



City of Seattle

Seattle Police Department

April 10, 2015

Director Pierce Murphy
Office of Professional Accountability
720 Third Avenue, 18th floor
Seattle, WA 98104

RE: OPA Management Recommendations 9/26/14 Special Report; 2014-0095; 2014-0132; 2014-0358; 14-0128.

Dear Director Murphy:

I write to update you on department actions taken in response to the OPA Management Recommendations that you transmitted over the last six months. Overall, the department has developed systemic changes to address the concerns set forth in your recommendations.

Special Report on Overtime, received September 26, 2014: OPA recommended that SPD 1) develop adequate leadership, management oversight, supervisory control, and robust procedures to enforce budget compliance; 2) that the Chief of Police formally invite the City Auditor to conduct an audit of ETS overtime; and 3) that the department implement the recommendations by the City Auditor.

In response, on September 30, 2014, I requested that the City Auditor conduct an audit of the Education and Training Section. Additionally, on October 3, 2014, I requested that the City Auditor expand the scope of that audit to include all overtime expenditures for the Seattle Police Department. Since then, department staff have been working closely with the City Auditor to implement in-process recommendations.

Additionally, internally, we have made many proactive management changes to ensure better controls on overtime spending. We have implemented SeaFin, which is a bi-weekly financial health meeting for the organization. Using available data, this process allows executive oversight of spending on a close to real-time basis (data represent approximately two weeks in the past). Additionally, every Captain and above have been trained in Summit, the accounting software for the department. This allows commanders to search and analyze their overtime spending as well as their operational expense budget. Captains are also provided monthly summaries of where they stand in relation to their overtime budgets. For the first time, Captains have been provided with the experience and capacity to monitor their budgets.

Finally, the department continues to explore different technological options to increase the real-time capacity to not only monitor overtime spending and overall budgets, but also to track a wide variety of employee productivity data.

2014-0095 Chain of Command Review of Force Deadlines, received November 6, 2014:

OPA recommended that the timelines set forth in the Use of Force Policy (Title 8) for chain of command review of force be clarified to ensure that "reviews are either completed before a supervisor goes on leave or, in the case of an unplanned absence of a supervisor, are conducted by a another supervisor of the same rank."

The Department agrees with this recommendation. In response, SPD has drafted an updated UOF policy (currently under review by the Monitoring Team and the Department of Justice), which addresses the timeliness issue as follows:

For all reviews, furloughs, vacations, extended sick leave or any other absence from work are not considered valid reasons for delaying the review process. Each level of review is expected to have a sufficient number of personnel trained in the review process to sustain the review process in a timely manner. In the case of absences from work, the reviewer or his or her designee will assign another supervisor to complete the review of the use-of-force report.

This requirement will apply to all reviewers of force (e.g., FIT), not just the chain of command. As such, the department believes this addresses your concerns in full.

2014-0132 Live and Photographic "Line-ups" Policy, received December 23, 2014: OPA recommended developing a policy to govern live and photographic line-ups.

The department agrees with this recommendation and APRS is drafting a policy (SPD Manual 15.170), which is currently under internal review with subject matter experts. Additionally, SPD detectives are part of the King County Eyewitness Working Group (KCEWG). Other group members are Lara Zarowsky of the UW law school's NW Innocence Project; Professor Stephen Ross-an expert in witness ID issues-from the UW Tacoma Campus; Mark Larsen, Chief Deputy for the King County Prosecutor's Office; Chief George Delgado of the Des Moines Police Department.

I also ordered that the policy not only cover live and photographic line-ups, but also provide direction on show-ups and identifications that occur out in the field. Some of the information that will be integrated into 15.170 was included in the November 5, 2014, Training Digest, which is attached.

I will forward the draft policy once a completed draft is available.

2014-0358 SeaPark Parking Policy, received February 13, 2015: OPA recommended that the SPD Manual be amended to provide clear guidance to employees concerning where they may or may not park in the SeaPark garage.

The Department agrees with this recommendation. In response, I directed APRS to clarify the policy, which is attached. Once approved through all channels, this will be published.

2014-0128 Court Appearance Control, received November 4, 2014: OPA recommended developing a policy or procedure to provide feedback to supervisors and the department when officers miss court appearances.

