



# City of Seattle

Seattle Police Department

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October 25, 2016

Director Pierce Murphy  
Office of Professional Accountability  
720 Third Avenue, 18<sup>th</sup> Floor  
Seattle, WA 98104

Re: Management Action Recommendation (2016OPA-0469)

Dear Director Murphy:

I am writing in response to your October 18, 2016 Management Action management action recommendations, reiterating recommendations made on June 29, 2016, arising out of your review of the events surrounding a high-speed pursuit and officer-involved shooting in North Seattle on December 6, 2015. I apologize for the delay in responding; although I had prepared a response last July, it appears that that response may not have been sent to you. Please accept this letter as a response to both your June 29<sup>th</sup> and October 18<sup>th</sup> communications.

First, I appreciate that you preface your recommendations by noting the extraordinary circumstances surrounding that incident and the incredibly dangerous situation created by this armed individual who, after committing several carjacking of civilians at gunpoint, led police on an erratic, mid-day, multi-precinct pursuit – at one point firing shots at them. Not only was this terrifying for the civilians who were confronted by the subject at gunpoint and all those in his path, as reflected in the many 911 calls received, but the pace and unpredictability with which events unfolded truly illustrates what it means to police in tense, rapidly evolving, circumstances. I believe it miraculous, given this individual's actions, that no innocent civilians were injured, and that the injuries our officers sustained were relatively minor. For that, I am deeply grateful, and I am extremely proud of how the officers involved performed under such stressful and dynamic circumstances.

In responding to your recommendation that the Department implement a “Study Team” to review significant incidents such as this, I want to be careful not to conflate two very distinct functions that are either currently in place or in concept pending further discussions. With respect to the idea of forming a “study team” to review decisions, tactics, and incident command that took place during incidents such as this for purposes of informing Department responses, the Department is currently exploring the feasibility of establishing a separate review board, similar in concept to the Force Review Board, that would be dedicated to ensuring that same level of critical self-review and analysis to non-force-related events (which of course remain the purview of the FRB). While the pursuit element of this particular incident was critically reviewed by the FRB, that was the case only because the pursuit involved independent uses of force (vehicle tactics) along the way. Although there are existing mechanisms for reviewing all pursuits to ensure that they are within policy, regardless of whether they result in a use of force (i.e., chain of command review, the Traffic Collision Investigation Unit, or the Collision Review Board), we do recognize that there is a need to

provide greater review and analysis of certain significant incidents, which can include pursuits that involve a collision in which the officer is not personally involved in the collision. It was, as you may recall, following an incident in West Seattle several months ago in which a subject who had been suspected in an earlier armed robbery crashed while attempting to elude officers, that the Department began discussions of creating a separate and more generalized board to review such incidents. Although such a process is squarely outside the scope of our consent decree, we do envision that it would have a process similar to that of the FRB, and for that reason will be consulting closely with the Monitoring Team and DOJ as we explore how best to establish such a board within existing bandwidth, organizational structures, and labor considerations.

Importantly, while that process will take some time to develop, I do not want to leave you with the impression that such a process would somehow be tied to or in any way hamper our ability to respond to, as you suggest, an incident such as a coordinated crime spree or a disaster on the scale of a Mumbai/Paris attack. It is established practice for the Department, following large scale/active shooter incidents, to conduct thorough after-action reviews for precisely the purposes of identifying what tactics worked/didn't work, what resources were effective/not effective, how incident command functioned, etc. Examples include those reviews that took place after the Jewish Federation shootings in 2006, the Café Racer shootings in 2012, and the 2014 shootings at Seattle Pacific University. Each of these reviews provide insight that informs our training development, which this year includes not only extensive training in rapid intervention but also coordinated training with the Seattle Fire Department in responding to such incidents. In addition, in 2017 we intend to roll out updated training on ICS, as well as Team Tactics training that involves tabletop exercises specific to those individuals who serve in command functions. I appreciate that this letter is not the forum for going into the details of our after action reporting and our critical incident training and coordination, but wanted to be sure that neither you, nor any reader of this document, is left with the misperception that this City's first responders do not actively, and regularly, train for those disasters that we all fervently hope do not occur.

Finally, in your June 29<sup>th</sup> communication you had recommended that the Department critically review its Vehicle Pursuit policy (13.031) and Use of Force Policies (Title 8) to address inconsistencies between the two with respect to the use of vehicle impact tactics as intentional force. This gap in policy was previously identified by the Force Review Board during its two-day review of this incident, and pursuant to the FRB's recommendation, the Department has provided to the Monitoring Team and DOJ draft revisions of both 13.031 and 8.300-POL-7. Under these revisions, 13.031 would identify intentional vehicle-to-vehicle contacts (whether PIT, ramming, or the use of a patrol car as a roadblock) as uses of force that may be used only when consistent with Section 8.300 and subject to the reporting requirements of 8.400. Section 8.300-POL-7 is amended accordingly to reflect restrictions around the use of PIT, stop sticks, and ramming tactics. On the related question of training, SPD does not provide formal training in vehicle tactics such as the PIT (to our knowledge, there is no accepted formal training – anywhere – on ramming, which we consider to be improvised measure only to be undertaken in exigent circumstances). As the PIT is very rarely used as a tactic in Seattle (in contrast to other jurisdictions with more open, less congested spaces), we believe it best to continue to defer that training to the Washington State Patrol.

Director Pierce Murphy  
October 25, 2016

As always, thank you for your thoughtful recommendations. I am always particularly encouraged when I can respond to your recommendations by citing to processes that we've already put in place, as it affirms for me the Department's good progress in moving forward with its own internal systems of critical self-analysis and accountability. And, of course, please let me know if you would like to discuss further.

Sincerely,



Kathleen M. O'Toole  
Chief of Police

Cc: Deputy Chief Carmen Best  
Brian Maxey, Chief Operating Officer  
Assistant Chief Lesley Cordner  
Rebecca Boatright, Senior Counsel