

HONORABLE JAMES L. ROBART

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 12-cv-1282-JLR

**THE SEATTLE POLICE  
MONITOR'S SIXTH SYSTEMIC  
ASSESSMENT REGARDING  
SUPERVISION**

Pursuant to the Fourth-Year Monitoring Plan, the Monitor hereby submits his assessment on the extent to which supervisors at the Seattle Police Department ("SPD") are effectuating the supervision-related provisions of the Consent Decree (Paragraphs 104, 106, 107-111, 108, 113, 117, 144, 151-156).

Attached as **Exhibit A** to this assessment is a report from Alexander Weiss, Ph.D., to the United States Department of Justice, analyzing whether, as of March 2015, the SPD was using enough first-line supervisors to comply with the use-of-force investigation, review, and reporting requirements of the Consent Decree.

1 DATED this 31st day of December, 2016.

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3 Merrick J. Bobb, Monitor

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MEMORANDUM SUBMITTING THE SEATTLE  
POLICE MONITOR'S SIXTH SYSTEMIC  
ASSESSMENT REGARDING SUPERVISION - 2  
Case No. 12-cv-1282-JLR

**MERRICK J. BOBB, MONITOR**  
Police Assessment Resource Center  
P.O. Box 27445  
Los Angeles, CA 90027  
(213) 623-5757

SEATTLE  
POLICE  
MONITOR

# Sixth Systemic Assessment: Supervision

December 2016

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## Executive Summary

This report assesses how effectively the Seattle Police Department (“SPD”) has implemented the supervision-related provisions of the Consent Decree during the review period.<sup>1</sup> The Consent Decree focuses on four main topics concerning supervision. The first is the adequacy of supervision by the chain of command.<sup>2</sup> The second concerns “unity of command,” or ensuring that SPD personnel are “assigned to a single, consistent, clearly identified first-line supervisor.”<sup>3</sup> The third relates to sergeant training, ensuring that any personnel assigned as a long-term “acting sergeant” receives specific training within sixty days of their appointment on the responsibilities and requirements of such a supervisor position.<sup>4</sup> Finally, it must be clear that SPD “deploy[s] an adequate number of qualified . . . supervisors to assure that the provisions” of the Consent Decree “are implemented.”<sup>5</sup>

As to the first measure (adequacy of supervision), on the whole, the Monitor notes that since implementation of the Consent Decree, reform has occurred, and continues to occur, with respect to SPD’s supervision efforts. From the Monitoring Team’s extensive interviews of sergeants, lieutenants, and captains conducted as a part of this assessment, it appears that the chain of command, through officer reports, is receiving timely notice of uses of force and reviewing and tracking officers’ use of force through a variety of systems, including Force Review Board (“FRB”) findings, IA Pro/Blue Team, the Performance Appraisal System (“PAS”), and the Early Intervention System (“EIS”).

Throughout the ranks, supervisors also reported taking appropriate action with their officers when use of force was found to be problematic, including counseling officers, initiating referrals to their chain of command, making PAS entries noting performance issues, and referring incidents that may implicate policy violations to the Office of Professional Accountability (“OPA”). Moreover, the Monitor heard the interviewees’ approaches to proactive supervision, such as responding to calls with their officers, engaging officers in self-reflection, offering feedback and mentorship, and holding officers accountable when necessary. From the surveyed line officers, the Monitor noted that over ninety percent reported receiving feedback from their sergeants, finding their sergeants to be “very available” to them, and feeling comfortable asking questions about day-to-day issues or seeking advice.

As to the second measure (unity of command), it appears that officers are consistently assigned to a single, clearly-identified supervisor, with each squad generally assigned to the same daily work schedule. All interviewed sergeants reported working the same days and hours as the officers they supervise, and 97 percent of surveyed line officers indicated having the same schedule as their sergeant. Indeed, SPD has exceeded the terms of the Consent Decree in this area, which only requires unity of command “as a general rule.” This reflects a further positive development and supports initial compliance.

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<sup>1</sup> The Monitoring Team reviewed data from SPD spanning from June 2014 through September 2016.

<sup>2</sup> Dkt. 3-1 ¶ 156.

<sup>3</sup> Id. ¶ 154.

<sup>4</sup> Id. ¶ 155.

<sup>5</sup> Id. ¶ 153.

As to the third measure (sergeant training), the Monitor reviewed the SPD's sergeant training materials from 2015 and 2016. These materials thoughtfully capture SPD's goals to prepare their sergeants for effective supervision and leadership. Additionally, interviewed supervisors reported finding their trainings valuable, although sergeants and lieutenants alike expressed desire for more leadership-focused training. The Monitor also found certain issues unique to acting sergeants, whose performance received mixed ratings from captains, lieutenants, and sergeants. Sergeant training at SPD appears strong in theory, and presumably with continued efforts, will continue developing in practice as well.

As to the fourth measure (span of control), sergeant to officer ratios, which are now at 1:6 on average across the SPD precincts, have been trending downwards. This ratio reflects a further positive development and supports initial compliance.

Weighing the progress of the SPD to date and the current quality and extent of supervision within the Department, the Monitor finds the Department in initial compliance with paragraphs 153 through 156 of the Consent Decree, subject to two important conditions. Additionally, the Monitoring Team offers some technical assistance and will continue to review policy and procedure changes, also as a matter of technical assistance.

First, the Monitor previously found deficiencies in supervisory review of Type II force cases based on a 2014 sample.<sup>6</sup> A follow-up assessment is currently underway to determine if the quality and rigor of Type II investigations and reviews by supervisors have improved over the past two years. Accordingly, initial compliance on supervision issues is contingent upon continued improvement with respect to supervisory review and investigation of Type II force.

Second, the Monitor is evaluating information about SPD's search and seizure activity, both qualitatively and quantitatively, for an upcoming assessment on *Terry* stops and bias-free policing. Part of that inquiry will explore whether supervisors are sufficiently reviewing documentation of such *Terry* stops and appropriately flagging those stops that have incomplete documentation or for which officers articulated inadequate reasonable suspicion to make the stop. The outcome of that assessment, therefore, will also provide important information about supervisory activity.

Third, while the FTO program is not called out in the Consent Decree, in the spirit of technical assistance the Monitoring Team also considered the selection process and performance of Field Training Officers ("FTOs"). It is in large part through these officers, who train and supervise newly-minted officers during the formative stages of their careers, that organizational priorities and legal mandates are conveyed to rank-and-file officers. FTOs train new officers and evaluate their performance, and are therefore integral to a process for improving the work of officers. Overall, the Monitoring Team found that SPD's FTOs are commanding respect and performing their duties with clarity and resolve. Nonetheless, there is still room for improvement, and we understand SPD will be setting forth new criteria on the FTO selection process. The Monitor looks forward to the SPD's updates on the FTO program as it continues to develop.

Fourth, findings by OPA in the past two years indicate that some supervisors, throughout all the ranks, were unclear or uncertain about SPD policies. Such confusion affected their ability to properly categorize, document,

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<sup>6</sup> See generally First Semiannual Report, Dkt. 71.

investigate, and review use of force. It also limited their ability to make appropriate referrals of potential policy violations. Moreover, inadequate investigation, documentation, and reporting of use of force were traced back to an acting sergeant who had not completed sergeant training before assuming job responsibilities. These OPA findings, however, do show that SPD's internal processes—most often, through FRB—are identifying and addressing instances where supervisors are not performing as well as they must under SPD policy with respect to use of force.

The Monitor observes that the finding of initial compliance with respect to supervision, like with other areas that have been so certified, does not suggest that more progress need not be made. Indeed, many supervisors were candid with the Monitoring Team during our evaluation about the improvements that it believes the Department must make going forward. That being said, the overall assessment of the Department's progress in supervision is positive. As always, the Monitoring Team stands at the ready to provide technical assistance to ensure that the Department benefits from proactive and sound supervision of all SPD personnel.

# **I. Supervision-Related Provisions of the Consent Decree & Summary of Prior Supervision-Related Findings**

## **A. Supervision-Related Provisions of the Consent Decree**

The Consent Decree contains four provisions relating to supervision, requiring SPD to deploy a sufficient number of well-trained sergeants who can provide the supervision, guidance, and oversight necessary to provide real-time accountability to line officers.

Paragraphs 153 and 156, set forth respectively below, relate to adequacy of supervision by the chain of command:

The City will provide and SPD will deploy an adequate number of qualified field/first-line supervisors (typically sergeants) to assure the provisions of this Agreement are implemented. SPD will employ sufficient first-line supervisors to assure that first-line supervisors are able to: (1) respond to the scene of uses of force as required by this Agreement; (2) investigate each use of force (except those investigated by FIT) in the manner required by this Agreement; (3) ensure documentation of uses of force as required by this Agreement; and (4) provide supervision and direction as needed to officers employing force.

Precinct commanders and watch lieutenants will continue to closely and effectively supervise the first-line supervisors and officers under their command, particularly whether commanders and supervisors identify and effectively respond to uses of force.

The Consent Decree also aims to ensure unity of command. Paragraph 154 states:

As a general rule, all operational field officers (including patrol officers) should be assigned to a single, consistent, clearly identified first-line supervisor. First-line supervisors should normally be assigned to work the same days and hours as the officers they are assigned to supervise.

Further, the Consent Decree requires that long-term acting sergeants be appropriately trained. Paragraph 155 provides:

Sergeant training is central to effective first-line supervision. The City and SPD will ensure that personnel assigned to a planned assignment of acting sergeant for longer than 60 days will be provided adequate training to fulfill the supervisor obligations under this Agreement, either prior to serving as acting sergeant, or as soon as practicable (and in no event longer than 90 days from the beginning of the planned assignment).



## B. Summary of Prior Supervision-Related Findings

The Monitoring Team has discussed supervision-related issues in many of its prior reports. This section summarizes SPD's progress to date and the Monitor's prior assessments of SPD's efforts to comply with the supervision-related provisions of the Consent Decree.

In an April 2013 baseline review, the Monitor observed a relative lack of active management in overseeing police conduct.<sup>7</sup> Sergeants, acting sergeants, lieutenants, and captains did not have regular and timely data about officer performance.<sup>8</sup> At that time, the Monitor recommended ending the practice of using long-term acting sergeants – a practice driven largely by budget restrictions – and developing protocol for:

- Holding sergeants accountable for the conduct of the rank-and-file officers they supervise;
- Holding lieutenants accountable for the performance of sergeants in mentoring and monitoring rank-and-file officers; and
- Holding captains accountable for the overall performance of precincts across each shift and squad.<sup>9</sup>

Subsequently, in December 2014, the Monitor set forth his expectations of each supervisor rank.<sup>10</sup> Sergeants are to screen all use-of-force incidents to determine the appropriate level of investigation and reporting.<sup>11</sup> For example, they are responsible for conducting use-of-force investigations for Type I and Type II uses of force.<sup>12</sup> If any concerns regarding the lawfulness of the use of force, or other potential policy violations, are noted, sergeants are responsible for consulting with an on-duty captain or lieutenant, and confirming that OPA or the Force Investigation Team ("FIT") is notified.<sup>13</sup> In addition, sergeants are accountable for every use of force employed by officers they supervise.<sup>14</sup> Sergeants are to:

- Ensure that force is properly reported in timely fashion, and analyzed thoroughly and within timelines set by policy;
- Ensure that officers activate their ICVs in accordance with SPD policy;
- Provide guidance in the field and to officers on when and how to use force;

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<sup>7</sup> First Semiannual Report at 15-16.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Fourth Semiannual Report at 27, 31, 56-57 [Dkt. 187].

<sup>11</sup> Id. at 27, 31.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id. at 56.

- Assess whether similarly situated officers under their command are using force in a manner consistent with and under the same circumstances as their peers;
- Give objective and complete performance evaluations;
- Ascertain whether each officer is doing his/her fair share of proactive policing and investigations, and responding to and handling calls efficiently and appropriately;
- Stay apprised of any arrest that cannot be prosecuted because of officer misconduct, evidence suppression, or lack of truthfulness;
- Stay informed of all litigation arising from activities of officers under their command, and take appropriate steps; and
- At the end of their officers' shifts, become aware of, and review data on, traffic and pedestrian stops. Detect any bias or disparate impact, or such allegations.<sup>15</sup>

(a) Meanwhile, lieutenants are responsible for the performance of sergeants under their command.<sup>16</sup> They must:

- Manage and have adequate data to assess whether sergeants are carrying out their responsibilities;
- Supervise sergeants and assess their skill in managing force, instructing their officers, giving fair and accurate performance reviews of their officers, meeting deadlines, producing quality reviews of force, and reviewing ICVs and ascertaining why footage that should be recorded was not;
- Review and critique how sergeants investigate and resolve any claims of bias or disparate impact; and
- In performance reviews of sergeants, state in narrative form whether the sergeant is appropriately managing the risk of police misconduct, with emphasis on excessive force and biased policing.<sup>17</sup>

(b)

(c) Last but not least, captains have the following responsibilities:

- Evaluate whether lieutenants are properly carrying out their responsibilities regarding management of sergeants and prevention of police misconduct;

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<sup>15</sup> Fourth Semiannual Report at 56-57.

<sup>16</sup> Id. at 57.

<sup>17</sup> Id.

