

AMENDMENT 1 to CB 118969

This Amendment 1 to CB 118969 would expand on historical and community origins of constitutional policing, clarify provisions on investigation timelines, remove a Seattle residency percentage requirement for the Community Police Commission, designate the Public Safety Civil Service Commission as the disciplinary appeal procedure, clarifies the effective date relative to collective bargaining, and other streamlining clarifications.

Amendment 1 will also reorder and renumber sections for consistency between subchapters.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to civilian and community oversight of the police; adding a new Chapter 3.29 to the Seattle Municipal Code (SMC); recodifying Subchapters VII, VIII, and IX of Chapter 3.28 of the SMC as Subchapters I, II, and III of Chapter 3.29; amending or repealing sections in Chapters 3.28, 4.08, and 14.12 of the SMC; and concerning Ordinance 118482.

..body

WHEREAS, The City of Seattle has a long history of police reform, and the recommendations of blue ribbon panels dating back to the 1990s resulted in the creation of the current police oversight structure which includes the Office of Professional Accountability (OPA), the OPA Auditor, and the OPA Review Board; and

WHEREAS, The City of Seattle recognizes the need to have effective, constitutional policing and a police department that has the trust, respect, and support of the community; and

WHEREAS, having constitutional policing requires a strong oversight system that takes into account the voice and values of the community that is being policed; and

1 WHEREAS, an essential element of a strong oversight system is a disciplinary system that
2 prevents misconduct by engaging in thorough and timely civilian-led investigations that
3 engender public trust and confidence; and

4 WHEREAS, a disciplinary system, with the Chief as the final arbiter, that metes out fair,
5 impartial, and swift discipline commensurate to the wrongdoing will reduce misconduct
6 and ensure and maintain a culture of accountability and adherence to policy and
7 constitutional law; and

8 WHEREAS, it is The City of Seattle’s intent to ensure by law a comprehensive and sustainable
9 independent oversight system that guarantees a police department that has the trust and
10 confidence of the community and respects the constitutional rights of the people of
11 Seattle; and

12 WHEREAS, policing that aligns with Seattle community values, needs, and expectations has
13 been an ongoing goal as highlighted by events involving allegations of unconstitutional
14 use of force and biased policing, including the death of First Nations woodcarver John
15 T. Williams and other episodes that led community groups in 2010 to call for the federal
16 investigation that ensued into the policing practices of the Seattle Police Department
17 (SPD); and

18 WHEREAS, The City of Seattle has been operating under a Settlement Agreement and
19 Memorandum of Understanding with the United States Department of Justice (MOU)
20 since 2012, but also separately recognizes the need to have effective, constitutional
21 policing and a police department that retains the trust, respect, and support of the
22 community; and

1 WHEREAS, beginning in January 2014, the Community Police Commission reviewed and
2 endorsed recommendations for improvements to the accountability system previously
3 issued by the OPA Auditor and issued additional recommendations for broadening the
4 scope and strengthening the independence and sustainability of the civilian-led system,
5 all of which served as the foundation of the current legislation; and

6 WHEREAS, Councilmember M. Lorena González as Chair of the Gender Equity, Safe
7 Communities, and New Americans Committee in early 2017 led a series of study
8 missions accompanied by Committee Vice-Chair Tim Burgess, the Community Police
9 Commission, Mayor’s Office, and City Council staff to the cities of New York, Los
10 Angeles, and New Orleans, to learn about their inspector general systems and
11 community roles in and perspectives about police oversight systems; and

12 WHEREAS, The City of Seattle’s proposed accountability system with a civilian-led misconduct
13 investigations unit, an independent police inspector general, and a strong community-
14 based oversight commission, has many strengths other models of oversight do not, and
15 addresses systemic weaknesses with which other systems have struggled; and

16 WHEREAS, Charter Amendment 19, providing for geographic representation based on seven
17 neighborhood districts, was approved by nearly 66 percent of Seattle voters in the fall of
18 2013 to ensure that Seattle, as a growing major metropolitan area, has a governance
19 structure that reflects a commitment to geographic inclusion and that all areas of the city
20 have an identifiable representative; and

21 WHEREAS, district representation is a fundamental feature of representative democracy, and
22 has been a basic building block of local, state and national governments throughout the

1 United States including all 50 state legislatures and, including the U.S. House of
2 Representatives for over 200 years; and

3 WHEREAS, most large U.S. cities like Seattle which is 143 square miles and home to over
4 680,000 residents are represented by districts to ensure geographic representation to
5 recognize the right of all residents to have a voice in their governance; and

6 WHEREAS, the Community Police Commission was created by federal consent decree in 2012
7 with the intent to show geographic representation as a body that is “representative of the
8 many and diverse communities in Seattle, including members from each precinct of the
9 city...” (Memorandum of Understanding between the United States and The City of
10 Seattle, dated July 27, 2012); and

11 WHEREAS, the United States Supreme Court has repeatedly ruled in favor of adequate, orderly,
12 geographically-based representation to ensure the strength of our democracy including
13 the most recent *Evenwel et al v. Abbott, Governor of Texas*, 578 U.S. ____ (2016), with
14 the opinion authored by Justice Ruth Bader Ginsburg, which upheld the one-person, one-
15 vote principle ensuring jurisdictions must design districts based on total population and
16 that all people regardless of current voting registration status are entitled to equal
17 representation; and

18 WHEREAS, a Community Police Commission charged with significant oversight function and
19 one that is intended to serve as a community voice for the entire City should include
20 voices from all corners of the City selected in an orderly manner so that no geographic
21 area is left out and that all parts of the City share responsibility for their governance;

22 NOW, THEREFORE,

23 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

1 Section 1. The City Council (“Council”) makes the following findings of fact and
2 declarations:

3 A. The history of police reform efforts in Seattle dates back decades, including, for
4 example, 1988 grant-funded work by the Seattle Police Department (SPD) to implement
5 community policing that was held up as a model partnership between the community and police
6 by the National Institute of Justice in 1992.

7 B. The City of Seattle began civilian police oversight in 1992 by providing for a civilian
8 auditor with legal expertise to independently review police department internal investigations.
9 Adopting the 1999 recommendations of the Citizens’ Review Panel, The City of Seattle extended
10 civilian oversight in 2002 by creating a three-part civilian oversight system. SPD’s Internal
11 Investigations Unit was replaced by a civilian-led OPA, the civilian auditor became the OPA
12 Auditor, responsible for reviewing OPA investigations, and a three member OPA Review Board
13 was created to review the quality of the complaint-handling process, advise The City of Seattle
14 on police department policies and practices, and conduct public outreach.

15 C. In 2007, The City of Seattle convened two police accountability review panels
16 and implemented many of their recommendations to further strengthen civilian police oversight
17 by clarifying the roles of the OPA Director and the OPA Auditor, expanding the OPA Auditor’s
18 roles, and increasing OPA Review Board membership to seven.

19 D. On December 2, 2010, 35 civil rights and community-based organizations
20 requested that the Civil Rights Division of the United States Department of Justice investigate
21 whether SPD had engaged in a pattern or practice of violations of civil rights by using
22 unnecessary and excessive force against residents, citing a series of incidents over the previous
23 18 months, particularly against persons of color, including a death from a police shooting.

1 E. In 2011, the Department of Justice conducted an investigation of SPD and found a
2 pattern and practice of excessive force warranting federal intervention. Based on its findings,
3 DOJ initiated a lawsuit against The City of Seattle, *United States of America v. City of Seattle*, 12
4 Civ. 1282 (JLR), in the United States District Court for the Western District of Washington
5 (“federal court”).

6 F. The federal court found that The City of Seattle and SPD fully cooperated with the
7 investigation (Document 5, Stipulation and Joint Findings of Fact and Conclusions of Law, filed
8 August 17, 2012).

9 G. The City of Seattle entered into a Settlement Agreement and Memorandum of
10 Understanding (collectively, “consent decree”) with the Department of Justice which the federal
11 court approved on September 21, 2012, that included federal court oversight to ensure The City
12 of Seattle implemented required improvements and corrections to SPD policies, practices,
13 training, and systems.

14 H. From 2014 to 2016, multiple police-involved deaths of African Americans and others
15 across the nation received significant national attention and raised local community concerns to a
16 new level. In a national climate of tense relations between the public and police, under the
17 leadership of Mayor Edward B. Murray, the Seattle City Council, and stakeholders such as the
18 City Attorney’s Office, CPC, and the OPA Auditor, the importance of building an effective
19 police oversight system with a sustainable community role has taken on new urgency.

20 I. President Obama’s White House Task Force on 21st Century Policing released a
21 comprehensive report in May 2015 that identified best practices and included recommendations
22 on how policing practices can promote crime reduction while building public trust. In January,
23 2016, Seattle Police Chief Kathleen O’Toole joined First Lady Michelle Obama during President

1 Obama’s final State of the Union address, chosen for what the White House described as The
2 City of Seattle’s nationally recognized efforts to align SPD policies with current best practices
3 and improve SPD ties with our community.

4 J. As stated in The City’s Memorandum of Understanding with DOJ, “effective and
5 constitutional policing requires a partnership between the police department, its officers,
6 community members, and public officials . . . [O]ngoing community input into the development
7 of reforms, the establishment of police priorities, and mechanisms to promote confidence in SPD
8 will strengthen SPD and facilitate police/community relationships necessary to promote public
9 safety.”

10 K. The goals of this ordinance are to institute a comprehensive and lasting police
11 oversight system that ensures that police services are delivered to the people of Seattle in a
12 manner that fully complies with the Constitution and laws of the United States and State of
13 Washington, effectively ensures public and officer safety, and promotes public confidence in
14 SPD and the services that it delivers. To accomplish these goals, The City of Seattle has
15 committed to strengthen elements of Seattle’s existing system including building a strong
16 community-based entity with authority to review and weigh in on police policies and assess the
17 responsiveness of SPD, The City of Seattle, and accountability system professionals to
18 community concerns, which has been missing in previous reform efforts.

19 L. On April 6, 2017, the federal Monitor in his ninth systemic assessment on use of
20 force, remarked that the department has “changed in fundamental ways” and that officers used
21 force that was consistent with SPD policy 99.27 percent of the time from September 2015
22 through October 2016. In that report, the Monitor noted, “Chief Kathleen O’Toole, and her
23 command staff, have worked tirelessly since she became chief in June 2014 to implement

1 comprehensively the force related provisions of the Consent Decree.” The Monitor went on to
2 state, “...the credit for this major milestone goes first and foremost to the men and women of the
3 Seattle Police Department. Their ability to meaningfully and effectively implement the use of
4 force policies and apply the related use of force training on the streets of Seattle – while facing
5 the unpredictable challenges that are part and parcel of law enforcement – is worthy of
6 substantial praise....[P]olice officers in Seattle are frequently tasked with addressing individuals
7 and situations that the rest of the social service fabric has failed, left out, or left behind. Their
8 ability to innovate, change approaches, and change the course of the Department while
9 addressing these fundamental duties is commended.”

10 M. The police have extraordinary enforcement powers to maintain the public peace, and
11 the protective measures put into place to ensure that their actions remain constitutional and in the
12 public interest must be correspondingly strong.

13 N. Having a collaborative relationship between all police oversight entities, with specific
14 roles and responsibilities for each, strengthens police accountability in a manner that is not
15 possible for each entity alone.

16 O. The provisions of this ordinance are necessary to institute a lasting police oversight
17 system that ensures that police services are delivered to the people of Seattle in a manner that
18 fully complies with the United States Constitution, the Washington State Constitution, and laws
19 of the United States, State of Washington, and City of Seattle; effectively ensures public and
20 officer safety; and promotes public confidence in SPD and the services that it delivers.

21 Section 2. Section 3.28.805 of the Seattle Municipal Code, last amended by Ordinance
22 122744, is repealed:

23 ~~((3.28.805 Definitions.~~

1 A. ~~“OPA complaint” refers to a complaint assigned to the Office of Professional~~
2 ~~Accountability for investigation.~~

3 B. ~~“OPA investigation” and “complaint investigation” refer to an investigation of an~~
4 ~~OPA complaint conducted by the Office of Professional Accountability.)~~

5 Section 3. Section 3.28.810 of the Seattle Municipal Code, last amended by Ordinance
6 122744, is repealed:

7 ~~((3.28.810 Office of Professional Accountability—Director.~~

8 ~~The Director of the OPA is responsible for the investigative and administrative functions of the~~
9 ~~police disciplinary process and shall manage the overall investigative, training, and~~
10 ~~administrative functions of the OPA. The OPA Director shall:~~

11 A. ~~Be a civilian with legal, investigative, or prosecutorial experience;~~

12 B. ~~Be appointed by the Mayor and confirmed by the City Council;~~

13 C. ~~Be appointed for a three year term, with the possibility of being reappointed to a~~
14 ~~second or third three year term, for a maximum of nine years.~~

15 D. ~~Report directly to the Chief of Police;~~

16 E. ~~Be paid at a salary consistent with the level of responsibility established in this~~
17 ~~section and as provided by ordinance;~~

18 F. ~~Direct the OPA investigative process, classify all complaints, certify in writing~~
19 ~~the completion and recommended findings of all OPA cases, and convey these recommendations~~
20 ~~to the Chief of Police, who is the final Police Department decision maker in disciplinary actions;~~

21 G. ~~Attend employee due process hearings with the Chief of Police concerning~~
22 ~~possible employee discipline resulting from OPA recommendations;~~

1 ~~H. Provide analysis and recommendations to the Chief of Police regarding~~
2 ~~disciplinary action in order to promote consistency of discipline;~~

3 ~~I. Provide recommendations to the Chief of Police, Mayor and City Council~~
4 ~~regarding the resources of the OPA, including but not limited to budget and staffing; and~~

5 ~~J. Provide recommendations to the Chief of Police, Major and City Council~~
6 ~~regarding Police Department policies and practices related to police accountability and~~
7 ~~professional conduct.))~~

8 Section 4. Section 3.28.815 of the Seattle Municipal Code, enacted by Ordinance 120728,
9 is repealed:

10 ~~((3.28.815 OPA Deputy Director.~~

11 ~~The Chief of Police shall, with a recommendation from the OPA Director, appoint the OPA~~
12 ~~Deputy Director from among the sworn Captain ranks of the Seattle Police Department. The~~
13 ~~OPA Deputy Director, as overseen by the Director, shall oversee the day to day management of~~
14 ~~the OPA investigative process, employing the best and most effective OPA investigations~~
15 ~~practices.))~~

16 Section 5. Section 3.28.820 of the Seattle Municipal Code, last amended by Ordinance
17 120728, is repealed:

18 ~~((3.28.820 OPA procedures manual.~~

19 ~~The Police Department shall produce an OPA procedures manual, which shall include~~
20 ~~instructions for filing a complaint with OPA, and which shall be made available to members of~~
21 ~~the public, as well as Police Department personnel.))~~

22 Section 6. Section 3.28.905 of the Seattle Municipal Code, last amended by Ordinance
23 122744, is repealed:

1 ~~((3.28.905 Appointment of the OPA Review Board.~~

2 A. ~~—The City Council shall appoint the seven members of the OPA Review Board.~~
3 ~~The first term of any member shall be no longer than two years. Members may be reappointed to~~
4 ~~up to three subsequent two year terms; no individual may serve more than four terms. Members~~
5 ~~shall serve staggered terms such that no more than four members' terms shall expire in any year.~~
6 ~~Should any member take office at any time after commencement of a regular term, the expiration~~
7 ~~of that term shall remain unaffected. The City Council may remove a member from office for~~
8 ~~cause by filing a statement of reasons for removal. Members shall be compensated as provided~~
9 ~~by ordinance. The compensation of members and other resources necessary for the OPA Review~~
10 ~~Board shall be appropriated in the budget of the Legislative Department.~~

11 B. ~~Each OPA Review Board member shall at the time of appointment and throughout his~~
12 ~~or her term:~~

13 1. ~~Have a reputation for integrity and professionalism, as well as the ability to~~
14 ~~maintain a high standard of integrity in the office;~~

15 2. ~~—Have a commitment to and knowledge of the need for and responsibilities~~
16 ~~of law enforcement, as well as the need to protect constitutional rights of all affected parties;~~

17 3. ~~—Have a commitment to the statement of purpose and policies in this~~
18 ~~chapter;~~

19 4. ~~—Have a history of demonstrated leadership experience and ability;~~

20 5. ~~—Have the potential for gaining the respect of complainants, departmental~~
21 ~~personnel, and the citizens of this City;~~

22 6. ~~Be able to work effectively with the City Council, departmental personnel,~~
23 ~~public agencies, private organizations, and citizens;~~

1 ~~7. Be able to work with diverse groups and individuals, as shown by previous~~
2 ~~experience;~~

3 ~~8. Be able to maintain fairness and objectivity in an environment where~~
4 ~~controversy is common.~~

5 ~~9. Be a high school graduate or recipient of a general equivalency diploma;~~

6 ~~10. Be a United States citizen or lawfully authorized for employment in the~~
7 ~~United States;~~

8 ~~11. Be at least 21 years of age;~~

9 ~~12. Not have been convicted of or plead guilty to a felony, crime of violence,~~
10 ~~or offense involving moral turpitude, or any plea thereto; and~~

11 ~~13. Be able to comply with the appearance of fairness doctrine.~~

12 ~~In addition, at any given time, at least one member of the OPA Review Board shall be a~~
13 ~~graduate of an accredited law school and a member in good standing of the Washington State~~
14 ~~Bar Association; at least one other member shall have significant experience in community~~
15 ~~involvement, organizing and outreach; at least one other member shall have at least five years~~
16 ~~experience as a sworn law enforcement officer; and at least one other member shall have at least~~
17 ~~five years experience in a field or fields related to law enforcement or criminal justice.~~

18 ~~C. The Chief of Police shall cause a thorough background check of nominees for~~
19 ~~OPA Review Board identified by the Council and shall report the results to the Council.~~

20 ~~D. The OPA Review Board shall annually elect one of its members to be the Chair of~~
21 ~~the OPA Review Board. In the event that all members of the Review Board are newly appointed,~~
22 ~~the City Council may appoint an interim Chair until the Review Board can conduct the~~
23 ~~election.))~~

1 Section 7. Section 3.28.910 of the Seattle Municipal Code, last amended by Ordinance
2 122744, is repealed:

3 ~~((3.28.910 OPA Review Board Responsibility.~~

4 A. ~~—The OPA Review Board shall review the OPA’s complaint handling process.
5 Based on its review of OPA complaint forms and files on closed OPA complaints, and on the
6 Review Board’s public outreach and research on best practices, the Review Board shall assess
7 the apparent fairness, thoroughness and timeliness of the OPA complaint handling process as a
8 whole. The Review Board shall not comment on the discipline of any officer or lack thereof, or
9 on the liability of anyone involved in a specific complaint. The Review Board shall present its
10 assessments of the OPA’s complaint handling process in semiannual reports to the City. These
11 reports shall include a general description of the OPA files and records reviewed.~~

