



1 could have a disparate impact on minority communities and such practices undermine  
2 SPD's ability to build trust among segments of Seattle's diverse communities; and

3 WHEREAS, the DOJ did find that SPD's ability to maintain the trust of the community is  
4 hindered by SPD's deficient policies addressing the risk of biased policing, inadequate  
5 supervision and training of its officers on how to avoid biased policing practices, and the  
6 failure to keep meaningful data that would permit SPD to evaluate and take action to  
7 address allegations of biased free policing; and

8 WHEREAS, the DOJ entered into a settlement agreement with the City of Seattle regarding a  
9 number of issues with SPD – including aspects of biased policing; and the specifics of  
10 this agreement centered on the need for an enhanced bias-free policing policy, training on  
11 that policy, and robust data collection and analysis to ensure that bias is absent from  
12 policing in Seattle; and

13 WHEREAS, a new bias-free policing policy was approved by the monitor and federal judge and  
14 went into effect January 1, 2015; and

15 WHEREAS, under Washington State law, traffic violations may not be used as a pretext to  
16 investigate unrelated crimes for which the officer lacks reasonable suspicion. Pretext in  
17 this context is stopping a suspect for an infraction to investigate criminal activity for  
18 which the officer has neither reasonable suspicion nor probable cause; and

19 WHEREAS, The City of Seattle is committed to providing bias-free policing in a professional,  
20 nondiscriminatory, fair, and equitable manner for all its residents and visitors;

21 WHEREAS, the Council recognizes the importance of collecting and analyzing data to inform  
22 policy decisions, decide how to allocate resources in a standardized and consistent way,  
23 and realize critical racial equity goals; NOW, THEREFORE,

1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2 Section 1. A new Chapter 14.11 is added to the Seattle Municipal Code as follows:

3 **14.11.010 Statement of Purpose**

4 The City Council expresses concern that the policies, practices, training, and data collection  
5 efforts related to bias-free policing in the Seattle Police Department appeared problematic for the  
6 Department of Justice. Biased policing can erode public trust and damage efforts to make Seattle  
7 a safe city for all its residents and visitors. In addition to policy and practice changes within the  
8 Seattle Police Department, it is the Council’s intent to ensure protection of the human rights as  
9 set forth in the Universal Declaration of Human Rights, endorsed by the Seattle City Council in  
10 Resolution 31420 proclaiming Seattle to be a Human Rights City, to all persons as they relate to  
11 biased policing activities and to require the policies, training, and data that safeguards against  
12 such activities in the City of Seattle.

13 **14.11.020 Definitions**

14 The definitions in this Section 14.11.020 provide the meaning of terms used in this Chapter  
15 14.11, except as otherwise provided or as the context may otherwise clearly require:

16 “Biased policing” means selective enforcement or non-enforcement of the law, including  
17 the selecting or rejecting of particular policing tactics or strategies, by a police officer, the effect  
18 of which is to adversely affect or differentiate between or among individuals or groups of  
19 individuals, because of race, ethnicity, ancestry, religion, national origin, color, creed, age,  
20 alienage or citizenship status, immigration status, sex, gender identity, sexual orientation,  
21 disability, or political ideology rather than reasonable suspicion grounded in specific and  
22 articulable facts, or probable cause, that the individual has been or is about to be involved in a

1 crime. Biased policing does not include using race, ethnicity, color, or any other status in any  
2 reliable suspect's description.

3 "Department" means the Seattle Police Department.

4 "Disabled" means a person who has a disability.

5 "Disability" means the presence of a sensory, mental, or physical impairment that: is  
6 medically cognizable or diagnosable; or exists as a record or history; or is perceived to exist  
7 whether or not it exists in fact. A disability exists whether it is temporary or permanent, common  
8 or uncommon, mitigated or unmitigated, whether or not it limits the ability to work generally or  
9 work at a particular job, or whether or not it limits any other activity within the scope of this  
10 Chapter ~~14.08~~14.11. For purposes of this definition, "impairment" includes, but is not limited to:

11 1. Any physiological disorder, or condition, cosmetic disfigurement, or  
12 anatomical loss affecting one or more of the following body systems: neurological,  
13 musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular,  
14 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

15 2. Any mental, developmental, traumatic, or psychological disorder, including but  
16 not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and  
17 specific learning disabilities.

18 "Gender identity" means a person's gender-related identity, appearance, or expression,  
19 whether or not traditionally associated with one's biological sex or one's sex at birth, and  
20 includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

21 "Police officer" or "Officer" means any law enforcement officer employed by the  
22 Department, including supervisors and persons issued special police officer commissions.

1           “Political ideology” means any idea or belief, or coordinated body of ideas or beliefs,  
2 relating to the purpose, conduct, organization, function or basis of government and related  
3 institutions and activities, whether or not characteristic of any political party or group. Political  
4 ideology includes membership in a political party or group and includes conduct, reasonably  
5 related to political ideology, that does not threaten the safety of the officers or members of the  
6 public; or attempt to incite others to violence.

7           “Seizure” means when, considering all the circumstances, a person’s freedom of  
8 movement is restrained and the person would not believe the person is free to leave or decline a  
9 request due to an officer's use of force or display of authority.

10           “Sexual orientation” means actual or perceived male or female heterosexuality,  
11 bisexuality, or homosexuality, and includes a person's attitudes, preferences, beliefs and practices  
12 pertaining thereto.

13           “Social contact” means contact between a police officer and a person that does not  
14 constitute a seizure.

15           “Terry stop” means the temporary seizure of a person by a police officer based on a  
16 reasonable suspicion, grounded in specific and articulable facts, that the person stopped has been  
17 or is about to be involved in a crime.

18           “Traffic stop” means the stopping of an individual by a police officer based upon  
19 probable cause that a traffic infraction occurred.

20 **14.11.030 Prohibition on biased policing**

21 Police officers shall not engage in biased policing. Any person who is the victim of biased  
22 policing shall be entitled to compensation as provided under this Chapter 14.11.

23 **14.11.040 Enforcement by private persons**

1           A. Not later than three years from the occurrence of the alleged biased policing, ~~a persons~~  
2 who believes they are a victim of biased policing based on any interaction with a Seattle police  
3 officer, ~~including but not limited to a social contact, a Terry stop, or a traffic stop,~~ may file a  
4 civil complaint against the City of Seattle in a court of competent jurisdiction under Section  
5 14.11.050.

6           B. Section 14.11.050 shall be in addition to and shall not foreclose any and all rights,  
7 procedures, and remedies available under the United States Constitution, Section 1983 of Title  
8 42 of the United States Code, the Constitution of the State of Washington, and all other federal  
9 law, state law, law of the City of Seattle, and all pre-existing civil remedies, including monetary  
10 damages, created by statute, ordinance, or law.

11           C. Though the presence or absence of any discipline imposed on a police officer by the  
12 Chief of Police or the recommendations of the Office of Police Accountability (OPA) sustaining  
13 or dismissing any complaint in accordance with Title III may be admitted by a court of  
14 competent jurisdiction as evidence, it shall not constitute conclusive proof that biased policing  
15 did or did not occur. Though the findings and decisions of a court of competent jurisdiction  
16 regarding a claim filed under Section 14.11.040 may be considered in a disciplinary proceeding,  
17 they shall not constitute conclusive proof in such proceeding that biased policing either did or  
18 did not occur.

19 **14.11.050 Civil complaints**

20           A. Claims under this Section 14.11.050 are subject to the requirements under Chapter  
21 5.24.

22           B. A claim of biased policing is established under this Section 14.11.050 when an  
23 individual brings an action demonstrating that a police officer acted with an intent to

1 discriminate against the individual based on membership in a class enumerated in the definition  
2 of biased policing in Section 14.11.020 and the City is unable to show that the police officer had  
3 a legitimate, non-discriminatory reason for the act. If the City can show the officer had a  
4 legitimate, non-discriminatory reason for the act, the claim may still be established if the  
5 individual proves that the stated reason is a pretext for unlawful discrimination.

6 C. The standard of proof for establishing a violation of Section 14.11.030 is by a  
7 preponderance of the evidence.

8 D. In a civil action under this Section 14.11.050, if the court finds that biased policing has  
9 occurred, the court may grant relief, as it deems appropriate, any permanent or temporary  
10 injunction, temporary restraining order, or other order, including an order enjoining the  
11 defendant from engaging in such practice or ordering such affirmative action as may be  
12 appropriate. The court may also award actual damages and allow reasonable attorney's fees and  
13 costs including expert fees to the prevailing party.

14 **14.11.060 Department requirements**

15 A. The Department shall maintain bias-free policies consistent with this Chapter 14.11.

16 B. The Department shall train all police officers on its bias-free policies; ensure that  
17 every Police Officer understands that the City of Seattle does not tolerate biased policing  
18 activities, and that everyone has a duty to report violations of bias-free policing policies.

19 C. The Department shall collect and compile the following data:

20 1. For Terry stops:

21 a. Date, time, and location of the stop;

22 b. To the extent possible, the name and serial numbers of all officers, from  
23 any agency, present at any time during the stop;

- 1 c. Whether there is any ~~in-car~~ video/audio of the stop, and if not, why not;
- 2 d. The individual's apparent race/ethnicity, color, or national origin;
- 3 gender or gender identity; and apparent age;
- 4 e. The reason for the stop, including whether a citation was issued or an
- 5 arrest made of any individual;
- 6 f. Whether a frisk was conducted as a result of the stop, and if so, a
- 7 description of facts justifying the frisk;
- 8 g. The result of any frisk, including whether any physical evidence was
- 9 seized, whether the search led to an arrest, and a description of facts creating probable cause for
- 10 the arrest;
- 11 h. Whether a person was moved or transported from the location of the
- 12 initial stop, and if so, why;
- 13 i. Whether a person stopped was specifically directed to assume any
- 14 posture or position, and if so, what posture or position and why; and
- 15 j. The duration of the stop and an explanation of the factors that explain
- 16 the length of the stop.
- 17 2. For traffic stops:
- 18 a. Date, time, and location of the stop;
- 19 b. The individual's apparent race/ethnicity, color, or national origin; and
- 20 gender or gender identity; and
- 21 c. The reason for the stop, including whether a citation was issued or an
- 22 arrest made of any individual.

1                   D. Data collected under subsection 14.11.060.C shall be made available to and  
2 may be analyzed by the OPA or its successor and the Office of the Inspector General for Public  
3 Safety or its successor, consistent with the duties of these entities set forth in Section 3.29.

1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2017.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

10 \_\_\_\_\_  
11 Edward B. Murray, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)  
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