



U.S. Department of Justice

United States Attorney
Western District of Washington

700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271

Tel: (206) 553-7970
Fax: (206) 553-2054

March 27, 2014

Edward Murray
Mayor, City of Seattle
600 4th Ave., #7
Seattle, WA 98104

Dear Mr. Mayor:

This letter follows up on the visit of Acting Assistant Attorney General, Jocelyn Samuels, and the "All Party Summit" you convened on February 4, 2014. As we stated publicly then, we found the Summit to be a significant event. It was important to demonstrate that both parties were ready to move past the tension, both within the City family and between the parties, that sometimes arose over the past two years, and that we were all committed to finding ways to make the reform process work.

It is in the spirit of that commitment that we send this letter expressing our concern about two challenges that we have found ourselves working through since the Summit. First, we were deeply disappointed with the work product provided to us by SPD on December 31, 2013 in the crucial areas of (a) training on the policies recently completed and (b) ensuring there is proper supervision of officers, including a realistic "span of control" required to make sure the first-line supervisors (typically the Sergeants) have a manageable workload so they may oversee their line officers and comply with the new policies. The relationship between first-line supervisors and line officers is recognized as one of the most critical elements of a well-functioning and accountable Department. The materials produced on that date, which are attached, were not serious attempts to move reform forward. They dug us in a deep hole, from which we have had to climb out over the past two months.

Second, we further are quite concerned about the expenses attributed to both those projects, in terms of overtime and other costs. As the Monitor mentioned in his December Semi-Annual Report (page 14), the "Settlement Agreement-implementation" ledger includes matters entirely unrelated to the Consent Decree process, including expenses for the former Mayor's 20-20 project and the Race and Social Justice Initiative. It is unclear whether this was the result of sloppy accounting, or a purposeful attempt to stack costs and attribute them to the reform process. Regardless, the result is to inflate the financial costs of reform which could erode public support and trust for the process. As you know, there are significant challenges ahead – including updates to technology. We appreciate and agree that the public has a right to know the budgetary impacts of the reform process; but they are also owed accuracy.

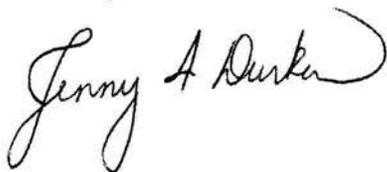
We recognize that your administration, which is now in its third month, did not produce the attached materials or the faulty accounting, but rather inherited those problems. We also recognize that, upon taking office, your administration made extensive changes to SPD's command staff. While some delays are understandable as the new leadership gets up to speed, the reforms required by the Consent Decree cannot wait. We are encouraged by the steps the City has taken since that date to work with us and our consultants closely to improve the training modules and lesson plans, as well as the analyses on the span of control. We will continue to watch closely to make sure that the new leadership will make the changes necessary to make the Consent Decree a success. We also are encouraged that there is now apparently in place a more accurate and rigorous accounting method to track City expenses related to the reform efforts. We hope these efforts bear fruit in the upcoming months, consistent with the deadlines in the Monitoring Plan.

For all of our accomplishments, of which there are many, it is important to remember that significant work remains. There should be no doubt that we, under our independent enforcement obligation (SA ¶ 224), will ensure that progress continues to be made on every front. You have assured us that SPD's commitment will remain steadfast. It must do so, if we are to succeed. None of us can afford half-hearted efforts or box-checking measures. We have made great strides so far in terms of policy development and organizational structure and management, but the DOJ and the Court must ensure those policies, after proper training, are put into practice and officers and the SPD as a whole are held accountable to the commitments made in the Consent Decree.

Finally, we are also aware of recent public controversy surrounding the settlement of certain OPA investigations. If anything, this validates the wisdom of the process enshrined in the Consent Decree and MOU for SPD -- in collaboration with the Community Police Commission -- to do a holistic, systemic review of the accountability system. We stand ready to help with that review and look forward to progress consistent, again, with the Second Year Monitoring Plan. This controversy also shows how fragile public trust is, and how important it is for both parties to be working together.

We appreciate your commitment to do so, the changes you have made to reflect that commitment and your attention to these matters.

