



IMPLEMENTATION OF  
RECOMMENDATIONS MADE BY 21CP  
FOR THE  
PORT OF SEATTLE POLICE DEPARTMENT

**Implementation Progress Report 1**

**August 31, 2023**



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I. INTRODUCTION

A. Port of Seattle Task Force on Policing and Civil Rights

The Port of Seattle (Port) initially engaged 21st Century Policing (21CP) to conduct a comprehensive assessment of the Port of Seattle Police Department's (POSPD) policies, protocols, and procedures impacting issues of diversity, equity, and civil rights.<sup>1</sup> The Port of Seattle Commission (Port Commission) authorized the creation of a Task Force on Port Policing and Civil Rights (Task Force), which designed a structure and process for 21CP to use in assessing the POSPD's diversity in recruitment and hiring; training and development; equity; use of force; oversight and accountability; police union participation; budget, roles, and equipment; mutual aid; and advocacy. A complete description of the approach the Task Force created for the assessment, a summary of 21CP's methodology to gather and analyze information, and a description of the many ways Task Force members, 21CP, and the POSPD collaborated throughout the engagement can be found in 21CP's final report, issued in September 2021, Recommendations for the Port of Seattle Task Force on Policing and Civil Rights (Recommendations Report).<sup>2</sup> 21CP made 52 recommendations for ways the POSPD could align itself with best and emerging promising practices.

21CP was then re-engaged to review on an annual basis, for the years 2023 - 2026, the POSPD's progress in implementing the recommendations and to provide a report that details findings and makes transparent the implementation process and outcomes.

B. Policing Assessment Recommendations Review

After 21CP submitted its Recommendations Report, the Port's Office of Strategic Initiatives oversaw formation of the Policing Assessment Implementation Team (PAIT), involving Port

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<sup>1</sup> The engagement was framed by the July 14, 2020, Port Commission Motion 2020-15.

<sup>2</sup> 21CP's Recommendations Report can be found at: <https://www.portseattle.org/sites/default/files/2021-10/Recommendations%20for%20the%20Port%20of%20Seattle%20-%2021CP%20Solutions%20-%20September%202021.v2.pdf>

employees and POSPD officers who had in-depth knowledge of the potential implications of implementing the recommendations.

Members of PAIT included:

- Chief Operating Officer of the Port
- POSPD Acting Chief
- POSPD Finance and Budget Staff Representative
- POSPD Training, Hiring and Recruitment Representative
- Chief Strategy Officer
- Labor Relations Port Staff Representative
- Human Resources/Workplace Responsibility Representative
- Legal

Beginning in January 2022, Strategic Initiatives facilitated a PAIT meeting every three weeks as the group worked through 21CP's 52 recommendations. PAIT members reviewed specific recommendations and associated sections of 21CP's Recommendations Report before each meeting and then discussed implementation implications in regard to the budget, POSPD policy, Port policy, community/external relations, and legal concerns. Each recommendation was classified as High, Medium, or Low priority, based not on significance for the Department but on the anticipated timing of implementation. In assigning a priority, PAIT considered factors such as whether a recommendation concerned a matter also covered by Washington State legislation, and thus needed to be addressed expeditiously, or whether a recommendation required a minimal shift in policy or protocol, and thus could be easily and quickly addressed.

Strategic Initiatives then synthesized discussions about each recommendation on a form that included the recommendation, its priority level, the area of focus (e.g., Use of Force, Diversity in Recruitment and Hiring, etc.), the recommendation's implementation status, and PAIT's insights on implementation implications. These impact statements and a description of PAIT's structure and process were collated into a document titled, "Policing Assessment Recommendations Review" (PAIT Review).<sup>3</sup> PAIT's insights concerning implications for the recommendations reviewed for implementation in 2023 are included below in the discussion on individual recommendations.

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<sup>3</sup> A copy of the Policing Assessment Recommendations Review (PAIT Review) is attached.

C. 21CP's Process for Reviewing Implementation of Recommendations

Using PAIT's analysis and prioritization of 21CP's 52 recommendations, the POSPD identified 20 recommendations it would address during 2023. 21CP received a copy of the PAIT Review for all 52 recommendation, along with policy changes, training material, and other supporting documentation relating to the 20 recommendations identified for implementation in 2023. After reviewing the implementation documentation, 21CP provided the POSPD with preliminary findings as to whether implementation had been completed for each recommendation and noted a list of persons with subject matter expertise (or noted a subject matter area where the subject matter expert was unknown) when there were questions concerning a specific recommendation and interviews would be helpful.<sup>4</sup> 21CP's interviews included the Port Office of Strategic Initiatives Chief Strategy Officer who facilitated the PAIT process, the POSPD Commander serving as the point person for the Department's implementation effort, the Office of Professional Standards (OPS) Policy and Accreditation Officer, the former Office of Professional Accountability Sergeant (now Commander), POSPD's Crisis Coordinator, a Sergeant assigned to Recruitment, and the Department's Human Resources liaison. As 21CP met with various individuals, some of the questions following the document review were resolved, negating the need to interview all of SMEs initially identified. Everyone 21CP interviewed readily provided information and perspective on the recommendation implementation process and concerning specific topics, and offered to make themselves available for follow-up questions and suggested other resources when relevant.

The remainder of Implementation Progress Report 1 summarizes the outcome of 21CP's review for 2023. Nineteen of the 20 recommendations were supported by satisfactory evidence of implementation, while Recommendation 5 requires follow-up, as discussed below.

II. RECOMMENDATIONS IMPLEMENTED IN 2023

A. Recommendation 1 - Review of Lexipol Policies

POSPD should continue to scrutinize the intent and language of every Lexipol policy and modify the policies to ensure that they meet best practices and not just legal minimums.

PAIT found that 21CP's recommendation regarding the need to continually scrutinize Lexipol policy to ensure they meet best practices was of high priority, in part because of Washington State

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<sup>4</sup> The initial written findings and request for documents and/or people to be interviewed were presented in an Excel spreadsheet titled, Recommendations Implementation Review 2023, with a copy attached. 21CP also communicated with the POSPD before and after presenting the initial findings to ensure the proper subject matter expert was named and to arrange for interviews.

legislation. The PAIT team noted there were budget implications, with the Department stressing the need to secure a budget line item for maintaining their CALEA certification.<sup>5</sup> The PAIT Review notes that, while Lexipol provides and updates customizable, state-specific law enforcement policies, POSPD routinely checks Lexipol policy against best practices used in comparable agencies and CALEA standards. "While useful, the POSPD endeavors to use Lexipol policies as a starting point, refining and improving from there."<sup>6</sup>

The PAIT Review notes, regarding POSPD and Port policy implications, that the Department wants to ensure alignment of internal policies with Port policies and suggests a review of their policies by Human Resources, which could implicate all Lexipol policies.<sup>7</sup> Also, the PAIT Review indicates a review of Lexipol policies by the Legal team may be of use to gain their insights on training and implementation. It is not clear that steps have been taken towards these ends, though 21CP appreciates the advantages of collaboration with Human Resources and Legal on policy and training.

