



Crime

Federal judge puts brakes on SPD police-accountability plan



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U.S. District Judge James Robart issued an order that blocked the city from moving forward on police-accountability legislation until he reviews it and provides his guidance.

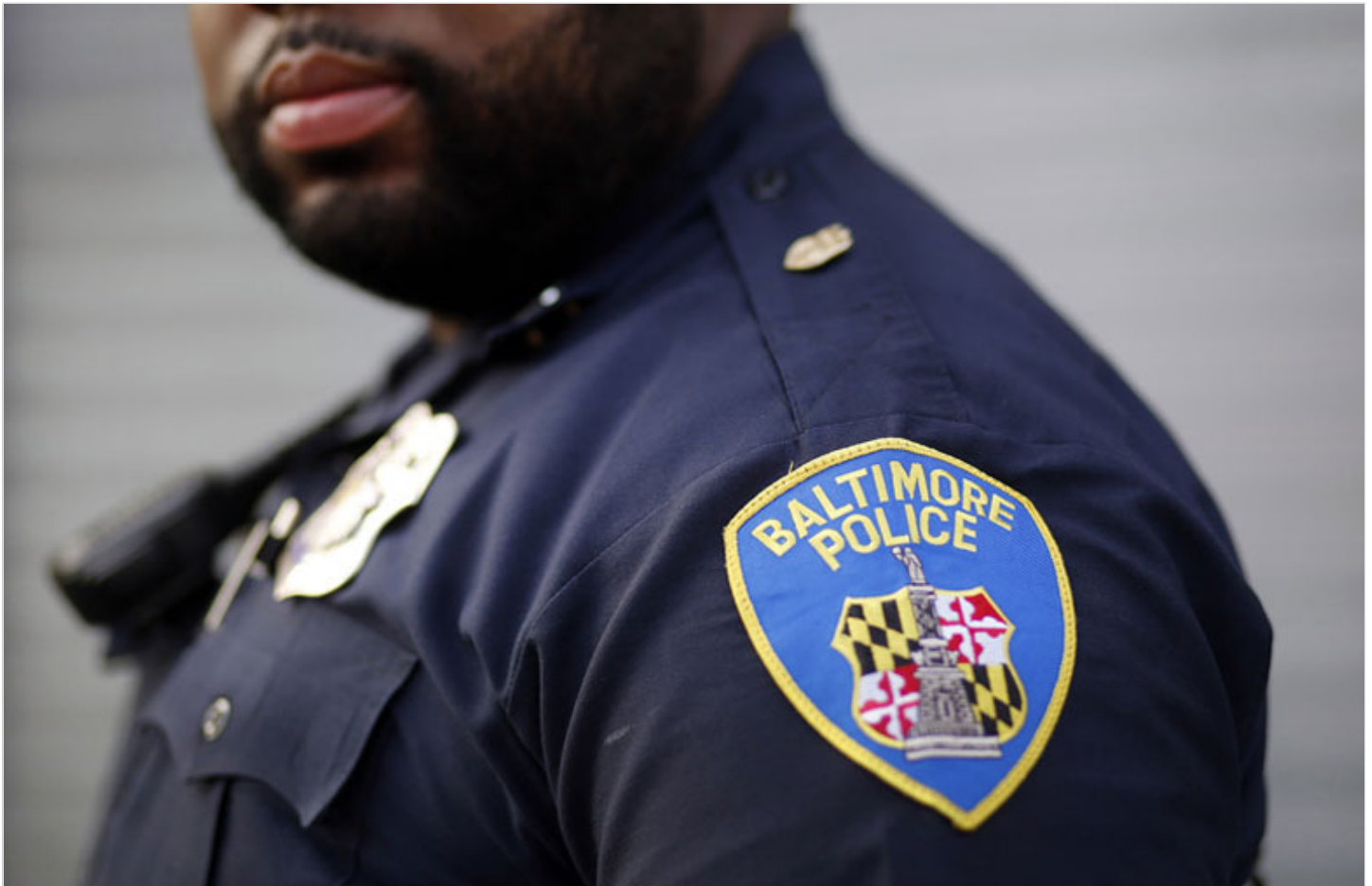


By [Steve Miletich](#)

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In a forceful ruling Tuesday, a federal judge overseeing Seattle police reforms blocked the city from moving forward on police-accountability legislation until he scrutinizes the proposed changes.

