



Office of Professional Accountability Review Board (OPARB)  
Minutes of Wednesday, December 10, 2008 Meeting  
11:30 am – 1:30 pm

Patrick Sainsbury, Chair:	P	Steve Freng, Member:	A (Ex)
Tina Bueche, Vice Chair	P	Martha Norberg, Member:	P
George Davenport, Member:	P	David Wilma, Member:	P
Sharon Dear, Member:	P	Michael Pendleton, Consultant:	P
Nancy Roberts, Staff:	P		

*(Absent = A, Present = P, Ex = Excused, UEx = Unexcused)*

Guest(s): Jeff Slayton, Law Department; Rich O'Neill, Seattle Police Officers' Guild (SPOG);  
Nancy Talner, ACLU

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**Old Business/Administrative:**

The meeting was convened at approximately 11:30 am.

**Rich O'Neill** thanked OPARB for sending a delegation to attend a recent SPOG Board meeting, and asked them to feel free to come to future meetings. He shared some of his background: He is a sergeant with SPD, and has been with SPD 28 years. He started on the 1<sup>st</sup> & Pike night shift; served on the DUI squad; served on the traffic squad, working with schools and PTAs. He became a sergeant in 1977, and started as the night sergeant in the University District. He was an investigator with OPA just under one year when he was elected to the guild, which precluded him from working at OPA. He then became a training sergeant in Ballard on the night shift. He was elected the Guild's president, and his term ends December of 2010.

Mr. O'Neill stated that the Guild is a labor union that fully supports OPA and OPARB. They support participation in the mediation process. His goal is to improve relations with OPA and OPARB, and to that end, is open to all calls, emails, and attendance at their Board meetings.

Mr. O'Neill felt that OPA should focus its attention on acts of serious misconduct, and other lesser complaints are better served through mediation or supervisory referral. If this triage were adhered to, the issue of running out the 180 day clock would be moot. In his experience, most complainants just want to be heard.

Further regarding the 180 day rule, he stated that if OPA asks for an extension for legitimate reasons, before the deadline has passed, the guild most often will grant the extension. There is a conundrum, and that is if a legal case is pending, the complainant usually won't talk with OPA, which may run out the 180 day limit.

Mr. O'Neill stated that a disciplinary matrix does not exist, except for officer-involved traffic accidents. Any such matrix would have to be negotiated. The guild defends officers by comparing past discipline for parity. The lieutenants, captains, assistant chiefs and chief are not disciplined as severely as Guild members.

A question from an OPARB member – How does civilian oversight factor in on criminal violations? A: the criminal case is conducted first, then OPA processes the investigation, regardless of the outcome of the criminal case. Clarification from an OPARB member: While the 180 day rule must be bargained, work can be done on the issue prior to negotiations. Mr. O'Neill said the Guild most likely would prefer to deal with the rule totally within the bargaining process.

Mr. O'Neill felt that OPA should accept all complaints, which is being done (even anonymous complaints). If appropriate, the mediation option should be made available to them at that time.

OPARB question: Is there a diversion process for officers accused of DUI or DV? Mr. O'Neill: Many officers opt for deferred prosecution, e.g., go to counseling or other process in exchange for a reduced sentence in the



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criminal prosecution. EAP is separate from the disciplinary process, and is entirely voluntary on the employee's part. The employee also faces punishment from the OPA system, typically a suspension.

**Nancy Talner** of the ACLU wants to maintain open communications with OPA and OPARB. Sharon, Tina and Martha indicated that they were interested in meeting with her and Jennifer Shaw of ACLU. Pat will follow up with the ACLU.

The minutes of the 11/12 and 9/25 meetings were accepted, with verbal corrections.

### Administrative Notes:

- Keep in mind the availability of the City's conference call bridge, for use when not all meeting attendees are able to be in the same place at once. Arrange through Nancy.
- Remember to check your email frequently. Nancy will send everything to both City and personal addresses at this time.
- Nancy will ask John Fowler to use both personal and City email addresses as well for the monthly reports.
- John Fowler is working on a joint OPA/OPARB brochure. The board agreed that their pictures and biographies need not be included; the URL for the OPARB bio page will suffice.
- Attendance will be recorded for OPARB meetings. The board agreed that the board may seek removal of any member missing 50% of the meetings or three meetings in a row. The chair determines what constitutes excused or unexcused absence. A member should notify the chair in advance if the member will be absent.

**Auditor's Reports** – . Background: The Mayor's Police Accountability Review Panel issued 29 recommendations, one of which was that the OPA Director, OPA Auditor, and OPARB will agree on focus areas for enhanced review by the Auditor. Another was that the Auditor report on SPD relationships with minority communities. The three entities are requested to meet quarterly and each should independently prepare and jointly present a semiannual report to the Mayor and City Council.

The most recent report (12/08), covering March – September 2008, was distributed. The Auditor issued it under the process previously employed, which did not involve OPARB, but the Auditor solicited comment from Michael Pendleton and Pat before issuing the report.

OPARB will provide input on the Auditor's final report next March. OPARB will need to decide what process to use in reviewing and commenting on this report and the Auditor's report on SPD relations with minority communities, also scheduled for March 2009. While OPARB edits and comments will be considered by the Auditor, there is no expectation that the report will be modified to reflect OPARB's input. The board agreed unanimously that it could not conduct focused and organized outreach before the deadlines for the Auditor's report on SPD relations with minority communities. Pat will communicate this to the Auditor. It was pointed out that the blue ribbon panel made this report the exclusive duty of the Auditor. The board expects to use the report as a basis for its outreach in 2009.

**Meet & Greet** at the North Precinct Wednesday, January 7 at 7:00 pm. David, Martha and Pat will attend.

The group toured OPA's new offices in the Seattle Municipal Tower and talked with OPA-IS investigators.

The group adjourned at approximately 1:45 pm.

Notes taken by Nancy Roberts

The next meeting will be held on Wednesday, January 7 from 11:30 am – 1:30 pm in the Boards & Commissions Room, City Hall.