



Seattle Police Monitor

OVERVIEW OF USE OF FORCE ASSESSMENT FOR SEATTLE COMMUNITY POLICE COMMISSION

APRIL 12, 2022

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**Seattle
Police
Monitor**

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2022 Overview



Overview of Assessment
Process



Use of Force – Comprehensive
Assessment



High-level action items for
2022



Discussion and Questions

Comprehensive Assessments

To assess compliance with Consent Decree, a methodology was established and implemented to measure areas including:

- Crisis Intervention
- Stop and Detentions (including bias or disparate impact)
- Use of Force (including crowd management)
- Supervision

Community Engagement Sessions

Community Input

Based on these preliminary assessments:

1. What specific ideas do you have to improve policing (relative to each assessment area) in Seattle?
2. What research or advocacy should the Seattle Community Police Commission pursue in 2022?
3. What policy and practice change, if any, should the Federal Monitor oversee in 2022?

- In 2011, the United States Department of Justice found that the Seattle Police Department “engage[d] in a pattern or practice of using unnecessary or excessive force.” The DOJ attributed this pattern or practice of excessive force to Seattle Police Departments “fail[ure] to:
 - properly monitor or investigate the use of force;
 - implement adequate policies on the proper use of various force weapons; and
 - adequately train its officers on the use of force, particularly the appropriate use of various force weapons.”

Consent Decree History on Use of Force

Consent Decree Requirements

- To remedy the deficiencies that DOJ identified in 2011 as contributing to the unconstitutional pattern or practice of use of force, the Consent Decree required SPD to implement a host of systemic changes, including:
 - Implementing comprehensive use of force policies focused on de-escalation to safely resolve encounters with the minimal amount of force required. SPD adopted policies that required uses of force not just be “objectively reasonable” – as has been the status quo in policing – but also necessary and proportional, in line with community expectations;
 - Reporting all force incidents, from lower-level compliance techniques to officer-involved shootings, with requirements for officers to explain their actions;
 - Requiring meaningful supervisory and chain-of-command review of force incidents and investigations to evaluate uses of force against policy and training and take corrective action where appropriate;
 - Training all officers in the new use of force principles and practices;
 - Expanding requirements for the Force Investigation Team’s investigation of the highest-level force incidents; and
 - Creating a Use of Force Committee, which evolved into the Force Review Board, to review higher level uses of force, improve organizational accountability, and identify opportunities for departmental improvement.

Levels and Definitions of Types of Force

- In 2014, as a result of the Consent Decree, SPD began classifying its use of force with a three-level system that, generally, categorizes force according to the severity or significance of the force involved:
 - Type I force, the lowest level, includes “[f]orce that causes transitory pain or the complaint of transitory pain” such as hand compliance techniques. Type I also includes pointing of a firearm.
 - Type II, or intermediate force, is defined as “[f]orce that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm.” Type II force generally includes the use of tasers, OC spray, and impact weapons.
 - Type III force is the most serious force, including “[f]orce that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death.” Officer involved-shootings are Type III uses of force.
- Policy requires that uses of force be not just **objectively reasonable**, but also **necessary and proportional**.

Ninth Systemic Assessment: Our Starting Point

- Overall, the Monitoring Team found that “[b]ecause officers are using less force overall, without negatively impacting officer safety or public safety, and are using force consistent with law and SPD policy in those increasingly infrequent instances when force is deployed, the Monitor finds that SPD is in initial compliance with Paragraphs 69 to 90 of the Consent Decree.” This 2017 finding of initial compliance represented a “major milestone” in the reform process and was based on the aforementioned “analysis of [SPD’s] performance over time,” specifically July 2014 to October 2016.

Use of Force & the 2020 Protests

SPD's response to the 2020 protests in the aftermath of the murder of George Floyd resulted in **historic levels of protest-related uses of force and misconduct complaints.**

Some uses of force did not accord with the policies developed under the Consent Decree. SPD's tactics did not accord with the expectations of the community, and all involved believed that SPD could do better. **SPD supervisors struggled to conduct timely reviews of force and did not document their reviews as thoroughly as SPD consistently does outside of protests.**

SPD's protest response generated approximately **19,000 complaints, resulting in 145 unique incidents involving allegations of police misconduct**, according to OPA. These cases have led to 43 total sustained findings of misconduct. To date, two thirds of cases leading to a disciplinary outcome have resulted in written or oral reprimands. Thus far, four cases resulted in a suspension without pay, with two cases leading to resignations prior to discipline, and one case leading to a disciplinary transfer.

Use of Force & the 2020 Protests

As a result of these issues, **SPD overhauled its crowd management policy and training** to guide future protest responses of this scale, with a focus on facilitating First Amendment protected activity while addressing specific criminal activity.

