

1 *This **Proposed Amendment 6** responds to issues identified at the March 17, 2017*  
2 *GESCNA meeting related to clarifying roles and purpose language, emphasizing*  
3 *collaboration, appointments, and making technical corrections.*

4  
5 **CITY OF SEATTLE**

6 **ORDINANCE \_\_\_\_\_**

7 COUNCIL BILL 118907

8 ..title

9 AN ORDINANCE relating to civilian and community oversight of the police; adding a new  
10 Chapter 3.29 to the Seattle Municipal Code (SMC); recodifying Subchapters VII, VIII,  
11 and IX of Chapter 3.28 of the SMC as Subchapters I, II, and III of Chapter 3.29; and  
12 repealing Sections 3.28.805, 3.28.815, 3.28.820, 3.28.910, and 3.28.920 of the SMC.

13 ..body

14 WHEREAS, The City of Seattle has a long history of police reform, with blue ribbon panels  
15 dating back to the 1990s and the creation of various oversight entities such as the Office  
16 of Professional Accountability (OPA), OPA Review Board, and OPA Auditor, but  
17 accountable policing is an elusive goal as evidenced by events in more recent history  
18 involving allegations of unconstitutional use of force and biased policing, including the  
19 death in 2010 of First Nations woodcarver John T. Williams and other episodes that led  
20 the community to call for a federal investigation into the policing practices of the Seattle  
21 Police Department (SPD); and

22 WHEREAS, The City of Seattle has been operating under a federal consent decree since 2012,  
23 but also separately recognizes the need to have effective, constitutional policing and a  
24 police department that has the trust, respect, and support of the community; and

25 WHEREAS, Councilmember M. Lorena González as Chair of the Gender Equity, Safe  
26 Communities, and New Americans Committee in early 2017 led a series of study  
27 missions accompanied by Committee Vice-Chair Tim Burgess, the Community Police  
28 Commission, Mayor’s Office, and City Council staff to the cities of New York, Los

1 Angeles, and New Orleans, to learn about their inspector general systems and community  
2 engagement on police oversight; and

3 WHEREAS, while many jurisdictions across the country are under consent decrees or otherwise  
4 wrestling with the question of how best to have effective oversight of police that hears  
5 the voice of the community served by the police, The City of Seattle has an opportunity  
6 to take the lessons it has learned from other jurisdictions and from its own history to  
7 establish a community-focused oversight system that can serve as a model for other  
8 jurisdictions; NOW, THEREFORE,

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

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

12 A. The history of police reform efforts in Seattle dates back decades, including, for  
13 example, 1988 grant-funded work by the Seattle Police Department (SPD) to implement  
14 community policing that was held up as a model partnership between the community and police  
15 by the National Institute of Justice in 1992, a 1999 blue-ribbon commission that recommended  
16 the creation of the Office of Professional Accountability which was then started in 2000, and  
17 other blue ribbon, task force, and reform efforts that made legitimate progress in their times yet  
18 still could not achieve a lasting police culture that would keep the trust of the people of Seattle.

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

1 C. In 2011, the Department of Justice began an investigation of SPD and, based on its  
2 investigation, initiated a lawsuit against The City of Seattle, *United States of America v. City of*  
3 *Seattle*, 12 Civ. 1282 (JLR), in the United States District Court for the Western District of  
4 Washington (“federal court”).

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

8 E. The City of Seattle entered into a Settlement Agreement and Memorandum of  
9 Understanding (collectively, “consent decree”) with the Department of Justice which the Court  
10 approved on September 21, 2012.

11 F. From 2014 to 2016, multiple police-involved deaths of African Americans across the  
12 nation achieved significant national attention and raised community concerns to a new level. In  
13 a national climate of tense relations between the public and police, under the leadership of Mayor  
14 Murray and the Seattle City Council, the importance of building an effective police oversight  
15 system with a sustainable community role has taken on new urgency.

16 G. In January, 2016, Seattle Police Chief Kathleen O’Toole was invited to sit with the  
17 First Lady during President Obama’s final State of the Union address, chosen for what the White  
18 House described as her nationally recognized efforts to change department policies and build  
19 community ties.

20 H. It is the goal of this ordinance to institute a lasting police oversight system that  
21 ensures that police services are delivered to the people of Seattle in a manner that fully complies  
22 with the Constitution and laws of the United States and State of Washington, effectively ensures

1 public and officer safety, and promotes public confidence in the Seattle Police Department and  
2 the services that it delivers.

3 \*\*\*

4 Section 6. A new Chapter 3.29 is added to the Seattle Municipal Code as follows:

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

6 **3.29.005 Purpose—Enhancing and sustaining effective civilian-police oversight**

7 A. ~~Because t~~The police are granted extraordinary power to maintain the public peace,  
8 including the power of arrest and statutory authority under RCW 9A.16.040 to use deadly force  
9 in the performance of their duties under specific circumstances. Public trust in the appropriate  
10 use of those powers is bolstered by having a police oversight system that reflects community  
11 input and values., and civilian oversight of police is critically important to enhancing the trust,  
12 respect, and confidence of the community,

13 it ~~It is the~~ The City of Seattle’s intent to ensure by law a comprehensive, ~~independent,~~  
14 and ~~sustained~~ sustainable approach to ~~civilian-independent~~ oversight of the Seattle Police  
15 Department (SPD) that enhances the trust and confidence of the community, and that builds an  
16 effective police department that respects the civil and constitutional rights of the people of  
17 Seattle. The purpose of this Chapter 3.29 is to provide the authority necessary for that oversight  
18 to be as effective as possible.

19 B. ~~Civilian o~~ Oversight of SPD shall be comprised of an Office of Police Accountability  
20 (~~“OPA”~~) to ~~handle~~ initiate, receive, classify, investigate, and make findings and  
21 recommendations related to complaints of misconduct, an Office of Inspector General for  
22 Public Safety (~~“OIG”~~) to provide systemic oversight of the management, practices, and policies  
23 of SPD and OPA and oversee ongoing fidelity to organizational reforms implemented pursuant

1 to the goals of the 2012 federal Consent Decree in *United States of America v. City of Seattle*,  
2 12 Civ. 1282 (JLR), and a Community Police Commission (CPC) to provide community-based  
3 accountability through effective community engagement and to provide OPA, OIG, and SPD  
4 input ~~on ongoing efforts~~ to ensure that police services are delivered in a ~~lawful and~~  
5 ~~nondiscriminatory~~ manner ~~and are~~ aligned with community values, needs and expectations; all  
6 for the purpose of ensuring constitutional, accountable, effective, and respectful policing.

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

17 New Section x. A new Section 3.29.006 of the Seattle Municipal Code is added to  
18 Subchapter I of Chapter 3.29 as follows:

19 **3.29.006 Independent and Collaborative Oversight**

20 A. OPA, OIG, and CPC have an obligation to exercise independent judgment and offer  
21 critical analysis in the performance of their duties under this Chapter 3.29. These oversight  
22 entities shall exercise their responsibilities under this Chapter 3.29 without interference from any  
23 person, group, or organization, including the Chief, other SPD employees, or other City officials.

1 City employees and agents who violate these provisions may be subject to dismissal, discipline,  
2 or censure consistent with City and state laws.

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

8 C. OPA, OIG, and CPC shall engage in collaborative conversations with each other on a  
9 quarterly basis and as otherwise reasonably requested by each other in order to effectuate  
10 coordinated oversight, including meeting collectively to review the implementation status of  
11 recommendations made about the police accountability system and the extent to which the  
12 purposes and requirements of this Chapter 3.29 are being met.

13 \*\*\*

14 Section 8. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance  
15 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:  
16 ~~((3.28.800))~~ **3.29.010 Office of ((Professional)) Police Accountability ((created)) established**  
17 **((—((Functions)) Purpose and authority))**

18 There is ~~((created within the Seattle Police Department))~~ established as a separate and  
19 independent office of the City an independent Office of ~~((Professional))~~ Police Accountability to  
20 fulfill the purposes set forth in Section 3.29.005. ((hereinafter “OPA”)) to receive and investigate  
21 complaints of misconduct by Seattle Police Department personnel. ~~((The~~  
22 official findings, and recommendations concerning police accountability at SPD. ((The  
23 responsibilities of the OPA include the following areas: regularly advising the Chief, as well as

1 ~~the Mayor and City Council, on all matters involving the Police Department's investigatory and~~  
2 ~~disciplinary functions and on Police Department policies and practices related to police~~  
3 ~~accountability and professional conduct; evaluating the internal investigation process; and,~~  
4 ~~making recommendations on strategies and policies to improve complaint gathering and~~  
5 ~~investigative procedures.))~~ The work of OPA is intended to instill confidence and public trust in  
6 the fairness and integrity of the police accountability system and in the effectiveness and  
7 professionalism of SPD. The goal of OPA is to help ensure the actions of SPD employees are  
8 constitutional; improve SPD compliance with federal, state, local laws, and with City and SPD  
9 policies; and to promote respectful and effective policing that is conducive to the public good.

10 A. There shall be a civilian OPA Director responsible for carrying out the duties set  
11 forth in this Subchapter I. There shall be a civilian OPA Deputy Director to perform such duties  
12 and have such powers as the OPA Director may prescribe and delegate to implement and  
13 efficiently and effectively manage the duties set forth in this Subchapter I.

14 B. OPA shall establish and manage processes to receive and investigate allegations  
15 of police misconduct that are fair, impartial, consistent, thorough, timely, understandable,  
16 transparent, and accessible for the public, employees, and complainants.

17 C. OPA shall receive and have the authority to initiate complaints of misconduct or  
18 policy violations against SPD employees, and resolve those complaints in accordance with the  
19 OPA Manual through investigation, Supervisor Action referral, mediation, Rapid Adjudication,  
20 and/or other alternative resolution processes, as well as through Management Action findings  
21 and Training Referrals that provide effective solutions and help reduce future misconduct or  
22 policy violations.

1           D. OPA policies and practices shall apply equally to all SPD employees regardless of  
2 rank or position, and shall be detailed in the OPA Manual, which shall be posted publicly online.

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

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

10           G. OPA shall support SPD supervisors in the accountability system, including their  
11 responsibilities to mentor employees and to investigate, document, and address minor policy  
12 violations, performance, and customer service concerns at the precinct and unit level. OPA shall  
13 employ civilian OPA staff with professional expertise to work directly with supervisors and  
14 others in the precincts to support the fair and consistent handling of such minor violations and  
15 concerns.

16           H. 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           I. OPA shall provide input to the OIG regarding systemic problems in SPD policies,  
21 training, supervision, and management identified in the course of OPA’s investigation of  
22 possible misconduct or policy violations, or in the course of OPA’s other obligations under this  
23 Chapter 3.29, to help improve SPD standards and enhance employee conduct.



1           J. OPA shall work with the City Attorney’s Office to publicly release information  
2 about OPA cases as promptly and with as much transparency as legally and practically possible.

3           K. OPA shall collaborate with SPD and OIG in the development and delivery of SPD  
4 in-service training related to the accountability system and ensure that this training is part of the  
5 curriculum for all new employees.

6           Section 9. A new Section 3.29.015 of the Seattle Municipal Code is added to Subchapter  
7 I of Chapter 3.29 as follows:

8 **3.29.015 Office of Police Accountability—Independence**

9           A. OPA shall be physically housed outside any SPD facility and be operationally  
10 independent of SPD in all respects. OPA’s location and communications shall reflect its  
11 independence and impartiality, except that OPA shall be ~~deemed to be~~ organizationally in SPD  
12 in order to ensure complete and immediate access to all SPD-controlled data, evidence, and  
13 personnel necessary for thorough and timely investigations.

14           B. The OPA Director shall have authority for the hiring, supervision, and discharge  
15 of all civilian staff, and for the supervision and transfer back to SPD of any sworn staff assigned  
16 to OPA.

