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Sentinel Event Review of Police Response to 2020 Protests in Seattle

Wave 2: June 2 – 7, 2020

March 14, 2022



**Seattle Office of
Inspector General**

PO Box 94764
Seattle, WA 98124-7064
oig@seattle.gov | (206) 684-3663
www.seattle.gov/oig

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Letter from the Inspector General

The Wave 2 report continues the work of the Sentinel Event Review (SER) Panel, a group of community members and officers of the Seattle Police Department (SPD) who are conducting an in-depth analysis of the protests that occurred in Seattle in the summer of 2020 in response to the murder of George Floyd by Minneapolis police. The Office of Inspector General (OIG) brought this group together beginning in the fall of 2020 to explore the contributing factors to a series of critical moments that shaped the protests and work collaboratively to generate recommendations for systemic change.

This report builds upon the previous Wave 1 report and is intended to be considered in conjunction with upcoming OIG reports covering other Waves, as well as a separate report analyzing crowd dynamics and SPD crowd management policies in effect during the 2020 protests. I hope this body of work will provide officers and policymakers in Seattle with actionable recommendations to protect the rights and safety of the Seattle community during First Amendment protected activity and help heal the rift in public trust.

My optimism that such progress can occur has been buoyed by the SER process itself, where community members and SPD officers with widely disparate viewpoints come together in an atmosphere of mutual respect. Panelists have truly listened to one another, created space for the deep emotions these events engendered, and gained a deeper respect for each other's perspectives and the intentions behind them. Disagreements are frequent, but so is increased understanding, and every Panelist has demonstrated a desire to work together to improve SPD and the City of Seattle.

I am grateful to the Panelists who dedicate considerable time, energy, and emotional labor to this process. I am also grateful to the SER Planning Group, the OIG Data Team, and our experts and facilitators who assisted throughout this process.

In partnership,



Lisa Judge
Inspector General for Public Safety

Executive Summary

The Sentinel Event Review (SER) Process and Methodology

The murder of George Floyd had a monumental impact around the world and engaged a wide segment of the United States population in public dialogue about the role of race in every aspect of society. The implications of this event are still being felt. Like other departments in cities around the country, the Seattle Police Department (SPD) and the City of Seattle grappled with how to respond to ongoing community protests about the institution of policing in a way that would not further erode public trust, given concerns about the historical role of policing and centuries of abuse suffered by Black, Indigenous, and other People of Color.

The process of Sentinel Event Review (SER) is a collaborative effort between community members, SPD, and OIG to identify the causes and contributing factors of undesired incidents with the **goal of prevention** (see principles and goals in Table 1 below).¹ SER is used extensively in other fields, including aviation, health care and manufacturing, among others, to identify root causes of tragedies and design improvements that will prevent their recurrence. The focus of SER is on fixing the system, not on assigning individual liability. To that end, Panelists participating in this SER made no attempt to assign individual accountability for acts taken during the incidents reviewed. The SER Panel considered data collected by OIG and investigations conducted by SPD and the Office of Police Accountability (OPA) in its review of the incidents and considered OPA's assessments of misconduct or deviation from SPD policies and procedures. These discussions generated recommendations to improve SPD's response to future protests and minimize uses of force, avoid harm to community, and mitigate acts of violence or destruction.

While the purpose of this SER is to assist SPD in improving its ability to support individuals or groups in Seattle exercising their First Amendment rights safely and peacefully, a holistic understanding of these events requires acknowledgement of institutional racism in the United States and the longstanding trauma and fear that many in the Seattle community have experienced from law enforcement. The Panelists, the Planning Group and OIG have attempted to consciously engage with these realities while recognizing the limitations of the SER process, which looks at a series of specific incidents without the ability to solve institutional racism or remedy hundreds of years of racial oppression in the United States. It is the hope of the Panelists, however, that this SER serves as an example of a process that contributes to the restoration of trust between community and police, and that future expressions of First Amendment rights can be met with educated, supportive, and sensitive public safety techniques.

¹These fundamentals are a blend of "just culture" models from SER panels used in the health care and aerospace industries and the federal Bureau of Justice Assistance Sentinel Event Initiative. See <https://bia.ojp.gov/program/sentinel-events-initiative/sentinel-events>. Additional reference materials regarding SER can be found on the OIG website at www.seattle.gov/oig/sentinel-event-review.

Table 1. Goals and Principles of Sentinel Event Review.

Principles	Goals
Include SPD and community stakeholders	Focus on community perspectives and concerns; define implementable recommendations for SPD change
Do not assign individual blame	Identify root causes of negative outcomes
Learn from mistakes and best practices in other jurisdictions	Improve systems to reduce or prevent future negative outcomes or harm to the community
Support analysis with data and evidence	Increase legitimacy of government agencies and departments
Take action to correct identified issues	Facilitate community healing and mutual understanding

The SER Panel is comprised of a dedicated and diverse group of community members and SPD officers at various command levels who worked together with the support of the Inspector General, a team of OIG data analysts, and a group of experts in fields including crowd psychology, police crowd facilitation techniques, and civil rights law. The Panel is facilitated by an expert in the use of SERs in criminal justice, and by an expert in a peacemaking process that enabled candid, respectful dialogue regarding the complex topics raised by the SER.² This report represents the culmination of the Panelists' recommendations, enriched by their lived experiences and community affiliations and enhanced by the time they spent collaborating to hear, empathize, understand, and envision something better for the people of Seattle.

Due to the substantial number of protest days and uses of force, the OIG data team organized the protests into five waves of activity. This Wave 2 SER report is the second in the 2020 protest series, focusing on events that occurred between June 2 and June 7, 2020. Future reports will cover subsequent waves of significant moments from the 2020 protests.

Wave 2 Incidents Considered

The SER Panel examined five incidents selected by the SER Planning Group from the Wave 2 period:

1. The impact of the barricade erected by SPD around the SPD East Precinct building, including the effects of CS gas (i.e., “tear gas”) and other SPD responses to protest activity on the residents of the Sunset Electric building immediately adjacent to the precinct at the southeast corner of 11th Avenue and Pine Street.
2. The arrest on June 6 of a person accused of shining a laser into the eyes of SPD officers during one night of protests. The person alleged their arrest was in retaliation for filming and posting online a video of SPD officers deploying OC spray (i.e., “pepper spray”) into a crowd of

² See Appendix D for a description of the peacemaking process used for Sentinel Event Review.

protesters, injuring a child. The video was widely seen and generated substantial criticism of SPD.³

3. Two complaints filed against SPD by protesters at an SPD barricade at 13th Avenue and Pine Street on June 6, one alleging that an SPD vehicle had struck a protester while moving through the barricade and one alleging that an SPD officer pushed them to the ground to move them out of the way of the vehicle.
4. An incident on June 7 in which a person with a loaded handgun drove their car into protesters on 11th Avenue, just south of Pine Street. The driver shot a man who attempted to stop the driver from injuring protesters before the driver surrendered to SPD.
5. Two uses of blast balls by SPD officers on the night of June 7, as protesters amassed near the barricade at 11th Avenue and Pine Street. One blast ball injured a person sitting behind a dumpster; the other struck the chest of a person standing peacefully about 25 feet from the barricade.⁴

Panel Findings/Contributing Factors

All five incidents selected for review in Wave 2 occurred during protest events held at SPD barricades around the East Precinct building that signified a literal and figurative wall between the desires of community and their police department and city government. The barricades acted as flashpoints for conflict and signaled an erosion of trust and respect between SPD and the protesters. As SPD continued to prevent protesters from approaching the East Precinct, protesters questioned SPD's legitimacy in erecting the barricades and continued to pressure SPD to adopt a different approach.

The Panel identified several contributing factors that led to the incidents reviewed in this report, including:

- *The continued erosion of trust and constructive dialogue between SPD and community.* The events of Wave 1, combined with the challenges of managing a crowd when the police are the focal point of a protest, the deployments of less lethal weapons, the refusal of SPD to allow protesters to walk past the East Precinct, and the repeated attempts by protesters to dismantle the barricades contributed to a breakdown in communication between SPD officers and

³ For additional information on this incident, see the wave 1 report "Sentinel Event Review of Police Response to 2020 Protests in Seattle," published by OIG and available at

<https://www.seattle.gov/Documents/Departments/OIG/Policy/OIGSERWave1Report072221.pdf>

⁴ Blast balls are explosive devices that are intended to startle and scare people in a crowd, causing them to break ranks and disperse without injury. Still, they are explosive devices capable of causing harm. OIG published a [report](#) on less lethal weapon usage by SPD in June 2020. Notably, the SPD manual cites a "life safety emergency" as criteria for the use of less lethal weapons in crowd management situations. This is based on the information known to, and interpreted by, officers on the scene. Police officers analyze potential threats to safety based on their training and experience, which is different from that of an average person. For this reason, force decisions made by police officers may not align with community interpretation of the same event, and thus the actions taken by the police may not align with community expectations.

protesters and limited SPD's ability to facilitate protest activities. Without working with protesters to understand their goals and work toward a mutually agreed upon solution, the department continued to make tactical decisions that did not de-escalate the situation.

- *A lack of awareness, responsiveness and communication from SPD and the City of Seattle.* Community members living and working near the East Precinct experienced significant hardship and disruption. They did not have a consistent or effective way to express frustration to, seek assistance from, or otherwise communicate with SPD or City government.
- *The stationary barricades erected by SPD and the City of Seattle during this period.* The barricades created "hot spots" for conflict that escalated tension with protesters and limited SPD's ability to effectively shield protesters from road traffic.
 - SPD had a limited ability to provide safety services at or near the protests (e.g., assisting with blocking vehicular traffic near the protests, or ensuring the rapid provision of medical assistance to people during the protests) without generating new points of conflict. Protesters organized volunteer medic stations, but the coordination of these medic stations with emergency medical providers and hospitals proved to be difficult within the protest zone.
- *SPD's use of less lethal weapons.* These weapons were sometimes used within established policies and other times used in ways that deviated from policy.⁵ However, using these tools creates a risk of potentially dangerous and unintended consequences to bystanders, especially when used in crowds and residential areas. In addition to physical harm, the deployments of blast balls, CS gas and OC spray were seen by many onlookers as illegitimate uses of power, even if deployed within policy. This perception was strengthened by the fact that CS gas affected many protesters not engaging in dangerous or criminal activity.
- *Officer exhaustion.* SPD officer wellness likely contributed to some of the incidents. By the time Wave 2 ended, SPD officers had been working extended shifts without time off for 11 consecutive days under considerable duress.⁶ Officers experienced many negative interactions with protesters each day and many sustained physical injuries. Working under such conditions took a toll on officers. While this does not excuse behavior that is out of compliance with SPD policy, it is nonetheless inevitable that worn-down and defensive human beings will react to stressful situations and perceptions of danger differently than well-rested ones.

Summary of Recommendations

Overall, the contributing factors identified by the SER Panel in Wave 2 led the Panel to make 26 recommendations to SPD and the City of Seattle that, if implemented, may prevent similar incidents

⁵ For more information on specific complaints of misconduct, please see OPA's Demonstration Complaint Dashboard (<https://www.seattle.gov/opa/case-data/demonstration-complaint-dashboard>).

⁶ During this period, most shifts were 10 to 12 hours long. The size of the protests and the decreasing numbers of officers contributed to the longer shifts and inability to give officers time off.

from occurring in the future. Like Wave 1, recommendations for Wave 2 fall into the following categories:

- **Community Legitimacy** – Addressing the gap between what SPD may be permitted to do by law or policy (“structural legitimacy”), and what its officers need to do to meet the standards of justice expected by community (“perceived legitimacy”);
- **Situational Awareness** - Acknowledging the need for SPD to change its mindset when responding to protests where the police themselves are the focus of the protests, moving from a mindset of crowd management and control to one of crowd facilitation and crowd safety;
- **Communication & Community Engagement** – Improving the ability of SPD to communicate with communities and with protesters – not just during, but before and after protests; and
- **Tactics & Equipment** – Improving tactics during crowd events, and understanding how arrests or uses of force on individuals committing low level offenses can result in the escalation of tensions rather than calming a crowd.

The Wave 2 recommendations are set forth in greater detail in Section 3 but are broadly summarized here:

- **Community Legitimacy** - Perhaps the most important recommendation for SPD and the City of Seattle is to recognize that extensive and improved efforts are necessary to restore and rebuild trust between SPD and the communities it serves. Trust between SPD and the protesters will have to be rebuilt slowly and painstakingly, with the knowledge that trust gained can be destroyed in an instant. SPD must understand the effect that its past actions have had on the community, particularly on disproportionately impacted members of the community. To that end, SPD should engage with community members to better understand the gap between what SPD believes are procedurally legitimate actions (e.g. reliance on rules and policy) and what the community perceives as the legitimate use of their authority.
- **Situational awareness** - SPD should coordinate with the City to ensure that specific staff members are designated to interact with community members and businesses that are negatively impacted by protest activity and other emergencies, and by SPD activity in response. These community members should engage in scenario planning (e.g., contingency plans) to help minimize the negative impact of emergencies or civic disruptions on uninvolved community members.
- **Communication and community engagement** - SPD should enhance its capacity to communicate with protesters about providing security services, intra-crowd violence prevention, and emergency medical assistance for those who experience a medical crisis during protests. As described above, trust in SPD must be restored through communication and engagement with community.
- **Tactics and equipment** - SPD should modify its use of less-lethal munitions and chemical munitions during crowd events, especially in residential areas. Some SPD panelists argued that having the option to use such munitions as, for example, CS gas and blast balls reduces the need to use more aggressive tools (e.g., batons) to disperse a crowd. However, many Panelists

disagreed, and the Panel was unable to reach a consensus on the appropriate force options that should be available to SPD for crowd facilitation. Certainly, the Panel does not wish to see an escalation of violence. At the same time, Panelists are aware that other discussions on these topics are occurring among City, State, and Federal governments. Many Panelists are optimistic that the options are broader than those that it was able to consider, and they encourage SPD and legislators to engage in creative and practical approaches, including pilot testing of other approaches where possible.

I. Introduction

This report is the second in the 2020 SER protest series, focusing on Wave 2 of the protests, which includes events between June 2 and June 7, 2020. This report presents an overview of the period, followed by targeted analysis of five key incidents and recommendations for change. For more information on Wave 1, please see OIG's [Sentinel Event Review Wave 1 Report](#).

This Report uses an analytical process previously created by OIG and community members using the principals of Sentinel Event Review (SER). The SER brought law enforcement and a diverse group of community members together to evaluate these incidents as system failures in the hope of finding a better path forward. SER is used extensively in other fields, including aviation, healthcare, and manufacturing, among others, to identify root causes of tragedies such as plane crashes or accidental medical deaths and to design improvements that will prevent such tragedies from recurring. The focus of SER is on fixing the system, not on assigning individual liability.

While the report captures the Panel's analysis and recommendations, it should not be interpreted as the official position of their organizations or communities. The Panel recognizes that their views are based on an assessment of moments in time that cannot fully capture the range and breadth of experiences and incidents from 2020. However, the Panel has collectively devoted hundreds of hours to identifying systemic themes and concrete, actionable steps to address many of the most critical contributing factors. Furthermore, many Panelists felt strongly that it was not possible to conduct a SER of the protests in 2020, or to understand the root-causes of these protests, without acknowledging and grappling with the long and deeply ingrained history of racism in Seattle, and in the United States. It was important to the Panelists, the Planning Group, and OIG that the SER consciously engage with the context of institutional racism and the longstanding trauma and fear that many in the community have of police. At the same time, these groups recognized the limitations of a process that looks at a series of specific incidents and the resulting inability to solve institutional racism or remedy hundreds of years of racial oppression solely through this process.⁷

The Panelists intend that (1) the recommendations generated by the SER panel will help to restore and sustain such dialogue in the future, and create an environment in which all members of our community can contribute their full voices to community issues with emotional and physical safety; and (2) the lessons learned in this process, both about improvements in protest response and about community-government partnerships for problem-solving, will translate to other government review processes that would greatly benefit from community involvement.

Wave 2 Overview

June 2, 2020, was the fifth consecutive day of protests in Seattle. As discussed in OIG's previous [Wave 1 report](#), the early days of the protests were fueled not just by widespread outrage at the acts of the Minneapolis Police Department, but by longstanding institutional and systemic racism experienced by communities across the country, including in Seattle. Because these protesters were gathering to

⁷ See Appendix D for more information about the SER process and addressing institutional and systemic bias.

protest illegitimate police activity, crowd management tactics that SPD had used in the past were ineffective, and in some cases escalated tensions in the crowd. As tensions mounted, SPD transitioned from crowd management to crowd control tactics, including widespread use of OC spray (i.e., “pepper spray”), CS gas (i.e., “tear gas”) and other less-lethal munitions (i.e., blast balls, flash bangs, etc.).

By the start of Wave 2, what had begun as a broad social movement against systemic racism and police brutality had evolved into a more focused statement from many in the community against SPD’s legitimacy and its ability to control crowd movements. Prior to June 2, protests focused on the Westlake Park area downtown and on marches to and from other locations in the city. After the “Pink Umbrella”⁸ incident, the barricades around the East Precinct became the focal point for protest activity. Over the course of a week, SPD erected an increasingly sturdy and permanent barricade, one block around the East Precinct building in every direction. Each day, an increasingly exhausted group of police officers reported to work behind the barricade, and each day an increasingly exhausted, yet resolute group of protesters returned to the surrounding streets to insist that the barricades come down and that SPD address the concerns of the protesters.

The incidents analyzed in this report reflect the breakdown of trust and communication between SPD and the community, and SPD’s continued use of reactive (rather than proactive) tactics. In the days after the “Pink Umbrella” incident, SPD changed tactical approaches that had contributed to undesired uses of force, deployments of chemical munitions and destruction of property throughout the Downtown and Capitol Hill neighborhoods, among others. These different tactics included trying to create distance between officers and protesters, waiting to make an arrest until the specific individual left the crowd, and setting up a speaker system to broadcast messages to better communicate to the crowd. But SPD’s modified tactics were not enough to restore its legitimacy in the eyes of the protesters or to effectively de-escalate tension at the barricade.

Instead, the Wave 2 protests escalated in their final days and culminated in the establishment of a police-free zone called the Capitol Hill Occupied Protest (CHOP) or the Capitol Hill Autonomous Zone (CHAZ), a signal that some in the community had lost all trust in the credibility and legitimacy of SPD. Based on the racially charged history of policing in Seattle and augmented by the tactics used by SPD throughout Wave 1, many protesters distrusted SPD’s motivations and rationales for conducting arrests, questioned SPD’s tactics, and doubted the good faith of SPD officers.

