



SEATTLE CITY COUNCIL

Public Safety and Human Services Committee

Agenda

Tuesday, July 12, 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

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Public Safety and Human Services Committee
Agenda
July 12, 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>

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.

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. [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 \(7/12\)](#)

[Substitute Bill \(7/12\)](#)

Briefing, Discussion, and Possible Vote (15 minutes)

Presenter: Ann Gorman, Council Central Staff

2. **Seattle Police Department Race and Social Justice Initiative**

Supporting Documents:

[Presentation](#)

Briefing and Discussion (20 minutes)

Presenter: Adrian Diaz, Interim Police Chief, Seattle Police Department

3. Youth Leadership, Intervention & Change (LINC) Program

Supporting Documents: [Presentation](#)

Briefing and Discussion (20 minutes)

Presenters: William Hairston, Director, Gina Terada, and Fredericka Pie, Center for Children & Youth Justice; Ted Boe, City of Burien Police Chief; Aaron Fox, Seattle YMCA Director of Young Adult Services

4. King County Regional Approach for Gun Violence Reduction

Supporting Documents: [Presentation](#)

Briefing and Discussion (40 minutes)

Presenters: Dennis Worsham, Interim Director, Eleuthera Lisch; Tia Yarbrough; Willard Jimerson; Public Health, Seattle & King County

E. Adjournment



Legislation Text

File #: CB 120337, **Version:** 2

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 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 accountability or be unethical; or otherwise compromise the public’s trust in

the criminal justice system; 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 was dishonest about dispatch error during CHOP shooting); and

WHEREAS, with respect to those three complaints, 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 but they were not thus forwarded until Mayor Harrell took office; 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 that manual is subject to change and a strong police accountability system requires a standard, codified process for making such determination; and

WHEREAS, OPA’s current procedures do not provide for notification of elected officials upon commencement of an investigation or for an evaluation of OPA’s analysis 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, any investigation of a complaint that names the Chief of Police that may result in a criminal charge or charges poses a conflict of interest and should be referred to an outside investigator; 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 local, state, and federal anti-discrimination laws; 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, investigation into the Chief of Police is not governed by a collective bargaining agreement thus that process and structure are inapplicable; and

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

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Subchapter V, which includes new Sections 3.29.500, 3.29.510, 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 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.

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

“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.

3.29.510 OPA intake, classification, and investigation scoping

A. If the Chief of Police is named in a complaint, the initial screening process shall include the immediate creation of a case file and the immediate notification of the OPA Director or the OPA Director’s appointed designee.

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

C. A civilian supervisor investigator shall be assigned to complete the intake of the complaint, which shall consist of a thorough examination of the complaint and available information to determine whether an investigation should be conducted. This examination shall be designed to answer relevant factual questions and ensure the collection and preservation of time-sensitive evidence and, when possible, it will include an interview with the complainant.

D. OPA shall consult with OIG when examining a complaint, with the goals of determining (1) whether any laws or SPD policies would have been violated if the alleged actions are later proven to be true; and (2)

whether criminal charges could result if the alleged actions are later proven to be true. This examination shall result in OPA's classification of the complaint for investigation, or as a contact log, as appropriate.

E. If the OPA Director determines, upon conclusion of the examination, that investigation is appropriate, they will determine:

1. Whether OPA, the Seattle Department of Human Resources (SDHR), or a non-City entity under subsection 3.29.540.C will perform the investigation. In making this determination OPA shall consider and document 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 the investigation could result in a finding of a violation or violations of local, state, and federal anti-discrimination laws and/or any applicable City and/or SPD policies that prohibit harassment and/or discrimination.

F. If the OPA Director or a designee of the Director determines that the intake warrants an investigation, then the Director or designee shall work with the assigned civilian investigator supervisor to 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.

3.29.520 OIG review

A. OIG shall conduct a review of OPA's intake examination and classification to ensure that (1) the intake and examination process were timely, thorough, and 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 investigation is appropriate, OIG shall review the OPA recommendation on 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.E.1. 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.

E. If OPA has determined the investigation could result in a finding of a violation or violations of 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 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 subsection 3.29.510.E.1. If OIG and OPA do not concur, the OIG determination shall prevail and shall be considered definitive for the complaint.

F. Where OIG has determined, either solely or with the concurrence of OPA, that a non-City entity under subsection 3.29.540.C 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 under subsection 3.29.540.C should conduct the investigation.

G. If OIG believes that criminal charges could result from the investigation, then it shall consult with OPA and identify which non-City entity under subsection 3.29.540.C 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 under subsection 3.29.540.C 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 a contact log, 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. When an investigation will be:

1. Conducted by OPA or SDHR, OIG 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; and (3) the rationale for the determination as supported by the factors in subsections 3.29.510.E.1.

2. Conducted by a non-City entity, OIG shall immediately notify the entities listed in subsection 3.29.530.B.1. Notification 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.E.1.

F. Notification pursuant to this Section 3.29.530 shall include no more information than would otherwise be available to the public on the OPA website, so as not to 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 under subsection 3.29.540.C.

B. If the investigation could result in findings of a violation or violations of local, state, and federal anti-

discrimination laws and/or any applicable City and/or SPD policies that prohibit harassment and/or discrimination 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 decline. 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 under subsection 3.29.540.C 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. Investigation of a suspected violation of law will be referred to a non-Seattle law enforcement agency. A non-City entity conducting an investigation of any other non-criminal violations that name the Chief will not be a law enforcement agency.

D. If criminal charges could result from an investigation, OIG shall seek to consult with OPA and will identify an appropriate and qualified outside law enforcement agency to conduct the investigation. Care will be taken to select an agency that has particular expertise and a reputation for trust and transparency.

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 as they may relate to employees other than the Chief. With regard to investigative findings related to the Chief: (1) no range of recommended discipline will be developed; 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.

