

Date: July 3, 2018
To: Deputy Chief Mike Villa
From: Sergeant Jim Tuttle
Subject: 2017 Annual Use of Force Review / Analysis

Our Department has completed its annual Use of Force review and analysis for calendar year 2017. This review requires analysis of incidents where department members responded to resistance or aggression with reportable force during the evaluated period. This review is intended to help determine if there are any trends or patterns, employee development needs or equipment issues that may need to be addressed as well as determining if any modifications to our current policies and procedures should be recommended resulting from the analysis of these use of force events.

The table shown below provides a quick reference to the types of forced used during the force events in each of the previous four years, inclusive of calendar year 2017.

Reportable Force Events Table

	2014	2015	2016	2017
Total Reportable Force Events	8	25	27	29
Weaponless Techniques	6	18	19	18
Application of Leg Restraints	1	3	1	7
Taser	2	2	2	3
OC Spray	0	0	0	1
Pointing of Firearm	Not Recorded	5	4	4
Police Baton	0	0	0	0
40 mm Munitions	0	1	1	0
Firearm	0	0	0	1
Citizen Complaints from Force Used	0	1	0	0

It should be noted that many of the reportable force events referenced here required that multiple techniques be applied by the involved officers. For this reason, the total sum of the number of actual techniques listed as being used by our officers may be higher than the overall number of reportable force events.

DATA REVIEW

After researching the collected data relating to our Department's events involving the application of reportable force in 2017, I learned the following:

- During the 2017 calendar year, our department experienced 29 reportable use of force events.
- Of the 29 use of force events that took place in 2017, all but two of them took place at our airport jurisdiction, inclusive of one event that took place at our rental car facility and one event that took place just outside of airport property. The other two events took place at the

waterfront, including an event in which one of our detectives was assaulted outside of the Federal Building in downtown Seattle.

- Eighteen of the 29 force events were incidents in which officers utilized weaponless techniques to perform strikes and takedown maneuvers. Seventeen of these events involved takedown maneuvers and one involved closed-fist strikes.
- Three of the force events involved Tasers being deployed. On one incident, two separate officers deployed their Tasers against one person and, during the other two events, a single officer deployed their Taser during each incident.
- During these Taser related incidents, all applications were probe deployments. There were no drive-stun applications of the Taser noted. During the incident where our two officers deployed their Tasers against the same suspect, one of the officers was successful in obtaining hits with both Taser probes while the other officer hit with one probe and missed with the other.
- Four of the reportable use of force events involved officers pointing firearms at individuals.
- One of the reportable use of force events involved an officer deploying OC spray. This application of OC was effectively used by a Crowd Management Unit sergeant as a crowd-clearing tactic during the large protest that took place in the airport terminal in January.
- One of the reportable use of force events involved two of our officers administering lethal force in the form of gunfire against an armed suspect. The involved officers took these actions while working in their capacities as SWAT operators assigned to Valley SWAT during a call-out in Auburn, WA.
- Seven of the reportable use of force events involved officers applying leg restraints to suspects who remained, or became, combative after they had been restrained in handcuffs.
- No reportable use of force events involved officers using 40 mm - less lethal munitions
- No reportable use of force events involved officers using a police baton.
- Each of the 29 use of force event investigations, inclusive of the officer involved shooting, were reviewed by the Office of the Chief and found to be within policy. Subsequent to the officer involved shooting, the King County Prosecuting Attorney's Office issued a decline notice regarding potential criminal charges against our officers that were involved in this incident. In addition, the suspect in this case was charged with second-degree assault and this charge included a firearms enhancement.
- There were no citizen complaints or lawsuits resulting from any of our use of force events occurring in 2017.

COMPARISONS

In 2017, our number of force events was generally consistent with 2016. The gradual increase over the past three years - 25 events in 2015, 27 events in 2016 and 29 events in 2017, was anticipated due to the progressively increasing airport passenger volumes and elevated number of calls for service we have experienced over the past three years. As mentioned in last year's annual use of force review, the number of use of force events in 2014 still appears to be a statistical anomaly. Our department experienced 22 use of force events in 2013 and we then dropped down to eight use of force events in

