

Seattle Monitoring Plan

Methodology for Use of Force, Crisis Intervention, Stops and Detentions, and Supervision

I. EVALUATING THE STATUS OF COMPLIANCE

The Monitoring Team will work to provide the Court, and the community, with updates on SPD's performance and progress on imperatives that constitute the Consent Decree's primary Commitments. Dkt. 3-1 at 3. These include use of force, crisis intervention, stops and detentions, and supervision. Issues relating to bias-free policing and officer misconduct, because they are closely related to and surface significantly in the other core areas for consideration, are included throughout all aspects of the evaluation process. Ex. A at Line 9. The purpose of the Compliance Status Update process is to provide the Court and Seattle community with up-to-date information and data on where the Department stands across the areas that the Consent Decree covers. The final Compliance Status Update will be filed by November 15, 2021. Ex. A at Line 16.

Meanwhile, the Monitor will "publicly issue reports . . . every six months detailing the Parties' compliance with and implementation of" the Decree. Dkt. 3-1 ¶ 196. The Monitor will file these reports by June 1, 2021 and November 8, 2021. Ex. A at Line 6. The two reports will address the status of the City and SPD's progress in implementing the Monitoring Plan and overall progress under the Consent Decree.

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." Dkt. 3-1 ¶ 184. Likewise, "temporary compliance during a period of otherwise sustained noncompliance will not constitute full and effective compliance." *Id.* As the prior Monitoring Team articulated, and the Court endorsed, "compliance with provisions of the Consent Decree depends not just 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." First Systemic Assessment at 6.

Consequently, in evaluating all of the evidence below, 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.

As a general matter, SPD will provide aggregate data and information to provide updates of analyses conducted in the assessment reports conducted by the Monitor in Phase II relating to the listed topics. This document seeks to inventory many of the primary issues or questions that were asked previously and should be answered again for a more-recent time period.

Unless otherwise indicated, it is contemplated that the time periods covered would be calendar years 2019 and 2020. If data from the calendar year 2018 was not captured in prior assessments, then that data should also be provided in all relevant areas.

II. USE OF FORCE: Paragraphs 69–129

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.

Objectives and Methodology

The SPD Force Review Board (“FRB”) and Force Review Unit (“FRU”) will report to the Monitor and DOJ the information and analytics described herein. By policy, FRB and FRU review Type II and III uses of force to determine if they were compliant with SPD’s Use of Force Policy.

According to the procedures set forth in 8.400 and 8.500, which were adopted under the Consent Decree, force is reported, investigated, and reviewed as follows. 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 FRU. Type III uses of force are investigated by a specially trained unit called the Force Investigation Team. The FRB provides an additional layer of review for all Type III uses of force, including officer-involved shootings, and certain categories of Type II uses of force, including serious policy violations. In addition, the Board reviews a ten percent random sample of Type II cases (SPD Policy 8.500-POL-3.10).

The FRB is a select group of SPD personnel with representatives from various aspects of SPD operations who are specially trained to review officer uses of force. The board 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, supervision, or otherwise.

The FRU, when fully staffed, comprises a captain, a lieutenant, a sergeant, and two detectives, who review 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.

Objective 1: Compare use-of-force numbers and rates from 2020/21 to the numbers and rates from Phase II; identify and describe significant attributes; conduct qualitative review of use of force.

Generally, SPD will provide aggregate data and information sufficient to provide updates of analyses conducted in the assessment reports conducted by the Monitor in Phase II relating to officer use of force, use of force reporting, and use of force investigation.

