

Questions for appointment of Gino Betts as OPA Director

1. How has your experience in Chicago prepared you for the OPA Director role in Seattle? How will you get up to speed on issues around policing, police oversight, and community perception of policing that are unique to Seattle?

My personal and professional experiences in Chicago have prepared me to serve as OPA's director. Those experiences range from being unconstitutionally policed growing up on the city's Westside to working in collaboration with hardworking and community-oriented officers as a prosecutor. I last served as a community justice assistant state's attorney, which divided my responsibilities between prosecuting violent felony offenses and working with stakeholders to reduce violence and problem-solve local concerns. Prior to that position, I was recruited to serve as an attorney at Chicago's Civilian Office of Police Accountability, an agency created in response to historic police oversight failures and Laquan McDonald's murder. As acting director at Cook County's Department of Homeland Security and Emergency Management I gained significant leadership skills. As a legal writing adjunct law professor and attorney in the Cook County State's Attorney's Office appellate division, I developed legal analysis and writing expertise critical to the role of OPA director.

Nevertheless, there will undoubtedly be a learning curve adjusting to the social and political nuances unique to Seattle. To that end, in addition to reading the wealth of available reports, articles, and other documents related to police oversight in Seattle, I commit to a listening tour. Seattle has no shortage of active and engaged police oversight stakeholders. I plan to humbly and patiently listen to those impacted by police misconduct, those committed to police reform, and those with bold and creative ideas to amend police policies to meet the community's needs. That tour will also include visiting police precincts to identify and understand issues law enforcement believe obstruct police and community reconciliation and unity.

2. Describe your working experience and accountability to diverse communities. What have you done to reach out directly to the community, especially the BIPOC community to build trust? How do you plan to have the OPA engage with the public about case results? How do you plan to have the OPA engage with the public about case results?

As a community justice center prosecutor on Chicago's Southside, I served the city's most impoverished and marginalized community. I worked daily to educate community members about the criminal justice system, including numerous webinars, panels, and presentations. I also participated in midnight prayer vigils in Chicago's highest crime areas. Additionally, community members and organizations routinely called upon me to address drivers of local crime and problem properties in the area. Showing up, demonstrating commitment, and genuine and meaningful participation go a long way toward building community trust. OPA has done a great job of issuing timely DCMs and making them available to the public. It has also done well making the complaint filing

process available to all communities, from filing in-person, online, over the phone, or via mail. However, too many communities are unaware OPA exists or what it does. As OPA director, I commit to aggressively and proactively spreading OPA awareness to all parts of Seattle.

I also commit to facilitating frequent and meaningful communication with complainants. In the past, communication with complainants was impersonal and rare. OPA now has a complaint navigator to ensure complainants understand the investigative process and provide status updates from intake to disposition. To further serve complainants, after the investigation concludes and the DCM is issued, I will invite them to closeout meetings. There, OPA will provide an overview of the investigation and answer questions, within legal parameters. Last, transparency is key to building public trust in the police oversight system. Accordingly, I commit to making all videos, reports, and other evidence timely and publicly available, within the parameters of the law.

3. The three-part nature of Seattle's police accountability system allows for a great deal of collaboration across agencies, but it can also be a source of tension. How do you intend to navigate within that tension, when it occurs? For example, how do you plan to maintain positive relationships with the Community Police Commission if you believe it will oppose an OPA discipline decision? The Office of the Office of the Inspector General reviews and certifies OPA investigations; how do you plan to work with the Office of the Inspector General?

As acting OPA director, I have met all police accountability partners. I am encouraged by their hard work and dedication. I believe the tension created by the checks-and-balances built into Seattle's police oversight system is a good thing. While I do not expect the accountability partners to agree on all case outcomes, I do believe we will disagree without being disagreeable. I am confident CPC's critiques of OPA investigations will be genuinely rooted in and motivated by community interests. When CPC disagrees with OPA's evidentiary assessments, analyses, and findings, we will not take it personally. Similarly, OPA and OIG share a commitment to timely, thorough, and objective investigations. As OPA director, I will welcome all input aimed at ensuring consistent and high-quality police misconduct investigations and DCMs. Ultimately, diverse perspectives will bring us closer to, rather than obstruct, our shared goal of making Seattle a national model of police oversight.

4. The 2017 Accountability Ordinance set several goals that have not been achieved because of collective bargaining hurdles. One of these goals is related to civilianization of the OPA. What is your view on the mix of civilian and sworn investigators in OPA? Should OPA be 100% civilian investigators? What is your ideal ratio of civilian vs sworn investigators in the OPA?

I believe OPA should consist of 100% civilian investigators. That is the best model for overcoming public skepticism regarding police oversight. However, that in no way calls to question the integrity and thoroughness of OPA's sworn investigators. In my short time as acting director, I have witnessed firsthand their dedication and unwavering commitment to OPA's mission. Nevertheless, the optics of the current hybrid model does

little to improve, if not undermines, public trust in an independent and objective investigative process.

5. When recommending discipline, you will be faced with a decision to either (1) follow historical guidelines that may not satisfy the public or your own sense of accountability or (2) recommend higher levels of discipline and risk an unfavorable appeal that results in either lower levels of discipline or no discipline at all. What is your risk tolerance with appeals? How will you explain your decisions to the public?

