



Use of Force Preliminary Assessment

SEATTLE POLICE MONITOR

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Use of Force

A. Executive Summary

This Monitoring Team reviewed SPD's performance related to use of force since 2019 and submits the following assessment to update the public and the Court on SPD's performance in this area. This assessment includes an examination of systemic issues with SPD's response to the historic protests during the summer of 2020, as well as the resulting changes made by the Seattle Police Department (SPD) and the City of Seattle. The Monitoring Team's analysis found, among other things:

- Over the course of the Consent Decree, SPD's use of force decreased significantly overall and across all levels of force, with records lows in 2019 and 2021 punctuated by the historic levels of protest-related force in 2020. SPD reported record high usage of less-lethal instruments both during protest situations and outside of protests in 2020.
- SPD's response to the 2020 protests in the aftermath of the murder of George Floyd resulted in historic levels of protest-related uses of force and misconduct complaints, leading the City to revoke a motion to terminate paragraphs 69-168 of the Consent Decree.
- In the midst of the 2020 protests, SPD notified OIG, OPA, the Monitoring Team, and DOJ that it would be out of policy with respect to the time requirements of force reporting, investigation, and review, due to the volume of use of force.
 - As a stopgap measure, SPD directed supervisors to screen for possibly problematic force and to refer possible misconduct to OPA. SPD did not generally conduct complete reviews for lower-level and intermediate-level force (Type I and Type II force). SPD did investigate and review all serious (Type III) force that occurred during the protests.
- Additionally, SPD recognized—and the Monitoring Team found—that some uses of force in the demonstration context did not accord with the policies developed under the Consent Decree. Perhaps more importantly, SPD's tactics did not accord with the expectations of the community, and all involved believed that SPD could do better.
 - As a result of these issues, SPD overhauled its crowd management policy and training to guide future protest responses of this scale, with a focus on facilitating First Amendment protected activity while addressing specific criminal activity.
 - SPD's protest response generated approximately 19,000 complaints, resulting in 145 unique incidents involving allegations of police misconduct, according to

OPA.¹ Many thousands of these complaints stemmed from a small number of incidents that went viral on social media. As of March 2022, OPA had completed 130 of the 145 investigations.² These completed cases led to 43 total sustained findings of misconduct. To date, two thirds of cases leading to a disciplinary outcome have resulted in written or oral reprimands. Thus far, four cases resulted in a suspension without pay, with two cases leading to resignations prior to discipline, and one case leading to a disciplinary transfer.

- City leadership called for a systemic review of SPD's protest response to identify what went wrong and how the City could avoid these problems in the future. This led to the Office of Inspector General initiating an in-depth Sentinel Event Review (SER) process with community partners and SPD to critically analyze SPD's protest response and generate recommendations to improve the City's protest response in the future. The Monitoring Team has observed this process from the start and found it to be a robust, necessary process of critically analyzing SPD's protest response and generating meaningful recommendations for moving forward. SPD either agreed to implement or had already implemented the vast majority of the SER's recommendations, demonstrating a commitment to improvement both based on community feedback and SPD's identification of issues. The important work of the SER continues to this day and will produce additional recommendations for improvement in future reports.
- SPD's overall use of force declined 33% from 2015 to 2019 and 49% from 2015 to 2021. 2019 and 2021 also represent recorded lows for SPD force when compared against officer activity metrics which attempt to account for decreased officer activity resulting from Covid-19 and other potential factors.
- The most serious force incidents (Type III) decreased by 60% from 2014 (47) to the period of 2019 to 2021 (18.7 average). Across 2019 through 2021, SPD used serious force in 0.003% of officer dispatches – or once in every 39,096 officer dispatches.
- The incidence of officers pointing firearms at subjects has reduced significantly over the course of the Decree, reaching some of the lowest levels since the start of the Consent Decree during parts of 2020 and 2021.
- SPD reduced its average monthly usage of Tasers some 61% when comparing 2001-2010 data to 2014-2021 data – decreasing from an average of 14 to 5.5 deployments per month.

¹ Community members contacted the Office of Police Accountability (OPA) over 19,000 times regarding SPD's response to the protests. Investigators ultimately reviewed all of these communications regarding possible misconduct related to the protests and distilled them to 145 unique investigations (e.g., over 13,000 of the contacts were about a single, widely-publicized incident. Dkt. 657 at 7-8 & n.4. *See also* Office of Police Accountability, *2020 Annual Report* at 7. The 2020 Annual Report indicated OPA had initiated 143 investigations. This number later increased to 145 investigations.

² The City reports that 13 of the 15 remaining cases involve an employee on leave or a former employee, which may complicate the investigation.

- SPD officers have turned from “too quickly resorting to the use of...batons”³ to almost never using batons. While batons were present during the 2020 protests, they were used for purposes of pushing or guiding, not as an impact tool.
- SPD officers did not report subject race for 32% of use of force subjects between 2019 and 2021. This is concerning and complicates SPD’s capacity to conduct comprehensive analyses of uses of force across demographic groups.
- As with analyses of SPD’s prior data, the distribution of use of force across races does not resemble the racial makeup of Seattle, with Black subjects and American Indian subjects comprising a larger portion of use of force subjects when compared to their share of the population. The distribution of use of force across races, however, is nearly identical to the distribution of arrests across races. For 2019 to 2021, White subjects represented 55% of arrests and 54% of uses of force; black subjects represented 36% of arrests and uses of force; Asian subjects represented 5% of arrests and uses of force. American Indians were the only group with a notable difference, representing 1% of subjects of force and 2.8% of arrests. SPD officer use of force roughly matches arrest rates across races. While the Consent Decree does not have specific requirements or benchmarks for disparities in uses of force, the Monitoring Team includes a variety of metrics on this topic of great community interest throughout this report.
- For 2019-2021, Black subjects were involved in the highest number of the most serious types of force (Type III, including officer shootings) with 18, followed by White subjects and subjects of “unknown” race (15), and Asian subjects (6).
- There was a 73% decrease of pointings of lethal firearms at Black individuals from 2015 (304 pointings) to 2019-2021 (average of 82). Even as this decrease is notable, Black subjects are still most likely to be the subject of a firearm pointing despite being the subject of force less frequently than White subjects or subjects of unknown race. Firearm pointing is classified as a Type 1 use of force.
- A higher percentage of White subjects were reported to be injured during force encounters than Black subjects during each of the years from 2015 through 2021.

Available information from the period of 2019 through 2021 also sheds light on various, overlapping systems of accountability in place to analyze and evaluate officer use of force.

- Overall, SPD demonstrates consistent adherence to its use of force policies in practice, and supervisors regularly take corrective action in response to deficiencies.
- Supervisors continue to document more substantive reviews of uses of force and initiate associated corrective actions far more frequently than occurred prior to the Consent

³ U.S. Department of Justice, *Investigation of the Seattle Police Department 4* (Dec. 6, 2011), https://www.justice.gov/sites/default/files/crt/legacy/2011/12/16/spd_findletter_12-16-11.pdf [hereinafter “2011 Findings Letter”].

Decree. The level of review is a significant change from the nearly non-existent reviews occurring prior to the Consent Decree.

- While SPD only referred 0.4% of *any* force cases for further review before the Consent Decree, SPD supervisors in 2021 referred 13% of the *lowest-level* cases for disciplinary investigation or remedial training and documented actively screening the cases with accountability experts in 27.5% of cases, in addition to identifying other issues in their reviews, based on an inspection for this assessment. Overall, the supervisory chain of command appears to be continuing to identify issues with use of force.
- The Force Investigation Team continues to document in-depth investigations, and the Force Review Board continues to conduct wide-ranging discussions which generate a variety of recommendations for organizational improvement.
- Misconduct investigation cases involving use of force rose steadily from 2014 to 2018, before decreasing by more than half in 2019, rising back up to the highest levels on record in 2020 before then hitting a recent low in 2021. 2020 produced a record high number of use of force misconduct allegations, 78% higher than the next highest year (2017). OPA sustained 10% of use of force allegations from 2019 to 2021, and 87% of cases resulted in a not sustained finding over this period.
- As SPD's internal force review mechanisms, misconduct investigations by the Office of Police Accountability, and the systemic oversight by the Office of Inspector General and the Community Police Commission continue to strengthen capabilities, SPD and its accountability partners will be positioned to improve accountability and performance on use of force provided the City sufficiently staffs and emphasizes these functions.

These various internal and external systems together provide Seattle with rigorous use of force oversight programs in the nation and presents mechanisms for continually improving force practices into the future. Especially as the events of 2020 made clear, the existence of these systems does not, by themselves, eliminate problems with SPD use of force generally or forestall the possibility that individual officers will perform contrary to expectations and SPD policy. Instead, these systems support improved performance overall and provide heightened levels of accountability and feedback when misconduct or issues occur. With continued support, emphasis, and community collaboration, these interlocking systems of accountability can maintain and enhance SPD force practices to promote safety for the Seattle community moving forward.

The body of this report details these and other findings regarding SPD's use of force practices and further explores the Department's response to the demonstrations in the summer of 2020 and the City's work to learn from its mistakes and restore trust with the community.

B. Background and Consent Decree Requirements

It is useful to review a brief history of use of force reforms under the Consent Decree.

The Department of Justice's Initial Findings on Use of Force

The Department of Justice's ("DOJ") 2011 investigation found that the Seattle Police Department ("SPD") "engage[d] in a pattern or practice of using unnecessary or excessive force."⁴ DOJ attributed this pattern or practice of excessive force to SPD's "fail[ure] to: (1) properly monitor or investigate the use of force; (2) implement adequate policies on the proper use of various force weapons; and (3) adequately train its officers on the use of force, particularly the appropriate use of various force weapons."⁵

As a result of these system deficiencies, DOJ found that, overall, "[w]hen SPD officers use force, they do so in an unconstitutional manner nearly 20% of the time."⁶ After such uses of force, "the secondary review process [was] little more than a formality that provide[d] no substantive oversight or accountability," according to DOJ's investigation.⁷ The Monitoring Team later found that where force reports existed, they were "on paper stuffed, unreviewed, in file cabinets or entered into an unreliable, inaccurate, and incomplete legacy database."⁸ This led the Monitoring Team to question whether a force review and accountability process "existed at all."⁹

Consent Decree Requirements

To remedy the deficiencies that DOJ identified in 2011 as contributing to the unconstitutional pattern or practice of use of force, the Consent Decree required SPD to implement a host of systemic changes, including:

- Implementing comprehensive use of force policies focused on de-escalation to safely resolve encounters with the minimal amount of force required. SPD adopted policies that required uses of force not just be "objectively reasonable" – as has been the status quo in policing – but also necessary and proportional, in line with community expectations;
- Reporting all force incidents, from lower-level compliance techniques to officer-involved shootings, with requirements for officers to explain their actions;
- Requiring meaningful supervisory and chain-of-command review of force incidents and investigations to evaluate uses of force against policy and training and take corrective action where appropriate;
- Training all officers in the new use of force principles and practices;
- Expanding requirements for the Force Investigation Team's investigation of the highest-level force incidents; and
- Creating a Use of Force Committee, which evolved into the Force Review Board, to review higher level uses of force to improve organizational accountability and identify opportunities for departmental improvement.

⁴ 2011 Findings Letter at 3.

⁵ 2011 Findings Letter at 4.

⁶ 2011 Findings Letter at 4.

⁷ 2011 Findings Letter at 4.

⁸ Fourth Semiannual Report at 26.

⁹ Fourth Semiannual Report at 26.

C. Previous Assessments During the Consent Decree

The Monitoring Team has reported on SPD's progress implementing these reforms throughout the Decree process, starting with policy development and then training delivery and finally SPD's performance on the new policies and training. The Monitoring Team's previous findings regarding SPD's progress are summarized herein.

In 2014 the Monitoring Team characterized SPD's new use of force policies as "the embodiment of the Consent Decree" since they "provid[ed] officers with clear guidance and expectations consistent with constitutional imperatives."¹⁰ These policies required that uses of force be not just "objectively reasonable" – as has been the status quo in policing resulting from the *Graham v. Connor* court ruling – but also necessary and proportional. They required that SPD officers de-escalate situations when safe and feasible to do so, "represent[ing] a significant evolution – and one that was asked for by members of the Seattle community for years."¹¹ SPD's revised force policies, "consistent with the Decree, set forth 'different levels of departmental reporting and review that become more rigorous depending on the type of force used,'" placing far greater emphasis on use of force officer reporting and supervisory review than previously was the case.¹²

In addition, the Department created a Force Review Unit to provide a layer of quality assurance for use of force investigations. The Department also enhanced its Force Investigation Team dedicated to investigating incidents with the highest levels of force. As a result of the Decree, SPD created a Force Review Board, comprised of leaders across the department, that reviewed FIT investigations and a sample of other force cases to bring greater accountability to force practices and identify ongoing opportunities for departmental improvement. This suite of changes represented a dramatic shift from a potentially non-existent supervisory system to a multi-layer review process inside SPD, always subject to Office of Police Accountability (OPA) investigations and Office of Inspector General (OIG) systemic analyses.

To support the implementation of these significant policy changes, SPD delivered "high-quality, interactive training" on the new force policies to help "translate the clear expectations of the use of force policy into everyday officer performance."¹³

In 2017, the Monitoring Team analyzed SPD's compliance with the Consent Decree use of force requirements and issued its systemic assessment of SPD use of force policy, training, and practices after years of monitoring SPD's progress throughout the decree. The Monitoring Team noted how the ability to even conduct such a review represented a significant change as a result of the Decree:

¹⁰ Fourth Semiannual Report at 17.

¹¹ Fourth Semiannual Report at 18.

¹² Ninth Systemic Assessment at 16.

¹³ Ninth Systemic Assessment at 18.

This report would not have been possible even just a few years ago. When the reform process began, “force often went unreported – leaving it subject to no departmental scrutiny.” When force was reported, it was documented “on paper stuffed, unreviewed, in file cabinets.” If reported force was investigated, those inquiries were typically incomplete or inadequate.

Now that SPD is reporting, tracking, investigating, and reviewing its use of force as never before, this analysis of the Department’s use of force can entail both quantitative and qualitative components, as envisioned by the Consent Decree.¹⁴

This systemic assessment reviewed SPD’s use of force practices from July 2014 to October 2016. It found, among other things, that:

- “[O]verall use of force by the SPD is down – both across time under the Consent Decree and compared to the time period studied by the original DOJ investigation.”¹⁵
- There was “a decrease of 743 force incidents, or a 60 percent reduction in the use of moderate- to higher-level force, between the 2014–2016 period studied here and the time period addressed by DOJ’s investigation.”¹⁶
- “SPD’s use of less-lethal weapons (which constitute a kind of Type II [or intermediate] force) is relatively infrequent. With respect to one such less-lethal tool, the baton, the decline in use has been dramatic. In 2011, the DOJ investigation concluded that ‘SPD officers too quickly resort to the use of impact weapons, such as batons,’ which included finding that a single officer had used his baton 12 times in a 14-month period. For the 28-month period studied for this report, all of Seattle’s officers combined used their batons just 23 times. This is a noteworthy finding.”¹⁷
- “The frequency of Taser use also declined – from approximately 14 incidents per month from January 2001 through December 2010 to an average of 7 incidents per month between July 2014 and August 2015.”¹⁸
- “[W]hen force occurs, it happens increasingly at the lower end of the force spectrum.”¹⁹ The Monitoring Team found a spike in low-level, Type I force, which made up a larger share of overall reported force. Exploring this trend, “[t]he Team hypothesizes that this increase is at least partially due to changes and improvements in reporting this type of force, which was not reported or logged prior to the Consent Decree.” The Monitoring Team added, “[t]his initially-increasing number of Type I force incidents could reflect that officers are increasingly able to apply de-escalation and tactical skills to reduce the

¹⁴ Ninth Systemic Assessment at 1-2 (internal citations omitted).

¹⁵ Ninth Systemic Assessment at 2.

¹⁶ Ninth Systemic Assessment at 32. SPD Policy 8.050 – Use of Force Definitions defines SPD’s forces levels. Type I force is the lowest level and includes force that results in transitory pain. Type II force, the intermediate level, includes force that results in injury greater than transitory pain. Type III force, the highest level, includes force that could lead to substantial bodily harm or death. For more detailed definitions, see SPD Policy 8.050 – Use of Force Definitions at <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>.

¹⁷ Ninth Systemic Assessment at 3 (internal citation omitted).

¹⁸ Ninth Systemic Assessment at 3 (internal citation omitted).

¹⁹ Ninth Systemic Assessment at 4.

number of incidents that might otherwise have involved a higher level of force incident – using more Type I force because they are using less higher-level force.”

- “[A]lthough there may be some disparate impact established by aggregate data with respect to use of force, there are no statistically significant disparities with respect to the *type* or *severity* of force used.” The Monitoring Team, however, did highlight that it “appear[ed] that SPD officers are more likely to point firearms at historically-underrepresented than White subjects but are more likely to go hands-on with White subjects. Because nothing immediately obvious about the circumstances of the interactions reviewed in the Monitoring Team’s qualitative assessment suggested reasons why pointing a firearm at Black, Latino, and Asian subjects was more reasonable or necessary than for White subjects, the Monitor encourages more study by SPD, the Community Police Commission (“CPC”), and the anticipated Inspector General.”²⁰ While the Consent Decree does not have specific requirements or benchmarks for disparities in uses of force, the Monitoring Team nevertheless encouraged more engagement and work on this topic of great community interest.
- “[I]ncidents involving problematic use of moderate to serious force are, in the larger context of SPD encounters, substantially infrequent.”²¹
- Finally, it “appear[ed] that when an officer performs in manner contrary to SPD’s use of force policy, the Department is able to catch and correct the error.”²²

Overall, the Monitoring Team found that “[b]ecause officers are using less force overall, without negatively impacting officer safety or public safety, and are using force consistent with law and SPD policy in those increasingly infrequent instances when force is deployed, the Monitor finds that SPD is in initial compliance with Paragraphs 69 to 90 of the Consent Decree.”²³ This 2017 finding of initial compliance represented a “major milestone” in the reform process and was based on the aforementioned “analysis of [SPD’s] performance over time,” specifically July 2014 to October 2016.²⁴ The Monitoring Team concluded that, SPD’s “ability to meaningfully and effectively implement the use of force policies and apply the related use of force training on the streets of Seattle – while facing the unpredictable challenges that are part and parcel of law enforcement – is worthy of substantial praise.”²⁵

In October 2019, SPD issued a report assessing its compliance with the use of force requirements of the Consent Decree, in keeping with Phase II’s approach of transferring preliminary monitoring responsibilities to the City and SPD with subsequent review and validation by the Monitoring Team and DOJ. SPD’s 2019 assessment concluded that the agency had sustained compliance with the use of force requirements of the Decree.²⁶ The subsequent review by the Monitoring Team and Department of Justice validated SPD’s finding of sustained compliance. Specifically, the Monitoring Team and DOJ found the following:

²⁰ Ninth Systemic Assessment at 5-6.

²¹ Ninth Systemic Assessment at 9.

²² Ninth Systemic Assessment at 9.

²³ Ninth Systemic Assessment at 2.

²⁴ Ninth Systemic Assessment at 10.

²⁵ Ninth Systemic Assessment at 10.

²⁶ Dkt. 511 at 5.

- “DOJ and the Monitoring Team noted generally satisfactory investigation and review of the underlying use of force by the chain of command, including identifying and making appropriate referrals for additional officer training, or referrals to the Office of Police Accountability, where necessary.”²⁷
- “Similarly, the Force Review Board and Force Review Unit appropriately and thoroughly reviewed uses of force to confirm that SPD officer made reasonable efforts to de-escalate prior to using force, that the use of force was reasonable, necessary and proportional, that reporting and investigation of the use of force by the chain of command was complete and timely, and to determine whether the use of force ultimately complied with SPD policies and training.”²⁸
- “The caliber of investigations conducted by the Force Investigation Team was also satisfactory. FIT detectives consistently took control of a scene upon arrival and canvassed the area for witnesses and privately-owned video. The FIT detectives generally asked the relevant material questions during their interviews with officers and witnesses. The FIT presentations to the FRB contained the material information needed for the Board’s review and deliberation, and appropriately identified issues related to training, policy, and equipment.”²⁹

Consequently, the Monitoring Team and DOJ concluded that SPD had “sustained compliance with the requirements of the Consent Decree, including uses of force by SPD officers over time and across incidents, and in subsequent investigation and review of the uses of force by the chain of command, consistent with SPD’s policies and training regarding the same.”³⁰

D. The City’s Response to the Historic 2020 Protests

Introduction

Before assessing SPD’s overall performance on use of force in recent years and progress over the course of the Consent Decree, it is first necessary to specifically address SPD’s response to the 2020 protests and the City’s subsequent actions to address issues evident during this pivotal period of time in policing. SPD’s response to the historic protests in the wake of George Floyd’s murder produced immediate outrage, lasting harm, and a number of important questions about the future of policing in Seattle. Two of these questions related to the Consent Decree: What had the Consent Decree accomplished? And how did SPD’s protest response impact the City’s compliance with the Decree’s requirements and the City’s efforts to conclude the agreement?

Before evaluating SPD’s overall progress on use of force over the course of the Consent Decree, this section of the report addresses SPD’s performance during the protest period and subsequent actions by the City to improve future protest response. This introductory section on SPD’s crowd management provides a brief overview before diving into related topics in greater depth.

²⁷ Dkt. 588-1, 27.

²⁸ Dkt. 588-1, 27.

²⁹ Dkt. 588-1, 27-28.

³⁰ Dkt. 588-1, 27.

On May 7, 2020, the City of Seattle filed a joint motion with the Department of Justice to terminate paragraphs 69-168 of the Consent Decree. On May 28, 2020, Derek Chauvin of the Minneapolis Police Department murdered George Floyd, igniting protests across the globe. Soon thereafter in Seattle large crowds gathered to protest police violence and racial injustice. While many were peaceful, some were not. Criminal acts by certain protestors resulted in significant property damage and injuries to officers, and uses of force by SPD resulted to injuries to protestors. SPD responded with a variety of tactics that prompted community outcries, including significant use of less-lethal tools, including tear gas. There is no doubt that SPD, and the City, suffered significant reputational damage as a result of the summer of 2020. While recognizing that presenting a balanced picture of those events is a task that agencies, experts, and professional bodies around the nation continue to grapple with as work continues to advance best practices in this complicated area, the Monitoring Team finds the Inspector General's summary in the Sentinel Event Review Report illuminating.