As an offer of proof regarding implementation of Recommendation 1, POSPD provided documentation on its development of policy regarding Body-Worn Audio/Video Cameras (BWC). The documentation included a memorandum summarizing the steps taken in developing POSPD's BWC policy and copies of the standard Lexipol Policy 450 on BWCs, the draft POSPD BWC policy, and the final Body Worn Camera (BWC) Policy 450, as adopted. This approach was, in fact, an effective way to demonstrate how the Department moves from Lexipol policy to a policy that ensures all best practices are considered, whether or not provided for in Lexipol policy.

After receiving Lexipol Policy 450 on BWCs, the Office of Professional Standards (OPS) first engaged in a research phase of vetting Lexipol Policy 450 against existing RCWs, legislative changes regarding BWCs made by HB 1223, CALEA standards, and sample BWC policies used by comparable agencies. The OPS memorandum summarizing the BWC policy development process noted that in the future, consideration will also be given to sample policies maintained by the International Association of Chiefs of Police (IACPnet) and the Washington Association of Sheriffs and Police Chiefs (WASPC). While vetting policies against CALEA standards and comparable local agencies is very useful, including a review of policies maintained through IACP or WASPC broadens POSPD's frame of reference during policy development and is encouraged.

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<sup>5</sup> CALEA, or Commission for Accreditation for Law Enforcement Agencies, "is an international certification for public safety agencies. It requires organizations such as police departments to benchmark and report on 483 standards to achieve accreditation." PAIT Review, p. 2.

<sup>6</sup> *Ibid.*

<sup>7</sup> This suggestion relates to Recommendation 24, which is not covered in this Implementation Progress Report 1, but addresses the alignment of POSPD and Port policy specifically with regards to the Port's Code of Conduct.

After conducting this research, the draft phase commences, with OPS first generating a POSPD policy draft, which is reviewed by the Administrative Commander, Officer of Professional Development (OPD) Sergeant, OPS Sergeant, Administrative Sergeant, and OPS Officer. It was noted that including staff assigned to these different spheres of responsibility provides a vetting process for potential policy impacts regarding training and accountability. Once the OPS draft policy is finalized, it next moves to the approval phase, which involves review by the Office of the Chief and Command Team. The outcome is referred to as the Final Command Team Policy, which is forwarded to the Port Legal team and the Teamsters Local Union for agreement. The final steps in the policy development process involve the publication phase (dissemination as a Directive, Order, and/or Policy Manual update) and the review phase, which is ongoing and entails reviewing the policy against future case law and/or legislative changes, as needed.

A comparison of the original Lexipol BWC Policy 450 with the draft Policy 450 with changes aligning with CALEA standards and the final POSPD Policy 450 on BWCs makes clear that POSPD did not simply adopt the Lexipol policy, but considered other factors indicative of best practices before finalizing the Department's BWC policy. Also, at the time the POSPD provided 21CP with documentation on policy review in general and as applied to the Department's new BWC Policy 450, it was in union negotiations regarding the BWC policy. 21CP confirmed that those negotiations have concluded and training on the new policy was being scheduled. POSPD's Policy 450 on BWCs is considered more specifically below in the discussion of Recommendation 52.

**Satisfactory evidence was presented that Recommendation 1 has been implemented.**

B. Recommendation 2 - Scrutinizing Data for Disparities

As the POSPD gathers more data on officer activity, the department should continue to scrutinize that data for disparities and work to ensure that POSPD's deployment strategies and approach to policing minimize those disparities.

Recommendation 2 regarding scrutiny of enforcement data for disparities was given low priority by PAIT because new legislative requirements on reporting were anticipated. The PAIT Review notes that some of the reporting contemplated by 21CP's recommendation is accomplished through CALEA Use of Force Reporting standards, though additional scrutiny of potential disparities may be advisable.<sup>8</sup> PAIT observed there are budget implications with this recommendation, as funding for a data analysis and reporting consultant may be necessary, new

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<sup>8</sup> PAIT Review, p. 4.

record keeping software to track data might be required, and there could be long-term storage costs. The Department will begin using Evidence.com to store larger video and audio files, as necessary for implementing BWCs, but other requirements to capture and maintain data will require additional funds, including personnel costs and costs associated with state reporting requirements.<sup>9</sup>

POSPD policy implications include CALEA standards on Use of Force Reporting and Port policy implications included the idea of developing an annual reporting policy, including how to share POSPD use of force reports and other pertinent information with an eye on identifying and eliminating disparities, to ensure transparency and provide consistent direction to the POSPD. It was noted that, though the Department produces an annual use of force report, this may provide an opportunity to be more intentional about detail and transparency.

With regard to implications of implementing this recommendation for community/external relations, the PAIT Review suggested publishing data on POSPD policies to increase transparency and community engagement. POSPD noted it already is working with SEA Cares on this issue. Legal is to be consulted to ensure all information made public is necessary and appropriate.<sup>10</sup>

Documentation provided by the Department in support of its implementation of this recommendation that it scrutinize data for disparities included, CALEA 4.2.2. Standard (Written Use of Force Report and Administrative Review), POSPD/Lexipol Policy 302 (Use of Force Review Boards), POSPD/Lexipol Policy 300.9 (Use of Force Analysis), and the 2022 Use of Force Annual Administrative Review. Policy 300.9 requires the Professional Standards and Development Commander or designee, to conduct an annual analysis of the previous year's use of force incidents. The report is to be submitted to the Chief and should not contain the names of officers, suspects or case numbers, and should include any trends in use of force identified, training recommendations, equipment needs recommendations, and policy revision recommendations.

While the POSPD has relatively few incidents of reportable use of force, it was useful to consider the 2022 Annual Use of Force Review as representative of the scrutiny contemplated by Recommendation 2. Five (5) years of reportable events were compared, with each event potentially involving multiple force techniques and multiple officers, e.g., of the 30 force events reported for 2022, 19 involved the use of multiple force techniques. The use of force data is analyzed from a number of different perspectives, including the arrest rate as compared to the

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<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Ibid.*

number of use of force events; the types of force use; use of force events resulting in injuries;<sup>11</sup> a comparison of POSPD and nationwide data on use of force events in the context of the number of calls for service; consideration of POSPD use of force data by month, week, time of day, and shift; use of force by suspect age, gender, and race. While the data is statistically limited given the low number of use of force events reported by POSPD, and analysis is complicated by the Department's unique jurisdiction and the community served, the 2022 review and earlier reviews considered by 21CP during its assessment provide transparency and accountability about this aspect of law enforcement of particular concern to the general public.

