

OPARB
Minutes of Thursday, January 19, 2012 Meeting
5:30 p.m. – 7:30 p.m.

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| Dale, Tiffany, Chair | P* | Joe Hawe, Member | P* |
| Melissa Bartholomew, Member | P* | Liz Holohan, Member | P* |
| Claudia D'Allegri, Member | P* | Pat Sainsbury, Member | P* |
| George Davenport, Member | P* | | |
| Michael Pendleton, Consultant: | P* | | |

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

Guest: Kathryn Olson, OPA Director

The meeting began at 5:30 pm. The entire meeting was conducted via teleconference.

Minutes – Minutes of the December 15, 2011 meeting were approved.

OPA Director's Report –

Kathryn reported that there were no surprising issues at the heart of the recent DOJ report. SPD has been working on many of the issues, such as focusing on de-escalation skills training, since before DOJ announced its investigation. Other improvements, such as a more robust use of force review team, were put into place after DOJ made the recommendation early in the investigation.

The DOJ's report notes concern about use of force with the mentally ill. SPD's own annual use of force reports document that the great majority of times force is used, the subject is impaired by alcohol or drugs, and/or has mental health issues. There need to increase skills in how to interface with people impacted by these problems grows as social services are reduced.

The majority of the DOJ recommendations, as currently understood, appear doable. Chief Diaz created a new Professional Standards Section last fall. They are doing a top down policy review, including areas that seem to be of concern for DOJ. Captain Washburn was assigned to head up the new section, along with a new lieutenant, some attorneys, and support staff. They have already established a set of values to use in reviewing policies and other issues that come to the attention of the section. They want internal and external input when evaluating changes to ensure that the values of the community are reflected.

The Professional Standards Section and others are working through the DOJ recommendations. Some things appear easy to address, while others may have labor or significant financial implications. A few recommendations may not necessarily reflect best practices and will require further review.

The Use of Force Review Team mentioned above involves staff at different levels who can identify problems as they look at individual instances of use of force. The team includes training staff and those with other perspectives in an effort to make the review more robust and move it beyond the chain of command.

Kathryn was surprised at the DOJ finding that nearly 20% of uses of force by SPD were unconstitutional. There is not a lot of information about how DOJ arrived at that figure, so SPD is trying to understand what it means. The Department has identified what it thinks are the cases of concern for DOJ and are reviewing each case thoroughly, involving the internal Professional Standards Section, the Law Department, OPA, the Auditor and others to try to understand what DOJ saw in those cases that hadn't been seen before.

Dale asked what past practice has been with regard to DOJ divulging their specifics – on what criteria did they base their findings and conclusions? At the January 18 Public Safety committee meeting, Bob Scales from Law reported that cities general agree to a consent decree or an MOU. He cited only one instance where a city challenged findings; DOJ subsequently dismissed the case.

When DOJ conducts investigations of policing practices, the end result can be a consent decree with a monitor, an MOA, or a Technical Assistance Letter. There are other options to resolve issues short of litigation and it's not clear right now how things will move forward.

Based on reports from cities where DOJ investigations have resulted in a consent decree with a monitor, the estimated annual cost could be \$1M or more. Of course, any expenditure will require cuts elsewhere, given the current economic demands for the City.

SPD is committed to resolving these issues. Michael Pendleton felt that identifying “frequent flyers” by itself is not necessarily telling, which OPARB has discussed in the past. Raw numbers, in the absence of normative standards against which to judge them, are not necessarily helpful – factors such as shift, area of the city, type of assignment skew numbers.

Kathryn stated that SPD is open to ideas. Cost is always a factor, but the Professional Standards Section is reviewing best practices, academic research that’s available, community involvement, and other ideas.

One example the Chief points to where community involvement is vital is the DOJ’s suggestion that SPD needs to gather more race and ethnicity data. Some of Seattle’s citizens may not (have not in the past) supported such efforts. One member remembered that when the state patrol did a similar study, the data showed no racial bias.

With regard to Seattle’s oversight system, the DOJ found the 3-pronged structure “sound” and the quality of the investigations to be good. They felt the classifications systems was confusing and asked for changes in the initial classification and findings system. Based on the joint OPA, OPA Auditor, OPA Review Board report from summer 2011, OPA began using the new classification and findings approach in January 2012. DOJ is concerned about Supervisory Intervention (now called Training Referral) findings, but SPD is looking for community input before making changes. DOJ called for two findings – founded or unfounded. The research done during the joint project in 2011 indicated that other internal and civilian investigation systems use approaches with more than two findings, to capture the complexity in some of the issues brought forward in complaints.

Kathryn was concerned with the report’s finding that more cases should go to supervisors, while too many use of force cases are handled outside OPA. Because OPA retains and investigates 99% of use of force complaints, it is confusing how the conclusion was reached that too many are handled at the precinct level. Clarification has been requested from DOJ.

Some of DOJ’s findings may refer to past practices. For example, OPA suspended line investigations because they were inconsistent in quality. This change happened in summer of 2011 and cases won’t be sent to the line for investigation until training can take place with line supervisors on conducting investigation.

OPARB is interested in the collaborative process and increase community interaction. Given that SPD has some programs already, what is SPD’s approach to the collaborative process?

Kathryn is concerned about the cost of a collaboration process and redundancies. The collaborative process is geared toward community input on community issues, but DOJ has given SPD direction based largely on community input. She’s not sure the collaborative process will produce anything other than what is already happening; either through on-going contact by the DOJ with the community or through efforts SPD is making itself.

Many specific recommendations are being addressed already and the importance of gathering community input as changes are contemplated is built into the model the Professional Standards Section is using. .

The Director left and the Board went into closed session.

The meeting was adjourned.

Notes taken by Nancy Roberts.

The next public meeting will be held on Thursday, February 16 at 5:30 pm in the Al Rochester room on the 2nd floor at City Hall.