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CITY OF SEATTLE

Office of Professional Accountability Review Board

Semi-Annual Report For the Period 12/1/09-6/1/10

October 15, 2010

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:

- An update of the Review Board's outreach to the Seattle community,
- The Review Board's work in obtaining and preparing for the 2010 annual conference of NACOLE (National Association for Civilian Oversight of Law Enforcement),
- The Review Board's work in reviewing and improving the quality of the accountability system,
- Progress on other elements of the Review Board's Strategic Plan for 2009-2011, and
- The Review Board's participation in the 2010 labor negotiations with the Seattle Police Officers Guild, including the public hearing required early in 2010 on the effectiveness of the OPA system.[1]

Community Outreach

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.

[1] Ordinance 122809, SMC Section 4.04.120 F

An important benefit of the outreach effort was compiling a mailing list of over 250 organizations and individuals interested in police practices and accountability. The list has been used to:

- Publicize the public hearing held in January 2010 on the effectiveness of the OPA system,
- Publicize and solicit information in the process to select a new police chief, and
- Distribute revised, updated brochures describing the OPA system and how to make a complaint or register a commendation.

Seattle will host the 2010 annual conference of NACOLE. The outreach mailing list will be used to publicize the conference and encourage attendance at sessions of interest. The Review Board will be represented on a panel at the conference to discuss community outreach and present the Board's work.

In 2009 the Review Board worked with the OPA Director and Auditor to revise and update the brochure describing the OPA system and how to make complaints and register commendations. Several community contacts made in the outreach process assisted in reviewing the revised brochure. The brochure is available at OPA, Seattle Office for Civil Rights, the ACLU, and at http://www.seattle.gov/police/OPA/Docs/OPABrochure.pdf. The outreach mailing list was used to circulate the brochure and to solicit additional comments for future revisions.

The Board updated its web presence in several respects. The existing pages were revised to reflect the civilian oversight legislation enacted in 2008. The web site now includes timely items of interest such as release of reports, outreach activities, and changes in the accountability system. This feature is updated regularly. One improvement to the site is multiple paths for visitors to reach OPA with commendations for officers or allegations of misconduct. The site contains digital handouts from the 2009 NACOLE conference in Austin, Texas. Care was taken in general to make the site more user friendly and more current. The redesign and updates were done by board member David Wilma with the assistance of Legislative Department staff.

The Seattle Women's Commission read the Review Board's Outreach Report and was interested in the responses from domestic violence victim advocates regarding SPD training and response to domestic violence calls. Review Board members met with the Women's Commission and facilitated a meeting between the Women's Commission and SPD training officers on this issue. The meeting resulted in a much better understanding of SPD training and operational practices. The Women's Commission will be exploring more support for the SPD volunteer Victim Support Team which is a critical link between the law

enforcement response to domestic violence incidents and important follow-up social services. This outreach was facilitated by the Review Board's Diverse Communities work group.

One of the five parts of the Review Board's Strategic Plan was a work group to 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. The work group decided that its first step would be to explore and to evaluate the OPA process and its fairness and effectiveness from the perspective of the police officer. The work group reviewed samples of the OPA exit questionnaires made available to officers as they complete the OPA process. The return rate on those exit interviews was low. The work group will be meeting with SPOG membership in the month of October to encourage greater response and seek officers willing to discuss their OPA experience. The work group is interested in understanding the perception of the process independent of the process outcome. The group will also explore the possibility of a correlation between seniority of officers, perception of the process and outcome. After this work is complete the work group will determine its next steps.

NACOLE Conference

NACOLE is the national professional organization for civilians involved in police oversight. Its annual conference will be held in Seattle September 20-23 2010 at the Fairmount Olympic Hotel. OPA Director Kathryn Olson is on NACOLE's Board and has been very active in planning and hosting the conference. Review Board members have been assisting her.

The Review Board assisted OPA with the presentation that helped secure the NACOLE conference for Seattle and in identifying various venues for conference activities. Review Board members met with NACOLE representatives in Seattle as part of NACOLE's due diligence in conference location selection. In addition, Review Board representatives have provided input to the conference syllabus and are working to obtain sponsorships and funding for the conference. The Review Board will be represented on a panel to discuss community outreach, presenting the Review Board's outreach efforts and results. The Review Board will use its outreach e-mail list to promote local attendee registration and support.

OPA, the OPA Auditor, and the Review Board will host a reception in the Bertha Knight Landes Room the evening of September 22. The Seattle Police Foundation has agreed to sponsor the reception.