**Satisfactory evidence was presented that Recommendation 2 has been implemented.**

- C. Recommendation 5 - Coordinating with Customer Service on Complaints  
Customer services and the POSPD should develop protocols on the handling of complaints and compliments about Port police officers.

PAIT prioritized Recommendation 5 as low. POSPD policy implications included a note that 21CP seemed to suggest that all complaints should go through the Office of Professional Accountability (OPA) Sergeant, while PAIT suggested there may be value in tailoring complaint response to complaint type. PAIT also noted that POSPD should work with Human Resources and Workplace Responsibility to clarify roles and responsibilities when a citizen complaint alleges discrimination, recognizing there are separate protocols based on whether complaints are internal or external. Because any process must comply with applicable law, Legal should be consulted regarding implication of implementing protocols. The Department indicated interest in including Workplace Responsibility in conversations about internal complaints.<sup>12</sup>

21CP's 2021 assessment and recommendations report and Recommendation 5 in particular focused on concern that Customer Services did not have clear protocols on the type of complaints it should refer to OPA and that it was not sharing basic complaint data with the POSPD, even when a complaint could be resolved without referral to OPA. Though having a central repository for complaints involving POSPD employees is ideal, from the standpoint of ensuring all complaints are thoroughly handled and that all complaints involving a single officer are tracked and reviewed over time, 21CP appreciates PAIT's perspective that all complaints should not necessarily be handled in the same manner or only by OPA. The recommendation primarily was intended to

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<sup>11</sup> 21CP asked about the relatively high rate of officer injuries, e.g., 14 officers reported injuries related to 2022's 30 force events (none requiring hospitalization), and was informed that this likely represents the Department's renewed emphasis on having officers report *any* injury, no matter how slight. Takedowns and other physical control tactics were the most common type of force used, which can contribute to officer injuries, even if minor.

<sup>12</sup> PAIT Review, p. 8-9.



provide POSPD with assurance that Customer Service was aware as to which complaints should be referred to OPA, along with providing complaint data to OPA so that POSPD was aware of the types of complaints handled by Customer Service, the employees involved, and the customer's level of satisfaction with complaint resolution.

POSPD offered the following documentation as proof for meeting Recommendation 5: CALEA 26.3 Standard (Complaint Procedures), Lexipol Policy 1020 (Personnel Complaints), Lexipol Policy 1030 (Commendations), Lexipol Policy 1057.2 (Personnel Incident Documentation/Early Intervention System), and Reporting Practices for Customer Complaints dated July 2021. Unfortunately, 21CP did not appreciate until conducting a final review of documentation provided and interview notes that the last document mentioned in support of POSPD's implementation of this recommendation, Reporting Practices for Customer Complaints dated July 2021, was not included with the packet provided for Recommendation 5. Another document initially was mistakenly read to address Customer Complaint protocols. Because the lack of protocols surrounding the handling of Customer Service Complaints involving POSPD personnel was a primary concern behind Recommendation 5, it cannot be deemed satisfactorily implemented at this time. Once the document is provided to 21CP and assuming it addresses the concerns discussed, 21CP can revisit and amend its finding.

**Satisfactory evidence was not presented that Recommendation 5 has been implemented.**

- D. Recommendation 6 - First Responder Alternatives for Homeless  
Port leadership should support the POSPD by developing first responder alternatives to incidents involving the homeless that do not involve armed POSPD officers and increase access to holistic resources.

PAIT rated first responder alternatives for the homeless as a high priority and noted that POSPD implementation had begun, as was also addressed in 21CP's 2021 report. PAIT listed the budget implications as including the need to maintain a budget line item for the Crisis Coordinator position beyond 2022 and the Department's likely seeking of an additional budget allocation in 2023 for a civilian mental health professional to serve the community and support this recommendation. The PAIT Review acknowledges that the POSPD has an officer working on crisis coordination for the unhoused, though a partnership with SEA Cares revealed that adding a civilian mental health professional would be best for serving this community and this function, in particular.<sup>13</sup>

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<sup>13</sup> PAIT Review, p. 10.

In support of implementation, POSPD noted that it has hired a full-time Mental Health Professional and has an officer dedicated full-time to crisis response related calls, the Crisis Coordinator who works in tandem with the Mental Health Professional. The Department also provided statistics May 2021 through April 2023 regarding the number of Crisis Coordinator and Mental Health Professional encounters, with the Crisis Coordinator working alone for a portion of the time before the Mental Health Professional was hired. The two now work alternate shifts, with some overlap one of the days. Four hundred and ninety four (494) encounters were tracked, with 239 (nearly 50%) involving the homeless. Two hundred and four (204) of the 239 encounters with the homeless were resolved without an arrest and usually involved a referral for services, transportation to a hospital for treatment or to a crisis diversion facility, or other modes of assistance. Of the 36 encounters resulting in an arrest, 27 also included referrals for services. This demonstrates how POSPD endeavors to meet that part of Recommendation 6 calling for increased access to holistic services.

While Recommendation 6 contemplates a first responder alternative that does not involve armed officers, the co-responder model being used by POSPD meets the spirit of this recommendation, while accounting for the unknowns often associated with crisis related calls. The Crisis Coordinator is a POSPD Officer, but indicated during an interview with 21CP that she routinely responds with another Officer along, though she might remain on the scene alone to assist after the other Officer departs. When the Mental Health Professional responds to a call, a POSPD Officer remains with her the entire time, though isn't engaged with the subject unless necessary. In addition to responding to calls, both the Crisis Coordinator and Mental Health Professional do jail outreach and receive referrals from POSPD Officers to meet with people arrested.

POSPD's Strategic Plan includes having more Officers with specialized crisis and de-escalation training and more in-depth knowledge of resources to handle crisis calls and to de-escalate some incidents. The Department already has Officers who meet these standards, but as noted in the PAIT Review, additional budgetary allocations might be needed.

While acknowledging that the POSPD has not fully implemented an alternative response model that provides for responders other than armed officers, the Department's approach meets the spirit of the recommendation, including increased access to holistic services.

**Satisfactory evidence was presented that Recommendation 6 has been implemented.**

E. Recommendation 7 - Internal Procedural Justice

The POSPD should commence a campaign of internal procedural justice training for all levels of the department to help address the broad-based sense of inequity, especially with employees of color.