17           ~~C. The OPA Director and OPA staff shall exercise their discretionary and~~  
18 ~~investigatory responsibilities granted by this Chapter 3.29 without interference from any person,~~  
19 ~~group, or organization, including the Chief of Police, other SPD employees, or other City~~  
20 ~~officials, except that the OPA Director and OPA staff shall be subject to oversight as set forth in~~  
21 ~~this Chapter 3.29. City employees and agents who violate these provisions may be subject to~~  
22 ~~dismissal, discipline, or censure consistent with City and state laws.~~

1 DC. A budget with sufficient staffing and resources for effective OPA operations shall  
2 be submitted annually by the OPA Director separate and distinct from ~~the~~ SPD's budget.

3 ED. Only the OPA Director shall comment publicly on the specifics of any ongoing  
4 OPA investigation.

5 Section 10. Section 3.28.810 of the Seattle Municipal Code, last amended by Ordinance  
6 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

7 ~~((3.28.810))~~ 3.29.020 Office of ((Professional)) Police Accountability—Director ((-))

8 \*\*\*

9 A. The ~~duties of the~~ OPA Director ~~are~~ shall have the authority and responsibility to:

10 1. Manage all functions and responsibilities of OPA.

11 2. Hire, supervise, and discharge OPA civilian staff, and supervise and  
12 transfer back to SPD any sworn staff assigned to OPA. OPA staff shall collectively have the  
13 requisite credentials, skills, and abilities to fulfill the duties and obligations of OPA set forth in  
14 this Chapter 3.29.

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

18 4. Update the OPA Manual at least annually, and ensure OPA processes are  
19 in compliance with the OPA Manual. Such updates shall be done in accordance with a process  
20 established by the OPA Director that provides for consultation and input by OIG and CPC prior  
21 to final adoption of any updates.

22 5. Oversee and strengthen the effectiveness of OPA investigations,  
23 Supervisor Action referrals, mediation, Rapid Adjudication, and other alternative resolution

1 processes, as well as Management Actions and Training Referrals. The OPA Director shall  
2 consult with CPC and OIG to implement improvements, consistent with best practices, to make  
3 and maintain a fair and effective mediation program and a fair and effective Rapid Adjudication  
4 process.

5 6. Direct OPA investigative processes employing best practices for  
6 administrative investigations and in compliance with the OPA Manual and the purposes of this  
7 Chapter 3.29.

8 7. Classify complaints; address any additional investigative work requested  
9 or directed by OIG; certify in writing the completion and recommended findings of all OPA  
10 investigations and convey these recommendations to the Chief ~~of Police~~; participate in meetings  
11 related to recommended findings and discipline and in due process hearings; testify as needed in  
12 disciplinary appeals; and where requested, advise the Chief as to discipline and the Chief and  
13 City Attorney with regard to disciplinary appeals.

14 8. Ensure that every OPA investigation has an investigation plan approved  
15 by the OPA Director or the OPA Director's designee prior to the initiation of an investigation.

16 9. Comply with all OPA deadlines, including investigation deadlines, tolling  
17 of investigation deadlines, and extensions to investigation deadlines in order to complete  
18 investigations in a timely manner that best serves the public, complainants, and SPD employees.

19 10. Work with OIG and SPD to make disciplinary processes as fair, impartial,  
20 objective, certain, timely, consistent, understandable, transparent, and effective as possible and  
21 report out to the public on any concerns with regard to discipline or disciplinary processes.

22 11. Work with OIG, SPD, ~~CPC~~, and the City Attorney's Office to help reduce  
23 or prevent misconduct through identification of patterns or trends arising through complaints,

1 investigations, and lawsuits, and report to the public recommendations made by OPA to City  
2 officials based on those patterns or trends.

3 12. Respond to the scene of all SPD officer-involved shootings and other  
4 serious use of force incidents pursuant to its duties set forth in Section 3.29.025 or designate  
5 OPA staff member(s) to do so.

6 13. Manage OPA with the goal that OPA maintain frequent and regular  
7 communications with complainants and named employees about the status of their investigation,  
8 including information to complainants about disciplinary appeal and grievance processes.

9 14. Ensure that investigators and investigative supervisors receive orientation  
10 and training when they begin working at OPA, on administrative investigation best practices,  
11 commensurate with their duties.

12 ~~15. Consult with CPC regularly regarding needed OPA informational~~  
13 ~~materials to ensure they are readily understandable and widely available to Seattle's diverse~~  
14 ~~residents both in English and in translation.~~

15 16. Obtain information about community perspectives and concerns germane  
16 to OPA access and OPA's oversight responsibilities by means including, but not necessarily  
17 limited to, seeking support from CPC and other community stakeholders on community outreach  
18 and receiving feedback on issues surfaced as a result of its community outreach activities.

19 17. Facilitate access to the accountability system, including the use of OPA  
20 ~~complainant-complaint~~ navigators, community-based organizations, ~~or~~ and other approaches that  
21 reflect or take into account the diversity of Seattle's communities in order to provide additional  
22 channels for filing complaints and support understanding of the system and how to access it.

1 18. Meet with CPC pursuant to Section 3.29.225 on issues of significant  
2 public interest related to police accountability and professional conduct.

3 19. Advise the Mayor, City Attorney, City Council, Chief of Police, Inspector  
4 General, and CPC on issues related to the purposes of this Chapter 3.29, and recommend and  
5 promote to policymakers changes to policies and practices, collective bargaining agreements,  
6 city ordinances, and state laws in order to support systemic improvements and other  
7 enhancements to SPD performance and in furtherance of community trust.

8 20. Provide technical assistance to CPC, as reasonably requested and  
9 consistent with the purposes of this Chapter 3.29.

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

13 B. Qualifications. The OPA Director shall be a civilian with significant legal,  
14 investigative, human resources, law enforcement oversight, or prosecutorial experience and  
15 should also have the following additional qualifications and characteristics:

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

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

21 3. A commitment to the statements of purpose and policies in this Chapter  
22 3.29;

23 4. A history of leadership experience;

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

5                   6. An understanding of the City’s ethnic and socio-economic diversity and  
6 proven experience working with and valuing the perspectives of diverse groups and individuals;  
7 and

8                   7. The ability to exercise sound judgment, independence, fairness, and  
9 objectivity, and to carry out the duties of the OPA Director in a manner that reflects sound  
10 judgment, independence, fairness, and objectivity in an environment where controversy is  
11 common.

12                   C. Appointment and removal

13                   1. The OPA Director shall be appointed and reappointed ~~by the Mayor in~~  
14 accordance with the process described in this ~~Section 3.29.020.C.~~ ~~The~~ For appointments, the  
15 Mayor shall select from up to three qualified finalists identified by a search committee through a  
16 national process using merit-based criteria. A representative of CPC shall serve as one of the  
17 search committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a  
18 new search. The appointee shall be confirmed by a majority vote of the full City Council. The  
19 Mayor shall consult with CPC prior to reappointments.

20                   2. The OPA Director may be appointed and reappointed for up to three, four-  
21 year terms for a total of 12 years. The terms shall be set to commence in years separate from the  
22 Mayor’s term of office. Each term year shall commence on July 1, except for the first term of the  
23 first OPA Director appointed pursuant to this Chapter 3.29, which will commence immediately

1 following City Council confirmation. The first four-year term served by the first OPA Director  
2 appointed pursuant to this Chapter 3.29 shall include and not be limited by time served in office  
3 after confirmation but prior to July 1. ~~The first OPA Director appointed pursuant to this Chapter~~  
4 ~~3.29 may serve two subsequent four-year terms.~~ If the OPA Director assumes office mid-term  
5 due to a prior vacancy, the OPA Director may complete that term and then be reappointed for up  
6 to three, four-year subsequent terms.

7           3. Each appointment and reappointment shall be made whenever possible  
8 sufficiently prior to the expiration of the latest incumbent's term of office, or the effective date of  
9 an incumbent's resignation, permitting City Council action to approve or disapprove the  
10 appointment or reappointment at least 45 days before the expiration of the present term or the  
11 effective date of the resignation, so as to have a seamless transition without a gap in oversight. If  
12 the Mayor does not make an appointment or reappointment or does not initiate a new search  
13 within 90 days of the first day of the expiration of a term or of a vacancy, ~~a three-member~~  
14 ~~Special Committee of the City Council assigned by the City Council President~~the City Council  
15 ~~committee responsible for public safety matters~~ shall appoint the OPA Director subject to  
16 confirmation by a majority vote of the full City Council. If the City Council ~~does not~~  
17 ~~confirm~~rejects the Mayor's appointee, the Mayor shall appoint a new OPA Director within 90  
18 days and such appointment shall be consistent with this Section 3.29.020, and subject to  
19 confirmation by a majority vote of the full City Council. If the City Council does not act on the  
20 Mayor's appointee within 30 days of the submittal of the nomination to the City Council, the  
21 appointee shall be deemed to have been confirmed.

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

1 appointed. If the Mayor does not designate an interim OPA Director within ten days of the first  
2 day of the vacancy, the City Attorney's Office shall provide notice to the City Council President  
3 and the interim OPA Director shall be designated by the City Council President. The interim  
4 OPA Director may be either an OPA employee or an individual from outside OPA, but must  
5 meet key qualifications in this Section 3.29.020. An OPA Director whose term is ending may  
6 continue on an interim basis until a successor has been confirmed by a majority vote of the full  
7 City Council. An interim term shall not count as a full term for the purposes of calculating term  
8 limits under this Section 3.29.020.

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

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

16           b. Within ten days after receipt of the notice, the OPA Director may  
17 file with the City Council President and the Chair of the committee responsible for public safety  
18 matters a request for a hearing on the cause for removal. The OPA Director's request for a  
19 hearing shall be delivered at the same time to the Mayor, the Inspector General, the Chief, and to  
20 the CPC Executive Director. If such request is made, the City Council shall convene a de novo  
21 hearing on the cause for removal in the committee responsible for public safety not sooner than  
22 30 days and not more than 60 days following the OPA Director's request for a hearing, at which  
23 the OPA Director may appear, be represented by publicly-funded counsel, and be heard.



1 ~~e. — Following the Mayor’s written notice, and any hearing held at the~~  
2 ~~request of the OPA Director, t~~The City Council shall ~~finalize its de novo review of the grounds~~  
3 ~~for removal and~~ vote to approve or ~~not approve~~reject the removal within 30 days of the hearing.

4 ~~c. -if held, or i~~f no hearing is heldrequest for a hearing is made, the City  
5 ~~Council shall vote to approve or reject the removal~~ within 30 days of receiving the Mayor’s  
6 notice of the intended removal ~~from the Mayor~~, following input from the Inspector General and  
7 CPC.

8 ~~d. — A majority vote of the full City Council members~~ is required to  
9 ~~approve removal.~~

10 6. The Seattle Department of Human Resources shall obtain from an outside  
11 law enforcement agency a thorough background check of the Mayor’s nominees for OPA  
12 Director identified by the Mayor and report the results to the Mayor, prior to submittal of the  
13 nomination to the City Council for confirmation.

14 \*\*\*

15 Section 13. Section 3.28.812 of the Seattle Municipal Code, last amended by Ordinance  
16 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

17 ~~((3.28.812))~~ **3.29.027 Office of ((Professional)) Police Accountability—Explanations of**  
18 ~~((Certain Complaint Dispositions))~~ **certain complaint dispositions**

19 A. — Where there is disagreement between the Chief of Police and the OPA Director as  
20 to the OPA Director’s recommendations on findings, the Chief and the OPA Director shall  
21 engage in a supplemental meeting to discuss the disagreement, which shall occur after the  
22 employee due process meeting has taken place. ~~The Inspector General shall be present at this~~  
23 meeting.

