

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	Case No. 2:12-cv-01282-JLR
Plaintiff,	)	
	)	<b>DECLARATION OF</b>
v.	)	<b>BRIAN MAXEY</b>
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	
	)	

I, Brian Maxey, being familiar with the facts set forth herein based on my personal knowledge, and being competent to testify, hereby declare under penalty of perjury that the following is true and correct:

1. I serve as the Chief Operating Officer of the Seattle Police Department and have held this position from 2015-2018 (under Chief Kathleen O’Toole) and resumed this position in 2022 under Chief Adrian Diaz. Between 2018 and 2021 I served on federal monitoring teams in Baltimore and Cleveland, helping to guide those departments on use of force, stops and detentions, and internal affairs, as well as working on developing modern technological systems of record and supporting data analytics. I also worked with numerous jurisdictions in a consulting capacity,

1 including Minneapolis, Oklahoma City, Tacoma, Milwaukee, and the Port of Seattle, to modernize  
2 their public safety services.

3 2. In my position as Chief Operating Officer, two of my areas of responsibility are  
4 most integral to implementing SPD’s reforms as required by the Consent Decree and in pushing  
5 reform beyond those requirements. First, I oversee the Professional Standards Bureau which  
6 establishes policy and training for SPD. Second, I oversee projects designed to use data analytics  
7 to continue to develop SPD’s capacity as an evidence-based, learning organization. I am pleased  
8 to offer an update on SPD’s recent progress in these areas, which expands SPD’s internal systems  
9 of critical self-analysis.

10 **Continuing Innovations in Training**

11 3. In addition to being required by the Consent Decree, it is also critical that SPD have  
12 excellent training so that its officers are equipped to deliver high-quality public safety services to  
13 the people of Seattle. Our nationally regarded training program helps to keep officers and the  
14 people they serve safe. It also is a significant recruitment tool—many officers highlight  
15 sophisticated training as one of the benefits of working at SPD. After a brief pause in the  
16 development of new training at the start of the COVID-19 pandemic, SPD has continued to  
17 innovate in training.

18 4. SPD made fundamental changes to its Crowd Management policies and practices  
19 in 2020 and 2021; these changes have been presented to the Court and approved. (Dkt. 658.) To  
20 accompany the policy changes, in 2021, SPD conducted a major effort to update crowd  
21 management training and implemented a mandatory, full-day Crowd Management, Intervention,  
22 and Control training for sworn personnel. Half of the day is in the classroom; it covers lessons  
23 learned from the 2020 protests and the policy revisions mentioned above. The rest of the day is

1 practical training during which officers are given the opportunity to perform crowd management  
2 drills and scenarios utilizing the new tactics and policies.

3 The new training places a heightened emphasis on de-escalation principles in the crowd  
4 management context. Similar to individualized de-escalation tactics, crowd management can  
5 support positive outcomes by emphasizing time, distance, and communication. Examples  
6 include meeting with event organizers ahead of a protest, maintaining a low-profile (less visible  
7 police presence) when feasible, and using social media to communicate information to  
8 protestors in real time.

9 Officers are trained in using new tactics to address individuals who are taking unlawful  
10 actions in otherwise lawful crowds, in order to minimize the collateral effects (*e.g.*, of OC spray  
11 or blast balls) on non-violent demonstrators. SPD has not used blast balls—or any less lethal  
12 force—at a protest since September 2020; SPD has not used tear gas since July 2020.  
13 Additionally, there were over 30 significant demonstrations in 2022, including about highly  
14 charged topics such as the overturning of *Roe v. Wade* and the Russian invasion of Ukraine, and  
15 therefore ample opportunity for civil unrest. SPD facilitated these events with good outcomes.

16 SPD also updated its training around communicating dispersal orders. Officers are  
17 coached in giving detailed and clear instructions about why they are issuing a dispersal order  
18 and how and what direction people should go to leave the area—otherwise, it can be difficult  
19 for someone in the middle of a large crowd to find a clear pathway to exit.

20 SPD has adopted systems and processes to drive continuous improvement based on lessons  
21 learned from recent experience. Crowd management training is a consistent area of focus.

