

CPC's requested changes to the 2017 Police Accountability Ordinance

May 3, 2023

2017 Police Accountability Ordinance (125315)

Requested Change	Purpose / Rationale
<p>Create the position of “Deputy Director” within the CPC staff</p> <p>Add a section to the Ordinance that creates the “Deputy Director” position on the CPC staff</p>	<p>The CPC’s Executive Director’s duties and responsibilities are significant. The CPC could better fulfill its obligations under the Ordinance and serve the community if it had a Deputy Director that the ED could delegate duties and powers to when necessary. Establishing a Deputy Director is also essential to ensuring the uninterrupted operation of the CPC in certain circumstances, for example when the ED is absent or unavailable.</p> <p>Additionally, the 2017 Accountability Ordinance assigns a Deputy Director to both the OIG and OPA, but not the CPC. §3.29.100(B), §3.29.200(C). Adding a Deputy Director position to the CPC will ensure greater parity among the accountability partners.</p> <p>The Deputy ED position should be a new/additional FTE to existing CPC staff positions.</p>
<p>Clarify CPC’s role in reviewing changes to the SPD policy manual</p> <p>Add to § 3.29.410(c) "or the creation of new policy" after the word "revisions".</p>	<p>§3.29.410(c) provides that the CPC provide input on any “revisions” to the SPD policy manual. While it seems obvious that the City Council originally intended give the CPC the authority to review <u>all</u> revisions to the SPD policy manual – both changes to existing policy and additions of new policy – SPD may interpret the existing language to apply only to revisions of existing policy. The added language makes clear that the CPC has the</p>

	<p>authority to provide input on new policies as well.</p>
<p>Establish qualifications for the CPC Executive Director</p> <p>Add a section that establishes qualifications for the CPC Executive Director on par with the qualifications for the OPA and OIG Directors.</p>	<p>The 2017 Accountability Ordinance establishes qualifications for both the OPA and OIG Directors, but not for the CPC Executive Director. See §3.29.110, §3.29.220. Adding a new section that establishes qualifications for the CPC ED, which borrows the same language from the OPA and OIG sections, will strengthen the role of the ED, clarify the expectations of the ED, and bring the CPC into greater parity with the OPA and OIG.</p>
<p>Improve the process by which the CPC may remove its Executive Director for cause</p> <p>Requested new process:</p> <p>The Co-Chairs may remove the Executive Director for cause only after first consulting with HR and then with the Commission during an Executive Session.</p> <p>If the ED objects to removal, the ED may request an opportunity to respond and be heard during an Executive Session.</p> <p>If any Commissioner objects to removal, they may request a vote of the Commission to retain the ED. A majority vote of the currently appointed commissioners is necessary to retain the ED.</p>	<p>Under the 2017 Accountability Ordinance, the CPC may remove its Executive Director only for cause after a vote of a majority of its appointed commissioners. §3.29.320(C).</p> <p>The current process creates some tension with the Co-Chairs responsibility as the ED’s supervisor. The requested removal process helps avoid requiring commissioners to act in a supervisory capacity except in an instance where the commissioners act as a check on the Co-Chairs’ removal authority. Additionally, the requested process improves privacy considerations for the ED related to HR matters</p>
<p>Clarifying Co-Chair supervision of the ED</p> <p>Clarifies that the Executive Director shall discharge his/her authorities and responsibilities in consultation with and under the supervision of the Co-Chairs.</p>	<p>The CPC Bylaws state that the “Co-Chairs shall serve as the primary supervisor for the Executive Director. The 2017 Accountability Ordinance outlines the CPC ED’s authorities and responsibilities in §3.29.320(D). The CPC’s structure as an independent City</p>

	<p>department was modeled initially after the Seattle Ethics and Elections Commission (EEC). The EEC's authorizing ordinance makes clear that its ED discharges its functions “under the supervision of the Commission.” §3.70.160.</p> <p>The proposed change adds the EEC’s language “in consultation with and under the supervision of the Co-Chairs” to the section that outlines the ED’s authorities and responsibilities. This change will make the CPC more consistent with the EEC’s supervisory structure, improve the Co-Chairs ability to discharge their supervisory and stewardship responsibilities over the ED and the Commission, and increase the ED’s accountability to the Commission and the public.</p>
<p>Reduce the size of the Commission from 21 to 15</p> <p>Each appointing authority should 5 positions to appoint.</p> <p>The SPMA position should move to the Mayor’s Office to ensure the CPC has at least 2 community at large appointments.</p> <p>No Commissioner should be removed from the Commission as part of reducing the number to 15. To the extent the CPC has more than 15 current commissioners, or that one appointing authority has more than 5 current appointees, the Ordinance amendments shall provide for the sunseting of two Commissioner positions.</p>	<p>In 2012, Ordinance 124021 established the CPC with 15 members. In March 2017, the CPC proposed increasing its size to 19, arguing:</p> <p><i>“The CPC believes that four more members will help it (a) better represent a sufficient range of diverse community views and expertise about the issues the CPC is responsible for overseeing, and (b) have adequate capacity to fulfill the expanded obligations of this working commission.”</i></p> <p>The May 2017 Accountability Ordinance increased the size of the CPC to 21. In July 2017, the LGBTQ Commission, Human Rights Commission, and Commission for People with Disabilities increased from 15 to 21 members. The final 2017 Accountability Ordinance increased the CPC size to 21. In the years since, the increased size has not resulted in better representation of community viewpoints or increased ability to</p>