Reviewing and Improving the Quality of the Accountability 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 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 were the current OPA complaint classification and finding system and the role of officer "intent" or "willfulness" in determining the disposition of a complaint. The Board has worked on this at regular Board meetings, learning about the system from OPA Director Kathryn Olson as her schedule and the Board's agenda has permitted. The Board has completed its education on the complaint classification system and is about 50% finished with the more complex finding and disposition system. The Board plans to issue a report by December 1 2010.

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 other Review Board work groups.

The Review Board and OPA Director Kathryn Olson met with Mayor's Counsel Carl Marquardt to brief him on the OPA system and discuss issues of interest.

Review Board member Tina Bueche served as a member of the police chief search committee. The Review Board provided input to the search committee including OPA issues and police practices issues learned from the Review Board's community outreach.

When OPA Auditor Michael Spearman accepted an appeals court judgeship, leaving his post vacant, the Review Board urged the Mayor to give high priority to appointing a new Auditor and recommended criteria for selecting the Auditor.

The Review Board has just begun a process that will include OPA Director Kathryn Olson and OPA Auditor Anne Levinson to discuss making the Director's annual statistical report a better vehicle for analyzing and understanding changes in OPA's cases and for managing and overseeing OPA's work.

Progress on Other Elements of the Review Board's Strategic Plan for 2009-2011

Diverse Communities

This is a work group consisting of two Review Board members.[2] 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.

Homeless

The work group began by researching homeless issues and advocacy organizations on the local and national level. They developed many resources nationally on the issue of homelessness and law enforcement, including the National Law Center on Homelessness, which conducts litigation. Locally, SHARE/WHEEL has committee meetings and receives and reviews grievances. The work group identified over thirty additional local organizations that provide services to homeless, including mental health agencies, crisis intervention and outreach organizations, and shelters. They have contacted or will contact those organizations via mailing or in person. They are developing a questionnaire for the organizations to open and/or maintain communication and to broaden their scope of community feedback. These groups will be added to the Review Board's contact list of organizations interested in police policies and practices and in the OPA system.

Martha Norberg discussed the developmentally disabled aspect of homelessness with DD community officials. She found that SPD was viewed quite favorably in the DD community.

The work group simultaneously began working with SPD to learn their perspective and what they are doing. They researched police response to homeless, including newspaper articles and the internet. They made contact with Deputy Chief Clark Kimerer who gave them good information and helped them contact others in SPD. Chief Kimerer mentioned that SPD has specialized training in this area: Human Services week (40 hours of training), Crisis Intervention Training for selected officers, and training regularly as part of the annual two-day training for sergeants.

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[2] The Review Board will receive periodic updates from each work group and will discuss, possibly modify, and approve their work products. All current work groups have two members.

They interviewed police officers and command staff relating to police policies and practices in making contact with homeless individuals. They rode along with SPD officers and observed contact with homeless/street people.

The work group was able to identify core issues that concern homeless people about police contact and city ordinances. One issue affecting the homeless is that the public wants the homeless to move away from their homes and businesses, so they ask police to do it. Police do it and are accused of harassing the homeless. If homeless people who live in their vehicles are moved down the road, or their vehicles impounded, it affects them in many ways, including economically, because they have to pay impound fees to get their vehicles back or gas to continually move them, or they end up on the street. All of their possessions are in their vehicles, so they risk losing everything if they can't recover the vehicle from impound. Examples: Park Exclusion laws, Admonishment rules and Parking Enforcement rules are ordinances that affect the homeless and cause interaction between homeless and police.

The work group attempted to review OPA case files related to complaints filed by the homeless, but learned OPA does not classify files with that information. The group plans to identify appropriate classification of OPA cases for review (mental illness, public inebriation, DV, veteran, other) with the help of OPA staff. Additionally, the Review Board plans to work with OPA to review its statistics and reporting, including this issue.

The work group's future plans on the subject of homeless include:

- Meet personally onsite with personnel of some of the organizations, including Youthcare's Orion House.
- The group has talked to SPD officers about their training and what their process is when encountering homeless individuals, and has observed this in a ride-along. They have requested training material from SPD officials relating to officer response to homeless and are awaiting those materials.

In their continued outreach they will include the organizations identified and maintain contact with them, informing them of SPD's accountability process and obtaining feedback from them.

Domestic Violence

Members of this work group also led the Review Board's work with the Seattle Women's Commission and SPD training officers on issues surrounding police response to domestic violence. Their work included the following:

- Met with the director of the SPD Victims Support Team.
- Interviewed SPD command staff, including Clark Kimerer and Jim Pugel.
- Interviewed the DV Unit's Lieutenant.

