

MINORITY EXECUTIVE DIRECTORS COALITION
MULTIRACIAL TASK FORCE ON POLICE ACCOUNTABILITY

Community Goals for the Consent Decree with the Seattle Police Department

March 15, 2012

The following recommendations are the product of over two years of collaboration between the member groups of the Multiracial Task Force on Police Accountability, which is comprised of representatives from Seattle's minority communities, political activists, and legal advocates. We seek an end to the abuses suffered by our communities. The African American community has borne the brunt of these abuses over the last several decades, and continues to bear this burden today along with the Latino, Native American, Pacific Islander and Asian American communities. Those who suffer from homelessness, mental illness and drug addiction are most vulnerable to the use of excessive force and are overrepresented among communities of color. We have, in this document, fused our voices in the spirit of holding the Seattle Police Department accountable before the community, and with the collective goal of establishing direct community oversight of the Department.

We affirm that the police force must operate as an agency whose members honor their oath to protect and serve the people. Human life must take priority over personal property; this needs to be an officer's primary directive. We recognize that every person, whether they are a sworn officer or a convicted criminal, carries with them the burden of their own faults and their own history of trauma. However, while it is natural for anyone to act foolishly when confronted or caught, we demand that the police officer exhibit wisdom and restraint in their every action.

Any officer unwilling to answer to this higher calling does not deserve the authority with which the community entrusts them. The officer who uses excessive force or otherwise abuses their power has committed a criminal act; such a person must be stripped of legal immunity, tried at their own expense and subjected to discipline, just as it would be for any one of us.

We recognize that justice cannot be served without our commitment and participation. We have forged these recommendations on the premise of our shared desires for better policy, better training, and better accountability than that which has too often led to tragedy. We believe that we must examine the hearts and minds of Seattle's police officers in order to foster a better police force. We must work together to create a more just and humane world.

MEMBER GROUPS OF THE MULTIRACIAL TASK FORCE ON POLICE ACCOUNTABILITY

ACLU of Washington • American Friends Service Committee • Asian Counseling & Referral Services • CAIR -WA

Columbia Legal Services • El Centro de la Raza • Fred T. Korematsu Center for Law and Equality

John T. Williams Organizing Committee • Minority Executive Directors Coalition • Mothers for Police Accountability

The May First Action Coalition • NAACP - Seattle Chapter • Red Eagle Soaring Native Youth Theater

Seattle Human Rights Commission • The Defender Association • Tlingit & Haida of Washington

I. SPD will be a service agency dedicated to protecting all people in Seattle.

- a. SPD shall implement a policy requiring officers to report all instances of use of force.¹
 - i. SPD shall address underreporting of use of force incidents.²
 - ii. SPD shall report all use of force, not only what is required under current guidelines.³
 - iii. SPD shall use the definition of use of force provided by DOJ; i.e., “any use of force above unresisted handcuffing, including the active pointing of firearms.”⁴
 - iv. The independent monitor shall conduct quarterly audits on the reporting of use of force so we are aware of the true extent of force used by SPD.⁵
 - v. After one year of improved reporting, the independent monitor shall analyze whether force is being used unnecessarily, and to what degree.⁶
 - vi. Once this documentation exists, SPD shall decrease the total number of incidents involving inappropriate use of force, while maintaining compliance rates regarding use of force reporting.⁷
- b. SPD shall reform its practices regarding stops, searches and seizures in a manner consistent with these recommendations.⁸
 - i. When initiating a social contact, officers shall clearly state that the individual is free to go at any time.⁹
 - ii. When initiating any type of contact involving a stop, detention, or arrest, or if a social contact situation escalates to the point of a stop, detention, or arrest, officers shall clearly state that an individual is not free to go.¹⁰
 - iii. Unless consent is not required by law, officers shall inform an individual that they can decline consent for a voluntary search of their person or property.¹¹
 - iv. SPD shall also work to document and decrease the number of minor incidents, such as jaywalking or littering, that escalate to the point of arrest.¹²
- c. SPD shall work to serve the community by documenting and reducing biased policing in a manner consistent with these recommendations.¹³

