

CITY OF SEATTLE



Office of Professional Accountability Review Board

**Semi-Annual Report
For the Period
June 1, 2010 to
December 31, 2010**

February 2, 2011

OPA Review Board

Review Board Mission

The Review Board's mission is to provide community oversight and awareness of Seattle Police Department practices and its employee accountability system by independently:

- Reviewing the quality of the accountability system,
- Promoting public awareness of and full access to the accountability system,
- Obtaining information and opinions from police officers and the community on police practices and accountability, and
- Advising the City on police practices and accountability.

Report Topics

This report covers:

- The Review Board's new Strategic Plan adopted November 18, 2010,
- An update of the Review Board's outreach to the Seattle community,
- The 2010 annual conference of the National Association for Civilian Oversight of Law Enforcement,
- The Review Board's work in reviewing and improving the quality of the accountability system,
- Review Board work in other areas of law enforcement accountability

2011 Strategic Plan

In July and August the Board realized it needed to improve its focus and reduce its agenda as reflected in the Strategic Plan. After two years of experience under the current ordinance Board members realized that emergent events often distracted the Board's plans. The Board began a process of setting new priorities including leaving time for emergent issues. The Board adopted new Strategic Plan on November 18, 2010 and amended it further in January 2011 (Appendix A).

Community Outreach

Domestic Violence – Seattle Women's Commission

One of the outcomes of the Board's 2009 outreach efforts was attention paid by the Seattle Women's Commission to the Board's Outreach Report. The commissioners working on issues of violence against women expressed interest in the comments from domestic violence victim advocates regarding SPD training

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and response to domestic violence calls. Although the domestic violence detectives received universally high marks from the advocates, anecdotal evidence suggested that the response of patrol officers was uneven.

Review Board members met with the commissioners and facilitated a meeting between commissioners and SPD training officers and a detective supervisor. The commissioners learned how officers are trained and supervised and, further, about the work of SPD's volunteer Victim Support Team (VST). The Board facilitated a second meeting between commissioners and the VST supervisor. The VST is a crucial link between the law enforcement response to domestic violence incidents and critical follow-up social services. The meetings resulted in a much better understanding of SPD training and operational practices. The Women's Commission will be exploring more support for the VST. This outreach was facilitated by the Review Board's Diverse Communities work group and was not originally a part of the strategic plan. But the Board felt that working to build bridges was an important part of its mission.

Seattle Police Officers

One of the five parts of the 2009 Strategic Plan was to design and implement an outreach strategy toward police officers who had participated in the accountability process. The Board work group decided that its first step would be to explore and to evaluate the OPA process and its fairness and effectiveness from the perspective of the police officer. The work group reviewed samples of the OPA exit questionnaires completed by officers as they conclude the OPA process. The return rate on those questionnaires is low.

On December 29, 2010, Board Members Tina Bueche and George Davenport met with the members of the Police Guild. The meeting was hosted and coordinated by the Guild President, Sergeant Rich O'Neill. The purpose of the meeting was to solicit from officers input on their experience and personal feelings for OPA. We received several verbal responses from the officer's present. Primarily, the officers were concerned with OPA's investigation of minor misconduct. The feeling was that time could be spent better on serious misconduct investigations and allow the less serious investigations to be investigated by the first-line supervisors. The Guild was concerned that "serious misconduct" still has not been defined. Officers also expressed concern in regards to command support. The feeling is that once an investigation starts, or is announced on television, the command officers are quick to distance themselves from the officer's actions instead of allowing the investigation to be completed. Finally, the officers were well aware of and support the need for OPA. Their recommendations were that the Board would do ride-alongs with officers and/or take the opportunity to learn police procedure.

El Centro de la Raza and Other Community Groups

As something of an experiment the Review Board held its regular Thursday night meeting in December at El Centro de la Raza on Beacon Hill. Through the good

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offices of Executive Director Estela Ortega approximately thirty people attended including representatives from organizations representing diverse communities, representatives from the local chapter of the American Civil Liberties Union, and unaffiliated citizens. The event was an opportunity to show the Board as it plans and executes its duties. Captain Ron Wilson, the new head of SPD Community Relations gave a presentation on the work of his office. The last half of the meeting was opened to public comment and discussion.

