

MINUTES

Community Police Commission (CPC)

November 27, 2013, 8:00 am – 11:00 am

Seattle Municipal Tower, 700 5th Avenue, Conference Room 1610

CPC Attendees: Lisa Daugaard, co-chair; Diane Narasaki, co-chair; Claudia D'Allegri, Bill Hobson, Jay Hollingsworth, Kate Joncas, Joseph Kessler, Tina Podlodowski, Jennifer Shaw, Kevin Stuckey, Rev. Harriett Walden

CPC Absent: Marcel Purnell, Rev. Aaron Williams

CPC Staff: Betsy Graef, Tracy Whitlatch

PUBLIC COMMENT

Two members of the public offered testimony.

REVIEW AGENDA AND APPROVE MINUTES / ANNOUNCEMENTS

No changes were made to the draft agenda and there were no announcements.

Moved, seconded, and passed (8-0-0): "To approve with no changes the draft 11/6/13 CPC meeting minutes."

Moved, seconded, and passed (8-0-0): "To approve with no changes the draft 11/13/13 CPC meeting minutes."

UPDATES ON FILED MOTIONS

UPDATES ON MULTI-PARTY POLICY DISCUSSIONS

Judge Robart denied the CPC's request to intervene and denied most of its deadline extension requests. The court did approve moving the timeline for SPD to file final drafts of its bias and stops policies to 11/30/13. The court granted the CPC "amicus curiae" status which will allow it to file "memoranda commenting on any issue or motion raised by the parties in court proceedings". In the decision, the judge indicated that the DOJ was persuasive in its argument that it is a party that represents the interests of the community and the CPC. There was extensive discussion of the court's ruling and concern about the position taken by the parties on the CPC's motions. The commissioners also expressed concern about how the federal Monitor views the CPC and its role. The commissioners took exception to the idea that DOJ represents the CPC or community interests, and expressed concern that there is a lack of understanding of the CPC's value and the value of its community engagement focus. Commissioners expressed deep concern that the parties and federal Monitor do not appreciate that to have sustained reform, the community has to be meaningfully involved and believe it is not simply given lip service in the process. The CPC will look into options for obtaining pro bono legal assistance from attorneys at Perkins Coie.

The following summarizes the status updates on multi-party discussions about specific policy areas:

In-Car Video Recordings

SPD is providing its proposed in-car video recording policies to the federal Monitor today (11/27), addressing issues raised by both the Monitor and the CPC. Commissioners will follow-up subsequent to the SPD's filing, and the workgroup hopes to meet with SPD, the DOJ and the Monitor in December to review the extent to which SPD's proposals address the CPC's ICV recommendations.

Use of Force

The CPC use of force workgroup has developed a new draft use of force policy which removed procedural and training items, and streamlined the 70-page draft filed with the federal Monitor by SPD in August. This draft was prepared in concert with Sue Rahr who expressed concern that it would be difficult to train to a 70-page policy and who thought there was an opportunity to create a policy that could be applied to multiple agencies in the region. The proposed policy is in keeping with the SPD draft, although it substitutes "modulation of force" for "proportionality", and also introduced the concept of "lowest level of force that is . . . reasonable and necessary".

Moved, seconded, and passed (11-0-0): "To approve the Use of Force policy draft, with one modification, removing this phrase from the draft material on page 10: "subject to the changes agreed upon in the FIT discussions to Pol-4 etc."

Lisa Daugaard notified the group that she recently became aware that the DOJ and the federal Monitor have been re-working the 70-page draft. The CPC was not notified of this, nor provided a copy of the re-worked material to comment on. She understands that the Monitor has asked for a final "new" use of force draft from SPD by 10:00 AM today. Mike Diaz confirmed that in doing the re-work, the DOJ had taken into account informal CPC feedback from its use of force policy meeting on 11/22. Lisa noted that the CPC had reviewed with the DOJ the decision to not include the Monitor in the initial use of force discussions – the intention had been to gain agreement among SPD, the DOJ and the CPC prior to engaging the federal Monitor. However, there now seems to be a parallel process going between the DOJ and the Monitor on that the CPC was not informed of. Representatives from the Monitoring Team were asked to confirm the 10:00 AM deadline, but informed the group that the Monitor would be contacted after the meeting concludes. The group agreed to forward its use of force policy recommendations to the parties and, as necessary, to file them with the court.

