



Use of Force

Annual Report

JANUARY 31, 2017

OVERVIEW

Why is SPD doing this report?

In its upcoming Strategic Plan, the Seattle Police Department outlines its goals for continued momentum across all areas of its operations, and establishes clear benchmarks to measure its progress towards those goals. Paramount among these goals, and consistent with the Department's commitment to police reform, is assuring the safety and security of all in Seattle's diverse communities through just, community-oriented, and transparent service.

To date, it has been the responsibility of the court-appointed Monitor to report on the Department's work towards police reform – an obligation required of him under the Consent Decree between the City of Seattle and the United States Department of Justice (DOJ) and that will continue as additional assessments relating to stops and detentions, bias, and the Department's Early Intervention Program are forthcoming. As the Department nears full and effective compliance with the Consent Decree, however, it is incumbent on the Department to establish its own reporting protocols that assure the community continued visibility into the Department's activities and internal systems of accountability, especially as relate to crisis intervention, supervision, and the reporting, investigation, and critical review of use of force.

The Department's second annual Crisis Intervention Report, published in August 2016, was the first in what the Department pledges to be an annual release of data-driven reports on a variety of topics. Based on data collected during the first year after implementation of the Mental Health Contact Form, that report details the response of SPD officers to the approximately 9,300 calls for service regarding persons in behavioral health crisis to which officers were dispatched between May 2015 and May 2016. Key among the findings was that, of those approximately 9,300 crisis responses, only 149 (1.6%) involved any use of reportable force, and of these, only 36 (0.4% of crisis responses overall) involved greater than a low-level, Type I use of force. As the Department noted in that report, given the estimation cited in the Department of Justice's 2011 Findings Letter that more than 70% of force incidents involved persons in crisis, these numbers provide solid evidence that Seattle police officers have both embraced and are applying in practice the de-escalation and crisis intervention skills that are being emphasized in training.

What is in this report?

This report focuses more broadly on the use of force generally and the Department's administrative structures for investigation and critical review of force used. Utilizing the advanced analytical capability available through the recently-implemented Data Analytics Platform (DAP), Section I of this report presents aggregate statistics regarding use of force events and applications, filtered across precincts, officer and subject demographics, call types, and other discrete measures, over a two-year (25-month) time period between July 1, 2014 and August 31,

2016. *Key among these findings was, as in the case of crisis response more narrowly, a dramatic reduction in the use of force overall: juxtaposed against the DOJ's 2011 findings that officers too quickly resorted to force to resolve incidents, over the time period examined here officers reported using force of any level at a rate of less than half of one percent (0.3%) of all dispatches to nearly half a million unique events – and of these uses of force, the overwhelming majority (nearly 75%) involved no greater than the lowest level of reportable force (such as minor complaints of transient pain with no objective signs of injury, or the pointing of a firearm).* In short, while each application of force is separately investigated and reviewed, overall the use of force by Seattle police officers is an empirically rare occurrence. This finding offers reassurance that officers are implementing, in practice, the de-escalation training and tactics that have earned Seattle national acclaim, while maintaining a high level of engaged, proactive law enforcement activity.

The descriptive statistics of force in the aggregate as presented in Section I offer insight into the frequency and distribution of force, but numbers alone do little to establish that force, however infrequently it is used, is used constitutionally and in a manner consistent with the standards set forth in Department policy. Section II accordingly provides an overview of the Force Investigation Team (FIT) – a specialized unit comprising experienced detectives, sergeants, and commanders that responds to and investigates all serious force incidents – and briefly describes each of the 32 separate events to which FIT responded during all of 2016. The Department also reports in this Section on case assessments by the Force Review Unit (FRU) and the Force Review Board (FRB) during 2016, which provide an additional layer of review with respect to officer use of force and chain of command review of force, ensuring that force applied by Seattle police officers is consistent with the mandates of Department policy. Additionally, as a forum for reviewing policies, training, tactics and equipment, the FRB provides the opportunity for experience and review to continually drive Department operations and practices. These processes help to ensure that the department is policing the community it serves effectively and constitutionally through self-regulation.

What does an FRB finding mean relative to whether the force was Constitutional?

As the U.S. Supreme Court has long held, whether any use of force is lawful under the Constitution is a case-specific determination, based on the perception of a reasonable officer under the totality of the circumstances present at the time the force is applied, and often a point on which reasonable minds can differ. While the courtroom is generally the forum for determining the *legality* of a use of force, the Force Review Board is a mechanism by which members analyze the broader question of whether the force meets the requirements of policy and training that hold officers to a higher standard of conduct – and care should be taken not to conflate the two. Importantly, SPD policy incorporates both federal and state constitutional thresholds, but holds officers to a higher level of performance and scrutiny consistent with community expectations. Simply put, a finding that force is out of policy does *not* equate to a finding that the force violated the Constitution, but a finding that the force was in policy *does*

mean it was also likely lawful under the Constitution. In that regard, to the extent that civil lawsuits can serve as a proxy for allegations of unconstitutional use of force, it is noteworthy that, to date, the City has been served with only four lawsuits (none of which have been adjudicated as of this writing) alleging a constitutional violation by SPD officers with respect to force occurring within the 25-month period reported in Section I. Similarly, of the small number of instances in which issues relating to a use of force are referred to the Office of Professional Accountability by the FRB or FRU, fewer than 5% have been sustained. *These factors support the findings that, not only is the use of force by Seattle police officers an empirically rare event, but when they do use force, they do so in a manner that is consistent with both the Constitution and the more expansive requirements of policy.*

What if this report doesn't answer my questions?

As one of the original 21 jurisdictions participating in the Police Data Initiative, launched in response to recommendations from President Obama's Task Force on 21st Century Policing (and now managed by the Police Foundation in Washington, D.C.), the Seattle Police Department committed to publishing its use of force data, including data concerning officer-involved shootings, to help communities gain greater visibility into key information on police/civilian interactions. Fulfilling and building upon that commitment, the Department has both released to the City's open data portal, data.seattle.gov, the use of force data described in Section I of this report, and has added to its newly-redesigned website interactive dashboards through which the public can explore for itself officers' use of force, parsed across demographic and geographic fields. The Department cautions of the inherent hazard that data can be subject to differing interpretations and lead to differing conclusions depending on the sophistication of the analysis and the potential for confirmation bias; SPD provides this data with the hope that, as new technology has created opportunity for increasingly sophisticated inquiries internally, providing greater transparency of its data externally creates greater opportunity for SPD and the community to work collaboratively to drive the policies and priorities of this department.

Over the past two years, SPD has earned national recognition as an emerging leader in 21st Century policing for its commitment to transparency, community engagement, and for its implementation of new policies, training, and structures of supervision and accountability that were developed in collaboration with the U.S. Department of Justice (DOJ). These reform efforts are reflected locally, as well; neighborhood partnerships have strengthened, homicide clearance rates – a measure of the community's willingness to partner with police to solve crimes – are at a record high, and a recent survey on public perception of SPD conducted by the Federal Monitor found that community confidence in Seattle police officers and Department leadership is high across all demographic groups. The Department is excited about the many initiatives outlined in its upcoming Strategic Plan, and looks forward to continuing engagement and partnership with the communities it serves.

SECTION I: USE OF FORCE

A. Policies and Overview of Force

The Seattle Police Department's Use of Force policies are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.

Force is classified and reviewed according to level of severity, described as below:

De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Examples including using hands or equipment to stop, push back, separate or escort, the use of compliance holds without sufficient force to cause pain, and unresisted handcuffing. Officers are not required to report or investigate this level of force.

Type I – Actions which “causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun.” This is the most frequently reported level of force. Examples of Type I force, generally used to control a person who is resisting an officer's lawful commands, include “soft takedowns” (controlled placement), strike with sufficient force to cause pain or complaint of pain, or an open hand technique with sufficient force to cause complaint of pain. Type I uses of force are screened by a sergeant and reviewed by the Force Review Unit.

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Examples include a hard take-down or and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, and hobble restraint. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the Force Review Unit. Cases flagged by the Force

Review Unit for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board.

Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team, and analyzed by the Force Review Board.

At any point during an investigation where a witness officer or any reviewer has reason to believe that the force is out of policy, that individual has an affirmative obligation to report the concern to the Office of Professional Accountability. The FRB votes as to whether force is within policy; individual members may, but are not mandated to, refer out of policy force to OPA.

This Section examines the use of force by Seattle police officers over a 25-month period, between July 1, 2014, and August 31, 2016. This study period was selected to control for the learning curves associated both with the new policies and with new reporting and tracking software¹ that was implemented in March 2014. All data utilized in this Section was sourced from the Department’s recently-implemented Data Analytics Platform (DAP).²

B. Force by Type and Subject Demographics

- Between July 1, 2014 and August 31, 2016, the Seattle Police Department dispatched officers to calls 1,077,142 times in response to 494,419 unique events.

Note: Dispatch counts reflect the number of officers responding to a unique event, as captured in the Department’s Computer Aided Dispatch (CAD) data.

² The DAP is a comprehensive enterprise-wide platform that consolidates data from multiple unique source systems, enabling SPD to manage and analyze up-to-date data relating to police calls and incidents, civilian interactions, use-of-force incidents, administrative processes, and officer training, replacing a long extensive process that existed prior to DAP’s integration. The DAP includes an ad-hoc reporting tool and advanced analytic capabilities that allow for the creation of reports and dashboards for one-time reporting or continuous, real-time monitoring of subject areas viewable by precinct, organizational unit, assignment, and chain of command. The DAP allows supervisors, commanders, and Command Staff to utilize these reports and dashboards to make data-driven decisions based on analytic insights and to highlight issues of concern that may warrant deeper review.

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- During this same period, officers reported using force at some level (Type I, II, or III) a total of 4,216 times. Of these, 3,643 were associated with 3,442 unique CAD events.³ ***Viewed in the context of dispatch activity, this means that less than one percent of all CAD events involved any use of force, and less than half of one percent of all dispatches resulted in any use of force.***
- Of the 4,216 uses of force reported over the 25 months reported here, the vast majority (73%) were no greater than low-level, Type I force.⁴ Fewer than 2% of uses of force (84 total) were Type III, which included 14 officer-involved shooting events.⁵ Type II use of force comprised one-quarter of force overall.

³ The higher number (4,216) reflects the number of individual force reports in the system – which includes 573 reports that were not associated with a particular dispatched event. Within the data set relating to CAD events, there are events that are clear outliers in terms of the amount of force reported. For example, May Day demonstrations in 2015 and 2016 were associated, respectively, with 33 and 28 separate uses of force (2 of which were Type III). A miles-long, cross-city high speed pursuit and eventual officer-involved shooting of an armed carjacking suspect was associated with 29 separate uses of force, 11 of which were Type III (officer involved shootings).

⁴ Approximately 35% of Type I use of force involved a complaint of pain only, as with handcuffs. The Department is currently evaluating recommendations from the Force Review Board to distinguish between pain resulting from the use of force itself (application of handcuffs) and pain that may be better attributed to the inherent discomfort of handcuffs.

⁵ More comprehensive information concerning officer-involved shootings over the past ten years can be explored through the Department's OIS dashboard.

Table 1: Force Counts by Year (July 1, 2014 – August 31, 2016)

Incident Type	2014	2015	2016	Grand Total
Level 1 - Use of Force	689	1,554	830	3,073
Level 2 - Use of Force	288	477	294	1,059
Level 3 - Use of Force	15	20	13	48
Level 3 - OIS	17	15	4	36
Grand Total	1,009	2,066	1,141	4,216

The majority (86%) of uses of force were reported within the Patrol Operations Bureau, which is primarily responsible for beat patrols and 911 responses. Seven percent of uses of force were reported within the Professional Standards Bureau, a finding that is attributable to the fact that the Professional Standards Bureau oversees Field Training, which is where student officers on patrol are administratively assigned. Additionally, officers from all bureaus are assigned to crowd management and special events.