SPD’s response was to make incremental adjustments to prevent the protesters from approaching the precinct, but protesters continued to find ways to cross or move the barricade. June 7 saw an escalation of violence at the barricade. First, a man with a handgun purposely drove his car into the crowd of protesters, shooting and injuring one man who tried to stop him. Later that evening, SPD officers issued a dispersal order and used CS gas and blast balls against the crowd, in one instance injuring a peaceful protester with a blast ball thrown at their chest and in another injuring a man sitting behind a makeshift barricade. These events increased pressure on SPD and City officials to end the standoff and contributed to SPD’s decision to leave the East Precinct on June 8. SPD and City efforts to maintain the East Precinct

⁸ The “Pink Umbrella” incident, reviewed in the Wave 1 Report, was a confrontation between SPD and community protesters that resulted in widespread deployment of CS gas (i.e., “tear gas”) and other less-lethal munitions in the neighborhood surrounding the SPD East Precinct Building on the night of June. The incident gained national attention after being covered by the [New York Times in 2020](#).

barricade, in defiance of community wishes in the days prior to these events, further accelerated an erosion of community trust in SPD motives, methods, and explanations that contributed to many of the incidents reviewed in this report. As a result, SPD was unable to provide necessary support for legitimate and peaceful expressions of free speech. This erosion of community trust in SPD must be reversed through comprehensive efforts to enhance community policing, transparency into investigations of SPD behaviors, and appropriate accountability for officers, so that the recommendations set forth in this report can be implemented effectively.

II. Methodology

The core work of the SER is conducted by the SER Panel. The SER Panel comprises a dedicated and diverse group of community members and representatives across the ranks of SPD. This diversity of opinion on such difficult topics presented obvious challenges to the creation of a supportive environment that enabled the sincere, honest, and respectful exchange of views, but was essential to the generation of practical, implementable recommendations for change that have the potential to heal and improve relations between SPD and the community it serves. The Panel used a peacemaking circle methodology to facilitate constructive conversation and allow the group to remain connected during these difficult conversations.

OIG and community partners designed Wave 2 of SER to follow the same structure as Wave 1, and as such the methodology is nearly identical. The following section contains methodology notes unique to Wave 2. For more information on the development of SER, the structure of the Panel and Planning Group, and other process information, please refer to Appendix D. SER participants, Panel membership, and Peacemaking Process group norms are listed in Appendices A, B, and C.

In line with the incident selection process established in Wave 1, the Planning Group, a body of community members, police officers, and police accountability stakeholders that convenes regularly to guide the SER process, used data provided by OIG to identify specific incidents for the SER Panel to review. The Planning Group chose to focus on two dates within Wave 2, June 6 and June 7, due to the significance of the protests on these days and the relevance of the incidents that occurred. June 6 and 7 accounted for:

- 72 percent of all protest-related uses of force by SPD during Wave 2;⁹
- At least seven officer injuries (out of 14 reported injuries in Wave 2), with one officer requiring hospitalization;¹⁰
- 71 percent of Wave 2 arrests (15 of 21 arrests);¹¹
- At least 366 civilian complaints filed with OPA (out of the 16,662 reports filed during Wave 2);¹² and
- 67 percent of the Wave 2 protest-related OPA cases (15 out of 23 cases).¹³

With the exception of Incident 1 (see below), the Planning Group selected the following incidents to be reviewed by the SER Panel (in chronological order):

1. The impact of the protest and the police response, including the effects of CS gas, on the residents of the Capitol Hill neighborhood, and particularly the residents of the Sunset Electric building at the corner of 11th Avenue and Pine Street.

⁹ Source: SPD Force Review Unit. These numbers were inferred from reports of use of force. This dataset likely undercounted total uses of force. Most use of force reports from May 29 to June 15, 2020 were filed days and even weeks after the fact and tended to include multiple instances of use of force.

¹⁰ Injuries suffered by community members were not available due to HEPA regulations that protect medical records.

¹¹ Source: SPD Force Review Unit.

¹² Source: Office of Police Accountability. Annual Report 2020.

¹³ Source: Office of Police Accountability. Protest Case Dashboard.

2. The arrest of a person accused of flashing lasers into the eyes of SPD officers at the barricade; the person had previously filmed an incident on May 30 in which an SPD officer deployed OC spray that affected a child in the crowd and alleged that his arrest was retaliation for that event.
3. Two complaints filed against SPD by protesters at an SPD barricade at 13th Avenue and Pine Street on June 6, one alleging that an SPD vehicle had struck a protester while moving through the barricade and one alleging that an SPD officer pushed them to the ground to move them out of the way of the vehicle.
4. An incident on June 7 in which a person with a loaded handgun drove their car into protesters on 11th Avenue, just south of Pine Street. The driver shot a man who attempted to stop the driver from injuring protesters before the driver surrendered to SPD.
5. Two uses of blast balls by SPD officers on the night of June 7, as protesters amassed near the barricade at 11th Avenue and Pine Street. One blast ball injured a person sitting behind a dumpster; the other struck the chest of a person standing peacefully about 25 feet from the barricade.

Selection of the Sunset Electric Incident

The Panel decided (and the Planning Group agreed) to consider the experiences of residents of Sunset Electric as a critical incident. While not part of the Planning Group's original selection, OIG and the Panel examined the impacts of the protests on the residents of the Sunset Electric Apartments building (Sunset Electric). The decision to use Sunset Electric as a case study resulted from OIG community engagement efforts to understand the effect of police response on affected communities. SPD's deployment of CS gas on the night of June 1 had a significant negative impact on residents in the Capitol Hill neighborhood, and OIG and Panelists wanted to better understand that impact to provide additional context and recommendations to SPD.

Sunset Electric, located at 1111 E. Pine Street, is a residential building immediately to the west of the SPD East Precinct building at the corner of 11th Avenue and Pine Street. During this period, the entrance to the Sunset Electric building was behind SPD barricades, and residents of the building experienced substantial hardship, including but not limited to exposure to CS gas and other less-lethal munitions, complications with access to or egress from their residences, unwelcome SPD presence in and around their building, and various other consequences of what one resident described as "living in a war zone."

The experiences of the residents of Sunset Electric may not be generalizable as the shared experience of all the residents and businessowners in the area near Cal Anderson Park. Nonetheless, OIG and the Panel, including SPD officers, considered them useful as a first step to understanding the larger set of experiences of residents throughout the area.

III. Panel Analysis and Recommendations

For each incident identified by the Planning Group, this report provides the following:

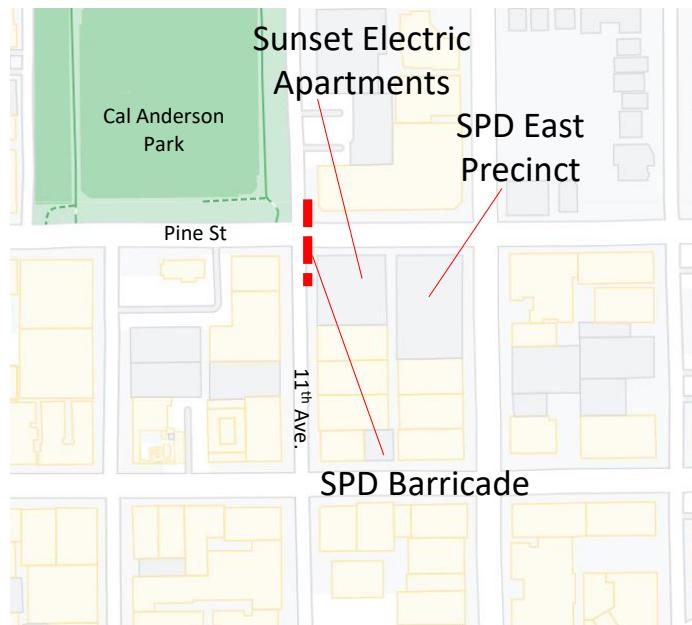
- A description of the incident;
- A summary of the Panel's analysis;
- An overview of the contributing factors identified by the Panel; and
- A list of mutually agreed upon recommendations.

Some of the Panel's recommendations may have financial costs that, due to time and resource constraints, the Panel has not attempted to calculate. The Panel recognizes that there is an ongoing local and national debate over the appropriate level of funding for police departments. The Panel's recommendations are intended to prevent the recurrence of negative outcomes seen during the 2020 protests and the Panel does not take a position on the allocation of City budget dollars to SPD or other important social services.

Incident #1: The Impact of the Stand-off at the East Precinct on the Residents of Sunset Electric

The first incident reviewed by the Panel was not a single incident, but rather a collection of experiences described by two representatives (a resident and a staff member) from the Sunset Electric Apartments building at 1111 E. Pine Street (“Sunset Electric”) of the effect of the protests and the police response on their building and its residents. At the time of the protests, Sunset Electric housed roughly 85 residents, one of whom used a wheelchair. Because of its location next door to the East Precinct, residents of Sunset Electric had a unique perspective on the protests. North-facing apartments and the roof of Sunset Electric provided an aerial view of the barricade and the protesters. Sunset Electric was significantly affected each time SPD used CS gas to disperse the crowd, as the gas dispersed quickly throughout the building. In the following days, SPD increasingly reinforced the barricade on the corner of 11th Avenue and Pine Street (see Figure 1 below), making it increasingly difficult for residents to enter and exit their building. Vehicle access was restricted, and residents had to cross the police line and the protest crowd to leave the building. SPD officers were posted on Pine Street, in the alleyway between the two buildings, and in the entryway to the Sunset Electric building.

Figure 1. Map of Sunset Electric Apartments and SPD East Precinct Building.

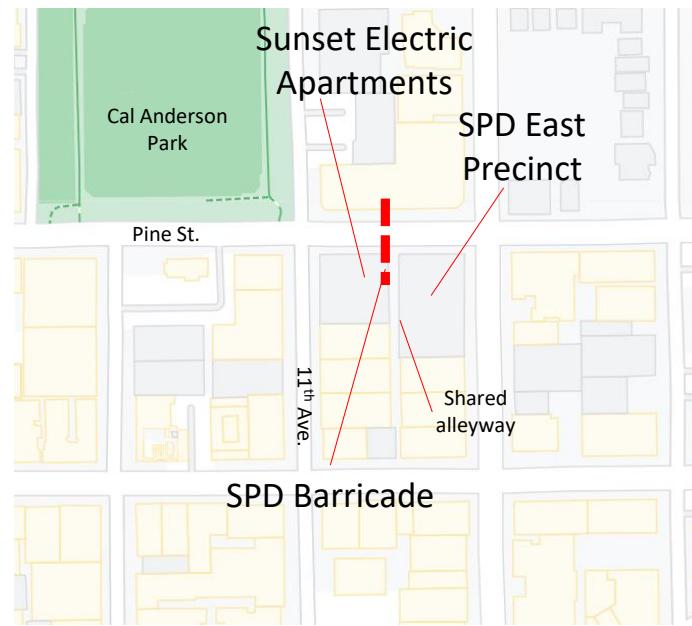


Description of Incident

May 29. SPD erected the barricades made from bicycle racks outside of the East Precinct across Pine Street on the evening of May 29 (See

Figure 2 below). Sunset Electric shares an alley with the East Precinct. The alley is the entrance to the building's residential parking lot and provides waste management access to the building. In addition, two apartments open out into the alley. The entrance to the alley was behind the barricades, effectively preventing residents from entering or exiting the building in a vehicle.

Figure 2. Location of Barricade Outside East Precinct, May 29, 2021.



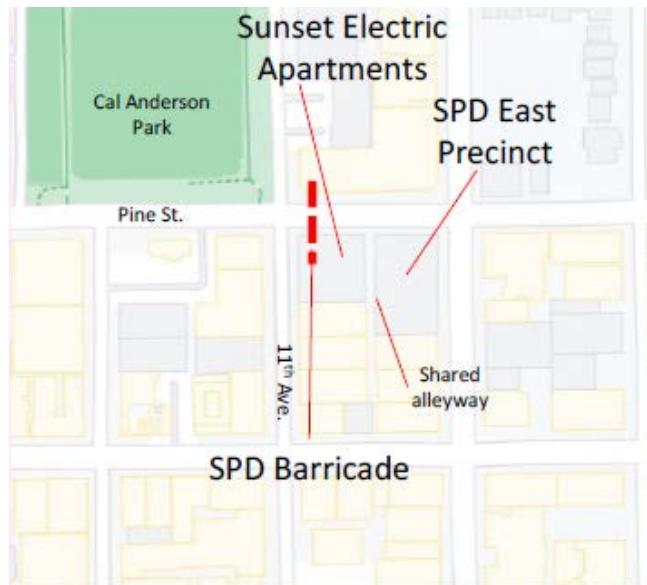
May 31. The first large protest occurred outside the East Precinct. Barricades were set up as they were on May 29. A crowd of roughly 700 protesters¹⁴ approached the barricades from 11th Avenue while several dozen officers stood behind it. This was the first of what became nightly standoffs that continued until June 8, when SPD left the East Precinct and protesters established the Capitol Hill Autonomous Zone (CHAZ).

June 1. SPD moved the main barricade further west on Pine Street closer to the intersection with 11th Avenue (see

¹⁴ SPD Blotter, May 31, 2020.

Figure 3 below) and set up a ring of barricades behind the East Precinct to the North, East, and South. The main entrance to Sunset Electric, located on Pine Street, was now behind the police barricade line, forcing residents to cross the barricades to enter or exit the building. According to residents, access to the building during this time was inconsistent. Some residents reported that they were asked by SPD officers to show identification to cross the police line, while others were waved through. Some reported that officers insisted on escorting residents to the building, while others did not.

Figure 3. Location of SPD Barricade, June 1, 2020.



Just after 7:00 p.m., roughly 7,000 protesters¹⁵ arrived at the barricade, seeking to protest in front of the East Precinct Building. Just after 9:00 p.m., the “Pink Umbrella” incident occurred, where an altercation between an officer and a protester with an umbrella triggered significant uses of force between SPD and the crowd, including multiple deployments by SPD of less lethal weapons, including CS gas (e.g., “tear gas”).¹⁶

Residents of Sunset Electric reported significant negative effects from SPD’s deployment of CS gas. At the time of deployment, the wind was blowing East, causing the gas deployed into the intersection of 11th Avenue and Pine Street to blow back at the line of officers and toward Sunset Electric, rather than toward protesters. Sunset Electric has an open-air ground floor entrance into an open central courtyard, which allowed CS gas to travel into and disperse throughout the building. Residents watching the protests from the roof of the building describe hurrying to their apartments as a wall of gas approached. They also report being unable to keep the gas out of their units, causing eye irritation and respiratory distress. Some residents called 911 to receive medical attention and were told nothing could be done.

June 2. Crowds again gathered in front of the SPD barricades on 11th Avenue beginning in the afternoon. SPD officers took up positions on the rooftop patio of Sunset Electric, although the building manager had not given SPD permission to enter the building and several residents objected to their presence. Shortly after 11:30 p.m., SPD again deployed CS gas, and again the gas filled the intersection and seeped into Sunset Electric and other nearby buildings. One resident described the scene as a “war zone.”

¹⁵ SPD Blotter, June 1, 2020.

¹⁶ For more information about the “Pink Umbrella” incident and other incidents from Wave 1, please see the first report: *Sentinel Event Review of Police Response to 2020 Protests in Seattle Wave 1: Downtown Protests May 29 – June 1*. The report can be accessed here:

<https://www.seattle.gov/Documents/Departments/OIG/Policy/OIGSERWave1Report072221.pdf>

June 3. According to Sunset Electric residents and staff, on the night of June 3 (through the morning of June 4), SPD officers continued to observe protesters from the roof of Sunset Electric without obtaining permission from the building manager. Officers coordinated to let each other in and out of the building, bypassing building security measures.

June 4. In an effort to communicate more effectively with the protesters, SPD erected a large loudspeaker system (see Figure 5 below). The speakers were placed at the entrance to the alley between the East Precinct and Sunset Electric. They were just a few feet from apartments in the northeast corner of the building and were described as very loud and disruptive to residents throughout the building.

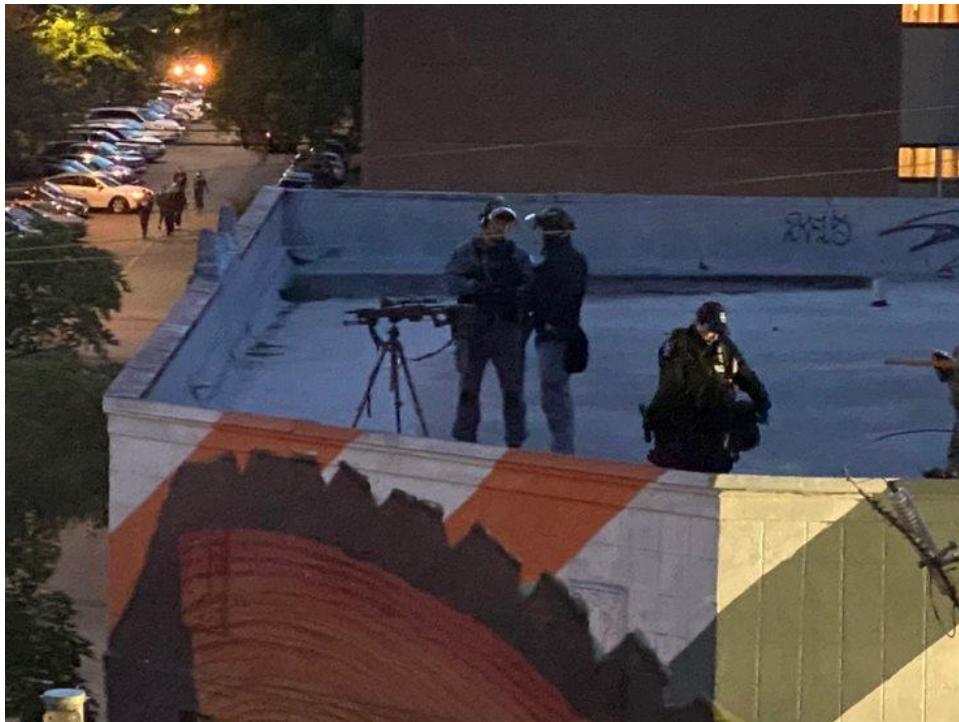
Figure 5. Image of the loudspeaker system erected by SPD outside the Sunset Electric Apartments.



June 6. Thousands of protesters arrived at the barricade just before noon for demonstrations that continued well past midnight. Unlike previous days where officers stood at the barricade, SPD officers positioned themselves away from the barricade, standing roughly 30 feet back and using the speaker system to communicate with protesters. SPD continued to monitor the crowd from rooftops. Residents witnessed what they believed to be a mounted weapon set up by SPD on the roof of a nearby building (see Figure 6 below), which generated fear and anxiety among the residents.¹⁷

¹⁷ Further inquiry by OIG established that the device was a firearm, but that SPD had disabled its firing capability.

