



# City of Seattle

## Seattle Police Department

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July 13, 2017

**To:** Council President Bruce Harrell  
Councilmember Sally Bagshaw  
Councilmember Tim Burgess  
Councilmember Lorena González  
Councilmember Lisa Herbold  
Councilmember Rob Johnson  
Councilmember Debora Juarez  
Councilmember Mike O'Brien  
Councilmember Kshama Sawant

**From:** Brian Maxey  
Chief Operating Officer

**Re:** Councilmember Inquiries Concerning Officer-Involved Shooting Incident of June 18, 2017

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On Monday, June 26, 2017, the Seattle Police Department received a written set of questions from Council Central Staff regarding the officer-involved shooting of Charleena Lyles that had occurred one week prior, on June 18, 2017.

Our comprehensive response follows, but we first address several points that should be highlighted upfront:

1. First and foremost, there is no question that the subject incident – the shooting of Charleena Lyles – is a terrible tragedy. It has deeply affected the Lyles family, members of the Seattle community, the Seattle Police Department, and the involved officers. We are entirely committed to a police service that is professional and accountable. In accordance with the principles, policies and procedures institutionalized during our reform efforts in recent years, this investigation, and scrutiny of it, will be thorough and transparent. We also note that the police operate in a broader system, particularly at the intersection of public safety and social services. We hope to determine what ultimately led to this confrontation, so that lessons learned can be shared with partner organizations as well. The Department keeps this tragedy – and the recentness of the event – in mind in the responses below.
2. In responding, the Department must respect its court-mandated policies and procedures for comprehensive, independent review and the Council's recently passed accountability legislation that preclude any City employee, including SPD, from offering comments that

would appear to pre-judge this incident.<sup>1</sup> As such, faced with certain questions that seemingly invite an early judgment, the Department's response will ultimately defer to the formal review that remains pending.

3. The amount of information that SPD has been proactively releasing, and that we are providing here in response to Council's questions, reflects a level of transparency that is unprecedented with respect to events of this nature. While many agencies decline to release *any* information publicly until after their investigations are complete and additional reviews have taken place, SPD recognizes and appreciates the demands of our community for transparency, and is committed to releasing as much information as it can, as soon as it can, so long as the release will not compromise the ongoing investigation. SPD has been involved in national discussions on this issue and helped craft the Major City Chief's OIS information release [policy](#) and worked with the Community Police Commission to develop the [SPD policy](#). Accordingly, to the extent that your requests seek information regarding evidence that has not yet been processed or analyses that have not yet occurred, please respect that we are in the early stages of a forensic investigation that routinely takes up to 90 days to complete. It would be premature and inappropriate to release information that may bear on areas that remain subject to investigation.
4. Much of the information Council requests with respect to SPD policies and data surrounding officer-involved shootings is, and has been, publicly available online. Thus, although we respond substantively here to Council's inquiries, we also encourage Council to explore these open web sources.
5. Much of the information requested calls for SPD to offer opinion, long before the investigation is complete and the Department has had opportunity to fully review and consider the totality of the circumstances, as to how policies or training should be changed in light of this incident. Implicit in these questions is the appearance that Council has already concluded that there must be issues with (the court-approved) policies and training that need correction. To be clear, determinations regarding tactics, decision-making, training, policy and equipment specific to this event are all matters that will be thoroughly reviewed, discussed, and debated by the Force Review Board *after* the investigation is completed, as is the case for any incident involving a significant use of force. Again, to offer speculation in the face of an incomplete investigation as to issues relating to policy, tactics, or training at this point would not only be premature, it would be irresponsible in light of the review yet to be undertaken. Simply put, we would be undermining the principles of careful, critical investigation and review were we to attempt now the analysis called for, and we urge Council, likewise, not to get ahead of the facts.
6. Certain of Council's questions call for the Department to turn over records relating to officers involved in prior incidents, all unrelated to the present incident, inclusive of full

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<sup>1</sup> See SMC 3.29.470 (CB 118969).

disciplinary histories. Because of the sheer volume of work that would go into pulling records, redacting records, the ambiguity of the request, the questionable relevance of these records to the inquiry at hand, and notice requirements under the collective bargaining agreement, the Department is limited in the extent to which it can respond to these questions at this early point. That said, the Department reminds Council that much of the information requested is, again, already publicly available online, and answers the questions substantively if not individually.

7. One of Council's questions seeks information regarding prior calls to Charleena Lyles' residence. The Department is presently responding to numerous public records requests for all records pertaining to Charleena Lyles, which necessarily also involve records relating to certain family members. As intrusive as some of these records are, the Department is bound by state law to release with only limited ability to redact. That said, while the Department will release to requestors those records it must, the Department has no interest in airing here sensitive information regarding Charleena Lyles' prior interactions with law enforcement; accordingly, to the extent that Council now calls upon the Department to do so, the Department intentionally limits its response.
8. We note that many of the questions posed are not as simplistically answered as the form of the questions may seem to invite. In the interest of providing full context and explanation, please excuse the length of the response.
9. Finally, we offer this observation and invitation. Over the past three years, the Seattle Police Department has implemented groundbreaking new policies, designed new models of training that are being replicated by agencies around the country, and have set new precedent for transparency and accountability. We have been found in compliance with the material provisions of the Consent Decree in ten out of the ten assessments performed by the Monitoring Team. We are regularly called upon to present our work nationally and internationally, and to serve on national task forces and advisory committees to help to continue to advance the social science of policing, yet, while the Department regularly appears before Council on other matters, the Department has not been called upon by Council for briefing relating to the work it has done towards meeting the requirements of the Consent Decree – or its strategic initiatives moving forward. *Particularly given Council's emphasis on police reform as a central platform of its priorities, we find this discouraging.*

#### **Question 1:**<sup>2</sup>

*Please list the last 10 fatal officer-involved shootings in Seattle, with the following information: (a) date of the shooting; (b) Name, race, and demographic information of the*

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<sup>2</sup> All questions are quoted verbatim, as received on June 26, 2017 (see Attachment A).

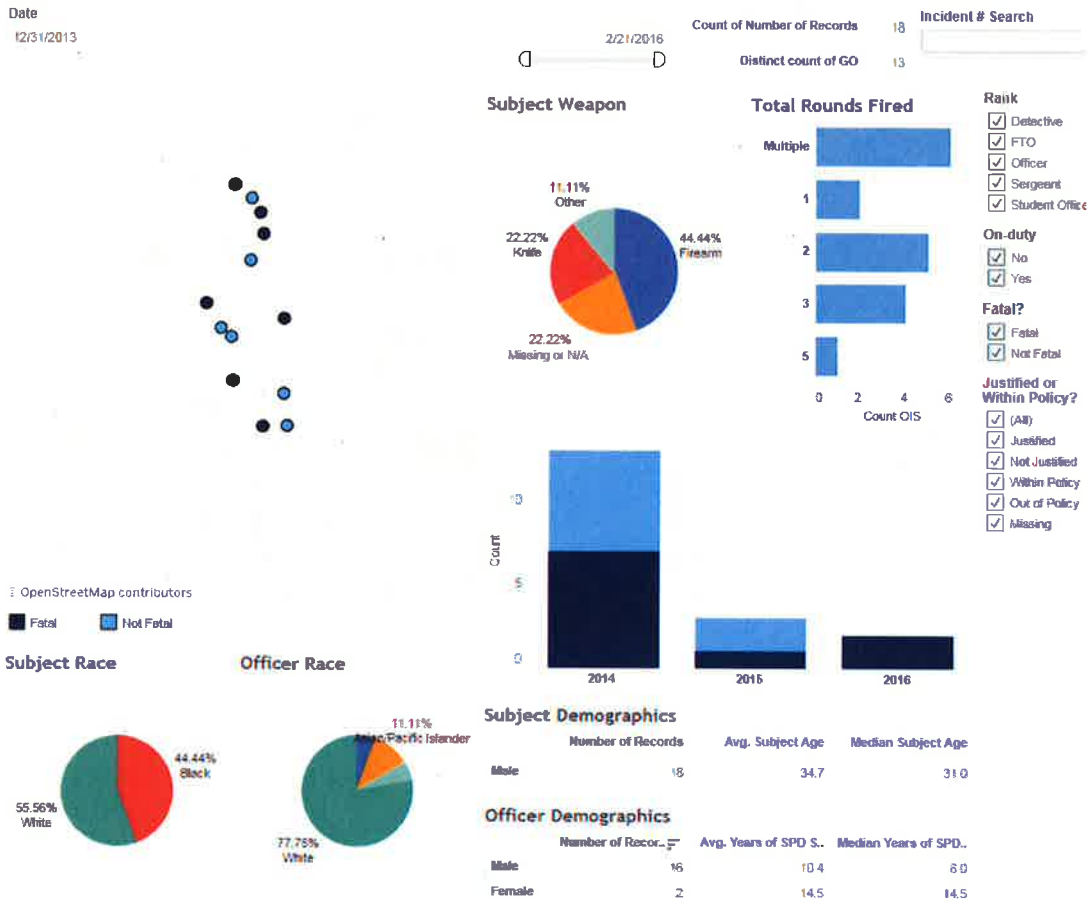
*person killed; (c) Name and precinct of the officers who fired shots, and the officers' records, including all Type I, Type II, and Type III uses of force, any OPA complaints, and any findings of excessive use of force.*

Parts (a) and (b) of this question call for information that is publicly available. Earlier this year the Department began posting its data around officer use of force both in raw form, via the City's open data portal (<https://data.seattle.gov>) and via composite, queryable dashboards on its public-facing website. Officer-involved shootings are presented by way of a separate, interactive dashboard (see <http://www.seattle.gov/police/information-and-data/use-of-force-data/officer-involved-shootings-dashboard>). Because the most relevant data – that which involves the policies and training in place as of 2014 – are readily available, the Department expands this response to include closed (fully reviewed) incidents occurring since those policies and training were implemented.<sup>3</sup>

By way of example, a screen-snap of this dashboard (showing closed cases from 2014, the point at which new use of force policies went into effect, through 2/21/16) is provided below. This dashboard is updated quarterly; cases are added as they are closed through the administrative and inquest processes.

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<sup>3</sup> In 2014 the Department implemented a new tracking system for activities including use of force (Blue Team and IAPro). The implementation of this new software coincided with the roll-out of new use of force policies, which called for much more robust collection of fielded data. In 2015, consistent with Consent Decree requirements for tracking specific information relating to use of force, crisis response, and other matters, the Department contracted with Accenture to build a new Data Analytics Platform (DAP). The DAP is a comprehensive enterprise-wide platform that consolidates data from multiple unique source systems, including IAPro, which enables 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.



