

# EXHIBIT A

(part 1 of 3)



***Search & Seizure***

***and***

***Bias Free Policing***

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## **Executive Summary**

Search & Seizure training in 2014 is designed to implement or operationalize the concepts established in the Voluntary Contacts and Terry Stops policy issued in early 2014 for all officers.

The planned training consists of four (4) hours of in-person Voluntary Contacts and Terry Stops training, covering the concepts established by policy. The purpose of these courses is to both meet the requirement to provide on-going annual training and to facilitate the integration of recently issued policies into the daily operations of the Seattle Police Department. Specifically, the training will focus on addressing the requirements of the Settlement Agreement relating to Voluntary Contacts and Terry Stops and the reporting of these contacts.

This Instructional Systems Design Model (ISDM) has been prepared based on the knowledge and experience gained from the development and implementation of Sergeant's Investigation of Force training, Use of Force Interim training, and the Phase I and Phase II Use of Force training. The involvement of personnel from the Education and Training Section in the Use of Force Review Board has highlighted the need for a more complete and robust training program in the area of Search and Seizure.

The Education and Training Section will develop and deliver the following training in order to implement the new Voluntary Contacts and Terry Stop policy, pursuant to the guidelines established in the Settlement Agreement.

## **Search and Seizure Training**

### **Phase 1-Interim Training:**

1. Chief's introduction of Voluntary Contacts and Terry Stops policy message
2. Reader Board Messaging
3. E-Learning Modules for all sworn personnel
4. E-learning Modules for all Supervisors



## Phase 2-Approved Training:

1. In-person training in conjunction with Bias-Free Policing training
2. Roll Call training
3. Reader Board content addressing lessons learned from the Use of Force Review Board (UOFRB)

## Phase 3-Ongoing Training:

1. E-learning modules, Training Tips, and roll call training delivered on an ongoing basis drawn from the following topics:
  - Legal updates on current case law and recent court decisions
  - Social Contact vs. Terry Stop vs. Custodial Arrest
  - Reasonable Suspicion vs. Probable Cause
  - Frisks vs. Searches
  - Interviews and Interrogations
  - First Amendment issues
  - Probable cause arrests vs. warrant arrests, and where they can be made
  - Order enforcement
  - Domestic violence arrests
  - Civil Infractions
  - Search Warrant procedures
2. In-person supervisor training addressing emerging issues and new concepts
3. Reader Board content addressing lessons learned from the Use of Force Review Board
4. Reality-Based Scenario training requiring officers to demonstrate their understanding and ability to implement key legal concepts

The Bias-Free Policing training in 2014 is designed to implement or operationalize the concepts established in the Bias-Free Policing Policy issued in early 2014 for all officers.

The planned training consists of 4 hours of in-person training covering the concepts established by policy, e-learning and reader board content for all officers. The purpose of this course is to both meet the requirement to provide on-going annual training and to facilitate the integration of recently issued policies into daily operations of the Seattle Police Department. Specifically, the training will focus on addressing the requirements of the Settlement Agreement relating to Bias- Free Policing and the reporting of complaints of biased policing.



## **Bias-Free Policing**

### **Phase 1-Interim Training:**

1. Chief's Video
2. Reader Board Messaging
3. E-Learning Modules for all sworn personnel
4. E-learning Modules for all Supervisors

### **Phase 2-Approved Training:**

1. In-person training pairing the topics of Voluntary Contacts and Terry Stops
2. Reader Board Content for Officers and Sergeants

### **Phase3-Training (2015):**

1. Bias-Free policing concepts will be integrated into scenario training along with other key concepts including de-escalation, LEED, and Crisis Intervention skills.



## Training Needs Assessment

The need to stay current on case law in the area of search and seizure is of critical importance to all officers on the Department. However, for a variety of reasons, it can at times be challenging for officers, sergeants or commanders to update themselves on case law. First, the law is dynamic and frequently changes. Such changes in the law often create ambiguity as to how to practically apply or operationalize new legal concepts. Additionally, due to the dynamic nature of case law, department policy and procedure may be in conflict with changes in case law, creating additional confusion as to the correct procedures for officers to follow. Lastly, requiring officers to update themselves on criminal procedure invites the possibility of officers operating under a myriad of individualized legal interpretations. Violations of established case law erode public confidence in the police, result in declines of criminal cases, and expose officers and the Department to the risk of civil litigation.

The Seattle Police Department, like most police agencies in Washington, has relied upon the industry standard of the Law Enforcement Digest (LED), published by the Washington State Criminal Justice Training Commission, and yearly legal updates as part of training to impart the key concepts and procedural changes in case law to students. Previously, Search & Seizure training was generally linked to Use of Force training and both were presented in the classroom in a lecture format. The combined course was two to four hours long and was generally conducted on an annual basis from 2000 to 2009. In 2010, the “best practices” day was replaced with the day-long “Perspectives on Profiling” course. In 2011, the “best practices” day was held in abeyance by the Chain of Command for further evaluation of training needs. Unfortunately, no training was given before the 2011 training year ended.

Past practices throughout the State of Washington have been either to utilize prosecutors to provide the legal update training or to use a police instructor to provide the training. Often, the police instructor had to form their own opinions about emerging case law, based upon reviews of existing publications and guidebooks. In 2012, the Seattle City Attorney’s Office and the King County Prosecutor’s office were utilized to review the sufficiency of the curriculum prior to implementation. One of the identified needs not addressed by training currently available in Washington State is supervisor-specific training in the area of Search and Seizure.

Prior to 2012, we determined from our review of use of force cases that the past approach of lecture-based training had not achieved the desired results in the application of new case law to operations. We knew from past training that the legal updates had been delivered, but based on our review of cases, it was apparent that consistent and accurate implementation was not consistent at the operational level.

In 2012 a multi-pronged approach to implementing legal updates into Operations was developed. First, key concepts in Use of Force and Search and Seizure training would be delivered via e-learning or during interactive classroom training. The interactive nature of the training would require officers to apply the concepts presented in classroom table-top



exercises. Additionally, key concepts in both Use of Force and Search & Seizure would be integrated into the practical training. Therefore, in 2012, we delivered four hours of training on Use of Force Decision Making in conjunction with Firearms training, including the use of the simulator. Search & Seizure training was delivered through several e-learning modules. Key concepts from recent case law were integrated into Emergency Vehicle Operators Course, (EVOC) training, using our standard protocol of concepts, skills/drills and scenario training.

During 2013, training on Search & Seizure was delivered via e-learning modules, as well as integrated into scenario and skill training.

Completed E-learning Search & Seizure training to date includes:

- Social Contacts
- Civil Infractions
- Terry Stops, General-Module 1
- Terry Stops, Persons-Module 2
- Terry Stops, Vehicle-Module 3

These e-learning modules have been successful in changing operations in certain areas, as evidenced by lessons learned from the Use of Force Review Board or from in class discussions during Sergeants Investigation of Force or Incident Screening and Use of Force Reporting training. For example, prior to the civil infractions module, the Use of Force Review Board was periodically reviewing cases resulting from suspects resisting frisks during a civil infraction stop or from obstructing arrests stemming out of a subject wanting to leave a civil infraction stop before the Washington Crime Information Center (WACIC) check returned. The issuance of the module and the subsequent conversations it created were successful in reducing use of force from this type of incident to nearly zero, as evidenced by the reduction in the number of cases of this type coming before the UFRB. Despite the success of these modules, they have not completely operationalized key legal concepts stemming from new case law into operations.

The Department is obligated to provide training that addresses the following issues under the Settlement Agreement in relation to *Terry* stops:

Report writing, so that officers are able to specifically and clearly articulate reasonable suspicion when they conduct investigatory stops or detentions, or conduct field interviews for *Terry* stops;

In-service training on an annual basis, based on developments in applicable law and SPD policy, sufficient to address the following topics:

- a) the importance of police/community contacts for effective policing and community relations and trust;





- b) Fourth Amendment and related law; SPD policies, and requirements in the Settlement Agreement regarding investigatory stops and detentions;
- c) First Amendment and related law in the context of the rights of individuals to verbally dispute officer conduct;
- d) legal distinctions between social contacts, non-custodial interviews, and investigatory *Terry* stops;
- e) distinctions between various police contacts according to the scope and level of police intrusion; and
- f) facts, circumstances, and best practices that should be considered in initiating, conducting, terminating, or expanding an investigatory stop or detention, including when an individual is free to leave, and when an officer should identify himself or herself during a contact.

Additionally, SPD will provide officers with regular roll call training regarding social contacts, non-custodial interviews, and investigatory stops and detentions.

Many of the report writing issues were addressed by the training done in the Incident Screening and Use of Force Reporting course. That course also reinforced the importance clear articulation of the legal basis for detentions and seizures. Additional training will cover documentation of stops and detentions; including utilization of the appropriate form to collect necessary information. Further training will also be offered in regards to the “completed misdemeanors” section of the policy.

The training program outlined in this ISDM is designed to ensure that officers, sergeants, and commanders have a clear understanding of concepts related to Search & Seizure case law. The training program will emphasize an understanding of case law regarding social contacts, Terry stops and custodial arrests. One of the keys to the success of this program will be the integration of search and seizure training into reality-based scenario training.

As discussed above, the department has spent considerable resources in the area of Bias Free policing over the last several years, including the delivery of the following:

1. Perspectives on Profiling
2. Race: The Power of an Illusion
3. Racial Equity Tool Kit training for supervisors
4. EEOC training for Supervisors.

With the changes in policy, training in 2014 will focus on operationalizing the concepts presented in these courses.



## Priorities

One of the responsibilities of the Education and Training Section is to train officers in the specific changes to policy mandated by the Settlement Agreement. Additionally, the Education and Training section is responsible for training officers on changes in criminal procedure based on evolving case law. These roles alone do not sufficiently describe the responsibility of the Section in providing in-service officer training. The true task is to operationalize the underlying philosophy of the Settlement Agreement and the policies resulting from the agreement in support of the cultural transformation of the Department. To meet these roles of training, the Education and Training Section will be creating a multi-phased approach to the Search & Seizure training in 2014 and moving forward.

### Search & Seizure

#### Phase 1-Interim Training:

1. Chief's introduction of Voluntary Contacts and Terry Stops policy message
2. Reader Board Messaging
3. E-Learning Modules for all sworn personnel
4. E-Learning Modules for all supervisors

The first phase, Interim Training, is aimed primarily at ensuring that all sworn personnel are knowledgeable about the new Voluntary Contacts and Terry Stop policy; primarily through the use of e-learning, and Reader Board content. Within the Interim tier we will begin to transform to job level specific training. Specifically, officers and sergeants have similar knowledge level requirements, but with different goals of application. Typically, an officer needs to know how to perform the new criminal procedures resulting from new case law or policy. Sergeants need to know how to recognize issues, address them, and report them. To a lesser extent than officers, Supervisors must also perform the new criminal procedures. Commander level training needs to focus on issue identification or on do-identify performance levels in regards to search and seizure issues stemming from case law. All sworn personnel need to understand new policies as they are issued and their ramifications on existing practices.

#### Phase 2-Approved Training:

1. In person training paired with Bias-Free Policing
2. In person supervisor training addressing emerging issues and new concepts
3. E-learning on relevant First Amendment Case Law
4. Roll Call training
5. Reader Board content addressing lessons learned from the Use of Force Review Board

In the second phase, we will provide all sworn personnel with a comprehensive training course on Voluntary Contacts and Terry Stops. This course will be trained as part of a day of training including Bias Free Policing in an A/B format. The second phase will also include a series of two



hour in-person supervisors' training course. Also during phase 2, we will issue roll call training periodically through-out 2014 and beyond to address emerging issues and new concepts.

### **Phase 3-Ongoing Training**

1. E-learning modules, Training Tips, and roll call training delivered on an ongoing basis drawn from the following topics:
  - Legal updates on current case law and recent court decisions
  - Social Contact vs. Terry Stop vs. Custodial Arrest
  - Reasonable Suspicion vs. Probable Cause
  - Frisks vs. Searches
  - Interviews and Interrogations
  - First Amendment issues
  - Probable cause arrests vs. warrant arrests, and where they can be made
  - Order enforcement
  - Domestic violence arrests
  - Civil Infractions
  - Search Warrant procedures
2. In-person supervisor training addressing emerging issues and new concepts
3. Reader Board content addressing lessons learned from the UFRB
4. Reality-Based Scenario training requiring officers to demonstrate their understanding of key legal concepts

In the third phase of the ongoing training, all sworn personnel will be provided with sustainment training on previously covered material, as well as training on new concepts established by evolving case law. In order to create the ongoing training, the Education and Training Section will re-institute the working group that worked together to devise the e-learning projects completed in 2012 and 2013. This work group was comprised of ETS personnel, members of the City Attorneys Office and the King County Prosecutors Office. Members of the Community Policing Committee (CPC) may also be included in the training development process.

### **Bias-Free Policing**

#### **Phase 1-Interim Training:**

1. Chief's Video
2. Reader Board Content
3. E-Learning Module for all sworn personnel
4. E-learning Module for all Supervisors



**Phase 2-Approved Training:**

1. In person training paired with Voluntary Contacts and Terry Stops
2. Reader Board Content for Officers and Sergeants

**Phase 3-Training (2015):**

1. Bias-Free policing concepts will be integrated into scenario training along with other key concepts including de-escalation, LEED and Crisis Intervention skills.



## Constraints

The training plan for 2014 is intended to provide training to all sworn personnel of the Seattle Police Department, regardless of rank. Training across all ranks ensures that all personnel understand the vision for the future of the Seattle Police Department. Uniformity of messaging speeds the buy-in of all personnel to department changes. The tenets of Procedural Justice are commonly presented as a relationship between law enforcers and the communities they serve, but the theories and relationships are every bit as relevant when applied inwardly toward the police organization and its members. The methods and teaching models utilized by the Education and Training Section are intentionally designed to encourage discussion and create understanding of policies, with the express intent of enhancing an understanding not only of the changes in policy, but also to create acceptance, adherence, and support. While exercising this paradigm, ETS personnel will also be modeling it. Since people with different positions or different organizational perspectives will participate, the Education and Training Section will adapt training; tailoring it to the responsibilities of various ranks and positions within the department.

The Education and Training Section is seeking uniform buy-in for organizational change within the department. Reinforcement of organizational change through training presents a significant impact to the operational needs of the Seattle Police Department. As discussed in the Use of Force ISDM, there are significant direct and indirect costs to providing training to every officer on the department. Use of instructors and role players from outside the Education and Training Section creates a significant cost in overtime. Budget concerns must be proactively addressed before training is commenced. In order to control costs, the proposed training is designed to be conducted with minimal use of adjunct instructors, while still allowing for the delivery of meaningful training.

Traditional training related to Search & Seizure has failed to adequately address the complicated issues involved. Specifically, class room training delivered in a traditional lecture format has failed to provide officers with adequate opportunity to apply concepts in a reality-based training environment, making it difficult to assess officers' understanding of the material or ensure proper application of the concepts.

The direct impact of training on Operations is significant. Each hour of training that a patrol officer spends in training is another hour away from regular duties. Removing a substantial number of officers from normal duty assignments to attend training has a potential impact on public safety operations. In past years, the Seattle Police Department has regularly removed up to 40-50 officers per day to attend training. This attendance represents removing approximately 5% of sworn officers per day over a given training cycle. As a raw number, removing 5% of officers to attend training is possible; however, unless carefully managed, this can have a disproportionate impact on Operations. Removing 50 officers exclusively from Patrol would have a significant effect on patrol officer staffing levels. With an average of 60% of officers working on a particular day, removal of 50 officers from Operations would represent a



reduction of between 17-20% of officers available to respond to emergency 911 calls. Seattle Police Department relief-staffing accounts for common rates of absenteeism as a consequence of illness, discretionary time-off, and a typical training demand of 32 hours of “out-of-service” training per officer per year. Traditionally, the Seattle Police Department avoids training Operations personnel during the summer months, as these months are heavily-laden with special community events and officer vacations. At present, the active and proposed training schedule combined anticipate that each officer and supervisor will be required to attend a total of 48 and 64 hours of training, respectively. This is in addition to any E-learning or other in-service training, such as BlueTeam or ICV, that personnel will be required to complete in 2014. These impacts are manageable, but only through careful management of course scheduling, attendance rates, curriculum implementation, and Operations-managed back-fill of Patrol resources. Whether this approach is advisable from the greater public-safety or financial perspectives is beyond the purview of the Education and Training Section, but it must be considered.

In order to manage these potential indirect impacts, the Education and Training Section will implement several strategies to mitigate impacts. ETS will take steps to ensure classes are scheduled in a manner to cover a wide range of days of week and times of day, while still avoiding offering training on Friday and Saturday. This will provide maximum opportunity for officers to attend training, while minimizing the impact on Operations on days with traditionally high demands for police services.

Facilities and other logistical issues are manageable, though the availability of classroom space and training areas becomes increasingly restricted as the training year progresses and additional training is added. Parking in and around Park 90-5 remains very difficult and does have an impact on the efficiency of training. To address the parking concerns, classes will be scheduled with start times that will provide more opportunity for students to find parking. Additionally, the in-person training will not begin until after the completion of Use of Force Phase 2B is completed.



