



# **Executive Summary**

## **of the Recommendations for the Port of Seattle Task Force on Policing and Civil Rights**



## I. EXECUTIVE SUMMARY

Early in their support of the Port of Seattle Commission (Commission) Task Force on Policing and Civil Rights (Task Force), 21CP Solution consultants (21CP) went for a ride-along with two Port of Seattle Police Department (POSPD) sergeants to gain perspective on the Port's geographical layout and to learn more about POSPD officers' daily work. At one of the POSPD outstations, an officer commented, "I am glad you are here. This is a great department and I think you will see that. I hope you don't find anything broken; but I do hope you find things to fix."

Unlike many of 21CP's engagements, this assessment of the POSPD was not precipitated by any seminal event or community outrage directly involving POSPD. In fact, 21CP found that few outside the Port have much awareness of the POSPD, what they do, or how they differ from the many other law enforcement agencies – including the U.S. Transportation Security Administration (TSA), US Customs and Border Protection (CBP), Washington State Patrol (WSP), the Seattle Police Department (SPD) and others – that operate within and/or proximate to the Port's jurisdiction. Instead, this review was inspired by the national moment of reflection about policing, and the Commission's vision of a world-class police force that not only sets a high standard for performance and community service, but also centers equity and civil liberties as core values in its work.

After a thorough process that involved document review, listening sessions and interviews with many internal and external stakeholders, engagement with the Task Force and subcommittees, an internal POSPD climate study, engagement at training, and review of use of force incidents and misconduct complaint investigations, 21CP found ample evidence of a good department that can get even better with key changes.

On the positive side, POSPD regularly updates its policies and procedures to stay current with promising practices, supports a robust training program, and has a clear commitment to mission and goals. Use of force is infrequent and, with few exceptions, reasonable, necessary, and proportional. The relatively few POSPD misconduct complaints were investigated in a timely and objective manner. Forward thinking appears typical of POSPD leadership and was observed in supervisors and officers providing day-to-day policing services, the POSPD training program, and through participation in the work of the Task Force. Notably, the POSPD has taken on a regional leadership role in crafting new policies and procedures in response to recent

Washington State legislation to ensure that agencies are operating from the same set of standards.

However, as with any organization, there is room for improvement. As such, this report aims to provide specific guidance, and practical recommendations, for POSPD and the Port based on its unique needs, values, and experiences, and drawing from the vast experience of the many volunteers that donated their time and energy to think through the questions posed to the Task Force. Overall, this report offers 52 discrete recommendations covering each of the nine areas of assessment outlined by the Commission; a majority of the recommendations capture feedback specifically provided by the members of the Task Force and subcommittees.

While this report provides many recommendations, some broad and some more discrete, three priority areas stood out in our analysis:

- 1) the need for the POSPD to focus on internal procedural justice to address a perception of inequity experienced by many, but particularly Non-White employees,
- 2) how increased organizational transparency can improve perceptions about the POSPD, and
- 3) supporting the POSPD's move away from a traditional police response on homelessness.

The first two priority areas – internal procedural justice and transparency – were highlighted during the subcommittee process and by the results of the climate survey and officer interviews, in which 21CP heard frequent concerns, most often expressed by employees of color, about fairness in departmental opportunities, even though most did not specifically attribute the perceived unfairness to race, ethnicity, or gender. In all, over 25% of 21CP's recommendations focus on increasing internal procedural justice and fairness<sup>1</sup>. The third – police response to homelessness – is the single most important step that will help reduce external disparities around uses of force.

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<sup>1</sup> See Recommendations 2, 7, 34 – 44, 49.

The Port is not alone in confronting significant issues and concerns surrounding the role, actions, and performance of police in its community. 21CP has conducted similar reviews for other jurisdictions addressing many of the same issues and challenges, and in some cases offered similar recommendations to what is outlined here based on the same types of best and emerging, promising practices. Again, however, this set of recommendations was strongly shaped by the input of the Task Force and the subcommittees, as well as the unique nature of the POSPD, feedback from community members and direction from the Port Commission.