- Handle any management or leadership failures among those in their command;
- Know their precinct and data bearing on officer performance and effectiveness of supervision; use-of-force statistics; names of officers using more force than others; number of civilian complaints filed, their allegations, and resolution; and the effectiveness of the precinct's strategies to eliminate excessive force and biased policing.<sup>18</sup>

In June 2014, the Monitor observed the value of the EIS and the Performance Mentoring Program at SPD.<sup>19</sup> The Performance Mentoring Program aims to improve supervisor performance by requiring them to use reliable data on officer performance to proactively manage and develop their officers.<sup>20</sup> This Performance Mentoring Program is a non-punitive, five-stage process that requires monthly evaluation of officers' performance and review by supervisors concerning uses of force, complaints received, vehicle pursuits, and other criteria.<sup>21</sup> As of June 2014, the Performance Mentoring Program was approved as policy but was a "long way" from implementation.<sup>22</sup>

In December 2014, the Monitor noted the need for SPD to develop more sophisticated supervisor training.<sup>23</sup> In the Monitor's view, supervisors needed training on handling officers who are (1) subjects of ongoing personnel investigations; (2) resistant to the EIS program; and (3) if known, dealing with significant personal or family issues that affect job performance.<sup>24</sup> Along these lines, it was recommended that SPD identify and work with a representative group of supervisors to set forth how individual supervisors can best identify symptoms of at-risk behavior, encourage officers to acknowledge any problems they may be encountering, and motivate them to make positive changes that will help them achieve their goals.<sup>25</sup> Additionally, the Monitor inquired about SPD's plan to use EIS to hold individual supervisors accountable for the officers they supervised, and to train lieutenants and other managers to become better leaders.<sup>26</sup>

Also in December 2014, the Monitor noted the importance of first-line supervision of officers who may be the subject of complaints of bias and discriminatory policing.<sup>27</sup> In short, the Monitor wondered whether supervisors are responding appropriately and affording bias allegations the necessary level of attention and diligence.<sup>28</sup>

In September 2015, the Monitor conducted its First Systemic Assessment, which focused on the investigation and review of force incidents. A number of elements of that assessment related directly to the quality of supervision and oversight with respect to use of force. It found that, for low-level, Type I force, the response

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<sup>18</sup> Id. at 57.

<sup>19</sup> Third Semiannual Report at 76-86 [Dkt. 154].

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Id. at 76.

<sup>23</sup> Fourth Semiannual Report at 73-75.

<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Fourth Semiannual Report at 96-97.

<sup>28</sup> Id.

and investigation of sergeants was consistent with initial compliance.<sup>29</sup> Lieutenant and captain review of the sergeant's evaluation was "adequate . . . – but barely."<sup>30</sup> However, with respect to mid-level, Type II force that the chain of command investigates, sergeant investigations were "not yet where they need to be," and lieutenants and captains were "likewise not yet identifying and addressing deficiencies in sergeant investigations of Type II force."<sup>31</sup>

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<sup>29</sup> First Systemic Assessment at 3.

<sup>30</sup> Id. at 4.

<sup>31</sup> Id. at 3.

## II. Findings from Conducted Surveys and Interviews

Because no one mechanism or procedure can in and of itself assure that SPD is or is not meeting all of the Consent Decree requirements relating to supervision, the Monitoring Team used several approaches to assess this aspect of the Consent Decree. One such mechanism involved asking SPD officers and supervisors themselves about the quality, nature, and extent of supervision within the Department. Because the Consent Decree focuses almost exclusively on patrol functions, these interviews were focused on officers serving in the Patrol Operations Bureau.

One way that the Monitor endeavored to understand how SPD supervisors are performing was to ask them – both about what they are doing and their perspective as to how those above and below them are effectuating their duties. “The self-report” of behavior by individuals within the organization is a “well-nigh ubiquitous form of data collection” “in organizational behavior or management” research.<sup>32</sup> Because “self-reports are prone to many kinds of response bias,” the findings and evidence discussed in this section can only go so far.<sup>33</sup> Nonetheless, “many organizational research issues stubbornly resist reformulation in terms of other approaches” – with inquiries focused on “[o]btaining descriptions of a respondent’s past of characteristic behavior, *e.g.*, asking supervisors about their ‘structuring’ behaviors)” among the issues that commonly are addressed, at least in part, through self-reporting questionnaires.<sup>34</sup>

Between August 15 and August 18, 2016, the Monitoring Team surveyed all line patrol officers present at fifteen separate roll calls, covering each of the three Watches<sup>35</sup> at all five precincts, which yielded 219 completed questionnaires concerning supervision in the Department. The Monitoring Team also conducted structured interviews<sup>36</sup> of a randomly selected, statistically significant sample of sergeants assigned to all five precincts, resulting in twenty-five completed questionnaires on supervision. Similarly, the Monitoring Team interviewed all available captains and lieutenants assigned to the five precincts, which produced nineteen completed questionnaires about supervision. Finally, the Monitoring Team conducted meetings with groups of Field Training Officers in late September 2016. The findings from these surveys and interviews are below.<sup>37</sup>

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<sup>32</sup> Phillip M. Podsakoff & Dennis W. Organ, “Self-Reports in Organizational Research: Problems and Prospects,” *J. Mgmt.* 531, 531 (1986).

<sup>33</sup> Stewart I. Donaldson & Elisa J. Grant-Vallone, “Understanding Self-Report Bias in Organizational Behavior Research,” *17 J. Bus. & Psyc.* 246, 246 (2002).

<sup>34</sup> Podsakoff & Organ, *supra* note 32 at 531–32.

<sup>35</sup> First Watch covers from 3:00 a.m. to 12:00 p.m. Second Watch covers from 11:00 a.m. to 8:00 p.m. Third Watch covers from 7:00 a.m. to 4:00 a.m.

<sup>36</sup> See, *e.g.*, United States Department of State, Bureau of Human Resources, “Conducting Effective Structured Interviews” (Dec. 2005).

<sup>37</sup> Consistent with best practice and the methods of the Monitoring Team in prior assessments, the interviewees are kept anonymous for this Report. See Third Systemic Assessment at 6 n.16 (outlining ethical obligations of interview-based qualitative research).

## A. Adequacy of Supervision

### 1. Line Officer Responses

Of the line officers who completed the Monitor's questionnaire, 81 percent indicated they used reportable force in the past two years. Of those officers, 97 percent indicated that they notified their sergeant about the use of force. At least to their knowledge, where issues may have been noted with the force, sergeants took certain actions, including counseling the officer, making a referral to the chain of command, entering the incident into the PAS, and making a referral to OPA. For officers whose sergeants took any of these actions concerning the use of force, 22 percent of the officers reported that such action affected their approach to use of force going forward.

A high percentage, 93 percent, of surveyed line officers reported receiving feedback from their sergeants. In-person feedback was the most common form used, followed by performance reviews and group meetings. Of those indicating that they received feedback from their sergeants, such feedback encompassed the officers' response to use of force scenes (53 percent) and their documentation of use of force (60 percent). Overall, the majority of those receiving feedback from their sergeants always found it very helpful (70 percent).

In addition, approximately nine out of ten (91 percent) of the surveyed line officers reported that their sergeants were "very available." Nearly all (97 percent) reported being comfortable asking questions about day-to-day issues or seeking advice from their sergeants. Seventy-three of the 219 line officers who completed the surveys indicated there was a sergeant, whether their own or elsewhere within SPD, whom they would consider a mentor.

### 2. Sergeant Responses

The work of a sergeant is difficult, multifaceted, and important. It remains "an established principle in policing that first-line supervisors – sergeants – play a critical role in directing and controlling the behavior of officers in police-citizen interactions."<sup>38</sup> Of all the ranks at SPD, sergeants interact most directly and frequently with the line officers.

Sergeants conveyed their sense of responsibility "for everything," including setting a high standard of performance by officers, engaging in field supervision, briefing officers in roll calls, handling ministerial tasks such as time-keeping and payroll, conducting performance appraisals, managing equipment and training issues, responding to use of force incidents and other types of calls, supervising holding cells, screening arrests for probable cause, showing up on calls, and counseling officers regarding career and interpersonal development. In addition, they maintain the trust of their officers, while holding them accountable for any violations of policy. Performing these tasks enable sergeants to provide, in the words of one sergeant, "first-class services to citizens."

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<sup>38</sup> Samuel Walker, "Police Accountability: Current Issues and Research Needs," National Institute of Justice (2007), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/218583.pdf>.

### (a) Sufficiency of Time and Resources to Supervise

Sixty-five percent of interviewed sergeants reported having sufficient time and resources to supervise their officers. Of those who felt they had insufficient capacity to supervise, many identified the time-consuming effort required for reviewing and documenting use of force incidents. There was general consensus among these sergeants that the significant time dedicated to documenting and reviewing use-of-force incidents detracted from time spent on the street with their officers for active, real-time supervision.<sup>39</sup>

### (b) Gathering Information About and Reviewing Use of Force

A majority of the interviewed sergeants (88 percent) reported learning about their officers' use of force directly from their officers (the remaining 12 percent did not answer the question). In addition to learning about use of force directly from their officers, sergeants also reported learning about use of force in the following ways: reviewing their officers' written reports (24 percent); from their chain of command (8 percent); from OPA (12 percent); and from FRB (4 percent). These figures indicate that supervisors are learning about their officers' use of force from both their officers and several other sources.

The likely reason for the disparate mechanisms by which sergeants become familiar with use of force incidents is because different levels of force require different levels of review by the chain of command. One sergeant whom we interviewed illustrated this differential response. He said that he reviews a Type I use of force for handcuffing pain by requiring the handcuffing officer to write a statement for his review. For other use-of-force incidents, he responds to the scene, interviews the subject, and photographs the area and any injury. He interviews officers, gathers witness information, and writes a supervisor review. For Type II use of force, sergeants do not conduct a review of whether the use of force was within Department policy. Rather, they assume factfinder responsibilities and pass information gathered to the lieutenant or administrative lieutenant for their ultimate policy determination.

Asked what would trigger concern about an officer's use of force, sergeants gave a variety of answers. One sergeant said there would "have to be a violation of three basics: policy, law, and training." Other sergeants said one of the following occurrences would trigger a concern: "an out-of-the-blue citizen complaint," "severe use of force, or not using the right training technique," "if force was used and not reported," or "when they [line officers] can't explain what happened in the use of force."

### (c) Responding to Use of Force

In those relatively limited number of cases where sergeants found their officers' use of force problematic, sergeants reported taking one or more of several different courses of action. 80 percent indicated that they conferred with the officers; 68 percent made referrals to their chain of command; 64 percent made entries in

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<sup>39</sup> The Monitor understands that an "Administrative Lieutenant" position has been implemented by SPD (training completed September 2016), which position will perform some of the sergeant's current administrative tasks of investigating and documenting use of force. This position was created in each precinct with the stated goals of both lightening the administrative workload of sergeants, to give them more time to supervise their officers, and to ensure consistent, timely, and thorough review of use of force.

PAS, the electronic database that logs, among other things, low-level supervisory interventions, such as counseling; and 64 percent made referrals to OPA. One veteran sergeant stated that if an officer's use of force was referred to OPA, during the pendency of that review he would pair the subject officer with another officer or a Field Training Officer, and individually follow up with the officer.

From a methodological standpoint, representations of sergeants in the aggregate are insufficient to determine, per se, whether supervisors in fact responded appropriately under the circumstances. For example, under SPD policy, all SPD employees, including supervisors, "must report both any conduct that a reasonable officer would believe is misconduct . . . to a supervisor or directly to OPA."<sup>40</sup> Assumedly, then, the force incidents in which the response was to solely document counseling in PAS would comprise those incidents where officer performance was inconsistent with technical or procedural requirements rather than a significant deviation from the use of force policy. Indeed, the Monitor previously found the Department to be in initial compliance in reporting use of force incidents, and has no reason to believe that does not continue to be the practice.

It appears that such conferences and referrals occurred rarely in the past two years, presumably because the use of force requiring such conference and referral were rare. In this time frame, all interviewed sergeants initiated fewer than five conferences with their officers about a problematic use of force; made fewer than five referrals to their chain of command; and made fewer than five referrals to OPA. Similarly, 96 percent of interviewed sergeants made fewer than five PAS entries about their officers' use of force. In those presumably rare instances when the situation warranted it, ninety-two percent of interviewed sergeants reported making entries in EIS about their officers' use of force.

The interviewed sergeants reported using various SPD systems to track officer performance concerning use of force. A majority (69 percent) used the PAS, followed by EIS (48 percent). Most sergeants (60 percent) reported using these systems at least once per week, with the remainder (40 percent) using them one or two times per month. Fifty-six percent of the interviewed sergeants found these systems only somewhat effective, with equal numbers concluding they were either very effective (22 percent) or rarely effective (22 percent). The sergeants who found these systems very effective tended to use them monthly. The sergeants who found these systems ineffective did not.

#### (d) Proactive Supervision

Many sergeants reported taking a proactive approach to supervision. For one Anti-Crime Team sergeant, this means "being out there on the scene, not just reading reports from the desk," because in his view, he can better mentor and hold his officers accountable when he has the "full sensory experience" of a situation. This sergeant said he tailors his supervision to the varying needs of his officers. Another sergeant said he monitors all calls over the air and the Mobile Data Terminal computer; sometimes he responds to a scene at the same time as his officers and observes his officers' performance, commenting either at the time or later with an eye towards improvement. Such proactive supervision marks a welcome shift from a more reactive culture at SPD before implementation of the Consent Decree.

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<sup>40</sup> SPD Policy Manual Section 5.002-POL (5).



### (e) Feedback and Mentorship

All sergeants reported giving feedback to their officers, most often in person and followed by group meetings, performance reviews, and by telephone or in writing. Those who had been sergeants for more than five years were more likely to give feedback in-person *and* through other means.

Sergeants shared their ideas about what makes for helpful feedback to officers, particularly on use-of-force issues. What is clear from the interviews of these randomly selected sergeants is that although there is no one style for providing feedback to officers common to all sergeants, sergeants are providing thoughtful and meaningful feedback.

For example, one veteran sergeant identified the importance of providing a relaxed atmosphere and not instilling a fear of reprisal in his officers. Another sergeant believed being respectful allowed him to share personal experiences and suggest alternative courses of action to comply with SPD policy. This sergeant also supported giving direct criticism, so as to avoid misunderstanding or misinterpretation.

