

MINUTES

Community Police Commission (CPC)

November 16, 2016, 9:00 am – 12:00 pm

City Hall, 600 4th Avenue, 3rd Floor, Room 370

CPC Attendees: Lisa Daugaard, co-chair, Rev. Harriett Walden, co-chair, Josias Flynn, Kay Godefroy, Enrique Gonzalez, Jay Hollingsworth, David Keenan, Cpt. Joe Kessler, Melinda Giovengo, Isaac Ruiz

CPC Absent: Claudia D'Allegrì, Rev. Aaron Williams

CPC Staff: Fé Lopez, Minty LongEarth, Tracy Whitlatch, Betsy Graef

CPC Staff Absent: Anne Bettsworth

REVIEW AGENDA AND APPROVE MINUTES / ANNOUNCEMENTS

Moved, seconded, and passed (6-0-1): “To approve with amendment the 11-16-16 agenda.”

Moved, seconded, and passed (6-0-1): “To approve the minutes from 11-9-16 with amendments.”

COMMUNITY SERVICE OFFICER UPDATE

Staff shared the City budget “green sheet” for the CSO program with commissioners. The Council is moving forward as if the program will be implemented in 2018. An IDT (interdepartmental project team) will complete an assessment, with a budget of \$100K in 2017. The CPC will be given a budget of \$100K in 2017 to review the assessment completed by the IDT and make recommendations on those findings. Per the CSO budget “green sheet”, “The IDT should work in consultation with relevant stakeholders, including but not limited to communities impacted by police, former CSOs, other cities with similar programs, and other City and external agencies with relevant expertise.” The CPC believes its role is in line with the Consent Decree and should be allowed to work with the IDT throughout the process, with a commissioner participating in the assessment. The CPC hopes to schedule a meeting with Councilmembers to discuss CPC’s role in the CSO program assessment prior to November 21.

Moved, seconded, and passed (10-0-0): “To waive privilege to share legal opinion regarding CPC’s work on the CSO review aligns with CPC work outlined in the Settlement Agreement.”

Action Items –

- Staff will request that CPC staff and commissioners meet with Councilmembers before the end of the week.
- Staff will ask Councilmembers that a CPC member(s) participate with the IDT on the CSO assessment.

CITY OF SEATTLE FIRE & POLICE DEPARTMENT ENTRY-LEVEL TESTING AND HIRING SELECTION PROCESS UPDATE

Councilmember González sent a letter to Chief Scoggins of the Seattle Fire Department, Chief O'Toole of the Seattle Police Department, and Director Coskey of the Seattle Department of Human Services to address HR's RFP regarding an assessment of SPD and the Fire Department's hiring, recruitment, and retention practices. In her letter, she requested that HR provide her office with a commitment to not duplicate, but build, on the work that the CPC already completed. A letter in response to Councilmember González was sent by Director Coskey stating that it has always been the plan to build on the CPC's work and that the CPC was very early identified as a critical stakeholder in the SPD hiring equity analysis and they hope that the CPC will meet with the hired consultant at multiple points to provide CPC insights.

The Commission discussed its proposed response to HR's letter. Commissioners were generally in favor of working with the Human Resource's consultant to assist in the analysis. The CPC felt that a meeting with Councilmember González would also be important in deciding next steps. The CPC may also release a 1st Annual report early in 2017 to give the community a briefing on what has been accomplished thus far and what the Commission intends to focus on in the future.

Action Item – A small workgroup will collaborate on a draft letter to send to Director Coskey to formalize the CPC's interaction with the Human Resources consultant on the hiring, recruitment, and retention practices analysis.

Action Item – Staff will connect with Councilmember González to strategize a response.

Action Item – Staff will add the CPC Annual Report discussion to next CPC Meeting agenda.

Council on American-Islamic Relations-WA ("CAIR") UPDATE

CAIR requested that CPC write a letter to the King County Civil Service Commission about CPC's work related to SPD's training practices and Mr. Said. Mr. Said was not hired by the KCSO and was appealing the decision. The CPC declined to send a letter because the CPC did not assess the King County Sheriff's Office training of new recruits not does the CPC have any insights to Mr. Said's hiring process with the county. The CPC did suggest alternatives to CAIR such as using a letter the CPC sent related to systemic issues the CPC identified when reviewing Mr. Said's case.

Action Item – Staff will follow-up with CAIR.

I-873

Commissioners discussed Initiative 873. Among other things, the CPC discussed how the proposed change to the law may impact police officers, past incidents of officers who have used deadly force, why it has been so difficult to prosecute officers both in Washington State and nationally, and building community trust through accountability.