On May 25, 2020, George Floyd was murdered while in the custody of the Minneapolis Police Department. His death had a monumental impact on this country and internationally, and created a tipping point that engaged wide segments of America in public dialogue about the role of race in every aspect of society. On April 20, 2021, a jury found Derek Chauvin guilty of three charges in the death of George Floyd: second-degree unintentional murder, third-degree murder, and second-degree manslaughter. The three other involved officers are scheduled to face trial in 2022. The implications of this event are still being felt even as this report is released. Like other departments in cities around the country, SPD faced a complex and difficult challenge in the days after Mr. Floyd's murder. Namely, the City grappled with how to respond to ongoing community protests about the long history of abuse, excessive use of force, and deaths suffered by Black, Indigenous, and other People of Color at the hands of police. These protests also served as an urgent call for an examination of the institution of policing, to find a manner that would not further erode public trust, given these longstanding problems and concerns. SPD responded to the 2020 protests with skills, strategies, and tactics developed over many decades of facilitating thousands of protests, enhanced by eight years of Consent Decree reform efforts. Those tactics not only proved inadequate for the protests of the summer of 2020 – as will be discussed in this report, they contributed to escalation of civil unrest and violence. By the end of 2020, there had been more than 750 deployments of physical force. Some controversial uses of “less lethal” chemical and physical munitions received national attention. Curfews were imposed, and parts of the city were occupied by community members who rejected government oversight in a standoff between community members and law enforcement that lasted for weeks.

On June 3, 2020, the City of Seattle withdrew the joint motion to terminate paragraphs 69-168 of the Consent Decree, less than one month after filing, “so that the City and its accountability partners [could] conduct a thorough assessment of SPD’s response to the demonstrations.”³¹

Indeed, during the summer of 2020, SPD itself identified that it was not able to meet certain policy requirements, specifically around force reporting and force review. Following the demonstrations, extensive review by the Office of Inspector General and a community panel independently identified a raft of issues that contributed to problematic outcomes during the protests. **Most fundamentally, a review by the Monitoring Team supported by the Department of Justice found that, during its response to protests and unrest beginning in May 2020, and largely ending by September 2020, SPD at times did not comply with its policies mandated by the Consent Decree relating to de-escalation, use of force decision-making, officer force reporting, and supervisory review of force.**

With policy violations regarding use of force and a near collapse of reporting and review obligations for that force, a subsequent question, from the Consent Decree’s perspective, was how the City and SPD would respond and work to prevent such issues in the future. Ultimately, one goal of the Consent Decree is to create critical systems of self-analysis both within SPD and the City as a whole to learn and evolve from mistakes, even critical ones.

One of the City’s primary responses was to launch a “Sentinel Event Review” (SER) process to conduct a deep analysis of what went wrong and how to work toward addressing identified issues. The City’s extensive efforts to analyze these problems and generate recommendations for future improvement have been significant and laudable. The City has demonstrated a substantive commitment and ability to both identifying and working to address its issues. In this way, even as SPD’s response to the protest presented a crisis for its longstanding compliance with the Consent Decree, the City’s response ability to identify, acknowledge, explore, and address identified issues aligns closely with the Consent Decree’s goal of establishing a system that can self-monitor and self-correct.

This section of the use of force assessment discusses these topics in greater depth, from the problems evident in SPD’s response to the intensive, ongoing work to prevent such problems in the future. This section proceeds as follows:

1. An overview of issues with SPD’s response to the 2020 protests;
2. Changes implemented by SPD to improve its protest response;
3. The Office of Police Accountability’s response to a historic number of misconduct inquiries related to SPD’s protest response; and
4. The Office of Inspector General’s collaborative Sentinel Event Review process which is assessing issues in SPD’s protest response and identifying recommendations for improvement for future crowd management situations. This section also addresses how SPD has engaged with this process and demonstrated real action toward addressing identified issues.

³¹ City of Seattle, News, “City Attorney to Withdraw Consent Decree Motion” (June 3, 2020), <https://news.seattle.gov/2020/06/03/city-attorney-to-withdraw-consent-decree-motion/>.

SPD's Performance During the 2020 Protests

SPD's response to the protests in the aftermath of the murder of George Floyd resulted in historic levels of protest-related uses of force and misconduct complaints.—In this context the City withdrew a motion to terminate most provisions of the Consent Decree.

Police response to protests in the Summer of 2020 were problematic across the country. Police departments in a number of communities often resorted to ineffective and excessive tactics that escalated situations and reinforced the very police injustices igniting global protests in the first place. One would have hoped that SPD would have set an example of how to respond to the 2020 protests, given its progress on use of force reforms, but SPD's response very much seemed emblematic of the problems with policing in America. While SPD had advanced beyond many departments over the past decade on a variety of fronts – with model use of force policies and leading analytics – its response to the 2020 protests tended to reflect past SPD practices decried before the Consent Decree, dating back to the WTO protests in 1999, amongst other instances.

Even amidst problematic encounters between police and protestors, there were, to be sure, many examples of good policing in difficult circumstances. There were countless hours in which officers responded calmly to protest situations and remained appropriately reserved when engaging with protestors upset with police violence. Even as the vast majority of protestors were peaceful, there were individuals within these peaceful crowds committing criminal acts and sometimes endangering officers. In many circumstances, officers responded with relative restraint to attacks by individual protestors – from thrown objects, to punches, to being yelled at, to being spit on in the face from close proximity, all in the midst of the Covid-19 pandemic. The professionalism of many officers, who worked extensive hours often in profoundly difficult, chaotic circumstances, was laudable.

Departmental Use of Force Performance

Despite the many SPD officers who responded professionally while responding to protests, SPD's overall approach to the protests and particular uses of force produced tremendous community concern and disappointment. As the Department has since recognized, certain of its tactics contributed to problematic encounters with protesters that sometimes escalated the events and increased the chances of future uses of force. A lack of coordination – both at the Departmental and City levels - was evident at times during the protest response, with SPD's own officers at times demonstrating frustration with tense situations that could have been avoided with better coordination and communication. It appeared that the Department sometimes used force against the protest crowds generally, when only certain individuals amidst the crowd may have been committing criminal acts. In all, these actions too often served to escalate rather than de-escalate these situations, further emphasizing the very topic protestors were marching against and making future protest management all the more difficult.

In particular, SPD's use of less-lethal tools produced widespread community concern and local action. SPD used tools like blast balls, tear gas, and OC spray against crowds sometimes in an indiscriminate manner with insufficient justification in reporting for such actions. As

described later in this report, SPD’s application of less-lethal instruments in 2020 was more than eight times greater than any year dating back to 2015, the first full year of use of force data under the Consent Decree. SPD’s deployment of these tools sometimes impacted protestors that were peacefully protesting, drawing community ire and complaints, and further inflaming tensions between the police and protestors.

SPD’s problematic use of less-lethal weapons prompted swift action by City accountability partners (including OPA, the Inspector General, and the Community Police Commission), who recognized the need for immediate change as well as an intensive system evaluation.

As the City accountability partners wrote in a joint statement, “[w]hile a number of other concerns have been identified by community, the use of CS gas on largely peaceful demonstrators demands immediate attention.”³² The letter stated, “[I]n response to a wave of community concern about an overly militaristic approach to regulating demonstrations in the wake of the killing of George Floyd,”³³ “the CPC, OIG, and OPA ask the Seattle Police Department to cease the use of CS gas in response to First Amendment activity, until such time as any appropriate use can be vetted by oversight entities and incorporated into a written SPD policy.”³⁴

The accountability entities appropriately noted that “as CS gas is not mentioned in the SPD manual, it was not approved by the federal court in the context of the Consent Decree required review of the policies surrounding use of force and demonstration management.”³⁵ While CS gas was not specifically addressed in the SPD policy manual, SPD’s overarching use of force policy requires that all uses of force be reasonable, necessary, and proportional, amongst other requirements – which apply regardless of the instrument or type of force use, encompassing less-lethal uses of force, which include CS gas.

At the same time, there was a clear need to create specific policy guidance on using such tools. The City’s accountability entities emphasized that this was but one of many changes required by SPD and the City to improve its response to protests. To this end, Mayor Durkan and Chief Best “also request[ed] the accountability entities thoroughly review the Seattle Police Department (SPD) protest response.”³⁶ This systemic review is discussed in greater detail below, during the Sentinel Event Review section.

³² The Seattle Office of Inspector General, Seattle Community Police Commission, and the Office of Police Accountability, *Joint Statement on Use of CS Gas in SPD’s Response to Mass Demonstrations in the Wake of the Killing of George Floyd* (June 5, 2020).

³³ The Seattle Office of Inspector General, Seattle Community Police Commission, and the Office of Police Accountability, *Joint Statement on Use of CS Gas in SPD’s Response to Mass Demonstrations in the Wake of the Killing of George Floyd* (June 5, 2020).

³⁴ The Seattle Office of Inspector General, Seattle Community Police Commission, and the Office of Police Accountability, *Joint Statement on Use of CS Gas in SPD’s Response to Mass Demonstrations in the Wake of the Killing of George Floyd* (June 5, 2020).

³⁵ The Seattle Office of Inspector General, Seattle Community Police Commission, and the Office of Police Accountability, *Joint Statement on Use of CS Gas in SPD’s Response to Mass Demonstrations in the Wake of the Killing of George Floyd* (June 5, 2020).

³⁶ The Seattle Office of Inspector General, Seattle Community Police Commission, and the Office of Police Accountability, *Joint Statement on Use of CS Gas in SPD’s Response to Mass Demonstrations in the Wake of the Killing of George Floyd* (June 5, 2020).

SPD’s use of certain less-lethal tools also set the occasion for court action against SPD, beyond the Consent Decree. In response to legal action by Black Lives Matter, a federal District Court judge placed a temporary restraining order on SPD’s use of certain less-lethal equipment in June 2020 that enjoined the City and SPD “from employing chemical irritants or projectiles of any kind against persons peacefully engaging in protests or demonstrations.”³⁷ The Court did not prohibit SPD from using these tools in “reasonable, proportional, and targeted action to address a specific imminent threat of physical harm, acts of violence, or property damage.”³⁸ This language largely mirrors SPD’s use of force policy, which requires that *all* uses of force be reasonable, necessary, and proportional in light of the threat and circumstances encountered by the officer. It should be noted, however, that SPD’s policies under the Consent Decree were more restrictive than the injunction imposed on SPD through litigation and as such, violation of the injunction necessarily meant a violation of SPD policy.

In this way, the court order effectively mandated SPD adhere to its existing, Consent-Decree-required use of force policy in practice. The court subsequently found that SPD violated that restraining order in four specific instances, resulting in fines paid by the City. The Seattle City Council later approved an ordinance limiting SPD’s use of less-lethal equipment beyond SPD’s current policy, a gap that remains unresolved at the time of this writing.

Force Reporting & Review

Not only were force tactics of concern, but force reporting and the review of force by supervisors was a significant problem during SPD’s protest response. While SPD consistently adheres to substantive use of force reporting and review expectations for more typical use of force events, these systems clearly broke during the protest period. Officer reports were often delayed. The reports lacked necessary detail regarding the circumstances encountered and the justification for individual uses of force. SPD reports that most officer force statements were written three or more days after the use of force, attributing this delay to long shifts worked by officers during the protests.³⁹ These delays, along with the significant number of use of force reports to complete, appeared to have contributed to officer force reports of significantly lesser quality than is standard for SPD in non-protest situations.

Supervisor reviews of force frequently demonstrated no meaningful review by the chain of command, and the first-line supervisor review often lacked a specific consideration of the precise use of force at issue. In use of force reports during the protest period, reviewing supervisors would sometimes justify force based on general criminal acts occurring during the protest rather than evaluate the specific use of force in response to specific actions by individuals in that crowd, as they would in typical supervisor reviews of force. The number of uses of force to review and the chaotic nature of some of the force events likely contributed to this degradation in quality of supervisor reviews.

³⁷ Black Lives Matter Seattle-King County v. City of Seattle, 466 F.Supp.3d 1206, 2020 WL 3128299.

³⁸ Black Lives Matter Seattle-King County v. City of Seattle, 466 F.Supp.3d 1206, 2020 WL 3128299.

³⁹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1*, 16.

Given the high levels of force used and the lengthy duration of the protests, the Department quickly amassed a significant backlog of cases and struggled to work through these reviews. Ultimately, SPD halted its typical chain of command review process for use of force, instead requiring sergeants to screen each use of force and refer potential misconduct to OPA without the typical full chain-of-command review and documentation process. As a result, documentation of supervisor reviews overall was inconsistent and incomplete. **Clearly, SPD did not comply with the Consent Decree's use of force reporting and review requirements during the protest period.** SPD readily recognizes that its force reporting and review processes struggled in these unique circumstances.

In hindsight, the force reporting and review processes were not structured to handle an event of this magnitude. While DOJ expressed concerns with SPD's protest response practices in its 2011 report, DOJ did not make specific findings regarding SPD's crowd management practices. In turn, the Consent Decree focused on requirements for the more typical, isolated use of force incidents in which one officer, or a limited number of officers, apply force to one subject, or a limited number of subjects in an individual event. It did not specifically address mass use of force events such as the 2020 protests.

Consequently, SPD's standard, Consent Decree-required use of force reporting and review requirements were not designed for high-volume, continuous use of force situations that stretch for months. These review systems assess force incidents largely as individualized, relatively infrequent events rather than intertwined elements of a broader, sustained event. In turn, available use of force reviews for the 2020 protests often demonstrated a narrow focus to an individual use of force, insufficiently considered by itself as well as in the context of SPD's overall response. This resulted in deficient quality control and significantly delayed insights both for individual and Department-level crowd management and use of force tactics. The glut of delayed use of force reviews resulted in the Department not having real-time information regarding the appropriateness of its force and how to improve its response. These issues point to the need for a streamlined reporting process and unified supervisor review process to gather necessary information quickly and review activity holistically in the context of the overall event to foster more timely and impactful quality control and operational adjustments.

To this end, SPD revised its use of force policy to allow for more timely, coordinated use of force reviews in future protests situations. However, the Department still has work to do to specifically define these procedures that will be implemented for reporting and review in such circumstances.

Separately, SPD has now created a centralized Crowd Management Force Investigation Team to improve the investigations of Type II uses of force during protest situations. This is a positive step. SPD should ensure the activation of this review team is addressed in future incident action plans for protest events.

SPD's revised use of force reporting policy recognizes that SPD may need to explore "alternative processes" for force reporting and review in consultation with the CPC, OIG, and OPA, to conduct more timely and impactful reviews in the event of "long periods of civil unrest or other

large-scale events where the investigation and review processes set forth in this policy are not feasible in a reasonably timely manner.”⁴⁰ Collaborating with City accountability partners on implementing any alternative approaches is essential, but the best time to explore and craft an effective alternative mechanism is in advance of, and not during, a potentially chaotic time period.

The Monitoring Team recommends that SPD begin working with City accountability partners now to craft any alternative force reporting and review mechanisms – in advance of future protest events – to ensure both timely and comprehensive use of force reviews for future protest situations. Collaborating now on a plan for force reporting and review in large crowd and protest contexts will allow SPD to be prepared to avoid past review problems and provide the Department a ready mechanism for more timely feedback and quality control on organizational performance. Ideally, SPD would deploy alternative tactics to reduce use of force and the consequent need for extensive reporting and review. But should such an event arise again in the future, SPD needs a plan to avoid force reporting and review issues widely apparent during the 2020 protests.

Changes by SPD to Improve Protest Response

As SPD identified problems with its protest response, the Department worked to address these issues in real-time as well as build out related policy and training to improve future responses, incorporating lessons learned and the best guidance research in the field. These efforts resulted in (1) significantly more detailed departmental policies and (2) training for officers focused on effectively facilitating First Amendment expression while addressing criminal activity and working to maintain public order.

New Crowd Management Policy

SPD’s new crowd management policy emphasizes at the outset the Department’s purpose and role during protests, affirming SPD’s “responsibility and commitment to support and facilitate the exercise of these rights in fair and equitable manner, without consideration as to content or political affiliation, with as minimal a footprint as is reasonably necessary to preserve public safety and order.”⁴¹ The policy “recognizes that the visible appearance and/or actions of law enforcement may affect the demeanor and behavior of a crowd” and emphasized “the Department’s mission to de-escalate whenever safe and feasible to do so, without compromising public order and safety.”⁴²

⁴⁰ Seattle Police Department Manual, Section 8.500-POL-6, Reviewing Use of Force (last rev. April 15, 2021), <https://www.seattle.gov/police-manual/title-8---use-of-force/8500---reviewing-use-of-force>.

⁴¹ Seattle Police Department Manual, Section 14.090, Crowd Management, Intervention, and Control (last rev. April 15, 2021), <https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management-intervention-and-control>.

⁴² Seattle Police Department Manual, Section 14.090, Crowd Management, Intervention, and Control (last rev. April 15, 2021), <https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management-intervention-and-control>.

The new policy provides much more specific guidance about when and how to engage with or intervene in protests, from facilitating peaceful protests to addressing isolated unlawful behavior in a targeted manner to dispersing an unlawful assembly. In the policy, SPD “recognizes that the unlawful acts of some members of a crowd do not automatically turn an assembly from peaceable to unpeaceable” but that the Department must also “remov[e] individuals whose illegal behavior jeopardize the safety of lawful activity.”⁴³

SPD has now adopted a detailed decision-making matrix to calibrate SPD’s level of response and tactics to the circumstances of the protest. A fundamental practice in the decision-making matrix is to continually “re-evaluate tactics and strategies” and “adjust the response as time and circumstances permit, consistent with” the matrix.⁴⁴ This matrix was a core element of new training on crowd management to protect First Amendment rights while addressing criminal acts as appropriate.⁴⁵

Training

To help implement this new guidance in practice, SPD provided Department-wide training as well as command-specific guidance on command’s responsibility for properly planning, supervising, and reporting crowd management events. These trainings emphasized facilitating protests, de-escalation, and targeted enforcement actions where necessary to address problems while supporting the community’s First Amendment rights. In addition to focusing on appropriate responses and tactics, this instruction emphasized the importance of communicating and engaging with community members participating in the protest to explain why officers were taking enforcement action when possible.

Participation in Sentinel Event Review Process

Additionally, SPD engaged extensively with the Office of Inspector General and community members through a robust system review and recommendation process, called a “Sentinel Event Review,” which is described elsewhere in this report.

Misconduct Investigations of Protest-Related Complaints

SPD’s protest response generated a historic level of complaints to the Office of Police Accountability, with approximately 19,000 complaints resulting in 145 unique

⁴³ Seattle Police Department Manual, Section 14.090, Crowd Management, Intervention, and Control (last rev. April 15, 2021), <https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management-intervention-and-control>.

⁴⁴ Seattle Police Department Manual, Section 14.090, Crowd Management, Intervention, and Control (last rev. April 15, 2021), <https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management-intervention-and-control>.

⁴⁵ Seattle Police Department Manual, Section 14.090, Crowd Management, Intervention, and Control (last rev. April 15, 2021), <https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management-intervention-and-control>.

investigations into allegations of police misconduct, according to OPA.⁴⁶ Investigating this historic influx of misconduct allegations required extensive review of body-camera footage, other video, and available written documentation to evaluate the facts and circumstances of the complaints.

Given the tremendous interest in these misconduct investigations, the Office of Police Accountability (OPA) took multiple steps to foster transparency with the process. OPA has a standard practice of publicly posting its misconduct investigation summaries and conclusions, open data related to its investigations, as well as an annual report. For the protest-related cases, OPA posted progress trackers for individual complaint investigations related to the protest on its website to allow the public to see where individual case investigations stood. When the case was closed, in keeping with standard OPA practice, OPA posted its conclusions and explanations for those conclusions on its website in “Case Closed Summaries.” For certain cases of great community interest, OPA created videos breaking down relevant case factors contributing to investigative conclusions.

As of March 2022, OPA has completed 130 of the 145 investigations. OPA has sustained an allegation in 24 of 130 completed cases (18%). **OPA sustained findings for excessive force, improper use of less-lethal tools, insufficient use of force reporting, professionalism, and enacting a ruse regarding the presence of armed members of the volatile “Proud Boys” group, amongst other misconduct findings.**

179 officers were the subject of a protest-related misconduct investigation, with 69% of those officers receiving one complaint, 11 officers receiving four or more complaints, and one officer being a subject of 11 different misconduct investigations. Table 1 below shows the distribution of protest-related complaint frequencies for officers who received a complaint. One of the 55 officers subject to multiple complaints was sustained for more than one misconduct complaint (the officer had sustained violations in three different cases).

Table 1. Number of Protest-Related Misconduct Investigations by Officer

Protest Investigations	# of Officers
1 Case	124
2 Cases	33
3 Cases	11
4 Cases	6
5 Cases	2
6 Cases	1
8 Cases	1

⁴⁶ Community members complained to the Office of Police Accountability (OPA) over 19,000 times regarding SPD’s response to the protests. Investigators ultimately reviewed all of these communications regarding possible misconduct related to the protests and distilled them to 145 unique investigations (e.g., over 13,000 of the contacts were about a single, widely-publicized incident. Dkt. 657 at 7-8 & n.4. *See also* Office of Police Accountability, *2020 Annual Report* at 7. The 2020 Annual Report indicated OPA had initiated 143 investigations. This number later increased to 145 investigations.

11 Cases	1
Total	179

Source: OPA Data

Table 2, below, presents the investigative findings for allegations in protest-related investigations. 16% of allegations remained pending as of March 2022. For allegations with completed investigations, 7% of those allegations have resulted in a sustained finding. Where OPA did not sustain findings, the public can view OPA’s reasoning regarding investigative conclusions on OPA’s demonstration complaint dashboard. The public can also view whether the OIG certified the quality of these investigations, on a case-by-case basis, on the OIG’s website.

Table 2. Findings for Misconduct Allegations Related to Protests

Findings for Allegations	Count	%
Not Sustained Lawful and Proper	211	30%
Not Sustained Unfounded	137	19%
Not Sustained Inconclusive	70	10%
Not Sustained Training Referral	49	7%
Not Sustained Management Action	37	5%
Process as Supervisor Action	48	7%
Sustained	42	6%
Sustained Rapid Adjudication	1	0%
Pending Findings	117	16%
Total	712	

Source: OPA Data

OPA reports these 43 sustained allegations resulted in 30 disciplinary outcomes (multiple sustained allegations may be for the same officer and result in one cumulative disciplinary outcome). Of these 30 disciplinary outcomes, two thirds were written or oral reprimands. Four cases resulted in a suspension without pay, with two cases leading to resignations prior to discipline, and one case leading to a disciplinary transfer. Discipline was pending for three officers as of March 2022. 16% of allegations remain under investigation, so more disciplinary outcomes may be forthcoming.