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

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

B. OIG shall conduct a review of any completed investigation, consistent with the requirements of Section 3.29.260, to determine whether the investigation was timely, thorough, and neutral.

C. To determine whether any completed investigation was timely, thorough, and neutral, OIG shall retain the authority to access any investigative materials that will support making the determination.

D. OIG shall immediately notify the entities listed in subsection 3.29.530.B.1 if it is unable to determine whether an investigation was timely, thorough, and neutral or if it determines that an investigation was not timely, thorough, and neutral. 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 neutral, 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 neutral, 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 neutral, 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 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

3.29.600 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.

3.29.610 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 (1) after Court approval in the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR); and (2) either 30 days after Mayoral signature, or after 40 days if the Mayor fails to sign the bill. Consistent with Section 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.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
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:

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

Attachment 1 - Redline comparison of D2b to D3 (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

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

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, and the
9 complaints were logged by OPA as follows: (1) OPA 2020-0345 (tear gas used after 30
10 day ban); (2) OPA 2020-0355 (sharing misinformation about crime in CHAZ/CHOP);
11 and (3) OPA 2020-0476 (Chief was dishonest about dispatch error during CHOP
12 shooting); and

13 WHEREAS, with respect to those three complaints, the OPA Director requested over 18 months
14 ago that then-Mayor Durkan forward the complaints for investigation to an agency
15 external to The City of Seattle but they were not thus forwarded until Mayor Harrell took
16 office; and

17 WHEREAS, the OPA Policy Manual (“OPA Manual”) identifies a process for determining
18 whether OPA or an outside agency would investigate the Chief of Police, but that manual
19 is subject to change and a strong police accountability system requires a standard,
20 codified process for making such determination; and

21 WHEREAS, OPA’s current procedures do not provide for notification of elected officials upon
22 commencement of an investigation or for an evaluation of OPA’s analysis of the

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 credibility of the complaint, as should be conducted by an independent oversight entity

2 such as the Office of the Inspector General for Public Safety (OIG); and

3 WHEREAS, all sworn SPD staff are within the chain of command of the Chief of Police, and the

4 involvement of such staff in any investigation of a complaint that names the Chief of

5 Police creates in some cases an actual conflict of interest and potentially in all cases a

6 perceived conflict of interest; and

7 WHEREAS, any investigation of a complaint that names the Chief of Police that may result in a

8 criminal charge or charges poses a conflict of interest and should be referred to an outside

9 investigator; and

10 WHEREAS, the Seattle Department of Human Resources houses the City of Seattle's

11 Investigations Unit, which investigates complaints and alleged violations of applicable

12 City Personnel Rules and/or related policies, including allegations of harassment,

13 discrimination, and misconduct such as those that are prohibited under local, state, and

14 federal anti-discrimination laws; and

15 WHEREAS, the Accountability Ordinance did not contemplate the processes necessary to ensure

16 that a City-led investigation of the Chief of Police is fair, transparent, and free of any

17 potential conflicts of interest; and

18 WHEREAS, although the OPA Manual establishes a process and structure for complaint review

19 that is consistent with the relevant collective bargaining agreements, investigation into

20 the Chief of Police is not governed by a collective bargaining agreement thus that process

21 and structure are inapplicable; and

22 WHEREAS, for any City employee who is named in a complaint to OPA and is governed by a

23 collective bargaining agreement, all provisions of that agreement remain in force.

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 NOW, THEREFORE,

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

3 Section 1. A new Subchapter V, which includes new Sections 3.29.500, 3.29.510,
4 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
5 3.29 of the Seattle Municipal Code as follows:

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

7 **3.29.500 Definitions**

8 As used in this Subchapter V:

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

15 “Intake” means the receipt and evaluation of a complaint to determine whether an
16 investigation is warranted.

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

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

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

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 A. If the Chief of Police is named in a complaint, the initial screening process shall
2 include the immediate creation of a case file and the immediate notification of the OPA Director
3 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. OIG will ensure that OPA is pursuing its investigation
6 without unnecessary delay. In the event that OIG determines that unnecessary delay is occurring,
7 OIG shall promptly notify the President of the City Council, the Chair of the Council's public
8 safety committee, and the complainant. Notification shall consist of: (1) the nature of the
9 complaint, (2) the date the complaint was received, and (3) an explanation of why OIG has
10 determined that unnecessary delay is occurring.

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

17 D. OPA shall consult with OIG when examining a complaint, with the goals of
18 determining (1) whether any laws or SPD policies would have been violated if the alleged
19 actions are later proven to be true; and (2) whether criminal charges could result if the alleged
20 actions are later proven to be true. This examination shall result in OPA's classification of the
21 complaint for investigation, or as a contact log, as appropriate.

22 E. If the OPA Director determines, upon conclusion of the examination, that
23 investigation is appropriate, they will determine:

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

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

6 2. Whether the investigation could result in a finding of a violation or violations
7 of local, state, ~~((and))~~ or federal anti-discrimination laws and/or any applicable City and/or SPD
8 policies that prohibit harassment and/or discrimination.

9 F. If the OPA Director or a designee of the Director determines that the intake warrants
10 an investigation, then the Director or designee shall work with the assigned civilian investigator
11 supervisor to prepare an investigative plan that includes, at a minimum, information that will be
12 necessary in the case that OIG must issue a request for proposal for an investigation by a non-
13 City entity.

14 **3.29.520 OIG review**

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

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

20 C. If investigation is appropriate, OIG shall review the OPA recommendation on whether
21 that investigation should be (1) conducted by either OPA or SDHR; or (2) conducted by a non-
22 City entity under subsection 3.29.540.C. OIG shall then determine whether it concurs with
23 OPA's recommendations. In making this determination, OIG shall consider the factors in

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 subsection((§)) 3.29.510.E.1. If OIG and OPA do not concur, the OIG determination shall
2 prevail and shall be considered definitive for the complaint.