Quite naturally the public participants were interested in specific cases which the Board is precluded from inquiring into and commenting on publically. Generally the representatives of the community groups were interested in learning more about the accountability system and in assisting the Board in better informing the public.

The meeting was such a success that the Board plans to hold more of its regular meetings at venues in the community to allow for greater citizen input. The City Hall meeting location is not entirely convenient to all members of the community. As the result of the meeting at El Centro the Board received an invitation to give a presentation to the March meeting of the Minority Executive Directors Coalition. Individual Board members are continuously alert for outreach activities. In November one member met with a group representing homeless and at-risk youth and collected information from them about their experiences with Seattle Police and with the accountability system.

Diverse Communities

Martha Norberg of the Diverse Communities work group attended an orientation luncheon at the Orion Center, a shelter and training facility operated by Youthcare in which they provided an overview of the services the Center offers homeless youth, including providing a safe place to sleep, food and clothing, a laundry facility, lockers, skills training, counseling, and many other services. She met the Executive Director of Youthcare and several Board members and discussed OPARB, the SPD Accountability system, and provided information on how to file a complaint or make a commendation, and offered continued openness of communication.

The work group developed a questionnaire consisting of five questions relating to police interactions with homeless individuals and obtained feedback from caseworkers, with input from homeless youth who use Orion Center's services. The Orion Center has contact with police once or twice a month, either because there is an incident at the Center involving youth making threats of violence against another youth, or the police are looking for a victim or suspect, or there is a medical emergency. Police actions towards the caseworkers and youth are "inconsistent." Sometimes they are calm, friendly, open to discussion and easy to deal with, and other times they are rude and "make us all nervous." "They can act like the staff and youth are not worthy of them and like they have disdain for us."

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The questionnaire responses recommended that, to improve the interactions between them and the police, the police need continuous and on-going support for the difficult work they do, and training in oppression, poverty, drug addiction and homelessness. One respondent wrote, "I think community building is a HUGE need - police officers get so stressed out and scared but have to be tough and that's when people get killed." The Orion Center was provided information on how to contact OPA and how to file a complaint or make a commendation.

We have continued our attempts to identify underlying issues and infractions that will help us in our review of OPA cases involving homeless individuals. Our efforts included researching news articles, examining strategies of other cities and talking to stakeholders. We have identified several issues and concerns and plan to include in the OPA closed case review during the next quarter.

NACOLE Conference

The National Association for Civilian Oversight of Law Enforcement is the professional organization for civilians involved in police oversight. Its annual conference was held in Seattle September 20-23, 2010 at the Fairmount Olympic Hotel.

Review Board members assisted Director Olson with the presentation that helped secure the NACOLE conference for Seattle and in identifying various venues for conference activities. Board members met with NACOLE representatives in Seattle as part of NACOLE's due diligence in conference location selection. In addition, Review Board representatives have provided input to the conference syllabus and are working to obtain sponsorships and funding for the conference. The Review Board provided its outreach e-mail list to promote local attendee registration and support.

Review Board members enjoyed meeting with citizen activists and members of the Native American community who attended the conference (sponsored by the Office of Professional Accountability and the Review Board) to learn more about civilian oversight. All six of the then Board members attended all or part of the conference (Seattle received high marks as a host city).

The OPA and the Review Board underwrote the conference fees for eleven members of the Seattle community so that they could meet oversight professionals from the U.S., Canada and other countries, and sit in on the presentations. This proved an excellent opportunity for individual Board members to meet citizens interested in issues of police accountability. Several of these Seattle attendees expressed gratitude for the information they received and for increasing their awareness of the accountability system. The Review Board also contributed funds from its budget to help with conference expenses.

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Board Chair Pat Sainsbury represented the Review Board on a panel at the conference to discuss community outreach and present the Board's work.

As a follow-up to the conference Board members attended a debriefing hosted by OPA Director Olson (she was elected NACOLE President at the annual business meeting) to collect information and opinions that would inform the 2011 NACOLE conference in New Orleans.

The Review Board has posted summary material distributed at the conference on its website. Topics include Improving Police Response to the Mentally Ill, Basic Investigative Skills for Civilian Oversight Professionals and Off-Duty Misconduct – Nexus and Deterrence.

