



Seattle City Council

February 25, 2011

Via Email

Mayor Mike McGinn
Chief John Diaz, Seattle Police Department
Lt. Eric Sano, President, Seattle Police Management Association
Sgt. Rich O'Neill, President, Seattle Police Officers' Guild

Re: Supporting Our Police Officers by Strengthening Public Trust and Confidence in the Seattle Police Department

Dear Mayor McGinn, Chief Diaz, Lt. Sano and Sgt. O'Neill,

As members of the Council's Public Safety and Education Committee, we support and will advance the following policies designed to strengthen public trust and confidence in our police officers which will enhance the effectiveness of the Police Department in accomplishing its mission of preventing crime, reducing the fear of crime and building peace in our city.

We respect the collective bargaining process and acknowledge that some of these policies may be subject to negotiations with our employee unions.

We admire and respect the good work of the officers, detectives and civilian members of our Police Department. These public servants work tirelessly—often in dangerous and volatile situations—to keep our neighborhoods safe for everyone. We are deeply grateful for their service.

We believe the vast majority of our officers and detectives already embrace a high bar of professional practice. That's why we are so proud of their work. We believe these valued officers and detectives will embrace these enhancements of accountability and effectiveness. They know that when communities trust them as legitimate guardians of public safety, their work on the street gets easier and safer.

We encourage the Mayor, the Police Department, the Seattle Police Management Association, the Seattle Police Officers Guild, and other City leaders to implement these initiatives, some of which may be subject to collective bargaining, to ensure that Seattle's police services exemplify our shared values of professionalism, fairness and effectiveness.

1. To lessen concerns that there is an inherent conflict of interest when a police department investigates its own officer-involved deaths and to establish a consistent approach to such incidents, **a county-wide protocol for investigating all officer-involved deaths should be developed.** Sheriff Sue Rahr and Prosecutor Dan Satterberg support creation of this protocol.

The protocol would create a special on-call response and investigation unit of skilled investigators from county police agencies (including Seattle homicide detectives) and representatives of the prosecutor's office. This investigative unit would be led by an incident commander who would rotate on an annual basis. If the assigned incident commander is from the same agency as the primary officer or officers involved in the event, the most recent commander from a separate agency would assume command of the investigation of that specific incident. The prosecutor's office would set case file standards and identify investigative procedures to be followed.

2. To strengthen civilian oversight and build public understanding and trust of the Police Department's internal Firearms Review Board, **we support the recommendations of the civilian observer to the Firearms Review Board** to (a) allow all observers, including the involved officer's union representative, to be present with the Board throughout the review and decision-making process as non-voting observers; (b) allow observers to participate in the Board's discussion of whether specific policies were followed; (c) grant the observers the opportunity to review the Board's final report and recommendations prior to its submission to the Chief of Police; and (d) give the observers the opportunity to share their own views about the findings and recommendations of the Board with the Chief of Police simultaneous with submission of the Board's report.

The recently completed Board report related to the Birk-Williams incident was extremely well done and should serve as a model for future reports in terms of content, thoroughness and decisiveness.

3. In light of the number of officers currently on the force with three or fewer years of experience, the percentage of officers working in single-officer cars and the evolving nature of best practices in policing, **the Department should review and enhance its**

hiring standards and training as recommended by the Office of Professional Accountability (OPA) Civilian Auditor. Particular attention should be paid to training that strengthens the role of first-line supervisors; relevant and readily applicable skill-building exercises in the areas of supervision, coaching and mentoring should be provided immediately to all Sergeants. The Department should also prioritize de-escalation training for all patrol officers with special emphasis on misdemeanor and other low-level encounters, a recommendation of the current and all previous OPA auditors.

We strongly support the effort being led by the King County Sheriff, the executive director of the Washington State Criminal Justice Training Commission and Chief Diaz to obtain Department of Justice funding for a training and street skill program that focuses on "procedural justice" practices. Procedural justice refers to the mix of rules, processes, safeguards and attitudes that help to ensure that police actions are not just lawful, but are viewed by the public as legitimate and appropriate.

