



**COMMISSION
AGENDA MEMORANDUM
BRIEFING ITEM**

Item No. 11a
Date of Meeting November 17, 2020

DATE: November 2, 2020
TO: Stephen P. Metruck, Executive Director
FROM: Bookda Gheisar, Senior Director, Equity, Diversity & Inclusion
Delmas Whittaker, Senior Manager, Vessel Fishing Services
SUBJECT: Port Policing Assessment Progress Report

EXECUTIVE SUMMARY

In response to the Port of Seattle Commission's July 14 motion creating a Task Force on Port Policing and Civil Rights, staff have been actively working to implement a comprehensive assessment of the Port Police Department's policies, protocols and procedures impacting issues of diversity, equity and civil rights. With the help of a wide range of external stakeholders and a consulting team, Port staff have been able to make significant initial progress in a relatively short amount of time.

At the Commission's November 17 public meeting, staff will be joined by 21CP Solutions, the Port's policing assessment consultant, as well as key external stakeholders to discuss progress-to-date, initial findings and potential next steps.

BACKGROUND

The Commission policing assessment motion identified several early actions as part of the Task Force on Port Policing and Civil Rights process, including:

- 1) Forming a task force composed of both key internal and external stakeholders,
- 2) Procure a consultant with expertise on these topics, and
- 3) Submit a report on progress and any recommendations for immediate actions to the Commission and the Executive Director by no later than October 31, 2020.

Task Force

For efficiency and to maximize the expertise of key external partners, the structure of the policing assessment was divided into an overarching Task Force that will help guide the process as well as individual subcommittees composed of additional stakeholders. Most Task Force members lead or serve on at least one of the subcommittees, to ensure coordination. The seven subcommittees are as follows:

- 1) Use of force*
- 2) Mutual aid*
- 3) Oversight, accountability, racial equity and civil rights*
- 4) Diversity and hiring
- 5) Training and development
- 6) Budget, roles and equipment
- 7) Advocacy

*currently convening

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Consultant

After a rigorous RFP process, the Port selected 21CP Solutions as its consultant. 21CP Solutions “helps cities and communities effectively tackle the challenges of delivering safe, effective, just, and constitutional public safety services in the 21st Century.” Formed by members of President Obama’s Task Force on 21st Century Policing, 21CP Solution works with police departments across the country, “empowering communities across the country to develop and implement equitable and integrity-driven public safety – grounded in building trust and strengthening relationships.”

The 21CP team assigned to the Port is led by two former Seattle Police Department officials – Brian Maxey and Kathryn Olson – and includes former Seattle Police Chief Kathleen O’Toole.

Report on Progress

21CP has spent the last two months interviewing stakeholders, reviewing documents and drawing on their expertise to develop their report (included as an attachment to these materials). Please note that the consultants have only focused so far on the first three (out of seven) topics identified in the Commission motion. Additional recommendations on these three areas as well as the remaining issues yet-to-be-addressed will be provided periodically over the next nine months.

Summary of Initial Impressions

The attached 21CP report represents the consultants’ initial insights into current Port of Seattle Police Department (POSPD) practices. However, these potential areas of improvement will be vetted and refined through the subcommittee process. To that end, these impressions should not be considered final recommendations from the Task Force, and are subject to change.

Please note that some of these findings are already being addressed by the POSPD. For example, many of the Department’s use of force policies are in the process of being updated, and so these impressions will be revisited as the policies are translated into training and there is opportunity to consider how they are put into practice.

For ease of review, a summary of the initial findings from 21CP are as follows:

Use of Force¹

- The POSPD needs a clear policy that mandates de-escalation, in order to hold officers accountable who do not de-escalate when they should, or whose actions might affirmatively escalate a situation.
- Police policies should more clearly indicate a commitment to valuing and upholding the sanctity of human life, and the connection of those values with its Use of Force policy.
- The use of force policy should require “reasonable, necessary, and proportional force.”
- The use of force policy should require a warning, when feasible, before using lethal force.
- The use of force policy should require officers to provide medical care within the scope of their training and immediately summon medical aid to the scene.

¹ As noted above, POSPD is in the process of revising its Use of Force Policy with changes that address many of these issues. However, the revisions have not yet been included in the Policy Manual.

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Oversight & Equity

- The complaint classification scheme is unnecessarily technical, terms used are not consistently well defined, and the assignment system does not serve quality control goals.
- Timelines should be set for individual steps throughout the investigation process.
- The Standards of Conduct incorporated into POSPD policy are disorganized and confusing, and are not placed into context with the Port’s Code of Conduct.
- There is no clear protocol for handling conflict of interest issues that can occur with misconduct complaint processing.

Mutual Aid

- It is not clear how broadly the term “mutual aid” is used by POSPD in its policies and enforcement practices.
- When the POSPD engages in mutual aid involving noticed events, at the Port or in other jurisdictions, incident planning documents and after-action reports should provide perspective in assessing these events.
- Mutual aid agreements should clearly indicate that POSPD officers are bound by POSPD Policies.
- Mutual aid agreements and requests should address limitations on less-lethal tools or other use of force tactics other jurisdictions can employ when working with the Port in response to a Port request for aid.

ATTACHMENTS TO THIS PRESENTATION -

- (1) Presentation slides
- (2) 21CP Solutions progress report

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

- July 14, 2020 – The Commission approved the Port Policing Assessment Motion.
- June 30, 2020 – The Commission held a study session on the draft Port Policing Assessment Motion.