II. SPD shall be managed by and employ only appropriately trained professionals.

- a. SPD shall revise its training and recruitment practices.¹⁴
 - i. SPD shall work with civil rights groups, community members, and community leaders of color¹⁵ shall be included in the development, implementation and review of all SPD training practices.¹⁶
 1. SPD will provide communities of color with the opportunity to have their own representatives participate in these processes and ensure that training topics are important and relative to them; such representatives shall include, but shall not be limited to, those who represent the African American, American Indian, Alaskan Native, Latino, Pacific Islander and Asian American communities of Seattle.¹⁷
 2. SPD shall work with these representatives to ensure the hiring of police officers who are skilled communicators dedicated to servicing diverse populations.¹⁸
 3. SPD training shall include collaboration with tribal officers and community representatives who can train officers on how to engage the African American, American Indian, Alaskan Native, Latino, Pacific Islander and Asian American communities.¹⁹
 4. SPD shall fully participate in the Race and Social Justice initiative by immediately implementing training within the department, which shall include the Undoing Institutionalized Racism, Restorative Circles, and Virtues Project trainings.²⁰
 5. SPD shall add cultural competency to its training requirements.²¹

6. SPD will engage in the development and implementation of Listen and Explain with Equity and Dignity (LEED) training for all officers.²²
 7. SPD shall implement training to instruct officers more clearly on the legal differences between social contacts, stops, and arrests.²³
 8. SPD shall ensure that BLEA training complies with SPD policies and procedures, and will provide additional training specific to SPD requirements.²⁴
- ii. SPD shall also consult with each of the ethnic communities mentioned above in regards to its practices of officer recruitment.²⁵
 1. These volunteers shall form the Community Council on SPD Personnel Policy, which shall participate in final recommendations for the hiring of SPD officers.²⁶
 2. The mission of the Community Council will be to engage in the process of hiring police officers and review SPD's final hiring recommendations.²⁷
 3. The members of the Community Council may participate in the interview structure, sit in as observers during the hiring process, and may also develop interview questions and review recommendations for hire.²⁸
 4. SPD shall work with these representatives to ensure the recruitment of people of color to the force.²⁹
 5. SPD shall monitor recruitment as it relates to the diversity of the department, and this information shall be made available to the community representatives and the public.³⁰
 6. SPD shall add, as a condition of employment, a requirement that each officer agree to fully cooperate with any misconduct investigation.³¹
- b. SPD shall have yearly required training courses for its current rank and file officers that will not only ensure that the above changes are implemented on a department-wide scale, but will also provide continuing education in the following areas:³²
 - i. SPD training shall include a strong ethics training component that specifically addresses the officers' duty to report the misconduct of their fellow officers, as well as their accountability to the community. This training shall be a yearly required course for all SPD officers.³³
 - ii. All officers in the department will be trained in CIT and other de-escalation techniques to avoid use of force whenever possible.³⁴
 1. SPD shall actively promote rapid implementation of this policy.³⁵
 2. SPD shall provide additional training on the use of rational decisions that give officers a range of options prior to the use of deadly force.³⁶
 3. This shall be a yearly required course for all officers.³⁷
 - iii. SPD will provide and require verbal de-escalation training on a yearly basis for all officers.³⁸
 - iv. SPD will provide and require training on the appropriate use of force, especially deadly force, on a yearly basis for all officers.³⁹
- c. SPD shall take steps to promote a sense of accountability among force members.⁴⁰
 - i. Officers with fewer than three years' experience shall not patrol alone.⁴¹
 - ii. SPD will not promote officers to sergeant or acting sergeant or above without specific, job appropriate management training.⁴²
 - iii. SPD management shall hold supervisors accountable for officer misconduct; supervisors shall be responsible for the conduct of their subordinates in the field.⁴³
 - iv. If officer conduct is not appropriately reported, SPD management can be replaced.⁴⁴
 - v. SPD shall provide additional training for sergeants and command staff on reporting and

- reviewing the use of force.⁴⁵
- d. SPD supervisors will use all available tools to ensure appropriate professional development and corrective action of individual officers,⁴⁶ to include:
 - i. Regular performance evaluations.⁴⁷
 - ii. Early Intervention System data that includes information recommended herein, including individual officers' perceptions of the race and ethnicity of the people whom they contact or stop.⁴⁸
 - iii. Car mounted, body-mounted or other videos pertinent to disciplinary review.⁴⁹
 - iv. Disciplinary recommendations from the independent civilian review board, in addition to disciplinary recommendations by OPA and disciplinary actions taken by the Chief.⁵⁰

III. SPD will be accountable to the community.

- a. Well-trained and financially supported oversight professionals will be selected from among community members to oversee the handling of the Consent Decree (CD).⁵¹
 - i. The City shall invite the community to provide input prior to the implementation of the Consent Decree.⁵²
 - ii. The Multi-Racial Task Force on Police Accountability (MTFPA) shall be charged with oversight of police reform.⁵³
 - iii. The independent monitor shall be selected and agreed upon by the DOJ, the MTFPA, and the City of Seattle, and shall be advised by a panel of community group representatives.⁵⁴
 - iv. The independent monitor shall answer to a judge, and not to DOJ alone.⁵⁵
 - v. The independent monitor shall make its reports simultaneously available to the Court, DOJ, the OPA Auditor, and the community at quarterly intervals.⁵⁶
- b. Community groups shall participate in the implementation of the CD.⁵⁷
 - i. Community shall have the opportunity to provide feedback on the reformatory process even after the implementation of the CD.⁵⁸
 - ii. The independent monitor and the OPA Auditor shall incorporate community feedback in their policy recommendations.⁵⁹
- c. SPD shall work to serve the community by documenting and reducing biased policing.⁶⁰

Toward this end, the City shall:

 - i. Implement data collection regarding its officers' perceptions of the race and ethnicity of people whom they contact or stop, as well as those individuals' self-reported gender.⁶¹
 - ii. Utilize studies of racial disparity in Seattle drug enforcement commissioned by The Defender Association and the ACLU of Washington as model for assessing where biased policing may be occurring.⁶²
 - iii. Secure appropriate expert technical assistance to create demographic baselines for comparison to SPD contact, stop and arrest rates that include, but shall not be limited to: drug interactions, traffic stops, pedestrian stops, gang-related stops, and arrests.⁶³
 - iv. Make data collected available for review by the independent monitor, supervisors, the OPA Auditor, and the general public.⁶⁴
- d. SPD shall reform its use of the Early Intervention System (EIS).⁶⁵
 - i. EIS data shall be updated to include any use of force instances, not just those currently reported.⁶⁶
 - ii. The threshold allowing officers to use force seven times or receive three OPA complaints within a six month period shall be lowered in accordance with DOJ recommendations.⁶⁷
 - iii. The City shall not allow meaningful EIS data to be rendered ineffective by any means; it

- must truly be a tool for early intervention.⁶⁸
- e. The process for filing, tracking and completing complaints shall be renovated substantially.⁶⁹
 - i. The City shall create an independent civilian oversight commission with the power to provide fair and impartial review of police misconduct complaints that have been investigated by the OPA. The commission will have resources and professional staff to independently investigate complaints, issue subpoenas, gather necessary evidence, and issue its own findings of misconduct. In cases where the commission finds misconduct, it will also have the power to recommend disciplinary actions to Police Chief.⁷⁰
 - ii. The City will budget sufficient funds to allow the OPA Auditor to hire support staff.⁷¹
 - iii. The OPA Auditor shall perform regular evaluations of the OPA.⁷²
 - iv. The City shall ensure respect and transparency throughout the OPA complaint process by having paid civilian staff to take complaints and help individuals navigate the process.⁷³
 - v. The OPA shall recommend disciplinary action for officers who dissuade civilian complaints.⁷⁴
 - vi. OPA shall further police accountability by eliminating ambiguous findings from its disposition scheme.⁷⁵
 - vii. SPD shall not allow time limits to elapse before finalizing investigations of officer misconduct or reviews of civilian complaints.⁷⁶
 - viii. Complete records of OPA investigations of officers shall be available upon request by any civilian under the Freedom of Information Act (FOIA) or the Washington State Public Records Act (WSPRA), whether or not the investigation resulted in a “sustained” finding, to the extent permissible by law.⁷⁷
 - ix. SPD shall release in-car video and any other video in its possession whenever it receives a request for such information under either FOIA or WSRPA, unless such compliance is prohibited in a particular instance by law.⁷⁸
 - f. The OPA Auditor shall be able to make policy recommendations for SPD.⁷⁹
 - i. SPD shall provide the OPA Auditor with access to EIS data for purposes of policy review.⁸⁰
 - ii. SPD shall make data regarding the perceived race and ethnicity of persons contacted or stopped by its officers available to the OPA Auditor for purposes of policy review.⁸¹
 - iii. The Chief of Police will respond to each policy recommendation made by the Auditor with a public statement that includes a timeline for implementation or a thorough explanation of the decision to reject the recommendations.⁸²
 - iv. The Auditor’s and Police Chief’s statements must be reviewed by the Mayor.⁸³
 - v. In addition, the community shall be able to contribute to these policy recommendations.⁸⁴
 - g. When officers are involved in allegations of misconduct, the City shall take all necessary steps to avoid conflicts of interest in the legal representation of individual officers, the City, the County and the State.⁸⁵
 - h. In shooting incidents involving multiple officers, the officers shall be separated until an investigator can take their statements.⁸⁶
 - i. SPD officers shall be psychologically and legally fit for duty.⁸⁷
 - i. SPD shall implement a policy to incorporate the civil service fitness for duty standard in RCW 41.12.080.⁸⁸
 - ii. Officers that have had traumatic experiences shall undergo a determination of their competency to carry a weapon and engage the community.⁸⁹

- iii. Officers that fall within potentially dangerous psychological definitions shall receive immediate attention.⁹⁰
- iv. Psychological profiles relating to a need for power, a need to control others, or a tendency toward violence shall be evaluated, regardless of whether or not they fit into the already existing culture of the department.⁹¹
- v. SPD shall implement randomized drug testing of its officers.⁹²
- j. SPD shall provide venues in which the police department and its officers can see and understand that it is in their best interest to engage and build trust with the community.⁹³

IV. SPD will work collaboratively with the community that it serves.

- a. Officers shall be required to interact with communities of color on a non-enforcement basis to ensure accountability, since our most vulnerable populations do not often have direct contact with SPD that succeeds in building trust.⁹⁴
- b. Similarly, SPD shall provide opportunities for youth to interact positively with the police department.⁹⁵
- c. To promote accountability, trust and respect, SPD shall add incentives for police officers to live in communities in which they work.⁹⁶
- d. SPD shall reevaluate the effectiveness of the ethnic advisory councils and reestablish the more effective models used under Norm Stamper.⁹⁷
- e. The City will meet with the community to develop the City's bargaining position prior to the commencement of collective bargaining with SPOG.⁹⁸
- f. After bargaining, the City shall hold meetings to inform the public about the negotiations.⁹⁹

References

- ¹ February 8, 2012 discussion. Columbia (H.1)(a).
- ² February 8, 2012 discussion. Slightly revised to articulate a specific demand.
- ³ Columbia (H.1)(a). Korematsu, *Successful Consent Decrees*.
- ⁴ Department of Justice, "Investigation of the Seattle Police Department," at 16 (2011). Korematsu, *Successful Consent Decrees*.
- ⁵ February 8, 2012 discussion. Columbia (H.1)(b). See *supra* at (2)(j)(5). Korematsu, *Successful Consent Decrees*.
- ⁶ The Defender Association, memorandum to MTFPA. Korematsu, *Successful Consent Decrees*.
- ⁷ February 8, 2012 discussion. Slightly revised to articulate a specific demand.
- ⁸ New heading that encompasses some of the ideas that follow. Changed to active voice by TDA intern. See also (II)(a)(i).
- ⁹ February 15, 2012 discussion.
- ¹⁰ February 15, 2012 discussion.
- ¹¹ February 22, 2012 discussion.
- ¹² ACLU compilation of MTFPA goals.
- ¹³ February 22, 2012 discussion. See documentation requirements in sec. (III)(c).
- ¹⁴ New heading that encompasses some of the ideas that follow.
- ¹⁵ "Memorandum to Councilman Tim Burgess," March 11, 2011. Tlingit and Haida of Washington (5).
- ¹⁶ "Memorandum to Councilman Tim Burgess," March 11, 2011. Tlingit and Haida of Washington (4, 5). See also *supra* at (4)(d).
- ¹⁷ Included by TDA intern based on March 7, 2012 discussion. February 7, 2012 community discussion at El Centro de la Raza.
- ¹⁸ February 8, 2012 discussion.
- ¹⁹ February 8, 2012 discussion. Revised based on March 7, 2012 discussion.
- ²⁰ ACLU compilation of MTFPA goals. February 7, 2012 community discussion at El Centro de la Raza. February 8, 2012 discussion. Tlingit and Haida of Washington (3, 4). ("Including undoing racism training at academy levels.") Three subheadings combined by TDA intern.
- ²¹ February 8, 2012 discussion. The MEDC has a substantive publication on cultural competency.
- ²² ACLU compilation of MTFPA goals.
- ²³ February 8, 2012 discussion. Originally part of (I)(b); moved to this section on training by TDA intern.
- ²⁴ February 22, 2012 discussion. ACLU compilation of MTFPA goals.
- ²⁵ February 7, 2012 community discussion at El Centro de la Raza. February 15, 2012 discussion. Was: "Our community should be involved in the recruitment of police officers."
- ²⁶ Pamela Stearns, recommendation from Tlingit and Haida of Washington. March 12, 2011. Edited for consistency by TDA intern.
- ²⁷ Pamela Stearns, recommendation from Tlingit and Haida of Washington. March 12, 2011. Edited for consistency by TDA intern.
- ²⁸ Pamela Stearns, recommendation from Tlingit and Haida of Washington. March 12, 2011. Edited for consistency by TDA intern.
- ²⁹ "Memorandum to Councilman Tim Burgess," March 11, 2011. Columbia (2).
- ³⁰ February 8, 2012 discussion. (Originally, "pay attention to.")
- ³¹ Mothers (2). February 15, 2012 discussion.
- ³² This is a new heading for the yearly required training courses that serves to reinforce MTFPA goals for department-wide change. Added by TDA intern, 3/9/2012.
- ³³ February 7, 2012 community discussion at El Centro de la Raza.
- ³⁴ ACLU compilation of MTFPA goals. See <http://www.portlandonline.com/police/index.cfm?c=dagia>
- ³⁵ February 8, 2012 discussion.
- ³⁶ February 7, 2012 community discussion at El Centro de la Raza. Deleted "as necessary"—TDA intern.
- ³⁷ New subheading, expressing that this is a yearly requirement for all officers. TDA intern.
- ³⁸ February 8, 2012 discussion. Removed and replaced by TDA intern. Edited to include the "yearly, required" language.
- ³⁹ February 7, 2012 community discussion at El Centro de la Raza. Korematsu, *Successful Consent Decrees*: "[...]an effective tool may be the same implemented in the consent decree with LAPD, which required "extensive changes in procedures for investigating use of force incidents, including the unit responsible for all Categorical Uses of Force, training for investigators, immediate 'roll outs' to incidents involving Categorical Uses of Force by investigators, and immediate separation of all officers and witnesses involved in an Officer Involved Shooting incident."
- ⁴⁰ New category heading added by TDA intern, which summarizes the subheadings that follow.
- ⁴¹ "Memorandum to Councilman Tim Burgess," March 11, 2011.
- ⁴² ACLU compilation of MTFPA goals.
- ⁴³ February 2, 2012 discussion.
- ⁴⁴ February 8, 2012 discussion. See OPD section, below.
- ⁴⁵ February 8, 2012 discussion.
- ⁴⁶ ACLU compilation of MTFPA goals. "Sergeants and above."
- ⁴⁷ February 22, 2012 discussion.
- ⁴⁸ February 8, 2012 discussion. February 22, 2012 discussion. Two substantially related headings combined by TDA intern.
- ⁴⁹ February 22, 2012 discussion.
- ⁵⁰ Tlingit and Haida of Washington (1).
- ⁵¹ ACLU compilation of MTFPA goals.

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- ⁵² Columbia (Cmty.)(b).
- ⁵³ February 15, 2012 discussion.
- ⁵⁴ February 2, 2012 discussion.
- ⁵⁵ Columbia, Cmty. (c).
- ⁵⁶ February 22, 2012 discussion. Columbia, Cmty. (d).
- ⁵⁷ February 22, 2012 discussion.
- ⁵⁸ February 2, 2012 discussion. Tlingit and Haida of Washington (5).
- ⁵⁹ February 22, 2012 discussion.
- ⁶⁰ February 22, 2012 discussion.
- ⁶¹ ACLU compilation of MTFPA goals. Cross-referenced and moved to data collection standards by TDA intern. February 22, 2012 discussion.
- ⁶² Tlingit and Haida of Washington (2). Seattle Human Rights Comm'n Report, p. 10. Shortened by TDA intern.
- ⁶³ February 8, 2012 discussion. Seattle Human Rights Comm'n Rep., 10.
- ⁶⁴ ACLU compilation of MTFPA goals. February 22, 2012 discussion.
- ⁶⁵ New heading based on points raised at the February 22, 2012 discussion.
- ⁶⁶ February 22, 2012 discussion.
- ⁶⁷ February 22, 2012 discussion. Mothers (3).
- ⁶⁸ February 22, 2012 discussion. Mothers (3).
- ⁶⁹ This is a new category heading, added to summarize the recommendations that follow. Korematsu, *Successful Consent Decrees*.
- ⁷⁰ February 22, 2011 discussion. "Memorandum to Councilman Tim Burgess," March 11, 2011. Tlingit and Haida of Washington (1). Mothers (1); "OPA Auditor Advisory Cte." Columbia (3) "audited by an outside entity." Seattle Human Rights Comm'n Report p. 8-9. Revised.
- ⁷¹ ACLU compilation of MTFPA goals.
- ⁷² February 8, 2012 discussion.
- ⁷³ "Memorandum to Councilman Tim Burgess," March 11, 2011. Columbia (H.3)(c): "hire an employee."
- ⁷⁴ February 22, 2012 discussion.
- ⁷⁵ "Memorandum to Councilman Tim Burgess," March 11, 2011. Tlingit and Haida of Washington (1): "such cases shall be made available for review."
- ⁷⁶ February 8, 2012 discussion. Columbia (H.2)(a).
- ⁷⁷ February 22, 2012 discussion. "Memorandum to Councilman Tim Burgess," March 11, 2011. Subject to the limitations of *Bainbridge Island Police Officers' Guild v. City of Puyallup*, 172 Wash.2d 398, 259 P.3d 190 (2011).
- ⁷⁸ February 22, 2012 discussion. "Memorandum to Councilman Tim Burgess," March 11, 2011.
- ⁷⁹ February 22, 2012 discussion. Tlingit and Haida of Washington (1).
- ⁸⁰ February 8, 2012 discussion. ACLU compilation of MTFPA goals. Mothers (3, 1-3). Korematsu, *Successful Consent Decrees*. Public access to OPA documents is ensured below through compliance with records requests.
- ⁸¹ ACLU compilation of MTFPA goals.
- ⁸² February 22, 2012 discussion.
- ⁸³ February 22, 2012 discussion. Tlingit and Haida of Washington (1).
- ⁸⁴ February 22, 2012 discussion.
- ⁸⁵ "Memorandum to Councilman Tim Burgess," March 11, 2011.
- ⁸⁶ February 22, 2012 discussion.
- ⁸⁷ New subheading that incorporates some of the following ideas.
- ⁸⁸ "Memorandum to Councilman Tim Burgess," March 11, 2011.
- ⁸⁹ February 7, 2012 community discussion at El Centro de la Raza.
- ⁹⁰ February 7, 2012 community discussion at El Centro de la Raza.
- ⁹¹ February 7, 2012 community discussion at El Centro de la Raza.
- ⁹² February 22, 2012 discussion.
- ⁹³ February 7, 2012 community discussion at El Centro de la Raza. Tlingit and Haida of Washington (3).
- ⁹⁴ February 7, 2012 community discussion at El Centro de la Raza. Tlingit and Haida of Washington (3).
- ⁹⁵ February 7, 2012 community discussion at El Centro de la Raza. Tlingit and Haida of Washington (3).
- ⁹⁶ February 8, 2012 discussion. Tlingit and Haida of Washington (3). See *supra* (2)(a), (4)(b); commentary, deleted by TDA intern: "Police officers who live in a community and send their kids to that community's schools are able to see the people they interact with as members of their own community."
- ⁹⁷ February 22, 2012 discussion.
- ⁹⁸ "Memorandum to Councilman Tim Burgess," March 11, 2011.
- ⁹⁹ "Memorandum to Councilman Tim Burgess," March 11, 2011. Changed to post-bargaining, per February 22, 2012 discussion, to avoid conflict with labor law.