12 B. ~~—The OPA Review Board shall organize and conduct public outreach on behalf of
13 itself, the OPA and the OPA Auditor. The Review Board shall solicit public comments on the
14 fairness, thoroughness and timeliness of the OPA complaint handling process and on the
15 professional conduct of Seattle police officers. The Review Board shall invite the OPA, OPA
16 Auditor and Police Department to participate in its outreach efforts.~~

17 C. ~~—The OPA Review Board shall advise the City on Police Department policies and
18 practices related to police accountability and professional conduct. The Review Board shall base
19 its recommendations on its review of the OPA complaint handling process and of the OPA
20 Director’s and OPA Auditor’s reports, on any public comments it has received, and on its own
21 research on national trends and best practices in police accountability and civilian oversight of
22 law enforcement. The Review Board shall present its recommendations in its semiannual reports.~~

1 ~~D. The OPA Review Board shall recommend to the OPA Auditor topics for the~~
2 ~~Auditor’s review of Police Department policies and practices related to police accountability and~~
3 ~~professional conduct.~~

4 ~~E. The OPA Review Board shall submit its semiannual reports to the City Council,~~
5 ~~Mayor, Chief of Police, City Attorney and City Clerk.)~~

6 Section 8. Section 3.28.920 of the Seattle Municipal Code, last amended by Ordinance
7 122126, is repealed:

8 ~~((3.28.920 Access to and confidentiality of files and records.~~

9 ~~A. For the purpose of reviewing the OPA complaint handling process, the OPA~~
10 ~~Review Board shall have access to unredacted complaint forms of all OPA complaints and~~
11 ~~unredacted files of all closed OPA investigations, except for information the OPA would be~~
12 ~~required to withhold from persons not members of criminal justice agencies pursuant to the~~
13 ~~Criminal Records Privacy Act (Chapter 10.97 RCW) as it now exists and may hereafter be~~
14 ~~amended. The OPA Review Board shall have access to summary information necessary for its~~
15 ~~reporting obligations as set forth in Section 3.28.910 of this chapter.~~

16 ~~B. In discharging their responsibilities, OPA Review Board members shall protect~~
17 ~~the confidentiality of Department files to which they have been provided access. OPA Review~~
18 ~~Board members shall not disclose information in these Department files and records except in the~~
19 ~~reports required by ordinance. OPA Review Board reports shall not contain identifying~~
20 ~~information about anyone involved in an OPA complaint or OPA investigation other than the~~
21 ~~OPA Director. “Identifying information” is defined as name, badge number, physical~~
22 ~~description, address, telephone number, email address, photographs or drawings, or any other~~
23 ~~unique identifying numbers such as driver’s license, employee, vehicle or social security~~

1 ~~numbers. In the event of a public disclosure request pursuant to the Public Disclosure Act (RCW~~
2 ~~42.17.250 et seq.), the OPA Review Board shall not disclose any information contained in OPA~~
3 ~~complaint forms or in files on closed OPA investigations, and shall transmit all such requests to~~
4 ~~the OPA Director for response.~~

5 ~~C. Indemnification and defense of OPA Review Board members is governed by~~
6 ~~Chapter 4.64 SMC. It is outside the scope of OPA Review Board members' assignments to~~
7 ~~disclose information in Department files and records other than as allowed in subsection B of~~
8 ~~this section.))~~

9 Section 9. A new Chapter 3.29 is added to the Seattle Municipal Code as follows:

10 **Chapter 3.29 CIVILIAN AND COMMUNITY OVERSIGHT OF POLICE**

11 **3.29.010 Purpose – Enhancing and sustaining effective police oversight**

12 A. The police are granted extraordinary power to maintain the public peace, including
13 the power of arrest and statutory authority under RCW 9A.16.040 to use deadly force in the
14 performance of their duties under specific circumstances. Public trust in the appropriate use of
15 those powers is bolstered by having a police oversight system that reflects community input and
16 values.

17 It is The City of Seattle's intent to ensure by law a comprehensive and sustainable
18 approach to independent oversight of the Seattle Police Department (SPD) that enhances the
19 trust and confidence of the community, and that builds an effective police department that
20 respects the civil and constitutional rights of the people of Seattle. The purpose of this Chapter
21 3.29 is to provide the authority necessary for that oversight to be as effective as possible.

22 B. Oversight of SPD shall be comprised of an Office of Police Accountability (OPA) to
23 help ensure the actions of SPD employees are constitutional and in compliance with federal,

1 state, local laws, and with City and SPD policies, and to promote respectful and effective
2 policing, by initiating, receiving, classifying, investigating, and making findings related to
3 complaints of misconduct; an Office of Inspector General for Public Safety (OIG) to help
4 ensure the fairness and integrity of the police system as a whole in its delivery of law
5 enforcement services by providing civilian auditing of the management, practices, and policies
6 of SPD and OPA and oversee ongoing fidelity to organizational reforms implemented pursuant
7 to the goals of the 2012 federal Consent Decree in *United States of America v. City of Seattle*,
8 12 Civ. 1282 (JLR); and a Community Police Commission (CPC) to help ensure public
9 confidence in the effectiveness and professionalism of SPD and the responsiveness of the police
10 accountability system to public concerns by engaging the community to develop
11 recommendations on the police accountability system and provide a community-based
12 perspective on law enforcement-related policies, practices, and services affecting public trust;
13 all for the purpose of ensuring constitutional, accountable, effective, and respectful policing.

14 C. An accountability system requires a strong, effective Chief to implement oversight
15 recommendations and to create the culture change from within the police department that is
16 necessary to support lasting reform. The Chief by City Charter is “the chief peace officer of the
17 City, and...shall maintain the peace and quiet of the City.” The City Charter also dictates that the
18 Chief manages SPD and prescribes the Department’s rules and regulations, consistent with law.
19 In performing those duties, the Chief is responsible and accountable to the Mayor and City
20 Council for the administration and management of SPD and is the final decision-maker, subject
21 to appeal rights, in all matters related to misconduct, including discipline. Nothing in this
22 Chapter 3.29 shall be interpreted or applied so as to limit or restrict the responsibilities of the
23 Chief under the City Charter.

1 **3.29.020 Definitions**

2 As used in this Chapter 3.29:

3 “Budget Control Level” means the level at which expenditures are controlled to meet
4 state and City budget law provisions.

5 “Chief” means the Chief of Police.

6 “Council” means the City Council.

7 “CPC” means the Community Police Commission.

8 “Inconclusive” means the term as it is defined in the OPA Manual.

9 “Lawful and Proper” means the term as it is defined in the OPA Manual.

10 “Management Action” means the term as it is defined in the OPA Manual.

11 “Misconduct” means a violation of law or SPD policy.

12 “Not Sustained” means the term as it is defined in the OPA Manual.

13 “OIG” means the Office of Inspector General for Public Safety.

14 “OPA” means the Office of Police Accountability.

15 “OPA Manual” means the Office of Police Accountability Internal Operations and
16 Training Manual.

17 “Public safety committee” means the City Council committee responsible for public
18 safety matters.

19 “Rapid Adjudication” means a complaint resolution for certain types of alleged
20 misconduct whereby the employee self-reports or immediately acknowledges a policy violation
21 occurred, waives the right to an investigation, and signs an agreement acknowledging the
22 violation and accepting the imposition of pre-determined discipline or other resolution.

23 “SPD” means the Seattle Police Department.

1 “Supervisor Action” means the term as it is defined in the OPA Manual.

2 “Sustained” finding means the term as it is defined in the OPA Manual.

3 “Training Referral” means the term as it is defined in the OPA Manual.

4 “Unfounded” means the term as it is defined in the OPA Manual.

5 **3.29.030 Independent and collaborative oversight**

6 A. OPA, OIG, and CPC have an obligation to exercise independent judgment and offer
7 critical analysis in the performance of their duties under this Chapter 3.29. These oversight
8 entities shall exercise their responsibilities under this Chapter 3.29 without interference from any
9 person, group, or organization, including the Chief, other SPD employees, or other City officials.
10 City employees and agents who violate these provisions may be subject to dismissal, discipline,
11 or censure consistent with City and state laws.

12 B. OPA, OIG, CPC, and the Chief shall each advise the Council, Mayor, City Attorney,
13 and each other on issues related to the purposes of this Chapter 3.29, and recommend and
14 promote to policymakers changes to policies and practices, collective bargaining agreements,
15 City ordinances, and state laws in order to support systemic improvements and other
16 enhancements to SPD performance and in furtherance of community trust.

17 C. OPA, OIG, CPC, and SPD shall engage in collaborative conversations with each other
18 on a quarterly basis and as otherwise reasonably requested by each other in order to effectuate
19 coordinated oversight, including meeting collectively to review the extent to which the purposes
20 and requirements of this Chapter 3.29 are being met.

21 Section 10. Subchapter VII of Chapter 3.28 of the Seattle Municipal Code is recodified as
22 Subchapter I of Chapter 3.29 and amended as follows:

23 **Subchapter ((VII)) I Office of ((Professional)) Police Accountability**

1 Section 11. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance
2 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

3 ~~((3.28.800))~~ **3.29.100 Office of ((Professional)) Police Accountability established** ~~((created—
4)) = Functions and authority ((:))~~

5 A. There is ~~((created within the Seattle Police Department))~~ established an
6 independent Office of ((Professional)) Police Accountability ~~((hereinafter “OPA”) to receive
7 and investigate complaints of misconduct by Seattle Police Department personnel))~~ to fulfill the
8 purposes set forth in Section 3.29.010. ~~((The responsibilities of the OPA include the following
9 areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters
10 involving the Police Department’s investigatory and disciplinary functions and on Police
11 Department policies and practices related to police accountability and professional conduct;
12 evaluating the internal investigation process; and, making recommendations on strategies and
13 policies to improve complaint gathering and investigative procedures.))~~

14 B. There shall be a civilian OPA Director responsible for carrying out the duties set
15 forth in this Subchapter I. There shall be a civilian OPA Deputy Director to perform such duties
16 and have such powers as the OPA Director may prescribe and delegate to implement and
17 efficiently and effectively manage the duties set forth in this Subchapter I.

18 C. OPA shall establish and manage processes to initiate, receive, classify, and
19 investigate allegations of police misconduct.

20 D. OPA policies and practices shall be applied uniformly regardless of rank or
21 position.

22 E. OPA complaint processes shall: be fair, impartial, consistent, thorough, timely,
23 understandable, and accessible for the public, employees, and complainants; provide effective

1 solutions; improve SPD standards; help reduce misconduct or policy violations; and enhance
2 employee conduct.

3 F. OPA shall have the authority to address complaints of police misconduct through
4 investigation, Supervisor Action referral, mediation, Rapid Adjudication, or other alternative
5 resolution processes, as well as through Management Action findings and Training Referrals.
6 Management Action findings may be made for either Sustained or Not Sustained complaints of
7 misconduct.

8 G. OPA’s jurisdiction shall include all types of possible misconduct. In complaints
9 alleging criminal misconduct, OPA shall have the responsibility to coordinate investigations with
10 criminal investigators external to OPA and prosecutors on a case-by-case basis to ensure that the
11 most effective, thorough, and rigorous criminal and administrative investigations are conducted.

12 H. OPA shall have the authority to identify systemic problems in SPD policies,
13 training, supervision, and management identified in the course of OPA’s investigation of
14 possible misconduct or policy violations, or in the course of OPA’s other obligations under this
15 Chapter 3.29.

16 I. OPA shall enhance an SPD culture of police accountability through means
17 including, but not limited to, the following:

18 1. Supporting SPD supervisors and strengthening supervisors’ involvement in the
19 accountability system, including supervisors’ responsibilities to mentor employees and to
20 investigate, document, and address minor policy violations, performance, and customer service
21 concerns at the precinct and unit level;

1 2. Assisting SPD in the development and delivery of SPD in-service training
2 related to the accountability system and helping ensure that this training is part of the curriculum
3 for all new employees; and

4 3. Collaborating with SPD to make disciplinary processes as fair, impartial,
5 objective, certain, timely, consistent, understandable, transparent, and effective as possible.

6 J. OPA shall be responsive to community needs and concerns through means
7 including, but not limited to, the following:

8 1. Maintaining frequent and regular communications with complainants and
9 named employees about the status of their investigation, including information to complainants
10 about disciplinary appeal and grievance processes;

11 2. Using OPA complaint navigators, community-based organizations, and other
12 approaches that reflect or take into account the diversity of Seattle’s communities in order to
13 provide additional channels for filing complaints and support understanding of the system and
14 how to access it;

15 3. Obtaining information about community perspectives and concerns germane to
16 OPA access and OPA’s oversight responsibilities, including using the expertise of CPC;

17 4. Conducting community outreach to inform the public about the police
18 accountability system and how to access it, in consultation with CPC, and receiving feedback
19 from CPC on issues that surface as a result of the community outreach activities; and

20 5. Providing technical assistance on OPA matters to CPC, as reasonably
21 requested and consistent with the purposes of this Chapter 3.29.

22 Section 12. A new Section 3.29.105 of the Seattle Municipal Code is added to Subchapter
23 I of Chapter 3.29 as follows:

1 **3.29.105 Office of Police Accountability – Independence**

2 A. OPA shall be physically housed outside any SPD facility and be operationally
3 independent of SPD in all respects. OPA’s location and communications shall reflect its
4 independence and impartiality, except that OPA shall be organizationally in SPD in order to
5 ensure complete and immediate access to all SPD-controlled data, evidence, and personnel
6 necessary for thorough and timely investigations and complaint handling.

7 B. The OPA Director shall submit an annual budget request to the Mayor. The OPA
8 Director may advocate for resources directly to Councilmembers or the Council during the
9 budget process and throughout the year.

10 C. Only the OPA Director or the OPA Director’s designee shall comment publicly
11 on the specifics of any ongoing OPA investigation.

12 Section 13. A new Section 3.29.110 of the Seattle Municipal Code is added to Subchapter
13 I of Chapter 3.29 as follows:

14 **3.29.110 Office of Police Accountability Director – Qualifications**

15 The OPA Director shall be a civilian with significant legal, investigative, human resources, law
16 enforcement oversight, or prosecutorial experience; shall not have been formerly employed by
17 SPD as a sworn officer; and should also have the following additional qualifications and
18 characteristics:

19 A. A reputation for integrity and professionalism, and the ability to maintain
20 a high standard of integrity and professionalism in the office;

21 B. A commitment to the need for and responsibilities of law enforcement,
22 including enforcement, community care-taking, and the need to protect the constitutional rights
23 of all affected parties;

1 C. A commitment to the statements of purpose and policies in this Chapter
2 3.29;

3 D. A history of leadership experience;

4 E. The ability to relate, communicate, and engage effectively with all who
5 have a stake in policing, including, but not limited to, the general public, complainants,
6 disenfranchised communities, SPD employees, and relevant City and other officials including the
7 Mayor, Council, City Attorney, Chief, Inspector General, and CPC;

8 F. An understanding of the City’s ethnic and socio-economic diversity and
9 proven experience working with and valuing the perspectives of diverse groups and individuals;
10 and

11 G. The ability to carry out the duties of the OPA Director in a manner that
12 reflects sound judgment, independence, fairness, and objectivity in an environment where
13 controversy is common.

14 Section 14. A new Section 3.29.115 of the Seattle Municipal Code is added to Subchapter
15 I of Chapter 3.29 as follows:

16 **3.29.115 Office of Police Accountability Director – Appointment and removal**

17 A. The OPA Director shall be appointed and reappointed in accordance with the
18 process described in this Section 3.29.115. All appointments and reappointments shall be
19 confirmed by a majority vote of the full Council. If the Council does not act within 30 days of
20 notice of an appointment or reappointment, the appointment or reappointment shall be deemed
21 confirmed.

22 B. For appointments, the Mayor shall select from up to three qualified finalists
23 identified by a search committee through a national process using merit-based criteria. CPC

1 Commissioners shall constitute at least 25 percent of the search committee, one of whom shall
2 serve as one of the search committee co-chairs. The Mayor shall either appoint from among the
3 finalists or initiate a new search. The Mayor shall receive input from CPC and the Inspector
4 General prior to reappointments.

5 C. The OPA Director may be appointed and reappointed for up to three four-year
6 terms for a total of 12 years. Each term shall commence on January 1, except that the first OPA
7 Director appointed pursuant to this Chapter 3.29 shall serve an interim term that commences
8 immediately following Council confirmation; the interim term shall not count as a full term for
9 the purposes of calculating term limits under this Section 3.29.115. The first full term shall begin
10 in the first year after the commencement of the Mayor’s term of office, to ensure that these terms
11 do not run concurrently. If the OPA Director assumes office mid-term due to a prior vacancy, the
12 OPA Director may complete that term and then be reappointed for up to three four-year
13 subsequent terms.

14 D. Each appointment and reappointment shall be made whenever possible
15 sufficiently prior to the expiration of the incumbent’s term of office, or the effective date of an
16 incumbent’s resignation, to permit Council action on the appointment or reappointment at least
17 45 days before the expiration of the present term or the effective date of the resignation, so as to
18 increase the likelihood of a seamless transition without a gap in oversight. If the Mayor does not
19 make an appointment or reappointment within 90 days of the first day of the expiration of a term,
20 of a vacancy, or of a rejection by the Council, the public safety committee shall appoint the OPA
21 Director.

22 E. In the event of a vacancy, the Mayor shall designate an interim OPA Director
23 within ten days after the first day of the vacancy to serve until a new OPA Director is appointed.

1 If the Mayor does not designate an interim OPA Director within ten days of the first day of the
2 vacancy, the City Attorney’s Office shall provide notice to the Council President and the interim
3 OPA Director shall be designated by the Council President. The interim OPA Director may be
4 either an OPA employee or an individual from outside OPA, but must substantially meet the
5 qualifications of Section 3.29.110. An OPA Director whose term is ending may continue on an
6 interim basis until a successor has been confirmed by a majority vote of the full Council. An
7 interim term shall not count as a full term for the purposes of calculating term limits under this
8 Section 3.29.115.

9 F. To strengthen the independence of the OPA Director, the Mayor may remove the
10 OPA Director from office only for cause, and in accordance with the following provisions:

11 1. The Mayor shall give written notice, specifying the basis for the intended
12 removal, to the OPA Director, the Council President, the Chair of the public safety committee,
13 the Inspector General, the Chief, and the CPC Executive Director.

14 2. Within ten days after receipt of the notice, the OPA Director may file with
15 the Council President and the Chair of the public safety committee a request for a hearing on the
16 cause for removal. The OPA Director’s request for a hearing shall be delivered at the same time
17 to the Mayor, the Inspector General, the Chief, and the CPC Executive Director. If such request
18 is made, the Council shall convene a de novo hearing on the cause for removal in the public
19 safety committee not sooner than 30 days and not more than 60 days following the OPA
20 Director’s request for a hearing, at which the OPA Director may appear and be heard. The
21 Council shall vote to approve or reject the removal within 30 days of the hearing.

1 3. If no request for a hearing is made, the Council shall vote to approve or reject
2 the removal within 30 days of receiving the Mayor’s notice of the intended removal, following
3 input from the Inspector General and CPC.