The issue of addressing internal procedural justice was given a medium priority rating by PAIT. Budget implications include the need for additional funds for training after 2023. POSPD policy implications referred to the internal survey conducted by 21CP for its 2021 report that indicated most employees who complained about internal procedures and cronyism were officers of color or women, implying that racial or gender bias might actually underly their concerns. Port policy implications noted training was scheduled for 2022 and the need to meet with Human Resources and the Office of Equity, Diversity, and Inclusion.<sup>14</sup>

In support of implementation, POSPD provided the 2022 roster of Officers who took a 2-hour Police One training on procedural justice, the Police One Procedural Justice Training Outline, and the Port of Seattle's Racial Equity Training and Development Program outline (required of all employees). Per this outline, front-line employees such as POSPD Officers are required to take 5 hours of racial equity training annually, while supervisors have an annual requirement of 6 hours. The Police One training covers both procedural justice and legitimacy, and explains how the concepts are related. Further, legitimacy is covered both from an external and internal perspective, with internal legitimacy focused on whether officers are treated with respect, dignity, and fairness inside an agency. Examples provided for addressing internal legitimacy include meaningful and transparent paths for career advancement, ensuring that disciplinary systems are fair, and soliciting officers' views about significant issues of policy and practice.

Because Recommendation 7 highlighted training, the documentation offered appears to meet implementation expectations and 21CP recognizes that developed training on internal procedural justice is lacking, in general. However, POSPD is encouraged to also consider approaching issues of internal procedural justice and legitimacy from the perspective of engaging Officers over time regarding their perceptions on career advancement opportunities, whether the discipline system is seen as fair, and whether they feel their opinions are solicited and considered about significant events. Rather than only focusing on training, findings ways to dialogue and measure Officers' sense that they are treated with respect, dignity, and fairness.

**Satisfactory evidence was presented that Recommendation 7 has been implemented.**

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<sup>14</sup> PAIT Review, p. 11.

F. Recommendation 8: - Unified Policy on Use of Force

The department should consider restructuring the use of force policies into a unified policy.

PAIT prioritized Recommendation 8 as of low priority, in part because use of force (UOF) policies are found throughout the Policy Manual as different issues are addressed. POSPD policy implications included reference to Policies 300, 302, 306, 308, 309, 310, 312, 314, 318, and 431. A policy review with Human Resources for consistency and alignment with Human Resource policies to foster transparency and accountability was noted under Port policy implications. With regard to Legal implications, it is noted that "different situations that allow Use of Force are tied to different legal rules and regulations, placing all types of Uses of Force under one unified policy may prove challenging." Legal reviewed all POSPD UOF policies in light of legislative changes in 2021 and noted that more state legislation on UOF was expected in 2022, requiring another review by Legal to ensure POSPD compliance. PAIT also noted that the Police Civil Service Commission should be informed regarding UOF policies and alignment to their work.<sup>15</sup>

POSPD provided proof of meeting this implementation by reference to Use of Force Policy 300, which now includes a UOF Policy List for reference to more readily located associated policies when needed, and includes policy references for UOF Definitions, UOF Review Boards, Handcuffing and Restraints, Control Devices and Techniques, Conductive Energy Device (TASER) Guidelines, Officer-Involved Shootings and Deaths, Firearms, Edged Weapons, Vehicle Pursuits, Canines, Standards of Conduct (CALEA), Patrol Rifles, and Medical Aid and Response.

The Department considered and rejected a restructuring of its UOF related policies into one unified policy, for the reasons noted, but provided its Officers with a means to identify potentially relevant UOF policies more easily by creating the UOF Policy List.

**Satisfactory evidence was presented that Recommendation 8 has been implemented.**

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<sup>15</sup> PAIT Review, p. 12-13.

G. Recommendation 10 - De-escalation Policy Updates

The de-escalation policy should be updated to make de-escalation attempts mandatory, when possible to do so and to add de-escalation tactics.

Recommendation 10 was considered a high priority by PAIT, as it is mandated by Washington State legislation. At the time of the PAIT review, the policy had already been updated and reviewed by Legal, though PAIT had suggestions, including that Human Resources conduct a policy review for consistency/alignment with Human Resources policies and an observation regarding Legal implications that policies must comply with applicable laws, including RCWs which may be amended over time. The Port's Mission statement and POSPD's Mission statement are included under Other implications, without explanation.

The Department's documentation supporting proof of implementation of Recommendation 10 includes Lexipol Policy 300.2.1 (Critical Decision Making), Lexipol Policy 300.3.1 (Alternative Tactics, De-Escalation), CALEA Standard 4.1.1 and proof, and case reports demonstrating application of these policies and concepts. Policy 300.2.1 follows the WA State Attorney General's Model Use of Force Policy in promoting steps involved with Critical Decision Making. Policy 300.3.1 addresses Alternative Tactics - De-Escalation, referring to CALEA 4.1.1 and RCW 10.120.010 and 10.120.020. Policy 300.3.1 states, "When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion)." Finally, a case report authored by a POSPD Officer provides an example of a detailed summary of factual observations related to the incident involved and specifically accounts for de-escalation techniques used, tactics and decision-making, threat assessment, force used, and questioned the subject regarding his need for medical aid.

**Satisfactory evidence was presented that Recommendation 10 has been implemented.**

H. Recommendation 11 - Reasonable, Necessary, and Proportional Use of Force

The use of force policy should expressly require that any use of force be objectively reasonable, necessary, and proportional.

Recommendation 11 was considered a high priority by PAIT, as it is mandated by Washington State legislation. At the time of the PAIT review, the policy had been updated and reviewed by

Legal. Legal implications included a notation that policies must be in compliance with applicable laws, including RCWs which may be amended over time.

POSPD offered the following documents as proof of implementation of Recommendation 11: Lexipol Policy 300.3 (Use of Force), Lexipol Policy 300.3.4 (Proportionality in Use of Force), Lexipol Policy 300.3.5 (Reasonable Care), and Lexipol Policy 300.3.6 (Factors Used to Determine the Reasonableness of Force).

Policy 300.3 provides, "Officers shall use only the least amount of force that reasonable appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers shall use reasonable care when determining whether to use physical force or deadly force, and when using physical force or deadly force against another person. (RCW 120.020) " The policy continues by providing other explanation on the term "reasonableness."

Policy 300.3.6.4 addresses proportionality of force and provides, "Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied in response to a threat. Reasonable and sound judgement will dictate a proportional use of force response to a threat posed by a subject. In assessing whether a use of force response is proportional to the threat being faced, officers should consider the following: using only the amount of force reasonable necessary to mitigate the threat and safely achieve a lawful objective; determining if another , less potentially injurious force option is feasible in achieving the same lawful objective as effectively and safely; and recognizing the totality of the circumstance and deciding if any actions potentially taken are likely to be viewed as reasonable, both by the department and by the public." Proportional force does not require that the officer use the same type or level of force as the subject, as the more immediate the threat posed, and potential the threat will result in serious bodily injury or death, "the greater level of force response which may be proportional, objectively reasonable, and necessary (RCW 10.120.010; RCW 10.120.020)."