Figure 6. Image of the mounted weapon on a nearby rooftop.



June 7. SPD erected a more permanent barricade across Pine Street at 11th Avenue, making it more difficult for residents to enter the Sunset Electric building. Shortly after midnight, SPD issued a dispersal order before using CS gas in the intersection. As with previous deployments, the CS gas seeped into the apartments of Sunset Electric residents.¹⁸

The events of the first week in June had a significant negative impact on all residents of Sunset Electric. Residents described:

- Experiencing physical and psychological harm as a result of exposure to tear gas in their homes;
- Being traumatized, including trauma to family members and pets;
- Having no place to go to escape the toxic environment, including having difficulty obtaining alternate lodging, in part due to concerns around COVID-19. This contrasts with the likely experience of law enforcement officers and many of the protesters, who were able to go elsewhere for respite;
- Having difficulty communicating with or getting assistance from SPD and city agencies regarding:
 - How to protect themselves from CS gas and the sound system installed outside their building;
 - The chemical composition of the gas and its possible health impacts;
 - What protocols were in place to provide access and services;

¹⁸ On August 14 2020, OIG released [Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons](#), which identified issues and provided some guidance on the use of CS gas in protest settings.

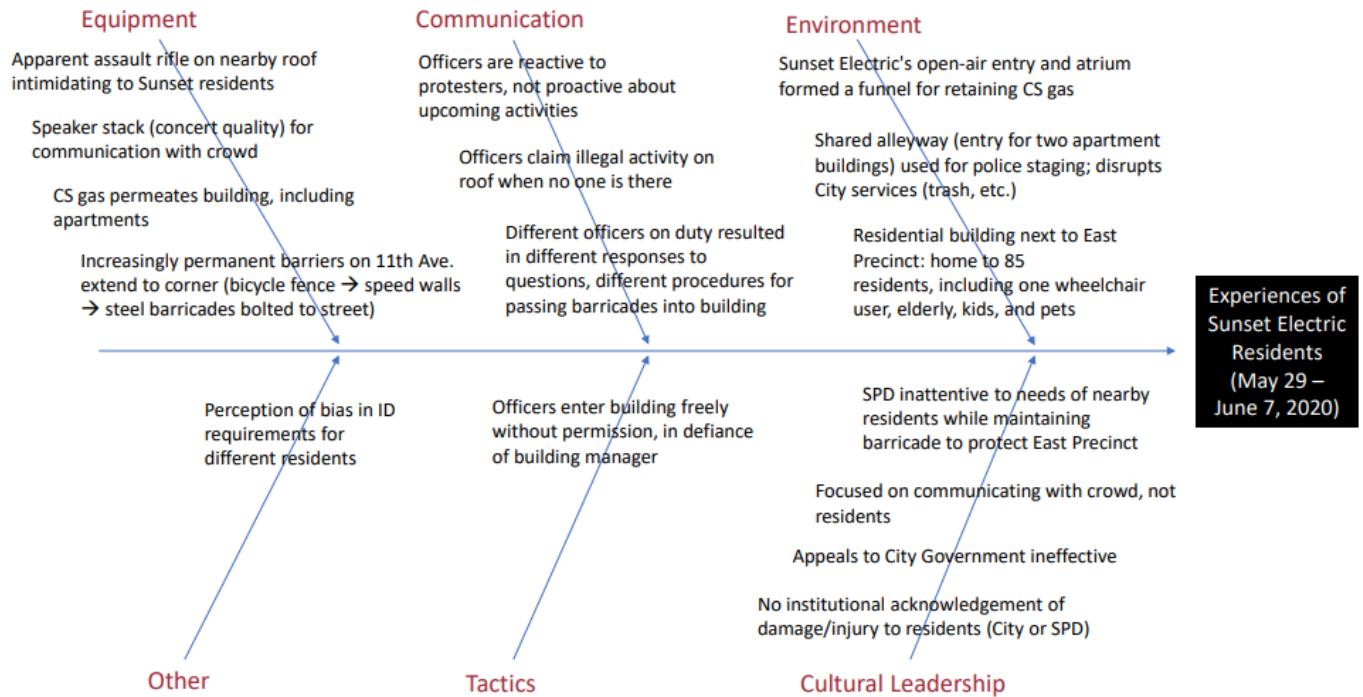
- What resources were available to residents who suffered ill effects; and
- Having difficulty sleeping, living, and working.

Panel Analysis

While the Panel understood that residents near the East Precinct had suffered physically and emotionally as a result of the events that occurred during Waves 1 and 2, it was quite powerful to hear human stories of the direct impact of these events on the residents of Sunset Electric. SPD and the City of Seattle seemed focused on protesters at the barricade and largely unaware of their impact on the residents of Sunset Electric. On multiple occasions officers expressed surprise that the building was occupied when residents and staff reached out for assistance. The needs and concerns of Sunset Electric residents were not fully considered or addressed as the barricade boundary expanded and became more permanent. Various SPD officers were assigned to facilitate building entry for residents and used different methods to allow or refuse entry. Residents described being treated differently each time they had to leave or return home, depending on the officer. Some officers asked for identification to verify residency, while others would insist on escorting residents to and from the building, and still others simply waved residents through. As news spread among the residents of different experiences entering the building, women and residents of color perceived bias in the selective requests of SPD officers for identification and who officers would escort between the barricade and the door. Information provided to residents about SPD operations was inadequate, and often confusing or conflicting. Residents with disabilities had inadequate access to services. SPD officers entered the building repeatedly without permission and in ways that upset building residents and led to concern that SPD was not acting in good faith in its use of the building.

The Panel was aware of the many challenges occupying the attention of the City and SPD – but in situations where residents are cut off from necessary city services, the City and SPD should prioritize providing services related to safety and health, and adequately communicate with residents, respond to their concerns, and facilitate their needs. In a situation like this, where the actions of the City were major factors in disruption of services and the ability to peacefully exist, the Panel felt the City should have better prioritized both service provision and communication with residents. In summary, the challenges faced by the residents of Sunset Electric and other residents near the East Precinct barricades were not of their making, and the existing system of support and communication across SPD and the City of Seattle was inadequate to address their needs. This must be remedied in the future – not just for protests, but for any emergency that might cause significant disruption to daily life.

Contributing Factors



Recommendations

Recommendation 1. SPD and the City of Seattle should coordinate and jointly create designated officers/staff in both SPD and the City who are responsible for engaging with residents and businesses affected by civil unrest or large-scale incidents causing similar disruption. For the purposes of this report, these positions will be referred to as *Emergency Community Communications Officers (ECCOs)*, though this title is suggested here only as a placeholder. These persons would report to managers within SPD and City government, respectively, and would coordinate with each other and work proactively during periods of unrest to address specific community concerns, ensure continued access to minimize negative impacts of SPD activity, and coordinate safety initiatives (e.g., SPD access to buildings where useful to ensure public safety). ECCOs would provide additional communications channels between community and SPD and the City during times of unrest, particularly coordinating communications with businesses, residences, and others impacted by such incidents.

Recommended functions of ECCOs include, but need not be limited to, the following. Should SPD choose not to create ECCOs, each bullet should serve as a standalone recommendation for SPD:

- **Recommendation 1(a). ECCOs should provide proactive and timely communication to the community regarding anticipated SPD or City responses to emergencies, explaining the public safety rationale behind any and all SPD/City actions and addressing issues raised by residents or business owners affected by the responses during periods of emergency.**

- **Recommendation 1(b).** *ECCOs should work with SPD and City leadership to ensure that physical barriers that limit access to areas (e.g., barricades, access lines) during periods of civil unrest should account for residents in the area with ADA or other accessibility needs.*
- **Recommendation 1(c).** *ECCOs should communicate with building managers to coordinate SPD or other City access to buildings where there is a public safety rationale in a manner that safeguards the rights of community members and private ownership.*
- **Recommendation 1(d).** *Should city services be interrupted, ECCOs should communicate proactively and regularly with community members about needs and restoration of services as well as about available alternatives.*
- **Recommendation 1(e).** *ECCOs should include in their body of work activities that encourage a diverse group of community members to actively participate in how they want their police service to handle protests and demonstrations.¹⁹ This should include:*
 - *Prioritizing case studies, community experiences, storytelling and narrative engagement to improve SPD understanding of the impact of previous emergency actions and to design procedures responsive to community needs;*
 - *Hearing and understanding trauma suffered by and stories from people that experienced the events set forth in this report;*
 - *Creating an institutional learning process to reflect, learn, and respond to the concerns from the public; and*
 - *Including both SPD leadership and staff (i.e., authorizers and implementers of policies) in these processes at all times.*
- **Recommendation 1(f).** *SPD and the City should collaborate with community leaders to create a checklist for ECCOs to use in discussion with managers of buildings (including single-family homes and businesses) affected by civil unrest to ensure residents have continued access to necessary services while minimizing inconvenience to residents and business owners. The checklist will include items to discuss in emergencies that require restriction of access (pets, elderly, ADA, security, ID checking, city services, etc.). The checklist should include establishing any necessary multilingual communication capabilities (including ASL) and SPD and the City should consider providing alternate placement for those traumatized by the presence of SPD in their residences or buildings, or impacted by SPD actions that pose a health and safety risk to occupants.*

Additional considerations for ECCOS:

- *SPD and the City of Seattle should consider whether ECCOs representing SPD should be a combination of district or “beat” officers, to improve community connections and familiarity with specific SPD officers and ensure a foundation of trust exists prior to an emergency scenario.*
- *SPD and the City should pre-designate ECCOs in areas where protest activity or other civil unrest has historically occurred; these ECCOs should establish community representatives for all buildings within their designated areas and work with community members proactively to*

¹⁹ OPA made a similar recommendation in its December, 2015 [Management Action Recommendation](#) after May Day 2015 protests in Seattle.

prepare Neighborhood Emergency Plans for civil unrest or other emergencies, including management of anticipated issues of access and public safety.

- *SPD and the City should consider integrating ECCOs with the Emergency Operations Center (EOC) and with community representatives so issues impacting the community during emergencies are communicated to affected community members and to SPD and City leadership in a timely and efficient fashion.*

Recommendation 2. When an emergency creates a public safety need that limits access to buildings, SPD should create a standard, unbiased procedure for ensuring maximum access for building residents and guests. The procedure should be public, consistently applied, and readily available to residents online and offline. The procedure should consider challenges residents may have in proving occupancy during periods of emergencies (e.g., inability to produce identification or other documentation) and other social justice/government access to services issues.

Recommendation 3. SPD should coordinate more effectively with the City of Seattle and relevant agencies to ensure the continued provision of city services (e.g., power, water, waste management, etc.) throughout periods of emergency, including civil unrest.

Recommendation 4. Given the highly indiscriminate nature of CS gas, SPD and City Council should restrict use of this weapon to full-scale riot situations involving violence. SPD should also consider prohibiting the use of weapons such as CS solely in defense of property. A similar recommendation was made in the OIG Sentinel Event Review Wave 1 Report (Recommendation 54). It has been included in this report to emphasize its continued relevance in Wave 2.

Recommendation 5. As set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD and the City should “[p]rovide public education concerning crowd dispersal policies, procedures and overall SPD crowd management tactics.” These materials should be easily accessible and provide information that can assist residents and bystanders who may be affected by nearby deployments of crowd dispersal devices (e.g., CS gas, OC spray, or “blast balls”).

Recommendation 6. In keeping with SPD's commissioned report after May Day 2015, SPD leadership, including the Chief, should be fluent in all SPD rules of engagement and understand specific “if/then” scenarios contained in the rules. SPD leadership should review such scenarios applicable to the experiences of and lessons learned from residents of Sunset Electric during the protests in early June 2020.

Recommendation 7. Acoustic and light devices used during extended SPD operations should be placed in ways that minimize their impact on neighborhood residents. A review of SPD policy and operations manual should be conducted to identify sources of inconsistencies and causes for ill placed acoustic and light devices. SPD policy and operations manual should be updated to prevent such occurrences in the future.

Recommendation 8. Firearms with telescoping capabilities should not be used for surveillance when lethal force is not authorized, even if the firearm is disabled.

Incident #2: Potentially Retaliatory Arrest of a Person with a Laser Pointer

Description of Incident

On the evening of June 6, hundreds of protesters gathered at the SPD barricade at 11th Avenue and Pine Street. SPD officers were maintaining the barricade across 11th Avenue, while other officers were observing the group of protesters from nearby rooftops, including the rooftop of the building on the Northeast corner of 11th Avenue and Pine Street, across Pine Street from the Sunset Electric Apartments. At approximately 9:43 p.m., SPD officer BWV captured a green laser that was being directed at the face of an SPD officer observing the crowd from the roof of a building on the northeast corner of the intersection. Certain lasers can cause serious eye damage, and in Washington it is illegal to shine a laser at a law enforcement officer. Adults who do so “knowingly and maliciously” can be convicted of a class C felony (punishable by up to five years in jail and/or a fine of up to \$10,000).²⁰

The SPD officer on the roof communicated to fellow officers about the laser via radio and an announcement was made over the PA system to the crowd soon after. As captured on BWV, the SPD announcement said: “This is the Seattle Police Department. Do not point lasers at officers. Members of the crowd are pointing lasers at officers; that is an officer safety risk. If you are committed to peaceful protests, do not allow people inside the crowd to point lasers at officers.”

Despite this announcement, the shining of lasers from the crowd continued. Three officers on the roof began identifying the person(s) responsible for shining the laser pointer. Working with a fourth officer on the ground, they identified two protesters, one with a green laser pointer and one with a red laser pointer. The officers decided to arrest the person using the green laser pointer, in part because of the frequency with which it was being pointed and what appeared to be deliberate targeting of a particular SPD officer.²¹ To ensure they were arresting the right person, the rooftop officers provided a detailed physical description of the individual with the green laser pointer and other officers tracked that person as they moved through the crowd. Officers on the roof used their own green laser to maintain identification and noted that the person appeared to deposit something in a nearby dumpster.

While this was going on, an arrest team approached the person in question. The team waited until the person had moved away from the main group of protesters in order to avoid escalating tensions with the larger crowd. As they approached, one of the arresting officers took a cell phone picture of the person and sent it to the officer on the roof. That officer confirmed the identification, and the arrest team, consisting of roughly ten officers and seven police vehicles, approached the person and placed them under arrest. The person denied shining a laser at officers. He was not in possession of a laser at the time of his arrest, and officers did not search the dumpster where the officers on the roof indicated that the person had stopped and thrown something.

As a small crowd gathered around the scene and shouted at the police, the person stated that he had filmed a controversial incident (reviewed by the Panel in Wave 1) where a child was hurt by pepper

²⁰ See RCW 9A.49.020.

²¹ Body Worn Video from Sgt.1: AXON Body Video 2020-06-06; Off.1: AXON Body 2 Video 2020-06-0; and Off.2: AXON Body 2 Video 2020-06-06

spray. He suggested SPD was acting in retaliation for the publication of that video. The officers arrested the man and removed him from the scene.²²

Panel Analysis

In this incident, SPD officers identified and arrested a man who was allegedly creating a danger to officers by shining a laser in their eyes. While this was a relatively simple fact pattern, the Panel's discussion revealed the significant gap that persists between SPD tactics and community perceptions of appropriate police action.

Panelists observed that in this incident, SPD used several tactics that were responsive to concerns voiced by community members during Wave 1 and that were designed to reduce the risk that the protests would escalate into violence. SPD officers:

- Were positioned farther back from the barricade than they had been during Wave 1 protests, creating distance between SPD and the crowd that was designed to reduce tensions.
- Did not proceed beyond the barricade or deploy crowd control or chemical munitions into the crowd.
- Used a new sound system that was more audible throughout the crowd, and used regular (i.e., non-legalistic) language allowing their announcements to be more easily understood by people in the crowd.
- When deciding that there was someone in the crowd creating a danger to others, identified the person but did not charge into the crowd to avoid escalating the situation and putting others in greater danger.
- Waited for the person to come to the edges of the protest before attempting an arrest.

Nevertheless, some community members on the Panel reacted with cynicism, disbelief, and dissatisfaction with the SPD response. Several Panelists felt that SPD's announcement of "do not allow people inside the crowd to point lasers at officers" over the PA system inappropriately placed obligations on protesters to police themselves by enforcing police directives.

Without conclusive evidence to suggest there was retaliation or that the person possessed a laser pointer, the Panel considered the credibility of SPD's actions and the evidence presented in the OPA case.

- Panelists noted that while SPD did wait to arrest the person until he was outside the protest area and therefore could be arrested without police entering the protests, he was not in possession of a laser when he was arrested, and the officers did not search the dumpster where he had been observed throwing something. This increased suspicion from observers and Panelists in two ways:
 - The arrest was decoupled from a demonstrable criminal act, causing bystanders at the scene to perceive SPD's actions as illegitimate; and

²² This incident was investigated by OPA as part of case 2020OPA-0353. OPA did not sustain any allegations of wrongdoing in this case. A link to the OPA case summary is located here:

<https://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0383ccs08-21-20.pdf>.

- By failing to conduct the basic investigatory step of searching the dumpster, officers lent credibility to the narrative of retaliation that was started when the person stated that he had been the creator and poster of the video of the child being pepper sprayed, a viral video which led to 13,000+ complaints against SPD.
- SPD's deployment of roughly ten officers and seven vehicles to arrest one civilian who was not resisting was perceived by some as authoritarian, overly aggressive, and evidence of a power dynamic that was out of balance.
- Due to the increased mistrust of police action during the protests, the perception of the Panelists (and likely the reaction of many in the crowd that night) was that SPD was using lasers as a pretext to interfere with protester activities, despite a prohibition against pointing lasers at officers because of the potential for ocular injury.