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

6 E. If OPA has determined the investigation could result in a finding of a violation or
7 violations of local, state, ((and)) or federal anti-discrimination laws and/or any applicable City
8 and/or SPD policies that prohibit harassment and/or discrimination, then OIG shall review the
9 OPA recommendation on whether ((a full)) the investigation should be conducted by SDHR or
10 by a non-City entity under subsection 3.29.540.C. OIG shall then determine whether it concurs
11 with OPA's recommendations. In making this determination, OIG shall consider the factors in
12 subsection 3.29.510.E.1. If OIG and OPA do not concur, the OIG determination shall prevail and
13 shall be considered definitive for the complaint.

14 F. Where OIG has determined, either solely or with the concurrence of OPA, that a non-
15 City entity under subsection 3.29.540.C should conduct the investigation, OIG shall consult with
16 OPA to (1) discuss which of these two agencies should manage the contract for that entity's
17 work and (2) identify one or more candidate entities to conduct the investigation. However,
18 following this consultation OIG shall solely make decisions about (1) whether the investigation
19 contract should be managed by OPA or OIG and (2) which non-City entity under subsection
20 3.29.540.C should conduct the investigation.

21 G. If OIG believes that criminal charges could result from the investigation, then it shall
22 consult with OPA and identify which non-City entity under subsection 3.29.540.C would be
23 most appropriate for the investigation. However, following this consultation OIG shall solely

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 make decisions about (1) whether the investigation should be managed by OPA or OIG and (2)
2 which non-City entity under subsection 3.29.540.C should conduct the investigation. If OIG and
3 OPA do not concur, the OIG determination shall prevail and shall be considered definitive for
4 the complaint.

5 **3.29.530 Notification and reporting**

6 A. Where the classification determination is a contact log, OIG shall include the finding
7 in its annual report required under Subchapter II of this Chapter 3.29. No other notification or
8 reporting is required.

9 B. When an investigation will be:

10 1. Conducted by OPA or SDHR, OIG shall immediately notify the Mayor, the
11 President of the City Council, the Chair of the Council's public safety committee, the Executive
12 Director and Co-Chairs of the Community Police Commission, the City Attorney, the City
13 Director of Human Resources, and the complainant. Notification shall consist of: (1) the
14 classification type; (2) whether OPA or SDHR will conduct the investigation; and (3) the
15 rationale for the determination as supported by the factors in subsection((s)) 3.29.510.E.1.

16 2. Conducted by a non-City entity, OIG shall immediately notify the entities listed
17 in subsection 3.29.530.B.1. Notification by OIG pursuant to subsection 3.29.530.B.2 shall
18 consist of: (1) the classification type; (2) the non-City entity by whom OIG has determined,
19 either solely or with the concurrence of OPA, that the investigation be conducted; and (3) the
20 rationale for the determination as supported by the factors in subsections 3.29.510.E.1 and
21 3.29.510.E.2.

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 ((F))C. Notification pursuant to this Section 3.29.530 shall include no more information
2 than would otherwise be available to the public on the OPA website, so as not to compromise the
3 integrity of the investigation.

4 **3.29.540 Assigning the investigation**

5 A. Any investigation conducted by OPA shall be conducted exclusively by civilian
6 personnel. If OIG, either solely or with the concurrence of OPA, has determined that an
7 investigation should be conducted by OPA and OPA is unable to commit that it will be
8 conducted exclusively by civilian personnel, then the investigation shall be reassigned to a non-
9 City entity under subsection 3.29.540.C.

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

20 C. Investigation of a suspected violation of law will be referred to a non-Seattle law
21 enforcement agency. A non-City entity conducting an investigation of any other non-criminal
22 violations that name the Chief will not be a law enforcement agency.

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 D. If criminal charges could result from an investigation, OIG shall seek to consult with
2 OPA and will identify an appropriate and qualified outside law enforcement agency to conduct
3 the investigation. Care will be taken to select an agency that has particular expertise and a
4 reputation for trust and 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: (1) no range of recommended discipline will be
14 developed; and (2) the investigation file shall not be presented to the Chief.

15 C. Where the investigation is conducted by SDHR, the investigation shall be conducted
16 consistent with that unit's standards and practices.

17 **3.29.560 OIG review of the intake investigation, classification, and investigation**

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

21 B. OIG shall conduct a review of any completed investigation, consistent with the
22 requirements of Section 3.29.260, to determine whether the investigation was timely, thorough,
23 and neutral.

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 C. To determine whether any completed investigation was timely, thorough, and neutral,
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OIG shall retain the authority to access any investigative materials that will support making the determination.

D. OIG shall immediately notify the entities listed in subsection 3.29.530.B.1 if it is unable to determine whether an investigation was timely, thorough, and neutral or if it determines that an investigation was not timely, thorough, and neutral. 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 neutral, 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 neutral, 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 by OIG that the investigation was timely, thorough, and neutral, 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 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;

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

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

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

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

6 Section 49. A new Subchapter V, which includes new Sections 3.29.500 and
7 3.29.510, is added to Chapter 3.29 of the Seattle Municipal Code as follows:

8 **Subchapter VI Construction and implementation**

9 **3.29.600 Construction**

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

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

18 C. It is the express intent of the Council that, in the event a subsequent ordinance
19 refers to or amends a section or subsection of the Seattle Municipal Code or a previously
20 enacted ordinance that is amended or recodified in the ordinance introduced as Council
21 Bill 118969, but the later ordinance fails to account for the change made by the ordinance
22 introduced as Council Bill 118969, the two sets of amendments should be given effect

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 together if at all possible. The code reviser may publish the section or subsection in the
2 official code with all amendments incorporated therein.

