

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to oversight of the police; revising the process for investigating complaints naming the Chief of Police; adding new Sections 3.29.515 and 3.29.590 to the Seattle Municipal Code; and amending Sections 3.29.510, 3.29.520, 3.29.530, 3.29.560, and 3.29.570 of the Seattle Municipal Code.

..body

WHEREAS, in 2017, Ordinance 125315 (Accountability Ordinance) established the City's three-pronged police oversight system to ensure the delivery of police services to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States and the State of Washington, effectively ensure public and officer safety, and promote public confidence in the Seattle Police Department (SPD); and

WHEREAS, the Accountability Ordinance strengthened elements of the City's existing system, clarifying and establishing the roles of the Office of Police Accountability (OPA) as an independent, civilian-led investigative office organizationally within SPD, the Office of Inspector General for Public Safety (OIG) as an independent office separate from the Executive, and the Community Police Commission (CPC) as a strong community-based oversight commission; and

WHEREAS, the OPA ensures that the actions of SPD employees are lawful and in compliance with SPD policies by initiating, receiving, classifying, investigating, and making findings related to misconduct complaints involving SPD employees; and

WHEREAS, the OIG provides civilian auditing of the management, practices, and policies of SPD and OPA by reviewing OPA's handling of misconduct complaints and any activities that could involve potential conflicts of interest; actions of possible fraud, waste, abuse,

inefficiency, or ineffectiveness; undermine accountability or be unethical, or otherwise
compromise the public's trust in the criminal legal system; and

WHEREAS, the CPC engages the community to develop recommendations on the police
accountability system, including but not limited to reviewing closed OPA investigations
to identify opportunities for systemic improvements; and

WHEREAS, the Accountability Ordinance established standards and procedures for
investigating misconduct complaints involving SPD employees, but did not contemplate
a process for ensuring that misconduct complaints naming the Chief of Police would be
handled in a fair and transparent manner, free of potential conflicts of interest; and

WHEREAS, in 2022, Ordinance 126628 established a specific process for OPA's handling of
complaints naming the Chief of Police, including but not limited to (1) conducting
comprehensive intake investigations (intakes) for every complaint; (2) requiring civilian
supervisors to conduct intakes; (3) recommending classification determinations on
whether and how to proceed with investigations; (4) determining whether a City entity
(i.e., OPA or the Seattle Department of Human Resources) or non-City entity will
perform investigations depending on the presence of real or potential conflicts of interest
and type of allegation(s); and (5) assigning civilian staff to perform investigations; and

WHEREAS, Ordinance 126628 also established an oversight role for OIG in the handling of
complaints naming the Chief of Police, including but not limited to (1) receiving notice
of complaints; (2) reviewing and auditing intakes and investigations; (3) finalizing
classification determinations; and (4) providing notifications to identified City entities
and the complainant; and

1 WHEREAS, a lasting police oversight system benefits from an ongoing practice of re-examining
2 and improving internal processes; and

3 WHEREAS, since Ordinance 126628 went into effect in August 2022, the OPA has received
4 over 70 complaints naming the Chief of Police; and

5 WHEREAS, the current process for handling these complaints challenges OPA's ability to
6 operate in an efficient and timely manner by restricting intake staff to two supervisors
7 and requiring a full examination of all complaints regardless of the content or allegations,
8 and also includes limited reporting requirements; and

9 WHEREAS, the City Council intends to streamline and clarify this process to provide staffing
10 flexibility, support procedural efficiency, and increase transparency to strengthen the
11 City's oversight system of SPD and obtain the trust and confidence of the community;
12 NOW, THEREFORE,

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

14 Section 1. Section 3.29.510 of the Seattle Municipal Code, enacted by Ordinance 126628,
15 is amended as follows:

16 **3.29.510 OPA intake, classification, and investigation scoping**

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

20 B. If the Chief of Police is named in a complaint, OPA shall notify OIG as soon as is
21 practicable, but within 30 calendar days. OIG will ensure that OPA is pursuing its intake
22 investigation (intake) without unnecessary delay. In the event that OIG determines that
23 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 initiated or received, and (3) an explanation of why OIG has determined that unnecessary delay is occurring.

~~((C. A civilian investigator supervisor 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.))~~

C. Following the initial screening and notification to OIG, OPA shall conduct an intake of the complaint or, with OIG's agreement, close the complaint as a contact log.

D. If OPA opens an intake, the OPA Director shall assign a civilian of appropriate skill, training, and experience 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. The intake shall be designed to answer relevant factual questions and ensure the collection and preservation of time-sensitive evidence and, when possible, include an interview with the complainant.

