

MINUTES

Community Police Commission (CPC)

July 31, 2013, 9:00 am – 12:00 p.m.

2100 Building

2100 24th Avenue South

CPC Attendees: Lisa Daugaard, co-chair; Claudia D'Allegri, Bill Hobson, Jay Hollingsworth, Kate Joncas, Joseph Kessler, Tina Podlowski, Marcel Purnell, Rev. Harriett Walden

CPC Absent: Diane Narasaki Jennifer Shaw, Kevin Stuckey, Rev. Aaron Williams

CPC Staff: Betsy Graef, Glenn Harris, Karinda Harris

REVIEW AGENDA AND APPROVE MINUTES

Lisa welcomed everyone and there were brief introductions. It was noted that the intent of the motions at the 7/10/13 meeting concerning attendance at the upcoming NACOLE conference and coverage of expenses were unclear. The group reiterated that the Commission has approved supporting four Commissioners in attending NACOLE (Kate with registration, Tina with hotel and registration, Harriet with all expenses, and Claudia with all expenses (unless her expenses are covered by OPARB). The Commission also agreed to support the Director in attending.

Moved, seconded, and passed (9-0-0): "Approve the July 10, 2013 CPC minutes."

OVERVIEW OF CPC WORK AND TIMELINE

Glenn presented a slide show overview of CPC's work, focusing on the timeline of activities and deliverables involved between August 1 and December 31st. The key dates include both policy development and community feedback on those policy recommendations. The group concurred that they assume there will be consensus on any recommendations CPC makes. The bias free policing recommendations will be considered at CPC's 8/14 meeting; the stops and detentions recommendations will be considered at CPC's 8/28 meeting; and the ICV recommendations will be considered at CPC's 9/11 meeting.

WORKGROUP UPDATES

Community Engagement –

The workgroup needs more members. In addition to the loss of Kip Tokuda, Bill Hobson has also stepped down due the demand of other commitments.

Kate Joncas and Claudia D'Allegri provided an overview of the draft Community Engagement Workplan developed by PRR which outlines three phases of activities. The

first phase, through mid-September, develops the basic infrastructure needed to conduct outreach, the second phase, from mid-September through December, provides for community comment on the CPC's initial policy recommendations, and the third phase, beginning in January 2014, provides for ongoing accountability to the community.

The group discussed the working assumptions outlined in the draft and noted the need to make revisions to explicitly cite the perceptions of others in the community (individuals who are poor, regardless of race; youth; LGBT and those with gender identity issues). Staff will ask PRR to revise this section of the draft, and CPC will review prior to adopting a final version of the workplan.

The group was also concerned about PRR and CPC resources needed to conduct Phase II which is an ambitious undertaking. They also wanted clarity about the cost of subcontracting, and whether this expense was included in the estimates for Phase II. The members also discussed the overall estimate of costs for Phase II, and noted that survey activities are a priority. Staff will provide details of budget dollars available for the work at next month's CPC meeting, at which time action on issuing an RFP for Phase II will be on the agenda.

In discussing the involvement of subcontractors in the outreach work, the group noted that students may be a source for PRR, including possible volunteers and interns from the UW Evans School, the UW School of Social Work, and Seattle University.

Staff was asked to obtain a detailed weekly timeline from PRR which will support timely turnaround of CPC feedback and approval of deliverables; they also asked for information about PRR staff who will be involved in the project.

The CPC agreed with the workgroup recommendation to fund the first phase.

Moved, seconded, and passed (9-0-0): "To approve a contract with PRR to conduct Phase I of the Community Engagement workplan, at a cost not to exceed \$43,000. The materials developed as part of this work must be approved in advance by the CPC."

ACTION items below

Bias Free Policing –

Jay Hollingsworth handed out a draft of the disparate impact section of the proposed policy, and the group discussed the need to address both intentional and unintentional (systemic) aspects of biased policing in its recommendations. The workgroup believes the disparate impact component is the most significant element to be addressed.