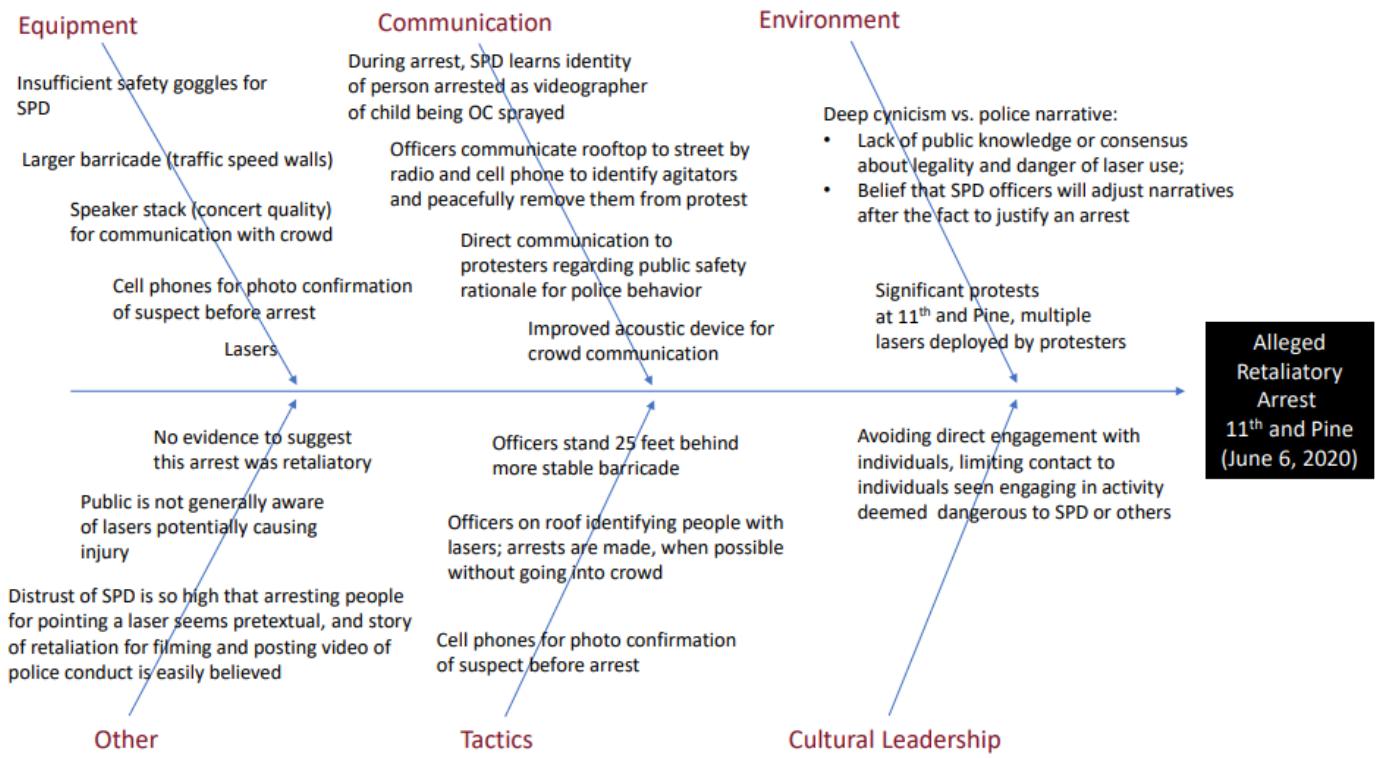
The Panel's discussion highlighted the considerable divide that exists between SPD and members of the community, and the deep-seated cynicism with which SPD actions and motives are perceived by many in the community, as represented by community panelists' skepticism. Even though SPD modified its tactics and had rational motives for the actions taken, the arrest led to several news stories reporting claims of SPD retaliation.²³ Some community panelists attributed their skepticism of SPD's story to a belief that law enforcement agencies sometimes justify illegitimate actions after-the-fact and have not been historically forthcoming about misconduct and malfeasance.

This discussion highlighted the loss of trust in SPD by a wide cross-section of the Seattle community. Improvements in tactics and communications are only part of the necessary solution. SPD will also need to find effective approaches to fostering transparency, education, outreach, and accountability when officers violate the rules, to rebuild community trust.

²³ For example, this article from KUOW: <https://www.kuow.org/stories/he-captured-footage-of-child-pepper-sprayed-during-seattle-protest-then-was-arrested>.



Contributing Factors



Recommendations

Recommendation 9. SPD should conduct a public education campaign alerting the public to the specific harm that lasers can cause when shined into the eyes of others, and to the state laws surrounding their usage.

Recommendation 10. SPD should develop a public education program regarding tactics when arresting someone. The program should include education about the number of officers used to conduct the arrest, the rationale for arrest procedures and an openness to discussion with community about ways to improve these tactics.

Recommendation 11. SPD should research and enhance policy requirements for increased communication with crowds, especially during large or stationary protests, to manage expectations and provide greater credibility for police action. This may include community dialogue officers or other methods and should include enhancing communications about the facts and rationale that led SPD to make an arrest.²⁴

²⁴ This recommendation was also set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020. A similar recommendation was made in the OIG Sentinel Event Review Wave 1 Report (Recommendation 12). It has been included in this report to emphasize its continued relevance in Wave 2.

- ▶ Incident #2: Potentially Retaliatory Arrest of a Person with a Laser Pointer

Recommendation 12. SPD should provide safety eyewear and noise protection equipment to protect officers from lasers and sound devices that may be deployed in a protest/demonstration setting.

Recommendation 13. SPD should embrace and maintain principles of procedural justice in all of its communications and tactics relative to the facilitation of crowd events.

Incident #3: Allegation of Inappropriate SPD Use of Force at a Barricade

Description of Incident

Throughout Wave 2, SPD erected multiple barricades in a perimeter around the East Precinct Building. On the afternoon of June 6, while most protesters gathered at the 11th Avenue barricade, some protesters gathered at the other barricades, including one at 13th Avenue and Pine Street.

This barricade was the designated entry and exit point for resupplying the East Precinct during the protests. As a result, SPD vehicles and other emergency service vehicles would periodically cross the barricade. This required some cooperation between protesters and police officers. As vehicles approached, the officers would ask the protesters to move aside. The officers would open the barricade for the vehicles, allow the vehicles to pass, and then close the barricade behind them.

Body worn video (BWV) and footage posted to social media of the barricades often showed a tense atmosphere, with protesters expressing frustration and anger towards SPD and officers. These comments were often met with silence, but on more than one occasion, BWV showed officers responding with sarcasm or derision.

At about 7:25 p.m. on June 6, a demonstrator wearing a hat and a yellow backpack – referred to here as Protester #1 (P#1) – was standing in front of the barricade at 13th Avenue and Pine Street. Another demonstrator – referred to here as Protester #2 (P#2) – was kneeling in front of the barricade. Both protesters were in the middle of the street on the same side of the barricade as an approaching police vehicle. As the vehicle approached, the protesters refused to move and allow the vehicle to pass through. Two police officers quickly walked over to the protesters from the barricade, while another officer got out of the patrol vehicle and approached the protesters. Officers then opened the gate and motioned to P#1 and P#2 to move out of the way.

The In-Car Video (ICV) from the approaching patrol vehicle showed an SPD police officer – referred to here as Officer 1 (O#1) – approaching P#1 from behind. O#1 pulled P#1's right arm and backpack, trying to move P#1 to the side of the street and away from the path of the (now stopped) police vehicle. While P#1 was turning around, this movement forced P#1 to take a step backwards. A careful review of the video suggests that P#1 tripped over the foot of P#2, who was sitting on the ground as other officers attempted to move them. P#1 lost their balance and fell backwards onto the ground.

At the same time, two other police officers – referred to here as Officer 2 (O#2) and Officer 3 (O#3) – approached P#2 and pulled P#2's arms to move them out of the way. O#1 then took hold of P#2's right leg. P#2 did not appear to struggle or resist this; instead, P#2 appeared to go limp. The three officers carried P#2, removing them from the barricade. The patrol vehicle drove through the barricade after the street was cleared, and police officers closed the fence behind it.

P#1 and P#2 filed complaints that said that P#1 had been struck by the car and that officers had pushed them down.²⁵

Panel Analysis

Neither OPA nor the Panel's review of the incident supported the allegations included in the complaints filed by P#1 and P#2. Both protesters were clearly in the path of an SPD vehicle on official business, preventing it from accessing the East Precinct. The protesters were passively resisting, refusing to follow SPD requests that they move out of the way. The SPD officers, including one who came from the car and others that had been posted at the barricade appeared to calmly lift the protesters out of the way in a manner that appeared to the Panel to be appropriate and proportional, and that did not subject the protesters to additional violence.

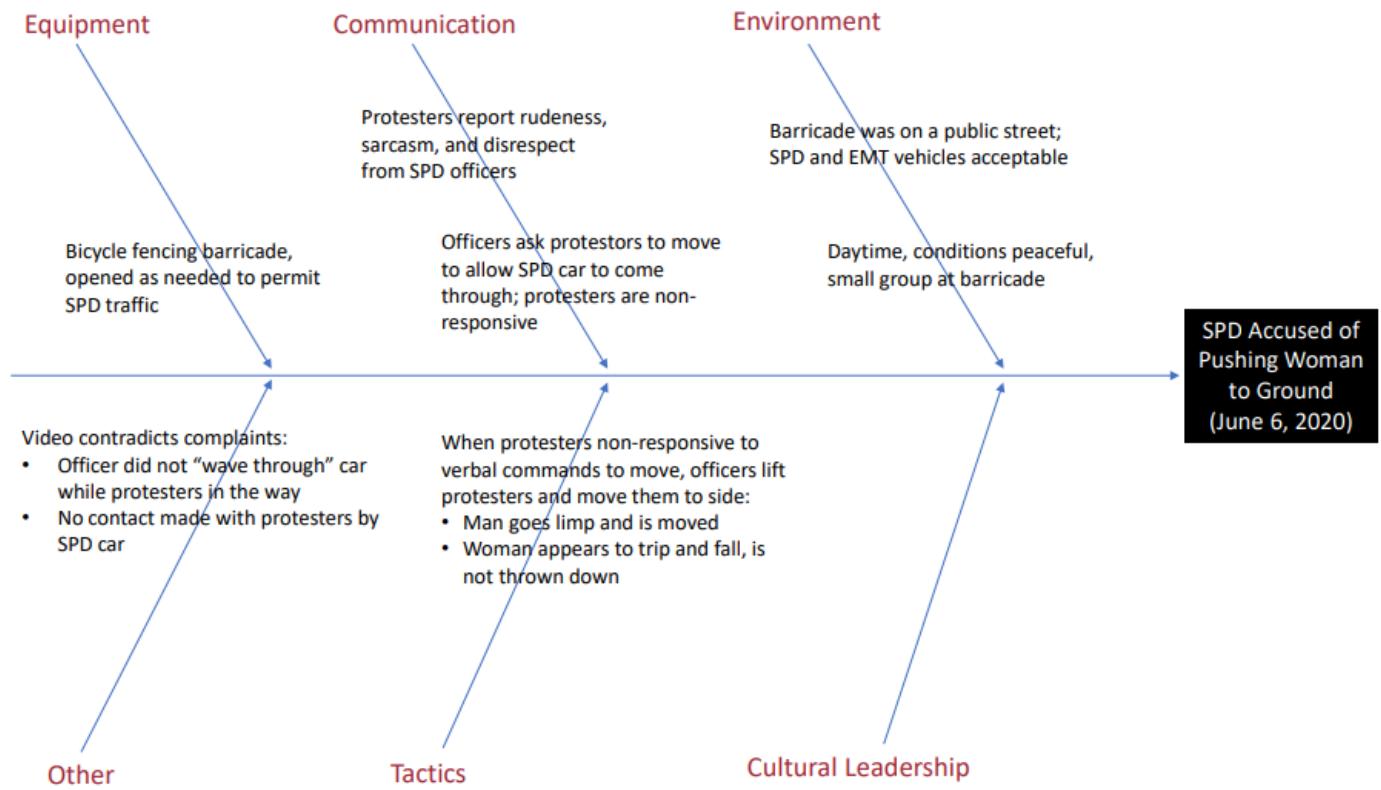
OPA's conclusion, with which the Panel agreed, was that P#1 appeared to trip backwards over P#2's leg as P#2 remained on the ground. The Panel viewed it as unfortunate that P#1 fell, but the fall did not seem to be the consequence of an aggressive or intentional push by the officer, who seemed unaware P#1 fell as she turned her attention to P#2.

Given this finding from the Panel, its conclusion was that this interaction was undesired to the extent that the person fell, but that SPD had acted in ways that were both within policy and within community expectations. As a result, the Panel decided not to fully analyze the incident as a sentinel event. However, the Panel did discuss the need for SPD officers not to be sarcastic or dismissive of civilian comments at any time. SPD officers serve the people of Seattle, and displays of antagonism or disrespect from SPD to community members are always inappropriate.

²⁵ These complaints were investigated by OPA as part of case 2020OPA-0383. OPA did not sustain allegations against officers in this case. The case summary for OPA's investigation is located here: <https://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0383ccs08-21-20.pdf>.



Contributing Factors



Recommendations

Recommendation 14. SPD officers should eliminate their use of sarcasm or confrontational dialogue with protesters in accordance with 5.001 - Standards and Duties Sec. 10. While the SPD section in question states that "employees will strive to be professional," (emphasis added), SPD should strike "strive to" from the policy and require professionalism.

Employees Will Strive to be Professional:

Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.

Employees will avoid unnecessary escalation of events even if those events do not end in reportable uses of force.

Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.

Recommendation 15. Wherever practicable, officers should inform non-compliant persons of their intention to physically touch/move them when necessary to achieve a public safety goal prior to initiating the physical contact.

Recommendation 16. SPD should pursue opportunities for officers to express their tensions and frustrations in an appropriate setting and provide guidance on productive ways to channel those emotions to help avoid scenarios in which officers use sarcasm, obscenities, or other displays of disrespect to community members.

- ▶ Incident #4: Man Drives Car into Crowd of Protesters, Wounding One with a Handgun

Incident #4: Man Drives Car into Crowd of Protesters, Wounding One with a Handgun

Description of Incident

On the afternoon of June 7, there were significant protests in two different locations in Seattle. The first was in South Seattle, where an estimated 9,400 people marched along Rainier Ave in the late afternoon.²⁶ The other was a gathering of approximately 500 people in the Capitol Hill neighborhood.²⁷ That same afternoon, Seattle Department of Transportation (SDOT) crews installed plywood boards over the windows of SPD's East Precinct building.

That evening, the protesters assembled outside the East Precinct barricade at 11th Avenue and Pine Street. The barricades had been made more permanent by SPD, and officers had taken up positions in a fixed line formation approximately 25 feet behind the barricade to increase the physical distance between SPD officers and protesters. The number of protesters was sufficiently large that protesters filled Pine Street, from the buildings on the south side to the fence at the edge of Cal Anderson Park on the north side of the street, and extending west along Pine Street beyond 10th Avenue. Additional protesters were walking around on 10th Avenue north and south of Pine Street; these protesters were out of sight from the SPD officers at the barricade more than a block away.

At 8:20 p.m., cell phone videos taken by bystanders in buildings along the west side of 10th Avenue between Pike Street and Pine Street show a white man driving a vehicle westbound on Pike Street. The vehicle abruptly turned right onto 11th Avenue, proceeding deliberately toward the crowd around two garbage bins placed on the sidewalk by protesters and nearly hitting a pedestrian crossing the intersection. The car proceeded toward the crowd gathered at Pine Street. As it neared the crowd of protesters, several people on Pine Street approached the vehicle.

As one protester tried to move a barrier in front of the approaching car just before the intersection of 11th Avenue and Pine Street, another protester, a Black man, ran alongside the vehicle and reached in through the open drivers' side window, trying to grab the steering wheel to force the car to slow down and stop. The vehicle came to a halt just before the 11th Avenue and Pine Street intersection. As protesters surrounded the stopped vehicle, a gunshot was heard and the man who had reached in the drivers' side window recoiled from the car. There was considerable agitation within the crowd, as people began to move away from the vehicle in response to the gunshot. Three people in the crowd approached the injured person and began to administer medical aid.

Fourteen seconds after the shooting, the shooter got out of the vehicle, gun in hand, and walked toward the protesters. As he entered the crowd, he placed the gun in the pocket of his hooded sweatshirt and walked directly to the East Precinct barricade. While some protesters pursued the shooter, many people in the crowd closer to the barricade did not seem to know what the man pushing past them had just done. The protesters pursuing him were unable to reach him before he crossed the police barricade.

²⁶ <https://twitter.com/GoldsteinStreet/status/1269772754699472896>

²⁷ SPD Blotter, June 7, 2020.

- ▶ Incident #4: Man Drives Car into Crowd of Protesters, Wounding One with a Handgun

SPD officers at the barricade observed the shooter as he approached and told him to stop moving forward. When he was roughly 30 feet from the barricade, one of the SPD officers closest to the subject yelled “hands up, now!” The shooter complied, saying “I had to shoot somebody, they were trying to jack my car,” and stated that he was the brother of an SPD officer. At this point, the shooter’s firearm was concealed inside the pocket of his hoodie. The shooter was compliant with SPD commands, as officers came out into the space between the officer line and the barricade, grabbed the man, and pulled him into the alley between Sunset Electric and the East Precinct Building on the south side of Pine Street to frisk and arrest him. As he was taken into custody, the shooter announced he had a gun in his pocket, which officers confiscated.

The entire incident lasted less than one minute. SPD was unaware of the driving/shooting incident until after the shooter approached the barricade and information from a protester’s 911 call reached the Incident Commander at the barricade. SPD issued announcements into the crowd informing the crowd about the shooting, stating that they had a suspect and a gun in custody, but had no information about other possible shooters or guns that might be in the crowd. Officers were sent to nearby rooftops to scan the crowd for potential additional perpetrators.

Civilians within the crowd provided medical assistance to the shooting victim, who was struck in the shoulder. After receiving impromptu medical treatment, the shooting victim was escorted to Pike Street, where a bicycle squad of SPD officers coordinated an ambulance near the crowd to transport the victim to a nearby hospital. The person suffered a broken arm as a result of the shooting.

Panel Analysis

As one Panelist framed it, this incident highlighted “the challenge of balancing . . . a low SPD footprint and keeping the ability to respond effectively when public safety is at risk.” It has historically been the role of SPD to protect crowd events, particularly those that occur on public property and streets, from the potential danger of vehicular traffic. SPD has also remained concerned about opportunities for individuals with guns to create a mass-casualty scenario during a protest.

In Wave 1, however, SPD learned that when crowd events are focused on protesting police behavior, the physical presence of SPD officers, even on the outskirts of a protest, greatly escalated tensions with the crowd. SPD had also learned from prior nights in Wave 2 that having officers on rooftops agitated protesters; while SPD viewed officers on rooftops as useful for identifying potential public safety risks, some protesters viewed officers on rooftops as a way to surveil the crowd and countered the tactic with lasers, as the person did in incident 2. Without some means of monitoring those portions of the crowd that were out of sight from the barricade, SPD could not prevent or respond quickly to the man driving his car into the protesters.

Once SPD understood what had occurred, their actions were consistent with policy addressing a compliant armed suspect. SPD sent officers up on rooftops to evaluate whether there were more potential threats, communicated to the crowd about the shot fired, and announced that a suspect was in custody and a gun had been recovered in an effort to calm protesters. SPD also dispatched a group of bicycle officers to locate the shooting victim, who was being tended to by civilian medics. These officers coordinated with the medics to help the injured man get an ambulance and be taken to a hospital.

