

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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8	UNITED STATES OF AMERICA,)	
9)	
10	Plaintiff,)	NO. 2:12-CV-01282-JLR
11)	
12	v.)	SUBMISSION BY THE COMMUNITY
13)	POLICE COMMISSION
14	CITY OF SEATTLE,)	
15)	
16	Defendant.)	
17)	
18)	
19)	
20)	

As set forth in the Court’s prior Order, dated November 26, 2013, the Seattle Community Police Commission (Commission) has been granted amicus curie status in this matter. In that capacity, and with the Court’s permission that was granted at the August 26, 2015 status conference, the Commission submits the following comments on approaches for Seattle Police Department (SPD) accountability and review systems offered in the respective filings by the City of Seattle and the Department of Justice (DOJ), dated September 30, 2015.

I. INTRODUCTION

The community initiated the police reform process in Seattle now overseen by this Court when in December 2010 a group of thirty-five community organizations asked the U.S. Attorney’s Office for the Western District of Washington and the Civil Rights Division of the DOJ to open a

1 pattern or practice investigation of excessive force by SPD.¹ Those thirty-five individual signatories
2 were, in a very real sense, Seattle's original community police commission, representing many of
3 Seattle's diverse racial, ethnic, and immigrant and refugee communities which had historically
4 troubled or challenging relations with SPD and including community advocates with social service,
5 faith, civil liberties, and legal backgrounds.

6 Indeed, one of the signatories, Fé Lopez, became the Commission Executive Director; two
7 others, Reverend Harriett Walden and Diane Narasaki, served as Commission co-chairs; and
8 Jennifer Shaw from the American Civil Liberties Union of Washington served as a member of the
9 Commission.

10 Though nowhere in the pleadings, for decades the community, and now its representatives
11 on the Commission, have never wavered in their efforts to ensure constitutional policing in Seattle.
12 The community's meaningful participation in this process is critical, and the Commission takes its
13 role in that respect very seriously. As Principal Deputy Assistant Attorney General Vanita Gupta
14 recently observed during a visit to Seattle, when the DOJ, the Monitor, and the Court finish their
15 work, the community, the City, and SPD itself will remain to continue ongoing efforts to sustain
16 constitutional policing and foster public trust in Seattle's police.

17 The Commission believes that fully and substantively engaging the community in the
18 reform and accountability process will help ensure that in the future neither the Court nor the
19 federal government will be needed to mediate between the people of Seattle and those sworn to
20 protect and serve them. Conversely, the Commission believes just as strongly that failing to bring
21 the community fully into the reform and accountability process will only reinforce the mistrust
22 which led the community to invite the DOJ here in the first place.

23 ¹ Letter from Kathleen Taylor, ACLU of Washington Foundation, et al., to Thomas Perez, Assistant U.S. Attorney
General, Civil Rights Division, U.S. Department of Justice and Jenny Durkan, U.S. Attorney, Western District of
Washington, U.S. Department of Justice, December 3, 2010.

1 Conscious of its role in representing the community in this process, the Commission
2 appreciates the Court’s invitation to comment on approaches for SPD accountability and review
3 systems that will result in meaningful reform. In addition to commenting on the approaches
4 outlined by others, this filing also discusses the joint City and Commission proposal for enhancing
5 the effectiveness and transparency of the police accountability system in Seattle.²

6 The joint City and Commission proposal includes measures intended to (1) support and
7 ratify, in addition to a three-part civilian review and oversight system, SPD’s crucial role in the
8 accountability system; (2) strengthen access by the civilian review and oversight entities to
9 Department information and enhance officer confidence in the accountability system; (3) strengthen
10 the civilian components of the accountability system in a way that increases transparency and
11 credibility; (4) enhance the independence of the civilian entities in the accountability system; (5)
12 better integrate the various parts of the accountability system; (6) increase confidence in the
13 associated appellate system by establishing a neutral appellate body; and (7) build lasting
14 confidence in the accountability system by formally putting in place substantive responsibilities of a
15 community-based oversight body.

14 **II. BACKGROUND**

15 **A. The Commission was established to represent the community in the reform** 16 **process**

17 The Commission was established “to leverage the ideas, talent, experience, and expertise of
18 the community” in the reform process.³ Its membership “. . . is representative of the many and
19 diverse communities in Seattle, including members from each precinct of the City, police officer
20 unions, faith communities, minority, ethnic, and other community organizations, and student or
21

22 ² City of Seattle, *Letter to Merrick Bobb, Matthew Barge, Timothy Mygatt, J. Michael Diaz, Christina Fogg, and*
Puneet Cheema re: Accountability and Civilian Oversight Recommendations, August 21, 2015.

23 ³ Settlement Agreement, I(B)(6), at page 2.