1            ~~((A.))~~ B.        If the Chief ~~((of Police))~~ decides not to follow the ~~((OPA's))~~ OPA  
2 Director's written recommendation~~(s)~~ (s) ~~((the disposition of an OPA complaint))~~ finding(s)  
3 following an OPA investigation, the Chief shall ~~((make))~~ provide a written statement of the  
4 material reasons for the decision. ~~((The statement shall not contain the officer's name or any~~  
5 ~~personal information about the officer.))~~ If the basis for ~~((not sustaining the complaint))~~ the  
6 action is personal, involving family or ~~((medical information))~~ health-related circumstances  
7 about the ~~((officer))~~ named employee, the statement shall refer to "personal ~~((information))~~  
8 circumstances" as the basis. The Chief ~~of Police~~ shall make ~~((the))~~ this written statement within  
9 ~~((60))~~ 30 days of ~~((his or her final))~~ the Chief's decision ~~((on the disposition of the complaint))~~.  
10 The written statement shall be provided to the Mayor, ~~City Council member~~the City Council  
11 President and the Chair of the committee responsible for public safety matters, the City Attorney,  
12 the OPA Director, ~~and~~the Inspector General, ~~and the CPC Executive Director~~, and be included  
13 in the OPA case file and in a communication with the complainant and the public. If any findings  
14 or discipline resulting from an investigation are changed pursuant to an appeal or grievance, this  
15 responsibility shall rest with the City Attorney.

16            ~~((B.))~~ C.        If no discipline results from an OPA complaint because an investigation  
17 time limit ~~((specified in a collective bargaining agreement between the City and the subject~~  
18 ~~employee's bargaining unit))~~ as set forth in Section 3.29.026 has been exceeded, within ~~((60))~~ 30  
19 days of the final ~~((disposition of the complaint investigation))~~ certification of the investigation by  
20 the OPA Director, the OPA Director shall make a written ~~((explanation))~~ statement of the nature  
21 of the allegations in the complaint and the reason or reasons why the time limit was exceeded.  
22 This requirement applies whether the OPA Director ~~((recommends that))~~ recommended the  
23 complaint be sustained, not sustained, or ~~((declines))~~ declined to make a recommendation

1 because the time limit (~~((has))~~) had been exceeded. The written statement shall be included in the  
2 OPA case file and provided to the Mayor, ~~City Council member~~the City Council President and  
3 the Chair of the committee responsible for public safety matters, the City Attorney, ~~and~~the  
4 Inspector General, and the CPC Executive Director, and included in a communication with the  
5 complainant and the public.

6 ~~((C.))~~ D. The written (~~((explanations))~~) statements required by (~~((Subsections A and B~~  
7 ~~of this Section))~~) this Section 3.29.027 shall not identify named employees or divulge personal  
8 information about (~~((the subject officer or officers))~~) named employees or anyone else involved in  
9 the complaint and shall be subject to any applicable (~~((confidentiality requirements))~~) disclosure  
10 limitations in state or federal law. The (~~((explanations))~~) statements shall not affect any discipline  
11 decisions; (~~((as specified in Seattle Municipal Code 3.28.810 Subsection F,))~~) the Chief of Police  
12 remains the final (~~((Police Department))~~) SPD decision-maker in disciplinary actions.

13 ~~((D.))~~ E. (~~((The written explanations required by Subsections A and B of this~~  
14 ~~Section shall be provided to the Mayor and City Council.))~~) The OPA Director shall include  
15 summaries of (~~((these explanations))~~) the written statements required by this Section 3.29.027 in  
16 the OPA Director's reports required by (~~((Seattle Municipal Code 3.28.825))~~) Section 3.29.030.  
17 The summaries (~~((shall not identify or divulge personal information about the subject officer or~~  
18 ~~officers or anyone else involved in the complaint and))~~) shall be (~~((subject to))~~) consistent with any  
19 applicable confidentiality requirements in state or federal law.

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

1 Section 14. A new Section 3.29.028 of the Seattle Municipal Code is added to Subchapter  
2 I of Chapter 3.29 as follows:

3 **3.29.028 Office of Police Accountability—Staffing**

4 A. The OPA Director and the Deputy Director shall be civilians and, within 18  
5 months of the ordinance introduced as Council Bill 118907 becoming effective, all investigative  
6 supervisors shall be civilian.

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

9 C. Within 12 months of the ordinance introduced as Council Bill 118907 becoming  
10 effective, intake and investigator personnel shall be entirely civilian or a mix of civilian and  
11 sworn, in whatever staffing configuration best provides for continuity, flexibility, leadership  
12 opportunity, and specialized expertise, and supports public trust in the complaint-handling  
13 process.

14 D. All staff shall have the requisite skills and abilities necessary for OPA to fulfill its  
15 duties and obligations as set forth in this Chapter 3.29 and for OPA’s operational effectiveness.  
16 ~~, and n~~No civilian staff shall be required to have sworn experience- and no civilian staff shall  
17 have been formerly employed by SPD as a sworn officer.

18 E. The OPA Director and the Chief of Police shall collaborate with the goal that the  
19 rotations of sworn staff into and out of OPA are done in such a way as to maintain continuity and  
20 expertise, professionalism, orderly case management, and the operational effectiveness of both  
21 OPA and SPD, pursuant to subsection 3.29.315.H.

22 F. The appropriate level of civilianization of OPA intake and investigator personnel  
23 shall be evaluated by OIG pursuant to Section 3.29.110.

1 G. OPA investigators and investigative supervisors shall receive training by  
2 professional instructors outside SPD in best practices in administrative and police practices  
3 investigations. OPA investigators and investigative supervisors shall also receive in-house  
4 training on current SPD and OPA policies and procedures.

5 Section 15. Section 3.28.825 of the Seattle Municipal Code, last amended by Ordinance  
6 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

7 ~~((3.28.825 Reports.))~~ **3.29.030 Office of Police Accountability—Reporting**

8 A. Timely and informative reporting ~~to the public and its elected officials by OPA is~~  
9 important to sustain public trust, help the City’s police accountability system function  
10 effectively, and allow for regular and continuous improvement. The OPA Director shall ~~produce~~  
11 reports that are culturally, linguistically, and physically accessible to Seattle’s diverse  
12 populations, and shall request CPC’s assistance in doing so ~~request CPC’s assistance to make~~  
13 OPA reports readily understandable, and focused on issues and trends of most concern to the  
14 public and stakeholders. The reports should be delivered through channels that are easily  
15 accessible to the broad public.

16 B. OPA shall maintain a website consistent with City Information Technology  
17 standards and shall, ~~with the assistance of CPC,~~ conduct community outreach to inform the  
18 public about the police accountability system and how to access it. OPA’s website shall contain  
19 comprehensive, substantive, and timely information on matters of public interest concerning  
20 SPD’s accountability system, including information about OIG and CPC and links to their  
21 websites.

22 C. OPA shall post online, in a timely manner, summaries of completed  
23 investigations, including the allegations, analysis, and findings. Each month, OPA shall

1 distribute, by electronic subscription, a compilation of the completed investigation summaries  
2 from the prior month, noting additionally any investigations for which discipline has been  
3 appealed.

4 D. At the time they are issued, OPA shall post online and copy to OIG and CPC  
5 letters sent to SPD recommending Management Actions. OPA shall timely post online and copy  
6 to OIG and CPC updates on the outcomes of its Management Action recommendations,  
7 including SPD written responses to OPA Management Action recommendations and the status of  
8 ~~its~~ these recommended changes to SPD policies or practices.

9 E. OPA shall report quarterly to the Mayor, City Council, OIG, and CPC on the  
10 implementation of, or response to, OPA recommendations for Management Actions, Training  
11 Referrals, and other policy and practice improvements, providing information on their status and  
12 whether follow-through was timely and substantive.

13 F. Each year in June and December, OPA shall provide to OIG status reports  
14 regarding (1) all OPA cases that were referred by OPA for possible criminal investigations  
15 during the previous six months and (2) all OPA cases that were referred by OPA for possible  
16 criminal investigations in earlier periods and for which investigations remained open at any time  
17 during the current reporting period. These status reports shall include the nature of the criminal  
18 allegation, the case number, the named employee(s), the date of complaint, the timeliness of the  
19 criminal investigation, and the current status of the case.

20 G. OPA shall report to complainants and the public on the outcome of any  
21 disciplinary appeals or grievance processes that result in the modification of final findings and  
22 discipline determinations.

1           H. OPA shall post online and electronically distribute an annual report to the Mayor,  
2 City Attorney, City Council, Chief of Police, Inspector General, and CPC, as well as to the City  
3 Clerk for filing as a public record. This report shall describe the work of OPA and include any  
4 OPA Director recommendations for changes in policies and practices, collective bargaining  
5 agreements, City ordinances, and state law. The annual report shall ~~address the extent to which~~  
6 ~~the purpose, duties, and responsibilities detailed in this Chapter 3.29 have been met and also~~  
7 detail the implementation status of any previous OPA policy and practice recommendations to  
8 SPD or other City departments and agencies not yet fully implemented ~~and if not met, the reason.~~  
9 The annual report shall also summarize information received from community outreach that has  
10 informed its work.

11           ~~((A.))~~ I.       ~~((The Director shall issue at least two reports per year to the Mayor and~~  
12 ~~City Council describing the work of the OPA and making recommendations for policy changes~~  
13 ~~as determined by the Director. Each year at least one of the Director's reports shall report))~~ The  
14 OPA Director's annual report shall include, ~~but not be limited to,~~ the following, ~~which may be~~  
15 ~~modified in consultation with CPC to better help public understanding:~~

16                       ~~((1.——The total number of complaints received by the Office of Professional~~  
17 ~~Accountability;~~

18                       ~~2.——The number of complaints by classification and nature of allegation;~~

19                       ~~3.——The percentage of complaints resulting in each kind of finding, namely,~~  
20 ~~sustained, not sustained, unfounded, supervisory intervention or exonerated;~~

21                       ~~4.——The nature of disciplinary action taken in sustained cases;))~~

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

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

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

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

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

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

15                   ~~((5-))~~ 7. The ~~geographic~~precinct, sector, and shift distribution of incidents  
16 underlying complaints;

17                   ~~((6-))~~ 8. The racial, ethnic, ~~(and)~~ gender, and geographic distributions of  
18 complainants, ~~(as)~~ to the extent this information is provided voluntarily by complainants;

19                   ~~((7-))~~ 9. The racial, ethnic, gender, assignment, shift, and service seniority  
20 distributions of ~~((officers))~~ named employees who are subjects of complaints;

21                   ~~((8-))~~ 10. The number of ~~((officers))~~ named employees who have received  
22 ~~((three))~~ two or more sustained complaints within one year; ~~((and~~

23                   9. ~~The timeliness of OPA complaint handling.~~



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

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

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

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

15                   ~~Section 16. A new Section 3.29.035 of the Seattle Municipal Code is added to Subchapter~~  
16 ~~I of Chapter 3.29 as follows:~~

17 ~~**3.29.035 Office of Police Accountability—Meetings**~~

18                   ~~A.—The OPA Director shall meet with CPC, its committees, and/or staff four times a~~  
19 ~~year, and otherwise as reasonably requested and consistent with the purposes of this Chapter~~  
20 ~~3.29, to provide and receive information concerning SPD and the police accountability system,~~  
21 ~~and the extent to which the purposes and requirements of this Chapter 3.29 are being met. The~~  
22 ~~OPA Director shall review the OPA yearly reports, recommendations, and the implementation~~  
23 ~~status of those recommendations in these meetings with CPC.~~

1 ~~B. The OPA Director shall meet periodically with the Mayor, City Attorney, City~~  
2 ~~Council, and Chief of Police to advise on the investigatory and disciplinary functions of OPA~~  
3 ~~and SPD and make recommendations to improve OPA and SPD policies and practices, consistent~~  
4 ~~with the purposes of this Chapter 3.29.~~

5 \*\*\*

6 Section 18. Subchapter VIII of Chapter 3.28 of the Seattle Municipal Code is recodified  
7 as Subchapter II of Chapter 3.29 and amended as follows:

8 **Subchapter ((VIII)) II Office of ((Professional Accountability Auditor)) Inspector General**  
9 **for Public Safety**

10 Section 19. A new Section 3.29.100 of the Seattle Municipal Code is added to Subchapter  
11 II of Chapter 3.29 as follows:

12 **3.29.100 Office of Inspector General for Public Safety established—~~Purpose and authority~~**

13 A. There is established an independent ~~OIG~~ Office of Inspector General for Public  
14 Safety (OIG) to ~~provide civilian oversight of the effectiveness and responsiveness of SPD and~~  
15 ~~OPA management and operations, as well as of the accountability and criminal justice system~~  
16 ~~operations and practices that involve SPD or OPA. OIG is an essential component of the checks~~  
17 ~~and balances that comprise the police oversight system~~ fulfill the purposes set forth in Section  
18 3.29.005.

