

**MOTION 2020-15:
A MOTION OF THE PORT OF SEATTLE COMMISSION**

to direct a comprehensive assessment of the Port of Seattle Police Department to ensure alignment with the highest national standards and best practices related to policing; and to establish a Task Force on Port Policing and Civil Rights to lead the assessment and develop recommendations for action.

**ADOPTED
JULY 14, 2020**

INTRODUCTION

A broad consensus has formed in the United States that a close examination of current policing practices is necessary and urgent. The Port of Seattle has the responsibility during this critical moment in history to ensure that our Police Department is held to the highest nationwide standards achievable for public safety, protection of civil rights, equity, accountability and oversight.

While much of the Port of Seattle Police Department's primary function is in service to port-owned facilities and the unique requirements of international aviation and maritime activities, public safety remains at the core of its mission. In addition, Port Police provide mutual aid requests to other jurisdictions when needed.

The Port can lead by example by embracing a thorough review of Port Police practices, protocols and internal processes, and by acting swiftly and meaningfully in identifying and acting upon areas for improvement.

TEXT OF THE MOTION

The Port of Seattle Commission hereby directs staff to undertake a comprehensive assessment of the Port of Seattle Police Department's policies, protocols and procedures impacting issues of diversity, equity and civil rights – resulting in the development of recommendations for action. Recommendations should in no way impede or detract the Police Department from fulfilling its critical public safety functions.

- 1) The Commission affirms its strong support for the actions taken on June 23, 2020 by the Executive Director, under his authority, to immediately implement reforms to Port Police policies and practices:
 - a. An immediate ban on use of vascular and airway neck restraints, termed by the public as "chokeholds."
 - b. Ensuring diversity in all police hiring evaluation panels.
 - c. In recruitment and evaluation of police officer candidates, automatically disqualifying applicants based on a substantiated finding of the use of excessive force against a

member of the public, or a substantiated finding of racial discrimination against another employee or the public.

- d. Ensuring that police training required for all officers on a regular basis includes de-escalation training, bystander intervention where an officer observes another officer acting in violation of the law or Port of Seattle policies, and anti-discrimination training.
 - e. Reviewing the issue of “qualified immunity,” as it applies to police officer conduct, for inclusion in the Port’s federal legislative agenda.
 - f. Continuing the Port’s moratorium on police use of facial recognition technology.
 - g. Making Police Department policies visible to the public and Port staff.
 - h. Ensuring police officers’ names are clearly identifiable on any uniform worn on duty.
- 2) The Commission authorizes the creation of a Task Force on Port Policing and Civil Rights. The Task Force will include two Port of Seattle Commissioners, appointed by the Commission President, who will oversee and help guide this assessment. The Commission President shall also appoint two Task Force co-chairs.
- 3) The Task Force will develop and implement the approach, methodology, scope of work, and timeline for the assessment. It will also develop recommendations for action, and will report back to the full Commission on a regular basis. In addition to the two Commissioners, the Task Force will be composed of:
- a. Representatives from the Port’s Blacks in Government employee resource group, the Office of Equity, Diversity and Inclusion, Port Police, Legal, Human Resources, Labor Relations, and other Port corporate and business divisions and employee resource groups; and
 - b. External representatives such as community leaders, civil rights advocates, union representatives, members of the Civil Service Commission, and/or experts on criminal justice and law enforcement.
 - c. The Task Force will also be responsible for procuring the services of a consultant, if needed, to provide process facilitation, additional subject matter expertise and/or written report development. Sufficient funds reserved for this purpose shall be included in the Port’s 2020, 2021 and 2022 budgets.
- 4) The Task Force shall have the authority to review any existing Port data and documentation, including police after-action reports, use of force reports, demographic data and any other information necessary – within legal limits, appropriate confidentiality, and privacy laws – to effectively and comprehensively conduct the assessment. In addition, the Task Force shall collect and review existing research, data, and best practices from similar assessments and reports completed throughout the country, as well as remain coordinated with current local and state efforts in order to maximize efficiency and alignment. Through the collection and analysis of this data, the Task Force shall establish key metrics for evaluation of success for this process, and metrics for measurement of progress toward any resulting recommendations.
- 5) In developing a scope of work, the Task Force shall review all relevant issues, including but not be limited to:
- a. **Diversity in Recruitment and Hiring:** The assessment should include how potential officers are vetted during the testing and hiring process, including how an officer’s background is reviewed and evaluated as well as how an applicant’s physical, mental, and emotional fit for the Port of Seattle Police Department is assessed. Building on the

Executive Director’s executive action that would “disqualify applicants based on substantiated instances of excessive use of force or racial discrimination.” The assessment should more clearly define how these instances would be identified and the types of misconduct that would be prohibited. It shall also assess the diversity of the Port of Seattle Police Department in terms of demographics and other aspects such as languages spoken, and identify what additional efforts can be made to increase diversity in each of those areas. Areas of exploration may include increased outreach during the recruitment process, internships and youth training opportunities, community-focused hiring programs or incentives, changes to the use of lateral postings for frontline officers, hiring panel diversity, and removal of disqualifications that disproportionately impact people of color.

- b. **Training and Development:** The assessment should include a comprehensive review of the police training curriculum, including whether existing training promotes a “guardian mentality” approach to policing as well as what training is provided to officers as alternative or intermediate approaches to avoid excessive use of force. In addition, the assessment should review whether officers are developed and advanced throughout the organization in a way that ensures equitable outcomes for officers of color; the assessment should identify whether barriers to advancement exist for officers of color and recommend ways to overcome those barriers. The assessment should also review current community engagement activities by the Port of Seattle Police Department in communities of color and economically distressed zip codes.
- c. **Equity:** The assessment should identify what protocols and oversight are in place to ensure all officers – in particular, Black officers, other officers of color and other underrepresented demographics in the police force – are treated respectfully, equally, and equitably. The assessment should determine what protocols are in place for police employees to identify and report any mistreatment experienced or observed that are contrary to the Port’s high standards expected of law enforcement, without fear of retaliation or reprisal.
- d. **Use-of-Force:** The assessment should include a review of protocols governing use-of-force. The assessment should consider whether additional prohibitions on potentially lethal restraint techniques are needed, as well as whether changes are needed to Police policies, practices or protocols regarding the use of weapons and tactics used to manage and disperse crowds and/or respond to crisis situations. As referenced above, the Task Force should look at how training can provide officers with alternatives to these tactics, in order to ensure officers have options to address difficult situations in productive ways.
- e. **Oversight and Accountability:** The assessment should look at how complaints by members of the public or other Port employees are handled; in particular, the assessment should look at how civilians are able to submit complaints, and how those complaint mechanisms are publicized. The assessment should also include a review of internal reporting mechanisms for police officers who want to report alleged misconduct of other officers – including racially-motivated misconduct – without fear of reprisal or retaliation. In addition, the assessment should review when additional Commission, Port leadership and/or external oversight is needed to facilitate accountability and transparency to the community, including any recommendations for ongoing reporting of progress toward approved metrics and notifications to Commission and Executive leadership of relevant complaints and reports. Finally, the Task Force should review the Port Police disciplinary process and how civil lawsuits brought against

a Port Police officer are considered during that process. The Task Force should consider how the Port Commission and Executive Director are made aware of such civil lawsuits, particularly where “qualified immunity” is invoked.

- f. **Police Union Participation:** The assessment should engage police union representatives in collaborative dialogue about how collective bargaining agreements properly balance officers’ rights with the ability to enforce a high standard of conduct and continued employment; how members of the Police Department are held accountable for violations; and whether the negotiated disciplinary process could be improved. The assessment should also identify any issues related to collective bargaining that have the potential to serve as, or create barriers to, progress on addressing systemic racial issues to the success of people of color in the Police Department.
 - g. **Budget, Roles and Equipment:** The assessment should examine whether certain non-emergency situations could be better responded to by the deployment of non-uniformed officers, and whether investments in community-focused programs could decrease the prevalence of such situations. In addition, the assessment should review Port Police equipment and supplies used to conduct routine police work, including mass events and crowd management, and determine if any are excessive or unnecessary; in particular, the assessment should look at how military-grade equipment is procured and used, as well as the role of body cameras as a potential accountability measure for Port policing.
 - h. **Mutual Aid:** The assessment should include an exploration of how and when Port Police engage in mutual aid, the protocols for that engagement to ensure alignment with Port values and policing policies, and the formal agreements in place to ensure compliance with Port standards when engaged in mutual aid. The assessment should also look at how the Port and partner agencies review these mutual aid agreements on a regular basis, as well as the risks and benefits of mutual aid in the various scenarios in which it is provided. Similarly, the Task Force should review the scenarios in which the Port calls for mutual aid from other jurisdictions, what accountability measures are in place during those mutual aid situations, and how Port Police protocols are enforced during those instances.
 - i. **Advocacy:** The assessment should include a review of potential state and federal legislation and reforms, such as changes to federal “qualified immunity” provisions or the creation of state or federal misconduct tracking databases, for the Port to include in its advocacy efforts.
- 6) By no later than October 31, 2020, the Task Force shall submit its first report on progress and any recommendations for immediate actions to the Commission and the Executive Director. By no later than July 31, 2021, the Task Force will submit a final report and final recommendations to the Commission and the Executive Director. As recommendations are developed, the Task Force co-chairs shall submit a report to the Executive Director and Commission who will review the report within 90 days of receipt. The Executive Director, Commission President, Task Force co-chairs, and Port Police will collaborate to respond to the recommendations within six (6) months.

If, during the assessment, the Task Force recognizes the need to review additional policies, practices and protocols of the Police Department, the Commission empowers the Task Force to do so. Budgetary impacts of the Task Force’s recommendations should also be considered, and changes to the Port of Seattle Police Department budget should be prioritized to ensure sufficient resources are allocated to

comply with any approved recommendations. The Port shall use the recommendations of the Task Force to create binding, long-term improvements – through Executive Director implementation, Commission action, and/or the collective bargaining process.

STATEMENT IN SUPPORT OF THE MOTION

The tragic killings of George Floyd, Breonna Taylor, Manuel Ellis, Rayshard Brooks and Ahmaud Arbery are only some of the most recent in a long history of unjust killings of Black Americans at the hands of police, reflecting a deeply disturbing pattern of systemic racism in our country that continues to severely impact our cities, communities and essential institutions.

Over the past few weeks, hundreds of thousands across our nation gathered to protest, and continue to protest, the unjust death of George Floyd, and the tolerance of racism by our communities and institutions. The cruelty and callousness of these deaths is abhorrent to a just and civil society. Recent demonstrations organized by groups in our community and around the country and world have offered people an opportunity to share their pain, heal, organize, and demand immediate action for broad social change, and to end systemic racism in policing and beyond.

Black Lives Matter and the nation are calling for an end to racial injustice, police brutality, killings and dehumanizing of Black Americans, and major reform of policing in the United States. There is a clear demand for an end to these issues, and immediate, deliberate action with sustained resolve.

The Port of Seattle relies on a diverse and inclusive workforce to accomplish our work for a better future. Respect for one another is a Port core value. The Port must therefore take responsibility by doing its part to respond to the call of history at this seminal moment.

In light of the national movement to reexamine policing within our communities and in accordance with the Port's Century Agenda goal to "Become a Model for Equity, Diversity, and Inclusion," a review of the policies, practices and oversight of the Port of Seattle Police Department is fully appropriate. On July 14, 2020, the Port of Seattle Commission will vote to direct a comprehensive assessment of the Port of Seattle Police Department's policies, protocols and procedures impacting issues of diversity, equity and civil rights, in order to develop recommendations for action. In addition, the Commission will authorize the creation of a Commission Task Force on Port Policing and Civil Rights. Based on the work of the Task Force, the Port will issue a set of recommendations and a plan for ensuring that the work of the Port Police is transparent and accountable to community members and is fostering safe, healthy communities.

On June 23, 2020, Executive Director Metruck announced publicly that he would use his authority to direct the Acting Port of Seattle Police Chief to take immediate actions on this topic, including an immediate ban on use of vascular and airway neck restraints; mandates related to diversity on police hiring evaluation panels; disqualifications of police officer applicants based on a substantiated finding of the use of excessive force against a member of the public, or a substantiated finding of racial discrimination against another employee; requirements for de-escalation, "bystander" intervention and anti-discrimination training and other items.

The embrace of reforms in police departments around the country has shown how adapting policies based on values of civil society, social justice, and the best available science can reduce the incidence of violence in encounters between members of the community and police. It must be stated that the Port of Seattle Police have not been implicated in the kinds of tragic events that are the focus of local and

nationwide protests. Despite that record of strong public service to the community, the work of the Task Force remains urgent and necessary, and will broadly benefit the Port, the communities we serve, and users of Port facilities.