1 youth organizations.”⁴ The Commission conducts its business under bylaws that emphasize the
2 value of consensus decision-making.⁵

3 **B. Commissioners bring expertise and experience to the reform process**

4 The Commission collectively has substantial expertise in police accountability.⁶ Five
5 original members, including both co-chairs, served on the Minority Executive Directors Coalition
6 Multiracial Task Force (MEDC Task Force) on Police Accountability, which worked for 12 years
7 to reform and improve SPD’s accountability system.⁷ The MEDC Task Force championed
8 legislation adopted in 2008 that requires the City to hold a public hearing prior to police union labor
9 negotiations to obtain community input on needed accountability system improvements,⁸ as well as
10 access to unredacted case files by the Office of Professional Accountability Review Board before
11 changes in public disclosure laws made the need for such access less critical.⁹ The Commission’s
12 police union representatives also provide critically valuable perspectives, including on issues
13 concerning the legitimacy of discipline imposed and the management difficulties experienced in
14 sustaining discipline decisions.

15 _____
16 ⁴ *Id.*

17 ⁵ Article VII of the Commission’s bylaws states that “[d]ecisions shall be made by group consensus whenever possible.
18 In the event that consensus cannot be reached, a vote with a simple majority of those present will prevail. Dissenting
19 opinions will be entered as part of the minutes if requested. The Commission acknowledges that organizations
20 represented by Commission members may disagree with actions taken by the Commission. In these instances,
21 Commission members must act on those disagreements in a transparent and respectful way that furthers our goal of
22 building community trust in the Commission and the Police Department.”

23 ⁶ Appendix A to this submission lists prior and current Commission members and provides information about their
backgrounds.

⁷ These Commissioners include Lisa Daugaard, Jay Westwind Wolf Hollingsworth, Diane Narasaki, Jennifer Shaw, and
Reverend Harriett Walden.

⁸ *See* Seattle City Ordinance 122809.

⁹ *See* Seattle City Ordinance 122744.

1 **C. The Commission was charged with reviewing SPD’s system for civilian**
2 **oversight**

3 Under the Memorandum of Understanding, the Commission was charged with “. . .
4 review[ing] Seattle’s current three-prong civilian oversight structure to determine if there are
5 changes it would recommend for improving SPD accountability and transparency.”¹⁰ The
6 Commission “may consider alternative civilian oversight models and whether clarifications or
7 changes in roles and responsibilities for the OPA Director, the OPA Auditor, and/or the OPA
8 Review Board would improve the confidence of the community and officers in the system.”¹¹ OPA
9 also was to consult with the Commission “. . . to assess ways to reduce [OPA’s] investigative
10 timelines”¹² and “. . . to develop and implement, in coordination with the [Commission], a program
11 to broadly educate the Seattle community about the various methods for making misconduct
12 complaints.”¹³

11 **D. The Commission engaged in a rigorous process to examine SPD’s accountability**
12 **system**

13 Prior to undertaking its work examining SPD’s accountability system, the Commission
14 conducted extensive community outreach in October 2013. The CPC sought the perspectives of the
15 general public, police officers and their union representatives, and other key stakeholders in the
16 reform process, especially those who had historically troubled relationships with SPD. The CPC
17 made a special effort to invite members of underrepresented communities to offer their perspectives
18 in safe forums by contracting with 13 community-based organizations that directly serve hard-to-
19 reach populations, and by reaching out to many more. In all, more than 100 organizations
20 participated in the outreach effort. The Commission and its partners and other supporting
21 organizations brought together more than 3,400 community members at over 150 meetings. Both

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¹⁰ Memorandum of Understanding, III(C)(2)(i)(15), at pages 4-5.

21 ¹¹ *Id.*

22 ¹² Memorandum of Understanding, III(C)(2)(ii)(16), at page 5.

23 ¹³ Memorandum of Understanding, III(C)(2)(iii)(17), at pages 5-6.

1 quantitative and qualitative feedback was received—participants completed over 3,000 survey
2 questionnaires and facilitators extensively documented key themes identified during the meeting
3 dialogues, including issues and concerns about SPD’s accountability system.¹⁴ These themes
4 informed the Commission’s deliberations on SPD’s accountability system.

5 The Commission undertook its work examining SPD’s accountability system in December
6 2013. In considering various elements of effective accountability systems, the Commission looked
7 at structures in place throughout the country, specifically in Albuquerque, Denver, Los Angeles,
8 and New York. It was clear that there is no single ideal model, but rather appropriate systems must
be tailored to the needs and conditions of each particular community.

9 The Commission issued a set of structure and policy and practice recommendations in April
10 2014 that addressed Seattle’s situation. In adhering to this schedule, the Commission met its
11 commitment to issuing timely recommendations that could inform the City’s bargaining position
12 with its police unions and avoid any charge of the City engaging in unfair labor practices.

13 **III. RESPONSE TO CITY AND DOJ FILINGS**

14 The Court ordered at the August 26, 2015 status conference party filings of “an approach for
15 SPD accountability and review systems” that will assist it in creating “a better framework for
16 independent review of the various policies, organizations and systems that will monitor the
17 performance of the Seattle Police Department.”¹⁵ At that time, the Court directed the Commission
18 to file a response to the statements ordered be filed by the parties. The Commission appreciates the
19 considered observations of the City and the DOJ in their filings.

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21 _____
22 ¹⁴ Commission, *Community Outreach Report*, January 2014.