Finally, while this executive summary focuses specifically on the list of recommendations, the full report contains important details, key nuances and additional background on the process and participants that resulted in these conclusions. For example, the internal POSPD climate study and the follow-on interviews with individual officers provided essential insights into not only perceptions of fairness but also the potential reasons behind those perceptions; anonymous quotes from the interviews are included in that section to help with context and interpretation of the survey results. Similarly, there are a number of issues raised in the Commission Motion that 21CP reviewed, but that did not result in specific recommendations – such as use of military-grade equipment or how “qualified immunity” does or doesn’t play a role in POSPD discipline and accountability processes. For those that do not have time to read the full report, it also may be worthwhile to at least review the part of the report that shares descriptions of each of the recommendations, which provide both explanation for how the conclusions were arrived at as well as specific details related to implementation.

## **II. TABLE OF RECOMMENDATIONS**

### **General Recommendations**

RECOMMENDATION NO. 1. POSPD SHOULD CONTINUE TO SCRUTINIZE THE INTENT AND LANGUAGE OF EVERY LEXIPOL POLICY AND MODIFY THE POLICIES TO ENSURE THAT THEY MEET BEST PRACTICES AND NOT JUST LEGAL MINIMUMS.

RECOMMENDATION NO. 2. AS THE POSPD GATHERS MORE DATA ON OFFICER ACTIVITY, THE DEPARTMENT SHOULD CONTINUE TO SCRUTINIZE THAT DATA FOR ANY DISPARITIES IN USE OF FORCE AND WORK TO ENSURE THAT POSPD'S DEPLOYMENT STRATEGIES AND APPROACH TO POLICING MINIMIZE THOSE DISPARITIES.

RECOMMENDATION NO. 3. THE PORT SHOULD CONSIDER CREATING A QUARTERLY PORT SAFETY COMMITTEE TO BRING INTERESTED STAKEHOLDERS TOGETHER.

RECOMMENDATION NO. 4. THE PORT SHOULD CONDUCT A STUDY OF THE INTERNAL ORGANIZATIONAL STRUCTURE AND COMMUNICATIONS INVOLVING THE POSPD TO DETERMINE HOW TO BEST ACCOMPLISH THE GOAL OF ENHANCING POSPD TRANSPARENCY THROUGH REGULAR ENGAGEMENT WITH PORT LEADERSHIP.

RECOMMENDATION NO. 5. CUSTOMER SERVICES AND THE POSPD SHOULD DEVELOP OR REFINE PROTOCOLS ON THE HANDLING OF COMPLAINTS AND COMPLIMENTS ABOUT PORT POLICE OFFICERS.

RECOMMENDATION NO. 6. PORT LEADERSHIP SHOULD SUPPORT THE POSPD BY DEVELOPING FIRST RESPONDER ALTERNATIVES TO INCIDENTS INVOLVING THE HOMELESS THAT DO NOT INVOLVE ARMED POSPD OFFICERS AND INCREASE ACCESS TO HOLISTIC RESOURCES.

RECOMMENDATION NO. 7. THE POSPD SHOULD COMMENCE A CAMPAIGN OF INTERNAL PROCEDURAL JUSTICE TRAINING FOR ALL

LEVELS OF THE DEPARTMENT TO HELP ADDRESS THE BROAD-BASED SENSE OF INEQUITY, ESPECIALLY WITH EMPLOYEES OF COLOR.

### **Use of Force Recommendations**

RECOMMENDATION NO. 8. THE DEPARTMENT SHOULD CONSIDER RESTRUCTURING THE USE OF FORCE POLICIES INTO A UNIFIED POLICY.

RECOMMENDATION NO. 9. THE MISSION AND VISION STATEMENTS IN THE POLICY MANUAL SHOULD MORE CLEARLY INDICATE THE DEPARTMENT'S COMMITMENT, IN ALL OF ITS ACTIVITIES, TO VALUING AND UPHOLDING EQUITY AND FAIRNESS, DE-ESCALATION, THE SANCTITY OF HUMAN LIFE, AND ACHIEVING THE BEST POSSIBLE OUTCOME FOR ALL INVOLVED.

RECOMMENDATION NO. 10. THE DE-ESCALATION POLICY SHOULD BE UPDATED TO MAKE DE-ESCALATION ATTEMPTS MANDATORY, WHEN POSSIBLE TO DO SO, AND TO ADD DE-ESCALATION TACTICS.