3 D. The terms and provisions of this Chapter 3.29 are not retroactive and shall
4 apply only to those rules, orders, actions, or proceedings that occur, or have been
5 initiated, on or after the effective date of the ordinance introduced as Council Bill
6 118969.

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

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

14 **3.29.610 Implementation**

15 A. (~~Provisions of the ordinance introduced as Council Bill 118969 subject to the~~
16 ~~Public Employees' Collective Bargaining Act, chapter 41.56 RCW, shall not be effective~~
17 ~~until the City completes its collective bargaining obligations.)) As noted in Section
18 3.29.010, the police are granted extraordinary power to maintain the public peace,
19 including the power of arrest and statutory authority under RCW 9A.16.040 to use deadly
20 force in the performance of their duties under specific circumstances. Timely and
21 comprehensive implementation of this ordinance constitutes significant and essential
22 governmental interests of the City, including but not limited to (a) instituting a
23 comprehensive and lasting civilian and community oversight system that ensures that~~

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

1 police services are delivered to the people of Seattle in a manner that fully complies with
2 the United States Constitution, the Washington State Constitution and laws of the United
3 States, State of Washington and City of Seattle; (b) implementing directives from the
4 federal court, the U.S. Department of Justice, and the federal monitor; (c) ensuring
5 effective and efficient delivery of law enforcement services; and (d) enhancing public
6 trust and confidence in SPD and its employees.

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

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

17 C. Provisions of the ordinance introduced as Council Bill 118969 for which the
18 City has fulfilled its collective bargaining requirements, if any, will go into effect (1)
19 after Court approval in the matter of *United States of America v. City of Seattle*, 12 Civ.
20 1282 (JLR); and (2) either 30 days after Mayoral signature, or after 40 days if the Mayor
21 fails to sign the bill. Consistent with Section 3.29.600, any provisions for which
22 bargaining is not yet complete shall not go into effect until collective bargaining
23 obligations are satisfied.

Attachment 1 - Redline comparison of D2b to D3 (CB 120337)

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)

16
17
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19
20 Attachments:



Legislation Text

File #: Inf 2083, **Version:** 1

Seattle Police Department Race and Social Justice Initiative



2021 RSJI Report to City Council

Seattle Police Department

July 12, 2022



2021 Accomplishments

- Expanded Women's Personal Safety classes to include:
 - Mixed genders
 - Seniors
 - Youth
 - East African and Spanish speaking participants (with an interpreter)
- Implemented a new civilian hiring process to reduce opportunity for bias
- Awarded a grant through DOJ to implement Restorative Practice training for officers and community members
- Developed relationships with RSJI Change Teams in other City departments to share strategies and ideas



Challenges and Opportunities

Community Demands for Alternate Responses to 911 Calls

Expansion of the CSO service unit to serve the community and complement the efforts of sworn personnel by providing non-enforcement services and social support for underserved and vulnerable populations.

Rebuilding Community Relationships and Trust

After the death of George Floyd, Seattle was thrown into chaos. This has resulted in the breakdown of trust between the community and SPD. In order to rebuild, we need to have difficult conversations that can ultimately lead to understanding and finding a way forward to keep Seattle safe.

Changing Department Culture

Nationally, there have been demands for a culture change within policing. SPD has taken this on by creating a pre-BLEA program that sets a community-based foundation for new officers.



Alternative Response

The CSO team is expanding to 20 CSOs and 4 civilian supervisors. They will be fully staffed by August 2022. Community Service Officers are a diverse group of trained civilians who:

- Have gone through extensive training in RSJI, cultural competency, and following an inclusive response model
- Work as liaisons between the community and SPD
- Respond to non-emergent public safety concerns when other agencies are unable to do so
- Do not enforce criminal laws or carry weapons





FOOD LIFELINE





Before the Badge: *Changing SPD Culture*

In response to the call for a cultural change within police departments across the country, SPD has created and implemented a program called Before the Badge.

- 5 week program to be completed before attending the State Academy
- Focuses officer development around:
 - Cultural and community competency
 - Wellness and mental health
 - RSJI principles
 - Empathy and relationship-building
 - Community-led instruction



<https://www.kiro7.com/news/local/seattle-police-roll-out-new-training-before-recruits-go-academy/HDPO4NPYPZAXJPJZUEBCMS54BQ/>



Women's Personal Safety Classes

✓ Racial Equity Toolkit Completed

The SPD Women's Personal Safety Classes have been offered for over a decade. With the challenges of the last 2 years, the community asked for an expanded version that can be offered to everyone.

The class offers proactive tips and skills to reduce the chances of becoming a victim of crime.

In response, SPD now offers a variety of classes:

- Mixed gender
- Youth
- Senior and senior care-givers
- Interpretation services for participants

In 2021, 42 classes were held with a total of 1,023 attendees.

In the first 6 months of 2022, 58 classes were held with a total of 1,422 attendees.



New Hiring Process for Civilians

✓ Racial Equity Toolkit Completed

The goal is to help remove bias in the application process.

The HR department removes any identifiers such as name, age, race, etc., before providing a candidate list to the hiring manager. This promotes a focus on knowledge, skills, and abilities.

This new process currently focuses on civilian hires, and has been implemented during the CSO hiring process over the last year.

We have received positive feedback from applicants, who report reduced fear of putting in an application.