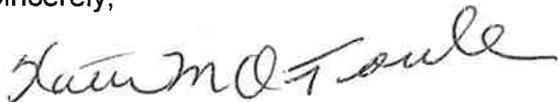
Chief Kathleen O'Toole
April 10, 2015

The department agrees with this recommendation and has taken several steps to improve feedback. First, the Legal Unit and IT are developing a "Legal Track" system for subpoenas received by the department. The subpoenas will be scanned in and attached to an automatic email system. The officer will receive an email with the subpoena and an option to acknowledge that they will attend the court date. If no acknowledgement is received, a second email will be automatically generated to the officer and to his/her supervisor. If no acknowledgement is received, the legal unit will follow up with the officer telephonically. As part of this system, an email will be sent to the court coordinators in the various courts reporting weekly on expected court appearances and giving the opportunity to indicate any missed appearances.

Second, APRS and the Legal Unit is revising SPD Manual 5.190, Court Appearances and Legal Proceedings, which is completely out of date and provides incorrect information throughout.

Third, once complete, SPD Manual 5.190 will be transmitted to the various courts so that the administrators know the rules and expectations for SPD employees.

Sincerely,



Kathleen O'Toole
Chief of Police

KT:bm:cv

When the Legal Unit receives an officer subpoena, an entry will be created in Legal Track.

The screenshot shows the 'Legal Track' application interface. The main heading is 'Legal Track' with a sub-heading 'Legal Item'. The form is titled 'Edit LEGAL_ITEM' and contains the following fields:

- Case Description: City of Seattle v. John Doe
- Legal Type: Subpoena
- Legal Category: Officer Subpoena
- Legal Desc: Officer to Testify
- Date Received: 04/09/2015
- Next Action Date: 04/13/2015
- Date Due: 04/15/2015
- Notes: (empty text area)
- GO # : 15-00000

Buttons for 'Cancel' and 'Create' are visible in the top right corner of the form area.

The screenshot shows the 'Legal Track' application interface for editing subpoena information. The main heading is 'Legal Track' with a sub-heading 'Subpoena'. The form is titled 'Edit Subpoena Information' and contains the following fields:

- Subpoena Date: 04/15/2015
- Description: City of Seattle v. John Doe
- Officer Served: BERGER, KATELYN P
- Date Acknowledged: (empty)
- Acknowledged By: (empty)
- Location of Subpoena: Seattle Municipal Court room 101
- Date/Time for Appearance: 04/15/2015
- Appearance Type: In Person
- Hearing Custodian Name: The #100000 Hearing Clerk
- Hearing Custodian Phone: 206-224-5097
- Notes: (empty text area)
- Email Sent Date: (empty)

Buttons for 'Cancel' and 'Save Changes' are visible in the top right corner of the form area.

Once all the pertinent information (court date/time, location, etc.) is added to Legal Track, Legal Unit is prompted to email the subpoena to the SPD employee.

The screenshot shows a web browser window with the URL <http://police.seattle.gov/legalsubpoena>. The page title is "Edit Subpoena Information". The form contains the following fields:

- Subpoena Date: 04/16/2015
- Description: City of Seattle v. John Doe
- Other Staff: BERGER, KATELYN P.
- Date Acknowledged: (empty)
- Acknowledged By: (empty)
- Location of Subpoena: Seattle Municipal Court, room 101
- Date/Time for Appearance: 04/16/2015 13:30:00
- Appearance Type: In Person
- Hearing Custodian Name: The Infraction Hearing Coord.
- Hearing Custodian Phone: 206-684-5697
- Notes: (empty)

Buttons include "Resend Email to Employee" and "Email Sent Date: 04/09/2015".

