

## MEMORANDUM

**To:** Gender Equity, Safe Communities, and New Americans Committee  
**From:** Amy Tsai, Central Staff  
**Date:** February 23, 2017  
**Subject:** Second Committee Briefing on Police Accountability Ordinance (CB 118907)

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### Today's briefing

The GESCNA committee will engage in a series of policy issue discussions and hear proposed amendments to the accountability ordinance between now and May. In addition, staff are working on a technical clean-up of the legislation that will likely be presented for consideration towards the end of the process.

Attachment 1 to this staff memo is a PowerPoint presentation that describes the framework of CB 118907 (the "accountability ordinance") in terms of the accountability entity structures, their main functions, and some key themes.

To facilitate discussion of the accountability legislation, Attachment 2 contains an index of each code section.

### Legislative history

This committee briefing represents the second GESCNA meeting on the accountability ordinance. Activities related to the legislation that have occurred this year are summarized below. The next study mission will be from March 9 to 10 in New Orleans, and the next scheduled GESCNA meeting on the accountability ordinance is a special meeting on March 17 at 9:30 a.m.

- Jan. 6 Court order approving draft accountability ordinance for Council consideration
- Jan. 18-20 New York Study Mission (#1 of 3)
- Jan. 23 **Council Briefing:** Presentation on police accountability history, legislative process, general timeline, and Court-identified issues
- Feb. 01 Mayoral transmittal of CB 118907 (accountability ordinance) and CB 118908 (accompanying supplemental budget request)
- Feb. 08 **GESCNA meeting:** Presentation of GESCNA work plan, New York study mission debrief, Mayoral transmittal highlights, Community Police Commission (CPC) issue priorities
- Feb. 9-10 Los Angeles Study Mission (#2 of 3)
- Feb. 23 **GESCNA special meeting:** Summary of CB 118907, LA study mission debrief, initial issue identification

Below are lessons learned from the Los Angeles Inspector General Study Mission held in early February.

### Los Angeles Study Mission

To help inform the upcoming committee deliberations, GESCNA Chair González is leading a series of three study missions to learn from other jurisdictions about their Inspector General successes and challenges. The visits to New York City and Los Angeles have been completed, with New Orleans remaining.

On February 9 and 10, GESCNA Chair González led the study mission to the City of Los Angeles (LA). Accompanying her were Councilmember Burgess, Council staff, and individuals from the Community Police Commission and Mayor's Office who were intimately familiar with the history and drafting of the accountability legislation submitted to the Court.

The Seattle delegation met with the following:

#### Government

- **Matthew Johnson**, President, LA Police Commission, **Alex Bustamante**, Inspector General, and **Richard Tefank**, Executive Director, LA Police Commission
- **Councilmember Marqueece Harris-Dawson**, Council District 8 in western South LA – long-time community organizer in South LA
- **Brian Buchner**, Policy Director for Public Safety, Office of Mayor Garcetti, past-president of National Association for Civilian Oversight of Law Enforcement (NACOLE)

#### Community

- **Peter White**, Executive Director/Founder LA-Community Action Network – builds leadership within the low-income, predominantly African American Central City East community to address housing and civil rights, healthy food access, women's rights and violence prevention
- **Hamid Khan**, Stop LAPD Spying Coalition – raises public awareness, participation, mobilization, and action on police spying and surveillance

#### Consultant

- **Michael Gennaco**, Principal, LA County Office of Independent Review Group, nationally-recognized expert on law enforcement reform and accountability systems

Budget. The Los Angeles Police Department (LAPD) has an annual budget of roughly \$1.5 billion,<sup>1</sup> employs roughly 12,800 persons including about 9,900 sworn officers and 2,900 civilians,<sup>2</sup> and serves 4 million residents over about 500 square miles. There are 15 elected Councilmembers and three other elected officials including the Mayor, City Attorney, and City Controller. The Mayor is responsible for preparing an annual budget, which is then submitted to the City Council. The Mayor retains veto authority.<sup>3</sup>

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<sup>1</sup> <http://cao.lacity.org/budget/summary/2016-17BudgetSummaryBooklet.pdf>

<sup>2</sup> <http://assets.lapdonline.org/assets/pdf/PR91%20DP14.pdf>

<sup>3</sup> [http://www.lvwlosangeles.org/files/Structure\\_of\\_a\\_City.pdf](http://www.lvwlosangeles.org/files/Structure_of_a_City.pdf)

Inspector General. The Inspector General of LA (IG) was created by City Charter after the Rodney King incident, originally to review and monitor discipline systems within LAPD. The IG reviews investigations specific to officer-involved shootings and significant uses of force, reviews complaint investigations of police officer misconduct, and conducts its own performance-related audits; the IG can look at anything within LAPD, including internal or criminal investigations. The IG is appointed by and reports to the LA Board of Police Commissioners (LAPC). The IG has 35 staff.

LA Board of Police Commissioners. LAPC is a charter-created 5-member civilian volunteer board appointed by the Mayor and confirmed by the Council. It sets LAPD policy and adjudicates categorical (i.e., serious) uses of force. Traditionally it experiences turnover of four out of five of its members with each incoming Mayor; resignation letters are tendered at the time of appointment. The Commission is led by a President and is staffed by a long-standing Executive Director. The Executive Director does the onboarding of new commissioners and is the primary source of institutional knowledge. With the Commission heavily reliant on its Executive Director, the Executive Director position holds a great deal of influence with no term limits. It was noted by LA that the LAPC is as good as the Commissioners that sit on it. LA truly appears to have a system whose success is heavily dependent on how good the individuals are who are appointed to oversee it.

Both the IG and Chief of Police report to the Board. LAPC appoints the LAPC Executive Director and the Inspector General. The LAPC submits names for Chief of Police to the Mayor, who is confirmed by the Council; and LAPC has termination power over the Chief (subject to exercise of Mayor or Council authority to stop LAPC action, which they have never done).

Observations. Some observations from the trip are noted below, with special thanks to the Community Police Commission for their shared perspectives. It is not an exhaustive list, but summarizes thematic takeaways of the visit based on conversations with some members of the delegation.

#### Independence

- Appointments and length of term can have significant effects on independence. Power dynamics favor those who are able to remain in office longer. Having LAPC commissioner terms that are in practice co-terminous with the Mayor lacks independence on its face.
- Historically, Council confirmation of the police accountability appointments has been a foregone conclusion, with “no” or abstention votes exceedingly rare. Thus, adding a Council confirmation process is not necessarily sufficient in and of itself to create checks and balances.

### Office Functions

- As with New York, multiple people emphasized the importance of being able to access data. The City Charter gives the IG full access to information.
- It was stated that interdependence of functions creates plausible deniability where every actor can point to another actor and make it hard to get things done. Thus, redundancies in the system to enhance oversight could be a double-edged sword.
- The IG can initiate an investigation for any reason. Any LAPC Commissioner can ask the IG to do a report if seconded by another Commissioner.
- There was disagreement over whether civilianization of investigators works well (“the jury is out”). It was noted that it is hard to get talented civilians when there is no room for advancement in the police department and pay is not as good when they don’t have benefits extended to them.