Yet another sergeant reported prompting his officers to engage in self-reflection first, asking them to evaluate their own performance and consider alternative options before the sergeant gave his opinion. This sergeant believed that this way, his officers were less likely to repeat the same mistakes, and at the same time, the sergeant could learn from his officers and their different perspectives.

Sixty-three percent of the interviewed sergeants reported holding routine meetings with their officers<sup>41</sup>. Nearly all (95 percent) of the interviewed sergeants considered themselves very available, and a mentor, to their officers. It is somewhat concerning that more than one-third (37 percent) of sergeants self-reported that they do not regularly meet with their officer, as consistent, affirmative, and relationship-based supervision is unlikely to be fostered when officers have minimal direct contact with their supervisor. On the other hand, the high percentage of officers who reported their supervisor to be readily available, and the high percentage of supervisors who considered themselves very available to their officers, may reflect affirmative supervision and relationships that are being forged in real time, in the field, rather than through scheduled one-on-one meetings.

Sergeants, like the officers they supervise, also require feedback and mentorship. To that end, 79 percent of the interviewed sergeants received evaluations from their chain of command, most often in writing but occasionally in person. These sergeants indicated they were evaluated on their supervision of officers involved in use-of-force scenes, their supervision of officer documentation of use of force, and implementation of FRB directives concerning supervisors. Fifty-nine percent of interviewed sergeants did not have routine meetings with their chain of command. Again, however, it is difficult to draw significance out of this number, as seventy-eight percent of interviewed sergeants reported that their chain of command was “very available,” and 83 percent of interviewed sergeants considered someone in their chain of command, or elsewhere in SPD, to be a mentor.<sup>42</sup>

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<sup>41</sup> The Monitoring Team recognizes that daily roll calls are held with the sergeant and each squad, so there may have been some confusion about what constitutes a “routine” meeting.

<sup>42</sup> Certain veteran sergeants, particularly those who entered SPD approximately at the same time as their now superiors, tended to see their chain of command more as peers than as mentors, but nonetheless gladly consulted them on topics of concern.

All sergeants indicated they felt comfortable asking questions about day-to-day issues or seeking advice from their chain of command.

#### (f) Sergeant Recommendations

Sergeants were asked to offer recommendations for the Department concerning supervision. A few suggested that the chain of command should inform sergeants what sergeants can do to make the jobs of their supervisors easier. The chain of command should also provide more direct feedback, including written evaluations, to all sergeants, including but not limited to the quality of their use-of-force investigations.

### 3. Results from Captain and Lieutenant Interviews

The Monitoring Team interviewed a subset of SPD captains and lieutenants then assigned to precincts about their supervisory duties about issues relating to identifying, preventing and minimizing uses of force. For these commanders interviewed, 92 percent had ten to fifteen years of policing experience, with the balance having spent more than fifteen years at the Department. Two-thirds have spent their entire careers with the SPD.

On the whole, the Monitoring Team was greatly encouraged by what it heard from SPD patrol captains and lieutenants. They reflected solid understanding of the importance of their role in guiding the direction of the organization and in ensuring fair, real-time accountability to the officers under their command.

#### (a) Overall Vision

Senior leadership underscored the importance of providing vision and direction for their officers, setting high expectations, developing their subordinates professionally, and correcting errors of those under their command. In the words of one acting lieutenant, these leaders are “the eyes of operations.” Similar to the responses obtained from the sergeants, lieutenants and captains expressed a dual role of fully supporting their line officers, but also holding them accountable.

#### (b) Sufficiency of Time and Resources to Supervise

On average, the interviewed captains supervise six lieutenants each, and the interviewed lieutenants supervise between 5 and 6 sergeants. Of those interviewed, a majority, 58 percent, said they have sufficient time and resources to supervise effectively.

These commanders proposed different ideal distributions of supervisory and non-supervisory tasks. One lieutenant believed 70 percent of his time should be spent overseeing, monitoring, and training his officers. Another lieutenant believed in minimal supervision. His ideal was to spend 30 percent of his workload on supervision, so he could spend the remainder of his time focusing on community relations.

One lieutenant said that after accounting for training, vacation, and sick time, there are always too few supervisors for proper coverage. Another lieutenant said he merely commands and does not actually supervise.

He has three long-term veteran sergeants who supervise, which makes his command “easy because they [sergeants] know and trust him. They already know how to do things.”

Consistent with some of the sergeants’ responses, one captain reported devoting most of his time to reviewing use-of-force incidents, which meant less time spent supervising his subordinates in person. Another captain agreed that he spent too much time on administrative tasks, and the Department could better mentor and supervise down the chain of command. Similarly, an acting lieutenant estimated spending approximately 60 percent to 70 percent of her time reviewing use-of-force incidents and other paperwork, and only 10 percent to 15 percent of her time on the scene actively supervising her sergeants. In her view, the ideal balance would be 40 percent of time spent on paperwork and administrative duties, and 60 percent “being out there” with her sergeants.

### (c) Impact of the Consent Decree

One acting lieutenant acknowledged that, although SPD previously “needed to step up its game” with respect to documenting use of force, the Consent Decree caused SPD to err on the side of excessive documentation. In the acting lieutenant’s view, line officers now “say a lot” in their reports, and sergeants tend to repeat much of the officers’ accounts. This interviewee was encouraged that SPD is implementing new Word Templates in Blue Team that will standardize information requested from the officers, and account for an officer’s rank and the level of force used. The acting lieutenant hoped these templates would reduce the level of repetition in use-of-force documentation for review. A separate lieutenant commented that the Department has made great progress tracking information, but suggested that some of the information required to be reported, such as uncomfortable handcuffing, is too detailed.

One captain stated that early in the reform process, there was confusion in executing the new reporting requirements, but the requirements now are clearer. In his view, repetition made reporting a habit, and there have been fewer failures to report use of force. He believed the reporting process is currently stable.

### (d) Approaches to Leadership and Supervision

Eighty-three percent of interviewed lieutenants and captains indicated their approach to leadership differs from the styles of others in the Department. Thirty-three percent described their leadership styles as “transformational,” while another third said they blend “transactional” and “transformational” approaches.<sup>43</sup> A quarter relied on other approaches.

One captain reported adjusting and blending his leadership styles as necessary. He leads by example and believes going out on calls has garnered support and acceptance of change across all levels. This captain describes himself as an officer with the current rank of captain.

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<sup>43</sup> As the Monitor understands from the SPD’s training materials, “transactional leadership” is the “concept of motivating employees through some sort of reward for work performed,” such as money, preferred, or time off, or punishment for poor performance. See Supervisor Sustainment Training – Management and Leadership, at 22. In comparison, “transformational leadership” involves motivating and inspiring employees beyond direct reward and punishment, and relies on the ability of a leader to inspire followers. *Id.*

One lieutenant noted a perception that a minority of lieutenants seemed to feel overly imbued with power and authority and consequently used what this lieutenant described as a “bullying” style of leadership. In his view, the bullying approach caused more problems, and felt a leading-by-example style was a better approach for the long term. Many interviewees shared this lieutenant’s perspective.

Another lieutenant said maintaining a clear head while connecting personally with officers makes for better supervision. He described his leadership style as both transactional and transformational. He encouraged his officers to be well-balanced mentally and emotionally, and responsive to vastly different community needs.

Another lieutenant described his style as proactive. This supervisor tries to “foresee what will happen, get ahead of the problem, seek it out, and solve issues before they become a problem.” He thinks his style is different from that of other lieutenants.

A different lieutenant emphasized the importance of helping his officers to feel appreciated and recognized. Whenever possible, he promotes the successes of his officers. He aims for his officers to take pride and ownership in their work.

From the interviews, the theme of trust consistently emerged, perhaps unsurprisingly, as a critical component of effective leadership. One captain commented that if his subordinates did not trust his judgment or him as a person, they would have limited desire to follow his orders, which would undermine the chain of command.

Another captain stated that to attain close and effective supervision, supervisors must be aware of the actions of subordinates, and improve, adjust, or correct as needed. To do so, he emphasized, supervisors must spend time with subordinates to gain understanding and trust. He said officers like to see supervisors “do police work,” rather than staying in the office pushing paper, because it tends to engender credibility and trust.

Yet another captain noted the importance of trusting his lieutenant’s capabilities and empowering the lieutenant to take command of a situation unless the lieutenant indicated otherwise. Several interviewed lieutenants felt comfortable using this approach because they found their sergeants’ judgment and capabilities sound.

Close and effective supervision requires a mutual bond of trust between leaders and followers, according to one lieutenant interviewed. “It’s good when I see and trust supervisors, and they trust me to do my job,” he said. Supervision can be close and effective if you lead “from the front, being reliable for subordinates; even when they don’t agree, they will have trust and confidence to follow anyway.”

Additional aspects of effective leadership identified by those surveyed included being present and maintaining open communication with subordinates. One lieutenant emphasized the value of “being there” with his sergeants, “not managing from a room or desk,” and “getting to know” his sergeants personally. Similarly, an acting lieutenant advocated “checking in” with his sergeants, because “sergeants need to know their lieutenant is aware of what’s going on, including the well-being of the officers.” Another acting lieutenant expressed striving to help her sergeants feel heard and represented. Other interviewees cited the importance of recognizing the uniqueness of each person, including their strengths and weaknesses, under their command.

### (e) Tracking Use of Force

Interviewed lieutenants and captains reported taking advantage of the Department's officer-tracking tools for use of force. Nearly all, 92 percent, use EIS, the system that tracks force incidents and other information about officer performance with respect to critical incidents. More than half, 58 percent, also utilize other methods. Supervisors, on average, reported using these systems five times per week and are divided about their effectiveness. A quarter indicated the systems are "very effective," half found them "somewhat effective," and 17 percent said they were "rarely effective."

One lieutenant who found the systems very effective lauded their ability to compile information efficiently and thoroughly.

One captain criticized the EIS system. Because, in his view, the thresholds are too easily triggered, each triggered "alert" to supervisors was effectively rendered meaningless. This captain recommended developing different EIS thresholds for different units, to account for certain units that make more contacts with civilians, such as bike officers, SWAT, Anti-Crime Team, and canine officers. An acting lieutenant similarly believed it was "too easy to get on EIS," which disproportionately punished proactive officers.

The Monitor agrees with this criticism that EIS thresholds are insufficiently precise and fail to account for important differences between officer activity levels. The fact that EIS thresholds are imprecise is one reason why the Monitor required that the Department's EIS policy situated use-of-force "triggers" in terms of officers in the top 1 percent of SPD officers overall with respect to Type I force activity, and the top 5 percent of SPD officers overall with respect to Type II and Type III force activity.<sup>44</sup>

An ideal system would allow for more nimble analysis by way of metrics that account for overall officer activity levels, special assignments that might set the occasion for officers to be in the types of incidents that more typically result in force, and the like. The Department is to be credited for structuring its soon-to-be-online Data Analytics Platform in such a manner as to be able to normalize force incidents across officer activity levels, thus allowing for outliers to be more easily identified such that particular attention can be focused on those incidents to determine what factors may, or may not, explain the disparity. In this regard, SPD has created a system that allows for increasingly sophisticated analyses of officer performance.

### (f) Gathering Information about and Responding to Use of Force

Commanders reported receiving information about use of force from various sources: 25 percent learn from officers directly; 42 percent learn from officers' reports; 58 percent learn through the chain of command; and 25 percent receive word from FRB or OPA. As noted above, however, it is unclear how accurate or dispositive this information can be given the scheme of differential notification and reporting depending on the Type of force involved.

In reviewing use of force, one lieutenant said he "dives in deep" and goes beyond the policy requirements. He said a lieutenant has a different lens than a sergeant, who is most often the factfinder in use-of-force

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<sup>44</sup> Dkt. 202 at 19.

investigations. Another lieutenant said he judges whether a use of force is within policy based on reading all the statements, reviewing video, and looking at the evidence, if any – physical or testimonial. This lieutenant confirms whether the statements corroborate the video.

If they found a subordinate's use of force problematic, interviewed lieutenants and captains reported responding with one or more of various approaches. Two-thirds indicated conferring with the officer; 92 percent referred the matter to their chain of command; 75 percent made a PAS entry; 58 percent filed a document in IAPro/BlueTeam; and 75 percent referred the issue to OPA. Three quarters of interviewed lieutenants and captains noted that in the past two years, they had conferred with officers fewer than five times, and the same number reported referring fewer than five incidents to the chain of command.

An acting lieutenant elaborated that, if presented with an especially troubling use-of-force situation, she would contact her captain and have the officer removed from street duty. If presented with less serious scenarios, she stated that she would speak with her sergeant, whom she found “fully capable,” and direct the sergeant to confer with and/or re-train the offending officer. Another lieutenant also said his response would depend on the seriousness of the action. If it is critical, he calls his captain and assistant chief, and removes the officer from the streets. For less serious conduct, he would make a referral to OPA.

#### (g) Impact of the Consent Decree

In reflecting on changes in SPD regarding use of force, one captain remarked that, before the Consent Decree, supervisors were failing to investigate and document use of force thoroughly. But since implementation of the Consent Decree, this captain believed that supervisors were more “hands on” in monitoring use of force, further assisted by development of SPD's use of force policy and systems such as EIS.

Another captain observed that since implementation of the Consent Decree, officers have felt their actions to be under greater scrutiny, and that any discussions about use of force occurring outside of formal meetings could be “used against them.” Such occurrence is an unfortunate and unintended consequence of the Consent Decree. The Monitor urges the chain of command to reassure their subordinates that open dialogue about use of force promotes use of force that is better informed, and is certainly not intended to punish officers.

