

**Minutes of Thursday, March 17, 2011 Meeting**  
**5:30 p.m. – 7:30 p.m.**

David Wilma, Chair:	E	Steve Freng, Member:	P
Melissa Bartholomew, Member	P	Martha Norberg, Member:	P*
Tina Bueche, Vice Chair:	E	Pat Sainsbury, Member:	P
George Davenport, Member:	P		
Michael Pendleton, Consultant:	P		

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

Guests: Councilmember Tim Burgess; Betsy Graef, CM Burgess' staff; Anne Levinson, OPA Auditor; Kathryn Olson, OPA Director (by phone)

**Councilmember Tim Burgess** - Councilmember Burgess spoke with board members about his desire for the board to make their voice (opinions, recommendations) be heard. He urged the board to be more proactive. He hears from the public that 'the review board is 'silent'. He voiced his appreciation for the hard work, and volume of work, that the board has done. He feels there is a disconnect between the factual information on the reports and what the board concludes from that information. He urges the board to draw conclusions and make recommendations. Use your voice and your authority and influence with councilmembers, the Auditor, and OPA director, to move them forward. The board has a lot of power to lead leaders to an outcome or change, or to influence the public. As always, weigh your approach against the odds of success. He is looking for the board's suggestions for improvements or reform. His focus is on transparency, and whether it be to the benefit or detriment of the department, he wants to hear the truth of what the board has to say.

He suggested that an important subject of the board's oversight of OPA should be OPA's customer service. How easy is it to file a complaint? Do complainants know they can get help with filing complaints and where to get that help? What experience does a complainant have? How does OPA present to the complainant? What is the atmosphere? Is OPA communicating receptiveness? How clear and accessible are the complaint forms? Tim noted that OPA openness to the public also signals to SPD officers that we take OPA seriously.

Tim questioned whether we should spend our time reading cases. He observed that the investigating officer, the chain in OPA and in some cases the officer's chain (including the Chief), Kathryn, and Anne all review cases. He suggested that OPARB should focus on general practices and best practices from other cities. The Board explained their current focus on the use of force cases named in the ACLU letter and why they elected to review those cases. Tim suggested that the board focus on trends and patterns in officer behavior and outcomes in those cases.

When the subject arose about Seattle Human Rights Commission's recent proposal to study oversight systems nationwide, the board felt that this work has been done before, many times. Anne suggested that the board can be helpful by illustrating the difference between systems and problems to help the public differentiate between cause and effect.

Tim suggested that there are many vacuums in the system, which others hurry to fill. One frustrating vacuum is the length of time it takes for cases to be processed, and another is when the board remains silent. He urged the board to be proactive.

In parting, Tim told the group to exercise their power, fill information vacuums, and nudge the department along toward change.

**Minutes** - The minutes of the February 17, 2011 meeting were adopted with one change.

**Report from the Auditor** – Kathryn and Anne met with SPD's video unit as part of OPA and Auditor review of the In Car Video (ICV) system. As they review complaints that include failure to use ICV, they are assessing the barriers to use of ICV. In some instances the officer may not yet have been sufficiently trained, in others the situation doesn't allow for audio and video to both be used, as is required, in some the policy may not be clear, and in some instances there are technical issues. They are looking at each of these. To better assess the technical issues, they reviewed with the video unit the equipment, upload, retention, production and training. Anne was also concerned about instances where production of a video as part of a discovery or public disclosure request appeared to have been delayed, which can then negatively affect public trust. Video requests made through those avenues are separate from video requests made by OPA pursuant to internal investigations. As part of their review, Anne and Kathryn were able to ascertain some technical and training reasons for videos not being available when initially requested. They have already made recommendations to the training unit and will continue to work on ICV improvements.

Pat asked if this was a possible explanation for a complaint he had received from a defense attorney in a case involving an off-duty officer at a Ballard club. The attorney represents a civilian accused of assaulting the officer and learned of an in-car video only after the video was leaked to the media. The video appears to show the officer kicking the defendant in the head after the defendant was down and cuffed. Anne confirmed that the problems in tracking and accessing the videos could be responsible for the failure to provide the video as part of the discovery in the criminal case. Pat mentioned that the attorney claimed that four officers who responded to the scene had not mentioned the kick in their officer statements and asked whether something like this would potentially be an OPA case. Kathryn confirmed that it could be a failure to write an accurate report, which is a violation, but because of confidentiality issues, she couldn't confirm whether this is a case that OPA is considering. Pat also mentioned that the attorney noted that Use of Force statements are not under penalty of perjury; the attorney suggested that SPD consider requiring that the statements be under penalty of perjury.