Table 2: Distribution of Use of Force by Type and Bureau

	OPERATIONS BUREAU	COMPLIANCE AND PROFESSIONAL STANDARDS BUREAU	SPECIAL OPERATIONS BUREAU	INVESTIGATIONS BUREAU	Grand Total
Level 1 - Use of Force	65.23%	5.77%	3.73%	0.93%	75.67%
Level 2 - Use of Force	19.40%	1.02%	1.51%	0.49%	22.42%
Level 3 - Use of Force	1.15%	0.13%	0.04%		1.33%
Level 3 - OIS	0.44%	0.04%	0.09%		0.58%
Grand Total	86.23%	6.97%	5.37%	1.42%	100.00%

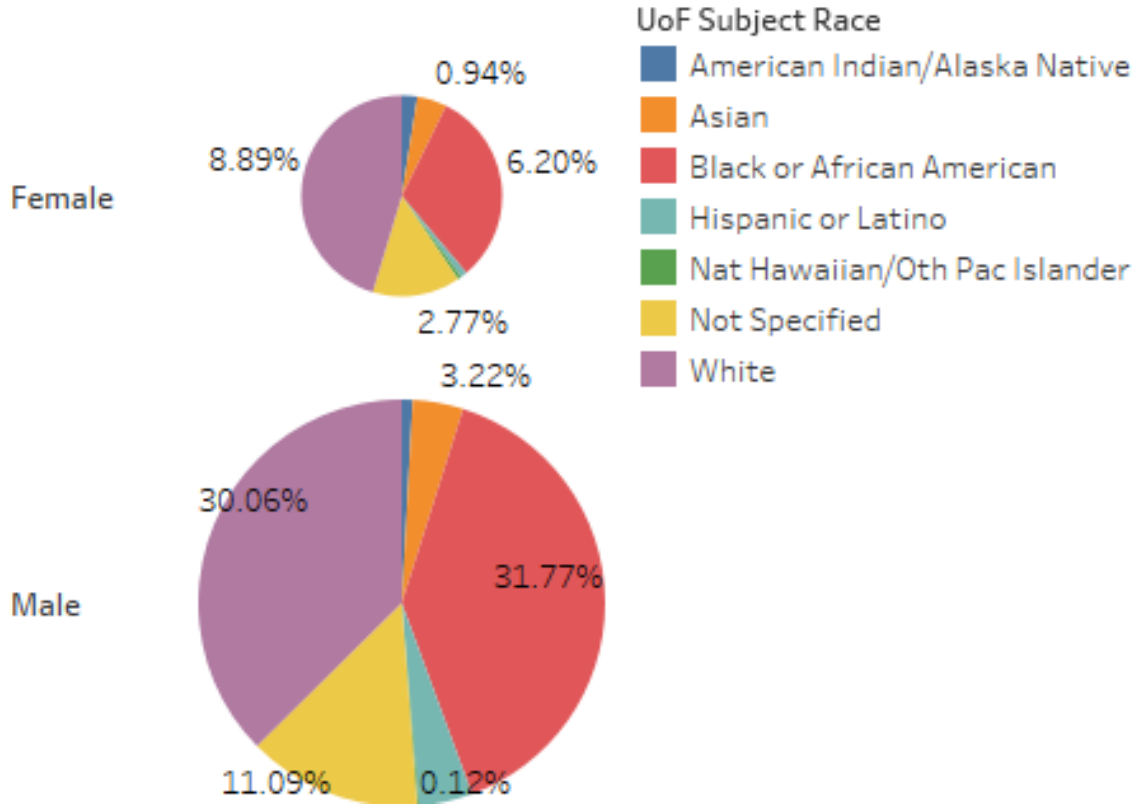
SPD Policy (8.300) provides that officers may draw or exhibit a firearm in the line of duty when an officer has reasonable cause to believe that it may be necessary for his or her own safety or for the safety of others. Law enforcement training contemplates frequent responses (e.g., high risk felony vehicle stops, building searches, warrant arrests of known violent felons, reports of armed individuals, etc.) that officers should routinely conduct with a weapon displayed. Officers are required to document all incident where they point a firearm at a person (Manual Section 8.400). Unholstering or displaying a firearm in a low-ready or *sul* (pointed towards the ground, indexed to the chest) position is not reportable force. Over the 25 months reported here, 998 (27%) of the 4,216 uses of force comprised the pointing of a firearm.

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Although batons are the only Department-issued impact weapon that officers are permitted to carry, an impact weapon is more broadly defined by policy (Manual Section 8.300) as “any object that is used to forcefully strike a subject in a manner that is reasonably likely to cause injury.” Of the uses of force reported here, only 16 (0.38% of force total) involved an impact weapon. Of these, 3 were reported as Type I, 11 were reported as Type II, and two were reported as Type III.

Subjects of force were overwhelmingly male, comprising 79% of the reported 4,216 uses of force. White and Black/African American subjects accounted for approximately equivalent proportions of force overall. Figure 1 shows the distribution of force subjects by race and gender; Figure 2 shows the distribution of force subjects by race for each of Type I and Type II force. (Because Type III uses of force occur so infrequently as to be considered a statistically random event, they are excluded from this analysis, but again, because they are investigated and reviewed at greater detail than Types I and II, all Type III cases from 2016 are described individually in Section II).

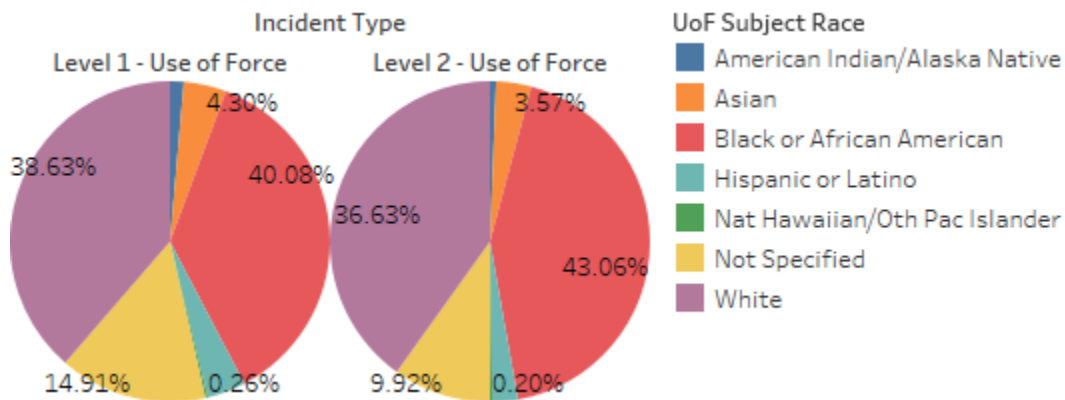
Figure 1: Subject Gender and Race⁶



⁶ As is reflected in statistics nationally, racial disparity is an important issue that requires further discussion and analysis. Unfortunately, in the present state of research, there is no proven, reliable methodology for accounting for all the potential causal factors that may result in an outcome of disparity – including factors upstream (education, socioeconomic status, family structure) that may shape an individual prior to reaching the attention of the police, or factors downstream, post-arrest, throughout the criminal justice system. In other words, while numbers can identify a disparity, they cannot explain the disparity. The Seattle Police Department is partnering with the DOJ and Dr. Jack McDevitt, Associate Dean for Research at Northeastern University and Director of the Institute on Race and Justice, to explore possible causes for disparities observed across law enforcement metrics and, critically, how SPD’s advancing data may lead to knowledge and innovation in this important area.

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Figure 2: Subject Race by Force Type



C. Use of Force by Dispatch Type and Priority

Officers are logged to calls either by a dispatcher (e.g., in response to a 911 call) or by on-viewing an incident (observing an incident while on patrol) and responding. Of the 3,442 CAD events that can be linked to a use of force, most (71%) were calls in which the officer was responding to a call for service from the public.

Table 3: Force used by Dispatch Type

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
DISPATCH	54.38%	15.46%	0.93%	0.52%	71.30%
ONVIEW	19.94%	8.27%	0.33%	0.16%	28.70%
Grand Total	74.32%	23.73%	1.26%	0.69%	100.00%

The reasonableness of force, both in law (*see, e.g., Graham v. Connor*, 490 U.S. 386 (1989)) and in policy (*see SPD Manual Section 8.000(4)*) is based in part on the totality of the circumstances known to the officer at the time the force used, and considered from the perspective of the reasonable officer on the scene, rather than with 20/20 hindsight and the benefit of additional information. In that regard, call type and priority can be considered to some degree as *a priori* knowledge of the circumstances to which an officer is responding.

Calls for service, whether dispatched or officer-initiated, are assigned a priority, based on the immediacy of the need. Priority 1 calls are incidents that require an immediate response, including incidents that involve obvious immediate danger to the life of a citizen or an officer. Priority 2 calls are noted as urgent, or incidents which if not policed quickly could develop into a more serious issue (such as a threat of violence, injury, or damage). Priority 3 calls are

investigations or minor incidents where response time is not critical to public safety. Priority 4 calls involve nuisance complaints, such as fireworks or loud music. Priority 7 calls are officer-initiated events, such as traffic stops; Priority 9 is used to indicate administrative tasks or downtime. As would be expected, across force levels, the highest frequency of force occurred in connection with Priority 1 calls.

Table 4: Levels of Force by Call Priority

	Call Priority Code						Grand Total
	1	2	3	4	7	9	
Level 1 - Use of Force	32.63%	24.06%	12.39%	0.03%	4.83%	0.38%	74.32%
Level 2 - Use of Force	8.35%	8.32%	4.12%		2.39%	0.55%	23.73%
Level 3 - Use of Force	0.36%	0.44%	0.36%		0.11%		1.26%
Level 3 - OIS	0.55%	0.03%	0.11%				0.69%
Grand Total	41.88%	32.85%	16.97%	0.03%	7.33%	0.93%	100.00%

When an incident is created by Communications, whether initiated in response to a 911 call for service or called in by an officer on-scene, the incident is assigned an initial call type based on information that is reported at the outset. Table 5 sets forth the 25 initial call types that were associated with the majority (nearly three-quarters) of uses of Type I and Type II force. (Again, because Type III uses of force are statistically random events, they are excluded from this analysis).

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Table 5: Initial Call Type by Resulting Level of Use of Force

	Incident Type								
	Grand Total			Level 1 - Use of Force			Level 2 - Use of Force		
	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count
DISTURBANCE, MISCELLANEOUS/OTHER	9.49%	0.2706	336	9.12%	0.1971	245	10.64%	0.0734	92
ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	5.26%	0.1500	188	4.62%	0.0998	125	7.28%	0.0503	63
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRRT/ASLT/DIST)	4.56%	0.1301	153	5.10%	0.1101	128	2.89%	0.0200	25
AUTO RECOVERY	4.51%	0.1285	114	5.54%	0.1197	103	1.27%	0.0088	11
DIST - IP/JO - DV DIST - NO ASLT	4.14%	0.1181	147	3.84%	0.0830	103	5.09%	0.0351	44
SUSPICIOUS STOP - OFFICER INITIATED ONVIEW	3.78%	0.1077	129	2.96%	0.0639	76	6.36%	0.0439	53
SUSPICIOUS PERSON, VEHICLE OR INCIDENT	3.47%	0.0990	117	3.55%	0.0766	89	3.24%	0.0223	28
ASLT - IP/JO - DV	3.39%	0.0966	120	3.51%	0.0758	94	3.01%	0.0208	26
WARRANT - FELONY PICKUP	2.91%	0.0830	102	2.70%	0.0583	71	3.58%	0.0247	31
TRESPASS	2.88%	0.0822	98	2.84%	0.0615	71	3.01%	0.0208	27
SHOPLIFT - THEFT	2.88%	0.0822	100	3.36%	0.0726	88	1.39%	0.0096	12
TRAFFIC STOP - OFFICER INITIATED ONVIEW	2.60%	0.0742	91	2.81%	0.0607	74	1.97%	0.0136	17
ROBBERY - IP/JO (INCLUDES STRONG ARM)	2.60%	0.0742	84	3.25%	0.0702	79	0.58%	0.0040	5
FIGHT - IP - PHYSICAL (NO WEAPONS)	2.49%	0.0710	86	2.36%	0.0511	62	2.89%	0.0200	24
NARCOTICS - VIOLATIONS (LOITER, USE, SELL, NARS)	2.49%	0.0710	88	2.29%	0.0495	61	3.12%	0.0215	27
SHOTS - IP/JO - INCLUDES HEARD/NO ASSAULT	2.07%	0.0591	56	2.73%	0.0591	56			
THREATS (INCL IN-PERSON/BY PHONE/IN WRITING)	2.38%	0.0678	76	2.11%	0.0455	49	3.24%	0.0223	27
SUICIDE - IP/JO SUICIDAL PERSON AND ATTEMPTS	2.30%	0.0654	82	2.81%	0.0607	76	0.69%	0.0048	6
ASLT - WITH OR W/O WEAPONS (NO SHOOTINGS)	2.02%	0.0575	73	1.48%	0.0319	40	3.70%	0.0255	33
BURG - IP/JO - RES (INCL UNOCC STRUCTURES)	1.99%	0.0567	68	2.07%	0.0447	53	1.73%	0.0120	15
THEFT (DOES NOT INCLUDE SHOPLIFT OR SVCS)	1.71%	0.0487	60	1.63%	0.0351	44	1.97%	0.0136	17
ASLT - IP/JO - PERSON SHOT OR SHOT AT	1.74%	0.0495	40	2.25%	0.0487	39	0.12%	0.0008	1
PERSON IN BEHAVIORAL/EMOTIONAL CRISIS	1.62%	0.0463	57	1.15%	0.0247	30	3.12%	0.0215	27
PROPERTY - DAMAGE	1.46%	0.0415	52	1.11%	0.0239	30	2.54%	0.0176	22
DIST - DV - NO ASLT	1.32%	0.0375	42	1.33%	0.0287	31	1.27%	0.0088	11
Other (87 Types)	23.94%	0.6824	824	23.49%	0.5076	611	25.32%	0.1748	213
Grand Total	100.00%	2.8509	3,383	100.00%	2.1605	2,528	100.00%	0.6904	857

Of the initial call types of those events that were subsequently associated with a use of force, the largest proportion, comprising 9.5% of all incidents, were classified as “Disturbance, Miscellaneous/Other.” The remaining four of the top five call types, representing nearly 28% of all incidents associated with a use of force, were Assault in Progress / Just Occurred – with or without weapons (not shootings); Weapon, in Progress / Just Occurred – with deadly weapon (no threats/assault/disturbance); Auto Recovery; and Disturbance in Progress / Just Occurred (no assault).