Methodology Questions and Data Collected

- How many Type I, Type II, and Type III uses of force were reported in relevant time periods since the most-recent Use of Force assessment in Phase II?
 - Number of cases received by OPA in 2020 that involved misconduct allegations related to the use of force and number of force-related misconduct allegations (one case may involve multiple allegations). Number of force-related misconduct allegations that OPA sustained and number of uses of force and number of officers involved in the sustained allegations. This data is collected by OPA, and accordingly OPA will report it to the Monitor and DOJ
 - Number of incidents involving a Type II force, Type III force, or an OIS
 - Number of Type I, II, and III uses of force
 - Percentage of officer dispatches in which any force was used; percentage in which greater than Type I force was used
 - Age, race/ethnicity, and gender of subjects of force
 - Note: this data would be provided both with and without the totals from the 2020 protest incidents, in order to enable apples-to-apples comparisons with previous years
- What was the frequency of all types of use of force, including use of less lethal tools?
 - Handcuff/hobble
 - Taser
 - Control hold
 - Firearm - Point

- Firearm - Fire
- Personal Weapons
- Chemical Agent/OC
- Chemical Agent/Other
- Baton
- 40 mm
- Canine
- Blast Balls
- Vehicle Tactics/PIT
- Vehicle Tactics/Other
- Any other physical force or force instruments listed in drop-down menus within the IA Pro/BlueTeam environment
- What is the rate of:
 - Subject injury in Type III cases?
 - Officer injury (excluding officer injuries incurred in contexts other than use of force incidents?)
- How do these numbers compare to the SPD's outcome data in previous phases?
 - How has the relative proportion of serious versus low-level force changed?
 - How has the overall amount of force changed?
 - How has the rate of force changed?
 - How has the frequency of use of less lethal tools changed?
- FIT Investigations of Type III Incidents (and certain Type IIs)
 - Number of FIT responses, broken down by type:
 - Type III force
 - OIS
 - Unintentional firearm discharges
 - In-custody deaths
 - Assaults on officers
 - Potential Misconduct
 - Returned to Patrol
- Cases Reviewed, FRU/FRB by Type (Type II, Type III, OIS, In-Custody Death)

- FRB Findings
 - # of FIT investigations reviewed by FRB
 - # of FIT investigations not reviewed by FRB. If yes, why?
 - # of investigation approved by FRB with no issues, # approved with minor issues, # disapproved
 - # of referrals by FIT to OPA for identified potential misconduct
 - Description of issues identified in each of these areas:
 - Prior to arrival on scene
 - Scene investigation
 - Follow-up investigation
 - Evidence
 - Timeliness
 - Thoroughness
- For each use of force that it reviewed, overall aggregate statistics for FRB's findings regarding:
 - Whether the officer took reasonable efforts to de-escalate prior to using force
 - Whether the force was reasonable, necessary and proportional
 - Whether the force conformed to other Use of Force Policy requirements
 - On-scene supervision;
 - OPA referrals;
 - Use of force investigations and chain of command review.
- How many misconduct allegations related to the use of force did OPA investigate? What was the disposition for each allegation?
- Across all of the above data points, were there disparities or trends related to subject demographics?

Qualitative Review of Type I and II Use of Force

With respect to the Decree's provisions on reporting, investigation, and review of Type I and Type II use of force, SPD will report to the DOJ and the Monitor as follows:

- For Type I use of force, using Chain of Command reviews as the source documents, SPD will report as to the following questions (1) Was the force used consistent with Department policy; (2) were the findings of the reviewing Lt supported by a preponderance of evidence; (3) Were any concerns identified by the Sgt and/or Lt addressed; (4) were any referrals made to OPA, PCR, or Training; (5) was the use of force approved or disapproved; (6) if the total review took more than 30 days from the time of the incident, was an extension requested and granted. This inspection will comprise reviews of representative, random sample of Type I cases completed over the first six months of 2021.
- For Type II use of force, SPD will report as to the following questions: (1) whether the force was (a) within policy, (b) consistent with tactical training; (2) whether sufficient de-escalation was attempted/employed where safe/feasible; and (3) what issues were identified by the chain of command, the FRU, or the FRB. This inspection will comprise reviews of all Type II cases reviewed by the FRB for the six-month period between October 2020 and March 2021 (n=27).