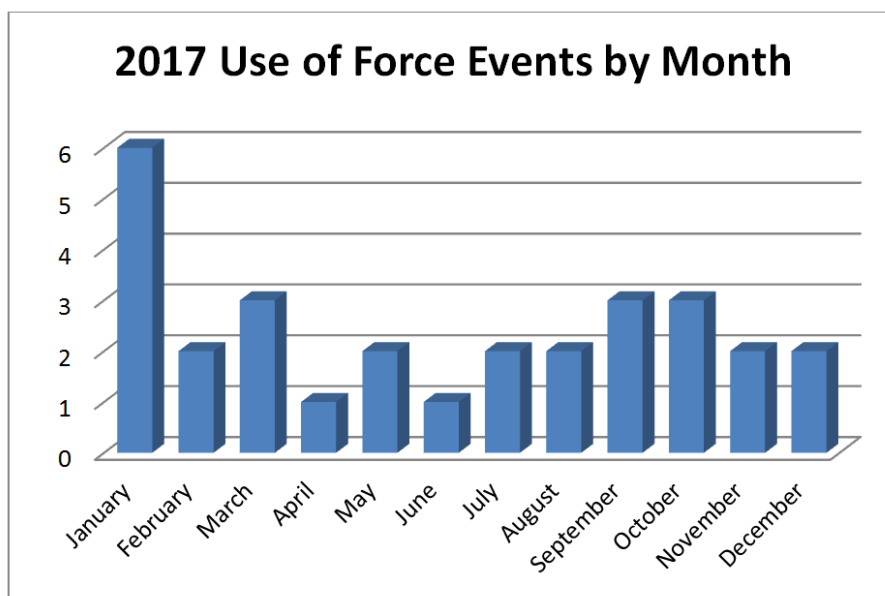
2014. In 2015, 2016, and 2017, we returned back to a more predictable number of force events. After much research was conducted, it is still unclear why 2014 was such an outlier with regards to the low number of force events as compared to the surrounding years.

In 2017, we experienced our first officer involved shooting in many, many years. At the time of the shooting, our involved officers were working in their capacities as SWAT operators assigned to Valley SWAT during a call-out. Although the application of lethal force is clearly not a common event for the Port of Seattle Police Department, the environment in which our Valley SWAT operators work puts these operators in situations where there is a much higher likelihood where the applications of lethal force might be necessary. I believe the fact that two of our officers were involved in a deadly force encounter is due to the conditions they experienced relating to their SWAT assignment and not due to anything involving our Department or our typical working environment. For this reason, for the purposes of this use of force review, I consider the fact that our department experienced an officer involved shooting somewhat of an anomaly.

With the exception of leg restraint applications, the number and types of force used in 2017 are comparable with previous years. However, we experienced a significant increase of leg restraint applications in 2017 (seven applications) when compared to the previous three years (one to three applications per year). It is unclear why this increase occurred but I suspect that our sergeants may now be doing a better job of accurately documenting events where leg restraints are applied. The application of leg restraints is not considered a “typical” use of force and may, at times, be overlooked when documenting force events.

ANALYSIS HIGHLIGHTS

Use of Force Events by Month

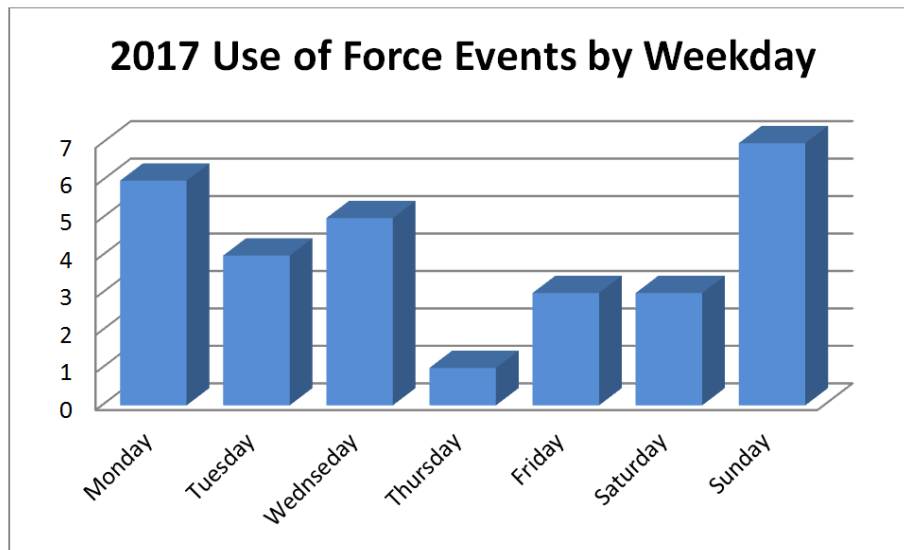


There was at least one use of force event in each calendar month of 2017. There were twice as many use of force events in the month of January (six events) than any other single month. April and June each produced one use of force event and the remaining months produced either two or three events each.

