

July 11, 2023

MEMORANDUM

To: Public Safety and Human Services Committee
From: Greg Doss, Central Staff Analyst
Subject: Council Bill 120608 - Community Police Commission (CPC) Reorganization

On July 11, the Public Safety and Human Services (PSHS) Committee will discuss and possibly vote on Council Bill [\(CB\) 120608](#), which would amend Seattle Municipal Code (SMC) Chapter 3.29¹, last amended by the City's Accountability Ordinance ([ORD 125315](#)), to make changes to the Community Police Commission (CPC) membership, its leadership staff, governance policies, and operating procedures.

Background

The CPC was established in 2012 by Executive Order 02-2012 and Ordinance 124021 with responsibilities under the Consent Decree between the City and the U.S. Department of Justice.

In 2017, the Council passed the Accountability Ordinance to institute comprehensive and lasting police oversight by creating a three-part civilian oversight system consisting of: (1) the Office of Police Accountability (OPA); (2) the Office of Inspector General for Public Safety (OIG); and (3) the CPC. While elements of this system existed before 2017, the Accountability Ordinance reestablished and reshaped the City's oversight efforts to ensure that all parts of the system work in harmony to create and maintain constitutional policing in the City of Seattle.

SMC Section 3.29.300, as amended by the Accountability Ordinance, establishes the CPC and defines its role, authority, and responsibility within the City's accountability system. Subsequent sections outline the appointment and removal process for the 21-member Commission as well as the organization's Executive Director. While the statutory authority for the CPC pre-dates the Accountability Ordinance, the Accountability Ordinance made a number of first-time governance changes including the expansion of the Commission from 15 to 21 members.

Proposed Changes

CB120608 would amend the SMC in the following ways:

- Removes language that defines the CPC's role as one that ensures "public confidence in the effectiveness and professionalism of SPD." The CPC Co-Chairs have indicated that the Commission's role is to engage with the community in a holistic way to understand

¹ Chapter 3.29 as amended by the Accountability Ordinance, while legally in effect, has yet to be added to the online version of the Seattle Municipal Code.

concerns and to recommend changes to SPD policies and practices, but that it is not within the Commission's ability to "affect public confidence in SPD."

- Adds a new section that establishes qualifications for the CPC Executive Director. The language in this section mirrors language in the Accountability Ordinance that establishes qualifications for Executive Directors of the OPA and the OIG.
- Adds a Deputy Director position. The Co-Chairs have indicated that the addition of this position creates parity with the OIG and OPA, and it will ensure the uninterrupted operation of the CPC when the Executive Director is not available.
- Amends the process by which the CPC may remove its Executive Director for cause. The bill would allow the CPC Co-Chairs to remove the CPC Executive Director for cause after consultation with the Seattle Human Resources Department. The Executive Director could contest the decision through a vote of Commissioners in open session (see below for additional information).
- Adds language that clarifies that the Executive Director shall discharge their authorities and responsibilities in consultation with and under the supervision of the Co-Chairs. This provision codifies current practice as articulated by the Co-Chairs.
- Reduces the Commission from 21 members to 15 members and transfers the Seattle Police Management Association representative from a CPC appointment to a Mayor's Office appointment (see below for additional information).
- Clarifies that the CPC may remove a CPC-appointed Commissioner for cause by a two-thirds vote of its membership without a subsequent confirmation vote from the City Council.
- Eliminates a requirement that at least one Commissioner must represent each City Council district and regularly engage the people of that Council district and report back to the CPC on community issues on law enforcement.
- Eliminates references to Ordinance 124543 (CPC Stipend Reimbursements adopted in 2014) and establishes that (1) the purpose of a stipend is to compensate for the financial burden of performing the duties of a Commissioner; and (2) beginning in 2024, stipends are set at a monthly reimbursable rate of \$1,200 for a Co-Chair and \$700 for a Commissioner (see below for additional information).
- Makes technical updates to the collective bargaining provisions for the required hearing that precedes the Seattle Police Management Association negotiations.

Transitioning the Commission from 21 to 15 Members

CB120608 is designed to allow the Commission the flexibility to manage its transition from 21 to 15 members. An uncodified section (Section 6) reduces the CPC from 21 members to 15

members as vacancies occur among the Commission's non-specialized positions.² Positions only become vacant when there is not a re-appointment of an existing member.

When the Commission reaches a total of 15 members, the provisions outlined in Section 6.D.1 establish a method by which appointing authorities shall potentially forgo making appointments until each authority has an equal number of members. From that point, authorities will take turns making future appointments and the Commission may stagger the terms of the appointments to ensure that future vacancies do not occur at the same time.³

Commissioner Stipends

Ordinance 124543, adopted in 2014, authorizes members of the CPC to request a monthly stipend of \$550. The title and recitals of Ordinance 124543 note that the stipends are to address financial hardship for some members who devote significant time to the Commission without compensation.

The CPC staff and Co-Chairs have indicated that the operative sections of the SMC should reflect the intent of the original ordinance. CB120608 accomplishes this by striking the Accountability Ordinance's references to Ordinance 124543 and adding the financial hardship⁴ language directly to 3.29.350.F. Beginning in 2024, stipends are increased to \$700 for Commissioners and \$1,200 for Co-Chairs.

Some of Seattle's boards and commissions provide their members with annual compensation, stipends that serve as reimbursement for financial hardship or an hourly rate of pay for meetings and travel time. These include:

- Seattle Public Utilities Customer Review Panel;
- Seattle Design Commission;
- Equitable Development Initiative Advisory Board (OPCD);
- Green New Deal Oversight Board;
- Indigenous Advisory Council;
- Seattle Film Commission; and
- Transportation Equity Workgroup.

Where applicable, annual member stipend amounts range between \$1,300 and \$5,000. Hourly rates for some of the other commissions can range between \$25 and \$60 per hour.

Executive Director Reporting Structure

² The CPC has four specialized positions that are dedicated to representation for the Seattle Police Management Association, Seattle Police Officer's Guild, Civil Liberties, and Public Defense.

³ Current appointing authorities are the Mayor's Office, CPC, and City Council.

⁴ Language in CB 120608 says "financial burden."

The City Attorney's Office (CAO) has advised that the City Charter would not invalidate the amendments/changes that would be made in 3.29.320.D, which would allow the Executive Director to be hired and fired by the CPC Co-Chairs. The CAO has indicated that the Charter restrictions that require the Mayor to direct and control all subordinate officers of the City apply only to the subordinate officers that are listed in the Charter, not to subordinate officers that are created by ordinance outside of the Charter.⁵

cc: Esther Handy, Director
Aly Pennucci, Deputy Director

⁵ See City Charter Article V, Section II