

DRAFT MINUTES

Community Police Commission (CPC)

September 23, 2020, 9:00am – 11:00am

Via Zoom Conference Call

CPC Attendees: Prachi Dave (Co-Chair), Rev. Harriett Walden (Co-chair), Rev. Aaron Williams (Co-chair), Scott Bachlar, LaRond Baker, Emma Catague, Suzette Dickerson, Erin Goodman, Esther Lucero, Natasha Moore, Mark Mullens, Joseph Seia, Douglas Wagoner

CPC Staff: Brandy Grant (I.E.D.), Nick Christian, Nia Franco, Jesse Franz, Shayleen Morris, Luiza Montesanti

Review Agenda / Announcements

Agenda was sent to CPC Commissioners, Staff, and Stakeholders

The CPC voted to approve 09/23/2020 CPC meeting agenda.

“Approve the 09/23/2020 CPC meeting agenda.”

Moved: Joseph Seia

Seconded: Erin Goodman

Yes: 9

No: 0

Abstentions: 0

Not present, did not vote: 8

The CPC voted to approve 09/16/2020 CPC Minutes.

“Approve the CPC meeting minutes from 09/16/2020.”

Moved: Erin Goodman

Seconded: Suzette Dickerson

Yes: 9

No: 0

Abstentions: 0

Not present, did not vote: 8

DOJ/Monitor Update

DOJ Update – Christina Fogg on behalf of the DOJ.

- Meeting w/ new Monitor team to discuss next steps.

Monitor – Ron Ward on behalf of the Monitor.

- Confirms update from DOJ.

City Council – Newell Aldrich, Legislative Aide for CM Lisa Herbold, reports,

- Council to begin consideration of 2021 budget on 09/30/2020.
- Budget Committee to meet for 2 months after Mayor's proposal on 09/29/2020.

Mayor's Office –

- Mayor's budget speech 09/29/2020.

CPC Updates

Co-Chair Updates-

- (Co-Chair) Rev. Harriet Walden announces that CPC leadership continues to monitor Commissioner attendance and continue reach out to Commissioners with multiple unexcused absences.
- (Co-Chair) Executive Director asks Commissioner to fill out Doodle Poll to schedule small meeting for permanent ED search.

Governance Committee Update- Erin Goodman on behalf of Governance

- Executive Director search firm to schedule both small Commissioner group and a meeting with CPC staff.
- Governance met 09/18/2020.
- Completed reviewing a portion of new bylaws.
- Commissioner Erin Goodman to prepare a document where all proposed changes can be tracked.
- Next meeting 10/02/2020
- Re-instigating strategic plan RFP before the end of the year
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Community Engagement Committee Update- Joseph Seia on behalf of Community Engagement

- Community Engagement Committee revived. First meeting held on 09/15/2020.
- Meeting Tuesday evenings.
- Currently work planning
- Focusing on accessibility for Community members.

OIG Update- Lisa Judge on behalf of OIG

- Director Judge states long term focus on review processes that include Community.
- Request for Sentinel Event Review came from CPC for Iosia Faletogo shooting. Change of SER topic in light of SPD response to summer protests.
- Model is heavily used in Airline and Healthcare industry. New process to find systemic barriers to accountability. Not currently widely used in law enforcement.
- Former CPC Interim Executive Director Bessie Scott and former CPC Co-Chair hired as consultants.
- Phase 1 of SER began end of May: fact gathering, open public listening sessions. Defining which events will be the focus
- Workgroup of stakeholders in development. To include academics, subject matter experts, and community members.
- Additional panel to be developed. To include: CPC, OIG, OPA, SPD, ACLU and similar stakeholders
- (Co-Chair) Rev. Harriet Walden Will questions if 05/30/2020 protest be included as part of the review.
 - Director Judge confirms inclusion of events at 05/30/2020 protest. A visual timeline of events will be developed and will be shared with CPC

- Commissioner Esther Lucero questions when we will move beyond review and move to accountability. And asks Co-Chairs how CPC will respond.
 - Director Judge share concerns about relying on after the fact reviews. OIG is considering how to flag issues in real time, without months long delay. SPD reporting to OIG that there will be changes in the response to protests. Suggests joint effort from accountability partners in identifying next steps.
- Commissioner Esther Lucero ask where/how accountability partners can add pressure.
 - Director Judge suggests direct dialog with SPD. And working with new monitor to increase pressure from Federal Court.
 - (Co-Chair) Rev Walden suggests following up on training and actions for past recommendations, and agrees about the need for increasing force of the Federal Court
 - (Co-Chair) Prachi Dave agrees that meeting with SPD and Monitor are important. Suggests additional meetings with Mayor and Council.

