

THE HONORABLE JAMES L. ROBERT

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

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF SEATTLE

Defendant.

CASE No. C12-1282-JLR

**MEMORANDUM SUBMITTING
REVISED BIAS-FREE POLICING
POLICY AND VOLUNTARY
CONTACTS TERRY STOPS AND
DETENTIONS POLICY**

Pursuant to paragraphs 177 through 181 of the Consent Decree and the Third-Year Monitoring Plan, Dkt. 195 at 15–16, the Parties and the Monitor have completed their annual review of Seattle Police Department (“SPD” or “the Department”) Manual Sections 5.140 and 6.220, which set forth SPD’s Bias-Free Policing Policy and Voluntary Contacts Terry Stops and Detentions Policy (the “Policies”). During the review, SPD and the Parties discussed ways to clarify, strengthen, or otherwise improve the Policies in light of the Department’s experiences implementing the processes described therein. Those improvements are reflected in revised Sections 5.140 and 6.220, attached hereto as Exhibits A and B.

1 The Bias-Free Policing Policy aims to ensure that the Department “provide[s] equitable
2 police services,” “build[]s mutual trust and respect with Seattle’s diverse groups and
3 communities, “and, in so doing,” increase[s] the Department’s effectiveness as a law enforcement
4 agency.” Dkt. 118. at 21. It prohibits officers from “making decisions or taking actions that are
5 influenced by bias, prejudice, discriminatory intent,” or “discernible personal characteristics”
6 that are not “part of a specific suspect description based on trustworthy and relevant information”
7 *Id.* at 22, 23. It calls for documentation of, and supervisory response to the scene of, complaints
8 of bias. *Id.* at 24-25. It also “requires periodic analysis of data which will assist in identification
9 of SPD practices . . . that may have a disparate impact on particular protected classes relative to
10 the general population.” *Id.* at 27. The updates to the policy attached hereto involve attempts to
11 ensure that SPD’s consideration of disparate impact issues are sufficiently mindful of
12 institutional bias issues and that SPD engage in ongoing and dynamic two-way consultation with
13 CPC to analyze disparate impacts, their causes, and possible solutions. Ex. A at 3. This will
14 allow the Department to formally work with CPC but does not restrict either entity from
15 conducting their own, independent inquiries as necessary.

16 As described in the Monitor’s Fourth Semiannual Report, the Voluntary Contacts Terry
17 Stops and Detentions Policy provides officers with specific guidance about the distinction
18 between a voluntary contact and an investigatory detention. It offers specific guidance with
19 respect to limiting any *Terry* stop to a reasonable scope and reasonable duration, to when an
20 officer may conduct a frisk or pat-down pursuant to a stop, and to the prohibition on using traffic
21 violation as a pretext for investigating unrelated crimes for which the officer may lack reasonable
22 suspicion. The lone substantive changes in the updated policy involved removal of ambiguous
23 language concerning completed misdemeanors and clarifications on how civil infractions should
24 be handled.
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1 The *Terry* stop policy specifically requires that officers document all *Terry* stops,
2 including documenting a number of critical elements and descriptions of the interaction, the
3 person stopped, and the basis for the stop. *See*, Dkt. 187 at 84-85. The process of gathering this
4 data has begun. In early March 2015, the Department began a 30 to 60 day pilot program the
5 functionality of its *Terry* stop documentation. The Department created an electronic
6 documentation format consistent with existing in-car computing systems in order to reduce the
7 learning curve for officers and integrate better with other departmental data. The initial results
8 from the pilot program have been encouraging. For example, the East Precinct has reported that
9 the estimated amount of time for officers to enter the required *Terry* stop information has only
10 been five minutes in most instances. The updated version of the *Terry* stop policy incorporates
11 language that anticipates the Department-wide roll-out of this information collection system.

12 The changes to the Policies reflect discussions among SPD, the Parties, and the Monitor
13 over the past 14 months as the Department has worked toward turning policy into practice. The
14 Monitoring Team will update the Court further on the implementation the Policies in the
15 upcoming semiannual report that will be filed in June 2015. In the meantime, the Monitor agrees
16 with the Parties that the revisions to the Policies are consistent with the letter and spirit of the
17 relevant substantive provisions of the Consent Decree, as well as with best practices.
18 Accordingly, the Monitor respectfully requests that this Court approve the revised Policies.

19 DATED this 11th day of May, 2015.

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22 Merrick J. Bobb, Monitor
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1 The Court hereby approves the Seattle Police Department's Bias-Free Policing Policy
2 and Voluntary Contacts Terry Stops and Detentions Policy filed herewith as Exhibits A and B.

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4 DONE IN OPEN COURT this _____ day of _____, 2015.

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8 THE HONORABLE JAMES L. ROBART
9 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that on the 11th day of May, 2015, 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 11th day of May, 2015.

/s/ Stefanie Jaswal
Stefanie Jaswal