RECOMMENDATION NO. 11. THE USE OF FORCE POLICY SHOULD EXPRESSLY REQUIRE THAT ANY USE OF FORCE BE OBJECTIVELY REASONABLE, NECESSARY, AND PROPORTIONAL.

RECOMMENDATION NO. 12. THE USE OF FORCE POLICY SHOULD REQUIRE OFFICERS TO PROVIDE A WARNING, WHEN SAFE AND FEASIBLE, BEFORE USING ANY FORCE.

RECOMMENDATION NO. 13. 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.

RECOMMENDATION NO. 14. POLICY SHOULD BE REVISED TO REQUIRE OFFICERS TO REPORT AND DOCUMENT ALL FORCE THEY USE AND/OR WITNESS.

RECOMMENDATION NO. 15. THE USE OF FORCE REPORTING POLICY SHOULD REQUIRE THAT A SUPERVISOR RESPOND TO ALL APPLICATIONS OF REPORTABLE FORCE, NOT JUST THOSE THAT RESULT IN “VISIBLE INJURY.”

RECOMMENDATION NO. 16. THE POSPD SHOULD CONSIDER HAVING OFFICERS ENTER USE OF FORCE REPORTS DIRECTLY INTO BLUETEAM, RATHER THAN HAVING A SUPERVISOR GATHER AND PRESENT FACTS. THE SUPERVISOR’S INVESTIGATION AND ALL SUPPORTING MATERIALS SHOULD BE CONSOLIDATED IN BLUETEAM AND ROUTED TO THE CHAIN OF COMMAND THROUGH THE SYSTEM.

RECOMMENDATION NO. 17. THE POSPD SHOULD MAXIMIZE ITS TRANSPARENCY BY PUBLISHING DATA AND REPORTS ON ITS WEBSITE AND REGULARLY REPORTING THE INFORMATION TO THE COMMISSION.

RECOMMENDATION NO. 18. VIDEO EVIDENCE SHOULD BE DOWNLOADED AND INCLUDED IN BLUETEAM OR LINKED WITHIN THE SYSTEM.

RECOMMENDATION NO. 19. POSPD SHOULD CREATE A STANDING USE OF FORCE REVIEW COMMITTEE, TO INCLUDE A TRAINING OFFICER, THE IA OFFICER, AND COMMAND STAFF, EXCLUSIVE OF THE CHIEF, AND TASKED WITH REVIEWING EVERY USE OF FORCE.

### **Mutual Aid Recommendations**

RECOMMENDATION NO. 20. THE POSPD SHOULD CONTINUE TO TAKE THE LEAD ON UPDATING CURRENT MUTUAL AID AGREEMENTS TO DRIVE BEST PRACTICES REGIONALLY AND ALIGN WITH THE NEW STATE POLICING LAWS.

RECOMMENDATION NO. 21. AFTER ENGAGING IN MUTUAL AID DEPLOYMENTS, AT THE PORT OR IN OTHER JURISDICTIONS, POSPD SHOULD ACTIVELY ENGAGE IN AFTER-ACTION ASSESSMENTS AND TRACK ALL RESULTING RECOMMENDATIONS.

RECOMMENDATION NO. 22. THE POSPD SHOULD DEVELOP ITS OWN CROWD MANAGEMENT POLICY OUTLINING THE POSPD TERMS OF ENGAGEMENT, FACILITATION OF FIRST AMENDMENT ACTIVITIES, AND WHICH SPECIFICALLY SETS FORTH THE POSPD ENGAGEMENT STRATEGY WITH DEMONSTRATION LEADERSHIP.

RECOMMENDATION NO. 23. THE PORT SHOULD ADD SPECIFIC APPROVAL CRITERIA AND PROCESSES REQUIRED BEFORE DEPLOYING RESOURCES FOR MUTUAL AID.

### **Oversight, Accountability, Equity and Civil Rights Recommendations**

RECOMMENDATION NO. 24. POSPD SHOULD ADOPT THE PORT OF SEATTLE CODE OF CONDUCT INTO POLICY.

