

# Seattle Community Police Commission

Our City. Our Safety. Our Police. **Better Together.**

May 19, 2015

*VIA EMAIL*

Chief Kathleen O'Toole  
Seattle Police Department

## **RE: SPD Response to Post-Ferguson and Black Lives Matter Demonstrations**

Dear Chief O'Toole,

As you know, the Community Police Commission (CPC) solicited community input on the Seattle Police Department (SPD)'s response to "Black Lives Matter" demonstrations in December 2014 and January 2015. The input was gathered at a CPC meeting in January and a listening session in February. Since then, we've reviewed additional witness statements received by the Public Defender Association as well as publicly-available video and statements by police officials.

Before finalizing this letter, we wanted to consider the views of SPD officers and sergeants involved in the police response to the demonstrations, so we prepared a survey to solicit that input. We are still in dialogue with SPD about the content of that survey. If it is distributed, we will supplement this letter, as appropriate, with additional information provided by the SPD units that were involved in these events. We fully recognize that a complete understanding of events, and how these situations can go better in the future, requires an appreciation of what occurred and why from the perspective of officers.

Nonetheless, in light of current conversations about events on May Day 2015, we believe it is constructive to send our observations about the policing of protests this past winter without further delay. Many of the issues we identified appear similar to points being publicly discussed in the context of May Day. Thus, a structured dialogue about the issues that arose during the Black Lives Matter demonstrations of this past winter may be illuminating and constructive as May Day events continue to be examined in the media and in court. We urge SPD and other City officials and parties to the police reform effort to join us in a structured, public conversation of the points we identify below.

We acknowledge that others in the community have applauded SPD's approach based either on personal observations or media reports. We further understand that many, including some CPC members, are critical of various tactics employed by some demonstrators, and that these tactics may, in some instances, have placed SPD in challenging situations where no choice would be well received.

However, we are the Community *Police* Commission, charged with providing a robust community voice regarding police practices, because of the unique powers entrusted to law enforcement. If CPC members have critical reactions to the conduct of some demonstrators, we will share those in our individual capacity in settings appropriate to our individual positions in the community. Our collective job as a Commission is to shed light and suggest improvements to *policing* practices.

The CPC's method has always been to create a forum in which people with different views about the legality or appropriateness of certain police practices can come together in support of new approaches that avoid the negative consequences for community trust that flow from certain policing choices, even if those choices are valid and lawful. Here, we hope to engage SPD, City officials and community members in a process that identifies any demonstration command level decisions and policing practices that are unnecessarily destructive to community trust.

As mentioned previously, the CPC's charge is to represent a broad range of community perspectives and to reach out and engage communities directly, get critical feedback, and recommend changes to SPD policies and practices. We are not an investigative body; rather, the CPC gives community members a voice and stake in systemic reform efforts.

The structured dialogue we propose to address issues regarding policing of demonstrations would not be an open comment format. Members of the public have participated in several such sessions at this point. Those who attended our meeting in January and our listening session in February stressed that, while they appreciated the chance to share their experiences, they are now ready to see a meaningful response. Thus, we plan a session in which the CPC will present key questions and SPD will be invited to respond, after which we'll host a strategy session focused on possible changes that may yield better outcomes going forward. The public will then be in a position to assess our collective response to this situation.

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The CPC hosted a public forum on Friday, February 6 at the New Holly Gathering Hall to hear firsthand the concerns and experiences of those who participated in the Seattle post-Ferguson and Black Lives Matter demonstrations. The forum was attended by about 50 people. A number of individuals provided testimony, and several video recordings of interactions between protesters and the police were shown.

In addition, we have collectively or individually reviewed publicly-available video of various incidents in December 2014 and January 2015, and we've received redacted summaries of witness statements<sup>1</sup> collected by the Public Defender Association in the aftermath of Black Lives Matter demonstrations this winter. These sources point toward the following areas as key issues generating (possibly avoidable) conflict and mistrust:

1. *Movement control and permitting selective access depending on perceived affiliation with a demonstration.* A critical mass of participants and observers report marches and marchers being herded or directed away from their intended destinations, particularly downtown Seattle, often toward Capitol Hill. This practice is experienced as frustrating the legitimate speech goals of the demonstration, and as elevating business interests downtown over the free speech rights of demonstrators, which was felt to be particularly egregious when the concerns of marchers pertained to the life chances and physical safety of black people in police encounters. There are many reports of individuals participating in peaceful marches, or from bystanders, about having their freedom of movement restricted for short or long periods when they were not under arrest. It is not clear what, if any, legal authority permits such police restraint on movement for individuals who have committed no crime and are not being investigated on suspicion of a crime. There is also a perception from first-hand observers that individuals were permitted to move toward downtown Seattle only if police perceived that they were not affiliated with the demonstrations – in other words, that freedom of movement depended on perceived political views.
2. *Inaccurate statements made by SPD leadership.* Given the widespread understanding that movement of marchers was at times curtailed or directed by SPD, statements by Deputy Chief Best at a [City Council meeting on January 12](#) that this did not occur<sup>2</sup> were often cited as diminishing public trust. Other SPD statements viewed as inaccurate, partial or misleading were also cited as compromising public confidence, particularly initial SPD descriptions of an “assault” on an officer who (as seen on subsequently-released video) fell during a march on Martin Luther King Day. We are not aware of any official SPD statements acknowledging mistakes or actions that in retrospect were ill-advised, even if that critical self-examination is going on out of the public view; nor were the statements noted above ever corrected publicly by SPD, so far as we are aware (we are aware that SPOG President Ron Smith did publicly correct his initial statements about the officer being assaulted on Martin Luther King Day). Thus, the overall public impression is that every SPD decision in the demonstrations of this winter is one that may be repeated despite any negative impact on community trust, because there has been no public acknowledgment of the validity of any concerns or complaints by demonstrators.
3. *Targeting specific individuals such as leaders of demonstrations.* Several witnesses and observers had the impression that march organizers and leaders were targeted for arrest, and some incident reports buttress this belief. That impression exacerbates the feeling that SPD is trying to

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<sup>1</sup> See Appendices A-L in a separate attachment to this letter.

<sup>2</sup> See 1:22:44, <http://www.seattlechannel.org/CouncilBriefings/?videoid=x30703>. The full question and answer starts at 1:22:08.

demobilize the entire demonstration or group, rather than making enforcement actions based on the alleged criminal behavior of particular individuals, which many participants state they would understand or even support.

4. *Out of policy/harmful use of pepper spray, blast balls and other projectiles.* As we discussed in our May 13 meeting, current SPD policy with regard to use of projectiles and pepper spray in crowd management and demonstration situations either provides insufficient guidance to officers about when these tools should be used, or they appear to be used frequently outside of policy. Demonstrators and observers described instances where peaceful demonstrators who posed no threat and were dispersing were sprayed with pepper spray, and the same can be observed in a variety of videos. Use of blast balls in the immediate vicinity of a mass of demonstrators was reported, and we saw on May Day that these projectiles cause significant and painful injury. The CPC suggests that policy in this area requires immediate review, public discussion and clarification, so that individuals participating in free speech and assembly do not feel that they risk serious physical injury just by showing up to participate in a march.
5. *Unnecessary use of intimidating tactics.* Many observers and participants in the Black Lives Matter marches commented that SPD's appearance in hardened gear or "riot gear," as well as the sheer number of officers deployed at relatively small events and marches, sent a clear message that the department viewed them, and possibly their issue, as a threat.
6. *Disparate responses to demonstrators of different racial and perceived political identities.* We heard reports of some white demonstrators engaged in intentional blocking of traffic who apparently were not viewed as problematic or in need of removal by SPD, while others who were doing nothing except walking, standing or even leaving a march were blocked, removed, or sprayed with pepper spray. The different responses were felt by some to pertain to the demonstrators' racial or perceived political identities. In one arrest of a march leader, video appears to capture an officer using a racial or ethnic slur in reference to the leader who was arrested.

The CPC is deeply aware of the complexity of these types of situations. We know, for example, that SPD was under significant pressure from Seattle residents and businesses to keep protests to a minimum and away from certain geographic locations. This was evident in a letter sent by the Downtown Seattle Association requesting that SPD shut down any public responses that were occurring without a permit. We also know that not all officers engaged in the concerning behaviors outlined above. Some officers can be heard on video acknowledging that tactics they were directed to use were unwise and causing problems. Finally, many commended the strikingly different approach SPD took to the "golf club" protest in support of William Wingate in February 2015.

We believe it is in the interests of our entire community, as well as SPD, to identify any policing practices that unnecessarily diminish community trust and exacerbate conflict, and to identify alternative approaches that would diminish tension between the police and demonstrators and their supporters. We suggest that the SPD and the CPC jointly request the Department of Justice Community Relation Services convene the planned structured dialogue to strategize these alternative approaches. In addition, the CPC will "curate"

key issues to be presented to SPD, and provide notice of those in advance so the Department can be prepared to engage them. Finally, the CPC requests to be included in the revision of SPD's crowd management policy, where many of these issues can and should be addressed.

The CPC would be happy to coordinate with SPD on these requests as soon as possible, which we see as critical to improving police-community relations and working towards mutual trust.

Sincerely,



Rev. Harriett Walden, Co-Chair  
Community Police Commission



Lisa Daugaard, Co-Chair  
Community Police Commission

Cc:

Mayor Ed Murray

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