City leadership's call for a **systemic review of SPD's protest response to identify what went wrong and how the City could avoid these problems in the future.** This led to the Office of Inspector General initiating an in-depth Sentinel Event Review (SER) process with community partners and SPD to critically analyze SPD's protest response and generate recommendations to improve the City's protest response in the future.

The Monitoring Team has observed this process from the start and found it to be **a robust, necessary process of critically analyzing SPD's protest response and generating meaningful recommendations for moving forward.** The important work of the SER continues to this day and will produce additional recommendations for improvement in future reports.



Use of Force by Level Over Time (Including Protest Force)

High-Level Assessment Findings for Use of Force

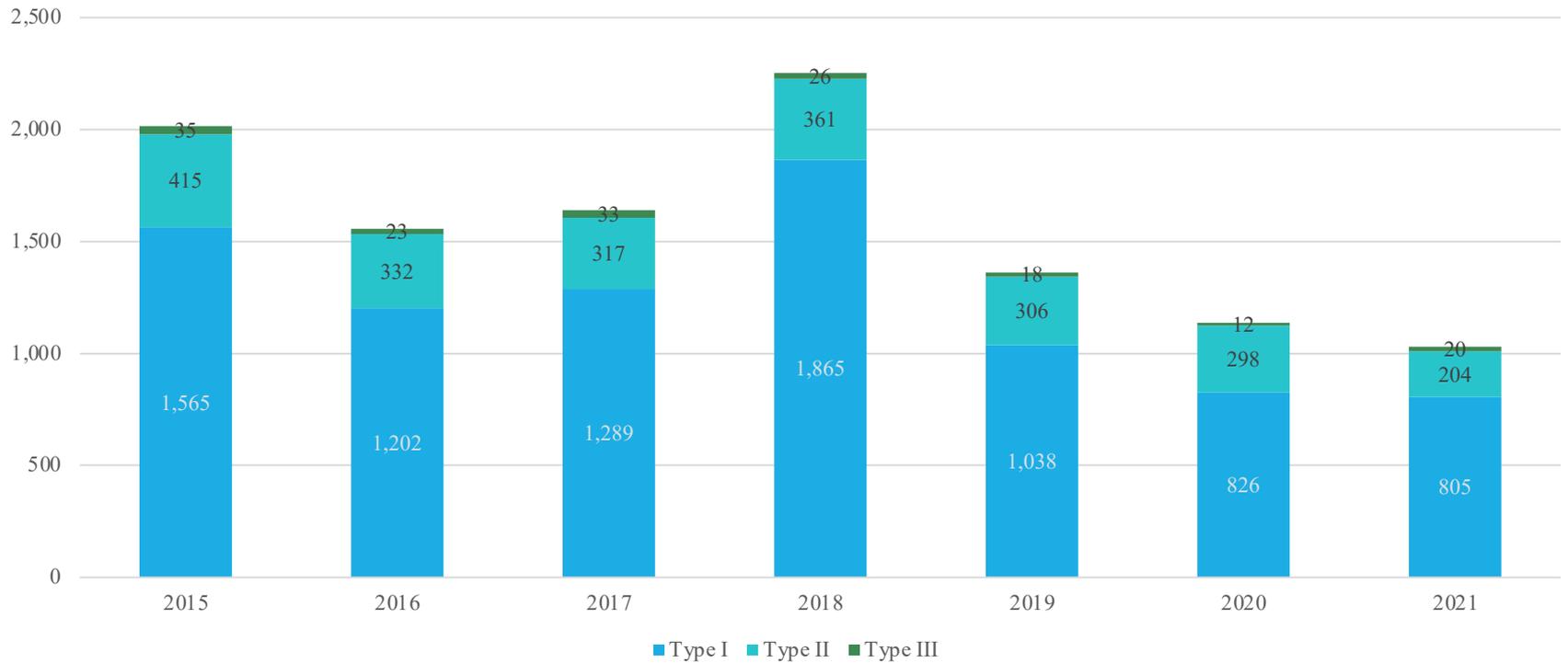
SPD's overall use of force declined 33 percent from 2015 to 2019 and 49 percent from 2015 to 2021.

2019 and 2021 also represent recorded lows for SPD force when compared against officer activity metrics which attempt to account for decreased officer activity resulting from Covid and other potential factors.

The most serious force incidents (Type III) decreased by 60 percent from 2014 (47) to the period end of 2021 (18.7 average). Across 2019 through 2021, SPD used serious force in 0.003 percent of officer dispatches – or once in every 39,096 officer dispatches.

SPD reported using Type III force 47 times in 2014, decreasing to 18 times in 2019 and 2020 and 20 times in 2021. Officer-involved shootings decreased from 23 in 2014 to 5 in 2020 and 13 in 2021.

