



Seattle City Council Police Accountability Panel (SCCPAP)  
Minutes of Monday, January 14, 2008 Meeting  
6:00 pm – 9:00 pm

Present: Panelists W. Ed Reed, Eric Schnapper, Lynne Wilson; Leo Hamaji, Veronica Alicea-Galvan, Kellye Testy, Steve Herbert, Peter Harris, Council Central Staff, Michael Pendleton, facilitator; Nancy Roberts, staff

Guests: Councilmember Tim Burgess, Sam Pailca, former OPA Director

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**Administrative:**

Meeting was convened at 6:15 pm

**Approval of Minutes** – The minutes of the 12/10/07 meeting were approved.

The facilitator recommended that panel members read today's front-page article in the Seattle Times titled "Police Union/City in Tussle."

The Mayor's panel report is now scheduled for release on January 24. They have offered to make available to this panel all their written material.

Eric submitted a document titled "Possible Work Plan" which expands on Lynne's suggestion that we may choose to break into smaller work groups at some point. Document attached. Veronica restated that this panel is not an investigative body, and so is not interested in pursuing items 4 & 5 in Eric's paper. She urged the group to stay general, nonjudgmental, and to focus on procedures and process. In other words, remain within the scope of the charge.

Sam Pailca, the former OPA Director, spoke to the group about her views on Seattle's civilian review process. Although she has left the department, she is still very involved in the issues, serving on committees of NACOLE, the National Association for Civilian Oversight of Law Enforcement.

Ms. Pailca feels that there is virtue in preserving internal investigations. Police work is complex, specialize, very technical and technology-rich. The resources that would be required to bring civilians to a full enough understanding of the system are daunting. Also, "it takes one to know one". While civilian involvement is value added, no one can spot inconsistencies or flaws, breaches or breaks in a system better than someone who lives it. When motivated, sworn officers are in the best position to investigate.

Another strength is that the OPA Director is granted a fair amount of authority with regard to intake and classification oversight. Classification decisions are controversial and contentious, placing great pressure on the director. Also, the OPA Director has discretion over who is assigned as an investigator in their division. The director is also the only civilian on the command staff, and meets frequently with chiefs.

Ms. Pailca feels that it is wise that the OPA Director is appointed to terms; not in the sense of term limits, but because it insulates the director from shifting political winds and provides a measure of job protection and continuity, although she feels that the authority of the position is too great to afford the director civil service protection. Currently, the director can be removed, outside of the term, only for cause, and ultimate by vote of the City Council.

Another strength is that the director reports directly to the Mayor/Council ultimately, although the closer daily reporting is to the Chief. Also, being located within the department allows access that would not be afforded to an outside director. That proximity allows daily close access to the Chief, to the culture, command staff, decision-making process, documents, and offers an irreplaceable view of the issues and obstacles. It increases the depth of the director's understanding.



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An additional strength of the current OPA system is that it is multi-tier; authority lies also with the Auditor, in the checks and balances, with the existence of OPARB, and the good redundancy within the OPA.

A disadvantage to the system is that there is a vast difference between the civilian's view of the system and reality. Police officers are, after all, employees, with rights during investigations. There are ways to improve the system that do not need to go into the employee discipline system. There is, however, untapped potential to clarify and strengthen the role between the OPA Director and the Executive. It is unhealthy for the director to be isolated, without ongoing strong communication with the Mayor. One of the most important strengths of the current system is the support of elected officials. Vocal and visible support of elected officials strengthens the system.

OPA's role in responding to public records requests is problematic. Their policy of being open and transparent is different from naming officers by name. OPA is hamstrung by the number of requests and the exemption challenges, and that reflects poorly on OPA. Ms. Pailca often advocated for release of records but was overruled. Perhaps there could be a wider audience in that decision-making process.

The public's perception of OPA's credibility and authority could be improved if the City strengthened the role of OPA in investigating officer-involved shootings. The investigatory team at OPA are highly skilled and could enhance any investigation. That the OPA serves no role in responding to officer-involved shootings is almost unheard of in a city as large as Seattle.

In 2004/2005 the OPA Director received the authority to review files and make recommendations on firearms investigations. Improvements could be made in almost all areas of handling officer shootings. In other cities, Internal Investigations/OPA is notified and responds to the scene of an officer shooting. In Boise, Portland and Denver, the ombudsman responds. In all of these cities, IIS/OPA has a stronger presence or voice.

A panel member asked about the role of precinct captain. Ms. Pailca responded that there is an on duty captain at all times who responds to shootings and take command of the scene. The Precinct Captain's role in incident response pertains to the handling of officers. The Guild and Guild attorney are called to the scene, as well as the Guild's outside council. There is no role for OPA.

Another panel member brought up the issue of the Firearms Review Board, the lead of which rotates with each case. There is one civilian member (non-voting), and the Board convening within a month or so of an incident. Their findings may be held by the chief pending results of the inquest.

Question – if the OPA Director is concerned about these issues, why have there been no changes? Do these issues need to be bargained? Ms. Pailca had lobbied the chief re the above issues and made incremental gains. These concerns were included in her report, issued last January. Whenever Ms. Pailca made recommendations, she reiterated them in her annual reports.

Meeting was adjourned at 8:55.

### **Next Meeting**

The date of the next meeting is Monday, January 28, from 6 – 9 pm in the City Hall Boards & Commissions Room, room L280.

Minutes recorded by: Nancy Roberts

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