



Department of Justice

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(202) 514-2007
TTY (866) 544-5309

**REMARKS AS PREPARED FOR DELIVERY BY U.S. ATTORNEY JENNY A.
DURKAN AT THE SEATTLE POLICE DEPARTMENT INVESTIGATIVE FINDINGS
ANNOUNCEMENT**

SEATTLE

Thank you all for being here. I'm pleased to welcome Assistant Attorney General Thomas Perez and Jonathan Smith back to Seattle. As head of the Justice Department's Civil Rights Division, Tom has reenergized the Department of Justice's commitment to civil rights protections throughout our country. Jonathan has done a remarkable job in his tenure of Civil Rights' Special Litigation Unit. It has been a real pleasure to work with Tom, Jonathan and their team over the last several months.

In March of this year, we informed the City that the Department of Justice was opening an investigation into whether SPD engages in unconstitutional policing through a pattern and practice of either excessive uses of force or discriminatory policing. We are here today to discuss the findings and conclusions we have reached, and the next steps for the Department of Justice and the City of Seattle.

I will address the scope and conclusion of our investigation, and Tom will discuss our next steps. Then we will take some questions.

Before discussing our findings, I want to make a few important points as background.

Today marks a critical milestone in our community and for the Seattle Police Department. Understanding how we got here is obviously very important, but how we move forward is even more important. The coming months could very well determine what the next generation of policing will look like in this city. We are at a rare juncture where the City can purposely determine the culture of the Seattle Police Department and its relationship with the community it serves. While there are some difficult and systemic issues to resolve, we are very optimistic for the future of SPD.

Our optimism is based on three important factors.

First, while our investigation has found serious constitutional deficiencies (which I will discuss), our investigation also confirmed that the great majority of SPD officers are honorable law enforcement professionals who risk their physical safety and well-being for the public good.

Day in and day out, the men and women of the Seattle Police Department put on the blue uniform and sacrifice much, to serve all of us. We understand that the dangers are real. Our region suffered through the horrible murders of five local police officers -- including the murder of an SPD officer -- and the attempted murder of his partner. Police must have the tools needed to protect the public and themselves. We are optimistic for the future of SPD because of the solid foundation its dedicated, honorable officers provide.

Second, we also are optimistic because of the way the City and the Department have conducted themselves throughout this investigation. We were given access to every document and person requested, often on an expedited basis. We had frank and candid conversations throughout the investigation, and the Department at the highest levels showed a strong desire to address the deficiencies we uncovered. Indeed, as noted in our letter, the City has already taken steps to begin addressing some of the issues we have brought to their attention. We met with the Mayor, Chief Diaz and Department officials yesterday and today to brief them on our findings. They expressed their commitment to remedy the problems. We have every reason to believe we will move forward in a way that honors both to the men and women working in the Department and the residents of this great City they serve.

Finally, we are optimistic because it is clear that the people of Seattle want and will demand the highest standards for their police force. They also want safe neighborhoods, and want their police to succeed. I believe they will support the changes needed to fix the problems present in the Department. Through the course of our investigation we have heard from many people, coming from all walks of life in our city. They came forward because they care about this City, and because they care about the police department that serves them.

Before we launched our investigation at the end of March, we met with the Mayor and City leaders; Chief Diaz, command staff and SPD personnel; and dozens of community stakeholders. Despite the diversity of opinions we solicited, we heard broad agreement that SPD's success depends on providing officers strong and consistent leadership along the chain of command, effective training and policies, and vigilant oversight. Those early insights were borne out by our investigation.

For the past eight months, our attorneys, investigators and experts have conducted extensive interviews with command staff and rank-and-file officers. We have reviewed thousands of pages of documents -- including written policies and procedures, training materials, internal reports, and investigative files -- and analyzed hundreds of hours of video footage. We also met with and interviewed hundreds of community members and advocates.