- ▶ Incident #4: Man Drives Car into Crowd of Protesters, Wounding One with a Handgun

The Panel was unable to know the motivation for the driver of the car. Had he decided to continue firing all his ammunition, this could have been a mass casualty incident. SPD was at such a distance that while the single gunshot could be heard on officers' BWV, the entire incident was out of sight of the officers at the barricade and SPD officers at the barricade did not know that a gun had been fired until it was reported to 911 by people in the crowd.

In keeping with the Panel's commitment to evaluate incidents for evidence of systemic and/or institutional racism, several Panelists questioned how the shooter was able to approach the police line with a gun in his pocket, without any meaningful force or resistance from SPD. These Panelists expressed the view that a Black man approaching that line would have been treated much more harshly and would not have been able to cross the barricades and approach SPD officers as this person did.

This incident was not about undesirable actions by SPD, but rather the unintended consequences of changes made by SPD to adapt to the changing nature of the protests. There is a role for SPD in assisting protesters and reducing external threats to protests. In most cases, SPD seeks to create a buffer between active vehicle traffic and demonstrations, closing streets where necessary. However, SPD's tactical positioning behind the barricade reduced its ability to block traffic, respond quickly to an emergency, and provide immediate medical assistance. This incident highlights limitations of current SPD crowd management strategy and potential violence faced by those gathering on public roadways.

To avoid a similar scenario in the future, SPD must develop an acceptable way to facilitate events when the police are the focal point of protest. This will require SPD to develop new community engagement strategies and skills to rebuild trust with community advocates so that legitimate SPD efforts to protect and serve protesters are acceptable to protest leaders and participants, and are viewed as supportive, rather than restrictive or authoritarian.

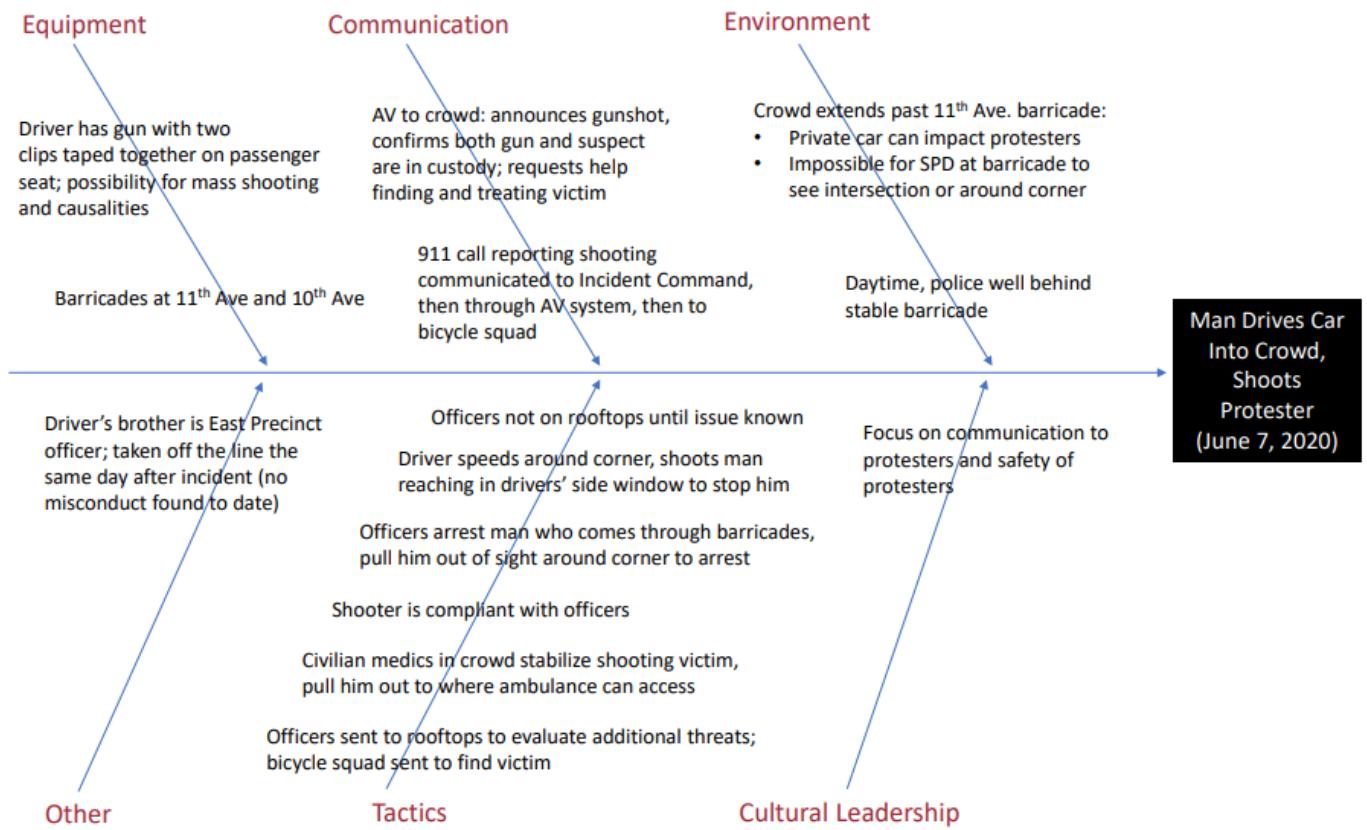
The Panel discussed potential options to allow SPD to have greater ability to observe large crowds, and potentially the ability to neutralize a mass shooter threat. Ideas that were discussed included:

- Building relationships with building owners in specific areas where protest activity may occur so that officers have access to rooftops;
- Restricting rooftop access to situations where protester lives are at risk; and
- Enlisting a designated set of observers (e.g., the Community Dialogue Officers described in Wave 1) who could communicate directly with SPD to provide additional observation capability and real-time information from protesters.



- ▶ Incident #4: Man Drives Car into Crowd of Protesters, Wounding One with a Handgun

Contributing Factors



Recommendations

Recommendation 17. During protests, SPD should ensure that protesters are protected from vehicular traffic and ensure a constant ability to visually monitor those barriers.

Recommendation 18. SPD should strive to ensure it has visibility to all parts of a crowd during a protest event or demonstration to ensure the real-time ability to prevent or minimize a mass casualty incident. This may include appropriate rooftop access (with proper consent), or other solutions developed with community input.

Recommendation 19. To reduce perceptions of racial bias in SPD actions, SPD should incorporate the scenario of a white man shooting a Black protester, then walking unchallenged through a police barricade and surrendering to SPD officers into antiracism training for reflection and discussion by SPD officers to encourage equal treatment.

Recommendation 20. Particularly when police are the subject of a protest, SPD should avoid the creation of immovable lines of officers at demonstrations and ensure that the crowd can move in directions it wants without undue danger from cars or other risks. In cases where SPD and

- ▶ Incident #4: Man Drives Car into Crowd of Protesters, Wounding One with a Handgun

demonstration goals are at odds, SPD should attempt to engage with the crowd to find a compromise. A similar recommendation was made in the OIG Sentinel Event Review Wave 1 Report (Recommendation 11). It has been included in this report to emphasize its continued relevance in Wave 2.

Incident #5: Two Protesters Injured by Blast Balls at East Precinct Barricade

Description of Incident

On the evening of June 7, after the events of the critical incident #4 (described in detail above), people continued to protest outside the East Precinct. While there were protesters at all four intersections immediately surrounding 12th Avenue and Pine Street, the majority were gathered west of the Precinct at 11th Avenue and Pine Street. As the evening progressed, protesters crossed barricades that had been established by SPD to create distance between protesters and officers. They slowly moved east on Pine Street closer to the line of officers, despite multiple warnings from SPD through its PA system to stop moving forward.

At roughly 12:05 a.m., with protesters inches away from the police line, an officer at the front deployed OC spray in response to a protester depicted on body worn video blowing smoke into the face of the officer and using a rude hand gesture. Protesters carrying umbrellas in the area immediately lowered them into a defensive position. A water bottle was thrown at officers from another part of the crowd and SPD officers deployed pepper spray in the thrower's direction, affecting many protesters in the area and prompting more projectiles from within the crowd. In less than a minute, SPD issued an unlawful assembly order and a dispersal order over the sound system. SPD officers used blast balls, CS gas, and 40 mm launchers²⁸ to clear the intersection.

Protesters retreated to the intersection of 11th Avenue and Pine Street. While the intersection was mostly clear of protesters, a handful of protesters attempted to stay in the intersection despite SPD's continued use of blast balls. These protesters did not attempt to approach the SPD line, but merely remained in the intersection some 25 or 30 feet away from the line. Some protesters used umbrellas to defend themselves, while others held both hands up in the air, palms open.

First Person Injured

At roughly 12:09 a.m., five protesters stood or knelt peacefully in the middle of the intersection in a line facing dozens of SPD officers, while additional protesters were on the north, west, and south side of the intersection. A protester to the west threw what appeared to be a plastic bottle at the police line. A few seconds later, an SPD officer threw a blast ball, striking one of the peaceful protesters standing in the intersection in the chest. The impact caused the blast ball to explode, and the person collapsed.

Protesters behind the line rushed forward, creating a protective circle around the injured person. They picked the person up and carried them to a volunteer medic station established by protesters a block away at 10th Avenue and Pine Street. Protesters called 911, but were unable to quickly secure an

²⁸ 40mm launchers fire 40mm rounds. The rounds consist of plastic with a foam nose.

ambulance, prompting community members to transport the injured person to a nearby hospital by private vehicle for treatment.²⁹

Second Person Injured

At 12:53 a.m., 100-200 people continued to protest on Pine Street between 11th Avenue and 10th Avenue. A line of SPD officers held just west of 11th Avenue with roughly 75 feet between protesters and police. The line of protesters was protected by a few large dumpsters that had been moved onto Pine Street. At this time, SPD became concerned about activity occurring behind two dumpsters that had been pushed together, and what appeared to be a man hunched down behind the dumpsters reaching into a backpack. Body worn video from this moment shows several officers discussing the activity. One officer asked, “what does he have?” Several officers pointed to the dumpsters in question, and an officer threw a blast ball toward it. The blast ball hit the ground in front of the dumpster, then bounced off to the right, rolling underneath one of the dumpsters before it exploded.

The two dumpsters were situated roughly 10 feet in front of the line of protesters. Behind the dumpsters, community video shows two people with cameras³⁰ sitting behind the dumpsters. A third person was sitting between the dumpsters, obscured from view. Roughly 20 seconds before the blast ball was deployed, a fourth person ran up to the dumpster and began rummaging through their open backpack. When the blast ball exploded, the third person can be seen falling away from the dumpsters, collapsing onto his back. The person with the backpack ran from the dumpster.

As in the prior injury incident, protesters from the line immediately rushed toward the injured person. Some protesters held up crates and umbrellas, presumably as shields for any further deployment of munitions by SPD. Medical volunteers and protesters carried the injured person away from the police line toward the medic station. After a few dozen feet, the person was placed on the ground and medics began attending to them.

Panel Analysis

These incidents illustrated the extreme tension between the protesters and the SPD officers. Isolated within the perimeter barricade and intent on preventing protesters from approaching the East Precinct, SPD officers felt their only option left when protesters pushed through the barricade was to threaten use of chemical or “less lethal” munitions, and then to use them if those warnings went unheeded. Like the “Pink Umbrella” incident from Wave 1, this demonstrates how a single use of less lethal force (OC

²⁹ This incident is documented as part of OPA investigation 2020OPA-0344. OPA sustained an allegation that the officer improperly deployed a blast ball. A case summary written by OPA is located here:

https://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0344ccs122820_pt1.pdf.

³⁰ The people gathered near the dumpster appear to be members press, but OIG was unable to confirm their press status.

spray against a protester) can escalate the situation, resulting in a full crowd dispersal with numerous people sustaining physical injuries.³¹

In this instance, the Panel reviewed the use of blast balls and their role in crowd control. Blast balls are explosive devices that are intended to startle and scare people in a crowd, causing them to break ranks and disperse without injury. Still, they are explosive devices capable of causing significant harm.³²

During the first blast ball deployment, a blast ball was thrown directly at a peaceful protester roughly twenty-five feet from the barricade, hitting them in the chest. An OPA investigation found that the blast ball deployment violated SPD policy because the officer threw the blast ball overhand (which SPD policy recommends against) and toward a peaceful protester, causing injury. In an interview with OPA, the officer said that they were not aware that their blast ball hit a protester, which OPA found concerning.

SPD policy requires that officers deploy blast balls “toward an open space near the person,” and that officers “will avoid directing blast balls towards persons who are not posing a risk to public safety or property.” Policy further requires officers deploying blast balls to document where they are aiming and what occurs upon detonation. However, when dispersing large crowds with blast balls, especially at night as was the case in this incident, it can be difficult to ensure all blast balls are deployed away from peaceful protesters. Furthermore, the ability of the thrower of a blast ball to control where it detonates is limited, as the devices have two charges. After an officer throws the device, the first (smaller) charge detonates, which can send the blast ball in another direction. A second (larger) charge then detonates.

During the second blast ball deployment, protesters were using dumpsters as shields to get closer and closer to the police line, despite SPD warnings to remain back. The officers were being pelted by projectiles of various types – an issue that was noted in the Wave 1 Report as a flaw of the “fixed line” tactic of positioning used by SPD – and the combination of protesters throwing objects at the SPD line and using the dumpsters as cover to get closer put SPD officers at increasing risk. When the person who was the target of the blast ball sat behind one of the dumpsters and began reaching into a backpack, officers used the blast ball without warning³³ to force the person to retreat from the dumpster. While this appeared to have the desired effect on that person, the ball veered under a second dumpster after its first (smaller) explosion and injured another person with the second (larger) explosion. The panel did

³¹ This dispersal likely resulted in injuries to both protesters and SPD officers. Multiple protester injuries are documented below, and OIG confirmed two protest-related injuries to SPD officers on June 7 but could not confirm that they occurred during this dispersal.

³² OIG published a [report](#) on less lethal weapon usage by SPD in June 2020. Notably, the SPD manual cites a “life safety emergency” as criteria for the use of less lethal weapons in crowd management situations. This is based on the information known to, and interpreted by, officers on the scene. Police officers analyze potential threats to safety based on their training and experience, which is different from that of an average person. For this reason, force decisions made by police officers may not align with community interpretation of the same event, and thus the actions taken by the police may not align with community expectations.

³³ While a warning is typically required before a blast ball deployment, SPD Policy 8.300-POL-9(4) states that “In the case of a dispersal order, the requirement to give a verbal warning is considered satisfied by the issuance of the dispersal order.”

not believe that this was intentional by the officer who deployed this blast ball, but it was nonetheless problematic.

The Panel also evaluated the ability of SPD or other recognized EMS personnel to provide medical assistance to people injured by the blast balls. In each instance, protesters surged forward, forming a shield of persons between the injured person and the police and carried the person back to a volunteer medical station. According to the OPA report, an ambulance was called but did not arrive, prompting the volunteer medics to take the injured person to a medical facility in a private vehicle. The City should envision strategies for safer and more expedient way to obtain immediate, critical medical attention for people injured in volatile situations that may be inaccessible to emergency vehicles.

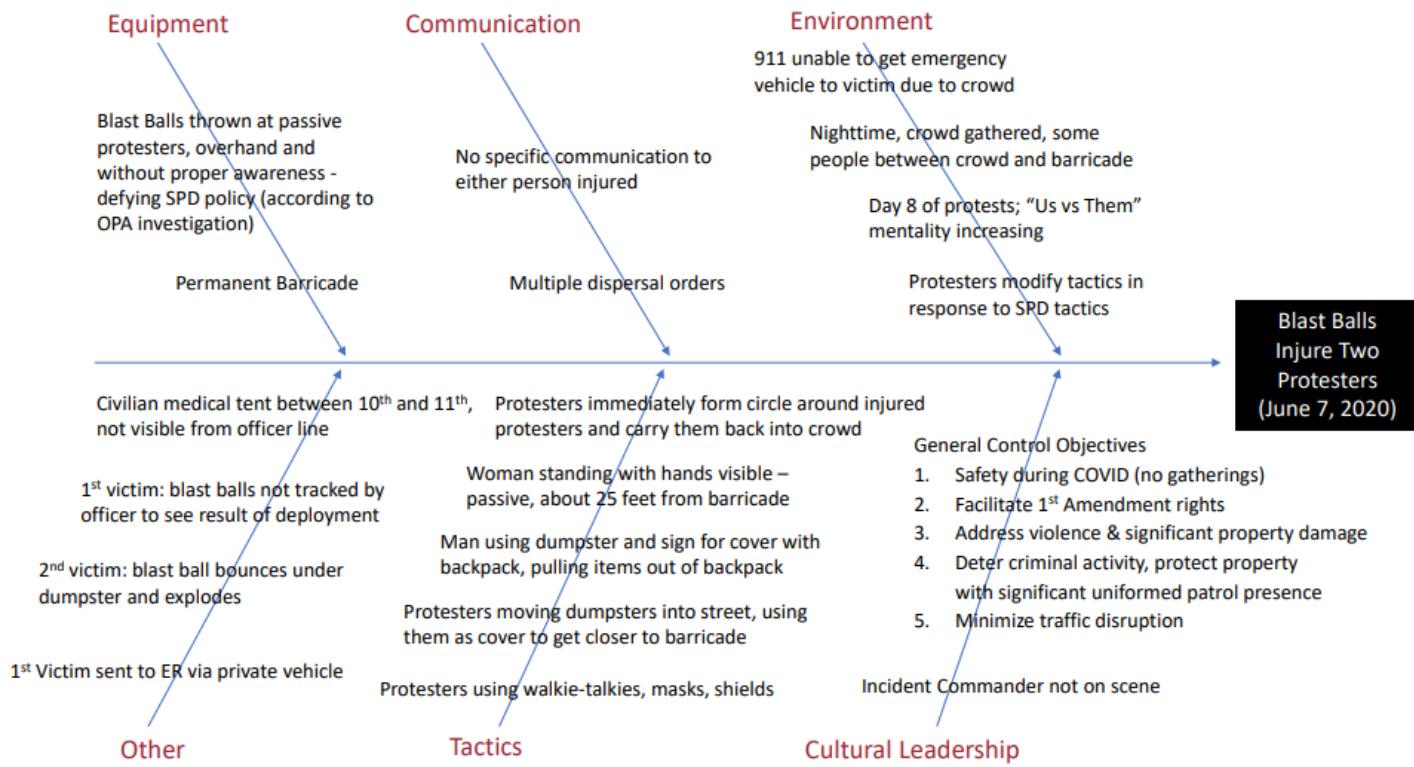
Considering the impact on trust and the potential for significant injury to community members, many Panelists questioned whether blast balls had any positive utility in crowd events. The Panel was unable to reach a consensus on whether blast balls can or should remain part of SPD's "tool kit."³⁴ No member of the Panel wants to see additional uses of force. Some Panel members expressed their hesitancy in banning blast balls, as they believed the weapons can be used safely and worried that it would increase SPD's reliance on other, potentially less effective tools. However, many Panel members felt that, even with more effective training, blast balls would still pose a safety risk to peaceful protesters and bystanders. These panelists felt that blast balls should be removed from SPD's arsenal and replaced with less harmful tools.