In contrast, the lowest frequency of initial call types for incidents involving a use of force (24%) comprised 87 separate call types, each associated with less than one percent of the total use of force during the study period.

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Table 6: Crosstab Comparing Initial and Final Call Types of Incidents Involving Force

	DISTURBANCE, MISCELLANEOUS/ OTHER	ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	DIST - IP/JO - DV DIST - NO ASLT	WEAPN-IP/JO-GUN, DEADLY WPN (NO THRT/ASLT/DIST)	AUTO RECOVERY	Grand Total
--ASSAULTS, OTHER	18.46%	21.98%	3.02%	2.85%	1.01%	47.32%
--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	2.85%	3.19%	11.41%	0.34%		17.79%
--CRISIS COMPLAINT - GENERAL	8.39%	1.85%	3.86%	1.51%		15.60%
--ASSAULTS - HARASSMENT, THREATS	6.71%	0.84%	0.17%	7.38%		15.10%
--WARRANT SERVICES - FELONY	1.17%	1.17%		0.67%	1.17%	4.19%
Grand Total	37.58%	29.03%	18.46%	12.75%	2.18%	100.00%

Calls are assigned a final call type that is based on information gathered during the call and response and standards for federal crime reporting. As shown in Table 6, comparing the final disposition type (on the vertical axis) with the initial call type (on the horizontal axis), nearly half (47.3%) of the top five initial call types resolved as Assault, Other; the next highest proportion resolved as Domestic Violence – Mandatory Arrest (17.8%). Table 7 shows a full distribution of uses of force (Types I and II) across final call type. Type I and II uses of force were most frequently associated with incidents that resolved as Assault, Other, followed by Crisis Complaint – General (8%); Domestic Violence with Mandatory Arrest (7.6%); Assaults / Harassment/Threats (5.9%), and Warrant Service – Felony (5.6%). 71 final call types, all representing less than 1% of all uses of force, represent collectively represent the lowest frequency of force incidents.

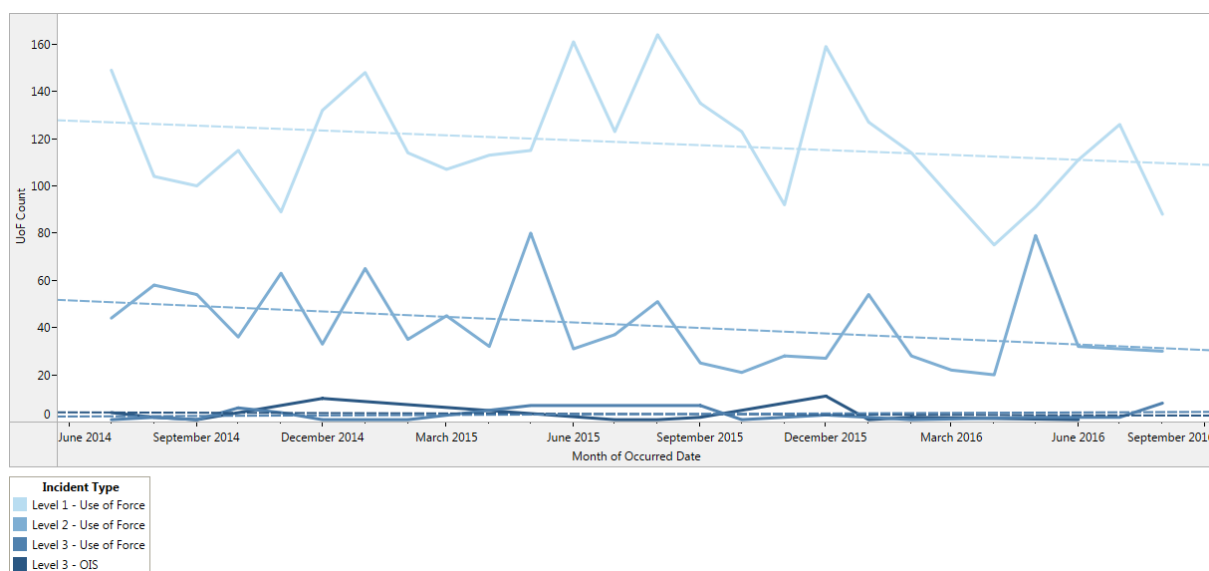
Table 7: Final Call Type by Resulting Level of Use of Force

	Incident Type								
	Grand Total			Level 1 - Use of Force			Level 2 - Use of Force		
	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count
--ASSAULTS, OTHER	17.05%	0.4861	601	13.00%	0.2809	345	29.71%	0.2051	257
--CRISIS COMPLAINT - GENERAL	8.03%	0.2291	286	7.65%	0.1652	206	9.25%	0.0639	80
--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	7.59%	0.2163	265	7.94%	0.1716	209	6.47%	0.0447	56
--ASSAULTS - HARASSMENT, THREATS	5.94%	0.1692	202	5.98%	0.1293	152	5.78%	0.0399	50
--WARRANT SERVICES - FELONY	5.63%	0.1604	194	5.32%	0.1149	137	6.59%	0.0455	57
--NARCOTICS - OTHER	4.65%	0.1325	162	4.40%	0.0950	115	5.43%	0.0375	47
--TRAFFIC - D.U.I.	4.26%	0.1213	150	5.02%	0.1085	134	1.85%	0.0128	16
--PROWLER - TRESPASS	3.67%	0.1046	126	3.69%	0.0798	94	3.58%	0.0247	32
--WARRANT SERVICES - MISDEMEANOR	3.56%	0.1014	126	3.84%	0.0830	103	2.66%	0.0184	23
--WEAPON, PERSON WITH - GUN	3.30%	0.0942	104	3.77%	0.0814	89	1.85%	0.0128	15
--AUTOMOBILES - RECOVERY (THEFT)	3.28%	0.0934	90	4.03%	0.0870	82	0.92%	0.0064	8
--ROBBERY - ARMED	2.74%	0.0782	93	3.32%	0.0718	85	0.92%	0.0064	8
--ROBBERY - STRONG ARM	2.52%	0.0718	79	2.51%	0.0543	57	2.54%	0.0176	22
--PROPERTY DEST (DAMG)	2.07%	0.0591	74	1.70%	0.0367	46	3.24%	0.0223	28
--THEFT - SHOPLIFT	1.76%	0.0503	62	1.88%	0.0407	50	1.39%	0.0096	12
--AUTOMOBILES - AUTO THEFT & RECOVERY	1.74%	0.0495	44	2.14%	0.0463	40	0.46%	0.0032	4
--BURGLARY - RESIDENTIAL OCCUPIED	1.71%	0.0487	57	1.85%	0.0399	46	1.27%	0.0088	11
--DISTURBANCE - OTHER	1.65%	0.0471	52	1.51%	0.0327	38	2.08%	0.0144	14
--ASSAULTS - FIREARM INVOLVED	1.57%	0.0447	37	2.07%	0.0447	37			
--BURGLARY - NON RESIDENTIAL/COMMERCIAL	1.23%	0.0351	36	1.44%	0.0311	31	0.58%	0.0040	5
--SUSPICIOUS CIRCUM. - SUSPICIOUS PERSON	1.15%	0.0327	39	1.51%	0.0327	39			
--DV - ENFORCE COURT ORDER (ARREST MANDATED)	1.04%	0.0295	37	1.15%	0.0247	31	0.69%	0.0048	6
--ALARM-COMM (INC BANK, ATM, SCHOOLS, BSN), --ALARM-RES.	13.89%	0.3959	467	14.26%	0.3081	362	12.72%	0.0878	106
Grand Total	100.00%	2.8509	3,383	100.00%	2.1605	2,528	100.00%	0.6904	857

D. Use of Force by Time, Location and Demographics

Rates of force remained relatively constant over the 25-month period reported here, with no statistical change in the aggregate frequency, city-wide, of Type I or Type II force.

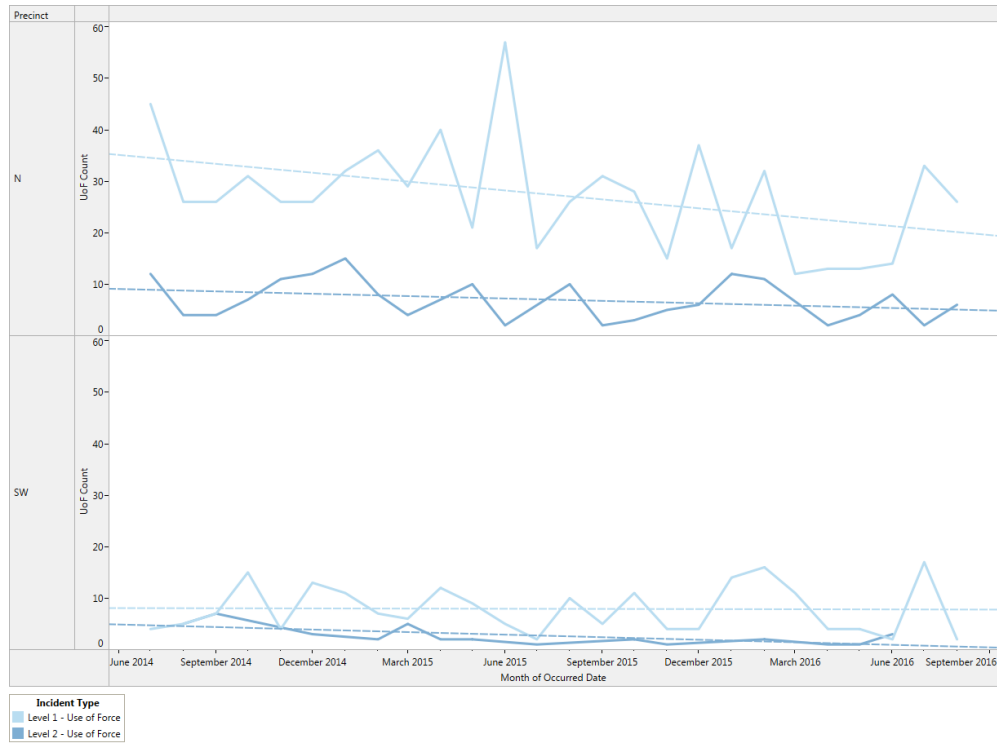
Figure 3: Use of Force Counts by Type by Month



When controlling for precinct, reports of Type I force declined significantly but with small effect⁷ in the North Precinct; reports of Type II force declined significantly with moderate effect⁸ in the Southwest Precinct.

⁷ $p = .04, r^2 = .16$
⁸ $p = .01, r^2 = .44$

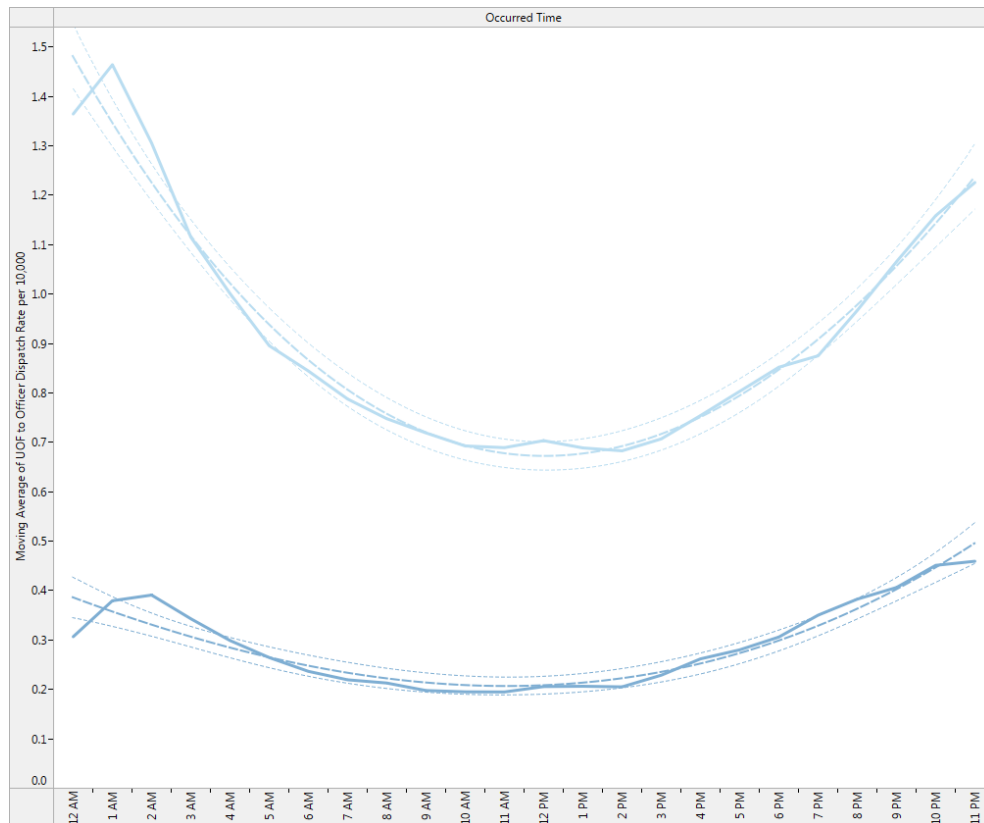
Figure 4: Use of Force Counts, Type I and II, North and Southwest Precincts



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Both Type I and Type II rates of force tend to peak on Saturday night and early Sunday morning, a trend that is consistent with data showing that calls for service and officer activity generally are elevated at times closely associated with nightlife activities. Both Type I and Type II force tend to peak between the hours of 10:00 and 11:00 p.m. Type II force is at an observed maximum for a longer period of time, between 4:00 and 9:00 p.m., but at a much lower rate (on average, 0.6 per 10,000 dispatches).

