



# SEATTLE CITY COUNCIL

## Public Safety and Human Services Committee

### Agenda

Tuesday, June 28, 2022

9:30 AM

Council Chamber, City Hall  
600 4th Avenue  
Seattle, WA 98104

Lisa Herbold, Chair  
Andrew J. Lewis, Vice-Chair  
Teresa Mosqueda, Member  
Sara Nelson, Member  
Alex Pedersen, Member

Chair Info: 206-684-8801; [Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Public Safety and Human Services Committee**  
**Agenda**  
**June 28, 2022 - 9:30 AM**

**Meeting Location:**

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

**Committee Website:**

<http://www.seattle.gov/council/committees/public-safety-and-human-services>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Herbold at [Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov).

*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

(20 minutes)

**D. Items of Business**

1. [Appt 02257](#) **Appointment of Jeremy Wood as member, Community Police Commission, for a term to December 31, 2022.**

Attachments: [Appointment Packet](#)

**Briefing, Discussion and Possible Vote** (10 minutes)

**Presenter:** Monisha Harrell, Senior Deputy Mayor

2. **Update on workplan for 911 call analysis and scoping of future alternative response**

Supporting Documents: [Presentation](#)

**Briefing and Discussion** (30 minutes)

**Presenters:** Monisha Harrell, Senior Deputy Mayor; Andrew Myerberg and Dan Nolte, Mayor's Office; Asha Venkataraman, Council Central Staff

3. **Overview of 988 and Behavioral Health Crisis System**

Supporting Documents: [Presentation v.2](#)

**Briefing and Discussion** (40 minutes)

**Presenters:** Michael Reading, Chief, and Kelli Nomura, Crisis Systems and Services; Michelle McDaniel, CEO, Crisis Connections

4. [CB 120337](#) **AN ORDINANCE relating to civilian and community oversight of the police; establishing a process for investigating complaints naming the Chief of Police; adding a new subchapter V to Chapter 3.29 of the Seattle Municipal Code; and amending Section 49 of Ordinance 125315 to renumber the existing Subchapter V of Chapter 3.29 and Sections 3.29.500 and 3.29.510 of the Seattle Municipal Code.**

*Supporting  
Documents:*

[Summary and Fiscal Note](#)

[Central Staff Memo \(6/28/22\)](#)

[Memo Att 1- Substitute Version \(6/28/22\)](#)

**Briefing, Discussion and Possible Vote** (30 minutes)

**Presenters:** Asha Venkataraman and Greg Doss, Council Central Staff

**E. Adjournment**



Legislation Text

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**File #:** Appt 02257, **Version:** 1


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Appointment of Jeremy Wood as member, Community Police Commission, for a term to December 31, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Jeremy Wood</i>		
<b>Board/Commission Name:</b> <i>Community Police Commission</i>		<b>Position Title:</b> <i>Commissioner</i>
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position: *</b> <i>1/1/2020</i> <b>to</b> <i>12/31/2022</i> <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>Queen Anne (District 7)</i>	<b>Zip Code:</b> <i>98119</i>	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> As a former Seattle Assistant City Attorney, former chair of the Seattle Human Rights Commission, and most of all the cousin of a formerly-incarcerated person, I bring a passion and experience that I am confident would serve the Commission's crucial work. City Council appointed me to the Seattle Human Rights Commission and the members of that body later elected me its chair. In that role, I led the successful effort to end Seattle's longtime practice of conscripting prison labor to clean homeless encampments. Outside my day-job as a labor and employment attorney, I served as pro bono counsel for the caucus of state legislators of color in New York, prevailing in litigation to open police disciplinary records to public disclosure against challenge from New York police unions.		
<b>Authorizing Signature (original signature):</b>  <b>Date:</b> 5/31/2022		<b>Appointing Signatory:</b> <i>Bruce A. Harrell</i> <i>Mayor of Seattle</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# JEREMY WOOD

## EDUCATION

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**University of Washington School of Law**; J.D. with Honors; 2016; GPA: 3.75 (Top 20%)

*Select Honors*: Dean's Medal (awarded to two graduating students for overall excellence) | Order of the Barristers CALI Award (highest grade), American Indian Law (Spring, 2015) | 1L, 2L, and 3L Pro Bono Honors Award

*Activities*: Washington International Law Journal, *Articles Editor* | Moot Court Honor Board, *Mock Trial Chair*

**Quantic School of Business and Technology**; M.B.A; 2021

**University of British Columbia**; B.A. in History and Classical Studies; 2010

## JUDICIAL CLERKSHIPS and EXTERNSHIPS

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**Hon. Ronald Cox, Washington State Court of Appeals**, Seattle, WA: 2016-2018 – *Law Clerk*

**Hon. John Coughenour, U.S. District Court for the Western District of Washington**, Seattle, WA: 2015 - *Extern*

## CURRENT JUDICIAL SERVICE

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**Federal Way Municipal Court**, Federal Way, WA: 2021-Present – *Judge Pro Tempore*

**Tukwila Municipal Court**, Tukwila, WA: 2021-Present – *Judge Pro Tempore*

**Northwest Intertribal Court System**, Washington State: 2021-Present – *Trial/Appellate Judge Pro Tempore*

## LEGAL EXPERIENCE

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**Little Mendelson PC**, Seattle, WA: 06/2018-11/2020; 07/2021-Present

*Associate Attorney*:

- Represents private and public employers, tribal nations, intergovernmental working groups, and legislative caucuses in complex litigation, with extensive client contact
- Advises clients on COVID-19 issues concerning health and safety, wage and hour, and equal employment. Designated as a firmwide subject matter expert on vaccine mandates.
- Drafts and argues motions in limine, motions to compel, summary judgment motions, and appellate briefs.
- Prepares and presents witnesses to testify at trial, depositions, and other hearings.

**City of Seattle Attorney's Office**, Seattle, WA: 11/2020-07/2021

*Assistant City Attorney*:

- Served as first chair in complex constitutional litigation matters against private and government opponents, drafting necessary motions, handling discovery, taking and defending depositions, and arguing court hearings.
- Advised elected officials and senior agency staff in drafting legislation and complying with applicable law.

**United States Attorney's Office, Western District of Washington**, Seattle, WA: 03/2016-06/2016

*Legal Extern*:

- Drafted appellate brief, motions in limine, bench briefs, jury instructions, and voir dire questions; assisted in preparing state and federal law enforcement and cooperating informants to testify.
- Drafted memoranda for Civil Rights Division, including on application of Americans with Disabilities Act to tribal businesses.
- Drafted memoranda for tribal liaisons and revised office Indian Country Manual.

**Dean Brenda Williams, UW School of Law**, Seattle, WA: 2015-2016

*Hazelton Fellow (Research Assistant)*: Researched and analyzed habeas corpus cases for article on tribal treatment of habeas issues under the Indian Civil Rights Act.

**Kanji & Katzen PLLC**, Seattle, WA: 05/2015-09/2015

*Summer Associate*: Drafted memoranda on various environmental issues facing tribal governments.

**Tulalip Tribal Court Public Defense Clinic**, Seattle, WA: 09/2014-05/2015

*Student Public Defender*:

- Represented criminal defendants, including in fishing disputes, obtaining many dismissals and pre-trial releases.

**Office of the Solicitor, Department of the Interior**, Washington, DC: 05/2014-08/2014

*Law Clerk*: Drafted Solicitor's opinions on tribal riverbed ownership and treaty interpretation, and numerous memoranda.

## **SELECT COMMUNITY SERVICE**

**Seattle Human Rights Commission, Chair:** 2016-2018

*Chair:* Advised the Mayor and City Council on civil rights and economic justice. Drafted and commented on pending legislation. Resolved hearings and appeals against public and private entities for civil rights violations.

**Senator Henry M. Jackson Foundation, Leadership Fellow:** 2017-2018

**WSBA Indian Law Section, Newsletter Chief Editor:** 2018-Present

**Washington State Bar Association: Judicial Recommendation Committee, Member:** 2021-Present

**Northwest Immigrant Rights Project, Pro Bono Asylum Attorney:** 2017-Present

**Rural Alaska Tax Assistance Program, (Yukon-Kuskokwim Delta), Tax Preparer:** 2015

**AmeriCorps Fellow: Metro TeenAIDS (Washington, D.C.), Case Manager:** 2010-2011

**City of Ramle Department of Education (Ramle, Israel), English Teacher:** 2009

## **SELECT PUBLICATIONS**

Jeremy Wood, *Endangered Species, Endangered Treaties: Protecting Tribal Economic Development, Treaty Rights, and Consultation under Secretarial Order 3206*, 4 AMER. INDIANL.J. 131 (2015).

Jeremy Wood, *Tribal Exclusion Authority: Its Roots in Inherent Sovereignty and Recommendations for Federal Assistance*, 6 AMER. INDIANL.J. 197 (2018).

Jeremy Wood, *Eluding the Proper Scope of Federal Jurisdiction: United States v. Johnny Smith and the Assimilative Crimes Act*, WSBA: INDIAN LAW NEWSLETTER 3 (2018).

Jeremy Wood and Elizabeth Lalik, *Refusing to Serve the Alt-Right: Recommendations for DC Area Businesses Hoping to Exclude Hate Group Members from Entry*, LITTLER MENDELSON ASAP (2018).

Jeremy Wood and Elizabeth Lalik, *Can Employers Refuse to Hire Applicants Based on Alt-right Views*, HR DIVE (2018).

Jeremy Wood and Steve Biddle, *New Mexico Supreme Court Holds Tribal Casino Immune from Workers' Compensation Claims*, CLAIMS JOURNAL (2020)

Jeremy Wood and Steve Biddle, *Preemption's Silver Lining: The NLRA Offers California Tribes a Shield Against State Labor Protections*, TRIBAL GAMING & HOSPITALITY (2020)

Jeremy Wood and Tom Holt, *Washington Issues Stay Home – Stay Healthy Order, Strictly Limiting Business Operations Effective March 25, 2020*, LITTLER MENDELSON ASAP (2020)

## **PRESENTATIONS**

- *#WeGotThisWA Series: Employer Vaccine Mandates* (Presented to Seattle Metro Chamber of Commerce 2021)
- *Washington State Bar Association Practice Primer: Mechanics of Termination*; Seattle, WA (2019).
- *Washington State Bar Association Practice Primer: Awful or Lawful*; Seattle, WA (2019).
- *Washington State Bar Association Practice Primer: Problem Resolution in Termination*; Seattle, WA (2019).
- *Washington Department of Enterprise Services: Preventing Discrimination and Harassment*; Olympia, WA (2019)
- *COVID 101: Issues Facing Employers* (Presented to International Foodservice Distributors' Association 2020)

## **BAR ADMISSIONS**

Washington State (Eligible for Admission to Oregon | US District Courts, Western and Eastern Districts of Washington | Ninth Circuit Court of Appeals | Tulalip Tribes

## **LANGUAGES AND INTERESTS**

Conversant in French and Hebrew. Literate in Arabic. I enjoy boxing, podcasting (*New Books in Native American, Food, and Legal Studies*), and cooking.