Out of the 27 reportable use of force events that occurred in 2016, our agency experienced seven force events in July. The month of August produced four use of force events and the remaining months in 2016 produced zero to three events each.

After reviewing the available data, I can find no specific factors that would have caused the spike in January 2017 events or the spike in July 2016 events. This clearly does not constitute a pattern and these spikes appear to be random outliers.

Use of Force Events by Weekday

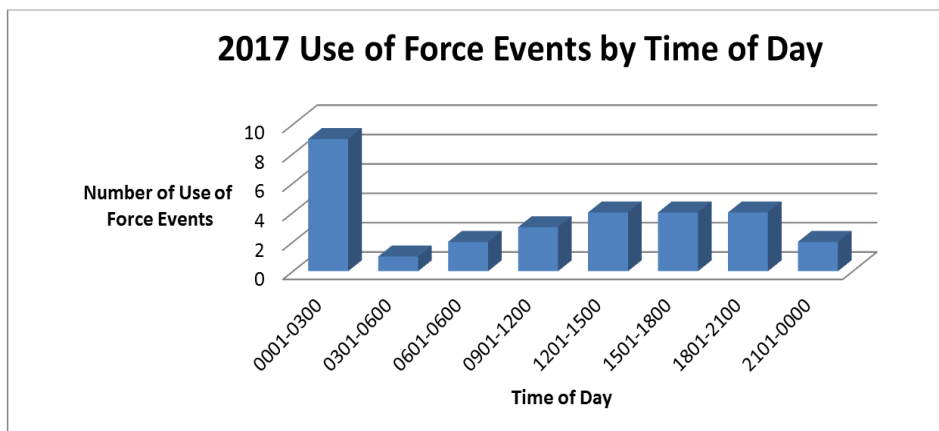


In 2017, Sunday, Monday and Wednesday (which respectively had seven, six and five events) were the days of the week that experienced the highest number of use of force events.

In 2016, Saturday, Sunday and Monday (which respectively had six, six and five events) were the days of the week that experienced the highest number of use of force events. Curiously, no use of force events occurred on any Wednesday in 2016.

After reviewing the available data, I can find no adverse trends, patterns or areas of concern relating to what days of the week reportable force is being used by our department members.

Use of Force Events by Time of Day

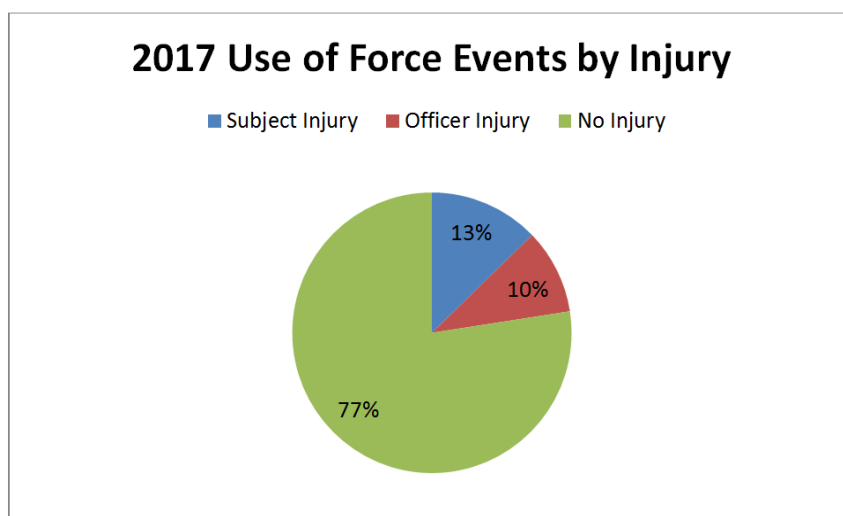


In 2017, midnight to 0300 hours were the times of the day that experienced the highest number of use of force events. This three-hour block of time generated nine uses of force during the year. The number of force events occurring during the remaining three-hour blocks of time were more evenly dispersed and each numbered between one and four force events.

In 2016, the highest number of force events occurred between 0600 hours and 0900 hours and also between 1200 hours and 2100 hours.

