

May 24, 2022

MEMORANDUM

To: Public Safety and Human Services Committee
From: Ann Gorman, Analyst
Subject: Investigating Complaints that Name the Chief of Police

On May 24, 2022, the Public Safety and Human Services Committee will discuss a draft version of a bill that would provide an investigation framework and notification requirements for complaints to the Office of Police Accountability (OPA) that name the Chief of Police. This memo provides an overview of the draft bill, which is pending final legal review, and describes potential next steps.

Overview

The Seattle Municipal Code (SMC) does not currently address instances in which OPA has determined that a complaint it received that names the Chief of Police was warranted and thus requires an investigation that: (1) is free of perceived conflicts of interest; and (2) takes into account the public trust and the interest of stakeholders in the City's police accountability system. OPA is administratively housed within the Seattle Police Department (SPD) and its director – like the Chief of Police – reports to the Mayor. Due to this structural issue, the public may question whether complaints that name the Chief are treated with appropriate investigative rigor and transparency. To address this issue, the draft bill would create an expanded role for the Office of the Inspector General (OIG) with respect to such complaints that is consistent with its statutory role in the City's police accountability system, as described in [Ordinance 125315](#). The Council's public safety committee appoints the Inspector General for Public Safety, who leads OIG.

For complaints that name the Chief of Police that warrant an investigation and that involve possible violations of the Equal Employment Opportunity Act, the draft bill would establish a potential new role for the Investigations Unit of the Seattle Department of Human Resources (SDHR), ensuring that all such complaints are removed from the purview of SPD staff. The SDHR Investigations Unit is an independent body that investigates complaints and alleged violations of applicable City Personnel Rules across City departments. These complaints and alleged violations may address subjects of the Equal Employment Opportunity Act such as harassment, discrimination, and misconduct.

In some cases, the public trust will be best served when the investigation of a complaint that names the Chief of Police is conducted by an entity that is external to and independent of the City. The draft bill would establish criteria for decision making about whether such an entity should conduct an investigation and that entity's selection and management.

The draft bill would establish:

- Specific procedural and evaluative steps that OPA and the OPA Director must take upon intake of any complaint that names the Chief of Police;
- Specific procedural and evaluative steps that the OPA Director must take upon intake of a complaint that names the Chief of Police and that OPA has determined warrants an investigation;
- Processes by which OIG: (1) reviews OPA's work and recommendations regarding such complaints; and (2) supersedes these recommendations in case of disagreement;
- A framework for the investigation of complaints that name the Chief of Police by OPA, SDHR's Investigations Unit, or by an entity external to the City of Seattle; and
- Requirements that: (1) OIG or OPA notify stakeholders in the City's police accountability system when OPA has determined that a complaint that names the Chief of Police thus warrants an investigation; and (2) the Mayor provide the same stakeholders with a statement on the investigative findings and any disciplinary action that will be taken.

Implementing the bill would not require any additional staff or budgetary resources.

Next Steps

Councilmember Herbold, the bill's sponsor, may incorporate any feedback from today's discussion into the final version of the bill, which may be introduced and voted on at the June 4 Public Safety and Human Services Committee meeting.

Attachments:

1. Draft bill

cc: Esther Handy, Director
Aly Pennucci, Policy and Budget Manager