

'Community Police Commission – Bi-monthly Meeting

September 20th, 2023, 9:00am In-Person & Via WebEx Conference Call

- I. Welcome**
- II. Land Acknowledgement**
- III. Take Attendance**

CPC Attendees: Rev. Patricia Hunter, Rev. Harriett Walden, Anthony Gaedcke, Joel Merkel, Raven Tyler, Suzette Dickerson, Lars Erickson, Tascha Johnson, Adrien Levitt, Le'Jayah Washington, Mark Mullens, Erica Newman

CPC Absences: Lynne Wilson (excused), Mary Ruffin, Jeremy Wood

CPC Staff: Cali Ellis, Felicia Cross, Jo-Nathan Thomas, Mergitu Argo, Jessica Phares

IV. Review Agenda & Minutes

Action: Motion to approve Draft agenda for 9/6/23

Moved: Yes

Seconded: Yes

Approved by voice vote.

Opposed: 0

Abstentions: 0

Action: Motion to approve the minutes from 8/16/23 as corrected.

Moved: Yes

Seconded: Yes

Approved by voice vote.

Opposed: 0

Abstentions: 0

V. Community Police Commission Updates

➤ Co-Chair Updates

- Two weeks ago, the co-chairs, along with two other commissioners, attended the ruling by Judge Robart on the Consent Decree. A follow-up on this ruling was scheduled for later in the meeting, with a presentation to be given by the attorney, Dan Shih.

- This past week has been exceptionally busy for the co-chairs due to media requests to share their reaction to the body-worn video that was released to the public. Officer Auderer, who is the Vice President at the Seattle Police Officers Guild (SPOG), made comments regarding the pedestrian death of a 23-year-old student in January, who was killed by a speeding police officer. Today, the commission will spend some time addressing this issue.
 - The story of Officer Auderer's comments and the resulting outrage were picked up by both local and national/international media outlets. The co-chairs conducted numerous interviews with local print and television media, as well as national outlets, including CNN, Associated Press, USA Today, The New York Times, and others.
 - The release of the video and the comments have deeply disturbed many members of the commission. These comments have added to concerns about the bias culture within the Seattle Police Department. The commission expressed its commitment to seeking police accountability, which will be discussed further later in the meeting.
- **Executive Director Updates**
- The commission is in the process of hiring for the senior policy analyst role. It was reported that the first round of interviews has been completed, and they will soon be moving on to the second round of interviews. The commission looks forward to filling this critical policy role, which is integral to the functioning of the CPC.
- **Community Engagement Director Updates**
- The members are encouraged to visit the website, where many of the team's activities are documented. The team is planning a retreat in October to prepare for the upcoming year, focusing on strategic planning and ensuring their presence at events aligns with CPC goals.
 - Attendees were asked to provide suggestions or requests for events they would like the Community Engagement team to participate in. Additionally, Commissioners were urged to pay attention to calendar requests and events sent out by Jo-Nathan and consider attending when possible to represent the CPC effectively.
 - The Community Engagement team plans to report weekly, and they expressed the importance of communication between the two Advisory Councils.
- **Commissioner's Workgroup Updates**
- Complaint Appeals
 - *It was reported that the Complaint Appeals Workgroup has been meeting with Dr. Rosenthal, an expert in complaints and appeals, who is also part of the federal monitor team.*
 - *The Workgroup is eagerly awaiting an update from Dr. Rosenthal. He has been conducting research on how similar-sized jurisdictions handle complaint appeals. He interviewed individuals from comparable jurisdictions, including Boston, Charlotte, and Portland, Oregon.*

- *Next week, the Workgroup expects to receive Dr. Rosenthal's update, which will provide insights into the processes employed by these jurisdictions regarding complaint appeals.*
 - Police Practices
 - *The Workgroup is currently considering changing its meeting day to accommodate more participants but does not have a substantial update at the moment.*
 - Behavioral Health
 - *Commissioner Newman informed the group that the Behavioral Health Workgroup has not convened recently.*
 - *The group is in contact with Cali to secure administrative support for future meetings to continue their work.*

NEW BUSINESS:

- No new business.
- **Discussion of SPOG Leadership Body Worn Video and Pedestrian Death**
 - The meeting began with Commissioner Merkel addressing the recent audio recording involving Detective Dan Auderer and its impact on the community and the Seattle Police Department (SPD). Commissioner Merkel emphasized the need for a thoughtful and thorough discussion about the incident, its implications, and possible actions to address it.
 - Citing Section 3.29.360 subsection H of the Seattle Police Accountability ordinance, Commissioner Merkel emphasized the limitations on the CPC's authority to review certain OPA investigations and influence their outcomes. He shared his concerns about various aspects of the video, including attitudes towards the pedestrian victim, the quality of investigative observations, implications for police accountability, potential conflicts of interest, and limitations within the existing SPOG contract.
 - The co-chairs recommended that the commission possesses the authority to recommend to the Seattle Police Chief that Detective Auderer be placed on indefinite unpaid leave. Additionally, they proposed the formation of a community workgroup involving community members, accountability partners, and SPD representatives to address issues related to Seattle police culture.
 - Commissioners expressed their thoughts and reactions to the video:
 1. *Commissioner Leavitt commended the swift response and expressed deep concern about the video's implications.*
 2. *Commissioner Erickson expressed support for the proposed action.*
 3. *Commissioner Tyler voiced outrage over the video and supported the letter recommendation.*
 4. *Commissioner Dickerson expressed her disbelief at the devaluation of life displayed in the video.*
 5. *Commissioner Walden highlighted the financial costs incurred by Detective Auderer's previous misconduct and questioned the leadership within SPOG.*
 6. *Commissioner Hunter emphasized the importance of hearing the context behind the comments made in the video.*