23 ¹⁵ Status Conference, *United States of America v. City of Seattle*, Case No. 12-01282 JLR, at Docket No. 228 (W.D. Wash. Aug. 26, 2015).

1 **A. City Filing**

2 The Commission has reviewed the information provided the Court in the City’s September
3 30, 2015 filing.¹⁶ In response, the Commission agrees the reforms already instituted by the City
4 have contributed to improved internal SPD practices and believes they support system integration.
5 Further, it agrees that the joint City and Commission recommendations outlined in the City of
6 Seattle’s August 21, 2015 letter to the Monitor address important issues and will strengthen the
7 system. The Commission believes it is important to highlight the values underpinning those
8 recommendations and does so in Section IV below. Finally, the Commission acknowledges the
9 City’s view of the role already assumed by the Commission in providing community-based
10 oversight which supports access and transparency, as well as more effective community input to
11 address issues of public trust.

10 **B. DOJ Filing**

11 The Commission has reviewed the information provided the Court in the DOJ’s September
12 30, 2015 filing.¹⁷ The Commission agrees that the components identified by the DOJ which already
13 have been approved by the Court are critical to a well-functioning system. However, strengthened
14 civilian oversight through reform of OPA, and including the contributions of a more robust
15 permanent community-based body than the current OPA Review Board, remains outstanding. The
16 DOJ identified policies and training as two pillars of reform, and the Commission agrees these are
17 integral elements. Feedback loops that allow the civilian oversight system to inform improvements
18 in policies and training are necessary to ensure SPD has an opportunity to incorporate revisions
19 over time that address problematic patterns identified through the oversight system and issues of
20 importance to the public flagged by community representatives.

21 ¹⁶ See City of Seattle’s Memorandum Regarding Proposed Framework For Ensuring Systems of Review and
22 Accountability, *United States of America v. City of Seattle*, Case No. 12-01282 JLR, at Docket No. 233 (W.D. Wash.
Sept. 30, 2015).

23 ¹⁷ See United States’ Memorandum Regarding SPD’s Accountability and Review Systems, *United States of America v. City of Seattle*, Case No. 12-01282 JLR, at Docket No. 234 (W.D. Wash. Sept. 30, 2015).

1 **IV. THE COMMISSION’S ACCOUNTABILITY VISION AND PRINCIPLES**

2 In its work to assess the existing accountability system and recommend improvements to it,
3 the Commission was guided by a vision for an integrated accountability system that extended
4 beyond the OPA complaint review system. “The Commission believes accountability of SPD is not
5 limited to OPA but encompasses the whole of how individual and institutional performance is
6 tracked, corrections are made, excellence is rewarded and improvements in systems, policies and
7 procedures that support employee excellence and build community trust in the police are
8 institutionalized.”¹⁸

9 Detailed principles associated with accessibility; legitimacy and transparency; and
10 consistency, efficiency and continuous improvement provided benchmarks during the
11 Commission’s review.¹⁹ Some key principles included:

- 12 • The system and its processes should be widely understood by the public and there should be
13 multiple channels that provide access to it by diverse communities.
- 14 • The system should be seen as credible by community, police and other stakeholders; among
15 other requirements, such confidence depends on neutrality, objectivity, independence and
16 transparency.
- 17 • Investigations conducted by well-trained personnel, using best practices, should be
18 thorough, objective and timely.
- 19 • Corrective steps should be timely and discipline should be appropriate, consistent and
20 shared with the public.
- 21 • The accountability system should integrate into OPA’s oversight other internal
22 investigations and reviews, including the UOF Review Board and other SPD investigative
23 units and boards.

22 ¹⁸ Commission, *Accountability System Vision Statement and Guiding Principles*, January 2014.

23 ¹⁹ *Id.*

- Supervisors should be provided and use tools to record, monitor and support (discipline, mentor and recognize) employee performance.
- There should be a robust Early Intervention System and employee evaluation, data systems in place to document and track individual performance, and effective linkages between the oversight and employee performance evaluation systems.
- Metrics and data systems should be in place to collect and report performance on an institutional basis so SPD can identify patterns and trends that lead to policy and practice improvements (including training and supervision).

V. PARTNERSHIP IN DEVELOPING AN INTEGRATED SET OF ACCOUNTABILITY SYSTEM RECOMMENDATIONS

The Commission was fortunate to benefit from the technical expertise of the OPA Director and OPA Auditor in conducting its assessment of SPD’s accountability system. Both are well-versed not only in the intricacies of Seattle’s systems, but are knowledgeable of the strengths and vulnerabilities of structures and practices in place in other law enforcement agencies throughout the country. In fine-tuning the recommendations and developing a plan for codifying them in City ordinance, the Commission also partnered closely with Dr. Barney Melekian,²⁰ staff in the Mayor’s Office, SPD, the torts and criminal law sections of the City Attorney’s Office, and the King County Prosecutor’s Criminal Division. Representatives from the DOJ and the Monitoring Team also provided guidance; Monitoring Team members attended many of the Commission’s accountability workgroup meetings and reviewed the Commission’s recommendations.²¹ The Commission was particularly encouraged by the Monitoring Team's active interest and their view that “[m]any [of the

²⁰ Dr. Melekian is the former Chief of Police of Pasadena, California and former head of the COPS Office. He was appointed by Mayor Edward B. Murray in February 2014 to analyze SPD’s complaint and disciplinary process when serious issues with the integrity of the disciplinary process arose following a series of disciplinary decision reversals by the interim Chief of Police.

