

Seattle Community Police Commission

VIA EMAIL

January 29, 2021

Re: Proposed changes to SPD Use of Force and Crowd Management policies

Dear Chief Adrian Diaz,

On behalf of the Seattle Community Police Commission (CPC), we submit the attached **recommendations** and **community input** concerning the proposed changes to Seattle Police Department's (SPD) use of force and crowd management policies. In this last year SPD's actions have resulted in violence, tear gassings, nearly deadly use of blast balls and other weapons, and systemic violations of First Amendment rights.

In December 2020, SPD asked the CPC for feedback on 123 pages of policies for an update of the SPD Manual's use of force and crowd management policies. The CPC immediately asked how community input would be considered during this process, particularly after SPD and City leadership had committed to a [community-led process that centers the voices of Black, Indigenous, and people of color to re-envision policing together](#). While SPD repeatedly declined our request to discuss the proposed policies at a CPC meeting, they agreed to a brief deadline extension to the end of January and to participate in CPC-led community engagement.

With the deadline extended, the CPC partnered with Seattle Group for Police Accountability (Braxton Baker), Black Action Coalition (Travonna Thompson-Wiley), Colorful Communities (Le'Jayah Washington), Nikkita Oliver, Converge Media (Omari Salisbury), and the Seattle Police Department (Assistant Chief Lesley Cordner, Assistant Chief Thomas Mahaffey, and Rebecca Boatright) to stream a Town Hall discussion on SPD's proposed changes. The goal was to give community members, particularly those who have been on the ground protesting and were most affected by SPD's use of force and crowd management over the last many months, an opportunity to ask questions and express concerns directly to SPD. We also published summaries of our analyses of the proposed policy changes to our website, where the public could learn about the proposed changes and share feedback, questions, and concerns.

After compiling the feedback we received via email, the website, on social media, and during the Town Hall, we crafted the attached recommendations. While we were not able to run a systematic analysis, and address each individual concern, we believe these recommendations address salient issues that were expressed by several community members. This is not final, but rather an initial important step in CPC's ongoing work to represent community interests. In addition to the recommendations, we have also enclosed de-identified copies of the comments the CPC received via email and the website. We hope SPD will read them and adjust their policies to reflect the changes the community has asked for.

We urge the Seattle Police Department, Monitor, and the Department of Justice to understand that SPD's actions have severely damaged community trust, and to take these recommendations – embracing community wisdom and acting on their calls – as a road map towards rebuilding that trust.

Sincerely,

The Seattle Community Police Commission

Seattle
Community
Police Commission

CPC Recommendations on SPD’s proposed Use of Force and Crowd Management policies
January 29, 2021

CPC Recommendation	SPD Policy	Community Feedback
<p>1. Protect the sanctity of human life as the primary guideline of how and when force is applied.</p>	<p>8.000 Principles 8.050 Definitions 8.200 Using Force</p>	<ul style="list-style-type: none"> Community has made numerous calls for an objective and transparent review of SPD policies. During the Town Hall, community concern with the disregard for individuals’ lives, bodies, and wellbeing, particularly when compared to property, was loud and clear.
<p>2. Partner with community to redefine the “objectively reasonable” standard of force and “proportional” standard of force toward a policy that limits force to the least amount necessary.</p>	<p>8.000 Principles 8.050 Definitions 8.200 Using Force</p>	<ul style="list-style-type: none"> The term “objectively reasonable” still permits officers to use force whenever they deem necessary, as long as they can justify their actions based on facts and circumstances an officer faces. There needs to be more accountability regarding the explanatory process of such actions. Whatever the use of force is, it must be proportional to the threat/subject of the circumstances. De-escalation tactics must be used when it is safe to do so, in order to reduce the need for force.
<p>3. Collaborate with community to determine non-violent approaches and strategies in response to 1st Amendment activities and share with community the strategies that will be put implemented.</p>	<p>8.050 Definitions 8.200 Using Force 8.300 Tools 14.090 Crowd Management</p>	<ul style="list-style-type: none"> Community members have been hurt and traumatized by the use of potentially lethal weapons on their bodies, on their peers, and in their neighborhoods. While there may be a need for these weapons in patrol operations, there is no justification for their use in protests, rallies, marches, or demonstrations.
<p>4. Create clear, strong, and high standards for when police can declare unlawful assemblies and riots. Additionally, if SPD issues an order to disperse or declares a riot, require the authorizing officers to thoroughly document and an agency outside of SPD to review all actions taken and their</p>	<p>14.090 Crowd Management</p>	<ul style="list-style-type: none"> SPD must not continue to disperse protest if they view an “imminent threat”. The excuse of “threat” has been used to justify police brutality for far too long and that needs to end now. Community members have referred to the standard of four or more persons engaging in

