

1 **CITY OF SEATTLE**

2 **ORDINANCE _____**

3 COUNCIL BILL ~~11890711xxxx~~

4 ..title

5 AN ORDINANCE relating to civilian and community oversight of the police; adding a new
6 Chapter 3.29 to the Seattle Municipal Code (SMC); recodifying Subchapters VII, VIII,
7 and IX of Chapter 3.28 of the SMC as Subchapters I, II, and III of Chapter 3.29; and
8 ~~amending or repealing Sections 3.28.805, 3.28.810, 3.28.815, 3.28.820, 3.28.905,~~
9 ~~3.28.910, and 3.28.920 sections in Chapter 3.28 of the SMC.~~

10 ..body

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

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

22 WHEREAS, Councilmember M. Lorena González as Chair of the Gender Equity, Safe
23 Communities, and New Americans Committee in early 2017 led a series of study
24 missions accompanied by Committee Vice-Chair Tim Burgess, the Community Police
25 Commission, Mayor’s Office, and City Council staff to the cities of New York, Los
26 Angeles, and New Orleans, to learn about their inspector general systems and community
27 engagement on police oversight; and

1 WHEREAS, Charter Amendment 19, providing for geographic representation based on seven
2 neighborhood districts, was approved by nearly 66 percent of Seattle voters in the fall of
3 2013 to ensure that Seattle, as a growing major metropolitan area, has a governance
4 structure that reflects a commitment to geographic inclusion and that all areas of the city
5 have an identifiable representative; and

6 WHEREAS, district representation is a fundamental feature of representative democracy, and
7 has been a basic building block of local, state and national governments throughout the
8 United States including all 50 state legislatures and, including the U.S. House of
9 Representatives for over 200 years; and

10 WHEREAS, most large U.S. cities like Seattle which is 143 square miles and home to over
11 680,000 residents are represented by districts to ensure geographic representation to
12 recognize the right of all residents to have a voice in their governance; and

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

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

22 WHEREAS, the United States Supreme Court has repeatedly ruled in favor of adequate, orderly,
23 geographically-based representation to ensure the strength of our democracy including

1 the most recent *Evenwel et al v. Abbott, Governor of Texas*, 578 U.S. ____ (2016), with
2 the opinion authored by Justice Ruth Bader Ginsburg, which upheld the one-person, one-
3 vote principle ensuring jurisdictions must design districts based on total population and
4 that all people regardless of current voting registration status are entitled to equal
5 representation; and

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

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

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

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

22 B. On December 2, 2010, 35 civil rights and community-based organizations requested
23 that the Civil Rights Division of the United States Department of Justice investigate whether

1 SPD had engaged in a pattern or practice of violations of civil rights by using unnecessary and
2 excessive force against residents, citing a series of incidents over the previous 18 months,
3 particularly against persons of color, including a death from a police shooting.

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

8 D. The federal court found that the City and SPD fully cooperated with the investigation
9 (Document 5, Stipulation and Joint Findings of Fact and Conclusions of Law, filed August 17,
10 2012).

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

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

19 G. In January, 2016, Seattle Police Chief Kathleen O’Toole was invited to sit with the
20 First Lady during President Obama’s final State of the Union address, chosen for what the White
21 House described as her nationally recognized efforts to change [Department SPD](#) policies and
22 build community ties.

1 H. It is the goal of this ordinance to institute a lasting police oversight system that
2 ensures that police services are delivered to the people of Seattle in a manner that fully complies
3 with the Constitution and laws of the United States and State of Washington, effectively ensures
4 public and officer safety, and promotes public confidence in [the Seattle Police Department SPD](#)
5 and the services that it delivers.

6 Section 2. Section 3.28.805 of the Seattle Municipal Code, last amended by Ordinance
7 122744, is repealed:

8 ~~((3.28.805 Definitions:~~

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

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

13 Section 3. Section 3.28.810 of the Seattle Municipal Code, last amended by Ordinance
14 122744, is repealed:

15 ~~((3.28.810 Office of Professional Accountability—Director.~~

16 ~~The Director of the OPA is responsible for the investigative and administrative functions of the
17 police disciplinary process and shall manage the overall investigative, training, and
18 administrative functions of the OPA. The OPA Director shall:~~

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

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

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

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

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

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

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

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

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

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

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

17 ~~((3.28.815 OPA Deputy Director.~~

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

1 Section 5. Section 3.28.820 of the Seattle Municipal Code, last amended by Ordinance
2 120728, is repealed:

3 ~~((3.28.820 OPA procedures manual.
4 The Police Department shall produce an OPA procedures manual, which shall include
5 instructions for filing a complaint with OPA, and which shall be made available to members of
6 the public, as well as Police Department personnel.))~~

7 Section 6. Section 3.28.905 of the Seattle Municipal Code, last amended by Ordinance
8 122744, is repealed:

9 ~~((3.28.905 Appointment of the OPA Review Board.~~

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

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

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

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

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

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

6 5. ~~Have the potential for gaining the respect of complainants, departmental~~
7 ~~personnel, and the citizens of this City;~~

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

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

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

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

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

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

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

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

21 In addition, at any given time, at least one member of the OPA Review Board shall be a
22 ~~graduate of an accredited law school and a member in good standing of the Washington State~~
23 ~~Bar Association; at least one other member shall have significant experience in community~~

1 ~~involvement, organizing and outreach; at least one other member shall have at least five years~~
2 ~~experience as a sworn law enforcement officer; and at least one other member shall have at least~~
3 ~~five years experience in a field or fields related to law enforcement or criminal justice.~~

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

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

10 Section 7. Section 3.28.910 of the Seattle Municipal Code, last amended by Ordinance
11 122744, is repealed:

12 ~~**(3.28.910 OPA Review Board Responsibility.**~~

13 A. ~~The OPA Review Board shall review the OPA's complaint handling process.~~
14 ~~Based on its review of OPA complaint forms and files on closed OPA complaints, and on the~~
15 ~~Review Board's public outreach and research on best practices, the Review Board shall assess~~
16 ~~the apparent fairness, thoroughness and timeliness of the OPA complaint handling process as a~~
17 ~~whole. The Review Board shall not comment on the discipline of any officer or lack thereof, or~~
18 ~~on the liability of anyone involved in a specific complaint. The Review Board shall present its~~
19 ~~assessments of the OPA's complaint handling process in semiannual reports to the City. These~~
20 ~~reports shall include a general description of the OPA files and records reviewed.~~

21 B. ~~The OPA Review Board shall organize and conduct public outreach on behalf of~~
22 ~~itself, the OPA and the OPA Auditor. The Review Board shall solicit public comments on the~~
23 ~~fairness, thoroughness and timeliness of the OPA complaint handling process and on the~~

1 ~~professional conduct of Seattle police officers. The Review Board shall invite the OPA, OPA~~
2 ~~Auditor and Police Department to participate in its outreach efforts.~~

3 ~~C. The OPA Review Board shall advise the City on Police Department policies and~~
4 ~~practices related to police accountability and professional conduct. The Review Board shall base~~
5 ~~its recommendations on its review of the OPA complaint handling process and of the OPA~~
6 ~~Director's and OPA Auditor's reports, on any public comments it has received, and on its own~~
7 ~~research on national trends and best practices in police accountability and civilian oversight of~~
8 ~~law enforcement. The Review Board shall present its recommendations in its semiannual reports.~~

9 ~~D. The OPA Review Board shall recommend to the OPA Auditor topics for the~~
10 ~~Auditor's review of Police Department policies and practices related to police accountability and~~
11 ~~professional conduct.~~

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

14 Section 8. Section 3.28.920 of the Seattle Municipal Code, last amended by Ordinance
15 122126, is repealed:

16 ~~((3.28.920 Access to and confidentiality of files and records.~~

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

1 ~~B. In discharging their responsibilities, OPA Review Board members shall protect~~
2 ~~the confidentiality of Department files to which they have been provided access. OPA Review~~
3 ~~Board members shall not disclose information in these Department files and records except in the~~
4 ~~reports required by ordinance. OPA Review Board reports shall not contain identifying~~
5 ~~information about anyone involved in an OPA complaint or OPA investigation other than the~~
6 ~~OPA Director. "Identifying information" is defined as name, badge number, physical~~
7 ~~description, address, telephone number, email address, photographs or drawings, or any other~~
8 ~~unique identifying numbers such as driver's license, employee, vehicle or social security~~
9 ~~numbers. In the event of a public disclosure request pursuant to the Public Disclosure Act (RCW~~
10 ~~42.17.250 et seq.), the OPA Review Board shall not disclose any information contained in OPA~~
11 ~~complaint forms or in files on closed OPA investigations, and shall transmit all such requests to~~
12 ~~the OPA Director for response.~~

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

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

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

19 **3.29.010 Purpose – Enhancing and sustaining effective police oversight**

20 A. The police are granted extraordinary power to maintain the public peace, including
21 the power of arrest and statutory authority under RCW 9A.16.040 to use deadly force in the
22 performance of their duties under specific circumstances. Public trust in the appropriate use of

1 those powers is bolstered by having a police oversight system that reflects community input and
2 values.

3 It is The City of Seattle’s intent to ensure by law a comprehensive and sustainable
4 approach to independent oversight of the Seattle Police Department (SPD) that enhances the
5 trust and confidence of the community, and that builds an effective police department that
6 respects the civil and constitutional rights of the people of Seattle. The purpose of this Chapter
7 3.29 is to provide the authority necessary for that oversight to be as effective as possible.

8 B. Oversight of SPD shall be comprised of an Office of Police Accountability (OPA) to
9 help ensure the actions of SPD employees are constitutional and in compliance with federal,
10 state, local laws, and with City and SPD policies, and to promote respectful and effective
11 policing ~~that is conducive to the public good~~, by initiating, receiving, classifying, investigating,
12 and making findings related to complaints of misconduct; an Office of Inspector General for
13 Public Safety (OIG) to help ensure the fairness and integrity of the police system as a whole in
14 its delivery of law enforcement services by providing civilian auditing of the management,
15 practices, and policies of SPD and OPA and oversee ongoing fidelity to organizational reforms
16 implemented pursuant to the goals of the 2012 federal Consent Decree in *United States of*
17 *America v. City of Seattle*, 12 Civ. 1282 (JLR); and a Community Police Commission (CPC) to
18 help ensure public confidence in the effectiveness and professionalism of SPD and the
19 responsiveness of the police accountability system to public concerns by engaging the
20 community to develop recommendations on the police accountability system and provide a
21 community-based perspective on law enforcement-related policies, practices, and services
22 affecting public trust; all for the purpose of ensuring constitutional, accountable, effective, and
23 respectful policing.

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

11 **3.29.020 Definitions**

12 As used in this Chapter 3.29:

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

15 “Chief” means the Chief of Police.

16 “Council” means the City Council.

17 “CPC” means the Community Police Commission.

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

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

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

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

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

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

1 “OPA” means the Office of Police Accountability.

2 “OPA Manual” means the Office of Police Accountability Internal Operations and
3 Training Manual.

4 “Public safety committee” means the City Council committee responsible for public
5 safety matters.

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

10 “SPD” means the Seattle Police Department.

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

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

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

14 “Type III Force” means the term as it is defined in SPD policy.