Table 3. Disciplinary Outcomes of Protest-Related Investigations

Disciplinary Action Taken	Count
Written Reprimand	14
Oral Reprimand	6
Suspension Without Pay	4
Resigned Prior to Discipline	2
Disciplinary Transfer	1
Pending Discipline	3
Total	30

Source: OPA Data

The balance of protest-related complaints (19,000 community inquiries regarding 145 unique incidents and resulting in 145 misconduct investigations⁴⁷) and the number of suspensions or resignations (6) raises significant questions. This requires further examination regarding the efficacy of the overall disciplinary system. The Monitoring Team recommends that the OIG consider reviewing disciplinary outcomes specifically related to protests to identify any concerns and necessary improvements to the overall system, as an extension of its recent disciplinary system audit.⁴⁸

Seeking System Change Through the Office of Inspector General's Sentinel Event Review

Soon after SPD's protest response produced strong outcries in the community, City leadership called for a systemic review of SPD's protest response to identify what went wrong and how the City could avoid these problems in the future. This led to the Office of Inspector General initiating an in-depth Sentinel Event Review (SER) process with community partners and SPD to critically analyze SPD's protest response and generate recommendations to improve the City's protest response in the future. The OIG may use the SER process to help community and the Department work through critical events in the future.

In practice, the rigor and thoughtfulness of the City's approach to analyzing and addressing these issues is commendable. In many ways, Seattle's community-led after-action assessment is notable from a nationwide perspective. Unlike in many communities elsewhere that experienced large-scale protests and community outrage and concern about police response, in Seattle, community members and police of diverse perspectives have come together to critically analyze these events and produce recommendations for improvement, and these recommendations are already being acted on by SPD and the City. The strength of the City's response to SPD's problematic response to protests in no way diminishes these issues of tremendous community concern; however, it does demonstrate an elevated capacity to engage with these problems and work toward improvement with the goal of preventing these issues in the future.

The following sections provide an overview on the City's Sentinel Event Review process, the recommendations generated from this process to improve SPD's operations, and how SPD has engaged and acted to improve its operations.

The Sentinel Event Review Process

⁴⁷ Community members contacted the Office of Police Accountability (OPA) over 19,000 times regarding SPD's response to the protests. Investigators ultimately reviewed these communications regarding possible misconduct related to the protests and distilled them to 145 unique investigations (e.g., over 13,000 of the contacts were about a single, widely-publicized incident). Dkt. 657 at 7-8 & n.4. *See also* Office of Police Accountability, *2020 Annual Report* at 7. The 2020 Annual Report indicated OPA had initiated 143 investigations. This number later increased to 145 investigations.

⁴⁸ *See* Seattle Office of Inspector General, *Audit of Disciplinary System for SPD Sworn Personnel* (Nov. 30, 2021), <https://www.seattle.gov/Documents/Departments/OIG/Audits/AuditofDisciplinarySystemforSPDSwornPersonnel.pdf> (audit of the overall disciplinary system).

To address the need for deep systems analysis, Seattle’s Office of the Inspector General turned to a Sentinel Event Review process. This specific process been used “extensively in aviation, health care, and manufacturing, among others, to identify root causes of tragedies and design improvements that will prevent their recurrence.”⁴⁹ The OIG coordinated this pivotal effort with community partners “to examine what went wrong from a systems perspective and make recommendations for changes in SPD responses to community demonstrations and protests.”⁵⁰ This section of this report quotes extensively from the first SER report to provide an overview of the process and its recommendations.

OIG’s SER process “brought law enforcement and a diverse group of community members together to deliberate on system failures and finding a better path forward,”⁵¹ with a focus on “fixing the system, not on assigning individual liability.”⁵² To steer this critical process, the OIG convened an SER Planning Group comprised of stakeholders “consisting of community and police representatives, who guided selection of the SER Panel, facilitators, and incidents for review, to ensure that the process and attendant outcome was not determined by any one agency or voice.”⁵³ This Planning Group consisted of 24 members as of May 2021 and included “a mix of observing and participating representatives from community-based organizations, the Community Police Commission (CPC), SPD, the American Civil Liberties Union (ACLU), the Seattle Police Monitoring Team, and the United States Department of Justice (DOJ).”⁵⁴ This Planning Group helped select a panel of community and law enforcement representatives to review and discuss SPD’s protest response to generate recommendations for how the City and SPD could better respond to future protests. The SER Panel consisted of a diverse set of OIG staff, community representatives, and SPD officers.

The work ahead of the SER was extensive, given the duration of protest activity, volume of uses of force, and raft of issues to discuss. OIG worked with the SER Planning Group to construct a meaningful process and broke the extensive protest activity into five distinct periods for review, calling these periods “waves”⁵⁵ to help structure the SER Panel review. OIG identified these waves by analyzing “information gleaned from hundreds of Use of Force reports and hours of body-worn video, public commentary, complaints, and numerous other sources.”⁵⁶ OIG explained, that “[e]ach Wave represents a period of time with an increase in SPD uses of force

⁴⁹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 2.

⁵⁰ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 5.

⁵¹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 5-6.

⁵² Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 2.

⁵³ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 2.

⁵⁴ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 7.

⁵⁵ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 3.

⁵⁶ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 1.

and the occurrence of one or more critical events within the protests,”⁵⁷ including notable incidents drawing significant community concern during this period.⁵⁸ The Planning Group helped select specific incidents within each wave for review by the SER Panel.

After this extensive foundational work by the OIG and the SER Planning Group, the SER Panel began meeting in January 2021 to review the first wave of protest activity and generate recommendations for future improvement. The Panel continues to meet to this day to review the latter selected waves of protest events.⁵⁹ The SER Panel meetings include analysis and discussion regarding specific incidents to identify “contributing factors” that “contributed to undesired negative outcomes.”⁶⁰ From these reviews and discussions, the SER Panel concluded that SPD’s “tactics not only proved inadequate for the protests of the summer of 2020...they contributed to escalation of civil unrest and violence.”⁶¹ In an attempt to remedy the identified issues, “the Panel made specific recommendations for change that would help SPD officers tasked with facilitating a public protest act in ways that would reduce the likelihood of those undesirable outcomes happening again in the future.”⁶²

To review the first wave of events alone, the SER Panel “met for more than 80 hours over the course of the first seven months, in addition to reviewing materials in preparation for those meetings.”⁶³ SPD played a prominent role in this process, engaging with community members with a variety of perspectives toward identifying opportunities for better response in the future. The SER’s intensive, collaborative engagement clearly demonstrated a deep commitment to the critical issues at hand and identifying ways to avoid such issues in the future. This work has both been challenging and vital, as the OIG remarked:

During this process, Panelists – both community leaders and police officers – repeatedly found ways to discuss the challenging topics raised by these Events and Incidents, learning from each other how different people perceive the same events, and proposing improvements to the system that took these perspectives into account. One identifiable success from SER is the universal feeling of mutual respect that developed between Panelists on this difficult subject. It is hoped that these recommendations will lead to

⁵⁷ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 3.

⁵⁸ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 3-4.

⁵⁹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 14.

⁶⁰ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 14.

⁶¹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 5.

⁶² Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 14.

⁶³ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 1.

meaningful and lasting improvements within SPD that can help to rebuild the legitimacy of policing in the eyes of community.⁶⁴

The Monitoring Team has observed this process from the early planning stages to the SER panel meetings. **The Monitoring Team has found the SER to be a robust, necessary process of critically analyzing SPD’s protest response and generating meaningful recommendations for moving forward.** The Monitoring Team is aware of few efforts on this level nationally in the wake of widespread issues in police response to the 2020 protests. This is a credit to the OIG, its partners, and SER participants—including SPD officers who participated as panelists as well as SPD subject matter experts who provided information requested by the panel. The Monitoring Team joins the OIG in thanking the SER Panel members “who dedicated an incredible amount of their time and energy to engage in open, honest, and difficult dialogue around SPD actions during the course of the 2020 police protests and how the City can do better.”⁶⁵

Sentinel Event Review Recommendations

The SER Panel focused on identifying and recommending “modifications to SPD behavior that would promote, facilitate, and enable peaceful protests while minimizing police presence.”⁶⁶ From the first wave of review, the SER Panel produced 54 recommendations, across five topic areas. The Panel recognized that these recommendations may have financial implications, and the Panel took “no position on the allocation of City budget dollars to SPD or other important social services.”⁶⁷ The SER report describes the five areas of recommendations as follows:

- ***Community Legitimacy*** – Addressing the gap between what SPD may be permitted to do by law or policy (“structural legitimacy”), and what its officers need to do to meet the standards of justice expected by community (“perceived legitimacy”);
- ***Situational Awareness*** – Acknowledging the need for SPD to change its mindset when responding to protests where the police themselves are the focus of the protests, moving from a mindset of crowd management and control to one of crowd facilitation and crowd safety;
- ***Communication and Community Engagement*** – Improving the ability of SPD to communicate with communities and with protesters – not just during, but before and after protests;
- ***Tactics and Equipment*** – Improving tactics during crowd events, and understanding how arrests or uses of force on individuals committing low level offenses can result in the escalation of tensions rather than calming a crowd; and
- ***Officer Wellness and Training*** – Prioritizing officer wellness, recognizing that the long shifts and hostile environments that police can encounter during protests take a toll on

⁶⁴ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 68.

⁶⁵ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 1.

⁶⁶ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 4.

⁶⁷ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 19.

officers that can have lasting undesirable consequences on their professional behavior and beyond.⁶⁸

The 54 specific recommendations across these categories can be found in the first SER report, which is available on the OIG website. An overarching recommendation was to “[a]lter SPD’s strategy for policing protests to focus more explicitly and comprehensively on the facilitation of peaceful assembly and ensuring the safety of protestors,” “mov[ing] away from... ‘crowd control’... to ‘facilitation of speech’ and ‘crowd protection and safety.’”⁶⁹ Specific recommendations spanned SPD operations and included improving “interactions with demonstration organizers in advance of protests,”⁷⁰ “avoid[ing] the deployment of officers in ways that prevent pedestrian/crowd movement... without a clearly articulated safety rationale,”⁷¹ and providing “officers with clear direction about SPD’s priorities in facilitating demonstrations, particularly when the institution of policing is the focus of the protest,”⁷² amongst many other recommendations. **In all, the SER Panel’s recommendations demonstrate the rigor of the SER process and its commitment to producing real change.**

SPD’s Response to Sentinel Event Review Recommendations

Of course, the purpose of the SER process and its many recommendations is to produce action and change. SPD did not wait to begin implementing improvements both apart and as a result of the SER process, as recognized by OIG:

SPD has engaged in a self-critique of many of the events reviewed by the Panel and has begun to implement improvements, at least in part as a result of the Panel’s discussions in advance of the release of this Report. OIG was also involved in conversations with SPD about improvements stemming from the OIG August 2020 report on crowd management and less lethal tools. Thus, the report may include recommendations that are already in place or are in the process of implementation. SPD’s continued willingness to engage in critical self-analysis, especially with community involvement in developing recommendations, as well as in implementing those recommendations, will be crucial to improving its relationship with the residents of Seattle in the future.⁷³

⁶⁸ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 4.

⁶⁹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 104-105.

⁷⁰ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 104-105.

⁷¹ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 39.

⁷² Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 31.

⁷³ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 14.

After OIG released the SER Wave 1 report, SPD responded in writing to each recommendation. **SPD either agreed to implement or had already implemented the vast majority of the OIG’s recommendations, demonstrating a commitment to improvement both based on community feedback and SPD’s identification of issues.** SPD referenced a variety of policy and training initiative related to SER recommendations geared toward improving protest response and overall operations. Where SPD did not immediately agree with a recommendation, the Department suggested further discussion to explore the topic collaboratively.

While SPD agreed with the vast majority of the recommendations, SPD also recognized that some recommendations would depend on City budgetary decisions.⁷⁴ The SER Panel likewise recognized that its recommendations may have budgetary implications and, as previously stated, took “no position on the allocation of City budget dollars to SPD or other important social services.”⁷⁵ That said, many of the recommendations were effectively budget neutral, including changes to SPD policy and practices, and SPD has demonstrated substantive action in these areas. **Overall, SPD’s engagement both throughout the SER process and in response to the SER Panel’s recommendations bodes well for the ongoing impact of the SER work and other potential City-led initiatives to improve policing in Seattle.**

Moving Forward with Sentinel Event Review and System Changes

The SER work is not yet completed. Although the SER’s first report provides a strong, broad foundation for system improvements, the OIG and SER Panel continue to work through Waves 2 through 5 of protest review over the course of 2022. This continuing process will surely generate additional recommendations for improved policing. While SPD has implemented many recommendations toward improved protest response, SPD has agreed to additional changes and initiatives that require further work. It will be important for the CPC and OIG to monitor SPD’s implementation of these commitments to ensure timely and effective implementation. The Monitoring Team will continue to participate in SER and observe the City’s progress moving forward with system changes to improve its facilitation of First Amendment expression and other operations to provide better policing to the Seattle community.

The Monitoring Team commends the City’s extensive efforts to analyze these problems and generate recommendations for future improvement. Clearly, the City has taken substantive strides toward preparing for this next event and is poised to continue to engage and improve in this area as the SER process move forward. Many cities endured similar issues with police responses to the 2020 protests and have not conducted such an intensive, collaborative effort toward preventing future crises of this sort. City-led efforts like this will be necessary to continually assess and improve policing in Seattle moving forward.

As noted previously, even as many within the City and SPD wish that the response would have transpired differently, the harm of SPD’s protest response in 2020 is lasting. Still, the City has

⁷⁴ Seattle Police Department, *Memorandum to Office of Inspector General in Response to Sentinel Event Review Recommendations* at 3.

⁷⁵ Seattle Office of Inspector General, *Sentinel Event Review of Police Response to 2020 Protests in Seattle, Wave 1: Downtown Protests May 29 – June 1* at 19.

demonstrated a substantive commitment and ability to both identifying and working to address its issues so that lessons can be learned and problematic performance prevented in the future.

In this way, SPD's response to the protest presented a crisis for its longstanding compliance with the Consent Decree, and the City's response to acknowledge and address these issues lives into the Consent Decree's goal of a self-monitoring, self-correcting City. Although this does not diminish the issues in the protest response or minimizes the critical work that remains in this area, the ability of a system to respond to issue that arise and to problematic performance that is identified is critical to ensure accountable policing in Seattle. Of course, the true test of its impact will be the next significant protest, whenever it comes. Since the peak of the protests, SPD reports responding to a variety of crowd events without issue, with the last reported blast bell deployment in September of 2020.

Ultimately, the challenges surrounding police activity during the 2020 protests has emphasized a central question, perhaps more than ever before: What does Seattle want policing to be? This is obviously a profoundly complicated, multi-faceted question – but nonetheless an essential topic and conversation. The Monitoring Team has heard feedback from a diverse cross-section of community members with varying visions for the future of policing in Seattle. Some say that they want to defund the police department; some want expanded civilian oversight; some want reforms beyond the scope of the Consent Decree; and still others want a strengthened police department able to police the city more proactively in the hopes of decreasing crime and disorder. Certainly, no one process or mechanism will harmonize these differences into one coherent vision for policing in Seattle. However, the City and community is not limited in this regard, and the OIG's Sentinel Event Review process has shown how community members of starkly conflicting perspectives can come together to have meaningful conversations toward improving public safety in Seattle. SER has not resolved and will not resolve, by itself, all of the issues with SPD's protest response or policing in general, but this intensive collaborative process has clearly demonstrated how a capable, progressive city can engage in self critique toward improving community safety. Similar efforts can help Seattle continue to work toward reimagining public safety for its community moving forward.

E. SPD's Use of Force Performance

Scope & Approach

This report now turns toward assessing SPD's overall use of force performance over the course of the Consent Decree with a specific focus on updating the Court and Seattle community on SPD's use of force practices since the Phase II assessment in October 2019. To do so, the Monitoring Team reviewed a variety of data as well as analyses conducted by SPD, in line with the sustainment phase of the decree. Specifically, the Monitoring Team reviewed SPD data regarding force incidents, use of force reports and supervisory reviews, associated body-camera footage, SPD reviews of departmental performance on force policies, Force Investigation Team

investigative reports, Force Review Board meetings and findings memos, and OPA statistics related to force misconduct allegations.⁷⁶

Much of the data used for this assessment did not exist prior to the Consent Decree or, at a minimum, was not readily available or analyzed by the Department, as previously mentioned. It is notable that SPD has not only greatly enhanced its data collection and review in these areas but also published extensive open data pertaining to crisis intervention, use of force, and other topics of public interest. SPD's use of force dashboard⁷⁷ and open data⁷⁸ provide the public an opportunity to continually analyze SPD's use of force practices in ways not possible prior to the consent decree.⁷⁹

Introduction to Findings on SPD's Recent Performance

The world – and specifically the world of policing – has changed dramatically since the Monitoring Team's finding of compliance in 2017, based on SPD's performance beginning in 2014. This report provides an update on SPD's use of force performance over recent years exploring SPD's force performance both in more typical circumstances, involving one subject or a small number of subjects, and within the context of crowds and protests. Although this section of the assessment does provide statistics on SPD's reported force during the 2020 protests, the previous section of this report focuses more specifically on SPD's actions during the protests, SPD's subsequent corrective actions, the disciplinary investigations related to protest actions, and the City's overarching system response to the problems evident to the world during this time. Consequently, the following discussion focuses on SPD's overall force practices, as well as the impact of protest-related force on SPD's overall force trends.

How SPD Classifies and Counts Uses of Force

In 2014, as a result of the Consent Decree, SPD began classifying its use of force with a three-level system that, generally, categorizes force according to the severity or significance of the force involved:

⁷⁶ For the purposes of this preliminary assessment, the Monitoring Team pulled quantitative statistics for 2021 at the end of February 2022, and the following statistics may not include a few force reports from 2021 that were not yet finalized and included in the use of force data set. For example, four additional force reports have been finalized between the end of February and mid-March 2022. The Monitoring Team will update the 2021 statistics as necessary for the final report.

⁷⁷ SPD's use of force dashboard is available on its website: <https://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dashboard>.

⁷⁸ SPD's use of force open data is available on its website: <https://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dataset>.

⁷⁹ SPD's ongoing data cleaning operations can lead to slight changes in reporting numbers on these dashboards over time, which may lead to differences between the data in this report and SPD's continually updated dashboards and open data online.

- Type I force, the lowest level, includes “[f]orce that causes transitory pain or the complaint of transitory pain” such as hand compliance techniques.⁸⁰ Type I also includes pointing of a firearm.
- Type II, or intermediate force, is defined as “[f]orce that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm.”⁸¹ Type II force generally includes the use of tasers, OC spray, and impact weapons.
- Type III force is the most serious force, including “[f]orce that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death.”⁸² Officer involved-shootings are Type III uses of force.⁸³

This system brought greater structure to SPD’s force reporting, review, and analysis. Before considering SPD’s use of force in terms of this classification system, it is important to understand how SPD documents and calculates force statistics for those situations where there may be multiple involved officers, multiple applications of force per officer, and/or multiple subjects.

SPD counts force statistics based on officer use of force reports with each “use of force” constituting a “combination of a unique officer, unique subject, and unique incident,” as explained by SPD.⁸⁴ SPD’s open data and public use of force dashboard use this counting approach to present statistics to the public. The following scenarios help explain how this reporting system plays out in practice:

- If an officer uses multiple applications of force against a single subject during a single event, that would count as one use of force, reported and investigated at the highest level of force used during the interaction.
- If an officer uses force multiple times against two different subjects in one event, that would count as two uses of force, both reported and investigated at the highest level of force used against the individual subjects.
- If two different officers use multiple applications of force against a single subject during a single event, that would count as two uses of force, one per officer both reported and investigated at the highest level of force used by the individual officers.

For example, if one officer deployed a Taser against Subject A (Type II) and subsequently used hand compliance techniques to arrest Subject A (Type I), and then pointed a firearm at Subject B (Type I) before handcuffing and arresting the individuals, the incident would involve one officer, two subjects, and two use of force reports documenting three applications of force. The use of

⁸⁰ Seattle Police Department Manual, Section 8.050, Use of Force Definitions (last rev. April 15, 2021) <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>.

⁸¹ Seattle Police Department Manual, Section 8.050, Use of Force Definitions (last rev. April 15, 2021) <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>.

⁸² Seattle Police Department Manual, Section 8.050, Use of Force Definitions (last rev. April 15, 2021) <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>.

⁸³ SPD sometimes classifies these force types by “level” rather than “type.” For example, SPD may refer to Type II force as Level 2 force. “Type” and “level” are synonymous in this context for this report and when viewing SPD’s open data and dashboards pertaining to force.

⁸⁴ Seattle Police Department, *Use of Force Annual Report* (Jan. 31, 2019). Pages 4-5.

force reports involving Subject A would be classified as a Type II, also including information regarding the application of Type I compliance techniques. A separate, second use of force report would be required for the Type I use of force involving the second subject, Subject B.

To reiterate, this means that, throughout this report, **statistics regarding “uses of force” refer to officer use of force reports involving “the combination of a unique officer, unique subject, and unique incident, and reported at the highest level of force used by a given officer,” as SPD explains.**⁸⁵ One force incident could lead to multiple use of force reports, which could include multiple applications of force against involved subjects.

Overall Use of Force Trends

This section of the report analyzes SPD’s use of force over time in a variety of ways. In short, **over the course of the Consent Decree, SPD’s use of force decreased significantly overall and across all levels of force, with records lows in 2019 and 2021 punctuated by the historic levels of protest-related force in 2020.** The following discussion provides more context and analysis regarding these trends.

2015 was the first year of complete force reporting consistent with the Consent Decree’s required system, which allows SPD and the public to compare annual statistics on force from that point forward. Table 4 shows SPD’s annual force reporting by level and what percentage of total force each type accounted for.

Table 4. Force Levels by Year, 2015-2021

Year	Type I	Type II	Type III	Total
2015	1,574 (75%)	477 (23%)	35 (1.7%)	2,086
2016	1,203 (75%)	381 (24%)	25 (1.6%)	1,609
2017	1,292 (76%)	364 (22%)	33 (2.0%)	1,689
2018	1,870 (83%)	368 (16%)	26 (1.1%)	2,264
2019	1,047 (75%)	324 (23%)	18 (1.3%)	1,389
2020	900 (44%)	1,150 (56%)	18 (0.9%)	2,068
2021	816 (77%)	218 (21%)	20 (1.9%)	1,054
Total	8,702 (72%)	3,282 (27%)	175 (1.4%)	12,159

Source: SPD Open Data

⁸⁵ Seattle Police Department, *Use of Force Annual Report*, January 31, 2019. Page 5.

