

Community Police Commission (CPC)

May 19th, 2021, 9:00am Via
Zoom Conference Call

I. Welcome & Land Acknowledgement

II. Attendance

CPC Attendees: La Rond Baker (Co-Chair), Erin Goodman (Co-Chair), Rev. Patricia Hunter, Douglas Wagoner, Prachi Dave, Dr. Navin Pinto, Austin Field, Rev. Harriet Walden, Katherine Seibel, Joseph Seia, Esther Lucero, Ofc. Mark Mullens, Colleen Echohawk, Tascha Johnson, Erica Newman, Suzette Dickerson, Le'Jayah Washington

CPC Staff: Felicia Cross, Nia Franco, Jesse Franz, Brandy Grant, Luiza Montesanti, Shayleen Morris

III. Review Agenda & Minutes

Action: Motion to approve the 5/19/21 meeting agenda

Moved: Colleen Echohawk

Seconded: Dr. Navin Pinto

Approved by voice vote

Opposed: 0

Abstentions: 0

Action: Motion to approve the CPC meeting minutes from 5/5/21

Moved: Rev. Patricia Hunter

Seconded: La Rond Baker

Approved by voice vote

Opposed: 0

Abstentions: 1 – Colleen Echohawk

IV. Public Comment

Public Comment is welcomed by the CPC. Individual speakers will be provided up to two minutes to comment on items on the meeting agenda.

- Howard Gale

V. Department Updates

- **City Council:** Public Safety and Human Services Committee will meet next Tuesday – OPA’s annual report. Herbold sent questions on the Pink Umbrella case to the Chief and he responded.
- **Mayor’s Office:** No Update.
- **Office of Inspector General (OIG):** Sentinel Event Review – final editing of first wave report. Talks w/ Chief Diaz about stops for minor traffic stops – sent a letter to SPD to stop traffic stops for minor infractions. Inclusion in the bargaining process with the LRPC – appreciative of the efforts of accountability partners to make this happen. There is an ongoing mask wearing audit as it relates to SPD – will be wrapping in about a month.
- **Monitoring Team:** No updates beyond what was articulated last week. Continuing to work through the methodology. Meeting this afternoon with the monitor.
- **Department of Justice (DOJ):** No updates, will be at the meeting with the monitor this afternoon.

VI. Community Police Commission Updates

1. Co-Chair Update

- Co-Chairs La Rond Baker and Erin Goodman and Policy Director Morris will be attending the meeting with the monitoring team this afternoon.
- Workgroups: Emily is doing the coordination to get the workgroups up and running. Please be responsive, reach out if you have questions.
- Strategic planning group: Have met and are in the process of finalizing how the group will solicit feedback from stakeholders.

2. Executive Director Updates

- SLA committee debrief.
- Connected with Dominique from the Mayor’s office; will work on IT matters.
- One step closer to board management platform, hoping to have a more in-depth update soon.
- Supplemental material will be sent out on the OPMA training, keep an eye on emails.

3. New CPC business

- None

VII. Office of Police Accountability Updates

- OPA is a hybrid organization. All supervisors are civilians and there are two civilian investigators – expecting more civilian investigators after CBA negotiations. OPA is internal affairs for SPD. Focus on administrative cases, OPA is required to refer out for criminal cases.
- NBC News Article:

- Published about 3 months ago that focused on officers who had been involved in multiple OIS incidents. An SPD officer was highlighted in the article. Reporter reached out to OPA for comment on how SPD interacts with people in crisis with a weapon. In 2014 there was an issue where the officer featured in the article was found to not have been fully candid in an investigation. Can receive complaints on misconduct/dishonesty from King County Prosecutor, City Attorney's Office and the US Attorney's Office.
- Working to codify a process on how referrals of incidents of misconduct in legal proceedings will be referred to OPA.
- Have had many conversations about officers who are repeat shooters. How can outside groups like the CPC bring more pressure so that the issue is discussed?
- **Andrew Myerberg:** Does recall the conversation. Is stuck because he does not know what the next steps are. Maybe this is a possible point of collaboration for the accountability partners.
- We are talking about multiple shootings by officers; are we looking at the circumstances or just at the number of times?
- **Andrew Myerberg:** Looking at the individual cases. The fact that there are multiple shootings on their records is not likely to have an impact on the case.
- It is the circumstances of the call. The officer who does not shoot is the lucky officer. Unholstering and pointing their gun is not the same as shooting their gun. Believes all officers are likely to have to pull their guns in situations to be at the ready, just in case. Does not want officers to be painted as gun happy when they are not.
- That may be true in some cases, but it is not fair to say that that is the situation in all cases. The officer in the article stated that he was more comfortable with using deadly force. Yes, it can be circumstance but there is a potential for it to be problem officers.
- Have to push back on the idea that an officer involved in a previous shooting is not relevant to the incident of review. Your next actions are going to be predicated on their previous experiences. There is no way to understand the officer's decision making without knowing their past experiences.
- Seattle streets are not Afghanistan. Must approach things differently than how the military does.
- Agree, we do not want our streets policed like military operations.
- **Andrew Myerberg:** This is ripe for more conversation.
- **Pink Umbrella Outcome:** In the East Precinct there was large scale dispersal with the use of CS gas. Fundamental question is who made the decisions in this case. There was a lot of confusion about who was making decisions. Was there an over-delegation to Lieutenants? OPA interviewed 5 individual commanders who may have been involved in the decision making. Determined that the lieutenant