²¹ Monitor’s Third Semi-Annual Report, June 2014, at page 74.

1 Commission's recommendations] constitute extremely promising steps toward creating a more
2 transparent, reliable, and fair accountability system.”²²

3 Both during the time the Commission developed its initial set of recommendations and in
4 the subsequent period of drafting legislation to codify those recommendations, the Commission
5 engaged in extensive dialogue with many partners. The process was methodical and thorough. The
6 Mayor’s package of accountability system reforms announced in November 2014 reflected the
7 largely reconciled and shared recommendations of the Commission and Dr. Melekian.²³ At that
8 time the Mayor emphasized important provisions incorporated in the package to 1) strengthen and
9 reform SPD disciplinary appeals processes, 2) provide greater independence of and support to OPA,
10 3) consolidate case review with the OPA Auditor, and 4) ensure a robust community oversight
11 function by making the Commission the permanent civilian oversight body with responsibilities to
12 review and advise on policies and to bring the community perspective into the system. The Mayor
13 expressed appreciation for the collaboration among key stakeholders which resulted in the joint
14 agreement on needed reform measures, citing in particular the Commission, SPD, the OPA
15 Director, the OPA Auditor, Dr. Melekian, Mayor’s Office staff, and the Monitoring Team. He also
16 made clear that the City would work with the Monitoring Team to ensure the upcoming proposed
17 legislation would be consistent with the Settlement Agreement.²⁴

16 VI. ACCOUNTABILITY SYSTEM RECOMMENDATIONS

17 The City of Seattle’s letter of August 21, 2015 to the Monitor and the DOJ provides details
18 of the recommendations agreed to by all City partners that are intended to be codified in City

19 ²² *Id.*

20 ²³ The Office of Mayor Edward B. Murray, *Seattle Police Accountability & Civilian Oversight*, November 12, 2014,
21 *available at*
[http://murray.seattle.gov/wp-content/uploads/2014/11/Seattle-Police-Accountability-and-Civilian-Oversight-](http://murray.seattle.gov/wp-content/uploads/2014/11/Seattle-Police-Accountability-and-Civilian-Oversight-November-12-2014.pdf)
22 [November-12-2014.pdf](http://murray.seattle.gov/wp-content/uploads/2014/11/Seattle-Police-Accountability-and-Civilian-Oversight-November-12-2014.pdf)

23 ²⁴ Mayor Edward B. Murray, *Press Conference*, November 12, 2014, *available at* [http://murray.seattle.gov/murray-and-](http://murray.seattle.gov/murray-and-community-leaders-announce-police-accountability-reforms/#sthash.j4P0qdFr.dpbs)
[community-leaders-announce-police-accountability-reforms/#sthash.j4P0qdFr.dpbs](http://murray.seattle.gov/murray-and-community-leaders-announce-police-accountability-reforms/#sthash.j4P0qdFr.dpbs).

1 ordinance.²⁵ The recommendations identified in this letter have been reviewed by the City
2 Attorney's Office and include provisions to ensure that no legislative action will be taken on any
3 items that are subject to collective bargaining obligations without first discharging those
4 obligations. Other recommendations have been set aside to await legislative action at the conclusion
5 of the bargaining process.

6 The recommendations set forth in the August 21, 2015 letter are fully consistent with the
7 Commission's original set from April 2014, but they do represent a refinement in wording and
8 approach in some instances as a result of constructive feedback and suggestions from other City
9 parties. These jointly agreed to recommendations detail the Commission's current proposal for
10 improvements to the accountability system. The Commission believes these recommendations are
11 also largely consistent with the vision and principles it followed, which are outlined in Section IV
12 above.

12 **A. The Commission's recommendations to improve the hybrid civilian/sworn
13 accountability system structure**

14 The Commission recommends maintaining a hybrid civilian/sworn structure, but introduce
15 significant improvements to address issues of public trust, accessibility, and transparency. The
16 proposed reforms attend to issues concerning OPA's workload and the timeliness of its
17 investigations; redundancies in OPA case review oversight; the need for coordination among
18 various SPD investigatory entities; effective support for appropriate supervisory management of
19 employee performance; the need for mechanisms to link all SPD and City functions that intersect
20 with police conduct; the importance of tracking data and regularly implementing systemic
21 improvements based on patterns and trends; the need for strong and independent civilian oversight,
22 including that of a community-based entity; and the fairness of the disciplinary appeals process.

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²⁵ City of Seattle, *Letter to Merrick Bobb, Matthew Barge, Timothy Mygatt, J. Michael Diaz, Christina Fogg, and Puneet Cheema re: Accountability and Civilian Oversight Recommendations*, August 21, 2015.