# Community Police Commission

21 Members: Pursuant to 125315, all members subject to City Council confirmation, 3

- 7 City Council-appointed
- 7 Mayor-appointed
- 7 Other Appointing Authority-appointed (specify):

**Roster:**

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
	F		1.	Member	Asha Mohamed	1/1/20	12/31/22	2	Mayor
			2.	Member	Patricia L. Hunter	1/1/21	12/31/23	1	City Council
			3.	Public Defense	Vacant	1/1/18	12/31/20	1	CPC
2	F		4.	Member	Suzette Dickerson	1/1/21	12/31/23	2	Mayor
			5.	Member	Douglas E. Wagoner	1/1/21	12/31/23	2	City Council
			6.	Civil Liberties	Prachi Vipinchandra Dave	1/1/21	12/31/23	2	CPC
	F		7.	Member	Vacant	1/1/21	12/31/23	2	Mayor
			8.	Member	Vacant	1/1/19	12/31/21	1	City Council
4	M		9.	Member	Austin Field	1/1/20	12/31/22	1	CPC
2	F		10.	Member	Harriett Walden	1/1/19	12/31/21	3	Mayor
			11.	Member	Katherine Seibel	1/1/22	12/31/24	1	City Council
7	M		12.	Member	Joseph Seia	1/1/19	12/31/21	2	CPC
9	F		13.	Member	Vacant	1/1/22	12/31/24		Mayor
			14.	Member	Le'Jayah Washington	1/1/22	12/31/24	1	City Council
2	M		15.	SPOG	Mark Mullens	1/1/20	12/31/22	1	CPC
			16.	Member	Vacant	1/1/20	12/31/22		Mayor
3	NB	3	17.	Member	Alina Santillan	1/1/17	12/31/19	1	City Council
			18.	SPMA	Scott Bachler	1/1/20	12/31/22		CPC
			19.	Member	Jeremy Wood	1/1/20	12/31/22	1	Mayor
			20.	Member	Tascha R. Johnson	1/1/20	12/31/22	1	City Council
2	F		21.	Member	Erica Newman	1/1/20	12/31/22		CPC

**SELF-IDENTIFIED DIVERSITY CHART**

(1) (2) (3) (4) (5) (6) (7) (8) (9)

	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor		5				2		2					2
Council	1	1	1			2	1						1
Other	4	2			1	2			1	1	1		
Total	5	9	1		1	6	1	2	1	1	1		3

**Key:**

**\*D** List the corresponding *Diversity Chart* number (1 through 9)

**\*\*G** List *gender*, **M**= Male, **F**= Female, **T**= Transgender, **NB**= Non-Binary **O**= Other **U**= Unknown

**RD** Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Inf 2078, **Version:** 1

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Update on workplan for 911 call analysis and scoping of future alternative response

# Identifying Options for 911 Dispatch

6.28.2022

Seattle Mayor's Office



# Seattle Police Department completes Risk Managed Demand (RMD) Analysis

- Determining the likelihood & consequence of various call type outcomes.
- Will help us assess risk and understand better what calls require a sworn response vs. other.

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

# Review of Risk Managed Demand Analysis

What types of calls can be safely assigned to an alternative response?

What is the nature and scope of these calls?

## External review: Subject Matter Experts & Key Stakeholders

Behavioral  
health  
(e.g. KC  
Behavioral  
Health  
division)

Crisis  
Response  
(e.g. Crisis  
connections,  
DESC)

Others from  
community,  
legal,  
academic

# Identifying Diversified Response Options

After identifying call types that may warrant a non-sworn response, we will consider what type of response options are most appropriate.

- Community Service Officers may be good candidates for some calls.
- King County's Mobile Crisis Teams, which are expanding, could be a viable option for some behavioral health-related calls.
- Other possibilities??



# Update on Statements of Legislative Intent

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# Community Service Officers CBO 001 A 001

This Statement of Legislative Intent asks the Executive to explore possible expansion of Community Service Officer (CSO) duties & responsibilities, including non-criminal 911 calls and “activities that directly alleviate the workload of SPD 9-1-1 response officers.”

Status:

- The Mayor's Office has had preliminary discussion with the Seattle Police Department's CSO team to understand current responsibilities, composition and skills of staff, and what an expansion of CSO duties could entail.
- As we begin to identify potential activities and calls that CSOs might be able to respond to, will want to cross reference with outcomes of Risk Managed Demand analysis.
- To the extent we can move more quickly on this aspect of alternative response, we will do so.

# Mental Health CBO 002 A 001

This Statement of Legislative Intent requests the Executive identify: 1) various calls that have a “mental/behavioral health” nexus, current response options & gaps in services and; 2) how the City might scale up services to address unmet need & associated costs.

## Status

- The Executive agrees with underlying intent of the Statement of Legislative Intent request & anticipate addressing it as part of our Scope of Work.
- We have reached out to King County’s Behavioral Health division regarding ability to leverage their expertise in this area as “owners” of the County’s crisis continuum services.

# Triage 1

## SFD 004 A 001

This Statement of Legislative Intent requests three reports on work undertaken & costs expended re: formation of a “Triage One” program proposed by the previous administration to field non-emergency calls presently handled by the Seattle Police Department.

### Status

- Not proceeding with Triage One proposal given estimated costs & lack of clarity around what calls it would be responding to.
- The Mayor’s Office believes it makes more sense to first identify what calls are good candidates for a non-sworn response and then determine most appropriate response based on nature & scope of specific calls in question.



Legislation Text

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**File #:** Inf 2077, **Version:** 1

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Overview of 988 and Behavioral Health Crisis System

Presentation:  
Public Safety & Human Services Committee  
Overview of 988 & King County Crisis System

**JUNE 28, 2022**

**MICHAEL READING, CHIEF OF CRISIS SYSTEMS &  
SERVICES**

**KING COUNTY DEPARTMENT OF COMMUNITY AND  
HUMAN SERVICES, BEHAVIORAL HEALTH AND  
RECOVERY DIVISION**

**MICHELLE MCDANIEL, CHIEF EXECUTIVE OFFICER  
CRISIS CONNECTIONS**



**King County**



**crisis  
connections**  
support • resources • training

# Agenda

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- What is the “BH-ASO”?
- The role and responsibilities of the BH-ASO
- King County Crisis Services overview
- National 988 dialing code overview
- House Bill 1477 (988 legislation) overview
- Alternatives to armed response to crisis

# What is a Behavioral Health Administrative Service Organization (BH-ASO) ?

In the King BH-ASO Region, King County is contracted to act as the BH-ASO.

Specifically, the Behavioral Health and Recovery Division (BHRD) manages the BH-ASO contract and services.



# BH-ASO Services: Crisis Services

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A 24/7/365 regional crisis hotline for MH and SUD crises



Mobile Crisis Outreach



Designated Crisis Responders



Secure Withdrawal Management and Stabilization



Involuntary Treatment



# Crisis Continuum



- Minimum required BH-ASO services
- Supplemental crisis services, funded in part by local dollars

# What is 988?

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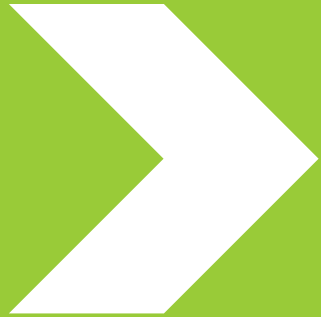
“988 is designated as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline”

Official launch of 988: July 16, 2022

# SAMHSA's five-year vision for 988 implementation:

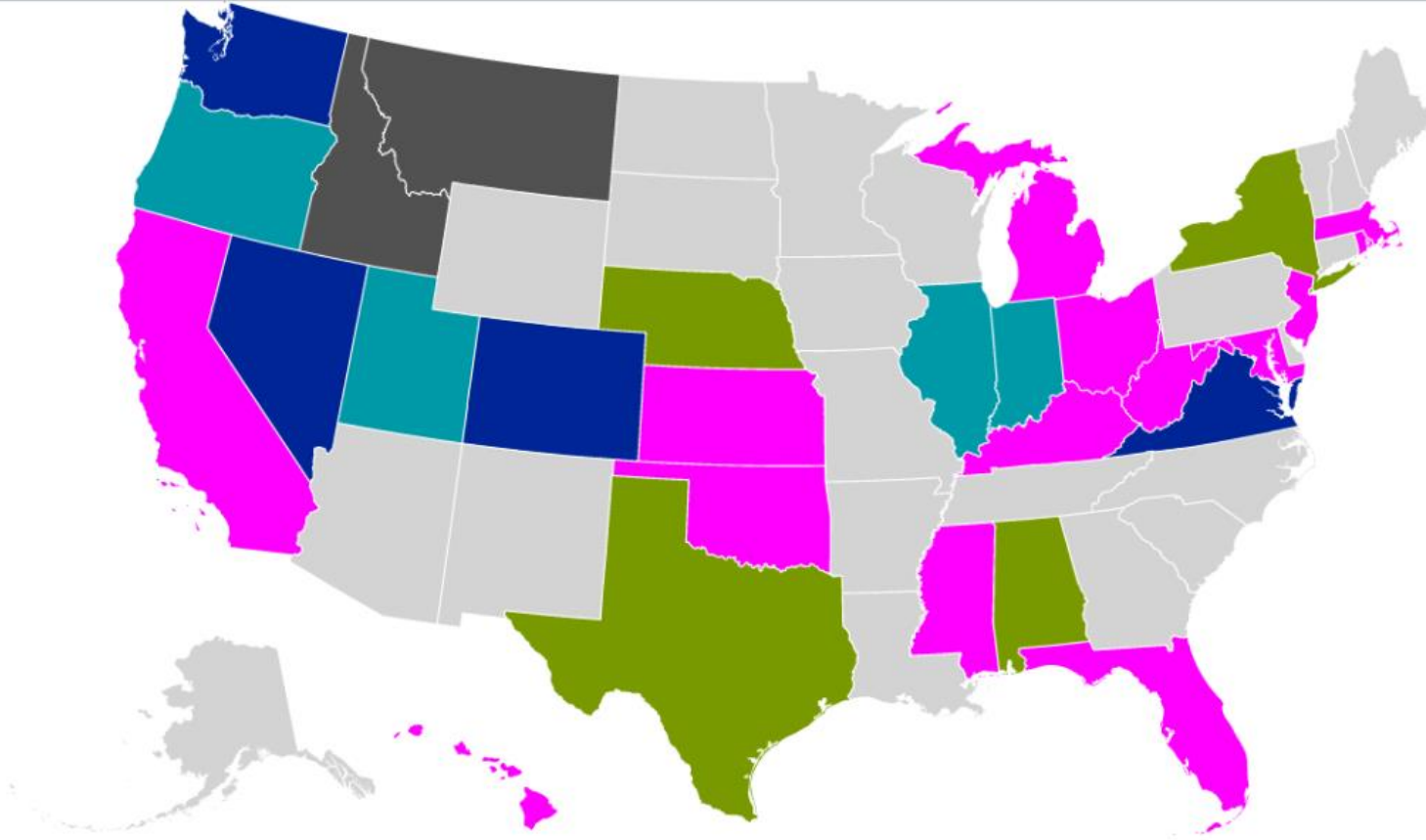
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- Horizon 1: Someone to talk to
  - Goal: 90%+ of 988 calls will be answered in State by 2023
- Horizon 2: Someone to respond
  - Goal: 80%+ of individuals have access to rapid crisis response by 2025
- Horizon 3: A safe place for help
  - Goal: 80%+ of individuals will have access to community-based crisis care by 2027