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

16 **3.29.030 Independent and collaborative oversight**

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

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

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

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

12 **Subchapter ~~(VII)~~ I Office of ~~(Professional)~~ Police Accountability**

13 Section 11. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance
14 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

15 ~~((3.28.800))~~ **3.29.100 Office of ~~(Professional)~~ Police Accountability established ~~((created—~~**
16 **)) = Functions and authority ((=)**

17 A. There is ~~((created within the Seattle Police Department))~~ established an
18 independent Office of ~~(Professional)~~ Police Accountability ~~((hereinafter “OPA”) to receive~~
19 ~~and investigate complaints of misconduct by Seattle Police Department personnel))~~ to fulfill the
20 purposes set forth in Section 3.29.010. ~~((The responsibilities of the OPA include the following~~
21 ~~areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters~~
22 ~~involving the Police Department’s investigatory and disciplinary functions and on Police~~
23 ~~Department policies and practices related to police accountability and professional conduct;~~

1 ~~evaluating the internal investigation process; and, making recommendations on strategies and~~
2 ~~policies to improve complaint gathering and investigative procedures.))~~

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

7 C. OPA shall establish and manage processes to initiate, receive and investigate
8 allegations of police misconduct. OPA policies and practices shall apply equally to all SPD
9 employees regardless of rank or position, and shall be detailed in the OPA Manual, which shall
10 be posted publicly online.

11 D. OPA complaint processes shall be fair, impartial, consistent, thorough, timely,
12 understandable, and accessible for the public, employees, and complainants; provide effective
13 solutions; improve SPD standards; help reduce misconduct or policy violations; and enhance
14 employee conduct.

15 E. OPA shall have the authority to address complaints of police misconduct in
16 accordance with the OPA Manual through investigation, Supervisor Action referral, mediation,
17 Rapid Adjudication, or other alternative resolution processes, as well as through Management
18 Action findings and Training Referrals. Management Action findings may be made for either
19 Sustained or Not Sustained complaints of misconduct.

20 F. OPA's jurisdiction shall include all types of possible misconduct. In complaints
21 alleging criminal misconduct, OPA shall have the responsibility to coordinate investigations with
22 criminal investigators external to OPA and prosecutors on a case-by-case basis to ensure that the
23 most effective, thorough, and rigorous criminal and administrative investigations are conducted.

1 G. OPA shall identify systemic problems in SPD policies, training, supervision, and
2 management identified in the course of OPA’s investigation of possible misconduct or policy
3 violations, or in the course of OPA’s other obligations under this Chapter 3.29.

4 H. OPA shall enhance an SPD culture of police accountability through means
5 including, but not limited to, the following:

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

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

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

15 I. OPA shall be responsive to community needs and concerns through means
16 including, but not limited to, the following:

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

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

1 3. Obtaining information about community perspectives and concerns germane to

2 OPA access and OPA’s oversight responsibilities, including using the expertise of CPC;

3 ~~4. -by means including, but not necessarily limited to, engaging CPC to~~

4 ~~e~~Conducting community outreach to inform the public about the police accountability system

5 and how to access it, in consultation with CPC, and other community stakeholders and receiving

6 feedback from CPC on issues that surfaced as a result of the community outreach activities; and

7 45. Providing technical assistance on OPA matters to CPC, as reasonably

8 requested and consistent with the purposes of this Chapter 3.29.

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

11 **3.29.105 Office of Police Accountability – Independence**

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

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

20 C. The OPA Director shall submit an annual budget request to the Mayor. The OPA
21 Director may advocate for resources directly to Councilmembers or the Council during the
22 budget process and throughout the year. ~~A budget with sufficient staffing and resources for~~

1 ~~effective OPA operations shall be submitted annually by the OPA Director separate and distinct~~
2 ~~from SPD's budget.~~

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

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

7 **3.29.110 Office of Police Accountability Director – Qualifications**

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

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

14 B. A commitment to and knowledge of the need for and responsibilities of
15 law enforcement, including enforcement and community care-taking, and the need to protect the
16 basic constitutional rights of all affected parties;

17 C. A commitment to the statements of purpose and policies in this Chapter
18 3.29;

19 D. A history of leadership experience;

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

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

4 G. The ability to exercise sound judgment, independence, fairness, and
5 objectivity, and to carry out the duties of the OPA Director in a manner that reflects sound
6 judgment, independence, fairness, and objectivity in an environment where controversy is
7 common.

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

10 **3.29.115 Office of Police Accountability Director – Appointment and removal**

11 A. The OPA Director shall be appointed and reappointed in accordance with the
12 process described in this Section 3.29.115. For appointments, the Mayor shall select from up to
13 three qualified finalists identified by a search committee through a national process using merit-
14 based criteria. CPC Commissioners shall constitute at least 25 percent of the search committee,
15 one of whom shall serve as one of the search committee co-chairs. The Mayor shall either
16 appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a
17 majority vote of the full ~~City~~ Council. The Mayor shall receive input from the CPC and the
18 Inspector General prior to reappointments.

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

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

5 C. Each appointment and reappointment shall be made whenever possible
6 sufficiently prior to the expiration of the latest incumbent's term of office, or the effective date of
7 an incumbent's resignation, permitting ~~City~~Council action to approve or disapprove the
8 appointment or reappointment at least 45 days before the expiration of the present term or the
9 effective date of the resignation, so as to have a seamless transition without a gap in oversight. If
10 the Mayor does not make an appointment or reappointment or does not initiate a new search
11 within 90 days of the first day of the expiration of a term or of a vacancy, the ~~City Council~~
12 ~~committee responsible for public safety matters~~public safety committee shall appoint the OPA
13 Director subject to confirmation by a majority vote of the full ~~City~~Council. If the ~~City~~Council
14 rejects the Mayor's appointee, the Mayor shall appoint a new OPA Director within 90 days and
15 such appointment shall be consistent with this Section 3.29.115, and subject to confirmation by a
16 majority vote of the full ~~City~~Council. If the ~~City~~Council does not act on the Mayor's appointee
17 within 30 days of the submittal of the nomination to the ~~City~~Council, the appointee shall be
18 deemed to have been confirmed.

19 D. In the event of a vacancy, the Mayor shall designate an interim OPA Director
20 within ten days after the first day of the vacancy to serve until a new OPA Director is appointed.
21 If the Mayor does not designate an interim OPA Director within ten days of the first day of the
22 vacancy, the City Attorney's Office shall provide notice to the ~~City~~Council President and the
23 interim OPA Director shall be designated by the ~~City~~Council President. The interim OPA

1 Director may be either an OPA employee or an individual from outside OPA, but must meet key
2 qualifications in this Section 3.29.115. An OPA Director whose term is ending may continue on
3 an interim basis until a successor has been confirmed by a majority vote of the full ~~City~~ Council.
4 An interim term shall not count as a full term for the purposes of calculating term limits under
5 this Section 3.29.115.

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

8 1. The Mayor shall give written notice, specifying the basis for the intended
9 removal, to the OPA Director, the ~~City~~ Council President, the Chair of the ~~committee responsible~~
10 ~~for public safety matters~~public safety committee, the Inspector General, the Chief, and the CPC
11 Executive Director.

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

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

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

5 F. The Seattle Department of Human Resources shall obtain from an outside law
6 enforcement agency a thorough background check of the Mayor's nominees for OPA Director
7 and report the results to the Mayor, prior to submittal of the nomination to the ~~City~~ Council for
8 confirmation.

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

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

14 **3.29.120 Office of Police Accountability Director – Authority and responsibility**

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

16 A. Manage all functions and responsibilities of OPA.

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

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

1 D. Oversee and strengthen the effectiveness of OPA investigations, Supervisor

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

6 E. Ensure OPA processes are in compliance with the OPA Manual.

7 F. Update the OPA Manual at least annually. Such updates shall be done in

8 accordance with a process established by the OPA Director that provides for consultation and
9 input by OIG and CPC prior to final adoption of any updates.

10 G. Classify complaints; direct OPA investigative processes; address any additional

11 investigative work requested or directed by OIG; certify in writing the completion and
12 recommended findings of all OPA investigations and convey these recommendations to the
13 Chief; participate in meetings related to recommended findings and discipline and in due process
14 hearings; testify as needed in disciplinary appeals; and where requested, advise the Chief as to
15 discipline and the Chief and City Attorney with regard to disciplinary appeals.

16 H. Comply with all OPA deadlines, including investigation deadlines, tolling of

17 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 I. Work with OIG, SPD, CPC, and the City Attorney's Office to help reduce or

20 prevent misconduct through identification of patterns or trends arising through complaints,
21 investigations, and lawsuits.

1 J. Respond to the scene of all SPD officer-involved shootings and other serious use
2 of force incidents pursuant to its duties set forth in Section 3.29.125 or designate OPA staff
3 member(s) to do so.

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

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

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

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

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

19 **3.29.125 Office of Police Accountability – Classifications and investigations**

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

22 B. It shall be a condition of employment for all SPD employees to fully and timely
23 participate in an investigation whenever requested by OPA and failure to do so may result in

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

7 C. 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 D. When responding to an incident scene, OPA representative(s) shall have access to
11 the scene as necessary to ascertain and assess whether possible violations of SPD policies may
12 have occurred. Following such incidents, OPA representative(s) may attend and participate in
13 any SPD administrative investigation unit interviews or meetings held to review Force
14 Investigation Team (FIT) information or discuss the incident, and may at that time identify any
15 areas of concern related to possible violations of SPD policies. OPA may respond to the scene
16 and participate in SPD administrative investigation unit interviews or meetings of any other
17 incident, at the OPA Director's discretion.

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

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

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

15 H. As set forth in subsection 3.29.220.A.14, establish in the OPA Manual a protocol
16 for referral to OIG for classification and appropriate complaint-handling, such as Supervisor
17 Action, investigation, or alternative resolution, any complaints involving OPA staff that cannot
18 be handled within OPA due to a potential conflict of interest.

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

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

3 **3.29.130 Office of Police Accountability – Classification and investigation timelines**

4 A. OPA shall notify the named employee(s), the Captain or equivalent of the named
5 employee(s), and the bargaining unit of the named employee(s) within 30 days of receiving
6 directly or by referral a complaint of possible misconduct or policy violation. The notice shall
7 not include the name and address of the complainant if the complainant is a member of the
8 public. The notice shall confirm the complaint and enumerate allegations that allow the named
9 employee(s) to begin to prepare for the OPA investigation; however, if OPA subsequently
10 identifies additional allegations not listed in the 30-day notice, these may also be addressed in the
11 investigation.

12 B. The time period in which investigations must be completed by OPA in order for
13 discipline to be imposed is 180 days. The time period begins on the date OPA initiates a
14 complaint, a complaint is filed with OPA, or a complaint should have been referred to OPA by
15 an SPD employee or an SPD administrative investigation unit such as force review or collision
16 review. The time period ends on the date the OPA Director issues proposed findings.

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

1 1. Where an SPD employee fails to timely refer a complaint to OPA the
2 failure to refer shall also constitute misconduct subject to complaint and investigation, and
3 discipline under this Chapter 3.29 and the authority of the Chief ~~of Police~~.

