

July 11, 2014

Via Email

The Seattle City Council
Mr. Peter Holmes, Esq., Seattle City Attorney
The Honorable Edward Murray, Mayor
Chief Kathleen O'Toole, Chief of Police
Mr. Pierce Murphy, Director, Office of Professional Accountability

Dear Councilmembers, Mr. Holmes, Mayor Murray, Chief O'Toole and Mr. Murphy,

In light of the current focus on police accountability and recommendations from the CPC, we felt it necessary to review the critical reasons why this Board should not be dissolved or incorporated into other oversight groups as has been suggested.

As you know, the City Council created its citizen oversight model, including OPARB, in 1999. This action was in response to police corruption, when officers allegedly stole thousands of dollars from a crime scene and then tried to cover up the incident. Since inception, the Board has played an active role in citizen oversight and police accountability.

OPARB was the first to identify and report on significant issues plaguing the Seattle Police Department, years before the Department of Justice lawsuit. These include:

- Overt interference and abuse of authority by the Chief of Police in accountability investigations and discipline
- Indiscriminate use of excessive force by police officers
- Obstructionism and foot-dragging by SPD in response to fulfilling accountability recommendations
- Obstacles to transparency and limitations on access to the system and necessary data
- Undermining legitimacy of the oversight system by ignoring recommendations, underfunding/understaffing and the like

This list is not exhaustive.¹

The Board accomplished this significant body of work despite efforts to impede and silence it. For example, a prior City Attorney threatened not to honor indemnification obligations Board members should OPARB write certain reports. More recently, the Board has endured multiple vacancies that the City Council neglected to address, openings that lasted in some cases for almost two years, and the Board repeatedly sought support for to fill. These accomplishments are the result of hard fought battles, including an unsuccessful assertion of unfair labor practices and Seattle Police Officer's Guild contract negotiations, which call out OPARB in the SPOG contract and provide only to OPARB the ability to review unredacted closed cases.

OPARB should remain for the following critical reasons:

¹ OPARB reports can be found on its website: <http://www.seattle.gov/council/oparb/reports.htm>.

1. OPARB Is a needed check and balance on concentrated power.

- OPARB reports to the City Council – not the mayor – and as such acts as a key counterweight in regard to concentrating civilian police oversight within one branch of the city’s governing structure.
- The council has the direct ability to proactively request OPARB undertake particular issues of police accountability.
- OPARB created the *only* public forum for the community to comment on SPOG negotiations.

Ordinance 122809 was championed by OPARB, which created a public hearing jointly hosted by OPARB and the Council Public Safety Committee. This is sole forum for the public to have any input on contract talks with SPOG and the Seattle Police Management Association. OPARB co-hosted a well attended meeting this April.

- OPARB’s actions were a key catalyst in the creation of the 2007 Blue Ribbon Committee

OPARB provided critical input to the 2007 Committee that resulted in 29 accountability recommendations, which had a direct bearing on then ongoing labor negotiations with SPOG.

2. OPARB ‘s authority is expressly recognized and acknowledged in the SPOG labor contract.

- OPARB has the authority to read and comment on closed, unredacted cases. This authority is spelled out in the contract with SPOG. This was a result of many years of negotiation. This ability was a key tool enabling OPARB to sound the alarm on significant accountability issues for the 2007 Blue Ribbon Committee that would otherwise have been ignored or never even found.
- This right is specific to OPARB and once lost, could be costly or impossible to regain.

3. OPARB's is the only all citizen body to have access and documented authority to review unredacted cases.

- No other group or individual outside the SPD chain of command has this authority.
- As evidenced by OPARB’s history, this access is perhaps the only, too-small, window that the public has on SPD accountability practices.
- In 2008 SPOG sued the City of Seattle for an unfair labor practice in regard to the legislation enabling OPARB’s ability to review unredacted records. In 2009 this case was dismissed and OPARB’s access to redacted cases was affirmed.

4) OPARB's Primary Focus is on Accountability

- OPARB is a community board with a sharp focus – accountability of the SPD.
- OPARB is not politically driven.
- OPARB's constituency is all of the people of Seattle.
- OPARB tackles the tough issues head-on.

5) The Board can do more when fully staffed.

- This Board was allowed to mangle with multiple openings for, in some cases, almost two years, while key accountability issues were actively being discussed. Numerous requests were made to the Public Safety Chair to fill the positions. Failure to act on filling these seats has deprived key communities much needed representation and impacted oversight.
- This Board has never been assigned the individual authorized and funded by the city council under Ordinance Number 120790 passed by the council on May 6, 2002, Full Time Exempt Staff position (Administrative Specialist II,) This position has never been filled since the bill has been passed and has significantly hampered the work of OPARB.

Effective citizen oversight saves money, engenders trust and minimizes the tragic impact of police excesses on the community. The rights that OPARB has been accorded have been hard fought and used very effectively to further the case of police accountability in Seattle. If these rights and access are eliminated, they will be gone.

University of Washington law professor Eric Schnapper wrote in 2008, "The systematic effort to limit public scrutiny of this issue (police accountability) is both highly creative and too often effective." As Seattle re-evaluates its commitment to citizen oversight of the police under the consent decree, the Board urges you to not limit public access and scrutiny by changing the Board.

Sincerely,

Elizabeth R. Holohan, Chair
Office of Professional Accountability Review Board