1 All Commission members agree the current hybrid system must be strengthened. In the past,
2 many civilian Commission members generally championed a more independent accountability
3 structure, with a fully independent civilian review board, with subpoena power, to investigate
4 alleged misconduct and make disciplinary decisions. It is significant that, by the conclusion of our
5 five months examination of OPA and possible alternative structures, all Commissioners agreed to
6 support a strengthened hybrid civilian/sworn system, rather than recommend re-building from the
7 ground up. In the end, the Commission agreed that a completely independent civilian review
8 process would result in a weaker system than that offered by a strengthened hybrid approach.

9 **1. The Commission proposes four elements in the revised structure to
10 ensure a more effective system.**

11 The Commission proposes that our city's hybrid civilian/sworn structure include an
12 improved OPA system featuring OPA, the OPA Auditor, and a community-based oversight body.
13 In addition, SPD itself should be identified as a critical, but previously unacknowledged, fourth
14 prong of the system.

15 This hybrid structure would feature the complaint handling structure of a civilian-run OPA
16 with sworn and civilian staff that is independent but housed in SPD; an audit function that is wholly
17 independent and outside OPA and SPD; an independent community-based oversight body with
18 substantive responsibilities for reviewing and recommending changes to OPA and Department
19 policies and practices; and SPD itself which has a fundamental obligation to ensure good employee
20 performance, provide employee training and supervision, and make continual improvements to
21 policies and practices to further Department excellence. We believe the Chief of Police and the
22 Department itself are critical components of the model and their integral (and integrated) role is
23 essential to a truly effective system.

**2. The Commission proposes strengthening access to information and
enhancing officer confidence in the system while building a culture of
accountability.**

Compared to entirely civilian systems totally independent of the police department, the
hybrid model better ensures SPD information—without relying on records requests—is accessible

1 by the review, audit, and oversight bodies.²⁶ It also is more likely to be viewed as credible by police
2 officers than an entirely external civilian system. We also believe that the insights of sworn staff
3 who are embedded, and believe, in the system will be key to informing system improvements going
4 forward. Perhaps most critically, under an external civilian system, we believe SPD would be less
5 likely to deeply plant a culture of accountability within its ranks and, indeed, an improved hybrid
6 model will better foster those values throughout the organization.

7 **3. The Commission proposes ensuring that the civilian components of the
8 accountability system are strengthened and involve the community in a
9 way that provides transparency and credibility.**

10 The civilian aspects of the hybrid model are also critically important. The strengthened
11 independent civilian role in OPA, in the Auditor function, and in providing community oversight
12 will increase public confidence in the credibility and legitimacy of the system. The professional
13 technical expertise of the OPA Director and OPA Auditor are vital, and together with the skills and
14 knowledge of a broad community-based oversight body that prioritizes access, transparency and
15 cultural competency, the system will be more reflective of and responsive to the concerns and
16 values of all Seattle residents. These civilian and community perspectives will not only support
17 SPD's and the City's fair and effective handling of complaints of police misconduct and corrective
18 actions via discipline, policy, training, and supervision; they are intended to also aid in clarifying
19 and confirming the public's expectations about the desired role of the police in our community.

20 **4. The Commission proposes enhancing the independence of the civilian
21 components in the accountability system.**

22 Enhanced independence of the civilian functions in the system is needed. The Commission's
23 proposed reforms recognize the need for adequate resources to successfully fulfill these roles and

²⁶ The benefit of having the investigative body housed in the Department with unfettered access to evidence is underscored by a recent lawsuit filed against the county by the Syracuse, NY police oversight board which was denied access to 911 records to help in their review of alleged police misconduct. *See* Douglass Dowty, "Syracuse's police oversight board sues county for access to 911 records," September 24, 2015 1:23 PM, updated 2:07 PM, at http://www.syracuse.com/crime/index.ssf/2015/09/syracuses_police_oversight_board_sues_county_for_access_to_911_records.html.

1 for sufficient buffering from inevitable political pressures. We understand that from time to time,
2 the OPA Director, the OPA Auditor and the Commission may, and should, take positions not
3 identical to the positions of City leaders or the Chief of Police.

4 **5. The Commission proposes providing for better integration of the various
5 components in the accountability system.**

6 The Commission's proposed reforms also address the need to integrate processes and
7 systems by mandating mechanisms that coordinate all administrative investigative processes (such
8 as those conducted by the Firearms Review Board), provide for input into all policies of significant
9 public interest or affecting public confidence and trust, require SPD and City response to
10 recommendations for system improvements, and establish SPD systems for audit and review of
11 critical events, lawsuits, claims, and complaints.

12 **6. The Commission proposes increasing community confidence by ensuring
13 a neutral appellate body.**

14 While subject to bargaining, the Commission's proposed reforms also seek to eliminate
15 active duty employees on appellate bodies in order to bolster public confidence. In our view, even if
16 such a body reached a fair and correct decision to reverse a discipline decision, there is a high risk
17 that the community would not accept the legitimacy of the appeal body's reversal due to a
18 perception that the members could not be neutral.