# Overview of HB 1477 - 988 Legislation

## 988 State Bills (ALL)



- **BLUE:** 4 states enacted 988 infrastructure bill with a fee
- **TEAL:** 4 states enacted 988 infrastructure bill without a fee
- **GREEN:** 4 states enacted 988 legislation to create 988 study and/or commission
- **MAGENTA:** 13 states have pending 988 legislation
- **DARK GREY:** 2 states considered 988 legislation that did not pass

# 988 Line Implementation

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**CRIS Steering Committee**

**CRIS Committee**

**SUBCOMMITTEES**

**Tribal 988**

**Credentialing &  
Training**

**Technology**

**Cross-system Crisis  
Response  
Collaboration**

**Confidential  
Information  
Compliance**

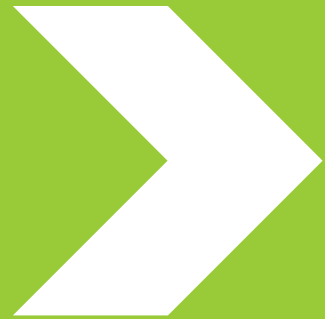
**Rural and  
Agriculture**

**Lived Experience**

**Quality and  
Oversight**

**Regional Crisis  
Response**

**Service Delivery  
Costs**



# Alternatives to armed response to crisis

# How is 988 different than 911?

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- 988 was established to improve access to crisis services in a way that meets our country's growing suicide and mental health-related crisis care needs.
- 988 will provide easier access to the Lifeline network and related crisis resources, which are distinct from the public safety purposes of 911
- 911 focus is on dispatching Emergency Medical Services, fire and police as needed.



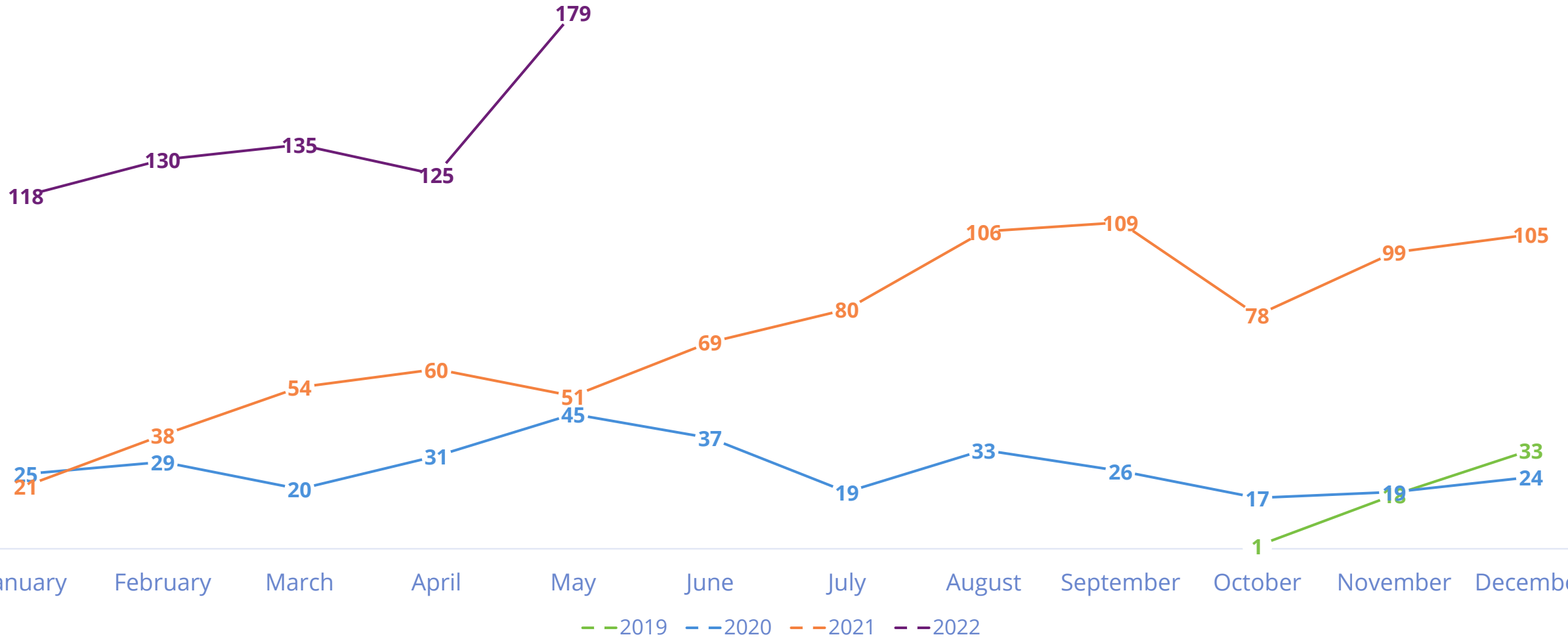
# Crisis Connections' OneCall Program

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- Launched as a pilot program in 2019
- Helps first responders in King County get the help they need in the moment directly from Crisis Connections' behavioral health providers to best support people in crises.
- Prior to or when arriving at the scene, first responders call dedicated OneCall line and are immediately connected with a behavioral health expert who provides:
  - Person's BH History and Engagement (if available)
  - Problem-Solving, Guidance
  - De-escalation Support
  - Safety Planning
  - Connection to Person's current Case Manager
  - Mental Health Triage
  - Resources
  - Scheduling of Next Day Mental Health Appointment

Crisis Connections OneCall staff follow up with individuals and provide closed-loop referrals to a variety of tailored support services including housing, legal aid, food assistance, and spiritual support.

# CALL VOLUMES PER YEAR





# Mobile Crisis Team

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The MCT consists of teams of two mental health clinicians with training in substance use disorders.

- Services are available 24 hours a day, seven days a week.
- Respond in the field to assist with people in mental health and/or substance use crisis. The team intervenes with individuals in their communities, identifies immediate needs and resources, and in most cases, relieves the need for any further intervention by first responders.
- They can also provide transportation.

MCT expansion is currently underway.

# Emergency Service Patrol (ESP)

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ESP was est. in July 1976 and has been in continuous operation for 46 years



ESP is dispatched by Police band radio via 911 dispatch



ESP prioritizes responding to Seattle Police and Fire Departments to any place within the catchment area. ESP determines how to assist once we arrive on scene

# Questions?

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Legislation Text

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**File #:** CB 120337, **Version:** 1

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**CITY OF SEATTLE**

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

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to civilian and community oversight of the police; establishing a process for investigating complaints naming the Chief of Police; adding a new subchapter V to Chapter 3.29 of the Seattle Municipal Code; and amending Section 49 of Ordinance 125315 to renumber the existing Subchapter V of Chapter 3.29 and Sections 3.29.500 and 3.29.510 of the Seattle Municipal Code.

WHEREAS, The City of Seattle’s accountability system established in Ordinance 125315 (the Accountability Ordinance) with a civilian-led misconduct investigations unit, an independent police inspector general for public safety, and a strong community-based oversight commission, has strength not found in other models of oversight, and addresses systemic weaknesses with which other systems have struggled; and

WHEREAS, the goals of Ordinance 125315 are to institute a comprehensive and lasting police oversight system that ensures police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States and State of Washington, effectively ensures public and officer safety, and promotes public confidence in the Seattle Police Department (SPD) and the services that it delivers; and

WHEREAS, a lasting police oversight system that ensures police services are delivered to the people of Seattle benefits from an ongoing practice of re-examining and improving processes, particularly after the occurrence of a significant event that becomes a catalyst for system change or adaptation; and

WHEREAS, such an event occurred when three Office of Police Accountability (OPA) Complaints were filed in 2020 against the Chief of the Seattle Police Department, and the complaints were logged by OPA as follows: 1. OPA 2020-0345 (tear gas used after 30 day ban); 2. OPA 2020-0355 (sharing misinformation

about crime in CHAZ/CHOP); and 3. OPA 2020-0476 (Chief lied about dispatch error during CHOP shooting); and

WHEREAS, the OPA Dashboard currently shows that each of these complaints is less than 50 percent investigated and that the OPA Director requested over 18 months ago that then-Mayor Durkan forward the complaints for investigation to an agency external to The City of Seattle; and

WHEREAS, Mayor Harrell's office has indicated that the complaints have been forwarded to an external agency for investigation; and

WHEREAS, the OPA Policy Manual (OPA Manual) identifies a process for determining whether OPA or an outside agency would investigate the Chief of Police, but the manual does not include policies that can protect against any abuse of discretion that might occur if the Mayor or OPA Director are involved in the complaint or seek to conceal the complaint; and

WHEREAS, OPA's current procedures do not provide for notification of elected officials upon commencement of an investigation or for an evaluation of the credibility of the complaint, as should be conducted by an independent oversight entity such as the Office of the Inspector General for Public Safety (OIG); and

WHEREAS, all sworn SPD staff are within the chain of command of the Chief of Police, and the involvement of such staff in any investigation of a complaint that names the Chief of Police creates in some cases an actual conflict of interest and potentially in all cases a perceived conflict of interest; and

WHEREAS, although SPD's statutory role includes investigations where a criminal charge or charges could result, such investigations that include the Chief of Police as a party also pose conflict-of-interest concerns and should be avoided in all possible instances; and

WHEREAS, the Seattle Department of Human Resources houses the City of Seattle's Investigations Unit, which investigates complaints and alleged violations of applicable City Personnel Rules and/or related policies, including allegations of harassment, discrimination, and misconduct such as those that are prohibited under the Equal Employment Opportunity Act; and



WHEREAS, the Accountability Ordinance did not contemplate the processes necessary to ensure that a City-led investigation of the Chief of Police is fair, transparent, and free of any potential conflicts of interest; and

WHEREAS, although the OPA Manual establishes a process and structure for complaint review that is consistent with the relevant collective bargaining agreements, the same process and structure may not be appropriate for an investigation into the Chief of Police;

NOW, THEREFORE,

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

Section 1. A new Subchapter V is added to Chapter 3.29 of the Seattle Municipal Code as follows:

**Subchapter V Investigation of the Chief of Police**

**3.29.500 Definitions**

As used in this Subchapter V:

“Contact Log” means the term as it is defined in the OPA Manual. “Contact Log” includes circumstances when: (a) the complaint does not involve a potential policy violation by an SPD employee; (b) there is insufficient information to proceed with further inquiry; (c) the complaint has already been reviewed or adjudicated by OPA and/or OIG; or (d) the complaint presents fact patterns that are clearly implausible or incredible, and there are no indicia of other potential misconduct.