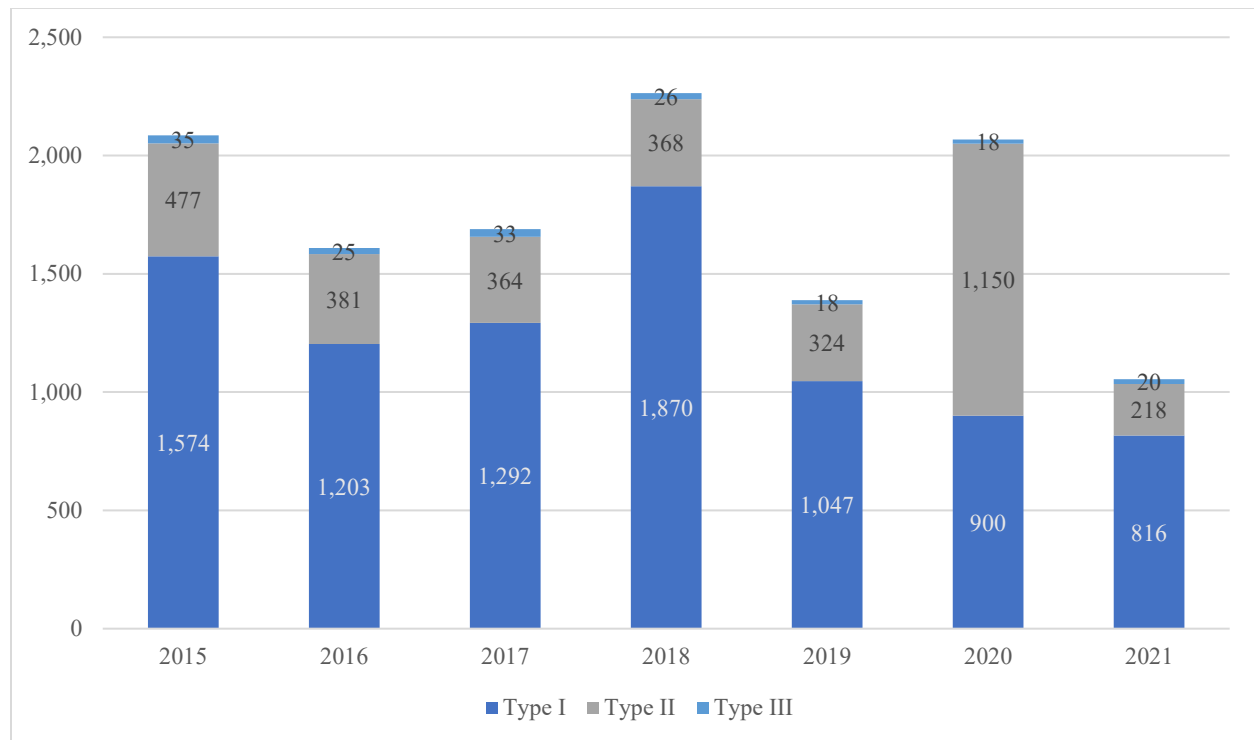
SPD’s overall use of force declined 33% from 2015 to 2019 and 49% from 2015 to 2021. Later sections of this report evaluate the impact of decreased officer activity on the decreases in force in the Covid-19 pandemic era. **2019 and 2021 not only represented record lows in use of force overall but also records lows in use of force per officer dispatch,** a metric which measures uses of force against officer activity as discussed in greater depth later in this report.

2020 represented a significant deviation from recorded lows in use of force in 2019 and 2021, driven by 932 protest-related uses of force. SPD reported 1,150 intermediate (Type II) uses of force in 2020, a 141% increase over the next highest year on record for Type II force (2015).

Serious force (Type III, which includes officer-involved shootings) decreased 47% from 2015 to 2019-2021. Serious force accounted for 1.4% of all uses of force between 2015-2021, and 1.2% of all uses of force for 2019-2021.

Figure 1 visualizes annual force trends, highlighting the significant increase in Type II force in 2020.

Figure 1. Use of Force by Level Over Time

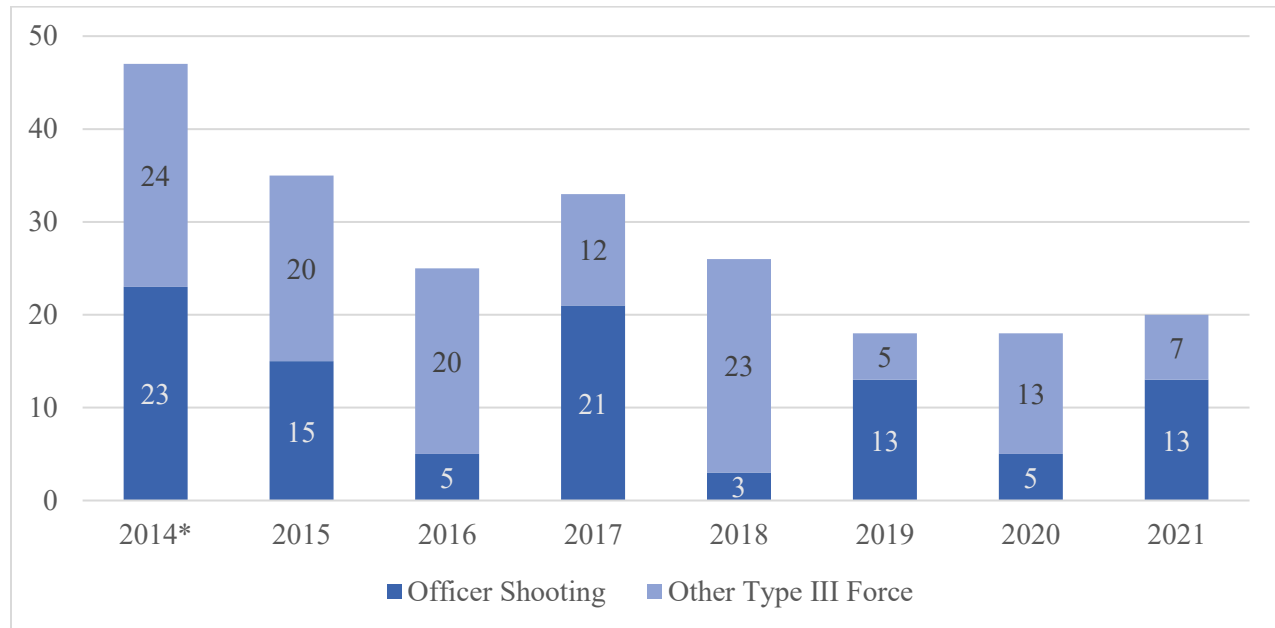


Source: SPD Open Data

While SPD did not collect complete force data for 2014, the 2014 data that are available regarding serious force present a starker contrast between early Consent Decree operations and recent performance. **The most serious force incidents (Type III) decreased by 60% from 2014 (47) to 2019-2021 (18.7 average).** SPD reported using Type III force 47 times in 2014,

decreasing to 18 times in 2019 and 2020 and 20 times in 2021. Officer-involved shootings decreased from 23 in 2014 to 5 in 2020 and 13 in 2021. SPD began using this force reporting system in the middle of 2014, so the 2014 data collection for Type III may not be complete, meaning the decrease from 2014 may be greater than demonstrated with these statistics.

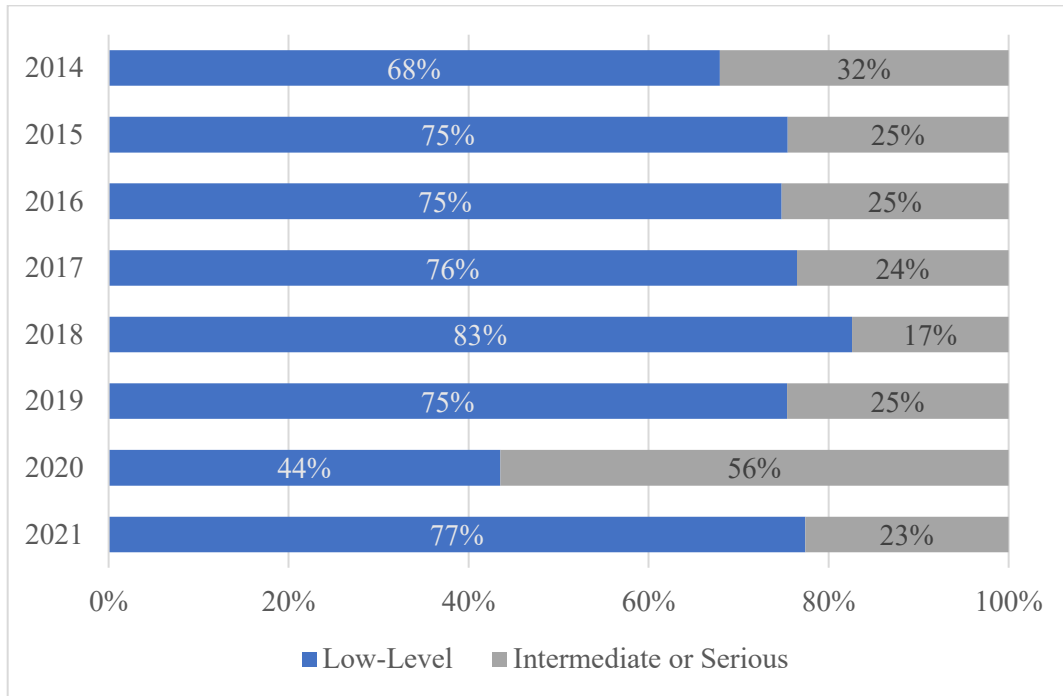
Figure 2. Serious (Type III) Uses of Force Over Time



Source: SPD Open Data. Asterisk on 2014 denotes that SPD began using this force reporting system in 2014, so the Type III reporting may be incomplete or otherwise present data quality issues.

The share of total force classified as intermediate or serious (Type II or III) remained relatively consistent for most years from 2015 to 2021, with notable deviations in 2018 and 2020. 2018 saw the lowest share of intermediate or serious force on record; however, this trend was driven by a significant increase in Type I force that year – and not a sizable decrease in more serious types of force (Type II and III force). **The proportion of intermediate or serious force in 2020 was more than double any other year since 2015**, resulting mostly from an unprecedented increase in intermediate force in protest situations as well as a decrease in lower-level force. Outside of protest situations, 2020’s proportion of intermediate or serious force was similar to other years (27% compared to an average of 23% for 2015-2021, excluding 2020).

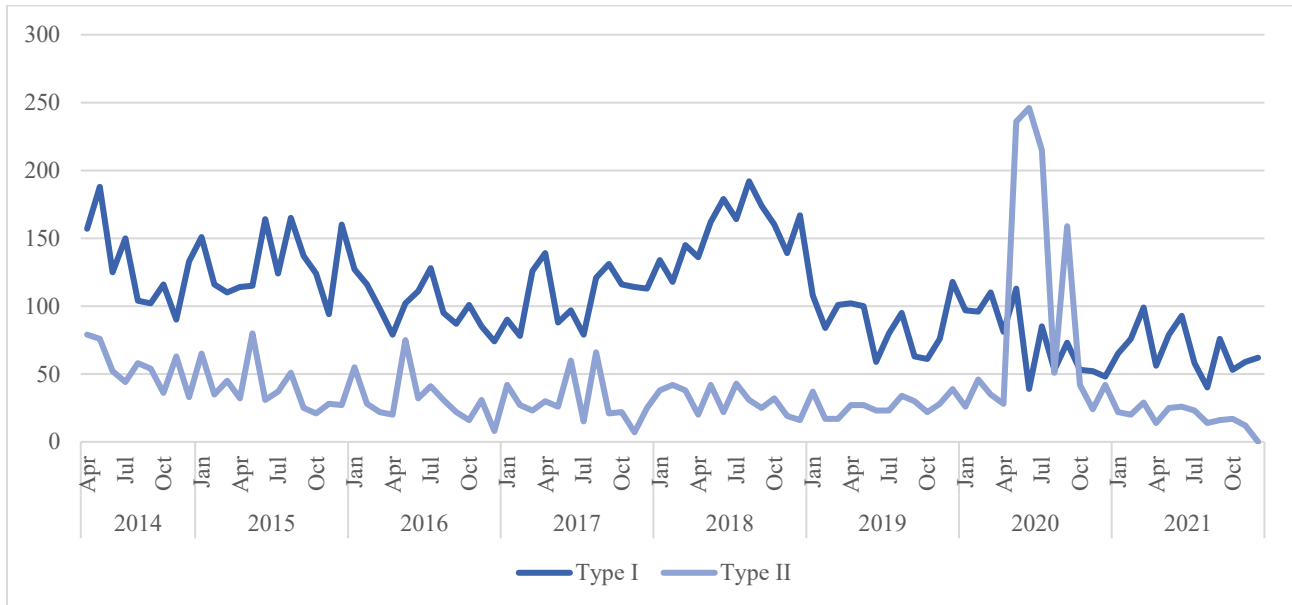
Figure 3. Distribution of Lower Level vs. Intermediate or Serious Force



Source: SPD Open Data. For the above figure, Type I force constitutes “Low-Level” and Type II and III constitute “Intermediate or Serious.”

The substantial increase in intermediate (Type) II force during 2020 occurred during the protests in the months immediately following the murder of George Floyd, as Figure 4 highlights. Both Type I and II force have demonstrated a general downward trend since the beginning of the Consent Decree, outside of the massive increase in Type II force during the 2020 protests.

Figure 4. Low-Level (Type I) and Intermediate (Type II) Force Frequency by Month



Source: SPD Open Data

Contextualizing Protest-Related Uses of Force within Overall Force Trends

This report presents analysis of SPD’s use of force trends over time, and recent events such as SPD’s response to the protests against police violence in 2020 and the Covid-19 impact these statistics and trends, complicating the analysis in this report.

Use of force statistics from 2020 capture force used during the period of protest and First Amendment activity that occurred beginning in May 20, and that continued throughout 2020 at varying levels, in the wake of the murder of George Floyd in Minneapolis (which this analysis typically refers to as “the protest period”). While SPD had reported uses of force during protests prior to 2020, the typical use of force report or incident prior to 2020 involved one or a small number of subjects and one or a small number of officers. Indeed, SPD’s force policies and procedures generally address the usual circumstances in which force is deployed in a situation involving a limited number of individuals. However, as the following analysis describes, SPD used significantly more force in crowd contexts in 2020, contributing to higher overall levels of force in 2020 from an aggregate perspective.

To get a sense of how 2020 compares to SPD’s performance during other time periods, but to also ensure that the notable and significant force deployed in the 2020 protest period is adequately considered and reflected, the Monitoring Team’s analysis considers both (1) comparative aggregate force statistics *including* force related to protests, and (2) the same comparisons *excluding* force related to protests for certain statistics provided in this report. This is done to both highlight the significant amount of force used during the protest period as well as attempt to approximate apples-to-apples comparisons of force between years with minimal

protest activity and SPD's performance in 2020, outside of its response to historic protest activity against police violence.

While comparisons excluding use of force related to protests present the public with the opportunity to assess SPD's force in more typical interactions with the public across time, the value of these metrics is certainly limited for a variety of reasons. First and foremost, as already discussed, SPD used significant force during the protests and seriously harmed its relationship with the community as a result. Further, SPD dedicated significant resources to the protest response, thereby likely decreasing its policing response to non-protest activity and the likelihood of force outside of protest settings. With these serious limitations in mind, the Monitoring Team – to provide a more comprehensive understanding of SPD's force practices – presents both (1) complete statistics that *include* protest-related force and (2) statistics *excluding* protest-related to force.

Aside from the challenges that SPD's response to protest activity in 2020 pose for comparing aggregate force statistics for 2020 with prior years, 2019 and 2020's statistics also reflect notably altered patterns of human behavior and social life in light of the Covid-19 pandemic and related public health restrictions. Analysis later in this report situates force trends within the context of officer dispatches to events in an attempt to understand how force trends were impacted by changes in the frequency of officer interactions with the public, both overall and outside of protest contexts. See the "Rate of Use of Force per Officer Dispatch" section in this report for this discussion.

To facilitate analysis of force in protest situations, SPD tracked whether a use of force was related to a protest by having officers check a box on use of force reports indicating protest relation on subsequent force reporting. SPD provided these data to the Monitoring Team to facilitate this analysis. While this method of tracking force related to protests is, like any system, subject to error, SPD reported high levels of uses of force related to protests in 2020, indicating frequent usage of this mechanism for flagging force related to protests. As Table 5 below shows, SPD had reported uses of force related to protests prior to 2020 but such instances were rare compared to the historic numbers in 2020. In turn, when this report presents force statistics over time excluding protest-related force, 80% of that exclusion impacts 2020 force totals. Table 5 breaks out SPD's reporting of uses of force related to protests from 2015 to 2020:

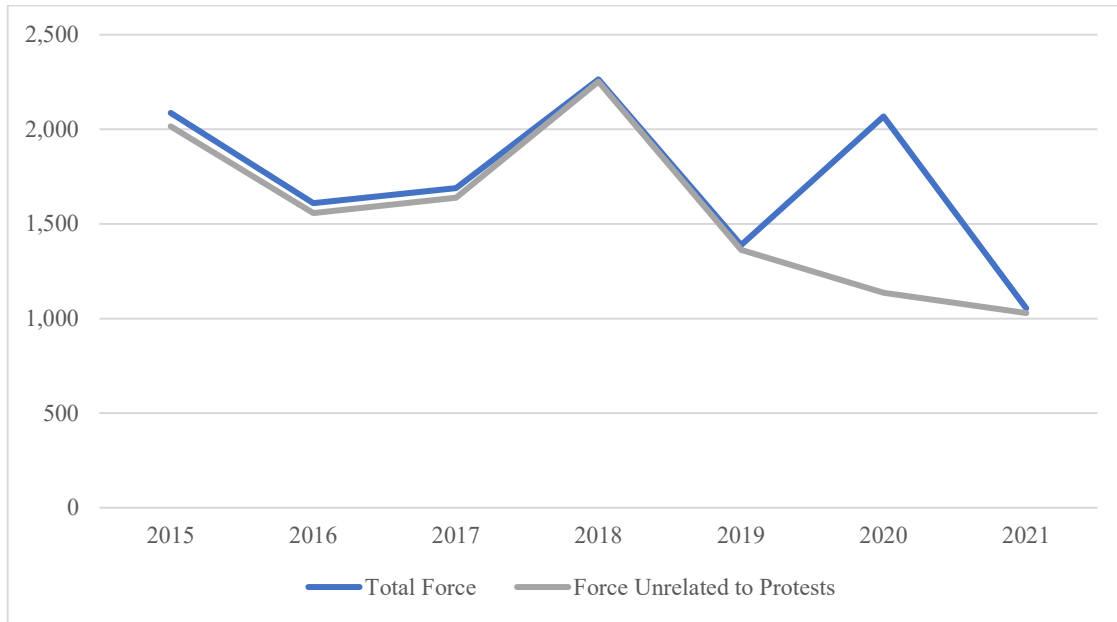
Table 5. Uses of Force Related to Protests

Year	Type I	Type II	Type III	Total
2015	9	62	0	71
2016	1	49	2	52
2017	3	47	0	50
2018	5	7	0	12
2019	9	18	0	27
2020	74	852	6	932
2021	11	14	0	25
Total	112	1,049	8	1,169

Source: SPD Protest Force Datasets

SPD reported 932 protest-related uses of force in 2020, a historic figure far surpassing any other year. Figure 5 compares total force over time, including and excluding protest force, highlighting the significant levels of protest-related force in 2020. SPD reported using Type II force 852 times in 2020, with force involving less-lethal instruments primarily driving this trend, as discussed later in this report. Figure 5 shows the significant impact of 2020's protest-related force on overall force trends, which are mostly downward otherwise except for a significant spike in 2018.

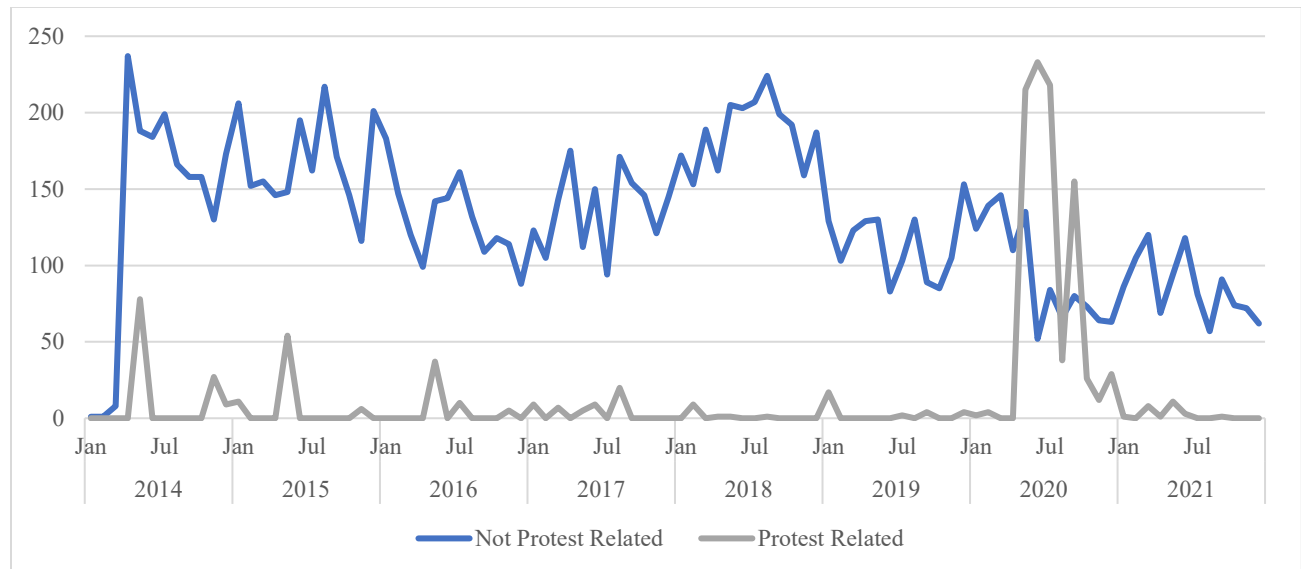
Figure 5. Total Use of Force by Year



Source: SPD Open Data and SPD Protest Force Datasets

When viewed on a monthly basis, **protest-related force spiked significantly in May through July 2020 (averaging 222 incidents per month) before a significant decrease in August (38) and subsequent increase in September (155)**. Protest-related force decreased to significantly lower levels in October and beyond.

