



City of Seattle

Office of Professional Accountability Review Board

September 25, 2014

Council President Tim Burgess

Public Safety Chair Bruce Harrell

Public Safety Committee Members

VIA EMAIL

Dear Council President Burgess, Bruce Harrell, and Members of the Public Safety Committee:

Effective citizen oversight of the police requires transparency and ease of access. The Community Police Commission is advocating for changes that would dramatically narrow citizen access and diminish or abandon hard-fought rights in the accountability system. The OPA Review Board (OPARB) believes such changes would make the oversight system less effective and materially reduce the kind of meaningful changes an oversight body could effect. OPARB should not be dissolved. The Council should reject these suggestions outright.

The Community Police Commission has stated that the Review Board's direct, un-redacted case file access is available to all members of the public. This assertion is incorrect. Relegating oversight to requests for public records raises serious access and implementation issues. Further, it is inconsistent with a system favoring increased transparency and ease of use and access.

If the un-redacted file access the Review Board currently has is sacrificed, the Public Request Unit of the Seattle Police Department becomes the gate-keeper to citizen oversight. This process has the appearance, if not the reality, of a conflict of interest. It injects the SPD, the body subject to the oversight, as an intermediary for file access and allows that body to determine what access would be allowed. Meaningful citizen oversight should not be dependent upon the cooperation of the very body being reviewed.

There is also the question of when the review and redaction would actually occur. Each file requested would have to be reviewed, page by page and line by line, to determine if exceptions to the public records statute apply. Should an exception apply, then the file is redacted. This time-intensive review and redaction process slows the system and consumes significant resources. The current backlog of requests to be reviewed by SPD is in the **thousands**.

City Hall, 600 Fourth Avenue, Floor 2, PO Box 34025, Seattle, Washington 98124-4025
(206) 684-8888, Fax: (206) 684-8587, TTY: (206) 233-0025

E-mail Address: opareviewboard@seattle.gov Web: <http://www.seattle.gov/council/oparb>

An EEO employer. Accommodations for people with disabilities provided upon request.

Relegating oversight to this process means access would be seriously delayed and diminished. The age old maxim of “justice delayed is justice denied” seems an applicable analogy here. Oversight suffers as a result.

Beyond that, there is a critical foundational question. In a system that needs more direct access and accountability, why would a specific, key oversight function the Review Board currently exercises be discarded in favor of a general statute designed for the public? After years of effort and successfully defending an unfair labor practice complaint from the Guild, the Review Board is entitled to direct access to un-redacted cases. It enables an arms-length review fundamentally different from that undertaken by the OPA Auditor, who is actively involved in open case files and the associated investigation. This review is key to oversight and once it is gone, it will not return.

Given current events and attention surrounding the police, we urge the Council to weigh this matter seriously. OPARB and its objective, data-driven oversight can co-exist with an active community commission. We urge you not to disband OPARB or eliminate timely access to un-redacted case files and the transparency and oversight that such access brings about.

Sincerely,

Elizabeth R. Holohan, Chair
Office of Professional Accountability Review Board

cc: Pete Holmes, City Attorney
Scott Lindsey, Mayor’s Office
Dr. Bernard Melekian, Special Advisor to the Mayor
Pierce Murphy, OPA Director
Fe Lopez, CPC Executive Director
Office of Professional Accountability Review Board