As the prior review contemplated, the role of independently verifying SPD's work will be served by the Office of Inspector General. As also performed in Phase II, the Monitoring Team and Department of Justice will evaluate the work of both the FRU and OIG through a randomized sample of the cases reviewed by each entity. In this randomized review, the Monitoring Team and Department of Justice may assess each of the selected cases with the following questions from the Phase II methodology:

Type I

Officer:

- Did the officer include a summary/statement narrative of the incident
- Did the officer describe the force used in their statement narrative
- Did the officer state or describe why the force used was necessary
- Did the officer list the force on the Blue Team body diagram
- Did the officer screen the force with a supervisor according to policy
- Did the officer note whether ICV/BWC exists

Sergeant:

- Did the sergeant review the documentation as soon as practicable and direct the officer to supply more information, if needed.
- Did the sergeant screen all Type I uses of force in person where practical.
- If not practical, did the supervisor screen Type I uses of force prior to the subject being booked, released, or otherwise have their contact concluded
- Did the sergeant review the officer's classification of force and correct it when necessary.
- Did the sergeant address any concerns with the involved officers.
- Did the sergeant refer misconduct related to use of force to OPA,
- Did the sergeant forward the report, with the sergeant's own review, to the next level reviewer

Lieutenant:

- Did the lieutenant review and approve the involved employee's use of force report;
- Did the lieutenant review and approve the supervisor's investigation
- Did the lieutenant review and approve the use of force
- If lieutenant did not approve any of the above, did lieutenant take appropriate action (such as giving feedback or make OPA referral)
- Did the lieutenant document their review in Blue Team
- Did the lieutenant refer misconduct related to use of force to OPA, if it has not already been done

Captain:

- Did the captain approve the lieutenant's analysis
- Did the captain ensure issues/concerned identified were addressed
- Did the captain approve the force as consistent with policy
- If captain did not approve any of the above, did captain take appropriate action (such as giving feedback or make OPA referral)
- Did the captain make a conclusion regarding timeline compliance (or note of extension)

- Did the captain refer misconduct related to use of force to OPA, if it has not already been done

Type II

On Scene:

- Was the subject interviewed?
- Did the officers investigating ensure that appropriate aid was rendered to the subject?
- Were photographs taken to document the subject and the scene
- Did the officers investigating review and bookmark relevant video
- Did the involved officer complete a crisis / Terry template?
- Were the investigation and reviews completed in Blue Team?
- Were the timelines complied with and was that fact noted in the supervisor's review?

Sergeant:

- Did sergeant respond to the scene, examine the subject of the force for injury, interview the subject for complaints of injury and (if appropriate) summon medical aid
- Did sergeant determine whether a FIT response was warranted
- Did sergeant identify and secure evidence and ensure collection of evidence
- Did sergeant make reasonable attempts to locate civilian witness and arrange for interviews of witnesses
- If practicable, did sergeant ensure that interviews of subject and of civilian witnesses are recorded
- Did sergeant interview the officers involved
- Did sergeant require all officers at present at the scene to complete statements (for involved officers require a UoF report)
- Did sergeant review ICV and holding cell video and ensure retention if relevant
- Did sergeant canvass for privately-owned video and attempt to obtain copies
- Did sergeant take photographs of the scene, officer injuries, damaged property

- Did sergeant take photographs of the subject for identification purposes and photograph visible or complained of injuries
- Did sergeant resolve any material inconsistencies in statements
- Did sergeant notify commanding officer of reportable force before end of shift
- Did sergeant complete a force investigation report within 72 hours that contains
- Did sergeant forward the UoF investigation report and packet through chain of command
- Did sergeant complete investigation within 30 days or obtain an extension
- Did the sergeant refer misconduct related to use of force to OPA and ensure that officer's chain of command was notified

Administrative Lieutenant:

- Did administrative lieutenant review the UoF investigation report and packet to ensure it is complete
- Did administrative lieutenant make findings as to whether use of force was lawful and consistent with policy
- Did administrative lieutenant approve the findings or modify the findings as appropriate if not supported by preponderance of evidence
- Did administrative lieutenant resolve inconsistencies and ensure that additional investigation is completed if appropriate
- Did administrative lieutenant initiate corrective action if there were deficiencies in investigation
- Did administrative lieutenant refer any misconduct related to use of force to OPA if not already done
- Did administrative lieutenant forward the report and packet through the chain of command

Reviewing Lieutenant:

- Did reviewing lieutenant review the UoF investigation report and packet to ensure it is complete

- Did reviewing lieutenant make findings as to whether use of force was lawful and consistent with policy
- Did reviewing lieutenant approve the findings or modify the findings as appropriate if not supported by preponderance of evidence
- Did reviewing lieutenant resolve inconsistencies and ensure that additional investigation is completed if appropriate
- Did reviewing lieutenant initiate corrective action if there were deficiencies in investigation
- Did reviewing lieutenant refer any misconduct related to use of force to OPA if not already done
- Did the reviewing lieutenant forward the report and packet through the chain of command

Captain:

- Did captain review the report and packet to ensure it is complete
- Did captain make findings as to whether use of force was lawful and consistent with policy
- Did captain approve the findings or modify the findings as appropriate if not supported by preponderance of evidence
- Did captain resolve inconsistencies and ensure that additional investigation was completed if appropriate
- If use of force was found to be out of policy, or if investigation was found to be deficient, did captain direct and ensure appropriate corrective action
- Did captain refer any misconduct related to use of force to OPA if not already done
- Did the captain forward the report and packet through the chain of command
- Did captain forward investigation file to the Force Review unit

Objective 2: Use of Force and Crowd Management

The Monitor and Department of Justice (“DOJ”) 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.

The requirements of the Consent Decree regarding the use of force, like the Constitutional and legal standards governing use of force, attach to all uses of force – whether the force occurs within the context of one subject or a limited number of persons being involved in the encounter, whether many individuals are present when force is deployed, or whether force is directed by supervisors within any type of operational context.

I. Collection of Data

- SPD will provide to the Monitor and DOJ all incident action plans related to protests between May 25 and November 30, 2020.
- DOJ will select a statistically significant, random sample of all use of force reports related to protest incidents between May 25 and November 30, 2020. (These reports may need to be provided on a rolling basis as they are reviewed, approved, and finalized.)
- SPD will provide, through Evidence.com, all related video that is associated with the use of force reports identified above (including body worn video, bystander video, and the like). SPD will provide all Seattle Police Operations Center records for the time period in question (which include incident action plans and rules of engagement for protests or demonstrations). SPD also will provide Force Investigation Reports for all protest incidents that FIT investigated.
- The City will provide all of OPA’s and OIG’s recommended disciplinary findings in protest cases to the Monitor and DOJ as they become available.
- OIG will provide reports related to crowd management-related issues and evaluation, including SER interim reports.
- SPD will provide reports and narrative on their process for implementing recommendations generated from the SER.

II. Review of Use of Force

The Consent Decree between the City of Seattle and DOJ contains twenty-two paragraphs setting forth principles that the SPD must follow when using force. *See* Consent Decree ¶¶ 69-90. In addition to requiring that force comply with constitutional requirements, these Consent Decree paragraphs also address tactics, such as de-escalation, and tools, such as firearms and tasers.

During Phase I, the Monitor, DOJ, and the SPD worked collaboratively to write policies that thoroughly incorporate these principles. *See Monitor's Fourth Semiannual Rept.* at 20 (“SPD’s use of force policy, approved by the Court in December 2013, is the embodiment of the Consent Decree. It provides officers with clear guidance and expectations consistent with constitutional imperatives.”). Since then, SPD has implemented several subsequent sets of revisions that further improved upon these policies and which were approved by the Monitor, DOJ, and the Court. These policies are set forth in the following section of the Seattle Police Manual:

- Sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. “Officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective.” § 8.200.
- Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics.
- Section 8.400 prescribes protocols for the reporting and investigation of force;

- Section 8.500 sets forth the process for review of force.