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

21 C. There shall be a civilian Deputy Inspector General to perform such duties and have  
22 such powers as the Inspector General may prescribe and delegate to implement and efficiently  
23 and effectively manage the duties set forth in this Subchapter II.

1           ED.    The work of OIG is intended to further instill confidence and public trust in the  
2 effectiveness and professionalism of SPD and in the fairness and integrity of the police  
3 accountability system by providing civilian authority to review all aspects of SPD and OPA  
4 systems, policies, and practices. OIG shall provide an independent perspective on the efficacy of  
5 the policies, procedures, and practices of SPD, OPA, and related City departments and agencies.  
6 OIG shall also provide additional professional review of OPA investigations.

7           DE.    OIG shall provide objective, ~~third party~~ review of misconduct complaint-handling  
8 and investigations, and other OPA activities, and report on the effectiveness, accessibility,  
9 timeliness, transparency, and responsiveness of the complaint system.

10           ~~E.——OIG shall have primary responsibility to ensure ongoing fidelity to organizational~~  
11 ~~reforms implemented pursuant to the goals of the Consent Decree to ensure constitutional,~~  
12 ~~accountable, effective, and respectful policing.~~

13           F.     OIG shall have responsibility to oversee and audit police ~~activities-management,~~  
14 ~~operations, and practices~~ to ensure the ongoing integrity of SPD processes and operations.

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

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

20           Section 20. A new Section 3.29.105 of the Seattle Municipal Code is added to Subchapter  
21 II of Chapter 3.29 as follows:

22           **3.29.105 Office of Inspector General for Public Safety—Independence**

1           ~~A. The Inspector General and OIG shall exercise their discretionary and oversight~~  
2 ~~responsibilities granted by this Chapter 3.29 without interference from any person, group, or~~  
3 ~~organization, including the Chief of Police, other SPD employees, or other City officials, except~~  
4 ~~that the Inspector General and OIG staff shall be subject to oversight as set forth in this Chapter~~  
5 ~~3.29. City employees or agents who violate these provisions may be subject to dismissal,~~  
6 ~~discipline, or censure consistent with City and state laws.~~

7           B.A. The Inspector General shall have authority for the hiring, supervision, and  
8 discharge of all OIG staff.

9           C.B. A budget with sufficient staffing and resources for effective OIG operations shall  
10 be submitted annually by the Inspector General separate and distinct from the budget of any  
11 other City department.

12           D.C. Except as prohibited by law, OIG shall have timely, full, and direct access to all  
13 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other  
14 City departments and agencies that are necessary to perform its duties set forth in this Chapter  
15 3.29. Should any City department decline to provide OIG access to documents or data, the  
16 declining department shall provide the Inspector General with an itemization describing the  
17 documents or data withheld and the legal basis for withholding access to each item. OIG shall  
18 have authority to observe reviews, meetings, and trainings, such as SPD administrative  
19 investigation unit meetings, disciplinary hearings, or discussions of misconduct complaint  
20 investigations.

1 Section 21. Section 3.28.855 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 ~~((3.28.855 OPA Auditor’s Authority and Responsibility.))~~ 3.29.110 Office of Inspector

4 **General for Public Safety—Inspector General**

5 \*\*\*

6 A. The ~~duties of the~~ Inspector General shall have the authority and responsibility are  
7 to:

8 1. Hire, supervise, and discharge OIG employees. OIG staff shall collectively  
9 have the requisite credentials, skills, and abilities to fulfill the duties and obligations of OIG set  
10 forth in [this](#) Chapter 3.29; ~~no OIG staff shall have been formerly employed by SPD as a sworn~~  
11 officer.

12 2. Conduct risk management reviews and performance audits, including  
13 analysis of sample and aggregate data to establish patterns and trends, of any and all SPD and  
14 OPA operations, and criminal justice system operations that involve SPD or OPA. Audits may  
15 also be conducted for any areas that may (a) involve potential conflicts of interest; (b) involve  
16 possible fraud, waste, abuse, inefficiency or ineffectiveness; (c) undermine accountability or  
17 ethical standards; or (d) otherwise compromise the public’s trust in the police or the criminal  
18 justice system.

19 3. OIG’s audits and reviews may include any and all police operations, for  
20 the purposes of determining whether SPD is meeting its mission to address crime and improve  
21 quality of life through the delivery of constitutional, professional, and effective police services  
22 consistent with best practices, and meeting its mission in a way that reflects the values of  
23 Seattle’s diverse communities. These audits and reviews may include, but ~~are not be~~ limited to:

- 1                    a. All SPD and OPA policies, regulations, practices, budgets, and  
2 consultant contracts;
- 3                    b. SPD administrative investigation unit processes, such as force  
4 review and collision review;
- 5                    c. SPD crime data and SPD’s overall crime data collection and  
6 reporting practices;
- 7                    d. Recruitment, hiring, post-Academy and in-service training,  
8 promotions, assignments, use of overtime, secondary employment, deployment, and supervision,  
9 including command and front-line supervisory functions;
- 10                   e. The effectiveness of any early intervention or performance  
11 mentoring system in supporting improved officer performance and mitigating misconduct;
- 12                   f. Technology and systems of data collection, management, and  
13 analysis;
- 14                   g. The acquisition of, uses, and significant changes to tactical  
15 equipment, vehicles, facilities and uniforms;
- 16                   h. The accuracy and thoroughness of video recording reviews and the  
17 appropriate recording and retention of video recordings;
- 18                   i. Patterns, including disparate impacts, in SPD deployment, uses of  
19 force, re-classifications of levels and types of force; stops, arrests, searches, and interactions with  
20 those in behavioral crisis;
- 21                   j. Incidents of significant concern to the public, such as those  
22 involving injury or death in police custody or the management of demonstrations;

1                    k.        Patterns in complaints and misconduct outcomes involving, among  
2 other categories, use of force and biased policing;

3                    l.        Assessment of the fairness, objectivity, certainty, timeliness,  
4 consistency, and the appropriate application and effectiveness of imposed discipline in sustained  
5 misconduct cases;

6                    m.        Evaluation of the final outcomes of appeals and grievances and  
7 whether overturned findings or discipline, or other settlements, suggest opportunities to improve  
8 OPA processes and SPD training;

9                    n.        Assessment of inquests, federal and local litigation, and their final  
10 outcomes, patterns relating to civil claims and lawsuits alleging SPD misconduct, payout  
11 amounts over time, units disproportionately represented as subjects of claims and lawsuits,  
12 related training, and review of the investigation of the underlying incidents described in such  
13 claims and lawsuits; and

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

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

22                    a.        To fulfill OIG's monitoring obligations of incidents, the Inspector  
23 General or OIG representative(s) designated by the Inspector General, shall have full authority to

1 respond to any incident scene and have access to the scene to the extent that they request it  
2 related to its authority as set forth in this Chapter 3.29.

3 b. \_\_\_\_\_ OIG representative(s) may also attend and participate in SPD  
4 administrative investigation unit interviews and meetings held to review Force Investigation  
5 Team (FIT) information or discuss any incidents, including those to which scenes OIG has  
6 responded, at the Inspector General’s discretion, related to its authority as set forth in this  
7 Chapter 3.29.

8 c. \_\_\_\_\_ Whether at the scene of an incident or in subsequent SPD  
9 administrative investigation unit interviews or meetings concerning any incident, OIG  
10 representative(s) may identify areas of concern related to its authority as set forth in this Chapter  
11 3.29.

12 5. \_\_\_\_\_ Issue recommendations to improve operations, policies, and practices to  
13 address any systemic problems identified in OIG’s performance audits and reviews of specific  
14 incidents.

15 6. \_\_\_\_\_ Review OPA and SPD handling of allegations of misconduct.

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

21 8. \_\_\_\_\_ OIG shall collaborate with the Chief of Police, the OPA Director, and  
22 other SPD leadership to strengthen the involvement of supervisory personnel in the  
23 accountability system so as to enhance a culture of accountability throughout SPD.



1                   9.       OIG shall work with the OPA Director and SPD to make disciplinary  
2 processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent,  
3 and effective as possible and report out to the public on any concerns with or regard to discipline  
4 or disciplinary processes.

5                   10.       OIG shall review and comment on any revisions proposed by OPA to the  
6 OPA Manual in accordance with a process established by the OPA Director that provides for  
7 consultation and input prior to final adoption of any revisions.

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

10                  12.       Issue a subpoena if evidence or testimony necessary to perform the duties  
11 of OIG set forth in this Chapter 3.29 is not provided voluntarily, in order to compel witnesses to  
12 produce such evidence or testimony. If the subpoenaed individual or entity does not respond to  
13 the request in a timely manner, the Inspector General may ask for the assistance of the City  
14 Attorney to pursue enforcement of the subpoena through a court of competent jurisdiction.

15                  13.       Perform the police intelligence auditor functions defined in Chapter 14.12.

16                  14.       Conduct a study by the end of the first Inspector General's initial year in  
17 office to ascertain the effectiveness of OPA's mixed sworn and civilian staffing arrangements  
18 and issue recommendations as to whether further changes are warranted; and thereafter,  
19 periodically review, report, and issue recommendations on the efficacy of OPA's mixed sworn  
20 and civilian staffing complement and whether an increased or reduced number of sworn staff is  
21 recommended.

22                  ~~15.       Advise the Mayor, City Attorney, City Council, Chief of Police, OPA~~  
23 ~~Director, and CPC on issues related to the purposes of this Chapter 3.29, and recommend and~~

~~promote to policymakers changes to policies and practices, collective bargaining agreements, City ordinances, and state laws in order to support systemic improvements and other enhancements to SPD performance and in furtherance of public trust.~~

16. Provide technical assistance to CPC, as reasonably requested and consistent with the purposes of this Chapter 3.29.

17. Maintain and promote use of a hotline and other technologies to receive anonymous reports from the public and City employees regarding issues-matters germane to  
~~OIG's responsibilities pursuant to~~ this Chapter 3.29.

18. Consult with CPC regularly regarding needed OIG informational materials to ensure they are readily understandable and widely available to Seattle's diverse residents both in English and in translation.

19. Obtain information about community perspectives and concerns germane to OIG's oversight responsibilities by means including, but not necessarily limited to, seeking support from CPC on community outreach and receiving feedback from CPC on issues surfaced as a result of its community outreach activities.