The comprehensive information provided through this dashboard contains details of each officer-involved shooting case, to the extent the data are available, dating back to 2005. Date ranges can be selected by way of the date scroll at the top. Data can be viewed in the aggregate (as shown in the above screenshot), to show across all incidents (1) the subject's weapon, if any; (2) total rounds fired per incident; (3) the rank of the officer(s) involved; (4) whether or not the injury was fatal; (5) whether the force was deemed justified (as was the inquiry for incidents pre-2014) or within policy (post-2014); (6) subject demographics; and (7) officer demographics.

This dashboard can be queried at will; hovering over any particular data point visualized will provide quick information regarding that particular data point, while clicking on any particular data point will recalibrate the dashboard specific to that measure.

Alternatively, a complete, downloadable dataset is available at <https://data.seattle.gov>.

Breaking the response down another way, we pulled the information specific to your requests for all officer-involved shooting incidents between 2014 and the present, including the most recent incident on June 18, 2017, and present these data below in spreadsheet format.



The first table is responsive to subparts (a) and (b) of Question 1 and includes the date of the incident, the incident number, gender and race of the subject. (We see little point in including the subject names for purposes of this response, and out of respect for the subject individuals and their families decline to include that information here.) In addition, please note that the incidents recorded as officer-involved shootings include all instances in which an officer fired a weapon at a subject, regardless of whether the subject was injured. (In incident number 2014-0000431136, for instance, three officers each discharged their weapons at a vehicle they and a bystander witness all believed to be the source of gunfire at them; none of the listed individuals were struck.) We accordingly include in this dataset information as to whether the incident resulted in a fatality, non-fatal injury, or no injury.

<b>GO Num</b>	<b>Occurred Date</b>	<b>Subject Gender</b>	<b>Subject Race</b>	<b>Status</b>
20140000101057	4/3/2014	Male	White	Fatal
20140000212537	7/1/2014	Male	White	Fatal
			Black or African	
20140000235934	7/19/2014	Male	American	Not Fatal
20140000249611	7/30/2014	Male	White	Fatal
20140000290207	8/30/2014	Male	White	Fatal
20140000295588	9/4/2014	Male	White	Not Fatal
			Black or African	
20140000431136	12/31/2014	Male	American	Non-Injury
			Black or African	
		Male	American	Non-Injury
			Black or African	
		Female	American	Non-Injury
			Black or African	
		Male	American	Non-Injury
			Black or African	
		Female	American	Non-Injury
			Black or African	
		Male	American	Non-Injury
20150000244504	7/17/2015	Male	White	Fatal
			Black or African	
20150000296462	8/24/2015	Male	American	Not Fatal
20150000340351	9/29/2015	Male	White	Not Fatal
20150000423533	12/6/2015	Male	White	Fatal
			Black or African	
20160000010077	1/9/2016	Male	American	Not Fatal
			Black or African	
20160000062644	2/21/2016	Male	American	Fatal
20160000218268	6/19/2016	Male	White	Not Fatal
20160000368725	10/11/2016	Male	Asian	Fatal
			Black or African	
20170000138013	4/20/2017	Male	American	Fatal

20170000193874	5/31/2017	Male	White	Not Fatal
20170000219301	6/18/2017	Female	Black or African American	Fatal

Part “c” of Question 1 asks for “the name and precinct of the officers who fired shots, and the officers’ records, including all Type I, Type II, and Type III uses of force, any OPA complaints, and any findings of excessive force.” As it would take additional time to verify the specific bureau or unit to which officers were administratively assigned at the time of each incident, we have not provided that information. As a general rule, however, officers involved in a particular incident were most likely assigned to the precinct in which the incident occurred; exceptions would include individuals assigned to specialty teams, such as the Violent Crimes Section (as was the case, for example, in the 4/3/2014, 2/21/2016, and 5/31/2017 incidents). For the reasons discussed above we decline to identify the involved officers by name, but do provide serial numbers.

This next table is responsive to that part of subpart (c) that seeks information regarding the officers’ histories with respect to use of force.<sup>4</sup> Again, we identify these officers by their serial numbers.

Officer Serial Number	Type I	Type II	Type III - OIS	Type III - Non-OIS
6726	15	8	1	
6858	10		1	
5954	1		1	
7651	12	5	1	1
7544	14	2	1	
5452	55	9	2	1
7530	11	4	1	
6678	7	1	1	
6052		1	1	
5913	2			
6228	2	1	1	

<sup>4</sup> Type I uses of force comprise actions which “cause 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. Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm is categorized as Type II force. 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. Type III force is 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.

6393	1		1	
7445	9	2	1	
8397	4	2	1	2
7489	7	5	1	
6666	12	3	1	
7491	17	4	1	
7575	16	6	1	
6773	11	3	1	
7784	5	2	1	
7496	20	6	1	
5987	2	1	1	
7540	3	1	1	
7417	5	2	1	
7580	11	4	1	
6875	7	4	1	
8347	4	1	1	

This last table answers the remainder of subpart (c) and, for those officers who may have been the subject of an OPA complaint, provides information concerning such officer's OPA history with respect to any allegations of use of force, including disposition.

Employee Serial Num	Received Date	Allegation Type	Disposition
5452	1/21/2015	Force - Use	OPA Partially Sustained
	12/10/2015	Force - Use	OPA No Allegations Sustained
	6/16/2014	Force - Use	OPA No Allegations Sustained
6678	8/1/2016	Force - Investigation	OPA No Allegations Sustained
6052	5/2/2016	Force - Use	OPA No Allegations Sustained
6228	7/31/2016	Force - Reporting	OPA Supervisor Action Closed
7445	11/30/2015	Force - Reporting	OPA No Allegations Sustained
		Force - Use	OPA No Allegations Sustained
7489	3/1/2016	Force - Use	OPA No Allegations Sustained
6666	11/12/2015	Force - Use	OPA No Allegations Sustained
7491	7/7/2014	Force - Reporting	OPA Supervisor Action Closed
7575	1/18/2016	Force - Use	OPA No Allegations Sustained
6773	5/2/2016	Force - Use	OPA No Allegations Sustained
7580	2/2/2015	Force - Use	OPA No Allegations Sustained
	3/1/2016	Force - Use	OPA No Allegations Sustained
6875	8/11/2016	Force - Use	OPA No Allegations Sustained



### **Questions 2 and 3:**

*What is the penalty for using lethal force when non-lethal force is clearly an option? Are Seattle officers required to use less lethal force whenever possible?*

Note: the Seattle Police Department's Use of Force policies are published, collectively, as Title 8 of the SPD Manual, and are publicly available online at <https://www.seattle.gov/police-manual>.

The answer to these questions are not as simplistic as the questions may assume. In the interest of providing as complete and accurate a response as practical, we review here the policies relating to use of force, investigation and review of force, and the training related to the use of force.

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.

The Seattle Police Department and the Education and Training Section operate from the guiding principle that the sanctity of human life is at the heart of all we do. Our mission, policies, and training emphasize the sanctity of all human life and the importance of treating all persons with dignity and respect. The Use of Force Policy states:

It is the policy of the Seattle Police Department to accomplish our mission through cooperation with the public and a minimal reliance upon the use of physical force. The community expects the Seattle Police Department to use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of a subject under the totality of the circumstances. An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers make decisions on a force option based on the resistance or threat offered by a subject. Officers may legally use force to overcome resistance when making a legal seizure. The force used must correlate to the resistance offered by the subject. The legality of the force option chosen is evaluated by the objective reasonableness standard established by the United

States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). Objective reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time and weighs the actions of the officer against the rights of the subject. It must be judged from the perspective of a reasonable officer on the scene, rather than with the benefit of 20/20 hindsight.

The calculus of reasonableness allows for the fact that police officers are often forced to make split-second decisions, in circumstances that are tense, uncertain, dynamic and rapidly evolving, about the amount of force that is necessary in a particular situation. The reasonableness inquiry is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The force must also be necessary. Force is necessary when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose. The force used does not require officers to use force that matches the level of resistance. Officers may use a higher level of force than the resistance faced to gain control of a person, provided it is reasonable. Seattle Police Department policy includes as well a requirement of proportionality, which states that the level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.

At the core of the Department's training is the requirement to use de-escalation tactics and techniques when safe and feasible to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution. When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply. An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution. Mitigating the immediacy of a threat where safe and feasible to do so gives officers time to utilize extra resources and increases time available to call more officers or specialty units.

The choice of a force option and the opportunity to use less lethal tools depend on the situation encountered. Use of alternative force options and tactics is often affected by the time, distance and shielding available to officers. In general, if given time and opportunity without compromising officer safety and the safety of the community, less lethal force options will be considered. However, this is largely dependent on the level of resistance encountered. Less lethal options currently available can be effective at overcoming resistance and gaining control of a resistive person, but each have notable limitations as well.

Officers are given the option to carry at least one of three less lethal force tools, described below.

- Batons are a high level of force that work by breaking down resistance through pain or by causing injury to a person. To be used, officers must have sufficient room to draw and swing as needed. They are not immediately effective and require a person to rationally consider the results of any strikes. It takes time for the device to be effective. Use of a baton will also likely result in substantial injury to the suspect.
- Oleoresin capsicum (OC) is a pepper-based spray that is not generally incapacitating, but can be used to disorient a person and diminish the physical ability to resist. OC is a lachrymatory agent, a chemical compound that irritates the eyes to cause tears, pain, and temporarily diminished vision. It can take up to several seconds for it to affect a person, and some individuals may be only minimally affected or can become resistant to the effects because of drug use, mental health conditions, or other medical conditions. OC has the added disadvantage of potentially cross-contaminating the space in which it is deployed, potentially affecting officers on scene as well. It should also be noted that SPD uses a relatively low-strength pepper spray, which also diminishes the immediacy of its effect.
- A Conducted Electrical Weapon (Taser is the brand exclusively used at SPD) is designed to discharge an electrical current into a subject which causes the person's muscles to temporarily seize, allowing officers to gain control. It fires two small dart-like electrodes, which stay connected to the main unit by conductors, to deliver electric current to disrupt voluntary control of muscles causing neuromuscular incapacitation. A person struck by a Taser may experience over-stimulation of certain of nerves, resulting in strong involuntary muscle contractions for only as long as the device is active (a cycle is 5 seconds). Although Tasers can be effective, they have limitations as well. Heavy clothing, loose-fitting clothing, movement, the physiological state of the subject, and body mass (both high and low) can limit the viability of the Taser as an option. Both probes of the Taser need to penetrate in order to form a current; the spread of the probes, and the location of probe strike on the body, determine in large part whether the Taser will be sufficiently effective.