22 5. In 2022, SPD launched a training course for new officers called “Before the  
23 Badge.” Before SPD’s new recruits receive state-mandated training at the Basic Law Enforcement

1 Academy, they report to SPD for a five-week pre-academy course. A foundational goal is that SPD  
2 recruits gain a more comprehensive and intimate understanding of the people they will eventually  
3 swear to serve and protect. Among other topics, the curriculum explores the policing profession's  
4 history with communities of color, gender responsiveness, and the science of relationship-based  
5 policing. In addition, police recruits and Community Service Officers meet with and are expected  
6 to have honest, open dialogues with the public about the history of policing in their communities,  
7 their expectations of how officers should interact with people in those communities, and the public  
8 safety challenges those communities face. Trainees hear and learn directly from communities most  
9 impacted by policing, including currently and formerly incarcerated persons, persons who have  
10 experienced violence, immigrant and refugee communities, local business communities, and  
11 students. The coursework also covers brain development and the impact of childhood trauma,  
12 poverty, addiction, and other societal stressors on many with whom officers will come into contact.

13 6. In response to feedback from OPA<sup>1</sup> as well as SPD's internal review, SPD revised  
14 its training for responding to subjects with knives and other edged weapons. An e-learning course  
15 (Responding to Edged Weapons) was developed and launched on July 28, 2021. This was  
16 mandatory training for all sworn employees and was provided to OPA, OIG, and CPC for their  
17 review and comment. The feedback SPD received from the accountability partners during their  
18 review was positive and supportive. The training is innovative due to its focus on patience,  
19 providing guidance to officers on how to follow a mobile, potentially violent subject while  
20 maintaining distance, communication, use of defensive shields, and overall management of  
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22 <sup>1</sup> Available at  
23 [https://www.seattle.gov/Documents/Departments/OPA/ManagementAction/2020OPA-0519\\_2021COMP-0039\\_MAR\\_08-25-21.pdf](https://www.seattle.gov/Documents/Departments/OPA/ManagementAction/2020OPA-0519_2021COMP-0039_MAR_08-25-21.pdf)

1 changing environments. SPD also developed an in-person, scenario-based interactive training  
2 which became mandatory for all sworn officers beginning in 2022.

3 7. SPD has continued to develop and expand its peer-intervention training. Starting in  
4 November 2020, SPD joined a nationally recognized, peer-intervention training program for law  
5 enforcement officers created by Georgetown University Law Center. The goals of the Active  
6 Bystandership for Law Enforcement (ABLE) Project are to “create a police culture in which  
7 officers routinely intervene as necessary to: prevent misconduct, avoid police mistakes, and  
8 promote officer health and wellness.” In 2021, SPD made this evidence-based, innovative training  
9 mandatory for all sworn officers. In addition, going forward, the Washington State Criminal Justice  
10 Training Commission has made ABLE part of the Basic Law Enforcement Academy curriculum.

11 8. Pre-COVID-19, SPD began to develop training on the history and community  
12 perspectives of policing in Seattle. After interruptions to in-person training due to the pandemic,  
13 this project moved forward in 2021. It was developed and is offered in partnership with the  
14 Northwest African American Museum and the Wing Luke Museum. This was presented to all  
15 sworn employees through an e-learning.

16 9. Another new training initiative is Outward Mindset. A common theme emerged  
17 from the community and within the SPD over the past few years: the desire (or demand) to be  
18 treated as people who matter rather than as objects. Community members can feel objectified  
19 by the police based on any number of categories just as sworn employees within the department  
20 can feel objectified when they are viewed only as a badge number. This dynamic leads to low  
21 trust and poor relationships, undermines community partnerships, and negatively affects  
22 morale, retention, recruitment, and performance. To solve for this, SPD brought in professional  
23 trainers to teach about the “outward mindset.” The focus of the two-day training is to enable

1 participants to make the shift from an inward mindset (where others are viewed as objects) to  
2 an outward mindset (where others are seen as people who matter and who have unique needs,  
3 challenges, and goals that can be considered in each interaction leading to more equitable  
4 interactions). We believe to understand and embody an Outward Mindset and carry forward  
5 principles of procedural justice in their interactions with the community, employees must be the  
6 recipient of an internally procedurally just, Outward Mindset work environment. All SPD  
7 command staff and supervisors (sworn and civilian) have completed the training. Five SPD  
8 employees became certified to conduct the training, and the department anticipates training all  
9 officers by the end of 2024.

10 This training is supported by science. Outward Mindset is grounded in *object relationship*  
11 *theory*,<sup>2</sup> and has a direct bearing on the engagement of and reliance on *primitive defensive*  
12 *mechanisms*.<sup>3</sup> Addressing patterns of thinking and behavior, at their root, assures police officers  
13 remain objective and proportional in their delivery of police service, prioritizing the human  
14 impacts, in the context of whatever relevant lawful purpose is to be achieved.