20. The Inspector General shall independently set OIG's annual workplan.  
~~However, the Inspector General shall meet with CPC annually to review a draft of OIG's workplan. At this meeting, CPC may identify additional specific areas for investigation and evaluation by OIG that in CPC's judgment are needed to ensure constitutional policing and public trust in SPD and in related criminal justice practices for inclusion in the annual OIG workplan. The workplan shall take into account input from the OPA Director and CPC on areas of concern identified in the course of their duties. The Council may direct the addition of items to the OIG's work plan. OIG's annual workplan shall also make provision for the investigation and~~

1 ~~evaluation of emergent issues identified by CPC and other community stakeholders during the~~  
2 ~~year that may not be known at the time that the annual OIG workplan is adopted. The workplan~~  
3 ~~may be modified during the year to accommodate emergent issues. Budget constraints of OIG~~  
4 ~~and its need to balance a range of priorities shall be taken into account by OIG in adding areas~~  
5 ~~to modifying its workplan.~~

6 Section 22. A new Section 3.29.111 of the Seattle Municipal Code is added to Subchapter  
7 II of Chapter 3.29 as follows:

8 **3.29.111 Office of Inspector General for Public Safety—Review of OPA classifications**

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

14 A. The Inspector General shall make recommendations to OPA for remedying any  
15 issues noted in its quarterly audit and publicly report the results of the classification audits and  
16 any of OIG's associated recommendations.

17 B. OIG may require that the OPA Director submit each proposed classification  
18 decision to OIG for review and input prior to OPA making a final classification determination  
19 until such time OIG is satisfied that such increased involvement in classifications is no longer  
20 needed and quarterly random audits shall resume.

1 Section 23. A new Section 3.29.112 of the Seattle Municipal Code is added to Subchapter  
2 II of Chapter 3.29 as follows:

3 **3.29.112 Office of Inspector General for Public Safety—Review of OPA investigations**

4 A. OIG shall review certain OPA investigations as described below prior to  
5 certification by the OPA Director to determine whether the investigation was thorough, timely,  
6 objective, and in compliance with the OPA Manual.

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

14 2. Additionally, OIG shall have discretion to direct at the time of  
15 classification or during the investigative process that any other investigation not including the  
16 allegations listed in subsection 3.29.112.A.1 be submitted by OPA for review and certification.

17 3. Other than investigations that involve Type III Force as defined in this  
18 Chapter 3.29, if OIG determines that the quality of investigations is such that individual  
19 investigation review is no longer needed, OIG may instead require the OPA Director submit only  
20 certain investigations or certain categories of investigation for review by OIG and otherwise  
21 conduct random investigation audits. Should those audits raise concerns, OIG shall have the  
22 discretion to reinstitute individual investigation review in whatever manner and duration is  
23 needed to address the concerns.

1           B.       The OPA Director shall submit all required or requested initial and subsequent  
2 investigations to OIG for OIG’s review sufficiently in advance of contractual deadlines in order  
3 to allow for additional investigation as requested or directed by OIG and still ensure discipline  
4 may be imposed should a sustained finding result. OIG shall complete its review of initial and  
5 subsequent investigations in a timely manner, so as to also meet contractual deadlines.

6           C.       If OIG determines that the investigation is thorough, timely, and objective, OIG  
7 shall certify the investigation as complete. After such certification, OPA Director shall issue  
8 recommended findings to the Chief of Police.

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

13          E.       If additional investigation is requested by the Chief of Police after a due process  
14 hearing, the case shall be re-submitted to OIG for re-certification following the additional  
15 investigation.

16          F.       After reviewing the investigation, OIG shall document in writing the investigation  
17 as (1) certified as thorough, timely, and objective; (2) not certified because the investigation is  
18 not thorough, timely, and objective but additional investigation is not requested or directed, and  
19 the reason; or (3) not certified because the investigation is not thorough and objective, along with  
20 any requested or directed further investigation to be conducted by OPA or a request to meet with  
21 the OPA Director to discuss possible further investigation.

22               1.       Should additional investigation be requested or directed by OIG, upon  
23 completion of the additional investigatory work, the investigation shall be re-submitted for

1 certification. The certification memorandum by OIG shall be included as an exhibit in the case  
2 file indicating the date of review, whether the case has been certified, whether further action is  
3 requested or directed, and if not certified, the reasons.

4           2.       Criteria OIG should consider in reviewing investigations include, but are  
5 not limited to: (a) whether witnesses were contacted, interviewed, and all other material evidence  
6 was timely collected; (b) whether interviews were thorough and unbiased and conflicting  
7 testimony was sufficiently addressed; (c) whether additional clarifying information would  
8 strengthen the investigation; (d) whether the written summary and analysis are objective and  
9 accurately reflect the evidence; and (e) whether applicable OPA procedures were followed and  
10 the intake and investigation were conducted in accordance with the OPA Manual.

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

15           H.       If OIG determines an investigation is not thorough, timely, or objective, and that  
16 additional investigation cannot or did not remedy the concern, the OPA Director must include  
17 this determination in the recommended findings and the Chief of Police may take OIG's non-  
18 certification into account in making a final findings determination.

1 Section 24. Section 3.28.850 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 ~~((3.28.850))~~ 3.29.113 Office of ~~((Professional Accountability Auditor established))~~ Inspector

4 General—Qualifications

5 ~~((A.—There shall be an Office of Professional Accountability Auditor (hereinafter~~  
6 ~~“OPA Auditor”) who shall be appointed by the Mayor, subject to confirmation by the City~~  
7 ~~Council, to provide review and assessment of Office of Professional Accountability (hereinafter~~  
8 ~~“OPA”) complaints and of Police Department policies and practices related to police~~  
9 ~~accountability and professional conduct. The OPA Auditor shall serve a term of three years and~~  
10 ~~may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by~~  
11 ~~the City Council. No individual may serve more than three three year terms as OPA Auditor.~~  
12 ~~Should an OPA Auditor take office at any time after commencement of a regular term, the~~  
13 ~~expiration of that term shall remain unaffected. The OPA Auditor may be removed from office~~  
14 ~~for cause by the Mayor by filing a statement of reasons for removal with the City Council. The~~  
15 ~~OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City’s~~  
16 ~~annual budget.~~

17 B-)) The Inspector General shall be a civilian with a background in criminal, civil rights, labor  
18 law, governmental investigations, and/or the management of governmental auditing and shall not  
19 be required to have law enforcement experience. The Inspector General shall have a  
20 demonstrated ability to lead and manage staff in auditing, evaluating, and conducting  
21 investigations; conducting financial and performance audits; analyzing and assessing complex  
22 aggregate data for patterns and trends; and in recommending systemic improvements to policies  
23 and practices to support constitutional policing, ongoing system effectiveness, and police

1 excellence. The ~~((OPA Auditor))~~ Inspector General should ~~((possess))~~ also have the following  
2 additional qualifications and characteristics ~~((at the time of appointment and throughout his or~~  
3 ~~her term))~~ :

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

6 ~~((2.))~~ B. ~~((A commitment to and knowledge))~~ Knowledge of the ~~((need for and))~~  
7 responsibilities of law enforcement ~~((as well as the need))~~ and a commitment to protect the basic  
8 constitutional rights of all affected parties;

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

11 ~~((4.))~~ D. A history of ~~((demonstrated))~~ leadership experience ~~((and ability))~~ ;  
12 ~~((5.—The potential for gaining the respect of complainants, Police Department~~  
13 ~~personnel, and the citizens of this City;~~

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

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



1           ((~~8~~)) G.           The ability to ~~((maintain))~~ exercise sound judgment, independence,  
2 fairness, and objectivity in an environment where controversy is common.

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

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

10           Section 25. A new Section 3.29.114 of the Seattle Municipal Code is added to Subchapter  
11 II of Chapter 3.29 as follows:

12 **3.29.114 Office of Inspector General for Public Safety—Appointment and removal**

13           A.           The Inspector General shall be appointed and reappointed ~~by a three-member~~  
14 ~~Special Committee of the City Council~~ in accordance with the process described in this Section  
15 3.29.114. For appointments, The Special Committeethe City Council committee responsible for  
16 public safety matters shall select from up to three qualified finalists identified by a search  
17 committee through a national process using merit-based criteria. A representative of CPC shall  
18 serve as one of the search committee co-chairs. The Special Committee shall either appoint from  
19 among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote  
20 of the full City Council. The Special Committee shall consult with CPC prior to reappointments.

21           B.           The Inspector General may be appointed for up to two, six-year terms for a total  
22 of 12 years. The terms shall be set to ~~commence end~~ in years separate from the OPA Director's  
23 term of office. Each term year shall commence on July 1, except for the first term of the first

1 Inspector General appointed pursuant to this Chapter 3.29, which will commence immediately  
2 following City Council confirmation. To ensure that the Inspector General's term ends on a year  
3 offset from the expiration of the OPA Director's term, the first term of the first Inspector General  
4 appointed pursuant to this Chapter 3.29 shall be a five-year term, and will include and not be  
5 limited by time served in office after confirmation but prior to July 1. The first Inspector General  
6 appointed pursuant to this Chapter 3.29 may serve two subsequent six-year terms.

7 C. Each appointment and reappointment shall be made whenever possible  
8 sufficiently prior to the expiration of the latest incumbent's term of office, or the effective date of  
9 an incumbent's resignation, permitting City Council action to appoint or reappoint at least 45  
10 days before the expiration of the present term or the effective date of the resignation, so as to  
11 have a seamless transition without a gap in oversight. If the ~~Special Committee~~ committee does  
12 not make an appointment or reappointment or does not initiate a new search within 90 days of  
13 the first day of the expiration of a term or of a vacancy, the Mayor shall appoint the Inspector  
14 General subject to confirmation by a majority vote of the full City Council. If the City Council  
15 ~~does not confirm~~ rejects the ~~Special Committee's~~ committee's appointee, the ~~Special Committee~~  
16 committee shall appoint a new Inspector General within 90 days and such appointment shall be  
17 consistent with this Section 3.29.114, and subject to confirmation by a majority vote of the full  
18 City Council. If the City Council does not act on the ~~Special Committee's~~ committee's appointee  
19 within 30 days of the submittal of the nomination to the City Council, the appointee shall be  
20 deemed to have been confirmed.

21 D. In the event of a vacancy, the City Council President shall designate an interim  
22 Inspector General within ten days after the first day of the vacancy to serve until a new Inspector  
23 General is appointed. If the City Council President does not designate an interim Inspector

1 General within ten days of the first day of the vacancy, the City Attorney’s Office shall provide  
2 notice to the Mayor and the interim Inspector General shall be designated by the Mayor. The  
3 interim Inspector General may be either an OIG employee or an individual from outside OIG,  
4 but must meet key qualifications in ~~this~~ Section 3.29.114113. An Inspector General whose term  
5 is ending may continue on an interim basis until a successor has been confirmed by the City  
6 Council. An interim term shall not count as a full term for the purposes of calculating term limits  
7 under this Section 3.29.114.

8 E. To strengthen the independence of the Inspector General, the City Council may  
9 remove the Inspector General from office only for cause, and in accordance with the following  
10 provisions:

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

14 2. Within ten days after receipt of the notice, the Inspector General may file  
15 with the City Council President a request for a hearing on the cause for removal. The Inspector  
16 General’s request for a hearing shall be delivered at the same time to the Mayor, the OPA  
17 Director, and to the CPC Executive Director. If such request is made, the City Council shall  
18 convene a hearing on the cause for removal not sooner than 30 days and not more than 60 days  
19 following the Inspector General’s request for a hearing, at which the Inspector General may  
20 appear, be represented by publicly-funded counsel, and be heard.

21 3. Following the City Council President’s written notice, and any hearing  
22 held at the request of the Inspector General, the City Council shall finalize its review of the  
23 grounds for removal and vote to approve or not approve the removal within 30 days of the

1 hearing if held, or if no hearing is held, within 30 days of issuing notice of the intended removal,  
2 following input from CPC.

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

4 F. The Seattle Department of Human Resources shall obtain from an outside law  
5 enforcement agency a thorough background check of nominees for Inspector General and report  
6 the results to the appointing authority, prior to the City Council taking final action on the  
7 appointment.

8 Section 26. Section 3.28.860 of the Seattle Municipal Code, last amended by Ordinance  
9 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

10 ~~((3.28.860 OPA Auditor to prepare semiannual report.))~~ **3.29.115 Office of Inspector**

11 **General for Public Safety—Reporting**

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

16 A. The Inspector General shall produce reports that are culturally, linguistically, and  
17 physically accessible to Seattle's diverse populations, and shall request CPC's assistance in  
18 doing so.

