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Judge approves sweeping new use-of-force policy for Seattle police

Posted by Mike Carter

The Seattle Police Department has reached a milestone — and a major stepping-stone — toward complying with its settlement agreement with the Department of Justice (DOJ) over reforms.

U.S. District Judge James L. Robart has accepted a new use-of-force policy negotiated between the DOJ and the police department aimed at radically changing the way SPD officers use force and how they report it. The DOJ, in a news release, said the 70-plus page use-of-force policy requires all but the most minimal force be reported by police.

The new policy replaces a five-page policy that was in place when the DOJ investigated the SPD and found that officers were quick to resort to force and routinely used too much when they did.

According to the DOJ, the new policy for the first time defines “force,” and details when it is appropriate, and when it isn’t, and provides new detailed reporting requirements. For instance, officers for the first time will have to report when they intentionally point a firearm at someone.

The DOJ news release says the “review and investigation of force will be more thorough than ever before” and that the policy emphasizes de-escalation techniques — including alternatives to the use of force — and “gives officers clear guidance on the use of specific tools,” ranging from pepper spray and batons to firearms.

It includes a new requirement that all officers be armed with at least one less-than-lethal tool. The policy comes with four new procedural manuals detailing weapon-by-weapon guidance, new reporting guidelines and the policies for the a new Force Investigation Team, which will roll out on incidents involving the highest-levels of force and officer-involved shootings.

In approving the policy, Robart wrote in a three-page order that the role of the court and the monitor assigned to oversee the police 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 between the city and Department of Justice, 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 — negotiated between the SPD and the court-appointed federal monitor with input from the Community Police Commission, will go into effect on Jan. 1.

“This is a major milestone in the reform process that will help rebuild trust and foster greater accountability. Clear principles and guidance will enhance officer safety and protect the rights of people in Seattle,” said U.S. Attorney Jenny Durkan.

The milestone was also noted in the DOJ’s Civil Rights Division in Washington, D.C., which oversaw the investigation into the SPD at the urging of the American Civil Liberties Union of Washington and nearly three dozen community groups in late 2010.

“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,” said Acting Assistant Attorney General Jocelyn Samuels, director of the Civil Rights Division.

The new policies make clear that officers must “use only the force necessary to perform their duties” and “with minimal reliance upon the use of physical force.”

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