Figure 5: Use of Force Rates by Time of Day



Force occurs with greatest frequency on Third Watch. Nearly half (47%) of all force reported during the study period occurred between the hours of 7:00 p.m. and 3:00 a.m. This pattern is consistent across all Precincts.

Table 8: Distribution of Use of Force by Type and Watch⁹

Watch	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
1st Watch	11.46%	3.01%	0.17%	0.12%	14.75%
2nd Watch	27.32%	10.58%	0.31%	0.38%	38.59%
3rd Watch	34.11%	11.53%	0.66%	0.36%	46.66%
Grand Total	72.89%	25.12%	1.14%	0.85%	100.00%

All force types were reported in all five Precincts, with the exception of the Southwest Precinct which did not report any officer involved shooting over the 25 months reported here. The West Precinct reported more than one quarter (25.5%) of all force used in the City. The North and East Precincts each reported approximately 22% of force; South Precinct reported approximately 18% of force, and six percent (6%) was observed in the Southwest Precinct. Seven percent (7%) of force was used during enforcement activities outside the City (such as regional taskforce or mutual aid operations).

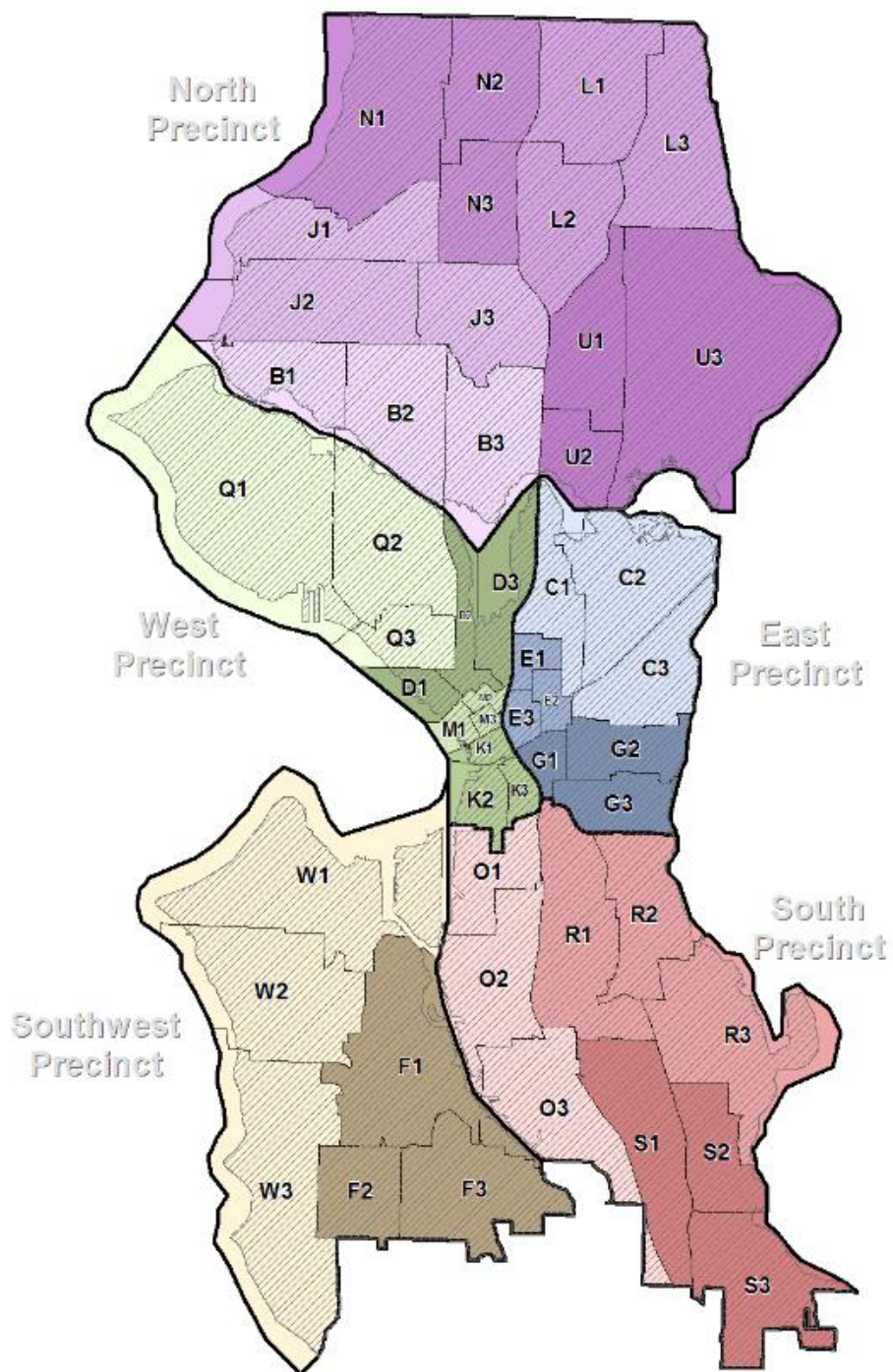
Table 9: Use of Force by Type and Precinct

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
West	15.78%	9.27%	0.38%	0.12%	25.55%
East	15.40%	6.20%	0.31%	0.02%	21.93%
North	16.95%	3.93%	0.33%	0.43%	21.64%
South	14.11%	3.55%	0.07%	0.29%	18.02%
Outside City	5.82%	1.24%	0.02%		7.08%
Southwest	4.86%	0.88%	0.02%		5.77%
Grand Total	72.92%	25.08%	1.14%	0.86%	100.00%

Type I and Type II force was observed in every sector of the City. Edward (E), Sam (S) and King (K) sectors (see Figure 6) represented nearly one-third of all reported force. No Type III force was reported in Queen (Q), Nora (N), Sam (S), Ocean (O), or William (W) sectors.

⁹ Officers are assigned to one three watches. First watch is from 0300-1200 hours, or 0330-1230. Second Watch is from 1100-2000, or 1130-2030. Third Watch is from 1900-0400 or 1920-0430.

Figure 6: Beat Map



For purposes of orientation, a beat map showing the City of Seattle, divided by precinct, sector, and beat (1, 2, 3) is shown in Figure 6.

Figure 7: Use of Force by Type and Sector

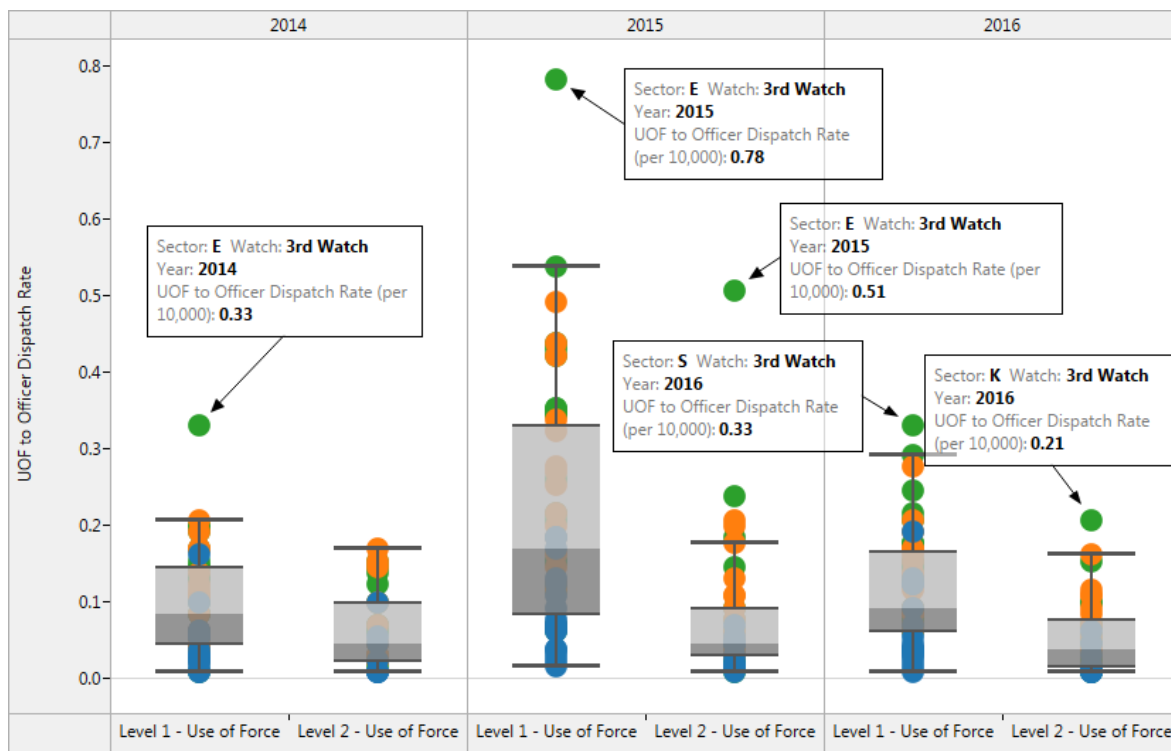
		Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
West	K	6.16%	3.16%	0.18%	0.03%	9.52%
	M	4.69%	3.31%	0.10%		8.11%
	D	3.80%	2.98%	0.13%		6.90%
	Q	2.33%	0.54%		0.10%	2.98%
East	E	8.72%	4.00%	0.21%		12.93%
	G	5.44%	2.13%	0.08%	0.03%	7.67%
	C	2.41%	0.54%	0.05%		3.00%
North	N	5.18%	1.00%			6.18%
	L	4.05%	0.87%	0.03%	0.03%	4.98%
	J	3.64%	0.67%			4.31%
	U	2.77%	0.59%	0.23%	0.38%	3.98%
	B	2.59%	1.10%	0.10%	0.05%	3.85%
South	S	6.98%	1.77%		0.28%	9.03%
	R	5.72%	1.36%	0.08%	0.03%	7.18%
	O	2.49%	0.69%			3.18%
Southwest	F	3.08%	0.59%	0.03%		3.69%
	W	2.15%	0.36%			2.51%
Grand Total		72.22%	25.65%	1.21%	0.92%	100.00%

An outlier analysis of rates of force by sector further illuminates the distribution shown above. Using an Inter-Quartile Range (IQR) calculation for the identification of outliers, Third Watch Edward Sector consistently represents the upper limit of the range of rates of use of Force (Type I force, .78 per 10k dispatches in 2015). The green circles in Figure 8 below indicate outlier sectors and watches for each year and type of force included in the study period. Third Watch Sam and King sectors are similarly represented in the IQR plot. This finding is not unexpected; consistent with data showing that both calls for service and uses of force peak during Third Watch around nightlife closing hours, both King and Edward sectors have significant nightlife activity that, especially during spring and summer months, is not infrequently associated with large fight disturbances and opportunistic robberies. Sam sector encompasses a high concentration of shots fired and violent crime calls; King sector has a high level of narcotics enforcement. Future versions of this report will look at crime reporting trends and calls for service across precincts and sectors to determine any patterns of activity that may correlate with use of force, for those interested in exploring the data on their own, crime data, broken down by precinct and micro-

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community policing plan, is publically available in raw form through the City’s open data portal (data.seattle.gov); interactive dashboard views are available on the Department’s website.

Figure 8: Outlier Sector and Watch by Year and Type of Force



SECTION II: FORCE INVESTIGATION AND REVIEW

One of the most critical reforms implemented under the Consent Decree is the requirement that all uses of force are thoroughly and critically reviewed. While the section above provides data and statistics about the frequency and distribution, it is the substantive review of each force case by the chain of command, the Force Review Unit, and the Force Review Board that determines whether force is in or out of SPD policy. If any reviewer in the chain of command or the FRU, or if the FRB by consensus, finds an indication of a policy violation, whether related to the force or otherwise, that case is required to be referred to the Office of Professional Accountability for further review and a determination about whether there is any policy violation, and if so, the level of recommended discipline. In addition, the OPA Director or his designee sits in on all FRB discussions, and has the prerogative to take for further review any case regardless of whether the FRB separately refers.¹⁰

This Section describes the investigation and review processes for Types II and III uses of force, provides a summary of each Type III force investigation initiated by the Force Investigation Team (FIT) between January 1 – December 31 2016,¹¹ and discusses assessments by the Force Review Board (FRB) of both Type II and Type III cases reviewed during 2016.

A. INVESTIGATION OF FORCE

Investigation of Type II Use of Force

Investigation and Review of Type II uses of force are governed by SPD Manual Sections 8.400 and 8.500.

Officers who are involved in using Type II force are required to notify an on-duty sergeant of the incident, upload and flag in-car video with the incident number, complete necessary documentation relating to the incident (General Offense report) and submit a detailed use of force statement before leaving their shift. Officers who witness a Type II use of force are likewise required to submit a witness officer use of force statement prior to ending their shift.