#### (h) Feedback and Mentorship

On the topic of feedback, 83 percent of interviewed lieutenants and captains reported giving feedback to their subordinates. Feedback to sergeants is almost always delivered in person (92 percent), although those conversations are supplemented by telephone conversations (25 percent), written directives (58 percent), and group meetings (17 percent). Eighty-three percent of captains and lieutenants reported having routine meetings with their chain of command. The median reported frequency of these meetings was once per week.

Certain interviewees noted that while line officers and sergeants receive annual evaluations, lieutenants and captains do not. SPD indicates that all employees are subject to the same policy on evaluations. The Monitor recommends to SPD that it ensure that it has been consistently following the evaluation procedure for



lieutenants and captains as well, as at least some personnel believe that different rules apply for lower-level supervisors than more senior command staff.

The Monitoring Team asked interviewees about what makes for helpful feedback. In the view of one captain, effective feedback needs to be prompt and critical. One lieutenant stressed the value of giving his sergeants alternative courses of action for handling the same situation. One acting lieutenant underscored the importance of letting the feedback recipient know that the feedback is in his or her best interest. For another acting lieutenant, it was important to provide an explanation for a directive or “why something is an issue.” Yet another acting lieutenant underscored the importance of simply taking the time to communicate with his sergeants. Several interviewees emphasized the value of being respectful in their criticisms.

These interviewed supervisors view themselves as highly accessible and report holding meetings, on average, five times per week with their lieutenants and sergeants. Ninety-two percent of those interviewed view themselves as mentors. Several interviewees stressed that part of their role was to develop those under their supervision. One captain expressed his desire for those under his command to be “better than me,” and strived to “groom them to fill my seat” – which the Monitoring Team found to be an especially commendable outlook.

A large majority, 83 percent, of lieutenants and captains said they meet routinely, twice a month on average, with their chain of command, and 68 percent found their chain of command available to them. More than 90 percent reported they were mentored by someone in their chain of command. One administrative lieutenant considered her captain and others outside her Chain of command – including several members of command staff up to and including the Chief of Police – to be mentors and “all very caring.”

In addition to finding mentor-mentee relationships, the Monitor also learned that among shared ranks across different precincts, open dialogue is occurring as well. One acting lieutenant in North Precinct acknowledged regularly consulting with another acting lieutenant in West Precinct, and vice versa. These acting lieutenants have known each other for nearly their entire careers at SPD. When they were both promoted to their current positions at approximately the same time, becoming a sounding board for each other was a natural next step.

## **B. Unity of Command**

All interviewed sergeants reported working the same work days and hours as the officers they supervise. The Monitor also notes that 97 percent of surveyed line officers indicated having the same schedule as their sergeant. Of the minority reporting different work days and hours, 71 percent had been assigned to their current sergeant for less than six months. Those reporting different schedules from their sergeants were not clustered from a particular watch. Accordingly, the Monitor finds that the Department is in initial compliance with paragraph 154 of the Consent Decree.<sup>45</sup>

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<sup>45</sup> The Monitor notes that pre-Consent Decree, the average officer saw his or her sergeant twice per week.

## C. Implementation and Adequacy of Sergeant Training

In addition to the interviews conducted on the topic of sergeant training, the Monitoring Team has examined the SPD's training materials for their sergeants during 2015 and 2016, with representatives from the Team and Parties attending some training sessions. Overall, these trainings were comprehensive and captured the Department's goals to prepare their sergeants for effective supervision and leadership.<sup>46</sup>

Particularly commendable materials were found in the three-day "Supervisor Sustainment" training, where Day 1 addressed management and leadership, Day 2 addressed critical analysis of force, and Day 3 addressed resolving identified issues. Materials from Day 1 emphasized "key components of leadership that form the foundation of effective supervision within the Seattle Police Department," and students were asked to "analyze the current state of leadership within the Department, identify leadership shortcomings, and examine their own role in addressing those shortcomings."<sup>47</sup> The materials from Day 1 also introduced students to "different styles of effective leadership," and "engage[d] them in assessing which style is the best fit for different personalities and situations."<sup>48</sup> Day 2 materials focused on the investigation and analysis of force incidents, providing students with the "necessary tools to conduct a thorough analysis of all aspects of a force incident," including analyzing "search and seizure, the feasibility of de-escalation, how tactics affected the incident, whether or not force was necessary, and whether force was objectively reasonable and proportional."<sup>49</sup> Also considered was "whether policy and procedures were followed and whether trained tactics and procedures were used."<sup>50</sup> Day 3 materials provide "guidance on the entire progression of supervision, including informal coaching and counseling; the use of the Performance Appraisal System, Early Intervention System and Frontline Investigation protocol; and making any necessary referrals, such as to the Office of Professional Accountability."<sup>51</sup>

Sergeants do find value to the supervisor trainings. One veteran sergeant noted that "every supervisor training reinforces what I do" with respect to use of force, and promotes consistency on handling use of force issues.

Nonetheless, discussions with the chain of command reflect there is still room for improvement with supervisor trainings. One captain said that although leadership training has "come a long way" for sergeants, such training was not as uniform for lieutenants and captains. Consistent with comments heard from other supervisors, one administrative lieutenant commented that the supervisor trainings emphasized use-of-force reporting and documentation, but not leadership. In this lieutenant's view, the supervisor trainings "could be balanced out more" by giving greater emphasis to leadership training. This is a training opportunity that SPD itself has noted and is addressing by implementing more "table top" training specific to commanders in 2017.

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<sup>46</sup> The Monitor is aware of at least the following trainings by SPD for supervisors: "SPD Sector Supervisors' Responsibilities," "Supervisor Action," "Transactional and Transformational Leadership," "Critical Analysis of Force Incidents for Supervisors," "Supervisor Sustainment," "Frontline Leadership," and "Leadership Training."

<sup>47</sup> Supervisor Sustainment Day 1 Material, at 13-14.

<sup>48</sup> *Id.*

<sup>49</sup> Supervisor Sustainment Day 2 Material, at 39-41.

<sup>50</sup> *Id.*

<sup>51</sup> Supervisor Sustainment Day 3 Material, at 41-42.



A number of sergeants expressed the desire for additional leadership training, including greater exposure to different leadership styles in order to find one's own. Other sergeants requested more investigative training regarding use of force. New sergeants, in particular, requested more "nuts and bolts" training to cover administrative tasks, such as payroll. Certain women interviewees wanted Women-in-Leadership training from SPD, noting that the statewide training was of poor quality. Some sergeant interviewees believed all officers should be sent to the 40-hour Crisis Intervention Training.

The Monitor found certain issues unique to acting sergeants. Acting sergeants are, in the words of one acting lieutenant, in "no-man's land," particularly if they are in charge of the same squad where they worked as a line officer. That is, some acting sergeants may find it difficult to criticize those who were previously peers. One solution, which this acting lieutenant identified, is to re-assign a new acting sergeant to a different patrol group, so those he or she will supervise are not previous peers. It appears that the Department has already instituted this practice for long-term acting sergeants, but not for short-term acting sergeants. While recognizing that this may give rise to operational and labor implications, the Monitor encourages SPD to further explore such cross-assignment when feasible.

As for the perceived effectiveness of acting sergeants, the results vary across rank, but not by much. The Monitoring Team asked interviewees to compare the effectiveness of acting sergeants to hard-striped sergeants on a three-point scale: "very effective," "somewhat effective," and "not effective." Forty-two percent of captains and lieutenants rated acting sergeants as "very effective," and 33 percent gave them a "somewhat effective" rating. Sergeants gave similar evaluations (40 percent marked "very effective, 53 percent marked "somewhat effective"), as did the line officers (51 percent marked "very effective," and 42 percent marked "somewhat effective").

Anecdotally, one captain believed acting sergeants were very effective and on par with hard-striped sergeants. One acting lieutenant, however, felt that the acting sergeants "who took the test and want to be good" are effective, whereas those who became acting sergeants "because they did not want to answer calls" are ineffective. Not surprisingly, another lieutenant believed that those who were acting sergeants only for a day or two tended to be less effective than those in the role for a longer period of time.

## **D. Discriminatory Policing**

On various visits to the precincts, several members of the Monitoring Team engaged members of the SPD in conversations about their daily work. Several of the sergeants stated that they take complaints of biased policing very seriously and cited SPD Policy § 5.140 (Bias-Free Policing), which governs how complaints must be handled. The discussion about biased policing policy and process occurred over several interviews, informal conversations and ride-alongs with sergeants. SPD appears to be extremely responsive to this issue and promptly files the allegation to be formally investigated, even if the complainant mentions an allegation of bias in passing and does not wish to make a complaint. This issue may be examined further as part of the Stops assessment, but for now is a very positive sign.

### III. Blue Team Usage

The Monitoring Team sought to validate or verify the fact that SPD supervisors are using the Department's database systems that log information about officer performance.

To examine how often supervisors utilize online systems related to supervision, the Monitoring Team requested, and received on November 15, 2016, from SPD a database of approximately 9,611 Blue Team log-in records between March 1 and August 31, 2016, from across the SPD. These log-in records were culled by SPD from a total of approximately 63,000 log-in records across the time period to include only records of precinct-level commander log-ins.

For lieutenants and captains, the database included log-ins from 82 separate serial numbers, which the Monitor assumes represent 82 separate supervisors. During the surveyed period, the median number of times that captains/lieutenants logged-in was 36, or about 1.4 times per week. This is somewhat less than what captains and lieutenants told us in their August interviews, in which they reported logging-in a median of 3 to 5 times per week. The discrepancy may be due to differences between the data and the questionnaire. The questionnaire does not ask about Blue Team specifically but about PAS, Frontline, and EIS.

#### BLUE TEAM LOG-INS BY PRECINCT-BASED CAPTAINS AND LIEUTENANTS

MARCH 1, 2016 TO AUGUST 31, 2016

TITLE	N	Number of Log-Ins	
		Median	Average
CAPTAIN	26	19	40
ACTING CAPTAIN	1	6	6
LIEUTENANT	45	37	56
ACTING LIEUTENANT	10	79	98
TOTAL	82	36	55

For sergeants, the database included log-ins from 161 separate serial numbers, which is understood to represent 161 separate supervisors. During the surveyed period, the median number of times sergeants logged in to Blue Team over the six-month period was 24, or about once per week. The average number of log-ins was 31 times, which reflects a skew in this activity. Two supervisors logged-in more than 130 times, and twenty-five percent of supervisors logged-in 50 or more times each. These findings support what sergeants told us in their interviews, in which 60 percent reported using these systems once or more per week.

#### BLUE TEAM LOG-INS BY PRECINCT-BASED SERGEANTS

MARCH 1, 2016 TO AUGUST 31, 2016

TITLE	N	Number of Log-Ins	
		Median	Average
SERGEANT	114	31	36
ACTING SERGEANT	18	25	31
SERGEANT DETECTIVE	27	9	13

ACTING SERGEANT	2	2	1
DETECTIVE			
TOTAL	161	24	31

According to this data, the Monitor has some assurance that supervisors across the ranks are making regular use of the Blue Team system.

## **IV. Office of Professional Accountability Misconduct Investigations & Supervisor Actions**

The Monitoring Team also considered what OPA investigations of potential officer misconduct relating to force might suggest about the adequacy of SPD supervision.<sup>52</sup> The Monitor explored the nature of supervisory deficiencies that OPA investigated, as well as whether SPD's internal mechanisms for critical self-analysis identified and addressed the deficiencies.

To this end, the Monitor requested and reviewed cases from a two-year time frame (June 1, 2014 to June 1, 2016) that OPA classified as involving issues related to use-of-force supervision. The cases originated by referral of a force investigation to OPA from FRB, through a civilian complaint, or through OPA initiation. By and large, and although the Monitoring Team did identify deficient or problematic supervision in some instances, it did

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<sup>52</sup> The stated objective for OPA is to investigate complaints in a thorough, objective, and independent manner, using experienced detective sergeants. Complaints can be made by the public or an SPD employee. If the complaint involves potential misconduct by a SPD employee, OPA investigators open a preliminary investigative file for the Director and Auditor to review. The Director then determines whether the complaint should be addressed by an employee's supervisor and chain of command via a "Supervisor Action," or whether a full "Misconduct Investigation" should be conducted. For Supervisor Actions, OPA requires the SPD employee's supervisor to take certain actions to address the issues raised in the complaint, such as reviewing performance expectations with the employee and contacting the complainant to explain the actions taken. For Misconduct Investigations, OPA investigators conduct in-depth interviews with the complainant and involved officers, identify and interview independent witnesses, collect and review evidence, and obtain copies of police department reports related to the incident. When complete, the investigative file is given to the Director and Auditor. The Director confirms that no further investigation is required, reviews the case and allegations, and determines whether there was misconduct. Based on the evidence, the Director then recommends a "finding" for each allegation in the complaint, which can be one of the following:

- Sustained: the evidence has shown that the violation did occur.
- Not Sustained (Unfounded): the act did not take place.
- Not Sustained (Lawful and Proper): the action/conduct of the employee did occur, but the conduct was justified, lawful and proper.
- Not Sustained (Inconclusive): misconduct was neither proved nor disproved.
- Not Sustained (Training Referral): while there may have been a violation of policy, it was not a willful violation and/or the violation did not amount to misconduct. The employee's chain of command will provide appropriate training, counseling to review SPD policies and address any inadequate training.
- Not Sustained (Management Action): due to a deficiency in policy or SPD procedures, no individual will be held accountable for the improper act or undesirable action. OPA Director makes a recommendation to change or improve the SPD policy or procedures. This recommendation is posted on the OPA website. The Chief of Police responds to the recommendation and provides status updates to OPA about the implementation of the recommendation.

