

November 15, 2021

MEMORANDUM

To: Seattle City Council
From: Esther Handy, Central Staff Director
Subject: Seattle Court Monitor Engagement in 2022 Budget Process

This memo summarizes City Council’s engagement with the Seattle Police Monitor Dr. Antonio M. Oftelie during the 2022 Budget process.

At the request of Council President González, Public Safety Chair Herbold, and Budget Chair Mosqueda, the Seattle Police Monitor was briefed by Kerala Cowart (Law) and Greg Doss (Council Central Staff) on November 1, 2021.

Kerala and Greg set the appointment about a week beforehand and briefed the Monitor on all public Council Budget Actions (CBAs) that would affect SPD. At the time, those CBAs were limited to the CBAs presented on Wednesday, October 27th, listed in the table below. The Monitor received the [full SPD CBA documents](#) and the [Central Staff SPD Issue Paper](#) on Friday, October 29th.

The format for the briefing followed the same procedure/protocol used for the Mid-Year Supplemental: Greg presented the facts in a neutral, non-partisan manner and the Monitor asked questions to gain a better understanding of the potential budget changes. The Monitor was aware that Greg, as a Central Staff Analyst, works for all Councilmembers and that Greg wrote the CBAs. The Monitor did not provide feedback on any of the items during the briefing, but was invited to do so, as soon as possible, as Council deliberated on these items.

Table 1: Seattle Police Department (SPD) CBAs presented on Oct 27.

CBA #	Title	Sponsor	Page
SPD-001-A-001	Request that SPD report on police staffing, overtime, finances, and performance metrics	Herbold	2
SPD-002-A-001	Request that SPD report on its data collection and management practices for Murdered and Missing Indigenous, Women and Girls (MMIWG) cases	Juarez	4
SPD-003-A-001	Proviso \$5 million GF in SPD for potential salary savings	González	5
SPD-004-A-001	Proviso \$2.5 million GF in SPD for technology projects	González	7
SPD-005-A-001	Proviso \$200,000 GF in SPD for Community Service Officers (CSOs)	Herbold	9
SPD-006-A-001	Cut \$4.53 million GF from SPD for sworn salary savings and efficiency savings and impose a proviso	Herbold	11
SPD-007-A-001	Cut \$1.09 million GF from SPD for hiring incentives, add \$1.09 million GF to FG Reserves, and impose a proviso	Herbold	15

On November 8, the Monitor sent the attached memo to Council President González, Public Safety Chair Herbold, and Budget Chair Mosqueda. In this memo, the Monitor described his concerns about any cuts to funding for data collection and analysis requirements critical to the Consent Decree, specifically for (1) the Data Analytics Platform (DAP) and (2) the transfer of force reporting and assessment to the Records Management Systems (RMS) to be funded without proviso.

On November 9, the 2022 Balancing Package was published, which included many of the CBAs listed above in either their original form or with edits shaped by discussions at the Select Budget Committee. Budget Chair Mosqueda incorporated the feedback from the Monitor's November 8 Memo in this package by fully funding the DAP and RMS, without proviso, in the Balancing Package.

Attachments:

1. November 8 Memo From Seattle Police Monitor Dr. Antonio M. Oftelie, RE: Federal Monitor Advisement on City of Seattle 2022 Budget Provisos for Seattle Police Department

cc: Greg Doss, Analyst
Dan Eder, Deputy Director
Aly Pennucci, Policy and Budget Manager



Memorandum

TO: Council President Lorena Gonzalez

Council Public Safety Chair Lisa Herbold

Council Budget Chair Teresa Mosqueda

Cc: Mayor Jenny Durkan

City Attorney Pete Holmes

Chief Adrian Diaz

FR: Dr. Antonio M. Oftelie, Monitor, Seattle Police Department

DT: November 8, 2021

RE: Federal Monitor Advisement on City of Seattle 2022 Budget Provisos for Seattle Police Department

In reviewing the Seattle City Council Budget Actions (CBAs) on the 2022 proposed budget, the Monitoring Team is concerned that proposed cuts to funding for data collection and analysis requirements critical to the Consent Decree (CD) may place the City at further risk of non-compliance. Because of the critical importance of these systems to the overall success of the Consent Decree, the Monitoring Team raises these issues at this time, rather than waiting until the annual report, and urgently advises that the Data Analytics Platform (DAP) and the transfer of force reporting and assessment to the Records Management System (RMS) be funded without provisos.

