



Office of Professional Accountability Review Board (OPARB)

**Minutes of Thursday, November 19, 2009 Meeting  
5:30 p.m. – 7:30 p.m.**

Patrick Sainsbury, Chair:	P	Steve Freng, Member:	P
Tina Bueche, Member:	P	Martha Norberg, Member:	P
George Davenport, Member:	P	David Wilma, Member:	E
Sharon Dear, Member:	E	Michael Pendleton, Consultant:	P

*(Absent = A, Present = P, Excused = E, \* = Present by phone)*

Guest: Kathryn Olson

The meeting was convened at 5:30 p.m.

The minutes of the November 4, 2009 meeting were approved.

**Email:** Ian showed the Board how to log on to the City's new email system from the web. Instructions were handed out. Emails to be saved should be dragged to the shared folder.

**Thumb Drives:** Ian has found secure thumb drives for \$75, about half of what they used to be. He will provide them for members who wish to save their information on a drive. Not everyone creates documents that need to be saved, other than email correspondence. Pat will discuss the issue of thumb drives and loss indemnification with the Law Department.

**Meeting with CM Licata:** Pat and Michael met with Nick Licata. They were asked why the Board is not looking at case files. They explained the work they are currently doing, and that they plan to look at files in the course of researching specific issues, but don't have intentions of continuing to review random cases as the previous Board had done. Michael gave a brief history of why the previous Board came to review a 10% random sampling of closed cases. Kathryn offered to make the process simpler when Board members need to review cases by allowing Board members to come to SPD to view cases, rather than copying them. Board members seemed to like this idea, because it would be less of an administrative burden and because Board members did not want to risk losing a hard copy of a case file.

**Meeting with SPD Command Staff:** Tina, Pat, Martha, Steve, and perhaps other members, plan to attend the SPD Command Staff meeting Wednesday, December 2 to discuss the Outreach Report and Strategic Plan. Pat will check with Law to see if this is an open meeting and therefore should be noticed. Note: Per Jeff Slayton, the meeting only needs to be noticed to anyone who's requested to be notified of OPARB information, and no one has done so yet.

**Daniel Saunders Arrest Case:** This is an active case, so the Board will not be involved. The case was on the agenda for Board information only. Kathryn explained



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that this case came to the attention of OPA when the video was going to be released. They reviewed the tape because it involved use of force.

**Hearing on OPA System for Labor Negotiations:** Pat and Michael brought the issue up at their meeting with Nick Licata. Nick has a list of unresolved issues from the last round of negotiations, and will share it with OPARB. Michael gave a brief history of how OPARB became involved in this issue, and how the legislation came to pass. The legislation calls for OPARB to hold a joint hearing with the public safety and labor practices committees to ensure that any issues regarding the OPA system that may need to be negotiated are identified before negotiations actually start. One suggestion was to invite the public and give examples of issues that require negotiation. This might engender more interest in the hearing and could avoid a hearing where people are apt to vent at issues that aren't appropriate for negotiation. Some concerns were voiced about OPARB showing a bias and not appearing to remain neutral. The suggestion was made that OPARB members offer themselves as a resource for reviewing the possible impact to OPA/ OPARB of items to be negotiated. Nancy will ask Betsy again for the timeline and process for labor negotiations.

**Semi-Annual Report:** Pat will remove Taser review from the list of to-do items on the report. Kathryn wondered if OPARB isn't limited to advising on OPA policies, excluding the rest of SPD. An excerpt from the ordinance was quoted in answer to her question: "...The responsibilities of the OPA include the following areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters involving the Police Department's investigatory and disciplinary functions and on Police Department policies and practices related to police accountability and professional conduct..." OPARB remains mindful that their reviews will be relevant to OPA.

Some wanted conference attendance and other activities to be included in the report. The decision was made to keep the report succinct and focused on research and findings. Should the report include due dates? The Board decided not to include due dates because we don't have enough experience to know how long the first steps will take. Martha thought, since their first sub-committee focus is on the impact of police policies and practices on the homeless, that the omission of this group in the section about diverse communities was glaring. She asked that homeless be listed in front of "youth" to the bullet at the top of page 2. Kathryn asked if the Board had talked with the Auditor about any joint or coordinated projects. The Board will make it a point to talk to the Auditor about his priorities thus far. Pat will make the changes to the report. The Board approved the report with the changes. This report will be presented at the Tuesday, December 1 2:00 Public Safety Committee meeting.

**Michael Pendleton Contract Renewal:** The Board agreed to seek an exemption from the new consultant selection rules. The Board approved the draft exemption request. The Board will revisit the entire subject early in 2010.

**2010 NACOLE Presentation Proposals:** The suggestion was made to identify local civil and criminal defense attorneys who've represented law enforcement, and have a



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panel discussion. The NACOLE Board will be here in January for a site evaluation. RFP's for presentations will go out nationwide. Tina informed the group that Capt. Brown of SPD is very interested in being involved. George suggested the Urban League's Youth Violence Prevention group as possible presenters. NOTE: Revised NACOLE conference dates are September 19 – 24, 2010 in Seattle.

**Committee Reports:** Tina and George presented their draft Public Outreach Committee work plan. Pat wondered if to the upcoming labor negotiations would prevent George and Tina from approaching the guild to facilitate access to SPD officers. He will check with Law. Kathryn suggested that SPOG be asked to lay the groundwork to support this outreach effort and to allay officers' fears about talking to OPARB about OPA. After that, Kathryn could suggest OPA "customers" to be contacted. If Law clears this, Tina & Kathryn will talk with Rich O'Neill, and then Tina and George can proceed with their outreach. They will devise standardized questions, manage the process, avoid politics, and look for win-win communications. They have not asked for Guild input on their questions. Kathryn will provide a copy of the OPA exit interview for their reference.

Pat and David have drafted a report, and have a meeting scheduled with Asst. Chief Pugel and Kathryn to learn how A.C. Pugel oversees criminal investigations of officers.

**Complaint Classification System:** Tina would like the group to spend 20 minutes or so at an upcoming meeting to review history and intent of this issue. The Auditor will need to be at that meeting. Kathryn suggested reviewing a few cases to see examples of the process. Kathryn does not share concerns with the classification system, but she does find their findings (disposition) system confusing and in need of clarification.

The meeting was adjourned at 7:30 pm.

Notes taken by Nancy Roberts

The next meeting will be held on December 2, 2009 at 11:30 a.m. – 1:30 p.m. in the Boards & Commissions Room, City Hall. The Board decided to cancel the December 17 meeting.