

## SEATTLE MONITORING TEAM



### MONITORING PLAN FOR THE FIRST YEAR

March 5, 2013

#### I. Introduction

This document, entitled Monitoring Plan for the First Year, results from many days of negotiation and collaboration between the parties and with the Monitor. This document constitutes the Monitor's plan for anticipated compliance by the City of Seattle (City) and the Seattle Police Department (SPD) with the Settlement Agreement (Settlement Agreement or SA) and related agreements entered into by the City and the United States Department of Justice (DOJ) on July 27, 2012 and as ordered on August 27, 2012 (Effective Date) and as modified on September 21, 2012 by the United States District Court for the Western District of Washington by the Hon. James L. Robart. The Monitor was appointed by order of the Court on October 30, 2012.

Although the SPD must undergo substantial reform, the Monitor recognizes and acknowledges that the SPD is made up of highly dedicated men and women who are committed to ensuring public safety in the Seattle community. We agree with the Chief of Police that the changes required by the Settlement Agreement will

strengthen SPD's officers' ability to provide high quality services in a constitutional manner. As does the Chief, we believe that full and effective compliance with the SA will lead to improved public trust and confidence in the Seattle Police Department and its officers.

At the onset, the Monitor and the Monitoring Team recognize and acknowledge that thus far, the Seattle Police Department has been open and welcoming and in most instances has provided good cooperation and coordination with the Monitor and the Seattle Monitoring Team. Moreover, the SPD has also made notable progress toward fulfillment of the requirements of the Settlement Agreement. We note with strong approval the creation of the Professional Standards Bureau, the launching of an interim Use of Force Review Board, and new hiring and promotion in the Professional Standards Bureau. We wish to express our gratitude to Retired Captain Steve Brown, who recently retired as the SPD Compliance Coordinator, for his helpfulness, wise counsel, rapidity of response, and leadership. We hope and expect SPD and the new compliance coordinator will continue to meet Captain Brown's high standards. We thank the Compliance Coordinator's assistant, Celina Villa, for all her help, coordination, and her "can-do" spirit.

#### **A. Purpose of the Monitoring Plan**

This Monitoring Plan does not expand or contract the Settlement Agreement. As set forth in the Settlement Agreement, the purpose of the Monitoring Plan is to establish clear expectations for the City and DOJ on how the Monitor will assess compliance with the Settlement Agreement. The Monitoring Plan does this in several ways, including:

- (1) establishing deadlines for the development of policies and training required by the Settlement Agreement and implementation of the provisions of the Settlement Agreement (§ 183);

(2) adopting the outcome measurements and assessments agreed upon by the City and DOJ in the Settlement Agreement, and creating a process to determine whether additional outcome measurements and assessments are appropriate (§§ 188-90); and

(3) setting forth the schedule for issuing compliance reports and the information and activities upon which those reports will be based (§ 196).

In setting forth these expectations, the Monitoring Plan also provides the City and DOJ with the Monitor's priorities for the implementation of the Settlement Agreement. These priorities reflect the agreement struck between the City and DOJ in the Settlement Agreement itself, the Statement of Priorities submitted by the City, as well as the Monitor's view on the best way to proceed in implementing the Settlement Agreement. This view is informed by the Monitor's meetings with community groups, SPD officers and command staff, representatives of City government, the DOJ, and Judge Robart. We also look forward to working with the Community Police Commission (CPC). Once the CPC is confirmed, there may be additional changes to this Monitoring Plan or its attachments.

As required by the Settlement Agreement, the Monitoring Plan describes in detail the activities that the Monitoring Team will engage in during the coming year to assess compliance with the Settlement Agreement. Because the implementation of a settlement agreement of this complexity is a dynamic process, the Monitor anticipates that the Monitoring Plan will need to be supplemented and amended on a periodic basis to reflect the current priorities of the Monitor, the City, and the DOJ, and to ensure that the Monitor's expectations on implementation and compliance are clear.

## **B. Summary of Monitoring Tasks Performed To Date**

Commencing in November 2012, the Monitor and out-of-town Monitoring Team members have made six visits of three or four days each to Seattle. The

members of the Monitoring Team who are based in Seattle (Peter Ehrlichman, Ron Ward, Marnie MacDiarmid, and Ian Warner) have worked many additional hours independently on monitoring tasks, many at rates nearly one-half of their typical/market rate.<sup>1</sup> Brief biographies of the Monitoring Team members were attached to a Court filing (Dkt. No. 33-1).