### Community interaction

- LA experiences a disconnect between some segments of the community and its oversight entities (IG and LAPC), while maintaining a reportedly good relationship with others. On the one hand this signals a need on the part of LA to address a large divide with some of its residents. On the other hand, it also highlights the challenge of engaging a diverse community with many voices, as Seattle has. The IG has two community engagement staff; the community members we spoke with were not familiar with them.
- The IG is housed at, and LAPC holds its public meetings at, LAPD headquarters. This was noted by several people as an impediment and deterrence to community access.
- Elements of successful oversight as itemized by the community members included the need for community to have a voice and opportunity for debate; the need for LAPC to be knowledgeable of the real community issues; and having an accessible location.

### Attachments

1. Police Accountability Framework CB 118907 PowerPoint, dated Feb. 22, 2017
2. Index of CB 118907 Code Subsections

cc: Kirstan Arestad, Central Staff Director  
Ketil Freeman, Supervising Analyst

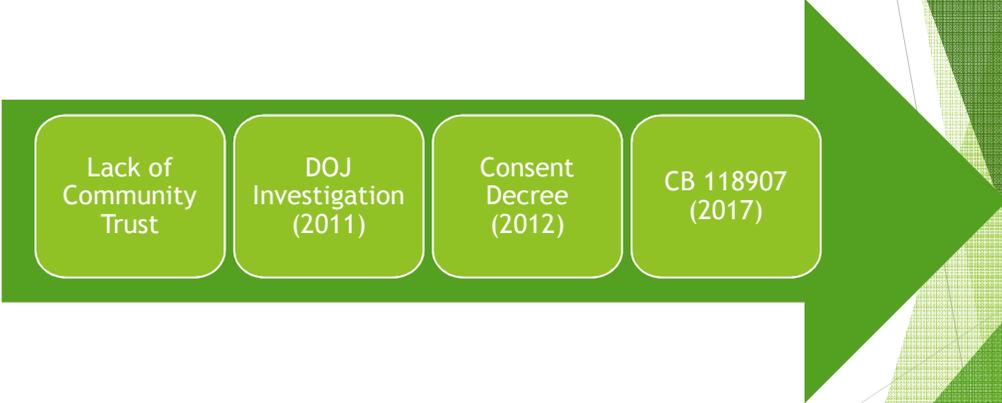
# Police Accountability CB 118907 Structural Framework

Amy Tsai  
Council Central Staff  
February 22, 2017, GESCNA Committee



SEATTLE CITY COUNCIL  
CENTRAL STAFF

## Building Public Trust in Police



Lack of Community Trust

DOJ Investigation (2011)

Consent Decree (2012)

CB 118907 (2017)

### 3.29.005 Purpose - Enhancing and sustaining effective civilian oversight

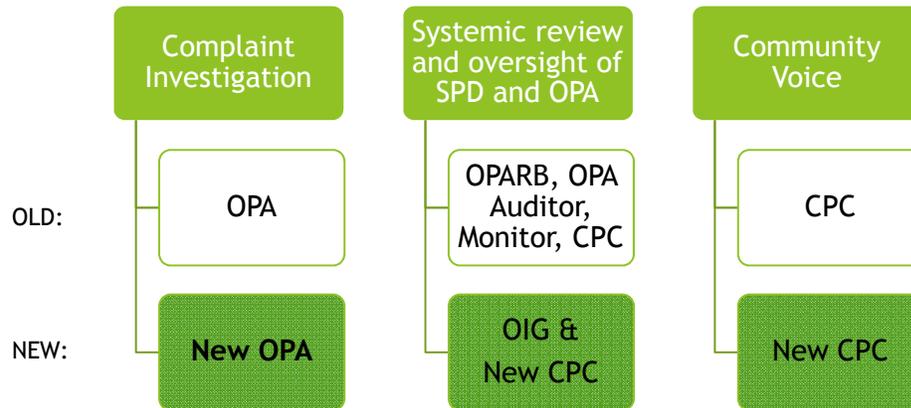
- ▶ Because the police are granted extraordinary power, and civilian oversight of police is critically important to **enhancing the trust, respect, and confidence of the community**, it is the City of Seattle's intent to ensure by law a **comprehensive, independent, and sustained approach to civilian oversight** of the Seattle Police Department (SPD). The purpose of this Chapter 3.29 is to provide the authority necessary for that oversight to be as effective as possible.

### 3.29.005 Purpose - Enhancing and sustaining effective civilian oversight

Civilian oversight of SPD shall be comprised of:

- ▶ an **Office of Police Accountability (OPA)** to handle complaints of misconduct,
- ▶ an **Office of Inspector General (OIG)** to provide systemic oversight of the management, practices, and policies of SPD and OPA, and
- ▶ a **Community Police Commission (CPC)** to provide community input to ensure that police services are delivered in a lawful and nondiscriminatory manner and are aligned with community values and expectations.

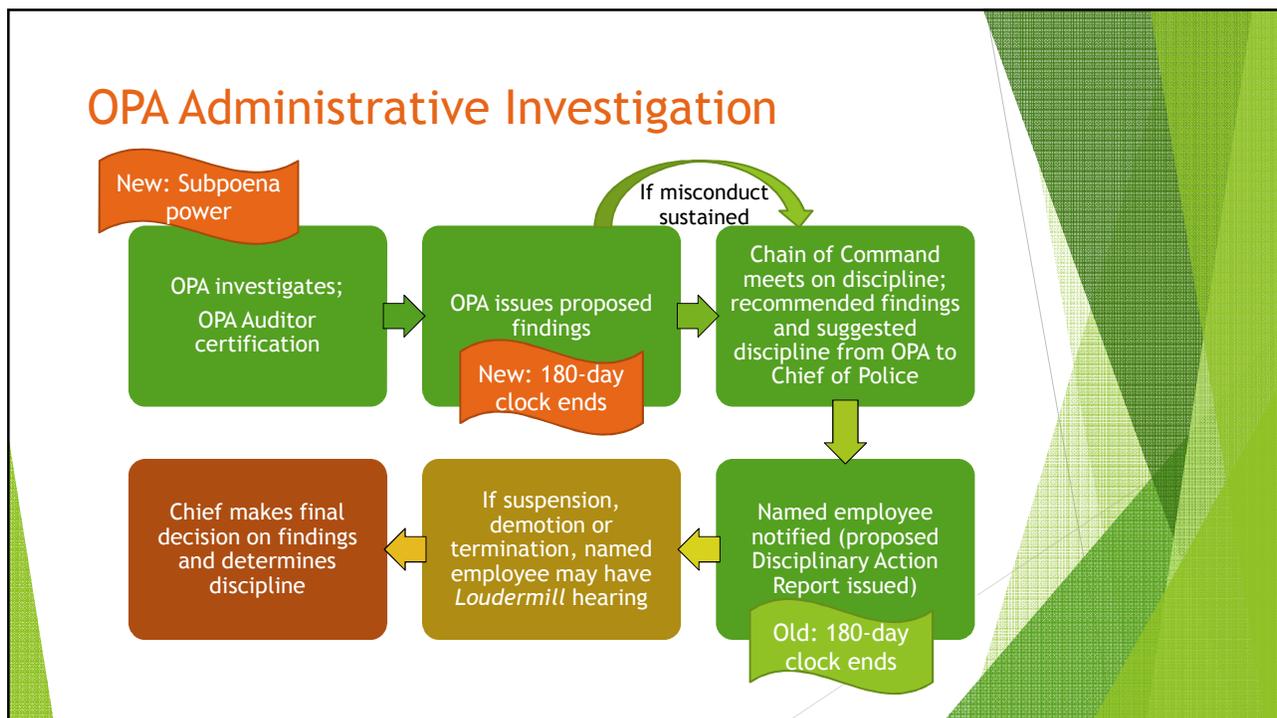
## Accountability Institution Roles - Now and looking forward