(The Department is in the process of analyzing Taser deployments as part of a mid-year update to its annual Use of Force report; preliminary review indicates that, depending on particular Taser model used, Taser deployments in dart mode are effective in approximately 50%-62% of instances.)

Time is often the deciding factor in force decisions. With time, officers can make analytical and tactical decisions, process options and assess effectiveness. Split second decisions, which often are the nature of police force situations, limit officers' ability to react to an identified threat. To assist in assessing potential threats and to derive a fitting response officers are taught to attempt to obtain time, distance and shielding during confrontations whenever possible. However, the ability to do so is affected by environment, proximity to the threat, actions by the suspect and other factors that may be outside the control of an officer.

Officers are not required to use force or any particular force option. Their actions are judged by the objective reasonableness of their decision making. Officers must make reasonable decisions on the force option chosen but are not required to select what one may speculate in hindsight to have been the better force option at the time force is used. When there is limited time to make a decision, officers are compelled to react to threats they encounter.

To fully answer Council's question, a brief review of how force is investigated and reviewed is necessary. The Department's Annual [Use of Force Report](#), which was published on January 31, 2017, provides greater detail as to how force is reviewed internally; the following is specific to those uses of force greater than Type I (which is reviewed by both the officer's supervisor and the Force Review Unit).

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.

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.

Prior to mid-2016, 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 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.

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.

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. 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;
- 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.

Completed FIT cases are provided to the Force Review Board (FRB) for full deliberation and review. The FRB 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 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. 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 attends. Several months ago, the Department was pleased to welcome Councilmember Burgess to an FRB session, after he expressed interest in learning more about the process.

The FRB also includes 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;
- 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.



The figure inserted here 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 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.

If any potential policy violations are noted at any point during the above processes, regardless of whether the policy relates to force, any circumstance around the force, the investigation, or tangential circumstances, the matter is referred to OPA, which conducts its own independent review. In the event of an officer-involved shooting that results in a fatality, the King County Executive may also convene an inquest which may result in the State bringing criminal charges against the officer. And of course, for any force that a subject deems excessive, that subject can always seek review through the court process.

As one final point, this question asks for “*the penalty for using lethal force when non-lethal force is clearly an option.*” We hope that, based on the discussion above, you appreciate that whether or not “non-lethal force is clearly an option” is a much more nuanced, convoluted inquiry than the question seemingly assumes; we also hope that the above discussion provides you with insight into the importance of the full, thorough, and thoughtful review process that would underlie any such determination. That said, to answer generally, the penalty for any use of force deemed out of policy depends entirely on the circumstances, the nature of the violation, the employee’s history, and legal factors. The penalty can, and has, resulted in the termination of some officers over the past few years.

#### **Question 4:**

*In Crosscut, Norm Stamper was quoted saying, “Officers have been trained that if somebody approaches within 21 feet of you, you must fire.” Is this an accurate description of the SPD’s policy?*

No. Former Chief Norm Stamper is attempting to articulate the “Tueller Drill” (a drill – not a rule) that originated in the 1980s. To describe the concept briefly, Sgt. Tueller was interested in measuring how quickly an attacker with a knife would cover 21 feet. Sgt. Tueller conducted multiple time trials of volunteers and found that, on average, an individual could cover 21 feet in 1.5 seconds. Sgt. Tueller then tested to determine how long it would take an officer to perceive a threat, draw a handgun, and fire one round. That average was between 1.7 and 2.5 seconds.

SPD’s de-escalation training discusses this drill at length and considers it in the context of time, distance, and shielding – or creating barriers to limit exposure. When time and circumstances make it feasible, SPD trains officers to use any available object to separate themselves from an assailant who is armed with a knife. It is accepted that an individual can cover 21 feet in 1.5 seconds – but that figure was also measured in a straight-line distance, with no obstacles in the way. SPD trains shielding, where feasible, to mitigate the advantage an attacker may have over officers.

Simply put, the statement attributed to former Chief Norm Stamper, to the extent he was accurately quoted, is patently false. SPD does not train officers that they “must fire if someone is armed with a knife within 21 feet.”

**Question 5:**

*The same article quotes Deputy Joe Winters as follows: “We have to go one step higher” ... “If the perpetrator has a stick, we use a taser; if he or she] has a knife, we use a gun.” Is that an accurate description of the SPD use of force policy?*

No. Deputy Winters of the King County Sheriff’s Office is not providing an accurate description of SPD use-of-force policy or training. As discussed at length above, SPD’s policy requires that an officer’s use of force must be reasonable, necessary and proportional. If it is not, it is referred to OPA for further follow up and investigation. Bright line rules such as that suggested in the question reflect a complete misunderstanding of the application of force based on the totality of circumstances. Consistent with best practices, the Department moved away from a force continuum – an “if – then” chart – many years ago.

**Question 6:**

*How is it determined which less-lethal weapon is issued to an officer? Officer discretion? Based on training? Supervisor discretion? If this is determined by a written policy or directive, please provide a copy of the written policy or directive.*

SPD Manual Section 8.300 (<https://www.seattle.gov/police-manual/title-8---use-of-force/8300---use-of-force-tools>) requires officers to carry at least one less-lethal tool; officers have discretion over which tool they use.

Each officer recruit is certified during the Basic Law Enforcement Academy (BLEA) run by the Washington State Criminal Justice Training Commission to use OC spray and a baton. Student officers receive additional training during Post-BLEA and each year are re-certified on those tools.

*a. What is the policy on which officers are issued tasers?*

There is no policy that directs which officers are issued Tasers. Officers who wish to carry put in a training request when classes are offered, which must be approved by their chain of command.

*b. Why don’t we require all cops to carry tasers?*

Historically, SPD (like many agencies) has maintained the Taser program as a voluntary program. Some other agencies limit their Taser deployments to more specialized units, such as those who might be called to cases of excited delirium.

It should be noted that there is a budget implication to wider-spread deployment of Tasers, both in terms of training and equipment costs. (Taser training, of note, is a two-day training

course.) While the Taser is not as simple a solution to a complex problem as might be assumed, the Department is willing to provide Tasers to as many officers as wish to carry it, and welcomes the City's support to do so.

**Question 7:**

*Please describe officer safety cautions and mental cautions, and the policy on how they are applied.*

Seattle Police Manual Section 15.330 (<https://www.seattle.gov/police-manual/title-15---primary-investigation/15330---responding-to-threats-and-assaults-on-officers>) requires officers to complete a Hazard Report whenever a subject has taken any actions that meet at least one of the below criteria:

- Any physical assault or attempted physical assault on an officer
- Threats of physical violence toward a criminal justice employee or his/her family
- Specific threats to a department or multiple employees of a law enforcement agency
- Threats of "suicide by cop"
- Threats to criminal justice personnel from other states.

These reports are maintained in the Washington Crime Information Center database and are noted in the Computer-Aided Dispatch/Records Management System.

How this information is applied in the field depends on the circumstances. It could result in anything from calling for an additional officer, requesting a CIT-Certified Officer, to calling out SWAT. While such a caution provides additional information, fundamentally officers respond to calls depending on what is known about the call at the time it was dispatched and the circumstances they are presented with on-scene.

**Question 8:**

*Please describe how officers are supposed to respond when in pairs faced with a situation like a knife, particularly with regard to their use of lethal and less-lethal tools, and particularly if the person may have mental health issues.*

*a. How do policies or training address these situations where children are present?*

As described more fully in response to a similar question below (Question 11), officers are expected to de-escalate when safe and feasible to do so under the circumstances. Retreat, where feasible (where time and space allow) and tactically sound, is preferred to gain tactical advantage. Assuming there is space within which to retreat, the ability to do so may also be limited by the ability to also remove those who are at risk from the person creating a risk of harm. With time, distance, and shielding options available, officers would form a CALL team, comprising a CIT-Certified officer, an arrest officer, a less-lethal officer, and an officer to provide lethal cover. This team would attempt to begin negotiations as soon as time, space, and shielding allow in an attempt to de-escalate the situation.

The presence of children would be a consideration under the circumstances. Speaking generally, where time, space and other conditions allow, officers are encouraged to remove or secure persons at risk (such as children) so as to minimize their exposure to violent or disturbing incidents and sequester them until an incident is resolved.

**Question 9:**

*Please provide the guidelines used for when CIT certified officers are supposed to be requested to respond to a scene.*

Guidelines for requesting that a CIT certified officer respond to a scene, and for CIT-certified officers when responding to a scene, are contained in SPD Manual Section 16.110 (<https://www.seattle.gov/police-manual/title-16---patrol-operations/16110---crisis-intervention>).

It is important, first, to understand the principles underlying the policy:

The intent of this policy is to provide all officers with resources to deal with subjects who are in behavioral crisis. This includes people exhibiting signs of mental illness, as well as people suffering from substance abuse and personal crises.

For the purposes of this policy, a behavioral health crisis is defined as an episode of mental and/or emotional distress in a person that is creating significant or repeated disturbance and is considered disruptive by the community, friends, family or the person themselves.

The Seattle Police Department recognizes the need to bring community resources together for the purpose of safety and to assist and resolve behavioral crisis issues. The Department further recognizes that many people suffer crises, and that only a small percentage has committed crimes or qualifies for an involuntary evaluation. Persons suffering crises will be treated with dignity and will be given access to the same law enforcement, government and community service provided to all members of the public.

Seattle Police officers are instructed to consider the crises that subjects may be experiencing during all encounters. Officers must recognize that subjects may require law enforcement assistance and access to community mental health and substance abuse resources. The ideal resolution for a crisis incident is that the subject is connected with resources that can provide long-term stabilizing support.

Officers are trusted to use their best judgment during behavioral crisis incidents, and the Department recognizes that individual officers will apply their unique set of education, training and experience when handling crisis intervention. The Department acknowledges that officers are not mental health professionals. Officers are not expected to diagnose a subject with a mental illness, nor are they expected to counsel a distraught subject into composure. When officers need to engage with a subject in behavioral crisis, the Department's expectation is that they will attempt to de-escalate the situation, when feasible and reasonable. The purpose of de-escalation is to provide



the opportunity to refer the subject to the appropriate services. This expectation does not restrict an officer's discretion to make an arrest when probable cause exists, nor are officers expected to attempt de-escalation when faced with an imminent safety risk that requires immediate response. An officer's use of de-escalation as a reasonable alternative will be judged by the standard of objective reasonableness, from the perspective of a reasonable officer's perceptions at the time of the incident.