The protected classes identified in Title VI of the Civil Rights Act of 1964 will be referenced in the overall policy (race, color, national origin), but the workgroup intends to include additional covered classes. Additional revisions to the draft developed by SPD are also under development.

The disparate impact draft notes that some police policies and practices may have an unintended disproportionate negative impact, even when related to or necessary in advancing legitimate law enforcement objectives. +The policy proposes that when this

occurs, SPD will consult with CPC and community groups in exploring alternative practices. The policy calls for data collection, benchmark development and periodic reporting which may lead to policy revisions. It specifically states that no individual SPD officer will be disciplined for violating the policy, other than the Chief of Police who has overall responsibility for the operations of SPD. Need to add “without meaningful public safety reasons.”

Some commissioners noted the need to insert language throughout the proposed policy that identifies the possibility of biased policing and disparate impact affecting classes other than those cited in Title VI (for example, those who may be impacted due to their gender, gender identity, mental status, etc.). Given the concern about the potential for lawsuits and liability, particularly associated with the disparate impact policy, the City Attorney should also weigh in on the implications of the policy. Questions were also raised about the mechanics of monitoring compliance with the disparate impact policy and responding to alleged violations (discipline of the Chief of Police). Also questioned was what "data collection" might involve, how to ensure its validity, and how to benchmark performance.

Both the draft bias free policing and disparate impact portions of the proposed policy will be distributed to the full commission, a final version will not be completed until the workgroup's August 13th meeting. The CPC will have an extended discussion (and possible vote) on the draft policy on August 14th.

The workgroup intends to obtain informal guidance from DOJ and SPD in finalizing its draft policy. It also will consult with Ron Davis on data collection issues (previously approved consultancy) and would like to consult with Song Richardson, a law professor at the University of Iowa, who is an expert on implicit bias.

Moved, seconded, and passed (9-0-0): "To approve up to \$5,000 for consultant services by Song Richardson."

Stops and Detentions –

Bill Hobson indicated that the workgroup will bring a draft policy to the CPC to its next full meeting (or the one after that). The group intends to get SPD feedback before finalizing its recommendations; the group acknowledges SPD's concerns about increased scrutiny of officers and the challenges of documentation. The group is consulting with LAPD on questions concerning data collection and training/supervision. Mike Edwards from SPD will come to a future workgroup meeting to review training standards and the role of supervisors.

ICV -

Tina Podlodowski reported on the July 17th meeting and the Monitor's charge to CPC to recommend triggers for ICV. The Monitor also set 9/30/13 as the implementation date he expects for the new COBAN system. There have been communications problems between CPC and SPD on getting clarity about the capabilities of the new ICV system and the extent to which issues previously identified will be addressed by the new system and in policy, training and supervision standards going forward. The workgroup will meet on August 1st to try to resolve those questions and determine priority topics to be

addressed in its policy recommendations. It will also have an opportunity to view SPD's training videos at that time. It was noted that to the extent possible, the system should remove officer discretion from audio/video recordings. SPD is also expected to provide on Friday information about the expected additional cost of full implementation by 9/30 (including whether some costs identified as "added" may actually be covered under the COBAN contract).

Co-Chair Report

Director's Search - Lisa Daugaard asked the commissioners to renew their commitment to confidentiality. Since all CPC members will be participating in interviews and reviewing applications of finalists, those who have not yet completed a confidentiality form were asked to sign and return it to staff. (The form was included in their packet of meeting materials.)

ACTION item below

OPA legislation - Lisa Daugaard and Jennifer Shaw attended the last Council Public Safety Committee meeting and notified the Council committee that CPC has not taken a position on proposed legislation. Both Jennifer, as a representative of ACLU, and Lisa, as representative of CPC, indicated that they believe action on legislation is premature. Because of CPC's workplan under the MOU, it is not able bring forward its OPA recommendations at this time. Lisa also noted that the timing for renegotiating the SPOG contract means that community feedback will need to occur by no later than early 2014. Harriett Walden noted that Mothers Against Police Brutality has made a recommendation regarding OPA and asked that staff distribute it to the Commission.