While OPA can recommend a sustained or not sustained finding, only the Chief of Police has the authority to make the final determination and impose discipline. If the Chief of Police disagrees with the OPA Director about a sustained finding, the Chief must explain why the allegation will be changed to Not Sustained in a letter to the Mayor and City Council.

not identify any patterns or systemic supervisory problems. It therefore appears that SPD's internal processes are identifying and addressing instances where supervisors are not performing as well as they must under SPD policy with respect to use-of-force incidents. This is exactly the sort of effective critical self-analysis that the Consent Decree was designed to instill in the Department. The Monitoring Team sets forth the following cases to provide insight into the nuanced analysis that is expected of supervisors at the Department.

## A. Case 1 (Misconduct Investigation)

### 1. Facts

An officer was dispatched to investigate a group of subjects blocking a business alcove and suspected of narcotics activity. He observed the subject standing next to the alcove, appearing to interact with the group of people suspected of trespassing on the business property. The officer directed the subject to remain at the scene while he contacted other suspects. The subject began walking away from the scene. The officer pulled the subject to the ground, rolled him into a prone position, and placed him under arrest.

The sergeant screened the arrest of the subject by the officer. He expressed concern that the officer should have waited for back-up units before engaging the subject.<sup>53</sup> He also stated not seeing sufficient basis for the *Terry* stop based on a narcotics investigation. He further expressed uncertainty as to whether contact with the subject met the public safety exceptions for stops of completed misdemeanor, and uncertainty whether the subject was walking in or out of the trespass event. In their reviews, the lieutenant and captain concurred that the investigation was thorough, complete, necessary, and consistent with policy.

During its review of this incident, FRB was concerned that the officer did not have or document reasonable suspicion or probable cause to detain the subject. FRB was also concerned that the sergeant and lieutenant reviewed the officer's use of force, but did not recognize his failure to document legal justification for stopping and detaining the subject. No concerns were directed against the captain. FRB referred the case to OPA.

### 2. OPA Findings

With respect to the officer, OPA found the evidence appeared to support a lawful *Terry* stop of the subject based on the subject's interaction with those trespassing in the business's alcove. OPA noted the officer's knowledge of a criminal trespass contract on file with the business, which gave officers enforcement powers, and the 911 call of suspected criminal activity was initiated by an employee of the business. OPA noted the officer's belief that the subject was about to commit, or had just committed, the crime of trespass. OPA further noted that the officer's stop was based on reasonable suspicion, which elevated to probable cause when the subject did not comply with the officer's orders to stay.

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<sup>53</sup> There appears to be a typographical error in the OPA memorandum, which states (with added emphasis): "Named employee #2 screened the arrest of the subject by named employee #1. Named employee #1 was concerned that named employee #1 should have waited for back-up units before engaging the subject." The Monitor assumes the bolded reference to "Named employee #1" in the second sentence here should read "Named employee #2" instead.

With respect to the sergeant and the lieutenant, OPA found basis for the *Terry* stop and the subject's subsequent arrest as articulated by the officer. OPA therefore concluded the review of use of force by the chain of command was within policy.

### 3. The Monitor's View

The Monitor shares FRB's concern that the officer may not have sufficiently documented reasonable suspicion or probable cause to detain the subject, and that his chain of command failed to recognize the inadequate documentation. These concerns are not assuaged by OPA's findings.

While OPA cited evidence from its investigation to support a finding of reasonable suspicion and probable cause, OPA did not expressly address what was documented in the officer's use-of-force report. Without knowing the contents of the officer's report, the Monitor cannot assess whether use of force was properly documented. Likewise, the Monitor cannot assess whether use of force was properly reviewed by the chain of command, because it remains unclear exactly what evidence the sergeant and lieutenant relied on to find reasonable suspicion or probable cause.

The Monitor reiterates the importance of thoroughly documenting use of force, to include, among other things, reasonable suspicion or probable cause to detain the subject. In its use-of-force review, the chain of command should take care to look for these very issues.

## B. Case 2 (Misconduct Investigation)

### 1. Facts

This case was referred to OPA by FRB, concerning the lack of documentation that the arresting officer's chain of command had reviewed the ICV associated with the request.

On March 27, 2014, a patrol officer arrested the subject for a DUI. While being transported to the West Precinct by the officer, the subject complained of pain to her wrists due to the handcuffs. The arrest and the subject's complaint were screened by the sergeant and documented as a Type II use of force. The use-of-force packet was reviewed by the officer's chain of command as follows: by the lieutenant on April 8, 2014, and by the captain on April 10, 2014. On May 20, 2014, FRB returned the use-of-force packet to the captain because there was no indication that the arresting officer's chain of command had reviewed the ICV associated with the arrest. FRB requested the captain to review the ICV, update the packet, and refer the updated packet back to FRB by May 27, 2014. The lieutenant, serving as acting captain, reviewed and returned the updated packet to FRB on June 27, 2014.

### 2. OPA Findings

OPA noted that the use of force should have been documented as Type I, and not Type II, as it was initially submitted. OPA also noted that while the captain was sent the use-of-force update request on May 20, 2014, he was on extended leave between May and August of 2014. The request was redirected to the lieutenant, who

contacted the assistant chief to let her know that due to other pressing issues, he would not be able to meet the May 27, 2014 deadline set by FRB. The assistant chief granted an extension, and the lieutenant submitted the requested information to FRB on June 27, 2014. OPA noted that SPD's use-of-force policy does not set any time requirement for supervisors to respond to requests from FRB, and FRB was not in the lieutenant's chain of command.

### 3. The Monitor's View

This case illustrates the need for the chain of command, at all levels, to ensure thorough review of the use-of-force report. Although FRB properly requested that the captain review the ICV and update the use-of-force report, there should have been additional directives for lieutenant and the sergeant to review the same – and at a minimum, to be reminded of their obligation to review ICV for a thorough review of the use-of-force report. SPD has contended that the FRB does not send directives but, rather, recommendations and that there would be many reasons why a supervisor cannot respond – including resources and/or labor or legal implications. The Monitoring Team believes that FRB should be considered as a core mechanism for holding officers accountable – as it has appeared to function in many instances.

## C. Case 3 (Misconduct Investigation)

### 1. Facts

This case was initiated by OPA, concerning the use-of-force reporting and investigation of an acting sergeant. In the case, a lay witness called the Seattle Fire Department (“SFD”) to assist with a suicidal subject at the witness's residence. During the SFD response, SPD was called because the subject was very intoxicated, threatened to shoot and stab SFD, threw a wooden board at SFD, and barricaded herself in a back bedroom closet.

On arrival at the scene, the lay witness gave SPD permission to enter and remove the subject. SPD found probable cause to arrest the subject for investigation of assault. The subject would not exit the bedroom closet as directed and remained sitting there, yelling profanities and stating she wanted the officers' guns to shoot herself. The officers grabbed the subject's leg and arm, pulled her from the closet, and pinned her to the floor. The officers then cuffed the subject and escorted her from the residence.

One officer stated that throughout the arrest, the subject yelled “ouch,” derogatory names, and expletives, but he did not believe the subject was in pain. This officer stated he expected to write a use-of-force statement due to the subject's complaints of pain.

A second officer stated he and the first officer were walking the subject to the patrol vehicle when she complained one of the handcuffs was too tight. The second officer stated he was not concerned about the cuffs because the first officer had checked the cuffs.

The acting sergeant screened the event while the subject was in the patrol car. The first officer told the acting sergeant they grabbed the subject by the arms from the closet and cuffed her in the prone position, and the first officer pinned the subject with his knee. The acting sergeant felt the officers' descriptions depicted *de minimis*



use of force, and expressed uncertainty as to whether he heard the full description of events from the two officers.

## 2. OPA Findings

OPA made a training referral for the acting sergeant, based on his failure to notice that one of the officers told him the subject said “ouch” during her arrest from her perception of arm pain and the tightness of the handcuffs. OPA found this event should have been documented and reported as a Type I use of force, and the two officers should have been ordered to complete such documentation. OPA attributed the acting sergeant’s failure to fully investigate, document, or have the responding officers document the use of force due to lack of training. OPA recommended that officers performing in an acting sergeant’s role be required to complete SPD’s training for sergeants on use of force before performing the acting sergeant’s role.

## 3. The Monitor’s View

This case illustrates the importance of proper training for acting sergeants before assuming responsibilities on the job. The Monitor has consistently stressed the importance of ensuring that non-permanent supervisors receive sufficient training on supervisory duties associated with the non-permanent rank prior to assuming the duties of that higher rank. A short-term acting sergeant should have received at least basic training on the unique and specific duties of sergeants within the SPD.

The Monitor is troubled by the acting sergeant’s perception that this incident involved *de minimis* use of force, and that if he felt uncertain about whether he had heard the full description of events from the two officers, the acting sergeant should have followed through with the two officers until he understood the situation thoroughly.<sup>54</sup> The Monitor concurs with the OPA findings and recommendations in their entirety.

### D. Case 4 (Misconduct Investigation)

#### 1. Facts

This case was referred to OPA by FRB, concerning certain failures in reporting and reviewing use of force by the chain of command.

In this case, on July 12, 2014, Officer 1 was dispatched for a reported hazard call involving a high or intoxicated subject walking into traffic. Officer 1 and Officer 2 responded to the area and observed the subject who was agitated, shirtless, sweating profusely, swinging his arms, and talking incoherently. They attempted to persuade the subject against walking into traffic, but the subject refused to listen and continued walking away from the

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<sup>54</sup> The Monitor is mindful of his statement in the Fourth Semiannual Report, issued in December 2014, that the Chief of Police had eliminated the use of untrained acting sergeants. This case illustrates that at least as of September 24, 2014 – the date of the incident here – there were still untrained acting sergeants on the job. The Monitoring Team notes that the impending implementation of SPD Policy §§ 5.002 and 5.003, approved by the Court almost a year ago, will alleviate this confusion and permit supervisors to take a higher level of supervisory responsibility for low-level policy violations.



officers and sat down in the middle of the street. Officer 1 called for additional units, which on arrival, attempted to contain the subject. As the subject walked into a parking area, Officer 1 was the first officer to approach him. Officer 1 attempted to grab the subject's right arm, but the subject pulled away. Officer 1 then administered pepper spray to the subject's face, which did not have the intended effect. The subject continued to walk away. Other officers arrived and attempted to encircle the subject to prevent him from approaching nearby citizens. Again, Officer 1 delivered applied pepper spray four more times, to no avail. Officer 2 then grabbed the subject and took him to the ground, as the other officers assisted in detaining the subject. SFD arrived and gave the subject a sedative and placed him on a gurney once in custody.

The sergeant initiated the use-of-force report for this incident on July 12, 2014, completing and forwarding it to the lieutenant on September 15, 2014. The lieutenant forwarded his completed investigation to the captain on October 2, 2015.

## 2. OPA Findings

With respect to the supervisors, OPA took issue with the sergeant's and the lieutenant's failure to address individual tactics implemented by Officer 1, including his failure to communicate any tactical plan to fellow officers before making physical contact with the subject; his decision to spray the subject with pepper spray after placing a hand on the subject's arm; and the lack of articulated justification for his second through fifth applications of pepper spray. OPA also criticized the sergeant and lieutenant's failure to identify, document, or address inconsistencies in Officer 1's statement about the subject's behavior, which were made apparent by another officer's ICV. OPA further noted that the sergeant's use-of-force investigation was not completed within the required three-day period, and no extension was requested. Likewise, OPA criticized the lieutenant's failure to conduct his use-of-force review within 72 business hours or request an extension. Thus, OPA found that the sergeant and lieutenant violated SPD policy and recommended sustained findings in this case.

## 3. The Monitor's View

This case illustrates the importance of use-of-force investigation and reporting that is timely and thorough, neither of which occurred here. Despite the three-day requirement under SPD policy, without requesting an extension of time the sergeant took over two months to complete his investigation – an investigation which did not thoroughly document the incident. While the lieutenant's delay in reviewing the force investigation report was less egregious, nonetheless, he is obligated to comply with SPD policy for reviewing use of force. The Monitor concurs with OPA's findings and recommendations in their entirety.

### E. Case 5 (Supervisor Action)

#### 1. Facts

This case came from FRB, which alleged that the sergeant and captain in the chain of command took excessive time completing and forwarding their use-of-force review, violating the 14-day requirement under SPD policy.

## 2. OPA Findings

OPA found the time frame for both sergeant and captain were documented in the use-of-force report and justified on a day-by-day chronology as follows:

### Chronological Summary

11/23/2014 – Incident date  
 11/23/2014 – Report sent from [REDACTED] to [REDACTED]  
 11/24/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 11/25/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 11/26/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 11/27/2014 – Day Off – Thanksgiving  
 11/28/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 11/29/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 11/30/2014 – Day Off  
 12/01/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 12/02/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 12/03/2014 – Leading Demonstration Management Squad for Ferguson Protests.  
 12/03/2014 – Report sent from [REDACTED] back to [REDACTED] for corrections/additions.  
 12/03/2014 – Report sent from [REDACTED] back to [REDACTED].  
 12/04/2014 to 12/16/2014 – Vacation

While on vacation, [REDACTED] worked on the UoF Report in order to reduce the time of delay and forward the SGT Review to [REDACTED] on 12/10/2014.

### Chronological Summary

11/23/2014 – Incident date  
 12/11/2014 – Report sent from [REDACTED] to [REDACTED].  
 12/12/2014 – Workload (Protest Planning Response / meetings / UoF Review).  
 12/13/2014 – Furloughed  
 12/14/2014 – Workload (Seahawks Emphasis and Protest)  
 12/15/2014 – Furloughed

12/16/2014 – Workload (meetings)  
 12/17/2014 – Workload (SEASTAT / Protest Planning)  
 12/18/2014 – Reviewed UoF Reports  
 12/19/2014 – Training  
 12/20/2014 to 12/28/2014 – Furloughed  
 12/29/2014 – Review of UoF Reports and New Year's Eve Planning  
 12/30/2014 – Training  
 12/31/2014 – New Year's Eve Event  
 01/01/2015 – Furloughed  
 01/02/2015 – Completed Review and forwarded to QA.

