



Seattle City Council Police Accountability Panel (SCCPAP)
Minutes of Thursday, March 20, 2008 Meeting
5:30 pm – 8:30 pm
Executive Working Session

Present: Panelists Steve Herbert, Veronica Alicea-Galvan, Eric Schnapper
Michael Pendleton, facilitator; Nancy Roberts, staff

Absent: Leo Hamaji, Lynne Wilson

Guests: Captain Neil Low, SPD

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

The meeting was convened at 5:44 pm.

Captain Low outlined his 40-year history with SPD. After an initial interest in attending seminary, he joined SPD as a cadet. He went on to get his degree in law enforcement and began working in the juvenile division, becoming a Juvenile detective. He was the first Gang Detective, and participated in starting the first gang unit. He gained extensive experience in the juvenile sector, and is called on as a specialist to participate on panels and boards to this day. He spent two years in undercover, two years in Viet Nam, and also served in Internal Affairs, Sexual Assault/DV, Homicide and is now working with OPA as SPD's Ethics Officer.

He explained that the mandate of his new position is still being defined. He is currently working on Brady issues, drafting protocols, working with the Prosecuting Attorney's office.

His experience with the Chief is that the Chief has a no tolerance policy regarding dishonesty. There is a process for officers who are appealing the Brady process. Captain Low, in his new capacity, may weigh in on policies and how they relate to the realities of current practice, all in an effort to ensure that policy and practice are more consistent.

Before the meeting, he looked up the definition of discipline, and was reminded that it was to train, teach, exercise and punish. He wants to promote that idea, reminding supervisors of the importance of documentation. He wants to look to see if there are "built-in alibis" in policies. He plans to streamline the system, correct what is incorrect, and provide follow-through.

He welcomes suggestions for improvement, regardless of the source – internal, public, anyone.

He has asked to be placed on the IIS shared drive, even though he is physically located on a separate floor. In that way he can have access to the documents he needs to do his work.

Panelist question: The Mayor's panel would like OPARB to do community outreach. Would Capt. Low find that a helpful role? Captain Low: Yes. He did outreach with Sam Pailca, and while the meetings were not well attended, he still did get some good contacts and information that way.

Panelist question: With regard to the quality of internal investigations – what are the qualifications of staff? They aren't required to be detectives? Captain Low: There is no requirement for them to be detectives. They must be sergeants, and since this is not a popular assignment (there are few applicants for these positions), most candidates come from the sergeant's exam roster. That would mean this would be an officer's first assignment as a new sergeant. Question: Why no testing or training required? Captain Low: The union requires that they choose from the top of the sergeant's list, and would most likely have a



Seattle City Council Police Accountability Panel (SCCPAP)

problem with a requirement that applicants have experience or training as detectives. They have recently changed the length of assignment in this unit from 2 years to 3 – 5 years to help ensure that staff don't turn over just as they are well trained.

Question: What could be done to increase the caliber of candidates? Captain Low: The Chief has recently had the offices moved out of the basement and in to a much better office space with a view.

Question: How can the minimum qualifications be changed to allow detectives, as well as sergeants, to apply? Could some of the positions be changed so that they are required to be filled by detectives? Captain Low/Facilitator: There would be union challenges and HR hoops to go through.

Question: How do you see the role of the Auditor in OPA? Captain Low: Kate is perfect for the job – outspoken, holds feet to the fire. She typically will weigh in early on a case, back out, then come back at the final end. He knows that he does a better job because of her oversight and scrutiny.

Question: How do you determine disciplinary recommendations? Captain Low: He reviews the file after the investigator puts it together. He may ask for more information or expansion on existing information. He then summarizes the case, makes a recommendation based on preponderance of evidence, then sends the document up through the chain of command. He may ask for consultation with chief or others. He has had times when he was able to sway the chief's views.

Question: What is the justification for including supervisors? Captain Low: The supervisor may already have an action plan, e.g., "I can work with him to achieve a good outcome" or "come down harder on this person, he needs to be held accountable." Talking with the supervisor is a way to hold command staff accountable as well.

Question: We thought that the Director said that she consulted with a range of people, including the chief, before making her final recommendation. Captain Low: Before certification, the Chief may ask for discipline recommendations around the table at their discipline meeting, which is attended by the department's lawyer, the OPA Director, Captain Low, the bureau chief, precinct captain, and deputy chief. He then makes his discipline recommendation at that meeting, although there have been times when he's made his decision after the meeting.

Clarification of WHEN certification happens: Certification is the final action in the department, not just at OPA.

Captain Low explained that under Sam Pailca, he (Captain Low) first sent his summary of the case and recommendations to the OPA Director, with courtesy copies to the Precinct Captain, Bureau Chief, Chief, and Deputy Chief (and perhaps the in-house attorney). He has been meeting with the Director daily up until the time he submits his summary. Then they all attend the meeting described above, where they all weigh in and where the Chief makes his final decision regarding discipline.

Thought: What is the problem with having OPA investigate, then the director certifies the case, and THEN takes it to the chief w/a recommended discipline?

Thought: Is the Chief involved in the case at the consultation/comment process and also before certification/discipline recommendation?

Thought: What is the problem with having the captain making recommendation, then going to the director (and auditor, if desired) before a formal finding and discipline recommendation is made, and only then present the package to the command staff, including the Chief. This panel's view is that those outside of OPA should be kept out of the process until firm findings are made, if only for the appearance of



Seattle City Council Police Accountability Panel (SCCPAP)

independence. In the panel's idea of an ideal process, there would be 1) a finding of fact by OPA; 2) aggravating/mitigating circumstances could be introduced by supervisory staff, which may influence discipline. The Chief would have the final say.

There was discussion on the ability of the involved officer to see the file, if the case is to be sustained. Without a doubt, that strengthens the reliability of the ultimate finding. Would it not also be true that the finding would be strengthened by allowing the citizen complainant to see some version of the file (perhaps a summary) if the case looks as though it may NOT be sustained?

Question: How is the director's role different from the auditor's? Captain Low: He worked very closely with Sam, mostly in the role of deputy. The Auditor is offsite, and they communicated largely through email correspondence. He would discuss the more controversial cases with the auditor. The auditor read every case, while the director didn't fully see the cases until towards the end of the process.

The panel struggled with the definition of "auditor".

Meeting was adjourned at 8:15 pm.

Next meeting: Thursday, March 27, 6:00 – 9:00 pm, City Hall conference room, 3rd floor, room 370. **Note the change in day and time and meeting place.**