

MINUTES

Community Police Commission (CPC)

November 1, 2017, 9:00 am – 12:00 pm
City Hall, Room 370

CPC Attendees: Enrique Gonzalez (co-chair), Isaac Ruiz (co-chair), Rev. Harriett Walden (co-chair), Emma Catague, Lisa Daugaard, Colleen Echohawk, Jay Hollingsworth, Cpt. Joe Kessler,
CPC Absent: Claudia D'Allegrì, Melinda Giovengo, Ofr. Kevin Stuckey, Rev. Aaron Williams

CPC Staff: Fé Lopez, Anne Bettsworth, Minty LongEarth, Tracy Whitlatch, Karen Chung

Review Agenda and Approve Minutes / Announcements

Moved, seconded, and passed (6-0-2): "To approve the minutes from 10-18-2017."

Executive Order: Secondary Employment

Update from the Seattle Police Department: Status of Task Force

Mayor Burgess issued an executive order in September asking for a coordinated effort to determine greater oversight of SPD officers' off-duty work, commonly referred to as secondary employment. The executive order instructs an interdepartmental team (Taskforce) to consult with the following oversight bodies: the CPC, the Ethics and Elections Commission (EEC), the City Auditor, former OPA Auditor Judge Anne Levinson, SPOG, SPMA, and the Chair of the Gender Equity, Safe Communities, and New Americans Committee, all of which have identified a range of issues pertaining to SPD secondary employment in the past. These oversight bodies submitted a letter to Mayor Burgess outlining the criteria through which they'd review the Taskforce's recommendations.

Assistant Chief Fowler and other Taskforce members presented on the Taskforce's next steps. The Taskforce's goals are to promote efficiency, transparency, and fairness. Additional considerations include:

- How to streamline and make the secondary employment process more efficient;
- How to ensure the widest opportunity for officers who want to sign up; and
- How to create a reasonable Request for Quotation (RFQ) process to get the best product.

The Taskforce has decided to pursue a Software as a Service model where SPD would use third-party vendor software or a system sustained outside of the structure of SPD. However, a civilian office within SPD would still be overseeing and managing the process. Mayor Burgess has approved this course of action, and now the Taskforce will be reviewing the oversight bodies' criteria and identifying ways in which to increase accountability and transparency, developing an RFQ that encompasses SPD's current enterprise systems so it functions seamlessly when launched, and creating a reviewable draft policy by January 1. The Taskforce

will also be looking at a wide range of models and solutions across the country, learning about what works and what pitfalls to avoid.

Commissioners requested the opportunity to review the Taskforce's future draft recommendations for the Mayor, and for a clear process for consulting with each of the oversight entities.

Strategic Planning Workgroup

Since the last CPC meeting, the CPC co-chairs met with strategic planning consultants Scott Winn and Norma Timbang and established a strategic planning core team based on commissioners' and staff's ability to consistently meet and commit to the process. The core team is made up of: Enrique González, Isaac Ruiz, Reverend Harriett Walden, Claudia D'Allegri, Lisa Daugaard, Fé Lopez, Anne Bettsworth, Minty LongEarth, and Betsy Graef.

Each commissioner will have an opportunity to meet individually with the consultants. The feedback collected will not be attributed to any one commissioner. Moving forward, the CPC will designate time at a CPC meeting in November and December, in addition to a full day on December 20, for strategic planning conversations among the full commission.

Hiring Plan

The CPC was joined by two Human Resources staff members to discuss the CPC's hiring plan under the mayor's proposed budget. The Mayor's budget allocates funds for two additional staff for the CPC: a policy analyst and a community engagement supervisor. Under Council's draft balanced budget, the CPC received 2.5 additional FTEs: a community engagement staffer, policy analyst, and a part-time administrative assistant. Staff are still advocating for a communications position. The CPC has been approved to begin the hiring process for the two positions established within the Mayor's budget.

Human Resources explained that the policy analyst position could be an appointment or be filled via an open hiring process because it is an exempt position. The community engagement supervisor must be filled via an open hiring process because it is a civil service position and therefore, non-exempt.

Hiring for the community engagement supervisor will be carried out in three phases: recruitment, review, then interviews and selection. Commissioners will have the opportunity to be involved in all three phases, and community will have the opportunity to be involved in the final phase. The job description that has been prepared has been rigorously reviewed and revised by staff and commissioners. In the job description, having a race equity lens is emphasized as being an important qualification. The commission will look for someone with demonstrated experience, rather than academic achievements. The commission will post the job on November 2, and the goal is for the new community engagement supervisor to start by January 15.

