

December 12, 2018

VIA EMAIL

Lisa Judge, Inspector General for Public Safety
Office of the Inspector General for Public Safety
lisa.judge@seattle.gov

Dear Inspector General Judge,

The Community Police Commission (CPC) wishes to share our recommendations to the Office of the Inspector General's Work Plan, pursuant to the directives included with the passage of Ord. 125315, the "Police Accountability Ordinance," which states that the IG has the authority and responsibility to:

"Create OIG's annual workplan, in consultation with OPA, CPC, and the Chair of the public safety committee, and transmit a copy to the Council by January 1. The Inspector General's annual workplan shall identify all workplan recommendations from OPA and CPC. The Inspector General's annual workplan shall also identify which of those recommendations were accepted, which were declined, and provide the reason for any declined recommendations." (Sec. 3.29.240.F.)

To that end, the CPC submits the following items for recommendation and consideration.

CPC's Recommendations for the OIG's Work Plan

1. Disparate impacts/bias in policing in stops and detentions and use of force:

The Monitor's ninth systemic assessment on Stops, Search, and Seizure and tenth systemic assessment of Use of Force, in addition to SPD's past annual reports identified clear signs of progress, as well as disparities that exist in officers' use of stops, detentions, and force. For example, SPD officers are more likely to point firearms at historically-underrepresented subjects than White subjects but are more likely to go hands-on with White subjects. Specifically, Black, Hispanic/Latino, and Asian/Pacific Islander subjects of use of force were significantly more likely to have firearms pointed at them than White subjects.¹ White subjects of use of force were 1.4 times as likely to be determined by SPD officers to be experiencing behavioral crisis than Black subjects, and Black subjects were 1.6 times as likely to be perceived as unimpaired than White subjects.² It is important to thoughtfully explore what dynamics may account for these differences, perhaps through a qualitative review of a sample of police reports and interviews with a sample of the individuals seized and involved officers.

Stops of non-white people are more common in beats where there are more White residents.³ If policing services or focus are driven in part by the political power of gentrifying neighborhoods, the enforcement pattern might look exactly like this. Appreciating the dynamics underlying this pattern may yield important clues about how to reduce overall racial disparities in enforcement patterns.

¹ Seattle Police Monitor, "Ninth Systemic Assessment: Use of Force" (Seattle, WA: Seattle Police Monitor, April 2017).

² *Ibid.*

³ Seattle Police Monitor, "Tenth Systemic Assessment: Stops, Search, & Seizure" (Seattle, WA: Seattle Police Monitor, June 2017).

Hispanic and Black subjects were more often frisked than white subjects, once stopped. White subjects were least likely to be frisked, yet more likely to be found with a weapon and just as likely as Nonwhite subjects to be found with a firearm.⁴ While frisks must be justified by a well-founded belief that a subject is presently armed and a dangerous, or a perceived threat, they are an enforcement tactic known to have vastly disparate impacts on people of color; therefore, this is an important area for possible further exploration and training.

For the most part, data collection related to stops, searches, and seizures was relatively complete, with 3.1 percent of all possible records missing. Despite this, 27.2 percent of all Terry stop records lacked a narrative describing the officer's reason for initiating the stop.⁵ Without an accompanying narrative, there is no information with which to determine whether a stop was legal, based on appropriate justifications, and limited to a reasonable scope.

2. Coercive Interrogations:

The Seattle Police Department utilizes interrogation techniques that apply immense pressure on subjects to extract information and coerce confessions. These techniques, which may include lying to subjects, often force the innocent to falsely confess. The CPC hopes to collaborate with the IG and SPD to cease SPD's use of coercive interrogation techniques.

3. Federal Taskforce Collaboration issues:

As it relates to Seattle's current collaborations with the federal government, there are questions within community regarding how and whether the City of Seattle protects information and data regarding undocumented people who live, work, and access services in Seattle. Given the current landscape of intensified immigration enforcement, and given significant public concern around this issue, we recommend that the OIG examine the implications of SPD's involvement in responding to requests which involve undocumented people within Seattle.

4. Audit/Review of SPD responses to community rallies and protests: Complete an assessment and review of SPD's Use of Force reports related to arrests at demonstrations.

5. Complete an Assessment of the Force Review Board: Conduct a comprehensive assessment of the Force Review Board to include reviewing FIT and FRB policies and processes to ensure that serious use of force adheres to the policies and procedures established through the Consent Decree and approved by the federal court, in an effort to be responsive, open and transparent.

6. Audit/review 911 Dispatch Center: There are many ways that the Dispatch center can become liable when responding to calls that come in and influence the response of officers to calls received. Considering the significant role which the communication center plays, the request includes a review of elements below, which does not represent an exhaustive list but a baseline for review:

⁴ *Ibid.*

⁵ *Ibid.*

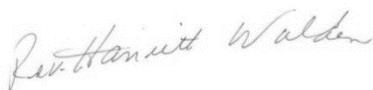
- a. Review Response times;
 - b. Review designation/classification of calls and how calls are assigned;
 - c. Assess Seattle Police Department's response times to Shelters (DESC, youth shelters, women's shelters, etc.).
7. **SPD Litigation closed case review.** Analyze all legal claims filed against the Seattle Police Department, to include pending cases, closed cases, and settled cases to determine pattern and practices, trends and disparate impacts which can be used to self-monitor and advise on necessary reforms needed.

Additional Recommendations

1. **Provide an update on the status of the Force Review Board Family Liaison Recommendations:** The Force Review Board's Findings on the death of Charleena Lyles stated that: "The Board suggested that in addition to the Department's community outreach, the City consider appointing a family liaison, separate from SPD, to help coordinate information sharing and to [keep] the family informed through the investigation process. The Board referred this as a discussion point with the anticipated Office of Inspector General." The CPC would like to know if these discussions have begun, and whether the Lyles family - and others like them - will be consulted as this proposal is developed.
2. **Be informed about Wingate arrest and background:** The wrongful arrest of Carl Wingate in 2015 and the firing and subsequent reversal of discipline of arresting officer Cynthia Whitlatch had a significantly negative impact on community's confidence in the Seattle Police Department. The CPC conducted an analysis of the incident and surrounding events and identified multiple gaps in policy and practice that may have led to the reversal of Whitlatch's discipline. We recommend that the IG become informed about this case as it prompted significant community concerns.

The CPC appreciates the opportunity to advise on the review of these listed items, and to the extent possible, welcomes an open dialogue and possible collaboration of certain topics were appropriate between our agencies. Please feel free to contact our Executive Director, Fé Lopez, at fe.lopez@seattle.gov or 206-684-5175 with questions and for further discussion.

Sincerely,



Rev. Harriett Walden, Co-Chair
Community Police Commission



Isaac Ruiz, Co-Chair
Community Police Commission

cc:

Amy Tsai, Deputy Inspector General
Seattle Community Police Commission