



Seattle City Council Police Accountability Panel (SCCPAP)
Minutes of Monday, March 10, 2008 Meeting
6:00 pm – 9:00 pm
Executive Working Session

Present: Panelists Steve Herbert, Veronica Alicea-Galvan, Eric Schnapper, Lynne Wilson (by phone); Michael Pendleton, facilitator; Nancy Roberts, staff

Absent: Leo Hamaji

Guests: Kathryn Olson, OPA Director

This meeting was considered an executive work session and was not taped or filmed.

The meeting was convened at 6:05 pm.

The group asked Kathryn about her relationship between her office and other legs of the accountability system, and what hinders or promotes the workability of these relationships. She stated that the role of OPARB was not clear, which causes confusion and tension between the three legs.

Does Kathryn have any objection to OPARB requesting specific cases? She felt that in doing this, the Board has taken on an auditing function, which concerns her. She feels that an auditor is a full time position requiring specific expertise. Indeed, the Mayor's panel has now asked for expansion of the current auditor's role.

Kathryn was asked to define what she meant by "audit". Kathryn responded that it's a systematic review of processes, findings and allegations – how they are investigated, types of cases investigated, outcomes, quality of investigation – all systematic reviews. She feels it is unfair when OPARB takes individual cases and draws conclusions from it. She felt it was very difficult for the Board to audit, and difficult for the Board to determine what OPA should do.

Question – The Auditor weighs in on live cases AND reviews them after the fact. How can she criticize something she was a part of?

Kathryn: 1) Kate reviews the triaging of all cases; 2) sees all completed cases that were investigated and comments on their disposition or finding. This is an advisory capacity only, but her opinions are weighed heavily, and 3) writes summary reports a couple times a year.

A group member expressed concern that a participant subsequently reviews a process that they had been involved in, which might make it hard for the participant to be objective. Kathryn stated that the Auditor herself sees no conflict in this role. She said that the Auditor does not review all live cases, and when she finally comments, it is on the larger view, not on the specifics of individual cases.

Question – If Kathryn does not see Kate as a true auditor, what is the distinction? Kathryn stated that a true auditor would have distance from the day-to-day activity and would need greater independence. She stated that Kate Pflaumer's input is extremely helpful. Kathryn would very much welcome another civilian to help her in her role, but does not see the review board filling that role.

How do you see a review board functioning? Kathryn felt that a board should be a regular link to the community. OPA's outreach is a lot of work and not very fruitful. A board could be a conduit, and filter information back and forth between OPA and the public. Panel member comment: So they would have no



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power, but act as a community relations officer for OPA? Kathryn stated that while she wants checks and balances in the city, she feels that losing OPARB's current role would not create an adverse affect.

Comment: The investigated officer has an opportunity to see the OPA report. Is this a useful step in the process? Does it increase the reliability of the report? Kathryn: Yes, it allows the officer the opportunity to see gaps in the process, and to clarify.

What if the complaining party had the same right? Kathryn: Great, but this is prohibited by the Guild. She is all for transparency, and is fine with the complainant seeing the report.

Comment from a panel member: From an employment perspective, the Guild's issue makes sense. Kathryn: The system currently is about employment. It was not designed to assist the complaining property. A panelist expressed concern about the reliability of the report when the input is so one-sided.

Panelist: If the officer comes up with new evidence, does the complainant get the opportunity to know that and rebut it? Kathryn: Every effort is made to circle back to the complainant.

Facilitator: Does the contract allow OPA to follow up after the fact to the complainant with a summary, not specifics?

(Lynne Wilson joins by phone; Kathryn's reply was not recorded)

Panelist: Is specific training given to OPA investigators? Kathryn: They have recently made a comprehensive list of what training each investor has, and needs. They all come in with various backgrounds and a range of skill sets. Some are attorneys. They are currently working on ongoing individual assessments about the types of training needed.

Panelist: Do the investigators have to pass tests? Kathryn: They've never considered doing that.

Panelist: If there is a criminal case pending, we've heard that the witness may not be available. Is that true? Kathryn: Yes. Panelist: Would it be proper for an officer to arrest or charge a person with the purpose of preventing an OPA investigation? Kathryn: Yes, that would be false arrest, but she's not aware of it happening. She further stated that complaints can be submitted to OPA, even if the complainant has been charged.

Panelist: Is there a possibility of providing an exception that anything learned in OPA investigations be exempt from being used in criminal trial? Or to be able to toll the time (so as to not exceed the 180 day limitation)?

Kathryn: She has no objections. Both ideas have been suggested before, and she'd be fine with that.

Panelist: The public wants an oversight process to give them a glimpse into how the police department is working. If this oversight is not provided by OPARB, how would this happen? Kathryn: Look at Pierce Murphy's review of Seattle's system. He looked at the issue of independence and made suggestions about this issue.

Panelist: Someone needs to monitor the overall level of profession conduct – someone outside the department, for legitimacy's sake.