We have visited on at least one occasion each of Seattle’s five precincts—North, South, East, West, and Southwest— and met with Operations Lieutenants in each precinct and with the Captain in four of the five precincts. We have gone on ride-alongs in the South and West precincts and participated in One Night Count in late January, where members of the community walk the Downtown area between 2 AM and 4 AM to identify and count the homeless population.

We have met with the Chief of Police, the Deputy and Assistant Chiefs, Captains Edwards, Leavell, and Washburn, and other department heads and officers on several occasions, receiving detailed presentations about the workings of the SPD and efforts to begin compliance with the Settlement Agreement. We have had several useful and productive meetings with Chief Diaz and Assistant Chief Michael Sanford, former Compliance Coordinator Steve Brown, and his successor, Bob Scales. We have also met with representatives of the two police officers unions.

We have begun to be trained to use SPD computers and databases and have become acquainted with the Department’s data systems, with particular attention to Versadex and the AIM system used for use of force tracking, EIS, and OPA’s complaint tracking systems. We have remote computer access to certain non-personnel files and are seeking wider remote access to files and data. We

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<sup>1</sup> In the interest of full transparency, the Monitor will post his Team’s complete invoices on PARC’s website, which may be found at: <http://www.parc.info>. Shortly, the Monitor will establish a separate website for the Monitoring Team. The invoices will also include savings generated by the Monitoring Team, including the many non-billed or pro bono hours, as well as other savings. As required by the Settlement Agreement, the Monitor’s future reports and other important documents will be posted to the website as well.

have been given key cards providing access to headquarters and the precincts on a 24/7 basis.

The Monitor and Monitoring Team have met with more than 100 community organizations and individuals, including the Downtown Seattle Association, The NW Immigrant Rights Project, El Centro de la Raza, the Defender Association, MEDC, the Downtown Emergency Services Center, the ACLU, the NAACP, the Asian Counseling & Referral Service, and the Native American Advisory Council. Glenn Harris has done an excellent job in arranging and facilitating many of those meetings. We met early on with the Seattle Human Rights Commission. Some of those community meetings have taken place out in the community, particularly in the South and West precincts.

The Monitor and the team have met with Mayor McGinn and his representatives. We have also met with each of the members of City Council, all of whom pledged their support of the Settlement Agreement and the Monitor. We extend our thanks to the City Council in general and to Councilmembers Burgess, Harrell, Clark, and Licata in particular for their active assistance and support before and subsequent to the Monitor's appointment.

The Monitor and team have met on a number of occasions with City Attorney Peter Holmes and members of his excellent staff, particularly Darby DuComb, Jean Boler, Craig Sims, Sarah Morehead, and Greg Narver. We commend Peter Holmes in particular for his strong support of effective and constitutional policing, as reflected in the Settlement Agreement, and for his commitment of time and effort to assist the Monitor and his team to understand Seattle.

The Monitor and the Monitoring Team have also met regularly with the Department of Justice. In particular, we are grateful for the unwavering support of Jenny Durkan, the United States Attorney, as we embark on this process.

Judge James Robart is actively supervising and overseeing compliance with the Settlement Agreement and speaks and meets frequently with the Monitor about the progress of the matter.

### **C. Monitor Access**

Paragraphs 201– 204 of the Settlement Agreement guarantee the Monitor, among other things, full and direct access to all written or electronic documents and data, personnel, and meetings or conferences within the Seattle Police Department reasonably related to the Agreement. The Settlement Agreement is both a contract between the parties and an order of the United States District Court. It contains provisions regarding its modification, and it cannot be modified except as the Settlement Agreement provides. Accordingly, it is the Monitor’s view that no subsequent agreement, including a collective bargaining agreement, may have any provision that is at variance with the Settlement Agreement.

It is possible that the Seattle Municipal Code or prior agreements may seem to tacitly limit meetings in which the Monitor may participate or ask questions. Those code and agreement provisions were drafted prior to and without knowledge that the Settlement Agreement and a Monitor would occur. Accordingly, it is the Monitor’s view that such codes and agreements cannot and should not be read to limit the SA as approved by the Mayor and City Attorney’s Office. Thus, they should not be construed to be at variance with the Settlement Agreement.

