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Judge OKs new Seattle police policy on use of force

U.S. District Judge James Robart approved a sweeping set of Seattle Police Department policy changes that describe when the use of force is appropriate and specify rules for oversight.

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Beginning Jan. 1, Seattle police officers will be operating under new rules when it comes to using force.

A federal judge on Tuesday accepted a new and comprehensive [use-of-force policy](#) that will, for the first time, outline for officers when force is appropriate and when it isn't, and provide for detailed reporting requirements.

The policy, negotiated between the Seattle Police Department (SPD) and the Department of Justice (DOJ) with the guidance of federal monitor Merrick Bobb, is key to addressing the [findings of a 2011 DOJ investigation](#) that concluded Seattle police resort to force too quickly and routinely use too much when they do. The Justice Department also found disturbing but inconclusive evidence of biased policing.

Approval of the policy by U.S. District Judge James Robart came two years and one day after the DOJ announced its findings.

The new policy marks a major milestone for the city toward compliance with a [settlement agreement](#) reached with the Justice Department 18 months ago to reform the Police Department. The agreement, which still requires additional reforms and training, provides a five-year time frame for the city to implement reforms, with an early out after three years if the city meets its requirements.

New policies addressing biased policing and the proper use of temporary police detentions are due Dec. 31.

Mayor-elect Ed Murray, who takes office next month, has said early compliance with the agreement is a priority, along with the selection of a permanent police chief to oversee the changes.

Departing Mayor Mike McGinn, who helped craft the settlement agreement, said in a statement, "We are glad to see that the Monitor, SPD and DOJ have achieved this milestone, and that they involved the Community Police Commission."

“This is a major milestone in the reform process that will help rebuild trust and foster greater accountability,” U.S. Attorney Jenny Durkan said in a statement.

Interim Police Chief Jim Pugel issued a statement Tuesday, saying, “Today, the Seattle Police Department took another step forward in our efforts to provide effective, humane and constitutional policing to our city.”

The new 10-page policy — accompanied by nearly 70 pages of new procedural manuals — replaces a five-page policy that was in place during the time the DOJ conducted its investigation. For the first time, it defines “force” (“any physical coercion by an officer in the performance of their duties”) and advises when it can be used and how much is appropriate under the circumstances. It requires that officers report all but the most minimal use of force to supervisors.

It states specifically that officers shall “use only the force necessary to perform their duties” and “with minimal reliance upon the use of physical force.”

It requires them, if circumstances allow, to attempt to de-escalate tense situations through “advisements, warnings, verbal persuasion, and other tactics” to reduce the need for force.

When using force is unavoidable, the policy cautions officers to use only the force necessary to make the arrest, and says that their conduct before force was used may be considered by the department in determining whether force was appropriate.

The policy also requires all officers be armed with one “less-lethal” tool, such as a Taser, pepper spray or a “beanbag” shotgun, in addition to their sidearm.

The procedural manuals lay out weapon-by-weapon guidance, new reporting guidelines and the policies for the new Force Investigation Team (FIT), which will roll out on incidents involving the highest levels of force and officer-involved shootings.

In approving the policy, Judge Robart wrote in a three-page order that the role of the court and the monitor assigned to oversee the reforms “is not to dictate policies to the SPD, but rather to insure that the Proposed Policies conform to the requirements” of the settlement agreement, the U.S. Constitution and judicial decisions interpreting the city’s constitutional obligations.

“The court bears this responsibility with the utmost solemnity,” Robart wrote.

The new policy was negotiated with input from the [Community Police Commission](#) (CPC) citizens panel, with two police department representatives, created as part of the settlement agreement.

Robart noted the panel raised concerns that the policies were too long and may increase confusion about the appropriate use of force or create “trainability” issues.

But citing the DOJ's 2011 investigation, Robart wrote that a common theme was "ambiguity in SPD policies" that left officers and supervisors uncertain about the use of force.

"The court believes that comprehensive, clear and specific policies are the most appropriate remedy for the present circumstances," he wrote.

Robart's order drew praise from the DOJ's Civil Rights Division in Washington, D.C., which oversaw the investigation into Seattle police at the urging of the American Civil Liberties Union of Washington and nearly three dozen community groups.

"This policy will help ensure that the people of Seattle have a police department that respects the Constitution, secures the safety of the public, and earns the confidence of the community," Acting Assistant Attorney General Jocelyn Samuels, director of the Civil Rights Division, said in a statement.

The findings of the Justice Department's investigation echoed concerns that had been raised for years by Police Department auditors, a review board, blue-ribbon commissions and plaintiff's attorneys, among others, who have complained that officers escalate to force too quickly, often relying on dangerous and damaging "impact weapons" such as batons and flashlights to subdue resistance. The report noted that many victims of these encounters are people with mental illness or under the influence of drugs and alcohol.

The report also stated that a relatively small percentage of officers are responsible for a disproportionate number of incidents where force was used, and it criticized the department for not recognizing the pattern.

Information from The Seattle Times archives is included in this story.

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