Reviewing and Improving the Quality of the Accountability System

This work is required by SMC 3.28.910 A, and is a key responsibility of the Review Board. It will be performed by the Review Board as a whole in collaboration with the OPA Auditor and OPA Director. The Review Board will review OPA processes and OPA closed cases when relevant, and will research best practices in the U.S.

The first elements of the OPA system chosen by the Review Board for assessment were the current OPA complaint classification and finding system with a view towards reducing confusion in the language of findings and classifications. Currently there are four different classifications for information received by OPA and seven different findings for complaints actually investigated by OPA. Most agencies in the U.S. use four or five findings. The review team looks to propose a simpler system that better expresses the findings of the civilian OPA Director to complainants, the community, and to officers and command staff.

The review will also examine the role of officer "intent" or "willfulness" in determining the disposition of a complaint. Board members David Wilma and Pat Sainsbury are working with Auditor Anne Levinson and Director Kathryn Olson on this assessment.

When work on a given topic is completed, the Review Board will choose another element of the OPA system to review. This approach gives the Review Board flexibility in responding to new problems and issues. The same approach will be taken for the work of other Review Board work groups.

The Review Board has just begun a process in which Board member Tina Bueche will work with OPA Director Kathryn Olson and OPA Auditor Anne Levinson to discuss improving OPA's management information system and making the Director's annual statistical report a better vehicle for analyzing and understanding changes in OPA's cases and for managing and overseeing OPA's

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work. Individual Review Board members have suggested data that should be tracked and analyses that could be performed. All suggestions have flowed to Tina Bueche and from her to Anne Levinson and Kathryn Olson.

Closed Case Review

As part of the Strategic Plan for 2011 the Review Board has established a standing three-member file review work group that will examine closed unnecessary force cases to examine the fairness and completeness of the cases and to look for patterns and trends. This process started with all members of the Board reviewing two unnecessary force files selected by the OPA Director and the Civilian Auditor to give all members a sense of what was in a file and the time involved in file review. One of these sample cases included video evidence.

To be noted is that this file review work is confined to closed cases already reviewed and reported on by the civilian auditor. By the time that the reviews are completed a year or more may have passed since the allegations and investigation. The Review Board will examine the timeliness of findings and recommendations resulting from file review work.

Emergent Issues

Recent high-profile issues involving SPD, including one involving deadly force, have highlighted the accountability system and have given the Review Board opportunities for some outreach. The Board has seen an increase in citizen participation in the regular meetings. On September 16, 2009 more than a dozen people attended a regular evening meeting which happened to follow a demonstration that ended at City Hall. The citizens, many of them people under the age of twenty-five, aired concerns about police conduct and accountability and about individual allegations against officers. Almost the entire meeting was devoted to public comment. The Review Board is precluded by the bargaining unit contracts from either inquiring about specific cases or commenting publically about individual cases. Board members took the opportunity to explain the accountability system and the Board's role.

These high-profile cases are particularly challenging for all parts of the accountability system since allegations often have to wend their way through a complex and time-consuming series of processes of investigations and review before the matters reach OPA. The emergent issues gave rise to that portion of the 2011 Strategic Plan that will craft a planned response to similar matters that may arise in the future.

New Board Member


Board Member Sharon Dear concluded her term of service in August 2010. The City Council appointed Melissa Bartholomew to take Sharon's place in December

and Melissa has joined the file review work group. In one of Melissa's first acts as a Board Member (actually before she was officially confirmed) she represented the Board at a meeting of Mothers for Police Accountability in December. The Board now enjoys a full complement of seven members. The terms of three members come up for renewal in August 2011.

The Review Board meets 11:30 a.m. to 1:30 p.m. on the first Wednesday of each month and 5:30 p.m. to 7:30 p.m. on the third Thursday of each month. Most meetings are at City Hall, but the Board will be working to hold more meetings at locations in the community. You are invited to contact the Board at (206) 684-8888, opareviewboard@seattle.gov, if you have questions or comments, or would like to meet with the Board.

<http://www.seattle.gov/council/oparb/default.htm> is the URL for the Board's web page.

Respectfully Submitted,



David W. Wilma, Chair
Office of Professional Accountability Review Board

2/2/11

Date