Paragraph 205 of the Settlement Agreement contains confidentiality provisions binding upon the Monitor and others with respect to non-public materials provided to the Monitor or DOJ by the City or the SPD. Those confidentiality provisions as the Monitor interprets them extend likewise to any materials the Monitor receives from DOJ.

## **II. The Settlement Agreement and MOU Requirements**

The Settlement Agreement sets forth in detail certain tasks the City and the SPD must complete to reach full and effective compliance. The tasks are numerous and will require sustained commitment by the parties for a substantial period of time. Once full and effective compliance is achieved, it must be maintained for two years before the Court may consider dissolution of the Settlement Agreement. Alternatively, the City and the SPD may demonstrate after three years that the elimination of the pattern or practice of unconstitutional policing by the SPD has been fully achieved by alternative outcome measurements.

The Settlement Agreement was the culmination of an extensive investigation of the SPD, the issuance by DOJ of detailed findings on December 16, 2011, and protracted negotiation thereafter between the parties. It provided for the appointment of a Monitor to report to Judge Robart on the progress toward full and effective compliance. The undersigned was recommended by the parties and approved by Judge Robart to serve as Monitor on October 30, 2012. The Court held a status conference on November 27, 2012 in which, among other things, the Court ordered timely compliance with deadlines set forth in the Settlement Agreement. Among them was the preparation by the City and the SPD of a Statement of Priorities. Those parties met the December 31, 2012 deadline for the presentation of the Statement of Priorities for the Monitor's consideration.

This Monitoring Plan was submitted in draft to the parties for review and approval on February 1, 2013. The City provided written and oral comments on February 25, 26, 27, and 28. The Parties, along with the Chief of Police and Counsel for the Mayor, met in person on February 26, 27, and 28 for several hours to discuss the City's written comments to the Monitoring Plan. The Monitor heard the Parties' input and concerns, and this document is a product of that collaboration and negotiation.

This Monitoring Plan is based upon the provisions of the Settlement Agreement, the Memorandum of Understanding (MOU), and the path set forth in the

Settlement Agreement to remedy the pattern or practice of unconstitutional policing alleged by the United States to exist. This Monitoring Plan does not expand or contract the obligations contained in the Settlement Agreement and MOU.

The Settlement Agreement contains “core requirements” regarding the development of specific policies, training and implementation, which are enumerated in the Matrix attached to this Monitoring Plan as Appendix B. In addition to monitoring compliance with the core requirements of the Settlement Agreement, the Monitor will evaluate overall indicators such as:

- Whether all use of force is reported as required by the Settlement Agreement, tracked and properly classified, and thoroughly and objectively investigated and reviewed to a reasonable and unbiased conclusion based upon a full record and that findings that force was out of policy or its equivalent are referred to OPA and subject to appropriate discipline.
- Whether all critical force incidents, including officer-involved shootings, are thoroughly examined by the SPD from the perspective of the criminal and civil law, administrative policy, tactics, strategy, and training along with an appraisal whether new policies or training should occur.
- Whether all internal and external OPA complaints concerning use of force and bias policing, including anonymous, third-party, arrestee or in-custody complaints, and all lawsuits are received and tracked and properly classified and thoroughly and objectively investigated and reviewed to a reasonable and unbiased conclusion on a full record.
- Whether disciplinary results on founded complaints reflect the seriousness of the underlying event as measured against the Settlement Agreement, with biased policing, excessive force, failure to report force, or dishonesty meriting appropriate discipline. Whether at each precinct, specialized unit, and at headquarters, there is proactive, consistent, constant, and thorough



management of the risk of unconstitutional policing based in large part upon the collection and analysis of electronic data in integrated relational databases fully available in each precinct and at headquarters.

- Whether Sergeants hold rank-and-file officers accountable for constitutional, unbiased policing, whether lieutenants hold the sergeants accountable for the elimination of discriminatory policing and excessive force, and whether the precinct captain and the captain of each specialized unit are being held accountable for the active management of the risk of discriminatory and unconstitutional policing.
- Whether annual or more frequent performance reviews and other metrics will indicate accountability by expressly giving specific examples and evaluating how rank-and-file officers, sergeants, lieutenants, captains, Assistant and Deputy Chiefs are acquitting themselves of the responsibility for maintenance of constitutional policing.
- Whether there is a complete Early Identification System with realistic triggers to identify and deal with problem officers and those who might become so. Those officers will receive heightened oversight and supervision by their sergeant, lieutenant, and captain and be counseled, mentored, or retrained, if possible.
- Whether there are increasing levels of confidence and trust by all members of the diverse community policed by the SPD as measured by surveys, clearance rates, cooperation from witnesses, and full implementation of community-based policing at the precinct level, with particular emphasis on the African-American and other minority communities.
- Whether the establishment of policing priorities and goals in each precinct and in general are being accomplished jointly by the SPD and bona fide community representatives, principally the Community Police Commission (CPC).
- Whether the CPC is developing standards for the collection of data bearing upon discriminatory or race-based policing by the SPD.

