

EXHIBIT A

THE HONORABLE JAMES L. ROBART

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:12-cv-01282-JLR

v.

BRIEF OF THE COMMUNITY POLICE
COMMISSION REGARDING THE
DRAFT LEGISLATION SUBMITTED
BY CITY OF SEATTLE

CITY OF SEATTLE,

Defendant.

I. INTRODUCTION

The submission of draft accountability legislation is a major, potentially historic, step. Although disagreements remain, the draft shows that proposed reforms are moving in a direction consistent with the spirit of the settlement agreement and the community's expectations. As a result, the Community Police Commission (CPC) respectfully requests that the Court enter an order allowing the draft legislation, including the alternatives identified, to proceed to the City Council, which has promised to provide the public with a meaningful opportunity to give feedback. It is essential that adopted reforms result after a transparent public debate.

II. DISCUSSION

The people of Seattle are deeply concerned about police accountability, and it is the sense of the community that the current system requires strengthening in several respects.

1 With valuable assistance of technical advisers, members of the CPC have studied reform
2 models from across the country and assessed possible changes to our present accountability
3 system. We found that there is not a one-size-fits-all approach to police accountability, nor any
4 universally well-regarded model or reliable quick fix. Every city starts with its own unique
5 institutions, experiences, needs, problems, and opportunities. The challenge is to identify and
6 discard bad elements of the status quo, strengthen what is good, fill gaps with new institutions
7 and mechanisms where needed, and establish crucial measures to ensure the independence and
8 effectiveness of each component body of the oversight system. Reforms must put each body
9 involved in oversight—whether it be the police department, the Office of Professional
10 Accountability (OPA), the Office of the Inspector General (OIG), or the CPC—in a position to
11 succeed. This is the approach the CPC has taken in making its accountability system
12 recommendations.
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14 Among other things, one must be mindful of the different ways that accountability
15 systems can fail. Prejudicial statements to the press can taint misconduct investigations.
16 Inadequate funding can starve oversight bodies or make them pay for taking positions unpopular
17 with or inconvenient for elected officials. Barriers to access to data and lack of relevant expertise
18 can handicap civilians attempting to perform oversight functions. The City could fail to pursue
19 an agenda in collective bargaining that truly advances accountability. Vague definitions of
20 authority can fuel toxic turf wars. Politics may take precedence over fairness. The accountability
21 legislation must address these and other foreseeable points of failure. The best way to guard
22 against such risks of failure is to establish oversight bodies that are independent, effective, and
23 credible.
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1 The draft legislation filed by the City represents consensus on many items, including a
2 strengthened OPA, the creation of an OIG, and a permanent CPC. The CPC strongly supports
3 many of the provisions for the authority and responsibilities of these bodies. As can be seen from
4 the draft legislation, however, important differences remain in vital areas.

5 On some topics, the draft gives options representing different philosophical or practical
6 points of view. The City's brief does not ask the Court to pick from these options. The options
7 are instead intended to give the Court a fuller understanding of some potential directions the
8 legislation may take once it is before the City Council and subject to public debate. If the Court
9 allows the draft legislation to proceed, the City Council will have the opportunity to consider the
10 merits of the draft legislation from top to bottom, consider the alternative options offered, and
11 make changes it deems appropriate—subject then to this Court's review. The CPC also
12 understands that the Court's review both now and after consideration by Council is designed to
13 determine (1) whether any aspects of the legislation contravene the purposes of the settlement
14 agreement and (2) whether amendment of the settlement agreement would be needed on any
15 points before the legislation takes effect.
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18 The independence, effectiveness, and credibility of the civilian oversight bodies are the
19 essential pillars of effective police accountability. The public must trust that the accountability
20 system is fair and responsive to community expectations. It is essential that the oversight bodies
21 be well-resourced and protected from interference. And it is essential that the public have a
22 meaningful voice, representing Seattle's many diverse communities, inside the system. It is no
23 secret that some of the remaining disagreements directly implicate these values.
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25 The CPC asks that the Court allow this draft legislation to proceed to City Council as
26 soon as possible. The CPC has long advocated for an open and transparent political process to

1 consider the merits of various approaches to achieve a strong system that both the public and
2 police view as fair. This can only occur once the City Council has an opportunity to deliberate in
3 the full light of day. To that end, the CPC appreciates the City Council's commitment to hold
4 public meetings and looks forward to engaging with the City Council—and continuing to engage
5 with the community—about what the accountability system should look like once the Court
6 gives permission to proceed.

7
8 **III. CONCLUSION**

9 The CPC hopes that the Court will clear the draft legislation for presentation to the City
10 Council. Within the bounds established by the Court, our elected representatives can hear what
11 all City stakeholders, and most important our community members, believe are the most critical
12 requirements for our police accountability system.

13 RESPECTFULLY SUBMITTED this 28th day of October, 2016.

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16 s/ Harriet Walden
17 Rev. Harriett Walden
18 Co-Chair, Community Police Commission

19 s/ Lisa Daugaard
20 Lisa Daugaard
21 Co-Chair, Community Police Commission