4. To **increase transparency and public trust**, the Police Department should include in its monthly OPA reports for each sustained misconduct finding: a summary of the misconduct, the nature of the discipline and identification of the public employee who received the discipline. As the OPA Civilian Auditor has recommended, the Department's monthly summary should also include changes to policy or procedure or supervisory interventions that have resulted from a complaint so that the public can see the actions taken by the Department whether or not discipline was warranted.
5. To expedite the resolution of cases where there is a referral for possible criminal filing or prosecutorial review of the case file, the Department should **simultaneously refer the case file to both the King County Prosecuting Attorney and the City Attorney** for review and recommendations.
6. To improve the effectiveness of training sessions, **supervisors should be allowed to use In-Car Video for instructional purposes as recommended by the OPA Civilian Auditor.** Videos are a very effective tool for exemplifying best practices, teaching new skills and allowing for training at roll calls or online that can be more cost-effective and completed with more immediacy.
7. To ensure that officers are not acting under the influence of intoxicants or illegal drugs, including steroids, the Department should **require mandatory and timely testing of all officers involved in all use of deadly force incidents**, regardless of

whether a death has occurred, and all use of force incidents that result in the hospitalization or hospital treatment of any individual.

Seattle would not be the first city to require this testing. Just this month, the City of Portland adopted mandatory drug and alcohol testing for its police officers. Police agencies in Albuquerque, Boston, Dallas, New York, Phoenix, San Diego and others have mandatory testing programs.

8. To enhance knowledge sharing and skill building and to promote a culture of learning and innovation, the Police Department should **adopt a policy of rotation of officers and detectives on a predetermined schedule**. Such a rotation will allow patrol officers and detectives to share their skills, understanding of criminal justice issues and community perspectives throughout the Department. In situations where retaining the expertise of an officer or detective is vital to the success of a particular unit, appropriate waivers could be granted for an extended term of assignment. Mandatory rotation programs are considered a best practice among leading police practitioners and are currently in place with the Bellevue Police Department, Port of Seattle Police, Pierce County Sheriff's Office, San Jose Police Department, Los Angeles Police Department and many others.
9. To better maintain accurate historical perspective, the Department should replace the current records retention schedule for complaints of misconduct, sustained or otherwise, and related investigative files. The current practice to retain these records to the end of the year in which the case is closed plus an additional three years should be replaced by **a new retention schedule that keeps these records as long as the involved employee remains a City employee, plus an additional seven years**.
10. To increase the education level of officers, **the Police Department should give preferential consideration to recruit and promote candidates with post-secondary education**. Current policy requires only a high school diploma or GED for police candidates. Candidate and promotional score weighting could take several forms. For example, additional Civil Service ranking points could be awarded for attaining associate degrees, four points for bachelor degrees and six points for graduate degrees. A system of fractional points could be awarded for continuing education classes taken and certificates received in areas deemed to be important to the officer's education and performance, including programs that focus on writing skills, dispute resolution, crisis management, to name a few.

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11. To provide support during a difficult transition period, **the Police Department should use the special training and orientation programs recommended by the International Association of Chiefs of Police when hiring military veterans with combat exposure.** These programs help to successfully transition such recruits from the very different military culture and practice to the culture and practice of an urban police agency.

We believe these policy initiatives are in the best interests of both our police officers and the people of Seattle. Every encounter between our officers and the public must be respectful and consistent with legal protections and the rules and procedures of the Police Department. While this is true already in hundreds of thousands of interactions every year, enacting these policies will move the City that we serve together to the goal of 100 percent success—and safety.

All residents and visitors to our city should be able to rightly view our officers as guardians of public safety and our Constitutional rights.

These policies honor and respect the employees of the Police Department. They are consistent with the professionalism of the police service and the values held by our officers.

Sincerely,



Tim Burgess, Chair
Public Safety & Education Committee



Sally Bagshaw, Vice Chair
Public Safety & Education Committee



Sally Clark, Member
Public Safety & Education Committee

Cc: Members, Seattle City Council