- Whether there are policies and training regarding stops and detentions and bias-free policing.
- Whether there are an adequate numbers of persons trained in crisis intervention to ensure that CI trained officers are available on all shifts to respond to incidents or calls involving individuals known or suspected to have a mental illness, substance abuse, or to be in a behavioral or emotional crisis. SPD will collect data on its interactions with individuals in crisis and work together with the Crisis Intervention Committee.
- Analysis of SPD’s span of control to ensure that there are an adequate number of qualified full-time first-line supervisors to provide the necessary mentoring and oversight of officers, and to eliminate the extended use of acting sergeants without sufficient training.
- Whether there has been permanent institutional change within the Police Department.
- Whether OPA is providing adequate oversight to minimize the likelihood of a pattern or practice of excessive force by, inter alia, overseeing and monitoring investigations and inquiries performed in the precincts if any; whether the SPD is appropriately using the “Training Referral” finding; and demonstrating operations that are transparent and accessible to the public.
- Whether revisions to the OPA Manual require OPA to review unit level investigations, require investigators in OPA-IS and IL investigations and interviews to avoid leading questions, particularly those calculated to evoke a response favorable to the named officer, that OPA closes gaps in evidence collection, and that it will promote and establish rules and procedures for unbiased policing investigations.
- Whether investigations demonstrate a tendency to give the named officer’s testimony disproportionate weight based on credibility over that of the complainant and third-party witnesses and whether labor

representatives are suggesting or coaching responses favorable to the named officer during interviews.

- The CPC will study the role of the OPA Director. The independence of OPA's civilian Director must be established and maintained. An OPA Director must never become or be widely seen as an advocate of SPD, but must remain objective and welcoming of any criticism of SPD practices from persons of good will.
- The CPC should consider whether the OPARB and the CPC should work together to perform annual or more frequent audits of OPA and performance evaluations of the OPA's civilian Director. The CPC is charged with determining whether the role of the OPA Auditor should be enhanced.

### **III. Monitor Priorities and Explanation of the other Appendices**

This section of the Monitoring Plan summarizes the Monitor's prioritization of the subject areas of the SA and MOU, which are elaborated further in Appendix A to this document. These priorities should guide the order in which SA and MOU provisions are implemented and reviewed for compliance. According to the SPD Matrix, Appendix B, SPD will submit policies, training curricula, and other documents for every subject area in 2013. While certainly ambitious and reflective of the desire to comply rapidly, the Matrix may not realistically be achievable. Accordingly, this Plan will set forth the Monitor's priority areas to drive which areas will receive the greatest amount of focus and attention during the first year of monitoring.

As mentioned briefly above, the SPD itself constructed Appendix B, a detailed Matrix of the requirements of the Settlement Agreement and the timing for implementation of enumerated tasks in furtherance of the Settlement Agreement. Appendix B does not constitute the Monitoring Plan in whole or in part. Furthermore, the Matrix is not intended to bind the Monitor's activities, expand or contract his duties under the Agreements, or otherwise circumvent his

duty to evaluate the City's compliance with the SA. Nevertheless, all deadlines in the Matrix which are not inconsistent with Appendix A or the Monitoring Plan are incorporated herein.

The Matrix will change over time. It will be of primary benefit to the SPD as a roadmap for the completion of various tasks and a summary of its compliance efforts. It is a living document that will specify: (a) certain tasks the SPD is required to do under the SA; (b) when tasks must be completed; and (c) as policies and training are developed, how and when the requirements will be evaluated for compliance, both internally and by the Monitoring Team. At this time, not all the information as to the latter is filled out, as that information awaits policy and training development and the Monitor's further familiarization with the Department. SPD shall also determine how it will internally assess compliance.