### 15 **Data Analytics to Improve Performance and Promote Racial Equity**

16 10. SPD also has made significant and numerous advances in data analytics. The  
17 goal of our investments in the development of advanced applications of data analytics is to equip  
18 commanders and supervisors to make evidence-based decisions, at every level. Our desire is to  
19 use these advanced analytics to enculturate a strategy of continuous improvement, driving  
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21 <sup>2</sup> Kernberg, O. F. (1988). Object relations theory in clinical practice. *The Psychoanalytic*  
22 *Quarterly*, 57(4), 481-504.

23 <sup>3</sup> Kernberg, O. F. (1985). *Borderline conditions and pathological narcissism*. Rowman &  
Littlefield.

1 sustainable advancements in police reform, in measurable and accountable ways.

2 11. The dearth of reliable information about SPD's interactions with the public  
3 posed a serious limitation on early Consent Decree efforts. SPD leadership had to patch together  
4 data from outdated, siloed systems to evaluate performance, human and systemic. The Data  
5 Analytics Platform (DAP) is among the most complete and capable systems for the scientific  
6 study and evidence-based management of police services, anywhere in the world. This system  
7 represents a significant investment for our community and while it was originally commissioned  
8 as part of the Consent Decree, it has evolved to be an integral part of our strategy to continue  
9 the work of police reform, far into the future. Thanks to the DAP, and the work of analysts and  
10 researchers who continuously maintain it, extensive data on officers' activities (*e.g.*, uses of  
11 force, arrests, *Terry* stops, interactions with people in crisis, etc...) are accessible to Chief Diaz,  
12 SPD's analytics team, department members, and the public. Further, to date, the DAP and the  
13 Performance Analytics & Research (PA&R) team that supports it, have supported more than  
14 120 original scientific studies conducted by researchers and students in more than thirty  
15 institutions around the world.

16 12. In recent years, SPD has been expanding its use of data analytics beyond the  
17 requirements of the Consent Decree to include risk and performance management, offering an  
18 evidence-based foundation for policy and practical decision-making. Among the most important  
19 of these applications is SPD's innovative approach to using data to measure and improve  
20 outcomes in Equity, Accountability and Quality (EAQ). In December 2021, the SPD became one  
21 of the first police services in the United States to use measurements of police activity data, rather  
22 than just crime rates and response times, in a regular accountability meeting (*e.g.*, CompStat). EAQ  
23 is described in more detail below.

1           13.     Mitigating racial disparities is another area where SPD is committed to evidence-  
2 based decision-making. In 2019 SPD published the first of two “Disparity Reviews” establishing  
3 Propensity Score Matching (PSM) as the standard method to estimate the effects of racial and  
4 ethnic disparity in officer decision-making (*i.e.*, differential perceptions of dangerousness). (Dkts.  
5 554-1 & 600-1.) The SPD research team has improved upon this method, now considering  
6 approximately 120 contextual variables of an investigative stop and how they may contribute  
7 to an officer’s decision to conduct a frisk.

8           14.     One finding of the Disparity Reviews was an unexplained racial disparity in the  
9 rate of firearm pointing. (Dkt. 554-1.) SPD reviewed and updated its reporting and review  
10 requirements for pointing of a firearm to require reporting and review regardless of whether or not  
11 the pointing was intentional. This change was made because a community member cannot  
12 determine whether a weapon was pointed intentionally or unintentionally, and the policy now  
13 requires documentation regardless of intent.

14           15.     SPD’s Disparity Reviews also identified unexplained racial disparities in the  
15 frisk and “hit” rates. This finding highlighted the importance of training officers in how to  
16 “match” a 911 description to a subject and also enhanced training for 911 call takers. SPD found  
17 that the more “out of place” a subject is, when considering the racial demographics of the  
18 neighborhood, the more likely he or she is to be stopped and frisked. (Dkt. 600-1.) SPD’s  
19 updated (2022) “legal refresher” training curriculum on stops instructs officers in several  
20 scenarios regarding how and when it is acceptable to conduct a *Terry* stop or frisk based on an  
21 anonymous caller or other “tip.” In addition, the 911 call taker manual was updated to include  
22 a section regarding potential bias and callers who report “suspicious people” but are unable to  
23 explain what is suspicious. All of the City’s 911 call takers completed an 8-hour crisis



1 intervention training designed to address issues that may arise in call taking. Additionally, the  
2 City obtained and has begun using criteria-based dispatch software, that is specifically designed  
3 to reduce any bias in dispatcher decision-making.

