

OPARB
Minutes of Wednesday, June 1, 2011 Meeting
11:30 a.m. – 1:30 p.m.

David Wilma, Chair:	P	Steve Freng, Member:	P
Melissa Bartholomew, Member	P	Martha Norberg, Member:	P
George Davenport, Member:	E	Pat Sainsbury, Member:	P

Michael Pendleton, Consultant: A

*(Absent = A, Present = P, Excused = E, * = by phone)*

Minutes - The minutes of the May 4 meeting were adopted with minor changes.

Change in Membership – Tina Bueche resigned from the Board effective May 31. Tina will be missed. Members will let stakeholders know of the vacancy. Betsy will handle the appointment process.

Director’s Report – While Kathryn was not in attendance, David told members that she has noticed an increase in the number of complainants declining mediation. She is not sure why, but asks if the Board is interested in investigating this trend. Members wondered what the process is for offering this option. Are they currently asking complainants why they’re declining? Do they have any way of gathering that information yet?

Pat mentioned that Kathryn had shared a draft of a suggested new classification system. Incoming complaints would be sorted into two tracks – investigation process, or “supervisory action” (think customer service, counseling, further research). It appears to be a clean, clear, rational system. Board members expressed a desire for accountability, tracking, and responsiveness.

Questions about the current process – Currently, OPA officers classify cases, and that classification is reviewed by the director and auditor. OPA officers have a fair amount of discretion. Board members want objective criteria, and less qualitative discretion, in the classification process.

Correspondence – “Prosecute Ian Birk” emails have been coming in over the last three months or so. However, 145 new emails were received within the last week. These are all form letters, from individuals, and are also sent to Tim Burgess, the King County Prosecuting Attorney, and Larry Phillips. The Board will discuss ideas on how best to acknowledge such emails at Saturday’s retreat.

The Board was cc’d on a very reasoned letter from MEDC to Chief Diaz regarding Officer Cobane’s discipline. There was discussion about whether the Board should take a stand on such matters; further discussion to occur at the retreat and/or the June 16 meeting. Pat talked about the ambiguity/lack of clarity in the chief’s “racial/ethnic slur” decision. It seems to be open to wide interpretation. It also seems narrow; other slurs would seem to fall into that category, e.g., sexual orientation, but don’t seem to be included in the new policy. The Board will discuss whether to share those concerns, with whom, and how.

Michael wondered if the question about the lack of clarity in a new policy shouldn’t be raised with the City Attorney. What is his opinion of the appeal process? What kind of training follows a new policy? What is the current training? Rate of compliance with current policy? What are the reasons for non-compliance? Does training need to be changed? Do the consequences of not following policy need to be changed? The MEDC may have ideas on what type of training might prove more effective.

The MEDC letter also raised other issues. If the chief deviates from an OPA recommendation, he must justify his decision in writing. Did OPA recommend termination? If not, why not? If so, did the chief document his reasons for disagreeing? What is past practice? Should past practices, or concerns about eventual results, e.g., decisions being overturned, be a consideration for OPA recommendations? Does the OPA director recommend discipline? If not, why not? What is the effect of discipline? SPD can make a decision to take a stand and issue discipline, and allow someone else to decide to overturn the decision.

What is the department's policy on language? It appears to be vague. Is it being rewritten? Has it been codified in any way? At some point doesn't past practice become irrelevant? At some point, change needs to be made to go forward. These concerns seemed to be captured thusly: The chief should impose discipline without regard for appeal; past practice and how to change for the better; what has OPA decided in the past; Does the director recommend discipline? How can the board learn more about past practices? David plans to take a position on these issues in the upcoming report: What the chief should do regarding discipline and appeals, and the issue of identifying officers.

Michael urged the Board to directly respond to the MEDC letter. Let them know your next planned steps around your shared concerns, and discuss possible opportunities for collaboration.

Community Engagement/Collaborative Process – Melissa submitted her draft proposal. David would like the full board to sponsor this, not simply the work group. Please review the document and submit electronic edits and comments to Melissa prior to the retreat. She will incorporate edits and the resultant proposal will be discussed at the retreat. Pat would like Chief Streicher to be mentioned in the proposal. He will pass his suggestions to Melissa via email.

Melissa will also talk to Jay as soon as possible to gain insight into the most productive next steps. Nancy will request a meeting with Tim Burgess to include all available members some time after the next Board meeting, June 16, and before the Board's presentation to the PSE committee on July 6. Next steps – Board approval (6/16 meeting); CM Burgess' approval; discuss with Jay Rothman and Marvin Johnson; discuss with community stakeholders. Any implementation plan needs to be inclusive of relevant community groups. Perhaps Captain Wilson's Community Affairs program could be a conduit. David would like to introduce this plan at the July 6 presentation to the PSE committee, along with oral comments on the Auditor's and Director's reports.

Classifications & Findings – The work group has finished its review of findings, and will work more on classifications. The goal is to have fewer findings and fewer classifications, and revise the names and definitions, to help with transparency and understanding for the public, complainants and officers. They hope to present their recommendations at the next board meeting. The Board agreed the work to date to reduce the number of findings and clarify names and definitions of findings and classifications is on the right track. As to process the Board decided that it was best to release the recommendations as a final work product and use that as a means of soliciting public comment. A suggestion was made that proposals for new systems be shared with groups who have an understanding of the system, e.g., bar associations, MEDC, who may have valuable input. David suggests that the Board adopt a position on issues, and then share that with such groups for feedback, perhaps "pending community input". The next step would be to share with the PSE committee. Caveat – this may raise expectations, and positions may not be adopted, may be bargained away, etc.

Work Groups –

Closed File Review – Martha received responses from the City Records Manager, Jennifer Winkler, and Sharon Johnson, the Legislative Public Disclosure Officer. Basically, save all your records as they may be open to public disclosure. When reports are finalized, you can destroy your working notes.

Martha's assistant is graphing OPA reports for past years. It appears that there have been no sustained use of force cases in recent years. Martha has no specific goal in mind. She'll just see if anything emerges.

Martha suggested that a topic for the retreat be an issue that she sees in case review. Each person may find different issues that are case-specific. While not trends, she'd like some way to process individual concerns. Perhaps a process can be created to provide opportunities for personal communication with the director and auditor to discuss concerns about work on specific cases, possible oversights, and observations.

Other Items – Michael reflected back on a project the Auditor was working on regarding statistics. He asked the members to consider what data they (and SPD) need to conduct their statistical work. You may be asked for opinions on OPA's upcoming statistical report. David plans to discuss his person opinions at the July 6 PSE meeting.

Retreat – Saturday, June 4, 9 a.m. – 1 p.m. Current top agenda items – collaborative process/community engagement; closed file review; development of outreach presentation. Colman Building between Columbia and Marion – 811 First Avenue, Suite 630.

The meeting was adjourned at 1:20ish.

Notes taken by Nancy Roberts

The next meeting will be held on Thursday, June 16 at 5:30 p.m. in the Al Rochester room on the 2nd floor at City Hall. Reception will be closed, so come to the east door on 2nd floor and knock to be let in.