The assistant city attorney cautioned that city departments and city officials are not allowed to endorse initiatives. One may endorse in one's own capacity. The CPC decided to support the Legislative Task Force recommendations related to changing the law instead.

Moved, seconded, and passed (8-0-2): “To approve the CPC’s support of the following recommendation to the Joint Legislative Task Force on the Use of Deadly Force in Community Policing:

Strengthen public trust in law enforcement and reduce violent interactions between the public and the law enforcement officers by:

(a) Revising RCW 9A.16.040 to reflect the following best practices developed by the Police Executive Research Forum (PERF) and the President’s Task Force on 21st Century Policing;

Principle #1: “The sanctity of human life should be at the heart of everything an agency does.”

Drafting approach: All uses of deadly force, except capital punishment, are restricted to situations where the threat is reasonably understood to be imminent and the use of deadly force is reasonably understood to be necessary.

Provide that use of deadly force is justified where an officer has a reasonable belief of an imminent threat of death or serious physical harm to the officer or a third party and the deadly force is necessary to prevent death or serious physical harm. Provide clear definitions of “imminent,” “necessary,” and “reasonable belief,” making it clear that reasonably believes encompasses and protects an officer who makes an honest mistake.

Principle #2: “Departments should adopt policies that hold themselves to a higher standard than the legal requirements of Graham v. Connor.”

Drafting approach: Use “sanctity of life” as the backdrop and add requirements that protect police, the public, and suspects. Add the word “imminent” and “reasonably believes” throughout. Revise the definition of “necessary” to make clear that use of force should be a last resort and reference de-escalation and less lethal alternatives. Remove the “malice” and “good faith” defense. Clearly define “imminent” and “reasonably believes.” Require a warning in all situations unless a warning is futile.

Principle #3: “Police use of force must meet the test of proportionality”

Drafting approach: The revised definition of “necessary” will connect the proportionality principle to the threat presented.

Principle #4: “Adopt de-escalation as formal agency policy”

Drafting approach: Add “de-escalation” to the definition of “necessary.”

Principle #8: “Shooting at vehicles must be strictly prohibited.”

Drafting approach: Prohibit shooting at vehicles unless the suspect is using deadly force aside from the moving vehicle itself.

Principle #9: “Prohibit use of deadly force against individuals who pose a danger only to themselves.”

Drafting approach: Existing law uses the phrase “harm to others” or “third party.” Make this consistent throughout RCW 9A.16.040. ”

Action Item – Staff will connect with Ethics and Election Commission.

POLICY REVIEW WORKGROUP UPDATE

The CPC received the SPD updated draft Crowd Management policy with the compromise language and the FIT Manual. The CPC needs more time to review the FIT Manual since the CPC received it this week. It will be discussed at tomorrow's Policy Review Workgroup meeting. After that workgroup meeting, if necessary, the CPC will arrange a meeting with DOJ to review any points the Commission was unable to gain consensus with SPD.

Lifting the Body Worn Video Proviso will be pushed out to the end of the 1st quarter of 2017 to allow inclusion of community feedback to the policy. SPD must submit community engagement plan in the early part of December but needs to meet with stakeholders prior to submitting it to Council. In the meantime, SPD will deploy a 2nd pilot exclusively with West Precinct bike officers.

ACCOUNTABILITY WORKGROUP

DOJ Court filing and Technical Assistance Letter –The DOJ filed their comments regarding the City's Accountability Legislation recommendations with the Court on November 4th. They also sent a letter to the City partners outlining some technical assistance regarding the draft accountability legislation.

Action Item – A small workgroup and staff member will meet to develop a strategy for updating community and community stakeholders about the process to date. The strategy should include a video post and press release.

DOJ and MONITOR UPDATES

The DOJ –

The DOJ is working through the assessments. The DOJ understands that more time may be needed to submit feedback to the Body Worn Video policy and the FIT Manual.

The DOJ brought up the presidential election outcome and reminded the Commission that the Settlement Agreement will remain in place and the Court still maintains authority to authorize mandated reform. The DOJ reiterated its support of most of the duties called out in the Accountability Legislation for the CPC.

The Monitor Team –

The Monitor team continues to work through the assessments and deadlines. The Monitor Team representative will find out when the CPC will receive the raw data from the community satisfaction survey.

Action Item – Staff will follow-up with the Monitor team representative.

OTHER BUSINESS

CPC Commissioner Parking Passes – Staff handed out parking permit applications for commissioners to fill out and return for 2017.