OPA directed the captain to discuss the complaint with the sergeant, and to review performance expectations with the sergeant.

## 3. SPD Follow-Up

In a chain of command report to the captain dated July 27, 2015, the acting lieutenant noted his review of the information provided and determined that the sergeant took 17 days to complete his review. The acting

lieutenant found the sergeant's chronological summary of his investigation well-documented and explained the delays – *i.e.*, his involvement with the Ferguson protests. Further noted were the sergeant's pre-approved vacation for early December, and his completion of the investigation during the vacation. On these grounds, the acting lieutenant found the sergeant's delay reasonable, and no PAS entry was necessary.

In the same report, the acting lieutenant noted the captain's implementation of a procedure to follow if a supervisor is taking vacation. Namely, that supervisor would pass the investigation to another supervisor of equal rank, so the investigation can be completed in a timely manner. The acting lieutenant recommended that this matter be closed.

On July 28, 2015, the captain agreed with the acting lieutenant's determination that no policy violation existed. The captain noted the sergeant's responsibilities and vacation time during the relevant period, and his reinforcement of reasonable timeline adherence when reviewing use of force across the precinct. The captain also noted his implementation of a program for reviewers at all levels to select a designee to assume responsibilities when the reviewer was unavailable.

#### 4. The Monitor's View

The Monitor agrees that the sergeant's delay in completing his use-of-force review was justified based on his responsibilities for the Ferguson protests from November 24 to December 3, and appreciates the sergeant's efforts in working on the report during his pre-approved vacation. The Monitor finds that a PAS entry was necessary. The Monitor also finds the captain's implementation of a procedure for supervisors on vacation to be valuable and worth implementing across the Department.

The Monitor, however, is concerned that although FRB also alleged the captain failed to complete his review in a timely manner, there was no direction from OPA to the chain of command to follow up with the captain. Captains, too, must also adhere to SPD policy on reviewing use of force. OPA compiled a helpful chronological summary for the captain, but its report would have been better had it ended by directing SPD to follow up with the captain as well.

### F. Case 6 (Misconduct Investigation)

#### 1. Facts

In this case, a canine officer released his dog to search for a car prowler suspect, resulting in a Type II use of force. A Canine Unit sergeant completed the sergeant's use-of-force review. No lieutenant was assigned to the Canine Unit (such a position was later created, although it remains unfunded), so the Homeland Security Section commander directed an Arson/Bomb Unit lieutenant to conduct the lieutenant's use-of-force review. The captain then conducted his review.

FRB referred the sergeant, lieutenant, and captain to OPA, alleging they failed to note and refer potential misconduct by the officer—namely, that (1) the canine application may not have complied with policy; (2) the

officer pointed his firearm at one of the subjects, which was not documented in his use of force report; and (3) the officer was not wearing a portable microphone for his ICV system during the incident.

## 2. OPA Findings

OPA noted that while the sergeant issued a written reprimand for the officer's failure to wear an ICV portable microphone and completed a PAS entry, he did not complete an OPA referral for this policy violation as required.

OPA also noted that the lieutenant and captain both accepted the sergeant's contemporaneous remedial actions as appropriate, and did not identify any additional policy violations. In their interviews with OPA, the lieutenant and captain stated that the failure to wear his portable ICV microphone was not serious misconduct warranting a referral to OPA.

OPA prescribed the following training for these three individuals: that they be shown a copy of current SPD Policies Sections 5.002 and 8.400, and reminded that policy limits the chain of command's authority for handling misconduct to a specific list of potential policy violations under § 5.002(5).

## 3. The Monitor's View

This case shows the continued need for supervisors at all levels to be familiar with their requirements to report potential violations of SPD policy to OPA, and to conduct their use of force reviews with care. The policy to report ICV violations to OPA has been in place for a long enough time for the supervisors to know better. The Monitor agrees with the OPA findings and recommendations.

### G. Case 7 (Supervisor Action)

#### 1. Facts

This case came from FRB, which alleged the reviewing chain of command violated SPD Policy 8.300 for an inadequate use-of-force investigation. The use of force concerned a potential neck hold that was captured by a private security video. The sergeant noted in his Blue Team review that he located and downloaded the surveillance footage onto a CD, which he placed into evidence. The sergeant, however, did not indicate whether he viewed the footage. It was alleged that neither the lieutenant nor the captain attempted to locate or view the CD. FRB recognized that the brief contact with the suspect's neck was likely unintentional, but believed the action technically met the definition under current policy and therefore referred the case to OPA to investigate the chain of command's failure to properly watch video. FRB found these actions to be a gross oversight by the chain of command.

#### 2. OPA Findings

OPA reviewed the chain of command's statements, confirming that the sergeant obtained but did not review the videos, and the lieutenant did not mention viewing the videos. OPA also noted the captain's statement,

which referenced certain camera numbers and what the videos showed, but did not indicate whether he watched the footage.

OPA recommended that the assistant chief issue an oral reprimand to the reviewing sergeant, lieutenant, and captain, and document accordingly in PAS. Specific requested actions were: (1) discussing the complaint with the three named employees; (2) reviewing the video with them; and (3) reviewing performance expectations with them.

### 3. SPD Follow-Up

In memoranda to the assistant chief, the captain confirmed his review of the case material and relevant videos. The captain noted that he recently completed the Critical Analysis of Force review class, which advised him that any possible violation needed to be sent to OPA. The captain confirmed he would use such baseline in the future.

The captain also confirmed discussing with the lieutenant the need to identify possible violations to OPA, to mention watching videos in the narrative portion of case review, and to highlight issues of concern regarding witnessed use of force. The captain noted the lieutenant was “very receptive to the information and understood the need to address all aspects of our uses of force.” Also noted was the lieutenant’s recent completion of the Critical Analysis of Force Review class, which the lieutenant noted was helpful for future cases. The captain attached a copy of the PAS entry for the lieutenant.

Likewise, the captain confirmed in his correspondence to the assistant chief that the lieutenant discussed the case with the sergeant. The captain attached the PAS entry for the sergeant.

The lieutenant, in a separate memorandum to the captain, confirmed reviewing the footage with the sergeant, and discussing their obligation to identify and refer the potential choke hold to OPA for a possible policy violation. During this discussion, the sergeant stated that he reviewed the video at least four times during investigation, but forgot to mention his viewing in the write-up. The lieutenant confirmed that the sergeant, who had recently attended the same Critical Analysis of Force training, had a positive attitude during their counseling session and understood the policy and training. The lieutenant confirmed that he would make a PAS entry for the sergeant.

### 4. The Monitor’s View

The Monitor, like FRB and OPA, was troubled by the chain of command’s failure to document its viewing of the surveillance footage. Nonetheless, the Monitor takes note of the efforts taken by the assistant chief, captain, and lieutenant to counsel accordingly; the sergeant’s and the lieutenant’s receptivity to counseling; and the chain of command’s attendance at and application of the use-of-force training to this very case, even if in hindsight. Going forward, the Monitor is hopeful that the chain of command will better document its review of video, and where there is failure to do so, that the chain of command will take the thorough remedial efforts it did in this particular incident.

## H. Case 8 (Supervisor Action)

### 1. Facts

This case came from FRB, which alleged that an officer may have used a neck hold in violation of policy, but could not determine which of the two officers on the scene used the hold. FRB also alleged that the chain of command did not sufficiently investigate the use of force, nor did it properly identify or handle the comment made by the witness that an officer appeared to use a choke hold. FRB further alleged the reviewing captain did not make any comments about the force, but simply wrote a timeline of the incident review.

### 2. OPA Findings

OPA reviewed the witness' audio statement, the officers' use-of-force statements and ICVs, and the use-of-force reviews by the sergeant, lieutenant, and captain.

Of the witness's audio statement, OPA noted his quote: "One of the guys [police officer], was, just put his, uh, to resist, put his forearm to his neck just to stop him from moving. He said he couldn't breathe. The police officer reacted by saying 'please stop resisting and I will let go,' and he did so he let go." OPA found the witness made no other mention about the neck or not breathing.

Of one officer's use-of-force statement, OPA noted his quote: "Fearing [the subject] would begin to spit on me, I placed my right elbow onto his check [sic] and ear so he could not raise his head. I continued to give [the subject] commands to stop resisting, however I could feel [the subject] attempt to raise his body off the ground, which was unsuccessful." OPA found no reference to a choke or neck hold in this statement.

For the other officer, OPA found no mention of a choke or neck hold in his statement.

For the sergeant, OPA noted the last paragraph of his use-of-force review, which stated: "[The sergeant] spoke to both Officers . . . about [the witness'] accounts as described in his statement. Both officers stated that they did not recall placing an arm on [the subject's] neck either by accident or by conscious choice. Neither of the two recalled hearing [the subject] say he couldn't breathe as well. In reviewing [the officers'] audio ICV, at no time can [the subject] be heard saying he could not breathe."

For the lieutenant, OPA noted his directive to the sergeant, asking the sergeant to "[d]iscuss observation made by [the] witness." The lieutenant's final review found the officers' use of takedowns and control holds reasonable and necessary, and confirmed his review of all photographs, audio statements, reports, and ICV. The lieutenant also advised the sergeant to take scene pictures in the future. The lieutenant provided his timeline of review as well.

For the captain, OPA noted that he only provided a timeline of his review. Finally, OPA's review of the officers' ICV disclosed one officer saying, "Stop resisting!" and the suspect yelling, "Let me breathe! Breathe!"

Ultimately, OPA concluded there was not specific evidence that a neck hold was used during the incident, and the officers properly documented their use of force. In a supervisor action notice to the assistant chief, OPA



conveyed this finding but also emphasized the need for the chain of command to document and address observations of witnesses or any source of possible policy violations concerning use of force. OPA surmised that the chain of command did not explore the neck hold possibility because there was no indication that one was used. But, OPA noted, the witness provided information that must be examined. OPA recommended that the involved officers and chain of command be made aware of FRB findings, and that performance expectations be reviewed with them.

### 3. SPD Follow-Up

In correspondence to FRB, the assistant chief confirmed his review of the file, as well as the two officers' review of OPA's analysis and FRB's findings, which the officers discussed with their sergeants. The assistant chief also noted the sergeant's review of the FRB findings and the supervisor action recommendations, and his discussion with another lieutenant (not involved in the incident) about the importance of thoroughly investigating any allegation made by a witness or complainant. The assistant chief further conveyed that the involved lieutenant reviewed the FRB findings consistent with the supervisor action recommendations; discussed the incident with the assistant chief and another captain (not involved in the incident); and acknowledged missing the comment made by the suspect. Finally, the assistant chief noted his discussion with the captain about attaching only his timeline and not his review, and ensuring the completeness of the paperwork. The assistant chief noted that the missteps of the involved lieutenant and captain were anomalies for these individuals, and that all involved employees received PAS entries.

The same information conveyed to FRB was also sent to OPA by the assistant chief.

### 4. The Monitor's View

This case is an example of the OPA investigation exonerating officers from allegations concerning use of force, and providing an opportunity for the chain of command to commend the officers on their use-of-force articulation. Nonetheless, this case presented another reminder of the importance of addressing observations from any source about potentially problematic use of force—here, based on the witness's statement that the suspect could not breathe, and the suspect's ICV-captured statement, "Let me breathe! Breathe!" In addition, this case reminds SPD reviewers to include their timeline of review *and* the substantive review.

The Monitor agrees with the OPA findings and recommendations. The Monitor appreciates the chain of command's follow-through on the supervisor action recommendations, including reviewing the FRB findings and entering PAS entries for all involved employees.

#### I. Case 9 (Misconduct Investigation)

##### 1. Facts

In this case, the officer observed a known warrant suspect at Westwood Village. The suspect fled from the officer, who caught up to her and shoved her from behind, resulting in the suspect falling to the ground and abrading her knees. The suspect was booked into King County Youth Service Center ("YSC").

Review of the officer's use-of-force statement and ICV of the incident showed that the suspect complained of pain to her knees, and later at YSC, the officer became aware of injuries to the suspect's knees. There was no indication that the officer notified the screening sergeant, an acting sergeant, of these injuries.

The acting sergeant indicated on the screening form that there was no use of force, but the officer reported that his lieutenant ordered him to write a Type I use-of-force statement in Blue Team.

This case came to OPA from the YSC employee and the suspect's grandfather.

## 2. OPA Findings

OPA noted that both the acting sergeant and a lieutenant screened this use of force, during which the suspect made it clear that she did not want to discuss any injuries with the police and did not want medical attention. OPA believed, however, that once the suspect was at YSC claiming an injury, the officer should have immediately informed his supervisor and/or the lieutenant of this fact. This would alert the chain of command that the use of force needed to be investigated and reviewed as a Type II, rather than a Type I.

With respect to the officer, OPA found that while the officer could have done more to timely communicate with his chain of command, this omission did not violate policy because the officer documented everything in his Blue Team statement. Training was recommended for the officer, to remind him of his obligation to immediately notify his chain of command when a person claims to be injured from SPD use of force. A PAS entry was made as well.

With respect to the acting sergeant, OPA found that based on what he knew when he screened the use of force, and the fact that he was not included in the routing for the officer's Type I Blue Team entry (and therefore was unaware of the suspect's claim of injury to YSC), the acting sergeant acted reasonably in classifying the use of force as a Type I.

## 3. The Monitor's View

This case illustrates the information gaps between officers and their supervisors, which cause, among other things, misclassification of use of force and its related investigation and documentation. The Monitor agrees with OPA's training recommendation for the officer, and encourages SPD to remind not only its line officers, but all the ranks, of the importance of reporting any injury claims resulting from an officer's use of force immediately. In addition, SPD should ensure that all acting sergeants are included in the routing for line officers' entries in Blue Team.