After reviewing the available data, I can find no specific factors that might have caused the 2017 spike in force events occurring in the 0001 hours to 0300 hours timeframe. In 2016, we experience two force events during the same block of time. This clearly does not constitute a pattern and this spike appears to be random.

Use of Force Events Resulting in Injury

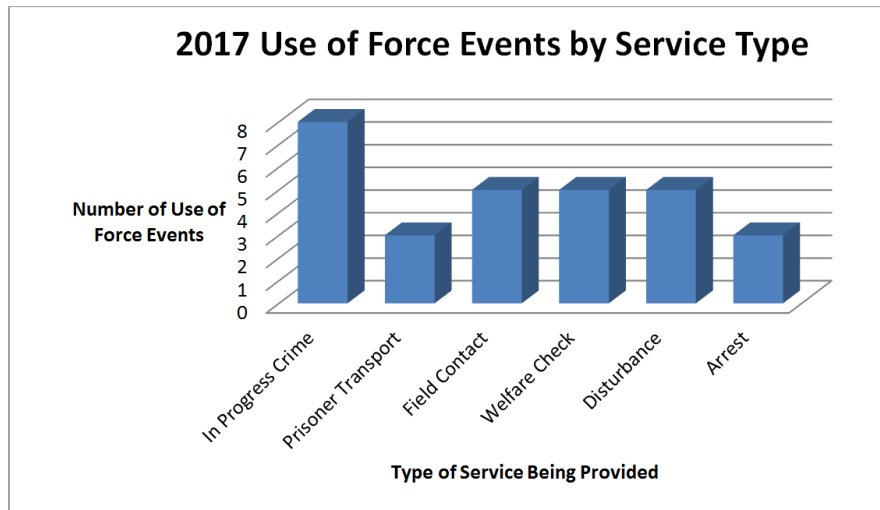


Of the 29 reportable use of force events that occurred in 2017, three officers were injured while applying force. All of these injuries consisted of minor abrasions, cuts or scratches. None of these reported injuries required a doctor's visit, hospitalization or time off.

In 2017, four suspects received injuries during these use of force events. Of these injuries, three consisted of minor abrasions, cuts or scratches and did not require hospitalization. During the fourth event, the suspect was shot a total of ten times by three officers, two from our agency. The suspect survived his wounds but was hospitalized with critical injuries.

The number of injuries resulting from our department's uses of force continues to remain low. After reviewing the available data, I can find no adverse trends, patterns or areas of concern relating to injuries incurred during use of force events.

Use of Force Events in Relation to Call for Service Type

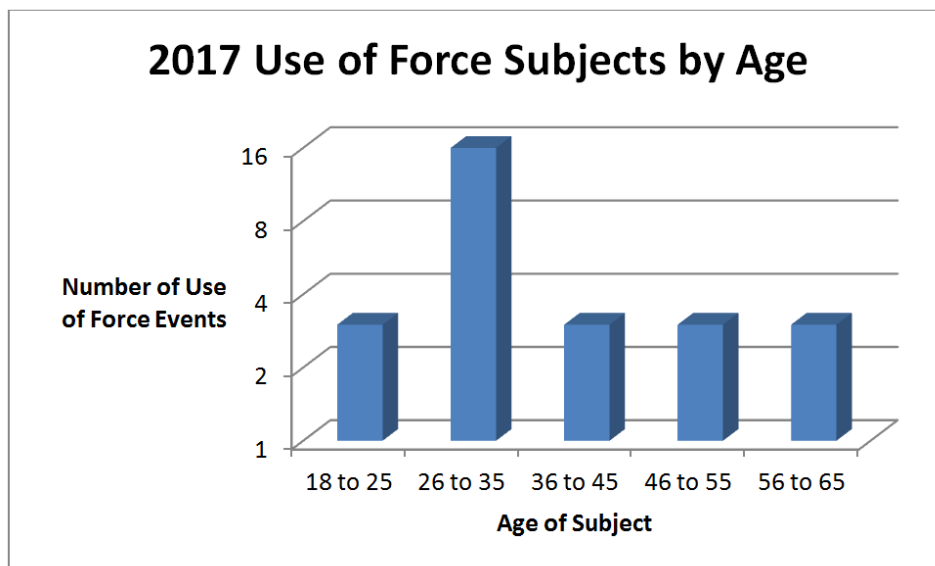


The majority (eight) of our 2017 use of force events took place after officers responded to crimes in progress. The service categories of field contact, welfare check and disturbance each resulted in five use of force events and duties relating to arrest and prisoner transport each generated three use of force events.

