



MEMO

TO: The Honorable Judge James L Robart, United States District Court for the Western District of Washington

CC: Nicholas Brown, United States Attorney for the Western District of Washington; Bruce Harrell, Mayor of Seattle; The Seattle Community Police Commission; the Seattle Office of Inspector General; the Seattle Office of Police Accountability; the Seattle Police Department

FR: Dr. Antonio Oftelie, Seattle Police Monitor

DT: May 25, 2023

RE: Response to submission of analysis on Seattle Officer Involved Shootings

The Seattle Police Monitor appreciates the public analyzing the Seattle Police Department's data sets to identify trends and potential opportunities for improvement. Community engagement is critical to the future of policing services in Seattle, and the ability for community-driven innovation through data and analytics is a positive indicator on the success of the Consent Decree.

As Seattle moves forward on leveraging data and analytics for continuous improvement, attention should also be paid on reviewing and validating data-driven conclusions. Recently, a letter from a community member was submitted to the United States District Court for the Western District of Washington asserting that fatal police killings in Seattle have, compared to before the Consent Decree, increased in the period since the Decree; that the number of fatal and non-fatal police shootings combined are unchanged since the Decree; and that fatal police killings are significantly higher than the national average. As a result of flaws in the methodology and misleading conclusions of the analysis, as well as the action of submitting the analysis to the United States District Court and other public institutions, the Seattle Police Monitor finds it necessary to address the claims in the letter and provide perspective on how use of force is measured and evaluated under the Federal Consent Decree.

The submission from the community member compares officer shootings to homicides, implying that the homicide rate in Seattle should closely impact the number of Officer Involved Shootings (OIS). While the metric is simple in its approach, it is not traditionally used in rigorous analysis of officer involved shootings. There are three critical points the United States District Court and community should understand:

- **First, an aggregate data analysis cannot provide details as to whether the OIS was or was not justified because the subject posed an imminent threat of harm to others or officers.** The Monitoring Team's qualitative analyses of OIS over the course of the decree have not found systemic issues in this area. Indeed, to the contrary, the Monitoring Team found that across a vast majority of force, including officer-involved shootings, officer performance complied with the

Consent Decree and the Decree-required use of force policies. Similarly, the policies, practices, and performance across time of SPD's internal Force Investigation Team ("FIT") and the Force Review Board ("FRB") – which investigate and review force – have been certified by the previous and current Monitors as sound and in compliance.

- **Second, homicides do not and cannot approximate the number of situations in which an officer involved shooting might occur.** Indeed, most homicides occur with no officer in sight. An OIS can result from a variety of situations, including other violent crimes where an officer intervenes (armed robbery, domestic violence, for examples) or behavioral crises where the subject is armed and posing a serious threat. Homicides have not been shown to be an effective proxy for potential OIS situations nor to compare OIS trends across jurisdictions. Further, given the number of OIS being numerically small and Seattle's relatively low homicide rate, the OIS/homicide rate is conditioned for high variance.
- **Third, the analysis in the letter contains a false equivalency. The risk factors contributing to homicide are not the same as those predisposing one to a fatal interaction with the police.** In policing, the appropriate *risk population* is elusive and cannot be simply overlaid with rates of homicide but must be inferred from observations of the incidents and data. Compounding the veracity of the false equivalency is the use of "statistical lensing" in which small movements in the numerator over a small denominator (all homicides in a city with a relatively low homicide rate) are susceptible to drawing incomplete conclusions. This is commonly observed in percent change calculations.

It should be noted that while the Use of Force paragraphs of the Consent Decree will be closed upon order of the Court, the Monitoring Team will be working with the Office of Inspector General (OIG) to support their close analysis of OIS, FIT investigations of OIS, and FRB discussions of OIS in the sustainment period. This OIG review will be another level of review on top of SPD's investigation, FRB policy evaluation, and OPA's ability to investigate potential excessive force. While SPD and the City accountability partners need to continue monitoring quantitative trends regarding UOF and OIS, reviewing the appropriateness of the force in multi-layered qualitative reviews is essential to answering whether SPD is shooting inappropriately overall or if there's bias towards certain demographic groups. That has not been found by either monitoring team, and the metric provided by the community member cannot attempt to answer this question given its quantitative nature which does not factor in the circumstances of the OIS and whether the OIS was appropriate.