4 2. If the failure by an SPD employee to timely refer results in OPA being
5 unable to complete an investigation within 180 days, OPA shall initiate a complaint and
6 investigation of the failure to timely refer with an investigation timeline of the later of (a) 180
7 days following the end of the 180-day period for the underlying, untimely-referred alleged
8 misconduct or (b) 180 days following the determination that the 180-day deadline was missed
9 due to a failure to timely refer.

10 D. Each time an OPA interview of a named or witness employee must be postponed
11 due to the unavailability of the interviewee or the interviewee's labor representative, the
12 additional number of days needed to accommodate the schedule of the employee or the
13 employee's bargaining representative shall be added to the 180-day investigation period.

14 E. If the OPA Director position becomes vacant due to unforeseen exigent
15 circumstances, the 180-day period shall toll for 60 days to permit the designation of an interim
16 OPA Director and the initiation of the appointment process for a permanent OPA Director
17 without prejudicing ongoing OPA investigations.

18 F. In cases involving possible criminal actions, the 180-day period shall be tolled if
19 an OPA administrative investigation is not commenced or is paused due to a criminal
20 investigation. The OPA administrative investigation shall be paused as long as is necessary so
21 that neither the OPA administrative nor the criminal investigation of the same incident is
22 compromised. The 180-day clock shall resume whenever any administrative investigation steps
23 are taken by OPA.

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

8 H. To ensure the integrity and thoroughness of investigations, and the
9 appropriateness of disciplinary decisions, if at any point during an OPA investigation the named
10 employee or the named employee's bargaining representative becomes aware of any witness or
11 evidence that the named employee or the employee's bargaining representative believes to be
12 material, they shall disclose it as soon as is practicable to OPA, or shall otherwise be foreclosed
13 from raising it later in a due process hearing, grievance, or appeal. Information not disclosed
14 prior to a due process hearing, grievance, or appeal, shall not be allowed into the record after the
15 OPA investigation has concluded if it was known to the named employee or the named
16 employee's bargaining representative during the OPA investigation, and if OPA offered the
17 employee an opportunity to discuss any additional information and suggest any additional
18 witnesses during the course of the employee's OPA interview.

19 I. If further investigation is needed because new information is brought forward
20 during an OPA interview or a due process hearing, or because additional investigation is directed
21 by OIG or new evidence is surfaced from such additional investigation, OPA shall have an
22 additional 60 days for each instance that requires additional investigation, to complete that work
23 and provide it for final review by OIG.

1 Section 18. Section 3.28.812 of the Seattle Municipal Code, last amended by Ordinance
2 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

3 ~~((3.28.812))~~ **3.29.135 Office of ~~((Professional))~~ Police Accountability—Explanations of**
4 ~~((Certain Complaint Dispositions))~~ **certain complaint dispositions**

5 A. ~~Where-If~~ there is disagreement between the Chief ~~of Police~~ and the OPA Director
6 as to the OPA Director’s recommendations on findings, the Chief and the OPA Director shall
7 engage in a supplemental meeting to discuss the disagreement, which shall occur after the
8 employee due process meeting has taken place.

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

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1 ~~((B-))~~ C. If no discipline results from an OPA complaint because an investigation
2 time limit ~~((specified in a collective bargaining agreement between the City and the subject~~
3 ~~employee's bargaining unit))~~ as set forth in Section 3.29.130 has been exceeded, within ~~((60))~~ 30
4 days of the final ~~((disposition of the complaint investigation))~~ certification of the investigation by
5 the OPA Director, the OPA Director shall make a written ~~((explanation))~~ statement of the nature
6 of the allegations in the complaint and the reason or reasons why the time limit was exceeded.
7 This requirement applies whether the OPA Director ~~((recommends that))~~ recommended the
8 complaint be sustained, not sustained, or ~~((declines))~~ declined to make a recommendation
9 because the time limit ~~((has))~~ had been exceeded. The written statement shall be included in the
10 OPA case file and provided to the Mayor, the City Council President and the Chair of the public
11 safety committee responsible for public safety matters, the City Attorney, the Inspector General,
12 and the CPC Executive Director, and included in a communication with the complainant and the
13 public.

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

21 ~~((D-))~~ E. ~~((The written explanations required by Subsections A and B of this~~
22 ~~Section shall be provided to the Mayor and City Council.))~~ The OPA Director shall include
23 summaries of ~~((these explanations))~~ the written statements required by this Section 3.29.135 in

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1 the OPA Director's annual report ~~((reports required by ((Seattle Municipal Code 3.28.825))~~

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2 ~~Section 3.29.145~~. The summaries ~~((shall not identify or divulge personal information about the~~
3 ~~subject officer or officers or anyone else involved in the complaint and))~~ shall be ~~((subject to))~~
4 consistent with any applicable confidentiality requirements in state or federal law.

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

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

9 **3.29.140 Office of Police Accountability – Staffing**

10 A. The OPA Director and the Deputy Director shall be civilians and, within 18
11 months of the effective date of the ordinance introduced as Council Bill 11~~8907-xxxx~~ ~~becoming~~
12 effective, all investigative supervisors shall be civilian.

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

15 C. Within 12 months of the effective date of the ordinance introduced as Council Bill
16 11~~8907-xxxx~~ ~~becoming effective~~, intake and investigator personnel shall be entirely civilian or a
17 mix of civilian and sworn, in whatever staffing configuration best provides for continuity,
18 flexibility, leadership opportunity, and specialized expertise, and supports public trust in the
19 complaint-handling process.

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

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

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

7 G. OPA investigators and investigative supervisors shall receive training by
8 professional instructors outside SPD in best practices in administrative and police practices
9 investigations. OPA investigators and investigative supervisors shall also receive in-house
10 training on current SPD and OPA policies and procedures.

11 Section 20. Section 3.28.825 of the Seattle Municipal Code, last amended by Ordinance
12 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

13 ~~((3.28.825 Reports.))~~ **3.29.145 Office of Police Accountability – Reporting**

14 A. ~~Timely and informative reporting is important to sustain public trust, help the~~
15 ~~City's police accountability system function effectively, and allow for regular and continuous~~
16 ~~improvement.~~ The OPA Director shall produce annual reports that are readily understandable,
17 ~~responsive to issues and trends of concern, and allow for meaningful comparison of patterns and~~
18 ~~trends over time which are~~ and useful to policymakers ~~and the public.~~ ~~The OPA Director shall~~
19 ~~request CPC's assistance in doing so.~~

20 B. OPA shall maintain a website consistent with City Information Technology
21 standards and shall, with the assistance of CPC, conduct community outreach to inform the
22 public about the police accountability system and how to access it. OPA's website shall contain
23 comprehensive, substantive, and timely information on matters of public interest concerning

1 SPD's accountability system, including information about OIG and CPC and links to their
2 websites.

3 C. OPA shall post online, in a timely manner, summaries of completed
4 investigations, including the allegations, analysis, and findings. ~~Each month,~~ OPA shall post on
5 its website and distribute, by electronic subscription, a compilation of ~~the~~ completed
6 investigation summaries from the prior ~~monthquarter,~~ noting ~~additionally~~ any investigations for
7 which discipline has been appealed.

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

13 E. OPA shall work with the City Attorney's Office to publicly release information
14 about OPA cases as promptly and with as much transparency as legally and practically possible.

15 F. Each year in June and December, OPA shall provide to OIG status reports
16 regarding ~~(4a)~~ all OPA cases that were referred by OPA for possible criminal investigations
17 during the previous six months and ~~(2b)~~ all OPA cases that were referred by OPA for possible
18 criminal investigations in earlier periods and for which investigations remained open at any time
19 during the current reporting period. These status reports shall include the nature of the criminal
20 allegation, the case number, the named employee(s), the date of complaint, the timeliness of the
21 criminal investigation, and the current status of the case.

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

4 H. OPA shall ~~post online and electronically distribute an annual report to the Mayor,~~
5 ~~City Attorney, City Council, Chief of Police, Inspector General, and CPC, as well as to the City~~
6 ~~Clerk for filing as a public record produce an annual report.~~ This report shall describe the work
7 ~~of OPA as enumerated in subsection I. of this section, and include any OPA Director~~
8 ~~recommendations for changes in policies and practices, collective bargaining agreements, City~~
9 ~~ordinances, and state law. The annual report shall address-assess the extent to which the OPA's~~
10 ~~purpose, duties, and responsibilities detailed in this Chapter 3.29 have been met. The report shall~~
11 ~~include any OPA Director recommendations for changes in policies and practices, collective~~
12 ~~bargaining agreements, City ordinances, and state law, summarize and also detail the~~
13 ~~implementation status of any previous OPA policy and practice recommendations, to SPD or~~
14 ~~other City departments and agencies and, for any that have not yet fully been implemented and if~~
15 ~~not met, the reasons.~~ The annual report shall also summarize information received from
16 ~~community outreach that has informed its OPA's work. The annual report shall be posted online~~
17 ~~and electronically distributed to the Mayor, City Attorney, Council, Chief, Inspector General,~~
18 ~~and CPC, as well as to the City Clerk for filing as a public record.~~

19 ~~((A-))~~ I. ((The Director shall issue at least two reports per year to the Mayor and
20 City Council describing the work of the OPA and making recommendations for policy changes
21 as determined by the Director. Each year at least one of the Director's reports shall report)) The

22 OPA Director's annual report shall include, but not be limited to, the following:

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

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

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

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

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

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

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

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

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

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

1 ~~((5-))~~ 7. The ~~((geographic))~~ precinct, sector, and shift distribution of
2 incidents underlying complaints;

3 ~~((6-))~~ 8. The racial, ethnic, ~~((and))~~ gender, and geographic distributions of
4 complainants, ~~((as))~~ to the extent this information is provided voluntarily by complainants;

5 ~~((7-))~~ 9. The racial, ethnic, gender, assignment, shift, and service seniority
6 seniority distributions of ~~((officers))~~ named employees who are subjects of complaints;

7 ~~((8-))~~ 10. The number of ~~((officers))~~ named employees who have received
8 ~~((three))~~ two or more sustained complaints within one year; ~~((and~~

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

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

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

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

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

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1 Section 21. Section 3.28.830 of the Seattle Municipal Code, last amended by Ordinance
2 120728, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

3 ~~((3.28.830))~~ **3.29.150 Office of Police Accountability – Confidentiality of files and**
4 **records ((=))**
5 ~~((The Director shall, in the case of unsustained complaints, prepare a summary of the~~
6 ~~investigation, including a description of the number of witnesses interviewed, the investigative~~
7 ~~methods employed, and a brief explanation of why the complaint was not sustained. The Director~~
8 ~~shall provide a copy of the summary to the complainant.)) The OPA Director shall protect the
9 confidentiality of ~~((Department))~~ OPA and SPD files and records to which ~~((s/he))~~ OPA has been
10 provided access to the extent permitted by applicable law and collective bargaining agreements,
11 in accordance with the provisions of this ~~((chapter))~~ Chapter 3.29, and in the same manner and to
12 the same degree as ~~((s/he))~~ the OPA Director would be obligated to protect attorney-client
13 privileged materials under legal and ethical requirements. The OPA Director shall also be bound
14 by the confidentiality provisions of the Criminal Records Privacy Act, ~~((RCW Chapter 10.97))~~
15 chapter 10.97 RCW, and ~~((Public Disclosure Act (RCW Section 42.17.250 et seq.))~~ disclosure
16 limitations under state and federal law. The OPA Director shall not identify the ~~((subject of an))~~
17 named employee in an OPA investigation in any public report required by this ~~((chapter))~~
18 Chapter 3.29.~~

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

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

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

3 **3.29.200 Office of Inspector General for Public Safety established – Functions and**
4 **authority**

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

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

9 C. There shall be a civilian Deputy Inspector General to perform such duties and
10 have such powers as the Inspector General may prescribe and delegate to fulfill and effectively
11 manage the duties set forth in this Subchapter II, including acting on behalf of the Inspector
12 General when necessary. The Inspector General shall obtain from an outside law enforcement
13 agency a thorough background check of the Deputy Inspector General, prior to the Deputy
14 Inspector General's appointment to the position, as well as for any other staff who are assigned
15 to perform some or all of the functions of the OPA Auditor and the Police Intelligence Auditor.