It should be noted that the three prisoner-transport related use of force events resulted only in the application of leg restraints on combative post-arrest subjects who were attempting to inflict personal injury or cause property damage.

After reviewing the available data, I can find no adverse trends, patterns or areas of concern relating to the types of services being rendered that resulted in use of force events.

Use of Force Events by Subject Age



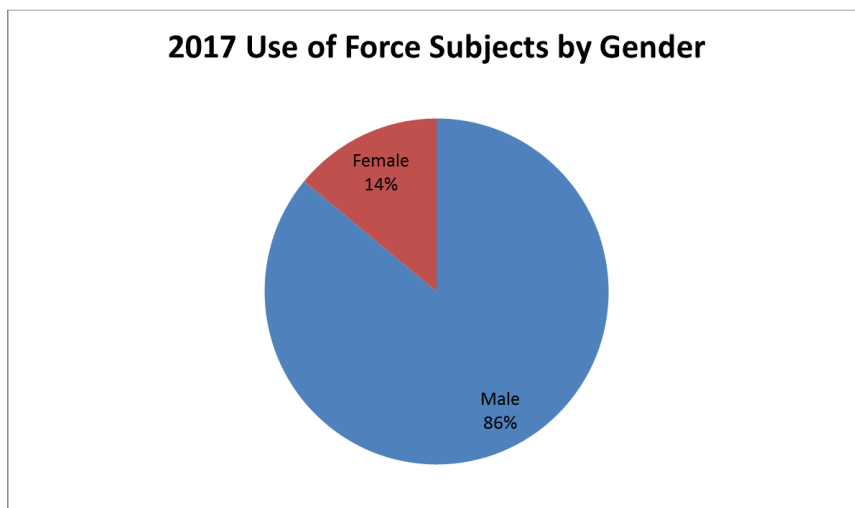
The 29 subjects on whom reportable force was used in 2017 ranged in age from 18 to 62. 17 of these subjects fell within the 26 to 35 years of age bracket. The remaining age brackets each contained three subjects.

There was no reportable force used on any juveniles during the calendar year.

The majority number of force subjects falling within the 26 to 35 years of age bracket, along with the three subjects that fell within the 18 to 25 years of age bracket, is consistent with national norms relating to age groups that tend to be more often involved in criminal activity or having negative interactions with the police.

After reviewing the available data, I can find no adverse trends, patterns or areas of concern relating to the age of the subjects on which reportable force is used by our department members.

Use of Force Subjects by Gender



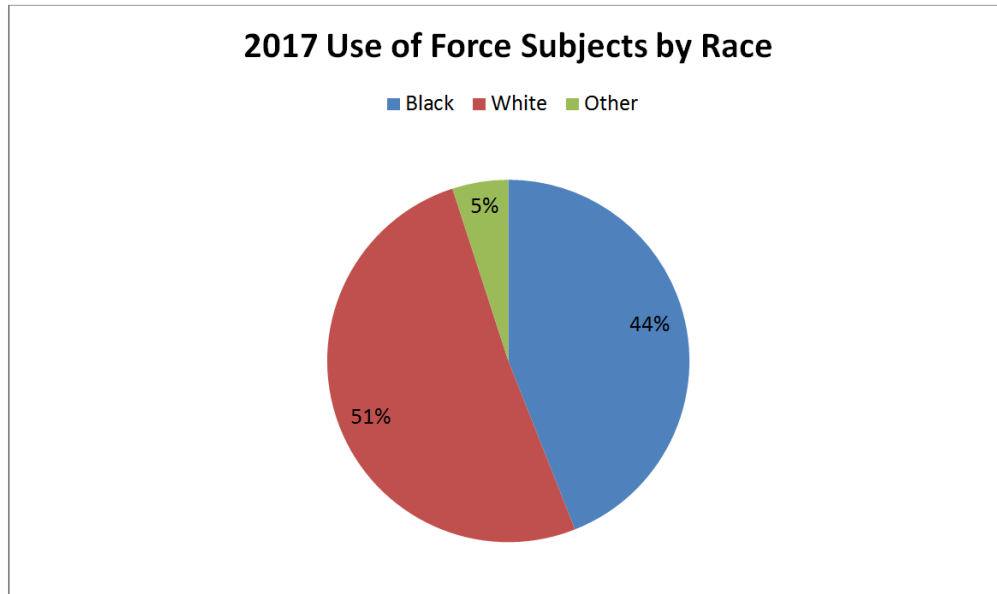
Of the 29 reportable use of force events that occurred in 2017, reportable force was used on 25 males and four females.