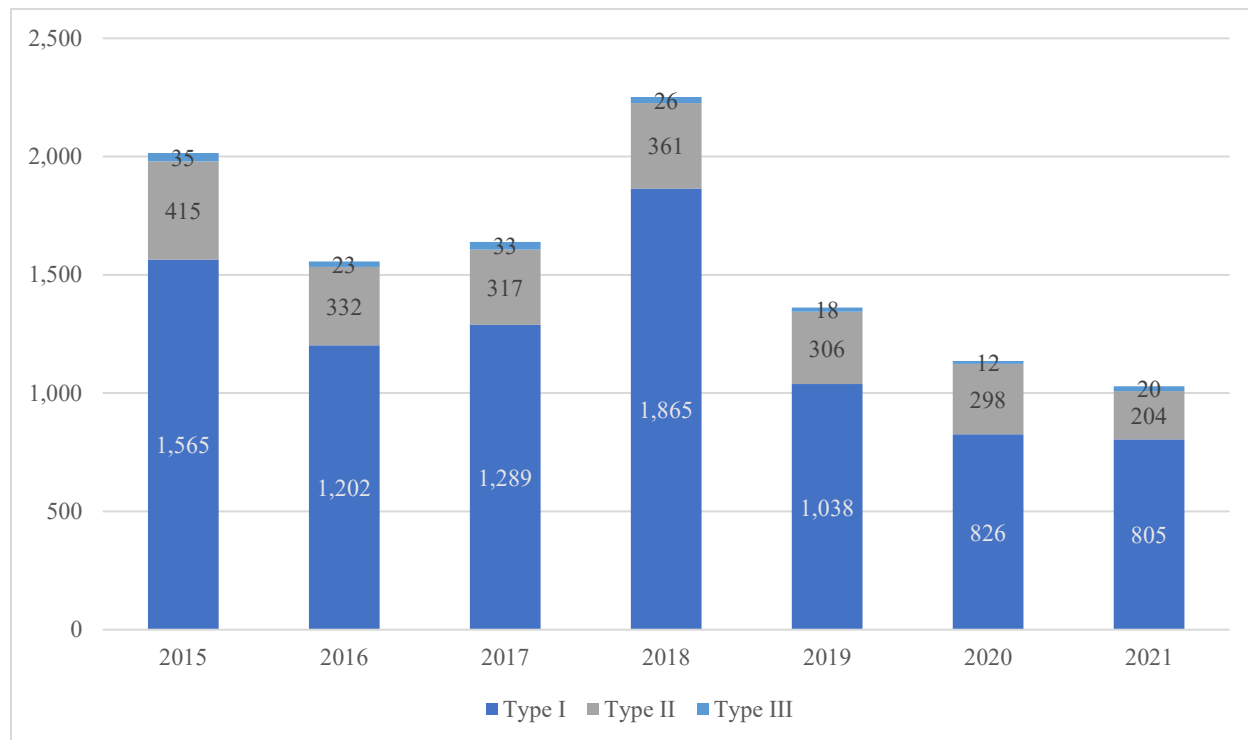
Figure 6. Use of Force Related to Protests by Month



Source: SPD Open Data & SPD Protest Force Datasets

Figure 7 shows use of force by type by year, excluding protest-related force. This figure depicts a general downward trend in force in everyday situations over the course of the Consent Decree, with the exception of a notable increase in Type I and Type II force in 2018 before a resumed downward trend. **When excluding protest-related force, 2019-2021 all have lower use of force – both overall and at every level – than preceding years.** A subsequent section of this report analyzes these trends in the context of officer activity to attempt to assess the impact of Covid-19 and overall police activity on these downward force trends.

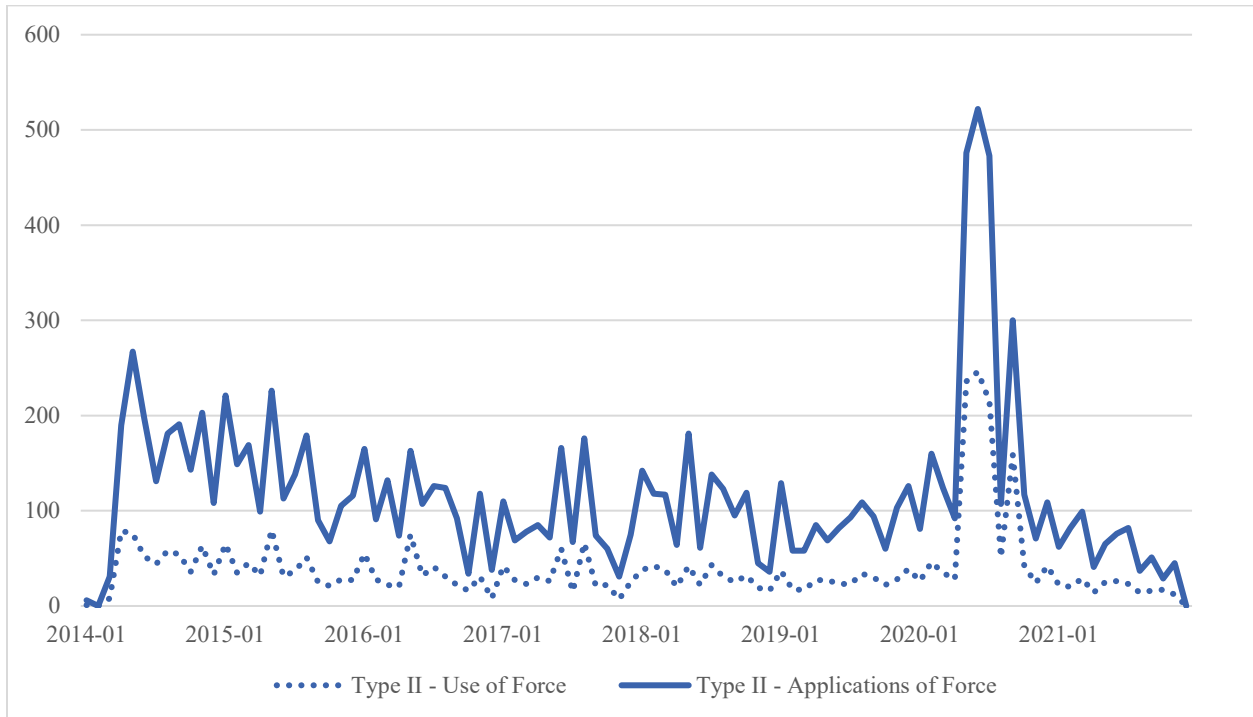
Figure 7. Use of Force by Level Over Time, *Excluding* Protest Force



Source: SPD Open Data & SPD Protest Force Datasets

As discussed previously, SPD force statistics available on SPD’s online dashboard and open data set count force reports for unique officers and unique subjects in unique events. A single force report may include multiple *applications* of force. For example, **across 246 Type II use of force reports in June 2020, SPD reported 522 applications of Type II force – the highest reported levels of Type II force application on record.** This historic increase in Type II force was primarily driven by uses of less-lethal equipment, as discussed elsewhere in this report.

Figure 8. Type II Uses of Force and Force Applications Over Time



Source: SPD Open Data

Again, SPD force statistics count uses of force as unique officers using force against unique subjects in a unique event. Consequently, one use of force may include multiple applications of force. Indeed, *one* use of force report from the time period of the 2020 protests included *21 different applications* of Type II force. Further complicating these statistics, SPD’s protest-related force sometimes occurred in a crowd context with a group of subjects for the force, but SPD’s reporting system likely counted the group as one collective subject rather than a series of individuals. This contrasts with SPD’s standard force reporting procedures outside of the protest context, where one officer using force against two different subjects would result in two use of force reports. These factors complicate the analysis of force used in protest situations as well as comparisons across time.

When viewed in this context, SPD’s historic use of force during the protests is greater than perhaps originally considered based on SPD’s standard method of counting unique force reports. Given that some of the already-significant number of use of force reports from the 2020 protest period in fact involve numerous separate applications of Type II force in a crowd context, **the volume of individual force applied to separate individuals may actually be much higher than SPD’s standard method of reporting force statistics suggest.**

Use of Force by Instrument

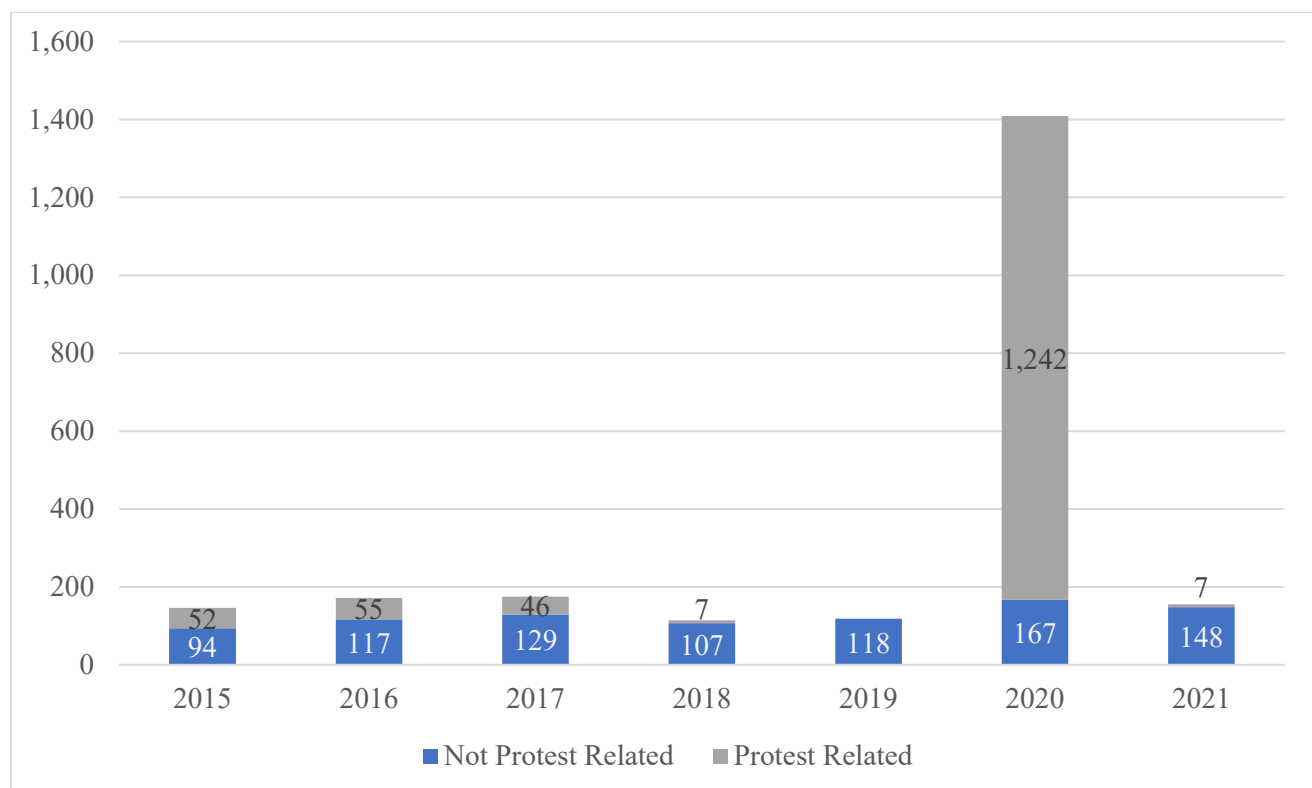
SPD tracks the specific techniques and instruments used during force incidents. Again, officers may apply multiple force tactics as part of one use of force report involving a unique subject.

This section considers the number of applications of specific force instruments and tactics, rather than the number of use of force reports as is this the case throughout most of this report.

SPD reported using less-lethal instruments an average of 164 times per year in the period from 2015 to 2017, decreasing to 116 per year for 2018 through 2019 – before a recorded high of 1,409 in 2020. SPD reported 1,242 applications of less-lethal instruments in 2020 during protests and 167 times outside of protests. For these statistics less-lethal instruments included instruments such as batons, electronic control devices (for example, Tasers), OC spray, blast balls, and less-lethal launchers, amongst other tools.

SPD’s reported use of less-lethal instruments 167 times in 2020 outside of protest situations is a recorded high outside of protest environments. However, some of the 167 less-lethal deployments purportedly occurring beyond the context of protests appear to have in fact occurred in protests and simply were not appropriately classified by officers using force. In the end, **SPD reported record highs in usage of less-lethal instruments both during protest situations and outside of protests in 2020.** Less-lethal usage in 2021 reduced significantly but remained slightly above average for years outside of 2020.

Figure 9. Less-Lethal Instrument Applications by Year



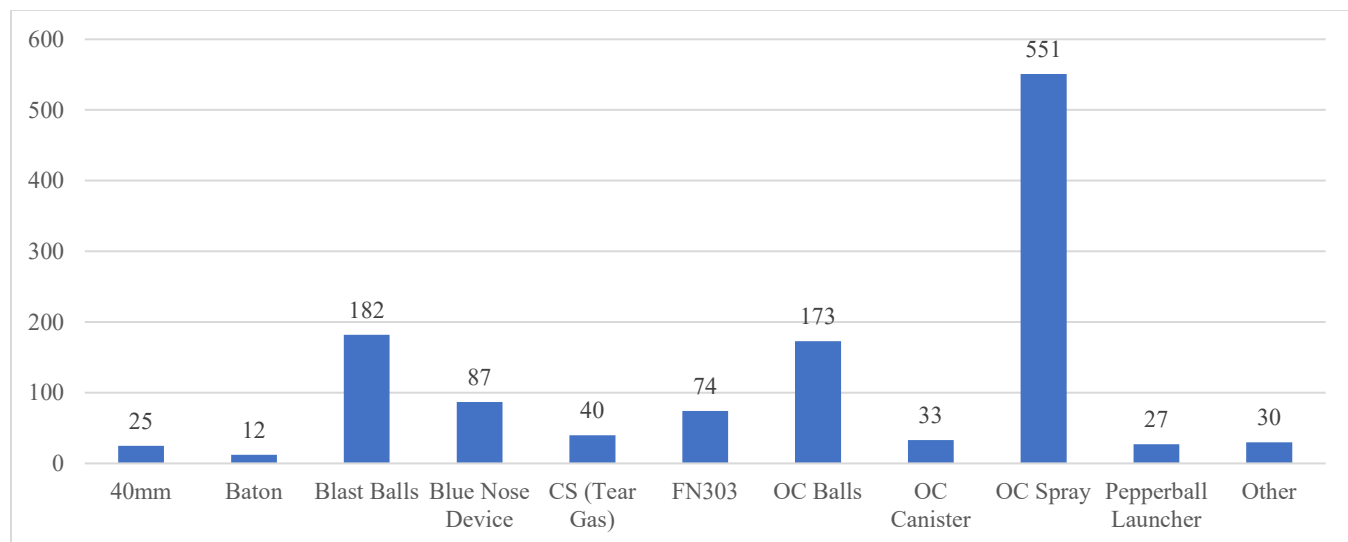
Source: SPD Data on Force Instruments and Protest-Related Force

The 1,242 reported uses of force in 2020 involving less lethal equipment in protest situations are broken down in Figure 10 below. It is, once again, important to note that this chart shows applications of force, and that there may be multiple applications of force in a single officer use

of force report. For context, the 1,242 *applications* of less-lethal instruments (which are generally classified as Type II uses of force) exceeds the 852 Type II, protest-related force *reports* due to multiple applications of force against recurring subjects included in a single force report as part of the overall incident. For example, one SPD use of force report during the protest response included 21 different applications of less-lethal equipment (40mm launcher and OC balls).

SPD reported using OC spray in 551 use of force incidents during the 2020 protests, with blast balls and OC balls deployed 182 and 173 times respectively according to SPD records. SPD’s recording of only 12 uses of force involving batons during the protests calls into question how SPD reported baton usage during the protests and the clarity of its policies in this regard, given the Monitoring Team’s review of body-camera footage related to SPD’s protest response.

Figure 10. Reported Applications of Less-Lethal Devices During 2020 Protests



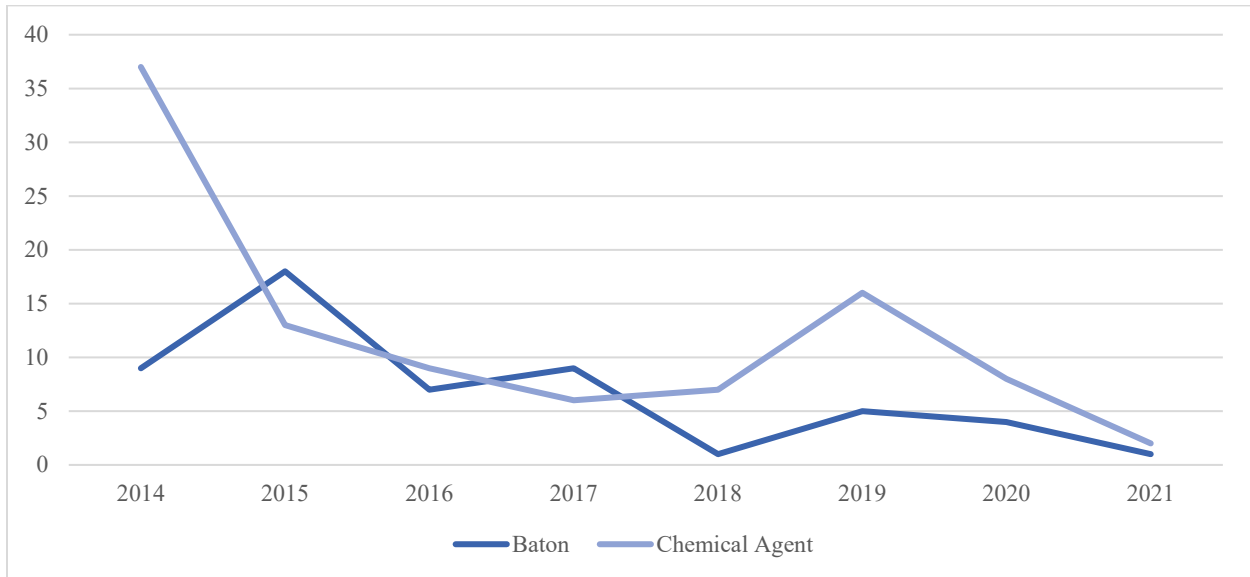
Source: SPD Force Application Data and Protest Force Datasets from SPD’s Data Analytics Platform

DOJ’s investigation found that “SPD officers too quickly resort[ed] to the use of impact weapons, such as batons and flashlights” and that “when SPD officers use[d] batons, 57% of the time it [was] either unnecessary or excessive.”⁸⁶ SPD’s use of batons outside of protest situations has decreased over the course of the Consent Decree, averaging 3.3 uses per year in 2019-2021 outside of protest situations. **SPD officers have turned from “too quickly resorting to the use of...batons”⁸⁷ to almost never using batons outside of protest situations.** Figure 11 shows the decrease in baton usage and chemical agent use outside of protests over the course of the Consent Decree.

⁸⁶ 2011 Findings Letter at 4.

⁸⁷ 2011 Findings Letter at 4.

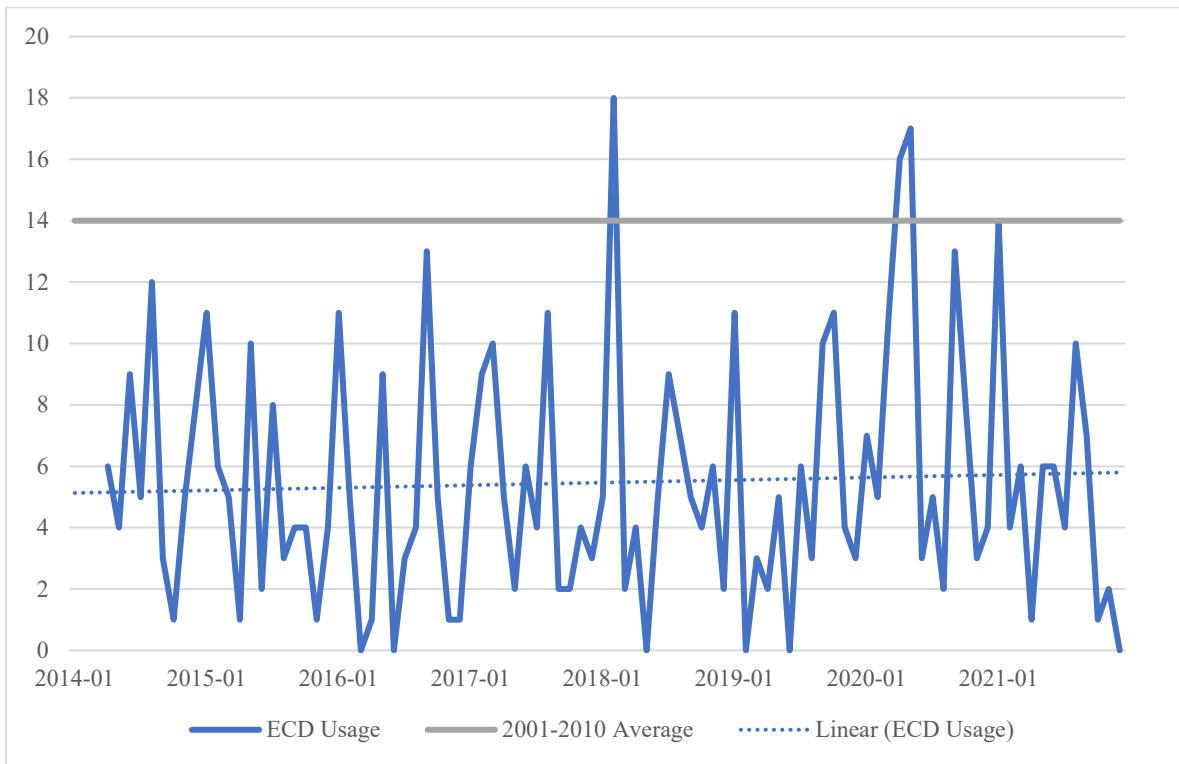
Figure 11. Baton and Chemical Agent Applications *Outside* of Protest Events



Source: SPD Force Application Data and Force Protest Datasets from SPD’s Data Analytics Platform

SPD’s use of electronic control devices (ECDs, commonly known as Tasers) during the Consent Decree has been consistently lower than SPD’s reported averages from 2001-2010. **SPD reduced its average monthly usage of Tasers some 61% from the period of 2001 to 2010 (preceding the Consent Decree) to the Consent Decree period of 2014 to 2021 – decreasing from an average of 14 to 5.5 deployments per month.**

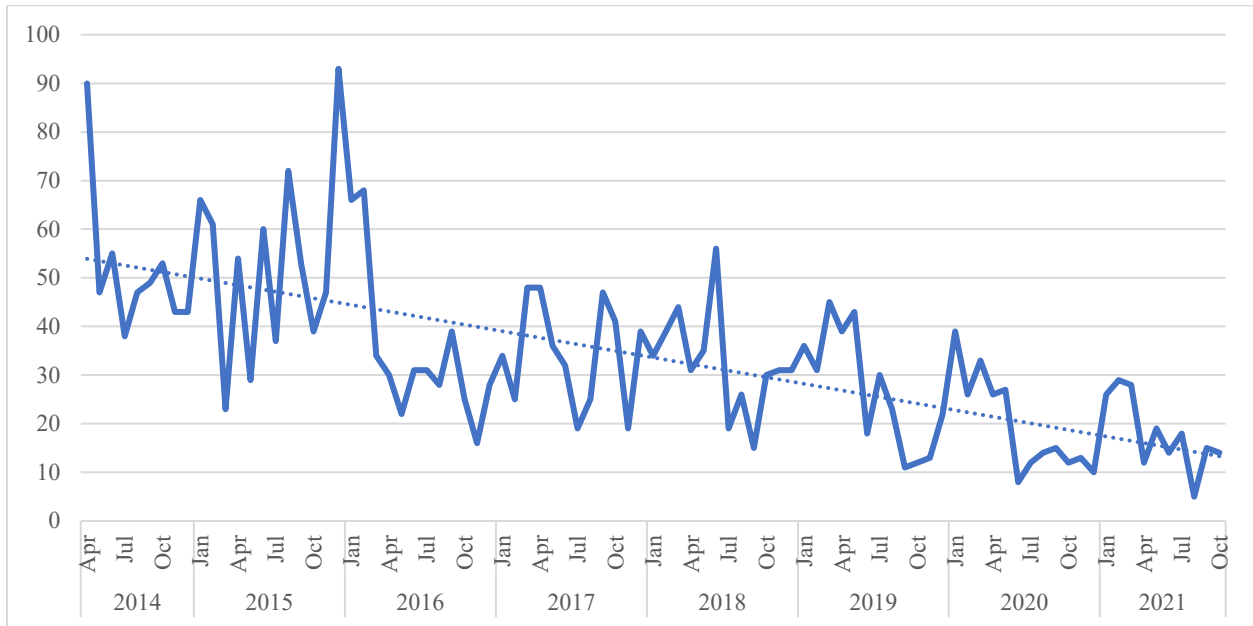
Figure 12. Electronic Control Device (Taser) Applications Over Time, Compared to 2001-2010 Average



Source: SPD Force Application Data from SPD’s Data Analytics Platform. 2001-2010 Average comes from “Taser Use Update,” Seattle Police Department, May 2011.