“Expedited Investigation” means the term as it is defined in the OPA Manual. “Intake Investigation” includes circumstances when a complaint alleges a violation of SPD policy or other category of violation that OPA is required by law and policy to investigate. However, OPA, with the agreement of OIG, determines that findings can be reached based on the intake investigation, and no further investigation needs to be conducted. This classification is most appropriate when: (a) the evidence shows that misconduct did not occur as alleged; (b) minor misconduct occurred, but OPA does not deem corrective action other than discipline to be appropriate; or (c) minor misconduct may have occurred, but there is a systemic issue with SPD policy or



training for which OPA deems a Management Action Recommendation (MAR) to be appropriate.

“Intake Investigation” means the term as it is defined in the OPA Manual.

“Investigation,” when used to describe a type of classification, means the term as it is defined in the OPA Manual.

“Investigative plan,” when used to describe a document, means a document that aims to specify and direct, as required, the investigative aims and objectives, for which purpose it may be continually updated until such time as the investigation is closed.

“Non-City entity” means an entity other than The City of Seattle.

“Supervisor Action” means the term as it is defined in the OPA Manual. “Supervisor Action” includes circumstances when a minor policy violation or personnel issue is best addressed through training, communication, or coaching from the employee’s supervisor.

### **3.29.510 OPA intake, classification, and investigation scoping**

A. If the Chief of Police is named in a complaint, the initial screening process required under the OPA Manual shall include the immediate creation of a case file and the immediate notification of the OPA Director.

B. OPA shall within 30 calendar days provide notice of the complaint to the Chief of Police. A civilian supervisor investigator shall be assigned to complete the intake of the complaint, which shall consist of a preliminary process that is designed to answer relevant factual questions and ensure the collection and preservation of time-sensitive evidence.

C. OPA shall examine the results of the intake process to determine whether any laws or SPD policies would have been violated if the alleged actions are later proven to be true. OPA shall classify the complaint according to the OPA Manual categories of Contact Log, Supervisor Action, Expedited Investigation, or Investigation.

D. If the OPA Director determines that the intake warrants an investigation, then they will determine:

1. Whether OPA, the Seattle Department of Human Resources (SDHR), or a non-City entity will

perform the investigation. In making this determination OPA shall consider whether there are any conflicts of interest, real or potentially perceived, that could undermine the public trust if the investigation is conducted by OPA or SDHR; and

2. Whether criminal charges could result from the investigation, and, if so, whether an SPD criminal investigation could undermine public trust.

3. Whether the investigation could result in a finding of a violation or violations of the Equal Employment Opportunity Act.

E. If the OPA Director determines that the intake warrants an investigation, then the Director shall prepare an investigative plan that includes, at a minimum, information that will be necessary in the case that OIG must issue a request for proposal for an investigation by a non-City entity.

F. OPA shall within 30 calendar days route to OIG all documentation of the intake and classification process, including the recommendations from subsection 3.29.510.D regardless of the classification decision.

### **3.29.520 OIG review**

A. OIG shall conduct a review of OPA's intake investigation and classification to ensure that (1) the intake investigation was timely, thorough, and objective, and (2) OIG concurs with the classification determination.

B. If OIG does not concur with OPA's classification determination, the OIG determination shall prevail and shall be considered definitive for the complaint.

C. If the classification determination is other than Contact Log, Supervisor Action, or Expedited Investigation, then OIG shall review the OPA recommendation on whether a full investigation should be conducted and whether that investigation should be (1) conducted by either OPA or SDHR; or (2) conducted by a non-City entity. OIG shall then determine whether it concurs with OPA's recommendations. In making this determination, OIG shall consider subsections 3.29.510.D.1 and 3.29.510.D.2. If OIG and OPA do not concur, the OIG determination shall prevail and shall be considered definitive for the complaint.

D. If OPA has determined that the investigation could result in a finding of a violation or violations of the Equal Employment Opportunity Act, then OIG shall review the OPA recommendation on whether a full investigation should be conducted by SDHR or by a non-City entity. OIG shall then determine whether it concurs with OPA's recommendations. In making this determination, OIG shall consider subsection 3.29.510.D.1. If OIG and OPA do not concur, the OIG determination shall prevail and shall be considered definitive for the complaint.

E. Where OIG has determined, either solely or with the concurrence of OPA, that a non-City entity should conduct the investigation, OIG shall consult with OPA to (1) discuss which of these two agencies should manage the contract for that entity's work and (2) identify one or more candidate entities to conduct the investigation. However, following this consultation OIG shall solely make decisions about (1) whether the investigation contract should be managed by OPA or OIG and (2) which non-City entity should conduct the investigation.

F. If OIG believes that criminal charges could result from the investigation, then it shall consult with OPA and determine whether SPD or a non-City entity would be most appropriate for the investigation. However, following this consultation OIG shall solely make decisions about (1) whether the investigation should be managed by OPA or OIG and (2) which non-City entity should conduct the investigation. If OIG and OPA do not concur, the OIG determination shall prevail and shall be considered definitive for the complaint.

### **3.29.530 Notification and reporting**

A. Where the classification determination is Contact Log, Supervisor Action, or Expedited Investigation, OIG shall include the finding in its annual report required under Subchapter II of this Chapter 3.29. No other notification or reporting is required.

B. Where the classification determination is other than Contact Log, Supervisor Action, or Expedited Investigation, and the investigation will be:

1. Conducted by OPA or SDHR, OPA shall immediately notify the Mayor, the President of the City

Council, the Chair of the Council's public safety committee, the Executive Director and Co-Chairs of the Community Police Commission, the City Attorney, the City Director of Human Resources, and the complainant. Notification shall consist of: (1) the classification type; (2) whether OPA or SDHR will conduct the investigation; (3) the rationale for the determination as supported by the factors in subsections 3.29.510.D.1 and 3.29.510.D.2; and (4) if the investigation will be conducted by SDHR, whether the investigation could result in findings of a violation or violations of the Equal Employment Opportunity Act.

2. Conducted by a non-City entity, OIG shall immediately notify the entities in subsection 3.29.530.B.1. by OIG pursuant to subsection 3.29.530.B.2 shall consist of: (1) the classification type; (2) the non-City entity by whom OIG has determined, either solely or with the concurrence of OPA, that the investigation be conducted; and (3) the rationale for the determination as supported by the factors in subsections 3.29.510.D.1 and 3.29.510.D.2.

F. Notification pursuant to this Section 3.29.530 shall include no more information that would otherwise be available to the public on the OPA website, so as to not compromise the integrity of the investigation.

### **3.29.540 Assigning the investigation**

A. Any investigation conducted by OPA shall be conducted exclusively by civilian personnel. If OIG, either solely or with the concurrence of OPA, has determined that an investigation should be conducted by OPA and OPA is unable to commit that it will be conducted exclusively by civilian personnel, then the investigation shall be reassigned to a non-City entity.

B. If the investigation could result in findings of a violation or violations of the Equal Employment Opportunity Act and OIG has determined, either solely or with the concurrence of OPA, that it should be conducted by SDHR, then SDHR shall have the opportunity to notify OIG that it declines to conduct the investigation. In this case, OIG shall consult with OPA to (1) discuss which of these two agencies should manage the contract for the investigation to be conducted by a non-City entity and (2) identify one or more candidate entities to conduct the investigation. However, following this consultation OIG shall solely make

decisions about (1) whether the investigation contract should be managed by OPA or OIG and (2) which non-City entity should conduct the investigation.

C. If criminal charges could result from an investigation, OIG, either solely or with the concurrence of OPA, will determine whether an SPD investigation could compromise public trust. OIG, either solely or with the concurrence of OPA, will include in this determination its understanding of the general concerns of community members and stakeholders in the public accountability process.

D. If criminal charges could result from an investigation and OIG, either solely or with the concurrence of OPA, has determined that an SPD investigation could compromise public trust, then OIG shall consult with the Director of the State Office of Independent Investigations (OII) to identify the investigative agency.

### **3.29.550 Investigation**

A. The Chief shall fully cooperate with any investigation. When necessary, the Inspector General for Public Safety or OPA Director may issue on behalf of an OPA investigation, or an investigation conducted by a non-City entity, a subpoena consistent with Section 3.29.125 and Ordinance 126264.

B. Where the investigation is conducted by OPA, the investigation shall follow the policies and procedures identified in the OPA Manual and accord with any relevant collective bargaining agreements, except: (1) the OPA Director shall not develop a range of recommended discipline; and (2) the investigation file shall not be presented to the Chief.

C. Where the investigation is conducted by SDHR, the investigation shall be conducted consistent with that unit's standards and practices and in accordance with any relevant collective bargaining agreements.

### **3.29.560 OIG review of the intake investigation, classification, and investigation**

A. OIG shall immediately notify the entities in subsection 3.29.530.B if it: (1) is unable to determine whether the OPA intake was timely, thorough, and objective; or (2) disagrees with the OPA Director's classification decision.

B. OIG shall conduct a review of any investigation completed by OPA or by SDHR, consistent with the

requirements of Section 3.29.260, to determine whether the investigation was timely, thorough, and objective.

C. OIG shall conduct a review of any investigation completed by any non-City entity, consistent with the requirements of Section 3.29.260, to determine whether the investigation was timely, thorough, and objective.