With respect to Council's specific question, the policy provides as follows:

#### 16.110-POL-5 Responding to Subjects in Behavioral Crisis

1. Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident (On-View or Dispatched), Officers Shall Make Every Reasonable Effort to Request the Assistance of CIT-Certified Officers

2. Communications Shall Dispatch at Least One CIT-Certified Officer to Each Call That Appears to Involve a Subject in Behavioral Crisis

If circumstances dictate that there is not a CIT-Certified officer available to respond to a call that appears to involve a subject in behavioral crisis, non-CIT-Certified officers shall be dispatched to handle the call and a CIT-Certified officer shall respond as soon as possible.

- Calls that appear to involve a subject in behavioral crisis shall be dispatched immediately, even when a CIT-Certified officer is not available.

CIT-Certified officers will take the lead, when appropriate, in interacting with subjects in behavioral crisis. If a sergeant or above has assumed responsibility for the scene, he or she will seek the input of CIT-Certified officers on strategies for resolving the crisis event when it is reasonable and practical to do so.

- CIT-Certified officers are not obligated to serve as the primary officer during incidents that involve a subject in behavioral crisis. Unless a sergeant or above approves another arrangement, the primary officer (as designated by dispatch / beat assignment) shall handle the necessary paperwork and provide Communications with the final call disposition.

a. A Sergeant and at Least Two Officers Shall Respond to Each High-Risk Suicide Call

A high-risk suicide call is one where the likelihood of suicide is imminent, and the subject may be armed with a weapon or may be barricaded.

If, during the course of an incident, an officer determines that a subject meets the above criteria, he or she shall advise dispatch and request a sergeant and back-up.



**Question 10:**

*Please describe the training construct for SPD officers (i.e., initial training versus department training).*

We are not sure what Council is asking for in this question in terms of a “training construct,” but in general terms officers receive:

- 720 hours of training at the Basic Law Enforcement Academy (BLEA) through the Washington State Criminal Justice Training Commission.
- Six weeks of Post-BLEA training through SPD.
- 15 weeks of Field Training (FTO), to a point of acceptable performance.
- An average of 50, and up to 80+, hours of yearly in-service training.
- Occasional job-specific training (e.g., detectives, specialty units, some patrol).

In-service training is built on foundational concepts that are reinforced throughout an officer’s career. SPD training includes classroom, skills-and-drills, and integrated scenario based training, with a strong emphasis on CIT and de-escalation.

Please also see the response below to Question 15.

**Question 11:**

*Are Seattle officers trained to retreat from a dangerous situation rather than engaging, if engaging could harm someone and/or result in a possible fatality?*

Where safe and feasible to do so, officers are taught to retreat and re-position to reduce the likelihood of needing to use force and to attempt to de-escalate the person to gain voluntary compliance. A cornerstone of our de-escalation training calls for creating time, distance and shielding, where time, space, and circumstances allow. This is outlined in our Tactical Concepts Model.

Officers are trained to use de-escalation and crisis intervention tactics and techniques when safe and feasible to do so. Safety and feasibility are often intertwined. If an officer has to react to immediate officer safety risk, de-escalation is not safe nor feasible, and officers are taught to take action. De-escalation tactics and techniques are all actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. As part of this requirement, when safe and feasible under the totality of circumstances, officers are expected to attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution. For the last several years this philosophy has been the foundation of officer in service training.

When time and circumstances reasonably permit, officers shall consider whether a subject’s lack of compliance is a deliberate attempt to resist or an inability to comply based on factors

including, but not limited to medical conditions, mental impairment, developmental disability, physical limitation, language barrier, drug interaction, or behavioral crisis.

An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution. Mitigating the immediacy of threat gives officers time to utilize extra resources, and increases time available to call more officers or specialty units.

The following is a discussion of de-escalation taken directly from (court-approved) department training:

Perform a threat assessment:

- a. On-going violence or imminent violence?
- b. Weapons visible?
- c. Environment: is this a safe environment to work in?
- d. Number of subjects: how many; do you have sufficient officers on hand?
- e. Demeanor of subjects: threatening violence; other risks of violence?
- f. Are drugs or alcohol a factor?
- g. Other factors?

If the threat assessment, based on the totality of circumstances, at the time of arrival indicates that force is necessary to address an on-going or imminent risk of harm to you or anyone else, use objectively reasonable and proportional force to control the situation. Call aid to the scene for any injured parties. If the threat assessment does not indicate that force is necessary, make the scene safe to prevent an escalation of the situation.

Examples de-escalation tactics and techniques include:

- Placing barriers between an uncooperative subject and an officer;
- Containing a threat;
- Moving from a position that exposes officers to potential threats to a safer position;
- Decreasing the exposure to potential threat by using, where available, distance, cover, or concealment;
- Communication from a safe position intended to gain the subject's compliance, using verbal persuasion, advisements, warnings;
- Avoidance of physical confrontation, unless immediately necessary (for example, to protect someone or to stop dangerous behavior);
- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making;
- Calling extra resources to assist or officers to assist;

- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

### **Question 12:**

*What are officers trained to do when faced with a knife? Are they supposed to draw their weapon? Are officers trained to disarm a person holding a knife without resorting to firearms? With Tasers? With batons? With mace? With hand-to-hand combat?*

As described above, officers are trained to use that force that is reasonable, necessary, and proportional to the resistance or threat that is faced. As also described above, officers have a choice of less-lethal options, each of which carries with it the limitations as further described. Officers are put through scenario based training, some of which involve persons with edged weapons, and are provided with strategies to manage such encounters. Officers are taught to form a tactical team utilizing shields, less lethal tools, and time, distance, and shielding to their advantage. However, these coordinated team tactics require time to assemble and implement and assume a starting distance from the subject and no imminent threat of serious injury or death.<sup>5</sup> While each situation is separately investigated and reviewed on its own merits specific to the particular circumstances in play, as a general, officers are not taught to disarm actively assaultive individuals armed with a knife through a baton, with OC spray (“mace” refers to a brand name and is not the particular product that SPD uses), or a Taser.

Officers are not taught to engage in “hand-to-hand combat” with a person armed with an edged weapon.

To address a common misunderstanding, it is also important to note that the body armor that officers are assigned is designed to protect against bullets; it is not designed to protect against an edged blade.

(The vests that are worn by European police, who are not routinely armed, are specifically designed to protect against a puncture or slashing wound; unfortunately, these too, as reflected in links provided in response to Question 14, do not always prevent tragic outcomes.)

### **Question 12(a):**

*Based on officer statements, it is not clear that having a TASER or using it would have made a difference in the Lyle's incident. For example, in the Le shooting by the King Co Sheriff's Office in Burien two weeks ago, and in the March incident with the man with a knife downtown (whom officers eventually persuaded to drop the knife he was wielding), the individuals*

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<sup>5</sup> SPD utilizes the CUTT concept in training officers to respond to edged weapons incidents. CUTT stands for Create distance, Use cover, Transmit for additional units, and Tactically reposition, for responding to edged weapons incidents (a concept consistent with de-escalating when safe and feasible to do so). Although a sound tactic, the ability to use CUTT is dependent again on time and sufficient distance to implement the tactics. Importantly, it also presupposes a subject who is not seeking a confrontation.

*reportedly were tased with no effect. The idea that Charleena Lyles would be alive if these officers had tased her and had used them is not necessarily true. Officers' statements that they had not had effective training on how to disarm a person with a knife seems like the heart of the matter. According to their statements, they were confronted with potentially deadly force in close quarters with no warning and with no apparent cause or trigger. They seem to have had no training on what to do under these circumstances other than shoot. If that is true, is that response consistent with officer training? How could officers be trained differently in responding to similar circumstances in the future?*

To the extent that this question again seeks information regarding “what to do” under circumstances where they are “confronted with potentially deadly force in close quarters with no warning and with no apparent cause or trigger[,]” or with respect to training on “disarming” a person with a knife, the Department refers back to its responses to Questions 2 through 5 and 12.

Again, any issues identified with policy, training, tactics or equipment relating to this incident specifically will be addressed as part of the investigation and review of this incident; it would be inappropriate to speculate in advance with incomplete facts.

**Question 12(b):**

*Officer McNew did think about TASER use (asking Officer Anderson to "tase her" according to the transcript of the encounter); and he was the CIT-certified officer. Are there elements of CIT certification training that effectively override or provide an alternative to the TASER training instruction to discard the TASER and draw a gun if confronting a person with a knife? (and is that an accurate description of what is instructed in the TASER training?)*

That is not an accurate description of what is instructed in either CIT or Taser training. See, again, answers to Questions 2-5 and 12, above. In addition, the following is an excerpt from the Department's Use-of-Force training manual, the full 384 pages of which is available on-line at [https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/542ae4f1e4b00ac585ed4e87/1412097265945/DKT\\_No.\\_144\\_Memorandum\\_Re\\_ISDM\\_dated\\_053014.pdf](https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/542ae4f1e4b00ac585ed4e87/1412097265945/DKT_No._144_Memorandum_Re_ISDM_dated_053014.pdf).

The Taser is an intermediate force option for use in situations that create a risk of harm to an officer or another person that an officer believes will not be controlled by the use of control tactics. Typically, the Taser is used when controlling levels of force have not been effective or it appears that they will be ineffective, but the suspect has not attacked anyone yet.

The Taser may be utilized in both self-defense and for less-lethal team tactics. When used in a less-lethal team deployment, the situation must warrant the use of intermediate force options.

Optimum deployment distance for the TASER is 7-12 feet. You should target the center mass of back or lower center mass of torso, splitting the beltline if possible.

Exigent circumstances or the fluidity of the situation may require or result in targeting outside the preferred target areas.

Per policy, a subject wearing heavy clothing may present an opportunity to target the areas not covered by the clothing including the legs. In a dynamic event however, targeting small moving body parts presents significant problems affecting the likelihood of successful deployment.

Officers confronting a resistive subject in a situation that does not create an opportunity for effective Taser deployment should consider alternative force options. After the application of the Taser and as part of the CREST model officers should evaluate the need for medical attention. CREST is an acronym that stands for Control, Restrain, Evaluate, Screen and Search and Transport.

A complete copy of the Department's Taser training – a two-day course – can be made available upon request (it has been filed with the court – and is court-approved – but appears not to have been uploaded to the Monitor's website).