Policy 300.3.5 provides, "Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person. The least amount of physical force necessary shall be used to overcome resistance under the circumstances (RCW 10.120.020)."

Policy 300.3.6 lists 21 factors that are used to determine the reasonableness of force. The first 8 factors are listed below to illustrate the range of issues that might be relevant, though bear in mind there are other considerations in the full list:

- a) Immediacy and severity of the threat to officers or others.
- b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officer available vs. subjects).
- d) The effects of suspected drug or alcohol use (RCW 10.120.020).
- e) The individual's mental state or capacity, including signs of mental, behavioral, intellectual, developments, or physical impairments or disabilities, including individuals who reasonable appear suicidal. (RCW 10.120.020).
- f) The individual's ability to understand and comply with officer commands.
- g) Proximity of weapons or dangerous improvised devices.
- h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained...

Also, though not offered as proof of meeting the recommendation, the in-service training provided to POSPD officers in 2021 addressed legislative and policy changes regarding the requirement that any use of force must be objectively reasonable, necessary, and proportional.<sup>16</sup>

**Satisfactory evidence was presented that Recommendation 11 has been implemented.**

I. Recommendation 12 - Use of Force Warnings

The use of force policy should require officers to provide a warning, when safe and feasible, before using any force.

PAIT rated Recommendation 12 as being of high priority, given it is mandated by Washington State legislation. At the time of the PAIT review, the policy had been updated and reviewed by Legal. Legal implications included a notation that policies must comply with applicable laws, including RCWs which may be amended over time.

The Department provided Lexipol Policy 300.3 (Use of Force) and Lexipol Policy 300.4 (Use of Force) as proof of meeting the recommendation. Policy 300.3 provides, "When reasonable, the officer shall, prior to the use of force, make efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts." Policy 300.4 states, "When reasonable, officers shall, prior to the use of deadly force, make efforts to identify themselves as peace officers and to warn that

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<sup>16</sup> See discussion below at II.S, regarding 2021 in-service training on legislative and policy changes.

deadly force may be used, unless an officer has objectively reasonable grounds to believe the person is aware of those facts."

**Satisfactory evidence was presented that Recommendation 12 has been implemented.**

J. Recommendation 13 - Providing Medical Care

The use of force policy should require officers to provide medical care within the scope of their training and immediately summon medical aid to the scene.

PAIT rated Recommendation 13 as being of high priority, given it is mandated by Washington State legislation. At the time of the PAIT review, the policy had been updated and reviewed by Legal. However, there were additional comments from PAIT. Budget implications included a note that there may be additional costs associated with training and time spent on the scene. Additional equipment could also be helpful, such as trauma kits, and trainers on how to use the new equipment or to implement training could implicate the budget. POSPD policy implications referred to 300.6/CALEA 4.1.5 & 70.1.6 and Legal implications included a notation that policies must comply with applicable laws, including RCWs which may be amended over time.

POSPD offered the following supporting documents as proof of meeting the recommendation: Lexipol Policy 300.2.4 (Medical Considerations for Unreasonable Use of Force Situations), Lexipol Policy 300.6 (Medical Considerations), CALEA Proof 4.1.5 (Rendering Medical Aid Following Policies), and Case Report 2022-065233.

Policy 300.2.4 states, "Any identifiable on-duty officer or on-duty department member in a position to safely do so shall render aid to any person injured because of unreasonable force (see Policy 300.6 Medical Considerations; RCW 10.93.190)." Policy 300.6 provides, "Once it is reasonable safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe. (RCW 10.93.190)" 300.6 continues with other guidance on issues such as medical assistance can consist of medical assessment by others, how to handle a refusal of medical attention, the role of the on-scene supervisor, and the need to request medical assistance as soon as possible if an individual displays extreme agitation, extraordinary strength, or other conditions that could increase the risk of sudden death. CALEA Proof 4.1.5 offers similar guidance



for the provision of appropriate medical aid and procedures for activating the emergency medical system.

Case Report 2022-065233 provides a thorough recitation of facts involved in this incident and , among other information provided, outlines Medical Aid and Evaluation of the subject. The Officer provides examples of behavior observed that led him to conclude the subject should be involuntarily committed, and noted it was their understanding that medical responders also agreed with the decision and the medical concerns they had related to the subject being under the influence. Completion of the medical form to provide to Ambulance responders transporting the subject was noted. The description relating to the evaluation of the subject and medical aid decisions was detailed and appeared thorough, demonstrating familiarity with medical aid policy requirements.

The duty to provide reasonable care was addressed in the 2021 in-service training (slide 24, p. 8) The 2022 weekly training bulletin notes that new legislation and policy regarding the duty to provide aid was addressed in July 2022.

**Satisfactory evidence was presented that Recommendation 13 has been implemented.**

K. Recommendation 14 - Use of Force Documentation

Policy should be revised to require officers to report and document all force they use and/or witness.

Recommendation 14 was considered a high priority by PAIT, as it is mandated by Washington State legislation. At the time of the PAIT review, the policy had been updated and reviewed by Legal. Legal implications included a notation that policies must be in compliance with applicable laws, including RCWs which may be amended over time.

Documents offered as proof that this recommendation has been met include: Lexipol Policies 300.2.2 (Duty to Interview and Report), 300.2.3 (Perspective), 300.2.5 (Supervisor Responsibilities in Reporting Agency External Unreasonable Force allegations), Policy 300.2.6 (Retaliation to Unreasonable Force Interventions and/or Reporting Prohibited), 300.5 (Reporting Use of Force), 300.5.1/2 (Notification of Supervisors and Notification of Indian Affairs), 300.5.3 (Notification to WA State Criminal Justice Training Commission), and 300.5.4 (Reporting to Washington Statewide Use of Force Data Program). A UOF Report Writing Guide was also included.

Policy 300.5 provides, in part, "Any use of force by a member of this department shall be documented promptly, completely, and accurately in the applicable case report by the involved officer. Any use of force witnessed by a member of this department shall be documented promptly, completely, and accurately in a corresponding case supplement report by the witness officer. The officer shall independently prepare an appropriate report, depending on the nature of the incident, and articulate facts known to the officer at the time of the use of force, including but not limited to [11 topics to be covered are listed]. Policy 300.5 in and of itself would constitute sufficient evidence that Recommendation 14 had been implemented. However, the other policies included as support for this recommendation provide guidance on topics such as perspective and the need to consider the totality of the circumstances, supervisory responsibilities regarding UOF reporting, the prohibition against retaliation for intervening in good faith or reporting in good faith the unreasonable use of force, and other specific reporting requirements de[ending on the circumstances, as noted above.

