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7	UNITED STATES DISTRICT COURT	
8	WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
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10	UNITED STATES OF AMERICA,	CASE NO. C12-1282JLR
11	Plaintiff,	ORDER APPROVING
12	v.	CONSENSUS USE OF FORCE POLICIES
13	CITY OF SEATTLE,	
14	Defendant.	
15	Before the court is the Monitor's memorandum submitting consensus Seattle	
16	Police Department ("SPD") use of force policies ("Proposed Policies") to the court for	
17	approval. (Mon. Mem. (Dkt. # 107).) The court has reviewed the Monitor's	
18	memorandum, as well as Amicus Curiae Community Police Commission's ("CPC")	
19	submission proposing an alternative approach (Am. Cur. Mem. (Dkt. # 108)) and Plaintiff	
20	United States of America's ("the Government") memorandum in support of the	
21	Monitor's submission (Gov't Mem. (Dkt. # 111)). Being fully advised, the court hereby	
22	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 between the Government and Defendant City of Seattle ("the City"). The role of the court, and the Monitor who serves as an agent of the court, 2 is not to dictate policies to the SPD, but rather to insure that the Proposed Policies conform to the requirements of the Consent Decree, the United States Constitution, and judicial decisions interpreting the City's constitutional obligations. The court bears this responsibility with the utmost solemnity. The alternative approach suggested by the CPC seeks to address its concerns that the Proposed Policies are too long, may increase confusion about the appropriate use of force, or create "trainability" issues during implementation. (See generally Am. Cur. Mem.) A common theme of the Government's investigation that culminated in the Consent Decree, however, was that ambiguity in SPD policies in effect at that time left field personnel (and their supervisors) uncertain as to the acceptable use or level of force that should be employed in varying situations. (See, e.g., DOJ, Investigation of SPD (Dkt. # 1-1) at 5 ("Officers lack adequate . . . policies on when and how to report force and when and how to use many impact weapons (such as batons and flashlights)."); id. at 7 (describing SPD's Use of Force policy as "vague"); id. at 10 (stating that pattern or practice of unnecessary or excessive force is in part "the result of inadequate policies");

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

²¹ 22

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

id. at 17 (stating that the reporting failures with respect to use of force are due in part to "deficiencies in SPD policies"); id. (stating that policy on reporting use of force "on its face is vague, [and] leaves too much room for officer discretion").) The court believes that comprehensive, clear and specific policies are the most appropriate remedy for the present circumstances. Accordingly, after careful consideration of the Proposed Policies, and all related submissions to the court, the court hereby APPROVES the Proposed Policies submitted by the Monitor (Dkt. # 107). Dated this 17th day of December, 2013. R. Plut JAMES L. ROBART United States District Judge