**Question 13:**

*Are Seattle officers trained to shoot to kill, or are officers ever trained to shoot to wound, such as a shot to the leg?*

All force is used to overcome resistance and gain compliance. At the most basic level, if a person complies with a lawful order by a police officer, no force will be used. The more resistance encountered, the higher the level force needed to overcome resistance and achieve a lawful purpose. When resistance rises to a deadly threat, officers are trained to counter the resistance by using lethal force options. These situations are so dangerous for officers and the community, often happening so quickly, that officers must attempt to immediately incapacitate the resistive subject. Under stress and with dynamic targets, aiming at a large target area – generally center mass – is most likely to hit and to incapacitate the person. Under most circumstances, if an officer would consider shooting a subject in the leg, there is no imminent threat of serious bodily injury or death.

The use of a firearm is to incapacitate a person posing a lethal threat in order to stop that threat. Officers are not trained to "kill."

**Question 14:**

*How would officers have resolved the situation if they were not carrying guns?*

Again, the tactics and force used by the officers is the subject of ongoing investigation and will be fully and critically reviewed; it seems unlikely, however, that this specific question – how the incident would have resolved (whether by the officers or by the subject) had facts been different – will ultimately be answerable by anything beyond speculation.



The Department simply notes that officers can be, and have been, seriously injured and killed by persons wielding knives. See, e.g., FBI statistics at [https://ucr.fbi.gov/leoka/2013/detailed-assault-data/assaults with injuries firearm-other-cutting-topic page 2013.pdf](https://ucr.fbi.gov/leoka/2013/detailed-assault-data/assaults%20with%20injuries%20firearm-other-cutting-topic%20page%202013.pdf); for recent examples, see <http://www.independent.co.uk/news/uk/home-news/keith-palmer-policeman-stabbing-death-named-london-terror-attack-westminster-a7644811.html>; <https://www.theguardian.com/world/2017/jun/16/jerusalem-attack-female-police-officer-seriously-injured-israel>; <https://www.nytimes.com/2017/06/21/us/flint-airport-stabbing.html>.

**Question 15:**

*What is the process for CIT and de-escalation training? (Who is trained? How are certified CIT officers selected, how many hours of CIT and how many hours of de-escalation training do officers received, etc.)*

The Seattle Police Department has a two-tiered approach to Crisis Intervention Training/Certification.

The first group is a cadre of officers who have volunteered to attend an additional 40 hours of Crisis Intervention Training. Approximately 48% of all Seattle Police Department officers are considered to be “CI-Certified.” Of those assigned to patrol operations (those most likely to be contacting individuals experiencing a 911-dispatched behavioral crisis), approximately 63% are considered “CI-Certified.” This number is continuously fluctuating as officer retirement / new hires are on-going. This group of officers will have a range of 56 – 72 hours of CIT training by the end of 2017 (depending on their individual hire date).

The group of officers who have not volunteered for the 40-hour training are ‘Non-Certified.’ These officers began receiving CIT training (8 hours a year) in 2014. All officers who were hired prior to 2014 now have at least 24 hours of Crisis Intervention Training, and will have 32 hours by the end of 2017.

CIT is one pillar of an overall de-escalation strategy. In 2016, in training approved by the federal court, the Department integrated CIT and De-Escalation training as one ‘super-session.’ In 2017, the Department began fully integrating CIT/De-Escalation principals and strategies into all core training concepts.

We should note that SPD’s crisis intervention and de-escalation training is now being replicated in agencies around the nation; SPD trainers are regularly called upon to provide this training in support of Department of Justice, Bureau of Justice Support training programs. We reiterate our invitation to provide this training to Council, if interested. Alternatively, copies of the (court-approved) training manuals for both CIT and Advanced CIT are available on-line at:

[https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/5432fb8fe4b01de68a143cd1/1412627343881/DKT\\_No.\\_145\\_Memorandum\\_Submitting\\_SPD\\_CIT\\_dated\\_053014.pdf](https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/5432fb8fe4b01de68a143cd1/1412627343881/DKT_No._145_Memorandum_Submitting_SPD_CIT_dated_053014.pdf)



<https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/542c0840e4b01d8f6abf9335/1412171840990/DKT+No.+177+Memorandum+Submitting+Consensus+Advanced+Crisis+Intervention+Training+Curriculum+and+Strategy.pdf>

**Question 16:**

*It has been reported that neither officer had a TASER issued to them as a less-lethal weapon option. Please confirm whether that is true or not.*

That is not true. Officer Anderson had been issued a Taser but it was not on his person. According to Officer Anderson's statement, which has been publicly released, Officer Anderson reported that the battery on his Taser had died and had not yet been replaced. Officer McNew is not Taser-trained, and had not been issued a Taser.

- a. *With regard to the SPD's TASER policy, it is my understanding that all officers who are TASER trained and issued a TASER must carry that tool (SPM 8.300.2 "Uniformed officers who have been issued a CEW shall carry it.") Please confirm if this is true or not.*

That is an accurate statement of policy.

- b. *In recent media, the Chief stated that officers have a "choice" of less lethal tools (baton, peppers spray or TASER). How do we reconcile this statement with the TASER policy as I've described it above. If TASERS must be carried once an officer is trained and the tool is issued, then does that mean that TASERS are not optional?*

An officer has a choice of which less-lethal tool to choose, but once an officer chooses the Taser, policy requires them to carry that tool unless they turn their Taser back in. The issue as to whether Officer Anderson violated policy by not carrying his Taser was referred to the Office of Professional Accountability for investigation. The Department is precluded by policy and by Council's recently accountability legislation from commenting on this issue.

- c. *Why shouldn't all officers be TASER trained and issued TASERS? How is it that a 10-year veteran, like Officer McNew, was NOT TASER-trained?*

Please see discussion on Tasers in response to Question 3 (page 10, above).

**Question 17:**

*What less-lethal weapon (baton, pepper spray, TASER) were on the officers' person during this incident?*

Officer McNew was equipped with an expandable baton.

Officer Anderson was equipped with OC spray and a wooden baton.

**Question 18:**

*Did both officers fire their weapons?*

Yes.

**Question 19:**

*Why didn't the officers verbally tell her to drop the weapon?*

According to Officer McNew's statement, previously released, "...it was the immediate reaction, you know the knife was produced, it's, it's the "Oh my God" moment, you know I, I draw my gun, but I couldn't remember the commands, I couldn't remember what I said to her."

There is no script that directs a particular statement. Per each officer's statement and recorded audio, previously released, both officers verbally told her to "get back."

**Question 20:**

*How many times were officers called to the property in the last year and for what reasons?*

With the qualification as stated in the introductory section to this response, SPD provides the following limited information:

Since January 2016, there have been 23 calls for service at apartment 4303. It is unknown at this point whether Ms. Lyles was a resident of that apartment during the totality of this time period. These included 10 Domestic Disturbances, 4 Domestic Assaults, 3 reports of Burglary, 2 Child Abuse/Neglect, 1 Threat, 1 Welfare Check, 1 Missing Child, 1 Follow up on a previous disturbance.

There were 25 additional calls to the building with no specific apartment unit noted. These calls include 7 domestic violence calls; others include reports of accidents, thefts, noise, parking, and runaways.

There were 33 other calls distributed among other units in that building.

**Question 21:**

*Was the entire loop of information sharing used as it should be in accordance with CIT expectations, such as information about prior encounters with the victim?*

With the qualification that the Department is unclear about what this question assumes as to "loop of information," "CIT expectations," or "information about prior encounters," the Department provides the following response.

CIT policy does not contain directives as to "information sharing." Due to constraints around existing technology, officers are limited in the information they are able to review in advance of a call. Whether the subject in this case had a CIT history, or should have had a CIT history, is a matter that will be reviewed as part of the investigation.

**Question 22:**

*Was there supposed to be a mental caution on the victim, and if so, was there one?*

Presently, where an individual has been engaged in behavior that was dangerous (to themselves or others), assaultive to officers, or if any other safety concerns were present (such as being armed with a weapon), *and* the individual exhibited behaviors which were consistent with a mental health diagnosis, a caution is listed on their 'person' screen in the CAD system. This system has significant limitations in the field, however, as it requires the officer to locate and read all of the subject's prior incidents to locate the instance to provide context for the caution.

The Department is currently in the process of procuring a new Records Management System that will allow for integrated information to be readily available to responding officers. In addition, the RideAlong Response program (described more fully in response to Question 34) will also compensate in part for the present antiquated information delivery system.

**Question 23:**

*Was the CRT crisis response team utilized? If not, why not? Who made the decision to send two officers rather than a CRT and why was that decision made? Was the victim a CRT case?*

The Crisis Response Unit is comprised of 1 Sergeant, 4 Officers and 1 Mental Health Professional. The unit splits the resources so that at any one time there are 2 officers who are responsible for post-incident follow-up. The other 2 officers and MHP are responsive to calls for service in the field. The CRT can be requested by incident commanders, or officers on a scene involving a person in behavioral crisis. Due to the dispatch elements of this incident (completed burglary), they would not have responded to this incident; this was not dispatched (nor was it initiated) as a crisis call. To the contrary, during the 911 call and at the beginning of the incident, the subject appeared to be in behavioral control and was not initially exhibiting behavior symptomatic of a behavioral crisis or mental illness. Of note, dispatchers have also received CIT training relevant to their role to help identify crisis situations.

**Question 24:**

*Apparently the responding officers were CIT trained, but did anyone request that CIT certified officers respond? Were they supposed to by policy? Were they supposed to ask for any other additional support from mental health professionals?*

Again, this was not dispatched as a crisis call; the complaint was of a residential burglary. That said, the policy requires that "*Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident (On-View or Dispatched), Officers Shall Make Every Reasonable Effort to Request the Assistance of CIT-Certified Officers.*"

Although this was not a crisis call, one of the responding officers was CIT-Certified. (Please note that the presence of a CIT-Certified officer does not transform a non-crisis call into a crisis call; again, approximately 63% of all patrol officers are CIT-Certified.)

**Question 25:**

*Was a call made to the Crisis Clinic?*

No. The purpose of calling the Crisis Clinic would be to determine the level of supports (case management, history of hospitalizations, etc.) Officers would not be call the crisis clinic during an interaction with an individual who appears to be behaviorally controlled, as it appears the subject here was during the first part of this incident. Again, this incident began as a residential burglary call – not a crisis call. The fact that a subject has an officer-safety caution in the system does not change a non-crisis incident into a crisis call; SPD officers are expected to respond to the behaviors present at the time, not a diagnosis based on past behaviors. See discussion in response to Question 34 for additional detail.