¹⁰ In 2015, of the 30 officers the FRB referred to OPA for investigation of a violation of the use of force policies, OPA issued a sustained finding with respect to three. In 2016, the FRU or FRB referred 9 complaints to FRB regarding an officer's use of force; to date, only one has been sustained.

¹¹ Because processes for force review evolved significantly over 2014 and 2015, the Department limits this Section to cases that were investigated and reviewed during the calendar year of 2016. A deeper discussion of the work of the Force Investigation Team and the Force Review Board prior to 2016 can be found in the Monitor's First Systemic Assessment concerning Force Investigation and Reporting (issued September 2015) and Second Systemic Assessment concerning the Force Review Board (issued November 2015), both of which found the Department to be in compliance with respect to the Force Investigation Team and the Force Review Board.

The responding Sergeant is responsible for conducting the investigation into the use of force. The Sergeant interviews the subject, the involved officer(s), any witness officers, and any civilian witnesses. The Sergeant reviews the officer's statement to ensure it is thorough and complete and review, secures relevant in-car video, and provides a summary narrative of the incident and description of the evidence gathered and the investigative process. This summary, and all supporting documents, are then forwarded up the chain of command.

During the first half of the year, the investigating Sergeant was also responsible for conducting the first-level review of a Type II use of force incident, which included the often time-intensive task of viewing all available video evidence (in-car and any other video obtained from a canvas). To enable Sergeants, as first-line supervisors, more time to actively engage with their squads in the field while still ensuring that Type II incidents received thorough, critical review, in July 2016 the Department implemented the new position of Administrative Lieutenant for each precinct. Sergeants retain investigatory responsibility, but Administrative Lieutenants now absorb much of the analytical work of force review for which Sergeants and reviewing Lieutenants had been responsible. The Administrative Lieutenant is responsible for reviewing and bookmarking (identifying in the system) relevant sections of all video evidence, ensuring that the investigations (for both Type I and Type II uses of force) and force reports are thorough and complete, analyzing the force for policy, training, tactical, or equipment issues, and ensuring that the force was properly categorized. This quality assurance measure enables the Department to recognize investigative issues or omissions at an earlier stage of review, more efficiently refer officers for additional training as necessary, and take more timely and proactive action in response to potential policy violations. The Administrative Lieutenant provides the completed investigation and administrative review to both the officer's assigned Lieutenant and the Precinct Captain, who forward Type II cases up to the Force Review Unit.

Investigation of Type III Force

Investigation of Type III uses of force, including Officer Involved Shootings, are governed by Manual Sections 8.400 and by the FIT Manual, a comprehensive guide for conducting thorough, complete investigations, interviews, and analysis.

The Force Investigation Team is responsible for investigating all Type III uses of force by Seattle officers. FIT also investigates serious assaults against officers, any discharge of a firearm by an officer, in-custody deaths (both within SPD custody or, by agreement with the King County Jail, any deaths occurring in the jail or within 72 hours of release of the jail), and any use of force incident in which the supervisor believes there was misconduct in the application of the force.

FIT consists of a Captain, a Lieutenant, a Sergeant, and six Detectives. The team is deliberately decentralized from SPD headquarters, and is instead located in the same building as the Crime Scene Investigation Unit and the State Crime Lab at Airport Way Center. This location facilitates

ease of access to the Evidence Section, the Crime Lab, the Photo Lab, and allows for privacy of officers from their coworkers at each precinct when needed as witnesses in a FIT case.

Table 1: Total FIT Responses (2014-2016)

Year	Responses	Number of Officers	OIS (Fatal)	Return To Patrol	In-Custody Death	Unintentional Discharge	Misconduct Response ³
2014	46	70	9 (5)	8	2	3	2
2015	26	50	5 (2)	3	2	3	2
2016	32	49	4 (2)	4	1	2	2

Table 1 shows a breakdown of total FIT responses for each of 2014, 2015, and 2016. Response total reflects all responses by the FIT team, including non-force-related incidents (e.g., assisting an outside agency, jail death,¹² or assault on officer investigation). The number of officers reflects the total number of officers who used force at any level (Type I, II, or III) across all incidents investigated by FIT; because each force case is investigated according to the highest level used in that incident, one FIT case can include multiple uses of force at lower levels as well. As Table 1 shows, while the number of FIT callouts has fluctuated between 2014 and 2016, the number of officers involved in these cases has shown a steady decrease, especially when it is considered that one case investigated in 2015 was an officer involved-shooting, mentioned earlier in this report, following a prolonged, high-speed pursuit of an armed carjacking subject, which involved 29 separate uses of force, including 11 separate officers who discharged their firearm. Although, again, the *n* is too small to draw any statistical significance from the fluctuation, and each case is fact-dependent, it may be that the reduction in call-outs overall 2016 is due in part to officers becoming more familiar with reporting and classification requirements; the reduction in officers involved may reflect to some degree the officers increased training in team tactics and de-escalation.

Of the 32 incidents to which FIT responded in 2016,

- Four were Officer Involved Shootings (OIS), two of which were fatal.
- One involved a firearm discharge at an animal
- Two were unintentional firearm discharges that did not result in any injuries.
- One concerned a jail custody death.

¹² There have been no deaths of subjects in SPD’s custody since FIT was established. All refer to deaths in the King County Jail, which FIT investigates per agreement with King County.

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- On four occasions, the use of force was determined at the time of the response not to meet the criteria for Type III classifications, and the investigations were returned to Patrol for investigation at the appropriate level.
- On one occasion, an incident was reported as unintentional discharge but subsequently determined to be property damage otherwise caused.
- On one occasion, FIT was called upon to provide assistance to an outside agency involved in an OIS in which the subject was brought to Harborview Medical Center
- Seventeen of the remaining 18 cases each involved one or more Type III uses of force.
- Finally, one case involved a use of force that appeared to meet Type III criteria until the investigation was near complete.

Typical FIT Response Process¹³

A typical FIT response is initiated when FIT receives a screening call from an on-scene sergeant or other supervisor. FIT directs the supervisor to sequester the involved officers and have them escorted individually, by an uninvolved officer to the FIT office. The OPA Director, the Crime Scene Investigation Unit (CSI), Training Unit, and executive members of Command Staff are also notified to respond to the scene as appropriate. The federal Monitoring Team is also notified.

FIT detectives are responsible for gathering physical evidence, eyewitness and involved subject statements, and any video evidence, both at the scene and through later canvassing of the neighborhood, news media and internet. At the scene, the lead FIT investigator consults with CSI, Training, and OPA regarding the evidence gathered; if there is any indication of criminal conduct by the officer, the investigation is bifurcated such that the administrative review of the incident is screened from the criminal investigation. No case investigated during either 2015 or 2016 involved a criminal allegation.

Involved and eyewitness officers are interviewed, separately, at the FIT offices, for purposes of capturing as close to the event as possible their perceptions and recollections of the incident. Recognizing that video is only one piece of evidence, can be misleading, and is often incomplete, FIT has moved towards not permitting officers to watch video prior to giving their statements, so as capture as cleanly as possible what the officer perceived leading up to and at the moment the force was used.

When complete, the FIT investigation and CSI investigation, if any, is formally presented to the Force Review Board. A completed FIT investigation is required to cover, where applicable:

- A summary of the incident;
- Scene description, diagram, and/or photographs;
- Witness and video canvass;

¹³ FIT policy and procedure is set forth in greater detail in SPD Manual Section 8.400.

- Subject information;
- Witness information;
- Injuries, either to officer or subject;
- All physical evidence;
- Clothing analysis;
- Weapons and weapon testing/analysis;
- Personnel involved;
- Any communications concerning the incident or the investigation;
- FIT callout notifications; and
- Detective’s log of investigation steps.

Overview of FIT Responses 2016

The following is intended to provide a neutral statement of each of the 32 incidents to which FIT responded during 2016. This is not intended to provide a detailed analysis, nor is it intended to convey a qualitative determination as to the use of force, which by policy is the purview of the FRB in each of these cases. Further, while an overview of the FRB’s case dispositions in the aggregate is presented later in this section, not all of the cases here have yet undergone FRB review.

Incident No.	Precinct	Summary
2016-010077 • Type III OIS (Non-Fatal) • 5 Involved Officers	West 2 nd Watch	An officer investigating an attempted auto theft on Queen Anne Hill observed a possible suspect at Kerry Park (211 W. Highland). As the officer exited his vehicle, the subject turned and advanced towards him, armed with two knives. The officer attempted to retreat. The subject did not obey orders to stop and to drop the knives and continued to advance as the officer retreated. The officer discharged his firearm, striking the subject. The subject was able to enter and lock himself in the officer’s patrol vehicle. As the subject was attempting to retrieve a patrol rifle from the vehicle, officers were able to open the door. An attempt to apply a Taser was unsuccessful. After the subject threw a knife at an officer, disarming himself, officers were able to take him into custody.
2016-019118 • Type II • 2 Involved Officers	West 3 rd Watch	West Precinct Anti-Crime Team (ACT) officers were conducting a narcotics operation near 3 rd Avenue and Bell Street and had developed probable cause to arrest a subject. The subject fled when contacted, and officers pursued on foot. The subject alleged that officers kicked him in the neck during the arrest. The officers summoned the Seattle Fire Department to treat the subject, and FIT responded, interviewed the subject, and reviewed in-car video footage. SFD found no injury, and the subject interview indicated that the incident did not meet Type III criteria. The investigation was turned over to Patrol to conduct a Type II investigation.
2016-027335 • Type II • 1 Involved Officer	East 2 nd Watch	Officers responded to a call of a hit and run collision, following which it was reported that the subject fled on foot, climbed into a passing vehicle, and then attempted to carjack another vehicle. The subject fled from officers; following a brief foot pursuit, the subject assaulted one officer. Force was used to take the

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		subject into custody, including a TASER application and knee strikes. An initial medical assessment at Harborview Medical Center concluded that the subject had no fractures but did have walking pneumonia. After an officer overheard a member of the medical staff state that he believed the subject's lung condition was connected to the TASER application, FIT was called to respond. FIT detectives were advised by medical staff that the subject's medical condition was not believed to be related to the TASER application, and the investigation was returned to Patrol to investigate as a Type II incident.
2016-062644 <ul style="list-style-type: none"> • Type III OIS (Fatal) • 6 Involved Officers 	North 2 nd Watch and North ACT	Officer in plain clothes monitoring a residence for a wanted robbery subject observed possible narcotics activity at the location. The subject, who was not the robbery suspect but was known to the officers, pulled up in a vehicle and headed into the residence, where officers lost sight of him. Officers observed a handgun on his hip. Officers confirmed through records checks that the subject as a convicted felon and an armed career criminal. Officers called in additional units with the intent to arrest the individual as he returned to his vehicle. Instead, the subject returned to the location approximately 30 minutes later in a different vehicle. Additional units moved in, and officers approached the subject. The subject did not appear to follow instructions and instead appeared to be reaching for his handgun. Two officers fired on the subject.
2016-072094 <ul style="list-style-type: none"> • Type III/ Misconduct • 1 Involved Officer 	Southwest 1 st Watch	Officers were dispatched to a report of a man throwing large furniture out of a third-story window into an alley below. Officers arrived and witnessed the subject continue to throw items out of the window. Officers contacted the subject, who was found to be in crisis. During the contact, an officer deployed his TASER. The officer was referred to OPA for the TASER use, and FIT conducted the investigation as a Type III incident. OPA issued a finding of Not Sustained.
2016-079594 <ul style="list-style-type: none"> • Type I • 1 Involved Officer 	South 3 rd Watch	FIT responded to a complaint of wrist pain during arrest that was initially thought to involve a broken wrist; it was determined that what appeared to be a broken wrist was instead a congenital defect, and the case was reclassified as a Type I.
2016-151143 <ul style="list-style-type: none"> • Type III • 3 Involved Officers 	West 3 rd Watch	During the May Day demonstration march on May 1, officers were staffing a crowd control line that was moving the marchers south on 4 th Avenue S. The subject confronted officers behind the main formation of officers. As officers were arresting the subject, another subject attempted to interfere with the arrest. Both subjects were taken to the ground. One subject complained of an injured shoulder, which was later determined to be dislocated. (The subject had a history of prior shoulder dislocations.)
2016-104314 <ul style="list-style-type: none"> • Type I • Self-Inflicted GSW (non-fatal) • 4 Involved Officers 	West SWAT	SWAT attempted to service a warrant on a robbery suspect. The subject barricaded himself in his apartment unit and declared that he was armed and had a juvenile with him. The Hostage Negotiation Team arrived and attempted to negotiate with the subject. After several hours, the subject released the juvenile, but did not exit his unit. Several flash bangs (Type I force) were deployed outside the unit in attempts to flush the subject out. Approximately nine hours after SWAT arrived, the subject called KIRO news, then shot himself. No Type III force was involved but FIT was called to investigate the Type I force at the request of the incident commander.
2016-174262 <ul style="list-style-type: none"> • Type II • 3 Involved Officers 	East 3 rd Watch	Officers were dispatched to an assault call involving a young female who had been struck in the face, with a large stick, by the male subject. As officers attempted to arrest the subject, he pulled away and fell to the ground, where he was eventually handcuffed after brief resistance. Because the subject was believed to have sustained a possible dislocated shoulder, FIT initiated a Type III response. Partway through the investigation, the subject was discharged from the hospital after

