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Friday, December 16, 2011

Justice Department Releases Investigative Findings on the Seattle Police Department

WASHINGTON— Following a comprehensive investigation, the Justice Department today announced its findings that the Seattle Police Department (SPD) has engaged in a pattern or practice of excessive force that violates the Constitution and federal law. A letter detailing the findings was delivered to Seattle Mayor Michael McGinn and Police Chief John Diaz.

The investigation, launched on March 31, 2011, and conducted by the Civil Rights Division's Special Litigation Section and the U.S. Attorney's Office for the Western District of Washington, focused on whether SPD engages in unconstitutional or unlawful policing through either (1) the use of excessive force or (2) discriminatory policing. The Justice Department found reasonable cause to believe that SPD engages in a pattern or practice of excessive force, in violation of the Fourth Amendment of the U.S. Constitution and the Violent Crime Control and Law Enforcement Act of 1994. The Justice Department does not make a finding that SPD engages in a pattern or practice of discriminatory policing, but the investigation raised serious concerns that some of SPD's policies and practices, particularly those related to pedestrian encounters, could result in unlawful discriminatory policing. These practices undermine SPD's ability to build trust among segments of Seattle's diverse communities.

The Justice Department's investigation involved an in-depth review of SPD documents, as well as extensive community engagement. The department reviewed thousands of pages of documents, including written policies and procedures, training materials, and internal reports, data, video footage and investigative files. Justice Department attorneys and investigators also conducted interviews with SPD officers, supervisors and command staff, and city officials; and conducted hundreds of interviews with community members and local advocates.

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Throughout the investigation, the Justice Department provided feedback and technical assistance to SPD, and in response, SPD has already begun to implement a number of remedial measures. To create lasting reform, SPD must continue to develop and implement new force policies and protocols, and to train its officers on how to conduct effective and constitutional policing. In addition, SPD must implement systems that ensure accountability, foster police-community partnerships, and eliminate unlawful bias.

“Our investigation has revealed that inadequate systems of supervision and oversight have permitted systemic use of force violations to persist at the Seattle Police Department,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “Our findings should serve as a foundation to reform the police department and to help restore the community’s confidence in fair, just and effective law enforcement. The problems within SPD have been present for many years and will take time to fix, but we look forward to continuing our positive partnership with the people of Seattle, Mayor Michael McGinn, Police Chief John Diaz, and his officers to create and implement a comprehensive blueprint for sustainable reform.”

“The solution to the problems identified within the Seattle Police Department will require strong and consistent leadership along the chain of command, effective training and policies, and vigilant oversight,” said Jenny A. Durkan, U.S. Attorney for the Western District of Washington. “This investigation and its findings provide a clear path forward. Ongoing efforts by the city and department to address these findings will not only ensure that obligations under the Constitution are met, but will improve public confidence in the department and enhance its ability to serve the people of Seattle.”

Based on a randomized, stratified and statistically valid sample of SPD’s use of force reports from Jan. 1, 2009, to April 4, 2011, factual findings include:

- When SPD officers use force, they do so in an unconstitutional manner nearly 20 percent of the time;
- SPD officers too quickly resort to the use of impact weapons, such as batons and flashlights. When SPD officers use batons, 57 percent of the time it is either unnecessary or excessive;
- SPD officers escalate situations, and use unnecessary or excessive force, when arresting individuals for minor offenses. This trend is pronounced in encounters with persons with mental illnesses or those under the influence of alcohol or drugs. This is problematic because SPD estimates that 70 percent of use of force encounters involve these populations.

The Justice Department also found that a number of long-standing and entrenched deficiencies have caused or contributed to these patterns or practices of unlawful or troubling conduct, including the following:

- Deficiencies in oversight, policies and training with regard to when and how to (1) use force, (2) report uses of force and (3) use many impact weapons (such as batons and flashlights);
- Failure of supervisors to provide oversight of the use of force by individual officers, including appropriate investigation and review of uses of force (notably, among the approximately 1,230 use of force reports from January 2009 to April 2011, only five were referred for “further review” at any level within SPD);
- Ineffective systems of complaint investigation and adjudication;
- An ineffective early intervention system and disciplinary system;
- Inadequate policies and training with regard to pedestrian stops and biased policing; and
- A failure to collect adequate data to assess biased policing allegations.

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Resolution of these findings will require a written, court-enforceable agreement that sets forth remedial measures to be taken within a fixed period of time.

This investigation was conducted jointly by the Special Litigation Section of the Civil Rights Division and the U.S. Attorney's Office for the Western District of Washington, with the assistance of law enforcement professionals, including former police chiefs.

The findings letter can be found at www.justice.gov/crt/about/spl/seattlepd.php . For more information on the Justice Department's Civil Rights Division, please visit www.justice.gov/crt . If you have any comments or concerns, please feel free to contact us at Community.Seattle@usdoj.gov .

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Civil Rights Division

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