In addition to the methodological problems with the community member's analysis, there are misleading and minimizing conclusions in the analysis including:

- **The aggregation of shootings into 7-year spans is misleading.** The "after Consent Decree" period used in the letter of 2013–2019 includes multiple years (2013, 2014, and, to some extent, 2015) where Consent Decree new policies and training on force were not yet implemented or were just being implemented. It is useful to remember that officers received interim force training under the Decree as of April 2014 and received a host of Decree-required force training (on topics including tactical de-escalation, firearms skills, defensive tactics, team tactics, and use of the Taser) in 2015 and 2016.

To explain further, the 7-year period reflects at least 2 years that should be considered as *pre*-Consent Decree implementation, not *post*-. This is in part why the prior Monitor’s Ninth Systemic Assessment on force from April 2017 compared trends from July 2014 to August 2015 with the period from September 2015 to October 2016 – finding an overall drop in all force, and in Type III force, between the two periods.

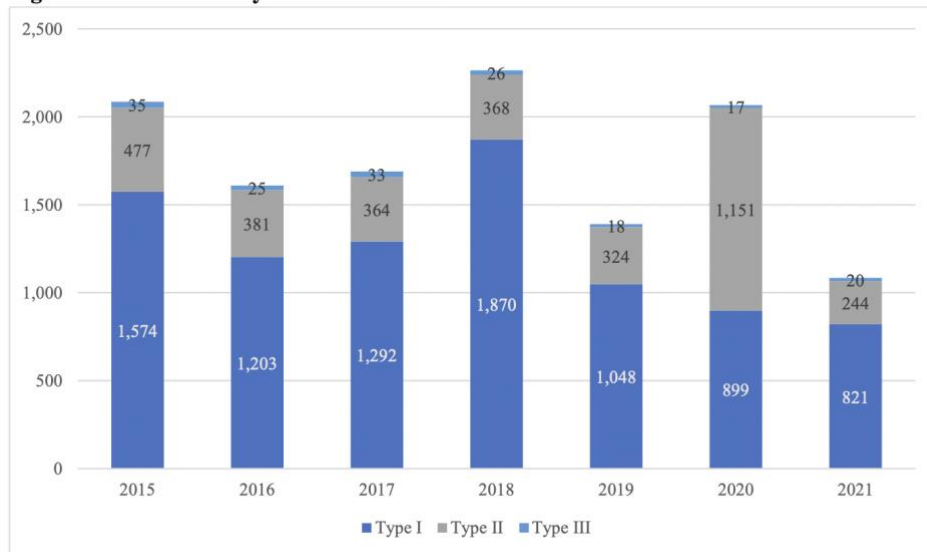
- **The community member’s focus on officer-involved shootings minimizes the importance of other lethal and potentially lethal force not involving firearms.** Level III force is defined per SPD policy as “[f]orce that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death.” Officer-involved shootings are critically important, but ignoring other significant and potentially lethal force that are not shootings misses a number of other critical encounters. (As noted below in Figure 2, Type III force incidents (shootings plus others) have trended down 61% from 2014 to 2019–2021.)
- **The community member unfairly minimizes the importance of a reduction in Type I force.** The letter tries to minimize overall reductions in force by saying that they stem from reductions in Type I force rather than more-serious, Type II and III force. However, Type I force is in no way trivial. It includes things like pointing a firearm at a subject, deploying a blast ball, or striking a subject “with sufficient force to cause pain.” The fact that SPD officers used Type I force 48% less often in 2021 compared to 2015 – 821 times in 2021 compared to 1,574 times in 2015 – is significant and shows the effectiveness of the consent decree.

The Monitoring Team’s independent analysis of SPD’s aggregate information shows that **both serious force and force overall are down, significantly:**

- Over the Consent Decree, SPD’s overall use of force declined 33% from 2015 to 2019 and 48% from 2015 to 2021. 2019 and 2021 also represent record lows for SPD use of force when compared against officer dispatch metrics which attempt to account for decreased officer activity resulting from Covid-19 and other potential factors.
- Serious use of force – Type III, which includes officer-involved shootings – also decreased by 61% from 2014 compared to the 2019 to 2021. Across 2019 through 2021, SPD used serious force in 0.003% of officer dispatches – or once in every 39,807 officer dispatches.

