

Answers to Confirmation Questions for Pierce Murphy

1. *Describe your vision for the Office of Professional Accountability (OPA). Based on this vision, what would be your priorities over the next three years?*

Vision

On behalf of the community, OPA will hold the Seattle Police Department (SPD) accountable to provide policing services that are: (1) consistent with its own policies, (2) reflect the values of the community in all of its diversity, (3) respectful of the rights and dignity of every person, and (4) constitutional, ethical and lawful.

Priorities

Listen and learn – OPA has been criticized as being an arm of SPD, out of touch with the Seattle community. OPA needs to strengthen its role as an independent entity that seeks to understand and advocate for the entire community. While continuing to listen and understand the perspectives of those inside SPD, the OPA must be attentive to the voice of the broader Seattle community, especially persons of color, those who are poor or homeless, persons with disabilities, refugees and immigrants, and all who are vulnerable and historically disadvantaged. This will be accomplished through frequent outreach activities in the community, sustained over a long period of time, and becoming a permanent part of OPA’s mission. OPA must also develop collaborative and sustainable relationships with City Council members, Board and Commission members, the Community Police Commission (CPC), the Monitor and his team.

Advocate for excellence – This is a time of significant change for SPD. In collaboration with community and internal stakeholders, informed by its day-to-day work of objectively investigating complaints, and in light of recommendations made by the OPA Auditor, the OPA Review Board and others, OPA will advocate for the continuous improvement of SPD culture, policy, training, and practices – improvement that is truly reflective of community values.

Be accessible – All members of the community must find it simple, safe and convenient to file a complaint regarding SPD or any of its officers and employees. Barriers must be identified and removed. New and innovative ways to make OPA accessible must be found, especially for those who are most vulnerable.

Strengthen independence – In its critical role of investigating complaints, determining findings and making recommendations, OPA must act, speak and operate with complete independence from SPD.

Hold SPD accountable – OPA must hold SPD, its officers and employees accountable through a process that is fair and transparent, regardless of any pressure OPA may experience or criticism it may receive.

2. *What do you see as the primary challenges facing the Office of Professional Accountability?*

OPA must become close to the community in all of its diversity, strengthen its independence, hold SPD accountable, become more accessible, and participate effectively in the on-going effort to continuously improve SPD.

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3. *In relation to the Mayor, Council, and public, how do you see your role with respect to accessibility and collaboration?*

While remaining independent in its critical role of holding SPD accountable, OPA must make itself as accessible as possible to the Mayor, the Council and the public. Immediately after being confirmed as OPA Director, I will begin a regular practice of holding scheduled office hours out in the community. Community centers, libraries and community organizations are among those places under consideration. Developing collaborative partnerships with diverse communities and advocacy groups will be a key focus for me in my role as OPA Director. In particular, we must identify and remove barriers that make it difficult or uncomfortable for individuals and groups to be heard. I will also work closely with the Mayor, the City Council, Boards, and Commissions to make OPA accessible, transparent and effective.

4. *What would you say will be the biggest challenge you will face as the OPA Director?*

I am a college-educated white male stepping into a critical leadership role in a city that includes the most diverse zip code in the nation. I am a person of privilege coming from a city (Boise) not nearly as diverse as Seattle. I must work hard as OPA Director to get to know Seattle's many communities and groups in all of their splendid and complex diversity. In this way, I hope to be a true advocate for meaningful change at SPD – change that will meet the needs of the entire Seattle community, especially those who are least powerful and most vulnerable.

In the past few weeks, this process has already begun. I have had the pleasure of meeting with representatives from the Latino Community Fund of Washington State, the ACLU of Washington State, the Seattle Human Rights Commission, the Seattle LGBT Commission, the Seattle Women's Commission, the Downtown Seattle Association, and Mothers for Police Accountability. In the weeks ahead, as I participate in the confirmation process, I will continue to meet with a wide range of individuals and groups in the Seattle community.