4 16. The statistical techniques developed by SPD's Performance Analytics and  
5 Research Team to identify unexplained racial disparities are now being built into SPD's routine  
6 operations. After years of development, in February 2023, SPD launched the first phase of a  
7 program called Equity, Accountability, and Quality (EAQ), in partnership with the Research  
8 Triangle Institute (RTI) which provides quality assurance and ensures that the program remains  
9 rooted in a degree of academic rigor that meets peer-review scrutiny.<sup>4</sup> Our researchers use the  
10 statistical methods described above, as well as others, to identify possible areas with  
11 unwarranted racial disparities. Command staff has begun meeting with captains and lieutenants  
12 of the relevant precincts and using a forward-looking framework structured to uncover root  
13 causes and identify solutions. Visualizations, lessons learned, and improvements driven by EAQ  
14 are planned for release to the public throughout 2023.

15 17. SPD uses objective data to make decisions about how to allocate police  
16 resources. These efforts constitute the accountability ("A") component of EAQ. In 2022,  
17 researchers published the foundational method<sup>5</sup> underlying our approach to engaging measures  
18 of over- and under-policing, through visualizations of Automated Vehicle Locator (AVL) data.  
19 This method uses statistical models to represent what a reasonable officer might know about the

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21 <sup>4</sup> One paper written in collaboration with Seattle University was recently published, after  
peer-review, in the journal of *Policing*.

22 <sup>5</sup> Atherley, L. T., Hickman, M. J., Parkin, W. S., & Helfgott, J. B. (2022). Measurement of  
23 Potential Over- and Under-policing in Communities. *Policing: A Journal of Policy and  
Practice*, 16(3), 443-461.

1 demand for service and then visualize their discretionary patrol patterns against this objective  
2 standard. The hotspots of discretionary presence that are not supported by the objective data  
3 and those patterns that are forecast but not present (*i.e.*, coldspots) are presented for situational  
4 awareness, and engagement as opportunities for improved accountability of increasingly limited  
5 police resources. These patterns are additionally compared with data reflecting the community's  
6 perception of over- and under-policing, captured in the annual Public Safety Survey, conducted  
7 under contract by Seattle University. Insights from this analysis will guide our ongoing efforts  
8 to build trust and legitimacy in our community.

9 18. It is critical that officers have professional interactions with community  
10 members and that people feel that officers are treating them with dignity and respect. Departures  
11 in baseline measures and organizational patterns in customer satisfaction can give early  
12 indication of areas that need attention. In addition to the extensive training initiatives I describe  
13 above, SPD launched SPIDRTech in late January. This new platform provides confirmation,  
14 status updates and helps prepare community members for the service they have requested, in  
15 addition to gathering near-real-time customer satisfaction feedback for 911 call takers, officers,  
16 and detectives. Each person who interacts with a police officer, whether as a victim or a subject  
17 or witness, is asked to contribute feedback through quick, mobile-friendly text message and  
18 email surveys. Data generated from this program are used to represent the quality ("Q")  
19 component of EAQ. Additionally, we are working on posting positive comments on a "Morale  
20 Board" visible precinct in common areas, reminding employees of the high standard for quality  
21 that is set, met, and appreciated by their community. After approximately 12 weeks of operation,  
22 the SPIDRTech responses indicate extremely high satisfaction with service—approximately 8.8  
23 out of 10. According to thresholds contemplated in a recent study examining the use of Net

1 Promoter in public sector organizations<sup>6</sup>, these scores border on “promoter,” suggesting that  
2 members of our community who have direct experience with service delivery from the SPD will  
3 promote their experience to friends and family members. Detailed unstructured responses  
4 associated with these numeric scores will help the SPD develop a more sophisticated sense of  
5 what exactly is driving these scores and what can be done to further improve upon them, in the  
6 future. An image of the SPIDR interface is attached as Exhibit A.

7 19. In addition to advances in organizational performance management, the SPD has  
8 continued to build sophisticated approaches to employee performance management. In 2017,  
9 the SPD commissioned an independent evaluation of the threshold-based Early Intervention  
10 System (EIS). Researchers at Washington State University discovered the current system  
11 unfairly penalizes proactive officers. As a result, the SPD began a long-term project to build the  
12 infrastructure and develop the science to support a more sophisticated approach to employee  
13 support. In the fall of 2022, the Performance Analytics & Research team completed work to  
14 upgrade the Data Analytics Platform to a scaled cloud computing environment with sufficient  
15 computing power to drive the next-generation EIS. The Proactive Integrated Support Model  
16 (PrISM), built as intelligent decision support, to augment the natural, intuitive sense of human  
17 supervisors, is the most sophisticated EIS in policing. The system is both highly accurate and  
18 built to reinforce accountability at the line supervision level. Over the next six months, SPD is  
19 finalizing the look and feel of the system, while simultaneously evaluating its efficacy in parallel  
20 to the existing EIS. Later this year, SPD anticipates delivering a new system, with better  
21 performance, built to support the employee and the chain of command.


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23 <sup>6</sup> Luoma-aho, V., Canel, M. J., & Hakola, J. (2021). Public sector reputation and  
netpromoter score. *International Review on Public and Nonprofit Marketing*, 18, 419-446.

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I declare under penalty of perjury that the foregoing is true and correct.

DATED this 27th day of March 2023, at Seattle, King County, Washington.



BRIAN MAXEY

### Exhibit A to Declaration of Brian Maxey


UNPATED 2023-03-27 @ 15:23

HOW WOULD YOU RATE THE OFFICER YOU INTERACTED WITH?	HOW WOULD YOU RATE DISPATCH?	HOW SATISFIED ARE YOU WITH THE DEPARTMENT?
<p><b>8.85</b> OUT OF 10 FROM 2,872 RESPONSES</p>	<p><b>8.74</b> OUT OF 10 FROM 2,981 RESPONSES</p>	<p><b>8.55</b> OUT OF 10 FROM 3,197 RESPONSES</p>
<p><i>Calmly explained what I should do and reassured me that I could call back if I felt threatened in any way</i></p> <p>Mwcr 2023-03-27 @ 15:07 <span style="float: right;">NEW</span></p>	<p><i>Friendly, caring and concerned</i></p> <p>Wkrc 2023-03-27 @ 14:57 <span style="float: right;">NEW</span></p>	<p><i>Knowledgeable, intelligent and polite</i></p> <p>Auto 2023-03-27 @ 11:55 <span style="float: right;">NEW</span></p>
<p><i>Seattle police department are always working so hard to keep seattle safe. They're so friendly and nice</i></p> <p>Supp 2023-03-27 @ 08:11</p>	<p><i>I felt very comfortable and heard.</i></p> <p>Thret 2023-03-27 @ 08:10</p>	<p><i>Thank you for protecting and serving.</i></p> <p>Mwcr 2023-03-27 @ 09:32</p>
<p><i>They are wonderful human beings. They rescued my mother! They are heroes to my family and me.</i></p> <p>Supp 2023-03-26 @ 22:53</p>	<p><i>Outstanding - calm, efficient, thorough.</i></p> <p>Supp 2023-03-26 @ 23:01</p>	<p><i>Two officers showed up, they are the finest and most helpful police assistance I have ever seen. They even helped me change my tire and also were very empathic. I have never seen police officers so down to earth. These 2 officers changed my impress...</i></p> <p>Mwcr 2023-03-27 @ 00:29</p>
<p><i>The officer I spoke with was very professional and informative. She had great patience and understanding and helped answer all my questions.</i></p> <p>Terp 2023-03-26 @ 20:09</p>	<p><i>The person was very kind and helpful.</i></p> <p>Noise 2023-03-26 @ 20:12</p>	<p><i>Thank you for excellent and prompt support for my report. I really appreciate your service, the dispatcher was highly professional. I was amazed to receive a follow up text so quickly, and just when I was thinking I need to give SPD positive feed...</i></p> <p>Burg 2023-03-26 @ 18:55</p>
<p><i>I was I did my truck at the time so the interaction involved observation only. The person had a long handled axe and wa chopping at a tree off Aurora Avenue &amp; 125th NW. I drove off when traffic allowed.</i></p> <p>Dung 2023-03-27 @ 14:14 <span style="float: right;">NEW</span></p>	<p><i>They were all very effective and it was an annoying situation that they helped was appreciated. There are drug addicts all up and down the block and wish it was patrolled more. That's all.</i></p> <p>Thret 2023-03-27 @ 08:10</p>	<p><i>She did a nice job taking the information and forwarding on to the patrol. Problem was the man who was throwing glass bottles and trash cans in the bike lane at 4th and Virginia had moved up to 3rd and Virginia before the police showed up (if ever)...</i></p> <p>Hbz 2023-03-27 @ 08:46</p>
<p><i>They were friendly, courteous and very responsive.</i></p> <p>Terp 2023-03-26 @ 20:09</p>	<p><i>Even though this was not a life threatening event, I appreciated that an officer was dispatched and arrived shortly after my call.</i></p> <p>Nbc 2023-03-26 @ 22:22</p>	<p><i>She was very professional and courteous.</i></p> <p>Deaf1 2023-03-27 @ 10:09</p>