The Monitoring Team's impetus in this matter is that IAPRO was originally procured as a stopgap, early in the CD. The Versaterm Records Management System (RMS) did not have the capabilities to support CD required reporting or an Early Intervention System (EIS) and was not flexible to incorporate that functionality. After nearly seven years of operation, the SPD Data Governance (DG) program has noted several gaps resulting in limitations of the analysis used for continuous improvement and accountability. They are, in no particular order:

1. Inability to affirmatively relate the subject of a use of force to the subject of a police report (incident / offense, supplemental, behavioral crisis, terry, traffic stop, etc..) in the current RMS, Mark 43, resulting in:
 - a. Limitations in the ability to identify “high utilizer” community members associated with force involved crisis response, hindering the speed with which a response plan can be formed and communicated to the field.
 - b. Inability to deconflict multiple identities (aliases) of crisis high utilizer community members where force is likely to be used, potentially masking an escalating series of behaviors leading to a serious use of force.
 - c. Limitations in the ability to identify officers who use force more frequently associated with a crisis response, than their peers.
 - d. Limitations in the ability to identify officers who use force more frequently associated with a Terry or traffic stop, than their peers.
 - e. Limitations in the ability to identify critical details (offense type, function) of events (incidents / offenses, warrant service, follow-ups)

2. Latency in the ability to geolocate (lack of address verification and geocoding service) force, requiring a manual process that can cause the data to lag between one and three months, resulting in:
 - a. An inability to identify emergent hotspots of force, including crisis related force.
 - b. Inability to monitor, in real time, high harm patterns of force, including those involving a community member in crisis.
 - c. Inability to provide complete (geolocated) public data (DSG) or public visualizations (dashboards) in a timely fashion, hindering trust through transparency.

3. Limitations of flexibility in case processing (ability for a force report to be considered in multiple cases) that does not allow SPD to require an officer’s direct supervisor to investigate all of their reported force.

4. Inability to capture multiple levels of force processing approval (chain of command and Force Review Board), resulting in:
 - a. Limited ability to identify workflow “bottlenecks” impacting time to process force, potentially masking critical investigation and review findings.

- b. Inability to monitor and respond to resource capacity gaps related to force review (e.g., abnormal operations summer of 2020).

Consistent with its commitment to data integrity requirements and compliance in the consent decree, SPD has identified, logged for visibility, and sought resourcing to remedy these gaps. It is now in the City's hands. The Monitor cautions that failure to close these gaps may well risk non-compliance for the City in not only assessment requirements, but also with the City's obligation to provide "adequate resources" (paragraph 221 of the Settlement Agreement) to achieve, maintain and continuously improve upon a standard of democratic policing the community and the CD demands. This is not a concept or warning that is new to this Monitor, or to the process. (Please see in particular the former Monitor's stark warning in the second semi-annual report.¹)

The Monitoring Team realizes that the 2022 budget and associated provisos are still in development and deliberation, and it is not the Monitor's role or intent to dictate City budget decisions. It is, however, the Monitor's obligation to highlight that the work associated with DAP and RMS are currently in-process and critical to both the Settlement Agreement and the City's efforts to reimagine policing.

The successes of the Seattle CD has demonstrated, time and again, that police reform and progress toward a more democratic and equitable police service requires investments in the systems and infrastructure necessary to support that ideal. The budget actions before the council represent exactly the kind of self-aware, growth mindset, continuous improvement, harm reducing actions a modern police service should embody and this CD demands.

¹<https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/542adfabe4b0957885ec6029/1412095915929/Second+Semiannual+Report+---+Final.pdf> pages 6-16).