Contributing Factors

³⁴ In August 2021, Seattle City Council adopted Ordinance 126422 restricting the use of many less lethal weapons, including a ban on the use of blast balls. This ban occurred after the SER Panel reviewed this incident.



- ▶ Incident #5: Two Protesters Injured by Blast Balls at East Precinct Barricade



Recommendations

Recommendation 21. As set forth in OIG's *Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report* in August 2020, SPD should review and, if necessary, modify policy language for all less lethal weapons to ensure the policy has consistent warning requirements prior to the use of any less lethal weapon.

Recommendation 22. As set forth in OIG's *Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report* in August 2020, SPD should research and enhance policy requirements for increased communication with crowds, especially during large or stationary protests, to manage expectations and provide greater credibility for police action. SPD should prioritize "normative compliance," that is, crowd agreement with SPD requests due to their legitimacy, over "instrumental compliance," or the use of tools (e.g., less lethal weapons) to force compliance.

Recommendation 23. SPD should use deployments of blast balls during the 2020 protest response as case studies when training new officers on blast ball use in high pressure scenarios.³⁵

Recommendation 24. SPD and SFD should attempt to coordinate with civilian medics participating in crowd events prior to the protests and establish a plan for care of injured or incapacitated persons during the event. In situations where coordination before an event is not possible, SPD and SFD should ensure civilian medics within crowd events have an established and continuous communication

³⁵ In light of Seattle City Council Ordinance 126422, this recommendation may no longer be actionable.

- ▶ Incident #5: Two Protesters Injured by Blast Balls at East Precinct Barricade

method with SPD and SFD to coordinate the efficient and safe removal of anyone who has been injured or incapacitated during a protest or crowd event.

Recommendation 25. *SPD should review its policy and training for using less-lethal munitions in crowd management situations, including the use of less-lethal munitions by mutual aid agencies. OPA noted in 2015 its concern that projectiles may strike and injure people lawfully exercising their constitutional rights. OPA also recommended that if SPD were to use officers from other agencies they should be in roles where they would be very unlikely to use force (such as prisoner transport and processing) or have officers for mutual aid only carry force options SPD authorizes and be trained on SPD policies.*

Recommendation 26. *Prior to planned demonstrations, SPD should coordinate with the City of Seattle and residents to remove barriers to visibility that might reduce safety to protesters during protest events, including, for example dumpsters.*

Conclusion

Wave 2 of the 2020 protests provided a transition from the “Pink Umbrella” incident, which firmly established the East Precinct barricade as a focus of community protest activity, to an environment in which the relationship between community protesters and SPD had become significantly strained and SPD was unable to provide safety services for the crowd. While the Panel’s recommendations include some tactical recommendations, many of these incidents reflect the limits of how far tactical modifications can go in an atmosphere where people in the community are constructing their own safety systems due to a lack of trust in SPD providing safety services. It will be imperative for SPD to not only re-evaluate many of its tactics and assumptions around crowd management, but to be the driver of change in its engagement with the community as it rebuilds trust, credibility, and legitimacy with the diverse communities of Seattle.

Appendix A. SER Participants

Names listed by role and alphabetically.

Name	Title	Role
Argo, Mergitu	Community Service Officer, Seattle Police Department	Panel Member
Benalfew, Sophia	Executive Director, Ethiopian Community in Seattle	Panel Member
Brooks, John	Lieutenant, Seattle Police Department	Panel Member
Davis, Tyrone	Sergeant, Seattle Police Department	Panel Member
Dyment, James	Lieutenant, Seattle Police Department	Panel Member
Judge, Lisa	Inspector General, Office of Inspector General	Panel Member
Mahaffey, Thomas	Assistant Chief, Seattle Police Department	Panel Member
Martin, Karin	Assistant Professor, University of Washington	Panel Member
Moodie, Donna	Executive Director, Capitol Hill EcoDistrict	Panel Member
Roberson, Matthew	Officer, Seattle Police Department	Panel Member
Singh, Monisha	Executive Director, Chinatown-International District Business Improvement Area	Panel Member
Washington, Maurice	Community Advocate	Panel Member
Hollway, John	Associate Dean and Executive Director, Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Law School	Facilitator
Lim, Thary	Co-circle Keeper, CEO of PointOneNorth Consulting LLC.	Facilitator
Phoung, Saroeum	Circle Keeper, CEO of PointOneNorth Consulting LLC.	Facilitator
Rowe, Cassidy	J.D. Candidate, University of Pennsylvania Law School	Facilitator (staff)

Scott, Bessie	Former Community Police Commission Interim Executive Director	Project Pre-Planning
Ruiz, Isaac	Managing Attorney, Ruiz & Smart PLLC; former Community Police Commission Co-Chair	Project Pre-Planning
Stott, Clifford	Professor of Social Psychology, Dean for Research in the Faculty of Natural Sciences, and Director of the Keel Policing Academic Collaboration at Keele University	Subject Matter Expert
Hernandez Aldaco, Daniel	Policy and Data Analyst, Office of Inspector General	OIG Staff
McCracken, Conor	Policy and Data Analyst, Office of Inspector General	OIG Staff
Hiller, Sienna	Policy Research Assistant, Office of Inspector General	OIG Staff
Meza, Miroslava	Policy and Data Supervisor, Office of Inspector General	OIG Staff
Tsai, Amy	Deputy Inspector General, Office of Inspector General	OIG Staff

Appendix B. Short Biographies of Panel Members

Mergitu Argo is from East Africa. Mergitu has worked as an employment case manager for 15 years and as a union organizer and community lead organizer for 6 years. She is currently working for the Seattle Police Department as a Community Service Officer. She is a board member for the public defender's association and a board member for the driver's union. Before these positions, Mergitu was the East African Advisory Council chair and a Seattle women's commission member. Mergitu is a well-known human rights activist that is very passionate about working with underserved communities.

Sophia Benalfew is the Executive Director of the non-profit Ethiopian Community in Seattle. She promotes the organization's overall mission through the provision of quality programs in education, health, and housing. She has extensive non-profit program management experience, including managing global programs, working across cultures, and grant writing and technical expertise in the fields of micro-insurance, financial inclusion, gender and resilience, and climate change. Prior to joining Ethiopian Community in Seattle, she worked for CARE and Oxfam America. She has degrees in management and public administration from Addis Ababa University in Ethiopia.

John T. Brooks is a Lieutenant and a 29-year veteran of the Seattle Police Department. He has served as a Police Officer, Sergeant and Lieutenant. His previous assignments include Patrol, SWAT, Anti-Crime, lead Tactics Instructor, Training, Mountain Bike, Ops Lt., member of the Force Review Board and Community Response Group. He is currently the Acting Captain of the Community Response Group, which he assisted in forming in 2020.

Tyrone Davis is a Sergeant with the Seattle Police Department which he joined in 1999. Davis has worked most of his career as an officer serving the diverse communities of the East Precinct, including assignments in Patrol, East Precinct Bike Squad, Community Police Team, and Anti-Crime Team, all involving close interaction with the community. As a Sergeant, he served the Office of Police Accountability as an Investigator for four years, where he conducted investigations into allegations of employee misconduct. Sergeant Davis is currently assigned to the Investigations Bureau with the Domestic Violence Unit. He is also a Board Member with the Department's Force Review Board, tasked with objective and critical analysis of the use of force incidents and events. Sergeant Davis was also a member of the Education and Training Section's Tactic Cadre. He taught officers in the classroom and, through scenario-based training environments, tactics with handling patrol-related calls for service, demonstration management, crisis intervention, and de-escalation. He is also a veteran of the United States Navy.

James K. Dymant is a Lieutenant and a 28-year veteran of the Seattle Police Department. He has served as a Police Officer, Sergeant, and Lieutenant. His previous assignments include Patrol, Mountain Bike, Anti-Crime, Gang Unit, Wellness, and Community Response Group. His current assignment is the Wellness Unit, which Dymant assisted in forming in 2019 and implementing in 2020. He is also an instructor for the Mountain Bike program and a bicycle crowd control instructor and served as the commander while assigned to the Community Response Group.

Lisa A. Judge is the Inspector General for Public Safety at the City of Seattle. For the past two and a half years, she has built a department dedicated to critically examining SPD use of force and improving its policies, practices, and culture. Along with the new Sentinel Event Review process, other ongoing projects at OIG include developing an officer peer intervention program and developing an innovative training program with oversight partners and SPD for effective suspect and witness interviewing inspired by concerns of organizations like the Innocence Project. She spent over 20 years as a Tucson City attorney and in-house counsel for the Tucson Police Department, guiding police management in constitutional policing. She was an ACLU-approved trainer for court-ordered training on Fourth Amendment law and anti-bias for the Maricopa County Sheriff's Office. Lisa earned her Juris Doctor from the University of Arizona.

Thomas Mahaffey is an Assistant Chief with the Seattle Police Department which he joined in 1992. He started his career working with the many diverse communities of the East Precinct as a Patrol, Mountain Bike, Anti-Crime Team, and Field Training Officer. As a Lieutenant, Thomas served as a Watch Commander, Bike Squad Commander, and Operations Lieutenant, which included planning and leading numerous crime reduction initiatives, responses to significant protests, and managing large festivals and events. As Captain and West Precinct Commander, he served on multiple community councils and committees, such as the West Precinct Advisory Council and Chinatown/International District Public Safety Steering Committee. He championed the involvement of district patrol officers in engagement and problem solving with community stakeholders. Assistant Chief Mahaffey is a graduate of the University of Washington and has also completed the Senior Management Institute for Police, DEA Leadership Academy, and the Washington State Law Enforcement Leadership Course.

Karin D. Martin is an Assistant Professor for the Evans School of Public Policy & Governance at the University of Washington. Karin is a crime policy specialist whose areas of expertise are monetary sanctions, racial disparities in the criminal justice system, and decision-making in the criminal justice context. These issues come together in her current projects, which examine the use of money in punishment (e.g., fines, fees, restitution, etc.). She studied Psychology at Stanford University and worked in the non-profit sector in the San Francisco Bay Area before attending University of California, Berkeley, where she earned an MPP, an M.A. in Political Science, and a Ph.D. in Public Policy. She was a post-doctoral scholar in the Psychology Department at UCLA where she was also a Fellow with the Center for Policing Equity. She was Assistant Professor of Public Management at John Jay College of Criminal Justice and The Graduate Center of the City University of New York (2013-2017) and was a Visiting Professor at the Goldman School of Public Policy at the University of California, Berkeley, in 2016.

Donna Moodie is the owner of Marjorie restaurant, the executive director of the Capitol Hill EcoDistrict, and was recently named the new Executive Vice President of Community Development for Community Roots Housing. She has been a pillar of the community for many years, opening her first restaurant in Belltown in 1993 and leading neighborhood activism for the 20+ years she has been a Seattle resident. Her history of community work includes co-chairing the Mayor's Small Business Advisory Council, participating in the Central Area Land Use Review Committee, serving on the Seattle Center Advisory Commission, chairing the Central District Forum for Arts and Ideas Board, and consulting on business startups. She was also recently named one of Puget Sound Business Journal's 2020 Women of Influence.

Matthew Roberson is a Police Officer for the Seattle Police Department. He has worked with for the City of Seattle for 14 years—six years with Seattle Parks and Recreation as a youth program leader and the last eight years with the police department working in patrol, as a school emphasis officer, and running the Seattle Police Activities League (SEAPAL) youth program year-round. Outside of work, Officer Roberson has been a volunteer track coach for the Rainier Beach Community Center team for 15 years. He has a degree in history from Claremont McKenna College in California.

Monisha Singh is the Executive Director of the Chinatown-International District Business Improvement Area (CIDBIA), one of Seattle's ten BIAs contributing to neighborhood improvement and economic development. Monisha joined the CIDBIA in 2015 and has managed the neighborhood's street festivals and promotional events, curated the neighborhood's communication and marketing strategy, managed the neighborhood sanitation and public safety program, and advocates on behalf of businesses in an effort to create a clean, safe, and welcoming Chinatown-International District. Monisha is passionate about working with small businesses while protecting and promoting the cultural integrity of Chinatown-ID.

Maurice Washington was born and raised in Washington, DC, where he graduated high school and attended Prince George's Community College for Business Management for one year. Having an entrepreneurial spirit, he became the co-founder of an urban clothing line (City Style Clothing) in 1997. Moe moved to Seattle 20 years ago, where he soon started a catering business out of his loft along Airport Way. Not making the money he needed, Moe began to work for Swedish Medical Center, where he worked in Family Medicine, Heart Institute, Physical Therapy, Transplant Department, and The Cancer Institute. Working at the Cancer Institute inspired him to combine natural herbs with medical purposes into a tea tincture. Being an entrepreneur at heart, Moe became CEO and Founder of Brakamela Herb Tea, founded in 2020. Moe is also currently contracting at a biotech lab as a lab technician. He has been a member of the Masonic Fraternity Grand Lodge of Washington Jurisdiction for 16 years. In the summer of 2020, he took part in the Seattle protests in the wake of the Murder of George Floyd by Minneapolis police officer Derek Chauvin and others. As the Co-founder of UFFN (United Family, Friends and Neighbors), Moe met numerous times with Seattle Mayor Jenny Durkan, Police Chief Carmen Best, Fire Chief Harold Scroggins, Inspector General Lisa Judge, CPC Executive Director Bessie Scott, IOP, and multiple Black/African American grassroots organizations, to bring change to the way racial Seattle policing is done in and to the communities of Seattle and the surrounding areas.

Appendix C. SER Peacemaking Circle Group Norms

As part of the SER peacemaking circles, the Panel agreed upon group norms and behavioral principles that would guide the group and assist its work in evaluating and analyzing incidents that occurred during the protests of 2020. These group norms are set forth below. **How to address tension, disagreement, and/or conflict (when a guideline is broken):**

- Call it out/name it in a respectful way.
- Recognize subjectivity & objectivity.
- Agree as a group with decision-making process.

Guiding Principles/Group Norms:

- Respect the talking piece.
- Speak from the heart.
- Respect each other's thoughts.
- Respect each other's time.
- It takes time to build trust.
- Speak from your own perspective and use "I" statements.
- Encourage people to move up/move back.
- Practice compassionate curiosity.
- Listen through an objective lens (it's difficult to be objective at all times).
- Do not "drop a bomb" and leave.
- Try not to let your beliefs, experiences, and values cloud your own judgement when listening to others.
- Accept other's ideas and thoughts.
- Whatever is discussed stays in the circle.
- Speak clearly and not aggressively.
- Be mindful of the way we speak.
- Practice forgiveness.
- Come from a place of vulnerability.
- Be accepting of direct language so long as it is respectful.
- Be present and engaged.
- Be accepting of being uncomfortable.
- Do not take things personally.
- Be open and transparent.
- Discretion.
- Acknowledge risks of expressing opinions.
- Express disagreement that seeks to understand not silence.
- Keep an open mind.
- Assume good intentions.
- Inclusion.
- Stay curious.
- Confidentiality.
- Time Management.

Appendix D. Wave 2 SER Methodology

This appendix describes the development of the SER process, including the selection of Panelists. The methodology used in this report was created by OIG and community members using the principals of Sentinel Event Review (SER). The SER brought law enforcement and a diverse group of community members together to evaluate these incidents as system failures in the hope of finding a better path forward. SER is used extensively in other fields, including aviation, healthcare, and manufacturing, among others, to identify root causes of tragedies such as plane crashes or accidental medical deaths and design improvements that will prevent such tragedies from recurring. The focus of SER is on fixing the system, not on assigning individual liability.

Stages of Sentinel Event Review

This SER was divided into three stages:

- In **Stage 1**, OIG researched and built evidence-based timelines of the protests and incidents under review.
- In **Stage 2**, the present phase represented by this report, OIG and expert moderators guide a panel of community and SPD stakeholders through the identified incidents.
- In **Stage 3**, OIG will conduct audits and further systems review of issues identified by SER.

Working Groups

Development of the SER involved the efforts of three working groups, in order of involvement:

- **OIG** initiated the process by gathering data and input from numerous sources to describe and analyze the events of 2020, including conversations with community, public comment, news, social media, complaints to the Office of Police Accountability (OPA) about alleged officer misconduct, use of force data, SPD reports and video, claims and lawsuit information, and other sources.
- The **SER Planning Group** was convened comprised of stakeholders who assisted OIG in customizing and refining the SER methodology, identifying Panel membership and approving facilitators, and selecting the incidents for analysis.
- The **SER Panel** was identified with the assistance of the Planning Group. The Panel reviewed sentinel event incidents identified by the Planning Group (“incidents”) and issued the recommendations in this report.

Planning Group Membership

It was important to the integrity of the SER process to directly involve community, law enforcement, and other stakeholders in the selection of the Panel, the facilitators, and incidents for review. Those decisions had a direct impact on the trajectory of the review, and it was important to have credibility and faith in the process by community and police to allow opportunity for meaningful change to occur.

The Planning Group included a mix of observing and participating representatives from community-based organizations, the Community Police Commission (CPC),⁸ SPD, the American Civil Liberties Union

(ACLU), the Seattle Police Monitoring Team, and the United States Department of Justice (DOJ). Its membership has been dynamic, expanding as additional community members and perspectives are identified that bring value to the group's discussions. As of November 2021, the Planning Group includes 24 members representing a wide cross-section of Seattle, but attendance is not required at each meeting.

Panel Membership

The selection of the SER Panel was a collaborative process between the Planning Group and OIG. The Planning Group provided OIG with criteria for selecting a diverse set of community voices. OIG used these criteria, with assistance from the ACLU and the CPC, to identify about 100 organizations OIG initially approached to discuss participation in the SER. These organizations constituted a diverse set of identities, affiliations, and perspectives, including but not limited to: Black, African, Latinx, Native American, Pacific Islander, Asian, South Asian, and LGBTQ+, communities, business communities, representation from neighborhoods affected by the protests, faith-based organizations, minority bars, organizations serving vulnerable populations, seniors, youth, social and mental health services, among others. More than 30 organizations responded to OIG. Of those, five indicated they were not interested in participating, either because of the time/resource commitment required or an unwillingness to collaborate with SPD.