The analysis from the community member shares an image of Seattle’s use of force dashboard but does not go into much detail regarding reductions in use of force over the course of the consent decree. The figures below provide a closer look at the data across three levels of force (I, II, III) since the beginning of the consent decree, with excerpts from the Monitoring Team’s 2022 assessment.

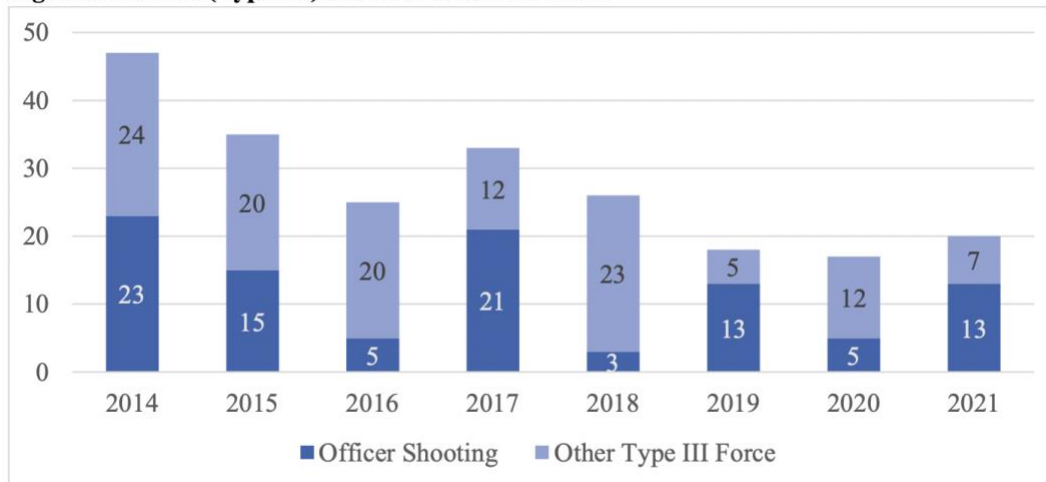
Figure 1. Use of Force by Level Over Time



Source: SPD Open Data

To summarize: SPD’s overall use of force declined 33% from 2015 to 2019 and 48% from 2015 to 2021. Later sections of the 2022 Comprehensive Assessments evaluate the impact of decreased officer activity on the decreases in force in the Covid-19 pandemic era. **2019 and 2021 not only represented record lows in use of force overall but also records lows in use of force per officer dispatch,** a metric which measures uses of force against officer activity.

Figure 2. Serious (Type III) Uses of Force Over Time



Source: SPD Open Data. SPD began using this force reporting system in 2014, so the Type III reporting for 2014 may be incomplete or otherwise present data quality issues.

To summarize: Serious force (Type III, which includes officer-involved shootings) decreased 48% from 2015 to 2019-2021. Serious force accounted for 1.4% of all uses of force between 2015-2021, and 1.2% of all uses of force for 2019-2021. This decrease in serious force has been an important outcome of this reform process, and SPD must continue to work to reduce serious force where possible, recognizing the tragic outcomes that can result for individuals and the community.

In closing, it is vitally important to the United States District Court for the Western District of Washington, to the United States Department of Justice, to the City of Seattle – *and most importantly to the community members that live in Seattle and that will lead reform in the future* – that measures of reform in policing services are accurate, rigorous, and actionable. Fully returning oversight of the police to the community is one end goal of the Consent Decree process, and community analysis of policing outcomes will be essential to continued improvement beyond the Consent Decree, and the Seattle Police Monitor encourages the Seattle Police Department to further engage with the community to maximize the transparency, functionality, accessibility, and usability of its open data and dashboards.

For comprehensive analysis on the progress of the Seattle Police Department under the Federal Consent Decree, please visit <https://seattlepolicemonitor.org/>.