

Seattle Community Police Commission

Our City. Our Safety. Our Police. **Better Together.**

February 11, 2016

VIA EMAIL

Merrick J. Bobb, Seattle Police Monitor
Edward B. Murray, Mayor of Seattle
Chief Kathleen O'Toole, Seattle Police Department
Peter S. Holmes, Seattle City Attorney
J. Michael Diaz, Assistant U.S. Attorney, Western District of Washington

RE: Response to Sixth Semiannual Report

Dear Monitor and Parties,

This letter is in response to the Sixth Semiannual Report (Report) issued by the Seattle Police Monitor in December 2015, pursuant to the Settlement Agreement and Memorandum of Understanding between the U.S. Department of Justice and the City of Seattle.¹ The Community Police Commission (CPC) would like to offer observations on the following topics mentioned in the Report:

1. Precinct-Based Administrative Lieutenants;
2. Public Confidence Survey;
3. Use of Body Cameras;
4. Early Intervention System;
5. Data Analytics Platform; and
6. Community Feedback on SPD Policies

I. Precinct-Based Administrative Lieutenants

The Monitor recommends that more progress is needed in the investigation and review by chain of command for intermediate-level, Type II force and references SPD's proposal for the implementation of Administrative Lieutenants at each precinct. The CPC supports the Monitor's view that more needs to be done in regards to chain of command investigations; however, we feel the use of Administrative Lieutenants at the precincts would not resolve the deficiency.

¹ Settlement Agreement and Stipulated Order of Resolution, Section I (B)(7)(b), United States v. City of Seattle, 12-CV-1282: The Commission will review the reports and recommendations of the Monitor, described below, and may issue its own reports or recommendations to the City on the implementation of the Settlement Agreement; Memorandum of Understanding between The United States and The City of Seattle, Section III (B)(5)(b) July 27, 2012: The Commission will review the reports and recommendations of the Monitor, described below, and may issue its own reports or recommendations to the City on the implementation of the Settlement Agreement.

In April 2014, the CPC proposed a series of policies, procedures and structural reforms for SPD's accountability system that were informed by community feedback, technical advisors, consultants and stakeholders. One of the proposals in our recommendation was for the use of a civilian-staffed precinct liaison program. The proposed OPA precinct liaison program would have civilians working for OPA, called "Precinct Liaison Officers," in place at precincts, rather than Lieutenants.

Implementation of professional civilian staff would allow for more consistency within the accountability system, as civilian staff are less likely to be rotated out of a position as frequently as sworn staff. OPA precinct liaisons would also bring additional capacity and expertise to help precincts and line supervisors better respond to public complaints of minor misconduct, internal complaint referral, workplace employee issues, and other human resource, performance, and accountability issues.

For these reasons, the CPC has recommended that SPD use civilian OPA precinct liaisons instead of Administrative Lieutenants.

II. Public Confidence Survey

The Report states that the Monitor commissioned a quantitative survey to assess community perceptions of—and community interactions with—Seattle police officers. Some of the points highlighted in the Report strongly suggest improvements in public confidence. However, the report fails to highlight the more concerning findings identified via the survey, including how "Race is a significant factor in whether people are stopped or not (traffic or non-traffic), as it was in 2013,"² and that "People are still reporting that someone they know experienced [racial profiling and/or excessive force] at a high rate."³ Additionally, the CPC has questions regarding the survey methodology, particularly with regard to sampling and weighting. Most notably, because the survey was only conducted in English and Spanish, responses from diverse communities, particularly those with limited English proficiency, were minimal. The survey also indicated that an unusually large number of individuals from certain communities of color engaged with SPD through block-watch programs and living-room conversations. The same individuals also gave SPD high approval ratings. These findings should be further analyzed.

Although the Monitor has posted high-level survey results online, we have not yet received the complete, raw dataset that we requested, which would allow us to delve deeper into the survey and better understand the findings and their implications for the community.

III. Use of Body Cameras

Similar to the Fifth Semiannual Report, this Report discusses the implementation of body cameras. Citing the results of the public confidence survey, the Report notes that "Seattleites overwhelmingly want to see body cameras on their officers,"⁴ and that it is hard to find a "significant population"⁵ in the city that supports the implementation of body cameras by less than 80 percent.

The CPC appreciates the Monitor's recognition that more conversations should continue during implementation; however, the Report fails to address and/or over simplifies many significant concerns associated with using body cameras.

