

Seattle Community Police Commission

SENT VIA EMAIL

June 2, 2021

Dr. Antonio M. Oftelie

Court Monitor for *United States v. City of Seattle*

antonio.oftelie@seattlepolicemonitor.org

Re: CPC Follow-up Regarding the Monitor Plan and Draft Assessment Methodology

Dear Monitor Antonio Oftelie,

Thank you for your letter dated May 2, 2021 in response to the Community Police Commission's (CPC) questions and concerns regarding the Monitoring Plan and Draft Assessment Methodology.

We found your answers thorough, and they clarified many of our questions. We also thank you for incorporating some of our feedback on clarity and accessibility into the new methodology draft. We were enthused to hear that the Monitoring Team is looking to collaborate with the CPC in new and better ways and including the CPC in feedback loops as early as possible. Our questions and comments below hope to move us past the conversation about collaboration into actionable steps.

Conversation on Compliance, Accountability, Discipline, and Collective Bargaining

At the May 5, 2021 CPC meeting, commissioners raised concerns about the City's lack of compliance with accountability and discipline issues and the City's failure to meet a court-imposed deadline regarding such compliance. Commissioners requested information as to why the Monitoring Team is not requiring the City to take immediate action to comply with Judge Roberts' 2019 order to produce a written plan regarding accountability and discipline (including subpoena power, timelines, and arbitration)

Therefore, we ask the Monitoring Team to honor the stated commitment to collaborating with the CPC and uplifting community voices by gathering the City, the CPC and, other partners to create the overdue plan to come back into compliance to ensure Seattle returns to compliance on issues of accountability.¹

Remaining questions about Monitor Plan and Methodology

1. The letter mentions that SPD internal teams conduct internal audits, which are then reviewed by the Monitoring Team and DOJ, and later by OIG, OPA, and CPC. It says that this feedback loop, if running correctly, sets up a process that provides a foundation for continuous improvement. We

¹ Note: Monitoring Team and CPC's legal team will meet to discuss City and SPD's compliance or non-compliance with the consent decree.

know that this loop faces challenges of responsiveness. SPD has implemented only 5 of CPC's 44 recommendations in 3+ years. Is there anything in the Monitoring Team toolbox that the Monitor could do to increase the incorporation of the feedback that the CPC provides, and thus help this continuous improvement system work?

2. The new proposed Monitor Methodology has a new paragraph about how *SPD flagged that uses of force during 2020 protests have not been timely reviewed in the manner prescribed in the policies*. SPD alleged that because of the volume, large number of witness officers, and ongoing demands on supervisor time, the typical review process was unworkable. Therefore, in Phase III assessments SPD will also provide data on how many incidents were not reviewed, what modified review process is underway or planned, how it will meet Consent Decree requirements (timely review and lessons learned), and what SPD plans to do for similar situations in the future. How did the Monitor become aware of this information and what does it mean for SPD, in terms of Consent Decree compliance and next steps, that critical incidents were not reviewed according to SPD policy and the Consent Decree requirements? What will the Monitoring Team do to ensure that SPD reviews these past incidents and that they do not get overlooked?
3. The letter mentions that demographic data is collected from officers' reports as best as possible, but not currently able to be gathered from every encounter. Why is that? Could the Monitor help facilitate work with SPD to improve collection to more, if not all, encounters?
4. When we asked to have prior phase reports linked, the letter mentions that they would need digitizing. We also noticed that the last report on the SPD Monitor website is from 2017. The information about the Monitoring Team is also not up to date. Not having easily accessible information about the work of the Monitor makes it challenging for community to follow SPD's and the Consent Decree's progress. Does the Monitoring Team have any plans to update the website with current information and with all reports produced and evaluated by the Monitor?

Remaining questions about the role of the Monitor and the consent decree

1. There are several new laws that were passed in Olympia this year that could affect policing in Seattle. In the past, SPD has claimed they did not have to implement Initiative 940 because it would conflict with the federal agreements. As a technical advisor within the Consent Decree, does the Monitoring Team believe the Consent Decree prohibits SPD from implementing any of these new statewide reforms?
2. In the past, the Seattle Police Monitoring Team has done annual, or semi-annual polling to ascertain the community's perceptions of the Seattle Police Department and the level of trust different communities have in SPD. Does this Monitoring Team plan on continuing this polling?

We kindly ask that you respond to our questions in writing. Please let us know if you have any questions.

Sincerely,

Community Police Commission