RECOMMENDATION NO. 25. POSPD POLICY SHOULD MAKE EXPLICIT THE TYPES OF COMPLAINTS THAT SHOULD BE PURSUED INTERNALLY VERSES THOSE THAT SHOULD BE HANDLED THROUGH PORT OF SEATTLE HUMAN RESOURCES, WORKPLACE RESPONSIBILITY, OR OTHER AVENUES OF COMPLAINT, WITH EXPLICIT PROTOCOLS BETWEEN COMPONENTS DEVELOPED, INCLUDING TIMELINES FOR COMPLETING INVESTIGATIONS OF EMPLOYEE COMPLAINTS.

RECOMMENDATION NO. 26. THE COMPLAINT CLASSIFICATION SCHEME (INQUIRY AND MINOR, MODERATE. OR MAJOR COMPLAINT) SHOULD BE REVISED AS IT IS UNNECESSARILY TECHNICAL, THE TERMS USED ARE NOT CONSISTENTLY WELL DEFINED, AND USE OF A METHODOLOGY TO ASSIST IN COMPLAINT CLASSIFICATION WILL PROMOTE OBJECTIVITY AND CONSISTENCY.

RECOMMENDATION NO. 27. WHEN AN ON-DUTY SUPERVISOR HANDLES COMPLAINT INTAKE AND THE INVESTIGATION OF AN INQUIRY OR MINOR COMPLAINT, THEIR INVESTIGATION MEMO SHOULD INDICATE THE RATIONALE BEHIND THE CLASSIFICATION DECISION, THE COMPLAINT CLASSIFICATION SHOULD BE EXPLICITLY APPROVED BY THE COMMANDER, AND COMPLAINT CLASSIFICATION DECISIONS SHOULD BE



REGULARLY AUDITED TO CHECK FOR CONSISTENCY IN APPLICATION OF POLICY AND OTHER CLASSIFICATION GUIDANCE.

RECOMMENDATION NO. 28. THOUGH THERE WAS NO EVIDENCE OF MISSED TIMELINES FOR COMPLETING INVESTIGATIONS, BEST PRACTICE WOULD BE TO SET TIMELINES FOR EACH STEP IN THE PROCESS, FROM COMPLAINT INTAKE THROUGH A FINAL DISPOSITION, INCLUDING NOTICE TO THE NAMED OFFICER AND COMPLAINANT, AND THE TIMELINES SHOULD BE REFLECTED IN AN UPDATED COMPLAINT INTAKE FLOWCHART, AND POLICY SHOULD BE CLARIFIED AS TO ACCEPTABLE REASONS FOR EXTENDING TIMELINES, IDENTIFY WHO HAS AUTHORITY TO GRANT AN EXTENSION, AND NOTE ANY LIMITS ON THE LENGTH OF AN EXTENSION.

RECOMMENDATION NO. 29. THE POSPD SHOULD DEVELOP POLICY THAT IDENTIFIES POTENTIAL CONFLICTS OF INTEREST AND PROTOCOLS TO ADDRESS ACTUAL OR PERCEIVED CONFLICTS RELATED TO MISCONDUCT COMPLAINT HANDLING AND DISCIPLINE MATTERS.

RECOMMENDATION NO. 30. THE PORT SHOULD EXPLORE ALTERNATIVE DISPUTE RESOLUTION (ADR) OPTIONS FOR RESOLVING SOME COMPLAINTS, WHETHER OR NOT THEY INVOLVE THE POLICE DEPARTMENT, AS ADR DOES NOT APPEAR TO BE AN OPTION FOR CASE PROCESSING IN THE POSPD, HUMAN RESOURCES, OR WORKPLACE RESPONSIBILITY.

RECOMMENDATION NO. 31. THERE ARE A NUMBER OF WAYS TO MAKE THE POSPD AND COMPLAINT FILING SYSTEM MORE ACCESSIBLE TO STAKEHOLDERS, INCLUDING MODIFYING THE COMPLAINT FORM, CHANGING THE ON-LINE SEARCH SYSTEM, AND IDENTIFYING POLICE FACILITIES ON SEA-TAC AIRPORT MAPS.

