



June 13, 2012

The Honorable Sally Clark, President
The Honorable Bruce Harrell, Chair, Public Safety, Civil Rights and Technology
Committee
And members of the Seattle City Council
Seattle City Hall
600 4th Ave., 2nd Floor
Seattle, WA 98104-1850

Dear Members of the Seattle City Council,

ACLU OF WASHINGTON

901 FIFTH AVENUE #630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

I respectfully urge the City Council to take some immediate, concrete steps to help rid the Seattle Police Department of the racially biased attitudes that have undermined the trust of Seattle's communities of color.

The pending lawsuit (*Monetti v. City of Seattle*) over alleged police misconduct highlights the need for Seattle to act. The urgency of this task is reinforced by the Mayor's vaguely worded "20/20" plan for reform and by his reluctance to enter into a consent decree with the Department of Justice. We were alarmed to learn about the City's position in the *Monetti* case. More than two years after a video showed Seattle officers physically and verbally abusing Mr. Monetti, the City's stance in the case shows continued tolerance of racially offensive language at SPD. This comes after assurances by City leaders that the Department does not condone the use of racial slurs.

As you know, the U.S. Justice Department (DOJ) has issued a report finding a pattern and practice of excessive use of force by Seattle police and strong evidence of biased policing. In calling for a DOJ investigation, the ACLU of Washington and 34 civil rights and community-based organizations cited concerns about "distrust of police in Seattle's communities of color" which made it "harder for the Seattle Police Department to do its job of keeping all Seattle residents safe." After the DOJ report came out, the mayor wrote the ACLU with an assurance that, "We have heard from the public and now the federal government that more must be done. We agree. Let us be very clear: we are committed to reform."

Yet, instead of resolving the *Monetti* suit, the City is continuing to defend the officer's conduct. In that case, a police supervisor defends as a "control tactic" a police officer's threat "to kick the fucking Mexican piss" out of a suspect already under police control. And two years after the incident – and after being ordered to take additional training – the officer said he remains unfamiliar with the SPD's policy on unbiased policing.

Meanwhile, even though the "20/20" plan for the SPD reform acknowledges that racial bias is a concern, it offers only a shallow response that is not fleshed out, is not enforceable, and is not improving police-community relations.

We think the City Council should play a positive role. Curbing excessive use of force and racially insensitive policing is not solely the responsibility of police leaders and the mayor. The City Council should act swiftly rather than waiting for the executive branch and the Department of Justice to complete the negotiation process. The City Council can take some specific steps now to advance the reform process by enacting legislation to do the following:

- Adopt a policy of "zero tolerance" for abusive language (including racial slurs, insults, taunts, and profanity) used by officers against civilians at any time the officer is on duty or in uniform, and failure to report the same.
- Expand the list of "lowest law enforcement priority" offenses to include low-level vehicle equipment violations, jaywalking and other pedestrian infractions. These offenses pose limited public safety risk but are frequently used by Seattle officers as a reason to stop and interrogate people of color. Additionally, the OPA Auditors have repeatedly cited officer enforcement of low-level offenses as a significant cause of escalation of officer-civilian interactions resulting in the use of force.
- Require investigation of every use of force above unresisted handcuffing. Currently officers are only required to report to their supervisors the use of deadly force, less lethal force or the use of force that results in an injury. This means many incidents of use of force are never reported and supervisors are unable to determine whether officers are using force unnecessarily or inappropriately in situations where alternatives to force would have been more effective. Supervisors are not able to manage if they are not provided with adequate information.

These three pieces of legislation are not a full reform package, but they will show that the City Council is willing to exert leadership to turn the tide away from unbiased policing and toward equal and professional treatment for everyone in the city.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen Taylor" followed by a stylized flourish.

Kathleen Taylor
Executive Director