

City of Seattle



Director Office of Police Accountability

Confirmation Packet
October 30, 2017

Andrew Myerberg



City of Seattle Mayor Tim Burgess

October 30, 2017

The Honorable Bruce A. Harrell
President, Seattle City Council
Seattle City Hall, 2nd Floor
Seattle, WA 98104

Dear Council President Harrell:

I am pleased to transmit to the City Council the following confirmation packet for my appointment of Andrew Myerberg as Director of the Office of Police Accountability (OPA).

The materials in this packet are divided into two sections:

A. Andrew Myerberg

This section contains Mr. Myerberg's appointment and oath of office forms, his resume, and the press release announcing his appointment.

B. Background Checks

This section contains the report to the Mayor's Office on Mr. Myerberg's background check.

Andrew Myerberg is uniquely situated to be Seattle's first director of the Office of Police Accountability as re-envisioned under the City's landmark police accountability legislation. When the City of Seattle began reforming and strengthening its police accountability system in 2016, Mr. Myerberg assisted with drafting the legislation and engaging both local community members and experts around the country. Since July, he has been the acting director for Seattle's Office of Police Accountability where he has started instilling the values established in the accountability legislation. He is already strengthening the relationships between OPA, the Community Police Commission, and the existing OPA Auditor. As Seattle embarks on enacting this legislation, Mr. Myerberg is the best candidate for implementing our new vision for the Office of Police Accountability.

Prior to his role as Acting Director for the Office of Police Accountability, Mr. Myerberg was lead counsel in the United States v. City of Seattle, leading to the Consent Decree over the Seattle Police Department. While at the Seattle City Attorney's Office, he acted as the primary contact for the City's legislative, executive, and judicial departments and agencies on all matters related to criminal law, police operations and reform, and civil rights. He spent six years working for the New York City Law Department, defending government officials and the City of New York in over seventy federal actions.

Mr. Myerberg is deeply committed to continuing the work of police reform and oversight in Seattle. I strongly urge you to confirm him as Director of the Office of Police Accountability.

If you have any questions about the attached materials or need additional information, please contact Deputy Mayor Kate Joncas at 206-684-3790, or via e-mail, at kate.joncas@seattle.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Burgess". The signature is stylized and cursive.

Tim Burgess
Mayor, City of Seattle

SECTION

A



City of Seattle
Mayor Tim Burgess

October 30, 2017

Andrew Myerberg

Seattle, WA 98102

Dear Andrew,

It gives me great pleasure to appoint you to the position of Director of the Office of Police Accountability (Executive 3), effective November 20, 2017 at an annual salary of \$170,000.

Your appointment as Director is subject to City Council confirmation; therefore, you will need to attend the Council's confirmation hearings. Once confirmed by the City Council, you serve at the pleasure of the Mayor for a one-year interim term plus a four-year term, for a total of five years.

Your contingent offer letter provided employment information related to the terms of your employment, benefits, vacation, holiday and sick leave. If you have questions about your employment with the City of Seattle please contact Aziz Chowdhury, Recruitment & Retention Director, at 206-386-1224.

I look forward to working with you in your role as Director and wish you success. We have much work ahead of us, and I am confident that the Office of Police Accountability will thrive beyond expectation under your leadership.

Sincerely,


A handwritten signature in blue ink, appearing to read 'Tim Burgess', written in a cursive style.

