

BUDGET DELIBERATIONS

POLICE ACCOUNTABILITY

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INTRODUCTION:

In 2009 and 2010, there were a series of racially charged incidents in the public eye, including the shooting death of First Nations woodcarver John T. Williams. Tensions in the community were high around law enforcement, and many community organizations signed onto a [letter](#) calling for a Department of Justice (DOJ) federal investigation.

The DOJ conducted an investigation in 2011 and had two primary findings. First, the DOJ found a pattern or practice of unconstitutional excessive or unnecessary use of force, resulting in part from structural inadequacies related to reporting, training, supervision, and SPD's early intervention system. Secondly, the DOJ expressed serious concerns about biased policing related to social contacts and potentially unlawful stops, with specific discriminatory events contributing to lack of community trust.

Following DOJ's findings, in 2012 the City agreed to enter into a [Settlement Agreement](#) and Memorandum of Understanding ([MOU](#)) with DOJ, together known as the "Consent Decree."¹ The Consent Decree reflects three goals of police reform. Specifically, the goals of the Consent Decree, which could also be said to be the goals of the City, are:

- Constitutional policing
- Effective policing that ensures public and officer safety, and
- Policing that promotes public confidence.

As part of police reform, in May 2017, the Council adopted an accountability ordinance ([Ordinance 125315](#)) that contains extensive changes to the police accountability system, including strengthening the role of the Office of Police Accountability (OPA) which investigates complaints of police misconduct, establishing an Office of the Inspector General for Public Safety (OIG) as the new civilian auditing entity, and expanding the size and functions of CPC.

The City has made significant strides in improving policing. In the Court Monitor's compliance status report to the Court on September 8, 2017, the Court Monitor stated, "The progress to date constitutes a significant success..." That progress led the City of Seattle on September 29 to file a motion with the Court asking the Court to declare the City to be in full and effective compliance with the Consent Decree and therefore entering its two-year sustainment period. On October 13, the U.S. Department of Justice and the Community Police Commission both filed responses to the Court agreeing with the City and requesting that the City be found to have met its obligations under the first phase of the Consent Decree. The creation of the new accountability system is a key part of ensuring lasting effective reform, through the two-year compliance period and beyond.

¹ U.S. v. City of Seattle, 12-CV-1282.

OFFICE OF THE COMMUNITY POLICE COMMISSION

Budget Summary

	2017 Adopted	2018 Endorsed	2018 Proposed	% Change 2018 Endorsed to Proposed
Appropriations by BCL				
Office of the CPC	\$878,557	\$893,532	\$1,048,184	17.3%
Total Expenditures	\$878,557	\$893,532	\$1,048,184	17.3%
Total FTEs	4.0	4.0	6.0	50.0%
Revenues				
General Subfund	\$878,557	\$893,532	\$1,048,184	17.3%
Total Revenues	\$878,557	\$893,532	\$1,048,184	17.3%

Interactive Budget Link: <http://www.seattle.gov/city-budget/2018-proposed-budget/community-police-commission>

BACKGROUND:

The Office of the Community Police Commission provides administrative and policy staff support to the Community Police Commission (CPC). The Community Police Commission originated under the Consent Decree in 2012. CPC is the community outreach voice of the system, conducting community engagement on police oversight matters and applying a community lens to review of SPD policies.

Under the accountability ordinance, the number of Commissioners is increased from 15 to 21 members. Some of the primary duties of CPC under the accountability ordinance include the following:

- Help to ensure that the purposes, duties, and responsibilities of all entities under the accountability ordinance have been met, and in doing so, engaging in regular collaborative conversations with SPD and the other accountability entities;
- Review the accountability system, police services, and SPD policies and practices of significance to the public, and provide input on these matters to SPD, OPA, OIG, Mayor, Council and City Attorney;
- Make recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws, in order to support systemic improvements and further community trust;
- Conduct community outreach to obtain the perspectives of community members and SPD employees on police-community relations, SPD policies and practices, and the police accountability system;
- Maintain connections with disenfranchised communities and community groups with assigned CPC Commissioner representation across each of the City's seven legislative districts;

- Provide SPD, OPA and OIG with community feedback relevant to their operations;
- Provide technical assistance on community matters to OPA and OIG;
- Identify and advocate for reforms to state laws that will enhance public trust and confidence in policing and the criminal justice system;
- Provide input into selection processes for the OPA Director and Inspector General;
- Monitor and systematically track implementation of recommendations made by OIG, OPA, and CPC;
- Annual review OIG's work plan and recommend areas of investigation and evaluation that are needed to support public confidence in SPD;
- Review closed OPA investigations for opportunities for systemic improvements;
- Review and comment on the OPA procedures manual;
- Assisting SPD in various matters such as development and delivery of in-service training related to the accountability system;
- Issue joint reports with OIG on SPD's effectiveness in hiring a diverse workforce;
- Continue to act as a stakeholder in the Consent Decree process and fulfill duties under the consent decree such as community engagement and SPD policy review;
- Hold monthly open meetings and an annual meeting; and
- Produce an annual report.

