



Seattle

Police Department

May 4, 2022

Inspector General Lisa Judge
Office of the Inspector General

Re: SER Wave 2 SPD Response

Dear Inspector General Judge:

As I did back in October 2021, following the release of recommendations emerging from Wave 1 of the Sentinel Event Review panel convened to examine incidents over the months-long protests during the Summer of 2020, I am writing to provide you and others with our initial responses to the recommendations emerging from Wave 2 of the SER. In my earlier letter, I expressed my appreciation for the thoroughness and integrity of the SER process; I remain both grateful for the continued work of the panel and impressed by, again, the depth of their review.

Before turning to the Wave 2 recommendations, I also want to update you on progress made regarding two initiatives I highlighted back in October. First, despite significant staffing challenges, including in the Training Section, we are in the final weeks of preparing to launch the pre-academy relational policing program for new recruits (now titled *SPD 360: Before the Badge*), in advance of an SPD-only class at the state academy in July. This program is made possible not only through the commitment of many within the department to ensure that our next generations of officers are provided with the community experience, department support, and mentorship by their more senior colleagues, but also because of the generosity of time and energy by many diverse partners within the community. I am grateful to all who have come together to drive this project forward.

Second, the “dialogue unit” that was in progress at the time of my earlier writing has now been implemented and stood up as POET – the Public Outreach and Engagement Team. Grounded in early partnerships with academic partners and colleagues in the United Kingdom and across Europe, POET has been an active presence before, during, and after numerous events this year, engaging with organizers and crowd members to offer support and build rapport with a goal of facilitating safety for all who wish to exercise their First Amendment rights. Thank you again for your early collaboration in this direction.

With that preface, I have provided below SPD’s responses to each of the Wave 2 recommendations. Please note that, as with our earlier responses to Wave 1, we understand that these are panel recommendations, not necessary OIG recommendations, and may not have been deconflicted with the positions of others in the accountability structure or socialized with others who feel differently with regard to recommendations that hinge on staffing and resources. Additionally, where several of these recommendations call for action by other departments of City government, SPD highlights those for broader City coordination.

Recommendation 1. SPD and City should coordinate and jointly create designated officers/staff in both SPD and the City who are responsible for engaging with residents and businesses affected by civil unrest or large-scale incidents causing similar disruption. (Emergency Community Communications Officers (ECCO)). (Subparts a-f of Recommendation 1 provide further detail as to the envisioned role of the ECCOs; because SPD supports this recommendation in full, SPD addresses all within its response below.)

- *Implemented in part, and as is within SPD's control, by way of the POET engagement described above, and which SPD will continue to build out to meet those recommendations provided in Recommendation(s) 1(a-f) that, again, are within SPD's purview. Please note that city-wide coordination is the responsibility of the Seattle Office of Emergency Management, which works through the Emergency Operations Center to direct resource needs across departments during large-scale events or emergencies. (AlertSeattle, which is managed by OEM, is one tool currently in use to communicate with residents at large during such incidents.)*

Recommendation 2. When an emergency creates a public safety need that limits access to buildings, SPD should create a standard, unbiased procedure for ensuring maximum access for building residents and guests.

- *SPD is committed to ensuring that any limitation on access to buildings based upon public safety needs is as narrow as is it responsibly can be based upon staffing, resources, and public safety needs under circumstances then present. One role of the POET is also to assist as it can in such situations.*

Recommendation 3. SPD should coordinate more effectively with the City of Seattle and relevant agencies to ensure the continued provision of city services (e.g., power, water, waste management, etc.) throughout periods of emergency, including civil unrest.

- *Coordination of City services during emergencies is the specific purview of the OEM, which operates the EOC, which was activated during the events of 2020 and responsible for coordinating the continued provision of city services. OEM should be engaged in any additional discussion in this area.*

Recommendation 4. Given the highly indiscriminate nature of CS gas, SPD and City Council should restrict use of this weapon to full-scale riot situations involving violence. SPD should also consider prohibiting the use of weapons such as CS solely in defense of property.

- *SPD acknowledges the concerns around the use of CS gas and has modified its already restrictive crowd management policy to implement additional controls around the authorization for its use. These policy revisions were approved by the federal court in February 2021. Subsequent to those revisions, state law was amended to provide that CS may only be used in the context of crowd control when necessary to quell a riot and only upon the authorization by the highest elected official in the jurisdiction. Revisions to that effect (and revisions implementing POET) are incorporated into a current working draft of a future iteration of the crowd management and use of force policies.*

Recommendation 5. In keeping with SPD's commissioned report after May Day 2015, SPD leadership, including the Chief, should be fluent in all SPD rules of engagement and understand specific "if/then" scenarios contained in the rules.