The UOF Report Writing Guide lists specific topics to be addressed, along with prompts under each topic that might or might not be relevant. The major topics to be addressed are Introduction, Pre-Arrival, Arrival/Observations, Legal Authority/Lawful Purpose, Contact with Subjects, De-escalation Techniques Employed, Tactics and Decision Making, Threat Assessment, Use of Force description (including De-escalation), Medical Aid and Evaluation, Conclusion, and Additional Information. The Guide appears that it would be a useful tool for Officers and the format was followed in case narratives provided in support of implementation for other use of force related recommendations considered in 2023.

**Satisfactory evidence was presented that Recommendation 14 has been implemented.**

L. Recommendation 16 - Use of Force Documentation in Blueteam

The POSPD should consider having officers enter use of force reports directly into Blueteam, rather than having a supervisor gather and present facts. The supervisor's investigation and all supporting materials should be consolidated in Blueteam and routed to the chain of command through the system.

PAIT considered this recommendation related to UOF documentation in Blueteam as low, in part because it might be duplicative work. POSPD policy implications listed 4.2.2/4.2.4 and notes "Currently, Blue Team is a repository for UOF reports and documents associated with the incident. The team already uploads information into Blue team...does this create duplicative work for the

officer? If so, it needs a review." Other implications noted duplication of work and the need to discuss with OPA Sergeant on feasibility.

POSPD responded to this recommendation by indicating that it is problematic as written. POSPD Lexipol Policy 300.5 (Reporting Use of Force). Currently, only uninvolved supervisors shall investigate the use of force event, minimizing the perception of any biases or inaccurate reporting. The supervisor is then responsible for entering the information in Blueteam to reduce any discrepancies. POSPD recommends not having the officer enter their own UOF incidents. POSPD also notes that officers already must complete a case report of the incident. Requiring the officers to also enter a report into Blueteam would create redundant work, as the supervisor uploads the officer's report as part of the packet.

21CP is aware of other jurisdictions that have officers complete their case report in Blueteam, separate from the supervisor's investigation into the incident, including aspects outside of the officer's awareness, which is also uploaded to Blueteam. Using Blueteam drop down menus can be a faster way to complete an incident or UOF report for officers. However, the Department appears to have considered 21CP's recommendation, but has structured its own UOF reporting process and is reluctant to change the system, perhaps particularly given that so many other changes are underway.

**Satisfactory evidence was presented that Recommendation 16 has been implemented.**

- M. Recommendation 17 - Publishing Reports on Website for Transparency  
The POSPD should maximize its transparency by publishing data and reports on its website and regularly reporting the information to the Commission.

PAIT rated this recommendation to publish data and reports as of medium priority, though implementation has been started by POSPD. POSPD's Annual Report and Policy Manual are posted to the website and requested that a method be identified for the Chief to provide updates to the Commission. Legal noted that any publication or reporting must not contain information that cannot legally be released to the public.

Documents provided in support of implementation of this recommendation include the June 2023 Annual Report to be presented to the Commission, with a note that the Commission meeting is publicly broadcasted as well, and Annual Reports, Use of Force Reports, POSPD Policy

Manual, and Accreditation Reports, which are all uploaded to the web page and available for public view.

POSPD has been adding information over time to its web page to enhance transparency, offering valuable insight to the public looking to learn more about the Department.

**Satisfactory evidence was presented that Recommendation 17 has been implemented.**

N. Recommendation 36 - Police Officer Recruitment

Develop a police officer recruitment plan aimed at increasing the number of Hispanic/Latino individuals applying to be a police officer at the POSPD.

PAIT found that 21CP's recommendation regarding police officer recruitment was a high priority, that implementation had already begun, and that multiple collaborative steps with other internal departments was underway. Budget implications listed included, "Additional FTE or PTE in recruitment and hiring may be necessary in order to accomplish this as the increased outreach must be conducted in addition to those with other existing workloads." Regarding port policy implications, it is noted, "HR and PD are coordinating to ensure inclusion of POSPD in port sponsored events related to recruitment." The PAIT Review notes on this recommendation also include, under community/external relations implications, "PD has been meeting with WFD port reps to have targeted recruitment fairs in areas with higher concentrations of Hispanic/Latino folx<sup>17</sup> in the community. Additionally, advertisement on radio stations targeting that demographic in their programming. PD is also exploring recruitment from the military which has a higher concentration of Latino folx and other POC."

Material provided during the current implementation progress review includes the Port of Seattle Police Department Recruiting Plan (Recruiting Plan) and mention that the Recruiting Team was invited to and attended a Hispanic/Latino event in Burien, WA in Q2 2023. Follow-up interviews confirmed that POSPD is coordinating well with the Port Human Resources representative (who is herself Hispanic) assigned to the Department and that hiring processes have been expedited, where possible. The Recruitment Plan indicates the goal is to attract the highest qualified individuals, with an objective to "achieve an overall racial and gender composition of the department in comparison to the aviation and maritime service population of the Port of Seattle..." The Recruitment Plan refers to the creation of a Recruitment Team consisting of a

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<sup>17</sup> The Merriam-Webster on-line dictionary defines "folx" as, "Folks, used especially to explicitly signal the inclusion of groups commonly marginalized." <https://www.merriam-webster.com/dictionary/folx>

diverse group of volunteer officers who take on recruiting as an auxiliary duty. Command staff and others interviewed made many positive comments about the volunteer Recruitment Team, noting their "energy and excitement" and that they are bringing a "big change" to the recruitment process. For example, the Recruitment Team sought and received approval to have a POSPD vehicle especially wrapped to promote recruitment.

The Recruitment Plan notes that the Team attended nine (9) military recruitment events and obtained 139 candidates, whereas "Prior to the inception of the POSPD Recruitment Team in 07/2022, 15 events were attended drawing approximately 45 candidates." The Recruitment Plan lists other 2022 and on-going 2023 activities, along with media and advertising efforts, and activities contemplated for the next twelve months.

**Satisfactory evidence was presented that Recommendation 36 has been implemented.**

However, note the idea captured in the PAIT Review to consider whether ERGs could be involved in recruitment and outreach efforts and as noted below regarding Recommendation 42.<sup>18</sup>

O. Recommendation 39 - Representation on Oral Boards

Increase the number of civilians, pulling from diverse employee groups such as employee resource groups (ergs), to be trained and available to serve on oral boards, so that they can rotate in when available to assist with this step of the hiring process and consider ways to assess whether the training provided to minimize the impact of implicit bias has positive impacts.

Recommendation 39 was viewed by PAIT to be of high priority, with a note that Employee Representative Groups (ERGs) "are already invited to participate in oral boards. However, participation is difficult as the board require 1-2 full days to participate."<sup>19</sup>

Oral boards are coordinated through Human Resources and POSPD's offer of proof for implementing this recommendation involved emails between POSPD and Human Resources, and between Human Resources and others, showing the effort made by Human Resources to recruit ERG representatives and others interested in diversifying Port-wide hiring panels. After listing the time and other commitments involved with upcoming police officer oral boards, a February 21, 2023, notes, "We appreciate the perspectives brought forward and looking forward to working

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<sup>18</sup> PAIT Review, p. 52 and 59.