19 B. OIG shall maintain a website, consistent with City Information Technology standards;  
20 and conduct community outreach to inform the public about OIG's role and scope of  
21 responsibilities.

22 BC. The Inspector General shall report quarterly to the Mayor, City Council, OPA,  
23 and CPC on the implementation of, or response to, OIG recommendations for SPD and OPA

1 policy and practice improvements, providing information on their status and whether follow-  
2 through was timely and substantive.

3 ED. To effectuate the purposes of this Chapter 3.29, the Inspector General shall, in  
4 addition to the timely publishing of OIG audits and studies, issue an annual public report that  
5 includes, but is not limited to, the following:

6 1. An analysis of the extent to which the purpose, duties, and responsibilities  
7 detailed in this Chapter 3.29 have been met;

8 2. An analysis of the extent to which prior recommendations for improvements to  
9 SPD and OPA policies, practices, systems, training, and the accountability system have been  
10 implemented; and, if they have not, the reasons;

11 3. summarizes The results of OIG's evaluation of OPA's complaint-handling system,

12 4. A summary of all cases of significant public concern, including the outcome of reviews  
13 by SPD units of officer-involved shootings and in-custody deaths and OIG's review or  
14 investigation of any other such incidents affecting public confidence and trust,

15 5. its Analyses of patterns and trends,

16 6. Summaries of its performance audits, and

17 7. its An assessment of research and successful practices in other jurisdictions-;

18 8. This report shall include Any OIG recommendations for changes in the mix of OPA  
19 sworn and civilian staff, policies and practices, collective bargaining agreements, city  
20 ordinances, and state laws-; and

21 The annual report shall also detail the implementation status of any previous OIG policy  
22 and practice recommendations to SPD, OPA, or other City departments and agencies.

1 ~~9. The annual report shall also summarize~~ A summary of information received from its  
2 OIG's hotline, any of its other anonymous intake systems, and from community outreach that has  
3 informed its work.

4 ~~((A.)) DE. ((The OPA Auditor's report))~~ With respect to OIG's oversight of SPD's  
5 OPA's complaint-handling system, the annual report shall contain a general description of the  
6 ~~((files and records))~~ complaints and cases reviewed, and should include, but not be limited to:

7 1. The number of ((cases)) investigations reviewed, ((by the OPA Auditor)) a  
8 description of those cases in which OIG did not certify, those cases for which OIG requested or  
9 required further investigation, and a description of OPA's follow-up;

10 ~~((2.))~~ The number of and a description of OPA cases in which the Auditor  
11 requested or required further investigation and a description of the OPA's responses;

12 3. ~~—~~ The number of and a description of OPA complaints for which the OPA  
13 Auditor requested reclassification or further investigation and a description of the OPA's  
14 responses;))

15 2. The semi-annual reviews of OPA complaint-handling for cases not  
16 investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid  
17 Adjudication, Management Actions and Training Referrals;

18 ~~((4.))~~ 3. ~~((A summary of issues, problems and))~~ A description of any  
19 concerns or trends noted ((by the OPA Auditor as a result of his or her review)) in OPA  
20 complaint intake and investigations;

21 4. A description of patterns and concerns identified from review of inquests  
22 and from review of claims and lawsuits alleging SPD misconduct, including judgments and

1 settlements, units disproportionately represented as subjects of claims and lawsuits, and related  
2 training;

3 5. A description of other issues, problems, and trends noted by OIG as a  
4 result of OIG's oversight;

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

8 ~~6. Any recommendations the Department consider policy or procedural~~  
9 ~~changes; and))~~

10 6. Recommendations that SPD or OPA make policy, practice, training, or  
11 procedural changes; and

12 7. ((Any findings)) Findings from audits of OPA records or the OPA  
13 Director's reports; and

14 ~~8. Other information, as appropriate, including information requested by~~  
15 ~~CPC that would help make reporting as useful as possible to the public.~~

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

20 ~~((C.))~~ ~~EF.~~ The ~~((OPA Auditor))~~ Inspector General shall deliver a preliminary draft of  
21 ~~((his/her semiannual report))~~ the reports to the ~~((OPA Director and))~~ Chief ~~((of Police))~~, the OPA  
22 Director, CPC, and/or other City departments and agencies, as appropriate when any of them is  
23 the subject of the report, for review and comment. ~~((The OPA Director and Chief of Police))~~

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

6 ~~F. The Inspector General shall request CPC's assistance to make OIG reports readily~~  
7 ~~understandable and deliver them through channels that are easily accessible to the broad public.~~

8 G. OIG shall post online and electronically distribute its reports to the Mayor, City  
9 Attorney, City Council, Chief of Police, OPA Director, and CPC, as well as to the City Clerk for  
10 filing as a public record.

11 ~~Section 27. Section 3.28.865 of the Seattle Municipal Code, last amended by Ordinance~~  
12 ~~120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:~~

13 ~~((3.28.865 OPA Auditor to meet with Mayor, City Council, and Chief of Police.))~~

14 ~~**3.29.120 Office of Inspector General— Meetings**~~

15 ~~The Inspector General shall meet with CPC, its committees, and/or its staff, four times a year,~~  
16 ~~and otherwise as reasonably requested and consistent with the purposes of this Chapter 3.29, to~~  
17 ~~provide and receive information concerning SPD and the police accountability system, and the~~  
18 ~~extent to which the purposes and requirements of this Chapter 3.29 are being met. The Inspector~~  
19 ~~General shall review OIG's reports, recommendations, and the implementation status of those~~  
20 ~~recommendations in these meetings with CPC.~~

21 ~~A. The ((OPA Auditor)) Inspector General shall meet periodically with the Mayor,~~  
22 ~~City Attorney, City Council, ((OPA Review Board)) and ((the)) Chief of Police, to advise on the~~  
23 ~~performance and functions of OPA and SPD and ((regarding)) make recommendations to~~



1 ~~improve ((the)) OPA and SPD ((investigative process within the framework of applicable law~~  
2 ~~and labor agreements)) policies and practices, consistent with the purposes of this Chapter 3.29.~~

3 Section 28. Section 3.28.870 of the Seattle Municipal Code, last amended by Ordinance  
4 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

5 ~~((3.28.870))~~ **3.29.125 Office of Inspector General for Public Safety** ~~— ((Confidentiality of~~  
6 ~~files))~~ **Files and records**

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

18 B. OIG shall make every reasonable effort to maintain the security of files belonging  
19 to other City departments and agencies while in the Inspector General's possession.

20 C. Upon completion of an audit, the Inspector General shall return to the City  
21 department or agency all original files, reports, and records to which the Inspector General has  
22 been provided access.

1 Section 29. Subchapter IX of Chapter 3.28 of the Seattle Municipal Code is recodified as  
2 Subchapter III of Chapter 3.29 and amended as follows:

3 **Subchapter ((IX)) III ((~~Office of Professional Accountability Board~~) Community Police**  
4 **Commission**

5 Section 30. A new Section 3.29.200 of the Seattle Municipal Code is added to Subchapter  
6 III of Chapter 3.29 as follows:

7 **3.29.200 Community Police Commission established—~~Purpose and authority~~**

8 A. One of the cornerstones of effective oversight of law enforcement is community  
9 involvement. ~~The purpose of CPC is to provide the public with meaningful participatory~~  
10 ~~oversight of SPD policies and practices of particular significance to the public or affecting public~~  
11 ~~trust in accord with the purposes of this Chapter 3.29 with the goal that police services are~~  
12 ~~delivered in a lawful and nondiscriminatory manner and are in alignment with the values and~~  
13 ~~expectations of the community. The work of CPC is intended to further instill confidence and~~  
14 ~~public trust in the fairness and integrity of the police accountability system and in the~~  
15 ~~effectiveness and professionalism of SPD.~~ The Community Police Commission is established to  
16 fulfill the purposes set forth in Section 3.29.005.

17 B. CPC was originally established by ordinance with responsibilities under a the  
18 Consent Decree between The City of Seattle and the United States Department of Justice. The  
19 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in  
20 this Chapter 3.29. It is the City's intention that civilian oversight be enhanced and broadened  
21 beyond the scope set forth in the Consent Decree in order to better serve the public.

1 Section 31. Section 3.28.900 of the Seattle Municipal Code, last amended by Ordinance  
2 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

3 ~~((3.28.900))~~ **3.29.205 Office of ((Professional Accountability Board established.)) the**  
4 **Community Police Commission—Established**

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

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

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

1 Section 32. A new Section 3.29.206 of the Seattle Municipal Code is added to Subchapter  
2 III of Chapter 3.29 as follows:

3 **3.29.206 Office of the Community Police Commission—Executive Director**

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

7 B. Executive Director—Appointment

8 1. There shall be an Executive Director, appointed by ~~the Mayor~~CPC. The  
9 position of Executive Director shall be exempt from the classified civil service. The Executive  
10 Director shall not have been formerly employed by SPD. The term of the Executive Director  
11 position is ~~four~~six years.

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

1 chooses, at the time of reappointment, to make the new term begin on the date the prior term  
2 expires or expired.

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

7 5. In the event of a vacancy, ~~the Mayor~~CPC shall designate an interim  
8 Executive Director within ten days of the first day of the vacancy. The interim Executive  
9 Director shall meet the key qualifications set forth in this Chapter 3.29.

10 ~~C.~~ C. ~~The Mayor~~ CPC may remove the ~~CPC~~ Executive Director ~~from office~~ only for  
11 cause ~~and with~~upon a majority vote of ~~the City Council~~its membership.

12 ~~C.D.~~ C.D. CPC shall annually evaluate the performance of the Executive Director, after  
13 soliciting perspectives from City officials and community members with whom the Executive  
14 Director interacts in the course of performing the Executive Director's duties.

15 ~~D.E.~~ D.E. The ~~duties of the~~ CPC Executive Director shall have the authority and  
16 responsibility to~~are as follows~~:

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

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

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

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

8                   5.       Represent, together with Commissioners, CPC in providing testimony and  
9 expertise to City departments and agencies, commissions, and other organizations pertaining to  
10 issues of constitutional policing; and

11                   6.       Exercise such other and further powers and duties as prescribed by this  
12 Chapter 3.29.

13                   Section 33. A new Section 3.29.210 of the Seattle Municipal Code is added to Subchapter  
14 III of Chapter 3.29 as follows:

15 **3.29.210 Community Police Commission—Independence**

16                   A.       CPC is self-governing and functionally independent. CPC may adopt bylaws to  
17 govern its own activities. An annual budget to support sufficient staffing and resources for  
18 effective CPC operations shall be submitted annually by the Executive Director separate and  
19 distinct from the Mayor’s budget.

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

1 ~~C. — CPC's independence is critical to its ability to perform its oversight role~~  
2 ~~effectively. SPD employees and City officials shall respect the obligation of Commissioners and~~  
3 ~~CPC staff to exercise independent judgment and offer critical analysis. CPC and employees of~~  
4 ~~the Office of the CPC shall exercise their discretionary and oversight responsibilities granted by~~  
5 ~~this Chapter 3.29 without interference from any person, group, or organization, including the~~  
6 ~~Chief of Police, other SPD employees, or other City officials. City employees or agents who~~  
7 ~~violate these provisions may be subject to dismissal, discipline, or censure consistent with city~~  
8 ~~and state laws.~~

9 ~~D.C.~~ Without the necessity of making a public disclosure request, CPC may request  
10 and shall timely receive from other City departments and agencies, including SPD, information  
11 relevant to its duties under this Chapter 3.29 that would be disclosed if requested under the  
12 Public Records Act.