### 3.29.005 Purpose - Enhancing and sustaining effective civilian oversight

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### 3.29.005 Purpose - Enhancing and sustaining effective civilian oversight

- ▶ an **Office of Inspector General (OIG)** to provide systemic oversight of the management, practices, and policies of SPD and OPA

### Office of Inspector General Functions: Auditing and Systemic Review of OPA & SPD

- ▶ Review classifications and other referrals
- ▶ Review and certify misconduct cases as complete (thorough, timely, and objective)



- ▶ Conduct audits of OPA and SPD
- ▶ Issue recommendations on systemic problems identified in audits and incident review

### 3.29.005 Purpose - Enhancing and sustaining effective civilian oversight

- ▶ a **Community Police Commission (CPC)** to provide community input to ensure that police services are delivered in a lawful and nondiscriminatory manner and are aligned with community values and expectations.

### Community Police Commission Functions: Community Voice and Systemic/Policy Review

- ▶ **Community Voice**
  - ▶ Community engagement by CPC
  - ▶ Review community engagement of SPD
  - ▶ Assist entities with communications and outreach
- ▶ **Systemic Review**
  - ▶ Continued responsibilities under consent decree
  - ▶ Review and provide input on SPD policies
  - ▶ Provide systemic recommendations
  - ▶ Monitor implementation of OPA, OIG and CPC recommendations

## Themes

- ▶ Roles and Relationships between the Entities
  - ▶ Duties, Powers - Recommendations and Reporting
  - ▶ CPC Membership - Qualifications, Residency
- ▶ Independence
  - ▶ Appointments & Removal (OPA, OIG, CPC, CPC ED)
  - ▶ Terms
  - ▶ Budget
- ▶ System Improvements
  - ▶ Staffing (Civilianization)
  - ▶ Investigations (Timelines, Standard of proof)
  - ▶ Disciplinary, appeal and grievance processes



## LA Study Mission

February 9 & 10, 2017

## Attachment 2

**Detailed Index for CB 118907 Accountability Legislation**

*This table is for indexing purposes and is not intended to be a comprehensive summary of content. Page numbers refer to the ordinance-formatted document in **Legistar** that has line numbers.*

OPA = Office of Police Accountability; OIG/IG = Office of Inspector General; CPC = Community Police Commission; COP = Chief of Police; CBA = Collective Bargaining Agreement

Pg	Ord§	SMC §	Content	Notes
1	1		Repeals 3.28.805 – OPA definitions	
1	2		Repeals 3.28.815 – OPA Deputy Director – sworn Captain appointed by Chief of Police with recommendation of OPA Director	
1-2	3		Repeals 3.28.820 – OPA procedures manual	
2-3	4		Repeals 3.28.910 – OPA Review Board responsibility	
3-4	5		Repeals 3.28.920 – OPARB access to files and confidentiality	
4-5	6	3.29.005	Purpose	
5-7	6	3.29.007	Definitions	
<b>7</b>	<b>7</b>		<b>Subchapter I – Office of Police Accountability</b>	
7-9	8	3.29.010	<b>OPA established – Purpose and authority</b> <ul style="list-style-type: none"> <li>• Separate and independent City office</li> </ul>	
8		3.29.010.A	<ul style="list-style-type: none"> <li>• Civilian Director</li> <li>• Civilian Deputy Director</li> </ul>	
8		3.29.010.B.	<ul style="list-style-type: none"> <li>• Investigate complaints of misconduct fairly</li> </ul>	
8		3.29.010.C.	<ul style="list-style-type: none"> <li>• Authority to receive and initiate complaints of misconduct or policy violations against SPD employees, and resolve through investigation, Supervisor Action referral, mediation, Rapid Adjudication, other ADRs, Management Action findings, training referrals</li> </ul>	OPA ROLE
8		3.29.010.D.	<ul style="list-style-type: none"> <li>• Apply equally to all ranks</li> </ul>	
8		3.29.010.E.	<ul style="list-style-type: none"> <li>• Coordinate with external criminal investigations</li> </ul>	
9		3.29.010.F.	<ul style="list-style-type: none"> <li>• Authority to observe and review all administrative investigation processes</li> </ul>	
9		3.29.010.G.	<ul style="list-style-type: none"> <li>• Support SPD supervisors on minor policy violations, and employ civilian staff to help.</li> </ul>	
9		3.29.010.H	<ul style="list-style-type: none"> <li>• Prioritize investigation of allegations that concern public trust over minor issues</li> </ul>	
9		3.29.010.I	<ul style="list-style-type: none"> <li>• Input to <b>OIG</b> on systemic issues OPA sees</li> </ul>	
9		3.29.010.J.	<ul style="list-style-type: none"> <li>• Publicly release OPA case info promptly</li> </ul>	
9		3.29.010.K.	<ul style="list-style-type: none"> <li>• Role (with SPD and <b>OIG</b>) in developing SPD in-service training</li> </ul>	
10	9	3.29.015	OPA – Independence	