16 D. OIG oversight activities shall objectively ensure the ongoing integrity of SPD
17 processes and operations and that SPD is meeting its mission to address crime and improve
18 quality of life through the delivery of constitutional, professional, and effective police services
19 consistent with best practices, and meeting its mission in a way that reflects the values of
20 Seattle's diverse communities.

21 E. OIG shall conduct risk management reviews and performance audits, including
22 analysis of sample and aggregate data, to identify systemic problems and to establish patterns

1 and trends, of any and all SPD and OPA operations, and criminal justice system operations that
2 involve SPD or OPA.

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

6 G. OIG may also conduct audits and reviews for any areas that may (a) involve
7 potential conflicts of interest; (b) involve possible fraud, waste, abuse, inefficiency, or
8 ineffectiveness; (c) undermine accountability or ethical standards; or (d) otherwise compromise
9 the public’s trust in the police or the criminal justice system.

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

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

14 1. Collaborating with the Chief of Police, the OPA Director, and other SPD
15 leadership to strengthen the involvement of supervisory personnel in the accountability system;
16 and

17 2. Working with the OPA Director and SPD to make disciplinary processes as
18 fair, impartial, objective, certain, timely, consistent, understandable, transparent, and effective as
19 possible.

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

22 1. Obtaining information about community perspectives and concerns germane to
23 OIG’s oversight responsibilities, [including using the expertise of CPC;](#)

1 ~~2.~~ by means including, but not necessarily limited to, seeking support from CPC
2 ~~on~~ Conducting community outreach to inform the public about OIG's role and scope of
3 responsibilities, in consultation with CPC, and receiving feedback from CPC on issues surfaced
4 as a result of its community outreach activities;

5 ~~23.~~ Consulting with CPC regularly ~~regarding needed OIG informational materials~~
6 to ensure ~~they that OIG materials~~ are readily understandable, ~~and that informational materials are~~
7 culturally and linguistically appropriate and widely available to Seattle's diverse residents both
8 in English and in translation;

9 ~~34.~~ Providing technical assistance on OIG matters to CPC, as reasonably
10 requested and consistent with the purposes of this Chapter 3.29; and

11 ~~45.~~ Maintaining and promoting use of a hotline and other technologies to receive
12 anonymous reports from the public and City employees regarding matters germane to this
13 Chapter 3.29.

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

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

19 **3.29.210 Office of Inspector General for Public Safety – Independence**

20 A. The Inspector General shall have authority for the hiring, supervision, and
21 discharge of all OIG staff.

22 B. ~~A budget with sufficient staffing and resources for effective OIG operations shall~~
23 ~~be submitted annually by the Inspector General separate and distinct from the budget of any~~

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

5 C. Except as prohibited by law, OIG shall have timely, full, and direct access to all
6 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other
7 City departments and offices that are necessary to perform its duties set forth in this Chapter
8 3.29. Should any City department decline to provide OIG access to documents or data, the
9 declining department shall provide the Inspector General with an itemization describing the
10 documents or data withheld and the legal basis for withholding access to each item. OIG shall
11 have authority to observe reviews, meetings, and trainings, such as SPD administrative
12 investigation unit meetings, disciplinary hearings, or discussions of misconduct complaint
13 investigations.

14 Section 25. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance
15 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

16 ~~((3.28.855 OPA Auditor's Authority and Responsibility.))~~ **3.29.220 Office of Inspector**
17 **General for Public Safety – Inspector General**

18 ~~((A. The OPA Auditor shall review OPA complaint classifications and complaint~~
19 ~~investigations. Every week the OPA shall notify the Auditor of the complaint classifications~~
20 ~~made and complaint investigations completed in the previous week, and shall make the case files~~
21 ~~available to the Auditor. The Auditor may recommend to the OPA that it change a complaint~~
22 ~~classification or further investigate a complaint, or, as specified elsewhere in this section, require~~
23 ~~further investigation. If within 10 days after being notified that a case file has been completed the~~

1 ~~Auditor has not advised the Department of concerns with the investigation, the OPA shall~~
2 ~~forward the case file to the subject officer's chain of command for review and recommendations.~~
3 ~~The OPA Auditor may review a completed case file after the OPA has referred the case file to~~
4 ~~the subject officer's chain of command, but in these instances the OPA Auditor shall not require~~
5 ~~further investigation.~~

6 ~~B. The OPA Auditor may audit any and all OPA records. The purpose of such audits~~
7 ~~is to support the Auditor's recommendations on the thoroughness, fairness and timeliness of~~
8 ~~OPA investigations, and on any other Police Department or City policies and practices related to~~
9 ~~police accountability and police professional conduct. The Auditor shall issue public reports on~~
10 ~~the results of such audits. The Auditor shall determine the topics, scope and frequency of such~~
11 ~~audits after consulting at least annually with the OPA Director and OPA Review Board.~~

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

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

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

4 ~~{E. — Reserved.}~~

5 ~~F. — OPA Auditor's Access to Records; Restriction on Access When Criminal~~
6 ~~Investigation Pending; Return of Records.~~

7 ~~1. — The OPA Auditor shall have access to all OPA files and records, provided,~~
8 ~~however, that the OPA Auditor shall not have access to files designated by the OPA as relating~~
9 ~~to an active criminal investigation of an officer until such time as the Department has given the~~
10 ~~subject officer written notification of the investigation. The OPA Director shall provide the OPA~~
11 ~~Auditor with quarterly status reports regarding OPA cases in which criminal investigations are~~
12 ~~also being undertaken. These status reports shall include the number of ongoing OPA criminal~~
13 ~~investigations and the month during which each investigation was originated, and the number of~~
14 ~~new criminal investigations initiated that quarter.~~

15 ~~2. — OPA files and records made available to the OPA Auditor are the property~~
16 ~~of the Police Department and shall not, by operation of this sub chapter, become the property of~~
17 ~~the OPA Auditor. The OPA Auditor shall make every reasonable effort to maintain the security~~
18 ~~of files belonging to the Department while in the OPA Auditor's possession. Any requests made~~
19 ~~to the OPA Auditor for OPA files or records, whether through litigation discovery or pursuant to~~
20 ~~public disclosure, shall be referred to the Chief of Police for response.~~

21 ~~3. — Upon completion of an audit, the OPA Auditor shall return to the OPA all~~
22 ~~section files, reports, and records to which he or she has been provided access pursuant to these~~

1 ~~audit procedures and standards. Following completion of an audit, the OPA Auditor may,~~
2 ~~however, continue to have access to closed OPA files.~~

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

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

8 A. Manage all functions and responsibilities of OIG.

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

12 C. Review OPA and SPD handling of allegations of misconduct, including directing
13 audits and reviews of OPA classifications and investigations, directing any additional OPA
14 investigation, and making certification determinations on whether OPA investigations are
15 complete.

16 D. Handle complaints involving OPA staff where a potential conflict of interest
17 precludes OPA from handling the complaint.

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

19 ~~F. Set>Create OIG's annual workplan, in consultation with OPA, CPC, and the Chair~~
20 ~~of the public safety committee, and transmit a copy to the Council by January 1. The workplan~~
21 ~~shall take into account input from the OPA Director and CPC on areas of concern identified in~~
22 ~~the course of their duties.~~ The Council may at any time direct the addition of items to the OIG's
23 work plan by resolution. The Inspector General may modify the OIG workplan ~~may be modified~~

1 during the year to accommodate emergent issues, but in doing so, shall take into account ;
2 ~~B~~udget constraints of OIG and its need to balance a range of priorities ~~shall be taken into~~
3 ~~account by OIG~~ in adding areas to its workplan.

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

10 1. To fulfill OIG's monitoring obligations of incidents, the Inspector
11 General or OIG representative(s) designated by the Inspector General, shall have full authority to
12 respond to any incident scene and have access to the scene to the extent that they request it
13 related to its authority as set forth in this Chapter 3.29.

14 2. OIG representative(s) may also attend and participate in SPD
15 administrative investigation unit interviews and meetings held to review Force Investigation
16 Team (FIT) information or discuss any incidents, including those to which scenes OIG has
17 responded, at the Inspector General's discretion, related to its authority as set forth in this
18 Chapter 3.29.

19 3. Whether at the scene of an incident or in subsequent SPD
20 administrative investigation unit interviews or meetings concerning any incident, OIG
21 representative(s) may identify areas of concern related to its authority as set forth in this Chapter
22 3.29.

1 H. Monitor the implementation by SPD, OPA, City elected officials, and other City
2 departments and offices of recommendations made by the Inspector General, the OPA Director,
3 and CPC.

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

9 J. OIG shall 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 any revisions.

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

17 L. Provide input to the Mayor on the performance of the OPA Director in advance of
18 the Mayor's performance evaluation of the OPA Director.

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

21 **3.29.230 Office of Inspector General for Public Safety – Review of OPA classifications**

22 A. ~~Each quarter, OIG shall conduct an audits of a random, statistically significant~~
23 ~~samples of the~~ classifications of all misconduct complaints from the prior quarter to validate that

1 OPA classifications were appropriately assigned for OPA investigation, Supervisor Action, or an
2 alternative resolution, and that ~~all~~ allegations and employees associated with the complaints were
3 properly identified.

4 ~~B. The Inspector General shall make recommendations to OPA for remedying any~~
5 ~~issues noted in its quarterly audit and publicly report the results of the classification audits and~~
6 ~~any of OIG's associated recommendations.~~

7 ~~C.B. In conducting the quarterly audits, if the Inspector General determines OIG that~~
8 ~~further review of classifications is warranted, the Inspector General may instead~~ require that the
9 OPA Director submit each proposed classification decision to OIG for review and input prior to
10 OPA making a final classification determination, until such time ~~as~~ OIG determines that ~~such~~
11 ~~increased involvement in classifications~~ review of each classification is no longer needed, ~~in~~
12 ~~which case quarterly classification audits shall resume.~~

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

15 **3.29.240 Office of Inspector General for Public Safety – Review of OPA investigations**

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

19 1. After OPA believes an investigation to be complete, OIG shall review all
20 investigations involving misconduct allegations concerning violations of law; honesty; use of
21 force; use of force reporting; bias-free policing; integrity; ethics; professionalism; use of position
22 or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct;
23 retaliation; harassment; responsibilities of employees regarding complaints of misconduct;

1 discretion and authority; primary investigations; stops, detentions and arrests; or search and
2 seizure.