In a [three-page order](#), U.S. District Judge James Robart denied a request by city and federal attorneys to move forward with legislation that would have been submitted for Robart's approval only after its enactment.



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Instead, Robart's order said the proposed legislation should be reviewed by the court before the city takes action.

It had been widely anticipated the request would be discussed at a court hearing set for Monday, where Robart was expected to decide whether to give the city permission to proceed with legislative proposals.

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But Robart, who is presiding over [a 2012 consent decree](#) requiring the city to adopt federally mandated reforms to curb excessive force and biased policing, opted to rule before the hearing, reinforcing his control over the case.

“The parties’ proposal is inefficient in that it deprives the City of critical court guidance in shaping SPD accountability systems to ensure that the elements adhere to the terms and purpose of the Consent Decree,” Robart wrote. “The parties’ proposal also potentially places the court in the undesirable position of having to ‘veto’ completed legislation.”

Robart could further spell out his thinking at Monday’s hearing.

The long-delayed legislation has been strongly pushed by the Community Police Commission (CPC), a temporary citizen-advocacy body created under the consent decree. The legislation would set up an accountability system within the Seattle Police Department, including measures involving internal discipline, appeals and civilian oversight.

Those measures would augment major reforms already adopted by the Police Department as part of the consent decree, which followed a [U.S. Justice Department investigation](#).

Robart and the CPC have clashed over the commission's attempt to be made a permanent body, a step the judge labeled a premature power grab when he **temporarily halted the legislation** in June 2015.

In a statement Tuesday, the CPC said, "The City's police accountability reform efforts have been in a holding pattern for a year. Although we appreciate that the order allows the city to start moving again, we are now looking at a long-drawn-out process that has no realistic chance of producing legislative results until 2017, at the earliest. By then it will have been five years since the consent decree and three years since the CPC's original accountability recommendations."

The statement said 47 community leaders had expressed their support of the CPC's recommendations in a letter last year to the federal monitor Robart appointed to oversee implementation of the consent decree, noting "time is of the essence."

"We don't see that urgency reflected in this order," the statement said, adding the CPC remains ready to work with the mayor and City Council to ensure Seattle achieves "meaningful accountability reform."

Mayor Ed Murray, through a spokesman, declined to comment Tuesday on Robart's order.

A Justice Department spokesman said in a statement that Robart's order allowed the city to draft legislation to strengthen civilian oversight in the Police Department.

"This is an important step forward and an opportunity for the City — its elected officials and community stakeholders — to come together to propose an approach that reflects best practices of accountability and is consistent with the terms and purposes of the consent decree," the statement said.

The order includes a clear timeline, the statement said, adding the Justice Department will continue to provide guidance and independent oversight.

The city and Justice Department had proposed that, within 90 days of passage, Robart would review legislation to determine if any elements conflict with the consent decree.

In his order, Robart wrote that both parties agreed that elements of the potential accountability system touch on provisions of the consent decree.

"The court has no desire to waste the time of City Council Members who might be placed in the position of considering, debating and passing proposed legislation that

the court ultimately finds is inconsistent with the terms or purpose of the Consent Decree,” Robart wrote.

He added, “The better procedure, and the one more likely to achieve adherence to the terms and purpose of the Consent Decree, is for the court to conduct its review prior to City Council and mayoral action.”

Robart authorized the city to draft legislation, but wrote that it shall not be presented to the City Council until he has had an opportunity to review it.

“Within 90 calendar days of the court’s receipt of the proposed legislation, the court will endeavor to review the legislation to ensure that it does not conflict with the terms or purpose of the Consent Decree,” Robart wrote.

If the court finds a conflict, Robart said, he will issue an order advising which aspects of the legislation, if any, the court believes conflict with the terms of the consent decree, and which aspects, if any, the court believes conflict with the “purpose” of the consent decree.

His reference to the “purpose” of the consent decree is particularly significant, in that it gives Robart wide latitude in making his determinations.

“Once the court approves the proposed legislation, it may be submitted to the City Council,” he wrote. “If the adopted legislation contains terms previously disapproved by the court, or new terms the court has not previously reviewed, the City shall then resubmit the proposed legislation to the court for additional review and approval.”

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