Pg	Ord§	SMC §	Content	Notes
10		3.29.015.A.	<ul style="list-style-type: none"> <li>Physically separate but organizationally within SPD to access data (<i>reconcile with 3.29.010</i>)</li> </ul>	PHYSICAL SEPARATION
10		3.29.015.B.	<ul style="list-style-type: none"> <li>Hires all civilian staff; supervises sworn staff assigned to OPA</li> </ul>	
10		3.29.015.C.	<ul style="list-style-type: none"> <li>Noninterference clause</li> </ul>	NONINTERFERENCE
10		3.29.015.D.	<ul style="list-style-type: none"> <li>Separate, sufficient budget</li> </ul>	BUDGET
10		3.29.015.E.	<ul style="list-style-type: none"> <li>Only OPA Director can comment publicly on ongoing OPA investigation</li> </ul>	
11	10	3.29.020	OPA – Director	
12-15	10	3.29.020.A.	OPA Duties	
12		3.29.020.A.	Duties (highlights): <ol style="list-style-type: none"> <li>1-3. Manage OPA, hire</li> <li>4. Update OPA manual annually (input by <b>OIG</b> and <b>CPC</b>)</li> <li>5. Make and maintain fair mediation and rapid adjudication processes (consult with <b>CPC</b> and <b>OIG</b>)</li> </ol>	
13		“	<ol style="list-style-type: none"> <li>6. Direct investigations using best practices</li> <li>7. Classify complaints, Address additional investigative work requested or directed by <b>OIG</b>, Certify and recommend findings to Chief of Police (COP), Advise COP on discipline upon request, Advise COP and City Atty on disciplinary appeals upon request</li> </ol>	OPA ROLE: Investigation, classification, recommend findings
13		“	<ol style="list-style-type: none"> <li>8. Approve investigation plans prior to investigations,</li> <li>9. Comply with deadlines</li> <li>10. Work with <b>OIG</b> and SPD to make disciplinary processes fair and Report to public on concerns with disciplinary processes</li> <li>11. Report to public on OPA recommendations on complaint, investigation and lawsuit patterns and trends, working with <b>OIG</b>, SPD and City Atty</li> </ol>	
14		“	<ol style="list-style-type: none"> <li>12. Respond to serious use of force scenes, Sec. 3.29.025</li> <li>13. Keep parties frequently apprised of investigation status</li> <li>14. Train OPA investigators and supervisors</li> <li>15. Consult with <b>CPC</b> for diversity and understandability of OPA info materials</li> </ol>	

Pg	Ord§	SMC §	Content	Notes
			<p>16. Stay in touch with community concerns with <b>CPC</b>'s help</p> <p>17. Facilitate accessibility using complaint navigators or other approaches</p> <p>18. Meet with <b>CPC</b> on significant issues per 3.29.225</p>	
15		"	19. Advise Mayor, City Attorney, Council, COP, <b>OIG, and CPC</b> on changes to policies and practices, CBA, and laws for systemic improvements.	
15		"	<p>20. Provide technical assistance to <b>CPC</b></p> <p>21. Collaborate with <b>COP and OIG</b> to strengthen supervisor involvement in accountability</p>	
15-16	10	3.29.020.B.	OPA Qualifications (law enforcement knowledge)	
16-19	10	3.29.020.C.	OPA Appointment and removal	
16		"	1. Appointed and reappointed by Mayor. CPC co-chaired search committee provides 3 names. Confirmed by majority of Council.	MAYOR APPOINTS from 3 NAMES, COUNCIL CONFIRMS
16		"	2. Reappointment for up to three 4-year terms, with details about how to handle the first director appointment.	OPA TERMS
17		"	<p>3. Details for a seamless transition for vacancies – if Mayor fails to fill a vacancy, a 3-member Special Committee of the Council assigned by the Council President will appoint, confirmed by majority of Council.</p> <p>4. Interim OPA director designated by Mayor in 10 days or else Council President designates.</p>	INTERIM APPOINTMENTS
18		"	<p>5. Mayor may remove only for cause, confirmed by majority of Council. OPA Director may request a hearing and be represented by publicly-funded counsel. Council makes de novo determination.</p> <p>6. SDHR does background check through an outside law enforcement agency.</p>	FOR CAUSE REMOVAL WITH HEARING
19-21	11	3.29.025	OPA – Classifications and investigations	
19		3.29.025.A.	Allegations of unnecessary or excessive force, biased policing, and violations of law may not be classified as Supervisor Action.	

Pg	Ord§	SMC §	Content	Notes
19		3.29.025.B.	<ul style="list-style-type: none"> <li>All SPD employees must timely participate in an OPA investigation; failure to do so may result in termination.</li> <li>Complainants may be anonymous and may request an in-person interview.</li> <li>All SPD interviews are in-person except for exigent circumstances.</li> <li>All interviews are audio-recorded and transcribed except rapid adjudication.</li> </ul>	
19		3.29.025.C.	OPA shall have access to incident scenes and any investigation interviews or meetings.	
20		3.29.025.D.	Subpoena power	SUBPOENA
20		3.29.025.E.	Details OPA investigation plan content. OPA Director documents any deprioritization of investigations due to resource constraints.	
20		3.29.025.F.	For Sustained findings, OPA Director can recommend that COP meet with the complainant to understand the concern prior to the Chief's final findings and disciplinary decisions.	
21		3.29.025.G.	Establish a protocol for referring classification and complaint handling to <b>OIG</b> for any OPA conflicts of interest, 3.29.110.A.14.	OIG ROLE
21-24	12	3.29.026	OPA – Classification and investigation timelines	
21		3.29.026.A.	OPA has 30 days to notify named employee of a complaint.	
21		3.29.026.B.	OPA has 180 days to investigate. Clock begins when OPA initiates a complaint, a complaint is filed, or complaint should have been referred by an SPD employee or SPD administrative investigation unit. Clock ends on the date OPA Director issues proposed findings.	180 CLOCK
21-22		3.29.026.C.	SPD employees and administrative investigation units must timely refer possible misconduct or policy violations to OPA. Failure to timely refer is misconduct; OPA must investigate if it results in failure to meet the 180-day deadline.	
22		3.29.026.D.	180 tolling: Named or witness interview delays caused by the interviewee or labor representative.	
22		3.29.026.E.	180 tolling: 60 days if OPA Director position becomes vacant due to unforeseen exigent circumstances.	
22		3.29.026.F.	180 tolling: Pauses due to a criminal investigation until any administrative investigation step is next taken by OPA.	

Pg	Ord§	SMC §	Content	Notes
23		3.29.026.G.	OPA will give any investigations for OIG review/certification in a timely manner to allow time for any additional investigation.	
23		3.29.026.H.	Failure by a named employee to disclose a witness or evidence will foreclose it from being raised later in a due process hearing, grievance or appeal.	
23		3.29.026.I.	180 tolling: 60 days if additional investigation is needed due to new information in an interview, due process hearing, or OIG direction.	
24-26	13	3.29.027	OPA – Explanations of certain complaint dispositions	
24		3.29.027.A.	Disagreements between COP and OPA Director on OPA Director recommended findings: COP and OPA Director meet after the employee due process meeting with OIG present.	
24		3.29.027.B. & D.	COP doesn't follow OPA Director recommendations on findings: COP provides reason publicly in writing without naming employee.	
25		3.29.027.C. & D.	No discipline due to exceeding investigation time limit: OPA Director provides reason publicly in writing without naming employee.	
25-26		3.29.027.E.	The public reports will be included in the OPA Director's reports 3.29.030.	
26		3.29.027.F.	Material dishonesty is judged by the same (preponderance of the evidence) standard as any other misconduct allegation – termination is the presumed discipline for material dishonesty.	PROVING MATERIAL DISHONESTY BY PREPONDERANCE
26-27	14	3.29.028	OPA – Staffing	CIVILIANIZATION
26		3.29.028.A.	OPA director and deputy shall be civilians, with all investigative supervisors civilians within 18 months of this ordinance becoming effective	
26		3.29.028.B.	All OPA staff handling minor violations and public access shall be civilians	
26		3.29.028.C.	Within 12 months, intake and investigator personnel shall be entirely civilian or a mix of civilian and sworn.	
26		3.29.028.D.	No civilian staff shall be required to have sworn experience.	
27		3.29.028.E.	OPA Director and COP shall collaborate in rotating sworn staff into and out of OPA	
27		3.29.028.F.	OIG will evaluate the appropriate level of civilianization of intake and investigator personnel, 3.29.110.	
27		3.29.028.G.	Staff training requirements	

Pg	Ord§	SMC §	Content	Notes
27-31	15	3.29.030	OPA – Reporting	
27		3.29.030.A.	OPA will get CPC’s help to make reports understandable.	
27		3.29.030.B.	OPA will maintain a web site.	
28		3.29.030.C.	OPA shall electronically post monthly summaries of completed investigations, including allegations, analysis and findings, noting any appeals.	
28		3.29.030.D.	OPA shall post and copy to OIG and CPC copies of Management Action recommendations and outcomes of those recommendations.	
28		3.29.030.E.	Report quarterly to Mayor, City Council, OIG, CPC on SPD implementation of, or response to, OPA recommendations for policy and practice improvements.	
28		3.29.030.F.	6-month status reports to OIG of all OPA cases referred for possible or open criminal investigations in past 6 months.	
29		3.29.030.G.	Report to complainants and public on outcome of appeals or grievances that modify final findings and discipline determinations.	
29		3.29.030.H.	Annual report including systemic recommendations and implementation status of dept recommendations.	ANNUAL REPORT
29-31		3.29.030.I.	(#1-12.) Annual report content: complaint statistics, demographics, repeat offenders, patterns, and evaluation of effectiveness of OPA and SPD processes.	
31		3.29.030.J.	Provide information needed by OIG and CPC.	
31-32	16	3.29.035	OPA – Meetings	
31		3.29.035.A.	Meet with CPC at least 4 times per year	
32		3.29.035.B.	Meet periodically with Mayor, City Attorney, City Council and COP to recommend systemic improvements	
32-33	17	3.29.040	OPA – Confidentiality of files and records	
<b>33</b>	<b>18</b>	<b>Subchapter II – Office of Inspector General</b>		
33-34	19	3.29.100	Civilian OIG established – Purpose and authority	
33		3.29.100.A.-C	<ul style="list-style-type: none"> <li>To provide oversight of SPD and OPA, including professional review of OPA investigations</li> </ul>	OIG ROLE
34		3.29.100.D.	<ul style="list-style-type: none"> <li>3p review of misconduct complaint handling and investigations, timeliness, etc.</li> </ul>	
34		3.29.100.E.	<ul style="list-style-type: none"> <li>Sustaining consent decree goals</li> </ul>	

Pg	Ord§	SMC §	Content	Notes
34		3.29.100.F.	<ul style="list-style-type: none"> <li>Oversee and audit SPD processes and operations</li> </ul>	
34		3.29.100.G.	<ul style="list-style-type: none"> <li>Look at other jurisdictions and recommend system process improvements</li> </ul>	
34		3.29.100.H.	<ul style="list-style-type: none"> <li>Review and audit other departments on policing and criminal justice matters</li> </ul>	
34-35	20	3.29.105	OIG - Independence	
34		3.29.105.A.	Noninterference clause	NONINTERFERENCE
35		3.29.105.B.	IG authority over all OIG staff	
35		3.29.105.C.	Separate, sufficient budget	BUDGET
35		3.29.105.D.	Full direct access to all records and data except as prohibited by law; Authority to observe reviews, meetings, trainings	DATA ACCESS
35-44	21	3.29.110.A.	OIG – Inspector General <ul style="list-style-type: none"> <li>Duties</li> </ul>	
38		“	1. Hire, supervise, discharge OIG staff 2. Conduct risk mgt reviews and audits of SPD, OPA, CJ system operations	
38-40		“ a.-o.	3. Police operations audits, including listed examples	
40-41		“	4. Review SPD handling of serious incidents or other issues a. Full access to scenes b. May attend administrative investigation unit interviews and meetings c. May identify areas of concern	
41		“	5. Issue recommendations on systemic problems identified in OIG’s audits and reviews of specific incidents.	
41		“	6. Review OPA and SPD handling of misconduct allegations.	
41		“	7. Semi-annual review: OPA cases not investigated	
42		“	8. Collaborate with <b>COP and OPA</b> to strengthen supervisor involvement in accountability	
42		“	9. Work with <b>OPA</b> and SPD to make disciplinary processes fair and Report to public on concerns with disciplinary processes 10. Consult on OPA manual	
42		“	11. Handle conflicted complaints involving <b>OPA</b> staff	
42		“	12. Subpoena power	SUBPOENA

Pg	Ord§	SMC §	Content	Notes
42		“	13. Police intelligent auditor functions of Chapter 14.12	POLICE INTELLIGENCE AUDITOR
42		“	14. In first year study OPA’s civilian/sworn mix and periodically thereafter	
43		“	15. Advise Mayor, City Attorney, Council, COP, <b>OPA, and CPC</b> on changes to policies and practices, CBA, and laws for systemic improvements.	
43		“	16. Technical assistance to CPC on request	
43		“	17. Maintain anonymous hotline	
43		“	18. Get CPC’s help to make OIG info materials understandable for diverse populations.	
43		“	19. Support from CPC on community outreach	
43-44		“	20. Independently set OIG work plan but add areas identified by CPC	
44	22	3.29.111	OIG – Review of OPA classifications	
44		“	Quarterly random audit of classifications	
44		3.29.111.A.	<ul style="list-style-type: none"> <li>Recommend fixes to OPA and publicly report results</li> </ul>	
44		3.29.111.B.	<ul style="list-style-type: none"> <li>May require review of every classification until satisfied that quarterly audits are sufficient</li> </ul>	
45-47	23	3.29.112	OIG – Review of OPA investigations	
45		3.29.112.A.	<p>OIG shall review certain OPA investigations prior to certification:</p> <ol style="list-style-type: none"> <li>All investigations of violations of law, honesty, use of force, use of force reporting, bias-free policing, integrity, ethics, etc.</li> <li>Discretion to direct that any other investigation be submitted for review and certification, too.</li> </ol>	
45			<ol style="list-style-type: none"> <li>Except for Type III force, OIG can choose to review every investigation of a certain type or conduct random investigation audits.</li> </ol>	
46		3.29.112.B.	Complete review in a timely manner for OPA and OIG to meet contractual deadlines.	
46		3.29.112.C.-D.	Certify OPA investigations as complete then OPA may issue proposed findings, or direct further investigation.	
46		3.29.112.E.	If COP requests additional investigation after a due process hearing, go through OIG certification again.	

Pg	Ord§	SMC §	Content	Notes
46-47		3.29.112.F.	OIG certifications: Thorough, Not thorough with no need for additional investigation, nor Not thorough with need for additional investigation. <ol style="list-style-type: none"> <li>1. After additional investigation, OIG recertifies.</li> <li>2. Lists criteria for OIG review of investigations</li> </ol>	
47		3.29.112.G.	OIG has 10 days to request additional investigation by OPA	
47		3.29.112.H.	COP may take OIG's noncertification into account in making a final findings determination.	
48-50	24	3.29.113	OIG – Qualifications	
48		“	IG shall have: <ul style="list-style-type: none"> <li>• Civilian</li> <li>• Background in criminal, civil rights, labor law, governmental investigations, and/or management of govt auditing</li> <li>• Not required to have law enforcement experience</li> </ul>	
49-50		3.29.113.A-G.	IG should have: <ul style="list-style-type: none"> <li>• Knowledge of responsibilities of law enforcement</li> <li>• Ability to communicate effectively with the public and relevant City employees</li> <li>• Experience working with diverse groups</li> <li>• Exercise independence in an environment where controversy is common</li> </ul>	
50-53	25	3.29.114	OIG – Appointment and removal	
50		3.29.114.A.	<ul style="list-style-type: none"> <li>• Appointed and reappointed by 3-member Special Committee of Council from 3 search committee finalists</li> <li>• CPC is a co-chair on the search committee</li> <li>• Confirmed by majority of Council</li> </ul>	OIG COUNCIL APPOINTMENT
50-51		3.29.114.B.	<ul style="list-style-type: none"> <li>• Up to two 6-year terms</li> <li>• Commence in different year than OPA Director</li> <li>• July 1 term start date, with details of how to handle the first IG's term</li> </ul>	OIG TERMS
51		3.29.114.C.	<ul style="list-style-type: none"> <li>• Start searches 45 days before end of term for a seamless transition. If Council Special Committee hasn't acted within 90 days of an expired term or vacancy, Mayor will appoint, confirmed by majority of Council</li> </ul>	VACANCIES

Pg	Ord§	SMC §	Content	Notes
51		3.29.114.D.	<ul style="list-style-type: none"> <li>• Within 10 days of a vacancy, Council President designates an interim IG or else Mayor designates</li> </ul>	
52-53		3.29.114.E.	<ol style="list-style-type: none"> <li>1. Removal for cause started by majority vote of Council</li> <li>2. IG may request hearing within 30-60 days; IG may be represented by publicly-funded counsel</li> <li>3. Council reviews and votes within 30 days</li> <li>4. Two-thirds Council vote needed for removal</li> </ol>	FOR CAUSE REMOVAL
53		3.29.114.F.	SDHR does background check through an outside law enforcement agency.	
53-56	26	3.29.115	OIG – Reporting	
53		3.29.115.A.	OIG maintains a web site	
53		3.29.115.B.	Quarterly report to Mayor, Council, and CPC on response to OIG recommendations for policy and practice improvements	
53-55		3.29.115.C. & D.	<p>Timely publishing of OIG audits and studies; Annual report content:</p> <ul style="list-style-type: none"> <li>• Results of reviews, audits</li> <li>• Patterns</li> <li>• Policy and practice recommendations made and status of any previous OIG policy or practice recommendations.</li> <li>• Description of complaints and cases reviewed</li> <li>• Etc.</li> </ul>	
56		3.29.115.E.	COP, OPA, and other appropriate depts shall review draft reports within 10 days	
56		3.29.115.F.	Make reports understandable	
56		3.29.115.G.	Post reports online and distribute electronically	
56-57	27	3.29.120	OIG – Meetings	
56		3.29.120	Meet with CPC at least 4 times per year	
57		3.29.120.A.	Meet periodically with Mayor, City Attorney, Council and COP to advise on OPA and SPD performance and recommendations to improve policies and practices	
57-58	28	3.29.125	OIG – Files and records – protect confidentiality	
<b>58</b>	<b>29</b>	<b>Subchapter III – Community Police Commission</b>		
58-59	30	3.29.200	CPC established – Purpose and authority	

Pg	Ord§	SMC §	Content	Notes
58		3.29.200.A.	<ul style="list-style-type: none"> <li>Provide meaningful public oversight of SPD in keeping with community values and expectations</li> <li>Instill public trust in SPD</li> </ul>	
59		3.29.200.B.	<ul style="list-style-type: none"> <li>CPC consent decree responsibilities are subsumed and broadened</li> </ul>	
59	31	3.29.205	Office of the CPC – Established	
59		3.29.205	<ul style="list-style-type: none"> <li>Administer and manage the functions of CPC</li> </ul>	
60-62	32	3.29.206	Office of the CPC – Executive Director	
60		3.29.206.A.	Term of current ED expires 12/31/18; may be reappointed	
60-61		3.29.206.B.	<ol style="list-style-type: none"> <li>ED appointed by Mayor as exempt position; 4 year term</li> <li>Confirmed by Council for initial appointment, not reappointments</li> <li>How to count the term start date</li> <li>Aim to appoint 60 days before expiration of term to have seamless transition</li> <li>Mayor designates interim ED for vacancies</li> </ol>	CPC ED MAYORAL APPOINTMENT
61		3.29.206.C.	Mayor may remove for cause, confirmed by majority vote of Council	FOR CAUSE REMOVAL
61-62		3.29.206.D.	ED duties <ol style="list-style-type: none"> <li>Manage the functions of the office</li> <li>Hire, supervise and fire CPC employees</li> <li>Prepare proposed budget</li> <li>Executive agreements and grants</li> <li>Represent CPC, provide testimony and expertise together with Commissioners</li> </ol>	
62-63	33	3.29.210	CPC – Independence	
62		3.29.210.A.	<ul style="list-style-type: none"> <li>CPC is self-governing and functionally independent</li> <li>CPC may adopt bylaws</li> <li>ED submits an annual budget separate from Mayor’s budget</li> </ul>	BUDGET
62		3.29.210.B.	Ed hires, supervises, and fires CPC employees	
62		3.29.210.C.	Noninterference clause	NONINTERFERENCE
63		3.29.210.D.	CPC may request and shall timely receive public records from City depts without having to make a public records request	
63	34	3.29.215	CPC – Commission	
63-67	34	3.29.215.A.	CPC Duties	

Pg	Ord§	SMC §	Content	Notes
63		“	1. Review and provide input to OPA, OIG, SPD, Mayor, Council and City Attorney on police accountability system and SPD policies and practices, which may include those recommended by OPA, OIG, or SPD	
64		“	2. Review OPA manual revisions	
64		“	3. Community outreach, including maintaining connections with disenfranchised communities and SPD demographic and precinct advisory councils, and provide community feedback to OPA and OIG	
64		“	4. Monitor and report on implementations of OPA, OIG, and CPC recommendations, including monitoring, tracking and reporting on budget, state legislative agenda, CBAs	
64		“	5. Review and provide input on SPD recruiting, hiring and promotional practices	
64		“	6. Meet with OPA and OIG at least four times per year to review SPD effectiveness and OPA or OIG obstacles	
65		“	7. Review OPA and OIG reports and recommendations	
65		“	8. Serve as co-chair on OPA and OIG search committees	
65		“	9. Advise Mayor, City Attorney, Council, COP, <b>OIG, and OPA</b> on changes to policies and practices, CBA, and laws for systemic improvements.	
65		“	10. Advocate for state law reforms	
65		“	11. Convene annual meeting	
66		“	12. Serve as advisory body to OPA and OIG recommending improvements, including ways to make the system more accessible and transparent to the public	
66		“	13. Provide consultation to OPA and OIG on informational materials and web sites	
66		“	14. Collaborate with SPD, OPA and City Attorney in improving system transparency, SPD public disclosure procedures, and timely online postings by OPA of investigation statuses and outcomes	
66		“	15. Annually review OIG work plan and identify areas for OIG investigation and evaluation	

Pg	Ord§	SMC §	Content	Notes
66		“	16. Review closed cases for systemic improvements	
66		“	17. Convene stakeholders to assess need for a complainant appeal process and make recommendations, and periodically review the process if implemented	
67		“	18. Prioritize consent decree duties until consent decree ends	
67-70	34	3.29.215.B.	CPC Qualifications	
67		“	1. At least two Washington lawyers in good standing with significant experience in public defense and civil liberties law;	
67		“	Reside or work in Seattle;	
67		“	2. Collectively, have deep understanding of community needs and extensive subject matter expertise in law enforcement oversight, human rights, civil rights and civil liberties, and cultural competency	
67		“	3. Representative of Seattle’s diverse socio-economic, racial/ethnic, immigrant/refugee, African-American, LGBTQ, youth, faith, business; limited-English speakers, homeless, mentally-ill, substance abuse disorders, and other Seattle communities	
68		“	4. Individual expertise in law enforcement, police accountability, human resources, community engagement, organizational change, constitutional, criminal or labor law, social justice, training, or other disciplines important to CPC’s work	
68-69		“a.-g.	5. Community leadership, effective community and dept communicator, experience with ethnic and socio-economic diversity	
70-73	34	3.29.215.C.	CPC Appointment, removal, and compensation	
70		“	1. 15 commissioners: 5 Mayor, 5 Council, 5 CPC appointed CPC’s 5 include the public defense and civil liberties law representatives; (All confirmed by majority of Council)	APPOINTMENT
70-72		“	2-3. How existing commissioners continue in office	

Pg	Ord§	SMC §	Content	Notes
			<ul style="list-style-type: none"> <li>a. Submit written request to continue</li> <li>b. Random lottery for whether they represent the Mayor, Council, or CPC picks, which also governs their reappointment</li> <li>c. Staggering of terms is also based on lottery</li> <li>d. Continuing commissioners can serve one additional 3-year term</li> </ul>	
72		“	<ul style="list-style-type: none"> <li>4. Appointing authorities confer with each other; 4 of each set of 5 appointees must live in Seattle; All are confirmed by majority of Council</li> </ul>	
73		“	<ul style="list-style-type: none"> <li>5. Three 3-year terms</li> </ul>	TERMS
73		“	<ul style="list-style-type: none"> <li>6. Attempt to fill vacancies 45 days before end of term for seamless transition</li> </ul>	
73		“	<ul style="list-style-type: none"> <li>7. Removal for cause; CPC appointees require 3/4 vote of CPC; All removals confirmed by majority of Council</li> <li>8. Compensation as provided by ordinance</li> </ul>	FOR CAUSE REMOVAL
74	35	3.29.220	CPC – Reporting	
74		3.29.220.A.	<p>Annual report posted online, distributed electronically to Mayor, City Attorney, Council, COP, OPA, OIG, and Clerk:</p> <ul style="list-style-type: none"> <li>1. Extent to which duties were met</li> <li>2. Extent to which prior recommendations have been implemented</li> <li>3. Any new CPC recommendations</li> <li>4. Public outreach perspectives gathered</li> </ul>	
74-75	36	3.29.225	CPC – Meetings	
74		3.29.225.A.	Meet with OPA and OIG at least four times per year	
75		3.29.225.B.	Meet periodically with Mayor, City Attorney, Council and COP to advise on OPA and SPD performance and recommendations to improve policies and practices	
75		3.29.225.C.	Monthly public meetings and form subcommittees as necessary	
<b>75</b>	<b>37</b>		<b>Subchapter IV – Mechanisms to Support Accountability</b>	
75-76	37	3.29.300	Reporting of potential misconduct and police accountability issues	

Pg	Ord§	SMC §	Content	Notes
75		3.29.300.A.	SPD shall have policies requiring all potential misconduct or policy violations are documented and forwarded to OPA in a timely manner	
75		3.29.300.B.	COP approves any board or process created to review performance; SPD administrative investigation units shall not determine misconduct or recommend discipline	
75		3.29.300.C.	SPD follow-through on supervisor actions shall be timely and substantive.	
76		3.29.300.D.	SPD and OPA shall establish an effective referral to OPA by others in criminal justice system who believe officers may have acted dishonestly or without integrity.	
76		3.29.300.E.	Duty of SPD, OPA, City Attorney, CPC and other City entities to timely report deficiencies to OIG	
76		3.29.300.F.	City Attorney shall advise OPA and COP of any policy or procedure issues seen during litigation, grievances or disciplinary appeals.	
76		3.29.300.G.	SDHR investigates discrimination, harassment, retaliation or EEO violations by OPA, OIG, or Office of CPC.	
76-79	37	3.29.305	Continuous improvement	
76-77		3.29.305.A.	SPD duty to respond to any OPA, OIG, or CPC recommendations with a plan for implementation, regular written progress reports, and any recommendations not accepted; OPA and OIG report quarterly to CPC on SPD's response to their recommendations.	
77		3.29.305.B.	OPA duty to respond to OIG or CPC recommendations with a plan for implementation, regular written progress reports, and any recommendations not accepted; OIG reports quarterly to CPC on OPA's response to OIG's recommendations.	
77		3.29.305.C.	SPD shall schedule regular and timely SPD policy reviews.	
78		3.29.305.D.	SPD shall self-audit.	
78		3.29.305.E.	SPD and OIG shall track and report on mentoring and early intervention system	
78		3.29.305.F.	Council shall establish regular schedule for review of OPA, SPD and City implementation of recommendations	
78		3.29.305.G.	Mayor shall identify with the annual budget transmittal which recommendations requiring funding were not proposed for funding.	

Pg	Ord§	SMC §	Content	Notes
78		3.29.305.H.	Mayor shall identify with the proposed state legislative agenda which recommendations are not included.	
78-79		3.29.305.I.	OIR shall consult with OPA, OIG and CPC during development of the City's state legislative agenda.	
79		3.29.305.J.	Biannually the City Attorney shall provide OPA and OIG with status reports on all appeals of OPA findings or discipline.	
79-81	37	3.29.310	Disciplinary, grievance, and appeals policies and processes	
79		3.29.310.A.	1. SPD transparent tracking of disciplinary determinations and patterns to OPA, OIG, and the public	
79		"	2. Set and enforceable timeframes for named employees to be notified by SPD of proposed findings and discipline, to request due process hearing, for COP to issue final findings and disciplinary decision, and appeal	
79		"	3. SPD shall implement discipline when imposed not after conclusion of appeal.	
80		"	4. COP has authority to place SPD employee on leave without pay prior to completion of OPA investigation for felony or gross misdemeanor charges.	Leave without pay
80		"	5. No disciplinary action if misconduct complaint was made more than 3 years after the incident, except for allegations of criminal conduct or concealed acts of misconduct.	Statute of limitations
80		"	6. Disciplinary Review Board is abolished.	NO DRB BOARD
80		"	7. Public Safety Civil Service Commission <ul style="list-style-type: none"> <li>a. For all disciplinary appeals brought by employee with notice of appeal within 10 days of COP's final disciplinary determination</li> <li>b. All three will be non-City employees, with two appointed by the Mayor and one by Council</li> <li>c. Up to three 3-year staggered terms</li> <li>d. PSCSC can delegate to hearing examiner</li> <li>e. All hearings open to complainants and public</li> </ul>	PSCSC FOR EMPLOYEE APPEALS

Pg	Ord§	SMC §	Content	Notes
81		“	8. Hearing examiner - for all union CBA disciplinary challenges	HEARING EXAMINER FOR UNION APPEALS
81		“	9. No use of accrued time for compensation during an unpaid suspension.	
81		“	10. Non-disciplinary challenges handled through CBA grievance process.	
81		“	11. City Attorney shall determine SPD legal representation in disciplinary challenges and approve any settled or resolved grievances or disciplinary appeals.	
81		“	12. Set timeframe for how soon to hear appeals and issue rulings.	
81		“	13. COP written notice to WA Criminal Justice Training Commission when sworn employee terminated for misconduct qualifies for decertification.	
82-84	37	3.29.315	Recruitment, hiring, assignments, promotions, and training	
82		3.29.315.A.& B.	SPD recruitment, hiring, testing, training, mentoring, assignment, and promotional practices that support equity, with SPD reporting and in consultation with CPC	
82		3.29.315.C.	SPD may use civilians for functions that COP believes do not require sworn personnel.	
82		3.29.315.D.	SPD shall use preference points for multi-lingual and/or experience with diverse communities, social work, mental health or DV counseling, or other community service backgrounds.	PREFERENCE POINTS
83		3.29.315.E.	SPD shall establish internal civilian office to manage secondary employment, in consultation with OIG.	
83		3.29.315.F.	SPD consistent standards for specialty units.	
83		3.29.315.G.	Ensure accountability for “Take-home” vehicle policy and assignments with additional financial remuneration.	
83-84		3.29.315.H.	COP and OPA collaborate in assigning sworn volunteers to OPA for two-year periods, or else from COP list of 10 names if needed, up to 20 names.	
84		3.29.315.I.	SPD collaborate with OPA and OIG on in-service training	
84-85	37	3.29.320	Public disclosure, data tracking, and record retention	
84		3.29.320.A.	Release OPA case information quickly and transparently.	

Pg	Ord§	SMC §	Content	Notes
84		3.29.320.B.	SPD shall maintain current and searchable public databases of all stop, frisk, use of force and disciplinary matters, including demographics and other details related to bias.	
84		3.29.320.C.	SPD posts matters of public concern online.	
84		3.29.320.D.	SPD tracks OPA cases referred by OPA to COP.	
85		3.29.320.E.	Retain all SPD personnel and OPA case files as long as the employee is employed, plus either six years or as long as any action is ongoing. Details what types of records are kept in the file, including written reprimands or other disciplinary actions.	PERSONNEL AND OPA CASE FILE RETENTION
85		3.29.320.F.	Sworn employees separated for cause and not in good standing will have documentation in personnel and OPA case files verifying WSCJTC notification regarding decertification and foreclosing Special Commission capacity and concealed firearm requests.	
86	37	3.29.325	Criminal cases	
86		3.29.325.A.	Establish protocols to refer criminal misconduct cases involving death to prosecutors not affiliated with the City or County.	
86		3.29.325.B.	Review cases concurrently with criminal charges to minimize delay.	
86	37	3.29.330	Collective bargaining and labor agreements	
86		3.29.330.A.	OPA, OIG, CPC consulted in formation of City's collective bargaining agenda.	
86		3.29.330.B.	Clearly post CBA terms and separate agreements on SPD web site.	
86		3.29.330.C.	Integrate or eliminate any separate agreements into new CBAs when bargaining occurs.	
87	37	3.29.335	Policy initiatives and updates	
87		3.29.335.A.	Limit administrative investigative unit reviews, including Force Review Board, to 90 days.	
87		3.29.335.B.	Develop body-worn camera policy in consultation with DOJ, Monitor, and community stakeholders, and submit to Court for consideration and approval.	
87	37	3.29.340	Public statements	
87		3.29.340	No employee should publicly suggest any conclusions have been reached when incident is under OPA, SPD or OIG review.	
87-88	37	3.29.345	Protection of civilian oversight entities	
87-88		3.29.345.A.	No retaliation for OPA, OIG, or CPC actions. OIG can open investigation and refer complaint to	

Pg	Ord§	SMC §	Content	Notes
			appropriate authority. Violators may be subject to dismissal, discipline or censure.	
88		3.29.345.B.	Noninterference clause	NONINTERFERENCE
<b>88</b>	<b>38</b>		<b>Subchapter V – Construction and Implementation</b>	
88-90	38	3.29.400	Construction	
88		3.29.400.A.& B.	Conform CBA agreements to this chapter, subject to bargaining.	
90	38	3.29.401	Implementation	
90		3.29.401.A.& B.	Ordinance effective following the process laid out by Court.	
91	39		Effective date standard ordinance language	