OPA Update- Andrew Myerberg on behalf of OPA

- On 09/18/2020 OPA released first 5 decisions about protest related cases.
 - Child who was pepper sprayed- not sustained
 - Officer with knee on neck of restrained subject-sustained
 - Professionalism case-sustained
 - 2 cases of excessive use of force, one with inconclusive evidence, one no sustained
- Case involving child who was pepper sprayed coming to CPC for review in the next week.
- Next round of cases expected in 2 weeks.
- (Co-Chair) Rev. Harriet Walden asking why case with child who was prepper sprayed not sustained. Asks for walk through of the decision.
 - Director Myerberg describes OPA view of female protestor who pushes through a line of officers and ducks when pepper spray is discharged, aimed at her. Then hitting child who was behind. You cannot see father and child in all body camera views, until after pepper spray is deployed. As a result OPA believes the outcome was not foreseeable.
- Co-Chair) Rev. Harriet Walden questions the use of pepper spray in protests, since it affects so many.
 - Director Myerberg agrees, and points to OPA recommendation to council about the use of pepper spray. But unsure of what other tools existed for the situation
- IED Grant questions reasonableness of needing to use a crowd control weapon for one person pushing past a line. Questions if commands were given.
 - Director Myerberg confirms that woman pushing past line was given two commands to step back.
- Commissioner Joseph Seia raises concerns about OPA's decision in child who was pepper sprayed case. Would like findings to humanize communities rather than support policy that allows such decision.
- (Co-Chair) Prachi Dave shares concerns with other Commissioners. Points to inability of involved citizens to cause same level of harm to officers in riot gear, and the need to change policies that allow such decisions from OPA.
 - Director Myerberg points to ordinance that would disallow use of pepper spray.
- Commissioner Esther Lucero points to previous recommendations from the CPC that were not implemented. And requests partners do more to support recommendations in the future, to prevent further harm to community.
 - Director Myerberg agrees. Identified possible gap in legislations in now powers of mandatory policy recommendations.

- Commissioner Scott Bachlar questions is CPC is asking for no police presence at protests.
 - Commissioner Joseph Seia disagrees and clarifies that the he and previous Commissioners were asking for less violent or weaponized reactions to protest.
 - (Co-Chair) Rev Aaron Williams confirms the need for a power analysis and non-violent response from officers in order to uphold Constitutional Policing.

Work Group Updates- Defund

Defund Committee Chair Esther Lucero reports out

- Points to efforts to do meaningful Community Engagement.
- Asks for Commissioners add one name to shared list of Community to engage, or share the name in an e-mail or message to CPC staff.
- Concerns around dependency on certain community or county partners being barriers to re-investment.
- Asks Commission to consider: Who can/How to support in humanizing and less criminal way?
- Points to Co-LEAD conversations around encampment near Seattle Indian Health Board, where once a Councilmember was engaged 18 people were identified as qualified for CO-LEAD. Capacity questions remained.
- Commissioner Suzette Dickerson points to shared identity of government employees as community members, and potential impact on employments. Need to identified as infrastructures that may not be visible to community members.
- Co-Chair Rev. Harriet Walden and Commissioner Scott Bachlar share concerns about possible impacts to response to criminal calls after cuts to SPD budget
- CPC staff member shares presentation on Resolution 31962 and purposed 10% cut to SPD's budget and overlap with Blueprint from King County Equity Now and Decriminalize Seattle
- Commissioner Esther Lucero asks Austin Miller about Mayor's plan for participatory budgeting.
 - Austin Miller responds, plan has yet to be solidified, but will be shared with the CPC at a later date
- Commissioner Esther Lucero asks council representative about City Council plan for participatory budgeting
 - No council staff remains to answer. CPC staff will follow up.

ACTION ITEMS:

- CPC staff to follow up with Austin Miller and Council staff about next steps by 09/30/2020.
- CPC staff will organize presentation to Community Engagement Committee in October.
- CPC Commissioners will provide at least one name for Community conversations.

Work Group Updates- State Legislative Agenda

CPC Policy Director Shayleen Morris leads conversation.

- State Legislative Agenda is a permanent workgroup.
- Once feedback has been provided, the workgroup will move to develop a separate Legislative Agenda.
- CPC Community Engagement Advisor Jesse Franz and Shayleen Morris give presentation on legislative agenda to potential provide to the Office of Intergovernmental Affairs. Points are as follows:

- Collective Bargaining-
 - Remove police accountability from the collective bargaining process
 - Remove arbitrations as a route of appeal for police misconduct
- Decertification-
 - Centralize and standardized decertification
 - State should decertify for a wider range of misconduct
- Truly independent Investigations
 - Establish unity in State Attorney General's Office to conduct criminal investigations
 - Establish state-wide review body
- Ban tear gas statewide-
- End Qualified Immunity
- Strengthen requirements for officers to intervene when they witness misconduct
- CPC staff before sending would make small formatting adjustments
- Potential to add recommendation that the Washington State Criminal Justice Training Commission be at least 50% civilian.

The CPC voted to approve legislative agenda go to OIR.

“Accept legislative agenda with the changes as discussed.”

Moved: Esther Lucero

Seconded: Douglas Wagoner

Yes: 10

No: 1

Abstentions: 0

Not present, did not vote: 6

Meeting Adjourned