- *Rules of engagement, generally, are rooted in policy, which all members of the department are required to be aware of and act in accordance with, and, more granularly, specific to the circumstances of the event for which they are prepared. All sworn members of the department are provided with and are expected to know the rules of engagement for the events they are required to work. In particular, SPD's revised policies include a matrix that defines the appropriate options under specific circumstances to help guide consistent decision-making.*

Recommendation 6. As set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD and the City should "[p]rovide public education concerning crowd dispersal policies, procedures and overall SPD crowd management tactics." These materials should be easily accessible and provide information that can assist residents and bystanders who may be affected by nearby deployments of crowd dispersal devices (e.g., CS gas, OC spray, or "blast balls").

- *SPD's policies around crowd management and use of force, including the use of less lethal tools that may be used for crowd control situations, are online and available for public review. SPD agrees that it would be of community benefit to have broader information regarding SPD tactics and means to mitigate any impact of these tools. SPD believes this would be a ripe area for collaboration between SPD, the OIG, and the Community Police Commission. Additionally, SPD's adoption of Long-Range Acoustical Devices (LRADs) should help in-the-field notifications and warnings that are part of SPD's dispersal orders. While this is not before-the-fact education, it will provide clarity to those on scene about what is happening and what options they have to avoid exposure (see also 11 below).*

Recommendation 7. Acoustic and light devices used during extended SPD operations should be placed in ways that minimize their impact on neighborhood residents.

- *SPD agrees in principle, as public safety interests allow.*

Recommendation 8. Firearms with telescoping capabilities should not be used for surveillance when lethal force is not authorized, even if the firearm is disabled.

- *SPD understands the panel's concern reflected in this recommendation. SPD intends to seek equipment that better positions SPD to identify and monitor criminal behavior from a safe distance, without the risk of escalation that comes with positioning officers closer to the crowd.*

Recommendation 9. SPD should conduct a public education campaign alerting the public to the specific harm that lasers can cause when shined into the eyes of others, and to the state laws surrounding their usage.

- *SPD is open to discussing this recommendation, particularly to the extent the OIG and CPC are interested in engaging in any such education. This is a very real concern to officers, who were repeatedly subjected to lasers during the summer of 2020. That said, we also believe that many of the individuals who choose to shine lasers at others are or should be familiar from widespread media reports with the risk (particularly in the context of federal law around the lasering of aircraft) and may use lasers specifically to bring about such harm. In fact, SPD submits that the risk of harm is precisely why this tool was used.*

Recommendation 10. SPD should develop a public education program regarding tactics when arresting someone. The program should include education about the number of officers used to conduct the arrest, the rationale for arrest procedures and an openness to discussion with community about ways to improve these tactics.

- *SPD has engaged in such presentations in the past with members of the CPC and OIG and found them to be productive. SPD is open to continued partnership in this area.*

Recommendation 11. SPD should research and enhance policy requirements for increased communication with crowds, especially during large or stationary protests, to manage expectations and provide greater credibility for police action.

- *Implemented and ongoing. In addition to the POET and policy revisions around enhanced communication, SPD purchased, and has been using as necessary, a long-range acoustical device (LRAD), modified for use as a loudspeaker only, to ensure clear and audible communication during such events. The device has proven effective in this regard.*

Recommendation 12. SPD should provide safety eyewear and noise protection equipment to protect officers from lasers and sound devices that may be deployed in a protest/demonstration setting.

- *While officers are provided with protective eye- and ear-wear, SPD's safety officer is currently reviewing available options for enhanced protection.*

Recommendation 13. SPD should embrace and maintain principles of procedural justice in all of its communications and tactics relative to the facilitation of crowd events.

- *This recommendation is at the heart of SPD's revised crowd management policies, as approved by the federal court in 2021 (specifically with respect to the Crowd Management, Intervention, and Control Matrix), and underlies the establishment of the POET and continued work to grow that program. SPD continues to review the significant volume of research following the events of 2020, nationwide, to identify additional ways to incorporate procedural and organizational justice principles throughout facilitation of crowd events.*

Recommendation 14. SPD officers should eliminate their use of sarcasm or confrontational dialogue with protesters in accordance with 5.001 - Standards and Duties Sec. 10. While the SPD section in question states that "employees will strive to be professional," (emphasis added), SPD should strike "strive to" from the policy and require professionalism.

- *SPD expects all employees to act with professionalism and respect and employees are subject to discipline for failing to adhere to this policy requirement. Several policies within Title 5 (including 5.001) are currently under review, and this recommendation will be considered. However, while agreeing in principle, officers who are exhausted, overwhelmed, and under constant verbal and physical assault will make mistakes – it is incumbent on the department to manage officer exposure to support them in their professionalism (see also 16 below).*

Recommendation 15. Wherever practicable, officers should inform non-compliant persons of their intention to physically touch/move them when necessary to achieve a public safety goal prior to initiating the physical contact.

- *This recommendation aligns with principles of procedural justice as incorporated in Manual Section 8.000 – Use of Force Core Principles. Title 8 in full is currently under annual review and SPD will consider this recommendation. SPD also appreciates the "whenever practicable" language, as this goal is often not possible under the circumstances.*

Recommendation 16. SPD should pursue opportunities for officers to express their tensions and frustrations in an appropriate setting and provide guidance on productive ways to channel those emotions to help avoid scenarios in which officers use sarcasm, obscenities, or other displays of disrespect to community members.