13 Section 34. Section 3.28.905 of the Seattle Municipal Code, last amended by Ordinance  
14 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

15 ~~((3.28.905 Appointment of the OPA Review Board))~~ **3.29.215 Community Police**  
16 **Commission—Commission**

17 ~~((A. — The City Council shall appoint the seven members of the OPA Review Board.~~  
18 ~~The first term of any member shall be no longer than two years. Members may be reappointed to~~  
19 ~~up to three subsequent two year terms; no individual may serve more than four terms. Members~~  
20 ~~shall serve staggered terms such that no more than four members' terms shall expire in any year.~~  
21 ~~Should any member take office at any time after commencement of a regular term, the expiration~~  
22 ~~of that term shall remain unaffected. The City Council may remove a member from office for~~  
23 ~~cause by filing a statement of reasons for removal. Members shall be compensated as provided~~

1 ~~by ordinance. The compensation of members and other resources necessary for the OPA Review~~  
2 ~~Board shall be appropriated in the budget of the Legislative Department.))~~

3 A. ~~The duties of CPC shall have the authority and responsibility are to:~~

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

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

12 3. Engage in community outreach to obtain the perspectives of community  
13 members and SPD employees on police-community relations, SPD policies and practices, the  
14 police accountability system, and other matters consistent with the purposes of this Chapter 3.29.  
15 In conducting public outreach, CPC shall be responsible for maintaining connections with  
16 representatives of disenfranchised communities and with other community groups in all of the  
17 City's legislative districts, as well as with SPD demographic and precinct advisory councils.  
18 CPC shall provide OPA and OIG with community feedback relevant to their operations received  
19 as a result of its public outreach activities.

20 ~~4. Monitor and report on the implementation by City elected officials, SPD,~~  
21 ~~and OPA of policy and practice recommendations made by the OPA Director, the Inspector~~  
22 ~~General, and CPC, including monitoring, tracking, and reporting on the City's budget, state~~



1 ~~legislative agenda, and collective bargaining agenda as these relate to advocacy for, and~~  
2 ~~implementation of, recommendations by the oversight entities.~~

3 5. Review and provide input into SPD recruiting, hiring, and promotional  
4 practices.

5 ~~6. Meet with the OPA Director and the Inspector General, no less than four~~  
6 ~~times a year, to review information they wish to provide CPC concerning the effectiveness of~~  
7 ~~SPD or any obstacles to the OPA Director's or the Inspector General's abilities to perform their~~  
8 ~~duties.~~

9 7. Review reports required by this Chapter 3.29 and any recommendations of  
10 the OPA Director and the Inspector General.

11 ~~8. Appoint a CPC Serve as a co-chair and any other CPC Commissioners to~~  
12 ~~serve on the search committees for OPA Directors and Inspectors General, identify qualified~~  
13 ~~finalists, advise the appointing authority on these appointments, and review and provide input to~~  
14 ~~the appointing authority on the reappointment or removal of OPA Directors and Inspectors~~  
15 ~~General.~~

16 ~~9. Advise the Mayor, City Attorney, City Council, Chief of Police, OPA~~  
17 ~~Director, and Inspector General on issues related to the purposes of this Chapter 3.29, and~~  
18 ~~recommend and promote to policymakers changes to policies and practices, collective bargaining~~  
19 ~~agreements, City ordinances, and state laws in order to support systemic improvements and other~~  
20 ~~enhancements to SPD performance and in furtherance of community trust.~~

21 10. Identify and advocate for reforms to state laws that will enhance public  
22 trust and confidence in policing and the criminal justice system. Such advocacy may include, but  
23 is not limited to, reforms related to the referral of certain criminal cases to independent

1 prosecutorial authorities, officer de-certification, pension benefits for employees who do not  
2 separate from SPD “in good standing,” and the standards for arbitrators to override termination  
3 decisions by the Chief of Police.

4 11. Convene an annual meeting to receive public comments and to formally  
5 report to the community on the effectiveness of the police accountability system, including  
6 providing an update on the implementation status of any previously recommended  
7 improvements.

8 ~~12. Serve as an advisory body to the OPA Director and the Inspector General,~~  
9 ~~identifying problems and recommending improvements to police accountability, including ways~~  
10 ~~to make the system more accessible and transparent to the public.~~

11 13. Consult with OPA and OIG on the development, revision, and distribution  
12 of public and employee informational materials and on OPA and OIG websites.

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

17 15. Pursuant to subsection 3.29.110.A.20, annually review OIG’s workplan  
18 and ~~identify~~ recommend to the Inspector General specific areas for OIG investigation and  
19 evaluation, including emergent issues that arise that in CPC’s judgment are needed to support  
20 public confidence in SPD and related criminal justice practices.

21 16. Review closed OPA investigations and any other SPD or OPA data to  
22 identify opportunities for systemic improvements. However, CPC shall not serve as a review  
23 board for individual investigations; shall not evaluate or opine on the sufficiency of the evidence,

1 findings, or determinations of any specific OPA investigations; and shall not seek to influence  
2 the course or outcome of any specific OPA investigation, or the findings, discipline, or other  
3 remedial action recommended or imposed in such cases.

4 17. Convene meetings with and lead stakeholders in assessing the need for  
5 and developing a complainant appeal process that is consistent with employee due process rights,  
6 and provide any recommendations adopted by the stakeholder group to policymakers for  
7 consideration. If established under City ordinance or policy, CPC shall periodically review the  
8 fairness and effectiveness of such civilian appeal process.

9 18. To the extent not otherwise covered above, continue to fulfill the  
10 responsibilities of CPC as set forth in the Consent Decree and Memorandum of Understanding in  
11 *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR) until such time as the Consent  
12 Decree ends. Until such time as the Consent Decree ends, the CPC shall prioritize these ongoing  
13 responsibilities over any additional responsibilities set forth in this Chapter 3.29.

14 B. ~~((Each OPA Review Board member shall at the time of appointment and~~  
15 ~~throughout his or her term:)) Qualifications~~

16 1. Commissioners shall be respected members of Seattle's many diverse  
17 communities. At least two Commissioners shall be graduates of an accredited law school and  
18 members in good standing of the Washington State Bar Association, with significant experience  
19 in the fields of public defense and civil liberties law. Commissioners shall reside or work in  
20 Seattle as set forth in this Section 3.29.215.

21 2. Collectively, Commissioners shall have a deep understanding of  
22 community interests and needs, all shall have general knowledge of police accountability  
23 matters, and some shall have extensive subject matter expertise, including in the areas of law

1 enforcement oversight, human rights, civil rights and civil liberties, and cultural competency.

2 Altogether, there shall be a balance that allows CPC as a whole to benefit from the knowledge  
3 and expertise of its individual members.

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

10 4. Individual Commissioners shall have expertise in law enforcement; police  
11 accountability; human resources; community engagement; organizational change; constitutional,  
12 criminal, or labor law; social justice; training; or other disciplines important to CPC’s work.

13 5. All Commissioners shall have the following qualifications and  
14 characteristics:

15 ~~((1.))~~ a. ((Have a)) A reputation for integrity and professionalism,  
16 ~~((as well as the ability to maintain a high standard of integrity in the office))~~ and for  
17 effectiveness in a board or commission role;

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

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

1                                    ~~((4.))~~ d.            ~~((Have a))~~ A history of ~~((demonstrated))~~ leadership  
2 experience ~~((and ability))~~ and/or deep roots in communities represented;

3                                    ~~((5.))~~ Have the potential for gaining the respect of complainants,  
4 departmental personnel, and the citizens of this City;

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

11                                    ~~((7.))~~ f.            ~~((Be able to work with diverse groups and individuals, as~~  
12 shown by previous experience;)) An understanding of the city's ethnic and socio-economic  
13 diversity, and proven experience working with and valuing the perspectives of diverse groups  
14 and individuals; and

15                                    ~~((8.))~~ g.            ~~((Be able to maintain))~~ The ability to exercise sound  
16 judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a  
17 manner that ~~is perceived by all who have a stake in policing as exercising~~reflects sound  
18 judgment, independence, fairness, and objectivity in an environment where controversy is  
19 common.

20                                    ~~((9.))~~ Be a high school graduate or recipient of a general equivalency diploma;

21                                    ~~10.))~~ Be a United States citizen or lawfully authorized for employment in the  
22 United States;

23                                    ~~11.))~~ Be at least 21 years of age;

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

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

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

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

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

16                  C.     Appointment, removal, and compensation

17                   1.     CPC shall consist of 15 Commissioners, appointed and reappointed as set  
18 forth in this Chapter 3.29. The Mayor shall select five Commissioners, the City Council shall  
19 select five Commissioners, and CPC shall select five Commissioners, including the public  
20 defense representative and the civil liberties law representative.

21                   2.     Commissioners serving on the date the ordinance introduced as Council  
22 Bill 118907 becomes effective may continue in office, pursuant to the provisions outlined in this  
23 Section 3.29.215.

1                   a. No fewer than 30 days prior to the effective date of the ordinance  
2 introduced as Council Bill 118907, each presently serving and eligible Commissioner of the  
3 previously existing CPC, created by the Consent Decree and Stipulated Order of Resolution  
4 Between the United States of America and The City of Seattle and established by Executive  
5 Order No. 02-2012 and City of Seattle Ordinance 124021, who wishes to serve on CPC as  
6 established by this Chapter 3.29 shall submit a written statement to the Mayor, the City Council  
7 President, and the CPC Executive Director indicating that the member wishes to serve on CPC as  
8 established by this Chapter 3.29. Public defender and civil liberties law representatives shall  
9 identify themselves as such in their written statements.

10                   b. No fewer than 15 days prior to the effective date of this Chapter  
11 3.29, the City Attorney or a designee of the City Attorney shall, in a publicly noticed and open  
12 meeting, draw numbers to determine the position number for each Commissioner of the  
13 previously existing CPC who has indicated they wish to continue to serve. The position numbers  
14 to be drawn are 1–2, 4–5, and 7–13. Each Commissioner shall be timely informed of the position  
15 number that corresponds to that Commissioner.

16                   c. Commissioners in position numbers 1, 4, 7, 10, and 13 shall be  
17 appointed, and where applicable, reappointed by the Mayor. Commissioners in position numbers  
18 2, 5, 8, 11, and 14 shall be appointed, and where applicable, reappointed by the City Council.  
19 Commissioners in position numbers 3, 6, 9, 12, and 15 shall be appointed, and where applicable,  
20 reappointed by CPC. Position number 3 shall be designated for the public defense representative  
21 and position number 6 shall be designated for the civil liberties law representative.

22                   d. Continuing Commissioners who served on the previously existing  
23 CPC in position numbers 1 through 5 may serve terms deemed to end on December 31, 2017;

1 continuing Commissioners in position numbers 6 through 10 may serve terms deemed to end on  
2 December 31, 2018; and continuing Commissioners in position numbers 11 through 13 may  
3 serve terms deemed to end on December 31, 2019.

4 e. Continuing Commissioners are eligible to serve one subsequent  
5 three-year term after the expiration of their existing term as set forth in this Section 3.29.215.

6 f. The term of any presently serving Commissioner who chooses not  
7 to serve on CPC as established by Chapter 3.29 shall terminate on the date this ordinance  
8 becomes effective.

9 3. Continuing Commissioners shall retain the position numbers established  
10 by this Section 3.29.215 and each subsequent Commissioner corresponding to such position  
11 number shall be appointed and, where applicable, reappointed by the appointing authority  
12 designated for that position.

13 4. Each appointing authority shall provide a process that allows individuals  
14 to apply and be considered for appointment, and shall ensure appointees meet the qualifications  
15 outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC  
16 with respect to its composition. Twelve of the 15 Commissioners must live within The City of  
17 Seattle and three of the 15 Commissioners may work within but are not required to live within  
18 the City. Each appointing authority may appoint one of the three Commissioners who works  
19 within but does not reside within the City. Where a Commissioner resides in City of Seattle at  
20 the time of appointment but no longer resides in the City during any 60-day period of a term that  
21 Commissioner will not be eligible for reappointment at the expiration of the term unless proof of  
22 current residency in the City can be established. A change in residency to outside of The City of  
23 Seattle will not affect the Commissioner's ability to serve the remainder of any pending term.



