

Seattle Community Police Commission

September 20, 2023

VIA EMAIL

Adrian Diaz, Chief
Seattle Police Department

Dear Chief Diaz,

We are writing to recommend that you immediately exercise your authority as Chief of the Seattle Police Department (SPD) to place Detective Daniel Auderer on indefinite unpaid leave while the Office of Police Accountability (OPA) conducts its investigation under 2023OPA-0336 into his alleged misconduct. We further request that you immediately engage in a workgroup consisting of the Seattle Police Accountability Partners and members of the community to address repeated concerns with the culture of policing and police practices at SPD.

Under the Seattle Police Accountability Ordinance (SPAO) 3.29.030(B), the Seattle Community Police Commission (CPC) is charged with advising SPD and City Government on SPD “policies and practices ... in order to support systemic improvement and other enhancements to SPD performance and in furtherance of community trust.” It is with this in mind that we recommend that you immediately exercise your authority as the SDP Chief – which you have exercised previously – to place Detective Auderer on indefinite unpaid leave while the OPA investigation proceeds. We believe the current circumstance is an example of what this authority is designed for, and exercising this authority in this case is a necessary step toward rebuilding community trust and confidence in SPD.

On January 23, 2023, a Seattle Police Officer struck and killed a pedestrian while responding as an EMT to a reported overdose call. According to an incident report, the Officer’s vehicle reached a maximum speed of 74-mph in a 25-mph zone with its emergency lights activated and siren chirping but not fully activated. The vehicle struck the pedestrian in a crosswalk at an estimated 63 mph, throwing her an estimated 138 feet. Tragically, the pedestrian died. Seattle Police Officer’s Guild (SPOG) Vice President Detective Auderer was assigned to participate in the collision investigation, despite an apparent conflict of interest in participating in the investigation of a fellow SPOG officer.

On Monday, September 11, 2023, SPD released Body Worn Video (BWV) that recorded a phone conversation between Detective Auderer and SPOG President Mike Solan that occurred shortly after Detective Auderer began his investigation. On the video, Detective Auderer is heard estimating the vehicle’s speed at only 50 mph and doubted that the pedestrian was thrown more than 40 feet. Detective Auderer is also heard laughing and making light of the value of her life. After Detective Auderer confirmed that she died, he laughed in response to something SPOG President Mike Solan said on the other end of the call. Detective Auderer joked that her life was only worth \$11,000 and ‘had limited value.’

According to SPD, an SPD employee came across this video and reported it up the chain of command. From there, it was reported to OPA which opened an investigation. Unfortunately, this is not the first

time OPA has investigated alleged misconduct by Detective Auderer. Since 2014, there are 29 OPA complaints involving Detective Auderer, including alleged violations of policy related to bias free policing, unprofessional conduct, and use of force. Three of these complaints resulted in sustained findings, while eleven resulted in a recommendation for his supervisor to address the conduct directly with him. Notably, in one case where Detective Auderer was found to have used unjustified force against a member of the community the City settled litigation with that community member for over \$1.75 million. In total, the City has paid settlements totaling over \$2 million following alleged misconduct involving Detective Auderer.

The CPC firmly believes that Detective Auderer's statements on his call with SPOG President Mike Solan that the deceased pedestrian – or anyone's life – had limited value, and minimizing the investigation into the collision, are horrifying and raise serious concerns about his attitude toward and interactions with members of the community, and his ability to investigate cases equitably, accurately, and without bias and keep the City's residents safe. While the BWV does not capture SPOG President Mike Solan's comments on the other end of the call, there is simply no context that could possibly make these comments acceptable.

In order to ensure public safety and for SPD to begin the process of re-building trust and confidence with the community, the CPC recommends that you immediately exercise your authority to place Detective Auderer on indefinite unpaid leave. In making this recommendation, consistent with SMC 3.29.360(H), the CPC does not opine on the sufficiency of the evidence of OPA's current investigation, and does not seek to influence the course or outcome of OPA's current investigation, or the findings or discipline or other remedial action that may be recommended or imposed in this case. It is not only essential to allow for OPA's investigation to proceed without influence, but for SPD to take immediate steps to address the erosion of community trust and public safety from this episode.

Finally, the release of the BWV that captured Detective Auderer's horrifying comments in his call with SPOG President Mike Solan comes just weeks after the discovery of the display in an SPD bicycle repair room of a mock tombstone of another community member who was killed by SPD. These incidents continue to highlight the urgent need for transformational change of policing culture and practices at SPD, particularly within SPOG leadership. The community deserves a police department that reflects its values. For this reason, we further request that you immediately engage in a workgroup consisting of the Seattle Police Accountability partners (CPC, OPA, and the Office of Inspector General (OIG)), SPD Command Staff and Officers, and community members to address concerns regarding SPD culture that the CPC and the community have repeatedly raised. The accountability partners and the community must be included in the decision-making process of changing the culture at SPD.

We look forward to working with you on the critical work of restoring community trust and transforming SPD into a department that reflects the community's values.

On behalf of Seattle Community Police Commission,

Sincerely,



Reverend Patricia Hunter, Co-Chair



Reverend Harriett Walden, Co-Chair



Joel Merkel, Co-Chair