Concern was expressed about the process which seems to be shutting out the CPC. It will be difficult for even the best policies to succeed if the community doubts the legitimacy of the process. The group agreed that there is a need for a "re-set" in relations between the CPC, the parties and the Monitor.

Stops and Detentions

Jennifer Shaw noted that many of the CPC's recommendations on stops and detentions have been incorporated into the SPD draft policy. The several areas with some difference in language are not material, and may feature improvements (in the case of when identification is taken "away from the immediate vicinity"). It was agreed that the CPC would cite its endorsement of the SPD policy in a formal communication to the parties.

Moved, seconded, and passed (10-0-0): "To endorse the SPD stops and detentions policy draft."

Bias-Free Policing

Lisa Daugaard reported that SPD has not completed its draft policy. It is considering the CPC's recommendation that it retain the disparate impact section in the bias-free policing policy (rather than making disparate impact an entirely separate policy). The CPC expects to review a new draft from SPD this afternoon. SPD will file its draft policy by 11/30.

ACTION items below

OTHER WORKGROUP UPDATES

Community Engagement – Kate Joncas asked commissioners to provide comments on the draft Community Engagement report included in their handouts. The plan is to prepare a final draft after holding feedback sessions with partner organizations on December 5th and 6th. An important element of the feedback sessions is to validate the summary of “key themes” drafted from meeting notes created by partner organizations during the meetings held last October. The draft “key themes” matrix will be shared with commissioners.

OPA/Accountability – There will be a four hour workgroup planning meeting facilitated by PRR in December. The deadline for the CPC recommendations is the end of March 2014. The group will organize its work to ensure it can meet that deadline.

Crisis Intervention – Bill Hobson reported that the workgroup has had one meeting and conveyed to Captain Chris Fowler at SPD that the current draft policy should have more explicit language identifying the need for cultural competency. Other workgroup members, Claudia D’Allegri and Harriett Walden, agree that revisions are needed. Bill Hobson will draft a letter of support for such revisions to be signed on behalf of the commission by the co-chairs.

ACTION items below

APR BRIEFING ON NEW SPD UNIFORMS

This briefing did not occur. The group appreciated SPD's interest in obtaining the CPC's views about possible new uniforms. It was agreed to give feedback to SPD that the CPC hopes that in making any changes to its officer uniforms, SPD will avoid any changes that suggest a “more militaristic” image.

ADMINISTRATIVE ITEMS

An updated budget was presented with a new anticipated year-end balance of \$57,212.61.

The CPC Director position has been posted and the link for the application will be posted to the CPC website. It will be open until filled and rolling interviews will take place. The Mayor's staff will be asked if they want representatives to sit in after the CPC has screened candidates.

ACTION item below

FUTURE AGENDA TOPICS AND EMERGING ISSUES

1. Discuss Monitor's report (due to be issued on December 15, 2013).

2. Schedule a “reset” meeting to discuss the role of the CPC and its relations with the parties and with the federal Monitor; invite Monitor to next CPC meeting.

SUMMARY OF ACTION ITEMS

1. Forward policy recommendations and/or endorsements on bias-free policing, stops and detentions, in-car video recordings and use of force to parties and, as necessary, to court.
2. Commissioners will forward to staff comments on the draft Community Engagement report.
3. Bill Hobson will draft CPC letter of support related to CIC and the need for more explicit language associated with cultural competency.
4. Staff will add an on-line application for the CPC director to the CPC website.
5. The mayor’s staff will be asked if they want representatives to sit in after the CPC has screened director candidates.
6. Seek briefing for Mayor-Elect / transition team.
7. Arrange social gathering of commissioners – get feedback on possible dates / times / locations.

**December 11, 2013, 9:00am to 12:00pm
Seattle Municipal Tower
700 5th Ave., 16th Floor, Room 1610, Seattle, WA**