

June 24, 2013

Councilmember Bruce Harrell, Chair  
Public Safety and Education Committee  
Seattle City Council

Dear Bruce:

The OPA Review Board is pleased to submit the attached annual report.

This report includes a reiteration of policy recommendations regarding the structure and composition of the OPARB initially submitted in June 2012. The review board feels these recommendations are very important and should be included in legislation adopted to improve the police accountability system.

These policy recommendations reflect conclusions based upon the OPARB review of public comments as well as current OPA practices, national trends and best practices in police accountability and community oversight of law enforcement.

Thank you for the opportunity to participate in efforts to assess the policies and practices of Seattle's police accountability system and to make recommendations for improvements to this system.

Dale Tiffany, Chair  
OPARB

Claudia D'Allegri, member  
Joe Hawe, member  
Elizabeth Holohan, member  
Patrick Sainsbury, member

# **Office of Professional Accountability Review Board**

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## **Annual Report**

**(Strengthening Seattle's Commitment to Independent Community Based  
Oversight of the Police Department)**

**June 24, 2013**

## Introduction

Seattle needs an independent, citizen based police oversight system for four reasons: 1) to move from a discipline focused, reactive accountability Review Board system to a model that improves police service through community initiated changes in policy and practice; 2) to rebuild community trust; 3) to build respect between the police and the community; and 4) to create mutual cooperation in order to prevent and solve crime and thus create safer, thriving neighborhoods.

✱ Creating an independent, community based police oversight system demonstrates a commitment to every neighborhood and group that Seattle wants a forward-looking open and accountable police department. For instance all reviews of the accountability process should include a required policy and practice review with appropriate recommendations for change and correction. Relationships between the Seattle Police and many communities have suffered in the last few years as a result of allegations ranging from excessive use of force and biased policing to officer accountability and other issues. As these issues are addressed to comply with the terms of the settlement agreement between the United States Department of Justice (DOJ) and Seattle, a clear and unambiguous commitment by the City to independent, community based police oversight will help bring about trust, transparency and cooperation between the police and citizens.

A *commitment* to community based accountability oversight in preparation for the next cycle of collective bargaining negotiations with the police guild will bring hope to the community and be another step in the “clear path forward”. *Implementation* of community based police accountability oversight will be a big step toward mending the fractures that now exist between police and community.

This paper focuses on Seattle's Review Board, which, like many around the nation, has existed now for several years. During these years, the review board and community have struggled to define its role and relevance. We hope this discussion and the accompanying recommendations provide City policy makers, the Police Monitor, the new OPA Director and the newly appointed Citizen Police Commission (CPC) additional tools to achieve the goal of relevant, timely and independent community accountability.

### Twelve Steps to demonstrate a Commitment to Meaningful Community Based Oversight

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Seattle must take action to truly demonstrate its commitment to an independent community oversight system of the police department. A key step is to use the power of setting policy that makes clear to all participants the desired outcomes and changes to existing procedures, policies and practices through legislation. The first ten recommendations were originally made in the Policy Report submitted to the City Council on June 8, 2012 (revised August 29, 2012). As they did at the time, the recommendations reflect community concerns and, we believe, will create greater transparency, accountability and trust in Seattle's police oversight system. The last two recommendations reflect issues that were not fully developed until now.

#### Recommendations:

1. Legislatively make the OPA Review Board an independent citizen based oversight body to clarify it's role relative to the OPA Director and the Auditor
2. Provide a mechanism for the OPA Review Board to have formal review/meaningful input to hiring and retention of the OPA Director
3. Provide a mechanism for the OPA Review Board to appropriately review and comment on cases concurrent with public interest. It is ineffective to always wait until a particular high profile/controversial case is closed before review and comment.



4. Provide a mechanism for the OPA Review Board to provide limited review if complainants contest the OPA final classification and/or disposition decisions
5. Provide a mechanism for the OPA Review Board to independently review case certification and make an independent recommendation to the Chief of Police.
6. Provide a mechanism for the OPA Review Board to independently review implementation and evaluation of civilian oversight recommendations
7. Review the size of the OPA Review Board to ensure, as best possible, full citizen representation of the diverse Seattle community
8. Provide sufficient staff and funding to ensure independent civilian, community based oversight and review
9. Change the name of the OPA Review Board to reflect independent community oversight and review
10. Clarify the community outreach function of the Review Board to emphasize its critical oversight functions.
11. As Seattle prepares for labor negotiations that will result in a new labor contract between SPD and the City, the City must make clear they are committed to independent community review and oversight.
12. A mechanism must be put in place so that Review Board vacancies are filled quickly when they occur.

### Why Independent Community Based Oversight?

The OPA Review Board believes there is a big difference between *independent community oversight* and *civilian participation* in police accountability oversight. Seattle police currently have significant civilian participation via the OPA Director, the OPA Auditor, the Review Board and various SPD precinct level committees and groups. However, many community members have argued that the Review Board participation is not truly independent. The proposed changes to the OPA Review Board will allow it to meet community concerns by operating independent of the

SPD command structure and being a more neutral participant in complaint review decision making.

To build trust, respect and cooperation community groups must believe that there are structural ways for communities to change police operational policy, training and behavior. They must believe that citizens have an independent avenue open to them so they can be proactive in changing police behavior that is sometimes perceived as excessive, biased and lacking in accountability.

Seattle should take advantage of new community based police oversight models and commit to the next level of independent, community based police oversight.

Because of citizen complaints about police conduct and the resulting DOJ investigation, findings and settlement agreement including creation of the CPC, Seattle now has a unique opportunity to remake and rebuild meaningful, independent community based oversight of its police system.

Finally, the OPA Review Board has often languished for months at a time without a full complement of citizen appointees. Regardless of the cause, the effect has been to diminish the intent of representative community review. The Board currently has two vacancies. These positions have been vacant for months. Citizens filled the positions from the African American and Faith communities. Without representation from these communities, the full perspective, breadth and scope of community review are weakened.

### **Activity Status Report – July 2011 – December 2012**

This portion of the report covers the Review Board activity from July 2011 through December 2012 and outlines significant actions taken by the OPA review Board. As of the writing of this report, the mission of the seven-member Office of Professional

Accountability Review Board is unchanged; i.e. to provide community oversight and awareness of Seattle Police Department practices and its OPA employee accountability system by independently:

- Reviewing the effectiveness and quality of the OPA system
- Promoting public awareness of and full access to the OPA 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.

Activity by quarter was as follows:

#### Quarter Three and Four 2011

- During these two quarters the board continued work on developing a sustainable community engagement model that would reflect best practices in terms of police accountability and police community relations. The board developed a proposal to explore a collaborative process and carried out preliminary steps toward implementation.

#### Quarter one and two 2012

- Collaborative Process – ongoing development and public meeting at Seattle University
- Participation in MEDC meeting @ El Centro de la Raza
- Participation in DOJ Meetings
- OPARB policy report to city council

#### Quarter three and four 2012

- Case review – retaliation Issues - ongoing
- Presentation of policy recommendations to City Council and others