19 **7. The Commission proposes a formal role for community input on
20 accountability policies and practices in order to build lasting confidence
21 in the accountability system.**

22 Finally, the Commission's proposed reforms highlight the value of the community's
23 contribution to critical policy development and review. Since properly the City's police
accountability system extends beyond its review of alleged police misconduct and disciplinary
processes, it is reasonable to provide for community input on policies and practices that are
intended to support policing excellence and maintain public trust. The policy and practice advisory
function will provide SPD with substantive recommendations for ongoing improvements to the
broader police accountability system, which will be useful to the Department and reassuring to the

1 public (including both community members and rank and file SPD officers). Under the
2 Commission's proposed reforms, it will continue to have a vital responsibility to engage with the
3 community to educate, to receive guidance from the community on matters of importance to the
4 public, and to provide SPD and the City information on community perspectives related to public
5 trust in the police department.²⁷

6 **VII. PROPOSED SCHEDULING ORDER**

7 The Commission respectfully requests that the Court issue a scheduling order that provides
8 a timeline for the Monitor's review and the Court's ruling on the extent to which proposed
9 accountability system recommendations identified in the City of Seattle's August 21, 2015 letter are
10 consistent with the Settlement Agreement. A proposed scheduling order has been filed concurrently
11 with this submission.

12 The Commission is mindful of the Court's observation that at least some of the proposed
13 recommendations to reform the City's police accountability system are outside the scope of the
14 Settlement Agreement.²⁸ The joint City and Commission recommendations, many previously
15 proposed by the OPA Auditor, were completed 18 months ago, ratified by the Mayor and our City
16 partners a year ago, with accompanying legislation drafted and endorsed by key stakeholders in
17 June 2015. The Mayor assured the people of Seattle in November 2014 that any proposed
18 legislation would be vetted by the Monitor and we believe the proposed legislation endorsed by
19 City stakeholders is fully consistent with the terms of the Settlement Agreement.

20 ²⁷ Mayor Edward B. Murray and all other key City stakeholders have endorsed the recommendation to make the
21 Commission the City's permanent civilian oversight body of the police accountability system. In his November 2014
22 proposal for reforming the police accountability system, the Mayor stated that "Since its inception, the [Commission]
23 has become an important and powerful voice for the community on police reform. It includes representatives from
Seattle's many diverse communities and police labor unions and has earned those communities' trust. It has also earned
the respect of the SPD and police oversight community leaders. CPC's reputation and legitimacy within the community
should be preserved and strengthened."

²⁸ See, e.g., Status Conference, *United States of America v. City of Seattle*, Case No. 12-01282 JLR, at Docket No. 228
(W.D. Wash. Aug. 26, 2015).

1 The Commission shared its recommendations with community partners when they were
2 initially released in 2014. Since that time, our community partners have been expecting many of the
3 recommendations to move forward, and are particularly interested in seeing the City's laws updated
4 to reflect both current practices and the improvements contemplated by the proposed reform
5 measures. We believe action should not be unnecessarily delayed or we will lose community
6 confidence in the process and the institutions that have put these recommendations forward.

7 In addition, Seattle is now entering a period in which transition out of Court supervision
8 may be on the horizon.²⁹ Vanita Gupta, the Principal Deputy Assistant Attorney General for DOJ's
9 Civil Rights Division noted in her meeting with the Commission on September 23, 2015 that it is
10 critically important that systems be in place which can be sustained after the Monitor and the DOJ
11 leave and Court supervision ends. In her view, these systems, including a robust structure for
12 civilian oversight, should be functioning well in advance of the departure in order to ensure they are
13 operating as intended. Given that legislation to codify and memorialize current processes and
14 improvements to the accountability system is needed and that additional time is required to
15 establish their effectiveness, there is great value in moving forward with no unnecessary delay to
16 codify and implement the joint recommendations.

15 **VIII. CONCLUSION**

16 It has been nearly five years since representatives from thirty-five community groups came
17 together to ask the DOJ to help bring constitutional policing to the people of Seattle. Since then,
18 this Court has overseen substantial improvements to policies and practices of SPD. The
19 Commission stands ready to assist the parties, the Monitor, and the Court, in completing the

20 ²⁹ "In the last semiannual report, the Monitor signaled that if SPD 'continue[d] on the path that it is now . . . [it] is likely
21 to get the job done.' That optimism results from confidence in Chief O'Toole and her command staff and the
22 unflagging commitment to police reform by the Mayor's office, City Attorney, City Council, and Department of
23 Justice. Although significant work on implementing and refining Consent Decree reforms remains, SPD has moved
closer in the last six months to where it needs to be. There is still significant work ahead, but the SPD is positioned to
be a leader in the national reform effort. While many departments are struggling with where to start, SPD is well
underway." Monitor's 5th Semi-Annual Report, June 2015, at page 10.

1 Settlement Agreement reform process. The Commission believes the adoption of the Commission's
2 proposed reforms outlined herein, will improve the accountability system's effectiveness, support
3 access to and transparency of the system, and foster public and officer trust in it. Over time, the
4 Commission expects these proposed reforms will support improved SPD-community relations and
5 help sustain constitutional policing in Seattle long after this Court's role in overseeing SPD has
6 ended.