## Program Goals

The Education and Training Section's overall goal is to provide the officers of the Seattle Police Department with the concepts, skills, and decision-making capabilities required to operate effectively, legally, and ethically when serving their community. An essential part of attaining this goal is assisting officers with understanding how changes to policy and procedure and evolving case law impact their daily operations within the Seattle Police Department.

The Education and Training Sections specific goals for Search & Seizure are as follows:

- I. All sworn officers will be able to demonstrate an understanding of key legal concepts and apply them to scenarios relevant to their assignment and rank.
- II. All sworn officers will be able to demonstrate an understanding of the Voluntary Contacts and Terry Stop policy and apply it to scenarios relevant to their rank and assignment.
- III. All sworn personnel will be able to demonstrate they understand and can apply the new policies, including necessary reporting of an incident.
- IV. All sworn personnel will complete training on stops and detentions and Bias-free policing in the 2014-2015 time-frame

All training will be completed to the satisfaction of an Education and Training Section subject matter expert.

Officers must meet the performance criteria defined by the Seattle Police Department and implemented by the Education and Training Section. Officers attending training will be evaluated for acceptable performance. Failure to meet the training standard will result in remediation. Officers will receive immediate additional instruction and opportunity to successfully complete the training. Failure to meet the required level of performance, after remediation, will result in an officer's referral to the Education and Training Section for additional training. Continued failure to meet the minimum standard will result in referral of the officer to the chain of command for review.



## Learner Characteristics

The students participating in training in 2014 are required by policy to attend. It is intended that the Education and Training Section will train all of the approximately 1,300 sworn officers on the department, including all service ranks and classifications. The learner characteristics of the students in this course are based upon their individual background, education, training, and experience. All of these variables result in a diverse student population.

Most of the officers attending will have participated in prior versions of Street Skills to some degree, are familiar with the training process and have a basic understanding of tactics, policy, and procedures. The students are adult learners and will seek training that relates to their perceived needs, that is timely and appropriate, and that is beneficial to them.

The 2014 training plan represents a strong affirmative step toward the cultural transformation of the entire organization. Training materials and topics are designed to encourage buy-in by all officers to new procedures and create acceptance of new transformative policies. The Seattle Police Department is an agency with a long history. As a consequence, like many large organizations it is not always readily adaptable to sudden changes in operational direction. In order to overcome this inertia, it is important that the messaging of change to the department impacts everyone equally, regardless of rank. Training is one of the very few means of impacting all personnel in a short period of time and doing so with a consistent message.

Concepts, skills/drills and practical application of training will be adjusted by rank as follows:

<b>Student Officer</b>	Training will focus on concepts, skills/drills and scenario training with an eye toward functional application of tactics, policies and procedures necessary to become a functional Seattle Patrol Officer. These students are typically highly motivated and easier to teach from the standpoint of achieving buy-in from why we are doing something.
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The motivation level for in-service students represents a broad spectrum. Considerable effort will be spent during the design phase of training building relevant, realistic and functional training in order to increase acceptance for the need to change from past practices. Additionally each course will spend considerable time during the introduction phase to develop trust and acceptance of the need for the training. The consistent message to all learners regardless of rank or job classification will be that they are respected as professionals. Training will be presented as an opportunity to develop and improve in all facets, while also learning and adapting to cultural changes occurring within the organization. While all students participating in training will be absorbing the lessons of the published curriculum, they will just as certainly be observing and practicing the integrated application of the LEED model and good police officer and leadership practices.





- Officer/Detective** Training will focus on concepts, skills/drills and scenario training with an eye toward functional application of tactics, policies and procedures. Experiential training, dialogues, and de-briefs will be emphasized to build understanding, trust, and commitment.
- Sergeant** Supervisors must understand the concepts, skills and tactics used by their officers in the field. It is also essential that they recognize conduct that is consistent with best practices. If performance is not consistent with training then a sergeant must understand how and what must be remediated. Sergeants will receive functional training in skills related to their duties and responsibilities, including the crucial aspect of recognizing and correcting problems.
- Lieutenant** It is essential that command officers understand officer and sergeant skills and tactics. They must also be able to recognize their role and operate as an incident commander. Lieutenants will receive both functional training in skills related to their specific duties and responsibilities, including that related to oversight and the identification and correction of problems that were not, or could not , be handled by the sergeant.
- Captains/Chief** It is essential that command officers understand officer, sergeant and lieutenants skills and tactics. They must also be able to recognize their role and operate as an incident commander or event commander. They will receive functional training in skills related to their duties and responsibilities and have the opportunity to apply the trained skills as appropriate for their level of command. Additionally, Chiefs and Captains will receive training on how to identify and correct problems that were not, or could not, be addressed by their subordinates.

## **Task Lists**

Task lists were prepared separately for each of the training blocks. These are incorporated within the included lesson plans. Each program's training block is unique and requires separate task lists.

## **The Program's Training Method**

### **Historical Perspective:**

The format, content and priorities of officer training within the Seattle Police Department have evolved significantly over the last twenty-five years. In the late 1980's and early 1990's, officer



training was intermittent, inconsistent and often reactive. With rare exception, there was no ongoing or refresher training. Most instruction was specifically skill-oriented, such as state-required Blood Alcohol Content (B.A.C.) refresher training or O.C. certification training. During this time, very few resources were dedicated to training and most of the training staff was assigned to operate the Seattle Police Department range.

In 1999, the Columbine High School mass shooting event identified a need for advanced tactical training for officers. As a result, the Seattle Police Department dedicated significant resources to provide active shooter training for all officers. Active shooter training was the first time the department provided uniform tactical training across the entire organization. The complexity of the training and the need for ongoing refresher training called into question the prior approach used to develop officer skills. Lack of consistent training resulted in a request by the Seattle Police Department Guild to provide ongoing annual officer training. The Guild and City contractually agreed to provide 32 hours of annual training. This contractual agreement transformed the department's approach to maintaining and developing officer skills. The Advanced Training Unit (Education and Training Section) was formed, and officers were assigned to it on a permanent basis. Consistent with the Seattle Police Officers Guild Contract, the State of Washington also requires a minimum number of hours be dedicated for officer in service training as stated in the Washington Administrative Code, 139-05-300. (24 hours per year)

### **Core Training:**

The 32 hours of annual officer training was broken into four eight-hour sessions. During the early years, officers would attend four consecutive days of instruction. Later, officers had an opportunity to schedule training sessions throughout the year, provided they completed the required courses.

Working from the contractual agreement, the Advanced Training Unit (Education and Training Section) identified the following primary blocks of instruction:

- Best Practices, including legal update training
- Emergency Vehicle Operation
- Defensive Tactics
- Tactics
- Firearms
- High Risk Vehicle Stops/Vehicle Tactics
- First Aid
- Less-Lethal Devices



The primary areas of instruction have been adjusted over the years, with certain areas receiving additional emphasis during a particular training cycle. Although emphasis on particular categories has changed, the above areas remain identified as our core training concepts.

### **Identification of Training Priorities**

Selection and identification of training topics within our core concepts is guided by the prioritization of required skills to operate effectively as a police officer. With limited training time and finite resources, the Seattle Police Department must critically evaluate training to ensure it provides the greatest impact across the broadest spectrum of situations. Department priorities are life-safety for citizens and officers, stabilization of incidents, and ensuring public trust in the police. The implementation of these priorities by the Education and Training Section has been heavily impacted by the risk analysis prioritization of training put forward by Gordon Graham, of Graham Research Consultants, as detailed in the following breakdown of job tasks:

High Risk Low Frequency	High Risk High Frequency
Low Risk Low Frequency	Low Risk High Frequency

High-risk, high-frequency events require priority training attention, are a core training mission of law enforcement and should be simulated for effective police training. High-risk, low-frequency events also require priority attention as they constitute the next most significant training area. High-risk, low-frequency events should be simulated for effective training as they are also the events most prone to costly errors. The third tier of training priorities is low-risk, high-frequency events. These are routine actions that officers spend the most time on during work and during which potential risks can be overlooked. Because this area of skills is the most often encountered it can lead to complacency. Low-risk, low-frequency tasks are the lowest training priority, often having little or no time dedicated to them in skills training. The prioritization of training topics requires constant analysis of demonstrated performance to identify gaps in trained responses to events.

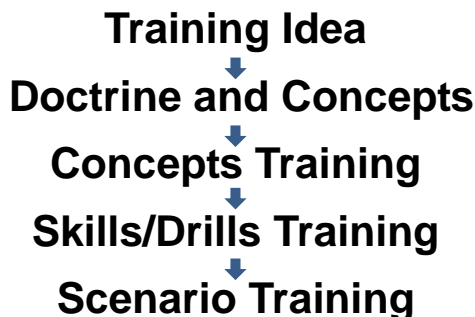
### **Training Development**

The Seattle Police Department Education and Training Section model for realistic training is to develop a training idea, identify how it integrates into official Departmental Policies and



Procedures, instruct on the overriding concepts of the training, train the required skills and conclude with an integrated scenario.

Training development can be viewed as the following progression:



A training idea can originate from recent events, be derived from critical analysis of current practices, result from the evolution of procedures, be created from feedback of skilled instructors or come from a specific request of the chain of command or other interested parties. The training idea also can come from review of Seattle Police Department reported events or review of completed training by way of data point collection. Use of force reporting, injury reports, vehicle pursuit reports and collision reports are examples of data that can indicate the effectiveness of training or opportunities for additional training.

The “Training Idea” is a global view of a problem, which must be translated into a workable doctrine and concepts. The “Training Idea” is developed into specific curriculum and training necessary to employ core doctrines and concepts. Prior to initiating hands on or “practical” instruction, officers must become familiar with the concepts supporting particular skills or tasks. Once identified, the “Concept” is broken down into workable training components.

With the components of the training “Concept” noted, the Education and Training Section begins the process of identifying the skills required to accomplish the trained task. These “focused skills” are then “chunked” into workable, inter-related skills training blocks. Each block builds on the other to train all the desired skills needed to perform a training “Concept”. New skills and reinforcement of existing skills are drilled in a structured, repetitive manner to build familiarity and understanding of the desired results. Finally, scenario training is used to reinforce, in a realistic construct, how the trained skills are employed.

### **Conceptual Training Model**

The Education and Training Section of the Seattle Police Department trains officers to solve problems. Training problem-solving is most effective when students are engaged in addressing real-world issues. Training is further facilitated when existing there is existing knowledge which serves as a foundation for new concepts. It is important for a learner to attach significance to



the training, have the training build on previously trained skills, have the student apply the training, and integrate the training into reality.

Additionally, officers are also asked to solve two types of problems. In the field, officers are faced with analytical problems and time-pressured decision-making problems. Analytical problem solving is generally done in static or controlled environments. Officers have the time to identify the issue, collect information, decide the cause, identify possible solutions, select the best solution, and then implement their solution.

As time pressure increases, the officer, depending on their experience and training, will begin to transition from analytical problem solving to time-pressured decision making. The current standards for reviewing use of force decisions give officers an allowance for the fact that officers are compelled to make decisions about the amount of force that is appropriate in situations that are tense, uncertain and rapidly evolving. In other words, the current standards allow for the fact that officers will make time-pressured decisions. In situations that are often described as "tense, uncertain and rapidly evolving", an officer may be presented with ambiguous or incomplete information in a dynamic and constantly changing environment with unclear or changing goals. Under these difficult conditions, an officer is expected to make a timely and reasonable decision. The more these factors increase, the less analytical the approach is to solving the perceived problem. The key to making a decision in these situations is the ability of the officer to recognize the situation or need for force.

During time-pressured decisions, officers use mental models or schema to analyze the problem, find the solution and make a choice that resolves the perceived problem in the time allowed. The officers build mental models or "*schema*" through experience and training. Schema helps officers recognize and solve the problem. Use of mental models or "*schema*" allows officers to process perceived information very quickly, facilitating time-pressured decision making. Stated another way, mental models or schemas allow an officer to address a problem in the time available during a tense, uncertain and rapidly evolving event.

Police trainers use concepts including "threat assessment training", skills training and scenarios to develop appropriate schema to assist officers in recognizing the need for force and the appropriate force response. One key concept in law enforcement training has been to use models or continuums to assist officers in correlating suspect actions and officer reactions. However, as discussed above, a key component of building schema is experience. Therefore, it is unrealistic to believe that a novice or average officer will make the same decisions about what is appropriate as effectively and predictably as a highly trained and very experienced officer would make.

It is essential that training curriculum and methodology assist officers in developing working models that support both analytical and time pressured decision making. Traditional training methods supported primarily the analytical decision-making model; for example, best practices



classes reviewed updates to law and policy as an academic exercise. Carryover to actual operations in a time-pressured environment is limited with this type of training due to the lack of schema or model development. Our current training model focuses on the development of the mental models or schema necessary to make time-pressured decisions that are consistent with the concepts established in policy. The training is carefully designed using an analytical approach in picking the concepts and skills necessary to implement the policies. The resulting schema developed in the training imprints “pictures” of when and how trained skills are applied. Realistic training provides the context for using trained skills. It is important to paint multiple pictures of an event to ensure an officer can assess the proper context for a skill across the broadest spectrum of potential events. For example, training should teach not only the application of force, but also the related concept of de-escalation of force. The officer is then be left with the mental model of when and when not to use a trained skill.



## **Training Methodology**

The Seattle Police Department Education and Training Section trains officers using the following methods:

1. Online e-Learning and Reader Board
2. In-person classroom facilitation
3. Hands-on Skill/Drill Training
4. Reality-Based Scenario Training

Online e-Learning is largely used to train concepts and to form the foundation for building the correct schema for use in a time pressured environment. It is often used as a pre-load to planned training, beginning the indoctrination of students in the concepts supporting the curriculum. It is relatively short in duration and is intended to be conducted on duty with a minimum of impact on patrol operations. The effectiveness of online e-Learning can be measured; however, student interactivity is limited. Reader Board content is an even shorter presentation of the key concepts and their application to real world events and is done primarily to reinforce schema built during in-person or online training.

In-person classroom instruction can be productive and efficient. It is cost-effective when compared to other forms of training, due to the low instructor-to-student ratio. However, classroom instruction is also one of the most difficult methods with which to effectively train officers. Lecturing without interactivity is training of limited value. The Education and Training Section operates under the tenet that it is essential to make the material relevant to the student and to use a facilitation method of instruction that strongly encourages student engagement. Classroom training is designed to present concepts in a way that students can apply to a real event. For example, the instructor may present a scenario using video and ask the students to identify how the training would apply to the problem. These "Do-ID" exercises are interactive discussions directing students to identify a potential problem and then asking them how the previously trained concepts would apply to resolve that problem. The Education and Training Section has developed a general model for classroom instruction of concepts; 10-20 minutes is used for presenting concepts and related material, 20-40 minutes is used for a practical application of the concepts, such as a "Do-ID" exercise. The final portion is an experiential de-brief of the concepts and related exercises.

Skill and drill training uses the "tell, show, do" method of instruction to teach new skills and reinforce trained skills. The instructor explains a skill, demonstrates how to perform the skill and then has the student do the skill. Skill training is structured and done in a repetitive manner to build muscle and cognitive memory. The long-term goal is for these skills to become automatic, thus lessening the mental processing needed to employ a technique when making time-pressured decisions. Under the "Cognitive Load Theory", people have limits regarding what they can process at one time. Skills learned to automaticity lessen the impact on mental processing and speed time-pressured decision making.



Scenario training is the final step in the Education and Training Section's instructional process. Reality-based scenarios built from training concepts and shaped by skill instruction provide the mental "picture" for when certain skills should be used. Scenarios significantly improve the impact of training by providing a realistic context for the application of the skills by an officer. This form of training also gives officers an opportunity to demonstrate the skills and for instructors to evaluate/coach as necessary to ensure the desired application of the skill.

The use of reality-based scenarios integrates the training into the student's real-world view of how to solve a particular problem. It is essential that students walk away with the correct "picture" of when to use the proper technique. To ensure an officer has the correct picture, the Reflective Reinforcement method is used during scenario training. The students are briefed on relevant information and then put in to the scenario. The students then apply the trained concepts, in order to successfully resolve the scenario. If the instructor notes a deviation from the desired performance, the instructor "pauses" the scenario and redirects the student to the correct application of trained skills. The instructor ensures that each student finishes a scenario by performing the desired tasks through the correct application of the skills. Once the scenario is concluded, a narrative de-brief of the scenario is conducted. The student narrates the actions they took and the decisions they made from the start of the scenario to the finish. This gives students the benefit of an additional mental repetition of the training, which is highly effective at reinforcing the trained concepts.