### J. Case 10 (Misconduct Investigation)

#### 1. Facts



This case concerns a sergeant's failure to perform a Type I use-of-force investigation when the subject was placed under arrest and complained of injury from the handcuffs during the arrest screening. The lieutenant, who reviewed the ICV in this case during his use of force review, referred this issue to OPA.

## 2. OPA Findings

OPA found that the sergeant was the screening supervisor for the arrest of the subject. The subject was seated in the back of the arresting officer's patrol vehicle, and can be heard indicating that the handcuffs were causing pain.

In his interview with OPA, the sergeant stated his awareness of the SPD policy requiring a Type I use of force report be completed when a handcuffed individual complains of pain. This sergeant indicated he had completed a number of such reports previously, and in hindsight, should have ordered the completion of the Type I force investigation here.

Accordingly, OPA found that the sergeant violated policy and recommended a sustained finding in this case.

## 3. The Monitor's View

The Monitor highlights this case to commend the lieutenant's proper referral to OPA, as well as the lieutenant's analysis of the ICV during the use-of-force review. All potential ICV violations should be referred to OPA. The Monitor agrees with the OPA findings.

### K. Case 11 (Misconduct Investigation)

#### 1. Facts

This case, referred to OPA from the Force Review Unit, concerns two line officers who did not start their ICV recording at the beginning of an incident, as required by SPD policy. OPA added allegations for the acting sergeant who failed to refer the ICV violations to OPA, and failed to record his interview with the subject. OPA also added allegations for the reviewing lieutenant who did not refer the acting sergeant's inaction to OPA.

#### 2. OPA Findings

With respect to the acting sergeant, OPA noted his knowledge of the two line officers' failure to record the entire incident from the start. The acting sergeant apparently counseled both officers and asked their regular sergeant to make a PAS entry for each of them. He also informed OPA of his impression that he had the authority as a supervisor to handle the matter and was not required to refer a potential ICV violation to OPA.<sup>55</sup>

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<sup>55</sup> The Monitoring Team notes that the impending implementation of SPD Policy §§ 5.002 and 5.003, approved by the Court almost a year ago, will alleviate this confusion and permit supervisors to take a higher level of supervisory responsibility for low-level policy violations.

OPA accounted for this acting sergeant's "relative inexperience" and the "obvious misinformation under which he was operating," and recommended counseling by his chain of command about the importance of reporting all allegations of misconduct not specifically listed in SPD Policy Section 5.002(5) to his supervisor or OPA. If the acting sergeant decided to report an allegation of misconduct to his supervisor rather than OPA, he should confirm his supervisor's acceptance of responsibility to report the allegation to OPA. OPA recommended making a PAS entry on this issue.

OPA also considered the acting sergeant's failure to turn on his recorder before introducing himself to the subject and asking if the subject was willing to be interviewed. The subject's refusal to be interviewed was not recorded. OPA recommended that the acting sergeant be counseled about the importance of recording all subject interviews or refusals when conducting a use of force investigation, and a PAS entry be made.

With respect to the lieutenant, OPA examined his failure to notify OPA about the acting sergeant's failure to record the subject's refusal to provide an interview. The lieutenant attributed the acting sergeant's failure to do so to his lack of experience, and expressed his belief that he had the authority to address this issue through training and a PAS entry. While OPA agreed that the acting sergeant's relative inexperience with conducting use of force investigation caused his error, it noted that the lieutenant was experienced and should have known which policy violations can be addressed by a supervisor and which cannot. OPA also corrected the lieutenant's belief—that by forwarding the use of force investigation and his review to his supervisor, he fulfilled his responsibility to report misconduct—by clarifying that the lieutenant, as a command level officer, must report all allegations of misconduct not specifically listed in SPD Policy § 5.002(5) to OPA.

In addition, OPA took issue with the lieutenant's failure to report to OPA the two line officers' failure to record their entire police activity for the incident. The lieutenant told OPA he believed the acting sergeant had the authority to handle the matter himself, and neither the lieutenant nor the acting sergeant were required to refer a potential ICV violation to OPA. OPA recommended that the chain of command counsel the lieutenant on the importance of reporting all allegations of misconduct not specifically listed in SPD Policy § 5.002(5) to his supervisor or OPA. If such report were made to his supervisor, the lieutenant should verify the supervisor's responsibility to report the allegation to OPA. OPA recommended documenting this issue with a PAS entry.

### 3. The Monitor's View

This relatively recent case shows that there is still an incomplete understanding of supervisor responsibilities with respect to reporting potential violations of SPD policy to OPA. The Monitor agrees with the OPA findings and recommendations. It is important for supervisors to understand their obligation to report all allegations of misconduct not specifically listed in SPD Policy § 5.002(5) to OPA. This includes potential ICV violations and the failure to record interviews when investigating use of force, as were the circumstances here.

#### L. Case 12 (Misconduct Investigation)

##### 1. Facts

This case was referred to OPA by FRB. Here, three officers engaged in a pursuit of a suspect for a property crime. This pursuit was not properly communicated to radio, and the officers only used emergency equipment intermittently while following the suspect. It was alleged that the supervising sergeant failed to monitor the pursuit, and did not clearly give permission or order the pursuit terminated.

## 2. OPA Findings

With respect to the sergeant, OPA recognized that he could only control the pursuit to the extent he was provided clear and timely information from those officers involved in the pursuit. OPA did not find a preponderance of evidence to either prove or disprove that the sergeant failed to act reasonably in supervising the pursuit.

OPA also considered the PAS entry made by the sergeant for each of the involved officers that both praised them for their actions and pointed to potential violations of the pursuit policy. For the potential violations, the sergeant also justified the officers' actions by identifying later dangerous acts by the fleeing suspect or the positive outcome. OPA expressed concern that such "mixed message" could lead officers to believe that adhering to SPD policy is optional. In OPA's view, the sergeant should have referred the pursuit to OPA for review and classification. OPA recommended that the sergeant be reminded of his obligation to refer to OPA all acts appearing to violate SPD policy, and a PAS entry on this issue was appropriate.

## 3. The Monitor's View

The Monitor agrees with OPA's findings and recommendations. In addition, this case illustrates the Monitor's point that effective supervision requires the cooperation and policy awareness of both line officer and supervisor. Without real-time information from the officers engaged in the pursuit, the supervising sergeant was unable to monitor the pursuit and direct its termination properly.

### M. Case 13 (Misconduct Investigation)

#### 1. Facts

FRB referred this case to OPA, concerning, among other things, deployment of a Conducted Energy Weapon, *i.e.*, "Taser," by a sergeant and those under his supervision.

In this case, a subject reported being suicidal, having a gun, and planning to shoot himself. Several officers responded and located the subject walking into the middle of a street. After contact, the subject moved to the grassy area between the street and the sidewalk. A witness officer engaged the subject in conversation. Later, a sergeant and an officer deployed Tasers against the subject. The subject was taken into custody and transported for a mental health examination at a local area hospital.

FRB reviewed the force used in this incident, and alleged that the sergeant and the officer may have violated policy regarding the training and deployment of Tasers during the incident. It was alleged that at the time of

Taser deployment, the subject did not pose an immediate threat of harm and was not offering a high level of resistance likely to cause injury to himself or others.

## 2. OPA Findings

Among other issues, OPA noted that the sergeant failed to give a verbal warning before deploying the Taser as required by policy. During his interview with OPA, the sergeant explained that he did not give such warning because it would have given the subject an opportunity to plan and defeat the Taser application; and a warning would increase the subject's ability to defeat the Taser and increase the danger to officers on the scene. OPA clarified that SPD policy requires a verbal warning (when feasible) to give the subject an opportunity to surrender before deploying the Taser, and to warn officers on scene that the device is about to be deployed (so as to reduce the risk of an officer mistaking the sound of the Taser for a firearm that could result in a reactionary discharge of an officer's firearm). Finding that the sergeant had time and means to issue a verbal warning before deploying the Taser, but failed to do so, OPA recommended a sustained finding for this allegation.

In addition, OPA expressed concern about the sergeant's direction to the officer to join him in a simultaneous Taser deployment, and indeed, his lack of awareness that such deployment is prohibited under SPD policy. OPA also took issue with the sergeant's failure to direct officers to operate from positions of cover. As a supervisor, the sergeant allowed officers to line up directly in front of the subject, only some 15 feet away. OPA noted that had the subject been armed and decided to shoot, the officers' positions placed them in grave danger. These findings led OPA to recommend a sustained finding that the sergeant's use of force was unauthorized.<sup>56</sup>

## 3. The Monitor's View

This case illustrates the importance of supervisors being familiar with SPD policy – here, concerning the use of Tasers. In not knowing the Taser policy's purpose and parameters, the involved sergeant directed officers to engage in acts that put them at unnecessary risk, while also failing to de-escalate the situation. The Monitor concurs with OPA's initial documented findings and recommendations.

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<sup>56</sup> In discussions about this report, SPD indicated to the Parties and Monitoring Team that OPA changed these findings.

## V. PAS Entries Provided by SPD

On October 3, 2016, the Monitoring Team requested all PAS entries and performance evaluations of patrol sergeants from June 2014 to June 2016, which relate to sergeant responses to use-of-force scenes, investigation of use of force, documentation of use of force, provision of supervision and direction to officers employing force and implementation of FRB recommendations concerning supervisors of officers using force. The goal of this request was to validate that supervisors are making PAS entries where appropriate. On October 28, 2016, SPD provided the following list of cases referred to SPD from FRB, for which PAS entries were to be made by supervisors, and SPD's subsequent actions:

GO #	FRB DATE	REASON	STATUS	COMPLETED
15-305468	2/29/2016	Did not mark ICV w/GO number	PAS entry made	3/26/2016
15-434365	4/6/2016	Off duty Officers intervened in assault on citizen; /counselled about being good witness; PAS for commending their actions	PAS entry made	4/28/2016
15-429605	5/25/2016	Ofcs. Listening to AM/FM radio while ICV was activated	PAS entry made	8/30/2016
16-018018	8/19/2016	Sgt. Contacted subject by himself; did not properly report the force & did not call another supv. To investigate the force	No PAS as OPA investigation underway	9/7/2016
16-018018	8/19/2016	Sgt. & Ofcs did not search prioner prior to putting her in patrol car	PAS entry made	9/7/2016
16-023232	8/19/2016	Sgt. failed to take scene photos or canvass for private video during his investigation	PAS entry made	9/9/2016
16-029296	8/19/2016	Remove PAS entered by Sgt. as training consistent with what ofcs did	Removed PAS entry	8/28/2016
16-083971	9/7/2016	Supervisor not paying attention to radio and following timelines	PAS entry made	9/24/2016
16-175716	9/7/2016	Documented that officer had taken Sgt. Training	PAS entry made	
15-143965	8/4/2015	Delay in completing Force Review paperwork	PAS entry made	
15-109252	7/7/2015	Delay in completing Force Review paperwork	PAS entry made	
15-061177	8/18/2015	Ofc conducted area search by himself without knowing his location on a minor property crime	PAS entry made	
14-383867	5/12/2015	Board did not see any exigency that necessitated acting as quickly as officers did, PAS entry for Tactics and decision-making, use of force & statements	PAS entry made	6/6/2015
15-093682	6/2/2015	Counseling on Officer's Taser Use	PAS entry made	6/30/2015
15-064245	6/22/2015	PAS entry regarding comments officer made at the beginning of his ICV recording re: his opinions on dept. policy	Wilske confirming PAS entry made	

15-200260	9/29/2015	Officer did not seatbelt prisoner during transport	not confirmed PAS entry
15-265402	9/17/2015	Video not flagged with case number; Wrong case number in COBAN; AM/FM radio on	

Corresponding PAS entries were produced for GO Numbers 15-305468, 15-434365, 15-429605, 16-018018, 16-29296, 14-40717, 14-383867, 16-23232, and 15-305468. SPD, however, did not locate PAS entries for GO Numbers 16-175716, 15-143965, 15-200260, 15-265402, and 16-83971, and is currently looking into an explanation.

Based on the information provided, the Monitor finds reassurance that FRB recommendations are being conveyed to the chain of command, but is concerned that not all directives to enter PAS entries for involved officers are being executed. While it is possible that all requested PAS entries were made, this cannot be confirmed as long as PAS entries for the case numbers set forth above have yet to be located. The Monitor encourages SPD to stay apprised of the status of requested PAS entries, and to maintain an organizational system under which PAS entries can be located readily.

## VI. Span of Control

In December 2014, the Monitor inquired whether there was full and accurate accounting of who worked for whom throughout the Department.<sup>57</sup> He noted that the SPD had conducted informal audits, and “an RFP for a comprehensive staffing analysis” would be forthcoming from SPD.

The Monitor has reviewed an assessment conducted by Alexander Weiss Consulting, LLC, dated March 2015, which analyzed SPD’s span of control (the “Weiss Assessment”). The Weiss Assessment is attached to this report as Exhibit A. That assessment found, among other things, that overall, SPD’s span of control was adequate. Ex. A at 7. At the time, the ratio of sergeant to patrol officer was 1:7.65, and under the proposed redeployment, would drop to 1:7. Id. at 9. This assessment opined that “[u]nder the proposed redeployment, the span of control in SPD is relatively narrow and should allow SPD to meet the requirements” of the Consent Decree. Id. at 14.

For the present report, the Monitoring Team attempted to follow up on the supervisor to officer ratios in SPD’s precincts. On average across the SPD precincts, the reported ratio of sergeant to officer was 1:6,<sup>58</sup> which decreased from the 1:7.65 ratio reported in the January 2015 Weiss Assessment. The Monitor commends this improvement.

