

COMMUNITY POLICE COMMISSION OF THE CITY OF SEATTLE

THE COURT'S 9/7/2023 ORDER

SEPTEMBER 20, 2023



HOUSTON

LOS ANGELES

SEATTLE

NEW YORK

Background

Date	Event
3/31/2011	DOJ announces investigation into allegations of excessive force and discriminatory policing by SPD
12/16/2011	DOJ issues report that (1) finds SPD engaged in pattern or practice of using unnecessary or excessive force and (2) notes “serious concerns” about discriminatory policing
7/27/2012	DOJ and City reach settlement agreement, and DOJ initiates <i>United States v. City of Seattle</i> for court approval and oversight of the settlement
9/21/2012	Court grants preliminary approval of the settlement (“Consent Decree”), with final approval to occur after City achieves full compliance and maintains it for two years
3/28/2023	DOJ and City seek approval of their Agreement on Sustained Compliance (“Compliance Agreement”)
5/30/2023	Court hears argument from Parties on Compliance Agreement
9/6/2023	Court holds hearing to comment orally before issuing written order (parties advised beforehand that Court does not anticipate hearing further argument)

9/6/2023 Hearing

Background on Consent Decree

Acknowledgement of SPD's progress in most areas

- Crediting the CPC's "meaningful" contributions to the process

Summary of forthcoming Order

Various additional thoughts

- Recruitment and retention challenges for police forces
- Lawless policing in TV shows
- Police attempting to prejudice accountability in the court of public opinion
- Concerns about collective bargaining undermining accountability reforms

The Parties' Proposed Compliance Agreement

Proposed Compliance Agreement

The City has achieved and sustained compliance with the “core requirements” of the Consent Decree

Focus to shift to two remaining areas: “use of force in crowd settings” and “ensuring a sustainable system of accountability”

Compliance Agreement supersedes the Consent Decree

The Court's Order—In Brief

Proposed Compliance Agreement	Court's 9/7/2023 Order
The City has achieved and sustained compliance with the “core requirements” of the Consent Decree	Adopted: Court finds “the City has sustained full and effective compliance” on crisis intervention, stops/detentions, bias-free policing, supervision, and CPC/OPA and “terminates” those obligations
Focus to shift to two remaining areas: “use of force in crowd settings” and “ensuring a sustainable system of accountability”	Adopted: Court adopts the parties’ proposals for actions and orders additional tasks before any termination of Consent Decree
Compliance Agreement supersedes the Consent Decree	Denied: Consent Decree remains in force

Ordered Tasks: Use of Force in Crowd Settings



Crowd management policy

City to revise policy in consultation with DOJ and Monitor and ensure officer training

SPD to report (by 9/21) on status of all recommended policy changes from Sentinel Event Review process, specifically including explanation for any recommendation that did not result in a policy change



Reporting & review process

SPD to develop alternative process to ensure timely reporting and review of use of force in any future “significant, sustained protests”



State legislation on independent investigations

SPD to report (by 12/15) on status of implementation of state legislation relating to independent investigation of police use of deadly force

Ordered Tasks: Accountability

- Monitor to retain Consultant to complete **sustainability assessment** of the City's police accountability systems



* City's response must explain any recommendations not adopted.

Ordered Tasks: Accountability

- SPD to develop data transparency, usability, and accessibility plan that addresses how to:

Data Collection

Improve the collection of data on race in stops, detentions, and use of force

Reporting

Incorporate such data in reporting

Access

Provide public access to such reports and any other data that CPC and OIG identify as being critical to transparency

- SPD to report (by 12/15) on status of implementing recommendations arising out of this planning process

Ordered Tasks: Accountability

- Within 30 days of any tentative collective-bargaining agreement with police, City to file analysis of effect on accountability/review systems



- At hearing, Court voiced concerns about issues of discipline and accountability being topics of collective bargaining
- Court's statements characterized to *The Seattle Times* as "a shot across the bow"

Ordered Tasks: Ongoing Assessments

Despite finding sustained compliance and terminating obligations, Court also ordered:



City to file (by 2/29) updated outcome measures for use of force, crisis intervention, stops/detentions, bias-free policing, and supervision



OIG to develop workplan (filed by 9/28) for ongoing assessment of those areas



OIG to conduct use-of-force assessment on crisis incidents, less-lethal devices, and crowd management (draft by 1/31, filing by 2/29)



SPD to develop comprehensive plan for applying best-practice approaches to identifying and mitigating racial disparities in use of force, crisis intervention, and stops/detentions **with input from CPC** and others (filing by 12/15)

CPC Role

Expressly contemplated
in 9/7/2023 Order

- Input into SPD plan to collect, report, and make accessible data on race in use of force and stops/detentions, and identify any other data critical to transparency (plan filed by 12/15)
- Input into SPD plan to identify and mitigate racial disparities in use of force, crisis intervention, and stops/detentions (plan filed by 12/15)

Other opportunities
per 11/26/2013 Order

- Court “values the role carved out for the CPC in the Consent Decree and wants to hear its views on issues raised by the parties”
- CPC “may file memoranda commenting on any issue or motion raised by the parties in court proceedings”

COMMUNITY POLICE COMMISSION OF THE CITY OF SEATTLE

THE COURT'S 9/7/2023 ORDER

SEPTEMBER 20, 2023



HOUSTON

LOS ANGELES

SEATTLE

NEW YORK