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

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

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

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

21 D. If OIG finds that the investigation is not ready to be certified, OIG may request or
22 direct further investigation. Upon completion of any additional work requested or directed by

1 | OIG, the case shall be re-submitted to OIG for certification before the OPA Director may issue
2 | proposed findings.

3 | E. If additional investigation is requested by the Chief ~~of Police~~ after a due process
4 | hearing, the case shall be re-submitted to OIG for re-certification following the additional
5 | investigation.

6 | F. After reviewing the investigation, OIG shall document in writing the investigation
7 | as ~~(1a)~~ certified as thorough, timely, and objective; ~~(2b)~~ not certified because the investigation is
8 | not thorough, timely, and objective but additional investigation is not requested or directed, and
9 | the reason; or ~~(3c)~~ not certified because the investigation is not thorough and objective, along
10 | with any requested or directed further investigation to be conducted by OPA or a request to meet
11 | with the OPA Director to discuss possible further investigation.

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

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

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

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

9 Section 28. Section 3.28.850 of the Seattle Municipal Code, last amended by Ordinance
10 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

11 ~~((3.28.850))~~ **3.29.250 Office of ((Professional Accountability Auditor established.))**

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

13 ((A.—There shall be an Office of Professional Accountability Auditor (hereinafter
14 “OPA Auditor”) who shall be appointed by the Mayor, subject to confirmation by the City
15 Council, to provide review and assessment of Office of Professional Accountability (hereinafter
16 “OPA”) complaints and of Police Department policies and practices related to police
17 accountability and professional conduct. The OPA Auditor shall serve a term of three years and
18 may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by
19 the City Council. No individual may serve more than three three year terms as OPA Auditor.
20 Should an OPA Auditor take office at any time after commencement of a regular term, the
21 expiration of that term shall remain unaffected. The OPA Auditor may be removed from office
22 for cause by the Mayor by filing a statement of reasons for removal with the City Council. The

1 ~~OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's~~
2 ~~annual budget.~~

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

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

15 ~~((2-))~~ B. ~~((A commitment to and knowledge))~~ Knowledge of the ~~((need for and))~~
16 responsibilities of law enforcement ~~((as well as the need))~~ and a commitment to protect the basic
17 constitutional rights of all affected parties;

18 ~~((3-))~~ C. A commitment to the statements of purpose and policies in this ~~((chapter))~~
19 Chapter 3.29;

20 ~~((4-))~~ D. A history of ~~((demonstrated))~~ leadership experience ~~((and ability))~~ ;

21 ~~((5-))~~ The potential for gaining the respect of complainants, Police Department
22 personnel, and the citizens of this City;

1 ~~(6-))~~ E. The ability to ~~((work))~~ 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)),~~ OPA Director, ~~((other Police~~
5 ~~Department personnel, OPA Review Board, other public agencies, private organizations, and~~
6 ~~citizens))~~ and CPC;

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

10 ~~((8-))~~ G. The ability to ~~((maintain))~~ exercise sound judgment, independence,
11 fairness, and objectivity in an environment where controversy is common.

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

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

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

21 **3.29.260 Office of Inspector General for Public Safety – Appointment and removal**

22 A. The Inspector General shall be appointed and reappointed in accordance with the
23 process described in this Section 3.29.260. For appointments, the ~~City Council committee~~

1 ~~responsible for public safety matters (“public safety committee”)~~ shall select from up to three
2 qualified finalists identified by a search committee through a national process using merit-based
3 criteria. CPC Commissioners shall constitute at least 25 percent of the search committee, one of
4 whom shall serve as one of the search committee co-chairs. The public safety committee shall
5 either appoint from among the finalists or initiate a new search. The appointee shall be confirmed
6 by a majority vote of the full ~~City~~ Council. The public safety committee shall receive input from
7 the CPC and the OPA Director prior to reappointments.

8 B. The Inspector General may be appointed for up to two, six-year terms for a total
9 of 12 years. The terms shall be set to end in years separate from the OPA Director’s term of
10 office. Each term year shall commence on July 1, except for the first term of the first Inspector
11 General appointed pursuant to this Chapter 3.29, which will commence immediately following
12 ~~City~~ Council confirmation. To ensure that the Inspector General’s term ends on a year offset
13 from the expiration of the OPA Director’s term, the first term of the first Inspector General
14 appointed pursuant to this Chapter 3.29 shall be a five-year term, and will include and not be
15 limited by time served in office after confirmation but prior to July 1. The first Inspector General
16 appointed pursuant to this Chapter 3.29 may serve two subsequent six-year terms.

17 C. Each appointment and reappointment shall be made whenever possible
18 sufficiently prior to the expiration of the latest incumbent’s term of office, or the effective date of
19 an incumbent’s resignation, permitting ~~City~~ Council action to appoint or reappoint at least 45
20 days before the expiration of the present term or the effective date of the resignation, so as to
21 have a seamless transition without a gap in oversight. If the public safety committee does not
22 make an appointment or reappointment or does not initiate a new search within 90 days of the
23 first day of the expiration of a term or of a vacancy, the Mayor shall appoint the Inspector

1 General subject to confirmation by a majority vote of the full ~~City~~ Council. If the ~~City~~ Council
2 rejects the committee's appointee, the committee shall appoint a new Inspector General within
3 90 days and such appointment shall be consistent with this Section 3.29.260, and subject to
4 confirmation by a majority vote of the full ~~City~~ Council. If the ~~City~~ Council does not act on the
5 committee's appointee within 30 days of the submittal of the nomination to the ~~City~~ Council, the
6 appointee shall be deemed to have been confirmed.

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

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

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

1 2. Within ten days after receipt of the notice, the Inspector General may file with
2 the ~~City~~-Council President and the Chair of the public safety committee a request for a hearing
3 on the cause for removal. The Inspector General's request for a hearing shall be delivered at the
4 same time to the Mayor, the OPA Director, the Chief, and the CPC Executive Director. If such
5 request is made, the ~~City~~-Council shall convene a hearing on the cause for removal in the public
6 safety committee not sooner than 30 days and not more than 60 days following the Inspector
7 General's request for a hearing, at which the Inspector General may appear, be represented by
8 publicly-funded counsel, and be heard. The ~~City~~-Council shall vote to approve or reject the
9 removal within 30 days of the hearing.

10 3. If no request for a hearing is made, the ~~City~~-Council shall vote to approve
11 or reject the removal within 30 days of issuing notice of the intended removal, following input
12 from CPC.

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

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

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

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

3 ~~((3.28.860 OPA Auditor to prepare semiannual report.))~~ **3.29.270 Office of Inspector**

4 **General for Public Safety – Audits, reviews and reporting**

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

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

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

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

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

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

1 5. The effectiveness of any early intervention or performance
2 mentoring system in supporting improved officer performance and mitigating misconduct;

3 6. Technology and systems of data collection, management, and
4 analysis;

5 7. The acquisition of, uses, and significant changes to tactical
6 equipment, vehicles, facilities, and uniforms;

7 8. The accuracy and thoroughness of video recording reviews and the
8 appropriate recording and retention of video recordings;

9 9. Patterns, including disparate impacts, in SPD deployment, uses of
10 force, re-classifications of levels and types of force; stops, arrests, searches, and interactions with
11 those in behavioral crisis;

12 10. Incidents of significant concern to the public, such as those
13 involving injury or death in police custody or the management of demonstrations;

14 11. Patterns in complaints and misconduct outcomes involving, among
15 other categories, use of force and biased policing;

16 12. Assessment of the fairness, objectivity, certainty, timeliness,
17 consistency, and the appropriate application and effectiveness of imposed discipline in sustained
18 misconduct cases;

19 13. Evaluation of the final outcomes of appeals and grievances and
20 whether overturned findings or discipline, or other settlements, suggest opportunities to improve
21 OPA processes and SPD training;

22 14. Assessment of inquests, federal and local litigation, and their final
23 outcomes, patterns relating to civil claims and lawsuits alleging SPD misconduct, payout

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

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

6 B. OIG shall maintain a website, consistent with City Information Technology
7 standards ~~and shall, with the assistance of CPC, conduct community outreach to inform the~~
8 ~~public about OIG's role and scope of responsibilities.~~

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

14 D. To effectuate the purposes of this Chapter 3.29, ~~the~~ Inspector General shall, ~~in~~
15 ~~addition to the timely publishing of OIG audits and studies, issue~~ produce an annual ~~public~~ report.
16 The ~~Inspector General shall produce annual reports that are~~ report shall be readily
17 ~~understandable, responsive to issues and trends of concern, and allow for meaningful comparison~~
18 ~~of patterns and trends over time which are and useful to policymakers and the public; the~~
19 ~~Inspector General shall request CPC's assistance in doing so.~~ The annual report shall include at
20 least the following:

21 1. A summary of OIG's audit and review activities for the previous year;
22 2. An ~~analysis-evaluation~~ of the extent to which the purpose, duties, and
23 responsibilities ~~detailed~~ in this Chapter 3.29 have been met ~~by the responsible entities;~~

1 23. Any-OIG recommendations for changes in policies and practices,

2 collective bargaining agreements, City ordinances, and state laws; and

3 4. A summary of An analysis of the extent to which prior recommendations
4 for improvements reported by OIG, OPA, and CPC, whether they have been implemented; and,
5 if they have not, the reasons;

6 3. The results of OIG's evaluation of OPA's complaint handling system; ;

7 54. A summary of all cases of significant public concern, including OIG's review
8 and the outcome of reviews by SPD units-unit reviews foref officer-involved shootings, and in-
9 custody deaths, and any other cases of significant public concern; and OIG's review or
10 investigation of any other such incidents affecting public confidence and trust; ;

11 65. 4. A descriptionAn analysis of any patterns and trends of disproportionality
12 or other concerns compared to previous years, including identified from review of inquests, and
13 from review of claims and lawsuits alleging SPD misconduct;

14 including judgments and settlements, units disproportionately represented as
15 subjects of claims and lawsuits, and related training;

16 Analyses of patterns and trends; ;

17 6. Summaries of its performance audits; ;

18 7. An assessmentA discussion of research and successful practices in other
19 jurisdictions, including ;

20 8. Any-OIG recommendations for changes in the mix of OPA sworn and civilian
21 staff;

22 9. Any-OIG recommendations for changes in policies and practices, collective
23 bargaining agreements, City ordinances, and state laws; and

1 108. A summary of information received from OIG's hotline, any of its other
2 anonymous intake systems, and from community outreach that has informed its work; and

3 9. A summary of OIG's review of OPA's complaint handling system,
4 including at a minimum:-

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

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

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

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

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

17 c. For those cases which OIG did not certify and those cases for which

18 OIG requested or required further investigation, a description of OPA's follow-up;

19 d. A review of

20 2. The semi-annual reviews of OPA complaint handling for cases not
21 investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid

22 Adjudication, Management Actions and Training Referrals; and

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1 ~~((4.)) 3. (A summary of issues, problems and)) e. A description of any~~
2 concerns or trends noted ((by the OPA Auditor as a result of his or her review;) in OPA
3 complaint intake and investigations.;

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4 ~~4. A description of patterns and concerns identified from review of inquests~~
5 ~~and from review of claims and lawsuits alleging SPD misconduct, including judgments and~~
6 ~~settlements, units disproportionately represented as subjects of claims and lawsuits, and related~~
7 ~~trainings;~~

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

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

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

15 ~~6. Recommendations that SPD or OPA make policy, practice, training, or~~
16 ~~procedural changes; and~~

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17 ~~7. ((Any findings)) Findings from audits of OPA records or the OPA~~
18 ~~Director's reports.))~~

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

1 ~~((C.))~~ **EE.** The ~~((OPA Auditor))~~ Inspector General shall deliver a preliminary draft of
2 ~~((his/her semiannual report))~~ the reports to the ~~((OPA Director and))~~ Chief ~~((of Police)),~~ the OPA
3 Director, CPC Executive Director, or other City directors, when any of their departments or
4 offices is the subject of the report, for review and comment. ~~((The OPA Director and Chief of~~
5 ~~Police))~~ They shall review and comment on the preliminary report to the Inspector General
6 within ~~((10 working days))~~ ten days after receipt of the report. They shall not release or distribute
7 the report to others during the review period. The ~~((OPA Auditor))~~ Inspector General shall
8 ~~((submit))~~ then issue the final report within ~~((10 working days))~~ ten days after receipt of ~~((the~~
9 ~~Director's and Chief's))~~ any comments.