4 4. A majority vote of the full Council is required to approve removal.

5 G. The Seattle Department of Human Resources shall obtain from an outside law
6 enforcement agency a thorough background check of the Mayor’s nominees for OPA Director,
7 including records of arrest, charges, or allegations of criminal conduct or other nonconviction
8 data for the purpose of determining the individual’s fitness to perform the duties of OPA
9 Director, and report the results to the Mayor, prior to submittal of the nomination to the Council
10 for confirmation.

11 H. The Mayor shall be responsible for the performance evaluation of the OPA
12 Director, and shall seek the input of the public, Council, City Attorney, OIG, Chief, SPD
13 employees, and CPC. CPC shall provide input in accordance with subsection 3.29.360.L.

14 Section 15. A new Section 3.29.120 of the Seattle Municipal Code is added to Subchapter
15 I of Chapter 3.29 as follows:

16 **3.29.120 Office of Police Accountability Director – Authority and responsibility**

17 The OPA Director shall have the authority and responsibility to:

18 A. Manage all functions and responsibilities of OPA.

19 B. Hire, supervise, and discharge OPA civilian staff, and supervise and transfer out
20 of OPA any sworn staff assigned to OPA. OPA staff shall collectively have the requisite
21 credentials, skills, and abilities to fulfill the duties and obligations of OPA set forth in this
22 Chapter 3.29.

1 C. Manage the complaint process so that all complaints of police misconduct or
2 policy violations are initiated, received, referred, classified, investigated, and appropriately
3 resolved.

4 D. Oversee and strengthen the effectiveness of OPA investigations, Supervisor
5 Action referrals, mediation, Rapid Adjudication, and other alternative resolution processes, as
6 well as Management Actions and Training Referrals. The OPA Director shall, in consultation
7 with CPC and OIG, make and maintain a fair and effective mediation program and a fair and
8 effective Rapid Adjudication process.

9 E. Ensure OPA policies and practices are detailed in, and in compliance with, the
10 OPA Manual, which shall be updated at least annually. Such updates shall be done in accordance
11 with a process established by the OPA Director that provides for consultation and input by OIG
12 and CPC prior to final adoption of any updates.

13 G. Classify complaints; direct OPA investigative processes; address any additional
14 investigative work requested or directed by OIG; certify in writing the completion and
15 recommended findings of all OPA investigations and convey these recommendations to the
16 Chief; participate in meetings related to recommended findings and discipline and in due process
17 hearings; testify as needed in disciplinary appeals; and where requested, advise the Chief as to
18 discipline and the Chief and City Attorney with regard to disciplinary appeals.

19 H. Comply with all OPA deadlines, including investigation deadlines.

20 I. Work with OIG, SPD, CPC, and the City Attorney’s Office to help reduce or
21 prevent misconduct through identification of patterns or trends arising through complaints,
22 investigations, and lawsuits.

1 J. Be present at the scene of all SPD officer-involved shootings and other serious
2 use of force incidents pursuant to its duties set forth in Section 3.29.125 or designate OPA staff
3 members to do so.

4 K. Conduct administrative investigations in compliance with the OPA Manual and
5 the purposes of this Chapter 3.29. Ensure that investigators and investigative supervisors receive
6 orientation and training when they begin working at OPA, including on administrative
7 investigations, commensurate with their duties.

8 L. Consult with CPC regularly to ensure that OPA materials are readily
9 understandable and that informational materials are culturally and linguistically appropriate and
10 widely available to Seattle’s diverse residents both in English and in translation.

11 M. Collaborate with the Chief, other SPD leadership, and OIG to strengthen the
12 involvement of supervisory personnel in the accountability system to enhance a culture of
13 accountability throughout SPD.

14 N. Provide input to the Council on the performance of the Inspector General in
15 advance of the Council’s performance evaluation of the Inspector General.

16 Section 16. A new Section 3.29.125 of the Seattle Municipal Code is added to Subchapter
17 I of Chapter 3.29 as follows:

18 **3.29.125 Office of Police Accountability – Classifications and investigations**

19 A. Allegations of unnecessary or excessive force, biased policing, and violations of
20 law shall not be classified as Supervisor Action.

21 B. It shall be a condition of employment for all SPD employees to fully and timely
22 participate in an investigation whenever requested by OPA and failure to do so may result in
23 discipline by the Chief, up to and including termination. Complainants may remain anonymous

1 and must be given the choice of an in-person interview. Unless the OPA Director determines
2 exigent circumstances require otherwise, all SPD employee interviews shall be conducted in-
3 person. All interviews shall be audio-recorded and transcribed, except any interviews conducted
4 before a Rapid Adjudication disposition. If an interview is transcribed both the recording and the
5 transcription shall be retained in the OPA case file.

6 C. OPA shall have the authority to observe and review all administrative
7 investigation processes at SPD to ensure they are not in conflict with OPA’s authority and are
8 consistent with the purposes of this Chapter 3.29.

9 D. OPA representatives shall have access to any incident scene as necessary to
10 ascertain and assess whether possible violations of SPD policies may have occurred. Following
11 such incidents, OPA representatives may attend and participate in any SPD administrative
12 investigation unit interviews or meetings held to review Force Investigation Team information or
13 discuss the incident, and may at that time identify any areas of concern related to possible
14 violations of SPD policies. OPA may participate in SPD administrative investigation unit
15 interviews or meetings of any other incident, at the OPA Director’s discretion.

16 E. When necessary, the OPA Director may issue a subpoena at any stage in an
17 investigation if evidence or testimony material to the investigation is not provided to OPA
18 voluntarily, in order to compel witnesses to produce such evidence or testimony. If the
19 subpoenaed individual or entity does not respond to the request in a timely manner, the OPA
20 Director may ask for the assistance of the City Attorney to pursue enforcement of the subpoena
21 through a court of competent jurisdiction.

22 F. Every OPA investigation shall have an investigation plan approved by the OPA
23 Director or the OPA Director’s designee prior to the initiation of an investigation. OPA

1 investigation plans shall include the prioritization of the investigation within OPA’s ongoing
2 body of work, the witnesses to be interviewed, the perishable evidence to be prioritized, other
3 material evidence to be obtained, and the approach to addressing each allegation of possible
4 policy violation or misconduct. If OPA is unable to investigate an allegation in the manner the
5 OPA Director believes appropriate due to resource constraints in light of other investigation
6 priorities, the investigation plan and case file should indicate that this intentional decision is
7 being made regarding allocation of investigative resources.

8 G. In cases where a Sustained finding has been recommended by the OPA Director
9 and hearing from the complainant would help the Chief better understand the significance of the
10 concern or weigh issues of credibility, the OPA Director may recommend that the Chief meet
11 with the complainant prior to the Chief making final findings and disciplinary decisions.

12 H. Consistent with subsection 3.29.220.D., the OPA Director shall establish in the
13 OPA Manual a protocol for referral to OIG for classification and appropriate complaint-
14 handling, such as Supervisor Action, investigation, or alternative resolution, any complaints
15 involving OPA staff that cannot be handled within OPA due to a potential conflict of interest.

16 I. OPA shall have discretion to investigate any specific SPD policy violation it
17 chooses, but with SPD supervisors generally handling minor performance issues and OPA
18 prioritizing its investigative resources on allegations that concern public trust and maintaining
19 systemic oversight of all SPD accountability systems.

20 Section 17. A new Section 3.29.130 of the Seattle Municipal Code is added to Subchapter
21 I of Chapter 3.29 as follows:

22 **3.29.130 Office of Police Accountability – Classification and investigation timelines**

1 A. OPA shall notify named employees, the Captain or equivalent of the named
2 employees, and the bargaining unit of the named employees within 30 days of receiving directly
3 or by referral a complaint of possible misconduct or policy violation. The notice shall by default
4 not include the name and address of the complainant, unless the complainant gives OPA written
5 consent for disclosure after OPA communicates to the complainant a full explanation of the
6 potential consequences of disclosure. The notice shall confirm the complaint and enumerate
7 allegations that allow the named employees to begin to prepare for the OPA investigation;
8 however, if OPA subsequently identifies additional allegations not listed in the 30-day notice,
9 these may also be addressed in the investigation.

10 B. The time period in which investigations must be completed by OPA is 180 days.
11 The time period begins on the date OPA initiates or receives a complaint. The time period ends
12 on the date the OPA Director issues proposed findings.

13 C. SPD employees shall timely refer incidents involving possible policy violations
14 and misconduct to OPA. Members of any SPD unit or board with authority to conduct
15 administrative investigations or review compliance with policy also have a responsibility for
16 ensuring complete and timely referral to OPA of any incident they review that involves such
17 potential misconduct or policy violation.

18 D. If an SPD employee fails to timely refer a complaint to OPA the failure to refer
19 shall also constitute misconduct subject to complaint and investigation, and discipline under this
20 Chapter 3.29 and the authority of the Chief.

21 E. If an OPA interview of a named or witness employee must be postponed due to
22 the unavailability of the interviewee or the interviewee's labor representative, the additional

1 number of days needed to accommodate the schedule of the employee or the employee’s
2 bargaining representative shall not be counted as part of the 180-day investigation period.

3 F. If the OPA Director position becomes vacant due to unforeseen exigent
4 circumstances, the 180-day period shall be extended by 60 days to permit the designation of an
5 interim OPA Director and the initiation of the appointment process for a permanent OPA
6 Director.

7 G. In cases involving possible criminal actions, if an OPA administrative
8 investigation is not commenced or is paused due to a criminal investigation, that time shall not
9 be counted as part of the 180-day investigation period, and shall be documented in an
10 administrative intake or investigation follow-up log in the investigation file. The OPA
11 administrative investigation shall be paused as long as is necessary so that neither the OPA
12 administrative nor the criminal investigation of the same incident is compromised. The 180-day
13 clock shall resume whenever any administrative investigation steps are taken by OPA.

14 H. Investigations required by OIG for review and certification shall be provided to
15 OIG as soon as possible after the investigator submits them, to afford sufficient time for OPA to
16 conduct additional investigation if requested or directed by OIG, or to investigate new material
17 evidence appropriately raised by the named employee during a due process hearing. Any further
18 investigation shall be re-submitted to OIG for review in a timely manner, so as not to lessen the
19 quality of the investigation due to the passage of time and to meet all contractual deadlines so
20 that additional investigation does not foreclose the possibility of discipline being imposed.

21 I. To ensure the integrity and thoroughness of investigations, and the
22 appropriateness of disciplinary decisions, if at any point during an OPA investigation the named
23 employee or the named employee’s bargaining representative becomes aware of any witness or

1 evidence that the named employee or the employee’s bargaining representative believes to be
2 material, they shall disclose it as soon as is practicable to OPA, or shall otherwise be foreclosed
3 from raising it later in a due process hearing, grievance, or appeal. Information not disclosed
4 prior to a due process hearing, grievance, or appeal shall not be allowed into the record after the
5 OPA investigation has concluded if it was known to the named employee or the named
6 employee’s bargaining representative during the OPA investigation, and if OPA offered the
7 employee an opportunity to discuss any additional information and suggest any additional
8 witnesses during the course of the employee’s OPA interview.

9 J. If further investigation is initiated because new information is brought forward
10 during an OPA interview or a due process hearing, or because of any additional investigation
11 directed by OIG, the 180-day investigation time period shall be extended by 60 days.

12 Section 18. Section 3.28.812 of the Seattle Municipal Code, last amended by Ordinance
13 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

14 ~~((3.28.812))~~ **3.29.135 Office of ~~((Professional))~~ Police Accountability—Explanations of**
15 ~~**((Certain Complaint Dispositions))**~~ **certain complaint dispositions**

16 A. If there is disagreement between the Chief and the OPA Director as to the OPA
17 Director’s recommendations on findings, the Chief and the OPA Director shall engage in a
18 supplemental meeting to discuss the disagreement, which shall occur after an employee due
19 process meeting has taken place.

20 ~~((A-))~~ B. If the Chief ~~((of Police))~~ decides not to follow ~~((the OPA’s))~~ one or more
21 of the OPA Director’s written recommendations on ~~((the disposition of an OPA complaint))~~
22 findings following an OPA investigation, the Chief shall ~~((make))~~ provide a written statement of
23 the material reasons for the decision within 30 days of the Chief’s decision on the disposition of

1 ~~the complaint. ((The statement shall not contain the officer’s name or any personal information~~
2 ~~about the officer.))~~ If the basis for ~~((not sustaining the complaint))~~ the action is personal,
3 involving family or ((medical information)) health-related circumstances about the ~~((officer))~~
4 named employee, the statement shall refer to “personal ~~((information))~~ circumstances” as the
5 basis. ~~((The Chief shall make the written statement within 60 days of his or her final decision on~~
6 ~~the disposition of the complaint)).~~ The written statement shall be provided to the Mayor, the
7 Council President and the Chair of the public safety committee, the City Attorney, the OPA
8 Director, the Inspector General, and the CPC Executive Director, and be included in the OPA
9 case file and in a communication with the complainant and the public. If any findings or
10 discipline resulting from an investigation are changed pursuant to an appeal or grievance, this
11 responsibility shall rest with the City Attorney.

12 ~~((B-))~~ C. If ~~((no discipline results from an OPA complaint because))~~ an
13 investigation time limit ~~((specified in a collective bargaining agreement between the City and the~~
14 ~~subject employee’s bargaining unit))~~ as set forth in Section 3.29.130 has been exceeded, within
15 ~~((60))~~ 30 days of the final ~~((disposition of the complaint investigation))~~ certification of the
16 investigation by the OPA Director, the OPA Director shall make a written ~~((explanation))~~
17 statement of the nature of the allegations in the complaint and the reason or reasons why the time
18 limit was exceeded. This requirement applies whether the OPA Director ~~((recommends that))~~
19 recommended the complaint be sustained, not sustained, or ~~((declines))~~ declined to make a
20 recommendation because the time limit ~~((has))~~ had been exceeded. The written statement shall
21 be included in the OPA case file and provided to the Mayor, the Council President and the Chair
22 of the public safety committee, the City Attorney, the Inspector General, and the CPC Executive
23 Director, and included in a communication with the complainant and the public.

1 ~~((C.))~~ D. The written ~~((explanations))~~ statements required by ~~((Subsections A and B~~
2 ~~of this Section))~~ this Section 3.29.135 shall not identify named employees or divulge personal
3 information about ~~((the subject officer or officers))~~ named employees or anyone else involved in
4 the complaint and shall be subject to any applicable ~~((confidentiality requirements))~~ disclosure
5 limitations in state or federal law. The ~~((explanations))~~ statements shall not affect any discipline
6 decisions; ~~((as specified in Seattle Municipal Code 3.28.810 Subsection F,))~~ the Chief ~~((of~~
7 ~~Police))~~ remains the final ~~((Police Department))~~ SPD decision-maker in disciplinary actions.

8 ~~((D.))~~ E. ~~((The written explanations required by Subsections A and B of this~~
9 ~~Section shall be provided to the Mayor and City Council.))~~ The OPA Director shall include
10 summaries of ~~((these explanations))~~ the written statements required by this Section 3.29.135 in
11 the OPA Director’s annual report~~((reports required by Seattle Municipal Code 3.28.825))~~. The
12 summaries ~~((shall not identify or divulge personal information about the subject officer or~~
13 ~~officers or anyone else involved in the complaint and))~~ shall be ~~((subject to))~~ consistent with any
14 applicable confidentiality requirements in state or federal law.

15 F. Termination is the presumed discipline for a finding of material dishonesty based
16 on the same evidentiary standard used for any other allegation of misconduct.

17 Section 19. A new Section 3.29.140 of the Seattle Municipal Code is added to Subchapter
18 I of Chapter 3.29 as follows:

19 **3.29.140 Office of Police Accountability – Staffing**

20 A. The OPA Director and the Deputy Director shall be civilians and, within 18
21 months of the effective date of the ordinance introduced as Council Bill 118969, all investigative
22 supervisors shall be civilian.

1 B. All OPA staff working directly with SPD supervisors to support the handling of
2 minor violations and public access to the accountability system shall be civilians.

3 C. Within 12 months of the effective date of the ordinance introduced as Council Bill
4 118969, intake and investigator personnel shall be entirely civilian or a mix of civilian and
5 sworn, in whatever staffing configuration best provides for continuity, flexibility, leadership
6 opportunity, and specialized expertise, and supports public trust in the complaint-handling
7 process.

8 D. All staff shall have the requisite skills and abilities necessary for OPA to fulfill its
9 duties and obligations as set forth in this Chapter 3.29 and for OPA’s operational effectiveness.
10 No civilian staff shall be required to have sworn experience and no civilian staff shall have been
11 formerly employed by SPD as a sworn officer.

12 E. The OPA Director and the Chief shall collaborate with the goal that the rotations
13 of sworn staff into and out of OPA are done in such a way as to maintain continuity and
14 expertise, professionalism, orderly case management, and the operational effectiveness of both
15 OPA and SPD, pursuant to subsection 3.29.430.H.

16 F. The appropriate level of civilianization of OPA intake and investigator personnel
17 shall be evaluated by OIG pursuant to Section 3.29.220.

18 G. OPA investigators and investigative supervisors shall receive training by
19 professional instructors outside SPD in best practices in administrative and police practices
20 investigations. OPA investigators and investigative supervisors shall also receive in-house
21 training on current SPD and OPA policies and procedures.

1 Section 20. Section 3.28.825 of the Seattle Municipal Code, last amended by Ordinance
2 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

3 **((3.28.825 Reports.)) 3.29.145 Office of Police Accountability – Reporting**

4 A. OPA shall maintain a website consistent with City Information Technology
5 standards. OPA’s website shall contain its OPA Manual and comprehensive, substantive, and
6 timely information on matters of public interest concerning SPD’s accountability system,
7 including information about OIG and CPC and links to their websites.

8 B. OPA shall post online, in a timely manner, summaries of completed
9 investigations, including the allegations, analysis, and findings. OPA shall post on its website
10 and distribute, by electronic subscription, a compilation of completed investigation summaries
11 from the prior quarter, noting any investigations for which discipline has been appealed.

12 C. At the time they are issued, OPA shall post online and copy to OIG and CPC
13 letters sent to SPD recommending Management Actions. OPA shall timely post online and copy
14 to OIG and CPC updates on the outcomes of its Management Action recommendations,
15 including SPD written responses to OPA Management Action recommendations and the status of
16 these recommended changes to SPD policies or practices.

17 D. OPA shall work with the City Attorney’s Office to publicly release information
18 about closed OPA cases as promptly and with as much transparency as legally and practically
19 possible.

20 E. Each year in June and December, OPA shall provide to OIG status reports
21 regarding (a) all OPA cases that were referred by OPA for possible criminal investigations
22 during the previous six months and (b) all OPA cases that were referred by OPA for possible
23 criminal investigations in earlier periods and for which investigations remained open at any time

1 during the current reporting period. These status reports shall include the nature of the criminal
2 allegation, the case number, the named employees, the date of complaint, the timeliness of the
3 criminal investigation, and the current status of the case.

