

CITY OF SEATTLE



**Office of
Professional
Accountability
Review Board**

**Semi-Annual Report
For the Period
3/1/09-12/1/09**

Review Board Mission

The Review Board's mission is to provide community oversight and awareness of Seattle Police Department practices and its employee accountability system by independently:

- Reviewing the quality of the accountability system,
- Promoting public awareness of and full access to the accountability system,
- Obtaining information and opinions from police officers and the community on police practices and accountability, and
- Advising the City on police practices and accountability.

Report Topics

This report covers:

- The results of the Review Board's structured outreach to the Seattle community,
- The Review Board's Strategic Plan for 2009-2011 (Appendix A) and,
- Upcoming Review Board activities, including planning for the public hearing required early in 2010 on the effectiveness of the OPA system.¹

Community Outreach Findings

The Review Board's detailed community outreach report was released October 19, 2009 and is available online at http://www.seattle.gov/council/OPARB/reports/2009_02.pdf.

As a first step to fulfilling its mission, the Review Board conducted an extensive community outreach effort, receiving information and insight on police practices and accountability from 28 community agencies and groups. This outreach effort took place over six months and was designed both to introduce the Review Board to the community and to provide community input to the Review Board's 2009-2011 work plan.

There was a wide range of views expressed, but some dominant themes emerged:

¹ Ordinance 122809, SMC Section 4.04.120 F

- In general the Seattle Police are doing a very good job and are getting better.
- Police administration is positive and responsive to concerns.
- Race and minority community issues remain unaddressed. The Review Board intends to address this issue.²
- Relationships with the homeless and with youth, particularly poor youth, are not positive and need improvement. The Review Board intends to address this issue.³
- Responses to immigrant issues and calls for service need improvement (slow response times, failure to take victims seriously, immigrants' fear of police, officers reluctant to take immigrant complaints/calls for service). The Review Board intends to address this issue.⁴
- The quality of patrol response to domestic violence needs improvement, although domestic violence agencies uniformly commended the domestic violence follow-up unit. The Review Board intends to address this issue.⁵
- The OPA process and accountability system is not well known and/or utilized. The Review Board intends to address this issue.⁶

2009-2011 Review Board Strategic Plan

The Review Board's Strategic Plan was developed based on information from its community outreach, with input from the City Council's Public Safety, Human Services and Education Committee and from reports of and discussions with former OPA Auditor Kate Pflaumer, current OPA Auditor Michael Spearman, and OPA Director Kathryn Olson. It was informed by the experience of Review Board members and follows the directives of SMC Section 3.28.910.

The Strategic Plan has five main goals which are outlined below.

I. Monitor and Report on the Entire OPA System

This work is required by SMC 3.28.910 A, and is a key responsibility of the Review Board. It will be performed by the Review Board as a whole in collaboration with the OPA Auditor and OPA Director. The Review Board will

² See Goals II and IV of the Review Board's Strategic Plan.

³ See Goal II of the Review Board's Strategic Plan.

⁴ See Goal II of the Review Board's Strategic Plan.

⁵ See Goal II of the Review Board's Strategic Plan.

⁶ See Goal IV of the Review Board's Strategic Plan.

review OPA processes and OPA closed cases when relevant, and will research best practices in the U.S.

The first elements of the OPA system chosen by the Review Board for assessment are the current OPA complaint classification and finding system and the role of officer “intent” or “willfulness” in determining the disposition of a complaint.

When work on a given topic is completed, the Review Board will choose another element of the OPA system to review. This approach gives the Review Board flexibility in responding to new problems and issues. The same approach will be taken for the work of Review Board sub-committees.

II. Diverse Communities

This is a sub-committee of two Review Board members.⁷ It will review OPA processes and OPA closed cases when relevant, and will research best practices in the U.S. Its work also will include an examination of SPD training, policy, procedures, and management and supervision practices. Its first topic will be the impact of police policies and practices on the homeless. Members of the Seattle-King County Coalition on Homelessness raised several issues when members of the Review Board attended their annual meeting as part of the Review Board’s community outreach. Other possible topics listed in the Review Board’s Strategic Plan include youth, domestic violence victims, and the immigrant community. This work is mandated by SMC 3.28.910 C.

III. Use of Force

This sub-committee will examine closed OPA cases involving use of force complaints filed with OPA. The purpose is to identify specific use of force issues for review by the OPA Auditor and to identify potential improvements in systems, and in policies and practices. This work is mandated by SMC 3.28.910 C.

IV. Community Outreach

This sub-committee will manage the Review Board’s public outreach responsibility. Its first priority is to design and implement an outreach strategy that reaches the public and police officers at a grass roots level. The goal is to effectively and broadly disseminate information about the OPA system to Seattle residents and to receive input about police conduct and the accountability system from line police officers and people on the street. This work is mandated by SMC 3.28.910 B.

⁷ The Review Board will receive periodic updates from each sub-committee and will discuss, possibly modify, and approve their work products. All current sub-committees have two members.