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

13 Section 31. Section 3.28.870 of the Seattle Municipal Code, last amended by Ordinance
14 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

15 ~~((3.28.870))~~ **3.29.280 Office of Inspector General for Public Safety – ((Confidentiality of**
16 **files)) Files and records**

17 A. ~~((In discharging his or her responsibilities, the OPA Auditor))~~ The Inspector
18 General shall protect the confidentiality of ~~((Department))~~ OPA and SPD files and records to
19 which ~~((s/he))~~ OIG has been provided access to the extent permitted by applicable law and
20 collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in
21 the same manner and to the same degree as ((s/he)) the Inspector General would be obligated to
22 protect attorney-client privileged materials under legal and ethical requirements. The ~~((OPA~~
23 ~~Auditor))~~ Inspector General shall also be bound by the confidentiality provisions of the Criminal

1 Records Privacy Act, chapter 10.97 RCW, ~~((RCW Chapter 10.97))~~ and ~~((Public Disclosure Act~~
2 ~~(RCW Section 42.17.250 et seq.))~~ disclosure limitations under state and federal law. The ~~((OPA~~
3 ~~Auditor))~~ Inspector General shall not identify the ~~((subject of an investigation))~~ named employee
4 in an OIG audit in any public report required by this ~~((chapter))~~ Chapter 3.29.

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

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

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

12 **Subchapter ~~((IX))~~ III ~~((Office of Professional Accountability Board))~~ Community Police**
13 **Commission**

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

16 **3.29.300 Community Police Commission established – Functions and authority**

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

20 B. CPC was originally established by ordinance with responsibilities under the
21 Consent Decree between The City of Seattle and the United States Department of Justice. The
22 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in
23 this Chapter 3.29. It is the City's intention that civilian oversight be enhanced and broadened

1 beyond the scope set forth in the Consent Decree in order to better serve the public. To the
2 extent not otherwise covered by this Chapter 3.29, CPC shall continue to fulfill the
3 responsibilities of CPC as set forth in the Consent Decree and Memorandum of Understanding in
4 *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR) until such time as the Consent
5 Decree ends. Until such time as the Consent Decree ends, CPC shall prioritize these ongoing
6 responsibilities over any additional responsibilities set forth in this Chapter 3.29.

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

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

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

17 2. Maintaining connections with representatives of disenfranchised
18 communities and with other community groups in all of the City's legislative districts, as well as
19 with SPD demographic and precinct advisory councils.

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

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

1 E. Identify and advocate for reforms to state laws that will enhance public trust and
2 confidence in policing and the criminal justice system. Such advocacy may include, but is not
3 limited to, reforms related to the referral of certain criminal cases to independent prosecutorial
4 authorities, officer de-certification, pension benefits for employees who do not separate from
5 SPD “in good standing,” and the standards for arbitrators to override termination decisions by
6 the Chief of Police.

7 Section 34. Section 3.28.900 of the Seattle Municipal Code, last amended by Ordinance
8 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

9 ~~((3.28.900))~~ **3.29.310 Office of ((Professional Accountability Board established,)) the**
10 **Community Police Commission – Established**

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

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

1 ~~C. The OPA Review Board shall consist of seven members. Four members shall be~~
2 ~~considered a quorum.)~~

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

5 **3.29.320 Office of the Community Police Commission – Executive Director**

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

10 B. Executive Director – Appointment

11 1. There shall be an Executive Director, appointed by CPC. The position of
12 Executive Director shall be exempt from the classified civil service. The Executive Director shall
13 not have been formerly employed by SPD. The term of the Executive Director position is six
14 years.

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

21 3. If an individual is reappointed to a successive term as Executive Director
22 within 60 days prior to or 60 days after the expiration of that individual's term, the ensuing term
23 begins on the date the prior term expired. If an individual is reappointed to a successive term as

1 Executive Director more than 60 days prior to or 60 days after the expiration of the individual's
2 term, the new term begins on the date of reappointment unless CPC chooses, at the time of
3 reappointment, to make the new term begin on the date the prior term expires or expired.

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

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

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

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

16 E.D. The CPC Executive Director shall have the authority and responsibility to:

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

15 **3.29.330 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. The CPC Executive Director shall submit an annual budget request to the Mayor.

2 The Office of the CPC budget shall be appropriated in a Budget Control Level that is
3 independent of any other City department. CPC Commissioners and the CPC Executive Director
4 may advocate for resources directly to Councilmembers or the Council during the budget process
5 and throughout the year.

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

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

12 **3.29.340 Community Police Commission – Qualifications**

13 A. Commissioners shall be respected members of Seattle’s many diverse
14 communities. All Commissioners shall reside or work in Seattle as set forth in this Section
15 3.29.340 and shall be geographically representative of the City of Seattle in a distribution that
16 allows CPC to assign Council district representatives in accordance with the requirements of
17 subsection 3.29.340.B.

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

- 1 C. Individual Commissioners shall have expertise in law enforcement; police
2 accountability; human resources; community engagement; organizational change; constitutional,
3 criminal, or labor law; social justice; training; or other disciplines important to CPC's work.
4 Collectively, Commissioners shall have a deep understanding of community interests and needs,
5 all shall have general knowledge of police accountability matters, and some shall have extensive
6 subject matter expertise, including in the areas of law enforcement oversight, human rights, civil
7 rights and civil liberties, and cultural competency. Altogether, there shall be a balance that
8 allows CPC as a whole to benefit from the knowledge and expertise of its individual members.
- 9 D. At least two Commissioners shall be graduates of an accredited law school and
10 members in good standing of the Washington State Bar Association, with significant experience
11 in the fields of public defense and civil liberties law. CPC membership shall include a
12 representative of the Seattle Police Officers Guild (SPOG) and a representative of the Seattle
13 Police Management Association (SPMA). The representatives from SPOG and SPMA should
14 have background relevant to police-community relations and demonstrated connection to the
15 membership of their respective unions.
- 16 E. All Commissioners shall have the following qualifications and characteristics:

1 1. A reputation for integrity and professionalism, and for effectiveness in a board
2 or commission role;

3 2. A commitment to and understanding of the need for and responsibilities of law
4 enforcement, including enforcement and care-taking, and the need to protect the constitutional
5 rights of all affected parties;

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

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

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

10 disenfranchised communities, SPD employees, and relevant City and other officials including the
11 Mayor, ~~City~~Council, City Attorney, Chief, OPA Director, Inspector General, and other CPC
12 members;

13 6. An understanding of the city's ethnic and socioeconomic diversity, and proven
14 experience working with and valuing the perspectives of diverse groups and individuals; and

15 7. The ability to exercise sound judgment, independence, fairness, and objectivity,
16 and to carry out Commissioner duties in a manner that reflects sound judgment, independence,
17 fairness, and objectivity in an environment where controversy is common.

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

20 **3.29.350 Community Police Commission – Appointment, removal, and compensation**

21 A. CPC shall consist of 21 Commissioners, appointed and reappointed as set forth in
22 this Chapter 3.29. The Mayor shall select seven Commissioners, the ~~City~~Council shall select

1 seven Commissioners, and CPC shall select seven Commissioners, including the public defense
2 representative, the civil liberties law representative, and the SPOG and SPMA representatives.

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

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

11 C. The first terms for Commissioners in position numbers 1 through 5, 16, and 17,
12 shall end on December 31, 2017. The first terms for Commissioners in position numbers 6
13 through 10, 18, and 19 shall end on December 31, 2018. The first terms for Commissioners in
14 position numbers 11 through 15, 20, and 21 shall end on December 31, 2019.

15 D. Each appointing authority shall provide a process that allows individuals to apply
16 and be considered for appointment, and shall ensure appointees meet the qualifications outlined
17 in this Section 3.29.350 and are selected in a manner that effectuates the bylaws of CPC with
18 respect to its composition. Twelve of the 15 Commissioners must live within Seattle city limits
19 and three of the 15 Commissioners may work within but are not required to live within the City.
20 Each appointing authority may appoint one of the three Commissioners who works within but
21 does not ~~reside-live~~ within the City. Where a Commissioner resides in City of Seattle at the time
22 of appointment but no longer resides in the City during any 60-day period of a term that
23 Commissioner will not be eligible for reappointment at the expiration of the term unless proof of

1 current residency in the City can be established. A change in residency to outside the City of
2 Seattle will not affect the Commissioner's ability to serve the remainder of any pending term.
3 The appointing authorities shall consult with one another prior to making their respective
4 appointments and reappointments. All Commissioners appointed or reappointed by ~~each of the~~
5 ~~appointing authorities~~ the Mayor or CPC shall be confirmed by a majority vote of the full ~~City~~
6 Council and shall assume office upon receiving ~~City-Council confirmation;~~ Commissioners
7 appointed or reappointed by the City Council shall assume office upon appointment or
8 reappointment.

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

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

22 G. To strengthen the independence of CPC, Commissioners may be removed from
23 office by the appointing authority only for cause. By a three-quarters vote of its membership,

1 CPC may approve removal of Commissioners appointed by CPC. A majority vote of the full City
2 Council is required to ~~approve~~ confirm the removal of any Commissioner.

3 H. Commissioners shall be compensated, if at all, as provided by ordinance.

4 Section 39. A new Section 3.29.360 of the Seattle Municipal Code is added to Subchapter
5 III of Chapter 3.29 as follows:

6 **3.29.360 Community Police Commission – Authority and responsibility**

7 CPC shall have the authority and responsibility to:

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

12 B. Assign at least one Commissioner to represent each Council district. Each
13 Commissioner representing a Council district shall live, work, or have significant professional or
14 civic ties in that district; demonstrate a deep understanding of neighborhood issues; actively
15 engage the people within the Council district on a regular basis; and regularly report back to CPC
16 on community issues on law enforcement in the Council district.

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

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

1 E. Monitor the implementation by SPD, OPA, City elected officials, and other City
2 departments and offices of recommendations made by the Inspector General, the OPA Director,
3 and CPC.

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

6 F. Pursuant to subsection 3.29.220.A.20, annually review OIG's workplan and
7 recommend to the Inspector General specific areas for OIG investigation and evaluation,
8 including emergent issues that arise that in CPC's judgment are needed to support public
9 confidence in SPD and related criminal justice practices.