- Reviewed the 2010 - 2012 Strategic Plan of the Domestic Violence Prevention Council's Criminal Justice Committee.
- Talked with individual police officers about their issues relating to domestic violence calls.
- Attended the Citizens Police Academy, which included training on SPD's domestic violence response policies and procedures.
- Identified twenty organizations that provide resources for victims of domestic violence and are including those organizations in their outreach plan. Those organizations also will be added to the Review Board's outreach contact list.

The work group facilitated a meeting between the Women's Commission and SPD training officers. The meeting resulted in a much better understanding of SPD training and operational practices. The Women's Commission will be exploring more support for the SPD volunteer Victim Support Team which is a critical link between the law enforcement response to domestic violence incidents and important follow-up social services.

Plans for future work include:

- Review OPA closed cases of complaints relating to domestic violence responses by SPD officers, and review closed OPA cases of officer-involved DV.
- The work group has requested training materials, curriculum, and policies from SPD and will review those when received.

Lake Union Case and Outreach to Latino Community

Although the Review Board does not have access to open OPA investigations, it has been following media reports and discussing the Lake Union case involving a racial slur and use of force issues. It is likely that the Board in the future will revisit its community outreach to the Latino community and review courtesy and use of force complaints involving that community. The Review Board also may review any training and supervision issues revealed by the incident. El Centro de la Raza has expressed interest in working with the Review Board on community outreach to the Latino community. This work group would lead that work.

Use of Force

This work group 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.

The work group identified the following information for the initial review matrix:

Type of contact
Gender of complainant
Gender of employee(s)
Ethnicity of complainant
Ethnicity of employee(s)
Age of complainant
Type of force used/ identify if possible
Number of employees involved
Precinct
Date
Time of day
Finding(s)

The work group initially requested all closed Use of Force complaints for the previous 90 days. This yielded 15 cases. The request was extended to the most recent 6-month period. This produced 24 case files, all of which were reviewed.

The work group observed that the OPA's statistics are kept in such a way that the capacity for organizing and analyzing information is somewhat limited, although the information required for OPA's annual statistical reporting is available. The Review Board plans to address this issue separately as a general OPA recordkeeping, reporting, and management issue applicable to all OPA cases.

The work group identified several possible alternatives as the next step:

1. Review a broader population of case files in order to better comprehend the documentation process;
2. Research and identify methods of data organization by OPA that could result in organized analysis and objective identification of trends and potential areas for management attention;
3. Expand the population of case files to include closed cases other than use of force complaints;
4. Ask the OPA Auditor to review open cases according to the same criteria as the closed case file matrix; and
5. Work to definitively understand if there is any systemic opportunity to constructively address the perception and reality of use of force issues.

The Review Board was advised that OPA is completing a use of force study due in the fall of 2010. The Review Board decided to await that study. Since then the Review Board has been advised that SPD Chief Diaz plans to convene a national panel on all use of force issues. The Review Board has asked to participate in the panel.

The Review Board anticipates additional, continuing work in this area, including regular review of closed cases, and may expand both the scope of its reviews and the information sought and included in the review matrix.

Other Issues

Periodically other issues of policing catch the Review Board's attention. The Review Board may study the issues surrounding SPD's dishonesty policy, investigations, and litigation. Similarly, the Board may study issues surrounding in-car videos.

Civilian Oversight of Criminal Investigations of SPD Employees

The Review Board, the OPA Auditor, and the OPA Director completed a joint report in April 2010 describing the system of civilian oversight of the most egregious allegations of employee misconduct. The report was presented to the City Council's Public Safety and Education Committee and is available on the Review Board's web site. The Review Board decided that further work should be done to assess the operation of the system. The Review Board will develop a work plan and timelines for the work.

The Review Board's Participation in the 2010 Labor Negotiations with the Seattle Police Officers Guild

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[3] were required to jointly host a public hearing early in 2010 on the effectiveness of the OPA system. The purpose of the hearing was to receive information for use in the City's labor negotiations with the Seattle Police Officers Guild. The Review Board provided its community contact list (developed as part of its outreach program) to publicize the hearing. The hearing was held January 26 2010. The Review Board did not identify any interests or issues expressed at the public hearing that are legally required to be bargained with SPOG.

The Review Board identified several possible contract issues in the course of researching the civilian oversight of criminal investigations of SPD employees. One issue identified in preparing the report was conveyed to the City's Labor Relations Policy Committee. Another issue, cleanup of contract provisions regarding OPARB, was discussed with the SPD-SPOG Joint Labor-Management Committee. SPOG responded that the labor contract contains other cleanup issues and suggested that the entire issue should be addressed in the 2010 labor negotiations.

[3] This City Council committee has been replaced by the Public Safety and Education Committee.

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.