There were no known incidents in which force was used on any transgender subjects.

The fact that our department members used force on a much higher number of males than females is consistent with national norms relating to males tending to be more often involved in criminal activity or having negative interactions with the police.

After reviewing the available data, I can find no adverse trends, patterns or areas of concern relating to the gender of the subjects on which our department members used force.

Use of Force Subjects by Race



Of the 29 subjects on whom force was used in 2017, 15 were white, 13 were black and one was of Pacific Island descent.

On the surface, the fact that 44% of the subjects on which our officers used force were black appears to be disproportionate when compared to our State and County population demographics.

In order to determine if there are trends, patterns or areas of concern regarding the proportionate number of use of force events in relation to the race of the subjects upon whom force is used, accurate area demographics relating to the race of our actual "population" are needed. Unfortunately, attempting to ascertain accurate area demographics for our purposes as they relate to race is challenging, at best.

On this issue, there are several facts that should be acknowledged:

- The majority of the subjects on which our department members use force are not part of our travelling public, but rather members of the local population that access our airport facility for reasons other than travel.
- The latest national census took place eight years ago and its demographic numbers relating to race in Washington State and King County only provide limited value.

This 2010 census indicates that the overall black population in Washington State is 4% and in King County, it is around 7%. However, the census also indicates that higher black population areas are found towards the southern portions of King County. The 2010 census indicates that some neighborhoods near the airport consist of black populations ranging from 25% to 49%.

- The Cities of Tukwila and SeaTac, the two jurisdictions that border the entrances to our airport, have robust refugee programs to assist in the migration and support of Somali citizens as well as citizens from other African nations.

- A 2012 King County study described SeaTac as “Among the county’s most diverse cities, with 61% persons-of-color and 31% foreign-born.”

I have also researched how each of the calls that resulted in a use of force event was initiated. While doing so, I learned the following:

- Of the 27 persons upon whom force was used at the airport, 5 of them (19%) were members of the traveling public. The other 22 (81%) of these people were local residents of our region who were not at the airport for the purposes of traveling.
- In researching the 29 total incidents that resulted in a use of force event, I learned the following information:
 - 16 of these incidents were initiated when officers were dispatched to the scene as the result of a citizen call for service.
 - Ten of these incidents were initiated when officers “on-viewed” potential criminal or suspicious activity and acted upon what they observed.
 - Three of these incidents were initiated due to other circumstances, to include:
 - An incident in which the suspect ran his vehicle into a legally parked and occupied patrol car.
 - An incident in which the suspect unexpectedly assaulted our officer and outside agency law enforcement officers who were with him.
 - An incident in which our officers were offering a subject, who was in crisis due to mental illness, a courtesy transport to a hospital for treatment. While preparing for transport, the subject unexpectedly started to physically damage the patrol car in which he was to be transported.

Of the ten incidents that were “on-viewed” by our officers, inclusive of field contacts, five involved black subjects and five involved white subjects.

With regards to our use of force events, when taking into account the racial demographics of neighborhoods in which the airport resides, the data does not indicate that officers engaging in self-initiated activity are making choices on who they contact based on the race of the subject.

After reviewing the available data, it does not appear that there are any adverse trends, patterns or areas of concern relating to the race of the subjects on which our department members used force.

RECOMMENDATIONS

Overall, I see no adverse trends or patterns relating to our department’s 2017 use of force events that need to be addressed.

In addition, I see no employee development or equipment issues that need attention.

One recommendation that I would make would be to revisit the need for having the proper application of leg restraints included as one of the thresholds that require a use of force report.

I do not believe that the proper application of leg restraints is still associated with the civil liability that it once was many years ago. Our current policy and training stress the importance of not securing a suspect's bound ankles to his secured wrist - also known as hogtying. Our policy and training also stress the importance of not leaving suspects face down while secured, the need to monitor the subject's breathing as well as the importance of transporting prisoners in a seated, upright position. These policies and procedures, when properly followed, help mitigate the chances of an arrestee experiencing adverse issues that may be associated with the application of leg restraints and thus, reduce the potential for injury.

For these reasons, I recommend that the proper application of leg restraints be removed as being one of the current threshold events that require a use of force report.