7. *Commissioner Merkel encouraged commissioners to share community feedback and expressed the need for accountability regarding potential similar conversations.*

- Commissioner Washington expressed concerns about the culture within the SPD, pointing out the apparent lack of value placed on human life and the need for transparency regarding when the audio recording was discovered. She highlighted the frustration in the community, with some feeling that more attention was given to the audio than to the tragic death of the young woman involved in the incident.
- Commissioner Johnson shared her thoughts on the matter, expressing her distress over the video's content and its effect. She highlighted the challenges of advocating for police reform, especially when incidents like this reinforce negative perceptions of law enforcement.
- Commissioner Johnson also voiced her concern about the focus shifting away from the woman's death to the audio recording. She emphasized the need for genuine care for human life and questioned the prevailing police culture.
- Commissioner Erickson emphasized the importance of body-worn cameras and dashcam videos, which played a crucial role in bringing the incident to light. He acknowledged the past resistance within the SPD to implement these tools but stressed their significance in police accountability. He also emphasized the importance of the Police Commission's advocacy for accountability provisions in the police contract.
- Commissioner Merkel provided some background on how the audio recording came to light, explaining that it was initially discovered by an SPD employee, not Detective Auderer, and was reported through the chain of command, leading to an OPA investigation.
- Commissioner Merkel acknowledged the emotional impact of the video on Commissioner Johnson and others and expressed his commitment to addressing the issue. He also mentioned the ongoing collective bargaining process for the next police contract and the importance of including accountability provisions.
- Commissioner Erickson raised questions about whether SPD would have voluntarily released the recording and pointed out that there might be more incidents like this yet to be discovered.
- Commissioner Washington inquired about the status of the investigation whether there was an opportunity for another investigation. Commissioner Merkel clarified that there was an ongoing OPA investigation, as well as a separate collision investigation involving Officer Dave, which was currently being reviewed by the King County Prosecutor's Office.
- Commissioner Mullens shared that such incidents damage the trust built with the community over time. He urged fellow officers to think before speaking and highlighted the irreversible harm caused by such incidents. Commissioner Johnson expressed her appreciation for the perspective and the importance of acknowledging both the negative and positive aspects of law enforcement.
- Commissioner Johnson expressed feeling overwhelmed by the video, as it posed challenges to her work on co-responder models with the police. She acknowledged that the video confirmed community concerns, making progress more difficult. She emphasized the need for human empathy and neighborly care in interactions between law enforcement and the community.

- The discussion also raised questions about the internal mechanisms within SPD for disclosing such incidents, whether SPD would voluntarily release such videos, and what transpired on the other side of the phone during the recorded conversation. Commissioner Merkel encouraged commissioners to share community feedback and expressed the need for accountability regarding potential similar conversations.

Action: Motion to draft a formal letter to the SPOG leadership, requesting specific information and actions taken regarding the Body-Worn Video and the pedestrian death incident.

Moved: Yes

Seconded: Yes

➤ **Potential Vote on Recommendation to SPD**

- The meeting commenced with a discussion centered on a potential vote regarding a recommendation to be extended to the Seattle Police Department (SPD). The focus was primarily on body-worn video policies within the SPD. Commissioners engaged in an in-depth conversation, sharing their individual perspectives on the matter.
- The discussion emphasized the importance of transparency and accountability within policing and how body-worn cameras play a vital role in achieving these objectives. There was a consensus that comprehensive body-worn video policies were essential for ensuring the responsible use of this technology.

Action: A motion proposing a recommendation for the SPD to adopt more comprehensive body-worn video policies that would address issues such as activation, recording, retention, and access.

Moved: Yes

Seconded: Yes

Motion: A motion to authorize the co-chairs to send a letter to Chief Diaz, recommending that Detective Dan Auderer be placed on definite unpaid leave while the OPA investigation proceeds.

Moved: yes.

Seconded: Yes.

➤ **Presentation on Judge Robart's September 6, 2023 Consent Decree Ruling**

- The judge acknowledged the SPD's substantial progress, particularly in areas such as crisis intervention, stops and detentions, bias-free policing, supervision, and the development of the Community Police Commission (CPC) and the Office of Police Accountability (OPA).
- The judge also expressed his concerns, including issues related to the use of body cameras, recruitment and retention challenges faced by police forces nationally, the portrayal of lawless policing in media, and the potential for

officers to prejudice accountability investigations by releasing information prematurely.

- Notably, Judge Robart raised concerns about the use of collective bargaining agreements to undermine accountability reforms, indicating that while he could not interfere in collective bargaining, he found this a critical issue.

- **Court's Ruling:**
 1. The court's decision was a mixed one. It found that the city had sustained compliance with most aspects of the Consent Decree but did not agree to close it entirely, as the city and DOJ had requested. Instead, the court decided to retain the Consent Decree while focusing on the two remaining areas.

- **Questions and Comments from Commissioners:**
- Further clarification was requested on Judge Robart's expectations regarding the police accountability ordinance and the forthcoming police contract.
- Rev. Walden praised the presentation for shedding light on the ongoing work required to achieve full compliance with the Consent Decree and the significance of building systems for constitutional policing and police reform in Seattle.
- Ron Ward requested a copy of the presentation and expressed interest in receiving the finalized letter.

VI. Adjourn