7 The Commission respectfully requests that the Court endorse the proposed scheduling order
8 setting a timeline for the Monitor's assessment of which, if any, of the proposed elements outlined
9 in the City of Seattle's August 21, 2015 letter to the Monitor implicate the Settlement Agreement,
10 so that the City may proceed expeditiously in putting in place the other elements proposed by the
11 City.

12 RESPECTFULLY SUBMITTED this 16th day of October, 2015.

13 By: /s/Lisa Daugaard
14 Lisa Daugaard, Co-Chair
15 Community Police Commission

By: /s/Rev. Harriet Walden
Rev. Harriet Walden, Co-Chair
Community Police Commission

16 By: /s/Fe Lopez
17 Fé Lopez, Executive Director
18 Community Police Commission

1 **APPENDIX A**

2 **Current Commissioners**

3 **Claudia D'Allegri** is Vice President of Behavioral Health at Sea Mar Community Health
4 Centers and has 22 years of experience at Sea Mar administering Behavioral Health programs.
5 Sea Mar is an organization that serves more than 200,000 clients in Washington State each
6 year, the majority of whom are low-income with economic, physical, and emotional challenges.
7 Claudia also chairs the Latino Civic Alliance. This is a statewide organization that focuses its
8 efforts on civic engagement, and defining the legislative priorities for the Washington State
9 Hispanic Legislative day. As the Vice Chair of this organization, Claudia receives many
10 requests from other leaders of organizations that deal with people of color, who ask for her
11 support of their own efforts to address issues affecting communities of color. In the last few
12 years, many of these requests have been related to community concerns with the actions of law
13 enforcement.

14 **Lisa Daugaard**, a public defender for 19 years, has directed the Public Defender Association's
15 Racial Disparity Project (RDP) since 2000. A primary focus of the RDP has been on improving
16 police accountability. Lisa was a technical advisor to the Minority Executive Directors
17 Coalition Multiracial Task Force on Police Accountability, co-authored its recommendations
18 for improving the SPD accountability system in the mid 2000s, and has represented individuals
19 navigating the OPA complaint process. She was part of the legal team that investigated and
20 revealed inaccurate police reporting in a 2007 case that resulted in the formation of the Blue
21 Ribbon Task Force appointed by Mayor Nickels. She often was consulted by past OPA
22 Directors and OPA Review Board (OPARB) members about patterns of arguably unlawful
23 police conduct, and about how OPA and OPARB could more effectively engage those issues.
She speaks frequently at national police reform conferences and advises national foundations
funding in the area of police reform.

Melinda Giovengo, Ph.D. has worked with disenfranchised youth and young adults for
34years. Since 2006 she has served as the Executive Director of YouthCare, an organization
focused on re-engagement and other services to runaway, homeless and sexually exploited
young people. Melinda speaks locally and nationally on youth homelessness, adolescent mental
health issues, and child sexual exploitation and is published on issues concerning homeless
youth and the impact of learning disabilities on hard-to-serve populations. She is a board
member of the National Network for Youth and the National Youth Employment Coalition, and
serves as the Government Relations Chair of YouthBuild USA.

Kay Godefroy is a long-time leader in community policing, crime prevention and intervention.
She founded the Seattle Neighborhood Group in 1988 to provide organizing support to
communities overwhelmed by crime, particularly crimes related to drugs and gangs. She is on
the Leadership Team for the 2013-2015 DOJ-funded Juvenile Hotspot project in Southeast
Seattle. Kay served on a similar Leadership Team for the 2013-2014 SPD Juvenile Hotspot
project in the West Precinct. She is a leader of the Get Off the Streets project in the Central
Area, which has reduced recidivism by providing treatment and housing to long-time addicted
offenders. She also manages Community Matching Grants for the Seattle Youth Violence
Prevention Initiative and heads the prevention component of a 2013-2015 DOJ-funded Project

1 Safe Neighborhoods grant. Kay was a member of the Seattle Police Chief Search Committee in
2014, 2010 and 1990.

2 **Enrique Gonzalez** has been on the staff of El Centro de la Raza, a social justice community-
3 based organization founded in 1972, since 2006. Over the years, El Centro de la Raza has been
4 leading efforts to build better community-police relationships. Enrique has worked as a policy
5 advocate, working on juvenile justice system policy reform and with schools to reduce their
rates of suspensions and expulsions. He has also been involved for many areas on issues
involving immigrant rights and police accountability.

6 **Jay Westwind Wolf Hollingsworth** is an enrolled member of the Mohegan Tribe of
Connecticut. Over the last 20 years he has volunteered with the United Indians of All Tribes
7 Foundation, local tribes and with urban American Indians, learning their cultures and
8 understanding their life experiences. After John T. Williams was shot by a Seattle police officer
in 2010, Jay helped create the John T. Williams Organizing Committee and was its original co-
9 chair, He also participated in the Minority Executive Directors Coalition Multiracial Task Force
on Police Accountability.