The Department is concerned that some of the questions posed not only reflect a lack of understanding of Crisis Intervention principles generally, and of SPD's nationally-replicated Crisis Intervention training particularly, but in that they have the real potential to perpetuate the stigmatization of mental illness. Certain questions seem to suggest, for example, that officers should have assumed Ms. Lyles to be in crisis at the time of their response based solely on her behavior during an earlier incident, or that they should have assumed she would create a dangerous situation. While certainly a relevant consideration in terms of the decision to send two officers, one of whom was CIT certified, there are fundamental tenets of crisis intervention that bear mention here. The following points are excerpts from the SPD "Advanced CIT" presentation that was delivered in 2014 and 2015 and is part of the Department's Post-BLEA (Post-Basic Law Enforcement Academy) CIT training.

- 1 in 4 families is affected by mental illness.
- Mental illness is a biological illness just like heart disease, cancer or diabetes.
- There is no cure, but many people stabilize to live full, productive lives.
- People with mental illness experience a high level of stigma and social isolation, which inhibits seeking treatment.
- Many people with mental illness who have been jailed were subsequently victimized and are afraid of police and the jail system as a result.
- Persons living with mental illness are no more likely to exhibit dangerous behavior than anyone else.

These points are made to normalize and de-stigmatize symptomatic behaviors related to those living with mental illness, particularly insofar as persons who may have a mental illness, or have been in crisis, are not always in crisis and should not be treated as such. Instructors discuss how utilizing L.E.E.D. (Listen and Explain with Equity and Dignity) principals is paramount with interacting with everyone they come into contact with – not just those who have no history of mental illness. Again, the Department reiterates its invitation to Council to sit in on any of its Crisis Intervention or Use of Force trainings, or to review the CIT training that is linked earlier in this document.

**Question 26:**

*Please explain the sequence of next steps (investigation, inquest, etc.) and any estimates of timelines that are available.*

FIT allows for 90 days for Officer Involved Shooting situations. There are allowances for extensions due to investigative or operational needs, closely vetted by the Assistant Chief of Compliance. The case is then forwarded to the Force Review Board, which is typically scheduled within a month of the completion of the case. An inquest is generally scheduled by the King County Prosecutor at the conclusion of the Force Review Board process, and is usually held 4-6 months afterwards.

**Question 26(a):**

*Will the investigation look into or make a determination on whether the officers' judgment to use deadly force were affected by the victim's race or prior history?*

Determinations regarding tactics, decision-making, training, policy and equipment specific to this event, including policies and procedures relating to the investigation, are all matters that will be thoroughly reviewed, discussed, and debated by the Force Review Board after the investigation is completed, as is the case for any incident involving a significant use of force. Certainly, if there are indications of bias in the officers' response, such indications will be further investigated and reviewed and, if appropriate, referred to the Office of Professional Accountability.

**Question 27:**

*Please describe the policy and procedures that were triggered immediately after the officer-involved shooting, including their genesis.*

Policies relating to requirements of officers, sergeants, lieutenants, and the Force Investigation Team are outlined in SPD Manual Section 8.400, available in full at <https://www.seattle.gov/police-manual/title-8---use-of-force/8400---use-of-force-reporting-and-investigation>.

Policies relating to the review of Officer-Involved Shootings are outlined in Manual Section 8.500 (<https://www.seattle.gov/police-manual/title-8---use-of-force/8500---reviewing-use-of-force>).

All were developed in collaboration with the Department of Justice and the Federal Monitor and have been court-approved.

**Question 28:**

*Were these policies and procedures followed by all those who bear a responsibility to comply with those court-approved policies?*

Again, determinations regarding tactics, decision-making, training, policy and equipment specific to this event, including policies and procedures relating to the investigation, are all



matters that will be thoroughly reviewed, discussed, and debated by the Force Review Board after the investigation is completed, as is the case for any incident involving a significant use of force.

And again, to pre-judge in the face of an incomplete investigation and in advance of a full review, issues relating to policy, tactics, or training at this point would not only be premature, it would be inappropriate under the court-approved review process and, importantly, Council's own legislation that precludes such pre-judgment.

**Question 29:**

*Where in the process are we now and how long will that work take before a result is made public?*

The Force Investigation Team is expected to complete its work within 90 days of an incident. By practice, the Force Review Board generally convenes within the fourth month post-incident, unless an extension has been requested by FIT.

The timing of FRB review and deliberation in an officer-involved shooting is also dependent to a degree on the availability of a citizen observer, a position that is required by policy.

The investigative file and the FRB findings are presumed to be public documents once complete.

**Question 30:**

*How would the SPD recommend changing the use-of-force policies so that situations in the future can be resolved without the loss of life?*

It is a cornerstone of SPD's current, court-approved use of force policies that officers are expected to carry out their duties in a manner that defends the civil rights and dignity of all individuals with the preservation of life and public safety as a paramount objective. See <https://www.seattle.gov/police-manual/title-8---use-of-force/8000---use-of-force-core-principles>.

It is an unfortunate reality, however, that not all situations will resolve peacefully, regardless of policy, training, equipment, or otherwise. SPD policy – which is among the most restrictive and detailed of any in the nation – is intended to assure that when officers use force, they do so only when reasonable, necessary, and proportional under all of the circumstances then present, keeping in mind that officers are frequently confronted with circumstances that are confined, tense, and rapidly evolving.

To put this response in some context, it is worth reviewing the Federal Monitor's recent assessment of SPD use of force, in which the Monitor found:

- Of the 759,383 unique incidents to which officers were either dispatched or which they on-viewed in the field during the 18-month study period, less than half of one



percent (0.3 percent) involved any degree of force of any type (a total of 2,385 incidents).

- Of these incidents, the vast majority (80%) involved no greater than low-level, transient force (Type I).
- Of the 2,385 incidents in which force was used, less than two percent (1.6 percent) involved force greater than intermediate (Type II) force (total of 39), which included 15 officer-involved shooting incidents.
- Importantly, the Monitor also found that when officers used force, they did so in a manner that was reasonable, necessary, and proportional to the circumstances in over 99% of instances.

<https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/58e6a753ff7c50ebb-ad126f8/1491511130661/Ninth+Systemic+Assessment--Use+of+Force--FINAL.pdf>

To be clear: if, after full review of this incident, policy issues are identified, those issues will be addressed. However, it is important as well that changes to policy be thoughtful, reasoned, and based on systemic concerns, rather than a response to presumptions formed in response to a single incident that has not yet been fully investigated or reviewed.

### **Question 31:**

*What events and programs does SPD currently have that are utilized to build-rebuild community trust? Why don't we have more events where officers and the community can begin to rebuild trust?*

Currently, the Community Outreach Unit comprises 18 staff members, including an administrative assistant, a sergeant and three officers (dedicated to LGBTQ, inmate re-entry, and youth projects respectively), four staff members to address youth violence in the schools, one staff member to address false alarms, seven civilians who work with the communities on crime prevention, a staff member dedicated to the community police academy and demographic advisory boards, and a liaison to the immigrant and refugee community. ***While certain personnel costs and some overtime is covered under the Department's budget, the vast majority of this unit's work is unfunded by the City.***

To further the Department's commitment to sweeping outreach, the Department is proactive about seeking out grant support and contributions; the Immigrant Family Institute, for example, will now be covered by a recent grant award. We are fortunate as well to have the support of the Seattle Police Foundation, which allows us to run much of our various community and youth programming.

Simply put, to answer the second inquiry as to "why don't we do more," the Department would love to do more – and would welcome the City's support to do so.

Notwithstanding budget constraints, the Department is proud of the tremendous amount of outreach activities it is able to support, appreciates its partnerships with the community, and welcomes the opportunity to highlight for Council some of this good work. Below is a summary of recent community engagement:

- **Micro-Community Policing Plans:** The Seattle Police Department's Micro-Community Policing Plans (MCP) brings law enforcement and neighborhoods together to address crime and perceptions of crime. Each plan is unique and created using direct feedback to respond to the individual needs of each community. There are 57 MCPs.

A critical element to the MCP is the Department's partnership with Seattle University. Research, which includes a public safety survey, focuses on the impact of community-based policing, citizen perceptions of crime, police-citizen interactions, and the overall implementation of the MCP initiative.

Focus groups are ongoing for 2017. Each precinct has had 2-4 focus MCP meetings for 10 priority meetings. This is an ongoing effort that is marketed by Seattle U, which has conducted focus groups with offender (incarcerated) and homeless communities as well.

- **Demographic Advisory Councils:** The Department has numerous demographic outreach advisory councils. In 2015, 589 community members and 141 officers participated in these meetings. In 2016, there was a major growth in participation with over 1200 community members attending and 249 officers participating. These Councils comprise the following:

- African American Advisory Council
- East African Advisory Council
- Filipino Advisory Council
- Korean Advisory Council
- Latino Advisory Council
- LGBTQ Advisory Council
- Muslim, Sikh, Arab Advisory Council
- Native American Advisory Council
- Southeast Asian Advisory Council
- Demographic Leadership Board
- Citywide Advisory Council

In 2017, we continue to see improved numbers in the various advisory councils.

- So far this year, we have added 3 additional coordinators that will allow us to serve all 5 precincts, we have coordinated 48 block watches, we have conducted 111 Community Safety Assessments, and we have conducted 81 interagency meetings.

- **Safe Place Initiative:** Seattle Police Department (SPD) SAFE PLACE signage is being displayed by local supporting community members, businesses, schools and organizations that work closely with the Seattle Police Department in an effort to reduce anti-LGBTQ crimes, reduce LGBTQ student bullying and encourage the reporting of LGBTQ crimes. These are also locations supporting safe and secure places for victims of anti-LGBTQ related crimes and harassment. Calling 911 and waiting for police to respond is essential for holding suspects accountable and reducing hate crimes and harassment in general.

To date, more than 5,000 locations (businesses, organizations/agencies, and educational institutions) participate in the SPD Safe Place program, with plans to expand nationally.

- **Identity and Ethnic-Based Outreach:** We hired a multi-lingual Immigrant and Refugee Liaison (Civilian) to specifically reach out to our East African Communities in 2016.

In addition to hiring an Immigrant and Refugee Liaison officer, the Department also employs a Southeast Asian Community Crime Prevention Coordinator.

