In addition, this evaluation will track SPD's work to provide training in verbal tactics with the

¹This section summarizes some elements of, and incorporates some language contained in, the Monitoring Team's memorandum submitting the 2021 Monitoring Plan. For the sake of readability, this section does not individually cite every instance of summary or incorporation.

goal of reducing the use of force against individuals in behavioral or mental health crisis, or who are under the influence of drugs or alcohol, and to direct or refer such individuals to the appropriate services wherever possible.

- **Stops and Detentions:** In this area, the Monitor will evaluate SPD's use of stops and detentions, and searches, seizures, and detentions to determine if they are being done Constitutionally and lawfully. In this review, training plans and materials will be evaluated to ensure all patrol officers are knowledgeable on the importance of community contacts for effective policing, community relations, and trust, as well as the legal distinctions and rights for conducting stops and detentions. To understand the outcomes of SPD's use of stops and detentions, analysis will be conducted on the number of *Terry* stops conducted and measures such as, but not limited to, percentage of stops that led to citations, warnings, or arrests, and how those incidents were documented.
- **Supervision:** In this area, the Monitor will assess the rigor of SPD's supervision of patrol officers. This analysis is critical in ensuring that SPD is effective and efficient in its operations and in improving the capabilities and wellness of officers. Evaluation will include, but not be limited to, how many supervisors SPD employs, number of patrol officers with consistent and appropriate supervision, and the quality of supervision. In addition, supervision will be measured on how it proactively intervenes to manage risk as well as help patrol officers improve their skills through mentorship and enhanced training. Particular focus in this area will be on how well the Early Intervention System is performing and areas for development.

Importantly, in all four of the compliance categories above, measures and analysis of bias-free policing and officer conduct will be overlaid. This additional overlay will be critical to understanding not only the baseline lawfulness of a range of incidents but also any disparities in approach and outcomes.

For evaluating the status of compliance, the data collection process includes identifying the types of performance information and data that will be evaluated, securing such data from SPD or the City, and analyzing information to understand SPD's current state. The Monitor, Parties, and SPD's accountability partners have engaged in regular, ongoing discussions about this process of providing updated information about the Department's performance and whether that remains consistent with the Consent Decree's requirements. Initial data regarding use of force has been provided, and the production of data and information on other areas is forthcoming.

Improving Accountability

Accountability is core to public trust and legitimacy in policing, as it links the expectations of the community with the governance, decisions, actions, and results of the police department. The Consent Decree process provides an opportunity to assess and improve accountability, and the Monitoring Plan focuses on two focal points of accountability:

- **Back-end Accountability:** The first type of accountability involves how and whether officer misconduct is addressed – that is, whether there are appropriate outcomes when officers fail to follow SPD policy or the law. On this front, the Monitor, Parties, and Court all receive regular updates on the City’s efforts in the areas of misconduct and discipline, including the City’s ongoing collective bargaining with the Seattle Police Officers Guild on the terms of a new contract. In addition, members of the Monitoring Team are working closely with the Washington State legislature to track changes to law and inform implications for policing in Seattle.
- **Front-end Accountability:** The second type of accountability at the heart of the Consent Decree involves ensuring that officer performance is aligned with community needs and expectations *before* anything goes wrong. This type of accountability focuses on establishing clear, transparent expectations aligned with public input and priorities that officers follow. For example, SPD has joined the Active Bystandership for Law Enforcement (“ABLE”) Project. That initiative, as the Monitoring Team has previously summarized, aims to “prepare officers to successfully intervene to prevent harm,” avoid misconduct, “and to create a law enforcement culture that supports peer intervention.”² ABLE’s purpose is to empower officers with the tools necessary to step into situations involving peers to prevent harm, stop misconduct, and avoid bad outcomes.

As a distinct area of accountability, the Monitor and DOJ will conduct an in-depth examination of SPD’s usage of force at protests and demonstrations in 2020 and make findings regarding compliance with the Consent Decree requirements related to use of force, use of force reporting, investigation and review, and Constitutional policing more generally. In early 2021, SPD engaged in a process of revising and updating its policies and procedures regarding use of force and crowd management. During the remainder of 2021, SPD and other City stakeholders – including the Community Police Commission (“CPC”), OPA, and OIG – are working to determine what changes, revisions, or improvements should be made to Seattle’s policies relating to the use of force in crowd situations and the operational management of protests and circumstances involving large numbers of people. The Monitoring Plan presents specific deadlines for milestones for revisions. Critically, it requires that the City engage in “a comprehensive, affirmative, intensive initiative to obtain community input regarding [SPD’s] Crowd Management Policies.” The Monitoring Team will be evaluating that process to ensure that it uses all appropriate mechanisms possible to engage all of Seattle’s many communities in a substantive process that establishes a community vision for crowd and protest management.

In addition, OPA’s ongoing Sentinel Event Review (“SER”) process also promises to provide SPD with specific, actionable recommendations and issues that it might address to further improve its approach to managing crowds and using force within crowd contexts. The Monitoring Team has continued to

² Georgetown Innovative Policing Program, Active Bystandership for Law Enforcement (ABLE) Project, <https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/> (last visited June 21, 2021).

participate in the SER process as observers and, to date, is encouraged by the rigor, candor, and thoughtfulness that the process has so far entailed.