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		medical staff could find no significant injury. It was noted that the subject refused medical treatment for several hours before he could be fully examined.
2016-185319 <ul style="list-style-type: none"> • Firearm Discharge – Animal • 1 Involved Sergeant 	South Gang Unit	A sergeant responded to a 911 call regarding a pit bull attack on two individuals. When the sergeant arrived, he observed a woman on the ground, a man taking refuge on top of a car in the road, and the pit bull in the street in the process of attacking another dog. An attempt to subdue the pit bull with OC spray was ineffective. The sergeant shot the pit bull to end the attack. Both bite victims were taken to Harborview, one with severe injuries.
2016-218268 <ul style="list-style-type: none"> • Type III OIS (non-fatal) • 1 Involved Officer 	East 2 nd Watch	Officers responded to a domestic violence disturbance incident in which the caller reported that his husband was suicidal and chasing him with a knife. Officers located the victim alone on a street corner and contacted him. Almost immediately following the officers' initial contact, the victim pointed out the subject, walking towards them and armed with a large chef's knife in each hand. After the subject ignored repeated orders to stop and drop the knives, one officer fired multiple shots.
2016-224740 <ul style="list-style-type: none"> • Type II • 2 Involved Officers 	West 2 nd Watch	Officers on-viewed the theft of a phone in Westlake Park. They apprehended the subject, who resisted and spat on the officers. The subject was taken to the ground, arrested, and transported to the West Precinct. There, the subject told the patrol sergeant that she lost consciousness and broke a tooth during the arrest. The subject, who suffered from mental health issues, repeatedly refused medical treatment and could not be examined for injuries. She was medically cleared by the King County Jail and booked.
2016-234190 Type III <ul style="list-style-type: none"> • 4 Involved Officers 	South 2 nd Watch and K9	Officers and a K9 unit tracked a carjacking suspect who had fled into the woods. The subject was apprehended by the application of a K9 bite. Initially, the incident was screened with FIT as a Type II. The next day, FIT was notified that the subject had been admitted into Harborview Medical Center for infection issues near the bite site. Because of the potential for serious injury from infection, the incident was upgraded to a Type III investigation; the infection was later determined not to be related to the bite and consistent with a previous underlying condition.
2016-246766 <ul style="list-style-type: none"> • Type III/ Misconduct • 1 Involved Officer 	West 2 nd Watch and K9	Officers were dispatched to a 911 call concerning a man smoking marijuana and masturbating in a children's playground. Officers contacted the individual and, after he resisted, wrestled him to the ground. Witnesses reported that an officer applied a chokehold to the subject during handcuffing.
2016-266888 <ul style="list-style-type: none"> • Type II • 2 Involved Officers 	South 3 rd Watch	A subject threatened to fight officers who had responded to an assault at the Thunderbird Rehab Center. Officers de-escalated the situation, and the subject submitted to arrest. While officers were searching the subject in front of a patrol car, the subject kicked one of the officers. The officers decided to take the subject to the ground to prevent further assault. The subject's head struck the ground, causing a laceration to his face and possible loss of consciousness. The subject was treated at Harborview and released into King County Jail custody.
2016-270224	Non-SPD	FIT was called to investigate a death at Harborview Medical Center of an individual in King County Jail custody.
2016-266229 <ul style="list-style-type: none"> • Type III • 1 Involved Officer 	Kirkland (Mutual Aid)	Kirkland Police were searching for a vehicular assault suspect and request a K9 unit from SPD. A K9 officer responded and located the subject; during the arrest, the subject sustained a dog bite. The subject was left in the custody of Kirkland Police, and SPD's K9 sergeant began a Type II investigation. While interviewing the Kirkland officer, the sergeant learned that the subject had a broken arm that was believed

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		to be from the dog bite. The sergeant notified FIT, who assumed responsibility for the investigation.
2016-289871 <ul style="list-style-type: none"> • Type II • 1 Involved Officer 	West Off-Duty	FIT responded to a possible Type III incident which an off-duty officer performed a takedown on a shoplifter who had assaulted him. It was reported that the subject might have sustained a loss of consciousness and a possible closed head injury. During the investigation, FIT learned that the officer did not use any force resulting in the subject's head striking the ground; rather, bystanders witnessed the subject withdraw a pocket knife while struggling with the officer and they, unbeknownst to the officer, took the subject to the ground head-first. The subject sustained no serious head injury and was medically cleared for booking into King County Jail.
2016-299568 <ul style="list-style-type: none"> • Type III • 6 Involved Officers 	North 3 rd Watch	Officer investigating a possible burglary contacted the subject and a female companion. The subject was discovered to have an existing warrant for his arrest and, upon realizing he was about to be arrested, ran from officers. The officers caught the subject a few steps into a foot pursuit. The subject struggled on the ground until officers were able to get him into handcuffs. At Harborview Medical Center, the subject was determined to have suffered a minor fracture, or bone chip, in his shoulder.
2016-306737 <ul style="list-style-type: none"> • Type II • 2 Involved Officers 	West 3 rd Watch	Bike officers attempted to arrest a subject who was observed to be selling narcotics at 3 rd Avenue and Yesler Way. She began to fight with the officers and was taken to the ground and handcuffed. She reported that she lost consciousness while she was on the ground.
2016-317033 <ul style="list-style-type: none"> • Type I • 1 Involved Officer 	West 2 nd Watch	Officers had arrested the subject and his brother for shoplifting at a downtown store. As the officers were walking the subject across the street to their patrol car, the subject reportedly struck one officer in the groin and had attempted to run. The subject tripped, and the officer fell on top of him to keep him under control. The subject reported to the screening sergeant that the officer put his arm or leg across his throat for several seconds, preventing him from breathing. This resulted in a FIT response.
2016-368725 <ul style="list-style-type: none"> • Type III OIS (fatal) • 2 Involved Officers 	South CPT	Officers were in the greenbelt area under I-5 on an access road, conducting the East Duwamish Greenbelt Encampment Clean-Up Operation. During the operation, a sergeant and a precinct captain on-viewed a fight in progress. The subject was armed with a knife and had caused a laceration to another male. The sergeant and captain attempted to intervene and ordered the subject to drop the knife. The subject assumed a fighting stance, adjusted the knife in his hand, and refused repeated commands to drop the knife. The sergeant fired multiple shots.
2016-378706 <ul style="list-style-type: none"> • Type II • 2 Involved Officers 	East 2 nd Watch	Officers responded to reports of a man in crisis, who was reported to be armed with a knife and cutting himself. As several officers arrived, the subject charged at the officers. One officer deployed a TASER, which failed due to the dart striking the subject's belt. Another officer attempted to take the subject down from behind after the failed TASER deployment. In-car video suggested that the officer's arm may have gone around the subject's neck during the takedown, and FIT responded to investigate the possibility of a neckhold.
2016-380124 <ul style="list-style-type: none"> • Type III • 5 Involved Officers 	Outside of Seattle	Officers observed a stolen vehicle that had been listed in connection with several armed robberies in southwest Seattle over a period of three days. The vehicle fled, and after a short pursuit, crashed. Two subjects then fled on foot; others were arrested at the scene. One of the fleeing subjects was pushed into a wall during a brief foot pursuit, resulting in a possible loss of consciousness.
2016-393530 <ul style="list-style-type: none"> • Type I • 2 Involved Officers 	West 3 rd Watch	FIT was called to assess possible injuries sustained during the arrest of a barricaded felony assault suspect. Preliminary screening revealed no Type III criteria, and the investigation was turned over to patrol to investigate as a Type I for handcuffing pain.

2016-418398 <ul style="list-style-type: none"> • Type III • 3 Involved Officers 	West 2 nd Watch	Officers responded to a disturbance at the downtown Macy's in which store employees were being assaulted. Officers arrived and found the subject in the process of assaulting a store manager. They intervened and separate the subject from the employee. The subject resisted arrest and force was used to take the subject into custody. The subject was later found to have a dislocated shoulder.
2016-427312 <ul style="list-style-type: none"> • Firearm Discharge • 1 Involved Officer 	Burien	An officer was gathering his gear, preparing to report to work. As he inspected the hammer on his revolver, he accidentally lowered the hammer on a live round, discharging the firearm through the floor and into his basement.
2016-436442 <ul style="list-style-type: none"> • No SPD Involved 	Mutual Aid Assist	FIT investigators were called to Harborview Medical Center to assist Juneau Police in an investigation involving an officer-involved shooting that occurred in Alaska.
2016-438079 <ul style="list-style-type: none"> • Type III • 2 Involved Officers 	West 3 rd Watch	A subject arrested in a drug operation began contorting her arms while in handcuffs. She then complained of a dislocation, which was confirmed by medics.
2016-458856 <ul style="list-style-type: none"> • Type III • 2 Involved Officers 	West 2 nd Watch	Officers on patrol at 3 rd and Pike were attacked by a subject, unprovoked. One officer sustained a broken leg, another sustained a facial injury and possible concussion. The subject claimed that he lost consciousness during the officers' efforts to restrain him for handcuffing.
2016-459569 <ul style="list-style-type: none"> • Possible Firearm Discharge • 1 Involved Officer 	South 2 nd Watch	A possible bullet hole was discovered in a patrol car. During a Homicide and CSI investigation, it was discovered that the bullet hole may have resulted from an accidental discharge. The investigation was transferred to FIT, during which it was learned that an officer fired a personally-owned air rifle within the vehicle, causing the damage.
2016-465796 <ul style="list-style-type: none"> • Type III • 2 Involved Officers 	West 2 nd Watch	Following the arrest of a felony shoplift suspect from Nordstrom's, the subject alleged that his tooth was broken during the arrest.

B. FORCE REVIEW UNIT/FORCE REVIEW BOARD

Introduction

The Force Review Board is a select group of Seattle Police Department personnel which meets regularly to make determinations as to (1) whether a Use of Force investigation is thorough and complete; (2) whether the force was consistent with SPD policy, training, and core principles; and (3) with the goal of continual improvement, whether any recommendations are made or other issues need to be addressed with respect to tactics, equipment, or otherwise.

The FRB is composed of standing members selected by the Assistant Chief of the Professional Standards Bureau. Only standing members of the FRB may participate in the deliberations and vote during board sessions. These standing members include one representative from the

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Training Section, three representatives from the Patrol Operations Bureau, one representative from the Audit, Policy & Research Section, and one representative from the Investigations Bureau. The Captain of the Force Review Unit (or Assistant Chief of Professional Standards in the case of an officer involved shooting review) is the standing Chair and casts the final vote if the Board's vote is evenly split. A quorum of four voting members must be present for the Board to review completed cases.¹⁴

In 2016, the FRB added a non-voting participant from the Crisis Intervention Team to answer issues related to a subject's mental health status, services they might be receiving, as well as assisting the FRB in determining if an officer used "best practices" in de-escalation. On several occasions, where appropriate, subject matter experts from specialty units (Canine, SWAT, and the Range) were also asked to attend an FRB to answer any unit-specific questions that may arise.

Case selection for the FRB is determined by policy and handled by the Force Review Unit. All completed Use of Force investigations are forwarded to the FRU using IAPro and Blue Team, a paperless computer system. These cases include Type I, Type II, Type III uses of force, and Firearm Discharges (both intentional and unintentional discharges).

By policy, the FRB reviews all Type III cases. The FRU, comprising a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II use of force reports. FRU staff and FRB members undertake the same inquiry, and apply the same standard of review, as the FRB when reviewing cases. FRU staff and FRB members attend the same annual training involving the objective analysis of force, which ensures that the FRU is conducting a thorough review of their cases consistent with the reviews conducted by the Board.

Type II cases are sent to the FRB by the FRU when any of the following factors are involved:

- Possibility of misconduct;
- Significant policy, training, equipment, or tactical issues;
- When FIT was contacted for consultation and declined to respond or investigate;
- When less-lethal tools were used on the subject;
- When a canine makes physical contact with the subject;

¹⁴ Other observers to the Force Review Board may include Captains and higher, the Department's senior legal counsel, representatives from the City Attorney's Office, the DOJ, the Monitoring Team, and a representative from OPA. In cases involving an officer involved shooting, a citizen observer appointed by the Mayor's Office also attend. These observers may attend FRB meetings and ask questions, but they are not permitted to vote.

- When the subject is transported to an emergency room.