Over the course of the Consent Decree, SPD's use of force decreased significantly overall and across all levels of force, with records lows in 2019 and 2021 ***punctuated by the historic levels of protest-related force in 2020.***



Use of Force by Level Over Time (Excluding Protest Force)

Overview of Seattle's Force Investigative and Accountability Systems

1. Officers must **report all uses of force** according to policy.
2. **Supervisors must conduct a comprehensive investigation of low-level and intermediate (Type I and II) uses of force** and submit the investigation through the chain of command for review and approval.
3. After chain of command approval, **the Force Review Unit inspects all Type I uses of force at a high level and closely reviews all Type II uses of force** to provide an additional layer of quality control and oversight on lower-level and intermediate uses of force.
4. The **Force Investigation Team investigates all serious (Type III) uses of force** and subsequently presents investigations for assessment by the Force Review Board.
5. **The Force Review Board regularly analyzes SPD's performance** in serious incidents and select intermediate incidents to elevate organizational accountability and identify opportunities for organizational improvement. **The Office of Police Accountability and Office of Inspector General observe these meetings** to provide external feedback and yet another layer of accountability, with OPA being able to self-initiate misconduct investigations should SPD fail to do so.
6. The civilian-led **Office of Police Accountability investigates any complaints** of improper force and recommends disciplinary action to the Chief of Police as appropriate.
7. The **Office of Inspector General conducts systemic analyses of SPD's performance** to provide continuing recommendations on how SPD can improve its systems and services to the community.

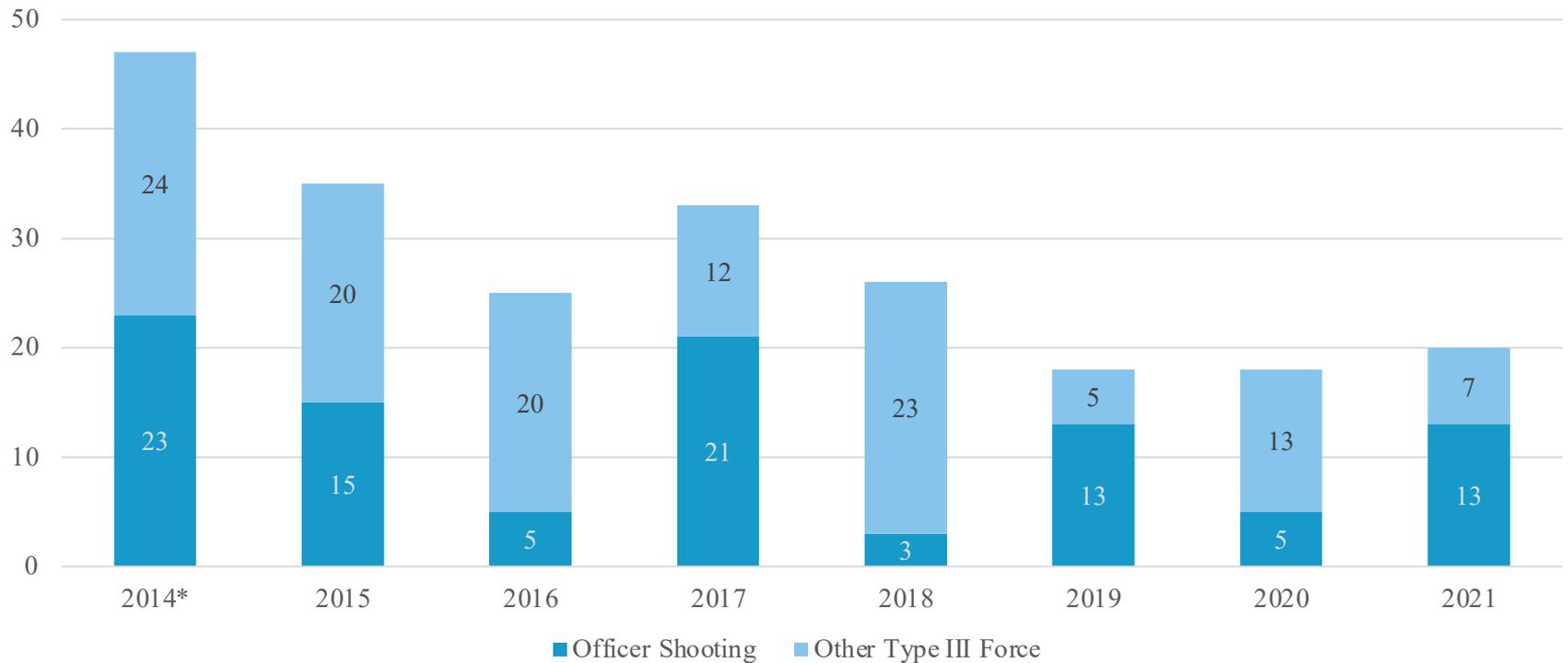
High-Level Assessment Findings for Use-of-Force & Reporting

Overall, SPD demonstrates consistent adherence to its use of force policies, and supervisors regularly take corrective action in response to deficiencies.