Sincerely,



Jenny A. Durkan
United States Attorney
Western District of Washington



Jonathan Smith
Chief, Special Litigation Section
Civil Rights Division

Cc:

Hyeok Kim, Deputy Mayor
Tina Podlowski, Senior Policy Advisor
Peter Holmes, Seattle City Attorney

Mayor Edward Murray

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Tim Burgess, Seattle City Council

Sally Clark, Seattle City Council

Bruce Harrell, Seattle City Council

Nick Licata, Seattle City Council

Merrick Bobb, Monitor

Anne Levinson, OPA Auditor

Lisa Daugarrd, Co-chair CPC

Diane Narasaki, Co-chair CPC

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Bob Scales
Compliance Coordinator

DATE: December 31, 2013

FROM: Clark Kimerer
Assistant Chief, Chief of Staff

SUBJECT: Span of Control / Unity of Command / Acting Sergeants

Pursuant to Appendix A (Schedule of Priorities) from the Monitoring Plan, the following information is scheduled to be presented to the Monitor and DOJ on December 31, 2013:

1. Span of Control (SA ¶ 153) – An update on SPD's review of span of control, needs assessment and plan for future analysis and development is included below.
2. Unity of Command (SA ¶ 154) – An update on the unity of command and plan for future development is included below.
3. Acting Sergeants (SA ¶ 155) – An update on the use of acting sergeants, including an update on the training requirements for acting sergeants, and plan for future development is included below.

Span of Control

Paragraph 153 of the Settlement Agreement states: "The City will provide and SPD will deploy an adequate number of qualified field/first-line supervisors (typically sergeants) to assure that the provisions of this Agreement are implemented. SPD will employ sufficient first-line supervisors to assure that first-line supervisors are able to: 1) respond to the scene of uses of force as required by this Agreement; 2) investigate each use of force (except those investigated by FIT) in the manner required by this Agreement; 3) ensure documentation of uses of force as required by this Agreement; and 4) provide supervision and direction as needed to officers employing force."

During the last few years, the Department has undertaken a number of efforts to address various supervisory issues, including span of control. In 2012, the Department began the process of eliminating in-squad relief for the purpose of improving supervision in Patrol.

In-squad relief is the practice of utilizing officers from the within the squad to cover furloughed officers' work assignments on a rotating basis. The negative impact of in-squad relief is a lack of continuity between the squad supervisor and officers assigned to the squad. In-squad relief supervisors generally only interact with half of their squad at a time because of furlough patterns, while the officers in the squad will require supervision from neighboring sector sergeants when their sergeant is furloughed.

Over the last two years, SPD has transitioned from a patrol deployment system where all patrol squads operated with in-squad relief to the current system where only a quarter of patrol squads require in-squad relief. The Department was able to reduce the in-squad relief factor by creating relief squads where possible. Relief squads can be created where there is an even number of sectors and there is sufficient

staffing. The ongoing NPP review process will address options for eliminating in-squad relief for the remaining squads.

In 2013, SPD significantly reduced the number of Acting Sergeants in Patrol in order to provide consistent model supervision for field officers. The Department has fully staffed all patrol Sergeant positions with permanent rank Sergeants or trained Acting Sergeants (also consistent with Paragraph 155 of the Settlement Agreement). As SPD implements the provisions of the Settlement Agreement, additional efforts will be made to fully and sustainably address the issue of span of control and assure that SPD is deploying an adequate number of supervisors to effectively manage field officers.

The ultimate goal is to identify the correct number of total permanent rank Sergeants to meet the needs of the Department, the community and the requirements of the Settlement agreement. In conducting the analysis, the following questions will be addressed:

- 1) *How many field officers are needed to achieve the City's priorities for police staffing?*
- 2) *How many field officers should be supervised by a single Sergeant? What factors should be taken into consideration when determining the appropriate span of control for a given squad?*
- 3) *What additional duties will be required of field supervisors under forthcoming policies and procedures?*
- 4) *How will SPD balance the new supervisory workload efficiently and effectively?*

The Department has been engaged in an effort that addresses the issue of how many field officers are needed to achieve the City's priorities for police staffing when balanced against other competing needs. As part of a City Council Statement of Legislative Intent, SPD is conducting a rigorous analysis that will drive the Department's deployment model and strategic staffing plan in the coming years. The process will result in an update of the Neighborhood Policing Plan (NPP), which is the basis for SPD's existing deployment structure, staff distribution and performance metrics.

As part of the process, an Interdepartmental Team (IDT) is analyzing patrol workload data, using the Managing Police Performance (MPP) software program, to calculate appropriate staff levels in Patrol. The MPP algorithm will provide SPD with a baseline for Patrol staffing, which will, in turn, provide a baseline for identifying the correct number of total permanent rank Sergeants.