D. To determine whether any investigation completed by OPA, by SDHR, or by a non-City entity was timely, thorough, and objective, OIG shall retain the authority to access any investigative materials that will support making the determination.

E. OIG shall immediately notify the entities in subsection 3.29.530.B if it is unable to determine whether an outside investigation was timely, thorough, and objective. In such case, OIG shall choose a new non-City entity to perform a new investigation.

### **3.29.570 Transmittal of investigative results**

A. For any investigation completed by OPA, upon determination by OIG that the investigation was timely, thorough, and objective, OPA will transmit the investigation file and findings to the Mayor.

B. For any investigation completed by SDHR, upon determination by OIG that the investigation was timely, thorough, and objective, OIG will transmit the investigation and findings, as determined by SDHR, to the Mayor.

C. For any investigation conducted by a non-City entity, upon determination that the investigation was timely, thorough, and objective, OIG will transmit the investigation and findings, as determined by the non-City entity, to the Mayor.

### **3.29.580 Notification of investigative results**

Within 30 calendar days of receiving the results of the investigation, the Mayor shall communicate to the entities in subsection 3.29.530.B:

A. A statement on the investigation and its findings, including whether the Chief's actions were consistent with SPD department policy as articulated in the SPD police manual, the City's values, and SPD's

values to protect and serve;

B. Notification of whether the Mayor intends to discharge the Chief or take any disciplinary action against the Chief, regardless of when such action will be final; and

C. Investigative detail that mirrors the detail that would otherwise be provided to the public by OPA in a closed case summary, discipline action report, or other related report.

Section 2. Section 49 of Ordinance 125315 is amended as follows:

### **Subchapter VI Construction and implementation**

#### **~~(3.29.500)~~ 3.29.600 Construction**

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

B. It is the express intent of the Council that, in the event a subsequent ordinance refers to a position or office that was abolished by the ordinance introduced as Council Bill 118969, that reference shall be deemed to be the new position or office created by the ordinance introduced as Council Bill 118969, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to the ordinance introduced as Council Bill 118969.

C. It is the express intent of the Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted ordinance that is amended or recodified in the ordinance introduced as Council Bill 118969, but the later ordinance fails to account for the change made by the ordinance introduced as Council Bill 118969, the two sets of amendments should be given effect together if at all possible. The code reviser may publish the section or subsection in the official code with all amendments incorporated therein.

D. The terms and provisions of this Chapter 3.29 are not retroactive and shall apply only to those rules, orders, actions, or proceedings that occur, or have been initiated, on or after the effective date of the ordinance introduced as Council Bill 118969.

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

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

**~~((3.29.510))~~ 3.29.610 Implementation**

A. Provisions of the ordinance introduced as Council Bill 118969 subject to the Public Employees' Collective Bargaining Act, chapter 41.56 RCW, shall not be effective until the City completes its collective bargaining obligations. As noted in Section 3.29.010, the police are granted extraordinary power to maintain the public peace, including the power of arrest and statutory authority under RCW 9A.16.040 to use deadly force in the performance of their duties under specific circumstances. Timely and comprehensive implementation of this ordinance constitutes significant and essential governmental interests of the City, including but not limited to (a) instituting a comprehensive and lasting civilian and community oversight system that ensures that police services are delivered to the people of Seattle in a manner that fully complies with the United States Constitution, the Washington State Constitution and laws of the United States, State of Washington and City of Seattle; (b) implementing directives from the federal court, the U.S. Department of Justice, and the federal monitor; (c) ensuring effective and efficient delivery of law enforcement services; and (d) enhancing public trust and confidence in SPD and its employees.

For these reasons, the City shall take whatever steps are necessary to fulfill all legal prerequisites within 30 days of Mayoral signature of this ordinance, or as soon as practicable thereafter, including negotiating with its police unions to update all affected collective bargaining agreements so that the agreements each conform to and are fully consistent with the provisions and obligations of this ordinance, in a manner that allows for the earliest possible implementation to fulfill the purposes of this Chapter 3.29.

B. Until the effective date of the ordinance introduced as Council Bill 118969, the current accountability



system shall remain in place to the extent necessary to remain consistent with provisions of the Consent Decree in the matter of United States of America v. City of Seattle, 12 Civ. 1282 (JLR).

C. Provisions of the ordinance introduced as Council Bill 118969 for which the City has fulfilled its collective bargaining requirements, if any, will go into effect after Court approval in the matter of United States of America v. City of Seattle, 12 Civ. 1282 (JLR) and 30 days after Mayoral signature, or after 40 days if the Mayor fails to sign the bill. Consistent with Section ((3.29.500)) 3.29.600, any provisions for which bargaining is not yet complete shall not go into effect until collective bargaining obligations are satisfied.

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Ann Gorman/684-8049	

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to civilian and community oversight of the police; establishing a process for investigating complaints naming the Chief of Police; adding a new subchapter V to Chapter 3.29 of the Seattle Municipal Code; and amending Section 49 of Ordinance 125315 to renumber the existing Subchapter V of Chapter 3.29 and Sections 3.29.500 and 3.29.510 of the Seattle Municipal Code.

**Summary and Background of the Legislation:** In 2017, Ordinance 125315 established the City’s police accountability system, including the roles of the Office of Police Accountability (OPA) and the Office of the Inspector General (OIG). This ordinance gave OPA authority over complaints of misconduct involving Seattle Police Department (SPD) employees relating to SPD policy and federal, state, and local law. The ordinance did not take into account the handling of such complaints that named the Chief of Police. Because OPA’s practice following its investigations is to recommend findings to the Chief of Police, a different process is necessary for complaints that name the Chief.

This bill would establish a role for OIG in the classification of complaints that name the Chief and in decision making about what agency will investigate such a complaint that is found to be warranted. This role, which is consistent with OIG’s oversight role as set out in Ordinance 125315, addresses a potentially perceived conflict of interest that is inherent in OPA’s organizational structure; OPA is housed administratively within SPD.

Complaints to OPA that could result in a finding of a violation or violations of the Equal Employment Opportunity Act typically result in OPA’s consultation with SPD Human Resources, which houses an investigator with specialized training to investigate such complaints. The bill would create a potential role, for complaints that name the Chief, for the Seattle Department of Human Resources Investigations Unit, which also houses such investigators.

The bill would establish a required notification process for elected officials and stakeholders in the police accountability system regarding complaints that name the Chief and that warrant an investigation. This group would be initially apprised that an investigation will take place and then of the investigation’s findings and any disciplinary action that the Mayor will take against the Chief.

The bill would require consideration of the public trust in decision making about complaints to the Office of Police Accountability that name the Chief. In some cases, the public trust will be best served when the investigation of a complaint that names the Chief is conducted

by an entity that is external to and independent of the City. The bill would establish criteria for decision making about whether such an entity should conduct an investigation and that entity's selection and management.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?       Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

Not implementing the legislation could damage the public trust, since Ordinance 125315 did not address a process for the classification of complaints that named the Chief of Police or for their independent investigation.

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

### 3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

### 3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

### 3.c. Positions

This legislation adds, changes, or deletes positions.

## 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

This legislation poses operational-process impacts to OPA, OIG, SDHR, and SPD. These impacts do not imply any incremental changes to any of these departments' budgets or FTE count.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

N/A

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

N/A

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

N/A

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

N/A

**Summary Attachments:**

June 24, 2022

## MEMORANDUM

**To:** Public Safety and Human Services Committee  
**From:** Ann Gorman, Analyst  
**Subject:** Proposed substitute bill to CB 120337

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On June 28, 2022, the Public Safety and Human Services Committee plans to vote on whether to substitute [Council Bill \(CB\) 120337](#) as introduced with a new version and whether to vote it out of Committee. CB 120337 would create a process and oversight framework for complaints to the Office of Police Accountability (OPA) that name the Chief of Police. CB 120337 (D1b) was introduced and referred on June 7, following Committee discussion of an un-introduced draft version of the bill on May 24. Central Staff presented changes to CB 120337 as introduced on June 14, reflected in D2a. Since that time, Central Staff has continued to discuss the legislation with OPA and the Office of the Inspector General (OIG) and reflected changes from those discussions in the substitute version of the bill (D2b). This memo is an updated version of the [Central Staff memo from June 12](#) and reflects changes made since that time. The memo provides an overview of the intent of CB 120337, summarizes the differences between the introduced version of the bill (D1b) and the proposed substitute version of the bill (D2b), and lays out next steps.

### Overview of Council Bill 120337 as Introduced

In 2017, [Ordinance 125315](#) established the City's police accountability system, including the roles of OPA and OIG. This ordinance gave OPA authority over complaints of misconduct involving Seattle Police Department (SPD) employees relating to SPD policy and federal, state, and local law. However, the ordinance did not take into account the handling of complaints that named the Chief of Police. Because both the OPA Director and the Chief of Police are Mayoral appointees, and OPA's practice following its investigations is to recommend findings to the Chief of Police, complaints that name the Chief could involve either a perceived or an actual conflict of interest. CB 120337 would establish a different process for the intake, evaluation, classification (i.e., does the complaint warrant an investigation?), and investigation of such complaints either by a City unit or by an independent investigative body that is external to the City.

CB 120337 would propose a role for OIG related to complaints that name the Chief that is consistent with its oversight role as described in Ordinance 125315. That role includes the review of misconduct complaint handling, investigations, and other activities that OPA performs and the audit of and review for any areas that may involve conflicts of interest or otherwise compromise the public's trust in the City's criminal justice system.

CB 120337 would also require that the complainant and stakeholders<sup>1</sup> in the City's police accountability system are notified in the following circumstances:

- By OPA or OIG, when an investigation will be conducted following a complaint that names the Chief;
- By OIG, when it is unable to determine in its oversight role whether a completed investigation was timely, thorough, objective, and independent;
- By OIG, when it has determined that a completed investigation was not timely, thorough, objective, and independent; and
- By the Mayor, upon receipt of a completed investigation and its findings, with notification to include statements on those findings and of whether the Chief will be discharged, or any disciplinary action will be taken against the Chief.

### **Proposed Substitute For Council Bill 120337**

In response to discussions with OPA and OIG, the substitute bill would reflect a variety of changes. The most significant of these is a revision to the intake and classification requirements described in CB 120337, which follow a standard rubric that is described in the OPA Manual ("Manual") and that align with the relevant collective bargaining agreements (e.g., the Seattle Police Officers' Guild). The Chief is not governed by a collective bargaining agreement, so the Manual's process and structure do not apply. Where the Manual requires that complaints are ultimately classified into one of four categories, the proposed substitute bill would provide only two options for the complaints that name the Chief – a contact log<sup>2</sup> or the conduct of an investigation. The proposed substitute bill would also eliminate the requirement that a complaint that names the Chief is classified within 30 days in favor of a more deliberative process to determine whether an investigation is warranted.