All cases not selected for FRB review are reviewed by the FRU detectives and their chain of command. The FRU captain makes the final determination based on the FRU’s reviews and recommendations. Bifurcating Type II use of force cases allows the FRB to focus its efforts on the more significant cases, such as Officer Involved Shootings, Type III investigations, and serious Type II cases. Additionally, a random 10% of cases reviewed each month by FRU are presented to the FRB for a second independent review – a mechanism to ensure quality control.¹⁵

Figure 2: Force Review Protocol

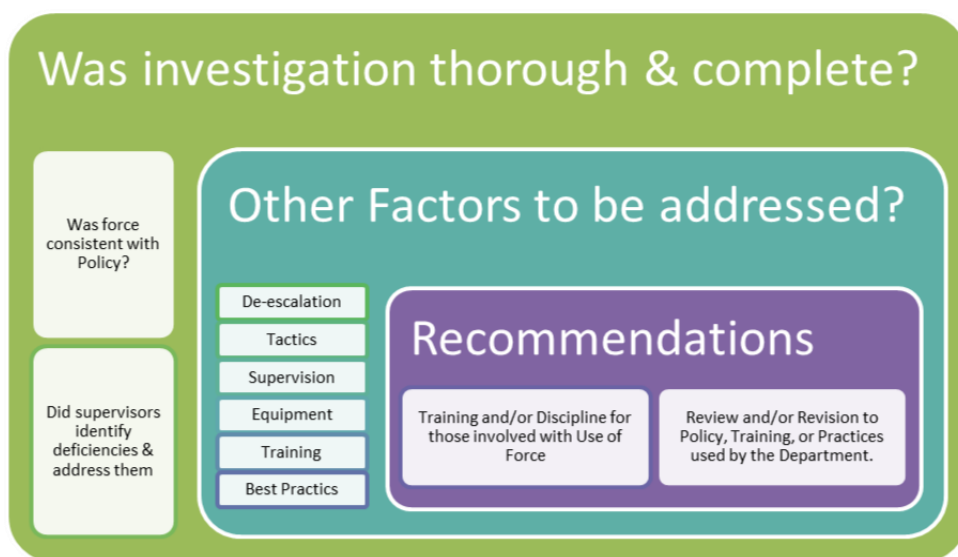


Figure 2 describes the review process for both FRU and FRB. Both look to ensure that the investigation was thorough, timely, and complete, providing all material evidence. Both answer the core inquiries of (1) whether the force was consistent with policy – including an

affirmative obligation to de-escalate when safe and feasible to do so, and if there were issues with the force, whether supervisors appropriately identified those issues. The FRU considers – and the FRB discusses – all pertinent factors surrounding the force, including the tactics used and supervision at the scene. FRB determinations are documented and any issues identified are

¹⁵ In late 2015, to ensure comprehensive reviews and evaluations of use of force incidents, the FRB underwent significant changes. The first change was to separate the FRB members into two groups that alternate months throughout the year. This decreased the amount of time away from each member’s assigned duty unit and daily responsibilities while allowing for constructive discussions during the FRB from diverse points of view. The second change was to create a mechanism for following up on the broader policy, training, procedure, business process, and other systemic issues that the FRB flags and discusses during analyses of force incidents. This new system was created within IAPro and named “FRB Action.” Once the FRB makes a recommendation, (i.e., policy change, referral for supervisory counseling, equipment request, etc.), it is entered into IAPro as a standalone request for action. These requests are forwarded to the chief of the Professional Standards Bureau, who then forwards it to the applicable bureau chief for consideration and follow-up if appropriate. This process accomplishes two objectives: (1) the recommendation is attached to the appropriate level of influence that can affect the most change, and (2) allows recommendations to be easily monitored for either completeness or further troubleshooting.

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referred to the appropriate commander for follow-up. If policy violations are suspected, the incident is immediately referred to OPA, or to the chain of command if appropriate under Manual Section 5.002, by the FRB Chair or designee, if not already referred by the reviewing chain of command.

Force Review Unit and Board Activity for 2016

Table 1: Type II, III & OIS Cases¹⁶ Reviewed in 2016¹⁷

	FRB	FRU	Total
Complete	159	83	242
Pended	12	0	12
Total	171	83	254

During the time period covered by this report, the FRU/FRB reviewed 254 cases; 12 cases were pended to allow for further investigation or action by another unit. The 171 cases reviewed by the FRB included 14 cases that were initially reviewed by FRU but were randomly selected for FRB review as part of the quality assurance check.

¹⁶ Case numbers in the above chart represents a single incident. A single incident might include multiple officers who report using force.

¹⁷ The FRU also reviews Type I force that is included within cases involving a separate higher level force, as well as reviews, for quality assurance, each Type I report and supervisor review for completeness and timeliness. Of the 1,099 Type I uses of force reviewed by FRU during 2016, 36% involved the reporting of handcuffing pain only; 30% involved the reporting of pointing a firearm, and 34% involved complaints of pain (without injury).

Table 2 shows the 171 cases reviewed by the FRB broken down by the highest force level in each case.

Table 2: Breakdown of Cases Reviewed by FRB by Type

Type I	4
Type II	141
Type III	17
OIS	6
Firearm Discharge	3
Total	171

All of the Type I cases were initially reviewed as a Type II or III, but reclassified by FRB as Type I following discussion and review. The FRB reviewed six officer involved shooting cases, three of which occurred in 2015. In total, there were four officer involved shootings in 2016, three of which were reviewed by the FRB; the remaining case from 2016 is scheduled for review in February 2017. Firearm discharges were reviewed, but not to the level of an officer involved shooting; of the three firearms discharges in 2016, one involved the shooting of a dangerous dog, and two were unintentional discharges that did not result in any injuries.

FRB and FRU determinations

There were 625 officers involved in the 254 cases reviewed by FRB and FRU. The numbers below represent the number of officers involved across the cases, aggregated, and the determination as by FRB and FRU as to whether each officer’s actions were either approved as consistent with policy or pended while under review by another unit.

Table 3: Force Findings by Officer

	FRB	FRU	Total
Approved	386	185	571
Disapproved	3	1	4
Pended	48	2	50
Total	437	188	625

Of those cases that were assessed (*i.e.*, excluding those cases that were pended), the FRB and/or FRU approved the involved officer’s use of force as within policy in 99% of instances.

Table 4: Tactics and Decision Making by Officer

	FRB	FRU	Total
Approved	406	183	589
Disapproved	28	5	33
Pending	3	0	3
Total	437	188	625

Of the 171 cases reviewed by the FRB, the Board approved the tactics and decision making of officers in 94% of cases. The FRU approved the tactics and decision making of involved officers in 97% of cases.

Table 5: OPA Referrals

	FRB	FRU	Total
ICV	19	10	29
Use of Force	15	2	17
Other	29	12	41
Total	63	24	87

The FRU and FRB have an obligation to refer to OPA any policy violation, unless already referred by the chain of command. In addition, the OPA Director sits on the FRB, and can independently take any case for further investigation. While OPA will separately report out on its statistics, in 2016, out of the 437 officers reviewed, the FRB referred 63 (14%) to OPA for investigation of a policy violation; of these 63, 15 officers (3.5% of the total referrals) were referred for possible violations of the Use of Force policy. Out of 188 officers reviewed, the FRU referred 13% to OPA, 2 for possible violations relating to the use of force. Combined, the FRB and FRU referred 13.9% of involved officers to OPA for some type of misconduct/policy violation, the substantial majority of which were unrelated to the force itself (a significant number of referrals were for in-car video policy violations.) As of this writing, of the cases referred to OPA during 2016 by the FRU or FRB for investigation of a policy violation relating to a use of force, OPA has issued a “sustained” finding in only one of those cases. In 2015, of the 30 officers FRU or FRB referred to OPA relating to a use of force, OPA issued a “sustained” finding in 5 instances, only three of which related to the application of force itself.

Field Supervision Relating to Use of Force Incidents

Of the cases reviewed in 2016, supervisors (one or more) were present when the force occurred in 65 (25.5%). Table 6 shows findings with respect to the performance of on-scene supervisors; included as well are FRB findings relating to how incident commanders handled an officer-involved shooting scene post-incident.

Table 6: On-Scene Supervision of Force Incidents

	FRB	FRU	Total
Approved	88	18	106
Not Approved	9	1	10
Total	97	19	116

Of the 97 supervisors reviewed, the FRB approved the supervision at the scene in 91% of cases. Of the 19 supervisors reviewed, the FRU approved the scene supervision in 95% of cases.

Table 7: Reporting and Investigation

Approval	FRB	FRU	Total
Yes	432	222	654
No	93	20	113
Total	525	242	767

There are typically three layers of review of any use of force at the precinct level. In 2016, a fourth layer was added in the form of an Administrative Lieutenant, who, as previously discussed in this report, is primarily responsible for completing and reviewing the investigations conducted by sergeants on-scene. FRU and FRB review the reporting and investigation by supervisors for thoroughness, completeness, and accuracy. Of the 525 supervisors in the chain of command who investigated and reviewed use of force incidents, the FRB approved their reviews in 82% of cases; of the 242 supervisors that FRU assessed, FRU approved of their reviews in 92% of cases.

FRU and FRB Feedback

The FRU submits monthly reports to each Precinct or Section Commander. These reports contain aggregated data on use of force, including force type, watch, and beat, providing commanders with an additional mechanism¹⁸ for visibility into the activities of officers in their precincts and

¹⁸ Later this spring, the Department will begin using DAP-generated dashboards that will be accessible by supervisors to provide real-time visibility into officer activity across a spectrum of measures, including use of force.

squads. Additionally, commanders receive a copy of specific findings by FRU or FRB regarding incidents involving employees under their command. The monthly report highlights the number of instances in which force was used in each precinct, by force type, watch, and beat. These reports enable Precinct Commanders to be better informed as to what force is occurring, and when, within their precincts so trends or concerns can be identified.

In addition, these reports include general “lessons learned” based on observed trends identified by the FRU or FRB that can be integrated into general roll call reminders. Reminders range from administrative to tactical, including, from 2016 reviews:

- Officers should consider using AMR to transport subjects who are combative with officers or have a history of fighting with officers.
- Officers do not need to wait with someone while they are unrestrained until a warrant can be verified. For Officer safety, a subject can be placed in handcuffs while the warrant is verified.
- There continue to be radio “dead spots” in the city, particularly inside buildings. Officers should continue to be aware that this is a problem.
- If a subject claims injury (or a potential overdose), officers should call Fire and inform a sergeant. It is better to document that the subject declined treatment from Fire than to make the decision not to call at all.
- Undercover officers should always be under observation and have the ability to use a visual distress signal if communications are lost. The precincts should dedicate an adequate number of officers to monitor and respond if necessary to provide for the safety of the UC officer.
- A victim’s permission is not required to move ahead with an assault investigation.

FRB Policy Recommendations

A supervisor from the Audit, Policy, and Research Section (APRS) sits as a member of the Board and is available as an immediate source for policy citation and explanation in the context of cases being reviewed. The APRS representative is also able to receive feedback on policies that are outdated, unclear, or no longer practical, allowing for the policy section to modify or revise policies as necessary responsive to Board feedback.

During 2016, the following policies were modified or under revision:

- **16-00003 – Arrests**
At the recommendation of the FRB, a policy requirement that officers must identify themselves, inform the subject that he or she is under arrest, and state the reason for the arrest as early as practical was added.
- **16-00008 – Search Warrants**
A statement was added clarifying the need for the screening lieutenant to consult with SWAT if any high risk factors are present.

- **16-00009 – Arrest Warrants**

This policy was revised to ensure that the language is consistent with that for search warrants.

- **Title 8 – Use of Force**

In 2016, APRS submitted 92 changes (from grammar errors to process and procedural changes) for review and approval by the Department of Justice, the federal Monitor, and ultimately the Court. The majority of these points came from either the FRB or FRU.

In addition, APRS is currently reviewing policies, based on recommendations from the FRB, relating to:

- Transportation of Detainees
- Vehicle Eluding/Pursuits
- Excited Delirium
- Chain of Command
- Detainee Management in Department Facilities
- Cooperating Victims
- Searches – General

Tracking FRB Actions

The Force Review Section tracks all recommendations of the Board through the FRB Action module in IAPro/Blue Team. The FRB assigns recommendations to a specific unit with a required response date, and follows up with the assigned unit commander as to the status of the recommendation. The Professional Standards Bureau tracks, monitors, and ensures a response to Board recommendations, allowing for an efficient process to follow up with units across the Department while remaining consistent with the SPD command structure. If the unit commander to whom a recommendation is assigned determines not to implement the recommendation, that commander must submit the specific bases for that decision to the Professional Standards Bureau Assistant Chief. It is unfortunately not infrequent that good recommendations are ultimately rejected because of budgetary constraints.

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In 2016, FRB referred 130 actions to the chain of command, derived from 87 separate case reviews, broken down by categories as shown in Table 8. The FRB Actions were divided into 5 categories:

Table 8: FRB Recommendations

APRS - Equipment	12
APRS - Policy	9
Bureau Commander Referral	90
Training Unit Recommendation	14
Training Referral to Chain of Command	5
Total	130

A non-comprehensive but illustrative list of examples include:

Equipment

- The FRB requested that the Department purchase additional shields for Patrol due to the concern of officers being in close quarters with armed subjects.
- The FRB encouraged the Department to purchase a long-range, less-lethal device for Patrol officers. Having this tool could help resolve instances where a subject is outside Taser range but poses a high enough risk that less-lethal force is necessary. This recommendation was made during multiple reviews and is a priority for the Operations Chief.
- In order to increase the quality and consistency of interviews, the FRB recommended exploring the possibility of creating an "interview card" that Patrol officers can reference when interviewing witnesses to help ensure that the pertinent points are captured.
- The FRB recommended that the Department purchase evidence placards for officers to use in place of business cards to mark evidence. Officers routinely use their business cards to mark physical evidence at crime scenes which places a burden on CSI investigators who later must catalogue and remove these cards. Having placards would serve the dual purpose of highlighting evidence and prevent any inadvertent removal or destruction, and would lessen the burden caused by introducing new evidence via business cards.
- Cold fire extinguishers proved to be very valuable and extremely efficient tools during May Day 2016, particular when officers had to deal with combustible weapons thrown by protestors. The FRB recommended that cold fire canisters be standard issue for each officer involved in protests.