2022 Racial Equity Toolkits

1. Before the Badge (1st year of implementation)
2. Restorative Practices Community Conversations (grant)
3. Policy to reflect a change from the term “civilian” to “professional”
4. 30x30 Initiative (SPD)





Legislation Text

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Youth Leadership, Intervention & Change (LINC) Program

Youth LINC

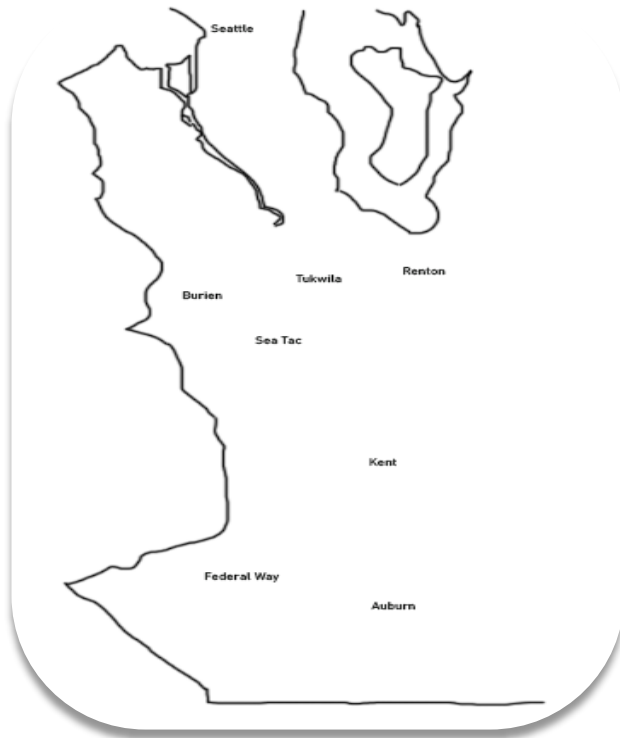
SOUTH KING COUNTY GANG PREVENTION AND INTERVENTION PROGRAM



What is LINC (Comprehensive Gang Model)

- ▶ A Group and Gang Violence Reduction Model
- ▶ This model provides a structure for a collaborative response to gangs. CGM has been implemented around the United States. Has been evaluated and tested since the early 1990s. The CGM Has been implemented in cities of varying sizes around the U.S. and has resulted in reductions in gang - related violence and increases in pro -social outcomes for gang - involved individuals.

Youth LINC– A Collaborative Regional approach



- ❑ Auburn
- ❑ Burien
- ❑ Des Moines
- ❑ Federal Way
- ❑ Kent
- ❑ Renton
- ❑ Sea Tac
- ❑ Seattle
- ❑ Tukwila
- ❑ Unincorporated King Co

Youth LINC Wrap Around Services

Prosocial Activities

- Groups
- YMCA Membership
- Summer Programs
- Fall Programs
- Winter Programs
- Special events

Connection to Basic Needs

- Health care/mental health
- Housing assistance
- Clothing Support
- Holiday Programming
- Transportation assistance
- Other necessary services

Service coordination

- Bi-monthly service coordination meetings
- Individualized intervention planning for all clients



Education assistance

- Reconnecting with school
- IEP/504 Plan support
- Coordination with educational providers

Outreach Support

- Trusting relationship
- Assistance with daily activities
- Problem-solving
- Behavioral coaching
- Modeling prosocial behavior

Employment assistance

- Job search assistance and coaching
- Pre-employment preparation classes

Street Outreach



- ❑ Reach out to high-risk youth and their families and engage them in a supportive, mentoring relationship
- ❑ Assess the needs of youth and families and link them to necessary services
- ❑ Advocate for the needs of high-risk youth and their families with other agencies
- ❑ Provide a model of positive social behavior for participants
- ❑ Provide crisis response directly to high-risk youth and their families
- ❑ Work to implement the team's plan with each participant

Gang Intervention Takes Time



▶ Client behavior change goals over time in program

- ▶ Connected to prosocial activities
- ▶ No new Juvenile or adult offenses
- ▶ Enrolled in School or GED program
- ▶ Assistance in obtaining employment
- ▶ Connected to Drug and Alcohol treatment
- ▶ Completion of Diversion program or Probation
- ▶ Reduction in Group or Gang involvement
- ▶ Increased Parent support

Youth LINC– By the Numbers

- ▶ Total youth served this year: 131
- ▶ Youth admitted FY2021: 50 (Numbers down due to COVID-19)
- ▶ Admitted prior fiscal year: 46
- ▶ Completions FY 2020: 33
- ▶ Active clients as of 1/1/2021: 100
- ▶ Average client stay: 350 days

Participant Outcomes

January 2021- December 2021

- ▶ Intervention plans developed/reviewed by team -574
- ▶ During 2021, 78.2% of participants served by the MDITs were able to complete one or more unique goals
- ▶ Enrolled in school- 18
- ▶ Improved School Performance- 43
- ▶ Completed probation or Court Activity- 36
- ▶ Enrolled in mental health/substance use services - 12
- ▶ Completed mental health or substance use services- 6
- ▶ Gained employment – 45
- ▶ Maintained employment consistently- 32
- ▶ Connected to housing- 15
- ▶ Decreased Group or Gang Involvement - 65



Youth LINC– Contact information

- ▶ Referral Link- <http://ccyj.org/linc/linc-referral-form/>
- ▶ **Gina T.** - GTerada@ccyj.org
- ▶ **William Hairston**- Whairston@CCYJ.org
- ▶ **Co- Chair**
 - ▶ City of Burien Chief of Police **Ted Boe**
 - ▶ theodore.boe@kingcounty.gov
 - ▶ Senior Director of Young Adult Services -**Aaron Fox**
 - ▶ AFox@seattlemca.org