ACTION item below

Excessive Use of Force - Lisa Daugaard noted that the Monitor plans to forward proposed Use of Force (UOF) policy to the Court which may make a ruling on it on August 31st. While acknowledging that the CPC does not have a formal role in reviewing UOF under the MOU, Lisa believes CPC should have an opportunity to review and comment on this critical policy before it is adopted. The group questioned why the charge to CPC excluded this area, and DOJ representatives noted that policies associated with UOF are highly technical and were thought to not be amenable to formal community feedback. Nevertheless, DOJ does want to share the policy with the community and the police unions; it is understood that doing so furthers the goal of community confidence and transparency. The group concurred with Lisa's recommendation that it send a letter to the Monitor, asking for an opportunity to review and comment on the policy. The CPC will convene a conference call meeting to follow up with the Monitor on process.

Moved, seconded, and passed (9-0-0): "To send a letter to the Monitor, requesting that the CPC have an opportunity to review and comment on the draft UOF policy prior to its public release, and with sufficient time provided to allow for thoughtful input by the CPC."

ACTION item below

MONITOR SURVEY

This agenda item was postponed. Lisa Daugaard did inform the group that specific feedback from CPC was forwarded to the Monitor on July 12th.

STAFF UPDATES

Betsy Graef provided a short update. The Director finalist interviews will be all day on August 5th. Second interviews with the full Commission will be scheduled sometime between August 15th and August 23rd. We are nearly ready to initiate the confirmation process for one Commissioner candidate. Discussion of qualifications desired for the position held by Kip Tokuda will be discussed at the next CPC meeting; outreach to obtain the names of possible candidates for this position will also begin shortly. The policy analyst position will be posted within the next two weeks, and a set of candidates will be identified among those who have applied for the administrative assistant position.

Betsy will distribute the staff report to Commissioners which summarizes updates on action items from the 7/10/13 CPC meeting and also details how CPC staff is sharing responsibilities and workload.

ACTION item below

PUBLIC COMMENT

Lisa Daugaard outlined the CPC's policy on public comment at its meetings. A public comment period is scheduled for 15 minutes, at 11:45 am and is the only time when the public may speak. Comments are limited to 2 minutes. While the CPC supports the first amendment, explicit or implied threats will not be allowed and if individual commissioners find public testimony offensive, they may choose to leave the room (if necessary, a co-chair and staff will remain in the room to keep the meeting in session). CPC members may call on audience members who are technical advisors to participate in the meeting discussion.

- A community member shared her concerns regarding her complaint with OPA and is now considering court action. She believes there is a need for CPC to understand her concerns.
- A community member met with Jenny Durkin in the US Attorney's office regarding police brutality. He feels Seattle Police Department training needs to be improved and that police officers need to be held accountable.

SUMMARY OF ACTION ITEMS

1. PRR to revise working assumptions section of the Community Engagement Plan for adoption at 8/14 CPC meeting.
2. PRR to provide detailed weekly timeline of Phase I and information on staff who will be involved in the project for distribution at 8/14 CPC meeting.
3. Staff to provide details about budget dollars available for Community Engagement work at 8/14 CPC meeting.
4. CPC members to sign confidentiality form.

5. Staff to distribute to CPC the Mothers Against Police Brutality recommendation regarding proposed OPA legislation.
6. Staff to draft letter to Monitor regarding UOF.
7. Staff to schedule follow-up CPC conference call on UOF.
8. Staff to distribute to CPC 7/31/13 staff report

NEXT AGENDA

1. Desired qualifications for Commissioner to fill Kip Tokuda's position
2. Stipends
3. Sharepoint training
4. Policy review (Bias Free Policing, 8/14; Stops and Detentions, 8/28; ICV, 9/11); staff support by preparing PPT presentation materials
5. Review and adopt revised Community Engagement Plan
6. Vote on recommendation to proceed with Phase II RFP on Community Engagement
7. Monitor survey

NEXT MEETING
Wednesday, August 14, 2013
Seattle Municipal Tower, 16th Floor, Room 1610
700 - 5th Avenue