Ultimately, OIG convened a SER Panel of a total of twelve members: six community members representing different lived experiences of Seattle, five SPD personnel, and Inspector General Judge (see Appendices B and C). This report is the second set of incidents reviewed by the initial SER Panel convened in January 2021. There were three changes in membership between Wave 1 and Wave 2; these were due changes in time availability or personal circumstances of two of the panelists; a new community panelist that serves as Community Safety Officer joined the panel.

Community members - The original community members represented different lived experiences of Seattle: a resident and grassroots organizer, a business owner and executive of a community-based organization, the executive director of a Business Improvement Area affected by the protests, the executive director of a non-profit serving an immigrant population, a Professor at the University of Washington Evans School of Public Policy and Governance, and the director of an organization that focuses on racial equity in Seattle.

Law enforcement members - The levels of rank represented by the SER Wave 1 SPD Panelists are Assistant Chief, Lieutenants, Sergeant, and Patrol Officer. These SPD representatives were identified by OIG and Police Chief Diaz due to their firsthand experience with the incidents under review, and their formal and informal credibility within the Department to discuss and help implement useful recommendations.

Facilitators and Outside Experts

OIG recognized that Panelists would have to review large amounts of sensitive information, engage in difficult and contentious conversations, and work alongside other Panelists whose different life experiences and responsibilities might result in very different views of policing and community. The facilitators approved by the Planning Group included:

- Saroeum Phoung and Thary Sun Lim from PointOneNorth Consulting. Phoung and Lim have worked extensively with City and County agencies on reconciliation, trust-building, and restoration processes. For years, Phoung and Lim have been using a structured methodology called a peacemaking-circle in community building and crime prevention efforts in Boston and Seattle. Here, it was used to build trust among panelists and create a safe environment to share, reflect and conduct the analysis.
- John Hollway,⁹ Executive Director of the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School. Hollway is a national thought leader on the use of root cause analysis in criminal justice. In 2020, Hollway guided the Tucson Police Department and a diverse group of agency and community stakeholders through the review of two deaths of individuals in police custody.¹⁰ Hollway worked closely with the OIG team and Planning Group to design the SER process, and facilitated SER Panel conversations, including discussions on contributing factors and recommendations.

Early in the process, OIG consulted with community members, partners, and external consultants to ensure the process development started with a community-focused lens. OIG also engaged the assistance of Dr. Clifford Stott,¹¹ Professor of Social Psychology and a Dean of Research at Keele University in England. Stott provided technical advice on the creation of reliable data for crowd and policing analysis. He also provided educational materials to help Panelists understand the dynamics and context surrounding each of the incidents being reviewed.

Peacemaking Process

Bringing together police and members of the community that were affected by police actions to develop solutions both find agreeable is inherently difficult and has the potential to bring up difficult emotions and traumatic memories. Panelists regularly engaged in challenging conversations and reviewed a considerable amount of sensitive and traumatizing material.

To help navigate these difficult conversations, OIG established peacemaking as a core component of SER. The peacemaking circle process is a framework for facilitating a supportive environment and encouraging open-mindedness. The process interrupts old patterns and assumptions that can block communication to create an opportunity for understanding, connection, and collaboration.

The Panel dedicated a portion of each working session to peacemaking circle activities. The first sessions focused on SER panelists getting acquainted, understanding each other's values, and creating shared principles to facilitate communication and collaboration. As the group moved forward, the peacemaking circle focused on deepening relationships, developing empathy, and building trust.

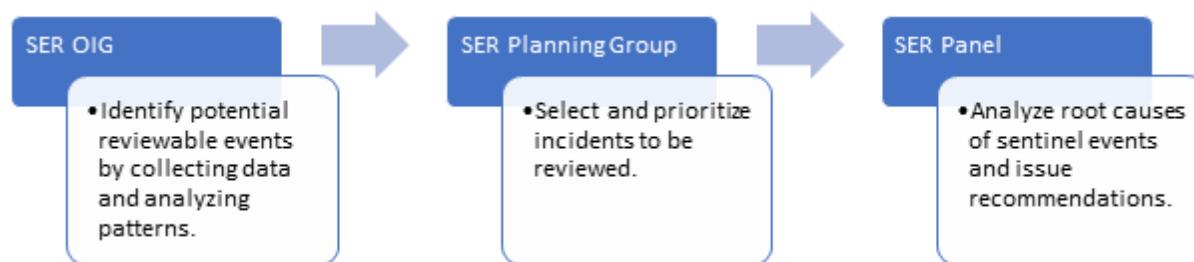
The Panel began with an 8-hour session devoted to peacemaking, followed by over 18 hours dedicated to peacemaking during its first 13 meetings. It was important for each person to express how they were present in the room and to share their history, vulnerabilities, and expectations to engage on inherently divisive topics that were foundational to many in the room. The peacemaking process has provided a positive example for future trust-building and healing processes between the community and SPD. OIG will continue to use the peacemaking circle framework in future SER work (for more information see Appendix D).

Identifying, Selecting, and Prioritizing Incidents

The Planning Group was integral to the prioritization and selection of incidents for review. The process, summarized in Figure 1 below, was as follows:

1. **Data collection** - OIG collected data on potentially reviewable incidents, analyzing patterns in use of force, incidents of notable public attention and concern, and other data sources.
2. **Incident selection** - The Planning Group then evaluated the incidents with a focus on undesirable outcomes that should not occur when community members are engaged in protected First Amendment activity. These include, but are not limited to, the commission of acts of violence, uses of force (whether by police or community members), injuries (to community members or police officers), destruction of public or private property, and the creation of unsafe environments during public protests.
3. **Sentinel event review of incidents** - Selected incidents were then sent to the Panel for root cause analysis. The Panel also utilized its own collective expertise to assess which incidents to include or add for review.

Figure 1. Incident prioritization process.



Data Collection

OIG gathered extensive data and information from government agencies and public sources about incidents occurring between May 25 and November 11, 2020. Data sources included:

- SPD data
 - Individual reports of use of force, including officer statements;
 - Chain of Command reviews of individual uses of force;
 - Aggregated use of force data;
 - SPD body worn camera video (BWV);
 - SPD Incident Action Plans for all planned events;
 - SPD Computer-Assisted Dispatch (CAD) logs and other communication logs;
 - SPD Human Resources data on reportable injuries;
 - Arrest data;
 - SPD personnel rosters (when available);
 - SPD training materials on crowd control, de-escalation, use of bikes for crowd control, etc.;
 - Current and previous SPD policies;

- OPA data
 - Investigation data and summaries;
 - Case summaries;
 - Videos, photos, and other materials used by OPA;
 - OPA Management Action Recommendations;
- CPC recommendations;
- City data on lawsuits filed related to police action during the protests;
- Department of Finance and Administrative Services data on claims filed for damages and injuries;
- Social media posts from community members, reporters, and city officials during each of the days under review, including Twitter Posts, YouTube videos, Facebook live streams and videos, and other data;
- News outlet articles, interviews, news coverage, and timelines;
- Public meetings in which community members provided accounts of their personal experiences and perceptions of the protests and SPD's protest responses; and
- Conversations with community and SPD personnel interviews conducted in 2020.

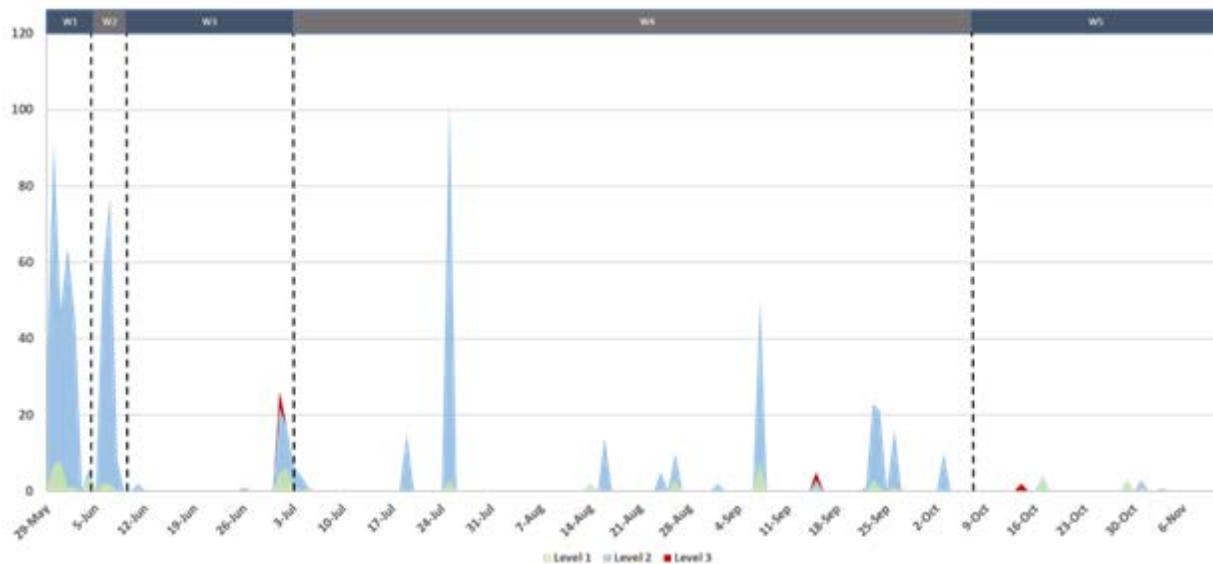
OIG used the data to analyze five months of demonstrations. OIG performed a trend and pattern analysis to map SPD uses of force across the period of review and identify protest events for further analysis. Uses of force (as reported and shared by SPD)¹³ were strongly correlated with other variables (e.g., arrests, injuries, complaints, etc.) and was an important factor for the Planning Group in selecting sentinel events.

Wave Identification

The OIG analysis organized protest-related activity into five Waves. Each Wave represented a period with a unique focus and/or style of protest¹⁴ and the occurrence of one or more critical milestones within the protests (see Figure 2 below):

- **Wave 1 (May 29 – June 1)**, the focus of this Report, comprises the period from the murder of George Floyd in Minneapolis to the first set of demonstrations in Seattle, mainly in Downtown Seattle.
- **Wave 2 (June 2 – June 7)** includes events that occurred before the leaving of the East Precinct by SPD. During this period, the main demonstrations and confrontations shifted from Downtown to the East Precinct.
- **Wave 3 (June 8 – July 2)** includes events that occurred during the existence of the Capitol Hill Organized Protest (CHOP) and Capitol Hill Autonomous Zone (CHAZ).
- **Wave 4 (July 3 – Oct 6)** includes events after the East Precinct was reestablished.
- **Wave 5 (Oct 6 to the end of 2020)** includes events after the creation by SPD Interim Chief of Police Adrian Diaz of the Community Response Group, tasked specifically with responding to demonstrations, among other things.¹⁵

Figure 2. Five Waves: Number of SPD uses of force May 30 to Nov. 5, 2020.



Panel Review

The SER Panel first met in January 2021 to begin analyzing the Wave 1 incidents selected by the Planning Group. The Panel identified “Contributing Factors” that contributed to the undesired negative outcomes (e.g., violence and property damage). Next, the Panel made specific recommendations for change that would help SPD officers tasked with facilitating a public protest act in ways that would reduce the likelihood of those undesirable outcomes happening again in the future.

The Panel acknowledged the errors made by SPD and other Contributing Factors that led to negative outcomes and stressed the importance of holding officers accountable, but did not discuss what discipline, if any, should be administered to individual officers. The Panel focused instead on the design of reforms that would help SPD to respond to the next set of protests and achieve better facilitation and enabling of peaceful protests. The inclusion of SPD officers, including officers in leadership, ensured that such reforms were implementable.

SPD has engaged in a self-critique of many of the events reviewed by the Panel and has begun to implement improvements, at least in part as a result of the Panel’s discussions in advance of the release of this Report. OIG was also involved in conversations with SPD about improvements stemming from the OIG August 2020 report on crowd management and less lethal tools. Thus, the report may include recommendations that are already in place or are in the process of implementation. SPD’s continued willingness to engage in critical self-analysis, especially with community involvement in developing recommendations, as well as in implementing those recommendations, will be crucial to improving its relationship with the residents of Seattle in the future.

Contributing Factors

In the SER process, Contributing Factors are actions or circumstances that play a part in what led to a negative outcome. The identification of something as a contributing factor is not a value judgment about whether the factor is positive or negative. For each specific incident reviewed, the Panel identified associated Contributing Factors. During Panel deliberations, OIG provided Panelists with available video

coverage of the event, including publicly available video from the Internet and SPD BWV and in-car video (ICV) where available. Together, the Panel watched the videos and discussed each incident, listing Contributing Factors in the following categories:

- Communication
- Cultural leadership
- Operational supervision
- Tactics
- Policies and procedures
- Equipment
- Environment
- Other

The Panel tried to identify as many Contributing Factors as possible and differentiate between those that reflected individual behaviors and those that could not have been avoided as it crafted recommendations for change. It is important to note that a Contributing Factor is not an attribution of blame. For example, crowd behaviors contributed to how police responded, but recommendations are about how understanding those behaviors can result in improved police response, not an attempt to change crowd behavior.

The Panel felt that its review of the events of May 30 – June 1 would not be complete without additional insight into the events leading up to those dates, including the perspectives of both law enforcement and community voices from on-scene participants in the protests on those dates. To provide this, the Panel was fortunate to be able to speak with Seattle resident Omari Salisbury, who personally attended, recorded, and reported about many of the demonstrations, including the vandalism in the International District on the night of May 29, the downtown protests on May 30, and the “Pink Umbrella” incident on the night of June 1. He provided observations and context regarding these events that video alone could not provide.

Once the Panel analyzed each of the reviewable incidents and agreed on potential Contributing Factors, it drafted and refined recommendations for change that might prevent the recurrence of the specific contributing factors that were observed.

Training

In preparation for the review, OIG provided the Panel with a series of interactive presentations:

- An overview of the philosophy and structure of sentinel event reviews from John Hollway of the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School;
- A discussion on the law of protected First Amendment activities from Alison Holcomb of the ACLU of Washington;
- Presentations on SPD’s current policies regarding (1) permissible uses of force and (2) existing policies and procedures regarding crowd management and crowd control;

- Education on peacemaking circles and their role in healing from Saroeum Phoung and Thary Sun Lim at PointOneNorth Consulting; and
- Information sessions from the Trauma Stewardship Institute on the effects of trauma and some methods for coping with trauma.

Limitations

The Panel identified 26 recommendations for improvement for SPD and others. Even so, it is important to acknowledge the limitations of the SER process.

First, the Panel's judgments of contributing factors and recommendations are based upon a data-driven analysis of incidents. While the Panel has reached conclusions leading to specific recommendations, these conclusions do not necessarily determine the objective "truth" of the incidents or their underlying causes. They are consensus products based on the data available to the Panel, and judgments about potential underlying factors that may - or may not - have played a role.

- Tens of thousands of individual actions contributed to the actions of SPD and the crowds of people protesting. It is impossible to capture all of them, or to know whether the intentions of any of them were pure or designed to interfere with peaceful protests.
- Uses of force, destruction of property and protests happened in multiple geographic locations. Because of this, the Planning Group was forced to select a sample of those things that it found to be impactful and representative of the whole, and may have missed other events that are worthy of review and response.
- The data available was incomplete:
 - Information from SPD regarding its officers' actions may have been improperly or inadequately documented,¹⁸ or inaccurately documented in SPD systems (e.g., incomplete or "rote" use force statements).
 - OIG was unable to contact every community group or person that might have had insightful information, due to the number of potential volunteers and OIG's dependence upon their willingness to reengage with moments that were, for many, traumatic.
 - Existing rules and regulations limited OIG's ability to access, use or record video from Seattle Department of Transportation or any other camera located in public spaces. The main source of government-produced video evidence used for analysis is SPD BWV cameras, with some additional video coming from ICV.
 - The technology adopted by SPD limits the data saved. When BWV cameras are turned on, either by an officer or automatically by SPD, there is a one-minute "buffer" of video beginning one minute before the initiation of the camera that is retained. The buffered minute has video but not audio. This limited the Panel's ability to fully perceive events and incidents through BWV.
 - Video review is limited to the perspective available through the video camera and may not provide complete fields of vision. A BWV worn on an officer's chest, for example, may not show what was in the officer's field of vision at eye level.
 - Existing rules and regulations limit the storage of public closed-circuit TV surveillance cameras.¹⁹ As a result, the Panel sometimes lacked a complete video of many incidents that it evaluated.

- Community and police perspectives from the Panelists and others during discussions, some of whom participated in some of the incidents, shed some light on the experiences and concerns of those involved. Nonetheless, they are not representative of all participants in the incidents.

The Panel reviewed OPA reports but did not conduct additional interviews with officers involved in the incidents in question (although SPD Panel and Planning Group members contributed their knowledge of events). As a result, it could only infer officers' rationales for their actions based on the available documentation.

Addressing Institutional and Systemic Bias

Many on the Planning Group and Panel felt strongly that it was not possible to conduct a SER of the protests in 2020, or to understand the "root causes" of these protests, without acknowledging and grappling with the long and deeply ingrained history of racial inequalities in Seattle, and in the United States. It was important to the Panelists, the Planning Group, and OIG that the SER consciously engage with the context of institutional racism and the longstanding trauma and fear that many in the community have of police. At the same time, these groups recognized the limitations of a process that looks at a series of specific incidents and the resulting inability to "solve" institutional racism or remedy hundreds of years of racial oppression solely through this process.

For the benefit of future SER groups, OIG describes here the various efforts that were undertaken to reach a consensus understanding of the depth and breadth of hurt that has been suffered by unjust police and community interactions. Whether these interactions were suffered personally by Panelists, inflicted by SPD upon others, or inflicted by other police officers in other communities, the combined impact of repeated exposure to abuses of power by police officers have created an insistence that SPD needs to embrace, acknowledge, and repudiate an older power dynamic. Instead, SPD must truly protect and serve the community in ways that are just, fair, and supportive.

Panelists agreed to proceed with an acknowledgment of the history and environment in which the protests occurred, and to try to perceive how that affected police and community relations and responses from both sides. They also attempted to identify moments during the protests where Black, Indigenous, other People of Color, and white people might perceive power dynamics or motivations of actors differently, and to be explicit in discussing those moments in the Report.