Firearm pointings, which are classified as Type I force, have reduced over the course of the Decree, reaching the some of the lowest levels on record during parts of 2020 and 2021.

Figure 13. Lethal Firearm Pointing by Month



Source: SPD Force Application Data from SPD’s Data Analytics Platform

Rate of Use of Force per Officer Dispatch

An imperfect yet insightful way of considering SPD’s force practices across time is to consider the frequency of uses of force in light of the number of officer encounters with the public. This approach provides some level of comparison between periods in which the amount of office activity may differ, including as a result of the Covid-19 pandemic starting in 2019 or the protests in 2020. To produce such comparisons across different periods, SPD calculates a rate of force per officer dispatch to scenes, since each officer dispatch theoretically represents an opportunity for a use of force. This metric provides some insight into the frequency of force distributed across the wide array of SPD responses, but it is imperfect for a variety of reasons, including the fact that some officer dispatches are unlikely to produce a potential use of force situation. SPD reports the following number of officer dispatches, which factor into the rates of force shown in the subsequent table.

Table 6. Officer Dispatches per Year

Year	Officer Dispatches
2015	802,876
2016	832,969
2017	891,559
2018	863,306
2019	865,165
2020	678,667
2021	645,552

Source: SPD's Internal Data Analytics Platform

Comparing these dispatch statistics with the force statistics previously discussed in this report produces the following rates of force per officer dispatch:

Table 7. Rates of Force per Officer Dispatch

Time Period	Force per Officer Dispatch	Intermediate or Serious Force per Dispatch	Serious Force per Officer Dispatch
2015	0.26%	0.06%	0.004%
2016	0.19%	0.05%	0.003%
2017	0.19%	0.04%	0.004%
2018	0.26%	0.05%	0.003%
2019	0.16%	0.04%	0.002%
2020	0.30%	0.17%	0.003%
2021	0.16%	0.04%	0.003%

Source: SPD Open Data, SPD Protest Force Data, and SPD Dispatch Data from the SPD Data Analytics Platform

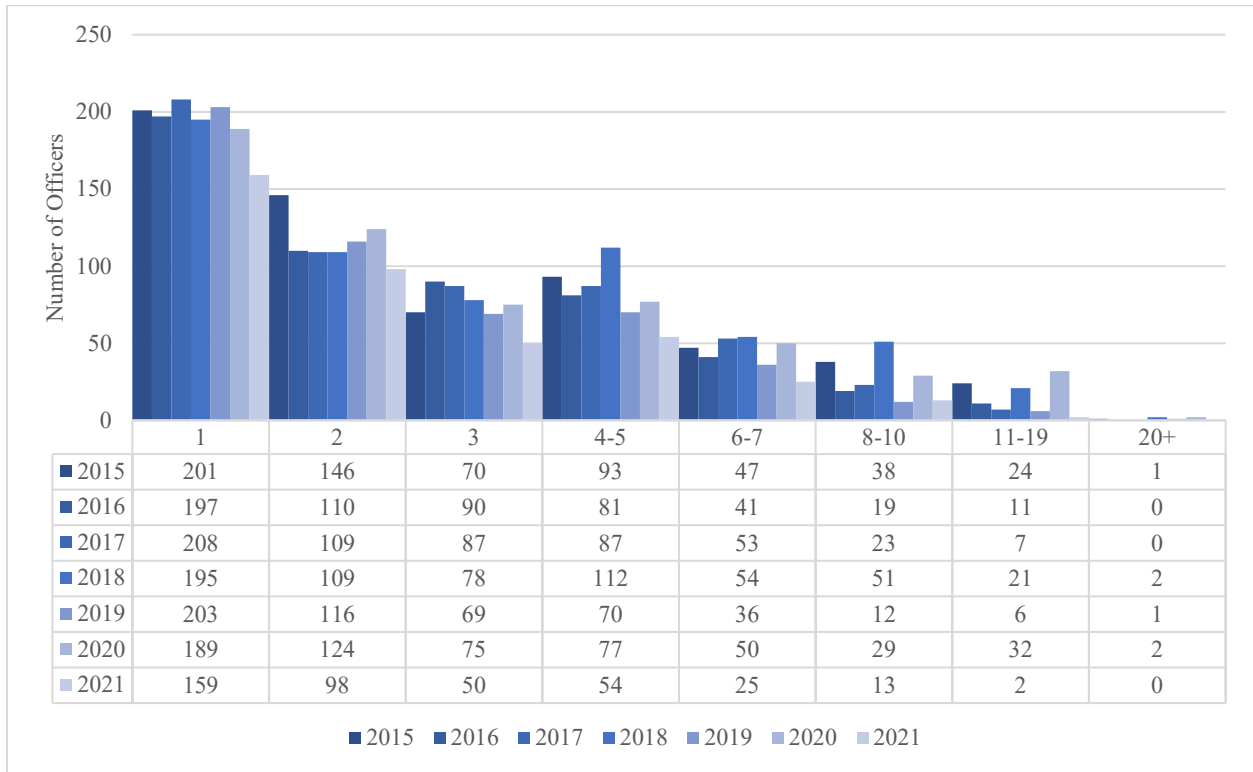
SPD used force at the lowest rates on record in 2019 and 2021 overall and at every level, when compared against officer dispatch activity. SPD's overall force in 2020 once again deviates significantly higher as a result of historic protest-related force. Across 2019 through 2021, SPD use serious force in 0.003% of officer dispatches – or once in every 39,096 officer dispatches.

Frequency of Force by Officer

SPD tracks force statistics by officer to allow for analysis on how frequently its officers use force. The following statistics summarize trends in officer force frequency for *officers who reported using force in a given year*. Therefore, the number of officers in the following figures only includes officers reporting force for that year – *not* all officers in the Department. This is because some officers do not use force in a given year (for example, officers who perform primarily administrative duties or otherwise do not use force in a given year) and therefore are not listed as an officer using force in SPD’s open data set for a given year. In turn, when this report presents percentages of officers using force at a given frequency in a year, these percentages are of officers using force – and not the entire department – for that year. All of the following percentages in this section would be *lower* if calculated against the full sworn size of the Department; however, such calculations would then include some officers who do not, by virtue of their job responsibilities, generally have the possibility of encountering force situations, thereby clouding frequency rates of officers who may be likely to encounter situations in which force may be used. In the end, these force statistics should be read as follows: “for officers who used force during a given year, how frequently did they use force for that year.”

Most officers who use force do not use it frequently, though a small percentage of SPD officers in a given year use force with greater frequency. A majority of officers who used force across 2019 to 2021 used force once or twice per year. Between 0 and 2% of officers using force reported using force 12 or more times in a given calendar year – or at least once a month – in all years from 2015-2021 except 2018 and 2020. This percentage increased to 3% in 2018 and 4% in 2020, which is likely related to force used during SPD’s response to protests in the Summer of 2020. 2021 shows the lowest officer force frequencies in nearly every band in Figure 14 below.

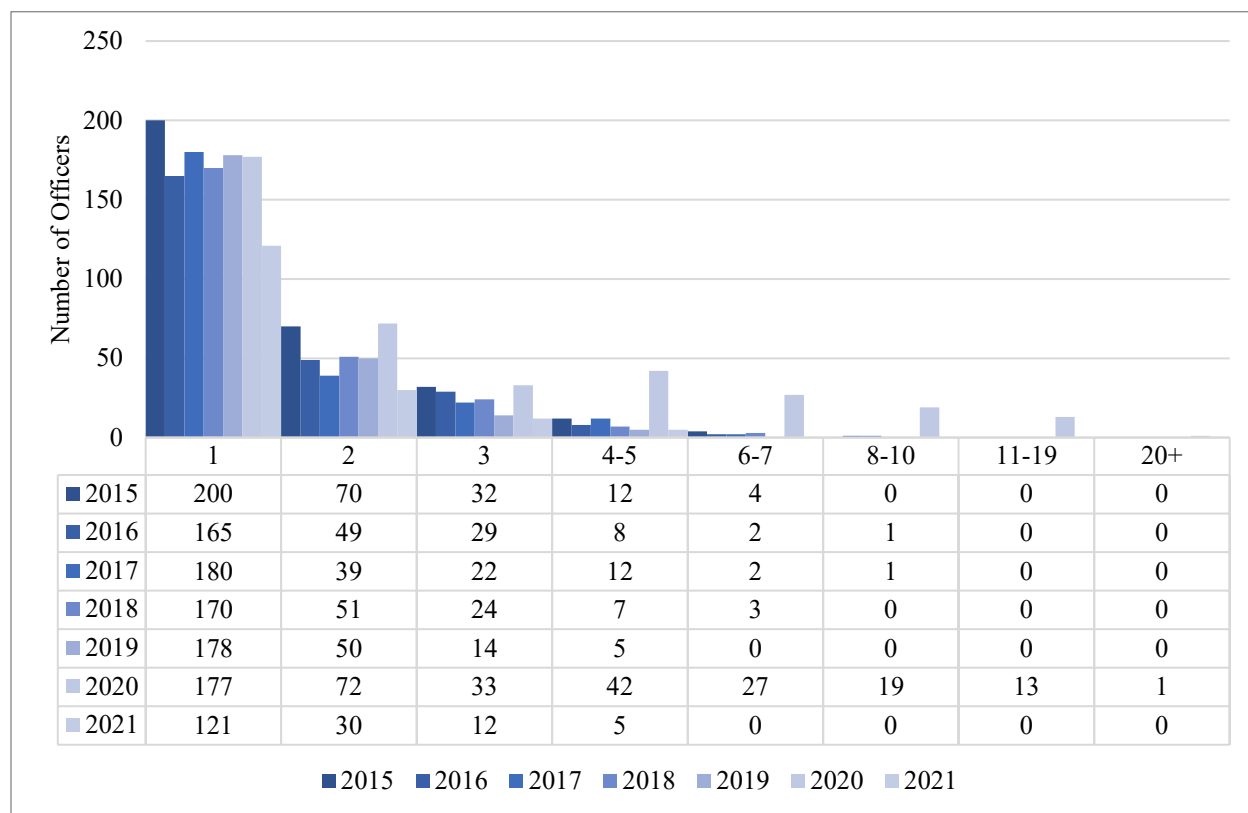
Figure 14. Frequency of Force by Officer



Source: SPD Open Data

Officer force frequency for intermediate or serious force once again emphasizes the significant increase in force in 2020 related to SPD’s response to protest environments. While the trends in force frequencies were relatively consistent in the period between 2015 and 2019, 2020 is again an outlier in this respect, as highlighted in Figure 15 below. Conversely, 2021 once again ranks lowest in every force frequency band for intermediate or serious force.

Figure 15. Frequency of Intermediate or Serious Force by Officer



Source: SPD Open Data. Type II is considered intermediate force and Type III is considered serious force.

14 officers reported using intermediate or serious force 11 or more times in 2020, with one officer reporting more than 20 uses of force. This officer used Type II force 24 times in 2020, 23 of which were documented as protest-related. This officer reported using force once in 2021 and no more than three times in three years preceding 2020.

When excluding force related to protests, trends in officer force frequency across time become far more consistent. Specifically, 2020 ranks toward the bottom in terms of force frequency by officer outside of the protest context, with the Covid-19 pandemic potentially impacting this trend. A number of factors may explain these trends, including the dedication of SPD officer resources to protest response that would have, in part, otherwise been dedicated to typical policing services that may have resulted in other force incidents.

Outside of protest situations, four officers reported using intermediate or serious force 10 or more times from 2019-2021, and 18 officers reported using intermediate or serious force five or more times from 2019-2021. This means that, in recent years, the vast majority of officers have not used intermediate or serious force frequently outside of protest situations, but a small group of officers have used intermediate or serious force more frequently, meriting close analysis.

Officer and Subject Injuries

Table 8 below shows statistics regarding complaints of pain or injury resulting from uses of force. It is important to note that the following analysis counts any complaint of pain as an injury. The underlying nature of the complaints of pain and injuries ranged from relatively minor complaints of pain to substantial bodily harm.

While officer injury rates per use of force were relatively consistent between 7% and 13% from 2015 to 2021, officer injuries in 2020 were 61% higher than any other year on record, emphasizing the difficult circumstances in which officers were operating during the 2020 protests

Subject injury rates ranged fairly significantly from a low of 44% in 2015 to a high of 71% in 2018. The period between 2018 and 2021 was relatively more consistent, ranging from 65-71% with the exception of 2020. The injury rate for subjects in 2020 was significantly lower at 52%, but this lower rate may have primarily resulted from the protest context in which officers used less-lethal tools from some distance and may not have documented specific subject injury information as accurately as they would in non-protest situations.

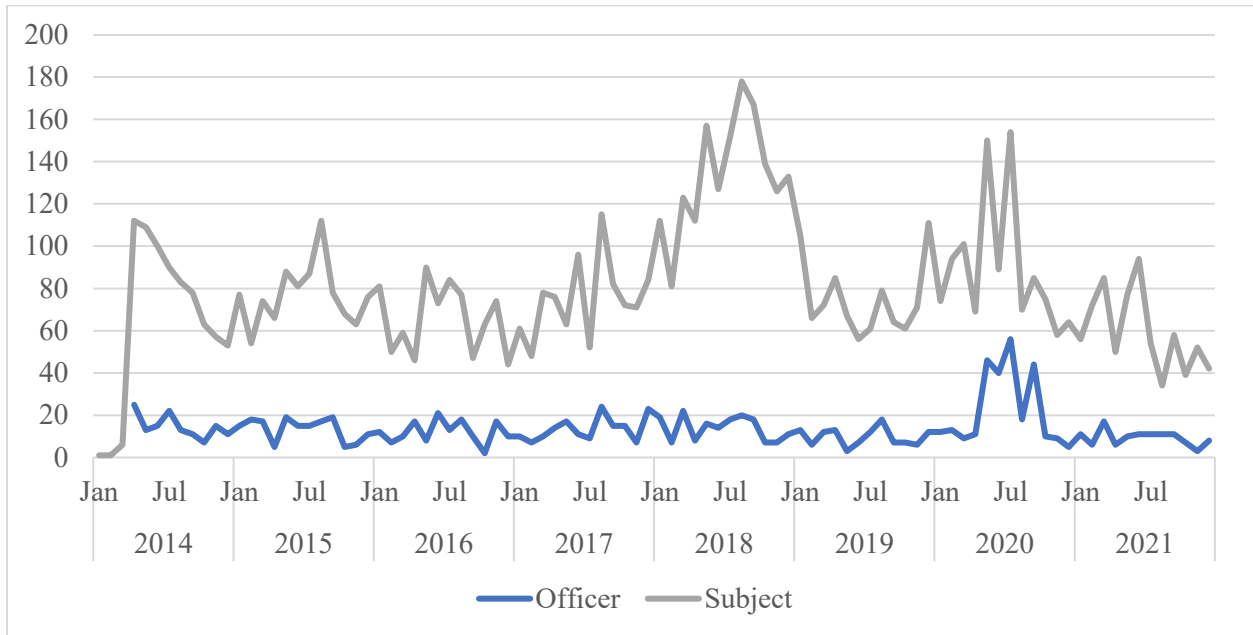
Table 8. Uses of Force with Injury of Complaints of Pain for Subjects and Officers

Year	Subject Injured	Officer Injured	Total UOF	Subject Injury Rate	Officer Injury Rate
2015	926	162	2,086	44%	8%
2016	788	145	1,609	49%	9%
2017	896	162	1,689	53%	10%
2018	1,610	167	2,264	71%	7%
2019	896	116	1,389	65%	8%
2020	1,070	269	2,068	52%	13%
2021	727	116	1,054	69%	11%
Total	6,913	1,137	12,159	57%	9%

Source: SPD data on injuries related to uses of force

2018, as has been the case throughout much of this report, is a significant outlier with an 80% increase over the preceding year and 50% higher than 2020, the year with the second highest count of subject injuries. Figure 16 visualizes these statistics by month.

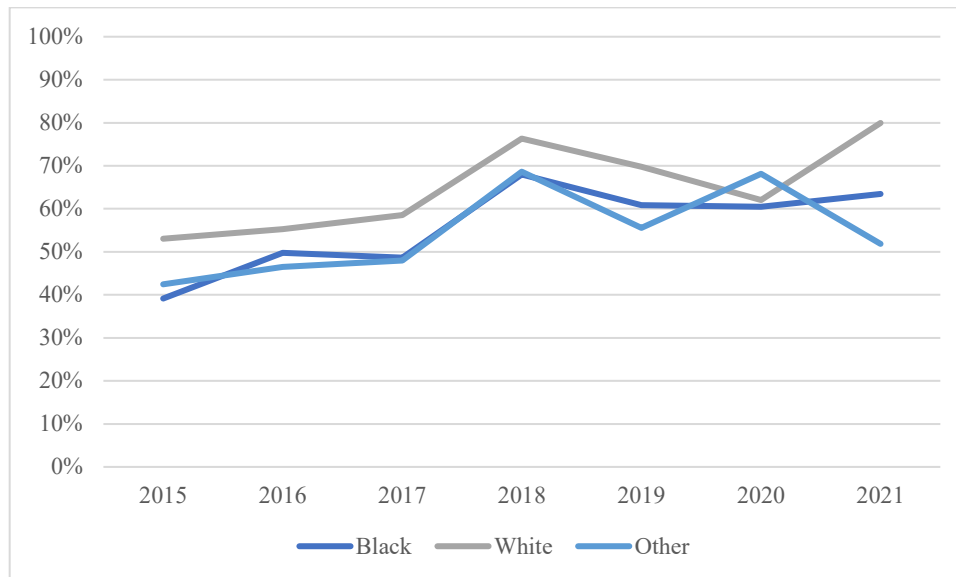
Figure 16. Uses of Force with Injury of Complaints of Pain Over Time



Source: SPD data on injuries related to uses of force

Next, we consider whether SPD data show any differences in injury rates by a subject's race. **A higher percentage of White subjects were reported to be injured or complain of pain during force encounters than Black subjects during each of the years from 2015 through 2021.** White subjects were most likely to be injured or complain of pain in force incidents for all years from 2015 to 2021 except 2020, ranging from a low of 53% in 2015 to a high of 80% in 2021. In 2020 non-Black minority populations had the highest injury/complaint of pain rate, at 68%. In comparison, Black individuals who were the subject of force were injured or complained of pain at a rate 11 percent below the White subject rate for 2015-2021, with this difference narrowing from a 14 percent difference in 2015 to a 2 percentage point difference in 2020 before expanding to a 16% difference in 2021.

Figure 17. Rate of Injury or Complaint of Pain by Race of Subject



Source: SPD Open Data and SPD Force Injury Data. Excludes reports of subjects with “Unknown” race. Non-White and Black races are grouped together under “Other” for purposes of percentage comparisons for groups with significantly fewer force incidents.

Demographics of Subjects of Force

This section provides summary statistics regarding the demographic characteristics of individuals who were the subjects of SPD uses of force.

Table 9, below, breaks out uses of force for 2019-2021 by race. White individuals were the most frequent subject of force (40% of force incidents), followed by unknown race (32%), and Black individuals (22%). While Asian subjects were only involved in 3% of use of force incidents, they were the subject in 6 of 31 (19%) officer shootings. **Black subjects were involved with the highest number of Type III uses of force (officer shootings and other serious uses of force) with 18, followed by White subjects and “unknown” subjects (15), and Asian subjects (6, all officer shootings).**

Undoubtedly, the characteristics of the population of force subjects for 2019-2021 do not precisely match the Seattle population, as shown in Table 9. In particular, White, Hispanic, and Asian subjects are represented less in the population of force subjects than their comparative share of the Seattle population overall. Black subjects are represented more – especially for the most serious force. **However, the Monitoring Team finds it impossible to reach definitive conclusions with any confidence on this front because nearly one-third of force incidents indicate that the subject race is “unknown.”** This issue merits further analysis and action, as discussed below.