Panelist: Circling back to the complainant – could there be times when sharing information with the complainant could facilitate the process, and cause no hindrance to the process? Kathryn: Sure.



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Facilitator: Explain the distinction between findings and certification. Kathryn: Each complaint is triaged, and those that will be investigated are assigned IS (investigation section) or LI (line investigation) numbers. When the investigations are complete, there is a quality control process. The captain makes a recommendation of finding, which is reviewed by the supervisor, OPA Director, and if sustained, the Chief. The proposed recommended finding is that of “sustained, there is a large disciplinary meeting that includes the OPA Director, investigating sergeant, legal and HR representatives, the Chief, and the supervisor, talk about the sustained finding and discipline. After that, the employee is notified, and they are allowed to see the file prior to their Loudermill hearing.

Facilitator: Why does the chain of command weigh in prior to certification? Kathryn: Sometimes the finding is clear and simple. Sometimes it is very complicated, and she wants lots of input and information, both on the findings and on discipline.

Panelist: These should be independent findings. Doesn't involving the chief and line staff compromise the situation? The issue is appearance. Kathryn: She sees the perception issue, but has not experienced their involvement as a problem.

Panelist: The ordinance seemed to contemplate the finding first, then chief review. Having someone other than the OPA director weigh in on the disposition undermines the very reason for OPA's existence. It removes one of the vital checks & balances.

Panelist: Is the complainant interviewed? Kathryn: Always, but often they are not very available, for a variety of reasons.

Kathryn gave examples of recent training, such as Seven Steps to Investigations; Police Misconduct; Witness Interviews; Use of Tasers; Officer-involved shootings, etc. She is looking forward to an upcoming Use of Force training that she will attend. It is a unique approach to analyzing use of force situations from a cognitive approach, involving techniques to better remember details of stressful situations.

Panelist: What is the internal attitude toward OPA? How is any resistance manifested? Kathryn: It's a difficult issue to get her arms around. A recent internal study had a low response rate and was therefore highly biased. She's concerned with many of the results of the study. Sam Pailca had difficulties with the union and line officers. Kathryn continues to work on those relationships. She currently is getting some positive feedback, has been going to officer meetings, and is making an effort at being open at meetings with SPOG. She answers questions, and gives the message that they can expect to not like some of the answers, but that they can respect the process. Things are getting better. She gets along well with Tag Gleason. They are trying to reframe their image, away from discipline, emphasizing that their role is to “professionalize police work.” They're trying to rebuild bridges.

Panelist: How are new officers being oriented to OPA? Kathryn: Once they're out of recruitment and have been hired, they enter SPD training, which includes OPA orientation.

Panelist: Question re Patterson. Kathryn: She feels her report on this issue is as good as she could make it, she stands by it, felt it was fair and right that she should review the case. She felt the process was followed in this case. She was as open and transparent as she could be – her case files included her hand-written interview notes, which are still on the web. In her review, she saw a system that worked. The outcome of the case has been reviewed by the Auditor, FBI, and others.

Panelist: Concerned that the Chief said a witness corroborated the officer's account when that clearly was not true. Kathryn: There was a lot of tension at the time, and he wanted the officers to know he was standing by them.



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Panelist: How can allegations by the press best be dealt with? Kathryn: On her own, she developed an interest in the issue of interactions and use of force. What happens in these situations? She plans on looking at that issue. She can do research – her job description does not preclude that. She is currently doing reactive research subsequent to the recent PI series. That's one of the benefits of having OPA based internally – having access to information and the power to compel officers to talk to her.

Kathryn: In a recent OPARB/OPA Quarterly meeting, they discussed issues on which all three legs could do separate research, each leg researching a various aspect. Ultimately they'd come together to put together a collaborative, comprehensive report.

Panelist: Does OPA have the authority to launch a disciplinary investigation if their research warrants it?
Kathryn: She doesn't know, but thinks she would have the authority.

Panelist: Do officers have common complaints about OPA, other than the timeliness issue? Kathryn: The feel that complaints are frivolous, and that OPA is too political. NOTE: OPA now has a newly-created position of Ethical Officer, which has been filled by Neil Low.

Kathryn left.

Discussion about structuring the report. Panelists still want to talk to someone at SPD – the Chief or ??? The Facilitator suggested Captain Neil Low, who knows the OPA, is very respected, and is the new Ethics Officer. What about SPOG? The president of the Management Association? The suggestion was made that the panel should have a list of proposed recommendations in mind before talking to anyone further, so questions can be more specific. Some suggestions: Training requirements and thresholds; disclosure; closing the loop with the complainant; removing chief and supervisors from the process prior to certification.

There was further discussion about keeping the chief and other non-OPA staff out of the process until the facts and outcome are certified.

Meeting was adjourned at 8:55 pm.

Next meeting: Thursday, March 20, 5:30 – 8:30, City Hall conference room, 3rd floor, room 370. **Note the change in day and time and meeting place.**