outcomes. Make all documentation publicly available within 24 hours of the incident, effective immediately.		criminal activity as the bar to declare an assembly a riot too low.
5. Prohibit the use of all head and neck controls.	8.050 Definitions 8.200 Using Force	<ul style="list-style-type: none"> • Use of force tactics should be described in concrete terms. All actions such as head controls, kneeling on a person’s neck and carotid restraints should be prohibited. • Prohibiting specific holds, like carotid restraints, but quietly continuing to allow other forms of head and neck controls is misleading and violates community trust.
6. Prohibit the use of canines as a use of force option. That is, for any use on humans, whether that is for pain or compliance. This does not include use of canines for tracking, search and rescue, and explosives or drug detection.	8.050 Definitions 8.200 Using Force 8.300 Tools	<ul style="list-style-type: none"> • Community members have referred to the use of canines as force options as “unconscionable” and “brutal.” • They suggested that officers commanding a canine to bite should be removed as a use of force option.
7. Develop additional reporting requirements and other processes to address potential trauma community members may face after having a firearm pointed at them or others in proximity.	8.050 Definitions 8.400 Reporting and Investigating	<ul style="list-style-type: none"> • A community member recalled, as a child, the trauma of seeing SPD officers point a gun at the heads of their family members. • Others have pointed that pointing a weapon can only escalate a situation.
8. Create additional clear and high standards for using and reporting on uses of force on people who are: restrained, young, elderly, pregnant, “frail,” and those with disabilities.	8.200 Using Force	<ul style="list-style-type: none"> • Community members believe force should not be used on restrained people. • Community members want the policy updated to remove the option to use force on anyone already restrained, children, the elderly, pregnant people, “frail” people, or people with disabilities.
9. Extend similar protections to protest medics as the proposed policy changes extend to journalists and legal observers.	14.090 Crowd Management	<ul style="list-style-type: none"> • Community members has expressed concern about the potential targeting of protest medics at demonstrations • Community has expressed gratitude for the role of protests medics, such as the ones that helped save the life of a community member in Seattle who was struck in the chest with a blast ball and nearly died.

<p>10. Remove taser sparks, advisements, and warnings from de-escalation tactics. Change “avoid taunting and insults” to strictly prohibit them. Add validating the experience of the people you are addressing and meeting them where they are.</p>	<p>8.000 Principles 8.100 De-escalation</p>	<ul style="list-style-type: none"> • Community members are shocked at what SPD considers de-escalation tactics. Many who have served in customer service, nursing, medical, and teaching roles shared their personal experience successfully de-escalating individuals who are behaving violently and not following instructions. They de-escalated without weapons and often without any physical contact. • Community members agreed that anyone would respond to a taser spark or show of force as an escalating threat. • The call for real non-violent de-escalation is clear.
<p>11. Do not use weapons that have not been codified into policy and do not introduce new weapons in policy without them being vetted by community.</p>	<p>8.000 Principles 8.050 Definitions 8.200 Using Force 8.300 Tools</p> <p><i>Part of this recommendation – not using policies that are not in the manual – is beyond policy edits.</i></p>	<ul style="list-style-type: none"> • Community members strongly condemned SPD’s quiet introduction of the pepper ball launcher and use of weapons that are not in policy. • The people of Seattle deserve to be policed as they see fit.
<p>12. Do not charge SPD officers with investigating the actions of their fellow officers.</p>	<p>8.400 Reporting and Investigation</p>	<ul style="list-style-type: none"> • The police are policing themselves, which is not sufficient to maintain a true accountability system.
<p>13. Humanize language throughout the SPD policy manual to prompt culture change. Replace “subject” with “person,” “tools” with “weapons,” and “less-lethal tools” with “potentially lethal weapons.” Remove all references to “us versus them.” We encourage SPD to adopt this language beyond the policies being reviewed.</p>	<p>The word “subject” appears 253 times in policies 8.000 through 8.500 and 14.090. The word “tool(s)” appears 49 times in policies 8.000 through 8.500 and 14.090. The words “less-lethal” or “less lethal” appear 38 times in 8.050, 8.200, 8.300, 8.500, 14.090.</p>	<ul style="list-style-type: none"> • Community members asked officers to see them as fellow humans, made of flesh, who can be hurt and traumatized – not as abstract “subjects.” • Weapons designed to hurt or incapacitate human beings are not akin to tools of a trade. • SPD officers have used “less-lethal tools” in near lethal or lethal ways. Community specifically requested that they be called what they are – potentially lethal weapons.

	<p>“Officer versus subject factors” and “number of officers versus subjects” appear in policy 8.050.</p>	<ul style="list-style-type: none"> • During the Town Hall, participants discussed the fear officers feel of their own community members, particularly people of color.
<p>14. Publicize, annually, a schedule of all SPD policies that will be reviewed, when they will be under review during that year, and deadlines for feedback.</p>	<p><i>This recommendation is outside of specific policy edits.</i></p>	<ul style="list-style-type: none"> • Community members are frustrated they are not regularly included in SPD policy reviews. • There has not been sufficient time for these proposals to be read or reviewed by anyone in the community.
<p>15. Disclose to the community, within 60 days of this letter, how SPD has incorporated community feedback and the recommendations issued here.</p>	<p><i>This recommendation is outside of specific policy edits.</i></p>	<ul style="list-style-type: none"> • Community members are tired of being called to give feedback only to have their recommendations ignored. Engaging in these conversations takes exhausting emotional labor, not to mention time and resources. Ignoring their input is counter to centering their voices and does not build trust. • This is consistent with SPD’s stated commitment to re-envisioning public safety <i>together</i>. Community members were given very little time and yet showed up to read, analyze, discuss, and give feedback on hundreds of pages of policies. To believe in SPD’s good faith and build trust, they need to know that SPD will not waste their time and ignore their work.