10 G. Review closed OPA investigations and any other SPD or OPA data to identify
11 opportunities for systemic improvements. However, CPC shall not serve as a review board for
12 individual investigations; shall not evaluate or opine on the sufficiency of the evidence, findings,
13 or determinations of any specific OPA investigations; and shall not seek to influence the course
14 or outcome of any specific OPA investigation, or the findings, discipline, or other remedial
15 action recommended or imposed in such cases.

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

19 I. Review and provide input into SPD recruiting, hiring, and promotional practices.

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

1 K. Annually evaluate the performance of the Executive Director, after soliciting
2 perspectives from the public, Mayor, City Attorney, Chief, OPA Director, other SPD employees,
3 and CPC Commissioners.

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

6 M. Provide input to the City Council on the performance of the Inspector General in
7 advance of the City Council's performance evaluation of the Inspector General.

8 N. Request to the Council the addition of any desired items to the OIG's workplan.

9 Section 40. Commissioners serving on the effective date of the ordinance ~~introduced as~~
10 ~~Council Bill 118907 becomes effective may~~ continue in office, pursuant to the provisions
11 outlined in this section.

12 A. No fewer than 30 days prior to the effective date of this ordinance ~~introduced as~~
13 ~~Council Bill 118907~~, each presently serving and eligible Commissioner of the previously
14 existing CPC, created by the Consent Decree and Stipulated Order of Resolution Between the
15 United States of America and The City of Seattle and established by Executive Order No. 02-
16 2012 and City of Seattle Ordinance 124021, who wishes to serve on CPC as established by ~~this~~
17 Chapter 3.29 of the Seattle Municipal Code shall submit a written statement to the Mayor, the
18 ~~City~~ Council President, and the CPC Executive Director indicating that the member wishes to
19 serve on CPC as established by ~~this~~ Chapter 3.29 of the Seattle Municipal Code. Public defender
20 and civil liberties law representatives shall identify themselves as such in their written
21 statements.

22 B. No fewer than 15 days prior to the effective date of this ordinance ~~this Chapter 3.29~~,
23 the City Attorney or a designee of the City Attorney shall, in a publicly noticed and open

1 meeting, draw numbers to determine the position number for each Commissioner of the
2 previously existing CPC who has indicated they wish to continue to serve. The position numbers
3 to be drawn are 1–2, 4–5, and 7–13. Each Commissioner shall be timely informed of the position
4 number that corresponds to that Commissioner.

5 C. Commissioners in position numbers 1, 4, 7, 10, and 13 shall be appointed, and where
6 applicable, reappointed by the Mayor. Commissioners in position numbers 2, 5, 8, 11, and 14
7 shall be appointed, and where applicable, reappointed by the ~~City~~Council. Commissioners in
8 position numbers 3, 6, 9, 12, and 15 shall be appointed, and where applicable, reappointed by
9 CPC.

10 D. Continuing Commissioners who served on the previously existing CPC in position
11 numbers 1 through 5 may serve terms ~~deemed to end~~ending on December 31, 2017; continuing
12 Commissioners in position numbers 6 through 10 may serve terms ~~deemed to end~~ending on
13 December 31, 2018; and continuing Commissioners in position numbers 11 through 13 may
14 serve terms ~~deemed to end~~ending on December 31, 2019.

15 E. Continuing Commissioners are eligible to serve one subsequent three-year term after
16 the expiration of their existing term as set forth in this ~~Section 3.29.215~~section.

17 F. The term of any presently serving Commissioner who chooses not to serve on CPC as
18 established by Chapter 3.29 ~~of the Seattle Municipal Code~~ shall terminate on the ~~effective date of~~
19 ~~this this~~ ordinance ~~becomes effective~~. Continuing Commissioners shall retain the position
20 numbers established by Section 3.29. ~~215-350 of the Seattle Municipal Code~~ and each subsequent
21 Commissioner corresponding to such position number shall be appointed and, where applicable,
22 reappointed by the appointing authority designated for that position.

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

3 **3.29.370 Community Police Commission – Reporting**

4 A. CPC shall produce an annual report. The annual report shall be readily
5 understandable and useful to policymakers. The annual report shall be posted online and
6 electronically distributed an annual report to the Mayor, City Attorney, ~~City~~ Council, Chief ~~of~~
7 Police, OPA Director, and Inspector General, as well as to the City Clerk for filing as a public
8 record. ~~This~~ The annual report shall describe the work of CPC in fulfilling the responsibilities
9 detailed in this Chapter 3.29, including:

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

12 2. The extent to which prior recommendations to SPD, OPA, or other City
13 departments and offices for policy and practice improvements have been implemented; and, if
14 they have not, the reasons;

15 3. Any CPC recommendations for changes in policies and practices,
16 collective bargaining agreements, City ordinances, and state laws; and

17 4. Information about CPC’s outreach to SPD employees and the public, ~~and~~
18 ~~about~~ the perspectives gathered by CPC from such outreach, and how the outreach informed
19 CPC’s work.

20 B. In partnership with OIG, CPC shall periodically evaluate and issue reports on how
21 effective SPD’s processes are in meeting community needs for a diverse work force, including
22 the relevance of traditional disqualifying factors and the swiftness-speed of decision-making ~~the~~

1 [hiring process](#), to assess if there are unfair impediments to hiring and retaining diverse and
2 skilled officers.

3 Section 42. A new Section 3.29.380 of the Seattle Municipal Code is added to Subchapter
4 III of Chapter 3.29 as follows:

5 **3.29.380 Community Police Commission – Meetings**

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

8 Section 43. A new Subchapter IV, which includes new Sections 3.29.400, 3.29.410,
9 3.29.420, 3.29.430, 3.29.440, 3.29.450, 3.29.460, 3.29.470, and 3.29.480, is added to Chapter
10 3.29 of the Seattle Municipal Code as follows:

11 **Subchapter IV Mechanisms to Support Accountability**

12 **3.29.400 Reporting of potential misconduct and police accountability issues**

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

18 B. The procedures of any SPD board, unit, or process created to review performance
19 must be approved by the Chief ~~of Police~~ and set forth in the SPD Policy Manual. SPD
20 administrative investigation units, including the Force Review Board, shall maintain a schedule
21 of review that limits the duration of each incident review to 90 days. SPD administrative
22 investigation units shall not make determinations of misconduct or recommend discipline.

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

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

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

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

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

19 **3.29.410 Continuous improvement**

20 A. ~~Following the issuance of SPD and OPA shall confer with and respond in writing~~
21 ~~within 30 days to any oversight entity issuing~~ written recommendations ~~to SPD by the OPA~~
22 ~~Director, the Inspector General, or CPC issued pursuant to~~ contained in reports required by this
23 Chapter 3.29, SPD shall confer with and respond in writing to the issuing entity within 30 days

1 ~~following the release of the recommendations. In-For any accepted recommendations,~~ the
2 response, ~~SPD~~ shall provide a plan for implementation ~~of accepted recommendations,~~ including
3 a plan for regular ~~timely~~-written progress reports ~~_on progress made in implementing accepted~~
4 ~~recommendations, and an explanation for those recommendations not accepted or not scheduled~~
5 ~~for implementation~~ For any recommendations not accepted or not scheduled for implementation,
6 the response shall provide an explanation of why not. If the lead entity responsible for the
7 implementation of any recommendation is a City department or office other than SPD or OPA,
8 the ~~Director of the Mayor's Office of Policy and Innovation or its successor~~ shall coordinate
9 providing the necessary information to ~~SPD to~~ include in the response. ~~The issuing agency shall~~
10 ~~be responsible for tracking the status of its recommendations accepted and not accepted. The~~
11 ~~OPA Director and the Inspector General shall report quarterly to CPC on the status of SPD's~~
12 ~~response to their recommendations regarding SPD and other City departments and agencies.~~

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

1 ~~C.B.~~ C.B. The OPA Director, Inspector General, a CPC Commissioner, and the Chief, or
2 their designees, shall meet together at least quarterly to collectively review the implementation
3 status of all recommendations.

4 ~~D.C.~~ D.C. SPD shall respond in writing to any Training Referral or Supervisor Action
5 referral with an explanation of actions taken.

6 ~~E.D.~~ E.D. In consultation with CPC, OIG, and OPA, SPD shall establish a schedule and
7 protocol for regular and timely review of proposed revisions to the SPD Policy Manual for the
8 purpose of ensuring SPD policies are consistent with best practices, including recommendations
9 from the civilian oversight entities. SPD's schedule and protocol shall allow meaningful
10 opportunity for such SPD Policy Manual reviews.

11 ~~F.E.~~ F.E. SPD shall maintain systems of critical self-analysis, including audits and reviews
12 of critical events, lawsuits, claims, and complaints. These reviews should focus on ways to
13 improve policies, training, and supervision so as to help prevent misconduct, policy violations,
14 poor performance, or other adverse outcomes.

15 ~~G.F.~~ G.F. At the time the Mayor's annual proposed budget is submitted to the ~~City~~ Council,
16 the Mayor shall notify the ~~City~~ Council and CPC in writing, with copies to the Inspector General
17 and the OPA Director, when recommendations requiring City funding issued in reports made in
18 the prior year consistent with the reporting requirements set forth in this Chapter 3.29 by those
19 responsible for implementing the purposes of this Chapter 3.29 are not included for funding in
20 the budget proposal. The Mayor shall also identify any reductions to the OPA, OIG, or CPC
21 baseline budgets in the proposed budget, or compared to the budgets as proposed to the Mayor
22 by OPA, OIG, or CPC, with an explanation of the reasons for the reductions.

1 H.G. At the time the Mayor's proposed state legislative agenda is presented to the ~~City~~
2 Council, the Mayor shall notify the ~~City~~ Council and CPC in writing, with copies to the Inspector
3 General and the OPA Director, when associated recommendations made by those responsible for
4 implementing the purposes of this Chapter 3.29 are not included in the proposed state legislative
5 agenda.

6 H.H. The City's Office of Intergovernmental Relations shall consult with the OPA
7 ~~Director~~, the Inspector General, and CPC during the development of the City's state legislative
8 agenda.

9 H.I. Each year ~~in June and December~~ the City Attorney's Office shall provide the
10 OPA Director and Inspector General with two status reports, one covering the period from
11 January 1 to June 30 and one from July 1 to December 31, regarding (+a) all OPA cases in which
12 the findings or discipline have been appealed during the previous six months and (2b) all OPA
13 cases in which the findings or discipline have been appealed in earlier periods and that remained
14 open at any time during the current reporting period. These status reports shall include all OPA
15 cases not yet closed due to appeal, the case number, the named employee~~(s)~~ or employees, the
16 date of complaint, the date of disciplinary action, the Chief ~~of Police~~ disciplinary decision, the
17 date of appeal, the nature of the appeal, and the current status of the case, including any
18 modification to the case disposition as a result of appeal.

19 **3.29.420 Disciplinary, grievance, and appeals policies and processes**

20 A. SPD and City disciplinary, grievance, and appeal policies and processes shall be
21 timely, fair, consistent, and transparent.