Tim Burgess
Mayor, City of Seattle

cc: Seattle Department of Human Resources



City of Seattle Department Head Notice of Appointment

Appointee Name: <i>Andrew Myerberg</i>		
City Department Name: <i>Seattle Office of Police Accountability</i>		Position Title: <i>Director</i>
<input checked="" type="checkbox"/> Appointment <i>OR</i> <input type="checkbox"/> Reappointment		Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Specify appointing authority</i>		Term of Office: <i>11/20/2017 to 12/31/2022</i>
Legislated Authority: <i>SMC 3.29.110</i>		
Background: <p>Andrew Myerberg is uniquely situated to be Seattle's first director of the Office of Police Accountability as re-envisioned under the City's landmark police accountability legislation. When the City of Seattle began reforming and strengthening its police accountability system in 2016, Mr. Myerberg assisted with drafting the legislation and engaging both local community members and experts around the country. Since July, he has been the acting director for Seattle's Office of Police Accountability where he has started instilling the values established in the accountability legislation. He is already strengthening the relationships between OPA, the Community Police Commission, and the existing OPA Auditor. As Seattle embarks on enacting this legislation, Mr. Myerberg is the best candidate for implementing our new vision for the Office of Police Accountability.</p> <p>Prior to his role as Acting Director for the Office of Police Accountability, Mr. Myerberg was lead counsel in the <u>United States v. City of Seattle</u>, leading to the Consent Decree over the Seattle Police Department. While at the Seattle City Attorney's Office, he acted as the primary contact for the City's legislative, executive, and judicial departments and agencies on all matters related to criminal law, police operations and reform, and civil rights. He spent six years working for the New York City Law Department, defending government officials and the City of New York in over seventy federal actions.</p>		
Date of Appointment: <i>10/30/2017</i>	Authorizing Signature (original signature): 	Appointing Signatory: <i>Tim Burgess</i> <i>Mayor</i>



**CITY OF SEATTLE - STATE OF WASHINGTON
OATH OF OFFICE**

STATE OF WASHINGTON

COUNTY OF KING

I, Andrew Myerberg, swear or affirm that I possess all the qualifications prescribed in the Seattle City Charter and the Seattle Municipal Code for the position of Director of the Office of Police Accountability; that I will support the Constitution of the United States, the Constitution of the State of Washington, and the Charter and Ordinances of the City of Seattle; and that I will faithfully conduct myself as *Director of the Office of Police Accountability*.

Andrew Myerberg

**Subscribed and sworn to before me
this _____ day of _____, 2017**

(affix seal)

Monica Martinez Simmons, City Clerk

ANDREW T. MYERBERG

EXPERIENCE

SEATTLE OFFICE OF POLICE ACCOUNTABILITY, Seattle, WA

Interim Director, July 2017 – Present

- Direct the operations of the Office of Police Accountability (“OPA”) and supervise a staff of 19 sworn and civilian employees.
- Responsible for defining the overall mission and values of OPA and charting the strategic plan for the organization. Work to identify opportunities for organizational improvement and increased fidelity to the purposes and concepts set forth in Seattle’s recently passed accountability legislation.
- Manage OPA’s budget, submit budget issue papers, and advocate for resources necessary to carry out OPA’s duties and responsibilities.
- Oversee investigations into allegations of misconduct by Seattle Police Department (“SPD”) employees, including: deciding whether cases should be investigated; determining whether conduct rises to the level of criminal behavior and, if so, referring those cases to law enforcement agencies; classifying allegations; and ensuring that investigations are objective, thorough, and timely.
- Make the final decision, based on evidence and interviews compiled during investigations, as to whether allegations should be sustained or not sustained. If allegations are recommended as sustained, take part in disciplinary and employee due process meetings.
- Recommend needed changes to SPD policies and procedures, and work with the Department to ensure the accomplishment of these goals.
- Respond to callouts for significant uses of force and officer-involved shootings or deaths, and provide civilian oversight of those investigations. Attend the SPD Force Review Board to monitor the Department’s internal deliberations on uses of force and to identify conduct that may be inconsistent with policy.
- Collaborate with the Community Police Commission and the OPA Auditor on improving and strengthening Seattle’s police accountability system.
- Engage with community members and complainants to address concerns with OPA’s processes and to accept comments and criticism regarding OPA’s handling of investigations.

SEATTLE CITY ATTORNEY’S OFFICE, CIVIL DIVISION, Seattle, WA

Team Leader, Police Action Team, February 2017 – July 2017

- Led a team of Assistant City Attorneys and support staff. Responsible for organizational and administrative functions, including annual reporting and budget.
- Acted as the primary contact for executive, legislative and judicial departments and agencies on matters concerning criminal law, police operations and reform, civil rights, and emergency management, and provided guidance on related policies, practices and legal issues.
- Advised the legislature and the executive on proposed ordinances relating to the criminal justice system, police accountability, and homelessness, among other subject matter areas, and assisted in drafting and reworking legislation.
- Reviewed and commented on bills pending before the Washington State legislature.