4 F. The OPA Director shall produce annual reports that are readily understandable
5 and useful to policymakers. The annual report shall describe the work of OPA in fulfilling
6 OPA’s purpose, duties, and responsibilities detailed in this Chapter 3.29. The report shall include
7 OPA Director recommendations for changes in policies and practices, collective bargaining
8 agreements, City ordinances, and state law and summarize the implementation status of any
9 previous OPA recommendations, and, for any that have not been implemented, the reasons. The
10 annual report shall also summarize information received from community outreach that has
11 informed OPA’s work. The annual report shall be posted online and electronically distributed to
12 the Mayor, City Attorney, Council, Chief, Inspector General, and CPC, as well as to the City
13 Clerk for filing as a public record.

14 ~~((A.)) ((The Director shall issue at least two reports per year to the Mayor and City~~
15 ~~Council describing the work of the OPA and making recommendations for policy changes as~~
16 ~~determined by the Director. Each year at least one of the Director’s reports shall report)) The
17 annual report shall also include, but not be limited to, the following statistics and information:~~

- 18 ~~((1. The total number of complaints received by the Office of Professional~~
19 ~~Accountability;~~
- 20 ~~2. The number of complaints by classification and nature of allegation;~~
- 21 ~~3. The percentage of complaints resulting in each kind of finding, namely,~~
22 ~~sustained, not sustained, unfounded, supervisory intervention or exonerated;~~
- 23 ~~4. The nature of disciplinary action taken in sustained cases;))~~

1 1. The number and percentage of all complaints by classification and nature
2 of allegation received by OPA;

3 2. The number and percentage of all complaints and allegations sustained
4 and the specific disciplinary or other remedial action taken in sustained cases;

5 3. The number and percentage of cases that were not certified as thorough,
6 timely, and objective by OIG, including actions taken by the OPA Director to reduce the number
7 of not certified cases;

8 4. The number and percentage of cases that were appealed or grieved, and
9 the number and percentage of these cases in which findings and/or discipline determinations
10 were changed, and the nature of those changes, as a result of appeals or for other reasons;

11 5. The number and percentage of all complaints and allegations not
12 sustained, and the categorization of all not sustained findings, e.g., unfounded, inconclusive, or
13 lawful and proper;

14 6. The number and percentage of all complaints handled directly by frontline
15 supervisors, referred for Supervisor Action, Management Action, training, or alternative
16 resolution;

17 ~~((5-))~~ 7. The ~~((geographic))~~ precinct, sector, and shift distribution of
18 incidents underlying complaints;

19 ~~((6-))~~ 8. The racial, ethnic, ~~((and))~~ gender, and geographic distributions of
20 complainants, ~~((as))~~ to the extent this information is provided voluntarily by complainants;

21 ~~((7-))~~ 9. The racial, ethnic, gender, assignment, shift, and service seniority
22 distributions of ~~((officers))~~ named employees who are subjects of complaints;

1 ~~((8.))~~ 10. The number of ~~((officers))~~ named employees who have received
2 ~~((three))~~ two or more sustained complaints within one year; ~~((and~~

3 ~~9. — The timeliness of OPA complaint handling.))~~

4 11. Patterns and trends in all OPA complaints, including year-to-year
5 comparisons of demographic data that can help identify problems, deter misconduct, and inform
6 SPD policy and practice improvements; and

7 12. The accessibility, transparency, timeliness, thoroughness, responsiveness,
8 and effectiveness of OPA and SPD processes, including but not limited to, OPA investigations;
9 complaints referred by OPA for Supervisor Action; complaints handled directly by frontline
10 supervisors; Supervisor Action referrals; mediations, Rapid Adjudication, and other alternative
11 resolution processes; and Management Actions and Training Referrals.

12 ~~((B. — The OPA Director and OPA staff may meet with citizens and community groups~~
13 ~~to solicit community input on policies and practices related to police accountability.))~~

14 ~~((C.))~~ G. The OPA Director shall make available to ~~((the OPA Auditor and OPA~~
15 ~~Review Board))~~ OIG and CPC information necessary for their respective ~~((auditing and~~
16 ~~reporting))~~ functions ~~((as))~~ set forth in this ~~((chapter))~~ Chapter 3.29, in a timeframe allowing for
17 the timely performance of their duties.

18 Section 21. Section 3.28.830 of the Seattle Municipal Code, last amended by Ordinance
19 120728, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

20 ~~((3.28.830))~~ **3.29.150 Office of Police Accountability – Confidentiality of files and**
21 **records ((:))**

22 ~~((The Director shall, in the case of unsustained complaints, prepare a summary of the~~
23 ~~investigation, including a description of the number of witnesses interviewed, the investigative~~

1 ~~methods employed, and a brief explanation of why the complaint was not sustained. The Director~~
2 ~~shall provide a copy of the summary to the complainant.))~~ The OPA Director shall protect the
3 confidentiality of (~~Department~~) OPA and SPD files and records to which (~~s/he~~) OPA has been
4 provided access to the extent permitted by applicable law and collective bargaining agreements,
5 in accordance with the provisions of this (~~chapter~~) Chapter 3.29, and in the same manner and to
6 the same degree as (~~s/he~~) the OPA Director would be obligated to protect attorney-client
7 privileged materials under legal and ethical requirements. The OPA Director shall also be bound
8 by the confidentiality provisions of the Criminal Records Privacy Act, (~~RCW Chapter 10.97~~)
9 chapter 10.97 RCW, and (~~Public Disclosure Act (RCW Section 42.17.250 et seq.)~~) disclosure
10 limitations under state and federal law. The OPA Director shall not identify the (~~subject of an~~)
11 named employee in an OPA investigation in any public report required by this (~~chapter~~)
12 Chapter 3.29.

13 Section 22. Subchapter VIII of Chapter 3.28 of the Seattle Municipal Code is recodified
14 as Subchapter II of Chapter 3.29 and amended as follows:

15 **Subchapter (~~VIII~~) II Office of (~~Professional Accountability Auditor~~) Inspector General**
16 **for Public Safety**

17 Section 23. A new Section 3.29.200 of the Seattle Municipal Code is added to Subchapter
18 II of Chapter 3.29 as follows:

19 **3.29.200 Office of Inspector General for Public Safety established – Functions and**
20 **authority**

21 A. There is established an independent Office of Inspector General for Public Safety
22 (OIG) to fulfill the purposes set forth in Section 3.29.010.

1 B. There shall be a civilian Inspector General responsible for carrying out the duties
2 set forth in this Subchapter II.

3 C. There shall be a civilian Deputy Inspector General to perform such duties and
4 have such powers as the Inspector General may prescribe and delegate to fulfill and effectively
5 manage the duties set forth in this Subchapter II, including acting on behalf of the Inspector
6 General when necessary. The Inspector General shall obtain from an outside law enforcement
7 agency a thorough background check of the Deputy Inspector General, including records of
8 arrest, charges, or allegations of criminal conduct or other nonconviction data for the purpose of
9 determining the individual’s fitness to perform the duties of the Inspector General, prior to the
10 Deputy Inspector General’s appointment to the position, as well as of any staff who will have
11 access to confidential OPA classification, OPA investigation, or Police Intelligence Auditor
12 information..

13 D. OIG oversight activities shall objectively ensure the ongoing integrity of SPD
14 processes and operations and that SPD is meeting its mission to address crime and improve
15 quality of life through the delivery of constitutional, professional, and effective police services,
16 and meeting its mission in a way that reflects the values of Seattle’s diverse communities.

17 E. OIG shall conduct risk management reviews and performance audits, including
18 analysis of sample and aggregate data, to identify systemic problems and to establish patterns
19 and trends, of any and all SPD and OPA operations, and criminal justice system operations that
20 involve SPD or OPA.

21 F. OIG shall review OPA’s misconduct complaint-handling and investigations, other
22 OPA activities, and the effectiveness, accessibility, timeliness, transparency, and responsiveness
23 of the complaint system.

1 G. OIG may also conduct audits and reviews for any areas that may (a) involve
2 potential conflicts of interest; (b) involve possible fraud, waste, abuse, inefficiency, or
3 ineffectiveness; (c) undermine accountability or be unethical; or (d) otherwise compromise the
4 public’s trust in the police or the criminal justice system.

5 H. OIG shall have the authority to review and audit policies and practices of other
6 City departments and offices in areas related to policing and criminal justice matters.

7 I. OIG shall enhance an SPD culture of police accountability through means
8 including, but not limited to, the following:

9 1. Collaborating with the Chief, the OPA Director, and other SPD leadership to
10 strengthen the involvement of supervisory personnel in the accountability system;

11 2. Assisting SPD in the development and delivery of SPD in-service training
12 related to the accountability system and helping ensure that this training is part of the curriculum
13 for all new employees; and

14 3. Collaborating with SPD to make disciplinary processes as fair, impartial,
15 objective, certain, timely, consistent, understandable, transparent, and effective as possible.

16 J. OIG shall be responsive to community needs and concerns through means
17 including, but not limited to, the following:

18 1. Obtaining information about community perspectives and concerns germane to
19 OIG’s oversight responsibilities, including using the expertise of CPC;

20 2. Conducting community outreach to inform the public about OIG’s role and
21 scope of responsibilities, in consultation with CPC, and receiving feedback from CPC on issues
22 surfaced as a result of its community outreach activities;

1 3. Consulting with CPC regularly to ensure that OIG materials are readily
2 understandable, and that informational materials are culturally and linguistically appropriate and
3 widely available to Seattle’s diverse residents both in English and in translation;

4 4. Providing technical assistance on OIG matters to CPC, as reasonably requested
5 and consistent with the purposes of this Chapter 3.29; and

6 5. Maintaining and promoting use of a hotline and other technologies to receive
7 anonymous reports from the public and City employees regarding matters germane to this
8 Chapter 3.29.

9 K. OIG shall review evidence-based research and successful police practices in other
10 jurisdictions and make recommendations based on such reviews to City policymakers for
11 increasing the effectiveness of SPD and related criminal justice system processes.

12 Section 24. A new Section 3.29.210 of the Seattle Municipal Code is added to Subchapter
13 II of Chapter 3.29 as follows:

14 **3.29.210 Office of Inspector General for Public Safety – Independence**

15 A. The Inspector General shall submit an annual budget request to the Mayor. The
16 OIG budget shall be appropriated in a Budget Control Level that is independent of any other City
17 department. The Inspector General may advocate for resources directly to Councilmembers or
18 the Council during the budget process and throughout the year.

19 B. Except as prohibited by law, OIG shall have timely, full, and direct access to all
20 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other
21 City departments and offices that are necessary to perform its duties set forth in this Chapter
22 3.29. Should any City department decline to provide OIG access to documents or data, the

1 declining department shall provide the Inspector General with an itemization describing the
2 documents or data withheld and the legal basis for withholding access to each item.

3 C. OIG shall have authority to observe reviews, meetings, and trainings, such as SPD
4 administrative investigation unit meetings, disciplinary hearings, or discussions of misconduct
5 complaint investigations.

6 Section 25. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance
7 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

8 ~~((3.28.855 OPA Auditor’s Authority and Responsibility.))~~ **3.29.220 Office of Inspector**

9 **General for Public Safety – Inspector General – Authority and responsibility**

10 ~~((A. The OPA Auditor shall review OPA complaint classifications and complaint
11 investigations. Every week the OPA shall notify the Auditor of the complaint classifications
12 made and complaint investigations completed in the previous week, and shall make the case files
13 available to the Auditor. The Auditor may recommend to the OPA that it change a complaint
14 classification or further investigate a complaint, or, as specified elsewhere in this section, require
15 further investigation. If within 10 days after being notified that a case file has been completed the
16 Auditor has not advised the Department of concerns with the investigation, the OPA shall
17 forward the case file to the subject officer’s chain of command for review and recommendations.
18 The OPA Auditor may review a completed case file after the OPA has referred the case file to
19 the subject officer’s chain of command, but in these instances the OPA Auditor shall not require
20 further investigation.~~

21 B. ~~The OPA Auditor may audit any and all OPA records. The purpose of such audits
22 is to support the Auditor’s recommendations on the thoroughness, fairness and timeliness of
23 OPA investigations, and on any other Police Department or City policies and practices related to~~

1 ~~police accountability and police professional conduct. The Auditor shall issue public reports on~~
2 ~~the results of such audits. The Auditor shall determine the topics, scope and frequency of such~~
3 ~~audits after consulting at least annually with the OPA Director and OPA Review Board.~~

4 ~~C. OPA Auditor May Require Further Investigation of OPA Complaints.~~

5 ~~1. The OPA Auditor shall use best efforts to complete audits under~~
6 ~~subsections A and B of this section without unreasonably delaying review of the case file by the~~
7 ~~subject officer's chain of command. After reviewing the file, the OPA Auditor may request the~~
8 ~~Office of Professional Accountability to conduct further investigation. The OPA Auditor shall~~
9 ~~provide a written statement to the OPA Director identifying the reasons for his or her request for~~
10 ~~further investigation. Criteria the OPA Auditor should consider include but are not limited to: (1)~~
11 ~~whether witnesses were contacted and evidence collected; (2) whether interviews were thorough;~~
12 ~~and (3) whether applicable OPA procedures were followed. In the event the OPA Director~~
13 ~~disagrees with this recommendation, he or she shall within five days provide the OPA Auditor~~
14 ~~with a written explanation of the reasons. After giving due consideration to the OPA Director's~~
15 ~~explanation, the Auditor may require the OPA to conduct the specified further investigation.~~

16 ~~D. Secure Temporary Space. The Department shall, upon request of the OPA~~
17 ~~Auditor, provide secure temporary space for the OPA Auditor to conduct the audits close to the~~
18 ~~records to be reviewed.~~

19 ~~[E. Reserved.]~~

20 ~~F. OPA Auditor's Access to Records; Restriction on Access When Criminal~~
21 ~~Investigation Pending; Return of Records.~~

22 ~~1. The OPA Auditor shall have access to all OPA files and records, provided,~~
23 ~~however, that the OPA Auditor shall not have access to files designated by the OPA as relating~~

1 ~~to an active criminal investigation of an officer until such time as the Department has given the~~
2 ~~subject officer written notification of the investigation. The OPA Director shall provide the OPA~~
3 ~~Auditor with quarterly status reports regarding OPA cases in which criminal investigations are~~
4 ~~also being undertaken. These status reports shall include the number of ongoing OPA criminal~~
5 ~~investigations and the month during which each investigation was originated, and the number of~~
6 ~~new criminal investigations initiated that quarter.~~

7 2. ~~OPA files and records made available to the OPA Auditor are the property~~
8 ~~of the Police Department and shall not, by operation of this sub-chapter, become the property of~~
9 ~~the OPA Auditor. The OPA Auditor shall make every reasonable effort to maintain the security~~
10 ~~of files belonging to the Department while in the OPA Auditor's possession. Any requests made~~
11 ~~to the OPA Auditor for OPA files or records, whether through litigation discovery or pursuant to~~
12 ~~public disclosure, shall be referred to the Chief of Police for response.~~

13 3. ~~Upon completion of an audit, the OPA Auditor shall return to the OPA all~~
14 ~~section files, reports, and records to which he or she has been provided access pursuant to these~~
15 ~~audit procedures and standards. Following completion of an audit, the OPA Auditor may,~~
16 ~~however, continue to have access to closed OPA files.~~

17 G. ~~OPA Auditor Access to Caseload, Workload and Procedural Information. The~~
18 ~~OPA Auditor is authorized to request any information on OPA cases, workload, or procedures~~
19 ~~that he or she finds necessary in order to conduct an ongoing analysis of the Department's OPA~~
20 ~~process. The Department shall make the requested information available to the Auditor.))~~

21 The Inspector General shall have the authority and responsibility to:

22 A. Manage all functions and responsibilities of OIG.

1 B. Hire, supervise, and discharge OIG employees. OIG staff shall collectively have
2 the requisite credentials, skills, and abilities to fulfill the duties and obligations of OIG set forth
3 in this Chapter 3.29; no OIG staff shall have been formerly employed by SPD as a sworn officer.

4 C. Review OPA and SPD handling of allegations of misconduct, including directing
5 audits and reviews of OPA classifications and investigations, directing any additional OPA
6 investigation, and making certification determinations on whether OPA investigations are
7 complete.

8 D. Handle misconduct complaints involving OPA staff where a potential conflict of
9 interest precludes OPA from handling the complaint.

10 E. Perform the police intelligence auditor functions defined in Chapter 14.12.

11 F. Create OIG’s annual workplan, in consultation with OPA, CPC, and the Chair of
12 the public safety committee, and transmit a copy to the Council by January 1. The Inspector
13 General may modify the OIG workplan during the year to accommodate emergent issues, but in
14 doing so, shall take into account budget constraints of OIG and its need to balance a range of
15 priorities in adding areas to its workplan.

16 G. Review SPD handling of incidents involving death, serious injury, serious use of
17 force, mass demonstrations, serious property or vehicle damage, or other issues as determined by
18 OIG. This may include auditing, monitoring, or other review of SPD’s administrative
19 investigations or reviews of incidents to assess the quality, thoroughness, and integrity of the
20 investigations; assessing the integrity of specific findings from the investigations; and reviewing
21 after-action reports.

1 1. The Inspector General or OIG representatives designated by the
2 Inspector General, shall have access to any incident scene related to OIG’s authority as set forth
3 in this Chapter 3.29.

4 2. OIG representatives may also attend and participate in SPD
5 administrative investigation unit interviews and meetings held to review Force Investigation
6 Team information or discuss any incidents.

7 3. Whether at the scene of an incident or in subsequent SPD
8 administrative investigation unit interviews or meetings concerning any incident, OIG
9 representatives may identify areas of concern related to OIG’s authority as set forth in this
10 Chapter 3.29.

11 H. Monitor the implementation by SPD, OPA, City elected officials, and other City
12 departments and offices of recommendations made by the Inspector General, the OPA Director,
13 and CPC.

14 I. Through semi-annual review, assess the thoroughness, fairness, consistency, and
15 timeliness of OPA complaint-handling for those cases not investigated, including cases directly
16 handled by or referred to supervisors, mediated, or resolved through alternative resolution, and
17 the timely and substantive follow-through on OPA recommendations for Management Actions
18 and Training Referrals.

19 J. OIG shall review and comment on any revisions proposed by OPA to the OPA
20 Manual in accordance with a process established by the OPA Director that provides for
21 consultation and input prior to final adoption of any revisions.

22 K. Issue a subpoena if evidence or testimony necessary to perform the duties of OIG
23 set forth in this Chapter 3.29 is not provided voluntarily, in order to compel witnesses to produce

1 such evidence or testimony. If the subpoenaed individual or entity does not respond to the
2 request in a timely manner, the Inspector General may ask for the assistance of the City Attorney
3 to pursue enforcement of the subpoena through a court of competent jurisdiction.

4 L. Provide input to the Mayor on the performance of the OPA Director in advance of
5 the Mayor’s performance evaluation of the OPA Director.