² Brian Stryker, Memorandum re: Seattle Police Community Survey Findings (Sept. 10, 2015) at 4.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.*

The issues surrounding implementation of body cameras are complex. There are important and competing values of public transparency and officer and civilian privacy that need to be carefully considered to avoid unintended consequences. We believe that there has not been sufficient public engagement regarding the challenges this technology will bring in terms of balancing police accountability, individual privacy and safety interests, and open government goals.

Once the body camera program begins, privacy concerns will be at the forefront of the community, with video footage instantly and continually subject to public disclosure. Officer discretion regarding the determination to turn a camera on or off will also be very important to the community. Allowing broad discretion significantly harm community perception of police legitimacy, trust, and confidence. The CPC also believes that there is an impending vulnerability for immigrant and refugee communities to be adversely deterred from accessing police services, due to fear that footage will be released to national security agencies.

These concerns have not been clearly addressed, which may affect the delicate balance SPD is trying to achieve in the community. For SPD to be seen as “guardians and protectors, policing effectively and constitutionally,”⁶ implementing the body camera program without deep consideration for community impacts will lead to undesirable outcomes. SPD must engage community members up front about the disadvantages and advantages of utilizing body cameras. More discussion will help guide the process and open channels of communication in the community.

IV. Early Intervention System

The Report indicates that the early intervention system (EIS) was live as of June 19, 2015 and that, as such, it is still too early to tell if it is effective. The Monitor therefore plans to conduct a systematic assessment of it in the coming months.

However, the CPC has learned through interviews that officers are under the impression that any force reporting, including Type I, will trigger EIS reporting. According to 3.070 –POL-2 (1), there are certain thresholds that need to be met in order to initiate an early intervention assessment. Type I is considered to be an indicator, but only for those in the “top 1% of officers who have used force investigated at Type I within 6 months.”⁷ This information indicates that more training and awareness of the EIS policies needs to occur in order for officers to feel comfortable doing their work.

V. Data Analytics Platform

The Monitor indicates in the Report that SPD has contracted with Accenture for the creation of the data analytics platform (DAP). Stage rollouts began in January 2016, and completion is slated for September 2016. The Monitor and SPD have stated that the DAP “will enable the Department to capture, aggregate, parse, and visualize data about officer performance,”⁸ which will then be used to determine whether SPD is “fully and effectively complying with the Consent Decree.”⁹ It will also help manage officer performance.

Although the Report sufficiently explains how the DAP will be utilized, it fails to address program costs and structure. More information of this nature would allow for a public dialogue about whether the benefits of the program would justify the likely significant expenditure.

⁶ Seattle Police Monitor, Sixth Semiannual Report (December, 2015), at 8.

⁷ Seattle Police Department Manual (May 2015), at 3.070-POL-2 (1)

⁸ Seattle Police Monitor, Sixth Semiannual Report (December, 2015), at 10.

⁹ *Id.*

VI. Community Feedback on SPD Policies

The Monitor notes that revisions made to the cited SPD policies were completed “regular feedback from community groups.”¹⁰ The CPC recognizes that some input may have been received from the community. However, the Monitor’s assertion may overstate the actual amount of feedback that was received. If community input was received, the Report should clarify which community groups were involved, when these groups became involved, and on which policies they gave feedback. If the Report is referring to CPC involvement, then it should explicitly state this.

Regarding CPC input into policies, both the CPC and the OPA Auditor had recommended that SPD establish a protocol for ensuring input of the civilian oversight entities as policy is being developed or revised so that policies which may affect public trust and confidence include consideration of their perspectives, and where helpful, those of the broader community. This is particularly important when a policy revision is being made to implement a recommendation made by one of those entities based on issues they have noted or the community has raised. SPD committed to this approach in early 2015 but it had still not been implemented as of the end of the year. The CPC provided input on three of the policies cited in the Monitor’s Report (use of force, bias-free policing, and the stops policy), but input on all other policies that were developed or revised was very limited.

Sincerely,



Rev. Harriett Walden, Co-Chair
Community Police Commission



Lisa Dugaard, Co-Chair
Community Police Commission

Cc:

Matthew Barge
Ian Warner
Brian Maxey
Andrew Myerberg
Seattle City Council
Community Police Commission

¹⁰ *Id.*