<sup>19</sup> PAIT Review, p. 49.

with our ERG partners." Another email exchange documents a POSPD Commander checking with POSPD's Human Resources representative and POSPD Recruitment Team members and others on efforts made to reach out to ERGs and assurance back from the Human Resources representative that arrangements have been made for ERG representation. A Recruitment Team member also followed up with a POSPD internal email asking about availability.

A POSPD Commander and the Human Resources representative who works with the Department clarified how POSPD and Human Resources work to minimize implicit bias during the oral board process. The Human Resources representative is present for all oral boards and monitors for any evidence of bias demonstrated by oral board members. ERG members and others interested in participating on oral boards are interviewed by the Human Resource representative and/or a POSPD Recruitment Team member to ascertain if they are an appropriate fit for the responsibilities involved and consider whether any implicit biases are evident. Oral board members also must watch a video on implicit bias, which is discussed both before and afterward. While these steps do not include an assessment element, as to whether the training reduces implicit bias, the training combined with the selection process for oral board members and the monitoring of oral boards themselves collectively should provide some assurance that the risk of implicit bias is reduced.

**Satisfactory evidence was presented that Recommendation 39 has been implemented.**

P. Recommendation 41 - Oral Board Follow-Up Questions

Consider whether some limited follow-up questions by oral board members should be permitted.

Recommendation 41 regarding oral board follow-up questions was viewed by PAIT to be of medium priority. The PAIT Review notes that Human Resources had "already executed on this recommendation, while making sure that additional questions are consistent and fair."<sup>20</sup> POSPD's implementation documentation noted that Human Resources has already authorized this to occur and lists the Human Resources/Talent Requisition Department representative with whom the Department works and the Recruiting Sergeant and Accreditation Sergeant, with both identified as regularly sit on oral boards for potential candidates.

After speaking with the Human Resources representative assigned to support POSPD, the approach used regarding follow-up questions was clarified. All oral board questions were

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<sup>20</sup> PAIT Review, p. 51.

reviewed using an equity lens and to ensure questions were on point and could be easily understood. In addition, there are two scripted follow-up questions, such as, "Can you give me an example of \_\_\_\_." This allows candidates to elaborate on earlier answers without losing objectivity and without creating a situation where individual candidates are treated disparately.

**Satisfactory evidence was presented that Recommendation 41 has been implemented.**

- Q. Recommendation 42 - Employee Representation in Recruitment and Hiring  
Bring representatives of all ERGs into the recruitment and hiring process at all steps, not just for oral boards, so that a variety of perspectives and ideas are shared with the police department and the Port throughout the process.

Recommendation 42 regarding employee representation in recruitment and hiring was viewed by PAIT to be of low priority. The PAIT Review notes that ERGs are already involved in oral boards and that their involvement is not possible at every stage of the hiring process, e.g., "They would not be able to participate in written test and background check (confidential) or in physical agility tests. PAIT sees connection to Rec. 49 (Community Engagement in training exercises)." Under port policy implications, PAIT lists ideas for additional ERG involvement including, targeted community outreach and marketing assistance provided by ERGs, IQ oversight/review, and a focus group comprised of Port ERGs to ask about their involvement.<sup>21</sup>

POSPD documentation regarding difficulties implementing this recommendation also refers to the inability to have ERG representation for testing by an outside vendor, the confidentiality of background investigations, and adds that physical fitness testing is a requirement of the Basic Law Enforcement Academy and POSPD has no authority to make changes. POSPD also provides email examples of ERG recruitment for oral boards, as noted in the discussion of Recommendation 39.

As POSPD and PAIT point to the inherent limitations to involving ERGs in the hiring process, other than with oral boards, Recommendation 42 appears implemented to the extent possible. PAIT indicated that implementation of Recommendation 49, addressing training opportunities with community engagement, might point to a means to involve ERGs with community outreach. Where this involvement might be developed, it appears to relate to recruitment efforts, and should be addressed in the context of Recommendation 36, above.

**Satisfactory evidence was presented that Recommendation 42 has been implemented, to the extent possible.**

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<sup>21</sup> PAIT Review, p. 52.

R. Recommendation 45 - De-escalation Training

The POSPD should continue to train de-escalation as a core engagement philosophy.

The PAIT found that 21CP's recommendation to continue to train officers on de-escalation was of high priority, mandated by state legislation, incorporated into POSPD's 2022 in-service training, and a current policy requirement and core training concept.

Training material provided during the current implementation progress review confirms that the POSPD is addressing issues related to de-escalation. The materials presented in support of implementation included lesson plans for Taser re-certification for 2022 and 2023 and reference to in-service training PowerPoints provided in support of recommendation 50 below. The 2022 lesson plan specifically lists one of the learning goals to be for the student to "Demonstrate de-escalation tactics and a duty to intervene in RBT scenarios."<sup>22</sup> The lesson plan also notes that one learning point is that the "Officer demonstrates proper use of time, distance and/or shielding." The 2023 lesson plan lists "Demonstrate de-escalation techniques" as one of the learning goals. One of the scenarios, titled "Multi-Role/Quick Change Team Scenarios." includes learning points that officers provide proper verbal commands and utilize the one-voice concept, demonstrate proper use of time, distance and/or shielding, demonstrate proper de-escalation techniques, and properly recognize less lethal/lethal threats and use of appropriate force options(s). The 2022 training was noted as lasting five (5) hours, including breaks, while the 2023 training was four (4) hours long, without breaks included.

The supporting documentation offered to demonstrate implementation of this recommendation also referenced the 2022 in-service training on legal and policy updates, further discussed below regarding recommendation 50. A relevant portion of the 2022 training PowerPoint notes that, "A peace officer must use reasonable care if or when using physical force against another person. A peace officer must:

- When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force;
- When possible, use available and appropriate less lethal alternatives before using deadly force; and..."

While the documentation on implementation of this recommendation does not include the 2021 in-service training, it should be noted that de-escalation also was addressed in those materials.

**Satisfactory evidence was presented that Recommendation 45 has been implemented.**

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<sup>22</sup> "RBT" refers to Reality Based Training, as noted in the Instructional Techniques section of the lesson plan.



- S. Recommendation 50 - Policy and Training Related to New State Legislation  
POSPD should continue to incorporate the new legislative requirements into policy and reinforce those changes through training.

