

SENT VIA EMAIL

May 2, 2021

City of Seattle Community Police Commission

OCPC@seattle.gov

Re: April 7, 2021 Letter to Dr. Antonio M. Oftelie – Court Monitor for *United States v. City of Seattle*

Dear Community Police Commission,

Thank you for your letter dated April 7, 2021 regarding the Monitor Plan and Draft Assessment Methodology. As per your request, we acknowledge receipt of your letter and are providing written responses to questions and concerns raised.

As a table setting, the Monitoring Team sees its primary role in this accountability process as one of evaluator of Consent Decree compliance. In a secondary capacity, the Monitoring Team also serves as a technical services advisor to the parties within the Consent Decree. As a technical advisor, the Monitoring Team does not hold authoritative powers to demand or decide specific changes or outcomes. We can make recommendations, but in our role as technical advisors, we are guides. The Monitoring Team respects and values the role of the Community Police Commission (CPC) as a key partner in the accountability system and will strive to include CPC in critical feedback loops as early as possible, which include our currently scheduled monthly co-chairs meetings and regular attendance at bi-monthly CPC meetings.

In response to “Questions about Monitor Plan”

1. *Under crowd management internal accountability, the plan mentions systemic recommendations from OIG (from the Sentinel Event Review) and OPA (from Management Action Recommendations) but does not mention the crowd management recommendations provided to SPD and the Monitoring Team by the CPC. Why are CPC recommendations regarding crowd management not considered part of internal accountability, along with OPA’s and OIG’s, for purposes of the Monitoring Plan? Please remedy the oversight and ensure that the CPC’s recommendations are included in this section and its attendance obligations.*

The Monitoring Team reviews each partner recommendation and provides independent evaluation on all feedback provided. Not every suggestion will be taken, but all will be reviewed and assessed for efficacy and viability. We will consider every recommendation that CPC, OIG, OPA and others offer, but cannot guarantee that each individual recommendation will be included for implementation. As an interconnected accountability system, OIG’s Sentinel Event Review process has included two CPC members, so we anticipate that some of CPC’s input is also being channeled through that process. Please let us know which specific recommendations you would like to see included and we would be happy to talk through that feedback.

2. *There are several projects that the CPC could be involved in but in which the Monitoring Team has failed to identify CPC as a partner. These include strategic discussions and meetings regarding the discipline system, risk management (Compstat for Justice, Early Intervention System, Officer Wellness) and Re-Imagining Public Safety, for instance. Why is the CPC not involved in these? Please remedy the oversight and ensure that the CPC has the opportunity to provide its unique insight into these discussions.*

As mentioned earlier, the Monitoring Team is an evaluator of systems and not an owner/implementer. Each of the processes mentioned is owned/led by another partner in the system. We have shared CPC's desire to be included in those processes. Please also reach out to those partners to share how CPC would like to be involved/engaged.

3. *Under ABLE, the plan says that SPD will certify that eligible officers completed the training and share how many failed to complete it without good cause. Please identify what constitutes good cause that would enable an officer to not have to complete ABLE training.*

The determination for what constitutes good cause would be made by SPD and its training team. We will pass this question along to SPD for reply.

4. *Overall, we are interested in understanding how the proposed methodology was developed. Was it mostly an update of the previous monitoring methodology or was it developed to highlight specific concerns? For instance, reports from the last phase showed troubling disparate racial impacts in use of force and contacts. Has the monitoring of racially disparate impacts advanced in this proposal?*

The methodology proposed by the Monitoring Team is an update based on the previous methodology reports (from Phase II of the original work under the Consent Decree) with a few limited updates designed to focus on areas of continuing concern (most specifically around SPD's response to protests and issues related to accountability). As this methodology covers a year that in and of itself had a number of significant outlier incidents, the Monitoring Team wanted to ensure we were capturing important baseline data. The Consent Decree does not contain many requirements relating to racial bias. However, it does require SPD to (1) have a policy to address bias free policing and train to it; and (2) by policy, to track and study unwarranted disparate impacts. SPD has engaged Center for Policing Equity (CPE) to perform this work and we are meeting periodically with CPE to hear updates on the status. OIG has also indicated that it will study disparate impacts in policing as part of its ongoing audit functions of SPD. The Monitoring Plan and resulting methodologies also incorporate some analysis of these issues whenever it is feasible to do so.

In response to "Questions about Draft Methodology"

1. *The Draft Methodology consists of aggregate data that SPD gathers and then shares with the Monitor. The most important questions are thus answered internally by SPD seemingly without an external check to ensure accuracy. How does the Monitor plan to verify the aggregate data and reports provided by SPD for completeness and accuracy?*

Most reporting has been standardized in previous years, with data sets designed to be transparent, open-source and verifiable. The monitoring team will be looking for any anomalies and spot-checking reports for fidelity. In addition, SPD is engaging in a pilot program with Correlation One (<https://www.correlation-one.com/about>), a data literacy training organization, to review and offer a deeper dive into all data. Through this pilot, the open-source data will be made available to the Correlation One teams to audit some of reporting SPD provides the public, and also to conduct additional research on data SPD may not have the resources to explore. The data is also open and available to CPC as well for further review and validation, and we welcome CPC's interest to engage in this work.

- 2. The Methodology mentions demographic data at several points. What categories for race, ethnicity, gender, and tribal affiliation does the Monitor expect SPD to use? The CPC cares deeply about collecting data that does not misrepresent or erase our communities. We believe these reports are a great venue to improve SPD data collection and would love to collaborate on drafting appropriate categories.*

Demographic data is collected from officer reports as best as possible, but not currently able to be gathered from every encounter. Current data categories are based on Federal and State requirements to ensure uniformity with other oversight systems. We support the CPC in advocating for different layers of demographic inclusion.