- The Department is actively engaged in attending a variety of events for ethnic cultural events in recruiting and hiring along with overall community outreach, including Ramadan and SE Asian New Year events. The Department continues to be involved with community events by partnering with the Seattle Police Foundation to bring resources to community picnics. Officers met with community members, for example, at Pioneer Square picnics, Delridge Days, Rainier Valley Heritage Parade, and Ballard Days. Department personnel engaged the community through-out the city at the various Nights Out against Crime.
- **Overall Community Meetings:** Each precinct has conducted over 120 meetings in 2017 – a total of 600 community meetings. These meetings include discussions around homelessness, security, precinct advisory councils, and existing community programs.
- **Coffee with a Captain:** Coffee with a Captain was developed to engage members of the East African Community. Since its inception, an average 60 community members attend this meeting on a monthly basis.
- **Immigrant Family Institute:** As part of SPD's Safe Communities Initiative, OIRA facilitated a series of neighborhood conversations in immigrant and refugee communities. Families consistently mentioned wanting to develop stronger relationships with SPD. Every Saturday for eight weeks, 15 refugee and immigrant families and 10 police officers met at Nova School. The curriculum was a combination of discussion, group activities, and trainings regarding advocacy, juvenile justice and community building. It was designed to facilitate relationship and trust building, address complex and sensitive issues, and increase the knowledge base of both refugee participants and police officers.

- Officers and Command staff have actively participated in 20 East African community events.
- **Group Health Walk and Talk:** This program focuses on interacting with seniors in the community, communicating while promoting exercise and healthy living. This program started in 2012 and has served 700 community members. The program meets every Friday at Alaska and Rainier Ave.
- **Community Police Academy:** The Community Police Academy is a formal program that helps educate the public in the operations of the Seattle Police Department. SPD hosts two types of academies, an eleven-week comprehensive look into the departments projects and programs, and a one-day academy to accommodate community members who want to learn about the agency but cannot make an eleven-week commitment. In 2017, SPD served 48 CPA academy graduates. We completed a one-day CPA on June 17<sup>th</sup>, 2017, attended by 15 community members.
- **Introduction to Community Policing:** In partnerships with community-based organizations and Seattle Colleges, the Department developed a course to prepare students to successfully pass the entrance exam to the police academy, a first step on the path to becoming a police officer with SPD. SPD hopes to attract more diverse applicants to better reflect the makeup of the community it serves as a result of the course. The students receive five college credits and the course is at no cost to the student. Twenty-one students participated this past quarter; one of our students from the prior class was recently hired.
- **Career Bridge:** This program was developed in partnership with the Black Prisoner's Caucus at the Washington State Corrections Center in Monroe and is part of a set of re-entry programs that assists men scheduled for release with successfully transitioning from incarceration back into the community. Career Bridge offers assistance with living arrangements, job placement, transportation, and counseling if needed. Officer Powell attended the regular Tuesday night meetings to assist the program. We were asked to be a part of the training session and develop an "understanding your rights" lesson plan to be included in the curriculum and present it to the group. Some of the members have stated during open discussions that this is the first time they have sat down and spoken with an officer without the fear of being scrutinized or accused of wrong doing.
- **Living Room Conversations:** In 2011, the Department launched a series of new community outreach events called "Living Room Conversations," designed to bring community members and police officers together in an informal setting. Over the life of this program, SPD has connected with approximately 2,700 community members in this manner.

- **Coffee with a COP:** A formal partnership with Starbucks helped launch a series of Coffee with a COP community dialogues. In 2017, we have four scheduled events; those that have taken place were well attended.
- **Youth Outreach Efforts:** The Department has numerous and creative efforts to engage with youth. Efforts range from dealing with youth in crisis and juvenile offenders to prevention efforts and educational opportunities that allow youth to become comfortable interacting with officers. These programs often change to meet the specific and targeted needs of a certain community, crime issue or trend. Some examples of the programs SPD engages in or has in the past are as follows:

**Youth Violence Prevention Unit:** The Youth Violence Prevention Unit actively engages youth who are in crisis or at risk of entering the criminal justice system, as an offender or victim. Each officer mentors 15 young persons, conducting home visits and mediations to avoid school suspensions. Each officer has received training regarding Positive Behavior Intervention and Crisis Intervention Training. Officers also receive Trauma Informed Care training that provides them additional skills to offer more support for youth.

Over the past school year (2016-2017), the Youth Violence Prevention Unit offered 79 mediations, 161 referrals into the program, 59 referrals to other services, and conducted 23 home visits. Since beginning the program in 2009, officers have participated in over 1,100 mediations, 753 referrals to the program, over 200 referrals to other services, and have conducted over 600 home visits.

Of note, there have been no arrests of individuals involved in this program since 2009.

**Mentorship Programs:** The goal of these programs is to offer counseling through listening and positive interaction, identifying issues to address for improvement/betterment, and deterrence/prevention to negative factors/gang involvement, etc. Additionally, open floor conversational concept for current events within the community, nation, and world. These programs are run at Denny Middle School, Washington Middle School, South Shore K-8, and Aki Kurose Middle School. Through these programs, youth develop academic, social and leadership skills to become successful citizens.

**Youth Police Training:** The Seattle Police Department, in partnership with the Center for Children and Youth Justice, hosts Youth Police Trainings to help officers build skills in working with youth.



**Gang Resistance Education and Training (GREAT):** The G.R.E.A.T. Program is a school-based, law enforcement officer-instructed classroom curriculum. The primary objective is prevention of delinquent behavior and violence. The program offers a continuum of components for students and families and is certified by the Bureau of Justice Administration.

Over 400 youth participated in the GREAT program during the 2016-2017 school year.

**Late Night Program:** The Late Night Program/Extended Hours program is offered in conjunction with the Seattle Department of Parks and Recreation and allows for recreation centers to remain open during late night hours. Officers both provide security for the program and actively engage with youth – for example, through basketball or other activities. It is estimated that over 26,000 youth have participated in this program.

**Peacemaking Circles:** The Seattle Police Department in partnership with other city departments, community based organizations, and the city's My Brother's Keeper Initiative participated in the day of Peacemaking. Using Peacemaking Circles, officers from patrol were actively engaged in conversation with youth and members from our various communities of color. Over 60 community members and youth participated in the event.

**Seattle Police Activities League:** The Seattle Police Activities League (SEAPAL) was created in 2016 to formalize youth outreach. In 2016, approximately 400 youth participated in the program. This year, 145 youth participated in Spring Flag Football; 40 youth are participating in the SEAPAL baseball program.

**Anti-Violence Workshops:** In Detective Cookie Bouldin's chess club, the game of chess is used to teach anti-violence skills by showing how consequences of the decisions in chess can be compared to consequences in real world situations (e.g., in chess, a bad decision can cost the game; in real life, a bad decision can cost a life). To date, over 1,500 youth have participated in this program.

Detective Cookie's Summer Youth Anti-Bullying Academy focuses on knowing what to do if bullied, or a witness to bullying, and teaches tactics to intervene peacefully. Detective Cookie also works with youths to create anti-violence bracelets, and teaches Arts and Crafts and knitting projects at the Rainier Vista Boys and Girls Club.

**Youth Ambassadors:** Using the Micro-Community Policing Plan process, youth identified community safety needs by conducting surveys while walking to and from school. Many youths expressed that they were fearful of being robbed or assaulted. The participants identified ways to be safer, and the Department provided funding and staff to

implement mitigation strategies. Over 600 youths received items such as whistles to flashlights, and program participants trained their peers on appropriate scenarios in which to use them.

This past school year, the Department connected youth groups with an organization addressing gun responsibility; some of these youth participants ultimately testified in Olympia, before the State legislature, on gun laws.

**Donut Dialogues:** This partnership was initiated by the Seattle Police Department and Peace for the Streets by Kids from the Streets and is designed to bring police officers, business and community members, and homeless street kids together in an honest dialogue. Over the last two years, the Department has conducted 40 sessions, reaching over 2750 youth. Over 40 officers have participated in these open conversations. This project has been expanded into a Youth/Police Training offered in partnership with the Center for Children and Youth Justice.

**Summer Youth Employment Program:** The Department, in partnership with the Seattle Human Services' Seattle Youth Employment Program, hired 19 youth in 2015 and 31 youth in 2016, each of whom performed 150 hours of services in the different precincts. This summer, SPD welcomes 32 youth employees.

**The "If Project":** Through this program, the Department partners with incarcerated and formerly incarcerated inmates, utilizing videos, essays, writing curricula, an interactive website and social networking tools to reach at-risk youth. The IF project currently has four contracts to serve youth and inmates at the Seattle Interagency schools and King County Truancy program. So far in 2017, the IF project has conducted 30 youth workshops, 93 adult workshops, 10 writing workshops, and two mentorship trainings.

This year alone, over 600 youth have been served, including youth in almost all interagency schools. (In addition, nearly 2,500 adults have participated in program, and 45 incarcerated or recently incarcerated women are in a mentorship program that requires contact once a week, in three hour sessions, for a total of 2,700 mentorship hours.)

**Police Explorers Program:** Designed to bridge the gap between youth and police by education and involving them in police operations and to interest them in law enforcement as a career. Duties involve security work at community events, directing traffic at events, fingerprinting small children or helping with crime prevention programs. This program is open to youth between the ages of 14 and 21, and emphasizes core values of promoting character development, leadership, and good citizenship. In 2016, Explorers provided over 5,000 hours of service; to date, 42 individuals are participating in the program.

The Seattle Police Department also provides community outreach services through its Volunteers in Police Services (Domestic Violence Victims' Support, Violent Crimes Victims' Services, Community Response Teams), through the Law Enforcement Assisted Diversion program, through the City's Find It, Fix It program, through the Seattle Youth Traffic Court, through Internet Crimes Against Children workshops, as an active part of the Navigation Team, through Human Trafficking Victims' Support, and through Bias Crimes outreach.

In addition to formal programs, SPD leadership and officers routinely engage in community events, gatherings, and celebrations, far too numerous to accurately encapsulate. In sum, we are incredibly proud of the tremendous outreach and engagement that members across the Department undertake regularly – often on their own time and initiative. While we have perhaps done a poor job of telling our own story in this respect, we submit that SPD's level of community engagement is second to no other department in this city, and we know it to be a model for other agencies nationally.

**Question 32:**

*What community outreach has SPD engaged in since the shooting? What else does SPD intend to do to be open, accessible and responsive to community and/or officers concerns about this shooting and its aftermath?*

On June 19<sup>th</sup>, shortly after this incident occurred, Chief O'Toole reached out to local members of the United Black Christian Clergy, with whom she has well-established and trusting relationships; she continues to speak with members of the clergy multiple times each day. With their assistance, Chief O'Toole was able to reach out to the Lyles' family pastor, with whom she has since established open lines of communication, and immediately offered to meet with the family as soon as they were open to doing so.

