

MEMORANDUM

To: Members of the Education, Equity, and Governance Committee
From: Asha Venkataraman, Council Central Staff
Date: July 18, 2016
Subject: Bias-free Policing

Background

As you are aware, the Seattle Police Department (SPD) and the U.S. Department of Justice (DOJ) are parties to a consent decree resulting from the 2011 DOJ investigation of SPD.¹ Although DOJ did not make a specific finding that SPD had engaged in a pattern or practice of discriminatory policing, DOJ had serious concerns related to this issue.² Their investigation found that community members believed that SPD engaged in biased policing, which undermined trust between the community and SPD. In the consent decree, the judge required SPD to address its deficient policies regarding stops and biased policing and to collect and maintain adequate data related to biased policing issues. The judge and the DOJ settlement monitor approved new policies and training as well as data collection related to biased policing and stops and detentions. The new policy went into effect in 2015.³

Issue

Though new policies are now in place at SPD, and the City made changes through the consent decree process, the City has not made any binding long-term commitments to bias-free policing. Bias-free policing is at the forefront of the City's priorities at the moment, but there is no guarantee that this will continue to be the case when the City is no longer under the auspices of the consent decree. In addition, other departmental priorities will eventually arise, which could cause changes in internal department policies, training, or resource allocation for data collection. Nothing in the SMC commits the City to bias-free policing in the long term.

Proposed Solution

Council President Harrell may propose legislation codifying SPD's current policies about bias-free policing and addressing community concerns. The proposal could create a long-term and deliberate statement committing the City to prioritize constitutional policing on an ongoing basis. Such a bill could include the following elements:

- A definition of biased policing;

¹ United States District Court Western District of Washington at Seattle. (2012, July, 27). Settlement Agreement and Stipulated Order of Resolution (No. 12-CV-1282). Retrieved from http://www.justice.gov/crt/about/spl/documents/spd_consentdecree_7-27-12.pdf.

² United States Department of Justice Civil Rights Division. (2011, December 16). Investigation of the Seattle Police Department. Retrieved from http://www.justice.gov/crt/about/spl/documents/spd_findletter_12-16-11.pdf.

³ Seattle Police Department Manual. (2015, January 1). 5.140 – Bias-free policing. Retrieved from <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

- A prohibition against biased policing;
- Specific requirements for SPD to maintain their commitment to bias-free policing;
- Analysis and reporting by a third party of the effectiveness of SPD requirements maintaining bias-free policing; and
- The ability for individuals who believe they are a victim of biased policing to file legal claims against the City. Claims could be filed in two ways:
 - At the Hearing Examiner, with a \$5,000 ceiling for damages, not including attorney's fees; and
 - At a court of competent jurisdiction, with no ceiling for damages, providing for attorney's fees unless the court finds the claim to be frivolous or in bad faith.

cc: Kirstan Arestad, Central Staff Executive Director
Dan Eder, Central Staff Deputy Director