5. *As the City of Boise's Community Ombudsman, what are some of your notable accomplishments? What are some things you had hoped to accomplish but did not?*

Accomplishments

Community Trust – In 1999, when I was appointed to be the first Ombudsman for Boise, significant portions of the community were expressing a lack of trust in their police department. Questions were being raised about the use of deadly force by Boise officers following a series of officer-involved shootings that resulted in multiple deaths, including the first on-duty death of an officer in the history of the Boise Police Department. Also contributing to this crisis of trust was a perceived lack of accountability and transparency in how the police communicated with the public in the wake of each officer-involved shooting. Six years later, following a highly controversial incident in which a Boise Police officer shot and killed a 16 year-old boy armed with a bayonet fixed on the end of an unloaded WWII relic rifle in the driveway of his home, little controversy remained in the community after the results of my independent investigation into the incident were announced and my extensive report was released to the public. As a result of six years of holding the police accountable through objective investigations and transparent communication with the public, the community demonstrated their trust in Boise's system of police oversight by accepting my findings

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in that shooting case and those that have followed. In addition, the City of Boise has regularly conducted a statistically valid telephone survey of its residents since 2005. In the latest survey conducted in 2010, the Boise Police Department was given a 3.97 rating on a 5.00 scale. The public's satisfaction with its police department has increased every year since 2005. The following quote from the 2010 survey says a great deal about the improvement in the community's trust of its police:

“It is noteworthy that the percentage of excellent ratings [of the Boise Police Department] has nearly doubled since 2005—from 18 percent in 2005 to 31 percent in 2010. At the same time the percentage of negative ratings decreased from 24 percent in 2005 to 13 percent in 2010.”

Police Culture – In collaboration with the Mayor and City Council, I have advocated for positive change in the culture of the police department. Great progress has been made in creating a culture of service and leadership. Credit must be given to the current police chief who, in collaboration with my office, the police union and many others, has steadfastly brought about improvement by developing leadership skills throughout the organization, effective communication and progressive policies.

Strong Accountability – At the present time, the system for handling allegations of misconduct by the police in Boise, whether generated internally or from public complaints, is strong, transparent and highly trusted. This was not the case when I began my work as Ombudsman 14 years ago. At that time, the public was given little or no information regarding misconduct or problem behavior by the police. Even when an individual made a specific allegation of serious misconduct against an officer, he or she was only told whether or not the police department found something wrong with the officer's actions. The police did not explain the basis of this finding to the complainant, nor was he or she told anything about what was done to prevent misconduct from occurring in the future. As a result of my detailed audits of internal police investigations over 14 years, combined with helpful feedback on what must be done to improve objectivity and credibility, the police in Boise now conduct complete and objective investigations into their own officers' actions. In addition, I have led by example with my own complaint investigations. For every complaint we investigate, a detailed report is published on our web site. In this way, all can see what the allegation was, how we investigated it, and the rationale behind the finding that was reached.

Effective Advocacy for Change – Since taking office in 1999, I have successfully advocated for change to over 50 police policies, practices or training.

Things Left to Do

Police Response to People in Crisis – One of the first recommendations I made as Ombudsman had to do with police response to people in crisis. At that time, I recommended that the police provide their officers with guidelines and training to reduce their reliance on the use of force. Some minimal training was provided, but not much changed. One year later, I made another recommendation that the police provide their officers with better tools for de-escalating crisis encounters. Again, some training was conducted, but little changed in how police officers actually handled these situations. Finally, in 2006, in the wake of a fatal officer-involved shooting, I made a detailed and well-researched recommendation that the police department immediately implement the Crisis Intervention Team (CIT) model. This recommendation was endorsed by the City Council and

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implementation began nearly two years later. However, complete and effective implementation of CIT has not taken place. Several factors have contributed to this, including budgetary restrictions, lack of support staff, inter-agency difficulties, and the decision to make participation voluntary for officers. I had hoped that Boise would become a model for how best to use CIT to reduce the use of force (especially deadly force) and prevent injuries to officers and subjects alike. This is still possible, but there is much left to be done.

It is important to point out that no “ideal” model exists to train, equip and organize a police department to best respond to persons in crisis. What works in Boise might not be the right fit for Seattle. Each community has to assess its own unique needs, resources and values. Working in collaboration with the police, the community and its leaders must develop and implement a crisis response system that will work for them. As OPA Director, I look forward to participating in that process.

Police Performance Management – While Boise now has a robust and credible system of accountability and discipline concerning police misconduct, it lacks an effective system to document the day-to-day performance of its officers and to give them effective feedback for improvement and achievement. Such a system will help officers develop skills and abilities along positive lines and provide them with corrective feedback regarding small matters long before they become ingrained habits, poor performance or misconduct. I have advocated for development and implementation of such a system for several years. This year, work finally began on a performance management system for patrol officers. It is likely to be implemented in the next twelve months.