Advising on Innovation & Risk Management

The Consent Decree does not prevent SPD from continuing to innovate and identify areas where it should make additional progress so long as those efforts are not inconsistent with the Decree's basic requirements. The Monitoring Team and Parties have been engaged with SPD with respect to several of the Department's innovation and risk management initiatives including:

- **Officer Wellness Initiative:** Police officers face a high degree of trauma and stress on a daily basis, which over time can affect job performance and overall personal health and wellness. The Monitoring Team recognizes that officer wellness is integral to not only job performance but also to enabling innovation and change from all levels of the Seattle Police Department. Thus, the workstreams of the monitoring plan factor officer wellness into account as a foundation for effective transformation.
- **Early Intervention System ("EIS"):** Leading organizations across industries and sectors are building systems that can improve performance and minimize risk by understanding the factors that lead to positive and negative outcomes. The Monitoring Team is working with SPD to advance an EIS that not only helps individual officers and supervisors understand root causes of outcomes but also informs the organization on how structures, systems, and processes can be modified to improve enterprise-wide outcomes.
- **Correlation One Collaboration:** Through this novel collaboration, Correlation One, an organization that provides free data and analytics training programs for underrepresented and diverse students, will have cohorts of students develop a problem statement and methodology for gaining insights via SPD data.³ The cohort capstone projects will not only educate aspiring data analysts on real-world issues but also provide SPD and the Monitoring Team with real-time insights on the performance of policing.

Supporting Re-Imagining Public Safety

The Consent Decree does not prevent the City from exploring new and different ways of providing for public safety and community wellbeing so long as those efforts are not inconsistent with the minimum requirements to which the City previously agreed in the Decree. The Monitoring Team, Parties, and City stakeholders continue to engage in regular, active discussions about the City of Seattle's efforts to develop new solutions for community challenges and issues. The purpose of this continuing dialogue is to ensure that any new initiatives do not compromise the ability of the City and SPD to comply with the terms of the Consent Decree.

³ <https://www.correlation-one.com/>

In October 2020, Mayor Jenny Durkan issued an Executive Order to Reimagine Policing and Community Safety in Seattle. The Order established a Functional Analysis Interdepartmental Team (IDT) to advise on operational and functional aspects of SPD as it pertains to reimagining community safety. The IDT took immediate action to address some of the community requests that surfaced during the protests including:

- Transforming 911 by laying the foundation for an independent police emergency dispatch and communications center;
- Transferring functions from SPD to: The Office of Emergency Management, Victim Advocacy Team, 911 Communications Center, and Parking Enforcement Officers;
- Completing robust analysis on SPD 911 calls, sworn officer functions, and personnel and staffing.

The IDT conducted significant community outreach to guide any recommendations or policy options. The community outreach included meetings with 11 city-wide boards, commissions, and advisory councils; roundtables and neighborhood tours; and compilation of thousands of constituent emails, phone calls, and letters. What was quickly discovered is that community is not a monolith; there were differing recommendations and prioritization of concerns. Community was clear, however, that the concept of public safety extends beyond policing. To that end, significant investments are being made by the City through varied departments on upstream, prevention and intervention efforts in tandem with identifying current police functions that can be moved elsewhere.

Ongoing IDT efforts have expanded beyond what was initially outlined in the Mayor’s Executive Order including engagement with national experts on implementing alternate public safety response models and using SPD’s data and the analysis of said data by the National Institute of Criminal Justice Reform to begin developing proposals tailored to Seattle’s needs. It should be noted that there is added urgency in finding non-sworn methods to responding to certain call types considering the severe staffing shortage Seattle is experiencing. It remains to be seen whether developing and operationalizing alternate response models will have any appreciable impact on the number of police needed.

Assessing Overall Compliance

The Consent Decree provides no specific formula regarding the precise point at which deficient performance is indicative of a “pattern or practice.” Instead, the Decree expressly contemplates a balancing of factors. Specifically, “[n]on compliance with mere technicalities, or temporary or isolated failure to comply during a period of otherwise sustained compliance, will not constitute failure to maintain full and effective compliance.” Likewise, “temporary compliance during a period of otherwise sustained noncompliance will not constitute full and effective compliance.”⁴ As the prior Monitoring Team articulated and the Court endorsed, “compliance with provisions of the Consent Decree depends not just

⁴ Settlement Agreement, 3-1 ¶ 184.

on the number or percent of instances where SPD is adhering to requirements but also on the quality or nature of those instances where SPD is falling short.”⁵

Consequently, in evaluating all the evidence, the Monitoring Team will seek to balance:

- The Department and its officers’ performance during a material span of time, number of incidents or encounters, and number of officers;
- The Department’s trends with respect to its aggregate performance over time, including comparisons of more recent material spans of time with prior, similar spans;
- The severity or significance of a performance or incident that deviates from policy, law, or Consent Decree requirements; and
- The extent to which SPD and/or its accountability partners appropriately identify performance contrary to law, expectations, or Consent Decree requirements and take appropriate remedial action that is consistent with the significance and severity to the nature and magnitude of the identified performance deficiency.

At the end of 2021, the Monitor will complete this Compliance Status Report. The report will present the Court and community with up-to-date information and data as to SPD’s current performance and status with complying with the Consent Decree.

⁵ First Systemic Assessment at 6.