Table 9 also provides 2020-2021 arrests broken out by race for another point of comparison for use of force trends. It is important to note up front that significantly more uses of force subjects

were categorized with an unknown race (32%) compared to arrested subjects (9%), complicating the comparisons between arrest and use force proportions. Subsequent tables refine this analysis to provide clearer insights.

Table 9. Use of Force by Race, 2019-2021

Race	Pop.	2020-21 Arrests	Total		Type I		Type II		Type III: OIS		Type III: Other	
Am. Indian	0.5%	2.5%	35	1%	28	1%	7	0%	0	0%	0	0%
API	0.3%	0.6%	27	1%	12	0%	15	1%	0	0%	0	0%
Asian	15.4%	4.9%	130	3%	100	4%	24	1%	6	19%	0	0%
Black	7.3%	33.2%	1,010	22%	749	27%	243	14%	14	45%	4	16%
Hispanic	6.7%	NA	88	2%	67	2%	19	1%	2	6%	0	0%
White	67.3%	50.1%	1,794	40%	1,107	40%	672	40%	4	13%	11	44%
Unknown	NA	8.6%	1,427	32%	700	25%	712	42%	5	16%	10	40%
Total			4,511	100%	2,763	100%	1,692	100%	31	100%	25	100%

Source: SPD Open Data. Population statistics pulled from US Census Bureau. 2020-2021 arrest percentages by race provided by SPD; 2019 arrest data not included because of incomplete data set.

Complicating these data, more than half (56%) of uses of force related to the 2020 protests did *not* include a specified race for the subject of the use of force. This significantly increased the total number of uses of force with a subject of unknown race for the 2019–2021 period. However, this does not completely explain the high numbers of force subjects with unknown race, as 25% of uses of force unrelated to protests still had a subject of “unknown” race. **This significant percentage of use of force with an unknown race overall, and especially for higher levels of force, is concerning and complicates SPD’s capacity to conduct comprehensive analyses of uses of force across demographic groups.** SPD is aware of this issue and working to address it.

Table 10 shows uses of force related to the 2020 protest broken out by race of the subject of force. The vast majority of documented subjects of protest-related uses of force were unknown (55%) or White (38%). SPD reported 852 Type II uses of force during the protests, largely involving less-lethal instruments that may have been deployed against a crowd of mostly masked protestors of multiple races and potentially reported on days later. These factors may have contributed to the lack of specificity in racial identification in protest-related force reporting.

Table 10. Race of Use of Force Subjects During 2020 Protests

Row Labels	Total	Type I	Type II	Type III
API	7 (1%)	0	7	0
Asian	6 (1%)	0	6	0
Black	48 (5%)	16	32	0
Hispanic	1 (0%)	0	1	0
White	353 (38%)	43	306	4
Unknown	517 (55%)	15	500	2
Grand Total	932	74	852	6

Source: SPD Open Data & SPD Protest Force Datasets

Table 11 below shows uses of force by race excluding both protest-related force and subjects of “unknown” race to present clearer comparisons across racial categories during ordinary policing activities. White subjects still received the highest proportion of force (54%), with Black subjects increasing to 36%. When excluding protest-related force and subjects of unknown race, the proportion of Type II force used against Black subjects doubles from 14% to 34%.

This table once again shows these force trends with population statistics and 2020-2021 arrest trends for comparison, though it should be noted the table excludes force related to protests but does not exclude arrests related to protests due to the nature of the data. **While rates of being subjected to force do not match the racial population of Seattle, they do closely match proportion of arrest by race.** White subjects represented 55% of arrests and 54% of uses of force; black subjects represented 36% of arrests and uses of force; Asian subjects represented 5% of arrests and uses of force. American Indians were the only group with a slight deviation, representing 1% of subjects of force and 2.8% of arrests. **This means that SPD officer use of force roughly matches arrest rates across races outside of protest contexts.**

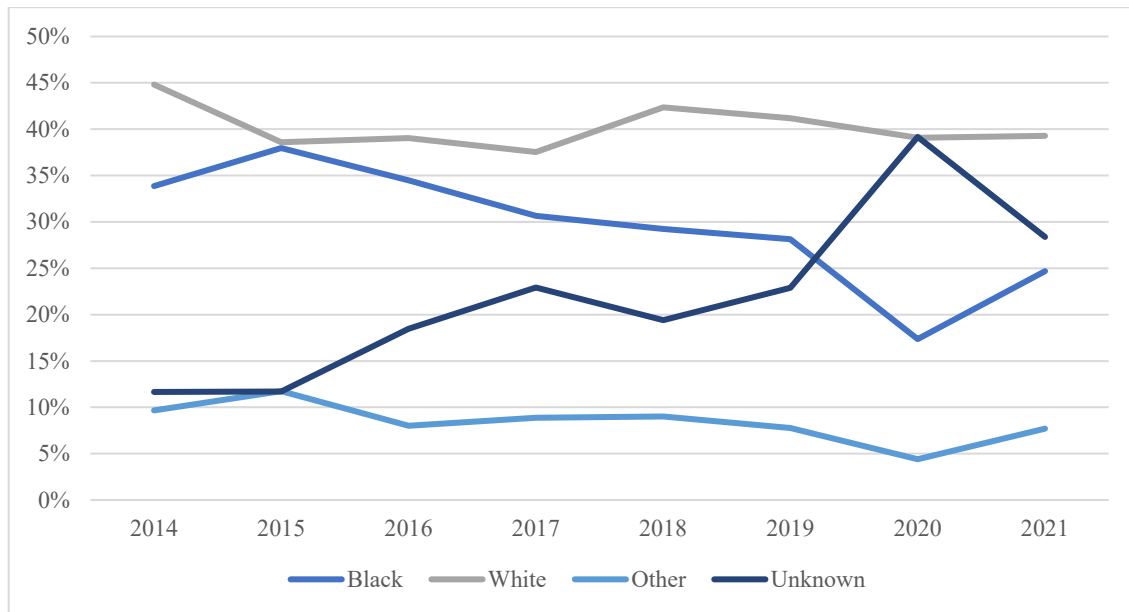
Table 11. Use of Force by Race, 2019-2021, Excluding Force Related to Protests and Subjects of “Unknown” Race

Race	Pop.	2020-21 Arrests	Total		Type I		Type II		Type III: OIS		Type III: Other	
Am. Indian	0.5%	2.8%	35	1%	28	1%	7	1%	0	0%	0	0%
API	0.3%	0.7%	20	1%	12	1%	8	1%	0	0%	0	0%
Asian	15.4%	5.4%	124	5%	100	5%	18	3%	6	23%	0	0%
Black	7.3%	36.4%	959	36%	733	37%	208	34%	14	54%	4	36%
Hispanic	6.7%	NA	87	3%	67	3%	18	3%	2	8%	0	0%
White	67.3%	54.8%	1,415	54%	1,050	53%	354	58%	4	15%	7	64%
Total			2,640	100%	1,990	100%	613	100%	26	100%	11	100%

Source: SPD Open Data & SPD Protest Force Datasets. Population statistics pulled from US Census Bureau. 2020-2021 arrest percentages by race provided by SPD; 2019 arrest data not included because of incomplete data set.

The following charts visualize these trends over time. Figure 18 visualizes trends in racial classifications of uses of force over time. The use of “unknown” as a racial category has increased substantially and steadily almost every year since 2015 until a decrease in 2021. As the “unknown” category began to increase in 2015, the portion of uses of force with Black or other minority subjects decreased, until an increase in 2021 as “unknown” subjects decreased.

Figure 18. Race of Subjects of Use of Force Over Time

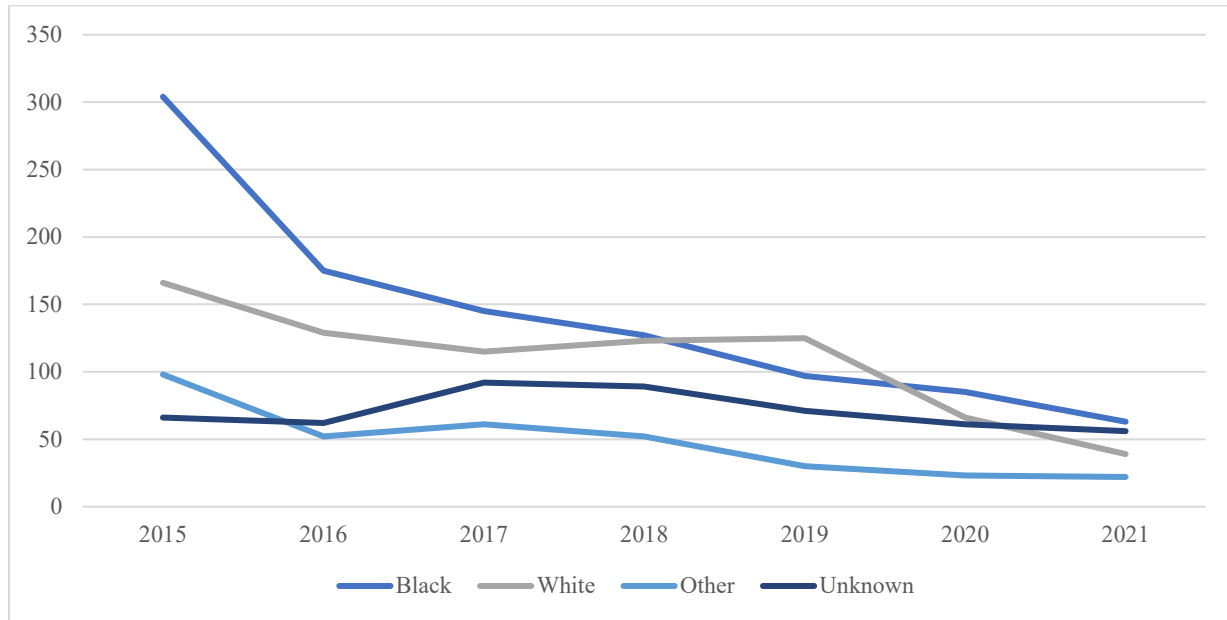


Source: SPD Open Data

The percentage of uses of force on a subject of unknown race more than doubled from 12% in 2014 and 2015 to 28% in 2021. As previously mentioned, this upward trend in unclear data collection raises substantial concerns about SPD’s force demographic data collection and the agency’s ability to run demographic analyses at the levels it is pursuing – to say nothing about the potentially troubling implications for continued compliance on the Decree’s core self-reporting obligations and the quality of supervisory review of use of force reports. This is especially true when a good portion of use of force incidents are captured via SPD’s body-worn camera system.

One particular area of concern regarding uses of force against minorities has been firearm pointing. Earlier, this assessment reported that firearm pointings, which are classified as Type I force, have reduced over the course of the Decree, reaching some of the lowest levels on record during parts of 2020 and 2021. Firearm pointings have decreased most significantly for Black subjects of force. **There was a 73% decrease of pointings of lethal firearms at Black individuals from 2015 (304 pointings) to 2019-2021 (average of 82).** Even as this decrease is notable, **Black subjects are still most likely to be the subject of a firearm pointing despite being the subject of force less frequently than White subjects or subjects of unknown race.**

Figure 19. Pointing of Lethal Firearms by Race of Subject



Source: SPD Force Instrument Data

The distribution of uses of force against male or female subjects over time is relatively consistent from 2014-2021. Males comprised 77-81% of use of force incidents with a documented gender for all years between 2014 and 2021, except for 2018 and 2021 (both 74%). SPD’s documentation of the gender of force subjects as unknown occurs rarely, between 1-2% of uses of force between 2015 and 2019. This rate increased to 15% in 2020, primarily driven by protest-related uses of force, before reducing to 3% in 2021.

SPD Disparity Analysis of Use of Force

As discussed in greater depth in the **Stops & Detentions** section of this report, SPD has replicated a sophisticated analytical method for assessing disparities and potential biases in policing that the Monitoring Team previously employed in its assessment of disparities in SPD activities and outcomes. SPD is automating analytical methods to provide the organization ongoing insights into critical areas impacting SPD’s pursuit of more equitable policing, including force tactics. SPD will utilize live dashboards demonstrating these data for a newly launched organizational meeting focused on improving equity, accountability, and overall quality in SPD’s policing. SPD has engaged a research partner to evaluate this new approach to provide feedback on the rigor of SPD’s analytics and its method of employing them toward organizational improvement.

The Monitoring Team previously highlighted concerns regarding statistics demonstrating “that SPD officers are more likely to point firearms at historically-underrepresented than White subjects.” The Monitoring Team provided direction on next steps, stating, “Because nothing immediately obvious about the circumstances of the interactions reviewed in the Monitoring

Team’s qualitative assessment suggested reasons why pointing a firearm at Black, Latino, and Asian subjects was more reasonable or necessary than for White subjects, the Monitor encourages more study by SPD, the Community Police Commission (“CPC”), and the anticipated Inspector General.”⁸⁸

SPD acted on this recommendation and focused on firearm pointing as part of its disparity analyses, documented in its Disparity I and II reports. Using an analytical method called propensity score matching to compare force subjects of various races in similar situations encountering an officer, SPD found that “[f]irearms were pointed at non-Whites about 30% more often than at similarly situated Whites.”⁸⁹ SPD conducted additional analysis on this trend as part of its follow-up disparity report and engaged the CPC and community members regarding opportunities to address these disparities in firearm pointing. This process led to a recommendation to “Review policies, trainings, and protocols for the pointing of firearms,” focusing on specific areas of potential concern within SPD operations that could possibly reduce these disparities with operational changes.⁹⁰

As previously mentioned, there was a 73% decrease of pointings of lethal firearms at Black individuals from 2015 (304 pointings) to 2019-2021 (average of 82). While this decrease is notable, Black subjects are still most likely to be the subject of a firearm pointing despite being the subject of Type I force less frequently than White subjects or subjects of unknown race. While disparities between White and non-White subjects of firearm pointings appear to have decreased, SPD expresses commitment to the important work ahead.

SPD’s approach of analyzing disparities, engaging community members around potential solutions, and acting on solutions aligns with previous Monitoring Team recommendations and SPD’s bias-free policing policy. The Monitoring Team recommends expanding these disparity analyses related to force practices and engaging with the Community Police Commission and Office of Inspector General on the most impactful path forward, as discussed in the **Stops & Detentions** section of this report.

Use of Force Review and Accountability Mechanisms

We next consider how Seattle’s various systems for use of force review and accountability are functioning. First, we consider SPD’s review of force both by the supervisory chain of command and SPD’s dedicated Force Review Board. The report then turns to how the Office of Professional Accountability (OPA) addresses incidents involving officer use of force and potential misconduct. **Overall, SPD demonstrates consistent adherence to its use of force policies, and supervisors regularly take corrective action in response to deficiencies.**

⁸⁸ Ninth Systemic Assessment at 5,6.

⁸⁹ Seattle Police Department’s “Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data.” Page 5. April 2019.

⁹⁰ Seattle Police Department’s “Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I.” Page 29. December 2019.

Overview of Seattle's Force Investigative and Accountability Systems

DOJ's 2011 investigation found that SPD's "secondary review process [of force] is little more than a formality that provides no substantive oversight or accountability."⁹¹ Through the Consent Decree, SPD has now developed a sophisticated force reporting and review system, with internal and external quality assurance mechanisms. This system includes the following requirements and processes:

- Officers must report all uses of force according to policy.
- Supervisors must conduct a comprehensive investigation of low-level and intermediate (Type I and II) uses of force and submit the investigation through the chain of command for review and approval.
- After chain of command approval, the Force Review Unit inspects all Type I uses of force at a high level and closely reviews all Type II uses of force to provide an additional layer of quality control and oversight on lower-level and intermediate uses of force.
- The Force Investigation Team investigates all serious (Type III) uses of force and subsequently presents investigations for assessment by the Force Review Board.
- The Force Review Board regularly analyzes SPD's performance in serious incidents and select intermediate incidents to elevate organizational accountability and identify opportunities for organizational improvement. The Office of Police Accountability and Office of Inspector General observe these meetings to provide external feedback and yet another layer of accountability, with OPA being able to self-initiate misconduct investigations should SPD fail to do so.
- The civilian-led Office of Police Accountability investigates any complaints of improper force and recommends disciplinary action to the Chief of Police as appropriate.
- The Office of Inspector General conducts systemic analyses of SPD's performance to provide continuing recommendations on how SPD can improve its systems and services to the community.

This system has resulted in better documentation, more meaningful review of force incidents, and heightened levels of accountability on SPD force practices. The core pillars of this force review system are discussed in the sections that follow.

Type I Investigations

As part of this assessment, in keeping with Phase II's focus on SPD conducting self-assessments for subsequent validation by DOJ and the Monitoring Team, SPD reviewed 200 Type I cases from 2021 to assess the frequency of policy compliance and supervisory activity related to force investigations, including identifying opportunities to improve office performance related to force.

⁹¹ 2011 Findings Letter at 4.

In this review, supervisors documented issues in 18% of cases, ranging from policy to tactical issues, many of which were screen with OPA or FIT. Supervisors screened potential issues with 27.5% of cases demonstrated a supervisor screened the case with OPA or SPD's Force Investigation Team regarding on-scene actions to discuss appropriate force classification, whether a misconduct investigation by OPA was necessary, or other important considerations for the investigation. This led to two OPA referrals (1% of cases), three bias allegation investigations (1.5%), and 21 training referrals (10.5%).

Supervisors continue to document more substantive reviews of low-level uses of force and initiate associated corrective actions far more frequently than occurred prior to the Consent Decree. DOJ commented in its investigation, “[t]ellingly, of the approximately 1,230 internal use of force reports we received, covering the period between January 1, 2009 and April 4, 2011, only five were referred for ‘further review’ at any level within SPD.”⁹² **While SPD only referred 0.4% of any force cases for further review before the Consent Decree, SPD supervisors in 2021 referred 13% of the lowest-level cases for disciplinary investigation or remedial training and documented actively screening the cases with accountability experts in 27.5% of cases,** in addition to identifying other issues in their reviews, based on an inspection for this assessment.

Type II Investigations & Force Review Board Reviews

For this report, SPD assessed 31 Type II cases from 2020 which were reviewed by FRB over the course of 2020 and 2021. This review indicated frequent identification of opportunities for improvement by both the chain of command and the Force Review Board.

The supervisory chain of command appears to be continuing to identify issues with use of force. The supervisory chain of command identified system or officer performance issues before FRB review in 30 of the 31 cases. Supervisors screened nearly a third of the cases with OPA to discuss the need for OPA investigation (10 of 31 cases). In addition to screening cases with OPA, supervisors frequently took other supervisory action to improve individual performance or make recommendations to improve organizational polices, training, or other practices. The chain of command identified issues regarding tactics (17), policy (16), equipment (15), training (12), supervision (7). Of concern, however, the one case that had no supervisory action resulted in a self-initiated investigation by OPA.

The Force Review Board continues to generate specific recommendations for departmental improvement across a good majority of Type II cases. FRB issued some kind of action in 81% of cases reviewed of the 31 case sample. This frequency of action by the FRB demonstrates a sustained commitment to critical analysis toward improving SPD's operations, spanning multiple operational areas. Recommendations directed follow-up action related to tactics (13), policy (10), training (7), and supervision (3). FRB referred four of the cases for OPA investigation. In these cases, FRB found officers in compliance with policy 97% of the time, in line with overall training in 83% of events, and in keeping with de-escalation tactics 91% of the time, with 3% of cases pending OPA review regarding de-escalation. These numbers are not

⁹² 2011 Findings Letter at 4.

inconsistent with the findings of the previous Monitoring Team regarding force between 2014 and 2016, where 99 percent of force overall, and 96 percent of Type II and Type III force, “were consistent with SPD policy” implemented pursuant to the Consent Decree.⁹³

Force Investigation Team & Force Review Board Reviews

SPD’s Force Investigation Team (FIT) is a dedicated team of trained detectives that investigate serious uses of force. FIT continues to conduct in-depth investigations and investigated 5 officer-involved shootings, 14 other Type III incidents, 4 unintentional discharges, and 1 in-custody death in 2020. **The Force Investigation Team continues to document in-depth investigations, and the Force Review Board continues to conduct wide-ranging discussions which generate a variety of recommendations for organizational improvement.**

Upon completion of an investigation, FIT presents its investigation to a Force Review Board (FRB) comprised of representatives from across the Department. FRB meets frequently to discuss FIT investigations, Type II cases referred by the Force Review Unit per policy, a 10% random sample of Type II cases, and other cases as needed.

FRB does not make determinations regarding discipline but is required to refer all serious policy violations to the Office of Police Accountability. The Force Review Board analyzes these incidents and makes recommendations regarding opportunities to improve departmental policies, training, tactics, supervision, equipment, or other areas to improve performance and community and officer safety. FRB then documents these conversations and any associated recommendations.

From July 1, 2019 to March 31, 2021, the Force Review Board reported reviewing 151 cases, including 8 officer-involved shootings, 4 other Type III uses of force, and 139 Type II uses of force. Seven of the 139 Type II cases were reviewed as part of a 10% sample review of the Force Review Unit’s reviews; the other 132 Type II reviews were submitted by the Force Review Unit for higher-level Force Review Board analysis and discussion. Since March 31, 2021, FRB has continued to meet regularly to discuss cases and work through a backlog of cases, which grew during Covid-19 and SPD’s protest response. While the backlog had previously reached a high of 146 cases, SPD reports that backlog FRB had reduced it to 36 cases as of March 2022, with three cases under investigation by FIT which will be reviewed by FRB when investigations are completed.

FRB reviewed the actions of all involved officers across these 151 cases. FRB referred seven of these cases to OPA for investigation, and Force Review Unit referred three cases, one of which FRB also referred. In total, SPD referred 9 of these cases for OPA investigation – 6% of all FRB reviews. OPA self-initiated an investigation for one of the FRB cases.