6 Section 26. A new Section 3.29.230 of the Seattle Municipal Code is added to Subchapter
7 II of Chapter 3.29 as follows:

8 **3.29.230 Office of Inspector General for Public Safety – Review of OPA classifications**

9 A. OIG shall conduct audits of random samples of classifications of all misconduct
10 complaints from the prior quarter to validate that OPA classifications were appropriately
11 assigned for OPA investigation, Supervisor Action, or an alternative resolution, and that
12 allegations and employees associated with the complaints were properly identified.

13 B. In conducting the quarterly audits, if the Inspector General determines that further
14 review of classifications is warranted, the Inspector General may instead require that the OPA
15 Director submit each proposed classification decision to OIG for review and input prior to OPA
16 making a final classification determination, until such time as OIG determines that review of
17 each classification is no longer needed.

18 Section 27. A new Section 3.29.240 of the Seattle Municipal Code is added to Subchapter
19 II of Chapter 3.29 as follows:

20 **3.29.240 Office of Inspector General for Public Safety – Review of OPA investigations**

21 A. OIG shall review certain OPA investigations as described below prior to
22 certification by the OPA Director to determine whether the investigation should be certified by
23 the OIG as thorough, timely, and objective.

1 1. After OPA believes an investigation to be complete, OIG shall review all
2 investigations involving misconduct allegations concerning violations of law; honesty; use of
3 force; use of force reporting; bias-free policing; integrity; ethics; professionalism; use of position
4 or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct;
5 retaliation; harassment; responsibilities of employees regarding complaints of misconduct;
6 discretion and authority; primary investigations; stops, detentions and arrests; or search and
7 seizure.

8 2. Additionally, OIG shall have discretion to direct at the time of
9 classification or during the investigative process that any other investigation not including the
10 allegations listed in subsection 3.29.240.A.1 be submitted by OPA for review and certification.

11 3. Other than investigations that involve Type III Force as defined in SPD
12 policy, if OIG determines that the quality of investigations is such that individual review of
13 investigations is no longer needed, OIG may instead require the OPA Director to submit only
14 certain investigations or certain categories of investigation for review by OIG and otherwise
15 conduct random investigation audits. Should those audits raise concerns, OIG shall have the
16 discretion to reinstitute individual investigation review in whatever manner and duration is
17 needed to address the concerns.

18 B. The OPA Director shall submit all required or requested initial and subsequent
19 investigations to OIG for OIG’s review sufficiently in advance of investigation deadlines in
20 order to allow the deadlines to be met in the event OIG directs additional investigation. OIG
21 shall complete its review of initial and subsequent investigations in a timely manner, so as to also
22 meet investigation deadlines.

1 C. If OIG determines that the investigation is thorough, timely, and objective, OIG
2 shall certify the investigation as complete. After such certification, OPA Director shall issue
3 recommended findings to the Chief.

4 D. If OIG finds that the investigation is not ready to be certified, OIG may request or
5 direct further investigation. Upon completion of any additional work requested or directed by
6 OIG, the case shall be re-submitted to OIG for certification before the OPA Director may issue
7 proposed findings.

8 E. If additional investigation is requested by the Chief after a due process hearing,
9 the case shall be re-submitted to OIG for re-certification following the additional investigation.

10 F. After reviewing the investigation, OIG shall document in writing the investigation
11 as (a) certified as thorough, timely, and objective; (b) not certified because the investigation is
12 not thorough, timely, and objective but additional investigation is not requested or directed, and
13 the reason; or (c) not certified because the investigation is not thorough and objective, along with
14 any requested or directed further investigation to be conducted by OPA or a request to meet with
15 the OPA Director to discuss possible further investigation.

16 1. Should additional investigation be requested or directed by OIG, upon
17 completion of the additional investigatory work, the investigation shall be re-submitted for
18 certification. The certification memorandum by OIG shall be included as an exhibit in the case
19 file indicating the date of review, whether the case has been certified, whether further action is
20 requested or directed, and if not certified, the reasons.

21 2. Criteria OIG should consider in reviewing investigations include, but are
22 not limited to: (a) whether witnesses were contacted, interviewed, and all other material evidence
23 was timely collected; (b) whether interviews were thorough and unbiased and conflicting

1 testimony was sufficiently addressed; (c) whether additional clarifying information would
2 strengthen the investigation; (d) whether the written summary and analysis are objective and
3 accurately reflect the evidence; and (e) whether applicable OPA procedures were followed and
4 the intake and investigation were conducted in accordance with the OPA Manual.

5 G. If OIG has not advised OPA of concerns with the investigation within ten days
6 after being notified by OPA that an investigation has been preliminarily completed, the OPA
7 Director may certify the case and issue findings. In these instances, OIG is precluded from
8 requiring further investigation.

9 H. If OIG determines an investigation is not thorough, timely, or objective, and that
10 additional investigation cannot or did not remedy the concern, the OPA Director must include
11 this determination in the recommended findings and the Chief may take OIG’s non-certification
12 into account in making a final findings determination.

13 Section 28. Section 3.28.850 of the Seattle Municipal Code, last amended by Ordinance
14 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

15 ~~((3.28.850))~~ **3.29.250** Office of ~~((Professional Accountability Auditor established.))~~

16 **Inspector General for Public Safety – Qualifications**

17 ~~((A.—There shall be an Office of Professional Accountability Auditor (hereinafter
18 “OPA Auditor”) who shall be appointed by the Mayor, subject to confirmation by the City
19 Council, to provide review and assessment of Office of Professional Accountability (hereinafter
20 “OPA”) complaints and of Police Department policies and practices related to police
21 accountability and professional conduct. The OPA Auditor shall serve a term of three years and
22 may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by
23 the City Council. No individual may serve more than three three year terms as OPA Auditor.~~

1 ~~Should an OPA Auditor take office at any time after commencement of a regular term, the~~
2 ~~expiration of that term shall remain unaffected. The OPA Auditor may be removed from office~~
3 ~~for cause by the Mayor by filing a statement of reasons for removal with the City Council. The~~
4 ~~OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's~~
5 ~~annual budget.~~

6 ~~B.))~~ The Inspector General shall be a civilian with a background in criminal, civil rights, labor
7 law, governmental investigations, and/or the management of governmental auditing; shall not be
8 required to have law enforcement experience; and shall not have been formerly employed by
9 SPD as a sworn officer. The Inspector General shall have a demonstrated ability to lead and
10 manage staff in auditing, evaluating, and conducting investigations; conducting financial and
11 performance audits; analyzing and assessing complex aggregate data for patterns and trends; and
12 in recommending systemic improvements to policies and practices to support constitutional
13 policing, ongoing system effectiveness, and police excellence. The ((OPA Auditor)) Inspector
14 General should ((possess)) also have the following additional qualifications and characteristics
15 ((at the time of appointment and throughout his or her term)):

16 ((1.)) A. A reputation for integrity and professionalism, ((as well as)) and the
17 ability to maintain a high standard of integrity and professionalism in the office;

18 ((2.)) B. ((A commitment to and knowledge)) A commitment to ((of)) the need for
19 and responsibilities of law enforcement, ((as well as the need)) including enforcement,
20 community care-taking, and the need to protect the ((basic)) constitutional rights of all affected
21 parties;

22 ((3.)) C. A commitment to the statements of purpose and policies in this ((chapter))
23 Chapter 3.29;

1 ~~((4.))~~ D. A history of ~~((demonstrated))~~ leadership experience ~~((and ability))~~ ;

2 ~~((5.—The potential for gaining the respect of complainants, Police Department~~
3 ~~personnel, and the citizens of this City;~~

4 ~~6.))~~ E. The ability to ~~((work))~~ relate, communicate, and engage effectively with all who
5 have a stake in policing, including, but not limited to, the general public, complainants,
6 disenfranchised communities, SPD employees, and relevant City and other officials including the
7 Mayor, ((City)) Council, City Attorney, Chief ((of Police)), OPA Director, ((other Police
8 Department personnel, OPA Review Board, other public agencies, private organizations, and
9 citizens)) and CPC;

10 ~~((7.))~~ F. ~~((The ability, as shown by previous experience, to work with))~~ An
11 understanding of the city’s ethnic and socio-economic diversity, and proven experience working
12 with and valuing the perspectives of diverse groups and individuals; and

13 ~~((8.))~~ G. The ability to ~~((maintain))~~ exercise sound judgment, independence,
14 fairness, and objectivity in an environment where controversy is common.

15 ~~((C.—In addition to the qualifications and characteristics set forth in subsection B~~
16 ~~above, the OPA Auditor shall possess the following qualification: the OPA Auditor must be a~~
17 ~~graduate of an accredited law school and member in good standing of the Washington State Bar~~
18 ~~Association and, prior to appointment, have at least five years of experience in the practice of~~
19 ~~law or in a judicially related field.~~

20 ~~D.—The Chief of Police shall cause a thorough background check of nominees for~~
21 ~~OPA Auditor identified by the Mayor and shall report the results to the Mayor.))~~

1 Section 29. A new Section 3.29.260 of the Seattle Municipal Code is added to Subchapter
2 II of Chapter 3.29 as follows:

3 **3.29.260 Office of Inspector General for Public Safety – Appointment and removal**

4 A. The Inspector General shall be appointed and reappointed in accordance with the
5 process described in this Section 3.29.260. All appointees and reappointments shall be confirmed
6 by a majority vote of the full Council. If the Council does not act within 30 days of notice of an
7 appointment or reappointment, the appointment or reappointment shall be deemed confirmed.

8 B. For appointments, the public safety committee shall select from up to three
9 qualified finalists identified by a search committee through a national process using merit-based
10 criteria. CPC Commissioners shall constitute at least 25 percent of the search committee, one of
11 whom shall serve as one of the search committee co-chairs. The public safety committee shall
12 either appoint from among the finalists or initiate a new search. The public safety committee
13 shall receive input from CPC and the OPA Director prior to reappointments.

14 C. The Inspector General may be appointed and reappointed for up to two six-year
15 terms for a total of 12 years. Each term shall commence on January 1, except that the first
16 Inspector General appointed pursuant to this Chapter 3.29 shall serve an interim term that
17 commences immediately following Council confirmation; the interim term shall not count as a
18 full term for the purposes of calculating term limits under this Section 3.29.260. The first full
19 term shall begin in the first year after the commencement of the OPA Director’s term of office,
20 to ensure that these terms do not run concurrently. Each appointment and reappointment shall be
21 made whenever possible sufficiently prior to the expiration of the latest incumbent’s term of
22 office, or the effective date of an incumbent’s resignation, permitting Council action on the
23 appointment or reappointment at least 45 days before the expiration of the present term or the

1 effective date of the resignation, so as to increase the likelihood of a seamless transition without
2 a gap in oversight. If the public safety committee does not make an appointment or
3 reappointment within 90 days of the first day of the expiration of a term, of a vacancy, or of
4 Council rejection of the committee’s appointee, the Mayor shall appoint the Inspector General.

5 D. In the event of a vacancy, the Council President shall designate an interim
6 Inspector General within ten days after the first day of the vacancy to serve until a new Inspector
7 General is appointed. If the Council President does not designate an interim Inspector General
8 within ten days of the first day of the vacancy, the City Attorney’s Office shall provide notice to
9 the Mayor and the interim Inspector General shall be designated by the Mayor. The interim
10 Inspector General may be either an OIG employee or an individual from outside OIG, but must
11 substantially meet the qualifications in Section 3.29.250. An Inspector General whose term is
12 ending may continue on an interim basis until a successor has been confirmed by the Council.
13 An interim term shall not count as a full term for the purposes of calculating term limits under
14 this Section 3.29.260.

15 E. To strengthen the independence of the Inspector General, the Council may
16 remove the Inspector General from office only for cause, and in accordance with the following
17 provisions:

18 1. Upon a majority vote of the full Council initiating removal, the Council
19 President shall give written notice, specifying the basis for the intended removal, to the Inspector
20 General, the Mayor, the OPA Director, and the CPC Executive Director.

21 2. Within ten days after receipt of the notice, the Inspector General may file with
22 the Council President and the Chair of the public safety committee a request for a hearing on the
23 cause for removal. The Inspector General’s request for a hearing shall be delivered at the same

1 time to the Mayor, the OPA Director, the Chief, and the CPC Executive Director. If such request
2 is made, the Council shall convene a hearing on the cause for removal in the public safety
3 committee not sooner than 30 days and not more than 60 days following the Inspector General’s
4 request for a hearing, at which the Inspector General may appear and be heard. The Council shall
5 vote to approve or reject the removal within 30 days of the hearing.

6 3. If no request for a hearing is made, the Council shall vote to approve or
7 reject the removal within 30 days of issuing notice of the intended removal, following input from
8 CPC.

9 4. A two-thirds vote of the full Council is required to approve removal.

10 F. The Seattle Department of Human Resources shall obtain from an outside law
11 enforcement agency a thorough background check of nominees for Inspector General, including
12 records of arrest, charges, or allegations of criminal conduct or other nonconviction data for the
13 purpose of determining the individuals’ fitness to perform the duties of Inspector General, and
14 report the results to the appointing authority, prior to the Council taking final action on the
15 appointment.

16 G. The Council shall be responsible for the performance evaluation of the Inspector
17 General and shall seek the input of the public, Mayor, City Attorney, Chief, OPA Director, other
18 SPD employees, and CPC. CPC shall provide input in accordance with subsection 3.29.360.M.

1 Section 30. Section 3.28.860 of the Seattle Municipal Code, last amended by Ordinance
2 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

3 ~~((3.28.860 OPA Auditor to prepare semiannual report.))~~ **3.29.270 Office of Inspector**
4 **General for Public Safety – Audits, reviews and reporting**

5 ~~((The OPA Auditor shall prepare a semiannual report of his or her audit activities and submit the
6 report to the City Council, Chief of Police, City Attorney, Mayor, OPA Review Board, and City
7 Clerk for filing as a public record. The OPA Auditor’s report shall be prepared in accordance
8 with the following provisions:))~~

9 A. _____ OIG shall conduct audits and reviews. OIG’s audits and reviews may
10 include any and all police operations, for the purposes of determining whether SPD is meeting its
11 mission to address crime and improve quality of life through the delivery of constitutional,
12 professional, and effective police services consistent with best practices, and meeting its mission
13 in a way that reflects the values of Seattle’s diverse communities. These audits and reviews may
14 include, but are not limited to:

15 1. _____ All SPD and OPA policies, regulations, practices, budgets, and
16 consultant contracts;

17 2. _____ SPD administrative investigation unit processes, such as force
18 review and collision review;

19 3. _____ SPD crime data and SPD’s overall crime data collection and
20 reporting practices;

21 4. _____ Recruitment, hiring, post-Academy and in-service training,
22 promotions, assignments, use of overtime, secondary employment, deployment, and supervision,
23 including command and front-line supervisory functions;

- 1 5. The effectiveness of any early intervention or performance
- 2 mentoring system in supporting improved officer performance and mitigating misconduct;
- 3 6. Technology and systems of data collection, management, and
- 4 analysis;
- 5 7. The acquisition of, uses, and significant changes to tactical
- 6 equipment, vehicles, facilities, and uniforms;
- 7 8. The accuracy and thoroughness of video recording reviews and the
- 8 appropriate recording and retention of video recordings;
- 9 9. Patterns, including disparate impacts, in SPD deployment, uses of
- 10 force, re-classifications of levels and types of force; stops, arrests, searches, and interactions with
- 11 those in behavioral crisis;
- 12 10. Incidents of significant concern to the public, such as those
- 13 involving injury or death in police custody or the management of demonstrations;
- 14 11. Patterns in complaints and misconduct outcomes involving, among
- 15 other categories, use of force and biased policing;
- 16 12. Assessment of the fairness, objectivity, certainty, timeliness,
- 17 consistency, and the appropriate application and effectiveness of imposed discipline in sustained
- 18 misconduct cases;
- 19 13. Evaluation of the final outcomes of appeals and grievances and
- 20 whether overturned findings or discipline, or other settlements, suggest opportunities to improve
- 21 OPA processes and SPD training;
- 22 14. Assessment of inquests, federal and local litigation, and their final
- 23 outcomes, patterns relating to civil claims and lawsuits alleging SPD misconduct, payout

1 amounts over time, units disproportionately represented as subjects of claims and lawsuits,
2 related training, and review of the investigation of the underlying incidents described in such
3 claims and lawsuits; and

4 15. Evaluation of appropriate SPD records retention, and conformity to
5 public disclosure, open access to information, and privacy standards.

6 B. OIG shall maintain a website, consistent with City Information Technology
7 standards.

8 C. In partnership with CPC, OIG shall periodically evaluate and issue reports on how
9 effective SPD's processes are in meeting community needs for a diverse work force, including
10 the relevance of traditional disqualifying factors and the speed of the hiring process, to assess if
11 there are unfair impediments to hiring and retaining diverse and skilled officers.

12 D. The Inspector General shall produce annual reports that are readily
13 understandable and useful to policymakers. The annual report shall include, but not be limited to,
14 the following:

15 1. A summary of OIG's audit and review activities for the previous year;

16 2. An evaluation of the extent to which the purposes, duties, and
17 responsibilities detailed in this Chapter 3.29 have been met by the responsible entities;

18 3. A description of the work of OIG in fulfilling OIG's purpose, duties, and
19 responsibilities detailed in this Chapter 3.29;

20 4. Inspector General recommendations for changes in policies and practices,
21 collective bargaining agreements, City ordinances, and state laws;

22 5. A summary of the implementation status of any previous OIG
23 recommendations, and for any that have not been implemented, the reasons;

1 6. A summary of OIG’s review and the outcome of SPD reviews for officer-
2 involved shootings, in-custody deaths, and any other cases of significant public concern;

3 7. An analysis of any patterns and trends of disproportionality or other
4 concerns compared to previous years, including from review of inquests, claims and lawsuits
5 alleging SPD misconduct;

6 8. The outcome of reviews of successful practices in other jurisdictions, and
7 any associated OIG recommendations, including for changes in the mix of OPA sworn and
8 civilian staff;

9 9. A summary of information received from OIG’s hotline, any of its other
10 anonymous intake systems, and from community outreach that has informed OIG’s work; and

11 10. A summary of OIG’s review of OPA’s complaint handling system,
12 including at a minimum:

13 ~~((A. The OPA Auditor’s report shall contain a general description of the files and records~~
14 ~~reviewed, and should include, but not be limited to:~~

15 ~~1.) a. The number of ~~((eases))~~ investigations reviewed ~~((by the OPA~~
16 ~~Auditor));~~~~

17 ~~((2. The number of and a description of OPA cases in which the Auditor~~
18 ~~requested or required further investigation and a description of the OPA’s responses;~~

19 ~~3. The number of and a description of OPA complaints for which the OPA~~
20 ~~Auditor requested reclassification or further investigation and a description of the OPA’s~~
21 ~~responses;))~~

22 b. A general description of the complaints and cases reviewed by OIG;

1 c. A description of OPA’s follow-up for those cases which OIG did not
2 certify and those cases for which OIG requested or required further investigation;

3 d. A review of cases not investigated by OPA, including Contact Logs,
4 Supervisor Action referrals, mediation, Rapid Adjudication, Management Actions and Training
5 Referrals; and

6 ~~((4. A summary of issues, problems and))~~ e. A description of any concerns or
7 trends noted ((by the OPA Auditor as a result of his or her review;)) in OPA complaint intake
8 and investigations.

