



City of Seattle

Seattle Police Department

June 26, 2024

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City of Seattle
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Seattle, WA 98124

Sara Nelson, President
Seattle City Council
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Robert Kettle, Chair
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RE: OPA Case No. 2024OPA-0037

Dear Mayor Harrell and Council President Nelson:

I will not be following two of the OPA Director's recommendations in 2024OPA-0037. I write to explain my reasoning.

According to the materials I reviewed, two patrol officers saw an individual in an alley that is well known for narcotics and criminal activity. There were "no trespassing" signs posted in the alley and the officers had encountered the same individual in the same location on the previous day. The driving officer quickly got out of the vehicle to contact the individual. He activated his Body-Worn Video, but not the In-Car Video. Almost immediately, the subject assaulted that officer. The passenger officer jumped out of the patrol vehicle to go help his partner. He too activated his Body-Worn Video prior to the contact, but not the In-Car Video. SPD Policy 16.090-POL-2(2) requires officers to record specified policy activity when safe and practical. The OPA Director found that the officers technically violated this policy.

The officers eventually subdued and arrested the subject, although one of the officers sustained an injury in so doing, and the subject's nose was broken during the fight. OPA took no issue with the use of force, but OPA did find that both officers should have activated the ICV. Accordingly, OPA recommended that both officers should receive an oral reprimand.

One officer has been with the Department for not quite three years and the other has been with the Department for about three and a half years. Neither has any disciplinary history; neither has even been counseled about any BWV/ICV misuse before this. While I recognize that it might have been feasible for the driver to activate the ICV at the same time he activated his BWV before stepping out of the vehicle, it would also be reasonable for him to think that his partner would do it. Similarly, although it might have been feasible for the officer in the passenger seat to activate the ICV before things escalated, once they did, that officer absolutely did the right thing by jumping out of the car and helping his partner, who was under attack.

These officers engaged proactive policing, which should be encouraged. They could have just driven by and not contacted this individual. Instead, when they on-viewed criminal activity, they took the initiative to address it, activated their BWVs, and made contact. While one or both of them may have *technically* violated policy (I find it significant that OPA did not make any determination about which officer was actually responsible for activating the ICV under the particular circumstances) the oversight was clearly unintentional, and arguably impractical for each of them. The first officer was concerned with the subject – and he was right to be. While he could have activated the ICV, it was more practical to let his partner do it under the circumstances. The second officer could have activated the ICV, but as soon as his partner got punched it was no longer safe or practical to do so – officer safety is paramount and his training undoubtedly kicked in.

I believe that writing these officers up for their actions on this call is not warranted and best addressed by their immediate supervisor bringing it to their attention. I have talked with over 300 patrol officers in the last three weeks as I am getting to know the department and nearly every group I've spoken to mentions their reluctance to do proactive policing for fear they will accumulate a series of minor, technical errors and establish a negative personnel record. Cynical officers mentor newer officers that it's better to do nothing than risk a small mistake and get "written up."

I respect the OPA, and I think the work they do is critical not just because professional civilian oversight cultivates the public trust, but also because OPA's work helps to ensure that SPD officers exhibit the highest standards of skill, professionalism and courtesy. However, this recommendation represents discipline that is unnecessary and best handled directly by a supervisor.

The last thing I (and community members) want is for officers to drive by when they see criminal activity because they think that's the only way to keep their OPA cards clean. The OPA Director has the ability to issue "Not Sustained - Training Referral" recommendations in cases of technical policy violations that are not intentional and/or do not rise to the level of misconduct and can adequately be addressed by the Chain of Command via mentoring, re-training, counseling, etcetera. Indeed, the OPA Director frequently makes that recommendation. Given

the totality of the circumstances, I believe he should have made it in this case. Officer discipline, except in very serious cases, is meant to be corrective not punitive. If a minor behavior correction can be achieved without negatively affecting morale it should be. I am referring this to the officers' Chain of Command for any mentoring, re-training, counseling, etcetera they believe is appropriate.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sue Rahr', written over a horizontal line.

Sue Rahr
Interim Chief of Police

cc: Rob Saka, District 1
Tammy Morales, District 2
Joy Hollingsworth, District 3
Maritza Rivera, District 4
Cathy Moore, District 5
Dan Strauss, District 6
Robert Kettle, District 7
Tanya Woo, Citywide
File