1 The appointing authorities shall consult with one another prior to making their respective  
2 appointments and reappointments. All Commissioners appointed or reappointed by each of the  
3 appointing authorities shall be confirmed by a majority vote of the full City Council and shall  
4 assume office upon receiving City Council confirmation.

5 5. All Commissioners appointed to serve on CPC enacted by this Chapter  
6 3.29 shall be eligible to serve three three-year terms for a total of nine years, each term  
7 commencing on January 1. All terms shall be staggered so ~~than that~~ no more than six  
8 Commissioners' terms expire in any year. If a Commissioner assumes office mid-term due to a  
9 prior vacancy, the Commissioner may complete that term and then be reappointed for up to  
10 three, three-year subsequent terms.

11 6. Each appointment and reappointment shall be made whenever possible  
12 sufficiently prior to the expiration of the latest incumbent's term of office or the effective date of  
13 an incumbent's resignation, permitting City Council action to approve or disapprove the  
14 appointment or reappointment, at least 45 days before the expiration of the present term, so as to  
15 avoid undue vacancy. All appointments to fill positions due to resignations without notice shall  
16 be made as soon as such can reasonably be done, but no later than 90 days after the effective date  
17 of the resignation of the latest incumbent. A Commissioner whose term is ending may continue  
18 on an interim basis until a successor has been confirmed by the City Council.

19 7. To strengthen the independence of CPC, Commissioners may be removed  
20 from office by the appointing authority only for cause. By a three-quarters vote of its  
21 membership, CPC may approve removal of Commissioners appointed by CPC. A majority vote  
22 of City Council members is required to approve the removal of any Commissioner.

23 8. Commissioners shall be compensated, if at all, as provided by ordinance.

1 Section 35. A new Section 3.29.220 of the Seattle Municipal Code is added to Subchapter  
2 III of Chapter 3.29 as follows:

3 **3.29.220 Community Police Commission—Reporting**

4 A. CPC shall post online and electronically distribute an annual report to the Mayor,  
5 City Attorney, City Council, Chief of Police, OPA Director, and Inspector General, as well as to  
6 the City Clerk for filing as a public record. This report shall describe the work of CPC in  
7 fulfilling the responsibilities detailed in this Chapter 3.29, including:

8 1. The extent to which the purpose, duties, and responsibilities detailed in  
9 this Chapter 3.29 have been met;

10 2. The extent to which prior recommendations for improvements to SPD and  
11 OPA policies, practices, systems, training, and the accountability system have been  
12 implemented; and, if they have not, the reasons;

13 3. Any new CPC recommendations for systemic, training, engagement,  
14 policy, and practice changes; and

15 4. Information about CPC’s outreach to SPD employees and the public, and  
16 about the perspectives gathered by CPC from such outreach.

17 Section 36. A new Section 3.29.225 of the Seattle Municipal Code is added to Subchapter  
18 III of Chapter 3.29 as follows:

19 **3.29.225 Community Police Commission—Meetings**

20 ~~A. Four times a year, and otherwise as reasonably requested and consistent with the~~  
21 ~~purposes of this Chapter 3.29, CPC shall meet with the OPA Director and the Inspector General~~  
22 ~~to provide and receive information concerning SPD and the police accountability system, and the~~  
23 ~~extent to which the purposes and requirements of this Chapter 3.29 are being met.~~

1 ~~B. CPC shall periodically meet with the Mayor, City Attorney, City Council, and~~  
2 ~~Chief of Police, to advise on the performance and functions of OPA and SPD, and discuss its~~  
3 ~~work under this Chapter 3.29.~~

4 ~~C.A.~~ CPC shall hold regular ~~public~~ meetings open to the public, no less than ~~once a~~  
5 ~~month~~eight times per year, and establish workgroup subcommittees of its members to meet as  
6 necessary.

7 Section 37. A new Subchapter IV, which includes new Sections 3.29.300, 3.29.305,  
8 3.29.310, 3.29.315, 3.29.320, 3.29.325, 3.29.330, 3.29.335, 3.29.340, and 3.29.345, is added to  
9 Chapter 3.29 of the Seattle Municipal Code as follows:

10 **Subchapter IV Mechanisms to Support Accountability**

11 **3.29.300 Reporting of potential misconduct and police accountability issues**

12 A. SPD shall establish and maintain clear written policies requiring that all  
13 significant matters coming to SPD's attention that involve potential police misconduct or policy  
14 violations are documented and forwarded in a timely manner to OPA, including cases originating  
15 from outside sources and from all SPD units or boards with authority to review compliance with  
16 policy or to conduct administrative investigative processes.

17 B. The procedures of any SPD board, unit, or process created to review performance  
18 must be approved by the Chief of Police and set forth in the SPD Policy Manual. SPD  
19 administrative investigation units shall not make determinations of misconduct or recommend  
20 discipline.

21 C. Where cases are referred by OPA to the named employee's supervisors for  
22 follow-through, including training, SPD shall ensure follow-through is timely and substantive.

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

4           E.     SPD, OPA, the City Attorney’s Office, CPC, and all other City entities shall  
5 timely report to the Inspector General, in a manner established by OIG, any new problems or  
6 deficiencies not previously reported to OIG related to operations, policies, programs, and  
7 practices that would reasonably be expected to adversely affect SPD effectiveness, public safety,  
8 police accountability, constitutional policing, or the public’s confidence in SPD, and that would  
9 be relevant to the duties of OIG.

10          F.     As appropriate, the City Attorney shall advise the OPA Director and the Chief of  
11 Police of any issues identified through litigation, grievances, or disciplinary appeals to help OPA  
12 and SPD make informed improvements to policies and procedures.

13          G.     Complaints against any employee of OPA, OIG, or the Office of the CPC where  
14 the allegation is discrimination, harassment, retaliation, or any other act that may violate Equal  
15 Employment Opportunity laws and policies shall be investigated by the Seattle Department of  
16 Human Resources.

17 **3.29.305 Continuous improvement**

18          A.     Following the issuance of any written report with recommendations by the OPA  
19 Director, the Inspector General, or CPC issued pursuant to this Chapter 3.29, SPD shall meet and  
20 confer with and respond in writing to the issuing agency within 30 days following the release of  
21 the recommendations. SPD shall provide a plan for implementation of accepted  
22 recommendations, including for regular timely written reports on progress made in implementing  
23 accepted recommendations, and an explanation for those recommendations not accepted or not

1 scheduled for implementation. If the lead entity responsible for the implementation is a City  
2 department or agency other than SPD, the Director of the Mayor's Office of Policy and  
3 Innovation or its successor shall coordinate providing the necessary information to SPD to  
4 include in the response. The issuing agency shall be responsible for tracking the status of its  
5 recommendations accepted and not accepted. The OPA Director and the Inspector General shall  
6 report quarterly to CPC on the status of SPD's response to their recommendations regarding SPD  
7 and other City departments and agencies.

8           B.       OPA shall meet and confer with the issuing agency following the issuance of any  
9 written report with recommendations by the Inspector General or CPC issued pursuant to this  
10 Chapter 3.29 and shall respond in writing to the issuing agency within 30 days following the  
11 release of recommendations of the Inspector General or CPC, providing a plan for  
12 implementation of accepted recommendations, including regular timely written reports on  
13 progress made in implementing accepted recommendations, and a rationale or other explanatory  
14 information for those recommendations not accepted or scheduled for implementation. The  
15 issuing agency shall be responsible for tracking the status of its recommendations accepted and  
16 not accepted. The Inspector General shall report quarterly to CPC on the status of OPA's  
17 response to OIG's recommendations regarding OPA.

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, including recommendations  
21 from the civilian oversight entities. SPD's schedule and protocol shall allow meaningful  
22 opportunity for such 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.     SPD and OIG shall track and report on the efficacy of any performance mentoring  
6 or early intervention system, which is designed to proactively identify problems and trigger non-  
7 disciplinary coaching and training interventions in order to improve employee performance.

8           F.     The City Council shall establish a regular schedule for review of the status of  
9 implementation by OPA, SPD, and the City of all recommendations made for improving the  
10 police accountability system.

11          G.     At the time the Mayor's annual proposed budget is submitted to the City Council,  
12 the Mayor shall notify the City Council and CPC in writing, with copies to the Inspector General  
13 and the OPA Director, when recommendations requiring City funding issued in reports made in  
14 the prior year consistent with the reporting requirements set forth in this Chapter 3.29 by those  
15 responsible for implementing the purposes of this Chapter 3.29 are not included for funding in  
16 the budget proposal.

17          H.     At the time the Mayor's proposed state legislative agenda is presented to the City  
18 Council, the Mayor shall notify the City Council and CPC in writing, with copies to the Inspector  
19 General and the OPA Director, when associated recommendations made by those responsible for  
20 implementing the purposes of this Chapter 3.29 are not included in the proposed state legislative  
21 agenda.

22          I.     The City's Office of Intergovernmental Relations shall consult with OPA, the  
23 Inspector General, and CPC during the development of the City's state legislative agenda.

1 J. Each year in June and December the City Attorney's Office shall provide the  
2 OPA Director and Inspector General status reports regarding (1) all OPA cases in which the  
3 findings or discipline have been appealed during the previous six months and (2) all OPA cases  
4 in which the findings or discipline have been appealed in earlier periods and that remained open  
5 at any time during the current reporting period. These status reports shall include all OPA cases  
6 not yet closed due to appeal, the case number, the named employee(s), the date of complaint, the  
7 date of disciplinary action, the Chief of Police disciplinary decision, the date of appeal, the  
8 nature of the appeal, and the current status of the case, including any modification to the case  
9 disposition as a result of appeal.

10 \*\*\*

11 **3.29.315 Recruitment, hiring, assignments, promotions, and training**

12 A. SPD shall develop and implement recruitment, hiring, testing, training, mentoring,  
13 assignment, and promotional practices that emphasize leadership and policing skills consistent  
14 with accountability, which support equity and the goals set forth in the Consent Decree. SPD  
15 shall evaluate and report on how effective its processes are in meeting community needs for a  
16 diverse work force, including the relevance of traditional disqualifying factors and the swiftness  
17 of decision-making, to assess if there are unfair impediments to hiring and retaining diverse and  
18 skilled officers.

19 B. In developing and implementing the recruitment, hiring, testing, training,  
20 mentoring, assignment, and promotional practices referenced in subsection 3.29.315.A, SPD  
21 shall consult with CPC and OIG and may obtain guidance from other community stakeholders.

22 C. To support operational efficiency and excellence, SPD may use civilians with  
23 specialized skills and expertise to perform any SPD management and operational functions,

1 including, but not limited to, training, human resources, technology, budget and finance, crime  
2 analysis, recruiting, hiring, and testing, which in the judgment of the Chief of Police do not  
3 require law enforcement commissioned personnel, allowing SPD the ability to more flexibly  
4 deploy civilian and sworn resources to best meet both its administrative and law enforcement  
5 needs.

6 D. SPD shall use preference points in hiring sworn employees who are multi-lingual  
7 and/or have work experience or educational background providing important skills needed in  
8 modern policing, such as experience working with diverse communities, and social work, mental  
9 health or domestic violence counseling, or other similar work or community service  
10 backgrounds.

11 E. After consulting with and receiving input from OIG, OPA, and CPC, SPD shall  
12 establish an internal office, directed and staffed by civilians, to manage the secondary  
13 employment of its employees. The policies, rules, and procedures for secondary employment  
14 shall be consistent with SPD and City ethical standards, and all other SPD policies shall apply  
15 when employees perform secondary employment work.

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