As discussed in Appendix A, the Monitor wishes greatly to engage in a collaborative approach and, thus, has requested and expects to receive drafts of policies and training curricula in advance of the noted formal deadlines. The deadlines in Appendix A assume receipt of drafts and collaboration sufficiently in advance of the ultimate compliance deadline. Failure to collaborate could delay progress. We share the Chief of Police's desire to avoid unnecessary delays while still providing an opportunity for a collaborative review process. The successful and complete implementation of the items in Appendix A, along with the items set forth below, will be highly indicative to the Monitor of full and effective compliance with the Settlement Agreement.

#### 1. Use of Force: Reporting, Investigation, Review, Training

The heart of the Settlement Agreement is contained in the provisions that relate to how use of force will be defined, reported, investigated, and reviewed. Once these provisions are implemented, officers must of course be trained on this new system of use of force. Achieving compliance with these provisions will form a

strong foundation for all of the subsequent provisions of the SA to come into compliance.

## 2. Stops and Detentions

The DOJ has expressed the view that SPD's current policy and training on pedestrian and traffic stops could create confusion and lead to contentious stops that may escalate situations unnecessarily to the point where officers use force. Revising and reforming SPD's policies and practices will affect every officer-civilian contact and have an immediate impact on the community's experience with SPD. Additionally, since this portion of the SA and MOU requires involvement of the Community Police Commission (CPC), it is the Monitor's hope that the CPC can be properly constituted and confirmed so that the CPC, as one of its priorities, may quickly provide input on SPD's draft policies and training materials, which SPD expects to deliver to the Monitor soon.

## 3. Crisis Intervention

Currently, the SPD states that approximately 38 percent of Seattle police officers in uniformed patrol assignments have received 40 hours of crisis intervention (CI) training calculated to improve interactions between the SPD and persons in a heightened emotional or behavioral state due to mental illness, drug or alcohol abuse, or addiction. Implementing the provisions of the SA that will establish new SPD crisis intervention policies, procedures, and data collection mechanisms will directly impact a population upon whom force is frequently used. The Monitor is aware of the SPD's Crisis Intervention Team, which has as its goal linking law enforcement with mental health professionals to handle serious matters involving persons in crisis. The SPD currently has one team of four individuals in the CI Team. The SPD should consider adding substantially more officers and mental health professionals. These additions are necessary to provide coverage in each precinct for each watch to enable a timely response to persons in the midst of serious crisis.

#### 4. Supervision

The SA provisions relating to supervision are among the highest priorities. Without adequate supervision—in terms of the number of sergeants, the consistent and direct oversight of line officers, and the quality of sergeants—SPD will be unable to come into full compliance with the provisions that require supervisors to conduct adequate investigations of use of force incidents. Overhauling EIS will also more effectively allow supervisors to provide oversight and mentoring to their officers.

#### 5. Bias-Free Policing

Provisions relating to bias-free policing fall after the use of force provisions of the SA because they will require consultation with the CPC, which we anticipate will take a short time to be up and running and able to provide feedback on policies, training, and supervisory requirements for bias-free policing. The Monitor commends and thanks the SPD for providing an early version of a possible bias-free policy for review and comment.

#### 6. Use of Force: Weapon-specific Policies

Development of weapon-specific policies is important in establishing good use of force policies and procedures. Nonetheless, we list these provisions as lower on the Monitor's list of priorities because (1) the SA is highly prescriptive so we anticipate that SPD will be able to come into compliance quickly with these provisions; and (2) the Monitor will stagger his review of use of force-related policies since SPD anticipates delivering many policies on 3/31/13.

#### 7. Community: Officer Assistance, Community Engagement, Transparency & Public Reporting

These various provisions of the MOU are important to building community confidence, but require the involvement of the CPC, whose initial priorities

should, we believe, should be on stops and detentions and discriminatory policing.

#### 8. OPA

The Monitor recognizes that thoughtful development of a new OPA policy and procedure manual will require a lot of time, energy, and resources. Additionally, because the CPC will want to weigh in considerably on these provisions, the CPC should be afforded sufficient time to get up to speed on the intricacies of the OPA process. We also think that it would be prudent to wait to implement the OPA provisions until new OPA leadership is in place following Director Kathryn Olson's resignation.