The screenshot shows an email client interface with the subject line "Subpoena Subject Line - Please adjust this message - Message (HTML)". The email content is as follows:

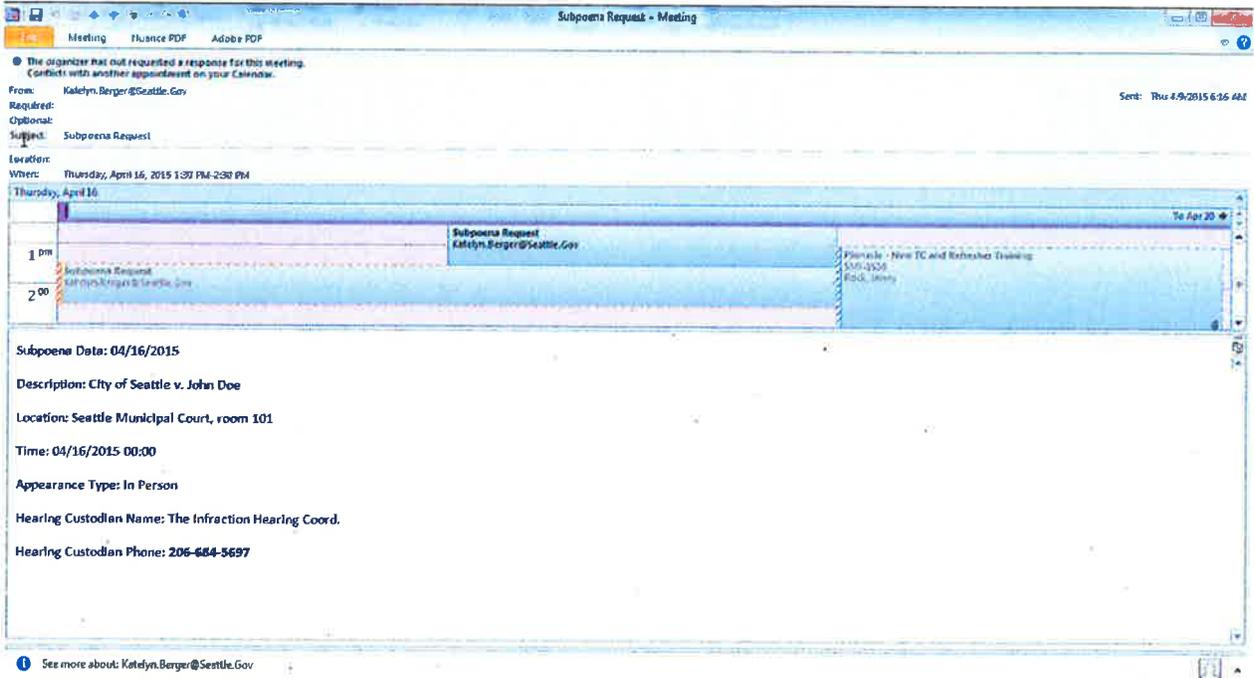
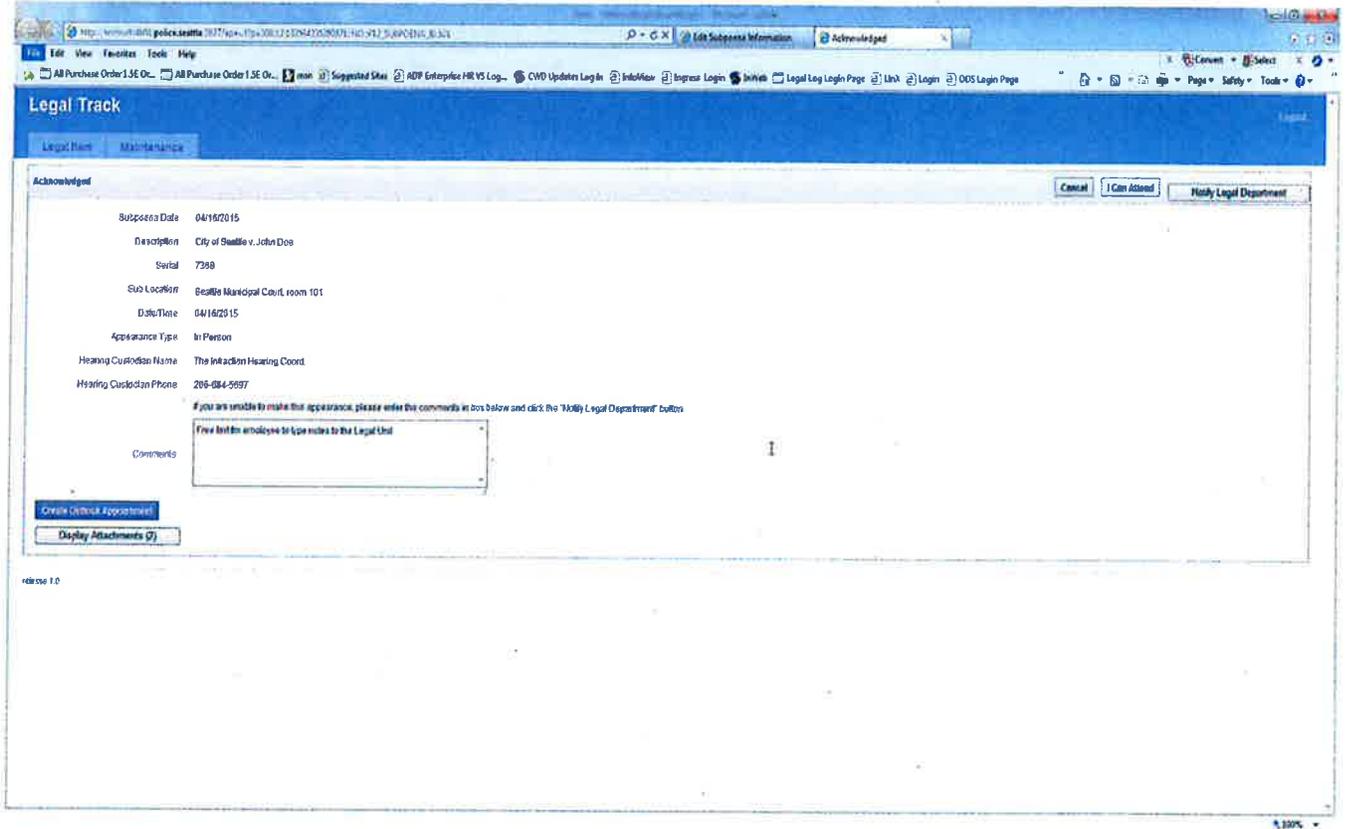
SPD Legal Unit