made the ultimate call to disperse the crowd based on what he was seeing, and he made the call to use CS gas. In typical cases they would hold the supervisor responsible because they would typically have issued the direct order. Because the lieutenant made the call on his own then OPA sustained the complaint. It is within the Chief's prerogative to reverse the decision made by OPA.

- It appears that there is information that OPA did not have when they made the decision on the case. Do you feel that OPA had all the information?
- **Andrew Myerberg:** There is no new information, OPA had everything. There may be that the Chief may want to say, "knowing the chain of command I want to hold this assistant chief accountable." That may be the new information that the Chief referred to.
- **Andrew Myerberg:** Our accountability system gives the chief the authority to overturn the decisions made by OPA. However, this happens very rarely. This just happens to be a very important and impactful decision to be made for the community. The Chief must notify the public of the reversal so they cannot change the decision and walk away. Makes it that they need to justify. Happy to send the spreadsheet of what has and has not been reversed.
- The reversal was troubling to me. It sends a bad signal, unless there is someone higher up on the chain of command is going to be held responsible for the actions of that day. I am waiting to see what the full span of the reversal will be. The reversal makes it harder for collaborators.
- Does the monitoring team have thoughts about the reversal of OPA's decision?
- **Ron Ward:** No comment at this juncture – in order to address this would have to be something that is part of a systemic issue. It is up to the oversight accountability partners to address individual situations.
- Is there are something that says umbrellas are not a threat?
- Not all umbrellas are unthreatening but not all of them are threatening either. One other thing OPA is trying to do is develop a page on the website that will list all the cases that have been reversed and the letters that have been sent back and forth. Would include all correspondences from all partners. Goal is to put more information out there.

VIII. Open Public Meetings Act (OPMA) Training

- Attorney General's Office is charged with preparing the trainings for organizations that are beholden to OPMA.
- OPMA requires that meetings be open to public "gavel to gavel."
- Act should be liberally construed in favor of transparency.
- OPMA applies to any multimember public board or organization that has decision making authority.
- All legislative bodies are beholden to OPMA except for the State Legislature.

- Any committee or sub-body of an organization that exercises decision making are subject to the OPMA.
- OPMA only applies when a meeting meets quorum.
- Meetings can occur by phone or email. A collective exchange via email would constitute an OPMA meeting out of compliance.
- Final action must be made in a public session.
- Nothing in OPMA prevents a simple gathering of the commission if commission business is not discussed.
- Meeting schedule needs to be publicly available. Agendas need to be posted 24hours before a regularly scheduled meeting.
- There is a provision that allows for special meetings – must notify public at least 24hours before. Only items included on the notice can be discussed in the special meeting.
- There is a provision for emergency special meetings.
- Public agencies cannot place conditions on the public to attend meetings subject to OPMA.
- Disruptive behavior is not required to be tolerated. There is a provision that allows the meeting room to be cleared.
- Executive session allows for a closed session that is not open to the public. Requirement is that there must be an announcement of the topic and how long the session will last.
- Penalties for violating OPMA.
- Minutes are required to be taken.
- Risk Management Tips

Public Records Act

- The Public Records Act is the Washington state version of the Freedom of Information Act.
- Public has a right to the records being created by government.
- A response to requests for records required within 5 days of a request. The response should include a timeline of when the request is likely to be fulfilled.
- Must explain why records will not be released or why they were redacted.
- Public record includes any writing containing information; includes recordings, handwritten notes, etc.
- What is a public records request?
- Where can public records be located?
- Personal devices, consultant records, on City system/device
- Records Retention
- Exemptions
- Public Records Act Penalties/Liability
 - Penalties are toward the agency not an individual.
- Public Records Act for the Community Police Commission
 - Public Disclosure Officer may ask that you help identify records.

- Seattle.gov emails are searched using a centralized IT resource.
- The City/CPC will not come out and search personal devices to be responsive to a public records request – it would need to be done by the individual.

IX. Executive Session

- Commissioners, Staff, Executive Director will participate in Executive Session.
- Discussion on Current Litigation