PAIT found that 21CP's recommendation regarding the need to update POSPD policy and training when relevant legislative changes were made was of high priority. Indeed, documentation indicates that the Department had completed implementing the recommendation during PAIT's consideration of all of the 21CP recommendations and that, "Legal will continue to work with PD on incorporation of new legislation."<sup>23</sup>

Training material provided during the current implementation progress review confirms that the POSPD is incorporating new legislative requirements and other relevant legal changes into policy and training. The documentation supporting implementation entailed an in-service training PowerPoint addressing 2021 legislative and policy updates, a list of weekly training bulletins issued in 2022, and a 2023 in-service legal update PowerPoint.

The August 2021 in-service training slide deck began by noting that while POSPD's mission had not changed, officers must work within the confines of the authority granted to them, and that legislative changes impacted their scope of authority and could impact operations. The training also addressed the "Warrior v. Guardian" philosophy. The training then delved into wide-ranging legislation related to law enforcement that had been enacted in 2021 and resulting policy changes, along with reinforcement of existing law and policy. Training topics included law enforcement changes related to drugs and drug paraphernalia, police tactics and special weapons, vehicle pursuits, use of force, de-escalation, warrants, the public duty doctrine, use of force report writing and supervisory investigations, mental health contacts and emergent detention, duty to intervene, duty to report external agency wrongdoing, peace officers and free speech, use of K9s, the Office of Independent Investigations, law enforcement data collection, and traffic control on airport drives. The training PowerPoint included use of examples and applicable scenarios and officers were required to successfully complete a test (80% or higher) on the material covered.

The weekly training bulletin list notes when the bulletin was issued; the topic of the bulletin; the corresponding POSPD policy; citation to the RCW, case law or other authority; and any CALEA policy on point. The topics listed include some covered in the 2021 in-service training discussed above, and the list notes if the topic involves new law or policy.

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<sup>23</sup> PAIT Review, p. 60.

Finally, the 2023 in-service legal update addressed the Washington Attorney General's model police use of force model, clarification regarding use of rifles, shotguns, and any device deploying less than lethal munitions, clarification that law enforcement can use force during an investigation detention (Terry stop), the SeaTac Municipal Court and Jail processes, the SeaTac Prosecuting Attorneys' Office, police report writing, and supplemental evidence.

**Satisfactory evidence was presented that Recommendation 50 has been implemented.**

T. Recommendation 52 - Body-Worn Camera Policy Considerations

As the Body Worn Camera (BWC) program is developed, the POSPD should consider policy choices around when cameras should be activated, what are acceptable uses for BWC footage, when officers may view footage, and how the BWC program can support overall transparency.

The PAIT Review inadvertently repeated its findings for Recommendation 1 on the final page of the review, which should have addressed Recommendation 52. Nonetheless, given Washington State legislation on body-worn cameras and related issues, it is assumed that PAIT would have given this recommendation high priority. 21CP is aware that POSPD was working on policy issues related to BWCs as state legislation was nearing final enactment.

POSPD provided a copy of the final POSPD Lexipol Policy 450 (Body-Worn Audio/Video Cameras), which was developed and reviewed through the process outlined for Recommendation 1 and negotiated through the Officers, Sergeants, and Commanders represented groups. Two Commanders are named as leading implementation training and 5 Officers were selected as SMEs and tasked with delivering training to the Department. CALEA 41.3.8 was also offered in support of implementation.

Policy 450.6 states that the policy is not intended to describe every possible situation in which the BWC shall be used, but provides a list of situations in which the BWC presumably shall be activated:

- a) All enforcement and investigative contacts including stops and field interview (FI) situations.
- b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- c) Self-initiated activity in which a member would normally notify the Communications Center.

- d) Custodial interrogations in their entirety for felony crimes and for Juveniles, including Miranda advisement and the waiver of any rights by an individual.
- e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- f) Anytime the member believes it would be appropriate or valuable to record an incident.
- g) Any activity identified in (a) through (e) above that occurs during a member's commute when driving an assigned take-home vehicle (in accordance with §706.5 and §706.7).
- h) Any activity identified in (a) through (e) above that occurs during a member's uniformed off-duty employment (in accordance with Policy § 1040).

The policy also addresses other factors to consider regarding when to activate the BWC.

450.9 addresses review of BWC recordings. Officers can review their recordings in certain situations when preparing a written report. Supervisory review of BWC footage shall not be arbitrary or capricious and footage should not be randomly used to monitor Officer performance. BWC recordings can be reviewed by (a) a supervisor conducting a Blueteam administrative review, investigating alleged misconduct, and for use with training and mentoring; (b) with supervisory approval, any members participating in an official investigation; (c) in compliance with the Public Records Act, State Law Enforcement Records Retention Schedule, and the Records Maintenance and Release Policy; (d) review of incidents that adhere to mandatory review or reporting; and (e) by technical support staff for BWC maintenance.

450.13 provides for a period of amnesty. to ensure officers have an opportunity to become familiar with BWC usage, during the first sixteen (16) shifts after officers are initially assigned to wear a BWC, the officer will not be subject to discipline for failing to activate a camera unless there is a willful and intentional pattern of non-compliance. Further amnesty periods also are described. The Chief has appointed a BWC Review Committee to review the policy annually and make recommendations to the Chief for any necessary policy revisions. Both providing an amnesty period as officers become familiar with the use of BWCs and designating a committee to regularly review and recommend policy updates are useful approaches to building a widely accepted BWC program that considers practicalities associated with using BWCs and strives to be legally up to date.

While the policy does not specifically address how the BWC program supports transparency, Policy 450 provides, "The use of BWCs is intended to enhance the mission of the Department by recording contacts between members of the Department and the public."

**Satisfactory evidence was presented that Recommendation 52 has been implemented.**

### III. CONCLUSION

The POSPD has made significant progress in implementing 21CP's recommendations following its 2021 assessment of the Department. Nearly 40% of 21CP's 52 recommendations have been put into effect, with satisfactory evidence provided to establish the implementation steps taken. One of the twenty recommendations reviewed for 2023 was missing documentation that was listed as proof the recommendation had been met. Once the missing document is provided, 21CP anticipates that the recommendation also will be found to have sufficient evidence of implementation.

21CP also commends POSPD leadership in its involvement of Department members in helping to shape the change taking place. The Officers volunteering their time on the Recruitment Team do so with energy and new, creative ideas about ways to encourage entry-level applications. Similarly, establishing the BWC Review Committee provides an opportunity for the Officers selected as committee members to develop subject matter expertise on a topic - BWCs - that is vitally important to the public, yet also involves complex issues from the challenge with storage of recording files to responding to public disclosure requests while protecting the privacy interests of incident bystanders. There are Officers with the knowledge and experience necessary to serve as crisis responders who are waiting for the opportunity as POSPD continues to develop alternative crisis response options. Officer involvement on all of these fronts also serves to promote a sense of internal legitimacy and commitment to the Department and its mission.

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