Other changes in the proposed substitute bill (1) clarify OIG's oversight role; (2) more accurately reflect current practices; and (3) clarify that complaints that name the Chief which may result in a criminal charge or charges are the only such complaints in which there is a role for an external law enforcement agency. A revision to the proposed bill's effective date reflects that its provisions will require court approval, consistent with the July 2012 Consent Decree between SPD and the U.S. Department of Justice.

Table 1 summarizes these changes. Attachment A to this memo is a redline version of CB 120337 D1b, showing the changes in the substitute bill (D2b).

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<sup>1</sup> These stakeholders are the Mayor, the President of the City Council, the Chair of the Council's public safety committee, the Executive Director and Co-Chairs of the Community Police Commission, the City Attorney, and the City Director of Human Resources.

<sup>2</sup> A contact log includes circumstances when (a) the complaint does not involve a potential policy violation; (b) there is insufficient information to proceed with further inquiry; (c) the complaint has already been reviewed or adjudicated by OIG and/or OPA; or (d) the complaint presents fact patterns that are clearly implausible or incredible, and there are no indicia of other potential misconduct.

Table 1. Description of Changes in Proposed Substitute for CB 120337 (D2b)

Section/Title	Proposed Changes
3.29.500 Definitions	Strike definitions that are no longer applicable under the proposed revised intake process; add a definition for “intake.”
3.29.510 OPA intake, examination, classification, and investigation scoping	For complaints, eliminate requirements that: (1) the Chief is notified and (2) the complaint is classified according to the rubric of the OPA Manual within 30 days. Revise classification requirement as described above. Add reference to the desirability of an interview with the complainant during the intake process. Establish an open-ended consultative role for OIG as OPA is evaluating the complaint to determine whether an investigation is warranted. Require consideration of whether a complaint could lead to criminal charges prior to classification, rather than after classification. Create new notification requirement to the complainant and a subset of public accountability stakeholders <sup>3</sup> should OIG determine that OPA’s evaluation is unnecessarily delayed. Add requirement that OPA document real or perceived conflicts of interest. Revise description of investigative plan preparation to better reflect OPA practice.
3.29.520 OIG review	Align bill language with the elimination of the classification requirement noted above. Add requirement that the Chief is notified if a complaint has been determined to be appropriate for investigation.
3.29.530 Notification and reporting	Align bill language with the elimination of the classification requirement noted above. Move notification requirement from OPA to OIG. Strike one element previously required in notification of investigation to complainant and police accountability stakeholders.
3.29.540 Assigning the investigation	Replace references to specific external law enforcement agencies with more general “appropriate and qualified” language.
3.29.550 Investigation	Clarify references to collective bargaining agreements. Revise description of development of range of discipline to better reflect OPA practice.
3.29.560 OIG review of the intake investigation, classification, and investigation	Change “timely, thorough, and objective” to “timely, thorough, and neutral” to better reflect OIG’s evaluative mandate. Add language referencing the possibility that OIG determines that an investigation was not timely, thorough, objective, and neutral.

<sup>3</sup> These stakeholders are the President of the City Council and the Chair of the Council’s public safety committee.



Section/Title	Proposed Changes
3.29.570 Transmittal of investigative results	Change “timely, thorough, and objective” to “timely, thorough, and neutral” to better reflect OIG’s evaluative mandate.
3.29.610 Implementation	Strike extraneous references to collective bargaining obligations and the obligations they create.

The proposed substitute bill would also make various non-substantive changes, including:

- In the recitals, minor textual edits for clarification, particularly around the specific non-applicability of a collective bargaining agreement to the Chief of Police.
- Throughout, the replacement of “the Equal Employment Opportunity Act” with a more expansive reference to the various statutes and policies that may apply.
- Throughout, new internal cross-references that have the effect of narrowing the definition of a non-City entity where necessary (see 3.29.540.C).
- Edits for clarity, consistency, and concision and to correct prior textual errors.

**Next Steps**

If Committee members vote to replace D1b with D2b and subsequently vote D2b out of Committee, version D2b of CB 120337 may be voted on at the next City Council meeting on July 5.

**Attachments:**

1. Redline comparison of D1b to D2b (CB 120337)

cc: Esther Handy, Director  
Aly Pennucci, Deputy Director  
Asha Venkataraman, Supervising Analyst

**Memo Att 1 - Redline comparison of D1b to D2b (CB 120337)**

**CITY OF SEATTLE**

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

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to civilian and community oversight of the police; establishing a process for investigating complaints naming the Chief of Police; adding a new subchapter V to Chapter 3.29 of the Seattle Municipal Code; and amending Section 49 of Ordinance 125315 to renumber the existing Subchapter V of Chapter 3.29 and Sections 3.29.500 and 3.29.510 of the Seattle Municipal Code.

..body

WHEREAS, The City of Seattle’s accountability system established in Ordinance 125315 (the “Accountability Ordinance”) with a civilian-led misconduct investigations unit, an independent police inspector general for public safety, and a strong community-based oversight commission, has strengths not found in other models of oversight, and addresses systemic weaknesses with which other systems have struggled; and

WHEREAS, the goals of Ordinance 125315 are to institute a comprehensive and lasting police oversight system that ensures police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States and State of Washington, effectively ensures public and officer safety, and promotes public confidence in the Seattle Police Department (SPD) and the services that it delivers; and

WHEREAS, Ordinance 125315 establishes the role of the Office of the Inspector General (OIG) as encompassing (1) the review of misconduct complaint-handling, investigations, and other activities performed by the Office of Police Accountability (OPA) and the effectiveness, accessibility, timeliness, transparency, and responsiveness of the complaint system and (2) audit and review for any areas that may involve potential conflicts of interest; involve possible fraud, waste, abuse, inefficiency, or ineffectiveness; undermine

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1 accountability or be unethical; or otherwise compromise the public’s trust in the criminal  
2 justice system; and

3 WHEREAS, a lasting police oversight system that ensures police services are delivered to the  
4 people of Seattle benefits from an ongoing practice of re-examining and improving  
5 processes, particularly after the occurrence of a significant event that becomes a catalyst  
6 for system change or adaptation; and

7 WHEREAS, such an event occurred when three Office of Police Accountability (OPA)  
8 ((€))complaints were filed in 2020 against the Chief of the Seattle Police Department,  
9 and the complaints were logged by OPA as follows: (1)((-)) OPA 2020-0345 (tear gas  
10 used after 30 day ban); (2)((-)) OPA 2020-0355 (sharing misinformation about crime in  
11 CHAZ/CHOP); and (3)((-)) OPA 2020-0476 (Chief ((~~lied~~)) was dishonest about dispatch  
12 error during CHOP shooting); and

13 WHEREAS, ~~((the OPA Dashboard currently shows that one each of these complaints is 75~~  
14 ~~percent investigated and two of them are is less than 50 percent investigated and that))~~  
15 with respect to those three complaints, the OPA Director requested over 18 months ago  
16 that then-Mayor Durkan forward the complaints for investigation to an agency external to  
17 The City of Seattle but they were not thus forwarded until Mayor Harrell took office; and  
18 ~~((WHEREAS, Mayor Harrell’s office has indicated that the complaints have been forwarded to~~  
19 ~~an external agency for investigation; and))~~

20 WHEREAS, the OPA Policy Manual (“OPA Manual”) identifies a process for determining  
21 whether OPA or an outside agency would investigate the Chief of Police, but ~~((the))~~ that  
22 manual ~~((does not include policies that can protect against any abuse of discretion that~~  
23 ~~might occur if the Mayor or OPA Director are involved in the complaint or seek to~~

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1 ~~conceal the complaint~~); is subject to change and a strong police accountability system  
2 requires a standard, codified process for making such determination; and

3 WHEREAS, OPA's current procedures do not provide for notification of elected officials upon  
4 commencement of an investigation or for an evaluation of OPA's analysis of the  
5 credibility of the complaint, as should be conducted by an independent oversight entity  
6 such as the Office of the Inspector General for Public Safety (OIG); and

7 WHEREAS, all sworn SPD staff are within the chain of command of the Chief of Police, and the  
8 involvement of such staff in any investigation of a complaint that names the Chief of  
9 Police creates in some cases an actual conflict of interest and potentially in all cases a  
10 perceived conflict of interest; and

11 WHEREAS, ~~((although SPD's statutory role includes investigations where))~~ any investigation of  
12 a complaint that names the Chief of Police that may result in a criminal charge or charges  
13 ~~((could result, such investigations that include the Chief of Police as a party also))~~ poses a  
14 conflict((-)of((-)interest ~~((concerns))~~ and should be ~~((avoided in all possible~~  
15 ~~instances))~~ referred to an outside investigator; and

16 WHEREAS, the Seattle Department of Human Resources houses the City of Seattle's  
17 Investigations Unit, which investigates complaints and alleged violations of applicable  
18 City Personnel Rules and/or related policies, including allegations of harassment,  
19 discrimination, and misconduct such as those that are prohibited under ~~((the Equal~~  
20 ~~Employment Opportunity Act))~~ local, state, and federal anti-discrimination laws; and

21 WHEREAS, the Accountability Ordinance did not contemplate the processes necessary to ensure  
22 that a City-led investigation of the Chief of Police is fair, transparent, and free of any  
23 potential conflicts of interest; and

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1 WHEREAS, although the OPA Manual establishes a process and structure for complaint review  
2 that is consistent with the relevant collective bargaining agreements, ~~((the same process~~  
3 ~~and structure may not be appropriate for an))~~ investigation into the Chief of Police is not  
4 governed by a collective bargaining agreement thus that process and structure are  
5 inapplicable; and

6 WHEREAS, for any City employee who is named in a complaint to OPA and is governed by a  
7 collective bargaining agreement, all provisions of that agreement remain in force.

8 NOW, THEREFORE,

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

10 Section 1. A new Subchapter V, which includes new Sections 3.29.500, 3.29.510,  
11 3.29.520, 3.29.530, 3.29.540, 3.29.550, 3.29.560, 3.29.570, and 3.29.580, is added to Chapter  
12 3.29 of the Seattle Municipal Code as follows:

13 **Subchapter V Investigation of the Chief of Police**

14 **3.29.500 Definitions**

15 As used in this Subchapter V:

16 “Contact ~~((L))~~log” means the term as it is defined in the OPA Manual. “Contact ~~((L))~~log”  
17 includes circumstances when: (a) the complaint does not involve a potential policy violation by  
18 an SPD employee; (b) there is insufficient information to proceed with further inquiry; (c) the  
19 complaint has already been reviewed or adjudicated by OPA and/or OIG; or (d) the complaint  
20 presents fact patterns that are clearly implausible or incredible, and there are no indicia of other  
21 potential misconduct.