Legislation Text

File #: Inf 2082, **Version:** 1

King County Regional Approach for Gun Violence Reduction

King County Regional Approach for Gun Violence Reduction

Keeping the Peace Together



A Public Health Approach

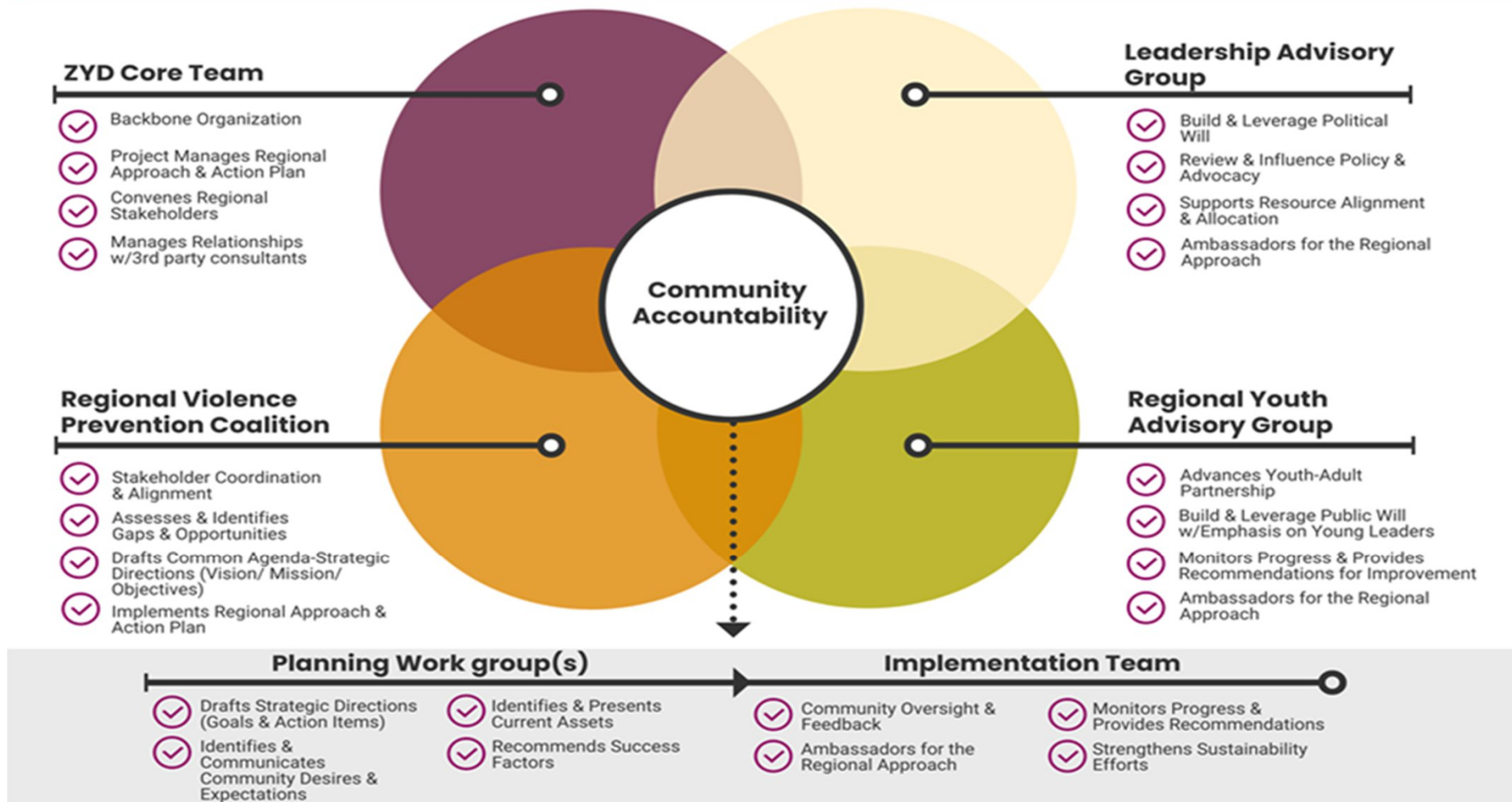
Since early 2021, Public Health- Seattle & King County has been leading an inclusive Community Safety and Well-being Planning process, that calls for a public health approach to ending gun violence.

The two-pronged strategy includes:

Groups that blend community and systems partners to identify solutions and provide recommendations in the domains of Juvenile Justice, Education, Workforce Development, Community-Led Safety and Health & Human Services.

Immediate Response: The Regional Peacekeepers Collective is an overarching umbrella that supports a multi-initiative/multi-organization network to provide Intervention, Prevention and Restoration services including critical incident and hospital-based response, intensive engagement and wrap-around life affirming care and resources to youth and families most impacted by gun violence and unjust systems

Admin Structure for Community Safety & Well-Being Plan



Cities United is a project of Tides Center

*drafted by Cities United Representatives AC & QC 7/16/2020

Background & Problem Statement

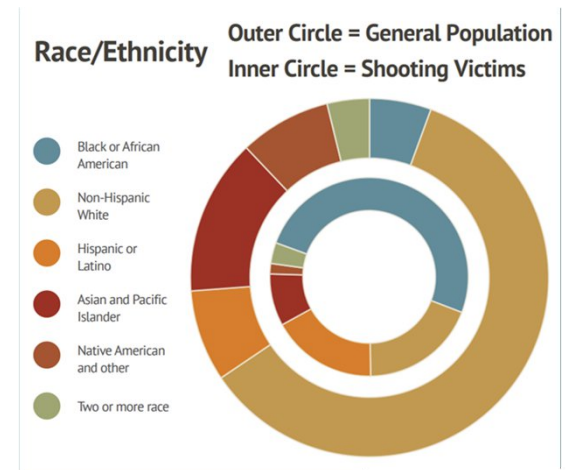
Gun violence is on the rise in Seattle & King County, with approximately 50% of the victims being African-American/Black men and boys. This violence also inflicts trauma on entire families, neighborhoods, and communities.

Homicides are the leading cause of death for young Black/African American men and boys. While the true cost can never be calculated, the CDC estimates that homicides cost the US economy \$26.4 billion every year in medical expenses and work loss costs alone.










According to the 2021 year-end incident report from the King County Prosecutor's Office, the total number of shots fired incidents in 2021 (1405) was up around 54% and the number of overall shooting victims (460) was up 70% over the four year average for 2017-2020.