You have been subpoenaed to appear in court. The information is listed below. Please click the link below to be taken to the acknowledgment page.

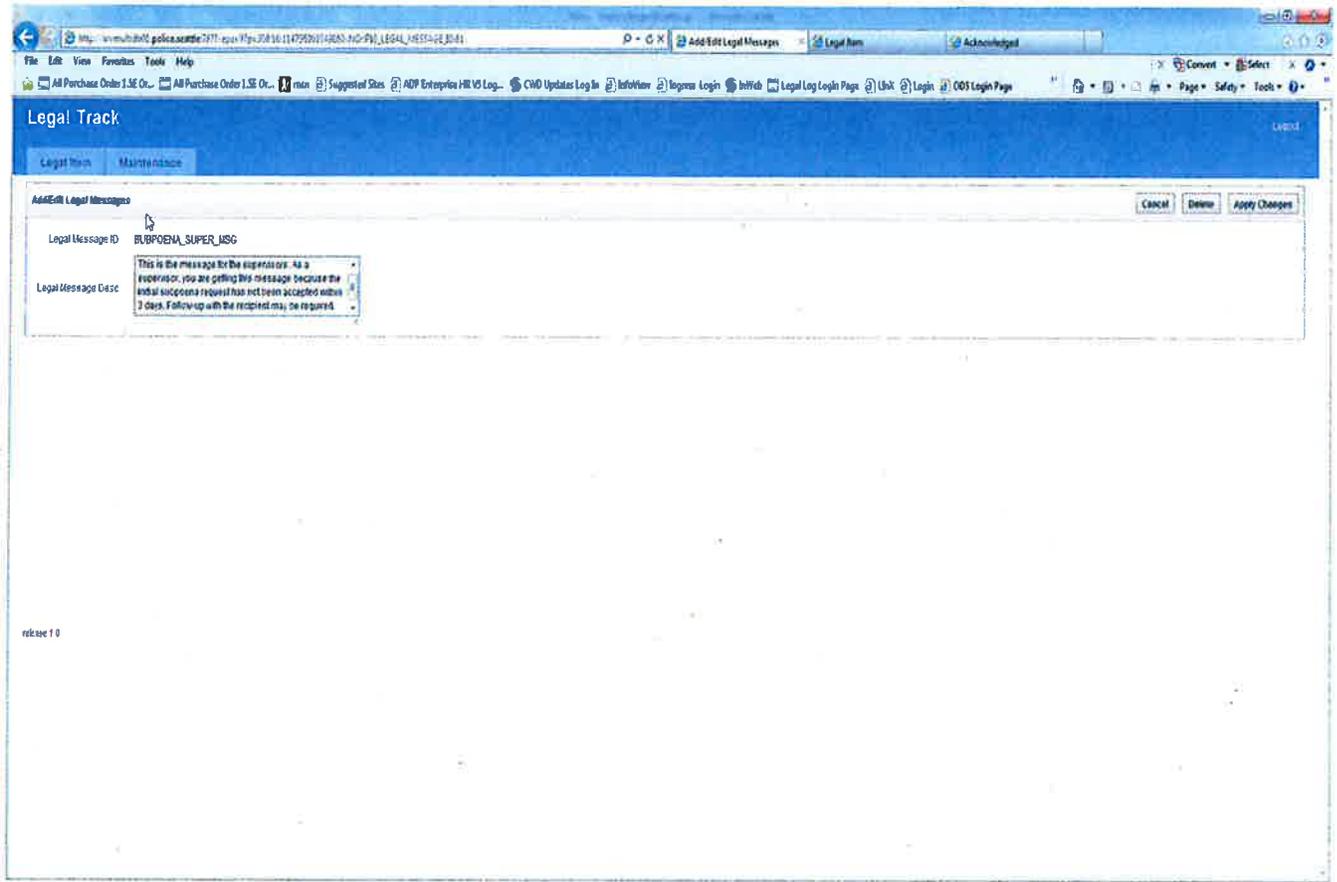
Subpoena Data: 04/16/2015
Description: City of Seattle v. John Doe
Location: Seattle Municipal Court, room 101
Time: 04/16/2015 13:30:00
Appearance Type: In Person
Hearing Custodian Name: The Infraction Hearing Coord.
Hearing Custodian Phone: 206-684-5697 [Click here to be taken to the acknowledgment page.](#)

At the bottom, there is a link: "See more about: SPDLegalUnitDoNotReply@seattle.gov."

The employee will then click the hyper link titled "Click here to be taken to the acknowledgment page". That's where the employee can the Legal Unit a note, create an Outlook calendar reminder, review the attached associated subpoena, and acknowledge the notice.



If the employee does not acknowledge the subpoena within three days (this to be determined by the Legal Unit) of receipt of the email notice, Legal Track automatically send an email to the employee's direct chain of command. The Legal Unit can run daily/weekly reports for compliance.



Employee will be able to view their upcoming court dates through Legal Track.

The screenshot shows a web browser window with the address bar displaying 'http://police.sanleandro.ca.gov/...'. The page title is 'Legal Track'. Below the title bar, there are navigation tabs for 'Legal Item' and 'Maintenance'. A search bar is present with a 'Go' button and an 'Actions' dropdown. The main content area contains a table with the following data:

| Case Descriptor | Legal Category | Legal Type | Description | Date Received | Date Due | Date Closed | Closed By | Subpoena Date | Serial | Full Name | Date Acknowledged | Acknowledged By |
|------------------------------|------------------|------------|------------------------------|---------------|------------|-------------|-----------|---------------|--------|--------------------|-------------------|-----------------|
| City of Seattle v. Whalesver | Tax/Source Claim | Subpoena | City of Seattle v. Whalesver | 03/30/2015 | 04/29/2015 | | | 04/16/2015 | 7368 | BERGER, KATELYN P. | 03/30/2015 | BERGERK |
| City of Seattle v. John Doe | Officer Subpoena | Subpoena | Officer Is Tardy | 04/08/2015 | 04/16/2015 | | | 04/15/2015 | 7369 | BERGER, KATELYN P. | | |

At the bottom right of the table area, there is a page indicator '1 - 2'. The browser's status bar at the bottom shows '100%' zoom level.