In addition to referring cases for OPA investigation, FRB identifies concerns regarding policy, training, supervision, or other topics at both the individual and organizational level. FRB most

⁹³ Ninth Systemic Assessment at 74.

frequently flags training issues, with FRB generating training recommendations for 9% of officers and supervisors involved in FRB cases. FRB also produces other recommendations regarding policy, de-escalation tactics, supervision, force review quality, and other topics. SPD would be well served by providing sufficient administrative support to track the implementation of the wide array of recommendations generated by the FRB. The Force Review Unit, which tracks these recommendations, has lost staffing over time, presenting concern for the daily operations of the Force Review Unit and Force Review Board administration.

The Office of Police Accountability and Office of Inspector General both observe SPD's Force Review Board meetings, providing yet another layer of oversight. Should SPD fail to refer a potentially serious violation, OPA may initiate an investigation by its own accord, as it did for one FRB case in 2020. Based on its observations, the OIG published a systems analysis of SPD's FRB with substantive recommendations for improving FRB's operations.

Between SPD's internal force review mechanisms, misconduct investigations by the Office of Police Accountability and the systemic oversight by the Office of Inspector General and Community Police Commission, SPD and its accountability partners are well positioned for continually improving accountability and performance improvement on use of force with sufficient staffing and emphasis on these functions.

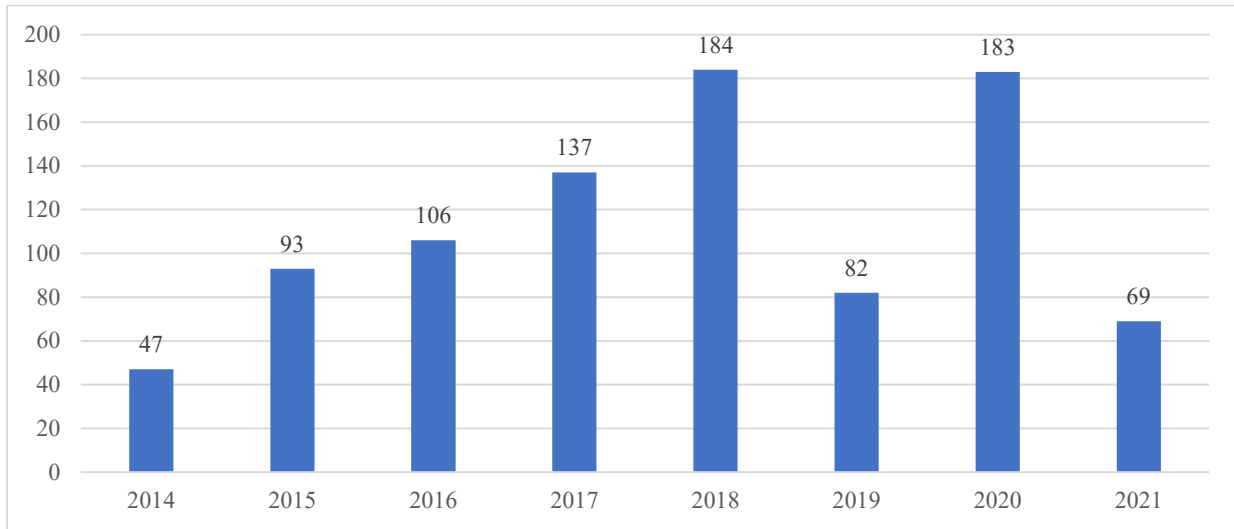
Accountability

The tables and figures present statistics on investigations of misconduct allegations related to use of force. The Office of Police Accountability (OPA) investigates these allegations and maintains these statistics, which are available for public inspection on Seattle's open data portal.⁹⁴ The statistics that follow are presented in two different ways: cases and allegations. A misconduct investigation case refers to a unique event which is under investigation for one or more allegations of misconduct. For example, one misconduct investigation case may involve multiple allegations of misconduct related to use of force for multiple officers.

Misconduct investigation cases involving use of force rose steadily from 2014 to 2018, before decreasing by more than half in 2019, rising back up to the highest levels on record in 2020 before then hitting a recent low in 2021. When assessing the number of total allegations of force misconduct, as will be evident shortly, 2020 greatly exceeds any other year, meaning many of the 2020 cases involved multiple allegations of misconduct related to force.

⁹⁴ Public data related to OPA's investigations can be found here: <https://www.seattle.gov/opa/case-data>

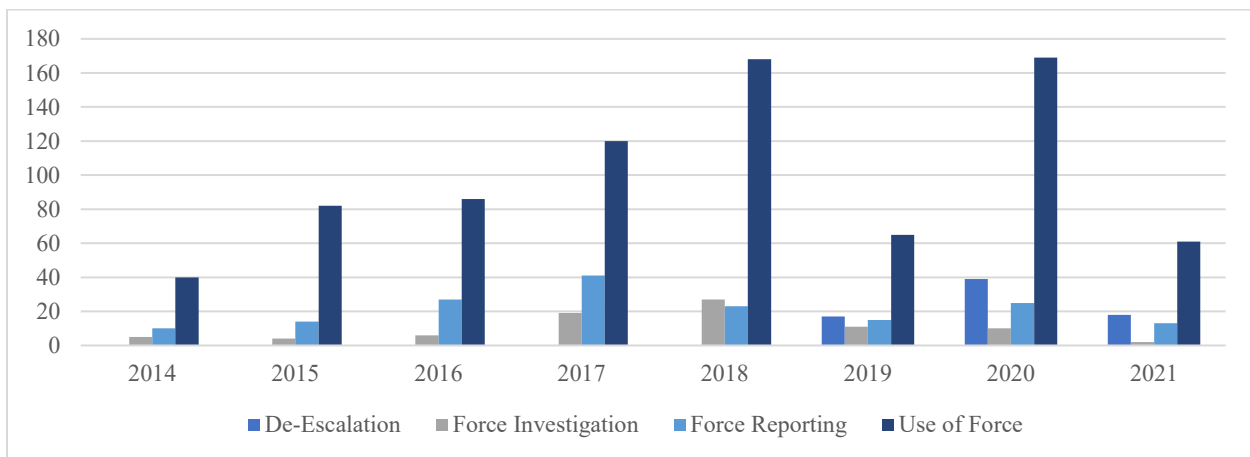
Figure 20. Misconduct Investigation Cases Involving Use of Force



Source: OPA Open Data. Based on received date for case due to more complete data than is available for incident date.

The cases tabulated above may include one or more types of misconduct allegations related to use of force. OPA tracks use of force allegations in four categories: inappropriate use of force, de-escalation, reporting, and investigation. The following chart shows the number of cases involving each of these allegation types over time, with the de-escalation allegation first appearing in 2018. Note that the total number of cases listed below is greater than the total listed above since one case related to use of force may have multiple different kind of allegations related to force. The trends in this figure largely mirror the previous figure with more granularity.

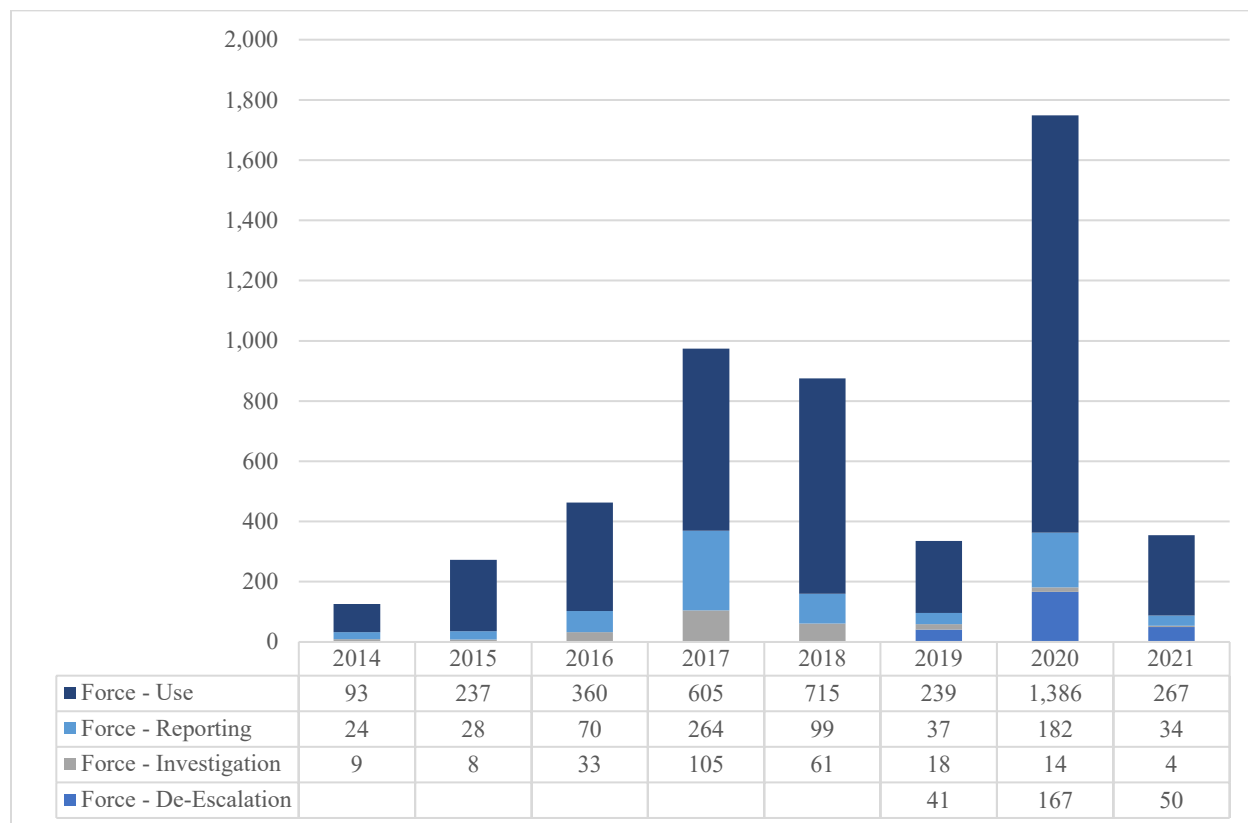
Figure 21. Number of Cases Involving Various Force Allegations



Source: OPA Open Data. Based on received date for allegation due to more complete data than is available for incident date.

The following chart breaks out the number of use force misconduct allegations over time. These numbers are far higher than the case counts above since one case can involve multiple allegations against multiple officers. **2020 produced a record high number of use of force misconduct allegations with 1,749, 80% higher than the next highest year (2017 with 974 allegations).**

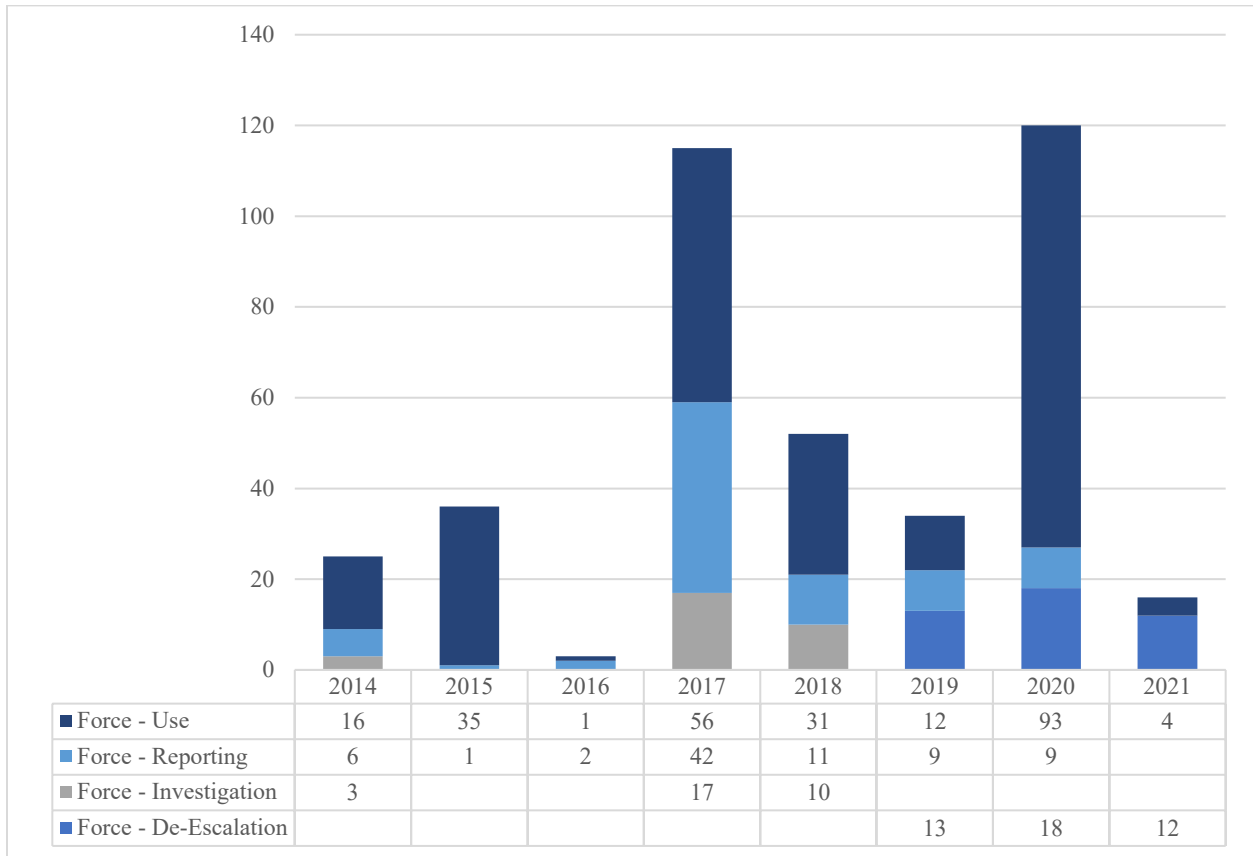
Figure 22. Use of Force Misconduct Allegations



Source: OPA Open Data. Based on received date for allegation due to more complete data than is available for incident date.

Investigations into these allegations resulted in the following number of sustained allegations by category. 2017 and 2020 had the highest numbers of sustained allegations, with 2021 having the lowest total since 2016. As of the end of February, 2020 still had 571 use of force allegations outstanding, and 2021 had 146 allegations outstanding. Some of these pending allegations may result in sustained findings, which would add to the current totals below.

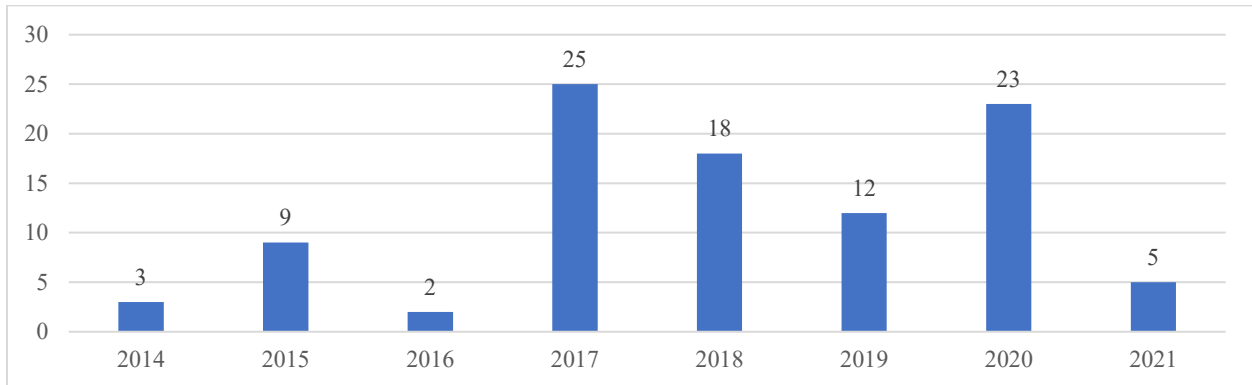
Figure 23. Sustained Force Allegations



Source: OPA Open Data. Based on received date for allegation due to more complete data than is available for incident date.

These sustained findings arose out of the following number of cases. Once again, 2017 and 2020 saw the highest totals on record, with 2021 having the lowest total since 2016. 20 cases remain pending for 2020, and 23 cases remain pending for 2021, as of the end of February.

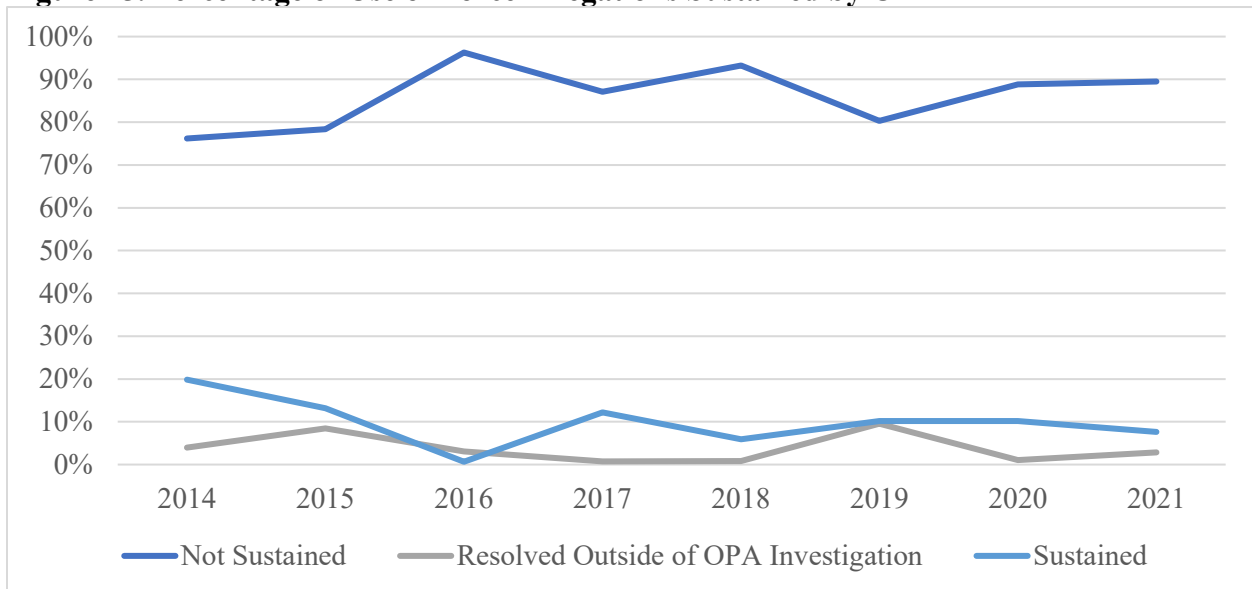
Figure 24. Use of Force Misconduct Investigation Cases with a Sustained Allegation



Source: OPA Open Data. Based on received date for case due to more complete data than is available for incident date.

Figure 25 below shows the percentage of use of force allegations resulting in sustained or not sustained findings over time. For completed cases, **OPA sustained 10% of use of force allegations from 2019 to 2021, and 87% of cases resulted in a not sustained finding from 2019 to 2021.** The remaining cases were listed as “Resolved Outside of OPA Investigation” and were all considered resolved through supervisory action.

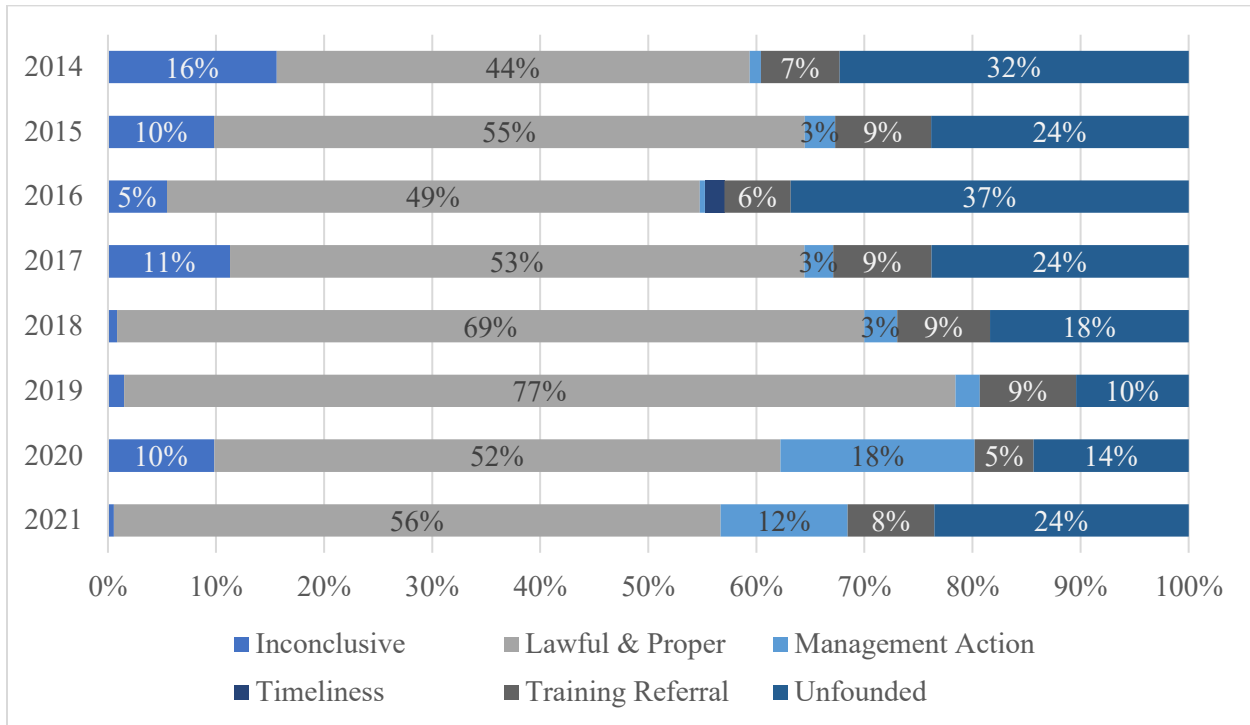
Figure 25. Percentage of Use of Force Allegations Sustained by OPA



Source: OPA Open Data. Excludes unresolved investigations. Based on received date for allegation due to more complete data than is available for incident date.

In 72% of not sustained allegations from 2019-2021, OPA found that either the use of force was within policy (57%) or did not occur as alleged (“unfounded,” 15%). Across this time period, another 14% were resolved through management action, 7% were inconclusive, and 6% led to training referrals.

Figure 26. Reasons for Not Sustained Findings for Use of Force Allegations



Source: OPA Open Data

All of the above statistics related to OPA misconduct investigation are based on open data sets available through OPA’s website. These data are both rich and complex. The Monitoring Team recommends that the City work to create a live dashboard summarizing OPA’s complex open data to greatly enhance the ease with which the public can assess OPA’s activities and conclusions on an ongoing basis.