The Department needs to evaluate supervisor workload data in the context of the new requirements for supervisors and changes to deployment and staffing models. The new plans, policies and procedures will certainly impact the workload of first-line supervisors and so it would be premature to assert a goal at this point before those impacts are known. The evaluation of span of control requires a mixed quantitative (NPP) and qualitative approach. That said, the Department plans to consider the following factors to ascertain the appropriate standards for span of control at SPD:

- NPP / Size of the Police Force: NPP will provide valuable information on the size of patrol, deployment structure and officer distribution; it will give us a solid, data-driven foundation to build on as SPD considers span of control. NPP will change the structure of the Department. For

example, SPD plans to completely eliminate in-squad relief in the new deployment model, which will result in changes to precinct boundaries and sectors. SPD will give individual attention to each precinct to ensure that sectors and squads are structured and staffed in a way that allows the precinct to address the unique needs of its neighborhoods. At the squad level, SPD will attempt to staff each squad in a way that allows for adequate staffing of 911-responders on any given shift, flexibility in deployment (e.g., foot/bike patrols), proper supervision, etc. Workload varies from squad to squad. To assert the same sergeant to officer ratio for two very different squads would be an inefficient use of valuable staff resources, which is why it is essential for the Department to construct a span of control model using NPP and the overall right-sizing of the entire police force as a baseline. *(Please refer to the attachments for more information regarding NPP, such as methodology and timeline. Specific questions regarding NPP should be directed to Assistant Chief Clark Kimerer (206-615-0764; Clark.Kimerer@seattle.gov.)*

- New Supervisor Duties: The Department must deploy an adequate number of qualified first-line supervisors to assure that the requirements of the Settlement Agreement are properly implemented. As part of the Settlement Agreement, the role of first-line supervisors is expanding. SPD is in the process of defining the new role of first-line supervisors as it relates to reporting use of force, bias policing, *Terry* stops and early intervention. As the applicable policies and procedures are implemented, SPD will evaluate what additional supervisory staff resources are necessary to satisfy the new supervision and reporting requirements. The Department will begin collecting both quantitative and qualitative supervisor workload data as the policies are implemented at the beginning of 2014. By mid-2014, SPD should have sufficient data to conduct a preliminary analysis of supervisor workload and evaluate for compliance.
- Task Complexity: The concept of task complexity will also play a significant role in setting goals related to span of control Department-wide. As mentioned above, the forthcoming use of force, bias policing, *Terry* stop and early intervention policies will define the expanded role of field supervisors throughout SPD. However, variation in task complexity from unit to unit or squad to squad calls for a qualitative analysis that considers a variety of objective task characteristics, such as supervisory duties, workload trends, etc., by squad, unit or section.

The Department believes that a comprehensive review that addresses the above questions is the proper approach to the span of control issue. The following example further illustrates this position. Currently, SPD is operating with 497 911 patrol officers, supervised by 66 first-line supervisors, which is a comparatively high supervisory level for a major police department. However, these numbers alone do not tell the whole story. With 66 patrol sergeant positions filled, SPD has a single supervisor assigned to each patrol squad. On the other hand, at 497 911 officers, the Department has reached a five-year low in 911 response staffing. If SPD evaluated only the ability of the supervisors to implement the provisions of the Settlement Agreement with its current staffing levels, the Department may find that the supervisors were able to execute their duties under the new policies, yet Patrol would not be operating at an optimal level. The Department relies upon NPP to match resources to workload in Patrol. Without NPP, SPD is missing key variables in the span of control equation: the appropriate number of field officers and how the workload is balanced efficiently and effectively across Patrol.

For the reasons articulated, SPD is committed to evaluating span of control in connection with NPP in order to plan for the deployment of an adequate number of supervisors long-term. The process is coordinated by SPD, but involves a number of external consultants. It is also a multi-part, multi-phase process. Phase I, which is in progress, includes four specific tasks: 1) workload data and staffing analysis using the MPP computer model; 2) service hour calculation and development of a service hour map; 3) development of new deployment maps (precinct, sectors, districts, & beats); and 4) rollout of the new deployment maps.

SPD will keep the Monitor, DOJ and other stakeholders apprised of the status of the needs assessment related to span of control and would welcome any technical assistance during this process. With regards to the timeline, the Department proposes that a formal update be submitted no later than June 30, 2014, to include a status update on NPP and a preliminary analysis of supervisor workload under the new policies. Prior to that date, it may be useful for the Monitoring Team to meet with SPD staff involved in the NPP process for further explanation of the deployment model and staffing plan. In the interim, the Department will systematically monitor first-line supervisors as the new policies and procedures are implemented. It should be noted that the Department already maintains a narrow span of control in certain specialty units, such as Gangs, SWAT and Anti-Crime Teams, where there may be a higher occurrence of use of force or a need for greater supervisor involvement. At present, SPD's Gang Unit is comprised of 16 officers/detectives and 3 sergeants, SWAT is comprised of 22 officers and 4 sergeants and SPD's precinct-based Anti-Crime Teams total 24 officers and 5 sergeants.

Should the Department determine that it needs to add or reassign supervisors in response to its findings, it will do so via the 2015-2016 biennial (in 2014) or supplemental budget process as soon as practicable, keeping in mind that there may be constraints related to hiring, training and backfill issues.

Unity of Command

Paragraph 154 of the Settlement Agreement states: "As a general rule, all operational field officers (including patrol officers) should be assigned to a single, consistent, clearly identified first-line supervisor. First-line supervisors should normally be assigned to work the same days and hours as the officers they are assigned to supervise."