### **Diversity in Recruitment and Hiring Recommendations**

RECOMMENDATION NO. 32. THE PORT SHOULD COORDINATE WITH THE POLICE DEPARTMENT, HUMAN RESOURCES, AND OTHER PORT COMPONENTS TO CONSOLIDATE DATA SOURCES WITH THE GOAL OF

DEVELOPING A ROBUST DATA COLLECTION AND ANALYTIC APPROACH TO BETTER UNDERSTAND THE RECRUITMENT AND HIRING OF POLICE DEPARTMENT PERSONNEL, INCLUDING AT WHICH STAGE WOMEN AND/OR APPLICANTS OF DIVERSE ETHNIC AND RACIAL BACKGROUNDS HAVE HIGH FAIL RATES, AND IDENTIFY OPPORTUNITIES FOR IMPROVEMENT.

RECOMMENDATION NO. 33. THE PORT SHOULD DEVELOP CLEAR GUIDANCE ON THE BENCHMARKS TO BE USED IN ASSESSING THE AVAILABILITY AND UTILIZATION OF PERSONS IDENTIFYING WITH DIFFERENT ETHNIC AND RACIAL GROUPS, INCLUDING THE RATIONALE FOR USING CENSUS DATA FROM SPECIFIC AREAS.

RECOMMENDATION NO. 34. THE PORT SHOULD EXPLORE THE REASONING BEHIND THE SIGNIFICANT PERCENTAGE (20-25%) OF EMPLOYEES WHO DO NOT REPORT THEIR RACE/ETHNICITY AND CONSIDER THE IMPACT OF THIS MISSING DEMOGRAPHIC INFORMATION ON EMPLOYEE DEMOGRAPHIC DATA ANALYSIS FOR IDENTIFYING AND ADDRESSING ANY DISPARITIES IN HIRING AND OTHER EMPLOYMENT OPPORTUNITIES.

RECOMMENDATION NO. 35. THE PORT AND POLICE DEPARTMENT SHOULD CONSIDER USING NON-BINARY GENDER DESIGNATIONS.

RECOMMENDATION NO. 36. DEVELOP A RECRUITMENT PLAN AIMED AT INCREASING THE NUMBER OF HISPANIC/LATINO INDIVIDUALS APPLYING TO BE A POLICE OFFICER AT THE POSPD.

RECOMMENDATION NO. 37. CONSIDER A VARIETY OF RECRUITMENT SUGGESTIONS MADE BY THE DIVERSITY IN RECRUITMENT AND HIRING SUBCOMMITTEE TO GATHER INFORMATION AND TO REACH OUT TO YOUTH AND OTHER COMMUNITIES TO GARNER INTEREST IN POLICING AND IN THE POSPD.

RECOMMENDATION NO. 38. FOLLOW-UP WITH PUBLIC SAFETY TESTING TO EXPLORE WHY FEMALE APPLICANTS TO THE PORT OF SEATTLE POLICE DEPARTMENT FAIL THE WRITTEN TEST AT A HIGHER LEVEL THAN MALE APPLICANTS AND WHETHER THE PORT IS RECEIVING ALL DATA

ANALYTICS NEEDED TO ASSESS APPLICANT AND HIRING PATTERNS AND GIVE FOLLOW-UP CONSIDERATION AS TO WHY THERE HAVE BEEN NO FEMALE ENTRY-LEVEL HIRES IN THE PAST THREE YEARS.

RECOMMENDATION NO. 39. INCREASE THE NUMBER OF CIVILIANS, PULLING FROM DIVERSE EMPLOYEE GROUPS SUCH AS EMPLOYEE RESOURCE GROUPS (ERGS), TO BE TRAINED AND AVAILABLE TO SERVE ON ORAL BOARDS, SO THAT THEY CAN ROTATE IN WHEN AVAILABLE TO ASSIST WITH THIS STEP OF THE HIRING PROCESS AND CONSIDER WAYS TO ASSESS WHETHER THE TRAINING PROVIDED TO MINIMIZE THE IMPACT OF IMPLICIT BIAS HAS POSITIVE IMPACTS.