The commission entered into an executive session at 10:18am until 10:33am to discuss the hiring process and whether to appoint someone into the policy analyst position. The commission then voted to approve hiring current temporary policy analyst Karen Chung to the full-time policy analyst position.

Moved, seconded, and passed (6-0-0): “To approve the appointment of Karen Chung to the policy analyst position created in the Mayor’s budget.”

Action Item - Appoint Karen Chung to the policy analyst position created in the Mayor’s budget.

Transition Team

Bylaws Update

Commissioners reviewed recommended revisions to the CPC Bylaws, most of which are clean-up revisions to ensure that the CPC is complying with certain laws. The CPC may update its bylaws again after the CPC’s strategic planning process.

Budget Public Hearing

There is a proposal in Council to ensure that the CPC Executive Director receives a salary comparable to that of the OPA Director and the Inspector General for parity across the police accountability system. Commissioners were encouraged to attend the Council budget hearing on November 1 to support the proposal.

Office of Police Accountability Appointment Update

Mayor Burgess nominated Andrew Myerberg, the interim OPA Director, for OPA Director on Monday, October 30. Interim Director Myerberg must now go through the Council confirmation process. The search for the Inspector General is still in progress.

Action Item – Send commissioners a copy of the bylaws revisions.

SPMA Contract Briefing

Ian Warner, general counsel to the Mayor, joined the CPC meeting to brief the CPC on the SPMA contract that was voted on by Seattle Police Management Association (SPMA) on Monday, October 31. Council will be voting on the contract on November 6.

Warner stated that the collective bargaining agreement with SPMA would do the following:

- States that the City may implement the accountability ordinance, but SPMA retains the right to bargain any unforeseen effects arising out of the implementation of the Ordinance. The Ordinance will prevail over the bargaining agreement except when in direct conflict with the Agreement. Furthermore, it allows for the civilianization of certain positions so that OPA supervision can be completely civilian.
- Approves a 60-day body-worn video (BWV) pilot, then establishes 60 days for SPMA to bargain the impacts related to an ongoing BWV program for uniformed lieutenants.
- States that SPMA will withdraw the unfair labor practice it had filed regarding the BWV executive order, alleging that the City has engaged in bad faith bargaining.
- Establishes a compensation schedule with rates that are slightly above rates for the coalition of unions in the City since this reform process has changed policing in very significant ways. These rates are in line with the “West Coast seven”—police unions in other states.

- Recognizes the City’s ability to regulate and manage secondary employment. Parties will engage in effects bargaining 20 days after the recommendations from the Secondary Employment Taskforce are delivered to the Mayor.
- States that the City may implement the revised composition of the Public Safety Civil Service Commission.
- States that the 180-day timeline investigation timeline for cases of misconduct begins after OPA receives a complaint or initiates an investigation.
- For misconduct cases with a sustained finding, states that no discipline may result more than five years after an event.
- Puts in place a rapid adjudication process
- Puts in place a Mediation – Alternative Resolution process
- Puts in place an arbitration selection process that helps avoid previous complications around arbitration selection. Each party will only have one opportunity to strike the other party’s selection.
- Puts in place new language on Indefinite Suspensions.
- States that files for OPA complaints that are not sustained are only required to be retained for six years plus the remainder of the current year.
- Eliminates the opportunity for named employees to fail to disclose information during an OPA interview, only to disclosure information during an appeal after the Chief of Police has made a disciplinary decision, absent good cause shown.

Action Item – Obtain Ian Warner’s PowerPoint presentation on the SPMA contract.

DOJ/Monitor Update

DOJ – The Monitor did not file anything on October 20 which was his set response date. The issue of compliance currently resides with Judge Robart. The DOJ is unsure when the judge will rule on compliance, and whether or not there will be oral argument.

Monitor - The Monitor’s representative had no updates.

Transition Team Continued

The CPC entered into an executive session from 11:47am to 12:11pm to discuss the legal risks of two actions proposed by the commission.

SUMMARY OF ACTION ITEMS

Action Item – Appoint Karen Chung to the policy analyst position created in the Mayor’s budget.

Action Item – Send commissioners a copy of the bylaws revisions.

Action Item – Obtain Ian Warner’s PowerPoint presentation on the SPMA contract.