

July 7, 2022

MEMORANDUM

To: Public Safety and Human Services Committee
From: Ann Gorman, Analyst
Subject: Proposed substitute bill (D3) to CB 120337

On July 12, 2022, the Public Safety and Human Services Committee (Committee) will consider whether to substitute [Council Bill \(CB\) 120337](#) (D3) for the base version of the bill and possibly vote on the legislation. 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 a draft version of the bill on May 24. On June 14, Central Staff presented to the Committee changes to CB 120337 as introduced, reflected in version D2a. Central Staff continued to discuss the legislation with OPA and the Office of the Inspector General (OIG) and incorporated feedback from those discussions into version D2b. On June 28, the Committee voted to make D2b the new base version of CB 120337.

This memo provides an overview of version D2b, describes minor textual edits and corrections to the bill which were inadvertently omitted from version D2b and are reflected in version D3, and lays out next steps.¹

Overview of Council Bill 120337 (D2b)

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 process for the intake, evaluation, classification, and investigation of such complaints either by a City unit or by an independent investigative body that is external to the City. Although the OPA Policy Manual outlines a standard process for complaint review, CB 120337 would establish a non-time-delimited review process and a binary classification system (i.e., does the complaint warrant an investigation?) that are specific to the Chief of Police.

¹ See Central Staff memos from [June 14](#) and [June 28](#) for more detailed background information.

The legislation would create 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.

The legislation would include requirements for notification of the complainant and stakeholders in the City’s police accountability system when an investigation will be conducted following a complaint that names the Chief and when OIG has either determined that a completed investigation was not timely, thorough, and neutral or it is unable to make this determination. It also would require the Mayor, upon receipt of a completed investigation and its findings, to provide a statement to those stakeholders regarding the findings and to inform them of whether the Chief will be discharged or any disciplinary action taken against the Chief. Should OIG determine that OPA’s intake of a complaint that names the Chief is unnecessarily delayed, the legislation would require the notification of the complainant and a subset of these stakeholders.

The legislation would establish that the only circumstances in which a law enforcement agency may investigate a complaint that name the Chief is (1) when that agency that is external to the City and (2) when OIG believes that a criminal charge or charges could result from an investigation.

Proposed Substitute for Council Bill 120337

Table 1 summarizes the textual edits and corrections referenced above. Attachment A to this memo is a redlined version of CB 120337 (D2b), showing the changes in the proposed substitute bill (D3).

Table 1. Description of Edits and Corrections in Proposed Substitute for CB 120337 (D3)

Section/Title	Proposed Edits and Corrections
3.29.510 OPA intake, examination, classification, and investigation scoping	Change “supervisor inspector” to “inspector supervisor.” Change “local, state, and federal anti-discrimination laws” to “local, state, or federal anti-discrimination laws.”
3.29.520 OIG review	Change “intake examination” to “intake investigation.” Change “local, state, and federal anti-discrimination laws” to “local, state, or federal anti-discrimination laws.” Remove erroneous reference to a “full” investigation. Correct errant plural.
3.29.530 Notification and reporting	Correct errant plural. Insert internal reference. Correct mislabeled subsection.

Section/Title	Proposed Edits and Corrections
3.29.540 Assigning the investigation	Change “local, state, and federal anti-discrimination laws” to “local, state, or federal anti-discrimination laws.”
3.29.570 Transmittal of investigative results	Add phrase “by OIG” for clarity and consistency.

Next Steps

If the Committee votes to substitute D3 for the base version of CB 120337 and to recommend passage of the bill, the City Council may consider the legislation as early as July 19.

Attachments:

1. Redlined comparison of D3 to D2b (CB 120337)

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