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5 **MOTION 2020-15:**
6 **A MOTION OF THE PORT OF SEATTLE COMMISSION**
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8 to direct a comprehensive assessment of the Port of Seattle
9 Police Department to ensure alignment with the highest
10 national standards and best practices related to policing; and
11 to establish a Commission Task Force to lead the assessment
12 and develop recommendations for action.

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14 **PROPOSED**
15 **JULY 14, 2020**
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17 **INTRODUCTION**

18 A broad consensus has formed in the United States that a close examination of current policing practices
19 is necessary and urgent. The Port of Seattle has the responsibility during this critical moment in history
20 to ensure that our Police Department is held to the highest nationwide standards achievable for public
21 safety, protection of civil rights, equity, accountability and oversight.
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23 While much of the Port of Seattle Police Department's primary function is in service to port-owned
24 facilities and the unique requirements of international aviation and maritime activities, public safety
25 remains at the core of its mission. In addition, Port Police also provide mutual aid requests to other
26 jurisdictions, when needed.
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28 The Port can lead by example, by embracing the need for a thorough review, and by acting swiftly and
29 meaningfully in identifying and acting upon areas for improvement.
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31 **TEXT OF THE MOTION**
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33 The Port of Seattle Commission hereby directs a comprehensive assessment of the Port of Seattle Police
34 Department's policies, protocols and procedures impacting issues of diversity, equity and civil rights, and
35 develop recommendations for action.
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- 37 1) The Commission affirms its strong support for the actions taken on June 23, 2020 by the
38 Executive Director under his authority to immediately implement reforms to Port Police policies
39 and practices:
- 40 a. An immediate ban on use of vascular or airway neck restraints, termed by the public as
41 "chokeholds."
 - 42 b. Ensuring diversity in all Police hiring evaluation panels.
 - 43 c. In recruitment and evaluation of police officer candidates, automatically disqualifying
44 applicants based on a substantiated finding of the use of excessive force against a
45 member of the public, or a substantiated finding of racial discrimination against another
46 employee or the public.

- 47 d. Ensuring that police training required for all officers on a regular basis includes de-
48 escalation training, bystander intervention where an officer observes another officer
49 acting in violation of the law or Port of Seattle policies, and anti-discrimination training.
50 e. Reviewing the issue of “qualified immunity” as it applies to police officer conduct for
51 inclusion in the Port’s federal legislative agenda.
52 f. Continuing the Port’s moratorium on police use of facial recognition technology.
53 g. Making Police Department policies visible to the public and Port staff.
54 h. Ensuring Police officers’ names are clearly identifiable on any uniform worn on duty.
55
- 56 2) The Commission authorizes the creation of a Commission Task Force on Port Policing and Civil
57 Rights. The Task Force will include two Port of Seattle Commissioners appointed by the
58 Commission President, who will oversee and help guide this assessment. The Commission
59 President shall also appoint two Task Force Co-Chairs.
60
- 61 3) The Task Force will develop and implement the approach, methodology, scope of work, and
62 timeline for the assessment. It will also develop recommendations for action, to include short
63 and long-term, and will report back to the full Commission on a regular basis. In addition to the
64 two Commissioners, the task force will be composed of:
65 a. Representatives from the Port’s Blacks in Government employee resource group, the
66 Office of Equity, Diversity & Inclusion, Port Police, Legal, Human Resources, Labor
67 Relations, and other Port corporate and business divisions.
68 b. External representatives on the Task Force may include community leaders, civil rights
69 advocates, union representatives, and experts on criminal justice and law enforcement.
70 c. A consultant may be necessary to provide assistance to the Task Force and members of
71 the Task Force will be responsible for procuring the services of a consultant. Sufficient
72 funds reserved for this purpose shall be included in the 2020, 2021 and 2022 budgets.
73
- 74 4) The Task Force shall have the authority to review any documentation, including police after-
75 action reports, use of force reports, demographic data and any other information necessary,
76 within legal limits and privacy laws, to effectively and comprehensively conduct the assessment.
77 In developing a scope of work, the Task Force shall review all relevant issues, as identified.
78 Those issues may include, but not be limited to:
79 a. **Diversity in Recruitment and Hiring:** The assessment should include how potential
80 officers are vetted during the testing, backgrounding and overall hiring process,
81 including how past substantiated complaints and substantiated instances of misconduct
82 are identified and considered during the hiring process. Building on the Executive
83 Director’s executive action that would disqualify applicants based on substantiated
84 instances of excessive use of force or racial discrimination, the assessment should more
85 clearly define the types of misconduct that would be prohibited, such as unjustified use
86 of deadly force or racial profiling. It should also assess the diversity of the Port of Seattle
87 Police and what additional efforts can be made to increase diversity beyond the
88 Executive Director’s new mandate for diversity on hiring evaluation panels, such as
89 increasing diversity outreach during the recruitment process, more specifically defining
90 and quantifying hiring panel diversity, or removing disqualifications or other reasons for
91 rejecting a candidate that disproportionately impact people of color.
92 b. **Training and Development:** The assessment should build on the Executive Director’s
93 new mandate for anti-bias and de-escalation training by conducting a comprehensive
94 review of the Police training curriculum, including how training promotes a “guardian

mentality” approach to policing. In addition, the assessment should review how officers are developed and advanced throughout the organization, to include collective bargaining agreements, that ensures equitable outcomes for people of color in the police force.

- c. **Equity:** The assessment should identify what protocols and oversight are in place to ensure all officers – including Black officers and other officers of color in the police force – are treated respectfully, equally, and equitably. The assessment should determine what protocols are in place 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 beyond the Executive Director’s ban on use of potentially lethal vascular or airway neck restraints, sometimes termed as “chokeholds.” The assessment should consider additional prohibitions on other potentially lethal techniques. In addition, the assessment should include a review of potential changes to the Police policy, practices or protocols on the use of tear gas and pepper spray chemicals, blast bombs, and other less lethal weapons and tactics used to manage and disperse crowds and/or respond to crisis situations.
- e. **Oversight and Accountability:** The assessment should look at how complaints by members of the public or other Port employees are handled, balancing officers’ rights with appropriate civilian oversight. In addition, the assessment should review how the Commission, Port leadership and/or external groups can and should provide relevant oversight and facilitate accountability and transparency to the community. In particular, the task force should review how invocation of “qualified immunity” by a Port Police office in a civil lawsuit filed in federal court is or is not considered as part of the internal Port Police disciplinary process, and how Port leadership and the public are made aware of such civil cases where “qualified immunity” is invoked.
- f. **Police Union Participation:** The assessment should also 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 how and if Port Police roles and responsibilities could be better invested in community-focused policing. 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 to conduct police work.
- h. **Mutual Aid:** The assessment should include how and when the 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.

- 142 i. **Advocacy:** The assessment should include a review of potential state and federal
143 legislation and reforms in addition to qualified immunity, such as misconduct tracking
144 databases, for the Port to include in its advocacy efforts.
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- 146 5) By no later than October 31, 2020, the Task Force shall submit the first report on progress and
147 any recommendations for immediate actions that can be considered for implementation. The
148 timeline for the remaining recommendations will be determined by the Task Force through its
149 deliberative process. As recommendations are developed, the Task Force Co-Chairs shall submit
150 a report to the Executive Director and Commission who will review the report within 90 days of
151 receipt. The Executive Director, Commission President, Task Force and Port Police will
152 collaborate to respond to the recommendations within 6 months. The Task Force will continue
153 its work until such time as the Commission creates an alternative mechanism for ongoing annual
154 or biannual assessments, and any other permanent review processes that are recommended.
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156 If, during the assessment, the Task Force recognizes the need to review additional policies, practices and
157 protocols, those should also be incorporated into any final recommendations. The Commission shall
158 consider how to best create permanent Port policies based on the recommendations of the Task Force
159 in order to create binding, long-term change – either through Executive Director implementation,
160 Commission action or the collective bargaining process.
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162 STATEMENT IN SUPPORT OF THE MOTION

163 The tragic killings of George Floyd, Breonna Taylor, Manuel Ellis, Rayshard Brooks and Ahmaud Arbery
164 are only some of the most recent in a long history of unjust killings of Black Americans at the hands of
165 police, reflecting a deeply disturbing pattern of systemic racism in our country that continues to severely
166 impact our cities, communities and essential institutions.
167

168 Over the past few weeks, hundreds of thousands across our nation gathered to protest, and continue to
169 protest, the unjust death of George Floyd, and the tolerance of racism by our communities and
170 institutions. The cruelty and callousness of these deaths is abhorrent to a just and civil society. Recent
171 demonstrations organized by groups in our community and around the country and world have offered
172 people an opportunity to share their pain, heal, organize, and demand immediate action for broad social
173 change, and to end systemic racism in policing and beyond.
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175 Black Lives Matter and the nation are calling for an end to racial injustice, police brutality, killings and
176 dehumanizing of Black Americans, and major reform of policing in the United States. There is a clear
177 demand for an end to these issues, and immediate, deliberate action with sustained resolve.
178

179 The Port of Seattle relies on a diverse and inclusive workforce to accomplish our work for a better
180 future. Respect for one another is a Port core value. The Port must therefore take responsibility by doing
181 its part to respond to the call of history at this seminal moment.
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183 In light of the national movement to reexamine policing within our communities and in accordance with
184 the Port's Century Agenda goal to "Become a Model for Equity, Diversity, and Inclusion," a review of the
185 policies, practices and oversight of the Port of Seattle Police is fully appropriate. On July 14, the Port of
186 Seattle Commission will vote to direct a comprehensive assessment of the Port of Seattle Police
187 Department's policies, protocols and procedures impacting issues of diversity, equity and civil rights, in
188 order to develop recommendations for action. In addition, the Commission will authorize the creation of
189 a Commission Task Force on Port Policing and Civil Rights. Based on the work of the Task Force, the Port

190 will issue a set of recommendations and a plan for ensuring that the work of the Port Police is
191 transparent and accountable to community members and is fostering safe, healthy communities.

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

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201 The embrace of reforms in police departments around the country has shown how adapting policies
202 based on values of civil society, social justice, and the best available science can reduce the incidence of
203 violence in encounters between members of the community and police. It must be stated that the Port
204 of Seattle Police have not been implicated in the kinds of tragic events that are the focus of local and
205 nationwide protests. In spite of that record of strong public service to the community, the work of the
206 task force less urgent and necessary, and will broadly benefit the Port, the communities we serve, and
207 users of Port facilities.

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