Proposed Budget

At the time that the accountability ordinance was passed, there were no changes made to CPC's budget, recognizing that there would be a fall budget process. In September, the Mayor transmitted a proposed budget that increased funding for CPC by \$154,652 to slightly over \$1M and adding 2.0 FTE to bring the total staffing to 6.0 FTE.

The proposed two position adds include a policy analyst and a community engagement manager. The proposed budget assumes that CPC would use approximately \$167,000 of its consulting budget to help defray the costs of adding the two positions, as shown in the table below. This reduction is close to the amount of consulting money unspent by CPC in 2016. Converting consulting work to in-house positions adds stability to CPC's organizational structure and spending.

The four existing CPC staff include the following:

- Executive Director
- Policy and Program Advisor
- Community Engagement and Communications Specialist
- Administrative Staff Assistant

Table 1: CPC Budget Breakout

	2017 Adopted	2018 Endorsed	2018 Proposed	Change
Personnel costs	\$492,000	\$507,000	\$775,000	\$268,000
Other operating costs (incl. consulting)	\$387,000	\$387,000	\$273,000	(\$114,000)
Total	\$879,000	\$894,000	\$1,048,000	\$154,000
FTE	4.0	4.0	6.0	2.0

BUDGET ACTIONS PROPOSED BY COUNCILMEMBERS AS OF 10/09/17:

1. CPC Budget Increase (CM González)

This proposal would increase the 2018 Proposed Budget for CPC by 3.5 FTE (including funding for those positions in an amount to be determined), and up to \$175,000 for contracting work and Commissioner stipends. The purpose of this increase is to reflect the impacts on scope of work for the Community Police Commission from the new police accountability system set forth in [Ordinance 125315](#).

2. CPC Surveillance Community Engagement (CM Herbold)

This proposal would provide additional staffing to the Community Police Commission for conducting community outreach for implementation of the surveillance ordinance in the Seattle Police Department (SPD), and potentially serving as a similar resource for other departments as well, with a focus on but not necessarily limited to criminal justice-related departments. The surveillance ordinance ([Ordinance 125376](#)) was adopted by the Council in July 2017 and requires that departments seeking Council approval to acquire surveillance technology must first conduct community engagement. The 2018 Proposed Budget for SPD contains support for implementation of the surveillance ordinance, including \$252,091 to fund one administrative staff analyst (1.0 FTE) and a term-limited senior management systems analyst.

OFFICE OF THE INSPECTOR GENERAL FOR PUBLIC SAFETY

Budget Summary

	2017 Adopted	2018 Endorsed	2018 Proposed	% Change 2018 Endorsed to Proposed
Appropriations by BCL				
Office of the Inspector General	n/a	n/a	\$1,454,802	n/a
Total Expenditures	n/a	n/a	\$1,454,802	n/a
Total FTEs	n/a	n/a	4.0	n/a
Revenues				
General Subfund	n/a	n/a	\$1,454,802	n/a
Total Revenues	n/a	n/a	\$1,454,802	n/a

Interactive Budget Link: <http://www.seattle.gov/city-budget/2018-proposed-budget/office-of-inspector-general-for-public-safety>

BACKGROUND:

The 2018 Proposed Budget for the Office of Inspector General for Public Safety (OIG) includes a base budget of \$1,028,802 and 4.0 FTE that were established in May 2017 via a supplemental ordinance ([Ordinance 125314](#)) adopted by the Council at the same time as the accountability ordinance ([Ordinance 125315](#)). The base budget supports the creation of the new office, including funding for operating expenses and funding and position authority for 4.0 FTE. The operating expenses includes \$100,000 for consulting expenses plus other office costs. The funded positions include the Inspector General, a Deputy Inspector General, an analyst, and an administrative assistant.

The 2018 Proposed Budget proposes to increase OIG funding by an additional \$426,000, which represents partial-year funding (3/4 year) for an additional four positions. The expectation of the proposal is that the position authority for those four positions would be sought in 2018 after the Inspector General is hired and has an opportunity to assess what types of positions would be needed.

Thus, while the 2018 Proposed Budget for OIG is \$1.4M and 4.0 FTE, the funding contains an assumption that in 2019, the starting assumptions for developing the 2019 Proposed Budget would be about \$1.6M in annualized costs (not including inflation) and 8.0 FTE.

Some of the primary duties of the new OIG as set forth in the accountability ordinance include the following:

- Help to ensure that the purposes, duties, and responsibilities of all entities under the accountability ordinance have been met, and in doing so, engage in regular collaborative conversations with SPD and the other accountability entities;

- Conduct auditing and risk management reviews of any aspect of public safety, in order to evaluate delivery of constitutional, professional, and effective police services, including authority to audit or review non-SPD departments on these matters;
- Review office-involved shootings, in-custody deaths, and other cases of significant public concern;
- Review OPA's handling of complaints and investigations, including review of cases not investigated by OPA;
- Make recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws in order to support systemic improvements and further community trust;
- Track success of implementation of previous OIG recommendations;
- Analyze patterns or trends of disproportionality or other concerns over time, including from review of inquests, claims, and lawsuits alleging SPD misconduct;
- Review successful practices in other jurisdictions, including for practices regarding sworn versus civilian misconduct investigators;
- Maintain a hotline for public comments and concerns;
- Conduct community outreach to obtain a community perspective as well as to inform the public about OIG responsibilities;
- Provide technical assistance to CPC on OIG matters;
- Assist SPD in various matters such as development and delivery of in-service training related to the accountability system;
- Collaborate with SPD and other accountability entities to strengthen the involvement of supervisors in the accountability system;
- Perform the duties of the police intelligence auditor to review SPD handling of certain types of information that raise potential issues of privacy or civil liberties; and
- Set an annual work plan and generate an annual report.