	<p>meet the obligations of the Accountability Ordinance. Rather, the increased size has led to increased challenges.</p> <p>Increasing the number of commissioners has not resulted in increased output or better outcomes. Returning the Commission size to 15 will enable it to return to greater productivity, community engagement, and responsiveness.</p>
<p>Clarify authority to remove Commissioners for cause</p> <p>Clarify that the CPC may remove CPC appointed commissioners for cause by a 2/3 vote of its membership without a subsequent confirmation vote from City Council.</p>	<p>The 2017 Accountability Ordinance states that the “to strengthen the independence of the CPC, Commissioners may be removed from office by the appointing authority only for cause.” §3.29.350(F). However, the same section also states that “a majority vote of the full Council is require to confirm the removal of any Commissioner.”</p> <p>These provisions are in conflict. While the City Council should retain the authority to remove a Mayoral or City Council appointed commissioner for cause, the CPC should have the authority to remove its own appointed commissioners for cause without a confirmation vote from the City Council. This will not only strengthen the independence of the CPC, but will clarify the original intent of the provision granting authority to the CPC for removing CPC appointed commissioners.</p>
<p>§ 3.29.010 – Purpose – Enhancing and sustaining effective police oversight</p> <p>Delete the below quoted language to clarify that it is the CPC’s role to engage with community in a holistic way to understand their concerns and to work with community to recommend changes to SPD policies and practices based on those concerns, and not</p>	<p>The existing language around CPC’s role being “<u>to help ensure public confidence in the effectiveness and professionalism of SPD</u>” is misleading because only SPD can do that (i.e. earn the trust and confidence of the public). The onus should not be on CPC.</p> <p>The CPC’s job is to engage with community in a holistic way to understand their concerns and to work with community to recommend</p>

<p>“to help ensure public confidence in the effectiveness and professionalism of SPD”</p> <p>Remove the <u>underlined</u> Ordinance language below:</p> <p>“Oversight of SPD shall be comprised of a Community Police Commission (CPC) to help ensure <u>public confidence in the effectiveness and professionalism of SPD and the</u> responsiveness of the police accountability system to public concerns by engaging the community to develop recommendations on the police accountability system and provide a community-based perspective on law enforcement-related policies, practices, and services affecting public trust; all for the purpose of ensuring constitutional, accountable, effective, and respectful policing.”</p>	<p>changes to SPD policies and practices based on those concerns.</p> <p>The current language makes it sound like the CPC is there to ameliorate the image of the SPD, rather than to provide community-based accountability. This language (quoted above) should be removed.</p>
<p>§ 3.29.360 – CPC Authority and Responsibility</p> <p>Subsection B currently requires the CPC to assign at least one Commissioner to 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.</p> <p>This requirement should be stricken.</p>	<p>This responsibility is significant and beyond what volunteer Commissioners have the capacity to do. This language / responsibility should be stricken. In general, the CPC’s community engagement should be driven by the Community Engagement Workgroup and staff. Each Commissioner should put forth their best efforts toward community engagement which should focus on communities that historically have been impacted by policing, and not geographic or political boundary lines.</p>

[Ordinance 124543](#) [Commissioner Stipends]

Proposed Change	Purpose / Rationale
<p>Commissioner stipends</p> <p>Add a specific requirement that commissioner stipends be predicated on attendance at meetings and participation in CPC workgroups.</p>	<p><u>City Ordinance 124543</u> (2014) authorized monthly stipends of \$550 be paid to CPC commissioners.</p> <p>Currently, the legal requirement that commissioners attend meetings and participate in the work of the CPC in order to receive a stipend is arguably vague. Commissioner stipends are intended to offset the financial burden incurred as a result of participating in CPC business, such as missing time at work. Stipends should only be paid when a commissioner attends and participates in CPC business as required by the CPC Bylaws.</p>
<p>Co-Chair stipends</p> <p>Establish a Co-Chair level stipend.</p>	<p>Despite the CPC Co-Chairs additional responsibilities as outlined in the <u>2017 Accountability Ordinance</u> and <u>CPC Bylaws</u>, <u>City Ordinance 124543</u> (2014) does not provide the Co-Chairs with an additional stipend beyond their Commissioner stipend.</p> <p>An additional Co-Chair stipend will recognize the Co-Chairs additional responsibilities and expectations as required by the 2017 Accountability Ordinance and the CPC Bylaws.</p>