#### **IV. Primary 2013 Deadlines**

Appendix A sets forth dates for the SPD to deliver draft material to the Monitor for review and approval. It also sets forth a date by which compliance may be achieved. The first substantial delivery of drafts is on March 31, 2013 and has to do with use of force, the reform of which commences with new policies and related materials that meet the detailed and prolific requirements of the Settlement Agreement. Another substantial set of deliverables related to the operation of the FIT team and Crisis Intervention and training teams should be in the Monitor's hands by the end of June, 2013.

Policies. In 2013, the first priority of the Monitor will be to review those proposed policies and materials with care and determine which the Monitor will approve and disapprove. The Monitor anticipates the need for substantial discussion and possible negotiation over the terms of the new use of force policies between the Monitor and the named parties in the underlying ongoing litigation. Again, it is the Monitor's hope that the process will be collaborative. As such, the Monitor expects to receive drafts ahead of deadlines, and receipt of those drafts does not trigger the 45 day deadline. The SPD will then finalize the

policies and submit them for further comment by the Monitor no less than 45 days before the compliance deadline. The structure of the deadlines in Appendices A and B illustrates this framework, and the Monitor's commitment to timely, thorough, consideration of the Department's new policies.

Training. After development of policies, the SPD will need to develop and submit to the Monitor draft training materials for the teaching, testing, and practical exercises under new policies. Because of the timing of training curricula, the Monitor may need to review some proposed training curricula prior to the completion of the policy development.

Schedule of Implementation. As stated above, after policy and training development, the Monitor will determine how and when requirements will be evaluated for compliance. Nonetheless, as reflected in Appendix A, it is important for SPD to develop policies and training, and for the Monitor to approve policies and training, before these metrics are established.

## **V. Monitor's 2013 Activities**

The Monitor's priority in 2013 will be to review SPD's policy and training materials to assess compliance with the Agreements. Moreover, the Monitor will also be measuring SPD's compliance with other provisions of the Agreements.

Accountability Systems / EIS. The ability to manage the risk of police misconduct from the first line supervisor to the Chief of Police depends as a practical matter on the breadth, depth, and flexibility of integrated relational databases which should permit detailed inquiries and analysis of such risks in general and as posed by rank-and-file officers and first-line supervisors.

The development of such a system, including its early warning components, is essential to this Monitoring Plan. Progress toward the planning and construction of the relational databases and their integration will be an ongoing topic of



investigation and discussion by the Monitoring Team throughout its first year of operation. It is the Monitor's goal that conceptualizing and planning the system and selection of vendors be concluded with reasonable speed and care with a proposed deadline of July 1, 2013. Construction of the databases and their integration should begin shortly thereafter. It behooves the City and the SPD to complete the automated system and have it up and running by midyear 2014.

OPA / Use of Force Investigations. On a consistent basis throughout 2013, the Monitor will evaluate the completeness, thoroughness, objectivity, and fairness of complaint and use of force investigations. It is the Monitor's goal and intention to review most or all of investigations of alleged misconduct with particular emphasis on officer-involved shootings and other serious use of force, race-based policing, encounters with persons of color and other minority communities, and encounters with persons in a heightened emotional state due to mental illness, drugs, or alcohol. The Monitor plans also to look at a statistically relevant sample of other inquiries and investigations arising from complaints and use of force reports.

Stops and Detentions. The Monitor will audit and review stop and frisk activity, Terry stops, other vehicle and pedestrian stops, and searches and arrests derived therefrom. The Monitor will consider quantitative data, including population disparities and stop, search, and arrest statistics. The Monitor will attempt to learn whether the policing priorities of the community, with special emphasis on communities of persons of color and other minorities, are governing the deployment of police resources, with special attention to the deployment of suppression and containment tactics and strategies. The Monitor intends to learn about the expansion of community policing.

Community Outreach / Community Police Commission. During 2013, the Monitor will be in close contact with the communities of color and other minority communities, the civil rights and human rights constituencies, and advocacy

organizations for assessments of the progress of the SPD and complying with the letter and spirit of the Settlement Agreement.

The monitor plans to work with the CPC, OPA, OPARB, the OPA Auditor, and the SPD pursuant to the Memorandum of Understanding and the Settlement Agreement. It is important that the CPC established standards to ensure that SPD investigations and reviews are above reproach. The CPC may augment the powers and responsibilities of those entities providing oversight to OPA, as well as recommending meaningful reform of OPA. The Monitor will look to the SPD and the City of Seattle and other involved parties to quickly confirm the CPC so that full and effective compliance may move forward over the next year.