We have concluded the following. We found reasonable cause to believe that SPD engages in a pattern or practice of using unnecessary or excessive force, in violation of the United States Constitution and federal laws. This finding includes violations committed by officers through their actions while policing and failures by supervisors responsible for reviewing their actions. There are significant 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. Based on a randomized, stratified, and statistically valid sample of SPD's use of force reports:

- We found that when officers used force, it was done in an unconstitutional manner nearly 20% of the time.
- We found that officers too quickly resort to impact weapons such as their batons and flashlights. When SPD officers use batons, 57% of the time it is either unnecessary or excessive.
- We also found that SPD officers often use unnecessary or excessive force when they apply force in tandem against a single person.
- We found that SPD officers often escalate minor situations and resort to using unnecessary or excessive force when making arrests for minor offense. This was particularly troubling in SPD's encounters with individuals with mental illness or those under the influence of alcohol or drugs, which is a population, according to SPD's own estimates, that account for 70% of their use of force encounters.

When we looked at the critical issue of oversight, we found that supervisors regularly fail to hold officers accountable for excessive force. Equally troubling is that there is virtually no review of supervisory findings up the chain of command. Of the approximately 1,230 use of force reports we reviewed, only five were referred for "further review" at any level within SPD, and we did not find a single case in which a first-line supervisor was held accountable for the inadequate investigation or review of a use of force incident.

We also found that the system designed to respond to civilian complaints against SPD officers – the Office of Professional Accountability – is in need of repair, and the internal system designed to detect officer performance issues – the Early Intervention System – is broken. These systems fail to provide adequate oversight to prevent a pattern or practice of excessive force. To its credit, SPD has been open to our ongoing discussions about these topics and is in the process of revamping its review of officer uses of force and OPA's classification and findings systems.

In addition to these formal findings, our investigation uncovered other deficiencies of serious concern. In particular, our investigation revealed that some SPD policies and practices, particularly those related to pedestrian encounters, could result in unlawful discriminatory policing against racial and ethnic minorities. There is little doubt that some community members believe that SPD engages in discriminatory policing. And this perception is rooted in a number of factors, including negative street encounters, well-publicized videos of force being used against people of color, incidents of overt discrimination, and concerns that the pattern of excessive force disproportionately affects minorities.

We are particularly concerned that SPD officers lack a fundamental understanding of the differences between casual, social contact with members of the community and investigative detentions, known as "*Terry*" stops. SPD does not have sufficient policies in place that address pedestrian stops or possible bias policing. For example, there are no policies in place that track incidents in which young people of color are randomly stopped on the street and made to justify their presence in a given neighborhood. Nor are there any methods of tracking and disciplining officers who engage in discriminatory policing. These practices undermine SPD's ability to build trust in our community. The City and SPD need to thoroughly examine the issues raised,

address the policies, procedures, and training that contribute to the problem, and conduct more sustained and effective community engagement.

Before I turn it over to Tom to talk about where we go from here, let me close by saying that our investigation was not prompted by any one particular incident. It was not an attempt to focus on or resolved the facts of any high-profile event. Rather, our charge was to examine the structural and systemic deficiencies that have can result in widespread problems relating to uses of force and discriminatory policing.

Throughout this investigation we have been mindful of the realities police officers face and the admirable service the great majority of them provide. We are very cognizant that it is tough job, and we are fortunate that we have so many officers who are doing it well. It is wrong to allow their work to be undermined. We owe it to both the community and the police that we make sure the deficiencies are corrected.

We are also aware of – and sensitive to – the very real and raw feelings some residents of Seattle, particularly members of our diverse communities, have towards the Seattle Police Department. Whether these feelings are the result of are incidents that make the news or encounters that are part of your daily reality, we know that there is work to be done. I am hopeful this too can change.

We appreciate the courage of those in our community who came forward to contribute to this investigation and the commitment we have received from our city’s leadership and the SPD to create real and lasting change.

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