In the Monitor’s view, the 1:6 ratio of sergeant to officer is appropriate, with the caveat that, as recommended by some sergeants, a 1:4 ratio might be more fitting for certain squads in territories that experience more street activity and officer-civilian contact, *e.g.*, the downtown Seattle area, which is part of the West Precinct. For areas with less reported activity, such as in the Southwest Precinct, ratios along the lines of 1:7 or 1:8 may be adequate.

Although the Monitoring Team could conduct an independent span of control study – which is highly technical and require substantial time and resources – the Monitor believes that the methodology approached used by Dr. Weiss was consistent with sound practices. The Team is comfortable crediting the Weiss Assessment, especially in light of the verification in the precincts of supervisor-to-officer ratios described above, and the evidence of increasingly sound supervisory practices identified in other areas of this assessment.

Accordingly, the Monitor finds that the Department is in initial compliance with paragraph 153, subject to the caveats outlined in the Executive Summary, *supra* at 1–3.

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<sup>57</sup> Id. at 58–59.

<sup>58</sup> Staffing data provided to the Monitor by the SPD shows that as of October 1, 2016, the sergeant to officer ratio was 1:6 for West Precinct, 1:6 for East Precinct, 1:6 for North Precinct, 1:7 for Southwest Precinct, and 1:8 for South Precinct. The Monitor did not independently verify the accuracy of these ratios against actual officer/sergeant roll call data.



## VII. Field Training Officers<sup>59</sup>

In the SPD, Field Training Officers (“FTOs”) have supervisory duties as well. FTOs are largely responsible for teaching and operationalizing the Department’s mission, vision, values, policies, practices, and culture.<sup>60</sup> As the first in student officers’ chain of command concerning patrol and field training responsibilities, FTOs are tasked with observing, documenting, and evaluating of students’ performance in all areas, particularly in situations involving citizen contacts and use of force. The impressions of FTOs inform student advancement to the next training phase, training extensions, remedial training, and termination.<sup>61</sup> Therefore, FTOs play a significant role in the student officers’ development, future performance, and initial supervision.

### A. FTO Focus Group Results

In September 2016, Monitoring Team met with a focus group of 25 FTOs, FTO coordinators, Field Training sergeants and the Training Unit’s commander.<sup>62</sup> The participants discussed and assessed the FTO program, its strengths and weaknesses, as well as future opportunities and challenges. The Monitoring Team welcomed the open discussion, as well as the passion and dedication that attendees conveyed regarding the FTO program.

The Monitoring Team noted the sentiments of FTOs, who felt their recommendations were supported by their chain of command, including the Chief of Police. Support from the chain of command is critical to the effectiveness of any FTO program, as it assures FTOs that their professional opinions are respected and acted upon, in turn contributing to their job satisfaction.

In many police organizations, staff shortages in patrol and specialty units drive the process of training recruits. Consequently, at times, marginal performance is tolerated and recruits are pushed through the process regardless of recommendations from FTOs for remedial training or termination. This scenario does not appear to be occurring at SPD. Indeed, quite the opposite is evident: FTOs take pride in teaching and molding officers into effective problem solvers, who value community policing principles and embody the mission, vision, and values of the City of Seattle and the SPD. When necessary, the Department’s FTOs do not hesitate to

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<sup>59</sup> In the spirit of technical assistance, the Monitoring Team reviewed all aspects of the Field Training Program related to the supervision of student officers, including SPD Policy § 16.100, the Field Training Manual, and the Field Training Handbook for student officers. All forms governing the performance and expectations of student officers, such as Daily Observation Reports, were reviewed as well.

<sup>60</sup> The Monitor recognizes the hard work required of the FTOs. For example, when an FTO is assigned a student officer, unity of command is taken into account to ensure consistency while training the student. Thus, vacation and other types of extended days off are prohibited. Any unavoidable missed days must be approved through the FTO Coordinator so that a replacement FTO can be assigned.

<sup>61</sup> To avoid bias in their evaluations and recommendations, FTOs are not permitted to have social contact with their students beyond normal working hours during Phase II and Phase III. Until the completion of the three-phase training program, FTOs are considered student probationary officers. In Phase I, officers receive Police Academy initial basic training. Over fourteen weeks, in Phase II, student officers demonstrate the skills and knowledge learned at the Police Academy (or from previous police experience), and receive training from an FTO. The Field Training Program administration staff controls all student officers concerning assignments and record keeping. In Phase III, the student officers work independently under the supervision of a patrol sergeant. The sector sergeant has primary control and responsibility over assigned probationary officers, including training and evaluation.

<sup>62</sup> The Monitoring Team extended an open invitation to all on and off-duty FTOs and field training sergeants to attend this meeting.



recommend student officers for remedial training or termination. This has not always been the case in previous SPD administrations, and represents an improvement by the Department.

In addition, the Monitoring Team examined the needs of the Training Unit and the process by which FTOs are identified, selected, and trained. Part of this endeavor included interviewing the training lieutenant who supervises these operations.

The Department reports an annual need of approximately 100 new FTOs each year, which means 100 to 120 new officers need to be recruited and trained annually for this role. Some attrition is expected from the FTO ranks, because these officers tend to be strong performers who receive promotions, assume new responsibilities, or transfer to more proactive units. To account for attrition and maintain the needed numbers, the SPD is assembling two FTO training classes per year, one in the spring and another in the fall. Once dates are selected for those classes, the Department alerts the rank-and-file through email, bulletin boards, and by word of mouth.

Applicants for the FTO position are expected to have at least three years of experience as a non-probationary officer, and a good working knowledge of the relevant Department procedures and policies. Successful FTOs also possess superior communication skills, ability to use the Department's computer systems, and desire to be effective teachers. They are expected to be strong leaders and shrewd evaluators, who have clean performance records and endorsements from their superiors.

Interested officers complete the FTO application, which solicits information about the applicant's previous law enforcement teaching experience; current assignment; current and previous supervisors; prior applications or service as an FTO; relevant training courses; commendations; a statement of interest in the position; and references and endorsements from the Department, including the applicant's chain of command. A negative recommendation from the applicant's chain of command is disqualifying.

Subsequently, FTO staff members are asked to provide comments on an applicant, and OPA reviews the applicant's performance history. The FTO application is then submitted for review by the FTO sergeant and lieutenant, the education and training section captain, the OPA director, SPD's human resources and legal departments, the bureau chief, and the Chief of Police. Ultimately, the training lieutenant and bureau chief review the final list of candidates and make their selections. Accepted applicants and their supervisors are then notified. Similarly, denied applicants and their supervisors are notified, and these applicants receive feedback on the reasons for denial of their FTO applications.

In the Monitor's view, this selection process is exhaustive and exceeds most such processes in other police departments, in terms of determining the suitability and qualifications of the FTO candidates. The rigor and scrutiny of the FTO selection process is commendable.

As a recommendation to SPD, the Monitor believes adding automatic disqualifiers for certain conduct and force policy violations would be valuable. There should be a defined period of time from when policy violations are sustained against an employee, during which the employee is not allowed to participate in the FTO selection process. Such addition lends greater structure to this selection process and memorializes the need for careful

scrutiny of FTO candidates. The “defined period of time” is not meant to permanently exclude any officer from becoming an FTO. Officers should have an opportunity to recover from mistakes, contribute to the success of the SPD, and succeed in their careers, even if their performance records include policy violations for which they were disciplined.

The focus group raised other topics of concern: the FTO program’s rapid and significant expansion. Currently, there are 72 FTOs, which will increase to over 100 in due course. In the Monitor’s view, there is no question that the number of FTOs needs to increase. But based on the current pool of potential applicants, all of the position requirements may not be met by enough of them to fill the FTO vacancies needed to effectively train student officers at the current rate of expansion of the SPD overall sworn numbers. The Monitoring Team shares this concern and cautions the temptation to change standards, including on the job experience, for this critical and currently high functioning unit.

## B. Survey Findings from Officers on Their FTOs

In addition, the Monitoring Team surveyed ten officers on their experiences with their FTOs. We report here their responses, but note that we lack data regarding the perceptions of those same officers, or others, with respect to Field Training Sergeants. The Monitor will be looking for the Department to report on these perceptions going forward.

Eight of the ten surveyed officers reported that most of their time with FTOs was devoted to training, and two officers stated their time with FTOs was mostly spent on evaluation. Every officer interviewed said his or her FTO provided feedback “always” or “most always” at the completion of each call.

Overall, those surveyed stated their FTOs were honest and fair in evaluating them. Typical was this officer response: “[FTO] was honest in his concerns of my tactics and procedures on contacts in the field. [FTO] explained his reasoning for the ratings I received and allowed me to voice any concerns, if I had any.” Another officer said, “[FTO] was very straightforward with his expectations. I believe his ratings were fair and challenged me to improve.”

Bolstering that conclusion, 86 percent of officers surveyed said their FTOs used the Standardized Evaluation Guidelines, which, as the name implies, are intended to introduce department-wide standards into the evaluation system.

A small minority complained about certain aspects of their evaluations. According to one officer, his FTO “would ask me hypothetical questions, and if I didn’t know the answer, I was graded down. I don’t feel students should be graded on the hypothetical but rather just discuss it.”

Asked to describe the skills and strengths of their FTOs, officers enthusiastically offered compliments. Officers overwhelmingly said their FTOs understand the training materials and are good guides for interpreting policy and applying it to their work. “He was very good at explaining policy for certain calls or situations to me,” said one officer, voicing the views of many, “and he always made sure to ensure I knew where to find the policies.” Another went so far as to praise his FTO for pushing him: “[FTO] has a vast knowledge of SPD policy and case

law. He would show me websites to obtain the latest case law, which he reads regularly. He would quiz me occasionally as we [went] to calls that refer to case law.”

Support for FTOs showed in responses to questions throughout the administered survey. Eighty-two percent said they would welcome their FTO as a squad mate. As one officer noted, “[FTO] is a proactive officer, which would make a great car partner and squad mate.” Those sentiments were widely echoed.

On a seven-point scale, 86 percent rated their FTOs as a six or seven (categorized as “superior”), compared to 11 percent who rated their FTOs as a four or five (categorized as “adequate”), and 4 percent who rated them a three (categorized as “inadequate”). No officer gave his or her FTO a rating of one or two (also categorized as “inadequate”). All officers interviewed said their FTOs displayed a motivation and interest in their training.

Asked to provide ideas for improving the FTO program, most officers said they were satisfied with it as is. As one officer among many noted, “I did not observe any room for improvement.” Others offered a number of suggestions. There were several complaints about paperwork – both in volume and confusion – as well as some who felt constrained by their FTOs.

- “[FTO] seemed to wait to see what I would do, rather than show how interactions should go at first. I felt that before I had a chance to see how calls were handled, I was expected to know what to do.”
- “I think my FTO could have been more proactive. He was into the job but wasn’t as excited as me.”
- “I think that [FTO] ... could be less critical in the way he evaluates students, especially laterals. It’s a learning process.”
- “He grades on things not discussed in the FTO guide and takes a very long time to write his evaluations.”

All systems require improvement, and these officers provide constructive suggestions for upgrading this one. Nevertheless, the results of these interviews suggest that the Department’s FTOs are commanding respect and performing their duties with clarity and resolve.

## Monitoring Team Staff

**Merrick Bobb**  
Monitor

**Matthew Barge**  
Deputy Director

**Peter Ehrlichman**  
Deputy Monitor

**Ronald Ward**  
Assistant Monitor

**Chief Hassan Aden (ret.)**  
Senior Police Expert

**Brian Center**  
Senior Consultant

**Julio Thompson**  
**Marnie Carlin MacDiarmid**  
**Karlene Goller**  
**Andrea Yang**  
Esq.

**Joseph Doherty**  
**Ellen Scrivner**  
Ph.D.

**Jeffrey Yamson**  
**Luis Perez**  
Executive Assistants

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused to be served the foregoing on the following counsel of record by the method indicated:

J. Michael Diaz	<a href="mailto:michael.diaz@usdoj.gov">michael.diaz@usdoj.gov</a>
Kerry Jane Keefe	<a href="mailto:kerry.keefe@usdoj.gov">kerry.keefe@usdoj.gov</a>
Rebecca Shapiro Cohen	<a href="mailto:rebecca.cohen@usdoj.gov">rebecca.cohen@usdoj.gov</a>
Puneet Cheema	<a href="mailto:puneet.cheema2@usdoj.gov">puneet.cheema2@usdoj.gov</a>
Timothy D. Mygatt	<a href="mailto:timothy.mygatt@usdoj.gov">timothy.mygatt@usdoj.gov</a>
Christina Fogg	<a href="mailto:christina.fogg@usdoj.gov">christina.fogg@usdoj.gov</a>
Annette L. Hayes	<a href="mailto:annette.hayes@usdoj.gov">annette.hayes@usdoj.gov</a>
Peter Samuel Holmes	<a href="mailto:peter.holmes@seattle.gov">peter.holmes@seattle.gov</a>
Michael K. Ryan	<a href="mailto:michael.ryan@seattle.gov">michael.ryan@seattle.gov</a>
Andrew Thomas Myerberg	<a href="mailto:andrew.myerberg@seattle.gov">andrew.myerberg@seattle.gov</a>
Brian G. Maxey	<a href="mailto:brian.maxey@seattle.gov">brian.maxey@seattle.gov</a>
Gregory C. Narver	<a href="mailto:gregory.narver@seattle.gov">gregory.narver@seattle.gov</a>
John B. Schochet	<a href="mailto:john.schochet@seattle.gov">john.schochet@seattle.gov</a>
Rebecca Boatright	<a href="mailto:rebecca.boatright@seattle.gov">rebecca.boatright@seattle.gov</a>

- ☐ Via Messenger
- ☐ Via Facsimile
- ☐ Via U.S. Mail
- ☒ Via Electronic Mail
- ☐ Via ECF Notification

Dated this 31st day of December, 2016.

/s/ \_\_\_\_\_  
Matthew Barge