10 **David Keenan** is a litigator at Orrick, Herrington & Sutcliffe and previously spent nearly 15
11 years in federal law enforcement, including as a senior special agent in the Departments of
Justice and Homeland Security. A former juvenile offender and high school dropout, David is
12 the President-Elect of the Federal Bar Association and President-Elect of the Northwest Justice
Project. He also devotes a substantial amount of *pro bono* civil rights work in state and federal
courts around the country.

13 **Marcel J. Purnell** is the Program Coordinator for Youth Undoing Institutional Racism
(YUIR), a program developed in 2001 as a partnership between The People's Institute for
14 Survival and Beyond, the American Friends Service Committee, and the Seattle Young
People's Project. YUIR is a youth-centered multi-generational vehicle for young people to
15 engage in ongoing anti-racist and anti-oppression education and to take action in their schools
and community to bring forth social change. As a human rights worker and educator, his
16 interests include prisons, policing, and the impact of structural violence on youth, families, and
communities.

17 **Jennifer Shaw** is Deputy Director of the American Civil Liberties Union of Washington. She
is responsible for leading policy advocacy work and coordinating multi-disciplinary, high
18 impact campaigns for civil liberties that involve legal, legislative, public education and
mobilizing programs. Jennifer was a technical advisor to the Minority Executive Directors
19 Coalition Multiracial Task Force on Police Accountability. She also served on the King County
Sheriff's Blue Ribbon Panel (2006) and the Seattle Mayor's Police Accountability Review Panel
20 (2007-2008). Jennifer is a member of the Seattle University Law Alumnae Board and mentors
law students and new attorneys.

21 **Kevin Stuckey** has served 21 years as an SPD police officer. Officer Stuckey has extensive
22 experience as a school emphasis officer working to support at-risk youth in staying in school,
during which time he participated in the Seattle Youth Violence Prevention Initiative. He is
23 currently a member of the East Precinct community police team. Kevin was selected by the
Simon Wiesenthal (Museum of Tolerance) to facilitate the City's Race and Social Justice
Initiative among SPD officers on issues of racial profiling. Kevin is a board member of the

1 Seattle Police Officers Guild and fills the seat on the Commission reserved for that
2 organization.

3 **Reverend Harriett Walden** has been a vocal advocate for better police-community relations in
4 Seattle since she co-founded Mothers for Police Accountability in 1990. She continues to serve
5 as its Executive Director. A longtime civil rights activist, Rev. Walden has been involved in
6 anti-violence and anti-racism issues related to policing for 25 years. Reverend Walden has
7 strong ties in multiple communities in Seattle and nationwide, and has served on numerous task
8 forces and commissions concerning community-police relations and police accountability. She
9 also participated in the Minority Executive Directors Coalition Multiracial Task Force on
10 Police Accountability.

11 **Reverend Aaron Williams** is the Senior Pastor of Mount Zion Baptist Church and Vice-
12 President of the United Black Clergy. His greatest wish as a religious leader is that we strive to
13 create a "beloved community." He believes we must all work towards that end, and he's eager
14 to work with the Mayor and other community leaders to make it a reality. Reverend Williams
15 served on the Police Chief Search Committee for the City of Seattle in 2009.

9 **Previous Commissioners**

10 **Bill Hobson** was the Executive Director of the Downtown Emergency Service Center (DESC)
11 from 1988 until he retired in 2015. DESC is a major provider of services to street-involved
12 people, many of whom experience homelessness and have drug and/or mental health issues.

13 **Kate Joncas** is currently the City of Seattle's Deputy Mayor. From 1994 through 2014 she
14 served as President and CEO of the Downtown Seattle Association. Under her leadership, the
15 Downtown Seattle Association became an advocate for Seattle's LEAD project which piloted a
16 program for diverting low level offenders to services in lieu of arrest.

17 **Joe Kessler** is a Seattle Police Department Captain. At the time he served on the Commission,
18 he was a board member of the Seattle Police Management Association and he filled the seat on
19 the Commission reserved for that organization.

20 **Diane Narasaki** is Executive Director of Asian Counseling and Referral Service. She was
21 appointed by the U.S. Secretary of Health and Human Services to serve on the Center for
22 Mental Health Services National Advisory Council.

23 **Tina Podlodowski** is a former Microsoft manager and Seattle City Councilmember.

Ron Rasmussen is a Seattle Police Department Captain. At the time he served on the
Commission, he was a board member of the Seattle Police Management Association and filled
the seat on the Commission reserved for that organization.

Kip Tokuda was a former state representative for the 37th Legislative District and during all
of his professional career worked as a tireless advocate on behalf of children and families.

1 **CERTIFICATE OF SERVICE**

2 I certify that on the 16th day of October, 2015, I, on the behalf of the Seattle Community
3 Police Commission, electronically filed this document with the Clerk of the Court using the
4 CM/ECF system.

5 DATED this 16th day of October, 2015.

6 */s/John Schochet*

7 John Schochet, Assistant City Attorney

8 E-mail: john.schochet@seattle.gov