Supervisors continue to document more substantive reviews of uses of force and initiate associated corrective actions far more frequently than occurred prior to the Consent Decree. The level of review is a significant change from the nearly non-existent reviews occurring prior to the Consent Decree.

While SPD only referred 0.4 percent of *any* force cases for further review before the Consent Decree, SPD supervisors in 2021 referred 13 percent of the *lowest-level* cases for disciplinary investigation or remedial training and documented actively screening the cases with accountability experts in 27.5 percent of cases, in addition to identifying other issues in their reviews, based on an inspection for this assessment. Overall, the supervisory chain of command appears to be continuing to identify issues with use of force.

The Force Investigation Team continues to document in-depth investigations, and the Force Review Board continues to conduct wide-ranging discussions which generate a variety of recommendations for organizational improvement.



Serious (Type III) Uses of Force Over Time

*Potentially incomplete data collection in 2014 because of transition in reporting systems.

Rates of Force per Dispatch

Year	Officer Dispatches
2015	802,876
2016	832,969
2017	891,559
2018	863,306
2019	865,165
2020	678,667
2021	645,552

Time Period	Force per Officer Dispatch	Intermediate or Serious Force per Dispatch	Serious Force per Officer Dispatch
2015	0.26%	0.06%	0.004%
2016	0.19%	0.05%	0.003%
2017	0.19%	0.04%	0.004%
2018	0.26%	0.05%	0.003%
2019	0.16%	0.04%	0.002%
2020	0.30%	0.17%	0.003%
2021	0.16%	0.04%	0.003%

The Consent Decree & Disparity

- This assessment presents findings of disparate impacts for certain races, and it is important to discuss what these disparity findings do and do not establish.
- As the previous Monitoring Team noted, “[s]orting out whether disparity on the basis of suspect classifications, like race, is the result of intentional discrimination, the result of unknowing or subconscious bias, or the effect of one or many factors either having nothing to do with race or that are tangled up with race, is challenging.”
- While the Decree does not require an elimination of disparities, SPD’s bias-free policing policy requires that SPD assess its data to identify unwarranted disparities and collaborate with the community to “explore equally effective alternative practices that would result in less disproportionate impact.”
 - SPD has begun this critical work, which needs to continue in partnership with the City and community partners.

Race	Pop.	2020-21 Arrests	Total		Type I		Type II		Type III: OIS		Type III: Other	
Am. Indian	0.5%	2.8%	35	1%	28	1%	7	1%	0	0%	0	0%
API	0.3%	0.7%	20	1%	12	1%	8	1%	0	0%	0	0%
Asian	15.4%	5.4%	124	5%	100	5%	18	3%	6	23%	0	0%
Black	7.3%	36.4%	959	36%	733	37%	208	34%	14	54%	4	36%
Hispanic	6.7%	NA	87	3%	67	3%	18	3%	2	8%	0	0%
White	67.3%	54.8%	1,415	54%	1,050	53%	354	58%	4	15%	7	64%
Total			2,640	100%	1,990	100%	613	100%	26	100%	11	100%

Use of Force by Race

SPD officers did not report subject race for 32 percent of use of force subjects between 2019 and 2021. This is concerning and complicates SPD's capacity to conduct comprehensive analyses of use of force across demographic groups.

High Level Assessment Findings for Bias and/or Disparate Impact in Use of Force

As with analyses of SPD's prior data, the distribution of use of force across races does not resemble the racial makeup of Seattle, with Black subjects and American Indian subjects comprising a larger portion of use of force subjects when compared to their share of the population. The distribution of use of force across races, however, is nearly identical to the distribution of arrests across races.

For 2019-2021, Black subjects were involved in the highest number of the most serious types of force (Type III, including officer shootings) with 18, followed by White subjects and subjects of "unknown" race (15), and Asian subjects (6).

There was a 73% decrease of pointings of lethal firearms at Black individuals from 2015 (304 pointings) to 2019-2021 (average of 82). Even as this decrease is notable, Black subjects are still most likely to be the subject of a firearm pointing despite being the subject of force less frequently than White subjects or subjects of unknown race. Firearm pointing is classified as a Type 1 use of force.

Monitoring Plan Action Items for 2022

Select Policy & Practice Initiatives in 2022 Monitoring Plan relative to Use of Force:

1. Accountability System Performance Assessment
2. Sentinel Event Review
3. Revised Use-of-Force and Crowd Management Policies
4. Improved Edged Weapons Policy and Training
5. Anti-Bias Policing Plan and Training
6. Active Bystandership and Peer Intervention Policy and Training
7. Enhanced Data Usability, Accessibility, and Transparency

Questions & Answers