V. Civilian Oversight of Criminal Investigations of SPD Employees

This sub-committee will report on the current system of civilian oversight of criminal investigations of SPD employees, and may recommend changes to the current labor contract. It intends to complete its work by the end of 2009, so that any Review Board recommendations can be considered during the 2010 labor negotiations with the Seattle Police Officers Guild.

Upcoming Review Board Activities

Under SMC 4.04.120 F, enacted in September 2008, the Review Board, the City Council's Labor Policy Committee, and its Public Safety, Human Services and Education Committee are required to jointly host a public hearing early in 2010 on the effectiveness of the OPA system. The purpose of the hearing is to receive information for use in the City's labor negotiations with the Seattle Police Officers Guild. The Review Board has appointed a sub-committee of Patrick Sainsbury and David Wilma for this task and has made contact with Councilmembers Burgess and Licata to begin planning the hearing. The Review Board will use its community contact list (developed as part of its outreach program) to publicize the hearing.

The Review Board will focus its efforts in the next six months on the public hearing on the effectiveness of the OPA system and on the tasks set forth in the Strategic Plan.

The Review Board meets 11:30-1:30 on the first Wednesday of each month and 5:30-7:30 on the third Thursday of each month. You are invited to contact the Board at (206) 684-8888, opareviewboard@seattle.gov, if you have questions or comments, or would like to meet with the Board.

<http://www.seattle.gov/council/oparb/default.htm> is the URL for the Board's web page.

APPENDIX A

Office of Professional Accountability Review Board Strategic Plan 2009 – 2011

Mission

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- Reviewing the quality of the accountability system
- Promoting public awareness of and full access to the accountability system
- Obtaining information and opinions from police officers and the community on police practices and accountability, and
- Advising the City on police practices and accountability.

To accomplish this mission the Review Board will follow this Strategic Plan in the next two years.⁸

Goals

- I. **Implement An Ongoing Review Process To Monitor And Report On The Entire Police Accountability System To Include The Office Of Professional Accountability (OPA), The Office Of Professional Accountability Auditor (Auditor) And The Office Of Police Accountability Review Board (Review Board).**

- A. First Priorities:

1. Review and recommend possible revisions to the existing OPA complaint classification and finding system.

⁸ This Strategic Plan is based, in part, on the findings from a six month community outreach effort to obtain input from the Seattle community. See Office of Professional Accountability Review Board Community Outreach Report 2009.

2. Review the role of officer “intent” or “willfulness” in determining disposition of a complaint (referral for supervisory intervention) and subsequent discipline.

B. Subsequent Work Items

- Review OPA’s use of Supervisory Referral as a process for addressing citizen complaints.
- Review “user friendliness” of OPA system, including accessibility, information provided to citizens about making a complaint, complainant interviews, follow-up and progress information provided, and closing letters.
- Review Loudermill hearing process.
- Review appeals process.
- Review the impact of an officer’s receiving a citizen complaint on the officer’s delivery of police services (de-policing impact).
- Review annually the overall accomplishments and activities of the Review Board.

Primary Responsibility: Full Board in collaboration with the Auditor and OPA Director.

Completion Date: Begin first priorities immediately and continue through 2011.

II. Review And Evaluate The Impact Of Seattle Police Department Policies And Practices On Diverse Communities In Seattle.

A. First Priority: Review SPD training, policy/practices and management/supervision as it relates to the Homeless Community within Seattle.

B. Subsequent Work Items: Review SPD training, policy/practices and management/supervision as it relates to youth, domestic violence, immigrant and other diverse communities in Seattle.

Primary Responsibility: Police Practices and Diverse Communities Sub-Committee.

Chair: Steve Freng
Member: Martha Norberg

Completion Date: Begin immediately and finish by 2011

III. Review And Evaluate The Use Of Force By Seattle Police Department.

A. First Priority: Review use of force complaints filed with OPA.

B. Subsequent Work Items:

- Request the Auditor to look at use of force complaints in the City of Seattle with emphasis on specific issues identified by the Review Board's work in A, above.
- Review training on and use of tasers in Seattle.

Primary Responsibility: Use of Force Sub-Committee

Chair: Sharon Dear
Member: Tina Bueche

Completion Date: Begin the Fall 2009 and Continue thru 2011.

IV. Conduct Public Outreach To The Many Communities Within Seattle.

A. First Priority: Design and implement an outreach strategy focused upon "grass roots-street level" perspective that will include both citizens and police officers.

B. Subsequent Work Items:

- Complete and distribute A "Diverse Communities Report" based upon part or all of the work completed in sections II, III and IV in this plan.
- Communicate the OPA system to the community and encourage citizens to use it.
- Meet with the City Council and Mayor to solicit views and input on police accountability and the OPA system.

Primary Responsibility: Public Outreach Sub-Committee

Chair: George Davenport

Member: Tina Bueche

Completion Date: An on-going activity.

V. Research, Review And Make Recommendations On The Oversight Of Criminal Investigations Of Seattle Police Department Employees From A Police Accountability Perspective.

A. First Priority: Assess the police accountability process and policies on cases involving the criminal investigation of Seattle Police Department employees.

Primary Responsibility: Criminal Investigation Oversight Sub-Committee

Chair: David Wilma

Member: Pat Sainsbury

Completion Date: December 2009