The Monitoring Team and DOJ will use this information to evaluate compliance with the Consent Decree by reviewing the data set forth in the above section. With respect to the individual cases sampled, the Monitor and DOJ will evaluate:

- Whether there was a clear and reasonable incident action plan in advance of the protest event;
- Whether the officer(s) using force were acting in compliance with the incident action plan and supervising officer commands;
- Whether the officer took reasonable efforts to de-escalate prior to using force;
- Whether the force was reasonable, necessary and proportional; and
- Whether the force conformed to other Use of Force Policy requirements.

In conducting this evaluation, as in all other reviews conducted during the Consent Decree, non-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. However, substantial, systemic, or routine non-compliance would constitute a violation of the Consent Decree. The Monitoring Team and DOJ will file a report, consistent with the timeframes set forth in the Phase III Monitoring Plan, that advises the Court of their findings in this regard.

III. Review of Use of Force Reporting and Investigation

Paragraphs 91-125 of the Consent Decree set forth requirements related to use of force reporting and investigation. Pursuant to those paragraphs, force is classified, documented, investigated and reviewed according to level of severity. The levels are essentially: *de minimus* (physical interaction without the likelihood of pain or injury); Type I (force that cause transitory pain); Type II (force reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm); and Type III (force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death).

- For Type I uses of force, the involved officers and chain of command are responsible for reporting and investigating and reviewing the force involved.

- For Type II uses of force, the involved offices and chain of command are responsible for reporting and investigating the use of force, but the Force Review Unit and/or the Force Review Board review the force for compliance with SPD policy.
- For Type III uses of force, the involved officers and chain of command have some responsibility for cooperating with the investigation and securing the scene, but the Force Investigation Team conducts the investigation and the Force Review Board conducts the review of the use of force.

SPD will review Type I and II uses of force as previously described in this document. SPD has preemptively flagged that uses of force occurring during protests in the past year have not been timely reviewed in the manner prescribed by the use of force policies. SPD has indicated that the abnormally high volume of force incidents, the large number of witness officers to each event, and the ongoing demands on supervisor time (due to on-going protests) rendered the typical review process unworkable. Accordingly, as part of these Phase III assessments, SPD will provide information regarding:

- How many force incidents have not been reviewed from protest-related work;
- What modified review process is either underway or planned for those incidents and how it will achieve the Consent Decree mandates to ensure that all uses of force are timely reviewed for both misconduct and lessons learned by the Department; and
- What review process SPD plans to use for like situations (i.e. review of uses of force in large or ongoing crowd management/protest related events) in the future and how that process will achieve the same Consent Decree mandates referenced above.

The Monitoring and DOJ will use this information to evaluate compliance with the Consent Decree by evaluating:

- the reasonableness of the adjusted approach taken by SPD,
- the ability to still conduct meaningful oversight of force incidents (including making appropriate referrals to OPA where appropriate),
- the ability to capture lessons learned and improve operations, and

- the reasonableness of the protest force reporting and review approach planned for the future.

The Monitoring Team and DOJ will file a report, consistent with the timeframes set forth in the Phase III Monitoring Plan, that advises the Court of their findings in this regard.

A. Type III Use of Force Investigation and Reporting

The Consent Decree contains nine paragraphs relating to SPD's Force Investigation Team (FIT). ¶¶ 95, 102, 112-118. To implement these paragraphs, SPD worked with DOJ and the Monitor to create FIT, an independent, inter-disciplinary team of specialized detectives who investigate the most serious uses of force (Type III force), including officer-involved shootings and in-custody deaths. FIT is comprised of experienced detectives who conduct these investigations from both a criminal law and SPD policy perspective. The Consent Decree paragraphs regarding FIT set forth detailed requirements for when FIT should be involved in an investigation and for the investigative procedures that must be followed for Type III force. These terms of the Consent Decree are incorporated into Section 8.400 and in the FIT Manual, which was submitted by the Monitor and approved by the Court in December 2016. *See* Dkts. 340 & 341.