RECOMMENDATION NO. 40. REVIEW ORAL BOARD QUESTIONS TO DETERMINE IF THEY ARE ELICITING RESPONSES THAT ADDRESS THE SUBJECT AREA BEHIND EACH QUESTION, SUCH AS ASSESSING CHARACTER, AND CONSIDER WHETHER THE ORAL BOARD SHOULD INCLUDE QUESTIONS DIRECTLY ASKING APPLICANTS ABOUT INVOLVEMENT IN EXTREMIST GROUPS, ABOUT AN ENCOUNTER WITH SOMEONE OF A DIFFERENT RACE, SEXUAL ORIENTATION, ETC., WHETHER THEY HAVE EVER BEEN THE SUBJECT OF DISCRIMINATION THEMSELVES, OR THE COMMUNITY GROUPS THEY BELONG TO.

RECOMMENDATION NO. 41. CONSIDER WHETHER SOME LIMITED FOLLOW-UP QUESTIONS BY ORAL BOARD MEMBERS SHOULD BE PERMITTED.

RECOMMENDATION NO. 42. BRING REPRESENTATIVES OF ALL ERGS INTO THE RECRUITMENT AND HIRING PROCESS AT ALL STEPS, NOT JUST FOR ORAL BOARDS, SO THAT A VARIETY OF PERSPECTIVES AND IDEAS ARE SHARED WITH THE POLICE DEPARTMENT AND THE PORT THROUGHOUT THE PROCESS.

RECOMMENDATION NO. 43. WHILE POINTS CAN BE ADDED TO AN APPLICANT'S SCORE IF THEY SPEAK A SECOND LANGUAGE, CONSIDER A PAY INCENTIVE OR HIRING PREFERENCE FOR THE ABILITY TO SPEAK MORE THAN ONE LANGUAGE, ENCOURAGING MULTILINGUALISM FOR APPLICANTS AND CURRENT EMPLOYEES.

## **Training and Development Recommendations**

RECOMMENDATION NO. 44. THE POSPD SHOULD CONSIDER RANKING APPLICANTS FOR SPECIAL TEAM ASSIGNMENTS TO INCREASE TRANSPARENCY IN THOSE PROCESSES.

RECOMMENDATION NO. 45. THE POSPD SHOULD CONTINUE TO TRAIN DE-ESCALATION AS A CORE ENGAGEMENT PHILOSOPHY.

RECOMMENDATION NO. 46. THE POSPD SHOULD CONTINUE TO STRESS A “GUARDIAN MENTALITY” IN ITS TRAININGS.

RECOMMENDATION NO. 47. THE POSPD SHOULD PROVIDE POSITIVE EXAMPLES TO REINFORCE GOOD POLICE TACTICS RATHER THAN STRESSING POOR OUTCOMES IN TRAINING.

RECOMMENDATION NO. 48. THE POSPD SHOULD CONTINUE TO UTILIZE NATIONAL AND LOCAL LEADERSHIP DEVELOPMENT OPPORTUNITIES, BUT WITH TRANSPARENT SELECTION CRITERIA.

RECOMMENDATION NO. 49. THE POSPD SHOULD CONSIDER INCORPORATING EXISTING COMMUNITY ENGAGEMENT OPPORTUNITIES AS PART OF TRAINING TO BETTER UNDERSTAND CULTURAL DIFFERENCES.

## **Advocacy Recommendations**

RECOMMENDATION NO. 50. POSPD SHOULD CONTINUE TO INCORPORATE THE NEW LEGISLATIVE REQUIREMENTS INTO POLICY AND REINFORCE THOSE CHANGES THROUGH TRAINING.

RECOMMENDATION NO. 51. THE PORT SHOULD CONTINUE TO ENGAGE WITH KEY STAKEHOLDERS AND ELECTED OFFICIALS ON EMERGING STATE AND FEDERAL LEGISLATION.



## **Budget, Roles, and Equipment Recommendation**

RECOMMENDATION NO. 52. AS BODY WORN CAMERA PROGRAM IS DEVELOPED, THE POSPD SHOULD CONSIDER POLICY CHOICES AROUND WHEN CAMERAS SHOULD BE ACTIVATED, WHAT ARE ACCEPTABLE USES FOR BWC FOOTAGE, WHEN OFFICERS MAY VIEW FOOTAGE, AND HOW THE BWC PROGRAM CAN SUPPORT OVERALL TRANSPARENCY.



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