Lead Counsel, United States v. City of Seattle (“Consent Decree”), October 2015 – July 2017

- Represented the City of Seattle in its Consent Decree with the United States Department of Justice (“DOJ”) over SPD.
- Drafted and revised SPD policies in concert with SPD, DOJ and the Court-appointed Monitor.

- Worked collaboratively with the Monitor and DOJ on assessments of various aspects of SPD's functioning, including the use of force, stops and detentions, early intervention systems, bias-free policing, crisis intervention, OPA, and supervision.
- Developed and implemented ongoing strategy and assisted communications staff in responding to press inquiries and in crafting public statements.
- Collaborated on issues involving labor law and collective bargaining rights and agreements.
- Worked with the Mayor's Office, the City Council, and other City and community stakeholders to develop and draft legislation reforming the City's police accountability system.
- Assisted SPD in developing its pilot program for the use of Body Worn Cameras ("BWC"). Worked on the development of SPD's BWC policy.

Emergency Responder and Legal Advisor, Office of Emergency Management, October 2014 – July 2017

- Primary emergency responder for the City Attorney's Office to demonstrations, severe weather events, and catastrophic incidents.
- Provided briefings to the City Attorney, client agencies, the City Council, and the Mayor's Office concerning legal issues that could arise in the context of demonstrations and other emergencies.
- Conducted research and drafted memoranda on a variety of legal issues concerning demonstrations and permissible law enforcement tactics and responses.
- Drafted emergency orders, proclamations, and resolutions, and provided legal advice during emergencies to executive and legislative entities.

Legal Advisor, Community Police Commission, August 2014 – October 2015

- Acted as the legal advisor to the Community Police Commission ("CPC"). Provided advice to the CPC on a range of issues, including issues involving the Public Records Act ("PRA"), the Open Public Meetings Act, BWC, and the CPC's bylaws.
- Pursuant to the CPC's request, presented at a community forum on the impact of the PRA on the disclosure of videos generated by BWC.

Assistant City Attorney, Police Action Team, July 2014 – February 2017

- Defended the City of Seattle and employees of the Seattle Police Department in federal and state tort actions.
- Responsible for all aspects of discovery, including pleadings, document review and disclosure, discovery requests, motion practice, and trial.
- Appeared in the U.S. District Court for the Western District of Washington and Washington State courts for proceedings including: oral argument; initial conferences; and status conferences.
- Drafted appellate briefs submitted before the Ninth Circuit Court of Appeals.
- Represented the City of Seattle and SPD in criminal matters pending in Seattle Municipal Court and King County Superior Court.

NEW YORK CITY LAW DEPARTMENT, New York, NY

Senior Counsel, Special Federal Litigation Division, October 2013 – June 2014

Assistant Corporation Counsel, Special Federal Litigation Division, September 2008 – October 2013

- Defended government officials and the City of New York as lead counsel in over seventy federal actions.
- Tried three cases in federal court, receiving jury verdicts in favor of the defense.
- Conducted attorney trainings and mentored junior attorneys.
- Received 2011 Special Federal Litigation Division Chief's Award and 2011 Certificate of Appreciation from the New York City Detective Investigators' Association.

EDUCATION

AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW, Washington, D.C.

Juris Doctor, May 2008

- Articles Editor – *Washington College of Law Criminal Law Brief*
- Published – *Supreme Court Watch: Recent Decisions and Upcoming Criminal Cases for the 2006-2007 Docket*, 2 CRIM. LAW BRIEF 2 (Spring 2007).

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW, San Diego, CA

Juris Doctor Candidate, Attended, 08/05 – 05/06

- Received – *Best Oral Advocate Award*
- Selected as a provisional member – *San Diego International Law Journal*

HAMILTON COLLEGE, Clinton, NY

Bachelor of Arts in International Relations, June 2002

- Focused on world politics and international relations
- Four-Year Member of the Hamilton College Men's Lacrosse Team

OTHER RELEVANT EXPERIENCE

- **United States Attorney's Office for the District of Maryland**, Greenbelt, MD: Law Clerk in the Criminal Division of United States Attorney's Office for the District of Maryland. Researched legal matters and assisted on motions and briefs that were ultimately submitted to the U.S. District Court for the District of Maryland and the Fourth Circuit Court of Appeals.
- **United States Senate Committee on Homeland Security and Government Affairs**, Washington, D.C.: Legal Intern for the Permanent Subcommittee on Investigations. Performed research on issues before the Subcommittee and wrote memoranda to assist staffers in conducting investigations.