As in Phase II, initial review for SPD's compliance with the reporting and investigation requirements of Type III force will be conducted by SPD's Force Review Board. FRB reviews all FIT investigations. OPA also reviews and investigates allegations of misconduct and policy violations by FIT, and so this section will include relevant OPA findings as well. Using the findings of those reviewers, the Monitor and DOJ will further evaluate compliance with the Consent Decree by examining (with respect to the sampling described above):

- For each use of force that it reviewed, what were FRB's findings regarding:
 - Were there any problems with the on-scene portion of the investigation prior to FIT's arrival?
 - Was FIT's investigation and review completed timely?
 - If not, was an extension approved by a bureau chief? Was the extension documented?

- Was the FIT investigation complete, including:
 - Did FIT assume control of the scene ¶ 118(a)
 - Did FIT identify and document basic information 118(a)
 - Did FIT conduct a thorough canvass for civilian witnesses? 118(b)
 - If possible, were the subject and any officer or civilian witnesses interviewed? Were interviews recorded ¶ 118(b & e & g)
 - Did FIT thoroughly canvass for and obtain privately-owned video 118(c)
 - Did FIT photograph the scene, any officer injuries, and the subject's area of injury ¶ 118(d & e)
 - Did FIT secure ICV footage ¶ 118(f)
 - Did FIT arrange for relevant physical evidence to be collected, documented, and analyzed 118(d)
 - During interviews, did FIT ask all material questions, including appropriate follow-up questioning? 118(g)
 - Did FIT arrange for involved officer to submit a written statement as soon as practicable? 118(h)
- Did the FIT presentation to the FRB include all material information needed for FRB's review and was it neutrally presented? What problems or issues, if any, were there with the FIT investigation?
- Did FIT appropriately identify issues related to training, policy, and equipment consistent with its manual and Consent Decree requirements?"
- How many misconduct allegations regarding FIT officers did OPA investigate? What was the nature and disposition of each allegation?

In conducting this evaluation, as in all other reviews conducted during the Consent Decree, non-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. However, substantial, systemic, or routine non-compliance would constitute a violation of the Consent Decree. The Monitoring Team and DOJ will file a report, consistent with the timeframes set forth in the Phase III Monitoring Plan, that advises the Court of their findings in this regard.

III. CRISIS INTERVENTION – Paragraphs 130–137

Generally, SPD will provide aggregate data and information to provide updates of all modes and types of analysis conducted in the assessment reports conducted by the Monitor in Phase II relating to crisis intervention.

Objective 1 – Training and Response

- SPD will provide a report to the Monitor and DOJ that describes SPD’s training in the areas of crisis intervention, de-escalation, and scenario-based integrated tactics training. The report will also describe the training provided to dispatchers with respect to identifying calls for service regarding individuals in crisis. SPD will also submit quarterly updates regarding the training that it provides and any challenges faced.
- How many Crisis Contacts in 2019 and 2020?
 - Number of cases received by OPA in 2020 that involved subjects in behavioral crisis or alleged violations of SPD’s crisis intervention policy and number of allegations involved in these cases (one case may involve multiple allegations). Number of allegations sustained and number of officers involved in the sustained allegations. This data is OPA’s (not SPD’s), and accordingly OPA will report it to the Monitor and DOJ.
 - Number of incidents involving any use of force
 - Percentage of CAD Events with a related crisis report
 - Age, race, gender of subjects of a crisis report
 - How many subjects did SPD have repeated contact with in 2020?
 - What percentage of crisis reports:
 - Resulted in an emergent detention
 - Were referred for services
 - Resulted in the documentation of an offense
- How many crisis response plans were generated in 2020?
- What is the rate of crisis events resulting in a reportable use of force in 2020?
 - What is the distribution of force types?
 - What was the frequency of use of less lethal tools in 2020?