22 ~~((“Expedited Investigation” means the term as it is defined in the OPA Manual. “Intake~~  
23 ~~Investigation” includes circumstances when a complaint alleges a violation of SPD policy or~~

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1 ~~other category of violation that OPA is required by law and policy to investigate. However,~~  
2 ~~OPA, with the agreement of OIG, determines that findings can be reached based on the intake~~  
3 ~~investigation, and no further investigation needs to be conducted. This classification is most~~  
4 ~~appropriate when: (a) the evidence shows that misconduct did not occur as alleged; (b) minor~~  
5 ~~misconduct occurred, but OPA does not deem corrective action other than discipline to be~~  
6 ~~appropriate; or (c) minor misconduct may have occurred, but there is a systemic issue with SPD~~  
7 ~~policy or training for which OPA deems a Management Action Recommendation (MAR) to be~~  
8 ~~appropriate.~~

9 ~~“Intake Investigation” means the term as it is defined in the OPA Manual.))~~

10 ~~“Intake” means the receipt and evaluation of a complaint to determine whether an~~  
11 ~~investigation is warranted.~~

12 ~~((“Investigation,” when used to describe a type of classification, means the term as it is~~  
13 ~~defined in the OPA Manual.))~~

14 ~~“Investigative plan,” when used to describe a document, means a document that aims to~~  
15 ~~specify and direct, as required, the investigative aims and objectives, for which purpose it may be~~  
16 ~~continually updated until such time as the investigation is closed.~~

17 ~~“Non-City entity” means an entity other than The City of Seattle.~~

18 ~~((“Supervisor Action” means the term as it is defined in the OPA Manual. “Supervisor~~  
19 ~~Action” includes circumstances when a minor policy violation or personnel issue is best~~  
20 ~~addressed through training, communication, or coaching from the employee’s supervisor.))~~

21 **3.29.510 OPA intake, classification, and investigation scoping**

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1 A. If the Chief of Police is named in a complaint, the initial screening process (~~required~~  
2 ~~under the OPA Manual~~) shall include the immediate creation of a case file and the immediate  
3 notification of the OPA Director or the OPA Director's appointed designee.

4 B. If the Chief of Police is named in a complaint, OPA shall notify OIG as soon as is  
5 practicable, but within 30 calendar days (~~provide notice of the complaint to the Chief of~~  
6 ~~Police~~). OIG will ensure that OPA is pursuing its investigation without unnecessary delay. In  
7 the event that OIG determines that unnecessary delay is occurring, OIG shall promptly notify the  
8 President of the City Council, the Chair of the Council's public safety committee, and the  
9 complainant. Notification shall consist of: (1) the nature of the complaint, (2) the date the  
10 complaint was received, and (3) an explanation of why OIG has determined that unnecessary  
11 delay is occurring.

12 C. A civilian supervisor investigator shall be assigned to complete the intake of the  
13 complaint and available information to determine (~~, which shall consist of a preliminary process~~  
14 ~~that is~~) whether an investigation should be conducted. This examination shall be designed to  
15 answer relevant factual questions and ensure the collection and preservation of time-sensitive  
16 evidence and, when possible, it will include an interview with the complainant.

17 D. OPA shall (~~examine the results of the intake process to determine whether any laws~~  
18 ~~or SPD policies would have been violated if the alleged actions are later proven to be true. OPA~~  
19 ~~shall classify the complaint according to the OPA Manual categories of Contact Log, Supervisor~~  
20 ~~Action, Expedited Investigation, or Investigation~~) consult with OIG when examining a  
21 complaint, with the goals of determining (1) whether any laws or SPD policies would have been  
22 violated if the alleged actions are later proven to be true; and (2) whether criminal charges could

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1 result if the alleged actions are later proven to be true. This examination will result in OPA's  
2 classification of the complaint for investigation, or as a contact log, as appropriate.

3 ~~((D))~~E. If the OPA Director determines, upon conclusion of the examination, that ~~((the~~  
4 ~~intake warrants an))~~ investigation is appropriate, ~~((then))~~ they will determine:

5 1. Whether OPA, the Seattle Department of Human Resources (SDHR), or a non-  
6 City entity under subsection 3.29.540.C will perform the investigation. In making this  
7 determination OPA shall consider and document whether there are any conflicts of interest, real  
8 or potentially perceived, that could undermine the public trust if the investigation is conducted  
9 by OPA or SDHR; and

10 ~~((2. Whether criminal charges could result from the investigation, and, if so,~~  
11 ~~whether an SPD criminal investigation could undermine public trust; and))~~

12 ~~((3))~~2. Whether the investigation could result in a finding of a violation or  
13 violations of ~~((the Equal Employment Opportunity Act))~~ local, state, and federal anti-  
14 discrimination laws and/or any applicable City and/or SPD policies that prohibit harassment  
15 and/or discrimination.

16 ~~((E))~~F. If the OPA Director or a designee of the Director determines that the intake  
17 warrants an investigation, then the Director or designee shall work with the assigned civilian  
18 investigator supervisor to prepare an investigative plan that includes, at a minimum, information  
19 that will be necessary in the case that OIG must issue a request for proposal for an investigation  
20 by a non-City entity.

21 ~~((F. OPA shall within 30 calendar days route to OIG all documentation of the intake and~~  
22 ~~classification process, including the recommendations from subsection 3.29.510.D regardless of~~  
23 ~~the classification decision.))~~



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**3.29.520 OIG review**

A. OIG shall conduct a review of OPA's intake ((~~investigation~~) examination and classification to ensure that (1) the intake ((~~investigation was~~) and examination process were timely, thorough, and ((~~objective~~) neutral, and (2) OIG concurs with the classification determination.

B. If OIG does not concur with OPA's classification determination, the OIG determination shall prevail and shall be considered definitive for the complaint.

C. If ((~~the classification determination is other than Contact Log, Supervisor Action, or Expedited Investigation~~) investigation is appropriate, ((~~then~~) OIG shall review the OPA recommendation on whether ((~~a full investigation should be conducted and whether~~) that investigation should be (1) conducted by either OPA or SDHR; or (2) conducted by a non-City entity under subsection 3.29.540.C. OIG shall then determine whether it concurs with OPA's recommendations. In making this determination, OIG shall consider the factors in subsections 3.29.510.((~~D~~)E.1 ((~~and 3.29.510.D.2~~)). If OIG and OPA do not concur, the OIG determination shall prevail and shall be considered definitive for the complaint.

D. If OIG determines, either solely or with the concurrence of OPA, that the complaint warrants investigation, OIG shall provide notice of the complaint to the Chief of Police as soon as is practicable. Such notice shall consist of the basis of the complaint that named the Chief.

((~~D~~)E. If OPA has determined ((~~that~~) the investigation could result in a finding of a violation or violations of ((~~the Equal Employment Opportunity Act~~) local, state, and federal anti-discrimination laws and/or any applicable City and/or SPD policies that prohibit harassment and/or discrimination, then OIG shall review the OPA recommendation on whether a full investigation should be conducted by SDHR or by a non-City entity under subsection

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1 3.29.540.C. OIG shall then determine whether it concurs with OPA's recommendations. In  
2 making this determination, OIG shall consider the factors in subsection 3.29.510.~~((D))~~E.1. If  
3 OIG and OPA do not concur, the OIG determination shall prevail and shall be considered  
4 definitive for the complaint.

5 ~~((E))~~F. Where OIG has determined, either solely or with the concurrence of OPA, that a  
6 non-City entity under subsection 3.29.540.C should conduct the investigation, OIG shall consult  
7 with OPA to (1) discuss which of these two agencies should manage the contract for that entity's  
8 work and (2) identify one or more candidate entities to conduct the investigation. However,  
9 following this consultation OIG shall solely make decisions about (1) whether the investigation  
10 contract should be managed by OPA or OIG and (2) which non-City entity under subsection  
11 3.29.540.C should conduct the investigation.

12 ~~((F))~~G. If OIG believes that criminal charges could result from the investigation, then it  
13 shall consult with OPA and ~~((determine whether SPD or a))~~ identify which non-City entity under  
14 subsection 3.29.540.C would be most appropriate for the investigation. However, following this  
15 consultation OIG shall solely make decisions about (1) whether the investigation should be  
16 managed by OPA or OIG and (2) which non-City entity under subsection 3.29.540.C should  
17 conduct the investigation. If OIG and OPA do not concur, the OIG determination shall prevail  
18 and shall be considered definitive for the complaint.

19 **3.29.530 Notification and reporting**

20 A. Where the classification determination is a ~~((C))~~contact ~~((E))~~log ~~((, Supervisor Action,  
21 ~~or Expedited Investigation))~~, OIG shall include the finding in its annual report required under  
22 Subchapter II of this Chapter 3.29. No other notification or reporting is required.~~

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1 B. ~~((Where the classification determination is other than Contact Log, Supervisor Action,~~  
2 ~~or Expedited Investigation, and the investigation))~~ When an investigation will be:

3 1. Conducted by OPA or SDHR, ~~((OPA))~~ OIG shall immediately notify the  
4 Mayor, the President of the City Council, the Chair of the Council's public safety committee, the  
5 Executive Director and Co-Chairs of the Community Police Commission, the City Attorney, the  
6 City Director of Human Resources, and the complainant. Notification shall consist of: (1) the  
7 classification type; (2) whether OPA or SDHR will conduct the investigation; and (3) the  
8 rationale for the determination as supported by the factors in subsections 3.29.510.~~((D))~~E.1 ~~((and~~  
9 ~~3.29.510.D.2; and (4) if the investigation will be conducted by SDHR, whether the investigation~~  
10 ~~could result in findings of a violation or violations of the Equal Employment Opportunity Act)).~~

11 2. Conducted by a non-City entity, OIG shall immediately notify the entities listed  
12 in subsection 3.29.530.B.1. Notification by OIG pursuant to subsection 3.29.530.B.2 shall  
13 consist of: (1) the classification type; (2) the non-City entity by whom OIG has determined,  
14 either solely or with the concurrence of OPA, that the investigation be conducted; and (3) the  
15 rationale for the determination as supported by the factors in subsections 3.29.510.~~((D))~~E.1 ~~((and~~  
16 ~~3.29.510.D.2)).~~

17 F. Notification pursuant to this Section 3.29.530 shall include no more information  
18 ~~((that))~~ than would otherwise be available to the public on the OPA website, so as not to ~~((not))~~  
19 compromise the integrity of the investigation.