~~((D-))~~ E. OPA shall consult with OIG ((when examining a complaint)) during the intake, 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))~~ The intake shall result in OPA's classification of the complaint for investigation, or as a contact log, as appropriate.

~~((E-))~~ F. If the OPA Director determines, upon conclusion of the ((examination)) intake, that investigation is appropriate, they will determine:

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, or federal anti-discrimination laws and/or any applicable City and/or SPD policies
8 that prohibit harassment and/or discrimination.

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

14 Section 2. A new Section 3.29.515 is added to the Seattle Municipal Code as follows:

15 **3.29.515 OIG intake during an ongoing investigation**

16 If a complaint arises against the Chief of Police or an unrepresented SPD employee during an
17 ongoing investigation managed by OIG and there is a sufficient nexus to the ongoing
18 investigation, OIG shall notify OPA as soon as is practicable, but within 30 calendar days.
19 Notification shall consist of: (1) the nature of the complaint; (2) whether OIG has determined
20 that OIG will manage the new case and initiate an investigation to maintain the integrity of the
21 entirety of the matter; and, if applicable, (3) the OIG case number. OIG's determination for the
22 complaint is definitive.

Section 3. Section 3.29.520 of the Seattle Municipal Code, enacted by Ordinance 126628, is amended as follows:

3.29.520 OIG review of OPA intake, classification, and investigation scoping

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

* * *

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

* * *

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

* * *

Section 4. Section 3.29.530 of the Seattle Municipal Code, enacted by Ordinance 126628, is amended as follows:

3.29.530 ((Notification)) OIG notification and reporting on classification and investigation

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 for this classification.

B. When an investigation will be:

1. Conducted by OPA or SDHR, OIG shall ~~((immediately))~~ promptly 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 subsection ~~((3.29.510.E.1))~~ 3.29.510.F.1.

2. Conducted by a non-City entity, OIG shall ~~((immediately))~~ promptly notify the entities listed in subsection 3.29.530.B.1. Notification by OIG pursuant to this 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 and 3.29.510.E.2))~~ 3.39.510.F.1 and 3.29.510.F.2.

C. 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.

Section 5. Section 3.29.560 of the Seattle Municipal Code, enacted by Ordinance 126628, is amended as follows:

3.29.560 **OIG review and notification of the intake investigation, classification, and investigation standards**

A. OIG shall (~~immediately~~) promptly 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~~) objective or if it determines that the OPA intake was not timely, thorough, and objective; 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~~) objective.

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

D. OIG shall (~~immediately~~) promptly 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~~) objective or if it determines that an investigation was not timely, thorough, and (~~neutral~~) objective. In such case, OIG shall choose a new non-City entity to perform a new investigation.

Section 6. Section 3.29.570 of the Seattle Municipal Code, enacted by Ordinance 126628, is amended as follows:

3.29.570 **Transmittal of investigative results**

1 A. For any investigation completed by OPA, upon determination by OIG that the
2 investigation was timely, thorough, and ((~~neutral~~)) objective, OPA will transmit the investigation
3 file and findings to the Mayor.

4 B. For any investigation completed by SDHR, upon determination by OIG that the
5 investigation was timely, thorough, and ((~~neutral~~)) objective, OIG will transmit the investigation
6 and findings, as determined by SDHR, to the Mayor.

7 C. For any investigation conducted by a non-City entity, upon determination by OIG that
8 the investigation was timely, thorough, and ((~~neutral~~)) objective, OIG will transmit the
9 investigation and findings, as determined by the non-City entity, to the Mayor

10 Section 7. A new Section 3.29.590 is added to the Seattle Municipal Code as follows:

11 **3.29.590 OIG reporting**

12 A. OIG shall include information on complaints, intakes, and/or investigations naming
13 the Chief of Police in quarterly reports to the Mayor, the President of the Council, and the Chair
14 of the Council's public safety committee. The reports shall include information for the prior
15 quarter and year to date, as follows:

- 16 1. The number of complaints initiated or received by the OPA and OIG;
- 17 2. The number of complaints closed as a contact log;
- 18 3. The number of complaints with completed intakes;
- 19 4. The number of complaints remaining open;
- 20 5. The number of opened and completed investigations; and
- 21 6. The number and percentage of intakes and investigations that OIG was unable
22 to determine were timely, thorough, and objective, or that OIG determined were not timely,
23 thorough, and objective.

B. OIG shall include information on complaints, intakes, and/or investigations naming the Chief of Police in its annual report, required under Subchapter II of this Chapter 3.29. The annual report shall include information listed in subsection 3.29.590.A.1 through 3.29.590.A.6 for the prior calendar year.

Section 8. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)