Once a narrative de-brief is concluded an Education and Training Section subject matter expert will initiate a Q&A session covering Key Knowledge-Based Points for the training. Key Knowledge-Based Points are designed to ensure understanding of applicable law, policy, procedure, and highlight fair and equitable community interaction. An example of Key Knowledge Based Points might ask officers the following:

- 1) Did you have legal authority to be where the contact took place?
- 2) Did you have a lawful purpose for the contact?
- 3) Was the person free to leave or to refuse your requests? Were they seized?
- 4) Did the person understand the level of contact?
- 5) What is your reporting requirement, if any, under policy?
- 6) How should the incident be documented?
- 7) How would you conclude your contact with the subject?
- 8) Would your decision be uniformly applied in all communities?

Using the described Education and Training Section method of instruction a student learns how and when to apply a skill. The Key Knowledge Based Points build on these by compelling officers to clearly fit the trained skill into the appropriate policy and procedure and further understand how the skill comports with equitable and fair police practices.





### **Staffing Model**

The Education and Training Section designs courses to effectively meet training objectives through safe, efficient and successful instructional methods. Historically, instructor-facilitated classroom training has between 25-40 students attending per session. The Education and Training Section staffs classroom courses with one lead instructor and an assistant instructor to share the instructional workload. In most circumstances, there are no safety concerns associated with the training as it is largely conceptual in nature.

All instructors used in Street Skills must attend a 40-hour Tactics Instructor Course and receive annual recertification training in preparation for new training cycle. In addition, trainers may complete other specialty courses such as Firearms Instructor, Defensive Tactics, Emergency Vehicle Operations, or Instructor Development. Instructors in the Education and Training section have often taken part in several hundred hours of instructor training, recertification training and an apprenticeship prior to leading a training section.



## Lesson Plans

The lesson plans included in this training document are structured in the same general format. Each lesson plan has a title page followed by logistical information outlining the general training information and logistics necessary to conduct the training. Following the logistics information, the lesson plan proper begins with the performance objectives. The performance objectives outline what the student needs to be able to accomplish by the end of that training plan. When appropriate, Performance Objectives are supplemented with Enabling Learning Objectives within the individual task itself to provide greater detail regarding what tasks need to be performed to demonstrate total competence. The overview outlines how the students will achieve the performance objectives. Each lesson plan has an interest introduction designed to "hook" the students and an introduction of the material covered in the training. Following the material introduction will be the Tell, Show, Do material for individual skills or material for classroom training. Skill training concludes with dynamic drills or scenarios. At the end of each lesson plan is a review and summary section. The construction of a typical lesson plan is the following:

1. Title page
2. Logistical information
3. Performance objectives
4. Overview
5. Interest introduction
6. Material introduction
7. Tell, Show, Do
8. Dynamic Drills or Scenarios
9. Review and Summary or Debrief



## 2014 Search and Seizure Training



## Voluntary Contacts and Terry Stops

Prepared: Ofc. R. Evans and Ofc. M. Russey

Reviewed: Sgt. T. Ovens



## **Training summary:**

This 4-hour training module consists of a review of Seattle Police Manual Section 6.220— Voluntary Contacts and Terry Stops. The training will emphasize key concepts, to include the following: Voluntary Contacts, Reasonable Suspicion, Probable Cause, Terry Stops, and Screening and Reporting. Exercises will reinforce the key concepts in each of these areas, and focus on identifying potential problems with Terry Stops in light of the key concepts.

## **Daily Training schedule:**

### **Session One:**

- 0630-0700** Instructors on site to set up and prepare for class
- 0700-0715** Introduction and Overview:
- Introduction of instructors and officers
  - Course objectives
  - Interest introduction and Material introduction
- 0715-0800** Review of key concepts of Voluntary Contacts
- Instructor-facilitated review, covering key concepts:
    - Voluntary Contacts
      - Social Contacts and Non-Custodial Interviews
  - Integrated exercises
    - Instructor-facilitated review of reality-based scenarios
- 0800-0845** Review of key concepts of Reasonable Suspicion and Probable cause
- Instructor-facilitated review , covering key concepts:
    - Reasonable Suspicion and Probable Cause
  - Integrated exercises
    - Instructor-facilitated review of reality-based scenarios
- 0845-1045** Review of key concepts of Terry Stops
- Instructor-facilitated review, covering key concepts:
    - Terry for felony crimes
    - Terry for crimes in progress
    - Terry for certain misdemeanors
    - Terry for completed misdemeanors
    - Frisks and Consent Searches
    - Miranda warnings
    - Reporting Requirements
  - Integrated exercises
    - Instructor-facilitated review of reality-based scenarios
- 1045-1100** Class debrief



## **Session Two:**

- 1130-1200** Instructors on site to set up and prepare for class
- 1200-1215** Introduction and Overview:
- Introduction of instructors and officers
  - Course objectives
  - Interest introduction and Material introduction
- 1215-1300** Review of key concepts of Voluntary Contacts
- Instructor-facilitated review, covering key concepts:
    - Voluntary Contacts
      - Social Contacts and Non-Custodial Interviews
  - Integrated exercises
    - Instructor-facilitated review of reality-based scenarios
- 1300-1345** Review of key concepts of Reasonable Suspicion and Probable cause
- Instructor-facilitated review , covering key concepts:
    - Reasonable Suspicion and Probable Cause
  - Integrated exercises
    - Instructor-facilitated review of reality-based scenarios
- 1345-1545** Review of key concepts of Terry Stops
- Instructor-facilitated review, covering key concepts:
    - Terry for felony crimes
    - Terry for crimes in progress
    - Terry for certain misdemeanors
    - Terry for completed misdemeanors
    - Frisks and Consent Searches
    - Miranda warnings
    - Reporting Requirements
  - Integrated exercises
    - Instructor-facilitated review of reality-based scenarios
- 1545-1600** Class debrief

## **Training plan:**

Training will be delivered Monday, Tuesday, and Thursday, and every other Sunday and Thursday night; commencing after the training is approved. The intended audience is all sworn officers. This class will be a four-hour block of instruction, as part of a 9-hour overall training session. The 9-hour training session will consist of an A/B format, with a class of forty (40) students split into two groups of twenty (20) students. Group A will attend four (4) hours of Stops and Detentions, while Group B attends Bias-free Policing.



After students complete either Stops and Detentions or Bias Free Policing, they will switch sessions, to complete the other half of the training. Group A and Group B will switch at the lunch break. Each full A/B session will accommodate two (2) groups of twenty (20) students. With the addition of a Sunday daytime session or a Thursday nighttime session once per week, 200 officers will complete this training each week. This will allow 1300 officers to complete the training within an eight (8) week training cycle, with an allowance for 23% above the minimum required number of training slots.

**Logistical Information:**

Site: Park 90/5, Classroom #4

Staffing Requirements: Instructors: 2 (1 ETS lead instructor, 1 adjunct instructor)

Training Equipment: Computer and projector with a screen

**Teaching Methodology:**

Students will achieve the learning objectives or performance objectives through interactive presentation, in-class work and facilitated discussions.

**Performance Objectives:**

All officers, given a class room scenario and under the evaluation of an Education & Training Section staff instructor, will correctly:

1. Identify a valid voluntary contact;
2. Identify legally sufficient reasonable suspicion or probable cause;
3. Identify situations which permit a Terry Stop, for both in-progress and completed crimes;
4. Identify the steps for screening and reporting seizures and complete the necessary report.
5. Identify when a consent search is allowed
6. Identify when Miranda warnings should be given



**Overview:**

In order to complete the learning objectives, officers will receive four hours of in-person classroom instruction. The instruction will consist of facilitated lecture and application of the instructed material in practical analytical scenario exercises.

Officers will receive instruction on the following topics:

Instructor-facilitated review of Seattle Police Manual Section 6.010—Reporting Arrests and Detentions and Section 6.220—Voluntary Contacts and Terry Stops, to include:

1. Voluntary contacts- Social Contacts and Non-Custodial Interviews
2. Reasonable Suspicion and Probable Cause
3. Terry Stops- Felony crimes, in-progress crimes, completed misdemeanors
4. Screening and reporting seizures- Arrests, Investigation and Release (I&R), and Terry Stops
5. Frisks and Consent Searches
6. Miranda warnings



### **Interest Introduction:**

- It is important that officers understand that members of the community have a right to be free from unreasonable searches and seizures.
- It is important that officers know when they have a legal right to seize a person.
- It is equally important that officers are able to clearly explain the legal basis for a seizure.
- Officers frequently have to make decisions whether or not to stop a subject in a time-pressured environment, where they must act quickly based on limited information. It is important that officers understand what information they need in order to seize a person.
- It is of critical importance that officers know and avoid conduct that the courts have identified as inadvertently converting an otherwise permissible Voluntary Contact into an impermissible seizure.

### **Material Introduction:**

This class is intended to familiarize officers with the Voluntary Contacts and Terry Stops concepts outlined in Seattle Police Manual sections 6.010—Reporting Arrests and Detentions and 6.220—Voluntary Contacts and Terry Stops.

This is intended to be an interactive course; with instructors facilitating in-depth discussion and analysis of the key concepts and their application to practical analytical written and video exercises involving Voluntary Contacts, Reasonable Suspicion and Probable Cause, Terry Stops, and Screening and Reporting Seizures- Terry Stops, I&R's, and Arrests.

Officers are expected to use their own experience and knowledge to enhance the learning of other course participants.





## **Concept Introduction Exercise: Voluntary Contacts #1 (Social Contact)**



### **Questions for the Class:**

- What level of contact is this?
- What would make this a voluntary contact?
- What kinds of officer conduct would make this a seizure?
- During this contact could the officer ask questions about criminal activity?

### **Instructor Notes:**

- **What level of contact is this?**
  - Without additional facts we are not certain what level of contact this is.
  - It appears that the subject is drinking coffee and this is a social contact.
  - The officer appears to be alone and engaged in casual conversation
- **What would make this a voluntary contact under our policy?**
  - The contact is voluntary
  - The contact is consensual
  - The officer making sure that the subject feels free to leave.
  - The subject is free to refuse any requests by the officer or to answer any questions from the officer



- **What kinds of officer conduct would make this a seizure?**
  - The officer ordering the subject to answer questions.
  - The officer performing a pat down search.
  - The officer removing any of the subject's property from their person or exerting control over it.
  - The officer asking to pat the subject down for weapons.
  - Anything that would tend to communicate that the subject is not free to leave.
  - For this to remain a voluntary contact the subject must be free to refuse any requests by the officer or to answer any questions from the officer.



**CONCEPT INTRODUCTION EXERCISE: VOLUNTARY CONTACTS #2**







**Questions for the Class:**

- What level of contact is this?
- What would make this a voluntary contact under our policy?
- What kinds of officer conduct would make this a seizure?
- During this contact could the officer ask questions about criminal activity?

**Instructor Notes:**

- **What level of contact is this?**
  - It is not clear; based solely on the pictures.
  - The officer appears to be beckoning to the man he is contacting.
  - The officer appears to be checking the man's name on a handheld device.
- **What would make this a voluntary contact under Seattle Police Department policy?**
  - If the contact is voluntary and is consensual
  - A reasonable person would feel free to leave
  - A reasonable person would feel free to refuse to answer the officer's questions requests or respond to his/her requests.
  - If the officer advises the person that they are free to go and/or not to answer questions. **(This is not required)**



- **What kinds of officer conduct would make this a seizure?**
  - The officer waving the man over to him may constitute a seizure
  - The officer's non-verbal communication may also be relevant.
    - The fact the officer is not smiling and appears to be summoning the man over to him may convert this to a seizure.
  - Requesting the man's identification to run his name may make this a seizure
    - This will depend heavily on the officer's tone of voice and phrasing when requesting identification from the man
      - Removing or exerting control over the man's identification or any of his other possessions
      - The presence of multiple officers may make this a seizure
    - This will depend heavily on the positions and actions of the other officers at the scene in relation to the man
      - Asking to pat the man for weapons would make this a seizure
  
- **During this contact could the officer ask questions about criminal activity?**
  - Yes, officers may ask questions related to criminal activity
  - **HOWEVER**, the officer's tone and phrasing will be considered; as to whether or not the subject felt he was free to leave or to not answer any questions
  - Do not advise of Miranda at this level of contact, as that advisement could cause a reasonable person to feel that they have been seized by the police and are not free to leave

**Instructor Review Notes for Scenario Debrief**

- Advising the person they are free to leave is not required, but should be done if the person questions the stop or expresses confusion regarding the stop. Making a clear statement regarding the status of the stop protects the officer against allegations of an illegal seizure by the subject of the contact.
- Make sure your actions match your words if you are telling someone they are free to leave or free to refuse to answer any of your questions.
- Utilizing the principles of LEED can allow officers to establish a rapport and gain useful information



**VOLUNTARY CONTACTS**  
**OPERATIONAL CONCEPTS:**

<b><u>What the policy says:</u></b>	<b><u>How to do it:</u></b>
- Not a seizure	-Ask permission to speak with them
-Must be voluntary and consensual	-Don't demand answers to your questions
-The subject is free to leave	-Don't do anything to restrict the person's movement
-The subject is free to decline any of the officer's requests at any point	-Avoid any actions or statements that appear to restrict freedom to leave and/or not speak with you
-Social Contact: Casual, non-investigative conversation	-If the person asks if they are free to go, and they are, tell them they are free to go
-Non-custodial interview: Voluntary and consensual investigatory interview	-No Miranda advisement should be given; the person is not in custody and advisement will likely convert this to a seizure

**Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops**

**6.220 (2) Officers Must Distinguish Between Voluntary Contacts and Terry Stops**

Voluntary contacts are not seizures. During voluntary contacts, officers must not use any words, actions, demeanor, or other show of authority that would tend to communicate that a person is not free to go.

**a. Voluntary Contacts Defined**

There are two categories of voluntary contacts:

*Social Contact:* A voluntary, consensual encounter between the police and a subject with the intent of engaging in casual and/or non-investigative conversation. The subject is free to leave and/or decline any of the officer's requests at any point; **it is not a seizure.**

*Non-Custodial Interview:* A voluntary and consensual investigatory interview that an officer conducts with a subject during which the subject is free to leave and/or decline any of the officer's requests at any point. **It is not a seizure.**



## **Experiential Debrief**

### **Observations:**

1. What did you observe during these two exercises?
2. Were they different? How so?
3. What are some of the considerations that we were trying to look at?
4. Are these types of contacts practical or useful to you as an officer

### **Generalizations:**

1. Why are these types of contacts important?
2. Does the new policy fit with our past experiences or practices in regards to voluntary contacts?
3. Have you ever had a voluntary contact "go bad?" Why?
4. Do you anticipate the new policy making more voluntary contacts "go bad?"
5. Can the new policy help officers better understand their responsibilities during contacts with the public?
6. Do you have any suggestions that could improve the training?

### **Applications:**

1. Does the new policy regarding voluntary contacts mean you have to change any of your practices?
2. Are you going to do anything differently because of the new policy regarding voluntary contacts?
3. What?

### **Confirming:**

1. Are there ways that the new policy could be clarified?





## **Concept Introduction Exercise: Reasonable Suspicion**

- Show "Straight and Narrow" video clip, (part 1)

### **Video Overview:**

- An officer contacts a man walking down the street.
- The officer says he has been walking down the street, looking "a little suspicious".
- He keeps looking back at the patrol car after it drove past him.
- There have been "a lot of burglaries and stuff in the area....drugs and that".
- The officer stops his car right behind the man and gets out. The man slows down, looks over his shoulder at the officer, and then starts quickly walking away.
- The officer says "Come here, my man" and asks "You got I.D. on you?"

### **Questions for the Class:**

- What level of contact is this?
- What conduct by the officer makes this contact a seizure?
- Is this a lawful seizure?
- What further information would the officer need to support a seizure?
- How could the officer contact this subject, without converting the contact to a seizure?
- What if the male does not want to talk to the officer?
- What if the male decides to walk away?

### **Instructor Notes:**

- **What level of contact is this?**
  - This is a seizure



- **What conduct by the officer makes this stop a seizure?**
  - The officer pulls right behind the man and stops his car in the street.
  - The officer says “Come here my man.” This is a command, not a request.
  - The officer then asks “You got I.D. on you?”
  - The officer uses a commanding tone of voice.
  - A reasonable person would feel that they are not free to go
  
- **Is this a lawful seizure?**
  - NO, not as shown; although it is possible that the officer may have more information than is shown in the video.
  - The facts that the man is walking down the street, “looking a little suspicious”, in a high crime area and looking back at the patrol car following him do not, in and of themselves, amount to reasonable suspicion for a specific crime.
  - On the basis of the facts known here, the circumstances amount to nothing more than a Voluntary Contact / Non-Custodial Interview
  - This could change with further specific information linking the man to a crime
  
- **What further information would the officer need to support a seizure?**
  - Observed behaviors by the man that would link him to specific criminal activity
  - Information linking the man to a specific crime in the area
  
- **How could the officer contact this subject without converting the contact to a seizure?**
  - Officers should not avoid contact, even though a person is free to leave or decline requests, as such contacts can still be productive for officers.
  - Officers could still make a Social Contact or Non-Custodial interview
  - Ask permission to speak with the subject i.e. “May I speak to you for a moment?”
  - Avoid doing anything that would make the subject believe that he is not free to go.
  
- **What behavior by the officer could convert this to a seizure?**
  - Demanding identification
  - Demanding that the man take his hands out of his pockets
  - Requesting to pat the man down or patting him down
  - Commanding tone of voice
  - Multiple officers on scene
  - Positioning of contact officer or cover officers
  - Impeding the man’s movement
  
- **What if the man does not want to talk to the officer?**
  - The man is free to refuse to talk to the officer.
  - The officer’s use of strategic or tactical communication techniques may allow the officer to obtain more information from the subject in this situation.
  
- **What if the man decides to walk away?**
  - The man is free to walk away.
  - There are insufficient facts and circumstances to suspect the man of specific criminal activity that has occurred, is occurring, or is about to occur.



**Instructor Review Notes for Scenario Debrief**

- Officers should not avoid contacts just because there is no reasonable suspicion to support a Terry Stop.
- This may have been a good contact for the officer to make in order to determine what the man was doing, but the officer failed to recognize that there was insufficient information to support a Terry Stop.
- The officer may still have been able to gain useful information from the suspect through a voluntary contact.
- This is an example of a time when the effective utilization of LEED could allow the officer to elicit useful information. Even in the initial conversation, the man appeared to be lying about his address and what he was doing and he told the officer he was on bond for armed robbery. It is likely the officer might have gained further useful information from the man through further conversation. The officer may have been able to develop reasonable suspicion to support a detention and further investigation.

**REASONABLE SUSPICION**  
**OPERATIONAL CONCEPTS:**

**What policy says:**

- You must have specific, objective, articulable facts
- Rational inferences
- Suspicion that criminal conduct has occurred, is occurring, or is about to occur
- Well-founded suspicion
- Substantial possibility

**How to do it:**

- Be able to articulate specific facts and circumstances that you observed or had knowledge of
- Base conclusions on facts, circumstances, and reasoning
- Explain how specific actions were related to specific criminal conduct. (i.e. Burglary, Theft, Property Damage, etc.)



## Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops

### 6.220(2)-Officers Must Distinguish Between Voluntary Contacts and *Terry* Stops

#### **b. *Terry* Stops Defined**

- *Terry Stop*: A brief, minimally intrusive seizure of a subject based upon articulable reasonable suspicion in order to investigate possible criminal activity. The stop can apply to people as well as to vehicles. The subject of a *Terry* stop is not free to leave. A *Terry* stop is a seizure under both the State and Federal constitutions.
- *Reasonable Suspicion*: Specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging or is about to engage in criminal conduct.
- The reasonableness of the *Terry* stop is considered in view of the totality of the circumstances, the officer's training and experience, and what the officer knew before the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but cannot provide the justification for the original stop.



## Concept Introduction Exercise: Terry Stops



### Overview:

You are on patrol when you see this man hanging from a security gate.

### Questions for the Class:

- Can officers stop this man? Why or why not?
- Is this a Terry Stop or an arrest?

### Instructor Notes:

- **Can officers stop this man? Why or why not?**
  - Yes
  - Would a reasonable police officer believe that this may be a crime in progress?
  
- **Is this a Terry Stop or an arrest?**
  - This is a Terry Stop.



- The officers have reasonable suspicion that a crime is about to occur, is occurring, or has occurred.
  - It is not normal behavior for a person to climb over a security gate.
  - The gate is there to prevent entry of unauthorized persons.
  - It is reasonable to assume that the person climbing over the gate must not be authorized to be in that area.
  - At the very least, officers could reasonably believe that the crime of trespass or burglary is in progress.
- The officers have not developed Probable Cause for a specific crime. They must investigate further to determine if a crime is occurring, or if there is a lawful reason for the suspect’s behavior. (i.e. he is locked out of his own apartment)

**Instructor Review Notes for Scenario Debrief**

- Though experienced officers often quickly recognize suspicious activity, they should consider specific elements that support reasonable suspicion prior to making contact, if time allows.

**TERRY STOPS**  
**OPERATIONAL CONCEPTS:**

<b>What policy says:</b>	<b>How to do it:</b>
<ul style="list-style-type: none"> <li>- Terry Stops are seizures</li> <li>-Requires Reasonable Suspicion that a crime has occurred, is occurring or is about to occur</li> <li>-Brief and minimally intrusive</li> <li>-Totality of the circumstances and Officer’s training and experience are considered</li> <li>-Subjects cannot be arrested solely for refusing to identify themselves or answer questions</li> <li>-Officers will provide their name, rank, dept. affiliation and reason for the stop; and notify of recording if appropriate</li> </ul>	<ul style="list-style-type: none"> <li>-Be able to articulate specific facts and circumstances related to a crime the subject is involved in</li> <li>-Detain the subject no longer than necessary to confirm or dispel your suspicions of criminal activity</li> <li>-Identify self and notify of recording</li> <li>-Explain reason for stop at initiation and conclusion of contact</li> </ul>



## Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops

### **1. Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful**

A *Terry* stop must be based on [reasonable suspicion](#) and documented using specific articulable facts as described in this policy.

This policy prohibits *Terry* stops when an officer lacks reasonable suspicion that a subject has been, is, or is about to be engaged in the commission of a crime.

Searches and seizures by officers are lawful to the extent they meet the requirements of the [4th Amendment](#) and [Washington Constitution Art. 1, Section 7](#).

A *Terry* stop is a seizure for investigative purposes. A seizure occurs any time an officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen. A seizure may also occur if an officer uses words, actions, or demeanor that would make a reasonable person believe that he or she is not free to go.

### **2. b. Terry Stops Defined**

- *Terry Stop*: A brief, minimally intrusive seizure of a subject based upon articulable reasonable suspicion in order to investigate possible criminal activity. The stop can apply to people as well as to vehicles. The subject of a *Terry* stop is not free to leave. A *Terry* stop is a seizure under both the State and Federal constitutions.
- *Reasonable Suspicion*: Specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging or is about to engage in criminal conduct.
- The reasonableness of the *Terry* stop is considered in view of the totality of the circumstances, the officer's training and experience, and what the officer knew before the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but cannot provide the justification for the original stop.

A *Terry Stop* is a detention short of an arrest. All other detentions must be made pursuant to the policies for arrests without a warrant ([6.010-Reporting Arrests and Detentions](#)), warrant arrests, ([6.280-Warrant Arrests](#)), traffic stops ([16.230-Issuing Tickets and Traffic Contact\)Reports](#)), or seizure of a person for a psychological evaluation ([16.110-Crisis Intervention](#)).



**Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops**

**4. During a *Terry* Stop, Officers Will Limit the Seizure to a Reasonable Scope**

Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert a *Terry* stop into an arrest requiring probable cause or an arrest warrant.

Unless justified by the articulable reasons for the original stop, officers must have additional articulable justification for further limiting a person's freedom during a *Terry* stop, such as:

- Taking a subject's identification or driver license away from the immediate vicinity
- Ordering a motorist to exit a vehicle
- Putting a pedestrian up against a wall
- Directing a person to stand or remain standing, or to sit on a patrol car bumper or any other place not of their choosing
- Directing a person to lie or sit on the ground
- Applying handcuffs
- Transporting any distance away from the scene of the initial stop, including for the purpose of witness identification
- Placing a subject into a police vehicle
- Pointing a firearm
- Frisking for weapons
- De minimis force

Taking any of these actions does not necessarily convert a *Terry* stop into an arrest.





### Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops

#### **6. During all *Terry* Stops, Officers Will Take Reasonable Steps to Be Courteous and Professional, Including Identifying Themselves**

When reasonable, as early in the contact as safety permits, officers will inform the suspect of the following:

- The officer's name
- The officer's rank or title
- The fact that the officer is a Seattle Police Officer
- The reason for the stop
- That the stop is being recorded, if applicable (See Seattle Police [Manual Section 16.090 – In-Car Video System](#))

When releasing a person at the end of a stop, officers will offer an explanation of the circumstances and reasons for the stop.

### Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops

#### **7. Officers Cannot Arrest Subjects Solely for Failure to Identify Themselves or Answer Questions on a *Terry* Stop**

In general, subjects are not obligated to provide identification upon request and have the right to remain silent. However, there are certain statutory exceptions that do require the subject to identify himself or herself and which describe the officer's authority to take action if the person does not do so, such as:

- When the subject is a driver stopped for a traffic infraction investigation ([RCW 46.61.021](#))
- When the subject is attempting to purchase liquor ([RCW 66.20.180](#))
- When the subject is carrying a concealed pistol ([RCW 9.41.050](#))

Officers may not transport a person to any police facility or jail merely for the purpose of identifying them unless they have probable cause.



## **Concept Introduction Exercise: Reporting Arrests and Detentions**

Officers contact the man climbing over the gate. He has identification listing the address of building as his residence. He says he lost his keys while he was out of the building and did not have another way to get in.

Officers determine that his story is credible and decide to release him.

### **Questions for the class:**

- What are the screening and reporting requirements for this type of incident?
- What do officers need to do when they release the man?

### **Instructor Notes:**

- **What are the screening and reporting requirements for this type of incident?**
  - You must screen the detention in person with a Sergeant.
    - If you determine that Reasonable Suspicion or Probable Cause does not exist, release the person immediately.
    - Do not detain them longer for the purpose of having a Sergeant screen the detention.
    - You may ask or encourage them to stay to talk to the Sergeant, but make it clear that they are not required to and are free to go.
  - Document the stop in a G.O.R. or Street Check at this time
- **What information is required in the documentation for stops and seizures?**
  - Original and subsequent facts supporting the detention
  - Reason and final disposition of the stop
  - Whether a frisk or search was conducted
    - Results of the frisk or search
  - Whether the person was moved or transported for the initial location
  - Demographic information
    - Race
    - Age
    - Ethnicity
    - Gender
  - Any delays in reporting
- **What do officers need to do when they release the man?**
  - Offer an explanation of the circumstances and reason for the stop

### **Instructor Review Notes for Scenario Debrief**

- If there is a reasonable explanation for the man's behavior and he is to be released, officers should explain the circumstances and reason for the initial stop, even if they explained the reason upon initial contact.
- Officers may need additional training after the new Stops and Detentions form is created and approved.



**REPORTING ARRESTS AND DETENTIONS**  
**OPERATIONAL CONCEPTS:**

<b><u>What policy says:</u></b>	<b><u>How to do it:</u></b>
<ul style="list-style-type: none"> <li>-Screen arrests in person with a supervisor</li> <li>-Document arrests and detentions</li> <li>-Complete paperwork by end of shift</li> </ul>	<ul style="list-style-type: none"> <li>-Notify a sergeant</li> <li>-Screen in person, prior to booking or release</li> <li>-Do not detain just for screening</li> <li>-Document via Street Check or G.O.R.</li> <li>-By the end of shift</li> </ul>

**Seattle Police Manual 6.010—Reporting Arrests and Detentions**  
6.010(1) Officers are required to report arrests

An officer will notify a sergeant and complete a General Offense Report (GO), or a supplemental to an existing GO, for any arrest.

When a person is arrested for assaulting an on-duty or off-duty officer, the sergeant will notify a lieutenant.

In addition to all other pertinent information, the report shall include the name of the sergeant who reviewed the incident and the location where the review took place.

**Seattle Police Manual 6.010—Reporting Arrests and Detentions**  
6.010(2) Sergeants must screen arrests and detentions in person

The sergeant shall review the incident in person prior to the booking or release of the person detained.

When a sergeant is the primary officer, a different sergeant or above will review the incident.

**Seattle Police Manual 6.010—Reporting Arrests and Detentions**  
6.010(4) Reports must be completed by end of shift

The primary officer will complete the GO or Street Check as soon as practical after the arrest or detention, and in all cases, before going out of service.



For all bookings, officers shall directly notify the screening sergeant after the report has been sent. The sergeant will review the arrest report immediately for approval.

**Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops**

**6.220(10) Officers Must Document All Terry Stops**

Officers must be able to clearly articulate the objective facts they rely upon in determining reasonable suspicion.

Officers must document all Terry stops and have a supervisor approve the documentation before they leave at the end of their shift. The data will be collected in an electronic form suitable for analysis. The documentation must contain at least the following elements:

- Original and subsequent objective facts for the stop or detention
- The reason (including reasonable suspicion or probable cause) and disposition of the stop (including whether an arrest resulted; whether a frisk or search was conducted and the result of the frisk or search; and whether the subject was moved or transported from the location of the initial stop)
- Demographic information pertaining to the subject, including perceived race, perceived age, perceived ethnicity and perceived gender; and
- Delays in completing necessary action

**Concept Introduction Exercise: Frisks and Consent Searches**

- Show “Straight and Narrow” video Part 1 and Part 2 together

Instructor will explain that the man saying he is “on bond” is the equivalent of our DOC Supervision. Officers will answer the questions below as if they are the officer in the video.

**Video Overview:**

- The man says he is “on bond” for armed robbery and starts acting nervous.
- The man is conspicuously holding the front waistline of his pants.
- The officer indicates that he is going to pat him down and the man starts to argue about whether the officer is allowed to search him.
- The man flees on foot.



**Questions for the Class:**

- Can the officer frisk the man?
- Under what circumstances could the officer justify a frisk of the man?
- When the man runs, what are the officer's options?
- Does the man's status of "on bond" change anything for the officer?
- Does the fact that the initial stop is an unlawful seizure change anything?
- If this was a lawful seizure, could the officer use force to detain him?
- If force is used, how should the incident be resolved?

**Instructor Notes:**

- **Can the officer frisk the man?**
  - NO, unless the officer is able to articulate that the actions shown on the video, plus any other information not shown, constitute reasonable suspicion to believe the man was committing a crime, about to commit a crime or had committed a crime.
  - Frisking a person during a social contact converts the contact to an unlawful seizure.
  - Requesting permission to frisk a person on a social contact will also convert the contact to an unlawful seizure.
- **Can the officer search or frisk the man if he gains consent?**
  - DEPENDS
  - Absent any other reasonable suspicion, this is a social contact.
  - A frisk or search, even with the man's consent, will convert a voluntary contact to a seizure.
  - If this is a Terry Stop, but the officer does not have reason to believe the man is armed and currently dangerous, then he will have to obtain consent from the man to perform a frisk or to perform a search
    -
- **Under what circumstances could the officer justify a frisk of the man?**
  - The officer needs to have reasonable suspicion to believe the man is involved in criminal activity.
  - The officer needs to be able to articulate specific facts that would lead him to believe the man is armed and presently dangerous.
    - The suspect is clutching his belt in a manner consistent with an item being concealed in that area
    - The suspect is wearing baggy clothing
- **When the man runs, what are the officers' options?**
  - The officer does not have Reasonable Suspicion that the male is involved in specific criminal activity
  - Disengage and let the man walk away



- **Does the man’s status of “on bond” change anything for the officer?**
  - Not likely; without further questioning
  - The officer may have a heightened concern for his safety, due to the suspect’s reported involvement in the crime of armed robbery
  - This does not support a seizure or frisk of the suspect, in and of itself.
- **Does the fact that the initial stop is an unlawful seizure change anything?**
  - YES
  - Any arrest or seizure of evidence will likely be unlawful and inadmissible as “fruit of the poisonous tree.”
    -
- **If this was a lawful seizure, could the officer use force to detain him?**
  - YES
  - Officers may use reasonable and necessary force to effect a lawful purpose
  - In this case, the lawful purpose would be to investigate a crime via a Terry Stop, assuming the officer had valid reasonable suspicion of a crime
- **If force is used, how should the incident be resolved?**
  - The officer could arrest the suspect for SMC 12A.16.010-Obstructing a Public Officer
  - In other situations, officers may have used force, but found there was no crime committed by the subject. Absent probable cause, the subject should be released and the incident screened and documented appropriately.

**Instructor Review Notes for Scenario Debrief**

- Though the available information appears to only support a voluntary contact, the officer conducts the stop as if it is a Terry Stop.
- If this is a voluntary contact, the officer should not chase the man.
- If this were a Terry Stop, the officer would be justified in chasing the man and using objectively reasonable and necessary force to detain him.
- It is crucial that officers recognize the level of a contact in order to respond appropriately to the subject’s actions.
- Refusal to provide identifying information or to answer questions on a Terry Stop does not constitute the crime of Obstructing.



## **Concept Introduction Exercise: Frisks and Consent Searches**

- Officers receive a report of a man observing and photographing children at a park. The caller says the man has been sitting on a bench watching the children for about three hours. He does not appear to have any children with him.
- Officers contact the caller and she points out the man. He is wearing a long trench coat, despite the warm summer day.
- Officers make contact with the man and introduce themselves.

### **Questions for the class:**

- What level of stop is this?
- Can the officer frisk for weapons?
- If the person consents, can the officer search them?
- What other course of action is available to the officers?

### **Instructor notes:**

- **What level of stop is this?**
  - This is a social contact.
  - Based on the facts reported by the caller and the observations of the officers, the officers do not have reasonable suspicion that the man is engaged in a crime.
- **Can the officer frisk for weapons?**
  - NO
  - This is a social contact, so no frisk is allowed.
- **If the person consents, can the officer search them?**
  - NO, asking someone to consent to a frisk converts this social contact into a Terry Stop without reasonable suspicion under *State v. Harrington*.
  - Even with the consent of the person, the officer should still not conduct a search or frisk.
  - Any search or frisk will convert the contact from a voluntary contact to a seizure. A reasonable person would not feel free to leave or to refuse to answer the officer's questions.
- **What other courses of action are available to the officers?**
  - The officers could observe the man in an effort to determine if he is involved in any activity beyond watching the children.

### **Instructor Review Notes for Scenario Debrief**

- Frisking or searching on a social contact converts to the contact to a seizure, even with consent. If the officer believes the subject is armed and presently dangerous, but there is not articulable reasonable suspicion of a crime, the officer should disengage.



**FRISKS AND CONSENT SEARCHES:**  
**OPERATIONAL CONCEPTS**

<b><u>What policy AND the law say:</u></b>	<b><u>How to do it:</u></b>
<p>-Frisks are only permitted if you reasonably suspect the subject is armed and presently dangerous</p> <p>-Limited to frisking for weapons</p> <p>-Limited to outer clothing</p> <p>-Frisks and searches convert voluntary contacts to seizures, even with consent</p> <p>-Consent searches must be documented on a consent form or recording device</p>	<p>-Don't frisk or search on voluntary contacts, even with consent</p> <p>-Articulate facts, circumstances, and observations that led you to believe that a subject was armed and presently dangerous to you or others</p> <p>-Utilize a Consent to Search form, In-car Video or Digital Recorder for consent searches</p>

**Seattle Police Manual 6.220—Voluntary Contacts and Traffic Stops**

**8. Officers May Conduct a Frisk or Pat-Down of Stopped Subject(s) Only if They Reasonably Suspect That the Subject(s) May Be Armed and Presently Dangerous**

The purpose and scope of the frisk or pat-down is to discover weapons or other items which pose a danger to the officer or those nearby. It is not a generalized search of the entire person. The decision to conduct a frisk or pat-down is based upon the totality of the circumstances and the reasonable conclusions drawn from the officer's training and experience.

- A weapons frisk is a limited search determined by the state and federal constitutions.
- All consent searches must be conducted and memorialized pursuant to [Manual Section 6.180](#).
- Officers may not frisk for weapons on a social contact or noncustodial interview.
- A frisk or pat down may not be used as a pretext to search for incriminating evidence.
- The fact that a *Terry* stop occurs in a high-crime area is not by itself sufficient to justify a frisk.

In addition to the basis for the stop itself, the officer must have reasonable suspicion that the subject may be armed and pose a threat to the officer and/or others. This may include, but is not limited to:





- Prior knowledge that the subject carries a weapon
- Suspicious behavior, such as failure to comply with instructions to keep hands in sight
- Observations, such as suspicious bulges, consistent with carrying a concealed weapon

The frisk for weapons is strictly limited to what is necessary for the discovery of weapons which might be used to harm the officer or others nearby. Generally, the frisk must be limited to a pat-down of outer clothing. Once the officer ascertains that no weapon is present after the frisk or pat-down is completed, the officer's limited authority to frisk is completed. (i.e. the frisk must stop).

### **Seattle Police Manual 6.180 – Searches-General**

#### II. Exceptions to the Search Warrant Requirement

##### A. Consent Searches

1. Officers electing to search by consent shall have the consenting person sign a Consent to Search form (form 9.54).

a. If the Consent to Search form is not available, Officers may also document the consent using another department authorized recording device, such as in-car video.

2. The validity of the consent depends on consent being given voluntarily. Consideration of the intelligence and education of the person are scrutinized by the court, as are physical and mental coercion, exploitation and the authority of the person to give consent.

3. Third party consents are valid under certain conditions.

a. Consent is valid if the third person has equal authority over the business or residence and it can be concluded the absent person assumed the risk the cohabitant (roommate) might permit a search.

b. Consent to search is not allowed if one cohabitant (roommate) or business partner objects to the consent, even if the other person gives permission. Consent must be given by both people, if present.

c. Parents may consent to search a child's living area if the parents have routine access to the area (the child is not paying rent).

d. Landlords cannot give consent to search if a lease or rental agreement is still valid.

### **Seattle Municipal Code**

#### **12A.16.010 Obstructing a public officer.**

A. A person is guilty of obstructing a public officer if, with knowledge that the person obstructed is a public officer, he or she:

1. Intentionally and physically interferes with a public officer; or



2. Intentionally hinders or delays a public officer by disobeying an order to stop given by such officer; or
  3. Intentionally refuses to cease an activity or behavior that creates a risk of injury to any person when ordered to do so by a public officer; or
  4. Intentionally destroys, conceals or alters or attempts to destroy, conceal or alter any material which he or she knows the public officer is attempting to obtain, secure or preserve during an investigation, search or arrest; or
  5. Intentionally refuses to leave the scene of an investigation of a crime while an investigation is in progress after being requested to leave by a public officer.
- B. No person shall be convicted of violating this section if the Judge determines, with respect to the person charged with violating this section, that the public officer was not acting lawfully in a governmental function.
- C. For purposes of this section, a "public officer" means those individuals responsible for the enforcement of the provisions of the Seattle Municipal Code, including provisions related to fire, building, zoning, and life and safety codes; those individuals empowered to make arrests for offenses under the Seattle Municipal Code; or those individuals responsible for the enforcement of the federal or state criminal laws.
- D. Obstructing a public officer is a gross misdemeanor.



## **Concept Introduction Exercise: Miranda Warnings**

**Video Summary:** The audio and video is recorded by the person who is detained by the police. The recording captures the entire contact. The video is edited to just the Miranda portion of the contact.

### **Incident Summary:**

- A man is stopped by police regarding his open carry of a firearm.
- In the course of the stop, the officer has another officer read the man his Miranda warnings.

**Video Link:** [https://www.youtube.com/watch?v=V\\_q7y3pFGbl](https://www.youtube.com/watch?v=V_q7y3pFGbl)

- Video from 5:40-6:27

### **Questions for the class:**

- Is Miranda necessary?
- When should Miranda be delivered?
- Is Miranda a best practice in this circumstance?
- 

### **Instructor notes:**

- Is Miranda necessary?
  - No
  - Miranda is not necessary unless the person is in custody and being interviewed
- When should Miranda be delivered?
  - Miranda should be delivered prior to a custodial interview
  - The right to a lawyer without charge should be provided immediately upon arrest or as soon as practical.
- Is Miranda a best practice in this circumstance?
  - No
  - Giving a Miranda warning has the potential to convert a detention to an arrest, as it is given as part of a “custodial” interview
  - Do not give Miranda until the person is under arrest

### **Instructor Review Notes for Scenario Debrief**

- Miranda warnings are only required prior to a custodial interview. Giving the warnings prior to the person being in custody implies that they are, in fact, in custody.
- It is common knowledge in this country that you are “read your rights” when you are placed under arrest, making it reasonable for a person to feel they are under arrest upon hearing those rights being read.
- Refusal to provide identifying information or to answer questions on a Terry Stop does not constitute the crime of Obstructing.



**MIRANDA WARNINGS**  
**OPERATIONAL CONCEPTS:**

<b><u>What policy AND the law say:</u></b>	<b><u>How to do it:</u></b>
<p>-Advisement of right to a lawyer without charge shall be given immediately upon arrest of a suspect, or as soon as practical</p> <p>-Miranda warning must precede custodial interviews</p>	<p>-Follow law and policy</p> <p><u>-Do not</u> advise Miranda on voluntary contacts or Terry Stops, as that may cause a person to believe they are under arrest.</p>

**Seattle Police Manual Policy 6.150 - Advising Persons of Right to Counsel and Miranda**

**1. Officers Shall Advise All Arrestees of the Right to a Lawyer**

Officers shall give this advisement to all persons taken into custody, regardless of interview, as soon as practical.

See Superior Court Rule CrR 3.1

“You have the right to a lawyer. If you are unable to pay for a lawyer, you are entitled to have one provided without charge.”

**2. Miranda Warnings Must Precede Custodial Interview**

Officers must give Miranda warnings before questioning a person who is in custody. (i.e., custodial interview)

- A juvenile’s age is a consideration in determining whether the juvenile would not feel free to leave. A child may be in custody for purposes of the Miranda rule when an adult in the same circumstances would not.

See J.D.B. v. North Carolina, 131 S. Ct. 2394 (2011)

If the arresting officer is awaiting the arrival of a follow up detective, the officer may postpone the reading of Miranda and the interview.



### **3. Officers Must Include All Elements of Miranda and Establish Understanding**

When advising a person of Miranda, officers will include the following statements:

- “You have the right to remain silent.”
- “Anything you say can be used against you in a court of law.”
- “You have the right at this time to talk to a lawyer and have your lawyer present with you while you are being questioned.”
- “If you cannot afford to hire a lawyer, one will be appointed to represent you before questioning, if you wish.”

Officers will establish that the suspect understands in one of two ways:

- By asking “Do you understand” after each of the four Miranda warnings, or
- By asking, “Do you understand each of these rights?” after reading all of the warnings.

Officers may then begin asking questions.

### **4. Officers Shall Read Additional Warning for Juveniles**

When reading Miranda to a juvenile, officers shall include the following warning:

“If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense and can also be used against you in an adult court criminal prosecution if you are to be tried as an adult.”

A parent or guardian must waive the rights of a juvenile under the age of 12, and has the right to be present during the interview.

### **5. Officers Shall Include Additional Warning for the Hearing-Impaired**

When advising a person who is hearing-impaired of Miranda, officers shall include the following warning:

“If you are hearing-impaired, the Seattle Police Department has the obligation to offer you an interpreter without cost and will defer interviews pending the appearance of the interpreter.”

[See RCW 2.42.120 Appointment of interpreter — Responsibility for compensation — Reimbursement.](#)

[See Seattle Police Manual Section 15.250-Interpreters/Translators.](#)

### **6. Officers Shall Provide Miranda in Appropriate Language**



When advising a person who speaks limited English of Miranda, officers shall give Miranda warnings in an appropriate language to establish understanding.

### **7. Officers Shall Document the Advising of Miranda**

Officers may document the Miranda advisement in at least one of the following ways:

- Explanation of Rights Form ([English](#)/[Spanish](#))
- Officer statement
- Department-approved recording device (This includes In-Car Video)

If officers are recording a custodial interview, the Miranda warnings must also be recorded, even if they have been previously given to the suspect.

[See RCW 9.73.090 \(1\)\(b\)\(iii\)](#)

[See Manual Section 7.100-Recorded Statements.](#)

### **8. Officers Shall Stop Questioning Once an Arrestee has Invoked the Right to a Lawyer**

Once an arrestee invokes the right to counsel, officers shall stop questioning unless the suspect reinitiates contact.

Though officers may not ask further questions, they may document anything the arrestee says that is unsolicited.

**Exception:** Officers may continue questioning related to locating a kidnapped or missing person, or evidence, such as a gun, for public safety reasons.

### **9. Should an Arrestee Clearly Invoke the Right to Remain Silent, Officers Must Read Miranda Again if They Later Re-Initiate Contact**



## **Concept Introduction Exercise: Probable Cause**

### **Video Overview**

You are dispatched to meet with a supervisor from City Light to take a theft report. Upon arrival, you meet with the supervisor. He reports that four black males, driving a turquoise minivan with a partial license plate of 122- - -, climbed aboard a City Light truck and stole copper wire from the truck. He shows you video surveillance of the theft and says that a copy is available. He reports that this has been a big problem and believes that the same group of males has hit numerous other City Light trucks.

- Show Copper Theft Video
- The video shows the suspects climbing on to the truck and removing large coils of copper wire.
- The video shows the suspect's vehicle.

You issue him a case number. About one hour after the theft, on the way the precinct to enter the video into evidence and finish your report, you see the minivan with four occupants on board. The four occupants on board appear similar to the subjects you observed on the video. The license plate matches the plate given by the complainant.

### **Questions for the Class:**

- Can you stop this vehicle? If so, why?
- Should you stop this vehicle? If so, how?
- What level of suspicion are you at when you contact the suspects?

### **Instructor Notes:**

- **Can you stop this vehicle?**
  - Yes
  - You have probable cause to believe that these suspects have committed the crime of theft. They are in the vehicle and it is only an hour later, it is likely they still have evidence of the crime of theft in their possession.
- **Should you stop this vehicle? If so, how?**
  - Yes
  - You should notify radio that you have the suspect vehicle and request several officers as back up.
  - You should follow the vehicle until you have sufficient back up.
  - Once back up arrives, you should initiate a stop of the vehicle.
  - Use appropriate tactics to contact the vehicle occupants; dependent on the threat posed to officers. Officers will need to articulate the reasons for any tactics beyond normal traffic stop procedures.
  - Use safe positioning and establish verbal control of the occupants.
- **What level of suspicion are you at when you contact the suspects?**
  - Probable cause arrest



### **Instructor Review Notes for Scenario Debrief**

- Though this crime appears to be a felony, a “felony” stop is not necessarily required. If a High Risk Vehicle Stop tactic is employed, officers will need to explain the reasons for that, as it is a more significant intrusion than an ordinary traffic stop.
- A High Risk Vehicle Stop may be supported by the number of occupants, demeanor or behavior of occupants or additional information indicating the suspects could be armed or presently dangerous.
- 

### **Concept Application Exercise: Probable Cause**

Officers investigate the initial call. While driving back to the precinct, officers notice a blue minivan, similar to the one from the video, parked outside a construction site. There are no plates on the vehicle. Four black males, similar in appearance to the suspects in the video, are standing outside the construction site, looking through the chain-link fence around the site. The males are about twenty feet from the van. About an hour has passed from the initial incident. This location is about a mile from the location of the other incident.

#### **Questions for the Class:**

- What level of seizure can the officers justify at this point?
- Does the value of the copper wire have an effect on your procedures?
- What factors would change the level of contact?

#### **Instructor Notes:**

- **What level of seizure can the officers justify at this point?**
  - Without further information, officers may be limited to conducting a non-custodial interview.
  - There could be reasonable suspicion for a Terry Stop, dependent on the officers’ ability to recognize specific distinguishing characteristics of the suspects or involved vehicle.
  - This could be a probable cause arrest, dependent on the officers’ ability to recognize specific identifying characteristics of the suspects from the video.
- **Does the value of the copper wire have an effect on the officers’ procedures?**
  - The value of the copper wire will determine whether this is a misdemeanor or felony crime.
  - If this is only a misdemeanor crime, officers will not be able to conduct a Terry Stop without associated public safety risks.
    - This crime does not likely pose a risk to public safety
    - There does not appear to be the potential for escalating conduct
    - There may be the potential for this offense to be repeated. That could be dependent on whether this is part of an ongoing pattern of thefts involving these suspects, or there were indicators that they might return to commit the same crime again.





- **What factors would change the level of contact?**
  - Whether the officers can develop information that associates the vehicle with the incident; such as viewing evidence inside the vehicle.
  - Whether the officers can develop information that links the males with the vehicle.
    - The distance of the males from the vehicle.
    - Whether any of them return to the vehicle at any point
  - Observations that create reasonable suspicion that the males are involved in criminal activity; either related to the earlier incident or to another incident.
  - A show-up with the complainant to establish whether these are the same males involved in the earlier incident.

**Instructor Review Notes for Scenario Debrief**

- Even if the officers cannot develop Reasonable Suspicion, a voluntary contact may still be appropriate.
- Effective interviewing and utilization of LEED principles may allow for development of information leading to Reasonable Suspicion or Probable Cause.
-



## **Concept Application Exercise: Probable Cause**

### **Part 2:**

The officers examine the van prior to contacting the males and observe spools of wire in the back, along with a set of license plates. Officers cannot see the digits on the license plate.

### **Questions for the Class:**

- What level of seizure can the officers justify at this point?
- What facts support this?
- What facts would change this level of seizure?
- What can officers do about the items they see in the vehicle?

### **Instructor Notes:**

- **What level of seizure can the officers justify at this point?**
  - Terry Stop based on reasonable suspicion
- **What facts support this?**
  - The van matches the suspect vehicle
  - The original crime occurred only an hour before
  - Removal of the license plates could be consistent with an attempt to avoid detection for the crime
  - The spools of wire appear to be the same type of property taken in the incident
  - The suspects near the van appear similar to the suspects from the incident
- **What facts would change this level of seizure?**
  - The distance of the van from the initial crime
  - The length of time since the crime has taken place
  - The proximity of the suspects to the van
  - The lack of visible evidence in the van
- **What can officers do about the items they see in the vehicle?**
  - The officers would need to obtain either a valid consent to search or a search warrant in order to search the vehicle and recover any items they believe are evidence of the crime.
    - For consent to search to be valid it must be knowingly, voluntarily, and intelligently given and the person granting the consent must have the authority to do so.
    - Officers electing to search by consent must have the consenting person sign a Consent to Search form. If the form is not available, officers must document the consent on a Department authorized recording device such as In Car Video. SPD Manual 6.180



**Instructor Review Notes for Scenario Debrief**

- Gaining consent may be facilitated through the use of LEED to establish a rapport and gain the cooperation of the subjects.
- If there is doubt about any elements of the consent, obtain a warrant
- Do not tell the subject that you “will just get a warrant anyways” in order to gain consent.

**PROBABLE CAUSE**  
**OPERATIONAL CONCEPTS:**

<b><u>What the Law says:</u></b>	<b><u>How to do it:</u></b>
-You must have knowledge or reasonably trustworthy information	-Be able to articulate specific facts and circumstances that you observed or had knowledge of
-Would lead a reasonable person to believe an offense has been or is being committed by the person being arrested	-Explain it so that anyone can understand and concur with your belief.
-Does not have to exclude the possibility of innocence	-The determination that Probable Cause exists does not end the investigation. Continue to search for evidence, witnesses, etc. that will build the case for prosecution.
-Does not require evidence or circumstances sufficient to convict	
-Requires only a fair probability based upon the totality of the circumstances known to the officer	

Probable Cause:

- Exists when officers have knowledge or reasonably trustworthy information that would lead a reasonable person to believe that an offense has been or is being committed by the person being arrested.
- Does not have to exclude the possibility of innocence.
- Absolute certainty, clear and convincing evidence, and/or preponderance of the available evidence *are not required*.
- All that is required is a fair probability given the totality of the circumstances.



## **Experiential Debrief**

### **Observations:**

1. What did you observe during these exercises?
2. Were they different? How so?
3. What are some of the considerations we were trying to look at?
4. Are these types of contacts practical?

### **Generalizations:**

1. Why are these types of contacts important?
2. Does the new policy fit with our past experiences or practices?
3. Have you ever had a probable cause arrest "go bad" because circumstances changed?
4. How can we avoid our P.C. "going bad?"

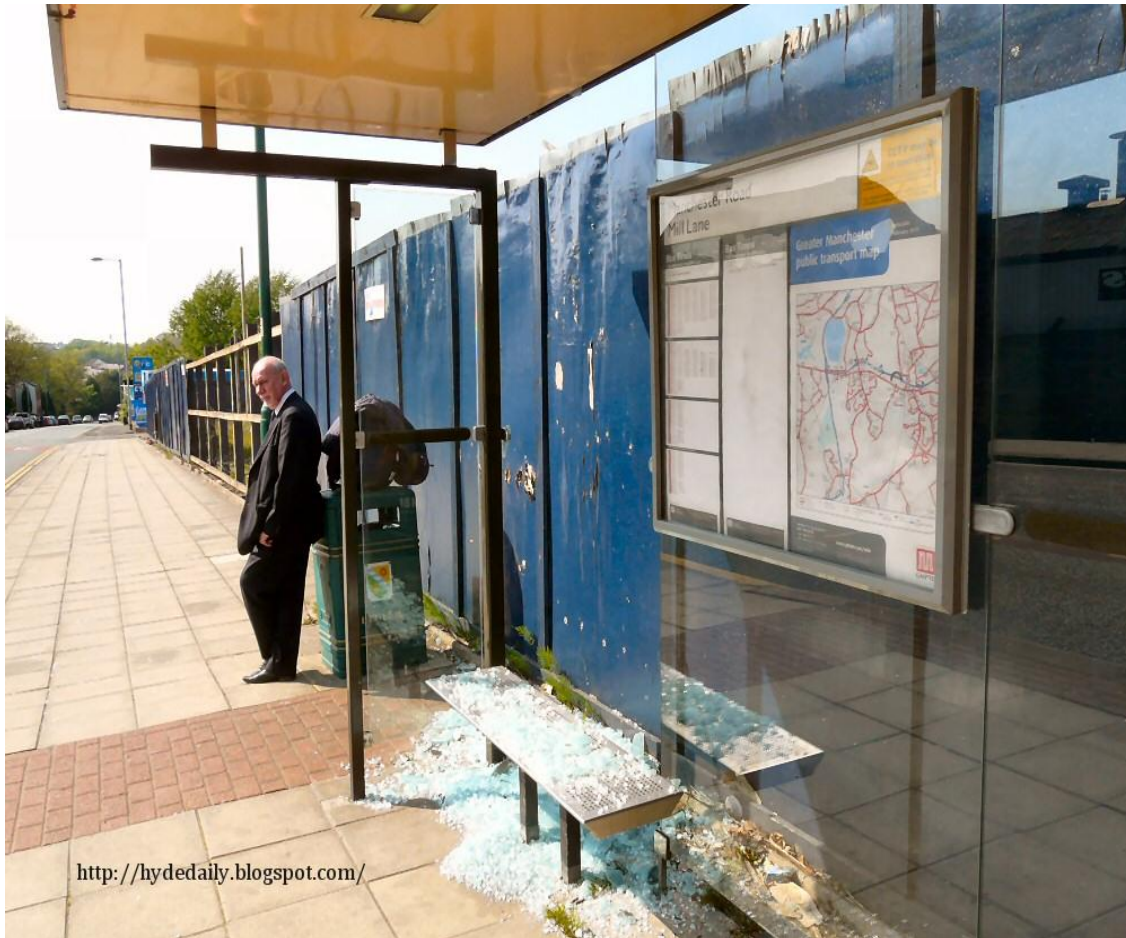
### **Applications:**

1. Does the new policy regarding this portion of the policy mean you have to change any of your practices?
2. Are you going to do anything differently because of the new policy regarding voluntary contacts?
3. What?

### **Confirming:**

1. Are there ways the new policy could be clarified?

## **CONCEPT INTRODUCTION EXERCISE: COMPLETED MISDEMEANORS**



### **Overview**

Officers are on patrol in their district. They notice a bus stop window is broken out. The man standing by the bus stop describes the suspect to the officers. He describes the suspect as a white male with long hair, wearing a black hooded sweatshirt with some sort of logo on the back, blue jeans and cowboy boots. He says the suspect ran off just before officers arrived.

The officers conduct an area check, but do not locate the suspect. About an hour later, officers are conducting a premise check of a nearby park and notice a white male matching the suspect description sitting on a bench.



### Questions for the Class:

- Can you stop the suspect in the park?
- How does the level of crime affect the options available to officers?
- What factors would allow you to conduct the stop of this suspect if this was a completed misdemeanor?

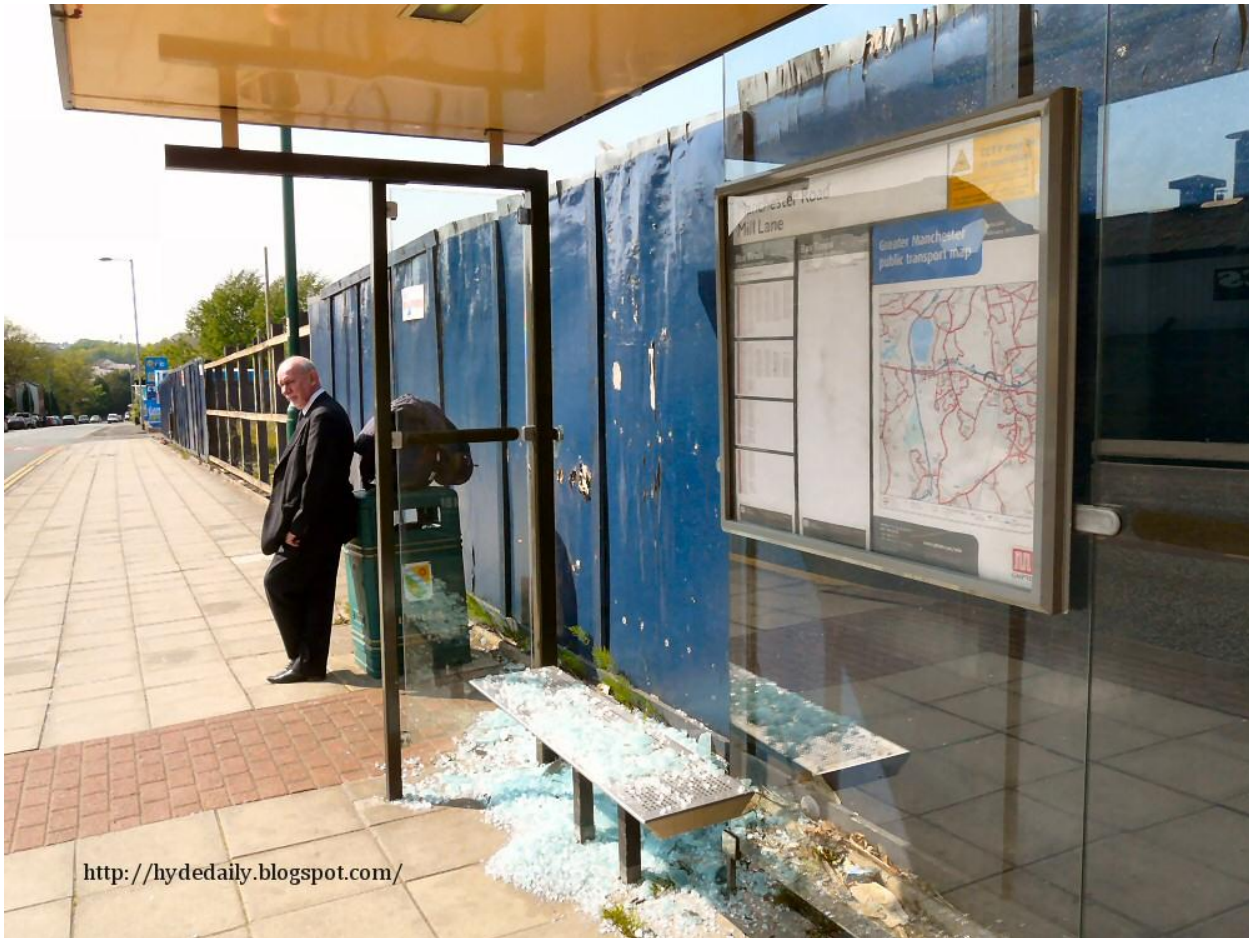
### Instructor Notes:

- **Can you stop the suspect in the park?**
  - Is this a felony, or is this a misdemeanor? The level of crime will be determined by the value of the damaged glass and the replacement cost. Officers will need to make a reasonable estimate or contact the property owner, such as Metro, to determine the replacement cost.
- **How does the level of crime affect the options available to officers?**
  - If this is a felony, then officers can stop the subject. Terry Stops can be conducted for any Felony crimes, whether in progress or completed.
  - If this is a misdemeanor and officers do not have probable cause, they could make a voluntary contact and conduct a non-custodial interview.
- **What factors would allow you to conduct the stop of this suspect if this was a completed misdemeanor?**
  - A stop on a completed misdemeanor is dependent on associated public safety risks.
  - Those risks may include:
    - The crime itself poses a risk
    - There is a likelihood the suspect will repeat the offense
    - There is a potential for escalating conduct
- **What public safety risks might be associated with this crime?**
  - Subject who broke the window may be enraged and a risk to the public
  - Perhaps the window was broken during an altercation
  - Perhaps the subject is known for breaking windows
- **What options are available to the officers?**
  - Conduct a Social Contact or Non-custodial interview if officers cannot develop reasonable suspicion or probable cause
  - Conduct a Terry Stop, if applicable for a misdemeanor or felony
  - Make an arrest, if officers can develop probable cause with additional information
  - Attempt to locate the witness for a show-up in order to develop probable cause

### Instructor Review Notes for Scenario Debrief

- Establish the level of the crime
- Determine if there are associated public safety risks
- Consider ways to develop reasonable suspicion or probable cause

## Concept Introduction Exercise, Part 2:



### Overview

Officers notice a freshly broken window on this bus stop. As they pull up in front of the bus stop, the man standing there points down the street to a man running down the sidewalk. He says the running man is the suspect. Based on previous investigations of this type, the officers know that it will cost approximately \$500 to repair this broken glass.

### Questions for the class:

- What level of crime are the officers investigating?
- Is this a completed crime?
- What level of seizure can the officers justify?
- What factors could change the level of seizure?



**Instructor Notes:**

- **What level of crime are the officers investigating?**
  - Misdemeanor property damage. Since the damage amount is likely under \$750, this would be a misdemeanor. If the damage amount is \$750 or more, this would be a felony.
  
- **Is this a completed crime?**
  - The suspect has finished damaging the property, but it is reasonable for officers to consider him in direct flight from the crime and still within close proximity
  
- **What level of seizure can the officers justify?**
  - The officers can justify a seizure based on probable cause that the suspect has committed the crime.
  
- **What factors could change the level of seizure?**
  - A lack of positive identification from the witness
  - Locating the suspect after more time has elapsed or a greater distance away from the scene

**Instructor Review Notes for Scenario Debrief**

- Ask the witness to remain at the scene before giving chase to the suspect, or obtain a phone number if there is time before giving chase

**COMPLETED MISDEMEANORS:**  
**OPERATIONAL CONCEPTS**

<p><b>What policy AND the law say:</b></p> <p>-Officers may conduct Terry stops for completed misdemeanors only where there is a risk to public safety.</p> <p>-Public safety risks may include:</p> <p style="padding-left: 20px;">Crime itself poses a risk</p> <p style="padding-left: 20px;">Likelihood of re-offending</p> <p style="padding-left: 20px;">Potential for escalation</p>	<p><b>How to do it:</b></p> <p>- Identify the appropriate level of the crime</p> <p>- Recognize associated public safety risks</p> <p>- Identify when probable cause exists</p> <p>-Articulate factors that lead you to believe this</p>
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## Seattle Police Manual 6.220—Voluntary Contacts and Terry Stops

### 3. Officers May Conduct *Terry* Stops for Completed Misdemeanors Only Where There is a Risk to Public Safety

Where there is no probable cause for an arrest and only reasonable suspicion justifying a *Terry* stop, officers may make *Terry* stops for completed misdemeanor crimes only when there is an associated public safety risk.

A public safety risk may exist when:

- The misdemeanor crime *by itself* poses a public safety risk (e.g., Assault, Harassment, Reckless Endangerment, Riot, DUI, Reckless Driving, weapons offenses), or
- There is a likelihood that the suspect will repeat the misdemeanor offense, or
- There is a potential for escalating conduct (e.g., a violation of a court order,

## Experiential Debrief

### Observations:

1. What did you observe during these exercises?
2. How are these contacts different from or similar to each other?
3. What are some of the factors we were considering?
4. Are these types of contacts practical or useful to you as an officer?

### Generalizations:

1. Why are these types of contacts important?
2. Does the new policy fit with our past experiences or practices in regards to Terry Stops?
3. Have you ever had a Terry Stop “go bad”? Why?
4. Do you anticipate the new policy having an effect on Terry Stops?

### Applications:

1. Does the policy regarding Terry Stops mean you have to change any of your practices?
2. Are you going to do anything differently because of the Terry Stop policy?
3. What?

### Confirming:

1. Are there ways the new policy could be clarified?



# 2014 Search and Seizure Training



## Bias-Free Policing

Prepared by: Sgt. J. Brooks and Ofc. M. Welte



### **Training summary:**

This four-hour training module is intended to address bias-free policing concepts and review Seattle Police Manual Section 5.140—Bias-Free Policing. The training will emphasize key concepts, including the following: how to provide services in a professional, nondiscriminatory, fair and equitable manner; how to provide equitable police services based on the needs of the community members encountered; how to increase our effectiveness as a law enforcement agency by building community trust; and clearly defining and operationalizing the concept of bias-free policing. Exercises will focus on identifying potential problems with bias in light of the key concepts.

### **Daily Training schedule:** *This session runs opposite Stops and Detentions*

#### **Session One:**

- 0630-0700** Instructors on site to set up and prepare for class
- 0700-0715** Introductions and Overview:
- Introduction of instructors and students
  - Vision and Mission of the training
  - Course objectives
- 0715-0750** Who are we and what do we do?  
Procedural Justice and Police Legitimacy
- 0750-0800** Break
- 0800-0810** Video presentation “How would you like to be treated by the police?”
- 0810-0830** CPC Member Presentation  
“What steps as an organization should the Seattle Police Department take to become a Bias-Free agency?”
- 0830-0850** What is bias?
- 0850-0900** Break
- 0900-0930** Bias, continued
- 0930-0950** Operational Implementation of LEED
- 0950-1000** Break
- 1000-1030** Operational Implementation of LEED, continued
- 1030-1050** Policy and Reporting



- 1050-1100** Experiential De-brief
- 1100-1200** **LUNCH BREAK**
- 1130-1200** Instructors on site to set up and prepare for class
- 1200-1215** Introductions and Overview:
- Introduction of instructors and students
  - Vision and Mission of the training
  - Course objectives
- 1215-1250** Who we are and what do we do?  
Procedural Justice and Police Legitimacy
- 1250-1300** Break
- 1300-1310** Video presentation “How would you like to be treated by the police?”
- 1310-1330** CPC Member Presentation  
“What steps as an organization should the Seattle Police Department take to become a Bias-Free agency?”
- 1330-1350** What is bias?
- 1350-1400** Break
- 1400-1430** Bias, continued
- 1430-1450** Operational Implementation of LEED
- 1450-1500** Break
- 1500-1520** Operational Implementation of LEED, continued
- 1530-1550** Policy and Reporting
- 1550-1600** Experiential De-brief



### **Training plan:**

Training will be delivered Monday, Tuesday, and Thursday, and every other Sunday and Thursday night; commencing after the training is approved. The intended audience is all sworn officers. This class will be a four-hour block of instruction, as part of a 9-hour overall training session. The 9-hour training session will consist of an A/B format, with a class of forty (40) students split into two groups of twenty (20) students. Group A will attend four (4) hours of Stops and Detentions, while Group B attends Bias-free Policing.

After students complete either Stops and Detentions or Bias Free Policing, they will switch sessions, to complete the other half of the training. Group A and Group B will switch at the lunch break. Each full A/B session will accommodate two (2) groups of twenty (20) students. With the addition of a Sunday daytime session or a Thursday nighttime session once per week, 200 officers will complete this training each week. This will allow 1300 officers to complete the training within an eight (8) week training cycle, with an allowance for 23% above the minimum required number of training slots.

### **Logistical Information:**

Site: Park 90/5

Staffing Requirements: Instructors: 2

### **Training Equipment:**

- Computer for instructors
- Projector/screen
- Office supplies (pens, paper)
- Classroom Dry-erase boards

### **Teaching Methodology:**

Students will achieve the learning objectives or performance objectives through interactive PowerPoint presentation, in-class work and facilitated discussions.



**Performance Objectives:**

All officers, given class room exercises and under the evaluation of an Education and Training Section staff instructors, will:

1. Develop greater awareness of what the diverse communities of Seattle want from the Seattle Police Department.
2. Appreciate the importance of procedural justice/police legitimacy.
3. Learn about and assess the impact of individual, institutional, explicit and implicit bias.
4. Practice how to implement LEED (Listen and Explain, with Equity and Dignity).
5. Discover how an assertion of bias is properly reported and investigated.



## Overview:

The Seattle Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner, based upon the needs of the people we encounter.

In furtherance of this vision, the Seattle Police Department is committed to delivering annual department-wide Bias-Free Policing training. 2014 Bias-Free Policing training will review the importance of police legitimacy, define biases, recognize biases are part of the human condition, discuss how police officers are impacted by implicit bias, and offer techniques to address bias; with the goal being a reduction of the perception of organizational bias.

A perception that a police department is engaged in biased policing is likely to have a significant detrimental impact on community trust in that organization. Effective policing is predicated on community trust and the willingness of the community to support police actions. It is important for our officers to recognize the significance of "Procedural Justice" and understand how these concepts promote effective policing. Several studies show that perceived fairness shapes a person's willingness to obey the police and cooperate with legal authority. If citizens perceive that the police act in a procedurally just manner and treat people with fairness, dignity and respect, then the legitimacy and support of the police is enhanced. The Education and Training Section believes promoting practices that support procedural justice will reduce the perception of institutional bias and promote more effective policing.

Once a foundational understanding of Procedural Justice is accomplished, training will shift to define and assess the impact of bias. It must be recognized that bias-free policing is a complicated topic, with multiple concepts that must be trained. In broad terms, bias training must encompass the topics of organizational bias, explicit bias, and implicit bias. For 2014 the intent of the Education and Training section is to build on prior training and establish a consistent understanding of bias throughout the organization. It is also our desire to provide officers with tools to minimize the impact of implicit bias and reduce the public's perception of organizational bias. The training will principally focus on understanding explicit bias and implicit individual bias.

In 2013 the Seattle Police Department completed the Race and Social Justice Initiative training sponsored by the Seattle Office of Civil Rights. This 8-hour city-wide class addressed race within the historical context; highlighting the impact of organizational bias on specific groups. Having provided a historical perspective for organizational bias and individual bias, the Education and Training section will now shift training to focus primarily on individual implicit bias. Implicit bias will be defined. Officers will also analyze and assess the impact of implicit bias and discuss methods for reducing its impact within the community. In assessing the impact of implicit bias, officers will review how our tactical best practices, policy, procedures and community interaction may assist in reducing perceived bias. Once this instructional block is complete, the Education and Training Section will introduce officers to the revised Bias-Free Policing Policy and review how it is properly implemented.

Another component of the 2013 Race and Social Justice Initiative training included introduction of officers to the officer/community interaction model of **Listening and Explaining with Equity and Dignity (LEED)**. LEED is intended to provide a framework for officer and community



member contacts that promotes procedural justice. Although LEED may not address all issues related to bias-free policing, it is an important tool promoting fair policing practices. Equitable policing reduces the perception that the Seattle Police Department acts with organizational bias.

2014 bias training is an important block of ongoing training, intended to build and form the foundation for the bias-free policing practices of the Seattle Police Department. In support of this layered training approach, the Education and Training Section believes it is important to marry bias-free policing training with Search & Seizure training. The topics are interrelated, with significant community bias concerns often related to the nature and reason for police contact. Due to the importance of this connection, Bias-Free training and Search & Seizure training will be taught in tandem. Officers will receive four (4) hours of bias-free training and four (4) hours of search and seizure training during one training session.

This training structure provides an opportunity to train relatively soon after the implementation of new policies in these areas. In general, more robust training on these topics would be beneficial. However, more training time would increase the time necessary to provide the instruction, with a possible impact on future training. Within the constraints outlined, it is important to establish the department's baseline of understanding on bias-free policing concepts and related search and seizure concepts within the timeline outlined in the ISDM. Not only does this support the objectives of the training, but it also eases the operational impact by allowing for the completion of the initial block of training by the end of the year.

In order to complete the learning objectives for bias-free policing training outlined above, officers will receive four hours of in-person classroom instruction. The instruction will consist of facilitated discussion and application of the instructed material in practical exercises.

Officers will participate in facilitated discussion on the following topics:

- Vision and Mission of Bias-Free Policing
- What are the expectations of the community?
- What is our job?
- What does the community say about us?
- What is bias?
- Do we all have biases and what steps can be taken to mitigate the impact of explicit and implicit bias?
- Operational implementation of Bias-Free Policing
- LEED-Listening and explaining with equity and dignity
- Review of the Seattle Police Department Bias-Free policing policy
- Identification of an assertion of bias
- How to properly report an assertion of bias
- How an assertion of bias is investigated

The instructor will guide all students through the application of the concepts in practical exercises. Officers will view video or pictures of relevant incidents and analyze the incidents in light of the Bias-Free Policing concepts.





**Interest Introduction:**

The objective of the Seattle Police Department is to provide equitable police services based upon the needs of the people we encounter.

Bias-Free policing and equitable treatment of all members of the community will increase the Department's effectiveness; building mutual trust and respect with Seattle's diverse groups and communities.

Our effectiveness is impacted by the perceived fairness and equitable treatment of all members of the community.

Guess what? It will make our job easier and safer.



### **Material Introduction:**

This class is intended to familiarize officers with Bias-Free Policing concepts outlined in Seattle Police Manual Sections 5.140—Bias-Free Policing.

The class is intended to be an interactive course. The instructors will facilitate an in-depth discussion and analysis of the key concepts and their application to practical analytical exercises involving bias incidents.

Officers are expected to use their own experience and knowledge to enhance the learning of other course participants.

### **Material:**

1. Facilitated discussion regarding the job of a Seattle Police officer and what officers are often asked to do when contacting the community.
2. Facilitated discussion regarding what the community says about the Seattle Police Department.
3. Facilitated discussion about what the community wants from officers.
4. Video prepared in conjunction with the Community Police Commission and the Seattle Police Department that asks “How would you like to be treated when contacted by the police?”
5. Presentation by a member of the Community Police Commission discussing “What steps as an organization should the Seattle Police Department take to become Bias-Free.”
6. Facilitated discussion of implicit bias and its impact. Presentation of tools to minimize the impact of implicit bias.
7. Instructors will facilitate a review of the key concepts from Manual Sections 5.140—Bias-Free Policing, including the following:
  - Responsibility of all employees to address biased policing
  - Definition of Bias-Based policing
  - When can discernible characteristics be considered by officers?
  - What is a reportable complaint of bias?
  - What is the duty of an officer when bias is asserted?
  - What is the duty of a supervisor in response to an assertion of bias?
  - Documentation requirements for an assertion of bias
  - Investigation required of a supervisor when bias has been asserted
  - Reporting requirements for a bias-based policing assertion
  - The Department’s approach to concerns about organizational or institutional bias



### **Material Delivery**

Topical questions will be presented to facilitate a directed discussion on concepts essential to understanding officers' role in the community, what is bias based policing, how we as an agency can improve our legitimacy within the community, and how officers comply with the provisions of the Seattle Police Department Bias-Free policing policy. Questions will be asked and instructor notes, following the question, will assist in guiding class discussion. Each block of material is intended to reach, through experiential learning, conclusions that combine to arrive at a group understanding of key bias-free policing concepts.



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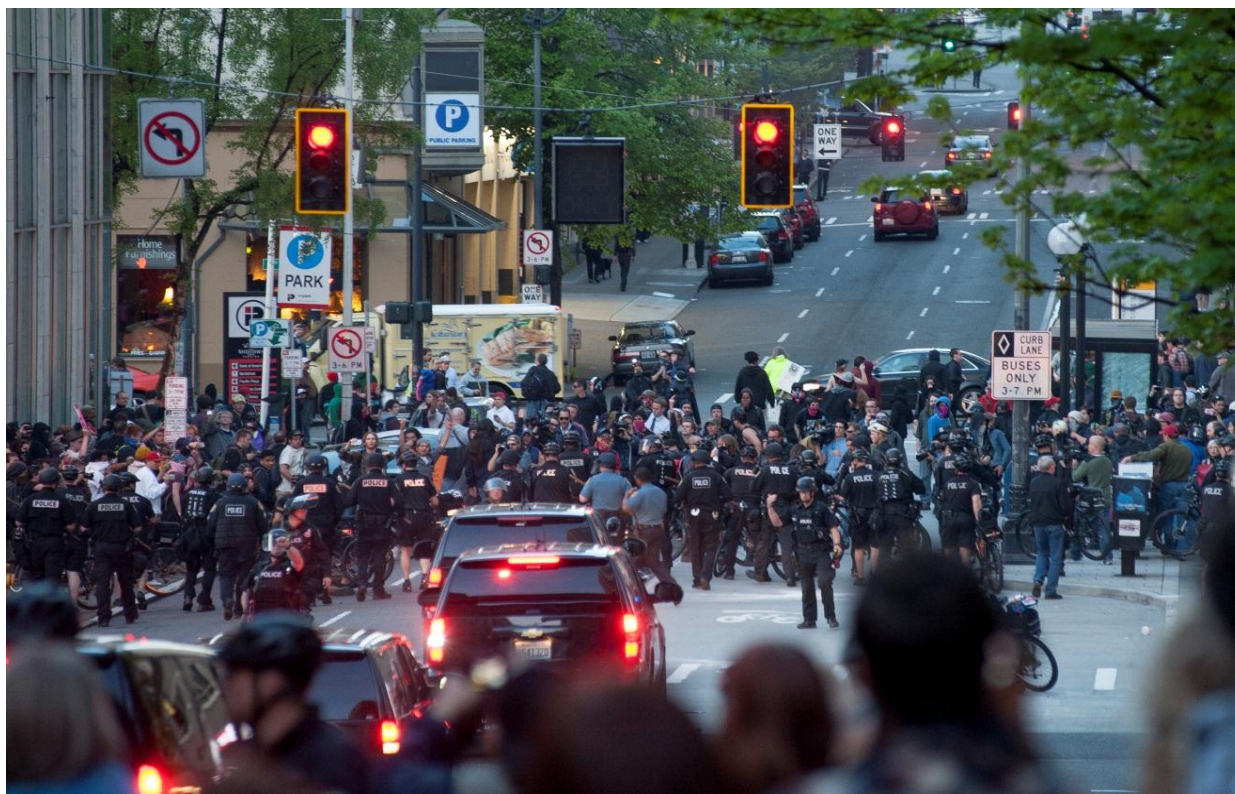
## What is the job of a police officer?

### What do we do?

#### Instructor Review Notes

- If not mentioned, after some discussions ask, “Is one of your jobs service?”
- Is police work different from other service jobs?
- What’s different?
- Are the people contacted usually pleased to be dealing with an officer?
- Is that different than when a Ford Motor Credit Company representative calls and asks for a payment? Repossesses a car?

**Desired result:** Officers should recognize that we are in a service industry and responsive to the community. However, members of the community are not always going to appreciate police contact.



PowerPoint Slide:

**Is the person contacted always right in police work?**

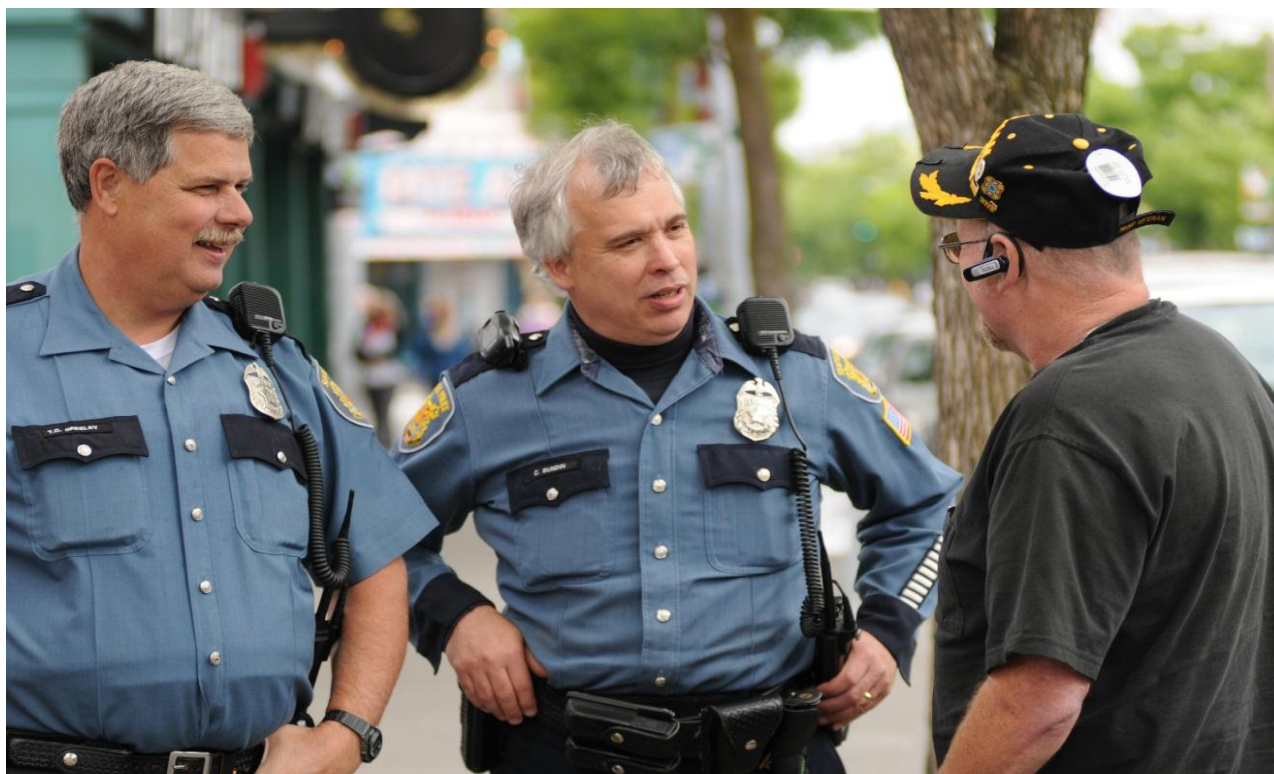
**If not, why not?**

**Instructor Review Notes**

- If the dynamics of our contacts impact our ability to interact with the community, once a scene is safe, can we exercise “good” service?
- What do you think are the service expectations of a person you arrested?
- What does “good service” look like? Have you had bad service?
- Describe what “poor service” looked like:
  - Not listening
  - Not explaining
  - Rude
  - Short or curt
  - Judgmental
  - Not responsive to legitimate concerns
- **Can we deal with the angry and the hostile in a professional way? How?**

**Desired result:** Through discussion, officers should recognize the following:

- Police work is unique in that officers must control the scene for safety reasons
- Officers must still continue to treat people with fairness and respect while controlling a scene.
- People want to be treated with fairness and want their concerns listened to by officers.
- The expectation is not to make the person feel “good”, but rather to feel that they have been treated fairly within the context of the encounter.



PowerPoint Slide:

**Do our community members accept your actions and generally comply with your requests or authority?**

**Instructor Review Notes**

- Do most community members accept officers' actions and comply with police?
- Why do community members accept officers' decisions, comply with the law or cooperate with police?
- Why is this important?

**Desired result:** Through interactive facilitated discussion, officers should recognize that an integral function of an officer is to serve their community. The ability to serve a community is largely based on the community's acceptance of the legitimacy of the police. Several significant studies have proven that the perceived legitimacy of a community's police had a significant impact on that community's positive feeling toward the police. Additional studies suggest that there is a cumulative impact that builds on positive contacts to improve legitimacy. Legitimacy is closely tied to the concept of Procedural Justice, which is when fairness and transparency of process lead to equitable outcomes.



PowerPoint Slide:

## What is procedural justice?

### Instructor Review Notes

#### Definition:

- **Fairness in the process of resolving an incident-listening to all parties**
- **Transparency of the process-explaining what we are doing**
- **Taking the mystery out of police decisions**

Procedural justice refers to the idea of *fairness in the processes* that resolve disputes and allocate resources. One aspect of procedural justice is related to discussions of the administration of justice and legal proceedings. This sense of procedural justice is connected to due process (U.S.), fundamental justice (Canada), procedural fairness (Australia) and natural justice (other Common law jurisdictions). Procedural justice concerns the **fairness and the transparency of the processes by which decisions are made**. Some theories of procedural justice hold that fair procedure leads to equitable outcomes, even if the requirements of fair allocation of rights/resources or restorative justice are not met. It has been suggested that this is the outcome of the higher quality interpersonal interactions often found in the procedural justice process, which has shown to be stronger in affecting the perception of fairness during conflict resolution.

[http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Procedural\\_justice.html](http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Procedural_justice.html)



PowerPoint Slide:

## What is “police legitimacy”?

### Instructor Review Notes

Police legitimacy is the public view that the police are entitled to exercise authority.





PowerPoint Slide:

**How does it impact your job if the community believes you have legitimacy?**

**Legitimacy Promotes:**

- Compliance with the law
- Cooperating with the police
- Acceptance of police decisions
- Assisting with crime prevention efforts
  - Calling the police when a crime occurs
  - Providing information to police about criminal activity
  - Serving as a witness
  - Believe an officer who is testifying
- Fewer complaints
- Transparency



### Instructor Review Notes

**Desired result:** Through discussion, officers should recognize that people want to be treated fairly and with respect. When dealing with the police, people want to be treated in the same way that officers would like to be treated. People often want their concerns heard and acknowledged. Although there are some unique characteristics to being an officer, there are still strong similarities to other types of service jobs.

COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 7

COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 12

**Why does the public permit officers to carry out their police functions?** Procedural justice and how it impacts the ability of officers to perform their duties must be understood as a foundational concept before considering equitable and fair treatment of community members. There is substantial research supporting the closely tied “relationship between procedural justice policing and citizen perceptions of police legitimacy.”

Reisig, Bratton, and Gertz, 2007; Tyler, 2003, 2004. Shaping Citizen Perceptions of Police Legitimacy: A Randomized Field Trial of Procedural Justice, *Criminology* Volume 51, Issue 1, pages 33–63, February 2013, Community Orientated Policing Services, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 7

- Studies have concluded that perceived fairness in policing is important for shaping a person’s willingness to obey the police and cooperate with legal authority. (Shaping Citizen Perceptions 2013)
- “If citizens perceive that the police act in a procedurally just manner—by treating people with dignity and respect, and by being fair and neutral in their actions—then the legitimacy of the police is enhanced. (Shaping Citizen Perceptions 2013, page 1)
- These studies show that the legitimacy of authority is important for encouraging compliance and cooperation (Tyler and Fagan, 2008) and highlight the importance of community engagement in crime management (Huq, Tyler, and Schulhofer, 2011).” (Shaping Citizen Perceptions 2013, page 1)
- The referenced article **concludes that “under field trial conditions, the impact of a procedurally just encounter on citizens’ perceptions of legitimacy and cooperativeness with the police in general is somewhat surprising.”** (Shaping Citizen Perceptions 2013, see Discussion and Conclusions) **The study shows that even single, short duration positive contacts shape a person’s view of the encounter as well as their general perception of police.** Higher ratings of perceived fairness and procedural justice resulted in improved perception of the police in general, higher reported perceptions of police legitimacy and greater satisfaction with the police. (Shaping Citizen Perceptions 2013, see Discussion and Conclusions) The referenced study demonstrates that police agencies and individual officers stand “to gain from using procedurally just approaches in even very short, police-initiated traffic encounters with citizens.” (Shaping Citizen Perceptions 2013, see Discussion and Conclusions)

**COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 7**



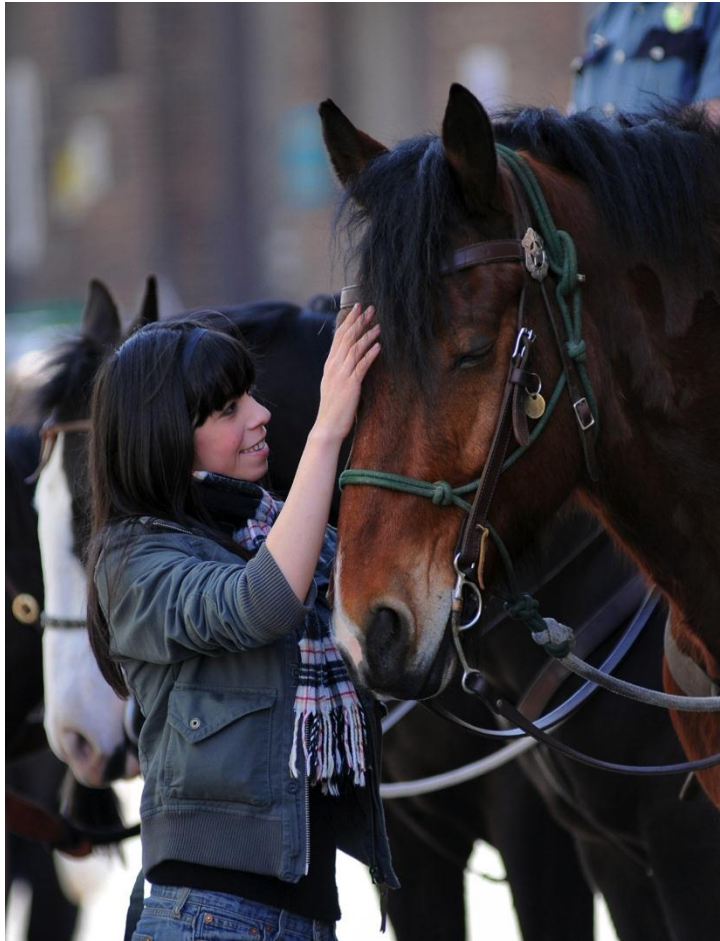
PowerPoint Slide:

## What does the community think about you?

### Instructor Review Notes

- How are most of your interactions with the community? Positive? Negative?
- How often are they negative?
- What is your perception of what the community thinks about the department?

**Desired result:** We are seeking an honest self-appraisal of what we believe the community thinks of us and the job we do daily. Avoid the introduction of the word bias. We will address bias in detail in the sections to follow. Most officers should recognize that the bulk of their interactions with the public are positive.



PowerPoint Slide:

## Let's talk stats:

<b>Overall Community Approval of SPD</b>	<b>60%</b>
<b>SPD does a good job of keeping people safe</b>	<b>74%</b>
<b>SPD treats people respectfully</b>	<b>77%</b>
<b>Treat people of all races and ethnicities equally</b>	<b>35%</b>
<b>Engages in racial profiling</b>	<b>53%</b>
<b>Uses excessive force</b>	<b>45%</b>
<b>Has anyone you have known been treated unfairly by police</b>	<b>76% no</b>
<b>Has anyone you have known been a victim of excessive force</b>	<b>90% no</b>

Seattle Police Monitor, Second Semiannual Report, December 2013, Appendix



**Instructor Review Notes**

- **What do these numbers say?**
- **Are they consistent with how people seem to view the Department?**
- **How do we reconcile your conduct with community perception?**

**Desired result:** Through discussion officers should recognize that the statistics give insight into how the community perceives the Seattle Police Department.

First, officers should understand that a majority of the community believes that SPD uses excessive force and does not treat people of all races and ethnicities equally.

Second, officers should recognize that significant majorities also say that SPD does a good job at keeping people safe and treats people respectfully.

Finally, officers should note that relatively few have known someone who has been treated unfairly by police or experienced excessive force. Thus, community perceptions may not be consistent with perceived approval, fairness and direct knowledge of misconduct.



PowerPoint Slide:

**What impacts a person's assessment of an encounter with police?**

**Let's take a closer look.**

**Instructor Review Notes**

**How does a community member assess an officer or the organization?**

- Outcome (e.g., warning, ticket, arrest)
- Process (e.g. respectful, fair)

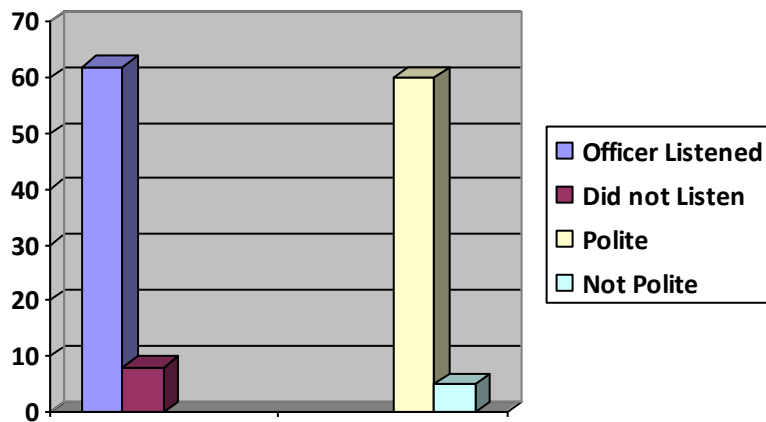


PowerPoint Slide:

**How could a community member’s perception that the officer listened to the driver or was polite during a traffic stop impact their perception of police?**

### Process Matters When Getting a Ticket

How favorable was the incident?



Data from:  
COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 12-15



**Instructor Review Notes**

- When a driver perceived that the officer listened and was polite, they rated the incident far more favorably than when they believed that the officer did not listen to them or was not polite.

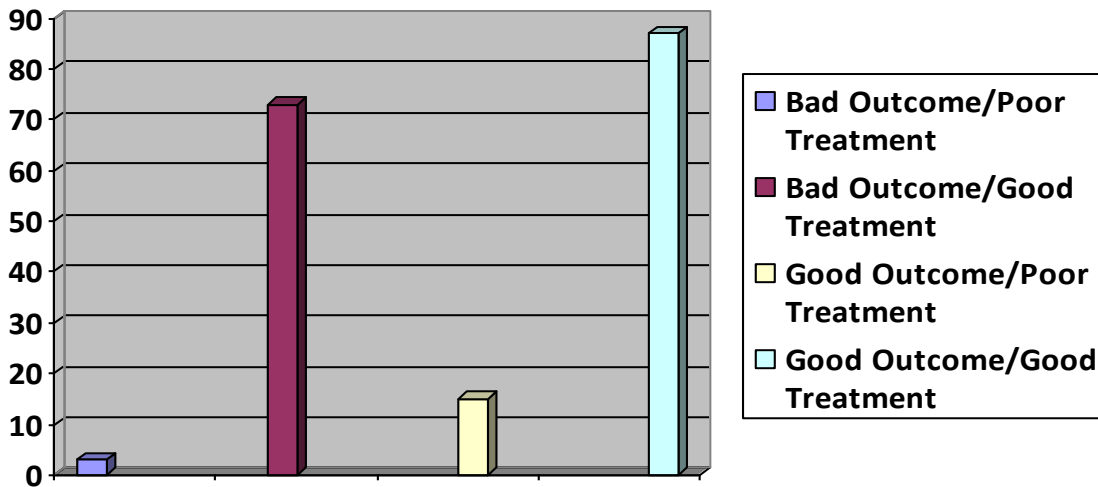
PowerPoint Slide:

**How does the feeling that someone received “good” treatment impact the acceptance of police decisions?**

**Community Members’ Voluntary Acceptance of Police Decisions**

**Outcome = Result of Interaction with Officer (e.g., assistance, warning, citation, arrest)**

**Treatment = Community members’ sense of officer fairness, transparency, equity**



COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 12-15

**Outcome = Result of Interaction with Officer (e.g., assistance, warning, citation, arrest)**

**Treatment = Community members’ sense of officer fairness, transparency, equity**





### Instructor Review Notes

#### **What does this information mean to you?**

- When community members perceived the outcome as bad and also believed that their treatment was bad, 3% reported that they would voluntarily accept police decisions.
- When community members perceived the outcome as bad **but believed that their treatment was good, 73% reported that they would accept police decisions.**
- Likewise, community members who received a good outcome but still believed that officer treatment was poor reported that they would voluntarily accept police decisions just 15% of the time. However, when there is a good outcome and good treatment, 87% of community members said that they would accept police decisions.
- A community member's sense of whether officers treated them fairly, respectfully, transparently and with dignity shapes their attitudes about police far more than the outcome of the interaction.
- Procedural justice matters.

**Desired result:** Each of the above questions will be followed by interactive group discussions. Through interactive facilitated discussion, supported by research, officers should recognize the significant impact of people receiving perceived "good" or fair treatment on the public's acceptance of police decisions. We want officers to not only recognize the importance of the community's acceptance and support, but also how it impacts them professionally. The last graph shows that **treatment matters more than outcome**, with respect to assessments of an interaction and the perception of police generally.

**COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 2, page 12-15**



PowerPoint Slide:

## How can you promote procedural justice in interactions with community members?

[http://www.youtube.com/watch?v=N1kdNsg\\_8Jc](http://www.youtube.com/watch?v=N1kdNsg_8Jc)

### Instructor Review Notes

This is video taken after a shooting incident in the south precinct.

- Does this interaction promote procedural justice?
- What is your perception of how the community will react to this interaction?
- What where some options for promoting procedural justice in this interaction?
  - LEED
  - Walk away
  - Partner intervene and remove involved officer from confrontation
  - Let the person voice their concerns
  - Attempt to redirect the conversation
  - Ask them for any information
  - Attempt to engage the community member

The next video shows two SPD officers arresting a subject for domestic violence.

**Show officer video: Schoenberg and Conway**

**Waiting for approval:** Two SPD Officers are observed arresting a very angry person for domestic violence. The officers are very polite and professional to someone who is refusing to engage and who will not allow officers to de-escalate the incident.



Instructor Review Notes

- **Does this interaction promote Procedural Justice?**
- **What is your perception of how the community will react to this interaction?**
- **What were some options?**
- **Does it matter if the subject does not respond to the attempts at de-escalation?**  
No, the event occurs with many potential witnesses/observers present. De-escalation and the use of LEED are still of value and favorably viewed by bystanders regardless of the response of the suspect.
- **Why?**  
The perception of police contacts is more than just the direct interaction between officers and the public. It is broader and supports the overall perception of us and how we do our job.

Even when dealing with a difficult person, officers can still provide procedural justice. Even if the suspect does not appear impacted by the officers' attempts to display fairness, politeness, and transparency, officers should recognize that the community is likely positively impacted by the officers' professionalism and commitment to procedural justice.



**So what does the community want from its police?**

**Video Presentation:**

**(In production)**

The class will be shown a video prepared by the Seattle Police Department Video Unit asking both community members and police officers the question “How would you like to be treated when contacted by the police?” The video will offer different perspectives, but with similar expectations from contacts with law enforcement.

**Instructor Review Notes**

- **Are the responses to the question significantly different between community members and police officers?**
- **Are you surprised by any of the answers provided in the video?**

**Desired result:** Through discussion the class should see recognize similarity between the community’s comments and police officers’ statements. Expectations for officers and citizens when contacted by the police are essentially the same.



### **Community Police Commission Presentation**

A member of the Community Police Commission will make a short presentation describing the steps the Seattle Police Department, as an organization, should consider to become Bias-Free. The presentation will offer specific answers to the question and present a vision of what Bias-Free policing looks like to the community. Once the presentation is concluded, officers will have time to ask questions of the community member.





## Human Bias

### Video Presentation:

<http://www.youtube.com/watch?v=8OcQ9A-5noM>

Fair and Impartial Policing, <http://fairandimpartialpolicing.com/training/resources.html>

### Instructor Review Notes

- What were the judges' and audience's reaction prior to her singing?
- Did people pre-judge her? If so, what was it about her that led the judges and audience to that judgment?

This is bias....

- Did it change after she began to sing? Why?

A bias changes when we have facts that are contrary to assumptions

**Desired results:** It is very clear the judges and audience had a bias toward the singer; that she could not perform based on her appearance and/or method of presentation. Humans tend to prejudge other people on sight. We tend to attribute characteristics to people based on appearance and behavior, and our previous experiences with people of similar appearance or exhibiting similar behavior. In the video, the judges and audience members seemed to have made conclusions about her ability to sing based on her appearance/behaviors on stage.

We all have biases; often based on some experience or fact. Our brain creates biases, through schema and stereotypes, to assist in cognitive efficiency. However, this efficiency can lead to quick non-deliberative decisions that may not be accurate. We should take steps to not allow biases to impact decision-making or evaluation of events. The goal is to make reasoned decisions that consider the impact of biases and to work to counter pre-conceived evaluation of information.

**COPS, U.S. Department of Justice, Fair and Impartial Policing Course, Module 1, page 7**