20 **3.29.540 Assigning the investigation**

21 A. Any investigation conducted by OPA shall be conducted exclusively by civilian  
22 personnel. If OIG, either solely or with the concurrence of OPA, has determined that an  
23 investigation should be conducted by OPA and OPA is unable to commit that it will be

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1 conducted exclusively by civilian personnel, then the investigation shall be reassigned to a non-  
2 City entity under subsection 3.29.540.C.

3 B. If the investigation could result in findings of a violation or violations of ~~((the Equal~~  
4 ~~Employment Opportunity Act))~~ local, state, and federal anti-discrimination laws and/or any  
5 applicable City and/or SPD policies that prohibit harassment and/or discrimination and OIG has  
6 determined, either solely or with the concurrence of OPA, that it should be conducted by SDHR,  
7 then SDHR shall have the opportunity to ~~((notify OIG that it))~~ decline~~((s to conduct the~~  
8 ~~investigation))~~. In this case, OIG shall consult with OPA to (1) discuss which of these two  
9 agencies should manage the contract for the investigation to be conducted by a non-City entity  
10 under subsection 3.29.540.C and (2) identify one or more candidate entities to conduct the  
11 investigation. However, following this consultation OIG shall solely make decisions about (1)  
12 whether the investigation contract should be managed by OPA or OIG and (2) which non-City  
13 entity should conduct the investigation.

14 C. ~~((If criminal charges could result from an investigation, OIG, either solely or with the~~  
15 ~~concurrence of OPA, will determine whether an SPD investigation could compromise public~~  
16 ~~trust. OIG, either solely or with the concurrence of OPA, will include in this determination its~~  
17 ~~understanding of the general concerns of community members and stakeholders in the public~~  
18 ~~accountability process.))~~ Investigation of a suspected violation of law will be referred to a non-  
19 Seattle law enforcement agency. A non-City entity conducting an investigation of any other non-  
20 criminal violations that name the Chief will not be a law enforcement agency.

21 D. If criminal charges could result from an investigation ~~((and OIG, either solely or with~~  
22 ~~the concurrence of OPA, has determined that an SPD investigation could compromise public~~  
23 ~~trust, then OIG shall consult with the Director of the State Office of Independent Investigations~~

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1 ~~((OII) to identify the investigative agency)),~~ OIG shall seek to consult with OPA and will identify  
2 an appropriate and qualified outside law enforcement agency to conduct the investigation. Care  
3 will be taken to select an agency that has particular expertise and a reputation for trust and  
4 transparency.

5 **3.29.550 Investigation**

6 A. The Chief shall fully cooperate with any investigation. When necessary, the Inspector  
7 General for Public Safety or OPA Director may issue on behalf of an OPA investigation, or an  
8 investigation conducted by a non-City entity, a subpoena consistent with Section 3.29.125 and  
9 Ordinance 126264.

10 B. Where the investigation is conducted by OPA, the investigation shall follow the  
11 policies and procedures identified in the OPA Manual and accord with any relevant collective  
12 bargaining agreements as they may relate to employees other than the Chief. With regard to  
13 investigative findings related to the Chief~~((, except))~~: (1) ~~((the OPA Director shall not develop~~  
14 ~~a)) no range of recommended discipline will be developed; and (2) the investigation file shall not~~  
15 be presented to the Chief.

16 C. Where the investigation is conducted by SDHR, the investigation shall be conducted  
17 consistent with that unit's standards and practices ~~((and in accordance with any relevant~~  
18 ~~collective bargaining agreements))~~.

19 **3.29.560 OIG review of the intake investigation, classification, and investigation**

20 A. OIG shall immediately notify the entities listed in subsection 3.29.530.B.1 if it: (1) is  
21 unable to determine whether the OPA intake was timely, thorough, and ~~((objective))~~ neutral; or  
22 (2) disagrees with the OPA Director's classification decision.

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1 B. OIG shall conduct a review of any completed investigation ((~~completed by OPA or by~~  
2 ~~SDHR~~)), consistent with the requirements of Section 3.29.260, to determine whether the  
3 investigation was timely, thorough, and ((~~objective~~)) neutral.

4 ((~~C. OIG shall conduct a review of any investigation completed by any non-City entity,~~  
5 ~~consistent with the requirements of Section 3.29.260, to determine whether the investigation was~~  
6 ~~timely, thorough, and objective.~~))

7 ((~~D~~))C. To determine whether any completed investigation ((~~completed by OPA, by~~  
8 ~~SDHR, or by a non-City entity~~)) was timely, thorough, and ((~~objective~~)) neutral. OIG shall retain  
9 the authority to access any investigative materials that will support making the determination.

10 ((~~E~~))D. OIG shall immediately notify the entities listed in subsection 3.29.530.B.1 if it is  
11 unable to determine whether an ((~~outside~~)) investigation was timely, thorough, and ((~~objective~~))  
12 neutral or if it determines that an investigation was not timely, thorough, and neutral. In such  
13 case, OIG shall choose a new non-City entity to perform a new investigation.

14 **3.29.570 Transmittal of investigative results**

15 A. For any investigation completed by OPA, upon determination by OIG that the  
16 investigation was timely, thorough, and ((~~objective~~)) neutral, OPA will transmit the investigation  
17 file and findings to the Mayor.

18 B. For any investigation completed by SDHR, upon determination by OIG that the  
19 investigation was timely, thorough, and ((~~objective~~)) neutral, OIG will transmit the investigation  
20 and findings, as determined by SDHR, to the Mayor.

21 C. For any investigation conducted by a non-City entity, upon determination that the  
22 investigation was timely, thorough, and ((~~objective~~)) neutral, OIG will transmit the investigation  
23 and findings, as determined by the non-City entity, to the Mayor.

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**3.29.580 Notification of investigative results**

Within 30 calendar days of receiving the results of the investigation, the Mayor shall communicate to the entities listed in subsection 3.29.530.B.1:

A. A statement on the investigation and its findings, including whether the Chief's actions were consistent with SPD department policy as articulated in the SPD police manual, the City's values, and SPD's values to protect and serve;

B. Notification of whether the Mayor intends to discharge the Chief or take any disciplinary action against the Chief, regardless of when such action will be final; and

C. Investigative detail that mirrors the detail that would otherwise be provided to the public by OPA in a closed case summary, discipline action report, or other related report.

Section 2. Section 49 of Ordinance 125315 is amended as follows:

Section 49. A new Subchapter V, which includes new Sections 3.29.500 and 3.29.510, is added to Chapter 3.29 of the Seattle Municipal Code as follows:

**Subchapter VI Construction and implementation**

**~~((3.29.500))~~ 3.29.600 Construction**

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

B. It is the express intent of the Council that, in the event a subsequent ordinance refers to a position or office that was abolished by the ordinance introduced as Council Bill 118969, that reference shall be deemed to be the new position or office created by the ordinance introduced as Council Bill 118969, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to the ordinance introduced as Council Bill 118969.

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1 C. It is the express intent of the Council that, in the event a subsequent ordinance refers to  
2 or amends a section or subsection of the Seattle Municipal Code or a previously enacted  
3 ordinance that is amended or recodified in the ordinance introduced as Council Bill 118969, but  
4 the later ordinance fails to account for the change made by the ordinance introduced as Council  
5 Bill 118969, the two sets of amendments should be given effect together if at all possible. The  
6 code reviser may publish the section or subsection in the official code with all amendments  
7 incorporated therein.

8 D. The terms and provisions of this Chapter 3.29 are not retroactive and shall apply only  
9 to those rules, orders, actions, or proceedings that occur, or have been initiated, on or after the  
10 effective date of the ordinance introduced as Council Bill 118969.

11 E. Nothing in this Chapter 3.29 creates or is intended to create a basis for any private  
12 cause of action.

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

18 ~~((3.29.510))~~ **3.29.610 Implementation**

19 A. (~~Provisions of the ordinance introduced as Council Bill 118969 subject to the Public~~  
20 ~~Employees' Collective Bargaining Act, chapter 41.56 RCW, shall not be effective until the City~~  
21 ~~completes its collective bargaining obligations.)) As noted in Section 3.29.010, the police are  
22 granted extraordinary power to maintain the public peace, including the power of arrest and  
23 statutory authority under RCW 9A.16.040 to use deadly force in the performance of their duties~~



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1 under specific circumstances. Timely and comprehensive implementation of this ordinance  
2 constitutes significant and essential governmental interests of the City, including but not limited  
3 to (a) instituting a comprehensive and lasting civilian and community oversight system that  
4 ensures that police services are delivered to the people of Seattle in a manner that fully complies  
5 with the United States Constitution, the Washington State Constitution and laws of the United  
6 States, State of Washington and City of Seattle; (b) implementing directives from the federal  
7 court, the U.S. Department of Justice, and the federal monitor; (c) ensuring effective and  
8 efficient delivery of law enforcement services; and (d) enhancing public trust and confidence in  
9 SPD and its employees.

10 ~~((For these reasons, the City shall take whatever steps are necessary to fulfill all legal~~  
11 ~~prerequisites within 30 days of Mayoral signature of this ordinance, or as soon as practicable~~  
12 ~~thereafter, including negotiating with its police unions to update all affected collective~~  
13 ~~bargaining agreements so that the agreements each conform to and are fully consistent with the~~  
14 ~~provisions and obligations of this ordinance, in a manner that allows for the earliest possible~~  
15 ~~implementation to fulfill the purposes of this Chapter 3.29.))~~

16 B. Until the effective date of the ordinance introduced as Council Bill 118969, the current  
17 accountability system shall remain in place to the extent necessary to remain consistent with  
18 provisions of the Consent Decree in the matter of United States of America v. City of Seattle, 12  
19 Civ. 1282 (JLR).

20 C. Provisions of the ordinance introduced as Council Bill 118969 for which the City has  
21 fulfilled its collective bargaining requirements, if any, will go into effect (1) after Court approval  
22 in the matter of United States of America v. City of Seattle, 12 Civ. 1282 (JLR); and (2) either 30  
23 days after Mayoral signature, or after 40 days if the Mayor fails to sign the bill. Consistent with

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- 1 Section ((3.29.500)) 3.29.600, any provisions for which bargaining is not yet complete shall not
- 2 go into effect until collective bargaining obligations are satisfied.

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1 Section 3. 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 \_\_\_\_\_, 2022,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_ day of  
6 \_\_\_\_\_, 2022.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2022.

10 \_\_\_\_\_  
11 Bruce A. Harrell, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)

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Attachments: