

Rebuilding Trust and Value: The Transformation of the Seattle Police Department



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Rebuilding Trust and Value

The Transformation of the Seattle Police Department

One day in late 2013, Kathleen “Kathy” O’Toole was just sitting down for dinner when she received one of the more pivotal phone calls of her career: Barney Melekian, a former Director of the Office of Community Oriented Policing Services at the United States Department of Justice (DOJ), and at the time an advisor for the City of Seattle, wanted to know if she had any interest in “throwing [her] hat in the ring” as a candidate to become Seattle Police Department’s (SPD) new chief.¹ In some ways, the timing could not have been worse. O’Toole, a former Boston Police Commissioner and Massachusetts Public Safety Secretary, had recently returned to the United States following a six-year stint in Ireland where she had overseen an effort to reform policing; as she explained, “I had just moved home after being 3,000 miles to the east, [so] I wasn’t exactly expecting to move 3,000 miles to the west.”

In other respects, the opportunity was enticing. Having just reached a settlement with DOJ that resulted in a court-ordered consent decree, SPD was a department in need of change, and O’Toole had extensive experience turning organizations around.² In addition to her most-recent work involving police reform in Ireland, she had helped to reform policing as a member of the Patten Commission in Northern Ireland in the 1990s and served as the Joint Compliance Expert for the consent decree in East Haven, CT.³ She saw herself as “a change driver” and had developed an affinity for transforming organizations in trouble. The chance to turn around policing services in Seattle could be once in a lifetime. “Most of us,” O’Toole later explained, “that are addicted to this business can’t pass up opportunities like that.”⁴

1 Interview with Kathleen O’Toole, Chief, Seattle Police Department, August 1, 2017. Hereafter cited as O’Toole interview. Unless noted, subsequent quotations from and attributions to O’Toole come from this interview and another interview conducted by telephone on February 6, 2018 as well as multiple personal communications by e-mail.

2 “Justice Department Announces Agreement with City of Seattle to Implement Reforms of Seattle Police Department,” Department of Justice, Office of Public Affairs, July 27, 2012, available at <https://www.justice.gov/opa/pr/justice-department-announces-agreement-city-seattle-implement-reforms-seattle-police> (accessed on February 19, 2019).

3 Steve Miletich, “Chief Kathleen O’Toole To Help Improve Police in Ireland While Also Keeping Seattle Job,” *Seattle Times*, May 9, 2017, available at <https://www.seattletimes.com/seattle-news/crime/kathleen-otoole-named-to-irish-police-commission-will-remain-seattle-police-chief/> (accessed on February 21, 2019); and Jennifer Swift, “Expert Named To Oversee East Haven Consent Decree with Department of Justice (document),” *New Haven Register*, February 20, 2013, available at <https://www.nhregister.com/connecticut/article/Expert-named-to-oversee-East-Haven-consent-decree-11423191.php> (accessed on February 21, 2019).

4 These opening paragraphs draw on a case study previously developed by Dr. Antonio O’Fielie: “Smart Power: Transforming Seattle’s Police Department: An Insight from the 2015 Public Safety Summit,” available at <https://lnwprogram.org/content/smart-power-transforming-seattle-s-police-department> (accessed on February 19, 2019). This is one of two previous case studies that O’Fielie has authored on O’Toole and SPD. The other is “The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle,” An Insight from the 2016 Public Safety Summit, available at <https://lnwprogram.org/content/importance-collaboration-seeding-change-and-creating-accountability-seattle> (accessed on April 8, 2019). On pp. 1, 3, 5, 7, 9, and 13, this case draws on these previously published cases.

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August 2010 – May 2014: A Twist of Fate and A Sweeping Investigation

The events that had led to O'Toole getting that fateful call had been set in motion almost three years earlier on August 30, 2010. Late that afternoon, SPD officer Ian Birk had eased his patrol car to a stop at an intersection in downtown Seattle. After exiting his vehicle, he began striding toward John Williams, a homeless Native American woodcarver who had been carrying a piece of wood and a single-bladed pocket knife as he limped across a crosswalk. Almost immediately, Birk—who had his gun in his hand—began yelling, “Hey, hey, hey! Put the knife down. Put the knife down. Put the knife down!”⁵

Birk then fired his gun four times, causing Williams—who was hard of hearing—to fall backward and die.

“What happened? He didn’t do anything,” a witness said to Birk.

“Ma’am,” Birk responded, “he had a knife, and he wouldn’t drop it.”^{6,7}

This exchange marked the beginning of an intense debate over what occurred that afternoon. Birk insisted that Williams posed a threat.⁸ However, as then-SPD Chief John Diaz said the day after the event, there were “a lot more questions than answers.” In part because of this uncertainty, several local Native American organizations were harshly critical of SPD’s treatment of Williams (including their depiction of him as “‘a chronic inebriate’ with a ‘rap sheet’”), and protesters took to the streets and, in one case, broke the window of an unoccupied SPD vehicle. The sense of crisis only intensified in the winter of 2011 when the Firearms Review Board unanimously concluded “the shooting was ‘unjustified and outside of policy, tactics, and training’” but prosecutors decided not to pursue criminal charges against Birk.⁹ Birk resigned, but over 100 protesters again gathered to speak out against police brutality. “There is a suspicion, mistrust and even fear,” lamented King County Prosecutor Dan Satterberg, “that minority members ... will be mistreated by the police.”¹⁰

Amid growing public consternation, DOJ announced in March 2011 that it would conduct an in-depth investigation of SPD. DOJ felt the investigation was necessary because the Williams shooting fit a pattern of controversial exchanges—many of which had been videotaped—between SPD officers and members of minority communities. There was a video that showed an officer “punching a young black woman who resisted him after she was stopped for jaywalking.” There had also been an incident in which an officer had “kick[ed] and threaten[ed] to beat the ‘Mexican piss’ out of a prone Latino man.”¹¹ This investigation resulted in SPD and DOJ entering into a court-issued consent decree agreement a little

5 “Seattle Police Release Dashcam Video of Woodcarver’s Shooting,” YouTube, February 16, 2011, available at <https://www.youtube.com/watch?v=Et8J8sUNa3c> (accessed on April 7, 2019); and Neal Thompson, “The Carver’s Life,” Seattle Met, April 22, 2011, available at <https://www.seattlemet.com/articles/2011/4/22/john-williams-the-carvers-life-may-2011> (accessed on September 6, 2018).

6 Ibid.; and Jim Kershner, “Seattle Police Officer Ian Birk Fatally Shoots Native American Woodcarver John T. Williams,” HistoryLink.org Essay, available at <http://historylink.org/File/10296> (accessed on September 6, 2018).

7 For additional background, see Cienna Madrid, “No Way Out: John T. Williams’s Final Moments, as Described at This Week’s Police Shooting Inquest,” *The Stranger*, January 20, 2011, available at <https://www.thestranger.com/seattle/no-way-out/Content?oid=6381399> (accessed on September 6, 2018).

8 Madrid, “No Way Out.”

9 Kershner, “Seattle Police Officer Ian Birk Fatally Shoots Native American Woodcarver John T. Williams.”

10 Ibid.; and Elaine Porterfield, “Prosecutors Will Not Charge Seattle Cop in Shooting,” Reuters, February 16, 2011, available at <https://www.reuters.com/article/us-police-seattle-idUSTRE71G0U620110217> (accessed on September 6, 2018).

11 William Yardley, “Justice Department To Review Seattle Police’s Use of Force,” *The New York Times*, March 31, 2011, available at <https://www.nytimes.com/2011/04/01/us/01seattle.html> (accessed on September 6, 2018); “Timeline of Seattle Police Reform,” *The Seattle Times*, January 10, 2018, available at <https://www.seattletimes.com/seattle-news/crime/timeline-of-seattle-police-reform/> (accessed on April 8, 2019); and Mike Carter, “Justice Department To Investigate Seattle Police Civil-Rights Practices,” *The Seattle Times*, March 31, 2011, available at <https://www.seattletimes.com/seattle-news/justice-department-to-investigate-seattle-police-civil-rights-practices/> (accessed on April 8, 2019).

over a year later on April 1, 2012.¹² (See Appendix A for more details on consent decrees.)

As if the specter of a major federal investigation was not enough, SPD was also dealing with extensive turmoil involving its leadership. In April 2013, amid acrimonious negotiations surrounding the consent decree, Chief Diaz announced that he was stepping down. Said Diaz: "It was time for me to go." That spring, Diaz was succeeded on an interim basis by then-Assistant Chief Jim Pugel, but upon taking office in January 2014, Seattle Mayor Ed Murray announced a new interim chief, Harry Bailey.¹³ Less than two months later, Bailey was already encountering substantial criticism. The concern centered around an incident in which a reporter from a local news outlet had begun photographing a group of police officers "surrounding a seated man." After the reporter asked an officer "who [from SPD] was in charge," the officer reportedly "threatened to come and 'harass' [the reporter] at [his] office." An internal SPD review concluded that the officer engaged in misconduct, a finding that Bailey initially overturned, leading the interim chief to offer a public apology. "Overturning the finding of misconduct was a mistake and sent the wrong message to the public," Bailey said at a press conference.¹⁴

12 "Settlement Agreement," Knight Lab Timeline, April 1, 2012, available at https://cdn.knightlab.com/libs/timeline3/latest/embed/index.html?source=1TRF-pfidqkSfCSRB-wChCvaTyxnTuZ6mw9_QtwhWJUU&font=Default&lang=en&initial_zoom=2&height=800 (accessed on September 6, 2018).

13 "Seattle Police Chief John Diaz Steps Down Amid Use of Force Order," Oregon Live, April 8, 2013, available at https://www.oregonlive.com/pacific-northwest-news/index.ssf/2013/04/seattle_police_chief_john_diaz.html (accessed on September 6, 2018); Levi Pulkkinen and Vanessa Ho, "Seattle Police Chief Diaz To Step Down," *Seattle Post Intelligencer*, April 8, 2013, available at <https://www.seattlepi.com/local/article/Seattle-Police-Chief-Diaz-to-step-down-4418111.php> (accessed on September 6, 2018); and John de Leon, "Ex-Interim Chief Jim Pugel Named To Sheriff's Post," *The Seattle Times*, August 18, 2014, available at <http://blogs.seattletimes.com/today/2014/08/ex-interim-spd-chief-jim-pugel-named-to-sheriffs-post/> (accessed on September 6, 2018).

14 Joel Connelly, "Chief Bailey Apologizes for 'Mistake' That 'Sent The Wrong Message,'" *Seattle Post Intelligencer*, February 24, 2014, available at <https://blog.seattlepi.com/seattlepolitics/2014/02/24/chief-bailey-apologizes-for-mistake-that-sent-the-wrong-message/> (accessed on September 6, 2018).

June 2014: O'Toole Takes the Helm¹⁵

In June 2014, after completing what she described as a “very rigorous” selection process that involved lots of community panels and scrutiny by the City Council, O'Toole became SPD's new Chief and discovered a whole host of challenges. In part because of the consent decree, and the extensive criticism that accompanied it, the agency had become lethargic. For example, as O'Toole recalled, when she first met with SPD precinct captains and asked how they were doing on crime, they replied, “Pretty good – we think.” In practice, and what O'Toole discovered as she started to assess their work more carefully, SPD was limiting itself to tracking Part I crimes and did not have the capacity to track, analyze, and report community crime trends and outcome measures.¹⁶ In addition, there was active resistance to the consent decree and, to an extent, the presence of an outside leader. This was most apparent from a lawsuit that approximately 120 officers (roughly 10 percent of the department) had filed against DOJ.¹⁷

Thus, as O'Toole settled into a new post and began to navigate what she would later characterize as a “rollercoaster of change,” she had to address a whole host of questions.¹⁸ (See Appendix B for a visual depiction of the rollercoaster of change.) How would she restore trust in an extremely hostile environment? Could she make SPD run more efficiently and effectively and make the city a safer place? Could she develop cooperative relationships with a range of external stakeholders, most notably DOJ, the Seattle Police Monitor, and the union? And then there was a question that O'Toole's daughter aptly noted as she was flying back to Boston after helping her mother get settled in a new city. Without any clear allies and operating in an entirely new environment, who would have O'Toole's back?

As O'Toole recalled, “I didn't have a team. I was there single handedly trying to figure out how I was going to turn this place around.”

Thus, when her daughter asked that question, O'Toole laughed and said, “Well, obviously, I'm going to have to find some people who have my back.”

15 This section and the three sections that follow (“Year One: July 2014 – June 2015,” “Year Two: July 2015 – June 2016,” and “Year Three: July 2016 – December 2017”) draw heavily on the previously cited interviews and personal communications with O'Toole.

16 According to the Federal Bureau of Investigation, “The Universal Crime Reporting (UCR) Program divides offenses into two groups, Part I and Part II crimes.” Part I offenses are criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Part II offenses include (among other crimes) forgery, fraud, and vandalism. For additional details, see “Appendix II – Offenses in Uniform Crime Reporting,” Federal Bureau of Investigation, available at https://www2.fbi.gov/ucr/cius_04/appendices/appendix_02.html (accessed on January 25, 2019).

17 Otelie, “Smart Power: Transforming Seattle's Police Department.”

18 Kathleen O'Toole, “The Seattle Experience,” Presentation to the Chicago Police Department on February 1, 2018. Slides from presentation obtained through a personal communication by e-mail on February 5, 2018.

Year One: July 2014 – June 2015

As O'Toole stepped in as SPD's Chief, she initially focused on familiarizing herself with her surroundings through an extensive listening tour with rank-and-file officers; key counterparts from the city (e.g., elected officials, such as the City Attorney); and important stakeholders, such as the police union and community organizations (including the United Black Christian Clergy).¹⁹ This was in part because she recognized that she had a lot to learn as she transitioned to a new organization. In particular, she felt that she needed to acclimate to the Pacific Northwest's culture, which seemed to be more laidback, without the same sense of urgency as the East Coast. In addition, although SPD was in the midst of a consent decree, she considered the agency a "gem in the rough" and wanted to make sure that, even as she began to initiate change, she preserved the agency's positive qualities. Finally, she was aware of the challenges and risks associated with being a leader coming in from the outside, and she wanted to impress upon people that she was enthusiastic about building relationships and learning from them.²⁰ As O'Toole later said, in a comment that underscored a key tenet of her leadership philosophy, "It's all about engagement." "Police departments have often been referred to as paramilitary organizations, due to formal organizational charts and rank structures. Even in a paramilitary environment," she added, "you can't dictate change. People must 'buy in.'"

After spending several months getting the lay of the land, O'Toole began to assemble her leadership team and make broader personnel changes. In the summer of 2014, in part to have someone covering "her back," she brought in Mike Wagers—a colleague who had been serving as the Director of Law Enforcement Operations and Support at the International Association of Chiefs of Police—as her COO.²¹ Then, in the fall of 2014, O'Toole made her first internal promotion: Carmen Best, a Deputy Chief who is African American and female and who, according to O'Toole, was someone who demonstrated great work ethic and commitment to the community and who was so enthusiastic that she felt she had to offer her an opportunity.

O'Toole then identified the rest of her command team, which ended up consisting of half internal and half external candidates, including some officials from outside law enforcement all together.²² One insider was Steve Wilske, a longtime SPD officer who, according to O'Toole, "had totally bought in to change." As for outsiders, she hired (among others) Chris Fisher, formerly Director of Research and Evaluation in the New York City Police Department, as SPD's Chief Strategy Officer.²³ Similarly, she recruited Brian Maxey from the City Attorney's Office as Chief Legal Officer as well as an executive from Amazon to serve as SPD's CIO.²⁴ The message was clear: SPD was ready to innovate and willing to work with non-traditional hires and creative structures and roles to do so.²⁵ "I think we all clicked," said O'Toole of her command team, which met formally on Mondays but engaged constantly throughout each day. "We all loved talking about the future." She added, "I think we shared common values. Everybody possessed extraordinary work ethic, and really we had a collective purpose."

The wide array of perspectives and experiences of the leadership team also reflected O'Toole's firm belief that it was important to bring together people with a range of views and create synergy among them. "In a project of this magnitude, a leader will not succeed alone," she explained. "It requires a diverse, cohesive management team."

19 Oftelie, "Smart Power: Transforming Seattle's Police Department"; and Oftelie, "The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle."

20 Oftelie, "The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle."

21 "Michael Wagers, Ph.D.," National Police Foundation, available at https://www.policefoundation.org/team_detail/michael-wagers-ph-d/ (accessed on October 24, 2018).

22 The City Council had passed an ordinance allowing outsiders to compete for Deputy and Assistant Chief positions. As O'Toole said, "I knew I needed my own team, but in fairness, wanted to assess the existing command staff."

23 "Chris Fisher," LinkedIn, available at <https://www.linkedin.com/in/chrisfishsea/> (accessed on January 31, 2019).

24 Following Wagers' departure in 2015, Maxey became COO. O'Toole then recruited Rebecca Boatright from the City Attorney's Office to succeed Maxey as SPD's Chief Legal Officer. Jennifer Sullivan, "Chief operating officer leaving Seattle Police Department," *The Seattle Times*, October 22, 2015, available at <https://www.seattletimes.com/seattle-news/crime/spds-chief-operating-officer-leaving-after-15-months-on-job/> (accessed on December 1, 2018).

25 Oftelie, "Smart Power: Transforming Seattle's Police Department: An Insight from the 2015 Public Safety Summit."

At the same time, O'Toole demoted several officials who did not succeed in the competitive process for assistant chief. Some of those demoted took the news in stride and continued as valuable team players in the rank of captain. Others, who, according to the chief, were either "not showing up" or not being productive when they did show up—were reassigned to an office away from police headquarters on the fifty-third floor of the Seattle Municipal Tower. It became known as "Area 53" where they would be responsible for certain projects but would not have the same authority and cachet and could not inhibit the broader reform process. O'Toole reflected, "Nobody was paying much attention to the naysayers anyway, but finally I said, 'You know what? I just don't want them out there poisoning the environment.'" Eventually, some of these officials changed their tune and returned to productive positions in the department; nonetheless, O'Toole had sent a powerful message about the importance of change.

In parallel to these personnel changes, O'Toole took a series of steps to signal broader change and a new direction for the agency. This included reissuing the department's mission statement, which now reads, "The mission of the Seattle Police Department is to prevent crime, enforce the law, and support quality public safety by delivering respectful, professional and dependable police services."²⁶ In support of this mission, O'Toole identified four priorities for the organization: increasing public trust (which would emerge from reform and implementation of the settlement agreement), enhancing pride and professionalism, curtailing crime and disorder, and establishing better business practices. She also made several symbolic changes to rebrand SPD and signal the department's increased professionalism. These included issuing new uniforms (which were more comfortable than the previous uniforms) and vehicles. This also provided a way to boost her officers' spirit, a priority that was crucial because, as O'Toole noted, "People were really demoralized. The SPD was on the front page of the paper constantly and [they were] all negative stories." She added, "It really has to be disheartening for the good, hard-working people who've spent their careers in an organization to lose community trust and to lose standing in the police community."

Finally, although she didn't hesitate to mete out serious discipline when appropriate, she also made a point of emphasizing that she had her officers' backs. For example, shortly after the police shooting of an unarmed black man in Ferguson, Missouri, there was a demonstration in Seattle during which protestors massed on a highway and, as O'Toole recalled, "were throwing flaming projectiles and other dangerous objects at the police." Initially, SPD officers were not responding. O'Toole therefore decided to empower her team. As she recalled:

Finally, I said, 'Wait a minute, we're a police department.' I actually went out there publicly and said, 'The SPD is back in business.' I had to say that. I said it publicly. I remember the cops said: 'Really? We can actually go out and do police work again?' I think they were really fearful that anything they did could be controversial.

Over the course of her first year in Seattle, O'Toole had built her team, sought feedback, and set a vision for where the organization was heading. Overall, she had sent the message to not only the public but also the entire city that "SPD was back in business."

26 "Mission Statement and Priorities," Seattle Police Department Manual, 2017, available at <https://www.seattle.gov/police-manual/general-policy-information/mission-statement-and-priorities> (accessed on April 10, 2018).

Year Two: July 2015 – June 2016

Having laid the foundation for change in her first year with SPD, O'Toole shifted her focus in her second year to launching reforms designed to help the organization generate new forms of value. One aspect of this was creating new policies, systems, and processes, including new micro-community policing plans that SPD established in partnership with Seattle University. SPD also created new trainings focused on (among other topics) de-escalation techniques, impartial policing, fostering a guardian culture, and increasing mental health trainings. O'Toole attended all of these trainings herself, including live-fire and role-playing exercises where she crawled through mud and kicked in doors side by side with other officers. She recalled, "People often remarked, 'Wow, we haven't seen a chief at training in 30 years we've been on the job.'" Still, the most significant reforms involving systems, policies, and processes dealt with the use of force, a major focus of the consent decree. In addition to establishing use of force trainings, SPD created new systems to track and review use of force incidents. This included the Force Investigation Team, the Force Review Unit, and the Force Review Board.²⁷

In parallel to these efforts to improve the department's systems, policies, and processes, O'Toole enhanced the organization's use of technology, data, and analytics. This included the creation of a new SeaStat program to ensure it was tracking crime accurately. SPD also created an in-car video system in patrol vehicles and, with support from DOJ, launched a program to equip officers with body-worn cameras.²⁸

In a move that would generate national recognition, SPD built a sophisticated data analytics platform that enhanced accountability and efficiency by establishing "new systems of oversight, risk management, and statistical reporting."²⁹ According to Brian Maxey, who had been appointed as COO when Wagers left, SPD previously did not have "reliable data to demonstrate what we were doing."³⁰ The new data analytics platform leveraged data from "a computer-aided dispatch system and a records management system" that allowed SPD to track a variety of metrics, including every instance in which an officer stops someone, every frisk, and any incident in which an officer thinks someone might be in crisis. What's more, the system—for which SPD received recognition from Drexel University's LeBow School of Business as one of 50 notable companies using analytics to solve business problems—has dashboards and other tools that provide supervisors the opportunity to examine data, disseminate "visualization and analytics tools" to SPD officers, and share raw data with the public.³¹ Taken together, this allowed SPD to get better information and facilitated more informed dialogues with an array of stakeholders. Explained SPD's Chief Legal Officer, Rebecca Boatright:

It's not only answering questions. It's contextualizing the data, as well, because of our ability to map different data sources together. Being able to have that is the key to being able to go into [a] meeting, whether internal or external and say, 'First, let's all reach agreement or at least a common understanding as to what data we're looking at and what our starting point for discussions are.' And that I think helps to then bring people to the table to use the data to understand the need for continuing reform in certain areas.³²

To complement the innovative use of technology and data, O'Toole introduced significant structural changes, especially as it related to personnel. The chief had hinted at the possibility of these reforms in 2014 when she began filling out her command staff; however, the changes gathered momentum the following year when she appointed

27 Oftelie, "Smart Power: Transforming Seattle's Police Department"; Oftelie, "The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle"; and "Use of Force Systems," January 1, 2014, Knight Lab, available at https://cdn.knightlab.com/libs/timeline3/latest/embed/index.html?source=1TRF-pfidqkSfCSRB-wChCvaTyxnTuZ6mw9_QtwhWlJU&font=Default&lang=en&initial_zoom=2&height=800 (accessed on October 25, 2018).

28 Oftelie, "The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle."

29 Esther Shein, "Program To Honor The 50 Top Corporate Data Analytics Programs," Information Management, June 13, 2018, available at <https://www.information-management.com/news/program-to-honor-the-50-best-corporate-analytics-programs> (accessed on October 25, 2018).

30 Interview with Brian Maxey, Chief Operating Officer, Seattle Police Department, by telephone, December 7, 2017.

31 Shein, "Program To Honor The 50 Top Corporate Data Analytics Programs."

32 Interview with Rebecca Boatright, Chief Legal Officer, Seattle Police Department, by telephone, August 7, 2017.

Boatright as the Chief Legal Officer. This contributed to what Boatright characterized as “a three-part management structure” that included her, Brian Maxey as the Chief Operating Officer, and Chris Fisher as the Chief Strategy Officer. Boatright characterized the team members—all of whom came from outside SPD—as a “three-circle Venn diagram” in which the officials leveraged different strengths and skillsets to ensure that O’Toole had the support to implement broader changes.³³ The chief continued to push ahead with significant personnel changes following the completion in March 2016 of an independent assessment of SPD’s staffing levels and structure by Berkshire Advisors, a consulting firm. In presenting the findings in a letter to Mayor Murray, O’Toole highlighted the consulting firm’s recommendations that SPD increase its staffing levels, devote more time to proactive work, and reallocate the time and resource apportionment for certain specialized units (e.g., SWAT and canine teams).³⁴ Thus, O’Toole was not only introducing technological innovations and new systems; she was also examining how best to structure key SPD teams and, more broadly, maximize the use of its human resources.

Meanwhile, O’Toole continued to try to seed cultural change within the agency. This included fostering an atmosphere of psychological safety by applauding officers in disciplinary hearings who acknowledged their mistakes and encouraging an atmosphere of innovation. In one tense exchange related to an officer-involved shooting on New Year’s Eve, she firmly came to the defense of her officers. O’Toole also made a point of highlighting the agency’s progress, which included high marks from the Monitor, improvements in crime statistics, and higher public approval and trust.³⁵ This reinforced the optimistic mindset and trust she had begun instilling in her first year with SPD. She reflected:

I think optimism is a great trait for a leader. I think it’s contagious. I always loved working for really optimistic bosses. For instance, I remember working for Bill Bratton early on, and he used to make statements that I thought were aspirational, but I wasn’t convinced they were realistic. Inevitably, it was like self-fulfilling prophecy. If he repeated it enough, these things happened. By nature, I’m an optimist, but I also think I had some great mentors that convinced me that you have to be aspirational and optimistic.

33 Ibid.

34 Letter from O’Toole to Mayor Murray, available at <https://timothyburgess.typepad.com/files/Staffing%20Study%20Cover%20Letter.pdf> (accessed on January 31, 2019); and Tim Burgess, “The Long Road to Effective Management of Our Police Department,” TimothyBurgess.Typepad.com, April 8, 2016, available at https://timothyburgess.typepad.com/tim_burgess_city_view_/2016/04/the-long-road-to-effective-management-of-our-police-department.html (accessed on October 25, 2018).

35 Otelie, “The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle”; Otelie, “Smart Power: Transforming Seattle’s Police Department”; and “Survey of Community Attitudes Towards Seattle Police Department Filed in Federal Court,” Office of Public Affairs, Department of Justice, October 24, 2016, available at <https://www.justice.gov/opa/pr/survey-community-attitudes-towards-seattle-police-department-filed-federal-court> (accessed on April 9, 2019).

Year Three: July 2016 – December 2017

Buoyed by the success of these structural, systemic, and technological changes, O'Toole shifted her focus in her third year leading the organization to developing strategies to ensure that the reforms she had introduced would be sustained over time. A key part of this was working to bring the consent decree to a resolution. This was a delicate topic but one that O'Toole was able to pursue in part because she had developed a strong working relationship with a number of key stakeholders, including Principal Deputy Assistant Attorney General Vanita Gupta, who as the head of DOJ's Civil Rights Division was heavily involved in the implementation of DOJ's consent decrees.³⁶

Soon after O'Toole had arrived in Seattle, Gupta had contacted the chief to ask if she would be open to "sitting down" to discuss the situation in Seattle. From O'Toole's perspective, this had provided a much-needed "breath of fresh air to the role." It also served as a jumping-off point for a more extensive dialogue in which Gupta and O'Toole discussed the challenges facing SPD and its partnership with DOJ. Equally important, this contributed to the establishment of an outstanding working relationship. O'Toole said, "It's clear to me that DOJ...and Vanita are there to support us. They're as interested in our success as we are..." Gupta concurred, lauding Chief O'Toole for "creat[ing] a different tone."³⁷

Nonetheless, there were lingering concerns, especially related to what O'Toole described as "consent decree fatigue."³⁸ From the perspective of the chief and other SPD officials, there was no timeline or incentive for the Monitor—who was evaluating SPD's progress toward the reforms—to complete his work. The City Attorney, who managed the litigation, seemed inclined to accept an expansive view that stretched the Consent Decree beyond its four corners, creating ambiguity as to what was required, and how progress would be measured (a frustration DOJ expressed as well).³⁹ Thus, the City, DOJ, and the Monitoring Team were working together to identify a timeline and deliverables for what SPD needed to accomplish. The chief hoped that this would give her staff a "light at the end of the tunnel," and Gupta was sympathetic to these concerns. "We don't want to be in a jurisdiction a day longer than we have to," she said. Thus, DOJ and SPD began working together to establish barometers for progress while at the same time ensuring that SPD was in full compliance.⁴⁰

This sometimes led to tense discussions, but O'Toole saw this as part of a healthy relationship and ultimately beneficial to her organization. "We work collaboratively, but we engage in respectful, spirited discussions," the chief said. She added, "Reform is a good thing. The consent decree has created the sense of urgency required to get the job done in Seattle.... Yes, it is hard work, but without a sense of urgency, it's more difficult to change an organization."⁴¹

36 Oftelie, "The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle."

37 Ibid.

38 Ibid.

39 Personal communication, by e-mail, with Rebecca Boatright, Chief Legal Officer, City of Seattle, November 1, 2018.

40 Oftelie, "The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle."

41 Ibid.

Year Four: January 2018 – October 2018

For O'Toole, there was an additional sense of urgency attached to these conversations and the reform process following her announcement in early December 2017 that she planned to step down at the end of the calendar year. Citing reasons that were “more personal than professional” for the transition, O'Toole spoke fondly of her work with SPD and policing more broadly. “More than anything, I love being a cop, I've loved every minute of it,” O'Toole told the media. “To me, it's not just a job, it's my vocation, it's been my passion.”⁴²

As O'Toole departed, there was a sense that SPD was suffering a significant loss. Under her leadership, the city had consistently received high marks for its progress in meeting the requirements of the consent decree.^{43, 44} SPD had also made significant progress on a variety of performance indicators, including decreasing the average response time to life-threatening incidents, enhancing the organization's capacity to identify and respond to people in crisis and hate crimes, and curtailing officer's use-of-force.⁴⁵ (For additional details on the changes in crime trends over time, see Appendices C through H.) In addition, she had made a strong impression on an array of influential stakeholders. “Chief O'Toole has been outstanding,” said former City Councilmember Tim Burgess. “She modernized policing in Seattle and helped restore the public's confidence.” Similarly, Annette Hayes, the U.S. Attorney in Seattle, said that O'Toole was a “true partner,” adding, “I am grateful for her professionalism, wisdom, and friendship.” Most importantly, there was a renewed sense of optimism from the officers themselves. This came across in a statement from Seattle Police Officers Guild, SPD's union. It said, “Chief O'Toole guided the department through the very difficult task of completing all of the assessments required under the Department of Justice Settlement Agreement. This was done in record time, and that is a testament to her persistence and her ability to put people in positions to succeed.”^{46, 47}

While there was a sense of sadness connected to O'Toole's departure, there was also a strong feeling of confidence that she had put the organization in a position to succeed moving forward. This was in no small part because Carmen Best, one of the SPD officials she had promoted, had been selected as the interim chief. This immediately drew praise from the Seattle Police Officers Guild. In parallel to its statement praising O'Toole for her work, the Guild said, “Chief Best has come up through the ranks, and SPOG has full confidence in her ability to lead the department and to continue the work that was done by Chief O'Toole.”⁴⁸ This made Best the second woman to lead the department (O'Toole had been the first) and the first African American woman to hold that post.⁴⁹

Nonetheless, Best and SPD still faced significant challenges in determining how to sustain and renew the reform process to ensure that the organization was continuing to generate new outcomes and increased value. To begin with, there was significant debate, uncertainty, and controversy surrounding whether Best would become the department's

42 Steve Miletich and Daniel Beekman, “Seattle Police Chief Kathleen O'Toole To Step Down at End of Year,” *Seattle Times*, December 4, 2017, available at <https://www.seattletimes.com/seattle-news/politics/seattle-police-chief-kathleen-otoole-to-step-down-at-end-of-year/> (accessed on October 25, 2018).

43 Oftelie, “The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle.”

44 The Monitor's assessments of SPD's progress can be viewed at “Reports & Resources,” Seattle Police Monitor, available at <http://www.seattlemonitor.com/reports-resources> (accessed on April 10, 2019).

45 “Calls for Service Dashboard,” City of Seattle, available at <https://www.seattle.gov/police/information-and-data/calls-for-service-dashboard> (accessed on January 28, 2019); “Bias/Hate Crime Data,” City of Seattle, available at <http://www.seattle.gov/police/information-and-data/bias-crime-unit/bias-crime-dashboard> (accessed on January 28, 2019); and “Use of Force Dashboard,” City of Seattle, available at <http://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dashboard> (accessed on January 28, 2019).

46 Miletich and Beekman, “Seattle Police Chief Kathleen O'Toole To Step Down at End of Year.”

47 O'Toole had also received praise from federal officials, including former U.S. Attorney General Loretta Lynch. In 2016, O'Toole was invited to sit in First Lady Michelle Obama's box at President Obama's final State of the Union Address. David Kroman, “After Months of Rumor, Seattle Police Chief Kathleen O'Toole Stepping Down,” *Crosscut*, December 3, 2017, available at <https://crosscut.com/2017/12/after-months-of-rumor-seattle-police-chief-kathleen-otoole-stepping-down> (accessed on October 25, 2018); and Oftelie, “The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle.”

48 Miletich and Beekman, “Seattle Police Chief Kathleen O'Toole To Step Down At End of Year.”

49 Kroman, “After Months of Rumor, Seattle Police Chief Kathleen O'Toole Stepping Down.”

permanent chief. In fact, Best was initially excluded from a group of three finalists selected in May by a search committee of local leaders. One reason was that the committee felt that an outside leader would be best positioned to continue leading the reform process. Explained Burgess, the former City Council member and interim mayor, who chaired the search committee: "While the police department has made tremendous progress in reform, there's still a lot of work yet to do, including some of the foundational cultural reform that has yet to take firm root. And we felt that it was best at this point for an outsider to be brought in as the next chief."^{50, 51}

There was significant pushback to Best's exclusion from the group of finalists. This was in part because many believed that Best was uniquely positioned to unify a wide array of local stakeholders. "Chief Best is someone respected by all sides, both rank-and-file police and people in the community" said Linh Thai, director of the Vietnamese Community Leadership Institute.⁵² Other local leaders voiced the concern that Best's exclusion smacked of racism. Of the search process, Reverend Harriett Walden, a local African-American leader, who was a founding member of Mothers for Police Accountability and a co-chair of the Seattle Community Police Commission, said: "This was flawed. They [the search committee] did everything they could to eliminate Carmen. And they didn't mention anything about the consent decree. She's been working on through the consent decree, but we know it's anything but the black woman." Enrique Gonzales, a member of the search committee who also co-chaired the Seattle Police Commission, made the point even more forcefully, saying, "The black woman was X'd out."⁵³ Finally, the decision did not sit well with Officer Kevin Stuckey, the president of the Seattle Police Officer's Guild, who called the decision "insulting."⁵⁴

In early July, in an about face, Best was added to the group of finalists after one—former Pittsburgh Police Chief Cameron McLay—pulled out. In a news conference a little over a week later, Jenny Durkan—who had become Seattle's new mayor in January—announced Best's selection as Seattle's permanent police chief. "Everyone knows Chief Best and knows she can deliver results," said Durkan. "She knows our city and our officers. She has worked in every neighborhood and understands the unique public-safety challenges facing every one of our communities." Best added, "We will move ahead with a culture of continuous improvement and innovation at the Seattle Police Department. This is what I expect. It is what our community deserves."⁵⁵

Even after formally assuming the permanent post of police chief, Best faced significant questions. For one thing, there was lingering confusion surrounding why she had not been named a finalist for the position in the first place—a point that came into relief at Best's introductory news conference where the mayor faced questions from reporters about the selection process.⁵⁶ Those concerns resurfaced when Durkan named McLay—the finalist who had

50 Steve Miletich, "Three Finalists Named for Seattle Police Chief Job," *Seattle Times*, May 25, 2018, available at <https://www.seattletimes.com/seattle-news/crime/three-finalists-named-for-seattle-police-chief-job/> (accessed on May 26, 2018).

51 Of the appeal of the three finalists, Burgess added, "I think that those three all demonstrated to me the importance of cultural reform, understood...the inherent difficulty of changing the culture of an institution like a police department." He concluded, "It was less a decision about Carmen Best and more a decision about what the organization, the institution of the police department, needs today and going forward." Hayat Norimine, "Carmen Best Won't Be Seattle's New Police Chief. Here Are the Choices," *Seattle Met*, May 25, 2018, available at <https://www.seattlemet.com/articles/2018/5/25/carmen-best-wont-be-seattle-s-new-police-chief-here-are-the-choices> (accessed on April 9, 2019); and Suzanne Phan, "Absence of Carmen Best on Seattle Police Chief List Raises Questions from Community," *KOMO News*, May 26, 2018, available at <https://komonews.com/news/local/absence-of-carmen-best-on-seattle-pd-finalists-list-raises-questions-from-the-community> (accessed on April 10, 2019).

52 Steve Miletich and Daniel Beekman, "Despite Mounting Criticism, Durkan Defends Selection Process for Seattle Police Chief," *Seattle Times*, May 29, 2018, available at <https://www.seattletimes.com/seattle-news/despite-mounting-criticism-durkan-defends-selection-process-for-seattle-police-chief/> (accessed on October 25, 2018).

53 Miletich, "Three Finalists Named for Seattle Police Chief Job."

54 Travis Pittman, "Seattle Police Union 'Angered' By Exclusion of Internal Candidate for Police Chief," *K5 News*, May 29, 2018, available at <https://www.king5.com/article/news/local/seattle/seattle-police-union-angered-by-exclusion-of-internal-candidate-for-police-chief/281-559490490> (accessed on April 9, 2019).

55 Steve Miletich and Daniel Beekman, "Carmen Best, Once Rejected, Is Seattle Mayor's Pick for Top Cop. Citizens Have A 'Lot of Questions' About How This Went," *The Seattle Times*, July 18, 2018, available at <https://www.seattletimes.com/seattle-news/politics/carmen-best-picked-as-new-seattle-police-chief/> 56
Ibid.

withdrawn his name—as an advisor on police reform. McLay—who would receive a salary of \$180,000 per year—would report to Durkan and Best. Nonetheless, some observers were dismayed by the symbolism of having a white male “minder” for the city’s first African-American female chief.⁵⁷

At the same time, Best and SPD were still dealing with the consent decree and the fatigue it had created. In January, a U.S. District Judge had issued a ruling saying that Seattle was in “full and effective compliance” with the consent decree, thereby beginning a two-year period in which SPD would have to show that it was maintaining its progress.⁵⁸ Nonetheless, in a report that had been issued the previous September, the federal monitor had argued that SPD had made “a great deal of progress” but still had room for improvement in important areas.⁵⁹ Further complicating the situation, some felt that the monitor was operating under perverse incentives and from a position of skepticism.

Finally, in addition to battling outside distractions, Best and her team had to identify ways to sustain and enhance the actual reforms that O’Toole and her team had introduced. From the chief’s perspective, one priority was continuing to engage the community. Echoing a point that O’Toole had made, Best explained that she liked to emphasize that SPD was “a part of the community, not apart from the community.”⁶⁰ This dovetailed with her belief that, even as consent decree fatigue lingered, SPD had an opportunity to continue improving and therefore faced important questions. Among them: how could they keep the agility and dynamism necessary to create additional value while sustaining and solidifying the reforms they had already begun? How would they deepen relationships with the community and other stakeholders so that they could continue co-creating solutions? Most fundamentally, could they make Seattle safer and strengthen the belief that SPD was a trusted partner?

The chief therefore repeatedly told her staff, “Every interaction is an opportunity to build a relationship and to move this organization forward.” From the chief’s perspective, this was valuable because it boomeranged back to the organization in a positive way. She summarized, “Every time we get the opportunity to put our fingerprint somewhere, we’re going to do it because it builds a sense of pride in the organization. I think that is what’s going to take us forward and keep us growing.”

57 Essex Porter, “Seattle Mayor Hires News Adviser on Police Reform,” Kiro7, October 19, 2018, available at <https://www.kiro7.com/news/local/seattle-mayor-hires-new-adviser-on-police-reform/856317302> (accessed on October 25, 2018).

58 Sydney Brownstone and Steven Hsieh, “Judge Finds SPD in ‘Full and Effective Compliance’ With Consent Decree,” *The Stranger*, January 10, 2018, available at <https://www.thestranger.com/slog/2018/01/10/25699217/judge-finds-spd-in-full-and-effective-compliance-with-consent-decree> (accessed on January 31, 2019).

59 Steve Miletich, “Despite Progress, Seattle Police Not yet In Compliance with Reforms, Federal Monitor Says,” *Seattle Times*, September 8, 2017, available at <https://www.seattletimes.com/seattle-news/crime/despite-progress-seattle-police-not-yet-in-compliance-with-reforms-federal-monitor-says/> (accessed on January 31, 2019).

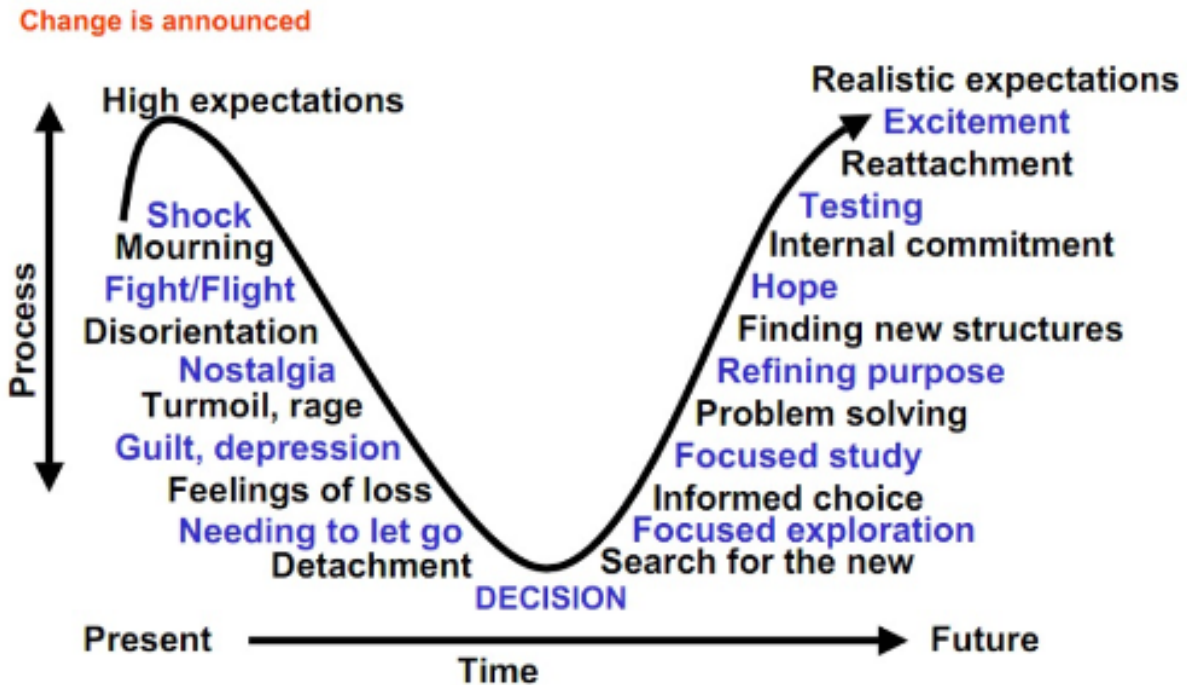
60 Interview with Carmen Best, Chief, Seattle Police Department, by telephone, October 17, 2018. Subsequent quotations from and attributions to Best come from this interview.

Appendix A: Background on Consent Decrees

In 1994, in the aftermath of the Rodney King incident in Los Angeles, Congress passed the Violent Crime Control and Enforcement Act, which gave DOJ the power to investigate local law enforcement agencies that may have “systemic problems – such as use of excessive force, or racial profiling.” In the event that it discovers systemic problems, it can then push for a “consent decree,” a legally binding document that outlines a set of reforms, is agreed upon by both parties, and is overseen by a judge. DOJ has completed over 60 investigations and implemented more than 30 consent decrees, including in Seattle, where there had been significant friction in the creation of the consent decree, particularly around who would serve as the monitor.

Sources: Sarah Childress, “How the DOJ Reforms a Police Department Like Ferguson,” PBS Frontline, March 4, 2015, available at <http://www.pbs.org/wgbh/frontline/article/how-the-doj-reforms-a-police-department-like-ferguson/> (accessed on July 27, 2016); Consent Decree Overview,” Los Angeles Police Department, available at http://www.lapdonline.org/search_results/content_basic_view/928 (accessed on July 27, 2016); and Oftelie: “The Importance of Collaboration: Seeding Change and Creating Accountability in Seattle.”

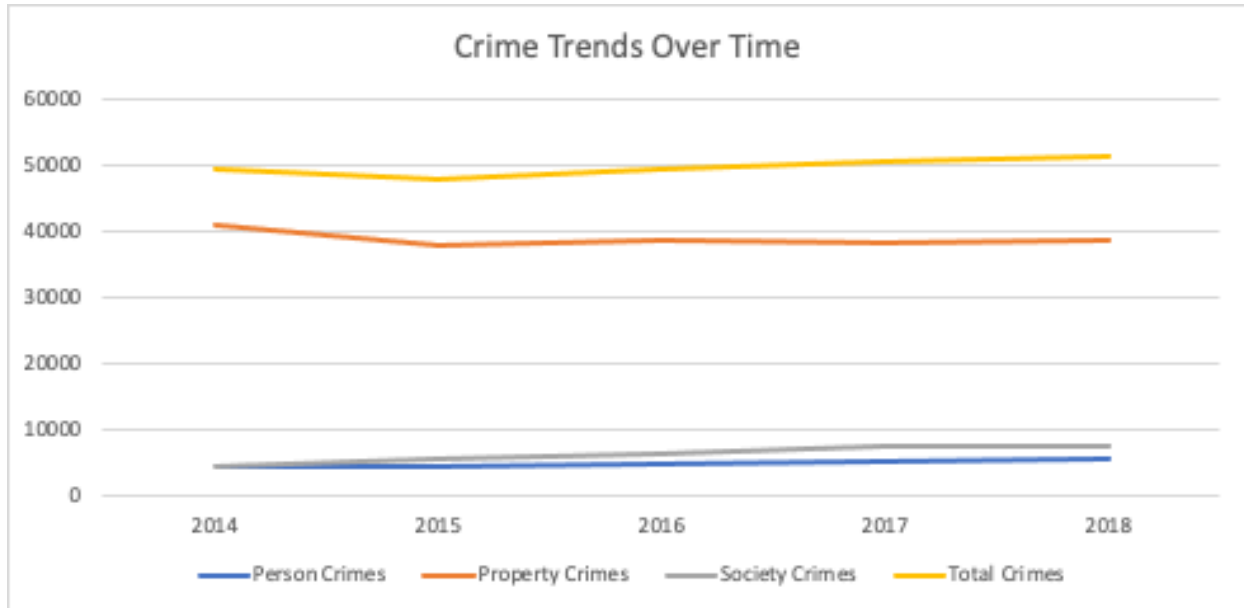
The Roller Coaster of Change



In a February 2018 presentation to the Chicago Police Department (which was also in the midst of navigating a consent decree), O'Toole described the rollercoaster of emotions that characterized the reform process in Seattle.

Source: Kathleen O'Toole, "The Seattle Experience," Presentation to the Chicago Police Department on February 1, 2018. Obtained via personal communication by e-mail on February 1, 2018. As O'Toole noted in a separate personal communication by e-mail on October 29, 2018, this is a modified version of an open-source rollercoaster of change graphic that she and Boatright found on the Internet.

Appendix C: Total Crime

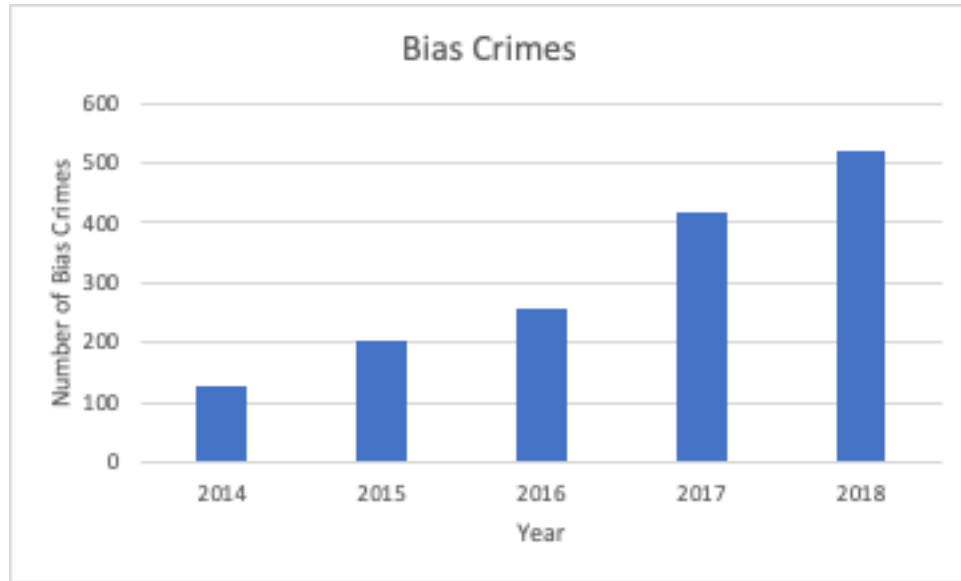


From 2014-2018, total crime in Seattle slightly increased, though with a noticeable decrease in property crimes. There was also a slight uptick in person crimes and an increase in society crimes.⁶¹ According to Christopher Fisher, SPD's Executive Director of Strategy, these increases reflect "the confluence [of] the opioid emergency, affordability crisis, and the marked increase in crisis contacts." See Appendix G for more details on the increase in crisis contacts.

Source: This chart is based on data obtained in a personal communication with Christopher Fisher, Executive Director of Strategy, Seattle Police Department, by e-mail, February 11, 2019. The quoted material and interpretation come directly from this e-mail.

⁶¹ "Crimes Against Persons, Crimes Against Property, and Crimes Against Society. Crimes Against Persons, e.g., murder, rape, and assault, are those whose victims are always individuals. The object of Crimes Against Property, e.g., robbery, bribery, and burglary, is to obtain money, property, or some other benefit. Crimes Against Society, e.g., gambling, prostitution, and drug violations, represent society's prohibition against engaging in certain types of activity; they are typically victimless crimes in which property is not the object." "Crimes Against Persons, Property, and Society," Uniform Crime Reporting (UCR) Program, National Incident-Based Reporting System, FBI, U.S. Department of Justice, 2012, available at <https://ucr.fbi.gov/nibrs/2012/resources/crimes-against-persons-property-and-society> (accessed on February 19, 2019).

Appendix D: Bias Crimes



Over the course of O’Toole’s tenure, the number of bias crimes that SPD identified increased significantly. This reflected that O’Toole and SPD were paying more heed to identifying these incidents, which are also often referred to as hate crimes.⁶²

Source: “Bias/Hate Crime Data,” City of Seattle, available at <http://www.seattle.gov/police/information-and-data/bias-crime-unit/bias-crime-dashboard> (accessed on January 28, 2019).

⁶² For additional details on the definition of a bias crime, see “Bias Crime Law and Legal Definition,” USLegal, available at <https://definitions.uslegal.com/b/bias-crime/> (accessed on January 27, 2019).

Appendix E: Responsiveness

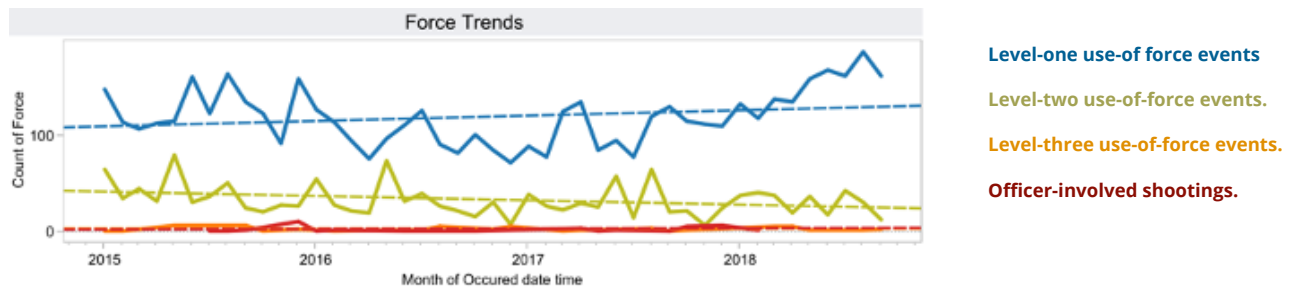


Over the course of O'Toole's tenure, SPD decreased its average response time for responding to Priority One calls for service ("any incident which poses obvious danger to the life of a citizen or officer") by two minutes.⁶³

Source: "Calls for Service Dashboard," City of Seattle, available at <https://www.seattle.gov/police/information-and-data/calls-for-service-dashboard> (accessed on January 28, 2019).

⁶³ "Calls for Service Dashboard," Methodology, available at <https://www.seattle.gov/police/information-and-data/calls-for-service-dashboard> (accessed on January 28, 2019).

Appendix F: Use of Force

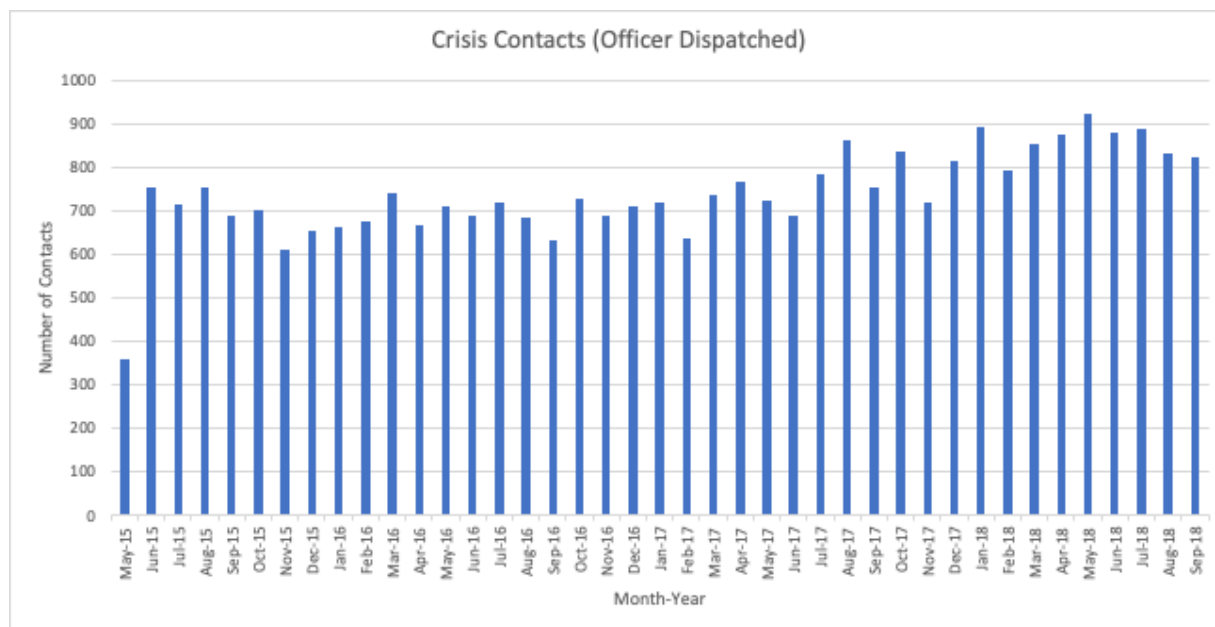


Under O'Toole's leadership, SPD began tracking its use of force. The number of level-three use-of-force events ("force that causes or is reasonably expected to cause great bodily harm") and officer-involved shootings was extremely low throughout her tenure.⁶⁴

Source: Adapted from "Use of Force Dashboard," City of Seattle, available at <http://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dashboard> (accessed on January 28, 2019).

⁶⁴ For detailed definitions of the different types of use of force designations, see "Use of Force Definitions," Seattle Police Department Manual, available at <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions> (accessed on January 28, 2019).

Appendix G: Crisis Contacts

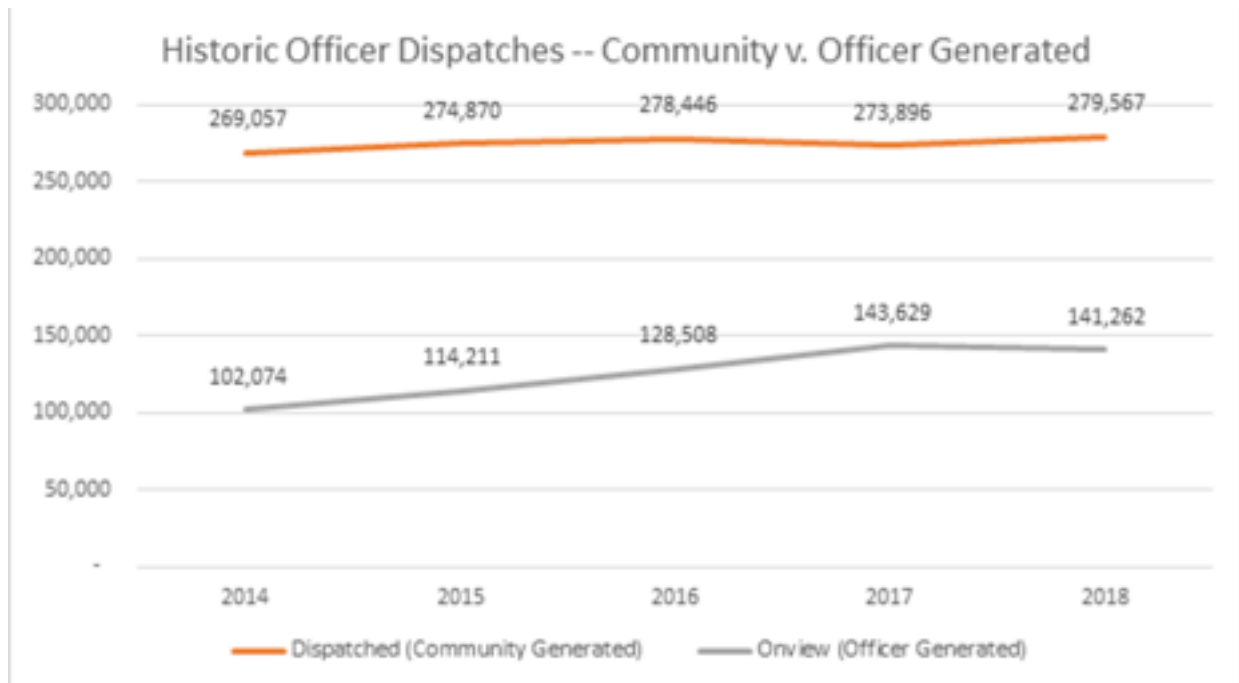


Under O'Toole's leadership and in partnership with DOJ, SPD greatly increased its responsiveness to community members "experiencing behavioral crisis, either as a result of a traumatic event, a mental health condition or a response to substance use." The data above reflect the number of times officers were dispatched to respond to such conditions over time.⁶⁵

Source: Data for chart come from "Crisis Contact Dashboard," Seattle Police Department, City of Seattle, available at <http://www.seattle.gov/police/information-and-data/crisis-contacts/crisis-contact-dashboard> (accessed on January 28, 2019).

⁶⁵ "Crisis Contacts Data," City of Seattle, available at <https://www.seattle.gov/police/information-and-data/crisis-contacts> (accessed on January 28, 2019).

Appendix H: SPD Officer Dispatches



From 2014 through 2018, dispatches generated by both community requests and officer on views both increased; this latter measure in particular helped to dispel the fallacy that SPD was de-policing during the consent decree. Moreover, that community members felt comfortable calling on SPD more frequently suggests that they were becoming more trusting in SPD's ability to respond to their needs.

Source: Personal communication with Christopher Fisher, Executive Director of Strategy, Seattle Police Department, by e-mail, February 11, 2019.

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