Also consistent with its authority and scope of duties under the accountability ordinance, the Inspector General has the authority to conduct annual audits of SPD for compliance with the City's new surveillance ordinance ([Ordinance 125376](#)).

ISSUE IDENTIFICATION:

Technical BCL name correction

A technical correction is proposed to delete the word "the" in the BCL name for the Office of (the) Inspector General for Public Safety.

Option:

- A. Direct staff to prepare a green sheet with the correction.

BUDGET ACTIONS PROPOSED BY COUNCILMEMBERS AS OF 10/09/17:

1. OIG Budget Increase (CM González)

This proposal would increase the 2018 Proposed Budget for OIG by 1.5 FTE (including funding for the FTE increase in an amount to be determined), and up to \$175,000 in funding for contracting work to assist with execution of OIG's 2018 work plan. The increase reflects the importance of a new Office achieving successful outcomes in its first year of implementation under the City's landmark accountability ordinance ([Ordinance 125315](#)).

OFFICE OF POLICE ACCOUNTABILITY (SPD Budget)

Budget Summary

	2017 Adopted	2018 Endorsed	2018 Proposed	% Change 2018 Endorsed to Proposed
Appropriations by BCL				
Office of Police Accountability	\$3,139,466	\$3,183,066	\$3,599,865	13.1%
Total Expenditures	\$3,139,466	\$3,183,066	\$3,599,865	13.1%
Total FTEs	18.0	18.0	21.0	16.7%
Revenues				
General Subfund	\$3,139,466	\$3,183,066	\$3,599,865	13.1%
Total Revenues	\$3,139,466	\$3,183,066	\$3,599,865	13.1%

Interactive Budget Link: <http://www.seattle.gov/city-budget/2018-proposed-budget/police>

BACKGROUND:

Under the accountability ordinance, the Office of Police Accountability remains organizationally within SPD in order to ensure complete access to SPD data and records, but it is physically housed outside of SPD facilities and is otherwise operationally independent. Investigations are presently conducted by sworn personnel, but the accountability ordinance directs the migration of supervisors from sworn to civilian, and for investigative staff to be all civilian or a mix of civilian and sworn over time.

The 2018 Proposed Budget for OPA adds \$351,575 and 3.0 FTE for three civilian complaint navigators to assist complainants with filing complaints in a manner that is responsive to community needs and concerns. The proposed budget also adds \$55,000 to fund a civilian mediator as a pilot program.

Some of the primary duties of OPA as set forth in the accountability ordinance include the following:

- Initiate, receive, refer, classify, investigate, and appropriately resolve all complaints of police misconduct;
- Make recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws in order to support systemic improvements and further community trust;
- Oversee and strengthen the effectiveness of OPA investigations, supervisor referrals, mediation, and other alternative resolution processes;
- Maintain and annually update the OPA policies and procedures manual;

- Work with OIG, SPD, CPC, and the City Attorney's Office to help reduce or prevent misconduct through identification of patterns or trends arising through complaints, investigations, and lawsuits;
- Engage in regular collaborative conversations with SPD and the other accountability entities;
- Be present at the scene of all SPD officer-involved shootings and other serious use of force incidents;
- Collaborate with the Chief, other SPD leadership, and OIG to strengthen the involvement of supervisory personnel in the accountability system to enhance a culture of accountability throughout SPD;
- Observe and review all SPD administrative investigation processes to ensure that they do not conflict with OPA's authority and are consistent with the terms and purpose of the accountability ordinance;
- Engage with the community to obtain perspectives and concerns regarding OPA's operations, oversight role, and ease of access to the complaint process, and inform the community about the police accountability system and how to access the complaint process, including collaborating with and using the expertise of the CPC;
- Maintain a web site and post case activities online;
- Track success of implementation of previous OPA recommendations; and
- Produce an annual report that provides case statistics and complaint trends analysis.

BUDGET ACTIONS PROPOSED BY COUNCILMEMBERS AS OF 10/09/17:

1. OPA Budget Increase (CM González)

This proposal would increase the 2018 Proposed Budget for the Office of Police Accountability (OPA) by 4.0 FTEs (including funding for the FTE increase in an amount to be determined), and up to \$75,000 for training. This increase is in recognition of OPA's new responsibilities both as an oversight entity within SPD and as being subject to oversight by OIG and CPC as set forth in the police accountability ordinance ([Ordinance 125315](#)). The four FTEs would include two investigators, one strategic advisor, and an administrative assistant.