Objective 2 – Deployment and Supervision

- What is the distribution of CIT-certified officers across precinct/watch/sector, administrative assignment, and rank?
- What number of calls for service are associated with a Crisis Template?
 - How do these calls break down by initial/final call types, and distribution across precinct/sector/watch (and is the break down appropriately reflected in the distribution of CIT-certified officers)?
- In what percentage of incidents was a CIT-certified officer on-scene?
 - How do these calls break down by initial/final call types, and distribution across precinct/sector/watch?
- As a percentage of total call volume, how many calls were identified by Communications as involving a subject in crisis?
 - How do these calls break down by initial/final call types, and distribution across precinct/sector/watch?
- In what percentage of cases involving a Crisis Template was a CIT-certified officer requested or dispatched?
 - What percentage of calls were cleared by a CIT-certified officer as primary?
 - What percentage of templates were completed by the CIT-certified officer?
- What were the response times in these cases?
- Are officers appropriately filling out crisis templates when an incident involves a person in crisis?
- Is SPD ensuring consistent documentation of crisis templates?

Objective 3 – Outcome Reporting

This section of the audit will report on SPD's continued and expanded tracking of information regarding SPD's interactions with individuals in crisis. Consent Decree, paragraph 136. It will also describe SPD's consultations with the CIC to determine what interactions result in data collection, and the types of information to be collected based on the level of interaction. Subject to the CIC's review and recommendations, and applicable law, SPD gathers and tracks the following data when available:

- a) Date, time and location of the incident;

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

Objective 4 – Minimize the use of force against individuals in crisis

SPD will continue its work in providing training in verbal tactics with the goal of reducing the use of force against individuals in behavioral or mental health crisis, or who are under the influence of drugs or alcohol, and to direct or refer such individuals to the appropriate services where possible. Consent Decree, paragraph 130

The SPD Force Review Board ("FRB") and Force Review Unit ("FRU") will conduct this portion of the audit. By policy, FRB and FRU review all Type II and III uses of force to determine if they were compliant with SPD's Use of Force Policy. Among other things, FRB and FRU answer the following questions:

- Was the use of force consistent with policy?
- Was the use of force consistent with training and core principles with respect to decision making?
- Was the use of force consistent with training and core principles with respect to de-escalation?

This section will include an aggregate of the FRB/FRU review and findings on all crisis incidents involving a use of force for the year 2020. This analysis will be accomplished through

the new reporting and analytics capabilities described in the Type I & II Use of Force Reporting, Review, and Investigation Audit methodologies.

IV. STOPS AND DETENTIONS: Paragraphs 138–144

Generally, SPD will provide aggregate data and information to provide updates of all modes and types of analysis conducted in the assessment reports conducted by the Monitor in Phase II relating to stops, searches, seizures, and detentions. The evaluation will cover the calendar years 2019 and 2020.

Methodology Questions and Data Collected

- The report will describe relevant training content with respect to stops and detentions. The report will also include data drawn from the Data Analytics Platform (DAP) via Cornerstone on the relevant trainings completed by patrol officers.
- SPD Audit, Policy, and Research Section will review the training plans and materials and evaluate the following: Does SPD provide all patrol officers with annual in-service trainings that adequately cover all of the following topics:
 - the importance of police-community contacts for effective policing and community relations and trust;
 - Fourth Amendment and related law; SPD policies, and requirements in this Agreement regarding investigatory stops and detentions;
 - First Amendment and related law in the context of the rights of individuals to verbally dispute officer conduct;
 - legal distinction between social contacts, non-custodial interviews, and investigatory Terry stops;
 - distinction between various police contacts according to the scope and level of police intrusion; and
 - the facts, circumstances, and best practices that should be considered in initiating, conducting, terminating, and expanding an investigatory stop or detention, including when an individual is free to leave, and when an officer will identify him or herself during a contact.

