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THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF SEATTLE

Defendant.

CASE No. C12-1282JLR

**MEMORANDUM SUBMITTING
CONSENSUS REQUIREMENTS
FOR COLLECTION OF DATA ON
STOPS AND DETENTIONS**

The Monitor hereby submits a list of data and information on *Terry* stops and detentions that the Seattle Police Department (“SPD”), Parties, and Monitor have agreed that the Department must ensure that officers collect. (*See Ex. A.*)

On December 31, 2013, the Monitor recommended that the Court approve consensus policies on stops and detentions and bias-free policing. (*See Dkt. No. 116.*) The Monitor noted that, although “the policies call for the collection of data from which assessments can be made as to the existence of discriminatory policing or disparate impact,” more discussion was necessary as to what data and information the SPD needed to collect. (*Id.* at 1.) Accordingly, “[t]he [P]arties and the Monitor have committed to confer and add any additional data points” to

1 paragraph 10 of the stops and detentions policy by February 17, 2014. (*Id.* at 2; *see* Dkt. No. 116
2 at 18.) The Court approved the stops and detentions and bias-free policing policies on January
3 17, 2014. (Dkt No. 118 at 1.)

4 The Parties, Monitor, SPD, and a sub-group of the Community Police Commission
5 (“CPC”) began to meet and confer about what data SPD policy should require that the
6 Department collect about stops and detentions in early 2014. The productiveness of those
7 conversations led the Monitor to indicate, in its Second-Year Monitoring Plan, that May 16,
8 2014 would be an acceptable, modified deadline for finalizing a list of required data to be
9 collected on stops and detentions. (Dkt. No 127 at 19.) The Court approved that modified
10 deadline when it approved the Second-Year Monitoring Plan. (Dkt. No. 129.)

11 Continued, productive discussions among the Parties, CPC, and other community
12 stakeholders have now resulted in a consensus list of data to be collected on stops. This
13 consensus, and the Monitor’s recommendation that the Court approve of the finalized list, is
14 based on some important, additional understandings. First, officers may understandably make
15 errors in categorizing an individual’s race or ethnicity based on external characteristics.
16 Accordingly, the Department, Monitor, and other stakeholders who use data on stops may need
17 to use various analytical techniques to ensure the accuracy of some aggregate data analysis.
18 Specifically, surname analysis may be necessary to capture with greater precision the number of
19 stops involving Latino and Hispanic subjects. Second, for all of the data outlined in the finalized
20 paragraph 10, each material part of the interaction with the subject (*e.g.*, the stop, any search, and
21 any arrest) must specifically correspond to a separate basis or justification. Finally, SPD, the
22 Parties, CPC, and the Monitoring Team will continue discussions in the coming months on how
23 data on stops and detentions will be analyzed and used.

24 With the above understandings in mind, the Parties and Monitor respectfully request that
25 the Court approve a consensus, finalized paragraph 10 of the previously approved stops and

1 detentions policy. (See Dkt. No. 116 at 18; Seattle Police Manual 6.220.)

2
3 DATED this 16th day of May, 2014.

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6 _____
Merrick J. Bobb, Monitor

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10 The Court hereby approves the consensus, finalized paragraph 10 of SPD's voluntary contacts
11 and *Terry* stops policy, (Dkt. No. 116 at 18; Seattle Police Manual 6.220), and orders it effective
12 forthwith.

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14 DONE IN OPEN COURT this 5th day of June, 2014.

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16 _____
17 THE HONORABLE JAMES L. ROBART
18 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I certify that on the 16th day of May, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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DATED this 16th day of May, 2014.

/s/ Carole Corona
Carole Corona

EXHIBIT A

10. Officers Must Document All Terry stops.

Officers must be able to clearly articulate the objective facts they rely upon in determining reasonable suspicion.

Officers must document all Terry stops and have a supervisor approve the documentation before they leave at the end of their shift. The data will be collected in an electronic form suitable for analysis.

Terry stop documentation shall include:

- a. The date, time, and location of the stop;
- b. To the extent possible, the name and serial numbers of all officers, from any agency, present at any time during the stop;
- c. Whether there is any in car video/audio of the stop and if not, why not;
- d. The individual's apparent race/ethnicity (using the NIBRS uniform categories for race/ethnicity and including Latino as a separate category), color, or national origin; gender; and apparent age;
- e. The reason for the stop, including a description of the facts creating reasonable suspicion and/or probable cause;
- f. The disposition of the stop, including whether a citation was issued or an arrest made of any individual;
- g. Whether a frisk was conducted as a result of the stop, and if so, a description of the facts justifying the frisk;
- h. The result of any frisk, including whether any physical evidence was seized, whether the search led to an arrest, and a description of the facts creating probable cause for the arrest;
- i. Whether a person was moved or transported from the location of the initial stop and, if so, why;
- j. Whether the person stopped was specifically directed to assume any posture or position and if so, what posture or position and why;
- k. The duration of the stop and an explanation of the factors that explain the length of the stop.