



City of Seattle

January 3, 2019

VIA E-MAIL

Rev. Harriett Walden, Co-Chair
Isaac Ruiz, Co-Chair
Community Police Commission
Seattle Municipal Tower
700 Fifth Ave, Suite 1650
Seattle, WA 98124

Dear Reverend Walden and Mr. Ruiz:

Thank you for initiating a conversation about the process for investigating the officer-involved shooting that took place in Seattle on Monday night. Your letter contains important insights into public perception surrounding the dynamics of I-940 and we hope to continue this dialogue.

We agree with the Community Police Commission that it is important to clearly and effectively explain the process for implementation of the I-940 independent investigation requirement and to dispel possible public misconceptions.

As an initial matter, I-940 is a state law and responsibility for the first stage of implementation lies with the State. The effective date of I-940 is December 6, 2018. I-940 requires that, within one year of that date, “the Washington state criminal justice training commission must adopt any rules necessary for carrying out the requirements of this act.”

The City is eager to move forward with the implementation of I-940 and anticipates that it will engage with the Washington State Criminal Justice Training Commission as it drafts new regulations that either designate existing entities or establish new entities that will be entrusted with conducting the independent investigations that I-940 requires. These regulations, in addition, will need to establish required procedures governing how the investigations shall be carried out.

The development of policies and procedures must be undertaken thoughtfully and with ample public engagement. It is critical that they incorporate best practices on investigative protocols, accountability, and transparency. Consistent with this goal, I-940 requires that the Washington State Criminal Justice Training Commission must seek input from “the attorney general, law enforcement agencies, tribes, and community stakeholders.”

The Seattle Police Department’s (SPD) experience establishing its Force Investigation Teams (FIT) places it in a position to contribute valuable insight and expertise to the Washington State Criminal Justice Training Commission’s efforts to implement I-940. Under the Consent Decree, the Seattle Police Department worked with the U.S. Department of Justice and a federal Monitor to create FIT, an independent, inter-disciplinary team of specialized detectives who investigate the most serious uses of force, including officer-involved shootings and in-custody deaths. FIT is comprised of experienced detectives who conduct these investigations from both a criminal law and SPD policy perspective.

SPD developed the policies governing FIT and, more generally, all of the policies related to the reporting, investigation, and review of force, in consultation with the federal Monitor and the U.S. Department of Justice, and with substantial input from the community. As required by the Consent Decree, SPD conducted a comprehensive evaluation of its force-related policies and then developed new policies based on national best practices and constitutional principles. *See* Monitor’s Memo Submitting SPD Use of Force Policies to Court (Dkt. 107) at 1. The Court, the Honorable James L. Robart, approved these policies and procedures¹ (Dkt. 115), and any future modifications would obviously include review by the Court.

The development of SPD’s training for FIT officers underwent a similarly rigorous process. *See* Monitor’s Memorandum Submitting SPD Training Materials to Court (Dkt. 254). In notifying the Court that it had approved SPD’s FIT training program, the Monitor reported that “FIT investigations are consistently excellent” and that the diversity of the training courses provided to FIT detectives “reflects the Department’s attempt to provide specialized training specific to investigations not just of force, but of force used by officers.” Dkt. 254 at 1, 6-7.

Recently, as part of an audit of SPD’s reporting, investigation, and review of force, DOJ and the Monitor jointly concluded that:

The overall quality of SPD’s review and investigation was high and the care that officers and their chain of command took in


¹ As your letter notes, SPD is not permitted to revise these policies—including those that relate to the investigation of force—without first obtaining Court approval. *See* Court-Approved Sustainment Plan (Dkt. 444) at 2 & 10 (providing that SPD will seek input from Monitor, DOJ, OPA, CPC, and OIG regarding revisions to consent-decree mandated policies and obtain court approval before implementing).


writing reports, reviewing information, ensuring complete reporting, probing issues of concern, and addressing shortcomings was impressive. . . . SPD's thorough and established system of internal checks and balances in its force process (reporting, investigation and review) will help ensure organizational accountability from the officer that uses force through the Chief of Police who is responsible for the process and its outcomes.

Reporting, Review, and Investigation of Use of Force Report (Dkt. 497-1), at 23.

In closing, we appreciate the spirit of CPC's letter and the insights it contains. We look forward to engaging with community stakeholders, including CPC, as the Washington State Criminal Justice Training Commission develops the implementation process for the independent investigation requirement of I-940 in 2019.

Sincerely,


Jenny A. Durkan
Mayor of Seattle


Peter S. Holmes
Seattle City Attorney


Carmen Best
Chief of Police

CC: Council President Bruce A. Harrell
Councilmember M. Lorena González
Office of Inspector General, Inspector General Lisa Judge
Office of Police Accountability, Director Andrew Myerberg