- SPD will report to the Monitor and DOJ on the following outcomes regarding SPD's use of stops and detentions:
 - Number of *Terry* stops
 - Pedestrian
 - Bicycle
 - Motor Vehicle
 - Percentage of *Terry* stops that led to an arrest
 - Percentage of *Terry* stops resulting in citation or warning.
 - Percentage of *Terry* stops that were responsive to a call for service from the public (i.e., 911 call) and percentage resulting from officer on-views
 - Demographics of subjects of *Terry* stops
 - Case identifier information that identifies each individual incident (location, time of day, and triggering event).
 - Decision to search
 - Consent obtained
 - Result of the search
 - Hit rate
 - Number of uses of force after a *Terry* stop
 - UoF that resulted in arrest

Separately, the City will conduct an assessment of stop templates to ensure (1) completeness, and (2) that all stops are supported by the necessary reasonable articulable suspicion. The City will use the methodology previously used in Phase II, which was approved by the Parties and Court (or other agreed upon method).

V. SUPERVISION

Generally, SPD will provide aggregate data and information to provide updates of all modes and types of analysis conducted in the assessment reports conducted by the Monitor in Phases I and II relating to supervision.

Methodology Questions and Data Collected

- General: SPD will provide a report to the Monitor and DOJ on the following metrics that address SPD’s supervision of patrol officers:
 - During the reporting time period, how many first line supervisors did SPD employ?
 - Percentage of first line supervisors in a permanent role, percentage in a temporary or acting role
 - Number of patrol officers with a consistent, clearly defined supervisor at the rank of sergeant or higher
 - Percentage of new sergeants or acting sergeants who received First Line Supervisor training within 90 days of assuming responsibilities
 - What percentage of operations officers did not have a single identified first-line supervisor?
 - What percentage of officers did not have supervisors that were assigned the same days and hours as their shift?
- EIS: SPD will provide the Monitor and DOJ with the following:
 - Number of EIS assessments completed
 - Number of assessments that led to a mentoring plan and which risk categories were triggered for each mentoring plan
 - Time taken to complete mentoring plans
 - Regular updates on SPD’s innovation strategies and future plans for the EIS program.
 - In how many cases was the chain of command review/investigation of force delayed beyond the requirements of applicable policy?¹
 - Has SPD monitored EIS to determine whether it is meeting its risk management objectives?
 - Do the new EIS threshold levels and triggers better meet SPD’s risk management objectives, as compared with 2018?
 - Does the EIS policy contain a mechanism by which the threshold for review is lower after EIS has already been triggered?

¹ These latter two questions were also answered as part of the Part II report on Type I/II Use of Force reporting and investigation submitted to the Court on July 31, 2019.

- Has information related to supervisor, precinct, squad and unit trends with respect to EIS been collected, maintained, and retrieved?
- Has use of force information been collected, maintained, and retrieved at the precinct level?
- Has information on closed OPA complaints and their dispositions been collected, maintained, and retrieved at the precinct level?
- Has the number of individual officers who have triggered EIS reviews been collected, maintained, and retrieved at the precinct level?
- Has the number of supervisor reviews of officers based on EIS triggers been collected, maintained, and retrieved?
- PRC
 - Are supervisors periodically and appropriately reviewing EIS activity of officers in their chain of command?
 - Are EIS intervention strategies being implemented in a timely matter?
 - Is data regarding interventions being tracked in EIS?
 - What share of supervisors review the progress of assigned intervention strategies as appropriate?

**Appendix One: Alphabetical List of Acronyms and Names of Organizations,
Systems, and Processes**

APRS: Audit Policy and Research Section

CAD: Computer Aided Dispatch

CI: Crisis Intervention

CIC: Crisis Intervention Committee

CIT: Crisis Intervention Trained

City: City of Seattle

Court: United States District Court for the Western District of Washington

CPC: Community Police Commission

DAP: Data Analytics Platform

EIS: Early Intervention System

FRB: Force Review Board

FRU: Force Review Unit

DOJ: United State Department of Justice

OIG: Office of the Inspector General

OPA: Office of Police Accountability

PRC: Performance Review Committee

SER: Sentinel Event Review

SPD: Seattle Police Department