6. *How has your policy and training recommendations improved the professional standards of the Boise Police Department?*

Following is a sample of the many recommendations I have made that have improved the professional standards of the Boise Police Department.

Vehicle Pursuits – I strongly advocated over several years for a more restrictive policy concerning vehicle pursuits to reduce the danger of death and serious injury for officers and the public. As a result, the police department has a policy that limits pursuits to violent felonies and imposes a strong role for supervisors in monitoring and ending pursuits when warranted.

Tasers – Long before there were any national standards or “best practices” concerning the use of conducted energy devices (“Tasers”), I led a task force that recommended a comprehensive policy and set of procedures governing the use of Tasers. As a result, Boise has equipped all of its uniformed officers with Tasers for the past nine years with only one serious incident involving the improper use of the device. At the same time, the Taser has been used by officers to safely control aggressive subjects with minimal injury to them or the officer.

Shooting at Moving Vehicles – One of the more dangerous police practices has been the habit of shooting at moving vehicles. After several such incidents in Boise, I conducted extensive research into the issue and recommended that the police sharply curtail the practice. After much discussion and some resistance, my recommendations were implemented with only minor modifications.

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Police Response to Sexual Assaults – Following two separate serial rape cases in which investigating officers accused juvenile victims of making false reports, I convened a task force made up of women’s advocates, medical professionals, counselors, detectives and Ombudsman staff. This task force looked closely at what had gone wrong and researched best practices around the world. Their report, “A Victim-Centered Response to Sexual Assaults”, was immediately implemented by the police and became a model for other jurisdictions.

Police Interactions With Homeless Persons – In response to multiple complaints that the police were unfairly targeting homeless persons for enforcement actions, I undertook a comprehensive review of two years of data concerning officers’ contacts with persons who were or may have appeared to be homeless. While no specific acts of misconduct were uncovered, the study resulted in several recommendations to improve the service and assistance provided by the police.

Community Satisfaction With the Police – The City of Boise has regularly conducted a statistically valid telephone survey of its residents since 2005. In the latest survey conducted in 2010, the Boise Police Department was given a 3.97 rating on a 5.00 scale. The public’s satisfaction with its police department has increased every year since 2005. I count this result among my most significant achievements.

7. *OPA’s policies clearly prohibit retaliation against complainants. How will you enforce these policies?*

I will not tolerate any retaliation in any form against someone who accesses the services of OPA. These policies must be unambiguously communicated and understood by all. Any report of retaliation or harassment of a complainant will be immediately, objectively and thoroughly investigated. If the evidence shows that policy was violated, I will recommend appropriate disciplinary action.

8. *The fundamental objectives of the OPA are transparency, objectivity, fairness and community trust. While policing is a challenging and complex profession, when it is performed at its best it means that all communities feel the law works fairly, equally, and with respect for all. How will you help build trust with communities of color? Or underrepresented communities?*

I will actively spend time in the community listening and learning. As OPA Director, my highest priority will be to strengthen OPA’s position as an independent entity that seeks to understand and advocate for the entire community, especially persons of color, those who are poor or homeless, persons with disabilities, refugees and immigrants, and all who are vulnerable and historically disadvantaged. I will accomplish this through frequent outreach activities in the community, sustained over a long period of time, and becoming a permanent part of OPA’s mission.

In particular, I will be holding scheduled office hours in community centers, libraries, community organizations and other appropriate venues throughout Seattle. My goal is to be as accessible as possible.

In the final analysis, trust is earned. OPA will be trusted if our work deserves it, if the complaint process is fair and transparent, if findings are supported by evidence based on objective investigations, and if recommendations for improvement truly reflect the values of the community.

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9. *How does the political climate in Boise differ from what you know about Seattle? How will you account for this difference in the performance of your duties?*

While Boise is a much smaller city than Seattle, its people want the same thing when it comes to the delivery of police services. They want the women and men who serve as their police officers to reflect community values and treat them with dignity and respect while preventing crime and keeping them safe. As an advocate for continuous improvement, I will work hard to involve all elements of the Seattle community in holding the Seattle Police Department accountable and enabling them to be truly excellent. This will demand that I remain accessible, open, responsive and energetic in my efforts to understand Seattle's many peoples, communities, interests and perspectives.