9 ~~((5. Any recommendations that the Department consider additional officer~~
10 ~~training, including recommendations that the Department consider specialized training for IIS~~
11 ~~investigators;~~

12 ~~6. Any recommendations the Department consider policy or procedural~~
13 ~~changes; and~~

14 ~~7. Any findings from audits of OPA records or the OPA Director’s reports.))~~

15 ~~((B. The OPA Auditor’s report shall not contain any recommendations concerning the~~
16 ~~discipline of any particular police officer, nor shall the report comment upon or make any~~
17 ~~recommendation concerning potential civil or criminal liability of any employee, police officer,~~
18 ~~or citizen.))~~

19 ~~((C.))~~ E. The ((OPA Auditor)) Inspector General shall deliver a preliminary draft of
20 ((his/her semiannual report)) the reports to the ((OPA Director and)) Chief ((of Police)), the OPA
21 Director, CPC Executive Director, or other City directors, when any of their departments or
22 offices is the subject of the report, for review and comment. ((The OPA Director and Chief of
23 Police)) They shall review and comment on the preliminary report to the Inspector General

1 within ~~((10 working days))~~ ten days after receipt of the report. They shall not release or distribute
2 the report to others during the review period. The ~~((OPA Auditor))~~ Inspector General shall
3 ~~((submit))~~ then issue the final report within ~~((10 working days))~~ ten days after receipt of ~~((the~~
4 ~~Director's and Chief's))~~ any comments.

5 F. OIG shall post online and electronically distribute its reports to the Mayor, City
6 Attorney, Council, Chief, OPA Director, and CPC, as well as to the City Clerk for filing as a
7 public record.

8 Section 31. Section 3.28.870 of the Seattle Municipal Code, last amended by Ordinance
9 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

10 ~~((3.28.870))~~ **3.29.280 Office of Inspector General for Public Safety – ((Confidentiality of**
11 **files)) Files and records**

12 A. ((In discharging his or her responsibilities, the OPA Auditor)) The Inspector
13 General shall protect the confidentiality of ((Department)) OPA and SPD files and records to
14 which ((s/he)) OIG has been provided access to the extent permitted by applicable law and
15 collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in
16 the same manner and to the same degree as ((s/he)) the Inspector General would be obligated to
17 protect attorney-client privileged materials under legal and ethical requirements. The ((OPA
18 Auditor)) Inspector General shall also be bound by the confidentiality provisions of the Criminal
19 Records Privacy Act, chapter 10.97 RCW, ((RCW Chapter 10.97)) and ((Public Disclosure Act
20 (RCW Section 42.17.250 et seq.)) disclosure limitations under state and federal law. The ((OPA
21 Auditor)) Inspector General shall not identify the ((subject of an investigation)) named employee

22 in an OIG audit in any public report required by this ((chapter)) Chapter 3.29.

1 B. OIG shall make every reasonable effort to maintain the security of files belonging
2 to other City departments and offices while in the Inspector General’s possession.

3 C. Upon completion of an audit, the Inspector General shall return to the City
4 department or office all original files, reports, and records to which the Inspector General has
5 been provided access.

6 Section 32. Subchapter IX of Chapter 3.28 of the Seattle Municipal Code is recodified as
7 Subchapter III of Chapter 3.29 and amended as follows:

8 **Subchapter ((IX)) III ((Office of Professional Accountability Board)) Community Police**
9 **Commission**

10 Section 33. A new Section 3.29.300 of the Seattle Municipal Code is added to Subchapter
11 III of Chapter 3.29 as follows:

12 **3.29.300 Community Police Commission established – Functions and authority**

13 A. One of the cornerstones of effective oversight of law enforcement is community
14 involvement. The Community Police Commission is established to fulfill the purposes set forth
15 in Section 3.29.010.

16 B. CPC was originally established by ordinance with responsibilities under the
17 Consent Decree between The City of Seattle and the United States Department of Justice. The
18 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in
19 this Chapter 3.29. It is the City’s intention that civilian oversight be enhanced and broadened
20 beyond the scope set forth in the Consent Decree in order to better serve the public. To the extent
21 not otherwise covered by this Chapter 3.29, CPC shall continue to fulfill the responsibilities of
22 CPC as set forth in the Consent Decree and Memorandum of Understanding in *United States of*
23 *America v. City of Seattle*, 12 Civ. 1282 (JLR) until such time as the Consent Decree ends. Until

1 such time as the Consent Decree ends, CPC shall prioritize these ongoing responsibilities over
2 any additional responsibilities set forth in this Chapter 3.29.

3 C. CPC shall review and provide input to OPA, OIG, SPD, and other City
4 departments and offices, including the Mayor, Council, and City Attorney on the police
5 accountability system, police services, and SPD policies and practices of significance to the
6 public, consistent with the purposes of this Chapter 3.29. Such review may include input on
7 policy and practice changes recommended by the OPA Director, the Inspector General, or SPD.

8 D. CPC shall be responsive to community needs and concerns through means
9 including, but not limited to, the following:

10 1. Engaging in community outreach to obtain the perspectives of community
11 members and SPD employees on police-community relations, SPD policies and practices, the
12 police accountability system, and other matters consistent with the purposes of this Chapter 3.29.

13 2. Maintaining connections with representatives of disenfranchised
14 communities and with other community groups in all of the City’s legislative districts, as well as
15 with SPD demographic and precinct advisory councils.

16 3. Providing SPD, OPA and OIG with community feedback relevant to their
17 operations received as a result of its public outreach activities.

18 4. Providing technical assistance on community matters to OPA and OIG, as
19 reasonably requested and consistent with the purposes of this Chapter 3.29.

20 E. Identify and advocate for reforms to state laws that will enhance public trust and
21 confidence in policing and the criminal justice system. Such advocacy may include, but is not
22 limited to, reforms related to the referral of certain criminal cases to independent prosecutorial
23 authorities, officer de-certification, pension benefits for employees who do not separate from

1 SPD “in good standing,” and the standards for arbitrators to override termination decisions by
2 the Chief.

3 Section 34. Section 3.28.900 of the Seattle Municipal Code, last amended by Ordinance
4 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

5 ~~((3.28.900))~~ **3.29.310 Office of ((Professional Accountability Board established.)) the**
6 **Community Police Commission – Established**

7 ~~((A.))~~ There is ~~((created))~~ established an Office of ~~((Professional Accountability Review~~
8 ~~Board (hereinafter “OPA Review Board”))~~ the CPC. The purpose of the ~~((OPA Review Board))~~
9 Office of the CPC is to ~~((review the quality of the Office of Professional Accountability’s (OPA)~~
10 ~~complaint handling process; to advise the City on Police Department policies and practices~~
11 ~~related to police accountability and professional conduct; and to organize and conduct public~~
12 ~~outreach on behalf of itself, the OPA and the OPA Auditor; all to enhance the quality and~~
13 ~~credibility of the City’s police accountability system and thereby maintain public confidence in~~
14 ~~the professionalism and effectiveness of the Police Department))~~ administer and manage the
15 functions of CPC.

16 ~~((B.— The OPA Review Board shall not participate in the investigation or disposition of~~
17 ~~complaints to the OPA, and shall not seek to influence the course or outcome of specific OPA~~
18 ~~complaint investigations or the discipline of specific police officers.~~

19 ~~C.— The OPA Review Board shall consist of seven members. Four members shall be~~
20 ~~considered a quorum.))~~

1 Section 35. A new Section 3.29.320 of the Seattle Municipal Code is added to Subchapter
2 III of Chapter 3.29 as follows:

3 **3.29.320 Office of the Community Police Commission – Executive Director**

4 A. The term of the current CPC Executive Director (Executive Director) appointed
5 pursuant to Subchapter IX of Chapter 3.14 shall expire on December 31, 2018. The current
6 Executive Director may be reappointed to subsequent terms consistent with the requirements of
7 this Chapter 3.29.

8 B. Executive Director – Appointment

9 1. There shall be an Executive Director, appointed by CPC using merit-based
10 criteria. The position of Executive Director shall be exempt from the classified civil service. The
11 Executive Director shall not have been formerly employed by SPD. The term of the Executive
12 Director position is six years.

13 2. Each Executive Director’s initial appointment is subject to confirmation
14 by the Council. Reappointment of an Executive Director to successive terms by CPC is not
15 subject to Council confirmation. If an individual who previously served as Executive Director is
16 again appointed after a different individual was confirmed as the Executive Director by the
17 Council that new appointment is subject to Council confirmation as an initial appointment.

18 3. If an individual is reappointed to a successive term as Executive Director
19 within 60 days prior to or 60 days after the expiration of that individual’s term, the ensuing term
20 begins on the date the prior term expired. If an individual is reappointed to a successive term as
21 Executive Director more than 60 days prior to or 60 days after the expiration of the individual’s
22 term, the new term begins on the date of reappointment unless CPC chooses, at the time of
23 reappointment, to make the new term begin on the date the prior term expires or expired.

1 4. Each appointment shall be made whenever possible sufficiently prior to
2 expiration of the latest incumbent’s term of office, permitting Council action to approve or
3 disapprove an appointment at least 60 days before the expiration of the present term, so as to
4 have seamless transition without a gap in leadership.

5 5. In the event of a vacancy, CPC shall designate an interim Executive
6 Director within ten days of the first day of the vacancy.

7 C. CPC may remove the Executive Director only for cause upon a majority vote of
8 its membership.

9 D. The Executive Director shall have the authority and responsibility to:

10 1. Oversee and manage the functions of the Office of the CPC to advance the
11 mission of the Office and perform other duties as CPC may prescribe;

12 2. Hire, supervise, and discharge employees of the Office of the CPC.
13 Employees of the Office of the CPC shall collectively have the requisite credentials, skills, and
14 abilities to fulfill the duties and obligations of CPC set forth in Chapter 3.29;

15 3. Manage the preparation of CPC’s proposed budget, authorize necessary
16 expenditures, and enter into contracts for professional and other services in accordance with the
17 adopted budget, develop and manage programs, and undertake authorized activities;

18 4. Execute, administer, modify, and enforce such agreements and
19 instruments as the Executive Director shall deem necessary to implement programs and carry out
20 the responsibilities, functions, and activities of the Office; apply for grants and donations for
21 Commission programs; and solicit and use volunteer services;

1 5. Represent, together with Commissioners, CPC in providing testimony and
2 expertise to City departments and offices, commissions, and other organizations pertaining to
3 issues of constitutional policing; and

4 6. Exercise such other and further powers and duties as prescribed by this
5 Chapter 3.29.

6 Section 36. A new Section 3.29.330 of the Seattle Municipal Code is added to Subchapter
7 III of Chapter 3.29 as follows:

8 **3.29.330 Community Police Commission – Independence**

9 A. CPC is self-governing and functionally independent. CPC may adopt bylaws to
10 govern its own activities.

11 B. The CPC Executive Director shall have authority for the hiring, supervision, and
12 discharge of all employees of the Office of the CPC. No employee of the Office of the CPC shall
13 have been formerly employed by SPD as a sworn officer.

14 C. The CPC Executive Director shall submit an annual budget request to the Mayor.
15 The Office of the CPC budget shall be appropriated in a Budget Control Level that is
16 independent of any other City department. CPC Commissioners and the CPC Executive Director
17 may advocate for resources directly to Councilmembers or the Council during the budget process
18 and throughout the year.

19 D. Without the necessity of making a public disclosure request, CPC may request
20 and shall timely receive from other City departments and offices, including SPD, information
21 relevant to its duties under this Chapter 3.29 that would be disclosed if requested under the
22 Public Records Act.

1 Section 37. A new Section 3.29.340 of the Seattle Municipal Code is added to Subchapter
2 III of Chapter 3.29 as follows:

3 **3.29.340 Community Police Commission – Qualifications**

4 A. Commissioners shall be respected members of Seattle’s many diverse
5 communities. All Commissioners shall reside or work in Seattle at the time of appointment or
6 reappointment and shall be geographically representative of the city of Seattle in a distribution
7 that allows CPC to assign Council district representatives in accordance with the requirements of
8 subsection 3.29.360.B.

9 B. Commissioners shall be representative of Seattle’s diverse population, drawn
10 from different socio-economic backgrounds and racial and ethnic groups, including
11 immigrant/refugee communities, and from the African-American, LGBTQ, youth, faith,
12 business, and other communities reflecting the overall demographics of Seattle residents. Some
13 shall represent or be knowledgeable of the issues of those who are limited-English speakers,
14 homeless, or who have mental illness and substance abuse disorders.

15 C. Individual Commissioners shall have expertise in law enforcement; law
16 enforcement oversight; police accountability; human resources; community engagement;
17 organizational change; constitutional, criminal, or labor law; social justice; training; or other
18 disciplines important to CPC’s work. Altogether, there shall be a balance that allows CPC as a
19 whole to benefit from the knowledge and expertise of its individual members.

20 D. At least two Commissioners shall be graduates of an accredited law school and
21 members in good standing of the Washington State Bar Association, with significant experience
22 in the fields of public defense and civil liberties law. CPC membership shall include a
23 representative of the Seattle Police Officers Guild (SPOG) and a representative of the Seattle

1 Police Management Association (SPMA). The representatives from SPOG and SPMA should
2 have background relevant to police-community relations and demonstrated connection to the
3 membership of their respective unions.

4 E. All Commissioners shall have the following qualifications and characteristics:

5 1. A reputation for integrity and professionalism, and the ability to be effective in
6 a board or commission role;

7 2. A commitment to the need for and responsibilities of law enforcement,
8 including enforcement, community care-taking, and the need to protect the constitutional rights
9 of all affected parties;

10 3. A commitment to the statements of purpose and policies in this Chapter 3.29;

11 4. A history of leadership experience or deep roots in communities represented;

12 5. The ability to relate, communicate, and engage effectively with all who have a
13 stake in policing, including, but not limited to, the general public, complainants, disenfranchised

1 communities, SPD employees, and relevant City and other officials including the Mayor,
2 Council, City Attorney, Chief, OPA Director, Inspector General, and other CPC members;

3 6. An understanding of the city’s ethnic and socioeconomic diversity, and proven
4 experience working with and valuing the perspectives of diverse groups and individuals; and

5 7. The ability to exercise sound judgment, independence, fairness, and objectivity
6 in an environment where controversy is common.

7 Section 38. A new Section 3.29.350 of the Seattle Municipal Code is added to
8 Subchapter III of Chapter 3.29 as follows:

9 **3.29.350 Community Police Commission – Appointment, removal, and compensation**

10 A. CPC shall consist of 21 Commissioners, appointed and reappointed as set forth in
11 this Chapter 3.29. The Mayor shall select seven Commissioners, the Council shall select seven
12 Commissioners, and CPC shall select seven Commissioners, including the public defense
13 representative, the civil liberties law representative, and the SPOG and SPMA representatives.

14 B. Each appointing authority shall provide a process that allows individuals to apply
15 and be considered for appointment, and shall ensure appointees meet the qualifications outlined
16 in Section 3.29.340 and ensure the collective membership of CPC meets the requirements of
17 subsection 3.29.360.B. of the Seattle Municipal Code. The appointing authorities shall consult
18 with one another prior to making their respective appointments and reappointments. All
19 Commissioners appointed or reappointed by the Mayor or CPC shall be confirmed by a majority
20 vote of the full Council and shall assume office upon receiving Council confirmation;
21 Commissioners appointed or reappointed by the Council shall assume office upon appointment
22 or reappointment.

1 C. Commissioners in position numbers 1, 4, 7, 10, 13, 16, and 19 shall be appointed,
2 and where applicable, reappointed by the Mayor. Commissioners in position numbers 2, 5, 8, 11,
3 14, 17, and 20 shall be appointed, and where applicable, reappointed by the Council.

4 Commissioners in position numbers 3, 6, 9, 12, 15, 18, and 21 shall be appointed, and where
5 applicable, reappointed by CPC. Position number 3 shall be designated for the public defense
6 representative; position number 6 shall be designated for the civil liberties law representative;
7 position number 15 shall be designated for the SPOG representative; and position number 18
8 shall be designated for the SPMA representative.

9 D. All CPC Commissioners shall be eligible to serve a maximum of three three-year
10 terms, with each term commencing on January 1, except for the first term under this Section 3.29
11 which will begin at the time of their confirmation following enactment of Council Bill 118969.
12 All terms shall be staggered so that no more than seven Commissioners' terms expire in any
13 given year. If a Commissioner assumes office prior to the expiration of the term of the
14 Commissioner's predecessor, the Commissioner may complete that term and then be reappointed
15 for up to three three-year subsequent terms.

16 E. Each appointment and reappointment shall be made whenever possible
17 sufficiently prior to the expiration of the incumbent's term of office or the effective date of an
18 incumbent's resignation, to permit Council action to approve or disapprove the appointment or
19 reappointment, at least 45 days before the vacancy, so as to avoid undue vacancy. All
20 appointments to fill positions due to resignations without notice shall be made as soon as
21 reasonably possible, but should be made no later than 90 days after the effective date of the
22 resignation of the incumbent. A Commissioner whose term is ending may continue on an interim
23 basis until a successor has been confirmed by the Council.

1 F. To strengthen the independence of CPC, Commissioners may be removed from
2 office by the appointing authority only for cause. By a three-quarters vote of its membership,
3 CPC may approve removal of Commissioners appointed by CPC. A majority vote of the full
4 Council is required to confirm the removal of any Commissioner.

5 G. Commissioners shall be compensated, if at all, as provided by ordinance.
6 Section 39.

7 A. By July 1, 2017, each presently serving Commissioner of the CPC created by the
8 Consent Decree and Stipulated Order of Resolution Between the United States of America and
9 The City of Seattle (Consent Decree CPC) who wishes to serve on CPC as established by
10 Chapter 3.29 of the Seattle Municipal Code (CPC) shall submit a written statement to the Mayor,
11 the Council President, and the CPC Executive Director indicating that the Commissioner wishes
12 to serve on CPC. In order to determine the extent of gaps in meeting the desired mix of
13 Commissioners, the written statement shall include a description of how the Commissioner
14 meets the qualifications in Section 3.29.340 of the Seattle Municipal Code; a list of all Council
15 districts in which the Commissioner lives, works, or has significant professional or civic ties in
16 furtherance of subsection 3.29.360.B. of the Seattle Municipal Code; and whether the
17 Commissioner is a lawyer with public defender or civil liberties expertise, or a member of SPOG
18 or SPMA. Any Commissioner who wishes to serve on CPC may continue to serve on the
19 Consent Decree CPC until they transition to CPC.

20 B. By September 1, 2017, the City Attorney or a designee of the City Attorney shall,
21 in a CPC meeting, draw numbers to determine the position number for each Commissioner who
22 indicated a wish to continue to serve, excluding those designated as public defender and/or civil

1 liberties law and SPOG and SPMA representatives. The pool of numbers from which to draw
2 shall include 1, 2, 4, 5, 7, 8, 9, and 10.