In terms of public disclosure, SPD is subject to the Public Disclosure Act, as are all governmental agencies, but there are sometimes additional challenges where there are ongoing investigations.

Also related to videos, Anne had recommended in her first Auditor report that videos be regularly used by supervisors and command staff as a tool to help highlight best practices and to mentor or coach officers. The Guild's position has been that videos should not be viewed except as part of an OPA investigation or criminal investigation. SPD management disagrees, and they are working through this issue.

**Report from OPA Director** – At the beginning of the month, SPD released its most recent report on use of force that had been completed in August and held while the John T. Williams proceedings were underway. The report reflected lower use of force than in other cities. What the report was not able to address are concerns expressed by some that use of force may not always be reported, or when it is reported, the reporting may not always be accurate. OPA and the Auditor are interested in gathering additional information to better assess those two issues, since OPA only sees the slice of cases about which complaints are filed. The OPA Director worked with SPD to engage a resident at the UW School of Medicine to design a study to look at the issues of underreporting of Use of Force; he is seeking funds for the study. The study would take perhaps 6 months to conduct. OPA and the Auditor will also look at other methods for this review.

Kathryn responded to Seattle Human Rights Commission's proposal to study oversight best practices by remarking on her recent trips to Columbus, Missouri and Honolulu. She spent time learning about their oversight systems, and what she learned, along with her previous knowledge of oversight systems, reinforced her belief that while there are vastly different systems in place, there is no one perfect system.

She recently met with the Director of the COPS Office and Deputy Director of NIJ and many others from county and state agencies to discuss the development of curriculum for Procedural Justice Training. The intent is to learn how to interact better with various communities, to increase the level of respect, and to foster better relationships. The ultimate outcome should increase credibility and the perception of legitimacy for everyone involved.

**MEDC Meeting Debriefing** - Martha reported that she, Pat and Steve attended the MEDC meeting Wednesday. The group asked about diversity training for OPARB members, and asked if more training is contemplated for officers.

Kathryn talked about two different training programs. One is Race – the Power of Illusion, the training sponsored by the Seattle Office of Civil Rights under the Race and Social Justice Initiative. All command staff down through the rank of captain or lieutenant have attended the training, along with many officers and civilians. This is in addition to the full day Perspectives on Profiling training all SPD employees attended during 2010. Another program is a new one that hasn't been officially announced, but it is geared to researching human dynamics involved with police work across cultures with a plan to use the information for training purposes. More details about that program will be shared soon.

**Loren Miller Bar Association** – Melissa, George and Michael met with the Loren Miller Bar Association Monday, March 14. It was a productive meeting with lots of questions. SPD representatives were present, as well as Judge Charles Johnson and Attorney General Rob McKenna. There were so many questions about police and community relations that they were invited back.

There was not sufficient time remaining for a full presentation and discussion of the meetings with Loren Miller and MEDC. The Board members who attended will write full reports to be circulated before the April 6 meeting and discussed at that meeting.

Melissa also reported that the Latino Bar Association will hold its next meeting Thursday, March 24 at 4:00 p.m. at the Seattle University Law School. Can anyone go?

Martha mentioned that she is realizing that while many people say they know how to file a complaint, when it comes down to it, they really don't know how. It was suggested that we create business-card size information cards (laminated?) that can be handed out.

**Reports from Work Groups** – Time ran short and Pat requested that groups share summaries of their work via email, and they can be discussed in greater depth at the April 6 meeting.

#### **Michael Pendleton regarding Training –**

Michael discussed the Jay Rothman/Marvin Johnson proposal that was provided to members. That, and Michael's other information, have since been provided to members via email. They propose to come to Seattle, meet with individuals and groups, get to know community facilitators, and get perspectives on police/community issues from the involved locals. They would then summarize what they learn and determine next steps. This phase should take two days and they would charge \$5000

plus travel/lodging, etc. expenses. Their model seeks to move participants from identity-based conflict toward coming together as a community.

If this is something the board wants to pursue, they would need to create a logical systematic way to bring people together. While the board would sponsor the effort, they may want to enlist partners in the community.

Again, there was little time to discuss this. Please come to the next meeting having read the materials and ready to discuss this proposal and possible next steps.

The meeting was adjourned at 7:30 p.m.

Notes taken by Nancy Roberts

The next meeting will be held on Wednesday, April 6 at 11:30 in the AI Rochester room on the 2<sup>nd</sup> floor at City Hall.