Chief O'Toole was also in communication with the president of the NAACP. She and Deputy Chief Best spoke with him shortly after the incident.

On June 21<sup>th</sup>, two days following this incident, Chief O'Toole and Deputy Chief Best met with Charleena Lyles' friends and neighbors, including her immediate community at Solid Ground. With the assistance of the Lyles' family pastor, Chief O'Toole and Deputy Chief Best met with approximately 30-35 members of the Lyles family, during which they pledged to keep the family informed through the process of the investigation.

Chief O'Toole has also communicated with the officers involved, to assure that concerns as to their well-being are addressed.

Transparency, as a paramount foundation for trust, is also critical to facilitating ongoing engagement. As we noted at the beginning of this memorandum, the amount of information that we have been proactively releasing, and that we are providing in response to Council's questions, reflects a level of transparency that is unprecedented with respect to events of this nature in any jurisdiction. Again, while many agencies decline to release *any* information publicly until after their investigations are complete and additional reviews have taken place, SPD recognizes the importance of transparency, and is committed to releasing as much

information as it can, as soon as it can, so long as the release will not compromise the ongoing investigation. We will continue to do so.

**Question 33:**

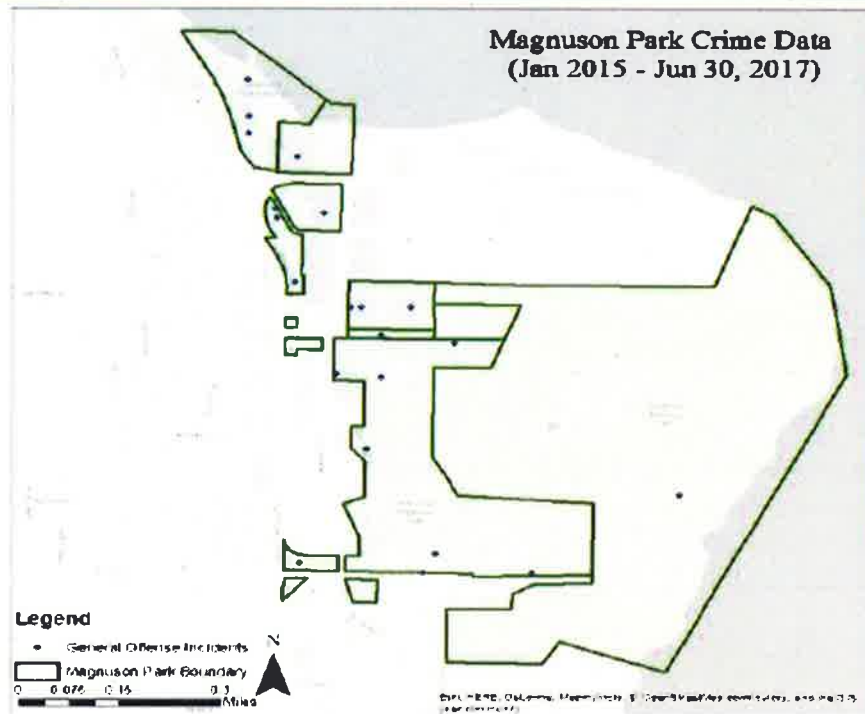
*How can we create more safety and security in the park without needing to increase police presence?*

If the “park” in this question refers to Magnuson Park, we are puzzled as to the concern about overall safety in relation to the incident at issue. While property crime issues, such as car prowls, are not uncommon at Magnuson Park – an issue the Department has worked with Seattle Parks and Recreation to address – overall crime in Magnuson Park is low.

For context, presented on the following page are the crime data for Magnuson Park in 2017, to date, broken down by crime type, as well as location within the park.

**Magnuson Park Crime Data  
(Jan 1, 2015-Jun 30, 2017)**

Crime Category	2015 (Jan-Dec)	2016 (Jan-Dec)	2017 (Jan 1 - Jun 30)
Homicide	0	0	0
Rape	0	0	0
Robbery	2	1	3
Aggravated Assault	1	1	0
Aggravated Assault-DV	0	0	0
<b>Total</b>	<b>3</b>	<b>2</b>	<b>3</b>
Arson	1	2	0
Burglary Residential	0	0	0
Burglary-Commercial	6	8	1
Larceny-Theft	6	8	3
Car Prowl	26	24	18
Motor Vehicle Theft	3	1	1
<b>Total</b>	<b>42</b>	<b>43</b>	<b>23</b>
<b>Grand Total</b>	<b>45</b>	<b>45</b>	<b>26</b>



As noted, the Department works with Seattle Parks and Recreation to implement strategies to reduce crime through signage and environmental design; to the extent that Council is



interested in reducing the police presence in Magnuson Park, the Department is always willing to explore alternative strategies.

**Question 34:**

*How do we prevent this from happening again to others in moments of mental health crisis?*

Several things stand out in response to this question.

First, we all need to be very careful about how we characterize the behavior of the subject in this incident. While it is perhaps an easy default to look at certain behavior and conclude that the actor must be in the midst of a behavioral health crisis, such a conclusion both (1) has the potential to stigmatize persons in crisis, as noted earlier, and (2) reflects a limited understanding of a crisis event.

A crisis event, within the context of crisis intervention, occurs when the emotionality of the actor is elevated, thus resulting in a decrease in rational thinking and a person's ability to problem-solve. Being under the influence of drugs or alcohol, for example, does not define a crisis event; nor does having a diagnosed mental health disorder define a crisis event. Whether the subject in this incident was in behavioral crisis during the duration of this call, impaired, or acting upon an intentional, designed, thought-out plan, is a matter that is still under investigation and, quite possibly, will remain a point of conjecture at best. Nonetheless, it must be remembered that this event did not originate as a crisis call – it was reported as a burglary.

That said, if we are to assume for purposes of this response that this was a crisis event, it is perhaps useful to review the Seattle Police Department's overall crisis response statistics. In August 2016, we released our Second Annual Report detailing the Department's work in crisis intervention ([http://spdblotter.seattle.gov/wp-content/uploads/2016/08/2015\\_Crisis\\_Intervention\\_Report.pdf](http://spdblotter.seattle.gov/wp-content/uploads/2016/08/2015_Crisis_Intervention_Report.pdf)); next month, we will be releasing our Third Annual Report on the same. Two points from our last report are important to note:

- In the vast majority of crisis events, a CIT-Certified officer is dispatched.
- Of the approximately 9,300 unique crisis incidents to which SPD responded over the one-year period reported, any level of force was used in fewer than 2% of instances – the vast majority of which (76%) was low-level, Type I force (such as transient pain complained of with handcuffing), and only two of which incidents involved greater than intermediate, Type II force.

In addition, as we previewed in last year's report, an exciting partnership between SPD and the civic technology non-profit Code for America has created opportunity to still further increase the effectiveness of CRT in first-line response. As part of CRT's follow-up, CRT officers prepare individualized response plans that are tailored to the particular behavioral challenges and needs of the person. In addition to offering patrol officers or others responding guidance on how to best approach the person, these plans also contain information on how to

mobilize an individual's support network of service providers and family members. A recent review of resource allocation across twelve individuals with specially tailored response plans highlights the critical value of this resource, showing a staggering 72.6% reduction in the amount of police hours dedicated to these individuals after implementation of a plan (comparing three-month periods before and after a plan was in place). Across the board, these individuals had fewer arrests, hospitalizations, and generated fewer 911 calls after their plans were implemented.

These improved outcomes have resulted even with severe limitations as to how response plans are currently distributed. Response plans are stored on a bulletin system alongside "wanted" or "missing person" bulletins, and are shared with officers via email. Before arriving at a scene, officers must proactively search for a response plan, either in the bulletin system or in their email inbox – a process that can make plans difficult to access. Further, response plans are currently shared in .pdf format, which is difficult to read on in-car computers and nearly impossible to read quickly on a smartphone. Working with the Crisis Intervention Unit, a Code for America fellowship team spent 2016 developing a web-based application that can be viewed on officers' in-car computer and mobile phones, displaying key information from response plans in a way that is easier for officers to scan while in route to a scene. Such information includes information such as who to call (family members, caseworker, etc.) and specific action steps to help the person. This app helps increase collaboration between officers and service providers by allowing the officers to call or notify identified caseworkers with a single tap to alert them to the fact of an interaction between their client and the police. The app also includes a filterable list of resources and service providers, categorizing the types of resources so that officers can quickly assess which ones are relevant.

The Department believes that by providing officers with additional critical information before they contact an individual in the field, helping them discover and access plans more easily, and connecting them with caseworkers and service providers, this app will help officers to be even more effective working with vulnerable populations in the field and produce better long-term outcomes for persons with mental illnesses and chemical dependencies.

***Finally, we are compelled to hearken back to what we have stated again, and again: police are, in many respects, at the end of complicated, and often broken, systems.*** Through its Crisis Intervention Committee, its Crisis Response Unit, its expanded Crisis Intervention Training, its Use of Force Training, its robust diversion strategies, and its participation in the City's Navigation Team, the Seattle Police Department is doing all that it can to serve those who may suffer from mental health issues – ***but we cannot do it without resources and support from other systems.*** We have testified in support of funding and new legislation to provide better options that allow family members to petition courts to detain persons for evaluation (see Joel's Law, RCW 71.05, which SPD Sgt. Dan Nelson testified in support of), but we cannot compel the State to fund these systems. We can divert people into Mental Health Court, but we cannot dictate the outcome.

We end this memorandum by referring Council to an Op Ed written by leadership of the Center for Policing Equity, published in the New York Times on June 20<sup>th</sup>, following this incident. Apropos of this discussion, we note the following paragraph of this Op Ed:

If we are to protect families in similar situations, we must extend the lens of our concern beyond police-community interactions – even in cases where the police pull the trigger. A reinvestment in public mental health resources – including hospitals and yes, better health care coverage for vulnerable Americans struggling with mental illness – are urgent necessities.

<https://www.nytimes.com/2017/06/20/opinion/charleena-lyles-seattle-police-shooting.html>

As to this current case, the Department reiterates its pledge to review its response – critically, analytically, from the point of initial dispatch to the close of the investigation – and where there are lessons to be learned, determine what can be done to address such points in policy or training. The Department reiterates its pledge to be as open and transparent as it can be, while urging Council and the community to respect and support the integrity of an on-going investigation.