3 C. The term for position numbers 1 through 5 ends on December 31, 2017; the term for
4 position numbers 6 through 10 and 18 ends on December 31, 2018; and the term for position
5 numbers 11 through 13 and 15 ends on December 31, 2019. Continuing Commissioners may be
6 reappointed to a maximum of one subsequent three-year term after the expiration of this term.
7 The term of any presently serving Commissioner who chooses not to serve on CPC shall
8 terminate on the effective date of the ordinance introduced as Council Bill 118969.

9 D. Continuing Commissioners shall retain the position numbers established by Section
10 3.29.350 of the Seattle Municipal Code and each subsequent Commissioner corresponding to
11 such position number shall be appointed and, where applicable, reappointed by the appointing
12 authority designated for that position.

13 Section 40. A new Section 3.29.360 of the Seattle Municipal Code is added to Subchapter
14 III of Chapter 3.29 as follows:

15 **3.29.360 Community Police Commission – Authority and responsibility**

16 CPC shall have the authority and responsibility to:

17 A. Appoint a CPC Commissioner to co-chair and any other CPC Commissioners to
18 serve on the search committees for OPA Directors and Inspectors General, identify qualified
19 finalists, advise the appointing authority on these appointments, and review and provide input to
20 the appointing authority on the reappointment or removal of OPA Directors and Inspectors
21 General.

22 B. Assign at least one Commissioner to represent each Council district. Each
23 Commissioner representing a Council district shall live, work, or have significant professional or

1 civic ties in that district; demonstrate a deep understanding of neighborhood issues; actively
2 engage the people within the Council district on a regular basis; and regularly report back to CPC
3 on community issues on law enforcement in the Council district.

4 C. Convene an annual meeting to receive public comments and present to the
5 community highlights of CPC’s annual report.

6 D. Hold regular meetings open to the public, no less than once a month, and establish
7 workgroup subcommittees of its members to meet as necessary.

8 E. Monitor the implementation by SPD, OPA, City elected officials, and other City
9 departments and offices of recommendations made by the Inspector General, the OPA Director,
10 and CPC.

11 F. Review reports required by this Chapter 3.29 and any recommendations of the
12 OPA Director and the Inspector General.

13 G. Pursuant to subsection 3.29.220.F., annually review OIG’s workplan and
14 recommend to the Inspector General specific areas for OIG investigation and evaluation,
15 including emergent issues that arise that in CPC’s judgment are needed to support public
16 confidence in SPD and related criminal justice practices.

17 H. Review closed OPA investigations and any other SPD or OPA data to identify
18 opportunities for systemic improvements. However, CPC shall not serve as a review board for
19 individual investigations; shall not evaluate or opine on the sufficiency of the evidence, findings,
20 or determinations of any specific OPA investigations; and shall not seek to influence the course
21 or outcome of any specific OPA investigation, or the findings, discipline, or other remedial
22 action recommended or imposed in such cases.

1 I. Collaborate with SPD, OPA, and the City Attorney’s Office in improving system
2 transparency, including improving SPD public disclosure procedures and providing for timely
3 online posting by OPA of information about the status of investigations and their outcomes.

4 J. Review and provide input into SPD recruiting, hiring, and promotional practices,
5 and assist SPD in the development and delivery of SPD in-service training related to the
6 accountability system and helping ensure that this training is part of the curriculum for all new
7 employees.

8 K. Review and comment on any revisions proposed by OPA to the OPA Manual, in
9 accordance with a process established by the OPA Director that provides for consultation and
10 input prior to final adoption of revisions.

11 L. Annually evaluate the performance of the CPC Executive Director, after soliciting
12 perspectives from the public, Mayor, City Attorney, Chief, OPA Director, other SPD employees,
13 and CPC Commissioners.

14 M. Provide input to the Mayor on the performance of the OPA Director in advance of
15 the Mayor’s performance evaluation of the OPA Director.

16 N. Provide input to the Council on the performance of the Inspector General in
17 advance of the Council’s performance evaluation of the Inspector General.

18 Section 41. A new Section 3.29.370 of the Seattle Municipal Code is added to Subchapter
19 III of Chapter 3.29 as follows:

20 **3.29.370 Community Police Commission – Reporting**

21 A. CPC shall produce annual reports that are readily understandable and useful to
22 policymakers. The annual report shall be posted online and electronically distributed to the
23 Mayor, City Attorney, Council, Chief, OPA Director, and Inspector General, as well as to the

1 City Clerk for filing as a public record. The annual report shall include, but not be limited to, the
2 following:

3 1. An evaluation of the extent to which all of the purposes, duties, and
4 responsibilities detailed in this Chapter 3.29 have been met;

5 2. A summary of all recommendations for changes in policies and practices,
6 collective bargaining agreements, City ordinances, and state laws;

7 3. A summary of the implementation status of any previous
8 recommendations and, for any that have not been implemented, the reasons; and

9 4. Information about CPC’s outreach to SPD employees and the public, the
10 perspectives gathered by CPC from such outreach, and how the outreach informed CPC’s work.

11 B. In partnership with OIG, CPC shall periodically evaluate and issue reports
12 on how effective SPD’s processes are in meeting community needs for a diverse work force,
13 including the relevance of traditional disqualifying factors and the speed of the hiring process, to
14 assess if there are unfair impediments to hiring and retaining diverse and skilled officers.

15 Section 42. A new Subchapter IV, which includes new Sections 3.29.400, 3.29.410,
16 3.29.420, 3.29.430, 3.29.440, 3.29.450, 3.29.460, 3.29.470, and 3.29.480, is added to Chapter
17 3.29 of the Seattle Municipal Code as follows:

18 **Subchapter IV Mechanisms to Support Accountability**

19 **3.29.400 Reporting of potential misconduct and police accountability issues**

20 A. SPD shall establish and maintain clear written policies requiring that all
21 significant matters coming to SPD’s attention that involve potential police misconduct or policy
22 violations are documented and forwarded in a timely manner to OPA, including cases originating

1 from outside sources and from all SPD units or boards with authority to review compliance with
2 policy or to conduct administrative investigative processes.

3 B. The Inspector General and CPC Executive Director, or their designees, shall
4 present a mid-year report to the public safety committee on the status of recommendations issued
5 by OPA, OIG, and CPC, including those which involve the City’s budget, state legislative
6 agenda, and collective bargaining agenda. The report shall include whether follow-through was
7 timely and effectively addressed needed improvements. The Chief and OPA Director, or their
8 designees, shall participate in the presentation, as well as a Mayor’s Office representative as
9 appropriate.

10 C. The procedures of any SPD board, unit, or process created to review performance
11 must be approved by the Chief and set forth in the SPD Policy Manual. SPD administrative
12 investigation units, including the Force Review Board, shall maintain a schedule of review that
13 limits the duration of each incident review to 90 days. SPD administrative investigation units
14 shall not make determinations of misconduct or recommend discipline.

15 D. Where cases are referred by OPA to the named employee’s supervisors for
16 follow-through, including training, SPD shall ensure follow-through is timely and substantive.

17 E. SPD and OPA shall establish an effective system of referral to OPA for
18 investigation of possible misconduct any concerns regarding officers whom others in the
19 criminal justice system believe may have not acted with integrity or honesty.

20 F. The City Attorney’s Office, the Department of Finance and Administrative
21 Services (FAS), and OPA shall establish an effective system to ensure that any claim evaluated
22 and investigated by FAS pursuant to Chapter 5.24 involving possible misconduct by an SPD
23 employee is reviewed by OPA to determine whether the claim provides a basis for a complaint of

1 misconduct to be initiated by OPA. In such cases, the OPA Director, FAS and the City
2 Attorney’s Office shall determine an appropriate timing and approach to the claims review
3 process so that it will not interfere with the OPA complaint-handling and investigation process.
4 OPA shall be responsible for notifying each complainant of coordination between the complaint
5 investigation and the tort claim process, and shall provide periodic updates as to the status of its
6 investigation to the complainant, FAS and the City Attorney’s Office. Within five business days
7 after the OPA case is closed, OPA shall provide (a) notice of the closure to FAS and the City
8 Attorney’s Office and (b) an electronic copy of the complete OPA file to FAS, subject to
9 appropriate redactions where required by law.

10 G. SPD, OPA, the City Attorney’s Office, CPC, and all other City departments and
11 offices shall timely inform the Inspector General of any problems or deficiencies not previously
12 reported to OIG related to operations, policies, programs, and practices that would reasonably be
13 expected to adversely affect SPD effectiveness, public safety, police accountability,
14 constitutional policing, or the public’s confidence in SPD.

15 H. As appropriate, the City Attorney shall advise the OPA Director and the Chief of
16 any issues identified through litigation, grievances, or disciplinary appeals to help OPA and SPD
17 make informed improvements to policies and procedures.

18 I. Complaints against any employee of OPA, OIG, or the Office of the CPC where
19 the allegation is discrimination, harassment, retaliation, or any other act that may violate Equal
20 Employment Opportunity laws and policies shall be investigated by the Seattle Department of
21 Human Resources.

1 **3.29.410 Continuous improvement**

2 A. 1. SPD and OPA shall confer with and respond in writing within 30 days to any
3 oversight entity issuing written recommendations contained in reports required by this Chapter
4 3.29. For any accepted recommendations, the response shall provide a plan for implementation,
5 including a plan for regular written progress reports. For any recommendations not accepted or
6 not scheduled for implementation, the response shall provide an explanation of why not. If the
7 lead entity responsible for the implementation of any recommendation is a City department or
8 office other than SPD or OPA, the Mayor’s Office shall coordinate providing the necessary
9 information to include in the response.

10 2. The OPA Director, Inspector General, the CPC co-chairs, and the Chief, or their
11 designees, shall meet together at least quarterly to collectively review and verify their positions
12 on the status of all recommendations.

13 3. CPC shall compile and maintain a database of all recommendations and their status, as
14 represented to CPC by the issuing entity. Following the quarterly meetings, CPC shall update the
15 database. CPC may include their analyses and comments.

16 B. SPD shall respond in writing to any Training Referral or Supervisor Action
17 referral with an explanation of actions taken.

18 C. In consultation with CPC, OIG, and OPA, SPD shall establish a schedule and
19 protocol for regular and timely review of proposed revisions to the SPD Policy Manual for the
20 purpose of ensuring SPD policies are consistent with best practices, which may include
21 recommendations from the civilian oversight entities. SPD’s schedule and protocol shall allow
22 opportunity for meaningful SPD Policy Manual reviews.

1 D. SPD shall maintain systems of critical self-analysis, including audits and reviews
2 of critical events, lawsuits, claims, and complaints. These reviews should focus on ways to
3 improve policies, training, and supervision so as to help prevent misconduct, policy violations,
4 poor performance, or other adverse outcomes.

5 E. At the time the Mayor’s annual proposed budget is submitted to the Council, the
6 Mayor shall notify the Council and CPC in writing, with copies to the Inspector General and the
7 OPA Director, when recommendations requiring City funding issued in reports made in the prior
8 year consistent with the reporting requirements set forth in this Chapter 3.29 by those responsible
9 for implementing the purposes of this Chapter 3.29 are not included for funding in the budget
10 proposal. The Mayor shall also identify any reductions to the OPA, OIG, or CPC baseline
11 budgets in the proposed budget, or compared to the budgets as proposed to the Mayor by OPA,
12 OIG, or CPC, with an explanation of the reasons for the reductions.

13 F. At the time the Mayor’s proposed state legislative agenda is presented to the
14 Council, the Mayor shall notify the Council and CPC in writing, with copies to the Inspector
15 General and the OPA Director, when associated recommendations made by those responsible for
16 implementing the purposes of this Chapter 3.29 are not included in the proposed state legislative
17 agenda.

18 G. The City’s Office of Intergovernmental Relations shall consult with the OPA
19 Director, the Inspector General, and CPC during the development of the City’s state legislative
20 agenda.

21 H. Each year the City Attorney’s Office shall provide the OPA Director and
22 Inspector General with two status reports, one covering the period from January 1 to June 30 and
23 one from July 1 to December 31, regarding (a) all OPA cases in which the findings or discipline

1 have been appealed during the previous six months and (b) all OPA cases in which the findings
2 or discipline have been appealed in earlier periods and that remained open at any time during the
3 current reporting period. These status reports shall include all OPA cases not yet closed due to
4 appeal, the case number, the named employee or employees, the date of complaint, the date of
5 disciplinary action, the Chief’s disciplinary decision, the date of appeal, the nature of the appeal,
6 and the current status of the case, including any modification to the case disposition as a result of
7 appeal.

8 **3.29.420 Disciplinary, grievance, and appeals policies and processes**

9 A. SPD disciplinary, grievance, and appeal policies and processes shall be timely,
10 fair, consistent, and transparent.

11 1. SPD shall track all records of Chief disciplinary determinations.

12 2. To help ensure timeliness, there shall be set and enforceable timeframes
13 for any named employee to be notified by SPD of proposed findings and discipline, for any
14 named employee and/or the named employee’s union representative to request a due process
15 hearing, for the Chief to issue a final finding and disciplinary decision, and for any named
16 employee to file an appeal.

17 3. SPD shall implement discipline when it is imposed or shortly thereafter,
18 not upon conclusion of any disciplinary appeal process.

19 4. The Chief shall have the authority to place an SPD employee on leave
20 without pay prior to the initiation or completion of an OPA administrative investigation where
21 the employee has been charged with a felony or gross misdemeanor; where the allegations in an
22 OPA complaint could, if true, lead to termination; or where the Chief otherwise determines that
23 leave without pay is necessary for employee or public safety, or security or confidentiality of law

1 enforcement information. In any case of such leave without pay, the employee shall be entitled to
2 back pay if reinstated, less any amounts representing a sustained penalty of suspension.

3 5. No disciplinary action will result from a complaint of misconduct where
4 the complaint is made to OPA more than three years after the date of the incident which gave rise
5 to the complaint, except where the OPA complaint alleges criminal conduct, dishonesty that is of
6 a material nature, or that the named employee has concealed acts of misconduct.

7 6. Only appeals for which the hearing has already been scheduled prior to the
8 effective date of the ordinance introduced as Council Bill 118969—including Disciplinary
9 Review Board proceedings for officers and sergeants, and arbitration proceedings for lieutenants
10 and captains—shall continue in accordance with the relevant contractual or legislated
11 procedures. After the effective date of the ordinance introduced as Council Bill 118969,
12 disciplinary appeals may proceed only under this Chapter.

13 7. SPD employees shall not use accrued time balances to be compensated
14 while satisfying a disciplinary penalty that includes an unpaid suspension.

15 8. Challenges by SPD employees to disciplinary decisions shall be handled
16 through the appeal process described in this Section 3.29.420. Challenges by employees to all
17 other administrative actions or working conditions shall be handled exclusively through a
18 separate employee grievance process as determined by collective bargaining.

19 9. The City Attorney’s Office shall determine legal representation for SPD in
20 disciplinary challenges. The City, including SPD, shall not settle or resolve grievances or
21 disciplinary appeals without the approval of the City Attorney’s Office.

1 10. All appeal hearings shall be held within a set timeframe from when the
2 Chief issues final findings and discipline, and all appeal rulings shall be issued within a set
3 timeframe from the hearing.

4 11. The Chief shall notify in writing the Washington State Criminal Justice
5 Training Commission (WSCJTC) when any sworn employee is terminated from employment, or
6 who would have been terminated from employment had separation not already occurred,
7 whenever the nature of the employee’s misconduct qualifies for de-certification under state law.
8 The notification shall include the facts and circumstances of the termination and any other
9 information necessary to provide the evidentiary basis for the Chief’s disciplinary decision so as
10 to allow the WSCJTC to have a full and complete record when deciding whether de-certification
11 is appropriate.

12 **3.29.430 Recruitment, hiring, assignments, promotions, and training**

13 A. SPD shall develop and implement recruitment, hiring, testing, training, mentoring,
14 assignment, and promotional practices that emphasize leadership and policing skills consistent
15 with accountability, which support equity and the goals set forth in the Consent Decree. In doing
16 so, SPD shall consult with CPC and OIG and may obtain guidance from other community
17 stakeholders.

18 B. To support operational efficiency and excellence, SPD may employ civilians with
19 specialized skills and expertise to perform any SPD management and operational functions,
20 including, but not limited to, training, human resources, technology, budget and finance, crime
21 analysis, recruiting, hiring, and testing, which in the judgment of the Chief do not require law
22 enforcement sworn personnel, allowing SPD the ability to more flexibly deploy civilian and
23 sworn resources to best meet both its administrative and law enforcement needs.

1 C. Consistent with Chapter 4.08, SPD shall use preference points in hiring sworn
2 employees who are multi-lingual and/or have work experience or educational background
3 providing important skills needed in modern policing, such as experience working with diverse
4 communities, and social work, mental health or domestic violence counseling, or other similar
5 work or community service backgrounds.

6 D. After consulting with and receiving input from OIG, OPA, and CPC, SPD shall
7 establish an internal office, directed and staffed by civilians, to manage the secondary
8 employment of its employees. The policies, rules, and procedures for secondary employment
9 shall be consistent with SPD and City ethical standards, and all other SPD policies shall apply
10 when employees perform secondary employment work.

11 E. SPD shall adopt consistent standards that underscore the organizational
12 expectations for performance and accountability as part of the application process for all
13 specialty units, in addition to any unique expertise required by these units, such as field training,
14 special weapons and tactics, crime scene investigation, and the sexual assault unit. In order to be
15 considered for these assignments, the employee’s performance appraisal record and OPA history
16 must meet certain standards and SPD policy must allow for removal from that assignment if
17 certain triggering events or ongoing concerns mean the employee is no longer meeting
18 performance or accountability standards.

19 F. SPD shall ensure that its “take-home” policy for SPD vehicles, and the
20 opportunities for assignments that provide additional financial remuneration, are fair and
21 operationally efficient.

22 G. The Chief shall collaborate with the OPA Director with the goal that sworn staff
23 assigned to OPA have requisite skills and abilities and with the goal that the rotations of sworn

1 staff into and out of OPA are done in such a way as to maintain OPA’s operational effectiveness.

2 To fill such a sworn staff vacancy, the Chief and the OPA Director should solicit volunteers to be
3 assigned to OPA for two-year periods. If there are no volunteers or the OPA Director does not
4 select from those who volunteer, the Chief shall provide the OPA Director with a list of ten
5 acting sergeants or sergeants from which the OPA Director may select OPA personnel to fill
6 intake and investigator positions. Should the OPA Director initially decline to select personnel
7 from this list, the Chief shall provide the OPA Director with a second list of ten additional acting
8 sergeants or sergeants for consideration. If a second list is provided, the OPA Director may select
9 personnel from either list, or from among volunteers.

10 H. SPD shall collaborate with OPA, OIG, and CPC in the development and delivery
11 of SPD in-service training related to the accountability system.

12 **3.29.440 Public disclosure, data tracking, and record retention**

13 A. SPD and the City Attorney’s Office shall work with OPA to release information
14 associated with closed OPA cases as promptly and with as much transparency as legally and
15 practically possible.