- The FRB recommended that APRS research purchasing a different type of transport van to allow for an easier and safer way to transport prisoners. A different style of transport van could supplement or replace the need to use AMR to transport combative prisoners if it had proper restraints and allowed for easy placement of prisoners.

Policy Recommendations

- The FRB requested that APRS research creating a new category of statements specifically for supervisors involved in any tactical decision making. Requiring that involved supervisors and commanders write statements that include what orders were given to whom would provide a more complete view of the incident and reduce speculation about how events unfolded the way they did.
- The FRB suggested that APRS make a distinction in the current policy (8.300-POL-5[4]) between using impact weapons that are likely to cause deadly force and those that are not, as not all impact weapons meet the criteria for deadly force.
- The FRB requested that Noise Flash Diversionary Devices (flash bang) deployments be reclassified as a Level 1 use of force unless there is a reported injury or complaint of pain. They are currently classified as a Level 2 use of force; however, they do not emit projectiles and are used to create a visual and auditory distraction only.
- The FRB recommended that APRS clarify PIT policy on two points: Policy 8.300-POL-7 states that only trained personnel are to use PIT tactics; however once personnel rotate out of SWAT, it is unclear if they are still allowed to use the tactics once they reach other units. Prior policy that officers had to be assigned to specific units in order to use a PIT. Second, SWAT is required to administer annual PIT training per the same policy; this training, however, is done by the WSP.
- The FRB recommended that APRS consider drafting policy that would require personnel to use AMR for transporting combative prisoners. Officers are placed in a position where they may have to use force or risk injury to the subject when placing and removing a combative subject from the back of a patrol car. Placing a subject into four-point restraints in an AMR van could potentially mitigate the risk associated with trying to place them in a patrol car.

Bureau Commander Recommendations

- The FRB requested that each Precinct chain of command attend the same use-of-force review training as FRB members.
- The FRU recommended that commanders remind their chain of command that they must get an extension approval if they forecast that their review timeline will exceed 14 days.
- The FRB requested that Precinct Sergeants, Lieutenants, and Captains provide clearer statements detailing their involvement use of force incidents, particularly regarding commands given.
- The FRB requested that FIT detectives be reminded to question involved officers regarding any de-escalation attempts following a significant use of force incident.
- The FRB sent feedback to a precinct chain of command involving a reminder to sergeants to utilize vehicle takedown tactics, as well as a reminder to advise witnesses that they are being recorded prior to providing their statements. A reminder was also sent to the Captain that water must be used as a decontaminant following an OC spray application.
- Precinct chains of command were reminded that AM/FM radios should be turned off while In Car Video is activated, and that they are required to document officers who are logged to the call but do not have marked ICV recorded.
- The FRB recommended several issues for the reviewing chain of command to address. These included advising officers when to use LEED/ verbal techniques to keep a subject engaged and calm, as well as a reminder that the policy violation of having AM/FM radio playing while ICV is activated does not require an OPA referral, but should be documented in a PAS entry.
- The FRB advised commanders to remind officers not to use “distraction strikes” as a counter to an active assault.
- The FRB recommended that patrol officers be reminded to place a barrier between subjects and other community members, in order to prevent risk of assault.
- The FRB requested that the Communications chain of command remind call-takers to obtain a description of the complainant to avoid confusion of the complainant and subject, if similarly dressed.

- The FRB recommended that officers be reminded to stay off the air unless they have critical information to contribute during a major incident (*e.g.*, there is no need to broadcast that they are en route).
- The FRB made several recommendations for FIT investigation that included:
 - Having white board drawings (completed by involved officers) be memorialized in the case file.
 - Consider whether a supplemental interview should be mandatory in all OIS and possibly Type III investigations, which would provide an opportunity for an officer to give additional details recalled at a later date.
 - Interviews that do not provide any pertinent detail need not be transcribed; it is acceptable to retain them as audio files. The detective should summarize the fact that the files contained no relevant information in the follow up notes.
- The FRB recommended that FIT allow personnel involved in incidents, such as Type III investigations, the opportunity to sleep prior to their FIT interviews. The officers in the specific case at issue had been awake for almost 21 hours on the date of this incident. Many agencies, recognizing that a lack of sleep can lead to a lack of memory recall and can impact cognitive abilities, do not allow officers to be interviewed until they have had at least one sleep cycle.
- Some media outlets covering the events on May Day 2016 utilized helicopters to capture footage of the protests. The FRB recommended that commanders request to have the news helicopters move to a higher altitude so the police radios can be easily heard.
- The FRB recommended that the UOF sergeants selected to investigate May Day 2017 be reminded to also concentrate on the elements of the crime they are investigating, not just the elements of the force used. As seen in May Day 2016 and other incidents, the force investigation has been prioritized over the criminal investigation, causing criminal elements to be overlooked.
- The FRB recommended that a Bureau Chief remind watch commanders that they should screen a significant officer injury with FIT or the on-call Homicide sergeant, per policy 15.330. In the specific case reviewed by the Board, an officer suffered a broken rib during this incident while struggling with the subject but this portion of the incident appears to have been overlooked or not well documented in the General Offense Report.

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- The FRU Captain recommended that the chain of command document their performance counseling sessions for profanity and AM/FM radio use in PAS entries. It was unclear from the chain of command's review if PAS entries were made. If the chain of command chooses not to enter PAS entries, FRU requested they document a reason for not doing so.
- The FRB recommended that the Chain of Command remind a sergeant that he needs to summon Fire and assist with decontamination if a subject complains of injury/pain from OC exposure (per policy 8.300/#9). In this case, SWAT used OC canisters to compel the subject from his home and then he later complained he was affected by the OC exposure. The FRB recommended that a PAS entry accompany the counseling given to the sergeant in the specific incident.
- The Force Review Board received information about training recently provided by Homicide for Patrol officers, and requested that the Bureau Chief review this information and ensure the correct message is being given to Patrol. Specifically, the FRB was told that Homicide distributed filing standards for Assault 3 (Assault on an Officer) and stated that Assault on an Officer should be charged as a misdemeanor under the SMC code if the filing standards were not met. The Board did not want Officers to rely on filing standards when booking a subject for Assault 3 and wanted to emphasize that Officers should thoroughly and accurately document the assault without minimizing a subject's behavior if they were worried that the assault would not be charged as an Assault 3.
- The FRB requested that the East Precinct chain of command confirm with Swedish-First Hill that their staff will use soft restraints on a combative subject. The officers in the reviewed case were required to handcuff the subject to a gurney into order to allow the nurses to obtain a blood sample pursuant to a search warrant.

Training Unit Recommendations

- The FRB recommended that Training incorporate ICS training into 2017 sergeant's training and tactical training.
- The FRB recommended targeted ICS training for sergeants, lieutenants, and captains that specifies roles and expectations for each level of command following an OIS.
- The FRB recommended that Training research whether there is a preferred tactical method to round corners while in a vehicle after officers in an incident were pursuing an allegedly armed subject who was fleeing on foot and quickly rounded a corner to escape.
- The FRB requested that officers receive training on post-OIS firearm handling. The involved officers were not instructed what to do with their firearms immediately after the shooting so they deferred to firearm safety training and made the long rifle safe. Training officers in basic

post-OIS firearm handling would help ensure that the proper protocols are followed before a supervisor arrives on scene.

- The FRB recommended that the department prioritize a criminal investigation over the use-of-force investigation if one incident has both elements. In reviewing multiple incidents, the FRB has found that the criminal investigation and subsequent case follow-up sometimes suffers as a result of sergeants focusing on the force element.
- The FRB recommended that the Education and Training Section create a reader board blast reminding officers to use AMR to transport combative prisoners.
- The FRB recommended that the Education and Training Section consider a tactical response for officers to use if a subject is able to grab a hold of their external vest carrier in a struggle. During an incident, officers were fighting with a subject who managed to grab onto an officer's tactical vest, placing the officer at a position of disadvantage.
- The FRB recommended implementing a tracking system to catalogue when tourniquets are used and the subsequent outcome. Training distribute the tourniquets so the FRB suggested that they also be tasked with tracking the outcomes, similar to the way the Department tracks nasal Naloxone dosing.
- The FRB recommended training bike officers more frequently. Bike officers receive a substantial amount of training just prior to May Day, however with the increase in the number of protests in 2015 and 2016, bikes are needed more frequently and sometimes without the benefit of advanced notice. Additional training could also be helpful for occasional bike officers who do not ride bikes as much.

Response to Monitor Recommendations

In the Monitor's Second Systemic Assessment, the Monitor issued specific recommendations in the following areas regarding the FRB:

- A mechanism for following up on the broader policy, training, procedure, business process, and other systemic issues that the FRB flags and discusses during analyses of force incidents.
- The ability to address and resolve the low quality of underlying investigations by supervisors and for the chains' erroneous findings as to policy.

- How to train supervisors to identify and report potential misconduct and refer it to the Office of Professional Accountability (OPA) rather than passing the responsibility on to FRB.

The FRB Action Module in IPro was created to address Item #1:

Originally, FRB finding reports were documented and recommendations were sent to the appropriate unit or Bureau Chief for follow-up. In response to the Monitor's recommendation, the Professional Standards Bureau Chief requested a more robust and trackable system for follow up to FRB recommendations.

The FRU developed and tested a system in IPro to track requests for additional information, referrals back to the chain of command and recommendations (FRB Actions). This new module type now allows for the FRU to send out non-OPA related referrals, recommended changes to training, policy or equipment, and requests for additional information to the Chain of Command electronically. Importantly, this newly configured module provides the Department with the ability to easily monitor and track recommendations made by the Board, allowing the Department to see where, and with whom, these recommendations are at any given point.

Chain of Command Investigations and Reviews addressing Items #2 and #3:

In 2015, "the Monitor found in 29 percent [of use of force cases], the packet from the precinct omitted important evidence or information material to reviewing and analyzing the force. The Board sometimes, but not always, identifies deficiencies in the underlying supervisory investigation and review, but the Board is not designed to be the only backstop of accountability in these areas in the Department." In response to the report, the Department revised procedures by which the chain of command investigates the incident, reviews the case, and how the Department trains its supervisors.

Incident Investigation: The Professional Standards Bureau Chief directed the FRU to analyze the current use of force policy and determine whether a template could be produced which would standardize but not limit a supervisor in the investigation of a use of force. Using current policy, the FRU devised several bullet point guides which broke the investigation into three parts: scene guide, precinct and review guide, and write-up guide. These were not created as a "boiler plate," but rather a bullet point reference guide which investigators could use to ensure a complete and thorough investigation. These templates are now being currently used and have streamlined the investigating and analysis of force incidents.

Case Review: To facilitate the review process by the chain of command, the Department implemented a training curriculum for the newly assigned Precinct Admin Lieutenants – a new position in each precinct that will ensure quality, consistency, and completeness of force investigations before they are submitted to FRB. Standardization of training among the Admin Lieutenants will ensure the precinct chain of command is reviewing and addressing issues as directed by policy.

Training: The Training Unit devised a training curriculum Department-wide for supervisors to address and resolve issues identified by the Monitor. The topics ranged from employee well-being, supervision skills, and investigating force. The training classes were scheduled from mid-2015 to early 2016. These classes included “Critical Analysis of Force Incidents for Supervisors” and “Taking Care.” Both of these classes were mandatory for all sworn supervisors and acting sergeants.

“Critical Analysis of Force Incidents for Supervisors” provided supervisors with the necessary tools to conduct a critical analysis of force incidents. Supervisors were trained to analyze multiple aspects of force incidents (legal authority and lawful purpose, de-escalation, Tactics, Use of Force (necessary, objectively reasonable, and proportional), policy and procedure, and training. Supervisors were also trained on community caretaking, correlation of resistance to force options, appropriate use of less-lethal tools, and recognizing Confirmation Bias.

“Taking Care” was the third part of supervisor training. This course established operating standards and procedures for addressing both positive, and potentially problematic, employee work performance. Performance Tools (this course covered the Performance Appraisal System, Early Intervention System, front line investigations, coaching, mentoring, and counseling). The underlying objective of this course was how to identify issues and report them according to policy. The majority of the training revolved around investigating uses of force and how to report any identified issues or misconduct.

OPA Referrals:

The Department spent considerable time and training on how to train supervisors to identify and report potential misconduct and refer it to the Office of Professional Accountability (OPA) rather than passing the responsibility on to FRB. This training included the two mandatory training classes for supervisors and implementation of the Admin Lieutenants to review all use of force cases before sending them to the FRB.

The monitor emphasized “the importance of equipping SPD sergeants with the training and authority necessary to effectively investigate allegations of misconduct.” “Taking Care” trained supervisors on how to identify and differentiate between minor misconduct and mandatory OPA referrals. Under new policy, minor misconduct is to be handled through the Frontline Investigation module in Blue Team and forwarded through the chain of command to OPA. OPA referrals are still to be made through Blue Team directly to OPA. New policies that will set forth additional guidance for supervisors as to what issues they can address and what must be referred to OPA will be published shortly. The Frontline Investigations system in Blue Team is currently in place, as well as on-line training.