Unsurprisingly, engaging directly on the impact of police behavior on Black, Indigenous, and other People of Color communities proved to be difficult. Often, actions by SPD officers that were deemed "legal" or within the acceptable bounds of policy by SPD or OPA generated great anger and frustration among Panelists. At these times, many of the non-SPD panelists expressed feelings of being unheard, unacknowledged, and misunderstood, sustaining their belief that SPD still did not understand the true nature of their discontent, or the true basis of concern about institutional racism.

The Panel felt that building trust and understanding within the group was necessary to generate consensus recommendations, and so it paused to perform some additional inquiry into the role of race as a contributing factor in the protests. Panelists were led through a special peacemaking circle in which Panelists were invited to share the emotions that watching police uses of force brought forth for them.

This led to the realization that even police acts that are not racially motivated on their face still carried significant emotional weight for Panelists of color, and evoked for them lifetimes of fear and pain from past personal and family interactions with police, including but not limited to SPD.

In addition to this special peacemaking circle, Panelist Dr. Karin Martin of the University of Washington led the Panel in a conversation on systemic racism, where Panelists spoke about their own experiences with race, revealing larger racial dynamics at play in society. Panelists reflected on definitions of systemic racism, institutional racism, and other vocabulary, and discussing each Panelist's first awareness of race as a way of bringing to light each person's particular experience related to race, while revealing racial dynamics in society that are larger than any given person. Panelists used <https://www.racialequitytools.org/glossary> to standardize the group's vocabulary.

These conversations were (and continue to be) extremely challenging. They created a substantial hurdle to generating a shared understanding of the incidents reviewed by the Panel – and therefore to the drafting of consensus recommendations. The damage that has been done – the damage that caused these protests in the first place, and the overall inability of SPD as a Department and the City of Seattle to immediately craft particularized responses to the needs of peaceful protestors while addressing threats to public order and safety – is deep and lasting. However, acknowledging the underlying Contributing Factor of institutional and systemic racism was critical to being able to move forward as a group.

Appendix E: Wave 2 SER Contributing Factors

For the reader's convenience, the contributing factors for each incident are compiled below:

Incident #1: Experiences of Sunset Electric Residents (May 29 - June 7, 2020)	
Equipment	Apparent assault rifle on nearby roof intimidating to Sunset residents
	Speaker stack (concert quality) for communication with crowd
	CS gas permeates building, including apartments
	Increasingly permanent barriers on 11th Ave. extend to corner (bicycle fence -> speed walls -> steel barricades bolted to street)
Communication	Officers are reactive to protesters, not proactive about upcoming activities
	Officers claim illegal activity on roof when no one is there
	Different officers on duty resulted in different responses to questions, different procedures for passing barricades into building
Environment	Sunset Electric's open-air entry and atrium formed a funnel for retaining CS gas
	Shared alleyway (entry for two apartment buildings) used for police staging; disrupts City services (trash, etc.)
	Residential building next to East Precinct: home to 85 residents, including one wheelchair user, elderly, kids, and pets
Cultural Leadership	SPD inattentive to needs of nearby residents while maintaining barricade to protect East Precinct
	Focused on communicating with crowd, not residents
	Appeals to City Government ineffective
	No institutional acknowledgement of damage/injury to residents (City or SPD)
Tactics	Officers enter building freely without permission, in defiance of building manager
Other	Perception of bias in identification requirements for different residents

Incident #2: Alleged Retaliatory Arrest on 11th & Pine (June 6, 2020)	
Equipment	Insufficient safety goggles for SPD
	Larger barricade (traffic speed walls)
	Speaker stack (concert quality) for communication with crowd
	Cell phones for photo confirmation of suspect before arrest
	Lasers
Communication	During arrest, SPD learns identity of person arrested as videographer of child being OC sprayed
	Officers communicate rooftop to street by radio and cell phone to identify agitators and peacefully remove them from protest
	Direct communication to protesters regarding public safety rationale for police behavior
	Improved acoustic device for crowd communication
Environment	Deep cynicism vs. police narrative:
	• Lack of public knowledge or consensus about legality and danger of laser use;
	• Belief that SPD officers will adjust narratives after the fact to justify an arrest
	Significant protests at 11th and Pine, multiple lasers deployed by protesters
Cultural Leadership	Avoiding direct engagement with individuals, limiting contact to individuals seen engaging in activity deemed dangerous to SPD or others
Tactics	Officers 25 ft behind more stable barricade
	Officers on roof identifying people with lasers; arrests are made, when possible without going into crowd
	Cell phones for photo confirmation of suspect before arrest
Other	No evidence to suggest this arrest was retaliatory
	Public is not generally aware of lasers potentially causing injury to officer
	Distrust of SPD is so high that arresting people for pointing a laser seems pretextual, and story of retaliation for filming and posting video of police conduct is easily believed

Incident #3: SPD Accused of Pushing Woman to Ground (June 6, 2020)	
Equipment	Bicycle fencing barricade, opened to permit SPD traffic as needed
Communication	Protesters report rudeness, sarcasm, and disrespect from SPD officers Officers come to protesters and ask them to move to allow SPD car to come through; protesters are non-responsive
Environment	Barricade was on a public street; SPD and EMT vehicles acceptable Daytime, conditions peaceful, small group at barricade
Tactics	When protesters non-responsive to verbal commands to move, officers lift protesters and move them to side: <ul style="list-style-type: none">• Man goes limp and is moved• Woman appears to trip and fall, is not thrown down
Other	Video contradicts complaints: <ul style="list-style-type: none">• Officer did not “wave through” car while protesters in the way• No contact made with protesters by SPD car

Incident #4: Man Drives Car Into Crowd, Shoots Protester (June 7, 2020)	
Equipment	Driver has gun with two clips taped together on passenger seat; possibility for mass shooting and causalities
	Barricades at 11th Ave and 10th Ave
Communication	AV to crowd: announces gunshot, confirms both gun and suspect are in custody; requests help finding and treating victim
	911 call reporting shooting communicated to Incident Command, then through AV system, then to bicycle squad
Environment	Crowd extends past 11 th Ave. barricade: <ul style="list-style-type: none"> • Private car can impact protesters • Impossible for SPD at barricade to see intersection or around corner
	Daytime, police well behind stable barricade
Cultural Leadership	Focus on communication to protesters and safety of protesters
Tactics	Officers not on rooftops until issue known
	Driver speeds around corner, shoots man reaching in drivers' side window to stop him
	Officers arrest man who comes through barricades, pull him out of sight around corner to arrest
	Shooter is compliant with officers
	Civilian medics in crowd stabilize shooting victim, pull him out to where ambulance can access
	Officers to rooftops to evaluate additional threats; bikes to find victim
Other	Driver's brother is East Precinct officer; taken off the line the same day after incident (no misconduct found to date)

Incident #5: Blast Balls Injure Two Protesters (June 7, 2020)	
Equipment	Blast Balls thrown at passive protesters, overhand and without proper awareness -defying SPD policy (according to OPA investigation)
	Permanent Barricade
Communication	No specific communication to either person injured
	Multiple dispersal orders
Environment	911 unable to get emergency vehicle to victim due to crowd
	Nighttime, crowd gathered, some people between crowd and barricade
	Day 8 of protests; "Us vs Them" mentality increasing
	Protesters modify tactics in response to SPD tactics
Cultural Leadership	General Control Objectives:
	1. Safety during COVID (no gatherings)
	2. Facilitate 1st Amendment rights
	3. Address violence & significant property damage
	4. Deter criminal activity, protect property with significant uniformed patrol presence
	5. Minimize traffic disruption
Tactics	Incident Commander not on scene
	Protesters immediately form circle around injured protesters and carry them back into crowd
	Woman standing with hands visible – passive, ~25 feet from barricade
	Man using dumpster and sign for cover with backpack, pulling items out of backpack
	Protesters moving dumpsters into street, using them to get closer to barricade
Other	Protesters using walkie-talkies, masks, shields
	Civilian medical tent between 10th & 11th, not visible from officer line
	1st victim: blast balls not tracked by officer to see result of deployment
	2nd victim: blast ball bounces unpredictably under dumpster and explodes
	1st Victim sent to ER via private vehicle

Appendix F: Wave 2 SER Recommendations

For the reader's convenience, all 26 recommendations are compiled in a single list below:

Recommendation 1. SPD and the City of Seattle should coordinate and jointly create designated officers/staff in both SPD and the City who are responsible for engaging with residents and businesses affected by civil unrest or large-scale incidents causing similar disruption. For the purposes of this report, these positions will be referred to as Emergency Community Communications Officers (ECCOs), though this title is suggested here only as a placeholder. These persons would report to managers within SPD and City government, respectively, and would coordinate with each other and work proactively during periods of unrest to address specific community concerns, ensure continued access to minimize negative impacts of SPD activity, and coordinate safety initiatives (e.g., SPD access to buildings where useful to ensure public safety). ECCOs would provide additional communications channels between community and SPD and the City during times of unrest, particularly coordinating communications with businesses, residences, and others impacted by such incidents.

Recommended functions of ECCOs include, but need not be limited to, the following. Should SPD choose not to create ECCOs, each bullet should serve as a standalone recommendation for SPD:

- ***Recommendation 1(a). ECCOs should provide proactive and timely communication to the community regarding anticipated SPD or City responses to emergencies, explaining the public safety rationale behind any and all SPD/City actions and addressing issues raised by residents or business owners affected by the responses during periods of emergency.***
- ***Recommendation 1(b). ECCOs should work with SPD and City leadership to ensure that physical barriers that limit access to areas (e.g., barricades, access lines) during periods of civil unrest should account for residents in the area with ADA or other accessibility needs.***
- ***Recommendation 1(c). ECCOs should communicate with building managers to coordinate SPD or other City access to buildings where there is a public safety rationale in a manner that safeguards the rights of community members and private ownership.***
- ***Recommendation 1(d). Should city services be interrupted, ECCOs should communicate proactively and regularly with community members about needs and restoration of services as well as about available alternatives.***
- ***Recommendation 1(e). ECCOs should include in their body of work activities that encourage a diverse group of community members to actively participate in how they want their police service to handle protests and demonstrations.³⁶ This should include:***
 - ***Prioritizing case studies, community experiences, storytelling and narrative engagement to improve SPD understanding of the impact of previous emergency actions and to design procedures responsive to community needs;***
 - ***Hearing and understanding trauma suffered by and stories from people that experienced the events set forth in this report;***

³⁶ OPA made a similar recommendation in its December, 2015 [Management Action Recommendation](#) after May Day 2015 protests in Seattle.

- *Creating an institutional learning process to reflect, learn, and respond to the concerns from the public; and*
- *Including both SPD leadership and staff (i.e., authorizers and implementers of policies) in these processes at all times.*
- ***Recommendation 1(f). SPD and the City should collaborate with community leaders to create a checklist for ECCOs to use in discussion with managers of buildings (including single-family homes and businesses) affected by civil unrest to ensure residents have continued access to necessary services while minimizing inconvenience to residents and business owners. The checklist will include items to discuss in emergencies that require restriction of access (pets, elderly, ADA, security, ID checking, city services, etc.). The checklist should include establishing any necessary multilingual communication capabilities (including ASL) and SPD and the City should consider providing alternate placement for those traumatized by the presence of SPD in their residences or buildings, or impacted by SPD actions that pose a health and safety risk to occupants.***

Additional considerations for ECCOS:

- *SPD and the City of Seattle should consider whether ECCOs representing SPD should be a combination of district or “beat” officers, to improve community connections and familiarity with specific SPD officers and ensure a foundation of trust exists prior to an emergency scenario.*
- *SPD and the City should pre-designate ECCOs in areas where protest activity or other civil unrest has historically occurred; these ECCOs should establish community representatives for all buildings within their designated areas and work with community members proactively to prepare Neighborhood Emergency Plans for civil unrest or other emergencies, including management of anticipated issues of access and public safety.*
- *SPD and the City should consider integrating ECCOs with the Emergency Operations Center (EOC) and with community representatives so that issues that impact the community during emergencies are communicated to affected community members and to SPD and City leadership in a timely and efficient fashion.*

Recommendation 2. When an emergency creates a public safety need that limits access to buildings, SPD should create a standard, unbiased procedure for ensuring maximum access for building residents and guests. The procedure should be public, consistently applied, and readily available to residents online and offline. The procedure should consider challenges residents may have in proving occupancy during periods of emergencies (e.g., inability to produce identification or other documentation) and other social justice/government access to services issues.

Recommendation 3. SPD should coordinate more effectively with the City of Seattle and relevant agencies to ensure the continued provision of city services (e.g., power, water, waste management, etc.) throughout periods of emergency, including civil unrest.

Recommendation 4. Given the highly indiscriminate nature of CS gas, SPD and City Council should restrict use of this weapon to full-scale riot situations involving violence. SPD should also consider prohibiting the use of weapons such as CS solely in defense of property. A similar recommendation was

made in the OIG Sentinel Event Review Wave 1 Report (Recommendation 54). It has been included in this report to emphasize its continued relevance in Wave 2.

Recommendation 5. As set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD and the City should “[p]rovide public education concerning crowd dispersal policies, procedures and overall SPD crowd management tactics.” These materials should be easily accessible and provide information that can assist residents and bystanders who may be affected by nearby deployments of crowd dispersal devices (e.g., CS gas, OC spray, or “blast balls”).

Recommendation 6. In keeping with SPD's commissioned report after May Day 2015, SPD leadership, including the Chief, should be fluent in all SPD rules of engagement and understand specific “if/then” scenarios contained in the rules. SPD leadership should review such scenarios applicable to the experiences of and lessons learned from residents of Sunset Electric during the protests in early June 2020.

Recommendation 7. Acoustic and light devices used during extended SPD operations should be placed in ways that minimize their impact on neighborhood residents. A review of SPD policy and operations manual should be conducted to identify sources of inconsistencies and causes for ill placed acoustic and light devices. SPD policy and operations manual should be updated to prevent such occurrences in the future.

Recommendation 8. Firearms with telescoping capabilities should not be used for surveillance when lethal force is not authorized, even if the firearm is disabled.

Recommendation 9. SPD should conduct a public education campaign alerting the public to the specific harm that lasers can cause when shined into the eyes of others, and to the state laws surrounding their usage.

Recommendation 10. SPD should develop a public education program regarding tactics when arresting someone. The program should include education about the number of officers used to conduct the arrest, the rationale for arrest procedures and an openness to discussion with community about ways to improve these tactics.

Recommendation 11. SPD should research and enhance policy requirements for increased communication with crowds, especially during large or stationary protests, to manage expectations and provide greater credibility for police action. This may include community dialogue officers or other methods and should include enhancing communications about the facts and rationale that led SPD to make an arrest.³⁷

Recommendation 12. SPD should provide safety eyewear and noise protection equipment to protect officers from lasers and sound devices that may be deployed in a protest/demonstration setting.

³⁷ This recommendation was also set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020. A similar recommendation was made in the OIG Sentinel Event Review Wave 1 Report (Recommendation 12). It has been included in this report to emphasize its continued relevance in Wave 2.

Recommendation 13. SPD should embrace and maintain principles of procedural justice in all of its communications and tactics relative to the facilitation of crowd events.

Recommendation 14. SPD officers should eliminate their use of sarcasm or confrontational dialogue with protesters in accordance with 5.001 - Standards and Duties Sec. 10. While the SPD section in question states that “employees will strive to be professional,” (emphasis added), SPD should strike “strive to” from the policy and require professionalism.

Employees Will Strive to be Professional:

Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers. Employees will avoid unnecessary escalation of events even if those events do not end in reportable uses of force.

Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.

Recommendation 15. Wherever practicable, officers should inform non-compliant persons of their intention to physically touch/move them when necessary to achieve a public safety goal prior to initiating the physical contact.

Recommendation 16. SPD should pursue opportunities for officers to express their tensions and frustrations in an appropriate setting and provide guidance on productive ways to channel those emotions to help avoid scenarios in which officers use sarcasm, obscenities, or other displays of disrespect to community members.

Recommendation 17. During protests, SPD should ensure that protesters are protected from vehicular traffic and ensure a constant ability to visually monitor those barriers.

Recommendation 18. SPD should strive to ensure it has visibility to all parts of a crowd during a protest event or demonstration to ensure the real-time ability to prevent or minimize a mass casualty incident. This may include appropriate rooftop access (with proper consent), or other solutions developed with community input.

Recommendation 19. To reduce perceptions of racial bias in SPD actions, SPD should incorporate the scenario of a white man shooting a Black protester, then walking unchallenged through a police barricade and surrendering to SPD officers into antiracism training for reflection and discussion by SPD officers to encourage equal treatment.

Recommendation 20. Particularly when police are the subject of a protest, SPD should avoid the creation of immovable lines of officers at demonstrations and ensure that the crowd can move in

directions it wants without undue danger from cars or other risks.³⁸ In cases where SPD and demonstration goals are at odds, SPD should attempt to engage with the crowd to find a compromise.

Recommendation 21. *As set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD should review and, if necessary, modify policy language for all less lethal weapons to ensure the policy has consistent warning requirements prior to the use of any less lethal weapon.*

Recommendation 22. *As set forth in OIG's Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons Report in August 2020, SPD should research and enhance policy requirements for increased communication with crowds, especially during large or stationary protests, to manage expectations and provide greater credibility for police action. SPD should prioritize "normative compliance," that is, crowd agreement with SPD requests due to their legitimacy, over "instrumental compliance," or the use of tools (e.g., less lethal weapons) to force compliance.*

Recommendation 23. *SPD should use deployments of blast balls during the 2020 protest response as case studies when training new officers on blast ball use in high pressure scenarios.*

Recommendation 24. *SPD and SFD should attempt to coordinate with civilian medics participating in crowd events prior to the protests and establish a plan for care of injured or incapacitated persons during the event. In situations where coordination before an event is not possible, SPD and SFD should ensure civilian medics within crowd events have an established and continuous communication method with SPD and SFD to coordinate the efficient and safe removal of anyone who has been injured or incapacitated during a protest or crowd event.*

Recommendation 25. *SPD should review its policy and training for using less-lethal munitions in crowd management situations, including the use of less-lethal munitions by mutual aid agencies. OPA noted in 2015 its concern that projectiles may strike and injure people lawfully exercising their constitutional rights. OPA also recommended that if SPD were to use officers from other agencies they should be in roles where they would be very unlikely to use force (such as prisoner transport and processing) or have officers for mutual aid only carry force options SPD authorizes and be trained on SPD policies.*

Recommendation 26. *Prior to planned demonstrations, SPD should coordinate with the City of Seattle and residents to remove barriers to visibility that might reduce safety to protesters during protest events, including, for example dumpsters.*

³⁸ A similar recommendation was made in the OIG Sentinel Event Review Wave 1 Report (Recommendation 11). It has been included in this report to emphasize its continued relevance in Wave 2.