Andrew Myerberg

September 22, 2017

Office of Police Accountability Director Search Committee
C/O Greg Nelson
Ralph Andersen and Associates
apply@ralphandersen.com

Dear Members of the Search Committee:

I write to submit my application to be the Director of the Seattle Office of Police Accountability (OPA). Given my experience, both past and present, I believe that I am uniquely qualified for this position.

Much of the last year of my career was spent working on the landmark legislation that reformed and strengthened Seattle's police accountability system. Not only was I one of the primary drafters of the legislation, but I engaged in hundreds of hours of conversations and meetings about police accountability, what worked and did not work nationally, and, specifically, what the right model was for Seattle. Many of these conversations and meetings were with the members of this search committee. I believe that I have a deep understanding of the goals and purposes of this legislation and I believe that I am the right person to ensure that OPA meets the clear expectations of the City Council, the Mayor's Office, the Community Police Commission (CPC), and the people of this City.

For the last two months, I have served as the Interim Director of OPA. In this role, I have been responsible for the everyday management of OPA including: the coordination between and synthesis of civilian and sworn staff; drafting and submitting budget issue papers; final decisions on case classifications; and referrals of matters for criminal investigations. I have also been the ultimate decision-maker on whether or not to recommend sustained findings to the Chief of Police. I have approached these duties with the gravity, objectivity, and transparency they deserve.

While I believe that OPA has already made substantial strides in the short period that I have been there, I recognize that there is a long way to go. I understand, perhaps better than anyone, the opportunities and challenges that will face the next Director. Even though the accountability legislation has not yet been fully bargained and implemented, I have already begun working to instill its values at OPA. I firmly believe that I am the most qualified candidate to take this task on and to bring the concepts and practices advanced in the legislation to fruition.

To do so, I will rely on my established relationships with the Council, the CPC, the Mayor's Office, the current and former OPA Auditor, the City Attorney's Office, the Seattle Police Department, and the myriad other stakeholders involved in our accountability system. I have built these relationships on trust, hard work, the willingness to listen, and mutual respect. I have endeavored to be a voice of compromise, always trying to bring disparate points of view together and attempting to reach consensus. I have continued to strive to do so as the Interim Director by building on and strengthening my office's relationship with the OPA Auditor and the CPC. I have made our relationships ones of collaboration and understanding, rather than antagonism. I recognize the value in their expertise and experience and firmly believe that the critical analysis of OPA is crucial to the efficient and proper functioning of our system.

I fundamentally believe that OPA's work is not and cannot be simply disciplining officers. Our mission must be broader than that. I believe that to truly systemically reform the Seattle Police Department, OPA must help to build and sustain a culture of accountability throughout the Department. Every Department employee, no matter what rank, must be responsible for policing and supervising in a manner that is equitable, unbiased, compassionate, and consistent with policy, the laws of our City and State, and the United States Constitution. My role as the OPA Director is to ensure that this is the case by conducting thorough, timely and objective investigations, by recommending needed changes to policies and procedures, by working with and listening to the other accountability entities, and by honestly and transparently holding every Department employee to the high standards expected by our community. I believe that I have the vision, credibility, knowledge and determination necessary to succeed in this endeavor.

Thank you for considering me for this position. I hope to have the chance to meet with the search committee to discuss this opportunity further.

Sincerely,

A handwritten signature in black ink, appearing to read 'AAA' with a stylized flourish.

Andrew Myerberg



City of Seattle
Mayor Tim Burgess

NEWS RELEASE

FROM THE OFFICE OF THE MAYOR

FOR IMMEDIATE RELEASE:

Contact: Katherine Bush, Mayor's Office, Communications Director,
206.684.8180, Katherine.Bush@seattle.gov

Mayor Burgess nominates police accountability director

SEATTLE (October 27, 2017) - Mayor Tim Burgess announced the nomination of Andrew Myerberg as the director of the Office of Police Accountability (OPA) today. Myerberg, a civilian, will lead the OPA, an independent office responsible for investigating complaints of police misconduct and initiating its own misconduct investigations. The nomination is the first made under the [police accountability legislation](#) adopted by the City Council in May 2017.

"Meaningful civilian oversight is essential to maintaining the Seattle Police Department as a model for 21st century policing," said Mayor Burgess. "Myerberg is experienced, committed to the public good, and has already begun to build a relationship of trust between our police service and people of Seattle. Myerberg's appointment will continue the vital work of strengthening our city's police accountability systems."

Andrew Myerberg has been serving as director of the fully independent Office of Police Accountability on an interim basis since July 2017. Prior to this appointment, Myerberg was a team leader of the Police Action Team within the Seattle City Attorney's Office and lead counsel in United States v. City of Seattle, the court case that resulted in the city signing the Consent Decree that established federal oversight of the Seattle Police Department. He also acted as the primary contact for the City's legislative, executive, and judicial departments and agencies on all matters related to criminal law, police operations and reform, and civil rights. Prior to joining the City Attorney's Office, Myerberg spent six years working for the New York City Law Department, representing government officials and the City of New York in over seventy federal actions.

"Our new police accountability system relies, in part, on an OPA civilian director that will prioritize quality of investigations and collaboration with the Office of Inspector General, the Community Police Commission, and the public at-large," said Councilmember M. Lorena González. "I believe that Andrew Myerberg holds these values and will stand up in the face of police misconduct, while providing procedural justice for officers and the public. Myerberg's nomination is another meaningful step toward ensuring long-term,

sustainable police accountability and reform. Over the next several weeks, I will lead Myerberg's nomination through the Council confirmation process and look forward to supporting his nomination."

Isaac Ruiz, Community Police Commission (CPC) Co-Chair stated, "During his time in the City Attorney's Office, Andrew served for a time as the lawyer advising the Community Police Commission. We found him to be committed to reform of policing, and also, comfortable with elevating the voices of community leaders and honoring community expertise. These are essential qualities at OPA. Since he took over as interim OPA Director, we've seen improved practices and a dedication to transforming that agency, as well as improved morale. SPD employees have also expressed confidence in Andrew's fairness. The CPC looks forward to partnering with Andrew to strengthen community oversight of policing in the years ahead."

"I am honored to be nominated for this role and look forward to continuing my work strengthening the Office of Police Accountability," said Andrew Myerberg. "This work is not just about disciplining officers when necessary. It is about building and sustaining a culture of accountability throughout the Seattle Police Department. I brought this firm belief to my role as interim OPA director, and I promise to hold fast to it as director."

The nominee for the OPA director was selected through a competitive process which began in July 2017, when City officials announced the selection process for the OPA director and the inspector general for public safety. A search committee with representatives from the Office of the Mayor, City Council, the Community Police Commission and the Seattle Police Department, recommended Myerberg to Mayor Burgess for appointment. The committee received 145 applications and interviewed four finalists before agreeing that Myerberg was the best and most qualified candidate.

The accountability reform [legislation](#) is the product of months-long discussions with the Community Police Commission, Federal Monitor Merrick Bobb, City Council and the Mayor's Office. It reflects the City's commitment to working with the federal court to bring the City into compliance with the Consent Decree.

This nomination announced today is subject to confirmation by the Seattle City Council. The Council's Gender Equity, Safe Communities and New Americans Committee is expected to consider the nomination in November 2017.

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SECTION

B



**Seattle Department of
Human Resources**

Tim Burgess, Mayor
Susan Coskey, Director

CONFIDENTIAL MEMORANDUM

Date: October 27, 2017

To: Adam Schaefer, City Budget Office

From: Kate Moore SDHR

Subject: **Confidential Background Report Results**
Candidate Name: Andrew Myerberg
Director/Office of Police Accountability

The HR Department has received a copy of the background check run by the King County Sheriff's Office, as required by SMC 3.29.115. There are no areas of concern. The candidate is eligible to start work.