My approach has always been and will continue to be, "do the right thing." Discipline recommendations are unique to each case. While OPA is not bound by historical guidelines, particularly those that proved inappropriately lenient, we aim for consistent and reasonable accountability. Relevant factors include, but are not limited to, the egregiousness of the violation and the officer's disciplinary history, training, and experience. However, the threat of public backlash and/or having my recommended discipline overturned on appeal will not be factored into my process. Public opinion is critical to developing acceptable police policies and practices. However, OPA findings and discipline recommendations for individual investigations cannot be shaped by any external influence. Similarly, the unfettered power the collective bargaining agreement affords arbitrators hearing police misconduct appeals behind closed doors must be addressed, but it will not impact my decision making.

6. Do you see any value in having clear, graduated recommended discipline guidelines? If so, would you be willing to make these guidelines available to the public?

I do see the value in "clear, graduated recommended discipline guidelines." That would build both officer and community confidence in a consistent, transparent, and predictable police oversight process. Several cities, including Denver, South Bend, and San Diego, have discipline matrixes. However, because each case is unique, there must be discretion to deviate from the guidelines where unforecastable factors, like significant misconduct and/or extraordinary disciplinary history, exist. Ultimately, should such a discipline matrix be created, I support making it publicly available.

7. The OPA Director has recently taken on a more significant role in advising the Labor Relations Policy Committee on changes that could be made to the union contract. Is this going to be a priority for you? If so, how would you balance workload needs at OPA with the need to advise the Council and Executive on potential policy changes to the police contract?

Weighing-in on Seattle's and the police union's labor negotiations is high-priority. The collective bargaining agreement's impact on OPA's work cannot be overstated. Serving as OPA director at this time, prior to finalization of an agreement, is a prime opportunity to share concerns and hindrances created by the expired contract. I look forward to, and would never waive, that opportunity.

8. How will you know you are being successful in your role? What metrics will you use?

Community confidence in our police accountability system is the ultimate barometer of success. If more people are aware of OPA as a resource, better informed about OPA's functions, and have increased security in fair and just outcomes, then my time as OPA director will be successful. Annual community surveys on attitudes toward policing and police oversight will capture our progress. Further, survey results will be made public.

9. Please explain your approach to managing an organization the size of OPA. For example, how will you ensure police investigators do a thorough job and how will you hold them accountable if they don't?

An organization is only as good as its members. I am encouraged by OPA's staff, from support to leadership. I am briefed daily on complaint intakes and consistently provided status updates on investigations. I believe communication is key to ensuring work is not overlooked or neglected. Historically, OPA has done well producing timely, thorough, and objective OIG certified investigations. With that said, I will hold OPA staff to the same high standard we are tasked to hold SPD employees. Anything less would be unacceptable and hypocritical. Initially, all remedial efforts to address underperformance will be exhausted. Thereafter, consistent failures will result in progressive discipline.

10. What will you do to ensure the actions of OPA are perceived as fair, for both the community and for police officers?

Providing a fair and impartial experience for both community members and officers is high priority. As OPA director, I will use procedural justice principles proven to boost confidence in decision making processes: 1) treat parties with dignity and respect, 2) give parties voice throughout the process, 3) neutral and transparent decision making, and 4) convey trustworthy motives. Mediation is another tool proven to promote procedural fairness. New Orleans' Office of the Independent Police Monitor is nationally lauded for its community-police mediation program, where post-mediation surveys showed 100% of complainant and officer participants found the process was unbiased and appreciated the opportunity to talk out their differences. All officers thought it was helpful toward building mutual respect, and most complainants gained a better understanding of policing. While cases alleging dishonesty, misuse of authority, and criminal allegations are inappropriate for mediation, there is an opportunity to address some allegations of unprofessionalism and bias, which according to OPA's 2021 Annual Report made up over 30% of reported allegations, through mediation.

Other keys to promoting fairness are radical transparency, including timely public disclosures of videos and reports within legal limitations, unwavering independence from external influences, and positive presence outreaches to spread OPA awareness and educate the community and officers about our processes under non-investigative circumstances. I began that outreach my first week as OPA's acting director by meeting with local NAACP officers to discuss their expectations for my role. I also listened to and

engaged with community members at the city's Community Conversation in Police Chief Search at Rainier Beach Community College. Since, I have scheduled several other community conversations and police presentations, including addressing SPD's post-Basic Law Enforcement Academy class.

11. One key role of the OPA Director is to issue Management Action Recommendations (MARS), which are recommendations on how SPD (or on occasion other portions of City government) can improve its policies. What will you do if you believe that their response to a MAR is inadequate? What extra steps would you take to make sure that SPD's suggested policy changes result in harm reduction or bias-free policing?

Thus far, SPD's responses to OPA's Management Action Recommendations (MARS) are encouraging. In 2021, OPA issued 25 MARS. Eleven were fully implemented, five were partially implemented, and four are progressing toward implementation. In the relatively rare instances where SPD declines to adopt any aspect of OPA's proposed policy changes, it is incumbent we remain steadfast and engage other stakeholders to support our position. Specifically, the Community Police Commission and community advisory groups should determine whether community needs are met by the policy in question or whether changes are necessary. Similarly, Seattle's police monitor should also advise whether the existing policy meets requirements outlined in the consent decree by ensuring public trust and officer safety or whether reform is required.

12. What actions will you take to ensure timely release of OPA investigations?

The Accountability Ordinance, collective bargaining agreement, and OPA Manual generally limit OPA's investigative period to 180-days. Historically, OPA has done well meeting that timeline. According to OIG's 2020 Annual Report, OPA achieved full certification in 96% of investigations for thoroughness, objectivity, and timeliness. For that reason, as OPA director, I would not disrupt such a high performing process. Instead, I will find ways to further support the thoroughness and expedience of OPA's work.