22 1. SPD shall track all records of Chief ~~of Police~~ disciplinary determinations.
23 The OPA Director and the Inspector General shall have unfettered access to this information, and

1 SPD shall report on disciplinary patterns in such a way that the public can assess whether the
2 Chief ~~of Police~~ is exercising disciplinary authority in a fair and consistent manner.

3 2. To help ensure timeliness, there shall be set and enforceable timeframes
4 for any named employee to be notified by SPD of proposed findings and discipline, for any
5 named employee and/or the named employee's union representative to request a due process
6 hearing, for the Chief ~~of Police~~ to issue a final finding and disciplinary decision, and for any
7 named employee to file an appeal.

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

10 4. The Chief ~~of Police~~ shall have the authority to place an SPD employee on
11 leave without pay prior to the completion of an OPA administrative investigation where the
12 employee has been charged with a felony or gross misdemeanor.

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

17 6. The Disciplinary Review Board is abolished.

18 7. Public Safety Civil Service Commission

19 a. The Public Safety Civil Service Commission (PSCSC) shall be the
20 only avenue for SPD employee disciplinary appeals when brought by the employee. Disciplinary
21 appeals when brought by a law enforcement labor union on the employee's behalf are heard
22 pursuant to the procedure set forth in subsection 3.29.420.A.8.

1 b. The PSCSC shall be comprised of three members, none of whom
2 shall be City employees. Two members shall be appointed by the Mayor and one member shall
3 be appointed by the ~~City~~Council. Members shall be selected using merit-based criteria and shall
4 have appropriate expertise and objectivity regarding disciplinary and promotional decisions.
5 Members may serve up to three, three-year terms, and their terms shall be staggered. The PSCSC
6 may delegate its authority to hear appeals to a City hearing examiner with appropriate subject
7 matter expertise. Employees must provide written notification of their intent to appeal to the
8 Chief ~~of Police~~, City Attorney, and the PSCSC within ten days of receiving the Chief's final
9 disciplinary determination. All hearings related to disciplinary appeals shall be open to
10 complainants and the public.

11 8. Where a Seattle law enforcement union challenges the imposition of
12 discipline based on an alleged violation of the terms and conditions of a collective bargaining
13 agreement, such challenge shall be heard through the City Hearing Examiner.

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

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

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

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

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

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

13 A. SPD shall develop and implement recruitment, hiring, testing, training, mentoring,
14 assignment, and promotional practices that emphasize leadership and policing skills consistent
15 with accountability, which support equity and the goals set forth in the Consent Decree.

16 B. In developing and implementing the recruitment, hiring, testing, training,
17 mentoring, assignment, and promotional practices referenced in subsection 3.29.430.A, SPD
18 shall consult with CPC and OIG and may obtain guidance from other community stakeholders.

19 C. To support operational efficiency and excellence, SPD may use civilians with
20 specialized skills and expertise to perform any SPD management and operational functions,
21 including, but not limited to, training, human resources, technology, budget and finance, crime
22 analysis, recruiting, hiring, and testing, which in the judgment of the Chief ~~of Police~~ do not
23 require law enforcement commissioned personnel, allowing SPD the ability to more flexibly

1 deploy civilian and sworn resources to best meet both its administrative and law enforcement
2 needs.

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

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

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

21 G. SPD shall ensure that its "take-home" policy for SPD vehicles, and the
22 opportunities for assignments that provide additional financial remuneration, are consistent with
23 values of accountability and effective use of taxpayer resources.

1 H. The Chief ~~of Police~~ shall collaborate with the OPA Director with the goal that
2 sworn staff assigned to OPA have requisite skills and abilities and with the goal that the rotations
3 of sworn staff into and out of OPA are done in such a way as to maintain OPA's operational
4 effectiveness. To fill such a sworn staff vacancy, the Chief ~~of Police~~ and the OPA Director
5 should solicit volunteers to be assigned to OPA for two-year periods. If there are no volunteers
6 or the OPA Director does not select from those who volunteer, the Chief ~~of Police~~ shall provide
7 the OPA Director with a list of ten acting sergeants or sergeants from which the OPA Director
8 may select OPA personnel to fill intake and investigator positions. Should the OPA Director
9 initially decline to select personnel from this list, the Chief ~~of Police~~ shall provide the OPA
10 Director with a second list of ten additional acting sergeants or sergeants for consideration. If a
11 second list is provided, the OPA Director may select personnel from either list, or from among
12 volunteers.

13 I. SPD shall collaborate with OPA, OIG, and CPC in the development and delivery
14 of SPD in-service training related to the accountability system.

15 **3.29.440 Public disclosure, data tracking, and record retention**

16 A. SPD and the City Attorney's Office shall work with OPA to release information
17 associated with OPA cases as quickly and with as much transparency as legally and practically
18 possible.

19 B. SPD shall maintain current and searchable public databases, to the extent
20 technologically feasible, that include every stop, frisk, use of force, and disciplinary matter. The
21 databases shall protect the privacy of members of the public and City employees who are
22 involved to the extent allowed by law, while including all relevant information of each

1 interaction, including race, gender, time, place, assignment, reason, and any other consideration
2 that can help provide information regarding possible bias.

3 C. SPD shall make available information about its policies and operations that are
4 matters of concern to the public by posting such information online, such as the SPD Policy
5 Manual, performance audit reports, reviews of shootings by officers, and reviews of in-custody
6 injuries and deaths.

7 D. SPD shall track and document OPA cases referred from the OPA Director to the
8 Chief ~~of Police~~ in OPA and SPD data systems.

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

17 F. For sworn employees who are terminated or resign in lieu of termination, such
18 that the employee was or would have been separated from SPD for cause and at the time of
19 separation was not “in good standing,” SPD shall include documentation in SPD personnel and
20 OPA case files verifying ~~(4a)~~ a letter was sent by SPD to the [Washington State Criminal Justice](#)
21 [Training Commission \(WSCJTC\)](#)~~WSCJTC~~ regarding de-certification and consistent with the
22 requirements set forth in subsection 3.29.420.A.13; ~~(2b)~~ whether action was taken by the
23 WSCJTC in response to that letter; ~~(3c)~~ that the Chief ~~of Police~~ did not and will not grant the

1 employee authorization to serve in a Special Commission capacity, as a reserve officer or as a
2 retired officer in a private company that provides flagging, security, or related services; and (4d)
3 that the Chief did not or will not grant any request under the Law Enforcement Officers Safety
4 Act to carry a concealed firearm. The latter two actions shall also be taken and documentation
5 included in the SPD personnel and OPA case files whenever a sworn employee resigns or retires
6 with a pending complaint and does not fulfill an obligation to fully participate in an OPA
7 investigation.

8 **3.29.450 Criminal cases**

9 A. The City Attorney shall establish a protocol with the King County Prosecutor to
10 refer, whenever possible, criminal cases in which police misconduct resulted in the death of a
11 civilian to prosecutors not affiliated with the City or King County.

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

16 **3.29.460 Collective bargaining and labor agreements**

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

22 B. The terms of all collective bargaining agreements for SPD employees, along with
23 any separate agreements entered into by SPD or the City in response to an unfair labor practice

1 complaint, settlement of grievance or appeal, or for other reasons, including those previously
2 reached, shall be clearly and transparently provided to the public, by posting on the SPD website.

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

8 **3.29.470 Public statements**

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

15 **3.29.480 Protection of civilian oversight entities**

16 Retaliation by adverse employment action or harassment against OPA and OIG employees,
17 against employees of the Office of the CPC or CPC Commissioners, or against employees of
18 other City departments or offices who provide information to OPA, OIG, or CPC undermines the
19 effectiveness of civilian oversight efforts by threatening the continued flow of information. No
20 City official or employee shall retaliate against, punish, or penalize any other person for
21 complaining to, cooperating with or assisting OPA, OIG, or CPC in the performance of their
22 duties. Any OPA or OIG employee, CPC employee or Commissioner, or employee of other City
23 departments or offices who believes he or she has been retaliated against for making such

1 complaint to, disclosing information to, or responding to such queries from OPA, OIG, or CPC
2 may report such action to the Inspector General. If retaliation is suspected, the Inspector General
3 is authorized to open an investigation into the matter and refer a complaint to the appropriate
4 authority. Any City official or employee who violates these provisions may be subject to
5 dismissal, discipline, or censure consistent with City and state laws. These protections shall not
6 apply when the contact was made or the information was disclosed with knowledge that it was
7 false or with willful disregard for its truth or falsity.

8 Section 44. A new Subchapter V, which includes new Sections 3.29.500 and 3.29.510, is
9 added to Chapter 3.29 of the Seattle Municipal Code as follows:

10 **Subchapter V Construction and Implementation**

11 **3.29.500 Construction**

12 A. The collective bargaining agreements with the City's police unions shall be
13 updated to conform and be consistent with the provisions and obligations of this Chapter 3.29.

14 B. Any provision of this Chapter 3.29 that requires collective bargaining shall not
15 become effective until the City satisfies its collective bargaining obligations under the Public
16 Employees' Collective Bargaining Act, chapter 41.56 RCW, or the City and the affected police
17 union(s) mutually agree that the provision may be implemented.

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

20 D. It is the express intent of the ~~City~~ Council that, in the event a subsequent
21 ordinance refers to a position or office that was abolished by the ordinance introduced as Council
22 Bill [11890711xxxx](#), that reference shall be deemed to be the new position or office created by
23 the ordinance introduced as Council Bill [11890711xxxx](#), and shall not be construed to resurrect

1 the old position or office unless it expressly so provides by reference to the ordinance introduced
2 as Council Bill ~~41890711xxxx~~.

3 E. It is the express intent of the ~~City~~ Council that, in the event a subsequent
4 ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a
5 previously enacted ordinance that is amended or recodified in the ordinance introduced as
6 Council Bill ~~41890711xxxx~~, but the later ordinance fails to account for the change made by the
7 ordinance introduced as Council Bill ~~41890711xxxx~~, the two sets of amendments should be
8 given effect together if at all possible. The code reviser may publish the section or subsection in
9 the official code with all amendments incorporated therein.

10 F. The terms and provisions of this Chapter 3.29 are not retroactive and shall apply
11 only to those rules, orders, actions, or proceedings that occur, or have been initiated, on or after
12 the effective date of the ordinance introduced as Council Bill ~~41890711xxxx~~.

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

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

20 **3.29.510 Implementation**

21 A. Until the [effective date of the](#) ordinance introduced as Council Bill ~~418907~~
22 ~~11xxxx~~~~takes effect~~, the current accountability system shall remain in place, consistent with

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

3 B. The ordinance introduced as Council Bill ~~118907-11xxxx~~ shall take effect and be
4 in force within 30 days of the last of the following taking place: (~~1a~~) review and approval of the
5 ordinance by the United States District Court for the Western District of Washington presiding
6 over the Consent Decree in the matter of *United States of America v. City of Seattle*, 12 Civ.
7 1282 (JLR); (~~2b~~) passage by the City Council; (~~3c~~) if applicable, resubmittal to and re-approval
8 by the United States District Court of adopted legislation containing terms previously dis-
9 approved by the Court or new terms not yet reviewed; and (~~d~~)⁴ ultimate approval by the Mayor.
10 If not approved and returned by the Mayor within ten days after presentation, it shall take effect
11 as provided by Section 1.04.020.

1 Section 45. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)