- 3. Most data will be collected at aggregate levels for comparison across time. Are these metrics compared to target indicators? How will the Monitor determine if a data point or indicator is "good" or "bad"?*

There is no "good" or "bad" selected number regarding data review – the law doesn't give us those thresholds. Rather, the data collected will be reviewed comparatively as "progress over time", which is why we run comparative years.

- 4. In Crowd Management (Section II, Methodology Questions), how large is the universe of reports between May 25 and November 30 and how large is the sample? How will the sample be selected? How will the Monitor process and analyze this large body of data? Will it happen in time for the June report?*

The Monitoring Team does not yet know the size of the universe for the crowd management reports between May 25 and November 30. We have been participating in the Sentinel Event Review (SER) process led by OIG with some members of the CPC. Given the current system bandwidth, we may not have completed information available for the June report.

- 5. In Crisis Intervention (Section III, Objective 3), why is this audit being provided back to SPD, unlike other sections where SPD authors the report and provides it to the Monitor? Who will author it?*

In all reporting subject areas, an internal team (like FRB/FRU/APRS) conducts the initial audit, with then oversight to the Monitoring Team and DOJ and later OIG, OPA, and CPC. This feedback loop, if running correctly, sets up a process that provides a foundation for continuous improvement and development beyond the Consent Decree construct for SPD.

6. *In Crisis Intervention (Section III, Objective 4), what are the “new analytics capabilities described”?*

The “new analytics capabilities described” are located in the Type I & II Use of Force Reporting, Review, and Investigation Audit methodologies in Section II, Objective I of the methodologies document we are discussing.

7. *In Supervision (Section V, Methodology Questions), what are the “new” levels? Why are they compared to 2018 specifically?*

As mentioned, the data is reviewed as “progress over time”, so new levels are as compared to previous years. 2018 is specifically mentioned because the reporting period is for 2019 and 2020. It allows accountability partners to view the most recent trends/trend lines.

Feedback on Draft Methodology

- *The data collection years are very inconsistent throughout the Methodology. Section I says 2019-2020, but other sections mention 2018, 2021, or different combinations. Please clarify and standardize what periods are covered throughout the Methodology.*

The timeframe for each audit varies according to what was collected and analyzed in Phases I and II. In all circumstances, we attempted to choose the most recent time period available with enough time to get a statistically relevant sample and comparison to the past.

- *It would be helpful to have each section specify and provide links to the Phase I and II Assessment Reports they will be updating, as well as the period covered by the previous reports.*

The monitoring team will look into digitizing these previous reports. In the interim, the monitoring team can provide referenced documents if needed.

- *It is not clear who will be authoring each report and why. This is specified in some places but not others. It would also be helpful to know why some reports are authored by SPD but not others.*

The data comes from SPD, OIG, and OPA as sits within the purview of their work. We will try to be more specific, but welcome clarifying questions when it is not clear.

Feedback on research questions and methods

- *Some questions are subjective and may lead to poor reporting. How will SPD answer “Are officers appropriately filling out crisis templates?” A more objective and measurable indicator would be, for example, “share of reports with an error.”*

Some questions require a qualitative response - reports may not be wrong but may be incomplete or lack detail.

- *Several questions are yes/no, like whether data has been “collected, maintained, and retrieved.” Will these data also be provided? We recommend rephrasing. For instance, instead of “Do supervisors review the progress of strategies as appropriate” it could be “What share of supervisors review the progress of strategies as appropriate” (Section V)?*
- *We assume that the methodology in Section II, Objective 2 is being introduced and is different from previous reporting, but we recommend making this clear.*

Thank you for your feedback. We will review phrasing to improve specificity and clarity.

- *Section IV, Stops and Detentions, needs a more advanced methodology to evaluate the effect of the causal training in changing outcomes (random sample, controls, experiment, etc.).*

We can explore advanced methodology in future iterations. For clarity, can you please be more specific in what you are looking for and how that would be achieved to ensure we are fully understanding the request?

- *In Section IV, how will APRS define and determine “adequate”?*

The definition of “adequate” would be whether or not the amount of training received result in the outcomes desired. If outcomes are not achieved, trainings would not be considered adequate.

Feedback on language and structure for clarity and accessibility

- *There are several sections titled “Methodology questions” that do not really list methodology questions. For clarity, we recommend calling them “Data collected” or similar.*
- *“Report” and “audit” seem to be used interchangeably. Are both referring to Compliance Assessment Reports? Alternatively, will SPD or the Monitor conduct GAGAS/Yellow Book audits? If not, we recommend standardizing language to “reports” to avoid confusion.*
- *In Crisis Intervention (Section III, Objective 4), the language explaining FRB and FRU is redundant with Section II. Also, why mention that SPD will continue to provide verbal tactics training? Overall, there are sections that may not fit in a methodology document. We suggest removing for clarity.*
- *Define all acronyms throughout text for clarity and accessibility: SER, CIT, CI, CIC, EIS, PRC (at least).*

Thank you for your feedback. We will review language recommendations for clarity and make improvements.

The Monitor Team’s role is to oversee the efficacy of the Consent Decree accountability partners’ work towards the goals of unbiased and Constitutional policing. This oversight includes SPD, OIG, OPA, CPC

and the City's elected leaders. As a valued member of Seattle's policing accountability system, we look forward to continued work with the CPC to ensure that its structures, systems, and outcomes meet the needs of the Court and Consent Decree.

Thank you,

Consent Decree Monitor Team