16 B. SPD shall maintain current and searchable public databases, to the extent
17 technologically feasible, that include every stop, frisk, use of force, and disciplinary matter. The
18 databases shall protect the privacy of members of the public and City employees who are
19 involved to the extent allowed by law, while including all relevant available information of each
20 interaction, including race, gender, time, place, assignment, reason, or any other consideration
21 that can help provide information regarding possible bias.

22 C. SPD shall make available information about its policies and operations that are
23 matters of concern to the public by posting such information online, such as the SPD Policy

1 Manual, performance audit reports, reviews of shootings by officers, and reviews of in-custody
2 injuries and deaths.

3 D. SPD shall track and document OPA cases referred from the OPA Director to the
4 Chief in OPA and SPD data systems.

5 E. All SPD personnel and OPA case files shall be retained as long as the employee is
6 employed by the City, plus either six years or as long as any action related to that employee is
7 ongoing, whichever is longer. SPD personnel files shall contain all associated records, including
8 Equal Employment Opportunity complaints, and disciplinary records, litigation records, and
9 decertification records; and OPA complaint files shall contain all associated records, including
10 investigation records, Supervisor Action referrals and outcomes, Rapid Adjudication records,
11 and referrals and outcomes of mediations. Records of written reprimands or other disciplinary
12 actions shall not be removed from employee personnel files.

13 F. For sworn employees who are terminated or resign in lieu of termination, such
14 that the employee was or would have been separated from SPD for cause and at the time of
15 separation was not “in good standing,” SPD shall include documentation in SPD personnel and
16 OPA case files verifying (a) a letter was sent by SPD to the Washington State Criminal Justice
17 Training Commission (WSCJTC) regarding de-certification and consistent with the requirements
18 set forth in subsection 3.29.420.A.13; (b) whether action was taken by the WSCJTC in response
19 to that letter; (c) that the Chief did not and will not grant the employee authorization to serve in a
20 Special Commission capacity, as a reserve officer or as a retired officer in a private company that
21 provides flagging, security, or related services; and (d) that the Chief did not or will not grant
22 any request under the Law Enforcement Officers Safety Act to carry a concealed firearm. The
23 latter two actions shall also be taken and documentation included in the SPD personnel and OPA

1 case files whenever a sworn employee resigns or retires with a pending complaint and does not
2 fulfill an obligation to fully participate in an OPA investigation.

3 **3.29.450 Criminal cases**

4 The City Attorney shall maintain a protocol so that, whenever possible, cases referred to
5 prosecutors for possible filing of charges against SPD employees are reviewed concurrently by
6 City, county, and federal prosecutors so as to minimize delay and better serve the public, the
7 named employee, and SPD.

8 **3.29.460 Collective bargaining and labor agreements**

9 A. Those who provide civilian oversight of the police accountability system shall be
10 consulted in the formation of the City’s collective bargaining agenda for the purpose of ensuring
11 their recommendations with collective bargaining implications are thoughtfully considered and
12 the ramifications of alternative proposals are understood. These individuals shall be subject to
13 the same confidentiality provisions as any member of the Labor Relations Policy Committee.

14 B. The terms of all collective bargaining agreements for SPD employees, along with
15 any separate agreements entered into by SPD or the City in response to an unfair labor practice
16 complaint, settlement of grievance or appeal, or for other reasons, including those previously
17 reached, shall be clearly and transparently provided to the public, by posting on the SPD website.

18 C. Whenever collective bargaining occurs, any separate agreements in place
19 affecting ongoing practices or processes which were entered into by SPD or the City in response
20 to an unfair labor practice complaint, settlement of grievance or appeal, or for any other reasons,
21 shall be incorporated into the new or updated collective bargaining agreement or shall be
22 eliminated.

23 **3.29.470 Public statements**

1 While any incident of public concern is under OPA, SPD or OIG review, no City employee
2 should comment, either in their official or personal capacity, in a way that suggests that any
3 factual, policy, or legal conclusions have been reached about the incident. These provisions shall
4 not restrict the ability of a union representative to comment in their representative capacity, or
5 the OPA Director to communicate OPA findings and recommendations.

6 **3.29.480 Protection of civilian oversight entities**

7 Retaliation by adverse employment action or harassment against OPA and OIG employees,
8 against employees of the Office of the CPC or CPC Commissioners, or against employees of
9 other City departments or offices who provide information to OPA, OIG, or CPC undermines the
10 effectiveness of civilian oversight efforts by threatening the continued flow of information. No
11 City official or employee shall retaliate against, punish, or penalize any other person for
12 complaining to, cooperating with or assisting OPA, OIG, or CPC in the performance of their
13 duties. Any OPA or OIG employee, CPC employee or Commissioner, or employee of other City
14 departments or offices who believes he or she has been retaliated against for making such
15 complaint to, disclosing information to, or responding to such queries from OPA, OIG, or CPC
16 may report such action to the Inspector General. If retaliation is suspected, the Inspector General
17 is authorized to open an investigation into the matter and refer a complaint to the appropriate
18 authority. Any City official or employee who violates these provisions may be subject to
19 dismissal, discipline, or censure consistent with City and state laws. These protections shall not
20 apply when the contact was made or the information was disclosed with knowledge that it was
21 false or with willful disregard for its truth or falsity.

22 Section 43. Section 14.12.310 of the Seattle Municipal Code, last amended by Ordinance
23 110640, is amended as follows:

1 **14.12.310 Appointment and responsibilities of Auditor ((=))**

2 ~~((A. The Mayor shall appoint an **Auditor**, subject to confirmation by the City Council, to~~
3 ~~monitor compliance with this chapter. The **Auditor** shall serve for a term of three (3) years and~~
4 ~~may be reappointed by the Mayor, subject to confirmation by the City Council. The **Auditor**~~
5 ~~may be removed from office for cause by the Mayor by filing a statement of reasons for the~~
6 ~~removal with the City Council.~~

7 **B. The Auditor** should possess the following qualities and characteristics:

8 1. ~~A reputation for integrity and professionalism, as well as the ability to maintain~~
9 ~~a high standard of integrity in the office;~~

10 2. ~~A commitment to and knowledge of the need for and responsibilities of law~~
11 ~~enforcement, as well as the need to protect basic constitutional rights;~~

12 3. ~~A commitment to the statement of purpose and policies in this chapter;~~

13 4. ~~A history of demonstrated leadership experience and ability;~~

14 5. ~~The potential for gaining the respect of **departmental personnel** and citizens~~
15 ~~of the City;~~

16 6. ~~The ability to work effectively with the Mayor, the City Council, the City~~
17 ~~Attorney, the Chief of the **Department**, **departmental personnel**, public agencies, private~~
18 ~~organizations, and citizens; and~~

19 7. ~~The ability to work effectively under pressure.~~

20 **C. The Chief of the Department** shall cause a thorough background check of nominees
21 ~~for **Auditor** identified by the Mayor and shall report the results to the Mayor.~~

22 **D. Except as limited by Section 14.12.320, the Auditor** shall have access to all
23 **Department** files and records, including nonconviction data pursuant to RCW 10.97.050(4).))

1 The Inspector General, or the Inspector’s designee or designees in the Office of Inspector
2 General for Public Safety, shall perform the duties of the **Auditor**. The Inspector General shall
3 ensure that an outside law enforcement agency has conducted a thorough background check,
4 including records of arrest, charges, or allegations of criminal conduct or other nonconviction
5 data for the purpose of determining the individual’s fitness to perform the duties of Police
6 Intelligence Auditor, for any staff of the Office of Inspector General for Public Safety prior to
7 the staff’s commencement of any work under this Chapter 14.12 that may involve access to
8 confidential information.

9 Section 44. Subsection 14.12.320.A of the Seattle Municipal Code, which section was
10 last amended by Ordinance 117242, is amended as follows:

11 **14.12.320 Limitations on the Auditor.**

12 A. ~~((The))~~ Notwithstanding the Inspector General’s access to all **Department** files and
13 records under Chapter 3.29, including nonconviction data pursuant to RCW 10.97.050(4), the
14 **Auditor** shall not examine the following in performing the duties of this Chapter 14.12:

15 1. **Department** personnel files;

16 ~~((2. Internal Investigation Section files;))~~

17 2. Office of Police Accountability files;

18 3. Files of confidential communications as defined in Section 14.12.090;

19 4. Personal files of the Chief of the **Department** which are excluded from this

20 ~~((chapter))~~ Chapter 14.12 by ((Section)) subsection 14.12.120.A.4;

21 5. Specific case files which the King County Prosecuting Attorney personally
22 certifies in writing need to be withheld from the **Auditor's** review because the files involve
23 investigations of corruption or malfeasance in office of a governmental official or employee, a

1 appointments shall be for one year for one Mayoral appointment, two years for the Council
2 appointment, and three years for the third Mayoral appointment. Subsequently, ((The))the term
3 of each Commissioner shall be three full years((; provided, that the term of the first Council
4 Commissioner shall be two years and the term of the first Mayor's Commissioner shall be one
5 year.)) Each term shall commence on January 1((st)), and appointments to fill vacancies shall be
6 for the unexpired term. A Commissioner shall be eligible to serve three full terms plus any time
7 spent filling a vacancy for an unexpired term or a shortened initial term. Two Commissioners
8 shall constitute a quorum. ((-)Commissioners may receive compensation for their services as
9 may be fixed from time to time by ordinance.

10 B. Officers and employees in the Mayor's office, on the City Council staff, and on
11 the Public Safety Civil Service Commission staff, and employees holding exempt positions
12 shall be ineligible for the office of Commissioner.

13 ~~((C.—All regular and probationary employees who are members of this system are~~
14 ~~eligible to vote for an employee selected Public Safety Civil Service Commissioner.~~

15 ~~D.—Election shall be administered by the City Clerk. Election shall be held during the~~
16 ~~week beginning on the first Monday in November, 1987, and every third year thereafter. The~~
17 ~~City Clerk shall give notice of such election and furnish ballots therefor. Balloting shall be~~
18 ~~permitted by mail postmarked between the hours of 12:01 a.m. Monday to 12 midnight of the~~
19 ~~succeeding Friday of the election week. Provided however that when there is a holiday during~~
20 ~~that week, ballots may be postmarked no later than 12 midnight the following Monday. Ballots~~
21 ~~may also be deposited during regular office hours at polling places prescribed by the City Clerk.~~

22 E.—~~Not earlier than the first Monday in October of each year in which a~~
23 ~~Commissioner will be elected, nor later than the succeeding Friday, any person who is to~~

1 ~~become a candidate for Commissioner shall file a declaration of candidacy for office with the~~
2 ~~City Clerk, on a form furnished by the City Clerk.~~

3 F. ~~The candidate receiving the majority of votes cast shall win the election. If no~~
4 ~~candidate receives a majority of the votes cast, the two candidates receiving the highest and~~
5 ~~next highest number of votes shall be candidates in a runoff election at a date and time to be~~
6 ~~determined by the City Clerk. The runoff election be scheduled so that completion of balloting~~
7 ~~and certification shall occur before 5 P.M. on the last business day of December of the election~~
8 ~~year. Notice and balloting shall be the same as for a regular Commissioner's election.~~

9 G. ~~Vacancies occurring in the office of the employee's Commissioner shall be filled~~
10 ~~at a special election to be called for such purpose by resolution of the City Council.~~

11 H. ~~No City employee who is elected to the Public Safety Civil Service Commission~~
12 ~~shall suffer a monetary loss or other penalty on account of his/her absence from his/her regular~~
13 ~~position during regular hours while performing the duties of Commissioner.~~

14 I. ~~Candidates for Public Safety Civil Service Commission shall comply with the~~
15 ~~terms of the Fair Campaign Practices Chapter 2.04 regarding filing of disclosure statements~~
16 ~~regarding campaign financing.))~~

17 ((F-))C. Pursuant to the City Charter Article XIX, Commissioners may be removed for
18 cause by the City Council following a hearing and the Mayor's appointee may also be removed
19 by the Mayor upon filing a statement of reasons therefor.

20 Section 46. Section 4.08.070 of the Seattle Municipal Code, which section was last
21 amended by Ordinance 124567, is amended as follows:

22 **4.08.070 - Powers and duties of Commission.**

23 The Commission shall:

1
2 F. 1. With the support of the Seattle Human Resources Director, prepare a register
3 for each class of positions in this system from the returns or reports of the examiners of the
4 persons whose standing upon examination for such class is not less than the minimum
5 established by the Commission. Persons, when graded, shall take rank upon the register as
6 candidates in the order of their relative excellence as determined by competitive examination.

7 a. Veteran's Preference. Veteran's preference in examination and appointment shall be
8 granted as required by federal and state law including RCW 41.08.040 and 41.12.040; provided,
9 a person shall be entitled to use such preference only once to successfully attain an appointment
10 or promotion to a position.

11 b. Language Preference. An applicant for an SPD position deemed fluent in a language
12 other than English may be entitled to have 10 percent credit added to his or her examination
13 score for initial hiring or promotion. To receive such credit on his or her examination score, the
14 applicant's fluency will be verified by the hiring authority based on a measure to be established
15 by the Department.

16 c. Community Service/Work Experience Preference. An applicant for an SPD position
17 who has completed service in the Peace Corps, AmeriCorps or other verified equivalent work
18 experience or community service of two years or more may be entitled to have 10 percent credit
19 added to his or her examination score. An applicant seeking credit for service in the Peace Corps
20 must present a Peace Corps Description of Service (DOS) certifying completion of their service
21 in the Peace Corps. To receive such credit on his or her examination score, an applicant's
22 equivalent work experience or community service will be assessed by the hiring authority based
23 on standards to be established by the Department. For example, equivalent work experience or

1 community service might include professional or volunteer experience providing domestic
2 violence counseling, mental health care, or social services. The equivalent work experience or
3 community service must be confirmed through regular Department background verification
4 processes.

5 2. No applicant for an SPD position may receive more than a single 10 percent credit,
6 which may be either for Veteran’s Preference, Language Preference, or Community Service
7 Preference.

8 ***

9 J. ~~((To hear))~~Hear and determine appeals or complaints respecting the
10 administration of this ~~((chapter))~~Chapter 4.08, including, but not limited to, all appeals affecting
11 discipline of SPD employees defined in Section 4.08.060.A. In hearing police discipline cases,
12 the Commission may delegate its authority to conduct hearing appeals to a Hearing Officer that it
13 retains who has appropriate expertise and objectivity regarding police disciplinary decisions, or
14 to a Hearing Officer in the City of Seattle Office of the Hearing Examiner, subject to
15 Commission review.

16 ***

17 Section 47. A new Subchapter V, which includes new Sections 3.29.500 and 3.29.510, is
18 added to Chapter 3.29 of the Seattle Municipal Code as follows:

19 **Subchapter V Construction and Implementation**

20 **3.29.500 Construction**

21 A. Provisions of this ordinance subject to the Public Employees’ Collective Bargaining
22 Act, Chapter 41.56 RCW shall not be effective until the City completes its collective bargaining
23 obligations. As noted in SMC 3.29.010, the police are granted extraordinary power to maintain

1 the public peace, including the power of arrest and statutory authority under RCW 9A.16.040 to
2 use deadly force in the performance of their duties under specific circumstances. Timely and
3 comprehensive implementation of this ordinance constitutes significant and essential
4 governmental interests of the City, including but not limited to (a) instituting a comprehensive
5 and lasting civilian and community oversight system that ensures that police services are
6 delivered to the people of Seattle in a manner that fully complies with the United States
7 Constitution, the Washington State Constitution and laws of the United States, State of
8 Washington and City of Seattle; (b) implementing directives from the federal court, the U.S.
9 Department of Justice, and the federal monitor; (c) ensuring effective and efficient delivery of
10 law enforcement services; and (d) enhancing public trust and confidence in SPD and its
11 employees;

12 For these reasons, the City shall take whatever steps are necessary to fulfill all legal
13 prerequisites – including those related to bargaining the effects of the ordinance on wages, hours,
14 and working conditions of represented police officers – within 30 days of Mayoral signature of
15 this ordinance, or as soon as practicable thereafter, including negotiating with its police unions to
16 update all affected collective bargaining agreements so that the agreements each conform to and
17 are fully consistent with the provisions and obligations of this ordinance, in a manner that allows
18 for the earliest possible implementation to fulfill the purposes of this Chapter 3.29.

19 B. In the event of a conflict between the provisions of this Chapter 3.29 and any
20 other City ordinance, the provisions of this Chapter 3.29 shall govern.

21 C. It is the express intent of the Council that, in the event a subsequent ordinance
22 refers to a position or office that was abolished by the ordinance introduced as Council Bill
23 118969, that reference shall be deemed to be the new position or office created by the ordinance

1 introduced as Council Bill 118969, and shall not be construed to resurrect the old position or
2 office unless it expressly so provides by reference to the ordinance introduced as Council Bill
3 118969.

4 D. It is the express intent of the Council that, in the event a subsequent ordinance
5 refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted
6 ordinance that is amended or recodified in the ordinance introduced as Council Bill 118969, but
7 the later ordinance fails to account for the change made by the ordinance introduced as Council
8 Bill 118969, the two sets of amendments should be given effect together if at all possible. The
9 code reviser may publish the section or subsection in the official code with all amendments
10 incorporated therein.

11 E. The terms and provisions of this Chapter 3.29 are not retroactive and shall apply
12 only to those rules, orders, actions, or proceedings that occur, or have been initiated, on or after
13 the effective date of the ordinance introduced as Council Bill 118969.

14 F. Nothing in this Chapter 3.29 creates or is intended to create a basis for any private
15 cause of action.

16 G. The provisions of this Chapter 3.29 are declared to be separate and severable. The
17 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Chapter
18 3.29, or the invalidity of its application to any person or circumstance, does not affect the
19 validity of the remainder of this Chapter 3.29, or the validity of its application to other persons or
20 circumstance.

21 **3.29.510 Implementation**

22 A. Until the effective date of the ordinance introduced as Council Bill 118969, the
23 current accountability system shall remain in place to the extent necessary to remain consistent

1 with provisions of the Consent Decree in the matter of *United States of America v. City of*
2 *Seattle*, 12 Civ. 1282 (JLR).

3 B. Provisions of the ordinance introduced as Council Bill 118969 for which the City
4 has fulfilled its collective bargaining requirements, if any, will go into effect after Court approval
5 in the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR) and 30 days after
6 Mayoral signature, or after 40 days if the Mayor fails to sign the bill. Consistent with Section
7 3.29.500, any provisions for which bargaining is not yet complete shall not go into effect until
8 collective bargaining obligations are satisfied.

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Passed by the City Council the _____ day of _____, 2017,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

The following sections shall be renumbered and reordered, and realign internal code references:
3.29.250 (IG Qualifications) becomes 3.29.220
3.29.260 (IG Appointment & removal) becomes 3.29.230
3.29.220 (IG Authority & responsibility) becomes 3.29.240
3.29.230 (OIG classification review) becomes 3.29.250
3.29.240 (OIG classification review) becomes 3.29.260