- *SPD appreciates the panel’s understanding of the significant levels of stress under which officers were required to work during these events. One of the core recommendations that has emerged from after-action reports nationwide focuses on wellness services for officers. As SPD works to build up its Wellness Unit to be on par with similarly situated agencies and align with best practices, SPD hopes for continued support from the OIG, OPA, and the CPC, and for support from other city stakeholders.*

Recommendation 17. During protests, SPD should ensure that protesters are protected from vehicular traffic and ensure a constant ability to visually monitor those barriers.

- *SPD regularly works with organizers of permitted protests, during the permitting process, to identify routes and necessary resources to facilitate the safety of both protestors and the traveling public, Unpermitted protests, however, pose significant challenges in that respect. While SPD’s tactics are based upon reasonable time, place, and manner considerations with the aim of promoting public safety, if there are best practices in this area that are not yet incorporated into SPD policy or training, SPD would welcome the OIG’s assistance in this area. This issue also raises tactical complexities - “holding a line” and “moving a crowd” are the two actions that generate the most controversy and yet are the tactics required to prevent protesters from accessing the freeway or encountering traffic (see also 20 below). T*

Recommendation 18. SPD should strive to ensure it has visibility to all parts of a crowd during a protest event or demonstration to ensure the real-time ability to prevent or minimize a mass casualty incident. This may include appropriate rooftop access (with proper consent), or other solutions developed with community input.

- *While recognizing as well conflicting recommendations towards minimizing the SPD footprint at such events, SPD will consider this recommendation as part of its policy and training reviews.*

Recommendation 19. To reduce perceptions of racial bias in SPD actions, SPD should incorporate the scenario of a white man shooting a Black protester, then walking unchallenged through a police barricade and surrendering to SPD officers into antiracism training for reflection and discussion by SPD officers to encourage equal treatment.

- *SPD will consider this recommendation in conjunction with annual training reviews.*

Recommendation 20. Particularly when police are the subject of a protest, SPD should avoid the creation of immovable lines of officers at demonstrations and ensure that the crowd can move in directions it wants without undue danger from cars or other risks.

- *This recommendation has been addressed in the policy revisions that were approved by the federal court in February 2021. SPD notes, however, that Recommendation 17 seems to urge the use of barriers; that street closures need to be coordinated by SDOT (through OEM); and that SPD’s options for mitigating the inherent risks of conflict with other road users when crowds are able to move in any direction they wish are limited by resources and staffing.*

Recommendation 21. As set forth in OIG’s Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD should review and, if necessary, modify policy language for all less

lethal weapons to ensure the policy has consistent warning requirements prior to the use of any less lethal weapon.

- *This recommendation was previously implemented in revisions to the Crowd Management and Use of Force policies that were approved by the federal court in February 2021.*

Recommendation 22. As set forth in OIG’s Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD should research and enhance policy requirements for increased communication with crowds, especially during large or stationary protests, to manage expectations and provide greater credibility for police action. SPD should prioritize “normative compliance,” that is, crowd agreement with SPD requests due to their legitimacy, over “instrumental compliance,” or the use of tools (e.g., less lethal weapons) to force compliance.

- *Implemented, through both the use of the LRAD (incorporated into court-approved policy revisions in February 2021) and the POET, which was stood up in 2021 and will be reflected in 2022 policy revisions.*

Recommendation 23. SPD should use deployments of blast balls during the 2020 protest response as case studies when training new officers on blast ball use in high pressure scenarios.

- *Implemented; 2022 revisions to crowd management training include lessons learned from blast ball deployments of 2020.*

Recommendation 24. SPD and SFD should attempt to coordinate with civilian medics participating in crowd events prior to the protests and establish a plan for care of injured or incapacitated persons during the event. In situations where coordination before an event is not possible, SPD and SFD should ensure civilian medics within crowd events have an established and continuous communication method with SPD and SFD to coordinate the efficient and safe removal of anyone who has been injured or incapacitated during a protest or crowd event.

- *SPD supports this recommendation; to the extent safe and feasible, this is a role that POET officers will be available to serve.*

Recommendation 25. SPD should review its policy and training for using less-lethal munitions in crowd management situations, including the use of less-lethal munitions by mutual aid agencies.

- *Implemented and continuing; this has been addressed in revisions to the crowd control and use of force policies that were approved by the federal court in 2021; additional revisions specific to state legislation have been implemented into 2022 training and into pending revisions to policy.*

Recommendation 26. Prior to planned demonstrations, SPD should coordinate with the City of Seattle and residents to remove barriers to visibility that might reduce safety to protesters during protest events, including, for example dumpsters.

- *See response to Recommendation 3. OEM is responsible for coordination of City services during protest events and should be included in discussions in this area.*

Again, thank you for the opportunity to review and response to these recommendations. We look forward to continued discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Z. Diaz", written over a light gray rectangular background.

Adrian Z. Diaz
Chief of Police