The Monitor's plan is to work closely with the CPC as directed by the MOU and Settlement Agreement so that the CPC may begin to function as a powerful, independent policymaking body that proceeds carefully based upon evidence and whose conclusions and recommendations have great integrity and persuasive power.

Supervision. DOJ found that the paucity of permanent sergeants with clear reporting requirements constituted a serious impediment to the management of excessive force. The Settlement Agreement provides that SPD must deploy an adequate number of qualified supervisors to implement the Agreement. Appendix A sets forth dates by which the SPD is to present its plans. Given the heightened importance of effective supervision and the promotion of constitutional policing by sergeants and mentors, there should be adequate numbers of full-time sergeants to provide field supervision of police officers as well as to review use of force, investigate complaints and inquiries, and perform other investigative functions.

Use of Force Review Board / Firearms Review Board. Throughout 2013, the Monitoring Team will attend and participate in briefings for the Chief of Police on

critical incidents as well as proceedings before the Use of Force Review Board and the Firearms Review Board. The Monitoring Team will observe the deliberations of those Boards.

CIT. Throughout 2013, the Monitoring Team will strongly encourage the development and expansion of diversion programs and specialized drug, mental illness, and homeless courts. The Monitor will also strongly support efforts by the SPD, the CPC, the business community, and social service and advocacy organizations to deal with problems of homelessness, addiction, and mental illness in Downtown Seattle and elsewhere within the city.

Throughout 2013, the Monitoring Team will evaluate actions by members of the SPD in patrol and specialized units and its crisis intervention teams to avoid unnecessary confrontation and escalation and to rapidly de-escalate as circumstances permit.

#### Other SPD-Related Activities

During 2013, the Monitor will assess the degree to which the Chief, Assistant and Deputy Chiefs, and Captains communicate an honest endorsement and a thorough understanding of the letter and spirit of the Settlement Agreement and the factors that led to it.

Throughout 2013, the Monitoring Team will participate in ride-alongs with SPD officers. The Monitoring Team will encourage and participate in joint precinct walks with SPD officers and community representatives.

Throughout 2013, the Monitoring Team will evaluate how predictive policing, hotspot policing, crowd control, and other policing strategies posing a risk of unconstitutional police conduct are managed and conducted.

Throughout 2013, the Monitoring Team will keep itself informed on the progress of collective bargaining.

## **VI. Outcome Assessments**

During 2013, the Monitor will discuss with SPD the data necessary to perform outcome assessments as set forth at ¶ 189 of the Settlement Agreement and such other outcome assessments as the Monitor may propose. The Monitor notes that pursuant to ¶ 188, the first annual review of outcome assessments is scheduled to occur 18 months after the effective date, or February 27, 2014.

## **VII. Monitor Reports**

During 2013, the Monitor will prepare and publish two semiannual reports, as required by paragraph 196 of the Settlement Agreement. Those reports will include the following:

- a) a description of the work conducted by the Monitor during the reporting period;
- b) a listing of each Settlement Agreement requirement indicating which requirements have been: (1) incorporated into implemented policy; (2) the subject of sufficient training for all relevant SPD officers and employees; (3) reviewed or audited by the Monitor to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitor to have been fully implemented in practice;
- c) the methodology and specific findings for each audit or review conducted, redacted as necessary for privacy concerns;
- d) for any requirements that were reviewed or audited and found not to have been fully implemented in practice, the Monitor's recommendations regarding necessary steps to achieve compliance;

- e) the methodology and specific findings for each outcome assessment conducted, if outcome assessments were conducted during the review period;
- f) qualitative assessment of SPD's progress in achieving the desired outcomes for each area covered by the Settlement Agreement, noting issues of concern or particular achievement; and
- g) a projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of the Settlement Agreement.

**VIII. Conclusion**

Finally, throughout 2013, under the guidance and leadership of the Honorable Judge Robart, the Monitor anticipates fruitful cooperation and the interchange of ideas between and among the SPD, DOJ, and the City of Seattle.



Merrick J Bobb, Monitor

The Court hereby approves the Monitoring Plan dated March 5, 2013.

DONE IN OPEN COURT this \_\_\_\_\_ day of March, 2013.

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THE HONORABLE JAMES L. ROBERT  
UNITED STATES DISTRICT JUDGE