More specifically, the number of fatal shooting victims (88) was up 54% while the number of nonfatal shooting victims (372) was up 75% over the four-year average..



RPKC Objectives

-  **High-intensity Engagement and Support for Youth and Families**
 -  **Critical Incident Response System with Hospital and Community Based**
 -  **Support**
 -  **Wrap Around Care for High-Risk Youth via a Care Team**
 -  **Support and Connection for Families & Younger Siblings**
 -  **Decreased Negative Law Enforcement Contact**
 -  **Additional Community Capacity for Restorative Justice Programs**
- Community Outreach, Public Awareness and Restorative Events**

Theory of Change

- Place-based social services, offered by culturally reflective providers, help connect young people at greatest risk to the services and support they need to develop lasting self-efficacy and positive community attachment.
- Our community-led public health approach uses data driven strategies to ensure intensive support and wrap services for youth and families most directly involved in incidents of gun violence. Place-based strategies reduce violence by addressing important environmental and social contexts, such as economic and educational opportunity gaps, greening of vacant lots and remediating of active “hot-spots”.
- Compassion-based care is trauma-informed, and emphasizes solution-focused positive youth development, by connecting young people locally to mentorship, skill development, emotional well-being and growth opportunities.

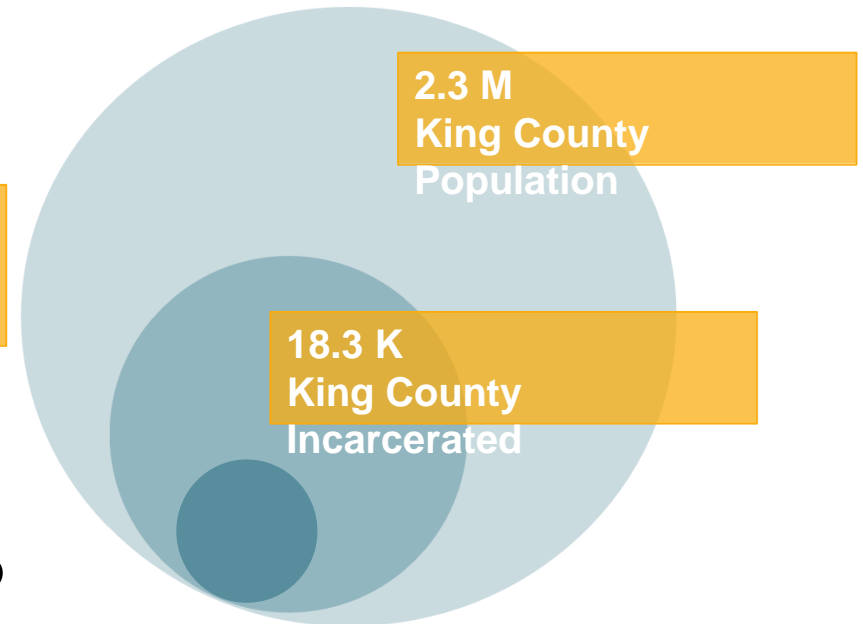
Priority Population Served

As reported by Harborview Medical Center Emergency Room Admission data, 100-150 young people between the ages of 16-24 years of age are seen in the emergency room for gun related injury each year. By zeroing in on these high-risk young people, we can reduce shootings and fatalities by significant numbers.

According to the King County Prosecuting Attorney's Office, there are 50-80 young people per year who emerge in court cases as being at highest risk for gun violence involvement.

100-150 Highly Targeted Highest Risk Youth

The regional approach focuses efforts on those at highest risk, tailoring services to the needs of individual youth and families



Shared Methods of Practice



Community Leadership

- Multi-partner approach, with centralized management, coordination and reporting.

Rigorous Training & Professional Development

- To strengthen and build community capacity, all RPKC partners complete required trainings and teams are supported and managed via weekly meetings, on-going training and organizational level staff supervision and professional development

Coordinated Service Delivery

- Violence interruption, hospital-based intervention, client services, and family restoration services ensuring highest quality of care and support for youth and families.

Program Model

Our **Intervention, Prevention and Restoration (IPR)** framework is focused on rigorous intervention, targeted prevention, and follow-up support for community restoration.

INTERVENTION

Critical incident response and violence interruption based on real time notifications and strategic engagement based on data from shots fired reports.

Hospital Based Intervention

Hot spot remediation and direct community support.

PREVENTION

Connect highest risk youth with credible outreach workers to build resiliency and decrease negative law enforcement contact

Support safe schools through SCSi initiative

Provide access to services and group programs, also for families and siblings.

RESTORATION

Provide intensive support:

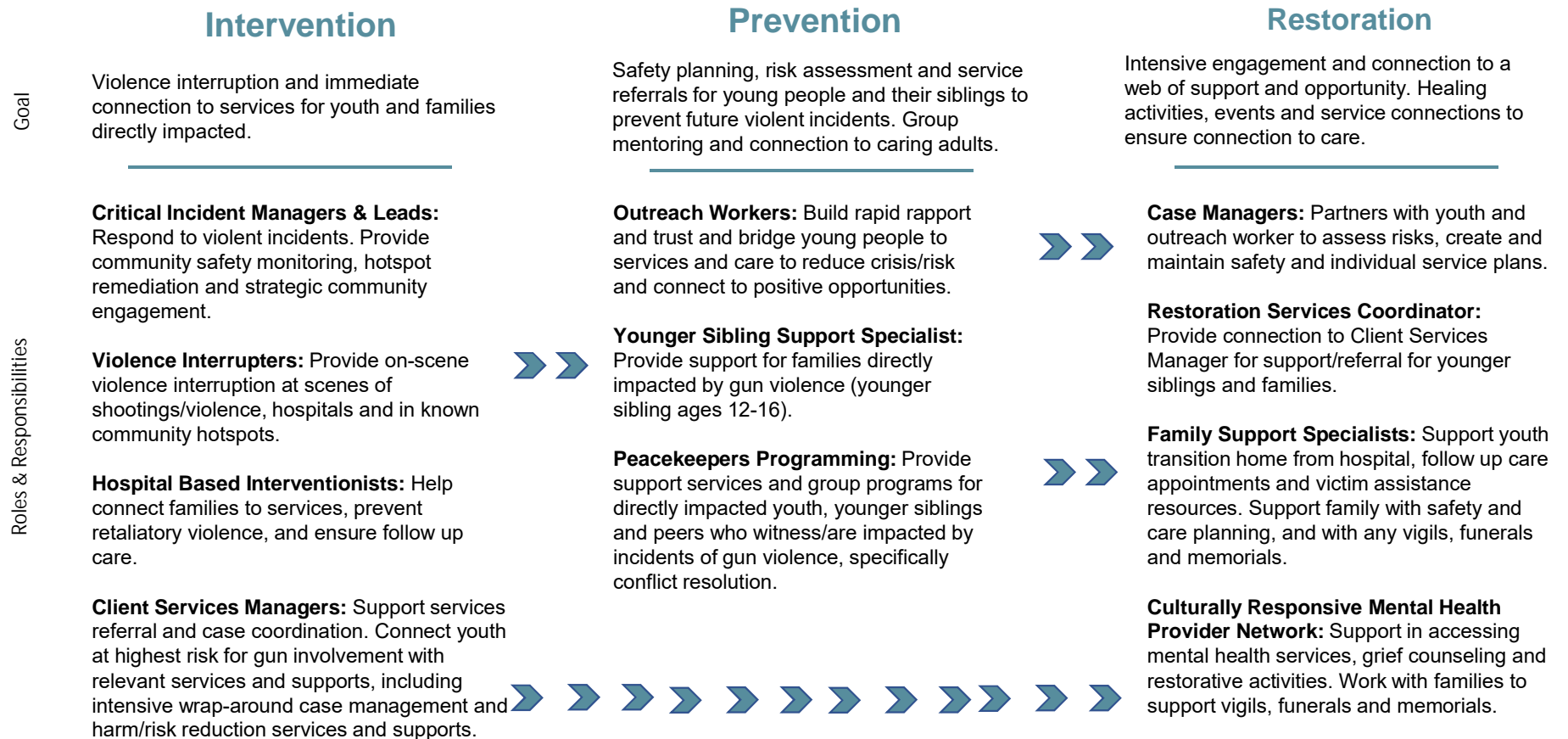
- Care Team- Outreach/ Case Managers
- /Service Navigators
- Client Services
- Restoration Services
- Family/Sibling Support

Community events, with grief and mental health resources.

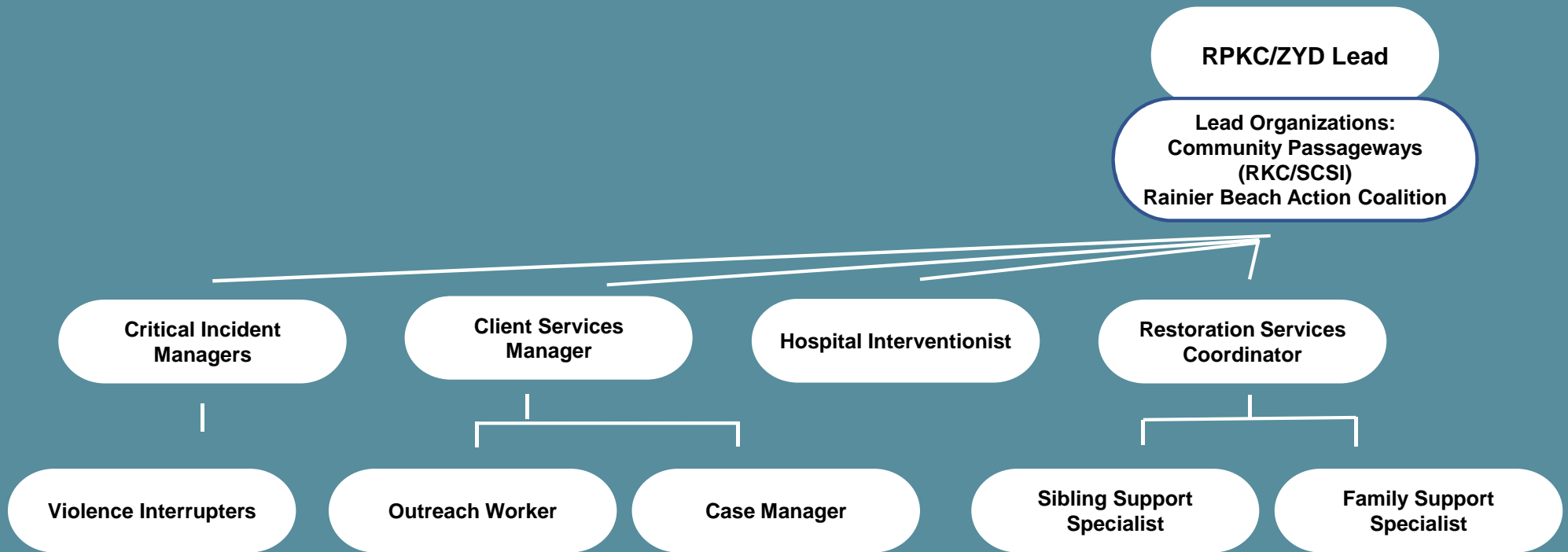
RPKC Strategy



Program Roles



RPKC a Public Health Approach Service Model



Regional Peacekeepers Collective Providers Seattle/South King County Network



Seattle Community Safety Initiative (SCSI)



Rainier Beach Action Coalition (RBAC) Restorative Solutions

