

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

CASE NO. C12-1282JLR

ORDER APPROVING
CONSENSUS USE OF FORCE
POLICIES

Before the court is the Monitor’s memorandum submitting consensus Seattle Police Department (“SPD”) use of force policies (“Proposed Policies”) to the court for approval. (Mon. Mem. (Dkt. # 107).) The court has reviewed the Monitor’s memorandum, as well as Amicus Curiae Community Police Commission’s (“CPC”) submission proposing an alternative approach (Am. Cur. Mem. (Dkt. # 108)) and Plaintiff United States of America’s (“the Government”) memorandum in support of the Monitor’s submission (Gov’t Mem. (Dkt. # 111)). Being fully advised, the court hereby APPROVES the use of force policies submitted by the Monitor.

1 The issue of the SPD's use of force is a major aspect of the Consent Decree¹
2 between the Government and Defendant City of Seattle ("the City"). The role of the
3 court, and the Monitor who serves as an agent of the court,² is not to dictate policies to
4 the SPD, but rather to insure that the Proposed Policies conform to the requirements of
5 the Consent Decree, the United States Constitution, and judicial decisions interpreting the
6 City's constitutional obligations. The court bears this responsibility with the utmost
7 solemnity.

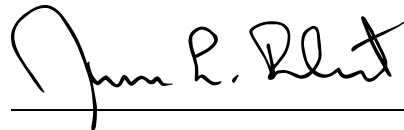
8 The alternative approach suggested by the CPC seeks to address its concerns that
9 the Proposed Policies are too long, may increase confusion about the appropriate use of
10 force, or create "trainability" issues during implementation. (*See generally* Am. Cur.
11 Mem.) A common theme of the Government's investigation that culminated in the
12 Consent Decree, however, was that ambiguity in SPD policies in effect at that time left
13 field personnel (and their supervisors) uncertain as to the acceptable use or level of force
14 that should be employed in varying situations. (*See, e.g.*, DOJ, Investigation of SPD
15 (Dkt. # 1-1) at 5 ("Officers lack adequate . . . policies on when and how to report force
16 and when and how to use many impact weapons (such as batons and flashlights)."); *id.* at
17 7 (describing SPD's Use of Force policy as "vague"); *id.* at 10 (stating that pattern or
18 practice of unnecessary or excessive force is in part "the result of inadequate policies");

19
20 ¹ (*See* Order (Dkt. # 13) (preliminarily approving parties' settlement agreement and
stipulated order of resolution (Dkt. # 3-1) as modified).)

21 ² (*Id.* at 2 (¶ 172) (stating that "[t]he Monitor will be an agent of the Court for purposes of
22 assessing the City's compliance . . .").)

1 *id.* at 17 (stating that the reporting failures with respect to use of force are due in part to
2 “deficiencies in SPD policies”); *id.* (stating that policy on reporting use of force “on its
3 face is vague, [and] leaves too much room for officer discretion”).) The court believes
4 that comprehensive, clear and specific policies are the most appropriate remedy for the
5 present circumstances. Accordingly, after careful consideration of the Proposed Policies,
6 and all related submissions to the court, the court hereby APPROVES the Proposed
7 Policies submitted by the Monitor (Dkt. # 107).

8 Dated this 17th day of December, 2013.

9
10
11 

12 JAMES L. ROBART
13 United States District Judge
14
15
16
17
18
19
20
21
22