At present, the Department has permanent rank Sergeants or trained acting Sergeants assigned to all 66 patrol squads. In addition, 74.4% of the Department's patrol officers are reporting to a single supervisor for their squad. As noted above, SPD has made a significant effort towards eliminating in-squad relief, which restricts the Department's ability to assign a single first-line supervisor to every field officer. North, East and South precincts currently utilize in squad relief due to an odd number of sectors in the precinct. The number of sectors in these precincts necessitates having overlapping supervision. One of the goals of the Neighborhood Policing Plan (NPP) update is to eliminate the use of in-squad relief.

The implementation of the updated model and deployment map in 2014 will permit assignment of all SPD patrol officers to a single, consistent, clearly identified first-line supervisor that will work similar days and hours as the officers they are assigned to supervise.

Total Officers in Patrol (December 2013):	497
Number of Officer with Unity of Command:	370
Number of Officers outside Unity of Command:	127

Status of Acting Sergeants

Paragraph 155 of the Settlement Agreement states: "Sergeant training is central to effective first-line supervision. The City and SPD will ensure that personnel assigned to a planned assignment of acting sergeant for longer than 60 days will be provided adequate training to fulfill the supervisor obligations under this Agreement, either prior to serving as acting sergeant, or as soon as practicable (and in no event longer than 90 days from the beginning of the planned assignment)."

Currently, the Department has seven supervisor positions filled by Acting Sergeants. Two of the Acting Sergeants are filling in because their supervisors are on extended sick leave and one more is filling in because his/her supervisor is serving as an Acting Lieutenant in Patrol. All seven Acting Sergeants have been through the Sergeant Training Course.

The Department plans to utilize five Acting Sergeant positions throughout the Patrol Bureau as in service training for those officers on the Sergeant promotional list. Going forward, the Department will continue to fill Acting Sergeant positions with officers on the promotional list who have received Sergeant Training. At times, the number of Acting Sergeants may fluctuate due to retirements, promotions, illnesses, etc. SPD is in the process of pre-training from the promotional list in order to have a supply of trained actors on stand-by.

Further, the Department is in the process of implementing additional protocols related to the training and oversight of Acting Sergeants, including, but not limited to:

- All Acting Sergeants will be assigned a Mentoring Sergeant
 - This will occur prior to January 30, 2014, or within 3 working days of arrival of the Acting Sergeant's Assignment.
 - On the Job Training protocols will be developed; finalized draft will be presented for Command Review by March 30, 2014.
- Watch Commanders will provide oversight of Acting Sergeants assigned to the Precinct. Duties include:
 - Assign a Sergeant mentor prior to January 30, 2014.
 - Ensure Acting Sergeant training requirements are met and tracked by Ops Lieutenant at Precinct, Operations Bureau Commander and Training Unit.
 - Conduct regular debriefs with mentor and actor on an ongoing basis; to be documented in Acting Sergeant File and PAS.
 - Perform gap analysis in Supervisor education regarding Acting Sergeants responsibilities, noted after reviewing training and briefing information and passed on to Precinct Commander for action.
- Original Sergeant Training records will be maintained by the Training Section and copied to Operations Bureau Commander.

USE OF FORCE POLICY
TRAINING PLAN OVERVIEW

1. The first element is a videotaped introduction by Chief Pugel. This will serve to both introduce the new policy and reinforce its importance. A brief word on expectations will also set the tone for the rest of the training rollout.
2. Next, a series of directives will come out. These will break down the new policies into smaller “chunks”. Employees will be required to read the new policies. This will happen by mid-January.
3. The directives will be immediately followed by a series of e-learning modules. These modules will cover the major points of the new policies, and will contain imbedded quizzes. These will be released between mid and late January. The scheduled modules are:
 - a. Type 1,2 and 3 Complete
 - b. FIT In development
 - c. Authorized Force In development
 - d. Less Lethal Tools In development
 - e. Statements and Reporting In development
 - f. Use of Force Review In development
4. Precinct resource training will occur in mid January. This training seeks to create points of contact within each precinct at the officer, sergeant and lieutenant rank who will serve as the first line in answering questions and offering guidance in conformance with the new policy requirements. This is tentatively scheduled to occur on January 9th, and is a one day training.
5. Classroom training will be scheduled beginning in late January. All Operations personnel will attend the two day session. The content includes: 4 hours Use of Force, 1.5 hours FIT, 2.5 hours Less Lethal certifications, 8 hours Use of Force reporting. A tentative schedule is attached. This training will be complete by April 1, 2014. The curriculum for this course has already been submitted to A/C Sanford.
6. The final piece is an “FAQ” file. This will contain questions that are either expected or have actually been asked, with answers (to the extent they are available). This will be available at about the same time as the first classroom session.